

As Pending in Senate Finance Committee

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Sub. H. B. No. 59

Representative Amstutz

**Cosponsors: Representatives Anielski, Baker, Beck, Blair, Boose, Brown,
Burkley, Conditt, Dovilla, Grossman, Hackett, Hagan, C., Hayes, Lynch,
McClain, McGregor, Pelanda, Rosenberger, Ruhl, Sears, Sprague, Stebelton,
Thompson**

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Revised Code; to amend Section 1 of Sub. H.B. 34 584
of the 130th General Assembly; to amend Sections 585
205.10 and 506.10 of Am. Sub. H.B. 51 of the 130th 586
General Assembly; to amend Section 753.30 of Am. 587
Sub. H.B. 153 of the 129th General Assembly; to 588
amend Section 11 of Sub. H.B. 303 of the 129th 589
General Assembly; to amend Section 4 of Am. Sub. 590
H.B. 472 of the 129th General Assembly; to amend 591
Sections 201.80, 205.83, and 509.40 of Sub. H.B. 592
482 of the 129th General Assembly; to amend 593
Sections 301.11, 301.12, and 301.13 of Am. Sub. 594
H.B. 487 of the 129th General Assembly; to amend 595
Section 205.80 of Sub. H.B. 482 of the 129th 596
General Assembly, as subsequently amended; to 597
amend Section 4 of Sub. S.B. 171 of the 129th 598
General Assembly, as subsequently amended; to 599
amend Section 105.05 of Am. Sub. H.B. 2 of the 600
128th General Assembly; to repeal Section 601
267.60.31 of Am. Sub. H.B. 153 of the 129th 602
General Assembly; to repeal Section 125.10 of Am. 603
Sub. H.B. 1 of the 128th General Assembly as 604
subsequently amended; to repeal Section 514.03 of 605
Am. Sub. H.B. 66 of the 126th General Assembly; to 606
repeal Section 153 of Am. Sub. H.B. 117 of the 607
121st General Assembly as subsequently amended; to 608
amend Sections 203.30.40, 203.30.70, 203.30.80, 609
203.90.10, 203.90.20, 205.10.20, 205.30.90, 610
205.50.70, and 207.10.10 of Sub. S.B. 312 of the 611
129th General Assembly; to amend the versions of 612
sections 109.57, 2151.011, 2923.126, 5104.012, 613
5104.013, 5104.03, 5104.08, and 5104.32 of the 614

Revised Code that are scheduled to take effect 615
January 1, 2014, to continue the provisions of 616
this act on and after that effective date; to 617
amend the versions of sections 4501.01, 4507.01, 618
and 4507.06 of the Revised Code that are scheduled 619
to take effect January 1, 2017, to continue the 620
provisions of this act on and after that effective 621
date; to amend section 3313.88 of the Revised Code 622
as it results from Section 101.01 of this act for 623
the purpose of adopting new section number 624
3313.482 on July 1, 2014; to make operating 625
appropriations for the biennium beginning July 1, 626
2013, and ending June 30, 2015; to provide 627
authorization and conditions for the operation of 628
state programs; to repeal sections 5168.20, 629
5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 630
5168.26, 5168.27, and 5168.28 of the Revised Code 631
on October 1, 2015, to terminate the operation of 632
those sections on that date; to repeal sections 633
5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 634
5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 635
5168.11, 5168.12, 5168.13, 5168.99, and 5168.991 636
of the Revised Code on October 16, 2015, to 637
terminate the operation of those sections on that 638
date; and to repeal section 5124.67 of the Revised 639
Code on July 1, 2018, to terminate the operation 640
of that section on that date. 641

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

Section 101.01. That sections 9.03, 9.15, 9.231, 9.239, 9.24, 642
9.833, 9.90, 9.901, 101.39, 101.391, 102.02, 103.144, 107.033, 643
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5160.31, 5160.371, 5160.46, 5160.47, 5160.48, 5160.481, 5160.50, 1052
5160.52, 5160.99, 5161.01, 5162.01, 5162.02, 5162.021, 5162.022, 1053
5162.05, 5162.06, 5162.07, 5162.12, 5162.31, 5162.60, 5162.62, 1054
5163.01, 5163.03, 5163.04, 5163.05, 5163.06, 5163.061, 5163.08, 1055
5164.01, 5164.03, 5164.30, 5164.33, 5164.55, 5164.59, 5164.60, 1056
5164.61, 5164.71, 5164.72, 5164.73, 5164.78, 5164.83, 5164.911, 1057
5165.02, 5165.072, 5165.082, 5165.102, 5165.103, 5165.104, 1058
5165.105, 5165.106, 5165.109, 5165.152, 5165.154, 5165.191, 1059
5165.193, 5165.32, 5165.33, 5165.41, 5165.42, 5165.43, 5165.44, 1060

5165.45, 5165.46, 5165.49, 5165.771, 5166.01, 5166.16, 5167.01, 1061
5167.02, 5168.41, 5703.75, 5703.76, 5705.55, 5735.013, 5741.032, 1062
5751.40, 5910.08, 5919.342, and 6133.041 of the Revised Code be 1063
enacted to read as follows: 1064

Sec. 1.611. As used in the Revised Code, "OSU extension" 1065
means the cooperative extension service that was established by 1066
the "Smith-Lever Act," 38 Stat. 372 (1914), 7 U.S.C. 341 et seq., 1067
and is administered in this state by the Ohio state university. 1068

Sec. 9.03. (A) As used in this section: 1069

(1) "Political subdivision" means any body corporate and 1070
politic, except a municipal corporation that has adopted a charter 1071
under Section 7 of Article XVIII, Ohio Constitution, and except a 1072
county that has adopted a charter under Sections 3 and 4 of 1073
Article X, Ohio Constitution, to which both of the following 1074
apply: 1075

(a) It is responsible for governmental activities only in a 1076
geographic area smaller than the state. 1077

(b) It is subject to the sovereign immunity of the state. 1078

(2) "Cigarettes" and "tobacco product" have the same meanings 1079
as in section 5743.01 of the Revised Code. 1080

(3) "Transaction" has the same meaning as in section 1315.51 1081
of the Revised Code. 1082

(4) "Campaign committee," "campaign fund," "candidate," 1083
"legislative campaign fund," "political action committee," 1084
"political committee," "political party," and "separate segregated 1085
fund" have the same meanings as in section 3517.01 of the Revised 1086
Code. 1087

(B) Except as otherwise provided in division (C) of this 1088

section, the governing body of a political subdivision may use 1089
public funds to publish and distribute newsletters, or to use any 1090
other means, to communicate information about the plans, policies, 1091
and operations of the political subdivision to members of the 1092
public within the political subdivision and to other persons who 1093
may be affected by the political subdivision. 1094

(C) Except as otherwise provided in division (A)(7) of 1095
section 340.03 ~~or division (A)(12) of section 340.033~~ of the 1096
Revised Code, no governing body of a political subdivision shall 1097
use public funds to do any of the following: 1098

(1) Publish, distribute, or otherwise communicate information 1099
that does any of the following: 1100

(a) Contains defamatory, libelous, or obscene matter; 1101

(b) Promotes alcoholic beverages, cigarettes or other tobacco 1102
products, or any illegal product, service, or activity; 1103

(c) Promotes illegal discrimination on the basis of race, 1104
color, religion, national origin, handicap, age, or ancestry; 1105

(d) Supports or opposes any labor organization or any action 1106
by, on behalf of, or against any labor organization; 1107

(e) Supports or opposes the nomination or election of a 1108
candidate for public office, the investigation, prosecution, or 1109
recall of a public official, or the passage of a levy or bond 1110
issue. 1111

(2) Compensate any employee of the political subdivision for 1112
time spent on any activity to influence the outcome of an election 1113
for any of the purposes described in division (C)(1)(e) of this 1114
section. Division (C)(2) of this section does not prohibit the use 1115
of public funds to compensate an employee of a political 1116
subdivision for attending a public meeting to present information 1117
about the political subdivision's finances, activities, and 1118

governmental actions in a manner that is not designed to influence 1119
the outcome of an election or the passage of a levy or bond issue, 1120
even though the election, levy, or bond issue is discussed or 1121
debated at the meeting. 1122

(D) Except as otherwise provided in division (A)(7) of 1123
section 340.03 ~~or division (A)(12) of section 340.033~~ of the 1124
Revised Code or in division (E) of this section, no person shall 1125
knowingly conduct a direct or indirect transaction of public funds 1126
to the benefit of any of the following: 1127

(1) A campaign committee; 1128

(2) A political action committee; 1129

(3) A legislative campaign fund; 1130

(4) A political party; 1131

(5) A campaign fund; 1132

(6) A political committee; 1133

(7) A separate segregated fund; 1134

(8) A candidate. 1135

(E) Division (D) of this section does not prohibit the 1136
utilization of any person's own time to speak in support of or in 1137
opposition to any candidate, recall, referendum, levy, or bond 1138
issue unless prohibited by any other section of the Revised Code. 1139

(F) Nothing in this section prohibits or restricts any 1140
political subdivision from sponsoring, participating in, or doing 1141
any of the following: 1142

(1) Charitable or public service advertising that is not 1143
commercial in nature; 1144

(2) Advertising of exhibitions, performances, programs, 1145
products, or services that are provided by employees of a 1146
political subdivision or are provided at or through premises owned 1147

or operated by a political subdivision; 1148

(3) Licensing an interest in a name or mark that is owned or 1149
controlled by the political subdivision. 1150

(G) Whoever violates division (D) of this section shall be 1151
punished as provided in section 3599.40 of the Revised Code. 1152

Sec. 9.15. When the body of a dead person is found in a 1153
township or municipal corporation, and such person was not an 1154
inmate of a correctional, benevolent, or charitable institution of 1155
this state, and the body is not claimed by any person for private 1156
interment or cremation at the person's own expense, or delivered 1157
for the purpose of medical or surgical study or dissection in 1158
accordance with section 1713.34 of the Revised Code, it shall be 1159
disposed of as follows: 1160

(A) If the person was a legal resident of the county, the 1161
proper officers of the township or municipal corporation in which 1162
the person's body was found shall cause it to be buried or 1163
cremated at the expense of the township or municipal corporation 1164
in which the person had a legal residence at the time of death. 1165

(B) If the person had a legal residence in any other county 1166
of the state at the time of death, the superintendent of the 1167
county home of the county in which such body was found shall cause 1168
it to be buried or cremated at the expense of the township or 1169
municipal corporation in which the person had a legal residence at 1170
the time of death. 1171

(C) If the person was an inmate of a correctional institution 1172
of the county or a patient or resident of a benevolent institution 1173
of the county, the person had no legal residence in the state, or 1174
the person's legal residence is unknown, the superintendent shall 1175
cause the person to be buried or cremated at the expense of the 1176
county. 1177

Such officials shall provide, at the grave of the person or, 1178
if the person's cremated remains are buried, at the grave of the 1179
person's cremated remains, a metal, stone, or concrete marker on 1180
which the person's name and age, if known, and date of death shall 1181
be inscribed. 1182

A political subdivision is not relieved of its duty to bury 1183
or cremate a person at its expense under this section when the 1184
body is claimed by an indigent person. As used in this section, 1185
"indigent person" means a person whose income does not exceed one 1186
hundred fifty per cent of the federal poverty line, as revised 1187
annually by the United States department of health and human 1188
services in accordance with section 673(2) of the "Omnibus Budget 1189
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 1190
amended, for a family size equal to the size of the person's 1191
family. 1192

Sec. 9.231. (A)(1) Subject to divisions (A)(2) and (3) of 1193
this section, a governmental entity shall not disburse money 1194
totaling twenty-five thousand dollars or more to any person for 1195
the provision of services for the primary benefit of individuals 1196
or the public and not for the primary benefit of a governmental 1197
entity or the employees of a governmental entity, unless the 1198
contracting authority of the governmental entity first enters into 1199
a written contract with the person that is signed by the person or 1200
by an officer or agent of the person authorized to legally bind 1201
the person and that embodies all of the requirements and 1202
conditions set forth in sections 9.23 to 9.236 of the Revised 1203
Code. If the disbursement of money occurs over the course of a 1204
governmental entity's fiscal year, rather than in a lump sum, the 1205
contracting authority of the governmental entity shall enter into 1206
the written contract with the person at the point during the 1207
governmental entity's fiscal year that at least seventy-five 1208
thousand dollars has been disbursed by the governmental entity to 1209

the person. Thereafter, the contracting authority of the 1210
governmental entity shall enter into the written contract with the 1211
person at the beginning of the governmental entity's fiscal year, 1212
if, during the immediately preceding fiscal year, the governmental 1213
entity disbursed to that person an aggregate amount totaling at 1214
least seventy-five thousand dollars. 1215

(2) If the money referred to in division (A)(1) of this 1216
section is disbursed by or through more than one state agency to 1217
the person for the provision of services to the same population, 1218
the contracting authorities of those agencies shall determine 1219
which one of them will enter into the written contract with the 1220
person. 1221

(3) The requirements and conditions set forth in divisions 1222
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 1223
and (B) of section 9.234, divisions (A)(2) and (B) of section 1224
9.235, and sections 9.233 and 9.236 of the Revised Code do not 1225
apply with respect to the following: 1226

(a) Contracts to which all of the following apply: 1227

(i) The amount received for the services is a set fee for 1228
each time the services are provided, is determined in accordance 1229
with a fixed rate per unit of time or per service, or is a 1230
capitated rate, and the fee or rate is established by competitive 1231
bidding or by a market rate survey of similar services provided in 1232
a defined market area. The market rate survey may be one conducted 1233
by or on behalf of the governmental entity or an independent 1234
survey accepted by the governmental entity as statistically valid 1235
and reliable. 1236

(ii) The services are provided in accordance with standards 1237
established by state or federal law, or by rules or regulations 1238
adopted thereunder, for their delivery, which standards are 1239
enforced by the federal government, a governmental entity, or an 1240

accrediting organization recognized by the federal government or a governmental entity. 1241
1242

(iii) Payment for the services is made after the services are delivered and upon submission to the governmental entity of an invoice or other claim for payment as required by any applicable local, state, or federal law or, if no such law applies, by the terms of the contract. 1243
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(b) Contracts under which the services are reimbursed through or in a manner consistent with a federal program that meets all of the following requirements: 1248
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(i) The program calculates the reimbursement rate on the basis of the previous year's experience or in accordance with an alternative method set forth in rules adopted by the Ohio department of job and family services. 1251
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(ii) The reimbursement rate is derived from a breakdown of direct and indirect costs. 1255
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(iii) The program's guidelines describe types of expenditures that are allowable and not allowable under the program and delineate which costs are acceptable as direct costs for purposes of calculating the reimbursement rate. 1257
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(iv) The program includes a uniform cost reporting system with specific audit requirements. 1261
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(c) Contracts under which the services are reimbursed through or in a manner consistent with a federal program that calculates the reimbursement rate on a fee for service basis in compliance with United States office of management and budget Circular A-87, as revised May 10, 2004. 1263
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(d) Contracts for services that are paid pursuant to the earmarking of an appropriation made by the general assembly for that purpose. 1268
1269
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(B) Division (A) of this section does not apply if the money 1271
is disbursed to a person pursuant to a contract with the United 1272
States or a governmental entity under any of the following 1273
circumstances: 1274

(1) The person receives the money directly or indirectly from 1275
the United States, and no governmental entity exercises any 1276
oversight or control over the use of the money. 1277

(2) The person receives the money solely in return for the 1278
performance of one or more of the following types of services: 1279

(a) Medical, therapeutic, or other health-related services 1280
provided by a person if the amount received is a set fee for each 1281
time the person provides the services, is determined in accordance 1282
with a fixed rate per unit of time, or is a capitated rate, and 1283
the fee or rate is reasonable and customary in the person's trade 1284
or profession; 1285

(b) Medicaid-funded services, including administrative and 1286
management services, provided pursuant to a contract or medicaid 1287
provider agreement that meets the requirements of the medicaid 1288
program established under Chapter 5111. of the Revised Code. 1289

(c) Services, other than administrative or management 1290
services or any of the services described in division (B)(2)(a) or 1291
(b) of this section, that are commonly purchased by the public at 1292
an hourly rate or at a set fee for each time the services are 1293
provided, unless the services are performed for the benefit of 1294
children, persons who are eligible for the services by reason of 1295
advanced age, medical condition, or financial need, or persons who 1296
are confined in a detention facility as defined in section 2921.01 1297
of the Revised Code, and the services are intended to help promote 1298
the health, safety, or welfare of those children or persons; 1299

(d) Educational services provided by a school to children 1300
eligible to attend that school. For purposes of division (B)(2)(d) 1301

of this section, "school" means any school operated by a school 1302
district board of education, any community school established 1303
under Chapter 3314. of the Revised Code, or any nonpublic school 1304
for which the state board of education prescribes minimum 1305
education standards under section 3301.07 of the Revised Code. 1306

(e) Services provided by a foster home as defined in section 1307
5103.02 of the Revised Code; 1308

(f) "Routine business services other than administrative or 1309
management services," as that term is defined by the attorney 1310
general by rule adopted in accordance with Chapter 119. of the 1311
Revised Code; 1312

(g) Services to protect the environment or promote 1313
environmental education that are provided by a nonprofit entity or 1314
services to protect the environment that are funded with federal 1315
grants or revolving loan funds and administered in accordance with 1316
federal law. 1317

(3) The person receives the money solely in return for the 1318
performance of services intended to help preserve public health or 1319
safety under circumstances requiring immediate action as a result 1320
of a natural or man-made emergency. 1321

(C) With respect to an unincorporated nonprofit association, 1322
corporation, or organization established for the purpose of 1323
providing educational, technical, consulting, training, financial, 1324
or other services to its members in exchange for membership dues 1325
and other fees, any of the services provided to a member that is a 1326
governmental entity shall, for purposes of this section, be 1327
considered services "for the primary benefit of a governmental 1328
entity or the employees of a governmental entity." 1329

Sec. 9.239. (A) There is hereby created the government 1330
contracting advisory council. The attorney general and auditor of 1331

state shall consult with the council on the performance of their 1332
rule-making functions under sections 9.237 and 9.238 of the 1333
Revised Code and shall consider any recommendations of the 1334
council. The medicaid director ~~of job and family services~~ shall 1335
annually report to the council the cost methodology of the 1336
medicaid-funded services described in division (A)(3)(d) of 1337
section 9.231 of the Revised Code. The council shall consist of 1338
the following members or their designees: 1339

- (1) The attorney general; 1340
- (2) The auditor of state; 1341
- (3) The director of administrative services; 1342
- (4) The director of aging; 1343
- (5) ~~The director of alcohol and drug addiction services~~ The 1344
medicaid director; 1345
- (6) The director of budget and management; 1346
- (7) The director of development services; 1347
- (8) The director of job and family services; 1348
- (9) The director of ~~mental health~~ mental health and addiction 1349
services; 1350
- (10) The director of developmental disabilities; 1351
- (11) The director of rehabilitation and correction; 1352
- (12) The administrator of workers' compensation; 1353
- (13) The executive director of the county commissioners' 1354
association of Ohio; 1355
- (14) The president of the Ohio grantmakers forum; 1356
- (15) The president of the Ohio chamber of commerce; 1357
- (16) The president of the Ohio state bar association; 1358
- (17) The president of the Ohio society of certified public 1359

accountants;	1360
(18) The executive director of the Ohio association of nonprofit organizations;	1361 1362
(19) The president of the Ohio united way;	1363
(20) One additional member appointed by the attorney general;	1364
(21) One additional member appointed by the auditor of state.	1365
(B) If an agency or organization represented on the council ceases to exist in the form it has on September 29, 2005, the successor agency or organization shall be represented in its place. If there is no successor agency or organization, or if it is not clear what agency or organization is the successor, the attorney general shall designate an agency or organization to be represented in place of the agency or organization originally represented on the council.	1366 1367 1368 1369 1370 1371 1372 1373
(C) The two members appointed to the council shall serve three-year terms. Original appointments shall be made not later than sixty days after September 29, 2005. Vacancies on the council shall be filled in the same manner as the original appointment.	1374 1375 1376 1377
(D) The attorney general or the attorney general's designee shall be the chairperson of the council. The council shall meet at least once every two years to review the rules adopted under sections 9.237 and 9.238 of the Revised Code and to make recommendations to the attorney general and auditor of state regarding the adoption, amendment, or repeal of those rules. The council shall also meet at other times as requested by the attorney general or auditor of state.	1378 1379 1380 1381 1382 1383 1384 1385
(E) Members of the council shall serve without compensation or reimbursement.	1386 1387
(F) The office of the attorney general shall provide necessary staff, facilities, supplies, and services to the	1388 1389

council.	1390
(G) Sections 101.82 to 101.87 of the Revised Code do not apply to the council.	1391 1392
Sec. 9.24. (A) Except as may be allowed under division (F) of this section, no state agency and no political subdivision shall award a contract as described in division (G)(1) of this section for goods, services, or construction, paid for in whole or in part with state funds, to a person against whom a finding for recovery has been issued by the auditor of state on and after January 1, 2001, if the finding for recovery is unresolved.	1393 1394 1395 1396 1397 1398 1399
A contract is considered to be awarded when it is entered into or executed, irrespective of whether the parties to the contract have exchanged any money.	1400 1401 1402
(B) For purposes of this section, a finding for recovery is unresolved unless one of the following criteria applies:	1403 1404
(1) The money identified in the finding for recovery is paid in full to the state agency or political subdivision to whom the money was owed;	1405 1406 1407
(2) The debtor has entered into a repayment plan that is approved by the attorney general and the state agency or political subdivision to whom the money identified in the finding for recovery is owed. A repayment plan may include a provision permitting a state agency or political subdivision to withhold payment to a debtor for goods, services, or construction provided to or for the state agency or political subdivision pursuant to a contract that is entered into with the debtor after the date the finding for recovery was issued.	1408 1409 1410 1411 1412 1413 1414 1415 1416
(3) The attorney general waives a repayment plan described in division (B)(2) of this section for good cause;	1417 1418
(4) The debtor and state agency or political subdivision to	1419

whom the money identified in the finding for recovery is owed have 1420
agreed to a payment plan established through an enforceable 1421
settlement agreement. 1422

(5) The state agency or political subdivision desiring to 1423
enter into a contract with a debtor certifies, and the attorney 1424
general concurs, that all of the following are true: 1425

(a) Essential services the state agency or political 1426
subdivision is seeking to obtain from the debtor cannot be 1427
provided by any other person besides the debtor; 1428

(b) Awarding a contract to the debtor for the essential 1429
services described in division (B)(5)(a) of this section is in the 1430
best interest of the state; 1431

(c) Good faith efforts have been made to collect the money 1432
identified in the finding of recovery. 1433

(6) The debtor has commenced an action to contest the finding 1434
for recovery and a final determination on the action has not yet 1435
been reached. 1436

(C) The attorney general shall submit an initial report to 1437
the auditor of state, not later than December 1, 2003, indicating 1438
the status of collection for all findings for recovery issued by 1439
the auditor of state for calendar years 2001, 2002, and 2003. 1440
Beginning on January 1, 2004, the attorney general shall submit to 1441
the auditor of state, on the first day of every January, April, 1442
July, and October, a list of all findings for recovery that have 1443
been resolved in accordance with division (B) of this section 1444
during the calendar quarter preceding the submission of the list 1445
and a description of the means of resolution. The attorney general 1446
shall notify the auditor of state when a judgment is issued 1447
against an entity described in division (F)(1) of this section. 1448

(D) The auditor of state shall maintain a database, 1449
accessible to the public, listing persons against whom an 1450

unresolved finding for recovery has been issued, and the amount of 1451
the money identified in the unresolved finding for recovery. The 1452
auditor of state shall have this database operational on or before 1453
January 1, 2004. The initial database shall contain the 1454
information required under this division for calendar years 2001, 1455
2002, and 2003. 1456

Beginning January 15, 2004, the auditor of state shall update 1457
the database by the fifteenth day of every January, April, July, 1458
and October to reflect resolved findings for recovery that are 1459
reported to the auditor of state by the attorney general on the 1460
first day of the same month pursuant to division (C) of this 1461
section. 1462

(E) Before awarding a contract as described in division 1463
(G)(1) of this section for goods, services, or construction, paid 1464
for in whole or in part with state funds, a state agency or 1465
political subdivision shall verify that the person to whom the 1466
state agency or political subdivision plans to award the contract 1467
has no unresolved finding for recovery issued against the person. 1468
A state agency or political subdivision shall verify that the 1469
person does not appear in the database described in division (D) 1470
of this section or shall obtain other proof that the person has no 1471
unresolved finding for recovery issued against the person. 1472

(F) The prohibition of division (A) of this section and the 1473
requirement of division (E) of this section do not apply with 1474
respect to the companies, payments, or agreements described in 1475
divisions (F)(1) and (2) of this section, or in the circumstance 1476
described in division (F)(3) of this section. 1477

(1) A bonding company or a company authorized to transact the 1478
business of insurance in this state, a self-insurance pool, joint 1479
self-insurance pool, risk management program, or joint risk 1480
management program, unless a court has entered a final judgment 1481
against the company and the company has not yet satisfied the 1482

final judgment.	1483
(2) To medicaid provider agreements under Chapter 5111. of	1484
the Revised Code <u>medicaid program</u> .	1485
(3) When federal law dictates that a specified entity provide	1486
the goods, services, or construction for which a contract is being	1487
awarded, regardless of whether that entity would otherwise be	1488
prohibited from entering into the contract pursuant to this	1489
section.	1490
(G)(1) This section applies only to contracts for goods,	1491
services, or construction that satisfy the criteria in either	1492
division (G)(1)(a) or (b) of this section. This section may apply	1493
to contracts for goods, services, or construction that satisfy the	1494
criteria in division (G)(1)(c) of this section, provided that the	1495
contracts also satisfy the criteria in either division (G)(1)(a)	1496
or (b) of this section.	1497
(a) The cost for the goods, services, or construction	1498
provided under the contract is estimated to exceed twenty-five	1499
thousand dollars.	1500
(b) The aggregate cost for the goods, services, or	1501
construction provided under multiple contracts entered into by the	1502
particular state agency and a single person or the particular	1503
political subdivision and a single person within the fiscal year	1504
preceding the fiscal year within which a contract is being entered	1505
into by that same state agency and the same single person or the	1506
same political subdivision and the same single person, exceeded	1507
fifty thousand dollars.	1508
(c) The contract is a renewal of a contract previously	1509
entered into and renewed pursuant to that preceding contract.	1510
(2) This section does not apply to employment contracts.	1511
(H) As used in this section:	1512

(1) "State agency" has the same meaning as in section 9.66 of the Revised Code. 1513
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(2) "Political subdivision" means a political subdivision as defined in section 9.82 of the Revised Code that has received more than fifty thousand dollars of state money in the current fiscal year or the preceding fiscal year. 1515
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(3) "Finding for recovery" means a determination issued by the auditor of state, contained in a report the auditor of state gives to the attorney general pursuant to section 117.28 of the Revised Code, that public money has been illegally expended, public money has been collected but not been accounted for, public money is due but has not been collected, or public property has been converted or misappropriated. 1519
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(4) "Debtor" means a person against whom a finding for recovery has been issued. 1526
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(5) "Person" means the person named in the finding for recovery. 1528
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(6) "State money" does not include funds the state receives from another source and passes through to a political subdivision. 1530
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Sec. 9.833. (A) As used in this section, "political subdivision" has the meaning defined in sections 2744.01 and 3905.36 of the Revised Code. For purposes of this section, "political subdivision" includes municipal corporations as defined in section 5705.01 of the Revised Code. 1532
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(B) Political subdivisions that provide health care benefits for their officers or employees may do any of the following: 1537
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(1) Establish and maintain an individual self-insurance program with public moneys to provide authorized health care benefits, including but not limited to, health care, prescription drugs, dental care, and vision care, in accordance with division 1539
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(C) of this section; 1543

(2) Establish and maintain a health savings account program 1544
whereby employees or officers may establish and maintain health 1545
savings accounts in accordance with section 223 of the Internal 1546
Revenue Code. Public moneys may be used to pay for or fund 1547
federally qualified high deductible health plans that are linked 1548
to health savings accounts or to make contributions to health 1549
savings accounts. A health savings account program may be a part 1550
of a self-insurance program. 1551

(3) After establishing an individual self-insurance program, 1552
agree with other political subdivisions that have established 1553
individual self-insurance programs for health care benefits, that 1554
their programs will be jointly administered in a manner specified 1555
in the agreement; 1556

(4) Pursuant to a written agreement and in accordance with 1557
division (C) of this section, join in any combination with other 1558
political subdivisions to establish and maintain a joint 1559
self-insurance program to provide health care benefits; 1560

(5) Pursuant to a written agreement, join in any combination 1561
with other political subdivisions to procure or contract for 1562
policies, contracts, or plans of insurance to provide health care 1563
benefits, which may include a health savings account program for 1564
their officers and employees subject to the agreement; 1565

(6) Use in any combination any of the policies, contracts, 1566
plans, or programs authorized under this division. 1567

(7) Any agreement made under division (B)(3), (4), (5), or 1568
(6) of this section shall be in writing, comply with division (C) 1569
of this section, and contain best practices established in 1570
consultation with and approved by the department of administrative 1571
services. The best practices may be reviewed and amended at the 1572
discretion of the political subdivisions in consultation with the 1573

department. Detailed information regarding the best practices 1574
shall be made available to any employee upon that employee's 1575
request. 1576

(8) Purchase plans ~~approved~~ containing best practices 1577
established by the department of administrative services under 1578
section 9.901 of the Revised Code. 1579

(C) Except as otherwise provided in division (E) of this 1580
section, the following apply to individual or joint self-insurance 1581
programs established pursuant to this section: 1582

(1) Such funds shall be reserved as are necessary, in the 1583
exercise of sound and prudent actuarial judgment, to cover 1584
potential cost of health care benefits for the officers and 1585
employees of the political subdivision. A certified audited 1586
financial statement and a report of aggregate amounts so reserved 1587
and aggregate disbursements made from such funds, together with a 1588
written report of a member of the American academy of actuaries 1589
certifying whether the amounts reserved conform to the 1590
requirements of this division, are computed in accordance with 1591
accepted loss reserving standards, and are fairly stated in 1592
accordance with sound loss reserving principles, shall be prepared 1593
and maintained, within ninety days after the last day of the 1594
fiscal year of the entity for which the report is provided for 1595
that fiscal year, in the office of the program administrator 1596
described in division (C)(3) of this section. 1597

The report required by division (C)(1) of this section shall 1598
include, but not be limited to, the aggregate of disbursements 1599
made for the administration of the program, including claims paid, 1600
costs of the legal representation of political subdivisions and 1601
employees, and fees paid to consultants. 1602

The program administrator described in division (C)(3) of 1603
this section shall make the report required by this division 1604

available for inspection by any person at all reasonable times 1605
during regular business hours, and, upon the request of such 1606
person, shall make copies of the report available at cost within a 1607
reasonable period of time. The program administrator shall further 1608
provide the report to the auditor of state under Chapter 117. of 1609
the Revised Code. The report required by this division is in lieu 1610
of the records required by division (A) of section 149.431 of the 1611
Revised Code. 1612

(2) Each political subdivision shall reserve funds necessary 1613
for an individual or joint self-insurance program in a special 1614
fund that may be established for political subdivisions other than 1615
an agency or instrumentality pursuant to an ordinance or 1616
resolution of the political subdivision and not subject to section 1617
5705.12 of the Revised Code. An agency or instrumentality shall 1618
reserve the funds necessary for an individual or joint 1619
self-insurance program in a special fund established pursuant to a 1620
resolution duly adopted by the agency's or instrumentality's 1621
governing board. The political subdivision may allocate the costs 1622
of insurance or any self-insurance program, or both, among the 1623
funds or accounts established under this division on the basis of 1624
relative exposure and loss experience. 1625

(3) A contract may be awarded, without the necessity of 1626
competitive bidding, to any person, political subdivision, 1627
nonprofit corporation organized under Chapter 1702. of the Revised 1628
Code, or regional council of governments created under Chapter 1629
167. of the Revised Code for purposes of administration of an 1630
individual or joint self-insurance program. No such contract shall 1631
be entered into without full, prior, public disclosure of all 1632
terms and conditions. The disclosure shall include, at a minimum, 1633
a statement listing all representations made in connection with 1634
any possible savings and losses resulting from the contract, and 1635
potential liability of any political subdivision or employee. The 1636

proposed contract and statement shall be disclosed and presented 1637
at a meeting of the political subdivision not less than one week 1638
prior to the meeting at which the political subdivision authorizes 1639
the contract. 1640

A contract awarded to a nonprofit corporation or a regional 1641
council of governments under this division may provide that all 1642
employees of the nonprofit corporation or regional council of 1643
governments, the employees of all entities related to the 1644
nonprofit corporation or regional council of governments, and the 1645
employees of other nonprofit corporations that have fifty or fewer 1646
employees and have been organized for the primary purpose of 1647
representing the interests of political subdivisions, may be 1648
covered by the individual or joint self-insurance program under 1649
the terms and conditions set forth in the contract. 1650

(4) The individual or joint self-insurance program shall 1651
include a contract with a certified public accountant and a member 1652
of the American academy of actuaries for the preparation of the 1653
written evaluations required under division (C)(1) of this 1654
section. 1655

(5) A joint self-insurance program may allocate the costs of 1656
funding the program among the funds or accounts established under 1657
this division to the participating political subdivisions on the 1658
basis of their relative exposure and loss experience. 1659

(6) An individual self-insurance program may allocate the 1660
costs of funding the program among the funds or accounts 1661
established under this division to the political subdivision that 1662
established the program. 1663

(7) Two or more political subdivisions may also authorize the 1664
establishment and maintenance of a joint health care cost 1665
containment program, including, but not limited to, the employment 1666
of risk managers, health care cost containment specialists, and 1667

consultants, for the purpose of preventing and reducing health 1668
care costs covered by insurance, individual self-insurance, or 1669
joint self-insurance programs. 1670

(8) A political subdivision is not liable under a joint 1671
self-insurance program for any amount in excess of amounts payable 1672
pursuant to the written agreement for the participation of the 1673
political subdivision in the joint self-insurance program. Under a 1674
joint self-insurance program agreement, a political subdivision 1675
may, to the extent permitted under the written agreement, assume 1676
the risks of any other political subdivision. A joint 1677
self-insurance program established under this section is deemed a 1678
separate legal entity for the public purpose of enabling the 1679
members of the joint self-insurance program to obtain insurance or 1680
to provide for a formalized, jointly administered self-insurance 1681
fund for its members. An entity created pursuant to this section 1682
is exempt from all state and local taxes. 1683

(9) Any political subdivision, other than an agency or 1684
instrumentality, may issue general obligation bonds, or special 1685
obligation bonds that are not payable from real or personal 1686
property taxes, and may also issue notes in anticipation of such 1687
bonds, pursuant to an ordinance or resolution of its legislative 1688
authority or other governing body for the purpose of providing 1689
funds to pay expenses associated with the settlement of claims, 1690
whether by way of a reserve or otherwise, and to pay the political 1691
subdivision's portion of the cost of establishing and maintaining 1692
an individual or joint self-insurance program or to provide for 1693
the reserve in the special fund authorized by division (C)(2) of 1694
this section. 1695

In its ordinance or resolution authorizing bonds or notes 1696
under this section, a political subdivision may elect to issue 1697
such bonds or notes under the procedures set forth in Chapter 133. 1698
of the Revised Code. In the event of such an election, 1699

notwithstanding Chapter 133. of the Revised Code, the maturity of 1700
the bonds may be for any period authorized in the ordinance or 1701
resolution not exceeding twenty years, which period shall be the 1702
maximum maturity of the bonds for purposes of section 133.22 of 1703
the Revised Code. 1704

Bonds and notes issued under this section shall not be 1705
considered in calculating the net indebtedness of the political 1706
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 1707
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 1708
hereby made applicable to bonds or notes authorized under this 1709
section. 1710

(10) A joint self-insurance program is not an insurance 1711
company. Its operation does not constitute doing an insurance 1712
business and is not subject to the insurance laws of this state. 1713

(D) A political subdivision may procure group life insurance 1714
for its employees in conjunction with an individual or joint 1715
self-insurance program authorized by this section, provided that 1716
the policy of group life insurance is not self-insured. 1717

(E) This section does not apply to individual self-insurance 1718
programs created solely by municipal corporations as defined in 1719
section 5705.01 of the Revised Code. 1720

(F) A public official or employee of a political subdivision 1721
who is or becomes a member of the governing body of the program 1722
administrator of a joint self-insurance program in which the 1723
political subdivision participates is not in violation of division 1724
(D) or (E) of section 102.03, division (C) of section 102.04, or 1725
section 2921.42 of the Revised Code as a result of either of the 1726
following: 1727

(1) The political subdivision's entering under this section 1728
into the written agreement to participate in the joint 1729
self-insurance program; 1730

(2) The political subdivision's entering under this section 1731
into any other contract with the joint self-insurance program. 1732

Sec. 9.90. (A) ~~The following applies until the department of 1733
administrative services implements healthcare plans designed under 1734
section 9.901 of the Revised Code. If those plans do not include 1735
or address any benefits listed in this section, or if the board of 1736
trustees or other governing body of a state institution of higher 1737
education, as defined in section 3345.011 of the Revised Code, 1738
board of education of a school district, or governing board of an 1739
educational service center do not elect to be covered under a plan 1740
offered by the department of administrative services under section 1741
9.901 of the Revised Code, the following provisions continue in 1742
effect for those benefits. The board of trustees or other 1743
governing body of a state institution of higher education, as 1744
defined in section 3345.011 of the Revised Code, board of 1745
education of a school district, or governing board of an 1746
educational service center may, in addition to all other powers 1747
provided in the Revised Code: 1748~~

(1) Contract for, purchase, or otherwise procure from an 1749
insurer or insurers licensed to do business by the state of Ohio 1750
for or on behalf of such of its employees as it may determine, 1751
life insurance, or sickness, accident, annuity, endowment, health, 1752
medical, hospital, dental, or surgical coverage and benefits, or 1753
any combination thereof, by means of insurance plans or other 1754
types of coverage, family, group or otherwise, and may pay from 1755
funds under its control and available for such purpose all or any 1756
portion of the cost, premium, or charge for such insurance, 1757
coverage, or benefits. However, the governing board, in addition 1758
to or as an alternative to the authority otherwise granted by 1759
division (A)(1) of this section, may elect to procure coverage for 1760
health care services, for or on behalf of such of its employees as 1761
it may determine, by means of policies, contracts, certificates, 1762

or agreements issued by at least two health insuring corporations 1763
holding a certificate of authority under Chapter 1751. of the 1764
Revised Code and may pay from funds under the governing board's 1765
control and available for such purpose all or any portion of the 1766
cost of such coverage. 1767

(2) Make payments to a custodial account for investment in 1768
regulated investment company stock for the purpose of providing 1769
retirement benefits as described in section 403(b)(7) of the 1770
Internal Revenue Code of 1954, as amended. Such stock shall be 1771
purchased only from persons authorized to sell such stock in this 1772
state. 1773

Any income of an employee deferred under divisions (A)(1) and 1774
(2) of this section in a deferred compensation program eligible 1775
for favorable tax treatment under the Internal Revenue Code of 1776
1954, as amended, shall continue to be included as regular 1777
compensation for the purpose of computing the contributions to and 1778
benefits from the retirement system of such employee. Any sum so 1779
deferred shall not be included in the computation of any federal 1780
and state income taxes withheld on behalf of any such employee. 1781

(B) All or any portion of the cost, premium, or charge 1782
therefor may be paid in such other manner or combination of 1783
manners as the board or governing body may determine, including 1784
direct payment by the employee in cases under division (A)(1) of 1785
this section, and, if authorized in writing by the employee in 1786
cases under division (A)(1) or (2) of this section, by the board 1787
or governing body with moneys made available by deduction from or 1788
reduction in salary or wages or by the foregoing of a salary or 1789
wage increase. Nothing in section 3917.01 or section 3917.06 of 1790
the Revised Code shall prohibit the issuance or purchase of group 1791
life insurance authorized by this section by reason of payment of 1792
premiums therefor by the board or governing body from its funds, 1793
and such group life insurance may be so issued and purchased if 1794

otherwise consistent with the provisions of sections 3917.01 to 1795
3917.07 of the Revised Code. 1796

(C) The board of education of any school district may 1797
exercise any of the powers granted to the governing boards of 1798
public institutions of higher education under divisions (A) and 1799
(B) of this section. All health care benefits provided to persons 1800
employed by the public schools of this state shall be through 1801
health care plans that contain best practices established by the 1802
department of administrative services pursuant to section 9.901 of 1803
the Revised Code. 1804

~~(D) Once the department of administrative services releases 1805
in final form health care plans designed under section 9.901 of 1806
the Revised Code, all health care benefits provided to persons 1807
employed by state institutions of higher education, school 1808
districts, or educational service centers may be through those 1809
plans. 1810~~

Sec. 9.901. (A)(1) All health care benefits provided to 1811
persons employed by ~~the political subdivisions and public school 1812
districts of~~ employers as defined by this state section shall be 1813
provided by health care plans that contain best practices 1814
established ~~pursuant to this section~~ by the former school 1815
employees health care board or the department of administrative 1816
services. ~~Twelve months after the release of best practices by the 1817
board all~~ All policies or contracts for health care benefits 1818
~~provided to public school district employees~~ that are issued or 1819
renewed after the expiration of any applicable collective 1820
bargaining agreement must contain all best practices established 1821
pursuant to this section ~~by the board at the time of renewal. Any 1822
or all of the health~~ Health care plans that contain the best 1823
practices ~~specified by the board~~ may be self-insured. 1824

(2) Upon ~~completion of the consultant's report under division~~ 1825

~~(E) of this section and once the plans are released in final form 1826
by the department, all health care benefits provided to persons 1827
employed by political subdivisions, public school districts, and 1828
state institutions of higher education may be provided by health 1829
care plans designed under this section by the department. The 1830
department, in consultation with the superintendent of insurance, 1831
may negotiate with and, in accordance with the competitive 1832
selection procedures of Chapter 125. of the Revised Code, contract 1833
with one or more insurance companies authorized to do business in 1834
this state for the issuance of the plans. Any or all of the health 1835
care plans designed by the department may be self insured. All 1836
self-insured plans adopted shall be administered by the department 1837
in accordance with this section. The plans shall incorporate the 1838
best practices adopted by the department under division (C)(3) of 1839
this section consulting with the department of administrative 1840
services, a political subdivision may adopt a delivery system of 1841
benefits that is not in accordance with the department's adopted 1842
best practices if it is considered by the department to be most 1843
financially advantageous to the political subdivision. 1844~~

~~(3) Before soliciting proposals from insurance companies for 1845
the issuance of health care plans, the department, in consultation 1846
with the superintendent of insurance, shall determine what 1847
geographic regions exist in the state based on the availability of 1848
providers, networks, costs, and other factors relating to 1849
providing health care benefits. The department shall then 1850
determine what health care plans offered by political 1851
subdivisions, public school districts, state institutions, and 1852
existing consortiums in the region offer the most cost-effective 1853
plan. 1854~~

~~(4) The department, in consultation with the superintendent 1855
of insurance, shall develop a request for proposals and solicit 1856
bids for health care plans for political subdivisions, public 1857~~

~~school districts, and state institutions in a region similar to 1858
the existing plans. The department shall also determine the 1859
benefits offered by existing health care plans, the employees' 1860
costs, and the cost sharing arrangements used by political 1861
subdivisions, schools, and institutions participating in a 1862
consortium. The department shall determine what strategies are 1863
used by the existing plans to manage health care costs and shall 1864
study the potential benefits of state or regional consortiums 1865
offering multiple health care plans. When options exist in a 1866
defined regional service area that meet the benchmarks or best 1867
practices prescribed by the department, public employees shall be 1868
given the option of selecting from two or more health plans. 1869~~

~~(5) No political subdivision, public school district, or 1870
state institution may be required to offer the health care plans 1871
designed under this section until action is taken under division 1872
(E) of this section. 1873~~

~~In addition, political subdivisions, public school districts, 1874
or state institutions offering employee health care benefits 1875
through a plan offered by a consortium of two or more political 1876
subdivisions, districts, or state institutions, or a consortium of 1877
one or more political subdivisions, districts, or state 1878
institutions and one or more other political subdivisions may 1879
continue offering consortium plans to the political subdivisions', 1880
districts', or institutions' employees if plans contain best 1881
practices required under this section. 1882~~

~~(6) As used in this section: 1883~~

~~(a) "Public employer" means political subdivisions, public 1884
school districts, or state institutions of higher education. 1885~~

~~(b) "Public school district" means a city, local, exempted 1886
village, or joint vocational school district; a STEM school 1887
established under Chapter 3326. of the Revised Code; or an 1888~~

educational service center. "Public school district" does not mean 1889
a community school established under Chapter 3314. of the Revised 1890
Code. 1891

~~(b)~~(c) "State institution of higher education" or "state 1892
institution" means a state institution of higher education as 1893
defined in section 3345.011 of the Revised Code. 1894

~~(e)~~(d) "Political subdivision" has the same meaning as 1895
defined in section 9.833 of the Revised Code. 1896

~~(d)~~(e) A "health care plan" includes group policies, 1897
contracts, and agreements that provide hospital, surgical, or 1898
medical expense coverage, including self-insured plans. A "health 1899
care plan" does not include an individual plan offered to the 1900
employees of a political subdivision, public school district, or 1901
state institution, or a plan that provides coverage only for 1902
specific disease or accidents, or a hospital indemnity, medicare 1903
supplement, or other plan that provides only supplemental 1904
benefits, paid for by the employees of a political subdivision, 1905
public school district, or state institution. 1906

~~(e)~~(f) A "health plan sponsor" means a political subdivision, 1907
public school district, a state institution of higher education, a 1908
consortium of political subdivisions, public school districts, or 1909
state institutions, or a council of governments. 1910

~~(B)~~(4) The ~~political subdivisions and~~ public employees health 1911
care fund is hereby created in the state treasury. The department 1912
shall use all funds in the ~~political subdivisions and~~ public 1913
employees health care fund solely to carry out the provisions of 1914
this section and related administrative costs. 1915

~~(C)~~(B) The department of administrative services shall do all 1916
of the following: 1917

(1) ~~Include disease management and consumer education 1918~~
~~programs, which programs shall include, but are not limited to, 1919~~

~~wellness programs and other measures designed to encourage the
wise use of medical plan coverage. These programs are not services
or treatments for purposes of section 3901.71 of the Revised Code.~~

~~(2) After action is taken under division (E) of this section,
design health care plans for political subdivisions, public school
districts, and state institutions of higher education in
accordance with division (A) of this section separate from the
plans for state agencies;~~

~~(3) Adopt and release a set of standards that shall be
considered the best practices for health care plans offered to
employees of political subdivisions, public school districts, and
state institutions.~~

~~(4) Require that the plans the health plan sponsors
administer make readily available to the public all cost and
design elements of the plan;~~

~~(5) Set employee and employer health care plan premiums for
the plans designed under division (C)(2) of this section;~~

~~(6) Promote cooperation among all organizations affected by
this section in identifying the elements for the successful
implementation of this section;~~

~~(7) Promote cost containment measures aligned with patient,
plan, and provider management strategies in developing and
managing health care plans;~~

~~(8) Prepare and disseminate to the public an annual report on
the status of health plan sponsors' effectiveness in making
progress to reduce the rate of increase in insurance premiums and
employee out of pocket expenses, as well as progress in improving
the health status of political subdivision, public school
district, and state institution employees and their families.~~

~~(D) The sections in Chapter 3923. of the Revised Code~~

~~regulating public employee benefit plans are not applicable to the health care plans designed pursuant to this section.~~

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

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

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

(3) The viability of voluntary and mandatory participation by political subdivisions, public schools, and institutions of higher education;	1982 1983 1984
(4) The use of regional preferred provider and closed panel plans, health savings accounts, and alternative health care plans, to stabilize both costs and the premiums charged to political subdivisions, public school districts, and state institutions and their employees;	1985 1986 1987 1988 1989
(5) The use of the competitive bidding process for regional health care plans;	1990 1991
(6) The use of information on claims and costs and of information reported by political subdivisions, public school districts, and state institutions pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) 100 Stat. 227, 29 U.S.C. 1161, as amended in analyzing administrative and premium costs;	1992 1993 1994 1995 1996
(7) The experience of states that have statewide health care plans for political subdivision, public school district, and state institution employees, including the implementation strategies used by those states;	1997 1998 1999 2000
(8) Recommended strategies for the use of first year roll in premiums in the transition from political subdivision, district, and state institution health care plans to department plans;	2001 2002 2003
(9) The option of allowing political subdivisions, public school districts, and state institutions to join an existing regional consortium as an alternative to department plans;	2004 2005 2006
(10) Mandatory and optional coverages to be offered by the department's plans;	2007 2008
(11) Potential risks to the state from the use of plans developed under this section;	2009 2010
(12) Any legislation needed to ensure the long term financial	2011

solvency and stability of a health care purchasing system;	2012
(13) The potential impacts of any changes to the existing purchasing structure on all of the following:	2013
(a) Existing health care pooling and consortiums;	2014
(b) Political subdivision, school district, and state institution employees;	2015
(c) Individual political subdivisions, school districts, and state institutions.	2016
(14) Issues that could arise when political subdivisions, school districts, and state institutions transition from the existing purchasing structure to a new purchasing structure;	2017
(15) Strategies available to the department in the creation of fund reserves and the need for stop loss insurance coverage for catastrophic losses;	2018
(16) Impact on eliminating the premium tax or excise currently received on behalf of a public employer under division (A) of section 5725.18 and division (A) of 5729.03 of the Revised Code;	2019
(17) How development of the federal health exchange in Ohio may impact public employees;	2020
(18) Impact of joint health insurance regional program on insurance carriers and agents;	2021
(19) The benefits, including any cost savings to the state of establishing a benchmark for public employers to meet in lieu of establishing new plans administered by the department.	2022
(F) <u>The Identify strategies to manage health care costs;</u>	2023
(2) <u>Study the potential benefits of state or regional consortiums of public employers' health care plans;</u>	2024
(3) <u>Publish information regarding the health care plans</u>	2025
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offered by political subdivisions, public school districts, state 2041
institutions, and existing consortiums; 2042

(4) Assist in the design of health care plans for political 2043
subdivisions, public school districts, and state institutions of 2044
higher education in accordance with division (A) of this section 2045
separate from the plans for state agencies; 2046

(5) Adopt and release a set of standards that shall be 2047
considered the best practices for health care plans offered to 2048
employees of political subdivisions, public school districts, and 2049
state institutions; 2050

(6) Require that plans the health plan sponsors administer 2051
make readily available to the public all cost and design elements 2052
of the plan; 2053

(7) Promote cooperation among all organizations affected by 2054
this section in identifying the elements for successful 2055
implementation of this section; 2056

(8) Promote cost containment measures aligned with patient, 2057
plan, and provider management strategies in developing and 2058
managing health care plans; and 2059

(9) Prepare and disseminate to the public an annual report on 2060
the status of health plan sponsors' effectiveness in complying 2061
with best practices and making progress to reduce the rate of 2062
increase in insurance premiums and employee out-of-pocket 2063
expenses, as well as progress in improving the health status of 2064
employees and their families. 2065

(C) The director of administrative services may convene a 2066
public health care advisory committee ~~is hereby created under the~~ 2067
~~department of administrative services.~~ The committee shall make 2068
recommendations to the director of administrative services or the 2069
director's designee on the development and adoption of best 2070
practices under this section. The committee shall consist of 2071

fifteen members: five members appointed by the speaker of the 2072
house of representatives; five members appointed by the president 2073
of the senate; and five members appointed by the governor and 2074
shall include representatives from state and local government 2075
employers, state and local government employees, insurance agents, 2076
health insurance companies, and joint purchasing arrangements 2077
currently in existence. ~~Nothing in this section prohibits a~~ 2078
~~political subdivision from adopting a delivery system of benefits~~ 2079
~~that is not in accordance with the department's adopted best~~ 2080
~~practices if it is considered to be most financially advantageous~~ 2081
~~to the political subdivision. Members shall serve without~~ 2082
compensation. 2083

~~(G)~~(D) The department may adopt rules for the enforcement of 2084
health plan sponsors' compliance with the best practices standards 2085
adopted by the department pursuant to this section. 2086

~~(H)~~(E) Any health care plan providing coverage for the 2087
employees of political subdivisions, public school districts, or 2088
state institutions of higher education, or that have provided 2089
coverage within two years before the effective date of this 2090
amendment, shall provide nonidentifiable aggregate claims and 2091
administrative data for the coverage provided as required by the 2092
department, without charge, within thirty days after receiving a 2093
written request from the department. The claims data shall include 2094
data relating to employee group benefit sets, demographics, and 2095
claims experience. 2096

~~(I)~~(1)(F) The department may ~~contract~~ work with other state 2097
agencies ~~for~~ to obtain services as the department deems necessary 2098
for the implementation and operation of this section, based on 2099
demonstrated experience and expertise in administration, 2100
management, data handling, actuarial studies, quality assurance, 2101
or for other needed services. 2102

~~(2)~~(G) The department shall hire staff as necessary to 2103

provide administrative support to the department and the public 2104
employee health care plan program established by this section. 2105

~~(J) Not more than ninety days before coverage begins for 2106
political subdivision, public school district, and state 2107
institution employees under health care plans designed by the 2108
department, a political subdivision's governing body, public 2109
school district's board of education, and a state institution's 2110
board of trustees or managing authority shall provide detailed 2111
information about the health care plans to the employees. 2112~~

~~(K)~~(H) Nothing in this section shall be construed as 2113
prohibiting political subdivisions, public school districts, or 2114
state institutions from consulting with and compensating insurance 2115
agents and brokers for professional services or from establishing 2116
a self-insurance program. 2117

~~(L)~~(I) Pursuant to Chapter 117. of the Revised Code, the 2118
auditor of state shall conduct all necessary and required audits 2119
of the department. The auditor of state, upon request, also shall 2120
furnish to the department copies of audits of political 2121
subdivisions, public school districts, or consortia performed by 2122
the auditor of state. 2123

Sec. 101.39. (A) There is hereby created the joint 2124
legislative committee on health care oversight. The committee may 2125
review or study any matter related to the provision of health care 2126
services that it considers of significance to the citizens of this 2127
state, including the availability of health care, the quality of 2128
health care, the effectiveness and efficiency of managed care 2129
systems, and the operation of the ~~medical assistance~~ medicaid 2130
program ~~established under Chapter 5111. of the Revised Code~~ or 2131
other government health programs. 2132

The department of ~~job and family services~~ medicaid, 2133
department of health, department of aging, department of ~~mental~~ 2134

~~health~~ mental health and addiction services, department of 2135
developmental disabilities, ~~department of alcohol and drug~~ 2136
~~addiction services~~, and other state agencies shall cooperate with 2137
the committee in its study and review of health care issues. On 2138
request, the departments shall provide the committee with reports 2139
and other information sufficient for the committee to fulfill its 2140
duties. 2141

The committee may issue recommendations as it determines 2142
appropriate. The recommendations may be made to the general 2143
assembly, state agencies, private industry, or any other entity. 2144

(B) The committee shall consist of the following members of 2145
the general assembly: the chairperson of the senate's standing 2146
committee with primary responsibility for health legislation, the 2147
chairperson of the house of representatives' standing committee 2148
with primary responsibility for health legislation, four members 2149
of the house of representatives appointed by the speaker of the 2150
house of representatives, and four members of the senate appointed 2151
by the president of the senate. Not more than two members 2152
appointed by the speaker of the house of representatives and not 2153
more than two members appointed by the president of the senate may 2154
be of the same political party. Except in 1995, appointments shall 2155
be made not later than fifteen days after the commencement of the 2156
first regular session of each general assembly. The chairpersons 2157
of the standing committees with primary responsibility for health 2158
legislation shall serve as co-chairpersons of the committee. 2159

Each member of the committee shall hold office during the 2160
general assembly in which the member is appointed and until a 2161
successor has been appointed, notwithstanding the adjournment sine 2162
die of the general assembly in which the member was appointed or 2163
the expiration of the member's term as a member of the general 2164
assembly. Any vacancies occurring among the members of the 2165
committee shall be filled in the manner of the original 2166

appointment. 2167

The committee shall meet at least quarterly and at the call 2168
of the co-chairpersons. The co-chairpersons shall determine the 2169
time, place, and agenda for each meeting of the committee. 2170

The committee has the same powers as other standing or select 2171
committees of the general assembly. The committee may request 2172
assistance from the legislative service commission. 2173

Sec. 101.391. (A) There is hereby created the joint 2174
legislative committee on medicaid technology and reform. The 2175
committee may review or study any matter that it considers 2176
relevant to the operation of the medicaid program ~~established~~ 2177
~~under Chapter 5111. of the Revised Code,~~ with priority given to 2178
the study or review of mechanisms to enhance the program's 2179
effectiveness through improved technology systems and program 2180
reform. 2181

(B) The committee shall consist of five members of the house 2182
of representatives appointed by the speaker of the house of 2183
representatives and five members of the senate appointed by the 2184
president of the senate. Not more than three members appointed by 2185
the speaker of the house of representatives and not more than 2186
three members appointed by the president of the senate may be of 2187
the same political party. 2188

Each member of the committee shall hold office during the 2189
general assembly in which the member is appointed and until a 2190
successor has been appointed, notwithstanding the adjournment sine 2191
die of the general assembly in which the member was appointed or 2192
the expiration of the member's term as a member of the general 2193
assembly. Any vacancies occurring among the members of the 2194
committee shall be filled in the manner of the original 2195
appointment. 2196

(C) The committee has the same powers as other standing or 2197
select committees of the general assembly. The committee may 2198
employ an executive director. 2199

Sec. 101.392. (A) As used in this section, "Affordable Care 2200
Act" means the federal "Patient Protection and Affordable Care Act 2201
of 2010," Pub. L. 111-148, 124 Stat. 119, as amended by the 2202
federal "Health Care and Education Reconciliation Act of 2010," 2203
Pub. L. 111-152, 124 Stat. 1029, and any amendments to those acts, 2204
or any regulations or guidance issued under those acts. 2205

(B) There is hereby created the joint legislative committee 2206
on the Affordable Care Act. The committee may review or study any 2207
matter that it considers relevant to the operation and impact of 2208
the Affordable Care Act in this state. 2209

(C) The committee shall consist of three members of the house 2210
of representatives appointed by the speaker of the house of 2211
representatives, and three members of the senate appointed by the 2212
president of the senate. Two members appointed by the speaker of 2213
the house of representatives shall be from the majority party and 2214
one member shall be from the minority party, and two members 2215
appointed by the president of the senate shall be from the 2216
majority party and one member shall be from the minority party. 2217

Each member of the committee shall hold office during the 2218
general assembly in which the member is appointed and until a 2219
successor has been appointed, notwithstanding the adjournment sine 2220
die of the general assembly in which the member was appointed or 2221
the expiration of the member's term as a member of the general 2222
assembly. Any vacancies occurring among the members of the 2223
committee shall be filled in the manner of the original 2224
appointment. 2225

(D) The committee has the same powers as other standing or 2226
select committees of the general assembly. The committee may 2227

request assistance from the legislative service commission. 2228

Sec. 102.02. (A) Except as otherwise provided in division (H) 2229
of this section, all of the following shall file with the 2230
appropriate ethics commission the disclosure statement described 2231
in this division on a form prescribed by the appropriate 2232
commission: every person who is elected to or is a candidate for a 2233
state, county, or city office or an office of a township with a 2234
population of five thousand or more, as determined by the most 2235
recent federal decennial census, and every person who is appointed 2236
to fill a vacancy for an unexpired term in such an elective 2237
office; all members of the state board of education; the director, 2238
assistant directors, deputy directors, division chiefs, or persons 2239
of equivalent rank of any administrative department of the state; 2240
the president or other chief administrative officer of every state 2241
institution of higher education as defined in section 3345.011 of 2242
the Revised Code; the executive director and the members of the 2243
capitol square review and advisory board appointed or employed 2244
pursuant to section 105.41 of the Revised Code; all members of the 2245
Ohio casino control commission, the executive director of the 2246
commission, all professional employees of the commission, and all 2247
technical employees of the commission who perform an internal 2248
audit function; the individuals set forth in division (B)(2) of 2249
section 187.03 of the Revised Code; the chief executive officer 2250
and the members of the board of each state retirement system; each 2251
employee of a state retirement board who is a state retirement 2252
system investment officer licensed pursuant to section 1707.163 of 2253
the Revised Code; the members of the Ohio retirement study council 2254
appointed pursuant to division (C) of section 171.01 of the 2255
Revised Code; employees of the Ohio retirement study council, 2256
other than employees who perform purely administrative or clerical 2257
functions; the administrator of workers' compensation and each 2258
member of the bureau of workers' compensation board of directors; 2259

the bureau of workers' compensation director of investments; the 2260
chief investment officer of the bureau of workers' compensation; 2261
all members of the board of commissioners on grievances and 2262
discipline of the supreme court and the ethics commission created 2263
under section 102.05 of the Revised Code; every business manager, 2264
treasurer, or superintendent of a city, local, exempted village, 2265
joint vocational, or cooperative education school district or an 2266
educational service center; every person who is elected to or is a 2267
candidate for the office of member of a board of education of a 2268
city, local, exempted village, joint vocational, or cooperative 2269
education school district or of a governing board of an 2270
educational service center that has a total student count of 2271
twelve thousand or more as most recently determined by the 2272
department of education pursuant to section 3317.03 of the Revised 2273
Code; every person who is appointed to the board of education of a 2274
municipal school district pursuant to division (B) or (F) of 2275
section 3311.71 of the Revised Code; all members of the board of 2276
directors of a sanitary district that is established under Chapter 2277
6115. of the Revised Code and organized wholly for the purpose of 2278
providing a water supply for domestic, municipal, and public use, 2279
and that includes two municipal corporations in two counties; 2280
every public official or employee who is paid a salary or wage in 2281
accordance with schedule C of section 124.15 or schedule E-2 of 2282
section 124.152 of the Revised Code; members of the board of 2283
trustees and the executive director of the southern Ohio 2284
agricultural and community development foundation; all members 2285
appointed to the Ohio livestock care standards board under section 2286
904.02 of the Revised Code; and every other public official or 2287
employee who is designated by the appropriate ethics commission 2288
pursuant to division (B) of this section. 2289

The disclosure statement shall include all of the following: 2290

(1) The name of the person filing the statement and each 2291

member of the person's immediate family and all names under which 2292
the person or members of the person's immediate family do 2293
business; 2294

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 2295
and except as otherwise provided in section 102.022 of the Revised 2296
Code, identification of every source of income, other than income 2297
from a legislative agent identified in division (A)(2)(b) of this 2298
section, received during the preceding calendar year, in the 2299
person's own name or by any other person for the person's use or 2300
benefit, by the person filing the statement, and a brief 2301
description of the nature of the services for which the income was 2302
received. If the person filing the statement is a member of the 2303
general assembly, the statement shall identify the amount of every 2304
source of income received in accordance with the following ranges 2305
of amounts: zero or more, but less than one thousand dollars; one 2306
thousand dollars or more, but less than ten thousand dollars; ten 2307
thousand dollars or more, but less than twenty-five thousand 2308
dollars; twenty-five thousand dollars or more, but less than fifty 2309
thousand dollars; fifty thousand dollars or more, but less than 2310
one hundred thousand dollars; and one hundred thousand dollars or 2311
more. Division (A)(2)(a) of this section shall not be construed to 2312
require a person filing the statement who derives income from a 2313
business or profession to disclose the individual items of income 2314
that constitute the gross income of that business or profession, 2315
except for those individual items of income that are attributable 2316
to the person's or, if the income is shared with the person, the 2317
partner's, solicitation of services or goods or performance, 2318
arrangement, or facilitation of services or provision of goods on 2319
behalf of the business or profession of clients, including 2320
corporate clients, who are legislative agents. A person who files 2321
the statement under this section shall disclose the identity of 2322
and the amount of income received from a person who the public 2323
official or employee knows or has reason to know is doing or 2324

seeking to do business of any kind with the public official's or 2325
employee's agency. 2326

(b) If the person filing the statement is a member of the 2327
general assembly, the statement shall identify every source of 2328
income and the amount of that income that was received from a 2329
legislative agent during the preceding calendar year, in the 2330
person's own name or by any other person for the person's use or 2331
benefit, by the person filing the statement, and a brief 2332
description of the nature of the services for which the income was 2333
received. Division (A)(2)(b) of this section requires the 2334
disclosure of clients of attorneys or persons licensed under 2335
section 4732.12 of the Revised Code, or patients of persons 2336
certified under section 4731.14 of the Revised Code, if those 2337
clients or patients are legislative agents. Division (A)(2)(b) of 2338
this section requires a person filing the statement who derives 2339
income from a business or profession to disclose those individual 2340
items of income that constitute the gross income of that business 2341
or profession that are received from legislative agents. 2342

(c) Except as otherwise provided in division (A)(2)(c) of 2343
this section, division (A)(2)(a) of this section applies to 2344
attorneys, physicians, and other persons who engage in the 2345
practice of a profession and who, pursuant to a section of the 2346
Revised Code, the common law of this state, a code of ethics 2347
applicable to the profession, or otherwise, generally are required 2348
not to reveal, disclose, or use confidences of clients, patients, 2349
or other recipients of professional services except under 2350
specified circumstances or generally are required to maintain 2351
those types of confidences as privileged communications except 2352
under specified circumstances. Division (A)(2)(a) of this section 2353
does not require an attorney, physician, or other professional 2354
subject to a confidentiality requirement as described in division 2355
(A)(2)(c) of this section to disclose the name, other identity, or 2356

address of a client, patient, or other recipient of professional 2357
services if the disclosure would threaten the client, patient, or 2358
other recipient of professional services, would reveal details of 2359
the subject matter for which legal, medical, or professional 2360
advice or other services were sought, or would reveal an otherwise 2361
privileged communication involving the client, patient, or other 2362
recipient of professional services. Division (A)(2)(a) of this 2363
section does not require an attorney, physician, or other 2364
professional subject to a confidentiality requirement as described 2365
in division (A)(2)(c) of this section to disclose in the brief 2366
description of the nature of services required by division 2367
(A)(2)(a) of this section any information pertaining to specific 2368
professional services rendered for a client, patient, or other 2369
recipient of professional services that would reveal details of 2370
the subject matter for which legal, medical, or professional 2371
advice was sought or would reveal an otherwise privileged 2372
communication involving the client, patient, or other recipient of 2373
professional services. 2374

(3) The name of every corporation on file with the secretary 2375
of state that is incorporated in this state or holds a certificate 2376
of compliance authorizing it to do business in this state, trust, 2377
business trust, partnership, or association that transacts 2378
business in this state in which the person filing the statement or 2379
any other person for the person's use and benefit had during the 2380
preceding calendar year an investment of over one thousand dollars 2381
at fair market value as of the thirty-first day of December of the 2382
preceding calendar year, or the date of disposition, whichever is 2383
earlier, or in which the person holds any office or has a 2384
fiduciary relationship, and a description of the nature of the 2385
investment, office, or relationship. Division (A)(3) of this 2386
section does not require disclosure of the name of any bank, 2387
savings and loan association, credit union, or building and loan 2388
association with which the person filing the statement has a 2389

deposit or a withdrawable share account. 2390

(4) All fee simple and leasehold interests to which the 2391
person filing the statement holds legal title to or a beneficial 2392
interest in real property located within the state, excluding the 2393
person's residence and property used primarily for personal 2394
recreation; 2395

(5) The names of all persons residing or transacting business 2396
in the state to whom the person filing the statement owes, in the 2397
person's own name or in the name of any other person, more than 2398
one thousand dollars. Division (A)(5) of this section shall not be 2399
construed to require the disclosure of debts owed by the person 2400
resulting from the ordinary conduct of a business or profession or 2401
debts on the person's residence or real property used primarily 2402
for personal recreation, except that the superintendent of 2403
financial institutions shall disclose the names of all 2404
state-chartered savings and loan associations and of all service 2405
corporations subject to regulation under division (E)(2) of 2406
section 1151.34 of the Revised Code to whom the superintendent in 2407
the superintendent's own name or in the name of any other person 2408
owes any money, and that the superintendent and any deputy 2409
superintendent of banks shall disclose the names of all 2410
state-chartered banks and all bank subsidiary corporations subject 2411
to regulation under section 1109.44 of the Revised Code to whom 2412
the superintendent or deputy superintendent owes any money. 2413

(6) The names of all persons residing or transacting business 2414
in the state, other than a depository excluded under division 2415
(A)(3) of this section, who owe more than one thousand dollars to 2416
the person filing the statement, either in the person's own name 2417
or to any person for the person's use or benefit. Division (A)(6) 2418
of this section shall not be construed to require the disclosure 2419
of clients of attorneys or persons licensed under section 4732.12 2420
or 4732.15 of the Revised Code, or patients of persons certified 2421

under section 4731.14 of the Revised Code, nor the disclosure of 2422
debts owed to the person resulting from the ordinary conduct of a 2423
business or profession. 2424

(7) Except as otherwise provided in section 102.022 of the 2425
Revised Code, the source of each gift of over seventy-five 2426
dollars, or of each gift of over twenty-five dollars received by a 2427
member of the general assembly from a legislative agent, received 2428
by the person in the person's own name or by any other person for 2429
the person's use or benefit during the preceding calendar year, 2430
except gifts received by will or by virtue of section 2105.06 of 2431
the Revised Code, or received from spouses, parents, grandparents, 2432
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 2433
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 2434
fathers-in-law, mothers-in-law, or any person to whom the person 2435
filing the statement stands in loco parentis, or received by way 2436
of distribution from any inter vivos or testamentary trust 2437
established by a spouse or by an ancestor; 2438

(8) Except as otherwise provided in section 102.022 of the 2439
Revised Code, identification of the source and amount of every 2440
payment of expenses incurred for travel to destinations inside or 2441
outside this state that is received by the person in the person's 2442
own name or by any other person for the person's use or benefit 2443
and that is incurred in connection with the person's official 2444
duties, except for expenses for travel to meetings or conventions 2445
of a national or state organization to which any state agency, 2446
including, but not limited to, any legislative agency or state 2447
institution of higher education as defined in section 3345.011 of 2448
the Revised Code, pays membership dues, or any political 2449
subdivision or any office or agency of a political subdivision 2450
pays membership dues; 2451

(9) Except as otherwise provided in section 102.022 of the 2452
Revised Code, identification of the source of payment of expenses 2453

for meals and other food and beverages, other than for meals and 2454
other food and beverages provided at a meeting at which the person 2455
participated in a panel, seminar, or speaking engagement or at a 2456
meeting or convention of a national or state organization to which 2457
any state agency, including, but not limited to, any legislative 2458
agency or state institution of higher education as defined in 2459
section 3345.011 of the Revised Code, pays membership dues, or any 2460
political subdivision or any office or agency of a political 2461
subdivision pays membership dues, that are incurred in connection 2462
with the person's official duties and that exceed one hundred 2463
dollars aggregated per calendar year; 2464

(10) If the disclosure statement is filed by a public 2465
official or employee described in division (B)(2) of section 2466
101.73 of the Revised Code or division (B)(2) of section 121.63 of 2467
the Revised Code who receives a statement from a legislative 2468
agent, executive agency lobbyist, or employer that contains the 2469
information described in division (F)(2) of section 101.73 of the 2470
Revised Code or division (G)(2) of section 121.63 of the Revised 2471
Code, all of the nondisputed information contained in the 2472
statement delivered to that public official or employee by the 2473
legislative agent, executive agency lobbyist, or employer under 2474
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 2475
the Revised Code. 2476

A person may file a statement required by this section in 2477
person ~~or~~, by mail, or by electronic means. A person who is a 2478
candidate for elective office shall file the statement no later 2479
than the thirtieth day before the primary, special, or general 2480
election at which the candidacy is to be voted on, whichever 2481
election occurs soonest, except that a person who is a write-in 2482
candidate shall file the statement no later than the twentieth day 2483
before the earliest election at which the person's candidacy is to 2484
be voted on. A person who holds elective office shall file the 2485

statement on or before the fifteenth day of April of each year 2486
unless the person is a candidate for office. A person who is 2487
appointed to fill a vacancy for an unexpired term in an elective 2488
office shall file the statement within fifteen days after the 2489
person qualifies for office. Other persons shall file an annual 2490
statement on or before the fifteenth day of April or, if appointed 2491
or employed after that date, within ninety days after appointment 2492
or employment. No person shall be required to file with the 2493
appropriate ethics commission more than one statement or pay more 2494
than one filing fee for any one calendar year. 2495

The appropriate ethics commission, for good cause, may extend 2496
for a reasonable time the deadline for filing a statement under 2497
this section. 2498

A statement filed under this section is subject to public 2499
inspection at locations designated by the appropriate ethics 2500
commission except as otherwise provided in this section. 2501

(B) The Ohio ethics commission, the joint legislative ethics 2502
committee, and the board of commissioners on grievances and 2503
discipline of the supreme court, using the rule-making procedures 2504
of Chapter 119. of the Revised Code, may require any class of 2505
public officials or employees under its jurisdiction and not 2506
specifically excluded by this section whose positions involve a 2507
substantial and material exercise of administrative discretion in 2508
the formulation of public policy, expenditure of public funds, 2509
enforcement of laws and rules of the state or a county or city, or 2510
the execution of other public trusts, to file an annual statement 2511
on or before the fifteenth day of April under division (A) of this 2512
section. The appropriate ethics commission shall send the public 2513
officials or employees written notice of the requirement by the 2514
fifteenth day of February of each year the filing is required 2515
unless the public official or employee is appointed after that 2516
date, in which case the notice shall be sent within thirty days 2517

after appointment, and the filing shall be made not later than 2518
ninety days after appointment. 2519

Except for disclosure statements filed by members of the 2520
board of trustees and the executive director of the southern Ohio 2521
agricultural and community development foundation, disclosure 2522
statements filed under this division with the Ohio ethics 2523
commission by members of boards, commissions, or bureaus of the 2524
state for which no compensation is received other than reasonable 2525
and necessary expenses shall be kept confidential. Disclosure 2526
statements filed with the Ohio ethics commission under division 2527
(A) of this section by business managers, treasurers, and 2528
superintendents of city, local, exempted village, joint 2529
vocational, or cooperative education school districts or 2530
educational service centers shall be kept confidential, except 2531
that any person conducting an audit of any such school district or 2532
educational service center pursuant to section 115.56 or Chapter 2533
117. of the Revised Code may examine the disclosure statement of 2534
any business manager, treasurer, or superintendent of that school 2535
district or educational service center. Disclosure statements 2536
filed with the Ohio ethics commission under division (A) of this 2537
section by the individuals set forth in division (B)(2) of section 2538
187.03 of the Revised Code shall be kept confidential. The Ohio 2539
ethics commission shall examine each disclosure statement required 2540
to be kept confidential to determine whether a potential conflict 2541
of interest exists for the person who filed the disclosure 2542
statement. A potential conflict of interest exists if the private 2543
interests of the person, as indicated by the person's disclosure 2544
statement, might interfere with the public interests the person is 2545
required to serve in the exercise of the person's authority and 2546
duties in the person's office or position of employment. If the 2547
commission determines that a potential conflict of interest 2548
exists, it shall notify the person who filed the disclosure 2549
statement and shall make the portions of the disclosure statement 2550

that indicate a potential conflict of interest subject to public 2551
inspection in the same manner as is provided for other disclosure 2552
statements. Any portion of the disclosure statement that the 2553
commission determines does not indicate a potential conflict of 2554
interest shall be kept confidential by the commission and shall 2555
not be made subject to public inspection, except as is necessary 2556
for the enforcement of Chapters 102. and 2921. of the Revised Code 2557
and except as otherwise provided in this division. 2558

(C) No person shall knowingly fail to file, on or before the 2559
applicable filing deadline established under this section, a 2560
statement that is required by this section. 2561

(D) No person shall knowingly file a false statement that is 2562
required to be filed under this section. 2563

(E)(1) Except as provided in divisions (E)(2) and (3) of this 2564
section, the statement required by division (A) or (B) of this 2565
section shall be accompanied by a filing fee of sixty dollars. 2566

(2) The statement required by division (A) of this section 2567
shall be accompanied by the following filing fee to be paid by the 2568
person who is elected or appointed to, or is a candidate for, any 2569
of the following offices: 2570

For state office, except member of the		2571
state board of education	\$95	2572
For office of member of general assembly	\$40	2573
For county office	\$60	2574
For city office	\$35	2575
<u>For township office</u>	<u>\$35</u>	2576
For office of member of the state board		2577
of education	\$35	2578
For office of member of a city, local,		2579
exempted village, or cooperative		2580
education board of		2581

education or educational service		2582
center governing board	\$30	2583
For position of business manager,		2584
treasurer, or superintendent of a		2585
city, local, exempted village, joint		2586
vocational, or cooperative education		2587
school district or		2588
educational service center	\$30	2589

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.

(G)(1) The appropriate ethics commission other than the Ohio ethics commission and the joint legislative ethics committee shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs, or other funds it receives as a result of court orders, and all moneys it receives from settlements under division (G) of section

102.06 of the Revised Code, into the Ohio ethics commission fund, 2614
which is hereby created in the state treasury. All moneys credited 2615
to the fund shall be used solely for expenses related to the 2616
operation and statutory functions of the commission. 2617

(3) The joint legislative ethics committee shall deposit all 2618
receipts it receives from the payment of financial disclosure 2619
statement filing fees under divisions (E) and (F) of this section 2620
into the joint legislative ethics committee investigative fund. 2621

(H) Division (A) of this section does not apply to a person 2622
elected or appointed to the office of precinct, ward, or district 2623
committee member under Chapter 3517. of the Revised Code; a 2624
presidential elector; a delegate to a national convention; village 2625
~~or township~~ officials and employees; township officials of a 2626
township with a population of less than five thousand, as 2627
determined by the most recent decennial census; all township 2628
employees; any physician or psychiatrist who is paid a salary or 2629
wage in accordance with schedule C of section 124.15 or schedule 2630
E-2 of section 124.152 of the Revised Code and whose primary 2631
duties do not require the exercise of administrative discretion; 2632
or any member of a board, commission, or bureau of any county or 2633
city who receives less than one thousand dollars per year for 2634
serving in that position. 2635

Sec. 103.0521. If a rule currently in effect is obsolete 2636
because the rule was adopted by an agency that is no longer in 2637
existence and jurisdiction over the rule has not been transferred 2638
to another agency, and if that status is verified by the executive 2639
director of the joint committee on agency rule review, the 2640
executive director shall prepare, for consideration of the joint 2641
committee, a motion that the director of the legislative service 2642
commission remove the obsolete rule from the Administrative Code. 2643

The chairperson of the joint committee, or another member of 2644

the joint committee delegated by the chairperson, shall offer the motion at the next meeting of the joint committee. If the motion is agreed to by the joint committee, the executive director shall transmit a copy of the motion to the director of the legislative service commission. The executive director shall certify on the copy transmitted that the motion was agreed to by the joint committee.

Upon receiving the certified motion, the director of the legislative service commission shall remove the obsolete rule from the Administrative Code as directed in the motion. The director thereafter shall maintain the removed obsolete rule in a file of obsolete rules. The file of obsolete rules may be maintained in electronic form.

Sec. 103.144. As used in sections 103.144 to 103.146 of the Revised Code:

(A) "Mandated benefit" means the following, when considered in the context of a sickness and accident insurance policy or a health insuring corporation policy, contract, or agreement:

(1) Any required coverage for a specific medical or health-related service, treatment, medication, or practice;

(2) Any required coverage for the services of specific health care providers;

(3) Any requirement that an insurer or health insuring corporation offer coverage to specific individuals or groups;

(4) Any requirement that an insurer or health insuring corporation offer specific medical or health-related services, treatments, medications, or practices to existing insureds or enrollees;

(5) Any required expansion of, or addition to, existing coverage;

(6) Any mandated reimbursement amount to specific health care providers. 2675
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(B) "Mandated benefit" does not include any required coverage or offer of coverage, any required expansion of, or addition to, existing coverage, or any mandated reimbursement amount to specific providers, as described in division (A) of this section, within the context of any public health benefits arrangement, including but not limited to, the coverage of beneficiaries enrolled in ~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ medicare pursuant to a medicare risk contract or medicare cost contract, or to the coverage of beneficiaries enrolled in ~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ known as the medical assistance program or medicaid, ~~provided by the Ohio department of job and family services under Chapter 5111. of the Revised Code.~~ 2677
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Sec. 107.033. As part of the state budget the governor submits to the general assembly under section 107.03 of the Revised Code, the governor shall include the state appropriation limitations the general assembly shall not exceed when making aggregate general revenue fund appropriations for each respective fiscal year of the biennium covered by that budget. The aggregate general revenue fund appropriations the governor proposes in the state budget also shall not exceed those limitations for each respective fiscal year of the biennium covered by that budget. 2691
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(A) For fiscal year 2008, the state appropriation limitation is the sum of the following: 2700
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(1) The aggregate general revenue fund appropriations for fiscal year 2007; plus 2702
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(2) The aggregate general revenue fund appropriations for fiscal year 2007 multiplied by either three and one-half per cent, 2704
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or the sum of the rate of inflation plus the rate of population 2706
change, whichever is greater. 2707

(B) For each fiscal year thereafter that is not a recast 2708
fiscal year, the state appropriation limitation is the sum of the 2709
following: 2710

(1) The state appropriation limitation for the previous 2711
fiscal year; plus 2712

(2) The state appropriation limitation for the previous 2713
fiscal year multiplied by either three and one-half per cent, or 2714
the sum of the rate of inflation plus the rate of population 2715
change, whichever is greater. 2716

(C) For each recast fiscal year, the state appropriation 2717
limitation is the sum of the following: 2718

(1) The aggregate general revenue fund appropriations for the 2719
previous fiscal year; plus 2720

(2) The aggregate general revenue fund appropriations for the 2721
previous fiscal year multiplied by either three and one-half per 2722
cent, or the sum of the rate of inflation plus the rate of 2723
population change, whichever is greater. 2724

(D) The state appropriation limitation for a fiscal year 2725
shall be increased by the amount of a nongeneral revenue fund 2726
appropriation made in the immediately preceding fiscal year, if 2727
all of the following apply to the nongeneral revenue fund 2728
appropriation: 2729

(1) It was made on or after July 1, 2013. 2730

(2) It is included in the aggregate general revenue fund 2731
appropriations proposed for that fiscal year. 2732

(3) It is being made for the first time from the general 2733
revenue fund. 2734

Sec. 107.12. (A) As used in this section, "organization" 2735
means a faith-based or other organization that is exempt from 2736
federal income taxation under section 501(c)(3) of the "Internal 2737
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 2738
and provides charitable services to needy residents of this state. 2739

(B) There is hereby established within the office of the 2740
governor the governor's office of faith-based and community 2741
initiatives. The office shall: 2742

(1) Serve as a clearinghouse of information on federal, 2743
state, and local funding for charitable services performed by 2744
organizations; 2745

(2) Encourage organizations to seek public funding for their 2746
charitable services; 2747

(3) Assist local, state, and federal agencies in coordinating 2748
their activities to secure maximum use of funds and efforts that 2749
benefit people receiving charitable services from organizations; 2750

(4) Advise the governor, general assembly, and the advisory 2751
board of the governor's office of faith-based and community 2752
initiatives on the barriers that exist to collaboration between 2753
organizations and governmental entities and on ways to remove the 2754
barriers. 2755

(C) The governor shall appoint an executive director and such 2756
other staff as may be necessary to manage the office and perform 2757
or oversee the performance of the duties of the office. Within 2758
sixty days after being appointed, and every twelve months 2759
thereafter, the executive director shall distribute to the 2760
advisory board and review with the board a strategic plan. The 2761
executive director shall report to the board at least quarterly on 2762
proposed initiatives and policies. A report shall include the 2763
condition of the budget and the finances of the office. 2764

(D)(1) There is hereby created the advisory board of the 2765
governor's office of faith-based and community initiatives. The 2766
board shall consist of the following members: 2767

(a) The directors of aging, ~~alcohol and drug addiction~~ 2768
~~services~~, rehabilitation and correction, health, job and family 2769
services, developmental disabilities, ~~mental health~~ mental health 2770
and addiction services, and youth services, or their designees; 2771

(b) The speaker of the house of representatives shall appoint 2772
to the board two members of the house of representatives, not more 2773
than one of whom shall be from the same political party and at 2774
least one of whom shall be from the legislative black caucus. The 2775
president of the senate shall appoint to the board two members of 2776
the senate, not more than one of whom shall be from the same 2777
political party. 2778

(c) The governor, the speaker of the house of 2779
representatives, and the president of the senate shall each 2780
appoint to the board three representatives of the nonprofit, 2781
faith-based and other nonprofit community. 2782

(2) Terms of the office shall be one year. Any vacancy that 2783
occurs on the board shall be filled in the same manner as the 2784
original appointment. 2785

(3) Members of the board are not entitled to compensation, 2786
but the members appointed by the governor, the speaker of the 2787
house of representatives, and the president of the senate who are 2788
representatives of the nonprofit, faith-based and other nonprofit 2789
community shall be reimbursed for their actual and necessary 2790
expenses that are incurred in relation to board meetings. 2791

(4) The board shall be presided over by a chairperson and a 2792
vice-chairperson, who shall be the members of the board who are 2793
also members of the house of representatives or the senate. 2794
Annually on the first day of January, the chairpersonship and 2795

vice-chairpersonship shall alternate between the members of the 2796
house of representatives and the senate. 2797

(E) The board shall have the following duties: 2798

(1) Provide direction, guidance, and oversight to the office; 2799

(2) Assist in the dissemination of information about, and in 2800
the stimulation of public awareness of, the service programs 2801
supported by the office; 2802

(3) Review the budget and finances of the office, proposed 2803
initiatives and policies, and the executive director's annual 2804
strategic plan at board meetings; 2805

(4) Provide feedback for and proposed modifications of the 2806
executive director's strategic plan. Within forty-five days after 2807
submitting a strategic plan, the executive director shall contact 2808
each advisory board member to obtain feedback. With the approval 2809
of the advisory board chairperson, the executive director shall 2810
lead a strategic plan discussion at the first board meeting 2811
following the distribution of the strategic plan. 2812

(5) Publish a report of its activities and accomplishments on 2813
or before the first day of August of each year, and deliver copies 2814
of the report to the governor, the speaker and minority leader of 2815
the house of representatives, and the president and minority 2816
leader of the senate. 2817

(F) No member of the board or organization that the member is 2818
affiliated or involved with is eligible to receive any grant that 2819
the office administers or assists in administering. 2820

Sec. 109.06. Before entering upon the discharge of the duties 2821
of ~~his~~ office, the attorney general shall give a bond to the state 2822
in the sum of five thousand dollars, with ~~two or more sureties~~ 2823
~~approved by the governor~~ a surety authorized to do business in the 2824
state, conditioned for the faithful discharge of the duties of ~~his~~ 2825

~~the office of attorney general~~. Such bond, ~~with the approval of~~ 2826
~~the governor~~ and the oath of office ~~indorsed thereon~~, shall be 2827
deposited with and kept by the secretary of state ~~and kept~~ in ~~his~~ 2828
the secretary of state's office. 2829

The first assistant attorney general shall give a bond to the 2830
state in the sum of five thousand dollars, and such other 2831
employees as are designated by the attorney general shall give a 2832
bond to the state in such amounts as the attorney general 2833
determines. Such bonds shall be approved by the attorney general, 2834
conditioned for the faithful discharge of the duties of their 2835
offices, and shall be deposited with and kept by the secretary of 2836
state ~~and kept~~ in ~~his~~ the secretary of state's office. 2837

Sec. 109.36. As used in this section and sections 109.361 to 2838
109.366 of the Revised Code: 2839

(A)(1) "Officer or employee" means any of the following: 2840

(a) A person who, at the time a cause of action against the 2841
person arises, is serving in an elected or appointed office or 2842
position with the state or is employed by the state. 2843

(b) A person that, at the time a cause of action against the 2844
person, partnership, or corporation arises, is rendering medical, 2845
nursing, dental, podiatric, optometric, physical therapeutic, 2846
psychiatric, or psychological services pursuant to a personal 2847
services contract or purchased service contract with a department, 2848
agency, or institution of the state. 2849

(c) A person that, at the time a cause of action against the 2850
person, partnership, or corporation arises, is rendering peer 2851
review, utilization review, or drug utilization review services in 2852
relation to medical, nursing, dental, podiatric, optometric, 2853
physical therapeutic, psychiatric, or psychological services 2854
pursuant to a personal services contract or purchased service 2855

contract with a department, agency, or institution of the state. 2856

(d) A person who, at the time a cause of action against the 2857
person arises, is rendering medical, nursing, dental, podiatric, 2858
optometric, physical therapeutic, psychiatric, or psychological 2859
services to patients in a state institution operated by the 2860
department of ~~mental health~~ mental health and addiction services 2861
pursuant to an agreement with the department. 2862

(2) "Officer or employee" does not include any person 2863
elected, appointed, or employed by any political subdivision of 2864
the state. 2865

(B) "State" means the state of Ohio, including but not 2866
limited to, the general assembly, the supreme court, courts of 2867
appeals, the offices of all elected state officers, and all 2868
departments, boards, offices, commissions, agencies, institutions, 2869
and other instrumentalities of the state of Ohio. "State" does not 2870
include political subdivisions. 2871

(C) "Political subdivisions" of the state means municipal 2872
corporations, townships, counties, school districts, and all other 2873
bodies corporate and politic responsible for governmental 2874
activities only in geographical areas smaller than that of the 2875
state. 2876

(D) "Employer" means the general assembly, the supreme court, 2877
courts of appeals, any office of an elected state officer, or any 2878
department, board, office, commission, agency, institution, or 2879
other instrumentality of the state of Ohio that employs or 2880
contracts with an officer or employee or to which an officer or 2881
employee is elected or appointed. 2882

Sec. 109.57. (A)(1) The superintendent of the bureau of 2883
criminal identification and investigation shall procure from 2884
wherever procurable and file for record photographs, pictures, 2885

descriptions, fingerprints, measurements, and other information 2886
that may be pertinent of all persons who have been convicted of 2887
committing within this state a felony, any crime constituting a 2888
misdemeanor on the first offense and a felony on subsequent 2889
offenses, or any misdemeanor described in division (A)(1)(a), 2890
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 2891
all children under eighteen years of age who have been adjudicated 2892
delinquent children for committing within this state an act that 2893
would be a felony or an offense of violence if committed by an 2894
adult or who have been convicted of or pleaded guilty to 2895
committing within this state a felony or an offense of violence, 2896
and of all well-known and habitual criminals. The person in charge 2897
of any county, multicounty, municipal, municipal-county, or 2898
multicounty-municipal jail or workhouse, community-based 2899
correctional facility, halfway house, alternative residential 2900
facility, or state correctional institution and the person in 2901
charge of any state institution having custody of a person 2902
suspected of having committed a felony, any crime constituting a 2903
misdemeanor on the first offense and a felony on subsequent 2904
offenses, or any misdemeanor described in division (A)(1)(a), 2905
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 2906
having custody of a child under eighteen years of age with respect 2907
to whom there is probable cause to believe that the child may have 2908
committed an act that would be a felony or an offense of violence 2909
if committed by an adult shall furnish such material to the 2910
superintendent of the bureau. Fingerprints, photographs, or other 2911
descriptive information of a child who is under eighteen years of 2912
age, has not been arrested or otherwise taken into custody for 2913
committing an act that would be a felony or an offense of violence 2914
who is not in any other category of child specified in this 2915
division, if committed by an adult, has not been adjudicated a 2916
delinquent child for committing an act that would be a felony or 2917
an offense of violence if committed by an adult, has not been 2918

convicted of or pleaded guilty to committing a felony or an 2919
offense of violence, and is not a child with respect to whom there 2920
is probable cause to believe that the child may have committed an 2921
act that would be a felony or an offense of violence if committed 2922
by an adult shall not be procured by the superintendent or 2923
furnished by any person in charge of any county, multicounty, 2924
municipal, municipal-county, or multicounty-municipal jail or 2925
workhouse, community-based correctional facility, halfway house, 2926
alternative residential facility, or state correctional 2927
institution, except as authorized in section 2151.313 of the 2928
Revised Code. 2929

(2) Every clerk of a court of record in this state, other 2930
than the supreme court or a court of appeals, shall send to the 2931
superintendent of the bureau a weekly report containing a summary 2932
of each case involving a felony, involving any crime constituting 2933
a misdemeanor on the first offense and a felony on subsequent 2934
offenses, involving a misdemeanor described in division (A)(1)(a), 2935
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 2936
involving an adjudication in a case in which a child under 2937
eighteen years of age was alleged to be a delinquent child for 2938
committing an act that would be a felony or an offense of violence 2939
if committed by an adult. The clerk of the court of common pleas 2940
shall include in the report and summary the clerk sends under this 2941
division all information described in divisions (A)(2)(a) to (f) 2942
of this section regarding a case before the court of appeals that 2943
is served by that clerk. The summary shall be written on the 2944
standard forms furnished by the superintendent pursuant to 2945
division (B) of this section and shall include the following 2946
information: 2947

(a) The incident tracking number contained on the standard 2948
forms furnished by the superintendent pursuant to division (B) of 2949
this section; 2950

(b) The style and number of the case;	2951
(c) The date of arrest, offense, summons, or arraignment;	2952
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	2953 2954 2955 2956 2957 2958 2959 2960 2961 2962 2963 2964
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	2965 2966
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	2967 2968 2969 2970
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	2971 2972 2973 2974 2975
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on	2976 2977 2978 2979 2980 2981

subsequent offenses, or a misdemeanor described in division 2982
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 2983
Revised Code and of all children under eighteen years of age 2984
arrested or otherwise taken into custody for committing an act 2985
that would be a felony or an offense of violence if committed by 2986
an adult. The superintendent also shall file for record the 2987
fingerprint impressions of all persons confined in a county, 2988
multicounty, municipal, municipal-county, or multicounty-municipal 2989
jail or workhouse, community-based correctional facility, halfway 2990
house, alternative residential facility, or state correctional 2991
institution for the violation of state laws and of all children 2992
under eighteen years of age who are confined in a county, 2993
multicounty, municipal, municipal-county, or multicounty-municipal 2994
jail or workhouse, community-based correctional facility, halfway 2995
house, alternative residential facility, or state correctional 2996
institution or in any facility for delinquent children for 2997
committing an act that would be a felony or an offense of violence 2998
if committed by an adult, and any other information that the 2999
superintendent may receive from law enforcement officials of the 3000
state and its political subdivisions. 3001

(4) The superintendent shall carry out Chapter 2950. of the 3002
Revised Code with respect to the registration of persons who are 3003
convicted of or plead guilty to a sexually oriented offense or a 3004
child-victim oriented offense and with respect to all other duties 3005
imposed on the bureau under that chapter. 3006

(5) The bureau shall perform centralized recordkeeping 3007
functions for criminal history records and services in this state 3008
for purposes of the national crime prevention and privacy compact 3009
set forth in section 109.571 of the Revised Code and is the 3010
criminal history record repository as defined in that section for 3011
purposes of that compact. The superintendent or the 3012
superintendent's designee is the compact officer for purposes of 3013

that compact and shall carry out the responsibilities of the 3014
compact officer specified in that compact. 3015

(B) The superintendent shall prepare and furnish to every 3016
county, multicounty, municipal, municipal-county, or 3017
multicounty-municipal jail or workhouse, community-based 3018
correctional facility, halfway house, alternative residential 3019
facility, or state correctional institution and to every clerk of 3020
a court in this state specified in division (A)(2) of this section 3021
standard forms for reporting the information required under 3022
division (A) of this section. The standard forms that the 3023
superintendent prepares pursuant to this division may be in a 3024
tangible format, in an electronic format, or in both tangible 3025
formats and electronic formats. 3026

(C)(1) The superintendent may operate a center for 3027
electronic, automated, or other data processing for the storage 3028
and retrieval of information, data, and statistics pertaining to 3029
criminals and to children under eighteen years of age who are 3030
adjudicated delinquent children for committing an act that would 3031
be a felony or an offense of violence if committed by an adult, 3032
criminal activity, crime prevention, law enforcement, and criminal 3033
justice, and may establish and operate a statewide communications 3034
network to be known as the Ohio law enforcement gateway to gather 3035
and disseminate information, data, and statistics for the use of 3036
law enforcement agencies and for other uses specified in this 3037
division. The superintendent may gather, store, retrieve, and 3038
disseminate information, data, and statistics that pertain to 3039
children who are under eighteen years of age and that are gathered 3040
pursuant to sections 109.57 to 109.61 of the Revised Code together 3041
with information, data, and statistics that pertain to adults and 3042
that are gathered pursuant to those sections. 3043

(2) The superintendent or the superintendent's designee shall 3044
gather information of the nature described in division (C)(1) of 3045

this section that pertains to the offense and delinquency history 3046
of a person who has been convicted of, pleaded guilty to, or been 3047
adjudicated a delinquent child for committing a sexually oriented 3048
offense or a child-victim oriented offense for inclusion in the 3049
state registry of sex offenders and child-victim offenders 3050
maintained pursuant to division (A)(1) of section 2950.13 of the 3051
Revised Code and in the internet database operated pursuant to 3052
division (A)(13) of that section and for possible inclusion in the 3053
internet database operated pursuant to division (A)(11) of that 3054
section. 3055

(3) In addition to any other authorized use of information, 3056
data, and statistics of the nature described in division (C)(1) of 3057
this section, the superintendent or the superintendent's designee 3058
may provide and exchange the information, data, and statistics 3059
pursuant to the national crime prevention and privacy compact as 3060
described in division (A)(5) of this section. 3061

(4) The attorney general may adopt rules under Chapter 119. 3062
of the Revised Code establishing guidelines for the operation of 3063
and participation in the Ohio law enforcement gateway. The rules 3064
may include criteria for granting and restricting access to 3065
information gathered and disseminated through the Ohio law 3066
enforcement gateway. The attorney general shall permit the state 3067
medical board and board of nursing to access and view, but not 3068
alter, information gathered and disseminated through the Ohio law 3069
enforcement gateway. 3070

The attorney general may appoint a steering committee to 3071
advise the attorney general in the operation of the Ohio law 3072
enforcement gateway that is comprised of persons who are 3073
representatives of the criminal justice agencies in this state 3074
that use the Ohio law enforcement gateway and is chaired by the 3075
superintendent or the superintendent's designee. 3076

(D)(1) The following are not public records under section 3077

149.43 of the Revised Code:	3078
(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;	3079 3080
(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;	3081 3082 3083
(c) Information and materials furnished to any board or person under division (F) or (G) of this section.	3084 3085
(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section.	3086 3087 3088 3089 3090 3091 3092
(E)(1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E)(2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A)(1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.	3093 3094 3095 3096 3097 3098 3099 3100 3101 3102 3103 3104
(2) Except as otherwise provided in this division, a rule adopted under division (E)(1) of this section may provide only for the release of information gathered pursuant to division (A) of this section that relates to the conviction of a person, or a	3105 3106 3107 3108

person's plea of guilty to, a criminal offense. The superintendent 3109
shall not release, and the attorney general shall not adopt any 3110
rule under division (E)(1) of this section that permits the 3111
release of, any information gathered pursuant to division (A) of 3112
this section that relates to an adjudication of a child as a 3113
delinquent child, or that relates to a criminal conviction of a 3114
person under eighteen years of age if the person's case was 3115
transferred back to a juvenile court under division (B)(2) or (3) 3116
of section 2152.121 of the Revised Code and the juvenile court 3117
imposed a disposition or serious youthful offender disposition 3118
upon the person under either division, unless either of the 3119
following applies with respect to the adjudication or conviction: 3120

(a) The adjudication or conviction was for a violation of 3121
section 2903.01 or 2903.02 of the Revised Code. 3122

(b) The adjudication or conviction was for a sexually 3123
oriented offense, the juvenile court was required to classify the 3124
child a juvenile offender registrant for that offense under 3125
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 3126
classification has not been removed. 3127

(F)(1) As used in division (F)(2) of this section, "head 3128
start agency" means an entity in this state that has been approved 3129
to be an agency for purposes of subchapter II of the "Community 3130
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 3131
as amended. 3132

(2)(a) In addition to or in conjunction with any request that 3133
is required to be made under section 109.572, 2151.86, 3301.32, 3134
3301.541, division (C) of section 3310.58, or section 3319.39, 3135
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 3136
5153.111 of the Revised Code or that is made under section 3137
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 3138
board of education of any school district; the director of 3139
developmental disabilities; any county board of developmental 3140

disabilities; any provider or subcontractor as defined in section 3141
5123.081 of the Revised Code; the chief administrator of any 3142
chartered nonpublic school; the chief administrator of a 3143
registered private provider that is not also a chartered nonpublic 3144
school; the chief administrator of any home health agency; the 3145
chief administrator of or person operating any child day-care 3146
center, type A family day-care home, or type B family day-care 3147
home licensed or certified under Chapter 5104. of the Revised 3148
Code; the administrator of any type C family day-care home 3149
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 3150
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 3151
general assembly; the chief administrator of any head start 3152
agency; the executive director of a public children services 3153
agency; a private company described in section 3314.41, 3319.392, 3154
3326.25, or 3328.20 of the Revised Code; or an employer described 3155
in division (J)(2) of section 3327.10 of the Revised Code may 3156
request that the superintendent of the bureau investigate and 3157
determine, with respect to any individual who has applied for 3158
employment in any position after October 2, 1989, or any 3159
individual wishing to apply for employment with a board of 3160
education may request, with regard to the individual, whether the 3161
bureau has any information gathered under division (A) of this 3162
section that pertains to that individual. On receipt of the 3163
request, subject to division (E)(2) of this section, the 3164
superintendent shall determine whether that information exists 3165
and, upon request of the person, board, or entity requesting 3166
information, also shall request from the federal bureau of 3167
investigation any criminal records it has pertaining to that 3168
individual. The superintendent or the superintendent's designee 3169
also may request criminal history records from other states or the 3170
federal government pursuant to the national crime prevention and 3171
privacy compact set forth in section 109.571 of the Revised Code. 3172
Within thirty days of the date that the superintendent receives a 3173

request, subject to division (E)(2) of this section, the 3174
superintendent shall send to the board, entity, or person a report 3175
of any information that the superintendent determines exists, 3176
including information contained in records that have been sealed 3177
under section 2953.32 of the Revised Code, and, within thirty days 3178
of its receipt, subject to division (E)(2) of this section, shall 3179
send the board, entity, or person a report of any information 3180
received from the federal bureau of investigation, other than 3181
information the dissemination of which is prohibited by federal 3182
law. 3183

(b) When a board of education or a registered private 3184
provider is required to receive information under this section as 3185
a prerequisite to employment of an individual pursuant to division 3186
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 3187
may accept a certified copy of records that were issued by the 3188
bureau of criminal identification and investigation and that are 3189
presented by an individual applying for employment with the 3190
district in lieu of requesting that information itself. In such a 3191
case, the board shall accept the certified copy issued by the 3192
bureau in order to make a photocopy of it for that individual's 3193
employment application documents and shall return the certified 3194
copy to the individual. In a case of that nature, a district or 3195
provider only shall accept a certified copy of records of that 3196
nature within one year after the date of their issuance by the 3197
bureau. 3198

(c) Notwithstanding division (F)(2)(a) of this section, in 3199
the case of a request under section 3319.39, 3319.391, or 3327.10 3200
of the Revised Code only for criminal records maintained by the 3201
federal bureau of investigation, the superintendent shall not 3202
determine whether any information gathered under division (A) of 3203
this section exists on the person for whom the request is made. 3204

(3) The state board of education may request, with respect to 3205

any individual who has applied for employment after October 2, 3206
1989, in any position with the state board or the department of 3207
education, any information that a school district board of 3208
education is authorized to request under division (F)(2) of this 3209
section, and the superintendent of the bureau shall proceed as if 3210
the request has been received from a school district board of 3211
education under division (F)(2) of this section. 3212

(4) When the superintendent of the bureau receives a request 3213
for information under section 3319.291 of the Revised Code, the 3214
superintendent shall proceed as if the request has been received 3215
from a school district board of education and shall comply with 3216
divisions (F)(2)(a) and (c) of this section. 3217

(5) When a recipient of a classroom reading improvement grant 3218
paid under section 3301.86 of the Revised Code requests, with 3219
respect to any individual who applies to participate in providing 3220
any program or service funded in whole or in part by the grant, 3221
the information that a school district board of education is 3222
authorized to request under division (F)(2)(a) of this section, 3223
the superintendent of the bureau shall proceed as if the request 3224
has been received from a school district board of education under 3225
division (F)(2)(a) of this section. 3226

(G) In addition to or in conjunction with any request that is 3227
required to be made under section 3701.881, 3712.09, or 3721.121 3228
of the Revised Code with respect to an individual who has applied 3229
for employment in a position that involves providing direct care 3230
to an older adult or adult resident, the chief administrator of a 3231
home health agency, hospice care program, home licensed under 3232
Chapter 3721. of the Revised Code, or adult day-care program 3233
operated pursuant to rules adopted under section 3721.04 of the 3234
Revised Code may request that the superintendent of the bureau 3235
investigate and determine, with respect to any individual who has 3236
applied after January 27, 1997, for employment in a position that 3237

does not involve providing direct care to an older adult or adult 3238
resident, whether the bureau has any information gathered under 3239
division (A) of this section that pertains to that individual. 3240

In addition to or in conjunction with any request that is 3241
required to be made under section 173.27 of the Revised Code with 3242
respect to an individual who has applied for employment in a 3243
position that involves providing ~~ombudsperson~~ ombudsman services 3244
to residents of long-term care facilities or recipients of 3245
community-based long-term care services, the state long-term care 3246
~~ombudsperson~~ ombudsman, ~~ombudsperson's designee, or the~~ director 3247
of ~~health aging, a regional long-term care ombudsman, or the~~ 3248
designee of the ombudsman, director, or program may request that 3249
the superintendent investigate and determine, with respect to any 3250
individual who has applied for employment in a position that does 3251
not involve providing such ~~ombudsperson~~ ombudsman services, 3252
whether the bureau has any information gathered under division (A) 3253
of this section that pertains to that applicant. 3254

In addition to or in conjunction with any request that is 3255
required to be made under section ~~173.394~~ 173.38 of the Revised 3256
Code with respect to an individual who has applied for employment 3257
in a direct-care position ~~that involves providing direct care to~~ 3258
~~an individual~~, the chief administrator of a ~~community-based~~ 3259
~~long-term care agency provider, as defined in section 173.39 of~~ 3260
the Revised Code, may request that the superintendent investigate 3261
and determine, with respect to any individual who has applied for 3262
employment in a position that ~~does is not involve providing direct~~ 3263
~~care~~ a direct-care position, whether the bureau has any 3264
information gathered under division (A) of this section that 3265
pertains to that applicant. 3266

In addition to or in conjunction with any request that is 3267
required to be made under section 3712.09 of the Revised Code with 3268
respect to an individual who has applied for employment in a 3269

position that involves providing direct care to a pediatric 3270
respite care patient, the chief administrator of a pediatric 3271
respite care program may request that the superintendent of the 3272
bureau investigate and determine, with respect to any individual 3273
who has applied for employment in a position that does not involve 3274
providing direct care to a pediatric respite care patient, whether 3275
the bureau has any information gathered under division (A) of this 3276
section that pertains to that individual. 3277

On receipt of a request under this division, the 3278
superintendent shall determine whether that information exists 3279
and, on request of the individual requesting information, shall 3280
also request from the federal bureau of investigation any criminal 3281
records it has pertaining to the applicant. The superintendent or 3282
the superintendent's designee also may request criminal history 3283
records from other states or the federal government pursuant to 3284
the national crime prevention and privacy compact set forth in 3285
section 109.571 of the Revised Code. Within thirty days of the 3286
date a request is received, subject to division (E)(2) of this 3287
section, the superintendent shall send to the requester a report 3288
of any information determined to exist, including information 3289
contained in records that have been sealed under section 2953.32 3290
of the Revised Code, and, within thirty days of its receipt, shall 3291
send the requester a report of any information received from the 3292
federal bureau of investigation, other than information the 3293
dissemination of which is prohibited by federal law. 3294

(H) Information obtained by a government entity or person 3295
under this section is confidential and shall not be released or 3296
disseminated. 3297

(I) The superintendent may charge a reasonable fee for 3298
providing information or criminal records under division (F)(2) or 3299
(G) of this section. 3300

(J) As used in this section: 3301

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

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual

penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3365
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3366
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3367
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3368
2925.22, 2925.23, or 3716.11 of the Revised Code; 3369

(b) An existing or former law of this state, any other state, 3370
or the United States that is substantially equivalent to any of 3371
the offenses listed in division (A)(2)(a) of this section. 3372

(3) On receipt of a request pursuant to section 173.27, 3373
~~173.394~~ 173.38, 3701.881, ~~5111.032~~ 5164.34, ~~5111.033~~ 5164.341, 3374
~~5111.034~~ 5164.342, 5123.081, or 5123.169 of the Revised Code, a 3375
completed form prescribed pursuant to division (C)(1) of this 3376
section, and a set of fingerprint impressions obtained in the 3377
manner described in division (C)(2) of this section, the 3378
superintendent of the bureau of criminal identification and 3379
investigation shall conduct a criminal records check of the person 3380
for whom the request is made. The superintendent shall conduct the 3381
criminal records check in the manner described in division (B) of 3382
this section to determine whether any information exists that 3383
indicates that the person who is the subject of the request 3384
previously has been convicted of, has pleaded guilty to, or 3385
(except in the case of a request pursuant to section 5164.34, 3386
5164.341, or 5164.342 of the Revised Code) has been found eligible 3387
for intervention in lieu of conviction for any of the following, 3388
regardless of the date of the conviction, the date of entry of the 3389
guilty plea, or (except in the case of a request pursuant to 3390
section 5164.34, 5164.341, or 5164.342 of the Revised Code) the 3391
date the person was found eligible for intervention in lieu of 3392
conviction: 3393

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 3394
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 3395
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 3396

2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02,	3397
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	3398
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32,	3399
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04,	3400
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,	3401
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,	3402
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	3403
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	3404
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	3405
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	3406
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	3407
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	3408
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	3409
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	3410
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	3411
2927.12, or 3716.11 of the Revised Code;	3412
(b) Felonious sexual penetration in violation of former	3413
section 2907.12 of the Revised Code;	3414
(c) A violation of section 2905.04 of the Revised Code as it	3415
existed prior to July 1, 1996;	3416
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	3417
the Revised Code when the underlying offense that is the object of	3418
the conspiracy, attempt, or complicity is one of the offenses	3419
listed in divisions (A)(3)(a) to (c) of this section;	3420
(e) A violation of an existing or former municipal ordinance	3421
or law of this state, any other state, or the United States that	3422
is substantially equivalent to any of the offenses listed in	3423
divisions (A)(3)(a) to (d) of this section.	3424
(4) On receipt of a request pursuant to section 2151.86 of	3425
the Revised Code, a completed form prescribed pursuant to division	3426
(C)(1) of this section, and a set of fingerprint impressions	3427

obtained in the manner described in division (C)(2) of this 3428
section, the superintendent of the bureau of criminal 3429
identification and investigation shall conduct a criminal records 3430
check in the manner described in division (B) of this section to 3431
determine whether any information exists that indicates that the 3432
person who is the subject of the request previously has been 3433
convicted of or pleaded guilty to any of the following: 3434

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 3435
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 3436
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 3437
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3438
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 3439
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 3440
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 3441
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 3442
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 3443
of the Revised Code, a violation of section 2905.04 of the Revised 3444
Code as it existed prior to July 1, 1996, a violation of section 3445
2919.23 of the Revised Code that would have been a violation of 3446
section 2905.04 of the Revised Code as it existed prior to July 1, 3447
1996, had the violation been committed prior to that date, a 3448
violation of section 2925.11 of the Revised Code that is not a 3449
minor drug possession offense, two or more OVI or OVUAC violations 3450
committed within the three years immediately preceding the 3451
submission of the application or petition that is the basis of the 3452
request, or felonious sexual penetration in violation of former 3453
section 2907.12 of the Revised Code; 3454

(b) A violation of an existing or former law of this state, 3455
any other state, or the United States that is substantially 3456
equivalent to any of the offenses listed in division (A)(4)(a) of 3457
this section. 3458

(5) Upon receipt of a request pursuant to section 5104.012 or 3459

5104.013 of the Revised Code, a completed form prescribed pursuant 3460
to division (C)(1) of this section, and a set of fingerprint 3461
impressions obtained in the manner described in division (C)(2) of 3462
this section, the superintendent of the bureau of criminal 3463
identification and investigation shall conduct a criminal records 3464
check in the manner described in division (B) of this section to 3465
determine whether any information exists that indicates that the 3466
person who is the subject of the request has been convicted of or 3467
pleaded guilty to any of the following: 3468

(a) A violation of section 2903.01, 2903.02, 2903.03, 3469
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 3470
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 3471
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 3472
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 3473
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 3474
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 3475
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3476
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 3477
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 3478
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3479
3716.11 of the Revised Code, felonious sexual penetration in 3480
violation of former section 2907.12 of the Revised Code, a 3481
violation of section 2905.04 of the Revised Code as it existed 3482
prior to July 1, 1996, a violation of section 2919.23 of the 3483
Revised Code that would have been a violation of section 2905.04 3484
of the Revised Code as it existed prior to July 1, 1996, had the 3485
violation been committed prior to that date, a violation of 3486
section 2925.11 of the Revised Code that is not a minor drug 3487
possession offense, a violation of section 2923.02 or 2923.03 of 3488
the Revised Code that relates to a crime specified in this 3489
division, or a second violation of section 4511.19 of the Revised 3490
Code within five years of the date of application for licensure or 3491
certification. 3492

(b) A violation of an existing or former law of this state, 3493
any other state, or the United States that is substantially 3494
equivalent to any of the offenses or violations described in 3495
division (A)(5)(a) of this section. 3496

(6) Upon receipt of a request pursuant to section 5153.111 of 3497
the Revised Code, a completed form prescribed pursuant to division 3498
(C)(1) of this section, and a set of fingerprint impressions 3499
obtained in the manner described in division (C)(2) of this 3500
section, the superintendent of the bureau of criminal 3501
identification and investigation shall conduct a criminal records 3502
check in the manner described in division (B) of this section to 3503
determine whether any information exists that indicates that the 3504
person who is the subject of the request previously has been 3505
convicted of or pleaded guilty to any of the following: 3506

(a) A violation of section 2903.01, 2903.02, 2903.03, 3507
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3508
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3509
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3510
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3511
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3512
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3513
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 3514
felonious sexual penetration in violation of former section 3515
2907.12 of the Revised Code, a violation of section 2905.04 of the 3516
Revised Code as it existed prior to July 1, 1996, a violation of 3517
section 2919.23 of the Revised Code that would have been a 3518
violation of section 2905.04 of the Revised Code as it existed 3519
prior to July 1, 1996, had the violation been committed prior to 3520
that date, or a violation of section 2925.11 of the Revised Code 3521
that is not a minor drug possession offense; 3522

(b) A violation of an existing or former law of this state, 3523
any other state, or the United States that is substantially 3524

equivalent to any of the offenses listed in division (A)(6)(a) of 3525
this section. 3526

(7) On receipt of a request for a criminal records check from 3527
an individual pursuant to section 4749.03 or 4749.06 of the 3528
Revised Code, accompanied by a completed copy of the form 3529
prescribed in division (C)(1) of this section and a set of 3530
fingerprint impressions obtained in a manner described in division 3531
(C)(2) of this section, the superintendent of the bureau of 3532
criminal identification and investigation shall conduct a criminal 3533
records check in the manner described in division (B) of this 3534
section to determine whether any information exists indicating 3535
that the person who is the subject of the request has been 3536
convicted of or pleaded guilty to a felony in this state or in any 3537
other state. If the individual indicates that a firearm will be 3538
carried in the course of business, the superintendent shall 3539
require information from the federal bureau of investigation as 3540
described in division (B)(2) of this section. Subject to division 3541
(F) of this section, the superintendent shall report the findings 3542
of the criminal records check and any information the federal 3543
bureau of investigation provides to the director of public safety. 3544

(8) On receipt of a request pursuant to section 1321.37, 3545
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 3546
Code, a completed form prescribed pursuant to division (C)(1) of 3547
this section, and a set of fingerprint impressions obtained in the 3548
manner described in division (C)(2) of this section, the 3549
superintendent of the bureau of criminal identification and 3550
investigation shall conduct a criminal records check with respect 3551
to any person who has applied for a license, permit, or 3552
certification from the department of commerce or a division in the 3553
department. The superintendent shall conduct the criminal records 3554
check in the manner described in division (B) of this section to 3555
determine whether any information exists that indicates that the 3556

person who is the subject of the request previously has been 3557
convicted of or pleaded guilty to any of the following: a 3558
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 3559
2925.03 of the Revised Code; any other criminal offense involving 3560
theft, receiving stolen property, embezzlement, forgery, fraud, 3561
passing bad checks, money laundering, or drug trafficking, or any 3562
criminal offense involving money or securities, as set forth in 3563
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 3564
the Revised Code; or any existing or former law of this state, any 3565
other state, or the United States that is substantially equivalent 3566
to those offenses. 3567

(9) On receipt of a request for a criminal records check from 3568
the treasurer of state under section 113.041 of the Revised Code 3569
or from an individual under section 4701.08, 4715.101, 4717.061, 3570
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 3571
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 3572
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 3573
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 3574
4762.06, 4776.021, or 4779.091 of the Revised Code, accompanied by 3575
a completed form prescribed under division (C)(1) of this section 3576
and a set of fingerprint impressions obtained in the manner 3577
described in division (C)(2) of this section, the superintendent 3578
of the bureau of criminal identification and investigation shall 3579
conduct a criminal records check in the manner described in 3580
division (B) of this section to determine whether any information 3581
exists that indicates that the person who is the subject of the 3582
request has been convicted of or pleaded guilty to any criminal 3583
offense in this state or any other state. Subject to division (F) 3584
of this section, the superintendent shall send the results of a 3585
check requested under section 113.041 of the Revised Code to the 3586
treasurer of state and shall send the results of a check requested 3587
under any of the other listed sections to the licensing board 3588
specified by the individual in the request. 3589

(10) On receipt of a request pursuant to section 1121.23, 3590
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 3591
Code, a completed form prescribed pursuant to division (C)(1) of 3592
this section, and a set of fingerprint impressions obtained in the 3593
manner described in division (C)(2) of this section, the 3594
superintendent of the bureau of criminal identification and 3595
investigation shall conduct a criminal records check in the manner 3596
described in division (B) of this section to determine whether any 3597
information exists that indicates that the person who is the 3598
subject of the request previously has been convicted of or pleaded 3599
guilty to any criminal offense under any existing or former law of 3600
this state, any other state, or the United States. 3601

(11) On receipt of a request for a criminal records check 3602
from an appointing or licensing authority under section 3772.07 of 3603
the Revised Code, a completed form prescribed under division 3604
(C)(1) of this section, and a set of fingerprint impressions 3605
obtained in the manner prescribed in division (C)(2) of this 3606
section, the superintendent of the bureau of criminal 3607
identification and investigation shall conduct a criminal records 3608
check in the manner described in division (B) of this section to 3609
determine whether any information exists that indicates that the 3610
person who is the subject of the request previously has been 3611
convicted of or pleaded guilty or no contest to any offense under 3612
any existing or former law of this state, any other state, or the 3613
United States that is a disqualifying offense as defined in 3614
section 3772.07 of the Revised Code or substantially equivalent to 3615
such an offense. 3616

(12) On receipt of a request pursuant to section 2151.33 or 3617
2151.412 of the Revised Code, a completed form prescribed pursuant 3618
to division (C)(1) of this section, and a set of fingerprint 3619
impressions obtained in the manner described in division (C)(2) of 3620
this section, the superintendent of the bureau of criminal 3621

identification and investigation shall conduct a criminal records 3622
check with respect to any person for whom a criminal records check 3623
is required by that section. The superintendent shall conduct the 3624
criminal records check in the manner described in division (B) of 3625
this section to determine whether any information exists that 3626
indicates that the person who is the subject of the request 3627
previously has been convicted of or pleaded guilty to any of the 3628
following: 3629

(a) A violation of section 2903.01, 2903.02, 2903.03, 3630
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3631
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3632
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3633
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3634
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3635
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3636
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3637
2925.22, 2925.23, or 3716.11 of the Revised Code; 3638

(b) An existing or former law of this state, any other state, 3639
or the United States that is substantially equivalent to any of 3640
the offenses listed in division (A)(12)(a) of this section. 3641

(B) Subject to division (F) of this section, the 3642
superintendent shall conduct any criminal records check to be 3643
conducted under this section as follows: 3644

(1) The superintendent shall review or cause to be reviewed 3645
any relevant information gathered and compiled by the bureau under 3646
division (A) of section 109.57 of the Revised Code that relates to 3647
the person who is the subject of the criminal records check, 3648
including, if the criminal records check was requested under 3649
section 113.041, 121.08, 173.27, ~~173.394~~ 173.38, 1121.23, 1155.03, 3650
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 3651
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3652
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 3653

5104.013, ~~5111.032~~ 5164.34, ~~5111.033~~ 5164.341, ~~5111.034~~ 5164.342, 3654
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 3655
information contained in records that have been sealed under 3656
section 2953.32 of the Revised Code; 3657

(2) If the request received by the superintendent asks for 3658
information from the federal bureau of investigation, the 3659
superintendent shall request from the federal bureau of 3660
investigation any information it has with respect to the person 3661
who is the subject of the criminal records check, including 3662
fingerprint-based checks of national crime information databases 3663
as described in 42 U.S.C. 671 if the request is made pursuant to 3664
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 3665
any other Revised Code section requires fingerprint-based checks 3666
of that nature, and shall review or cause to be reviewed any 3667
information the superintendent receives from that bureau. If a 3668
request under section 3319.39 of the Revised Code asks only for 3669
information from the federal bureau of investigation, the 3670
superintendent shall not conduct the review prescribed by division 3671
(B)(1) of this section. 3672

(3) The superintendent or the superintendent's designee may 3673
request criminal history records from other states or the federal 3674
government pursuant to the national crime prevention and privacy 3675
compact set forth in section 109.571 of the Revised Code. 3676

(4) The superintendent shall include in the results of the 3677
criminal records check a list or description of the offenses 3678
listed or described in division (A)(1), (2), (3), (4), (5), (6), 3679
(7), (8), (9), (10), (11), or (12) of this section, whichever 3680
division requires the superintendent to conduct the criminal 3681
records check. The superintendent shall exclude from the results 3682
any information the dissemination of which is prohibited by 3683
federal law. 3684

(5) The superintendent shall send the results of the criminal 3685

records check to the person to whom it is to be sent not later 3686
than the following number of days after the date the 3687
superintendent receives the request for the criminal records 3688
check, the completed form prescribed under division (C)(1) of this 3689
section, and the set of fingerprint impressions obtained in the 3690
manner described in division (C)(2) of this section: 3691

(a) If the superintendent is required by division (A) of this 3692
section (other than division (A)(3) of this section) to conduct 3693
the criminal records check, thirty; 3694

(b) If the superintendent is required by division (A)(3) of 3695
this section to conduct the criminal records check, sixty. 3696

(C)(1) The superintendent shall prescribe a form to obtain 3697
the information necessary to conduct a criminal records check from 3698
any person for whom a criminal records check is to be conducted 3699
under this section. The form that the superintendent prescribes 3700
pursuant to this division may be in a tangible format, in an 3701
electronic format, or in both tangible and electronic formats. 3702

(2) The superintendent shall prescribe standard impression 3703
sheets to obtain the fingerprint impressions of any person for 3704
whom a criminal records check is to be conducted under this 3705
section. Any person for whom a records check is to be conducted 3706
under this section shall obtain the fingerprint impressions at a 3707
county sheriff's office, municipal police department, or any other 3708
entity with the ability to make fingerprint impressions on the 3709
standard impression sheets prescribed by the superintendent. The 3710
office, department, or entity may charge the person a reasonable 3711
fee for making the impressions. The standard impression sheets the 3712
superintendent prescribes pursuant to this division may be in a 3713
tangible format, in an electronic format, or in both tangible and 3714
electronic formats. 3715

(3) Subject to division (D) of this section, the 3716

superintendent shall prescribe and charge a reasonable fee for 3717
providing a criminal records check under this section. The person 3718
requesting the criminal records check shall pay the fee prescribed 3719
pursuant to this division. In the case of a request under section 3720
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 3721
2151.412, or ~~5111.032~~ 5164.34 of the Revised Code, the fee shall 3722
be paid in the manner specified in that section. 3723

(4) The superintendent of the bureau of criminal 3724
identification and investigation may prescribe methods of 3725
forwarding fingerprint impressions and information necessary to 3726
conduct a criminal records check, which methods shall include, but 3727
not be limited to, an electronic method. 3728

(D) The results of a criminal records check conducted under 3729
this section, other than a criminal records check specified in 3730
division (A)(7) of this section, are valid for the person who is 3731
the subject of the criminal records check for a period of one year 3732
from the date upon which the superintendent completes the criminal 3733
records check. If during that period the superintendent receives 3734
another request for a criminal records check to be conducted under 3735
this section for that person, the superintendent shall provide the 3736
results from the previous criminal records check of the person at 3737
a lower fee than the fee prescribed for the initial criminal 3738
records check. 3739

(E) When the superintendent receives a request for 3740
information from a registered private provider, the superintendent 3741
shall proceed as if the request was received from a school 3742
district board of education under section 3319.39 of the Revised 3743
Code. The superintendent shall apply division (A)(1)(c) of this 3744
section to any such request for an applicant who is a teacher. 3745

(F)(1) All information regarding the results of a criminal 3746
records check conducted under this section that the superintendent 3747
reports or sends under division (A)(7) or (9) of this section to 3748

the director of public safety, the treasurer of state, or the 3749
person, board, or entity that made the request for the criminal 3750
records check shall relate to the conviction of the subject 3751
person, or the subject person's plea of guilty to, a criminal 3752
offense. 3753

(2) Division (F)(1) of this section does not limit, restrict, 3754
or preclude the superintendent's release of information that 3755
relates to an adjudication of a child as a delinquent child, or 3756
that relates to a criminal conviction of a person under eighteen 3757
years of age if the person's case was transferred back to a 3758
juvenile court under division (B)(2) or (3) of section 2152.121 of 3759
the Revised Code and the juvenile court imposed a disposition or 3760
serious youthful offender disposition upon the person under either 3761
division, if either of the following applies with respect to the 3762
adjudication or conviction: 3763

(a) The adjudication or conviction was for a violation of 3764
section 2903.01 or 2903.02 of the Revised Code. 3765

(b) The adjudication or conviction was for a sexually 3766
oriented offense, as defined in section 2950.01 of the Revised 3767
Code, the juvenile court was required to classify the child a 3768
juvenile offender registrant for that offense under section 3769
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 3770
classification has not been removed. 3771

(G) As used in this section: 3772

(1) "Criminal records check" means any criminal records check 3773
conducted by the superintendent of the bureau of criminal 3774
identification and investigation in accordance with division (B) 3775
of this section. 3776

(2) "Minor drug possession offense" has the same meaning as 3777
in section 2925.01 of the Revised Code. 3778

(3) "OVI or OVUAC violation" means a violation of section 3779

4511.19 of the Revised Code or a violation of an existing or 3780
former law of this state, any other state, or the United States 3781
that is substantially equivalent to section 4511.19 of the Revised 3782
Code. 3783

(4) "Registered private provider" means a nonpublic school or 3784
entity registered with the superintendent of public instruction 3785
under section 3310.41 of the Revised Code to participate in the 3786
autism scholarship program or section 3310.58 of the Revised Code 3787
to participate in the Jon Peterson special needs scholarship 3788
program. 3789

Sec. 109.71. There is hereby created in the office of the 3790
attorney general the Ohio peace officer training commission. The 3791
commission shall consist of nine members appointed by the governor 3792
with the advice and consent of the senate and selected as follows: 3793
one member representing the public; two members who are incumbent 3794
sheriffs; two members who are incumbent chiefs of police; one 3795
member from the bureau of criminal identification and 3796
investigation; one member from the state highway patrol; one 3797
member who is the special agent in charge of a field office of the 3798
federal bureau of investigation in this state; and one member from 3799
the department of education, trade and industrial education 3800
services, law enforcement training. 3801

This section does not confer any arrest authority or any 3802
ability or authority to detain a person, write or issue any 3803
citation, or provide any disposition alternative, as granted under 3804
Chapter 2935. of the Revised Code. 3805

As used in sections 109.71 to 109.801 of the Revised Code: 3806

(A) "Peace officer" means: 3807

(1) A deputy sheriff, marshal, deputy marshal, member of the 3808
organized police department of a township or municipal 3809

corporation, member of a township police district or joint police 3810
district police force, member of a police force employed by a 3811
metropolitan housing authority under division (D) of section 3812
3735.31 of the Revised Code, or township constable, who is 3813
commissioned and employed as a peace officer by a political 3814
subdivision of this state or by a metropolitan housing authority, 3815
and whose primary duties are to preserve the peace, to protect 3816
life and property, and to enforce the laws of this state, 3817
ordinances of a municipal corporation, resolutions of a township, 3818
or regulations of a board of county commissioners or board of 3819
township trustees, or any of those laws, ordinances, resolutions, 3820
or regulations; 3821

(2) A police officer who is employed by a railroad company 3822
and appointed and commissioned by the secretary of state pursuant 3823
to sections 4973.17 to 4973.22 of the Revised Code; 3824

(3) Employees of the department of taxation engaged in the 3825
enforcement of Chapter 5743. of the Revised Code and designated by 3826
the tax commissioner for peace officer training for purposes of 3827
the delegation of investigation powers under section 5743.45 of 3828
the Revised Code; 3829

(4) An undercover drug agent; 3830

(5) Enforcement agents of the department of public safety 3831
whom the director of public safety designates under section 3832
5502.14 of the Revised Code; 3833

(6) An employee of the department of natural resources who is 3834
a natural resources law enforcement staff officer designated 3835
pursuant to section 1501.013, a park officer designated pursuant 3836
to section 1541.10, a forest officer designated pursuant to 3837
section 1503.29, a preserve officer designated pursuant to section 3838
1517.10, a wildlife officer designated pursuant to section 3839
1531.13, or a state watercraft officer designated pursuant to 3840

section 1547.521 of the Revised Code;	3841
(7) An employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code;	3842 3843
(8) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	3844 3845
(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;	3846 3847 3848 3849 3850
(10) Veterans' homes police officers designated under section 5907.02 of the Revised Code;	3851 3852
(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;	3853 3854 3855
(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	3856 3857 3858 3859 3860 3861 3862 3863
(13) A special police officer employed by the department of mental health <u>mental health and addiction services</u> pursuant to section 5119.14 <u>5119.08</u> of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	3864 3865 3866 3867 3868
(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;	3869 3870

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

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

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

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

(19) A special police officer employed by a municipal corporation who has been awarded a certificate by the executive director of the Ohio peace officer training commission for satisfactory completion of an approved peace officer basic training program and who is employed on a permanent basis on or after March 19, 2003, at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a

security program and is governed by aviation security rules of the 3903
transportation security administration of the United States 3904
department of transportation as provided in Parts 1542. and 1544. 3905
of Title 49 of the Code of Federal Regulations, as amended; 3906

(20) A police officer who is employed by an owner or operator 3907
of an amusement park that has an average yearly attendance in 3908
excess of six hundred thousand guests and that employs and 3909
maintains its own proprietary police department or security 3910
department, and who is appointed and commissioned by a judge of 3911
the appropriate municipal court or county court pursuant to 3912
section 4973.17 of the Revised Code; 3913

(21) A police officer who is employed by a bank, savings and 3914
loan association, savings bank, credit union, or association of 3915
banks, savings and loan associations, savings banks, or credit 3916
unions, who has been appointed and commissioned by the secretary 3917
of state pursuant to sections 4973.17 to 4973.22 of the Revised 3918
Code, and who has been awarded a certificate by the executive 3919
director of the Ohio peace officer training commission attesting 3920
to the person's satisfactory completion of a state, county, 3921
municipal, or department of natural resources peace officer basic 3922
training program; 3923

(22) An investigator, as defined in section 109.541 of the 3924
Revised Code, of the bureau of criminal identification and 3925
investigation who is commissioned by the superintendent of the 3926
bureau as a special agent for the purpose of assisting law 3927
enforcement officers or providing emergency assistance to peace 3928
officers pursuant to authority granted under that section; 3929

(23) A state fire marshal law enforcement officer appointed 3930
under section 3737.22 of the Revised Code or a person serving as a 3931
state fire marshal law enforcement officer on a permanent basis on 3932
or after July 1, 1982, who has been awarded a certificate by the 3933
executive director of the Ohio peace officer training commission 3934

attesting to the person's satisfactory completion of an approved 3935
state, county, municipal, or department of natural resources peace 3936
officer basic training program; 3937

(24) A gaming agent employed under section 3772.03 of the 3938
Revised Code. 3939

(25) A deputy inspector general appointed under section 3940
121.48 of the Revised Code who has been awarded a certificate by 3941
the executive director of the Ohio peace officer training 3942
commission attesting to the person's satisfactory completion of an 3943
approved state, county, or municipal peace officer basic training 3944
program. 3945

(B) "Undercover drug agent" has the same meaning as in 3946
division (B)(2) of section 109.79 of the Revised Code. 3947

(C) "Crisis intervention training" means training in the use 3948
of interpersonal and communication skills to most effectively and 3949
sensitively interview victims of rape. 3950

(D) "Missing children" has the same meaning as in section 3951
2901.30 of the Revised Code. 3952

Sec. 109.746. (A) The attorney general may prepare public 3953
awareness programs that are designed to educate potential victims 3954
of violations of section 2905.32 of the Revised Code and their 3955
families of the risks of becoming a victim of a violation of that 3956
section. The attorney general may prepare these programs with 3957
assistance from the department of health, the department of ~~mental~~ 3958
~~health~~ mental health and addiction services, the department of job 3959
and family services, ~~the department of alcohol and drug addiction~~ 3960
~~services~~, and the department of education. 3961

(B) Any organization, person, or other governmental agency 3962
with an interest and expertise in trafficking in persons may 3963
submit information or materials to the attorney general regarding 3964

the preparation of the programs and materials permitted under this 3965
section. The attorney general, in developing the programs and 3966
materials permitted by this section, shall consider any 3967
information submitted pursuant to this division. 3968

Sec. 109.77. (A) As used in this section, "felony" has the 3969
same meaning as in section 109.511 of the Revised Code. 3970

(B)(1) Notwithstanding any general, special, or local law or 3971
charter to the contrary, and except as otherwise provided in this 3972
section, no person shall receive an original appointment on a 3973
permanent basis as any of the following unless the person 3974
previously has been awarded a certificate by the executive 3975
director of the Ohio peace officer training commission attesting 3976
to the person's satisfactory completion of an approved state, 3977
county, municipal, or department of natural resources peace 3978
officer basic training program: 3979

(a) A peace officer of any county, township, municipal 3980
corporation, regional transit authority, or metropolitan housing 3981
authority; 3982

(b) A natural resources law enforcement staff officer, park 3983
officer, forest officer, preserve officer, wildlife officer, or 3984
state watercraft officer of the department of natural resources; 3985

(c) An employee of a park district under section 511.232 or 3986
1545.13 of the Revised Code; 3987

(d) An employee of a conservancy district who is designated 3988
pursuant to section 6101.75 of the Revised Code; 3989

(e) A state university law enforcement officer; 3990

(f) A special police officer employed by the department of 3991
~~mental health~~ mental health and addiction services pursuant to 3992
section ~~5119.14~~ 5119.08 of the Revised Code or the department of 3993
developmental disabilities pursuant to section 5123.13 of the 3994

Revised Code;	3995
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	3996 3997 3998
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	3999 4000
(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;	4001 4002 4003 4004 4005 4006 4007 4008 4009
(j) A gaming agent employed under section 3772.03 of the Revised Code.	4010 4011
(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural resources peace officer basic training program for temporary or probationary officers and is awarded a certificate by the director attesting to the satisfactory completion of the program:	4012 4013 4014 4015 4016 4017 4018 4019 4020 4021
(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	4022 4023 4024
(b) A natural resources law enforcement staff officer, park	4025

officer, forest officer, preserve officer, wildlife officer, or 4026
state watercraft officer of the department of natural resources; 4027

(c) An employee of a park district under section 511.232 or 4028
1545.13 of the Revised Code; 4029

(d) An employee of a conservancy district who is designated 4030
pursuant to section 6101.75 of the Revised Code; 4031

(e) A special police officer employed by the department of 4032
~~mental health~~ mental health and addiction services pursuant to 4033
section ~~5119.14~~ 5119.08 of the Revised Code or the department of 4034
developmental disabilities pursuant to section 5123.13 of the 4035
Revised Code; 4036

(f) An enforcement agent of the department of public safety 4037
whom the director of public safety designates under section 4038
5502.14 of the Revised Code; 4039

(g) A special police officer employed by a port authority 4040
under section 4582.04 or 4582.28 of the Revised Code; 4041

(h) A special police officer employed by a municipal 4042
corporation at a municipal airport, or other municipal air 4043
navigation facility, that has scheduled operations, as defined in 4044
section 119.3 of Title 14 of the Code of Federal Regulations, 14 4045
C.F.R. 119.3, as amended, and that is required to be under a 4046
security program and is governed by aviation security rules of the 4047
transportation security administration of the United States 4048
department of transportation as provided in Parts 1542. and 1544. 4049
of Title 49 of the Code of Federal Regulations, as amended. 4050

(3) For purposes of division (B) of this section, a state, 4051
county, municipal, or department of natural resources peace 4052
officer basic training program, regardless of whether the program 4053
is to be completed by peace officers appointed on a permanent or 4054
temporary, probationary, or other nonpermanent basis, shall 4055
include training in the handling of the offense of domestic 4056

violence, other types of domestic violence-related offenses and 4057
incidents, and protection orders and consent agreements issued or 4058
approved under section 2919.26 or 3113.31 of the Revised Code and 4059
crisis intervention training. The requirement to complete training 4060
in the handling of the offense of domestic violence, other types 4061
of domestic violence-related offenses and incidents, and 4062
protection orders and consent agreements issued or approved under 4063
section 2919.26 or 3113.31 of the Revised Code does not apply to 4064
any person serving as a peace officer on March 27, 1979, and the 4065
requirement to complete training in crisis intervention does not 4066
apply to any person serving as a peace officer on April 4, 1985. 4067
Any person who is serving as a peace officer on April 4, 1985, who 4068
terminates that employment after that date, and who subsequently 4069
is hired as a peace officer by the same or another law enforcement 4070
agency shall complete training in crisis intervention as 4071
prescribed by rules adopted by the attorney general pursuant to 4072
section 109.742 of the Revised Code. No peace officer shall have 4073
employment as a peace officer terminated and then be reinstated 4074
with intent to circumvent this section. 4075

(4) Division (B) of this section does not apply to any person 4076
serving on a permanent basis on March 28, 1985, as a park officer, 4077
forest officer, preserve officer, wildlife officer, or state 4078
watercraft officer of the department of natural resources or as an 4079
employee of a park district under section 511.232 or 1545.13 of 4080
the Revised Code, to any person serving on a permanent basis on 4081
March 6, 1986, as an employee of a conservancy district designated 4082
pursuant to section 6101.75 of the Revised Code, to any person 4083
serving on a permanent basis on January 10, 1991, as a preserve 4084
officer of the department of natural resources, to any person 4085
employed on a permanent basis on July 2, 1992, as a special police 4086
officer by the department of ~~mental health~~ mental health and 4087
addiction services pursuant to section ~~5119.14~~ 5119.08 of the 4088
Revised Code or by the department of developmental disabilities 4089

pursuant to section 5123.13 of the Revised Code, to any person 4090
serving on a permanent basis on May 17, 2000, as a special police 4091
officer employed by a port authority under section 4582.04 or 4092
4582.28 of the Revised Code, to any person serving on a permanent 4093
basis on March 19, 2003, as a special police officer employed by a 4094
municipal corporation at a municipal airport or other municipal 4095
air navigation facility described in division (A)(19) of section 4096
109.71 of the Revised Code, to any person serving on a permanent 4097
basis on June 19, 1978, as a state university law enforcement 4098
officer pursuant to section 3345.04 of the Revised Code and who, 4099
immediately prior to June 19, 1978, was serving as a special 4100
police officer designated under authority of that section, or to 4101
any person serving on a permanent basis on September 20, 1984, as 4102
a liquor control investigator, known after June 30, 1999, as an 4103
enforcement agent of the department of public safety, engaged in 4104
the enforcement of Chapters 4301. and 4303. of the Revised Code. 4105

(5) Division (B) of this section does not apply to any person 4106
who is appointed as a regional transit authority police officer 4107
pursuant to division (Y) of section 306.35 of the Revised Code if, 4108
on or before July 1, 1996, the person has completed satisfactorily 4109
an approved state, county, municipal, or department of natural 4110
resources peace officer basic training program and has been 4111
awarded a certificate by the executive director of the Ohio peace 4112
officer training commission attesting to the person's satisfactory 4113
completion of such an approved program and if, on July 1, 1996, 4114
the person is performing peace officer functions for a regional 4115
transit authority. 4116

(C) No person, after September 20, 1984, shall receive an 4117
original appointment on a permanent basis as a veterans' home 4118
police officer designated under section 5907.02 of the Revised 4119
Code unless the person previously has been awarded a certificate 4120
by the executive director of the Ohio peace officer training 4121

commission attesting to the person's satisfactory completion of an 4122
approved police officer basic training program. Every person who 4123
is appointed on a temporary basis or for a probationary term or on 4124
other than a permanent basis as a veterans' home police officer 4125
designated under section 5907.02 of the Revised Code shall forfeit 4126
that position unless the person previously has completed 4127
satisfactorily or, within one year from the time of appointment, 4128
satisfactorily completes an approved police officer basic training 4129
program. 4130

(D) No bailiff or deputy bailiff of a court of record of this 4131
state and no criminal investigator who is employed by the state 4132
public defender shall carry a firearm, as defined in section 4133
2923.11 of the Revised Code, while on duty unless the bailiff, 4134
deputy bailiff, or criminal investigator has done or received one 4135
of the following: 4136

(1) Has been awarded a certificate by the executive director 4137
of the Ohio peace officer training commission, which certificate 4138
attests to satisfactory completion of an approved state, county, 4139
or municipal basic training program for bailiffs and deputy 4140
bailiffs of courts of record and for criminal investigators 4141
employed by the state public defender that has been recommended by 4142
the Ohio peace officer training commission; 4143

(2) Has successfully completed a firearms training program 4144
approved by the Ohio peace officer training commission prior to 4145
employment as a bailiff, deputy bailiff, or criminal investigator; 4146

(3) Prior to June 6, 1986, was authorized to carry a firearm 4147
by the court that employed the bailiff or deputy bailiff or, in 4148
the case of a criminal investigator, by the state public defender 4149
and has received training in the use of firearms that the Ohio 4150
peace officer training commission determines is equivalent to the 4151
training that otherwise is required by division (D) of this 4152
section. 4153

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

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

Upon receipt of the executive director's request, the bureau of criminal identification and investigation and the federal bureau of investigation shall conduct a criminal history records check on the person and, upon completion of the check, shall provide a copy of the criminal history records check to the executive director. The executive director shall not award any certificate prescribed in this section unless the executive director has received a copy of the criminal history records check on the person to whom the certificate is to be awarded.

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

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person,

before completion of an approved peace officer basic training 4186
program, failed to disclose any previous criminal conviction of or 4187
plea of guilty to a felony as required under division (E)(1) of 4188
this section. 4189

(F)(1) Regardless of whether the person has been awarded the 4190
certificate or has been classified as a peace officer prior to, 4191
on, or after October 16, 1996, the executive director of the Ohio 4192
peace officer training commission shall revoke any certificate 4193
that has been awarded to a person as prescribed in this section if 4194
the person does either of the following: 4195

(a) Pleads guilty to a felony committed on or after January 4196
1, 1997; 4197

(b) Pleads guilty to a misdemeanor committed on or after 4198
January 1, 1997, pursuant to a negotiated plea agreement as 4199
provided in division (D) of section 2929.43 of the Revised Code in 4200
which the person agrees to surrender the certificate awarded to 4201
the person under this section. 4202

(2) The executive director of the commission shall suspend 4203
any certificate that has been awarded to a person as prescribed in 4204
this section if the person is convicted, after trial, of a felony 4205
committed on or after January 1, 1997. The executive director 4206
shall suspend the certificate pursuant to division (F)(2) of this 4207
section pending the outcome of an appeal by the person from that 4208
conviction to the highest court to which the appeal is taken or 4209
until the expiration of the period in which an appeal is required 4210
to be filed. If the person files an appeal that results in that 4211
person's acquittal of the felony or conviction of a misdemeanor, 4212
or in the dismissal of the felony charge against that person, the 4213
executive director shall reinstate the certificate awarded to the 4214
person under this section. If the person files an appeal from that 4215
person's conviction of the felony and the conviction is upheld by 4216
the highest court to which the appeal is taken or if the person 4217

does not file a timely appeal, the executive director shall revoke 4218
the certificate awarded to the person under this section. 4219

(G)(1) If a person is awarded a certificate under this 4220
section and the certificate is revoked pursuant to division (E)(4) 4221
or (F) of this section, the person shall not be eligible to 4222
receive, at any time, a certificate attesting to the person's 4223
satisfactory completion of a peace officer basic training program. 4224

(2) The revocation or suspension of a certificate under 4225
division (E)(4) or (F) of this section shall be in accordance with 4226
Chapter 119. of the Revised Code. 4227

(H)(1) A person who was employed as a peace officer of a 4228
county, township, or municipal corporation of the state on January 4229
1, 1966, and who has completed at least sixteen years of full-time 4230
active service as such a peace officer, or equivalent service as 4231
determined by the executive director of the Ohio peace officer 4232
training commission, may receive an original appointment on a 4233
permanent basis and serve as a peace officer of a county, 4234
township, or municipal corporation, or as a state university law 4235
enforcement officer, without complying with the requirements of 4236
division (B) of this section. 4237

(2) Any person who held an appointment as a state highway 4238
trooper on January 1, 1966, may receive an original appointment on 4239
a permanent basis and serve as a peace officer of a county, 4240
township, or municipal corporation, or as a state university law 4241
enforcement officer, without complying with the requirements of 4242
division (B) of this section. 4243

(I) No person who is appointed as a peace officer of a 4244
county, township, or municipal corporation on or after April 9, 4245
1985, shall serve as a peace officer of that county, township, or 4246
municipal corporation unless the person has received training in 4247
the handling of missing children and child abuse and neglect cases 4248

from an approved state, county, township, or municipal police officer basic training program or receives the training within the time prescribed by rules adopted by the attorney general pursuant to section 109.741 of the Revised Code.

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

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

Sec. 109.85. (A) Upon the written request of the governor, the general assembly, the auditor of state, the medicaid director ~~of job and family services~~, the director of health, or the director of budget and management, or upon the attorney general's becoming aware of criminal or improper activity related to Chapter 3721. and the ~~medical assistance~~ medicaid program ~~established under section 5111.01 of the Revised Code~~, the attorney general shall investigate any criminal or civil violation of law related to Chapter 3721. of the Revised Code or the ~~medical assistance~~ medicaid program.

(B) When it appears to the attorney general, as a result of an investigation under division (A) of this section, that there is cause to prosecute for the commission of a crime or to pursue a civil remedy, the attorney general may refer the evidence to the

prosecuting attorney having jurisdiction of the matter, or to a 4280
regular grand jury drawn and impaneled pursuant to sections 4281
2939.01 to 2939.24 of the Revised Code, or to a special grand jury 4282
drawn and impaneled pursuant to section 2939.17 of the Revised 4283
Code, or the attorney general may initiate and prosecute any 4284
necessary criminal or civil actions in any court or tribunal of 4285
competent jurisdiction in this state. When proceeding under this 4286
section, the attorney general, and any assistant or special 4287
counsel designated by the attorney general for that purpose, have 4288
all rights, privileges, and powers of prosecuting attorneys. The 4289
attorney general shall have exclusive supervision and control of 4290
all investigations and prosecutions initiated by the attorney 4291
general under this section. The forfeiture provisions of Chapter 4292
2981. of the Revised Code apply in relation to any such criminal 4293
action initiated and prosecuted by the attorney general. 4294

(C) Nothing in this section shall prevent a county 4295
prosecuting attorney from investigating and prosecuting criminal 4296
activity related to Chapter 3721. of the Revised Code and the 4297
~~medical assistance~~ medicaid program established under section 4298
~~5111.01 of the Revised Code~~. The forfeiture provisions of Chapter 4299
2981. of the Revised Code apply in relation to any prosecution of 4300
criminal activity related to the ~~medical assistance~~ medicaid 4301
program undertaken by the prosecuting attorney. 4302

Sec. 109.86. (A) The attorney general shall investigate any 4303
activity the attorney general has reasonable cause to believe is 4304
in violation of section 2903.34 of the Revised Code. Upon written 4305
request of the governor, the general assembly, the auditor of 4306
state, or the director of health, job and family services, aging, 4307
~~mental health~~ mental health and addiction services, or 4308
developmental disabilities, the attorney general shall investigate 4309
any activity these persons believe is in violation of section 4310
2903.34 of the Revised Code. If after an investigation the 4311

attorney general has probable cause to prosecute for the 4312
commission of a crime, the attorney general shall refer the 4313
evidence to the prosecuting attorney, director of law, or other 4314
similar chief legal officer having jurisdiction over the matter. 4315
If the prosecuting attorney decides to present the evidence to a 4316
grand jury, the prosecuting attorney shall notify the attorney 4317
general in writing of the decision within thirty days after 4318
referral of the matter and shall present the evidence prior to the 4319
discharge of the next regular grand jury. If the director of law 4320
or other chief legal officer decides to prosecute the case, the 4321
director or officer shall notify the attorney general in writing 4322
of the decision within thirty days and shall initiate prosecution 4323
within sixty days after the matter was referred to the director or 4324
officer. 4325

(B) If the prosecuting attorney, director of law, or other 4326
chief legal officer fails to notify the attorney general or to 4327
present evidence or initiate prosecution in accordance with 4328
division (A) of this section, the attorney general may present the 4329
evidence to a regular grand jury drawn and impaneled pursuant to 4330
sections 2939.01 to 2939.24 of the Revised Code, or to a special 4331
grand jury drawn and impaneled pursuant to section 2939.17 of the 4332
Revised Code, or the attorney general may initiate and prosecute 4333
any action in any court or tribunal of competent jurisdiction in 4334
this state. The attorney general, and any assistant or special 4335
counsel designated by the attorney general, have all the powers of 4336
a prosecuting attorney, director of law, or other chief legal 4337
officer when proceeding under this section. Nothing in this 4338
section shall limit or prevent a prosecuting attorney, director of 4339
law, or other chief legal officer from investigating and 4340
prosecuting criminal activity committed against a resident or 4341
patient of a care facility. 4342

Sec. 109.90. (A) The attorney general shall collaborate with 4343

the state board of pharmacy and director of ~~alcohol and drug~~ 4344
~~addiction services~~ mental health and addiction services in the 4345
establishment and administration of a drug take-back program, as 4346
provided under section 4729.69 of the Revised Code. The office of 4347
the attorney general is solely responsible for the costs incurred 4348
in the establishment and administration of the program. 4349

(B) The attorney general may accept grants, gifts, or 4350
donations for purposes of the program. Money received under this 4351
division or section ~~3793.22~~ 5119.49 or 4729.69 of the Revised Code 4352
shall be deposited into the state treasury to the credit of the 4353
drug take-back program fund, which is hereby created. Money 4354
credited to the fund shall be used solely for purposes of the 4355
program. 4356

Sec. 111.02. Before entering upon the discharge of the duties 4357
of ~~his~~ office, the secretary of state shall give a bond to the 4358
state in the sum of one hundred thousand dollars, with ~~two or more~~ 4359
~~sureties approved by the governor, auditor of state, and attorney~~ 4360
~~general~~ a surety authorized to do business in the state, 4361
conditioned for the faithful discharge of the duties of ~~his~~ the 4362
office of secretary of state. The bond, ~~with the approval of the~~ 4363
~~proper officials~~ and the oath of office ~~indorsed thereon,~~ shall be 4364
deposited with and kept by the director of administrative services 4365
and ~~kept~~ in ~~his~~ the director's office. 4366

Sec. 111.15. (A) As used in this section: 4367

(1) "Rule" includes any rule, regulation, bylaw, or standard 4368
having a general and uniform operation adopted by an agency under 4369
the authority of the laws governing the agency; any appendix to a 4370
rule; and any internal management rule. "Rule" does not include 4371
any guideline adopted pursuant to section 3301.0714 of the Revised 4372
Code, any order respecting the duties of employees, any finding, 4373

any determination of a question of law or fact in a matter 4374
presented to an agency, or any rule promulgated pursuant to 4375
Chapter 119., section 4141.14, division (C)(1) or (2) of section 4376
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 4377
any amendment or rescission of a rule. 4378

(2) "Agency" means any governmental entity of the state and 4379
includes, but is not limited to, any board, department, division, 4380
commission, bureau, society, council, institution, state college 4381
or university, community college district, technical college 4382
district, or state community college. "Agency" does not include 4383
the general assembly, the controlling board, the adjutant 4384
general's department, or any court. 4385

(3) "Internal management rule" means any rule, regulation, 4386
bylaw, or standard governing the day-to-day staff procedures and 4387
operations within an agency. 4388

(4) "Substantive revision" has the same meaning as in 4389
division (J) of section 119.01 of the Revised Code. 4390

(B)(1) Any rule, other than a rule of an emergency nature, 4391
adopted by any agency pursuant to this section shall be effective 4392
on the tenth day after the day on which the rule in final form and 4393
in compliance with division (B)(3) of this section is filed as 4394
follows: 4395

(a) The rule shall be filed in electronic form with both the 4396
secretary of state and the director of the legislative service 4397
commission; 4398

(b) The rule shall be filed in electronic form with the joint 4399
committee on agency rule review. Division (B)(1)(b) of this 4400
section does not apply to any rule to which division (D) of this 4401
section does not apply. 4402

An agency that adopts or amends a rule that is subject to 4403
division (D) of this section shall assign a review date to the 4404

rule that is not later than five years after its effective date. 4405
If no review date is assigned to a rule, or if a review date 4406
assigned to a rule exceeds the five-year maximum, the review date 4407
for the rule is five years after its effective date. A rule with a 4408
review date is subject to review under section 119.032 of the 4409
Revised Code. This paragraph does not apply to a rule of a state 4410
college or university, community college district, technical 4411
college district, or state community college. 4412

If all filings are not completed on the same day, the rule 4413
shall be effective on the tenth day after the day on which the 4414
latest filing is completed. If an agency in adopting a rule 4415
designates an effective date that is later than the effective date 4416
provided for by division (B)(1) of this section, the rule if filed 4417
as required by such division shall become effective on the later 4418
date designated by the agency. 4419

Any rule that is required to be filed under division (B)(1) 4420
of this section is also subject to division (D) of this section if 4421
not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or 4422
(8) of this section. 4423

If a rule incorporates a text or other material by reference, 4424
the agency shall comply with sections 121.71 to 121.76 of the 4425
Revised Code. 4426

(2) A rule of an emergency nature necessary for the immediate 4427
preservation of the public peace, health, or safety shall state 4428
the reasons for the necessity. The emergency rule, in final form 4429
and in compliance with division (B)(3) of this section, shall be 4430
filed in electronic form with the secretary of state, the director 4431
of the legislative service commission, and the joint committee on 4432
agency rule review. The emergency rule is effective immediately 4433
upon completion of the latest filing, except that if the agency in 4434
adopting the emergency rule designates an effective date, or date 4435
and time of day, that is later than the effective date and time 4436

provided for by division (B)(2) of this section, the emergency 4437
rule if filed as required by such division shall become effective 4438
at the later date, or later date and time of day, designated by 4439
the agency. 4440

An emergency rule becomes invalid at the end of the ninetieth 4441
day it is in effect. Prior to that date, the agency may file the 4442
emergency rule as a nonemergency rule in compliance with division 4443
(B)(1) of this section. The agency may not refile the emergency 4444
rule in compliance with division (B)(2) of this section so that, 4445
upon the emergency rule becoming invalid under such division, the 4446
emergency rule will continue in effect without interruption for 4447
another ninety-day period. 4448

(3) An agency shall file a rule under division (B)(1) or (2) 4449
of this section in compliance with the following standards and 4450
procedures: 4451

(a) The rule shall be numbered in accordance with the 4452
numbering system devised by the director for the Ohio 4453
administrative code. 4454

(b) The rule shall be prepared and submitted in compliance 4455
with the rules of the legislative service commission. 4456

(c) The rule shall clearly state the date on which it is to 4457
be effective and the date on which it will expire, if known. 4458

(d) Each rule that amends or rescinds another rule shall 4459
clearly refer to the rule that is amended or rescinded. Each 4460
amendment shall fully restate the rule as amended. 4461

If the director of the legislative service commission or the 4462
director's designee gives an agency notice pursuant to section 4463
103.05 of the Revised Code that a rule filed by the agency is not 4464
in compliance with the rules of the legislative service 4465
commission, the agency shall within thirty days after receipt of 4466
the notice conform the rule to the rules of the commission as 4467

directed in the notice. 4468

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 4469
of this section shall be recorded by the secretary of state and 4470
the director under the title of the agency adopting the rule and 4471
shall be numbered according to the numbering system devised by the 4472
director. The secretary of state and the director shall preserve 4473
the rules in an accessible manner. Each such rule shall be a 4474
public record open to public inspection and may be transmitted to 4475
any law publishing company that wishes to reproduce it. 4476

(D) At least sixty-five days before a board, commission, 4477
department, division, or bureau of the government of the state 4478
files a rule under division (B)(1) of this section, it shall file 4479
the full text of the proposed rule in electronic form with the 4480
joint committee on agency rule review, and the proposed rule is 4481
subject to legislative review and invalidation under division (I) 4482
of section 119.03 of the Revised Code. If a state board, 4483
commission, department, division, or bureau makes a substantive 4484
revision in a proposed rule after it is filed with the joint 4485
committee, the state board, commission, department, division, or 4486
bureau shall promptly file the full text of the proposed rule in 4487
its revised form in electronic form with the joint committee. The 4488
latest version of a proposed rule as filed with the joint 4489
committee supersedes each earlier version of the text of the same 4490
proposed rule. ~~Except as provided in division (F) of this section,~~ 4491
a A state board, commission, department, division, or bureau shall 4492
also file the rule summary and fiscal analysis prepared under 4493
section 127.18 of the Revised Code in electronic form along with a 4494
proposed rule, and along with a proposed rule in revised form, 4495
that is filed under this division. If a proposed rule has an 4496
adverse impact on businesses, the state board, commission, 4497
department, division, or bureau also shall file the business 4498
impact analysis, any recommendations received from the common 4499

sense initiative office, and the associated memorandum of 4500
response, if any, in electronic form along with the proposed rule, 4501
or the proposed rule in revised form, that is filed under this 4502
division. 4503

As used in this division, "commission" includes the public 4504
utilities commission when adopting rules under a federal or state 4505
statute. 4506

This division does not apply to any of the following: 4507

(1) A proposed rule of an emergency nature; 4508

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 4509
1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4510
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 4511
Code; 4512

(3) A rule proposed by an agency other than a board, 4513
commission, department, division, or bureau of the government of 4514
the state; 4515

(4) A proposed internal management rule of a board, 4516
commission, department, division, or bureau of the government of 4517
the state; 4518

(5) Any proposed rule that must be adopted verbatim by an 4519
agency pursuant to federal law or rule, to become effective within 4520
sixty days of adoption, in order to continue the operation of a 4521
federally reimbursed program in this state, so long as the 4522
proposed rule contains both of the following: 4523

(a) A statement that it is proposed for the purpose of 4524
complying with a federal law or rule; 4525

(b) A citation to the federal law or rule that requires 4526
verbatim compliance. 4527

(6) An initial rule proposed by the director of health to 4528
impose safety standards and quality-of-care standards with respect 4529

to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a facility listed in division (A)(4) of section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;

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

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

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

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

Sec. 111.28. (A) There is hereby created in the state 4561
treasury the help America vote act (HAVA) fund. All moneys 4562
received by the secretary of state from the United States election 4563
assistance commission shall be credited to the fund. The secretary 4564
of state shall use the moneys credited to the fund for activities 4565
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 4566
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 4567
shall be credited to the fund. 4568

(B) There is hereby created in the state treasury the 4569
election reform/health and human services fund. All moneys 4570
received by the secretary of state from the United States 4571
department of health and human services shall be credited to the 4572
fund. The secretary of state shall use the moneys credited to the 4573
fund for activities conducted pursuant to grants awarded to the 4574
state under Title II, Subtitle D, Sections 261 to 265 of the Help 4575
America Vote Act of 2002 to assure access for individuals with 4576
disabilities. All investment earnings of the fund shall be 4577
credited to the fund. 4578

(C) There is hereby created in the state treasury the 4579
miscellaneous federal grants fund. All moneys the secretary of 4580
state receives as grants from federal sources that are not 4581
otherwise designated shall be credited to the fund. The secretary 4582
of state shall use the moneys credited to the fund for the 4583
purposes and activities required by the applicable federal grant 4584
agreements. All investment earnings of the fund shall be credited 4585
to the fund. 4586

Sec. 113.02. Before entering upon the discharge of the duties 4587
of ~~his~~ office, the treasurer of state shall give a bond to the 4588
state in the sum of one million dollars, with ~~sureties approved by~~ 4589
~~the governor~~ a surety authorized to do business in the state, 4590
conditioned for the faithful discharge of the duties of ~~his~~ the 4591

office of treasurer of state. The bond, ~~with the approval of the~~ 4592
~~governor~~ and the oath of office ~~endorsed thereon~~, shall be 4593
deposited with and kept by the secretary of state ~~and kept~~ in ~~his~~ 4594
the secretary of state's office. 4595

Sec. 113.061. The treasurer of state shall adopt rules in 4596
accordance with Chapter 119. of the Revised Code governing the 4597
remittance of taxes by electronic funds transfer as required under 4598
sections 5726.03, 5727.311, 5727.83, 5733.022, 5735.062, 5739.032, 4599
5745.04, ~~and~~ 5747.072, 5749.06, and 5751.07 of the Revised Code 4600
and any other section of the Revised Code under which a person is 4601
required to remit taxes by electronic funds transfer. The rules 4602
shall govern the modes of electronic funds transfer acceptable to 4603
the treasurer of state and under what circumstances each mode is 4604
acceptable, the content and format of electronic funds transfers, 4605
the coordination of payment by electronic funds transfer and 4606
filing of associated tax reports and returns, the remittance of 4607
taxes by means other than electronic funds transfer by persons 4608
otherwise required to do so but relieved of the requirement by the 4609
treasurer of state, and any other matter that in the opinion of 4610
the treasurer of state facilitates payment by electronic funds 4611
transfer in a manner consistent with those sections. 4612

Upon failure by a person, if so required, to remit taxes by 4613
electronic funds transfer in the manner prescribed under section 4614
5726.03, 5727.83, 5733.022, 5735.062, 5739.032, 5745.04, ~~or~~ 4615
5747.072, 5749.06, or 5751.07 of the Revised Code and rules 4616
adopted under this section, the treasurer of state shall notify 4617
the tax commissioner of such failure if the treasurer of state 4618
determines that such failure was not due to reasonable cause or 4619
was due to willful neglect, and shall provide the tax commissioner 4620
with any information used in making that determination. The tax 4621
commissioner may assess an additional charge as specified in the 4622
respective section of the Revised Code governing the requirement 4623

to remit taxes by electronic funds transfer. 4624

The treasurer of state may implement means of acknowledging, 4625
upon the request of a taxpayer, receipt of tax remittances made by 4626
electronic funds transfer, and may adopt rules governing 4627
acknowledgments. The cost of acknowledging receipt of electronic 4628
remittances shall be paid by the person requesting acknowledgment. 4629

The treasurer of state, not the tax commissioner, is 4630
responsible for resolving any problems involving electronic funds 4631
transfer transmissions. 4632

Sec. 117.03. Before entering upon the discharge of the duties 4633
of ~~his~~ office, the auditor of state shall give a bond to the state 4634
in the sum of twenty thousand dollars, with a surety ~~approved by~~ 4635
~~the governor~~ authorized to do business in the state, conditioned 4636
for the faithful discharge of the duties of ~~his~~ the office of 4637
auditor of state. The bond, ~~with the approval of the governor~~ and 4638
the oath of office ~~endorsed thereon~~, shall be deposited with and 4639
kept by the secretary of state and kept in ~~his~~ the secretary of 4640
state's office. 4641

Sec. 117.10. The auditor of state shall audit all public 4642
offices as provided in this chapter. The auditor of state also may 4643
audit the accounts of private institutions, associations, boards, 4644
and corporations receiving public money for their use and may 4645
require of them annual reports in such form as the auditor of 4646
state prescribes. 4647

If the auditor of state performs or contracts for the 4648
performance of an audit, including a special audit, of the public 4649
employees retirement system, school employees retirement system, 4650
state teachers retirement system, state highway patrol retirement 4651
system, or Ohio police and fire pension fund, the auditor of state 4652
shall make a timely report of the results of the audit to the Ohio 4653

retirement study council. 4654

The auditor of state may audit the accounts of any medicaid 4655
provider, as defined in section ~~5111.06~~ 5164.01 of the Revised 4656
Code. 4657

If a public office has been audited by an agency of the 4658
United States government, the auditor of state may, if satisfied 4659
that the federal audit has been conducted according to principles 4660
and procedures not contrary to those of the auditor of state, use 4661
and adopt the federal audit and report in lieu of an audit by the 4662
auditor of state's own office. 4663

Within thirty days after the creation or dissolution or the 4664
winding up of the affairs of any public office, that public office 4665
shall notify the auditor of state in writing that this action has 4666
occurred. 4667

Sec. 117.20. (A) In adopting rules pursuant to Chapter 117. 4668
of the Revised Code, the auditor of state or the auditor of 4669
state's designee shall do both of the following: 4670

(1) Before adopting any such rule, except a rule of an 4671
emergency nature, do each of the following: 4672

(a) At least thirty-five days before any public hearing on 4673
the proposed rule-making action, mail or send by electronic mail 4674
notice of the hearing to each public office and to each statewide 4675
organization that the auditor of state or designee determines will 4676
be affected or represents persons who will be affected by the 4677
proposed rule-making action; 4678

(b) Mail or send by electronic mail a copy of the proposed 4679
rule to any person or organization that requests a copy within 4680
five days after receipt of the request; 4681

(c) Consult with appropriate state and local government 4682
agencies, or with persons representative of their interests, 4683

including statewide organizations of local government officials, 4684
and consult with accounting professionals and other interested 4685
persons; 4686

(d) Conduct, on the date and at the time and place designated 4687
in the notice, a public hearing at which any person affected by 4688
the proposed rule, including statewide organizations of local 4689
government officials, may appear and be heard in person, by 4690
attorney, or both, and may present the person's or organization's 4691
position or contentions orally or in writing. 4692

~~(2) Except as otherwise provided in division (A)(2) of this 4693
section, comply with divisions (B) to (E) of section 111.15 4694
of the Revised Code. The auditor of state is not required to file 4695
a rule summary and fiscal analysis along with any copy of a 4696
proposed rule, or proposed rule in revised form, that is filed 4697
with the joint committee on agency rule review, the secretary of 4698
state, or the director of the legislative service commission under 4699
division (D) or (E) of section 111.15 of the Revised Code. 4700~~

(B) The auditor of state shall diligently discharge the 4701
duties imposed by divisions (A)(1)(a), (b), and (c) of this 4702
section, but failure to mail or send by electronic mail any notice 4703
or copy of a proposed rule, or to consult with any person or 4704
organization, shall not invalidate any rule. 4705

(C) Notwithstanding any contrary provision of the Revised 4706
Code, the auditor of state may prepare and disseminate, to public 4707
offices and other interested persons and organizations, advisory 4708
bulletins, directives, and instructions relating to accounting and 4709
financial reporting systems, budgeting procedures, fiscal 4710
controls, and the constructions by the auditor of state of 4711
constitutional and statutory provisions, court decisions, and 4712
opinions of the attorney general. The bulletins, directives, and 4713
instructions shall be of an advisory nature only. 4714

(D) As used in this section, "rule" includes the adoption, 4715
amendment, or rescission of a rule. 4716

Sec. 119.01. As used in sections 119.01 to 119.13 of the 4717
Revised Code: 4718

(A)(1) "Agency" means, except as limited by this division, 4719
any official, board, or commission having authority to promulgate 4720
rules or make adjudications in the civil service commission, the 4721
division of liquor control, the department of taxation, the 4722
industrial commission, the bureau of workers' compensation, the 4723
functions of any administrative or executive officer, department, 4724
division, bureau, board, or commission of the government of the 4725
state specifically made subject to sections 119.01 to 119.13 of 4726
the Revised Code, and the licensing functions of any 4727
administrative or executive officer, department, division, bureau, 4728
board, or commission of the government of the state having the 4729
authority or responsibility of issuing, suspending, revoking, or 4730
canceling licenses. 4731

Except as otherwise provided in division (I) of this section, 4732
sections 119.01 to 119.13 of the Revised Code do not apply to the 4733
public utilities commission. Sections 119.01 to 119.13 of the 4734
Revised Code do not apply to the utility radiological safety 4735
board; to the controlling board; to actions of the superintendent 4736
of financial institutions and the superintendent of insurance in 4737
the taking possession of, and rehabilitation or liquidation of, 4738
the business and property of banks, savings and loan associations, 4739
savings banks, credit unions, insurance companies, associations, 4740
reciprocal fraternal benefit societies, and bond investment 4741
companies; to any action taken by the division of securities under 4742
section 1707.201 of the Revised Code; or to any action that may be 4743
taken by the superintendent of financial institutions under 4744
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 4745

1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18, 1349.33, 4746
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 4747

Sections 119.01 to 119.13 of the Revised Code do not apply to 4748
actions of the industrial commission or the bureau of workers' 4749
compensation under sections 4123.01 to 4123.94 of the Revised Code 4750
with respect to all matters of adjudication, or to the actions of 4751
the industrial commission, bureau of workers' compensation board 4752
of directors, and bureau of workers' compensation under division 4753
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 4754
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 4755
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 4756
(E) of section 4131.14 of the Revised Code with respect to all 4757
matters concerning the establishment of premium, contribution, and 4758
assessment rates. 4759

(2) "Agency" also means any official or work unit having 4760
authority to promulgate rules or make adjudications in the 4761
department of job and family services, but only with respect to 4762
both of the following: 4763

(a) The adoption, amendment, or rescission of rules that 4764
section 5101.09 of the Revised Code requires be adopted in 4765
accordance with this chapter; 4766

(b) The issuance, suspension, revocation, or cancellation of 4767
licenses. 4768

(B) "License" means any license, permit, certificate, 4769
commission, or charter issued by any agency. "License" does not 4770
include any arrangement whereby a person, ~~institution,~~ or 4771
government entity furnishes medicaid services under a provider 4772
agreement with the department of ~~job and family services pursuant~~ 4773
~~to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 4774
~~U.S.C. 301, as amended~~ medicaid. 4775

(C) "Rule" means any rule, regulation, or standard, having a 4776

general and uniform operation, adopted, promulgated, and enforced 4777
by any agency under the authority of the laws governing such 4778
agency, and includes any appendix to a rule. "Rule" does not 4779
include any internal management rule of an agency unless the 4780
internal management rule affects private rights and does not 4781
include any guideline adopted pursuant to section 3301.0714 of the 4782
Revised Code. 4783

(D) "Adjudication" means the determination by the highest or 4784
ultimate authority of an agency of the rights, duties, privileges, 4785
benefits, or legal relationships of a specified person, but does 4786
not include the issuance of a license in response to an 4787
application with respect to which no question is raised, nor other 4788
acts of a ministerial nature. 4789

(E) "Hearing" means a public hearing by any agency in 4790
compliance with procedural safeguards afforded by sections 119.01 4791
to 119.13 of the Revised Code. 4792

(F) "Person" means a person, firm, corporation, association, 4793
or partnership. 4794

(G) "Party" means the person whose interests are the subject 4795
of an adjudication by an agency. 4796

(H) "Appeal" means the procedure by which a person, aggrieved 4797
by a finding, decision, order, or adjudication of any agency, 4798
invokes the jurisdiction of a court. 4799

(I) "Rule-making agency" means any board, commission, 4800
department, division, or bureau of the government of the state 4801
that is required to file proposed rules, amendments, or 4802
rescissions under division (D) of section 111.15 of the Revised 4803
Code and any agency that is required to file proposed rules, 4804
amendments, or rescissions under divisions (B) and (H) of section 4805
119.03 of the Revised Code. "Rule-making agency" includes the 4806
public utilities commission. "Rule-making agency" does not include 4807

any state-supported college or university. 4808

(J) "Substantive revision" means any addition to, elimination 4809
from, or other change in a rule, an amendment of a rule, or a 4810
rescission of a rule, whether of a substantive or procedural 4811
nature, that changes any of the following: 4812

(1) That which the rule, amendment, or rescission permits, 4813
authorizes, regulates, requires, prohibits, penalizes, rewards, or 4814
otherwise affects; 4815

(2) The scope or application of the rule, amendment, or 4816
rescission. 4817

(K) "Internal management rule" means any rule, regulation, or 4818
standard governing the day-to-day staff procedures and operations 4819
within an agency. 4820

Sec. 120.06. (A)(1) The state public defender, when 4821
designated by the court or requested by a county public defender 4822
or joint county public defender, may provide legal representation 4823
in all courts throughout the state to indigent adults and 4824
juveniles who are charged with the commission of an offense or act 4825
for which the penalty or any possible adjudication includes the 4826
potential loss of liberty. 4827

(2) The state public defender may provide legal 4828
representation to any indigent person who, while incarcerated in 4829
any state correctional institution, is charged with a felony 4830
offense, for which the penalty or any possible adjudication that 4831
may be imposed by a court upon conviction includes the potential 4832
loss of liberty. 4833

(3) The state public defender may provide legal 4834
representation to any person incarcerated in any correctional 4835
institution of the state, in any matter in which the person 4836
asserts the person is unlawfully imprisoned or detained. 4837

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

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

(6) The state public defender, when designated by the court or requested by a county public defender, joint county public defender, the director of rehabilitation and correction, or the director of youth services, shall provide legal representation to a child confined in a facility operated, or contracted for, by the department of youth services, on administrative issues that may extend the period of the child's confinement in a facility operated, or contracted for, by the department of youth services, unless the state public defender finds that the child has the financial capacity to retain the child's own counsel.

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

(B) The state public defender shall not be required to

prosecute any appeal, postconviction remedy, or other proceeding 4870
pursuant to division (A)(3), (4), ~~or (5)~~, or (6) of this section, 4871
unless the state public defender first is satisfied that there is 4872
arguable merit to the proceeding. 4873

(C) A court may appoint counsel or allow an indigent person 4874
to select the indigent's own personal counsel to assist the state 4875
public defender as co-counsel when the interests of justice so 4876
require. When co-counsel is appointed to assist the state public 4877
defender, the co-counsel shall receive any compensation that the 4878
court may approve, not to exceed the amounts provided for in 4879
section 2941.51 of the Revised Code. 4880

(D)(1) When the state public defender is designated by the 4881
court or requested by a county public defender or joint county 4882
public defender to provide legal representation for an indigent 4883
person in any case, other than pursuant to a contract entered into 4884
under authority of division (C)(7) of section 120.04 of the 4885
Revised Code, the state public defender shall send to the county 4886
in which the case is filed a bill detailing the actual cost of the 4887
representation that separately itemizes legal fees and expenses. 4888
The county, upon receipt of an itemized bill from the state public 4889
defender pursuant to this division, shall pay the state public 4890
defender each of the following amounts: 4891

(a) For the amount identified as legal fees in the itemized 4892
bill, one hundred per cent of the amount identified as legal fees 4893
less the state reimbursement rate as calculated by the state 4894
public defender pursuant to section 120.34 of the Revised Code for 4895
the month the case terminated, as set forth in the itemized bill; 4896

(b) For the amount identified as expenses in the itemized 4897
bill, one hundred per cent. 4898

(2) Upon payment of the itemized bill under division (D)(1) 4899
of this section, the county may submit the cost of the expenses, 4900

excluding legal fees, to the state public defender for 4901
reimbursement pursuant to section 120.33 of the Revised Code. 4902

(3) When the state public defender provides investigation or 4903
mitigation services to private appointed counsel or to a county or 4904
joint county public defender as approved by the appointing court, 4905
other than pursuant to a contract entered into under authority of 4906
division (C)(7) of section 120.04 of the Revised Code, the state 4907
public defender shall send to the county in which the case is 4908
filed a bill itemizing the actual cost of the services provided. 4909
The county, upon receipt of an itemized bill from the state public 4910
defender pursuant to this division, shall pay one hundred per cent 4911
of the amount as set forth in the itemized bill. Upon payment of 4912
the itemized bill received pursuant to this division, the county 4913
may submit the cost of the investigation and mitigation services 4914
to the state public defender for reimbursement pursuant to section 4915
120.33 of the Revised Code. 4916

(4) There is hereby created in the state treasury the county 4917
representation fund for the deposit of moneys received from 4918
counties under this division. All moneys credited to the fund 4919
shall be used by the state public defender to provide legal 4920
representation for indigent persons when designated by the court 4921
or requested by a county or joint county public defender or to 4922
provide investigation or mitigation services, including 4923
investigation or mitigation services to private appointed counsel 4924
or a county or joint county public defender, as approved by the 4925
court. 4926

(E)(1) Notwithstanding any contrary provision of sections 4927
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 4928
that pertains to representation by the attorney general, an 4929
assistant attorney general, or special counsel of an officer or 4930
employee, as defined in section 109.36 of the Revised Code, or of 4931
an entity of state government, the state public defender may elect 4932

to contract with, and to have the state pay pursuant to division 4933
(E)(2) of this section for the services of, private legal counsel 4934
to represent the Ohio public defender commission, the state public 4935
defender, assistant state public defenders, other employees of the 4936
commission or the state public defender, and attorneys described 4937
in division (C) of section 120.41 of the Revised Code in a 4938
malpractice or other civil action or proceeding that arises from 4939
alleged actions or omissions related to responsibilities derived 4940
pursuant to this chapter, or in a civil action that is based upon 4941
alleged violations of the constitution or statutes of the United 4942
States, including section 1983 of Title 42 of the United States 4943
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 4944
arises from alleged actions or omissions related to 4945
responsibilities derived pursuant to this chapter, if the state 4946
public defender determines, in good faith, that the defendant in 4947
the civil action or proceeding did not act manifestly outside the 4948
scope of the defendant's employment or official responsibilities, 4949
with malicious purpose, in bad faith, or in a wanton or reckless 4950
manner. If the state public defender elects not to contract 4951
pursuant to this division for private legal counsel in a civil 4952
action or proceeding, then, in accordance with sections 109.02, 4953
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 4954
attorney general shall represent or provide for the representation 4955
of the Ohio public defender commission, the state public defender, 4956
assistant state public defenders, other employees of the 4957
commission or the state public defender, or attorneys described in 4958
division (C) of section 120.41 of the Revised Code in the civil 4959
action or proceeding. 4960

(2)(a) Subject to division (E)(2)(b) of this section, payment 4961
from the state treasury for the services of private legal counsel 4962
with whom the state public defender has contracted pursuant to 4963
division (E)(1) of this section shall be accomplished only through 4964
the following procedure: 4965

(i) The private legal counsel shall file with the attorney 4966
general a copy of the contract; a request for an award of legal 4967
fees, court costs, and expenses earned or incurred in connection 4968
with the defense of the Ohio public defender commission, the state 4969
public defender, an assistant state public defender, an employee, 4970
or an attorney in a specified civil action or proceeding; a 4971
written itemization of those fees, costs, and expenses, including 4972
the signature of the state public defender and the state public 4973
defender's attestation that the fees, costs, and expenses were 4974
earned or incurred pursuant to division (E)(1) of this section to 4975
the best of the state public defender's knowledge and information; 4976
a written statement whether the fees, costs, and expenses are for 4977
all legal services to be rendered in connection with that defense, 4978
are only for legal services rendered to the date of the request 4979
and additional legal services likely will have to be provided in 4980
connection with that defense, or are for the final legal services 4981
rendered in connection with that defense; a written statement 4982
indicating whether the private legal counsel previously submitted 4983
a request for an award under division (E)(2) of this section in 4984
connection with that defense and, if so, the date and the amount 4985
of each award granted; and, if the fees, costs, and expenses are 4986
for all legal services to be rendered in connection with that 4987
defense or are for the final legal services rendered in connection 4988
with that defense, a certified copy of any judgment entry in the 4989
civil action or proceeding or a signed copy of any settlement 4990
agreement entered into between the parties to the civil action or 4991
proceeding. 4992

(ii) Upon receipt of a request for an award of legal fees, 4993
court costs, and expenses and the requisite supportive 4994
documentation described in division (E)(2)(a)(i) of this section, 4995
the attorney general shall review the request and documentation; 4996
determine whether any of the limitations specified in division 4997
(E)(2)(b) of this section apply to the request; and, if an award 4998

of legal fees, court costs, or expenses is permissible after 4999
applying the limitations, prepare a document awarding legal fees, 5000
court costs, or expenses to the private legal counsel. The 5001
document shall name the private legal counsel as the recipient of 5002
the award; specify the total amount of the award as determined by 5003
the attorney general; itemize the portions of the award that 5004
represent legal fees, court costs, and expenses; specify any 5005
limitation applied pursuant to division (E)(2)(b) of this section 5006
to reduce the amount of the award sought by the private legal 5007
counsel; state that the award is payable from the state treasury 5008
pursuant to division (E)(2)(a)(iii) of this section; and be 5009
approved by the inclusion of the signatures of the attorney 5010
general, the state public defender, and the private legal counsel. 5011

(iii) The attorney general shall forward a copy of the 5012
document prepared pursuant to division (E)(2)(a)(ii) of this 5013
section to the director of budget and management. The award of 5014
legal fees, court costs, or expenses shall be paid out of the 5015
state public defender's appropriations, to the extent there is a 5016
sufficient available balance in those appropriations. If the state 5017
public defender does not have a sufficient available balance in 5018
the state public defender's appropriations to pay the entire award 5019
of legal fees, court costs, or expenses, the director shall make 5020
application for a transfer of appropriations out of the emergency 5021
purposes account or any other appropriation for emergencies or 5022
contingencies in an amount equal to the portion of the award that 5023
exceeds the sufficient available balance in the state public 5024
defender's appropriations. A transfer of appropriations out of the 5025
emergency purposes account or any other appropriation for 5026
emergencies or contingencies shall be authorized if there are 5027
sufficient moneys greater than the sum total of then pending 5028
emergency purposes account requests, or requests for releases from 5029
the other appropriation. If a transfer of appropriations out of 5030
the emergency purposes account or other appropriation for 5031

emergencies or contingencies is made to pay an amount equal to the 5032
portion of the award that exceeds the sufficient available balance 5033
in the state public defender's appropriations, the director shall 5034
cause the payment to be made to the private legal counsel. If 5035
sufficient moneys do not exist in the emergency purposes account 5036
or other appropriation for emergencies or contingencies to pay an 5037
amount equal to the portion of the award that exceeds the 5038
sufficient available balance in the state public defender's 5039
appropriations, the private legal counsel shall request the 5040
general assembly to make an appropriation sufficient to pay an 5041
amount equal to the portion of the award that exceeds the 5042
sufficient available balance in the state public defender's 5043
appropriations, and no payment in that amount shall be made until 5044
the appropriation has been made. The private legal counsel shall 5045
make the request during the current biennium and during each 5046
succeeding biennium until a sufficient appropriation is made. 5047

(b) An award of legal fees, court costs, and expenses 5048
pursuant to division (E) of this section is subject to the 5049
following limitations: 5050

(i) The maximum award or maximum aggregate of a series of 5051
awards of legal fees, court costs, and expenses to the private 5052
legal counsel in connection with the defense of the Ohio public 5053
defender commission, the state public defender, an assistant state 5054
public defender, an employee, or an attorney in a specified civil 5055
action or proceeding shall not exceed fifty thousand dollars. 5056

(ii) The private legal counsel shall not be awarded legal 5057
fees, court costs, or expenses to the extent the fees, costs, or 5058
expenses are covered by a policy of malpractice or other 5059
insurance. 5060

(iii) The private legal counsel shall be awarded legal fees 5061
and expenses only to the extent that the fees and expenses are 5062
reasonable in light of the legal services rendered by the private 5063

legal counsel in connection with the defense of the Ohio public 5064
defender commission, the state public defender, an assistant state 5065
public defender, an employee, or an attorney in a specified civil 5066
action or proceeding. 5067

(c) If, pursuant to division (E)(2)(a) of this section, the 5068
attorney general denies a request for an award of legal fees, 5069
court costs, or expenses to private legal counsel because of the 5070
application of a limitation specified in division (E)(2)(b) of 5071
this section, the attorney general shall notify the private legal 5072
counsel in writing of the denial and of the limitation applied. 5073

(d) If, pursuant to division (E)(2)(c) of this section, a 5074
private legal counsel receives a denial of an award notification 5075
or if a private legal counsel refuses to approve a document under 5076
division (E)(2)(a)(ii) of this section because of the proposed 5077
application of a limitation specified in division (E)(2)(b) of 5078
this section, the private legal counsel may commence a civil 5079
action against the attorney general in the court of claims to 5080
prove the private legal counsel's entitlement to the award sought, 5081
to prove that division (E)(2)(b) of this section does not prohibit 5082
or otherwise limit the award sought, and to recover a judgment for 5083
the amount of the award sought. A civil action under division 5084
(E)(2)(d) of this section shall be commenced no later than two 5085
years after receipt of a denial of award notification or, if the 5086
private legal counsel refused to approve a document under division 5087
(E)(2)(a)(ii) of this section because of the proposed application 5088
of a limitation specified in division (E)(2)(b) of this section, 5089
no later than two years after the refusal. Any judgment of the 5090
court of claims in favor of the private legal counsel shall be 5091
paid from the state treasury in accordance with division (E)(2)(a) 5092
of this section. 5093

(F) If a court appoints the office of the state public 5094
defender to represent a petitioner in a postconviction relief 5095

proceeding under section 2953.21 of the Revised Code, the 5096
petitioner has received a sentence of death, and the proceeding 5097
relates to that sentence, all of the attorneys who represent the 5098
petitioner in the proceeding pursuant to the appointment, whether 5099
an assistant state public defender, the state public defender, or 5100
another attorney, shall be certified under Rule 20 of the Rules of 5101
Superintendence for the Courts of Ohio to represent indigent 5102
defendants charged with or convicted of an offense for which the 5103
death penalty can be or has been imposed. 5104

(G)(1) The state public defender may conduct a legal 5105
assistance referral service for children committed to the 5106
department of youth services relative to conditions of confinement 5107
claims. If the legal assistance referral service receives a 5108
request for assistance from a child confined in a facility 5109
operated, or contracted for, by the department of youth services 5110
and the state public defender determines that the child has a 5111
conditions of confinement claim that has merit, the state public 5112
defender may refer the child to a private attorney. If no private 5113
attorney who the child has been referred to by the state public 5114
defender accepts the case within a reasonable time, the state 5115
public defender may prepare, as appropriate, pro se pleadings in 5116
the form of a complaint regarding the conditions of confinement at 5117
the facility where the child is confined with a motion for 5118
appointment of counsel and other applicable pleadings necessary 5119
for sufficient pro se representation. 5120

(2) Division (G)(1) of this section does not authorize the 5121
state public defender to represent a child committed to the 5122
department of youth services in general civil matters arising 5123
solely out of state law. 5124

(3) The state public defender shall not undertake the 5125
representation of a child in court based on a conditions of 5126
confinement claim arising under this division. 5127

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

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

(J) As used in this section:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Conditions of confinement" means any issue involving a constitutional right or other civil right related to a child's incarceration, including, but not limited to, actions cognizable under 42 U.S.C. 1983.

(3) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

Sec. 121.02. The following administrative departments and their respective directors are hereby created:

(A) The office of budget and management, which shall be administered by the director of budget and management;

(B) The department of commerce, which shall be administered by the director of commerce;

(C) The department of administrative services, which shall be administered by the director of administrative services;

(D) The department of transportation, which shall be administered by the director of transportation;

(E) The department of agriculture, which shall be administered by the director of agriculture;

(F) The department of natural resources, which shall be administered by the director of natural resources;	5157 5158
(G) The department of health, which shall be administered by the director of health;	5159 5160
(H) The department of job and family services, which shall be administered by the director of job and family services;	5161 5162
(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;	5163 5164
(J) The department of public safety, which shall be administered by the director of public safety;	5165 5166
(K) The department of mental health <u>mental health and addiction services</u> , which shall be administered by the director of mental health <u>mental health and addiction services</u> ;	5167 5168 5169
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	5170 5171
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	5172 5173
(N) The development services agency, which shall be administered by the director of development services;	5174 5175
(O) The department of youth services, which shall be administered by the director of youth services;	5176 5177
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;	5178 5179 5180
(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	5181 5182
(R) The department of aging, which shall be administered by the director of aging;	5183 5184
(S) The department of alcohol and drug addiction services,	5185

~~which shall be administered by the director of alcohol and drug
addiction services;~~ 5186
5187

~~(F) The department of veterans services, which shall be
administered by the director of veterans services;~~ 5188
5189

(T) The department of medicaid, which shall be administered
by the medicaid director. 5190
5191

The director of each department shall exercise the powers and 5192
perform the duties vested by law in such department. 5193

Sec. 121.03. The following administrative department heads 5194
shall be appointed by the governor, with the advice and consent of 5195
the senate, and shall hold their offices during the term of the 5196
appointing governor, and are subject to removal at the pleasure of 5197
the governor. 5198

(A) The director of budget and management; 5199

(B) The director of commerce; 5200

(C) The director of transportation; 5201

(D) The director of agriculture; 5202

(E) The director of job and family services; 5203

(F) Until July 1, 1997, the director of liquor control; 5204

(G) The director of public safety; 5205

(H) The superintendent of insurance; 5206

(I) The director of development services; 5207

(J) The tax commissioner; 5208

(K) The director of administrative services; 5209

(L) The director of natural resources; 5210

(M) The director of ~~mental health~~ mental health and addiction
services; 5211
5212

(N) The director of developmental disabilities;	5213
(O) The director of health;	5214
(P) The director of youth services;	5215
(Q) The director of rehabilitation and correction;	5216
(R) The director of environmental protection;	5217
(S) The director of aging;	5218
(T) The director of alcohol and drug addiction services;	5219
(U) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	5220 5221 5222
(V) <u>(U)</u> The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	5223 5224
(W) <u>(V)</u> The chancellor of the Ohio board of regents;	5225
<u>(W) The medicaid director.</u>	5226
Sec. 121.22. (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.	5227 5228 5229 5230
(B) As used in this section:	5231
(1) "Public body" means any of the following:	5232
(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	5233 5234 5235 5236 5237 5238
(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;	5239 5240

(c) A court of jurisdiction of a sanitary district organized 5241
wholly for the purpose of providing a water supply for domestic, 5242
municipal, and public use when meeting for the purpose of the 5243
appointment, removal, or reappointment of a member of the board of 5244
directors of such a district pursuant to section 6115.10 of the 5245
Revised Code, if applicable, or for any other matter related to 5246
such a district other than litigation involving the district. As 5247
used in division (B)(1)(c) of this section, "court of 5248
jurisdiction" has the same meaning as "court" in section 6115.01 5249
of the Revised Code. 5250

(2) "Meeting" means any prearranged discussion of the public 5251
business of the public body by a majority of its members. 5252

(3) "Regulated individual" means either of the following: 5253

(a) A student in a state or local public educational 5254
institution; 5255

(b) A person who is, voluntarily or involuntarily, an inmate, 5256
patient, or resident of a state or local institution because of 5257
criminal behavior, mental illness or retardation, disease, 5258
disability, age, or other condition requiring custodial care. 5259

(4) "Public office" has the same meaning as in section 5260
149.011 of the Revised Code. 5261

(C) All meetings of any public body are declared to be public 5262
meetings open to the public at all times. A member of a public 5263
body shall be present in person at a meeting open to the public to 5264
be considered present or to vote at the meeting and for purposes 5265
of determining whether a quorum is present at the meeting. 5266

The minutes of a regular or special meeting of any public 5267
body shall be promptly prepared, filed, and maintained and shall 5268
be open to public inspection. The minutes need only reflect the 5269
general subject matter of discussions in executive sessions 5270
authorized under division (G) or (J) of this section. 5271

(D) This section does not apply to any of the following:	5272
(1) A grand jury;	5273
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	5274 5275 5276
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	5277 5278 5279
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	5280 5281
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	5282 5283 5284
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	5285 5286 5287
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	5288 5289 5290
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	5291 5292 5293
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	5294 5295 5296
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	5297 5298 5299 5300
(11) The board of directors of the nonprofit corporation	5301

formed under section 187.01 of the Revised Code or any committee 5302
thereof, and the board of directors of any subsidiary of that 5303
corporation or a committee thereof; 5304

(12) An audit conference conducted by the audit staff of the 5305
department of job and family services with officials of the public 5306
office that is the subject of that audit under section 5101.37 of 5307
the Revised Code; 5308

(13) The occupational therapy section of the occupational 5309
therapy, physical therapy, and athletic trainers board when 5310
determining whether to suspend a license or limited permit without 5311
a hearing pursuant to division (D) of section 4755.11 of the 5312
Revised Code; 5313

(14) The physical therapy section of the occupational 5314
therapy, physical therapy, and athletic trainers board when 5315
determining whether to suspend a license without a hearing 5316
pursuant to division (E) of section 4755.47 of the Revised Code; 5317

(15) The athletic trainers section of the occupational 5318
therapy, physical therapy, and athletic trainers board when 5319
determining whether to suspend a license without a hearing 5320
pursuant to division (D) of section 4755.64 of the Revised Code. 5321

(E) The controlling board, ~~the industrial technology and 5322
enterprise advisory council,~~ the tax credit authority, or the 5323
minority development financing advisory board, when meeting to 5324
consider granting assistance pursuant to Chapter 122. or 166. of 5325
the Revised Code, in order to protect the interest of the 5326
applicant or the possible investment of public funds, by unanimous 5327
vote of all board, ~~council,~~ or authority members present, may 5328
close the meeting during consideration of the following 5329
information confidentially received by the authority, ~~council,~~ or 5330
board from the applicant: 5331

(1) Marketing plans; 5332

(2) Specific business strategy;	5333
(3) Production techniques and trade secrets;	5334
(4) Financial projections;	5335
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.	5336 5337 5338 5339
The vote by the authority, council , or board to accept or reject the application, as well as all proceedings of the authority, council , or board not subject to this division, shall be open to the public and governed by this section.	5340 5341 5342 5343
(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.	5344 5345 5346 5347 5348 5349 5350 5351 5352 5353
The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.	5354 5355 5356 5357 5358 5359 5360
(G) Except as provided in division (J) of this section, the members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll	5361 5362 5363

call vote, to hold an executive session and only at a regular or 5364
special meeting for the sole purpose of the consideration of any 5365
of the following matters: 5366

(1) To consider the appointment, employment, dismissal, 5367
discipline, promotion, demotion, or compensation of a public 5368
employee or official, or the investigation of charges or 5369
complaints against a public employee, official, licensee, or 5370
regulated individual, unless the public employee, official, 5371
licensee, or regulated individual requests a public hearing. 5372
Except as otherwise provided by law, no public body shall hold an 5373
executive session for the discipline of an elected official for 5374
conduct related to the performance of the elected official's 5375
official duties or for the elected official's removal from office. 5376
If a public body holds an executive session pursuant to division 5377
(G)(1) of this section, the motion and vote to hold that executive 5378
session shall state which one or more of the approved purposes 5379
listed in division (G)(1) of this section are the purposes for 5380
which the executive session is to be held, but need not include 5381
the name of any person to be considered at the meeting. 5382

(2) To consider the purchase of property for public purposes, 5383
or for the sale of property at competitive bidding, if premature 5384
disclosure of information would give an unfair competitive or 5385
bargaining advantage to a person whose personal, private interest 5386
is adverse to the general public interest. No member of a public 5387
body shall use division (G)(2) of this section as a subterfuge for 5388
providing covert information to prospective buyers or sellers. A 5389
purchase or sale of public property is void if the seller or buyer 5390
of the public property has received covert information from a 5391
member of a public body that has not been disclosed to the general 5392
public in sufficient time for other prospective buyers and sellers 5393
to prepare and submit offers. 5394

If the minutes of the public body show that all meetings and 5395

deliberations of the public body have been conducted in compliance 5396
with this section, any instrument executed by the public body 5397
purporting to convey, lease, or otherwise dispose of any right, 5398
title, or interest in any public property shall be conclusively 5399
presumed to have been executed in compliance with this section 5400
insofar as title or other interest of any bona fide purchasers, 5401
lessees, or transferees of the property is concerned. 5402

(3) Conferences with an attorney for the public body 5403
concerning disputes involving the public body that are the subject 5404
of pending or imminent court action; 5405

(4) Preparing for, conducting, or reviewing negotiations or 5406
bargaining sessions with public employees concerning their 5407
compensation or other terms and conditions of their employment; 5408

(5) Matters required to be kept confidential by federal law 5409
or regulations or state statutes; 5410

(6) Details relative to the security arrangements and 5411
emergency response protocols for a public body or a public office, 5412
if disclosure of the matters discussed could reasonably be 5413
expected to jeopardize the security of the public body or public 5414
office; 5415

(7) In the case of a county hospital operated pursuant to 5416
Chapter 339. of the Revised Code, a joint township hospital 5417
operated pursuant to Chapter 513. of the Revised Code, or a 5418
municipal hospital operated pursuant to Chapter 749. of the 5419
Revised Code, to consider trade secrets, as defined in section 5420
1333.61 of the Revised Code. 5421

If a public body holds an executive session to consider any 5422
of the matters listed in divisions (G)(2) to (7) of this section, 5423
the motion and vote to hold that executive session shall state 5424
which one or more of the approved matters listed in those 5425
divisions are to be considered at the executive session. 5426

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

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

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

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

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of violation or threatened

violation that was the basis of the injunction, a well-informed 5459
public body reasonably would believe that the public body was not 5460
violating or threatening to violate this section; 5461

(ii) That a well-informed public body reasonably would 5462
believe that the conduct or threatened conduct that was the basis 5463
of the injunction would serve the public policy that underlies the 5464
authority that is asserted as permitting that conduct or 5465
threatened conduct. 5466

(b) If the court of common pleas does not issue an injunction 5467
pursuant to division (I)(1) of this section and the court 5468
determines at that time that the bringing of the action was 5469
frivolous conduct, as defined in division (A) of section 2323.51 5470
of the Revised Code, the court shall award to the public body all 5471
court costs and reasonable attorney's fees, as determined by the 5472
court. 5473

(3) Irreparable harm and prejudice to the party that sought 5474
the injunction shall be conclusively and irrebuttably presumed 5475
upon proof of a violation or threatened violation of this section. 5476

(4) A member of a public body who knowingly violates an 5477
injunction issued pursuant to division (I)(1) of this section may 5478
be removed from office by an action brought in the court of common 5479
pleas for that purpose by the prosecuting attorney or the attorney 5480
general. 5481

(J)(1) Pursuant to division (C) of section 5901.09 of the 5482
Revised Code, a veterans service commission shall hold an 5483
executive session for one or more of the following purposes unless 5484
an applicant requests a public hearing: 5485

(a) Interviewing an applicant for financial assistance under 5486
sections 5901.01 to 5901.15 of the Revised Code; 5487

(b) Discussing applications, statements, and other documents 5488
described in division (B) of section 5901.09 of the Revised Code; 5489

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

Sec. 121.35. (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:

- (1) The department of aging;
- ~~(2) The department of alcohol and drug addiction services;~~
- ~~(3) The department of development services agency;~~
- ~~(4)~~(3) The department of developmental disabilities;
- ~~(5)~~(4) The department of education;
- ~~(6)~~(5) The department of health;

~~(7)~~(6) The department of job and family services; 5519

~~(8)~~(7) The department of medicaid; 5520

(8) The department of ~~mental health~~ mental health and
addiction services; 5521
5522

(9) The ~~rehabilitation services commission~~ opportunities for
Ohioans with disabilities agency. 5523
5524

(B) In revising eligibility standards and eligibility 5525
determination procedures, a state agency shall not make any 5526
program's eligibility standards or eligibility determination 5527
procedures inconsistent with state or federal law. To the extent 5528
authorized by state and federal law, the revisions may provide for 5529
the state agencies to share administrative operations. 5530

Sec. 121.37. (A)(1) There is hereby created the Ohio family 5531
and children first cabinet council. The council shall be composed 5532
of the superintendent of public instruction, the ~~administrator~~ 5533
~~executive director~~ of the ~~rehabilitation services commission~~ 5534
opportunities for Ohioans with disabilities agency, the medicaid 5535
director, and the directors of youth services, job and family 5536
services, ~~mental health~~ mental health and addiction services, 5537
health, ~~alcohol and drug addiction services~~, developmental 5538
disabilities, aging, rehabilitation and correction, and budget and 5539
management. The chairperson of the council shall be the governor 5540
or the governor's designee and shall establish procedures for the 5541
council's internal control and management. 5542

The purpose of the cabinet council is to help families 5543
seeking government services. This section shall not be interpreted 5544
or applied to usurp the role of parents, but solely to streamline 5545
and coordinate existing government services for families seeking 5546
assistance for their children. 5547

(2) In seeking to fulfill its purpose, the council may do any 5548

of the following: 5549

(a) Advise and make recommendations to the governor and 5550
general assembly regarding the provision of services to children; 5551

(b) Advise and assess local governments on the coordination 5552
of service delivery to children; 5553

(c) Hold meetings at such times and places as may be 5554
prescribed by the council's procedures and maintain records of the 5555
meetings, except that records identifying individual children are 5556
confidential and shall be disclosed only as provided by law; 5557

(d) Develop programs and projects, including pilot projects, 5558
to encourage coordinated efforts at the state and local level to 5559
improve the state's social service delivery system; 5560

(e) Enter into contracts with and administer grants to county 5561
family and children first councils, as well as other county or 5562
multicounty organizations to plan and coordinate service delivery 5563
between state agencies and local service providers for families 5564
and children; 5565

(f) Enter into contracts with and apply for grants from 5566
federal agencies or private organizations; 5567

(g) Enter into interagency agreements to encourage 5568
coordinated efforts at the state and local level to improve the 5569
state's social service delivery system. The agreements may include 5570
provisions regarding the receipt, transfer, and expenditure of 5571
funds; 5572

(h) Identify public and private funding sources for services 5573
provided to alleged or adjudicated unruly children and children 5574
who are at risk of being alleged or adjudicated unruly children, 5575
including regulations governing access to and use of the services; 5576

(i) Collect information provided by local communities 5577
regarding successful programs for prevention, intervention, and 5578

treatment of unruly behavior, including evaluations of the 5579
programs; 5580

(j) Identify and disseminate publications regarding alleged 5581
or adjudicated unruly children and children who are at risk of 5582
being alleged or adjudicated unruly children and regarding 5583
programs serving those types of children; 5584

(k) Maintain an inventory of strategic planning facilitators 5585
for use by government or nonprofit entities that serve alleged or 5586
adjudicated unruly children or children who are at risk of being 5587
alleged or adjudicated unruly children. 5588

(3) The cabinet council shall provide for the following: 5589

(a) Reviews of service and treatment plans for children for 5590
which such reviews are requested; 5591

(b) Assistance as the council determines to be necessary to 5592
meet the needs of children referred by county family and children 5593
first councils; 5594

(c) Monitoring and supervision of a statewide, comprehensive, 5595
coordinated, multi-disciplinary, interagency system for infants 5596
and toddlers with developmental disabilities or delays and their 5597
families, as established pursuant to federal grants received and 5598
administered by the department of health for early intervention 5599
services under the "Individuals with Disabilities Education Act of 5600
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 5601

(4) The cabinet council shall develop and implement the 5602
following: 5603

(a) An interagency process to select the indicators that will 5604
be used to measure progress toward increasing child well-being in 5605
the state and to update the indicators on an annual basis. The 5606
indicators shall focus on expectant parents and newborns thriving; 5607
infants and toddlers thriving; children being ready for school; 5608

children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood.

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

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

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

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

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

(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person

to participate on the county's council. 5640

(c) The health commissioner, or the commissioner's designee, 5641
of the board of health of each city and general health district in 5642
the county. If the county has two or more health districts, the 5643
health commissioner membership may be limited to the commissioners 5644
of the two districts with the largest populations. 5645

(d) The director of the county department of job and family 5646
services; 5647

(e) The executive director of the public children services 5648
agency; 5649

(f) The superintendent of the county board of developmental 5650
disabilities or, if the superintendent serves as superintendent of 5651
more than one county board of developmental disabilities, the 5652
superintendent's designee; 5653

(g) The superintendent of the city, exempted village, or 5654
local school district with the largest number of pupils residing 5655
in the county, as determined by the department of education, which 5656
shall notify each board of county commissioners of its 5657
determination at least biennially; 5658

(h) A school superintendent representing all other school 5659
districts with territory in the county, as designated at a 5660
biennial meeting of the superintendents of those districts; 5661

(i) A representative of the municipal corporation with the 5662
largest population in the county; 5663

(j) The president of the board of county commissioners or an 5664
individual designated by the board; 5665

(k) A representative of the regional office of the department 5666
of youth services; 5667

(l) A representative of the county's head start agencies, as 5668
defined in section 3301.32 of the Revised Code; 5669

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";

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

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

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

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

(2) The purpose of the county council is to streamline and coordinate existing government services for families seeking services for their children. In seeking to fulfill its purpose, a county council shall provide for the following:

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

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

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

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

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

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

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

(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on

expectant parents and newborns thriving; infants and toddlers 5731
thriving; children being ready for school; children and youth 5732
succeeding in school; youth choosing healthy behaviors; and youth 5733
successfully transitioning into adulthood and take into account 5734
the indicators established by the cabinet council under division 5735
(A)(4)(a) of this section. 5736

(c) An annual plan that identifies the county's interagency 5737
efforts to increase child well-being in the county. 5738

On an annual basis, the county council shall submit a report 5739
on the status of efforts by the county to increase child 5740
well-being in the county to the county's board of county 5741
commissioners and the cabinet council. This report shall be made 5742
available to any other person on request. 5743

(4)(a) Except as provided in division (B)(4)(b) of this 5744
section, a county council shall comply with the policies, 5745
procedures, and activities prescribed by the rules or interagency 5746
agreements of a state department participating on the cabinet 5747
council whenever the county council performs a function subject to 5748
those rules or agreements. 5749

(b) On application of a county council, the cabinet council 5750
may grant an exemption from any rules or interagency agreements of 5751
a state department participating on the council if an exemption is 5752
necessary for the council to implement an alternative program or 5753
approach for service delivery to families and children. The 5754
application shall describe the proposed program or approach and 5755
specify the rules or interagency agreements from which an 5756
exemption is necessary. The cabinet council shall approve or 5757
disapprove the application in accordance with standards and 5758
procedures it shall adopt. If an application is approved, the 5759
exemption is effective only while the program or approach is being 5760
implemented, including a reasonable period during which the 5761
program or approach is being evaluated for effectiveness. 5762

(5)(a) Each county council shall designate an administrative 5763
agent for the council from among the following public entities: 5764
the board of alcohol, drug addiction, and mental health services, 5765
including a board of alcohol and drug addiction or a community 5766
mental health board if the county is served by separate boards; 5767
the board of county commissioners; any board of health of the 5768
county's city and general health districts; the county department 5769
of job and family services; the county agency responsible for the 5770
administration of children services pursuant to section 5153.15 of 5771
the Revised Code; the county board of developmental disabilities; 5772
any of the county's boards of education or governing boards of 5773
educational service centers; or the county's juvenile court. Any 5774
of the foregoing public entities, other than the board of county 5775
commissioners, may decline to serve as the council's 5776
administrative agent. 5777

A county council's administrative agent shall serve as the 5778
council's appointing authority for any employees of the council. 5779
The council shall file an annual budget with its administrative 5780
agent, with copies filed with the county auditor and with the 5781
board of county commissioners, unless the board is serving as the 5782
council's administrative agent. The council's administrative agent 5783
shall ensure that all expenditures are handled in accordance with 5784
policies, procedures, and activities prescribed by state 5785
departments in rules or interagency agreements that are applicable 5786
to the council's functions. 5787

The administrative agent of a county council shall send 5788
notice of a member's absence if a member listed in division (B)(1) 5789
of this section has been absent from either three consecutive 5790
meetings of the county council or a county council subcommittee, 5791
or from one-quarter of such meetings in a calendar year, whichever 5792
is less. The notice shall be sent to the board of county 5793
commissioners that establishes the county council and, for the 5794

members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5795
section, to the governing board overseeing the respective entity; 5796
for the member listed in division (B)(1)(f) of this section, to 5797
the county board of developmental disabilities that employs the 5798
superintendent; for a member listed in division (B)(1)(g) or (h) 5799
of this section, to the school board that employs the 5800
superintendent; for the member listed in division (B)(1)(i) of 5801
this section, to the mayor of the municipal corporation; for the 5802
member listed in division (B)(1)(k) of this section, to the 5803
director of youth services; and for the member listed in division 5804
(B)(1)(n) of this section, to that member's board of trustees. 5805

The administrative agent for a county council may do any of 5806
the following on behalf of the council: 5807

(i) Enter into agreements or administer contracts with public 5808
or private entities to fulfill specific council business. Such 5809
agreements and contracts are exempt from the competitive bidding 5810
requirements of section 307.86 of the Revised Code if they have 5811
been approved by the county council and they are for the purchase 5812
of family and child welfare or child protection services or other 5813
social or job and family services for families and children. The 5814
approval of the county council is not required to exempt 5815
agreements or contracts entered into under section 5139.34, 5816
5139.41, or 5139.43 of the Revised Code from the competitive 5817
bidding requirements of section 307.86 of the Revised Code. 5818

(ii) As determined by the council, provide financial 5819
stipends, reimbursements, or both, to family representatives for 5820
expenses related to council activity; 5821

(iii) Receive by gift, grant, devise, or bequest any moneys, 5822
lands, or other property for the purposes for which the council is 5823
established. The agent shall hold, apply, and dispose of the 5824
moneys, lands, or other property according to the terms of the 5825
gift, grant, devise, or bequest. Any interest or earnings shall be 5826

treated in the same manner and are subject to the same terms as 5827
the gift, grant, devise, or bequest from which it accrues. 5828

(b)(i) If the county council designates the board of county 5829
commissioners as its administrative agent, the board may, by 5830
resolution, delegate any of its powers and duties as 5831
administrative agent to an executive committee the board 5832
establishes from the membership of the county council. The board 5833
shall name to the executive committee at least the individuals 5834
described in divisions (B)(1)(b) to (h) of this section and may 5835
appoint the president of the board or another individual as the 5836
chair of the executive committee. The executive committee must 5837
include at least one family county council representative who does 5838
not have a family member employed by an agency represented on the 5839
council. 5840

(ii) The executive committee may, with the approval of the 5841
board, hire an executive director to assist the county council in 5842
administering its powers and duties. The executive director shall 5843
serve in the unclassified civil service at the pleasure of the 5844
executive committee. The executive director may, with the approval 5845
of the executive committee, hire other employees as necessary to 5846
properly conduct the county council's business. 5847

(iii) The board may require the executive committee to submit 5848
an annual budget to the board for approval and may amend or repeal 5849
the resolution that delegated to the executive committee its 5850
authority as the county council's administrative agent. 5851

(6) Two or more county councils may enter into an agreement 5852
to administer their county councils jointly by creating a regional 5853
family and children first council. A regional council possesses 5854
the same duties and authority possessed by a county council, 5855
except that the duties and authority apply regionally rather than 5856
to individual counties. Prior to entering into an agreement to 5857
create a regional council, the members of each county council to 5858

be part of the regional council shall meet to determine whether 5859
all or part of the members of each county council will serve as 5860
members of the regional council. 5861

(7) A board of county commissioners may approve a resolution 5862
by a majority vote of the board's members that requires the county 5863
council to submit a statement to the board each time the council 5864
proposes to enter into an agreement, adopt a plan, or make a 5865
decision, other than a decision pursuant to section 121.38 of the 5866
Revised Code, that requires the expenditure of funds for two or 5867
more families. The statement shall describe the proposed 5868
agreement, plan, or decision. 5869

Not later than fifteen days after the board receives the 5870
statement, it shall, by resolution approved by a majority of its 5871
members, approve or disapprove the agreement, plan, or decision. 5872
Failure of the board to pass a resolution during that time period 5873
shall be considered approval of the agreement, plan, or decision. 5874

An agreement, plan, or decision for which a statement is 5875
required to be submitted to the board shall be implemented only if 5876
it is approved by the board. 5877

(C) Each county shall develop a county service coordination 5878
mechanism. The county service coordination mechanism shall serve 5879
as the guiding document for coordination of services in the 5880
county. For children who also receive services under the help me 5881
grow program, the service coordination mechanism shall be 5882
consistent with rules adopted by the department of health under 5883
section 3701.61 of the Revised Code. All family service 5884
coordination plans shall be developed in accordance with the 5885
county service coordination mechanism. The mechanism shall be 5886
developed and approved with the participation of the county 5887
entities representing child welfare; mental retardation and 5888
developmental disabilities; alcohol, drug addiction, and mental 5889
health services; health; juvenile judges; education; the county 5890

family and children first council; and the county early 5891
intervention collaborative established pursuant to the federal 5892
early intervention program operated under the "Individuals with 5893
Disabilities Education Act of 2004." The county shall establish an 5894
implementation schedule for the mechanism. The cabinet council may 5895
monitor the implementation and administration of each county's 5896
service coordination mechanism. 5897

Each mechanism shall include all of the following: 5898

(1) A procedure for an agency, including a juvenile court, or 5899
a family voluntarily seeking service coordination, to refer the 5900
child and family to the county council for service coordination in 5901
accordance with the mechanism; 5902

(2) A procedure ensuring that a family and all appropriate 5903
staff from involved agencies, including a representative from the 5904
appropriate school district, are notified of and invited to 5905
participate in all family service coordination plan meetings; 5906

(3) A procedure that permits a family to initiate a meeting 5907
to develop or review the family's service coordination plan and 5908
allows the family to invite a family advocate, mentor, or support 5909
person of the family's choice to participate in any such meeting; 5910

(4) A procedure for ensuring that a family service 5911
coordination plan meeting is conducted for each child who receives 5912
service coordination under the mechanism and for whom an emergency 5913
out-of-home placement has been made or for whom a nonemergency 5914
out-of-home placement is being considered. The meeting shall be 5915
conducted within ten days of an emergency out-of-home placement. 5916
The meeting shall be conducted before a nonemergency out-of-home 5917
placement. The family service coordination plan shall outline how 5918
the county council members will jointly pay for services, where 5919
applicable, and provide services in the least restrictive 5920
environment. 5921

(5) A procedure for monitoring the progress and tracking the 5922
outcomes of each service coordination plan requested in the county 5923
including monitoring and tracking children in out-of-home 5924
placements to assure continued progress, appropriateness of 5925
placement, and continuity of care after discharge from placement 5926
with appropriate arrangements for housing, treatment, and 5927
education; *i* 5928

(6) A procedure for protecting the confidentiality of all 5929
personal family information disclosed during service coordination 5930
meetings or contained in the comprehensive family service 5931
coordination plan; *i* 5932

(7) A procedure for assessing the needs and strengths of any 5933
child or family that has been referred to the council for service 5934
coordination, including a child whose parent or custodian is 5935
voluntarily seeking services, and for ensuring that parents and 5936
custodians are afforded the opportunity to participate; 5937

(8) A procedure for development of a family service 5938
coordination plan described in division (D) of this section; 5939

(9) A local dispute resolution process to serve as the 5940
process that must be used first to resolve disputes among the 5941
agencies represented on the county council concerning the 5942
provision of services to children, including children who are 5943
abused, neglected, dependent, unruly, alleged unruly, or 5944
delinquent children and under the jurisdiction of the juvenile 5945
court and children whose parents or custodians are voluntarily 5946
seeking services. The local dispute resolution process shall 5947
comply with sections 121.38, 121.381, and 121.382 of the Revised 5948
Code. The local dispute resolution process shall be used to 5949
resolve disputes between a child's parents or custodians and the 5950
county council regarding service coordination. The county council 5951
shall inform the parents or custodians of their right to use the 5952
dispute resolution process. Parents or custodians shall use 5953

existing local agency grievance procedures to address disputes not 5954
involving service coordination. The dispute resolution process is 5955
in addition to and does not replace other rights or procedures 5956
that parents or custodians may have under other sections of the 5957
Revised Code. 5958

The cabinet council shall adopt rules in accordance with 5959
Chapter 119. of the Revised Code establishing an administrative 5960
review process to address problems that arise concerning the 5961
operation of a local dispute resolution process. 5962

Nothing in division (C)(4) of this section shall be 5963
interpreted as overriding or affecting decisions of a juvenile 5964
court regarding an out-of-home placement, long-term placement, or 5965
emergency out-of-home placement. 5966

(D) Each county shall develop a family service coordination 5967
plan that does all of the following: 5968

(1) Designates service responsibilities among the various 5969
state and local agencies that provide services to children and 5970
their families, including children who are abused, neglected, 5971
dependent, unruly, or delinquent children and under the 5972
jurisdiction of the juvenile court and children whose parents or 5973
custodians are voluntarily seeking services; 5974

(2) Designates an individual, approved by the family, to 5975
track the progress of the family service coordination plan, 5976
schedule reviews as necessary, and facilitate the family service 5977
coordination plan meeting process; 5978

(3) Ensures that assistance and services to be provided are 5979
responsive to the strengths and needs of the family, as well as 5980
the family's culture, race, and ethnic group, by allowing the 5981
family to offer information and suggestions and participate in 5982
decisions. Identified assistance and services shall be provided in 5983
the least restrictive environment possible. 5984

(4) Includes a process for dealing with a child who is alleged to be an unruly child. The process shall include methods to divert the child from the juvenile court system;	5985 5986 5987
(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals;	5988 5989 5990
(6) Includes a plan for dealing with short-term crisis situations and safety concerns.	5991 5992
(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following:	5993 5994
(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;	5995 5996 5997 5998
(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;	5999 6000 6001
(c) Involvement of local law enforcement agencies and officials.	6002 6003
(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following:	6004 6005 6006
(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;	6007 6008 6009 6010 6011 6012
(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine	6013 6014

the appropriate methods to divert the child from the juvenile 6015
court system; 6016

(c) A method to provide to the child and the child's family a 6017
short-term respite from a short-term crisis situation involving a 6018
confrontation between the child and the parents, guardian, or 6019
custodian; 6020

(d) A program to provide a mentor to the child or the 6021
parents, guardian, or custodian; 6022

(e) A program to provide parenting education to the parents, 6023
guardian, or custodian; 6024

(f) An alternative school program for children who are truant 6025
from school, repeatedly disruptive in school, or suspended or 6026
expelled from school; 6027

(g) Other appropriate measures, including, but not limited 6028
to, any alternative methods to divert a child from the juvenile 6029
court system that are identified by the Ohio family and children 6030
first cabinet council. 6031

(F) Each county may review and revise the service 6032
coordination process described in division (D) of this section 6033
based on the availability of funds under Title IV-A of the "Social 6034
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 6035
or to the extent resources are available from any other federal, 6036
state, or local funds. 6037

Sec. 121.372. (A) As used in this section, "substitute care 6038
provider" means any of the following: 6039

(1) ~~An alcohol and drug~~ A community addiction ~~program~~ 6040
services provider subject to certification under section ~~3793.06~~ 6041
5119.36 of the Revised Code; 6042

(2) An institution or association subject to certification 6043
under section 5103.03 of the Revised Code; 6044

(3) A residential facility subject to licensure under section 6045
~~5119.22~~ 5119.34 of the Revised Code; 6046

(4) A residential facility subject to licensure under section 6047
5123.19 of the Revised Code. 6048

(B) Not later than ninety days after ~~the effective date of~~ 6049
~~this section~~ March 18, 1999, the members of the Ohio family and 6050
children first cabinet council, other than the director of budget 6051
and management, shall enter into an agreement to establish an 6052
office to perform the duties prescribed by division (C) of this 6053
section. The agreement shall specify one of the departments 6054
represented on the council as the department responsible for 6055
housing and supervising the office. The agreement shall include 6056
the recommendation of the council for funding the office. 6057

(C) The office established pursuant to the agreement entered 6058
into under this section shall review rules governing the 6059
certification and licensure of substitute care providers and 6060
determine which of the rules can be made substantively identical 6061
or more similar in order to minimize the number of differing 6062
certification and licensure standards and simplify the 6063
certification or licensure process for substitute care providers 6064
seeking certification or licensure from two or more of the 6065
departments represented on the council. The office shall provide 6066
county family and children first councils, substitute care 6067
providers, and persons interested in substitute care providers the 6068
opportunity to help the office with the review and determination. 6069
The office shall report its findings to the council. Each of the 6070
departments represented on the council that has adopted rules 6071
governing the certification or licensure of substitute care 6072
providers shall review the report and amend the rules as that 6073
department considers appropriate, except that no rule shall be 6074
amended so as to make it inconsistent with substitute care 6075
provider certification or licensure procedures and standards 6076

established by federal or state law. A department shall give 6077
priority to amendments that will not increase the department's 6078
administrative costs. In amending a rule, a department shall 6079
comply with Chapter 119. or section 111.15 of the Revised Code, as 6080
required by the Revised Code section governing the adoption of the 6081
particular rule. 6082

(D) In accordance with section 124.27 of the Revised Code, 6083
the council shall select a coordinator to oversee the office 6084
established pursuant to the agreement entered into under this 6085
section. The coordinator shall be in the classified service. In 6086
addition to overseeing the office, the coordinator shall perform 6087
any other duties the council assigns to the coordinator. The 6088
duties the council assigns to the coordinator shall be related to 6089
the duties of the office under division (C) of this section. 6090

Sec. 121.483. A deputy inspector general appointed under 6091
section 121.48 of the Revised Code, who has been awarded a 6092
certificate by the executive director of the Ohio peace officer 6093
training commission attesting to the person's satisfactory 6094
completion of an approved state, county, or municipal peace 6095
officer basic training program, shall have the power and authority 6096
of a peace officer under the laws of this state while engaged in 6097
the scope of the deputy inspector general's duties. 6098

Sec. 122.075. (A) As used in this section: 6099

(1) "Alternative fuel" has the same meaning as in section 6100
125.831 of the Revised Code. 6101

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 6102
fuel that is derived from vegetable oils or animal fats, or any 6103
combination of those reagents, and that meets American society for 6104
testing and materials specification D6751-03a for biodiesel fuel 6105
(B100) blend stock distillate fuels. 6106

(3) "Diesel fuel" and "gasoline" have the same meanings as in section 5735.01 of the Revised Code. 6107
6108

(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code. 6109
6110

(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume. 6111
6112

(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume. 6113
6114

(7) "Incremental cost" means either of the following: 6115

(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased; 6116
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(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased. 6119
6120
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(B) For the purpose of improving the air quality in this state, the director of development services shall establish an alternative fuel transportation program under which the director may make grants and loans to businesses, nonprofit organizations, public school systems, or local governments for the purchase and installation of alternative fuel refueling or distribution facilities and terminals, for the purchase and use of alternative fuel, to pay the cost of fleet conversion, and to pay the costs of educational and promotional materials and activities intended for prospective alternative fuel consumers, fuel marketers, and others in order to increase the availability and use of alternative fuel. 6122
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(C) The director, in consultation with the director of agriculture, shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of the alternative fuel transportation program. The rules shall establish 6133
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at least all of the following:	6137
(1) An application form and procedures governing the application process for receiving funds under the program;	6138 6139
(2) A procedure for prioritizing the award of grants and loans under the program. The procedures shall give preference to all of the following:	6140 6141 6142
(a) Publicly accessible refueling facilities;	6143
(b) Entities applying to the program that have secured funding from other sources, including, but not limited to, private or federal incentives;	6144 6145 6146
(c) Entities that have presented compelling evidence of demand in the market in which the facilities or terminals will be located;	6147 6148 6149
(d) Entities that have committed to utilizing purchased or installed facilities or terminals for the greatest number of years;	6150 6151 6152
(e) Entities that will be purchasing or installing facilities or terminals for any type of alternative fuel.	6153 6154
(3) A requirement that the maximum incentive for the purchase and installation of an alternative fuel refueling or distribution facility or terminal be eighty per cent of the cost of the facility or terminal, except that at least twenty per cent of the total net cost of the facility or terminal shall be incurred by the recipient and not compensated for by any other source;	6155 6156 6157 6158 6159 6160
(4) A requirement that the maximum incentive for the purchase of alternative fuel be eighty per cent of the cost of the fuel or, in the case of blended biodiesel or blended gasoline, eighty per cent of the incremental cost of the blended biodiesel or blended gasoline;	6161 6162 6163 6164 6165
(5) Any other criteria, procedures, or guidelines that the	6166

director determines are necessary to administer the program, 6167
including fees, charges, interest rates, and payment schedules. 6168

(D) An applicant for a grant or loan under this section that 6169
sells motor vehicle fuel at retail shall agree that if the 6170
applicant receives funding, the applicant will report to the 6171
director the gallon or gallon equivalent amounts of alternative 6172
fuel the applicant sells at retail in this state for a period of 6173
three years after the project is completed. 6174

The director shall enter into a written confidentiality 6175
agreement with the applicant regarding the gallon or gallon 6176
equivalent amounts sold as described in this division, and upon 6177
execution of the agreement this information is not a public 6178
record. 6179

(E) There is hereby created in the state treasury the 6180
alternative fuel transportation fund. The fund shall consist of 6181
money transferred to the fund under division ~~(C)~~(B) of section 6182
125.836 and under division (B)(2) of section 3706.27 of the 6183
Revised Code, money that is appropriated to it by the general 6184
assembly, ~~and~~ money as may be specified by the general assembly 6185
from the advanced energy fund created by section 4928.61 of the 6186
Revised Code, and all money received from the repayment of loans 6187
made from the fund or in the event of a default on any such loan. 6188
Money in the fund shall be used to make grants and loans under the 6189
alternative fuel transportation program and by the director in the 6190
administration of that program. 6191

Sec. 122.083. (A) The director of development shall 6192
administer a shovel ready sites program to provide grants for 6193
projects to port authorities and development entities approved by 6194
the director. Grants may be used to pay the costs of any or all of 6195
the following: 6196

(1) Acquisition of property, including options; 6197

(2) Preparation of sites, including brownfield clean-up activities;	6198 6199
(3) Construction of road, water, telecommunication, and utility infrastructure;	6200 6201
(4) Payment of professional fees the amount of which shall not exceed twenty per cent of the grant amount for a project.	6202 6203
(B) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish procedures and requirements necessary for the administration of the program, including a requirement that a recipient of a grant enter into an agreement with the director governing the use of the grant.	6204 6205 6206 6207 6208
(C) There is hereby created in the state treasury the shovel ready sites fund consisting of money appropriated to it. Money in the fund shall be used solely for the purposes of this section.	6209 6210 6211
Sec. 122.17. (A) As used in this section:	6212
(1) "Income tax revenue" means the total amount withheld under section 5747.06 of the Revised Code by the taxpayer during the taxable year, or during the calendar year that includes the tax period, from the compensation of each employee or each home-based employee employed in the project to the extent the employee's withholdings are not used to determine the credit under section 122.171 of the Revised Code. "Income tax revenue" excludes amounts withheld before the day the taxpayer becomes eligible for the credit.	6213 6214 6215 6216 6217 6218 6219 6220 6221
(2) "Baseline income tax revenue" means income tax revenue except that the applicable withholding period is the twelve months immediately preceding the date the tax credit authority approves the taxpayer's application or the date the tax credit authority receives the recommendation described in division (C)(2)(a) of this section, whichever occurs first, multiplied by the sum of one	6222 6223 6224 6225 6226 6227

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

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

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

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

income tax revenue for that year multiplied by the percentage 6260
specified in the agreement with the tax credit authority. Any 6261
credit granted under this section against the tax imposed by 6262
section 5733.06 or 5747.02 of the Revised Code, to the extent not 6263
fully utilized against such tax for taxable years ending prior to 6264
2008, shall automatically be converted without any action taken by 6265
the tax credit authority to a credit against the tax levied under 6266
Chapter 5751. of the Revised Code for tax periods beginning on or 6267
after July 1, 2008, provided that the person to whom the credit 6268
was granted is subject to such tax. The converted credit shall 6269
apply to those calendar years in which the remaining taxable years 6270
specified in the agreement end. 6271

(C)(1) A taxpayer or potential taxpayer who proposes a 6272
project to create new jobs in this state may apply to the tax 6273
credit authority to enter into an agreement for a tax credit under 6274
this section. 6275

An application shall not propose to include both home-based 6276
employees and employees who are not home-based employees in the 6277
computation of income tax revenue for the purposes of the same tax 6278
credit agreement. If a taxpayer or potential taxpayer employs both 6279
home-based employees and employees who are not home-based 6280
employees in a project, the taxpayer shall submit separate 6281
applications for separate tax credit agreements for the project, 6282
one of which shall include home-based employees in the computation 6283
of income tax revenue and one of which shall include all other 6284
employees in the computation of income tax revenue. 6285

The director of development services shall prescribe the form 6286
of the application. After receipt of an application, the authority 6287
may enter into an agreement with the taxpayer for a credit under 6288
this section if it determines all of the following: 6289

(a) The taxpayer's project will increase payroll and income 6290
tax revenue; 6291

(b) The taxpayer's project is economically sound and will 6292
benefit the people of this state by increasing opportunities for 6293
employment and strengthening the economy of this state; 6294

(c) Receiving the tax credit is a major factor in the 6295
taxpayer's decision to go forward with the project. 6296

(2)(a) A taxpayer that chooses to begin the project prior to 6297
receiving the determination of the authority may, upon submitting 6298
the taxpayer's application to the authority, request that the 6299
chief investment officer of the nonprofit corporation formed under 6300
section 187.01 of the Revised Code and the director review the 6301
taxpayer's application and recommend to the authority that the 6302
taxpayer's application be considered. As soon as possible after 6303
receiving such a request, the chief investment officer and the 6304
director shall review the taxpayer's application and, if they 6305
determine that the application warrants consideration by the 6306
authority, make that recommendation to the authority not later 6307
than six months after the application is received by the 6308
authority. 6309

(b) The authority shall consider any taxpayer's application 6310
for which it receives a recommendation under division (C)(2)(a) of 6311
this section. If the authority determines that the taxpayer does 6312
not meet all of the criteria set forth in division (C)(1) of this 6313
section, the authority and the development services agency shall 6314
proceed in accordance with rules adopted by the director pursuant 6315
to division (I) of this section. 6316

(D) An agreement under this section shall include all of the 6317
following: 6318

(1) A detailed description of the project that is the subject 6319
of the agreement; 6320

(2)(a) The term of the tax credit, which, except as provided 6321
in division (D)(2)(b) of this section, shall not exceed fifteen 6322

years, and the first taxable year, or first calendar year that 6323
includes a tax period, for which the credit may be claimed; 6324

(b) If the tax credit is computed on the basis of home-based 6325
employees, the term of the credit shall expire on or before the 6326
last day of the taxable or calendar year ending before the 6327
beginning of the seventh year after September 6, 2012, the 6328
effective date of H.B. 327 of the 129th general assembly. 6329

(3) A requirement that the taxpayer shall maintain operations 6330
at the project location for at least the greater of seven years or 6331
the term of the credit plus three years; 6332

(4) The percentage, as determined by the tax credit 6333
authority, of excess income tax revenue that will be allowed as 6334
the amount of the credit for each taxable year or for each 6335
calendar year that includes a tax period; 6336

(5) The pay increase factor to be applied to the taxpayer's 6337
baseline income tax revenue; 6338

(6) A requirement that the taxpayer annually shall report to 6339
the director of development services employment, tax withholding, 6340
investment, the provision of health care benefits and tuition 6341
reimbursement if required in the agreement, and other information 6342
the director needs to perform the director's duties under this 6343
section; 6344

(7) A requirement that the director of development services 6345
annually review the information reported under division (D)(6) of 6346
this section and verify compliance with the agreement; if the 6347
taxpayer is in compliance, a requirement that the director issue a 6348
certificate to the taxpayer stating that the information has been 6349
verified and identifying the amount of the credit that may be 6350
claimed for the taxable or calendar year; 6351

(8) A provision providing that the taxpayer may not relocate 6352
a substantial number of employment positions from elsewhere in 6353

this state to the project location unless the director of 6354
development services determines that the legislative authority of 6355
the county, township, or municipal corporation from which the 6356
employment positions would be relocated has been notified by the 6357
taxpayer of the relocation. 6358

For purposes of this section, the movement of an employment 6359
position from one political subdivision to another political 6360
subdivision shall be considered a relocation of an employment 6361
position unless the employment position in the first political 6362
subdivision is replaced. 6363

(9) If the tax credit is computed on the basis of home-based 6364
employees, that the tax credit may not be claimed by the taxpayer 6365
until the taxable year or tax period in which the taxpayer employs 6366
at least two hundred employees more than the number of employees 6367
the taxpayer employed on June 30, 2011. 6368

(E) If a taxpayer fails to meet or comply with any condition 6369
or requirement set forth in a tax credit agreement, the tax credit 6370
authority may amend the agreement to reduce the percentage or term 6371
of the tax credit. The reduction of the percentage or term may 6372
take effect in the current taxable or calendar year. 6373

(F) Projects that consist solely of point-of-final-purchase 6374
retail facilities are not eligible for a tax credit under this 6375
section. If a project consists of both point-of-final-purchase 6376
retail facilities and nonretail facilities, only the portion of 6377
the project consisting of the nonretail facilities is eligible for 6378
a tax credit and only the excess income tax revenue from the 6379
nonretail facilities shall be considered when computing the amount 6380
of the tax credit. If a warehouse facility is part of a 6381
point-of-final-purchase retail facility and supplies only that 6382
facility, the warehouse facility is not eligible for a tax credit. 6383
Catalog distribution centers are not considered 6384
point-of-final-purchase retail facilities for the purposes of this 6385

division, and are eligible for tax credits under this section. 6386

(G) Financial statements and other information submitted to 6387
the development services agency or the tax credit authority by an 6388
applicant or recipient of a tax credit under this section, and any 6389
information taken for any purpose from such statements or 6390
information, are not public records subject to section 149.43 of 6391
the Revised Code. However, the chairperson of the authority may 6392
make use of the statements and other information for purposes of 6393
issuing public reports or in connection with court proceedings 6394
concerning tax credit agreements under this section. Upon the 6395
request of the tax commissioner or, if the applicant or recipient 6396
is an insurance company, upon the request of the superintendent of 6397
insurance, the chairperson of the authority shall provide to the 6398
commissioner or superintendent any statement or information 6399
submitted by an applicant or recipient of a tax credit in 6400
connection with the credit. The commissioner or superintendent 6401
shall preserve the confidentiality of the statement or 6402
information. 6403

(H) A taxpayer claiming a credit under this section shall 6404
submit to the tax commissioner or, if the taxpayer is an insurance 6405
company, to the superintendent of insurance, a copy of the 6406
director of development services' certificate of verification 6407
under division (D)(7) of this section with the taxpayer's tax 6408
report or return for the taxable year or for the calendar year 6409
that includes the tax period. Failure to submit a copy of the 6410
certificate with the report or return does not invalidate a claim 6411
for a credit if the taxpayer submits a copy of the certificate to 6412
the commissioner or superintendent within sixty days after the 6413
commissioner or superintendent requests it. 6414

(I) The director of development services, after consultation 6415
with the tax commissioner and the superintendent of insurance and 6416
in accordance with Chapter 119. of the Revised Code, shall adopt 6417

rules necessary to implement this section, including rules that 6418
establish a procedure to be followed by the tax credit authority 6419
and the development services agency in the event the authority 6420
considers a taxpayer's application for which it receives a 6421
recommendation under division (C)(2)(a) of this section but does 6422
not approve it. The rules may provide for recipients of tax 6423
credits under this section to be charged fees to cover 6424
administrative costs of the tax credit program. The fees collected 6425
shall be credited to the business assistance fund created in 6426
section 122.174 of the Revised Code. At the time the director 6427
gives public notice under division (A) of section 119.03 of the 6428
Revised Code of the adoption of the rules, the director shall 6429
submit copies of the proposed rules to the chairpersons of the 6430
standing committees on economic development in the senate and the 6431
house of representatives. 6432

(J) For the purposes of this section, a taxpayer may include 6433
a partnership, a corporation that has made an election under 6434
subchapter S of chapter one of subtitle A of the Internal Revenue 6435
Code, or any other business entity through which income flows as a 6436
distributive share to its owners. A partnership, S-corporation, or 6437
other such business entity may elect to pass the credit received 6438
under this section through to the persons to whom the income or 6439
profit of the partnership, S-corporation, or other entity is 6440
distributed. The election shall be made on the annual report 6441
required under division (D)(6) of this section. The election 6442
applies to and is irrevocable for the credit for which the report 6443
is submitted. If the election is made, the credit shall be 6444
apportioned among those persons in the same proportions as those 6445
in which the income or profit is distributed. 6446

(K) If the director of development services determines that a 6447
taxpayer who has received a credit under this section is not 6448
complying with the requirement under division (D)(3) of this 6449

section, the director shall notify the tax credit authority of the 6450
noncompliance. After receiving such a notice, and after giving the 6451
taxpayer an opportunity to explain the noncompliance, the tax 6452
credit authority may require the taxpayer to refund to this state 6453
a portion of the credit in accordance with the following: 6454

(1) If the taxpayer maintained operations at the project 6455
location for a period less than or equal to the term of the 6456
credit, an amount not exceeding one hundred per cent of the sum of 6457
any credits allowed and received under this section; 6458

(2) If the taxpayer maintained operations at the project 6459
location for a period longer than the term of the credit, but less 6460
than the greater of seven years or the term of the credit plus 6461
three years, an amount not exceeding seventy-five per cent of the 6462
sum of any credits allowed and received under this section. 6463

In determining the portion of the tax credit to be refunded 6464
to this state, the tax credit authority shall consider the effect 6465
of market conditions on the taxpayer's project and whether the 6466
taxpayer continues to maintain other operations in this state. 6467
After making the determination, the authority shall certify the 6468
amount to be refunded to the tax commissioner or superintendent of 6469
insurance, as appropriate. If the amount is certified to the 6470
commissioner, the commissioner shall make an assessment for that 6471
amount against the taxpayer under Chapter 5726., 5733., 5747., or 6472
5751. of the Revised Code. If the amount is certified to the 6473
superintendent, the superintendent shall make an assessment for 6474
that amount against the taxpayer under Chapter 5725. or 5729. of 6475
the Revised Code. The time limitations on assessments under those 6476
chapters do not apply to an assessment under this division, but 6477
the commissioner or superintendent, as appropriate, shall make the 6478
assessment within one year after the date the authority certifies 6479
to the commissioner or superintendent the amount to be refunded. 6480

(L) On or before the first day of August each year, the 6481

director of development services shall submit a report to the 6482
governor, the president of the senate, and the speaker of the 6483
house of representatives on the tax credit program under this 6484
section. The report shall include information on the number of 6485
agreements that were entered into under this section during the 6486
preceding calendar year, a description of the project that is the 6487
subject of each such agreement, and an update on the status of 6488
projects under agreements entered into before the preceding 6489
calendar year. 6490

(M) There is hereby created the tax credit authority, which 6491
consists of the director of development services and four other 6492
members appointed as follows: the governor, the president of the 6493
senate, and the speaker of the house of representatives each shall 6494
appoint one member who shall be a specialist in economic 6495
development; the governor also shall appoint a member who is a 6496
specialist in taxation. Of the initial appointees, the members 6497
appointed by the governor shall serve a term of two years; the 6498
members appointed by the president of the senate and the speaker 6499
of the house of representatives shall serve a term of four years. 6500
Thereafter, terms of office shall be for four years. Initial 6501
appointments to the authority shall be made within thirty days 6502
after January 13, 1993. Each member shall serve on the authority 6503
until the end of the term for which the member was appointed. 6504
Vacancies shall be filled in the same manner provided for original 6505
appointments. Any member appointed to fill a vacancy occurring 6506
prior to the expiration of the term for which the member's 6507
predecessor was appointed shall hold office for the remainder of 6508
that term. Members may be reappointed to the authority. Members of 6509
the authority shall receive their necessary and actual expenses 6510
while engaged in the business of the authority. The director of 6511
development services shall serve as chairperson of the authority, 6512
and the members annually shall elect a vice-chairperson from among 6513
themselves. Three members of the authority constitute a quorum to 6514

transact and vote on the business of the authority. The majority 6515
vote of the membership of the authority is necessary to approve 6516
any such business, including the election of the vice-chairperson. 6517

The director of development services may appoint a 6518
professional employee of the development services agency to serve 6519
as the director's substitute at a meeting of the authority. The 6520
director shall make the appointment in writing. In the absence of 6521
the director from a meeting of the authority, the appointed 6522
substitute shall serve as chairperson. In the absence of both the 6523
director and the director's substitute from a meeting, the 6524
vice-chairperson shall serve as chairperson. 6525

(N) For purposes of the credits granted by this section 6526
against the taxes imposed under sections 5725.18 and 5729.03 of 6527
the Revised Code, "taxable year" means the period covered by the 6528
taxpayer's annual statement to the superintendent of insurance. 6529

(O) On or before the first day of ~~January~~ March of each of 6530
the ~~six~~ five calendar years ~~following the year in which H.B. 327~~ 6531
~~of the 129th general assembly becomes effective~~ beginning with 6532
2014, each taxpayer subject to an agreement with the tax credit 6533
authority under this section on the basis of home-based employees 6534
shall report the number of home-based employees and other 6535
employees employed by the taxpayer in this state to the ~~department~~ 6536
~~of development~~ services agency. 6537

(P) On or before the first day of January of ~~the seventh~~ 6538
~~calendar year following the year in which H.B. 327 of the 129th~~ 6539
~~general assembly became effective~~ 2019, the director of 6540
development services shall submit a report to the governor, the 6541
president of the senate, and the speaker of the house of 6542
representatives on the effect of agreements entered into under 6543
this section in which the taxpayer included home-based employees 6544
in the computation of income tax revenue. The report shall include 6545
information on the number of such agreements that were entered 6546

into in the preceding six years, a description of the projects 6547
that were the subjects of such agreements, and an analysis of 6548
nationwide home-based employment trends, including the number of 6549
home-based jobs created from July 1, 2011, through June 30, 2017, 6550
and a description of any home-based employment tax incentives 6551
provided by other states during that time. 6552

(Q) The director of development services may require any 6553
agreement entered into under this section for a tax credit 6554
computed on the basis of home-based employees to contain a 6555
provision that the taxpayer makes available health care benefits 6556
and tuition reimbursement to all employees. 6557

Sec. 122.171. (A) As used in this section: 6558

(1) "Capital investment project" means a plan of investment 6559
at a project site for the acquisition, construction, renovation, 6560
or repair of buildings, machinery, or equipment, or for 6561
capitalized costs of basic research and new product development 6562
determined in accordance with generally accepted accounting 6563
principles, but does not include any of the following: 6564

(a) Payments made for the acquisition of personal property 6565
through operating leases; 6566

(b) Project costs paid before January 1, 2002; 6567

(c) Payments made to a related member as defined in section 6568
5733.042 of the Revised Code or to a consolidated elected taxpayer 6569
or a combined taxpayer as defined in section 5751.01 of the 6570
Revised Code. 6571

(2) "Eligible business" means a taxpayer and its related 6572
members with Ohio operations satisfying all of the following: 6573

(a) The taxpayer employs at least five hundred full-time 6574
equivalent employees or has an annual payroll of at least 6575
thirty-five million dollars at the time the tax credit authority 6576

grants the tax credit under this section; 6577

(b) The taxpayer makes or causes to be made payments for the 6578
capital investment project of one of the following: 6579

(i) If the taxpayer is engaged at the project site primarily 6580
as a manufacturer, at least fifty million dollars in the aggregate 6581
at the project site during a period of three consecutive calendar 6582
years, including the calendar year that includes a day of the 6583
taxpayer's taxable year or tax period with respect to which the 6584
credit is granted; 6585

(ii) If the taxpayer is engaged at the project site primarily 6586
in significant corporate administrative functions, as defined by 6587
the director of development services by rule, at least twenty 6588
million dollars in the aggregate at the project site during a 6589
period of three consecutive calendar years including the calendar 6590
year that includes a day of the taxpayer's taxable year or tax 6591
period with respect to which the credit is granted; 6592

(iii) If the taxpayer is applying to enter into an agreement 6593
for a tax credit authorized under division (B)(3) of this section, 6594
at least five million dollars in the aggregate at the project site 6595
during a period of three consecutive calendar years, including the 6596
calendar year that includes a day of the taxpayer's taxable year 6597
or tax period with respect to which the credit is granted. 6598

(c) The taxpayer had a capital investment project reviewed 6599
and approved by the tax credit authority as provided in divisions 6600
(C), (D), and (E) of this section. 6601

(3) "Full-time equivalent employees" means the quotient 6602
obtained by dividing the total number of hours for which employees 6603
were compensated for employment in the project by two thousand 6604
eighty. "Full-time equivalent employees" shall exclude hours that 6605
are counted for a credit under section 122.17 of the Revised Code. 6606

(4) "Income tax revenue" means the total amount withheld 6607

under section 5747.06 of the Revised Code by the taxpayer during 6608
the taxable year, or during the calendar year that includes the 6609
tax period, from the compensation of all employees employed in the 6610
project whose hours of compensation are included in calculating 6611
the number of full-time equivalent employees. 6612

(5) "Manufacturer" has the same meaning as in section 6613
5739.011 of the Revised Code. 6614

(6) "Project site" means an integrated complex of facilities 6615
in this state, as specified by the tax credit authority under this 6616
section, within a fifteen-mile radius where a taxpayer is 6617
primarily operating as an eligible business. 6618

(7) "Related member" has the same meaning as in section 6619
5733.042 of the Revised Code as that section existed on the 6620
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 6621
general assembly, September 29, 1997. 6622

(8) "Taxable year" includes, in the case of a domestic or 6623
foreign insurance company, the calendar year ending on the 6624
thirty-first day of December preceding the day the superintendent 6625
of insurance is required to certify to the treasurer of state 6626
under section 5725.20 or 5729.05 of the Revised Code the amount of 6627
taxes due from insurance companies. 6628

(B) The tax credit authority created under section 122.17 of 6629
the Revised Code may grant tax credits under this section for the 6630
purpose of fostering job retention in this state. Upon application 6631
by an eligible business and upon consideration of the 6632
recommendation of the director of budget and management, tax 6633
commissioner, the superintendent of insurance in the case of an 6634
insurance company, and director of development services under 6635
division (C) of this section, the tax credit authority may grant 6636
the following credits against the tax imposed by section 5725.18, 6637
5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 of the Revised 6638

Code: 6639

(1) A nonrefundable credit to an eligible business; 6640

(2) A refundable credit to an eligible business meeting the 6641
following conditions, provided that the director of budget and 6642
management, tax commissioner, superintendent of insurance in the 6643
case of an insurance company, and director of development services 6644
have recommended the granting of the credit to the tax credit 6645
authority before July 1, 2011: 6646

(a) The business retains at least one thousand full-time 6647
equivalent employees at the project site. 6648

(b) The business makes or causes to be made payments for a 6649
capital investment project of at least twenty-five million dollars 6650
in the aggregate at the project site during a period of three 6651
consecutive calendar years, including the calendar year that 6652
includes a day of the business' taxable year or tax period with 6653
respect to which the credit is granted. 6654

(c) In 2010, the business received a written offer of 6655
financial incentives from another state of the United States that 6656
the director determines to be sufficient inducement for the 6657
business to relocate the business' operations from this state to 6658
that state. 6659

(3) A refundable credit to an eligible business with a total 6660
annual payroll of at least twenty million dollars, provided that 6661
the tax credit authority grants the tax credit on or after July 1, 6662
2011, and before January 1, 2014. 6663

The credits authorized in divisions (B)(1), (2), and (3) of 6664
this section may be granted for a period up to fifteen taxable 6665
years or, in the case of the tax levied by section 5751.02 of the 6666
Revised Code, for a period of up to fifteen calendar years. The 6667
credit amount for a taxable year or a calendar year that includes 6668
the tax period for which a credit may be claimed equals the income 6669

tax revenue for that year multiplied by the percentage specified 6670
in the agreement with the tax credit authority. The percentage may 6671
not exceed seventy-five per cent. The credit shall be claimed in 6672
the order required under section 5725.98, 5726.98, 5729.98, 6673
5733.98, 5747.98, or 5751.98 of the Revised Code. In determining 6674
the percentage and term of the credit, the tax credit authority 6675
shall consider both the number of full-time equivalent employees 6676
and the value of the capital investment project. The credit amount 6677
may not be based on the income tax revenue for a calendar year 6678
before the calendar year in which the tax credit authority 6679
specifies the tax credit is to begin, and the credit shall be 6680
claimed only for the taxable years or tax periods specified in the 6681
eligible business' agreement with the tax credit authority. In no 6682
event shall the credit be claimed for a taxable year or tax period 6683
terminating before the date specified in the agreement. Any credit 6684
granted under this section against the tax imposed by section 6685
5733.06 or 5747.02 of the Revised Code, to the extent not fully 6686
utilized against such tax for taxable years ending prior to 2008, 6687
shall automatically be converted without any action taken by the 6688
tax credit authority to a credit against the tax levied under 6689
Chapter 5751. of the Revised Code for tax periods beginning on or 6690
after July 1, 2008, provided that the person to whom the credit 6691
was granted is subject to such tax. The converted credit shall 6692
apply to those calendar years in which the remaining taxable years 6693
specified in the agreement end. 6694

If a nonrefundable credit allowed under division (B)(1) of 6695
this section for a taxable year or tax period exceeds the 6696
taxpayer's tax liability for that year or period, the excess may 6697
be carried forward for the three succeeding taxable or calendar 6698
years, but the amount of any excess credit allowed in any taxable 6699
year or tax period shall be deducted from the balance carried 6700
forward to the succeeding year or period. 6701

(C) A taxpayer that proposes a capital investment project to retain jobs in this state may apply to the tax credit authority to enter into an agreement for a tax credit under this section. The director of development services shall prescribe the form of the application. After receipt of an application, the authority shall forward copies of the application to the director of budget and management, the tax commissioner, the superintendent of insurance in the case of an insurance company, and the director of development services, each of whom shall review the application to determine the economic impact the proposed project would have on the state and the affected political subdivisions and shall submit a summary of their determinations and recommendations to the authority.

(D) Upon review and consideration of the determinations and recommendations described in division (C) of this section, the tax credit authority may enter into an agreement with the taxpayer for a credit under this section if the authority determines all of the following:

(1) The taxpayer's capital investment project will result in the retention of employment in this state.

(2) The taxpayer is economically sound and has the ability to complete the proposed capital investment project.

(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years.

(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project.

(5) If the taxpayer is applying to enter into an agreement for a tax credit authorized under division (B)(3) of this section, the taxpayer's capital investment project will be located in the political subdivision in which the taxpayer maintains its

principal place of business or maintains a unit or division with 6733
at least four thousand two hundred employees at the project site. 6734

(E) An agreement under this section shall include all of the 6735
following: 6736

(1) A detailed description of the project that is the subject 6737
of the agreement, including the amount of the investment, the 6738
period over which the investment has been or is being made, the 6739
number of full-time equivalent employees at the project site, and 6740
the anticipated income tax revenue to be generated. 6741

(2) The term of the credit, the percentage of the tax credit, 6742
the maximum annual value of tax credits that may be allowed each 6743
year, and the first year for which the credit may be claimed. 6744

(3) A requirement that the taxpayer maintain operations at 6745
the project site for at least the greater of (a) the term of the 6746
credit plus three years, or (b) seven years. 6747

(4)(a) In the case of a credit granted under division (B)(1) 6748
of this section, a requirement that the taxpayer retain at least 6749
five hundred full-time equivalent employees at the project site 6750
and within this state for the entire term of the credit, or a 6751
requirement that the taxpayer maintain an annual payroll of at 6752
least thirty-five million dollars for the entire term of the 6753
credit; 6754

(b) In the case of a credit granted under division (B)(2) of 6755
this section, a requirement that the taxpayer retain at least one 6756
thousand full-time equivalent employees at the project site and 6757
within this state for the entire term of the credit; 6758

(c) In the case of a credit granted under division (B)(3) of 6759
this section, either of the following: 6760

(i) A requirement that the taxpayer retain at least five 6761
hundred full-time equivalent employees at the project site and 6762

within this state for the entire term of the credit and a 6763
requirement that the taxpayer maintain an annual payroll of at 6764
least twenty million dollars for the entire term of the credit; 6765

(ii) A requirement that the taxpayer maintain an annual 6766
payroll of at least thirty-five million dollars for the entire 6767
term of the credit. 6768

(5) A requirement that the taxpayer annually report to the 6769
director of development services employment, tax withholding, 6770
capital investment, and other information the director needs to 6771
perform the director's duties under this section. 6772

(6) A requirement that the director of development services 6773
annually review the annual reports of the taxpayer to verify the 6774
information reported under division (E)(5) of this section and 6775
compliance with the agreement. Upon verification, the director 6776
shall issue a certificate to the taxpayer stating that the 6777
information has been verified and identifying the amount of the 6778
credit for the taxable year or calendar year that includes the tax 6779
period. In determining the number of full-time equivalent 6780
employees, no position shall be counted that is filled by an 6781
employee who is included in the calculation of a tax credit under 6782
section 122.17 of the Revised Code. 6783

(7) A provision providing that the taxpayer may not relocate 6784
a substantial number of employment positions from elsewhere in 6785
this state to the project site unless the director of development 6786
services determines that the taxpayer notified the legislative 6787
authority of the county, township, or municipal corporation from 6788
which the employment positions would be relocated. 6789

For purposes of this section, the movement of an employment 6790
position from one political subdivision to another political 6791
subdivision shall be considered a relocation of an employment 6792
position unless the movement is confined to the project site. The 6793

transfer of an employment position from one political subdivision 6794
to another political subdivision shall not be considered a 6795
relocation of an employment position if the employment position in 6796
the first political subdivision is replaced by another employment 6797
position. 6798

(8) A waiver by the taxpayer of any limitations periods 6799
relating to assessments or adjustments resulting from the 6800
taxpayer's failure to comply with the agreement. 6801

(F) If a taxpayer fails to meet or comply with any condition 6802
or requirement set forth in a tax credit agreement, the tax credit 6803
authority may amend the agreement to reduce the percentage or term 6804
of the credit. The reduction of the percentage or term may take 6805
effect in the current taxable or calendar year. 6806

(G) Financial statements and other information submitted to 6807
the department of development services or the tax credit authority 6808
by an applicant for or recipient of a tax credit under this 6809
section, and any information taken for any purpose from such 6810
statements or information, are not public records subject to 6811
section 149.43 of the Revised Code. However, the chairperson of 6812
the authority may make use of the statements and other information 6813
for purposes of issuing public reports or in connection with court 6814
proceedings concerning tax credit agreements under this section. 6815
Upon the request of the tax commissioner, or the superintendent of 6816
insurance in the case of an insurance company, the chairperson of 6817
the authority shall provide to the commissioner or superintendent 6818
any statement or other information submitted by an applicant for 6819
or recipient of a tax credit in connection with the credit. The 6820
commissioner or superintendent shall preserve the confidentiality 6821
of the statement or other information. 6822

(H) A taxpayer claiming a tax credit under this section shall 6823
submit to the tax commissioner or, in the case of an insurance 6824
company, to the superintendent of insurance, a copy of the 6825

director of development services' certificate of verification 6826
under division (E)(6) of this section with the taxpayer's tax 6827
report or return for the taxable year or for the calendar year 6828
that includes the tax period. Failure to submit a copy of the 6829
certificate with the report or return does not invalidate a claim 6830
for a credit if the taxpayer submits a copy of the certificate to 6831
the commissioner or superintendent within sixty days after the 6832
commissioner or superintendent requests it. 6833

(I) For the purposes of this section, a taxpayer may include 6834
a partnership, a corporation that has made an election under 6835
subchapter S of chapter one of subtitle A of the Internal Revenue 6836
Code, or any other business entity through which income flows as a 6837
distributive share to its owners. A partnership, S-corporation, or 6838
other such business entity may elect to pass the credit received 6839
under this section through to the persons to whom the income or 6840
profit of the partnership, S-corporation, or other entity is 6841
distributed. The election shall be made on the annual report 6842
required under division (E)(5) of this section. The election 6843
applies to and is irrevocable for the credit for which the report 6844
is submitted. If the election is made, the credit shall be 6845
apportioned among those persons in the same proportions as those 6846
in which the income or profit is distributed. 6847

(J) If the director of development services determines that a 6848
taxpayer that received a certificate under division (E)(6) of this 6849
section is not complying with the requirement under division 6850
(E)(3) of this section, the director shall notify the tax credit 6851
authority of the noncompliance. After receiving such a notice, and 6852
after giving the taxpayer an opportunity to explain the 6853
noncompliance, the authority may terminate the agreement and 6854
require the taxpayer, or any related member or members that 6855
claimed the tax credit under division (N) of this section, to 6856
refund to the state all or a portion of the credit claimed in 6857

previous years, as follows: 6858

(1) If the taxpayer maintained operations at the project site 6859
for less than or equal to the term of the credit, an amount not to 6860
exceed one hundred per cent of the sum of any tax credits allowed 6861
and received under this section. 6862

(2) If the taxpayer maintained operations at the project site 6863
longer than the term of the credit, but less than the greater of 6864
(a) the term of the credit plus three years, or (b) seven years, 6865
the amount required to be refunded shall not exceed seventy-five 6866
per cent of the sum of any tax credits allowed and received under 6867
this section. 6868

In determining the portion of the credit to be refunded to 6869
this state, the authority shall consider the effect of market 6870
conditions on the taxpayer's project and whether the taxpayer 6871
continues to maintain other operations in this state. After making 6872
the determination, the authority shall certify the amount to be 6873
refunded to the tax commissioner or the superintendent of 6874
insurance. If the taxpayer, or any related member or members who 6875
claimed the tax credit under division (N) of this section, is not 6876
an insurance company, the commissioner shall make an assessment 6877
for that amount against the taxpayer under Chapter 5726., 5733., 6878
5747., or 5751. of the Revised Code. If the taxpayer, or any 6879
related member or members that claimed the tax credit under 6880
division (N) of this section, is an insurance company, the 6881
superintendent of insurance shall make an assessment under section 6882
5725.222 or 5729.102 of the Revised Code. The time limitations on 6883
assessments under those chapters and sections do not apply to an 6884
assessment under this division, but the commissioner or 6885
superintendent shall make the assessment within one year after the 6886
date the authority certifies to the commissioner or superintendent 6887
the amount to be refunded. 6888

(K) The director of development services, after consultation 6889

with the tax commissioner and the superintendent of insurance and 6890
in accordance with Chapter 119. of the Revised Code, shall adopt 6891
rules necessary to implement this section. The rules may provide 6892
for recipients of tax credits under this section to be charged 6893
fees to cover administrative costs of the tax credit program. The 6894
fees collected shall be credited to the business assistance fund 6895
created in section 122.174 of the Revised Code. At the time the 6896
director gives public notice under division (A) of section 119.03 6897
of the Revised Code of the adoption of the rules, the director 6898
shall submit copies of the proposed rules to the chairpersons of 6899
the standing committees on economic development in the senate and 6900
the house of representatives. 6901

(L) On or before the first day of August of each year, the 6902
director of development services shall submit a report to the 6903
governor, the president of the senate, and the speaker of the 6904
house of representatives on the tax credit program under this 6905
section. The report shall include information on the number of 6906
agreements that were entered into under this section during the 6907
preceding calendar year, a description of the project that is the 6908
subject of each such agreement, and an update on the status of 6909
projects under agreements entered into before the preceding 6910
calendar year. 6911

(M)(1) The aggregate amount of tax credits issued under 6912
division (B)(1) of this section during any calendar year for 6913
capital investment projects reviewed and approved by the tax 6914
credit authority may not exceed the following amounts: 6915

(a) For 2010, thirteen million dollars; 6916

(b) For 2011 through 2023, the amount of the limit for the 6917
preceding calendar year plus thirteen million dollars; 6918

(c) For 2024 and each year thereafter, one hundred 6919
ninety-five million dollars. 6920

(2) The aggregate amount of tax credits authorized under 6921
divisions (B)(2) and (3) of this section and allowed to be claimed 6922
by taxpayers in any calendar year for capital improvement projects 6923
reviewed and approved by the tax credit authority in 2011, 2012, 6924
and 2013 combined shall not exceed twenty-five million dollars. An 6925
amount equal to the aggregate amount of credits first authorized 6926
in calendar year 2011, 2012, and 2013 may be claimed over the 6927
ensuing period up to fifteen years, subject to the terms of 6928
individual tax credit agreements. 6929

The limitations in division (M) of this section do not apply 6930
to credits for capital investment projects approved by the tax 6931
credit authority before July 1, 2009. 6932

(N) This division applies only to an eligible business that 6933
is part of an affiliated group that includes a diversified savings 6934
and loan holding company or a grandfathered unitary savings and 6935
loan holding company, as those terms are defined in section 6936
5726.01 of the Revised Code. Notwithstanding any contrary 6937
provision of the agreement between such an eligible business and 6938
the tax credit authority, any credit granted under this section 6939
against the tax imposed by section 5725.18, 5729.03, 5733.06, 6940
5747.02, or 5751.02 of the Revised Code to the eligible business, 6941
at the election of the eligible business and without any action by 6942
the tax credit authority, may be shared with any member or members 6943
of the affiliated group that includes the eligible business, which 6944
member or members may claim the credit against the taxes imposed 6945
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 6946
of the Revised Code. Credits shall be claimed by the eligible 6947
business in sequential order, as applicable, first claiming the 6948
credits to the fullest extent possible against the tax that the 6949
certificate holder is subject to, then against the tax imposed by, 6950
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 6951
lastly 5726.02 of the Revised Code. The credits may be allocated 6952

among the members of the affiliated group in such manner as the 6953
eligible business elects, but subject to the sequential order 6954
required under this division. This division applies to credits 6955
granted before, on, or after March 27, 2013, the effective date of 6956
H.B. 510 of the 129th general assembly. Credits granted before 6957
that effective date that are shared and allocated under this 6958
division may be claimed in those calendar years in which the 6959
remaining taxable years specified in the agreement end. 6960

As used in this division, "affiliated group" means a group of 6961
two or more persons with fifty per cent or greater of the value of 6962
each person's ownership interests owned or controlled directly, 6963
indirectly, or constructively through related interests by common 6964
owners during all or any portion of the taxable year, and the 6965
common owners. "Affiliated group" includes, but is not limited to, 6966
any person eligible to be included in a consolidated elected 6967
taxpayer group under section 5751.011 of the Revised Code or a 6968
combined taxpayer group under section 5751.012 of the Revised 6969
Code. 6970

Sec. 122.175. (A) As used in this section: 6971

(1) "Capital investment project" means a plan of investment 6972
at a project site for the acquisition, construction, renovation, 6973
expansion, replacement, or repair of a computer data center or of 6974
computer data center equipment, but does not include any of the 6975
following: 6976

(a) Project costs paid before a date determined by the tax 6977
credit authority for each capital investment project; 6978

(b) Payments made to a related member as defined in section 6979
5733.042 of the Revised Code or to a consolidated elected taxpayer 6980
or a combined taxpayer as defined in section 5751.01 of the 6981
Revised Code. 6982

(2) "Computer data center" means a facility used or to be used primarily to house computer data center equipment used or to be used in conducting a one or more computer data center ~~business~~ businesses, as determined by the tax credit authority.

(3) "Computer data center business" means, as may be further determined by the tax credit authority, a business that provides electronic information services as defined in division (Y)(1)(c) of section 5739.01 of the Revised Code, or that leases a facility to one or more such businesses. "Computer data center business" does not include providing electronic publishing as defined in division (LLL) of that section.

(4) "Computer data center equipment" means tangible personal property used or to be used for any of the following:

(a) To conduct a computer data center business, including equipment cooling systems to manage the performance of computer data center equipment;

(b) To generate, transform, transmit, distribute, or manage electricity necessary to operate the tangible personal property used or to be used in conducting a computer data center business;

(c) As building and construction materials sold to construction contractors for incorporation into a computer data center.

(5) "Eligible computer data center" means a computer data center that satisfies all of the following requirements:

(a) ~~The taxpayer~~ One or more taxpayers operating a computer data center business at the project site will, in the aggregate, make payments for a capital investment project of at least one hundred million dollars ~~in the aggregate~~ at the project site during a period of three consecutive calendar years;

(b) ~~The taxpayer~~ One or more taxpayers operating a computer

data center business at the project site will, in the aggregate, 7013
pay annual compensation that is subject to the withholding 7014
obligation imposed under section 5747.06 of the Revised Code of at 7015
least ~~five~~ one million five hundred thousand dollars to employees 7016
employed at the project site for ~~the term of the agreement~~ each 7017
year of the agreement beginning on or after the first day of the 7018
twenty-fifth month after the agreement was entered into under this 7019
section. 7020

(6) "Person" has the same meaning as in section 5701.01 of 7021
the Revised Code. 7022

(7) "Project site," "related member," and "tax credit 7023
authority" have the same meanings as in sections 122.17 and 7024
122.171 of the Revised Code. 7025

(8) "Taxpayer" means any person subject to the taxes imposed 7026
under Chapters 5739. and 5741. of the Revised Code. 7027

(B) The tax credit authority may completely or partially 7028
exempt from the taxes levied under Chapters 5739. and 5741. of the 7029
Revised Code the sale, storage, use, or other consumption of 7030
computer data center equipment used or to be used at an eligible 7031
computer data center. Any such exemption shall extend to charges 7032
for the delivery, installation, or repair of the computer data 7033
center equipment subject to the exemption under this section. 7034

(C) A taxpayer that proposes a capital improvement project 7035
for an eligible computer data center in this state may apply to 7036
the tax credit authority to enter into an agreement under this 7037
section ~~for~~ authorizing a complete or partial exemption from the 7038
taxes imposed under Chapters 5739. and 5741. of the Revised Code 7039
on computer data center equipment purchased by the applicant or 7040
any other taxpayer that operates a computer data center business 7041
at the project site and used or to be used at the eligible 7042
computer data center. The director of development services shall 7043

prescribe the form of the application. After receipt of an 7044
application, the authority shall forward copies of the application 7045
to the director of budget and management, the tax commissioner, 7046
and the director of development services, each of whom shall 7047
review the application to determine the economic impact that the 7048
proposed eligible computer data center would have on the state and 7049
any affected political subdivisions and submit to the authority a 7050
summary of their determinations and recommendations. 7051

(D) Upon review and consideration of such determinations and 7052
recommendations, the tax credit authority may enter into an 7053
agreement with the applicant and any other taxpayer that operates 7054
a computer data center business at the project site for a complete 7055
or partial exemption from the taxes imposed under Chapters 5739. 7056
and 5741. of the Revised Code on computer data center equipment 7057
used or to be used at an eligible computer data center if the 7058
authority determines all of the following: 7059

(1) The ~~taxpayer's~~ capital investment project for the 7060
eligible computer data center will increase payroll and the amount 7061
of income taxes to be withheld from employee compensation pursuant 7062
to section 5747.06 of the Revised Code. 7063

(2) The ~~taxpayer~~ applicant is economically sound and has the 7064
ability to complete or effect the completion of the proposed 7065
capital investment project. 7066

(3) The ~~taxpayer~~ applicant intends to and has the ability to 7067
maintain operations at the project site for the term of the 7068
agreement. 7069

(4) Receiving the exemption is a major factor in the 7070
~~taxpayer's~~ applicant's decision to begin, continue with, or 7071
complete the capital investment project. 7072

(E) An agreement entered into under this section shall 7073
include all of the following: 7074

(1) A detailed description of the capital investment project 7075
that is the subject of the agreement, including the amount of the 7076
investment, the period over which the investment has been or is 7077
being made, the annual compensation to be paid by ~~the~~ each 7078
taxpayer subject to the agreement to its employees at the project 7079
site, and the anticipated amount of income taxes to be withheld 7080
from employee compensation pursuant to section 5747.06 of the 7081
Revised Code. 7082

(2) The percentage of the exemption from the taxes imposed 7083
under Chapters 5739. and 5741. of the Revised Code for the 7084
computer data center equipment used or to be used at the eligible 7085
computer data center, the length of time the computer data center 7086
equipment will be exempted, and the first date on which the 7087
exemption applies. 7088

(3) A requirement that ~~the taxpayer maintain~~ the computer 7089
data center ~~as~~ remain an eligible computer data center during the 7090
term of the agreement and that the ~~taxpayer~~ applicant maintain 7091
operations at the eligible computer data center during that term. 7092
An applicant does not violate the requirement described in 7093
division (E)(3) of this section if the applicant ceases operations 7094
at the eligible computer data center during the term of the 7095
agreement but resumes those operations within eighteen months 7096
after the date of cessation. The agreement shall provide that, in 7097
such a case, the applicant and any other taxpayer that operates a 7098
computer data center business at the project site shall not claim 7099
the tax exemption authorized in the agreement for any purchase of 7100
computer data center equipment made during the period in which the 7101
applicant did not maintain operations at the eligible computer 7102
data center. 7103

(4) A requirement that during, for each year of the term of 7104
the agreement ~~the taxpayer~~ beginning on or after the first day of 7105
the twenty-fifth month after the date the agreement was entered 7106

into, one or more taxpayers operating a computer data center 7107
business at the project site will, in the aggregate, pay annual 7108
compensation that is subject to the withholding obligation imposed 7109
under section 5747.06 of the Revised Code of at least ~~five~~ one 7110
million five hundred thousand dollars to ~~its~~ employees at the 7111
eligible computer data center. 7112

(5) A requirement that ~~the~~ each taxpayer subject to the 7113
agreement annually report to the director of development services 7114
employment, tax withholding, capital investment, and other 7115
information required by the director to perform the director's 7116
duties under this section. 7117

(6) A requirement that the director of development services 7118
annually review the annual reports of ~~the~~ each taxpayer subject to 7119
the agreement to verify the information reported under division 7120
(E)(5) of this section and compliance with the agreement. Upon 7121
verification, the director shall issue a certificate to ~~the~~ each 7122
such taxpayer stating that the information has been verified and 7123
that the taxpayer remains eligible for the exemption specified in 7124
the agreement. 7125

(7) A provision providing that the ~~taxpayer~~ taxpayers subject 7126
to the agreement may not relocate a substantial number of 7127
employment positions from elsewhere in this state to the project 7128
site unless the director of development services determines that 7129
the appropriate taxpayer notified the legislative authority of the 7130
county, township, or municipal corporation from which the 7131
employment positions would be relocated. For purposes of this 7132
paragraph, the movement of an employment position from one 7133
political subdivision to another political subdivision shall be 7134
considered a relocation of an employment position unless the 7135
movement is confined to the project site. The transfer of an 7136
employment position from one political subdivision to another 7137
political subdivision shall not be considered a relocation of an 7138

employment position if the employment position in the first 7139
political subdivision is replaced by another employment position. 7140

(8) A waiver by ~~the~~ each taxpayer subject to the agreement of 7141
any limitations periods relating to assessments or adjustments 7142
resulting from the taxpayer's failure to comply with the 7143
agreement. 7144

(F) The term of an agreement under this section shall be 7145
determined by the tax credit authority, and the amount of the 7146
exemption shall not exceed one hundred per cent of such taxes that 7147
would otherwise be owed in respect to the exempted computer data 7148
center equipment. 7149

(G) If ~~a~~ any taxpayer subject to an agreement under this 7150
section fails to meet or comply with any condition or requirement 7151
set forth in ~~an~~ the agreement ~~under this section~~, the tax credit 7152
authority may amend the agreement to reduce the percentage of the 7153
exemption or term during which the exemption applies to the 7154
computer data center equipment used or to be used by the 7155
noncompliant taxpayer at an eligible computer data center. The 7156
reduction of the percentage or term may take effect in the current 7157
calendar year. 7158

(H) Financial statements and other information submitted to 7159
the department of development services or the tax credit authority 7160
by an applicant for or recipient of an exemption under this 7161
section, and any information taken for any purpose from such 7162
statements or information, are not public records subject to 7163
section 149.43 of the Revised Code. However, the chairperson of 7164
the authority may make use of the statements and other information 7165
for purposes of issuing public reports or in connection with court 7166
proceedings concerning tax exemption agreements under this 7167
section. Upon the request of the tax commissioner, the chairperson 7168
of the authority shall provide to the tax commissioner any 7169
statement or other information submitted by an applicant for or 7170

recipient of an exemption under this section. The tax commissioner 7171
shall preserve the confidentiality of the statement or other 7172
information. 7173

(I) The tax commissioner shall issue a direct payment permit 7174
under section 5739.031 of the Revised Code to a each taxpayer ~~that~~ 7175
~~enters into~~ subject to an agreement under this section. Such 7176
direct payment permit shall authorize the taxpayer to pay any 7177
sales and use taxes due on purchases of computer data center 7178
equipment used or to be used in an eligible computer data center 7179
and to pay any sales and use taxes due on purchases of tangible 7180
personal property or taxable services other than computer data 7181
center equipment used or to be used in an eligible computer data 7182
center directly to the tax commissioner. Each such taxpayer shall 7183
pay pursuant to such direct payment permit all sales tax levied on 7184
such purchases under sections 5739.02, 5739.021, 5739.023, and 7185
5739.026 of the Revised Code and all use tax levied on such 7186
purchases under sections 5741.02, 5741.021, 5741.022, and 5741.023 7187
of the Revised Code, consistent with the terms of the agreement 7188
entered into under this section. 7189

During the term of an agreement under this section ~~the~~ each 7190
taxpayer subject to the agreement shall submit to the tax 7191
commissioner a return that shows the amount of computer data 7192
center equipment purchased for use at the eligible computer data 7193
center, the amount of tangible personal property and taxable 7194
services other than computer data center equipment purchased for 7195
use at the eligible computer data center, the amount of tax under 7196
Chapter 5739. or 5741. of the Revised Code that would be due in 7197
the absence of the agreement under this section, the exemption 7198
percentage for computer data center equipment specified in the 7199
agreement, and the amount of tax due under Chapter 5739. or 5741. 7200
of the Revised Code as a result of the agreement under this 7201
section. ~~The~~ Each such taxpayer shall pay the tax shown on the 7202

return to be due in the manner and at the times as may be further 7203
prescribed by the tax commissioner. ~~The~~ Each such taxpayer shall 7204
include a copy of the director of development services' 7205
certificate of verification issued under division (E)(6) of this 7206
section. Failure to submit a copy of the certificate with the 7207
return does not invalidate the claim for exemption if the taxpayer 7208
submits a copy of the certificate to the tax commissioner within 7209
sixty days after the tax commissioner requests it. 7210

(J) If the director of development services determines that a 7211
~~taxpayer that~~ one or more taxpayers received an exemption ~~under~~ 7212
~~this section is not complying~~ from taxes due on the purchase of 7213
computer data center equipment purchased for use at a computer 7214
data center that no longer complies with the requirement under 7215
division (E)(3) of this section, the director shall notify the tax 7216
credit authority and, if applicable, the taxpayer that applied to 7217
enter the agreement for the exemption under division (C) if this 7218
section of the noncompliance. After receiving such a notice, and 7219
after giving ~~the~~ each taxpayer subject to the agreement an 7220
opportunity to explain the noncompliance, the authority may 7221
terminate the agreement and require ~~the~~ each such taxpayer to pay 7222
to the state all or a portion of the taxes that would have been 7223
owed in regards to the exempt equipment in previous years, all as 7224
determined under rules adopted pursuant to division (K) of this 7225
section. In determining the portion of the taxes that would have 7226
been owed on the previously exempted equipment to be paid to this 7227
state by ~~the~~ a taxpayer, the authority shall consider the effect 7228
of market conditions on the ~~taxpayer's~~ eligible computer data 7229
center ~~and,~~ whether the taxpayer continues to maintain other 7230
operations in this state, and, with respect to agreements 7231
involving multiple taxpayers, the taxpayer's level of 7232
responsibility for the noncompliance. After making the 7233
determination, the authority shall certify to the tax commissioner 7234
the amount to be paid by ~~the~~ each taxpayer subject to the 7235

agreement. The tax commissioner shall make an assessment for that amount against ~~the~~ each such taxpayer under Chapter 5739. or 5741. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the tax commissioner shall make the assessment within one year after the date the authority certifies to the tax commissioner the amount to be paid by the taxpayer.

(K) The director of development services, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section. The rules may provide for recipients of tax exemptions under this section to be charged fees to cover administrative costs incurred in the administration of this section. The fees collected shall be credited to the business assistance fund created in section 122.174 of the Revised Code. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

(L) On or before the first day of August of each year, the director of development services shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the tax exemption authorized under this section. The report shall include information on the number of agreements that were entered into under this section during the preceding calendar year, a description of the eligible computer data center that is the subject of each such agreement, and an update on the status of eligible computer data centers under agreements entered into before the preceding calendar year.

(M) A taxpayer may be made a party to an existing agreement entered into under this section by the tax credit authority and

another taxpayer or group of taxpayers. In such a case, the 7268
taxpayer shall be entitled to all benefits and bound by all 7269
obligations contained in the agreement and all requirements 7270
described in this section. When an agreement includes multiple 7271
taxpayers, each taxpayer shall be entitled to a direct payment 7272
permit as authorized in division (I) of this section. 7273

Sec. 122.28. As used in sections 122.28 and 122.30 to 122.36 7274
of the Revised Code: 7275

(A) "New technology" means the development through science or 7276
research of methods, processes, and procedures, including but not 7277
limited to those involving the processing and utilization of coal, 7278
for practical application in industrial or agribusiness 7279
situations. 7280

(B) "Industrial research" means study and investigation in 7281
giving new shapes, new qualities or new combinations to matter or 7282
material products by the application of labor thereto or the 7283
rehabilitation of an existing matter or material product. 7284

(C) "Enterprise" means a business with its principal place of 7285
business in this state or which proposes to be engaged in this 7286
state in research and development or in the provision of products 7287
or services involving a significant amount of new technology. 7288

(D) "Educational institutions" means nonprofit public and 7289
private colleges and universities, incorporated or unincorporated, 7290
in the state. 7291

(E) "Small business" means an enterprise with less than four 7292
hundred employees, including corporations, partnerships, 7293
unincorporated entities, proprietorships, and joint enterprises. 7294

(F) "Applied research" means the application of basic 7295
research for the development of new technology. 7296

~~Sec. 122.30. The industrial technology and enterprise~~ 7297
~~advisory council and the director of development are~~ 7298
~~vested with the powers and duties provided in sections 122.28~~ 7299
~~and~~ 7300
~~122.30 to 122.36 of the Revised Code, to promote the welfare of~~ 7301
~~the people of the state through the interaction of the business~~ 7302
~~and industrial community and educational institutions in the~~ 7303
~~development of new technology and enterprise.~~

(A) It is necessary for the state to establish the ~~industrial~~ 7304
~~technology and enterprise advisory council and the programs~~ 7305
created pursuant to sections 122.28 ~~and 122.30~~ to 122.36 of the 7306
Revised Code to accomplish the following purposes which are 7307
determined to be essential: 7308

(1) Improve the existing industrial and agricultural base of 7309
the state; 7310

(2) Improve the economy of the state by providing employment, 7311
increasing productivity, and slowing the rate of inflation; 7312

(3) Develop markets worldwide for the products of the state's 7313
natural resources and agricultural and manufacturing industries; 7314

(4) Maintain a high standard of living for the people of the 7315
state. 7316

(B) ~~The industrial technology and enterprise advisory council~~ 7317
~~shall do all of the following:~~ 7318

~~(1) Make recommendations to the director of development as to~~ 7319
~~applications for assistance pursuant to sections 122.28 to 122.36~~ 7320
~~of the Revised Code. The council may revise its recommendations to~~ 7321
~~reflect any changes in the proposed assistance made by the~~ 7322
~~director.~~ 7323

~~(2) Advise the director in the administration of sections~~ 7324
~~122.28 to 122.36 of the Revised Code;~~ 7325

~~(3) Adopt bylaws to govern the conduct of the council's~~ 7326

business.	7327
(C) The director of development shall do all of the	7328
following:	7329
(1) Receive applications for assistance under sections 122.28	7330
and 122.30 to 122.36 of the Revised Code and, after processing,	7331
forward them to the council together with necessary supporting	7332
information;	7333
(2) Receive the recommendations of the council and make <u>Make</u>	7334
a final determination whether to approve the application for	7335
assistance;	7336
(3) Transmit determinations to approve assistance exceeding	7337
forty thousand dollars to the controlling board, together with any	7338
information the controlling board requires, for the board's review	7339
and decision as to whether to approve the assistance;	7340
(4) Gather and disseminate information and conduct hearings,	7341
conferences, seminars, investigations, and special studies on	7342
problems and programs concerning industrial research and new	7343
technology and their commercial applications in the state;	7344
(5) Establish an annual program to recognize the	7345
accomplishments and contributions of individuals and organizations	7346
in the development of industrial research and new technology in	7347
the state;	7348
(6) Stimulate both public and industrial awareness and	7349
interest in industrial research and development of new technology	7350
primarily in the areas of industrial processes, implementation,	7351
energy, agribusiness, medical technology, avionics, and food	7352
processing;	7353
(7) Develop and implement comprehensive and coordinated	7354
policies, programs, and procedures promoting industrial research	7355
and new technology;	7356

- (8) Propose appropriate legislation or executive actions to stimulate the development of industrial research and new technology by enterprises and individuals; 7357
7358
7359
- (9) Encourage and facilitate contracts between industry, agriculture, educational institutions, federal agencies, and state agencies, with special emphasis on industrial research and new technology by small businesses and agribusiness; 7360
7361
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7363
- (10) Participate with any state agency in developing specific programs and goals to assist in the development of industrial research and new technology and monitor performance; 7364
7365
7366
- (11) Assist enterprises in obtaining alternative forms of governmental or commercial financing for industrial research and new technology; 7367
7368
7369
- (12) Assist enterprises or individuals in the implementation of new programs and policies and the expansion of existing programs to provide an atmosphere conducive to increased cooperation among and participation by individuals, enterprises, and educational institutions engaged in industrial research and the development of new technology; 7370
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7375
- (13) Advertise, prepare, print, and distribute books, maps, pamphlets, and other information ~~which in the judgment of the director will further its purposes;~~ 7376
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7378
- (14) Include in the director's annual report to the governor and the general assembly a report on the activities for the preceding calendar year under sections 122.28 and 122.30 to 122.36 of the Revised Code; 7379
7380
7381
7382
- (15) Approve the expenditure of money appropriated by the general assembly for the purpose of sections 122.28 and 122.30 to 122.36 of the Revised Code; 7383
7384
7385
- (16) Identify and implement federal research and development 7386

programs which would link Ohio's industrial base, research 7387
facilities, and natural resources; 7388

(17) Employ and fix the compensation of technical and 7389
professional personnel, who shall be in the unclassified civil 7390
service, and employ other personnel, who shall be in the 7391
classified civil service, as necessary to carry out the provisions 7392
of sections 122.28 and 122.30 to 122.36 of the Revised Code. 7393

Sec. 122.31. All expenses and obligations incurred by the 7394
director of development ~~and the industrial technology and~~ 7395
~~enterprise advisory council~~ services in carrying out ~~their the~~ 7396
director's powers and ~~in exercising their~~ duties under sections 7397
122.28 and 122.30 to 122.36 of the Revised Code, are payable from 7398
revenues or other receipts or income from grants, gifts, 7399
contributions, compensation, reimbursement, and funds established 7400
in accordance with those sections or general revenue funds 7401
appropriated by the general assembly for operating expenses of the 7402
director ~~or council~~. 7403

Sec. 122.32. The director of development services, on behalf 7404
of the programs authorized pursuant to sections 122.28 and 122.30 7405
to 122.36 of the Revised Code, may receive and accept grants, 7406
gifts, and contributions of money, property, labor, and other 7407
things of value to be held, used, and applied only for the purpose 7408
for which the grants, gifts, and contributions are made, from 7409
individuals, private and public corporations, from the United 7410
States or any agency of the United States, and from any political 7411
subdivision of the state. The director may agree to repay any 7412
contribution of money or to return any property contributed or its 7413
value at times, in amounts, and on terms and conditions excluding 7414
the payment of interest as the director determines at the time the 7415
contribution is made. The director may evidence the obligation by 7416
written contracts, subject to section 122.31 of the Revised Code, 7417

provided that the director shall not thereby incur indebtedness of 7418
or impose liability upon the state or any political subdivision. 7419

Sec. 122.33. The director of development services shall 7420
administer the following programs: 7421

(A) The industrial technology and enterprise development 7422
grant program, to provide capital to acquire, construct, enlarge, 7423
improve, or equip and to sell, lease, exchange, and otherwise 7424
dispose of property, structures, equipment, and facilities within 7425
the state. 7426

Such funding may be made to enterprises that propose to 7427
develop new products or technologies when the director finds all 7428
of the following factors to be present: 7429

(1) The undertaking will benefit the people of the state by 7430
creating or preserving jobs and employment opportunities or 7431
improving the economic welfare of the people of the state, and 7432
promoting the development of new technology. 7433

(2) There is reasonable assurance that the potential 7434
royalties to be derived from the sale of the product or process 7435
described in the proposal will be sufficient to repay the funding 7436
pursuant to sections 122.28 and 122.30 to 122.36 of the Revised 7437
Code and that, in making the agreement, as it relates to patents, 7438
copyrights, and other ownership rights, there is reasonable 7439
assurance that the resulting new technology will be utilized to 7440
the maximum extent possible in facilities located in Ohio. 7441

(3) The technology and research to be undertaken will allow 7442
enterprises to compete more effectively in the marketplace. Grants 7443
of capital may be in such form and conditioned upon such terms as 7444
the ~~board~~ director deems appropriate. 7445

(B) The industrial technology and enterprise resources 7446
program to provide for the collection, dissemination, and exchange 7447

of information regarding equipment, facilities, and business 7448
planning consultation resources available in business, industry, 7449
and educational institutions and to establish methods by which 7450
small businesses may use available facilities and resources. The 7451
methods may include, but need not be limited to, leases 7452
reimbursing the educational institutions for their actual costs 7453
incurred in maintaining the facilities and agreements assigning 7454
royalties from development of successful products or processes 7455
through the use of the facilities and resources. The director 7456
shall operate this program in conjunction with the board of 7457
regents. 7458

(C) The Thomas Alva Edison grant program to provide grants to 7459
foster research, development, or technology transfer efforts 7460
involving enterprises and educational institutions that will lead 7461
to the creation of jobs. The director shall utilize the Edison 7462
center network in carrying out the goals and objectives of this 7463
program. For the purposes of this division, "Edison center 7464
network" means the six cooperative research and development 7465
facilities in this state that receive funding under this division, 7466
are nonprofit organizations, have been in existence at least 7467
eighteen years as of the effective date of this amendment, and 7468
have experience in delivering manufacturing extension partnership 7469
program services to companies in this state. 7470

(1) Grants may be made to a nonprofit organization or a 7471
public or private educational institution, department, college, 7472
institute, faculty member, or other administrative subdivision or 7473
related entity of an educational institution when the director 7474
finds that the undertaking will benefit the people of the state by 7475
supporting research in advanced technology areas likely to improve 7476
the economic welfare of the people of the state through promoting 7477
the development of new commercial technology. 7478

(2) Grants may be made in a form and conditioned upon terms 7479

as the director considers appropriate. 7480

(3) Grants made under this program shall in all instances be 7481
in conjunction with a contribution to the project by a cooperating 7482
enterprise which maintains or proposes to maintain a relevant 7483
research, development, or manufacturing facility in the state, by 7484
a nonprofit organization, or by an educational institution or 7485
related entity; however, funding provided by an educational 7486
institution or related entity shall not be from general revenue 7487
funds appropriated by the Ohio general assembly. No grant made 7488
under this program shall exceed the contribution made by the 7489
cooperating enterprise, nonprofit organization, or educational 7490
institution or related entity. The director may consider 7491
cooperating contributions in the form of state of the art new 7492
equipment or in other forms provided the director determines that 7493
the contribution is essential to the successful implementation of 7494
the project. The director may adopt rules or guidelines for the 7495
valuation of contributions of equipment or other property. 7496

(4) The director may determine fields of research from which 7497
grant applications will be accepted under this program. 7498

Sec. 122.34. The exercise of the powers granted by sections 7499
122.28 and 122.30 to 122.36 of the Revised Code will be in all 7500
respects for the benefit of the people of the state, for the 7501
improvement of commerce and prosperity, improvement of employment 7502
conditions, and will constitute the performance of essential 7503
governmental functions. 7504

Sec. 122.35. All moneys received under sections 122.28 and 7505
122.30 to 122.36 of the Revised Code are trust funds to be held 7506
and applied solely as provided in those sections and section 7507
166.03 of the Revised Code. All moneys, except when deposited with 7508
the treasurer of the state, shall be kept and secured in 7509

depositories as selected by the director of development services 7510
in the manner provided in sections 135.01 to 135.21 of the Revised 7511
Code, insofar as those sections are applicable. All moneys held by 7512
the director in trust to carry out the purposes of sections 122.28 7513
and 122.30 to 122.36 of the Revised Code shall be used as provided 7514
in sections 122.28 and 122.30 to 122.36 of the Revised Code and at 7515
no time be part of other public funds. 7516

Sec. 122.36. Any materials or data submitted to, made 7517
available to, or received by the director of development, ~~the~~ 7518
~~industrial technology and enterprise advisory council,~~ services or 7519
the controlling board, to the extent that the material or data 7520
consist of trade secrets, as defined in section 1333.61 of the 7521
Revised Code, or commercial or financial information, regarding 7522
projects are not public records for the purposes of section 149.43 7523
of the Revised Code. 7524

Sec. 122.58. Moneys in the funds established pursuant to 7525
Chapter 122. of the Revised Code, except as otherwise provided in 7526
any proceedings authorizing revenue bonds or in any trust 7527
agreement securing such bonds, in excess of current needs, may be 7528
invested in notes, bonds, or other obligations which are direct 7529
obligations of or are guaranteed by the United States, in 7530
certificates of deposit or other withdrawable accounts of banks, 7531
trust companies, and building and loan or savings and loan 7532
associations organized under the laws of the state or the United 7533
States, or in the manner provided in any agreement entered into 7534
pursuant to section 169.05 of the Revised Code. 7535

Income from all such investments of moneys in any fund shall 7536
be credited to such funds as the director of development 7537
determines subject to the provisions of any bond issuance 7538
proceedings or trust agreement, and such investments may be sold 7539
at such time as the director shall determine, provided 7540

certificates of deposit or other withdrawable accounts may be sold 7541
only in accordance with division (B) of section 169.05 or 7542
divisions ~~(D) and~~ (E) and (F) of section 169.08 of the Revised 7543
Code. 7544

Sec. 122.657. For the purposes of sections 122.65 to 122.658 7545
of the Revised Code, the director of development shall establish 7546
policies and requirements regarding all of the following: 7547

(A) The form and content of applications for grants or loans 7548
from the clean Ohio revitalization fund under section 122.652 of 7549
the Revised Code. The policies and requirements shall require that 7550
each application include, at a minimum, all of the following: 7551

(1) The name, address, and telephone number of the applicant; 7552

(2) The legal description of the property for which the grant 7553
or loan is requested; 7554

(3) A summary description of the hazardous substances or 7555
petroleum present at the brownfield and a certified copy of the 7556
results of an assessment; 7557

(4) A detailed explanation of the proposed cleanup or 7558
remediation of the brownfield, including an identification of the 7559
applicable cleanup standards, and a detailed description of the 7560
proposed use of the brownfield after completion of the cleanup or 7561
remediation; 7562

(5) An estimate of the total cost to clean up or remediate 7563
the brownfield in order to comply with the applicable cleanup 7564
standards. The total cost shall include the cost of employing a 7565
certified professional under section 122.654 of the Revised Code. 7566

(6) A detailed explanation of the portion of the estimated 7567
total cost of the cleanup or remediation of the brownfield that 7568
the applicant proposes to provide as required under sections 7569
122.653 and 122.658 of the Revised Code and financial records 7570

supporting the proposal; 7571

(7) A certified copy of a resolution or ordinance approving 7572
the project that the applicant shall obtain from the board of 7573
township trustees of the township or the legislative authority of 7574
the municipal corporation in which the property is located, 7575
whichever is applicable; 7576

(8) A description of the estimated economic benefit that will 7577
result from a cleanup or remediation of the brownfield; 7578

(9) An application summary for purposes of review by an 7579
integrating committee or, if applicable, the executive committee 7580
of an integrating committee under division (B) of section 122.652 7581
of the Revised Code; 7582

(10) With respect to applications for loans, information 7583
demonstrating that the applicant will implement a financial 7584
management plan that includes, without limitation, provisions for 7585
the satisfactory repayment of the loan; 7586

(11) Any other provisions that the director determines should 7587
be included in an application. 7588

(B) Procedures for conducting public meetings and providing 7589
public notice under division (A) of section 122.652 of the Revised 7590
Code; 7591

(C) Criteria to be used by integrating committees or, if 7592
required under division (C) of section 122.652 of the Revised 7593
Code, executive committees of integrating committees when 7594
prioritizing projects under division (B) of section 122.652 of the 7595
Revised Code. The policies and requirements also shall establish 7596
procedures that integrating committees or, if required under 7597
division (C) of section 122.652 of the Revised Code, executive 7598
committees of integrating committees shall use in applying the 7599
criteria. 7600

(D) A selection process that provides for the prioritization of brownfield cleanup or remediation projects for which grant or loan applications are submitted under section 122.652 of the Revised Code. The policies and requirements shall require the selection process to give priority to projects in which the post-cleanup or remediation use will be for a combination of residential, commercial, or industrial purposes, which may include the conversion of a portion of a brownfield to a recreation, park, or natural area that is integrated with the residential, commercial, or industrial use of the brownfield after cleanup or remediation, or will incorporate projects that are funded by grants awarded under sections 164.20 to 164.27 of the Revised Code. The policies and requirements shall require the selection process to incorporate and emphasize all of the following factors:

(1) The potential economic benefit that will result from the cleanup or remediation of a brownfield;

(2) The potential environmental improvement that will result from the cleanup or remediation of a brownfield;

(3) The amount and nature of the match provided by an applicant as required under sections 122.653 and 122.658 of the Revised Code;

(4) Funding priorities recommended by integrating committees or, if required under division (C) of section 122.652 of the Revised Code, executive committees of integrating committees under division (B) of section 122.652 of the Revised Code;

(5) The potential benefit to low-income communities, including minority communities, that will result from the cleanup or remediation of a brownfield;

(6) Any other factors that the director considers appropriate.

(E) The development of criteria that the director shall use

when awarding grants under section 122.656 of the Revised Code. 7632
The criteria shall give priority to public health projects. In 7633
addition, the director, in consultation with the director of 7634
environmental protection, shall establish policies and 7635
requirements that require the criteria to include a public health 7636
project selection process that incorporates and emphasizes all of 7637
the following factors: 7638

(1) The potential environmental improvement that will result 7639
from the cleanup or remediation; 7640

(2) The ability of an applicant to access the property for 7641
purposes of the cleanup or remediation; 7642

(3) The name and qualifications of the cleanup or remediation 7643
contractor; 7644

(4) Any other factors that the director of development 7645
considers appropriate. 7646

The director of development may develop any other policies 7647
and requirements that the director determines are necessary for 7648
the administration of section 122.656 of the Revised Code. 7649

(F) The development of a brownfield cleanup and remediation 7650
oversight program to ensure compliance with sections 122.65 to 7651
122.658 of the Revised Code and policies and requirements 7652
established under this section. The policies and requirements 7653
shall require the program to include, at a minimum, both of the 7654
following: 7655

(1) Procedures for the accounting of invoices and receipts 7656
and any other documents that are necessary to demonstrate that a 7657
cleanup or remediation was properly performed; 7658

(2) Procedures that are necessary to provide a detailed 7659
explanation of the status of the property five years after the 7660
completed cleanup or remediation. 7661

(G) A delineation of what constitutes administrative costs 7662
for purposes of divisions (D) and (F) of section 122.658 of the 7663
Revised Code; 7664

(H) Procedures and requirements for making loans and loan 7665
agreements that include at least all of the following: 7666

(1) Not more than fifteen per cent of moneys annually 7667
allocated to the clean Ohio revitalization fund shall be used for 7668
loans. 7669

(2) The loans shall be made at or below market rates of 7670
interest, including, without limitation, interest-free loans. 7671

(3) The recipient of a loan shall identify a source of 7672
security and a source of repayment of the loan. 7673

~~(4) All payments of principal and interest on a loan shall be 7674
deposited in the state treasury and credited to the clean Ohio 7675
revitalization revolving loan fund. 7676~~

~~(5) The clean Ohio council may accept notes and other forms 7677
of obligation to evidence indebtedness, accept mortgages, liens, 7678
pledges, assignments, and other security interests to secure such 7679
indebtedness, and take any actions that are considered by the 7680
council to be appropriate to protect such security and safeguard 7681
against losses, including, without limitation, foreclosure and 7682
bidding on the purchase of property upon foreclosure or other 7683
sale. 7684~~

(I) Any other policies and requirements that the director 7685
determines are necessary for the administration of sections 122.65 7686
to 122.658 of the Revised Code. 7687

Sec. 122.658. (A) The clean Ohio revitalization fund is 7688
hereby created in the state treasury. The fund shall consist of 7689
moneys credited to it pursuant to section 151.40 of the Revised 7690
Code. Moneys in the fund shall be used to make grants or loans for 7691

projects that have been approved by the clean Ohio council in 7692
accordance with section 122.653 of the Revised Code, except that 7693
the council annually shall devote twenty per cent of the net 7694
proceeds of obligations deposited in the clean Ohio revitalization 7695
fund for the purposes of section 122.656 of the Revised Code. 7696

Moneys in the clean Ohio revitalization fund may be used to 7697
pay reasonable costs incurred by the department of development and 7698
the environmental protection agency in administering sections 7699
122.65 to 122.658 of the Revised Code. All investment earnings of 7700
the fund shall be credited to the fund. Investment earnings 7701
credited to the clean Ohio revitalization fund may be used to pay 7702
costs incurred by the department of development and the 7703
environmental protection agency pursuant to sections 122.65 to 7704
122.658 of the Revised Code. 7705

The department of development shall administer the clean Ohio 7706
revitalization fund in accordance with this section, policies and 7707
requirements established under section 122.657 of the Revised 7708
Code, and the terms of agreements entered into by the council 7709
under section 122.653 of the Revised Code. 7710

(B) Grants awarded and loans made under section 122.653 of 7711
the Revised Code shall provide not more than seventy-five per cent 7712
of the estimated total cost of a project. A grant or loan to any 7713
one project shall not exceed three million dollars. An applicant 7714
shall provide at least twenty-five per cent of the estimated total 7715
cost of a project. The applicant's share may consist of one or a 7716
combination of any of the following: 7717

(1) Payment of the cost of acquiring the property for the 7718
purposes of sections 122.65 to 122.658 of the Revised Code; 7719

(2) Payment of the reasonable cost of an assessment at the 7720
property; 7721

(3) The reasonable value, as determined by the council, of 7722
labor and materials that will be contributed by the applicant in 7723
performing the cleanup or remediation; 7724

(4) Moneys received by the applicant in any form for use in 7725
performing the cleanup or remediation; 7726

(5) Loans secured by the applicant for the purpose of the 7727
cleanup or remediation of the brownfield. 7728

Costs that were incurred more than two years prior to the 7729
submission of an application to the clean Ohio council for the 7730
acquisition of property, assessments, and labor and materials 7731
shall not be used as part of the applicant's matching share. 7732

(C) The department of development shall not make any payment 7733
to an applicant from the clean Ohio revitalization fund to pay 7734
costs of the applicant that were not included in an application 7735
for a grant or loan under section 122.653 of the Revised Code or 7736
that exceed the amount of the estimated total cost of the project 7737
included in the application. If, upon completion of a project, the 7738
costs of the project are less than the amounts included in the 7739
application, the amounts included in the application less the 7740
amounts of the actual costs of the project shall be credited to 7741
the clean Ohio revitalization fund. However, the amounts credited 7742
shall be equivalent in percentage to the percentage of the costs 7743
of the project that were to be funded by the grant or loan from 7744
the fund. 7745

(D) Grants awarded or loans made under section 122.653 of the 7746
Revised Code from the clean Ohio revitalization fund shall be used 7747
by an applicant only to pay the costs of the actual cleanup or 7748
remediation of a brownfield and shall not be used by an applicant 7749
to pay any administrative costs incurred by the applicant. Costs 7750
related to the use of a certified professional for purposes of 7751
section 122.654 of the Revised Code are not administrative costs 7752

and may be paid with moneys from grants awarded or loans made 7753
under section 122.653 of the Revised Code. 7754

(E) The portion of net proceeds of obligations devoted under 7755
division (A) of this section for the purposes of section 122.656 7756
of the Revised Code shall be used to make grants for assessments, 7757
cleanup or remediation of brownfields, and public health projects 7758
that have been approved by the director of development under that 7759
section. The department of development shall administer section 7760
122.656 of the Revised Code in accordance with this section, 7761
policies and requirements established under section 122.657 of the 7762
Revised Code, and the terms of agreements entered into by the 7763
director under section 122.656 of the Revised Code. The director 7764
shall not grant more than twenty-five million dollars for public 7765
health projects under section 122.656 of the Revised Code. 7766

(F) Grants awarded under section 122.656 of the Revised Code 7767
shall be used by an applicant only to pay the costs of actually 7768
conducting an assessment, a cleanup or remediation of a 7769
brownfield, or a public health project and shall not be used by an 7770
applicant to pay any administrative costs incurred by the 7771
applicant. Costs related to the use of a certified professional 7772
for purposes of section 122.654 of the Revised Code are not 7773
administrative costs and may be paid with moneys from grants 7774
awarded under section 122.656 of the Revised Code. 7775

~~(G)(1) The clean Ohio revitalization revolving loan fund is 7776
hereby created in the state treasury. Payments of principal and 7777
interest on loans made from the clean Ohio revitalization fund 7778
shall be credited to this revolving loan fund, as shall payments 7779
of principal and interest on loans made from the revolving loan 7780
fund itself. The revolving loan fund's investment earnings shall 7781
be credited to it. 7782~~

~~(2) The clean Ohio revitalization revolving loan fund shall 7783
be used to make loans for the same purposes and subject to the 7784~~

~~same policies, requirements, criteria, and application procedures~~ 7785
~~as loans made from the clean Ohio revitalization fund.~~ 7786

Sec. 122.66. As used in sections 122.66 to 122.702 of the 7787
Revised Code: 7788

(A) "Poverty line" means the official poverty line 7789
established by the director of the United States office of 7790
management and budget and as revised by the ~~director~~ secretary of 7791
~~the office of community health and human~~ services in accordance 7792
with section 673(2) of the "Community Services Block Grant Act," 7793
95 Stat. 1609, 42 U.S.C.A. 9902. 7794

(B) "Low-income person" means a person whose adjusted gross 7795
income as defined in division (A) of section 5747.01 of the 7796
Revised Code is below the poverty line as defined in division (A) 7797
of this section. 7798

(C) "Advocacy" means the act of pleading for, supporting, or 7799
recommending actions on behalf of low-income persons. 7800

(D) "Community action agency" means a community-based and 7801
operated private nonprofit agency or organization that includes or 7802
is designed to include a sufficient number of projects or 7803
components to provide a range of services and activities having a 7804
measurable and potentially major impact on the causes of poverty 7805
in the community or those areas of the community where poverty is 7806
a particularly acute problem and is designated as a community 7807
action agency by the ~~office of~~ community services division 7808
pursuant to sections 122.68 and 122.69 of the Revised Code. 7809

(E) "Community" means a city, village, county, multicity or 7810
multicounty unit, a neighborhood or other area, disregarding 7811
boundaries or political subdivisions, which provides a suitable 7812
organizational base and possesses a commonality of needs and 7813
interests for a community action program suitable to be served by 7814

a community action agency. 7815

(F) "Service area" means the geographical area served by a 7816
community action agency. 7817

Sec. 122.67. There is hereby created in the ~~department of~~ 7818
development services agency the ~~office of~~ community services 7819
division. The director of development services shall employ and 7820
fix the compensation of professional and technical unclassified 7821
personnel as necessary to carry out the provisions of sections 7822
122.66 to 122.701 of the Revised Code. 7823

Sec. 122.68. The ~~office of~~ community services division shall: 7824
7825

(A) Administer all federal funds appropriated to the state 7826
from the "Community Services Block Grant Act," 95 Stat. 511, 42 7827
U.S.C.A. 9901, and comply with requirements imposed by that act in 7828
its application for, and administration of, the funds; 7829

(B) Designate community action agencies to receive community 7830
services block grant funds; 7831

(C) Disburse at least ninety-five per cent or such other 7832
higher maximum amount as may from time to time be designated by 7833
congress of the funds received in the state from the "Community 7834
Services Block Grant Act" to community action agencies that comply 7835
with the requirements of section 122.69 of the Revised Code and 7836
migrant and seasonal farm worker organizations that are not 7837
designated community action agencies but which provide the 7838
services described in division (B)(1) of section 122.69 of the 7839
Revised Code. 7840

(D) Provide technical assistance to community action agencies 7841
to improve program planning, development, and administration; 7842

(E) Conduct yearly performance assessments, according to 7843

criteria determined by ~~department of~~ development services agency 7844
rule, to determine whether community action agencies are in 7845
compliance with section 122.69 of the Revised Code; 7846

(F) Annually prepare and submit to the United States 7847
secretary of health and human services, the governor, the 7848
president of the Ohio senate, and the speaker of the Ohio house of 7849
representatives, a comprehensive report that includes: 7850

(1) Certification that all community action agencies 7851
designated to receive funds from the "Community Services Block 7852
Grant Act" are in compliance with section 122.69 of the Revised 7853
Code; 7854

(2) A program plan for the next federal fiscal year that has 7855
been made available for public inspection and that details how 7856
community services block grant funds will be disbursed and used 7857
during that fiscal year; 7858

(3) Information detailing how funds were expended for the 7859
current fiscal year; 7860

(4) An audit of community services block grant expenditures 7861
for the preceding federal fiscal year that is conducted in 7862
accordance with generally accepted accounting principles by an 7863
independent auditing firm that has no connection with any 7864
community action agency receiving community services block grant 7865
funds or with any employee of the ~~office~~ division. 7866

(G) Serve as a statewide advocate for social and economic 7867
opportunities for low-income persons. 7868

Sec. 122.681. (A) Except as permitted by this section, or 7869
when required by federal law, no person or government entity shall 7870
solicit, release, disclose, receive, use, or knowingly permit or 7871
participate in the use of any information regarding an individual 7872
receiving assistance pursuant to a community services division 7873

program under sections 122.66 to 122.702 of the Revised Code for 7874
any purpose not directly related to the administration of a 7875
division assistance program. 7876

(B) To the extent permitted by federal law, the division, and 7877
any entity that receives division funds to administer a division 7878
program to assist individuals, shall release information regarding 7879
an individual assistance recipient to the following: 7880

(1) A government entity responsible for administering the 7881
assistance program for purposes directly related to the 7882
administration of the program; 7883

(2) A law enforcement agency for the purpose of any 7884
investigation, prosecution, or criminal or civil proceeding 7885
relating to the administration of the assistance program; 7886

(3) A government entity responsible for administering a 7887
children's protective services program, for the purpose of 7888
protecting children. 7889

(C) To the extent permitted by federal law and section 7890
1347.08 of the Revised Code, the division, and any entity 7891
administering a division program, shall provide access to 7892
information regarding an individual assistance recipient to all of 7893
the following: 7894

(1) The individual assistance recipient; 7895

(2) The authorized representative of the individual 7896
assistance recipient; 7897

(3) The legal guardian of the individual assistance 7898
recipient; 7899

(4) The attorney of the individual assistance recipient. 7900

(D) To the extent permitted by federal law, the division, and 7901
any entity administering a division program, may do either of the 7902

following: 7903

(1) Release information about an individual assistance recipient if the recipient gives voluntary, written authorization; 7904
7905

(2) Release information regarding an individual assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need. 7906
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(E) The community services division, or an entity administering a division program, shall provide, at no cost, a copy of each written authorization to the individual who signed it. 7910
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(F) The development services agency may adopt rules defining who may serve as an individual assistance recipient's authorized representative for purposes of division (C)(2) of this section. 7914
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Sec. 122.69. (A) Any nonprofit agency or organization seeking designation as a community action agency by the ~~office of~~ community services division shall obtain the endorsement of the chief elected officials of at least two-thirds of the municipal corporations and the counties within the community to be served by the agency or organization. 7917
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(B) Any nonprofit agency or organization that receives the endorsement provided for in division (A) of this section shall be designated by the ~~office~~ division as the community action agency for the community it serves and shall receive community services block grant funds for any period of time that the nonprofit agency or organization: 7923
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(1) Provides a range of services and opportunities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. These activities may include but 7929
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shall not be limited to:	7933
(a) Providing activities designed to assist low-income persons, including elderly and handicapped low-income persons, to:	7934
(i) Secure and maintain meaningful employment, training, work experience, and unsubsidized employment;	7935
(ii) Attain an adequate education;	7936
(iii) Make better use of available income;	7937
(iv) Obtain and maintain adequate housing and a suitable living environment;	7938
(v) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;	7939
(vi) Remove obstacles and solve personal and family problems that block the achievement of self-sufficiency;	7940
(vii) Achieve greater participation in the affairs of the community;	7941
(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions;	7942
(ix) Obtain energy assistance, conservation, and weatherization services.	7943
(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons;	7944
(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals;	7945
(d) Providing child care services, nutrition and health	7946
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services, transportation services, alcoholism and narcotic 7962
addiction prevention and rehabilitation services, youth 7963
development services, and community services to elderly and 7964
handicapped persons; 7965

(e) Encouraging entities in the private sector to participate 7966
in efforts to ameliorate poverty in the community. 7967

(2) Annually submits to the ~~office of community services~~ 7968
division a program plan and budget for use of community services 7969
block grant funds for the next federal fiscal year. At least ten 7970
days prior to its submission to the ~~office of community services~~ 7971
division, a copy of the program plan and budget shall be made 7972
available to the chief elected officials of the municipal 7973
corporations and counties within the service area in order to 7974
provide them the opportunity to review and comment upon such plan 7975
and budget. 7976

(3) Composes its board of directors in compliance with 7977
section (c)(3) of section 675 of ~~the~~ the "Community Services Block 7978
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904, except that the board 7979
shall consist of not less than fifteen nor more than thirty-three 7980
members; 7981

(4) Complies with the prohibitions against discrimination and 7982
political activity, as provided in the "Community Services Block 7983
Grant Act"; 7984

(5) Complies with fiscal and program requirements established 7985
by ~~department of~~ development services agency rule. 7986

Sec. 122.70. The board of directors of a community action 7987
agency shall: 7988

(A) Select, appoint, and may remove the executive director of 7989
the community action agency; 7990

(B) Approve contracts, annual program budgets, and policies 7991

of the community action agency; 7992

(C) Advise the elected officials of any political subdivision 7993
located within its service area, and state and federal elected 7994
officials who represent its service area, of the nature and extent 7995
of poverty within its community, and advise them of any needed 7996
changes; 7997

(D) Convene public meetings to provide community members the 7998
opportunity to comment on public policies and programs to reduce 7999
poverty; 8000

(E) Annually evaluate the policies and programs of the 8001
community action agency according to criteria determined by 8002
~~department of~~ development services agency rule; 8003

(F) Submit the results of the evaluation required by division 8004
(E) of this section, along with recommendations for improved 8005
administration of the community action agency, to the ~~office of~~ 8006
community services division; 8007

(G) Adopt a code of ethics for the board of directors and the 8008
employees of the community action agency; 8009

(H) Adopt written policies describing all of the following: 8010

(1) How the community action agency is to expend and 8011
distribute the community services block grant funds that it 8012
receives from the ~~office of community services~~ division under 8013
sections 122.68 and 122.69 of the Revised Code; 8014

(2) The salary, benefits, travel expenses, and any other 8015
compensation that persons are to receive for serving on the 8016
community action agency's board of directors; 8017

(3) The operating procedures to be used by the board to 8018
conduct its meetings, to vote on all official business it 8019
considers, and to provide notice of its meetings. 8020

(I) Provide for the posting of notices in a conspicuous place 8021

indicating that the code of ethics described in division (G) of 8022
this section and the policies described in division (H) of this 8023
section are available for public inspection at the community 8024
action agency during normal business hours. 8025

Sec. 122.701. (A) Prior to designating a new community action 8026
agency or rescinding a community action agency's designation, the 8027
~~office of~~ community services division shall: 8028

(1) Determine whether a community action agency is in 8029
compliance with section 122.69 of the Revised Code; 8030

(2) Consult with the chief elected officials of political 8031
subdivisions located within a community action agency's service 8032
area, and, in designating a new community action agency, obtain 8033
their endorsement of the agency in accordance with division (A) of 8034
section 122.69 of the Revised Code; 8035

(3) Hold at least one public meeting within a community 8036
action agency's service area for the purpose of allowing citizens 8037
to comment on the community action agency's delivery of services; 8038

(4) Evaluate the proposed service area of the community 8039
action agency, and, as may be necessary, modify the boundaries of 8040
the service area so that low-income persons in the area are 8041
adequately and efficiently served. 8042

(B) After providing notice and hearing pursuant to sections 8043
119.01 to 119.13 of the Revised Code, the director of development 8044
services: 8045

(1) May rescind the designation of a community action agency 8046
~~if he finds~~ after finding that the agency is not in compliance 8047
with any or all of the provisions of section 122.69 of the Revised 8048
Code; 8049

(2) Shall rescind the designation of a community action 8050
agency upon notification from the chief elected officials of more 8051

than one-half of the municipal corporations and the counties 8052
within a community currently served by a community action agency 8053
that such agency is not endorsed by them and ~~upon a~~ after finding 8054
~~by him~~ that the agency is not in compliance with section 122.69 of 8055
the Revised Code. 8056

Any agency whose designation is rescinded pursuant to this 8057
section may appeal from an order rescinding such designation 8058
pursuant to section 119.12 of the Revised Code. 8059

Sec. 122.76. (A) The director of development services, with 8060
controlling board approval, may lend funds to minority business 8061
enterprises and to community improvement corporations, Ohio 8062
development corporations, minority contractors business assistance 8063
organizations, and minority business supplier development councils 8064
for the purpose of loaning funds to minority business enterprises 8065
~~and~~, for the purpose of procuring or improving real or personal 8066
property, or both, for the establishment, location, or expansion 8067
of industrial, distribution, commercial, or research facilities in 8068
the state, and for the purpose of contract financing, and to 8069
community development corporations that predominantly benefit 8070
minority business enterprises or are located in a census tract 8071
that has a population that is sixty per cent or more minority, if 8072
the director determines, in the director's sole discretion, that 8073
all of the following apply: 8074

(1) The project is economically sound and will benefit the 8075
people of the state by increasing opportunities for employment, by 8076
strengthening the economy of the state, or expanding minority 8077
business enterprises. 8078

(2) The proposed minority business enterprise borrower is 8079
unable to finance the proposed project through ordinary financial 8080
channels at comparable terms. 8081

(3) The value of the project is or, upon completion, will be 8082

at least equal to the total amount of the money expended in the 8083
procurement or improvement of the project. 8084

(4) The amount to be loaned by the director will not exceed 8085
seventy-five per cent of the total amount expended in the 8086
procurement or improvement of the project. 8087

(5) The amount to be loaned by the director will be 8088
adequately secured by a first or second mortgage upon the project 8089
or by mortgages, leases, liens, assignments, or pledges on or of 8090
other property or contracts as the director requires, and such 8091
mortgage will not be subordinate to any other liens or mortgages 8092
except the liens securing loans or investments made by financial 8093
institutions referred to in division (A)(3) of this section, and 8094
the liens securing loans previously made by any financial 8095
institution in connection with the procurement or expansion of all 8096
or part of a project. 8097

(B) Any proposed minority business enterprise borrower 8098
submitting an application for assistance under this section shall 8099
not have defaulted on a previous loan from the director, and no 8100
full or limited partner, major shareholder, or holder of an equity 8101
interest of the proposed minority business enterprise borrower 8102
shall have defaulted on a loan from the director. 8103

(C) The proposed minority business enterprise borrower shall 8104
demonstrate to the satisfaction of the director that it is able to 8105
successfully compete in the private sector if it obtains the 8106
necessary financial, technical, or managerial support and that 8107
support is available through the director, the minority business 8108
development office of the ~~department of~~ development services 8109
agency, or other identified and acceptable sources. In determining 8110
whether a minority business enterprise borrower will be able to 8111
successfully compete, the director may give consideration to such 8112
factors as the successful completion of or participation in 8113
courses of study, recognized by the board of regents as providing 8114

financial, technical, or managerial skills related to the 8115
operation of the business, by the economically disadvantaged 8116
individual, owner, or partner, and the prior success of the 8117
individual, owner, or partner in personal, career, or business 8118
activities, as well as to other factors identified by the 8119
director. 8120

(D) The director shall not lend funds for the purpose of 8121
procuring or improving motor vehicles or accounts receivable. 8122

Sec. 122.861. (A) As used in this section: 8123

(1) "Certified engine configuration" means a new, rebuilt, or 8124
remanufactured engine configuration that satisfies divisions 8125
(A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this 8126
section: 8127

(a) It has been certified by the administrator of the United 8128
States environmental protection agency or the California air 8129
resources board. 8130

(b) It meets or is rebuilt or remanufactured to a more 8131
stringent set of engine emission standards than when originally 8132
manufactured, as determined pursuant to Subtitle G of Title VII of 8133
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, 8134
et seq. 8135

(c) In the case of a certified engine configuration involving 8136
the replacement of an existing engine, an engine configuration 8137
that replaced an engine that was removed from the vehicle and 8138
returned to the supplier for remanufacturing to a more stringent 8139
set of engine emissions standards or for scrappage. 8140

(2) "Section 793" means section 793 of the Energy Policy Act 8141
of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq. 8142

(3) "Verified technology" means a pollution control 8143
technology, including a retrofit technology, advanced truckstop 8144

electrification system, or auxiliary power unit, that has been 8145
verified by the administrator of the United States environmental 8146
protection agency or the California air resources board. 8147

(B) For the purpose of reducing emissions from diesel 8148
engines, the director of environmental protection shall administer 8149
a diesel emissions reduction grant program and a diesel emissions 8150
reduction revolving loan program. The programs shall provide for 8151
the implementation in this state of section 793 and shall 8152
otherwise be administered in compliance with the requirements of 8153
section 793, and any regulations issued pursuant to that section. 8154

The director shall apply to the administrator of the United 8155
States environmental protection agency for grant or loan funds 8156
available under section 793 to help fund the diesel emissions 8157
reduction grant program and the diesel emissions reduction 8158
revolving loan program. 8159

~~(C) There is hereby created in the state treasury the diesel 8160
emissions grant fund consisting of money appropriated to it by the 8161
general assembly, any grants obtained from the federal government 8162
under section 793, and any other grants, gifts, or other 8163
contributions of money made to the credit of the fund. Money in 8164
the fund shall be used for the purpose of making grants for 8165
projects relating to certified engine configurations and verified 8166
technologies in a manner consistent with the requirements of 8167
section 793 and any regulations issued under that section. 8168
Interest earned from moneys in the fund shall be used to 8169
administer the diesel emissions reduction grant program. 8170~~

~~(D) There is hereby created in the state treasury the diesel 8171
emissions reduction revolving loan fund consisting of money 8172
appropriated to it by the general assembly, any grants obtained 8173
from the federal government under section 793, and any other 8174
grants, gifts, or other contributions of money made to the credit 8175
of the fund. Money in the fund shall be used for the purpose of 8176~~

making loans for projects relating to certified engine 8177
configurations and verified technologies in a manner consistent 8178
with the requirements of section 793 and any regulations issued 8179
pursuant to that section. Interest earned from moneys in the fund 8180
shall be used to administer the diesel emissions reduction 8181
revolving loan program. 8182

Sec. 123.01. (A) The department of administrative services, 8183
in addition to those powers enumerated in Chapters 124. and 125. 8184
of the Revised Code and provided elsewhere by law, shall exercise 8185
the following powers: 8186

(1) To prepare and suggest comprehensive plans for the 8187
development of grounds and buildings under the control of a state 8188
agency; 8189

(2) To acquire, by purchase, gift, devise, lease, or grant, 8190
all real estate required by a state agency, in the exercise of 8191
which power the department may exercise the power of eminent 8192
domain, in the manner provided by sections 163.01 to 163.22 of the 8193
Revised Code; 8194

(3) To erect, supervise, and maintain all public monuments 8195
and memorials erected by the state, except where the supervision 8196
and maintenance is otherwise provided by law; 8197

(4) To procure, by lease, storage accommodations for a state 8198
agency; 8199

(5) To lease or grant easements or licenses for unproductive 8200
and unused lands or other property under the control of a state 8201
agency. Such leases, easements, or licenses may be granted to any 8202
person or entity, shall be for a period not to exceed fifteen 8203
years, and shall be executed for the state by the director of 8204
administrative services, provided that the director shall grant 8205
leases, easements, or licenses of university land for periods not 8206

to exceed twenty-five years for purposes approved by the 8207
respective university's board of trustees wherein the uses are 8208
compatible with the uses and needs of the university and may grant 8209
leases of university land for periods not to exceed forty years 8210
for purposes approved by the respective university's board of 8211
trustees pursuant to section 123.17 of the Revised Code. 8212

(6) To lease space for the use of a state agency; 8213

(7) To have general supervision and care of the storerooms, 8214
offices, and buildings leased for the use of a state agency; 8215

(8) To exercise general custodial care of all real property 8216
of the state; 8217

(9) To assign and group together state offices in any city in 8218
the state and to establish, in cooperation with the state agencies 8219
involved, rules governing space requirements for office or storage 8220
use; 8221

(10) To lease for a period not to exceed forty years, 8222
pursuant to a contract providing for the construction thereof 8223
under a lease-purchase plan, buildings, structures, and other 8224
improvements for any public purpose, and, in conjunction 8225
therewith, to grant leases, easements, or licenses for lands under 8226
the control of a state agency for a period not to exceed forty 8227
years. The lease-purchase plan shall provide that at the end of 8228
the lease period, the buildings, structures, and related 8229
improvements, together with the land on which they are situated, 8230
shall become the property of the state without cost. 8231

(a) Whenever any building, structure, or other improvement is 8232
to be so leased by a state agency, the department shall retain 8233
either basic plans, specifications, bills of materials, and 8234
estimates of cost with sufficient detail to afford bidders all 8235
needed information or, alternatively, all of the following plans, 8236
details, bills of materials, and specifications: 8237

(i) Full and accurate plans suitable for the use of mechanics	8238
and other builders in the improvement;	8239
(ii) Details to scale and full sized, so drawn and	8240
represented as to be easily understood;	8241
(iii) Accurate bills showing the exact quantity of different	8242
kinds of material necessary to the construction;	8243
(iv) Definite and complete specifications of the work to be	8244
performed, together with such directions as will enable a	8245
competent mechanic or other builder to carry them out and afford	8246
bidders all needed information;	8247
(v) A full and accurate estimate of each item of expense and	8248
of the aggregate cost thereof.	8249
(b) The department shall give public notice, in such	8250
newspaper, in such form, and with such phraseology as the director	8251
of administrative services prescribes, published once each week	8252
for four consecutive weeks, of the time when and place where bids	8253
will be received for entering into an agreement to lease to a	8254
state agency a building, structure, or other improvement. The last	8255
publication shall be at least eight days preceding the day for	8256
opening the bids. The bids shall contain the terms upon which the	8257
builder would propose to lease the building, structure, or other	8258
improvement to the state agency. The form of the bid approved by	8259
the department shall be used, and a bid is invalid and shall not	8260
be considered unless that form is used without change, alteration,	8261
or addition. Before submitting bids pursuant to this section, any	8262
builder shall comply with Chapter 153. of the Revised Code.	8263
(c) On the day and at the place named for receiving bids for	8264
entering into lease agreements with a state agency, the director	8265
of administrative services shall open the bids and shall publicly	8266
proceed immediately to tabulate the bids upon duplicate sheets. No	8267
lease agreement shall be entered into until the bureau of workers'	8268

compensation has certified that the person to be awarded the lease 8269
agreement has complied with Chapter 4123. of the Revised Code, 8270
until, if the builder submitting the lowest and best bid is a 8271
foreign corporation, the secretary of state has certified that the 8272
corporation is authorized to do business in this state, until, if 8273
the builder submitting the lowest and best bid is a person 8274
nonresident of this state, the person has filed with the secretary 8275
of state a power of attorney designating the secretary of state as 8276
its agent for the purpose of accepting service of summons in any 8277
action brought under Chapter 4123. of the Revised Code, and until 8278
the agreement is submitted to the attorney general and the 8279
attorney general's approval is certified thereon. Within thirty 8280
days after the day on which the bids are received, the department 8281
shall investigate the bids received and shall determine that the 8282
bureau and the secretary of state have made the certifications 8283
required by this section of the builder who has submitted the 8284
lowest and best bid. Within ten days of the completion of the 8285
investigation of the bids, the department shall award the lease 8286
agreement to the builder who has submitted the lowest and best bid 8287
and who has been certified by the bureau and secretary of state as 8288
required by this section. If bidding for the lease agreement has 8289
been conducted upon the basis of basic plans, specifications, 8290
bills of materials, and estimates of costs, upon the award to the 8291
builder the department, or the builder with the approval of the 8292
department, shall appoint an architect or engineer licensed in 8293
this state to prepare such further detailed plans, specifications, 8294
and bills of materials as are required to construct the building, 8295
structure, or improvement. The department shall adopt such rules 8296
as are necessary to give effect to this section. The department 8297
may reject any bid. Where there is reason to believe there is 8298
collusion or combination among bidders, the bids of those 8299
concerned therein shall be rejected. 8300

(11) To acquire by purchase, gift, devise, or grant and to 8301

transfer, lease, or otherwise dispose of all real property 8302
required to assist in the development of a conversion facility as 8303
defined in section 5709.30 of the Revised Code as that section 8304
existed before its repeal by Amended Substitute House Bill 95 of 8305
the 125th general assembly; 8306

(12) To lease for a period not to exceed forty years, 8307
notwithstanding any other division of this section, the 8308
state-owned property located at 408-450 East Town Street, 8309
Columbus, Ohio, formerly the state school for the deaf, to a 8310
developer in accordance with this section. "Developer," as used in 8311
this section, has the same meaning as in section 123.77 of the 8312
Revised Code. 8313

Such a lease shall be for the purpose of development of the 8314
land for use by senior citizens by constructing, altering, 8315
renovating, repairing, expanding, and improving the site as it 8316
existed on June 25, 1982. A developer desiring to lease the land 8317
shall prepare for submission to the department a plan for 8318
development. Plans shall include provisions for roads, sewers, 8319
water lines, waste disposal, water supply, and similar matters to 8320
meet the requirements of state and local laws. The plans shall 8321
also include provision for protection of the property by insurance 8322
or otherwise, and plans for financing the development, and shall 8323
set forth details of the developer's financial responsibility. 8324

The department may employ, as employees or consultants, 8325
persons needed to assist in reviewing the development plans. Those 8326
persons may include attorneys, financial experts, engineers, and 8327
other necessary experts. The department shall review the 8328
development plans and may enter into a lease if it finds all of 8329
the following: 8330

(a) The best interests of the state will be promoted by 8331
entering into a lease with the developer; 8332

(b) The development plans are satisfactory; 8333

(c) The developer has established the developer's financial 8334
responsibility and satisfactory plans for financing the 8335
development. 8336

The lease shall contain a provision that construction or 8337
renovation of the buildings, roads, structures, and other 8338
necessary facilities shall begin within one year after the date of 8339
the lease and shall proceed according to a schedule agreed to 8340
between the department and the developer or the lease will be 8341
terminated. The lease shall contain such conditions and 8342
stipulations as the director considers necessary to preserve the 8343
best interest of the state. Moneys received by the state pursuant 8344
to this lease shall be paid into the general revenue fund. The 8345
lease shall provide that at the end of the lease period the 8346
buildings, structures, and related improvements shall become the 8347
property of the state without cost. 8348

(13) To manage the use of space owned and controlled by the 8349
department, including space in property under the jurisdiction of 8350
the Ohio building authority, by doing all of the following: 8351

(a) Biennially implementing, by state agency location, a 8352
census of agency employees assigned space; 8353

(b) Periodically in the discretion of the director of 8354
administrative services: 8355

(i) Requiring each state agency to categorize the use of 8356
space allotted to the agency between office space, common areas, 8357
storage space, and other uses, and to report its findings to the 8358
department; 8359

(ii) Creating and updating a master space utilization plan 8360
for all space allotted to state agencies. The plan shall 8361
incorporate space utilization metrics. 8362

(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings;	8363 8364
(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus.	8365 8366
(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.	8367 8368 8369 8370
(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.	8371 8372 8373 8374 8375 8376 8377 8378 8379 8380 8381
(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:	8382 8383
(a) Identifying available energy efficiency and conservation opportunities;	8384 8385
(b) Providing for interchange of information among purchasing agencies;	8386 8387
(c) Identifying laws, policies, rules, and procedures that should be modified;	8388 8389
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products	8390 8391 8392

having a significant impact on energy consumption by the government; 8393
8394

(e) Providing technical assistance and training to state employees involved in the purchasing process; 8395
8396

(f) Working with the ~~department of~~ development services agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation. 8397
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(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured during the model year that begins during the fiscal year. 8401
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Each state agency, department, division, bureau, office, unit, commission, board, authority, quasi-governmental entity, institution, and state institution of higher education shall determine its fleet average fuel economy by dividing the total number of passenger vehicles acquired during the fiscal year, except for those passenger vehicles acquired for use in law enforcement or emergency rescue work, by a sum of terms, each of which is a fraction created by dividing the number of passenger vehicles of a given make, model, and year, except for passenger vehicles acquired for use in law enforcement or emergency rescue work, acquired during the fiscal year by the fuel economy measured 8414
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by the administrator of the United States environmental protection 8425
agency, for the given make, model, and year of vehicle, that 8426
constitutes an average fuel economy for combined city and highway 8427
driving. 8428

As used in division (A)(16) of this section, "acquired" means 8429
leased for a period of sixty continuous days or more, or 8430
purchased. 8431

(B) This section and section 125.02 of the Revised Code shall 8432
not interfere with any of the following: 8433

(1) The power of the adjutant general to purchase military 8434
supplies, or with the custody of the adjutant general of property 8435
leased, purchased, or constructed by the state and used for 8436
military purposes, or with the functions of the adjutant general 8437
as director of state armories; 8438

(2) The power of the director of transportation in acquiring 8439
rights-of-way for the state highway system, or the leasing of 8440
lands for division or resident district offices, or the leasing of 8441
lands or buildings required in the maintenance operations of the 8442
department of transportation, or the purchase of real property for 8443
garage sites or division or resident district offices, or in 8444
preparing plans and specifications for and constructing such 8445
buildings as the director may require in the administration of the 8446
department; 8447

(3) The power of the director of public safety and the 8448
registrar of motor vehicles to purchase or lease real property and 8449
buildings to be used solely as locations to which a deputy 8450
registrar is assigned pursuant to division (B) of section 4507.011 8451
of the Revised Code and from which the deputy registrar is to 8452
conduct the deputy registrar's business, the power of the director 8453
of public safety to purchase or lease real property and buildings 8454
to be used as locations for division or district offices as 8455

required in the maintenance of operations of the department of 8456
public safety, and the power of the superintendent of the state 8457
highway patrol in the purchase or leasing of real property and 8458
buildings needed by the patrol, to negotiate the sale of real 8459
property owned by the patrol, to rent or lease real property owned 8460
or leased by the patrol, and to make or cause to be made repairs 8461
to all property owned or under the control of the patrol; 8462

(4) The power of the division of liquor control in the 8463
leasing or purchasing of retail outlets and warehouse facilities 8464
for the use of the division; 8465

(5) The power of the director of development services to 8466
enter into leases of real property, buildings, and office space to 8467
be used solely as locations for the state's foreign offices to 8468
carry out the purposes of section 122.05 of the Revised Code; 8469

(6) The power of the director of environmental protection to 8470
enter into environmental covenants, to grant and accept easements, 8471
or to sell property pursuant to division (G) of section 3745.01 of 8472
the Revised Code. 8473

(C) Purchases for, and the custody and repair of, buildings 8474
under the management and control of the capitol square review and 8475
advisory board, the ~~rehabilitation services commission~~ 8476
opportunities for Ohioans with disabilities agency, the bureau of 8477
workers' compensation, or the departments of public safety, job 8478
and family services, ~~mental health~~ mental health and addiction 8479
services, developmental disabilities, and rehabilitation and 8480
correction; buildings of educational and benevolent institutions 8481
under the management and control of boards of trustees; and 8482
purchases or leases for, and the custody and repair of, office 8483
space used for the purposes of the joint legislative ethics 8484
committee are not subject to the control and jurisdiction of the 8485
department of administrative services. 8486

If the joint legislative ethics committee so requests, the 8487
committee and the director of administrative services may enter 8488
into a contract under which the department of administrative 8489
services agrees to perform any services requested by the committee 8490
that the department is authorized under this section to perform. 8491

(D) Any instrument by which real property is acquired 8492
pursuant to this section shall identify the agency of the state 8493
that has the use and benefit of the real property as specified in 8494
section 5301.012 of the Revised Code. 8495

Sec. 123.10. (A) As used in this section and section 123.11 8496
of the Revised Code, "public exigency" means an injury or 8497
obstruction that occurs in any public works of the state 8498
maintained by the director of administrative services and that 8499
materially impairs its immediate use or places in jeopardy 8500
property adjacent to it; an immediate danger of such an injury or 8501
obstruction; or an injury or obstruction, or an immediate danger 8502
of an injury or obstruction, that occurs in any public works of 8503
the state maintained by the director of administrative services 8504
and that materially impairs its immediate use or places in 8505
jeopardy property adjacent to it. 8506

(B) When a declaration of public exigency is issued pursuant 8507
to division (C) of this section, ~~the director of administrative~~ 8508
~~services may request~~ the Ohio facilities construction commission 8509
~~to~~ shall enter into contracts with proper persons for the 8510
performance of labor, the furnishing of materials, or the 8511
construction of any structures and buildings necessary to the 8512
maintenance, control, and management of the public works of the 8513
state or any part of those public works. Any contracts awarded for 8514
the work performed pursuant to the declaration of a public 8515
exigency may be awarded without competitive bidding or selection 8516
as set forth in Chapter 153. of the Revised Code. 8517

(C) The executive director of ~~administrative services~~ the Ohio facilities construction commission may issue a declaration of a public exigency on the executive director's own initiative or upon the request of the director of any state agency. The executive director's declaration shall identify the specific injury, obstruction, or danger that is the subject of the declaration and shall set forth a dollar limitation for the repair, removal, or prevention of that exigency under the declaration.

Before any project to repair, remove, or prevent a public exigency under the executive director's declaration may begin, the executive director shall send notice of the project, in writing, to the director of budget and management and to the members of the controlling board. That notice shall detail the project to be undertaken to address the public exigency and shall include a copy of the executive director's declaration that establishes the monetary limitations on that project.

Sec. 123.11. When a public exigency, as defined in division (A) of section 123.10 of the Revised Code, exists, the executive director of ~~administrative services~~ the Ohio facilities construction commission may take possession of lands and use them, or materials and other property necessary for the maintenance, protection, or repair of the public works, in accordance with sections 163.01 to 163.22 of the Revised Code.

Sec. 123.19. There is hereby established in the state treasury the theater equipment maintenance fund. All appropriate theater-related revenues of the department of administrative services, as determined by the department, shall be credited to that fund and to any accounts created in that fund with the department's approval. All appropriate theater-related expenses of the department, as determined by the department, including

reimbursement of, or payment to, any other fund or any 8549
governmental agency for advances made or services rendered to or 8550
on behalf of the department, shall be paid from that fund as 8551
determined by or pursuant to directions of the department. All 8552
investment earnings of that fund shall be credited to it and shall 8553
be allocated among any accounts created in the fund in the manner 8554
determined by the department. 8555

Sec. 123.201. (A) There is hereby created in the state 8556
treasury the Ohio facilities construction commission fund, 8557
consisting of transfers of moneys authorized by the general 8558
assembly and revenues received by the Ohio facilities construction 8559
commission under section 123.21 of the Revised Code. Investment 8560
earnings on moneys in the fund shall be credited to the fund. 8561
Moneys in the fund may be used by the commission, in performing 8562
its duties under this chapter, to pay personnel and other 8563
administrative expenses, to pay the cost of preparing building 8564
design specifications, to pay the cost of providing project 8565
management services, and for other purposes determined by the 8566
commission to be necessary to fulfill its duties under this 8567
chapter. 8568

(B)(1) There is hereby created in the state treasury the 8569
cultural and sports facilities building fund, consisting of 8570
proceeds of obligations authorized to pay costs of Ohio cultural 8571
facilities and Ohio sports facilities for which appropriations are 8572
made by the general assembly. All investment earnings of the fund 8573
shall be credited to the fund. 8574

(2) Upon the request of the executive director of the Ohio 8575
facilities construction commission and subject to applicable tax 8576
law limitations, the director of budget and management may 8577
transfer to the Ohio cultural facilities administration fund 8578
moneys credited to the cultural and sports facilities building 8579

fund to pay the costs of administering projects funded through the 8580
cultural and sports facilities building fund. 8581

(C) There is hereby created in the state treasury the Ohio 8582
cultural facilities administration fund, consisting of transfers 8583
of money authorized by the general assembly and revenues received 8584
by the commission under division (A)(9) of section 123.21 of the 8585
Revised Code. Moneys in the fund may be used by the Ohio 8586
facilities construction commission in administering projects 8587
funded through the cultural and sports facilities building fund 8588
pursuant to sections 123.28 and 128.281 of the Revised Code. All 8589
investment earnings of that fund shall be credited to it and shall 8590
be allocated among any accounts created in the fund in the manner 8591
determined by the commission. 8592

(D)(1) There is hereby created in the state treasury the 8593
capital donations fund, which shall be administered by the Ohio 8594
facilities construction commission. The fund consists of gifts, 8595
grants, devises, bequests, and other financial contributions made 8596
to the commission for the construction or improvement of cultural 8597
and sports facilities and shall be used in accordance with the 8598
specific purposes for which the gifts, grants, devises, bequests, 8599
or other financial contributions are made. All investment earnings 8600
of the fund shall be credited to the fund. Chapters 123., 125., 8601
127., and 153. and section 3517.13 of the Revised Code do not 8602
apply to contract obligations paid from the fund, notwithstanding 8603
anything to the contrary in those chapters or that section. 8604

(2) Not later than one month following the end of each 8605
quarter of the fiscal year, the commission shall allocate the 8606
amounts credited to the fund from investment earnings during that 8607
preceding quarter of the fiscal year among the specific projects 8608
for which they are to be used and shall certify this information 8609
to the director of budget and management. 8610

(3) If the amounts credited to the fund for a particular 8611

project exceed what is required to complete that project, the 8612
commission may refund any of those excess amounts, including 8613
unexpended investment earnings attributable to those amounts, to 8614
the entity from which they were received. 8615

Sec. 123.21. (A) The Ohio facilities construction commission 8616
may perform any act and ensure the performance of any function 8617
necessary or appropriate to carry out the purposes of, and 8618
exercise the powers granted under this chapter or any other 8619
provision of the Revised Code, including any of the following: 8620

(1) Prepare, or contract to be prepared, by licensed 8621
engineers or architects, surveys, general and detailed plans, 8622
specifications, bills of materials, and estimates of cost for any 8623
projects, improvements, or public buildings to be constructed by 8624
state agencies that may be authorized by legislative 8625
appropriations or any other funds made available therefor, 8626
provided that the construction of the projects, improvements, or 8627
public buildings is a statutory duty of the commission. This 8628
section does not require the independent employment of an 8629
architect or engineer as provided by section 153.01 of the Revised 8630
Code in the cases to which section 153.01 of the Revised Code 8631
applies. This section does not affect or alter the existing powers 8632
of the director of transportation. 8633

(2) Have general supervision over the construction of any 8634
projects, improvements, or public buildings constructed for a 8635
state agency and over the inspection of materials prior to their 8636
incorporation into those projects, improvements, or buildings. 8637

(3) Make contracts for and supervise the design and 8638
construction of any projects and improvements or the construction 8639
and repair of buildings under the control of a state agency. All 8640
such contracts may be based in whole or in part on the unit price 8641
or maximum estimated cost, with payment computed and made upon 8642

actual quantities or units. 8643

(4) Adopt, amend, and rescind rules pertaining to the 8644
administration of the construction of the public works of the 8645
state as required by law, in accordance with Chapter 119. of the 8646
Revised Code. 8647

(5) Contract with, retain the services of, or designate, and 8648
fix the compensation of, such agents, accountants, consultants, 8649
advisers, and other independent contractors as may be necessary or 8650
desirable to carry out the programs authorized under this chapter, 8651
or authorize the executive director to perform such powers and 8652
duties. 8653

(6) Receive and accept any gifts, grants, donations, and 8654
pledges, and receipts therefrom, to be used for the programs 8655
authorized under this chapter. 8656

(7) Make and enter into all contracts, commitments, and 8657
agreements, and execute all instruments, necessary or incidental 8658
to the performance of its duties and the execution of its rights 8659
and powers under this chapter, or authorize the executive director 8660
to perform such powers and duties. 8661

(8) Debar a contractor as provided in section 153.02 of the 8662
Revised Code. 8663

(9) Enter into and administer cooperative agreements for 8664
cultural projects, as provided in sections 123.28 and 123.281 of 8665
the Revised Code. 8666

(B) The commission shall appoint and fix the compensation of 8667
an executive director who shall serve at the pleasure of the 8668
commission. The executive director shall exercise all powers that 8669
the commission possesses, supervise the operations of the 8670
commission, and perform such other duties as delegated by the 8671
commission. The executive director also shall employ and fix the 8672
compensation of such employees as will facilitate the activities 8673

and purposes of the commission, who shall serve at the pleasure of 8674
the executive director. The employees of the commission are exempt 8675
from Chapter 4117. of the Revised Code and are not considered 8676
public employees as defined in section 4117.01 of the Revised 8677
Code. Any agreement entered into prior to July 1, 2012, between 8678
the office of collective bargaining and the exclusive 8679
representative for employees of the commission is binding and 8680
shall continue to have effect. 8681

(C) The attorney general shall serve as the legal 8682
representative for the commission and may appoint other counsel as 8683
necessary for that purpose in accordance with section 109.07 of 8684
the Revised Code. 8685

Sec. 123.27. (A) As used in this section: 8686

"Capital facilities project" means the construction, 8687
reconstruction, improvement, enlargement, alteration, or repair of 8688
a building by a public entity. 8689

"Public entity" includes a state agency and a state 8690
institution of higher education. 8691

"State institution of higher education" has the same meaning 8692
as in section 3345.011 of the Revised Code. 8693

(B) Commencing not later than July 1, 2012, and upon 8694
completion of a capital facilities project that is funded wholly 8695
or in part using state funds, each public entity shall submit a 8696
report about the project to the executive director of the Ohio 8697
facilities construction commission. The report shall be submitted 8698
in Ohio administrative knowledge system capital improvement format 8699
or in a manner determined by the executive director and not later 8700
than thirty days after the project is complete. The report shall 8701
provide the total original contract bid, total cost of change 8702
orders, total actual cost of the project, total costs incurred for 8703

mediation and litigation services, and any other data requested by 8704
the executive director. The first report submitted pursuant to 8705
this division shall include information about any capital 8706
facilities project completed on or after July 1, 2011. Any capital 8707
facilities project that is funded wholly or in part through 8708
appropriations made to the Ohio school facilities commission, or 8709
the Ohio public works commission, ~~or the Ohio cultural facilities~~ 8710
~~commission,~~ or for which a joint use agreement has been entered 8711
into with any public entity, is exempt from the reporting 8712
requirement prescribed under this division. 8713

(C) Commencing not later than July 1, 2012, and annually 8714
thereafter, the attorney general shall report to the executive 8715
director of the Ohio facilities construction commission on any 8716
mediation and litigation costs associated with capital facilities 8717
projects for which a judgment has been rendered. The report shall 8718
be submitted in a manner prescribed by the executive director and 8719
shall contain any information requested by the executive director 8720
related to capital facilities project mediation and litigation 8721
costs. 8722

(D) As soon as practicable after such information is made 8723
available, the executive director of the Ohio facilities 8724
construction commission shall incorporate the information reported 8725
pursuant to divisions (B) and (C) of this section into the Ohio 8726
administrative knowledge system. 8727

Sec. ~~3383.01~~ 123.28. As used in this ~~chapter~~ section and in 8728
section 123.281 of the Revised Code: 8729

(A) "Culture" means any of the following: 8730

(1) Visual, musical, dramatic, graphic, design, and other 8731
arts, including, but not limited to, architecture, dance, 8732
literature, motion pictures, music, painting, photography, 8733
sculpture, and theater, and the provision of training or education 8734

in these arts; 8735

(2) The presentation or making available, in museums or other 8736
indoor or outdoor facilities, of principles of science and their 8737
development, use, or application in business, industry, or 8738
commerce or of the history, heritage, development, presentation, 8739
and uses of the arts described in division (A)(1) of this section 8740
and of transportation; 8741

(3) The preservation, presentation, or making available of 8742
features of archaeological, architectural, environmental, or 8743
historical interest or significance in a state historical facility 8744
or a local historical facility. 8745

(B) "Cultural organization" means either of the following: 8746

(1) A governmental agency or Ohio nonprofit corporation, 8747
including the Ohio historical society, that provides programs or 8748
activities in areas directly concerned with culture; 8749

(2) A regional arts and cultural district as defined in 8750
section 3381.01 of the Revised Code. 8751

(C) "Cultural project" means all or any portion of an Ohio 8752
cultural facility for which the general assembly has ~~specifically~~ 8753
~~authorized the spending of money, or made an appropriation,~~ 8754
~~pursuant to division (D)(3) or (E) of section 3383.07 of the~~ 8755
Revised Code or has specifically authorized the spending of money 8756
or the making of rental payments relating to the financing of 8757
construction. 8758

(D) "Cooperative contract" means a contract between the Ohio 8759
~~cultural~~ facilities construction commission and a cultural 8760
organization providing the terms and conditions of the cooperative 8761
use of an Ohio cultural facility. 8762

(E) "Costs of operation" means amounts required to manage an 8763
Ohio cultural facility that are incurred following the completion 8764

of construction of its cultural project, provided that both of the 8765
following apply: 8766

(1) Those amounts either: 8767

(a) Have been committed to a fund dedicated to that purpose; 8768

(b) Equal the principal of any endowment fund, the income 8769
from which is dedicated to that purpose. 8770

(2) The commission and the cultural organization have 8771
executed an agreement with respect to either of those funds. 8772

(F) ~~"General building services" means general building 8773
services for an Ohio cultural facility or an Ohio sports facility,~~ 8774
~~including, but not limited to, general custodial care, security,~~ 8775
~~maintenance, repair, painting, decoration, cleaning, utilities,~~ 8776
~~fire safety, grounds and site maintenance and upkeep, and~~ 8777
~~plumbing.~~ 8778

~~(G)~~ "Governmental agency" means ~~a state agency, a 8779
state supported or state assisted institution of higher education,~~ 8780
a municipal corporation, county, township, or school district, a 8781
port authority created under Chapter 4582. of the Revised Code, 8782
any other political subdivision or special district in this state 8783
established by or pursuant to law, or any combination of these 8784
entities; except where otherwise indicated, the United States or 8785
any department, division, or agency of the United States, or any 8786
agency, commission, or authority established pursuant to an 8787
interstate compact or agreement. 8788

~~(H)~~(G) "Local contributions" means the value of an asset 8789
provided by or on behalf of a cultural organization from sources 8790
other than the state, the value and nature of which shall be 8791
approved by the Ohio ~~cultural~~ facilities construction commission, 8792
in its sole discretion. "Local contributions" may include the 8793
value of the site where a cultural project is to be constructed. 8794
All "local contributions," except a contribution attributable to 8795

such a site, shall be for the costs of construction of a cultural 8796
project or the creation or expansion of an endowment for the costs 8797
of operation of a cultural facility. 8798

~~(I)~~(H) "Local historical facility" means a site or facility, 8799
other than a state historical facility, of archaeological, 8800
architectural, environmental, or historical interest or 8801
significance, or a facility, including a storage facility, 8802
appurtenant to the operations of such a site or facility, that is 8803
owned by a cultural organization, ~~provided the facility meets the~~ 8804
~~requirements of division (K)(2)(b) of this section, is managed by~~ 8805
~~or pursuant to a contract with the Ohio cultural facilities~~ 8806
~~commission,~~ and is used for or in connection with the cultural 8807
activities ~~of the commission,~~ including the presentation or making 8808
available of culture to the public. 8809

~~(J)~~(I) "Manage," "operate," or "management" means the 8810
provision of, or the exercise of control over the provision of, 8811
activities: 8812

(1) Relating to culture for an Ohio cultural facility, 8813
including as applicable, but not limited to, providing for 8814
displays, exhibitions, specimens, and models; booking of artists, 8815
performances, or presentations; scheduling; and hiring or 8816
contracting for directors, curators, technical and scientific 8817
staff, ushers, stage managers, and others directly related to the 8818
cultural activities in the facility; but not including general 8819
building services; 8820

(2) Relating to sports and athletic events for an Ohio sports 8821
facility, including as applicable, but not limited to, providing 8822
for booking of athletes, teams, and events; scheduling; and hiring 8823
or contracting for staff, ushers, managers, and others directly 8824
related to the sports and athletic events in the facility; but not 8825
including general building services. 8826

~~(K)~~(J) "Ohio cultural facility" means any of the following: 8827

(1) The theaters located in the state office tower at 77 8828
South High street in Columbus; 8829

(2) Any ~~capital~~ cultural facility in this state ~~to which both~~ 8830
~~of the following apply:~~ 8831

~~(a) The construction of a cultural project related to the~~ 8832
~~facility was authorized or funded by the general assembly pursuant~~ 8833
~~to division (D)(3) of section 3383.07 of the Revised Code and~~ 8834
~~proceeds of state bonds are used for costs of the cultural~~ 8835
~~project.~~ 8836

~~(b) The facility that is managed directly by, or is subject~~ 8837
~~to a cooperative or management contract with, the Ohio cultural~~ 8838
~~facilities construction commission, and is used for or in~~ 8839
~~connection with the activities of the commission, including the~~ 8840
~~presentation or making available of culture to the public and the~~ 8841
~~provision of training or education in culture.~~ 8842

(3) A state historical facility or a local historical 8843
facility. 8844

~~(L) "State agency" means the state or any of its branches,~~ 8845
~~officers, boards, commissions, authorities, departments,~~ 8846
~~divisions, or other units or agencies.~~ 8847

~~(M)~~(K) "Construction" includes acquisition, including 8848
acquisition by lease-purchase, demolition, reconstruction, 8849
alteration, renovation, remodeling, enlargement, improvement, site 8850
improvements, and related equipping and furnishing. 8851

~~(N)~~(L) "State historical facility" means a site or facility 8852
that has all of the following characteristics: 8853

(1) It is created, supervised, operated, protected, 8854
maintained, and promoted by the Ohio historical society pursuant 8855
to the society's performance of public functions under sections 8856

149.30 and 149.302 of the Revised Code. 8857

(2) Its title must reside wholly or in part with the state, 8858
the society, or both the state and the society. 8859

(3) It is managed directly by or is subject to a cooperative 8860
or management contract with the Ohio ~~cultural~~ facilities 8861
construction commission and is used for or in connection with ~~the~~ 8862
cultural activities ~~of the commission~~, including the presentation 8863
or making available of culture to the public. 8864

~~(O)~~(M) "Ohio sports facility" means all or a portion of a 8865
stadium, arena, tennis facility, motorsports complex, or other 8866
capital facility in this state, or a facility officially 8867
designated by the United States olympic committee as an olympic 8868
and paralympic training site that provides a significant economic 8869
benefit to the state. A primary purpose of the facility shall be 8870
to provide a site or venue for the presentation to the public of 8871
motorsports events, professional tennis tournaments, ~~or~~ events of 8872
one or more major or minor league professional athletic or sports 8873
teams that are associated with the state or with a city or region 8874
of the state, or training of olympic or paralympic athletes. The 8875
facility shall be, in the case of a motorsports complex, owned by 8876
the state or governmental agency, or in all other instances, owned 8877
by or located on real property owned by the state or a 8878
governmental agency, and includes all parking facilities, 8879
walkways, and other auxiliary facilities, equipment, furnishings, 8880
and real and personal property and interests and rights therein, 8881
that may be appropriate for or used for or in connection with the 8882
facility or its operation, for capital costs of which state funds 8883
are spent pursuant to ~~this chapter~~ this section and section 8884
123.281 of the Revised Code. A facility constructed as an Ohio 8885
sports facility may be both an Ohio cultural facility and an Ohio 8886
sports facility. 8887

~~(P)~~(N) "Motorsports" means sporting events in which motor 8888

vehicles are driven on a clearly demarcated tracked surface. 8889

~~Sec. 3383.07 123.281.~~ (A) The Ohio facilities construction 8890
commission shall provide for the construction of a cultural 8891
project in conformity with Chapter 153. of the Revised Code, 8892
except as follows: 8893

~~(1) For a cultural project other than a state historical 8894
facility, construction services may be provided on behalf of the 8895
state by the Ohio cultural facilities commission, or by for 8896
construction services provided on behalf of the state by a 8897
governmental agency or a cultural organization in accordance with 8898
divisions (B) and (C) of this section. 8899~~

~~(B) In order for a governmental agency or a cultural 8900
organization that occupies, will occupy, or is responsible for the 8901
Ohio cultural facility, as determined by the Ohio cultural 8902
facilities commission. For a project receiving a state 8903
appropriation of fifty thousand dollars or less, the Ohio cultural 8904
facilities commission may delegate to its executive director the 8905
authority to approve the provision of construction services by 8906
such an agency or organization, but not the authority to 8907
disapprove that provision. Construction services to be provided by 8908
a governmental agency or a cultural organization shall be 8909
specified in an agreement between the Ohio cultural facilities 8910
commission and the governmental agency or cultural organization. 8911
The agreement, or any actions taken under it, are not subject to 8912
Chapter 123. or 153. of the Revised Code, except for sections 8913
123.081 and 153.011 of the Revised Code, and shall be subject to 8914
Chapter 4115. of the Revised Code. 8915~~

~~(2) For a cultural project that is to provide construction 8916
services on behalf of the state for a cultural project, other than 8917
a state historical facility, for which the general assembly has 8918
made an appropriation or specifically authorized the spending of 8919~~

money or the making of rental payments relating to the financing 8920
of the construction, the governmental agency or cultural 8921
organization shall submit to the Ohio facilities construction 8922
commission a cooperative agreement that includes, but is not 8923
limited to, provisions that: 8924

(1) Specify how the proposed project will support culture, as 8925
defined in section 123.28 of the Revised Code; 8926

(2) Specify that the governmental agency or cultural 8927
organization has local contributions amounting to not less than 8928
fifty per cent of the total state funding for the cultural 8929
project; 8930

(3) Specify that the funds shall be used only for 8931
construction, as defined in section 123.28 of the Revised Code; 8932

(4) Identify the facility to be constructed, renovated, 8933
remodeled, or improved; 8934

(5) Specify that the project scope meets the intent and 8935
purpose of the project appropriation and that the project can be 8936
completed and ready for full occupancy without exceeding 8937
appropriated funds; 8938

(6) Specify that the governmental agency or cultural 8939
organization shall hold the Ohio facilities construction 8940
commission harmless from all liability for the operation and 8941
maintenance costs of the facility; 8942

(7) Specify that the agreement or any actions taken under it 8943
are not subject to Chapters 123. or 153. of the Revised Code, 8944
except for section 153.011 of the Revised Code, and are subject to 8945
Chapter 4115. of the Revised Code; and 8946

(8) Provide that amendments to the agreement shall require 8947
the approval of the Ohio facilities construction commission. 8948

(C) In order for a cultural organization to provide 8949

~~construction services on behalf of the state for a state 8950
historical facility, construction services may be provided by the 8951
Ohio cultural facilities commission or by a cultural organization 8952
that occupies, will occupy, or is responsible for the facility, as 8953
determined by the Ohio cultural facilities commission. For a 8954
facility receiving a state appropriation of fifty thousand dollars 8955
or less, the Ohio cultural facilities commission may delegate to 8956
its executive director the authority to approve the provision of 8957
construction services by such an organization, but not the 8958
authority to disapprove that provision. The construction services 8959
to be provided by the cultural organization shall be specified in 8960
an agreement between the Ohio cultural facilities commission and 8961
the cultural organization. That agreement, and any actions taken 8962
under it, are not subject to Chapter 123., 153., or 4115. of the 8963
Revised Code. 8964~~

~~(B) For an Ohio sports facility that is financed in part by 8965
obligations issued pursuant to Chapter 154. of the Revised Code, 8966
construction services shall be provided on behalf of the state by 8967
or at the direction of the governmental agency or nonprofit 8968
corporation that will own or be responsible for the management of 8969
the facility, all as determined by the Ohio cultural facilities 8970
commission. For a facility receiving a state appropriation of 8971
fifty thousand dollars or less, the Ohio cultural facilities 8972
commission may delegate to its executive director the authority to 8973
approve the provision of construction services by or at the 8974
direction of the agency or corporation, but not the authority to 8975
disapprove that provision. Any construction services to be 8976
provided by a governmental agency or nonprofit corporation shall 8977
be specified in an agreement between the Ohio cultural facilities 8978
commission and the governmental agency or nonprofit corporation. 8979
That agreement, and any actions taken under it, are not subject to 8980
Chapter 123. or 153. of the Revised Code, except for sections 8981
123.081 and 153.011 of the Revised Code, and shall be subject to 8982~~

~~Chapter 4115. of the Revised Code. 8983~~

~~(C) General building services for an Ohio cultural facility 8984
shall be provided by the Ohio cultural facilities commission or by 8985
a cultural organization that occupies, will occupy, or is 8986
responsible for the facility, as determined by the Ohio cultural 8987
facilities commission. For a facility receiving a state 8988
appropriation of fifty thousand dollars or less, the Ohio cultural 8989
facilities commission may delegate to its executive director the 8990
authority to approve the provision of general building services by 8991
such an organization, but not the authority to disapprove that 8992
provision. Alternatively, the Ohio building authority may elect to 8993
provide those services for Ohio cultural facilities financed with 8994
proceeds of state bonds issued by the authority. The costs of 8995
management and general building services shall be paid by the 8996
cultural organization that occupies, will occupy, or is 8997
responsible for the facility as provided in an agreement between 8998
the Ohio cultural facilities commission and the cultural 8999
organization, except that the state may pay for general building 9000
services for state owned cultural facilities constructed on 9001
state owned land. 9002~~

~~General building services for an Ohio sports facility shall 9003
be provided by or at the direction of the governmental agency or 9004
nonprofit corporation that will be responsible for the management 9005
of the facility, all as determined by the Ohio cultural facilities 9006
commission. For a facility receiving a state appropriation of 9007
fifty thousand dollars or less, the Ohio cultural facilities 9008
commission may delegate to its executive director the authority to 9009
approve the provision of general building services by or at the 9010
direction of the agency or corporation, but not the authority to 9011
disapprove that provision. Any general building services to be 9012
provided by a governmental agency or nonprofit corporation for an 9013
Ohio sports facility shall be specified in an agreement between 9014~~

~~the Ohio cultural facilities commission and the governmental 9015
agency or nonprofit corporation. That agreement, and any actions 9016
taken under it, are not subject to Chapter 123. or 153. of the 9017
Revised Code, except for sections 123.081 and 153.011 of the 9018
Revised Code, and shall be subject to Chapter 4115. of the Revised 9019
Code. 9020~~

~~(D) This division does not apply to a state historical 9021
facility. No state funds, including any state bond proceeds, shall 9022
be spent on the construction of any cultural project under this 9023
chapter unless, with respect to the cultural project and to the 9024
Ohio cultural facility related to the project, all of the 9025
following apply: 9026~~

~~(1) The Ohio cultural facilities commission has determined 9027
that there is a need for the cultural project and the Ohio 9028
cultural facility related to the project in the region of the 9029
state in which the Ohio cultural facility is located or for which 9030
the facility is proposed. For a project receiving a state 9031
appropriation of fifty thousand dollars or less, the Ohio cultural 9032
facilities commission may delegate to its executive director the 9033
authority to determine need but only in the affirmative. 9034~~

~~(2) The Ohio cultural facilities commission has determined 9035
that, as an indication of substantial regional support for the 9036
cultural project, the cultural organization has made provision 9037
satisfactory to the Ohio cultural facilities commission, in its 9038
sole discretion, for local contributions amounting to not less 9039
than fifty per cent of the total state funding for the cultural 9040
project. For a project receiving a state appropriation of fifty 9041
thousand dollars or less, the Ohio cultural facilities commission 9042
may delegate to its executive director the authority to determine 9043
the adequacy of the regional support but only in the affirmative. 9044~~

~~(3) The general assembly has specifically authorized the 9045
spending of money on, or made an appropriation for, the 9046~~

~~construction of the cultural project, or for rental payments 9047
relating to the financing of the construction of the cultural 9048
project. Authorization to spend money, or an appropriation, for 9049
planning the cultural project does not constitute authorization to 9050
spend money on, or an appropriation for, construction of the 9051
cultural project. 9052~~

~~(E) No state funds, including any state bond proceeds, shall 9053
be spent on the construction of any state historical facility 9054
under this chapter unless the general assembly has specifically 9055
authorized the spending of money on, or made an appropriation for, 9056
the construction of the state historical project related to the 9057
facility, or for rental payments relating to the financing of the 9058
construction of the state historical project. Authorization to 9059
spend money, or an appropriation, for planning the state 9060
historical project does not constitute authorization to spend 9061
money on, or an appropriation for, the construction of the state 9062
historical project. 9063~~

~~(F) for which the general assembly has made an appropriation 9064
or specifically authorized the spending of money or the making of 9065
rental payments relating to the financing of the construction, the 9066
cultural organization shall submit to the Ohio facilities 9067
construction commission a cooperative agreement that includes, but 9068
is not limited to, provisions that: 9069~~

~~(1) Specify how the proposed project will support culture, as 9070
defined in section 123.28 of the Revised Code; 9071~~

~~(2) Specify that the funds shall be used only for 9072
construction, as defined in section 123.28 of the Revised Code; 9073~~

~~(3) Identify the facility to be constructed, renovated, 9074
remodeled, or improved; 9075~~

~~(4) Specify that the project scope meets the intent and 9076
purpose of the project appropriation and that the project can be 9077~~

completed and ready for full occupancy without exceeding 9078
appropriated funds; 9079

(5) Specify that the cultural organization shall hold the 9080
Ohio facilities construction commission harmless from all 9081
liability for the operation and maintenance costs of the facility; 9082

(6) Specify that the agreement or any actions taken under it 9083
are not subject to Chapters 123., 153., or 4115. of the Revised 9084
Code; and 9085

(7) Provide that amendments to the agreement shall require 9086
the approval of the Ohio facilities construction commission. 9087

(D) State funds shall not be used to pay or reimburse more 9088
than fifteen per cent of the initial estimated construction cost 9089
of an Ohio sports facility, excluding any site acquisition cost, 9090
and no state funds, including any state bond proceeds, shall be 9091
spent on any Ohio sports facility under this chapter unless, with 9092
respect to that facility, all of the following apply: 9093

(1) The Ohio ~~cultural~~ facilities construction commission has 9094
determined that there is a need for the facility in the region of 9095
the state for which the facility is proposed to provide the 9096
function of an Ohio sports facility as provided for in this 9097
chapter. For a facility receiving a state appropriation of fifty 9098
thousand dollars or less, the Ohio cultural facilities commission 9099
may delegate to its executive director the authority to determine 9100
need but only in the affirmative. 9101

(2) ~~As an indication of substantial local support for the~~ 9102
facility, the Ohio cultural facilities commission has received a 9103
financial and development plan satisfactory to it, and provision 9104
has been made, by agreement or otherwise, satisfactory to the ~~Ohio~~ 9105
cultural facilities commission, for a contribution amounting to 9106
not less than eighty-five per cent of the total estimated 9107
construction cost of the facility, excluding any site acquisition 9108

cost, from sources other than the state. ~~For a facility receiving~~ 9109
~~a state appropriation of fifty thousand dollars or less, the Ohio~~ 9110
~~cultural facilities commission may delegate to its executive~~ 9111
~~director the authority to evaluate the financial and development~~ 9112
~~plan and the contribution and to determine their adequacy but only~~ 9113
~~in the affirmative.~~ 9114

~~(3)~~(2) The general assembly has specifically authorized the 9115
spending of money on, or made an appropriation for, the 9116
construction of the facility, or for rental payments relating to 9117
state financing of all or a portion of the costs of constructing 9118
the facility. Authorization to spend money, or an appropriation, 9119
for planning or determining the feasibility of or need for the 9120
facility does not constitute authorization to spend money on, or 9121
an appropriation for, costs of constructing the facility. 9122

~~(4)~~(3) If state bond proceeds are being used for the Ohio 9123
sports facility, the state or a governmental agency owns or has 9124
sufficient property interests in the facility or in the site of 9125
the facility or in the portion or portions of the facility 9126
financed from proceeds of state bonds, which may include, but is 9127
not limited to, the right to use or to require the use of the 9128
facility for the presentation of sport and athletic events to the 9129
public at the facility. 9130

~~(G)~~(E) In addition to the requirements of division ~~(F)~~(D) of 9131
this section, no state funds, including any state bond proceeds, 9132
shall be spent on any Ohio sports facility that is a motorsports 9133
complex, unless, with respect to that facility, both of the 9134
following apply: 9135

(1) Motorsports events shall be presented at the facility 9136
pursuant to a lease entered into with the owner of the facility. 9137
The term of the lease shall be for a period of not less than the 9138
greater of the useful life of the portion of the facility financed 9139
from proceeds of state bonds as determined using the guidelines 9140

for maximum maturities as provided under divisions (B) and (C) of 9141
section 133.20 of the Revised Code, or the period of time 9142
remaining to the date of payment or provision for payment of 9143
outstanding state bonds allocable to costs of the facility, all as 9144
determined by the director of budget and management and certified 9145
by the executive director ~~to~~ of the Ohio ~~cultural~~ facilities 9146
construction commission and to the treasurer of state. 9147

(2) Any motorsports organization that commits to using the 9148
facility for an established period of time shall give the 9149
political subdivision in which the facility is located not less 9150
than six months' advance notice if the organization intends to 9151
cease utilizing the facility prior to the expiration of that 9152
established period. Such a motorsports organization shall be 9153
liable to the state for any state funds used on the construction 9154
costs of the facility. 9155

~~(H)~~(F) In addition to the requirements of division ~~(F)~~(D) of 9156
this section, no state bond proceeds shall be spent on any Ohio 9157
sports facility that is a tennis facility, unless the owner or 9158
manager of the facility provides contractual commitments from a 9159
national or international professional tennis organization in a 9160
form acceptable to the ~~cultural~~ Ohio facilities construction 9161
commission that assures that one or more sanctioned professional 9162
tennis events will be presented at the facility during each year 9163
that the bonds remain outstanding. 9164

Sec. 124.11. The civil service of the state and the several 9165
counties, cities, civil service townships, city health districts, 9166
general health districts, and city school districts of the state 9167
shall be divided into the unclassified service and the classified 9168
service. 9169

(A) The unclassified service shall comprise the following 9170
positions, which shall not be included in the classified service, 9171

and which shall be exempt from all examinations required by this	9172
chapter:	9173
(1) All officers elected by popular vote or persons appointed	9174
to fill vacancies in those offices;	9175
(2) All election officers as defined in section 3501.01 of	9176
the Revised Code;	9177
(3)(a) The members of all boards and commissions, and heads	9178
of principal departments, boards, and commissions appointed by the	9179
governor or by and with the governor's consent;	9180
(b) The heads of all departments appointed by a board of	9181
county commissioners;	9182
(c) The members of all boards and commissions and all heads	9183
of departments appointed by the mayor, or, if there is no mayor,	9184
such other similar chief appointing authority of any city or city	9185
school district;	9186
Except as otherwise provided in division (A)(17) or (C) of	9187
this section, this chapter does not exempt the chiefs of police	9188
departments and chiefs of fire departments of cities or civil	9189
service townships from the competitive classified service.	9190
(4) The members of county or district licensing boards or	9191
commissions and boards of revision, and not more than five deputy	9192
county auditors;	9193
(5) All officers and employees elected or appointed by either	9194
or both branches of the general assembly, and employees of the	9195
city legislative authority engaged in legislative duties;	9196
(6) All commissioned, warrant, and noncommissioned officers	9197
and enlisted persons in the Ohio organized militia, including	9198
military appointees in the adjutant general's department;	9199
(7)(a) All presidents, business managers, administrative	9200
officers, superintendents, assistant superintendents, principals,	9201

deans, assistant deans, instructors, teachers, and such employees 9202
as are engaged in educational or research duties connected with 9203
the public school system, colleges, and universities, as 9204
determined by the governing body of the public school system, 9205
colleges, and universities; 9206

(b) The library staff of any library in the state supported 9207
wholly or in part at public expense. 9208

(8) Four clerical and administrative support employees for 9209
each of the elective state officers, four clerical and 9210
administrative support employees for each board of county 9211
commissioners and one such employee for each county commissioner, 9212
and four clerical and administrative support employees for other 9213
elective officers and each of the principal appointive executive 9214
officers, boards, or commissions, except for civil service 9215
commissions, that are authorized to appoint such clerical and 9216
administrative support employees; 9217

(9) The deputies and assistants of state agencies authorized 9218
to act for and on behalf of the agency, or holding a fiduciary or 9219
administrative relation to that agency and those persons employed 9220
by and directly responsible to elected county officials or a 9221
county administrator and holding a fiduciary or administrative 9222
relationship to such elected county officials or county 9223
administrator, and the employees of such county officials whose 9224
fitness would be impracticable to determine by competitive 9225
examination, provided that division (A)(9) of this section shall 9226
not affect those persons in county employment in the classified 9227
service as of September 19, 1961. Nothing in division (A)(9) of 9228
this section applies to any position in a county department of job 9229
and family services created pursuant to Chapter 329. of the 9230
Revised Code. 9231

(10) Bailiffs, constables, official stenographers, and 9232
commissioners of courts of record, deputies of clerks of the 9233

courts of common pleas who supervise or who handle public moneys 9234
or secured documents, and such officers and employees of courts of 9235
record and such deputies of clerks of the courts of common pleas 9236
as the appointing authority finds it impracticable to determine 9237
their fitness by competitive examination; 9238

(11) Assistants to the attorney general, special counsel 9239
appointed or employed by the attorney general, assistants to 9240
county prosecuting attorneys, and assistants to city directors of 9241
law; 9242

(12) Such teachers and employees in the agricultural 9243
experiment stations; such students in normal schools, colleges, 9244
and universities of the state who are employed by the state or a 9245
political subdivision of the state in student or intern 9246
classifications; and such unskilled labor positions as the 9247
director of administrative services, with respect to positions in 9248
the service of the state, or any municipal civil service 9249
commission may find it impracticable to include in the competitive 9250
classified service; provided such exemptions shall be by order of 9251
the commission or the director, duly entered on the record of the 9252
commission or the director with the reasons for each such 9253
exemption; 9254

(13) Any physician or dentist who is a full-time employee of 9255
the department of ~~mental health~~ mental health and addiction 9256
services, the department of developmental disabilities, or an 9257
institution under the jurisdiction of either department; and 9258
physicians who are in residency programs at the institutions; 9259

(14) Up to twenty positions at each institution under the 9260
jurisdiction of the department of ~~mental health~~ mental health and 9261
addiction services or the department of developmental disabilities 9262
that the department director determines to be primarily 9263
administrative or managerial; and up to fifteen positions in any 9264
division of either department, excluding administrative assistants 9265

to the director and division chiefs, which are within the 9266
immediate staff of a division chief and which the director 9267
determines to be primarily and distinctively administrative and 9268
managerial; 9269

(15) Noncitizens of the United States employed by the state, 9270
or its counties or cities, as physicians or nurses who are duly 9271
licensed to practice their respective professions under the laws 9272
of this state, or medical assistants, in mental or chronic disease 9273
hospitals, or institutions; 9274

(16) Employees of the governor's office; 9275

(17) Fire chiefs and chiefs of police in civil service 9276
townships appointed by boards of township trustees under section 9277
505.38 or 505.49 of the Revised Code; 9278

(18) Executive directors, deputy directors, and program 9279
directors employed by boards of alcohol, drug addiction, and 9280
mental health services under Chapter 340. of the Revised Code, and 9281
secretaries of the executive directors, deputy directors, and 9282
program directors; 9283

(19) Superintendents, and management employees as defined in 9284
section 5126.20 of the Revised Code, of county boards of 9285
developmental disabilities; 9286

(20) Physicians, nurses, and other employees of a county 9287
hospital who are appointed pursuant to sections 339.03 and 339.06 9288
of the Revised Code; 9289

(21) The executive director of the state medical board, who 9290
is appointed pursuant to division (B) of section 4731.05 of the 9291
Revised Code; 9292

(22) County directors of job and family services as provided 9293
in section 329.02 of the Revised Code and administrators appointed 9294
under section 329.021 of the Revised Code; 9295

(23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code;	9296 9297
(24) Chiefs of construction and compliance, of operations and maintenance, of worker protection, and of licensing and certification in the division of industrial compliance in the department of commerce;	9298 9299 9300 9301
(25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code;	9302 9303 9304
(26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of workers' compensation, industrial commission, state lottery commission, <u>opportunities for Ohioans with disabilities agency</u> , and public utilities commission of Ohio that the head of that administrative department or of that other state agency determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum compensation specified in pay range 41 but not more than the maximum compensation specified in pay range 44 <u>47</u> of salary schedule E-2 in section 124.152 of the Revised Code. The authority to establish positions in the unclassified service under division (A)(26) of this section is in addition to and does not limit any other authority that an administrative department or state agency has under the Revised Code to establish positions, appoint employees, or set compensation.	9305 9306 9307 9308 9309 9310 9311 9312 9313 9314 9315 9316 9317 9318 9319 9320 9321 9322 9323
(27) Employees of the department of agriculture employed under section 901.09 of the Revised Code;	9324 9325
(28) For cities, counties, civil service townships, city	9326

health districts, general health districts, and city school 9327
districts, the deputies and assistants of elective or principal 9328
executive officers authorized to act for and in the place of their 9329
principals or holding a fiduciary relation to their principals; 9330

(29) Employees who receive intermittent or temporary 9331
appointments under division (B) of section 124.30 of the Revised 9332
Code; 9333

(30) Employees appointed to administrative staff positions 9334
for which an appointing authority is given specific statutory 9335
authority to set compensation; 9336

(31) Employees appointed to highway patrol cadet or highway 9337
patrol cadet candidate classifications; 9338

(32) Employees placed in the unclassified service by another 9339
section of the Revised Code. 9340

(B) The classified service shall comprise all persons in the 9341
employ of the state and the several counties, cities, city health 9342
districts, general health districts, and city school districts of 9343
the state, not specifically included in the unclassified service. 9344
Upon the creation by the board of trustees of a civil service 9345
township civil service commission, the classified service shall 9346
also comprise, except as otherwise provided in division (A)(17) or 9347
(C) of this section, all persons in the employ of a civil service 9348
township police or fire department having ten or more full-time 9349
paid employees. The classified service consists of two classes, 9350
which shall be designated as the competitive class and the 9351
unskilled labor class. 9352

(1) The competitive class shall include all positions and 9353
employments in the state and the counties, cities, city health 9354
districts, general health districts, and city school districts of 9355
the state, and, upon the creation by the board of trustees of a 9356
civil service township of a township civil service commission, all 9357

positions in a civil service township police or fire department 9358
having ten or more full-time paid employees, for which it is 9359
practicable to determine the merit and fitness of applicants by 9360
competitive examinations. Appointments shall be made to, or 9361
employment shall be given in, all positions in the competitive 9362
class that are not filled by promotion, reinstatement, transfer, 9363
or reduction, as provided in this chapter, and the rules of the 9364
director of administrative services, by appointment from those 9365
certified to the appointing officer in accordance with this 9366
chapter. 9367

(2) The unskilled labor class shall include ordinary 9368
unskilled laborers. Vacancies in the labor class for positions in 9369
service of the state shall be filled by appointment from lists of 9370
applicants registered by the director or the director's designee. 9371
Vacancies in the labor class for all other positions shall be 9372
filled by appointment from lists of applicants registered by a 9373
commission. The director or the commission, as applicable, by 9374
rule, shall require an applicant for registration in the labor 9375
class to furnish evidence or take tests as the director or 9376
commission considers proper with respect to age, residence, 9377
physical condition, ability to labor, honesty, sobriety, industry, 9378
capacity, and experience in the work or employment for which 9379
application is made. Laborers who fulfill the requirements shall 9380
be placed on the eligible list for the kind of labor or employment 9381
sought, and preference shall be given in employment in accordance 9382
with the rating received from that evidence or in those tests. 9383
Upon the request of an appointing officer, stating the kind of 9384
labor needed, the pay and probable length of employment, and the 9385
number to be employed, the director or commission, as applicable, 9386
shall certify from the highest on the list double the number to be 9387
employed; from this number, the appointing officer shall appoint 9388
the number actually needed for the particular work. If more than 9389
one applicant receives the same rating, priority in time of 9390

application shall determine the order in which their names shall 9391
be certified for appointment. 9392

(C) A municipal or civil service township civil service 9393
commission may place volunteer firefighters who are paid on a 9394
fee-for-service basis in either the classified or the unclassified 9395
civil service. 9396

(D)(1) This division does not apply to persons in the 9397
unclassified service who have the right to resume positions in the 9398
classified service under sections 4121.121, ~~5119.071~~ 5119.18, 9399
5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the 9400
Revised Code or to cities, counties, or political subdivisions of 9401
the state. 9402

(2) A person who holds a position in the classified service 9403
of the state and who is appointed to a position in the 9404
unclassified service shall retain the right to resume the position 9405
and status held by the person in the classified service 9406
immediately prior to the person's appointment to the position in 9407
the unclassified service, regardless of the number of positions 9408
the person held in the unclassified service. An employee's right 9409
to resume a position in the classified service may only be 9410
exercised when an appointing authority demotes the employee to a 9411
pay range lower than the employee's current pay range or revokes 9412
the employee's appointment to the unclassified service and: 9413

(a) That person held a certified position prior to July 1, 9414
2007, in the classified service within the appointing authority's 9415
agency; or 9416

(b) That person held a permanent position on or after July 1, 9417
2007, in the classified service within the appointing authority's 9418
agency. 9419

(3) An employee forfeits the right to resume a position in 9420
the classified service when: 9421

(a) The employee is removed from the position in the unclassified service due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or the rules of the director of administrative services, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony; or

(b) Upon transfer to a different agency.

(4) Reinstatement to a position in the classified service shall be to a position substantially equal to that position in the classified service held previously, as certified by the director of administrative services. If the position the person previously held in the classified service has been placed in the unclassified service or is otherwise unavailable, the person shall be appointed to a position in the classified service within the appointing authority's agency that the director of administrative services certifies is comparable in compensation to the position the person previously held in the classified service. Service in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to the person's appointment to the position in the unclassified service. When a person is reinstated to a position in the classified service as provided in this division, the person is entitled to all rights, status, and benefits accruing to the position in the classified service during the person's time of service in the position in the unclassified service.

Sec. 124.14. (A)(1) The director of administrative services shall establish, and may modify or rescind, by rule, a job classification plan for all positions, offices, and employments ~~the salaries of which are paid in whole or in part by~~ in the

service of the state. The director shall group jobs within a 9453
classification so that the positions are similar enough in duties 9454
and responsibilities to be described by the same title, to have 9455
the same pay assigned with equity, and to have the same 9456
qualifications for selection applied. The director shall, by rule, 9457
assign a classification title to each classification within the 9458
classification plan. However, the director shall consider in 9459
establishing classifications, including classifications with 9460
parenthetical titles, and assigning pay ranges such factors as 9461
duties performed only on one shift, special skills in short supply 9462
in the labor market, recruitment problems, separation rates, 9463
comparative salary rates, the amount of training required, and 9464
other conditions affecting employment. The director shall describe 9465
the duties and responsibilities of the class, establish the 9466
qualifications for being employed in each position in the class, 9467
and file with the secretary of state a copy of specifications for 9468
all of the classifications. The director shall file new, 9469
additional, or revised specifications with the secretary of state 9470
before they are used. 9471

The director shall, by rule, assign each classification, 9472
either on a statewide basis or in particular counties or state 9473
institutions, to a pay range established under section 124.15 or 9474
section 124.152 of the Revised Code. The director may assign a 9475
classification to a pay range on a temporary basis for a period of 9476
six months. The director may establish, by rule adopted under 9477
Chapter 119. of the Revised Code, experimental classification 9478
plans for some or all employees paid directly by warrant of the 9479
director of budget and management. The rule shall include 9480
specifications for each classification within the plan and shall 9481
specifically address compensation ranges, and methods for 9482
advancing within the ranges, for the classifications, which may be 9483
assigned to pay ranges other than the pay ranges established under 9484
section 124.15 or 124.152 of the Revised Code. 9485

(2) The director of administrative services may reassign to a 9486
proper classification those positions that have been assigned to 9487
an improper classification. If the compensation of an employee in 9488
such a reassigned position exceeds the maximum rate of pay for the 9489
employee's new classification, the employee shall be placed in pay 9490
step X and shall not receive an increase in compensation until the 9491
maximum rate of pay for that classification exceeds the employee's 9492
compensation. 9493

(3) The director may reassign an exempt employee, as defined 9494
in section 124.152 of the Revised Code, to a bargaining unit 9495
classification if the director determines that the bargaining unit 9496
classification is the proper classification for that employee. 9497
Notwithstanding Chapter 4117. of the Revised Code or instruments 9498
and contracts negotiated under it, these placements are at the 9499
director's discretion. 9500

(4) The director shall, by rule, assign related 9501
classifications, which form a career progression, to a 9502
classification series. The director shall, by rule, assign each 9503
classification in the classification plan a five-digit number, the 9504
first four digits of which shall denote the classification series 9505
to which the classification is assigned. When a career progression 9506
encompasses more than ten classifications, the director shall, by 9507
rule, identify the additional classifications belonging to a 9508
classification series. The additional classifications shall be 9509
part of the classification series, notwithstanding the fact that 9510
the first four digits of the number assigned to the additional 9511
classifications do not correspond to the first four digits of the 9512
numbers assigned to other classifications in the classification 9513
series. 9514

(B) Division (A) of this section and sections 124.15 and 9515
124.152 of the Revised Code do not apply to the following persons, 9516
positions, offices, and employments: 9517

(1) Elected officials;	9518
(2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, and employees of the supreme court;	9519 9520 9521 9522 9523 9524
(3) Any position for which the authority to determine compensation is given by law to another individual or entity;	9525 9526
(4) Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code.	9527 9528 9529 9530
(C) The director may employ a consulting agency to aid and assist the director in carrying out this section.	9531 9532
(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall send written notice of the proposed rule to the appointing authorities of the affected employees thirty days before a hearing on the proposed rule. The appointing authorities shall notify the affected employees regarding the proposed rule. The director also shall send those appointing authorities notice of any final rule that is adopted within ten days after adoption.	9533 9534 9535 9536 9537 9538 9539 9540
(2) When the director proposes to reclassify any employee in the service of the state so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range, and salary. Upon the request of any classified employee in the service of the state who is not serving in a probationary period, the director shall perform a job audit to review the classification of the employee's	9541 9542 9543 9544 9545 9546 9547 9548

position to determine whether the position is properly classified. 9549
The director shall give to the employee affected and to the 9550
employee's appointing authority a written notice of the director's 9551
determination whether or not to reclassify the position or to 9552
reassign the employee to another classification. An employee or 9553
appointing authority desiring a hearing shall file a written 9554
request for the hearing with the state personnel board of review 9555
within thirty days after receiving the notice. The board shall set 9556
the matter for a hearing and notify the employee and appointing 9557
authority of the time and place of the hearing. The employee, the 9558
appointing authority, or any authorized representative of the 9559
employee who wishes to submit facts for the consideration of the 9560
board shall be afforded reasonable opportunity to do so. After the 9561
hearing, the board shall consider anew the reclassification and 9562
may order the reclassification of the employee and require the 9563
director to assign the employee to such appropriate classification 9564
as the facts and evidence warrant. As provided in division (A)(1) 9565
of section 124.03 of the Revised Code, the board may determine the 9566
most appropriate classification for the position of any employee 9567
coming before the board, with or without a job audit. The board 9568
shall disallow any reclassification or reassignment classification 9569
of any employee when it finds that changes have been made in the 9570
duties and responsibilities of any particular employee for 9571
political, religious, or other unjust reasons. 9572

(E)(1) Employees of each county department of job and family 9573
services shall be paid a salary or wage established by the board 9574
of county commissioners. The provisions of section 124.18 of the 9575
Revised Code concerning the standard work week apply to employees 9576
of county departments of job and family services. A board of 9577
county commissioners may do either of the following: 9578

(a) Notwithstanding any other section of the Revised Code, 9579
supplement the sick leave, vacation leave, personal leave, and 9580

other benefits of any employee of the county department of job and family services of that county, if the employee is eligible for the supplement under a written policy providing for the supplement;

(b) Notwithstanding any other section of the Revised Code, establish alternative schedules of sick leave, vacation leave, personal leave, or other benefits for employees not inconsistent with the provisions of a collective bargaining agreement covering the affected employees.

(2) Division (E)(1) of this section does not apply to employees for whom the state employment relations board establishes appropriate bargaining units pursuant to section 4117.06 of the Revised Code, except in either of the following situations:

(a) The employees for whom the state employment relations board establishes appropriate bargaining units elect no representative in a board-conducted representation election.

(b) After the state employment relations board establishes appropriate bargaining units for such employees, all employee organizations withdraw from a representation election.

(F)(1) Notwithstanding any contrary provision of sections 124.01 to 124.64 of the Revised Code, the board of trustees of each state university or college, as defined in section 3345.12 of the Revised Code, shall carry out all matters of governance involving the officers and employees of the university or college, including, but not limited to, the powers, duties, and functions of the department of administrative services and the director of administrative services specified in this chapter. Officers and employees of a state university or college shall have the right of appeal to the state personnel board of review as provided in this chapter.

(2) Each board of trustees shall adopt rules under section 9612
111.15 of the Revised Code to carry out the matters of governance 9613
described in division (F)(1) of this section. Until the board of 9614
trustees adopts those rules, a state university or college shall 9615
continue to operate pursuant to the applicable rules adopted by 9616
the director of administrative services under this chapter. 9617

(G)(1) Each board of county commissioners may, by a 9618
resolution adopted by a majority of its members, establish a 9619
county personnel department to exercise the powers, duties, and 9620
functions specified in division (G) of this section. As used in 9621
division (G) of this section, "county personnel department" means 9622
a county personnel department established by a board of county 9623
commissioners under division (G)(1) of this section. 9624

(2)(a) Each board of county commissioners, by a resolution 9625
adopted by a majority of its members, may designate the county 9626
personnel department of the county to exercise the powers, duties, 9627
and functions specified in sections 124.01 to 124.64 and Chapter 9628
325. of the Revised Code with regard to employees in the service 9629
of the county, except for the powers and duties of the state 9630
personnel board of review, which powers and duties shall not be 9631
construed as having been modified or diminished in any manner by 9632
division (G)(2) of this section, with respect to the employees for 9633
whom the board of county commissioners is the appointing authority 9634
or co-appointing authority. 9635

(b) Nothing in division (G)(2) of this section shall be 9636
construed to limit the right of any employee who possesses the 9637
right of appeal to the state personnel board of review to continue 9638
to possess that right of appeal. 9639

(c) Any board of county commissioners that has established a 9640
county personnel department may contract with the department of 9641
administrative services, in accordance with division (H) of this 9642
section, another political subdivision, or an appropriate public 9643

or private entity to provide competitive testing services or other appropriate services. 9644
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(3) After the county personnel department of a county has been established as described in division (G)(2) of this section, any elected official, board, agency, or other appointing authority of that county, upon written notification to the county personnel department, may elect to use the services and facilities of the county personnel department. Upon receipt of the notification by the county personnel department, the county personnel department shall exercise the powers, duties, and functions as described in division (G)(2) of this section with respect to the employees of that elected official, board, agency, or other appointing authority. 9646
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(4) Each board of county commissioners, by a resolution adopted by a majority of its members, may disband the county personnel department. 9657
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(5) Any elected official, board, agency, or appointing authority of a county may end its involvement with a county personnel department upon actual receipt by the department of a certified copy of the notification that contains the decision to no longer participate. 9660
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(6) A county personnel department, in carrying out its duties, shall adhere to merit system principles with regard to employees of county departments of job and family services, child support enforcement agencies, and public child welfare agencies so that there is no threatened loss of federal funding for these agencies, and the county is financially liable to the state for any loss of federal funds due to the action or inaction of the county personnel department. 9665
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(H) County agencies may contract with the department of administrative services for any human resources services, 9673
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including, but not limited to, establishment and modification of 9675
job classification plans, competitive testing services, and 9676
periodic audits and reviews of the county's uniform application of 9677
the powers, duties, and functions specified in sections 124.01 to 9678
124.64 and Chapter 325. of the Revised Code with regard to 9679
employees in the service of the county. Nothing in this division 9680
modifies the powers and duties of the state personnel board of 9681
review with respect to employees in the service of the county. 9682
Nothing in this division limits the right of any employee who 9683
possesses the right of appeal to the state personnel board of 9684
review to continue to possess that right of appeal. 9685

(I) The director of administrative services shall establish 9686
the rate and method of compensation for all employees who are paid 9687
directly by warrant of the director of budget and management and 9688
who are serving in positions that the director of administrative 9689
services has determined impracticable to include in the state job 9690
classification plan. This division does not apply to elected 9691
officials, legislative employees, employees of the legislative 9692
service commission, employees who are in the unclassified civil 9693
service and exempt from collective bargaining coverage in the 9694
office of the secretary of state, auditor of state, treasurer of 9695
state, and attorney general, employees of the courts, employees of 9696
the bureau of workers' compensation whose compensation the 9697
administrator of workers' compensation establishes under division 9698
(B) of section 4121.121 of the Revised Code, or employees of an 9699
appointing authority authorized by law to fix the compensation of 9700
those employees. 9701

(J) The director of administrative services shall set the 9702
rate of compensation for all intermittent, seasonal, temporary, 9703
emergency, and casual employees in the service of the state who 9704
are not considered public employees under section 4117.01 of the 9705
Revised Code. Those employees are not entitled to receive employee 9706

benefits. This rate of compensation shall be equitable in terms of 9707
the rate of employees serving in the same or similar 9708
classifications. This division does not apply to elected 9709
officials, legislative employees, employees of the legislative 9710
service commission, employees who are in the unclassified civil 9711
service and exempt from collective bargaining coverage in the 9712
office of the secretary of state, auditor of state, treasurer of 9713
state, and attorney general, employees of the courts, employees of 9714
the bureau of workers' compensation whose compensation the 9715
administrator establishes under division (B) of section 4121.121 9716
of the Revised Code, or employees of an appointing authority 9717
authorized by law to fix the compensation of those employees. 9718

Sec. 124.18. (A) Forty hours shall be the standard work week 9719
for all employees whose salary or wage is paid in whole or in part 9720
by the state or by any state-supported college or university. When 9721
any employee whose salary or wage is paid in whole or in part by 9722
the state or by any state-supported college or university is 9723
required by an authorized administrative authority to be in an 9724
active pay status more than forty hours in any calendar week, the 9725
employee shall be compensated for such time over forty hours, 9726
except as otherwise provided in this section, at one and one-half 9727
times the employee's regular rate of pay. The use of sick leave or 9728
any leave used in lieu of sick leave shall not be considered to be 9729
active pay status for the purposes of earning overtime or 9730
compensatory time by employees whose wages are paid directly by 9731
warrant of the director of budget and management. A flexible-hours 9732
employee is not entitled to compensation for overtime work unless 9733
the employee's authorized administrative authority required the 9734
employee to be in active pay status for more than forty hours in a 9735
calendar week, regardless of the number of hours the employee 9736
works on any day in the same calendar week. 9737

Such compensation for overtime work shall be paid no later 9738

than at the conclusion of the next succeeding pay period. 9739

If the employee elects to take compensatory time off in lieu 9740
of overtime pay for any overtime worked, such compensatory time 9741
shall be granted by the employee's administrative superior, on a 9742
time and one-half basis, at a time mutually convenient to the 9743
employee and the administrative superior. Compensatory time is not 9744
available for use until it appears on the employee's earning 9745
statement and the compensation described in the earning statement 9746
is available to the employee. 9747

An employee may accrue compensatory time to a maximum of two 9748
hundred forty hours, except that public safety employees and other 9749
employees who meet the criteria established in the "Federal Fair 9750
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 9751
as amended, may accrue a maximum of four hundred eighty hours of 9752
compensatory time. An employee shall be paid at the employee's 9753
regular rate of pay for any hours of compensatory time accrued in 9754
excess of these maximum amounts if the employee has not used the 9755
compensatory time within three hundred sixty-five days after it is 9756
granted, if the employee transfers to another agency of the state, 9757
or if a change in the employee's status exempts the employee from 9758
the payment of overtime compensation. Upon the termination of 9759
employment, any employee with accrued but unused compensatory time 9760
shall be paid for that time at a rate that is the greater of the 9761
employee's final regular rate of pay or the employee's average 9762
regular rate of pay during the employee's last three years of 9763
employment with the state. 9764

No overtime, as described in this section, can be paid unless 9765
it has been authorized by the authorized administrative authority. 9766
Employees may be exempted from the payment of compensation as 9767
required by this section only under the criteria for exemption 9768
from the payment of overtime compensation established in the 9769
"Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 9770

U.S.C.A. 207, 213, as amended. With the approval of the director 9771
of administrative services, the appointing authority may establish 9772
a policy to grant compensatory time or to pay compensation to 9773
~~state~~ employees in the service of the state who are exempt from 9774
overtime compensation. With the approval of the board of county 9775
commissioners, a county human services department may establish a 9776
policy to grant compensatory time or to pay compensation to 9777
employees of the department who are exempt from overtime 9778
compensation. 9779

(B)(1) An employee, whose salary or wage is paid in whole or 9780
in part by the state, shall be paid for the holidays declared in 9781
section 124.19 of the Revised Code and shall not be required to 9782
work on those holidays, unless, in the opinion of the employee's 9783
responsible administrative authority, failure to work on those 9784
holidays would impair the public service. 9785

(2) An employee paid directly by warrant of the director of 9786
budget and management who is scheduled to work on the first day of 9787
January, the commemoration of memorial day, the fourth day of 9788
July, the fourth Thursday in November, or the twenty-fifth day of 9789
December and who does not report to work the day before, the day 9790
of, or the day after the holiday due to an illness of the employee 9791
or of a member of the employee's immediate family shall not 9792
receive holiday pay as provided by this division, unless the 9793
employee can provide documentation of extenuating circumstances 9794
that prohibited the employee from so reporting to work. If the 9795
employee works a shift between the employee's scheduled shift and 9796
the holiday, the employee shall be paid for the holiday. 9797

(3) An employee also shall not be paid for a holiday unless 9798
the employee was in active pay status on the scheduled work day 9799
immediately preceding the holiday, except that an employee need 9800
not be in active pay status on that work day in order to be paid 9801
for the holiday if the employee is participating in a mandatory or 9802

voluntary cost savings day under section 124.392 of the Revised Code. 9803
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(4) If any of the holidays declared in section 124.19 of the Revised Code falls on Saturday, the Friday immediately preceding shall be observed as the holiday. If any of the holidays declared in section 124.19 of the Revised Code falls on Sunday, the Monday immediately succeeding shall be observed as the holiday. Employees whose work schedules are based on the requirements of a seven-days-a-week work operation shall observe holidays on the actual days specified in section 124.19 of the Revised Code. 9805
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(5) If an employee's work schedule is other than Monday through Friday, the employee shall be entitled to eight hours of holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed. 9813
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(6) A full-time permanent employee is entitled to a minimum of eight hours of pay for each holiday regardless of the employee's work shift and work schedule. A flexible-hours employee, who is normally scheduled to work in excess of eight hours on a day on which a holiday falls, either shall be required to work an alternate schedule for that week or shall receive additional holiday pay for the hours the employee is normally scheduled to work. Such an alternate schedule may require a flexible-hours employee to work five shifts consisting of eight hours each during the week including the holiday, and, in that case, the employee shall receive eight hours of holiday pay for the day the holiday is observed. 9817
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(7) Except as provided under section 124.392 of the Revised Code, part-time permanent employees shall receive four hours of holiday pay regardless of the employee's work shift and work schedule. 9829
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(8) When an employee who is eligible for overtime pay under 9833

this section is required by the employee's responsible 9834
administrative authority to work on the day observed as a holiday, 9835
the employee shall be entitled to pay for such time worked at one 9836
and one-half times the employee's regular rate of pay in addition 9837
to the employee's regular pay, or to be granted compensatory time 9838
off at time and one-half thereafter, at the employee's option. 9839
Payment at such rate shall be excluded in the calculation of hours 9840
in active pay status. 9841

(C) Each appointing authority may designate the number of 9842
employees in an agency who are flexible-hours employees. The 9843
appointing authority may establish for each flexible-hours 9844
employee a specified minimum number of hours to be worked each day 9845
that is consistent with the "Federal Fair Labor Standards Act of 9846
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 9847

(D) This section shall be uniformly administered for 9848
employees as defined in section 124.01 of the Revised Code and by 9849
the personnel departments of state-supported colleges and 9850
universities for employees of state-supported colleges and 9851
universities. If employees are not paid directly by warrant of the 9852
director of budget and management, the political subdivision shall 9853
determine whether the use of sick leave shall be considered to be 9854
active pay status for purposes of those employees earning overtime 9855
or compensatory time. 9856

(E) Policies relating to the payment of overtime pay or the 9857
granting of compensatory time off shall be adopted by the chief 9858
administrative officer of the house of representatives for 9859
employees of the house of representatives, by the clerk of the 9860
senate for employees of the senate, and by the director of the 9861
legislative service commission for all other legislative 9862
employees. 9863

(F) As used in this section, "regular rate of pay" means the 9864
base rate of pay an employee receives plus any pay supplements 9865

received pursuant to section 124.181 of the Revised Code. 9866

Sec. 124.30. (A) Classified positions in the civil service 9867
may be filled without competition as follows: 9868

(1) Whenever there are urgent reasons for filling a vacancy 9869
in any position in the classified civil service and the director 9870
of administrative services is unable to certify to the appointing 9871
authority, upon its request, a list of persons eligible for 9872
appointment to the position after a competitive examination, the 9873
appointing authority may fill the position by noncompetitive 9874
examination. 9875

A temporary appointment may be made without regard to the 9876
rules of sections 124.01 to 124.64 of the Revised Code. Except as 9877
otherwise provided in this division, the temporary appointment may 9878
not continue longer than one hundred twenty days, and in no case 9879
shall successive temporary appointments be made. A temporary 9880
appointment longer than one hundred twenty days may be made if 9881
necessary by reason of sickness, disability, or other approved 9882
leave of absence of regular officers or employees, in which case 9883
it may continue during the period of sickness, disability, or 9884
other approved leave of absence, subject to the rules of the 9885
director. 9886

(2) In case of a vacancy in a position in the classified 9887
civil service where peculiar and exceptional qualifications of a 9888
scientific, managerial, professional, or educational character are 9889
required, and upon satisfactory evidence that for specified 9890
reasons competition in this special case is impracticable and that 9891
the position can best be filled by a selection of some designated 9892
person of high and recognized attainments in those qualities, the 9893
director may suspend the provisions of sections 124.01 to 124.64 9894
of the Revised Code that require competition in this special case, 9895
but no suspension shall be general in its application. All such 9896

cases of suspension shall be reported in the annual report of the 9897
director with the reasons for each suspension. The director shall 9898
suspend the provisions when ~~the~~ either of the following applies: 9899

(a) The director of job and family services provides the 9900
certification under section 5101.051 of the Revised Code that a 9901
position with the department of job and family services can best 9902
be filled if the provisions are suspended; 9903

(b) The medicaid director provides the certification under 9904
section 5160.051 of the Revised Code that a position with the 9905
department of medicaid can best be filled if the provisions are 9906
suspended. 9907

(3) The acceptance or refusal by an eligible person of a 9908
temporary appointment shall not affect the person's standing on 9909
the eligible list for permanent appointment, nor shall the period 9910
of temporary service be counted as a part of the probationary 9911
service in case of subsequent appointment to a permanent position. 9912

(B) Persons who receive temporary or intermittent 9913
appointments are in the unclassified civil service and serve at 9914
the pleasure of their appointing authority. 9915

Sec. 124.341. (A) If an employee in the classified or 9916
unclassified civil service becomes aware in the course of 9917
employment of a violation of state or federal statutes, rules, or 9918
regulations or the misuse of public resources, and the employee's 9919
supervisor or appointing authority has authority to correct the 9920
violation or misuse, the employee may file a written report 9921
identifying the violation or misuse with the supervisor or 9922
appointing authority. In addition to or instead of filing a 9923
written report with the supervisor or appointing authority, the 9924
employee may file a written report with the office of internal 9925
~~auditing~~ audit created under section 126.45 of the Revised Code or 9926
file a complaint with the auditor of state's fraud-reporting 9927

system under section 117.103 of the Revised Code. 9928

If the employee reasonably believes that a violation or 9929
misuse of public resources is a criminal offense, the employee, in 9930
addition to or instead of filing a written report or complaint 9931
with the supervisor, appointing authority, the office of internal 9932
~~auditing~~ audit, or the auditor of state's fraud-reporting system, 9933
may report it to a prosecuting attorney, director of law, village 9934
solicitor, or similar chief legal officer of a municipal 9935
corporation, to a peace officer, as defined in section 2935.01 of 9936
the Revised Code, or, if the violation or misuse of public 9937
resources is within the jurisdiction of the inspector general, to 9938
the inspector general in accordance with section 121.46 of the 9939
Revised Code. In addition to that report, if the employee 9940
reasonably believes the violation or misuse is also a violation of 9941
Chapter 102., section 2921.42, or section 2921.43 of the Revised 9942
Code, the employee may report it to the appropriate ethics 9943
commission. 9944

(B) Except as otherwise provided in division (C) of this 9945
section, no officer or employee in the classified or unclassified 9946
civil service shall take any disciplinary action against an 9947
employee in the classified or unclassified civil service for 9948
making any report or filing a complaint as authorized by division 9949
(A) of this section, including, without limitation, doing any of 9950
the following: 9951

- (1) Removing or suspending the employee from employment; 9952
- (2) Withholding from the employee salary increases or 9953
employee benefits to which the employee is otherwise entitled; 9954
- (3) Transferring or reassigning the employee; 9955
- (4) Denying the employee promotion that otherwise would have 9956
been received; 9957
- (5) Reducing the employee in pay or position. 9958

(C) An employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section.

(D) If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified employee as a result of the employee's having filed a report or complaint under division (A) of this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the employee files such an appeal, the board shall immediately notify the employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119. of the Revised Code.

(E) As used in this section:

(1) "Purposely," "knowingly," and "recklessly" have the same meanings as in section 2901.22 of the Revised Code.

(2) "Appropriate ethics commission" has the same meaning as in section 102.01 of the Revised Code.

(3) "Inspector general" means the inspector general appointed under section 121.48 of the Revised Code.

Sec. 124.381. (A)(1)(a) An employee in the service of the state may be eligible to receive salary continuation not to exceed four hundred eighty hours at the employee's total rate of pay for

absence as a result of injury incurred during the performance of, 9989
or arising out of, state employment. When an eligible employee's 9990
absence as a result of such an injury extends beyond four hundred 9991
eighty hours, the employee immediately becomes subject to sections 9992
124.382 and 124.385 of the Revised Code regarding sick leave and 9993
disability leave benefits. 9994

An employee is ineligible to receive salary continuation 9995
until the date of implementation is established in the rules 9996
adopted under division (C)(1) of this section. 9997

(b) Employees of the secretary of state, auditor of state, 9998
treasurer of state, attorney general, supreme court, general 9999
assembly, or legislative service commission are not subject to 10000
division (A)(1)(a) of this section unless the relevant appointing 10001
authority notifies the director of administrative services in 10002
writing of the intent to have all of the appointing authority's 10003
employees participate in salary continuation. The relevant 10004
appointing authority also may discontinue salary continuation for 10005
all of its employees by providing written notice of the 10006
discontinuation to the director. 10007

Participation in salary continuation is subject to rules 10008
adopted under division (C)(1) of this section. 10009

(2) Each employee of the department of rehabilitation and 10010
correction, the department of ~~mental health~~ mental health and 10011
addiction services, the department of developmental disabilities, 10012
the department of veterans services, or the Ohio schools for the 10013
deaf and blind, and each employee of the department of youth 10014
services as established in division (A) of section 124.14 of the 10015
Revised Code who sustains a qualifying physical condition 10016
inflicted by a ward of these agencies during the time the employee 10017
is lawfully carrying out the assigned duties of the employee's 10018
position shall be paid occupational injury leave at the employee's 10019
total rate of pay during the period the employee is disabled as a 10020

result of that qualifying physical condition, but in no case to 10021
exceed nine hundred sixty hours, in lieu of workers' compensation. 10022
Pay made according to this division shall not be charged to the 10023
employee's accumulation of sick leave credit. In any case when an 10024
employee's disability as a result of such a qualifying physical 10025
condition extends beyond nine hundred sixty hours, the employee 10026
immediately becomes subject to sections 124.382 and 124.385 of the 10027
Revised Code regarding sick leave and disability leave benefits. 10028

(B) An employee who is receiving salary continuation or 10029
occupational injury leave under division (A)(1) or (2) of this 10030
section is not eligible for other paid leave, including holiday 10031
pay, while receiving benefits under either division. While an 10032
employee is receiving salary continuation or occupational injury 10033
leave under division (A)(1) or (2) of this section, vacation leave 10034
credit ceases to accrue to the employee under section 124.134 of 10035
the Revised Code, but sick leave credit and personal leave credit 10036
continue to accrue to the employee under sections 124.382 and 10037
124.386 of the Revised Code. 10038

(C)(1) The director of administrative services shall adopt 10039
rules for the administration of both the salary continuation 10040
program and the occupational injury leave program. The rules shall 10041
include, but not be limited to, provisions for determining a 10042
disability, for filing a claim for leave under this section, and 10043
for allowing or denying claims for the leave. 10044

(2) The director also may adopt rules for the payment of 10045
health benefits while an employee is on workers' compensation 10046
leave. 10047

(D) An appointing authority may apply to the director of 10048
administrative services to grant salary continuation under 10049
division (A)(1) of this section or occupational injury leave under 10050
division (A)(2) of this section to law enforcement personnel 10051
employed by the agency. 10052

Sec. 124.57. (A) No officer or employee in the classified 10053
service of the state, the several counties, cities, and city 10054
school districts of the state, or the civil service townships of 10055
the state shall directly or indirectly, orally or by letter, 10056
solicit or receive, or be in any manner concerned in soliciting or 10057
receiving, any assessment, subscription, or contribution for any 10058
political party or for any candidate for public office; nor shall 10059
any person solicit directly or indirectly, orally or by letter, or 10060
be in any manner concerned in soliciting, any such assessment, 10061
contribution, or payment from any officer or employee in the 10062
classified service of the state, the several counties, cities, or 10063
city school districts of the state, or the civil service townships 10064
of the state; nor shall any officer or employee in the classified 10065
service of the state, the several counties, cities, and city 10066
school districts of the state, or the civil service townships of 10067
the state be an officer in any political organization or take part 10068
in politics other than to vote as the officer or employee pleases 10069
and to express freely political opinions. 10070

(B)(1) Nothing in division (A) of this section prohibits an 10071
officer or employee described in that division from serving as a 10072
precinct election official under section 3501.22 of the Revised 10073
Code. 10074

(2) Nothing in division (A) of this section prohibits an 10075
employee of ~~the Ohio cooperative~~ OSU extension ~~service~~ whose 10076
position is transferred from the unclassified civil service to the 10077
classified civil service and who also holds the office of 10078
president of a city legislative authority from completing the 10079
existing term of office as president. 10080

Sec. 124.84. (A) The department of administrative services, 10081
in consultation with the superintendent of insurance and subject 10082
to division (D) of this section, ~~shall~~ may negotiate and contract 10083

with one or more insurance companies or health insuring 10084
corporations authorized to operate or do business in this state 10085
for the purchase of a policy of long-term care insurance covering 10086
all state employees who are paid directly by warrant of the 10087
director of budget and management, including elected state 10088
officials. Any policy purchased under this division shall be 10089
negotiated and entered into in accordance with the competitive 10090
selection procedures specified in Chapter 125. of the Revised 10091
Code. As used in this section, "long-term care insurance" has the 10092
same meaning as in section 3923.41 of the Revised Code. 10093

(B) Any elected state official or state employee paid 10094
directly by warrant of the director of budget and management may 10095
elect to participate in any long-term care insurance policy 10096
purchased under division (A) of this section. All or any portion 10097
of the premium charged may be paid by the state. Participation in 10098
the policy may include the dependents and family members of the 10099
elected state official or state employee. 10100

If a participant in a long-term care insurance policy leaves 10101
employment, the participant and the participant's dependents and 10102
family members may, at their election, continue to participate in 10103
a policy established under this section. The manner of payment and 10104
the portion of premium charged the participant, dependent, and 10105
family member shall be established pursuant to division (E) of 10106
this section. 10107

(C) Any long-term care insurance policy purchased under this 10108
section or section 124.841 or 145.581 of the Revised Code shall 10109
provide for all of the following with respect to the premiums 10110
charged for the policy: 10111

(1) They shall be set at the entry age of the official or 10112
employee when first covered by the policy and shall not increase 10113
except as a class during coverage under the policy. 10114

(2) They shall be based on the class of all officials or employees covered by the policy. 10115
10116

(3) They shall continue, pursuant to section 145.581 of the Revised Code, after the retirement of the official or employee who is covered under the policy, at the rate in effect on the date of the official's or employee's retirement. 10117
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(D) Prior to entering into a contract with an insurance company or health insuring corporation for the purchase of a long-term care insurance policy under this section, the department shall request the superintendent of insurance to certify the financial condition of the company or corporation. The department shall not enter into the contract if, according to that certification, the company or corporation is insolvent, is determined by the superintendent to be potentially unable to fulfill its contractual obligations, or is placed under an order of rehabilitation or conservation by a court of competent jurisdiction or under an order of supervision by the superintendent. 10121
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(E) The department shall adopt rules in accordance with section 111.15 of the Revised Code governing long-term care insurance purchased under this section. All or any portion of the premium charged the participants, dependents, and family members shall be paid in such manner or combination of manners as the department determines. 10133
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Sec. ~~3701.041~~ 124.88. (A) The employee assistance program is hereby established in the department of administrative services for the purpose of referring state employees paid by warrant of the director of budget and management who are in need of medical, social, or other services to providers of those services. 10139
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~~The director of health, in consultation with the director of budget and management, shall determine a rate at which the~~ 10144
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~~payrolls of all state agencies with employees paid by warrant of 10146
the director of budget and management shall be charged each pay 10147
period that is sufficient to cover the costs of administering the 10148
program. The rate shall be based upon the total number of such 10149
employees and may be adjusted as the director of health, in 10150
consultation with the director of budget and management, considers 10151
necessary. All money collected from the assessment shall be 10152
deposited in the state treasury to the credit of the employee 10153
assistance general services fund, which is hereby created. The 10154
fund shall be used by the director of health to administer the 10155
program. 10156~~

(B) Records of the identity, diagnosis, prognosis, or 10157
treatment of any person that are maintained in connection with the 10158
employee assistance program created in division (A) of this 10159
section are not public records under section 149.43 of the Revised 10160
Code and shall be disclosed only as provided in division (C) of 10161
this section. 10162

(C)(1) Records described in division (B) of this section may 10163
be disclosed with the prior written consent of the person who is 10164
the subject of the record. 10165

(2) Records described in division (B) of this section may be 10166
disclosed with or without the prior written consent of the person 10167
who is the subject of the record under the following conditions: 10168

(a) To medical personnel to the extent necessary to meet a 10169
bona fide medical emergency; 10170

(b) To qualified personnel for the purpose of conducting 10171
scientific research, management audits, financial audits, or 10172
program evaluation, but the personnel shall not directly or 10173
indirectly identify any person who is the subject of the record in 10174
any report of the research, audit, or evaluation or in any other 10175
manner; 10176

(c) If authorized by an appropriate order of a court of competent jurisdiction granted after a showing of good cause. In determining good cause, the court shall weigh the public interest and the need for disclosure against injury to the person who is the subject of the record and to the employee assistance program. Upon granting such an order, the court shall, in determining the extent to which the disclosure of all or any part of any record is necessary, impose appropriate safeguards against unauthorized disclosure.

(D) Except as authorized by a court order described in division (C)(2)(c) of this section, no record described in division (B) of this section may be used to initiate or substantiate criminal charges against the person who is the subject of the record or to conduct any investigation of such a person.

Sec. 125.05. Except as provided in division (F) of this section, no state agency shall purchase any supplies or services except as provided in divisions (A) to (D) of this section.

(A) Subject to division (E) of this section, a state agency may, without competitive selection, make any purchase of supplies or services that cost twenty-five thousand dollars or less. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the department's purchasing procedures and shall use those procedures when making purchases under this division.

(B) Subject to division (E) of this section and in accordance with section 125.051 of the Revised Code, a state agency may make purchases of supplies and services that cost more than twenty-five thousand dollars but less than fifty thousand dollars if the

purchases are made under the direction of an employee of the 10208
agency who is certified by the department to make purchases and if 10209
the purchases comply with the department's purchasing procedures. 10210
Section 127.16 of the Revised Code does not apply to purchases 10211
made under this division. Until the certification effective date 10212
established by the department in rules adopted under section 10213
125.051 of the Revised Code, state agencies may make purchases of 10214
supplies and services that cost more than twenty-five thousand 10215
dollars but less than fifty thousand dollars in the same manner as 10216
provided in division (A) of this section. 10217

(C) Subject to division (E) of this section, a state agency 10218
wanting to purchase supplies or services that cost more than 10219
twenty-five thousand dollars shall, unless otherwise authorized by 10220
law, make the purchase from or through the department. The 10221
department shall make the purchase by competitive selection. If 10222
the director of administrative services determines that it is not 10223
possible or not advantageous to the state for the department to 10224
make the purchase, the department shall grant the agency a release 10225
and permit under section 125.06 of the Revised Code to make the 10226
purchase. Section 127.16 of the Revised Code does not apply to 10227
purchases the department makes under this section. 10228

(D) An agency that has been granted a release and permit to 10229
make a purchase may make the purchase without competitive 10230
selection if after making the purchase the cumulative purchase 10231
threshold as computed under division (E) of section 127.16 of the 10232
Revised Code would: 10233

(1) Be exceeded and the controlling board approves the 10234
purchase; 10235

(2) Not be exceeded and the department of administrative 10236
services approves the purchase. 10237

(E) Not later than the thirty-first day of January of each 10238

even-numbered year, the directors of administrative services and 10239
budget and management shall review and recommend to the general 10240
assembly, if necessary, adjustments to the amounts specified in 10241
divisions (A) to (C) of this section and division (B) of section 10242
127.16 of the Revised Code. 10243

(F) If ~~the eTech Ohio commission~~, the department of 10244
education, or the Ohio education computer network determines that 10245
it can purchase software services or supplies for specified school 10246
districts at a price less than the price for which the districts 10247
could purchase the same software services or supplies for 10248
themselves, the ~~commission~~, department, or network shall certify 10249
that fact to the department of administrative services and, acting 10250
as an agent for the specified school districts, shall make that 10251
purchase without following the provisions in divisions (A) to (D) 10252
of this section. 10253

Sec. 125.21. The director of administrative services shall 10254
process payroll information for the purpose of payment for 10255
personal services of state officials and employees on the basis of 10256
rates of pay determined by pertinent law, the director, or other 10257
competent authority. 10258

Calculation of payrolls may be made after the conclusion of 10259
each pay period based upon the amount of time served as certified 10260
by the appropriate appointing authority. Payment for personal 10261
service rendered by an official or employee during any pay period 10262
shall be made no later than at the conclusion of the official's or 10263
employee's next succeeding pay period. 10264

The director of administrative services shall furnish to the 10265
director of budget and management all necessary data for drawing 10266
state official and employee pay warrants and preparing earning 10267
statements. These data shall include the rate at which paid; the 10268
time for which paid, including overtime and any other adjustments 10269

affecting the official's or employee's gross pay; all taxes 10270
withheld, including, whenever practicable, year-to-date figures on 10271
all taxes withheld; the amount of contribution to the appropriate 10272
retirement system; any voluntary deductions made in accordance 10273
with authorizations filed by the official or employee; and whether 10274
a direct deposit is to be made in accordance with an authorization 10275
filed by the official or employee. 10276

Amounts deducted from the salaries or wages of all officials 10277
and employees shall be transferred to the payroll ~~withholding~~ 10278
deduction fund, which is hereby created in the state treasury for 10279
the purpose of consolidating all such deductions made in any 10280
month. Payments from this fund shall be made at intervals for the 10281
intended purpose of the deduction or for refund where it is 10282
determined that deductions were made in error. 10283

Sec. 125.212. The life insurance investment fund is hereby 10284
created in the state treasury. The fund shall consist of amounts 10285
from ~~the payroll withholding fund created by section 125.21 of the~~ 10286
~~Revised Code~~ state agencies, life insurance premium refunds 10287
received by the state, and other receipts related to the state's 10288
life insurance benefit program. The fund shall be used to pay the 10289
costs of the state's life insurance benefit program. All 10290
investment earnings of the life insurance investment fund shall be 10291
credited to the fund. 10292

Sec. 125.27. (A) There is hereby created in the state 10293
treasury the building improvement fund. The fund shall retain the 10294
interest earned. 10295

(B) The fund shall consist of any payments made by intrastate 10296
transfer voucher from the appropriation item for office building 10297
operating payments. 10298

(C) The fund shall be used for major maintenance or 10299

improvements required in the James A. Rhodes or Frank J. Lausche 10300
state office tower, Toledo government center, Senator Oliver R. 10301
Ocasek government office building, and Vern Riffe center for 10302
government and the arts. 10303

Sec. 125.28. (A)(1) Each state agency that is supported in 10304
whole or in part by nongeneral revenue fund money and that 10305
occupies space in the James A. Rhodes or Frank J. Lausche state 10306
office tower, Toledo government center, Senator Oliver R. Ocasek 10307
government office building, Vern Riffe center for government and 10308
the arts, capitol square, or governor's mansion shall reimburse 10309
the general revenue fund for the cost of occupying the space in 10310
the ratio that the occupied space in each facility attributable to 10311
the nongeneral revenue fund money bears to the total space 10312
occupied by the state agency in the facility. 10313

(2) All agencies that occupy space in the old blind school or 10314
that occupy warehouse space in the general services facility shall 10315
reimburse the department of administrative services for the cost 10316
of occupying the space. The director of administrative services 10317
shall determine the amount of debt service, if any, to be charged 10318
to building tenants and shall collect reimbursements for it. 10319

(3) Each agency that is supported in whole or in part by 10320
nongeneral revenue fund money and that occupies space in any other 10321
facility or facilities owned and maintained by the department of 10322
administrative services or space in the general services facility 10323
other than warehouse space shall reimburse the department for the 10324
cost of occupying the space, including debt service, if any, in 10325
the ratio that the occupied space in each facility attributable to 10326
the nongeneral revenue fund money bears to the total space 10327
occupied by the state agency in the facility. 10328

(B) The director of administrative services may provide 10329
building maintenance services and ~~skilled trades~~ minor 10330

~~construction project management~~ services to any state agency 10331
~~occupying space in a facility that is not owned by the department~~ 10332
~~of administrative services~~ and may collect reimbursements for the 10333
cost of providing those services. 10334

(C) All money collected by the department of administrative 10335
services for operating expenses of facilities owned or maintained 10336
by the department shall be deposited into the state treasury to 10337
the credit of the building management fund, which is hereby 10338
~~created, or to the credit of the building operation fund, which is~~ 10339
~~hereby created~~. All money collected by the department for ~~skilled~~ 10340
~~trades~~ minor construction project management services shall be 10341
deposited into the state treasury to the credit of the ~~skilled~~ 10342
~~trades~~ minor construction project management fund, which is hereby 10343
created. All money collected for debt service shall be deposited 10344
into the general revenue fund. 10345

(D) The director of administrative services shall determine 10346
the reimbursable cost of space in state-owned or state-leased 10347
facilities and shall collect reimbursements for that cost. 10348

Sec. 125.602. (A) The department of developmental 10349
disabilities, the department of ~~mental health~~ mental health and 10350
addiction services, the department of job and family services, the 10351
~~rehabilitation services commission~~ opportunities for Ohioans with 10352
disabilities agency, and any other state or governmental agency or 10353
community rehabilitation program responsible for the provision of 10354
rehabilitation and vocational educational services to persons with 10355
work-limiting disabilities may, through written agreement, 10356
cooperate in providing resources to the department of 10357
administrative services for the operation of the office of 10358
procurement from community rehabilitation programs. These 10359
resources may include, but are not limited to, leadership and 10360
assistance in dealing with the societal aspects of meeting the 10361

needs of persons with work-limiting disabilities. 10362

(B) The office and all governmental entities that administer 10363
socioeconomic programs may enter into contractual agreements, 10364
cooperative working relationships, or other arrangements that are 10365
necessary for effective coordination and realization of the 10366
objectives of these entities. 10367

Sec. 125.603. (A) The office of procurement from community 10368
rehabilitation programs shall do the following in addition to 10369
other duties specified in sections 125.60 to 125.6012 of the 10370
Revised Code: 10371

(1) Establish, maintain, and periodically update a 10372
procurement list of approved supplies and services available from 10373
qualified nonprofit agencies; 10374

(2) Monitor the procurement practices of government ordering 10375
offices to ensure compliance with sections 125.60 to 125.6012 of 10376
the Revised Code; 10377

(3) In cooperation with qualified nonprofit agencies, 10378
government ordering offices, the department of developmental 10379
disabilities, the department of ~~mental health~~ mental health and 10380
addiction services, the department of job and family services, and 10381
the ~~rehabilitation services commission~~ opportunities for Ohioans 10382
with disabilities agency, develop and recommend to the director of 10383
administrative services rules the director shall adopt in 10384
accordance with Chapter 119. of the Revised Code for the effective 10385
and efficient administration of sections 125.60 to 125.6012 of the 10386
Revised Code; 10387

(4) Prepare a report of its activities by the last day of 10388
December of each year. The report shall be posted electronically 10389
on the office's web site. 10390

(B) The office of procurement from community rehabilitation 10391

programs may enter into contractual agreements and establish pilot 10392
programs to further the objectives of sections 125.60 to 125.6012 10393
of the Revised Code. 10394

Sec. 125.832. (A) The department of administrative services 10395
is granted exclusive authority over the acquisition and management 10396
of all motor vehicles used by state agencies. In carrying out this 10397
authority, the department shall do both of the following: 10398

(1) Approve the purchase or lease of each motor vehicle for 10399
use by a state agency. The department shall decide if a motor 10400
vehicle shall be leased or purchased for that use. 10401

Except as otherwise provided in division (A)(1) of this 10402
section, on and after July 1, 2005, each state agency shall 10403
acquire all passenger motor vehicles under the department's master 10404
leasing program. If the department determines that acquisition 10405
under that program is not the most economical method and if the 10406
department and the state agency acquiring the passenger motor 10407
vehicle can provide economic justification for doing so, the 10408
department may approve the purchase, rather than the lease, of a 10409
passenger motor vehicle for the acquiring state agency. 10410

(2) Direct and approve all funds that are expended for the 10411
purchase, lease, repair, maintenance, registration, insuring, and 10412
other costs related to the possession and operation of motor 10413
vehicles for the use of state agencies. 10414

(B) The director of administrative services shall establish 10415
and operate a fleet management program. The director shall operate 10416
the program for purposes including, but not limited to, 10417
cost-effective acquisition, maintenance, management, analysis, and 10418
disposal of all motor vehicles owned or leased by the state. All 10419
state agencies shall comply with statewide fleet management 10420
policies and procedures established by the director for the 10421
program, including, but not limited to, motor vehicle assignments, 10422

additions of motor vehicles to fleets or motor vehicle 10423
replacements, motor vehicle fueling, and motor vehicle repairs. 10424

(C) The director shall establish and maintain a fleet 10425
reporting system and shall require state agencies to submit to the 10426
department information relative to state motor vehicles, including 10427
motor vehicles described in division (G)(2) of section 125.831 of 10428
the Revised Code, to be used in operating the fleet management 10429
program. State agencies shall provide to the department fleet data 10430
and other information, including, but not limited to, mileage and 10431
costs. The data and other information shall be submitted in 10432
formats and in a manner determined by the department. 10433

(D) All state agency purchases or leases of motor vehicles 10434
are subject to the prior approval of the director under division 10435
(A)(1) of this section. 10436

(E) State agencies that utilize state motor vehicles or pay 10437
mileage reimbursements to employees shall provide a fleet plan to 10438
the department as directed by the department. 10439

(F)(1) The fleets of state agencies that consist of one 10440
hundred or less vehicles on July 1, 2004, shall be managed by the 10441
department's fleet management program on a time schedule 10442
determined by the department, unless the state agency has received 10443
delegated authority as described in division (G) of this section. 10444

(2) The fleets of state agencies that consist of greater than 10445
one hundred motor vehicles, but less than five hundred motor 10446
vehicles, on July 1, 2005, also shall be managed by the 10447
department's fleet management program on a time schedule 10448
determined by the department, unless the state agency has received 10449
delegated authority as described in division (G) of this section. 10450

(G)(1) The department may delegate any or all of its duties 10451
regarding fleet management to a state agency, if the state agency 10452
demonstrates to the satisfaction of the department both of the 10453

following: 10454

(a) Capabilities to institute and manage a fleet management 10455
program, including, but not limited to, the presence of a 10456
certified fleet manager; 10457

(b) Fleet management performance, as demonstrated by fleet 10458
data and other information submitted pursuant to annual reporting 10459
requirements and any other criteria the department considers 10460
necessary in evaluating the performance. 10461

(2) The department may determine that a state agency is not 10462
in compliance with this section and direct that the agency's fleet 10463
management duties be transferred to the department. 10464

(H) The proceeds derived from the disposition of any motor 10465
vehicles under this section shall be paid to whichever of the 10466
following applies: 10467

(1) The fund that originally provided moneys for the purchase 10468
or lease of the motor vehicles; 10469

(2) If the motor vehicles were originally purchased with 10470
moneys derived from the general revenue fund, the proceeds shall 10471
be deposited, in the director's discretion, into the state 10472
treasury to the credit of either the fleet management fund created 10473
by section 125.83 of the Revised Code or the investment recovery 10474
fund created by section 125.14 of the Revised Code. 10475

(I)(1) The department shall create and maintain a certified 10476
fleet manager program. 10477

(2) State agencies that have received delegated authority as 10478
described in division (G) of this section shall have a certified 10479
fleet manager. 10480

(J) The department annually shall prepare and submit a 10481
statewide fleet report to the governor, the speaker of the house 10482
of representatives, and the president of the senate. The report 10483

shall be submitted not later than the thirty-first day of January 10484
following the end of each fiscal year. It may include, but is not 10485
limited to, the numbers and types of motor vehicles, their 10486
mileage, miles per gallon, and cost per mile, mileage 10487
reimbursements, accident and insurance data, and information 10488
regarding compliance by state agencies having delegated authority 10489
under division (G) of this section with applicable fleet 10490
management requirements. 10491

(K) The director shall adopt rules for implementing the fleet 10492
management program that are consistent with recognized best 10493
practices. The program shall be supported by reasonable fee 10494
charges for the services provided. The director shall collect 10495
these fees and deposit them into the state treasury to the credit 10496
for the fleet management fund created by section 125.83 of the 10497
Revised Code. The setting and collection of fees under this 10498
division is not subject to any restriction imposed by law upon the 10499
director's or the department's authority to set or collect fees. 10500

(L) The director also shall adopt rules that prohibit, except 10501
in very limited circumstances, the exclusive assignment of 10502
state-owned, leased, or pooled motor vehicles to state employees 10503
and that prohibit the reimbursement under section 126.31 of the 10504
Revised Code of state employees who use their own motor vehicles 10505
for any mileage they incur above an amount that the department 10506
shall determine annually unless reimbursement for the excess 10507
mileage is approved by the department in accordance with standards 10508
for that approval the director shall establish in those rules. 10509
Beginning on September 26, 2003, no state-owned, leased, or pooled 10510
motor vehicle shall be personally assigned as any form of 10511
compensation or benefit of state employment, and no state-owned, 10512
leased, or pooled motor vehicle shall be assigned to an employee 10513
solely for commuting to and from home and work. 10514

(M) The director shall do both of the following: 10515

(1) Implement to the greatest extent possible the
recommendations from the 2002 report entitled "Administrative
Analysis of the Ohio Fleet Management Program" in connection with
the authority granted to the department by this section;

(2) Attempt to reduce the number of passenger vehicles used
by state agencies during the fiscal years ending on June 30, 2004,
and June 30, 2005.

(N) Each state agency shall reimburse the department for all
costs incurred in the assignment of motor vehicles to the state
agency.

(O) The director shall do all of the following in managing
the fleet management program:

(1) Determine how motor vehicles will be maintained, insured,
operated, financed, and licensed;

(2) Pursuant to the formula in division (O)(3) of this
section, annually establish the minimum number of business miles
per year an employee of a state agency must drive in order to
qualify for approval by the department to receive a motor vehicle
for business use;

(3) Establish the minimum number of business miles per year
at an amount that results when the annual motor vehicle cost is
divided by the amount that is the reimbursement rate per mile
minus the amount that is the sum of the fuel cost, the operating
cost, and the insurance cost. As used in this division:

(a) "Annual motor vehicle cost" means the price of a motor
vehicle divided by the number of years an average motor vehicle is
used.

(b) "Fuel cost" means the average price per gallon of motor
fuel divided by the miles per gallon fuel efficiency of a motor
vehicle.

(c) "Insurance cost" means the cost of insuring a motor 10546
vehicle per year divided by the number of miles an average motor 10547
vehicle is driven per year. 10548

(d) "Operating cost" means the maintenance cost of a motor 10549
vehicle per year divided by the product resulting when the number 10550
of miles an average motor vehicle is driven per year is multiplied 10551
by the number of years an average motor vehicle is used. 10552

(e) "Reimbursement rate per mile" means the reimbursement per 10553
mile rate for travel expenses as provided by rule of the director 10554
of budget and management adopted under division (B) of section 10555
126.31 of the Revised Code. 10556

~~(P)(1) Not later than the fifteenth day of September of each 10557
year, each state institution of higher education shall report to 10558
the department on all of the following topics relating to motor 10559
vehicles that the institution acquires and manages: 10560~~

~~(a) The methods it uses to track the motor vehicles; 10561~~

~~(b) Whether or not it uses a fuel card program to purchase 10562
fuel for, or to pay for the maintenance of, the motor vehicles; 10563~~

~~(c) Whether or not it makes bulk purchases of fuel for the 10564
motor vehicles. 10565~~

~~(2) Assuming it does not use the fleet management tracking, 10566
fuel card program, and bulk fuel purchases tools and services that 10567
the department provides, the report of a state institution of 10568
higher education required by division (P)(1) of this section also 10569
shall include both of the following: 10570~~

~~(a) An analysis of the amount the institution would save, if 10571
any, if it were to use the fleet management tracking, fuel card 10572
program, and bulk fuel purchases tools and services that the 10573
department provides instead of the fleet management system the 10574
institution regularly uses; 10575~~

~~(b) A rationale for either continuing with the fleet management system that the institution regularly uses or changing to the use of those tools and services that the department provides.~~ 10576
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~~(3) The department shall certify within ninety days after receipt of all reports under division (P)(1) of this section a list of those state institutions of higher education that the department determines would save amounts if they were to use the fleet management tracking, fuel card program, and bulk fuel purchases tools and services that the department provides. The institutions so certified then shall use those tools and services that the department provides until the department next certifies institutions under division (P)(3) of this section.~~ 10580
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Sec. 125.836. (A) As used in this section: 10589

(1) "Biodiesel," "blended biodiesel," and "diesel fuel" have the same meanings as in section 125.831 of the Revised Code. 10590
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~~(2) "Credit" means a credit generated by the acquisition of alternative fueled vehicles in accordance with the "Energy Policy Act of 1992," 106 Stat. 2897, 42 U.S.C. 13257.~~ 10592
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~~(3) "Incremental cost" means the difference in cost between blended biodiesel and conventional petroleum-based diesel fuel at the time the blended biodiesel is purchased.~~ 10595
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~~(B) The department of administrative services shall establish and administer a credit banking and selling program. The department may sell or trade credits in accordance with procedures established pursuant to the "Energy Policy Act of 1992," 106 Stat. 2897, 42 U.S.C. 13258.~~ 10598
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~~(C) There is hereby created in the state treasury the "biodiesel revolving fund," to which shall be credited moneys received from the sale of credits under this section, any moneys~~ 10603
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appropriated to the fund by the general assembly, and any other 10606
moneys obtained or accepted by the ~~department~~ development services 10607
agency for crediting to the fund. Moneys credited to the fund 10608
shall be used to pay for the incremental cost of biodiesel for use 10609
in vehicles owned or leased by the state that use diesel fuel. The 10610
director ~~of administrative services, after consultation with the~~ 10611
~~director~~ of development, services may direct the director of 10612
budget and management to transfer available moneys in the 10613
biodiesel revolving fund to the alternative fuel transportation 10614
fund created in section 122.075 of the Revised Code to be used by 10615
the ~~department of development~~ services agency for the purposes 10616
specified in that section. 10617

~~(D) The director of administrative services shall adopt rules 10618
under Chapter 119. of the Revised Code that are necessary for the 10619
administration of the credit banking and selling program. 10620~~

Sec. 126.07. Except as provided in division (B) of section 10621
126.21 of the Revised Code, no contract, agreement, or obligation 10622
involving the expenditure of money chargeable to an appropriation, 10623
nor any resolution or order for the expenditure of money 10624
chargeable to an appropriation, shall be valid and enforceable 10625
unless the director of budget and management first certifies that 10626
there is a balance in the appropriation not already obligated to 10627
pay existing obligations, in an amount at least equal to the 10628
portion of the contract, agreement, obligation, resolution, or 10629
order to be performed in the current fiscal year. Any written 10630
contract or agreement entered into by the state shall contain a 10631
clause stating that the obligations of the state are subject to 10632
this section. 10633

The chief administrative officer of a state agency is 10634
responsible for the preaudit and approval of expenditures and 10635
other transactions of the agency. In order to initiate the making 10636

of a payment from the state treasury, the person in a state agency 10637
who requests that the payment be made shall first submit to the 10638
chief administrative officer of the agency all invoices, claims, 10639
vouchers, and other documentation related to the payment. The 10640
chief administrative officer shall examine each voucher and all 10641
other documentation required to support the voucher and determine 10642
whether they meet all the requirements established by the director 10643
of budget and management for making the payment. If they do meet 10644
those requirements, the chief administrative officer shall certify 10645
to the director the approval of the chief administrative officer 10646
for payment. 10647

Prior to drawing a warrant or processing an electronic funds 10648
transfer as provided in section 126.35 of the Revised Code, the 10649
director may review and audit the voucher, any documentation 10650
accompanying the voucher, and any other documentation related to 10651
the transaction that the director may require to determine if the 10652
transaction is in accordance with law. The director shall not 10653
approve payment to be made if the director finds that there is not 10654
an unobligated balance in the appropriation for the payment, that 10655
the payment is not for a valid claim against the state that is 10656
legally due, or that insufficient documentation has been 10657
submitted. If the director does not approve payment, the director 10658
shall notify the agency of the reasons the director has not given 10659
approval. 10660

In approving payments to be made under this section, the 10661
director, upon receipt of certification from the director of job 10662
and family services pursuant to section 4141.231 of the Revised 10663
Code, shall withhold from amounts otherwise payable to a person 10664
who is the subject of the director of jobs and family services' 10665
certification, the amount certified to be due and unpaid to the 10666
director of job and family services, and shall approve for payment 10667
to the director of job and family services, the amount withheld. 10668

As used in this section and in section 126.21 of the Revised Code, "chief administrative officer" means either of the following:

(A) The director of the agency or, in the case of a state agency without a director, the equivalent officer of that agency;

(B) The designee of the chief administrative officer for the purposes of such sections.

Sec. 126.14. The release of any money appropriated for the purchase of real estate shall be approved by the controlling board. The release of money appropriated for all other capital projects is also subject to the approval of the controlling board, except that the director of budget and management may approve the release of money appropriated for specific projects in accordance with the requirements of this section and except that the director of budget and management may approve the release of unencumbered capital balances, for a project to repair, remove, or prevent a public exigency declared to exist by the executive director of ~~administrative services~~ the Ohio facilities construction commission under section 123.10 of the Revised Code, ~~or by the executive director of the Ohio facilities construction commission under section 123.23 of the Revised Code,~~ in the amount designated in that declaration.

Within sixty days after the effective date of any act appropriating money for capital projects, the director shall determine which appropriations are for general projects and which are for specific projects. Specific projects may include specific higher education projects that are to be funded from general purpose appropriations from the higher education improvement fund or the higher education improvement taxable fund created in section 154.21 of the Revised Code. Upon determining which projects are general and which are specific, the director shall

submit to the controlling board a list that includes a brief 10700
description of and the estimated expenditures for each specific 10701
project. The release of money for any specific higher education 10702
projects that are to be funded from general purpose appropriations 10703
from the higher education improvement fund or the higher education 10704
improvement taxable fund but that are not included on the list, 10705
and the release of money for any specific higher education 10706
projects included on the list that will exceed the estimated 10707
expenditures by more than ten per cent, are subject to the 10708
approval of the controlling board. 10709

The director may create new appropriation items and make 10710
transfers of appropriations to them for specific higher education 10711
projects included on the list that are to be funded from general 10712
purpose appropriations for basic renovations that are made from 10713
the higher education improvement fund or the higher education 10714
improvement taxable fund. 10715

Sec. 126.211. The director of budget and management shall not 10716
release funds to a veterans organization until the director has 10717
been advised by the director of veterans services under division 10718
(Y) of section 5902.02 of the Revised Code that the organization 10719
has submitted a satisfactory report as required by division (W) of 10720
that section. 10721

Sec. 126.32. (A) Any officer of any state agency may 10722
authorize reimbursement for travel, including the costs of 10723
transportation, for lodging, and for meals to any person who is 10724
interviewing for a position that is classified in pay range 13 or 10725
above in schedule E-1 or schedule E-1 for step seven only, or is 10726
classified in schedule E-2, of section 124.152 of the Revised 10727
Code. 10728

(B) If a person is appointed to a position listed in section 10729

121.03 of the Revised Code, to the position of chairperson of the 10730
industrial commission, adjutant general, chancellor of the Ohio 10731
board of regents, superintendent of public instruction, 10732
chairperson of the public utilities commission of Ohio, or 10733
director of the state lottery commission, to a position holding a 10734
fiduciary relationship to the governor, to a position of an 10735
appointing authority of the department of ~~mental health~~ mental 10736
health and addiction services, developmental disabilities, or 10737
rehabilitation and correction, to a position of superintendent in 10738
the department of youth services, or to a position under section 10739
122.05 of the Revised Code, and if that appointment requires a 10740
permanent change of residence, the appropriate state agency may 10741
reimburse the person for the person's actual and necessary 10742
expenses, including the cost of in-transit storage of household 10743
goods and personal effects, of moving the person and members of 10744
the person's immediate family residing in the person's household, 10745
and of moving their household goods and personal effects, to the 10746
person's new location. 10747

Until that person moves the person's permanent residence to 10748
the new location, but not for a period that exceeds thirty 10749
consecutive days, the state agency may reimburse the person for 10750
the person's temporary living expenses at the new location that 10751
the person has incurred on behalf of the person and members of the 10752
person's immediate family residing in the person's household. In 10753
addition, the state agency may reimburse that person for the 10754
person's travel expenses between the new location and the person's 10755
former residence during this period for a maximum number of trips 10756
specified by rule of the director of budget and management, but 10757
the state agency shall not reimburse the person for travel 10758
expenses incurred for those trips by members of the person's 10759
immediate family. With the prior written approval of the director, 10760
the maximum thirty-day period for temporary living expenses may be 10761
extended for a person appointed to a position under section 122.05 10762

of the Revised Code. 10763

The director of development services may reimburse a person 10764
appointed to a position under section 122.05 of the Revised Code 10765
for the person's actual and necessary expenses of moving the 10766
person and members of the person's immediate family residing in 10767
the person's household back to the United States and may reimburse 10768
a person appointed to such a position for the cost of storage of 10769
household goods and personal effects of the person and the 10770
person's immediate family while the person is serving outside the 10771
United States, if the person's office outside the United States is 10772
the person's primary job location. 10773

(C) All reimbursement under division (A) or (B) of this 10774
section shall be made in the manner, and at rates that do not 10775
exceed those, provided by rule of the director of budget and 10776
management in accordance with section 111.15 of the Revised Code. 10777
Reimbursements may be made under division (B) of this section 10778
directly to the persons who incurred the expenses or directly to 10779
the providers of goods or services the persons receive, as 10780
determined by the director of budget and management. 10781

Sec. 126.35. (A) The director of budget and management shall 10782
draw warrants or process electronic funds transfers against the 10783
treasurer of state pursuant to all requests for payment that the 10784
director has approved under section 126.07 of the Revised Code. 10785

(B) Unless a cash assistance payment is to be made by 10786
electronic benefit transfer, payment by the director of budget and 10787
management to a participant in the Ohio works first program 10788
pursuant to Chapter 5107. of the Revised Code, a recipient of 10789
disability financial assistance pursuant to Chapter 5115. of the 10790
Revised Code, or a recipient of cash assistance provided under the 10791
refugee assistance program established under section 5101.49 of 10792
the Revised Code shall be made by direct deposit to the account of 10793

the participant or recipient in the financial institution 10794
designated under section 329.03 of the Revised Code. Payment by 10795
the director of budget and management to a recipient of benefits 10796
distributed through the medium of electronic benefit transfer 10797
pursuant to section 5101.33 of the Revised Code shall be by 10798
electronic benefit transfer. Payment by the director of budget and 10799
management as compensation to an employee of the state who has, 10800
pursuant to section 124.151 of the Revised Code, designated a 10801
financial institution and account for the direct deposit of such 10802
payments shall be made by direct deposit to the account of the 10803
employee. Payment to any other payee who has designated a 10804
financial institution and account for the direct deposit of such 10805
payment may be made by direct deposit to the account of the payee 10806
in the financial institution as provided in section 9.37 of the 10807
Revised Code. Accounts maintained by the director of budget and 10808
management or the director's agent in a financial institution for 10809
the purpose of effectuating payment by direct deposit or 10810
electronic benefit transfer shall be maintained in accordance with 10811
section 135.18 of the Revised Code. 10812

(C) All other payments from the state treasury shall be made 10813
by paper warrants, electronic funds transfers, or by direct 10814
deposit payable to the respective payees. The director of budget 10815
and management may mail the paper warrants to the respective 10816
payees or distribute them through other state agencies, whichever 10817
the director determines to be the better procedure. 10818

~~(D) If the average per transaction cost the director of 10819
budget and management incurs in making direct deposits for a state 10820
agency exceeds the average per transaction cost the director 10821
incurs in drawing paper warrants for all public offices during the 10822
same period of time, the director may certify the difference in 10823
cost and the number of direct deposits for the agency to the 10824
director of administrative services. The director of 10825~~

~~administrative services shall reimburse the director of budget and 10826
management for such additional costs and add the amount to the 10827
processing charge assessed upon the state agency. 10828~~

Sec. 126.45. (A) As used in sections 126.45 to 126.48 of the 10829
Revised Code, "state agency" means the administrative departments 10830
listed in section 121.02 of the Revised Code, the department of 10831
taxation, the bureau of workers' compensation, ~~and~~ the Ohio board 10832
of regents, the opportunities for Ohioans with disabilities 10833
agency, the public utilities commission of Ohio, the adjutant 10834
general, and the state lottery commission. 10835

(B) The office of internal ~~auditing~~ audit is hereby created 10836
in the office of budget and management to ~~conduct~~ direct internal 10837
audits of state agencies or divisions of state agencies to improve 10838
their operations in the areas of risk management, internal 10839
controls, and governance. The director of budget and management, 10840
with the approval of the governor, shall appoint for the office of 10841
internal ~~auditing~~ audit a chief internal auditor who meets the 10842
qualifications specified in division ~~(C)~~(E) of this section. The 10843
chief internal auditor shall serve at the director's pleasure and 10844
be responsible for the administration of the office of internal 10845
~~auditing~~ audit consistent with sections 126.45 to 126.48 of the 10846
Revised Code. 10847

(C) The office of internal ~~auditing~~ audit shall conduct 10848
programs for the internal auditing of state agencies. The programs 10849
shall include an annual internal audit plan, reviewed by the state 10850
audit committee, that utilizes risk assessment techniques and 10851
identifies the specific audits to be ~~conducted~~ directed during the 10852
year. The programs also shall include periodic audits of each 10853
state agency's major systems and controls, including those systems 10854
and controls pertaining to accounting, administration, and 10855
~~electronic data processing~~ information technology. Upon the 10856

request of the office of internal ~~auditing~~ audit, each state 10857
agency shall provide office employees access to all records and 10858
documents necessary for the performance of an internal audit. 10859

The director of budget and management shall assess a charge 10860
against each state agency for which the office of internal 10861
~~auditing~~ audit conducts internal auditing programs under sections 10862
126.45 to 126.48 of the Revised Code so that the total amount of 10863
these charges is sufficient to cover the costs of the operation of 10864
the office of internal ~~auditing~~ audit. 10865

(D) At the request of any other organized body, office, or 10866
agency established by the laws of the state for the exercise of 10867
any function of state government that is not described in division 10868
(A) of this section, the office of internal audit may direct an 10869
internal audit of all or part of that body, office, or agency. The 10870
office of internal audit shall charge an amount sufficient to 10871
cover the costs it incurs in relation to the requested audit. 10872

~~(C)~~(E) The chief internal auditor of the office of internal 10873
~~auditing~~ audit shall hold at least a bachelor's degree and be one 10874
of the following: 10875

(1) A certified internal auditor, a certified government 10876
auditing professional, or a certified public accountant, who also 10877
has held a PA registration or a CPA certificate authorized by 10878
Chapter 4701. of the Revised Code for at least four years and has 10879
at least six years of auditing experience; 10880

(2) An auditor who has held a PA registration or a CPA 10881
certificate authorized by Chapter 4701. of the Revised Code for at 10882
least four years and has at least ten years of auditing 10883
experience. 10884

~~(D)~~(F) The chief internal auditor, subject to the direction 10885
and control of the director of budget and management, may appoint 10886
and maintain any staff necessary to carry out the duties assigned 10887

by sections 126.45 to 126.48 of the Revised Code to the office of 10888
internal ~~auditing~~ audit or to the chief internal auditor. 10889

Sec. 126.46. (A)(1) There is hereby created the state audit 10890
committee, consisting of the following five members: one public 10891
member appointed by the governor; two public members appointed by 10892
the speaker of the house of representatives, one of which may be a 10893
person who is recommended by the minority leader of the house of 10894
representatives; and two public members appointed by the president 10895
of the senate, one of which may be a person who is recommended by 10896
the minority leader of the senate. Not more than two of the four 10897
members appointed by the speaker of the house of representatives 10898
and the president of the senate shall belong to or be affiliated 10899
with the same political party. The member appointed by the 10900
governor shall have the program and management expertise required 10901
to perform the duties of the committee's chairperson. 10902

Each member of the committee shall be external to the 10903
management structure of state government and shall serve a 10904
three-year term. Each term shall commence on the first day of July 10905
and end on the thirtieth day of June. Any member may continue in 10906
office subsequent to the expiration date of the member's term 10907
until the member's successor takes office or until a period of 10908
ninety days has elapsed, whichever occurs first. Members may be 10909
reappointed to serve one additional term. 10910

~~On the effective date of the amendment of this section by~~ 10911
~~H.B. 153 of the 129th general assembly~~ September 29, 2011, the 10912
terms of the members shall be altered as follows: 10913

(a) The terms of the members appointed by the president shall 10914
expire on June 30, 2012. 10915

(b) The term of the member appointed by the speaker scheduled 10916
to expire on November 17, 2012, shall expire on June 30, 2013. 10917

(c) The term of the other member appointed by the speaker shall expire on June 30, 2014. 10918
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(d) The term of the member appointed by the governor shall expire on June 30, 2014. 10920
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The committee shall include at least one member who is a financial expert; at least one member who is an active, inactive, or retired certified public accountant; at least one member who is familiar with governmental financial accounting; at least one member who is familiar with information technology systems and services; and at least one member who is a representative of the public. 10922
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Any vacancy on the committee shall be filled in the same manner as provided in this division, and, when applicable, the person appointed to fill a vacancy shall serve the remainder of the predecessor's term. 10929
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(2) Members of the committee shall receive reimbursement for actual and necessary expenses incurred in the discharge of their duties. 10933
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(3) The member of the committee appointed by the governor shall serve as the committee's chairperson. 10936
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(4) Members of the committee shall be subject to the disclosure statement requirements of section 102.02 of the Revised Code. 10938
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(B) The state audit committee shall do all of the following: 10941

(1) ~~Ensure that~~ Evaluate whether the internal audits ~~conducted~~ directed by the office of internal ~~auditing~~ audit in the office of budget and management conform to the institute of internal auditors' international ~~standards for the professional practice of~~ practices framework for internal auditing and to the institute of internal auditors' code of ethics; 10942
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(2) Review and comment on the process used by the office of budget and management to prepare ~~its annual budgetary financial report and~~ the state's comprehensive annual financial report required under division (A)(9) of section 126.21 of the Revised Code; 10948
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(3) Review and comment on unaudited financial statements submitted to the auditor of state and communicate with external auditors as required by government auditing standards; 10953
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(4) Perform the additional functions imposed upon it by section 126.47 of the Revised Code. 10956
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(C) As used in this section, "financial expert" means a person who has all of the following: 10958
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(1) An understanding of generally accepted accounting principles and financial statements; 10960
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(2) The ability to assess the general application of those principles in connection with accounting for estimates, accruals, and reserves; 10962
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(3) Experience preparing, auditing, analyzing, or evaluating financial statements presenting accounting issues that generally are of comparable breadth and level of complexity to those likely to be presented by a state agency's financial statements, or experience actively supervising one or more persons engaged in those activities; 10965
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(4) An understanding of internal controls and procedures for financial reporting; and 10971
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(5) An understanding of audit committee functions. 10973

Sec. 126.47. (A) The state audit committee created by section 126.46 of the Revised Code shall ensure that the office of internal ~~auditing~~ audit in the office of budget and management has an annual internal audit plan that identifies the internal audits 10974
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of state agencies or divisions of state agencies scheduled for the 10978
next fiscal year. The chief internal auditor of the office of 10979
internal ~~auditing~~ audit shall submit the plan to the state audit 10980
committee for review and comment before the beginning of each 10981
fiscal year. The chief internal auditor may submit a revised 10982
internal audit plan for review and comment at any time the 10983
director of budget and management believes there is reason to 10984
modify the previously submitted plan for a fiscal year. 10985

(B) To determine the state agencies or divisions of state 10986
agencies that are to be internally audited, the office of internal 10987
~~auditing~~ audit, in the formulation of an annual or revised 10988
internal audit plan, and the state audit committee, in reviewing a 10989
submitted annual or revised internal audit plan, shall consider 10990
the following factors: 10991

(1) The risk for fraud, waste, or abuse of public money 10992
within an agency or division; 10993

(2) The length of time since an agency or division was last 10994
subject to an internal audit; 10995

(3) The size of an agency or division, and the amount of time 10996
and resources necessary to audit it; 10997

(4) Any other factor the state audit committee determines to 10998
be relevant. 10999

(C) All internal audits shall be ~~conducted only~~ directed by 11000
employees of the office of internal ~~auditing~~ audit. 11001

(D) After the conclusion of an internal audit, the chief 11002
internal auditor shall submit a preliminary report of the internal 11003
audit's findings and recommendations to the state audit committee 11004
and to the director of the state agency involved. The state agency 11005
or division of the state agency covered by the preliminary report 11006
shall be provided an opportunity to respond within thirty days 11007
after receipt of the preliminary report. The response shall 11008

include a corrective action plan for any recommendations in the 11009
preliminary report that are not disputed by the agency or 11010
division. Any response received by the office of internal ~~auditing~~ 11011
audit within that thirty-day period shall be included in the 11012
office's final report of the internal audit's findings and 11013
recommendations. The final report shall be issued by the office of 11014
internal ~~auditing~~ audit within thirty days after the termination 11015
of the thirty-day response period. Copies of the final report 11016
shall be submitted to the state audit committee, the governor, and 11017
the director of the state agency involved. The state audit 11018
committee shall determine an appropriate method for making the 11019
preliminary and final reports available for public inspection in a 11020
timely manner. 11021

Any suspected fraud or other illegal activity discovered by 11022
the office of internal ~~auditing~~ audit during ~~the conduct of~~ an 11023
internal audit shall be reported immediately to the state audit 11024
committee, the director of the state agency in which the fraud or 11025
illegal activity is suspected to have occurred, and the auditor of 11026
state. 11027

(E) The chief internal auditor shall prepare an annual report 11028
and submit the report to the governor, the president of the 11029
senate, the speaker of the house of representatives, and the 11030
auditor of state. The office of budget and management shall make 11031
the report available to the public by posting it on the office's 11032
web site before the first of ~~July~~ August of each year. 11033

Sec. 126.48. ~~Any~~ (A) Except as provided in division (B) of 11034
this section, any preliminary or final report of an internal 11035
audit's findings and recommendations which is produced by the 11036
office of internal ~~auditing~~ audit in the office of budget and 11037
management and all work papers of the internal audit are 11038
confidential and are not public records under section 149.43 of 11039

the Revised Code until the final report of an internal audit's findings and recommendations is submitted to the state audit committee, the governor, and the director of the state agency involved.

(B) The following are not public records under section 149.43 of the Revised Code:

(1) An internal audit report that meets the definition of a security record under section 149.433 of the Revised Code;

(2) Any information derived from a state tax return or state tax return information as permitted to be used by the office of internal audit under section 5703.21 of the Revised Code.

Sec. 127.14. The controlling board may, at the request of any state agency or the director of budget and management, authorize, with respect to the provisions of any appropriation act:

(A) Transfers of all or part of an appropriation within but not between state agencies, except such transfers as the director of budget and management is authorized by law to make, provided that no transfer shall be made by the director for the purpose of effecting new or changed levels of program service not authorized by the general assembly;

(B) Transfers of all or part of an appropriation from one fiscal year to another;

(C) Transfers of all or part of an appropriation within or between state agencies made necessary by administrative reorganization or by the abolition of an agency or part of an agency;

(D) Transfers of all or part of cash balances in excess of needs from any fund of the state to the general revenue fund or to such other fund of the state to which the money would have been

credited in the absence of the fund from which the transfers are 11070
authorized to be made, except that the controlling board may not 11071
authorize such transfers from the accrued leave liability fund, 11072
auto registration distribution fund, local motor vehicle license 11073
tax fund, budget stabilization fund, building improvement fund, 11074
development bond retirement fund, facilities establishment fund, 11075
gasoline excise tax fund, general revenue fund, higher education 11076
improvement fund, highway improvement bond retirement fund, 11077
highway obligations bond retirement fund, highway capital 11078
improvement fund, highway operating fund, horse racing tax fund, 11079
improvements bond retirement fund, public library fund, liquor 11080
control fund, local government fund, local transportation 11081
improvement program fund, mental health facilities improvement 11082
fund, Ohio fairs fund, parks and recreation improvement fund, 11083
public improvements bond retirement fund, school district income 11084
tax fund, state agency facilities improvement fund, state and 11085
local government highway distribution fund, state highway safety 11086
fund, state lottery fund, undivided liquor permit fund, Vietnam 11087
conflict compensation bond retirement fund, volunteer fire 11088
fighters' dependents fund, waterways safety fund, wildlife fund, 11089
workers' compensation fund, or any fund not specified in this 11090
division that the director of budget and management determines to 11091
be a bond fund or bond retirement fund; 11092

(E) Transfers of all or part of those appropriations included 11093
in the emergency purposes account of the controlling board; 11094

(F) Temporary transfers of all or part of an appropriation or 11095
other moneys into and between existing funds, or new funds, as may 11096
be established by law when needed for capital outlays for which 11097
notes or bonds will be issued; 11098

(G) Transfer or release of all or part of an appropriation to 11099
a state agency requiring controlling board approval of such 11100
transfer or release as provided by law; 11101

(H) Temporary transfer of funds included in the emergency 11102
purposes appropriation of the controlling board. Such temporary 11103
transfers may be made subject to conditions specified by the 11104
controlling board at the time temporary transfers are authorized. 11105
No transfers shall be made under this division for the purpose of 11106
effecting new or changed levels of program service not authorized 11107
by the general assembly. 11108

As used in this section, "request" means an application by a 11109
state agency or the director of budget and management seeking some 11110
action by the controlling board. 11111

When authorizing the transfer of all or part of an 11112
appropriation under this section, the controlling board may 11113
authorize the transfer to an existing appropriation item and the 11114
creation of and transfer to a new appropriation item. 11115

Whenever there is a transfer of all or part of funds included 11116
in the emergency purposes appropriation by the controlling board, 11117
pursuant to division (E) of this section, the state agency or the 11118
director of budget and management receiving such transfer shall 11119
keep a detailed record of the use of the transferred funds. At the 11120
earliest scheduled meeting of the controlling board following the 11121
accomplishment of the purposes specified in the request originally 11122
seeking the transfer, or following the total expenditure of the 11123
transferred funds for the specified purposes, the state agency or 11124
the director of budget and management shall submit a report on the 11125
expenditure of such funds to the board. The portion of any 11126
appropriation so transferred which is not required to accomplish 11127
the purposes designated in the original request to the controlling 11128
board shall be returned to the proper appropriation of the 11129
controlling board at this time. 11130

Notwithstanding any provisions of law providing for the 11131
deposit of revenues received by a state agency to the credit of a 11132
particular fund in the state treasury, whenever there is a 11133

temporary transfer of funds included in the emergency purposes 11134
appropriation of the controlling board pursuant to division (H) of 11135
this section, revenues received by any state agency receiving such 11136
a temporary transfer of funds shall, as directed by the 11137
controlling board, be transferred back to the emergency purposes 11138
appropriation. 11139

The board may delegate to the director of budget and 11140
management authority to approve transfers among items of 11141
appropriation under division (A) of this section. 11142

Sec. 127.16. (A) Upon the request of either a state agency or 11143
the director of budget and management and after the controlling 11144
board determines that an emergency or a sufficient economic reason 11145
exists, the controlling board may approve the making of a purchase 11146
without competitive selection as provided in division (B) of this 11147
section. 11148

(B) Except as otherwise provided in this section, no state 11149
agency, using money that has been appropriated to it directly, 11150
shall: 11151

(1) Make any purchase from a particular supplier, that would 11152
amount to fifty thousand dollars or more when combined with both 11153
the amount of all disbursements to the supplier during the fiscal 11154
year for purchases made by the agency and the amount of all 11155
outstanding encumbrances for purchases made by the agency from the 11156
supplier, unless the purchase is made by competitive selection or 11157
with the approval of the controlling board; 11158

(2) Lease real estate from a particular supplier, if the 11159
lease would amount to seventy-five thousand dollars or more when 11160
combined with both the amount of all disbursements to the supplier 11161
during the fiscal year for real estate leases made by the agency 11162
and the amount of all outstanding encumbrances for real estate 11163
leases made by the agency from the supplier, unless the lease is 11164

made by competitive selection or with the approval of the controlling board.	11165 11166
(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.	11167 11168 11169 11170
(D) Nothing in division (B) of this section shall be construed as:	11171 11172
(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;	11173 11174 11175
(2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code <u>medicaid program</u> ;	11176 11177
(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;	11178 11179 11180
(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;	11181 11182 11183 11184 11185 11186 11187 11188 11189
(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;	11190 11191 11192 11193
(6) Applying to investment transactions and procedures of any	11194

state agency, except that the agency shall file with the board the 11195
name of any person with whom the agency contracts to make, broker, 11196
service, or otherwise manage its investments, as well as the 11197
commission, rate, or schedule of charges of such person with 11198
respect to any investment transactions to be undertaken on behalf 11199
of the agency. The filing shall be in a form and at such times as 11200
the board considers appropriate. 11201

(7) Applying to purchases made with money for the per cent 11202
for arts program established by section 3379.10 of the Revised 11203
Code; 11204

(8) Applying to purchases made by the ~~rehabilitation services~~ 11205
~~commission~~ opportunities for Ohioans with disabilities agency of 11206
services, or supplies, that are provided to persons with 11207
disabilities, or to purchases made by the ~~commission~~ agency in 11208
connection with the eligibility determinations it makes for 11209
applicants of programs administered by the social security 11210
administration; 11211

(9) Applying to payments by the department of ~~job and family~~ 11212
~~services~~ medicaid under section ~~5111.13~~ 5164.85 of the Revised 11213
Code for group health plan premiums, deductibles, coinsurance, and 11214
other cost-sharing expenses; 11215

(10) Applying to any agency of the legislative branch of the 11216
state government; 11217

(11) Applying to agreements or contracts entered into under 11218
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the 11219
Revised Code; 11220

(12) Applying to purchases of services by the adult parole 11221
authority under section 2967.14 of the Revised Code or by the 11222
department of youth services under section 5139.08 of the Revised 11223
Code; 11224

(13) Applying to dues or fees paid for membership in an 11225

organization or association;	11226
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	11227 11228
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	11229 11230 11231 11232
(16) Applying to purchases of tickets for passenger air transportation;	11233 11234
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	11235 11236 11237
(18) Applying to the judicial branch of state government;	11238
(19) Applying to purchases of liquor for resale by the division of liquor control;	11239 11240
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	11241 11242 11243
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	11244 11245 11246 11247
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	11248 11249 11250
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education <u>or the Ohio historical society</u> ;	11251 11252 11253
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section	11254 11255

3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	11256 11257
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	11258 11259 11260
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	11261 11262 11263 11264 11265
(27) Applying to contracts entered into by the department of developmental disabilities under section 5123.18 of the Revised Code;	11266 11267 11268
(28) Applying to payments made by the department of mental health <u>mental health and addiction services</u> under a physician recruitment program authorized by section 5119.101 <u>5119.185</u> of the Revised Code;	11269 11270 11271 11272
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	11273 11274 11275 11276 11277 11278
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	11279 11280 11281 11282 11283
(31) Applying to the department of job and family services <u>medicaid's</u> purchases of health assistance services under the children's health insurance program part I provided for under	11284 11285 11286

section 5101.50 of the Revised Code, the children's health	11287
insurance program part II provided for under section 5101.51 of	11288
the Revised Code, or the children's health insurance program part	11289
III provided for under section 5101.52 of the Revised Code;	11290
(32) Applying to payments by the attorney general from the	11291
reparations fund to hospitals and other emergency medical	11292
facilities for performing medical examinations to collect physical	11293
evidence pursuant to section 2907.28 of the Revised Code;	11294
(33) Applying to contracts with a contracting authority or	11295
administrative receiver under division (B) of section 5126.056 of	11296
the Revised Code;	11297
(34) Applying to purchases of goods and services by the	11298
department of veterans services in accordance with the terms of	11299
contracts entered into by the United States department of veterans	11300
affairs;	11301
(35) Applying to payments by the superintendent of the bureau	11302
of criminal identification and investigation to the federal bureau	11303
of investigation for criminal records checks pursuant to section	11304
109.572 of the Revised Code;	11305
(36) Applying to contracts entered into by the department of	11306
job and family services <u>medicaid</u> under section 5111.054 <u>5164.47</u> of	11307
the Revised Code;	11308
<u>(37) Applying to contracts entered into under section 5160.12</u>	11309
<u>of the Revised Code;</u>	11310
<u>(38) Applying to payments to the Ohio historical society from</u>	11311
<u>other state agencies.</u>	11312
(E) When determining whether a state agency has reached the	11313
cumulative purchase thresholds established in divisions (B)(1) and	11314
(2) of this section, all of the following purchases by such agency	11315
shall not be considered:	11316

(1) Purchases made through competitive selection or with controlling board approval;	11317 11318
(2) Purchases listed in division (D) of this section;	11319
(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate.	11320 11321
(F) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.	11322 11323 11324
Sec. 5507.01 <u>128.01</u>. As used in this chapter:	11325
(A) "9-1-1 system" means a system through which individuals can request emergency service using the telephone number 9-1-1.	11326 11327
(B) "Basic 9-1-1" means a 9-1-1 system in which a caller provides information on the nature of and the location of an emergency, and the personnel receiving the call must determine the appropriate emergency service provider to respond at that location.	11328 11329 11330 11331 11332
(C) "Enhanced 9-1-1" means a 9-1-1 system capable of providing both enhanced wireline 9-1-1 and wireless enhanced 9-1-1.	11333 11334 11335
(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which the wireline telephone network, in providing wireline 9-1-1, automatically routes the call to emergency service providers that serve the location from which the call is made and immediately provides to personnel answering the 9-1-1 call information on the location and the telephone number from which the call is being made.	11336 11337 11338 11339 11340 11341 11342
(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, in providing wireless 9-1-1, has the capabilities of phase I and, to the extent available, phase II enhanced 9-1-1 services as described in 47 C.F.R. 20.18 (d) to (h).	11343 11344 11345 11346

(F)(1) "Wireless service" means federally licensed commercial mobile service as defined in 47 U.S.C. 332(d) and further defined as commercial mobile radio service in 47 C.F.R. 20.3, and includes service provided by any wireless, two-way communications device, including a radio-telephone communications line used in cellular telephone service or personal communications service, a network radio access line, or any functional or competitive equivalent of such a radio-telephone communications or network radio access line.

(2) Nothing in this chapter applies to paging or any service that cannot be used to call 9-1-1.

(G) "Wireless service provider" means a facilities-based provider of wireless service to one or more end users in this state.

(H) "Wireless 9-1-1" means the emergency calling service provided by a 9-1-1 system pursuant to a call originating in the network of a wireless service provider.

(I) "Wireline 9-1-1" means the emergency calling service provided by a 9-1-1 system pursuant to a call originating in the network of a wireline service provider.

(J) "Wireline service provider" means a facilities-based provider of wireline service to one or more end-users in this state.

(K) "Wireline service" means basic local exchange service, as defined in section 4927.01 of the Revised Code, that is transmitted by means of interconnected wires or cables by a wireline service provider authorized by the public utilities commission.

(L) "Wireline telephone network" means the selective router and data base processing systems, trunking and data wiring cross connection points at the public safety answering point, and all

other voice and data components of the 9-1-1 system. 11378

(M) "Subdivision" means a county, municipal corporation, 11379
township, township fire district, joint fire district, township 11380
police district, joint police district, joint ambulance district, 11381
or joint emergency medical services district that provides 11382
emergency service within its territory, or that contracts with 11383
another municipal corporation, township, or district or with a 11384
private entity to provide such service; and a state college or 11385
university, port authority, or park district of any kind that 11386
employs law enforcement officers that act as the primary police 11387
force on the grounds of the college or university or port 11388
authority or in the parks operated by the district. 11389

(N) "Emergency service" means emergency law enforcement, 11390
firefighting, ambulance, rescue, and medical service. 11391

(O) "Emergency service provider" means the state highway 11392
patrol and an emergency service department or unit of a 11393
subdivision or that provides emergency service to a subdivision 11394
under contract with the subdivision. 11395

(P) "Public safety answering point" means a facility to which 11396
9-1-1 system calls for a specific territory are initially routed 11397
for response and where personnel respond to specific requests for 11398
emergency service by directly dispatching the appropriate 11399
emergency service provider, relaying a message to the appropriate 11400
provider, or transferring the call to the appropriate provider. 11401

(Q) "Customer premises equipment" means telecommunications 11402
equipment, including telephone instruments, on the premises of a 11403
public safety answering point that is used in answering and 11404
responding to 9-1-1 system calls. 11405

(R) "Municipal corporation in the county" includes any 11406
municipal corporation that is wholly contained in the county and 11407
each municipal corporation located in more than one county that 11408

has a greater proportion of its territory in the county to which 11409
the term refers than in any other county. 11410

(S) "Board of county commissioners" includes the legislative 11411
authority of a county established under Section 3 of Article X, 11412
Ohio Constitution, or Chapter 302. of the Revised Code. 11413

(T) "Final plan" means a final plan adopted under division 11414
(B) of section ~~5507.08~~ 128.08 of the Revised Code and, except as 11415
otherwise expressly provided, an amended final plan adopted under 11416
section ~~5507.12~~ 128.12 of the Revised Code. 11417

(U) "Subdivision served by a public safety answering point" 11418
means a subdivision that provides emergency service for any part 11419
of its territory that is located within the territory of a public 11420
safety answering point whether the subdivision provides the 11421
emergency service with its own employees or pursuant to a 11422
contract. 11423

(V) A township's population includes only population of the 11424
unincorporated portion of the township. 11425

(W) "Telephone company" means a company engaged in the 11426
business of providing local exchange telephone service by making 11427
available or furnishing access and a dial tone to persons within a 11428
local calling area for use in originating and receiving voice 11429
grade communications over a switched network operated by the 11430
provider of the service within the area and gaining access to 11431
other telecommunications services. "Telephone company" includes a 11432
wireline service provider and a wireless service provider unless 11433
otherwise expressly specified. For purposes of sections ~~5507.25~~ 11434
128.25 and ~~5507.26~~ 128.26 of the Revised Code, "telephone company" 11435
means a wireline service provider. 11436

(X) "Prepaid wireless calling service" has the same meaning 11437
as in division (AA)(5) of section 5739.01 of the Revised Code. 11438

(Y) "Provider of a prepaid wireless calling service" means a 11439

wireless service provider that provides a prepaid wireless calling service. 11440
11441

(Z) "Retail sale" has the same meaning as in section 5739.01 of the Revised Code. 11442
11443

(AA) "Seller" means a person that sells a prepaid wireless calling service to another person by retail sale. 11444
11445

(BB) "Consumer" means the person for whom the prepaid wireless calling service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the prepaid wireless calling service is charged, or to whom the admission is granted. 11446
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(CC) "Reseller" means a nonfacilities-based provider of wireless service that provides wireless service under its own name to one or more end users in this state using the network of a wireless service provider. 11451
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11454

(DD) "Steering committee" means the statewide emergency services internet protocol network steering committee established by division (A)(1) of section 128.02 of the Revised Code. 11455
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11457

Sec. 5507-02 128.02. (A)(1) There is hereby created the statewide emergency services internet protocol network steering committee, consisting of the following ten members: 11458
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(a) The state chief information officer or the officer's designee; 11461
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(b) Two members of the house of representatives appointed by the speaker, one from the majority party and one from the minority party; 11463
11464
11465

(c) Two members of the senate appointed by the president, one from the majority party and one from the minority party; 11466
11467

(d) Five members appointed by the governor. 11468

(2) In appointing the five members under division (A)(1)(d) 11469
of this section, the governor shall appoint two representatives of 11470
the county commissioners' association of Ohio or a successor 11471
organization, two representatives of the Ohio municipal league or 11472
a successor organization, and one representative of the Ohio 11473
township association or a successor organization. For each of 11474
these appointments, the governor shall consider a nominee proposed 11475
by the association or successor organization. The governor may 11476
reject any of the nominees and may request that a nominating 11477
entity submit alternative nominees. 11478

(3) Initial appointments shall be made not later than ten 11479
days after September 28, 2012. 11480

(B)(1) The state chief information officer or the officer's 11481
designee shall serve as the chairperson of the steering committee 11482
and shall be a nonvoting member. All other members shall be voting 11483
members. 11484

(2) A member of the steering committee appointed from the 11485
membership of the senate or the house of representatives shall 11486
serve during the member's term as a member of the general assembly 11487
and until a successor is appointed and qualified, notwithstanding 11488
adjournment of the general assembly or the expiration of the 11489
member's term as a member of the general assembly. 11490

(3) The initial terms of one of the representatives of the 11491
county commissioners' association of Ohio, one of the 11492
representatives of the Ohio municipal league, and the 11493
representative of the Ohio township association shall all expire 11494
on December 31, 2016. The initial terms of the other 11495
representatives of the county commissioners' association of Ohio 11496
and the Ohio municipal league shall expire on December 31, 2014. 11497
Thereafter, terms of the members appointed by the governor shall 11498
be for four years, with each term ending on the same day of the 11499
same month as the term it succeeds. Each member appointed by the 11500

governor shall hold office from the date of the member's 11501
appointment until the end of the term for which the member was 11502
appointed, and may be reappointed. A member appointed by the 11503
governor shall continue in office after the expiration date of the 11504
member's term until the member's successor takes office or until a 11505
period of sixty days has elapsed, whichever occurs first. Members 11506
appointed by the governor shall serve without compensation and 11507
shall not be reimbursed for expenses. 11508

(4) A vacancy in the position of any member of the steering 11509
committee shall be filled for the unexpired term in the same 11510
manner as the original appointment. 11511

(C) The steering committee shall generally advise the state 11512
on the implementation, operation, and maintenance of a statewide 11513
emergency services internet protocol network that would support 11514
state and local government next-generation 9-1-1 and the dispatch 11515
of emergency service providers. The steering committee shall do 11516
all of the following: 11517

(1) On or before May 15, 2013, deliver an initial report to 11518
the speaker of the house of representatives, the president of the 11519
senate, and the governor providing recommendations for the state 11520
to address the development of a statewide emergency services 11521
internet protocol network, which recommendations shall include a 11522
review of the current funding model for this state's 9-1-1 systems 11523
and may include a recommendation for a reduction in wireless 9-1-1 11524
charges; 11525

(2) Examine the readiness of the state's current technology 11526
infrastructure for a statewide emergency services internet 11527
protocol network; 11528

(3) Research legislative authority with regard to governance 11529
and funding of a statewide emergency services internet protocol 11530
network, and provide recommendations on best practices to limit 11531

duplicative efforts to ensure an effective transition to 11532
next-generation 9-1-1; 11533

(4) Make recommendations for consolidation of 11534
public-safety-answering-point operations in this state, including 11535
recommendations for accelerating the consolidation schedule 11536
established in section ~~5507.571~~ 128.571 of the Revised Code, to 11537
accommodate next-generation 9-1-1 technology and to facilitate a 11538
more efficient and effective emergency services system; 11539

(5) Recommend policies, procedures, and statutory or 11540
regulatory authority to effectively govern a statewide emergency 11541
services internet protocol network; 11542

(6) Designate a next-generation 9-1-1 statewide coordinator 11543
to serve as the primary point of contact for federal initiatives; 11544

(7) Coordinate with statewide initiatives and associations 11545
such as the state interoperable executive committee, the Ohio 11546
geographically referenced information program council, the Ohio 11547
multi-agency radio communications system steering committee, and 11548
other interested parties; 11549

(8) Serve as the entity responsible for the administration of 11550
Chapter 128. of the Revised Code. 11551

~~(D)(1) Not later than February 15, 2013, each chairperson of~~ 11552
~~a countywide 9-1-1 planning committee or the chairperson's~~ 11553
~~designee shall report the following information~~ A 9-1-1 service 11554
provider shall provide to the steering committee: 11555

(a) The aggregate number of access lines that the provider 11556
maintains within the state of Ohio; 11557

(b) The aggregate amount of costs and cost recovery 11558
associated with providing 9-1-1 service, including coverage under 11559
tariffs and bill and keep arrangements within this state; 11560

(c) Any other information requested by the steering committee 11561

<u>deemed necessary to support the transition to next generation</u>	11562
<u>9-1-1.</u>	11563
<u>(2) Any political subdivision or governmental entity</u>	11564
<u>operating a public safety answering point shall provide to the</u>	11565
<u>steering committee:</u>	11566
<u>(a) The geographic location and population of the area for</u>	11567
<u>which the planning committee is responsible;</u>	11568
<u>(b) Statistics detailing the number of 9-1-1 calls received;</u>	11569
<u>(c) A report of expenditures made from disbursements from the</u>	11570
<u>wireless for 9-1-1 government assistance fund;</u>	11571
<u>(d) An inventory of and the technical specifications for the</u>	11572
<u>current 9-1-1 network and equipment;</u>	11573
<u>(e) Any other information requested by the steering committee</u>	11574
<u>that is deemed necessary to support the transition to next</u>	11575
<u>generation 9-1-1.</u>	11576
(2)(a) If, by February 15, 2013, a countywide 9-1-1 planning	11577
committee fails to provide to the steering committee the	11578
information required under division (D)(1) of this section, the	11579
steering committee shall notify the Ohio 9-1-1 coordinator of the	11580
failure and the coordinator shall suspend disbursements from the	11581
wireless 9-1-1 government assistance fund to that county.	11582
Disbursements to the county shall resume after the steering	11583
committee receives the required information and notifies the	11584
coordinator that the requirement has been met.	11585
(b) Beginning January 1, 2014, the notification that the	11586
steering committee has received the required information shall be	11587
sent to the tax commissioner, and the disbursements to the county	11588
shall resume after the tax commissioner receives that notice	11589
<u>(3) The information requested under divisions (D)(1) and (2)</u>	11590
<u>of this section shall be provided by the 9-1-1 service provider,</u>	11591

political subdivision, or governmental entity within forty-five 11592
days of the request of the steering committee. 11593

(E) The steering committee shall hold its inaugural meeting 11594
not later than thirty days after September 28, 2012. Thereafter, 11595
the steering committee shall meet at least once a month, either in 11596
person or utilizing telecommunication-conferencing technology. A 11597
majority of the voting members shall constitute a quorum. 11598

(F)(1) The steering committee shall have a permanent 11599
technical-standards subcommittee and a permanent 11600
public-safety-answering-point-operations subcommittee, and may, 11601
from time to time, establish additional subcommittees, to advise 11602
and assist the steering committee based upon the subcommittees' 11603
areas of expertise. 11604

(2) The membership of subcommittees shall be determined by 11605
the steering committee. 11606

(a) The technical-standards subcommittee shall include one 11607
member representing a wireline or wireless service provider that 11608
participates in the state's 9-1-1 system, one representative of 11609
the Ohio academic resources network, one representative of the 11610
Ohio multi-agency radio communications system steering committee, 11611
one representative of the Ohio geographically referenced 11612
information program, and one member representing each of the 11613
following associations selected by the steering committee from 11614
nominations received from that association: 11615

(i) The Ohio telephone association; 11616

(ii) The Ohio chapter of the association of public-safety 11617
communications officials; 11618

(iii) The Ohio chapter of the national emergency number 11619
association. 11620

(b) The public-safety-answering-point-operations subcommittee 11621

shall include one member representing the division of emergency management of the department of public safety, one member representing the state highway patrol, two members recommended by the county commissioners' association of Ohio who are managers of public safety answering points, two members recommended by the Ohio municipal league who are managers of public safety answering points, and one member from each of the following associations selected by the steering committee from nominations received from that association:

(i) The buckeye state sheriffs' association;

(ii) The Ohio association of chiefs of police;

(iii) The Ohio association of fire chiefs;

(iv) The Ohio chapter of the association of public-safety communications officials;

(v) The Ohio chapter of the national emergency number association.

(G) The committee is not an agency, as defined in section 101.82 of the Revised Code, for purposes of sections 101.82 to 101.87 of the Revised Code.

(H) As used in this section, "9-1-1 system," "wireless service provider," "wireline service provider," "emergency service provider," and "public safety answering point" have the same meanings as in section ~~5507.01~~ 128.01 of the Revised Code.

(I) As used in this section, "bill and keep arrangements" has the same meaning as in 47 C.F.R. 51.713.

Sec. ~~5507.021~~ 128.021. Not later than January 1, 2014, and in accordance with Chapter 119. of the Revised Code, the ~~statewide emergency services internet protocol network~~ steering committee shall adopt rules that establish technical and operational standards for public safety answering points eligible to receive

disbursements under section ~~5507.55~~ 128.55 of the Revised Code. 11652
The rules shall incorporate industry standards and best practices 11653
for wireless 9-1-1 services. Public safety answering points shall 11654
comply with the standards not later than two years after the 11655
effective date of the rules adopting the standards. 11656

Sec. ~~5507.022~~ 128.022. The ~~statewide emergency services~~ 11657
~~internet protocol network~~ steering committee shall establish 11658
guidelines for the tax commissioner to use when disbursing money 11659
from the next generation 9-1-1 fund to countywide 9-1-1 systems in 11660
the state. The guidelines shall be consistent with the standards 11661
adopted in section ~~5507.021~~ 128.021 of the Revised Code and shall 11662
specify that disbursements may be used for costs associated with 11663
the operation of and equipment for phase II wireless systems and 11664
for costs associated with a county's migration to next generation 11665
9-1-1 systems and technology. 11666

Sec. ~~5507.03~~ 128.03. (A)(1) A countywide 9-1-1 system shall 11667
include all of the territory of the townships and municipal 11668
corporations in the county and any portion of such a municipal 11669
corporation that extends into an adjacent county. 11670

(2) The system shall exclude any territory served by a 11671
wireline service provider that is not capable of reasonably 11672
meeting the technical and economic requirements of providing the 11673
wireline telephone network portion of the countywide system for 11674
that territory. The system shall exclude from enhanced 9-1-1 any 11675
territory served by a wireline service provider that is not 11676
capable of reasonably meeting the technical and economic 11677
requirements of providing the wireline telephone network portion 11678
of enhanced 9-1-1 for that territory. If a 9-1-1 planning 11679
committee and a wireline service provider do not agree on whether 11680
the provider is so capable, the planning committee shall notify 11681

the ~~department of public safety steering committee~~, and the 11682
~~department steering committee~~ shall determine whether the wireline 11683
service provider is so capable. The planning committee shall 11684
ascertain whether such disagreement exists before making its 11685
implementation proposal under division (A) of section ~~5507.07~~ 11686
128.07 of the Revised Code. The ~~department's steering committee's~~ 11687
determination shall be in the form of an order. No final plan 11688
shall require a wireline service provider to provide the wireline 11689
telephone network portion of a 9-1-1 system that the ~~department~~ 11690
steering committee has determined the provider is not reasonably 11691
capable of providing. 11692

(B) A countywide 9-1-1 system may be a basic or enhanced 11693
9-1-1 system, or a combination of the two, and shall be for the 11694
purpose of providing both wireline 9-1-1 and wireless 9-1-1. 11695

(C) Every emergency service provider that provides emergency 11696
service within the territory of a countywide 9-1-1 system shall 11697
participate in the countywide system. 11698

(D)(1) Each public safety answering point shall be operated 11699
by a subdivision or a regional council of governments and shall be 11700
operated constantly. 11701

(2) A subdivision or a regional council of governments that 11702
operates a public safety answering point shall pay all of the 11703
costs associated with establishing, equipping, furnishing, 11704
operating, and maintaining that facility and shall allocate those 11705
costs among itself and the subdivisions served by the answering 11706
point based on the allocation formula in a final plan. The 11707
wireline service provider or other entity that provides or 11708
maintains the customer premises equipment shall bill the operating 11709
subdivision or the operating regional council of governments for 11710
the cost of providing such equipment, or its maintenance. A 11711
wireless service provider and a subdivision or regional council of 11712
governments operating a public safety answering point may enter 11713

into a service agreement for providing wireless enhanced 9-1-1 11714
pursuant to a final plan adopted under this chapter. 11715

(E) Except to the extent provided in a final plan that 11716
provides for funding of a 9-1-1 system in part through charges 11717
imposed under section ~~5507.22~~ 128.22 of the Revised Code, each 11718
subdivision served by a public safety answering point shall pay 11719
the subdivision or regional council of governments that operates 11720
the answering point the amount computed in accordance with the 11721
allocation formula set forth in the final plan. 11722

(F) Notwithstanding any other provision of law, the purchase 11723
or other acquisition, installation, and maintenance of the 11724
telephone network for a 9-1-1 system and the purchase or other 11725
acquisition, installation, and maintenance of customer premises 11726
equipment at a public safety answering point made in compliance 11727
with a final plan or an agreement under section ~~5507.09~~ 128.09 of 11728
the Revised Code, including customer premises equipment used to 11729
provide wireless enhanced 9-1-1, are not subject to any 11730
requirement of competitive bidding. 11731

(G) Each emergency service provider participating in a 11732
countywide 9-1-1 system shall maintain a telephone number in 11733
addition to 9-1-1. 11734

(H) Whenever a final plan provides for the implementation of 11735
basic 9-1-1, the planning committee shall so notify the ~~department~~ 11736
~~of public safety steering committee~~, which shall determine whether 11737
the wireline service providers serving the territory covered by 11738
the plan are capable of reasonably meeting the technical and 11739
economic requirements of providing the wireline telephone network 11740
portion of an enhanced 9-1-1 system. The determination shall be 11741
made solely for purposes of division (C)(2) of section ~~5507.18~~ 11742
128.18 of the Revised Code. 11743

(I) If the public safety answering point personnel reasonably 11744

determine that a 9-1-1 call is not an emergency, the personnel 11745
shall provide the caller with the telephone number of an 11746
appropriate subdivision agency as applicable. 11747

(J) A final plan adopted under this chapter, or an agreement 11748
under section ~~5507.09~~ 128.09 of the Revised Code, may provide 11749
that, by further agreement included in the plan or agreement, the 11750
state highway patrol or one or more public safety answering points 11751
of another 9-1-1 system is the public safety answering point or 11752
points for the provision of wireline or wireless 9-1-1 for all or 11753
part of the territory of the 9-1-1 system established under the 11754
plan or agreement. In that event, the subdivision for which the 11755
wireline or wireless 9-1-1 is provided as named in the agreement 11756
shall be deemed the subdivision operating the public safety 11757
answering point or points for purposes of this chapter, except 11758
that, for the purpose of division (D)(2) of this section, that 11759
subdivision shall pay only so much of the costs of establishing, 11760
equipping, furnishing, operating, or maintaining any such public 11761
safety answering point as are specified in the agreement with the 11762
patrol or other system. 11763

(K) A final plan for the provision of wireless enhanced 9-1-1 11764
shall provide that any wireless 9-1-1 calls routed to a state 11765
highway patrol-operated public safety answering point by default, 11766
due to a wireless service provider so routing all such calls of 11767
its subscribers without prior permission, are instead to be routed 11768
as provided under the plan. Upon the implementation of countywide 11769
wireless enhanced 9-1-1 pursuant to a final plan, the state 11770
highway patrol shall cease any functioning as a public safety 11771
answering point providing wireless 9-1-1 within the territory 11772
covered by the countywide 9-1-1 system so established, unless the 11773
patrol functions as a public safety answering point providing 11774
wireless enhanced 9-1-1 pursuant to an agreement included in the 11775
plan as authorized under division (J) of this section. 11776

~~Sec. 5507-06~~ 128.06. (A) A board of county commissioners or 11777
the legislative authority of any municipal corporation in the 11778
county that contains at least thirty per cent of the county's 11779
population may adopt a resolution to convene a 9-1-1 planning 11780
committee, which shall serve without compensation and shall 11781
consist of three voting members as follows: 11782

(1) The president or other presiding officer of the board of 11783
county commissioners, who shall serve as chairperson of the 11784
committee; 11785

(2) The chief executive officer of the most populous 11786
municipal corporation in the county; 11787

(3) From the more populous of the following, either the chief 11788
executive officer of the second most populous municipal 11789
corporation in the county or a member of the board of township 11790
trustees of the most populous township in the county as selected 11791
by majority vote of the board of trustees. 11792

In counties with a population of one hundred seventy-five 11793
thousand or more, the planning committee shall consist of two 11794
additional voting members as follows: a member of a board of 11795
township trustees selected by the majority of boards of township 11796
trustees in the county pursuant to resolutions they adopt, and the 11797
chief executive officer of a municipal corporation in the county 11798
selected by the majority of the legislative authorities of 11799
municipal corporations in the county pursuant to resolutions they 11800
adopt. 11801

When determining population under this division, population 11802
residing outside the county shall be excluded. 11803

(B) Within thirty days after the adoption of a resolution to 11804
convene the committee under division (A) of this section, the 11805
committee shall convene for the sole purpose of developing a final 11806

plan for implementing a countywide 9-1-1 system. The county shall 11807
provide the committee with any clerical, legal, and other staff 11808
assistance necessary to develop the final plan and shall pay for 11809
copying, mailing, and any other such expenses incurred by the 11810
committee in developing the final plan and in meeting the 11811
requirements imposed by sections ~~5507.06~~ 128.06 to ~~5507.08~~ 128.08 11812
of the Revised Code. 11813

(C) The 9-1-1 planning committee shall appoint a 9-1-1 11814
technical advisory committee to assist it in planning the 11815
countywide 9-1-1 system. The advisory committee shall include at 11816
least one fire chief and one police chief serving in the county, 11817
the county sheriff, a representative of the state highway patrol 11818
selected by the patrol, one representative of each telephone 11819
company in each case selected by the telephone company 11820
represented, the director/coordinator of emergency management 11821
appointed under section 5502.26, 5502.27, or 5502.271 of the 11822
Revised Code, as appropriate, and a member of a board of township 11823
trustees of a township in the county selected by a majority of 11824
boards of township trustees in the county pursuant to resolutions 11825
they adopt. 11826

Sec. ~~5507.07~~ 128.07. (A) The 9-1-1 planning committee shall 11827
prepare a proposal on the implementation of a countywide 9-1-1 11828
system and shall hold a public meeting on the proposal to explain 11829
the system to and receive comments from public officials. At least 11830
thirty but not more than sixty days before the meeting, the 11831
committee shall send a copy of the implementation proposal and 11832
written notice of the meeting: 11833

(1) By certified mail, to the board of county commissioners, 11834
the legislative authority of each municipal corporation in the 11835
county, and to the board of trustees of each township in the 11836
county; and 11837

(2) To the board of trustees, directors, or park commissioners of each subdivision that will be served by a public safety answering point under the plan. 11838
11839
11840

(B) The proposal and the final plan adopted by the committee shall specify: 11841
11842

(1) Which telephone companies serving customers in the county and, as authorized in division (A)(1) of section ~~5507.03~~ 128.03 of the Revised Code, in an adjacent county will participate in the 9-1-1 system; 11843
11844
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11846

(2) The location and number of public safety answering points; how they will be connected to a company's telephone network; from what geographic territory each will receive 9-1-1 calls; whether basic or enhanced 9-1-1 service will be provided within such territory; what subdivisions will be served by the answering point; and whether an answering point will respond to calls by directly dispatching an emergency service provider, by relaying a message to the appropriate provider, or by transferring the call to the appropriate provider; 11847
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(3) Which subdivision or regional council of governments will establish, equip, furnish, operate, and maintain a particular public safety answering point; 11856
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(4) A projection of the initial cost of establishing, equipping, and furnishing and of the annual cost of the first five years of operating and maintaining each public safety answering point; 11859
11860
11861
11862

(5) Whether the cost of establishing, equipping, furnishing, operating, or maintaining each public safety answering point should be funded through charges imposed under section ~~5507.22~~ 128.22 of the Revised Code or will be allocated among the subdivisions served by the answering point and, if any such cost is to be allocated, the formula for so allocating it; 11863
11864
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(6) How each emergency service provider will respond to a 11869
misdirected call. 11870

(C) Following the meeting required by this section, the 9-1-1 11871
planning committee may modify the implementation proposal and, no 11872
later than nine months after the resolution authorized by section 11873
~~5507.06~~ 128.06 of the Revised Code is adopted, may adopt, by 11874
majority vote, a final plan for implementing a countywide 9-1-1 11875
system. If a planning committee and wireline service provider do 11876
not agree on whether the wireline service provider is capable of 11877
providing the wireline telephone network as described under 11878
division (A) of section ~~5507.03~~ 128.03 of the Revised Code and the 11879
planning committee refers that question to the ~~department of~~ 11880
~~public safety steering committee~~, the ~~department steering~~ 11881
~~committee~~ may extend the nine-month deadline established by this 11882
division to twelve months. Immediately on completion of the plan, 11883
the planning committee shall send a copy of the final plan: 11884

(1) By certified mail to the board of county commissioners of 11885
the county, to the legislative authority of each municipal 11886
corporation in the county, and to the board of township trustees 11887
of each township in the county; and 11888

(2) To the board of trustees, directors, or park 11889
commissioners of each subdivision that will be served by a public 11890
safety answering point under the plan. 11891

~~(D) If the committee has not adopted a final plan on or 11892
before the deadline in division (C) of this section, the committee 11893
shall cease to exist. A new 9-1-1 planning committee may be 11894
convened in the manner established in section 5507.06 of the 11895
Revised Code to develop an implementation proposal and final plan 11896
in accordance with the requirements of sections 5507.06 to 5507.08 11897
of the Revised Code. 11898~~

Sec. ~~5507.08~~ 128.08. (A) Within sixty days after receipt of 11899

the final plan pursuant to division (C) of section ~~5507.07~~ 128.07 11900
of the Revised Code, the board of county commissioners of the 11901
county and the legislative authority of each municipal corporation 11902
in the county and of each township whose territory is proposed to 11903
be included in a countywide 9-1-1 system shall act by resolution 11904
to approve or disapprove the plan, except that, with respect to a 11905
final plan that provides for funding of the 9-1-1 system in part 11906
through charges imposed under section ~~5507.22~~ 128.22 of the 11907
Revised Code, the board of county commissioners shall not act by 11908
resolution to approve or disapprove the plan until after a 11909
resolution adopted under section ~~5507.22~~ 128.22 of the Revised 11910
Code has become effective as provided in division (D) of that 11911
section. A municipal corporation or township whose territory is 11912
proposed to be included in the system includes any municipal 11913
corporation or township in which a part of its territory is 11914
excluded pursuant to division (A)(2) of section ~~5507.03~~ 128.03 of 11915
the Revised Code. Each such authority immediately shall notify the 11916
board of county commissioners in writing of its approval or 11917
disapproval of the final plan. Failure by a board or legislative 11918
authority to notify the board of county commissioners of approval 11919
or disapproval within such sixty-day period shall be deemed 11920
disapproval by the board or authority. 11921

(B) As used in this division, "county's population" excludes 11922
the population of any municipal corporation or township that, 11923
under the plan, is completely excluded from 9-1-1 service in the 11924
county's final plan. A countywide plan is effective if all of the 11925
following entities approve the plan in accordance with this 11926
section: 11927

(1) The board of county commissioners; 11928

(2) The legislative authority of a municipal corporation that 11929
contains at least thirty per cent of the county's population, if 11930
any; 11931

(3) The legislative authorities of municipal corporations and townships that contain at least sixty per cent of the county's population or, if the plan has been approved by a municipal corporation that contains at least sixty per cent of the county's population, by the legislative authorities of municipal corporations and townships that contain at least seventy-five per cent of the county's population.

(C) After a countywide plan approved in accordance with this section is adopted, all of the telephone companies, subdivisions, and regional councils of governments included in the plan are subject to the specific requirements of the plan and to this chapter.

Sec. ~~5507.09~~ 128.09. (A) If a final plan is disapproved under division (B) of section ~~5507.08~~ 128.08 of the Revised Code, by resolution, the legislative authority of a municipal corporation or township that contains at least thirty per cent of the county's population may establish within its boundaries, or the legislative authorities of a group of municipal corporations or townships each of which is contiguous with at least one other such municipal corporation or township in the group, together containing at least thirty per cent of the county's population, may jointly establish within their boundaries a 9-1-1 system. For that purpose, the municipal corporation or township may enter into an agreement, and the contiguous municipal corporations or townships may jointly enter into an agreement with one or more telephone companies.

(B) If no resolution has been adopted to convene a 9-1-1 planning committee under section ~~5507.06~~ 128.06 of the Revised Code, by resolution, the legislative authority of any municipal corporation in the county may establish within its boundaries, or the legislative authorities of a group of municipal corporations

and townships each of which is contiguous to at least one of the 11963
other such municipal corporations or townships in the group may 11964
jointly establish within their boundaries, a 9-1-1 system. For 11965
that purpose, the municipal corporation, or contiguous municipal 11966
corporations and townships, may enter into an agreement with one 11967
or more telephone companies. 11968

(C) Whenever a telephone company that is a wireline service 11969
provider and one or more municipal corporations and townships 11970
enter into an agreement under division (A) or (B) of this section 11971
to provide for the wireline telephone network portion of a basic 11972
9-1-1 system, the telephone company shall so notify the ~~department~~ 11973
~~of public safety steering committee~~, which shall determine whether 11974
the telephone company is capable of reasonably meeting the 11975
technical and economic requirements of providing the wireline 11976
telephone network for an enhanced system within the territory 11977
served by the company and covered by the agreement. The 11978
determination shall be made solely for the purposes of division 11979
(C)(2) of section ~~5507.18~~ 128.18 of the Revised Code. 11980

(D) Within three years from the date of entering into an 11981
initial agreement described under division (C) of this section, 11982
the telephone company shall have installed the wireline telephone 11983
network portion of the 9-1-1 system according to the terms, 11984
conditions, requirements, and specifications set forth in the 11985
agreement. 11986

(E) A telephone company that is a wireline service provider 11987
shall recover the cost of installing the wireline telephone 11988
network system pursuant to agreements made under this section as 11989
provided in sections ~~5507.18~~ 128.18 and 5733.55 of the Revised 11990
Code. 11991

Sec. ~~5507.12~~ 128.12. (A) An amended final plan is required 11992
for any of the following purposes: 11993

(1) Expanding the territory included in the countywide 9-1-1 system;	11994 11995
(2) Upgrading any part or all of a system from basic to enhanced wireline 9-1-1;	11996 11997
(3) Adjusting the territory served by a public safety answering point;	11998 11999
(4) Permitting a regional council of governments to operate a public safety answering point;	12000 12001
(5) Represcribing the funding of public safety answering points as between the alternatives set forth in division (B)(5) of section 5507.07 <u>128.07</u> of the Revised Code;	12002 12003 12004
(6) Providing for wireless enhanced 9-1-1;	12005
(7) Adding a telephone company as a participant in a countywide 9-1-1 system after the implementation of wireline 9-1-1 or wireless enhanced 9-1-1;	12006 12007 12008
(8) Providing that the state highway patrol or one or more public safety answering points of another 9-1-1 system function as a public safety answering point or points for the provision of wireline or wireless 9-1-1 for all or part of the territory of the system established under the final plan, as contemplated under division (J) of section 5507.03 <u>128.03</u> of the Revised Code;	12009 12010 12011 12012 12013 12014
(9) Making any other necessary adjustments to the plan.	12015
(B) Except as otherwise provided in division (C) of this section, a final plan shall be amended in the manner provided for adopting a final plan under sections 5507.06 to 5507.08 of the Revised Code, including convening a 9-1-1 planning committee and developing a proposed amended plan prior to adopting an amended final plan.	12016 12017 12018 12019 12020 12021
(C) (1) To amend a final plan for the purpose described in division (A)(7) of this section, an entity that wishes to be added	12022 12023

as a participant in a 9-1-1 system shall file a written letter of 12024
that intent with the board of county commissioners of the county 12025
that approved the final plan. The final plan is deemed amended 12026
upon the filing of that letter. The entity that files the letter 12027
shall send written notice of that filing to all subdivisions, 12028
regional councils of governments, and telephone companies 12029
participating in the system. 12030

(2) An amendment to a final plan for a any other purpose set 12031
forth in division (A)(~~1~~), (~~3~~), (~~6~~), or (~~9~~) of this section may be 12032
made by an addendum approved by a majority of the 9-1-1 planning 12033
committee. The board of county commissioners shall call a meeting 12034
of the 9-1-1 planning committee for the purpose of considering an 12035
addendum pursuant to this division. 12036

(3) Adoption of any resolution under section ~~5507.22~~ 128.22 12037
of the Revised Code pursuant to a final plan that both has been 12038
adopted and provides for funding through charges imposed under 12039
that section is not an amendment of a final plan for the purpose 12040
of this division. 12041

~~(D)~~(C) When a final plan is amended for a purpose described 12042
in division (A)(1), (2), or (7) of this section, sections ~~5507.18~~ 12043
128.18 and 5733.55 of the Revised Code apply with respect to the 12044
receipt of the nonrecurring and recurring rates and charges for 12045
the wireline telephone network portion of the 9-1-1 system. 12046

Sec. ~~5507.15~~ 128.15. (A) Within three years from the date an 12047
initial final plan becomes effective under division (B) of section 12048
~~5507.08~~ 128.08 of the Revised Code, the wireline service providers 12049
designated in the plan shall have installed the wireline telephone 12050
network portion of the 9-1-1 system according to the terms, 12051
conditions, requirements, and specifications set forth in that 12052
plan. 12053

(B)(1) Upon installation of a countywide 9-1-1 system, the 12054

board of county commissioners may direct the county engineer to 12055
erect and maintain at the county boundaries on county roads and 12056
state and interstate highways, signs indicating the availability 12057
of a countywide 9-1-1 system. Any sign erected by a county under 12058
this section shall be erected in accordance with and meet the 12059
specifications established under division (B)(2) of this section. 12060
All expenses incurred in erecting and maintaining the signs shall 12061
be paid by the county. 12062

(2) The director of transportation shall develop design 12063
specifications for signs giving notice of the availability of a 12064
countywide 9-1-1 system. The director also shall establish 12065
standards for the erection of the signs and, in accordance with 12066
federal law and regulations and recognized engineering practices, 12067
specify those locations where the signs shall not be erected. 12068

Sec. ~~5507-18~~ 128.18. (A) In accordance with this chapter and 12069
Chapters 4901., 4903., 4905., and 4909. of the Revised Code, the 12070
public utilities commission shall determine the just, reasonable, 12071
and compensatory rates, tolls, classifications, charges, or 12072
rentals to be observed and charged for the wireline telephone 12073
network portion of a basic or enhanced 9-1-1 system, and each 12074
telephone company that is a wireline service provider 12075
participating in the system shall be subject to those chapters, to 12076
the extent they apply, as to the service provided by its portion 12077
of the wireline telephone network for the system as described in 12078
the final plan or to be installed pursuant to agreements under 12079
section ~~5507-09~~ 128.09 of the Revised Code, and as to the rates, 12080
tolls, classifications, charges, or rentals to be observed and 12081
charged for that service. 12082

(B) Only the customers of a participating telephone company 12083
described in division (A) of this section that are served within 12084
the area covered by a 9-1-1 system shall pay the recurring rates 12085

for the maintenance and operation of the company's portion of the 12086
wireline telephone network of the system. Such rates shall be 12087
computed by dividing the total monthly recurring rates set forth 12088
in the company's schedule as filed in accordance with section 12089
4905.30 of the Revised Code, by the total number of residential 12090
and business customer access lines, or their equivalent, within 12091
the area served. Each residential and business customer within the 12092
area served shall pay the recurring rates based on the number of 12093
its residential and business customer access lines or their 12094
equivalent. No company shall include such amount on any customer's 12095
bill until the company has completed its portion of the wireline 12096
telephone network in accordance with the terms, conditions, 12097
requirements, and specifications of the final plan or an agreement 12098
made under section ~~5507.09~~ 128.09 of the Revised Code. 12099

(C)(1) Except as otherwise provided in division (C)(2) of 12100
this section, a participating telephone company described in 12101
division (A) of this section may receive through the credit 12102
authorized by section 5733.55 of the Revised Code the total 12103
nonrecurring charges for its portion of the wireline telephone 12104
network of the system and the total nonrecurring charges for any 12105
updating or modernization of that wireline telephone network in 12106
accordance with the terms, conditions, requirements, and 12107
specifications of the final plan or pursuant to agreements under 12108
section ~~5507.09~~ 128.09 of the Revised Code, as such charges are 12109
set forth in the schedule filed by the telephone company in 12110
accordance with section 4905.30 of the Revised Code. However, that 12111
portion, updating, or modernization shall not be for or include 12112
the provision of wireless 9-1-1. As applicable, the receipt of 12113
permissible charges shall occur only upon the completion of the 12114
installation of the network or the completion of the updating or 12115
modernization. 12116

(2) The credit shall not be allowed under division (C)(1) of 12117

this section for the upgrading of a system from basic to enhanced 12118
wireline 9-1-1 if both of the following apply: 12119

(a) The telephone company received the credit for the 12120
wireline telephone network portion of the basic 9-1-1 system now 12121
proposed to be upgraded. 12122

(b) At the time the final plan or agreement pursuant to 12123
section ~~5507.09~~ 128.09 of the Revised Code calling for the basic 12124
9-1-1 system was agreed to, the telephone company was capable of 12125
reasonably meeting the technical and economic requirements of 12126
providing the wireline telephone network portion of an enhanced 12127
9-1-1 system within the territory proposed to be upgraded, as 12128
determined by the ~~department of public safety steering committee~~ 12129
under division (A) or (H) of section ~~5507.03~~ 128.03 or division 12130
(C) of section ~~5507.09~~ 128.09 of the Revised Code. 12131

(3) If the credit is not allowed under division (C)(2) of 12132
this section, the total nonrecurring charges for the wireline 12133
telephone network used in providing 9-1-1 service, as set forth in 12134
the schedule filed by a telephone company in accordance with 12135
section 4905.30 of the Revised Code, on completion of the 12136
installation of the network in accordance with the terms, 12137
conditions, requirements, and specifications of the final plan or 12138
pursuant to section ~~5507.09~~ 128.09 of the Revised Code, shall be 12139
paid by the municipal corporations and townships with any 12140
territory in the area in which such upgrade from basic to enhanced 12141
9-1-1 is made. 12142

(D) If customer premises equipment for a public safety 12143
answering point is supplied by a telephone company that is 12144
required to file a schedule under section 4905.30 of the Revised 12145
Code pertaining to customer premises equipment, the recurring and 12146
nonrecurring rates and charges for the installation and 12147
maintenance of the equipment specified in the schedule shall 12148
apply. 12149

Sec. ~~5507.22~~ 128.22. (A)(1) For the purpose of paying the 12150
costs of establishing, equipping, and furnishing one or more 12151
public safety answering points as part of a countywide 9-1-1 12152
system effective under division (B) of section ~~5507.08~~ 128.08 of 12153
the Revised Code and paying the expense of administering and 12154
enforcing this section, the board of county commissioners of a 12155
county, in accordance with this section, may fix and impose, on 12156
each lot or parcel of real property in the county that is owned by 12157
a person, municipal corporation, township, or other political 12158
subdivision and is improved, or is in the process of being 12159
improved, reasonable charges to be paid by each such owner. The 12160
charges shall be sufficient to pay only the estimated allowed 12161
costs and shall be equal in amount for all such lots or parcels. 12162

(2) For the purpose of paying the costs of operating and 12163
maintaining the answering points and paying the expense of 12164
administering and enforcing this section, the board, in accordance 12165
with this section, may fix and impose reasonable charges to be 12166
paid by each owner, as provided in division (A)(1) of this 12167
section, that shall be sufficient to pay only the estimated 12168
allowed costs and shall be equal in amount for all such lots or 12169
parcels. The board may fix and impose charges under this division 12170
pursuant to a resolution adopted for the purposes of both 12171
divisions (A)(1) and (2) of this section or pursuant to a 12172
resolution adopted solely for the purpose of division (A)(2) of 12173
this section, and charges imposed under division (A)(2) of this 12174
section may be separately imposed or combined with charges imposed 12175
under division (A)(1) of this section. 12176

(B) Any board adopting a resolution under this section 12177
pursuant to a final plan initiating the establishment of a 9-1-1 12178
system or pursuant to an amendment to a final plan shall adopt the 12179
resolution within sixty days after the board receives the final 12180
plan for the 9-1-1 system pursuant to division (C) of section 12181

~~5507.07~~ 128.07 of the Revised Code. The board by resolution may 12182
change any charge imposed under this section whenever the board 12183
considers it advisable. Any resolution adopted under this section 12184
shall declare whether securities will be issued under Chapter 133. 12185
of the Revised Code in anticipation of the collection of unpaid 12186
special assessments levied under this section. 12187

(C) The board shall adopt a resolution under this section at 12188
a public meeting held in accordance with section 121.22 of the 12189
Revised Code. Additionally, the board, before adopting any such 12190
resolution, shall hold at least two public hearings on the 12191
proposed charges. Prior to the first hearing, the board shall 12192
publish notice of the hearings once a week for two consecutive 12193
weeks in a newspaper of general circulation in the county or as 12194
provided in section 7.16 of the Revised Code. The notice shall 12195
include a listing of the charges proposed in the resolution and 12196
the date, time, and location of each of the hearings. The board 12197
shall hear any person who wishes to testify on the charges or the 12198
resolution. 12199

(D) No resolution adopted under this section shall be 12200
effective sooner than thirty days following its adoption nor shall 12201
any such resolution be adopted as an emergency measure. The 12202
resolution is subject to a referendum in accordance with sections 12203
305.31 to 305.41 of the Revised Code unless, in the resolution, 12204
the board of county commissioners directs the board of elections 12205
of the county to submit the question of imposing the charges to 12206
the electors of the county at the next primary or general election 12207
in the county occurring not less than ninety days after the 12208
resolution is certified to the board. No resolution shall go into 12209
effect unless approved by a majority of those voting upon it in 12210
any election allowed under this division. 12211

(E) To collect charges imposed under division (A) of this 12212
section, the board of county commissioners shall certify them to 12213

the county auditor of the county who then shall place them upon 12214
the real property duplicate against the properties to be assessed, 12215
as provided in division (A) of this section. Each assessment shall 12216
bear interest at the same rate that securities issued in 12217
anticipation of the collection of the assessments bear, is a lien 12218
on the property assessed from the date placed upon the real 12219
property duplicate by the auditor, and shall be collected in the 12220
same manner as other taxes. 12221

(F) All money collected by or on behalf of a county under 12222
this section shall be paid to the county treasurer of the county 12223
and kept in a separate and distinct fund to the credit of the 12224
county. The fund shall be used to pay the costs allowed in 12225
division (A) of this section and specified in the resolution 12226
adopted under that division. In no case shall any surplus so 12227
collected be expended for other than the use and benefit of the 12228
county. 12229

Sec. ~~5507.25~~ 128.25. (A) This section applies only to a 12230
county that meets both of the following conditions: 12231

(1) A final plan for a countywide 9-1-1 system either has not 12232
been approved in the county under section ~~5507.08~~ 128.08 of the 12233
Revised Code or has been approved but has not been put into 12234
operation because of a lack of funding; 12235

(2) The board of county commissioners, at least once, has 12236
submitted to the electors of the county the question of raising 12237
funds for a 9-1-1 system under section ~~5507.22~~ 128.22, 5705.19, or 12238
5739.026 of the Revised Code, and a majority of the electors has 12239
disapproved the question each time it was submitted. 12240

(B) A board of county commissioners may adopt a resolution 12241
imposing a monthly charge on telephone access lines to pay for the 12242
equipment costs of establishing and maintaining no more than three 12243
public safety answering points of a countywide 9-1-1 system, which 12244

public safety answering points shall be only twenty-four-hour 12245
dispatching points already existing in the county. The resolution 12246
shall state the amount of the charge, which shall not exceed fifty 12247
cents per month, and the month the charge will first be imposed, 12248
which shall be no earlier than four months after the special 12249
election held pursuant to this section. Each residential and 12250
business telephone company customer within the area served by the 12251
9-1-1 system shall pay the monthly charge for each of its 12252
residential or business customer access lines or their equivalent. 12253

Before adopting a resolution under this division, the board 12254
of county commissioners shall hold at least two public hearings on 12255
the proposed charge. Before the first hearing, the board shall 12256
publish notice of the hearings once a week for two consecutive 12257
weeks in a newspaper of general circulation in the county or as 12258
provided in section 7.16 of the Revised Code. The notice shall 12259
state the amount of the proposed charge, an explanation of the 12260
necessity for the charge, and the date, time, and location of each 12261
of the hearings. 12262

(C) A resolution adopted under division (B) of this section 12263
shall direct the board of elections to submit the question of 12264
imposing the charge to the electors of the county at a special 12265
election on the day of the next primary or general election in the 12266
county. The board of county commissioners shall certify a copy of 12267
the resolution to the board of elections not less than ninety days 12268
before the day of the special election. No resolution adopted 12269
under division (B) of this section shall take effect unless 12270
approved by a majority of the electors voting upon the resolution 12271
at an election held pursuant to this section. 12272

In any year, the board of county commissioners may impose a 12273
lesser charge than the amount originally approved by the electors. 12274
The board may change the amount of the charge no more than once a 12275
year. The board may not impose a charge greater than the amount 12276

approved by the electors without first holding an election on the 12277
question of the greater charge. 12278

(D) Money raised from a monthly charge on telephone access 12279
lines under this section shall be deposited into a special fund 12280
created in the county treasury by the board of county 12281
commissioners pursuant to section 5705.12 of the Revised Code, to 12282
be used only for the necessary equipment costs of establishing and 12283
maintaining no more than three public safety answering points of a 12284
countywide 9-1-1 system pursuant to a resolution adopted under 12285
division (B) of this section. In complying with this division, any 12286
county may seek the assistance of the ~~department of public safety~~ 12287
steering committee with regard to operating and maintaining a 12288
9-1-1 system. 12289

(E) Pursuant to the voter approval required by division (C) 12290
of this section, the final plan for a countywide 9-1-1 system that 12291
will be funded through a monthly charge imposed in accordance with 12292
this section shall be amended by the existing 9-1-1 planning 12293
committee, and the amendment of such a final plan is not an 12294
amendment of a final plan for the purpose of division (A) of 12295
section ~~5507.12~~ 128.12 of the Revised Code. 12296

Sec. ~~5507.26~~ 128.26. (A) This section applies only to a 12297
county that has a final plan for a countywide 9-1-1 system that 12298
either has not been approved in the county under section ~~5507.08~~ 12299
128.08 of the Revised Code or has been approved but has not been 12300
put into operation because of a lack of funding. 12301

(B) A board of county commissioners may adopt a resolution 12302
imposing a monthly charge on telephone access lines to pay for the 12303
operating and equipment costs of establishing and maintaining no 12304
more than one public safety answering point of a countywide 9-1-1 12305
system. The resolution shall state the amount of the charge, which 12306
shall not exceed fifty cents per month, and the month the charge 12307

will first be imposed, which shall be no earlier than four months 12308
after the special election held pursuant to this section. Each 12309
residential and business telephone company customer within the 12310
area of the county served by the 9-1-1 system shall pay the 12311
monthly charge for each of its residential or business customer 12312
access lines or their equivalent. 12313

Before adopting a resolution under this division, the board 12314
of county commissioners shall hold at least two public hearings on 12315
the proposed charge. Before the first hearing, the board shall 12316
publish notice of the hearings once a week for two consecutive 12317
weeks in a newspaper of general circulation in the county or as 12318
provided in section 7.16 of the Revised Code. The notice shall 12319
state the amount of the proposed charge, an explanation of the 12320
necessity for the charge, and the date, time, and location of each 12321
of the hearings. 12322

(C) A resolution adopted under division (B) of this section 12323
shall direct the board of elections to submit the question of 12324
imposing the charge to the electors of the county at a special 12325
election on the day of the next primary or general election in the 12326
county. The board of county commissioners shall certify a copy of 12327
the resolution to the board of elections not less than ninety days 12328
before the day of the special election. No resolution adopted 12329
under division (B) of this section shall take effect unless 12330
approved by a majority of the electors voting upon the resolution 12331
at an election held pursuant to this section. 12332

In any year, the board of county commissioners may impose a 12333
lesser charge than the amount originally approved by the electors. 12334
The board may change the amount of the charge no more than once a 12335
year. The board shall not impose a charge greater than the amount 12336
approved by the electors without first holding an election on the 12337
question of the greater charge. 12338

(D) Money raised from a monthly charge on telephone access 12339

lines under this section shall be deposited into a special fund 12340
created in the county treasury by the board of county 12341
commissioners pursuant to section 5705.12 of the Revised Code, to 12342
be used only for the necessary operating and equipment costs of 12343
establishing and maintaining no more than one public safety 12344
answering point of a countywide 9-1-1 system pursuant to a 12345
resolution adopted under division (B) of this section. In 12346
complying with this division, any county may seek the assistance 12347
of the ~~department of public safety steering committee~~ with regard 12348
to operating and maintaining a 9-1-1 system. 12349

(E) Nothing in sections ~~5507.01 128.01~~ to ~~5507.34 128.34~~ of 12350
the Revised Code precludes a final plan adopted in accordance with 12351
those sections from being amended to provide that, by agreement 12352
included in the plan, a public safety answering point of another 12353
countywide 9-1-1 system is the public safety answering point of a 12354
countywide 9-1-1 system funded through a monthly charge imposed in 12355
accordance with this section. In that event, the county for which 12356
the public safety answering point is provided shall be deemed the 12357
subdivision operating the public safety answering point for 12358
purposes of sections ~~5507.01 128.01~~ to ~~5507.34 128.34~~ of the 12359
Revised Code, except that, for the purpose of division (D) of 12360
section ~~5507.03 128.03~~ of the Revised Code, the county shall pay 12361
only so much of the costs associated with establishing, equipping, 12362
furnishing, operating, or maintaining the public safety answering 12363
point specified in the agreement included in the final plan. 12364

(F) Pursuant to the voter approval required by division (C) 12365
of this section, the final plan for a countywide 9-1-1 system that 12366
will be funded through a monthly charge imposed in accordance with 12367
this section, or that will be amended to include an agreement 12368
described in division (E) of this section, shall be amended by the 12369
existing 9-1-1 planning committee, and the amendment of such a 12370
final plan is not an amendment of a final plan for the purpose of 12371

division (A) of section ~~5507.12~~ 128.12 of the Revised Code. 12372

Sec. ~~5507.27~~ 128.27. (A) As part of its normal monthly 12373
billing process, each telephone company with customers in the area 12374
served by a 9-1-1 system shall bill and collect from those 12375
customers any charge imposed under section ~~5507.25~~ 128.25 or 12376
~~5507.26~~ 128.26 of the Revised Code. The company may list the 12377
charge as a separate entry on each bill and may indicate on the 12378
bill that the charge is made pursuant to approval of a ballot 12379
issue by county voters. Any customer billed by a company for a 12380
charge imposed under section ~~5507.25~~ 128.25 or ~~5507.26~~ 128.26 of 12381
the Revised Code is liable to the county for the amount billed. 12382
The company shall apply any partial payment of a customer's bill 12383
first to the amount the customer owes the company. The company 12384
shall keep complete records of charges it bills and collects, and 12385
such records shall be open during business hours for inspection by 12386
the county commissioners or their agents or employees. If a 12387
company fails to bill any customer for the charge, it is liable to 12388
the county for the amount that was not billed. 12389

(B) A telephone company that collects charges under this 12390
section shall remit the money to the county on a quarterly basis. 12391
The company may retain three per cent of any charge it collects as 12392
compensation for the costs of such collection. If a company 12393
collects charges under this section and fails to remit the money 12394
to the county as prescribed, it is liable to the county for any 12395
amount collected and not remitted. 12396

Sec. ~~5507.32~~ 128.32. (A)(1) The state, the state highway 12397
patrol, a subdivision, or a regional council of governments 12398
participating in a 9-1-1 system established under this chapter and 12399
any officer, agent, employee, or independent contractor of the 12400
state, the state highway patrol, or such a participating 12401
subdivision or regional council of governments is not liable in 12402

damages in a civil action for injuries, death, or loss to persons 12403
or property arising from any act or omission, except willful or 12404
wanton misconduct, in connection with developing, adopting, or 12405
approving any final plan or any agreement made under section 12406
~~5507.09~~ 128.09 of the Revised Code or otherwise bringing into 12407
operation the 9-1-1 system pursuant to this chapter. 12408

(2) The ~~Ohio 9-1-1 council, the wireless 9-1-1 advisory~~ 12409
~~board, steering committee~~ and any member of ~~that council or board~~ 12410
the steering committee are not liable in damages in a civil action 12411
for injuries, death, or loss to persons or property arising from 12412
any act or omission, except willful or wanton misconduct, in 12413
connection with the development or operation of a 9-1-1 system 12414
established under this chapter. 12415

(B) Except as otherwise provided in this section ~~5507.32~~ of 12416
~~the Revised Code~~, an individual who gives emergency instructions 12417
through a 9-1-1 system established under this chapter, and the 12418
principals for whom the person acts, including both employers and 12419
independent contractors, public and private, and an individual who 12420
follows emergency instructions and the principals for whom that 12421
person acts, including both employers and independent contractors, 12422
public and private, are not liable in damages in a civil action 12423
for injuries, death, or loss to persons or property arising from 12424
the issuance or following of emergency instructions, except where 12425
the issuance or following of the instructions constitutes willful 12426
or wanton misconduct. 12427

(C) Except for willful or wanton misconduct, a telephone 12428
company, and any other installer, maintainer, or provider, through 12429
the sale or otherwise, of customer premises equipment, and their 12430
respective officers, directors, employees, agents, and suppliers 12431
are not liable in damages in a civil action for injuries, death, 12432
or loss to persons or property incurred by any person resulting 12433
from any of the following: 12434

(1) Such an entity's or its officers', directors', employees', agents', or suppliers' participation in or acts or omissions in connection with participating in or developing, maintaining, or operating a 9-1-1 system; 12435
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(2) Such an entity's or its officers', directors', employees', agents', or suppliers' provision of assistance to a public utility, municipal utility, or state or local government as authorized by divisions (G)(4) and (5) of this section. 12439
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(D) Except for willful or wanton misconduct, a provider of and a seller of a prepaid wireless calling service and their respective officers, directors, employees, agents, and suppliers are not liable in damages in a civil action for injuries, death, or loss to persons or property incurred by any person resulting from anything described in division (C) of this section. 12443
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(E) No person shall knowingly use the telephone number of a 9-1-1 system established under this chapter to report an emergency if the person knows that no emergency exists. 12449
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12451

(F) No person shall knowingly use a 9-1-1 system for a purpose other than obtaining emergency service. 12452
12453

(G) No person shall disclose or use any information concerning telephone numbers, addresses, or names obtained from the data base that serves the public safety answering point of a 9-1-1 system established under this chapter, except for any of the following purposes or under any of the following circumstances: 12454
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12456
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(1) For the purpose of the 9-1-1 system; 12459

(2) For the purpose of responding to an emergency call to an emergency service provider; 12460
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(3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the 12462
12463
12464

data base to be restricted to 9-1-1 specific answering lines at a 12465
public safety answering point; 12466

(4) In the circumstance of access to a data base being given 12467
by a telephone company that is a wireline service provider to a 12468
public utility or municipal utility in handling customer calls in 12469
times of public emergency or service outages. The charge, terms, 12470
and conditions for the disclosure or use of such information for 12471
the purpose of such access to a data base shall be subject to the 12472
jurisdiction of the ~~department of public safety steering~~ 12473
committee. 12474

(5) In the circumstance of access to a data base given by a 12475
telephone company that is a wireline service provider to a state 12476
and local government in warning of a public emergency, as 12477
determined by the ~~department of public safety steering committee.~~ 12478
The charge, terms, and conditions for the disclosure or use of 12479
that information for the purpose of access to a data base is 12480
subject to the jurisdiction of the ~~department of public safety~~ 12481
steering committee. 12482

Sec. 5507.34 128.34. (A) The attorney general, upon request 12483
of the ~~department of public safety steering committee,~~ or on the 12484
attorney general's own initiative, shall begin proceedings against 12485
a telephone company that is a wireline service provider to enforce 12486
compliance with this chapter or with the terms, conditions, 12487
requirements, or specifications of a final plan or of an agreement 12488
under section ~~5507.09~~ 128.09 of the Revised Code as to wireline or 12489
wireless 9-1-1. 12490

(B) The attorney general, upon the attorney general's own 12491
initiative, or any prosecutor, upon the prosecutor's initiative, 12492
shall begin proceedings against a subdivision or a regional 12493
council of governments as to wireline or wireless 9-1-1 to enforce 12494
compliance with this chapter or with the terms, conditions, 12495

requirements, or specifications of a final plan or of an agreement 12496
under section ~~5507.09~~ 128.09 of the Revised Code as to wireline or 12497
wireless 9-1-1. 12498

Sec. ~~5507.40~~ 128.40. There is hereby created within the 12499
~~public utilities commission~~ department of administrative services 12500
the 9-1-1 ~~service program office~~, headed by an ~~Ohio 9-1-1~~ 12501
~~coordinator~~ administrator in the unclassified civil service 12502
pursuant to division (A)(9) of section 124.11 of the Revised Code. 12503
The ~~coordinator~~ administrator shall be appointed by and serve at 12504
the pleasure of the ~~commission chairperson~~ director of 12505
administrative services and shall report directly to the 12506
~~chairperson~~. On May 6, 2005, the chairperson shall appoint an 12507
~~interim coordinator~~ and, upon submission of a list of nominees by 12508
the ~~Ohio 9-1-1 council~~ pursuant to section 5507.65 of the Revised 12509
Code, shall consider those nominees in making the final 12510
appointment and in appointing any subsequent coordinator. The 12511
~~chairperson~~ may request the council to submit additional nominees 12512
and may reject any of the nominees. The chairperson shall fix the 12513
compensation of the coordinator. The chairperson shall evaluate 12514
the performance of the coordinator after considering the 12515
evaluation and recommendations of the council under section 12516
5507.65 of the Revised Code state chief information officer. The 12517
program office 12518

The ~~Ohio 9-1-1 coordinator~~ shall administer the wireless 12519
9-1-1 government assistance fund as specified in sections ~~5507.53~~ 12520
128.53 and ~~5507.55~~ 128.55 of the Revised Code. The ~~coordinator~~ 12521
shall carry out the ~~coordinator's~~ duties under this chapter. The 12522
~~chairperson~~ may establish additional duties of the coordinator 12523
based on a list of recommended duties submitted by the ~~Ohio 9-1-1~~ 12524
~~council~~ pursuant to section 5507.65 of the Revised Code. The 12525
~~chairperson~~ may assign one or more commission employees to assist 12526
the ~~coordinator~~ in carrying out the ~~coordinator's~~ duties. 12527

~~Sec. 5507.42~~ 128.42. (A) There is hereby imposed a wireless 12528
9-1-1 charge of twenty-five cents per month as follows: 12529

(1) On each wireless telephone number of a wireless service 12530
subscriber who has a billing address in this state. The subscriber 12531
shall pay the wireless 9-1-1 charge for each such wireless 12532
telephone number assigned to the subscriber. Each wireless service 12533
provider and each reseller shall collect the wireless 9-1-1 charge 12534
as a specific line item on each subscriber's monthly bill. The 12535
line item shall be expressly designated "State/Local Wireless-E911 12536
Costs (\$0.25/billed number)." If a provider bills a subscriber for 12537
any wireless enhanced 9-1-1 costs that the provider may incur, the 12538
charge or amount is not to appear in the same line item as the 12539
state/local line item. If the charge or amount is to appear in its 12540
own, separate line item on the bill, the charge or amount shall be 12541
expressly designated "[Name of Provider] Federal Wireless-E911 12542
Costs." 12543

(2)(a) Prior to January 1, 2014, on each subscriber of 12544
prepaid wireless service. A wireless service provider or reseller 12545
shall collect the wireless 9-1-1 charge in either of the following 12546
manners: 12547

(i) If the subscriber has a positive account balance on the 12548
last day of the month and has used the service during that month, 12549
by reducing that balance not later than the end of the first week 12550
of the following month by twenty-five cents or an equivalent 12551
number of airtime minutes; 12552

(ii) By dividing the total earned prepaid wireless telephone 12553
revenue from sales within this state received by the wireless 12554
service provider or reseller during the month by fifty, 12555
multiplying the quotient by twenty-five cents. 12556

(b) Amounts collected under division (A)(2) of this section 12557
shall be remitted pursuant to division (A)(1) of section ~~5507.46~~ 12558

128.46 of the Revised Code. 12559

The wireless 9-1-1 charges authorized under this section 12560
shall not be imposed on a subscriber of wireless lifeline service 12561
or a provider of that service. 12562

(B) Beginning January 1, 2014: 12563

(1) There is hereby imposed, on each retail sale of a prepaid 12564
wireless calling service occurring in this state, a wireless 9-1-1 12565
charge of five_tenths of one per cent of the sale price. 12566

(2) For purposes of division (B)(1) of this section, a retail 12567
sale occurs in this state if it is effected by the consumer 12568
appearing in person at a seller's business location in this state, 12569
or if the sale is sourced to this state under division (E)(3) of 12570
section 5739.034 of the Revised Code, except that under that 12571
division, in lieu of sourcing a sale under division (C)(5) of 12572
section 5739.033 of the Revised Code, the seller, rather than the 12573
service provider, may elect to source the sale to the location 12574
associated with the mobile telephone number. 12575

(3)(a) Except as provided in division (B)(4)(c) of this 12576
section, the seller of the prepaid wireless calling service shall 12577
collect the charge from the consumer at the time of each retail 12578
sale and disclose the amount of the charge to the consumer at the 12579
time of the sale by itemizing the charge on the receipt, invoice, 12580
or similar form of written documentation provided to the consumer. 12581

(b) The seller shall comply with the reporting and remittance 12582
requirements under section ~~5507.46~~ 128.46 of the Revised Code. 12583

(4) When a prepaid wireless calling service is sold with one 12584
or more other products or services for a single, nonitemized 12585
price, the wireless 9-1-1 charge imposed under division (B)(1) of 12586
this section shall apply to the entire nonitemized price, except 12587
as provided in divisions (B)(4)(a) to (c) of this section. 12588

(a) If the amount of the prepaid wireless calling service is disclosed to the consumer as a dollar amount, the seller may elect to apply the charge only to that dollar amount.

(b) If the seller can identify the portion of the nonitemized price that is attributable to the prepaid wireless calling service, by reasonable and verifiable standards from the seller's books and records that are kept in the regular course of business for other purposes, including nontax purposes, the seller may elect to apply the charge only to that portion.

(c) If a minimal amount of a prepaid wireless calling service is sold with a prepaid wireless calling device for the single, nonitemized price, the seller may elect not to collect the charge. As used in this division, "minimal" means either ten minutes or less or five dollars or less.

(C) The wireless 9-1-1 charges shall be exempt from state or local taxation.

Sec. ~~5507.44~~ 128.44. Beginning January 1, 2014, the tax commissioner shall provide notice to all known wireless service providers, resellers, and sellers of prepaid wireless calling services of any increase or decrease in either of the wireless 9-1-1 charges imposed under section ~~5507.42~~ 128.42 of the Revised Code. Each notice shall be provided not less than thirty days before the effective date of the increase or decrease.

Sec. ~~5507.46~~ 128.46. (A) Prior to January 1, 2014:

(1) A wireless service provider or reseller, not later than the last day of each month, shall remit the full amount of all wireless 9-1-1 charges it collected under division (A) of section ~~5507.42~~ 128.42 of the Revised Code for the second preceding calendar month to the ~~Ohio 9-1-1 coordinator~~ administrator, with the exception of charges equivalent to the amount authorized as a

billing and collection fee under division (A)(2) of this section. 12619
In doing so, the provider or reseller may remit the requisite 12620
amount in any reasonable manner consistent with its existing 12621
operating or technological capabilities, such as by customer 12622
address, location associated with the wireless telephone number, 12623
or another allocation method based on comparable, relevant data. 12624
If the wireless service provider or reseller receives a partial 12625
payment for a bill from a wireless service subscriber, the 12626
wireless service provider or reseller shall apply the payment 12627
first against the amount the subscriber owes the wireless service 12628
provider or reseller and shall remit to the ~~coordinator~~ 12629
administrator such lesser amount, if any, as results from that 12630
invoice. 12631

(2) A wireless service provider or reseller may retain as a 12632
billing and collection fee two per cent of the total wireless 12633
9-1-1 charges it collects in a month and shall account to the 12634
~~coordinator~~ administrator for the amount retained. 12635

(3) The ~~coordinator~~ administrator shall return to, or credit 12636
against the next month's remittance of, a wireless service 12637
provider or reseller the amount of any remittances the ~~coordinator~~ 12638
administrator determines were erroneously submitted by the 12639
provider or reseller. 12640

(B) Beginning January 1, 2014: 12641

(1) Each seller of a prepaid wireless calling service, 12642
wireless service provider, and reseller shall, on or before the 12643
twenty-third day of each month, except as provided in divisions 12644
(B)(2) and (3) of this section, do both of the following: 12645

(a) Make and file a return for the preceding month, in the 12646
form prescribed by the tax commissioner, showing the amount of the 12647
wireless 9-1-1 charges due under section ~~5507.42~~ 128.42 of the 12648
Revised Code for that month; 12649

(b) Remit the full amount due, as shown on the return, with the exception of charges equivalent to the amount authorized as a collection fee under division (B)(4) of this section.

(2) The commissioner may grant one or more thirty-day extensions for making and filing returns and remitting amounts due.

(3) If a seller is required to collect prepaid wireless 9-1-1 charges in amounts that do not merit monthly returns, the commissioner may authorize the seller to make and file returns less frequently. The commissioner shall ascertain whether this authorization is warranted upon the basis of administrative costs to the state.

(4) A wireless service provider, reseller, and seller may each retain as a collection fee three per cent of the total wireless 9-1-1 charges required to be collected under section ~~5507.42~~ 128.42 of the Revised Code, and shall account to the tax commissioner for the amount retained.

(5) The return required under division (B)(1)(a) of this section shall be filed electronically using the Ohio business gateway, as defined in section 718.051 of the Revised Code, the Ohio telefile system, or any other electronic means prescribed by the tax commissioner. Remittance of the amount due shall be made electronically in a manner approved by the commissioner. A wireless service provider, reseller, or seller may apply to the commissioner on a form prescribed by the commissioner to be excused from either electronic requirement of this division. For good cause shown, the commissioner may excuse the provider, reseller, or seller from either or both of the requirements and may permit the provider, reseller, or seller to file returns or make remittances by nonelectronic means.

(C)(1) Prior to January 1, 2014, each subscriber on which a

wireless 9-1-1 charge is imposed under division (A) of section 12681
~~5507.42~~ 128.42 of the Revised Code is liable to the state for the 12682
amount of the charge. If a wireless service provider or reseller 12683
fails to collect the charge under that division from a subscriber 12684
of prepaid wireless service, or fails to bill any other subscriber 12685
for the charge, the wireless service provider or reseller is 12686
liable to the state for the amount not collected or billed. If a 12687
wireless service provider or reseller collects charges under that 12688
division and fails to remit the money to the ~~coordinator~~ 12689
administrator, the wireless service provider or reseller is liable 12690
to the state for any amount collected and not remitted. 12691

(2) Beginning January 1, 2014: 12692

(a) Each subscriber or consumer on which a wireless 9-1-1 12693
charge is imposed under section ~~5507.42~~ 128.42 of the Revised Code 12694
is liable to the state for the amount of the charge. If a wireless 12695
service provider or reseller fails to bill or collect the charge, 12696
or if a seller fails to collect the charge, the provider, 12697
reseller, or seller is liable to the state for the amount not 12698
billed or collected. If a provider, reseller, or seller fails to 12699
remit money to the tax commissioner as required under this 12700
section, the provider, reseller, or seller is liable to the state 12701
for the amount not remitted, regardless of whether the amount was 12702
collected. 12703

(b) No provider of a prepaid wireless calling service shall 12704
be liable to the state for any wireless 9-1-1 charge imposed under 12705
division (B)(1) of section ~~5507.42~~ 128.42 of the Revised Code that 12706
was not collected or remitted. 12707

(D) Prior to January 1, 2014: 12708

(1) If the ~~public utilities commission steering committee~~ has 12709
reason to believe that a wireless service provider or reseller has 12710
failed to bill, collect, or remit the wireless 9-1-1 charge as 12711

required by divisions (A)(1) and (C)(1) of this section or has 12712
retained more than the amount authorized under division (A)(2) of 12713
this section, and after written notice to the provider or 12714
reseller, the ~~commission~~ steering committee may audit the provider 12715
or reseller for the sole purpose of making such a determination. 12716
The audit may include, but is not limited to, a sample of the 12717
provider's or reseller's billings, collections, remittances, or 12718
retentions for a representative period, and the ~~commission~~ 12719
steering committee shall make a good faith effort to reach 12720
agreement with the provider or reseller in selecting that sample. 12721

(2) Upon written notice to the wireless service provider or 12722
reseller, the ~~commission~~ steering committee, by order after 12723
completion of the audit, may make an assessment against the 12724
provider or reseller if, pursuant to the audit, the ~~commission~~ 12725
steering committee determines that the provider or reseller has 12726
failed to bill, collect, or remit the wireless 9-1-1 charge as 12727
required by divisions (A)(1) and (C)(1) of this section or has 12728
retained more than the amount authorized under division (A)(2) of 12729
this section. The assessment shall be in the amount of any 12730
remittance that was due and unpaid on the date notice of the audit 12731
was sent by the ~~commission~~ steering committee to the provider or 12732
reseller or, as applicable, in the amount of the excess amount 12733
under division (A)(2) of this section retained by the provider or 12734
reseller as of that date. 12735

(3) The portion of any assessment not paid within sixty days 12736
after the date of service by the ~~commission~~ steering committee of 12737
the assessment notice under division (D)(2) of this section shall 12738
bear interest from that date until paid at the rate per annum 12739
prescribed by section 5703.47 of the Revised Code. That interest 12740
may be collected by making an assessment under division (D)(2) of 12741
this section. An assessment under this division and any interest 12742
12743

due shall be remitted in the same manner as the wireless 9-1-1 12744
charge imposed under division (A) of section ~~5507.42~~ 128.42 of the 12745
Revised Code. 12746

~~(4) An assessment is final and due and payable and shall be 12747
remitted to the commission unless the assessed party petitions for 12748
rehearing under section 4903.10 of the Revised Code. The 12749
proceedings of the commission specified in division (D)(4) of this 12750
section are subject to and governed by Chapter 4903. of the 12751
Revised Code, except that the court of appeals of Franklin county 12752
has exclusive, original jurisdiction to review, modify, or vacate 12753
an order of the commission under division (D)(2) of this section. 12754
The court shall hear and determine such appeal in the same manner 12755
and under the same standards as the Ohio supreme court hears and 12756
determines appeals under Chapter 4903. of the Revised Code. 12757~~

~~The judgment of the court of appeals is final and conclusive 12758
unless reversed, vacated, or modified on appeal. Such an appeal 12759
may be made by the commission or the person to whom the order 12760
under division (D)(2) of this section was issued and shall proceed 12761
as in the case of appeals in civil actions as provided in Chapter 12762
2505. of the Revised Code. Unless the provider, reseller, or 12763
seller assessed files with the steering committee within sixty 12764
days after service of the notice of assessment, either personally 12765
or by certified mail, a written petition for reassessment, signed 12766
by the party assessed or that party's authorized agent having 12767
knowledge of the facts, the assessment shall become final and the 12768
amount of the assessment shall be due and payable from the party 12769
assessed to the administrator. The petition shall indicate the 12770
objections of the party assessed, but additional objections may be 12771
raised in writing if received by the administrator or the steering 12772
committee prior to the date shown on the final determination. 12773~~

(5) After an assessment becomes final, if any portion of the 12774
assessment remains unpaid, including accrued interest, a certified 12775

copy of the ~~commission's entry making the assessment~~ final 12776
assessment may be filed in the office of the clerk of the court of 12777
common pleas in the county in which the place of business of the 12778
assessed party is located. If the party assessed maintains no 12779
place of business in this state, the certified copy of the ~~entry~~ 12780
final assessment may be filed in the office of the clerk of the 12781
court of common pleas of Franklin county. Immediately upon the 12782
filing, the clerk shall enter a judgment for the state against the 12783
assessed party in the amount shown on the ~~entry~~ final assessment. 12784
The judgment may be filed by the clerk in a loose-leaf book 12785
entitled "special judgments for wireless 9-1-1 charges" and shall 12786
have the same effect as other judgments. The judgment shall be 12787
executed upon the request of the ~~commission~~ steering committee. 12788

(6) An assessment under this division does not discharge a 12789
subscriber's liability to reimburse the provider or reseller for 12790
the wireless 9-1-1 charge imposed under division (A) of section 12791
~~5507.42~~ 128.42 of the Revised Code. If, after the date of service 12792
of the audit notice under division (D)(1) of this section, a 12793
subscriber pays a wireless 9-1-1 charge for the period covered by 12794
the assessment, the payment shall be credited against the 12795
assessment. 12796

(7) All money collected by the ~~commission~~ administrator under 12797
division (D) of this section shall be paid to the treasurer of 12798
state, for deposit to the credit of the wireless 9-1-1 government 12799
assistance fund. 12800

(E) Beginning January 1, 2014: 12801

(1) If the tax commissioner has reason to believe that a 12802
wireless service provider, reseller, or seller has failed to bill, 12803
collect, or remit the wireless 9-1-1 charge as required by this 12804
section and section ~~5507.42~~ 128.42 of the Revised Code or has 12805
retained more than the amount authorized under division (B)(4) of 12806
this section, and after written notice to the provider, reseller, 12807

or seller, the tax commissioner may audit the provider, reseller, 12808
or seller for the sole purpose of making such a determination. The 12809
audit may include, but is not limited to, a sample of the 12810
provider's, reseller's, or seller's billings, collections, 12811
remittances, or retentions for a representative period, and the 12812
tax commissioner shall make a good faith effort to reach agreement 12813
with the provider, reseller, or seller in selecting that sample. 12814

(2) Upon written notice to the wireless service provider, 12815
reseller, or seller, the tax commissioner, after completion of the 12816
audit, may make an assessment against the provider, reseller, or 12817
seller if, pursuant to the audit, the tax commissioner determines 12818
that the provider, reseller, or seller has failed to bill, 12819
collect, or remit the wireless 9-1-1 charge as required by this 12820
section and section ~~5507.42~~ 128.42 of the Revised Code or has 12821
retained more than the amount authorized under division (B)(4) of 12822
this section. The assessment shall be in the amount of any 12823
remittance that was due and unpaid on the date notice of the audit 12824
was sent by the tax commissioner to the provider, reseller, or 12825
seller or, as applicable, in the amount of the excess amount under 12826
division (B)(4) of this section retained by the provider, 12827
reseller, or seller as of that date. 12828

(3) The portion of any assessment consisting of wireless 12829
9-1-1 charges due and not paid within sixty days after the date ~~of~~ 12830
~~service by the tax commissioner of that~~ the assessment ~~notice was~~ 12831
made under division (E)(2) of this section shall bear interest 12832
from that date until paid at the rate per annum prescribed by 12833
section 5703.47 of the Revised Code. That interest may be 12834
collected by making an assessment under division (E)(2) of this 12835
section. ~~An assessment under this division and any interest due~~ 12836
~~shall be remitted in the same manner as the wireless 9-1-1 charges~~ 12837
~~imposed under section 5507.42 of the Revised Code.~~ 12838

(4) ~~The portion of the assessment not paid within sixty days~~ 12839

~~after the day the assessment was issued shall bear interest at the 12840
rate per annum prescribed by section 5703.47 of the Revised Code 12841
from the day the commissioner issues the assessment until it is 12842
paid. Interest shall be remitted in the same manner as the 9-1-1 12843
charges and may be collected by the issuance of an assessment 12844
under division (E) of this section. 12845~~

(5) Unless the provider, reseller, or seller assessed files 12846
with the tax commissioner within sixty days after service of the 12847
notice of assessment, either personally or by certified mail, a 12848
written petition for reassessment, signed by the party assessed or 12849
that party's authorized agent having knowledge of the facts, the 12850
assessment shall become final and the amount of the assessment 12851
shall be due and payable from the party assessed to the treasurer 12852
of state, for deposit to the next generation 9-1-1 fund, which is 12853
created under section ~~5507.54~~ 128.54 of the Revised Code. The 12854
petition shall indicate the objections of the party assessed, but 12855
additional objections may be raised in writing if received by the 12856
commissioner prior to the date shown on the final determination. 12857
If the petition has been properly filed, the commissioner shall 12858
proceed under section 5703.60 of the Revised Code. 12859

~~(6)~~(5) After an assessment becomes final, if any portion of 12860
the assessment remains unpaid, including accrued interest, a 12861
certified copy of the final assessment may be filed in the office 12862
of the clerk of the court of common pleas in the county in which 12863
the business of the assessed party is conducted. If the party 12864
assessed maintains no place of business in this state, the 12865
certified copy of the final assessment may be filed in the office 12866
of the clerk of the court of common pleas of Franklin county. 12867
Immediately upon the filing, the clerk shall enter a judgment for 12868
the state against the assessed party in the amount shown on the 12869
final assessment. The judgment may be filed by the clerk in a 12870
loose-leaf book entitled "special judgments for wireless 9-1-1 12871

charges" and shall have the same effect as other judgments. The 12872
judgment shall be executed upon the request of the tax 12873
commissioner. 12874

~~(7)~~(6) If the commissioner determines that the commissioner 12875
erroneously has refunded a wireless 9-1-1 charge to any person, 12876
the commissioner may make an assessment against that person for 12877
recovery of the erroneously refunded charge. 12878

~~(8)~~(7) An assessment under division (E) of this section does 12879
not discharge a subscriber's or consumer's liability to reimburse 12880
the provider, reseller, or seller for a wireless 9-1-1 charge. If, 12881
after the date of service of the audit notice under division 12882
(E)(1) of this section, a subscriber or consumer pays a wireless 12883
9-1-1 charge for the period covered by the assessment, the payment 12884
shall be credited against the assessment. 12885

Sec. 5507.52 128.52. (A) Beginning on July 1, 2013, each 12886
seller of a prepaid wireless calling service required to collect 12887
prepaid wireless 9-1-1 charges under division (B) of section 12888
~~5507.42 128.42~~ of the Revised Code shall also be subject to the 12889
provisions of Chapter 5739. of the Revised Code regarding the 12890
excise tax on retail sales levied under section 5739.02 of the 12891
Revised Code, as those provisions apply to audits, assessments, 12892
appeals, enforcement, liability, and penalties. 12893

(B) The tax commissioner shall establish procedures by which 12894
a person may document that a sale is not a retail sale of a 12895
prepaid wireless calling service. The procedures shall 12896
substantially coincide with similar procedures under Chapter 5739. 12897
of the Revised Code. 12898

Sec. 5507.53 128.53. (A) There is hereby created the wireless 12899
9-1-1 administrative fund in the state treasury. ~~A sufficient~~ 12900
~~percentage, determined by the chairperson of the public utilities~~ 12901

~~commission but not to exceed two~~ Two per cent, of the periodic 12902
remittances of the wireless 9-1-1 charges under section ~~5507.46~~ 12903
128.46 of the Revised Code shall be deposited to the credit of the 12904
fund, to be used by the ~~commission~~ steering committee to cover 12905
such nonpayroll costs and, at the discretion of the ~~commission~~ 12906
steering committee such payroll costs, of the ~~commission~~ steering 12907
committee as are incurred in ~~assisting the coordinator in~~ carrying 12908
out ~~sections 5507.40 to 5507.66 of the Revised Code and in~~ 12909
~~conducting audits under division (D) of section 5507.46 of the~~ 12910
~~Revised Code. In addition, the compensation of the Ohio 9-1-1~~ 12911
~~coordinator, and any expenses of the coordinator in carrying out~~ 12912
~~those sections, shall be paid from the fund~~ this chapter. 12913

(B) There is hereby created the wireless 9-1-1 government 12915
assistance fund, which shall be in the custody of the treasurer of 12916
state but shall not be part of the state treasury. The periodic 12917
remittances of the wireless 9-1-1 charges under section ~~5507.46~~ 12918
128.46 of the Revised Code, remaining after the deposit required 12919
by division (A) of this section, shall be deposited to the credit 12920
of the wireless 9-1-1 government assistance fund. The treasurer of 12921
state shall deposit or invest the moneys in this fund in 12922
accordance with Chapter 135. of the Revised Code and any other 12923
provision of law governing public moneys of the state as defined 12924
in section 135.01 of the Revised Code. The treasurer of state 12925
shall credit the interest earned to the fund. The treasurer of 12926
state shall disburse money from the fund solely upon order of the 12927
~~coordinator~~ steering committee as authorized under division (A) of 12928
section ~~5507.55~~ 128.55 of the Revised Code. Annually, unless the 12929
fund is depleted, the treasurer of state shall certify to the 12930
~~coordinator~~ steering committee the amount of moneys in the 12931
treasurer of state's custody belonging to the fund. 12932

(C) The ~~commission~~ steering committee shall transfer the 12933

funds remaining in the wireless 9-1-1 government assistance fund 12934
after the disbursements made under division (A) of section ~~5507.55~~ 12935
128.55 of the Revised Code to the credit of the next generation 12936
9-1-1 fund, created in section ~~5507.54~~ 128.54 of the Revised Code. 12937
12938

Sec. ~~5507.54~~ 128.54. (A) Beginning January 1, 2014: 12939

(1) The periodic remittances of the wireless 9-1-1 charges 12940
under section ~~5507.46~~ 128.46 of the Revised Code shall be paid to 12941
the treasurer of state for deposit as follows: 12942

(a) ~~Ninety-eight~~ Ninety-seven per cent to the wireless 9-1-1 12943
government assistance fund, which is hereby created in the custody 12944
of the treasurer of state but which shall not be a part of the 12945
state treasury. The treasurer of state shall deposit or invest the 12946
moneys in this fund in accordance with Chapter 135. of the Revised 12947
Code and any other provision of law governing public moneys of the 12948
state as defined in section 135.01 of the Revised Code. The 12949
treasurer of state shall credit the interest earned to the fund. 12950
The treasurer of state shall disburse money from the fund solely 12951
upon order of the tax commissioner according to policies 12952
established by the ~~statewide emergency services internet protocol~~ 12953
~~network~~ steering committee as authorized under section ~~5507.021~~ 12954
128.021 of the Revised Code. Annually, until the fund is depleted, 12955
the treasurer of state shall certify to the commissioner the 12956
amount of moneys in the treasurer of state's custody belonging to 12957
the fund. 12958

(b) One per cent to the wireless 9-1-1 administrative fund, 12959
which is hereby created in the state treasury. The treasurer of 12960
state shall credit the interest earned to the fund. 12961

(c) ~~One~~ Two per cent to the ~~wireless~~ 9-1-1 ~~public safety~~ 12962
~~administrative program~~ fund, which is hereby created in the state 12963
treasury. The treasurer of state shall credit the interest earned 12964

to the fund. 12965

(2) The tax commissioner shall use the remittances in the 12966
wireless 9-1-1 administrative fund to defray the costs in carrying 12967
out this chapter. 12968

(3) The ~~director of public safety steering committee~~ shall 12969
use the remittances in the ~~wireless~~ 9-1-1 ~~public safety~~ 12970
~~administrative program~~ fund to defray the costs incurred by the 12971
~~department steering committee~~ in carrying out this chapter. 12972

(4) Annually, the tax commissioner and the ~~director of public~~ 12973
~~safety steering committee~~, after paying administrative costs under 12974
~~division (B) of~~ this section, shall transfer any excess remaining 12975
in the administrative funds to the next generation 9-1-1 fund, 12976
created under this section. 12977

(B)(1) There is hereby created the next generation 9-1-1 12978
fund, which shall be in the custody of the treasurer but shall not 12979
be a part of the state treasury. 12980

(2) Beginning on January 1, 2014, the tax commissioner shall 12981
transfer the funds remaining in the wireless 9-1-1 government 12982
assistance fund after the disbursements made under division (B)(1) 12983
of section ~~5507.55~~ 128.55 of the Revised Code to the credit of the 12984
next generation 9-1-1 fund. 12985

(3) The treasurer of state shall deposit or invest the moneys 12986
in the next generation 9-1-1 fund in accordance with Chapter 135. 12987
of the Revised Code and any other provision of law governing 12988
public moneys of the state as defined in section 135.01 of the 12989
Revised Code. The treasurer of state shall credit the interest 12990
earned to the fund. The treasurer of state shall disburse money 12991
from the fund solely upon order of the tax commissioner according 12992
to policies established by the ~~statewide emergency services~~ 12993
~~internet protocol network~~ steering committee as authorized under 12994
section ~~5507.021~~ 128.021 of the Revised Code. Annually, until the 12995

fund is depleted, the treasurer of state shall certify to the 12996
commissioner the amount of moneys in the treasurer of state's 12997
custody belonging to the fund. 12998

Sec. ~~5507.55~~ 128.55. (A) Prior to January 1, 2014, the ~~public~~ 12999
~~utilities commission steering committee~~ shall disburse moneys from 13000
the wireless 9-1-1 government assistance fund to each county in 13001
the same manner as the 2012 disbursements, in accordance with 13002
divisions (A) and (B) of section 4931.64 of the Revised Code as 13003
those divisions existed prior to the effective date of H.B. 360 of 13004
the 129th general assembly, December 20, 2012. 13005

(B) Beginning January 1, 2014: 13006

(1) The tax commissioner, not later than the last day of each 13007
month, shall disburse moneys from the wireless 9-1-1 government 13008
assistance fund to each county in the same manner as the 2012 13009
disbursements, in accordance with divisions (A) and (B) of section 13010
4931.64 of the Revised Code as those divisions existed prior to 13011
the effective date of H.B. 360 of the 129th general assembly, 13012
December 20, 2012. 13013

(2) The tax commissioner shall disburse moneys from the next 13014
generation 9-1-1 fund in accordance with the guidelines 13015
established under section ~~5507.022~~ 128.022 of the Revised Code. 13016

(C) Immediately upon receipt by a county treasurer of a 13017
disbursement under division (A) or (B)(1) of this section, the 13018
county shall disburse, in accordance with the allocation formula 13019
set forth in the final plan, the amount the county so received to 13020
any other subdivisions in the county and any regional councils of 13021
governments in the county that pay the costs of a public safety 13022
answering point providing wireless enhanced 9-1-1 under the plan. 13023

(D) Nothing in this chapter affects the authority of a 13024
subdivision operating or served by a public safety answering point 13025

of a 9-1-1 system or a regional council of governments operating a public safety answering point of a 9-1-1 system to use, as provided in the final plan for the system or in an agreement under section ~~5507.09~~ 128.09 of the Revised Code, any other authorized revenue of the subdivision or the regional council of governments for the purposes of providing basic or enhanced 9-1-1.

Sec. ~~5507.57~~ 128.57. Except as otherwise provided in section ~~5507.571~~ 128.571 of the Revised Code:

(A) A countywide 9-1-1 system receiving a disbursement under section ~~5507.55~~ 128.55 of the Revised Code shall provide countywide wireless enhanced 9-1-1 in accordance with this chapter beginning as soon as reasonably possible after receipt of the first disbursement or, if that service is already implemented, shall continue to provide such service. Except as provided in divisions (B), (C), and (E) of this section, a disbursement shall be used solely for the purpose of paying either or both of the following:

(1) Any costs of designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining the necessary data, hardware, software, and trunking required for the public safety answering point or points of the 9-1-1 system to provide wireless enhanced 9-1-1, which costs are incurred before or on or after May 6, 2005, and consist of such additional costs of the 9-1-1 system over and above any costs incurred to provide wireline 9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, up to twenty-five thousand dollars of the disbursements received on or after January 1, 2009, may be applied to data, hardware, and software that automatically alerts personnel receiving a 9-1-1 call that a person at the subscriber's address or telephone number may have a mental or physical disability, of which that personnel shall inform the appropriate emergency service provider. On or

after the provision of technical and operational standards 13057
pursuant to ~~division (D)(1) of~~ section ~~5507.65~~ 128.021 of the 13058
Revised Code, a regional council of governments operating a public 13059
safety answering point or a subdivision shall consider the 13060
standards before incurring any costs described in this division. 13061

(2) Any costs of training the staff of the public safety 13062
answering point or points to provide wireless enhanced 9-1-1, 13063
which costs are incurred before or on or after May 6, 2005. 13064

(B) A subdivision or a regional council of governments that 13065
certifies to the ~~department of public safety steering committee~~ 13066
that it has paid the costs described in divisions (A)(1) and (2) 13067
of this section and is providing countywide wireless enhanced 13068
9-1-1 may use disbursements received under section ~~5507.55~~ 128.55 13069
of the Revised Code to pay any of its personnel costs of one or 13070
more public safety answering points providing countywide wireless 13071
enhanced 9-1-1. 13072

(C) After receiving its July 2013 disbursement under division 13073
(A) of section ~~5507.55~~ 128.55 of the Revised Code, a regional 13074
council of governments operating a public safety answering point 13075
or a subdivision may use any remaining balance of disbursements it 13076
received under that division to pay any of its costs of providing 13077
countywide wireless 9-1-1, including the personnel costs of one or 13078
more public safety answering points providing that service. 13079

(D) The costs described in divisions (A), (B), (C), and (E) 13080
of this section may include any such costs payable pursuant to an 13081
agreement under division (J) of section ~~5507.03~~ 128.03 of the 13082
Revised Code. 13083

(E)(1) No disbursement to a countywide 9-1-1 system for costs 13084
of a public safety answering point shall be made from the wireless 13085
9-1-1 government assistance fund or the next generation 9-1-1 fund 13086
unless the public safety answering point meets the standards set 13087

by rule of the ~~statewide emergency services internet protocol~~ 13088
~~network~~ steering committee under section ~~5507.021~~ 128.021 of the 13089
Revised Code. 13090

(2) The ~~department of public safety steering committee~~ shall 13091
monitor compliance with the standards ~~set by the steering~~ 13092
~~committee. The department~~ and shall notify the tax commissioner to 13093
suspend disbursements to a countywide 9-1-1 system that fails to 13094
meet the standards. Upon receipt of this notification, the 13095
commissioner shall suspend disbursements until the commissioner is 13096
notified of compliance with the standards. 13097

(F) The auditor of state may audit and review each county's 13098
expenditures of funds received from the wireless 9-1-1 government 13099
assistance fund to verify that the funds were used in accordance 13100
with the requirements of this chapter. 13101

Sec. ~~5507.571~~ 128.571. (A) Payment of costs specified in 13102
divisions (A) to (D) of section ~~5507.57~~ 128.57 of the Revised Code 13103
from a disbursement under section ~~5507.55~~ 128.55 of the Revised 13104
Code shall be limited to those specified and payable costs 13105
incurred for a specified number of public safety answering points 13106
of the particular 9-1-1 system as follows: 13107

(1) For the period beginning on March 1, 2009, and ending on 13108
December 31, 2015, a countywide 9-1-1 system may use disbursements 13109
for not more than five public safety answering points per calendar 13110
year. 13111

(2) Except as provided in division (B) of this section: 13112

(a) For the period beginning on January 1, 2016, and ending 13113
on December 31, 2017, a countywide 9-1-1 system may use 13114
disbursements for not more than four public safety answering 13115
points per calendar year. 13116

(b) For the period beginning on January 1, 2018, and 13117

thereafter a countywide 9-1-1 system may use disbursements for not 13118
more than three public safety answering points per calendar year. 13119

(B) If within a county there is a municipal corporation with 13120
a population of over ~~175,000~~ one hundred seventy-five thousand 13121
according to the most recent federal decennial census, that county 13122
may use disbursements for one public safety answering point in 13123
addition to the number of public safety answering points allowed 13124
under division (A)(2) of this section. 13125

(C) If a county exceeds the allowable number of public safety 13126
answering points under this section, disbursements to countywide 13127
9-1-1 systems made to the county from the wireless 9-1-1 13128
government assistance fund and the next generation 9-1-1 fund 13129
shall be reduced by fifty per cent until the county complies with 13130
the public safety answering point limitations established under 13131
this section. 13132

Sec. ~~5507.60~~ 128.60. (A)(1) A telephone company, the state 13133
highway patrol as described in division (J) of section ~~5507.03~~ 13134
128.03 of the Revised Code, and each subdivision or regional 13135
council of governments operating one or more public safety 13136
answering points for a countywide system providing wireless 9-1-1, 13137
shall provide the ~~director of public safety steering committee~~ and 13138
the tax commissioner with such information as the ~~director~~ 13139
steering committee and tax commissioner request for the purposes 13140
of carrying out their duties under this chapter, including, but 13141
not limited to, duties regarding the collection of the wireless 13142
9-1-1 charges imposed under section ~~5507.42~~ 128.42 of the Revised 13143
Code. 13144

(2) A wireless service provider shall provide an official, 13145
employee, agent, or representative of a subdivision or regional 13146
council of governments operating a public safety answering point, 13147
or of the state highway patrol as described in division (J) of 13148

section ~~5507.03~~ 128.03 of the Revised Code, with such technical, 13149
service, and location information as the official, employee, 13150
agent, or representative requests for the purpose of providing 13151
wireless 9-1-1. 13152

(3) A subdivision or regional council of governments 13153
operating one or more public safety answering points of a 9-1-1 13154
system, and a telephone company, shall provide to the ~~Ohio 9-1-1~~ 13155
~~council steering committee~~ such information as the ~~council~~ 13156
steering committee requires for the purpose of carrying out its 13157
duties under ~~division (D) of section 5507.65~~ Chapter 128. of the 13158
Revised Code. 13159

(B)(1) Any information provided under division (A) of this 13160
section that consists of trade secrets as defined in section 13161
1333.61 of the Revised Code or of information regarding the 13162
customers, revenues, expenses, or network information of a 13163
telephone company shall be confidential and does not constitute a 13164
public record for the purpose of section 149.43 of the Revised 13165
Code. 13166

(2) The ~~director steering committee~~, tax commissioner, and 13167
any official, employee, agent, or representative of the ~~director~~ 13168
steering committee, of the tax commissioner, of the state highway 13169
patrol as described in division (J) of section ~~5507.03~~ 128.03 of 13170
the Revised Code, or of a subdivision or regional council of 13171
governments operating a public safety answering point, while 13172
acting or claiming to act in the capacity of the ~~director steering~~ 13173
committee or tax commissioner or such official, employee, agent, 13174
or representative, shall not disclose any information provided 13175
under division (A) of this section regarding a telephone company's 13176
customers, revenues, expenses, or network information. Nothing in 13177
division (B)(2) of this section precludes any such information 13178
from being aggregated and included in any report ~~required under~~ 13179
~~division (D) of section 5507.66 of the Revised Code~~ of the 13180

steering committee, tax commissioner, or any official, employee, 13181
agent, or representative of the steering committee or tax 13182
commissioner, provided the aggregated information does not 13183
identify the number of any particular company's customers or the 13184
amount of its revenues or expenses or identify a particular 13185
company as to any network information. 13186

Sec. ~~5507.63~~ 128.63. (A) The tax commissioner may adopt rules 13187
in accordance with Chapter 119. of the Revised Code to carry out 13188
this chapter, including rules prescribing the necessary accounting 13189
for the collection fee under division (B)(4) of section ~~5507.46~~ 13190
128.46 of the Revised Code. 13191

(B) The amounts of the wireless 9-1-1 charges shall be 13192
prescribed only by act of the general assembly. 13193

Sec. ~~5507.99~~ 128.99. (A) Whoever violates division (E) of 13194
section ~~5507.32~~ 128.32 of the Revised Code is guilty of a 13195
misdemeanor of the fourth degree. 13196

(B) Whoever violates division (F) or (G) of section ~~5507.32~~ 13197
128.32 or division (B)(2) of section ~~5507.60~~ 128.60 of the Revised 13198
Code is guilty of a misdemeanor of the fourth degree on a first 13199
offense and a felony of the fifth degree on each subsequent 13200
offense. 13201

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 13202
and 2151.655 of the Revised Code, in other sections of the Revised 13203
Code that make reference to this chapter unless the context does 13204
not permit, and in related proceedings, unless otherwise expressly 13205
provided: 13206

(A) "Acquisition" as applied to real or personal property 13207
includes, among other forms of acquisition, acquisition by 13208
exercise of a purchase option, and acquisition of interests in 13209

property, including, without limitation, easements and 13210
rights-of-way, and leasehold and other lease interests initially 13211
extending or extendable for a period of at least sixty months. 13212

(B) "Anticipatory securities" means securities, including 13213
notes, issued in anticipation of the issuance of other securities. 13214

(C) "Board of elections" means the county board of elections 13215
of the county in which the subdivision is located. If the 13216
subdivision is located in more than one county, "board of 13217
elections" means the county board of elections of the county that 13218
contains the largest portion of the population of the subdivision 13219
or that otherwise has jurisdiction in practice over and 13220
customarily handles election matters relating to the subdivision. 13221

(D) "Bond retirement fund" means the bond retirement fund 13222
provided for in section 5705.09 of the Revised Code, and also 13223
means a sinking fund or any other special fund, regardless of the 13224
name applied to it, established by or pursuant to law or the 13225
proceedings for the payment of debt charges. Provision may be made 13226
in the applicable proceedings for the establishment in a bond 13227
retirement fund of separate accounts relating to debt charges on 13228
particular securities, or on securities payable from the same or 13229
common sources, and for the application of moneys in those 13230
accounts only to specified debt charges on specified securities or 13231
categories of securities. Subject to law and any provisions in the 13232
applicable proceedings, moneys in a bond retirement fund or 13233
separate account in a bond retirement fund may be transferred to 13234
other funds and accounts. 13235

(E) "Capitalized interest" means all or a portion of the 13236
interest payable on securities from their date to a date stated or 13237
provided for in the applicable legislation, which interest is to 13238
be paid from the proceeds of the securities. 13239

(F) "Chapter 133. securities" means securities authorized by 13240

or issued pursuant to or in accordance with this chapter. 13241

(G) "County auditor" means the county auditor of the county 13242
in which the subdivision is located. If the subdivision is located 13243
in more than one county, "county auditor" means the county auditor 13244
of the county that contains the highest amount of the tax 13245
valuation of the subdivision or that otherwise has jurisdiction in 13246
practice over and customarily handles property tax matters 13247
relating to the subdivision. In the case of a county that has 13248
adopted a charter, "county auditor" means the officer who 13249
generally has the duties and functions provided in the Revised 13250
Code for a county auditor. 13251

(H) "Credit enhancement facilities" means letters of credit, 13252
lines of credit, stand-by, contingent, or firm securities purchase 13253
agreements, insurance, or surety arrangements, guarantees, and 13254
other arrangements that provide for direct or contingent payment 13255
of debt charges, for security or additional security in the event 13256
of nonpayment or default in respect of securities, or for making 13257
payment of debt charges to and at the option and on demand of 13258
securities holders or at the option of the issuer or upon certain 13259
conditions occurring under put or similar arrangements, or for 13260
otherwise supporting the credit or liquidity of the securities, 13261
and includes credit, reimbursement, marketing, remarketing, 13262
indexing, carrying, interest rate hedge, and subrogation 13263
agreements, and other agreements and arrangements for payment and 13264
reimbursement of the person providing the credit enhancement 13265
facility and the security for that payment and reimbursement. 13266

(I) "Current operating expenses" or "current expenses" means 13267
the lawful expenditures of a subdivision, except those for 13268
permanent improvements and for payments of debt charges of the 13269
subdivision. 13270

(J) "Debt charges" means the principal, including any 13271
mandatory sinking fund deposits and mandatory redemption payments, 13272

interest, and any redemption premium, payable on securities as 13273
those payments come due and are payable. The use of "debt charges" 13274
for this purpose does not imply that any particular securities 13275
constitute debt within the meaning of the Ohio Constitution or 13276
other laws. 13277

(K) "Financing costs" means all costs and expenses relating 13278
to the authorization, including any required election, issuance, 13279
sale, delivery, authentication, deposit, custody, clearing, 13280
registration, transfer, exchange, fractionalization, replacement, 13281
payment, and servicing of securities, including, without 13282
limitation, costs and expenses for or relating to publication and 13283
printing, postage, delivery, preliminary and final official 13284
statements, offering circulars, and informational statements, 13285
travel and transportation, underwriters, placement agents, 13286
investment bankers, paying agents, registrars, authenticating 13287
agents, remarketing agents, custodians, clearing agencies or 13288
corporations, securities depositories, financial advisory 13289
services, certifications, audits, federal or state regulatory 13290
agencies, accounting and computation services, legal services and 13291
obtaining approving legal opinions and other legal opinions, 13292
credit ratings, redemption premiums, and credit enhancement 13293
facilities. Financing costs may be paid from any moneys available 13294
for the purpose, including, unless otherwise provided in the 13295
proceedings, from the proceeds of the securities to which they 13296
relate and, as to future financing costs, from the same sources 13297
from which debt charges on the securities are paid and as though 13298
debt charges. 13299

(L) "Fiscal officer" means the following, or, in the case of 13300
absence or vacancy in the office, a deputy or assistant authorized 13301
by law or charter to act in the place of the named officer, or if 13302
there is no such authorization then the deputy or assistant 13303
authorized by legislation to act in the place of the named officer 13304

for purposes of this chapter, in the case of the following	13305
subdivisions:	13306
(1) A county, the county auditor;	13307
(2) A municipal corporation, the city auditor or village	13308
clerk or clerk-treasurer, or the officer who, by virtue of a	13309
charter, has the duties and functions provided in the Revised Code	13310
for the city auditor or village clerk or clerk-treasurer;	13311
(3) A school district, the treasurer of the board of	13312
education;	13313
(4) A regional water and sewer district, the secretary of the	13314
board of trustees;	13315
(5) A joint township hospital district, the treasurer of the	13316
district;	13317
(6) A joint ambulance district, the clerk of the board of	13318
trustees;	13319
(7) A joint recreation district, the person designated	13320
pursuant to section 755.15 of the Revised Code;	13321
(8) A detention facility district or a district organized	13322
under section 2151.65 of the Revised Code or a combined district	13323
organized under sections 2152.41 and 2151.65 of the Revised Code,	13324
the county auditor of the county designated by law to act as the	13325
auditor of the district;	13326
(9) A township, a fire district organized under division (C)	13327
of section 505.37 of the Revised Code, or a township police	13328
district, the fiscal officer of the township;	13329
(10) A joint fire district, the clerk of the board of	13330
trustees of that district;	13331
(11) A regional or county library district, the person	13332
responsible for the financial affairs of that district;	13333

(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	13334 13335 13336
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	13337 13338 13339
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	13340 13341 13342
(15) A subdivision described in division (MM) (18) <u>(19)</u> of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer;	13343 13344 13345
(16) A joint police district, the treasurer of the district;	13346
<u>(17) A lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code.</u>	13347 13348
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	13349 13350
(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations.	13351 13352 13353 13354 13355 13356 13357
(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner.	13358 13359 13360
(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise.	13361 13362 13363

(Q) "General obligation" means securities to the payment of debt charges on which the full faith and credit and the general property taxing power, including taxes within the tax limitation if available to the subdivision, of the subdivision are pledged.

(R) "Interest" or "interest equivalent" means those payments or portions of payments, however denominated, that constitute or represent consideration for forbearing the collection of money, or for deferring the receipt of payment of money to a future time.

(S) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and includes any laws of the United States providing for application of that code.

(T) "Issuer" means any public issuer and any nonprofit corporation authorized to issue securities for or on behalf of any public issuer.

(U) "Legislation" means an ordinance or resolution passed by a majority affirmative vote of the then members of the taxing authority unless a different vote is required by charter provisions governing the passage of the particular legislation by the taxing authority.

(V) "Mandatory sinking fund redemption requirements" means amounts required by proceedings to be deposited in a bond retirement fund for the purpose of paying in any year or fiscal year by mandatory redemption prior to stated maturity the principal of securities that is due and payable, except for mandatory prior redemption requirements as provided in those proceedings, in a subsequent year or fiscal year.

(W) "Mandatory sinking fund requirements" means amounts required by proceedings to be deposited in a year or fiscal year in a bond retirement fund for the purpose of paying the principal of securities that is due and payable in a subsequent year or

fiscal year.	13395
(X) "Net indebtedness" has the same meaning as in division	13396
(A) of section 133.04 of the Revised Code.	13397
(Y) "Obligor," in the case of securities or fractionalized	13398
interests in public obligations issued by another person the debt	13399
charges or their equivalents on which are payable from payments	13400
made by a public issuer, means that public issuer.	13401
(Z) "One purpose" relating to permanent improvements means	13402
any one permanent improvement or group or category of permanent	13403
improvements for the same utility, enterprise, system, or project,	13404
development or redevelopment project, or for or devoted to the	13405
same general purpose, function, or use or for which	13406
self-supporting securities, based on the same or different sources	13407
of revenues, may be issued or for which special assessments may be	13408
levied by a single ordinance or resolution. "One purpose"	13409
includes, but is not limited to, in any case any off-street	13410
parking facilities relating to another permanent improvement, and:	13411
(1) Any number of roads, highways, streets, bridges,	13412
sidewalks, and viaducts;	13413
(2) Any number of off-street parking facilities;	13414
(3) In the case of a county, any number of permanent	13415
improvements for courthouse, jail, county offices, and other	13416
county buildings, and related facilities;	13417
(4) In the case of a school district, any number of	13418
facilities and buildings for school district purposes, and related	13419
facilities.	13420
(AA) "Outstanding," referring to securities, means securities	13421
that have been issued, delivered, and paid for, except any of the	13422
following:	13423
(1) Securities canceled upon surrender, exchange, or	13424

transfer, or upon payment or redemption; 13425

(2) Securities in replacement of which or in exchange for 13426
which other securities have been issued; 13427

(3) Securities for the payment, or redemption or purchase for 13428
cancellation prior to maturity, of which sufficient moneys or 13429
investments, in accordance with the applicable legislation or 13430
other proceedings or any applicable law, by mandatory sinking fund 13431
redemption requirements, mandatory sinking fund requirements, or 13432
otherwise, have been deposited, and credited for the purpose in a 13433
bond retirement fund or with a trustee or paying or escrow agent, 13434
whether at or prior to their maturity or redemption, and, in the 13435
case of securities to be redeemed prior to their stated maturity, 13436
notice of redemption has been given or satisfactory arrangements 13437
have been made for giving notice of that redemption, or waiver of 13438
that notice by or on behalf of the affected security holders has 13439
been filed with the subdivision or its agent for the purpose. 13440

(BB) "Paying agent" means the one or more banks, trust 13441
companies, or other financial institutions or qualified persons, 13442
including an appropriate office or officer of the subdivision, 13443
designated as a paying agent or place of payment of debt charges 13444
on the particular securities. 13445

(CC) "Permanent improvement" or "improvement" means any 13446
property, asset, or improvement certified by the fiscal officer, 13447
which certification is conclusive, as having an estimated life or 13448
period of usefulness of five years or more, and includes, but is 13449
not limited to, real estate, buildings, and personal property and 13450
interests in real estate, buildings, and personal property, 13451
equipment, furnishings, and site improvements, and reconstruction, 13452
rehabilitation, renovation, installation, improvement, 13453
enlargement, and extension of property, assets, or improvements so 13454
certified as having an estimated life or period of usefulness of 13455
five years or more. The acquisition of all the stock ownership of 13456

a corporation is the acquisition of a permanent improvement to the extent that the value of that stock is represented by permanent improvements. A permanent improvement for parking, highway, road, and street purposes includes resurfacing, but does not include ordinary repair.

(DD) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes any federal, state, interstate, regional, or local governmental agency, any subdivision, and any combination of those persons.

(EE) "Proceedings" means the legislation, certifications, notices, orders, sale proceedings, trust agreement or indenture, mortgage, lease, lease-purchase agreement, assignment, credit enhancement facility agreements, and other agreements, instruments, and documents, as amended and supplemented, and any election proceedings, authorizing, or providing for the terms and conditions applicable to, or providing for the security or sale or award of, public obligations, and includes the provisions set forth or incorporated in those public obligations and proceedings.

(FF) "Public issuer" means any of the following that is authorized by law to issue securities or enter into public obligations:

(1) The state, including an agency, commission, officer, institution, board, authority, or other instrumentality of the state;

(2) A taxing authority, subdivision, district, or other local public or governmental entity, and any combination or consortium, or public division, district, commission, authority, department, board, officer, or institution, thereof;

(3) Any other body corporate and politic, or other public entity.

(GG) "Public obligations" means both of the following:

(1) Securities;	13488
(2) Obligations of a public issuer to make payments under installment sale, lease, lease purchase, or similar agreements, which obligations may bear interest or interest equivalent.	13489 13490 13491
(HH) "Refund" means to fund and retire outstanding securities, including advance refunding with or without payment or redemption prior to maturity.	13492 13493 13494
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	13495 13496 13497
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	13498 13499 13500
(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG)(2) of this section.	13501 13502 13503 13504 13505 13506 13507 13508
(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that subdivision, derived from or with respect to the improvements or the operation of the improvements being financed, or the enterprise, system, project, or category of improvements of which the improvements being financed are part, are estimated by the fiscal officer to be sufficient to pay the current expenses of that operation or of those improvements or enterprise, system,	13509 13510 13511 13512 13513 13514 13515 13516 13517 13518

project, or categories of improvements and the debt charges 13519
payable from those receipts on securities issued for the purpose. 13520
Until such time as the improvements or increases in rates and 13521
charges have been in operation or effect for a period of at least 13522
six months, the receipts therefrom, for purposes of this 13523
definition, shall be those estimated by the fiscal officer, except 13524
that those receipts may include, without limitation, payments made 13525
and to be made to the subdivision under leases or agreements in 13526
effect at the time the estimate is made. In the case of an 13527
operation, improvements, or enterprise, system, project, or 13528
category of improvements without at least a six-month history of 13529
receipts, the estimate of receipts by the fiscal officer, other 13530
than those to be derived under leases and agreements then in 13531
effect, shall be confirmed by the taxing authority. 13532

(MM) "Subdivision" means any of the following: 13533

(1) A county, including a county that has adopted a charter 13534
under Article X, Ohio Constitution; 13535

(2) A municipal corporation, including a municipal 13536
corporation that has adopted a charter under Article XVIII, Ohio 13537
Constitution; 13538

(3) A school district; 13539

(4) A regional water and sewer district organized under 13540
Chapter 6119. of the Revised Code; 13541

(5) A joint township hospital district organized under 13542
section 513.07 of the Revised Code; 13543

(6) A joint ambulance district organized under section 505.71 13544
of the Revised Code; 13545

(7) A joint recreation district organized under division (C) 13546
of section 755.14 of the Revised Code; 13547

(8) A detention facility district organized under section 13548

2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	13549 13550 13551
(9) A township police district organized under section 505.48 of the Revised Code;	13552 13553
(10) A township;	13554
(11) A joint fire district organized under section 505.371 of the Revised Code;	13555 13556
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	13557 13558 13559
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	13560 13561
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	13562 13563
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	13564 13565
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	13566 13567
(17) A joint police district organized under section 505.482 of the Revised Code;	13568 13569
(18) <u>A lake facilities authority created under Chapter 353. of the Revised Code;</u>	13570 13571
(19) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	13572 13573 13574
(NN) "Taxing authority" means in the case of the following subdivisions:	13575 13576
(1) A county, a county library district, or a regional	13577

library district, the board or boards of county commissioners, or	13578
other legislative authority of a county that has adopted a charter	13579
under Article X, Ohio Constitution, but with respect to such a	13580
library district acting solely as agent for the board of trustees	13581
of that district;	13582
(2) A municipal corporation, the legislative authority;	13583
(3) A school district, the board of education;	13584
(4) A regional water and sewer district, a joint ambulance	13585
district, a joint recreation district, a fire and ambulance	13586
district, or a joint fire district, the board of trustees of the	13587
district;	13588
(5) A joint township hospital district, the joint township	13589
hospital board;	13590
(6) A detention facility district or a district organized	13591
under section 2151.65 of the Revised Code, a combined district	13592
organized under sections 2152.41 and 2151.65 of the Revised Code,	13593
or a joint emergency medical services district, the joint board of	13594
county commissioners;	13595
(7) A township, a fire district organized under division (C)	13596
of section 505.37 of the Revised Code, or a township police	13597
district, the board of township trustees;	13598
(8) A joint solid waste management district organized under	13599
section 343.01 or 343.012 of the Revised Code, the board of	13600
directors of the district;	13601
(9) A subdivision described in division (MM) (18) <u>(19)</u> of this	13602
section, the legislative or governing body or official;	13603
(10) A joint police district, the joint police district	13604
board;	13605
<u>(11) A lake facilities authority, the board of directors.</u>	13606
(00) "Tax limitation" means the "ten-mill limitation" as	13607

defined in section 5705.02 of the Revised Code without diminution 13608
by reason of section 5705.313 of the Revised Code or otherwise, 13609
or, in the case of a municipal corporation or county with a 13610
different charter limitation on property taxes levied to pay debt 13611
charges on unvoted securities, that charter limitation. Those 13612
limitations shall be respectively referred to as the "ten-mill 13613
limitation" and the "charter tax limitation." 13614

(PP) "Tax valuation" means the aggregate of the valuations of 13615
property subject to ad valorem property taxation by the 13616
subdivision on the real property, personal property, and public 13617
utility property tax lists and duplicates most recently certified 13618
for collection, and shall be calculated without deductions of the 13619
valuations of otherwise taxable property exempt in whole or in 13620
part from taxation by reason of exemptions of certain amounts of 13621
taxable value under division (C) of section 5709.01, tax 13622
reductions under section 323.152 of the Revised Code, or similar 13623
laws now or in the future in effect. 13624

For purposes of section 133.06 of the Revised Code, "tax 13625
valuation" shall not include the valuation of tangible personal 13626
property used in business, telephone or telegraph property, 13627
interexchange telecommunications company property, or personal 13628
property owned or leased by a railroad company and used in 13629
railroad operations listed under or described in section 5711.22, 13630
division (B) or (F) of section 5727.111, or section 5727.12 of the 13631
Revised Code. 13632

(QQ) "Year" means the calendar year. 13633

(RR) "Administrative agent," "agent," "commercial paper," 13634
"floating rate interest structure," "indexing agent," "interest 13635
rate hedge," "interest rate period," "put arrangement," and 13636
"remarketing agent" have the same meanings as in section 9.98 of 13637
the Revised Code. 13638

(SS) "Sales tax supported" means obligations to the payment 13639
of debt charges on which an additional sales tax or additional 13640
sales taxes have been pledged by the taxing authority of a county 13641
pursuant to section 133.081 of the Revised Code. 13642

Sec. 133.06. (A) A school district shall not incur, without a 13643
vote of the electors, net indebtedness that exceeds an amount 13644
equal to one-tenth of one per cent of its tax valuation, except as 13645
provided in divisions (G) and (H) of this section and in division 13646
(C) of section 3313.372 of the Revised Code, or as prescribed in 13647
section 3318.052 or 3318.44 of the Revised Code, or as provided in 13648
division (J) of this section. 13649

(B) Except as provided in divisions (E), (F), and (I) of this 13650
section, a school district shall not incur net indebtedness that 13651
exceeds an amount equal to nine per cent of its tax valuation. 13652

(C) A school district shall not submit to a vote of the 13653
electors the question of the issuance of securities in an amount 13654
that will make the district's net indebtedness after the issuance 13655
of the securities exceed an amount equal to four per cent of its 13656
tax valuation, unless the superintendent of public instruction, 13657
acting under policies adopted by the state board of education, and 13658
the tax commissioner, acting under written policies of the 13659
commissioner, consent to the submission. A request for the 13660
consents shall be made at least one hundred twenty days prior to 13661
the election at which the question is to be submitted. 13662

The superintendent of public instruction shall certify to the 13663
district the superintendent's and the tax commissioner's decisions 13664
within thirty days after receipt of the request for consents. 13665

If the electors do not approve the issuance of securities at 13666
the election for which the superintendent of public instruction 13667
and tax commissioner consented to the submission of the question, 13668
the school district may submit the same question to the electors 13669

on the date that the next special election may be held under 13670
section 3501.01 of the Revised Code without submitting a new 13671
request for consent. If the school district seeks to submit the 13672
same question at any other subsequent election, the district shall 13673
first submit a new request for consent in accordance with this 13674
division. 13675

(D) In calculating the net indebtedness of a school district, 13676
none of the following shall be considered: 13677

(1) Securities issued to acquire school buses and other 13678
equipment used in transporting pupils or issued pursuant to 13679
division (D) of section 133.10 of the Revised Code; 13680

(2) Securities issued under division (F) of this section, 13681
under section 133.301 of the Revised Code, and, to the extent in 13682
excess of the limitation stated in division (B) of this section, 13683
under division (E) of this section; 13684

(3) Indebtedness resulting from the dissolution of a joint 13685
vocational school district under section 3311.217 of the Revised 13686
Code, evidenced by outstanding securities of that joint vocational 13687
school district; 13688

(4) Loans, evidenced by any securities, received under 13689
sections 3313.483, 3317.0210, and 3317.0211, ~~and 3317.64~~ of the 13690
Revised Code; 13691

(5) Debt incurred under section 3313.374 of the Revised Code; 13692

(6) Debt incurred pursuant to division (B)(5) of section 13693
3313.37 of the Revised Code to acquire computers and related 13694
hardware; 13695

(7) Debt incurred under section 3318.042 of the Revised Code. 13696

(E) A school district may become a special needs district as 13697
to certain securities as provided in division (E) of this section. 13698

(1) A board of education, by resolution, may declare its 13699

school district to be a special needs district by determining both 13700
of the following: 13701

(a) The student population is not being adequately serviced 13702
by the existing permanent improvements of the district. 13703

(b) The district cannot obtain sufficient funds by the 13704
issuance of securities within the limitation of division (B) of 13705
this section to provide additional or improved needed permanent 13706
improvements in time to meet the needs. 13707

(2) The board of education shall certify a copy of that 13708
resolution to the superintendent of public instruction with a 13709
statistical report showing all of the following: 13710

(a) The history of and a projection of the growth of the tax 13711
valuation; 13712

(b) The projected needs; 13713

(c) The estimated cost of permanent improvements proposed to 13714
meet such projected needs. 13715

(3) The superintendent of public instruction shall certify 13716
the district as an approved special needs district if the 13717
superintendent finds both of the following: 13718

(a) The district does not have available sufficient 13719
additional funds from state or federal sources to meet the 13720
projected needs. 13721

(b) The projection of the potential average growth of tax 13722
valuation during the next five years, according to the information 13723
certified to the superintendent and any other information the 13724
superintendent obtains, indicates a likelihood of potential 13725
average growth of tax valuation of the district during the next 13726
five years of an average of not less than one and one-half per 13727
cent per year. The findings and certification of the 13728
superintendent shall be conclusive. 13729

(4) An approved special needs district may incur net 13730
indebtedness by the issuance of securities in accordance with the 13731
provisions of this chapter in an amount that does not exceed an 13732
amount equal to the greater of the following: 13733

(a) Twelve per cent of the sum of its tax valuation plus an 13734
amount that is the product of multiplying that tax valuation by 13735
the percentage by which the tax valuation has increased over the 13736
tax valuation on the first day of the sixtieth month preceding the 13737
month in which its board determines to submit to the electors the 13738
question of issuing the proposed securities; 13739

(b) Twelve per cent of the sum of its tax valuation plus an 13740
amount that is the product of multiplying that tax valuation by 13741
the percentage, determined by the superintendent of public 13742
instruction, by which that tax valuation is projected to increase 13743
during the next ten years. 13744

(F) A school district may issue securities for emergency 13745
purposes, in a principal amount that does not exceed an amount 13746
equal to three per cent of its tax valuation, as provided in this 13747
division. 13748

(1) A board of education, by resolution, may declare an 13749
emergency if it determines both of the following: 13750

(a) School buildings or other necessary school facilities in 13751
the district have been wholly or partially destroyed, or condemned 13752
by a constituted public authority, or that such buildings or 13753
facilities are partially constructed, or so constructed or planned 13754
as to require additions and improvements to them before the 13755
buildings or facilities are usable for their intended purpose, or 13756
that corrections to permanent improvements are necessary to remove 13757
or prevent health or safety hazards. 13758

(b) Existing fiscal and net indebtedness limitations make 13759
adequate replacement, additions, or improvements impossible. 13760

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

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

(a) The form of the ballot shall describe the emergency existing, refer to this division as the authority under which the emergency is declared, and state that the amount of the proposed securities exceeds the limitations prescribed by division (B) of this section;

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

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

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

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

(G)(1) The board of education may contract with an architect, 13792
professional engineer, or other person experienced in the design 13793
and implementation of energy conservation measures for an analysis 13794
and recommendations pertaining to installations, modifications of 13795
installations, or remodeling that would significantly reduce 13796
energy consumption in buildings owned by the district. The report 13797
shall include estimates of all costs of such installations, 13798
modifications, or remodeling, including costs of design, 13799
engineering, installation, maintenance, repairs, and debt service, 13800
forgone residual value of materials or equipment replaced by the 13801
energy conservation measure, as defined by the Ohio school 13802
facilities commission, a baseline analysis of actual energy 13803
consumption data for the preceding three years with the utility 13804
baseline based on only the actual energy consumption data for the 13805
preceding twelve months, and estimates of the amounts by which 13806
energy consumption and resultant operational and maintenance 13807
costs, as defined by the commission, would be reduced. 13808

If the board finds after receiving the report that the amount 13809
of money the district would spend on such installations, 13810
modifications, or remodeling is not likely to exceed the amount of 13811
money it would save in energy and resultant operational and 13812
maintenance costs over the ensuing fifteen years, the board may 13813
submit to the commission a copy of its findings and a request for 13814
approval to incur indebtedness to finance the making or 13815
modification of installations or the remodeling of buildings for 13816
the purpose of significantly reducing energy consumption. 13817

~~If the commission determines that the board's findings are~~ 13818
~~reasonable, it~~ The school facilities commission, in consultation 13819
with the auditor of state, may deny a request under this division 13820
by the board of education any school district is in a state of 13821
fiscal watch pursuant to division (A) of section 3316.03 of the 13822
Revised Code, if it determines that the expenditure of funds is 13823

not in the best interest of the school district. 13824

No district board of education of a school district that is 13825
in a state of fiscal emergency pursuant to division (B) of section 13826
3316.03 of the Revised Code shall submit a request without 13827
submitting evidence that the installations, modifications, or 13828
remodeling have been approved by the district's financial planning 13829
and supervision commission established under section 3316.05 of 13830
the Revised Code. 13831

No board of education of a school district that, for three or 13832
more consecutive years, has been declared to be in a state of 13833
academic emergency under section 3302.03 of the Revised Code, as 13834
that section existed prior to March 22, 2013, and has failed to 13835
meet adequate yearly progress, or has met any condition set forth 13836
in division (A)(2), (3), or (4) of section 3302.10 of the Revised 13837
Code shall submit a request without first receiving approval to 13838
incur indebtedness from the district's academic distress 13839
commission established under that section, for so long as such 13840
commission continues to be required for the district. 13841

(2) The school facilities commission shall approve the 13842
board's request. Upon provided that the following conditions are 13843
satisfied: 13844

(a) The commission determines that the board's findings are 13845
reasonable. 13846

(b) The request for approval is complete. 13847

(c) The installations, modifications, or remodeling are 13848
consistent with any project to construct or acquire classroom 13849
facilities, or to reconstruct or make additions to existing 13850
classroom facilities under sections 3318.01 to 3318.20 or sections 13851
3318.40 to 3318.45 of the Revised Code. 13852

Upon receipt of the commission's approval, the district may 13853
issue securities without a vote of the electors in a principal 13854

amount not to exceed nine-tenths of one per cent of its tax 13855
valuation for the purpose of making such installations, 13856
modifications, or remodeling, but the total net indebtedness of 13857
the district without a vote of the electors incurred under this 13858
and all other sections of the Revised Code, except section 13859
3318.052 of the Revised Code, shall not exceed one per cent of the 13860
district's tax valuation. 13861

(3) So long as any securities issued under ~~division (G) of~~ 13862
this ~~section~~ division remain outstanding, the board of education 13863
shall monitor the energy consumption and resultant operational and 13864
maintenance costs of buildings in which installations or 13865
modifications have been made or remodeling has been done pursuant 13866
to ~~division (G) of this section~~ division and shall maintain and 13867
annually update a report documenting the reductions in energy 13868
consumption and resultant operational and maintenance cost savings 13869
attributable to such installations, modifications, or remodeling. 13870
The report shall be certified by an architect or engineer 13871
independent of any person that provided goods or services to the 13872
board in connection with the energy conservation measures that are 13873
the subject of the report. The resultant operational and 13874
maintenance cost savings shall be certified by the school district 13875
treasurer. The report shall be submitted annually to the 13876
commission. 13877

(H) With the consent of the superintendent of public 13878
instruction, a school district may incur without a vote of the 13879
electors net indebtedness that exceeds the amounts stated in 13880
divisions (A) and (G) of this section for the purpose of paying 13881
costs of permanent improvements, if and to the extent that both of 13882
the following conditions are satisfied: 13883

(1) The fiscal officer of the school district estimates that 13884
receipts of the school district from payments made under or 13885
pursuant to agreements entered into pursuant to section 725.02, 13886

1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 13887
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 13888
Code, or distributions under division (C) of section 5709.43 of 13889
the Revised Code, or any combination thereof, are, after 13890
accounting for any appropriate coverage requirements, sufficient 13891
in time and amount, and are committed by the proceedings, to pay 13892
the debt charges on the securities issued to evidence that 13893
indebtedness and payable from those receipts, and the taxing 13894
authority of the district confirms the fiscal officer's estimate, 13895
which confirmation is approved by the superintendent of public 13896
instruction; 13897

(2) The fiscal officer of the school district certifies, and 13898
the taxing authority of the district confirms, that the district, 13899
at the time of the certification and confirmation, reasonably 13900
expects to have sufficient revenue available for the purpose of 13901
operating such permanent improvements for their intended purpose 13902
upon acquisition or completion thereof, and the superintendent of 13903
public instruction approves the taxing authority's confirmation. 13904

The maximum maturity of securities issued under division (H) 13905
of this section shall be the lesser of twenty years or the maximum 13906
maturity calculated under section 133.20 of the Revised Code. 13907

(I) A school district may incur net indebtedness by the 13908
issuance of securities in accordance with the provisions of this 13909
chapter in excess of the limit specified in division (B) or (C) of 13910
this section when necessary to raise the school district portion 13911
of the basic project cost and any additional funds necessary to 13912
participate in a project under Chapter 3318. of the Revised Code, 13913
including the cost of items designated by the Ohio school 13914
facilities commission as required locally funded initiatives, the 13915
cost of other locally funded initiatives in an amount that does 13916
not exceed fifty per cent of the district's portion of the basic 13917
project cost, and the cost for site acquisition. The school 13918

facilities commission shall notify the superintendent of public 13919
instruction whenever a school district will exceed either limit 13920
pursuant to this division. 13921

(J) A school district whose portion of the basic project cost 13922
of its classroom facilities project under sections 3318.01 to 13923
3318.20 of the Revised Code is greater than or equal to one 13924
hundred million dollars may incur without a vote of the electors 13925
net indebtedness in an amount up to two per cent of its tax 13926
valuation through the issuance of general obligation securities in 13927
order to generate all or part of the amount of its portion of the 13928
basic project cost if the controlling board has approved the 13929
school facilities commission's conditional approval of the project 13930
under section 3318.04 of the Revised Code. The school district 13931
board and the Ohio school facilities commission shall include the 13932
dedication of the proceeds of such securities in the agreement 13933
entered into under section 3318.08 of the Revised Code. No state 13934
moneys shall be released for a project to which this section 13935
applies until the proceeds of any bonds issued under this section 13936
that are dedicated for the payment of the school district portion 13937
of the project are first deposited into the school district's 13938
project construction fund. 13939

Sec. 135.143. (A) The treasurer of state may invest or 13940
execute transactions for any part or all of the interim funds of 13941
the state in the following classifications of obligations: 13942

(1) United States treasury bills, notes, bonds, or any other 13943
obligations or securities issued by the United States treasury or 13944
any other obligation guaranteed as to principal and interest by 13945
the United States; 13946

(2) Bonds, notes, debentures, or any other obligations or 13947
securities issued by any federal government agency or 13948
instrumentality; 13949

(3)(a) Bonds and other direct, notes, and other obligations 13950
of the state of Ohio issued by the treasurer of state ~~and of,~~ the 13951
Ohio public facilities commission, the Ohio building authority, 13952
~~and~~ the Ohio housing finance agency, the Ohio water development 13953
authority, and the Ohio turnpike and infrastructure commission; 13954

(b) Bonds, notes, and other obligations of any state or 13955
political subdivision thereof rated at the time of purchase in the 13956
three highest categories by two nationally recognized rating 13957
agencies and purchased through a recognized securities dealer. 13958

(4)(a) Written repurchase agreements with any eligible Ohio 13959
financial institution that is a member of the federal reserve 13960
system or federal home loan bank or any recognized United States 13961
government securities dealer that is recognized as a primary 13962
dealer by the federal reserve bank of New York, under the terms of 13963
which agreement the treasurer of state purchases and the eligible 13964
financial institution or dealer agrees unconditionally to 13965
repurchase any of the securities that are listed in division 13966
(A)(1), (2), or (6) of this section and that will mature or are 13967
redeemable within ten years from the date of purchase. The market 13968
value of securities subject to these transactions must exceed the 13969
principal value of the repurchase agreement by an amount specified 13970
by the treasurer of state, and the securities must be delivered 13971
into the custody of the treasurer of state or the qualified 13972
trustee or agent designated by the treasurer of state. The 13973
agreement shall contain the requirement that for each transaction 13974
pursuant to the agreement, the participating institution or dealer 13975
shall provide all of the following information: 13976

(i) The par value of the securities; 13977

(ii) The type, rate, and maturity date of the securities; 13978

(iii) A numerical identifier generally accepted in the 13979
securities industry that designates the securities. 13980

(b) The treasurer of state also may sell any securities, 13981
listed in division (A)(1), (2), or (6) of this section, regardless 13982
of maturity or time of redemption of the securities, under the 13983
same terms and conditions for repurchase, provided that the 13984
securities have been fully paid for and are owned by the treasurer 13985
of state at the time of the sale. 13986

(5) Securities lending agreements with any eligible financial 13987
institution that is a member of the federal reserve system or 13988
federal home loan bank or any recognized United States government 13989
securities dealer, under the terms of which agreements the 13990
treasurer of state lends securities and the eligible financial 13991
institution or dealer agrees to simultaneously exchange similar 13992
securities or cash, equal value for equal value. 13993

Securities and cash received as collateral for a securities 13994
lending agreement are not interim funds of the state. The 13995
investment of cash collateral received pursuant to a securities 13996
lending agreement may be invested only in such instruments 13997
specified by the treasurer of state in accordance with a written 13998
investment policy. 13999

(6) Various forms of commercial paper issued by any 14000
~~corporation~~ entity that is ~~incorporated~~ organized under the laws 14001
of the United States or a state, which notes are rated at the time 14002
of purchase in the two highest categories by two nationally 14003
recognized rating agencies, provided that the total amount 14004
invested under this section in any commercial paper at any time 14005
shall not exceed ~~twenty-five~~ forty per cent of the state's total 14006
average portfolio, as determined and calculated by the treasurer 14007
of state; 14008

(7) Bankers acceptances, maturing in two hundred seventy days 14009
or less, ~~which are eligible for purchase by the federal reserve~~ 14010
~~system~~, provided that the total amount invested in bankers 14011
acceptances at any time shall not exceed ten per cent of the 14012

state's total average portfolio, as determined and calculated by 14013
the treasurer of state; 14014

(8) Certificates of deposit in eligible institutions applying 14015
for interim moneys as provided in section 135.08 of the Revised 14016
Code, including linked deposits as provided in sections 135.61 to 14017
135.67 of the Revised Code, agricultural linked deposits as 14018
provided in sections 135.71 to 135.76 of the Revised Code, and 14019
housing linked deposits as provided in sections 135.81 to 135.87 14020
of the Revised Code; 14021

(9) The state treasurer's investment pool authorized under 14022
section 135.45 of the Revised Code; 14023

(10) Debt interests, other than commercial paper described in 14024
division (A)(6) of this section, rated at the time of purchase in 14025
the three highest categories by two nationally recognized rating 14026
agencies and issued by ~~corporations~~ entities that are ~~incorporated~~ 14027
organized under the laws of the United States or a state, or 14028
issued by foreign nations diplomatically recognized by the United 14029
States government, or any instrument based on, derived from, or 14030
related to such interests, provided that: 14031

(a) The investments in debt interests, other than commercial 14032
paper, shall not exceed in the aggregate twenty-five per cent of 14033
the state's portfolio; 14034

(b) The investments in debt interests issued by foreign 14035
nations shall not exceed in the aggregate one per cent of the 14036
state's portfolio; 14037

(c) ~~The~~ When added to the investment in commercial paper, the 14038
investments in the debt interests of a single issuer shall not 14039
exceed in the aggregate ~~one-half of one~~ five per cent of the 14040
state's portfolio, ~~except that debt interests of a single issuer~~ 14041
~~that is a foreign nation shall not exceed in the aggregate one per~~ 14042
~~cent of the state's portfolio.~~ 14043

The treasurer of state shall invest under division (A)(10) of 14044
this section in a debt interest issued by a foreign nation only if 14045
the debt interest is backed by the full faith and credit of that 14046
foreign nation, and provided that all interest and principal shall 14047
be denominated and payable in United States funds. 14048

For purposes of division (A)(10) of this section, a debt 14049
interest is rated in the three highest categories by two 14050
nationally recognized rating agencies if either the debt interest 14051
itself or the issuer of the debt interest is rated, or is 14052
implicitly rated, at the time of purchase in the three highest 14053
categories by two nationally recognized rating agencies. 14054

For purposes of division (A)(10) of this section, the 14055
"state's portfolio" means the state's total average portfolio, as 14056
determined and calculated by the treasurer of state. 14057

(11) ~~No-load money market mutual funds consisting exclusively 14058
of obligations described in division (A)(1), (2), or (6) of this 14059
section and repurchase agreements secured by such obligations 14060
rated at the time of purchase in the highest category by at least 14061
one nationally recognized rating agency. 14062~~

(12) Obligations of a political subdivision issued under 14063
Chapter 133. of the Revised Code and identified in an agreement 14064
described in division (G) of this section. 14065

(B) Whenever, during a period of designation, the treasurer 14066
of state classifies public moneys as interim moneys, the treasurer 14067
of state shall notify the state board of deposit of such action. 14068
The notification shall be given within thirty days after such 14069
classification and, in the event the state board of deposit does 14070
not concur in such classification or in the investments or 14071
deposits made under this section, the board may order the 14072
treasurer of state to sell or liquidate any of the investments or 14073
deposits, and any such order shall specifically describe the 14074

investments or deposits and fix the date upon which they are to be sold or liquidated. Investments or deposits so ordered to be sold or liquidated shall be sold or liquidated for cash by the treasurer of state on the date fixed in such order at the then current market price. Neither the treasurer of state nor the members of the state board of deposit shall be held accountable for any loss occasioned by sales or liquidations of investments or deposits at prices lower than their cost. Any loss or expense incurred in making these sales or liquidations is payable as other expenses of the treasurer's office.

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

(D) The treasurer of state is responsible for the safekeeping of all securities or obligations under this section. Any such securities or obligations may be deposited for safekeeping as provided in section 113.05 of the Revised Code.

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

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

(G) The treasurer of state and any political subdivision issuing obligations referred to in division (A)(12) of this

section, which obligations mature within one year from the 14106
original date of issuance, may enter into an agreement providing 14107
for: 14108

(1) The purchase of those obligations by the treasurer of 14109
state on terms and subject to conditions set forth in the 14110
agreement; 14111

(2) The payment by the political subdivision to the treasurer 14112
of state of a reasonable fee as consideration for the agreement of 14113
the treasurer of state to purchase those obligations; provided, 14114
however, that the treasurer of state shall not be authorized to 14115
enter into any such agreement with a board of education of a 14116
school district that has an outstanding obligation with respect to 14117
a loan received under authority of section 3313.483 of the Revised 14118
Code. 14119

(H) For purposes of division (G) of this section, a fee shall 14120
not be considered reasonable unless it is set to recover only the 14121
direct costs, a reasonable estimate of the indirect costs 14122
associated with the purchasing of obligations of a political 14123
subdivision under division (G) of this section and any reselling 14124
of the obligations or any interest in the obligations, including 14125
interests in a fund comprised of the obligations, and the 14126
administration thereof. No money from the general revenue fund 14127
shall be used to subsidize the purchase or resale of these 14128
obligations. 14129

(I) All money collected by the treasurer of state from the 14130
fee imposed by division (G) of this section shall be deposited to 14131
the credit of the state political subdivision obligations fund, 14132
which is hereby created in the state treasury. Money credited to 14133
the fund shall be used solely to pay the treasurer of state's 14134
direct and indirect costs associated with purchasing and reselling 14135
obligations of a political subdivision under division (G) of this 14136
section. 14137

(J) As used in this section, "political subdivision" means a county, township, municipal corporation, or ~~board of education of~~ a school district.

Sec. 135.22. (A) For purposes of this section:

(1) "Treasurer" has the same meaning as in section 135.01 of the Revised Code, but does not include a county treasurer or the treasurer of state. "Treasurer" includes any person whose duties include making investment decisions with respect to the investment or deposit of interim moneys.

(2) "Subdivision" has the same meaning as in section 135.01 of the Revised Code.

(B) To enhance the background and working knowledge of treasurers in investments, cash management, ~~and the collection of taxes,~~ ethics, and in any other subject area that the treasurer of state determines is reasonably related to the duties of a treasurer, the treasurer of state shall provide annual continuing education programs for treasurers. A treasurer annually shall complete the continuing education programs described in this section, unless the treasurer annually provides a notice of exemption described in division (E) of this section.

(C) The treasurer of state shall determine the manner, content, and length of the continuing education programs after consultation with appropriate statewide organizations of local government officials.

(D) Upon successful completion of a continuing education program required by this section, the treasurer of state shall issue a certificate indicating that the treasurer has successfully completed the continuing education program prescribed by the treasurer of state. The treasurer of state shall forward to the auditor of state any certificates issued pursuant to this division

by the treasurer of state. The auditor of state shall maintain in 14168
the auditor's records any certificates forwarded by the treasurer 14169
of state pursuant to this division. As part of the auditor of 14170
state's audit of the subdivision conducted in accordance with 14171
section 117.11 of the Revised Code, the auditor of state shall 14172
report whether the treasurer is in compliance with this section of 14173
the Revised Code. 14174

(E) Division (B) of this section does not apply to any 14175
treasurer who annually provides a notice of exemption to the 14176
auditor of state. The notice shall be certified by the treasurer 14177
of state and shall provide that the treasurer is not subject to 14178
the continuing education requirements set forth in division (B) of 14179
this section, because the treasurer invests or deposits public 14180
moneys in the following investments only: 14181

(1) Interim deposits pursuant to division (B)(3) of section 14182
135.14 or section 135.145 of the Revised Code; 14183

(2) No-load money market mutual funds pursuant to division 14184
(B)(5) of section 135.14 of the Revised Code; 14185

(3) The Ohio subdivision's fund pursuant to division (B)(6) 14186
of section 135.14 of the Revised Code. 14187

(F) In carrying out the duties required by this section, the 14188
treasurer of state may charge the subdivision served by the 14189
treasurer a registration fee that will meet actual and necessary 14190
expenses in connection with the training of the treasurer, 14191
including instruction fees, site acquisition costs, and the cost 14192
of course materials. Any necessary personal expenses of a 14193
treasurer incurred as a result of attending the continuing 14194
education courses shall be borne by the subdivision represented by 14195
the treasurer. 14196

(G) The treasurer of state may allow any other interested 14197
person to attend any of the continuing education programs that are 14198

held pursuant to this section, provided that before attending any 14199
such continuing education program, the interested person has paid 14200
to the treasurer of state the full registration fee set for the 14201
continuing education program. 14202

(H) All funds collected pursuant to this section shall be 14203
paid into the county treasurer education fund created pursuant to 14204
section 321.46 of the Revised Code, and the actual and necessary 14205
expenses of the treasurer of state in conducting the continuing 14206
education programs required by this section shall be paid from 14207
this fund. 14208

(I) The treasurer of state may adopt reasonable rules not 14209
inconsistent with this section for the implementation of this 14210
section. 14211

Sec. 135.35. (A) The investing authority shall deposit or 14212
invest any part or all of the county's inactive moneys and shall 14213
invest all of the money in the county public library fund when 14214
required by section 135.352 of the Revised Code. The following 14215
classifications of securities and obligations are eligible for 14216
such deposit or investment: 14217

(1) United States treasury bills, notes, bonds, or any other 14218
obligation or security issued by the United States treasury, any 14219
other obligation guaranteed as to principal or interest by the 14220
United States, or any book entry, zero-coupon United States 14221
treasury security that is a direct obligation of the United 14222
States. 14223

Nothing in the classification of eligible securities and 14224
obligations set forth in divisions (A)(2) to (11) of this section 14225
shall be construed to authorize any investment in stripped 14226
principal or interest obligations of such eligible securities and 14227
obligations. 14228

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including, but not limited to, the federal national mortgage association, federal home loan bank, federal farm credit bank, federal home loan mortgage corporation, government national mortgage association, and student loan marketing association. All federal agency securities shall be direct issuances of federal government agencies or instrumentalities.

(3) Time certificates of deposit or savings or deposit accounts, including, but not limited to, passbook accounts, in any eligible institution mentioned in section 135.32 of the Revised Code;

(4) Bonds and other obligations of this state or the political subdivisions of this state;

(5) No-load money market mutual funds consisting exclusively of obligations described in division (A)(1) or (2) of this section and repurchase agreements secured by such obligations, provided that investments in securities described in this division are made only through eligible institutions mentioned in section 135.32 of the Revised Code;

(6) The Ohio subdivision's fund as provided in section 135.45 of the Revised Code;

(7) Securities lending agreements with any eligible institution mentioned in section 135.32 of the Revised Code that is a member of the federal reserve system or federal home loan bank or with any recognized United States government securities dealer meeting the description in division (J)(1) of this section, under the terms of which agreements the investing authority lends securities and the eligible institution or dealer agrees to simultaneously exchange similar securities or cash, equal value

for equal value.	14260
Securities and cash received as collateral for a securities	14261
lending agreement are not inactive moneys of the county or moneys	14262
of a county public library fund. The investment of cash collateral	14263
received pursuant to a securities lending agreement may be	14264
invested only in instruments specified by the investing authority	14265
in the written investment policy described in division (K) of this	14266
section.	14267
(8) Up to twenty-five per cent of the county's total average	14268
portfolio in either of the following investments:	14269
(a) Commercial paper notes issued by an entity that is	14270
defined in division (D) of section 1705.01 of the Revised Code and	14271
that has assets exceeding five hundred million dollars, to which	14272
notes all of the following apply:	14273
(i) The notes are rated at the time of purchase in the	14274
highest classification established by at least two nationally	14275
recognized standard rating services.	14276
(ii) The aggregate value of the notes does not exceed ten per	14277
cent of the aggregate value of the outstanding commercial paper of	14278
the issuing corporation.	14279
(iii) The notes mature not later than two hundred seventy	14280
days after purchase.	14281
(b) Bankers acceptances of banks that are insured by the	14282
federal deposit insurance corporation and to which both of the	14283
following apply:	14284
(i) The obligations are eligible for purchase by the federal	14285
reserve system.	14286
(ii) The obligations mature not later than one hundred eighty	14287
days after purchase.	14288
No investment shall be made pursuant to division (A)(8) of	14289

this section unless the investing authority has completed 14290
additional training for making the investments authorized by 14291
division (A)(8) of this section. The type and amount of additional 14292
training shall be approved by the auditor of state and may be 14293
conducted by or provided under the supervision of the auditor of 14294
state. 14295

(9) Up to fifteen per cent of the county's total average 14296
portfolio in notes issued by corporations that are incorporated 14297
under the laws of the United States and that are operating within 14298
the United States, or by depository institutions that are doing 14299
business under authority granted by the United States or any state 14300
and that are operating within the United States, provided both of 14301
the following apply: 14302

(a) The notes are rated in the second highest or higher 14303
category by at least two nationally recognized standard rating 14304
services at the time of purchase. 14305

(b) The notes mature not later than two years after purchase. 14306

(10) No-load money market mutual funds rated in the highest 14307
category at the time of purchase by at least one nationally 14308
recognized standard rating service and consisting exclusively of 14309
obligations described in division (A)(1), (2), or (6) of section 14310
135.143 of the Revised Code; 14311

(11) Debt interests rated at the time of purchase in the 14312
three highest categories by two nationally recognized standard 14313
rating services and issued by foreign nations diplomatically 14314
recognized by the United States government. All interest and 14315
principal shall be denominated and payable in United States funds. 14316
The investments made under division (A)(11) of this section shall 14317
not exceed in the aggregate one per cent of a county's total 14318
average portfolio. 14319

The investing authority shall invest under division (A)(11) 14320

of this section in a debt interest issued by a foreign nation only 14321
if the debt interest is backed by the full faith and credit of 14322
that foreign nation, there is no prior history of default, and the 14323
debt interest matures not later than five years after purchase. 14324
For purposes of division (A)(11) of this section, a debt interest 14325
is rated in the three highest categories by two nationally 14326
recognized standard rating services if either the debt interest 14327
itself or the issuer of the debt interest is rated, or is 14328
implicitly rated, at the time of purchase in the three highest 14329
categories by two nationally recognized standard rating services. 14330

(12) A current unpaid or delinquent tax line of credit 14331
authorized under division (G) of section 135.341 of the Revised 14332
Code, provided that all of the conditions for entering into such a 14333
line of credit under that division are satisfied, or bonds and 14334
other obligations of a county land reutilization corporation 14335
organized under Chapter 1724. of the Revised Code, if the county 14336
land reutilization corporation is located wholly or partly within 14337
the same county as the investing authority. 14338

(B) Nothing in the classifications of eligible obligations 14339
and securities set forth in divisions (A)(1) to (11) of this 14340
section shall be construed to authorize investment in a 14341
derivative, and no investing authority shall invest any county 14342
inactive moneys or any moneys in a county public library fund in a 14343
derivative. For purposes of this division, "derivative" means a 14344
financial instrument or contract or obligation whose value or 14345
return is based upon or linked to another asset or index, or both, 14346
separate from the financial instrument, contract, or obligation 14347
itself. Any security, obligation, trust account, or other 14348
instrument that is created from an issue of the United States 14349
treasury or is created from an obligation of a federal agency or 14350
instrumentality or is created from both is considered a derivative 14351
instrument. An eligible investment described in this section with 14352

a variable interest rate payment, based upon a single interest 14353
payment or single index comprised of other eligible investments 14354
provided for in division (A)(1) or (2) of this section, is not a 14355
derivative, provided that such variable rate investment has a 14356
maximum maturity of two years. A treasury inflation-protected 14357
security shall not be considered a derivative, provided the 14358
security matures not later than five years after purchase. 14359

(C) Except as provided in ~~division~~ divisions (D) and (O) of 14360
this section, any investment made pursuant to this section must 14361
mature within ~~five~~ ten years from the date of settlement, unless 14362
the investment is matched to a specific obligation or debt of the 14363
county or to a specific obligation or debt of a political 14364
subdivision of this state, and the investment is specifically 14365
approved by the investment advisory committee. 14366

(D) The investing authority may also enter into a written 14367
repurchase agreement with any eligible institution mentioned in 14368
section 135.32 of the Revised Code or any eligible securities 14369
dealer pursuant to division (J) of this section, under the terms 14370
of which agreement the investing authority purchases and the 14371
eligible institution or dealer agrees unconditionally to 14372
repurchase any of the securities listed in divisions (B)(1) to 14373
(5), except letters of credit described in division (B)(2), of 14374
section 135.18 of the Revised Code. The market value of securities 14375
subject to an overnight written repurchase agreement must exceed 14376
the principal value of the overnight written repurchase agreement 14377
by at least two per cent. A written repurchase agreement must 14378
exceed the principal value of the overnight written repurchase 14379
agreement, by at least two per cent. A written repurchase 14380
agreement shall not exceed thirty days, and the market value of 14381
securities subject to a written repurchase agreement must exceed 14382
the principal value of the written repurchase agreement by at 14383
least two per cent and be marked to market daily. All securities 14384

purchased pursuant to this division shall be delivered into the 14385
custody of the investing authority or the qualified custodian of 14386
the investing authority or an agent designated by the investing 14387
authority. A written repurchase agreement with an eligible 14388
securities dealer shall be transacted on a delivery versus payment 14389
basis. The agreement shall contain the requirement that for each 14390
transaction pursuant to the agreement the participating 14391
institution shall provide all of the following information: 14392

(1) The par value of the securities; 14393

(2) The type, rate, and maturity date of the securities; 14394

(3) A numerical identifier generally accepted in the 14395
securities industry that designates the securities. 14396

No investing authority shall enter into a written repurchase 14397
agreement under the terms of which the investing authority agrees 14398
to sell securities owned by the county to a purchaser and agrees 14399
with that purchaser to unconditionally repurchase those 14400
securities. 14401

(E) No investing authority shall make an investment under 14402
this section, unless the investing authority, at the time of 14403
making the investment, reasonably expects that the investment can 14404
be held until its maturity. The investing authority's written 14405
investment policy shall specify the conditions under which an 14406
investment may be redeemed or sold prior to maturity. 14407

(F) No investing authority shall pay a county's inactive 14408
moneys or moneys of a county public library fund into a fund 14409
established by another subdivision, treasurer, governing board, or 14410
investing authority, if that fund was established by the 14411
subdivision, treasurer, governing board, or investing authority 14412
for the purpose of investing or depositing the public moneys of 14413
other subdivisions. This division does not apply to the payment of 14414
public moneys into either of the following: 14415

(1) The Ohio subdivision's fund pursuant to division (A)(6) 14416
of this section; 14417

(2) A fund created solely for the purpose of acquiring, 14418
constructing, owning, leasing, or operating municipal utilities 14419
pursuant to the authority provided under section 715.02 of the 14420
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 14421

For purposes of division (F) of this section, "subdivision" 14422
includes a county. 14423

(G) The use of leverage, in which the county uses its current 14424
investment assets as collateral for the purpose of purchasing 14425
other assets, is prohibited. The issuance of taxable notes for the 14426
purpose of arbitrage is prohibited. Contracting to sell securities 14427
not owned by the county, for the purpose of purchasing such 14428
securities on the speculation that bond prices will decline, is 14429
prohibited. 14430

(H) Any securities, certificates of deposit, deposit 14431
accounts, or any other documents evidencing deposits or 14432
investments made under authority of this section shall be issued 14433
in the name of the county with the county treasurer or investing 14434
authority as the designated payee. If any such deposits or 14435
investments are registrable either as to principal or interest, or 14436
both, they shall be registered in the name of the treasurer. 14437

(I) The investing authority shall be responsible for the 14438
safekeeping of all documents evidencing a deposit or investment 14439
acquired under this section, including, but not limited to, 14440
safekeeping receipts evidencing securities deposited with a 14441
qualified trustee, as provided in section 135.37 of the Revised 14442
Code, and documents confirming the purchase of securities under 14443
any repurchase agreement under this section shall be deposited 14444
with a qualified trustee, provided, however, that the qualified 14445
trustee shall be required to report to the investing authority, 14446

auditor of state, or an authorized outside auditor at any time 14447
upon request as to the identity, market value, and location of the 14448
document evidencing each security, and that if the participating 14449
institution is a designated depository of the county for the 14450
current period of designation, the securities that are the subject 14451
of the repurchase agreement may be delivered to the treasurer or 14452
held in trust by the participating institution on behalf of the 14453
investing authority. 14454

Upon the expiration of the term of office of an investing 14455
authority or in the event of a vacancy in the office for any 14456
reason, the officer or the officer's legal representative shall 14457
transfer and deliver to the officer's successor all documents 14458
mentioned in this division for which the officer has been 14459
responsible for safekeeping. For all such documents transferred 14460
and delivered, the officer shall be credited with, and the 14461
officer's successor shall be charged with, the amount of moneys 14462
evidenced by such documents. 14463

(J)(1) All investments, except for investments in securities 14464
described in divisions (A)(5), (6), and (12) of this section, 14465
shall be made only through a member of the national association of 14466
securities dealers, through a bank, savings bank, or savings and 14467
loan association regulated by the superintendent of financial 14468
institutions, or through an institution regulated by the 14469
comptroller of the currency, federal deposit insurance 14470
corporation, or board of governors of the federal reserve system. 14471

(2) Payment for investments shall be made only upon the 14472
delivery of securities representing such investments to the 14473
treasurer, investing authority, or qualified trustee. If the 14474
securities transferred are not represented by a certificate, 14475
payment shall be made only upon receipt of confirmation of 14476
transfer from the custodian by the treasurer, governing board, or 14477
qualified trustee. 14478

(K)(1) Except as otherwise provided in division (K)(2) of 14479
this section, no investing authority shall make an investment or 14480
deposit under this section, unless there is on file with the 14481
auditor of state a written investment policy approved by the 14482
investing authority. The policy shall require that all entities 14483
conducting investment business with the investing authority shall 14484
sign the investment policy of that investing authority. All 14485
brokers, dealers, and financial institutions, described in 14486
division (J)(1) of this section, initiating transactions with the 14487
investing authority by giving advice or making investment 14488
recommendations shall sign the investing authority's investment 14489
policy thereby acknowledging their agreement to abide by the 14490
policy's contents. All brokers, dealers, and financial 14491
institutions, described in division (J)(1) of this section, 14492
executing transactions initiated by the investing authority, 14493
having read the policy's contents, shall sign the investment 14494
policy thereby acknowledging their comprehension and receipt. 14495

(2) If a written investment policy described in division 14496
(K)(1) of this section is not filed on behalf of the county with 14497
the auditor of state, the investing authority of that county shall 14498
invest the county's inactive moneys and moneys of the county 14499
public library fund only in time certificates of deposits or 14500
savings or deposit accounts pursuant to division (A)(3) of this 14501
section, no-load money market mutual funds pursuant to division 14502
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 14503
division (A)(6) of this section. 14504

(L)(1) The investing authority shall establish and maintain 14505
an inventory of all obligations and securities acquired by the 14506
investing authority pursuant to this section. The inventory shall 14507
include a description of each obligation or security, including 14508
type, cost, par value, maturity date, settlement date, and any 14509
coupon rate. 14510

(2) The investing authority shall also keep a complete record 14511
of all purchases and sales of the obligations and securities made 14512
pursuant to this section. 14513

(3) The investing authority shall maintain a monthly 14514
portfolio report and issue a copy of the monthly portfolio report 14515
describing such investments to the county investment advisory 14516
committee, detailing the current inventory of all obligations and 14517
securities, all transactions during the month that affected the 14518
inventory, any income received from the obligations and 14519
securities, and any investment expenses paid, and stating the 14520
names of any persons effecting transactions on behalf of the 14521
investing authority. 14522

(4) The monthly portfolio report shall be a public record and 14523
available for inspection under section 149.43 of the Revised Code. 14524

(5) The inventory and the monthly portfolio report shall be 14525
filed with the board of county commissioners. The monthly 14526
portfolio report also shall be filed with the treasurer of state. 14527

(M) An investing authority may enter into a written 14528
investment or deposit agreement that includes a provision under 14529
which the parties agree to submit to nonbinding arbitration to 14530
settle any controversy that may arise out of the agreement, 14531
including any controversy pertaining to losses of public moneys 14532
resulting from investment or deposit. The arbitration provision 14533
shall be set forth entirely in the agreement, and the agreement 14534
shall include a conspicuous notice to the parties that any party 14535
to the arbitration may apply to the court of common pleas of the 14536
county in which the arbitration was held for an order to vacate, 14537
modify, or correct the award. Any such party may also apply to the 14538
court for an order to change venue to a court of common pleas 14539
located more than one hundred miles from the county in which the 14540
investing authority is located. 14541

For purposes of this division, "investment or deposit agreement" means any agreement between an investing authority and a person, under which agreement the person agrees to invest, deposit, or otherwise manage, on behalf of the investing authority, a county's inactive moneys or moneys in a county public library fund, or agrees to provide investment advice to the investing authority.

(N)(1) An investment held in the county portfolio on September 27, 1996, that was a legal investment under the law as it existed before September 27, 1996, may be held until maturity, or if the investment does not have a maturity date the investment may be held until five years from September 27, 1996, regardless of whether the investment would qualify as a legal investment under the terms of this section as amended.

(2) An investment held in the county portfolio on ~~the effective date of this amendment~~ September 10, 2012, that was a legal investment under the law as it existed before ~~the effective date of this amendment~~ September 10, 2012, may be held until maturity.

(O) Upon a majority affirmative vote of the county investment advisory committee in support of such action, an investment authority may invest up to twenty-five per cent of the county's total average portfolio of investments made under this section in securities and obligations that mature on a date that is more than ten years from the date of settlement.

Sec. 135.61. As used in sections 135.61 to 135.67 of the Revised Code:

(A) "Eligible small business" means any person, including, but not limited to a person engaged in agriculture, that has all of the following characteristics:

(1) Is headquartered in this state;	14572
(2) Maintains offices and operating facilities exclusively in this state and transacts business in this state;	14573 14574
(3) Employs fewer than one hundred fifty employees, the majority of whom are residents of this state;	14575 14576
(4) Is organized for profit.	14577
(B) "Eligible lending institution" means a financial institution that is eligible to make commercial loans, is a public depository of state funds under section 135.03 of the Revised Code, and agrees to participate in the linked deposit program.	14578 14579 14580 14581
(C) "Linked deposit" means a certificate of deposit or other financial institution instrument placed by the treasurer of state with an eligible lending institution at a rate below current market rates, as determined and calculated by the treasurer of state, provided the institution agrees to lend the value of such deposit, according to the deposit agreement provided in division (C) of section 135.65 of the Revised Code, to eligible small businesses at a rate that reflects an equal percentage rate reduction below the present borrowing rate applicable to each specific business at the time of the deposit of state funds in the institution.	14582 14583 14584 14585 14586 14587 14588 14589 14590 14591 14592
(D) "Other financial institution instrument" has the same meaning as in section 135.81 of the Revised Code.	14593 14594
<u>(E) "Loan" means a contractual agreement under which an eligible lending institution agrees to lend money in the form of an upfront lump sum, a line of credit, or any other reasonable arrangement approved by the treasurer of state.</u>	14595 14596 14597 14598
Sec. 135.71. As used in sections 135.71 to 135.76 of the Revised Code:	14599 14600
(A) "Eligible agricultural business" means any person engaged	14601

in agriculture that has all of the following characteristics: 14602

(1) Is headquartered and domiciled in this state; 14603

(2) Maintains land or facilities for agricultural purposes in 14604
this state provided that the land or facilities within this state 14605
comprise not less than fifty-one per cent of the total of all 14606
lands or facilities maintained by the person; 14607

(3) Is organized for profit. 14608

(B) "Eligible lending institution" means a financial 14609
institution that is eligible to make commercial loans, agrees to 14610
participate in the agricultural linked deposit program, and: 14611

(1) Is a public depository of state funds under section 14612
135.03 of the Revised Code; or 14613

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 14614
Code, is an institution of the farm credit system organized under 14615
the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C.A. 14616
2001, as amended. 14617

(C) "Agricultural linked deposit" means a certificate of 14618
deposit placed by the treasurer of state with an eligible lending 14619
institution under section 135.74 of the Revised Code or an 14620
investment in bonds, notes, debentures, or other obligations or 14621
securities issued by the federal farm credit bank with regard to 14622
an eligible lending institution. 14623

(D) "Loan" means a contractual agreement under which an 14624
eligible lending institution agrees to lend money in the form of 14625
an upfront lump sum, a line of credit, or any other reasonable 14626
arrangement approved by the treasurer of state. 14627

Sec. 135.80. (A) The legislative authority of a municipal 14628
corporation, by ordinance; the board of directors of a port 14629
authority or a lake facilities authority, by resolution; or the 14630
board of county commissioners, by resolution, may establish a 14631

linked deposit program authorizing the treasurer or governing 14632
board of the municipal corporation, the board of directors of the 14633
port authority or lake facilities authority, or the investing 14634
authority of the county, as created or designated by the ordinance 14635
or resolution, to place certificates of deposit at up to three per 14636
cent below market rates with an eligible lending institution 14637
applying for interim moneys as provided in section 135.08 of the 14638
Revised Code, selected to invest port authority or lake facilities 14639
authority moneys in linked deposit programs pursuant to section 14640
4582.54 or 353.15 of the Revised Code, or applying for inactive 14641
moneys as provided in section 135.32 of the Revised Code, provided 14642
the institution agrees to lend the value of such deposit to 14643
eligible borrowers at up to three per cent below the present 14644
borrowing rate applicable to each borrower. The ordinance or 14645
resolution shall include requirements and provisions that are 14646
necessary to establish the program, including, but not limited to: 14647

(1) Eligibility requirements for borrowers who may receive 14648
reduced rate loans under the program; 14649

(2) Application procedures for borrowers and institutions 14650
wishing to participate in the program; 14651

(3) Review procedures for applications and criteria for 14652
acceptance or rejection of applications for reduced rate loans; 14653

(4) Necessary agreements between the eligible lending 14654
institution and the treasurer or governing board of the municipal 14655
corporation, the board of directors of the port authority or lake 14656
facilities authority, or the investing authority of the county to 14657
carry out the purposes of the linked deposit program; 14658

(5) Annual reports regarding the operation of the program to 14659
be made by the treasurer or governing board to the legislative 14660
authority, the eligible lending institution to the board of 14661
directors of the port authority or lake facilities authority, or 14662

the investing authority to the board of county commissioners. 14663

(B) The municipal corporation and the treasurer or governing 14664
board, the port authority or lake facilities authority and the 14665
board of directors, and the county and the investing authority or 14666
the board of county commissioners, are not liable to any eligible 14667
lending institution in any manner for the payment of the principal 14668
or interest on any reduced rate loan made under the program, and 14669
any delay in payment or default on the part of any borrower does 14670
not in any manner affect the deposit agreement between the 14671
eligible lending institution and the treasurer or governing board, 14672
the board of directors, or the investing authority or board of 14673
county commissioners. 14674

(C) For purposes of this section, ~~both of the following~~ 14675
~~apply~~: 14676

(1) "Investing authority" has the same meaning as in section 14677
135.31 of the Revised Code. 14678

(2) "Port authority" means a port authority created in 14679
accordance with section 4582.22 of the Revised Code. 14680

(3) "Lake facilities authority" means a lake facilities 14681
authority created in accordance with section 353.02 of the Revised 14682
Code. 14683

Sec. 135.81. As used in sections 135.81 to 135.87 of the 14684
Revised Code: 14685

(A) "Eligible governmental subdivision" means a municipal 14686
corporation, port authority created in accordance with section 14687
4582.22 of the Revised Code, or county in this state. 14688

(B) "Eligible governmental subdivision housing linked deposit 14689
program" means any program established pursuant to section 135.80 14690
of the Revised Code by the legislative authority of a municipal 14691
corporation, the board of directors of a port authority created in 14692

accordance with section 4582.22 of the Revised Code, or the board 14693
of county commissioners of a county, in which the program goals 14694
address specific housing issues relative to the geographic 14695
boundaries of that municipal corporation, port authority, or 14696
county. These program goals include, but are not limited to, home 14697
improvement, home restoration, energy efficiency, retention of 14698
historic significance, controlling urban sprawl, neighborhood 14699
revitalization, affordable housing, home ownership for persons 14700
unable to secure conventional financing, urban development, or 14701
economic revitalization of a residential area as a result of a 14702
natural disaster or other catastrophic occurrence. 14703

(C) "Eligible housing linked deposit participant" means any 14704
person or small business that meets the requirements set forth in 14705
an eligible governmental subdivision housing linked deposit 14706
program or set forth by the treasurer of state pursuant to 14707
division (B)(2) of section 135.82 of the Revised Code and that is 14708
a resident of this state. 14709

(D) "Eligible lending institution" means a financial 14710
institution meeting all of the following: 14711

(1) It is eligible to make commercial loans or residential 14712
loans. 14713

(2) It is a public depository of state funds under section 14714
135.03 of the Revised Code. 14715

(3) It agrees to participate in a program to provide housing 14716
linked deposits. 14717

(E) "Housing linked deposit" means a certificate of deposit 14718
or other financial institution instrument, described in section 14719
135.85 of the Revised Code, placed by the treasurer of state with 14720
an eligible lending institution, in accordance with division (B) 14721
of section 135.84 of the Revised Code, provided that the 14722
institution agrees, at the time of the deposit of state funds and 14723

for the period of the deposit, to lend the value of the deposit 14724
according to the deposit agreement described in section 135.85 of 14725
the Revised Code to eligible housing linked deposit participants 14726
at a fixed interest rate of up to three hundred basis points below 14727
the present borrowing rate applicable to each participant in the 14728
absence of approval to participate in the programs described in 14729
division (B) of section 135.82 of the Revised Code. 14730

(F) "Other financial institution instrument" means a fully 14731
collateralized product that otherwise would pay market rates of 14732
interest approved by the treasurer of state, for the purpose of 14733
providing eligible housing linked deposit participants with the 14734
benefits of a housing linked deposit. 14735

(G) "Loan" means a contractual agreement under which an 14736
eligible lending institution agrees to lend money in the form of 14737
an upfront lump sum, a line of credit, or any other reasonable 14738
arrangement approved by the treasurer of state. 14739

Sec. 135.85. (A) Upon placement of a housing linked deposit 14740
with an eligible lending institution pursuant to division (B) of 14741
section 135.84 of the Revised Code, the eligible lending 14742
institution shall do both of the following: 14743

(1) Enter into a deposit agreement with the treasurer of 14744
state that includes all of the following: 14745

(a) Any requirements necessary to carry out the purposes of 14746
sections 135.81 to 135.87 of the Revised Code; 14747

(b) Provisions for any certificate of deposit or other 14748
financial institution instrument meeting the requirements 14749
described in division (B) of this section and placed for any 14750
maturity considered appropriate by the treasurer of state but not 14751
exceeding five years; 14752

(c) A specification of the period of time in which the 14753

eligible lending institution is to provide the reduced interest rate to an approved applicant. 14754
14755

(2) Lend funds as provided in division (C) of this section and in accordance with the deposit agreement described in this section to each eligible housing linked deposit participant approved by the treasurer of state pursuant to division (A) of section 135.84 of the Revised Code. 14756
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(B) Both of the following apply to any certificate of deposit or other financial institution instrument described in division (A)(1)(b) of this section: 14761
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(1) The certificate of deposit or other financial institution instrument shall not be renewed upon final maturity. 14764
14765

(2) Interest shall be paid at the times and in the manner prescribed by the treasurer of state. 14766
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(C) The loan described in division (A)(2) of this section shall be at a fixed rate of up to three hundred basis points below the present borrowing rate that would apply to the eligible housing linked deposit participant in the absence of approval to participate in the programs described in division (B) of section 135.82 of the Revised Code. 14768
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(D) A certificate of compliance with this section in the form and manner prescribed by the treasurer of state shall be provided by the eligible lending institution. 14774
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(E)(1) Any delay in payments or default on the part of the eligible housing linked deposit participant does not in any manner affect the deposit agreement between the eligible lending institution and the treasurer of state. 14777
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(2) If an eligible lending institution changes the terms of a loan to an eligible housing linked deposit participant because of a delay in payments or default, the housing linked deposit amount 14781
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shall be returned to the treasurer of state by the eligible 14784
lending institution. In which case, the deposit amount plus 14785
interest and without early withdrawal penalties shall be returned 14786
in a timely manner as prescribed by the treasurer of state. 14787

(F) An eligible lending institution shall comply fully with 14788
sections 135.81 to 135.87 of the Revised Code. 14789

Sec. 140.01. As used in this chapter: 14790

(A) "Hospital agency" means any public hospital agency or any 14791
nonprofit hospital agency. 14792

(B) "Public hospital agency" means any county, board of 14793
county hospital trustees established pursuant to section 339.02 of 14794
the Revised Code, county hospital commission established pursuant 14795
to section 339.14 of the Revised Code, municipal corporation, new 14796
community authority organized under Chapter 349. of the Revised 14797
Code, joint township hospital district, state or municipal 14798
university or college operating or authorized to operate a 14799
hospital facility, or the state. 14800

(C) "Nonprofit hospital agency" means a corporation or 14801
association not for profit, no part of the net earnings of which 14802
inures or may lawfully inure to the benefit of any private 14803
shareholder or individual, that has authority to own or operate a 14804
hospital facility or provides or is to provide services to one or 14805
more other hospital agencies. 14806

(D) "Governing body" means, in the case of a county, the 14807
board of county commissioners or other legislative body; in the 14808
case of a board of county hospital trustees, the board; in the 14809
case of a county hospital commission, the commission; in the case 14810
of a municipal corporation, the council or other legislative 14811
authority; in the case of a new community authority, its board of 14812
trustees; in the case of a joint township hospital district, the 14813

joint township district hospital board; in the case of a state or 14814
municipal university or college, its board of trustees or board of 14815
directors; in the case of a nonprofit hospital agency, the board 14816
of trustees or other body having general management of the agency; 14817
and, in the case of the state, the director of development 14818
services or the Ohio higher educational facility commission. 14819

(E) "Hospital facilities" means buildings, structures and 14820
other improvements, additions thereto and extensions thereof, 14821
furnishings, equipment, and real estate and interests in real 14822
estate, used or to be used for or in connection with one or more 14823
hospitals, emergency, intensive, intermediate, extended, 14824
long-term, or self-care facilities, diagnostic and treatment and 14825
out-patient facilities, facilities related to programs for home 14826
health services, clinics, laboratories, public health centers, 14827
research facilities, and rehabilitation facilities, for or 14828
pertaining to diagnosis, treatment, care, or rehabilitation of 14829
sick, ill, injured, infirm, impaired, disabled, or handicapped 14830
persons, or the prevention, detection, and control of disease, and 14831
also includes education, training, and food service facilities for 14832
health professions personnel, housing facilities for such 14833
personnel and their families, and parking and service facilities 14834
in connection with any of the foregoing; and includes any one, 14835
part of, or any combination of the foregoing; and further includes 14836
site improvements, utilities, machinery, facilities, furnishings, 14837
and any separate or connected buildings, structures, improvements, 14838
sites, utilities, facilities, or equipment to be used in, or in 14839
connection with the operation or maintenance of, or supplementing 14840
or otherwise related to the services or facilities to be provided 14841
by, any one or more of such hospital facilities. 14842

(F) "Costs of hospital facilities" means the costs of 14843
acquiring hospital facilities or interests in hospital facilities, 14844
including membership interests in nonprofit hospital agencies, 14845

costs of constructing hospital facilities, costs of improving one 14846
or more hospital facilities, including reconstructing, 14847
rehabilitating, remodeling, renovating, and enlarging, costs of 14848
equipping and furnishing such facilities, and all financing costs 14849
pertaining thereto, including, without limitation thereto, costs 14850
of engineering, architectural, and other professional services, 14851
designs, plans, specifications and surveys, and estimates of cost, 14852
costs of tests and inspections, the costs of any indemnity or 14853
surety bonds and premiums on insurance, all related direct or 14854
allocable administrative expenses pertaining thereto, fees and 14855
expenses of trustees, depositories, and paying agents for the 14856
obligations, cost of issuance of the obligations and financing 14857
charges and fees and expenses of financial advisors, attorneys, 14858
accountants, consultants and rating services in connection 14859
therewith, capitalized interest on the obligations, amounts 14860
necessary to establish reserves as required by the bond 14861
proceedings, the reimbursement of all moneys advanced or applied 14862
by the hospital agency or others or borrowed from others for the 14863
payment of any item or items of costs of such facilities, and all 14864
other expenses necessary or incident to planning or determining 14865
feasibility or practicability with respect to such facilities, and 14866
such other expenses as may be necessary or incident to the 14867
acquisition, construction, reconstruction, rehabilitation, 14868
remodeling, renovation, enlargement, improvement, equipment, and 14869
furnishing of such facilities, the financing thereof, and the 14870
placing of the same in use and operation, including any one, part 14871
of, or combination of such classes of costs and expenses, and 14872
means the costs of refinancing obligations issued by, or 14873
reimbursement of money advanced by, nonprofit hospital agencies or 14874
others the proceeds of which were used for the payment of costs of 14875
hospital facilities, if the governing body of the public hospital 14876
agency determines that the refinancing or reimbursement advances 14877
the purposes of this chapter, whether or not the refinancing or 14878

reimbursement is in conjunction with the acquisition or 14879
construction of additional hospital facilities. 14880

(G) "Hospital receipts" means all moneys received by or on 14881
behalf of a hospital agency from or in connection with the 14882
ownership, operation, acquisition, construction, improvement, 14883
equipping, or financing of any hospital facilities, including, 14884
without limitation thereto, any rentals and other moneys received 14885
from the lease, sale, or other disposition of hospital facilities, 14886
and any gifts, grants, interest subsidies, or other moneys 14887
received under any federal program for assistance in financing the 14888
costs of hospital facilities, and any other gifts, grants, and 14889
donations, and receipts therefrom, available for financing the 14890
costs of hospital facilities. 14891

(H) "Obligations" means bonds, notes, or other evidences of 14892
indebtedness or obligation, including interest coupons pertaining 14893
thereto, issued or issuable by a public hospital agency to pay 14894
costs of hospital facilities. 14895

(I) "Bond service charges" means principal, interest, and 14896
call premium, if any, required to be paid on obligations. 14897

(J) "Bond proceedings" means one or more ordinances, 14898
resolutions, trust agreements, indentures, and other agreements or 14899
documents, and amendments and supplements to the foregoing, or any 14900
combination thereof, authorizing or providing for the terms, 14901
including any variable interest rates, and conditions applicable 14902
to, or providing for the security of, obligations and the 14903
provisions contained in such obligations. 14904

(K) "Nursing home" has the same meaning as in division (A)(1) 14905
of section 5701.13 of the Revised Code. 14906

(L) "Residential care facility" has the same meaning as in 14907
division (A)(2) of section 5701.13 of the Revised Code. 14908

(M) "Independent living facility" means any self-care 14909

facility or other housing facility designed or used as a residence 14910
for elderly persons. An "independent living facility" does not 14911
include a residential facility, or that part of a residential 14912
facility, that is any of the following: 14913

(1) A hospital required to be certified by section 3727.02 of 14914
the Revised Code; 14915

(2) A nursing home or residential care facility; 14916

(3) A facility operated by a hospice care program licensed 14917
under section 3712.04 of the Revised Code and used for the 14918
program's hospice patients; 14919

(4) A residential facility licensed by the department of 14920
~~mental health~~ mental health and addiction services under section 14921
~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, 14922
supervision, and personal care services for three to sixteen 14923
unrelated adults; 14924

(5) A residential facility licensed by the department of 14925
~~mental health~~ mental health and addiction services under section 14926
~~5119.22~~ 5119.34 of the Revised Code that is not a residential 14927
facility described in division (M)(4) of this section; 14928

(6) A facility licensed to provide methadone treatment under 14929
section ~~3793.11~~ 5119.39 of the Revised Code; 14930

(7) A facility certified as ~~an alcohol and drug~~ a community 14931
addiction ~~program~~ services provider under section ~~3793.06~~ 5119.36 14932
of the Revised Code; 14933

(8) A residential facility licensed under section 5123.19 of 14934
the Revised Code or a facility providing services under a contract 14935
with the department of developmental disabilities under section 14936
5123.18 of the Revised Code; 14937

(9) A residential facility used as part of a hospital to 14938
provide housing for staff of the hospital or students pursuing a 14939

course of study at the hospital. 14940

Sec. 140.03. (A) Two or more hospital agencies may enter into 14941
agreements for the acquisition, construction, reconstruction, 14942
rehabilitation, remodeling, renovating, enlarging, equipping, and 14943
furnishing of hospital facilities, or the management, operation, 14944
occupancy, use, maintenance, and repair of hospital facilities, or 14945
for participation in programs, projects, activities, and services 14946
useful to, connected with, supplementing, or otherwise related to 14947
the services provided by, or the operation of, hospital facilities 14948
operated by one or more participating hospital agencies, including 14949
any combination of such purposes, all in such manner as to promote 14950
the public purpose stated in section 140.02 of the Revised Code. A 14951
city health district; general health district; board of alcohol, 14952
drug addiction, and mental health services; county board of 14953
developmental disabilities; the department of ~~mental health~~ mental 14954
health and addiction services; the department of developmental 14955
disabilities; or any public body engaged in the education or 14956
training of health professions personnel may join in any such 14957
agreement for purposes related to its authority under laws 14958
applicable to it, and as such a participant shall be considered a 14959
public hospital agency or hospital agency for the purposes of this 14960
section. 14961

(B) An agreement entered into under authority of this section 14962
shall, where appropriate, provide for: 14963

(1) The manner in which the title to the hospital facilities, 14964
including the sites and interest in real estate pertaining 14965
thereto, is to be held, transferred, or disposed of; 14966

(2) Unless provided for by lease pursuant to section 140.05 14967
of the Revised Code, the method by which such hospital facilities 14968
are to be acquired, constructed, or otherwise improved and by 14969
which they shall be managed, occupied, maintained, and repaired, 14970

including the designation of one of the hospital agencies to have 14971
charge of the details of acquisition, construction, or improvement 14972
pursuant to the contracting procedures prescribed under the law 14973
applicable to one of the participating public hospital agencies; 14974

(3) The management or administration of any such programs, 14975
projects, activities, or services, which may include management or 14976
administration by one of said hospital agencies or a board or 14977
agency thereof; 14978

(4) Annual, or more frequent, reports to the participating 14979
hospital agencies as to the revenues and receipts pertaining to 14980
the subject of the agreement, the expenditures thereof, the status 14981
and application of other funds contributed under such agreement, 14982
and such other matters as may be specified by or pursuant to such 14983
agreement; 14984

(5) The manner of apportionment or sharing of costs of 14985
hospital facilities, any other applicable costs of management, 14986
operation, maintenance, and repair of hospital facilities, and 14987
costs for the programs, projects, activities, and services forming 14988
the subject of the agreement, which apportionment or sharing may 14989
be prescribed in fixed amounts, or determined by ratios, formulas, 14990
or otherwise, and paid as service charges, rentals, or in such 14991
other manner as provided in the agreement, and may include amounts 14992
sufficient to meet the bond service charges and other payments and 14993
deposits required under the bond proceedings for obligations 14994
issued to pay costs of hospital facilities. A hospital agency may 14995
commit itself to make such payments at least for so long as any 14996
such obligations are outstanding. In the apportionment, different 14997
classes of costs or expenses may be apportioned to one or more, 14998
all or less than all, of the participating hospital agencies as 14999
determined under such agreement. 15000

(C) An agreement entered into under authority of this section 15001
may provide for: 15002

- (1) An orderly process for making determinations or advising as to planning, execution, implementation, and operation, which may include designating one of the hospital agencies, or a board thereof, for any of such purposes, provisions for a committee, board, or commission, and for representation thereon, or as may otherwise be provided; 15003
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- (2) Securing necessary personnel, including participation of personnel from the respective hospital agencies; 15009
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- (3) Standards or conditions for the admission or participation of patients and physicians; 15011
15012
- (4) Conditions for admittance of other hospital agencies to participation under the agreement; 15013
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- (5) Fixing or establishing the method of determining charges to be made for particular services; 15015
15016
- (6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from, the agreement, and the term of the agreement, or an indefinite term; 15017
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- (7) Designation of the applicants for or recipients of any federal, state, or other aid, assistance, or loans available by reason of any activities conducted under the agreement; 15020
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- (8) Designation of one or more of the participating hospital agencies to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement; 15023
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- (9) Any incidental use of the hospital facilities, or services thereof, by participating public hospital agencies for any of their lawful purposes, which incidental use does not impair the character of the facilities as hospital facilities for any purpose of this chapter; 15027
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- (10) Such other matters as the parties thereto may agree upon 15032

for the purposes of division (A) of this section. 15033

(D) For the purpose of paying or contributing its share under 15034
an agreement made under this section, a public hospital agency 15035
may: 15036

(1) Expend any moneys from its general fund, and from any 15037
other funds not otherwise restricted by law, but including funds 15038
for permanent improvements of hospital facilities of such public 15039
hospital agency where the contribution is to be made toward the 15040
costs of hospital facilities under the agreement, and including 15041
funds derived from levies for, or receipts available for, 15042
operating expenses of hospital facilities or services of such 15043
public hospital agency where the contribution or payment is to be 15044
made toward operating expenses of the hospital facilities or 15045
services under the agreement or for the services provided thereby; 15046

(2) Issue obligations under Chapter 133. or section 140.06, 15047
339.14, 339.15, 513.12, or 3345.12 of the Revised Code, or Section 15048
3 of Article XVIII, Ohio Constitution, if applicable to such 15049
public hospital agency, to pay costs of hospital facilities, or 15050
issue obligations under any other provision of law authorizing 15051
such public hospital agency to issue obligations for any costs of 15052
hospital facilities; 15053

(3) Levy taxes under Chapter 5705. or section 513.13 or 15054
3709.29 of the Revised Code, if applicable to such public hospital 15055
agency, provided that the purpose of such levy may include the 15056
provision of funds for either or both permanent improvements and 15057
current expenses if required for the contribution or payment of 15058
such hospital agency under such agreement, and each such public 15059
hospital agency may issue notes in anticipation of any such levy, 15060
pursuant to the procedures provided in section 5705.191 of the 15061
Revised Code if the levy is solely for current expenses, and in 15062
section 5705.193 of the Revised Code if the levy is all or in part 15063
for permanent improvements; 15064

(4) Contribute real and personal property or interest therein 15065
without necessity for competitive bidding or public auction on 15066
disposition of such property. 15067

(E) Any funds provided by public hospital agencies that are 15068
parties to an agreement entered into under this section shall be 15069
transferred to and placed in a separate fund or funds of such 15070
participating public hospital agency as is designated under the 15071
agreement. The funds shall be applied for the purposes provided in 15072
such agreement and are subject to audit. Pursuant to any 15073
determinations to be made under such agreement, the funds shall be 15074
deposited, invested, and disbursed under the provisions of law 15075
applicable to the public hospital agency in whose custody the 15076
funds are held. This division is subject to the provisions of any 15077
applicable bond proceedings under section 133.08, 140.06, 339.15, 15078
or 3345.12 of the Revised Code or Section 3 of Article XVIII, Ohio 15079
Constitution. The records and reports of such public hospital 15080
agency under Chapter 117. of the Revised Code and sections 3702.51 15081
to 3702.62 of the Revised Code, with respect to the funds shall be 15082
sufficient without necessity for reports thereon by the other 15083
public hospital agencies participating under such agreement. 15084

(F)(1) Prior to its entry into any such agreement, the public 15085
hospital agency must determine, and set forth in a resolution or 15086
ordinance, that the contribution to be made by it under such 15087
agreement will be fair consideration for value and benefit to be 15088
derived by it under such agreement and that the agreement will 15089
promote the public purpose stated in section 140.02 of the Revised 15090
Code. 15091

(2) If the agreement is with a board of county commissioners, 15092
board of county hospital trustees, or county hospital commission 15093
and is an initial agreement for the acquisition or operation of a 15094
county hospital operated by a board of county hospital trustees 15095
under section 339.06 of the Revised Code, the governing body of 15096

the public hospital agency shall submit the agreement, accompanied 15097
by the resolution or ordinance, to the board of county 15098
commissioners for review pursuant to section 339.091 of the 15099
Revised Code. The agreement may be entered into only if the board 15100
of county commissioners adopts a resolution under that section. 15101
The requirements of division (F)(2) of this section do not apply 15102
to the agreement if one or more hospitals classified as general 15103
hospitals by the director of health under section 3701.07 of the 15104
Revised Code are operating in the same county as the county 15105
hospital. 15106

Sec. 140.05. (A)(1) A public hospital agency may lease any 15107
hospital facility to one or more hospital agencies for use as a 15108
hospital facility, or to one or more city or general health 15109
districts; boards of alcohol, drug addiction, and mental health 15110
services; county boards of developmental disabilities; the 15111
department of ~~mental health~~ mental health and addiction services; 15112
or the department of developmental disabilities, for uses which 15113
they are authorized to make thereof under the laws applicable to 15114
them, or any combination of them, and they may lease such 15115
facilities to or from a hospital agency for such uses, upon such 15116
terms and conditions as are agreed upon by the parties. Such lease 15117
may be for a term of fifty years or less and may provide for an 15118
option of the lessee to renew for a term of fifty years or less, 15119
as therein set forth. Prior to entering into such lease, the 15120
governing body of any public hospital agency granting such lease 15121
must determine, and set forth in a resolution or ordinance, that 15122
such lease will promote the public purpose stated in section 15123
140.02 of the Revised Code and that the lessor public hospital 15124
agency will be duly benefited thereby. 15125

(2) If the lease is with a board of county commissioners, 15126
board of county hospital trustees, or county hospital commission 15127
and is an agreement for the initial lease of a county hospital 15128

operated by a board of county hospital trustees under section 15129
339.06 of the Revised Code, the governing body of the public 15130
hospital agency shall submit the agreement, accompanied by the 15131
resolution or ordinance, to the board of county commissioners for 15132
review pursuant to section 339.091 of the Revised Code. The 15133
agreement may be entered into only if the board of county 15134
commissioners adopts a resolution under that section. The 15135
requirements of division (A)(2) of this section do not apply to 15136
the lease if one or more hospitals classified as general hospitals 15137
by the director of health under section 3701.07 of the Revised 15138
Code are operating in the same county as the county hospital. 15139

(B) Any lease entered into pursuant to this section shall 15140
provide that in the event that the lessee fails faithfully and 15141
efficiently to administer, maintain, and operate such leased 15142
facilities as hospital facilities, or fails to provide the 15143
services thereof without regard to race, creed, color, or national 15144
origin, or fails to require that any hospital agency using such 15145
facilities or the services thereof shall not discriminate by 15146
reason of race, creed, color, or national origin, after an 15147
opportunity to be heard upon written charges, said lease may be 15148
terminated at the time, in the manner and with consequences 15149
therein provided. If any such lease does not contain terms to the 15150
effect provided in this division, it shall nevertheless be deemed 15151
to contain such terms which shall be implemented as determined by 15152
the governing body of the lessor. 15153

(C) Such lease may provide for rentals commencing at any time 15154
agreed upon, or advance rental, and continuing for such period 15155
therein provided, notwithstanding and without diminution, rebate, 15156
or setoff by reason of time of availability of the hospital 15157
facility for use, delays in construction, failure of completion, 15158
damage or destruction of the hospital facilities, or for any other 15159
reason. 15160

(D) Such lease may provide for the sale or transfer of title 15161
of the leased facilities pursuant to an option to purchase, 15162
lease-purchase, or installment purchase upon terms therein 15163
provided or to be determined as therein provided, which may 15164
include provision for the continued use thereof as a hospital 15165
facility for some reasonable period, taking into account efficient 15166
useful life and other factors, as is provided therein. 15167

(E) Such lease may be entered as part of or in connection 15168
with an agreement pursuant to section 140.03 of the Revised Code. 15169
Any hospital facilities which are the subject of an agreement 15170
entered into under section 140.03 of the Revised Code may be 15171
leased pursuant to this section. 15172

(F) If land acquired by a public hospital agency for a 15173
hospital facility is adjacent to an existing hospital facility 15174
owned by another hospital agency, the public hospital agency may, 15175
in connection with such acquisition or the leasing of such land 15176
and hospital facilities thereon to one or more hospital agencies, 15177
enter into an agreement with the hospital agency which owns such 15178
adjacent hospital facility for the use of common walls in the 15179
construction, operation, or maintenance of hospital facilities of 15180
the public hospital agency. For the purpose of construction, 15181
operation, or maintenance of hospital facilities, a public 15182
hospital agency may acquire by purchase, gift, lease, lease with 15183
option to purchase, lease-purchase, or installment purchase, 15184
easement deed, or other agreement, real estate and interests in 15185
real estate, including rights to use space over, under or upon 15186
real property owned by others, and support, access, common wall, 15187
and other rights in connection therewith. Any public hospital 15188
agency or other political subdivision or any public agency, board, 15189
commission, institution, body, or instrumentality may grant such 15190
real estate, interests, or rights to any hospital agency upon such 15191
terms as are agreed upon without necessity for competitive bidding 15192

or public auction.	15193
Sec. 145.01. As used in this chapter:	15194
(A) "Public employee" means:	15195
(1) Any person holding an office, not elective, under the	15196
state or any county, township, municipal corporation, park	15197
district, conservancy district, sanitary district, health	15198
district, metropolitan housing authority, state retirement board,	15199
Ohio historical society, public library, county law library, union	15200
cemetery, joint hospital, institutional commissary, state	15201
university, or board, bureau, commission, council, committee,	15202
authority, or administrative body as the same are, or have been,	15203
created by action of the general assembly or by the legislative	15204
authority of any of the units of local government named in	15205
division (A)(1) of this section, or employed and paid in whole or	15206
in part by the state or any of the authorities named in division	15207
(A)(1) of this section in any capacity not covered by section	15208
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.	15209
(2) A person who is a member of the public employees	15210
retirement system and who continues to perform the same or similar	15211
duties under the direction of a contractor who has contracted to	15212
take over what before the date of the contract was a publicly	15213
operated function. The governmental unit with which the contract	15214
has been made shall be deemed the employer for the purposes of	15215
administering this chapter.	15216
(3) Any person who is an employee of a public employer,	15217
notwithstanding that the person's compensation for that employment	15218
is derived from funds of a person or entity other than the	15219
employer. Credit for such service shall be included as total	15220
service credit, provided that the employee makes the payments	15221
required by this chapter, and the employer makes the payments	15222
required by sections 145.48 and 145.51 of the Revised Code.	15223

(4) A person who elects in accordance with section 145.015 of the Revised Code to remain a contributing member of the public employees retirement system.

(5) A person who is an employee of the legal rights service on September 30, 2012, and continues to be employed by the nonprofit entity established under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly. The nonprofit entity is the employer for the purpose of this chapter.

In all cases of doubt, the public employees retirement board shall determine under section 145.036, 145.037, or 145.038 of the Revised Code whether any person is a public employee, and its decision is final.

(B) "Member" means any public employee, other than a public employee excluded or exempted from membership in the retirement system by section 145.03, 145.031, 145.032, 145.033, 145.034, 145.035, or 145.38 of the Revised Code. "Member" includes a PERS retirant who becomes a member under division (C) of section 145.38 of the Revised Code. "Member" also includes a disability benefit recipient.

(C) "Head of the department" means the elective or appointive head of the several executive, judicial, and administrative departments, institutions, boards, and commissions of the state and local government as the same are created and defined by the laws of this state or, in case of a charter government, by that charter.

(D) "Employer" or "public employer" means the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio historical society, public library, county law library, union cemetery, joint hospital, institutional commissary, state medical

university, state university, or board, bureau, commission, 15255
council, committee, authority, or administrative body as the same 15256
are, or have been, created by action of the general assembly or by 15257
the legislative authority of any of the units of local government 15258
named in this division not covered by section 742.01, 3307.01, 15259
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 15260
means the employer of any public employee. 15261

(E) "Prior military service" also means all service credited 15262
for active duty with the armed forces of the United States as 15263
provided in section 145.30 of the Revised Code. 15264

(F) "Contributor" means any person who has an account in the 15265
employees' savings fund created by section 145.23 of the Revised 15266
Code. When used in the sections listed in division (B) of section 15267
145.82 of the Revised Code, "contributor" includes any person 15268
participating in a PERS defined contribution plan. 15269

(G) "Beneficiary" or "beneficiaries" means the estate or a 15270
person or persons who, as the result of the death of a member, 15271
contributor, or retirant, qualify for or are receiving some right 15272
or benefit under this chapter. 15273

(H)(1) "Total service credit," except as provided in section 15274
145.37 of the Revised Code, means all service credited to a member 15275
of the retirement system since last becoming a member, including 15276
restored service credit as provided by section 145.31 of the 15277
Revised Code; credit purchased under sections 145.293 and 145.299 15278
of the Revised Code; all the member's military service credit 15279
computed as provided in this chapter; all service credit 15280
established pursuant to section 145.297 of the Revised Code; and 15281
any other service credited under this chapter. For the exclusive 15282
purpose of satisfying the service credit requirement and of 15283
determining eligibility for benefits under sections 145.32, 15284
145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the 15285
Revised Code, "five or more years of total service credit" means 15286

sixty or more calendar months of contributing service in this 15287
system. 15288

(2) "One and one-half years of contributing service credit," 15289
as used in division (B) of section 145.45 of the Revised Code, 15290
also means eighteen or more calendar months of employment by a 15291
municipal corporation that formerly operated its own retirement 15292
plan for its employees or a part of its employees, provided that 15293
all employees of that municipal retirement plan who have eighteen 15294
or more months of such employment, upon establishing membership in 15295
the public employees retirement system, shall make a payment of 15296
the contributions they would have paid had they been members of 15297
this system for the eighteen months of employment preceding the 15298
date membership was established. When that payment has been made 15299
by all such employee members, a corresponding payment shall be 15300
paid into the employers' accumulation fund by that municipal 15301
corporation as the employer of the employees. 15302

(3) Where a member also is a member of the state teachers 15303
retirement system or the school employees retirement system, or 15304
both, except in cases of retirement on a combined basis pursuant 15305
to section 145.37 of the Revised Code or as provided in section 15306
145.383 of the Revised Code, service credit for any period shall 15307
be credited on the basis of the ratio that contributions to the 15308
public employees retirement system bear to total contributions in 15309
all state retirement systems. 15310

(4) Not more than one year of credit may be given for any 15311
period of twelve months. 15312

(5) "Ohio service credit" means credit for service that was 15313
rendered to the state or any of its political subdivisions or any 15314
employer. 15315

(I) "Regular interest" means interest at any rates for the 15316
respective funds and accounts as the public employees retirement 15317

board may determine from time to time. 15318

(J) "Accumulated contributions" means the sum of all amounts 15319
credited to a contributor's individual account in the employees' 15320
savings fund together with any interest credited to the 15321
contributor's account under section 145.471 or 145.472 of the 15322
Revised Code. 15323

(K)(1) "Final average salary" means the greater of the 15324
following: 15325

(a) The sum of the member's earnable salaries for the 15326
appropriate number of calendar years of contributing service, 15327
determined under section 145.017 of the Revised Code, in which the 15328
member's earnable salary was highest, divided by the same number 15329
of calendar years or, if the member has fewer than the appropriate 15330
number of calendar years of contributing service, the total of the 15331
member's earnable salary for all years of contributing service 15332
divided by the number of calendar years of the member's 15333
contributing service; 15334

(b) The sum of a member's earnable salaries for the 15335
appropriate number of consecutive months, determined under section 15336
145.017 of the Revised Code, that were the member's last months of 15337
service, up to and including the last month, divided by the 15338
appropriate number of years or, if the time between the first and 15339
final months of service is less than the appropriate number of 15340
consecutive months, the total of the member's earnable salary for 15341
all months of contributing service divided by the number of years 15342
between the first and final months of contributing service, 15343
including any fraction of a year, except that the member's final 15344
average salary shall not exceed the member's highest earnable 15345
salary for any twelve consecutive months. 15346

(2) If contributions were made in only one calendar year, 15347
"final average salary" means the member's total earnable salary. 15348

(L) "Annuity" means payments for life derived from 15349
contributions made by a contributor and paid from the annuity and 15350
pension reserve fund as provided in this chapter. All annuities 15351
shall be paid in twelve equal monthly installments. 15352

(M) "Annuity reserve" means the present value, computed upon 15353
the basis of the mortality and other tables adopted by the board, 15354
of all payments to be made on account of any annuity, or benefit 15355
in lieu of any annuity, granted to a retirant as provided in this 15356
chapter. 15357

(N)(1) "Disability retirement" means retirement as provided 15358
in section 145.36 of the Revised Code. 15359

(2) "Disability allowance" means an allowance paid on account 15360
of disability under section 145.361 of the Revised Code. 15361

(3) "Disability benefit" means a benefit paid as disability 15362
retirement under section 145.36 of the Revised Code, as a 15363
disability allowance under section 145.361 of the Revised Code, or 15364
as a disability benefit under section 145.37 of the Revised Code. 15365

(4) "Disability benefit recipient" means a member who is 15366
receiving a disability benefit. 15367

(O) "Age and service retirement" means retirement as provided 15368
in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 15369
and former section 145.34 of the Revised Code. 15370

(P) "Pensions" means annual payments for life derived from 15371
contributions made by the employer that at the time of retirement 15372
are credited into the annuity and pension reserve fund from the 15373
employers' accumulation fund and paid from the annuity and pension 15374
reserve fund as provided in this chapter. All pensions shall be 15375
paid in twelve equal monthly installments. 15376

(Q) "Retirement allowance" means the pension plus that 15377
portion of the benefit derived from contributions made by the 15378

member. 15379

(R)(1) Except as otherwise provided in division (R) of this 15380
section, "earnable salary" means all salary, wages, and other 15381
earnings paid to a contributor by reason of employment in a 15382
position covered by the retirement system. The salary, wages, and 15383
other earnings shall be determined prior to determination of the 15384
amount required to be contributed to the employees' savings fund 15385
under section 145.47 of the Revised Code and without regard to 15386
whether any of the salary, wages, or other earnings are treated as 15387
deferred income for federal income tax purposes. "Earnable salary" 15388
includes the following: 15389

(a) Payments made by the employer in lieu of salary, wages, 15390
or other earnings for sick leave, personal leave, or vacation used 15391
by the contributor; 15392

(b) Payments made by the employer for the conversion of sick 15393
leave, personal leave, and vacation leave accrued, but not used if 15394
the payment is made during the year in which the leave is accrued, 15395
except that payments made pursuant to section 124.383 or 124.386 15396
of the Revised Code are not earnable salary; 15397

(c) Allowances paid by the employer for maintenance, 15398
consisting of housing, laundry, and meals, as certified to the 15399
retirement board by the employer or the head of the department 15400
that employs the contributor; 15401

(d) Fees and commissions paid under section 507.09 of the 15402
Revised Code; 15403

(e) Payments that are made under a disability leave program 15404
sponsored by the employer and for which the employer is required 15405
by section 145.296 of the Revised Code to make periodic employer 15406
and employee contributions; 15407

(f) Amounts included pursuant to former division (K)(3) and 15408
former division (Y) of this section and section 145.2916 of the 15409

Revised Code.	15410
(2) "Earnable salary" does not include any of the following:	15411
(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	15412 15413 15414 15415
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;	15416 15417 15418 15419 15420
(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;	15421 15422 15423 15424
(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	15425 15426 15427
(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;	15428 15429 15430 15431
(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;	15432 15433 15434 15435 15436
(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended	15437 15438 15439

Substitute Senate Bill No. 164 of the 124th general assembly, or 15440
Amended Substitute House Bill No. 405 of the 124th general 15441
assembly; 15442

(h) Anything of value received by the contributor that is 15443
based on or attributable to retirement or an agreement to retire, 15444
except that payments made on or before January 1, 1989, that are 15445
based on or attributable to an agreement to retire shall be 15446
included in earnable salary if both of the following apply: 15447

(i) The payments are made in accordance with contract 15448
provisions that were in effect prior to January 1, 1986; 15449

(ii) The employer pays the retirement system an amount 15450
specified by the retirement board equal to the additional 15451
liability resulting from the payments. 15452

(i) The portion of any amount included in section 145.2916 of 15453
the Revised Code that represents employer contributions. 15454

(3) The retirement board shall determine by rule whether any 15455
compensation not enumerated in division (R) of this section is 15456
earnable salary, and its decision shall be final. 15457

(S) "Pension reserve" means the present value, computed upon 15458
the basis of the mortality and other tables adopted by the board, 15459
of all payments to be made on account of any retirement allowance 15460
or benefit in lieu of any retirement allowance, granted to a 15461
member or beneficiary under this chapter. 15462

(T) "Contributing service" means both of the following: 15463

(1) All service credited to a member of the system since 15464
January 1, 1935, for which contributions are made as required by 15465
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 15466
year subsequent to 1934, credit for any service shall be allowed 15467
in accordance with section 145.016 of the Revised Code. 15468

(2) Service credit received by election of the member under 15469

section 145.814 of the Revised Code. 15470

(U) "State retirement board" means the public employees 15471
retirement board, the school employees retirement board, or the 15472
state teachers retirement board. 15473

(V) "Retirant" means any former member who retires and is 15474
receiving a monthly allowance as provided in sections 145.32, 15475
145.33, 145.331, 145.332, and 145.46 and former section 145.34 of 15476
the Revised Code. 15477

(W) "Employer contribution" means the amount paid by an 15478
employer as determined under section 145.48 of the Revised Code. 15479

(X) "Public service terminates" means the last day for which 15480
a public employee is compensated for services performed for an 15481
employer or the date of the employee's death, whichever occurs 15482
first. 15483

(Y) "Five years of service credit," for the exclusive purpose 15484
of satisfying the service credit requirements and of determining 15485
eligibility under section 145.33 or 145.332 of the Revised Code, 15486
means employment covered under this chapter or under a former 15487
retirement plan operated, recognized, or endorsed by the employer 15488
prior to coverage under this chapter or under a combination of the 15489
coverage. 15490

(Z) "Deputy sheriff" means any person who is commissioned and 15491
employed as a full-time peace officer by the sheriff of any 15492
county, and has been so employed since on or before December 31, 15493
1965; any person who is or has been commissioned and employed as a 15494
peace officer by the sheriff of any county since January 1, 1966, 15495
and who has received a certificate attesting to the person's 15496
satisfactory completion of the peace officer training school as 15497
required by section 109.77 of the Revised Code; or any person 15498
deputized by the sheriff of any county and employed pursuant to 15499
section 2301.12 of the Revised Code as a criminal bailiff or court 15500

constable who has received a certificate attesting to the person's 15501
satisfactory completion of the peace officer training school as 15502
required by section 109.77 of the Revised Code. 15503

(AA) "Township constable or police officer in a township 15504
police department or district" means any person who is 15505
commissioned and employed as a full-time peace officer pursuant to 15506
Chapter 505. or 509. of the Revised Code, who has received a 15507
certificate attesting to the person's satisfactory completion of 15508
the peace officer training school as required by section 109.77 of 15509
the Revised Code. 15510

(BB) "Drug agent" means any person who is either of the 15511
following: 15512

(1) Employed full time as a narcotics agent by a county 15513
narcotics agency created pursuant to section 307.15 of the Revised 15514
Code and has received a certificate attesting to the satisfactory 15515
completion of the peace officer training school as required by 15516
section 109.77 of the Revised Code; 15517

(2) Employed full time as an undercover drug agent as defined 15518
in section 109.79 of the Revised Code and is in compliance with 15519
section 109.77 of the Revised Code. 15520

(CC) "Department of public safety enforcement agent" means a 15521
full-time employee of the department of public safety who is 15522
designated under section 5502.14 of the Revised Code as an 15523
enforcement agent and who is in compliance with section 109.77 of 15524
the Revised Code. 15525

(DD) "Natural resources law enforcement staff officer" means 15526
a full-time employee of the department of natural resources who is 15527
designated a natural resources law enforcement staff officer under 15528
section 1501.013 of the Revised Code and is in compliance with 15529
section 109.77 of the Revised Code. 15530

(EE) "Park officer" means a full-time employee of the 15531

department of natural resources who is designated a park officer 15532
under section 1541.10 of the Revised Code and is in compliance 15533
with section 109.77 of the Revised Code. 15534

(FF) "Forest officer" means a full-time employee of the 15535
department of natural resources who is designated a forest officer 15536
under section 1503.29 of the Revised Code and is in compliance 15537
with section 109.77 of the Revised Code. 15538

(GG) "Preserve officer" means a full-time employee of the 15539
department of natural resources who is designated a preserve 15540
officer under section 1517.10 of the Revised Code and is in 15541
compliance with section 109.77 of the Revised Code. 15542

(HH) "Wildlife officer" means a full-time employee of the 15543
department of natural resources who is designated a wildlife 15544
officer under section 1531.13 of the Revised Code and is in 15545
compliance with section 109.77 of the Revised Code. 15546

(II) "State watercraft officer" means a full-time employee of 15547
the department of natural resources who is designated a state 15548
watercraft officer under section 1547.521 of the Revised Code and 15549
is in compliance with section 109.77 of the Revised Code. 15550

(JJ) "Park district police officer" means a full-time 15551
employee of a park district who is designated pursuant to section 15552
511.232 or 1545.13 of the Revised Code and is in compliance with 15553
section 109.77 of the Revised Code. 15554

(KK) "Conservancy district officer" means a full-time 15555
employee of a conservancy district who is designated pursuant to 15556
section 6101.75 of the Revised Code and is in compliance with 15557
section 109.77 of the Revised Code. 15558

(LL) "Municipal police officer" means a member of the 15559
organized police department of a municipal corporation who is 15560
employed full time, is in compliance with section 109.77 of the 15561
Revised Code, and is not a member of the Ohio police and fire 15562

pension fund. 15563

(MM) "Veterans' home police officer" means any person who is 15564
employed at a veterans' home as a police officer pursuant to 15565
section 5907.02 of the Revised Code and is in compliance with 15566
section 109.77 of the Revised Code. 15567

(NN) "Special police officer for a mental health institution" 15568
means any person who is designated as such pursuant to section 15569
~~5119.14~~ 5119.08 of the Revised Code and is in compliance with 15570
section 109.77 of the Revised Code. 15571

(OO) "Special police officer for an institution for the 15572
developmentally disabled" means any person who is designated as 15573
such pursuant to section 5123.13 of the Revised Code and is in 15574
compliance with section 109.77 of the Revised Code. 15575

(PP) "State university law enforcement officer" means any 15576
person who is employed full time as a state university law 15577
enforcement officer pursuant to section 3345.04 of the Revised 15578
Code and who is in compliance with section 109.77 of the Revised 15579
Code. 15580

(QQ) "House sergeant at arms" means any person appointed by 15581
the speaker of the house of representatives under division (B)(1) 15582
of section 101.311 of the Revised Code who has arrest authority 15583
under division (E)(1) of that section. 15584

(RR) "Assistant house sergeant at arms" means any person 15585
appointed by the house sergeant at arms under division (C)(1) of 15586
section 101.311 of the Revised Code. 15587

(SS) "Regional transit authority police officer" means a 15588
person who is employed full time as a regional transit authority 15589
police officer under division (Y) of section 306.35 of the Revised 15590
Code and is in compliance with section 109.77 of the Revised Code. 15591

(TT) "State highway patrol police officer" means a special 15592

police officer employed full time and designated by the 15593
superintendent of the state highway patrol pursuant to section 15594
5503.09 of the Revised Code or a person serving full time as a 15595
special police officer pursuant to that section on a permanent 15596
basis on October 21, 1997, who is in compliance with section 15597
109.77 of the Revised Code. 15598

(UU) "Municipal public safety director" means a person who 15599
serves full time as the public safety director of a municipal 15600
corporation with the duty of directing the activities of the 15601
municipal corporation's police department and fire department. 15602

(VV) Notwithstanding section 2901.01 of the Revised Code, 15603
"PERS law enforcement officer" means a sheriff or any of the 15604
following whose primary duties are to preserve the peace, protect 15605
life and property, and enforce the laws of this state: a deputy 15606
sheriff, township constable or police officer in a township police 15607
department or district, drug agent, department of public safety 15608
enforcement agent, natural resources law enforcement staff 15609
officer, park officer, forest officer, preserve officer, wildlife 15610
officer, state watercraft officer, park district police officer, 15611
conservancy district officer, veterans' home police officer, 15612
special police officer for a mental health institution, special 15613
police officer for an institution for the developmentally 15614
disabled, state university law enforcement officer, municipal 15615
police officer, house sergeant at arms, assistant house sergeant 15616
at arms, regional transit authority police officer, or state 15617
highway patrol police officer. "PERS law enforcement officer" also 15618
includes a person serving as a municipal public safety director at 15619
any time during the period from September 29, 2005, to March 24, 15620
2009, if the duties of that service were to preserve the peace, 15621
protect life and property, and enforce the laws of this state. 15622

(WW) "Hamilton county municipal court bailiff" means a person 15623
appointed by the clerk of courts of the Hamilton county municipal 15624

court under division (A)(3) of section 1901.32 of the Revised Code 15625
who is employed full time as a bailiff or deputy bailiff, who has 15626
received a certificate attesting to the person's satisfactory 15627
completion of the peace officer basic training described in 15628
division (D)(1) of section 109.77 of the Revised Code. 15629

(XX) "PERS public safety officer" means a Hamilton county 15630
municipal court bailiff, or any of the following whose primary 15631
duties are other than to preserve the peace, protect life and 15632
property, and enforce the laws of this state: a deputy sheriff, 15633
township constable or police officer in a township police 15634
department or district, drug agent, department of public safety 15635
enforcement agent, natural resources law enforcement staff 15636
officer, park officer, forest officer, preserve officer, wildlife 15637
officer, state watercraft officer, park district police officer, 15638
conservancy district officer, veterans' home police officer, 15639
special police officer for a mental health institution, special 15640
police officer for an institution for the ~~mentally retarded and~~ 15641
developmentally disabled, state university law enforcement 15642
officer, municipal police officer, house sergeant at arms, 15643
assistant house sergeant at arms, regional transit authority 15644
police officer, or state highway patrol police officer. "PERS 15645
public safety officer" also includes a person serving as a 15646
municipal public safety director at any time during the period 15647
from September 29, 2005, to March 24, 2009, if the duties of that 15648
service were other than to preserve the peace, protect life and 15649
property, and enforce the laws of this state. 15650

(YY) "Fiduciary" means a person who does any of the 15651
following: 15652

(1) Exercises any discretionary authority or control with 15653
respect to the management of the system or with respect to the 15654
management or disposition of its assets; 15655

(2) Renders investment advice for a fee, direct or indirect, 15656

with respect to money or property of the system;	15657
(3) Has any discretionary authority or responsibility in the administration of the system.	15658 15659
(ZZ) "Actuary" means an individual who satisfies all of the following requirements:	15660 15661
(1) Is a member of the American academy of actuaries;	15662
(2) Is an associate or fellow of the society of actuaries;	15663
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	15664 15665
(AAA) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.	15666 15667
(BBB) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code.	15668 15669
Sec. 145.012. (A) "Public employee," as defined in division (A) of section 145.01 of the Revised Code, does not include any person:	15670 15671 15672
(1) Who is employed by a private, temporary-help service and performs services under the direction of a public employer or is employed on a contractual basis as an independent contractor under a personal service contract with a public employer;	15673 15674 15675 15676
(2) Who is an emergency employee serving on a temporary basis in case of fire, snow, earthquake, flood, or other similar emergency;	15677 15678 15679
(3) Who is employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501;	15680 15681 15682
(4) Who is an appointed member of either the motor vehicle salvage dealers board or the motor vehicle dealer's board whose rate and method of payment are determined pursuant to division (J)	15683 15684 15685

of section 124.15 of the Revised Code;	15686
(5) Who is employed as an election worker and paid less than five hundred dollars per calendar year for that service;	15687 15688
(6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following:	15689 15690 15691 15692 15693
(a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system;	15694 15695 15696
(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;	15697 15698 15699 15700
(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system.	15701 15702 15703
(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate;	15704 15705 15706 15707 15708 15709
(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	15710 15711
(9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code;	15712 15713
(10) Who is a member of the unemployment compensation advisory council;	15714 15715

(11) Who is an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code;

(12) Who is employed by the nonprofit entity established to provide advocacy services and a client assistance program for people with disabilities under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly and whose employment begins on or after October 1, 2012.

(B) No inmate of a correctional institution operated by the department of rehabilitation and correction, no patient in a hospital for the mentally ill or criminally insane operated by the department of ~~mental health~~ mental health and addiction services, no resident in an institution for the mentally retarded operated by the department of developmental disabilities, no resident admitted as a patient of a veterans' home operated under Chapter 5907. of the Revised Code, and no resident of a county home shall be considered as a public employee for the purpose of establishing membership or calculating service credit or benefits under this chapter. Nothing in this division shall be construed to affect any service credit attained by any person who was a public employee before becoming an inmate, patient, or resident at any institution listed in this division, or the payment of any benefit for which such a person or such a person's beneficiaries otherwise would be eligible.

Sec. 145.22. (A) The public employees retirement board shall have prepared annually by or under the supervision of an actuary an actuarial valuation of the pension assets, liabilities, and funding requirements of the public employees retirement system as established pursuant to this chapter. The actuary shall complete the valuation in accordance with actuarial standards of practice promulgated by the actuarial standards board of the American

academy of actuaries and prepare a report of the valuation. The 15747
report shall include all of the following: 15748

(1) A summary of the benefit provisions evaluated; 15749

(2) A summary of the census data and financial information 15750
used in the valuation; 15751

(3) A description of the actuarial assumptions, actuarial 15752
cost method, and asset valuation method used in the valuation, 15753
including a statement of the assumed rate of payroll growth and 15754
assumed rate of growth or decline in the number of members 15755
contributing to the retirement system; 15756

(4) A summary of findings that includes a statement of the 15757
actuarial accrued pension liabilities and unfunded actuarial 15758
accrued pension liabilities; 15759

(5) A schedule showing the effect of any changes in the 15760
benefit provisions, actuarial assumptions, or cost methods since 15761
the last annual actuarial valuation; 15762

(6) A statement of whether contributions to the retirement 15763
system are expected to be sufficient to satisfy the funding 15764
objectives established by the board. 15765

The board shall submit the report to the Ohio retirement 15766
study council, the director of budget and management, and the 15767
standing committees of the house of representatives and the senate 15768
with primary responsibility for retirement legislation immediately 15769
upon its availability and not later than the first day of 15770
September following the year for which the valuation was made. 15771

(B) At such time as the public employees retirement board 15772
determines, and at least once in each five-year period, the board 15773
shall have prepared by or under the supervision of an actuary an 15774
actuarial investigation of the mortality, service, and other 15775
experience of the members, retirants, contributors, and 15776

beneficiaries of the system to update the actuarial assumptions 15777
used in the actuarial valuation required by division (A) of this 15778
section. The actuary shall prepare a report of the actuarial 15779
investigation. The report shall be prepared and any recommended 15780
changes in actuarial assumptions shall be made in accordance with 15781
the actuarial standards of practice promulgated by the actuarial 15782
standards board of the American academy of actuaries. The report 15783
shall include all of the following: 15784

(1) A summary of relevant decrement and economic assumption 15785
experience observed over the period of the investigation; 15786

(2) Recommended changes in actuarial assumptions to be used 15787
in subsequent actuarial valuations required by division (A) of 15788
this section; 15789

(3) A measurement of the financial effect of the recommended 15790
changes in actuarial assumptions. 15791

The board shall submit the report to the Ohio retirement 15792
study council and the standing committees of the house of 15793
representatives and the senate with primary responsibility for 15794
retirement legislation not later than the first day of November 15795
following the last fiscal year of the period the report covers. 15796

(C) The board may at any time request the actuary to make any 15797
studies or actuarial valuations to determine the adequacy of the 15798
contribution rate determined under section 145.48 of the Revised 15799
Code, and those rates may be adjusted by the board, as recommended 15800
by the actuary, effective as of the first of any year thereafter. 15801

(D) The board shall have prepared by or under the supervision 15802
of an actuary an actuarial analysis of any introduced legislation 15803
expected to have a measurable financial impact on the retirement 15804
system. The actuarial analysis shall be completed in accordance 15805
with the actuarial standards of practice promulgated by the 15806
actuarial standards board of the American academy of actuaries. 15807

The actuary shall prepare a report of the actuarial analysis, 15808
which shall include all of the following: 15809

(1) A summary of the statutory changes that are being 15810
evaluated; 15811

(2) A description of or reference to the actuarial 15812
assumptions and actuarial cost method used in the report; 15813

(3) A description of the participant group or groups included 15814
in the report; 15815

(4) A statement of the financial impact of the legislation, 15816
including the resulting increase, if any, in the employer normal 15817
cost percentage; the increase, if any, in actuarial accrued 15818
liabilities; and the per cent of payroll that would be required to 15819
amortize the increase in actuarial accrued liabilities as a level 15820
per cent of covered payroll for all active members over a period 15821
not to exceed thirty years; 15822

(5) A statement of whether the scheduled contributions to the 15823
system after the proposed change is enacted are expected to be 15824
sufficient to satisfy the funding objectives established by the 15825
board. 15826

Not later than sixty days from the date of introduction of 15827
the legislation, the board shall submit a copy of the actuarial 15828
analysis to the legislative service commission, the standing 15829
committees of the house of representatives and the senate with 15830
primary responsibility for retirement legislation, and the Ohio 15831
retirement study council. 15832

(E) The board shall have prepared annually a report giving a 15833
full accounting of the revenues and costs relating to the 15834
provision of benefits under sections 145.58 and 145.584 of the 15835
Revised Code. The report shall be made as of December 31, 1997, 15836
and the thirty-first day of December of each year thereafter. The 15837
report shall include the following: 15838

(1) A description of the statutory authority for the benefits provided;	15839 15840
(2) A summary of the benefits;	15841
(3) A summary of the eligibility requirements for the benefits;	15842 15843
(4) A statement of the number of participants eligible for the benefits;	15844 15845
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	15846 15847
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	15848 15849
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	15850 15851 15852 15853 15854
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	15855 15856 15857 15858
(9) A description of any significant changes that affect the comparability of the report required under this division;	15859 15860
(10) A statement of the amount paid under division (C) of section 145.58 of the Revised Code.	15861 15862
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the thirtieth day of June following the year for which the report was made.	15863 15864 15865 15866 15867 15868

Sec. 149.01. Each elective state officer, the adjutant 15869
general, the adult parole authority, the department of 15870
agriculture, the director of administrative services, the public 15871
utilities commission, the superintendent of insurance, the 15872
superintendent of financial institutions, the superintendent of 15873
purchases and printing, the fire marshal, the industrial 15874
commission, the administrator of workers' compensation, the state 15875
department of transportation, the department of health, the state 15876
medical board, the state dental board, the board of embalmers and 15877
funeral directors, the Ohio commission for the blind, the 15878
accountancy board of Ohio, the state council of uniform state 15879
laws, the board of commissioners of the sinking fund, the 15880
department of taxation, the board of tax appeals, the division of 15881
liquor control, the director of state armories, the trustees of 15882
the Ohio state university, and every private or quasi-public 15883
institution, association, board, or corporation receiving state 15884
money for its use and purpose shall make annually, at the end of 15885
each fiscal year, in quadruplicate, a report of the transactions 15886
and proceedings of that office or department for that fiscal year, 15887
excepting receipts and disbursements unless otherwise specifically 15888
required by law. The report shall contain a summary of the 15889
official acts of the officer, board, council, commission, 15890
institution, association, or corporation and any suggestions and 15891
recommendations that are proper. ~~On the first day of August of~~ 15892
~~each year, one~~ 15893

One of the reports shall be filed with the governor, one with 15894
the secretary of state, and one with the state library, and one 15895
shall be kept on file in the office of the officer, board, 15896
council, commission, institution, association, or corporation. The 15897
reports shall be so filed by the first day of August, except that 15898
the report of the treasurer of state shall be so filed by the 15899
thirty-first day of December. 15900

Sec. 149.12. The state library board shall forward, free of charge, in a paper or electronic format, one copy of each legislative bulletin, daily house and senate journal, pamphlet law as described in section 149.09 of the Revised Code, and summary of enactments published by the legislative service commission, to the following libraries:

(A) Each library within the state that has been designated by the state library board under section 149.11 of the Revised Code as a depository for state publications;

(B) In each county containing no library described in division (A) of this section, to a public library designated by the state library board to receive the journals, bulletins, and summaries described in this section. The state library board shall designate libraries that can best preserve the publications and are so located geographically that they can make the publications conveniently accessible to the residents of the county.

The state library board shall forward the daily house and senate journals once every week while the general assembly is in session and the legislative bulletin, each pamphlet law, and the summary of enactments as they are published.

Each library receiving publications under this section or under section 149.09 of the Revised Code shall make these publications accessible to the public.

Sec. 149.307. There is hereby created in the state treasury the Ohio history license plate contribution fund. The fund shall consist of the contributions that are paid to the registrar of motor vehicles by applicants who choose to obtain "Ohio history" license plates pursuant to section 4503.95 of the Revised Code.

The contributions deposited in the fund shall be used by the Ohio historical society to provide grants to historical

organizations located in this state. An organization that receives 15931
a grant under this section shall use the grant only to host 15932
exhibits and increase access to its collection by the public. 15933

The society shall establish and administer all aspects of the 15934
grant program, including eligibility requirements for receiving a 15935
grant under the program. 15936

Not later than the last business day of January of each year, 15937
the society shall prepare and submit to the general assembly a 15938
written report, detailing all aspects of the grant program during 15939
the immediately preceding calendar year. 15940

Sec. 149.311. (A) As used in this section: 15941

(1) "Historic building" means a building, including its 15942
structural components, that is located in this state and that is 15943
either individually listed on the national register of historic 15944
places under 16 U.S.C. 470a, located in a registered historic 15945
district, and certified by the state historic preservation officer 15946
as being of historic significance to the district, or is 15947
individually listed as an historic landmark designated by a local 15948
government certified under 16 U.S.C. 470a(c). 15949

(2) "Qualified rehabilitation expenditures" means 15950
expenditures paid or incurred during the rehabilitation period, 15951
and before and after that period as determined under 26 U.S.C. 47, 15952
by an owner or qualified lessee of an historic building to 15953
rehabilitate the building. "Qualified rehabilitation expenditures" 15954
includes architectural or engineering fees paid or incurred in 15955
connection with the rehabilitation, and expenses incurred in the 15956
preparation of nomination forms for listing on the national 15957
register of historic places. "Qualified rehabilitation 15958
expenditures" does not include any of the following: 15959

(a) The cost of acquiring, expanding, or enlarging an 15960

historic building;	15961
(b) Expenditures attributable to work done to facilities related to the building, such as parking lots, sidewalks, and landscaping;	15962 15963 15964
(c) New building construction costs.	15965
(3) "Owner" of an historic building means a person holding the fee simple interest in the building. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code.	15966 15967 15968 15969
(4) "Qualified lessee" means a person subject to a lease agreement for a <u>an</u> historic building and eligible for the federal rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" does not include the state or a state agency or political subdivision as defined in section 9.23 of the Revised Code.	15970 15971 15972 15973 15974
(5) "Certificate owner" means the owner or qualified lessee of an historic building to which a rehabilitation tax credit certificate was issued under this section.	15975 15976 15977
(6) "Registered historic district" means an historic district listed in the national register of historic places under 16 U.S.C. 470a, an historic district designated by a local government certified under 16 U.S.C. 470a(c), or a local historic district certified under 36 C.F.R. 67.8 and 67.9.	15978 15979 15980 15981 15982
(7) "Rehabilitation" means the process of repairing or altering an historic building or buildings, making possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values.	15983 15984 15985 15986 15987
(8) "Rehabilitation period" means one of the following:	15988
(a) If the rehabilitation initially was not planned to be completed in stages, a period chosen by the owner or qualified	15989 15990

lessee not to exceed twenty-four months during which 15991
rehabilitation occurs; 15992

(b) If the rehabilitation initially was planned to be 15993
completed in stages, a period chosen by the owner or qualified 15994
lessee not to exceed sixty months during which rehabilitation 15995
occurs. Each stage shall be reviewed as a phase of a 15996
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 15997
successor to that section. 15998

(9) "State historic preservation officer" or "officer" means 15999
the state historic preservation officer appointed by the governor 16000
under 16 U.S.C. 470a. 16001

(B) The owner or qualified lessee of an historic building may 16002
apply to the director of development services for a rehabilitation 16003
tax credit certificate for qualified rehabilitation expenditures 16004
paid or incurred by such owner or qualified lessee after April 4, 16005
2007, for rehabilitation of an historic building. If the owner of 16006
a an historic building enters a pass-through agreement with a 16007
qualified lessee for the purposes of the federal rehabilitation 16008
tax credit under 26 U.S.C. 47, the qualified rehabilitation 16009
expenditures paid or incurred by the owner after April 4, 2007, 16010
~~shall~~ may be attributed to the qualified lessee. 16011

The form and manner of filing such applications shall be 16012
prescribed by rule of the director. Each application shall state 16013
the amount of qualified rehabilitation expenditures the applicant 16014
estimates will be paid or incurred. The director may require 16015
applicants to furnish documentation of such estimates. 16016

The director, after consultation with the tax commissioner 16017
and in accordance with Chapter 119. of the Revised Code, shall 16018
adopt rules that establish all of the following: 16019

(1) Forms and procedures by which applicants may apply for 16020
rehabilitation tax credit certificates; 16021

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

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

(4) The form of rehabilitation tax credit certificates;

(5) Reporting requirements and monitoring procedures;

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

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

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

(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;

(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;

(3) That receiving a rehabilitation tax credit certificate

under this section is a major factor in: 16052

(a) The applicant's decision to rehabilitate the historic 16053
building; or 16054

(b) To increase the level of investment in such 16055
rehabilitation. 16056

An applicant shall demonstrate to the satisfaction of the 16057
state historic preservation officer and director of development 16058
services that the rehabilitation will satisfy the standards 16059
described in division (C)(2) of this section before the applicant 16060
begins the physical rehabilitation of the historic building. 16061

(D)(1) If the director of development services determines 16062
that an application meets the criteria in divisions (C)(1), (2), 16063
and (3) of this section, the director shall conduct a cost-benefit 16064
analysis for the historic building that is the subject of the 16065
application to determine whether rehabilitation of the historic 16066
building will result in a net revenue gain in state and local 16067
taxes once the building is used. The director shall consider the 16068
results of the cost-benefit analysis in determining whether to 16069
approve the application. The director shall also consider the 16070
potential economic impact and the regional distributive balance of 16071
the credits throughout the state. The director may approve an 16072
application only after completion of the cost-benefit analysis. 16073

(2) A rehabilitation tax credit certificate shall not be 16074
issued for an amount greater than the estimated amount furnished 16075
by the applicant on the application for such certificate and 16076
approved by the director. The director shall not approve more than 16077
a total of sixty million dollars of rehabilitation tax credits per 16078
fiscal year but the director may reallocate unused tax credits 16079
from a prior fiscal year for new applicants and such reallocated 16080
credits shall not apply toward the dollar limit of this division. 16081

(3) For rehabilitations with a rehabilitation period not 16082

exceeding twenty-four months as provided in division (A)(7)(a) of 16083
this section, a rehabilitation tax credit certificate shall not be 16084
issued before the rehabilitation of the historic building is 16085
completed. 16086

(4) For rehabilitations with a rehabilitation period not 16087
exceeding sixty months as provided in division (A)(7)(b) of this 16088
section, a rehabilitation tax credit certificate shall not be 16089
issued before a stage of rehabilitation is completed. After all 16090
stages of rehabilitation are completed, if the director cannot 16091
determine that the criteria in division (C) of this section are 16092
satisfied for all stages of rehabilitations, the director shall 16093
certify this finding to the tax commissioner, and any 16094
rehabilitation tax credits received by the applicant shall be 16095
repaid by the applicant and may be collected by assessment as 16096
unpaid tax by the commissioner. 16097

(5) The director of development services shall require the 16098
applicant to provide a third-party cost certification by a 16099
certified public accountant of the actual costs attributed to the 16100
rehabilitation of the historic building when qualified 16101
rehabilitation expenditures exceed two hundred thousand dollars. 16102

If an applicant whose application is approved for receipt of 16103
a rehabilitation tax credit certificate fails to provide to the 16104
director sufficient evidence of reviewable progress, including a 16105
viable financial plan, copies of final construction drawings, and 16106
evidence that the applicant has obtained all historic approvals 16107
within twelve months after the date the applicant received 16108
notification of approval, and if the applicant fails to provide 16109
evidence to the director that the applicant has secured and closed 16110
on financing for the rehabilitation within eighteen months after 16111
receiving notification of approval, the director may rescind the 16112
approval of the application. The director shall notify the 16113
applicant if the approval has been rescinded. Credits that would 16114

have been available to an applicant whose approval was rescinded 16115
shall be available for other qualified applicants. Nothing in this 16116
division prohibits an applicant whose approval has been rescinded 16117
from submitting a new application for a rehabilitation tax credit 16118
certificate. 16119

(E) Issuance of a certificate represents a finding by the 16120
director of development services of the matters described in 16121
divisions (C)(1), (2), and (3) of this section only; issuance of a 16122
certificate does not represent a verification or certification by 16123
the director of the amount of qualified rehabilitation 16124
expenditures for which a tax credit may be claimed under section 16125
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 16126
Revised Code. The amount of qualified rehabilitation expenditures 16127
for which a tax credit may be claimed is subject to inspection and 16128
examination by the tax commissioner or employees of the 16129
commissioner under section 5703.19 of the Revised Code and any 16130
other applicable law. Upon the issuance of a certificate, the 16131
director shall certify to the tax commissioner, in the form and 16132
manner requested by the tax commissioner, the name of the 16133
applicant, the amount of qualified rehabilitation expenditures 16134
shown on the certificate, and any other information required by 16135
the rules adopted under this section. 16136

(F)(1) On or before the first day of April each year, the 16137
director of development services and tax commissioner jointly 16138
shall submit to the president of the senate and the speaker of the 16139
house of representatives a report on the tax credit program 16140
established under this section and sections 5725.151, 5725.34, 16141
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 16142
report shall present an overview of the program and shall include 16143
information on the number of rehabilitation tax credit 16144
certificates issued under this section during the preceding fiscal 16145
year, an update on the status of each historic building for which 16146

an application was approved under this section, the dollar amount 16147
of the tax credits granted under sections 5725.151, 5725.34, 16148
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 16149
any other information the director and commissioner consider 16150
relevant to the topics addressed in the report. 16151

(2) On or before December 1, 2015, the director of 16152
development services and tax commissioner jointly shall submit to 16153
the president of the senate and the speaker of the house of 16154
representatives a comprehensive report that includes the 16155
information required by division (F)(1) of this section and a 16156
detailed analysis of the effectiveness of issuing tax credits for 16157
rehabilitating historic buildings. The report shall be prepared 16158
with the assistance of an economic research organization jointly 16159
chosen by the director and commissioner. 16160

(G) There is hereby created in the state treasury the 16161
historic rehabilitation tax credit operating fund. The director of 16162
development services is authorized to charge reasonable 16163
application and other fees in connection with the administration 16164
of tax credits authorized by this section and sections 5725.151, 16165
5725.34, 5726.52, 5729.17, 5733.44, and 5747.76 of the Revised 16166
Code. Any such fees collected shall be credited to the fund and 16167
used to pay reasonable costs incurred by the department of 16168
development services in administering this section and sections 16169
5725.151, 5725.34, 5726.52, 5729.17, 5733.44, and 5747.76 of the 16170
Revised Code. 16171

The Ohio historic preservation office is authorized to charge 16172
reasonable fees in connection with its review and approval of 16173
applications under this section. Any such fees collected shall be 16174
credited to the fund and used to pay administrative costs incurred 16175
by the Ohio historic preservation office pursuant to this section. 16176

Sec. 149.43. (A) As used in this section: 16177

(1) "Public record" means records kept by any public office, 16178
including, but not limited to, state, county, city, village, 16179
township, and school district units, and records pertaining to the 16180
delivery of educational services by an alternative school in this 16181
state kept by the nonprofit or for-profit entity operating the 16182
alternative school pursuant to section 3313.533 of the Revised 16183
Code. "Public record" does not mean any of the following: 16184

(a) Medical records; 16185

(b) Records pertaining to probation and parole proceedings or 16186
to proceedings related to the imposition of community control 16187
sanctions and post-release control sanctions; 16188

(c) Records pertaining to actions under section 2151.85 and 16189
division (C) of section 2919.121 of the Revised Code and to 16190
appeals of actions arising under those sections; 16191

(d) Records pertaining to adoption proceedings, including the 16192
contents of an adoption file maintained by the department of 16193
health under section 3705.12 of the Revised Code; 16194

(e) Information in a record contained in the putative father 16195
registry established by section 3107.062 of the Revised Code, 16196
regardless of whether the information is held by the department of 16197
job and family services or, pursuant to section 3111.69 of the 16198
Revised Code, the office of child support in the department or a 16199
child support enforcement agency; 16200

(f) Records listed in division (A) of section 3107.42 of the 16201
Revised Code or specified in division (A) of section 3107.52 of 16202
the Revised Code; 16203

(g) Trial preparation records; 16204

(h) Confidential law enforcement investigatory records; 16205

(i) Records containing information that is confidential under 16206
section 2710.03 or 4112.05 of the Revised Code; 16207

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	16208 16209
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	16210 16211 16212 16213
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	16214 16215 16216 16217
(m) Intellectual property records;	16218
(n) Donor profile records;	16219
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	16220 16221
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	16222 16223 16224 16225 16226 16227
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	16228 16229 16230 16231 16232
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	16233 16234
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of	16235 16236 16237

the Revised Code, and child fatality review data submitted by the 16238
child fatality review board to the department of health or a 16239
national child death review database, other than the report 16240
prepared pursuant to division (A) of section 307.626 of the 16241
Revised Code; 16242

(t) Records provided to and statements made by the executive 16243
director of a public children services agency or a prosecuting 16244
attorney acting pursuant to section 5153.171 of the Revised Code 16245
other than the information released under that section; 16246

(u) Test materials, examinations, or evaluation tools used in 16247
an examination for licensure as a nursing home administrator that 16248
the board of ~~examiners~~ executives of ~~nursing home administrators~~ 16249
long-term services and supports administers under section 4751.04 16250
of the Revised Code or contracts under that section with a private 16251
or government entity to administer; 16252

(v) Records the release of which is prohibited by state or 16253
federal law; 16254

(w) Proprietary information of or relating to any person that 16255
is submitted to or compiled by the Ohio venture capital authority 16256
created under section 150.01 of the Revised Code; 16257

(x) ~~Information reported and evaluations conducted pursuant~~ 16258
~~to section 3701.072 of the Revised Code;~~ 16259

~~(y)~~ Financial statements and data any person submits for any 16260
purpose to the Ohio housing finance agency or the controlling 16261
board in connection with applying for, receiving, or accounting 16262
for financial assistance from the agency, and information that 16263
identifies any individual who benefits directly or indirectly from 16264
financial assistance from the agency; 16265

~~(z)~~(y) Records listed in section 5101.29 of the Revised Code; 16266

~~(aa)~~(z) Discharges recorded with a county recorder under 16267

section 317.24 of the Revised Code, as specified in division 16268
(B)(2) of that section; 16269

~~(bb)~~(aa) Usage information including names and addresses of 16270
specific residential and commercial customers of a municipally 16271
owned or operated public utility; 16272

~~(cc)~~(bb) Records described in division (C) of section 187.04 16273
of the Revised Code that are not designated to be made available 16274
to the public as provided in that division. 16275

(2) "Confidential law enforcement investigatory record" means 16276
any record that pertains to a law enforcement matter of a 16277
criminal, quasi-criminal, civil, or administrative nature, but 16278
only to the extent that the release of the record would create a 16279
high probability of disclosure of any of the following: 16280

(a) The identity of a suspect who has not been charged with 16281
the offense to which the record pertains, or of an information 16282
source or witness to whom confidentiality has been reasonably 16283
promised; 16284

(b) Information provided by an information source or witness 16285
to whom confidentiality has been reasonably promised, which 16286
information would reasonably tend to disclose the source's or 16287
witness's identity; 16288

(c) Specific confidential investigatory techniques or 16289
procedures or specific investigatory work product; 16290

(d) Information that would endanger the life or physical 16291
safety of law enforcement personnel, a crime victim, a witness, or 16292
a confidential information source. 16293

(3) "Medical record" means any document or combination of 16294
documents, except births, deaths, and the fact of admission to or 16295
discharge from a hospital, that pertains to the medical history, 16296
diagnosis, prognosis, or medical condition of a patient and that 16297

is generated and maintained in the process of medical treatment. 16298

(4) "Trial preparation record" means any record that contains 16299
information that is specifically compiled in reasonable 16300
anticipation of, or in defense of, a civil or criminal action or 16301
proceeding, including the independent thought processes and 16302
personal trial preparation of an attorney. 16303

(5) "Intellectual property record" means a record, other than 16304
a financial or administrative record, that is produced or 16305
collected by or for faculty or staff of a state institution of 16306
higher learning in the conduct of or as a result of study or 16307
research on an educational, commercial, scientific, artistic, 16308
technical, or scholarly issue, regardless of whether the study or 16309
research was sponsored by the institution alone or in conjunction 16310
with a governmental body or private concern, and that has not been 16311
publicly released, published, or patented. 16312

(6) "Donor profile record" means all records about donors or 16313
potential donors to a public institution of higher education 16314
except the names and reported addresses of the actual donors and 16315
the date, amount, and conditions of the actual donation. 16316

(7) "Peace officer, parole officer, probation officer, 16317
bailiff, prosecuting attorney, assistant prosecuting attorney, 16318
correctional employee, community-based correctional facility 16319
employee, youth services employee, firefighter, EMT, or 16320
investigator of the bureau of criminal identification and 16321
investigation residential and familial information" means any 16322
information that discloses any of the following about a peace 16323
officer, parole officer, probation officer, bailiff, prosecuting 16324
attorney, assistant prosecuting attorney, correctional employee, 16325
community-based correctional facility employee, youth services 16326
employee, firefighter, EMT, or investigator of the bureau of 16327
criminal identification and investigation: 16328

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's,

correctional employee's, community-based correctional facility 16361
employee's, youth services employee's, firefighter's, EMT's, or 16362
investigator of the bureau of criminal identification and 16363
investigation's employer; 16364

(e) The identity and amount of any charitable or employment 16365
benefit deduction made by the peace officer's, parole officer's, 16366
probation officer's, bailiff's, prosecuting attorney's, assistant 16367
prosecuting attorney's, correctional employee's, community-based 16368
correctional facility employee's, youth services employee's, 16369
firefighter's, EMT's, or investigator of the bureau of criminal 16370
identification and investigation's employer from the peace 16371
officer's, parole officer's, probation officer's, bailiff's, 16372
prosecuting attorney's, assistant prosecuting attorney's, 16373
correctional employee's, community-based correctional facility 16374
employee's, youth services employee's, firefighter's, EMT's, or 16375
investigator of the bureau of criminal identification and 16376
investigation's compensation unless the amount of the deduction is 16377
required by state or federal law; 16378

(f) The name, the residential address, the name of the 16379
employer, the address of the employer, the social security number, 16380
the residential telephone number, any bank account, debit card, 16381
charge card, or credit card number, or the emergency telephone 16382
number of the spouse, a former spouse, or any child of a peace 16383
officer, parole officer, probation officer, bailiff, prosecuting 16384
attorney, assistant prosecuting attorney, correctional employee, 16385
community-based correctional facility employee, youth services 16386
employee, firefighter, EMT, or investigator of the bureau of 16387
criminal identification and investigation; 16388

(g) A photograph of a peace officer who holds a position or 16389
has an assignment that may include undercover or plain clothes 16390
positions or assignments as determined by the peace officer's 16391
appointing authority. 16392

As used in divisions (A)(7) and (B)(9) of this section, 16393
"peace officer" has the same meaning as in section 109.71 of the 16394
Revised Code and also includes the superintendent and troopers of 16395
the state highway patrol; it does not include the sheriff of a 16396
county or a supervisory employee who, in the absence of the 16397
sheriff, is authorized to stand in for, exercise the authority of, 16398
and perform the duties of the sheriff. 16399

As used in divisions (A)(7) and (B)(5) of this section, 16400
"correctional employee" means any employee of the department of 16401
rehabilitation and correction who in the course of performing the 16402
employee's job duties has or has had contact with inmates and 16403
persons under supervision. 16404

As used in divisions (A)(7) and (B)(5) of this section, 16405
"youth services employee" means any employee of the department of 16406
youth services who in the course of performing the employee's job 16407
duties has or has had contact with children committed to the 16408
custody of the department of youth services. 16409

As used in divisions (A)(7) and (B)(9) of this section, 16410
"firefighter" means any regular, paid or volunteer, member of a 16411
lawfully constituted fire department of a municipal corporation, 16412
township, fire district, or village. 16413

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 16414
means EMTs-basic, EMTs-I, and paramedics that provide emergency 16415
medical services for a public emergency medical service 16416
organization. "Emergency medical service organization," 16417
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 16418
section 4765.01 of the Revised Code. 16419

As used in divisions (A)(7) and (B)(9) of this section, 16420
"investigator of the bureau of criminal identification and 16421
investigation" has the meaning defined in section 2903.11 of the 16422
Revised Code. 16423

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be

promptly prepared and made available for inspection to any person 16454
at all reasonable times during regular business hours. Subject to 16455
division (B)(8) of this section, upon request, a public office or 16456
person responsible for public records shall make copies of the 16457
requested public record available at cost and within a reasonable 16458
period of time. If a public record contains information that is 16459
exempt from the duty to permit public inspection or to copy the 16460
public record, the public office or the person responsible for the 16461
public record shall make available all of the information within 16462
the public record that is not exempt. When making that public 16463
record available for public inspection or copying that public 16464
record, the public office or the person responsible for the public 16465
record shall notify the requester of any redaction or make the 16466
redaction plainly visible. A redaction shall be deemed a denial of 16467
a request to inspect or copy the redacted information, except if 16468
federal or state law authorizes or requires a public office to 16469
make the redaction. 16470

(2) To facilitate broader access to public records, a public 16471
office or the person responsible for public records shall organize 16472
and maintain public records in a manner that they can be made 16473
available for inspection or copying in accordance with division 16474
(B) of this section. A public office also shall have available a 16475
copy of its current records retention schedule at a location 16476
readily available to the public. If a requester makes an ambiguous 16477
or overly broad request or has difficulty in making a request for 16478
copies or inspection of public records under this section such 16479
that the public office or the person responsible for the requested 16480
public record cannot reasonably identify what public records are 16481
being requested, the public office or the person responsible for 16482
the requested public record may deny the request but shall provide 16483
the requester with an opportunity to revise the request by 16484
informing the requester of the manner in which records are 16485
maintained by the public office and accessed in the ordinary 16486

course of the public office's or person's duties. 16487

(3) If a request is ultimately denied, in part or in whole, 16488
the public office or the person responsible for the requested 16489
public record shall provide the requester with an explanation, 16490
including legal authority, setting forth why the request was 16491
denied. If the initial request was provided in writing, the 16492
explanation also shall be provided to the requester in writing. 16493
The explanation shall not preclude the public office or the person 16494
responsible for the requested public record from relying upon 16495
additional reasons or legal authority in defending an action 16496
commenced under division (C) of this section. 16497

(4) Unless specifically required or authorized by state or 16498
federal law or in accordance with division (B) of this section, no 16499
public office or person responsible for public records may limit 16500
or condition the availability of public records by requiring 16501
disclosure of the requester's identity or the intended use of the 16502
requested public record. Any requirement that the requester 16503
disclose the requestor's identity or the intended use of the 16504
requested public record constitutes a denial of the request. 16505

(5) A public office or person responsible for public records 16506
may ask a requester to make the request in writing, may ask for 16507
the requester's identity, and may inquire about the intended use 16508
of the information requested, but may do so only after disclosing 16509
to the requester that a written request is not mandatory and that 16510
the requester may decline to reveal the requester's identity or 16511
the intended use and when a written request or disclosure of the 16512
identity or intended use would benefit the requester by enhancing 16513
the ability of the public office or person responsible for public 16514
records to identify, locate, or deliver the public records sought 16515
by the requester. 16516

(6) If any person chooses to obtain a copy of a public record 16517
in accordance with division (B) of this section, the public office 16518

or person responsible for the public record may require that 16519
person to pay in advance the cost involved in providing the copy 16520
of the public record in accordance with the choice made by the 16521
person seeking the copy under this division. The public office or 16522
the person responsible for the public record shall permit that 16523
person to choose to have the public record duplicated upon paper, 16524
upon the same medium upon which the public office or person 16525
responsible for the public record keeps it, or upon any other 16526
medium upon which the public office or person responsible for the 16527
public record determines that it reasonably can be duplicated as 16528
an integral part of the normal operations of the public office or 16529
person responsible for the public record. When the person seeking 16530
the copy makes a choice under this division, the public office or 16531
person responsible for the public record shall provide a copy of 16532
it in accordance with the choice made by the person seeking the 16533
copy. Nothing in this section requires a public office or person 16534
responsible for the public record to allow the person seeking a 16535
copy of the public record to make the copies of the public record. 16536

(7) Upon a request made in accordance with division (B) of 16537
this section and subject to division (B)(6) of this section, a 16538
public office or person responsible for public records shall 16539
transmit a copy of a public record to any person by United States 16540
mail or by any other means of delivery or transmission within a 16541
reasonable period of time after receiving the request for the 16542
copy. The public office or person responsible for the public 16543
record may require the person making the request to pay in advance 16544
the cost of postage if the copy is transmitted by United States 16545
mail or the cost of delivery if the copy is transmitted other than 16546
by United States mail, and to pay in advance the costs incurred 16547
for other supplies used in the mailing, delivery, or transmission. 16548

Any public office may adopt a policy and procedures that it 16549
will follow in transmitting, within a reasonable period of time 16550

after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to this division. A public office that adopts a policy and procedures under this division shall comply with them in performing its duties under this division.

In any policy and procedures adopted under this division, a public office may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For purposes of this division, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9)(a) Upon written request made and signed by a journalist on or after December 16, 1999, a public office, or person

responsible for public records, having custody of the records of 16583
the agency employing a specified peace officer, parole officer, 16584
probation officer, bailiff, prosecuting attorney, assistant 16585
prosecuting attorney, correctional employee, community-based 16586
correctional facility employee, youth services employee, 16587
firefighter, EMT, or investigator of the bureau of criminal 16588
identification and investigation shall disclose to the journalist 16589
the address of the actual personal residence of the peace officer, 16590
parole officer, probation officer, bailiff, prosecuting attorney, 16591
assistant prosecuting attorney, correctional employee, 16592
community-based correctional facility employee, youth services 16593
employee, firefighter, EMT, or investigator of the bureau of 16594
criminal identification and investigation and, if the peace 16595
officer's, parole officer's, probation officer's, bailiff's, 16596
prosecuting attorney's, assistant prosecuting attorney's, 16597
correctional employee's, community-based correctional facility 16598
employee's, youth services employee's, firefighter's, EMT's, or 16599
investigator of the bureau of criminal identification and 16600
investigation's spouse, former spouse, or child is employed by a 16601
public office, the name and address of the employer of the peace 16602
officer's, parole officer's, probation officer's, bailiff's, 16603
prosecuting attorney's, assistant prosecuting attorney's, 16604
correctional employee's, community-based correctional facility 16605
employee's, youth services employee's, firefighter's, EMT's, or 16606
investigator of the bureau of criminal identification and 16607
investigation's spouse, former spouse, or child. The request shall 16608
include the journalist's name and title and the name and address 16609
of the journalist's employer and shall state that disclosure of 16610
the information sought would be in the public interest. 16611

(b) Division (B)(9)(a) of this section also applies to 16612
journalist requests for customer information maintained by a 16613
municipally owned or operated public utility, other than social 16614
security numbers and any private financial information such as 16615

credit reports, payment methods, credit card numbers, and bank 16616
account information. 16617

(c) As used in division (B)(9) of this section, "journalist" 16618
means a person engaged in, connected with, or employed by any news 16619
medium, including a newspaper, magazine, press association, news 16620
agency, or wire service, a radio or television station, or a 16621
similar medium, for the purpose of gathering, processing, 16622
transmitting, compiling, editing, or disseminating information for 16623
the general public. 16624

(C)(1) If a person allegedly is aggrieved by the failure of a 16625
public office or the person responsible for public records to 16626
promptly prepare a public record and to make it available to the 16627
person for inspection in accordance with division (B) of this 16628
section or by any other failure of a public office or the person 16629
responsible for public records to comply with an obligation in 16630
accordance with division (B) of this section, the person allegedly 16631
aggrieved may commence a mandamus action to obtain a judgment that 16632
orders the public office or the person responsible for the public 16633
record to comply with division (B) of this section, that awards 16634
court costs and reasonable attorney's fees to the person that 16635
instituted the mandamus action, and, if applicable, that includes 16636
an order fixing statutory damages under division (C)(1) of this 16637
section. The mandamus action may be commenced in the court of 16638
common pleas of the county in which division (B) of this section 16639
allegedly was not complied with, in the supreme court pursuant to 16640
its original jurisdiction under Section 2 of Article IV, Ohio 16641
Constitution, or in the court of appeals for the appellate 16642
district in which division (B) of this section allegedly was not 16643
complied with pursuant to its original jurisdiction under Section 16644
3 of Article IV, Ohio Constitution. 16645

If a requestor transmits a written request by hand delivery 16646
or certified mail to inspect or receive copies of any public 16647

record in a manner that fairly describes the public record or 16648
class of public records to the public office or person responsible 16649
for the requested public records, except as otherwise provided in 16650
this section, the requestor shall be entitled to recover the 16651
amount of statutory damages set forth in this division if a court 16652
determines that the public office or the person responsible for 16653
public records failed to comply with an obligation in accordance 16654
with division (B) of this section. 16655

The amount of statutory damages shall be fixed at one hundred 16656
dollars for each business day during which the public office or 16657
person responsible for the requested public records failed to 16658
comply with an obligation in accordance with division (B) of this 16659
section, beginning with the day on which the requester files a 16660
mandamus action to recover statutory damages, up to a maximum of 16661
one thousand dollars. The award of statutory damages shall not be 16662
construed as a penalty, but as compensation for injury arising 16663
from lost use of the requested information. The existence of this 16664
injury shall be conclusively presumed. The award of statutory 16665
damages shall be in addition to all other remedies authorized by 16666
this section. 16667

The court may reduce an award of statutory damages or not 16668
award statutory damages if the court determines both of the 16669
following: 16670

(a) That, based on the ordinary application of statutory law 16671
and case law as it existed at the time of the conduct or 16672
threatened conduct of the public office or person responsible for 16673
the requested public records that allegedly constitutes a failure 16674
to comply with an obligation in accordance with division (B) of 16675
this section and that was the basis of the mandamus action, a 16676
well-informed public office or person responsible for the 16677
requested public records reasonably would believe that the conduct 16678
or threatened conduct of the public office or person responsible 16679

for the requested public records did not constitute a failure to 16680
comply with an obligation in accordance with division (B) of this 16681
section; 16682

(b) That a well-informed public office or person responsible 16683
for the requested public records reasonably would believe that the 16684
conduct or threatened conduct of the public office or person 16685
responsible for the requested public records would serve the 16686
public policy that underlies the authority that is asserted as 16687
permitting that conduct or threatened conduct. 16688

(2)(a) If the court issues a writ of mandamus that orders the 16689
public office or the person responsible for the public record to 16690
comply with division (B) of this section and determines that the 16691
circumstances described in division (C)(1) of this section exist, 16692
the court shall determine and award to the relator all court 16693
costs. 16694

(b) If the court renders a judgment that orders the public 16695
office or the person responsible for the public record to comply 16696
with division (B) of this section, the court may award reasonable 16697
attorney's fees subject to reduction as described in division 16698
(C)(2)(c) of this section. The court shall award reasonable 16699
attorney's fees, subject to reduction as described in division 16700
(C)(2)(c) of this section when either of the following applies: 16701

(i) The public office or the person responsible for the 16702
public records failed to respond affirmatively or negatively to 16703
the public records request in accordance with the time allowed 16704
under division (B) of this section. 16705

(ii) The public office or the person responsible for the 16706
public records promised to permit the relator to inspect or 16707
receive copies of the public records requested within a specified 16708
period of time but failed to fulfill that promise within that 16709
specified period of time. 16710

(c) Court costs and reasonable attorney's fees awarded under 16711
this section shall be construed as remedial and not punitive. 16712
Reasonable attorney's fees shall include reasonable fees incurred 16713
to produce proof of the reasonableness and amount of the fees and 16714
to otherwise litigate entitlement to the fees. The court may 16715
reduce an award of attorney's fees to the relator or not award 16716
attorney's fees to the relator if the court determines both of the 16717
following: 16718

(i) That, based on the ordinary application of statutory law 16719
and case law as it existed at the time of the conduct or 16720
threatened conduct of the public office or person responsible for 16721
the requested public records that allegedly constitutes a failure 16722
to comply with an obligation in accordance with division (B) of 16723
this section and that was the basis of the mandamus action, a 16724
well-informed public office or person responsible for the 16725
requested public records reasonably would believe that the conduct 16726
or threatened conduct of the public office or person responsible 16727
for the requested public records did not constitute a failure to 16728
comply with an obligation in accordance with division (B) of this 16729
section; 16730

(ii) That a well-informed public office or person responsible 16731
for the requested public records reasonably would believe that the 16732
conduct or threatened conduct of the public office or person 16733
responsible for the requested public records as described in 16734
division (C)(2)(c)(i) of this section would serve the public 16735
policy that underlies the authority that is asserted as permitting 16736
that conduct or threatened conduct. 16737

(D) Chapter 1347. of the Revised Code does not limit the 16738
provisions of this section. 16739

(E)(1) To ensure that all employees of public offices are 16740
appropriately educated about a public office's obligations under 16741
division (B) of this section, all elected officials or their 16742

appropriate designees shall attend training approved by the 16743
attorney general as provided in section 109.43 of the Revised 16744
Code. In addition, all public offices shall adopt a public records 16745
policy in compliance with this section for responding to public 16746
records requests. In adopting a public records policy under this 16747
division, a public office may obtain guidance from the model 16748
public records policy developed and provided to the public office 16749
by the attorney general under section 109.43 of the Revised Code. 16750
Except as otherwise provided in this section, the policy may not 16751
limit the number of public records that the public office will 16752
make available to a single person, may not limit the number of 16753
public records that it will make available during a fixed period 16754
of time, and may not establish a fixed period of time before it 16755
will respond to a request for inspection or copying of public 16756
records, unless that period is less than eight hours. 16757

(2) The public office shall distribute the public records 16758
policy adopted by the public office under division (E)(1) of this 16759
section to the employee of the public office who is the records 16760
custodian or records manager or otherwise has custody of the 16761
records of that office. The public office shall require that 16762
employee to acknowledge receipt of the copy of the public records 16763
policy. The public office shall create a poster that describes its 16764
public records policy and shall post the poster in a conspicuous 16765
place in the public office and in all locations where the public 16766
office has branch offices. The public office may post its public 16767
records policy on the internet web site of the public office if 16768
the public office maintains an internet web site. A public office 16769
that has established a manual or handbook of its general policies 16770
and procedures for all employees of the public office shall 16771
include the public records policy of the public office in the 16772
manual or handbook. 16773

(F)(1) The bureau of motor vehicles may adopt rules pursuant 16774

to Chapter 119. of the Revised Code to reasonably limit the number 16775
of bulk commercial special extraction requests made by a person 16776
for the same records or for updated records during a calendar 16777
year. The rules may include provisions for charges to be made for 16778
bulk commercial special extraction requests for the actual cost of 16779
the bureau, plus special extraction costs, plus ten per cent. The 16780
bureau may charge for expenses for redacting information, the 16781
release of which is prohibited by law. 16782

(2) As used in division (F)(1) of this section: 16783

(a) "Actual cost" means the cost of depleted supplies, 16784
records storage media costs, actual mailing and alternative 16785
delivery costs, or other transmitting costs, and any direct 16786
equipment operating and maintenance costs, including actual costs 16787
paid to private contractors for copying services. 16788

(b) "Bulk commercial special extraction request" means a 16789
request for copies of a record for information in a format other 16790
than the format already available, or information that cannot be 16791
extracted without examination of all items in a records series, 16792
class of records, or ~~data base~~ database by a person who intends to 16793
use or forward the copies for surveys, marketing, solicitation, or 16794
resale for commercial purposes. "Bulk commercial special 16795
extraction request" does not include a request by a person who 16796
gives assurance to the bureau that the person making the request 16797
does not intend to use or forward the requested copies for 16798
surveys, marketing, solicitation, or resale for commercial 16799
purposes. 16800

(c) "Commercial" means profit-seeking production, buying, or 16801
selling of any good, service, or other product. 16802

(d) "Special extraction costs" means the cost of the time 16803
spent by the lowest paid employee competent to perform the task, 16804
the actual amount paid to outside private contractors employed by 16805

the bureau, or the actual cost incurred to create computer 16806
programs to make the special extraction. "Special extraction 16807
costs" include any charges paid to a public agency for computer or 16808
records services. 16809

(3) For purposes of divisions (F)(1) and (2) of this section, 16810
"surveys, marketing, solicitation, or resale for commercial 16811
purposes" shall be narrowly construed and does not include 16812
reporting or gathering news, reporting or gathering information to 16813
assist citizen oversight or understanding of the operation or 16814
activities of government, or nonprofit educational research. 16815

Sec. 149.431. (A) Except as provided in sections 9.833 and 16816
~~2744.08~~ 2744.081 of the Revised Code, any governmental entity or 16817
agency and any nonprofit corporation or association, except a 16818
corporation organized pursuant to Chapter 1719. of the Revised 16819
Code prior to January 1, 1980 or organized pursuant to Chapter 16820
3941. of the Revised Code, that enters into a contract or other 16821
agreement with the federal government, a unit of state government, 16822
or a political subdivision or taxing unit of this state for the 16823
provision of services shall keep accurate and complete financial 16824
records of any moneys expended in relation to the performance of 16825
the services pursuant to such contract or agreement according to 16826
generally accepted accounting principles. Such contract or 16827
agreement and such financial records shall be deemed to be public 16828
records as defined in division (A)(1) of section 149.43 of the 16829
Revised Code and are subject to the requirements of division (B) 16830
of that section, except that: 16831

(1) Any information directly or indirectly identifying a 16832
present or former individual patient or client or such an 16833
individual patient's or client's diagnosis, prognosis, or medical 16834
treatment, treatment for a mental or emotional disorder, treatment 16835
for mental retardation or a developmental disability, treatment 16836

for drug abuse or alcoholism, or counseling for personal or social 16837
problems is not a public record; 16838

(2) If disclosure of the contract or agreement or financial 16839
records is requested at a time when confidential professional 16840
services are being provided to a patient or client whose 16841
confidentiality might be violated if disclosure were made at that 16842
time, disclosure may be deferred if reasonable times are 16843
established when the contract or agreement or financial records 16844
will be disclosed. 16845

(3) Any nonprofit corporation or association that receives 16846
both public and private funds in fulfillment of any such contract 16847
or other agreement is not required to keep as public records the 16848
financial records of any private funds expended in relation to the 16849
performance of services pursuant to the contract or agreement. 16850

(B) Any nonprofit corporation or association that receives 16851
more than fifty per cent of its gross receipts excluding moneys 16852
received pursuant to Title XVIII of the "Social Security Act," 49 16853
Stat. 620 (1935), 42 U.S.C. 301, as amended, in a calendar year in 16854
fulfillment of a contract or other agreement for services with a 16855
governmental entity shall maintain information setting forth the 16856
compensation of any individual serving the nonprofit corporation 16857
or association in an executive or administrative capacity. Such 16858
information shall be deemed to be public records as defined in 16859
division (A)(1) of section 149.43 of the Revised Code and is 16860
subject to the requirements of division (B) of that section. 16861

Nothing in this section shall be construed to otherwise limit 16862
the provisions of section 149.43 of the Revised Code. 16863

Sec. 149.54. In order to ensure that archaeological survey 16864
and salvage work on public lands, dedicated archaeological 16865
preserves, and registered state archaeological landmarks is 16866
conducted in a scientific manner, the director of the Ohio 16867

historical society shall, in consultation with the Ohio 16868
archaeological council and the archaeological society of Ohio, 16869
adopt and may amend or rescind rules, in accordance with Chapter 16870
119. of the Revised Code, prescribing minimum education, training, 16871
and experience requirements for personnel in charge of or 16872
otherwise engaging in archaeological survey and salvage work, and 16873
prescribing scientific methods for undertaking such activities. 16874

No person shall engage in archaeological survey or salvage 16875
work on any land that is owned, controlled, or administered by the 16876
state or any political subdivision of the state, or at any 16877
archaeological preserve, dedicated under section 149.52 of the 16878
Revised Code, ~~or at any state archaeological landmark registered~~ 16879
~~under section 149.51 of the Revised Code,~~ without first obtaining 16880
the written permission of the director. To obtain permission, the 16881
applicant shall submit written application to the director, which 16882
application shall indicate the proposed location, the 16883
qualifications of personnel who will be engaged in the 16884
archaeological survey or salvage work, the proposed methods of 16885
survey or salvage, and such other information as the director 16886
requires by rule. 16887

The director shall deny the applicant permission to engage in 16888
archaeological survey or salvage work at the proposed location if 16889
the applicant's proposed undertaking will not comply with the 16890
rules adopted under this section. The director shall by written 16891
order approve or deny permission to disturb the site. If the 16892
director decides to deny permission, the order shall state the 16893
reasons for denial, and the director shall afford the applicant an 16894
adjudication hearing under Chapter 119. of the Revised Code. The 16895
requirements of this section and of any rule adopted pursuant to 16896
this section shall not apply to any department, agency, unit, 16897
instrumentality, or political subdivision of the state. 16898

Whoever violates this section is guilty of a misdemeanor of 16899

the second degree. Whoever violates or threatens to violate this 16900
section may be enjoined from violation. 16901

Sec. 151.11. (A) As used in this section: 16902

(1) "Costs of sites and facilities" includes related direct 16903
administrative expenses and allocable portions of the direct costs 16904
of those projects. "Costs of sites and facilities" includes 16905
"allowable costs" as defined in section 122.085 of the Revised 16906
Code. 16907

(2) "Obligations" means obligations as defined in section 16908
151.01 of the Revised Code issued to pay costs of sites and 16909
facilities in Ohio for and in support of industry, commerce, 16910
distribution, and research and development purposes as referred to 16911
in division (A)(3) of Section 2p of Article VIII, Ohio 16912
Constitution. 16913

(B) The issuing authority shall issue general obligations of 16914
the state to pay costs of sites and facilities pursuant to 16915
division (B)(3) of Section 2p of Article VIII, Ohio Constitution, 16916
section 151.01 of the Revised Code, and this section. The issuing 16917
authority shall issue obligations in the amount determined by the 16918
issuing authority to be required for those purposes. The total 16919
principal amount of obligations issued under this section shall 16920
not exceed one hundred fifty million dollars. 16921

(C) Net proceeds of obligations shall be deposited into the 16922
job ready site development fund created by section 122.0820 of the 16923
Revised Code. 16924

(D) There is hereby created in the state treasury the job 16925
ready site development bond service fund. All moneys received by 16926
the state and required by the bond proceedings, consistent with 16927
section 151.01 of the Revised Code and this section, to be 16928
deposited, transferred, or credited to the bond service fund, and 16929

all other moneys transferred or allocated to or received for the 16930
purposes of that fund, shall be deposited and credited to the bond 16931
service fund, subject to any applicable provisions of the bond 16932
proceedings, but without necessity for any act of appropriation. 16933
During the period beginning with the date of the first issuance of 16934
obligations and continuing during the time that any obligations 16935
are outstanding in accordance with their terms, so long as moneys 16936
in the bond service fund are insufficient to pay debt service when 16937
due on those obligations payable from that fund, except the 16938
principal amounts of bond anticipation notes payable from the 16939
proceeds of renewal notes or bonds anticipated, and due in the 16940
particular fiscal year, a sufficient amount of revenues of the 16941
state is committed and, without necessity for further act of 16942
appropriation, shall be paid to the bond service fund for the 16943
purpose of paying that debt service when due. All investment 16944
earnings on the cash balance in the fund shall be credited to the 16945
fund. 16946

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 16947
152.33 of the Revised Code: 16948

(1) "Obligations" means bonds, notes, or other evidences of 16949
obligation, including interest coupons pertaining thereto, issued 16950
pursuant to sections 152.09 to 152.33 of the Revised Code. 16951

(2) "State agencies" means the state of Ohio and branches, 16952
officers, boards, commissions, authorities, departments, 16953
divisions, courts, general assembly, or other units or agencies of 16954
the state. "State agency" also includes counties, municipal 16955
corporations, and governmental entities of this state that enter 16956
into leases with the Ohio building authority pursuant to section 16957
152.31 of the Revised Code or that are designated by law as state 16958
agencies for the purpose of performing a state function that is to 16959
be housed by a capital facility for which the Ohio building 16960

authority is authorized to issue revenue obligations pursuant to 16961
sections 152.09 to 152.33 of the Revised Code. 16962

(3) "Bond service charges" means principal, including 16963
mandatory sinking fund requirements for retirement of obligations, 16964
and interest, and redemption premium, if any, required to be paid 16965
by the Ohio building authority on obligations. 16966

(4) "Capital facilities" means buildings, structures, and 16967
other improvements, and equipment, real estate, and interests in 16968
real estate therefor, within the state, and any one, part of, or 16969
combination of the foregoing, for housing of branches and agencies 16970
of state government, including capital facilities for the purpose 16971
of housing personnel, equipment, or functions, or any combination 16972
thereof that the state agencies are responsible for housing, for 16973
which the Ohio building authority is authorized to issue 16974
obligations pursuant to Chapter 152. of the Revised Code, and 16975
includes storage and parking facilities related to such capital 16976
facilities. For purposes of sections 152.10 to 152.15 of the 16977
Revised Code, "capital facilities" includes community or technical 16978
college capital facilities. 16979

(5) "Cost of capital facilities" means the costs of 16980
assessing, planning, acquiring, constructing, reconstructing, 16981
rehabilitating, remodeling, renovating, enlarging, improving, 16982
altering, maintaining, equipping, furnishing, repairing, painting, 16983
decorating, managing, or operating capital facilities, and the 16984
financing thereof, including the cost of clearance and preparation 16985
of the site and of any land to be used in connection with capital 16986
facilities, the cost of participating in capital facilities 16987
pursuant to section 152.33 of the Revised Code, the cost of any 16988
indemnity and surety bonds and premiums on insurance, all related 16989
direct administrative expenses and allocable portions of direct 16990
costs of the authority and lessee state agencies, cost of 16991
engineering and architectural services, designs, plans, 16992

specifications, surveys, and estimates of cost, legal fees, fees 16993
and expenses of trustees, depositories, and paying agents for the 16994
obligations, cost of issuance of the obligations and financing 16995
charges and fees and expenses of financial advisers and 16996
consultants in connection therewith, interest on obligations from 16997
the date thereof to the time when interest is to be covered from 16998
sources other than proceeds of obligations, amounts that represent 16999
the portion of investment earnings to be rebated or to be paid to 17000
the federal government in order to maintain the exclusion from 17001
gross income for federal income tax purposes of interest on those 17002
obligations pursuant to section 148(f) of the Internal Revenue 17003
Code, amounts necessary to establish reserves as required by the 17004
resolutions or the obligations, trust agreements, or indentures, 17005
costs of audits, the reimbursement of all moneys advanced or 17006
applied by or borrowed from any governmental entity, whether to or 17007
by the authority or others, from whatever source provided, for the 17008
payment of any item or items of cost of the capital facilities, 17009
any share of the cost undertaken by the authority pursuant to 17010
arrangements made with governmental entities under division (J) of 17011
section 152.21 of the Revised Code, and all other expenses 17012
necessary or incident to assessing, planning, or determining the 17013
feasibility or practicability with respect to capital facilities, 17014
and such other expenses as may be necessary or incident to the 17015
assessment, planning, acquisition, construction, reconstruction, 17016
rehabilitation, remodeling, renovation, enlargement, improvement, 17017
alteration, maintenance, equipment, furnishing, repair, painting, 17018
decoration, management, or operation of capital facilities, the 17019
financing thereof and the placing of the same in use and 17020
operation, including any one, part of, or combination of such 17021
classes of costs and expenses. 17022

(6) "Governmental entity" means any state agency, municipal 17023
corporation, county, township, school district, and any other 17024
political subdivision or special district in this state 17025

established pursuant to law, and, except where otherwise 17026
indicated, also means the United States or any of the states or 17027
any department, division, or agency thereof, and any agency, 17028
commission, or authority established pursuant to an interstate 17029
compact or agreement. 17030

(7) "Governing body" means: 17031

(a) In the case of a county, the board of county 17032
commissioners or other legislative authority; in the case of a 17033
municipal corporation, the legislative authority; in the case of a 17034
township, the board of township trustees; in the case of a school 17035
district, the board of education; 17036

(b) In the case of any other governmental entity, the 17037
officer, board, commission, authority, or other body having the 17038
general management of the entity or having jurisdiction or 17039
authority in the particular circumstances. 17040

(8) "Available receipts" means fees, charges, revenues, 17041
grants, subsidies, income from the investment of moneys, proceeds 17042
from the sale of goods or services, and all other revenues or 17043
receipts received by or on behalf of any state agency for which 17044
capital facilities are financed with obligations issued under 17045
Chapter 152. of the Revised Code, any state agency participating 17046
in capital facilities pursuant to section 152.33 of the Revised 17047
Code, or any state agency by which the capital facilities are 17048
constructed or financed; revenues or receipts derived by the 17049
authority from the operation, leasing, or other disposition of 17050
capital facilities, and the proceeds of obligations issued under 17051
Chapter 152. of the Revised Code; and also any moneys appropriated 17052
by a governmental entity, gifts, grants, donations, and pledges, 17053
and receipts therefrom, available for the payment of bond service 17054
charges on such obligations. 17055

(9) "Available community or technical college receipts" means 17056

all money received by a community or technical college or 17057
community or technical college district, including income, 17058
revenues, and receipts from the operation, ownership, or control 17059
of facilities, grants, gifts, donations, and pledges and receipts 17060
therefrom, receipts from fees and charges, the allocated state 17061
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 17062
Revised Code, and the proceeds of the sale of obligations, 17063
including proceeds of obligations issued to refund obligations 17064
previously issued, but excluding any special fee, and receipts 17065
therefrom, charged pursuant to division (D) of section 154.21 of 17066
the Revised Code. 17067

(10) "Community or technical college," "college," "community 17068
or technical college district," and "district" have the same 17069
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 17070

(11) "Community or technical college capital facilities" 17071
means auxiliary facilities, education facilities, and housing and 17072
dining facilities, as those terms are defined in section 3345.12 17073
of the Revised Code, to the extent permitted to be financed by the 17074
issuance of obligations under division (A)(2) of section 3357.112 17075
of the Revised Code, that are authorized by sections 3354.121, 17076
3357.112, and 3358.10 of the Revised Code to be financed by 17077
obligations issued by a community or technical college district, 17078
and for which the Ohio building authority is authorized to issue 17079
obligations pursuant to Chapter 152. of the Revised Code, and 17080
includes any one, part of, or any combination of the foregoing, 17081
and further includes site improvements, utilities, machinery, 17082
furnishings, and any separate or connected buildings, structures, 17083
improvements, sites, open space and green space areas, utilities, 17084
or equipment to be used in, or in connection with the operation or 17085
maintenance of, or supplementing or otherwise related to the 17086
services or facilities to be provided by, such facilities. 17087

(12) "Cost of community or technical college capital 17088

facilities" means the costs of acquiring, constructing, 17089
reconstructing, rehabilitating, remodeling, renovating, enlarging, 17090
improving, equipping, or furnishing community or technical college 17091
capital facilities, and the financing thereof, including the cost 17092
of clearance and preparation of the site and of any land to be 17093
used in connection with community or technical college capital 17094
facilities, the cost of any indemnity and surety bonds and 17095
premiums on insurance, all related direct administrative expenses 17096
and allocable portions of direct costs of the authority, community 17097
or technical college or community or technical college district, 17098
cost of engineering, architectural services, design, plans, 17099
specifications and surveys, estimates of cost, legal fees, fees 17100
and expenses of trustees, depositories, bond registrars, and 17101
paying agents for the obligations, cost of issuance of the 17102
obligations and financing costs and fees and expenses of financial 17103
advisers and consultants in connection therewith, interest on the 17104
obligations from the date thereof to the time when interest is to 17105
be covered by available receipts or other sources other than 17106
proceeds of the obligations, amounts that represent the portion of 17107
investment earnings to be rebated or to be paid to the federal 17108
government in order to maintain the exclusion from gross income 17109
for federal income tax purposes of interest on those obligations 17110
pursuant to section 148(f) of the Internal Revenue Code, amounts 17111
necessary to establish reserves as required by the bond 17112
proceedings, costs of audits, the reimbursements of all moneys 17113
advanced or applied by or borrowed from the community or technical 17114
college, community or technical college district, or others, from 17115
whatever source provided, including any temporary advances from 17116
state appropriations, for the payment of any item or items of cost 17117
of community or technical college facilities, and all other 17118
expenses necessary or incident to planning or determining 17119
feasibility or practicability with respect to such facilities, and 17120
such other expenses as may be necessary or incident to the 17121

acquisition, construction, reconstruction, rehabilitation, 17122
remodeling, renovation, enlargement, improvement, equipment, and 17123
furnishing of community or technical college capital facilities, 17124
the financing thereof and the placing of them in use and 17125
operation, including any one, part of, or combination of such 17126
classes of costs and expenses. 17127

(B) Pursuant to the powers granted to the general assembly 17128
under Section 2i of Article VIII, Ohio Constitution, to authorize 17129
the issuance of revenue obligations and other obligations, the 17130
owners or holders of which are not given the right to have excises 17131
or taxes levied by the general assembly for the payment of 17132
principal thereof or interest thereon, the Ohio building authority 17133
may issue obligations, in accordance with Chapter 152. of the 17134
Revised Code, and shall cause the net proceeds thereof, after any 17135
deposits of accrued interest for the payment of bond service 17136
charges and after any deposit of all or such lesser portion as the 17137
authority may direct of the premium received upon the sale of 17138
those obligations for the payment of the bond service charges, to 17139
be applied to the costs of capital facilities designated by or 17140
pursuant to act of the general assembly for housing state agencies 17141
as authorized by Chapter 152. of the Revised Code. The authority 17142
shall provide by resolution for the issuance of such obligations. 17143
The bond service charges and all other payments required to be 17144
made by the trust agreement or indenture securing such obligations 17145
shall be payable solely from available receipts of the authority 17146
pledged thereto as provided in such resolution. The available 17147
receipts pledged and thereafter received by the authority are 17148
immediately subject to the lien of such pledge without any 17149
physical delivery thereof or further act, and the lien of any such 17150
pledge is valid and binding against all parties having claims of 17151
any kind against the authority, irrespective of whether those 17152
parties have notice thereof, and creates a perfected security 17153
interest for all purposes of Chapter 1309. of the Revised Code and 17154

a perfected lien for purposes of any real property interest, all 17155
without the necessity for separation or delivery of funds or for 17156
the filing or recording of the resolution, trust agreement, 17157
indenture, or other agreement by which such pledge is created or 17158
any certificate, statement, or other document with respect 17159
thereto; and the pledge of such available receipts is effective 17160
and the money therefrom and thereof may be applied to the purposes 17161
for which pledged. Every pledge, and every covenant and agreement 17162
made with respect to the pledge, made in the resolution may 17163
therein be extended to the benefit of the owners and holders of 17164
obligations authorized by Chapter 152. of the Revised Code, the 17165
net proceeds of which are to be applied to the costs of capital 17166
facilities, and to any trustee therefor, for the further securing 17167
of the payment of the bond service charges, and all or any rights 17168
under any agreement or lease made under this section may be 17169
assigned for such purpose. Obligations may be issued at one time 17170
or from time to time, and each issue shall be dated, shall mature 17171
at such time or times as determined by the authority not exceeding 17172
forty years from the date of issue, and may be redeemable before 17173
maturity at the option of the authority at such price or prices 17174
and under such terms and conditions as are fixed by the authority 17175
prior to the issuance of the obligations. The authority shall 17176
determine the form of the obligations, fix their denominations, 17177
establish their interest rate or rates, which may be a variable 17178
rate or rates, or the maximum interest rate, and establish within 17179
or without this state a place or places of payment of bond service 17180
charges. 17181

(C) The obligations shall be signed by the authority 17182
chairperson, vice-chairperson, and secretary-treasurer, and the 17183
authority seal shall be affixed. The signatures may be facsimile 17184
signatures and the seal affixed may be a facsimile seal, as 17185
provided by resolution of the authority. Any coupons attached may 17186
bear the facsimile signature of the chairperson. In case any 17187

officer who has signed any obligations, or caused the officer's 17188
facsimile signature to be affixed thereto, ceases to be such 17189
officer before such obligations have been delivered, such 17190
obligations may, nevertheless, be issued and delivered as though 17191
the person who had signed the obligations or caused the person's 17192
facsimile signature to be affixed thereto had not ceased to be 17193
such officer. 17194

Any obligations may be executed on behalf of the authority by 17195
an officer who, on the date of execution, is the proper officer 17196
although on the date of such obligations such person was not the 17197
proper officer. 17198

(D) All obligations issued by the authority shall have all 17199
the qualities and incidents of negotiable instruments and may be 17200
issued in coupon or in registered form, or both, as the authority 17201
determines. Provision may be made for the registration of any 17202
obligations with coupons attached thereto as to principal alone or 17203
as to both principal and interest, their exchange for obligations 17204
so registered, and for the conversion or reconversion into 17205
obligations with coupons attached thereto of any obligations 17206
registered as to both principal and interest, and for reasonable 17207
charges for such registration, exchange, conversion, and 17208
reconversion. The authority may sell its obligations in any manner 17209
and for such prices as it determines, except that the authority 17210
shall sell obligations sold at public or private sale in 17211
accordance with section 152.091 of the Revised Code. 17212

(E) The obligations of the authority, principal, interest, 17213
and any proceeds from their sale or transfer, are exempt from all 17214
taxation within this state. 17215

(F) The authority is authorized to issue revenue obligations 17216
and other obligations under Section 2i of Article VIII, Ohio 17217
Constitution, for the purpose of paying the cost of capital 17218
facilities for housing of branches and agencies of state 17219

government, including capital facilities for the purpose of 17220
housing personnel, equipment, or functions, or any combination 17221
thereof that the state agencies are responsible for housing, as 17222
are authorized by Chapter 152. of the Revised Code, and that are 17223
authorized by the general assembly by the appropriation of lease 17224
payments or other moneys for such capital facilities or by any 17225
other act of the general assembly, but not including the 17226
appropriation of moneys for feasibility studies for such capital 17227
facilities. This division does not authorize the authority to 17228
issue obligations pursuant to Section 2i of Article VIII, Ohio 17229
Constitution, to pay the cost of capital facilities for mental 17230
hygiene and retardation, parks and recreation, or state-supported 17231
or state-assisted institutions of higher education. 17232

(G) The authority is authorized to issue revenue obligations 17233
under Section 2i of Article VIII, Ohio Constitution, on behalf of 17234
a community or technical college district and shall cause the net 17235
proceeds thereof, after any deposits of accrued interest for the 17236
payment of bond service charges and after any deposit of all or 17237
such lesser portion as the authority may direct of the premium 17238
received upon the sale of those obligations for the payment of the 17239
bond service charges, to be applied to the cost of community or 17240
technical college capital facilities, provided that the issuance 17241
of such obligations is subject to the execution of a written 17242
agreement in accordance with division (C) of section ~~3333.90~~ 17243
3333.59 of the Revised Code for the withholding and depositing of 17244
funds otherwise due the district, or the college it operates, in 17245
respect of its allocated state share of instruction. 17246

The authority shall provide by resolution for the issuance of 17247
such obligations. The bond service charges and all other payments 17248
required to be made by the trust agreement or indenture securing 17249
the obligations shall be payable solely from available community 17250
or technical college receipts pledged thereto as provided in the 17251

resolution. The available community or technical college receipts 17252
pledged and thereafter received by the authority are immediately 17253
subject to the lien of such pledge without any physical delivery 17254
thereof or further act, and the lien of any such pledge is valid 17255
and binding against all parties having claims of any kind against 17256
the authority, irrespective of whether those parties have notice 17257
thereof, and creates a perfected security interest for all 17258
purposes of Chapter 1309. of the Revised Code and a perfected lien 17259
for purposes of any real property interest, all without the 17260
necessity for separation or delivery of funds or for the filing or 17261
recording of the resolution, trust agreement, indenture, or other 17262
agreement by which such pledge is created or any certificate, 17263
statement, or other document with respect thereto; and the pledge 17264
of such available community or technical college receipts is 17265
effective and the money therefrom and thereof may be applied to 17266
the purposes for which pledged. Every pledge, and every covenant 17267
and agreement made with respect to the pledge, made in the 17268
resolution may therein be extended to the benefit of the owners 17269
and holders of obligations authorized by this division, and to any 17270
trustee therefor, for the further securing of the payment of the 17271
bond service charges, and all or any rights under any agreement or 17272
lease made under this section may be assigned for such purpose. 17273
Obligations may be issued at one time or from time to time, and 17274
each issue shall be dated, shall mature at such time or times as 17275
determined by the authority not exceeding forty years from the 17276
date of issue, and may be redeemable before maturity at the option 17277
of the authority at such price or prices and under such terms and 17278
conditions as are fixed by the authority prior to the issuance of 17279
the obligations. The authority shall determine the form of the 17280
obligations, fix their denominations, establish their interest 17281
rate or rates, which may be a variable rate or rates, or the 17282
maximum interest rate, and establish within or without this state 17283
a place or places of payment of bond service charges. 17284

Sec. 153.692. For every design-build contract, the public authority planning to contract for design-build services shall first obtain the services of a criteria architect or engineer by doing either of the following:

(A) Contracting for the services consistent with sections 153.65 to 153.70 of the Revised Code;

(B) Obtaining the services through an architect or engineer who is an employee of the public authority and notifying the ~~department of administrative services~~ Ohio facilities construction commission before the services are performed.

Sec. 154.01. As used in this chapter:

(A) "Commission" means the Ohio public facilities commission created in section 151.02 of the Revised Code.

(B) "Obligations" means bonds, notes, or other evidences of obligation, including interest coupons pertaining thereto, issued pursuant to Chapter 154. of the Revised Code.

(C) "Bond proceedings" means the order or orders, resolution or resolutions, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security of, obligations issued pursuant to Chapter 154. of the Revised Code, and the provisions contained in such obligations.

(D) "State agencies" means the state of Ohio and officers, boards, commissions, departments, divisions, or other units or agencies of the state.

(E) "Governmental agency" means state agencies, state supported and assisted institutions of higher education, municipal corporations, counties, townships, school districts, and any other

political subdivision or special district in this state 17314
established pursuant to law, and, except where otherwise 17315
indicated, also means the United States or any department, 17316
division, or agency thereof, and any agency, commission, or 17317
authority established pursuant to an interstate compact or 17318
agreement. 17319

(F) "Institutions of higher education" and "state supported 17320
or state assisted institutions of higher education" means the 17321
state universities identified in section 3345.011 of the Revised 17322
Code, the northeast Ohio medical university, state universities or 17323
colleges at any time created, community college districts, 17324
university branch districts, and technical college districts at 17325
any time established or operating under Chapter 3354., 3355., or 17326
3357. of the Revised Code, and other institutions for education, 17327
including technical education, beyond the high school, receiving 17328
state support or assistance for their expenses of operation. 17329

(G) "Governing body" means: 17330

(1) In the case of institutions of higher education, the 17331
board of trustees, board of directors, commission, or other body 17332
vested by law with the general management, conduct, and control of 17333
one or more institutions of higher education; 17334

(2) In the case of a county, the board of county 17335
commissioners or other legislative body; in the case of a 17336
municipal corporation, the council or other legislative body; in 17337
the case of a township, the board of township trustees; in the 17338
case of a school district, the board of education; 17339

(3) In the case of any other governmental agency, the 17340
officer, board, commission, authority or other body having the 17341
general management thereof or having jurisdiction or authority in 17342
the particular circumstances. 17343

(H) "Person" means any person, firm, partnership, 17344

association, or corporation. 17345

(I) "Bond service charges" means principal, including 17346
mandatory sinking fund requirements for retirement of obligations, 17347
and interest, and redemption premium, if any, required to be paid 17348
by the state on obligations. If not prohibited by the applicable 17349
bond proceedings, bond service charges may include costs relating 17350
to credit enhancement facilities that are related to and 17351
represent, or are intended to provide a source of payment of or 17352
limitation on, other bond service charges. 17353

(J) "Capital facilities" means buildings, structures, and 17354
other improvements, and equipment, real estate, and interests in 17355
real estate therefor, within the state, and any one, part of, or 17356
combination of the foregoing, to serve the general purposes for 17357
which the issuing authority is authorized to issue obligations 17358
pursuant to Chapter 154. of the Revised Code, including, but not 17359
limited to, drives, roadways, parking facilities, walks, lighting, 17360
machinery, furnishings, utilities, landscaping, wharves, docks, 17361
piers, reservoirs, dams, tunnels, bridges, retaining walls, 17362
riprap, culverts, ditches, channels, watercourses, retention 17363
basins, standpipes and water storage facilities, waste treatment 17364
and disposal facilities, heating, air conditioning and 17365
communications facilities, inns, lodges, cabins, camping sites, 17366
golf courses, boat and bathing facilities, athletic and 17367
recreational facilities, and site improvements. 17368

(K) "Costs of capital facilities" means the costs of 17369
acquiring, constructing, reconstructing, rehabilitating, 17370
remodeling, renovating, enlarging, improving, equipping, or 17371
furnishing capital facilities, and the financing thereof, 17372
including the cost of clearance and preparation of the site and of 17373
any land to be used in connection with capital facilities, the 17374
cost of any indemnity and surety bonds and premiums on insurance, 17375
all related direct administrative expenses and allocable portions 17376

of direct costs of the commission or issuing authority and 17377
department of administrative services, or other designees of the 17378
commission under section 154.17 of the Revised Code, cost of 17379
engineering and architectural services, designs, plans, 17380
specifications, surveys, and estimates of cost, legal fees, fees 17381
and expenses of trustees, depositories, and paying agents for the 17382
obligations, cost of issuance of the obligations and financing 17383
charges and fees and expenses of financial advisers and 17384
consultants in connection therewith, interest on obligations, 17385
including but not limited to, interest from the date of their 17386
issuance to the time when interest is to be covered from sources 17387
other than proceeds of obligations, amounts necessary to establish 17388
reserves as required by the bond proceedings, costs of audits, the 17389
reimbursement of all moneys advanced or applied by or borrowed 17390
from any governmental agency, whether to or by the commission or 17391
others, from whatever source provided, for the payment of any item 17392
or items of cost of the capital facilities, any share of the cost 17393
undertaken by the commission pursuant to arrangements made with 17394
governmental agencies under division (H) of section 154.06 of the 17395
Revised Code, and all other expenses necessary or incident to 17396
planning or determining feasibility or practicability with respect 17397
to capital facilities, and such other expenses as may be necessary 17398
or incident to the acquisition, construction, reconstruction, 17399
rehabilitation, remodeling, renovation, enlargement, improvement, 17400
equipment, and furnishing of capital facilities, the financing 17401
thereof and the placing of the same in use and operation, 17402
including any one, part of, or combination of such classes of 17403
costs and expenses. 17404

(L) "Public service facilities" means inns, lodges, hotels, 17405
cabins, camping sites, scenic trails, picnic sites, restaurants, 17406
commissaries, golf courses, boating and bathing facilities and 17407
other similar facilities in state parks. 17408

(M) "State parks" means:	17409
(1) State reservoirs described and identified in section 1541.06 of the Revised Code;	17410 17411
(2) All lands or interests therein of the state identified as administered by the division of parks and recreation in the "inventory of state owned lands administered by the department of natural resources as of June 1, 1963," as recorded in the journal of the director, which inventory was prepared by the real estate section of the department and is supported by maps now on file in said real estate section;	17412 17413 17414 17415 17416 17417 17418
(3) All lands or interests in lands of the state designated after June 1, 1963, as state parks in the journal of the director with the approval of the recreation and resources council.	17419 17420 17421
State parks do not include any lands or interest in lands of the state administered jointly by two or more divisions of the department of natural resources. The designation of lands as state parks under divisions (M)(1) to (3) of this section is conclusive and such lands shall be under the control of and administered by the division of parks and recreation. No order or proceeding designating lands as state parks or park purchase areas is subject to any appeal or review by any officer, board, commission, or court.	17422 17423 17424 17425 17426 17427 17428 17429 17430
(N) "Bond service fund" means the applicable fund created for and pledged to the payment of bond service charges under section 154.20, 154.21, 154.22, or 154.23 of the Revised Code, including all moneys and investments, and earnings from investments, credited and to be credited thereto.	17431 17432 17433 17434 17435
(O) "Improvement fund" means the applicable fund created for the payment of costs of capital facilities under section <u>123.201</u> , 154.20, 154.21, <u>or</u> 154.22, or 3383.09 of the Revised Code, including all moneys and investments, and earnings from	17436 17437 17438 17439

investments, credited and to be credited thereto. 17440

(P) "Special funds" or "funds" means, except where the 17441
context does not permit, the bond service funds, the improvements 17442
funds, and any other funds for similar or different purposes 17443
created under bond proceedings, including all moneys and 17444
investments, and earnings from investments, credited and to be 17445
credited thereto. 17446

(Q) "Year" unless the context indicates a different meaning 17447
or intent, means a calendar year beginning on the first day of 17448
January and ending on the thirty-first day of December. 17449

(R) "Fiscal year" means the period of twelve months beginning 17450
on the first day of July and ending on the thirtieth day of June. 17451

(S) "Issuing authority" means the treasurer of state or the 17452
officer or employee who by law performs the functions of that 17453
office. 17454

(T) "Credit enhancement facilities" has the same meaning as 17455
in section 133.01 of the Revised Code. 17456

(U) "Ohio cultural facility" and "Ohio sports facility" have 17457
the same meanings as in section ~~3383.01~~ 123.28 of the Revised 17458
Code. 17459

Sec. 154.17. The departments of administrative services, 17460
~~mental health~~ mental health and addiction services, developmental 17461
disabilities, rehabilitation and correction, and natural 17462
resources, the Ohio board of regents, institutions of higher 17463
education, and other state officers and state agencies shall 17464
cooperate with the commission in providing services and 17465
information requested by the commission for purposes of Chapter 17466
154. of the Revised Code, and the commission may make mutually 17467
satisfactory arrangements therefor and may thereunder designate 17468
any governmental agency for the management or performance of 17469

particular functions of the commission, other than the 17470
authorization and issuance of obligations provided for in Chapter 17471
154. of the Revised Code, pursuant to which designation, upon 17472
acceptance thereof by that governmental agency, that function may 17473
be carried out with the full force and effect as if performed by 17474
the commission. Any such designation shall be made only by formal 17475
action or written agreement of the commission. In the management 17476
of capital facilities or performance of other functions with 17477
respect thereto, a governmental agency may exercise all powers 17478
which it has under law with respect to other similar facilities 17479
under its jurisdiction. 17480

Contracts relating to capital facilities shall be made in 17481
accordance with the law pertaining to the governmental agency 17482
designated under authority of this section to perform such 17483
contracting function, and in any other case shall be made in 17484
accordance with Chapter 153. of the Revised Code, for which 17485
purpose the commission shall be considered the owner, provided 17486
that the commission may assign the function of owner to the 17487
department of administrative services or other governmental agency 17488
as it determines. The commission may acquire by assignment from 17489
any governmental agency contracts which are not completed and 17490
which involve acquiring, constructing, reconstructing, 17491
rehabilitating, remodeling, renovating, enlarging, improving, 17492
equipping, or furnishing capital facilities, provided that such 17493
governmental agency has complied with the procedures prescribed by 17494
laws for its letting of such contract. 17495

No contract shall be let or assignment thereof accepted under 17496
this section involving performance in accordance with plans and 17497
specifications until such plans and specifications have been 17498
submitted to and approved by the governmental agency to have 17499
responsibility for the management of the capital facilities 17500
provided for in such plans and specifications, which approval 17501

shall be considered to be given if no approval or disapproval is 17502
communicated in writing to the commission or its designee for such 17503
purpose within sixty days following such submission of plans and 17504
specifications. Approval by such governmental agency of changes in 17505
plans and specifications is not required if the director of 17506
administrative services or the designee of the commission for such 17507
purpose shall certify that such changes do not substantially 17508
change the location, character, or extent of such capital 17509
facilities. 17510

Sec. 154.20. (A) Subject to authorization by the general 17511
assembly under section 154.02 of the Revised Code, the issuing 17512
authority may issue obligations pursuant to this chapter to pay 17513
costs of capital facilities for mental hygiene and retardation, 17514
including housing for mental hygiene and retardation patients and 17515
persons with substance use disorders. 17516

(B) Any capital facilities for mental hygiene or retardation, 17517
including housing for mental hygiene and retardation patients and 17518
persons with substance use disorders, may be leased by the 17519
commission to the department of ~~mental health~~, mental health and 17520
addiction services or the department of developmental 17521
~~disabilities, or the department of alcohol and drug addiction~~ 17522
~~services~~, and other agreements may be made by the commission and 17523
any one or more of these departments with respect to the use or 17524
purchase of such capital facilities or, subject to the approval of 17525
the director of the department, the commission may lease such 17526
capital facilities to, and make or provide for other agreements 17527
with respect to the use or purchase thereof with, any governmental 17528
agency having authority under law to operate such capital 17529
facilities, and the director of the department may sublease such 17530
capital facilities to, and make other agreements with respect to 17531
the use or purchase thereof with, any such governmental agency, 17532
which may include provisions for transmittal to the mental health 17533

bond service trust fund created under division (E) of this 17534
section, by such governmental agency or by a nonprofit corporation 17535
providing mental hygiene and retardation services for or under 17536
contract with or the supervision of that governmental agency, of 17537
receipts of that agency or nonprofit corporation from charges for 17538
the treatment or care of mental hygiene and retardation patients, 17539
all upon such terms and conditions as the parties may agree upon 17540
and pursuant to this chapter, notwithstanding any other provision 17541
of law affecting the leasing, acquisition, or disposition of 17542
capital facilities by the parties. 17543

(C) For purposes of this section, "available receipts" means 17544
all receipts of the state from charges for the treatment or care 17545
of mental hygiene and retardation patients, including support 17546
payments received under Chapter 5121. of the Revised Code and 17547
moneys required to be transmitted to the mental health bond 17548
service trust fund pursuant to subleases and other agreements 17549
between any of the departments and another governmental agency 17550
pursuant to division (B) of this section as the subleases and 17551
other agreements may be further implemented for internal planning, 17552
budgeting, and accounting purposes pursuant to rules adopted by 17553
the director of ~~mental health~~, mental health and addiction 17554
services or director of developmental disabilities, ~~or director of~~ 17555
~~alcohol and drug addiction services~~, any revenues or receipts 17556
derived by the commission from the operation, leasing, or other 17557
disposition of capital facilities financed under this section, the 17558
proceeds of obligations issued under this section and sections 17559
154.11 and 154.12 of the Revised Code, and also means any gifts, 17560
grants, donations, and pledges, and receipts therefrom, available 17561
for the payment of bond service charges on such obligations. The 17562
issuing authority may pledge all, or such portion as that 17563
authority determines, of the available receipts to the payment of 17564
bond service charges on obligations issued under this section and 17565
under sections 154.11 and 154.12 of the Revised Code and for the 17566

establishment and maintenance of any reserves, as provided in the 17567
bond proceedings, and make other provisions therein with respect 17568
to such available receipts as authorized by this chapter, which 17569
provisions shall be controlling notwithstanding any other 17570
provision of law pertaining thereto. 17571

(D) The issuing authority may covenant in the bond 17572
proceedings that the state and state agencies shall, so long as 17573
any obligations issued under this section are outstanding, cause 17574
to be charged and collected charges for the treatment or care of 17575
mental hygiene and retardation patients sufficient in amount to 17576
provide for the payment of bond service charges on such 17577
obligations and for the establishment and maintenance of any 17578
reserves, as provided in the bond proceedings, and such covenants 17579
shall be controlling notwithstanding any other provision of law 17580
pertaining to such charges. 17581

(E) There is hereby created the mental health bond service 17582
trust fund, which shall be in the custody of the treasurer of 17583
state but shall be separate and apart from and not a part of the 17584
state treasury. All moneys received by or on account of the 17585
commission or issuing authority or state agencies and required by 17586
the applicable bond proceedings to be deposited, transferred, or 17587
credited to the fund, and all other moneys transferred or 17588
allocated to or received for the purposes of the fund, shall be 17589
deposited with the treasurer of state and credited to such fund, 17590
subject to applicable provisions of the bond proceedings, but 17591
without necessity for any act of appropriation. The mental health 17592
bond service trust fund is a trust fund and is hereby pledged to 17593
the payment of bond service charges on the obligations issued 17594
pursuant to this section and sections 154.11 and 154.12 of the 17595
Revised Code to the extent provided in the applicable bond 17596
proceedings, and payment thereof from such fund shall be made or 17597
provided for by the treasurer of state in accordance with such 17598

bond proceedings without necessity for any act of appropriation. 17599

(F) There is hereby created in the state treasury the mental 17600
health facilities improvement fund. Subject to the bond 17601
proceedings therefor, all of the proceeds of the sale of 17602
obligations pursuant to this section shall be credited to the 17603
fund, except that any accrued interest shall be credited to the 17604
mental health bond service fund. The mental health facilities 17605
improvement fund may also be comprised of gifts, grants, 17606
appropriated moneys, and other sums and securities received to the 17607
credit of such fund. All investment earnings on the cash balance 17608
in the fund shall be credited to the fund. The fund shall be 17609
applied only to the following purposes: 17610

(1) Paying costs of capital facilities for mental hygiene and 17611
retardation, including housing for mental hygiene and retardation 17612
patients or for persons with substance use disorders, under the 17613
jurisdiction of the department of ~~mental health~~, mental health and 17614
addiction services or department of developmental disabilities, ~~or~~ 17615
~~department of alcohol and drug addiction services;~~ 17616

(2) Participating in capital facilities for mental hygiene 17617
and retardation, including housing for mental hygiene and 17618
retardation patients or for persons with substance use disorders, 17619
with the federal government, municipal corporations, counties, or 17620
other governmental agencies, or a nonprofit corporation 17621
specifically chartered to provide a mental health, substance use, 17622
or mental retardation service when such service fulfills a public 17623
purpose, which participation may be by grants or contributions to 17624
them for such capital facilities. Except as provided in division 17625
(G) of this section, the nonprofit corporation may act in concert 17626
with a limited partnership or a limited liability company eligible 17627
to participate in the nonprofit set-aside described in section 17628
42(h)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2198, 17629
26 U.S.C. 42, and the Ohio housing finance agency's housing tax 17630

credit program for the purpose of making use of low-income housing 17631
tax credits in support of housing for mental hygiene and 17632
retardation patients. 17633

(G) A nonprofit corporation providing a mental retardation 17634
service must obtain written approval from the director of 17635
developmental disabilities before acting in concert with a limited 17636
partnership or limited liability company as described in division 17637
(F)(2) of this section. However, the director may issue one 17638
blanket approval for all such nonprofit corporations. 17639

(H) This section is to be applied with other applicable 17640
provisions of this chapter. 17641

Sec. 154.22. (A) Subject to authorization by the general 17642
assembly under section 154.02 of the Revised Code, the issuing 17643
authority may authorize and issue obligations pursuant to this 17644
chapter to pay costs of capital facilities for parks and 17645
recreation. 17646

(B) Any capital facilities for parks and recreation may be 17647
leased by the commission to the department of natural resources 17648
and other agreements may be made by the commission and such 17649
department with respect to the use or purchase of such capital 17650
facilities or, subject to the approval of the director of such 17651
department, the commission may lease such capital facilities to, 17652
and make other agreements with respect to their use or purchase 17653
with, any governmental agency having authority under law to 17654
operate such capital facilities, and the director of such 17655
department may sublease such capital facilities to, and make other 17656
agreements with respect to the use or purchase thereof with, any 17657
such governmental agency, or such director may sublease or 17658
contract for the operation of such capital facilities in 17659
accordance with the applicable provisions of sections 1501.09, 17660
1501.091, and 1501.10 of the Revised Code, all upon such terms and 17661

conditions as the parties may agree upon and pursuant to this 17662
chapter, notwithstanding any other provisions of law affecting the 17663
leasing, acquisition, or disposition of capital facilities by such 17664
parties. 17665

(C) For purposes of this section, "available receipts" means 17666
all receipts, including fees, charges, and rentals, derived or to 17667
be derived from state parks and public service facilities in any 17668
state park or parks, any other receipts of state agencies with 17669
respect to parks and recreational facilities, any revenues or 17670
receipts derived by the commission from the operation, leasing, or 17671
other disposition of capital facilities financed under this 17672
section, the proceeds of obligations issued under this section and 17673
sections 154.11 and 154.12 of the Revised Code, and also means any 17674
gifts, grants, donations, and pledges, and receipts thereon, 17675
available for the payment of bond service charges on obligations 17676
issued under this section. The issuing authority may pledge all, 17677
or such portion as it determines, of the available receipts to the 17678
payment of bond service charges on obligations issued under this 17679
section and sections 154.11 and 154.12 of the Revised Code and for 17680
the establishment and maintenance of any reserves, as provided in 17681
the bond proceedings, and make other provisions therein with 17682
respect to such available receipts as authorized by this chapter, 17683
which provisions shall be controlling notwithstanding any other 17684
provision of law pertaining thereto. 17685

(D) The issuing authority may covenant in the bond proceeding 17686
that the state and state agencies shall, so long as any 17687
obligations issued under this section are outstanding, cause to be 17688
charged and collected fees, charges, and rentals for the use of 17689
state parks and public service facilities and other fees and 17690
charges with respect to parks and recreation sufficient in amount 17691
to provide for the payment of bond service charges on such 17692
obligations and for the establishment and maintenance of any 17693

reserves as provided in the bond proceedings, and such covenants 17694
shall be controlling notwithstanding any other provision of law 17695
pertaining to such charges except any provision of law prohibiting 17696
or limiting charges for the use of swimming facilities of state 17697
parks and public service facilities by persons under sixteen years 17698
of age. 17699

(E) There is hereby created the parks and recreation bond 17700
service trust fund, which shall be in the custody of the treasurer 17701
of state but shall be separate and apart from and not a part of 17702
the state treasury. All moneys received by or on account of the 17703
commission or issuing authority or state agencies and required by 17704
the applicable bond proceedings to be deposited, transferred, or 17705
allocated to or received for the purposes of the trust fund shall 17706
be deposited with the treasurer of state and credited to such 17707
fund, subject to applicable provisions of the bond proceedings but 17708
without necessity for any act of appropriation. The trust fund is 17709
hereby pledged to the payment of bond service charges on the 17710
obligations issued pursuant to this section and sections 154.11 17711
and 154.12 of the Revised Code to the extent provided in the 17712
applicable bond proceedings, and payment thereof from such fund 17713
shall be made or provided for by the treasurer of state in 17714
accordance with such bond proceedings without necessity for any 17715
act of appropriation. 17716

(F) There is hereby created in the state treasury the parks 17717
and recreation improvement fund. Subject to the bond proceedings 17718
therefor, all of the proceeds of the sale of obligations issued 17719
pursuant to this section shall be credited to such fund, except 17720
that any accrued interest received shall be credited to the parks 17721
and recreation bond service trust fund. The parks and recreation 17722
improvement fund may also be comprised of gifts, grants, 17723
appropriated moneys, and other sums and securities received to the 17724
credit of such fund. Such fund shall be applied only to the 17725

purpose of paying costs of capital facilities for parks and 17726
recreation under the jurisdiction of the department of natural 17727
resources or for participation in capital facilities for parks and 17728
recreation with the federal government, municipal corporations, 17729
counties, or other governmental agencies, or any one or more of 17730
them, which participation may be by grants or contributions to 17731
them for such capital facilities. All investment earnings on the 17732
cash balance in the fund shall be credited to the fund. 17733

(G) All state parks shall be exclusively under the control 17734
and administration of the division of parks and recreation. With 17735
the approval of the recreation and resources council, the director 17736
of natural resources may by order remove from the classification 17737
as state parks any of the lands or interests therein referred to 17738
in divisions (M)(2) and (3) of section 154.01 of the Revised Code, 17739
subject to the limitations, provisions, and conditions in any 17740
order authorizing state park revenue bonds, in any trust agreement 17741
securing such bonds, or in bond proceedings with respect to 17742
obligations issued pursuant to this section. Lands or interests 17743
therein so removed shall be transferred to other divisions of the 17744
department for administration or may be sold as provided by law. 17745
Proceeds of any sale shall be used or transferred as provided in 17746
the order authorizing state park revenue bonds or in such trust 17747
agreement, or in bond proceedings with respect to obligations 17748
issued pursuant to this section, and if no such provision is made 17749
shall be transferred to the state park fund created by section 17750
1541.22 of the Revised Code. 17751

(H) This section shall be applied with other applicable 17752
provisions of this chapter. 17753

(I) Any instrument by which real property is acquired 17754
pursuant to this section shall identify the agency of the state 17755
that has the use and benefit of the real property as specified in 17756
section 5301.012 of the Revised Code. 17757

Sec. 154.23. (A) Subject to authorization by the general 17758
assembly under section 154.02 of the Revised Code, the issuing 17759
authority may issue obligations pursuant to this chapter to pay 17760
costs of capital facilities for Ohio cultural facilities and Ohio 17761
sports facilities. 17762

(B) The Ohio public facilities commission may lease any 17763
capital facilities for Ohio cultural facilities or Ohio sports 17764
facilities to, and make or provide for other agreements with 17765
respect to the use or purchase of such capital facilities with, 17766
the Ohio ~~cultural~~ facilities construction commission and, with the 17767
Ohio ~~cultural~~ facilities construction commission's approval, any 17768
governmental agency having authority under law to operate such 17769
capital facilities. ~~Any lease or agreement shall be subject to~~ 17770
~~Chapter 3383. of the Revised Code.~~ 17771

(C) For purposes of this section, "available receipts" means 17772
any revenues or receipts derived by the Ohio public facilities 17773
commission from the operation, leasing, or other disposition of 17774
capital facilities financed under this section, the proceeds of 17775
obligations issued under this section and section 154.11 or 154.12 17776
of the Revised Code, and also means any gifts, grants, donations, 17777
and pledges, and receipts thereon, available for the payment of 17778
bond service charges on obligations issued under this section. The 17779
issuing authority may pledge all, or such portion as it 17780
determines, of the available receipts to the payment of bond 17781
service charges on obligations issued under this section and 17782
section 154.11 or 154.12 of the Revised Code and for the 17783
establishment and maintenance of any reserves, as provided in the 17784
bond proceedings, and make other provisions therein with respect 17785
to such available receipts as authorized by this chapter, which 17786
provisions shall be controlling notwithstanding any other 17787
provision of law pertaining thereto. 17788

(D) There is hereby created one or more funds, as determined 17789
by the issuing authority in the bond proceedings, designated as 17790
the "Ohio cultural facilities ~~commission~~ bond service fund" with, 17791
if more than one such fund, such further identifying name as the 17792
issuing authority determines, which shall be in the custody of the 17793
treasurer of state but shall be separate and apart from and not a 17794
part of the state treasury. All money received by or on account of 17795
the issuing authority or the Ohio ~~cultural~~ facilities construction 17796
commission and required by the applicable bond proceedings to be 17797
deposited, transferred, or credited to the Ohio cultural 17798
facilities ~~commission~~ bond service fund, and all other money 17799
transferred or allocated to or received for the purposes of that 17800
fund shall be deposited with the treasurer of state and credited 17801
to the applicable fund, subject to applicable provisions of the 17802
bond proceedings, but without necessity of any act or 17803
appropriation. The Ohio cultural facilities ~~commission~~ bond 17804
service funds are trust funds and are hereby pledged to the 17805
payment of bond service charges on the applicable obligations 17806
issued pursuant to this section and section 154.11 or 154.12 of 17807
the Revised Code to the extent provided in the applicable bond 17808
proceedings, and payment thereof from such funds shall be made or 17809
provided for by the treasurer of state in accordance with the 17810
applicable bond proceedings without necessity for any act or 17811
appropriation. 17812

(E) This section is to be applied with other applicable 17813
provisions of this chapter. 17814

Sec. 154.25. (A) As used in this section: 17815

(1) "Available community or technical college receipts" means 17816
all money received by a community or technical college or 17817
community or technical college district, including income, 17818
revenues, and receipts from the operation, ownership, or control 17819

of facilities, grants, gifts, donations, and pledges and receipts 17820
therefrom, receipts from fees and charges, the allocated state 17821
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 17822
Revised Code, and the proceeds of the sale of obligations, 17823
including proceeds of obligations issued to refund obligations 17824
previously issued, but excluding any special fee, and receipts 17825
therefrom, charged pursuant to division (D) of section 154.21 of 17826
the Revised Code. 17827

(2) "Community or technical college," "college," "community 17828
or technical college district," and "district" have the same 17829
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 17830

(3) "Community or technical college capital facilities" means 17831
auxiliary facilities, education facilities, and housing and dining 17832
facilities, as those terms are defined in section 3345.12 of the 17833
Revised Code, to the extent permitted to be financed by the 17834
issuance of obligations under division (A)(2) of section 3357.112 17835
of the Revised Code, that are authorized by sections 3354.121, 17836
3357.112, and 3358.10 of the Revised Code to be financed by 17837
obligations issued by a community or technical college district, 17838
and for which the issuing authority is authorized to issue 17839
obligations pursuant to this section, and includes any one, part 17840
of, or any combination of the foregoing, and further includes site 17841
improvements, utilities, machinery, furnishings, and any separate 17842
or connected buildings, structures, improvements, sites, open 17843
space and green space areas, utilities, or equipment to be used 17844
in, or in connection with the operation or maintenance of, or 17845
supplementing or otherwise related to the services or facilities 17846
to be provided by, such facilities. 17847

(4) "Cost of community or technical college capital 17848
facilities" means the costs of acquiring, constructing, 17849
reconstructing, rehabilitating, remodeling, renovating, enlarging, 17850
improving, equipping, or furnishing community or technical college 17851

capital facilities, and the financing thereof, including the cost 17852
of clearance and preparation of the site and of any land to be 17853
used in connection with community or technical college capital 17854
facilities, the cost of any indemnity and surety bonds and 17855
premiums on insurance, all related direct administrative expenses 17856
and allocable portions of direct costs of the commission and the 17857
issuing authority, community or technical college or community or 17858
technical college district, cost of engineering, architectural 17859
services, design, plans, specifications and surveys, estimates of 17860
cost, legal fees, fees and expenses of trustees, depositories, 17861
bond registrars, and paying agents for obligations, cost of 17862
issuance of obligations and financing costs and fees and expenses 17863
of financial advisers and consultants in connection therewith, 17864
interest on obligations from the date thereof to the time when 17865
interest is to be covered by available receipts or other sources 17866
other than proceeds of those obligations, amounts necessary to 17867
establish reserves as required by the bond proceedings, costs of 17868
audits, the reimbursements of all moneys advanced or applied by or 17869
borrowed from the community or technical college, community or 17870
technical college district, or others, from whatever source 17871
provided, including any temporary advances from state 17872
appropriations, for the payment of any item or items of cost of 17873
community or technical college facilities, and all other expenses 17874
necessary or incident to planning or determining feasibility or 17875
practicability with respect to such facilities, and such other 17876
expenses as may be necessary or incident to the acquisition, 17877
construction, reconstruction, rehabilitation, remodeling, 17878
renovation, enlargement, improvement, equipment, and furnishing of 17879
community or technical college capital facilities, the financing 17880
thereof and the placing of them in use and operation, including 17881
any one, part of, or combination of such classes of costs and 17882
expenses. 17883

(5) "Capital facilities" includes community or technical 17884

college capital facilities. 17885

(6) "Obligations" has the same meaning as in section 154.01 17886
or 3345.12 of the Revised Code, as the context requires. 17887

(B) The issuing authority is authorized to issue revenue 17888
obligations under Section 2i of Article VIII, Ohio Constitution, 17889
on behalf of a community or technical college district and shall 17890
cause the net proceeds thereof, after any deposits of accrued 17891
interest for the payment of bond service charges and after any 17892
deposit of all or such lesser portion as the issuing authority may 17893
direct of the premium received upon the sale of those obligations 17894
for the payment of the bond service charges, to be applied to the 17895
cost of community or technical college capital facilities, 17896
provided that the issuance of such obligations is subject to the 17897
execution of a written agreement in accordance with division (C) 17898
of section ~~3333.90~~ 3333.59 of the Revised Code for the withholding 17899
and depositing of funds otherwise due the district, or the college 17900
it operates, in respect of its allocated state share of 17901
instruction. 17902

(C) The bond service charges and all other payments required 17903
to be made by the trust agreement or indenture securing the 17904
obligations shall be payable solely from available community or 17905
technical college receipts pledged thereto as provided in the 17906
resolution. The available community or technical college receipts 17907
pledged and thereafter received by the commission are immediately 17908
subject to the lien of such pledge without any physical delivery 17909
thereof or further act, and the lien of any such pledge is valid 17910
and binding against all parties having claims of any kind against 17911
the authority, irrespective of whether those parties have notice 17912
thereof, and creates a perfected security interest for all 17913
purposes of Chapter 1309. of the Revised Code and a perfected lien 17914
for purposes of any real property interest, all without the 17915
necessity for separation or delivery of funds or for the filing or 17916

recording of the resolution, trust agreement, indenture, or other 17917
agreement by which such pledge is created or any certificate, 17918
statement, or other document with respect thereto; and the pledge 17919
of such available community or technical college receipts is 17920
effective and the money therefrom and thereof may be applied to 17921
the purposes for which pledged. Every pledge, and every covenant 17922
and agreement made with respect to the pledge, made in the 17923
resolution may therein be extended to the benefit of the owners 17924
and holders of obligations authorized by this section, and to any 17925
trustee therefor, for the further securing of the payment of the 17926
bond service charges, and all or any rights under any agreement or 17927
lease made under this section may be assigned for such purpose. 17928

(D) This section is to be applied with other applicable 17929
provisions of this chapter. 17930

Sec. 156.02. The executive director of ~~administrative~~ 17931
~~services~~ the Ohio facilities construction commission may contract 17932
with an energy or a water services company, architect, 17933
professional engineer, contractor, or other person experienced in 17934
the design and implementation of energy or water conservation 17935
measures for a report containing an analysis and recommendations 17936
pertaining to the implementation of energy or water conservation 17937
measures that result in energy, water, or wastewater cost savings, 17938
operating cost savings, or avoided capital costs for the 17939
institution. The report shall include estimates of all costs of 17940
such installations, including the costs of design, engineering, 17941
installation, maintenance, repairs, and debt service, and 17942
estimates of the energy, water, or wastewater cost savings, 17943
operating cost savings, and avoided capital costs created. 17944

Sec. 156.03. (A) If the executive director of ~~administrative~~ 17945
~~services~~ the Ohio facilities construction commission wishes to 17946
enter into an installment payment contract pursuant to section 17947

156.04 of the Revised Code or any other contract to implement one 17948
or more energy or water saving measures, the executive director 17949
may proceed under Chapter 153. of the Revised Code, or, 17950
alternatively, the executive director may request the controlling 17951
board to exempt the contract from Chapter 153. of the Revised 17952
Code. 17953

If the controlling board by a majority vote approves an 17954
exemption, that chapter shall not apply to the contract and 17955
instead the executive director shall request proposals from at 17956
least three parties for the implementation of the energy or water 17957
saving measures. Prior to providing any interested party a copy of 17958
any such request, the executive director shall advertise, in a 17959
newspaper of general circulation in the county where the contract 17960
is to be performed, and may advertise by electronic means pursuant 17961
to rules adopted by the executive director, the executive 17962
director's intent to request proposals for the implementation of 17963
the energy or water saving measures. The notice shall invite 17964
interested parties to submit proposals for consideration and shall 17965
be published at least thirty days prior to the date for accepting 17966
proposals. 17967

(B) Upon receiving the proposals, the executive director 17968
shall analyze them and, after considering the cost estimates of 17969
each proposal and the availability of funds to pay for each with 17970
current appropriations or by financing the cost of each through an 17971
installment payment contract under section 156.04 of the Revised 17972
Code, may select one or more proposals or reject all proposals. In 17973
selecting proposals, the executive director shall select the one 17974
or more proposals most likely to result in the greatest energy, 17975
water, or wastewater savings, operating costs savings, and avoided 17976
capital costs created. 17977

(C) No contract shall be awarded to implement energy or water 17978
saving measures under this section, unless the executive director 17979

finds that both of the following circumstances exists: 17980

(1) Not less than one-fifteenth of the costs of the contract 17981
shall be paid within two years from the date of purchase; 17982

(2) In the case of a contract for a cogeneration system 17983
described in division (B)(8) of section 156.01 of the Revised 17984
Code, the remaining balance of the cost of the contract shall be 17985
paid within twenty years from the date of purchase, and, in the 17986
case of all other contracts, fifteen years. 17987

Sec. 156.04. (A) In accordance with this section and section 17988
156.03 of the Revised Code, the executive director of 17989
~~administrative services~~ the Ohio facilities construction 17990
commission may enter into an installment payment contract for the 17991
implementation of one or more energy or water saving measures. If 17992
the executive director wishes an installment payment contract to 17993
be exempted from Chapter 153. of the Revised Code, the executive 17994
director shall proceed pursuant to section 156.03 of the Revised 17995
Code. 17996

(B) Any installment payment contract under this section shall 17997
provide that all payments, except payments for repairs and 17998
obligations on termination of the contract prior to its 17999
expiration, are to be a stated percentage of calculated energy, 18000
water, or wastewater cost savings, operating costs, and avoided 18001
capital costs attributable to the one or more measures over a 18002
defined period of time and are to be made only to the extent that 18003
those calculated amounts actually occur. No such contract shall 18004
contain either of the following: 18005

(1) A requirement of any additional capital investment or 18006
contribution of funds, other than funds available from state or 18007
federal grants; 18008

(2) In the case of a contract for a cogeneration system 18009

described in division (B)(8) of section 156.01 of the Revised Code, a payment term longer than twenty years, and, in the case of all other contracts, a payment term longer than fifteen years.

(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated to the ~~department of administrative services~~ Ohio facilities construction commission by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made.

(D) Any installment payment contract entered into under this section shall be eligible for financing provided through the Ohio air quality development authority under Chapter 3706. of the Revised Code.

Sec. 156.05. In accordance with Chapter 119. of the Revised Code, the executive director of ~~administrative services~~ the Ohio facilities construction commission shall adopt, and enforce rules necessary to administer sections 156.01 to 156.04 of the Revised Code. Rules adopted under this section shall establish procedures by which the executive director may authorize in ~~his~~ the executive director's stead the manager of any building owned by the state to enter into contracts authorized under sections 156.01 to 156.04 of the Revised Code.

Sec. 166.02. (A) The general assembly finds that many local areas throughout the state are experiencing economic stagnation or decline, and that the economic development programs provided for in this chapter will constitute deserved, necessary reinvestment by the state in those areas, materially contribute to their

economic revitalization, and result in improving the economic 18040
welfare of all the people of the state. Accordingly, it is 18041
declared to be the public policy of the state, through the 18042
operations of this chapter and other applicable laws adopted 18043
pursuant to Section 2p or 13 of Article VIII, Ohio Constitution, 18044
and other authority vested in the general assembly, to assist in 18045
and facilitate the establishment or development of eligible 18046
projects or assist and cooperate with any governmental agency in 18047
achieving such purpose. 18048

(B) In furtherance of such public policy and to implement 18049
such purpose, the director of development may: 18050

(1) After consultation with appropriate governmental 18051
agencies, enter into agreements with persons engaged in industry, 18052
commerce, distribution, or research and with governmental agencies 18053
to induce such persons to acquire, construct, reconstruct, 18054
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 18055
otherwise develop, eligible projects and make provision therein 18056
for project facilities and governmental actions, as authorized by 18057
this chapter and other applicable laws, subject to any required 18058
actions by the general assembly or the controlling board and 18059
subject to applicable local government laws and regulations; 18060

(2) Provide for the guarantees and loans as provided for in 18061
sections 166.06 and 166.07 of the Revised Code; 18062

(3) Subject to release of such moneys by the controlling 18063
board, contract for labor and materials needed for, or contract 18064
with others, including governmental agencies, to provide, project 18065
facilities the allowable costs of which are to be paid for or 18066
reimbursed from moneys in the facilities establishment fund, and 18067
contract for the operation of such project facilities; 18068

(4) Subject to release thereof by the controlling board, from 18069
moneys in the facilities establishment fund acquire or contract to 18070

acquire by gift, exchange, or purchase, including the obtaining 18071
and exercise of purchase options, property, and convey or 18072
otherwise dispose of, or provide for the conveyance or disposition 18073
of, property so acquired or contracted to be acquired by sale, 18074
exchange, lease, lease purchase, conditional or installment sale, 18075
transfer, or other disposition, including the grant of an option 18076
to purchase, to any governmental agency or to any other person 18077
without necessity for competitive bidding and upon such terms and 18078
conditions and manner of consideration pursuant to and as the 18079
director determines to be appropriate to satisfy the objectives of 18080
sections 166.01 to 166.11 of the Revised Code; 18081

(5) Retain the services of or employ financial consultants, 18082
appraisers, consulting engineers, superintendents, managers, 18083
construction and accounting experts, attorneys, and employees, 18084
agents, and independent contractors as are necessary in the 18085
director's judgment and fix the compensation for their services; 18086

(6) Receive and accept from any person grants, gifts, and 18087
contributions of money, property, labor, and other things of 18088
value, to be held, used and applied only for the purpose for which 18089
such grants, gifts, and contributions are made; 18090

(7) Enter into appropriate arrangements and agreements with 18091
any governmental agency for the taking or provision by that 18092
governmental agency of any governmental action; 18093

(8) Do all other acts and enter into contracts and execute 18094
all instruments necessary or appropriate to carry out the 18095
provisions of this chapter; 18096

(9) Adopt rules to implement any of the provisions of this 18097
chapter applicable to the director. 18098

(C) The determinations by the director that facilities 18099
constitute eligible projects, that facilities are project 18100
facilities, that costs of such facilities are allowable costs, and 18101

all other determinations relevant thereto or to an action taken or 18102
agreement entered into shall be conclusive for purposes of the 18103
validity and enforceability of rights of parties arising from 18104
actions taken and agreements entered into under this chapter. 18105

(D) Except as otherwise prescribed in this chapter, all 18106
expenses and obligations incurred by the director in carrying out 18107
the director's powers and in exercising the director's duties 18108
under this chapter, shall be payable solely from, as appropriate, 18109
moneys in the facilities establishment fund, the loan guarantee 18110
fund, the innovation Ohio loan guarantee fund, the innovation Ohio 18111
loan fund, the research and development loan fund, the logistics 18112
and distribution infrastructure fund, ~~the logistics and~~ 18113
~~distribution infrastructure taxable bond fund,~~ or moneys 18114
appropriated for such purpose by the general assembly. This 18115
chapter does not authorize the director or the issuing authority 18116
under section 166.08 of the Revised Code to incur bonded 18117
indebtedness of the state or any political subdivision thereof, or 18118
to obligate or pledge moneys raised by taxation for the payment of 18119
any bonds or notes issued or guarantees made pursuant to this 18120
chapter. 18121

(E) Any governmental agency may enter into an agreement with 18122
the director, any other governmental agency, or a person to be 18123
assisted under this chapter, to take or provide for the purposes 18124
of this chapter any governmental action it is authorized to take 18125
or provide, and to undertake on behalf and at the request of the 18126
director any action which the director is authorized to undertake 18127
pursuant to divisions (B)(3), (4), and (5) of this section or 18128
divisions (B)(3), (4), and (5) of section 166.12 of the Revised 18129
Code. Governmental agencies of the state shall cooperate with and 18130
provide assistance to the director of development and the 18131
controlling board in the exercise of their respective functions 18132
under this chapter. 18133

Sec. 166.03. (A) There is hereby created the facilities 18134
establishment fund within the state treasury, consisting of 18135
proceeds from the issuance of obligations as specified under 18136
section 166.08 of the Revised Code; the moneys received by the 18137
state from the sources specified in section 166.09 of the Revised 18138
Code; service charges imposed under sections 166.06 and 166.07 of 18139
the Revised Code; any grants, gifts, or contributions of moneys 18140
received by the director of development services to be used for 18141
loans made under section 166.07 of the Revised Code or for the 18142
payment of the allowable costs of project facilities; and all 18143
other moneys appropriated or transferred to the fund. Moneys in 18144
the loan guarantee fund in excess of the loan guarantee reserve 18145
requirement, but subject to the provisions and requirements of any 18146
guarantee contracts, may be transferred to the facilities 18147
establishment fund by the treasurer of state upon the order of the 18148
director of development services. Moneys received by the state 18149
under Chapter 122. of the Revised Code, to the extent allocable to 18150
the utilization of moneys derived from proceeds of the sale of 18151
obligations pursuant to section 166.08 of the Revised Code, shall 18152
be credited to the facilities establishment fund. All investment 18153
earnings on the cash balance in the fund shall be credited to the 18154
fund. 18155

(B) All moneys appropriated or transferred to the facilities 18156
establishment fund may be released at the request of the director 18157
of development services for payment of allowable costs or the 18158
making of loans under section 166.07 of the Revised Code, for 18159
transfer to the loan guarantee fund established in section 166.06 18160
of the Revised Code, or for use for the purpose of or transfer to 18161
the funds established by sections 122.35, 122.42, 122.54, 122.55, 18162
122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 18163
and, until July 1, 2003, the fund established by section 166.031 18164
of the Revised Code, and, until July 1, 2007, the fund established 18165

by section 122.26 of the Revised Code, but only for such of those 18166
purposes as are within the authorization of Section 13 of Article 18167
VIII, Ohio Constitution, in all cases subject to the approval of 18168
the controlling board. 18169

(C) The ~~department of~~ development services agency, in the 18170
administration of the facilities establishment fund, is encouraged 18171
to utilize and promote the utilization of, to the maximum 18172
practicable extent, the other existing programs, business 18173
incentives, and tax incentives that department is required or 18174
authorized to administer or supervise. 18175

Sec. 166.04. (A) Prior to entering into each agreement to 18176
provide assistance under sections 166.02, 166.06, and 166.07 of 18177
the Revised Code, the director of development services shall 18178
determine whether the assistance will conform to the requirements 18179
of sections 166.01 to 166.11 of the Revised Code. Such 18180
determination, and the facts upon which it is based, shall be set 18181
forth, where required, by the director in submissions made to the 18182
controlling board when the director seeks a release of moneys 18183
under section 166.02 of the Revised Code. An agreement to provide 18184
assistance under sections 166.02, 166.06, and 166.07 of the 18185
Revised Code shall set forth such determination, which shall be 18186
conclusive for purposes of the validity and enforceability of such 18187
agreement and any loan guarantees, loans, or other agreements 18188
entered into pursuant to such agreement to provide assistance. 18189

(B) Whenever a person applies for financial assistance under 18190
sections 166.02, 166.06, and 166.07 of the Revised Code and the 18191
project for which assistance is requested is to relocate 18192
facilities that are currently being operated by the person and 18193
that are located in another county, municipal corporation, or 18194
township, the ~~director~~ person shall provide written notification 18195
of the relocation to the appropriate local governmental bodies ~~and~~ 18196

state officials. The <u>Prior to entering into an agreement to</u>	18197
provide the assistance, the director shall verify that such	18198
notification shall contain the following information:	18199
(1) The name of the person applying for financial assistance;	18200
(2) The county, and the municipal corporation or township, in	18201
which the project for which assistance is requested is located;	18202
and	18203
(3) The county, and the municipal corporation or township, in	18204
which the facility to be replaced is located <u>has been provided.</u>	18205
(C) As used in division (B) of this section:	18206
(1), "Appropriate <u>appropriate</u> local governmental bodies"	18207
means:	18208
(a)(1) The boards <u>board</u> of county commissioners or	18209
legislative authorities <u>authority</u> of the county in which the	18210
project for which assistance is requested is located and of the	18211
county in which the facility to be replaced is located;	18212
(b)(2) The legislative authority of the municipal corporation	18213
or the board of township trustees of the township in which the	18214
project for which assistance is requested is located; and	18215
(c) The legislative authority of the municipal corporation or	18216
the board of township trustees of the township in which the	18217
facility to be replaced is located.	18218
(2) "State officials" means:	18219
(a) The state representative and state senator in whose	18220
districts the project for which assistance is requested is	18221
located;	18222
(b) The state representative and state senator in whose	18223
districts the facility to be replaced is located.	18224
Sec. 166.08. (A) As used in this chapter:	18225

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations. 18226
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(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations. 18233
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(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the economic development bond service fund created by division (S) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto. 18237
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(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of such officer. 18243
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(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section. 18245
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(6) "Pledged receipts" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as in effect on May 2, 1980, to be paid into the state treasury; moneys accruing to the state from 18248
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the lease, sale, or other disposition, or use, of project 18257
facilities, and from the repayment, including interest, of loans 18258
made from proceeds received from the sale of obligations; accrued 18259
interest received from the sale of obligations; income from the 18260
investment of the special funds; and any gifts, grants, donations, 18261
and pledges, and receipts therefrom, available for the payment of 18262
bond service charges. 18263

(7) "Special funds" or "funds" means, except where the 18264
context does not permit, the bond service fund, and any other 18265
funds, including reserve funds, created under the bond 18266
proceedings, and the economic development bond service fund 18267
created by division (S) of this section to the extent provided in 18268
the bond proceedings, including all moneys and investments, and 18269
earnings from investment, credited and to be credited thereto. 18270

(B) Subject to the limitations provided in section 166.11 of 18271
the Revised Code, the issuing authority, upon the certification by 18272
the director of development or, with respect to eligible advanced 18273
energy projects, the Ohio air quality development authority to the 18274
issuing authority of the amount of moneys or additional moneys 18275
needed in the facilities establishment fund, the loan guarantee 18276
fund, the innovation Ohio loan fund, the innovation Ohio loan 18277
guarantee fund, the research and development loan fund, the 18278
logistics and distribution infrastructure fund, ~~the logistics and~~ 18279
~~distribution infrastructure taxable bond fund,~~ the advanced energy 18280
research and development fund, or the advanced energy research and 18281
development taxable fund, as applicable, for the purpose of 18282
paying, or making loans for, allowable costs from the facilities 18283
establishment fund, allowable innovation costs from the innovation 18284
Ohio loan fund, allowable costs from the research and development 18285
loan fund, allowable costs from the logistics and distribution 18286
infrastructure fund, ~~allowable costs from the logistics and~~ 18287
~~distribution infrastructure taxable bond fund,~~ allowable costs 18288

from the advanced energy research and development fund, or 18289
allowable costs from the advanced energy research and development 18290
taxable fund, as applicable, or needed for capitalized interest, 18291
for funding reserves, and for paying costs and expenses incurred 18292
in connection with the issuance, carrying, securing, paying, 18293
redeeming, or retirement of the obligations or any obligations 18294
refunded thereby, including payment of costs and expenses relating 18295
to letters of credit, lines of credit, insurance, put agreements, 18296
standby purchase agreements, indexing, marketing, remarketing and 18297
administrative arrangements, interest swap or hedging agreements, 18298
and any other credit enhancement, liquidity, remarketing, renewal, 18299
or refunding arrangements, all of which are authorized by this 18300
section, or providing moneys for the loan guarantee fund or the 18301
innovation Ohio loan guarantee fund, as provided in this chapter 18302
or needed for the purposes of funds established in accordance with 18303
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 18304
122.561, 122.57, and 122.80 of the Revised Code which are within 18305
the authorization of Section 13 of Article VIII, Ohio 18306
Constitution, or, with respect to certain eligible advanced energy 18307
projects, Section 2p of Article VIII, Ohio Constitution, shall 18308
issue obligations of the state under this section in the required 18309
amount; provided that such obligations may be issued to satisfy 18310
the covenants in contracts of guarantee made under section 166.06 18311
or 166.15 of the Revised Code, notwithstanding limitations 18312
otherwise applicable to the issuance of obligations under this 18313
section. The proceeds of such obligations, except for the portion 18314
to be deposited in special funds, including reserve funds, as may 18315
be provided in the bond proceedings, shall as provided in the bond 18316
proceedings be deposited by the director of development to the 18317
facilities establishment fund, the loan guarantee fund, the 18318
innovation Ohio loan guarantee fund, the innovation Ohio loan 18319
fund, the research and development loan fund, or the logistics and 18320
distribution infrastructure fund, ~~or the logistics and~~ 18321

~~distribution infrastructure taxable bond fund~~, or be deposited by 18322
the Ohio air quality development authority to the advanced energy 18323
research and development fund or the advanced energy research and 18324
development taxable fund. Bond proceedings for project financing 18325
obligations may provide that the proceeds derived from the 18326
issuance of such obligations shall be deposited into such fund or 18327
funds provided for in the bond proceedings and, to the extent 18328
provided for in the bond proceedings, such proceeds shall be 18329
deemed to have been deposited into the facilities establishment 18330
fund and transferred to such fund or funds. The issuing authority 18331
may appoint trustees, paying agents, and transfer agents and may 18332
retain the services of financial advisors, accounting experts, and 18333
attorneys, and retain or contract for the services of marketing, 18334
remarketing, indexing, and administrative agents, other 18335
consultants, and independent contractors, including printing 18336
services, as are necessary in the issuing authority's judgment to 18337
carry out this section. The costs of such services are allowable 18338
costs payable from the facilities establishment fund or the 18339
research and development loan fund, allowable innovation costs 18340
payable from the innovation Ohio loan fund, or allowable costs 18341
payable from the logistics and distribution infrastructure fund, 18342
~~the logistics and distribution infrastructure taxable bond fund~~, 18343
the advanced energy research and development fund, or the advanced 18344
energy research and development taxable fund, as applicable. 18345

(C) The holders or owners of such obligations shall have no 18346
right to have moneys raised by taxation obligated or pledged, and 18347
moneys raised by taxation shall not be obligated or pledged, for 18348
the payment of bond service charges. Such holders or owners shall 18349
have no rights to payment of bond service charges from any moneys 18350
accruing to the state from the lease, sale, or other disposition, 18351
or use, of project facilities, or from payment of the principal of 18352
or interest on loans made, or fees charged for guarantees made, or 18353
from any money or property received by the director, treasurer of 18354

state, or the state under Chapter 122. of the Revised Code, or 18355
from any other use of the proceeds of the sale of the obligations, 18356
and no such moneys may be used for the payment of bond service 18357
charges, except for accrued interest, capitalized interest, and 18358
reserves funded from proceeds received upon the sale of the 18359
obligations and except as otherwise expressly provided in the 18360
applicable bond proceedings pursuant to written directions by the 18361
director. The right of such holders and owners to payment of bond 18362
service charges is limited to all or that portion of the pledged 18363
receipts and those special funds pledged thereto pursuant to the 18364
bond proceedings in accordance with this section, and each such 18365
obligation shall bear on its face a statement to that effect. 18366

(D) Obligations shall be authorized by resolution or order of 18367
the issuing authority and the bond proceedings shall provide for 18368
the purpose thereof and the principal amount or amounts, and shall 18369
provide for or authorize the manner or agency for determining the 18370
principal maturity or maturities, not exceeding twenty-five years 18371
from the date of issuance, the interest rate or rates or the 18372
maximum interest rate, the date of the obligations and the dates 18373
of payment of interest thereon, their denomination, and the 18374
establishment within or without the state of a place or places of 18375
payment of bond service charges. Sections 9.98 to 9.983 of the 18376
Revised Code are applicable to obligations issued under this 18377
section, subject to any applicable limitation under section 166.11 18378
of the Revised Code. The purpose of such obligations may be stated 18379
in the bond proceedings in terms describing the general purpose or 18380
purposes to be served. The bond proceedings also shall provide, 18381
subject to the provisions of any other applicable bond 18382
proceedings, for the pledge of all, or such part as the issuing 18383
authority may determine, of the pledged receipts and the 18384
applicable special fund or funds to the payment of bond service 18385
charges, which pledges may be made either prior or subordinate to 18386
other expenses, claims, or payments, and may be made to secure the 18387

obligations on a parity with obligations theretofore or thereafter 18388
issued, if and to the extent provided in the bond proceedings. The 18389
pledged receipts and special funds so pledged and thereafter 18390
received by the state are immediately subject to the lien of such 18391
pledge without any physical delivery thereof or further act, and 18392
the lien of any such pledges is valid and binding against all 18393
parties having claims of any kind against the state or any 18394
governmental agency of the state, irrespective of whether such 18395
parties have notice thereof, and shall create a perfected security 18396
interest for all purposes of Chapter 1309. of the Revised Code, 18397
without the necessity for separation or delivery of funds or for 18398
the filing or recording of the bond proceedings by which such 18399
pledge is created or any certificate, statement or other document 18400
with respect thereto; and the pledge of such pledged receipts and 18401
special funds is effective and the money therefrom and thereof may 18402
be applied to the purposes for which pledged without necessity for 18403
any act of appropriation. Every pledge, and every covenant and 18404
agreement made with respect thereto, made in the bond proceedings 18405
may therein be extended to the benefit of the owners and holders 18406
of obligations authorized by this section, and to any trustee 18407
therefor, for the further security of the payment of the bond 18408
service charges. 18409

(E) The bond proceedings may contain additional provisions as 18410
to: 18411

(1) The redemption of obligations prior to maturity at the 18412
option of the issuing authority at such price or prices and under 18413
such terms and conditions as are provided in the bond proceedings; 18414

(2) Other terms of the obligations; 18415

(3) Limitations on the issuance of additional obligations; 18416

(4) The terms of any trust agreement or indenture securing 18417
the obligations or under which the same may be issued; 18418

(5) The deposit, investment and application of special funds, 18419
and the safeguarding of moneys on hand or on deposit, without 18420
regard to Chapter 131. or 135. of the Revised Code, but subject to 18421
any special provisions of this chapter, with respect to particular 18422
funds or moneys, provided that any bank or trust company which 18423
acts as depository of any moneys in the special funds may furnish 18424
such indemnifying bonds or may pledge such securities as required 18425
by the issuing authority; 18426

(6) Any or every provision of the bond proceedings being 18427
binding upon such officer, board, commission, authority, agency, 18428
department, or other person or body as may from time to time have 18429
the authority under law to take such actions as may be necessary 18430
to perform all or any part of the duty required by such provision; 18431

(7) Any provision that may be made in a trust agreement or 18432
indenture; 18433

(8) Any other or additional agreements with the holders of 18434
the obligations, or the trustee therefor, relating to the 18435
obligations or the security therefor, including the assignment of 18436
mortgages or other security obtained or to be obtained for loans 18437
under section 122.43, 166.07, or 166.16 of the Revised Code. 18438

(F) The obligations may have the great seal of the state or a 18439
facsimile thereof affixed thereto or printed thereon. The 18440
obligations and any coupons pertaining to obligations shall be 18441
signed or bear the facsimile signature of the issuing authority. 18442
Any obligations or coupons may be executed by the person who, on 18443
the date of execution, is the proper issuing authority although on 18444
the date of such bonds or coupons such person was not the issuing 18445
authority. If the issuing authority whose signature or a facsimile 18446
of whose signature appears on any such obligation or coupon ceases 18447
to be the issuing authority before delivery thereof, such 18448
signature or facsimile is nevertheless valid and sufficient for 18449
all purposes as if the former issuing authority had remained the 18450

issuing authority until such delivery; and if the seal to be 18451
affixed to obligations has been changed after a facsimile of the 18452
seal has been imprinted on such obligations, such facsimile seal 18453
shall continue to be sufficient as to such obligations and 18454
obligations issued in substitution or exchange therefor. 18455

(G) All obligations are negotiable instruments and securities 18456
under Chapter 1308. of the Revised Code, subject to the provisions 18457
of the bond proceedings as to registration. The obligations may be 18458
issued in coupon or in registered form, or both, as the issuing 18459
authority determines. Provision may be made for the registration 18460
of any obligations with coupons attached thereto as to principal 18461
alone or as to both principal and interest, their exchange for 18462
obligations so registered, and for the conversion or reconversion 18463
into obligations with coupons attached thereto of any obligations 18464
registered as to both principal and interest, and for reasonable 18465
charges for such registration, exchange, conversion, and 18466
reconversion. 18467

(H) Obligations may be sold at public sale or at private 18468
sale, as determined in the bond proceedings. 18469

Obligations issued to provide moneys for the loan guarantee 18470
fund or the innovation Ohio loan guarantee fund may, as determined 18471
by the issuing authority, be sold at private sale, and without 18472
publication of a notice of sale. 18473

(I) Pending preparation of definitive obligations, the 18474
issuing authority may issue interim receipts or certificates which 18475
shall be exchanged for such definitive obligations. 18476

(J) In the discretion of the issuing authority, obligations 18477
may be secured additionally by a trust agreement or indenture 18478
between the issuing authority and a corporate trustee which may be 18479
any trust company or bank having a place of business within the 18480
state. Any such agreement or indenture may contain the resolution 18481

or order authorizing the issuance of the obligations, any 18482
provisions that may be contained in any bond proceedings, and 18483
other provisions which are customary or appropriate in an 18484
agreement or indenture of such type, including, but not limited 18485
to: 18486

(1) Maintenance of each pledge, trust agreement, indenture, 18487
or other instrument comprising part of the bond proceedings until 18488
the state has fully paid the bond service charges on the 18489
obligations secured thereby, or provision therefor has been made; 18490

(2) In the event of default in any payments required to be 18491
made by the bond proceedings, or any other agreement of the 18492
issuing authority made as a part of the contract under which the 18493
obligations were issued, enforcement of such payments or agreement 18494
by mandamus, the appointment of a receiver, suit in equity, action 18495
at law, or any combination of the foregoing; 18496

(3) The rights and remedies of the holders of obligations and 18497
of the trustee, and provisions for protecting and enforcing them, 18498
including limitations on rights of individual holders of 18499
obligations; 18500

(4) The replacement of any obligations that become mutilated 18501
or are destroyed, lost, or stolen; 18502

(5) Such other provisions as the trustee and the issuing 18503
authority agree upon, including limitations, conditions, or 18504
qualifications relating to any of the foregoing. 18505

(K) Any holders of obligations or trustees under the bond 18506
proceedings, except to the extent that their rights are restricted 18507
by the bond proceedings, may by any suitable form of legal 18508
proceedings, protect and enforce any rights under the laws of this 18509
state or granted by such bond proceedings. Such rights include the 18510
right to compel the performance of all duties of the issuing 18511
authority, the director of development, the Ohio air quality 18512

development authority, or the division of liquor control required 18513
by this chapter or the bond proceedings; to enjoin unlawful 18514
activities; and in the event of default with respect to the 18515
payment of any bond service charges on any obligations or in the 18516
performance of any covenant or agreement on the part of the 18517
issuing authority, the director of development, the Ohio air 18518
quality development authority, or the division of liquor control 18519
in the bond proceedings, to apply to a court having jurisdiction 18520
of the cause to appoint a receiver to receive and administer the 18521
pledged receipts and special funds, other than those in the 18522
custody of the treasurer of state, which are pledged to the 18523
payment of the bond service charges on such obligations or which 18524
are the subject of the covenant or agreement, with full power to 18525
pay, and to provide for payment of bond service charges on, such 18526
obligations, and with such powers, subject to the direction of the 18527
court, as are accorded receivers in general equity cases, 18528
excluding any power to pledge additional revenues or receipts or 18529
other income or moneys of the issuing authority or the state or 18530
governmental agencies of the state to the payment of such 18531
principal and interest and excluding the power to take possession 18532
of, mortgage, or cause the sale or otherwise dispose of any 18533
project facilities. 18534

Each duty of the issuing authority and the issuing 18535
authority's officers and employees, and of each governmental 18536
agency and its officers, members, or employees, undertaken 18537
pursuant to the bond proceedings or any agreement or lease, 18538
lease-purchase agreement, or loan made under authority of this 18539
chapter, and in every agreement by or with the issuing authority, 18540
is hereby established as a duty of the issuing authority, and of 18541
each such officer, member, or employee having authority to perform 18542
such duty, specifically enjoined by the law resulting from an 18543
office, trust, or station within the meaning of section 2731.01 of 18544
the Revised Code. 18545

The person who is at the time the issuing authority, or the 18546
issuing authority's officers or employees, are not liable in their 18547
personal capacities on any obligations issued by the issuing 18548
authority or any agreements of or with the issuing authority. 18549

(L) The issuing authority may authorize and issue obligations 18550
for the refunding, including funding and retirement, and advance 18551
refunding with or without payment or redemption prior to maturity, 18552
of any obligations previously issued by the issuing authority. 18553
Such obligations may be issued in amounts sufficient for payment 18554
of the principal amount of the prior obligations, any redemption 18555
premiums thereon, principal maturities of any such obligations 18556
maturing prior to the redemption of the remaining obligations on a 18557
parity therewith, interest accrued or to accrue to the maturity 18558
dates or dates of redemption of such obligations, and any 18559
allowable costs including expenses incurred or to be incurred in 18560
connection with such issuance and such refunding, funding, and 18561
retirement. Subject to the bond proceedings therefor, the portion 18562
of proceeds of the sale of obligations issued under this division 18563
to be applied to bond service charges on the prior obligations 18564
shall be credited to an appropriate account held by the trustee 18565
for such prior or new obligations or to the appropriate account in 18566
the bond service fund for such obligations. Obligations authorized 18567
under this division shall be deemed to be issued for those 18568
purposes for which such prior obligations were issued and are 18569
subject to the provisions of this section pertaining to other 18570
obligations, except as otherwise provided in this section; 18571
provided that, unless otherwise authorized by the general 18572
assembly, any limitations imposed by the general assembly pursuant 18573
to this section with respect to bond service charges applicable to 18574
the prior obligations shall be applicable to the obligations 18575
issued under this division to refund, fund, advance refund or 18576
retire such prior obligations. 18577

(M) The authority to issue obligations under this section 18578
includes authority to issue obligations in the form of bond 18579
anticipation notes and to renew the same from time to time by the 18580
issuance of new notes. The holders of such notes or interest 18581
coupons pertaining thereto shall have a right to be paid solely 18582
from the pledged receipts and special funds that may be pledged to 18583
the payment of the bonds anticipated, or from the proceeds of such 18584
bonds or renewal notes, or both, as the issuing authority provides 18585
in the resolution or order authorizing such notes. Such notes may 18586
be additionally secured by covenants of the issuing authority to 18587
the effect that the issuing authority and the state will do such 18588
or all things necessary for the issuance of such bonds or renewal 18589
notes in appropriate amount, and apply the proceeds thereof to the 18590
extent necessary, to make full payment of the principal of and 18591
interest on such notes at the time or times contemplated, as 18592
provided in such resolution or order. For such purpose, the 18593
issuing authority may issue bonds or renewal notes in such 18594
principal amount and upon such terms as may be necessary to 18595
provide funds to pay when required the principal of and interest 18596
on such notes, notwithstanding any limitations prescribed by or 18597
for purposes of this section. Subject to this division, all 18598
provisions for and references to obligations in this section are 18599
applicable to notes authorized under this division. 18600

The issuing authority in the bond proceedings authorizing the 18601
issuance of bond anticipation notes shall set forth for such bonds 18602
an estimated interest rate and a schedule of principal payments 18603
for such bonds and the annual maturity dates thereof, and for 18604
purposes of any limitation on bond service charges prescribed 18605
under division (A) of section 166.11 of the Revised Code, the 18606
amount of bond service charges on such bond anticipation notes is 18607
deemed to be the bond service charges for the bonds anticipated 18608
thereby as set forth in the bond proceedings applicable to such 18609
notes, but this provision does not modify any authority in this 18610

section to pledge receipts and special funds to, and covenant to 18611
issue bonds to fund, the payment of principal of and interest and 18612
any premium on such notes. 18613

(N) Obligations issued under this section are lawful 18614
investments for banks, societies for savings, savings and loan 18615
associations, deposit guarantee associations, trust companies, 18616
trustees, fiduciaries, insurance companies, including domestic for 18617
life and domestic not for life, trustees or other officers having 18618
charge of sinking and bond retirement or other special funds of 18619
political subdivisions and taxing districts of this state, the 18620
commissioners of the sinking fund of the state, the administrator 18621
of workers' compensation, the state teachers retirement system, 18622
the public employees retirement system, the school employees 18623
retirement system, and the Ohio police and fire pension fund, 18624
notwithstanding any other provisions of the Revised Code or rules 18625
adopted pursuant thereto by any governmental agency of the state 18626
with respect to investments by them, and are also acceptable as 18627
security for the deposit of public moneys. 18628

(O) Unless otherwise provided in any applicable bond 18629
proceedings, moneys to the credit of or in the special funds 18630
established by or pursuant to this section may be invested by or 18631
on behalf of the issuing authority only in notes, bonds, or other 18632
obligations of the United States, or of any agency or 18633
instrumentality of the United States, obligations guaranteed as to 18634
principal and interest by the United States, obligations of this 18635
state or any political subdivision of this state, and certificates 18636
of deposit of any national bank located in this state and any 18637
bank, as defined in section 1101.01 of the Revised Code, subject 18638
to inspection by the superintendent of banks. If the law or the 18639
instrument creating a trust pursuant to division (J) of this 18640
section expressly permits investment in direct obligations of the 18641
United States or an agency of the United States, unless expressly 18642

prohibited by the instrument, such moneys also may be invested in 18643
no-front-end-load money market mutual funds consisting exclusively 18644
of obligations of the United States or an agency of the United 18645
States and in repurchase agreements, including those issued by the 18646
fiduciary itself, secured by obligations of the United States or 18647
an agency of the United States; and in common trust funds 18648
established in accordance with section 1111.20 of the Revised Code 18649
and consisting exclusively of any such securities, notwithstanding 18650
division (A)(4) of that section. The income from such investments 18651
shall be credited to such funds as the issuing authority 18652
determines, and such investments may be sold at such times as the 18653
issuing authority determines or authorizes. 18654

(P) Provision may be made in the applicable bond proceedings 18655
for the establishment of separate accounts in the bond service 18656
fund and for the application of such accounts only to the 18657
specified bond service charges on obligations pertinent to such 18658
accounts and bond service fund and for other accounts therein 18659
within the general purposes of such fund. Unless otherwise 18660
provided in any applicable bond proceedings, moneys to the credit 18661
of or in the several special funds established pursuant to this 18662
section shall be disbursed on the order of the treasurer of state, 18663
provided that no such order is required for the payment from the 18664
bond service fund when due of bond service charges on obligations. 18665

(Q) The issuing authority may pledge all, or such portion as 18666
the issuing authority determines, of the pledged receipts to the 18667
payment of bond service charges on obligations issued under this 18668
section, and for the establishment and maintenance of any 18669
reserves, as provided in the bond proceedings, and make other 18670
provisions therein with respect to pledged receipts as authorized 18671
by this chapter, which provisions are controlling notwithstanding 18672
any other provisions of law pertaining thereto. 18673

(R) The issuing authority may covenant in the bond 18674

proceedings, and any such covenants are controlling 18675
notwithstanding any other provision of law, that the state and 18676
applicable officers and governmental agencies of the state, 18677
including the general assembly, so long as any obligations are 18678
outstanding, shall: 18679

(1) Maintain statutory authority for and cause to be charged 18680
and collected wholesale and retail prices for spirituous liquor 18681
sold by the state or its agents so that the pledged receipts are 18682
sufficient in amount to meet bond service charges, and the 18683
establishment and maintenance of any reserves and other 18684
requirements provided for in the bond proceedings, and, as 18685
necessary, to meet covenants contained in contracts of guarantee 18686
made under section 166.06 of the Revised Code; 18687

(2) Take or permit no action, by statute or otherwise, that 18688
would impair the exemption from federal income taxation of the 18689
interest on the obligations. 18690

(S) There is hereby created the economic development bond 18691
service fund, which shall be in the custody of the treasurer of 18692
state but shall be separate and apart from and not a part of the 18693
state treasury. All moneys received by or on account of the 18694
issuing authority or state agencies and required by the applicable 18695
bond proceedings, consistent with this section, to be deposited, 18696
transferred, or credited to a bond service fund or the economic 18697
development bond service fund, and all other moneys transferred or 18698
allocated to or received for the purposes of the fund, shall be 18699
deposited and credited to such fund and to any separate accounts 18700
therein, subject to applicable provisions of the bond proceedings, 18701
but without necessity for any act of appropriation. During the 18702
period beginning with the date of the first issuance of 18703
obligations and continuing during such time as any such 18704
obligations are outstanding, and so long as moneys in the 18705
pertinent bond service funds are insufficient to pay all bond 18706

services charges on such obligations becoming due in each year, a 18707
sufficient amount of the gross profit on the sale of spirituous 18708
liquor included in pledged receipts are committed and shall be 18709
paid to the bond service fund or economic development bond service 18710
fund in each year for the purpose of paying the bond service 18711
charges becoming due in that year without necessity for further 18712
act of appropriation for such purpose and notwithstanding anything 18713
to the contrary in Chapter 4301. of the Revised Code. The economic 18714
development bond service fund is a trust fund and is hereby 18715
pledged to the payment of bond service charges to the extent 18716
provided in the applicable bond proceedings, and payment thereof 18717
from such fund shall be made or provided for by the treasurer of 18718
state in accordance with such bond proceedings without necessity 18719
for any act of appropriation. 18720

(T) The obligations, the transfer thereof, and the income 18721
therefrom, including any profit made on the sale thereof, shall at 18722
all times be free from taxation within the state. 18723

Sec. 166.25. (A) The director of development services, with 18724
the approval of the controlling board and subject to the other 18725
applicable provisions of this chapter, may lend money in the 18726
logistics and distribution infrastructure fund ~~and the logistics~~ 18727
~~and distribution infrastructure taxable bond fund~~ to persons for 18728
the purpose of paying allowable costs of eligible logistics and 18729
distribution projects. 18730

(B) In determining the eligible logistics and distribution 18731
projects to be assisted and the nature, amount, and terms of 18732
assistance to be provided for an eligible logistics and 18733
distribution project, the director shall consult with appropriate 18734
governmental agencies, including the department of transportation 18735
and the Ohio rail development commission. 18736

(C) Any loan made pursuant to this section shall be evidenced 18737

by a loan agreement, which shall contain such terms as the 18738
director determines necessary or appropriate, including 18739
performance measures and reporting requirements. The director may 18740
take actions necessary or appropriate to collect or otherwise deal 18741
with any loan made under this section, including requiring a loan 18742
recipient to repay the amount of the loan plus interest at a rate 18743
of three per cent above the federal short term interest rate or 18744
any other rate determined by the director. 18745

Sec. 167.03. (A) The council shall have the power to: 18746

(1) Study such area governmental problems common to two or 18747
more members of the council as it deems appropriate, including but 18748
not limited to matters affecting health, safety, welfare, 18749
education, economic conditions, and regional development; 18750

(2) Promote cooperative arrangements and coordinate action 18751
among its members, and between its members and other agencies of 18752
local or state governments, whether or not within Ohio, and the 18753
federal government; 18754

(3) Make recommendations for review and action to the members 18755
and other public agencies that perform functions within the 18756
region; 18757

(4) Promote cooperative agreements and contracts among its 18758
members or other governmental agencies and private persons, 18759
corporations, or agencies; 18760

(5) Operate a public safety answering point in accordance 18761
with Chapter ~~5507~~ 128. of the Revised Code; 18762

(6) Perform planning directly by personnel of the council, or 18763
under contracts between the council and other public or private 18764
planning agencies. 18765

(B) The council may: 18766

(1) Review, evaluate, comment upon, and make recommendations, 18767

relative to the planning and programming, and the location, 18768
financing, and scheduling of public facility projects within the 18769
region and affecting the development of the area; 18770

(2) Act as an areawide agency to perform comprehensive 18771
planning for the programming, locating, financing, and scheduling 18772
of public facility projects within the region and affecting the 18773
development of the area and for other proposed land development or 18774
uses, which projects or uses have public metropolitan wide or 18775
interjurisdictional significance; 18776

(3) Act as an agency for coordinating, based on metropolitan 18777
wide comprehensive planning and programming, local public 18778
policies, and activities affecting the development of the region 18779
or area. 18780

(C) The council may, by appropriate action of the governing 18781
bodies of the members, perform such other functions and duties as 18782
are performed or capable of performance by the members and 18783
necessary or desirable for dealing with problems of mutual 18784
concern. 18785

(D) The authority granted to the council by this section or 18786
in any agreement by the members thereof shall not displace any 18787
existing municipal, county, regional, or other planning commission 18788
or planning agency in the exercise of its statutory powers. 18789

Sec. 169.02. Subject to division (B) of section 169.01 of the 18790
Revised Code, the following constitute unclaimed funds: 18791

(A) Except as provided in division (R) of this section, any 18792
demand, savings, or matured time deposit account, or matured 18793
certificate of deposit, together with any interest or dividend on 18794
it, less any lawful claims, that is held or owed by a holder which 18795
is a financial organization, unclaimed for a period of five years; 18796

(B) Any funds paid toward the purchase of withdrawable shares 18797

or other interest in a financial organization, and any interest or 18798
dividends on them, less any lawful claims, that is held or owed by 18799
a holder which is a financial organization, unclaimed for a period 18800
of five years; 18801

(C) Except as provided in division (A) of section 3903.45 of 18802
the Revised Code, moneys held or owed by a holder, including a 18803
fraternal association, providing life insurance, including annuity 18804
or endowment coverage, unclaimed for three years after becoming 18805
payable as established from the records of such holder under any 18806
life or endowment insurance policy or annuity contract that has 18807
matured or terminated. An insurance policy, the proceeds of which 18808
are payable on the death of the insured, not matured by proof of 18809
death of the insured is deemed matured and the proceeds payable if 18810
such policy was in force when the insured attained the limiting 18811
age under the mortality table on which the reserve is based. 18812

Moneys otherwise payable according to the records of such 18813
holder are deemed payable although the policy or contract has not 18814
been surrendered as required. 18815

(D) Any deposit made to secure payment or any sum paid in 18816
advance for utility services of a public utility and any amount 18817
refundable from rates or charges collected by a public utility for 18818
utility services held or owed by a holder, less any lawful claims, 18819
that has remained unclaimed for one year after the termination of 18820
the services for which the deposit or advance payment was made or 18821
one year from the date the refund was payable, whichever is 18822
earlier; 18823

(E) Except as provided in division (R) of this section, any 18824
certificates, securities as defined in section 1707.01 of the 18825
Revised Code, nonwithdrawable shares, other instruments evidencing 18826
ownership, or rights to them or funds paid toward the purchase of 18827
them, or any dividend, capital credit, profit, distribution, 18828
interest, or payment on principal or other sum, held or owed by a 18829

holder, including funds deposited with a fiscal agent or fiduciary 18830
for payment of them, and instruments representing an ownership 18831
interest, unclaimed for five years. Any underlying share or other 18832
intangible instrument representing an ownership interest in a 18833
business association, in which the issuer has recorded on its 18834
books the issuance of the share but has been unable to deliver the 18835
certificate to the shareholder, constitutes unclaimed funds if 18836
such underlying share is unclaimed for five years. In addition, an 18837
underlying share constitutes unclaimed funds if a dividend, 18838
distribution, or other sum payable as a result of the underlying 18839
share has remained unclaimed by the owner for five years. 18840

This division shall not prejudice the rights of fiscal agents 18841
or fiduciaries for payment to return the items described in this 18842
division to their principals, according to the terms of an agency 18843
or fiduciary agreement, but such a return shall constitute the 18844
principal as the holder of the items and shall not interrupt the 18845
period for computing the time for which the items have remained 18846
unclaimed. 18847

In the case of any such funds accruing and held or owed by a 18848
corporation under division (E) of section 1701.24 of the Revised 18849
Code, such corporation shall comply with this chapter, subject to 18850
the limitation contained in section 1701.34 of the Revised Code. 18851
The period of time for which such funds have gone unclaimed 18852
specified in section 1701.34 of the Revised Code shall be 18853
computed, with respect to dividends or distributions, commencing 18854
as of the dates when such dividends or distributions would have 18855
been payable to the shareholder had such shareholder surrendered 18856
the certificates for cancellation and exchange by the date 18857
specified in the order relating to them. 18858

Capital credits of a cooperative which after January 1, 1972, 18859
have been allocated to members and which by agreement are 18860
expressly required to be paid if claimed after death of the owner 18861

are deemed payable, for the purpose of this chapter, fifteen years 18862
after either the termination of service by the cooperative to the 18863
owner or upon the nonactivity as provided in division (B) of 18864
section 169.01 of the Revised Code, whichever occurs later, 18865
provided that this provision does not apply if the payment is not 18866
mandatory. 18867

(F) Any sum payable on certified checks or other written 18868
instruments certified or issued and representing funds held or 18869
owed by a holder, less any lawful claims, that are unclaimed for 18870
five years from the date payable or from the date of issuance if 18871
payable on demand; except that the unclaimed period for money 18872
orders that are not third party bank checks is seven years, and 18873
the unclaimed period for traveler's checks is fifteen years, from 18874
the date payable or from the date of issuance if payable on 18875
demand. 18876

As used in this division, "written instruments" include, but 18877
are not limited to, certified checks, cashier's checks, bills of 18878
exchange, letters of credit, drafts, money orders, and traveler's 18879
checks. 18880

If there is no address of record for the owner or other 18881
person entitled to the funds, such address is presumed to be the 18882
address where the instrument was certified or issued. 18883

(G) Except as provided in division (R) of this section, all 18884
moneys, rights to moneys, or other intangible property, arising 18885
out of the business of engaging in the purchase or sale of 18886
securities, or otherwise dealing in intangibles, less any lawful 18887
claims, that are held or owed by a holder and are unclaimed for 18888
five years from the date of transaction. 18889

(H) Except as provided in division (A) of section 3903.45 of 18890
the Revised Code, all moneys, rights to moneys, and other 18891
intangible property distributable in the course of dissolution or 18892

liquidation of a holder that are unclaimed for one year after the 18893
date set by the holder for distribution; 18894

(I) All moneys, rights to moneys, or other intangible 18895
property removed from a safe-deposit box or other safekeeping 18896
repository located in this state or removed from a safe-deposit 18897
box or other safekeeping repository of a holder, on which the 18898
lease or rental period has expired, or any amount arising from the 18899
sale of such property, less any lawful claims, that are unclaimed 18900
for three years from the date on which the lease or rental period 18901
expired; 18902

(J) Subject to division (M)(2) of this section, all moneys, 18903
rights to moneys, or other intangible property, and any income or 18904
increment on them, held or owed by a holder which is a fiduciary 18905
for the benefit of another, or a fiduciary or custodian of a 18906
qualified retirement plan or individual retirement arrangement 18907
under section 401 or 408 of the Internal Revenue Code, unclaimed 18908
for three years after the final date for distribution; 18909

(K) All moneys, rights to moneys, or other intangible 18910
property held or owed in this state or held for or owed to an 18911
owner whose last known address is within this state, by the United 18912
States government or any state, as those terms are described in 18913
division (E) of section 169.01 of the Revised Code, unclaimed by 18914
the owner for three years, excluding any property in the control 18915
of any court in a proceeding in which a final adjudication has not 18916
been made; 18917

(L) Amounts payable pursuant to the terms of any policy of 18918
insurance, other than life insurance, or any refund available 18919
under such a policy, held or owed by any holder, unclaimed for 18920
three years from the date payable or distributable; 18921

(M)(1) Subject to division (M)(2) of this section, any funds 18922
constituting rents or lease payments due, any deposit made to 18923

secure payment of rents or leases, or any sum paid in advance for 18924
rents, leases, possible damage to property, unused services, 18925
performance requirements, or any other purpose, held or owed by a 18926
holder unclaimed for one year; 18927

(2) Any escrow funds, security deposits, or other moneys that 18928
are received by a licensed broker in a fiduciary capacity and 18929
that, pursuant to division (A)(26) of section 4735.18 of the 18930
Revised Code, are required to be deposited into and maintained in 18931
a special or trust, noninterest-bearing bank account separate and 18932
distinct from any personal or other account of the licensed 18933
broker, held or owed by the licensed broker unclaimed for two 18934
years. 18935

(N) Any sum greater than fifty dollars payable as wages, any 18936
sum payable as salaries or commissions, any sum payable for 18937
services rendered, funds owed or held as royalties, oil and 18938
mineral proceeds, funds held for or owed to suppliers, and moneys 18939
owed under pension and profit-sharing plans, held or owed by any 18940
holder unclaimed for one year from date payable or distributable, 18941
and all other credits held or owed, or to be refunded to a retail 18942
customer, by any holder unclaimed for three years from date 18943
payable or distributable; 18944

(O) Amounts held in respect of or represented by lay-aways 18945
sold after January 1, 1972, less any lawful claims, when such 18946
lay-aways are unclaimed for three years after the sale of them; 18947

(P) All moneys, rights to moneys, and other intangible 18948
property not otherwise constituted as unclaimed funds by this 18949
section, including any income or increment on them, less any 18950
lawful claims, which are held or owed by any holder, other than a 18951
holder which holds a permit issued pursuant to Chapter 3769. of 18952
the Revised Code, and which have remained unclaimed for three 18953
years after becoming payable or distributable; 18954

(Q) All moneys that arise out of a sale held pursuant to section 5322.03 of the Revised Code, that are held by a holder for delivery on demand to the appropriate person pursuant to division (I) of that section, and that are unclaimed for two years after the date of the sale.

(R)(1) Any funds that are subject to an agreement between the holder and owner providing for automatic reinvestment and that constitute dividends, distributions, or other sums held or owed by a holder in connection with a security as defined in section 1707.01 of the Revised Code, an ownership interest in an investment company registered under the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C. 80a-1, as amended, or a certificate of deposit, unclaimed for a period of five years.

(2) The five-year period under division (R)(1) of this section commences from the date a second shareholder notification or communication mailing to the owner of the funds is returned to the holder as undeliverable by the United States postal service or other carrier. The notification or communication mailing by the holder shall be no less frequent than quarterly.

All moneys in a personal allowance account, as defined by rules adopted by the medicaid director ~~of job and family services~~, up to and including the maximum resource limitation, of a medicaid patient recipient who has died after receiving care in a long-term care facility, and for whom there is no identifiable heir or sponsor, are not subject to this chapter.

Sec. 169.05. (A) Every holder required to file a report under section 169.03 of the Revised Code shall, at the time of filing, pay to the director of commerce ten per cent of the aggregate amount of unclaimed funds as shown on the report, except for aggregate amounts of fifty dollars or less in which case one hundred per cent shall be paid. The funds may be deposited by the

director in the state treasury to the credit of the unclaimed 18986
funds trust fund, which is hereby created, or placed with a 18987
financial organization. Any interest earned on money in the trust 18988
fund shall be credited to the trust fund. The remainder of the 18989
aggregate amount of unclaimed funds as shown on the report, plus 18990
earnings accrued to date of payment to the director, shall, at the 18991
option of the director, be retained by the holder or paid to the 18992
director for deposit as agent for the mortgage funds with a 18993
financial organization as defined in section 169.01 of the Revised 18994
Code, with the funds to be in income-bearing accounts to the 18995
credit of the mortgage funds, or the holder may enter into an 18996
agreement with the director specifying the obligations of the 18997
United States in which funds are to be invested, and agree to pay 18998
the interest on the obligations to the state. Holders retaining 18999
any funds not in obligations of the United States shall enter into 19000
an agreement with the director specifying the classification of 19001
income-bearing account in which the funds will be held and pay the 19002
state interest on the funds at a rate equal to the prevailing 19003
market rate for similar funds. Moneys that the holder is required 19004
to pay to the director rather than to retain may be deposited with 19005
the treasurer of state, or placed with a financial organization. 19006

Securities and other intangible property transferred to the 19007
director shall, within a reasonable time, be converted to cash and 19008
the proceeds deposited as provided for other funds. 19009

One-half of the funds evidenced by agreements, in 19010
income-bearing accounts, or on deposit with the treasurer of state 19011
shall be allocated on the records of the director to the mortgage 19012
insurance fund created by section 122.561 of the Revised Code. Out 19013
of the remaining half, after allocation of sufficient moneys to 19014
the minority business bonding fund to meet the provisions of 19015
division (B) of this section, the remainder shall be allocated on 19016
the records of the director to the housing development fund 19017

created by division (A) of section 175.11 of the Revised Code. 19018

(B) The director shall serve as agent for the director of 19019
development and as agent for the Ohio housing finance agency in 19020
making deposits and withdrawals and maintaining records pertaining 19021
to the minority business bonding fund created by section 122.88 of 19022
the Revised Code, the mortgage insurance fund, and the housing 19023
development fund created by section 175.11 of the Revised Code. 19024
Funds from the mortgage insurance fund are available to the 19025
director of development when those funds are to be disbursed to 19026
prevent or cure, or upon the occurrence of, a default of a 19027
mortgage insured pursuant to section 122.451 of the Revised Code. 19028
Funds from the housing development fund are available upon request 19029
to the Ohio housing finance agency, in an amount not to exceed the 19030
funds allocated on the records of the director, for the purposes 19031
of section 175.05 of the Revised Code. Funds from the minority 19032
business bonding fund are available to the director of development 19033
upon request to pay obligations on bonds the director writes 19034
pursuant to section 122.88 of the Revised Code; except that, 19035
unless the general assembly authorizes additional amounts, the 19036
total maximum amount of moneys that may be allocated to the 19037
minority business bonding fund under this division is ten million 19038
dollars. 19039

When funds are to be disbursed, the appropriate agency shall 19040
call upon the director to transfer the necessary funds to it. The 19041
director shall first withdraw the funds paid by the holders and 19042
deposited with the treasurer of state or in a financial 19043
institution as agent for the funds. Whenever these funds are 19044
inadequate to meet the request, the director shall provide for a 19045
withdrawal of funds, within a reasonable time and in the amount 19046
necessary to meet the request, from financial institutions in 19047
which the funds were retained or placed by a holder and from other 19048
holders who have retained funds, in an equitable manner as the 19049

director prescribes. In the event that the amount to be withdrawn 19050
from any one holder is less than five hundred dollars, the amount 19051
to be withdrawn is at the director's discretion. The director 19052
shall then transfer to the agency the amount of funds requested. 19053

Funds deposited in the unclaimed funds trust fund are subject 19054
to call by the director when necessary to pay claims the director 19055
allows under section 169.08 of the Revised Code, in accordance 19056
with the director's rules, to defray the necessary costs of making 19057
publications this chapter requires and to pay other operating and 19058
administrative expenses the department of commerce incurs in the 19059
administration and enforcement of this chapter. 19060

The unclaimed funds trust fund shall be assessed a 19061
proportionate share of the administrative costs of the department 19062
of commerce in accordance with procedures the director of commerce 19063
prescribes and the director of budget and management approves. The 19064
assessment shall be paid from the unclaimed funds trust fund to 19065
the division of administration fund. 19066

(C) Earnings on the accounts in financial organizations to 19067
the credit of the mortgage funds shall, at the option of the 19068
financial organization, be credited to the accounts at times and 19069
at rates as earnings are paid on other accounts of the same 19070
classification held in the financial organization or paid to the 19071
director. The director shall be notified annually, and at other 19072
times as the director may request, of the amount of the earnings 19073
credited to the accounts. Interest on unclaimed funds a holder 19074
retains shall be paid to the director or credited as specified in 19075
the agreement under which the organization retains the funds. 19076
Interest payable to the director under an agreement to invest 19077
unclaimed funds ~~and~~ in income-bearing accounts or obligations of 19078
the United States shall be paid annually by the holder to the 19079
director. Any earnings or interest the director receives under 19080
this division shall be deposited in and credited to the mortgage 19081

funds. 19082

Sec. 169.07. (A) Upon the payment of unclaimed funds to the 19083
director of commerce under section 169.05 of the Revised Code the 19084
holder will be relieved of further responsibility for the 19085
safe-keeping thereof and will be held harmless by the state from 19086
any and all liabilities for any claim arising out of the transfer 19087
of such funds to the state. 19088

(B) If legal proceedings are instituted against a holder 19089
which has paid unclaimed funds to the director or entered into an 19090
agreement as provided in section 169.05 of the Revised Code in 19091
respect to such funds, such holder shall notify the director in 19092
writing of the pendency of such proceedings and the director shall 19093
intervene and assume the defense of such proceedings. Failure to 19094
give such notice shall absolve the state from any and all 19095
liability which it may have with regard to such funds. If judgment 19096
is entered against such holder, the director shall, upon proof of 19097
satisfaction of such judgment, forthwith reimburse such 19098
organization for the amount of the judgment or enter into an 19099
agreement modified to reflect the satisfaction of such judgment, 19100
if the holder retained such funds, and shall reimburse such holder 19101
for any legal fees, costs and other expenses incurred in such 19102
proceedings in the manner provided for the payment of claims under 19103
~~division~~ divisions (D) and (E) of section 169.08 of the Revised 19104
Code. 19105

Sec. 169.08. (A) The director shall pay to the owner or other 19106
person who has established the right to payment under this 19107
section, funds from the unclaimed funds trust fund in an amount 19108
equal to the amount of property delivered or reported to the 19109
director, or equal to the net proceeds if the securities or other 19110
property have been sold, together with interest earned by the 19111
state if required to be paid under division (D) of this section. 19112

Any person claiming a property interest in unclaimed funds 19113
delivered or reported to the state under Chapter 169. of the 19114
Revised Code, including the office of child support in the 19115
department of job and family services, pursuant to section 3123.88 19116
of the Revised Code, may file a claim thereto on the form 19117
prescribed by the director of commerce. 19118

(B) The director shall consider matters relevant to any claim 19119
filed under division (A) of this section and shall hold a formal 19120
hearing if requested or considered necessary and receive evidence 19121
concerning such claim. A finding and decision in writing on each 19122
claim filed shall be prepared, stating the substance of any 19123
evidence received or heard and the reasons for allowance or 19124
disallowance of the claim. The evidence and decision shall be a 19125
public record. No statute of limitations shall bar the allowance 19126
of a claim. 19127

(C) For the purpose of conducting any hearing, the director 19128
may require the attendance of such witnesses and the production of 19129
such books, records, and papers as the director desires, and the 19130
director may take the depositions of witnesses residing within or 19131
without this state in the same manner as is prescribed by law for 19132
the taking of depositions in civil actions in the court of common 19133
pleas, and for that purpose the director may issue a subpoena for 19134
any witness or a subpoena duces tecum to compel the production of 19135
any books, records, or papers, directed to the sheriff of the 19136
county where such witness resides or is found, which shall be 19137
served and returned. The fees of the sheriff shall be the same as 19138
that allowed in the court of common pleas in criminal cases. 19139
Witnesses shall be paid the fees and mileage provided for under 19140
section 119.094 of the Revised Code. Fees and mileage shall be 19141
paid from the unclaimed funds trust fund. 19142

(D) Interest ~~is not~~ earned by the state shall be payable to 19143

claimants of unclaimed funds held by the state in accordance with 19144
final court orders derived from the Sogg v. Zurz, 121 Ohio St.3d 19145
449 (2009), line of cases and final settlement agreement 19146
determining payment of interest on unclaimed funds. For properties 19147
received by the state on or before July 26, 1991, interest shall 19148
be paid at a rate of six per cent per annum from the date the 19149
state received the property up to and including July 26, 1991. No 19150
interest shall be payable on any properties for the period from 19151
July 27, 1991, up to and including August 2, 2000. For properties 19152
held by the state on August 3, 2000, or after, interest shall be 19153
paid at the applicable required rate per annum for the period held 19154
from August 3, 2000, or the date of receipt, whichever is later, 19155
up to and including the date the claim is paid. Claims 19156

(E) Claims shall be paid from the trust fund. If the amount 19157
available in the trust fund is not sufficient to pay pending 19158
claims, or other amounts disbursable from the trust fund, the 19159
treasurer of state shall certify such fact to the director, who 19160
shall then withdraw such amount of funds from the mortgage 19161
accounts as the director determines necessary to reestablish the 19162
trust fund to a level required to pay anticipated claims but not 19163
more than ten per cent of the net unclaimed funds reported to 19164
date. 19165

The director may withdraw the funds paid to the director by 19166
the holders and deposited by the director with the treasurer of 19167
state or in a financial institution as agent for such funds. 19168
Whenever these funds are inadequate to meet the requirements for 19169
the trust fund, the director shall provide for a withdrawal of 19170
funds, within a reasonable time, in such amount as is necessary to 19171
meet the requirements, from financial institutions in which such 19172
funds were retained or placed by a holder and from other holders 19173
who have retained funds, in an equitable manner as prescribed by 19174
the director. In the event that the amount to be withdrawn from 19175

any one such holder is less than five hundred dollars, the amount 19176
to be withdrawn shall be at the discretion of the director. Such 19177
funds may be reimbursed in the amounts withdrawn when the trust 19178
fund has a surplus over the amount required to pay anticipated 19179
claims. Whenever the trust fund has a surplus over the amount 19180
required to pay anticipated claims, the director may transfer such 19181
surplus to the mortgage accounts. 19182

~~(E)~~(F) If a claim which is allowed under this section relates 19183
to funds which have been retained by the reporting holder, and if 19184
the funds, on deposit with the treasurer of state pursuant to this 19185
chapter, are insufficient to pay claims, the director may notify 19186
such holder in writing of the payment of the claim and such holder 19187
shall immediately reimburse the state in the amount of such claim. 19188
The reimbursement shall be credited to the unclaimed funds trust 19189
fund. 19190

~~(F)~~(G) Any person, including the office of child support, 19191
adversely affected by a decision of the director may appeal such 19192
decision in the manner provided in Chapter 119. of the Revised 19193
Code. 19194

In the event the claimant prevails, the claimant shall be 19195
reimbursed for reasonable attorney's fees and costs. 19196

~~(G)~~(H) Notwithstanding anything to the contrary in this 19197
chapter, any holder who has paid moneys to or entered into an 19198
agreement with the director pursuant to section 169.05 of the 19199
Revised Code on certified checks, cashiers' checks, bills of 19200
exchange, letters of credit, drafts, money orders, or travelers' 19201
checks, may make payment to any person entitled thereto, including 19202
the office of child support, and upon surrender of the document, 19203
except in the case of travelers' checks, and proof of such 19204
payment, the director shall reimburse the holder for such payment 19205
without interest. 19206

Sec. 173.03. (A) There is hereby created the Ohio advisory 19207
council for the aging, which shall consist of twelve members to be 19208
appointed by the governor with the advice and consent of the 19209
senate. Two ex officio members of the council shall be members of 19210
the house of representatives appointed by the speaker of the house 19211
of representatives and shall be members of two different political 19212
parties. Two ex officio members of the council shall be members of 19213
the senate appointed by the president of the senate and shall be 19214
members of two different political parties. The medicaid director 19215
and directors of ~~mental health~~ mental health and addiction 19216
services, developmental disabilities, health, and job and family 19217
services, or their designees, shall serve as ex officio members of 19218
the council. The council shall carry out its role as defined under 19219
the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, 19220
as amended. 19221

At the first meeting of the council, and annually thereafter, 19222
the members shall select one of their members to serve as 19223
chairperson and one of their members to serve as vice-chairperson. 19224

(B) Members of the council shall be appointed for a term of 19225
three years, except that for the first appointment members of the 19226
Ohio commission on aging who were serving on the commission 19227
immediately prior to July 26, 1984, shall become members of the 19228
council for the remainder of their unexpired terms. Thereafter, 19229
appointment to the council shall be for a three-year term by the 19230
governor. Each member shall hold office from the date of 19231
appointment until the end of the term for which the member was 19232
appointed. Any member appointed to fill a vacancy occurring prior 19233
to the expiration of the term for which the member's predecessor 19234
was appointed shall hold office for the remainder of the term. No 19235
member shall continue in office subsequent to the expiration date 19236
of the member's term unless reappointed under the provisions of 19237
this section, and no member shall serve more than three 19238

consecutive terms on the council. 19239

(C) Membership of the council shall represent all areas of 19240
Ohio and shall be as follows: 19241

(1) A majority of members of the council shall have attained 19242
the age of ~~sixty~~ fifty and have a knowledge of and continuing 19243
interest in the affairs and welfare of the older citizens of Ohio. 19244
The fields of business, labor, health, law, and human services 19245
shall be represented in the membership. 19246

(2) No more than seven members shall be of the same political 19247
party. 19248

(D) Any member of the council may be removed from office by 19249
the governor for neglect of duty, misconduct, or malfeasance in 19250
office after being informed in writing of the charges and afforded 19251
an opportunity for a hearing. Two consecutive unexcused absences 19252
from regularly scheduled meetings constitute neglect of duty. 19253

(E) The director of aging may reimburse a member for actual 19254
and necessary traveling and other expenses incurred in the 19255
discharge of official duties. But reimbursement shall be made in 19256
the manner and at rates that do not exceed those prescribed by the 19257
director of budget and management for any officer, member, or 19258
employee of, or consultant to, any state agency. 19259

(F) Council members are not limited as to the number of terms 19260
they may serve. 19261

(G)(1) The department of aging may award grants to or enter 19262
into contracts with a member of the advisory council or an entity 19263
that the member represents if any of the following apply: 19264

(a) The department determines that the member or the entity 19265
the member represents is capable of providing the goods or 19266
services specified under the terms of the grant or contract. 19267

(b) The member has not taken part in any discussion or vote 19268

of the council related to whether the council should recommend 19269
that the department of aging award the grant to or enter into the 19270
contract with the member of the advisory council or the entity 19271
that the member represents. 19272

(2) A member of the advisory council is not in violation of 19273
Chapter 102. or section 2921.42 of the Revised Code with regard to 19274
receiving a grant or entering into a contract under this section 19275
if the conditions of division (G)(1)(a) and (b) of this section 19276
have been met. 19277

Sec. 173.14. As used in sections 173.14 to 173.27 of the 19278
Revised Code: 19279

(A)(1) Except as otherwise provided in division (A)(2) of 19280
this section, "long-term care facility" includes any residential 19281
facility that provides personal care services for more than 19282
twenty-four hours for one or more unrelated adults, including all 19283
of the following: 19284

(a) A "nursing home," "residential care facility," or "home 19285
for the aging" as defined in section 3721.01 of the Revised Code; 19286

(b) A facility authorized to provide extended care services 19287
under Title XVIII of the "Social Security Act," 49 Stat. 620 19288
(1935), 42 U.S.C. 301, as amended, including a long-term acute 19289
care hospital that provides medical and rehabilitative care to 19290
patients who require an average length of stay greater than 19291
twenty-five days and is classified by the centers for medicare and 19292
medicaid services as a long-term care hospital pursuant to 42 19293
C.F.R. 412.23(e); 19294

(c) A county home or district home operated pursuant to 19295
Chapter 5155. of the Revised Code; 19296

(d) A residential facility licensed under section ~~5119.22~~ 19297
5119.34 of the Revised Code that provides accommodations, 19298

supervision, and personal care services for three to sixteen 19299
unrelated adults or accommodations and personal care services for 19300
only one or two adults who are ~~recipients under the~~ receiving 19301
residential state supplement program; 19302

(e) A facility approved by the veterans administration under 19303
section 104(a) of the "Veterans Health Care Amendments of 1983," 19304
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 19305
the placement and care of veterans. 19306

(2) "Long-term care facility" does not include a residential 19307
facility licensed under section 5123.19 of the Revised Code. 19308

(B) "Resident" means a resident of a long-term care facility 19309
and, where appropriate, includes a prospective, previous, or 19310
deceased resident of a long-term care facility. 19311

(C) "Community-based long-term care services" means health 19312
and social services provided to persons in their own homes or in 19313
community care settings, and includes any of the following: 19314

(1) Case management; 19315

(2) Home health care; 19316

(3) Homemaker services; 19317

(4) Chore services; 19318

(5) Respite care; 19319

(6) Adult day care; 19320

(7) Home-delivered meals; 19321

(8) Personal care; 19322

(9) Physical, occupational, and speech therapy; 19323

(10) Transportation; 19324

(11) Any other health and social services provided to persons 19325
that allow them to retain their independence in their own homes or 19326

in community care settings. 19327

(D) "Recipient" means a recipient of community-based 19328
long-term care services and, where appropriate, includes a 19329
prospective, previous, or deceased recipient of community-based 19330
long-term care services. 19331

(E) "Sponsor" means an adult relative, friend, or guardian 19332
who has an interest in or responsibility for the welfare of a 19333
resident or a recipient. 19334

(F) "Personal care services" has the same meaning as in 19335
section 3721.01 of the Revised Code. 19336

(G) "Regional long-term care ~~ombudsperson~~ ombudsman program" 19337
means an entity, either public or private and nonprofit, 19338
designated as a regional long-term care ~~ombudsperson~~ ombudsman 19339
program by the state long-term care ~~ombudsperson~~ ombudsman. 19340

(H) "Representative of the office of the state long-term care 19341
~~ombudsperson~~ ombudsman program" means the state long-term care 19342
~~ombudsperson~~ ombudsman or a member of the ~~ombudsperson's~~ 19343
ombudsman's staff, or a person certified as a representative of 19344
the office under section 173.21 of the Revised Code. 19345

(I) "Area agency on aging" means an area agency on aging 19346
established under the "Older Americans Act of 1965," 79 Stat. 219, 19347
42 U.S.C.A. 3001, as amended. 19348

Sec. 173.17. (A) The state long-term care ~~ombudsperson~~ 19349
ombudsman shall do all of the following: 19350

(1) Appoint a staff and direct and administer the work of the 19351
staff; 19352

(2) Supervise the nursing home investigative unit established 19353
under division (I) of section 173.01 of the Revised Code; 19354

(3) Oversee the performance and operation of the office of 19355

the state long-term care ~~ombudsperson~~ ombudsman program, including 19356
the operation of regional long-term care ~~ombudsperson~~ ombudsman 19357
programs; 19358

(4) Establish and maintain a statewide uniform reporting 19359
system to collect and analyze information relating to complaints 19360
and conditions in long-term care facilities and complaints 19361
regarding the provision of community-based long-term care services 19362
for the purpose of identifying and resolving significant problems; 19363

(5) Provide for public forums to discuss concerns and 19364
problems relating to action, inaction, or decisions that may 19365
adversely affect the health, safety, welfare, or rights of 19366
residents and recipients of services by providers of long-term 19367
care and their representatives, public agencies and entities, and 19368
social service agencies. This may include any of the following: 19369
conducting public hearings; sponsoring workshops and conferences; 19370
holding meetings for the purpose of obtaining information about 19371
residents and recipients, discussing and publicizing their needs, 19372
and advocating solutions to their problems; and promoting the 19373
development of citizen organizations. 19374

(6) Encourage, cooperate with, and assist in the development 19375
and operation of services to provide current, objective, and 19376
verified information about long-term care; 19377

(7) Develop and implement, with the assistance of regional 19378
programs, a continuing program to publicize, through the media and 19379
civic organizations, the office, its purposes, and its methods of 19380
operation; 19381

(8) Maintain written descriptions of the duties and 19382
qualifications of representatives of the office; 19383

(9) Evaluate and make known concerns and issues regarding 19384
long-term care by doing all of the following: 19385

(a) Preparing an annual report containing information and 19386

findings regarding the types of problems experienced by residents 19387
and recipients and the complaints made by or on behalf of 19388
residents and recipients. The report shall include recommendations 19389
for policy, regulatory, and legislative changes to solve problems, 19390
resolve complaints, and improve the quality of care and life for 19391
residents and recipients and shall be submitted to the governor, 19392
the speaker of the house of representatives, the president of the 19393
senate, the directors of health and of job and family services, 19394
and the commissioner of the administration on aging of the United 19395
States department of health and human services. 19396

(b) Monitoring and analyzing the development and 19397
implementation of federal, state, and local laws, rules, and 19398
policies regarding long-term care services in this state and 19399
recommending to officials changes the office considers appropriate 19400
in these laws, rules, and policies; 19401

(c) Providing information and making recommendations to 19402
public agencies, members of the general assembly, and others 19403
regarding problems and concerns of residents and recipients. 19404

(10) Conduct training for employees and volunteers on 19405
~~ombudsperson's~~ ombudsman's staff and for representatives of the 19406
office employed by regional programs; 19407

(11) Monitor the training of representatives of the office 19408
who provide volunteer services to regional programs, and provide 19409
technical assistance to the regional programs in conducting the 19410
training; 19411

(12) Issue certificates attesting to the successful 19412
completion of training and specifying the level of responsibility 19413
for which a representative of the office who has completed 19414
training is qualified; 19415

(13) Register as a residents' rights advocate with the 19416
department of health under division (B) of section 3701.07 of the 19417

Revised Code;	19418
(14) Perform other duties specified by the department of aging.	19419 19420
(B) The state ombuds <u>ombudsman</u> may delegate any of the ombuds <u>ombudsman's</u> authority or duties under sections 173.14 to 173.26 of the Revised Code to any member of the ombuds <u>ombudsman's</u> staff. The state ombuds <u>ombudsman</u> is responsible for any authority or duties the ombuds <u>ombudsman</u> delegates.	19421 19422 19423 19424 19425 19426
Sec. 173.19. (A) The office of the state long-term care ombuds <u>ombudsman</u> program, through the state long-term care ombuds <u>ombudsman</u> and the regional long-term care ombuds <u>ombudsman</u> programs, shall receive, investigate, and attempt to resolve complaints made by residents, recipients, sponsors, providers of long-term care, or any person acting on behalf of a resident or recipient, relating to either of the following:	19427 19428 19429 19430 19431 19432 19433 19434
(1) The health, safety, welfare, or civil rights of a resident or recipient or any violation of a resident's rights described in sections 3721.10 to 3721.17 of the Revised Code;	19435 19436 19437
(2) Any action or inaction or decision by a provider of long-term care or representative of a provider, a governmental entity, or a private social service agency that may adversely affect the health, safety, welfare, or rights of a resident or recipient.	19438 19439 19440 19441 19442
(B) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code regarding the handling of complaints received under this section, including procedures for conducting investigations of complaints. The rules shall include procedures to ensure that no representative of the office	19443 19444 19445 19446 19447

investigates any complaint involving a provider of long-term care 19448
with which the representative was once employed or associated. 19449

The state ~~ombudsperson~~ ombudsman and regional programs shall 19450
establish procedures for handling complaints consistent with the 19451
department's rules. Complaints shall be dealt with in accordance 19452
with the procedures established under this division. 19453

(C) The office of the state long-term care ~~ombudsperson~~ 19454
ombudsman program may decline to investigate any complaint if it 19455
determines any of the following: 19456

(1) That the complaint is frivolous, vexatious, or not made 19457
in good faith; 19458

(2) That the complaint was made so long after the occurrence 19459
of the incident on which it is based that it is no longer 19460
reasonable to conduct an investigation; 19461

(3) That an adequate investigation cannot be conducted 19462
because of insufficient funds, insufficient staff, lack of staff 19463
expertise, or any other reasonable factor that would result in an 19464
inadequate investigation despite a good faith effort; 19465

(4) That an investigation by the office would create a real 19466
or apparent conflict of interest. 19467

(D) If a regional long-term care ~~ombudsperson~~ ombudsman 19468
program declines to investigate a complaint, it shall refer the 19469
complaint to the state long-term care ~~ombudsperson~~ ombudsman. 19470

(E) Each complaint to be investigated by a regional program 19471
shall be assigned to a representative of the office of the state 19472
long-term care ~~ombudsperson~~ ombudsman program. If the 19473
representative determines that the complaint is valid, the 19474
representative shall assist the parties in attempting to resolve 19475
it. If the representative is unable to resolve it, the 19476
representative shall refer the complaint to the state ~~ombudsperson~~ 19477

ombudsman. 19478

In order to carry out the duties of sections 173.14 to 173.26 19479
of the Revised Code, a representative has the right to private 19480
communication with residents and their sponsors and access to 19481
long-term care facilities, including the right to tour resident 19482
areas unescorted and the right to tour facilities unescorted as 19483
reasonably necessary to the investigation of a complaint. Access 19484
to facilities shall be during reasonable hours or, during 19485
investigation of a complaint, at other times appropriate to the 19486
complaint. 19487

When community-based long-term care services are provided at 19488
a location other than the recipient's home, a representative has 19489
the right to private communication with the recipient and the 19490
recipient's sponsors and access to the community-based long-term 19491
care site, including the right to tour the site unescorted. Access 19492
to the site shall be during reasonable hours or, during the 19493
investigation of a complaint, at other times appropriate to the 19494
complaint. 19495

(F) The state ~~ombudsperson~~ ombudsman shall determine whether 19496
complaints referred to the ~~ombudsperson~~ ombudsman under division 19497
(D) or (E) of this section warrant investigation. The 19498
~~ombudsperson's~~ ombudsman's determination in this matter is final. 19499

Sec. 173.20. (A) If consent is given and unless otherwise 19500
prohibited by law, a representative of the office of the state 19501
long-term care ombudsman program shall have access to any records, 19502
including medical records, of a resident or a recipient that are 19503
reasonably necessary for investigation of a complaint. Consent may 19504
be given in any of the following ways: 19505

(1) In writing by the resident or recipient; 19506

(2) Orally by the resident or recipient, witnessed in writing 19507

at the time it is given by one other person, and, if the records
involved are being maintained by a long-term care provider, also
by an employee of the long-term care provider designated under
division (E)(1) of this section;

(3) In writing by the guardian of the resident or recipient;

(4) In writing by the attorney in fact of the resident or
recipient, if the resident or recipient has authorized the
attorney in fact to give such consent;

(5) In writing by the executor or administrator of the estate
of a deceased resident or recipient.

(B) If consent to access to records is not refused by a
resident or recipient or ~~his~~ the resident's or recipient's legal
representative but cannot be obtained and any of the following
circumstances exist, a representative of the office of the state
long-term care ombudsman program, on approval of the state
long-term care ombudsman, may inspect the records of a resident or
a recipient, including medical records, that are reasonably
necessary for investigation of a complaint:

(1) The resident or recipient is unable to express written or
oral consent and there is no guardian or attorney in fact;

(2) There is a guardian or attorney in fact, but ~~he~~ the
guardian or attorney in fact cannot be contacted within three
working days;

(3) There is a guardianship or durable power of attorney, but
its existence is unknown by the long-term care provider and the
representative of the office at the time of the investigation;

(4) There is no executor or administrator of the estate of a
deceased resident or recipient.

(C) If a representative of the office of the state long-term
care ombudsman program has been refused access to records by a

guardian or attorney in fact, but has reasonable cause to believe 19538
that the guardian or attorney in fact is not acting in the best 19539
interests of the resident or recipient, the representative may, on 19540
approval of the state long-term care ombudsman, inspect the 19541
records of the resident or recipient, including medical records, 19542
that are reasonably necessary for investigation of a complaint. 19543

(D) A representative of the office of the state long-term 19544
care ombudsman program shall have access to any records of a 19545
long-term care provider reasonably necessary to an investigation 19546
conducted under this section, including but not limited to: 19547
incident reports, dietary records, policies and procedures of a 19548
facility required to be maintained under section ~~5111.21~~ 5165.06 19549
of the Revised Code, admission agreements, staffing schedules, any 19550
document depicting the actual staffing pattern of the provider, 19551
any financial records that are matters of public record, resident 19552
council and grievance committee minutes, and any waiting list 19553
maintained by a facility in accordance with section ~~5111.31~~ 19554
5165.08 of the Revised Code, or any similar records or lists 19555
maintained by a provider of community-based long-term care 19556
services. Pursuant to division (E)(2) of this section, a 19557
representative shall be permitted to make or obtain copies of any 19558
of these records after giving the long-term care provider 19559
twenty-four hours' notice. A long-term care provider may impose a 19560
charge for providing copies of records under this division that 19561
does not exceed the actual and necessary expense of making the 19562
copies. 19563

The state ombudsman shall take whatever action is necessary 19564
to ensure that any copy of a record made or obtained under this 19565
division is returned to the long-term care provider no later than 19566
three years after the date the investigation for which the copy 19567
was made or obtained is completed. 19568

(E)(1) Each long-term care provider shall designate one or 19569

more of its employees to be responsible for witnessing the giving 19570
of oral consent under division (A) of this section. In the event 19571
that a designated employee is not available when a resident or 19572
recipient attempts to give oral consent, the provider shall 19573
designate another employee to witness the consent. 19574

(2) Each long-term care provider shall designate one or more 19575
of its employees to be responsible for releasing records for 19576
copying to representatives of the office of the long-term care 19577
ombudsman program who request permission to make or obtain copies 19578
of records specified in division (D) of this section. In the event 19579
that a designated employee is not available when a representative 19580
of the office makes the request, the long-term care provider shall 19581
designate another employee to release the records for copying. 19582

(F) A long-term care provider or any employee of such a 19583
provider is immune from civil or criminal liability or action 19584
taken pursuant to a professional disciplinary procedure for the 19585
release or disclosure of records to a representative of the office 19586
pursuant to this section. 19587

(G) A state or local government agency or entity with records 19588
relevant to a complaint or investigation being conducted by a 19589
representative of the office shall provide the representative 19590
access to the records. 19591

(H) The state ombudsman, with the approval of the director of 19592
aging, may issue a subpoena to compel any person ~~he~~ the ombudsman 19593
reasonably believes may be able to provide information to appear 19594
before ~~him~~ the ombudsman or ~~his~~ the ombudsman's designee and give 19595
sworn testimony and to produce documents, books, records, papers, 19596
or other evidence the state ombudsman believes is relevant to the 19597
investigation. On the refusal of a witness to be sworn or to 19598
answer any question put to ~~him~~ the witness, or if a person 19599
disobeys a subpoena, the ombudsman shall apply to the Franklin 19600
county court of common pleas for a contempt order, as in the case 19601

of disobedience of the requirements of a subpoena issued from the court, or a refusal to testify in the court.

(I) The state ombudsman may petition the court of common pleas in the county in which a long-term care facility is located to issue an injunction against any long-term care facility in violation of sections 3721.10 to 3721.17 of the Revised Code.

(J) Any suspected violation of Chapter 3721. of the Revised Code discovered during the course of an investigation may be reported to the department of health. Any suspected criminal violation discovered during the course of an investigation shall be reported to the attorney general or other appropriate law enforcement authorities.

(K) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code for referral by the state ombudsman and regional long-term care ombudsman programs of complaints to other public agencies or entities. A public agency or entity to which a complaint is referred shall keep the state ombudsman or regional program handling the complaint advised and notified in writing in a timely manner of the disposition of the complaint to the extent permitted by law.

Sec. 173.21. (A) The office of the state long-term care ~~ombudsperson~~ ombudsman program, through the state long-term care ~~ombudsperson~~ ombudsman and the regional long-term care ~~ombudsperson~~ ombudsman programs, shall require each representative of the office to complete a training and certification program in accordance with this section and to meet the continuing education requirements established under this section.

(B) The department of aging shall adopt rules under Chapter 119. of the Revised Code specifying the content of training programs for representatives of the office of the state long-term care ~~ombudsperson~~ ombudsman program. Training for representatives

other than those who are volunteers providing services through 19633
regional long-term care ~~ombudsperson~~ ombudsman programs shall 19634
include instruction regarding federal, state, and local laws, 19635
rules, and policies on long-term care facilities and 19636
community-based long-term care services; investigative techniques; 19637
and other topics considered relevant by the department and shall 19638
consist of the following: 19639

(1) A minimum of forty clock hours of basic instruction, 19640
which shall be completed before the trainee is permitted to handle 19641
complaints without the supervision of a representative of the 19642
office certified under this section; 19643

(2) An additional sixty clock hours of instruction, which 19644
shall be completed within the first fifteen months of employment; 19645

(3) An internship of twenty clock hours, which shall be 19646
completed within the first twenty-four months of employment, 19647
including instruction in, and observation of, basic nursing care 19648
and long-term care provider operations and procedures. The 19649
internship shall be performed at a site that has been approved as 19650
an internship site by the state long-term care ~~ombudsperson~~ 19651
ombudsman. 19652

(4) One of the following, which shall be completed within the 19653
first twenty-four months of employment: 19654

(a) Observation of a survey conducted by the director of 19655
health to certify a nursing facility to ~~receive funds under~~ 19656
~~sections 5111.20 to 5111.32 of the Revised Code~~ participate in the 19657
medicaid program; 19658

(b) Observation of an inspection conducted by the director of 19659
~~mental health~~ mental health and addiction services to license a 19660
residential facility under section ~~5119.22~~ 5119.34 of the Revised 19661
Code that provides accommodations, supervision, and personal care 19662
services for three to sixteen unrelated adults. 19663

(5) Any other training considered appropriate by the department. 19664
19665

(C) ~~Persons~~ Any person who for a period of at least six months prior to June 11, 1990, served as ~~ombudsmen~~ an ombudsman through the long-term care ~~ombudsperson~~ ombudsman program established by the department of aging under division (M) of section 173.01 of the Revised Code shall not be required to complete a training program. ~~These persons~~ Such a person and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office. 19666
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(D) The state ~~ombudsperson~~ ombudsman and each regional program shall conduct training programs for volunteers on their respective staffs in accordance with the rules of the department of aging adopted under division (B) of this section. Training programs may be conducted that train volunteers to complete some, but not all, of the duties of a representative of the office. Each regional office shall bear the cost of training its representatives who are volunteers. On completion of a training program, the representative shall take an examination administered by the department of aging. On attainment of a passing score, a volunteer shall be certified by the department as a representative authorized to perform services specified in the certification. The department shall issue an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's 19681
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duties and which shall be surrendered at the time the 19696
representative separates from the office. Except as a supervised 19697
part of a training program, no volunteer shall perform any duty 19698
unless he is certified as a representative having received 19699
appropriate training for that duty. 19700

(E) The state ~~ombudsperson~~ ombudsman shall provide technical 19701
assistance to regional programs conducting training programs for 19702
volunteers and shall monitor the training programs. 19703

(F) Prior to scheduling an observation of a certification 19704
survey or licensing inspection for purposes of division (B)(4) of 19705
this section, the state ~~ombudsperson~~ ombudsman shall obtain 19706
permission to have the survey or inspection observed from both the 19707
director of health and the long-term care facility at which the 19708
survey or inspection is to take place. 19709

(G) The department of aging shall establish continuing 19710
education requirements for representatives of the office. 19711

Sec. 173.23. (A) Representatives of the office of the state 19712
long-term care ~~ombudsperson~~ ombudsman program are immune from 19713
civil or criminal liability for any action taken in the good faith 19714
performance of their official duties under sections 173.14 to 19715
173.26 of the Revised Code. 19716

(B) A person acting in good faith is immune from civil or 19717
criminal liability incident to any of the following: providing 19718
information to the office, participating in registration of a 19719
complaint with the office, participating in investigation of a 19720
complaint by the office, or participating in an administrative or 19721
judicial proceeding resulting from a complaint. 19722

(C) No person shall knowingly register a false complaint with 19723
the office, or knowingly swear or affirm the truth of a false 19724
complaint previously registered, when the statement is made with 19725

purpose to incriminate another. 19726

(D) The attorney general shall provide legal counsel to the 19727
office of the state long-term care ~~ombudsperson~~ ombudsman program 19728
and to the regional long-term care ~~ombudsperson~~ ombudsman 19729
programs. The attorney general shall represent any representative 19730
of the office and any representative of a regional program against 19731
whom any legal action is brought in connection with the 19732
representative's official duties under sections 173.14 to 173.26 19733
of the Revised Code. 19734

Sec. 173.25. The office of the state long-term care 19735
~~ombudsperson~~ ombudsman program shall, in carrying out the 19736
provisions and purposes of sections 173.14 to 173.26 of the 19737
Revised Code, advise, consult, and cooperate with any agency, 19738
program, or other entity related to the purposes of the office. 19739
Any agency, program, or other entity related to the purposes of 19740
the office shall advise, consult, and cooperate with the office. 19741

The office shall attempt to establish effective coordination 19742
with government-sponsored programs that provide legal services to 19743
the elderly and with protective and advocacy programs for 19744
individuals with developmental disabilities, mental retardation, 19745
or mental illness. 19746

Sec. 173.26. (A) Each of the following facilities shall 19747
annually pay to the department of aging six dollars for each bed 19748
~~maintained by the facility for use by a resident was licensed or~~ 19749
otherwise authorized to maintain during any part of the previous 19750
year: 19751

(1) Nursing homes, and residential care facilities, ~~and homes~~ 19752
~~for the aging~~ as defined in section 3721.01 of the Revised Code; 19753

(2) Facilities authorized to provide extended care services 19754
under Title XVIII of the "Social Security Act," 49 Stat. 620 19755

(1935), 42 U.S.C. 301, as amended, including a long-term acute care hospital that provides medical and rehabilitative care to patients who require an average length of stay greater than twenty-five days and is classified by the centers for medicare and medicaid services as a long-term care hospital pursuant to 42 C.F.R. 412.23(e);

(3) County homes and district homes operated pursuant to Chapter 5155. of the Revised Code;

(4) Residential facilities licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provide accommodations, supervision, and personal care services for three to sixteen unrelated adults;

(5) Facilities approved by the Veterans Administration under Section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.

The department shall, by rule adopted in accordance with Chapter 119. of the Revised Code, establish deadlines for payments required by this section. A facility that fails, within ninety days after the established deadline, to pay a payment required by this section shall be assessed at two times the original invoiced payment.

(B) All money collected under this section shall be deposited in the state treasury to the credit of the office of the state long-term care ~~ombuds person~~ ombudsman program fund, which is hereby created. Money credited to the fund shall be used solely to pay the costs of operating the regional long-term care ~~ombuds person~~ ombudsman programs.

(C) The state long-term care ~~ombuds person~~ ombudsman and the regional programs may solicit and receive contributions to support the operation of the office or a regional program, except that no

contribution shall be solicited or accepted that would interfere 19787
with the independence or objectivity of the office or program. 19788

Sec. 173.27. (A) As used in this section: 19789

(1) "Applicant" means a person who is under final 19790
consideration for employment ~~with the office of the state~~ 19791
~~long-term care ombudsperson program~~ by a responsible party in a 19792
full-time, part-time, or temporary position that involves 19793
providing ~~ombudsperson~~ ombudsman services to residents and 19794
recipients. "Applicant" includes a person who is under final 19795
consideration for employment as the state long-term care 19796
~~ombudsperson~~ ombudsman or the head of a regional long-term care 19797
~~ombudsperson~~ ombudsman program. "Applicant" does not include a 19798
person seeking to provide ~~ombudsperson~~ ombudsman services to 19799
residents and recipients as a volunteer without receiving or 19800
expecting to receive any form of remuneration other than 19801
reimbursement for actual expenses. 19802

(2) "Criminal records check" has the same meaning as in 19803
section 109.572 of the Revised Code. 19804

(3) "Disqualifying offense" means any of the offenses listed 19805
or described in divisions (A)(3)(a) to (e) of section 109.572 of 19806
the Revised Code. 19807

(4) "Employee" means a person employed by ~~the office of the~~ 19808
~~state long-term care ombudsperson program~~ a responsible party in a 19809
full-time, part-time, or temporary position that involves 19810
providing ~~ombudsperson~~ ombudsman services to residents and 19811
recipients. "Employee" includes the person employed as the state 19812
long-term care ~~ombudsperson~~ ombudsman and a person employed as the 19813
head of a regional long-term care ~~ombudsperson~~ ombudsman program. 19814
"Employee" does not include a person who provides ~~ombudsperson~~ 19815
ombudsman services to residents and recipients as a volunteer 19816
without receiving or expecting to receive any form of remuneration 19817

other than reimbursement for actual expenses. 19818

(5) "Responsible ~~entity~~ party" means the following: 19819

(a) In the case of an applicant who is under final 19820
consideration for employment as the state long-term care 19821
~~ombudsperson~~ ombudsman or the person employed as the state 19822
long-term care ~~ombudsperson~~ ombudsman, the director of aging; 19823

(b) In the case of any other applicant who is under final 19824
consideration for employment with the state long-term care 19825
ombudsman program or any other employee of the state long-term 19826
care ombudsman program, the state long-term care ~~ombudsperson~~ or 19827
~~the ombudsperson's designee~~ ombudsman; 19828

(c) In the case of an applicant who is under final 19829
consideration for employment with a regional long-term care 19830
ombudsman program (including as the head of the regional program) 19831
or an employee of a regional long-term care ombudsman program 19832
(including the head of a regional program), the regional long-term 19833
care ombudsman program. 19834

(B) ~~The office of the state long term care ombudsperson~~ 19835
~~program~~ A responsible party may not employ an applicant or 19836
continue to employ an employee in a position that involves 19837
providing ~~ombudsperson~~ ombudsman services to residents and 19838
recipients if any of the following apply: 19839

(1) A review of the databases listed in division (D) of this 19840
section reveals any of the following: 19841

(a) That the applicant or employee is included in one or more 19842
of the databases listed in divisions (D)(1) to (5) of this 19843
section; 19844

(b) That there is in the state nurse aide registry 19845
established under section 3721.32 of the Revised Code a statement 19846
detailing findings by the director of health that the applicant or 19847

employee neglected or abused a long-term care facility or 19848
residential care facility resident or misappropriated property of 19849
such a resident; 19850

(c) That the applicant or employee is included in one or more 19851
of the databases, if any, specified in rules adopted under this 19852
section and the rules prohibit the ~~office~~ responsible party from 19853
employing an applicant or continuing to employ an employee 19854
included in such a database in a position that involves providing 19855
~~ombudsperson~~ ombudsman services to residents and recipients. 19856

(2) After the applicant or employee is provided, pursuant to 19857
division (E)(2)(a) of this section, a copy of the form prescribed 19858
pursuant to division (C)(1) of section 109.572 of the Revised Code 19859
and the standard impression sheet prescribed pursuant to division 19860
(C)(2) of that section, the applicant or employee fails to 19861
complete the form or provide the applicant's or employee's 19862
fingerprint impressions on the standard impression sheet. 19863

(3) ~~Except as provided~~ Unless the applicant or employee meets 19864
standards specified in rules adopted under this section, the 19865
applicant or employee is found by a criminal records check 19866
required by this section to have been convicted of, pleaded guilty 19867
to, or been found eligible for intervention in lieu of conviction 19868
for a disqualifying offense. 19869

(C) ~~The A~~ responsible entity party or a responsible party's 19870
designee shall inform each applicant of both of the following at 19871
the time of the applicant's initial application for employment in 19872
a position that involves providing ~~ombudsperson~~ ombudsman services 19873
to residents and recipients: 19874

(1) That a review of the databases listed in division (D) of 19875
this section will be conducted to determine whether the ~~office of~~ 19876
~~the state long term care ombudsperson program~~ responsible party is 19877
prohibited by division (B)(1) of this section from employing the 19878

applicant in the position; 19879

(2) That, unless the database review reveals that the 19880
applicant may not be employed in the position, a criminal records 19881
check of the applicant will be conducted and the applicant is 19882
required to provide a set of the applicant's fingerprint 19883
impressions as part of the criminal records check. 19884

(D) As a condition of any applicant's being employed by ~~the~~ 19885
~~office of the state long term care ombudsperson program a~~ 19886
responsible party in a position that involves providing 19887
~~ombudsperson~~ ombudsman services to residents and recipients, the 19888
responsible ~~entity~~ party or designee shall conduct a database 19889
review of the applicant in accordance with rules adopted under 19890
this section. If rules adopted under this section so require, the 19891
responsible ~~entity~~ party or designee shall conduct a database 19892
review of an employee in accordance with the rules as a condition 19893
of the ~~office's~~ responsible party continuing to employ the 19894
employee in a position that involves providing ~~ombudsperson~~ 19895
ombudsman services to residents and recipients. A database review 19896
shall determine whether the applicant or employee is included in 19897
any of the following: 19898

(1) The excluded parties list system that is maintained by 19899
the United States general services administration pursuant to 19900
subpart 9.4 of the federal acquisition regulation and available at 19901
the federal web site known as the system for award management; 19902

(2) The list of excluded individuals and entities maintained 19903
by the office of inspector general in the United States department 19904
of health and human services pursuant to section 1128 of the 19905
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 19906
amended, and section 1156 of the "Social Security Act," 96 Stat. 19907
388 (1982), 42 U.S.C. 1320c-5, as amended; 19908

(3) The registry of MR/DD employees established under section 19909

5123.52 of the Revised Code;	19910
(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;	19911 19912 19913
(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;	19914 19915
(6) The state nurse aide registry established under section 3721.32 of the Revised Code;	19916 19917
(7) Any other database, if any, specified in rules adopted under this section.	19918 19919
(E)(1) As a condition of any applicant's being employed by the office of the state long-term care ombudsperson program a responsible party in a position that involves providing ombudsperson ombudsman services to residents and recipients, the responsible entity party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible entity party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the office's responsible party continuing to employ the employee in a position that involves providing ombudsperson ombudsman services to residents and recipients. However, the responsible entity party or designee is not required to request the criminal records check of the applicant or employee if the office responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsperson ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present	19920 19921 19922 19923 19924 19925 19926 19927 19928 19929 19930 19931 19932 19933 19934 19935 19936 19937 19938 19939 19940

proof of having been a resident of this state for the five-year 19941
period immediately prior to the date the criminal records check is 19942
requested or provide evidence that within that five-year period 19943
the superintendent has requested information about the applicant 19944
or employee from the federal bureau of investigation in a criminal 19945
records check, the responsible ~~entity~~ party or designee shall 19946
request that the superintendent obtain information from the 19947
federal bureau of investigation as part of the criminal records 19948
check. Even if an applicant or employee for whom a criminal 19949
records check request is required by this section presents proof 19950
of having been a resident of this state for the five-year period, 19951
the responsible ~~entity~~ party or designee may request that the 19952
superintendent include information from the federal bureau of 19953
investigation in the criminal records check. 19954

(2) ~~The~~ A responsible ~~entity~~ party or designee shall do all 19955
of the following: 19956

(a) Provide to each applicant and employee for whom a 19957
criminal records check request is required by this section a copy 19958
of the form prescribed pursuant to division (C)(1) of section 19959
109.572 of the Revised Code and a standard impression sheet 19960
prescribed pursuant to division (C)(2) of that section; 19961

(b) Obtain the completed form and standard impression sheet 19962
from the applicant or employee; 19963

(c) Forward the completed form and standard impression sheet 19964
to the superintendent. 19965

(3) ~~The office of the state long term care ombudsperson~~ 19966
~~program~~ A responsible party shall pay to the bureau of criminal 19967
identification and investigation the fee prescribed pursuant to 19968
division (C)(3) of section 109.572 of the Revised Code for each 19969
criminal records check the responsible ~~entity~~ party or the 19970
responsible party's designee requests under this section. The 19971

~~office~~ responsible party may charge an applicant a fee not 19972
exceeding the amount the ~~office~~ responsible party pays to the 19973
bureau under this section if the responsible ~~entity~~ party or 19974
designee notifies the applicant at the time of initial application 19975
for employment of the amount of the fee. 19976

~~(F)(1) The office of the state long term care ombudsperson~~ 19977
~~program~~ A responsible party may employ conditionally an applicant 19978
for whom a criminal records check is required by this section 19979
prior to obtaining the results of the criminal records check if 19980
both of the office following apply: 19981

(a) The responsible party is not prohibited by division 19982
(B)(1) of this section from employing the applicant in a position 19983
that involves providing ~~ombudsperson~~ ombudsman services to 19984
residents and recipients ~~and the;~~ 19985

(b) The responsible entity party or designee requests the 19986
criminal records check in accordance with division (E) of this 19987
section not later than five business days after the applicant 19988
begins conditional employment. 19989

~~(2) The office of the state long term care ombudsperson~~ 19990
~~program~~ A responsible party shall terminate the employment of an 19991
applicant employed conditionally under division (F)(1) of this 19992
section if the results of the criminal records check, other than 19993
the results of any request for information from the federal bureau 19994
of investigation, are not obtained within the period ending sixty 19995
days after the date the request for the criminal records check is 19996
made. Regardless of when the results of the criminal records check 19997
are obtained, if the results indicate that the applicant has been 19998
convicted of, pleaded guilty to, or been found eligible for 19999
intervention in lieu of conviction for a disqualifying offense, 20000
the ~~office~~ responsible party shall terminate the applicant's 20001
employment unless ~~circumstances~~ the applicant meets standards 20002
specified in rules adopted under this section that permit the 20003

~~office responsible party~~ to employ the applicant ~~exist~~ and the 20004
~~office responsible party~~ chooses to employ the applicant. 20005

Termination of employment under this division shall be considered 20006
just cause for discharge for purposes of division (D)(2) of 20007
section 4141.29 of the Revised Code if the applicant makes any 20008
attempt to deceive the ~~office responsible party or designee~~ about 20009
the applicant's criminal record. 20010

(G) The report of any criminal records check conducted 20011
pursuant to a request made under this section is not a public 20012
record for the purposes of section 149.43 of the Revised Code and 20013
shall not be made available to any person other than the 20014
following: 20015

(1) The applicant or employee who is the subject of the 20016
criminal records check or the applicant's or employee's 20017
representative; 20018

(2) The responsible ~~entity party~~ or ~~the responsible entity's~~ 20019
~~representative designee~~; 20020

(3) ~~If the state long-term care ombudsperson designates the~~ 20021
~~head or other employee of~~ In the case of a criminal records check 20022
conducted for an applicant who is under final consideration for 20023
employment with a regional long-term care ombudsperson ombudsman 20024
program to request a criminal records check under this section 20025
(including as the head of the regional program) or an employee of 20026
a regional long-term care ombudsman program (including the head of 20027
a regional program), the state long-term care ombudsman or a 20028
representative of the office of the state long-term care 20029
~~ombudsperson ombudsman~~ program who is responsible for monitoring 20030
the regional program's compliance with this section; 20031

(4) A court, hearing officer, or other necessary individual 20032
involved in a case dealing with any of the following: 20033

(a) A denial of employment of the applicant or employee; 20034

(b) Employment or unemployment benefits of the applicant or employee; 20035
20036

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers. 20037
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(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who ~~the office of the state long term care ombudsperson program~~ a responsible party employs in a position that involves providing ~~ombudsperson~~ ombudsman services to residents and recipients, all of the following shall apply: 20039
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(1) If the ~~office~~ responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the ~~office~~ responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate. 20046
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(2) If the ~~office~~ responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the ~~office~~ responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section. 20052
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(3) If the ~~office~~ responsible party in good faith employed the applicant or employee ~~according to~~ because the ~~personal character applicant or employee meets~~ standards established specified in rules adopted under this section, the ~~office~~ responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 20058
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(I) The state long-term care ombudsman may not act as the director of aging's designee for the purpose of this section. The head of a regional long-term care ombudsman program may not act as the regional program's designee for the purpose of this section if the head is the employee for whom a database review or criminal records check is being conducted. 20066
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(J) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 20072
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(1) The rules may do the following: 20074

(a) Require employees to undergo database reviews and criminal records checks under this section; 20075
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 20077
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(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 20080
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(2) The rules shall specify all of the following: 20083

(a) The procedures for conducting database reviews under this section; 20084
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 20086
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(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which ~~the office of the state long term care ombudsperson program~~ a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 20090
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(d) ~~Circumstances under which the office of the state long-term care ombudsperson program may employ Standards that an applicant or employee who must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a position that involves providing ombudsman services to residents and recipients if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards.~~ 20096
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Sec. 173.28. (A)(1) As used in this division, "incident" means the occurrence of a violation with respect to a resident or recipient, as those terms are defined in section 173.14 of the Revised Code. A violation is a separate incident for each day it occurs and for each resident who is subject to it. 20106
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In lieu of the fine that may be imposed under division (A) of section 173.99 of the Revised Code, the director of aging may, under Chapter 119. of the Revised Code, fine a long-term care provider or other entity, or a person employed by a long-term care provider or other entity, for a violation of division (C) of section 173.24 of the Revised Code. The fine shall not exceed one thousand dollars per incident. 20111
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(2) In lieu of the fine that may be imposed under division (C) of section 173.99 of the Revised Code, the director may, under Chapter 119. of the Revised Code, fine a long-term care provider or other entity, or a person employed by a long-term care provider or other entity, for violating division (E) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ~~ombudsperson~~ ombudsman program the access required by that division. The fine shall not exceed five hundred dollars for each day the violation continued. 20118
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(B) On request of the director, the attorney general shall 20127
bring and prosecute to judgment a civil action to collect any fine 20128
imposed under division (A)(1) or (2) of this section that remains 20129
unpaid thirty days after the violator's final appeal is exhausted. 20130

(C) All fines collected under this section shall be deposited 20131
into the state treasury to the credit of the state long-term care 20132
~~ombuds person~~ ombudsman program fund created under section 173.26 20133
of the Revised Code. 20134

Sec. ~~173.394~~ 173.38. (A) As used in this section: 20135

(1) "Applicant" means a person who is under final 20136
consideration for employment with a ~~community-based long-term care~~ 20137
agency responsible party in a full-time, part-time, or temporary 20138
direct-care position that involves providing direct care to an 20139
individual or is referred to a ~~community-based long-term care~~ 20140
agency responsible party by an employment service for such a 20141
position. "Applicant" does not include a person who provides 20142
direct care to an individual being considered for a direct-care 20143
position as a volunteer without receiving or expecting to receive 20144
any form of remuneration other than reimbursement for actual 20145
expenses. 20146

(2) "Area agency on aging" has the same meaning as in section 20147
173.14 of the Revised Code. 20148

(3) "Community-based long-term care services" means 20149
community-based long-term care services, as defined in section 20150
173.14 of the Revised Code, that are provided under a program the 20151
department of aging administers. 20152

(4) "Consumer" means an individual who receives 20153
community-based long-term care services. 20154

(5) "Criminal records check" has the same meaning as in 20155
section 109.572 of the Revised Code. 20156

- (6) "Direct-care position" means an employment position in which an employee has either or both of the following: 20157
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- (i) In-person contact with one or more consumers; 20159
- (ii) Access to one or more consumers' personal property or records. 20160
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- (7) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 20162
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- (8) "Employee" means a person employed by a ~~community-based long-term care agency~~ responsible party in a full-time, part-time, or temporary direct-care position ~~that involves providing direct care to an individual~~ and a person who works in such a position due to being referred to a ~~community-based long-term care agency~~ responsible party by an employment service. "Employee" does not include a person who ~~provides direct care to an individual~~ works in a direct-care position as a volunteer ~~without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.~~ 20165
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- (9) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code. 20175
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- (10) "Provider" has the same meaning as in section 173.39 of the Revised Code. 20177
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- (11) "Responsible party" means the following: 20179
- (a) An area agency on aging in the case of either of the following: 20180
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- (i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position; 20182
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- (ii) A person who is an employee because the person is 20186

employed by the agency in a full-time, part-time, or temporary 20187
direct-care position or works in such a position due to being 20188
referred to the agency by an employment service. 20189

(b) A PASSPORT administrative agency in the case of either of 20190
the following: 20191

(i) A person who is an applicant because the person is under 20192
final consideration for employment with the agency in a full-time, 20193
part-time, or temporary direct-care position or is referred to the 20194
agency by an employment service for such a position; 20195

(ii) A person who is an employee because the person is 20196
employed by the agency in a full-time, part-time, or temporary 20197
direct-care position or works in such a position due to being 20198
referred to the agency by an employment service. 20199

(c) A provider in the case of either of the following: 20200

(i) A person who is an applicant because the person is under 20201
final consideration for employment with the provider in a 20202
full-time, part-time, or temporary direct-care position or is 20203
referred to the provider by an employment service for such a 20204
position; 20205

(ii) A person who is an employee because the person is 20206
employed by the provider in a full-time, part-time, or temporary 20207
direct-care position or works in such a position due to being 20208
referred to the provider by an employment service. 20209

(d) A subcontractor in the case of either of the following: 20210

(i) A person who is an applicant because the person is under 20211
final consideration for employment with the subcontractor in a 20212
full-time, part-time, or temporary direct-care position or is 20213
referred to the subcontractor by an employment service for such a 20214
position; 20215

(ii) A person who is an employee because the person is 20216

employed by the subcontractor in a full-time, part-time, or 20217
temporary direct-care position or works in such a position due to 20218
being referred to the subcontractor by an employment service. 20219

(12) "Subcontractor" has the meaning specified in rules 20220
adopted under this section. 20221

(13) "Volunteer" means a person who serves in a direct-care 20222
position without receiving or expecting to receive any form of 20223
remuneration other than reimbursement for actual expenses. 20224

(14) "Waiver agency" has the same meaning as in section 20225
5111.033 5164.342 of the Revised Code. 20226

(B) This section does not apply to any individual who is 20227
subject to a database review or criminal records check under 20228
section 3701.881 of the Revised Code or to any individual who is 20229
subject to a criminal records check under section 3721.121 of the 20230
Revised Code. If a ~~community based long term care agency~~ provider 20231
or subcontractor also is a waiver agency, the agency provider or 20232
subcontractor may provide for applicants and employees to undergo 20233
database reviews and criminal records checks in accordance with 20234
section ~~5111.033~~ 5164.342 of the Revised Code rather than this 20235
section. 20236

(C) No ~~community based long term care agency~~ responsible 20237
party shall employ an applicant or continue to employ an employee 20238
in a direct-care position ~~that involves providing direct care to~~ 20239
~~an individual~~ if any of the following apply: 20240

(1) A review of the databases listed in division (E) of this 20241
section reveals any of the following: 20242

(a) That the applicant or employee is included in one or more 20243
of the databases listed in divisions (E)(1) to (5) of this 20244
section; 20245

(b) That there is in the state nurse aide registry 20246

established under section 3721.32 of the Revised Code a statement 20247
detailing findings by the director of health that the applicant or 20248
employee neglected or abused a long-term care facility or 20249
residential care facility resident or misappropriated property of 20250
such a resident; 20251

(c) That the applicant or employee is included in one or more 20252
of the databases, if any, specified in rules adopted under this 20253
section and the rules prohibit the ~~agency~~ responsible party from 20254
employing an applicant or continuing to employ an employee 20255
included in such a database in a direct-care position ~~that~~ 20256
~~involves providing direct care to an individual.~~ 20257

(2) After the applicant or employee is provided, pursuant to 20258
division (F)(2)(a) of this section, a copy of the form prescribed 20259
pursuant to division (C)(1) of section 109.572 of the Revised Code 20260
and the standard impression sheet prescribed pursuant to division 20261
(C)(2) of that section, the applicant or employee fails to 20262
complete the form or provide the applicant's or employee's 20263
fingerprint impressions on the standard impression sheet. 20264

(3) ~~Except as provided~~ Unless the applicant or employee meets 20265
standards specified in rules adopted under this section, the 20266
applicant or employee is found by a criminal records check 20267
required by this section to have been convicted of, pleaded guilty 20268
to, or been found eligible for intervention in lieu of conviction 20269
for a disqualifying offense. 20270

(D) Except as provided by division (G) of this section, the 20271
chief administrator of a ~~community based long term care agency~~ 20272
responsible party shall inform each applicant of both of the 20273
following at the time of the applicant's initial application for 20274
employment or referral to the ~~agency~~ responsible party by an 20275
employment service for a direct-care position ~~that involves~~ 20276
~~providing direct care to an individual:~~ 20277

(1) That a review of the databases listed in division (E) of 20278
this section will be conducted to determine whether the ~~agency~~ 20279
responsible party is prohibited by division (C)(1) of this section 20280
from employing the applicant in the direct-care position; 20281

(2) That, unless the database review reveals that the 20282
applicant may not be employed in the direct-care position, a 20283
criminal records check of the applicant will be conducted and the 20284
applicant is required to provide a set of the applicant's 20285
fingerprint impressions as part of the criminal records check. 20286

(E) As a condition of employing any applicant in a 20287
direct-care position ~~that involves providing direct care to an~~ 20288
~~individual~~, the chief administrator of a ~~community-based long-term~~ 20289
~~care-agency~~ responsible party shall conduct a database review of 20290
the applicant in accordance with rules adopted under this section. 20291
If rules adopted under this section so require, the chief 20292
administrator of a ~~community-based long-term care agency~~ 20293
responsible party shall conduct a database review of an employee 20294
in accordance with the rules as a condition of continuing to 20295
employ the employee in a direct-care position ~~that involves~~ 20296
~~providing direct care to an individual~~. However, a chief 20297
administrator is not required to conduct a database review of an 20298
applicant or employee if division (G) of this section applies. A 20299
database review shall determine whether the applicant or employee 20300
is included in any of the following: 20301

(1) The excluded parties list system that is maintained by 20302
the United States general services administration pursuant to 20303
subpart 9.4 of the federal acquisition regulation and available at 20304
the federal web site known as the system for award management; 20305

(2) The list of excluded individuals and entities maintained 20306
by the office of inspector general in the United States department 20307
of health and human services pursuant to ~~section 1128~~ of the 20308
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 20309

~~1156~~, 42 U.S.C. 1320a-7, ~~as amended~~, and ~~section 1156~~ of the 20310
"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, ~~as~~ 20311
~~amended~~; 20312

(3) The registry of MR/DD employees established under section 20313
5123.52 of the Revised Code; 20314

(4) The internet-based sex offender and child-victim offender 20315
database established under division (A)(11) of section 2950.13 of 20316
the Revised Code; 20317

(5) The internet-based database of inmates established under 20318
section 5120.66 of the Revised Code; 20319

(6) The state nurse aide registry established under section 20320
3721.32 of the Revised Code; 20321

(7) Any other database, if any, specified in rules adopted 20322
under this section. 20323

(F)(1) As a condition of employing any applicant in a 20324
~~direct-care~~ position ~~that involves providing direct care to an~~ 20325
~~individual~~, the chief administrator of a ~~community-based long-term~~ 20326
~~care agency~~ responsible party shall request that the 20327
superintendent of the bureau of criminal identification and 20328
investigation conduct a criminal records check of the applicant. 20329
If rules adopted under this section so require, the chief 20330
administrator of a ~~community-based long-term care agency~~ 20331
responsible party shall request that the superintendent conduct a 20332
criminal records check of an employee at times specified in the 20333
rules as a condition of continuing to employ the employee in a 20334
~~direct-care~~ position ~~that involves providing direct care to an~~ 20335
~~individual~~. However, the chief administrator is not required to 20336
request the criminal records check of the applicant or employee if 20337
division (G) of this section applies or the ~~agency~~ responsible 20338
party is prohibited by division (C)(1) of this section from 20339
employing the applicant or continuing to employ the employee in a 20340

~~direct-care~~ position ~~that involves providing direct care to an~~ 20341
~~individual~~. If an applicant or employee for whom a criminal 20342
records check request is required by this section does not present 20343
proof of having been a resident of this state for the five-year 20344
period immediately prior to the date the criminal records check is 20345
requested or provide evidence that within that five-year period 20346
the superintendent has requested information about the applicant 20347
or employee from the federal bureau of investigation in a criminal 20348
records check, the chief administrator shall request that the 20349
superintendent obtain information from the federal bureau of 20350
investigation as part of the criminal records check. Even if an 20351
applicant or employee for whom a criminal records check request is 20352
required by this section presents proof of having been a resident 20353
of this state for the five-year period, the chief administrator 20354
may request that the superintendent include information from the 20355
federal bureau of investigation in the criminal records check. 20356

(2) The chief administrator shall do all of the following: 20357

(a) Provide to each applicant and employee for whom a 20358
criminal records check request is required by this section a copy 20359
of the form prescribed pursuant to division (C)(1) of section 20360
109.572 of the Revised Code and a standard impression sheet 20361
prescribed pursuant to division (C)(2) of that section; 20362

(b) Obtain the completed form and standard impression sheet 20363
from the applicant or employee; 20364

(c) Forward the completed form and standard impression sheet 20365
to the superintendent. 20366

(3) A ~~community based long term care agency~~ responsible party 20367
shall pay to the bureau of criminal identification and 20368
investigation the fee prescribed pursuant to division (C)(3) of 20369
section 109.572 of the Revised Code for each criminal records 20370
check the ~~agency~~ responsible party requests under this section. ~~An~~ 20371

~~agency~~ A responsible party may charge an applicant a fee not exceeding the amount the ~~agency~~ responsible party pays to the bureau under this section if both of the following apply:

(a) The ~~agency~~ responsible party notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program ~~established under Chapter 5111. of the Revised Code~~ does not ~~reimburse~~ pay the ~~agency~~ responsible party for the fee it pays to the bureau under this section.

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

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

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

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

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

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

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

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

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

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

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

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief

administrator of the ~~agency~~ responsible party when the employment
service receives the results. 20434
20435

(2) If a ~~community based long term care agency~~ responsible
party employs an applicant conditionally pursuant to division 20436
20437
(H)(1)(b) of this section, the employment service, on its receipt 20438
of the results of the criminal records check, promptly shall send 20439
a copy of the results to the chief administrator of the ~~agency~~ 20440
responsible party. 20441

(3) A ~~community based long term care agency~~ responsible party 20442
that employs an applicant conditionally pursuant to division 20443
(H)(1)(a) or (b) of this section shall terminate the applicant's 20444
employment if the results of the criminal records check, other 20445
than the results of any request for information from the federal 20446
bureau of investigation, are not obtained within the period ending 20447
sixty days after the date the request for the criminal records 20448
check is made. Regardless of when the results of the criminal 20449
records check are obtained, if the results indicate that the 20450
applicant has been convicted of, pleaded guilty to, or been found 20451
eligible for intervention in lieu of conviction for a 20452
disqualifying offense, the ~~agency~~ responsible party shall 20453
terminate the applicant's employment unless ~~circumstances the~~ 20454
applicant meets standards specified in rules adopted under this 20455
section that permit the ~~agency~~ responsible party to employ the 20456
applicant ~~exist~~ and the ~~agency~~ responsible party chooses to employ 20457
the applicant. Termination of employment under this division shall 20458
be considered just cause for discharge for purposes of division 20459
(D)(2) of section 4141.29 of the Revised Code if the applicant 20460
makes any attempt to deceive the ~~agency~~ responsible party about 20461
the applicant's criminal record. 20462

(I) The report of any criminal records check conducted 20463
pursuant to a request made under this section is not a public 20464
record for the purposes of section 149.43 of the Revised Code and 20465

shall not be made available to any person other than the 20466
following: 20467

(1) The applicant or employee who is the subject of the 20468
criminal records check or the applicant's or employee's 20469
representative; 20470

(2) The chief administrator of the ~~community-based long-term~~ 20471
~~care agency~~ responsible party requesting the criminal records 20472
check or the administrator's representative; 20473

(3) The administrator of any other facility, agency, or 20474
program that provides ~~direct care to individuals~~ community-based 20475
long-term care services that is owned or operated by the same 20476
entity that owns or operates the ~~community-based long-term care~~ 20477
~~agency~~ responsible party that requested the criminal records 20478
check; 20479

(4) The employment service that requested the criminal 20480
records check; 20481

(5) The director of aging or a person authorized by the 20482
director to monitor a ~~community-based long-term care agency's~~ 20483
responsible party's compliance with this section; 20484

(6) The medicaid director ~~of job and family services~~ and the 20485
staff of the department of ~~job and family services~~ medicaid who 20486
are involved in the administration of the medicaid program if 20487
either of the following apply: 20488

(a) In the case of a criminal records check requested by a 20489
~~community-based long-term care agency~~ provider or subcontractor, 20490
the ~~agency~~ provider or subcontractor also is a waiver agency; 20491

(b) In the case of a criminal records check requested by an 20492
employment service, the employment service makes the request for 20493
an applicant or employee the employment service refers to a 20494
~~community-based long-term care agency~~ provider or subcontractor 20495

that also is a waiver agency. 20496

(7) A court, hearing officer, or other necessary individual 20497
involved in a case dealing with any of the following: 20498

(a) A denial of employment of the applicant or employee; 20499

(b) Employment or unemployment benefits of the applicant or 20500
employee; 20501

(c) A civil or criminal action regarding the medicaid program 20502
or a program the department of aging administers. 20503

(J) In a tort or other civil action for damages that is 20504
brought as the result of an injury, death, or loss to person or 20505
property caused by an applicant or employee who a ~~community-based~~ 20506
~~long-term care agency~~ responsible party employs in a direct-care 20507
~~position that involves providing direct care to individuals~~, all 20508
of the following shall apply: 20509

(1) If the ~~agency~~ responsible party employed the applicant or 20510
employee in good faith and reasonable reliance on the report of a 20511
criminal records check requested under this section, the ~~agency~~ 20512
responsible party shall not be found negligent solely because of 20513
its reliance on the report, even if the information in the report 20514
is determined later to have been incomplete or inaccurate. 20515

(2) If the ~~agency~~ responsible party employed the applicant in 20516
good faith on a conditional basis pursuant to division (H) of this 20517
section, the ~~agency~~ responsible party shall not be found negligent 20518
solely because it employed the applicant prior to receiving the 20519
report of a criminal records check requested under this section. 20520
20521

(3) If the ~~agency~~ responsible party in good faith employed 20522
the applicant or employee ~~according to~~ because the ~~personal~~ 20523
~~character~~ applicant or employee meets standards ~~established~~ 20524
specified in rules adopted under this section, the ~~agency~~ 20525

responsible party shall not be found negligent solely because the
applicant or employee has been convicted of, pleaded guilty to, or
been found eligible for intervention in lieu of conviction for a
disqualifying offense.

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

(1) The rules may do the following:

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

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

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

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

(a) The meaning of the term "subcontractor";

(b) The procedures for conducting database reviews under this
section;

~~(b)~~(c) If the rules require employees to undergo database
reviews and criminal records checks under this section, the times
at which the database reviews and criminal records checks are to
be conducted;

~~(e)~~(d) If the rules specify other databases to be checked as
part of the database reviews, the circumstances under which a
~~community based long term care agency~~ responsible party is
prohibited from employing an applicant or continuing to employ an
employee who is found by a database review to be included in one
or more of those databases;

~~(d) Circumstances under which a community based long term~~

~~care agency may employ (e) Standards that an applicant or employee~~ 20556
~~who must meet for a responsible party to be permitted to employ~~ 20557
~~the applicant or continue to employ the employee in a direct-care~~ 20558
~~position if the applicant or employee is found by a criminal~~ 20559
~~records check required by this section to have been convicted of,~~ 20560
~~pleaded guilty to, or been found eligible for intervention in lieu~~ 20561
~~of conviction for a disqualifying offense but meets personal~~ 20562
~~character standards.~~ 20563

Sec. 173.39. (A) As used in sections 173.39 to ~~173.394~~ 20564
~~173.393~~ of the Revised Code: 20565

(1) "~~Community based long term care agency Provider~~" means a 20566
person or ~~government~~ governmental entity that provides 20567
community-based long-term care services under a program the 20568
department of aging administers, ~~regardless of whether the person~~ 20569
~~or government entity is certified under section 173.391 or~~ 20570
~~authorized to receive payment for the services from the department~~ 20571
~~under section 173.392 of the Revised Code. "Community based~~ 20572
~~long term care agency Provider"~~ includes a person or ~~government~~ 20573
governmental entity that provides home and community-based 20574
services to older adults through the PASSPORT program ~~created~~ 20575
~~under as defined in section 173.40 173.51~~ of the Revised Code. 20576

(2) "Community-based long-term care services" has the same 20577
meaning as in section 173.14 of the Revised Code. 20578

(B) Except as provided in section 173.392 of the Revised 20579
Code, the department of aging may not pay a ~~person or government~~ 20580
~~entity~~ provider for providing community-based long-term care 20581
services under a program the department administers unless the 20582
~~person or government entity~~ provider is certified under section 20583
173.391 of the Revised Code and provides the services. 20584

Sec. 173.391. (A) The department of aging or its designee 20585

shall do all of the following in accordance with Chapter 119. of 20586
the Revised Code: 20587

(1) Certify a ~~person or government entity~~ provider to provide 20588
community-based long-term care services under a program the 20589
department administers if the ~~person or government entity~~ provider 20590
satisfies the requirements for certification established by rules 20591
adopted under division (B) of this section and pays the fee, if 20592
any, established by rules adopted under division (G) of this 20593
section; 20594

(2) When required to do so by rules adopted under division 20595
(B) of this section, take one or more of the following 20596
disciplinary actions against a ~~person or government entity~~ 20597
provider certified under division (A)(1) of this section: 20598

(a) Issue a written warning; 20599

(b) Require the submission of a plan of correction or 20600
evidence of compliance with requirements identified by the 20601
department; 20602

(c) Suspend referrals; 20603

(d) Remove clients; 20604

(e) Impose a fiscal sanction such as a civil monetary penalty 20605
or an order that unearned funds be repaid; 20606

(f) Suspend the certification; 20607

(g) Revoke the certification; 20608

(h) Impose another sanction. 20609

(3) Except as provided in division (E) of this section, hold 20610
hearings when there is a dispute between the department or its 20611
designee and a ~~person or government entity~~ provider concerning 20612
actions the department or its designee takes regarding a decision 20613
not to certify the ~~person or government entity~~ provider under 20614

division (A)(1) of this section or a disciplinary action under 20615
divisions (A)(2)(e) to (h) of this section. 20616

(B) The director of aging shall adopt rules in accordance 20617
with Chapter 119. of the Revised Code establishing certification 20618
requirements and standards for determining which type of 20619
disciplinary action to take under division (A)(2) of this section 20620
in individual situations. The rules shall establish procedures for 20621
all of the following: 20622

(1) Ensuring that ~~community based long term care agencies~~ 20623
providers comply with section ~~173.394~~ 173.38 of the Revised Code; 20624

(2) Evaluating the services provided by the ~~agencies~~ 20625
providers to ensure that the services are provided in a quality 20626
manner advantageous to the individual receiving the services; 20627

(3) Determining when to take disciplinary action under 20628
division (A)(2) of this section and which disciplinary action to 20629
take; 20630

(4) Determining what constitutes another sanction for 20631
purposes of division (A)(2)(h) of this section. 20632

(C) The procedures established in rules adopted under 20633
division (B)(2) of this section shall require that all of the 20634
following be considered as part of an evaluation described in 20635
division (B)(2) of this section: 20636

(1) The ~~community based long term care agency's~~ provider's 20637
experience and financial responsibility; 20638

(2) The ~~agency's~~ provider's ability to comply with standards 20639
for the community-based long-term care services that the ~~agency~~ 20640
provider provides under a program the department administers; 20641

(3) The ~~agency's~~ provider's ability to meet the needs of the 20642
individuals served; 20643

(4) Any other factor the director considers relevant. 20644

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

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

(1) Rules adopted by the director of aging pursuant to this chapter require the ~~community-based long-term care agency~~ provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:

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

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

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

(a) A ~~government~~ governmental entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a ~~community-based long-term care agency~~ provider: a provider agreement, license, certificate, permit, or

certification. Division (E)(2)(a) of this section applies 20676
regardless of whether the agency provider has entered into a 20677
provider agreement in, or holds a license, certificate, permit, or 20678
certification issued by, another state. 20679

(b) The agency provider or a principal owner or manager of 20680
the agency provider who provides direct care has entered a guilty 20681
plea for, or has been convicted of, an offense materially related 20682
to the medicaid program. 20683

(c) The agency provider or a principal owner or manager of 20684
the agency provider who provides direct care has entered a guilty 20685
plea for, been convicted of, or been found eligible for 20686
intervention in lieu of conviction for an offense listed or 20687
described in divisions (A)(3)(a) to (e) of section 109.572 of the 20688
Revised Code, but only if ~~none of the personal character~~ the 20689
provider, principal owner, or manager does not meet standards 20690
established specified by the director in rules adopted under 20691
section ~~173.394~~ 173.38 of the Revised Code ~~apply~~. 20692

(d) The United States department of health and human services 20693
has taken adverse action against the agency provider and that 20694
action impacts the ~~agency's~~ provider's participation in the 20695
medicaid program. 20696

(e) The agency provider has failed to enter into or renew a 20697
provider agreement with the PASSPORT administrative agency, as 20698
that term is defined in section 173.42 of the Revised Code, that 20699
administers programs on behalf of the department of aging in the 20700
region of the state in which the agency provider is certified to 20701
provide services. 20702

(f) The agency provider has not billed or otherwise submitted 20703
a claim to the department for payment under the medicaid program 20704
in at least two years. 20705

(g) The agency provider denied or failed to provide the 20706

department or its designee access to the ~~agency's~~ provider's 20707
facilities during the ~~agency's~~ provider's normal business hours 20708
for purposes of conducting an audit or structural compliance 20709
review. 20710

(h) The ~~agency~~ provider has ceased doing business. 20711

(i) The ~~agency~~ provider has voluntarily relinquished its 20712
certification for any reason. 20713

(3) The ~~agency's~~ provider's provider agreement with the 20714
department of ~~job and family services~~ medicaid has been suspended 20715
under division (C) of section ~~5111.031~~ 5164.37 of the Revised 20716
Code. 20717

(4) The ~~agency's~~ provider's provider agreement with the 20718
department of ~~job and family services~~ medicaid is denied or 20719
revoked because the ~~agency~~ provider or its owner, officer, 20720
authorized agent, associate, manager, or employee has been 20721
convicted of an offense that caused the provider agreement to be 20722
suspended under section ~~5111.031~~ 5164.37 of the Revised Code. 20723

(F) If the department does not hold hearings when any 20724
condition described in division (E) of this section applies, the 20725
department may send a notice to the ~~agency~~ provider describing a 20726
decision not to certify the ~~agency~~ provider under division (A)(1) 20727
of this section or the disciplinary action the department proposes 20728
to take under division (A)(2)(e) to (h) of this section. The 20729
notice shall be sent to the ~~agency's~~ provider's address that is on 20730
record with the department and may be sent by regular mail. 20731

(G) The director of aging may adopt rules in accordance with 20732
Chapter 119. of the Revised Code establishing a fee to be charged 20733
by the department of aging or its designee for certification 20734
issued under this section. 20735

All fees collected by the department or its designee under 20736
this section shall be deposited in the state treasury to the 20737

credit of the provider certification fund, which is hereby 20738
created. Money credited to the fund shall be used to pay for 20739
community-based long-term care services, administrative costs 20740
associated with ~~community-based long-term care agency~~ provider 20741
certification under this section, and administrative costs related 20742
to the publication of the Ohio long-term care consumer guide. 20743

Sec. 173.392. (A) The department of aging may pay a ~~person or~~ 20744
~~government entity~~ provider for providing community-based long-term 20745
care services under a program the department administers, even 20746
though the ~~person or government entity~~ provider is not certified 20747
under section 173.391 of the Revised Code, if all of the following 20748
are the case: 20749

(1) The ~~person or government entity~~ provider has a contract 20750
with the department of aging or the department's designee to 20751
provide the services in accordance with the contract or has 20752
received a grant from the department or its designee to provide 20753
the services in accordance with a grant agreement; 20754

(2) The contract or grant agreement includes detailed 20755
conditions of participation for ~~providers of services under a~~ 20756
~~program the department administers~~ the provider and service 20757
standards that the ~~person or government entity~~ provider is 20758
required to satisfy; 20759

(3) The ~~person or government entity~~ provider complies with 20760
the contract or grant agreement; 20761

(4) The contract or grant is not for medicaid-funded 20762
services, other than services provided under the PACE program 20763
administered by the department of aging under section 173.50 of 20764
the Revised Code. 20765

(B) The director of aging shall adopt rules in accordance 20766
with Chapter 119. of the Revised Code governing both of the 20767

following:	20768
(1) Contracts and grant agreements between the department of aging or its designee and persons and government entities regarding community based long term care services provided under a program the department administers <u>providers</u> ;	20769 20770 20771 20772
(2) The department's payment for community-based long-term care services under this section.	20773 20774
Sec. 173.42. (A) As used in sections 173.42 to 173.434 of the Revised Code:	20775 20776
(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.	20777 20778 20779
(2) "Department of aging-administered medicaid waiver component" means each of the following:	20780 20781
(a) The medicaid-funded component of the PASSPORT program created under section 173.40 <u>173.52</u> of the Revised Code;	20782 20783
(b) The choices program created under section 173.403 <u>173.53</u> of the Revised Code;	20784 20785
(c) The medicaid-funded component of the assisted living program created under section 5111.89 <u>173.54</u> of the Revised Code;	20786 20787
(d) Any other medicaid waiver component, as defined in section 5111.85 <u>5166.01</u> of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of job and family services <u>medicaid</u> under section 5111.91 <u>5162.35</u> of the Revised Code.	20788 20789 20790 20791 20792
(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following:	20793 20794 20795
(a) Medicaid waiver services available to a participant in a	20796

department of aging-administered medicaid waiver component;	20797
(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5111.02 <u>5164.02</u> of the Revised Code:	20798
(i) Home health services;	20799
(ii) Private duty nursing services;	20800
(iii) Durable medical equipment;	20801
(iv) Services of a clinical nurse specialist;	20802
(v) Services of a certified nurse practitioner.	20803
(c) Services available to a participant of the PACE program.	20804
(4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section.	20805
(5) "Medicaid" means the medical assistance program established under Chapter 5111. of the Revised Code.	20806
(6) "Nursing facility" has the same meaning as in section 5111.20 <u>5165.01</u> of the Revised Code.	20807
(7) (6) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code.	20808
(8) (7) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program.	20809
(9) (8) "Program administrator" means an area agency on aging or other entity under contract with the department of aging to administer the long-term care consultation program in a geographic region specified in the contract.	20810
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~~(10)~~(9) "Representative" means a person acting on behalf of 20826
an individual specified in division (G) of this section. A 20827
representative may be a family member, attorney, hospital social 20828
worker, or any other person chosen to act on behalf of the 20829
individual. 20830

(B) The department of aging shall develop a long-term care 20831
consultation program whereby individuals or their representatives 20832
are provided with long-term care consultations and receive through 20833
these professional consultations information about options 20834
available to meet long-term care needs and information about 20835
factors to consider in making long-term care decisions. The 20836
long-term care consultations provided under the program may be 20837
provided at any appropriate time, as permitted or required under 20838
this section and the rules adopted under it, including either 20839
prior to or after the individual who is the subject of a 20840
consultation has been admitted to a nursing facility or granted 20841
assistance in receiving home and community-based services covered 20842
by medicaid components the department of aging administers. 20843

(C) The long-term care consultation program shall be 20844
administered by the department of aging, except that the 20845
department may have the program administered on a regional basis 20846
by one or more program administrators. The department and each 20847
program administrator shall administer the program in such a 20848
manner that all of the following are included: 20849

(1) Coordination and collaboration with respect to all 20850
available funding sources for long-term care services; 20851

(2) Assessments of individuals regarding their long-term care 20852
service needs; 20853

(3) Assessments of individuals regarding their on-going 20854
eligibility for long-term care services; 20855

(4) Procedures for assisting individuals in obtaining access 20856

to, and coordination of, health and supportive services, including 20857
department of aging-administered medicaid waiver components; 20858

(5) Priorities for using available resources efficiently and 20859
effectively. 20860

(D) The program's long-term care consultations shall be 20861
provided by individuals certified by the department under section 20862
173.422 of the Revised Code. 20863

(E) The information provided through a long-term care 20864
consultation shall be appropriate to the individual's needs and 20865
situation and shall address all of the following: 20866

(1) The availability of any long-term care options open to 20867
the individual; 20868

(2) Sources and methods of both public and private payment 20869
for long-term care services; 20870

(3) Factors to consider when choosing among the available 20871
programs, services, and benefits; 20872

(4) Opportunities and methods for maximizing independence and 20873
self-reliance, including support services provided by the 20874
individual's family, friends, and community. 20875

(F) An individual's long-term care consultation may include 20876
an assessment of the individual's functional capabilities. The 20877
consultation may incorporate portions of the determinations 20878
required under sections ~~5111.202, 5119.061~~ 5119.40, and 5123.021, 20879
and 5165.03 of the Revised Code and may be provided concurrently 20880
with the assessment required under section ~~5111.204~~ 173.546 or 20881
5165.04 of the Revised Code. 20882

(G)(1) Unless an exemption specified in division (I) of this 20883
section is applicable, each of the following shall be provided 20884
with a long-term care consultation: 20885

(a) An individual who applies or indicates an intention to 20886

apply for admission to a nursing facility, regardless of the 20887
source of payment to be used for the individual's care in a 20888
nursing facility; 20889

(b) An individual who requests a long-term care consultation; 20890

(c) An individual identified by the department or a program 20891
administrator as being likely to benefit from a long-term care 20892
consultation. 20893

(2) In addition to the individuals specified in division 20894
(G)(1) of this section, a long-term care consultation may be 20895
provided to a nursing facility resident regardless of the source 20896
of payment being used for the resident's care in the nursing 20897
facility. 20898

(H)(1) Except as provided in division (H)(2) or (3) of this 20899
section, a long-term care consultation provided pursuant to 20900
division (G) of this section shall be provided as follows: 20901

(a) If the individual for whom the consultation is being 20902
provided has applied for medicaid and the consultation is being 20903
provided concurrently with the assessment required under section 20904
~~5111.204~~ 5165.04 of the Revised Code, the consultation shall be 20905
completed in accordance with the applicable time frames specified 20906
in that section for providing a level of care determination based 20907
on the assessment. 20908

(b) In all other cases, the consultation shall be provided 20909
not later than five calendar days after the department or program 20910
administrator receives notice of the reason for which the 20911
consultation is to be provided pursuant to division (G) of this 20912
section. 20913

(2) An individual or the individual's representative may 20914
request that a long-term care consultation be provided on a date 20915
that is later than the date required under division (H)(1)(a) or 20916
(b) of this section. 20917

(3) If a long-term care consultation cannot be completed 20918
within the number of days required by division (H)(1) or (2) of 20919
this section, the department or program administrator may do any 20920
of the following: 20921

(a) In the case of an individual specified in division (G)(1) 20922
of this section, exempt the individual from the consultation 20923
pursuant to rules that may be adopted under division (L) of this 20924
section; 20925

(b) In the case of an applicant for admission to a nursing 20926
facility, provide the consultation after the individual is 20927
admitted to the nursing facility; 20928

(c) In the case of a resident of a nursing facility, provide 20929
the consultation as soon as practicable. 20930

(I) An individual is not required to be provided a long-term 20931
care consultation under division (G)(1) of this section if any of 20932
the following apply: 20933

(1) The department or program administrator has attempted to 20934
provide the consultation, but the individual or the individual's 20935
representative refuses to cooperate; 20936

(2) The individual is to receive care in a nursing facility 20937
under a contract for continuing care as defined in section 173.13 20938
of the Revised Code; 20939

(3) The individual has a contractual right to admission to a 20940
nursing facility operated as part of a system of continuing care 20941
in conjunction with one or more facilities that provide a less 20942
intensive level of services, including a residential care facility 20943
licensed under Chapter 3721. of the Revised Code, a residential 20944
facility licensed under section ~~5119.22~~ 5119.34 of the Revised 20945
Code that provides accommodations, supervision, and personal care 20946
services for three to sixteen unrelated adults, or an independent 20947
living arrangement; 20948

(4) The individual is to receive continual care in a home for 20949
the aged exempt from taxation under section 5701.13 of the Revised 20950
Code; 20951

(5) The individual is seeking admission to a facility that is 20952
not a nursing facility with a provider agreement under section 20953
~~5111.22~~ 5165.07, ~~5111.671~~ 5165.511, or ~~5111.672~~ 5165.512 of the 20954
Revised Code; 20955

(6) The individual is exempted from the long-term care 20956
consultation requirement by the department or the program 20957
administrator pursuant to rules that may be adopted under division 20958
(L) of this section. 20959

(J) As part of the long-term care consultation program, the 20960
department or program administrator shall assist an individual or 20961
individual's representative in accessing all sources of care and 20962
services that are appropriate for the individual and for which the 20963
individual is eligible, including all available home and 20964
community-based services covered by medicaid components the 20965
department of aging administers. The assistance shall include 20966
providing for the conduct of assessments or other evaluations and 20967
the development of individualized plans of care or services under 20968
section 173.424 of the Revised Code. 20969

(K) No nursing facility for which an operator has a provider 20970
agreement under section ~~5111.22~~ 5165.07, ~~5111.671~~ 5165.511, or 20971
~~5111.672~~ 5165.512 of the Revised Code shall admit any individual 20972
as a resident, unless the nursing facility has received evidence 20973
that a long-term care consultation has been completed for the 20974
individual or division (I) of this section is applicable to the 20975
individual. 20976

(L) The director of aging may adopt any rules the director 20977
considers necessary for the implementation and administration of 20978
this section. The rules shall be adopted in accordance with 20979

Chapter 119. of the Revised Code and may specify any or all of the following:	20980 20981
(1) Procedures for providing long-term care consultations pursuant to this section;	20982 20983
(2) Information to be provided through long-term care consultations regarding long-term care services that are available;	20984 20985 20986
(3) Criteria and procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;	20987 20988 20989
(4) Criteria for exempting individuals from the long-term care consultation requirement;	20990 20991
(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;	20992 20993 20994 20995
(6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation;	20996 20997
(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;	20998 20999 21000
(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;	21001 21002 21003 21004
(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section.	21005 21006
(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program	21007 21008 21009

administrator may ask to be given access to nursing facility 21010
resident assessment data collected through the use of the resident 21011
assessment instrument specified in rules ~~adopted under~~ authorized 21012
by section ~~5111.02~~ 5165.191 of the Revised Code for purposes of 21013
the medicaid program. Except when prohibited by state or federal 21014
law, the department of health, department of ~~job and family~~ 21015
~~services~~ medicaid, or nursing facility holding the data shall 21016
grant access to the data on receipt of the request from the 21017
department of aging or program administrator. 21018

(N)(1) The director of aging, after providing notice and an 21019
opportunity for a hearing, may fine a nursing facility an amount 21020
determined by rules the director shall adopt in accordance with 21021
Chapter 119. of the Revised Code for any of the following reasons: 21022

(a) The nursing facility admits an individual, without 21023
evidence that a long-term care consultation has been provided, as 21024
required by this section; 21025

(b) The nursing facility denies a person attempting to 21026
provide a long-term care consultation access to the facility or a 21027
resident of the facility; 21028

(c) The nursing facility denies the department of aging or 21029
program administrator access to the facility or a resident of the 21030
facility, as the department or administrator considers necessary 21031
to administer the program. 21032

(2) In accordance with section ~~5111.62~~ 5162.66 of the Revised 21033
Code, all fines collected under division (N)(1) of this section 21034
shall be deposited into the state treasury to the credit of the 21035
residents protection fund. 21036

Sec. 173.43. (A) ~~Subject to section 173.433 of the Revised~~ 21037
~~Code, the~~ The department of aging shall enter into an interagency 21038
agreement with the department of ~~job and family services~~ medicaid 21039

under section ~~5111.91~~ 5162.35 of the Revised Code under which the 21040
department of aging is required to establish for each biennium a 21041
unified long-term care budget for home and community-based 21042
services covered by medicaid components the department of aging 21043
administers. The interagency agreement shall require the 21044
department of aging to do all of the following: 21045

(1) Administer the unified long-term care budget in 21046
accordance with sections 173.43 to 173.434 of the Revised Code and 21047
the general assembly's appropriations for home and community-based 21048
services covered by medicaid components the department of aging 21049
administers for the applicable biennium; 21050

(2) Contract with each PASSPORT administrative agency for 21051
assistance in the administration of the unified long-term care 21052
budget; 21053

(3) Provide individuals who are eligible for home and 21054
community-based services covered by medicaid components the 21055
department of aging administers a choice of services that meet the 21056
individuals' needs and improve their quality of life; 21057

(4) Provide a continuum of services that meet the life-long 21058
needs of individuals who are eligible for home and community-based 21059
services covered by medicaid components the department of aging 21060
administers. 21061

(B) The director of budget and management shall create new 21062
appropriation items as necessary for establishment of the unified 21063
long-term care budget. 21064

Sec. 173.431. ~~Subject to section 173.433 of the Revised Code,~~ 21065
~~the~~ The department of aging shall ensure that the unified 21066
long-term care budget established under section 173.43 of the 21067
Revised Code is administered in a manner that provides medicaid 21068
coverage of and expands access to all of the following as 21069

necessary to meet the needs of individuals receiving home and	21070
community-based services covered by medicaid components the	21071
department of aging administers:	21072
(A) To the extent permitted by the medicaid waivers	21073
authorizing department of aging-administered medicaid waiver	21074
components, all of the following medicaid waiver services provided	21075
under department of aging-administered medicaid waiver components:	21076
(1) Personal care services;	21077
(2) Home-delivered meals;	21078
(3) Adult day-care;	21079
(4) Homemaker services;	21080
(5) Emergency response services;	21081
(6) Medical equipment and supplies;	21082
(7) Chore services;	21083
(8) Social work counseling;	21084
(9) Nutritional counseling;	21085
(10) Independent living assistance;	21086
(11) Medical transportation;	21087
(12) Nonmedical transportation;	21088
(13) Home care attendant services;	21089
(14) Assisted living services;	21090
(15) Community transition services;	21091
(16) Enhanced community living services;	21092
(17) All other medicaid waiver services provided under	21093
department of aging-administered medicaid waiver components.	21094
(B) All of the following state medicaid plan services as	21095
specified in rules adopted under section 5111.02 <u>5164.02</u> of the	21096

Revised Code:	21097
(1) Home health services;	21098
(2) Private duty nursing services;	21099
(3) Durable medical equipment;	21100
(4) Services of a clinical nurse specialist;	21101
(5) Services of a certified nurse practitioner.	21102
(C) The services that the PACE program provides.	21103
Sec. 173.432. Subject to section 173.433 of the Revised Code,	21104
the <u>The</u> department of aging or its designee shall provide care	21105
management and authorization services with regard to the state	21106
plan services specified in division (B) of section 173.431 of the	21107
Revised Code that are provided to participants of department of	21108
aging-administered medicaid waiver components. The department or	21109
its designee shall ensure that no person providing the care	21110
management and authorization services performs an activity that	21111
may not be performed without a valid certificate or license issued	21112
by an agency of this state unless the person holds the valid	21113
certificate or license.	21114
Sec. 173.434. The director of job and family services shall	21115
adopt <u>To the extent authorized by rules under authorized by</u>	21116
section 5111.85 <u>5162.021</u> of the Revised Code to authorize, the	21117
director of aging to <u>shall</u> adopt rules that are needed to	21118
implement sections 173.43 to 173.432 of the Revised Code. The	21119
director of aging's rules shall be adopted in accordance with	21120
Chapter 119. of the Revised Code.	21121
Sec. 173.45. As used in this section and in sections 173.46	21122
to 173.49 of the Revised Code:	21123
(A) "Residential facility" means a residential facility	21124

licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 21125
provides accommodations, supervision, and personal care services 21126
for three to sixteen unrelated adults. 21127

(B) "Community-based long-term care services" has the same 21128
meaning as in section 173.14 of the Revised Code. 21129

(C) "Long-term care facility" means a nursing home or 21130
residential care facility. 21131

(D) "Nursing home" and "residential care facility" have the 21132
same meanings as in section 3721.01 of the Revised Code. 21133

(E) "Nursing facility" has the same meaning as in section 21134
~~5111.20~~ 5165.01 of the Revised Code. 21135

Sec. 173.47. (A) For purposes of publishing the Ohio 21136
long-term care consumer guide, the department of aging shall 21137
conduct or provide for the conduct of an annual customer 21138
satisfaction survey of each long-term care facility. The results 21139
of the surveys may include information obtained from long-term 21140
care facility residents, their families, or both. A survey that is 21141
to include information obtained from nursing facility residents 21142
shall include the questions specified in divisions (C)(7)(a) and 21143
(b) and (18) and (D)(7)(a) and (b) of section ~~5111.244~~ 5165.25 of 21144
the Revised Code. A survey that is to include information obtained 21145
from the families of nursing facility residents shall include the 21146
questions specified in divisions (C)(8)(a) and (b) and (19) and 21147
(D)(8)(a) and (b) of section ~~5111.244~~ 5165.25 of the Revised Code. 21148

(B) Each long-term care facility shall cooperate in the 21149
conduct of its annual customer satisfaction survey. 21150

Sec. 173.48. (A)(1) The department of aging may charge annual 21151
fees to long-term care facilities for the publication of the Ohio 21152
long-term care consumer guide. The department may contract with 21153
any person or government entity to collect the fees on its behalf. 21154

All fees collected under this section shall be deposited in 21155
accordance with division (B) of this section. 21156

(2) The annual fees charged under this section shall not 21157
exceed the following amounts: 21158

(a) Six hundred fifty dollars for each long-term care 21159
facility that is a nursing home; 21160

(b) Three hundred dollars for each long-term care facility 21161
that is a residential care facility. 21162

(3) Fees paid by a long-term care facility that is a nursing 21163
facility shall be reimbursed through the medicaid program ~~operated~~ 21164
~~under Chapter 5111. of the Revised Code.~~ 21165

(B) There is hereby created in the state treasury the 21166
long-term care consumer guide fund. Money collected from the fees 21167
charged for the publication of the Ohio long-term care consumer 21168
guide under division (A) of this section shall be credited to the 21169
fund. The department shall use money in the fund for costs 21170
associated with publishing the Ohio long-term care consumer guide, 21171
including, but not limited to, costs incurred in conducting or 21172
providing for the conduct of customer satisfaction surveys. 21173

Sec. 173.50. (A) Pursuant to a contract entered into with the 21174
department of ~~job and family services~~ medicaid as an interagency 21175
agreement under section ~~5111.91~~ 5162.35 of the Revised Code, the 21176
department of aging shall carry out the day-to-day administration 21177
of the component of the medicaid program ~~established under Chapter~~ 21178
~~5111. of the Revised Code~~ known as the program of all-inclusive 21179
care for the elderly or PACE. The department of aging shall carry 21180
out its PACE administrative duties in accordance with the 21181
provisions of the interagency agreement and all applicable federal 21182
laws, including the "Social Security Act," ~~79 Stat. 286 (1965)~~ 21183
section 1934, 42 U.S.C. 1396u-4, ~~as amended.~~ 21184

(B) ~~The department~~ To the extent authorized by rules 21185
authorized by section 5162.021 of the Revised Code, the director 21186
of aging may adopt rules in accordance with Chapter 119. of the 21187
Revised Code regarding the PACE program, including rules 21188
establishing priorities for enrolling in the program pursuant to 21189
section 173.501 of the Revised Code. ~~The department's rules are~~ 21190
~~subject to both of the following:~~ 21191

~~(1) The rules shall be authorized by rules adopted by the~~ 21192
~~department of job and family services.~~ 21193

~~(2) The rules~~ shall address only those issues that are not 21194
addressed in rules adopted by the ~~department of job and family~~ 21195
~~services~~ medicaid director for the PACE program. 21196

Sec. 173.501. (A) As used in this section: 21197

"Nursing facility" has the same meaning as in section ~~5111.20~~ 21198
5165.01 of the Revised Code. 21199

"PACE provider" has the same meaning as in the "Social 21200
Security Act," section 1934(a)(3), 42 U.S.C. 1396u-4(a)(3). 21201

(B) The department of aging shall establish a home first 21202
component of the PACE program under which eligible individuals may 21203
be enrolled in the PACE program in accordance with this section. 21204
An individual is eligible for the PACE program's home first 21205
component if both of the following apply: 21206

(1) The individual has been determined to be eligible for the 21207
PACE program. 21208

(2) At least one of the following applies: 21209

(a) The individual has been admitted to a nursing facility. 21210

(b) A physician has determined and documented in writing that 21211
the individual has a medical condition that, unless the individual 21212
is enrolled in home and community-based services such as the PACE 21213

program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination. 21214
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(c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the PACE program, the individual is to be transported directly from the hospital to a nursing facility and admitted. 21216
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(d) Both of the following apply: 21221

(i) The individual is the subject of a report made under section 5101.61 of the Revised Code regarding abuse, neglect, or exploitation or such a report referred to a county department of job and family services under section 5126.31 of the Revised Code or has made a request to a county department for protective services as defined in section 5101.60 of the Revised Code. 21222
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(ii) A county department of job and family services and an area agency on aging have jointly documented in writing that, unless the individual is enrolled in home and community-based services such as the PACE program, the individual should be admitted to a nursing facility. 21228
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(C) Each month, the department of aging shall identify individuals who are eligible for the home first component of the PACE program. When the department identifies such an individual, the department shall notify the PACE provider serving the area in which the individual resides. The PACE provider shall determine whether the PACE program is appropriate for the individual and whether the individual would rather participate in the PACE program than continue or begin to reside in a nursing facility. If the PACE provider determines that the PACE program is appropriate for the individual and the individual would rather participate in the PACE program than continue or begin to reside in a nursing facility, the PACE provider shall so notify the department of 21233
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aging. On receipt of the notice from the PACE provider, the 21245
department of aging shall approve the individual's enrollment in 21246
the PACE program in accordance with priorities established in 21247
rules adopted under section 173.50 of the Revised Code. 21248

Sec. 173.51. As used in sections 173.51 to 173.56 of the 21249
Revised Code: 21250

"Area agency on aging" has the same meaning as in section 21251
173.14 of the Revised Code. 21252

"Assisted living program" means the program that consists of 21253
a medicaid-funded component created under section 173.54 of the 21254
Revised Code and a state-funded component created under section 21255
173.543 of the Revised Code and provides assisted living services 21256
to individuals who meet the program's applicable eligibility 21257
requirements. 21258

"Assisted living services" means the following home and 21259
community-based services: personal care, homemaker, chore, 21260
attendant care, companion, medication oversight, and therapeutic 21261
social and recreational programming. 21262

"Assisted living waiver" means the federal medicaid waiver 21263
granted by the United States secretary of health and human 21264
services that authorizes the medicaid-funded component of the 21265
assisted living program. 21266

"Choices program" means the program created under section 21267
173.53 of the Revised Code. 21268

"County or district home" means a county or district home 21269
operated under Chapter 5155. of the Revised Code. 21270

"Long-term care consultation program" means the program the 21271
department of aging is required to develop under section 173.42 of 21272
the Revised Code. 21273

"Long-term care consultation program administrator" or 21274

"administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity. 21275
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"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 21279
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"Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 21281
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"PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code. 21283
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"PASSPORT program" means the preadmission screening system providing options and resources today program (PASSPORT) that consists of a medicaid-funded component created under section 173.52 of the Revised Code and a state-funded component created under section 173.522 of the Revised Code and provides home and community-based services as an alternative to nursing facility placement for individuals who are aged and disabled and meet the program's applicable eligibility requirements. 21285
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"PASSPORT region" means a group of contiguous counties served by an individual PASSPORT administrative agency. 21293
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"PASSPORT waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the PASSPORT program. 21295
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"Representative" means a person acting on behalf of an applicant for the medicaid-funded component or state-funded component of the assisted living program. A representative may be a family member, attorney, hospital social worker, or any other person chosen to act on behalf of an applicant. 21298
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"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 21303
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"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code. 21305
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~~Sec. 173.40 173.52. (A) As used in sections 173.40 to 173.402 of the Revised Code:~~ 21308
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~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 21310
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~~"PASSPORT program" means the program created under this section.~~ 21312
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~~"PASSPORT waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the PASSPORT program.~~ 21314
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~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 21317
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~~(B) There is hereby created The department of medicaid shall create the medicaid-funded component of the preadmission screening system providing options and resources today program, or PASSPORT program. The PASSPORT program shall provide home and community based services as an alternative to nursing facility placement for individuals who are aged and disabled and meet the program's applicable eligibility requirements. Subject to division (C) of this section, the program shall have a medicaid-funded component and a state-funded component. In creating the medicaid-funded component, the department of medicaid shall collaborate with the department of aging.~~ 21320
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~~(C)(1)(B) Unless the medicaid-funded component of the PASSPORT program is terminated under division (C)(2) of this section, all of the following apply:~~ 21331
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~~(a)(1) The department of aging shall administer the~~ 21334

medicaid-funded component through a contract entered into with the 21335
department of ~~job and family services~~ medicaid under section 21336
~~5111.91~~ 5162.35 of the Revised Code. 21337

~~(b)(2)~~ The medicaid-funded component shall be operated as a 21338
separate medicaid waiver component. 21339

~~(e)(3)~~ For an individual to be eligible for the 21340
medicaid-funded component, the individual must be a medicaid 21341
recipient and meet the additional eligibility requirements 21342
applicable to the individual established in rules adopted under 21343
division ~~(C)(1)(d)~~ (B)(4) of this section. 21344

~~(d)~~ ~~The director of job and family services shall adopt~~ (4) 21345
To the extent authorized by rules under authorization by section 21346
~~5111.85~~ 5162.021 of the Revised Code ~~and,~~ the director of aging 21347
shall adopt rules in accordance with Chapter 119. of the Revised 21348
Code to implement the medicaid-funded component. 21349

~~(2)(C)~~ If the unified long-term services and support medicaid 21350
waiver component is created, the departments of aging and ~~job and~~ 21351
~~family services~~ medicaid shall work together to determine whether 21352
the medicaid-funded component of the PASSPORT program should 21353
continue to operate as a separate medicaid waiver component or be 21354
terminated. If the departments determine that the medicaid-funded 21355
component of the PASSPORT program should be terminated, the 21356
medicaid-funded component shall cease to exist on a date the 21357
departments shall specify. 21358

~~(D)(1)~~ ~~The department of aging shall administer the~~ 21359
~~state funded component of the PASSPORT program. The state funded~~ 21360
~~component shall not be administered as part of the medicaid~~ 21361
~~program.~~ 21362

~~(2)~~ ~~For an individual to be eligible for the state funded~~ 21363
~~component, the individual must meet one of the following~~ 21364
~~requirements and meet the additional eligibility requirements~~ 21365

~~applicable to the individual established in rules adopted under 21366
division (D)(4) of this section: 21367~~

~~(a) The individual must have been enrolled in the 21368
state funded component on September 1, 1991, (as the state funded 21369
component was authorized by uncodified law in effect at that time) 21370
and have had one or more applications for enrollment in the 21371
medicaid funded component (or, if the medicaid funded component is 21372
terminated under division (C)(2) of this section, the unified 21373
long term services and support medicaid waiver component) denied. 21374~~

~~(b) The individual must have had the individual's enrollment 21375
in the medicaid funded component (or, if the medicaid funded 21376
component is terminated under division (C)(2) of this section, the 21377
unified long term services and support medicaid waiver component) 21378
terminated and the individual must still need the home and 21379
community based services provided under the PASSPORT program to 21380
protect the individual's health and safety. 21381~~

~~(c) The individual must have an application for the 21382
medicaid funded component (or, if the medicaid funded component is 21383
terminated under division (C)(2) of this section, the unified 21384
long term services and support medicaid waiver component) pending 21385
and the department or the department's designee must have 21386
determined that the individual meets the nonfinancial eligibility 21387
requirements of the medicaid funded component (or, if the 21388
medicaid funded component is terminated under division (C)(2) of 21389
this section, the unified long term services and support medicaid 21390
waiver component) and not have reason to doubt that the individual 21391
meets the financial eligibility requirements of the 21392
medicaid funded component (or, if the medicaid funded component is 21393
terminated under division (C)(2) of this section, the unified 21394
long term services and support medicaid waiver component). 21395~~

~~(3) An individual who is eligible for the state funded 21396
component because the individual meets the requirement of division 21397~~

~~(D)(2)(c) of this section may participate in the component on that basis for not more than ninety days.~~ 21398
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~~(4) The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state funded component. The additional eligibility requirements established in the rules may vary for the different groups of individuals specified in divisions (D)(2)(a), (b), and (c) of this section.~~ 21400
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Sec. ~~173.401~~ 173.521. (A) ~~As used in this section:~~ 21406

~~"Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.~~ 21407
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~~"Long term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.~~ 21409
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~~"Long term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long term care consultation program for a particular area, that agency or entity.~~ 21412
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~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 21417
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~~(B) Subject Unless the medicaid-funded component of the PASSPORT program is terminated pursuant to division (C)(2) of section ~~173.40~~ 173.52 of the Revised Code, the department shall establish a home first component of the PASSPORT program under which eligible individuals may be enrolled in the medicaid-funded component of the PASSPORT program in accordance with this section. An individual is eligible for the PASSPORT program's home first component if both of the following apply:~~ 21419
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(1) The individual has been determined to be eligible for the 21427

medicaid-funded component of the PASSPORT program. 21428

(2) At least one of the following applies: 21429

(a) The individual has been admitted to a nursing facility. 21430

(b) A physician has determined and documented in writing that 21431
the individual has a medical condition that, unless the individual 21432
is enrolled in home and community-based services such as the 21433
PASSPORT program, will require the individual to be admitted to a 21434
nursing facility within thirty days of the physician's 21435
determination. 21436

(c) The individual has been hospitalized and a physician has 21437
determined and documented in writing that, unless the individual 21438
is enrolled in home and community-based services such as the 21439
PASSPORT program, the individual is to be transported directly 21440
from the hospital to a nursing facility and admitted. 21441

(d) Both of the following apply: 21442

(i) The individual is the subject of a report made under 21443
section 5101.61 of the Revised Code regarding abuse, neglect, or 21444
exploitation or such a report referred to a county department of 21445
job and family services under section 5126.31 of the Revised Code 21446
or has made a request to a county department for protective 21447
services as defined in section 5101.60 of the Revised Code. 21448

(ii) A county department of job and family services and an 21449
area agency on aging have jointly documented in writing that, 21450
unless the individual is enrolled in home and community-based 21451
services such as the PASSPORT program, the individual should be 21452
admitted to a nursing facility. 21453

~~(C)~~(B) Each month, each area agency on aging shall identify 21454
individuals residing in the area that the agency serves who are 21455
eligible for the home first component of the PASSPORT program. 21456
When an area agency on aging identifies such an individual, the 21457

agency shall notify the long-term care consultation program 21458
administrator serving the area in which the individual resides. 21459
The administrator shall determine whether the PASSPORT program is 21460
appropriate for the individual and whether the individual would 21461
rather participate in the PASSPORT program than continue or begin 21462
to reside in a nursing facility. If the administrator determines 21463
that the PASSPORT program is appropriate for the individual and 21464
the individual would rather participate in the PASSPORT program 21465
than continue or begin to reside in a nursing facility, the 21466
administrator shall so notify the department of aging. On receipt 21467
of the notice from the administrator, the department shall approve 21468
the individual's enrollment in the medicaid-funded component of 21469
the PASSPORT program regardless of the unified waiting list 21470
established under section ~~173.404~~ 173.55 of the Revised Code, 21471
unless the enrollment would cause the component to exceed any 21472
limit on the number of individuals who may be enrolled in the 21473
component as set by the United States secretary of health and 21474
human services in the PASSPORT waiver. 21475

Sec. 173.522. (A) The department of aging shall create and 21476
administer the state-funded component of the PASSPORT program. The 21477
state-funded component shall not be administered as part of the 21478
medicaid program. 21479

(B) For an individual to be eligible for the state-funded 21480
component of the PASSPORT program, the individual must meet one of 21481
the following requirements and meet the additional eligibility 21482
requirements applicable to the individual established in rules 21483
adopted under division (D) of this section: 21484

(1) The individual must have been enrolled in the 21485
state-funded component on September 1, 1991, (as the state-funded 21486
component was authorized by uncodified law in effect at that time) 21487
and have had one or more applications for enrollment in the 21488

medicaid-funded component of the PASSPORT program (or, if the 21489
medicaid-funded component is terminated under division (C) of 21490
section 173.52 of the Revised Code, the unified long-term services 21491
and support medicaid waiver component) denied. 21492

(2) The individual must have had the individual's enrollment 21493
in the medicaid-funded component of the PASSPORT program (or, if 21494
the medicaid-funded component is terminated under division (C) of 21495
section 173.52 of the Revised Code, the unified long-term services 21496
and support medicaid waiver component) terminated and the 21497
individual must still need the home and community-based services 21498
provided under the PASSPORT program to protect the individual's 21499
health and safety. 21500

(3) The individual must have an application for the 21501
medicaid-funded component of the PASSPORT program (or, if the 21502
medicaid-funded component is terminated under division (C) of 21503
section 173.52 of the Revised Code, the unified long-term services 21504
and support medicaid waiver component) pending and the department 21505
or the department's designee must have determined that the 21506
individual meets the nonfinancial eligibility requirements of the 21507
medicaid-funded component (or, if the medicaid-funded component is 21508
terminated under division (C) of section 173.52 of the Revised 21509
Code, the unified long-term services and support medicaid waiver 21510
component) and not have reason to doubt that the individual meets 21511
the financial eligibility requirements of the medicaid-funded 21512
component (or, if the medicaid-funded component is terminated 21513
under division (C) of section 173.52 of the Revised Code, the 21514
unified long-term services and support medicaid waiver component). 21515

(C) An individual who is eligible for the state-funded 21516
component of the PASSPORT program because the individual meets the 21517
requirement of division (B)(3) of this section may participate in 21518
the component on that basis for not more than ninety days. 21519

(D) The director of aging shall adopt rules in accordance 21520

with section 111.15 of the Revised Code to implement the 21521
state-funded component of the PASSPORT program. The additional 21522
eligibility requirements established in the rules may vary for the 21523
different groups of individuals specified in divisions (B)(1), 21524
(2), and (3) of this section. 21525

Sec. 173.523. (A) An individual who is an applicant for or 21526
participant or former participant in the state-funded component of 21527
the PASSPORT program may appeal an adverse action taken or 21528
proposed to be taken by the department of aging or an entity 21529
designated by the department concerning participation in or 21530
services provided under the component if the action will result in 21531
any of the following: 21532

(1) Denial of enrollment or continued enrollment in the 21533
component; 21534

(2) Denial of or reduction in the amount of services 21535
requested by or offered to the individual under the component; 21536

(3) Assessment of any patient liability payment pursuant to 21537
rules adopted by the department under this section. 21538

The appeal shall be made in accordance with section 173.56 of 21539
the Revised Code and rules adopted pursuant to that section. 21540

(B) An individual who is an applicant for or participant or 21541
former participant in the state-funded component of the PASSPORT 21542
program may not bring an appeal under this or any other section of 21543
the Revised Code if any of the following is the case: 21544

(1) The individual has voluntarily withdrawn the application 21545
for enrollment in the component; 21546

(2) The individual has voluntarily terminated enrollment in 21547
the component; 21548

(3) The individual agrees with the action being taken or 21549
proposed; 21550

(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code; 21551
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(5) The individual has received services under the component for the maximum time permitted by this section. 21554
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Sec. ~~173.402~~ 173.524. An individual enrolled in the PASSPORT program may request that home-delivered meals provided to the individual under the PASSPORT program be kosher. If such a request is made, the department of aging or the department's designee shall ensure that each home-delivered meal provided to the individual under the PASSPORT program is kosher. In complying with this requirement, the department or department's designee shall require each entity that provides home-delivered meals to the individual to provide the individual with meals that meet, as much as possible, the requirements established in rules adopted under ~~section 173.40~~ sections 173.52 and 173.522 of the Revised Code governing the home-delivered meal service while complying with kosher practices for meal preparation and dietary restrictions. 21556
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An entity that provides a kosher home-delivered meal to a PASSPORT program enrollee pursuant to this section shall be reimbursed for the meal at a rate equal to the rate for home-delivered meals furnished to PASSPORT program enrollees requiring a therapeutic diet. 21569
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Sec. 173.525. (A) The PASSPORT program shall include a structured family caregiver component as a pilot program in three rural PASSPORT regions under which an individual enrolled in the PASSPORT program may choose a family member to provide the individual home and community-based services that the individual receives under the PASSPORT program. A family member must do all of the following to be eligible to be a family caregiver under the 21574
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<u>PASSPORT program:</u>	21581
<u>(1) Complete all the training, obtain all required</u>	21582
<u>credentials, and satisfy all other applicable requirements to be a</u>	21583
<u>PASSPORT provider;</u>	21584
<u>(2) Arrange for an agency that is a PASSPORT provider to do</u>	21585
<u>all of the following:</u>	21586
<u>(a) Assist the family member with the requirements to be a</u>	21587
<u>family caregiver;</u>	21588
<u>(b) Provide or arrange professional staff training to or for</u>	21589
<u>the family member;</u>	21590
<u>(c) If possible, include the family member in electronic</u>	21591
<u>records used for the PASSPORT program;</u>	21592
<u>(d) Provide professional staff support that is appropriate</u>	21593
<u>for the PASSPORT enrollee's care needs to the enrollee for whom</u>	21594
<u>the family member serves as a family caregiver.</u>	21595
<u>(3) Comply with any other applicable requirements specified</u>	21596
<u>in rules adopted under sections 173.52 and 173.522 of the Revised</u>	21597
<u>Code.</u>	21598
<u>(B) An individual may serve as the family caregiver for not</u>	21599
<u>more than two PASSPORT enrollees. A family caregiver may provide</u>	21600
<u>home and community-based services covered by the PASSPORT program</u>	21601
<u>in the home of either the caregiver or the PASSPORT enrollee.</u>	21602
<u>(C) The structured family caregiver component of the PASSPORT</u>	21603
<u>program shall be available as a pilot program in three rural</u>	21604
<u>PASSPORT regions not later than January 1, 2014. The payment rate</u>	21605
<u>for the component shall be adequate to pay the family caregiver a</u>	21606
<u>stipend and reimburse the agency provider for the costs of</u>	21607
<u>providing professional staff support pursuant to division</u>	21608
<u>(A)(2)(d) of this section.</u>	21609

~~Sec. 173.403~~ 173.53. (A) ~~As used in this section:~~ 21610

~~"Choices program" means the program created under this section.~~ 21611
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~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 21613
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~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 21615
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~~(B) Subject to division (C) of this section, there is hereby created The department of medicaid shall create the choices program. In creating the choices program, the department of medicaid shall collaborate with the department of aging. Subject to division (B) of this section:~~ 21618
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~~(1) The choices program shall provide home and community-based services. The~~ 21623
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~~(2) The department of aging shall administer the choices program through a contract entered into with the department of ~~job and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the Revised Code. ~~Subject to federal approval, the~~ 21625
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~~(3) The choices program shall be available statewide.~~ 21629

~~(C)(B) If the unified long-term services and support medicaid waiver component is created, the departments of aging and ~~job and family services~~ medicaid shall ~~work together~~ collaborate to determine whether the choices program should continue to operate as a separate medicaid waiver component or be terminated. If the departments determine that the choices program should be terminated, the program shall cease to exist on a date the departments shall specify.~~ 21630
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~~(C) If the choices program is terminated pursuant to division (B) of this section or for another reason, not sooner than six~~ 21638
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months before the date on which the program ceases to exist, the 21640
director of aging may do both of the following: 21641

(1) Suspend new enrollments in the choices program; 21642

(2) Transfer participants of the choices program to the 21643
following: 21644

(a) Except as provided in division (C)(2)(b) of this section, 21645
the medicaid-funded component of the PASSPORT program created 21646
under section 173.52 of the Revised Code; 21647

(b) If the medicaid-funded component of the PASSPORT program 21648
is terminated pursuant to division (C) of section 173.52 of the 21649
Revised Code, the unified long-term services and support medicaid 21650
waiver component. 21651

~~Sec. 5111.89 173.54. (A) As used in sections 5111.89 to~~ 21652
~~5111.894 of the Revised Code:~~ 21653

~~"Area agency on aging" has the same meaning as in section~~ 21654
~~173.14 of the Revised Code.~~ 21655

~~"Assisted living program" means the program created under~~ 21656
~~this section.~~ 21657

~~"Assisted living services" means the following home and~~ 21658
~~community based services: personal care, homemaker, chore,~~ 21659
~~attendant care, companion, medication oversight, and therapeutic~~ 21660
~~social and recreational programming.~~ 21661

~~"Assisted living waiver" means the federal medicaid waiver~~ 21662
~~granted by the United States secretary of health and human~~ 21663
~~services that authorizes the medicaid-funded component of the~~ 21664
~~assisted living program.~~ 21665

~~"County or district home" means a county or district home~~ 21666
~~operated under Chapter 5155. of the Revised Code.~~ 21667

~~"Long term care consultation program" means the program the~~ 21668

~~department of aging is required to develop under section 173.42 of
the Revised Code.~~ 21669
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~~"Long term care consultation program administrator" or
"administrator" means the department of aging or, if the
department contracts with an area agency on aging or other entity
to administer the long term care consultation program for a
particular area, that agency or entity.~~ 21671
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~~"Medicaid waiver component" has the same meaning as in
section 5111.85 of the Revised Code.~~ 21676
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~~"Nursing facility" has the same meaning as in section 5111.20
of the Revised Code.~~ 21678
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~~"Residential care facility" has the same meaning as in
section 3721.01 of the Revised Code.~~ 21680
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~~"Unified long term services and support medicaid waiver
component" means the medicaid waiver component authorized by
section 5111.864 of the Revised Code.~~ 21682
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~~(B) There is hereby created The department of medicaid shall
create the medicaid-funded component of the assisted living
program. The program shall provide assisted living services to
individuals who meet the program's applicable eligibility
requirements. Subject to division (C) of this section, the program
shall have a medicaid funded component and a state funded
component In creating the medicaid-funded component, the
department of medicaid shall collaborate with the department of
aging.~~ 21685
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~~(C)(1)(B) Unless the medicaid-funded component of the
assisted living program is terminated under division (C)(2) of
this section, all of the following apply:~~ 21694
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~~(a)(1) The department of aging shall administer the
medicaid-funded component through a contract entered into with the~~ 21697
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department of ~~job and family services~~ medicaid under section 21699
~~5111.91~~ 5162.35 of the Revised Code. 21700

~~(b)(2)~~ The contract shall include an estimate of the 21701
medicaid-funded component's costs. 21702

~~(e)(3)~~ The medicaid-funded component shall be operated as a 21703
separate medicaid waiver component. 21704

~~(d)(4)~~ The medicaid-funded component may not serve more 21705
individuals than is set by the United States secretary of health 21706
and human services in the assisted living waiver. 21707

~~(e)~~ ~~The director of job and family services may adopt rules~~ 21708
~~under section 5111.85 of the Revised Code regarding the~~ 21709
~~medicaid-funded component.~~ 21710

~~(f)~~ ~~The (5) To the extent authorized by rules authorized by~~ 21711
~~section 5162.021 of the Revised Code, the~~ director of aging may 21712
adopt rules under Chapter 119. of the Revised Code regarding the 21713
medicaid-funded component ~~that the rules adopted by the director~~ 21714
~~of job and family services under division (C)(1)(e) of this~~ 21715
~~section authorize the director of aging to adopt.~~ 21716

~~(2)(C)~~ If the unified long-term services and support medicaid 21717
waiver component is created, the departments of aging and ~~job and~~ 21718
~~family services~~ medicaid shall ~~work together~~ collaborate to 21719
determine whether the medicaid-funded component of the assisted 21720
living program should continue to operate as a separate medicaid 21721
waiver component or be terminated. If the departments determine 21722
that the medicaid-funded component of the assisted living program 21723
should be terminated, the medicaid-funded component shall cease to 21724
exist on a date the departments shall specify. 21725

~~(D)~~ ~~The department of aging shall administer the state-funded~~ 21726
~~component of the assisted living program. The state-funded~~ 21727
~~component shall not be administered as part of the medicaid~~ 21728
~~program.~~ 21729

~~An individual who is eligible for the state funded component~~ 21730
~~may participate in the component for not more than ninety days.~~ 21731

~~The director of aging shall adopt rules in accordance with~~ 21732
~~section 111.15 of the Revised Code to implement the state funded~~ 21733
~~component.~~ 21734

Sec. ~~5111.891~~ 173.541. To be eligible for the medicaid-funded 21735
component of the assisted living program, an individual must meet 21736
all of the following requirements: 21737

(A) Need an intermediate level of care as determined ~~under~~ 21738
~~rule 5101:3-3-06 by an assessment conducted under section 173.546~~ 21739
of the ~~Administrative~~ Revised Code; 21740

(B) While receiving assisted living services under the 21741
medicaid-funded component, reside in a residential care facility 21742
that is authorized by a valid medicaid provider agreement to 21743
participate in the component, including both of the following: 21744

(1) A residential care facility that is owned or operated by 21745
a metropolitan housing authority that has a contract with the 21746
United States department of housing and urban development to 21747
receive an operating subsidy or rental assistance for the 21748
residents of the facility; 21749

(2) A county or district home licensed as a residential care 21750
facility. 21751

(C) Meet all other eligibility requirements for the 21752
medicaid-funded component established in rules adopted ~~pursuant to~~ 21753
~~division (C) of~~ under section ~~5111.89~~ 173.54 of the Revised Code. 21754

Sec. ~~5111.894~~ 173.542. (A) ~~Subject~~ Unless the medicaid-funded 21755
component of the assisted living program is terminated pursuant to 21756
division (C)~~(2)~~ of section ~~5111.89~~ 173.54 of the Revised Code, the 21757
department of aging shall establish a home first component of the 21758

assisted living program under which eligible individuals may be 21759
enrolled in the medicaid-funded component of the assisted living 21760
program in accordance with this section. An individual is eligible 21761
for the assisted living program's home first component if both of 21762
the following apply: 21763

(1) The individual has been determined to be eligible for the 21764
medicaid-funded component of the assisted living program. 21765

(2) At least one of the following applies: 21766

(a) The individual has been admitted to a nursing facility. 21767

(b) A physician has determined and documented in writing that 21768
the individual has a medical condition that, unless the individual 21769
is enrolled in home and community-based services such as the 21770
assisted living program, will require the individual to be 21771
admitted to a nursing facility within thirty days of the 21772
physician's determination. 21773

(c) The individual has been hospitalized and a physician has 21774
determined and documented in writing that, unless the individual 21775
is enrolled in home and community-based services such as the 21776
assisted living program, the individual is to be transported 21777
directly from the hospital to a nursing facility and admitted. 21778

(d) Both of the following apply: 21779

(i) The individual is the subject of a report made under 21780
section 5101.61 of the Revised Code regarding abuse, neglect, or 21781
exploitation or such a report referred to a county department of 21782
job and family services under section 5126.31 of the Revised Code 21783
or has made a request to a county department for protective 21784
services as defined in section 5101.60 of the Revised Code. 21785

(ii) A county department of job and family services and an 21786
area agency on aging have jointly documented in writing that, 21787
unless the individual is enrolled in home and community-based 21788

services such as the assisted living program, the individual 21789
should be admitted to a nursing facility. 21790

(B) Each month, each area agency on aging shall identify 21791
individuals residing in the area that the area agency on aging 21792
serves who are eligible for the home first component of the 21793
assisted living program. When an area agency on aging identifies 21794
such an individual and determines that there is a vacancy in a 21795
residential care facility participating in the medicaid-funded 21796
component of the assisted living program that is acceptable to the 21797
individual, the agency shall notify the long-term care 21798
consultation program administrator serving the area in which the 21799
individual resides. The administrator shall determine whether the 21800
assisted living program is appropriate for the individual and 21801
whether the individual would rather participate in the assisted 21802
living program than continue or begin to reside in a nursing 21803
facility. If the administrator determines that the assisted living 21804
program is appropriate for the individual and the individual would 21805
rather participate in the assisted living program than continue or 21806
begin to reside in a nursing facility, the administrator shall so 21807
notify the department of aging. On receipt of the notice from the 21808
administrator, the department shall approve the individual's 21809
enrollment in the medicaid-funded component of the assisted living 21810
program regardless of the unified waiting list established under 21811
section ~~173.404~~ 173.55 of the Revised Code, unless the enrollment 21812
would cause the component to exceed any limit on the number of 21813
individuals who may participate in the component as set by the 21814
United States secretary of health and human services in the 21815
assisted living waiver. 21816

Sec. 173.543. The department of aging shall create and 21817
administer the state-funded component of the assisted living 21818
program. The state-funded component shall not be administered as 21819
part of the medicaid program. 21820

An individual who is eligible for the state-funded component 21821
may participate in the component for not more than ninety days. 21822

The director of aging shall adopt rules in accordance with 21823
section 111.15 of the Revised Code to implement the state-funded 21824
component. 21825

Sec. ~~5111.892~~ 173.544. To be eligible for the state-funded 21826
component of the assisted living program, an individual must meet 21827
all of the following requirements: 21828

(A) The individual must need an intermediate level of care as 21829
determined ~~under rule 5101:3-3-06~~ by an assessment conducted under 21830
section 173.546 of the ~~Administrative Revised Code~~. 21831

(B) The individual must have an application for the 21832
medicaid-funded component of the assisted living program (or, if 21833
the medicaid-funded component is terminated under division (C)~~(2)~~ 21834
of section ~~5111.89~~ 173.54 of the Revised Code, the unified 21835
long-term services and support medicaid waiver component) pending 21836
and the department or the department's designee must have 21837
determined that the individual meets the nonfinancial eligibility 21838
requirements of the medicaid-funded component (or, if the 21839
medicaid-funded component is terminated under division (C)~~(2)~~ of 21840
section ~~5111.89~~ 173.54 of the Revised Code, the unified long-term 21841
services and support medicaid waiver component) and not have 21842
reason to doubt that the individual meets the financial 21843
eligibility requirements of the medicaid-funded component (or, if 21844
the medicaid-funded component is terminated under division (C)~~(2)~~ 21845
of section ~~5111.89~~ 173.54 of the Revised Code, the unified 21846
long-term services and support medicaid waiver component). 21847

(C) While receiving assisted living services under the 21848
state-funded component, the individual must reside in a 21849
residential care facility that is authorized by a valid provider 21850
agreement to participate in the component, including both of the 21851

following: 21852

(1) A residential care facility that is owned or operated by 21853
a metropolitan housing authority that has a contract with the 21854
United States department of housing and urban development to 21855
receive an operating subsidy or rental assistance for the 21856
residents of the facility; 21857

(2) A county or district home licensed as a residential care 21858
facility. 21859

(D) The individual must meet all other eligibility 21860
requirements for the state-funded component established in rules 21861
adopted under ~~division (D) of section 5111.89~~ 173.54 of the 21862
Revised Code. 21863

Sec. 173.545. (A) An individual who is an applicant for or 21864
participant or former participant in the state-funded component of 21865
the assisted living program may appeal an adverse action taken or 21866
proposed to be taken by the department of aging or an entity 21867
designated by the department concerning participation in or 21868
services provided under the component if the action will result in 21869
any of the following: 21870

(1) Denial of enrollment or continued enrollment in the 21871
component; 21872

(2) Denial of or reduction in the amount of services 21873
requested by or offered to the individual under the component; 21874

(3) Assessment of any patient liability payment pursuant to 21875
rules adopted by the department under this section. 21876

The appeal shall be made in accordance with section 173.56 of 21877
the Revised Code and rules adopted pursuant to that section. 21878

(B) An individual who is an applicant for or participant or 21879
former participant in the state-funded component of the assisted 21880
living program may not bring an appeal under this or any other 21881

<u>section of the Revised Code if any of the following is the case:</u>	21882
<u>(1) The individual has voluntarily withdrawn the application for enrollment in the component;</u>	21883
<u>(2) The individual has voluntarily terminated enrollment in the component;</u>	21884
<u>(3) The individual agrees with the action being taken or proposed;</u>	21885
<u>(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code;</u>	21886
<u>(5) The individual has received services under the component for the maximum time permitted by this section.</u>	21887
<u>Sec. 173.546. (A) Each applicant for the assisted living program shall undergo an assessment to determine whether the applicant needs an intermediate level of care. The department of medicaid or an agency under contract pursuant to division (C) of this section shall conduct the assessment. The assessment may be performed concurrently with a long-term care consultation provided under section 173.42 of the Revised Code.</u>	21888
<u>(B) An applicant or applicant's representative has the right to appeal an assessment's findings. Section 5160.31 of the Revised Code applies to appeals regarding the medicaid-funded component of the assisted living program. The department or an agency under contract to conduct the assessment shall provide written notice of this right to the applicant or applicant's representative and the residential care facility in which the applicant intends to reside if enrolled in the assisted living program. The notice shall include an explanation of the appeal procedures. The department or agency under contract to conduct the assessment shall represent the state in any appeal of an assessment's findings.</u>	21889
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(C) The department may contract with one or more agencies to perform assessments under this section. A contract shall specify the agency's responsibilities regarding the assessments. 21912
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Sec. ~~5111.893~~ 173.547. A residential care facility providing services covered by the assisted living program to an individual enrolled in the program shall have staff on-site twenty-four hours each day who are able to do all of the following: 21915
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(A) Meet the scheduled and unpredicted needs of the individuals enrolled in the assisted living program in a manner that promotes the individuals' dignity and independence; 21919
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(B) Provide supervision services for those individuals; 21922

(C) Help keep the individuals safe and secure. 21923

Sec. ~~173.404~~ 173.55. (A) As used in this section: 21924

(1) "Department of aging-administered medicaid waiver component" means each of the following: 21925
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(a) The medicaid-funded component of the PASSPORT program ~~created under section 173.40 of the Revised Code;~~ 21927
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(b) The choices program ~~created under section 173.403 of the Revised Code;~~ 21929
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(c) The medicaid-funded component of the assisted living program ~~created under section 5111.89 of the Revised Code.~~ 21931
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(2) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code. 21933
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(B) If the department of aging determines that there are insufficient funds to enroll all individuals who have applied and been determined eligible for department of aging-administered medicaid waiver components and the PACE program, the department 21936
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shall establish a unified waiting list for the components and 21940
program. Only individuals eligible for a department of 21941
aging-administered medicaid waiver component or the PACE program 21942
may be placed on the unified waiting list. An individual who may 21943
be enrolled in a department of aging-administered medicaid waiver 21944
component or the PACE program through a home first component 21945
established under section ~~173.401~~, 173.501, 173.521 or ~~5111.894~~ 21946
173.542 of the Revised Code may be so enrolled without being 21947
placed on the unified waiting list. 21948

Sec. 173.56. (A) The department of aging shall adopt rules in 21949
accordance with section 111.15 of the Revised Code governing 21950
appeals brought under section 173.523 or 173.545 of the Revised 21951
Code. The rules shall require notice and the opportunity for a 21952
hearing. The rules may allow an appeal hearing to be conducted by 21953
telephone and permit the department to record hearings conducted 21954
by telephone. Chapter 119. of the Revised Code applies to a 21955
hearing under section 173.523 or 173.545 of the Revised Code only 21956
to the extent provided in rules the department adopts under this 21957
section. 21958

(B) An appeal shall be commenced by submission of a written 21959
request for a hearing to the director of aging within the time 21960
specified in the rules adopted under this section. The hearing may 21961
be recorded, but neither the recording nor a transcript of the 21962
recording is part of the official record of the proceeding. The 21963
director shall notify the individual bringing the appeal of the 21964
director's decision and of the procedure for appealing the 21965
decision. 21966

(C) The director's decision may be appealed to a court of 21967
common pleas pursuant to section 119.12 of the Revised Code. The 21968
appeal shall be governed by that section except as follows: 21969

(1) The appeal shall be in the court of common pleas of the 21970

county in which the individual who brings the appeal resides or, 21971
if the individual does not reside in this state, to the Franklin 21972
county court of common pleas. 21973

(2) The notice of appeal must be mailed to the department and 21974
filed with the court not later than thirty days after the 21975
department mails notice of the director's decision. For good cause 21976
shown, the court may extend the time for mailing and filing the 21977
notice of appeal, but the time cannot exceed six months from the 21978
date the department mails the notice of the director's decision. 21979

(3) If an individual applies to the court for designation as 21980
an indigent and the court grants the application, the individual 21981
shall not be required to furnish the costs of the appeal. 21982

(4) The department is required to file a transcript of the 21983
testimony of the state hearing with the court only if the court 21984
orders that the transcript be filed. The court shall make such an 21985
order only if it finds that the department and the individual 21986
bringing the appeal are unable to stipulate to the facts of the 21987
case and that the transcript is essential to a determination of 21988
the appeal. The department shall file the transcript not later 21989
than thirty days after such an order is issued. 21990

Sec. 173.60. (A) As used in this section: 21991

(1) "Nursing home" has the same meaning as in section 3721.01 21992
of the Revised Code. 21993

(2) "Person-centered care" means a relationship-based 21994
approach to care that honors and respects the opinions of 21995
individuals receiving care and those working closely with them. 21996

(B) The department of aging shall implement a nursing home 21997
quality initiative to improve person-centered care that nursing 21998
homes provide. The office of the state long-term care ombudsman 21999
program shall assist the department with the initiative. The 22000

initiative shall include quality improvement projects that provide 22001
nursing homes with resources and on-site education promoting 22002
person-centered strategies and positive resident outcomes, as well 22003
as other assistance designed to improve the quality of nursing 22004
home services. 22005

(C) The department shall make available a list of quality 22006
improvement projects offered by the following entities that may be 22007
used by nursing homes in meeting the requirements of section 22008
3721.072 of the Revised Code: 22009

(1) The department; 22010

(2) A quality improvement organization under contract with 22011
the United States secretary of health and human services to carry 22012
out the state functions described in section 1154 of the "Social 22013
Security Act," 42 U.S.C. 1320c-3; 22014

(3) Other state agencies; 22015

(4) The Ohio person-centered care coalition; 22016

(5) Any other academic, research, or health care entity 22017
identified by the department. 22018

(D) The department shall consult with representatives of 22019
nursing homes when developing the list of quality improvement 22020
projects under division (C) of this section and include projects 22021
that the department and representatives agree should be on the 22022
list. 22023

(E) The director of aging may adopt rules in accordance with 22024
Chapter 119. of the Revised Code as necessary to implement this 22025
section. 22026

Sec. 173.99. (A) A long-term care provider, person employed 22027
by a long-term care provider, other entity, or employee of such 22028
other entity that violates division (C) of section 173.24 of the 22029
Revised Code is subject to a fine not to exceed one thousand 22030

dollars for each violation. 22031

(B) Whoever violates division (C) of section 173.23 of the 22032
Revised Code is guilty of registering a false complaint, a 22033
misdemeanor of the first degree. 22034

(C) A long-term care provider, other entity, or person 22035
employed by a long-term care provider or other entity that 22036
violates division (E) of section 173.19 of the Revised Code by 22037
denying a representative of the office of the state long-term care 22038
~~ombudsperson~~ ombudsman program the access required by that 22039
division is subject to a fine not to exceed five hundred dollars 22040
for each violation. 22041

(D) Whoever violates division (C) of section 173.44 of the 22042
Revised Code is subject to a fine of one hundred dollars. 22043

Sec. 175.04. (A) The governor shall appoint a chairperson 22044
from among the members. The agency members shall elect a member as 22045
vice-chairperson. The agency members may appoint other officers, 22046
who need not be members of the agency, as the agency deems 22047
necessary. 22048

(B) Six members of the agency constitute a quorum and the 22049
affirmative vote of six members is necessary for any action the 22050
agency takes. No vacancy in agency membership impairs the right of 22051
a quorum to exercise all of the agency's rights and perform all 22052
the agency's duties. Agency meetings may be held at any place 22053
within the state. Meetings shall comply with section 121.22 of the 22054
Revised Code. 22055

(C) The agency shall maintain accounting records in 22056
accordance with generally accepted accounting principals and other 22057
required accounting standards. 22058

(D) The agency shall develop policies and guidelines for the 22059
administration of its programs and annually shall conduct at least 22060

one public hearing to obtain input from any interested party 22061
regarding the administration of its programs. The hearing shall be 22062
held at a time and place as the agency determines and when a 22063
quorum of the agency is present. 22064

(E) The agency shall appoint committees and subcommittees 22065
comprised of members of the agency to handle matters it deems 22066
appropriate. 22067

(1) The agency shall adopt an annual plan to address this 22068
state's housing needs. The agency shall appoint an annual plan 22069
committee to develop the plan and present it to the agency for 22070
consideration. 22071

(2) The annual plan committee shall select an advisory board 22072
from a list of interested individuals the executive director 22073
provides or on its own recommendation. The advisory board shall 22074
provide input on the plan at committee meetings prior to the 22075
annual public hearing. At the public hearing, the committee shall 22076
discuss advisory board comments. The advisory board may include, 22077
but is not limited to, persons who represent state agencies, local 22078
governments, public corporations, nonprofit organizations, 22079
community development corporations, housing advocacy organizations 22080
for low- and moderate-income persons, realtors, syndicators, 22081
investors, lending institutions as recommended by a statewide 22082
banking organization, and other entities participating in the 22083
agency's programs. 22084

Each agency program that allows for loans to be made to 22085
finance housing for owner occupancy that benefits other than low- 22086
and moderate-income households, or for loans to be made to 22087
individuals under bonds issued pursuant to division (B) of section 22088
175.08 of the Revised Code, shall be presented to the advisory 22089
board and included in the annual plan as approved by the agency 22090
before the program's implementation. 22091

(F) The agency shall prepare an annual financial report 22092
describing its activities during the reporting year and submit 22093
that report in accordance with division (H) of this section and to 22094
the governor, the speaker of the house of representatives, and the 22095
president of the senate within three months after the end of the 22096
reporting year. The report shall include the agency's audited 22097
financial statements, prepared in accordance with generally 22098
accepted accounting principles and appropriate accounting 22099
standards. 22100

(G) The agency shall prepare an annual report of its programs 22101
describing how the programs have met this state's housing needs. 22102
The agency shall submit the report in accordance with division (H) 22103
of this section and to the governor, the speaker of the house of 22104
representatives, and the president of the senate within three 22105
months after the end of the reporting year. 22106

(H)(1) The agency shall submit, within a time frame agreed to 22107
by the agency and the chairs, the annual financial report 22108
described in division (F) of this section and the annual report of 22109
programs described in division (G) of this section to the chairs 22110
of the committees dealing with housing issues in the house of 22111
representatives and the senate. 22112

(2) Within forty-five days of issuance of the annual 22113
financial report, the agency shall cause the agency's executive 22114
director to appear in person before the committees described in 22115
division (H)(1) of this section to testify in regard to the 22116
financial report and the report of programs. The testimony shall 22117
include each of the following: 22118

(a) An overview of the annual plan adopted pursuant to 22119
division (E)(1) of this section; 22120

(b) An evaluation of whether the objectives in the annual 22121
plan were met through a comparison of the annual plan with the 22122

<u>annual financial report and report of programs;</u>	22123
<u>(c) An evaluation and financial overview of all business and</u>	22124
<u>contractual relationships between the agency and other entities</u>	22125
<u>and organizations that actively participate in agency programs.</u>	22126
Sec. 191.01. As used in this chapter:	22127
(A) "Administrative safeguards," "availability,"	22128
"confidentiality," "integrity," "physical safeguards," and	22129
"technical safeguards" have the same meanings as in 45 C.F.R.	22130
164.304.	22131
(B) "Business associate," "covered entity," "health plan,"	22132
"individually identifiable health information," and "protected	22133
health information" have the same meanings as in 45 C.F.R.	22134
160.103.	22135
(C) "Executive director of the office of health	22136
transformation" or "executive director" means the executive	22137
director of the office of health transformation or the chief	22138
administrative officer of a successor governmental entity	22139
responsible for health system oversight in this state.	22140
(D) "Government program providing public benefits" means any	22141
program administered by a state agency that has been identified,	22142
pursuant to section 191.02 of the Revised Code, by the executive	22143
director of the office of health transformation in consultation	22144
with the individuals specified in that section.	22145
(E) "Office of health transformation" means the office of	22146
health transformation created by executive order 2011-02K.	22147
(F) "Operating protocol" means a protocol adopted by the	22148
executive director of the office of health transformation or the	22149
executive director's designee under division (D) of section 191.06	22150
of the Revised Code.	22151
(G) "Participating agency" means a state agency that	22152

participates in a health transformation initiative as specified in 22153
the one or more operating protocols adopted for the initiative 22154
under division (D) of section 191.06 of the Revised Code. 22155

(H) "Personally identifiable information" means information 22156
that meets both of the following criteria: 22157

(1) It identifies an individual or there is a reasonable 22158
basis to believe that it may be used to identify an individual; 22159

(2) It relates to an individual's eligibility for, 22160
application for, or receipt of public benefits from a government 22161
program providing public benefits. 22162

(I) "State agency" means each of the following: 22163

(1) The department of administrative services; 22164

~~(2) The department of aging;~~ 22165

~~(2) The department of alcohol and drug addiction services;~~ 22166

(3) ~~The department of development~~ services agency; 22167

(4) The department of developmental disabilities; 22168

(5) The department of education; 22169

(6) The department of health; 22170

(7) The department of insurance; 22171

(8) The department of job and family services; 22172

(9) The department of medicaid; 22173

~~(10) The department of mental health~~ mental health and 22174
addiction services; 22175

~~(10)~~(11) The department of rehabilitation and correction; 22176

~~(11)~~(12) The department of taxation; 22177

~~(12)~~(13) The department of veterans services; 22178

~~(13)~~(14) The department of youth services. 22179

(J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2.	22180
Sec. 191.02. The executive director of the office of health transformation, in consultation with all of the following individuals, shall identify each government program administered by a state agency that is to be considered a government program providing public benefits for purposes of section 191.04 of the Revised Code:	22181 22182 22183 22184 22185 22186
(A) <u>The director of administrative services;</u>	22187
<u>(B)</u> The director of aging;	22188
(B) The director of alcohol and drug addiction services;	22189
(C) The director of development <u>services;</u>	22190
(D) The director of developmental disabilities;	22191
(E) The director of health;	22192
(F) The director <u>of</u> job and family services;	22193
(G) <u>The director of medicaid;</u>	22194
<u>(H)</u> The director of mental health <u>mental health and addiction services;</u>	22195 22196
(H) <u>(I)</u> The director of rehabilitation and correction;	22197
(I) <u>(J)</u> The director of veterans services;	22198
(J) <u>(K)</u> The director of youth services;	22199
(K) <u>(L)</u> The administrator <u>executive director</u> of the <u>rehabilitation services commission opportunities for Ohioans with disabilities agency;</u>	22200 22201 22202
(L) <u>(M)</u> The administrator of workers' compensation;	22203
(M) <u>(N)</u> The superintendent of insurance;	22204
(N) <u>(O)</u> The superintendent of public instruction;	22205
(O) <u>(P)</u> The tax commissioner.	22206

Sec. 191.04. (A) In accordance with federal laws governing 22207
the confidentiality of individually identifiable health 22208
information, including the "Health Insurance Portability and 22209
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 22210
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 22211
by the United States department of health and human services to 22212
implement the act, a state agency may exchange protected health 22213
information with another state agency relating to eligibility for 22214
or enrollment in a health plan or relating to participation in a 22215
government program providing public benefits if the exchange of 22216
information is necessary for either or both of the following: 22217

(1) Operating a health plan; 22218

(2) Coordinating, or improving the administration or 22219
management of, the health care-related functions of at least one 22220
government program providing public benefits. 22221

(B) For fiscal ~~year~~ years 2013, 2014, and 2015 only, a state 22222
agency also may exchange personally identifiable information with 22223
another state agency for purposes related to and in support of a 22224
health transformation initiative identified by the executive 22225
director of the office of health transformation pursuant to 22226
division (C) of section 191.06 of the Revised Code. 22227

(C) With respect to a state agency that uses or discloses 22228
personally identifiable information, all of the following 22229
conditions apply: 22230

(1) The state agency shall use or disclose the information 22231
only as permitted or required by state and federal law. In 22232
addition, if the information is obtained during fiscal year 2013 22233
from an exchange of personally identifiable information permitted 22234
under division (B) of this section, the agency shall also use or 22235
disclose the information in accordance with all operating 22236
protocols that apply to the use or disclosure. 22237

(2) If the state agency is a state agency other than the department of ~~job and family services~~ medicaid and it uses or discloses protected health information that is related to a medicaid recipient and obtained from the department of ~~job and family services~~ medicaid or another agency operating a component of the medicaid program, the state agency shall comply with all state and federal laws that apply to the department of ~~job and family services~~ medicaid when that department, as the state's single state agency to supervise the medicaid program ~~as specified in section 5111.01 of the Revised Code~~, uses or discloses protected health information.

(3) A state agency shall implement administrative, physical, and technical safeguards for the purpose of protecting the confidentiality, integrity, and availability of personally identifiable information the creation, receipt, maintenance, or transmittal of which is affected or governed by this section.

(4) If a state agency discovers an unauthorized use or disclosure of unsecured protected health information or unsecured individually identifiable health information, the state agency shall, not later than seventy-two hours after the discovery, do all of the following:

(a) Identify the individuals who are the subject of the protected health information or individually identifiable health information;

(b) Report the discovery and the names of all individuals identified pursuant to division (C)(4)(a) of this section to all other state agencies and the executive director of the office of health transformation or the executive director's designee;

(c) Mitigate, to the extent reasonably possible, any potential adverse effects of the unauthorized use or disclosure.

(5) A state agency shall make available to the executive

director of the office of health transformation or the executive 22269
director's designee, and to any other state or federal 22270
governmental entity required by law to have access on that 22271
entity's request, all internal practices, records, and 22272
documentation relating to personally identifiable information it 22273
receives, uses, or discloses that is affected or governed by this 22274
section. 22275

(6) On termination or expiration of an operating protocol and 22276
if feasible, a state agency shall return or destroy all personally 22277
identifiable information received directly from or received on 22278
behalf of another state agency. If the personally identifiable 22279
information is not returned or destroyed, the state agency 22280
maintaining the information shall extend the protections set forth 22281
in this section for as long as it is maintained. 22282

(7) If a state agency enters into a subcontract or, when 22283
required by 45 C.F.R. 164.502(e)(2), a business associate 22284
agreement, the subcontract or business associate agreement shall 22285
require the subcontractor or business associate to comply with the 22286
terms of this section as if the subcontractor or business 22287
associate were a state agency. 22288

Sec. 191.06. (A) The provisions of this section shall apply 22289
only for fiscal ~~year~~ years 2013, 2014, and 2015. 22290

(B) The executive director of the office of health 22291
transformation or the executive director's designee may facilitate 22292
the coordination of operations and exchange of information between 22293
state agencies. The purpose of the executive director's authority 22294
under this section is to support agency collaboration for health 22295
transformation purposes, including modernization of the medicaid 22296
program, streamlining of health and human services programs in 22297
this state, and improving the quality, continuity, and efficiency 22298
of health care and health care support systems in this state. 22299

(C) In furtherance of the authority of the executive director 22300
of the office of health transformation under division (B) of this 22301
section, the executive director or the executive director's 22302
designee shall identify each health transformation initiative in 22303
this state that involves the participation of two or more state 22304
agencies and that permits or requires an interagency agreement to 22305
be entered into for purposes of specifying each participating 22306
agency's role in coordinating, operating, or funding the 22307
initiative, or facilitating the exchange of data or other 22308
information for the initiative. The executive director shall 22309
publish a list of the identified health transformation initiatives 22310
on the internet web site maintained by the office of health 22311
transformation. 22312

(D) For each health transformation initiative that is 22313
identified under division (C) of this section, the executive 22314
director or the executive director's designee shall, in 22315
consultation with each participating agency, adopt one or more 22316
operating protocols. Notwithstanding any law enacted by the 22317
general assembly or rule adopted by a state agency, the provisions 22318
in a protocol shall supersede any provisions in an interagency 22319
agreement, including an interagency agreement entered into under 22320
section 5101.10 or ~~5111.91~~ 5162.35 of the Revised Code, that 22321
differ from the provisions of the protocol. 22322

(E)(1) An operating protocol adopted under division (D) of 22323
this section shall include both of the following: 22324

(a) All terms necessary to meet the requirements of "other 22325
arrangements" between a covered entity and a business associate 22326
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 22327

(b) If known, the date on which the protocol will terminate 22328
or expire. 22329

(2) In addition, a protocol may specify the extent to which 22330

each participating agency is responsible and accountable for 22331
completing the tasks necessary for successful completion of the 22332
initiative, including tasks relating to the following components 22333
of the initiative: 22334

(a) Workflow; 22335

(b) Funding; 22336

(c) Exchange of data or other information that is 22337
confidential pursuant to state or federal law. 22338

(F) An operating protocol adopted under division (D) of this 22339
section shall have the same force and effect as an interagency 22340
agreement or data sharing agreement, and each participating agency 22341
shall comply with it. 22342

~~(G) The director of job and family services shall determine 22343
whether a waiver of federal medicaid requirements or a medicaid 22344
state plan amendment is necessary to fulfill the requirements of 22345
this section. If the director determines a waiver or medicaid 22346
state plan amendment is necessary, the director shall apply to the 22347
United States secretary of health and human services for the 22348
waiver or amendment. 22349~~

Sec. 191.061. (A) As used in this section: 22350

(1) "Core competencies" means the minimum standards a direct 22351
care worker must meet when providing direct care services and 22352
engaging in any one or more of the following activities associated 22353
with care for a medicaid recipient: maintaining a clean and safe 22354
environment, ensuring recipient-centered care, promoting the 22355
recipient's development, assisting the recipient with activities 22356
of daily living, communicating with the recipient, completing 22357
administrative tasks, and participating in professional 22358
development activities. 22359

(2) "Direct care services" means health care services, 22360

ancillary services, or services related to or in support of the 22361
provision of health care or ancillary services. 22362

(3) "Direct care worker" means an individual who, for direct 22363
or indirect payment, provides direct care services to a medicaid 22364
recipient in the recipient's home, place of residence, or other 22365
setting as specified in rules adopted under section 5164.02 of the 22366
Revised Code. 22367

(B) Not later than June 30, 2014, the executive director of 22368
the office of health transformation or the executive director's 22369
designee, in consultation with the medicaid director and the 22370
directors of aging, developmental disabilities, health, and mental 22371
health and addiction services, shall execute an operating protocol 22372
in accordance with division (D) of section 191.06 of the Revised 22373
Code documenting the manner in which each of the directors' 22374
departments determine that direct care workers associated with 22375
programs administered by the departments demonstrate core 22376
competencies. The executive director or the executive director's 22377
designee and any one or more of the directors may decide that core 22378
competencies are demonstrated by a direct care worker attaining 22379
certification through the direct care worker certification program 22380
established by the director of health under section 3701.95 of the 22381
Revised Code. A decision to this effect does not preclude a 22382
director from specifying additional requirements a direct care 22383
worker must meet to participate in a program administered by the 22384
director's department. 22385

Sec. 301.28. (A) As used in this section: 22386

(1) "Financial transaction device" includes a credit card, 22387
debit card, charge card, or prepaid or stored value card, or 22388
automated clearinghouse network credit, debit, or e-check entry 22389
that includes, but is not limited to, accounts receivable and 22390
internet-initiated, point of purchase, and telephone-initiated 22391

applications or any other device or method for making an 22392
electronic payment or transfer of funds. 22393

(2) "County expenses" includes fees, costs, taxes, 22394
assessments, fines, penalties, payments, or any other expense a 22395
person owes or otherwise pays to a county office under the 22396
authority of a county official, other than dog registration and 22397
kennel fees required to be paid under Chapter 955. of the Revised 22398
Code. "County expenses" includes payment to a county office of 22399
money confiscated during the commitment of an individual to a 22400
county jail, of bail, of money for a prisoner's inmate account, 22401
and of money for goods and services obtained by or for the use of 22402
an individual incarcerated by a county sheriff. 22403

(3) "County official" includes the county auditor, county 22404
treasurer, county engineer, county recorder, county prosecuting 22405
attorney, county sheriff, county coroner, county park district and 22406
board of county commissioners, the clerk of the probate court, the 22407
clerk of the juvenile court, the clerks of court for all divisions 22408
of the courts of common pleas, and the clerk of the court of 22409
common pleas, the clerk of a county-operated municipal court, and 22410
the clerk of a county court. 22411

The term "county expenses" includes county expenses owed to 22412
the board of health of the general health district or a combined 22413
health district in the county. If the board of county 22414
commissioners authorizes county expenses to be paid by financial 22415
transaction devices under this section, then the board of health 22416
and the general health district and the combined health district 22417
may accept payments by financial transaction devices under this 22418
section as if the board were a "county official" and the district 22419
were a county office. However, in the case of a general health 22420
district formed by unification of general health districts under 22421
section 3709.10 of the Revised Code, this entitlement applies only 22422
if all the boards of county commissioners of all counties in the 22423

district have authorized payments to be accepted by financial 22424
transaction devices. 22425

(B) Notwithstanding any other section of the Revised Code and 22426
except as provided in division (D) of this section, a board of 22427
county commissioners may adopt a resolution authorizing the 22428
acceptance of payments by financial transaction devices for county 22429
expenses. The resolution shall include the following: 22430

(1) A specification of those county officials who, and of the 22431
county offices under those county officials that, are authorized 22432
to accept payments by financial transaction devices; 22433

(2) A list of county expenses that may be paid for through 22434
the use of a financial transaction device; 22435

(3) Specific identification of financial transaction devices 22436
that the board authorizes as acceptable means of payment for 22437
county expenses. Uniform acceptance of financial transaction 22438
devices among different types of county expenses is not required. 22439

(4) The amount, if any, authorized as a surcharge or 22440
convenience fee under division (E) of this section for persons 22441
using a financial transaction device. Uniform application of 22442
surcharges or convenience fees among different types of county 22443
expenses is not required. 22444

(5) A specific provision as provided in division (G) of this 22445
section requiring the payment of a penalty if a payment made by 22446
means of a financial transaction device is returned or dishonored 22447
for any reason. 22448

The board's resolution shall also designate the county 22449
treasurer as an administrative agent to solicit proposals, within 22450
guidelines established by the board in the resolution and in 22451
compliance with the procedures provided in division (C) of this 22452
section, from financial institutions, issuers of financial 22453
transaction devices, and processors of financial transaction 22454

devices, to make recommendations about those proposals to the 22455
board, and to assist county offices in implementing the county's 22456
financial transaction devices program. The county treasurer may 22457
decline this responsibility within thirty days after receiving a 22458
copy of the board's resolution by notifying the board in writing 22459
within that period. If the treasurer so notifies the board, the 22460
board shall perform the duties of the administrative agent. 22461

If the county treasurer is the administrative agent and fails 22462
to administer the county financial transaction devices program in 22463
accordance with the guidelines in the board's resolution, the 22464
board shall notify the treasurer in writing of the board's 22465
findings, explain the failures, and give the treasurer six months 22466
to correct the failures. If the treasurer fails to make the 22467
appropriate corrections within that six-month period, the board 22468
may pass a resolution declaring the board to be the administrative 22469
agent. The board may later rescind that resolution at its 22470
discretion. 22471

(C) The county shall follow the procedures provided in this 22472
division whenever it plans to contract with financial 22473
institutions, issuers of financial transaction devices, or 22474
processors of financial transaction devices for the purposes of 22475
this section. The administrative agent shall request proposals 22476
from at least three financial institutions, issuers of financial 22477
transaction devices, or processors of financial transaction 22478
devices, as appropriate in accordance with the resolution adopted 22479
under division (B) of this section. Prior to sending any financial 22480
institution, issuer, or processor a copy of any such request, the 22481
county shall advertise its intent to request proposals in a 22482
newspaper of general circulation in the county once a week for two 22483
consecutive weeks or as provided in section 7.16 of the Revised 22484
Code. The notice shall state that the county intends to request 22485
proposals; specify the purpose of the request; indicate the date, 22486

which shall be at least ten days after the second publication, on 22487
which the request for proposals will be mailed to financial 22488
institutions, issuers, or processors; and require that any 22489
financial institution, issuer, or processor, whichever is 22490
appropriate, interested in receiving the request for proposals 22491
submit written notice of this interest to the county not later 22492
than noon of the day on which the request for proposals will be 22493
mailed. 22494

Upon receiving the proposals, the administrative agent shall 22495
review them and make a recommendation to the board of county 22496
commissioners on which proposals to accept. The board of county 22497
commissioners shall consider the agent's recommendation and review 22498
all proposals submitted, and then may choose to contract with any 22499
or all of the entities submitting proposals, as appropriate. The 22500
board shall provide any financial institution, issuer, or 22501
processor that submitted a proposal, but with which the board does 22502
not enter into a contract, notice that its proposal is rejected. 22503
The notice shall state the reasons for the rejection, indicate 22504
whose proposals were accepted, and provide a copy of the terms and 22505
conditions of the successful bids. 22506

(D) A board of county commissioners adopting a resolution 22507
under this section shall send a copy of the resolution to each 22508
county official in the county who is authorized by the resolution 22509
to accept payments by financial transaction devices. After 22510
receiving the resolution and before accepting payments by 22511
financial transaction devices, a county official shall provide 22512
written notification to the board of county commissioners of the 22513
official's intent to implement the resolution within the 22514
official's office. Each county office subject to the board's 22515
resolution adopted under division (B) of this section may use only 22516
the financial institutions, issuers of financial transaction 22517
devices, and processors of financial transaction devices with 22518

which the board of county commissioners contracts, and each such 22519
office is subject to the terms of those contracts. 22520

If a county office under the authority of a county official 22521
is directly responsible for collecting one or more county expenses 22522
and the county official determines not to accept payments by 22523
financial transaction devices for one or more of those expenses, 22524
the office shall not be required to accept payments by financial 22525
transaction devices, notwithstanding the adoption of a resolution 22526
by the board of county commissioners under this section. 22527

Any office of a clerk of the court of common pleas that 22528
accepts financial transaction devices on or before July 1, 1999, 22529
and any other county office that accepted such devices before 22530
January 1, 1998, may continue to accept such devices without being 22531
subject to any resolution passed by the board of county 22532
commissioners under division (B) of this section, or any other 22533
oversight by the board of the office's financial transaction 22534
devices program. Any such office may use surcharges or convenience 22535
fees in any manner the county official in charge of the office 22536
determines to be appropriate, and, if the county treasurer 22537
consents, may appoint the county treasurer to be the office's 22538
administrative agent for purposes of accepting financial 22539
transaction devices. In order not to be subject to the resolution 22540
of the board of county commissioners adopted under division (B) of 22541
this section, a county office shall notify the board in writing 22542
within thirty days after March 30, 1999, that it accepted 22543
financial transaction devices prior to January 1, 1998, or, in the 22544
case of the office of a clerk of the court of common pleas, the 22545
clerk has accepted or will accept such devices on or before July 22546
1, 1999. Each such notification shall explain how processing costs 22547
associated with financial transaction devices are being paid and 22548
shall indicate whether surcharge or convenience fees are being 22549
passed on to consumers. 22550

(E) A board of county commissioners may establish a surcharge 22551
or convenience fee that may be imposed upon a person making 22552
payment by a financial transaction device. The surcharge or 22553
convenience fee shall not be imposed unless authorized or 22554
otherwise permitted by the rules prescribed by an agreement 22555
governing the use and acceptance of the financial transaction 22556
device. 22557

If a surcharge or convenience fee is imposed, every county 22558
office accepting payment by a financial transaction device, 22559
regardless of whether that office is subject to a resolution 22560
adopted by a board of county commissioners, shall clearly post a 22561
notice in that office and shall notify each person making a 22562
payment by such a device about the surcharge or fee. Notice to 22563
each person making a payment shall be provided regardless of the 22564
medium used to make the payment and in a manner appropriate to 22565
that medium. Each notice shall include all of the following: 22566

(1) A statement that there is a surcharge or convenience fee 22567
for using a financial transaction device; 22568

(2) The total amount of the charge or fee expressed in 22569
dollars and cents for each transaction, or the rate of the charge 22570
or fee expressed as a percentage of the total amount of the 22571
transaction, whichever is applicable; 22572

(3) A clear statement that the surcharge or convenience fee 22573
is nonrefundable. 22574

(F) If a person elects to make a payment to the county by a 22575
financial transaction device and a surcharge or convenience fee is 22576
imposed, the payment of the surcharge or fee shall be considered 22577
voluntary and the surcharge or fee is not refundable. 22578

(G) If a person makes payment by financial transaction device 22579
and the payment is returned or dishonored for any reason, the 22580
person is liable to the county for payment of a penalty over and 22581

above the amount of the expense due. The board of county 22582
commissioners shall determine the amount of the penalty, which may 22583
be either a fee not to exceed twenty dollars or payment of the 22584
amount necessary to reimburse the county for banking charges, 22585
legal fees, or other expenses incurred by the county in collecting 22586
the returned or dishonored payment. The remedies and procedures 22587
provided in this section are in addition to any other available 22588
civil or criminal remedies provided by law. 22589

(H) No person making any payment by financial transaction 22590
device to a county office shall be relieved from liability for the 22591
underlying obligation except to the extent that the county 22592
realizes final payment of the underlying obligation in cash or its 22593
equivalent. If final payment is not made by the financial 22594
transaction device issuer or other guarantor of payment in the 22595
transaction, the underlying obligation shall survive and the 22596
county shall retain all remedies for enforcement that would have 22597
applied if the transaction had not occurred. 22598

(I) A county official or employee who accepts a financial 22599
transaction device payment in accordance with this section and any 22600
applicable state or local policies or rules is immune from 22601
personal liability for the final collection of such payments. 22602

Sec. 306.35. Upon the creation of a regional transit 22603
authority as provided by section 306.32 of the Revised Code, and 22604
upon the qualifying of its board of trustees and the election of a 22605
president and a vice-president, the authority shall exercise in 22606
its own name all the rights, powers, and duties vested in and 22607
conferred upon it by sections 306.30 to 306.53 of the Revised 22608
Code. Subject to any reservations, limitations, and qualifications 22609
that are set forth in those sections, the regional transit 22610
authority: 22611

(A) May sue or be sued in its corporate name; 22612

(B) May make contracts in the exercise of the rights, powers, and duties conferred upon it;	22613 22614
(C) May adopt and at will alter a seal and use such seal by causing it to be impressed, affixed, reproduced, or otherwise used, but failure to affix the seal shall not affect the validity of any instrument;	22615 22616 22617 22618
(D)(1) May adopt, amend, and repeal bylaws for the administration of its affairs and rules for the control of the administration and operation of transit facilities under its jurisdiction, and for the exercise of all of its rights of ownership in those transit facilities;	22619 22620 22621 22622 22623
(2) The regional transit authority also may adopt bylaws and rules for the following purposes:	22624 22625
(a) To prohibit selling, giving away, or using any beer or intoxicating liquor on transit vehicles or transit property;	22626 22627
(b) For the preservation of good order within or on transit vehicles or transit property;	22628 22629
(c) To provide for the protection and preservation of all property and life within or on transit vehicles or transit property;	22630 22631 22632
(d) To regulate and enforce the collection of fares.	22633
(3) Before a bylaw or rule adopted under division (D)(2) of this section takes effect, the regional transit authority shall provide for a notice of its adoption to be published once a week for two consecutive weeks in a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code.	22634 22635 22636 22637 22638 22639
(4) No person shall violate any bylaw or rule of a regional transit authority adopted under division (D)(2) of this section.	22640 22641
(E) May fix, alter, and collect fares, rates, and rentals and	22642

other charges for the use of transit facilities under its 22643
jurisdiction to be determined exclusively by it for the purpose of 22644
providing for the payment of the expenses of the regional transit 22645
authority, the acquisition, construction, improvement, extension, 22646
repair, maintenance, and operation of transit facilities under its 22647
jurisdiction, the payment of principal and interest on its 22648
obligations, and to fulfill the terms of any agreements made with 22649
purchasers or holders of any such obligations, or with any person 22650
or political subdivision; 22651

(F) Shall have jurisdiction, control, possession, and 22652
supervision of all property, rights, easements, licenses, moneys, 22653
contracts, accounts, liens, books, records, maps, or other 22654
property rights and interests conveyed, delivered, transferred, or 22655
assigned to it; 22656

(G)(1) Except as provided in division (G)(2) of this section, 22657
may acquire, construct, improve, extend, repair, lease, operate, 22658
maintain, or manage transit facilities within or without its 22659
territorial boundaries, considered necessary to accomplish the 22660
purposes of its organization and make charges for the use of 22661
transit facilities. 22662

(2) ~~Beginning on July 1, 2011, a~~ A regional transit authority 22663
shall not ~~extend its service or facilities into a political~~ 22664
~~subdivision~~ acquire, construct, improve, extend, repair, lease, 22665
operate, maintain, or manage transit facilities outside ~~the~~ its 22666
territorial boundaries ~~of the authority without giving prior~~ 22667
until: 22668

(a) It has provided written notice of its proposed action to 22669
the legislative authority of ~~the~~ any political subdivision. ~~The~~ 22670
~~legislative authority shall have thirty days after receiving the~~ 22671
~~notice to comment on the proposal~~ in which the action of the 22672
regional transit authority is proposed to take place; and 22673

<u>(b) It has received from each such affected political</u>	22674
<u>subdivision an agreement containing the terms and conditions for</u>	22675
<u>the regional transit authority action.</u>	22676
(H) May levy and collect taxes as provided in sections 306.40	22677
and 306.49 of the Revised Code;	22678
(I) May issue bonds secured by its general credit as provided	22679
in section 306.40 of the Revised Code;	22680
(J) May hold, encumber, control, acquire by donation, by	22681
purchase for cash or by installment payments, by lease-purchase	22682
agreement, by lease with option to purchase, or by condemnation,	22683
and may construct, own, lease as lessee or lessor, use, and sell,	22684
real and personal property, or any interest or right in real and	22685
personal property, within or without its territorial boundaries,	22686
for the location or protection of transit facilities and	22687
improvements and access to transit facilities and improvements,	22688
the relocation of buildings, structures, and improvements situated	22689
on lands acquired by the regional transit authority, or for any	22690
other necessary purpose, or for obtaining or storing materials to	22691
be used in constructing, maintaining, and improving transit	22692
facilities under its jurisdiction;	22693
(K) May exercise the power of eminent domain to acquire	22694
property or any interest in property, within or without its	22695
territorial boundaries, that is necessary or proper for the	22696
construction or efficient operation of any transit facility or	22697
access to any transit facility under its jurisdiction in	22698
accordance with section 306.36 of the Revised Code;	22699
(L) May provide by agreement with any county, including the	22700
counties within its territorial boundaries, or any municipal	22701
corporation or any combination of counties or municipal	22702
corporations for the making of necessary surveys, appraisals, and	22703
examinations preliminary to the acquisition or construction of any	22704

transit facility and the amount of the expense for the surveys, 22705
appraisals, and examinations to be paid by each such county or 22706
municipal corporation; 22707

(M) May provide by agreement with any county, including the 22708
counties within its territorial boundaries, or any municipal 22709
corporation or any combination of those counties or municipal 22710
corporations for the acquisition, construction, improvement, 22711
extension, maintenance, or operation of any transit facility owned 22712
or to be owned and operated by it or owned or to be owned and 22713
operated by any such county or municipal corporation and the terms 22714
on which it shall be acquired, leased, constructed, maintained, or 22715
operated, and the amount of the cost and expense of the 22716
acquisition, lease, construction, maintenance, or operation to be 22717
paid by each such county or municipal corporation; 22718

(N) May issue revenue bonds for the purpose of acquiring, 22719
replacing, improving, extending, enlarging, or constructing any 22720
facility or permanent improvement that it is authorized to 22721
acquire, replace, improve, extend, enlarge, or construct, 22722
including all costs in connection with and incidental to the 22723
acquisition, replacement, improvement, extension, enlargement, or 22724
construction, and their financing, as provided by section 306.37 22725
of the Revised Code; 22726

(O) May enter into and supervise franchise agreements for the 22727
operation of a transit system; 22728

(P) May accept the assignment of and supervise an existing 22729
franchise agreement for the operation of a transit system; 22730

(Q) May exercise a right to purchase a transit system in 22731
accordance with the acquisition terms of an existing franchise 22732
agreement; and in connection with the purchase the regional 22733
transit authority may issue revenue bonds as provided by section 22734
306.37 of the Revised Code or issue bonds secured by its general 22735

credit as provided in section 306.40 of the Revised Code; 22736

(R) May apply for and accept grants or loans from the United 22737
States, the state, or any other public body for the purpose of 22738
providing for the development or improvement of transit 22739
facilities, mass transportation facilities, equipment, techniques, 22740
methods, or services, and grants or loans needed to exercise a 22741
right to purchase a transit system pursuant to agreement with the 22742
owner of those transit facilities, or for providing lawful 22743
financial assistance to existing transit systems; and may provide 22744
any consideration that may be required in order to obtain those 22745
grants or loans from the United States, the state, or other public 22746
body, either of which grants or loans may be evidenced by the 22747
issuance of revenue bonds as provided by section 306.37 of the 22748
Revised Code or general obligation bonds as provided by section 22749
306.40 of the Revised Code; 22750

(S) May employ and fix the compensation of consulting 22751
engineers, superintendents, managers, and such other engineering, 22752
construction, accounting and financial experts, attorneys, and 22753
other employees and agents necessary for the accomplishment of its 22754
purposes; 22755

(T) May procure insurance against loss to it by reason of 22756
damages to its properties resulting from fire, theft, accident, or 22757
other casualties or by reason of its liability for any damages to 22758
persons or property occurring in the construction or operation of 22759
transit facilities under its jurisdiction or the conduct of its 22760
activities; 22761

(U) May maintain funds that it considers necessary for the 22762
efficient performance of its duties; 22763

(V) May direct its agents or employees, when properly 22764
identified in writing, after at least five days' written notice, 22765
to enter upon lands within or without its territorial boundaries 22766

in order to make surveys and examinations preliminary to the 22767
location and construction of transit facilities, without liability 22768
to it or its agents or employees except for actual damage done; 22769

(W) On its own motion, may request the appropriate zoning 22770
board, as defined in section 4563.03 of the Revised Code, to 22771
establish and enforce zoning regulations pertaining to any transit 22772
facility under its jurisdiction in the manner prescribed by 22773
sections 4563.01 to 4563.21 of the Revised Code; 22774

(X) If it acquires any existing transit system, shall assume 22775
all the employer's obligations under any existing labor contract 22776
between the employees and management of the system. If the board 22777
acquires, constructs, controls, or operates any such facilities, 22778
it shall negotiate arrangements to protect the interests of 22779
employees affected by the acquisition, construction, control, or 22780
operation. The arrangements shall include, but are not limited to: 22781

(1) The preservation of rights, privileges, and benefits 22782
under existing collective bargaining agreements or otherwise, the 22783
preservation of rights and benefits under any existing pension 22784
plans covering prior service, and continued participation in 22785
social security in addition to participation in the public 22786
employees retirement system as required in Chapter 145. of the 22787
Revised Code; 22788

(2) The continuation of collective bargaining rights; 22789

(3) The protection of individual employees against a 22790
worsening of their positions with respect to their employment; 22791

(4) Assurances of employment to employees of those transit 22792
systems and priority reemployment of employees terminated or laid 22793
off; 22794

(5) Paid training or retraining programs; 22795

(6) Signed written labor agreements. 22796

The arrangements may include provisions for the submission of labor disputes to final and binding arbitration.

(Y) May provide for and maintain security operations, including a transit police department, subject to section 306.352 of the Revised Code. Regional transit authority police officers shall have the power and duty to act as peace officers within transit facilities owned, operated, or leased by the transit authority to protect the transit authority's property and the person and property of passengers, to preserve the peace, and to enforce all laws of the state and ordinances and regulations of political subdivisions in which the transit authority operates. Regional transit authority police officers also shall have the power and duty to act as peace officers when they render emergency assistance outside their jurisdiction to any other peace officer who is not a regional transit authority police officer and who has arrest authority under section 2935.03 of the Revised Code. Regional transit authority police officers may render emergency assistance if there is a threat of imminent physical danger to the peace officer, a threat of physical harm to another person, or any other serious emergency situation and if either the peace officer who is assisted requests emergency assistance or it appears that the peace officer who is assisted is unable to request emergency assistance and the circumstances observed by the regional transit authority police officer reasonably indicate that emergency assistance is appropriate.

Before exercising powers of arrest and the other powers and duties of a peace officer, each regional transit authority police officer shall take an oath and give bond to the state in a sum that the board of trustees prescribes for the proper performance of the officer's duties.

Persons employed as regional transit authority police officers shall complete training for the position to which they

have been appointed as required by the Ohio peace officer training 22829
commission as authorized in section 109.77 of the Revised Code, or 22830
be otherwise qualified. The cost of the training shall be provided 22831
by the regional transit authority. 22832

(Z) May procure a policy or policies insuring members of its 22833
board of trustees against liability on account of damages or 22834
injury to persons and property resulting from any act or omission 22835
of a member in the member's official capacity as a member of the 22836
board or resulting solely out of the member's membership on the 22837
board; 22838

(AA) May enter into any agreement for the sale and leaseback 22839
or lease and leaseback of transit facilities, which agreement may 22840
contain all necessary covenants for the security and protection of 22841
any lessor or the regional transit authority including, but not 22842
limited to, indemnification of the lessor against the loss of 22843
anticipated tax benefits arising from acts, omissions, or 22844
misrepresentations of the regional transit authority. In 22845
connection with that transaction, the regional transit authority 22846
may contract for insurance and letters of credit and pay any 22847
premiums or other charges for the insurance and letters of credit. 22848
The fiscal officer shall not be required to furnish any 22849
certificate under section 5705.41 of the Revised Code in 22850
connection with the execution of any such agreement. 22851

(BB) In regard to any contract entered into on or after March 22852
19, 1993, for the rendering of services or the supplying of 22853
materials or for the construction, demolition, alteration, repair, 22854
or reconstruction of transit facilities in which a bond is 22855
required for the faithful performance of the contract, may permit 22856
the person awarded the contract to utilize a letter of credit 22857
issued by a bank or other financial institution in lieu of the 22858
bond; 22859

(CC) May enter into agreements with municipal corporations 22860

located within the territorial jurisdiction of the regional 22861
transit authority permitting regional transit authority police 22862
officers employed under division (Y) of this section to exercise 22863
full arrest powers, as provided in section 2935.03 of the Revised 22864
Code, for the purpose of preserving the peace and enforcing all 22865
laws of the state and ordinances and regulations of the municipal 22866
corporation within the areas that may be agreed to by the regional 22867
transit authority and the municipal corporation. 22868

Sec. 307.07. (A) The board of county commissioners, by 22869
resolution, may create an office of economic development, to 22870
develop and promote plans and programs designed to assure that 22871
county resources are efficiently used, economic growth is properly 22872
balanced, and that county economic development is coordinated with 22873
that of the state and other local governments. For this purpose, 22874
the board may appropriate moneys from the county general fund, or, 22875
pursuant to section 307.64 of the Revised Code, moneys derived 22876
from a tax levied pursuant to division (EE) of section 5705.19 of 22877
the Revised Code, for the creation and operation of the office 22878
for, any economic development purpose of the office, and to 22879
provide for the establishment and operation of a program of 22880
economic development, including in support of a county land 22881
reutilization corporation organized under Chapter 1724. of the 22882
Revised Code. The board may hire a director of economic 22883
development, who shall be a member of the unclassified civil 22884
service, and fix the director's compensation; or may do any of the 22885
following: 22886

(1) Enter into an agreement with a county planning commission 22887
within the county, created under section 713.22 of the Revised 22888
Code, or a regional planning commission, created under section 22889
713.21 of the Revised Code, regardless of whether the county is a 22890
member of the commission, to carry out all of the functions and 22891
duties of a director of economic development under division (B) of 22892

this section. Any agreement shall set forth the procedure by which 22893
the county or regional planning commission shall gain the approval 22894
of the board of county commissioners for any actions, functions, 22895
and duties under division (B) of this section. Any agreement may 22896
continue in effect for a period of one to three years and may be 22897
renewed with the consent of all parties. The civil service status 22898
of planning commission staff shall not be affected by any 22899
agreement under this division. 22900

(2) Enter into an agreement with ~~the Ohio cooperative~~ OSU 22901
extension ~~service~~, providing for the use of employees hired by the 22902
Ohio state university under section 3335.36 of the Revised Code to 22903
carry out all of the functions and duties of a director of 22904
economic development under division (B) of this section. Any 22905
agreement shall set forth the procedure by which ~~the Ohio~~ 22906
~~cooperative~~ OSU extension ~~service~~ shall gain the approval of the 22907
board of county commissioners for any actions, functions, and 22908
duties under division (B) of this section. Any agreement may 22909
continue in effect for a period of one to three years and may be 22910
renewed with the consent of all parties. The employment 22911
classification of ~~Ohio cooperative~~ OSU extension ~~service~~ employees 22912
shall not be affected by any agreement under this division. 22913

Any moneys appropriated by the board of county commissioners 22914
to execute an agreement for the provision of services pursuant to 22915
this section by ~~the Ohio cooperative~~ OSU extension ~~service~~ shall 22916
be paid to the Ohio state university to the credit of the ~~Ohio~~ 22917
~~cooperative~~ OSU extension ~~service~~ fund created under section 22918
3335.35 of the Revised Code. 22919

(3) Enter into an agreement with a public or private 22920
nonprofit organization to carry out all of the functions and 22921
duties of a director of economic development under division (B) of 22922
this section. The agreement shall set forth the procedure by which 22923
the nonprofit organization shall gain the approval of the board of 22924

county commissioners for any actions, functions, and duties under 22925
that division. The agreement may continue in effect for a period 22926
of one to three years and may be renewed with the consent of all 22927
parties. The employment classification of the nonprofit 22928
organization's employees shall not be affected by an agreement 22929
under this division. 22930

(B) The director of economic development may: 22931

(1) With the approval of the board, hire such staff and 22932
employ such technical and advisory personnel as the director sees 22933
fit to enable the director to carry out the functions and duties 22934
of the office; 22935

(2) With the approval of the board, contract for services 22936
necessary to enable the director to carry out the functions and 22937
duties of the office; 22938

(3) With the approval of the board, enter into agreements 22939
with federal, state, and local governments and agencies thereof, 22940
and with public, private, or nonprofit organizations to carry out 22941
the functions and duties of the office; 22942

(4) Maintain membership in development organizations; 22943

(5) With the approval of the board, make loans or grants and 22944
provide other forms of financial assistance for the purpose of 22945
economic development, including financial assistance for permanent 22946
public improvements, in compliance with applicable laws of this 22947
state, and fix the rate of interest and charges to be made for 22948
such financial assistance; 22949

(6) With the approval of the board, receive and accept 22950
grants, gifts, and contributions of money, property, labor, and 22951
other things of value, to be held, used, and applied only for the 22952
purpose for which they are made, from individuals, private and 22953
public corporations, the United States government or any agency 22954
thereof, from the state or any agency thereof, or from any 22955

political subdivision or any agency thereof, and may agree to 22956
repay any contribution of money or return any property contributed 22957
or the value thereof in amounts, and on terms and conditions, 22958
excluding the payment of interest, as the director determines, and 22959
may evidence the obligations by written evidence; 22960

(7) Establish with the board any funds that are necessary for 22961
the deposit and disbursement of gifts or contributions of money 22962
accepted for economic development purposes; 22963

(8) With the approval of the board, design, implement, 22964
monitor, oversee, and evaluate economic development plans, 22965
programs, strategies, and policies; 22966

(9) Purchase real property to convey to a county land 22967
reutilization corporation to be used in accordance with its public 22968
purposes; 22969

(10) Perform all acts necessary to fulfill the functions and 22970
duties of the office. 22971

(C) The boards of county commissioners of two or more 22972
counties, by resolution, may create a joint office of economic 22973
development for the purposes set forth in division (A) of this 22974
section. The counties participating in a joint office of economic 22975
development shall enter into an agreement that sets forth the 22976
contribution of funds, services, and property to the joint office 22977
from each participating county; establishes the person, public 22978
agency, or nonprofit organization that shall carry out the 22979
functions and duties of the office; and discloses any other terms 22980
by which the joint office shall operate. 22981

The boards of county commissioners of counties participating 22982
in a joint office of economic development may appropriate moneys 22983
from their respective county general funds, or, pursuant to 22984
section 307.64 of the Revised Code, moneys derived from a tax 22985
levied pursuant to division (EE) of section 5705.19 of the Revised 22986

Code, for the creation and operation of the joint office, for any 22987
economic development purpose of the office, and to provide for the 22988
establishment and operation of a program of economic development. 22989
The participating counties may hire a director of economic 22990
development for the joint office or enter into an agreement with a 22991
public agency or nonprofit organization in a manner set forth in 22992
division (A) of this section to carry out the functions and duties 22993
set forth in division (B) of this section. 22994

Any agreement establishing a joint office of economic 22995
development shall set forth the procedure by which the person, 22996
public agency, or nonprofit organization carrying out the 22997
functions and duties of the office shall gain the approval of the 22998
participating boards of county commissioners for any actions, 22999
functions, and duties under division (B) of this section. 23000

(D) As used in this section, "economic development" has the 23001
same meaning as in section 307.64 of the Revised Code. 23002

Sec. 307.674. (A) As used in this section: 23003

(1) "Bonds" means: 23004

(a) Revenue bonds of the port authority described in division 23005
(B)(2)(a) of this section; 23006

(b) Securities as defined in division (KK) of section 133.01 23007
of the Revised Code issued by the host municipal corporation, 23008
described in division (B)(3)(a) of this section; 23009

(c) Any bonds issued to refund any of those revenue bonds or 23010
securities. 23011

(2) "Corporation" means a nonprofit corporation that is 23012
organized under the laws of this state and that includes within 23013
the purposes for which it is incorporated the authorization to 23014
lease and operate facilities such as a port authority educational 23015
and cultural performing arts facility. 23016

(3) "Cost," as applied to a port authority educational and cultural performing arts facility, means the cost of acquiring, constructing, renovating, rehabilitating, equipping, or improving the facility, or any combination of those purposes, collectively referred to in this section as "construction," and the cost of acquisition of all land, rights of way, property rights, easements, franchise rights, and interests required for those purposes, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any land to which those buildings or structures may be moved, the cost of public utility and common carrier relocation or duplication, the cost of all machinery, furnishings, and equipment, financing charges, interest prior to and during construction and for not more than three years after completion of construction, costs arising under guaranty agreements, reimbursement agreements, or other credit enhancement agreements relating to bonds, engineering, expenses of research and development with respect to such facility, legal expenses, plans, specifications, surveys, studies, estimates of costs and revenues, other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing the facility, administrative expense, and other expenses as may be necessary or incident to that acquisition or construction and the financing of such acquisition or construction, including, with respect to the revenue bonds of a port authority, amounts to be paid into any special funds from the proceeds of those bonds, and repayments to the port authority, host county, host municipal corporation, or corporation of any amounts advanced for the foregoing purposes.

(4) "Debt service charges" means, for any period or payable at any time, the principal of and interest and any premium due on bonds for that period or payable at that time whether due at maturity or upon mandatory redemption, together with any required

deposits to reserves for the payment of principal of and interest 23050
on those bonds, and includes any payments required by the port 23051
authority to satisfy any of its obligations under or arising from 23052
any guaranty agreements, reimbursement agreements, or other credit 23053
enhancement agreements described in division (C) of this section. 23054

(5) "Host county" means the county within the boundaries of 23055
which the port authority educational and cultural performing arts 23056
facility is or will be located. 23057

(6) "Host municipal corporation" means the municipal 23058
corporation within the boundaries of which the port authority 23059
educational and cultural performing arts facility is or will be 23060
located. 23061

(7) "Port authority" means a port authority created pursuant 23062
to section 4582.22 of the Revised Code. 23063

(8) "Port authority educational and cultural performing arts 23064
facility" means a facility that consists of a center for music or 23065
other performing arts, a theater or other facilities to provide 23066
programs of an educational, recreational, or cultural nature, or 23067
any combination of those purposes as determined by the parties to 23068
the cooperative agreement for which provision is made in division 23069
(B) of this section to fulfill the public educational, 23070
recreational, and cultural purposes set forth therein, together 23071
with all parking facilities, walkways, and other auxiliary 23072
facilities, real and personal property, property rights, 23073
easements, and interests that may be appropriate for, or used in 23074
connection with, the operation of the facility. 23075

(B) A host county, a host municipal corporation, and a port 23076
authority may enter into a cooperative agreement with a 23077
corporation under which, as further provided for in that 23078
agreement: 23079

(1) The host county may agree to do any or all of the 23080

following:	23081
(a) Levy and collect a tax under division (E) and division	23082
(F) of section 5739.09 of the Revised Code for the purposes, and	23083
in an amount sufficient for those purposes, described in divisions	23084
(B)(1)(b) and (c) of this section;	23085
(b) Pay to the port authority all or such portion as provided	23086
for in the cooperative agreement of the revenue from the tax,	23087
together with any investment earnings on that revenue, to be used	23088
to pay a portion of the costs of acquiring, constructing,	23089
renovating, rehabilitating, equipping, or improving the port	23090
authority educational and cultural performing arts facility;	23091
(c) Pledge and pay to the corporation all or such portion as	23092
provided for in the cooperative agreement of the revenue from the	23093
tax, together with any investment earnings on that revenue, to be	23094
used to pay a portion of the costs to the corporation of leasing	23095
the port authority educational and cultural performing arts	23096
facility from the port authority.	23097
(2) The port authority may agree to do any or all of the	23098
following:	23099
(a) Issue its revenue bonds pursuant to section 4582.48 of	23100
the Revised Code for the purpose of paying all or a portion of the	23101
costs of the port authority educational and cultural performing	23102
arts facility;	23103
(b) Acquire, construct, renovate, rehabilitate, equip, and	23104
improve the port authority educational and cultural performing	23105
arts facility;	23106
(c) Lease the port authority educational and cultural	23107
performing arts facility to the corporation;	23108
(d) To the extent provided for in the cooperative agreement	23109
or the lease to the corporation, authorize the corporation to	23110

administer on behalf of the port authority the contracts for 23111
acquiring, constructing, renovating, rehabilitating, or equipping 23112
the port authority educational and cultural performing arts 23113
facility; 23114

(e) Use the revenue derived from the lease of the port 23115
authority educational and cultural performing arts facility to the 23116
corporation solely to pay debt service charges on revenue bonds of 23117
the port authority issued pursuant to division (B)(2)(a) of this 23118
section and to pay its obligations under or arising from any 23119
guaranty agreements, reimbursement agreements, or other credit 23120
enhancement agreements provided for in this section. 23121

(3) The host municipal corporation may agree to do either or 23122
both of the following: 23123

(a) Issue its bonds for the purpose of paying all or a 23124
portion of the costs of the port authority educational and 23125
cultural performing arts facility, and pay the proceeds from the 23126
issuance to the port authority for that purpose; 23127

(b) Enter into a guaranty agreement, a reimbursement 23128
agreement, or other credit enhancement agreement with the port 23129
authority to provide a guaranty or other credit enhancement of the 23130
port authority revenue bonds referred to in division (B)(2)(a) of 23131
this section pledging taxes, other than ad valorem property taxes, 23132
or other revenues for the purpose of providing the funds required 23133
to satisfy the host municipal corporation's obligations under that 23134
agreement. 23135

The cooperative agreement may provide that the proceeds of 23136
such securities or of such guaranty agreement, reimbursement 23137
agreement, or other credit enhancement agreement be deposited with 23138
and administered by the trustee pursuant to the trust agreement 23139
authorized in division (C) of this section. 23140

(4) The corporation may agree to do any or all of the 23141

following:	23142
(a) Lease the port authority educational and cultural performing arts facility from the port authority;	23143 23144
(b) Operate and maintain the port authority educational and cultural performing arts facility pursuant to the lease;	23145 23146
(c) To the extent provided for in the cooperative agreement or the lease from the port authority, administer on behalf of the port authority the contracts for acquiring, constructing, renovating, rehabilitating, or equipping the port authority educational and cultural performing arts facility.	23147 23148 23149 23150 23151
(C) The pledge and payments referred to in divisions (B)(1)(b) and (c) of this section and provided for in the cooperative agreement shall be for the period stated in the cooperative agreement but shall not extend longer than the period necessary to provide for the final retirement of the port authority revenue bonds referred to in division (B)(2)(a) of this section, and for the satisfaction by the port authority of any of its obligations under or arising from any guaranty agreements, reimbursement agreements, or other credit enhancement agreements relating to those bonds or to the revenues pledged to them. The cooperative agreement shall provide for the termination of the cooperative agreement, including the pledge and payment referred to in division (B)(1)(c) of this section, if the port authority revenue bonds referred to in division (B)(2)(a) of this section have not been issued, sold, and delivered within five years of the effective date of the cooperative agreement.	23152 23153 23154 23155 23156 23157 23158 23159 23160 23161 23162 23163 23164 23165 23166 23167
The cooperative agreement shall provide that any port authority revenue bonds shall be secured by a trust agreement between the port authority and a corporate trustee that is a trust company or bank having the powers of a trust company within or outside the state but authorized to exercise trust powers within	23168 23169 23170 23171 23172

the state. The host county may be a party to that trust agreement 23173
for the purpose of better securing the pledge by the host county 23174
of its payment to the corporation pursuant to division (B)(1)(c) 23175
of this section. A tax levied pursuant to section 5739.09 of the 23176
Revised Code for the purposes specified in division (B)(1)(b) or 23177
(c) of this section is not subject to diminution by initiative or 23178
referendum or diminution by statute, unless provision is made for 23179
an adequate substitute reasonably satisfactory to the trustee 23180
under the trust agreement that secures the port authority revenue 23181
bonds. 23182

(D) A pledge of money by a host county under this section 23183
shall not be net indebtedness of the host county for purposes of 23184
section 133.07 of the Revised Code. A guaranty or other credit 23185
enhancement by a host municipal corporation under this section 23186
shall not be net indebtedness of the host municipal corporation 23187
for purposes of section 133.05 of the Revised Code. 23188

(E) If the terms of the cooperative agreement so provide, any 23189
contract for the acquisition, construction, renovation, 23190
rehabilitation, equipping, or improving of a port authority 23191
educational and cultural performing arts facility shall be made in 23192
such manner as is determined by the board of directors of the port 23193
authority, and unless the cooperative agreement provides 23194
otherwise, such a contract is not subject to division (R)(2) of 23195
section 4582.31 of the Revised Code. The port authority may take 23196
the assignment of and assume any contracts for the acquisition, 23197
construction, renovation, rehabilitation, equipping, or improving 23198
of a port authority educational and cultural performing arts 23199
facility that had previously been authorized by any of the host 23200
county, the host municipality, or the corporation. Such contracts 23201
are not subject to division (R)(2) of section 4582.31 of the 23202
Revised Code. 23203

Any contract for the acquisition, construction, renovation, 23204

rehabilitation, equipping, or improving of a port authority 23205
educational and cultural performing arts facility entered into, 23206
assigned, or assumed pursuant to this division shall provide that 23207
all laborers and mechanics employed for the acquisition, 23208
construction, renovation, rehabilitation, equipping, or improving 23209
of that facility shall be paid at the prevailing rates of wages of 23210
laborers and mechanics for the class of work called for by the 23211
port authority educational and cultural performing arts facility, 23212
which wages shall be determined in accordance with the 23213
requirements of Chapter 4115. of the Revised Code for the 23214
determination of prevailing wage rates. 23215

Notwithstanding any provisions to the contrary in section 23216
~~3383.07~~ 123.281 of the Revised Code, construction services and 23217
general building services for a port authority educational and 23218
cultural performing arts facility funded completely or in part 23219
with money appropriated by the state to the Ohio ~~cultural~~ 23220
facilities construction commission may be provided by a port 23221
authority or a corporation that occupies, will occupy, or is 23222
responsible for that facility, as determined by the commission. 23223
The construction services and general building services to be 23224
provided by the port authority or the corporation shall be 23225
specified in an agreement between the commission and the port 23226
authority or corporation. That agreement, or any actions taken 23227
under it, are not subject to Chapters 123. or 153. of the Revised 23228
Code, but are subject to Chapter 4115. of the Revised Code. 23229

Sec. 307.699. (A) As used in this section: 23230

(1) "Sports facility" has the same meaning as in section 23231
307.696 of the Revised Code. 23232

(2) "Residual cash" has the same meaning as in division 23233
(B)(5) of section 5709.081 of the Revised Code. 23234

(B) Any political subdivision or subdivisions or any 23235

corporation that owns a sports facility that is both constructed 23236
under section 307.696 of the Revised Code and includes property 23237
exempt from taxation under division (B) of section 5709.081 of the 23238
Revised Code, shall make an annual service payment in lieu of 23239
taxes on the exempt property for each tax year beginning with the 23240
first tax year in which the facility or part thereof is used by a 23241
major league professional athletic team for its home schedule. The 23242
amount of the service payment for a tax year shall be determined 23243
by the county auditor under division (D) of this section. 23244

(C) On or before the first day of September each year, the 23245
owner of property to which this section applies shall file both of 23246
the following with the county auditor: 23247

(1) A return in the same form as under section 5711.02 of the 23248
Revised Code listing all its exempt tangible personal property as 23249
of the first day of August of that year; 23250

(2) An audited financial statement certified by the owner and 23251
reflecting the actual receipts, revenue, expenses, expenditures, 23252
net income, and residual cash derived from the property during the 23253
most recently ended calendar year. 23254

For the purposes of this section, the county auditor shall 23255
determine the true value of the real and tangible personal 23256
property owned by the political subdivision or subdivisions or the 23257
corporation and included in the sports facility, including the 23258
taxable portion thereof, by capitalizing at an appropriate rate 23259
the net income of the owner derived from that property. The 23260
auditor shall use the net income as certified in the owner's 23261
financial statement, unless ~~he~~ the auditor determines that the 23262
amount so certified is inaccurate, in which event ~~he~~ the auditor 23263
shall determine the accurate amount of net income to be 23264
capitalized. The county auditor shall compute net income before 23265
debt service, and shall not include any revenue from county taxes 23266
as defined in division (A)(1) of section 307.696 of the Revised 23267

Code. The true value so determined shall be allocated between real 23268
and tangible personal property and assessed for the purposes of 23269
this section at the appropriate percentages provided by law for 23270
determining taxable values. 23271

Using information reported or determined under this division, 23272
the county auditor shall determine the amount of putative taxes 23273
for the property for that tax year. As used in this section, 23274
"putative taxes" means the greater of one million dollars or the 23275
amount of property taxes that would have been charged and payable 23276
if all the real and tangible personal property owned by the 23277
political subdivision or subdivisions or the corporation and 23278
included in the sports facility was subject to taxation. 23279

(D) On or before the date that is sixty days before the date 23280
that the first payment of real property taxes are due without 23281
penalty under Chapter 323. of the Revised Code each tax year, the 23282
county auditor shall determine the amount of service payments for 23283
that tax year for property to which this section applies in the 23284
following manner: 23285

(1) The county auditor shall deduct from the amount of 23286
putative taxes under division (C) of this section any taxes 23287
assessed against the taxable portion of the sports facility owned 23288
by any of the entities in division (B)(1) of section 5709.081 of 23289
the Revised Code, any amounts paid by a municipal corporation 23290
under section 5709.082 of the Revised Code as a result of the 23291
exempt property, and any amounts available in the construction 23292
payments account established under division (G)(1) of this section 23293
as are required to make the total deductions under this division 23294
equal to one million dollars. 23295

(2) The county auditor shall fix the amount of the service 23296
payments for a tax year at the amount of the putative taxes minus 23297
deductions under division (D)(1) of this section. However, any 23298
amount of service payments required because the putative taxes 23299

exceed one million dollars shall not exceed the amount of residual 23300
cash of the owner of the exempt property as reported in division 23301
(C) of this section that would otherwise accrue to the political 23302
subdivision or subdivisions pursuant to division (B)(5) of section 23303
5709.081 of the Revised Code if no service payments were imposed 23304
under this section. 23305

(3) If the exempt property is an improvement under division 23306
(C)(2) of section 5709.081 of the Revised Code, the county auditor 23307
shall determine the percentage which such improvement constitutes 23308
of the total sports facility and shall substitute for the 23309
one-million-dollar amount, wherever it appears in this section, an 23310
amount equal to such percentage multiplied by one million dollars. 23311
The percentage shall be determined by dividing the reproduction 23312
cost new of the improvement by the reproduction cost new of the 23313
total sports facility including the improvement, owned by any of 23314
the entities under division (B)(1) of section 5709.081 of the 23315
Revised Code. 23316

(E) On or before the date that is sixty days before the date 23317
that the first payment of real property taxes are due without 23318
penalty under Chapter 323. of the Revised Code each tax year, the 23319
county auditor shall certify and send notice by certified mail to 23320
the owner of the property of the amount and the calculation of the 23321
service payments charged that tax year, including the separate 23322
valuations determined for the real and tangible personal property, 23323
the capitalization rate used, the separate deductions allowed 23324
under division (D) of this section, and any claimed inaccuracies 23325
in net income determined under division (C) of this section. 23326

The service payments for a tax year shall be charged and 23327
collected in the same manner as real property taxes for that tax 23328
year. Revenue collected as service payments shall be distributed 23329
to the taxing districts that would have received property tax 23330
revenue from the exempt property if it was not exempt, for the tax 23331

year for which the payments are made, in the same proportions as 23332
property taxes are distributed. However, if the sum of the 23333
deductions allowed under division (D) of this section and the 23334
service payments exceeds one million dollars, any service payments 23335
in excess of one million dollars shall first be paid to the 23336
municipal corporation to reimburse it for the payments made under 23337
section 5709.082 of the Revised Code from the inception of such 23338
payments. Any such payments to the municipal corporation shall be 23339
deducted from the municipal payments account established under 23340
division (G)(2) of this section. 23341

(F) The owner of property exempt from taxation under section 23342
5709.081 of the Revised Code or ~~persons and political subdivisions~~ 23343
~~entitled to file complaints under section 5715.19 of the Revised~~ 23344
~~Code~~ any of the taxing districts may appeal the determination of 23345
the annual service payments required by this section to the board 23346
of revision in the county in which the exempt property is located 23347
within the time period for filing complaints under section 5715.19 23348
of the Revised Code. The appeal shall be taken by filing a 23349
complaint with that board which need not be on the form prescribed 23350
for other complaints filed under section 5715.19 of the Revised 23351
Code but which shall include an identification of the exempt 23352
property, a copy of the auditor's certification to the owner, a 23353
calculation of the service payments claimed to be correct and a 23354
statement of the errors in the auditor's determination. Upon 23355
receipt of such complaint, the board of revision shall notify the 23356
county auditor of the county in which the exempt property is 23357
located, who shall, within thirty days of such notice, certify to 23358
the board of revision a transcript of the record of the 23359
proceedings of the county auditor pertaining to the determination 23360
of the annual service payments. Any complaint filed under this 23361
section shall be regarded as a complaint for the purposes of 23362
divisions (B), (C), (E), (F), (G), and (H) of section 5715.19 of 23363
the Revised Code. The board of revision shall order the hearing of 23364

evidence and shall determine the amount of service payments due 23365
and payable pursuant to this section. 23366

(G) The county auditor of the county in which the exempt 23367
property is located shall establish the following two accounts: 23368

(1) A construction payments account to which shall be posted 23369
all payments made by a municipal corporation pursuant to section 23370
5709.082 of the Revised Code on account of such property derived 23371
from persons employed at the site of the sports facility in the 23372
construction of the facility. Deductions shall be made from such 23373
account as provided in division (D) of this section until the 23374
amounts so posted are exhausted. 23375

(2) A municipal payments reimbursement account to which shall 23376
be posted all payments made by a municipal corporation pursuant to 23377
section 5709.082 of the Revised Code on account of such property 23378
including those posted under division (G)(1) of this section. 23379
Deductions shall be made from the municipal payments reimbursement 23380
account for reimbursements to the municipal corporation made under 23381
division (E) of this section until the amounts posted are 23382
exhausted. 23383

Sec. 307.86. Anything to be purchased, leased, leased with an 23384
option or agreement to purchase, or constructed, including, but 23385
not limited to, any product, structure, construction, 23386
reconstruction, improvement, maintenance, repair, or service, 23387
except the services of an accountant, architect, attorney at law, 23388
physician, professional engineer, construction project manager, 23389
consultant, surveyor, or appraiser, by or on behalf of the county 23390
or contracting authority, as defined in section 307.92 of the 23391
Revised Code, at a cost in excess of fifty thousand dollars, 23392
except as otherwise provided in division (D) of section 713.23 and 23393
in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 23394
307.861, 339.05, 340.03, ~~340.033~~, 4115.31 to 4115.35, ~~5119.16~~ 23395

5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall be obtained through competitive bidding. However, competitive bidding is not required when any of the following applies:

(A) The board of county commissioners, by a unanimous vote of its members, makes a determination that a real and present emergency exists, and that determination and the reasons for it are entered in the minutes of the proceedings of the board, when either of the following applies:

(1) The estimated cost is less than one hundred thousand dollars.

(2) There is actual physical disaster to structures, radio communications equipment, or computers.

For purposes of this division, "unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present.

Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than one hundred thousand dollars, but the estimated cost is fifty thousand dollars or more, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county or contracting authority shall maintain the record for the longer of at least one year after the contract is awarded or the amount of time the federal government requires.

(B)(1) The purchase consists of supplies or a replacement or

supplemental part or parts for a product or equipment owned or 23427
leased by the county, and the only source of supply for the 23428
supplies, part, or parts is limited to a single supplier. 23429

(2) The purchase consists of services related to information 23430
technology, such as programming services, that are proprietary or 23431
limited to a single source. 23432

(C) The purchase is from the federal government, the state, 23433
another county or contracting authority of another county, or a 23434
board of education, educational service center, township, or 23435
municipal corporation. 23436

(D) The purchase is made by a county department of job and 23437
family services under section 329.04 of the Revised Code and 23438
consists of family services duties or workforce development 23439
activities or is made by a county board of developmental 23440
disabilities under section 5126.05 of the Revised Code and 23441
consists of program services, such as direct and ancillary client 23442
services, child care, case management services, residential 23443
services, and family resource services. 23444

(E) The purchase consists of criminal justice services, 23445
social services programs, family services, or workforce 23446
development activities by the board of county commissioners from 23447
nonprofit corporations or associations under programs funded by 23448
the federal government or by state grants. 23449

(F) The purchase consists of any form of an insurance policy 23450
or contract authorized to be issued under Title XXXIX of the 23451
Revised Code or any form of health care plan authorized to be 23452
issued under Chapter 1751. of the Revised Code, or any combination 23453
of such policies, contracts, plans, or services that the 23454
contracting authority is authorized to purchase, and the 23455
contracting authority does all of the following: 23456

(1) Determines that compliance with the requirements of this 23457

section would increase, rather than decrease, the cost of the purchase; 23458
23459

(2) Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase; 23460
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23462
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23464

(3) Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible. 23465
23466
23467

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government. 23468
23469
23470
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23472

(H) Child care services are purchased for provision to county employees. 23473
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(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply: 23475
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23477

(a) The contracting authority is authorized by the Revised Code to lease the property. 23478
23479

(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property. 23480
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23482
23483

(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving 23484
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23487

notice under section 307.87 of the Revised Code. 23488

(d) The contracting authority negotiates with the prospective 23489
lessors to obtain a lease at the best and lowest price reasonably 23490
possible considering the fair market value of the property and any 23491
relocation and operational costs that may be incurred during the 23492
period the lease is in effect. 23493

(2) The contracting authority may use the services of a real 23494
estate appraiser to obtain advice, consultations, or other 23495
recommendations regarding the lease of property under this 23496
division. 23497

(J) The purchase is made pursuant to section 5139.34 or 23498
sections 5139.41 to 5139.46 of the Revised Code and is of programs 23499
or services that provide case management, treatment, or prevention 23500
services to any felony or misdemeanor delinquent, unruly youth, 23501
or status offender under the supervision of the juvenile court, 23502
including, but not limited to, community residential care, day 23503
treatment, services to children in their home, or electronic 23504
monitoring. 23505

(K) The purchase is made by a public children services agency 23506
pursuant to section 307.92 or 5153.16 of the Revised Code and 23507
consists of family services, programs, or ancillary services that 23508
provide case management, prevention, or treatment services for 23509
children at risk of being or alleged to be abused, neglected, or 23510
dependent children. 23511

(L) The purchase is to obtain the services of emergency 23512
medical service organizations under a contract made by the board 23513
of county commissioners pursuant to section 307.05 of the Revised 23514
Code with a joint emergency medical services district. 23515

(M) The county contracting authority determines that the use 23516
of competitive sealed proposals would be advantageous to the 23517
county and the contracting authority complies with section 307.862 23518

of the Revised Code. 23519

Any issuer of policies, contracts, plans, or services listed 23520
in division (F) of this section and any prospective lessor under 23521
division (I) of this section may have the issuer's or prospective 23522
lessor's name and address, or the name and address of an agent, 23523
placed on a special notification list to be kept by the 23524
contracting authority, by sending the contracting authority that 23525
name and address. The contracting authority shall send notice to 23526
all persons listed on the special notification list. Notices shall 23527
state the deadline and place for submitting proposals. The 23528
contracting authority shall mail the notices at least six weeks 23529
prior to the deadline set by the contracting authority for 23530
submitting proposals. Every five years the contracting authority 23531
may review this list and remove any person from the list after 23532
mailing the person notification of that action. 23533

Any contracting authority that negotiates a contract under 23534
division (F) of this section shall request proposals and negotiate 23535
with issuers in accordance with that division at least every three 23536
years from the date of the signing of such a contract, unless the 23537
parties agree upon terms for extensions or renewals of the 23538
contract. Such extension or renewal periods shall not exceed six 23539
years from the date the initial contract is signed. 23540

Any real estate appraiser employed pursuant to division (I) 23541
of this section shall disclose any fees or compensation received 23542
from any source in connection with that employment. 23543

Sec. 309.09. (A) The prosecuting attorney shall be the legal 23544
adviser of the board of county commissioners, board of elections, 23545
all other county officers and boards, and all tax-supported public 23546
libraries, and any of them may require written opinions or 23547
instructions from the prosecuting attorney in matters connected 23548
with their official duties. The prosecuting attorney shall 23549

prosecute and defend all suits and actions that any such officer, 23550
board, or tax-supported public library directs or to which it is a 23551
party, and no county officer may employ any other counsel or 23552
attorney at the expense of the county, except as provided in 23553
section 305.14 of the Revised Code. 23554

(B)(1) The prosecuting attorney shall be the legal adviser 23555
for all township officers, boards, and commissions, unless, 23556
subject to division (B)(2) of this section, the township has 23557
adopted a limited home rule government pursuant to Chapter 504. of 23558
the Revised Code and has not entered into a contract to have the 23559
prosecuting attorney serve as the township law director, in which 23560
case, subject to division (B)(2) of this section, the township law 23561
director, whether serving full-time or part-time, shall be the 23562
legal adviser for all township officers, boards, and commissions. 23563
When the board of township trustees finds it advisable or 23564
necessary to have additional legal counsel, it may employ an 23565
attorney other than the township law director or the prosecuting 23566
attorney of the county, either for a particular matter or on an 23567
annual basis, to represent the township and its officers, boards, 23568
and commissions in their official capacities and to advise them on 23569
legal matters. No such legal counsel may be employed, except on 23570
the order of the board of township trustees, duly entered upon its 23571
journal, in which the compensation to be paid for the legal 23572
services shall be fixed. The compensation shall be paid from the 23573
township fund. 23574

Nothing in this division confers any of the powers or duties 23575
of a prosecuting attorney under section 309.08 of the Revised Code 23576
upon a township law director. 23577

(2)(a) If any township in the county served by the 23578
prosecuting attorney has adopted any resolution regarding the 23579
operation of adult entertainment establishments pursuant to the 23580
authority that is granted under section 503.52 of the Revised Code 23581

or if a resolution of that nature has been adopted under section 23582
503.53 of the Revised Code in a township in the county served by 23583
the prosecuting attorney, all of the following apply: 23584

(i) Upon the request of a township in the county that has 23585
adopted, or in which has been adopted, a resolution of that nature 23586
that is made pursuant to division (E)(1)(c) of section 503.52 of 23587
the Revised Code, the prosecuting attorney shall prosecute and 23588
defend on behalf of the township in the trial and argument in any 23589
court or tribunal of any challenge to the validity of the 23590
resolution. If the challenge to the validity of the resolution is 23591
before a federal court, the prosecuting attorney may request the 23592
attorney general to assist the prosecuting attorney in prosecuting 23593
and defending the challenge and, upon the prosecuting attorney's 23594
making of such a request, the attorney general shall assist the 23595
prosecuting attorney in performing that service if the resolution 23596
was drafted in accordance with legal guidance provided by the 23597
attorney general as described in division (B)(2) of section 503.52 23598
of the Revised Code. The attorney general shall provide this 23599
assistance without charge to the township for which the service is 23600
performed. If a township adopts a resolution without the legal 23601
guidance of the attorney general, the attorney general is not 23602
required to provide assistance as described in this division to a 23603
prosecuting attorney. 23604

(ii) Upon the request of a township in the county that has 23605
adopted, or in which has been adopted, a resolution of that nature 23606
that is made pursuant to division (E)(1)(a) of section 503.52 of 23607
the Revised Code, the prosecuting attorney shall prosecute and 23608
defend on behalf of the township a civil action to enjoin the 23609
violation of the resolution in question. 23610

(iii) Upon the request of a township in the county that has 23611
adopted, or in which has been adopted, a resolution of that nature 23612
that is made pursuant to division (E)(1)(b) of section 503.52 of 23613

the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township a civil action under Chapter 3767. of the Revised Code to abate as a nuisance the place in the unincorporated area of the township at which the resolution is being or has been violated. Proceeds from the sale of personal property or contents seized pursuant to the action shall be applied and deposited in accordance with division (E)(1)(b) of section 503.52 of the Revised Code.

(b) The provisions of division (B)(2)(a) of this section apply regarding all townships, including townships that have adopted a limited home rule government pursuant to Chapter 504. of the Revised Code, and regardless of whether a township that has so adopted a limited home rule government has entered into a contract with the prosecuting attorney as described in division (B) of section 504.15 of the Revised Code or has appointed a law director as described in division (A) of that section.

The prosecuting attorney shall prosecute and defend in the actions and proceedings described in division (B)(2)(a) of this section without charge to the township for which the services are performed.

(C) Whenever the board of county commissioners employs an attorney other than the prosecuting attorney of the county, without the authorization of the court of common pleas as provided in section 305.14 of the Revised Code, either for a particular matter or on an annual basis, to represent the board in its official capacity and to advise it on legal matters, the board shall enter upon its journal an order of the board in which the compensation to be paid for the legal services shall be fixed. The compensation shall be paid from the county general fund. The total compensation paid, in any year, by the board for legal services under this division shall not exceed the total annual compensation of the prosecuting attorney for that county.

(D) The prosecuting attorney and the board of county commissioners jointly may contract with a board of park commissioners under section 1545.07 of the Revised Code for the prosecuting attorney to provide legal services to the park district the board of park commissioners operates.

(E) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a joint fire district created under section 505.371 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county ~~commissioner~~ commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(F) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a joint ambulance district created under section 505.71 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(G) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a joint emergency medical services district created under section 307.052 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(H) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a fire and ambulance district created under section 505.375 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(I) All money received pursuant to a contract entered into under division (D), (E), (F), (G), or (H) of this section shall be deposited into the prosecuting attorney's legal services fund, which shall be established in the county treasury of each county in which such a contract exists. Moneys in that fund may be appropriated only to the prosecuting attorney for the purpose of providing legal services to a park district, joint fire district, joint ambulance district, joint emergency medical services district, or a fire and ambulance district, as applicable, under a contract entered into under the applicable division.

(J) The prosecuting attorney shall be the legal advisor of a lake facilities authority as provided in section 353.02 of the Revised Code.

Sec. 317.08. (A) Except as provided in divisions (C), (D), and (E) of this section, the county recorder shall keep six separate sets of records as follows:

(1) A record of deeds, in which shall be recorded all deeds and other instruments of writing for the absolute and unconditional sale or conveyance of lands, tenements, and hereditaments; all notices as provided in sections 5301.47 to 5301.56 of the Revised Code; all judgments or decrees in actions brought under section 5303.01 of the Revised Code; all

declarations and bylaws, and all amendments to declarations and 23709
bylaws, as provided in Chapter 5311. of the Revised Code; 23710
affidavits as provided in sections 5301.252 and 5301.56 of the 23711
Revised Code; all certificates as provided in section 5311.17 of 23712
the Revised Code; all articles dedicating archaeological preserves 23713
accepted by the director of the Ohio historical society under 23714
section 149.52 of the Revised Code; all articles dedicating nature 23715
preserves accepted by the director of natural resources under 23716
section 1517.05 of the Revised Code; ~~all agreements for the~~ 23717
~~registration of lands as archaeological or historic landmarks~~ 23718
~~under section 149.51 or 149.55 of the Revised Code;~~ all 23719
conveyances of conservation easements and agricultural easements 23720
under section 5301.68 of the Revised Code; all instruments 23721
extinguishing agricultural easements under section 901.21 or 23722
5301.691 of the Revised Code or pursuant to terms of such an 23723
easement granted to a charitable organization under section 23724
5301.68 of the Revised Code; all instruments or orders described 23725
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 23726
no further action letters issued under section 122.654 or 3746.11 23727
of the Revised Code; all covenants not to sue issued under section 23728
3746.12 of the Revised Code, including all covenants not to sue 23729
issued pursuant to section 122.654 of the Revised Code; any 23730
restrictions on the use of property contained in a no further 23731
action letter issued under section 122.654 of the Revised Code, 23732
any restrictions on the use of property identified pursuant to 23733
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 23734
restrictions on the use of property contained in a deed or other 23735
instrument as provided in division (E) or (F) of section 3737.882 23736
of the Revised Code; any easement executed or granted under 23737
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 23738
any environmental covenant entered into in accordance with 23739
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 23740
trust, as described in division (A) of section 5301.255 of the 23741

Revised Code, that describe specific real property; and all 23742
agreements entered into under division (A) of section 1506.44 of 23743
the Revised Code; 23744

(2) A record of mortgages, in which shall be recorded all of 23745
the following: 23746

(a) All mortgages, including amendments, supplements, 23747
modifications, and extensions of mortgages, or other instruments 23748
of writing by which lands, tenements, or hereditaments are or may 23749
be mortgaged or otherwise conditionally sold, conveyed, affected, 23750
or encumbered; 23751

(b) All executory installment contracts for the sale of land 23752
executed after September 29, 1961, that by their terms are not 23753
required to be fully performed by one or more of the parties to 23754
them within one year of the date of the contracts; 23755

(c) All options to purchase real estate, including 23756
supplements, modifications, and amendments of the options, but no 23757
option of that nature shall be recorded if it does not state a 23758
specific day and year of expiration of its validity; 23759

(d) Any tax certificate sold under section 5721.33 of the 23760
Revised Code, or memorandum of it, that is presented for filing of 23761
record. 23762

(3) A record of powers of attorney, including all memoranda 23763
of trust, as described in division (A) of section 5301.255 of the 23764
Revised Code, that do not describe specific real property; 23765

(4) A record of plats, in which shall be recorded all plats 23766
and maps of town lots, of the subdivision of town lots, and of 23767
other divisions or surveys of lands, any center line survey of a 23768
highway located within the county, the plat of which shall be 23769
furnished by the director of transportation or county engineer, 23770
and all drawings and amendments to drawings, as provided in 23771
Chapter 5311. of the Revised Code; 23772

(5) A record of leases, in which shall be recorded all leases, memoranda of leases, and supplements, modifications, and amendments of leases and memoranda of leases;

(6) A record of declarations executed pursuant to section 2133.02 of the Revised Code and durable powers of attorney for health care executed pursuant to section 1337.12 of the Revised Code.

(B) All instruments or memoranda of instruments entitled to record shall be recorded in the proper record in the order in which they are presented for record. The recorder may index, keep, and record in one volume unemployment compensation liens, internal revenue tax liens and other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code, personal tax liens, mechanic's liens, agricultural product liens, notices of liens, certificates of satisfaction or partial release of estate tax liens, discharges of recognizances, excise and franchise tax liens on corporations, broker's liens, and liens provided for in sections 1513.33, 1513.37, 3752.13, ~~5111.022~~ 5164.56, and 5311.18 of the Revised Code.

The recording of an option to purchase real estate, including any supplement, modification, and amendment of the option, under this section shall serve as notice to any purchaser of an interest in the real estate covered by the option only during the period of the validity of the option as stated in the option.

(C) In lieu of keeping the six separate sets of records required in divisions (A)(1) to (6) of this section and the records required in divisions (D) and (E) of this section, a county recorder may record all the instruments required to be recorded by this section in two separate sets of record books. One set shall be called the "official records" and shall contain the instruments listed in divisions (A)(1), (2), (3), (5), and (6) and (D) and (E) of this section. The second set of records shall

contain the instruments listed in division (A)(4) of this section. 23805

(D) Except as provided in division (C) of this section, the 23806
county recorder shall keep a separate set of records containing 23807
all corrupt activity lien notices filed with the recorder pursuant 23808
to section 2923.36 of the Revised Code and a separate set of 23809
records containing all medicaid fraud lien notices filed with the 23810
recorder pursuant to section 2933.75 of the Revised Code. 23811

(E)(1) The county recorder shall keep a separate set of 23812
records containing all transfers, conveyances, or assignments of 23813
any type of tangible or intangible personal property or any rights 23814
or interests in that property if and to the extent that any person 23815
wishes to record that personal property transaction and if the 23816
applicable instrument is acknowledged before a notary public. If 23817
the transferor is a natural person, the notice of personal 23818
property transfer shall be recorded in the county in this state in 23819
which the transferor maintains the transferor's principal 23820
residence. If the transferor is not a natural person, the notice 23821
of personal property transfer shall be recorded in the county in 23822
this state in which the transferor maintains its principal place 23823
of business. If the transferor does not maintain a principal 23824
residence or a principal place of business in this state and the 23825
transfer is to a trustee of a legacy trust formed pursuant to 23826
Chapter 5816. of the Revised Code, the notice of personal property 23827
transfer shall be recorded in the county in this state where that 23828
trustee maintains a principal residence or principal place of 23829
business. In all other instances, the notice of personal property 23830
transfer shall be recorded in the county in this state where the 23831
property described in the notice is located. 23832

(2) The records described in division (E)(1) of this section 23833
shall be maintained in or as part of the "official records" under 23834
division (C) of this section. 23835

Sec. 317.36. (A) The county recorder shall collect the low- 23836
and moderate-income housing trust fund fee as specified in 23837
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 23838
4509.60, ~~5111.022~~ 5164.56, 5310.15, 5719.07, 5727.56, 5733.18, 23839
5733.22, 6101.09, and 6115.09 of the Revised Code. The amount of 23840
any housing trust fund fee the recorder is authorized to collect 23841
is equal to the amount of any base fee the recorder is authorized 23842
to collect for services. The housing trust fund fee shall be 23843
collected in addition to the base fee. 23844

(B) The recorder shall certify the amounts collected as 23845
housing trust fund fees pursuant to division (A) of this section 23846
into the county treasury as housing trust fund fees to be paid to 23847
the treasurer of state pursuant to section 319.63 of the Revised 23848
Code. 23849

Sec. 321.35. Upon demand of the treasurer of state while 23850
holding a school district, county, township, or municipal 23851
corporation obligation purchased under division (G)(1) of section 23852
135.143 of the Revised Code, in making any payment under section 23853
321.31 or 321.34 of the Revised Code, the county auditor shall 23854
withhold funds of the school district, county, township, or 23855
municipal corporation in an amount sufficient to pay debt service 23856
charges on that obligation and any of the fee for the agreement to 23857
purchase that obligation, less any amount deposited for that 23858
purpose under division (D) of section 3317.18 of the Revised Code. 23859
The county auditor shall promptly pay to the treasurer of state 23860
the amount withheld. 23861

Sec. 321.44. (A)(1) A county probation services fund shall be 23862
established in the county treasury of each county. The fund a 23863
county establishes under this division shall contain all moneys 23864
paid to the treasurer of the county under section 2951.021 of the 23865

Revised Code for deposit into the fund. The moneys paid into the 23866
fund shall be deposited by the treasurer of the county into the 23867
appropriate account established under divisions (A)(1)(a) to (d) 23868
of this section. Separate accounts shall be maintained in 23869
accordance with the following criteria in the fund a county 23870
establishes under this division: 23871

(a) If a county department of probation is established in the 23872
county, a separate account shall be maintained in the fund for the 23873
county department of probation. 23874

(b) If the judges of the court of common pleas of the county 23875
have affiliated with the judges of the court of common pleas of 23876
one or more other counties and have established a multicounty 23877
department of probation, a separate account shall be maintained in 23878
the fund for the multicounty department of probation. 23879

(c) If a department of probation is established in a 23880
county-operated municipal court that has jurisdiction within the 23881
county, a separate account shall be maintained in the fund for the 23882
municipal court department of probation. 23883

(d) If a county department of probation has not been 23884
established in the county and if the court of common pleas of the 23885
county, pursuant to section 2301.32 of the Revised Code, has 23886
entered into an agreement with the adult parole authority under 23887
which the court may place defendants under a community control 23888
sanction in charge of the authority, a separate account shall be 23889
maintained in the fund for the court of common pleas. 23890

(2) For any county, if a county department of probation is 23891
established in the county or if a department of probation is 23892
established in a county-operated municipal court that has 23893
jurisdiction within the county, the board of county commissioners 23894
of the county shall appropriate to the county department of 23895
probation or municipal court department of probation all money 23896

that is contained in the department's account in the county 23897
probation services fund established in the county for use only for 23898
specialized staff, purchase of equipment, purchase of services, 23899
reconciliation programs for offenders and victims, other treatment 23900
programs, including ~~alcohol and drug~~ community addiction ~~programs~~ 23901
services providers certified under section ~~3793.06~~ 5119.36 of the 23902
Revised Code, determined to be appropriate by the chief probation 23903
officer of the department of probation, and other similar expenses 23904
related to placing offenders under a community control sanction. 23905

For any county, if the judges of the court of common pleas of 23906
the county have affiliated with the judges of the court of common 23907
pleas of one or more other counties and have established a 23908
multicounty department of probation to serve the counties, the 23909
board of county commissioners of the county shall appropriate and 23910
the county treasurer shall transfer to the multicounty probation 23911
services fund established for the multicounty department of 23912
probation under division (B) of this section all money that is 23913
contained in the multicounty department of probation account in 23914
the county probation services fund established in the county for 23915
use in accordance with that division. 23916

For any county, if a county department of probation has not 23917
been established in the county and if the court of common pleas of 23918
the county, pursuant to section 2301.32 of the Revised Code, has 23919
entered into an agreement with the adult parole authority under 23920
which the court may place defendants under a community control 23921
sanction in charge of the authority, the board of county 23922
commissioners of the county shall appropriate to the court all 23923
money that is contained in the court's account in the county 23924
probation services fund established in the county for use only for 23925
specialized staff, purchase of equipment, purchase of services, 23926
reconciliation programs for offenders and victims, other treatment 23927
and recovery support services, including properly credentialed 23928

treatment and recovery support services program providers or those certified under section ~~3793.06~~ 5119.36 of the Revised Code, determined to be appropriate by the authority, and other similar uses related to placing offenders under a community control sanction.

(B) If the judges of the courts of common pleas of two or more counties have established a multicounty department of probation, a multicounty probation services fund shall be established in the county treasury of the county whose treasurer, in accordance with section 2301.27 of the Revised Code, is designated by the judges of the courts of common pleas as the treasurer to whom monthly supervision fees are to be appropriated and transferred under division (A)(2) of this section for deposit into the fund. The fund shall contain all moneys that are paid to the treasurer of any member county under section 2951.021 of the Revised Code for deposit into the county's probation services fund and that subsequently are appropriated and transferred to the multicounty probation services fund under division (A)(2) of this section. The board of county commissioners of the county in which the multicounty probation services fund is established shall appropriate the money contained in that fund to the multicounty department of probation, for use only for specialized staff, purchase of equipment, purchase of services, reconciliation programs for offenders and victims, other treatment programs, including ~~alcohol and drug~~ community addiction programs services providers certified under section ~~3793.06~~ 5119.36 of the Revised Code, determined to be appropriate by the chief probation officer, and for other similar expenses related to placing offenders under a community control sanction.

(C) Any money in a county or multicounty probation services fund at the end of a fiscal year shall not revert to the general fund of the county but shall be retained in the fund.

(D) As used in this section:	23961
(1) "County-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code.	23962 23963
(2) "Multicounty department of probation" means a probation department established under section 2301.27 of the Revised Code to serve more than one county.	23964 23965 23966
(3) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	23967 23968
Sec. 329.04. (A) The county department of job and family services shall have, exercise, and perform the following powers and duties:	23969 23970 23971
(1) Perform any duties assigned by the state department of job and family services <u>or department of medicaid</u> regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life:	23972 23973 23974 23975 23976
(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;	23977 23978
(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;	23979 23980 23981
(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.	23982 23983 23984 23985 23986 23987 23988 23989
(d) Duties assigned under section 5111.98 <u>5162.031</u> of the	23990

Revised Code.	23991
(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;	23992 23993 23994
(3) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;	23995 23996 23997
(4) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;	23998 23999 24000
(5) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services <u>and department of medicaid</u> at the close of each fiscal year;	24001 24002 24003 24004
(6) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace;	24005 24006 24007 24008 24009 24010
(7) Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act";	24011 24012
(8) If assigned by the state director of job and family services under section 5101.515 or 5101.525 of the Revised Code, determine applicants' eligibility for health assistance under the children's health insurance program part II or part III;	24013 24014 24015 24016
(9) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section	24017 24018 24019 24020

307.986 for providing services to children whose families relocate 24021
frequently, and comply with the contracts the board enters into 24022
under sections 307.981 and 307.982 of the Revised Code that affect 24023
the county department; 24024

~~(10)~~(8) For the purpose of complying with a grant agreement 24025
the board of county commissioners enters into under sections 24026
307.98 and 5101.21 of the Revised Code, exercise the powers and 24027
perform the duties the grant agreement assigns to the county 24028
department; 24029

~~(11)~~(9) If the county department is designated as the 24030
workforce development agency, provide the workforce development 24031
activities specified in the contract required by section 330.05 of 24032
the Revised Code. 24033

(B) The powers and duties of a county department of job and 24034
family services are, and shall be exercised and performed, under 24035
the control and direction of the board of county commissioners. 24036
The board may assign to the county department any power or duty of 24037
the board regarding family services duties and workforce 24038
development activities. If the new power or duty necessitates the 24039
state department of job and family services or department of 24040
medicaid changing its federal cost allocation plan, the county 24041
department may not implement the power or duty unless the United 24042
States department of health and human services approves the 24043
changes. 24044

Sec. 329.051. The county department of job and family 24045
services shall make voter registration applications as prescribed 24046
by the secretary of state under section 3503.10 of the Revised 24047
Code available to persons who are applying for, receiving 24048
assistance from, or participating in any of the following: 24049

(A) The disability financial assistance program established 24050
under Chapter 5115. of the Revised Code; 24051

(B) The ~~medical assistance~~ medicaid program established under Chapter 5111. of the Revised Code; 24052
24053

(C) The Ohio works first program established under Chapter 5107. of the Revised Code; 24054
24055

(D) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. 24056
24057

Sec. 329.06. (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code, the board of county commissioners shall establish a county family services planning committee. The board shall appoint a member to represent the county department of job and family services; an employee in the classified civil service of the county department of job and family services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee: 24058
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(1) Consumers of family services; 24073

(2) The public children services agency; 24074

(3) The child support enforcement agency; 24075

(4) The county family and children first council; 24076

(5) Public and private colleges and universities; 24077

(6) Public entities that provide family services, including boards of health, boards of education, the county board of developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county; 24078
24079
24080
24081

(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;	24082 24083 24084 24085
(8) Labor organizations;	24086
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	24087 24088 24089 24090
(B) The county family services planning committee shall do all of the following:	24091 24092
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	24093 24094 24095 24096 24097 24098
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	24099 24100 24101 24102 24103
(a) Return of assistance groups to participation in either program after ceasing to participate;	24104 24105
(b) Teen pregnancy rates among the programs' participants;	24106
(c) The other types of assistance the programs' participants receive, including medicaid under Chapter 5111. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, supplemental nutrition assistance program benefits under section 5101.54 of the Revised Code, and energy assistance	24107 24108 24109 24110 24111

under Chapter 5117. of the Revised Code;	24112
(d) Other issues the committee considers appropriate.	24113
The committee shall make recommendations to the board of	24114
county commissioners and county department of job and family	24115
services regarding the committee's findings.	24116
(3) Conduct public hearings on proposed county profiles for	24117
the provision of social services under section 5101.46 of the	24118
Revised Code;	24119
(4) At the request of the board, make recommendations and	24120
provide assistance regarding the family services provided in the	24121
county;	24122
(5) At any other time the committee considers appropriate,	24123
consult with the board and make recommendations regarding the	24124
family services provided in the county. The committee's	24125
recommendations may address the following:	24126
(a) Implementation and administration of family service	24127
programs;	24128
(b) Use of federal, state, and local funds available for	24129
family service programs;	24130
(c) Establishment of goals to be achieved by family service	24131
programs;	24132
(d) Evaluation of the outcomes of family service programs;	24133
(e) Any other matter the board considers relevant to the	24134
provision of family services.	24135
(C) If there is a committee in existence in a county on	24136
October 1, 1997, that the board of county commissioners determines	24137
is capable of fulfilling the responsibilities of a county family	24138
services planning committee, the board may designate the committee	24139
as the county's family services planning committee and the	24140
committee shall serve in that capacity.	24141

Sec. 329.14. (A) An individual whose household income does 24142
not exceed two hundred per cent of the federal poverty line is 24143
eligible to participate in an individual development account 24144
program established by the county department of job and family 24145
services of the county in which the individual resides. An 24146
eligible individual seeking to be a participant in the program 24147
shall enter into an agreement with the fiduciary organization 24148
administering the program. The agreement shall specify the terms 24149
and conditions of uses of funds deposited, financial documentation 24150
required to be maintained by the participant, expectations and 24151
responsibilities of the participant, and services to be provided 24152
by the fiduciary organization. 24153

(B) A participant may deposit earned income, as defined in 26 24154
U.S.C. 911(d)(2), as amended, into the account. The fiduciary 24155
organization may deposit into the account an amount not exceeding 24156
four times the amount deposited by the participant except that a 24157
fiduciary organization may not, pursuant to an agreement with an 24158
employer, deposit an amount into an account held by a participant 24159
who is employed by the employer. An account may have no more than 24160
ten thousand dollars in it at any time. 24161

(C) Notwithstanding eligibility requirements established in 24162
or pursuant to Chapter 5107.7 or 5108.7 ~~or 5111.~~ of the Revised 24163
Code, to the extent permitted by federal statutes and regulations, 24164
money in an individual development account, including interest, is 24165
exempt from consideration in determining whether the participant 24166
or a member of the participant's assistance group is eligible for 24167
assistance under Chapter 5107.7 or 5108.7 ~~or 5111.~~ of the Revised 24168
Code and the amount of assistance the participant or assistance 24169
group is eligible to receive. 24170

(D)(1) Except as provided in division (D)(2) of this section, 24171
an individual development account program participant may use 24172

money in the account only for the following purposes: 24173

(a) Postsecondary educational expenses paid directly from the 24174
account to an eligible education institution or vendor; 24175

(b) Qualified acquisition expenses of a principal residence, 24176
as defined in 26 U.S.C. 1034, as amended, paid directly from the 24177
account to the person or government entity to which the expenses 24178
are due; 24179

(c) Qualified business capitalization expenses made in 24180
accordance with a qualified business plan that has been approved 24181
by a financial institution or by a nonprofit microenterprise 24182
program having demonstrated business expertise and paid directly 24183
from the account to the person to whom the expenses are due. 24184

(2) A fiduciary organization shall permit a participant to 24185
withdraw money deposited by the participant if it is needed to 24186
deal with a personal emergency of the participant or a member of 24187
the participant's family or household. Withdrawal shall result in 24188
the loss of any matching funds in an amount equal to the amount of 24189
the withdrawal. 24190

(3) Regardless of the reason for the withdrawal, a withdrawal 24191
from an individual development account may be made only with the 24192
approval of the fiduciary organization. 24193

Sec. 339.02. (A) As used in this section, "area served by the 24194
hospital" means the geographic area, whether or not included 24195
within the county, from which a county hospital regularly draws 24196
patients. 24197

(B) Unless a board of county hospital trustees for the county 24198
is in existence in accordance with this section, such board shall 24199
be created pursuant to this section after the board of county 24200
commissioners first determines by resolution to establish a county 24201
hospital. Copies of such resolution shall be certified to the 24202

probate judge of the county senior in point of service and to the 24203
judge, other than a probate judge, of the court of common pleas of 24204
the county senior in point of service. The board of county 24205
commissioners together with the probate judge of the county senior 24206
in point of service and the judge of the court of common pleas of 24207
the county senior in point of service shall, within ten days after 24208
such certification, appoint a board of county hospital trustees. 24209

(C) In making appointments to a board of county hospital 24210
trustees, ~~all~~ both of the following apply with respect to the 24211
individuals who may be appointed: 24212

(1) Members shall be electors and representative of the area 24213
served by the hospital, except that not more than two members may 24214
be electors of the area served by the hospital that is outside the 24215
county in which the hospital is located. 24216

(2) ~~In no case shall more than one half of the members be~~ 24217
~~independents or be members of any one political party.~~ 24218

~~(3)~~ A physician may serve as a member, including a physician 24219
who is authorized to admit and treat patients at the hospital, 24220
except as follows: 24221

(a) Not more than two physicians may serve as members at the 24222
same time; 24223

(b) No physician who is employed by the hospital may serve as 24224
a member. 24225

(D) A board of county hospital trustees shall be composed of 24226
six members, unless the board of county commissioners determines 24227
that the board of trustees can more effectively function with 24228
eight or ten members in which case there may be eight or ten 24229
members, as designated by the board of county commissioners. 24230

(E) With respect to the initial appointment of members to a 24231
board of county hospital trustees, all of the following apply: 24232

(1) When the board is composed of six members, their terms of office shall be one for one year, one for two years, one for three years, one for four years, one for five years, and one for six years from the first Monday of March thereafter.

(2) When the board is composed of eight members, their terms of office shall be one for one year, one for two years, two for three years, one for four years, one for five years, and two for six years from the first Monday of March thereafter.

(3) When the board is composed of ten members, their terms of office shall be two for one year, one for two years, two for three years, two for four years, one for five years, and two for six years from the first Monday of March thereafter.

(F) Except as provided in division (G)(2) of this section, all of the following apply with respect to vacancies on a board of county hospital trustees:

(1) Annually, on the first Monday of March, the board of county commissioners together with the probate judge of the county senior in point of service and the judge of the court of common pleas of the county senior in point of service shall appoint or reappoint for a term of six years a sufficient number of members to replace those members whose terms have expired.

(2) The appointing authority shall fill a vacancy not later than six months after the vacancy occurs. If the vacancy remains unfilled on that date, the remaining members of the board, by majority vote, shall appoint an individual to fill the vacancy.

(3) The appointing authority may fill a vacancy by seeking nominations from a selection committee consisting of one county commissioner designated by the board of county commissioners, the chair of the board of county hospital trustees, and the county hospital administrator. If nominations for filling a vacancy are sought from a selection committee, the committee shall nominate at

least three individuals for the vacancy. The appointing authority 24264
may fill the vacancy by appointing one of the nominated 24265
individuals or by appointing another individual selected by the 24266
appointing authority. 24267

(4) Any member appointed to fill a vacancy occurring prior to 24268
the expiration date of the term for which the member's predecessor 24269
was appointed shall hold office as a member for the remainder of 24270
that term. 24271

(G)(1) The board of county commissioners together with the 24272
probate judge senior in point of service and the judge of the 24273
court of common pleas senior in point of service in any county in 24274
which a board of county hospital trustees has been appointed may 24275
expand the number of members to eight or to ten. When the number 24276
of members is increased to eight, one shall be appointed for a 24277
three-year and one for a six-year term from the first Monday of 24278
March thereafter. When the number of members is increased from six 24279
to ten, the term for additional members shall be: one for one 24280
year, one for three years, one for four years, and one for six 24281
years from the first Monday of March thereafter. When the number 24282
of members is increased from eight to ten, the term for additional 24283
members shall be: one for one year and one for four years from the 24284
first Monday of March thereafter. Thereafter except as provided in 24285
division (G)(2) of this section, upon the expiration of the term 24286
of office of each member, the vacancy shall be filled in the 24287
manner specified in division (F) of this section. 24288

(2) The board of county commissioners together with the 24289
probate judge senior in point of service and the judge of the 24290
court of common pleas senior in point of service may reduce the 24291
number of members of a board of county hospital trustees to eight 24292
or to six. The reduction shall occur on expiration of a member's 24293
term of office, at which time no appointment shall be made. While 24294
the board of county commissioners and the judges are in the 24295

process of reducing the number of members, the board of county hospital trustees may consist of nine or seven members for one year. 24296
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(H) Any member of a board of county hospital trustees may be removed from office by the appointing authority for neglect of duty, misconduct, or malfeasance in office. The member shall be informed in writing of the charges and afforded an opportunity for a hearing before the appointing authority. The appointing authority shall not remove a member from office for political reasons. 24299
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(I) The board of county commissioners may provide members of a board of county hospital trustees ~~shall a stipend for their service or require the members to~~ serve without compensation, ~~but~~. The members shall be allowed their necessary and reasonable expenses incurred in the performance of their duties, including the cost of their participation in any continuing education programs or developmental programs that the members consider necessary. Allowable stipends and expenses shall be paid out of the funds provided for the county hospital. 24306
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(J) The persons selected to be members of a board of county hospital trustees shall forthwith be notified, by mail, of their appointment. When a board is initially appointed, the notice shall state a time, not more than ten days later, when such board shall meet at the county seat of such county to organize. On the date stated, the board shall meet and organize. 24315
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(K) A board of county hospital trustees shall organize by electing one of its number as chairperson and such other officers as specified in the board's rules. Four members of a six-member board constitute a quorum, five members constitute a quorum of an eight-member board, and six members constitute a quorum of a ten-member board. 24321
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A board of county hospital trustees shall hold meetings at 24327
least ~~once a month~~ quarterly, shall adopt necessary rules of 24328
procedure, and shall keep a record of its proceedings and a strict 24329
account of all its receipts, disbursements, and expenditures. On 24330
completion of the construction and equipping of a county hospital, 24331
the board shall file such account with the board of county 24332
commissioners and make final settlement with the board of county 24333
commissioners for the construction and equipping of the hospital. 24334

Sec. 339.05. (A) A board of county hospital trustees may 24335
adopt, annually, bidding procedures and purchasing or leasing 24336
policies ~~for services~~ provided through a joint purchasing 24337
arrangement sponsored by a nonprofit organization, ~~and~~ for 24338
services, supplies, and equipment, that are routinely used in the 24339
operation of the hospital and that cost in excess of the amount 24340
specified in section 307.86 of the Revised Code as the amount 24341
above which purchases must be competitively bid. If a board of 24342
county hospital trustees adopts those policies and procedures, and 24343
if the board of county commissioners approves them, the board of 24344
county hospital trustees may follow those policies and procedures 24345
in lieu of following the competitive bidding procedures of 24346
sections 307.86 to 307.92 of the Revised Code. 24347

(B) Notwithstanding section 307.86 of the Revised Code, the 24348
board of county hospital trustees is exempt from competitive 24349
bidding as required under that section if the board, by a 24350
unanimous vote of its members, makes a determination that a real 24351
and present emergency exists, and either of the following applies: 24352

(1) The estimated cost is less than one hundred thousand 24353
dollars. 24354

(2) There is actual physical damage to structures or 24355
equipment. 24356

The board shall enter the determination of emergency and the 24357

reasons for it in the minutes of its proceedings. 24358

For purposes of this section, a vote is unanimous if all 24359
members of a board of county hospital trustees are present, or a 24360
lesser number of members of the board if not all members are 24361
present, provided that the number of members present constitutes a 24362
quorum. 24363

Whenever a contract of purchase, lease, or construction is 24364
exempted from competitive bidding because the estimated cost is 24365
less than one hundred thousand dollars, but the estimated cost is 24366
fifty thousand dollars or more, the board shall solicit informal 24367
estimates from not fewer than three persons who could perform the 24368
contract, before awarding the contract. With regard to each such 24369
contract, the board shall maintain a record of the informal 24370
estimates, including the name of each person from whom an informal 24371
estimate was solicited. The board shall maintain the record for 24372
the longer of at least one year after the contract is awarded or 24373
an amount of time required by the federal government. 24374

Sec. 339.06. (A) The board of county hospital trustees, upon 24375
completion of construction or leasing and equipping of a county 24376
hospital, shall assume and continue the operation of the hospital. 24377

(B) The board of county hospital trustees shall have the 24378
entire management and control of the county hospital. The board 24379
may in writing delegate its management and control of the county 24380
hospital to the administrator of the county hospital employed 24381
under section 339.07 of the Revised Code. The board shall 24382
establish such rules for the hospital's government, management, 24383
control, and the admission of persons as are expedient. 24384

(C) The board of county hospital trustees has control of the 24385
property of the county hospital, including management and disposal 24386
of surplus property other than real estate or an interest in real 24387
estate. 24388

(D) With respect to the use of funds by the board of county hospital trustees and its accounting for the use of funds, all of the following apply:

(1) The board of county hospital trustees has control of all funds used in the county hospital's operation, including moneys received from the operation of the hospital, moneys appropriated for its operation by the board of county commissioners, and moneys resulting from special levies submitted by the board of county commissioners as provided for in section 5705.22 of the Revised Code.

(2) Of the funds used in the county hospital's operation, all or part of any amount determined not to be necessary to meet current demands on the hospital may be invested by the board of county hospital trustees or its designee in any classifications of securities and obligations eligible for deposit or investment of county moneys pursuant to section 135.35 of the Revised Code, subject to the approval of the board's written investment policy by the county investment advisory committee established pursuant to section 135.341 of the Revised Code.

(3) Annually, not later than sixty days before the end of the fiscal year used by the county hospital, the board of county hospital trustees shall submit its proposed budget for the ensuing fiscal year to the board of county commissioners for that board's review. The board of county commissioners shall review and approve the proposed budget by the first day of the fiscal year to which the budget applies. If the board of county commissioners has not approved the budget by the first day of the fiscal year to which the budget applies, the budget is deemed to have been approved by the board on the first day of that fiscal year.

(4) The board of county hospital trustees shall not expend funds received from taxes collected pursuant to any tax levied under section 5705.22 of the Revised Code or the amount

appropriated to the county hospital by the board of county 24421
commissioners in the annual appropriation measure for the county 24422
until its budget for the applicable fiscal year is approved in 24423
accordance with division (C)(3) of this section. At any time the 24424
amount received from those sources differs from the amount shown 24425
in the approved budget, the board of county commissioners may 24426
require the board of county hospital trustees to revise the county 24427
hospital budget accordingly. 24428

(5) Funds under the control of the board of county hospital 24429
trustees may be disbursed by the board, consistent with the 24430
approved budget, for the uses and purposes of the county hospital; 24431
for the replacement of necessary equipment; for the acquisition, 24432
leasing, or construction of permanent improvements to county 24433
hospital property; or for making a donation authorized by division 24434
(E) of this section. Each disbursement of funds shall be made on a 24435
voucher signed by signatories designated and approved by the board 24436
of county hospital trustees. 24437

(6) The head of a board of county hospital trustees is not 24438
required to file an estimate of contemplated revenue and 24439
expenditures for the ensuing fiscal year under section 5705.28 of 24440
the Revised Code unless the board of county commissioners levies a 24441
tax for the county hospital, or such a tax is proposed, or the 24442
board of county hospital trustees desires that the board of county 24443
commissioners make an appropriation to the county hospital for the 24444
ensuing fiscal year. 24445

(7) All moneys appropriated by the board of county 24446
commissioners or from special levies by the board of county 24447
commissioners for the operation of the hospital, when collected 24448
shall be paid to the board of county hospital trustees on a 24449
warrant of the county auditor and approved by the board of county 24450
commissioners. 24451

(8) The board of county hospital trustees shall provide for 24452

the conduct of an annual financial audit of the county hospital. 24453
Not later than thirty days after it receives the final report of 24454
an annual financial audit, the board shall file a copy of the 24455
report with the board of county commissioners. 24456

(E) For the public purpose of improving the health, safety, 24457
and general welfare of the community, the board of county hospital 24458
trustees may donate to a nonprofit entity any of the following: 24459

(1) Moneys and other financial assets determined not to be 24460
necessary to meet current demands on the hospital; 24461

(2) Surplus hospital property, including supplies, equipment, 24462
office facilities, and other property that is not real estate or 24463
an interest in real estate; 24464

(3) Services rendered by the hospital. 24465

(F)(1) For purposes of division (F)(2) of this section: 24466

(a) "Bank" has the same meaning as in section 1101.01 of the 24467
Revised Code. 24468

(b) "Savings and loan association" has the same meaning as in 24469
section 1151.01 of the Revised Code. 24470

(c) "Savings bank" has the same meaning as in section 1161.01 24471
of the Revised Code. 24472

(2) The board of county hospital trustees may enter into a 24473
contract for a secured line of credit with a bank, savings and 24474
loan association, or savings bank if the contract meets all of the 24475
following requirements: 24476

(a) The term of the contract does not exceed one year, except 24477
that the contract may provide for the automatic renewal of the 24478
contract for up to four additional one-year periods if, on the 24479
date of automatic renewal, the aggregate outstanding draws 24480
remaining unpaid under the secured line of credit do not exceed 24481
fifty per cent of the maximum amount that can be drawn under the 24482

secured line of credit. 24483

(b) The contract provides that the bank, savings and loan 24484
association, or savings bank shall not commence a civil action 24485
against the board of county commissioners, any member of the 24486
board, or the county to recover the principal, interest, or any 24487
charges or other amounts that remain outstanding on the secured 24488
line of credit at the time of any default by the board of county 24489
hospital trustees. 24490

(c) The contract provides that no assets other than those of 24491
the county hospital can be used to secure the line of credit. 24492

(d) The terms and conditions of the contract comply with all 24493
state and federal statutes and rules governing the extension of a 24494
secured line of credit. 24495

(3) Any obligation incurred by a board of county hospital 24496
trustees under division (F)(2) of this section is an obligation of 24497
that board only and not a general obligation of the board of 24498
county commissioners or the county within the meaning of division 24499
(Q) of section 133.01 of the Revised Code. 24500

(4) Notwithstanding anything to the contrary in the Revised 24501
Code, the board of county hospital trustees may secure the line of 24502
credit authorized under division (F)(2) of this section by the 24503
grant of a security interest in any part or all of its tangible 24504
personal property and intangible personal property, including its 24505
deposit accounts, accounts receivable, or both. 24506

(5) No board of county hospital trustees shall at any time 24507
have more than one secured line of credit under division (F)(2) of 24508
this section. 24509

(G) The board of county hospital trustees shall establish a 24510
schedule of charges for all services and treatment rendered by the 24511
county hospital. It may provide for the free treatment in the 24512
hospital of soldiers, sailors, and marines of the county, under 24513

such conditions and rules as it prescribes. 24514

(H) The board of county hospital trustees may designate the 24515
amounts and forms of insurance protection to be provided, and the 24516
board of county commissioners shall assist in obtaining such 24517
protection. The expense of providing the protection shall be paid 24518
from hospital operating funds. 24519

(I) The board of county hospital trustees may authorize a 24520
county hospital and each of its units, hospital board members, 24521
designated hospital employees, and medical staff members to be a 24522
member of and maintain membership in any local, state, or national 24523
group or association organized and operated for the promotion of 24524
the public health and welfare or advancement of the efficiency of 24525
hospital administration and in connection therewith to use tax 24526
funds for the payment of dues and fees and related expenses but 24527
nothing in this section prohibits the board from using receipts 24528
from hospital operation, other than tax funds, for the payment of 24529
such dues and fees. 24530

(J) The following apply to the board of county hospital 24531
trustees in relation to its employees and the employees of the 24532
county hospital: 24533

(1) The board shall adopt the wage and salary schedule for 24534
employees. 24535

(2) The board may employ the hospital's administrator 24536
pursuant to section 339.07 of the Revised Code, and the 24537
administrator may employ individuals for the hospital in 24538
accordance with that section. 24539

(3) The board may employ assistants as necessary to perform 24540
its clerical work, superintend properly the construction of the 24541
county hospital, and pay the hospital's expenses. Such employees 24542
may be paid from funds provided for the county hospital. 24543

(4) The board may hire, by contract or as salaried employees, 24544

such management consultants, accountants, attorneys, engineers, 24545
architects, construction managers, and other professional advisors 24546
as it determines are necessary and desirable to assist in the 24547
management of the programs and operation of the county hospital. 24548
Such professional advisors may be paid from county hospital 24549
operating funds. 24550

(5) Notwithstanding section 325.19 of the Revised Code, the 24551
board may grant to employees any fringe benefits the board 24552
determines to be customary and usual in the nonprofit hospital 24553
field in its community, including, but not limited to: 24554

(a) Additional vacation leave with full pay for full-time 24555
employees, including full-time hourly rate employees, after 24556
service of one year; 24557

(b) Vacation leave and holiday pay for part-time employees on 24558
a pro rata basis; 24559

(c) Leave with full pay due to death in the employee's 24560
immediate family, which shall not be deducted from the employee's 24561
accumulated sick leave; 24562

(d) Premium pay for working on holidays listed in section 24563
325.19 of the Revised Code; 24564

(e) Moving expenses for new employees; 24565

(f) Discounts on hospital supplies and services. 24566

(6) The board may provide holiday leave by observing Martin 24567
Luther King day, Washington-Lincoln day, Columbus day, and 24568
Veterans' day on days other than those specified in section 1.14 24569
of the Revised Code. 24570

(7) The board may grant to employees the insurance benefits 24571
authorized by section 339.16 of the Revised Code. 24572

(8) Notwithstanding section 325.19 of the Revised Code, the 24573
board may grant to employees, including hourly rate employees, 24574

such personal holidays as the board determines to be customary and usual in the hospital field in its community. 24575
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(9) The board may provide employee recognition awards and hold employee recognition dinners. 24577
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(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section. 24579
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(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees. 24581
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The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners. 24588
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(L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts. 24591
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Sec. 339.07. (A) The board of county hospital trustees shall provide for the administration of the county hospital by directly employing a hospital administrator or by entering into a contract for the management of the hospital under which an administrator is provided. When an administrator is employed directly, the board shall adopt a job description delineating the administrator's powers and duties and the board may pay the administrator's salary and other benefits from funds provided for the hospital. 24595
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(B) During the construction and equipping of the hospital, the administrator shall act in an advisory capacity to the board 24603
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of county hospital trustees. After the hospital is completed, the administrator shall serve as the chief executive officer and shall carry out the administration of the county hospital according to the policies set forth by the board and any written delegation.

The administrator shall administer the county hospital, make reports, and take any other action that the administrator determines is necessary for the operation of the hospital.

At the end of each fiscal year, the administrator shall submit to the board a complete financial statement showing the receipts, revenues, and expenditures in detail for the entire fiscal year.

The administrator shall ensure that the hospital has such physicians, nurses, and other employees as are necessary for the proper care, control, and management of the county hospital and its patients. The physicians, nurses, and other employees may be suspended or removed by the administrator at any time the welfare of the hospital warrants suspension or removal. The administrator may obtain physicians, nurses, and other employees by direct employment, entering into contracts, or granting authority to practice in the hospital. Persons employed directly shall be in the unclassified civil service, pursuant to section 124.11 of the Revised Code.

Sec. 340.01. (A) As used in this chapter, "addiction," "addiction services," "alcohol and drug addiction services," ~~and~~ "community addiction services provider," "community mental health services provider," ~~"alcohol and drug addiction programs gambling addiction services,"~~ "mental health services," and "mental illness" have the same meanings as in section ~~3793.01~~ 5119.01 of the Revised Code.

(B) An alcohol, drug addiction, and mental health service district shall be established in any county or combination of

counties having a population of at least fifty thousand to provide 24636
~~alcohol and drug~~ addiction services and mental health services. 24637
With the approval of the ~~directors~~ director of ~~mental health and~~ 24638
~~alcohol and drug addiction services~~ mental health and addiction 24639
services, any county or combination of counties having a 24640
population of less than fifty thousand may establish such a 24641
district. Districts comprising more than one county shall be known 24642
as joint-county districts. 24643

The board of county commissioners of any county participating 24644
in a joint-county district may submit a resolution requesting 24645
withdrawal from the district together with a comprehensive plan or 24646
plans that are in compliance with rules adopted by the director of 24647
~~mental health~~ mental health and addiction services under ~~section~~ 24648
~~5119.61~~ section 5119.22 of the Revised Code ~~and rules adopted by~~ 24649
~~the department of alcohol and drug addiction services under~~ 24650
~~section 3793.05 of the Revised Code~~, and that provide for the 24651
equitable adjustment and division of all services, assets, 24652
property, debts, and obligations, if any, of the joint-county 24653
district to the board of alcohol, drug addiction, and mental 24654
health services, to the boards of county commissioners of each 24655
county in the district, and to the directors. No county 24656
participating in a joint-county service district may withdraw from 24657
the district without the consent of the ~~directors~~ director of 24658
~~mental health and alcohol and drug addiction services~~ mental 24659
health and addiction services nor earlier than one year after the 24660
submission of such resolution unless all of the participating 24661
counties agree to an earlier withdrawal. Any county withdrawing 24662
from a joint-county district shall continue to have levied against 24663
its tax list and duplicate any tax levied by the district during 24664
the period in which the county was a member of the district until 24665
such time as the levy expires or is renewed or replaced. 24666

Sec. 340.011. (A) This chapter shall be interpreted to 24667

accomplish all of the following:	24668
(1) Establish a unified system of treatment for mentally ill persons <u>and persons with addictions</u> ;	24669 24670
(2) Establish a community support system available for every alcohol, drug addiction, and mental health service district;	24671 24672
(3) Protect the personal liberty of mentally ill persons so that they may be treated in the least restrictive environment;	24673 24674
(4) Encourage the development of high quality, cost effective, and comprehensive services, including culturally sensitive services;	24675 24676 24677
(5) Foster the development of comprehensive community mental health services, based on recognized local needs, especially for severely mentally disabled children, adolescents, and adults;	24678 24679 24680
(6) Ensure that services provided meet minimum standards established by the director of mental health or the department of alcohol and drug addiction services <u>mental health and addiction services</u> ;	24681 24682 24683 24684
(7) Promote the delivery of high quality and cost-effective alcohol and drug addiction <u>and mental health</u> services;	24685 24686
(8) Promote the participation of consumers of <u>persons receiving</u> mental health services and alcohol and drug addiction services in the planning, delivery, and evaluation of these services.	24687 24688 24689 24690
(B) Nothing in Chapter 340., 3793. , 5119., or 5122. of the Revised Code shall be construed as requiring a board of county commissioners to provide resources beyond the total amount set forth in a community <u>budget and statement of services to be provided by the alcohol, drug addiction, and mental health plan services board</u> , as developed and submitted under section 340.03 <u>340.08</u> of the Revised Code, to provide the services listed in	24691 24692 24693 24694 24695 24696 24697

~~section 340.09 of the Revised Code, and nothing in those chapters shall be construed as requiring a board of county commissioners to provide resources beyond the total amount set forth in a plan for alcohol and drug addiction services, prepared and submitted in accordance with sections 340.033 and 3793.05 of the Revised Code, to provide alcohol and drug addiction services.~~

~~Sec. 340.02. As used in this section, "mental health professional" means a person who is qualified to work with mentally ill persons, pursuant to standards established by the director of mental health under section 5119.611 of the Revised Code.~~

(A) For each alcohol, drug addiction, and mental health service district, there shall be appointed a board of alcohol, drug addiction, and mental health services consisting of eighteen members or fourteen members. Should the board of alcohol, drug addiction, and mental health services elect to remain at eighteen members, as provided under section 340.02 of the Revised Code as it existed immediately prior to the date of this amendment, the board of alcohol, drug addiction, and mental health services and the board of county commissioners shall not be required to take any action. Should the board of alcohol, drug addiction, and mental health services elect a recommendation to become a fourteen-member board, that recommendation must be approved by the board of county commissioners of the county in which the alcohol, drug addiction, and mental health district is located in order for the transition to a fourteen-member board to occur. Not later than September 30, 2013, each board of alcohol, drug addiction, and mental health services wishing to become a fourteen-member board shall notify the board of county commissioners of that recommendation. Failure of the board of county commissioners to take action within thirty days after receipt of the recommendation shall be deemed agreement by the board of county commissioners to

transition to a fourteen-member board of alcohol, drug addiction, 24730
and mental health services. Should the board of county 24731
commissioners reject the recommendation, the board of county 24732
commissioners shall adopt a resolution stating that rejection 24733
within thirty days after receipt of the recommendation. Upon 24734
adoption of the resolution, the board of county commissioners 24735
shall meet with the board of alcohol, drug addiction, and mental 24736
health services to discuss the matter. After the meeting, the 24737
board of county commissioners shall notify the department of 24738
mental health and addiction services of its election not later 24739
than January 1, 2014. In a joint-county district, a majority of 24740
the boards of county commissioners must not reject the 24741
recommendation of a joint-county board to become a fourteen-member 24742
board in order for the transition to a fourteen-member board to 24743
occur. Should the joint-county district have an even number of 24744
counties, and the boards of county commissioners of these counties 24745
tie in terms of whether or not to accept the recommendation of the 24746
alcohol, drug addiction, and mental health services board, the 24747
recommendation of the alcohol, drug addiction, and mental health 24748
service board to become a fourteen-member board shall prevail. The 24749
election shall be final. Failure to provide notice of its election 24750
to the department on or before January 1, 2014, shall constitute 24751
an election to continue to operate as an eighteen-member board. If 24752
an existing board provides timely notice of its election to 24753
transition to operate as a fourteen-member board, the number of 24754
board members may decline from eighteen to fourteen by attrition 24755
as current members' terms expire. However, the composition of the 24756
board must reflect the requirements set forth in this section for 24757
fourteen-member boards. ~~Nine~~ For all boards, half of the members 24758
shall be interested in mental health ~~programs and facilities~~ 24759
services and ~~nine other~~ half of the members shall be interested in 24760
alcohol ~~or~~, drug, or gambling addiction ~~programs services~~. 24761
members shall be residents of the service district. The membership 24762

shall, as nearly as possible, reflect the composition of the 24763
population of the service district as to race and sex. 24764

~~The (B) For boards operating as eighteen-member boards, the~~ 24765
director of ~~mental health~~ mental health and addiction services 24766
shall appoint ~~four~~ eight members of the board, ~~the director of~~ 24767
~~alcohol and drug addiction services shall appoint four members,~~ 24768
and the board of county commissioners shall appoint ten members. 24769
For boards operating as fourteen-member boards, the director of 24770
mental health and addiction services shall appoint six members of 24771
the board and the board of county commissioners shall appoint 24772
eight members. In a joint-county district, the county 24773
commissioners of each participating county shall appoint members 24774
in as nearly as possible the same proportion as that county's 24775
population bears to the total population of the district, except 24776
that at least one member shall be appointed from each 24777
participating county. 24778

(C) The director of ~~mental health~~ mental health and addiction 24779
services shall ensure that at least one member of the board is a 24780
~~psychiatrist and one member of the board is a mental health~~ 24781
~~professional. If the appointment of a psychiatrist is not~~ 24782
~~possible, as determined under rules adopted by the director, a~~ 24783
~~licensed physician may be appointed in place of the psychiatrist.~~ 24784
~~If the appointment of a licensed physician is not possible, the~~ 24785
~~director of mental health may waive the requirement that the~~ 24786
~~psychiatrist or licensed physician be a resident of the service~~ 24787
~~district and appoint a psychiatrist or licensed physician from a~~ 24788
~~contiguous county. The director of mental health shall ensure that~~ 24789
clinician with experience in the delivery of mental health 24790
services, at least one member of the board is a person who has 24791
received or is receiving mental health services paid for by public 24792
funds ~~and,~~ at least one member of the board is a parent or other 24793
relative of such a person. 24794

~~The director of alcohol and drug addiction services shall~~ 24795
~~ensure that at least one member of the board is a professional in~~ 24796
~~the field of alcohol or drug addiction services and one member of~~ 24797
~~the board is an advocate for persons receiving treatment for~~ 24798
~~alcohol or drug addiction. Of the members appointed by the~~ 24799
~~director of alcohol and drug addiction services, at least one~~ 24800
member of the board is a clinician with experience in the delivery 24801
of addiction services, at least one shall be member of the board 24802
is a person who has received or is receiving services for alcohol 24803
or drug addiction services paid for by public funds, and at least 24804
one shall be member of the board is a parent or other relative of 24805
such a person. A single member who meets both qualifications may 24806
fulfill the requirement for a clinician with experience in the 24807
delivery of mental health services and a clinician with experience 24808
in the delivery of addiction services. 24809

(D) No member or employee of a board of alcohol, drug 24810
addiction, and mental health services shall serve as a member of 24811
the board of any ~~agency provider~~ with which the board of alcohol, 24812
drug addiction, and mental health services has entered into a 24813
contract for the provision of services or facilities. No member of 24814
a board of alcohol, drug addiction, and mental health services 24815
shall be an employee of any ~~agency provider~~ with which the board 24816
has entered into a contract for the provision of services or 24817
facilities, ~~unless the board member's employment duties with the~~ 24818
~~agency consist of providing, only outside the district the board~~ 24819
~~serves, services for which the medicaid program pays. No person~~ 24820
shall be an employee of a board and such ~~an agency a provider~~ 24821
unless the board and ~~agency provider~~ both agree in writing. 24822

(E) No person shall serve as a member of the board of 24823
alcohol, drug addiction, and mental health services whose spouse, 24824
child, parent, brother, sister, grandchild, stepparent, stepchild, 24825
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 24826

daughter-in-law, brother-in-law, or sister-in-law serves as a 24827
member of the board of any ~~agency provider~~ with which the board of 24828
alcohol, drug addiction, and mental health services has entered 24829
into a contract for the provision of services or facilities. No 24830
person shall serve as a member or employee of the board whose 24831
spouse, child, parent, brother, sister, stepparent, stepchild, 24832
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 24833
daughter-in-law, brother-in-law, or sister-in-law serves as a 24834
county commissioner of a county or counties in the alcohol, drug 24835
addiction, and mental health service district. 24836

(F) Each year each board member shall attend at least one 24837
inservice training session provided or approved by the department 24838
of ~~mental health or the department of alcohol and drug addiction~~ 24839
~~services~~ mental health and addiction services. ~~Such training~~ 24840
~~sessions shall not be considered to be regularly scheduled~~ 24841
~~meetings of the board.~~ 24842

~~Each~~ (G) For boards operating as eighteen-member boards, each 24843
member shall be appointed for a term of four years, commencing the 24844
first day of July, except that one-third of initial appointments 24845
to a newly established board, and to the extent possible to 24846
expanded boards, shall be for terms of two years, one-third of 24847
initial appointments shall be for terms of three years, and 24848
one-third of initial appointments shall be for terms of four 24849
years. For boards operating as fourteen-member boards, each member 24850
shall be appointed for a term of four years, commencing the first 24851
day of July, except that four of the initial appointments to a 24852
newly established board, and to the extent possible to expanded 24853
boards, shall be for terms of two years, five initial appointments 24854
shall be for terms of three years, and five initial appointments 24855
shall be for terms of four years. No member shall serve more than 24856
two consecutive four-year terms under the same appointing 24857
authority. A member may serve for three consecutive terms under 24858

the same appointing authority only if one of the terms is for less than two years. A member who has served two consecutive four-year terms or three consecutive terms totaling less than ten years is eligible for reappointment by the same appointing authority one year following the end of the second or third term, respectively.

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

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

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

Sec. 340.021. (A) In an alcohol, drug addiction, and mental health service district ~~comprised of a county with a population of two hundred fifty thousand or more on October 10, 1989, the board of county commissioners shall, within thirty days of October 10, 1989, establish an alcohol and drug addiction services board as~~

~~the entity responsible for providing alcohol and drug addiction~~ 24890
~~services in the county, unless, prior to that date, the board~~ 24891
~~adopts a resolution providing that the entity responsible for~~ 24892
~~providing the services is a board of alcohol, drug addiction, and~~ 24893
~~mental health services. If where the board of county commissioners~~ 24894
~~establishes has established an alcohol and drug addiction services~~ 24895
board, the community mental health board established under former 24896
section 340.02 of the Revised Code shall serve as the entity 24897
responsible for providing mental health services in the county. A 24898
community mental health board has all the powers, duties, and 24899
obligations of a board of alcohol, drug addiction, and mental 24900
health services with regard to mental health services. An alcohol 24901
and drug addiction services board has all the powers, duties, and 24902
obligations of a board of alcohol, drug addiction, and mental 24903
health services with regard to ~~alcohol and drug~~ addiction 24904
services. Any provision of the Revised Code that refers to a board 24905
of alcohol, drug addiction, and mental health services with regard 24906
to mental health services also refers to a community mental health 24907
board and any provision that refers to a board of alcohol, drug 24908
addiction, and mental health services with regard to alcohol and 24909
drug addiction services also refers to an alcohol and drug 24910
addiction services board. 24911

An alcohol and drug addiction services board shall consist of 24912
eighteen ~~members or fourteen~~ members, ~~six of whom~~ at the election 24913
of the board. Not later than January 1, 2014, each alcohol and 24914
drug addiction services board shall notify the department of 24915
mental health and addiction services of its election to operate as 24916
an eighteen-member board or to operate as a fourteen-member board. 24917
The election shall be final. Failure to provide notice of its 24918
election to the department on or before January 1, 2014, shall 24919
constitute an election to continue to operate as an 24920
eighteen-member board. If an existing board provides timely notice 24921
of its election to operate as a fourteen-member board, the number 24922

of board members may decline from eighteen to fourteen by 24923
attrition as current members' terms expire. However, the 24924
composition of the board must reflect the requirements set forth 24925
in this section and in applicable provisions of section 340.02 of 24926
the Revised Code for fourteen-member boards. For boards operating 24927
as eighteen-member boards, six members shall be appointed by the 24928
director of alcohol and drug addiction services mental health and 24929
addiction services and twelve of whom members shall be appointed 24930
by the board of county commissioners. Of the members appointed by 24931
the The director, one shall be of mental health and addiction 24932
services shall ensure that at least one member of the board is a 24933
person who has received or is receiving services for alcohol or, 24934
drug, or gambling addiction, at least one shall be member is a 24935
parent or relative of such a person, and at least one shall be 24936
member is a professional in the field of alcohol or drug clinician 24937
with experience in the delivery of addiction services, and one 24938
shall be an advocate for persons receiving treatment for alcohol 24939
or drug addiction. The membership of the board shall, as nearly as 24940
possible, reflect the composition of the population of the service 24941
district as to race and sex. Members shall be residents of the 24942
service district and shall be interested in alcohol and, drug, or 24943
gambling addiction services. Requirements for membership, 24944
including prohibitions against certain family and business 24945
relationships, and terms of office shall be the same as those for 24946
members of boards of alcohol, drug addiction, and mental health 24947
services. 24948

A community mental health board shall consist of eighteen 24949
members or fourteen members, at the election of the board. Not 24950
later than January 1, 2014, each community mental health board 24951
shall notify the department of mental health and addiction 24952
services of its election to operate as an eighteen-member board or 24953
to operate as a fourteen-member board. The election shall be 24954
final. Failure to provide notice of its election to the department 24955

on or before January 1, 2014, shall constitute an election to 24956
continue to operate as an eighteen-member board. If an existing 24957
board provides timely notice of its election to operate as a 24958
fourteen-member board, the number of board members may decline 24959
from eighteen to fourteen by attrition as current members' terms 24960
expire. However, the composition of the board must reflect the 24961
requirements set forth in this section and in applicable 24962
provisions of section 340.02 of the Revised Code for 24963
fourteen-member boards. For boards operating as eighteen-member 24964
boards, six of whom members shall be appointed by the director of 24965
mental health mental health and addiction services and twelve of 24966
whom members shall be appointed by the board of county 24967
commissioners. Of the members appointed by the The director, one 24968
shall be of mental health and addiction services shall ensure that 24969
at least one member of the board is a person who has received or 24970
is receiving mental health services, at least one shall be member 24971
is a parent or relative of such a person, and at least one shall 24972
be member is a psychiatrist or a physician, and one shall be a 24973
clinician with experience in the delivery of mental health 24974
professional services. The membership of the board as nearly as 24975
possible shall reflect the composition of the population of the 24976
service district as to race and sex. Members shall be residents of 24977
the service district and shall be interested in mental health 24978
services. Requirements for membership, including prohibitions 24979
against certain family and business relationships, and terms of 24980
office shall be the same as those for members of boards of 24981
alcohol, drug addiction, and mental health services. 24982

(B) ~~If a board of county commissioners subject to division~~ 24983
~~(A) of this section did not adopt a resolution providing for a~~ 24984
~~board of alcohol, drug addiction, and mental health services, the~~ 24985
~~board of county commissioners may establish such a board in~~ 24986
~~accordance with the following procedures:~~ 24987

~~(1) Not later than January 1, 2007, the board of county commissioners shall adopt a resolution expressing its intent to establish a board of alcohol, drug addiction, and mental health services.~~ 24988
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~~(2) After adopting a resolution under division (B)(1) of this section, the board of county commissioners shall instruct the county's community mental health board and alcohol and drug addiction services board to prepare a report on the feasibility, process, and proposed plan to establish a board of alcohol, drug addiction, and mental health services. The board of county commissioners shall specify the date by which the report must be submitted to the board for its review.~~ 24992
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~~(3) After reviewing the report prepared under division (B)(2) of this section, the board may adopt a final resolution establishing a board of alcohol, drug addiction, and mental health services. A final resolution establishing such a board shall be adopted not later than July 1, 2007.~~ 25000
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~~(C)(1) If a board of county commissioners subject to division (A) of this section did not adopt a final resolution providing for a board of alcohol, drug addiction, and mental health services and did not establish such a board under division (B) of this section on or before July 1, 2007, the board of county commissioners may establish a board of alcohol, drug addiction, and mental health services on or after the effective date of this amendment. To establish the board, the board of county commissioners shall adopt a resolution providing for the board's establishment. The composition of the board, the procedures for appointing members, and all other matters related to the board and its members are subject to section 340.02 of the Revised Code, with the following exceptions:~~ 25005
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~~(a) For initial appointments to the board, the county's community mental health board and alcohol and drug addiction~~ 25018
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services board shall jointly recommend members of those boards for 25020
reappointment and shall submit the recommendations to the board of 25021
county commissioners, ~~director of mental health,~~ and the director 25022
of ~~alcohol and drug addiction services~~ mental health and addiction 25023
services. 25024

(b) To the greatest extent possible, the appointing 25025
authorities shall appoint the initial members from among the 25026
members jointly recommended under division ~~(C)~~(B)(1)(a) of this 25027
section. 25028

(2) If a board of alcohol, drug addiction, and mental health 25029
services is established pursuant to division ~~(C)~~(B)(1) of this 25030
section, the board has the same rights, privileges, immunities, 25031
powers, and duties that were possessed by the county's community 25032
mental health board and alcohol and drug addiction services board. 25033
When the board is established, all property and obligations of the 25034
community mental health board and alcohol and drug addiction 25035
services board shall be transferred to the board of alcohol, drug 25036
addiction, and mental health services. 25037

Sec. 340.03. (A) Subject to rules issued by the director of 25038
~~mental health~~ mental health and addiction services after 25039
consultation with relevant constituencies as required by division 25040
~~(L)~~(A)(10) of section ~~5119.06~~ 5119.21 of the Revised Code, ~~with~~ 25041
~~regard to mental health services,~~ the board of alcohol, drug 25042
addiction, and mental health services shall: 25043

(1) Serve as the community addiction and mental health 25044
services planning agency for the county or counties under its 25045
jurisdiction, and in so doing it shall: 25046

(a) Evaluate the need for facilities and community addiction 25047
and mental health services; 25048

(b) In cooperation with other local and regional planning and 25049

funding bodies and with relevant ethnic organizations, assess the 25050
community addiction and mental health needs, evaluate strengths 25051
and challenges, and set priorities, ~~and develop plans~~ for the 25052
~~operation of facilities and~~ community addiction and mental health 25053
services, including treatment and prevention. When the board sets 25054
priorities for the operation of addiction services, the board 25055
shall consult with the county commissioners of the counties in the 25056
board's service district regarding the services described in 25057
section 340.15 of the Revised Code and shall give priority to 25058
those services, except that those services shall not have a 25059
priority over services provided to pregnant women under programs 25060
developed in relation to the mandate established in section 25061
5119.17 of the Revised Code; 25062

(c) In accordance with guidelines issued by the director of 25063
~~mental health~~ mental health and addiction services after 25064
consultation with board representatives, annually develop and 25065
submit to the department of ~~mental health~~ mental health and 25066
addiction services a community addiction and mental health 25067
services plan listing community addiction and mental health 25068
services needs, including the needs of all residents of the 25069
district ~~now residing in state mental institutions and severely~~ 25070
~~mentally disabled adults, children, and adolescents;~~ currently 25071
receiving inpatient services in state-operated hospitals, the 25072
needs of other populations as required by state or federal law or 25073
programs, the needs of all children subject to a determination 25074
made pursuant to section 121.38 of the Revised Code~~;~~, and ~~all the~~ 25075
priorities for facilities and community addiction and mental 25076
health services ~~that are or will be in operation or provided~~ 25077
during the period for which the plan will be in ~~operation in the~~ 25078
~~service district to meet such needs~~ effect. 25079

In alcohol, drug addiction, and mental health service 25080
districts that have separate alcohol and drug addiction services 25081

and community mental health boards, the alcohol and drug addiction 25082
services board shall submit a community addiction services plan 25083
and the community mental health board shall submit a community 25084
mental health services plan. Each board shall consult with its 25085
counterpart in developing its plan and address the interaction 25086
between the local addiction services and mental health services 25087
systems and populations with regard to needs and priorities in 25088
developing its plan. 25089

~~The plan shall include, but not be limited to, a statement of~~ 25090
~~which of the services listed in section 340.09 of the Revised Code~~ 25091
~~the board intends to make available. The board must include crisis~~ 25092
~~intervention services for individuals in an emergency situation in~~ 25093
~~the plan and explain how the board intends to make such services~~ 25094
~~available. The plan must also include a statement of the inpatient~~ 25095
~~and community based services the board proposes that the~~ 25096
~~department operate, an assessment of the number and types of~~ 25097
~~residential facilities needed, such other information as the~~ 25098
~~department requests, and a budget for moneys the board expects to~~ 25099
~~receive. The department shall approve or disapprove the plan, in~~ 25100
~~whole or in part, according to the criteria developed pursuant to~~ 25101
~~section 5119.61 5119.22 of the Revised Code. The department's~~ 25102
~~statement of approval or disapproval shall specify the inpatient~~ 25103
~~and the community based services that the department will operate~~ 25104
~~for the board. Eligibility for state and federal funding shall be~~ 25105
~~contingent upon an approved plan or relevant part of a plan.~~ 25106

If a board determines that it is necessary to amend a plan ~~or~~ 25107
~~an allocation request~~ that has been approved under this division 25108
~~(A)(1)(c) of this section~~, the board shall submit a proposed 25109
amendment to the director. The director may approve or disapprove 25110
all or part of the amendment. The director shall inform the board 25111
of the reasons for disapproval of all or part of an amendment and 25112
of the criteria that must be met before the amendment may be 25113

approved. The director shall provide the board an opportunity to 25114
present its case on behalf of the amendment. The director shall 25115
give the board a reasonable time in which to meet the criteria, 25116
and shall offer the board technical assistance to help it meet the 25117
criteria. 25118

The board shall ~~implement~~ operate in accordance with the plan 25119
approved by the department. 25120

(d) Promote, arrange, and implement working agreements with 25121
social agencies, both public and private, and with judicial 25122
agencies. 25123

(2) Investigate, or request another agency to investigate, 25124
any complaint alleging abuse or neglect of any person receiving 25125
services from a community addiction or mental health ~~agency as~~ 25126
~~defined in section 5122.01 of the Revised Code~~ services provider 25127
certified under section 5119.36 of the Revised Code or alleging 25128
abuse or neglect of a ~~person~~ resident receiving addiction services 25129
or with mental illness or severe mental disability residing in a 25130
residential facility licensed under section ~~5119.22~~ 5119.34 of the 25131
Revised Code. If the investigation substantiates the charge of 25132
abuse or neglect, the board shall take whatever action it 25133
determines is necessary to correct the situation, including 25134
notification of the appropriate authorities. Upon request, the 25135
board shall provide information about such investigations to the 25136
department. 25137

(3) For the purpose of section ~~5119.611~~ 5119.36 of the 25138
Revised Code, cooperate with the director of ~~mental health~~ mental 25139
health and addiction services in visiting and evaluating whether 25140
the services of a community addiction or mental health ~~agency~~ 25141
services provider satisfy the certification standards established 25142
by rules adopted under that section; 25143

(4) In accordance with criteria established under division 25144

(E) of section ~~5119.61~~ 5119.22 of the Revised Code, conduct 25145
program audits that review and evaluate the quality, 25146
effectiveness, and efficiency of services provided through its 25147
community addiction and mental health ~~plan~~ contracted services and 25148
submit its findings and recommendations to the department of 25149
~~mental health~~ mental health and addiction services; 25150

(5) In accordance with section ~~5119.22~~ 5119.34 of the Revised 25151
Code, review an application for a residential facility license and 25152
provide to the department of ~~mental health~~ mental health and 25153
addiction services any information about the applicant or facility 25154
that the board would like the department to consider in reviewing 25155
the application; 25156

(6) ~~Audit, in accordance with rules adopted by the auditor of~~ 25157
~~state pursuant to section 117.20 of the Revised Code, at least~~ 25158
~~annually all programs and services provided under contract with~~ 25159
~~the board. In so doing, the board may contract for or employ the~~ 25160
~~services of private auditors. A~~ Obtain a copy of the fiscal audit 25161
report of all provider organizations under contract with the 25162
board. The fiscal audit report shall be provided to the director 25163
of ~~mental health~~ mental health and addiction services, the auditor 25164
of state, and the county auditor of each county in the board's 25165
district. Nothing in division (A)(6) of this section shall be 25166
interpreted as prohibiting or requiring the inclusion of 25167
provisions requiring performance audits or periodic fiscal reports 25168
in contracts negotiated between the board and services providers. 25169
However, any provision in such a contract requiring a performance 25170
audit or periodic fiscal report shall relate only to programs and 25171
services paid for by the board in question with local funds. 25172

(7) Recruit and promote local financial support for addiction 25173
and mental health ~~programs~~ services from private and public 25174
sources; 25175

(8)(a) Enter into contracts with public and private 25176

facilities for the operation of facility services ~~included in the~~ 25177
~~board's community mental health plan~~ and enter into contracts with 25178
public and private community addiction and mental health ~~agencies~~ 25179
service providers for the provision of community addiction and 25180
mental health services ~~that are listed in section 340.09 of the~~ 25181
~~Revised Code and included in the board's community mental health~~ 25182
~~plan~~. The board may not contract with a residential facility 25183
subject to section 5119.34 of the Revised Code unless the facility 25184
is licensed by the director of mental health and addiction 25185
services and may not contract with a community addiction or mental 25186
health agency services provider to provide community addiction or 25187
mental health services ~~included in the board's community mental~~ 25188
~~health plan~~ unless the services are certified by the director of 25189
~~mental health~~ mental health and addiction services under section 25190
~~5119.611~~ 5119.36 of the Revised Code. Section 307.86 of the 25191
Revised Code does not apply to contracts entered into under this 25192
division. In contracting with a community addiction or mental 25193
health ~~agency~~ services provider, a board shall consider the cost 25194
effectiveness of services provided by that ~~agency~~ provider and the 25195
quality and continuity of care, and may review cost elements, 25196
including salary costs, of the services to be provided. A 25197
utilization review process ~~shall~~ may be established as part of the 25198
contract for services entered into between a board and a community 25199
addiction or mental health ~~agency~~ services provider. The board may 25200
establish this process in a way that is most effective and 25201
efficient in meeting local needs. ~~Until July 1, 2012, a contract~~ 25202
~~with a community mental health agency or facility, as defined in~~ 25203
~~section 5111.023 of the Revised Code, to provide services listed~~ 25204
~~in division (B) of that section shall provide for the agency or~~ 25205
~~facility to be paid in accordance with the contract entered into~~ 25206
~~between the departments of job and family services and mental~~ 25207
~~health under section 5111.91 of the Revised Code and any rules~~ 25208
~~adopted under division (A) of section 5119.61 of the Revised Code.~~ 25209

If either the board or a facility or community addiction or 25210
mental health ~~agency~~ services provider with which the board 25211
contracts under this division ~~(A)(8)(a) of this section~~ proposes 25212
not to renew the contract or proposes substantial changes in 25213
contract terms, the other party shall be given written notice at 25214
least one hundred twenty days before the expiration date of the 25215
contract. During the first sixty days of this one hundred 25216
twenty-day period, both parties shall attempt to resolve any 25217
dispute through good faith collaboration and negotiation in order 25218
to continue to provide services to persons in need. If the dispute 25219
has not been resolved sixty days before the expiration date of the 25220
contract, either party may notify the department of ~~mental health~~ 25221
mental health and addiction services of the unresolved dispute. 25222
The director may require both parties to submit the dispute to a 25223
third party with the cost to be shared by the board and the 25224
facility or ~~community mental health agency~~ provider. The third 25225
party shall issue to the board, the facility or ~~agency~~ provider, 25226
and the department recommendations on how the dispute may be 25227
resolved twenty days prior to the expiration date of the contract, 25228
unless both parties agree to a time extension. The director shall 25229
adopt rules establishing the procedures of this dispute resolution 25230
process. 25231

(b) With the prior approval of the director of ~~mental health~~ 25232
mental health and addiction services, a board may operate a 25233
facility or provide a community addiction or mental health service 25234
as follows, if there is no other qualified private or public 25235
facility or community addiction or mental health ~~agency~~ services 25236
provider that is immediately available and willing to operate such 25237
a facility or provide the service: 25238

(i) In an emergency situation, any board may operate a 25239
facility or provide a community addiction or mental health service 25240
in order to provide essential services for the duration of the 25241

emergency; 25242

(ii) In a service district with a population of at least one 25243
hundred thousand but less than five hundred thousand, a board may 25244
operate a facility or provide a community addiction or mental 25245
health service for no longer than one year; 25246

(iii) In a service district with a population of less than 25247
one hundred thousand, a board may operate a facility or provide a 25248
community addiction or mental health service for no longer than 25249
one year, except that such a board may operate a facility or 25250
provide a community addiction or mental health service for more 25251
than one year with the prior approval of the director and the 25252
prior approval of the board of county commissioners, or of a 25253
majority of the boards of county commissioners if the district is 25254
a joint-county district. 25255

The director shall not give a board approval to operate a 25256
facility or provide a community addiction or mental health service 25257
under division (A)(8)(b)(ii) or (iii) of this section unless the 25258
director determines that it is not feasible to have the department 25259
operate the facility or provide the service. 25260

The director shall not give a board approval to operate a 25261
facility or provide a community addiction or mental health service 25262
under division (A)(8)(b)(iii) of this section unless the director 25263
determines that the board will provide greater administrative 25264
efficiency and more or better services than would be available if 25265
the board contracted with a private or public facility or 25266
community addiction or mental health ~~agency~~ services provider. 25267

The director shall not give a board approval to operate a 25268
facility previously operated by a person or other government 25269
entity unless the board has established to the director's 25270
satisfaction that the person or other government entity cannot 25271
effectively operate the facility or that the person or other 25272

government entity has requested the board to take over operation 25273
of the facility. The director shall not give a board approval to 25274
provide a community addiction or mental health service previously 25275
provided by a community addiction or mental health ~~agency~~ services 25276
provider unless the board has established to the director's 25277
satisfaction that the ~~agency~~ provider cannot effectively provide 25278
the service or that the ~~agency~~ provider has requested the board 25279
take over providing the service. 25280

The director shall review and evaluate a board's operation of 25281
a facility and provision of community addiction or mental health 25282
service under division (A)(8)(b) of this section. 25283

Nothing in division (A)(8)(b) of this section authorizes a 25284
board to administer or direct the daily operation of any facility 25285
or community addiction or mental health ~~agency~~ services provider, 25286
but a facility or ~~agency~~ provider may contract with a board to 25287
receive administrative services or staff direction from the board 25288
under the direction of the governing body of the facility or 25289
~~agency~~ provider. 25290

(9) Approve fee schedules and related charges or adopt a unit 25291
cost schedule or other methods of payment for contract services 25292
provided by community addiction or mental health ~~agencies~~ services 25293
providers in accordance with guidelines issued by the department 25294
as necessary to comply with state and federal laws pertaining to 25295
financial assistance; 25296

(10) Submit to the director and the county commissioners of 25297
the county or counties served by the board, and make available to 25298
the public, an annual report of the ~~programs~~ services under the 25299
jurisdiction of the board, including a fiscal accounting; 25300

(11) Establish, to the extent resources are available, a 25301
~~community support system~~ continuum of care, which provides for 25302
prevention, treatment, support, and rehabilitation services and 25303

opportunities. The essential elements of the ~~system~~ continuum 25304
include, but are not limited to, the following components in 25305
accordance with section ~~5119.06~~ 5119.21 of the Revised Code: 25306

(a) To locate persons in need of addiction or mental health 25307
services to inform them of available services and benefits 25308
~~mechanisms~~; 25309

(b) Assistance for ~~clients~~ persons receiving services to 25310
obtain services necessary to meet basic human needs for food, 25311
clothing, shelter, medical care, personal safety, and income; 25312

(c) ~~Mental~~ Addiction and mental health care services, 25313
including, but not limited to, outpatient, residential, partial 25314
hospitalization, and, where appropriate, inpatient care; 25315

(d) Emergency services and crisis intervention; 25316

(e) Assistance for ~~clients~~ persons receiving services to 25317
obtain vocational services and opportunities for jobs; 25318

(f) The provision of services designed to develop social, 25319
community, and personal living skills; 25320

(g) Access to a wide range of housing and the provision of 25321
residential treatment and support; 25322

(h) Support, assistance, consultation, and education for 25323
families, friends, ~~consumers of~~ persons receiving addiction or 25324
mental health services, and others; 25325

(i) Recognition and encouragement of families, friends, 25326
neighborhood networks, especially networks that include racial and 25327
ethnic minorities, churches, community organizations, and 25328
~~meaningful~~ community employment as natural supports for ~~consumers~~ 25329
~~of~~ persons receiving addiction or mental health services; 25330

(j) Grievance procedures and protection of the rights of 25331
~~consumers of~~ persons receiving addiction or mental health 25332
services; 25333

(k) ~~Case management~~ Community psychiatric supportive 25334
treatment services, which includes continual individualized 25335
assistance and advocacy to ensure that needed services are offered 25336
and procured. 25337

(12) Establish a method for evaluating referrals for 25338
involuntary commitment and affidavits filed pursuant to section 25339
5122.11 of the Revised Code in order to assist the probate 25340
division of the court of common pleas in determining whether there 25341
is probable cause that a respondent is subject to involuntary 25342
hospitalization and what alternative treatment is available and 25343
appropriate, if any; 25344

(13) Designate the treatment ~~program~~ services, ~~agency~~ 25345
provider, ~~or facility~~, or other placement for each person 25346
involuntarily committed to the board pursuant to Chapter 5122. of 25347
the Revised Code ~~and authorize payment for such treatment~~. The 25348
board shall provide the least restrictive and most appropriate 25349
alternative that is available for any person involuntarily 25350
committed to it and shall assure that the listed services listed 25351
~~in~~ submitted and approved in accordance with division (B) of 25352
section ~~340.09~~ 340.08 of the Revised Code are available to 25353
severely mentally disabled persons residing within its service 25354
district. The board shall establish the procedure for authorizing 25355
payment for services, which may include prior authorization in 25356
appropriate circumstances. The board may provide for services 25357
directly to a severely mentally disabled person when life or 25358
safety is endangered and when no community mental health ~~agency~~ 25359
services provider is available to provide the service. 25360

~~(13) Establish a method for evaluating referrals for~~ 25361
~~involuntary commitment and affidavits filed pursuant to section~~ 25362
~~5122.11 of the Revised Code in order to assist the probate~~ 25363
~~division of the court of common pleas in determining whether there~~ 25364
~~is probable cause that a respondent is subject to involuntary~~ 25365

~~hospitalization and what alternative treatment is available and
appropriate, if any;~~ 25366
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(14) Ensure that apartments or rooms built, subsidized, 25368
renovated, rented, owned, or leased by the board or a community 25369
addiction or mental health agency services provider have been 25370
approved as meeting minimum fire safety standards and that persons 25371
residing in the rooms or apartments are receiving appropriate and 25372
necessary services, including culturally relevant services, from a 25373
community addiction or mental health agency services provider. 25374
This division does not apply to residential facilities licensed 25375
pursuant to section ~~5119.22~~ 5119.34 of the Revised Code. 25376

(15) Establish a mechanism for obtaining advice and 25377
involvement of ~~consumer recommendation and advice persons~~ 25378
receiving publicly funded addiction or mental health services on 25379
matters pertaining to addiction and mental health services in the 25380
alcohol, drug addiction, and mental health service district; 25381

(16) Perform the duties required by rules adopted under 25382
section ~~5119.61~~ 5119.22 of the Revised Code regarding referrals by 25383
the board or mental health ~~agencies~~ services providers under 25384
contract with the board of individuals with mental illness or 25385
severe mental disability to residential facilities as defined in 25386
division (A)(9)(b)(iii) of section ~~5119.22~~ 5119.34 of the Revised 25387
Code and effective arrangements for ongoing mental health services 25388
for the individuals. The board is accountable in the manner 25389
specified in the rules for ensuring that the ongoing mental health 25390
services are effectively arranged for the individuals. 25391

(B) The board shall establish such rules, operating 25392
procedures, standards, and bylaws, and perform such other duties 25393
as may be necessary or proper to carry out the purposes of this 25394
chapter. 25395

(C) A board of alcohol, drug addiction, and mental health 25396

services may receive by gift, grant, devise, or bequest any 25397
moneys, lands, or property for the benefit of the purposes for 25398
which the board is established, and may hold and apply it 25399
according to the terms of the gift, grant, or bequest. All money 25400
received, including accrued interest, by gift, grant, or bequest 25401
shall be deposited in the treasury of the county, the treasurer of 25402
which is custodian of the alcohol, drug addiction, and mental 25403
health services funds to the credit of the board and shall be 25404
available for use by the board for purposes stated by the donor or 25405
grantor. 25406

(D) No board member or employee of a board of alcohol, drug 25407
addiction, and mental health services shall be liable for injury 25408
or damages caused by any action or inaction taken within the scope 25409
of the board member's official duties or the employee's 25410
employment, whether or not such action or inaction is expressly 25411
authorized by this section, ~~section 340.033~~, or any other section 25412
of the Revised Code, unless such action or inaction constitutes 25413
willful or wanton misconduct. Chapter 2744. of the Revised Code 25414
applies to any action or inaction by a board member or employee of 25415
a board taken within the scope of the board member's official 25416
duties or employee's employment. For the purposes of this 25417
division, the conduct of a board member or employee shall not be 25418
considered willful or wanton misconduct if the board member or 25419
employee acted in good faith and in a manner that the board member 25420
or employee reasonably believed was in or was not opposed to the 25421
best interests of the board and, with respect to any criminal 25422
action or proceeding, had no reasonable cause to believe the 25423
conduct was unlawful. 25424

(E) The meetings held by any committee established by a board 25425
of alcohol, drug addiction, and mental health services shall be 25426
considered to be meetings of a public body subject to section 25427
121.22 of the Revised Code. 25428

Sec. 340.031. A board of alcohol, drug addiction, and mental health services may: 25429
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(A) Inspect any residential facility licensed under section 5119.22 ~~5119.22~~ 5119.34 of the Revised Code and located in its district, pursuant to a contract with the department of mental health; 25431
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(B) Acquire, convey, lease, or enter into a contract to purchase, lease, or sell property for community addiction and mental health ~~and alcohol and drug addiction~~ services and related purposes, and enter into loan agreements, including mortgages, for the acquisition of such property. 25434
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Sec. 340.032. The board of alcohol, drug addiction, and mental health services shall employ a qualified mental health or ~~alcohol or drug~~ addiction services professional with experience in administration or a professional administrator with experience in mental health or ~~alcohol or drug~~ addiction services to serve as executive director of the board and shall prescribe the director's duties. 25439
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The board shall fix the compensation of the executive director. In addition to such compensation, the director shall be reimbursed for actual and necessary expenses incurred in the performance of ~~his~~ the director's official duties. The board, by majority vote of the full membership, may remove the director for cause, upon written charges, after an opportunity has been afforded ~~him~~ the director for a hearing before the board on request. 25446
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The board may delegate to its executive director the authority to act in its behalf in the performance of its administrative duties. 25454
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As used in this section, "mental health professional" and "addiction services professional" mean an individual who is 25457
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qualified to work with mentally ill persons or persons receiving 25459
addiction services, pursuant to standards established by the 25460
director of mental health and addiction services under Chapter 25461
5119. of the Revised Code. 25462

Sec. 340.04. In addition to such other duties as may be 25463
lawfully imposed, the executive director of a board of alcohol, 25464
drug addiction, and mental health services shall: 25465

(A) Serve as executive officer of the board and subject to 25466
the prior approval of the board for each contract, execute 25467
contracts on its behalf; 25468

(B) Supervise services and facilities provided, operated, 25469
contracted, or supported by the board to the extent of determining 25470
that ~~programs~~ services and facilities are being administered in 25471
conformity with this chapter and rules of the director of ~~mental~~ 25472
~~health and the department of alcohol and drug addiction services~~ 25473
mental health and addiction services; 25474

(C) Provide consultation to ~~agencies, associations, or~~ 25475
~~individuals~~ addiction and mental health services providers 25476
providing services supported by the board; 25477

(D) Recommend to the board the changes necessary to increase 25478
the effectiveness of addiction and mental health services ~~and~~ 25479
~~alcohol and drug addiction services~~ and other matters necessary or 25480
desirable to carry out this chapter; 25481

(E) Employ and remove from office such employees and 25482
consultants in the classified civil service and, subject to the 25483
approval of the board, employ and remove from office such other 25484
employees and consultants as may be necessary for the work of the 25485
board, and fix their compensation and reimbursement within the 25486
limits set by the salary schedule and the budget approved by the 25487
board; 25488

(F) Encourage the development and expansion of preventive, 25489
treatment, rehabilitative, and consultative ~~programs~~ services in 25490
the field of addiction and mental health services with emphasis on 25491
continuity of care; 25492

(G) Prepare for board approval an annual report of the 25493
~~programs~~ services and facilities under the jurisdiction of the 25494
board, including a fiscal accounting of all services; 25495

(H) Conduct such studies as may be necessary and practicable 25496
for the promotion of mental health, promotion of addiction 25497
services, and the prevention of mental illness, emotional 25498
disorders, and addiction ~~to alcohol and drugs~~; 25499

(I) Authorize the county auditor, or in a joint-county 25500
district the county auditor designated as the auditor for the 25501
district, to issue warrants for the payment of board obligations 25502
approved by the board, provided that all payments from funds 25503
distributed to the board by the department of mental health and 25504
addiction services are in accordance with the ~~comprehensive~~ 25505
~~community mental health plan budget submitted pursuant to section~~ 25506
340.08 of the Revised Code, as approved by the department of 25507
mental health, ~~or with the alcohol and drug addiction services~~ 25508
~~plan as approved by the department of alcohol and drug addiction~~ 25509
~~services~~ mental health and addiction services. 25510

Sec. 340.05. A community addiction or mental health ~~agency~~ 25511
services provider that receives a complaint alleging abuse or 25512
neglect of an individual with mental illness or severe mental 25513
disability, or an individual receiving addiction services, who 25514
resides in a residential facility as defined in division (A)(9)(b) 25515
of section ~~5119.22~~ 5119.34 of the Revised Code shall report the 25516
complaint to the board of alcohol, drug addiction, and mental 25517
health services serving the alcohol, drug addiction, and mental 25518
health service district in which the residential facility is 25519

located. A board of alcohol, drug addiction, and mental health 25520
services that receives such a complaint or a report from a 25521
community ~~addiction or~~ mental health ~~agency~~ services provider of 25522
such a complaint shall report the complaint to the director of 25523
~~mental health~~ mental health and addiction services for the purpose 25524
of the director conducting an investigation under section ~~5119.22~~ 25525
5119.34 of the Revised Code. The board may enter the facility with 25526
or without the director and, if the health and safety of a 25527
resident is in immediate danger, take any necessary action to 25528
protect the resident. The board's action shall not violate any 25529
resident's rights specified in rules adopted by the department of 25530
~~mental health~~ mental health and addiction services under section 25531
~~5119.22~~ 5119.34 of the Revised Code. The board shall immediately 25532
report to the director regarding the board's actions under this 25533
section. 25534

Sec. 340.07. The board of county commissioners of any county 25535
participating in an alcohol, drug addiction, and mental health 25536
service district or joint-county district, upon receipt from the 25537
board of alcohol, drug addition, and mental health services of a 25538
resolution so requesting, may appropriate money to such board for 25539
the operation, lease, acquisition, construction, renovation, and 25540
maintenance of addiction or mental health services, ~~programs,~~ 25541
providers and facilities ~~for mentally ill and emotionally~~ 25542
~~disturbed persons~~ in accordance with the comprehensive community 25543
addiction and mental health ~~plan or for alcohol and drug addiction~~ 25544
~~programs in accordance with the alcohol and drug addiction~~ 25545
~~services plan~~ services budget approved by the department of mental 25546
health and addiction services pursuant to section 340.08 of the 25547
Revised Code. 25548

Sec. 340.08. In accordance with rules or guidelines issued by 25549
the director of mental health and addiction services, each board 25550

of alcohol, drug addiction, and mental health services shall do 25551
all of the following: 25552

(A) Submit to the department a report of receipts and 25553
expenditures for all federal, state, and local moneys the board 25554
expects to receive; 25555

(1) The report shall identify funds the board and public 25556
children services agencies in the board's service district have 25557
available to fund jointly the services described in section 340.15 25558
of the Revised Code. 25559

(2) The board's proposed budget for expenditures of state and 25560
federal funds distributed to the board by the department shall be 25561
deemed an application for funds, and the department shall approve 25562
or disapprove the budget for these expenditures. The department 25563
shall inform the board of the reasons for disapproval of the 25564
budget for the expenditure of state and federal funds and of the 25565
criteria that must be met before the budget may be approved. The 25566
director shall provide the board an opportunity to present its 25567
case on behalf of the submitted budget. The director shall give 25568
the board a reasonable time in which to meet the criteria and 25569
shall offer the board technical assistance to help it meet the 25570
criteria. 25571

If a board determines that it is necessary to amend a budget 25572
that has been approved under this section, the board shall submit 25573
a proposed amendment to the director. The director may approve or 25574
disapprove all or part of the amendment. The director shall inform 25575
the board of the reasons for disapproval of all or part of the 25576
amendment and of the criteria that must be met before the 25577
amendment may be approved. The director shall provide the board an 25578
opportunity to present its case on behalf of the amendment. The 25579
director shall give the board a reasonable time in which to meet 25580
the criteria and shall offer the board technical assistance to 25581

help it meet the criteria. 25582

(3) The director of mental health and addiction services, in 25583
whole or in part, may withhold funds otherwise to be allocated to 25584
a board of alcohol, drug addiction, and mental health services 25585
under Chapter 5119. of the Revised Code if the board's use of 25586
state and federal funds fails to comply with the approved budget, 25587
as it may be amended with the approval of the department. 25588

(B) Submit to the department a statement identifying the 25589
services described in section 340.09 of the Revised Code the board 25590
intends to make available. The board shall include crisis 25591
intervention services for individuals in emergency situations and 25592
services required pursuant to section 340.15 of the Revised Code, 25593
and the board shall explain the manner in which the board intends 25594
to make such services available. The list of services shall be 25595
compatible with the budget submitted pursuant to division (A) of 25596
this section. The department shall approve or disapprove the 25597
proposed listing of services to be made available. The department 25598
shall inform the board of the reasons for disapproval of the 25599
listing of proposed services and of the criteria that must be met 25600
before listing of proposed services may be approved. The director 25601
shall provide the board an opportunity to present its case on 25602
behalf of the submitted listing of proposed services. The director 25603
shall give the board a reasonable time in which to meet the 25604
criteria and shall offer the board technical assistance to help it 25605
meet the criteria. 25606

(C) Enter into a continuity of care agreement with the state 25607
institution operated by the department of mental health and 25608
addiction services and designated as the institution serving the 25609
district encompassing the board's service district. Subject to 25610
division (B) of section 340.011 of the Revised Code, the 25611
continuity of care agreement shall outline the department's and 25612
the board's responsibilities to plan for and coordinate with each 25613

other to address the needs of board residents who are patients in the institution, with an emphasis on managing appropriate hospital bed day use and discharge planning. 25614
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(D) In conjunction with the department of mental health and addiction services, operate a coordinated system for tracking and monitoring persons found not guilty by reason of insanity and committed pursuant to section 2945.40 of the Revised Code who have been granted a conditional release and persons found incompetent to stand trial and committed pursuant to section 2945.39 of the Revised Code who have been granted a conditional release. The system shall do all of the following: 25617
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(1) Centralize responsibility for the tracking of those persons; 25625
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(2) Provide for uniformity in monitoring those persons; 25627

(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs. 25628
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(E) Submit to the department a report summarizing complaints and grievances received by the board concerning the rights of persons seeking or receiving services, investigations of complaints and grievances, and outcomes of the investigations. 25631
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(F) Provide to the department information to be submitted to the community addiction and mental health information system or systems established by the department under Chapter 5119. of the Revised Code. 25635
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(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable. 25639
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(H) Submit to the department other information as is 25645
reasonably required for purposes of the department's operations, 25646
service evaluation, reporting activities, research, system 25647
administration, and oversight. 25648

Sec. 340.09. (A) The department of ~~mental health~~ mental 25649
health and addiction services shall provide assistance to any 25650
county for the operation of boards of alcohol, drug addiction, and 25651
mental health services ~~and,~~ the provision of ~~the following~~ 25652
services approved by the department within the continuum of care, 25653
the provision of approved support functions, and the partnership 25654
in, or support for, approved continuum of care-related activities 25655
from funds appropriated for that purpose by the general assembly~~+~~. 25656

~~(A) Outpatient;~~ 25657

(B) Categories in the continuum of care may include all of 25658
the following: 25659

(1) Inpatient; 25660

~~(C) Partial hospitalization~~ (2) Residential; 25661

~~(D) Rehabilitation~~ (3) Outpatient treatment; 25662

~~(E)~~ (4) Intensive and other supports; 25663

(5) Recovery support; 25664

(6) Prevention and wellness management. 25665

(C) Support functions may include all of the following: 25666

(1) Consultation; 25667

~~(F) Mental health education and other preventive services;~~ 25668

~~(G) Emergency;~~ 25669

~~(H) Crisis intervention;~~ 25670

~~(I)~~ (2) Research; 25671

(J) (3) Administrative;	25672
(K) (4) Referral and information;	25673
(L) Residential;	25674
(M) (5) Training;	25675
(N) Substance abuse;	25676
(O) (6) Service and program evaluation;	25677
(P) Community support system;	25678
(Q) Case management;	25679
(R) Residential housing;	25680
(S) Other services approved by the board and the director of mental health.	25681 25682

Sec. 340.091. Each board of alcohol, drug addiction, and 25683
mental health services shall contract with a community mental 25684
health ~~agency~~ services provider under division (A)~~(7)~~(8)(a) of 25685
section 340.03 of the Revised Code for the ~~agency~~ provider to do 25686
all of the following in accordance with rules adopted under 25687
section ~~5119.61~~ 5119.22 of the Revised Code for an individual 25688
referred to the ~~agency~~ provider under division (D)(2) of section 25689
~~5119.69~~ 5119.41 of the Revised Code: 25690

(A) Assess the individual and, if the ~~agency~~ provider 25691
determines that the environment in which the individual will be 25692
living while receiving residential state supplement payments is 25693
appropriate for the individual's needs, issue a recommendation to 25694
the referring residential state supplement administrative agency 25695
that the referring agency should conclude that the living 25696
environment is appropriate when it makes its determination 25697
regarding the appropriateness of the environment; 25698

(B) Provide ongoing monitoring to ensure that listed services 25699
~~provided under~~ submitted and approved under division (B) of 25700

section ~~340.09~~ 340.08 of the Revised Code are available to the individual;

(C) Provide discharge planning to ensure the individual's earliest possible transition to a less restrictive environment.

Sec. 340.10. The county auditor or, in a joint-county alcohol, drug addiction, and mental health service district, the auditor of the county, the treasurer of which has been designated in the agreement between the counties of the district as custodian of the community addiction and mental health services funds ~~and alcohol and drug addiction services funds~~, is hereby designated as the auditor and fiscal officer of an alcohol, drug addiction, and mental health service district or joint-county district. State funds allocated for the support of a service district shall be paid to the county treasurer or, in a joint-county district, to the treasurer of that county designated in the agreement as custodian of the community addiction and mental health services funds and authorized to make payments from such funds on order of the county auditor and on recommendation of the board of alcohol, drug addiction, and mental health services, or the executive director of the board when authorized by the board. The auditor shall submit to the board a detailed monthly statement of all receipts, disbursements, and ending balances for the community addiction and mental health services funds.

Sec. 340.11. A board of alcohol, drug addiction, and mental health services may procure a policy or policies of insurance insuring board members or employees of the board or ~~agencies~~ providers with which the board contracts against liability arising from the performance of their official duties. If the liability insurance is unavailable or the amount a board has procured or is able to procure is insufficient to cover the amount of a claim, the board may indemnify a board member or employee as follows:

(A) For any action or inaction in the capacity of board member or employee or at the request of the board, whether or not the action or inaction is expressly authorized by this or any other section of the Revised Code, if both of the following apply:

(1) The board member or employee acted in good faith and in a manner that the board member or employee reasonably believed was in or was not opposed to the best interests of the board; ~~and~~

(2) With respect to any criminal action or proceeding, the board member or employee had no reason to believe the board member's or employee's conduct was unlawful.

(B) Against any expenses, including attorneys' fees, the board member or employee actually and reasonably incurs as a result of a suit or other proceeding involving the defense of any action or inaction in the capacity of board member or employee or at the request of the board, or in defense of any claim, issue, or matter raised in connection with the defense of such an action or inaction, to the extent that the board member or employee is successful on the merits or otherwise.

Sec. 340.12. No board of alcohol, drug addiction, and mental health services or any ~~agency, corporation, or association~~ addiction or mental health services provider under contract with such a board shall discriminate in the provision of services under its authority, in employment, or contract on the basis of race, color, creed, sex, ~~ereed~~, national origin, or disability, ~~or national origin~~.

Each board, ~~and~~ each community addiction or mental health agency, and each alcohol and drug addiction program services provider shall have a written affirmative action program. The affirmative action program shall include goals for the employment and effective utilization of, including contracts with, members of economically disadvantaged groups as defined in division (E)(1) of

section 122.71 of the Revised Code in percentages reflecting as 25763
nearly as possible the composition of the alcohol, drug addiction, 25764
and mental health service district served by the board. Each 25765
board, ~~agency,~~ and ~~program~~ provider shall file a description of 25766
the affirmative action program and a progress report on its 25767
implementation with the department of ~~mental health or the~~ 25768
~~department of alcohol and drug addiction services~~ mental health 25769
and addiction services. 25770

Sec. 340.13. (A) As used in this section, ~~"minority":~~ 25771

(1) "Minority business enterprise" has the same meaning as in 25772
~~division (E)(1) of~~ section 122.71 of the Revised Code. 25773

(2) "EDGE business enterprise" has the same meaning as in 25774
section 123.152 of the Revised Code. 25775

(B) Any minority business enterprise that desires to bid on a 25776
contract under division (C) ~~or (D)~~ of this section shall first 25777
apply to the equal employment opportunity coordinator in the 25778
department of administrative services for certification as a 25779
minority business enterprise. Any EDGE business enterprise that 25780
desires to bid on a contract under division (D) of this section 25781
shall first apply to the equal employment opportunity coordinator 25782
of the department of administrative services for certification as 25783
an EDGE business enterprise. The coordinator shall approve the 25784
application of any minority business enterprise or EDGE business 25785
enterprise that complies with the rules adopted under section 25786
122.71 or 123.152 of the Revised Code, respectively. The 25787
coordinator shall prepare and maintain a list of minority business 25788
enterprises and EDGE business enterprises certified under ~~this~~ 25789
~~section~~ those sections. 25790

(C) From the contracts to be awarded for the purchases of 25791
equipment, materials, supplies, or services, other than contracts 25792
entered into under section 340.03 ~~or 340.033~~ of the Revised Code, 25793

each board of alcohol, drug addiction, and mental health services 25794
shall select a number of contracts with an aggregate value of 25795
approximately fifteen per cent of the total estimated value of 25796
contracts to be awarded in the current fiscal year. The board 25797
shall set aside the contracts so selected for bidding by minority 25798
business enterprises only. The bidding procedures for such 25799
contracts shall be the same as for all other contracts awarded 25800
under section 307.86 of the Revised Code, except that only 25801
minority business enterprises certified and listed ~~under~~ pursuant 25802
to division (B) of this section shall be qualified to submit bids. 25803

(D) To the extent that a board is authorized to enter into 25804
contracts for construction, the board shall ~~set aside a number of~~ 25805
~~contracts~~ strive to attain a yearly contract dollar procurement 25806
goal the aggregate value of which equals approximately five per 25807
cent of the aggregate value of construction contracts for the 25808
current fiscal year for ~~bidding by minority~~ EDGE business 25809
enterprises only. ~~The bidding procedures for the contracts set~~ 25810
~~aside for minority business enterprises shall be the same as for~~ 25811
~~all other contracts awarded by the board, except that only~~ 25812
~~minority business enterprises certified and listed under division~~ 25813
~~(B) of this section shall be qualified to submit bids.~~ 25814

(E)(1) In the case of contracts set aside under ~~divisions~~ 25815
division (C) ~~and (D)~~ of this section, if no bid is submitted by a 25816
minority business enterprise, the contract shall be awarded 25817
according to normal bidding procedures. The board shall from time 25818
to time set aside such additional contracts as are necessary to 25819
replace those contracts previously set aside on which no minority 25820
business enterprise bid. 25821

(2) If a board, after having made a good faith effort, is 25822
unable to comply with the goal of procurement for contracting with 25823
EDGE business enterprises pursuant to division (D) of this 25824
section, the board may apply in writing, on a form prescribed by 25825

the department of administrative services, to the director of 25826
mental health and addiction services for a waiver or modification 25827
of the goal. 25828

(F) This section does not preclude any minority business 25829
enterprise or EDGE business enterprise from bidding on any other 25830
contract not specifically set aside for minority business 25831
enterprises or subject to procurement goals for EDGE business 25832
enterprises. 25833

(G) Within ninety days after the beginning of each fiscal 25834
year, each board shall file a report with the department of ~~mental~~ 25835
~~health~~ mental health and addiction services that shows for that 25836
fiscal year the name of each minority business enterprise and EDGE 25837
business enterprise with which the board entered into a contract, 25838
the value and type of each such contract, the total value of 25839
contracts awarded under divisions (C) and (D) of this section, the 25840
total value of contracts awarded for the purchases of equipment, 25841
materials, supplies, or services, other than contracts entered 25842
into under section 340.03 of the Revised Code, and the total value 25843
of contracts entered into for construction. 25844

(H) Any person who intentionally misrepresents ~~himself~~ self 25845
as owning, controlling, operating, or participating in a minority 25846
business enterprise or an EDGE business enterprise for the purpose 25847
of obtaining contracts or any other benefits under this section 25848
shall be guilty of theft by deception as provided for in section 25849
2913.02 of the Revised Code. 25850

Sec. 340.15. (A) A public children services agency that 25851
identifies a child by a risk assessment conducted pursuant to 25852
section 5153.16 of the Revised Code as being at imminent risk of 25853
being abused or neglected because of an addiction of a parent, 25854
guardian, or custodian of the child to a drug of abuse or alcohol 25855
shall refer the child's addicted parent, guardian, or custodian 25856

and, if the agency determines that the child needs alcohol or 25857
other drug addiction services, the child to ~~an alcohol and drug a~~ 25858
community addiction program services provider certified by the 25859
department of ~~alcohol and drug addiction services~~ mental health 25860
and addiction services under section ~~3793.06~~ 5119.36 of the 25861
Revised Code. A public children services agency that is sent a 25862
court order issued pursuant to division (B) of section 2151.3514 25863
of the Revised Code shall refer the addicted parent or other 25864
caregiver of the child identified in the court order to ~~an alcohol~~ 25865
~~and drug a community~~ addiction program services provider certified 25866
by the department of ~~alcohol and drug addiction services~~ mental 25867
health and addiction services under section ~~3793.06~~ 5119.36 of the 25868
Revised Code. On receipt of a referral under this division and to 25869
the extent funding identified under division (A)(1) of section 25870
~~340.033~~ 340.08 of the Revised Code is available, the ~~program~~ 25871
provider shall provide the following services to the addicted 25872
parent, guardian, custodian, or caregiver and child in need of 25873
~~alcohol or other drug~~ addiction services: 25874

(1) If it is determined pursuant to an initial screening to 25875
be needed, assessment and appropriate treatment; 25876

(2) Documentation of progress in accordance with a treatment 25877
plan developed for the addicted parent, guardian, custodian, 25878
caregiver, or child; 25879

(3) If the referral is based on a court order issued pursuant 25880
to division (B) of section 2151.3514 of the Revised Code and the 25881
order requires the specified parent or other caregiver of the 25882
child to submit to alcohol or other drug testing during, after, or 25883
both during and after, treatment, testing in accordance with the 25884
court order. 25885

(B) The services described in division (A) of this section 25886
shall have a priority as provided in the ~~alcohol and drug~~ 25887
addiction and mental health services plan and budget established 25888

pursuant to ~~section 340.033~~ sections 340.03 and 340.08 of the 25889
Revised Code. Once a referral has been received pursuant to this 25890
section, the public children services agency and the ~~alcohol or~~ 25891
~~drug~~ addiction program services provider shall, in accordance with 25892
42 C.F.R. Part 2, share with each other any information concerning 25893
the persons and services described in that division that the 25894
agency and ~~program~~ provider determine are necessary to share. If 25895
the referral is based on a court order issued pursuant to division 25896
(B) of section 2151.3514 of the Revised Code, the results and 25897
recommendations of the ~~alcohol and drug~~ addiction program services 25898
provider also shall be provided and used as described in division 25899
(D) of that section. Information obtained or maintained by the 25900
agency or ~~program~~ provider pursuant to this section that could 25901
enable the identification of any person described in division (A) 25902
of this section is not a public record subject to inspection or 25903
copying under section 149.43 of the Revised Code. 25904

Sec. 340.16. ~~Not later than ninety days after September 5,~~ 25905
~~2001, the~~ The department of ~~mental health~~ mental health and 25906
addiction services and the department of ~~job and family services~~ 25907
medicaid shall adopt rules that establish requirements and 25908
procedures for prior notification and service coordination between 25909
public children services agencies and boards of alcohol, drug 25910
addiction, and mental health services when a public children 25911
services agency refers a child in its custody to a board for 25912
services funded by the board. The rules shall be adopted in 25913
accordance with Chapter 119. of the Revised Code. 25914

~~The department of mental health and department of job and~~ 25915
~~family services shall collaborate in formulating a plan that~~ 25916
~~delineates the funding responsibilities of public children~~ 25917
~~services agencies and boards of alcohol, drug addiction, and~~ 25918
~~mental health services for services provided under section~~ 25919
~~5111.023 of the Revised Code to children in the custody of public~~ 25920

~~children services agencies. The departments shall complete the~~ 25921
~~plan not later than ninety days after September 5, 2001.~~ 25922

Sec. 341.192. (A) As used in this section: 25923

(1) "Jail" means a county jail, or a multicounty, 25924
municipal-county, or multicounty-municipal correctional center. 25925

~~(2) "Medical assistance program" has the same meaning as in~~ 25926
~~section 2913.40 of the Revised Code.~~ 25927

~~(3)~~ "Medical provider" means a physician, hospital, 25928
laboratory, pharmacy, or other health care provider that is not 25929
employed by or under contract to a county, municipal corporation, 25930
township, the department of youth services, or the department of 25931
rehabilitation and correction to provide medical services to 25932
persons confined in a jail or state correctional institution, or 25933
is in the custody of a law enforcement officer. 25934

~~(4)~~(3) "Necessary care" means medical care of a nonelective 25935
nature that cannot be postponed until after the period of 25936
confinement of a person who is confined in a jail or state 25937
correctional institution, or is in the custody of a law 25938
enforcement officer without endangering the life or health of the 25939
person. 25940

(B) If a physician employed by or under contract to a county, 25941
municipal corporation, township, the department of youth services, 25942
or the department of rehabilitation and correction to provide 25943
medical services to persons confined in a jail or state 25944
correctional institution determines that a person who is confined 25945
in the jail or state correctional institution or who is in the 25946
custody of a law enforcement officer prior to the person's 25947
confinement in a jail or state correctional institution requires 25948
necessary care that the physician cannot provide, the necessary 25949
care shall be provided by a medical provider. The county, 25950

municipal corporation, township, the department of youth services, 25951
or the department of rehabilitation and correction shall pay a 25952
medical provider for necessary care an amount not exceeding the 25953
authorized reimbursement rate for the same service established by 25954
the department of ~~job and family services~~ medicaid under the 25955
~~medical assistance~~ medicaid program. 25956

Sec. 349.01. As used in this chapter: 25957

(A) "New community" means a community or an addition to an 25958
existing community planned pursuant to this chapter so that it 25959
includes facilities for the conduct of industrial, commercial, 25960
residential, cultural, educational, and recreational activities, 25961
and designed in accordance with planning concepts for the 25962
placement of utility, open space, and other supportive facilities. 25963

In the case of a new community authority established within 25964
three years after March 22, 2012, the effective date of H.B. 225 25965
of the 129th general assembly, "new community" may mean a 25966
community or development of property planned under this chapter in 25967
relation to an existing community so that the community includes 25968
facilities for the conduct of community activities, and is 25969
designed in accordance with planning concepts for the placement of 25970
utility, open space, and other supportive facilities for the 25971
community. 25972

(B) "New community development program" means a program for 25973
the development of a new community characterized by well-balanced 25974
and diversified land use patterns and which includes land 25975
acquisition and land development, the acquisition, construction, 25976
operation, and maintenance of community facilities, and the 25977
provision of services authorized in this chapter. 25978

In the case of a new community authority established within 25979
three years after March 22, 2012, the effective date of H.B. 225 25980
of the 129th general assembly, a new community development program 25981

may take into account any existing community in relation to which 25982
a new community is developed for purposes of being characterized 25983
by well-balanced and diversified land use patterns. 25984

(C) "New community district" means the area of land described 25985
by the developer in the petition as set forth in division (A) of 25986
section 349.03 of the Revised Code for development as a new 25987
community and any lands added to the district by amendment of the 25988
resolution establishing the community authority. 25989

(D) "New community authority" means a body corporate and 25990
politic in this state, established pursuant to section 349.03 of 25991
the Revised Code and governed by a board of trustees as provided 25992
in section 349.04 of the Revised Code. 25993

(E) "Developer" means any person, organized for carrying out 25994
a new community development program who owns or controls, through 25995
leases of at least seventy-five years' duration, options, or 25996
contracts to purchase, the land within a new community district, 25997
or any municipal corporation, county, or port authority that owns 25998
the land within a new community district, or has the ability to 25999
acquire such land, either by voluntary acquisition or condemnation 26000
in order to eliminate slum, blighted, and deteriorated or 26001
deteriorating areas and to prevent the recurrence thereof. In the 26002
case of a new community authority established within three years 26003
after March 22, 2012, the effective date of H.B. 225 of the 129th 26004
general assembly, "developer" may mean a person, municipal 26005
corporation, county, or port authority that controls land within a 26006
new community district through leases of at least forty years' 26007
duration. 26008

(F) "Organizational board of commissioners" means, ~~if the~~ the 26009
following: 26010

(1) For a new community district that is located in only one 26011
county, the board of county commissioners of ~~such~~ that county; ~~if~~ 26012

(2) For a new community district that is located in more than 26013
one county, a board consisting of the members of the board of 26014
county commissioners of each of the counties in which the district 26015
is located, provided that action of ~~such~~ the board shall require a 26016
majority vote of the members of each separate board of county 26017
commissioners; or, ~~if~~ 26018

(3) For a new community district that is located entirely 26019
within the boundaries of a municipal corporation or for a new 26020
community district where more than half of the new community 26021
district is located within the boundaries of the most populous 26022
municipal corporation of a county, the legislative authority of 26023
the municipal corporation. 26024

(G) "Land acquisition" means the acquisition of real property 26025
and interests in real property as part of a new community 26026
development program. 26027

(H) "Land development" means the process of clearing and 26028
grading land, making, installing, or constructing water 26029
distribution systems, sewers, sewage collection systems, steam, 26030
gas, and electric lines, roads, streets, curbs, gutters, 26031
sidewalks, storm drainage facilities, and other installations or 26032
work, whether within or without the new community district, and 26033
the construction of community facilities. 26034

(I)(1) "Community facilities" means all real property, 26035
buildings, structures, or other facilities, including related 26036
fixtures, equipment, and furnishings, to be owned, operated, 26037
financed, constructed, and maintained under this chapter, 26038
including public, community, village, neighborhood, or town 26039
buildings, centers and plazas, auditoriums, day care centers, 26040
recreation halls, educational facilities, hospital facilities as 26041
defined in section 140.01 of the Revised Code, recreational 26042
facilities, natural resource facilities, including parks and other 26043
open space land, lakes and streams, cultural facilities, community 26044

streets, pathway and bikeway systems, pedestrian underpasses and 26045
overpasses, lighting facilities, design amenities, or other 26046
community facilities, and buildings needed in connection with 26047
water supply or sewage disposal installations or steam, gas, or 26048
electric lines or installation. 26049

(2) In the case of a new community authority established 26050
within three years after March 22, 2012, the effective date of 26051
H.B. 225 of the 129th general assembly, "community facilities" may 26052
mean, in addition to the facilities authorized in division (I)(1) 26053
of this section, any community facilities that are owned, 26054
operated, financed, constructed, or maintained for, relating to, 26055
or in furtherance of community activities, including, but not 26056
limited to, town buildings or other facilities, health care 26057
facilities including, but limited to, hospital facilities, and 26058
off-street parking facilities. 26059

(J) "Cost" as applied to a new community development program 26060
means all costs related to land acquisition and land development, 26061
the acquisition, construction, maintenance, and operation of 26062
community facilities and offices of the community authority, and 26063
of providing furnishings and equipment therefor, financing charges 26064
including interest prior to and during construction and for the 26065
duration of the new community development program, planning 26066
expenses, engineering expenses, administrative expenses including 26067
working capital, and all other expenses necessary and incident to 26068
the carrying forward of the new community development program. 26069

(K) "Income source" means any and all sources of income to 26070
the community authority, including community development charges 26071
of which the new community authority is the beneficiary as 26072
provided in section 349.07 of the Revised Code, rentals, user fees 26073
and other charges received by the new community authority, any 26074
gift or grant received, any moneys received from any funds 26075
invested by or on behalf of the new community authority, and 26076

proceeds from the sale or lease of land and community facilities. 26077

(L) "Community development charge" means: 26078

(1) A dollar amount which shall be determined on the basis of 26079
the assessed valuation of real property or interests in real 26080
property in a new community district sold, leased, or otherwise 26081
conveyed by the developer or the new community authority, the 26082
income of the residents of such property subject to such charge 26083
under section 349.07 of the Revised Code, if such property is 26084
devoted to residential uses or to the profits of any business, a 26085
uniform fee on each parcel of such real property originally sold, 26086
leased, or otherwise conveyed by the developer or new community 26087
authority, or any combination of the foregoing bases. 26088

(2) For a new community authority that is established within 26089
three years after March 22, 2012, the effective date of H.B. 225 26090
of the 129th general assembly, "community development charge" 26091
includes, in addition to the charges authorized in division (L)(1) 26092
of this section, a charge determined on the basis of all or a part 26093
of the income of the residents of real property within the new 26094
community district if such property is devoted to residential uses 26095
or of persons employed within the district, or all or a part of 26096
the profits, gross receipts, or other revenues of any business 26097
operating in the new community district, including, but not 26098
limited to, rentals received from leases of real property located 26099
in the district. If a new community authority imposes a community 26100
development charge determined on the basis of rentals received 26101
from leases of real property, improvements of any such leased real 26102
property located in the new community district and subject to that 26103
charge may not be exempted from taxation under section 5709.40, 26104
5709.41, 5709.73, or 5709.78 of the Revised Code. 26105

(M) "Proximate city" means any city that, as of the date of 26106
filing of the petition under section 349.03 of the Revised Code, 26107
is the city with the greatest population located in the county in 26108

which the proposed new community district is located, is the city 26109
with the greatest population located in an adjoining county if any 26110
portion of such city is within five miles of any part of the 26111
boundaries of such district, or exercises extraterritorial 26112
subdivision authority under section 711.09 of the Revised Code 26113
with respect to any part of such district. 26114

In the case of a new community authority that is established 26115
within three years after March 22, 2012, the effective date of 26116
H.B. 225 of the 129th general assembly, "proximate city" may mean 26117
a municipal corporation in which, at the time of filing the 26118
petition under section 349.03 of the Revised Code, any portion of 26119
the proposed new community district is located, or, if at the time 26120
of that filing more than one-half of the proposed district is 26121
contained within a joint economic development district created 26122
under sections 715.70 to 715.83 of the Revised Code, the township 26123
containing the greatest portion of the territory of the joint 26124
economic development district. 26125

(N) "Community activities" means cultural, educational, 26126
governmental, recreational, residential, industrial, commercial, 26127
distribution and research activities, or any combination thereof 26128
that includes residential activities. 26129

Sec. 349.04. The following method of selecting a board of 26130
trustees is deemed to be a compelling state interest. Within ten 26131
days after the new community authority has been established, as 26132
provided in section 349.03 of the Revised Code, an initial board 26133
of trustees shall be appointed as follows: the organizational 26134
board of commissioners shall appoint by resolution at least three, 26135
but not more than six, citizen members of the board of trustees to 26136
represent the interests of present and future residents of the new 26137
community district and one member to serve as a representative of 26138
local government, and the developer shall appoint a number of 26139

members equal to the number of citizen members to serve as 26140
representatives of the developer. In the case of a new community 26141
authority established within three years after March 22, 2012, the 26142
citizen members may represent present and future employers within 26143
the new community district and any present or future residents of 26144
the district. 26145

Members shall serve two-year overlapping terms, with two of 26146
each of the initial citizen and developer members appointed to 26147
serve initial one-year terms. The organizational board of 26148
commissioners shall adopt, by further resolution adopted within 26149
one year of such resolution establishing such initial board of 26150
trustees, a method for selection of successor members thereof 26151
which determines the projected total population of the projected 26152
new community and meets the following criteria: 26153

(A) The appointed citizen members shall be replaced by 26154
elected citizen members according to a schedule established by the 26155
organizational board of commissioners calculated to achieve one 26156
such replacement each time the new community district gains a 26157
proportion, having a numerator of one and a denominator of twice 26158
the number of citizen members, of its projected total population 26159
until such time as all of the appointed citizen members are 26160
replaced. 26161

(B) Representatives of the developer shall be replaced by 26162
elected citizen members according to a schedule established by the 26163
organizational board of commissioners calculated to achieve one 26164
such replacement each time the new community district gains a 26165
proportion, having a numerator of one and a denominator equal to 26166
the number of developer members, of its projected total population 26167
until such time as all of the developer's representatives are 26168
replaced. 26169

(C) The representative of local government shall be replaced 26170
by an elected citizen member at the time the new community 26171

district gains three-quarters of its projected total population. 26172

Elected citizen members of the board of trustees shall be 26173
elected by a majority of the residents of the new community 26174
district voting at elections held at the times and in the manner 26175
provided in a resolution of the organizational board of 26176
commissioners. Each citizen member except an appointed citizen 26177
member shall be a qualified elector who resides within the new 26178
community district. ~~In the case of a new community authority for~~ 26179
~~which a petition is filed within three years after March 22, 2012,~~ 26180
~~the~~ The organizational board of commissioners, by resolution, may 26181
adopt an alternative method of selecting or electing successor 26182
members of the board of trustees provided that if an alternative 26183
method of selection is adopted for a new community authority 26184
organized prior to March 22, 2012, the board of trustees of that 26185
authority shall be limited in the collection of a community 26186
development charge, collected pursuant to division (O) of section 26187
349.06 of the Revised Code, and the issuance of bonds or notes, 26188
issued pursuant to section 349.08 of the Revised Code, to the 26189
amount or to the extent otherwise permitted for a board of 26190
trustees whose members are not elected by residents of the new 26191
community district. If the alternative method provides for the 26192
election of citizen members, the elections may be held at the 26193
times and in the manner provided in the petition or in a 26194
resolution of the organizational board of commissioners, and the 26195
elected citizen members shall be qualified electors who reside in 26196
the new community district. 26197

Citizen members shall not be employees of or have financial 26198
interest in the developer. If a vacancy occurs in the office of a 26199
member other than a member appointed by the developer, the 26200
organizational board of commissioners may appoint a successor 26201
member for the remainder of the unexpired term. Any appointed 26202
member of the board of trustees may at any time be removed by the 26203

organizational board of commissioners for misfeasance, 26204
nonfeasance, or malfeasance in office. Members appointed by the 26205
developer may also at any time be removed by the developer without 26206
a showing of cause. 26207

Each member of the board of trustees, before entering upon 26208
official duties, shall take and subscribe to an oath before an 26209
officer authorized to administer oaths in Ohio that the member 26210
will honestly and faithfully perform the duties of the member's 26211
office. Such oath shall be filed in the office of the clerk of the 26212
board of county commissioners in which the petition was filed. 26213
Upon taking the oath, the board of trustees shall elect one of its 26214
number as chairperson and another as vice-chairperson, and shall 26215
appoint suitable persons as secretary and treasurer who need not 26216
be members of the board. The treasurer shall be the fiscal officer 26217
of the authority. The board shall adopt by-laws governing the 26218
administration of the affairs of the new community authority. Each 26219
member of the board shall post a bond for the faithful performance 26220
of official duties and give surety therefor in such amount, but 26221
not less than ten thousand dollars, as the resolution creating 26222
such board shall prescribe. 26223

All of the powers of the new community authority shall be 26224
exercised by its board of trustees, but without relief of such 26225
responsibility, such powers may be delegated to committees of the 26226
board or its officers and employees in accordance with its 26227
by-laws. A majority of the board shall constitute a quorum, and a 26228
concurrence of a majority of a quorum in any matter within the 26229
board's duties is sufficient for its determination, provided a 26230
quorum is present when such concurrence is had and a majority of 26231
those members constituting such quorum are trustees not appointed 26232
by the developer. All trustees shall be empowered to vote on all 26233
matters within the authority of the board of trustees, and no vote 26234
by a member appointed by the developer shall be construed to give 26235

rise to civil or criminal liability for conflict of interest on 26236
the part of public officials. 26237

Sec. 351.021. (A) The resolution of the county commissioners 26238
creating a convention facilities authority, or any amendment or 26239
supplement to that resolution, may authorize the authority to levy 26240
one or both of the excise taxes authorized by division (B) of this 26241
section to pay the cost of one or more facilities; to pay 26242
principal, interest, and premium on convention facilities 26243
authority tax anticipation bonds issued to pay those costs; to pay 26244
the operating costs of the authority; to pay operating and 26245
maintenance costs of those facilities; and to pay the costs of 26246
administering the excise tax. 26247

(B) The board of directors of a convention facilities 26248
authority that has been authorized pursuant to resolution adopted, 26249
amended, or supplemented by the board of county commissioners 26250
pursuant to division (A) of this section may levy, by resolution 26251
adopted on or before December 31, 1988, either or both of the 26252
following: 26253

(1) Within the territory of the authority, an additional 26254
excise tax not to exceed four per cent on each transaction. The 26255
excise tax authorized by division (B)(1) of this section shall be 26256
in addition to any excise tax levied pursuant to section 5739.08 26257
or 5739.09 of the Revised Code, or division (B)(2) of this 26258
section. 26259

(2) Within that portion of any municipal corporation that is 26260
located within the territory of the authority or within the 26261
boundaries of any township that is located within the territory of 26262
the authority, which municipal corporation or township is levying 26263
any portion of the excise tax authorized by division (A) of 26264
section 5739.08 of the Revised Code, and with the approval, by 26265
ordinance or resolution, of the legislative authority of that 26266

municipal corporation or township, an additional excise tax not to 26267
exceed nine-tenths of one per cent on each transaction. The excise 26268
tax authorized by division (B)(2) of this section may be levied 26269
only if, on the effective date of the levy specified in the 26270
resolution making the levy, the amount being levied pursuant to 26271
division (A) of section 5739.08 of the Revised Code by each 26272
municipal corporation or township in which the tax authorized by 26273
division (B)(2) of this section will be levied, when added to the 26274
amount levied under division (B)(2) of this section, does not 26275
exceed three per cent on each transaction. The excise tax 26276
authorized by division (B)(2) of this section shall be in addition 26277
to any excise tax that is levied pursuant to section 5739.08 or 26278
5739.09 of the Revised Code, or division (B)(1) of this section. 26279

(C)(1) The board of directors of a convention facilities 26280
authority that is located in an eligible Appalachian county; that 26281
has been authorized pursuant to resolution adopted, amended, or 26282
supplemented by the board of county commissioners pursuant to 26283
division (A) of this section; and that is not levying a tax under 26284
division (B)(1) or (2) of this section may levy within the 26285
territory of the authority, by resolution adopted on or before 26286
December 31, 2005, an additional excise tax not to exceed three 26287
per cent on each transaction. The excise tax authorized under 26288
division (C)(1) of this section shall be in addition to any excise 26289
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 26290
Code. 26291

As used in division (C)(1) of this section, "eligible 26292
Appalachian county" means a county in this state designated as 26293
being in the "Appalachian region" under the "Appalachian Regional 26294
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 26295
having a population less than eighty thousand according to the 26296
most recent federal decennial census. 26297

(2) Division ~~(B)~~(C)(2) of this section applies only to a 26298

convention facilities authority located in a county with a 26299
population, according to the 2000 federal decennial census, of at 26300
least one hundred thirty-five thousand and not more than one 26301
hundred fifty thousand and containing entirely within its 26302
boundaries the territory of a municipal corporation with a 26303
population according to that census of more than fifty thousand. 26304
The board of directors of such a convention facilities authority, 26305
by resolution adopted on or before November 1, 2009, may levy 26306
within the territory of the authority an excise tax on 26307
transactions by which lodging by a hotel is or is to be furnished 26308
to transient guests at a rate not to exceed three per cent on such 26309
transactions for the same purposes for which a tax may be levied 26310
under division (B) of this section. The resolution may be adopted 26311
only if the board of county commissioners of the county, by 26312
resolution, authorizes the levy of the tax. The resolution of the 26313
board of county commissioners is subject to referendum as 26314
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 26315
pursuant to those procedures, a referendum is to be held, the 26316
board's resolution does not take effect until approved by a 26317
majority of electors voting on the question. The convention 26318
facilities authority may adopt the resolution authorized by 26319
division (C)(2) of this section before the election, but the 26320
authority's resolution shall not take effect if the board of 26321
commissioners' resolution is not approved at the election. A tax 26322
levied under division (C)(2) of this section is in addition to any 26323
tax levied under section 5739.09 of the Revised Code. 26324

(D) The authority shall provide for the administration and 26325
allocation of an excise tax levied pursuant to division (B) or (C) 26326
of this section. All receipts arising from those excise taxes 26327
shall be expended for the purposes provided in, and in accordance 26328
with this section and section 351.141 of the Revised Code. An 26329
excise tax levied under division (B) or (C) of this section shall 26330
remain in effect at the rate at which it is levied for at least 26331

the duration of the period for which the receipts from the tax 26332
have been anticipated and pledged pursuant to section 351.141 of 26333
the Revised Code. 26334

(E) Except as provided in division (B)(2) of this section, 26335
the levy of an excise tax on each transaction pursuant to sections 26336
5739.08 and 5739.09 of the Revised Code does not prevent a 26337
convention facilities authority from levying an excise tax 26338
pursuant to division (B) or (C) of this section. 26339

(F) A convention facilities authority located in a county 26340
with a population greater than eighty thousand but less than 26341
ninety thousand according to the 2010 federal decennial census 26342
that levies a tax under division (B) of this section may amend the 26343
resolution levying the tax to allocate a portion of the revenue 26344
from the tax for support of tourism-related sites or facilities 26345
and programs operated by the county or a municipal corporation 26346
within the county in which the authority is located or for the 26347
purpose of leasing lands for county fairs, erecting buildings for 26348
county fair purposes, making improvements on a county fairground, 26349
or for any purpose connected with the use of a county fairground 26350
or with the management thereof by the county in which the 26351
authority is located. The revenue allocated by the authority for 26352
such purposes in a calendar year shall not exceed fifteen per cent 26353
of the total revenue from the tax in the preceding calendar year. 26354

Sec. 353.01. For purposes of this chapter: 26355

(A) "Lake facilities authority" means a body corporate and 26356
politic created pursuant to section 353.02 of the Revised Code. 26357

(B) "Watershed" means a watershed as determined by the United 26358
States geological survey. 26359

(C) "Impacted watershed" means a watershed meeting both of 26360
the following conditions: 26361

(1) The watershed contains a natural or man-made lake of at least one-half square mile that has experienced levels of microcystin toxins in excess of eighty parts-per-billion, as measured by the Ohio environmental protection agency, during the twenty-four month period immediately preceding the date the last resolution necessary for the creation of a lake facilities authority under section 353.02 of the Revised Code was adopted.

(2) The watershed is partially or completely located within a state park, as defined in section 154.01 of the Revised Code, that has averaged at least four hundred thousand visitors per year for the four calendar years preceding the calendar year in which the last resolution necessary for the creation of a lake facilities authority under section 353.02 of the Revised Code was adopted.

(D) "Impacted lake district" means the territory of all townships and municipal corporations having territory in an impacted watershed.

(E) "Cost" as applied to a lake facilities authority facility means the cost of acquisition or construction of the facility; the cost of acquisition of all land, rights-of-way, property rights, easements, franchise rights, and interests required for such acquisition; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved; the cost of acquiring or constructing and equipping a principal office of the lake facilities authority; the cost of diverting highways, interchange of highways, and access roads to private property, including the cost of land or easements for the access roads, the cost of public utility and common carrier relocation or duplication, the cost of all machinery, furnishings, and equipment, financing charges, interest prior to and during any construction and for no more than eighteen months after completion of any construction; engineering; expenses of research and

development with respect to an impacted lake district; legal 26394
expenses; expenses of developing or obtaining plans, 26395
specifications, engineering surveys, studies, and estimates of 26396
cost and revenues; expenses necessary or incident to determining 26397
the feasibility or practicability of acquiring or constructing the 26398
facility or remediating the impacted lake district; administrative 26399
expense; and such other expenses as may be necessary or incident 26400
to the acquisition or construction of the facility, the 26401
remediation of the impacted lake district and other activities 26402
authorized by this chapter, the financing of such acquisition, 26403
construction or remediation, including the amount authorized in 26404
the resolution of the lake facilities authority providing for the 26405
issuance of lake facilities authority revenue bonds to be paid 26406
into any special funds from the proceeds of such bonds and the 26407
financing of the placing of the facility in operation, the cost of 26408
issuing the bonds, and the financing of remediation and other 26409
purposes authorized by this chapter. 26410

(F) "Revenues" means all rentals and other charges received 26411
by the lake facilities authority with respect to an impacted 26412
watershed; any gift or grant received with respect to any impacted 26413
watershed; money received in repayment of, and for interest on, 26414
any loans made by the authority to a person or governmental 26415
agency, whether from the United States or any department, 26416
administration, or agency thereof, or otherwise; proceeds of lake 26417
facilities authority revenue bonds to the extent the use thereof 26418
for payment of principal or of premium, if any, or interest on the 26419
bonds is authorized by the authority; proceeds from any insurance, 26420
appropriation, or guaranty pertaining to an impacted watershed or 26421
property mortgaged to secure bonds or pertaining to the financing 26422
of any activities authorized under this chapter; income and profit 26423
from the investment of the proceeds of lake facilities authority 26424
revenue bonds or of any revenues; and contributions of service 26425
payments in lieu of taxes generated pursuant to section 5709.40, 26426

5709.41, 5709.73, or 5709.78 of the Revised Code, and all other 26427
nontax revenues paid or payable to the lake facilities authority. 26428

(G) "Lake facilities revenue bonds," unless the context 26429
indicates a different meaning or intent, includes revenue notes, 26430
revenue renewal notes, and revenue refunding bonds. 26431

(H) "Authorized purpose" means activities that remediate, 26432
rehabilitate, enhance, foster, aid, improve, provide, or promote 26433
an impacted watershed within the jurisdiction of the lake 26434
facilities authority, including, without limitation, research and 26435
development efforts related thereto. 26436

(I) "Lake facilities authority facility" or "facility" means 26437
real or personal property, or any combination thereof owned, 26438
leased, or otherwise controlled or financed by a lake facilities 26439
authority and directly related to an authorized purpose. 26440

Sec. 353.02. A lake facilities authority may be created by 26441
the board of county commissioners of a county that contains all of 26442
the territory of an impacted watershed. If the territory of an 26443
impacted watershed is contained within more than one county, a 26444
joint facilities lake authority may be created by resolution of 26445
the board of commissioners of each county in which the impacted 26446
watershed is located. A resolution creating a lake facilities 26447
authority must include a finding that the watershed sought to be 26448
improved or remediated pursuant to this chapter is an impacted 26449
watershed. 26450

A lake facilities authority created pursuant to this section 26451
is a body corporate and politic which may sue and be sued, plead 26452
and be impleaded, and has the powers and jurisdiction enumerated 26453
in this chapter. The exercise by an authority of the powers 26454
conferred upon it shall be deemed to be essential governmental 26455
functions of this state. 26456

Within sixty days after the creation of a lake facilities authority, the county engineer of each county with territory in the impacted watershed shall prepare a survey denoting the boundaries of the impacted watershed in the county. The survey shall include references to the county auditor's permanent parcel number designations as those parcel number designations correspond to the boundaries of the impacted watershed. If requested by the county engineer of each county with territory in the impacted watershed, the cost of such surveys shall be paid from the funds of the lake facilities authority pursuant to an agreement between the lake facilities authority and the county engineer of each county. Such funds may be advanced by the board of county commissioners of any county with territory in the impacted watershed. 26457
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The county auditor of the county with the greatest amount of territory in the impacted watershed shall be the fiscal officer for the lake facilities authority. The county prosecutor of the county with the greatest amount of territory in the impacted watershed shall be the legal advisor of the lake facilities authority and shall prosecute and defend all suits and actions that the lake facilities authority directs or to which it is a party. 26471
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Upon the creation of a lake facilities authority, no authority that is granted by law any powers or duties that are substantially the same as the powers and duties of a lake facilities authority may be created if its territorial jurisdiction includes any territory within the impacted lake district. 26479
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Sec. 353.03. A lake facilities authority may do all of the following: 26485
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(A) Acquire by purchase, lease, gift, or otherwise, on such 26487

terms and in such manner as it considers proper, real and personal property necessary for an authorized purpose or any estate, interest, or right therein, within or without the impacted lake district; 26488
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(B) Improve, remediate, maintain, sell, lease, or otherwise dispose of real and personal property on such terms and in such manner as it considers proper; 26492
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(C) Request that the department of natural resources, the environmental protection agency, or the department of agriculture adopt, modify, and enforce reasonable rules and regulations governing impacted watersheds; 26495
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(D) Employ such managers, administrative officers, agents, engineers, architects, attorneys, contractors, subcontractors, and employees as may be appropriate in the exercise of the rights, powers, and duties conferred on it, prescribe the duties and compensation for such persons, require bonds to be given by any such persons and by officers of the authority for the faithful performance of their duties, and fix the amount and surety therefor, and pay the surety; 26499
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(E) Sue and be sued in its corporate name; 26507

(F)(1) Make and enter into all contracts and agreements and execute all instruments relating to the provisions of this chapter; 26508
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(2) Except as provided otherwise under divisions (F)(2) and (3) of this section, when the cost of a contract for the construction of any building, structure, or other improvement undertaken by a lake facilities authority involves an expenditure exceeding twenty-five thousand dollars, and the lake facilities authority is the contracting authority, the lake facilities authority shall make a written contract after notice calling for bids for the award of the contract has been given by publication 26511
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twice, with at least seven days between publications, in a 26519
newspaper of general circulation in the impacted lake district. 26520
Each such contract shall be awarded to the lowest responsive and 26521
responsible bidder in accordance with section 9.312 of the Revised 26522
Code. The board of directors by rule may provide criteria for the 26523
negotiation and award without competitive bidding of any contract 26524
as to which the lake facilities authority is the contracting 26525
authority for the construction of any building or structure or 26526
other improvement under any of the following circumstances: 26527

(a) There exists a real and present emergency that threatens 26528
damage to property or injury to persons of the lake facilities 26529
authority or other persons, provided that a statement specifying 26530
the nature of the emergency that is the basis for the negotiation 26531
and award of a contract without competitive bidding shall be 26532
signed at the time of the contract's execution by the officer of 26533
the lake facilities authority that executes the contract and shall 26534
be attached to the contract. 26535

(b) A commonly recognized industry or other standard or 26536
specification does not exist and cannot objectively be articulated 26537
for the improvement. 26538

(c) The contract is for any energy conservation measure as 26539
defined in section 307.041 of the Revised Code. 26540

(d) With respect to material to be incorporated into the 26541
improvement, only a single source or supplier exists for the 26542
material. 26543

(e) A single bid is received by the lake facilities authority 26544
after complying with the above provisions. 26545

(3) In addition to the exceptions to competitive bidding 26546
requirements under division (F)(2) of this section, a lake 26547
facilities authority may contract for the acquisition or 26548
construction of any property for an authorized purpose and for the 26549

leasing, subleasing, sale, or other disposition of the property in 26550
a manner determined by the lake facilities authority in its sole 26551
discretion, without necessity for competitive bidding or 26552
performance bonds. 26553

(4) With respect to any public improvement undertaken by, or 26554
under contract for, the lake facilities authority, the authority 26555
may elect to apply sections 4115.03 to 4115.21 of the Revised 26556
Code. 26557

(G) Accept aid or contributions from any source of money, 26558
property, labor, or other things of value, to be held, used, and 26559
applied only for the purposes for which the grants and 26560
contributions are made; 26561

(H) Apply for and accept grants, loans, or commitments of 26562
guarantee or insurance, including any guarantees of lake 26563
facilities authority bonds and notes, from the United States, the 26564
state, or other public body or other sources, and provide any 26565
consideration which may be required in order to obtain such 26566
grants, loans, or contracts of guarantee or insurance; 26567

(I) Procure insurance against loss to the lake facilities 26568
authority by reason of damage to its properties resulting from 26569
fire, theft, accident, or other casualties, or by reason of its 26570
liability for any damages to persons or property occurring in the 26571
construction or operation of facilities or areas under its 26572
jurisdiction or the conduct of its activities; 26573

(J) Maintain such funds or reserves as it considers necessary 26574
for the efficient performance of its duties; 26575

(K) Enforce any covenants, of which the lake facilities 26576
authority is the beneficiary, running with the land. 26577

(L) Issue securities for the remediation of an impacted 26578
watershed and directly related permanent improvements in 26579
compliance with Chapter 133. of the Revised Code, except that such 26580

bonds or notes may be issued only pursuant to a vote of the 26581
electors residing within the impacted lake district. The net 26582
indebtedness incurred by a lake facilities authority pursuant to 26583
this division may not exceed one-tenth of one per cent of the 26584
total value of all property within the territory comprising the 26585
impacted lake district as listed and assessed for taxation. 26586

(M) Issue lake facilities authority revenue bonds beyond the 26587
limit of bonded indebtedness provided by law, payable solely from 26588
revenues as provided in section 353.09 of the Revised Code for the 26589
purpose of providing funds to pay costs of any facility or 26590
facilities or parts thereof; 26591

(N) Advise and provide input to political subdivisions within 26592
the impacted lake district with respect to zoning and land use 26593
planning within the impacted lake district; 26594

(O) Enter into agreements for the management, ownership, 26595
possession, or control of lands or property to be used for wetland 26596
mitigation banking; 26597

(P) Adopt and modify rules and regulations to carry out the 26598
authority granted to the lake facilities authority under this 26599
section. 26600

Sec. 353.04. (A) Upon the creation of a lake facilities 26601
authority under section 353.02 of the Revised Code, a board of 26602
directors consisting of the county commissioners of each county 26603
with territory in the impacted lake district shall be created. 26604
Membership on the board is not a direct or indirect interest in a 26605
contract or expenditure of money by the county. Notwithstanding 26606
any provision of law to the contrary, no member of the board shall 26607
be disqualified from holding any public office or employment by 26608
reason of membership on the board. The board is a public body for 26609
the purposes of section 121.22 of the Revised Code and a public 26610
office for the purposes of section 149.43 of the Revised Code. 26611

Notwithstanding those sections, the board may hold closed meetings 26612
and protect the confidentiality of information under the same 26613
circumstances as authorized for a community improvement 26614
corporation under section 1724.11 of the Revised Code. Chapter 26615
2744. of the Revised Code applies to the board. Each year, the 26616
board shall prepare an annual report of its activities and make it 26617
available to the public. 26618

(B) A board of directors shall consult with the advisory 26619
council created under this division in performing the remediation 26620
and other activities authorized by this chapter. 26621

Not later than sixty days after the creation of the board of 26622
directors, the board shall provide written notice of its creation 26623
to the legislative authority of each political subdivision with 26624
territory in the impacted lake district. The notice shall describe 26625
the process for the appointment of an advisory council. Upon 26626
receipt of such notice, the legislative authority of each 26627
political subdivision with territory in the impacted lake district 26628
shall appoint one representative each to serve on the advisory 26629
council. The representative need not be an elected or appointed 26630
official of the political subdivision. 26631

Sec. 353.05. The board of directors of a lake facilities 26632
authority, by resolution, may propose the levy of a tax upon the 26633
taxable property in the impacted lake district pursuant to section 26634
5705.55 of the Revised Code. 26635

Sec. 353.06. As used in this section, "hotel" and "transient 26636
guests" have the same meanings as in section 5739.01 of the 26637
Revised Code. 26638

A resolution creating a lake facilities authority under 26639
section 353.02 of the Revised Code, or any amendments or 26640
supplements thereto, may authorize the authority to levy an excise 26641

tax on transactions by which lodging in a hotel is or is to be 26642
furnished to transient guests to pay any costs authorized under 26643
this chapter; to pay principal, interest, and premium on lake 26644
facilities authority tax anticipation bonds issued to pay those 26645
costs; to pay the operating costs of the authority; and to pay the 26646
costs of administering the tax. 26647

Upon the affirmative vote of at least a majority of the 26648
qualified electors in a primary or general election within the 26649
impacted lake district voting at an election held for the purpose 26650
of authorizing the tax, the board of directors of a lake 26651
facilities authority authorized to levy a tax under this section 26652
may, by resolution, levy an additional excise tax within the 26653
territory of the impacted lake district on all transactions by 26654
which lodging in a hotel is or is to be furnished to transient 26655
guests. The rate of the tax, when added to the aggregate rate of 26656
excise taxes levied in the impacted lake district pursuant to 26657
section 351.021, 5739.08, or 5739.09 of the Revised Code, shall 26658
not cause the total aggregate rate to exceed five per cent on any 26659
such transaction. 26660

The lake facilities authority shall provide for the 26661
administration and allocation of a tax levied pursuant to this 26662
section. All receipts arising from the tax shall be expended for 26663
the purposes provided in, and in accordance with, this section. An 26664
excise tax levied under this section shall remain in effect at the 26665
rate at which it is levied for at least the duration of the period 26666
for which the receipts from the tax have been anticipated and 26667
pledged pursuant to section 353.08 of the Revised Code. 26668

The form of the ballot in an election held on the question of 26669
levying a tax proposed pursuant to this section shall be as 26670
follows or in any other form acceptable to the secretary of state: 26671

"An excise tax on all transactions by which lodging in a 26672
hotel is or is to be furnished to transient guests within the 26673

territory of the (name of impacted lake district) for 26674
the purpose of at a rate of for 26675
(number of years the tax is to be levied). 26676

	<u>For the Excise Tax</u>	
	<u>Against the Excise Tax</u>	"

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Sec. 353.07. The director of natural resources may transfer 26680
real property owned by the state to a lake facilities authority 26681
for the purpose of promoting wetland banking, wildlife, or 26682
sporting activities. The division of wildlife within the 26683
department of natural resources may enter into an agreement with a 26684
lake facilities authority to establish wetland or natural areas to 26685
benefit wildlife or sporting activities. The agreement may be 26686
entered as part of, or in conjunction with, a mitigation banking 26687
program. 26688

Sec. 353.08. A lake facilities authority that levies a tax 26689
authorized by sections 353.05 and 5705.55 or section 353.06 of the 26690
Revised Code may, by resolution, anticipate the proceeds of the 26691
tax and issue lake facilities authority anticipation bonds, and 26692
notes anticipating the proceeds or the bonds, in the principal 26693
amount that, in the opinion of the authority, are necessary for 26694
the purpose of paying the cost of an authorized purpose, and that 26695
the authority is able to pay over the term of the issue with the 26696
interest on the bonds or notes, or in the case of notes 26697
anticipating bonds over the term of the bonds, by the estimated 26698
amount of the taxes anticipated. The taxes are determined by the 26699
general assembly to satisfy any applicable requirement of Section 26700
11 of Article XII, Ohio Constitution. 26701

Every issue of outstanding anticipation bonds shall be 26702
payable out of the proceeds of the taxes anticipated and other 26703

revenues of the authority that are pledged for such payment. The 26704
pledge shall be valid and binding from the time the pledge is 26705
made, and the anticipated excise taxes and revenues so pledged and 26706
thereafter received by the authority immediately shall be subject 26707
to the lien of that pledge without any physical delivery of those 26708
taxes and revenues or further act. The lien of any pledge is valid 26709
and binding as against all parties having claims of any kind in 26710
tort, contract, or otherwise against the authority, whether or not 26711
such parties have notice of the lien. Neither the resolution nor 26712
any trust agreement by which a pledge is created need be filed or 26713
recorded except in the authority's records. 26714

The anticipation bonds shall bear such date or dates, and 26715
shall mature at such time or times, in the case of any such notes 26716
or any renewals of such notes not exceeding twenty years from the 26717
date of issue of such original notes and in the case of any such 26718
bonds or any refunding bonds not exceeding forty years from the 26719
date of the original issue of notes or bonds for the purpose, and 26720
shall be executed in the manner that the resolution authorizing 26721
the bonds may provide. The anticipation bonds shall bear interest 26722
at such rates, or at a variable rate or rates changing from time 26723
to time, in accordance with provisions provided in the authorizing 26724
resolution, be in such denominations and form, either coupon or 26725
registered, carry such registration privileges, be payable in such 26726
medium of payment and at such place or places, and be subject to 26727
such terms of redemption, as the authority may authorize or 26728
provide. 26729

Sec. 353.09. A lake facilities authority at any time may 26730
issue lake facilities authority revenue bonds in such principal 26731
amounts as, in the opinion of the lake facilities authority, are 26732
necessary for the purpose of paying the cost of one or more lake 26733
facilities authority facilities or parts thereof. A lake 26734
facilities authority at any time may issue renewal notes, issue 26735

bonds to retire its notes and, whenever it considers refunding 26736
expedient, refund any bonds by the issuance of lake facilities 26737
authority revenue refunding bonds, whether the bonds to be 26738
refunded have or have not matured, and issue lake facilities 26739
authority revenue bonds partly to refund outstanding bonds and 26740
partly for any other authorized purpose. The lake facilities 26741
authority revenue refunding bonds shall be sold and the proceeds 26742
applied to the purchase, redemption, or payment of the bonds to be 26743
refunded. Lake facilities authority revenue bonds shall be special 26744
obligations of the lake facilities authority payable out of the 26745
revenues of the lake facilities authority that are pledged for 26746
such payment. The pledge shall be valid and binding from the time 26747
the pledge is made and the revenues so pledged and thereafter 26748
received by the lake facilities authority immediately shall be 26749
subject to the lien of the pledge without any physical delivery 26750
thereof or further act, and the lien of the pledge is valid and 26751
binding as against all parties having claims of any kind in tort, 26752
contract, or otherwise against the lake facilities authority, 26753
irrespective of whether those parties have notice thereof. Neither 26754
the resolution nor any trust agreement by which a pledge is 26755
created need be filed or recorded except in the records of the 26756
lake facilities authority. 26757

Whether or not the lake facilities authority revenue bonds 26758
are of such form and character as to be negotiable instruments, 26759
the lake facilities authority revenue bonds shall have all the 26760
qualities and incidents of negotiable instruments, subject only to 26761
the provisions of the bonds for registration. 26762

The lake facilities authority revenue bonds shall be 26763
authorized by resolution of the lake facilities authority, and 26764
shall bear interest at such rate or rates, shall bear such date or 26765
dates, and shall mature at such time or times, and in such number 26766
of installments as may be provided in or pursuant to that 26767

resolution. The final maturity of any lake facilities authority 26768
revenue bond in the form of a note and any renewals thereof shall 26769
not exceed five years from the date of issue of the original note. 26770
The final maturity of any issue of lake facilities authority 26771
revenue bonds shall not be later than forty-five years from the 26772
date of issue of the original issue of bonds. Any such bonds or 26773
notes shall be executed in a manner as the resolution or 26774
resolutions may provide. The lake facilities authority revenue 26775
bonds shall be in such denominations, be in such form, either 26776
coupon or registered, carry such registration privileges, be 26777
payable in such medium of payment, at such place or places, and be 26778
subject to such terms of redemption as may be provided in or 26779
pursuant to the resolution authorizing their issuance. Lake 26780
facilities authority revenue bonds of the lake facilities 26781
authority may be sold by the lake facilities authority, at public 26782
or private sale, at or at not less than a price or prices as the 26783
lake facilities authority determines. In case any officer whose 26784
signature or a facsimile of whose signature appears on any bonds, 26785
notes, or coupons, ceases to be such officer before delivery of 26786
bonds or notes, the signature or facsimile shall nevertheless be 26787
sufficient for all purposes the same as if the officer had 26788
remained in office until such delivery, and in case the seal of 26789
the lake facilities authority has been changed after a facsimile 26790
has been imprinted on such bonds or notes, the facsimile seal will 26791
continue to be sufficient for all purposes. 26792

Any resolution or resolutions authorizing any lake facilities 26793
authority revenue bonds or any issue of bonds may contain 26794
provisions, subject to any agreements with bondholders as may then 26795
exist, which provisions shall be a part of the contract with the 26796
holders of bonds, as to the pledging of all or any part of the 26797
revenues of the lake facilities authority to secure the payment of 26798
the lake facilities authority bonds or of any issue of the bonds; 26799
the use and disposition of revenues of the lake facilities 26800

authority; a covenant to fix, alter, and collect rentals and other 26801
charges so that pledged revenues will be sufficient to pay costs 26802
of operation, maintenance, and repairs, pay principal of and 26803
interest on bonds secured by the pledge of such revenues, and 26804
provide any reserves that may be required by the applicable 26805
resolution or trust agreement; the setting aside of reserve funds, 26806
sinking funds, or replacement and improvement funds and the 26807
regulation and disposition thereof; the crediting of the proceeds 26808
of the sale of bonds to and among the funds referred to or 26809
provided for in or pursuant to the resolution authorizing the 26810
issuance of the bonds or notes; the use, lease, sale, or other 26811
disposition of any lake facilities authority facility or any other 26812
assets of the lake facilities authority; limitations on the 26813
purpose to which the proceeds of sale of bonds may be applied and 26814
the pledging of those proceeds to secure the payment of the bonds 26815
or of any issue of the bonds; as to notes issued in anticipation 26816
of the issuance of bonds, the agreement of the lake facilities 26817
authority to do all things necessary for the authorization, 26818
issuance, and sale of the bonds in amounts that may be necessary 26819
for the timely retirement of the notes; limitations on the 26820
issuance of additional bonds; the terms upon which additional 26821
bonds may be issued and secured; the refunding of outstanding 26822
bonds; the procedure, if any, by which the terms of any contract 26823
with bondholders may be amended or abrogated, the amount of bonds 26824
the holders of which must consent thereto, and the manner in which 26825
such consent may be given; limitations on the amount of moneys to 26826
be expended by the lake facilities authority for operating, 26827
administrative, or other expenses of the lake facilities 26828
authority; securing any bonds or notes by a trust agreement; and 26829
any other matters, of like or different character, that in any way 26830
affect the security or protection of the bonds or notes. 26831

Neither the board of directors of the lake facilities 26832
authority nor any person executing the bonds shall be liable 26833

personally on the bonds or be subject to any personal liability or 26834
accountability by reason of the issuance thereof. 26835

The issuance of lake facilities authority revenue bonds under 26836
this section need not comply with any other law applicable to the 26837
issuance of bonds or notes. 26838

Sec. 353.10. (A) With respect to facilities, and their 26839
financing, for an authorized purpose, under agreements whereby the 26840
person to whom the facility is to be leased, subleased, or sold, 26841
or to whom a loan is to be made for the facility, is to make 26842
payments sufficient to pay all of the principal of, premium, if 26843
any, and interest on the lake facilities authority revenue bonds 26844
issued for the facility, the lake facilities authority, in 26845
addition to other powers under this chapter, may do any of the 26846
following: 26847

(1) Make loans for the acquisition or construction of the 26848
facility to such person upon such terms as the lake facilities 26849
authority may determine or authorize including secured or 26850
unsecured loans, and, in connection therewith, enter into loan 26851
agreements and other agreements, accept notes and other forms of 26852
obligation to evidence such indebtedness and mortgages, liens, 26853
pledges, assignments, or other security interests to secure such 26854
indebtedness, which may be prior or subordinate to or on a parity 26855
with other indebtedness, obligations, mortgages, pledges, 26856
assignments, other security interests, or liens or encumbrances, 26857
and take actions it considers appropriate to protect such security 26858
and safeguard against losses, including, without limitation, 26859
foreclosure and the bidding upon and purchase of property upon 26860
foreclosure or other sale; 26861

(2) Sell the facility under such terms as it may determine, 26862
including, without limitation, sale by conditional sale or 26863
installment sale, under which title may pass prior to or after 26864

completion of the facility or payment or provisions for payment of 26865
all principal of, premium, if any, and interest on the bonds, or 26866
at any other time provided in the agreement pertaining to the 26867
sale, and including sale under an option to purchase at a price 26868
which may be a nominal amount or less than true value at the time 26869
of purchase; 26870

(3) Grant a mortgage, lien, or other encumbrance on, or 26871
pledge or assignment of, or other security interest with respect 26872
to, all or any part of the facility, revenues, reserve funds, or 26873
other funds established in connection with the bonds, or on, of, 26874
or with respect to any lease, sublease, sale, conditional sale or 26875
installment sale agreement, loan agreement, or other agreement 26876
pertaining to the lease, sublease, sale, or other disposition of a 26877
facility or pertaining to a loan made for a facility, or any 26878
guaranty or insurance agreement made with respect thereto, or any 26879
interest of the lake facilities authority therein, or any other 26880
interest granted, assigned, or released to secure payments of the 26881
principal of, premium, if any, or interest on the bonds or to 26882
secure any other payments to be made by the lake facilities 26883
authority, which mortgage, lien, encumbrance, pledge, assignment, 26884
or other security interest may be prior or subordinate to or on a 26885
parity with any other mortgage, assignment, or other security 26886
interest, or lien or encumbrance; 26887

(4) Provide that the interest on the bonds may be at a 26888
variable rate or rates changing from time to time in accordance 26889
with a base or formula as authorized by the lake facilities 26890
authority; 26891

(5) Contract for the acquisition or construction of the 26892
facility or any part thereof and for the leasing, subleasing, 26893
sale, or other disposition of the facility in a manner determined 26894
by the lake facilities authority in its sole discretion, without 26895
necessity for competitive bidding or performance bonds; 26896

(6) Make appropriate provision for adequate maintenance of the facility. 26897
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(B) With respect to the facilities referred to in this section, the authority granted by this section is cumulative and supplementary to all other authority granted in this chapter. The authority granted by this section does not alter or impair any similar authority granted elsewhere in this chapter for or with respect to other facilities. 26899
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Sec. 353.11. In the discretion of the lake facilities authority, any lake facilities authority revenue bonds issued under this chapter may be secured by a trust agreement between the lake facilities authority and a corporate trustee that may be any trust company or bank having the powers of a trust company within or without the state. 26905
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The trust agreement may pledge or assign revenues of the lake facilities authority to be received and may convey or mortgage any facility or any part thereof. The trust agreement or any resolution providing for the issuance of such bonds may contain any provisions for protecting and enforcing the rights and remedies of the bondholders as are reasonable and proper and not in violation of law, including covenants setting forth the duties of the lake facilities authority in relation to the acquisition of property, the construction, improvement, maintenance, repair, operation, and insurance of the facility in connection with which the bonds are authorized, the rentals or other charges to be imposed for the use or services of any facility, the custody, safeguarding, and application of all moneys, and provisions for the employment of consulting engineers in connection with the construction or operation of the facility. 26911
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Any bank or trust company incorporated under the laws of this state that may act as depository of the proceeds of bonds or of 26926
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revenues may furnish any indemnifying bonds or may pledge any 26928
securities that are required by the lake facilities authority. The 26929
trust agreement may set forth the rights and remedies of the 26930
bondholders and of the trustee, and may restrict the individual 26931
right of action by bondholders as is customary in trust agreements 26932
or trust indentures securing similar bonds. The trust agreement 26933
may contain any other provisions that the lake facilities 26934
authority determines reasonable and proper for the security of the 26935
bondholders. All expenses incurred in carrying out the provisions 26936
of the trust agreement may be treated as a part of the cost of the 26937
operation of the facility. 26938

Sec. 353.12. Any holder of lake facilities authority revenue 26939
bonds issued under sections 353.09 to 353.15 of the Revised Code, 26940
or any of the coupons pertaining to those bonds, and the trustee 26941
under any trust agreement, except to the extent the rights given 26942
by those sections may be restricted by the applicable resolution 26943
or that trust agreement, may by suit, action, mandamus, or other 26944
proceedings, protect and enforce any rights under the laws of the 26945
state or granted under those sections, the trust agreement, or the 26946
resolution authorizing the issuance of the bonds, and may enforce 26947
and compel the performance of all duties required by those 26948
sections, or by the trust agreement or resolution, to be performed 26949
by the lake facilities authority or any officer of the lake 26950
facilities authority, including the fixing, charging, and 26951
collecting of rentals or other charges. 26952

Sec. 353.13. Lake facilities authority revenue bonds issued 26953
under sections 353.09 to 353.15 of the Revised Code do not 26954
constitute a debt, or a pledge of the faith and credit, of the 26955
state or any political subdivision of the state. The holders or 26956
owners of the bonds have no right to have taxes levied by the 26957
general assembly or taxing authority of any political subdivision 26958

of the state for the payment of the principal of or interest on 26959
the bonds. The bonds are payable solely from the revenues and 26960
funds pledged for their payment as authorized by this chapter, 26961
unless the revenue bonds are notes issued in anticipation of the 26962
issuance of the bonds, or the revenue bonds are refunded by 26963
refunding bonds issued under section 353.09 of the Revised Code, 26964
provided that the refunding bonds shall be payable solely from 26965
revenues and funds pledged for their payment as authorized by that 26966
section. All bonds shall contain on the face thereof a statement 26967
to the effect that the bonds, as to both principal and interest, 26968
are not debts of the state or any political subdivision of the 26969
state, but are payable solely from revenues and funds pledged for 26970
their payment. 26971

Sec. 353.14. All moneys, funds, properties, and assets 26972
acquired by the lake facilities authority under this chapter, 26973
whether as proceeds from the sale of lake facilities authority 26974
revenue bonds or as revenues, or otherwise, shall be held by it in 26975
trust for the purposes of carrying out its powers and duties, 26976
shall be used and reused as provided in this chapter, and shall at 26977
no time be part of other public funds. Such funds, except as 26978
otherwise provided in any resolution authorizing its lake 26979
facilities authority revenue bonds or in any trust agreement 26980
securing those bonds, or except when invested pursuant to section 26981
353.15 of the Revised Code, shall be kept in depositories selected 26982
by the lake facilities authority in the manner provided in Chapter 26983
135. of the Revised Code for the selection of eligible public 26984
depositories, and the deposits shall be secured as provided in 26985
that chapter. The resolution authorizing the issuance of such 26986
bonds or the trust agreement securing the bonds shall provide that 26987
any officer to whom, or any bank or trust company to which, such 26988
money is paid shall act as trustee of the money and hold and apply 26989

the money for the purposes for which the bonds are issued, subject 26990
to such conditions as Chapter 135. of the Revised Code and such 26991
resolutions or trust agreement provide. 26992

Sec. 353.15. Except as otherwise provided in any resolution 26993
authorizing the issuance of its lake facilities authority revenue 26994
bonds or in any trust agreement securing the bonds, moneys in the 26995
funds of the lake facilities authority in excess of current needs 26996
may be invested as permitted by sections 135.01 to 135.21 of the 26997
Revised Code or invested in linked deposit programs established by 26998
resolution of the board of directors in accordance with section 26999
135.80 of the Revised Code. Income from all investments of moneys 27000
in any fund shall be credited to funds as the lake facilities 27001
authority determines, subject to the provisions of any such 27002
resolution or trust agreement, and the investments may be sold at 27003
any time the lake facilities authority determines. 27004

Sec. 353.16. Bonds of a lake facilities authority and lake 27005
facilities authority revenue bonds are lawful investments of 27006
banks, societies for savings, trust companies, savings and loan 27007
associations, deposit guaranty associations, trustees, 27008
fiduciaries, trustees or other officers having charge of the bond 27009
retirement funds or sinking funds of port authorities and 27010
political subdivisions, and taxing districts of this state, the 27011
commissioners of the sinking fund of this state, the administrator 27012
of workers' compensation, the state teachers retirement system, 27013
the school employees retirement system, the public employees 27014
retirement system, the Ohio police and fire pension fund, and 27015
insurance companies, including domestic life insurance companies 27016
and domestic insurance companies other than life, and are 27017
acceptable as security for the deposit of public moneys. 27018

Sec. 511.261. If a township park district enters into an 27019

agreement for the sale or lease of mineral rights regarding a park 27020
within the district, any royalties or other moneys resulting from 27021
the sale or lease shall be deposited into a special fund that the 27022
board of park commissioners shall establish under division (F) of 27023
section 5705.09 of the Revised Code. The fund shall be used 27024
exclusively for maintenance of parks within the district and for 27025
the acquisition of new park lands. 27026

Sec. 517.271. Notwithstanding section 517.22 of the Revised 27027
Code, the company, association, or religious society that most 27028
recently owned and operated a cemetery currently owned by a board 27029
of township trustees may petition the probate court of the county 27030
in which the cemetery is located to transfer the ownership of the 27031
cemetery to the petitioner. 27032

If the court determines that the petitioner has met all of 27033
the following conditions, the court shall transfer the ownership 27034
of the cemetery to the petitioner and shall order the board to 27035
give the petitioner all necessary records and documents concerning 27036
the cemetery, including records of the board's sale of any lots 27037
pursuant to section 517.07 of the Revised Code: 27038

(A) The petitioner has the financial resources necessary to 27039
operate and maintain the cemetery; 27040

(B) The petitioner is in compliance with all applicable laws 27041
and administrative rules concerning the owners and operators of 27042
cemeteries, including registration under section 4767.02 of the 27043
Revised Code; and 27044

(C) The petitioner owes no delinquent taxes. 27045

Sec. 715.691. (A) As used in this section: 27046

(1) "Contracting party" means a municipal corporation that 27047
has entered into a joint economic development zone contract or any 27048
party succeeding to the municipal corporation, or a township that 27049

entered into a joint economic development zone contract with a 27050
municipal corporation. 27051

(2) "Zone" means a joint economic development zone designated 27052
under this section. 27053

(B) This section provides alternative procedures and 27054
requirements for creating and operating a joint economic 27055
development zone to those set forth in section 715.69 of the 27056
Revised Code. This section applies only if one of the contracting 27057
parties to the zone does not levy a municipal income tax under 27058
Chapter 718. of the Revised Code. A municipal corporation that 27059
does not levy a municipal income tax may enter into an agreement 27060
to create and operate a joint economic development zone under this 27061
section or under section 715.69 of the Revised Code. 27062

Two or more municipal corporations or one or more townships 27063
and one or more municipal corporations may enter into a contract 27064
whereby they agree to share in the costs of improvements for an 27065
area or areas located in one or more of the contracting parties 27066
that they designate as a joint economic development zone for the 27067
purpose of facilitating new or expanded growth for commercial or 27068
economic development in the state. The contract and zone shall 27069
meet the requirements of divisions (B) to (J) of this section. 27070

(C) The contract shall set forth each contracting party's 27071
contribution to the joint economic development zone. The 27072
contributions may be in any form that the contracting parties 27073
agree to, and may include, but are not limited to, the provision 27074
of services, money, or equipment. The contract may be amended, 27075
renewed, or terminated with the consent of the contracting 27076
parties. The contract shall continue in existence throughout the 27077
term it specifies and shall be binding on the contracting parties 27078
and on any entities succeeding to the contracting parties. 27079

(D) Before the legislative authority of any of the 27080

contracting parties enacts an ordinance or resolution approving a 27081
contract to designate a joint economic development zone, the 27082
legislative authority of each of the contracting parties shall 27083
hold a public hearing concerning the contract and zone. Each 27084
legislative authority shall provide at least thirty days' public 27085
notice of the time and place of the public hearing in a newspaper 27086
of general circulation in the municipal corporation or township. 27087
During the thirty-day period prior to the public hearing, all of 27088
the following documents shall be available for public inspection 27089
in the office of the clerk of the legislative authority of a 27090
municipal corporation that is a contracting party and in the 27091
office of the fiscal officer of a township that is a contracting 27092
party: 27093

(1) A copy of the contract designating the zone; 27094

(2) A description of the area or areas to be included in the 27095
zone, including a map in sufficient detail to denote the specific 27096
boundaries of the area or areas; 27097

(3) An economic development plan for the zone that includes a 27098
schedule for the provision of any new, expanded, or additional 27099
services, facilities, or improvements. 27100

A public hearing held under division (D) of this section 27101
shall allow for public comment and recommendations on the contract 27102
and zone. The contracting parties may include in the contract any 27103
of those recommendations prior to approval of the contract. 27104

(E) After the public hearings required under division (D) of 27105
this section have been held, each contracting party may enact an 27106
ordinance or resolution approving the contract to designate a 27107
joint economic development zone. After each contracting party has 27108
enacted an ordinance or resolution, the clerk of the legislative 27109
authority of a municipal corporation that is a contracting party 27110
and the fiscal officer of a township that is a contracting party 27111

shall file with the board of elections of each county within which 27112
a contracting party is located a copy of the ordinance or 27113
resolution approving the contract and shall direct the board of 27114
elections to submit the ordinance or resolution to the electors of 27115
the contracting party on the day of the next general, primary, or 27116
special election occurring at least ninety days after the 27117
ordinance or resolution is filed with the board of elections. If 27118
any of the contracting parties is a township, however, then only 27119
the township or townships shall submit the resolution to the 27120
electors. 27121

(F)(1) If a vote is required to approve a municipal 27122
corporation as a contracting party to a joint economic development 27123
zone under this section, the ballot shall be in the following 27124
form: 27125

"Shall the ordinance of the legislative authority of the 27126
(city or village) of (name of contracting party) approving the 27127
contract with (name of each other contracting party) for the 27128
designation of a joint economic development zone be approved? 27129

	FOR THE ORDINANCE AND CONTRACT	
	AGAINST THE ORDINANCE AND CONTRACT	"

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(2) If a vote is required to approve a township as a 27134
contracting party to a joint economic development zone under this 27135
section, the ballot shall be in the following form: 27136

"Shall the resolution of the board of township trustees of 27137
the township of (name of contracting party) approving the contract 27138
with (name of each other contracting party) for the designation of 27139
a joint economic development zone be approved? 27140

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	FOR THE RESOLUTION AND CONTRACT	27142
	AGAINST THE RESOLUTION AND CONTRACT	27143

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If a majority of the electors of each contracting party voting on the issue vote for the ordinance or resolution and contract, the ordinance or resolution shall become effective immediately and the contract shall go into effect immediately or in accordance with its terms.

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(G)(1) A board of directors shall govern each joint economic development zone created under section 715.691 of the Revised Code. The members of the board shall be appointed as provided in the contract. Each of the contracting parties shall appoint three members to the board. Terms for each member shall be for two years, each term ending on the same day of the month of the year as did the term that it succeeds. A member may be reappointed to the board.

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(2) Membership on the board is not the holding of a public office or employment within the meaning of any section of the Revised Code or any charter provision prohibiting the holding of other public office or employment. Membership on the board is not a direct or indirect interest in a contract or expenditure of money by a municipal corporation, township, county, or other political subdivision with which a member may be affiliated. Notwithstanding any provision of law or a charter to the contrary, no member of the board shall forfeit or be disqualified from holding any public office or employment by reason of membership on the board.

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(3) The board is a public body for the purposes of section 121.22 of the Revised Code. Chapter 2744. of the Revised Code applies to the board and the zone.

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(H) The contract may grant to the board of directors

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appointed under division (G) of this section the power to adopt a 27173
resolution to levy an income tax within the zone. The income tax 27174
shall be used for the purposes of the zone and for the purposes of 27175
the contracting ~~municipal corporations~~ parties pursuant to the 27176
contract. The income tax may be levied in the zone based on income 27177
earned by persons working within the zone and on the net profits 27178
of businesses located in the zone. The income tax is subject to 27179
Chapter 718. of the Revised Code, except that a vote shall be 27180
required by the electors residing in the zone to approve the rate 27181
of income tax unless a majority of the electors residing within 27182
the zone, as determined by the total number of votes cast in the 27183
zone for the office of governor at the most recent general 27184
election for that office, submit a petition to the board 27185
requesting that the election provided for in division (H)(1) of 27186
this section not be held. If no electors reside within the zone, 27187
then division (H)(3) of this section applies. The rate of the 27188
income tax shall be no higher than the highest rate being levied 27189
by a municipal corporation that is a party to the contract. 27190

(1) The board of directors may levy an income tax at a rate 27191
that is not higher than the highest rate being levied by a 27192
municipal corporation that is a party to the contract, provided 27193
that the rate of the income tax is first submitted to and approved 27194
by the electors of the zone at the succeeding regular or primary 27195
election, or a special election called by the board, occurring 27196
subsequent to ninety days after a certified copy of the resolution 27197
levying the income tax and calling for the election is filed with 27198
the board of elections. If the voters approve the levy of the 27199
income tax, the income tax shall be in force for the full period 27200
of the contract establishing the zone. No election shall be held 27201
under this section if a majority of the electors residing within 27202
the zone, determined as specified in division (H) of this section, 27203
submit a petition to that effect to the board of directors. Any 27204
increase in the rate of an income tax by the board of directors 27205

shall be approved by a vote of the electors of the zone and shall 27206
be in force for the remaining period of the contract establishing 27207
the zone. 27208

(2) Whenever a zone is located in the territory of more than 27209
one contracting party, a majority vote of the electors in each of 27210
the several portions of the territory of the contracting parties 27211
constituting the zone approving the levy of the tax is required 27212
before it may be imposed under division (H) of this section. 27213

(3) If no electors reside in the zone, no election for the 27214
approval or rejection of an income tax shall be held under this 27215
section, provided that where no electors reside in the zone, the 27216
rate of the income tax shall be no higher than the highest rate 27217
being levied by a municipal corporation that is a party to the 27218
contract. 27219

(4) The board of directors of a zone levying an income tax 27220
shall enter into an agreement with one of the municipal 27221
corporations that is a party to the contract to administer, 27222
collect, and enforce the income tax on behalf of the zone. 27223

(5) The board of directors of a zone shall publish or post 27224
public notice within the zone of any resolution adopted levying an 27225
income tax in the same manner required of municipal corporations 27226
under sections 731.21 and 731.25 of the Revised Code. 27227

(I)(1) If for any reason a contracting party reverts to or 27228
has its boundaries changed so that it is classified as a township 27229
that is the entity succeeding to that contracting party, the 27230
township is considered to be a municipal corporation for the 27231
purposes of the contract for the full period of the contract 27232
establishing the joint economic development zone, except that if 27233
that contracting party is administering, collecting, and enforcing 27234
the income tax on behalf of the district as provided in division 27235
(H)(4) of this section, the contract shall be amended to allow one 27236

of the other contracting parties to administer, collect, and 27237
enforce that tax. 27238

(2) Notwithstanding any other section of the Revised Code, if 27239
there is any change in the boundaries of a township so that a 27240
municipal corporation once located within the township is no 27241
longer so located, the township shall remain in existence even 27242
though its remaining unincorporated area contains less than 27243
twenty-two square miles, if the township has been or becomes a 27244
party to a contract creating a joint economic development zone 27245
under this section or the contract creating that joint economic 27246
development zone under this section is terminated or repudiated 27247
for any reason by any party or person. The township shall continue 27248
its existing status in all respects, including having the same 27249
form of government and the same elected board of trustees as its 27250
governing body. The township shall continue to receive all of its 27251
tax levies and sources of income as a township in accordance with 27252
any section of the Revised Code, whether the levies and sources of 27253
income generate millage within the ten-mill limitation or in 27254
excess of the ten-mill limitation. The name of the township may be 27255
changed to the name of the contracting party appearing in the 27256
contract creating a joint economic development zone under this 27257
section, so long as the name does not conflict with any other name 27258
in the state that has been certified by the secretary of state. 27259
The township shall have all of the powers set out in sections 27260
715.79, 715.80, and 715.81 of the Revised Code. 27261

(J) If, after creating and operating a joint economic 27262
development zone under this section, a contracting party that did 27263
not levy a municipal income tax under Chapter 718. of the Revised 27264
Code levies such a tax, the tax shall not apply to the zone for 27265
the full period of the contract establishing the zone, if the 27266
board of directors of the zone has levied an income tax as 27267
provided in division (H) of this section. 27268

Sec. 721.01. Municipal corporations have special power to 27269
sell or lease real estate or to sell personal property belonging 27270
to the municipal corporation, when such real estate or personal 27271
property is not needed for any municipal purpose. Such power shall 27272
be exercised in the manner provided by ~~sections 721.01 to 721.26,~~ 27273
~~inclusive, of the Revised Code~~ this chapter. 27274

Sec. 721.03. No contract, except as provided in section 27275
721.28 of the Revised Code, for the sale or lease of real estate 27276
belonging to a municipal corporation shall be made unless 27277
authorized by an ordinance, approved by a two-thirds vote of the 27278
members of the legislative authority of such municipal 27279
corporation, and by the board or officer having supervision or 27280
management of such real estate. When the contract is so 27281
authorized, it shall be made in writing by such board or officer, 27282
and, except as provided in section 721.27 or 721.29 of the Revised 27283
Code, only with the highest bidder, after advertisement once a 27284
week for five consecutive weeks in a newspaper of general 27285
circulation within the municipal corporation or as provided in 27286
section 7.16 of the Revised Code. Such board or officer may reject 27287
any bids and readvertise until all such real estate is sold or 27288
leased. 27289

Sec. 721.29. The legislative authority of a city may sell to 27290
a board of county commissioners real estate belonging to the city 27291
that is no longer needed for city purposes upon such lawful terms 27292
as are agreed upon between the city and the board of county 27293
commissioners, without competitive bidding as required by section 27294
721.03 of the Revised Code. No such sale shall be made unless the 27295
contract for the sale is authorized by ordinance, approved by a 27296
two-thirds vote of the members of the legislative authority of the 27297
city, and by the board or officer having supervision or management 27298

of the real estate. 27299

Sec. 731.091. (A) The legislative authority of a village may, 27300
by the adoption of an ordinance or resolution to eliminate 27301
staggered terms of office, determine that all members of the 27302
legislative authority shall be elected at the same municipal 27303
election as provided for in this section. 27304

(B) At the regular municipal election occurring not less than 27305
ninety days after the certification of the ordinance or resolution 27306
to the board of elections eliminating staggered terms of office, 27307
the following apply: 27308

(1) If there are six members of the legislative authority, 27309
~~three~~ the number of members eligible for election at that regular 27310
municipal election shall be elected ~~at the next regular municipal~~ 27311
~~election for~~ to two-year nonstaggered terms, and all members of 27312
the legislative authority shall be elected to four-year 27313
nonstaggered terms at all following municipal elections. 27314

(2) If there are five members of the legislative authority, 27315
~~three~~ a number of members that is one less than the number of 27316
members that would otherwise be eligible for election at that 27317
regular municipal election but for the first-time implementation 27318
of the new membership of five, or, in the case of a village that 27319
has previously reduced its number of members to five, then the 27320
number of members eligible for election at that regular municipal 27321
election shall be elected ~~at the next municipal election for~~ to 27322
two-year nonstaggered terms, and all members shall be elected to 27323
four-year nonstaggered terms at all following municipal elections. 27324

Sec. 737.41. (A) The legislative authority of a municipal 27325
corporation in which is established a municipal court, other than 27326
a county-operated municipal court, that has a department of 27327
probation shall establish in the municipal treasury a municipal 27328

probation services fund. The fund shall contain all moneys paid to 27329
the treasurer of the municipal corporation under section 2951.021 27330
of the Revised Code for deposit into the fund. The treasurer of 27331
the municipal corporation shall disburse the money contained in 27332
the fund at the request of the municipal court department of 27333
probation, for use only by that department for specialized staff, 27334
purchase of equipment, purchase of services, reconciliation 27335
programs for offenders and victims, other treatment programs, 27336
including ~~alcohol and drug~~ community addiction ~~programs~~ services 27337
providers certified under section ~~3793.06~~ 5119.36 of the Revised 27338
Code, determined to be appropriate by the chief probation officer, 27339
and other similar expenses related to placing offenders under a 27340
community control sanction. 27341

(B) Any money in a municipal probation services fund at the 27342
end of a fiscal year shall not revert to the treasury of the 27343
municipal corporation but shall be retained in the fund. 27344

(C) As used in this section: 27345

(1) "County-operated municipal court" has the same meaning as 27346
in section 1901.03 of the Revised Code. 27347

(2) "Community control sanction" has the same meaning as in 27348
section 2929.01 of the Revised Code. 27349

Sec. 742.14. (A) The board of trustees of the Ohio police and 27350
fire pension fund shall have prepared triennially by or under the 27351
supervision of an actuary an actuarial valuation of the pension 27352
assets, liabilities, and funding requirements of the Ohio police 27353
and fire pension fund as established pursuant to sections 742.01 27354
to 742.61 of the Revised Code. The actuary shall complete the 27355
valuation in accordance with actuarial standards of practice 27356
promulgated by the actuarial standards board of the American 27357
academy of actuaries and prepare a report of the valuation. The 27358
report shall include all of the following: 27359

(1) A summary of the benefit provisions evaluated;	27360
(2) A summary of the census data and financial information used in the valuation;	27361 27362
(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and assumed rate of growth or decline in the number of members of the fund contributing to the pension fund;	27363 27364 27365 27366 27367
(4) A summary of findings that includes a statement of the actuarial accrued pension liabilities and unfunded actuarial accrued pension liabilities;	27368 27369 27370
(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last triennial actuarial valuation;	27371 27372 27373
(6) A statement of whether employee and employer contributions to the pension fund are expected to be sufficient to satisfy the funding objectives established by the board.	27374 27375 27376
The first triennial report shall be made not later than November 1, 2013, to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability</u> and thereafter triennially, not later than the first day of November.	27377 27378 27379 27380 27381 27382 27383
(B) At such times as the board determines, and at least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members of the fund and of other system retirants, as defined in section 742.26 of the Revised Code, who are members of a police department or a fire department to update the actuarial assumptions used in the	27384 27385 27386 27387 27388 27389 27390

actuarial valuation required by division (A) of this section. The 27391
actuary shall prepare a report of the actuarial investigation. The 27392
report shall be prepared and any recommended changes in actuarial 27393
assumptions shall be made in accordance with the actuarial 27394
standards of practice promulgated by the actuarial standards board 27395
of the American academy of actuaries. The report shall include all 27396
of the following: 27397

(1) A summary of relevant decrement and economic assumption 27398
experience observed over the period of the investigation; 27399

(2) Recommended changes in actuarial assumptions to be used 27400
in subsequent actuarial valuations required by division (A) of 27401
this section; 27402

(3) A measurement of the financial effect of the recommended 27403
changes in actuarial assumptions; 27404

(4) If the investigation required by this division includes 27405
the investigation required by division (E) of this section, a 27406
report of the result of that investigation. 27407

The board shall submit the report to the Ohio retirement 27408
study council and the standing committees of the house of 27409
representatives and the senate with primary responsibility for 27410
retirement legislation not later than the first day of November 27411
following the last fiscal year of the period the report covers. 27412

(C) The board shall have prepared by or under the supervision 27413
of an actuary an actuarial analysis of any introduced legislation 27414
expected to have a measurable financial impact on the pension 27415
fund. The actuarial analysis shall be completed in accordance with 27416
the actuarial standards of practice promulgated by the actuarial 27417
standards board of the American academy of actuaries. The actuary 27418
shall prepare a report of the actuarial analysis, which shall 27419
include all of the following: 27420

(1) A summary of the statutory changes that are being 27421

evaluated;	27422
(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;	27423 27424
(3) A description of the participant group or groups included in the report;	27425 27426
(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in the employer normal cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members of the fund over a period not to exceed thirty years;	27427 27428 27429 27430 27431 27432 27433
(5) A statement of whether the scheduled contributions to the system after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board.	27434 27435 27436 27437
Not later than sixty days from the date of introduction of the legislation, the board shall submit a copy of the actuarial analysis to the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation, and the Ohio retirement study council.	27438 27439 27440 27441 27442 27443
(D) The board shall have prepared triennially a report giving a full accounting of the revenues and costs relating to the provision of benefits under section 742.45 of the Revised Code. The first triennial report shall be made as of December 31, 2013, and the thirty-first day of December triennially thereafter. The report shall include the following:	27444 27445 27446 27447 27448 27449
(1) A description of the statutory authority for the benefits provided;	27450 27451

(2) A summary of the benefits;	27452
(3) A summary of the eligibility requirements for the benefits;	27453 27454
(4) A statement of the number of participants eligible for the benefits;	27455 27456
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	27457 27458
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	27459 27460
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	27461 27462 27463 27464 27465
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	27466 27467 27468 27469
(9) A description of any significant changes that affect the comparability of the report required under this division;	27470 27471
(10) A statement of the amount paid under division (B) of section 742.45 of the Revised Code.	27472 27473
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the thirtieth day of June following the year for which the report was made.	27474 27475 27476 27477 27478 27479
(E) At least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an	27480 27481

actuarial investigation of the deferred retirement option plan 27482
established under section 742.43 of the Revised Code. The 27483
investigation shall include an examination of the financial 27484
impact, if any, on the fund of offering the plan to members. 27485

The actuary shall prepare a report of the actuarial 27486
investigation. The report shall include a determination of whether 27487
the plan, as established or modified, has a negative financial 27488
impact on the fund and, if so, recommendations on how to modify 27489
the plan to eliminate the negative financial impact. If the 27490
actuarial report indicates that the plan has a negative financial 27491
impact on the fund, the board may modify the plan or cease to 27492
allow members who have not already done so to elect to participate 27493
in the plan. The firefighter and police officers employers' 27494
contributions shall not be increased to offset any negative 27495
financial impact of the plan. 27496

If the board ceases to allow members to elect to participate 27497
in the plan, the rights and obligations of members who have 27498
already elected to participate shall not be altered. 27499

The board may include the actuarial investigation required 27500
under this division as part of the actuarial investigation 27501
required under division (B) of this section. If the report of the 27502
actuarial investigation required by this division is not included 27503
in the report required by division (B) of this section, the board 27504
shall submit the report required by this division to the Ohio 27505
retirement study council and the standing committees of the house 27506
of representatives and the senate with primary responsibility for 27507
retirement legislation not later than the first day of November 27508
following the last fiscal year of the period the report covers. 27509

Sec. 755.06. (A) The board of park commissioners shall have 27510
the expenditures of all moneys appropriated by the legislative 27511
authority of the city or received from any other source for the 27512

purchase, acquisition, improvement, maintenance, equipment, or 27513
enjoyment of all property mentioned in section 755.05 of the 27514
Revised Code, but no liability shall be incurred or expenditure 27515
made unless the money required therefor is in the treasury to the 27516
credit of the park fund and not appropriated for any other 27517
purpose. 27518

(B) Notwithstanding division (A) of this section, if the 27519
legislative authority of a municipal corporation enters into an 27520
agreement for the sale or lease of mineral rights regarding lands 27521
that the board of park commissioners manages or controls, any 27522
royalties or other moneys resulting from the sale or lease shall 27523
be deposited into a special fund that the legislative authority 27524
shall establish under division (F) of section 5705.09 of the 27525
Revised Code. The board of park commissioners shall use the fund 27526
exclusively for maintenance of lands that the board manages or 27527
controls and for the acquisition of new park lands. 27528

Sec. 901.21. (A) As used in this section and section 901.22 27529
of the Revised Code: 27530

(1) "Agricultural easement" has the same meaning as in 27531
section 5301.67 of the Revised Code. 27532

(2) "Agriculture" means those activities occurring on land 27533
devoted exclusively to agricultural use, as defined in section 27534
5713.30 of the Revised Code, or on land that constitutes a 27535
homestead. 27536

(3) "Homestead" means the portion of a farm on which is 27537
located a dwelling house, yard, or outbuildings such as a barn or 27538
garage. 27539

(B) The director of agriculture may acquire real property 27540
used predominantly in agriculture and agricultural easements by 27541
gift, devise, or bequest if, at the time an easement is granted, 27542

such an easement is on land that is valued for purposes of real 27543
property taxation at its current value for agricultural use under 27544
section 5713.31 of the Revised Code or that constitutes a 27545
homestead. Any terms may be included in an agricultural easement 27546
so acquired that are necessary or appropriate to preserve on 27547
behalf of the grantor of the easement the favorable tax 27548
consequences of the gift, devise, or bequest under the "Internal 27549
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 27550
The director, by any such means or by purchase or lease, may 27551
acquire, or acquire the use of, stationary personal property or 27552
equipment that is located on land acquired in fee by the director 27553
under this section and that is necessary or appropriate for the 27554
use of the land predominantly in agriculture. 27555

(C) The director may include, in an agricultural easement 27556
acquired under division (B) of this section, a provision to 27557
preserve a unique natural or physical feature on the land so long 27558
as the use of the land remains predominantly agricultural. 27559

(D) The director may do all things necessary or appropriate 27560
to retain the use of real property acquired in fee under division 27561
(B) of this section predominantly in agriculture, including, 27562
without limitation, performing any of the activities described in 27563
division (A)(1) or (2) of section 5713.30 of the Revised Code or 27564
entering into contracts to lease or rent the real property so 27565
acquired to persons or governmental entities that will use the 27566
land predominantly in agriculture. 27567

~~(D)~~(E)(1) When the director considers it to be necessary or 27568
appropriate, the director may sell real property acquired in fee, 27569
and stationary personal property or equipment acquired by gift, 27570
devise, bequest, or purchase, under division (B) of this section 27571
on such terms as the director considers to be advantageous to this 27572
state. 27573

(2) An agricultural easement acquired under division (B) of 27574

this section may be extinguished under the circumstances 27575
prescribed, and in accordance with the terms and conditions set 27576
forth, in the instrument conveying the agricultural easement. 27577

~~(E)~~(F) There is hereby created in the state treasury the 27578
agricultural easement purchase fund. The fund shall consist of the 27579
proceeds received from the sale of real and personal property 27580
under division ~~(D)~~(E) of this section; moneys received due to the 27581
extinguishment of agricultural easements acquired by the director 27582
under division (B) of this section or section 5301.691 of the 27583
Revised Code; moneys received due to the extinguishment of 27584
agricultural easements purchased with the assistance of matching 27585
grants made under section 901.22 of the Revised Code; gifts, 27586
bequests, devises, and contributions received by the director for 27587
the purpose of acquiring agricultural easements; and grants 27588
received from public or private sources for the purpose of 27589
purchasing agricultural easements. The fund shall be administered 27590
by the director, and moneys in the fund shall be used by the 27591
director exclusively to purchase agricultural easements under 27592
division (A) of section 5301.691 of the Revised Code and provide 27593
matching grants under section 901.22 of the Revised Code to 27594
municipal corporations, counties, townships, soil and water 27595
conservation districts established under Chapter 1515. of the 27596
Revised Code, and charitable organizations described in division 27597
(B) of section 5301.69 of the Revised Code for the purchase of 27598
agricultural easements. Money in the fund shall be used only to 27599
purchase agricultural easements on land that is valued for 27600
purposes of real property taxation at its current value for 27601
agricultural use under section 5713.31 of the Revised Code or that 27602
constitutes a homestead when the easement is purchased. 27603

~~(F)~~(G) There is hereby created in the state treasury the 27604
clean Ohio agricultural easement fund. Twelve and one-half per 27605
cent of net proceeds of obligations issued and sold pursuant to 27606

sections 151.01 and 151.09 of the Revised Code shall be deposited 27607
into the fund. The fund shall be used by the director for the 27608
purposes of this section, section 901.22 of the Revised Code, and 27609
the provisions of sections 5301.67 to 5301.70 of the Revised Code 27610
governing agricultural easements. Investment earnings of the fund 27611
shall be credited to the fund and may be used to pay costs 27612
incurred by the director in administering those sections and 27613
provisions. 27614

~~(G)~~(H) The term of an agricultural easement purchased wholly 27615
or in part with money from the clean Ohio agricultural easement 27616
fund or the agricultural easement purchase fund shall be perpetual 27617
and shall run with the land. 27618

Sec. 901.22. (A) The director of agriculture, in accordance 27619
with Chapter 119. of the Revised Code, shall adopt rules that do 27620
all of the following: 27621

(1) Establish procedures and eligibility criteria for making 27622
matching grants to municipal corporations, counties, townships, 27623
soil and water conservation districts established under Chapter 27624
1515. of the Revised Code, and charitable organizations described 27625
in division (B) of section 5301.69 of the Revised Code for the 27626
purchase of agricultural easements. With respect to agricultural 27627
easements that are purchased or proposed to be purchased with such 27628
matching grants that consist in whole or in part of moneys from 27629
the clean Ohio agricultural easement fund created in section 27630
901.21 of the Revised Code, the rules shall establish all of the 27631
following: 27632

(a) Procedures for all of the following: 27633

(i) Soliciting and accepting applications for matching 27634
grants; 27635

(ii) Participation by local governments and by the public in 27636

the process of making matching grants to charitable organizations; 27637

(iii) Notifying local governments, charitable organizations, 27638
and organizations that represent the interests of farmers of the 27639
ranking system established in rules adopted under division 27640
(A)(1)(b) of this section. 27641

(b) A ranking system for applications for the matching grants 27642
that is based on the soil type, proximity of the land or other 27643
land that is conducive to agriculture as defined by rules adopted 27644
under this section and that is the subject of an application to 27645
other agricultural land or other land that is conducive to 27646
agriculture as defined by rules adopted under this section and 27647
that is already or is in the process of becoming permanently 27648
protected from development, farm stewardship, development 27649
pressure, and, if applicable, a local comprehensive land use plan 27650
involved with a proposed agricultural easement. The rules shall 27651
require that preference be given to proposed agricultural 27652
easements that involve the greatest proportion of all of the 27653
following: 27654

(i) Prime soils, unique or locally important soils, 27655
microclimates, or similar features; 27656

(ii) Land that is adjacent to or that is in close proximity 27657
to other agricultural land or other land that is conducive to 27658
agriculture as defined by rules adopted under this section and 27659
that is already or is in the process of becoming permanently 27660
protected from development, by agricultural easement or otherwise, 27661
so that a buffer would exist between the land involving the 27662
proposed agricultural easement and areas that have been developed 27663
or likely will be developed for purposes other than agriculture; 27664

(iii) The use of best management practices, including 27665
federally or state approved conservation plans, and a history of 27666
substantial compliance with applicable federal and state laws; 27667

(iv) Development pressure that is imminent, but not a result of current location in the direct path of urban development;	27668 27669
(v) Areas identified for agricultural protection in local comprehensive land use plans.	27670 27671
(c) Any other criteria that the director determines are necessary for selecting applications for matching grants;	27672 27673
(d) Requirements regarding the information that must be included in the annual monitoring report that must be prepared for an agricultural easement under division (E)(2) of section 5301.691 of the Revised Code, procedures for submitting a copy of the report to the office of farmland preservation in the department of agriculture, and requirements and procedures governing corrective actions that may be necessary to enforce the terms of the agricultural easement.	27674 27675 27676 27677 27678 27679 27680 27681
(2) Establish provisions that shall be included in the instrument conveying to a municipal corporation, county, township, soil and water conservation district, or charitable organization any agricultural easement purchased with matching grant funds provided by the director under this section, including, without limitation, all of the following provisions:	27682 27683 27684 27685 27686 27687
(a) A provision stating that an easement so purchased may be extinguished only if an unexpected change in the conditions of or surrounding the land that is subject to the easement makes impossible or impractical the continued use of the land for the purposes described in the easement, or if the requirements of the easement are extinguished by judicial proceedings;	27688 27689 27690 27691 27692 27693
(b) A provision requiring that, upon the sale, exchange, or involuntary conversion of the land subject to the easement, the holder of the easement shall be paid an amount of money that is at least equal to the proportionate value of the easement compared to the total value of the land at the time the easement was acquired;	27694 27695 27696 27697 27698

(c) A provision requiring that, upon receipt of the portion 27699
of the proceeds of a sale, exchange, or involuntary conversion 27700
described in division (A)(2)(b) of this section, the municipal 27701
corporation, county, township, soil and water conservation 27702
district, or charitable organization remit to the director an 27703
amount of money equal to the percentage of the cost of purchasing 27704
the easement it received as a matching grant under this section. 27705

Moneys received by the director pursuant to rules adopted 27706
under division (A)(2)(c) of this section shall be credited to the 27707
agricultural easement purchase fund created in section 901.21 of 27708
the Revised Code. 27709

(3) Establish a provision that provides a charitable 27710
organization, municipal corporation, township, county, or soil and 27711
water conservation district with the option of purchasing 27712
agricultural easements either in installments or with a lump sum 27713
payment. The rules shall include a requirement that a charitable 27714
organization, municipal corporation, township, county, or soil and 27715
water conservation district negotiate with the seller of the 27716
agricultural easement concerning any installment payment terms, 27717
including the dates and amounts of payments and the interest rate 27718
on the outstanding balance. The rules also shall require the 27719
director to approve any method of payment that is undertaken in 27720
accordance with the rules adopted under division (A)(3) of this 27721
section. 27722

(4) Establish any other requirements that the director 27723
considers to be necessary or appropriate to implement or 27724
administer a program to make matching grants under this section 27725
and monitor those grants. 27726

(B) The director may develop guidelines regarding the 27727
acquisition of agricultural easements by the department of 27728
agriculture and the provisions of instruments conveying those 27729
easements. The director may make the guidelines available to 27730

public and private entities authorized to acquire and hold 27731
agricultural easements. 27732

(C) The director may provide technical assistance in 27733
developing a program for the acquisition and monitoring of 27734
agricultural easements to public and private entities authorized 27735
to hold agricultural easements. The technical assistance may 27736
include, without limitation, reviewing and providing advisory 27737
recommendations regarding draft instruments conveying agricultural 27738
easements. 27739

(D)(1) The director may make matching grants from the 27740
agricultural easement purchase fund and the clean Ohio 27741
agricultural easement fund to municipal corporations, counties, 27742
townships, soil and water conservation districts, and charitable 27743
organizations to assist those political subdivisions and 27744
charitable organizations in purchasing agricultural easements. 27745
Application for a matching grant shall be made on forms prescribed 27746
and provided by the director. The matching grants shall be made in 27747
compliance with the criteria and procedures established in rules 27748
adopted under this section. Instruments conveying agricultural 27749
easements purchased with matching grant funds provided under this 27750
section, at a minimum, shall include the mandatory provisions set 27751
forth in those rules. 27752

Matching grants made under this division using moneys from 27753
the clean Ohio agricultural easement fund created in section 27754
901.21 of the Revised Code may provide up to seventy-five per cent 27755
of the value of an agricultural easement as determined by a 27756
general real estate appraiser who is certified under Chapter 4763. 27757
of the Revised Code or as determined through a points-based 27758
appraisal system established under division (D)(2) of this 27759
section. Not less than twenty-five per cent of the value of the 27760
agricultural easement shall be provided by the recipient of the 27761
matching grant or donated by the person who is transferring the 27762

easement to the grant recipient. The amount of such a matching grant used for the purchase of a single agricultural easement shall not exceed one million dollars. 27763
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27765

(2) The director shall establish a points-based appraisal system for the purposes of division (D)(1) of this section. The director may include any or all of the following factors in the system: 27766
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(a) Whether the applicable county auditor has determined that the land is land that is devoted exclusively to agriculture for the purposes of sections 5713.30 to 5713.38 of the Revised Code; 27770
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(b) Changes in land values following the completion of the applicable county auditor's reappraisal or triennial update; 27773
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(c) Soil types and productivity; 27775

(d) Proximity of the land to land that is already subject to an agricultural easement, conservation easement created under sections 5301.67 to 5301.70 of the Revised Code, or similar land-use limitation; 27776
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27779

(e) Proximity of the land to water and sewer lines, road interchanges, and nonagricultural development; 27780
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(f) Parcel size and roadway frontage of the land; 27782

(g) Existence of an agreement entered into under division (D) of section 1515.08 of the Revised Code or of an operation and management plan developed under division (A) of section 1511.021 of the Revised Code; 27783
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(h) Existence of a comprehensive plan that is adopted under section 303.02 or 519.02 of the Revised Code or that is adopted by the planning commission of a municipal corporation under section 713.06 of the Revised Code; 27787
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(i) Any other factors that the director determines are necessary for inclusion in the system. 27791
27792

(E) An agricultural easement acquired as a result of a matching grant awarded under division (D) of this section may include a provision to preserve a unique natural or physical feature on the land so long as the use of the land remains predominantly agricultural. 27793
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(F) For any agricultural easement purchased with a matching grant that consists in whole or in part of moneys from the clean Ohio agricultural easement fund, the director shall be named as a grantee on the instrument conveying the easement, as shall the municipal corporation, county, township, soil and water conservation district, or charitable organization that receives the grant. 27798
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~~(F)~~(G)(1) The director shall monitor and evaluate the effectiveness and efficiency of the agricultural easement program as a farmland preservation tool. On or before July 1, 1999, and the first day of July of each year thereafter, the director shall prepare and submit a report to the chairpersons of the standing committees of the senate and the house of representatives that consider legislation regarding agriculture. The report shall consider and address the following criteria to determine the program's effectiveness: 27805
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(a) The number of agricultural easements purchased during the preceding year; 27814
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(b) The location of those easements; 27816

(c) The number of acres of land preserved for agricultural use; 27817
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(d) The amount of money used by a municipal corporation, township, county, or soil and water conservation district from any fund to purchase the agricultural easements; 27819
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(e) The number of state matching grants given to purchase the agricultural easements; 27822
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(f) The amount of state matching grant moneys used to purchase the agricultural easements.	27824 27825
(2) The report also shall consider and include, at a minimum, the following information for each county to determine the program's efficiency:	27826 27827 27828
(a) The total number of acres in the county;	27829
(b) The total number of acres in current agricultural use;	27830
(c) The total number of acres preserved for agricultural use in the preceding year;	27831 27832
(d) The average cost, per acre, of land preserved for agricultural use in the preceding year.	27833 27834
Sec. 901.23. (A) There is hereby created the farmland preservation advisory board consisting of twelve voting members appointed by the director of agriculture as follows:	27835 27836 27837
(1) One member who is a county commissioner or a representative of a statewide organization that represents county commissioners;	27838 27839 27840
(2) One member who is a township trustee or a representative of a statewide organization that represents township trustees;	27841 27842
(3) One representative of the Ohio state university;	27843
(4) One representative of a national nonprofit organization dedicated to the preservation of farmland;	27844 27845
(5) One representative each of development, environmental, planning, and soil and water conservation interests;	27846 27847
(6) One farmer from each of the state's four quadrants.	27848
Terms of office shall be staggered and shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from	27849 27850 27851

the date of appointment until the end of the term for which the 27852
member was appointed, except that the term of any member who is a 27853
county commissioner or township trustee shall end when the member 27854
ceases to serve as a county commissioner or township trustee. 27855

Members may be reappointed. Vacancies shall be filled in the 27856
manner provided for original appointments. Any member appointed to 27857
fill a vacancy occurring prior to the expiration date of the term 27858
for which the member was appointed shall serve for the remainder 27859
of that term. A member shall continue to serve subsequent to the 27860
expiration date of the member's term until the member's successor 27861
takes office or until a period of sixty days has elapsed, 27862
whichever occurs first. Members shall serve at the pleasure of the 27863
director. 27864

The executive director of the office of farmland preservation 27865
in the department of agriculture or another employee of the 27866
department who is designated by the director shall serve as the 27867
nonvoting chairperson of the board. The director annually shall 27868
designate one member of the board to serve as its 27869
vice-chairperson. The board may adopt bylaws governing its 27870
operation and shall meet at a time when the director, or the 27871
director's designee, considers it appropriate in order for the 27872
board to provide advice as required under division (B) of this 27873
section. 27874

(B) The board shall provide advice to the director regarding 27875
all of the following: 27876

(1) The design and implementation of an agricultural easement 27877
purchase program; 27878

(2) The selection of applications that will be awarded 27879
matching grants under division (D) of section 901.22 of the 27880
Revised Code for the purchase of agricultural easements; 27881

(3) The design and implementation of any other statewide 27882

farmland protection measures that the director considers 27883
appropriate. 27884

(C) Serving as a member of the board does not constitute 27885
holding a public office or position of employment under the laws 27886
of this state and does not constitute grounds for removal of 27887
public officers or employees from their offices or positions of 27888
employment. 27889

(D) A board member shall be reimbursed for actual and 27890
necessary expenses incurred in the discharge of duties as a board 27891
member. 27892

Sec. 903.11. (A) The director of agriculture may enter into 27893
contracts or agreements to carry out the purposes of this chapter 27894
with any public or private person, including ~~the Ohio state~~ 27895
~~university~~ OSU extension ~~service~~, the natural resources 27896
conservation service in the United States department of 27897
agriculture, the environmental protection agency, the division of 27898
soil and water resources in the department of natural resources, 27899
and soil and water conservation districts established under 27900
Chapter 1515. of the Revised Code. However, the director shall not 27901
enter into a contract or agreement with a private person for the 27902
review of applications for permits to install, permits to operate, 27903
NPDES permits, or review compliance certificates that are issued 27904
under this chapter or for the inspection of a facility regulated 27905
under this chapter or with any person for the issuance of any of 27906
those permits or certificates or for the enforcement of this 27907
chapter and rules adopted under it. 27908

(B) The director may administer grants and loans using moneys 27909
from the federal government and other sources, public or private, 27910
for carrying out any of the director's functions. Nothing in this 27911
chapter shall be construed to limit the eligibility of owners or 27912
operators of animal feeding facilities or other agricultural 27913

enterprises to receive moneys from the water pollution control 27914
loan fund established under section 6111.036 of the Revised Code 27915
and the nonpoint source pollution management fund established 27916
under section 6111.037 of the Revised Code. 27917

The director of agriculture shall provide the director of 27918
environmental protection with written recommendations for 27919
providing financial assistance from those funds to agricultural 27920
enterprises. The director of environmental protection shall 27921
consider the recommendations in developing priorities for 27922
providing financial assistance from the funds. 27923

Sec. 903.30. (A) No person shall violate division (B)(1), 27924
(C)(1), (K), or (M)(1) or (2) of section 903.08 of the Revised 27925
Code or the NPDES provisions of a permit to operate. 27926

(B) No person shall violate or fail to perform any duty 27927
required by sections 903.01 to 903.07 and 903.12 of the Revised 27928
Code, violate a rule, or violate an order or term or condition of 27929
a permit issued by the director of agriculture under those 27930
sections or rules. 27931

(C) The attorney general, upon the written request of the 27932
director, shall prosecute any person who violates division (A) or 27933
(B) of this section. 27934

Sec. 903.99. (A) Whoever negligently violates division (A)(2) 27935
of section 903.02 or division (A)(2) of section 903.03 903.30 of 27936
the Revised Code is guilty of a misdemeanor of the third degree on 27937
a first offense, a misdemeanor of the second degree on a second 27938
offense, and a misdemeanor of the first degree on a third or 27939
subsequent offense. Each ten day period that the offense continues 27940
shall be fined not more than ten thousand dollars or imprisoned 27941
for not more than ninety days, or both. Each day of violation 27942
constitutes a separate offense. For purposes of this division, 27943

notwithstanding division (D) of section 2901.22 of the Revised Code, a person acts negligently when, because of a lapse from due care, the person fails to perceive or avoid a risk that the person's conduct may cause a certain result or may be of a certain nature. A person is negligent with respect to circumstances when, because of a lapse from due care, the person fails to perceive or avoid a risk that such circumstances may exist.

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(B) Whoever recklessly violates ~~the terms and conditions of a permit to install issued under section 903.02 of the Revised Code or of a permit to operate issued under section 903.03 of the Revised Code, division (A) or (B)(1), (C)(1), or (M)(1) or (2) of section 903.08 of the Revised Code, or the NPDES provisions of a permit to operate shall be fined not more than twenty five thousand dollars.~~ of section 903.30 of the Revised Code shall be fined not more than ten thousand dollars or imprisoned for not more than one year, or both. Each day of violation constitutes a separate offense.

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(C) Whoever knowingly violates division ~~(K)~~(A) or (B) of section ~~903.08~~ 903.30 of the Revised Code is guilty of a felony and shall be fined not more than twenty-five thousand dollars or imprisoned for not more than three years, or both. Each day of violation constitutes a separate offense.

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Sec. 905.06. The director of agriculture shall: 27967

(A) Gather information on the performance of various agricultural additives, including distributors' and manufacturers' claims, the results of investigation or research on additives, and the conditions when they are useful, and make the information available to the public;

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(B) Provide and distribute, in cooperation with ~~the~~ 27973

agricultural OSU extension service, information on the use of	27974
agricultural additives;	27975
(C) Provide for the prompt and thorough investigation of	27976
written complaints received concerning agricultural additives.	27977
Sec. 909.15. All moneys from registration fees and from fines	27978
imposed and recovered under sections 909.01 to 909.18 of the	27979
Revised Code, shall be paid to the director of agriculture, who	27980
shall deposit such moneys in the state treasury to the credit of	27981
the general revenue <u>plant pest program</u> fund <u>created in section</u>	27982
<u>927.54 of the Revised Code.</u>	27983
Sec. 924.02. The director of agriculture, subject to sections	27984
924.01 to 924.16 and Chapter 119. of the Revised Code, shall do	27985
all of the following:	27986
(A) Establish procedures by which producers of Ohio	27987
agricultural commodities may propose, develop, and operate	27988
marketing programs to:	27989
(1) Promote the sale and use of their products;	27990
(2) Develop new uses and markets for such products;	27991
(3) Improve the methods of distributing such products to	27992
consumers;	27993
(4) Standardize the quality of such products for specific	27994
uses.	27995
(B) Adopt and enforce rules to put into effect the intent of	27996
sections 924.01 to 924.16 of the Revised Code;	27997
(C) Determine <u>Except as provided in section 924.06 of the</u>	27998
<u>Revised Code, determine</u> the eligibility of producers to	27999
participate in referendums and other procedures that may be	28000
required to establish marketing programs for agricultural	28001
commodities.	28002

~~Sec. 924.06. (A) Within ninety days after he has approved a proposed amendment to an agricultural commodity marketing program established before April 10, 1985, the director of agriculture shall determine by a referendum whether the eligible producers favor the proposed amendment to the program. Any proposed amendment to a marketing program established before April 10, 1985, is favored by the producers of the agricultural commodity which would be affected by the proposed amendment if either of the following occurs:~~

~~(1) Sixty six and two thirds per cent or more, by number, of the producers who vote in the referendum, vote in favor of the amendment, and represent a majority of the volume of the affected commodity that was produced in the preceding marketing year by all producers who voted in the referendum;~~

~~(2) A majority of the producers who vote in the referendum, vote in favor of the amendment and represent sixty six and two thirds per cent, or more, of the volume of the affected commodity that was produced in the preceding marketing year by all the producers who voted in the referendum.~~

~~(B) Within ninety days after he has approved approving an agricultural commodity marketing program proposed on or after April 10, 1985 the effective date of this amendment, or a proposed amendment to ~~such a~~ an agricultural commodity marketing program, the director of agriculture shall determine by a referendum whether the eligible producers favor the proposed marketing program or amendment. Any such marketing program or amendment to ~~such~~ a marketing program is favored by the producers of the agricultural commodity that would be affected by the proposed program or amendment if a majority of the producers who vote in the referendum vote in favor of the program or amendment.~~

~~(C)(B) If the producers who vote in any referendum held~~

pursuant to this section do not favor a proposed marketing 28034
program, or proposed amendment to a program, the director shall 28035
hold no additional referendum on that proposed program or proposed 28036
amendment during the ten months following the close of the 28037
referendum at which the producers did not favor that proposed 28038
program or amendment. 28039

~~(D)~~(C) In any referendum held pursuant to this section, each 28040
eligible producer of the ~~Ohio~~ agricultural commodity ~~which~~ that 28041
would be affected by the proposed marketing program, or amendment 28042
to a program, is entitled to one vote. 28043

~~(E)~~(D) In any referendum held on an agricultural commodity 28044
marketing program, or a proposed amendment to such a program, 28045
votes may be cast in person or by mailing a ballot to a polling 28046
place designated by the director. The director shall establish a 28047
three-day period during which eligible producers may vote in 28048
person during normal business hours at polling places designated 28049
by the director. The director or other appropriate person shall 28050
send a mail-in ballot by ordinary first-class mail to any eligible 28051
producer who requests one by calling the toll-free telephone 28052
number or sending in the ballot request form provided for in 28053
division ~~(F)~~(E) of this section, by calling one of the polling 28054
places designated by the director, or by any additional method 28055
that the director or operating committee may provide. No ballot 28056
returned by mail shall be valid if it is postmarked later than the 28057
third day of the election period established by the director. 28058

~~(F)~~(E) For any referendum held on an agricultural commodity 28059
marketing program, or a proposed amendment to such a program, the 28060
director or operating committee shall cause a ballot request form 28061
to be published at least thirty days before the beginning of the 28062
election period established under division ~~(E)~~(D) of this section 28063
in at least two appropriate periodicals designated by the 28064
director, and shall make the form available for reproduction to 28065

any interested group or association. The director shall provide a 28066
toll-free telephone number that producers may call to request a 28067
ballot. 28068

(F) For the purposes of a referendum held on an egg marketing 28069
program or a proposed amendment to such a program under this 28070
section, an eligible producer is a person who is in the business 28071
of producing and marketing, or causing to be produced and 28072
marketed, eggs from a flock of more than seventy-five thousand 28073
domesticated chickens and, if the referendum is held on a proposed 28074
amendment to an egg marketing program, is subject to an assessment 28075
under the program. 28076

Sec. 927.54. The plant pest program fund is hereby created in 28077
the state treasury. The fund shall consist of money credited to it 28078
under section 909.15 of the Revised Code and under this chapter 28079
and any rules adopted under it. The director of agriculture shall 28080
use money in the fund to administer this chapter and Chapter 909. 28081
of the Revised Code. 28082

The director shall keep accurate records of all receipts into 28083
and disbursements from the fund and shall prepare, and provide 28084
upon request, an annual report classifying the receipts and 28085
disbursements that pertain to plant pests. 28086

Sec. 935.01. As used in this chapter: 28087

(A) "Board of health" means the board of health of a city or 28088
general health district or the authority having the duties of a 28089
board of health in any city authorized by section 3709.05 of the 28090
Revised Code. 28091

(B) "Circus" means a traveling show to which all of the 28092
following apply: 28093

(1) It is licensed by the United States department of 28094
agriculture under the federal animal welfare act. 28095

(2) It presents dangerous wild animals, restricted snakes, or both in a public performance as its own event or as part of a fair or carnival.	28096 28097 28098
(3) It does not allow physical contact between the public and the dangerous wild animals or restricted snakes possessed by it. Division (B)(3) of this section does not apply to rides or other interactions between the public and an elephant, provided that such a ride or other interaction is under the direct supervision of an experienced animal handler.	28099 28100 28101 28102 28103 28104
(4) It is in the state for less than sixty-five days each year.	28105 28106
(C) "Dangerous wild animal" means any of the following, including hybrids unless otherwise specified:	28107 28108
(1) Hyenas;	28109
(2) Gray wolves, excluding hybrids;	28110
(3) Lions;	28111
(4) Tigers;	28112
(5) Jaguars;	28113
(6) Leopards, including clouded leopards, Sunda clouded leopards, and snow leopards;	28114 28115
(7) All of the following, including hybrids with domestic cats unless otherwise specified:	28116 28117
(a) Cheetahs;	28118
(b) Lynxes, including Canadian lynxes, Eurasian lynxes, and Iberian lynxes;	28119 28120
(c) Cougars, also known as pumas or mountain lions;	28121
(d) Caracals;	28122
(e) Serval, excluding hybrids with domestic cats commonly	28123

known as savannah cats.	28124
(8) Bears;	28125
(9) Elephants;	28126
(10) Rhinoceroses;	28127
(11) Hippopotamuses;	28128
(12) Cape buffaloes;	28129
(13) African wild dogs;	28130
(14) Komodo dragons;	28131
(15) Alligators;	28132
(16) Crocodiles;	28133
(17) Caimans, excluding dwarf caimans;	28134
(18) Gharials;	28135
(19) Nonhuman primates other than lemurs and the nonhuman primates specified in division (C)(20) of this section;	28136 28137
(20) All of the following nonhuman primates:	28138
(a) Golden lion, black-faced lion, golden-rumped lion, cotton-top, emperor, saddlebacked, black-mantled, and Geoffroy's tamarins;	28139 28140 28141
(b) Southern and northern night monkeys;	28142
(c) Dusky titi and masked titi monkeys;	28143
(d) Muriquis;	28144
(e) Goeldi's monkeys;	28145
(f) White-faced, black-bearded, white-nose bearded, and monk sakis;	28146 28147
(g) Bald and black uakaris;	28148
(h) Black handed, white bellied, brown headed, and black spider monkeys;	28149 28150

(i) Common woolly monkeys;	28151
(j) (i) Red, black, and mantled howler monkeys.	28152
"Dangerous wild animal" does not include a domesticated	28153
animal that is considered livestock as defined in section 901.70	28154
of the Revised Code.	28155
(D) "Federal animal welfare act" has the same meaning as in	28156
section 959.131 of the Revised Code.	28157
(E) "Felony drug abuse offense" has the same meaning as in	28158
section 2925.01 of the Revised Code.	28159
(F) "Health district" means a city or general health district	28160
created by or under the authority of Chapter 3709. of the Revised	28161
Code.	28162
(G) "Humane society" means an organization that is organized	28163
under section 1717.05 of the Revised Code.	28164
(H) "Law enforcement officer" means a sheriff, deputy	28165
sheriff, constable, police officer of a township or joint police	28166
district, marshal, deputy marshal, municipal police officer, or	28167
state highway patrol trooper.	28168
(I) "Natural resources law enforcement officers" means peace	28169
officers as specified in division (A)(6) of section 109.71 of the	28170
Revised Code and employees of the division of wildlife specified	28171
in sections 1531.13 and 1531.14 of the Revised Code.	28172
(J) "Offense of violence" has the same meaning as in section	28173
2901.01 of the Revised Code.	28174
(K) "Rescue facility" means a nonprofit organization as	28175
described in section 170 of the "Internal Revenue Code of 1986,"	28176
100 Stat. 2085, 26 U.S.C. 170, as amended, that operates a place	28177
of refuge where abused, neglected, unwanted, impounded, abandoned,	28178
orphaned, or displaced dangerous wild animals are provided care	28179
for their lifetime or released back to their natural habitat, and,	28180

with respect to an animal possessed by the organization, that does	28181
not do any of the following:	28182
(1) Sell, trade, or barter the animal or the animal's body	28183
parts;	28184
(2) Use the animal in any manner for profit;	28185
(3) Breed the animal;	28186
(4) Allow the public the opportunity to come into contact	28187
with the animal.	28188
(L) "Restricted snake" means any of the following:	28189
(1) All of the following constricting snakes that are twelve	28190
feet or longer:	28191
(a) Green anacondas;	28192
(b) Yellow anacondas;	28193
(c) Reticulated pythons;	28194
(d) Indian pythons;	28195
(e) Burmese pythons;	28196
(f) North African rock pythons;	28197
(g) South African rock pythons;	28198
(h) Amethystine pythons.	28199
(2) Species of the following families:	28200
(a) Atractaspididae;	28201
(b) Elapidae;	28202
(c) Viperidae.	28203
(3) Boomslang snakes;	28204
(4) Twig snakes.	28205
(M) "Rule" means a rule adopted under section 935.17 of the	28206
Revised Code.	28207

(N) "Veterinarian" means a person who is licensed under Chapter 4741. of the Revised Code. 28208
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(O) "Wildlife sanctuary" means a nonprofit organization as described in section 170 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 170, as amended, that is accredited or verified by the global federation of animal sanctuaries, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced dangerous wild animals or restricted snakes are provided care for their lifetime or released back to their natural habitat, and, with respect to an animal or snake possessed by the organization, that does not do any of the following: 28210
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(1) Use or allow the use of the animal or snake for any type of entertainment or in a traveling exhibit; 28220
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(2) Sell, trade, lease, loan, or barter the animal or snake or the animal's or snake's body parts; 28222
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(3) Use or allow the use of the animal or snake in any manner for profit; 28224
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(4) Breed the animal or snake; 28226

(5) Allow the public the opportunity to come into physical contact with the animal or snake. 28227
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Sec. 935.03. (A) Division (A) of section 935.02 of the Revised Code does not apply to any of the following: 28229
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(1) A person to which all of the following apply: 28231

(a) The person possesses a dangerous wild animal. 28232

(b) The person has been issued a license by the United States department of agriculture under the federal animal welfare act. 28233
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(c) The director of agriculture has determined that the person is in the process of becoming an accredited member of the 28235
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association of zoos and aquariums or the zoological association of America.	28237 28238
(d) The director has informed the person that the person is exempt from division (A) of section 935.02 of the Revised Code.	28239 28240
(2) An organization to which all of the following apply:	28241
(a) The organization possesses a dangerous wild animal.	28242
(b) The director has determined that the organization is in the process of being accredited or verified by the global federation of animal sanctuaries as a wildlife sanctuary.	28243 28244 28245
(c) The director has informed the organization that it is exempt from division (A) of section 935.02 of the Revised Code.	28246 28247
(3) A person whose possession of a dangerous wild animal is authorized by an unexpired permit issued under this chapter.	28248 28249
(B) Except for the purposes of divisions (A) and (B) of section 935.04 of the Revised Code, this chapter does not apply to any of the following:	28250 28251 28252
(1) A facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act;	28253 28254 28255 28256
(2) A research facility as defined in the federal animal welfare act;	28257 28258
(3) A research facility that is accredited by the association for the assessment and accreditation of laboratory animal care international;	28259 28260 28261
(4) A circus;	28262
(5) A wildlife rehabilitation facility that is issued a permit by the chief of the division of wildlife in rules adopted under section 1531.08 of the Revised Code and that rehabilitates	28263 28264 28265

dangerous wild animals or restricted snakes that are native to the state for the purpose of reintroduction into the wild;	28266 28267
(6) A veterinarian that is providing temporary veterinary care to a dangerous wild animal or restricted snake;	28268 28269
(7) A wildlife sanctuary;	28270
(8) An individual who does not reside in this state, is traveling through this state with a dangerous wild animal or restricted snake, and does all of the following:	28271 28272 28273
(a) Confines the animal or snake in a cage at all times;	28274
(b) Confines the animal or snake in a cage that is not accessible to the public;	28275 28276
(c) Does not exhibit the animal or snake;	28277
(d) Is in the state not more than forty-eight hours unless the animal or snake is receiving veterinary care.	28278 28279
(9) An educational institution that displays a single dangerous wild animal as a sports mascot and that meets all of the following criteria:	28280 28281 28282
(a) An official of the educational institution has submitted an affidavit attesting that the institution will care for the animal as long as the animal lives and in a facility that is an accredited member of the association of zoos and aquariums or the zoological association of America.	28283 28284 28285 28286 28287
(b) The educational institution maintains a liability insurance policy with an insurer authorized or approved to write such insurance in this state that covers claims for injury or damage to persons or property caused by a dangerous wild animal. The amount of the insurance coverage shall be not less than one million dollars.	28288 28289 28290 28291 28292 28293
(c) During display and transport, the educational institution confines the dangerous wild animal in a cage that does not permit	28294 28295

physical contact between the animal and the public.	28296
(d) The educational institution began displaying a dangerous wild animal as a mascot prior to the effective date of this section <u>September 5, 2012</u> .	28297 28298 28299
(10) Any person who has been issued a permit under section 1533.08 of the Revised Code;	28300 28301
(11) Any person authorized to possess a dangerous wild animal or restricted snake under section 1531.25 of the Revised Code or rules adopted under it;	28302 28303 28304
(12) A mobility impaired person as defined in section 955.011 of the Revised Code who possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the mobility impaired person;	28305 28306 28307 28308 28309
(13) A deaf or hearing impaired person who possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the deaf or hearing impaired person;	28310 28311 28312 28313 28314
(14) A person who is blind as defined in section 955.011 of the Revised Code and possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the blind person.	28315 28316 28317 28318 28319
Sec. 935.12. (A) Except as provided in division (B) of this section, a person that has been issued a permit under this chapter for a dangerous wild animal or animals shall comply with the requirements regarding the care and housing of dangerous wild animals established in rules.	28320 28321 28322 28323 28324
(B) A person that has been issued a wildlife shelter,	28325

wildlife propagation permit, or rescue facility permit under this 28326
chapter for a dangerous wild animal or animals specified in 28327
division (C)(20) of section 935.01 of the Revised Code shall 28328
comply with both of the following: 28329

(1) The requirements regarding the care of those animals 28330
established in regulations adopted under the federal animal 28331
welfare act; 28332

(2) The requirements regarding the housing of those animals 28333
established in rules. 28334

(C) A person that has been issued a restricted snake 28335
possession or restricted snake propagation permit under this 28336
chapter shall comply with the requirements regarding the care and 28337
housing of those snakes established in standards adopted by the 28338
zoological association of America and in effect on September 5, 28339
2012. 28340

Sec. 955.01. (A)(1) Except as otherwise provided in this 28341
section or in sections 955.011, 955.012, and 955.16 of the Revised 28342
Code, every person who owns, keeps, or harbors a dog more than 28343
three months of age, shall file, on or after the first day of the 28344
~~preceding~~ applicable December, but before the thirty-first day of 28345
the applicable January ~~of each year~~, in the office of the county 28346
auditor of the county in which the dog is kept or harbored, an 28347
application for registration for ~~the following~~ a period of one 28348
year, ~~beginning the thirty first day of January of that year~~ three 28349
years, or five years. The board of county commissioners, by 28350
resolution, may extend the period for filing the application. The 28351
application shall state the age, sex, color, character of hair, 28352
whether short or long, and breed, if known, of the dog and the 28353
name and address of the owner of the dog. A registration fee of 28354
two dollars for each year of registration for each dog shall 28355
accompany the application, unless a greater fee has been 28356

established under division (A)(2) of this section or under section 28357
955.14 of the Revised Code. 28358

(2) A board of county commissioners may establish a 28359
registration fee higher than the one provided for in division 28360
(A)(1) of this section for dogs more than nine months of age that 28361
have not been spayed or neutered, except that the higher 28362
registration fee permitted by this division shall not apply if a 28363
person registering a dog furnishes with the application either a 28364
certificate from a licensed veterinarian verifying that the dog 28365
should not be spayed or neutered because of its age or medical 28366
condition or because the dog is used or intended for use for show 28367
or breeding purposes or a certificate from the owner of the dog 28368
declaring that the owner holds a valid hunting license issued by 28369
the division of wildlife of the department of natural resources 28370
and that the dog is used or intended for use for hunting purposes. 28371
If the board establishes such a fee, the application for 28372
registration shall state whether the dog is spayed or neutered, 28373
and whether a licensed veterinarian has certified that the dog 28374
should not be spayed or neutered or the owner has stated that the 28375
dog is used or intended to be used for hunting purposes. The board 28376
may require a person who is registering a spayed or neutered dog 28377
to furnish with the application a certificate from a licensed 28378
veterinarian verifying that the dog is spayed or neutered. No 28379
person shall furnish a certificate under this division ~~which~~ that 28380
the person knows to be false. 28381

(B) If the application for registration is not filed and the 28382
registration fee paid, on or before the thirty-first day of the 28383
applicable January of each year or, if the board of county 28384
commissioners by resolution has extended the date to a date later 28385
than the thirty-first day of January, the date established by the 28386
board, the auditor shall assess a penalty in an amount equal to 28387
the registration fee upon the owner, keeper, or harbinger, which 28388

~~must~~ shall be paid with the registration fee. 28389

(C) An animal shelter that keeps or harbors a dog more than 28390
three months of age is exempt from paying any fees imposed under 28391
division (A) or (B) of this section if it is a nonprofit 28392
organization that is exempt from federal income taxation under 28393
subsection 501(a) and described in subsection 501(c)(3) of the 28394
"Internal Revenue Code of 1986," 100 Stat. ~~285~~ 2085, 26 U.S.C. 1. 28395

Sec. 955.05. After the thirty-first day of January of any 28396
year, except as otherwise provided in section 955.012 or 955.16 of 28397
the Revised Code, every person, immediately upon becoming the 28398
owner, keeper, or harbinger of any dog more than three months of 28399
age or brought from outside the state during any year, shall file 28400
like applications, with fees, as required by section 955.01 of the 28401
Revised Code, for registration for the current year. If ~~such~~ the 28402
application is not filed and the fee paid, within thirty days 28403
after ~~such~~ the dog is acquired, becomes three months of age, or is 28404
brought from outside the state, the auditor shall assess a penalty 28405
in an amount equal to the registration fee upon ~~such~~ the owner, 28406
keeper, or harbinger, which ~~must~~ shall be paid with the 28407
registration fee. Thereafter, the owner, keeper, or harbinger shall 28408
register the dog for a period of one year, three years, or five 28409
years as provided in section 955.01 of the Revised Code. 28410

Every person becoming the owner of a kennel of dogs after the 28411
thirty-first day of January of any year shall file like 28412
applications, with fees, as required by section 955.04 of the 28413
Revised Code, for the registration of such kennel for the current 28414
calendar year. If such application is not filed and the fee paid 28415
within thirty days after the person becomes the owner of such 28416
kennel, the auditor shall assess a penalty in an amount equal to 28417
the registration fee upon the owner of such kennel. 28418

Sec. 955.06. The owner, keeper, or harborer of a dog becoming 28419
three months of age after the first day of July in a calendar year 28420
and the owner, keeper, or harborer of a dog purchased outside the 28421
state after the first day of July in a calendar year shall 28422
register the dog for one year. The registration fee for any such 28423
dog becoming three months of age after the first day of July of 28424
any year and the registration fee of any dog purchased from 28425
outside the state after the first day of July of any year shall be 28426
one-half of the original fee. Thereafter, the owner, keeper, or 28427
harborer shall register the dog for a period of one year, three 28428
years, or five years as provided in section 955.01 of the Revised 28429
Code. 28430

Sec. 955.07. Upon the filing of the application for 28431
registration required by sections 955.01 and 955.04 of the Revised 28432
Code and upon the payment of the registration fee and the 28433
administrative fee, if applicable, the county auditor shall assign 28434
a distinctive number to every dog or dog kennel described in the 28435
application and shall deliver a certificate of registration 28436
bearing the number to the owner of the dog or dog kennel. A record 28437
of all certificates of registration issued, together with the 28438
applications for registration, shall be kept by the auditor in a 28439
dog and kennel register ~~for two years or~~ until after an audit 28440
performed by the auditor of state, ~~whichever is later~~. This record 28441
shall be open to the inspection of any person during reasonable 28442
business hours. 28443

Sec. 955.08. In addition to the certificate of registration 28444
provided for by section 955.07 of the Revised Code, the county 28445
auditor shall issue to every person making application for the 28446
registration of a dog and paying the required fee therefor a metal 28447
tag for each dog so registered. The form, color, character, and 28448

lettering of the tag shall be prescribed by the county auditor. 28449
~~Each year the tag shall be a color distinctive from that of the~~ 28450
~~previous year.~~ If a tag is lost, a duplicate shall be furnished by 28451
the auditor upon proper proof of loss and the payment of five 28452
dollars for each duplicate tag issued. 28453

Sec. 955.09. Certificates of registration and registration 28454
tags shall be valid only during the calendar year ~~in~~ or years for 28455
~~which they are issued, and during the first thirty one days of the~~ 28456
~~following calendar year.~~ 28457

Sec. 955.14. (A) Notwithstanding section 955.01 of the 28458
Revised Code, a board of county commissioners by resolution may 28459
increase dog and kennel registration fees in the county. The 28460
amount of the fees shall not exceed an amount that the board, in 28461
its discretion, estimates is needed to pay all expenses for the 28462
administration of this chapter and to pay claims allowed for 28463
animals injured or destroyed by dogs. Such a resolution shall be 28464
adopted not earlier than the first day of February and not later 28465
than the thirty-first day of August of any year and shall ~~apply to~~ 28466
specify the registration period ~~commencing on the first day of~~ 28467
~~December of the current year and ending on the thirty first day of~~ 28468
~~January of the following year, unless the period is extended under~~ 28469
~~section 955.01 of the Revised Code~~ or periods to which the 28470
increased fees apply. Any increase in fees adopted under this 28471
division shall be in the ratio of two dollars for each year of 28472
registration for a dog registration fee and ten dollars for a 28473
kennel registration fee. 28474

(B) Not later than the fifteenth day of October of each year, 28475
the board of county commissioners shall determine if there is 28476
sufficient money in the dog and kennel fund, after paying the 28477
expenses of administration incurred or estimated to be incurred 28478
for the remainder of the year, to pay the claims allowed for 28479

animals injured or destroyed by dogs. If the board determines 28480
there is not sufficient money in the dog and kennel fund to pay 28481
the claims allowed, the board shall provide by resolution that all 28482
claims remaining unpaid shall be paid from the general fund of the 28483
county. All money paid out of the general fund for those purposes 28484
may be replaced by the board from the dog and kennel fund at any 28485
time during the following year notwithstanding section 5705.14 of 28486
the Revised Code. 28487

(C) Notwithstanding section 955.20 of the Revised Code, if 28488
dog and kennel registration fees in any county are increased above 28489
two dollars for each year of registration and ten dollars, 28490
respectively, under authority of division (A) of this section, 28491
then on or before the first day of March following each year in 28492
which the increased fees are in effect, the county auditor shall 28493
draw on the dog and kennel fund a warrant payable to the college 28494
of veterinary medicine of the Ohio state university in an amount 28495
equal to ten cents for each dog and kennel registration fee 28496
received during the preceding year. The money received by the 28497
college of veterinary medicine of the Ohio state university under 28498
this division shall be applied for research and study of the 28499
diseases of dogs, particularly those transmittable to humans, and 28500
for research of other diseases of dogs that by their nature will 28501
provide results applicable to the prevention and treatment of both 28502
human and canine illness. 28503

(D) The Ohio state university college of veterinary medicine 28504
shall be responsible to report annually to the general assembly 28505
the progress of the research and study authorized and funded by 28506
division (C) of this section. The report shall briefly describe 28507
the research projects undertaken and assess the value of each. The 28508
report shall account for funds received pursuant to division (C) 28509
of this section and for the funds expended attributable to each 28510
research project and for other necessary expenses in conjunction 28511

with the research authorized by division (C) of this section. The 28512
report shall be filed with the general assembly by the first day 28513
of May of each year. 28514

(E) The county auditor may authorize agents to receive 28515
applications for registration of dogs and kennels and to issue 28516
certificates of registration and tags. If authorized agents are 28517
employed in a county, each applicant for a dog or kennel 28518
registration shall pay to the agent an administrative fee of 28519
seventy-five cents in addition to the registration fee. The 28520
administrative fee shall be the compensation of the agent. The 28521
county auditor shall establish rules for reporting and accounting 28522
by the agents. No administrative or similar fee shall be charged 28523
in any county except as authorized by this division or division 28524
(F) of this section. 28525

(F) For any county that accepts the payment of dog and kennel 28526
registration fees by financial transaction devices in accordance 28527
with section 955.013 of the Revised Code, in addition to those 28528
registration fees, the county auditor shall collect for each 28529
registration paid by a financial transaction device one of the 28530
following: 28531

(1) An administrative fee of seventy-five cents or another 28532
amount necessary to cover actual costs designated by the county 28533
auditor; 28534

(2) If the board of county commissioners adopts a surcharge 28535
or convenience fee for making payments by a financial transaction 28536
device under division (E) of section 301.28 of the Revised Code, 28537
that surcharge or convenience fee; 28538

(3) If the county auditor contracts with a third party to 28539
provide services to enable registration via the internet as 28540
provided in section 955.013 of the Revised Code, a surcharge or 28541
convenience fee as agreed to between that third party and the 28542

county for those internet registration services. Any additional 28543
expenses incurred by the county auditor that result from a 28544
contract with a third party as provided in this section and 28545
section 955.013 of the Revised Code and that are not covered by a 28546
surcharge or convenience fee shall be paid out of the allowance 28547
provided to the county auditor under section 955.20 of the Revised 28548
Code. 28549

(G) The county auditor shall post conspicuously the amount of 28550
the administrative fee, surcharge, or convenience fee that is 28551
permissible under this section on the web page where the auditor 28552
accepts payments for registrations made under division (B)(1) of 28553
section 955.013 of the Revised Code. If any person chooses to pay 28554
by financial transaction device, the administrative fee, 28555
surcharge, or convenience fee shall be considered voluntary and is 28556
not refundable. 28557

(H) As used in this section, "animal" has the same meaning as 28558
in section 955.51 of the Revised Code. 28559

Sec. 955.201. (A) As used in this section and in section 28560
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 28561
corporation organized by that name under Chapter 1702. of the 28562
Revised Code that consists of humane societies, veterinarians, 28563
animal shelters, companion animal breeders, dog wardens, or 28564
similar individuals and entities. 28565

(B) The Ohio pet fund shall do all of the following: 28566

(1) Establish eligibility criteria for organizations that may 28567
receive financial assistance from the Ohio pet fund. Those 28568
organizations may include any of the following: 28569

(a) An animal shelter as defined in section 4729.01 of the 28570
Revised Code; 28571

(b) A local nonprofit veterinary association that operates a 28572

program for the sterilization of dogs and cats; 28573

(c) A charitable organization that is exempt from federal 28574
income taxation under subsection 501(c)(3) of the Internal Revenue 28575
Code and a purpose of which is to support programs for the 28576
sterilization of dogs and cats and educational programs concerning 28577
the proper veterinary care of those animals. 28578

(2) Establish procedures for applying for financial 28579
assistance from the Ohio pet fund. Application procedures shall 28580
require eligible organizations to submit detailed proposals that 28581
outline the intended uses of the moneys sought. 28582

(3) Establish eligibility criteria for sterilization and 28583
educational programs for which moneys from the Ohio pet fund may 28584
be used and, consistent with division (C) of this section, 28585
establish eligibility criteria for individuals who seek 28586
sterilization for their dogs and cats from eligible organizations; 28587

(4) Establish procedures for the disbursement of moneys the 28588
Ohio pet fund receives from license plate contributions pursuant 28589
to division (C) of section 4503.551 of the Revised Code; 28590

(5) Advertise or otherwise provide notification of the 28591
availability of financial assistance from the Ohio pet fund for 28592
eligible organizations; 28593

(6) Design markings to be inscribed on "pets" license plates 28594
under section 4503.551 of the Revised Code. 28595

(C)(1) The owner of a dog or cat is eligible for dog or cat 28596
sterilization services from an eligible organization when those 28597
services are subsidized in whole or in part by money from the Ohio 28598
pet fund if any of the following applies: 28599

(a) The income of the owner's family does not exceed one 28600
hundred fifty per cent of the federal poverty guideline. 28601

(b) The owner, or any member of the owner's family who 28602

resides with the owner, is a recipient or beneficiary of one of 28603
the following government assistance programs: 28604

(i) Low-income housing assistance under the "United States 28605
Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the 28606
federal section 8 housing program; 28607

(ii) The Ohio works first program established by Chapter 28608
5107. of the Revised Code; 28609

(iii) ~~Title XIX of the "Social Security Act," 49 Stat. 620~~ 28610
~~(1935), 42 U.S.C.A. 301, as amended, known as the medical~~ 28611
~~assistance~~ The medicaid program ~~or medicaid, provided by the~~ 28612
~~department of job and family services under Chapter 5111. of the~~ 28613
~~Revised Code;~~ 28614

(iv) A program or law administered by the United States 28615
department of veterans' affairs or veterans' administration for 28616
any service-connected disability; 28617

(v) The supplemental nutrition assistance program established 28618
under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), 28619
administered by the department of job and family services under 28620
section 5101.54 of the Revised Code; 28621

(vi) The "special supplemental nutrition program for women, 28622
infants, and children" established under the "Child Nutrition Act 28623
of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered 28624
by the department of health under section 3701.132 of the Revised 28625
Code; 28626

(vii) Supplemental security income under Title XVI of the 28627
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as 28628
amended; 28629

(viii) Social security disability insurance benefits provided 28630
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 28631
42 U.S.C.A. 401, as amended. 28632

(c) The owner of the dog or cat submits to the eligible organization operating the sterilization program either of the following:

(i) A certificate of adoption showing that the dog or cat was adopted from a licensed animal shelter, a municipal, county, or regional pound, or a holding and impoundment facility that contracts with a municipal corporation;

(ii) A certificate of adoption showing that the dog or cat was adopted through a nonprofit corporation operating an animal adoption referral service whose holding facility, if any, is licensed in accordance with state law or a municipal ordinance.

(2) The Ohio pet fund shall determine the type of documentary evidence that must be presented by the owner of a dog or cat to show that the income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline or that the owner is eligible under division (C)(1)(b) of this section.

(D) As used in division (C) of this section, "federal poverty guideline" means the official poverty guideline as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

Sec. 956.07. (A) A person who is applying for a license to operate a high volume breeder or to act as or perform the functions of a dog retailer under section 956.04 or 956.05 of the Revised Code, as applicable, shall include with the application for a license a nonrefundable license application fee. For the purpose of calculating the application fee for a high volume breeder, the sale of one dog from a litter constitutes the sale of a litter. The application fees are as follows:

(1) For a high volume breeder:	28664
(a) One hundred fifty dollars if the high volume breeder annually sells at least nine, but not more than fifteen litters;	28665 28666
(b) Two hundred fifty dollars if the high volume breeder annually sells at least sixteen, but not more than twenty-five litters;	28667 28668 28669
(c) Three hundred fifty dollars if the high volume breeder annually sells at least twenty-six, but not more than thirty-five litters;	28670 28671 28672
(d) Five hundred dollars if the high volume breeder annually sells at least thirty-six, but not more than forty-five litters;	28673 28674
(e) Seven hundred fifty dollars if the high volume breeder annually sells forty-six or more litters.	28675 28676
(2) For a dog retailer, five hundred dollars.	28677
(B) Money collected by the director <u>of agriculture</u> from each application fee submitted under this section shall be transmitted by the director to the treasurer of <u>deposited in the state treasury to be credited to the credit of</u> the high volume breeder kennel control license fund created in section 956.18 of the Revised Code. The treasurer of state shall transfer to the county auditor of the county in which a high volume breeder is located or will be located <u>director shall use</u> fifty dollars of the application fee submitted by the <u>a high volume</u> breeder under this section or an amount equal to the fee charged in that county for the registration of a kennel under section 955.14 of the Revised Code <u>in the county in which the high volume breeder is located or will be located</u> , whichever is greater, <u>to reimburse that county.</u> The county auditor shall deposit the transferred money into that county's dog and kennel fund created under section 955.20 of the Revised Code.	28678 28679 28680 28681 28682 28683 28684 28685 28686 28687 28688 28689 28690 28691 28692 28693

Sec. 956.18. (A) All money collected by the director of 28694
agriculture from license fees under section ~~956.08~~ 956.07 and 28695
civil penalties assessed under section 956.13 of the Revised Code 28696
shall be deposited in the state treasury to the credit of the high 28697
volume breeder kennel control license fund, which is hereby 28698
created. The fund shall also consist of money appropriated to it. 28699

(B) No money may be released from the fund without 28700
controlling board approval. The director shall request the 28701
controlling board to release money in an amount not to exceed two 28702
million five hundred thousand dollars per biennium. 28703

(C) The director shall use the money in the fund for the 28704
purpose of administering this chapter and rules adopted under it. 28705

Sec. 991.03. (A) The Ohio expositions commission shall: 28706

(1) Conduct at least one fair or exposition annually; 28707

(2) Maintain and manage property held by the state for the 28708
purpose of conducting fairs, expositions, and exhibits; 28709

(3) As provided in section 109.122 of the Revised Code, 28710
provide notice of or copies of any proposed entertainment or 28711
sponsorship contracts to the attorney general. 28712

(B) The commission may: 28713

(1) Conduct such additional fairs, expositions, or 28714
exhibitions as the commission determines are in the general public 28715
interest; 28716

(2) Accept on behalf of the state conveyances of property for 28717
the purposes of conducting fairs, expositions, and exhibits, 28718
subject to any terms and conditions agreed to by the commission 28719
and approved by the controlling board; 28720

(3) Accept gifts, devises, and bequests of money, lands, and 28721
other property and apply the money, lands, or other property 28722

according to the terms of the gift, devise, or bequest. A 28723
political subdivision as authorized by law may make gifts and 28724
devises to the commission, and the commission shall apply such a 28725
gift or devise according to the terms of the gift or devise. All 28726
gifts and bequests of money accepted under this division shall be 28727
deposited into the state treasury to the credit of the Ohio 28728
expositions support fund. 28729

(4) Enter into contracts that the commission considers 28730
necessary or worthwhile in the conduct of its purposes, provided 28731
that contracts made for a term exceeding two years, other than 28732
those described in division (B)(4) of this section, shall be 28733
subject to the approval of the controlling board and provided that 28734
the attorney general, pursuant to the attorney general's authority 28735
under section 109.122 of the Revised Code, has not disapproved the 28736
proposed contract; 28737

~~(4)~~(5) Enter into contracts for the mutual exchange of goods 28738
or services; 28739

~~(5)~~(6) Sell or convey all or a portion of the property, land, 28740
or buildings under its management subject to the approval of the 28741
legislature; 28742

~~(6)~~(7) Grant leases on all or any part of the property, land, 28743
or buildings under the management of the commission to private or 28744
public organizations, which appear to be in the best interests of 28745
the state, with the approval of the controlling board and director 28746
of administrative services, subject to the following conditions: 28747

(a) The lessees shall make or construct improvements on such 28748
lands or buildings at no cost to the commission or to the state, 28749
subject to prior approval by the director of administrative 28750
services of detailed plans and specifications of such 28751
improvements. 28752

(b) No person, firm, or corporation shall cause a lien to be 28753

filed against any funds or property of the state or of the 28754
commission as a result of a lessee's activities pursuant to 28755
division (B)~~(6)~~(7)(a) of this section. 28756

(c) Leases shall be entered into subject to the sale of such 28757
property, lands, or buildings during the term of the lease. 28758

(d) No leases shall be made which interfere with a fair, 28759
exposition, or exhibition on such lands. 28760

~~(7)~~(8) Encumber appropriations for the entire amount of a 28761
contract at the time the contract is made, even though the 28762
contract will not be performed in the fiscal year for which the 28763
appropriations were made. 28764

~~(8)~~(9) Implement a credit card payment program permitting 28765
payment by means of a credit card of any fees, charges, and 28766
rentals associated with conducting fairs, expositions, and 28767
exhibits. The commission may open an account outside the state 28768
treasury in a financial institution for the purpose of depositing 28769
credit card receipts. By the end of the business day following the 28770
deposit of the receipts, the financial institution shall make 28771
available to the commission funds in the amount of the receipts. 28772
The commission shall then pay these funds into the state treasury 28773
to the credit of the Ohio expositions fund. 28774

The commission shall adopt rules as necessary to carry out 28775
the purposes of division (B)~~(8)~~(9) of this section. The rules 28776
shall include standards for determining eligible financial 28777
institutions and the manner in which funds shall be made available 28778
and shall be consistent with the standards contained in sections 28779
135.03, 135.18, and 135.181 of the Revised Code. 28780

The commission shall not adopt or enforce any rules which 28781
will prohibit livestock exhibited at the Ohio state fair from 28782
participating in county and independent fairs in the state. 28783

Sec. 991.04. There is hereby established in the state 28784
treasury the Ohio expositions fund. All Except for gifts and 28785
bequests of money accepted under division (B)(3) of section 991.03 28786
of the Revised Code, all moneys collected by the Ohio expositions 28787
commission pursuant to sections 991.01 to 991.07 of the Revised 28788
Code and any income generated from the investment of those moneys 28789
shall be paid into the fund and may be used to defray the costs of 28790
administration and carrying out the purposes of sections 991.01 to 28791
991.07 of the Revised Code. 28792

With the approval of the director of budget and management, 28793
provisions may be made for a cash fund to be established on the 28794
state fairgrounds during the period of activities related to the 28795
holding of the annual state fair. The purpose of such fund is to 28796
provide for payment of premiums and entertainers and for immediate 28797
payment of small amounts for obligations, including ticket 28798
refunds, of such nature as to require immediate payment. 28799

The expositions commission shall cause to be kept an accurate 28800
record of all transactions, contracts, and proceedings. The 28801
director of budget and management shall prescribe a system of 28802
accounting and reporting. Such system shall include methods and 28803
forms showing the sources from which all revenues of the 28804
expositions commission are received, the amount collected from 28805
each source, and the amount expended for each purpose. 28806

Sec. 991.041. There is in the state treasury the Ohio 28807
expositions support fund. All gifts and bequests of money accepted 28808
under division (B)(3) of section 991.03 of the Revised Code shall 28809
be deposited into the state treasury to the credit of the fund. 28810
Investment earnings of the fund shall be deposited into the fund. 28811
The Ohio expositions commission may use the fund, consistent with 28812
the terms of the gift or bequest, to defray the cost of 28813
administration and of carrying out the purposes of sections 991.01 28814

to 991.07 of the Revised Code. 28815

Sec. 991.06. Annually on or before the thirtieth day of 28816
September the Ohio expositions commission, through its general 28817
manager, shall prepare and file with the auditor of state a 28818
statement showing the total amount received from each source of 28819
revenue, the total amount disbursed for each class of 28820
expenditures, and the aggregate of all receipts and expenditures 28821
of the commission. This statement shall also include a summary of 28822
each contract for the mutual exchange of goods or services entered 28823
into by the commission under ~~division (B)(4)~~ of section 991.03 of 28824
the Revised Code. Upon receipt of such statement, the auditor of 28825
state shall have it verified and make a report of ~~his~~ the auditor 28826
of state's findings thereon to the governor. 28827

Assistant auditors of state shall conduct an audit of 28828
activities of the annual Ohio state fair on the Ohio exposition 28829
center during the period when the fair is in progress. 28830

The cost of such audit shall be included in the annual 28831
expenses of the Ohio expositions commission. 28832

Sec. 1309.521. (A) A filing office that accepts written 28833
records may not refuse to accept a written initial financing 28834
statement in the ~~following~~ form and format set forth in the 28835
official text of the 2010 amendments to article 9 of the uniform 28836
commercial code promulgated by the American law institute and the 28837
national conference of commissioners on uniform state laws, except 28838
for a reason prescribed in division (B) of section 1309.516 of the 28839
Revised Code. 28840

~~UCC FINANCING STATEMENT~~ 28841

~~Follow instructions (front and back) carefully.~~ 28842

~~A. Name and phone of contact at filer (optional)~~ 28843

~~.....~~ 28844

B. Send acknowledgment to: (name and address)	28845
.....	28846
.....	28847
.....	28848
1. DEBTOR'S EXACT FULL LEGAL NAME	28849
(Insert only one debtor name [1a or 1b]. Do not abbreviate or	28850
combine names. If completing 1b, insert the debtor's name exactly	28851
as it appears on the debtor's current driver's license or	
identification card issued by this state, if one exists.)	
1a. Organization's name	28852
or	28853
1b. Individual's last name First name	28854
Middle name Suffix	28855
1c. Mailing address	28856
City State Postal code Country	28857
	28858
Additional information regarding organization debtor	28859
1d. Type of organization	28860
1e. Jurisdiction of organization	28861
2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME	28862
(Insert only one debtor name [2a or 2b]. Do not abbreviate or	28863
combine names. If completing 2b, insert the debtor's name exactly	28864
as it appears on the debtor's current driver's license or	
identification card issued by this state, if one exists.)	
2a. Organization's name	28865
or	28866
2b. Individual's last name First name	28867
Middle name Suffix	28868
2c. Mailing address	28869
City State Postal code Country	28870
	28871
Additional information regarding organization debtor	28872
2d. Type of organization	28873

2e. Jurisdiction of organization	28874
3. SECURED PARTY'S NAME (or name of total assignee of assignor S/P). Insert only one secured party name (3a or 3b).	28875
3a. Organization's name	28876
or	28877
3b. Individual's last name First name	28878
Middle name Suffix	28879
3c. Mailing address	28880
City State Postal code Country	28881
4. This FINANCING STATEMENT covers the following collateral:	28882
.....	28883
.....	28884
.....	28885
.....	28886
.....	28887
5. ALTERNATIVE DESIGNATION (if applicable):	28888
[] Lessee/lessor [] Consignee/consignor [] Bailee/bailor	28889
[] Seller/buyer [] Ag. lien [] Non-UCC filing	28890
6. [] This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. Attach addendum	28891
[if applicable].	28892
7. Check to REQUEST SEARCH REPORT(S) on debtor(s)	28893
[ADDITIONAL FEE] [optional]	28894
[] All debtors [] Debtor 1 [] Debtor 2	28895
8. OPTIONAL FILER REFERENCE DATA	28896
.....	28897
.....	28898
.....	28899
UCC FINANCING STATEMENT ADDENDUM	28900
Follow instructions (front and back) carefully.	28901
9. NAME OF FIRST DEBTOR (1a OR 1b) ON RELATED FINANCING STATEMENT	28902
9a. Organization's name	28903
or	28904
9b. Individual's last name First name	28905
Middle name Suffix	28906

10. MISCELLANEOUS	28907
.....	28908
.....	28909
.....	28910
11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME	28911
(Insert only one name [11a or 11b]. Do not abbreviate or combine	28912
names. If completing 11b, insert the debtor's name exactly as it	28913
appears on the debtor's current driver's license or identification	
card issued by this state, if one exists.)	
11a. Organization's name	28914
or	28915
11b. Individual's last name First name	28916
Middle name Suffix	28917
11c. Mailing address	28918
City State Postal code Country	28919
Additional information regarding organization debtor	28920
11d. Type of organization	28921
11e. Jurisdiction of organization	28922
12. [] ADDITIONAL SECURED PARTY'S or [] ASSIGNOR S/P'S NAME	28923
(Insert only one name [12a or 12b].)	28924
12a. Organization's name	28925
or	28926
12b. Individual's last name First name	28927
Middle name Suffix	28928
12c. Mailing address	28929
City State Postal code Country	28930
13. This FINANCING STATEMENT covers [] timber to be cut or	28931
[] as extracted collateral, or is filed as a [] fixture filing.	28932
14. DESCRIPTION OF REAL ESTATE:	28933
.....	28934
.....	28935
.....	28936
.....	28937

.....	28938
15. Name and address of a RECORD OWNER of above described real estate (if debtor does not have a record interest):	28939
.....	28940
.....	28941
.....	28942
.....	28943
16. Additional collateral description:	28944
.....	28945
.....	28946
.....	28947
.....	28948
17. Check only if applicable and check only one box.	28949
Debtor is a <input type="checkbox"/> Trust or <input type="checkbox"/> Trustee acting with respect to property held in trust or <input type="checkbox"/> Decedent's estate	28950
.....	28951
18. Check only if applicable and check only one box.	28952
<input type="checkbox"/> Debtor is a transmitting utility	28953
<input type="checkbox"/> Filed in connection with a manufactured home transaction effective 30 years	28954
.....	28955
<input type="checkbox"/> Filed in connection with a public finance transaction effective 30 years	28956
.....	28957
(B) A filing office that accepts written records may not refuse to accept a written record in the following form and format set forth as form UCC3 and form UCC3Ad in the final official text of the 2010 amendments to article 9 of the uniform commercial code promulgated by the American law institute and the national conference of commissioners on uniform state laws, except for a reason prescribed in division (B) of section 1309.516 of the Revised Code+.	28958
.....	28959
.....	28960
.....	28961
.....	28962
.....	28963
.....	28964
.....	28965
UCC FINANCING STATEMENT AMENDMENT	28966
Follow instructions (front and back) carefully.	28967
A. Name and phone of contact at filer (optional)	28968
.....	28969
B. Send acknowledgment to: (name and address)	28970

.....	28971
.....	28972
..... The above space is for filing office use only.	28973
1a. INITIAL FINANCING STATEMENT FILE NUMBER	28974
1b. [] This financing statement amendment is to be filed [for record] (or recorded) in the real estate records.	28975 28976
2. [] TERMINATION: Effectiveness of the financing statement identified above is terminated with respect to security interest(s) of the secured party authorizing this termination statement.	28977
3. [] CONTINUATION: Effectiveness of the financing statement identified above with respect to security interest(s) of the secured party authorizing this continuation statement is continued for the additional period provided by applicable law.	28978
4. [] ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.	28979
5. AMENDMENT (PARTY INFORMATION): This amendment affects [] Debtor or [] Secured Party of record. Check only one of these two boxes. Also check one of the following three boxes and provide appropriate information in items 6 and/or 7. [] CHANGE name and/or address. Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c. [] DELETE name. Give record name to be deleted in item 6a or 6b. [] ADD name. Complete item 7a or 7b, and also item 7c; also complete items 7d 7g (if applicable).	28980 28981
6. CURRENT RECORD INFORMATION:	28986
6a. Organization's name	28987
or	28988
6b. Individual's last name First name	28989
Middle name Suffix	28990

7. CHANGED (NEW) OR ADDED INFORMATION:	28991
(If completing 7b and the amendment affects a debtor, insert the debtor's name exactly as it appears on the debtor's current driver's license or identification card issued by this state, if one exists.)	28992
7a. Organization's name	28993
or	28994
7b. Individual's last name First name	28995
Middle name Suffix	28996
7c. Mailing address	28997
City State Postal code Country	28998
	28999
Additional information regarding organization debtor	29000
7d. Type of organization	29001
7e. Jurisdiction of organization	29002
8. AMENDMENT (COLLATERAL CHANGE). Check only one box.	29003
Describe collateral [] deleted or [] added, or give entire	29004
[] restated collateral description, or describe collateral	29005
[] assigned.	29006
.....	29007
.....	29008
.....	29009
.....	29010
9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT	29011
(name of assignor, if this is an assignment). If this is an	29012
amendment authorized by a debtor that adds collateral or adds	29013
the authorizing debtor, or if this is a termination authorized	29014
by a debtor, check here [] and enter name of debtor	29015
authorizing this amendment.	29016
9a. Organization's name	29017
or	29018
9b. Individual's last name First name	29019
Middle name Suffix	29020

10. OPTIONAL FILER REFERENCE DATA	29021
.....	29022
UCC FINANCING STATEMENT AMENDMENT ADDENDUM	29023
Follow instructions (front and back) carefully.	29024
11. INITIAL FINANCING STATEMENT FILE NUMBER (same as item 1a	29025
on amendment form)	29026
12. NAME OF PARTY AUTHORIZING	29027
THIS AMENDMENT (same as item 9	29028
on amendment form)	29029
12a. Organization's name	29030
.....	29031
or	29032
12b. Individual's last name	29033
.....	29034
First name	29035
Middle name Suffix	29036
The above space is for filing office use only.	
13. Use this space for additional information.	29037
.....	29038
.....	29039
.....	29040
.....	29041
 Sec. 1321.51. As used in sections 1321.51 to 1321.60 of the	29042
Revised Code:	29043
 (A) "Person" means an individual, partnership, association,	29044
trust, corporation, or any other legal entity.	29045
 (B) "Certificate" means a certificate of registration issued	29046
under sections 1321.51 to 1321.60 of the Revised Code.	29047
 (C) "Registrant" means a person to whom one or more	29048
certificates of registration have been issued under sections	29049
1321.51 to 1321.60 of the Revised Code.	29050
 (D) "Principal amount" means the amount of cash paid to, or	29051

paid or payable for the account of, the borrower, and includes any charge, fee, or expense that is financed by the borrower at origination of the loan or during the term of the loan.

(E) "Interest" means all charges payable directly or indirectly by a borrower to a registrant as a condition to a loan or an application for a loan, however denominated, but does not include default charges, deferment charges, insurance charges or premiums, court costs, loan origination charges, check collection charges, credit line charges, points, prepayment penalties, or other fees and charges specifically authorized by law.

(F) "Interest-bearing loan" means a loan in which the debt is expressed as the principal amount and interest is computed, charged, and collected on unpaid principal balances outstanding from time to time.

(G) "Precomputed loan" means a loan in which the debt is a sum comprising the principal amount and the amount of interest computed in advance on the assumption that all scheduled payments will be made when due.

(H) "Actuarial method" means the method of allocating payments made on a loan between the principal amount and interest whereby a payment is applied first to the accumulated interest and the remainder to the unpaid principal amount.

(I) "Applicable charge" means the amount of interest attributable to each monthly installment period of the loan contract. The applicable charge is computed as if each installment period were one month and any charge for extending the first installment period beyond one month is ignored. In the case of loans originally scheduled to be repaid in sixty-one months or less, the applicable charge for any installment period is that proportion of the total interest contracted for, as the balance scheduled to be outstanding during that period bears to the sum of

all of the periodic balances, all determined according to the 29083
payment schedule originally contracted for. In all other cases, 29084
the applicable charge for any installment period is that which 29085
would have been made for such period had the loan been made on an 29086
interest-bearing basis, based upon the assumption that all 29087
payments were made according to schedule. 29088

(J) "Broker" means a person who acts as an intermediary or 29089
agent in finding, arranging, or negotiating loans, other than 29090
residential mortgage loans, and charges or receives a fee for 29091
these services. 29092

(K) "Annual percentage rate" means the ratio of the interest 29093
on a loan to the unpaid principal balances on the loan for any 29094
period of time, expressed on an annual basis. 29095

(L) "Point" means a charge equal to one per cent of either of 29096
the following: 29097

(1) The principal amount of a precomputed loan or 29098
interest-bearing loan; 29099

(2) The original credit line of an open-end loan. 29100

(M) "Prepayment penalty" means a charge for prepayment of a 29101
loan at any time prior to five years from the date the loan 29102
contract is executed. 29103

(N) "Refinancing" means a loan the proceeds of which are used 29104
in whole or in part to pay the unpaid balance of a prior loan made 29105
by the same registrant to the same borrower under sections 1321.51 29106
to 1321.60 of the Revised Code. 29107

(O) "Superintendent of financial institutions" includes the 29108
deputy superintendent for consumer finance as provided in section 29109
1181.21 of the Revised Code. 29110

(P)(1) "Mortgage loan originator" means an individual who for 29111
compensation or gain, or in anticipation of compensation or gain, 29112

does any of the following:	29113
(a) Takes or offers to take a residential mortgage loan application;	29114 29115
(b) Assists or offers to assist a borrower in obtaining or applying to obtain a residential mortgage loan by, among other things, advising on loan terms, including rates, fees, and other costs;	29116 29117 29118 29119
(c) Offers or negotiates terms of a residential mortgage loan;	29120 29121
(d) Issues or offers to issue a commitment for a residential mortgage loan to a borrower.	29122 29123
(2) "Mortgage loan originator" does not include any of the following:	29124 29125
(a) An individual who performs purely administrative or clerical tasks on behalf of a mortgage loan originator;	29126 29127
(b) A person licensed pursuant to Chapter 4735. of the Revised Code, or under the similar law of another state, who performs only real estate brokerage activities permitted by that license, provided the person is not compensated by a mortgage lender, mortgage broker, mortgage loan originator, or by any agent thereof;	29128 29129 29130 29131 29132 29133
(c) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. 101, in effect on January 1, 2009;	29134 29135 29136
(d) A person acting solely as a loan processor or underwriter, who does not represent to the public, through advertising or other means of communicating, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the person can or will perform any of the activities of a mortgage loan originator;	29137 29138 29139 29140 29141 29142

(e) A loan originator licensed under sections 1322.01 to 29143
1322.12 of the Revised Code, when acting solely under that 29144
authority; 29145

(f) A licensed attorney who negotiates the terms of a 29146
residential mortgage loan on behalf of a client as an ancillary 29147
matter to the attorney's representation of the client, unless the 29148
attorney is compensated by a lender, a mortgage broker, or another 29149
mortgage loan originator, or by any agent thereof; 29150

(g) Any person engaged in the retail sale of manufactured 29151
homes, mobile homes, or industrialized units if, in connection 29152
with financing those retail sales, the person only assists the 29153
borrower by providing or transmitting the loan application and 29154
does not do any of the following: 29155

(i) Offer or negotiate the residential mortgage loan rates or 29156
terms; 29157

(ii) Provide any counseling with borrowers about residential 29158
mortgage loan rates or terms; 29159

(iii) Receive any payment or fee from any company or 29160
individual for assisting the borrower obtain or apply for 29161
financing to purchase the manufactured home, mobile home, or 29162
industrialized unit; 29163

(iv) Assist the borrower in completing the residential 29164
mortgage loan application. 29165

(3) An individual acting exclusively as a servicer engaging 29166
in loss mitigation efforts with respect to existing mortgage 29167
transactions shall not be considered a mortgage loan originator 29168
for purposes of sections 1321.51 to 1321.60 of the Revised Code 29169
until July 1, 2011, unless such delay is denied by the United 29170
States department of housing and urban development. 29171

(Q) "Residential mortgage loan" means any loan primarily for 29172

personal, family, or household use that is secured by a mortgage, 29173
deed of trust, or other equivalent consensual security interest on 29174
a dwelling or on residential real estate upon which is constructed 29175
or intended to be constructed a dwelling. For purposes of this 29176
division, "dwelling" has the same meaning as in the "Truth in 29177
Lending Act," 82 Stat. 146, 15 U.S.C. 1602. 29178

(R) "Nationwide mortgage licensing system and registry" or 29179
"NMLS" means a mortgage licensing system developed and maintained 29180
by the conference of state bank supervisors and the American 29181
association of residential mortgage regulators, or their successor 29182
entities, for the licensing and registration of mortgage loan 29183
originators, or any system established by the secretary of housing 29184
and urban development pursuant to the "Secure and Fair Enforcement 29185
for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 29186
5101. 29187

(S) "Registered mortgage loan originator" means an individual 29188
to whom both of the following apply: 29189

(1) The individual is a mortgage loan originator and an 29190
employee of a depository institution, a subsidiary that is owned 29191
and controlled by a depository institution and regulated by a 29192
federal banking agency, or an institution regulated by the farm 29193
credit administration. 29194

(2) The individual is registered with, and maintains a unique 29195
identifier through, the ~~nationwide mortgage licensing system and~~ 29196
~~registry~~ NMLS. 29197

(T) "Administrative or clerical tasks" means the receipt, 29198
collection, and distribution of information common for the 29199
processing or underwriting of a loan in the mortgage industry, and 29200
communication with a consumer to obtain information necessary for 29201
the processing or underwriting of a residential mortgage loan. 29202

(U) "Federal banking agency" means the board of governors of 29203

the federal reserve system, the comptroller of the currency, the 29204
director of the office of thrift supervision, the national credit 29205
union administration, and the federal deposit insurance 29206
corporation. 29207

(V) "Loan processor or underwriter" means an individual who 29208
performs clerical or support duties at the direction of and 29209
subject to the supervision and instruction of a licensed mortgage 29210
loan originator or registered mortgage loan originator. For 29211
purposes of this division, to "perform clerical or support duties" 29212
means to do all of the following activities: 29213

(1) Receiving, collecting, distributing, and analyzing 29214
information common for the processing or underwriting of a 29215
residential mortgage loan; 29216

(2) Communicating with a borrower to obtain the information 29217
necessary for the processing or underwriting of a loan, to the 29218
extent the communication does not include offering or negotiating 29219
loan rates or terms or counseling borrowers about residential 29220
mortgage loan rates or terms. 29221

(W) "Real estate brokerage activity" means any activity that 29222
involves offering or providing real estate brokerage services to 29223
the public, including all of the following: 29224

(1) Acting as a real estate agent or real estate broker for a 29225
buyer, seller, lessor, or lessee of real property; 29226

(2) Bringing together parties interested in the sale, 29227
purchase, lease, rental, or exchange of real property; 29228

(3) Negotiating, on behalf of any party, any portion of a 29229
contract relating to the sale, purchase, lease, rental, or 29230
exchange of real property, other than in connection with providing 29231
financing for any such transaction; 29232

(4) Engaging in any activity for which a person engaged in 29233

that activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law;

(5) Offering to engage in any activity, or to act in any capacity, described in division (W) of this section.

(X) "Licensee" means any person that has been issued a mortgage loan originator license under sections 1321.51 to 1321.60 of the Revised Code.

(Y) "Unique identifier" means a number or other identifier that permanently identifies a mortgage loan originator and is assigned by protocols established by the ~~national mortgage licensing system and registry~~ NMLS or federal banking agencies to facilitate electronic tracking of mortgage loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against mortgage loan originators.

(Z) "State" in the context of referring to states in addition to Ohio means any state of the United States, the district of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the trust territory of the Pacific islands, the virgin islands, and the northern Mariana islands.

(AA) "Depository institution" has the same meaning as in section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813, and includes any credit union.

(BB) "Bona fide third party" means a person that is not an employee of, related to, or affiliated with, the registrant, and that is not used for the purpose of circumvention or evasion of sections 1321.51 to 1321.60 of the Revised Code.

(CC) "Nontraditional mortgage product" means any mortgage product other than a thirty-year fixed rate mortgage.

(DD) "Employee" means an individual for whom a registrant or

applicant, in addition to providing a wage or salary, pays social 29264
security and unemployment taxes, provides workers' compensation 29265
coverage, and withholds local, state, and federal income taxes. 29266
"Employee" also includes any individual who acts as a mortgage 29267
loan originator or operations manager of the registrant, but for 29268
whom the registrant is prevented by law from making income tax 29269
withholdings. 29270

(EE) "Primary point of contact" means the employee or owner 29271
designated by the registrant or applicant to be the individual who 29272
the division of financial institutions can contact regarding 29273
compliance or licensing matters relating to the registrant's or 29274
applicant's business or lending activities secured by an interest 29275
in real estate. 29276

(FF) "Consumer reporting agency" has the same meaning as in 29277
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C. 1681a, 29278
as amended. 29279

(GG) "Mortgage broker" has the same meaning as in section 29280
1322.01 of the Revised Code. 29281

Sec. 1321.535. (A) Each applicant for a mortgage loan 29282
originator license shall submit to a written test that is 29283
developed and approved by the ~~nationwide mortgage licensing system~~ 29284
~~and registry~~ NMLS and administered by a test provider approved by 29285
the ~~nationwide mortgage licensing system and registry~~ NMLS based 29286
upon reasonable standards. 29287

(1) The test shall adequately measure the applicant's 29288
knowledge and comprehension in appropriate subject matters, 29289
including ethics and federal and state law related to mortgage 29290
origination, fraud, consumer protection, the nontraditional 29291
mortgage marketplace, and fair lending issues. 29292

(2) An individual shall not be considered to have passed the 29293

test unless the individual achieves a test score of at least 29294
seventy-five per cent correct answers on all questions ~~and at~~ 29295
~~least seventy five per cent correct answers on all questions~~ 29296
~~relating to Ohio mortgage lending laws and the Ohio consumer sales~~ 29297
~~practices act, Chapter 1345. of the Revised Code, as it applies to~~ 29298
~~registrants and licensees.~~ 29299

(3) An individual may retake the test three consecutive times 29300
provided the period between taking the tests is at least thirty 29301
days. 29302

(4) After failing three consecutive tests, an individual 29303
shall be required to wait at least six months before taking the 29304
test again. 29305

(5) If a mortgage loan originator fails to maintain a valid 29306
license for a period of five years or longer, the individual shall 29307
be required to retake the test. For this purpose, any time during 29308
which the individual is a registered mortgage loan originator 29309
shall not be taken into account. 29310

(B) Notwithstanding division (A) of this section, if the 29311
~~nationwide mortgage licensing system and registry~~ NMLS fails to 29312
have in place a testing process that meets the criteria set forth 29313
in that division, the superintendent shall require, until that 29314
process is in place, evidence that the mortgage loan originator 29315
applicant passed a written test acceptable to the superintendent. 29316

Sec. 1321.55. (A) Every registrant shall keep records 29317
pertaining to loans made under sections 1321.51 to 1321.60 of the 29318
Revised Code. Such records shall be segregated from records 29319
pertaining to transactions that are not subject to these sections 29320
of the Revised Code. Every registrant shall preserve records 29321
pertaining to loans made under sections 1321.51 to 1321.60 of the 29322
Revised Code for at least two years after making the final entry 29323
on such records. Accounting systems maintained in whole or in part 29324

by mechanical or electronic data processing methods that provide 29325
information equivalent to that otherwise required are acceptable 29326
for this purpose. At least once each eighteen-month cycle, the 29327
division of financial institutions shall make or cause to be made 29328
an examination of records pertaining to loans made under sections 29329
1321.51 to 1321.60 of the Revised Code, for the purpose of 29330
determining whether the registrant is complying with these 29331
sections and of verifying the registrant's annual report. 29332

(B)(1) As required by the superintendent of financial 29333
institutions, each registrant shall file with the division each 29334
year a report under oath or affirmation, on forms supplied by the 29335
division, concerning the business and operations for the preceding 29336
calendar year. Whenever a registrant operates two or more 29337
registered offices or whenever two or more affiliated registrants 29338
operate registered offices, then a composite report of the group 29339
of registered offices may be filed in lieu of individual reports. 29340

(2) The division shall publish annually an analysis of the 29341
information required under division (B)(1) of this section, but 29342
the individual reports shall not be public records and shall not 29343
be open to public inspection. 29344

(3) Each mortgage licensee shall submit to the ~~nationwide~~ 29345
~~mortgage licensing system and registry~~ NMLS call reports or other 29346
reports of condition, which shall be in such form and shall 29347
contain such information as the ~~nationwide mortgage licensing~~ 29348
~~system and registry~~ NMLS may require. 29349

(4) If the division obtains a call report from the NMLS, the 29350
call report is confidential and not a public record for the 29351
purposes of section 149.43 of the Revised Code. 29352

(C)(1) The following information is confidential: 29353

(a) Examination information, and any information leading to 29354
or arising from an examination; 29355

(b) Investigation information, and any information arising 29356
from or leading to an investigation. 29357

(2) The information described in division (C)(1) of this 29358
section shall remain confidential for all purposes except when it 29359
is necessary for the superintendent to take official action 29360
regarding the affairs of a registrant or licensee, or in 29361
connection with criminal or civil proceedings to be initiated by a 29362
prosecuting attorney or the attorney general. This information may 29363
also be introduced into evidence or disclosed when and in the 29364
manner authorized by section 1181.25 of the Revised Code. 29365

(D) All application information, except social security 29366
numbers, employer identification numbers, financial account 29367
numbers, the identity of the institution where financial accounts 29368
are maintained, personal financial information, fingerprint cards 29369
and the information contained on such cards, and criminal 29370
background information, is a public record as defined in section 29371
149.43 of the Revised Code. 29372

(E) This section does not prevent the division of financial 29373
institutions from releasing to or exchanging with other financial 29374
institution regulatory authorities information relating to 29375
registrants and licensees. For this purpose, a "financial 29376
institution regulatory authority" includes a regulator of a 29377
business activity in which a registrant or licensee is engaged, or 29378
has applied to engage in, to the extent that the regulator has 29379
jurisdiction over a registrant or licensee engaged in that 29380
business activity. A registrant or licensee is engaged in a 29381
business activity, and a regulator of that business activity has 29382
jurisdiction over the registrant or licensee, whether the 29383
registrant or licensee conducts the activity directly or a 29384
subsidiary or affiliate of the registrant or licensee conducts the 29385
activity. 29386

(1) Any confidentiality or privilege arising under federal or 29387

state law with respect to any information or material provided to 29388
the ~~nationwide mortgage licensing system and registry~~ NMLS shall 29389
continue to apply to the information or material after the 29390
information or material has been provided to the ~~nationwide~~ 29391
~~mortgage licensing system and registry~~ NMLS. The information and 29392
material so provided may be shared with all state and federal 29393
regulatory officials with mortgage industry oversight authority 29394
without the loss of confidentiality or privilege protections 29395
provided by federal law or the law of any state. Information or 29396
material described in division (E)(1) of this section to which 29397
confidentiality or privilege applies shall not be subject to any 29398
of the following: 29399

(a) Disclosure under any federal or state law governing 29400
disclosure to the public of information held by an officer or an 29401
agency of the federal government or of the respective state; 29402

(b) Subpoena or discovery, or admission into evidence, in any 29403
private civil action or administrative process, unless the person 29404
to whom such information or material pertains waives, in whole or 29405
in part and at the discretion of the person, any privilege held by 29406
the ~~nationwide mortgage licensing system and registry~~ NMLS with 29407
respect to that information or material. 29408

(2) The superintendent, in order to promote more effective 29409
regulation and reduce regulatory burden through supervisory 29410
information sharing, may enter into sharing arrangements with 29411
other governmental agencies, the conference of state bank 29412
supervisors, and the American association of residential mortgage 29413
regulators. 29414

(3) Any state law, including section 149.43 of the Revised 29415
Code, relating to the disclosure of confidential supervisory 29416
information or any information or material described in division 29417
(C)(1) or (E)(1) of this section that is inconsistent with this 29418
section shall be superseded by the requirements of this section. 29419

(F) This section shall not apply with respect to information 29420
or material relating to the employment history of, and publicly 29421
adjudicated disciplinary and enforcement actions against, mortgage 29422
loan originators that is included in the ~~nationwide mortgage~~ 29423
~~licensing system and registry~~ NMLS for access by the public. 29424

(G) This section does not prevent the division from releasing 29425
information relating to registrants and licensees to the attorney 29426
general, to the superintendent of real estate and professional 29427
licensing for purposes relating to the administration of Chapters 29428
4735. and 4763. of the Revised Code, to the superintendent of 29429
insurance for purposes relating to the administration of Chapter 29430
3953. of the Revised Code, to the commissioner of securities for 29431
purposes relating to the administration of Chapter 1707. of the 29432
Revised Code, or to local law enforcement agencies and local 29433
prosecutors. Information the division releases pursuant to this 29434
section remains confidential. 29435

(H) The superintendent of financial institutions shall, by 29436
rule adopted in accordance with Chapter 119. of the Revised Code, 29437
establish a process by which mortgage loan originators may 29438
challenge information provided to the ~~nationwide mortgage~~ 29439
~~licensing system and registry~~ NMLS by the superintendent. 29440

(I) No person, in connection with any examination or 29441
investigation conducted by the superintendent under sections 29442
1321.51 to 1321.60 of the Revised Code, shall knowingly do any of 29443
the following: 29444

(1) Circumvent, interfere with, obstruct, or fail to 29445
cooperate, including making a false or misleading statement, 29446
failing to produce records, or intimidating or suborning any 29447
witness; 29448

(2) Withhold, abstract, remove, mutilate, destroy, or secrete 29449
any books, records, computer records, or other information; 29450

(3) Tamper with, alter, or manufacture any evidence.	29451
Sec. 1322.01. As used in sections 1322.01 to 1322.12 of the Revised Code:	29452 29453
(A) "Buyer" means an individual who is solicited to purchase or who purchases the services of a mortgage broker for purposes of obtaining a residential mortgage loan.	29454 29455 29456
(B) "Consumer reporting agency" has the same meaning as in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended.	29457 29458 29459
(C) "Employee" means an individual for whom a mortgage broker, in addition to providing a wage or salary, pays social security and unemployment taxes, provides workers' compensation coverage, and withholds local, state, and federal income taxes. "Employee" also includes any individual who acts as a loan originator or operations manager of a registrant, but for whom the registrant is prevented by law from making income tax withholdings.	29460 29461 29462 29463 29464 29465 29466 29467
(D) "Licensee" means any individual who has been issued a loan originator license under sections 1322.01 to 1322.12 of the Revised Code.	29468 29469 29470
(E)(1) "Loan originator" means an individual who for compensation or gain, or in anticipation of compensation or gain, does any of the following:	29471 29472 29473
(a) Takes or offers to take a residential mortgage loan application;	29474 29475
(b) Assists or offers to assist a buyer in obtaining or applying to obtain a residential mortgage loan by, among other things, advising on loan terms, including rates, fees, and other costs;	29476 29477 29478 29479
(c) Offers or negotiates terms of a residential mortgage	29480

loan;	29481
(d) Issues or offers to issue a commitment for a residential mortgage loan to a buyer.	29482 29483
(2) "Loan originator" does not include any of the following:	29484
(a) An individual who performs purely administrative or clerical tasks on behalf of a loan originator;	29485 29486
(b) A person licensed under Chapter 4735. of the Revised Code, or under the similar law of another state, who performs only real estate brokerage activities permitted by that license, provided the person is not compensated by a mortgage lender, mortgage broker, loan originator, or by any agent thereof;	29487 29488 29489 29490 29491
(c) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. 101 in effect on January 1, 2009;	29492 29493 29494
(d) An employee of a registrant who acts solely as a loan processor or underwriter and who does not represent to the public, through advertising or other means of communicating, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the employee can or will perform any of the activities of a loan originator;	29495 29496 29497 29498 29499 29500
(e) A mortgage loan originator licensed under sections 1321.51 to 1321.60 of the Revised Code, when acting solely under that authority;	29501 29502 29503
(f) A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or another loan originator, or by any agent thereof;	29504 29505 29506 29507 29508
(g) Any person engaged in the retail sale of manufactured homes, mobile homes, or industrialized units if, in connection	29509 29510

with financing those retail sales, the person only assists the 29511
borrower by providing or transmitting the loan application and 29512
does not do any of the following: 29513

(i) Offer or negotiate the residential mortgage loan rates or 29514
terms; 29515

(ii) Provide any counseling with borrowers about residential 29516
mortgage loan rates or terms; 29517

(iii) Receive any payment or fee from any company or 29518
individual for assisting the borrower obtain or apply for 29519
financing to purchase the manufactured home, mobile home, or 29520
industrialized unit; 29521

(iv) Assist the borrower in completing a residential mortgage 29522
loan application. 29523

(h) An individual employed by a nonprofit organization that 29524
is recognized as tax exempt under 26 U.S.C. 501(c)(3) and whose 29525
primary activity is the construction, remodeling, or 29526
rehabilitation of homes for use by low-income families, provided 29527
that the nonprofit organization makes no-profit mortgage loans or 29528
mortgage loans at zero per cent interest to low-income families 29529
and no fees accrue directly to the nonprofit organization or 29530
individual employed by the nonprofit organization from those 29531
mortgage loans and that the United States department of housing 29532
and urban development does not deny this exemption. 29533

(F) "Mortgage" means any indebtedness secured by a deed of 29534
trust, security deed, or other lien on real property. 29535

(G)(1) "Mortgage broker" means any of the following: 29536

(a) A person that holds that person out as being able to 29537
assist a buyer in obtaining a mortgage and charges or receives 29538
from either the buyer or lender money or other valuable 29539
consideration readily convertible into money for providing this 29540

assistance; 29541

(b) A person that solicits financial and mortgage information 29542
from the public, provides that information to a mortgage broker or 29543
a person that makes residential mortgage loans, and charges or 29544
receives from either of them money or other valuable consideration 29545
readily convertible into money for providing the information; 29546

(c) A person engaged in table-funding or warehouse-lending 29547
mortgage loans that are first lien residential mortgage loans. 29548

(2) "Mortgage broker" does not include any of the following 29549
persons only with respect to business engaged in or authorized by 29550
the person's charter, license, authority, approval, or 29551
certificate, or as otherwise authorized by division (G)(2)(h) of 29552
this section: 29553

(a) A person that makes residential mortgage loans and 29554
receives a scheduled payment on each of those mortgage loans; 29555

(b) Any entity chartered and lawfully doing business under 29556
the authority of any law of this state, another state, or the 29557
United States as a bank, savings bank, trust company, savings and 29558
loan association, or credit union, or a subsidiary of any such 29559
entity, which subsidiary is regulated by a federal banking agency 29560
and is owned and controlled by a depository institution; 29561

(c) A consumer reporting agency that is in substantial 29562
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15 29563
U.S.C.A. 1681a, as amended; 29564

(d) Any political subdivision, or any governmental or other 29565
public entity, corporation, instrumentality, or agency, in or of 29566
the United States or any state; 29567

(e) A college or university, or controlled entity of a 29568
college or university, as those terms are defined in section 29569
1713.05 of the Revised Code; 29570

(f) Any entity created solely for the purpose of securitizing 29571
loans secured by an interest in real estate, provided the entity 29572
does not service the loans. For purposes of division (G)(2)(f) of 29573
this section, "securitizing" means the packaging and sale of 29574
mortgage loans as a unit for sale as investment securities, but 29575
only to the extent of those activities. 29576

(g) Any person engaged in the retail sale of manufactured 29577
homes, mobile homes, or industrialized units if, in connection 29578
with obtaining financing by others for those retail sales, the 29579
person only assists the borrower by providing or transmitting the 29580
loan application and does not do any of the following: 29581

(i) Offer or negotiate the residential mortgage loan rates or 29582
terms; 29583

(ii) Provide any counseling with borrowers about residential 29584
mortgage loan rates or terms; 29585

(iii) Receive any payment or fee from any company or 29586
individual for assisting the borrower obtain or apply for 29587
financing to purchase the manufactured home, mobile home, or 29588
industrialized unit; 29589

(iv) Assist the borrower in completing the residential 29590
mortgage loan application. 29591

(h) A mortgage banker, provided it complies with section 29592
1322.022 of the Revised Code and holds a valid letter of exemption 29593
issued by the superintendent. For purposes of this section, 29594
"mortgage banker" means any person that makes, services, buys, or 29595
sells residential mortgage loans secured by a first lien, that 29596
underwrites the loans, and that meets at least one of the 29597
following criteria: 29598

(i) The person has been directly approved by the United 29599
States department of housing and urban development as a 29600
nonsupervised mortgagee with participation in the direct 29601

endorsement program. Division (G)(2)(h)(i) of this section 29602
includes a person that has been directly approved by the United 29603
States department of housing and urban development as a 29604
nonsupervised mortgagee with participation in the direct 29605
endorsement program and that makes loans in excess of the 29606
applicable loan limit set by the federal national mortgage 29607
association, provided that the loans in all respects, except loan 29608
amounts, comply with the underwriting and documentation 29609
requirements of the United States department of housing and urban 29610
development. Division (G)(2)(h)(i) of this section does not 29611
include a mortgagee approved as a loan correspondent. 29612

(ii) The person has been directly approved by the federal 29613
national mortgage association as a seller/servicer. Division 29614
(G)(2)(h)(ii) of this section includes a person that has been 29615
directly approved by the federal national mortgage association as 29616
a seller/servicer and that makes loans in excess of the applicable 29617
loan limit set by the federal national mortgage association, 29618
provided that the loans in all respects, except loan amounts, 29619
comply with the underwriting and documentation requirements of the 29620
federal national mortgage association. 29621

(iii) The person has been directly approved by the federal 29622
home loan mortgage corporation as a seller/servicer. Division 29623
(G)(2)(h)(iii) of this section includes a person that has been 29624
directly approved by the federal home loan mortgage corporation as 29625
a seller/servicer and that makes loans in excess of the applicable 29626
loan limit set by the federal home loan mortgage corporation, 29627
provided that the loans in all respects, except loan amounts, 29628
comply with the underwriting and documentation requirements of the 29629
federal home loan mortgage corporation. 29630

(iv) The person has been directly approved by the United 29631
States department of veterans affairs as a nonsupervised automatic 29632
lender. Division (G)(2)(h)(iv) of this section does not include a 29633

person directly approved by the United States department of 29634
veterans affairs as a nonsupervised lender, an agent of a 29635
nonsupervised automatic lender, or an agent of a nonsupervised 29636
lender. 29637

(i) A nonprofit organization that is recognized as tax exempt 29638
under 26 U.S.C. 501(c)(3) and whose primary activity is the 29639
construction, remodeling, or rehabilitation of homes for use by 29640
low-income families, provided that the nonprofit organization 29641
makes no-profit mortgage loans or mortgage loans at zero per cent 29642
interest to low-income families and no fees accrue directly to the 29643
nonprofit organization from those mortgage loans and that the 29644
United States department of housing and urban development does not 29645
deny this exemption. 29646

(j) A credit union service organization, provided that the 29647
organization utilizes services provided by registered loan 29648
originators or that it holds a valid letter of exemption issued by 29649
the superintendent under section 1322.023 of the Revised Code and 29650
complies with that section. 29651

(H) "Operations manager" means the employee or owner 29652
responsible for the everyday operations, compliance requirements, 29653
and management of a mortgage broker business. 29654

(I) "Registered loan originator" means an individual to whom 29655
both of the following apply: 29656

(1) The individual is a loan originator and an employee of a 29657
depository institution, a subsidiary that is owned and controlled 29658
by a depository institution and regulated by a federal banking 29659
agency, or an institution regulated by the farm credit 29660
administration. 29661

(2) The individual is registered with, and maintains a unique 29662
identifier through, the ~~nationwide mortgage licensing system and~~ 29663
~~registry~~ NMLS. 29664

(J) "Registrant" means any person that has been issued a mortgage broker certificate of registration under sections 1322.01 to 1322.12 of the Revised Code.

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(K) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code.

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(L) "Table-funding mortgage loan" means a residential mortgage loan transaction in which the residential mortgage loan is initially payable to the mortgage broker, the mortgage broker does not use the mortgage broker's own funds to fund the transaction, and, by the terms of the mortgage or other agreement, the mortgage is simultaneously assigned to another person.

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(M) "Warehouse-lending mortgage loan" means a residential mortgage loan transaction in which the residential mortgage loan is initially payable to the mortgage broker, the mortgage broker uses the mortgage broker's own funds to fund the transaction, and the mortgage is sold or assigned before the mortgage broker receives a scheduled payment on the residential mortgage loan.

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(N) "Administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry, and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

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(O) "Appraisal company" means a sole proprietorship, partnership, corporation, limited liability company, or any other business entity or association, that employs or retains the services of a person licensed or certified under Chapter 4763. of the Revised Code for purposes of performing residential real estate appraisals for mortgage loans.

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(P) "Depository institution" has the same meaning as in section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12

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U.S.C. 1813, and includes any credit union. 29696

(Q) "Federal banking agency" means the board of governors of 29697
the federal reserve system, the comptroller of the currency, the 29698
director of the office of thrift supervision, the national credit 29699
union administration, and the federal deposit insurance 29700
corporation. 29701

(R) "Immediate family" means an individual's spouse, child, 29702
stepchild, parent, stepparent, grandparent, grandchild, brother, 29703
sister, parent-in-law, brother-in-law, or sister-in-law. 29704

(S) "Individual" means a natural person. 29705

(T) "Loan processor or underwriter" means an individual who 29706
performs clerical or support duties at the direction of and 29707
subject to the supervision and instruction of a licensed loan 29708
originator or registered loan originator. For purposes of this 29709
division, to "perform clerical or support duties" means to do all 29710
of the following activities: 29711

(1) Receiving, collecting, distributing, and analyzing 29712
information common for the processing or underwriting of a 29713
residential mortgage loan; 29714

(2) Communicating with a buyer to obtain the information 29715
necessary for the processing or underwriting of a loan, to the 29716
extent the communication does not include offering or negotiating 29717
loan rates or terms or counseling buyers about residential 29718
mortgage loan rates or terms. 29719

(U) "Nationwide mortgage licensing system and registry" or 29720
"NMLS" means a mortgage licensing system developed and maintained 29721
by the conference of state bank supervisors and the American 29722
association of residential mortgage regulators, or their successor 29723
entities, for the licensing and registration of loan originators, 29724
or any system established by the secretary of housing and urban 29725
development pursuant to the "Secure and Fair Enforcement for 29726

Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.	29727
(V) "Nontraditional mortgage product" means any mortgage product other than a thirty-year fixed rate mortgage.	29728 29729
(W) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including all of the following:	29730 29731 29732
(1) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;	29733 29734
(2) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing for any such transaction;	29735 29736 29737
(3) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing for any such transaction;	29738 29739 29740 29741
(4) Engaging in any activity for which a person engaged in that activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law;	29742 29743 29744
(5) Offering to engage in any activity, or to act in any capacity, described in division (W) of this section.	29745 29746
(X) "Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage or other equivalent consensual security interest on a dwelling or on residential real estate upon which is constructed or intended to be constructed a dwelling. For purposes of this division, "dwelling" has the same meaning as in section 103 of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1602.	29747 29748 29749 29750 29751 29752 29753
(Y) "State," in the context of referring to states in addition to Ohio, means any state of the United States, the district of Columbia, any territory of the United States, Puerto	29754 29755 29756

Rico, Guam, American Samoa, the trust territory of the Pacific 29757
islands, the virgin islands, and the northern Mariana islands. 29758

(Z) "Unique identifier" means a number or other identifier 29759
that permanently identifies a loan originator and is assigned by 29760
protocols established by the ~~nationwide mortgage licensing system~~ 29761
~~and registry~~ NMLS or federal banking agencies to facilitate 29762
electronic tracking of loan originators and uniform identification 29763
of, and public access to, the employment history of and the 29764
publicly adjudicated disciplinary and enforcement actions against 29765
loan originators. 29766

Sec. 1322.051. (A) Each person designated under division 29767
(A)(3) of section 1322.03 of the Revised Code to act as operations 29768
manager for a mortgage broker business shall submit to a written 29769
test approved by the superintendent of financial institutions. An 29770
individual shall not be considered to have passed the written test 29771
unless the individual achieves a test score of at least 29772
seventy-five per cent correct answers to all questions. 29773

(B) Each applicant for a loan originator license shall submit 29774
to a written test that is developed and approved by the ~~nationwide~~ 29775
~~mortgage licensing system and registry~~ NMLS and administered by a 29776
test provider approved by the ~~nationwide mortgage licensing system~~ 29777
~~and registry~~ NMLS based on reasonable standards. 29778

(1) The test shall adequately measure the applicant's 29779
knowledge and comprehension in appropriate subject areas, 29780
including ethics, federal and state law related to mortgage 29781
origination, fraud, consumer protection, and the nontraditional 29782
mortgage marketplace, and fair lending issues. 29783

(2) An individual shall not be considered to have passed the 29784
written test unless the individual achieves a test score of at 29785
least seventy-five per cent correct answers on all questions ~~and~~ 29786
~~at least seventy five per cent correct answers on all questions~~ 29787

~~relating to state mortgage lending laws and the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees.~~ 29788
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(3) An individual may retake the test three consecutive times provided the period between taking the tests is at least thirty days. If an individual fails three consecutive tests, the individual shall be required to wait at least six months before taking the test again. 29791
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(4) If a loan originator fails to maintain a valid loan originator license for a period of five years or longer, the individual shall be required to retake the test. 29796
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For this purpose, any time during which the individual is a registered loan originator shall not be taken into account. 29799
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(C) Notwithstanding division (B) of this section, until the ~~nationwide mortgage licensing system and registry~~ NMLS implements a testing process that meets the criteria set forth in that division, the superintendent shall require each applicant to pass a written test acceptable to the superintendent. 29801
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Sec. 1327.46. As used in sections 1327.46 to 1327.61 of the Revised Code: 29806
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(A) "Weights and measures" means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any such instruments and devices, except that "weights and measures" shall not be construed to include meters for the measurement of electricity, gas, whether natural or manufactured, or water when the same are operated in a public utility system. Such electricity, gas, and water meters, and appliances or accessories associated therewith, are specifically excluded from the purview of the weights and measures laws. 29808
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(B) "Intrastate commerce" means all commerce or trade that is begun, carried on, and completed wholly within the limits of this state, and "introduced into intrastate commerce" defines the time and place in which the first sale and delivery of a commodity is made within the state, the delivery being made either directly to the purchaser or to a common carrier for shipment to the purchaser.

(C) "Package" means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.

(D) "Consumer package" means a package that is customarily produced or distributed for sale through a retail sales agency for consumption by an individual or use by an individual.

(E) "Weight" as used in connection with any commodity means net weight.

(F) "Correct" as used in connection with weights and measures means conformity with all applicable requirements of sections 1327.46 to 1327.61 of the Revised Code and rules adopted pursuant to those sections.

(G) "Primary Reference standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.

(H) "Secondary Working standards" means the physical standards that are traceable to the primary reference standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and rules.

(I) "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.

(J) "Net weight" means the weight of a commodity, excluding any materials, substances, or items not considered to be a part of

the commodity. Materials, substances, or items not considered to 29848
be part of the commodity include, but are not limited to, 29849
containers, conveyances, bags, wrappers, packaging materials, 29850
labels, individual piece coverings, decorative accompaniments, and 29851
coupons. 29852

(K) "Random weight package" means a package that is one of a 29853
lot, shipment, or delivery of packages of the same commodity with 29854
no fixed pattern of weights. 29855

(L) "Sold" includes keeping, offering, or exposing for sale. 29856

(M) "Commercially used weighing and measuring device" means a 29857
device described in the national institute of standards and 29858
technology handbook 44 or its supplements and revisions and any 29859
other weighing and measuring device designated by rules adopted 29860
under division (C) of section 1327.50 of the Revised Code. 29861
"Commercially used weighing and measuring device" includes, but is 29862
not limited to, a livestock scale, vehicle scale, railway scale, 29863
vehicle tank meter, bulk rack meter, and LPG meter. 29864

(N) "Livestock scale" means a scale equipped with stock racks 29865
and gates that is adapted to weighing livestock standing on the 29866
scale platform. 29867

(O) "Vehicle scale" means a scale that is adapted to weighing 29868
highway, farm, or other large industrial vehicles other than 29869
railroad cars. 29870

(P) "Railway scale" means a rail scale that is designed to 29871
weigh railroad cars. 29872

(Q) "Vehicle tank meter" means a vehicle mounted device that 29873
is designed for the measurement and delivery of liquid products 29874
from a tank. 29875

(R) "Bulk rack meter" means a wholesale device, usually 29876
mounted on a rack, that is designed for the measurement and 29877

delivery of liquid products. 29878

(S) "LPG meter" means a system, including a mechanism or 29879
machine of the meter type, that is designed to measure and deliver 29880
liquefied petroleum gas in the liquid state by a definite quantity 29881
whether installed in a permanent location or mounted on a vehicle. 29882

(T) "Service person" means an individual who installs, 29883
services, repairs, reconditions, or places into service a 29884
commercially used weighing and measuring device for any type of 29885
compensation. 29886

Sec. 1327.48. Weights and measures that are traceable to the 29887
United States prototype standards supplied by the federal 29888
government, or approved as being satisfactory by the national 29889
institute of standards and technology, shall be the state ~~primary~~ 29890
reference standards of weights and measures, and shall be 29891
maintained in such calibration as is prescribed by the national 29892
institute of standards and technology. All ~~secondary~~ working 29893
standards may be prescribed by the director of agriculture and 29894
shall be verified upon their initial receipt, and as often as 29895
found necessary by the director. 29896

Sec. 1327.50. The director of agriculture shall: 29897

(A) Maintain traceability of the state standards to those of 29898
the ~~national institute of standards and technology~~ international 29899
system of units; 29900

(B) Enforce sections 1327.46 to 1327.61 of the Revised Code; 29901

(C) Issue reasonable rules for the uniform enforcement of 29902
sections 1327.46 to 1327.61 of the Revised Code, which rules shall 29903
have the force and effect of law; 29904

(D) Establish standards of weight, measure, or count, 29905
reasonable standards of fill, and standards for the voluntary 29906

presentation of cost per unit information for any package;	29907
(E) Grant any exemptions from sections 1327.46 to 1327.61 of the Revised Code, or any rules adopted under those sections, when appropriate to the maintenance of good commercial practices in the state;	29908 29909 29910 29911
(F) Conduct investigations to ensure compliance with sections 1327.46 to 1327.61 of the Revised Code;	29912 29913
(G) Delegate to appropriate personnel any of these responsibilities for the proper administration of the director's office;	29914 29915 29916
(H) Test as often as is prescribed by rule the standards of weight and measure used by any municipal corporation or county within the state, and approve the same when found to be correct;	29917 29918 29919
(I) Inspect and test weights and measures that are sold;	29920
(J) Inspect and test to ascertain if they are correct, weights and measures commercially used either:	29921 29922
(1) In determining the weight, measure, or count of commodities or things sold on the basis of weight, measure, or count;	29923 29924 29925
(2) In computing the basic charge or payment for goods or services rendered on the basis of weight, measure, or count.	29926 29927
(K) Test all weights and measures used in checking the receipt or disbursement of supplies in every institution, for the maintenance of which funds are appropriated by the general assembly;	29928 29929 29930 29931
(L) Approve for use, and may mark, such weights and measures as the director finds to be correct, and shall reject and mark as rejected such weights and measures as the director finds to be incorrect. Weights and measures that have been rejected may be seized if not corrected within the time specified or if used or	29932 29933 29934 29935 29936

disposed of in a manner not specifically authorized, and may be 29937
condemned and seized if found to be incorrect and not capable of 29938
being made correct. 29939

(M) Weigh, measure, or inspect packaged commodities that are 29940
sold or in the process of delivery to determine whether they 29941
contain the amounts represented and whether they are sold in 29942
accordance with sections 1327.46 to 1327.61 of the Revised Code or 29943
rules adopted under those sections. In carrying out this section, 29944
the director shall employ recognized sampling procedures, such as 29945
those designated in the national institute of standards and 29946
technology handbook 133 "checking the net contents of packaged 29947
goods." 29948

(N) Prescribe by rule the appropriate term or unit of weight 29949
or measure to be used, whenever the director determines in the 29950
case of a specific commodity that an existing practice of 29951
declaring the quantity by weight, measure, numerical count, or 29952
combination thereof, does not facilitate value comparisons by 29953
consumers, or offers an opportunity for consumer confusion; 29954

(O) Allow reasonable variations from the stated quantity of 29955
contents, which shall include those caused by unavoidable 29956
deviations in good manufacturing practice and by loss or gain of 29957
moisture during the course of good distribution practice, only 29958
after the commodity has entered intrastate commerce; 29959

(P) Provide for the weights and measures training of 29960
inspector personnel and establish minimum training requirements, 29961
which shall be met by all inspector personnel, whether county, 29962
municipal, or state; 29963

(Q) Prescribe the methods of tests and inspections to be 29964
employed in the enforcement of sections 1327.46 to 1327.61 of the 29965
Revised Code. The director may prescribe the official test and 29966
inspection forms to be used. 29967

(R) Provide by rule for ~~voluntary~~ registration with the 29968
director of private service persons who are employed by 29969
commercially used weighing and measuring device servicing 29970
agencies, ~~and personnel~~; 29971

(S) In conjunction with the national institute of standards 29972
and technology, operate a type evaluation program for 29973
certification of weighing and measuring devices as part of the 29974
national type evaluation program. The director shall establish a 29975
schedule of fees for services rendered by the department of 29976
agriculture for type evaluation services. The director may require 29977
any weighing or measuring instrument or device to be traceable to 29978
a national type evaluation program certificate of conformance 29979
prior to use for commercial or law enforcement purposes. 29980

(T) Verify advertised prices, price representations, and 29981
point-of-sale systems, as necessary, to determine both the 29982
accuracy of prices and computations and the correct use of the 29983
equipment and the accuracy of prices printed or recalled from a 29984
database if a system utilizes scanning or coding in lieu of manual 29985
entry. In order to implement this division, the director shall do 29986
all of the following: 29987

(1) Employ recognized procedures such as those designated in 29988
the national institute of standards and technology handbook 130, 29989
uniform laws and regulations, "examination procedures for price 29990
verification"; 29991

(2) Adopt rules establishing requirements governing the 29992
accuracy of advertised prices and point-of-sale systems and 29993
establishing requirements and procedures for the enforcement of 29994
this division; 29995

(3) Conduct necessary inspections. 29996

Sec. 1327.501. (A) No person shall operate in this state a 29997

commercially used weighing and measuring device that provides the 29998
~~final~~ quantity ~~and final~~ or cost of a final transaction and for 29999
which a fee is established in division (G) of this section unless 30000
the operator of the device obtains a permit issued by the director 30001
of agriculture or the director's designee. 30002

(B) An application for a permit shall be submitted to the 30003
director on a form that the director prescribes and provides. The 30004
applicant shall include with the application any information that 30005
is specified on the application form as well as the application 30006
fee established in this section. 30007

(C) Upon receipt of a completed application and the required 30008
fee from an applicant, the director or the director's designee 30009
shall issue or deny the permit to operate the commercially used 30010
weighing and measuring device that was the subject of the 30011
application. 30012

(D) A permit issued under this section expires on the 30013
thirtieth day of June of the year following its issuance and may 30014
be renewed annually on or before the first day of July of that 30015
year upon payment of a permit renewal fee established in this 30016
section. 30017

(E) If a permit renewal fee is more than sixty days past due, 30018
the director may assess a late penalty in an amount established 30019
under this section. 30020

(F) The director shall do both of the following: 30021

(1) Establish procedures and requirements governing the 30022
issuance or denial of permits under this section; 30023

(2) Establish late penalties to be assessed for the late 30024
payment of a permit renewal fee and fees for the replacement of 30025
lost or destroyed permits. 30026

(G) An applicant for a permit to operate under this section 30027

shall pay an application fee in the following applicable amount:	30028
(1) Seventy-five dollars for a livestock scale;	30029
(2) Seventy-five dollars for a vehicle scale;	30030
(3) Seventy-five dollars for a railway scale;	30031
(4) Seventy-five dollars for a vehicle tank meter;	30032
(5) Seventy-five dollars for a bulk rack meter;	30033
(6) Seventy-five dollars for a <u>an</u> LPG meter.	30034
A person who is issued a permit under this section and who	30035
seeks to renew that permit shall pay an annual permit renewal fee.	30036
The amount of a permit renewal fee shall be equal to the	30037
application fee for that permit established in this division.	30038
(H) All money collected through the payment of fees and the	30039
imposition of penalties under this section shall be credited to	30040
the metrology and scale certification and device permitting fund	30041
created in section 1327.511 of the Revised Code.	30042
<u>Sec. 1327.502. A service person who is employed by a</u>	30043
<u>commercially used weighing and measuring device servicing agency</u>	30044
<u>shall register with the director of agriculture in accordance with</u>	30045
<u>rules adopted under section 1327.50 of the Revised Code.</u>	30046
Sec. 1327.61. No person shall do any of the following:	30047
(A) Use or have in possession for use in commerce any	30048
incorrect weight or measure;	30049
(B) Wrap, package, label, or advertise any product or service	30050
contrary to this chapter, or any rules adopted under it, or sell,	30051
offer, hold, or expose for sale any service or product wrapped,	30052
packaged, labeled, or offered for sale contrary to this chapter or	30053
any rules adopted under it, or misrepresent the quantity or price	30054
or service contrary to this chapter, or any rules adopted under	30055

it; 30056

(C) Remove any tag, seal, or mark from any weight or measure without specific written authorization from the proper authority; 30057
30058

(D) Install for use, repair, service, or place into service a commercially used weighing and measuring device unless the installation, repair, service, or placement is performed by one of the following: 30059
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30062

(1) A department of agriculture division of weights and measures inspector; 30063
30064

(2) A service person registered with the department; 30065

(3) A county or municipal weights and measures inspector. 30066

(E) Hinder or obstruct any weights and measures official in the performance of ~~his~~ official duties; 30067
30068

~~(E)~~(F) Sell or offer for use in commerce any incorrect weight or measure. 30069
30070

Sec. 1327.99. Whoever violates section 1327.501 or 1327.54 or division (A), (B), (C), or ~~(D)~~(E) of section 1327.61 of the Revised Code or a rule adopted under sections 1327.46 to 1327.61 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense; on each subsequent offense within seven years after the first offense, ~~such~~ the person is guilty of a misdemeanor of the first degree. 30071
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Sec. 1332.26. (A) No political subdivision shall require a video service provider to obtain from it any authority to provide video service within its boundaries. 30078
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(B) Except as authorized under division (C) of this section and under sections 1332.30 and 1332.32 of the Revised Code, no political subdivision shall request anything of value from a video service provider for providing video service; impose any fee, 30081
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license, or gross receipt tax on the provision of video service by 30085
such a provider; or impose any franchise or other requirement on 30086
the provision of video service by a video service provider, 30087
including, but not limited to, any provision regulating rates 30088
charged by a video service provider or establishing any build-out 30089
requirement or requirement to deploy any facility or equipment. 30090

(C) When requested to do so, a video service provider shall 30091
assist a municipal corporation or township in addressing video 30092
service subscriber complaints, in a manner consistent with the 30093
provider's complaint handling process set forth in its application 30094
pursuant to division (A)(7) of section 1332.24 of the Revised 30095
Code. Nothing in sections 1332.21 to 1332.34 of the Revised Code 30096
affects any authority granted under sections 1345.01 to 1345.13 of 30097
the Revised Code. 30098

(D) A video service provider shall meet all of the following 30099
customer service standards: 30100

(1) The provider shall restore video service within 30101
seventy-two hours after a subscriber reports a service 30102
interruption or other problem if the cause was not a natural 30103
disaster. 30104

(2) Upon a report by a subscriber of a service interruption 30105
and if the interruption is caused by the video service provider 30106
and lasts for more than four hours in a given day, the provider 30107
shall give the subscriber a credit in the amount of the cost of 30108
each such day's video service as would be billed to the 30109
subscriber. 30110

(3) Upon a report by a subscriber of a service interruption 30111
and if the interruption is not caused by the video service 30112
provider and lasts for more than twenty-four consecutive hours, 30113
the provider shall give the subscriber, for each hour of service 30114
interruption, a credit in the amount of the cost of per hour video 30115

service as would be billed to the subscriber. 30116

(4) The provider shall give a subscriber at least thirty 30117
days' advance, written notice before removing a channel from the 30118
provider's video service, but no such notice is required if the 30119
provider must remove the channel because of circumstances beyond 30120
its control. 30121

(5) The provider shall give a subscriber at least ten days' 30122
advance, written notice of a disconnection of all or part of the 30123
subscriber's video service, except if ~~the disconnection~~ any of the 30124
following apply: 30125

(a) Disconnection has been requested by the subscriber~~7.~~ 30126

(b) Disconnection is necessary to prevent theft of video 30127
service,~~or.~~ 30128

(c) Disconnection is necessary to prevent the use of video 30129
service through fraud. 30130

(d) Disconnection is necessary to reduce or prevent signal 30131
leakage as described in 47 C.F.R. 76.611. 30132

(6) The provider shall not establish a due date earlier than 30133
fourteen days after a video service bill is issued. 30134

(7) The provider shall not disconnect all or part of a 30135
subscriber's video service for failure of the subscriber to pay 30136
any amount of its video service bill, until the ~~bill~~ amount is at 30137
least ~~forty five~~ fourteen days past due. 30138

~~(7)~~(8) The provider shall give a subscriber at least thirty 30139
days' advance, written notice before instituting an increase in 30140
video service rates. 30141

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the 30142
Revised Code: 30143

(A) "Adult" means a person who is eighteen years of age or 30144

older. 30145

(B) "Attending physician" means the physician to whom a 30146
principal or the family of a principal has assigned primary 30147
responsibility for the treatment or care of the principal or, if 30148
the responsibility has not been assigned, the physician who has 30149
accepted that responsibility. 30150

(C) "Comfort care" means any of the following: 30151

(1) Nutrition when administered to diminish the pain or 30152
discomfort of a principal, but not to postpone death; 30153

(2) Hydration when administered to diminish the pain or 30154
discomfort of a principal, but not to postpone death; 30155

(3) Any other medical or nursing procedure, treatment, 30156
intervention, or other measure that is taken to diminish the pain 30157
or discomfort of a principal, but not to postpone death. 30158

(D) "Consulting physician" means a physician who, in 30159
conjunction with the attending physician of a principal, makes one 30160
or more determinations that are required to be made by the 30161
attending physician, or to be made by the attending physician and 30162
one other physician, by an applicable provision of sections 30163
1337.11 to 1337.17 of the Revised Code, to a reasonable degree of 30164
medical certainty and in accordance with reasonable medical 30165
standards. 30166

(E) "Declaration for mental health treatment" has the same 30167
meaning as in section 2135.01 of the Revised Code. 30168

(F) "Guardian" means a person appointed by a probate court 30169
pursuant to Chapter 2111. of the Revised Code to have the care and 30170
management of the person of an incompetent. 30171

(G) "Health care" means any care, treatment, service, or 30172
procedure to maintain, diagnose, or treat an individual's physical 30173
or mental condition or physical or mental health. 30174

(H) "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to health care.	30175 30176 30177
(I) "Health care facility" means any of the following:	30178
(1) A hospital;	30179
(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	30180 30181 30182
(3) A nursing home;	30183
(4) A home health agency;	30184
(5) An intermediate care facility for the mentally retarded <u>individuals with intellectual disabilities</u> ;	30185 30186
(6) A regulated community mental health organization.	30187
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	30188 30189 30190 30191 30192 30193
(K) "Home health agency" has the same meaning as in section 3701.881 of the Revised Code.	30194 30195
(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	30196 30197 30198
(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code.	30199 30200
(N) "Hydration" means fluids that are artificially or technologically administered.	30201 30202
(O) "Incompetent" has the same meaning as in section 2111.01	30203

of the Revised Code. 30204

(P) "Intermediate care facility for ~~the mentally retarded~~
individuals with intellectual disabilities" has the same meaning 30205
as in section ~~5111.20~~ 5124.01 of the Revised Code. 30206
30207

(Q) "Life-sustaining treatment" means any medical procedure, 30208
treatment, intervention, or other measure that, when administered 30209
to a principal, will serve principally to prolong the process of 30210
dying. 30211

(R) "Medical claim" has the same meaning as in section 30212
2305.113 of the Revised Code. 30213

(S) "Mental health treatment" has the same meaning as in 30214
section 2135.01 of the Revised Code. 30215

(T) "Nursing home" has the same meaning as in section 3721.01 30216
of the Revised Code. 30217

(U) "Nutrition" means sustenance that is artificially or 30218
technologically administered. 30219

(V) "Permanently unconscious state" means a state of 30220
permanent unconsciousness in a principal that, to a reasonable 30221
degree of medical certainty as determined in accordance with 30222
reasonable medical standards by the principal's attending 30223
physician and one other physician who has examined the principal, 30224
is characterized by both of the following: 30225

(1) Irreversible unawareness of one's being and environment. 30226

(2) Total loss of cerebral cortical functioning, resulting in 30227
the principal having no capacity to experience pain or suffering. 30228

(W) "Person" has the same meaning as in section 1.59 of the 30229
Revised Code and additionally includes political subdivisions and 30230
governmental agencies, boards, commissions, departments, 30231
institutions, offices, and other instrumentalities. 30232

(X) "Physician" means a person who is authorized under 30233

Chapter 4731. of the Revised Code to practice medicine and surgery 30234
or osteopathic medicine and surgery. 30235

(Y) "Political subdivision" and "state" have the same 30236
meanings as in section 2744.01 of the Revised Code. 30237

(Z) "Professional disciplinary action" means action taken by 30238
the board or other entity that regulates the professional conduct 30239
of health care personnel, including the state medical board and 30240
the board of nursing. 30241

(AA) "Regulated community mental health organization" means a 30242
residential facility as defined and licensed under section ~~5119.22~~ 30243
5119.34 of the Revised Code or a community mental health ~~agency~~ 30244
services provider as defined in section 5122.01 of the Revised 30245
Code. 30246

(BB) "Terminal condition" means an irreversible, incurable, 30247
and untreatable condition caused by disease, illness, or injury 30248
from which, to a reasonable degree of medical certainty as 30249
determined in accordance with reasonable medical standards by a 30250
principal's attending physician and one other physician who has 30251
examined the principal, both of the following apply: 30252

(1) There can be no recovery. 30253

(2) Death is likely to occur within a relatively short time 30254
if life-sustaining treatment is not administered. 30255

(CC) "Tort action" means a civil action for damages for 30256
injury, death, or loss to person or property, other than a civil 30257
action for damages for a breach of contract or another agreement 30258
between persons. 30259

Sec. 1347.08. (A) Every state or local agency that maintains 30260
a personal information system, upon the request and the proper 30261
identification of any person who is the subject of personal 30262
information in the system, shall: 30263

(1) Inform the person of the existence of any personal information in the system of which the person is the subject; 30264
30265

(2) Except as provided in divisions (C) and (E)(2) of this section, permit the person, the person's legal guardian, or an attorney who presents a signed written authorization made by the person, to inspect all personal information in the system of which the person is the subject; 30266
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(3) Inform the person about the types of uses made of the personal information, including the identity of any users usually granted access to the system. 30271
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(B) Any person who wishes to exercise a right provided by this section may be accompanied by another individual of the person's choice. 30274
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(C)(1) A state or local agency, upon request, shall disclose medical, psychiatric, or psychological information to a person who is the subject of the information or to the person's legal guardian, unless a physician, psychiatrist, or psychologist determines for the agency that the disclosure of the information is likely to have an adverse effect on the person, in which case the information shall be released to a physician, psychiatrist, or psychologist who is designated by the person or by the person's legal guardian. 30277
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(2) Upon the signed written request of either a licensed attorney at law or a licensed physician designated by the inmate, together with the signed written request of an inmate of a correctional institution under the administration of the department of rehabilitation and correction, the department shall disclose medical information to the designated attorney or physician as provided in division (C) of section 5120.21 of the Revised Code. 30286
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(D) If an individual who is authorized to inspect personal 30294

information that is maintained in a personal information system 30295
requests the state or local agency that maintains the system to 30296
provide a copy of any personal information that the individual is 30297
authorized to inspect, the agency shall provide a copy of the 30298
personal information to the individual. Each state and local 30299
agency may establish reasonable fees for the service of copying, 30300
upon request, personal information that is maintained by the 30301
agency. 30302

(E)(1) This section regulates access to personal information 30303
that is maintained in a personal information system by persons who 30304
are the subject of the information, but does not limit the 30305
authority of any person, including a person who is the subject of 30306
personal information maintained in a personal information system, 30307
to inspect or have copied, pursuant to section 149.43 of the 30308
Revised Code, a public record as defined in that section. 30309

(2) This section does not provide a person who is the subject 30310
of personal information maintained in a personal information 30311
system, the person's legal guardian, or an attorney authorized by 30312
the person, with a right to inspect or have copied, or require an 30313
agency that maintains a personal information system to permit the 30314
inspection of or to copy, a confidential law enforcement 30315
investigatory record or trial preparation record, as defined in 30316
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 30317

(F) This section does not apply to any of the following: 30318

(1) The contents of an adoption file maintained by the 30319
department of health under section 3705.12 of the Revised Code; 30320

(2) Information contained in the putative father registry 30321
established by section 3107.062 of the Revised Code, regardless of 30322
whether the information is held by the department of job and 30323
family services or, pursuant to section 3111.69 of the Revised 30324
Code, the office of child support in the department or a child 30325

support enforcement agency;	30326
(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;	30327 30328 30329
(4) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	30330 30331 30332
(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;	30333 30334 30335
(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;	30336 30337
(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;	30338 30339 30340
(8) Records that identify an individual described in division (A)(1) of section 5111.61 <u>5165.88</u> of the Revised Code, or that would tend to identify such an individual;	30341 30342 30343
(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners <u>executives</u> of nursing home administrators <u>long-term services and supports</u> administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	30344 30345 30346 30347 30348 30349
(10) Information contained in a database established and maintained pursuant to section 5101.13 of the Revised Code.	30350 30351
Sec. 1501.011. (A) <u>The Except as provided in divisions (B), (C), and (D) of this section, the Ohio facilities construction commission shall supervise the design and construction of, and make contracts for the construction, reconstruction, improvement,</u>	30352 30353 30354 30355

~~enlargement, alteration, repair, or decoration of, any projects or
improvements for the department of natural resources has the
following powers in addition to its other powers: to prepare, or
contract to be prepared, surveys, general and detailed plans,
specifications, bills of materials, and estimates of cost for, to
enter into contracts for, and to supervise the performance of
labor, the furnishing of materials, or the construction, repair,
or maintenance of any projects, improvements, or buildings, on
lands and waters under the control of the department, as that may
be authorized by legislative appropriations or any other funds
available therefor, the estimated cost of which amounts to two
hundred thousand dollars or more or the amount determined pursuant
to section 153.53 of the Revised Code or more.~~

~~(B) Except as provided in division (E) of this section, the
director of natural resources shall publish notice in a newspaper
of general circulation in the region where the activity for which
bids are submitted is to occur and in any other newspapers that
the director determines are appropriate, at least once each week
for four consecutive weeks, the last publication to be at least
eight days preceding the day for opening bids, seeking proposals
on each contract for the performance of labor, the furnishing of
materials, or the construction, repair, or maintenance of
projects, improvements, or buildings, as necessary for compliance
with provisions of the act to make appropriations for capital
improvements or the act to make general appropriations, and the
director may also advertise in such trade journals as will afford
adequate information to the public of the terms of the contract
and the nature of the work to be performed, together with the time
of the letting and place and manner of receiving proposals, and
the places where plans and specifications are on file. A proposal
is invalid and shall not be considered by the department unless
the form for proposals specified by the department is used without
change, alteration, or addition The department of natural~~

resources shall administer the construction of improvements under 30389
an agreement with the supervisors of a soil and water conservation 30390
district pursuant to division (I) of section 1515.08 of the 30391
Revised Code. 30392

~~(C) Each bidder for a contract for the performance of labor,~~ 30393
~~the furnishing of materials, or the maintenance, construction,~~ 30394
~~demolition, alteration, repair, or reconstruction of an~~ 30395
~~improvement shall meet the requirements of section 153.54 of the~~ 30396
~~Revised Code. The director may require each bidder to furnish~~ 30397
~~under oath, upon such printed forms as the director may prescribe,~~ 30398
~~detailed information with respect to the bidder's financial~~ 30399
~~resources, equipment, past performance record, organization~~ 30400
~~personnel, and experience, together with such other information as~~ 30401
~~the director considers necessary.~~ 30402

~~(D) The director shall award the contract to the lowest~~ 30403
~~responsive and responsible bidder in accordance with section 9.312~~ 30404
~~of the Revised Code. The award shall be made within a reasonable~~ 30405
~~time after the date on which the bids were opened, and the~~ 30406
~~successful bidder shall enter into a contract within ten days from~~ 30407
~~the date the successful bidder is notified that the contract has~~ 30408
~~been awarded, or within any longer period that the director~~ 30409
~~considers necessary. Nothing in this section shall preclude the~~ 30410
~~rejection of any bid the acceptance of which is not in the best~~ 30411
~~interests of the state. No contract shall be entered into until~~ 30412
~~the bureau of workers' compensation has certified that the~~ 30413
~~corporation, partnership, or person awarded the contract has~~ 30414
~~complied with Chapter 4123. of the Revised Code and until, if the~~ 30415
~~bidder awarded the contract is a foreign corporation, the~~ 30416
~~secretary of state has certified that the corporation is~~ 30417
~~authorized to do business in this state, and until, if the bidder~~ 30418
~~so awarded the contract is a person or partnership nonresident of~~ 30419
~~this state, the person or partnership has filed with the secretary~~ 30420

~~of state a power of attorney designating the secretary of state as 30421
its agency for the purpose of accepting service of process. 30422~~

~~(E) With respect to the director's entering into a contract 30423
for the performance of labor, the furnishing of materials, or the 30424
construction, repair, or maintenance of any projects, 30425
improvements, or buildings on lands and waters under the control 30426
of the department, both of the following apply: 30427~~

~~(1) The director is not required to advertise for and receive 30428
bids if the total estimated cost of the contract is less than 30429
twenty five thousand dollars. 30430~~

~~(2) The director is not required to advertise for bids, 30431
regardless of the cost of the contract, if the (1) The department 30432
of natural resources shall supervise the design and construction 30433
of, and make contracts for the construction, reconstruction, 30434
improvement, enlargement, alteration, repair, or decoration of, 30435
any of the following activities, projects, or improvements: 30436~~

~~(a) Dam repairs administered by the division of engineering 30437
under Chapter 1507. of the Revised Code; 30438~~

~~(b) Projects or improvements administered by the division of 30439
watercraft and funded through the waterways safety fund 30440
established in section 1547.75 of the Revised Code; 30441~~

~~(c) Projects or improvements administered by the division of 30442
wildlife under Chapter 1531. or 1533. of the Revised Code; 30443~~

~~(d) Activities conducted by the department pursuant to 30444
section 5511.05 of the Revised Code in order to maintain the 30445
department's roadway inventory. 30446~~

~~(2) If a contract to be let under division (C)(1) of this 30447
section involves an exigency that concerns the public health, 30448
safety, or welfare or addresses an emergency situation in which 30449
timeliness is crucial in preventing the cost of the contract from 30450~~

~~increasing significantly. Regarding such a contract, the director 30451
may solicit bids by sending a letter to a minimum of three 30452
contractors in the region where the contract is to be let or by 30453
any other means that the director considers appropriate. 30454~~

~~(F) The director may insert in any contract awarded under 30455
this section a clause providing for value engineering change 30456
proposals, under which a contractor who has been awarded a 30457
contract may propose a change in the plans and specifications of 30458
the project that saves the department time or money on the project 30459
without impairing any of the essential functions and 30460
characteristics of the project such as service life, reliability, 30461
economy of operation, ease of maintenance, safety, and necessary 30462
standardized features. If the director adopts the value 30463
engineering proposal, the savings from the proposal shall be 30464
divided between the department and the contractor according to 30465
guidelines established by the director, provided that the 30466
contractor shall receive at least fifty per cent of the savings 30467
from the proposal. The adoption of a value engineering proposal 30468
does not invalidate the award of the contract or require the 30469
director to rebid the project. 30470~~

~~(G) When in the opinion of the department the work under any 30471
contract made under this section or any law of the state is 30472
neglected by the contractor, the work completed is deficient in 30473
quality or materials, or the work is not prosecuted with the 30474
diligence and force specified or intended in the contract, the 30475
department may require the contractor to provide, at no additional 30476
expense to the department, any additional labor and materials that 30477
are necessary to complete the improvements at the level of quality 30478
and within the time of performance specified in the contract. 30479
Procedures concerning such a requirement together with its format 30480
shall be specified in the contract. If the contractor fails to 30481
comply with the requirement within the period specified in the 30482~~

~~contract, the department may take action to complete the work 30483
through other means, up to and including termination of the 30484
contract. 30485~~

~~(H) When an exigency occurs or there is immediate danger of 30486
an exigency that would materially impair the successful bidding, 30487
construction, or completion of a project, improvement, or 30488
building, the director may revise related plans and specifications 30489
as necessary to address the exigency through the issuance of an 30490
addendum prior to the opening of bids or, in accordance with 30491
procedures established in section 153.62 of the Revised Code, 30492
through the issuance of a change order after the contract has been 30493
awarded, pursuant to the declaration of a public exigency, the 30494
department may award the contract without competitive bidding or 30495
selection as otherwise required by Chapter 153. of the Revised 30496
Code. 30497~~

~~(D) The executive director of the Ohio facilities 30498
construction commission may authorize the department of natural 30499
resources to administer any other project or improvement, the 30500
estimated cost of which, including design fees, construction, 30501
equipment, and contingency amounts, is not more than one million 30502
five hundred thousand dollars. 30503~~

Sec. 1501.45. (A) As used in this section: 30504

(1) "Forfeiture laws" means provisions that are established 30505
in Title XXIX of the Revised Code and that govern the forfeiture 30506
and disposition of certain property that is seized pursuant to a 30507
law enforcement investigation. 30508

(2) "Law enforcement division" means the division of 30509
forestry, the division of natural areas and preserves, the 30510
division of wildlife, the division of parks and recreation, or the 30511
division of watercraft in the department of natural resources. 30512

(3) "Law enforcement fund" means a fund created in this section. 30513
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(B) Except as otherwise provided in this section and notwithstanding any provision of the Revised Code that is not in Title XV of the Revised Code to the contrary, the forfeiture laws apply to a law enforcement division that substantially conducts an investigation that results in the ordered forfeiture of property and also apply to the involved forfeiture of property, and the law enforcement division shall comply with those forfeiture laws. Accordingly, the portion of the forfeiture laws that authorizes certain proceeds from forfeited property to be distributed to the law enforcement agency that substantially conducted the investigation that resulted in the seizure of the subsequently forfeited property apply to the law enforcement divisions except as provided in division (C)(2)(a) of this section. If a law enforcement division is eligible to receive such proceeds, the proceeds shall be deposited into the state treasury to the credit of the applicable law enforcement fund. 30515
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(C)(1) ~~There are hereby created in the state treasury the division of forestry law enforcement fund, the division of natural areas and preserves law enforcement fund,~~ the division of wildlife law enforcement fund, the division of parks and recreation law enforcement fund, and the division of watercraft law enforcement fund. ~~The~~ 30531
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(2) The funds shall consist of proceeds from forfeited property that are deposited ~~in accordance with this section. The~~ as follows: 30537
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(a) Proceeds from forfeited property resulting from an investigation conducted by the division of forestry, the division of natural areas and preserves, or the division of parks and recreation shall be deposited in the division of parks and recreation law enforcement fund. 30540
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(b) Proceeds from forfeited property resulting from an investigation conducted by the division of wildlife shall be deposited in the division of wildlife law enforcement fund. 30545
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(c) Proceeds from forfeited property resulting from an investigation conducted by the division of watercraft shall be deposited in the division of watercraft law enforcement fund. 30548
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(3) The funds shall be used by the applicable law enforcement division for law enforcement purposes specified in the forfeiture laws; however, a as follows: 30551
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(a) Money in the division of parks and recreation law enforcement fund shall be used by the division of parks and recreation. 30554
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(b) Money in the division of wildlife law enforcement fund shall be used by the division of wildlife. 30557
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(c) Money in the division of watercraft law enforcement fund shall be used by the division of watercraft. 30559
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(4) A law enforcement division shall not use such funds its fund to pay the salaries of its employees or to provide for any other remuneration of personnel. 30561
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(D) If the forfeiture laws conflict with any provisions that govern forfeitures and that are established in another section of Title XV of the Revised Code, the provisions established in the other section of Title XV apply. 30564
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Sec. 1506.21. (A) There is hereby created the Ohio Lake Erie commission, consisting of the directors of environmental protection, natural resources, health, agriculture, ~~and~~ transportation, and development services, or their designees, and five additional members appointed by the governor who shall serve at the pleasure of the governor. The members of the commission annually shall designate a chairperson, who shall preside at the 30568
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meetings of the commission, and a secretary. 30575

The commission shall hold at least one meeting every three 30576
months. The secretary of the commission shall keep a record of its 30577
proceedings. Special meetings shall be held at the call of the 30578
chairperson or upon the request of four members of the commission. 30579
All meetings and records of the commission shall be open to the 30580
public. Six members of the commission constitute a quorum. The 30581
agencies represented on the commission shall furnish clerical, 30582
technical, and other services required by the commission in the 30583
performance of its duties. 30584

(B) The commission shall do all of the following: 30585

(1) Ensure the coordination of state and local policies and 30586
programs pertaining to Lake Erie water quality, toxic pollution 30587
control, and resource protection; 30588

(2) Review, and make recommendations concerning, the 30589
development and implementation of policies, programs, and issues 30590
for long-term, comprehensive protection of Lake Erie water 30591
resources and water quality that are consistent with the great 30592
lakes water quality agreement and the great lakes toxic substances 30593
control agreement; 30594

(3) Recommend policies and programs to modify the coastal 30595
management program of this state; 30596

(4) At each regular meeting, consider matters relating to the 30597
implementation of sections 1506.22 and 1506.23 of the Revised 30598
Code; 30599

(5) Publish and submit the Lake Erie protection agenda in 30600
accordance with division (C) of section 1506.23 of the Revised 30601
Code; 30602

(6) Ensure the implementation of a basinwide approach to Lake 30603
Erie issues; 30604

(7) Increase representation of the interests of this state in state, regional, national, and international forums pertaining to the resources and water quality of Lake Erie and the Lake Erie basin;

(8) Promote education concerning the wise management of the resources of Lake Erie;

(9) Establish public advisory councils as considered necessary to assist in programs established under this section and sections 1506.22 and 1506.23 of the Revised Code. Members of the public advisory councils shall represent a broad cross section of interests, shall have experience or expertise in the subject for which the advisory council was established, and shall serve without compensation.

(10) Prepare and submit the report required under division (D) of section 1506.23 of the Revised Code.

(C) Each state agency, upon the request of the commission, shall cooperate in the implementation of this section and sections 1506.22 and 1506.23 of the Revised Code.

Sec. 1506.30. As used in sections 1506.30 to 1506.36 of the Revised Code:

(A) "Abandoned property" means a submerged aircraft; a submerged watercraft, including a ship, boat, canoe, skiff, raft, or barge; the rigging, gear, fittings, trappings, and equipment of a submerged aircraft or watercraft; the personal property of the officers, crew, and passengers of a submerged aircraft or watercraft; the cargo of a submerged aircraft or watercraft that has been deserted, relinquished, cast away, or left behind and for which attempts at reclamation have been abandoned by the owners and insurers; and submerged materials resulting from activities of prehistoric and historic native Americans.

(B) "Lake Erie" means that portion of the waters and lands of Lake Erie belonging to the state as provided in section 1506.10 of the Revised Code.

(C) "Historical value" means the quality of significance exemplified by an object, structure, site, or district that is included in or eligible for inclusion in ~~the state registry of archaeological landmarks authorized under section 149.51 of the Revised Code, the state registry of historic landmarks authorized under section 149.55 of the Revised Code,~~ or the national register of historic places.

(D) "Marine surveyor" means a person engaged in the business of mapping or surveying submerged lands and abandoned property.

(E) "Mechanical or other assistance" means all artificial devices used to raise or remove artifacts from abandoned property, including pry bars, wrenches and other hand or power tools, cutting torches, explosives, winches, flotation bags, lines to surface, extra divers buoyancy devices, and other buoyancy devices.

(F) "Recreational value" means value relating to an activity in which the public engages or may engage for recreation or sport, including scuba diving and fishing, as determined by the director of natural resources.

Sec. 1509.01. As used in this chapter:

(A) "Well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.

(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include

hydrocarbons that were originally in a gaseous phase in the reservoir.	30665 30666
(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.	30667 30668
(D) "Condensate" means liquid hydrocarbons separated at or near the well pad or along the gas production or gathering system prior to gas processing.	30669 30670 30671
(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.	30672 30673 30674 30675 30676
(F) "Field" means the general area underlaid by one or more pools.	30677 30678
(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.	30679 30680 30681
(H) "Waste" includes all of the following:	30682
(1) Physical waste, as that term generally is understood in the oil and gas industry;	30683 30684
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	30685 30686
(3) Inefficient storing of oil or gas;	30687
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	30688 30689 30690 30691 30692 30693
(5) Other underground or surface waste in the production or	30694

storage of oil, gas, or condensate, however caused. 30695

(I) "Correlative rights" means the reasonable opportunity to 30696
every person entitled thereto to recover and receive the oil and 30697
gas in and under the person's tract or tracts, or the equivalent 30698
thereof, without having to drill unnecessary wells or incur other 30699
unnecessary expense. 30700

(J) "Tract" means a single, individually taxed parcel of land 30701
appearing on the tax list. 30702

(K) "Owner," unless referring to a mine, means the person who 30703
has the right to drill on a tract or drilling unit, to drill into 30704
and produce from a pool, and to appropriate the oil or gas 30705
produced therefrom either for the person or for others, except 30706
that a person ceases to be an owner with respect to a well when 30707
the well has been plugged in accordance with applicable rules 30708
adopted and orders issued under this chapter. "Owner" does not 30709
include a person who obtains a lease of the mineral rights for oil 30710
and gas on a parcel of land if the person does not attempt to 30711
produce or produce oil or gas from a well or obtain a permit under 30712
this chapter for a well or if the entire interest of a well is 30713
transferred to the person in accordance with division (B) of 30714
section 1509.31 of the Revised Code. 30715

(L) "Royalty interest" means the fee holder's share in the 30716
production from a well. 30717

(M) "Discovery well" means the first well capable of 30718
producing oil or gas in commercial quantities from a pool. 30719

(N) "Prepared clay" means a clay that is plastic and is 30720
thoroughly saturated with fresh water to a weight and consistency 30721
great enough to settle through saltwater in the well in which it 30722
is to be used, except as otherwise approved by the chief of the 30723
division of oil and gas resources management. 30724

(O) "Rock sediment" means the combined cutting and residue 30725

from drilling sedimentary rocks and formation. 30726

(P) "Excavations and workings," "mine," and "pillar" have the 30727
same meanings as in section 1561.01 of the Revised Code. 30728

(Q) "Coal bearing township" means a township designated as 30729
such by the chief of the division of mineral resources management 30730
under section 1561.06 of the Revised Code. 30731

(R) "Gas storage reservoir" means a continuous area of a 30732
subterranean porous sand or rock stratum or strata into which gas 30733
is or may be injected for the purpose of storing it therein and 30734
removing it therefrom and includes a gas storage reservoir as 30735
defined in section 1571.01 of the Revised Code. 30736

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 30737
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 30738
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 30739
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 30740
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 30741
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 30742
regulations adopted under those acts. 30743

(T) "Person" includes any political subdivision, department, 30744
agency, or instrumentality of this state; the United States and 30745
any department, agency, or instrumentality thereof; and any legal 30746
entity defined as a person under section 1.59 of the Revised Code. 30747

(U) "Brine" means all saline geological formation water 30748
resulting from, obtained from, or produced in connection with 30749
exploration, drilling, well stimulation, production of oil or gas, 30750
or plugging of a well. 30751

(V) "Waters of the state" means all streams, lakes, ponds, 30752
marshes, watercourses, waterways, springs, irrigation systems, 30753
drainage systems, and other bodies of water, surface or 30754
underground, natural or artificial, that are situated wholly or 30755
partially within this state or within its jurisdiction, except 30756

those private waters that do not combine or effect a junction with 30757
natural surface or underground waters. 30758

(W) "Exempt Mississippian well" means a well that meets all 30759
of the following criteria: 30760

(1) Was drilled and completed before January 1, 1980; 30761

(2) Is located in an unglaciated part of the state; 30762

(3) Was completed in a reservoir no deeper than the 30763
Mississippian Big Injun sandstone in areas underlain by 30764
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 30765
sandstone in areas directly underlain by Permian stratigraphy; 30766

(4) Is used primarily to provide oil or gas for domestic use. 30767

(X) "Exempt domestic well" means a well that meets all of the 30768
following criteria: 30769

(1) Is owned by the owner of the surface estate of the tract 30770
on which the well is located; 30771

(2) Is used primarily to provide gas for the owner's domestic 30772
use; 30773

(3) Is located more than two hundred feet horizontal distance 30774
from any inhabited private dwelling house other than an inhabited 30775
private dwelling house located on the tract on which the well is 30776
located; 30777

(4) Is located more than two hundred feet horizontal distance 30778
from any public building that may be used as a place of resort, 30779
assembly, education, entertainment, lodging, trade, manufacture, 30780
repair, storage, traffic, or occupancy by the public. 30781

(Y) "Urbanized area" means an area where a well or production 30782
facilities of a well are located within a municipal corporation or 30783
within a township that has an unincorporated population of more 30784
than five thousand in the most recent federal decennial census 30785
prior to the issuance of the permit for the well or production 30786

facilities.	30787
(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	30788 30789 30790
(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the following:	30791 30792 30793 30794 30795 30796 30797 30798 30799
(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery;	30800 30801 30802
(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities;	30803 30804 30805 30806
(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities;	30807 30808 30809 30810 30811 30812 30813
<u>(4) Equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an</u>	30814 30815 30816 30817

operation at a wellpad that may be used or reused at the same or 30818
another operation at a wellpad or that will be disposed of in 30819
accordance with applicable laws and rules adopted under them. 30820

(BB) "Annular overpressurization" means the accumulation of 30821
fluids within an annulus with sufficient pressure to allow 30822
migration of annular fluids into underground sources of drinking 30823
water. 30824

(CC) "Idle and orphaned well" means a well for which a bond 30825
has been forfeited or an abandoned well for which no money is 30826
available to plug the well in accordance with this chapter and 30827
rules adopted under it. 30828

(DD) "Temporarily inactive well" means a well that has been 30829
granted temporary inactive status under section 1509.062 of the 30830
Revised Code. 30831

(EE) "Material and substantial violation" means any of the 30832
following: 30833

(1) Failure to obtain a permit to drill, reopen, convert, 30834
plugback, or plug a well under this chapter; 30835

(2) Failure to obtain, maintain, update, or submit proof of 30836
insurance coverage that is required under this chapter; 30837

(3) Failure to obtain, maintain, update, or submit proof of a 30838
surety bond that is required under this chapter; 30839

(4) Failure to plug an abandoned well or idle and orphaned 30840
well unless the well has been granted temporary inactive status 30841
under section 1509.062 of the Revised Code or the chief of the 30842
division of oil and gas resources management has approved another 30843
option concerning the abandoned well or idle and orphaned well; 30844

(5) Failure to restore a disturbed land surface as required 30845
by section 1509.072 of the Revised Code; 30846

(6) Failure to reimburse the oil and gas well fund pursuant 30847

to a final order issued under section 1509.071 of the Revised Code; 30848
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(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code; 30850
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(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it. 30852
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(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code. 30854
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(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated. 30856
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(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells. 30860
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Sec. 1509.02. There is hereby created in the department of natural resources the division of oil and gas resources management, which shall be administered by the chief of the division of oil and gas resources management. The division has sole and exclusive authority to regulate the permitting, location, and spacing of oil and gas wells and production operations within the state, excepting only those activities regulated under federal laws for which oversight has been delegated to the environmental protection agency and activities regulated under sections 6111.02 to ~~6111.029~~ 6111.028 of the Revised Code. The regulation of oil and gas activities is a matter of general statewide interest that requires uniform statewide regulation, and this chapter and rules adopted under it constitute a comprehensive plan with respect to all aspects of the locating, drilling, well stimulation, completing, and operating of oil and gas wells within this state, including site construction and restoration, permitting related to 30862
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those activities, and the disposal of wastes from those wells. In 30878
order to assist the division in the furtherance of its sole and 30879
exclusive authority as established in this section, the chief may 30880
enter into cooperative agreements with other state agencies for 30881
advice and consultation, including visitations at the surface 30882
location of a well on behalf of the division. Such cooperative 30883
agreements do not confer on other state agencies any authority to 30884
administer or enforce this chapter and rules adopted under it. In 30885
addition, such cooperative agreements shall not be construed to 30886
dilute or diminish the division's sole and exclusive authority as 30887
established in this section. Nothing in this section affects the 30888
authority granted to the director of transportation and local 30889
authorities in section 723.01 or 4513.34 of the Revised Code, 30890
provided that the authority granted under those sections shall not 30891
be exercised in a manner that discriminates against, unfairly 30892
impedes, or obstructs oil and gas activities and operations 30893
regulated under this chapter. 30894

The chief shall not hold any other public office, nor shall 30895
the chief be engaged in any occupation or business that might 30896
interfere with or be inconsistent with the duties as chief. 30897

All moneys collected by the chief pursuant to sections 30898
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 30899
1509.28, 1509.34, and 1509.50 of the Revised Code, ninety per cent 30900
of moneys received by the treasurer of state from the tax levied 30901
in divisions (A)(5) and (6) of section 5749.02 of the Revised 30902
Code, all civil penalties paid under section 1509.33 of the 30903
Revised Code, and, notwithstanding any section of the Revised Code 30904
relating to the distribution or crediting of fines for violations 30905
of the Revised Code, all fines imposed under divisions (A) and (B) 30906
of section 1509.99 of the Revised Code and fines imposed under 30907
divisions (C) and (D) of section 1509.99 of the Revised Code for 30908
all violations prosecuted by the attorney general and for 30909

violations prosecuted by prosecuting attorneys that do not involve 30910
the transportation of brine by vehicle shall be deposited into the 30911
state treasury to the credit of the oil and gas well fund, which 30912
is hereby created. Fines imposed under divisions (C) and (D) of 30913
section 1509.99 of the Revised Code for violations prosecuted by 30914
prosecuting attorneys that involve the transportation of brine by 30915
vehicle and penalties associated with a compliance agreement 30916
entered into pursuant to this chapter shall be paid to the county 30917
treasury of the county where the violation occurred. 30918

The fund shall be used solely and exclusively for the 30919
purposes enumerated in division (B) of section 1509.071 of the 30920
Revised Code, for the expenses of the division associated with the 30921
administration of this chapter and Chapter 1571. of the Revised 30922
Code and rules adopted under them, and for expenses that are 30923
critical and necessary for the protection of human health and 30924
safety and the environment related to oil and gas production in 30925
this state. The expenses of the division in excess of the moneys 30926
available in the fund shall be paid from general revenue fund 30927
appropriations to the department. 30928

Sec. 1509.062. (A)(1) The owner of a well that has not been 30929
completed, a well that has not produced within one year after 30930
completion, ~~or~~ an existing well that is not a horizontal well and 30931
that has no reported production for two consecutive reporting 30932
periods as reported in accordance with section 1509.11 of the 30933
Revised Code, or an existing horizontal well that has no reported 30934
production for eight consecutive reporting periods as reported in 30935
accordance with section 1509.11 of the Revised Code shall plug the 30936
well in accordance with section 1509.12 of the Revised Code, 30937
obtain temporary inactive well status for the well in accordance 30938
with this section, or perform another activity regarding the well 30939
that is approved by the chief of the division of oil and gas 30940
resources management. 30941

(2) If a well has a reported annual production that is less than one hundred thousand cubic feet of natural gas or fifteen barrels of crude oil, or a combination thereof, the chief may require the owner of the well to submit an application for temporary inactive well status under this section for the well.

(B) In order for the owner of a well to submit an application for temporary inactive well status for the well under this division, the owner and the well shall be in compliance with this chapter and rules adopted under it, any terms and conditions of the permit for the well, and applicable orders issued by the chief. An application for temporary inactive status for a well shall be submitted to the chief on a form prescribed and provided by the chief and shall contain all of the following:

(1) The owner's name and address and, if the owner is a corporation, the name and address of the corporation's statutory agent;

(2) The signature of the owner or of the owner's authorized agent. When an authorized agent signs an application, the application shall be accompanied by a certified copy of the appointment as such agent.

(3) The permit number assigned to the well. If the well has not been assigned a permit number, the chief shall assign a permit number to the well.

(4) A map, on a scale not smaller than four hundred feet to the inch, that shows the location of the well and the tank battery, that includes the latitude and longitude of the well, and that contains all other data that are required by the chief;

(5) A demonstration that the well is of future utility and that the applicant has a viable plan to utilize the well within a reasonable period of time;

(6) A demonstration that the well poses no threat to the

health or safety of persons, property, or the environment; 30973

(7) Any other relevant information that the chief prescribes 30974
by rule. 30975

The chief may waive any of the requirements established in 30976
divisions (B)(1) to (6) of this section if the division of oil and 30977
gas resources management possesses a current copy of the 30978
information or document that is required in the applicable 30979
division. 30980

(C) Upon receipt of an application for temporary inactive 30981
well status, the chief shall review the application and shall 30982
either deny the application by issuing an order or approve the 30983
application. The chief shall approve the application only if the 30984
chief determines that the well that is the subject of the 30985
application poses no threat to the health or safety of persons, 30986
property, or the environment. If the chief approves the 30987
application, the chief shall notify the applicant of the chief's 30988
approval. Upon receipt of the chief's approval, the owner shall 30989
shut in the well and empty all liquids and gases from all storage 30990
tanks, pipelines, and other equipment associated with the well. In 30991
addition, the owner shall maintain the well, other equipment 30992
associated with the well, and the surface location of the well in 30993
a manner that prevents hazards to the health and safety of people 30994
and the environment. The owner shall inspect the well at least 30995
every six months and submit to the chief within fourteen days 30996
after the inspection a record of inspection on a form prescribed 30997
and provided by the chief. 30998

(D) Not later than thirty days prior to the expiration of 30999
temporary inactive well status or a renewal of temporary inactive 31000
well status approved by the chief for a well, the owner of the 31001
well may submit to the chief an application for renewal of the 31002
temporary inactive well status on a form prescribed and provided 31003
by the chief. The application shall include a detailed plan that 31004

describes the ultimate disposition of the well, the time frames 31005
for that disposition, and any other information that the chief 31006
determines is necessary. The chief shall either deny an 31007
application by order or approve the application. If the chief 31008
approves the application, the chief shall notify the owner of the 31009
well of the chief's approval. 31010

(E) An application for temporary inactive well status shall 31011
be accompanied by a nonrefundable fee of one hundred dollars. An 31012
application for a renewal of temporary inactive well status shall 31013
be accompanied by a nonrefundable fee of two hundred fifty dollars 31014
for the first renewal and five hundred dollars for each subsequent 31015
renewal. 31016

(F) After a third renewal, the chief may require an owner to 31017
provide a surety bond in an amount not to exceed ten thousand 31018
dollars for each of the owner's wells that has been approved by 31019
the chief for temporary inactive well status. 31020

(G) Temporary inactive well status approved by the chief 31021
expires one year after the date of approval of the application for 31022
temporary inactive well status or production from the well 31023
commences, whichever occurs sooner. In addition, a renewal of a 31024
temporary inactive well status expires one year after the 31025
expiration date of the initial temporary inactive well status or 31026
one year after the expiration date of the previous renewal of the 31027
temporary inactive well status, as applicable, or production from 31028
the well commences, whichever occurs sooner. 31029

(H) The owner of a well that has been approved by the chief 31030
for temporary inactive well status may commence production from 31031
the well at any time. Not later than sixty days after the 31032
commencement of production from such a well, the owner shall 31033
notify the chief of the commencement of production. 31034

(I) This chapter and rules adopted under it, any terms and 31035

conditions of the permit for a well, and applicable orders issued 31036
by the chief apply to a well that has been approved by the chief 31037
for temporary inactive well status or renewal of that status. 31038

Sec. 1509.10. (A) Any person drilling within the state shall, 31039
within sixty days after the completion of drilling operations to 31040
the proposed total depth or after a determination that a well is a 31041
dry or lost hole, file with the division of oil and gas resources 31042
management all wireline electric logs and an accurate well 31043
completion record on a form that is prescribed by the chief of the 31044
division of oil and gas resources management that designates: 31045

(1) The purpose for which the well was drilled; 31047

(2) The character, depth, and thickness of geological units 31048
encountered, including coal seams, mineral beds, associated fluids 31049
such as fresh water, brine, and crude oil, natural gas, and sour 31050
gas, if such seams, beds, fluids, or gases are known; 31051

(3) The dates on which drilling operations were commenced and 31052
completed; 31053

(4) The types of drilling tools used and the name of the 31054
person that drilled the well; 31055

(5) The length in feet of the various sizes of casing and 31056
tubing used in drilling the well, the amount removed after 31057
completion, the type and setting depth of each packer, all other 31058
data relating to cementing in the annular space behind such casing 31059
or tubing, and data indicating completion as a dry, gas, oil, 31060
combination oil and gas, brine injection, or artificial brine well 31061
or a stratigraphic test; 31062

(6) The number of perforations in the casing and the 31063
intervals of the perforations; 31064

(7) The elevation above mean sea level of the point from 31065

which the depth measurements were made, stating also the height of 31066
the point above ground level at the well, the total depth of the 31067
well, and the deepest geological unit that was penetrated in the 31068
drilling of the well; 31069

(8) If applicable, the type, volume, and concentration of 31070
acid, and the date on which acid was used in acidizing the well; 31071

(9)(a) If applicable, the trade name and the total amount of 31072
all products, fluids, and substances, and the supplier of each 31073
product, fluid, or substance, not including cement and its 31074
constituents and lost circulation materials, intentionally added 31075
to facilitate the drilling of any portion of the well until the 31076
surface casing is set and properly sealed. The owner shall 31077
identify each additive used and provide a brief description of the 31078
purpose for which the additive is used. In addition, the owner 31079
shall include a list of all chemicals, not including any 31080
information that is designated as a trade secret pursuant to 31081
division (I)(1) of this section, intentionally added to all 31082
products, fluids, or substances and include each chemical's 31083
corresponding chemical abstracts service number and the maximum 31084
concentration of each chemical. The owner shall obtain the 31085
chemical information, not including any information that is 31086
designated as a trade secret pursuant to division (I)(1) of this 31087
section, from the company that drilled the well, provided service 31088
at the well, or supplied the chemicals. If the company that 31089
drilled the well, provided service at the well, or supplied the 31090
chemicals provides incomplete or inaccurate chemical information, 31091
the owner shall make reasonable efforts to obtain the required 31092
information from the company or supplier. 31093

(b) For purposes of division (A)(9)(a) of this section, if 31094
recycled fluid was used, the total volume of recycled fluid and 31095
the well that is the source of the recycled fluid or the 31096
centralized facility that is the source of the recycled fluid. 31097

(10)(a) If applicable, the type and volume of fluid, not 31098
including cement and its constituents or information that is 31099
designated as a trade secret pursuant to division (I)(1) of this 31100
section, used to stimulate the reservoir of the well, the 31101
reservoir breakdown pressure, the method used for the containment 31102
of fluids recovered from the fracturing of the well, the methods 31103
used for the containment of fluids when pulled from the wellbore 31104
from swabbing the well, the average pumping rate of the well, and 31105
the name of the person that performed the well stimulation. In 31106
addition, the owner shall include a copy of the log from the 31107
stimulation of the well, a copy of the invoice for each of the 31108
procedures and methods described in division (A)(10) of this 31109
section that were used on a well, and a copy of the pumping 31110
pressure and rate graphs. However, the owner may redact from the 31111
copy of each invoice that is required to be included under 31112
division (A)(10) of this section the costs of and charges for the 31113
procedures and methods described in division (A)(10) of this 31114
section that were used on a well. 31115

(b) If applicable, the trade name and the total volume of all 31116
products, fluids, and substances, and the supplier of each 31117
product, fluid, or substance used to stimulate the well. The owner 31118
shall identify each additive used, provide a brief description of 31119
the purpose for which the additive is used, and include the 31120
maximum concentration of the additive used. In addition, the owner 31121
shall include a list of all chemicals, not including any 31122
information that is designated as a trade secret pursuant to 31123
division (I)(1) of this section, intentionally added to all 31124
products, fluids, or substances and include each chemical's 31125
corresponding chemical abstracts service number and the maximum 31126
concentration of each chemical. The owner shall obtain the 31127
chemical information, not including any information that is 31128
designated as a trade secret pursuant to division (I)(1) of this 31129
section, from the company that stimulated the well or supplied the 31130

chemicals. If the company that stimulated the well or supplied the 31131
chemicals provides incomplete or inaccurate chemical information, 31132
the owner shall make reasonable efforts to obtain the required 31133
information from the company or supplier. 31134

(c) For purposes of division (A)(10)(b) of this section, if 31135
recycled fluid was used, the total volume of recycled fluid and 31136
the well that is the source of the recycled fluid or the 31137
centralized facility that is the source of the recycled fluid. 31138

(11) The name of the company that performed the logging of 31139
the well and the types of wireline electric logs performed on the 31140
well. 31141

The well completion record shall be submitted in duplicate. 31142
The first copy shall be retained as a permanent record in the 31143
files of the division, and the second copy shall be transmitted by 31144
the chief to the division of geological survey. 31145

(B)(1) Not later than sixty days after the completion of the 31146
drilling operations to the proposed total depth, the owner shall 31147
file all wireline electric logs with the division of oil and gas 31148
resources management and the chief shall transmit such logs 31149
electronically, if available, to the division of geological 31150
survey. Such logs may be retained by the owner for a period of not 31151
more than six months, or such additional time as may be granted by 31152
the chief in writing, after the completion of the well 31153
substantially to the depth shown in the application required by 31154
section 1509.06 of the Revised Code. 31155

(2) If a well is not completed within sixty days after the 31156
completion of drilling operations, the owner shall file with the 31157
division of oil and gas resources management a supplemental well 31158
completion record that includes all of the information required 31159
under this section within sixty days after the completion of the 31160
well. 31161

(3) After a well is initially completed and stimulated and until the well is plugged, the owner shall report, on a form prescribed by the chief, all materials placed into the formation to refracture, restimulate, or newly complete the well. The owner shall submit the information within sixty days after completing the refracturing, restimulation, or new completion. In addition, the owner shall report the information required in divisions (A)(10)(a) to (c) of this section, as applicable, in a manner consistent with the requirements established in this section.

(C) Upon request in writing by the chief of the division of geological survey prior to the beginning of drilling of the well, the person drilling the well shall make available a complete set of cuttings accurately identified as to depth.

(D) The form of the well completion record required by this section shall be one that has been prescribed by the chief of the division of oil and gas resources management and the chief of the division of geological survey. The filing of a log as required by this section fulfills the requirement of filing a log with the chief of the division of geological survey in section 1505.04 of the Revised Code.

(E) If a material listed or designated under division (A)(9) or (10) or (B)(3) of this section is a material for which the division of oil and gas resources management does not have a material safety data sheet, the owner shall provide a copy of the material safety data sheet for the material to the chief.

(F) An owner shall submit to the chief the information that is required in divisions (A)(10)(b) and (c) and (B)(3) of this section consistent with the requirements established in this section using one of the following methods:

(1) On a form prescribed by the chief;

(2) Through the chemical disclosure registry that is

maintained by the ground water protection council and the 31193
interstate oil and gas compact commission; 31194

(3) Any other means approved by the chief. 31195

(G) The chief shall post on the division's web site each 31196
material safety data sheet obtained under division (E) of this 31197
section. In addition, the chief shall make available through the 31198
division's web site the chemical information that is required by 31199
divisions (A)(9) and (10) and (B)(3) of this section. 31200

(H)(1) If a medical professional, in order to assist in the 31201
diagnosis or treatment of an individual who was affected by an 31202
incident associated with the production operations of a well, 31203
requests the exact chemical composition of each product, fluid, or 31204
substance and of each chemical component in a product, fluid, or 31205
substance that is designated as a trade secret pursuant to 31206
division (I) of this section, the person claiming the trade secret 31207
protection pursuant to that division shall provide to the medical 31208
professional the exact chemical composition of the product, fluid, 31209
or substance and of the chemical component in a product, fluid, or 31210
substance that is requested. 31211

(2) A medical professional who receives information pursuant 31212
to division (H)(1) of this section shall keep the information 31213
confidential and shall not disclose the information for any 31214
purpose that is not related to the diagnosis or treatment of an 31215
individual who was affected by an incident associated with the 31216
production operations of a well. Nothing in division (H)(2) of 31217
this section precludes a medical professional from making any 31218
report required by law or professional ethical standards. 31219

(I)(1) The owner of a well who is required to submit a well 31220
completion record under division (A) of this section or a report 31221
under division (B)(3) of this section or a person that provides 31222
information to the owner as described in and for purposes of 31223

division (A)(9) or (10) or (B)(3) of this section may designate 31224
without disclosing on a form prescribed by the chief and withhold 31225
from disclosure to the chief the identity, amount, concentration, 31226
or purpose of a product, fluid, or substance or of a chemical 31227
component in a product, fluid, or substance as a trade secret. The 31228
owner or person may pursue enforcement of any rights or remedies 31229
established in sections 1333.61 to 1333.69 of the Revised Code for 31230
misappropriation, as defined in section 1333.61 of the Revised 31231
Code, with respect to the identity, amount, concentration, or 31232
purpose of a product, fluid, or substance or a chemical component 31233
in a product, fluid, or substance designated as a trade secret 31234
pursuant to division (I)(1) of this section. The division shall 31235
not disclose information regarding the identity, amount, 31236
concentration, or purpose of any product, fluid, or substance or 31237
of any chemical component in a product, fluid, or substance 31238
designated as a trade secret pursuant to division (I)(1) of this 31239
section. 31240

(2) A property owner, an adjacent property owner, or any 31241
person or agency of this state having an interest that is or may 31242
be adversely affected by a product, fluid, or substance or by a 31243
chemical component in a product, fluid, or substance may commence 31244
a civil action in the court of common pleas of Franklin county 31245
against an owner or person described in division (I)(1) of this 31246
section challenging the owner's or person's claim to entitlement 31247
to trade secret protection for the specific identity, amount, 31248
concentration, or purpose of a product, fluid, or substance or of 31249
a chemical component in a product, fluid, or substance pursuant to 31250
division (I)(1) of this section. A person who commences a civil 31251
action pursuant to division (I)(2) of this section shall provide 31252
notice to the chief in a manner prescribed by the chief. In the 31253
civil action, the court shall conduct an in camera review of 31254
information submitted by an owner or person described in division 31255
(I)(1) of this section to determine if the identity, amount, 31256

concentration, or purpose of a product, fluid, or substance or of 31257
a chemical component in a product, fluid, or substance pursuant to 31258
division (I)(1) of this section is entitled to trade secret 31259
protection. 31260

(J)(1) Except for any information that is designated as a 31261
trade secret pursuant to division (I)(1) of this section and 31262
except as provided in division (J)(2) of this section, the owner 31263
of a well shall maintain records of all chemicals placed in a well 31264
for a period of not less than two years after the date on which 31265
each such chemical was placed in the well. The chief may inspect 31266
the records at any time concerning any such chemical. 31267

(2) An owner or person who has designated the identity, 31268
amount, concentration, or purpose of a product, fluid, or 31269
substance or of a chemical component in a product, fluid, or 31270
substance as a trade secret pursuant to division (I)(1) of this 31271
section shall maintain the records for such a product, fluid, or 31272
substance or for a chemical component in a product, fluid, or 31273
substance for a period of not less than two years after the date 31274
on which each such product, fluid, or substance or each such 31275
chemical component in a product, fluid, or substance was placed in 31276
the well. Upon the request of the chief, the owner or person, as 31277
applicable, shall disclose the records to the chief if the 31278
information is necessary to respond to a spill, release, or 31279
investigation. However, the chief shall not disclose the 31280
information that is designated as a trade secret. 31281

(K)(1) For purposes of correcting inaccuracies and 31282
incompleteness in chemical information required by divisions 31283
(A)(9) and (10) and (B)(3) of this section, an owner shall be 31284
considered in substantial compliance if the owner has made 31285
reasonable efforts to obtain the required information from the 31286
supplier. 31287

(2) For purposes of reporting under this section, an owner is 31288

not required to report chemicals that occur incidentally or in 31289
trace amounts. 31290

(L) As used in this section, the term "material safety data 31291
sheet" shall conform to any revision of or change in the term by 31292
the occupational safety and health administration in the United 31293
States department of labor. 31294

Sec. 1509.11. (A)(1) The owner of any well, ~~including~~ except 31295
a horizontal well, that is producing or capable of producing oil 31296
or gas shall file with the chief of the division of oil and gas 31297
resources management, on or before the thirty-first day of March, 31298
a statement of production of oil, gas, and brine for the last 31299
preceding calendar year in such form as the chief may prescribe. 31300
An owner that has more than one hundred such wells in this state 31301
shall submit electronically the statement of production in a 31302
format that is approved by the chief. The chief shall include on 31303
the form, at the minimum, a request for the submittal of the 31304
information that a person who is regulated under this chapter is 31305
required to submit under the "Emergency Planning and Community 31306
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 31307
regulations adopted under it, and that the division of oil and gas 31308
resources management does not obtain through other reporting 31309
mechanisms. 31310

(2) The owner of any horizontal well that is producing or 31311
capable of producing oil or gas shall file with the chief, on the 31312
forty-fifth day following the close of each calendar quarter, a 31313
statement of production of oil, gas, and brine for the preceding 31314
calendar quarter in a form that the chief prescribes. An owner 31315
that has more than one hundred horizontal wells in this state 31316
shall submit electronically the statement of production in a 31317
format that is approved by the chief. The chief shall include on 31318
the form, at a minimum, a request for the submittal of the 31319

information that a person who is regulated under this chapter is 31320
required to submit under the "Emergency Planning and Community 31321
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and 31322
regulations adopted under it, and that the division does not 31323
obtain through other reporting mechanisms. 31324

(B) The chief shall not disclose information received from 31325
the department of taxation under division (C)(12) of section 31326
5703.21 of the Revised Code until the related statement of 31327
production required by division (A) of this section is filed with 31328
the chief. 31329

Sec. 1509.16. (A) As used in this section, "oil country 31330
tubular goods" means circular steel pipes that are seamless or 31331
welded and used in drilling for oil or natural gas, including 31332
casing, tubing, and drill pipe, whether finished or unfinished, 31333
and steel couplings and drill collars used with the pipes. 31334

(B) An owner shall file with the division of oil and gas 31335
resources management a disclosure form that specifies the country 31336
in which each oil country tubular good initially used in a 31337
production operation on or after the effective date of this 31338
section was manufactured unless that country cannot be determined 31339
by the owner. The division shall prescribe the disclosure form and 31340
consult with representatives from the natural gas, oil, and steel 31341
industries when developing the form. The division shall use the 31342
information specified on the form to establish a quality well 31343
infrastructure catalog. 31344

(C) The division shall determine the date on which the 31345
disclosure form shall be filed. 31346

Sec. 1509.50. (A) An oil and gas regulatory cost recovery 31347
assessment is hereby imposed by this section on an owner. An owner 31348
shall pay the assessment in the same manner as a severer who is 31349

required to file a return under section 5749.06 of the Revised Code. However, an owner may designate a severer who shall pay the owner's assessment on behalf of the owner on the return that the severer is required to file under that section. If a severer so pays an owner's assessment, the severer may recoup from the owner the amount of the assessment. Except for an exempt domestic well, the assessment imposed shall be in addition to the taxes levied on the severance of oil and gas under section 5749.02 of the Revised Code.

(B)(1) Except for an exempt domestic well, the oil and gas regulatory cost recovery assessment shall be calculated on a quarterly basis and shall be one of the following:

(a) If the sum of ten cents per barrel of oil for all of the wells of the owner, one-half of one cent per one thousand cubic feet of natural gas for all of the wells of the owner, and the amount of the severance tax levied on each severer for all of the wells of the owner under divisions (A)(5) and (6) of section 5749.02 of the Revised Code, as applicable, is greater than the sum of fifteen dollars for each well owned by the owner, the amount of the assessment is the sum of ten cents per barrel of oil for all of the wells of the owner and one-half of one cent per one thousand cubic feet of natural gas for all of the wells of the owner.

(b) If the sum of ten cents per barrel of oil for all of the wells of the owner, one-half of one cent per one thousand cubic feet of natural gas for all of the wells of the owner, and the amount of the severance tax levied on each severer for all of the wells of the owner under divisions (A)(5) and (6) of section 5749.02 of the Revised Code, as applicable, is less than the sum of fifteen dollars for each well owned by the owner, the amount of the assessment is the sum of fifteen dollars for each well owned

by the owner less the amount of the tax levied on each severer for 31381
all of the wells of the owner under divisions (A)(5) and (6) of 31382
section 5749.02 of the Revised Code, as applicable. 31383

(2) The oil and gas regulatory cost recovery assessment for a 31384
well that becomes an exempt domestic well on and after June 30, 31385
2010, shall be sixty dollars to be paid to the division of oil and 31386
gas resources management on the first day of July of each year. 31387

(C) All money collected pursuant to this section shall be 31388
~~deposited in the state treasury to the credit of~~ credited to the 31389
severance tax receipts fund. After the director of budget and 31390
management transfers money from the severance tax receipts fund as 31391
required in division (H) of section 5749.06 of the Revised Code, 31392
money in the severance tax receipts fund from amounts collected 31393
pursuant to this section shall be credited to the oil and gas well 31394
fund created in section 1509.02 of the Revised Code. 31395

(D) Except for purposes of revenue distribution as specified 31396
in division (B) of section 5749.02 of the Revised Code, the oil 31397
and gas regulatory cost recovery assessment imposed by this 31398
section shall be treated the same and equivalent for all purposes 31399
as the taxes levied on the severance of oil and gas under that 31400
section. However, the assessment imposed by this section is not a 31401
tax under Chapter 5749. of the Revised Code. 31402

Sec. 1511.02. The chief of the division of soil and water 31403
resources, subject to the approval of the director of natural 31404
resources, shall do all of the following: 31405

(A) Provide administrative leadership to local soil and water 31406
conservation districts in planning, budgeting, staffing, and 31407
administering district programs and the training of district 31408
supervisors and personnel in their duties, responsibilities, and 31409
authorities as prescribed in this chapter and Chapter 1515. of the 31410
Revised Code; 31411

(B) Administer this chapter and Chapter 1515. of the Revised Code pertaining to state responsibilities and provide staff assistance to the Ohio soil and water conservation commission in exercising its statutory responsibilities;

(C) Assist in expediting state responsibilities for watershed development and other natural resource conservation works of improvement;

(D) Coordinate the development and implementation of cooperative programs and working agreements between local soil and water conservation districts and divisions or sections of the department of natural resources, or other agencies of local, state, and federal government;

(E) Subject to the approval of the Ohio soil and water conservation commission, adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code. Rules adopted pursuant to this section:

(1) Shall establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in farming or silvicultural operations that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by animal waste or by soil sediment including substances attached thereto, and establish criteria for determination of the acceptability of such management and conservation practices;

(2) Shall establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities on land used or being developed for nonfarm commercial, industrial, residential, or

other nonfarm purposes, and establish criteria for determination 31443
of the acceptability of such management and conservation 31444
practices. The standards shall be designed to implement applicable 31445
areawide waste treatment management plans prepared under section 31446
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 31447
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 31448
shall not apply in any municipal corporation or county that adopts 31449
ordinances or rules pertaining to sediment control, nor to lands 31450
being used in a strip mine operation as defined in section 1513.01 31451
of the Revised Code, nor to lands being used in a surface mining 31452
operation as defined in section 1514.01 of the Revised Code. 31453

(3) May recommend criteria and procedures for the approval of 31454
urban sediment pollution abatement plans and issuance of permits 31455
prior to any grading, excavating, filling, or other whole or 31456
partial disturbance of five or more contiguous acres of land owned 31457
by one person or operated as one development unit and require 31458
implementation of such a plan. Areas of less than five contiguous 31459
acres are not exempt from compliance with other provisions of this 31460
chapter and rules adopted under them. 31461

(4) Shall establish procedures for administration of rules 31462
for agricultural pollution abatement and urban sediment pollution 31463
abatement and for enforcement of rules for agricultural pollution 31464
abatement; 31465

(5) Shall specify the pollution abatement practices eligible 31466
for state cost sharing and determine the conditions for 31467
eligibility, the construction standards and specifications, the 31468
useful life, the maintenance requirements, and the limits of cost 31469
sharing for those practices. Eligible practices shall be limited 31470
to practices that address agricultural or silvicultural operations 31471
and that require expenditures that are likely to exceed the 31472
economic returns to the owner or operator and that abate soil 31473
erosion or degradation of the waters of the state by animal waste 31474

or soil sediment including pollutants attached thereto. 31475

(6) Shall establish procedures for administering grants to 31476
owners or operators of agricultural land or concentrated animal 31477
feeding operations for the implementation of operation and 31478
management plans; 31479

(7) Shall establish procedures for administering grants to 31480
soil and water conservation districts for urban sediment pollution 31481
abatement programs, specify the types of projects eligible for 31482
grants, establish limits on the availability of grants, and 31483
establish requirements governing the execution of projects to 31484
encourage the reduction of erosion and sedimentation associated 31485
with soil-disturbing activities; 31486

(8) Shall do all of the following with regard to composting 31487
conducted in conjunction with agricultural operations: 31488

(a) Provide for the distribution of educational material 31489
concerning composting to the offices of ~~the Ohio cooperative~~ OSU 31490
extension ~~service~~ for the purposes of section 1511.022 of the 31491
Revised Code; 31492

(b) Establish methods, techniques, or practices for 31493
composting dead animals, or particular types of dead animals, that 31494
are to be used at such operations, as the chief considers to be 31495
necessary or appropriate; 31496

(c) Establish requirements and procedures governing the 31497
review and approval or disapproval of composting plans by the 31498
supervisors of soil and water conservation districts under 31499
division (Q) of section 1515.08 of the Revised Code. 31500

(9) Shall be adopted, amended, or rescinded after the chief 31501
does all of the following: 31502

(a) Mails notice to each statewide organization that the 31503
chief determines represents persons or local governmental agencies 31504

who would be affected by the proposed rule, amendment thereto, or 31505
rescission thereof at least thirty-five days before any public 31506
hearing thereon; 31507

(b) Mails a copy of each proposed rule, amendment thereto, or 31508
rescission thereof to any person who requests a copy, within five 31509
days after receipt of the request; 31510

(c) Consults with appropriate state and local governmental 31511
agencies or their representatives, including statewide 31512
organizations of local governmental officials, industrial 31513
representatives, and other interested persons; 31514

(d) If the rule relates to agricultural pollution abatement, 31515
develops an economic impact statement concerning the effect of the 31516
proposed rule or amendment. 31517

(10) Shall not conflict with air or water quality standards 31518
adopted pursuant to section 3704.03 or 6111.041 of the Revised 31519
Code. Compliance with rules adopted pursuant to this section does 31520
not affect liability for noncompliance with air or water quality 31521
standards adopted pursuant to section 3704.03 or 6111.041 of the 31522
Revised Code. The application of a level of management and 31523
conservation practices recommended under this section to control 31524
windblown soil from farming operations creates a presumption of 31525
compliance with section 3704.03 of the Revised Code as that 31526
section applies to windblown soil. 31527

(11) Insofar as the rules relate to urban sediment pollution, 31528
shall not be applicable in a municipal corporation or county that 31529
adopts ordinances or rules for urban sediment control, except that 31530
a municipal corporation or county that adopts such ordinances or 31531
rules may receive moneys for urban sediment control that are 31532
disbursed by the board of supervisors of the applicable soil and 31533
water conservation district under division (N) of section 1515.08 31534
of the Revised Code. The rules shall not exempt any person from 31535

compliance with municipal ordinances enacted pursuant to Section 3 31536
of Article XVIII, Ohio Constitution. 31537

(F) Cost share with landowners on practices established 31538
pursuant to division (E)(5) of this section as moneys are 31539
appropriated and available for that purpose. Any practice for 31540
which cost share is provided shall be maintained for its useful 31541
life. Failure to maintain a cost share practice for its useful 31542
life shall subject the landowner to full repayment to the 31543
division. 31544

(G) Issue orders requiring compliance with any rule adopted 31545
under division (E)(1) of this section or with section 1511.022 of 31546
the Revised Code. Before the chief issues an order, the chief 31547
shall afford each person allegedly liable an adjudication hearing 31548
under Chapter 119. of the Revised Code. The chief may require in 31549
an order that a person who has caused agricultural pollution by 31550
failure to comply with the standards established under division 31551
(E)(1) of this section operate under an operation and management 31552
plan approved by the chief under this section. The chief shall 31553
require in an order that a person who has failed to comply with 31554
division (A) of section 1511.022 of the Revised Code prepare a 31555
composting plan in accordance with rules adopted under division 31556
(E)(10)(c) of this section and operate in accordance with that 31557
plan or that a person who has failed to operate in accordance with 31558
such a plan begin to operate in accordance with it. Each order 31559
shall be issued in writing and contain a finding by the chief of 31560
the facts upon which the order is based and the standard that is 31561
not being met. 31562

(H) Employ field assistants and such other employees as are 31563
necessary for the performance of the work prescribed by Chapter 31564
1515. of the Revised Code, for performance of work of the 31565
division, and as agreed to under working agreements or contractual 31566
arrangements with local soil and water conservation districts, 31567

prescribe their duties, and fix their compensation in accordance 31568
with such schedules as are provided by law for the compensation of 31569
state employees. 31570

All employees of the division, unless specifically exempted 31571
by law, shall be employed subject to the classified civil service 31572
laws in force at the time of employment. 31573

(I) In connection with new or relocated projects involving 31574
highways, underground cables, pipelines, railroads, and other 31575
improvements affecting soil and water resources, including surface 31576
and subsurface drainage: 31577

(1) Provide engineering service as is mutually agreeable to 31578
the Ohio soil and water conservation commission and the director 31579
to aid in the design and installation of soil and water 31580
conservation practices as a necessary component of such projects; 31581

(2) Maintain close liaison between the owners of lands on 31582
which the projects are executed, local soil and water conservation 31583
districts, and authorities responsible for such projects; 31584

(3) Review plans for such projects to ensure their compliance 31585
with standards developed under division (E) of this section in 31586
cooperation with the department of transportation or with any 31587
other interested agency that is engaged in soil or water 31588
conservation projects in the state in order to minimize adverse 31589
impacts on soil and water resources adjacent to or otherwise 31590
affected by these projects; 31591

(4) Recommend measures to retard erosion and protect soil and 31592
water resources through the installation of water impoundment or 31593
other soil and water conservation practices; 31594

(5) Cooperate with other agencies and subdivisions of the 31595
state to protect the agricultural status of rural lands adjacent 31596
to such projects and control adverse impacts on soil and water 31597
resources. 31598

(J) Collect, analyze, inventory, and interpret all available information pertaining to the origin, distribution, extent, use, and conservation of the soil resources of the state;

(K) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public;

(L) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be upon such terms as are mutually agreeable to the districts and the department of natural resources.

(M) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;

(N) When necessary for the purposes of this chapter or Chapter 1515. of the Revised Code, develop or approve operation and management plans.

This section does not restrict the excrement of domestic or farm animals defecated on land outside a concentrated animal feeding operation or runoff therefrom into the waters of the state.

Sec. 1511.022. (A) Any person who owns or operates an agricultural operation, or owns the animals raised by the owner or operator of an agricultural operation, and who wishes to conduct composting of dead animals resulting from the agricultural operation shall do both of the following:

(1) Participate in an educational course concerning

composting conducted by ~~the Ohio cooperative~~ OSU extension service 31629
and obtain a certificate of completion for the course; 31630

(2) Use the appropriate method, technique, or practice of 31631
composting established in rules adopted under division (E)(8) of 31632
section 1511.02 of the Revised Code. 31633

(B) Any person who fails to comply with division (A) of this 31634
section shall prepare and operate under a composting plan in 31635
accordance with an order issued by the chief of the division of 31636
soil and water resources under division (G) of section 1511.02 of 31637
the Revised Code. If the person's proposed composting plan is 31638
disapproved by the board of supervisors of the appropriate soil 31639
and water conservation district under division (Q)(3) of section 31640
1515.08 of the Revised Code, the person may appeal the plan 31641
disapproval to the chief, who shall afford the person a hearing. 31642
Following the hearing, the chief shall uphold the plan disapproval 31643
or reverse it. If the chief reverses the disapproval, the plan 31644
shall be deemed approved. 31645

Sec. 1519.05. (A) As used in this section, "local political 31646
subdivision" and "nonprofit organization" have the same meanings 31647
as in section 164.20 of the Revised Code. 31648

(B)(1) There is hereby created in the state treasury the 31649
clean Ohio trail fund. Twelve and one-half per cent of the net 31650
proceeds of obligations issued and sold pursuant to sections 31651
151.01 and 151.09 of the Revised Code shall be deposited into the 31652
fund. 31653

(2) Investment earnings of the fund shall be credited to the 31654
fund and may be used to pay costs incurred by the director of 31655
natural resources in administering this section. 31656

(3) Money in the clean Ohio trail fund shall not be used for 31657
the appropriation of land, rights, rights-of-way, franchises, 31658

easements, or other property through the exercise of the right of eminent domain. 31659
31660

The (4) Except as provided in division (B)(5) of this section, the 31661
director shall use moneys in the fund exclusively to 31662
provide matching grants to nonprofit organizations and to local 31663
political subdivisions for the purposes of purchasing land or 31664
interests in land for recreational trails and for the construction 31665
of such trails. A matching grant may provide up to seventy-five 31666
per cent of the cost of a recreational trail project, and the 31667
recipient of the matching grant shall provide not less than 31668
twenty-five per cent of that cost. 31669

(5) The director, at the director's discretion, may use up to 31670
twenty-five per cent of moneys in the fund to provide grants to 31671
nonprofit organizations and to local political subdivisions for 31672
the purpose of maintaining recreational trails. 31673

(C) The director shall establish policies for the purposes of 31674
this section. The policies shall establish all of the following: 31675

(1) Procedures for providing matching grants to nonprofit 31676
organizations and local political subdivisions for the purposes of 31677
purchasing land or interests in land for recreational trails and 31678
for the construction of such trails, including, without 31679
limitation, procedures for both of the following: 31680

(a) Developing a grant application form and soliciting, 31681
accepting, and approving grant applications; 31682

(b) Participation by nonprofit organizations and local 31683
political subdivisions in the application process. 31684

(2) A requirement that an application for a matching grant 31685
for a recreational trail project include a copy of a resolution 31686
supporting the project from each county in which the proposed 31687
project is to be conducted and whichever of the following is 31688
applicable: 31689

(a) If the proposed project is to be conducted wholly within the geographical boundaries of one township, a copy of a resolution supporting the project from the township;	31690 31691 31692
(b) If the proposed project is to be conducted wholly within the geographical boundaries of one municipal corporation, a copy of a resolution supporting the project from the municipal corporation;	31693 31694 31695 31696
(c) If the proposed project is to be conducted in more than one, but fewer than five townships or municipal corporations, a copy of a resolution supporting the project from at least one-half of the total number of townships and municipal corporations in which the proposed project is to be conducted;	31697 31698 31699 31700 31701
(d) If the proposed project is to be conducted in five or more municipal corporations, a copy of a resolution supporting the project from at least three-fifths of the total number of townships and municipal corporations in which the proposed project is to be conducted.	31702 31703 31704 31705 31706
(3) Eligibility criteria that must be satisfied by an applicant in order to receive a matching grant and that emphasize the following:	31707 31708 31709
(a) Synchronization with the statewide trail plan;	31710
(b) Complete regional systems and links to the statewide trail system;	31711 31712
(c) A combination of funds from various state agencies;	31713
(d) The provision of links in urban areas that support commuter access and show economic impact on local communities;	31714 31715
(e) The linkage of population centers with public outdoor recreation areas and facilities;	31716 31717
(f) The purchase of rail lines that are linked to the statewide trail plan;	31718 31719

(g) The preservation of natural corridors.	31720
(4) Items of value, such as in-kind contributions of land, easements or other interests in land, labor, or materials, that may be considered as contributing toward the percentage of the cost of a recreational trails project that must be provided by a matching grant recipient;	31721 31722 31723 31724 31725
<u>(5) A requirement that an application for a matching grant for a recreational trail project include a study on the current use of existing trails in the county in which the proposed project will be located if there is an existing trail in that county. The study shall include a report on the maintenance needs and a plan for use of the proposed project.</u>	31726 31727 31728 31729 31730 31731
<u>(6) Procedures for providing grants to nonprofit organizations and local political subdivisions for the purpose of maintaining recreational trails, including, without limitation, procedures for both of the following:</u>	31732 31733 31734 31735
<u>(a) Developing a grant application form and soliciting, accepting, and approving grant applications;</u>	31736 31737
<u>(b) Participation by nonprofit organizations and local political subdivisions in the application process.</u>	31738 31739
<u>(7) Eligibility criteria that must be satisfied by an applicant in order to receive a grant for the purpose of maintaining recreational trails.</u>	31740 31741 31742
Sec. 1531.06. (A) The chief of the division of wildlife, with the approval of the director of natural resources, may acquire by gift, lease, purchase, or otherwise lands or surface rights upon lands and waters or surface rights upon waters for wild animals, fish or game management, preservation, propagation, and protection, outdoor and nature activities, public fishing and hunting grounds, and flora and fauna preservation. The chief, with	31743 31744 31745 31746 31747 31748 31749

the approval of the director, may receive by grant, devise, 31750
bequest, donation, or assignment evidences of indebtedness, the 31751
proceeds of which are to be used for the purchase of such lands or 31752
surface rights upon lands and waters or surface rights upon 31753
waters. 31754

(B)(1) The chief shall adopt rules for the protection of 31755
state-owned or leased lands and waters and property under the 31756
control of the division of wildlife against wrongful use or 31757
occupancy that will ensure the carrying out of the intent of this 31758
section, protect those lands, waters, and property from 31759
depredations, and preserve them from molestation, spoilation, 31760
destruction, or any improper use or occupancy thereof, including 31761
rules with respect to recreational activities and for the 31762
government and use of such lands, waters, and property. 31763

(2) The chief may adopt rules benefiting wild animals, fish 31764
or game management, preservation, propagation, and protection, 31765
outdoor and nature activities, public fishing and hunting grounds, 31766
and flora and fauna preservation, and regulating the taking and 31767
possession of wild animals on any lands or waters owned or leased 31768
or under the division's supervision and control and, for a 31769
specified period of years, may prohibit or recall the taking and 31770
possession of any wild animal on any portion of such lands or 31771
waters. The division clearly shall define and mark the boundaries 31772
of the lands and waters owned or leased or under its supervision 31773
and control upon which the taking of any wild animal is 31774
prohibited. 31775

(C) The chief, with the approval of the director, may acquire 31776
by gift, lease, or purchase land for the purpose of establishing 31777
state fish hatcheries and game farms and may erect on it buildings 31778
or structures that are necessary. 31779

The title to or lease of such lands and waters shall be taken 31780
by the chief in the name of the state. The lease or purchase price 31781

of all such lands and waters may be paid from hunting and trapping 31782
and fishing licenses and any other funds. 31783

(D) To provide more public recreation, stream and lake 31784
agreements for public fishing only may be obtained under rules 31785
adopted by the chief. 31786

(E) The chief, with the approval of the director, may 31787
establish user fees for the use of special public facilities or 31788
participation in special activities on lands and waters 31789
administered by the division. The special facilities and 31790
activities may include hunting or fishing on special designated 31791
public lands and waters intensively managed or stocked with 31792
artificially propagated game birds or fish, field trial 31793
facilities, wildlife nature centers, firearm ranges, boat mooring 31794
facilities, camping sites, and other similar special facilities 31795
and activities. The chief shall determine whether the user fees 31796
are refundable and shall ensure that that information is provided 31797
at the time the user fees are paid. 31798

(F) The chief, with the approval of the director, may enter 31799
into lease agreements for rental of concessions or other special 31800
projects situated on state-owned or leased lands or waters or 31801
other property under the division's control. The chief shall set 31802
and collect the fees for concession rentals or other special 31803
projects; regulate through contracts between the division and 31804
concessionaires the sale of tangible objects at concessions or 31805
other special projects; and keep a record of all such fee payments 31806
showing the amount received, from whom received, and for what 31807
purpose the fee was collected. 31808

(G) The chief may sell or donate conservation-related items 31809
or items that promote wildlife conservation, including, but not 31810
limited to, stamps, pins, badges, books, bulletins, maps, 31811
publications, calendars, and any other educational article or 31812
artifact pertaining to wild animals; sell confiscated or forfeited 31813

items; and sell surplus structures and equipment, and timber or 31814
crops from lands owned, administered, leased, or controlled by the 31815
division. The chief, with the approval of the director, also may 31816
engage in campaigns and special events that promote wildlife 31817
conservation by selling or donating wildlife-related materials, 31818
memberships, and other items of promotional value. 31819

(H) The chief may sell, lease, or transfer minerals or 31820
mineral rights, with the approval of the director, when the chief 31821
and the director determine it to be in the best interest of the 31822
state. Upon approval of the director, the chief may make, execute, 31823
and deliver contracts, including leases, to mine, drill, or 31824
excavate iron ore, stone, coal, salt, and other minerals, other 31825
than oil or gas, upon and under lands owned by the state and 31826
administered by the division to any person who complies with the 31827
terms of such a contract. No such contract shall be valid for more 31828
than fifty years from its effective date. Consideration for 31829
minerals and mineral rights shall be by rental or royalty basis as 31830
prescribed by the chief and payable as prescribed by contract. 31831
Moneys collected under this division shall be paid into the state 31832
treasury to the credit of the wildlife habitat fund created in 31833
section 1531.33 of the Revised Code. Contracts entered into under 31834
this division also may provide for consideration for minerals or 31835
mineral rights in the form of acquisition of lands as provided 31836
under divisions (A) and (C) of this section. 31837

(I) All moneys received under divisions (E), (F), and (G) of 31838
this section shall be paid into the state treasury to the credit 31839
of a fund that shall be used for the purposes outlined in section 31840
1533.15 of the Revised Code and for the management of other wild 31841
animals for their ecological and nonconsumptive recreational value 31842
or benefit. 31843

(J) The chief, with the approval of the director, may barter 31844
or sell wild animals to other states, state or federal agencies, 31845

and conservation or zoological organizations. Moneys received from 31846
the sale of wild animals shall be deposited into the ~~wild animal~~ 31847
wildlife fund created in section ~~1531.34~~ 1531.17 of the Revised 31848
Code. 31849

(K) The chief shall adopt rules establishing standards and 31850
guidelines for the administration of contraceptive chemicals to 31851
noncaptive wild animals. The rules may specify chemical delivery 31852
methods and devices and monitoring requirements. 31853

The chief shall establish criteria for the issuance of and 31854
shall issue permits for the administration of contraceptive 31855
chemicals to noncaptive wild animals. No person shall administer 31856
contraceptive chemicals to noncaptive wild animals without a 31857
permit issued by the chief. 31858

(L) All fees set by the chief under this section shall be 31859
approved by the wildlife council. 31860

(M) Information contained in the wildlife diversity database 31861
that is established pursuant to division (B)(2) of this section 31862
and section 1531.25 of the Revised Code may be made available to 31863
any individual or public or private agency for research, 31864
educational, environmental, land management, or other similar 31865
purposes that are not detrimental to the conservation of a species 31866
or feature. Information regarding sensitive site locations of 31867
species that are listed pursuant to section 1531.25 of the Revised 31868
Code and of features that are included in the wildlife diversity 31869
database is not subject to section 149.43 of the Revised Code if 31870
the chief determines that the release of the information could be 31871
detrimental to the conservation of a species or feature. 31872

Sec. 1531.17. All fines, penalties, and forfeitures arising 31873
from prosecutions, convictions, confiscations, or otherwise under 31874
this chapter and Chapters 1517. and 1533. of the Revised Code, 31875
unless otherwise directed by the director of natural resources, 31876

shall be paid by the officer by whom collected to the director and 31877
by ~~him~~ the director paid into the state treasury to the credit of 31878
the wildlife fund, which is hereby created, for the use of the 31879
division of wildlife. All moneys received from the sale of wild 31880
animals under division (J) of section 1531.06 shall be paid into 31881
the state treasury to the credit of the wildlife fund for the use 31882
of the division. All moneys collected as license fees on nets in 31883
the Lake Erie fishing district shall be paid by the director into 31884
the state treasury to the credit of the wildlife fund for use only 31885
in the betterment and the propagation of fish therein or in 31886
otherwise propagating fish in such district. All investment 31887
earnings of the fund shall be credited to the fund. The wildlife 31888
fund shall not be used for compensation of personnel employed by 31889
other divisions of the department of natural resources who are 31890
assigned to law enforcement duties in aid of the division of 31891
wildlife or for compensation of division of wildlife personnel for 31892
activities related to the instruction of personnel of other 31893
divisions. 31894

~~**Sec. 1545.071.** The following applies until the department of 31895
administrative services implements for park districts the health 31896
care plans under section 9.901 of the Revised Code. If those plans 31897
do not include or address any benefits listed in this section, the 31898
following provisions continue in effect for those benefits. 31899~~

The board of park commissioners of any park district may 31900
procure and pay all or any part of the cost of group insurance 31901
policies that may provide benefits for hospitalization, surgical 31902
care, major medical care, disability, dental care, eye care, 31903
medical care, hearing aids, or prescription drugs, or sickness and 31904
accident insurance or a combination of any of the foregoing types 31905
of insurance or coverage for park district officers and employees 31906
and their immediate dependents issued by an insurance company duly 31907
authorized to do business in this state. 31908

The board may procure and pay all or any part of the cost of group life insurance to insure the lives of park district employees. 31909
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The board also may contract for group health care services with health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code provided that each officer or employee is permitted to: 31912
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31915

(A) Choose between a plan offered by an insurance company and a plan offered by a health insuring corporation and provided further that the officer or employee pays any amount by which the cost of the plan chosen by the officer or employee exceeds the cost of the plan offered by the board under this section; 31916
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(B) Change the choice made under division (A) of this section at a time each year as determined in advance by the board. 31921
31922

Any appointed member of the board of park commissioners and the spouse and dependent children of the member may be covered, at the option and expense of the member, as a noncompensated employee of the park district under any benefit plan described in division (A) of this section. The member shall pay to the park district the amount certified to it by the benefit provider as the provider's charge for the coverage the member has chosen under division (A) of this section. Payments for coverage shall be made, in advance, in a manner prescribed by the board. The member's exercise of an option to be covered under this section shall be in writing, announced at a regular public meeting of the board, and recorded as a public record in the minutes of the board. 31923
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The board may provide the benefits authorized in this section by contributing to a health and welfare trust fund administered through or in conjunction with a collective bargaining representative of the park district employees. 31935
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31938

The board may provide the benefits described in this section 31939

through an individual self-insurance program or a joint 31940
self-insurance program as provided in section 9.833 of the Revised 31941
Code. 31942

Sec. 1545.23. If a park district enters into an agreement for 31943
the sale or lease of mineral rights regarding a park within the 31944
district, any royalties or other moneys resulting from the sale or 31945
lease shall be deposited into a special fund that the board of 31946
park commissioners shall create. The fund shall be used 31947
exclusively for maintenance of parks within the district and for 31948
the acquisition of new park lands. 31949

Sec. 1547.532. (A) All of the following are exempt from 31950
registration under this chapter: 31951

(1) Sailboards; 31952

(2) Kiteboards; 31953

(3) Paddleboards; 31954

(4) Belly boats or float tubes. 31955

(B) As used in this section: 31956

(1) "Belly boat" or "float tube" means a vessel that is 31957
inflatable, propelled solely by human muscular effort without 31958
using an oar, paddle, or pole, and designed to accommodate a 31959
single individual as an operator in such a manner that the 31960
operator remains partially submerged in the water. 31961

(2) "Kiteboard" means a recreational vessel that is 31962
inherently buoyant, has no cockpit, and is operated by an 31963
individual who is standing on the vessel while using a kite as a 31964
means of propulsion and lift. 31965

(3) "Paddleboard" means a recreational vessel that is 31966
inherently buoyant, is propelled by human muscular effort using a 31967
pole or single- or double-bladed paddle, and is operated by an 31968

individual who is kneeling, standing, or lying on the vessel. 31969

(4) "Sailboard" means a recreational vessel that is 31970
inherently buoyant, has no cockpit, has a single sail mounted on a 31971
mast that is connected to the vessel by a free-rotating, flexible 31972
joint, and is operated by an individual who is standing on the 31973
vessel. 31974

Sec. 1547.542. (A) Any person or organization owning any 31975
number of canoes, rowboats, inflatable watercraft, or sailboats 31976
for the purpose of rental to the public may apply with the chief 31977
of the division of watercraft for and receive an annual 31978
certificate of livery registration. No watercraft shall be rented 31979
to the public from a livery or other place of business in this 31980
state unless it first has been numbered and registered in 31981
accordance with this section or section 1547.54 of the Revised 31982
Code. Certificates of livery registration shall be issued by an 31983
authorized agent who is selected by the chief from among those 31984
designated under section 1547.54 of the Revised Code. The 31985
certificate shall display ~~the~~ all of the following: 31986

(1) The name of the owner of the livery,~~the;~~ 31987

(2) The date of issuance,~~the;~~ 31988

(3) The date of expiration,~~the;~~ 31989

(4) The number of watercraft registered,~~the;~~ 31990

(5) The fee paid,~~an;~~ 31991

(6) An authorized facsimile of the signature of the chief 31992
provided by the authorized agent who is selected to issue the 31993
certificate,~~and the;~~ 31994

(7) The signature of the livery owner.~~The certificate shall~~ 31995
~~bear the;~~ 31996

(8) The livery watercraft registration number assigned to the 31997

~~livery owner, which shall be displayed in accordance with section 31998
1547.57 of the Revised Code on each watercraft in the fleet for 31999
which the certificate was issued. The 32000~~

The owner of the livery shall be issued a tag for each 32001
watercraft that has been registered in accordance with this 32002
section. The tag shall be affixed to each such watercraft in 32003
accordance with this section prior to the watercraft's being 32004
rented to the public. The chief shall prescribe the content and 32005
form of the tag in rules adopted under section 1547.52 of the 32006
Revised Code. 32007

The owner of a livery shall obtain an amended certificate of 32008
livery registration from the chief whenever the composition of the 32009
fleet changes. 32010

(B) Not later than March 15, 2015, the owner of a livery 32011
shall identify each watercraft in the fleet for which a 32012
certificate of registration has been issued under this section in 32013
one of the following ways: 32014

(1) By displaying the livery watercraft registration number 32015
assigned to the livery owner on the forward half of both sides of 32016
the watercraft in block characters that are of a single color that 32017
contrasts with the color of the hull and are at least three inches 32018
in height. The livery watercraft registration number shall be 32019
displayed in such a manner that the number is visible under normal 32020
operating conditions. In addition, the tag that has been issued to 32021
the watercraft under this section shall be placed not more than 32022
six inches from the livery watercraft registration number on the 32023
port side of the watercraft. 32024

(2) By displaying the livery name on the rear half of the 32025
watercraft in such a manner that it is clearly visible under 32026
normal operating conditions. If there is insufficient space or it 32027
is impractical to display the livery name on the sides of the 32028

watercraft, the livery name may be displayed on the rear half of 32029
the watercraft's deck, provided that the display of the name does 32030
not interfere with the placement of the tag that has been issued 32031
to the watercraft. In addition, the tag shall be placed in one of 32032
the following locations: 32033

(a) In the upper right corner of the transom so that the tag 32034
does not interfere with the legibility of the hull identification 32035
number of the watercraft; 32036

(b) Six inches from the stern on the outside of the 32037
watercraft below the port side gunwale; 32038

(c) On the inside of the watercraft on the upper portion of 32039
the starboard side gunwale so that the tag is visible from the 32040
port side of the watercraft; 32041

(d) On a deck on the rear half of the watercraft. 32042

For purposes of division (B) of this section, each watercraft 32043
in a livery fleet shall be identified in a uniform and consistent 32044
manner. 32045

(C) The fee for each watercraft registered under this section 32046
shall be an annual registration fee. The fee shall be one-third of 32047
the triennial registration fees prescribed in section 1547.54 of 32048
the Revised Code. However, if the size of the fleet does not 32049
increase, the fee for an amended certificate of livery 32050
registration shall be the fee prescribed for issuing a duplicate 32051
registration certificate under section 1547.54 of the Revised 32052
Code, and the chief shall not refund to the livery owner all or 32053
any portion of an annual registration fee applicable to a 32054
watercraft transferred or abandoned by the livery owner. If the 32055
size of the fleet increases, the livery owner shall be required to 32056
pay the applicable annual registration fee for each watercraft 32057
registered under an amended certificate of livery registration 32058
that is in excess of the number of watercraft contained in the 32059

annual certificate of livery registration. 32060

In addition to the fees established in this section, 32061
watercraft that are not powercraft shall be charged a waterways 32062
conservation assessment fee. The fee shall be collected at the 32063
time of the issuance of an annual livery registration under this 32064
section and shall be one dollar and fifty cents for each 32065
watercraft included in the registration. The fee shall be 32066
deposited in the state treasury and credited to a distinct account 32067
in the waterways safety fund created in section 1547.75 of the 32068
Revised Code. 32069

(D) The certificate of livery registration, rental ~~receipts~~ 32070
agreements, and required safety equipment are subject to 32071
inspection at any time at the livery's place of business by any 32072
authorized representative of the division of watercraft or any law 32073
enforcement officer in accordance with section 1547.63 of the 32074
Revised Code. 32075

(E) Except as provided in this section, all watercraft 32076
registered under this section are subject to this chapter and 32077
Chapter 1548. of the Revised Code. 32078

(F) The chief may issue an order temporarily ~~or permanently~~ 32079
restricting or suspending a livery certificate of registration and 32080
the privileges associated with it without a hearing if the chief 32081
finds that the holder of the certificate has violated this 32082
chapter. 32083

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 32084
Revised Code is guilty of a felony of the fourth degree. 32085

(B) Whoever violates division (F) of section 1547.08, section 32086
1547.10, division (I) of section 1547.111, section 1547.13, or 32087
section 1547.66 of the Revised Code is guilty of a misdemeanor of 32088
the first degree. 32089

(C) Whoever violates a provision of this chapter or a rule adopted thereunder, for which no penalty is otherwise provided, is guilty of a minor misdemeanor. 32090
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(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of the Revised Code without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree. 32093
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(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of the Revised Code causing injury to persons or damage to property is guilty of a misdemeanor of the third degree. 32096
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(F) Whoever violates division (N) of section 1547.54, division (G) of section 1547.30, or section 1547.131, 1547.25, 1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 of the Revised Code or a rule adopted under division (A)(2) of section 1547.52 of the Revised Code is guilty of a misdemeanor of the fourth degree. 32099
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(G) Whoever violates section 1547.11 of the Revised Code is guilty of a misdemeanor of the first degree and shall be punished as provided in division (G)(1), (2), or (3) of this section. 32105
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(1) Except as otherwise provided in division (G)(2) or (3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to section 2929.24 of the Revised Code to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars. 32108
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The court may suspend the execution of the mandatory jail term of three consecutive days that it is required to impose by division (G)(1) of this section if the court, in lieu of the suspended jail term, places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to 32114
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section ~~3793.10~~ 5119.38 of the Revised Code. The court also may 32121
suspend the execution of any part of the mandatory jail term of 32122
three consecutive days that it is required to impose by division 32123
(G)(1) of this section if the court places the offender under a 32124
community control sanction pursuant to section 2929.25 of the 32125
Revised Code for part of the three consecutive days; requires the 32126
offender to attend, for that part of the three consecutive days, a 32127
drivers' intervention program that is certified pursuant to 32128
section ~~3793.10~~ 5119.38 of the Revised Code; and sentences the 32129
offender to a jail term equal to the remainder of the three 32130
consecutive days that the offender does not spend attending the 32131
drivers' intervention program. The court may require the offender, 32132
as a condition of community control, to attend and satisfactorily 32133
complete any treatment or education programs, in addition to the 32134
required attendance at a drivers' intervention program, that the 32135
operators of the drivers' intervention program determine that the 32136
offender should attend and to report periodically to the court on 32137
the offender's progress in the programs. The court also may impose 32138
any other conditions of community control on the offender that it 32139
considers necessary. 32140

(2) If, within six years of the offense, the offender has 32141
been convicted of or pleaded guilty to one violation of section 32142
1547.11 of the Revised Code or one other equivalent offense, the 32143
court shall sentence the offender to a jail term of ten 32144
consecutive days and may sentence the offender pursuant to section 32145
2929.24 of the Revised Code to a longer jail term. In addition, 32146
the court shall impose upon the offender a fine of not less than 32147
one hundred fifty nor more than one thousand dollars. 32148

In addition to any other sentence that it imposes upon the 32149
offender, the court may require the offender to attend a drivers' 32150
intervention program that is certified pursuant to section ~~3793.10~~ 32151
5119.38 of the Revised Code. 32152

(3) If, within six years of the offense, the offender has
been convicted of or pleaded guilty to more than one violation or
offense identified in division (G)(2) of this section, the court
shall sentence the offender to a jail term of thirty consecutive
days and may sentence the offender to a longer jail term of not
more than one year. In addition, the court shall impose upon the
offender a fine of not less than one hundred fifty nor more than
one thousand dollars.

In addition to any other sentence that it imposes upon the
offender, the court may require the offender to attend a drivers'
intervention program that is certified pursuant to section ~~3793.10~~
5119.38 of the Revised Code.

(4) Upon a showing that serving a jail term would seriously
affect the ability of an offender sentenced pursuant to division
(G)(1), (2), or (3) of this section to continue the offender's
employment, the court may authorize that the offender be granted
work release after the offender has served the mandatory jail term
of three, ten, or thirty consecutive days that the court is
required by division (G)(1), (2), or (3) of this section to
impose. No court shall authorize work release during the mandatory
jail term of three, ten, or thirty consecutive days that the court
is required by division (G)(1), (2), or (3) of this section to
impose. The duration of the work release shall not exceed the time
necessary each day for the offender to commute to and from the
place of employment and the place in which the jail term is served
and the time actually spent under employment.

(5) Notwithstanding any section of the Revised Code that
authorizes the suspension of the imposition or execution of a
sentence or the placement of an offender in any treatment program
in lieu of being imprisoned or serving a jail term, no court shall
suspend the mandatory jail term of ten or thirty consecutive days
required to be imposed by division (G)(2) or (3) of this section

or place an offender who is sentenced pursuant to division (G)(2) 32185
or (3) of this section in any treatment program in lieu of being 32186
imprisoned or serving a jail term until after the offender has 32187
served the mandatory jail term of ten or thirty consecutive days 32188
required to be imposed pursuant to division (G)(2) or (3) of this 32189
section. Notwithstanding any section of the Revised Code that 32190
authorizes the suspension of the imposition or execution of a 32191
sentence or the placement of an offender in any treatment program 32192
in lieu of being imprisoned or serving a jail term, no court, 32193
except as specifically authorized by division (G)(1) of this 32194
section, shall suspend the mandatory jail term of three 32195
consecutive days required to be imposed by division (G)(1) of this 32196
section or place an offender who is sentenced pursuant to division 32197
(G)(1) of this section in any treatment program in lieu of 32198
imprisonment until after the offender has served the mandatory 32199
jail term of three consecutive days required to be imposed 32200
pursuant to division (G)(1) of this section. 32201

(6) As used in division (G) of this section: 32202

(a) "Equivalent offense" has the same meaning as in section 32203
4511.181 of the Revised Code. 32204

(b) "Jail term" and "mandatory jail term" have the same 32205
meanings as in section 2929.01 of the Revised Code. 32206

(H) Whoever violates section 1547.304 of the Revised Code is 32207
guilty of a misdemeanor of the fourth degree and also shall be 32208
assessed any costs incurred by the state or a county, township, 32209
municipal corporation, or other political subdivision in disposing 32210
of an abandoned junk vessel or outboard motor, less any money 32211
accruing to the state, county, township, municipal corporation, or 32212
other political subdivision from that disposal. 32213

(I) Whoever violates division (B) or (C) of section 1547.49 32214
of the Revised Code is guilty of a minor misdemeanor. 32215

(J) Whoever violates section 1547.31 of the Revised Code is 32216
guilty of a misdemeanor of the fourth degree on a first offense. 32217
On each subsequent offense, the person is guilty of a misdemeanor 32218
of the third degree. 32219

(K) Whoever violates section 1547.05 or 1547.051 of the 32220
Revised Code is guilty of a misdemeanor of the fourth degree if 32221
the violation is not related to a collision, injury to a person, 32222
or damage to property and a misdemeanor of the third degree if the 32223
violation is related to a collision, injury to a person, or damage 32224
to property. 32225

(L) The sentencing court, in addition to the penalty provided 32226
under this section for a violation of this chapter or a rule 32227
adopted under it that involves a powercraft powered by more than 32228
ten horsepower and that, in the opinion of the court, involves a 32229
threat to the safety of persons or property, shall order the 32230
offender to complete successfully a boating course approved by the 32231
national association of state boating law administrators before 32232
the offender is allowed to operate a powercraft powered by more 32233
than ten horsepower on the waters in this state. Violation of a 32234
court order entered under this division is punishable as contempt 32235
under Chapter 2705. of the Revised Code. 32236

Sec. 1548.02. The chief of the division of watercraft shall 32237
adopt such rules as the chief considers necessary to ensure 32238
uniform and orderly operation of this chapter, and the clerks of 32239
the courts of common pleas shall conform to those rules. The chief 32240
shall receive and file in the chief's office all information 32241
forwarded to the chief by the clerks under this chapter and shall 32242
maintain indexes covering the state at large for that information. 32243
These indexes shall be for the state at large and not for 32244
individual counties. 32245

The chief shall check with the chief's record all duplicate 32246

certificates of title received in the chief's office from the 32247
clerks. 32248

If it appears that any certificate of title has been 32249
improperly issued or is no longer required, the chief shall cancel 32250
the certificate. Upon the cancellation of any certificate of 32251
title, the chief shall notify the clerk who issued it, and the 32252
clerk shall enter the cancellation in the clerk's records. The 32253
chief also shall notify the person to whom the certificate of 32254
title was issued, as well as any lienholders appearing on it, of 32255
the cancellation and, if it is a physical certificate of title, 32256
shall demand the surrender of the certificate of title, but the 32257
cancellation shall not affect the validity of any lien noted on 32258
it. The holder of a physical certificate of title shall return it 32259
to the chief immediately. 32260

The clerks shall keep on hand a sufficient supply of blank 32261
forms that, except certificate of title and memorandum certificate 32262
forms, shall be furnished and distributed without charge to 32263
registered manufacturers or dealers or to other persons residing 32264
within the county. The clerks shall provide the certificates of 32265
title, ~~the~~ and ribbons, cartridges, or other devices necessary for 32266
data the operation of the certificate of title processing, and 32267
removable backup media equipment as determined by the automated 32268
title processing board pursuant to division (C) of section 4505.09 32269
of the Revised Code from moneys provided to the clerks from the 32270
automated title processing fund in accordance with division 32271
(B)(3)(b) of section 4505.09 of the Revised Code. The clerks shall 32272
furnish all other supplies from other moneys available to the 32273
clerks. 32274

Sec. 1551.33. (A) The director of development services shall 32275
appoint and fix the compensation of the director of the Ohio coal 32276
development office. The director shall serve at the pleasure of 32277

the director of development <u>services</u> .	32278
(B) The director of the office shall do all of the following:	32279
(1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code;	32280 32281
(2) Propose and support policies for the office consistent with the Ohio coal development agenda and develop means to implement the agenda;	32282 32283 32284
(3) Initiate, undertake, and support projects to carry out the office's purposes and ensure that the projects are consistent with and meet the selection criteria established by the Ohio coal development agenda;	32285 32286 32287 32288
(4) Actively encourage joint participation in and, when feasible, joint funding of the office's projects with governmental agencies, electric utilities, universities and colleges, other public or private interests, or any other person;	32289 32290 32291 32292
(5) Establish a table of organization for and employ such employees and agents as are necessary for the administration and operation of the office. Any such employees shall be in the unclassified service and shall serve at the pleasure of the director of development <u>services</u> .	32293 32294 32295 32296 32297
(6) Appoint specified members of and convene <u>Convene</u> the technical advisory committee established under section 1551.35 of the Revised Code;	32298 32299 32300
(7) Review, with the assistance of the technical advisory committee, proposed coal research and development projects as defined in section 1555.01 of the Revised Code, and coal development projects, submitted to the office by public utilities for the purpose of section 4905.304 of the Revised Code. If the director and the advisory committee determine that any such facility or project has as its purpose the enhanced use of Ohio	32301 32302 32303 32304 32305 32306 32307

coal in an environmentally acceptable, cost effective manner, 32308
promotes energy conservation, is cost effective, and is 32309
environmentally sound, the director shall submit to the public 32310
utilities commission a report recommending that the commission 32311
allow the recovery of costs associated with the facility or 32312
project under section 4905.304 of the Revised Code and including 32313
the reasons for the recommendation. 32314

(8) Establish such policies, procedures, and guidelines as 32315
are necessary to achieve the office's purposes. 32316

(C) With the approval of the director of development 32317
services, the director of the office may exercise any of the 32318
powers and duties that the director of development services 32319
considers appropriate or desirable to achieve the office's 32320
purposes, including, but not limited to, the powers and duties 32321
enumerated in sections 1551.11, 1551.12, and 1551.15 of the 32322
Revised Code. 32323

Additionally, the director of the office may make loans to 32324
governmental agencies or persons for projects to carry out the 32325
office's purposes. Fees, charges, rates of interest, times of 32326
payment of interest and principal, and other terms, conditions, 32327
and provisions of the loans shall be such as the director of the 32328
office determines to be appropriate and in furtherance of the 32329
purposes for which the loans are made. The mortgage lien securing 32330
any moneys lent by the director of the office may be subordinate 32331
to the mortgage lien securing any moneys lent or invested by a 32332
financial institution, but shall be superior to that securing any 32333
moneys lent or expended by any other person. The moneys used in 32334
making the loans shall be disbursed upon order of the director of 32335
the office. 32336

Sec. 1551.35. (A) There is hereby established a technical 32337
advisory committee to assist the director of the Ohio coal 32338

development office in achieving the office's purposes. The 32339
director of development services shall appoint to the committee 32340
one member of the public utilities commission and one 32341
representative each of coal production companies, the united mine 32342
workers of America, electric utilities, manufacturers that use 32343
Ohio coal, and environmental organizations, as well as two people 32344
with a background in coal research and development technology, one 32345
of whom is employed at the time of the member's appointment by a 32346
state university, as defined in section 3345.011 of the Revised 32347
Code. In addition, the committee shall include four legislative 32348
members. The speaker and minority leader of the house of 32349
representatives each shall appoint one member of the house of 32350
representatives, and the president and minority leader of the 32351
senate each shall appoint one member of the senate, to the 32352
committee. The director of environmental protection shall serve on 32353
the committee as an ex officio member. Any member of the committee 32354
may designate in writing a substitute to serve in the member's 32355
absence on the committee. The director of environmental protection 32356
may designate in writing the chief of the air pollution control 32357
division of the agency to represent the agency. Members shall 32358
serve on the committee at the pleasure of their appointing 32359
authority. Members of the committee appointed by the director of 32360
~~the office~~ development services and, notwithstanding section 32361
101.26 of the Revised Code, legislative members of the committee, 32362
when engaged in their official duties as members of the committee, 32363
shall be compensated on a per diem basis in accordance with 32364
division (J) of section 124.15 of the Revised Code, except that 32365
the member of the public utilities commission and, while employed 32366
by a state university, the member with a background in coal 32367
research, shall not be so compensated. Members shall receive their 32368
actual and necessary expenses incurred in the performance of their 32369
duties. 32370

(B) The technical advisory committee shall review and make 32371

recommendations concerning the Ohio coal development agenda 32372
required under section 1551.34 of the Revised Code, project 32373
proposals, research and development projects submitted to the 32374
office by public utilities for the purpose of section 4905.304 of 32375
the Revised Code, proposals for grants, loans, and loan guarantees 32376
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 32377
and such other topics as the director of the office considers 32378
appropriate. 32379

(C) The technical advisory committee may hold an executive 32380
session at any regular or special meeting for the purpose of 32381
considering research and development project proposals or 32382
applications for assistance submitted to the Ohio coal development 32383
office under section 1551.33, or sections 1555.01 to 1555.06, of 32384
the Revised Code, to the extent that the proposals or applications 32385
consist of trade secrets or other proprietary information. 32386

Any materials or data submitted to, made available to, or 32387
received by the ~~department of development~~ services agency or the 32388
director of the Ohio coal development office in connection with 32389
agreements for assistance entered into under this chapter or 32390
Chapter 1555. of the Revised Code, or any information taken from 32391
those materials or data for any purpose, to the extent that the 32392
materials or data consist of trade secrets or other proprietary 32393
information, are not public records for the purposes of section 32394
149.43 of the Revised Code. 32395

As used in this division, "trade secrets" has the same 32396
meaning as in section 1333.61 of the Revised Code. 32397

Sec. 1555.15. There is hereby created in the state treasury 32398
the coal research and development fund. Moneys obtained for coal 32399
research and development projects from federal grants or loans, 32400
private grants, and other sources, and moneys paid into the fund 32401
pursuant to section 151.07 or 1555.08 of the Revised Code, shall 32402

be expended for the purpose of making grants and making or 32403
guaranteeing loans for coal research and development projects that 32404
will encourage the use of Ohio coal, to any individual, 32405
association, or corporation doing business in this state, or to 32406
any educational or scientific institution located in this state as 32407
provided for in Section 15 of Article VIII, Ohio Constitution and 32408
section 1555.08 of the Revised Code, when appropriated for such 32409
purposes by the general assembly. All investment earnings on the 32410
cash balance in the fund shall be credited to the fund. 32411

The director of budget and management shall establish and 32412
maintain records or accounts for or within the coal research and 32413
development fund in such manner as to show the amounts credited to 32414
such fund pursuant to section 1555.08 of the Revised Code and that 32415
the amounts so credited have been expended for the purposes set 32416
forth in Section 15 of Article VIII, Ohio Constitution, and 32417
section 151.07 of the Revised Code. The director of budget and 32418
management may otherwise manage the fund to comply with any 32419
requirements established by federal grants or loans, private 32420
grants, or moneys from other sources. 32421

Sec. 1711.07. The board of directors of a county or 32422
independent agricultural society shall consist of at least eight 32423
members. An employee of the ~~Ohio state university~~ OSU extension 32424
~~service~~ and the county school superintendent shall be members ex 32425
officio. Their terms of office shall be determined by the rules of 32426
the department of agriculture. Any vacancy in the board caused by 32427
death, resignation, refusal to qualify, removal from county, or 32428
other cause may be filled by the board until the society's next 32429
annual election, when a director shall be elected for the 32430
unexpired term. There shall be an annual election of directors by 32431
ballot at a time and a place fixed by the board, but this election 32432
shall not be held later than the first Saturday in December 1994, 32433
and not later than the fifteenth day of November each year 32434

thereafter, beginning in 1995. The secretary of the society shall 32435
give notice of ~~such~~ the election, for three weeks prior to the 32436
holding thereof, in a newspaper of general circulation in the 32437
county or as provided in section 7.16 of the Revised Code, or by 32438
letter mailed to each member of the society. Only persons holding 32439
membership certificates at the close of the annual county fair, or 32440
at least fifteen calendar days before the date of election, as may 32441
be fixed by the board, may vote, unless ~~such~~ the election is held 32442
on the fairground during the fair, in which case all persons 32443
holding membership certificates on the date and hour of the 32444
election may vote. When the election is to be held during the 32445
fair, notice of ~~such~~ the election ~~must~~ shall be prominently 32446
mentioned in the premium list, in addition to the notice required 32447
in a newspaper. The terms of office of the retiring directors 32448
shall expire, and those of the directors-elect shall begin, not 32449
later than the first Saturday in January 1995, and not later than 32450
the thirtieth day of November each year thereafter, beginning in 32451
1995. 32452

The secretary of ~~such~~ the society shall send the name and 32453
address of each member of its board to the director of agriculture 32454
within ten days after the election. 32455

Sec. 1724.03. (A) After the articles of incorporation have 32456
been filed, and at the first meeting of the board of directors of 32457
a county land reutilization corporation, the board shall adopt 32458
regulations for the government of the corporation, the conduct of 32459
its affairs, and the management of its property, consistent with 32460
law and the articles. The content of the regulations shall be 32461
governed by section 1702.11 of the Revised Code to the extent not 32462
inconsistent with this chapter. 32463

(B) The board of directors of a county land reutilization 32464
corporation shall be composed of five, seven, or nine members, 32465

including the county treasurer, at least two of the members of the board of county commissioners, one representative of the largest municipal corporation, based on the population according to the most recent federal decennial census, that is located in the county, one representative of a township with a population of at least ten thousand in the unincorporated area of the township according to the most recent federal decennial census, if at least two such townships exist in the county, and any remaining members selected by the treasurer and the county commissioners who are members of the corporation's board. The township representative shall be chosen by a majority of the boards of township trustees of townships with a population of at least ten thousand in the unincorporated area of the township according to the most recent federal decennial census. At least one board member shall have private sector or nonprofit experience in rehabilitation or real estate acquisitions. A county treasurer and the county commissioners each may appoint a representative, as a director of the corporation, to act for the officer at any of the meetings of the corporation. Except as may otherwise be authorized by the regulations of the corporation, all members of the board of directors shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

Sec. 1739.061. (A)(1) This section applies to both of the following:

(a) A multiple employer welfare arrangement that issues or requires the use of a standardized identification card or an electronic technology for submission and routing of prescription drug claims;

(b) A person or entity that a multiple employer welfare arrangement contracts with to issue a standardized identification card or an electronic technology described in division (A)(1)(a)

of this section. 32497

(2) Notwithstanding division (A)(1) of this section, this 32498
section does not apply to the issuance or required use of a 32499
standardized identification card or an electronic technology for 32500
the submission and routing of prescription drug claims in 32501
connection with any of the following: 32502

(a) Any program or arrangement covering only accident, 32503
credit, dental, disability income, long-term care, hospital 32504
indemnity, medicare supplement, medicare, tricare, specified 32505
disease, or vision care; coverage under a 32506
one-time-limited-duration policy of not longer than six months; 32507
coverage issued as a supplement to liability insurance; insurance 32508
arising out of workers' compensation or similar law; automobile 32509
medical payment insurance; or insurance under which benefits are 32510
payable with or without regard to fault and which is statutorily 32511
required to be contained in any liability insurance policy or 32512
equivalent self-insurance. 32513

(b) Coverage provided under the medicaid, ~~as defined in~~ 32514
~~section 5111.01 of the Revised Code~~ program. 32515

(c) Coverage provided under an employer's self-insurance plan 32516
or by any of its administrators, as defined in section 3959.01 of 32517
the Revised Code, to the extent that federal law supersedes, 32518
preempts, prohibits, or otherwise precludes the application of 32519
this section to the plan and its administrators. 32520

(B) A standardized identification card or an electronic 32521
technology issued or required to be used as provided in division 32522
(A)(1) of this section shall contain uniform prescription drug 32523
information in accordance with either division (B)(1) or (2) of 32524
this section. 32525

(1) The standardized identification card or the electronic 32526
technology shall be in a format and contain information fields 32527

approved by the national council for prescription drug programs or 32528
a successor organization, as specified in the council's or 32529
successor organization's pharmacy identification card 32530
implementation guide in effect on the first day of October most 32531
immediately preceding the issuance or required use of the 32532
standardized identification card or the electronic technology. 32533

(2) If the multiple employer welfare arrangement or person 32534
under contract with it to issue a standardized identification card 32535
or an electronic technology requires the information for the 32536
submission and routing of a claim, the standardized identification 32537
card or the electronic technology shall contain any of the 32538
following information: 32539

(a) The name of the multiple employer welfare arrangement; 32540

(b) The individual's name, group number, and identification 32541
number; 32542

(c) A telephone number to inquire about pharmacy-related 32543
issues; 32544

(d) The issuer's international identification number, labeled 32545
as "ANSI BIN" or "RxBIN"; 32546

(e) The processor's control number, labeled as "RxPCN"; 32547

(f) The individual's pharmacy benefits group number if 32548
different from the insured's medical group number, labeled as 32549
"RxGrp." 32550

(C) If the standardized identification card or the electronic 32551
technology issued or required to be used as provided in division 32552
(A)(1) of this section is also used for submission and routing of 32553
nonpharmacy claims, the designation "Rx" is required to be 32554
included as part of the labels identified in divisions (B)(2)(d) 32555
and (e) of this section if the issuer's international 32556
identification number or the processor's control number is 32557

different for medical and pharmacy claims. 32558

(D) Each multiple employer welfare arrangement described in 32559
division (A) of this section shall annually file a certificate 32560
with the superintendent of insurance certifying that it or any 32561
person it contracts with to issue a standardized identification 32562
card or electronic technology for submission and routing of 32563
prescription drug claims complies with this section. 32564

(E)(1) Except as provided in division (E)(2) of this section, 32565
if there is a change in the information contained in the 32566
standardized identification card or the electronic technology 32567
issued to an individual, the multiple employer welfare arrangement 32568
or person under contract with it to issue a standardized 32569
identification card or an electronic technology shall issue a new 32570
card or electronic technology to the individual. 32571

(2) A multiple employer welfare arrangement or person under 32572
contract with it is not required under division (E)(1) of this 32573
section to issue a new card or electronic technology to an 32574
individual more than once during a twelve-month period. 32575

(F) Nothing in this section shall be construed as requiring a 32576
multiple employer welfare arrangement to produce more than one 32577
standardized identification card or one electronic technology for 32578
use by individuals accessing health care benefits provided under a 32579
multiple employer welfare arrangement. 32580

Sec. 1751.01. As used in this chapter: 32581

(A)(1) "Basic health care services" means the following 32582
services when medically necessary: 32583

(a) Physician's services, except when such services are 32584
supplemental under division (B) of this section; 32585

(b) Inpatient hospital services; 32586

(c) Outpatient medical services; 32587

(d) Emergency health services;	32588
(e) Urgent care services;	32589
(f) Diagnostic laboratory services and diagnostic and therapeutic radiologic services;	32590 32591
(g) Diagnostic and treatment services, other than prescription drug services, for biologically based mental illnesses;	32592 32593 32594
(h) Preventive health care services, including, but not limited to, voluntary family planning services, infertility services, periodic physical examinations, prenatal obstetrical care, and well-child care;	32595 32596 32597 32598
(i) Routine patient care for patients enrolled in an eligible cancer clinical trial pursuant to section 3923.80 of the Revised Code.	32599 32600 32601
"Basic health care services" does not include experimental procedures.	32602 32603
Except as provided by divisions (A)(2) and (3) of this section in connection with the offering of coverage for diagnostic and treatment services for biologically based mental illnesses, a health insuring corporation shall not offer coverage for a health care service, defined as a basic health care service by this division, unless it offers coverage for all listed basic health care services. However, this requirement does not apply to the coverage of beneficiaries enrolled in medicare pursuant to a medicare contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or to the coverage of beneficiaries under any federal health care program regulated by a federal regulatory body, or to the coverage of beneficiaries under any contract covering officers or employees of the state that has been entered into by the department of	32604 32605 32606 32607 32608 32609 32610 32611 32612 32613 32614 32615 32616 32617 32618

administrative services. 32619

(2) A health insuring corporation may offer coverage for 32620
diagnostic and treatment services for biologically based mental 32621
illnesses without offering coverage for all other basic health 32622
care services. A health insuring corporation may offer coverage 32623
for diagnostic and treatment services for biologically based 32624
mental illnesses alone or in combination with one or more 32625
supplemental health care services. However, a health insuring 32626
corporation that offers coverage for any other basic health care 32627
service shall offer coverage for diagnostic and treatment services 32628
for biologically based mental illnesses in combination with the 32629
offer of coverage for all other listed basic health care services. 32630

(3) A health insuring corporation that offers coverage for 32631
basic health care services is not required to offer coverage for 32632
diagnostic and treatment services for biologically based mental 32633
illnesses in combination with the offer of coverage for all other 32634
listed basic health care services if all of the following apply: 32635

(a) The health insuring corporation submits documentation 32636
certified by an independent member of the American academy of 32637
actuaries to the superintendent of insurance showing that incurred 32638
claims for diagnostic and treatment services for biologically 32639
based mental illnesses for a period of at least six months 32640
independently caused the health insuring corporation's costs for 32641
claims and administrative expenses for the coverage of basic 32642
health care services to increase by more than one per cent per 32643
year. 32644

(b) The health insuring corporation submits a signed letter 32645
from an independent member of the American academy of actuaries to 32646
the superintendent of insurance opining that the increase in costs 32647
described in division (A)(3)(a) of this section could reasonably 32648
justify an increase of more than one per cent in the annual 32649
premiums or rates charged by the health insuring corporation for 32650

the coverage of basic health care services. 32651

(c) The superintendent of insurance makes the following 32652
determinations from the documentation and opinion submitted 32653
pursuant to divisions (A)(3)(a) and (b) of this section: 32654

(i) Incurred claims for diagnostic and treatment services for 32655
biologically based mental illnesses for a period of at least six 32656
months independently caused the health insuring corporation's 32657
costs for claims and administrative expenses for the coverage of 32658
basic health care services to increase by more than one per cent 32659
per year. 32660

(ii) The increase in costs reasonably justifies an increase 32661
of more than one per cent in the annual premiums or rates charged 32662
by the health insuring corporation for the coverage of basic 32663
health care services. 32664

Any determination made by the superintendent under this 32665
division is subject to Chapter 119. of the Revised Code. 32666

(B)(1) "Supplemental health care services" means any health 32667
care services other than basic health care services that a health 32668
insuring corporation may offer, alone or in combination with 32669
either basic health care services or other supplemental health 32670
care services, and includes: 32671

(a) Services of facilities for intermediate or long-term 32672
care, or both; 32673

(b) Dental care services; 32674

(c) Vision care and optometric services including lenses and 32675
frames; 32676

(d) Podiatric care or foot care services; 32677

(e) Mental health services, excluding diagnostic and 32678
treatment services for biologically based mental illnesses; 32679

(f) Short-term outpatient evaluative and crisis-intervention 32680

mental health services;	32681
(g) Medical or psychological treatment and referral services	32682
for alcohol and drug abuse or addiction;	32683
(h) Home health services;	32684
(i) Prescription drug services;	32685
(j) Nursing services;	32686
(k) Services of a dietitian licensed under Chapter 4759. of	32687
the Revised Code;	32688
(l) Physical therapy services;	32689
(m) Chiropractic services;	32690
(n) Any other category of services approved by the	32691
superintendent of insurance.	32692
(2) If a health insuring corporation offers prescription drug	32693
services under this division, the coverage shall include	32694
prescription drug services for the treatment of biologically based	32695
mental illnesses on the same terms and conditions as other	32696
physical diseases and disorders.	32697
(C) "Specialty health care services" means one of the	32698
supplemental health care services listed in division (B) of this	32699
section, when provided by a health insuring corporation on an	32700
outpatient-only basis and not in combination with other	32701
supplemental health care services.	32702
(D) "Biologically based mental illnesses" means	32703
schizophrenia, schizoaffective disorder, major depressive	32704
disorder, bipolar disorder, paranoia and other psychotic	32705
disorders, obsessive-compulsive disorder, and panic disorder, as	32706
these terms are defined in the most recent edition of the	32707
diagnostic and statistical manual of mental disorders published by	32708
the American psychiatric association.	32709

(E) "Closed panel plan" means a health care plan that	32710
requires enrollees to use participating providers.	32711
(F) "Compensation" means remuneration for the provision of	32712
health care services, determined on other than a fee-for-service	32713
or discounted-fee-for-service basis.	32714
(G) "Contractual periodic prepayment" means the formula for	32715
determining the premium rate for all subscribers of a health	32716
insuring corporation.	32717
(H) "Corporation" means a corporation formed under Chapter	32718
1701. or 1702. of the Revised Code or the similar laws of another	32719
state.	32720
(I) "Emergency health services" means those health care	32721
services that must be available on a seven-days-per-week,	32722
twenty-four-hours-per-day basis in order to prevent jeopardy to an	32723
enrollee's health status that would occur if such services were	32724
not received as soon as possible, and includes, where appropriate,	32725
provisions for transportation and indemnity payments or service	32726
agreements for out-of-area coverage.	32727
(J) "Enrollee" means any natural person who is entitled to	32728
receive health care benefits provided by a health insuring	32729
corporation.	32730
(K) "Evidence of coverage" means any certificate, agreement,	32731
policy, or contract issued to a subscriber that sets out the	32732
coverage and other rights to which such person is entitled under a	32733
health care plan.	32734
(L) "Health care facility" means any facility, except a	32735
health care practitioner's office, that provides preventive,	32736
diagnostic, therapeutic, acute convalescent, rehabilitation,	32737
mental health, mental retardation, intermediate care, or skilled	32738
nursing services.	32739

(M) "Health care services" means basic, supplemental, and specialty health care services.

(N) "Health delivery network" means any group of providers or health care facilities, or both, or any representative thereof, that have entered into an agreement to offer health care services in a panel rather than on an individual basis.

(O) "Health insuring corporation" means a corporation, as defined in division (H) of this section, that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, basic health care services, supplemental health care services, or specialty health care services, or a combination of basic health care services and either supplemental health care services or specialty health care services, through either an open panel plan or a closed panel plan.

"Health insuring corporation" does not include a limited liability company formed pursuant to Chapter 1705. of the Revised Code, an insurer licensed under Title XXXIX of the Revised Code if that insurer offers only open panel plans under which all providers and health care facilities participating receive their compensation directly from the insurer, a corporation formed by or on behalf of a political subdivision or a department, office, or institution of the state, or a public entity formed by or on behalf of a board of county commissioners, a county board of developmental disabilities, an alcohol and drug addiction services board, a board of alcohol, drug addiction, and mental health services, or a community mental health board, as those terms are used in Chapters 340. and 5126. of the Revised Code. Except as provided by division (D) of section 1751.02 of the Revised Code, or as otherwise provided by law, no board, commission, agency, or other entity under the control of a political subdivision may accept insurance risk in providing for health care services.

However, nothing in this division shall be construed as 32772
prohibiting such entities from purchasing the services of a health 32773
insuring corporation or a third-party administrator licensed under 32774
Chapter 3959. of the Revised Code. 32775

(P) "Intermediary organization" means a health delivery 32776
network or other entity that contracts with licensed health 32777
insuring corporations or self-insured employers, or both, to 32778
provide health care services, and that enters into contractual 32779
arrangements with other entities for the provision of health care 32780
services for the purpose of fulfilling the terms of its contracts 32781
with the health insuring corporations and self-insured employers. 32782

(Q) "Intermediate care" means residential care above the 32783
level of room and board for patients who require personal 32784
assistance and health-related services, but who do not require 32785
skilled nursing care. 32786

~~(R) "Medicaid" has the same meaning as in section 5111.01 of 32787
the Revised Code. 32788~~

~~(S) "Medical record" means the personal information that 32789
relates to an individual's physical or mental condition, medical 32790
history, or medical treatment. 32791~~

~~(T) "Medicare" means the program established under Title 32792
XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 32793
1395, as amended. 32794~~

~~(U)~~(S)(1) "Open panel plan" means a health care plan that 32795
provides incentives for enrollees to use participating providers 32796
and that also allows enrollees to use providers that are not 32797
participating providers. 32798

(2) No health insuring corporation may offer an open panel 32799
plan, unless the health insuring corporation is also licensed as 32800
an insurer under Title XXXIX of the Revised Code, the health 32801
insuring corporation, on June 4, 1997, holds a certificate of 32802

authority or license to operate under Chapter 1736. or 1740. of 32803
the Revised Code, or an insurer licensed under Title XXXIX of the 32804
Revised Code is responsible for the out-of-network risk as 32805
evidenced by both an evidence of coverage filing under section 32806
1751.11 of the Revised Code and a policy and certificate filing 32807
under section 3923.02 of the Revised Code. 32808

~~(V)~~(T) "Osteopathic hospital" means a hospital registered 32809
under section 3701.07 of the Revised Code that advocates 32810
osteopathic principles and the practice and perpetuation of 32811
osteopathic medicine by doing any of the following: 32812

(1) Maintaining a department or service of osteopathic 32813
medicine or a committee on the utilization of osteopathic 32814
principles and methods, under the supervision of an osteopathic 32815
physician; 32816

(2) Maintaining an active medical staff, the majority of 32817
which is comprised of osteopathic physicians; 32818

(3) Maintaining a medical staff executive committee that has 32819
osteopathic physicians as a majority of its members. 32820

~~(W)~~(U) "Panel" means a group of providers or health care 32821
facilities that have joined together to deliver health care 32822
services through a contractual arrangement with a health insuring 32823
corporation, employer group, or other payor. 32824

~~(X)~~(V) "Person" has the same meaning as in section 1.59 of 32825
the Revised Code, and, unless the context otherwise requires, 32826
includes any insurance company holding a certificate of authority 32827
under Title XXXIX of the Revised Code, any subsidiary and 32828
affiliate of an insurance company, and any government agency. 32829

~~(Y)~~(W) "Premium rate" means any set fee regularly paid by a 32830
subscriber to a health insuring corporation. A "premium rate" does 32831
not include a one-time membership fee, an annual administrative 32832
fee, or a nominal access fee, paid to a managed health care system 32833

under which the recipient of health care services remains solely 32834
responsible for any charges assessed for those services by the 32835
provider or health care facility. 32836

~~(Z)~~(X) "Primary care provider" means a provider that is 32837
designated by a health insuring corporation to supervise, 32838
coordinate, or provide initial care or continuing care to an 32839
enrollee, and that may be required by the health insuring 32840
corporation to initiate a referral for specialty care and to 32841
maintain supervision of the health care services rendered to the 32842
enrollee. 32843

~~(AA)~~(Y) "Provider" means any natural person or partnership of 32844
natural persons who are licensed, certified, accredited, or 32845
otherwise authorized in this state to furnish health care 32846
services, or any professional association organized under Chapter 32847
1785. of the Revised Code, provided that nothing in this chapter 32848
or other provisions of law shall be construed to preclude a health 32849
insuring corporation, health care practitioner, or organized 32850
health care group associated with a health insuring corporation 32851
from employing certified nurse practitioners, certified nurse 32852
anesthetists, clinical nurse specialists, certified nurse 32853
midwives, dietitians, physician assistants, dental assistants, 32854
dental hygienists, optometric technicians, or other allied health 32855
personnel who are licensed, certified, accredited, or otherwise 32856
authorized in this state to furnish health care services. 32857

~~(BB)~~(Z) "Provider sponsored organization" means a 32858
corporation, as defined in division (H) of this section, that is 32859
at least eighty per cent owned or controlled by one or more 32860
hospitals, as defined in section 3727.01 of the Revised Code, or 32861
one or more physicians licensed to practice medicine or surgery or 32862
osteopathic medicine and surgery under Chapter 4731. of the 32863
Revised Code, or any combination of such physicians and hospitals. 32864
Such control is presumed to exist if at least eighty per cent of 32865

the voting rights or governance rights of a provider sponsored 32866
organization are directly or indirectly owned, controlled, or 32867
otherwise held by any combination of the physicians and hospitals 32868
described in this division. 32869

~~(CC)~~(AA) "Solicitation document" means the written materials 32870
provided to prospective subscribers or enrollees, or both, and 32871
used for advertising and marketing to induce enrollment in the 32872
health care plans of a health insuring corporation. 32873

~~(DD)~~(BB) "Subscriber" means a person who is responsible for 32874
making payments to a health insuring corporation for participation 32875
in a health care plan, or an enrollee whose employment or other 32876
status is the basis of eligibility for enrollment in a health 32877
insuring corporation. 32878

~~(EE)~~(CC) "Urgent care services" means those health care 32879
services that are appropriately provided for an unforeseen 32880
condition of a kind that usually requires medical attention 32881
without delay but that does not pose a threat to the life, limb, 32882
or permanent health of the injured or ill person, and may include 32883
such health care services provided out of the health insuring 32884
corporation's approved service area pursuant to indemnity payments 32885
or service agreements. 32886

Sec. 1751.11. (A) Every subscriber of a health insuring 32887
corporation is entitled to an evidence of coverage for the health 32888
care plan under which health care benefits are provided. 32889

(B) Every subscriber of a health insuring corporation that 32890
offers basic health care services is entitled to an identification 32891
card or similar document that specifies the health insuring 32892
corporation's name as stated in its articles of incorporation, and 32893
any trade or fictitious names used by the health insuring 32894
corporation. The identification card or document shall list at 32895
least one toll-free telephone number that provides the subscriber 32896

with access, to information on a twenty-four-hours-per-day, 32897
seven-days-per-week basis, as to how health care services may be 32898
obtained. The identification card or document shall also list at 32899
least one toll-free number that, during normal business hours, 32900
provides the subscriber with access to information on the coverage 32901
available under the subscriber's health care plan and information 32902
on the health care plan's internal and external review processes. 32903

(C) No evidence of coverage, or amendment to the evidence of 32904
coverage, shall be delivered, issued for delivery, renewed, or 32905
used, until the form of the evidence of coverage or amendment has 32906
been filed by the health insuring corporation with the 32907
superintendent of insurance. If the superintendent does not 32908
disapprove the evidence of coverage or amendment within sixty days 32909
after it is filed it shall be deemed approved, unless the 32910
superintendent sooner gives approval for the evidence of coverage 32911
or amendment. With respect to an amendment to an approved evidence 32912
of coverage, the superintendent only may disapprove provisions 32913
amended or added to the evidence of coverage. If the 32914
superintendent determines within the sixty-day period that any 32915
evidence of coverage or amendment fails to meet the requirements 32916
of this section, the superintendent shall so notify the health 32917
insuring corporation and it shall be unlawful for the health 32918
insuring corporation to use such evidence of coverage or 32919
amendment. At any time, the superintendent, upon at least thirty 32920
days' written notice to a health insuring corporation, may 32921
withdraw an approval, deemed or actual, of any evidence of 32922
coverage or amendment on any of the grounds stated in this 32923
section. Such disapproval shall be effected by a written order, 32924
which shall state the grounds for disapproval and shall be issued 32925
in accordance with Chapter 119. of the Revised Code. 32926

(D) No evidence of coverage or amendment shall be delivered, 32927
issued for delivery, renewed, or used: 32928

(1) If it contains provisions or statements that are inequitable, untrue, misleading, or deceptive;	32929 32930
(2) Unless it contains a clear, concise, and complete statement of the following:	32931 32932
(a) The health care services and insurance or other benefits, if any, to which an enrollee is entitled under the health care plan;	32933 32934 32935
(b) Any exclusions or limitations on the health care services, type of health care services, benefits, or type of benefits to be provided, including copayments and deductibles;	32936 32937 32938
(c) An enrollee's personal financial obligation for noncovered services;	32939 32940
(d) Where and in what manner general information and information as to how health care services may be obtained is available, including a toll-free telephone number;	32941 32942 32943
(e) The premium rate with respect to individual and conversion contracts, and relevant copayment and deductible provisions with respect to all contracts. The statement of the premium rate, however, may be contained in a separate insert.	32944 32945 32946 32947
(f) The method utilized by the health insuring corporation for resolving enrollee complaints;	32948 32949
(g) The utilization review, internal review, and external review procedures established under sections 1751.77 to 1751.83 and Chapter 3922. of the Revised Code.	32950 32951 32952
(3) Unless it provides for the continuation of an enrollee's coverage, in the event that the enrollee's coverage under the group policy, contract, certificate, or agreement terminates while the enrollee is receiving inpatient care in a hospital. This continuation of coverage shall terminate at the earliest occurrence of any of the following:	32953 32954 32955 32956 32957 32958

(a) The enrollee's discharge from the hospital;	32959
(b) The determination by the enrollee's attending physician	32960
that inpatient care is no longer medically indicated for the	32961
enrollee; however, nothing in division (D)(3)(b) of this section	32962
precludes a health insuring corporation from engaging in	32963
utilization review as described in the evidence of coverage.	32964
(c) The enrollee's reaching the limit for contractual	32965
benefits;	32966
(d) The effective date of any new coverage.	32967
(4) Unless it contains a provision that states, in substance,	32968
that the health insuring corporation is not a member of any	32969
guaranty fund, and that in the event of the health insuring	32970
corporation's insolvency, an enrollee is protected only to the	32971
extent that the hold harmless provision required by section	32972
1751.13 of the Revised Code applies to the health care services	32973
rendered;	32974
(5) Unless it contains a provision that states, in substance,	32975
that in the event of the insolvency of the health insuring	32976
corporation, an enrollee may be financially responsible for health	32977
care services rendered by a provider or health care facility that	32978
is not under contract to the health insuring corporation, whether	32979
or not the health insuring corporation authorized the use of the	32980
provider or health care facility.	32981
(E) Notwithstanding divisions (C) and (D) of this section, a	32982
health insuring corporation may use an evidence of coverage that	32983
provides for the coverage of beneficiaries enrolled in medicare	32984
pursuant to a medicare contract, or an evidence of coverage that	32985
provides for the coverage of beneficiaries enrolled in the federal	32986
employees health benefits program pursuant to 5 U.S.C.A. 8905, or	32987
an evidence of coverage that provides for the coverage of medicaid	32988
recipients, or an evidence of coverage that provides for the	32989

coverage of beneficiaries under any other federal health care 32990
program regulated by a federal regulatory body, or an evidence of 32991
coverage that provides for the coverage of beneficiaries under any 32992
contract covering officers or employees of the state that has been 32993
entered into by the department of administrative services, if both 32994
of the following apply: 32995

(1) The evidence of coverage has been approved by the United 32996
States department of health and human services, the United States 32997
office of personnel management, the ~~Ohio~~ department of ~~job and~~ 32998
~~family services~~ medicaid, or the department of administrative 32999
services. 33000

(2) The evidence of coverage is filed with the superintendent 33001
of insurance prior to use and is accompanied by documentation of 33002
approval from the United States department of health and human 33003
services, the United States office of personnel management, the 33004
~~Ohio~~ department of ~~job and family services~~ medicaid, or the 33005
department of administrative services. 33006

Sec. 1751.12. (A)(1) No contractual periodic prepayment and 33007
no premium rate for nongroup and conversion policies for health 33008
care services, or any amendment to them, may be used by any health 33009
insuring corporation at any time until the contractual periodic 33010
prepayment and premium rate, or amendment, have been filed with 33011
the superintendent of insurance, and shall not be effective until 33012
the expiration of sixty days after their filing unless the 33013
superintendent sooner gives approval. The filing shall be 33014
accompanied by an actuarial certification in the form prescribed 33015
by the superintendent. The superintendent shall disapprove the 33016
filing, if the superintendent determines within the sixty-day 33017
period that the contractual periodic prepayment or premium rate, 33018
or amendment, is not in accordance with sound actuarial principles 33019
or is not reasonably related to the applicable coverage and 33020

characteristics of the applicable class of enrollees. The 33021
superintendent shall notify the health insuring corporation of the 33022
disapproval, and it shall thereafter be unlawful for the health 33023
insuring corporation to use the contractual periodic prepayment or 33024
premium rate, or amendment. 33025

(2) No contractual periodic prepayment for group policies for 33026
health care services shall be used until the contractual periodic 33027
prepayment has been filed with the superintendent. The filing 33028
shall be accompanied by an actuarial certification in the form 33029
prescribed by the superintendent. The superintendent may reject a 33030
filing made under division (A)(2) of this section at any time, 33031
with at least thirty days' written notice to a health insuring 33032
corporation, if the contractual periodic prepayment is not in 33033
accordance with sound actuarial principles or is not reasonably 33034
related to the applicable coverage and characteristics of the 33035
applicable class of enrollees. 33036

(3) At any time, the superintendent, upon at least thirty 33037
days' written notice to a health insuring corporation, may 33038
withdraw the approval given under division (A)(1) of this section, 33039
deemed or actual, of any contractual periodic prepayment or 33040
premium rate, or amendment, based on information that either of 33041
the following applies: 33042

(a) The contractual periodic prepayment or premium rate, or 33043
amendment, is not in accordance with sound actuarial principles. 33044

(b) The contractual periodic prepayment or premium rate, or 33045
amendment, is not reasonably related to the applicable coverage 33046
and characteristics of the applicable class of enrollees. 33047

(4) Any disapproval under division (A)(1) of this section, 33048
any rejection of a filing made under division (A)(2) of this 33049
section, or any withdrawal of approval under division (A)(3) of 33050
this section, shall be effected by a written notice, which shall 33051

state the specific basis for the disapproval, rejection, or 33052
withdrawal and shall be issued in accordance with Chapter 119. of 33053
the Revised Code. 33054

(B) Notwithstanding division (A) of this section, a health 33055
insuring corporation may use a contractual periodic prepayment or 33056
premium rate for policies used for the coverage of beneficiaries 33057
enrolled in medicare pursuant to a medicare risk contract or 33058
medicare cost contract, or for policies used for the coverage of 33059
beneficiaries enrolled in the federal employees health benefits 33060
program pursuant to 5 U.S.C.A. 8905, or for policies used for the 33061
coverage of medicaid recipients, or for policies used for the 33062
coverage of beneficiaries under any other federal health care 33063
program regulated by a federal regulatory body, or for policies 33064
used for the coverage of beneficiaries under any contract covering 33065
officers or employees of the state that has been entered into by 33066
the department of administrative services, if both of the 33067
following apply: 33068

(1) The contractual periodic prepayment or premium rate has 33069
been approved by the United States department of health and human 33070
services, the United States office of personnel management, the 33071
department of ~~job and family services~~ medicaid, or the department 33072
of administrative services. 33073

(2) The contractual periodic prepayment or premium rate is 33074
filed with the superintendent prior to use and is accompanied by 33075
documentation of approval from the United States department of 33076
health and human services, the United States office of personnel 33077
management, the department of ~~job and family services~~ medicaid, or 33078
the department of administrative services. 33079

(C) The administrative expense portion of all contractual 33080
periodic prepayment or premium rate filings submitted to the 33081
superintendent for review must reflect the actual cost of 33082
administering the product. The superintendent may require that the 33083

administrative expense portion of the filings be itemized and supported. 33084
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(D)(1) Copayments must be reasonable and must not be a barrier to the necessary utilization of services by enrollees. 33086
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(2) A health insuring corporation, in order to ensure that copayments are reasonable and not a barrier to the necessary utilization of basic health care services by enrollees, may do one of the following: 33088
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(a) Impose copayment charges on any single covered basic health care service that does not exceed forty per cent of the average cost to the health insuring corporation of providing the service; 33092
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(b) Impose copayment charges that annually do not exceed twenty per cent of the total annual cost to the health insuring corporation of providing all covered basic health care services, including physician office visits, urgent care services, and emergency health services, when aggregated as to all persons covered under the filed product in question. In addition, annual copayment charges as to each enrollee shall not exceed twenty per cent of the total annual cost to the health insuring corporation of providing all covered basic health care services, including physician office visits, urgent care services, and emergency health services, as to such enrollee. The total annual cost of providing a health care service is the cost to the health insuring corporation of providing the health care service to its enrollees as reduced by any applicable provider discount. 33096
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(3) To ensure that copayments are reasonable and not a barrier to the utilization of basic health care services, a health insuring corporation may not impose, in any contract year, on any subscriber or enrollee, copayments that exceed two hundred per cent of the average annual premium rate to subscribers or 33110
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enrollees.	33115
(4) For purposes of division (D) of this section, both of the following apply:	33116 33117
(a) Copayments imposed by health insuring corporations in connection with a high deductible health plan that is linked to a health savings account are reasonable and are not a barrier to the necessary utilization of services by enrollees.	33118 33119 33120 33121
(b) Divisions (D)(2) and (3) of this section do not apply to a high deductible health plan that is linked to a health savings account.	33122 33123 33124
(E) A health insuring corporation shall not impose lifetime maximums on basic health care services. However, a health insuring corporation may establish a benefit limit for inpatient hospital services that are provided pursuant to a policy, contract, certificate, or agreement for supplemental health care services.	33125 33126 33127 33128 33129
(F) A health insuring corporation may require that an enrollee pay an annual deductible that does not exceed one thousand dollars per enrollee or two thousand dollars per family, except that:	33130 33131 33132 33133
(1) A health insuring corporation may impose higher deductibles for high deductible health plans that are linked to health savings accounts;	33134 33135 33136
(2) The superintendent may adopt rules allowing different annual deductible amounts for plans with a medical savings account, health reimbursement arrangement, flexible spending account, or similar account;	33137 33138 33139 33140
(3) A health insuring corporation may impose higher deductibles under health plans if requested by the group contract, policy, certificate, or agreement holder, or an individual seeking coverage under an individual health plan. This shall not be	33141 33142 33143 33144

construed as requiring the health insuring corporation to create 33145
customized health plans for group contract holders or individuals. 33146

(G) As used in this section, "health savings account" and 33147
"high deductible health plan" have the same meanings as in the 33148
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as 33149
amended. 33150

Sec. 1751.14. (A) Notwithstanding section 3901.71 of the 33151
Revised Code, any policy, contract, or agreement for health care 33152
services authorized by this chapter that is issued, delivered, or 33153
renewed in this state and that provides that coverage of an 33154
unmarried dependent child will terminate upon attainment of the 33155
limiting age for dependent children specified in the policy, 33156
contract, or agreement, shall also provide in substance both of 33157
the following: 33158

(1) Once an unmarried child has attained the limiting age for 33159
dependent children, as provided in the policy, contract, or 33160
agreement, upon the request of the subscriber, the health insuring 33161
corporation shall offer to cover the unmarried child until the 33162
child attains twenty-eight years of age if all of the following 33163
are true: 33164

(a) The child is the natural child, stepchild, or adopted 33165
child of the subscriber. 33166

(b) The child is a resident of this state or a full-time 33167
student at an accredited public or private institution of higher 33168
education. 33169

(c) The child is not employed by an employer that offers any 33170
health benefit plan under which the child is eligible for 33171
coverage. 33172

(d) The child is not eligible for coverage under the medicaid 33173
~~program established under Chapter 5111. of the Revised Code~~ or the 33174

medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.	33175 33176
(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:	33177 33178 33179 33180
(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;	33181 33182
(b) Primarily dependent upon the subscriber for support and maintenance.	33183 33184
(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the health insuring corporation within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the health insuring corporation may require proof satisfactory to it of the continuance of such incapacity and dependency.	33185 33186 33187 33188 33189 33190 33191
(C) Nothing in this section shall do any of the following:	33192
(1) Require that any policy, contract, or agreement offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the policy, contract, or agreement;	33193 33194 33195 33196
(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the policy, contract, or agreement;	33197 33198 33199 33200
(3) Require an employer to offer health insurance coverage to the dependents of any employee.	33201 33202
(D) This section does not apply to any health insuring corporation policy, contract, or agreement offering only	33203 33204

supplemental health care services or specialty health care services. 33205
33206

(E) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following: 33207
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(1) A public employee benefit plan; 33210

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 33211
33212

Sec. 1751.271. (A) Each health insuring corporation that provides coverage to medicaid recipients shall post a performance bond in the amount of three million dollars as security to fulfill the obligations of the health insuring corporation to pay claims of contracted providers for covered health care services provided to medicaid recipients. The bond shall be payable to the department of insurance in the event that the health insuring corporation is placed in rehabilitation or liquidation proceedings under Chapter 3903. of the Revised Code, and shall become a special deposit subject to section 3903.14 or 3903.421 of the Revised Code, as applicable. In lieu of the performance bond, a medicaid health insuring corporation may deposit securities with the superintendent of insurance, acceptable to the superintendent, in the amount of three million dollars, to satisfy the bonding requirements of this section. Upon rehabilitation or liquidation, the securities shall become a special deposit subject to sections 3903.14 and 3903.421 of the Revised Code, as applicable. The health insuring corporation shall receive the interest on the deposited securities as long as the health insuring corporation remains solvent. 33213
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(B) The bond shall be issued by a surety company licensed with the department of insurance. The bond or deposit, or any replacement bond or deposit, shall be in a form acceptable to the 33233
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superintendent, and shall remain in effect during the duration of 33236
the medicaid health insuring corporation's license and thereafter 33237
until all claims against the medicaid health insuring corporation 33238
have been paid in full. 33239

(C) Documentation of the bond acceptable to the 33240
superintendent of insurance shall be filed with the superintendent 33241
prior to the issuance of a certificate of authority. Annually, 33242
thirty days prior to the renewal of its certificate of authority, 33243
every medicaid health insuring corporation shall furnish the 33244
superintendent of insurance with evidence that the required bond 33245
is still in effect. 33246

(D) As used in this section: 33247

(1) "Contracted provider" means a provider that has a 33248
contract with a medicaid health insuring corporation to provide 33249
covered health care services to medicaid recipients. 33250

(2) "Medicaid health insuring corporation" means a health 33251
insuring corporation that provides health insurance coverage or 33252
otherwise assumes claims liabilities for medicaid recipients. 33253

(3) "Medicaid recipient" means a person ~~eligible for~~ 33254
~~assistance under~~ enrolled in the medicaid program ~~operated~~ 33255
~~pursuant to Chapter 5111. of the Revised Code.~~ 33256

Sec. 1751.31. (A) Any changes in a health insuring 33257
corporation's solicitation document shall be filed with the 33258
superintendent of insurance. The superintendent, within sixty days 33259
of filing, may disapprove any solicitation document or amendment 33260
to it on any of the grounds stated in this section. Such 33261
disapproval shall be effected by written notice to the health 33262
insuring corporation. The notice shall state the grounds for 33263
disapproval and shall be issued in accordance with Chapter 119. of 33264
the Revised Code. 33265

(B) The solicitation document shall contain all information 33266
necessary to enable a consumer to make an informed choice as to 33267
whether or not to enroll in the health insuring corporation. The 33268
information shall include a specific description of the health 33269
care services to be available and the approximate number and type 33270
of full-time equivalent medical practitioners. The information 33271
shall be presented in the solicitation document in a manner that 33272
is clear, concise, and intelligible to prospective applicants in 33273
the proposed service area. 33274

(C) Every potential applicant whose subscription to a health 33275
care plan is solicited shall receive, at or before the time of 33276
solicitation, a solicitation document approved by the 33277
superintendent. 33278

(D) Notwithstanding division (A) of this section, a health 33279
insuring corporation may use a solicitation document that the 33280
corporation uses in connection with policies for medicare 33281
beneficiaries pursuant to a medicare risk contract or medicare 33282
cost contract, or for policies for beneficiaries of the federal 33283
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 33284
for policies for medicaid recipients, or for policies for 33285
beneficiaries of any other federal health care program regulated 33286
by a federal regulatory body, or for policies for beneficiaries of 33287
contracts covering officers or employees of the state entered into 33288
by the department of administrative services, if both of the 33289
following apply: 33290

(1) The solicitation document has been approved by the United 33291
States department of health and human services, the United States 33292
office of personnel management, the department of ~~job and family~~ 33293
~~services~~ medicaid, or the department of administrative services. 33294

(2) The solicitation document is filed with the 33295
superintendent of insurance prior to use and is accompanied by 33296
documentation of approval from the United States department of 33297

health and human services, the United States office of personnel 33298
management, the department of ~~job and family services~~ medicaid, or 33299
the department of administrative services. 33300

(E) No health insuring corporation, or its agents or 33301
representatives, shall use monetary or other valuable 33302
consideration, engage in misleading or deceptive practices, or 33303
make untrue, misleading, or deceptive representations to induce 33304
enrollment. Nothing in this division shall prohibit incentive 33305
forms of remuneration such as commission sales programs for the 33306
health insuring corporation's employees and agents. 33307

(F) Any person obligated for any part of a premium rate in 33308
connection with an enrollment agreement, in addition to any right 33309
otherwise available to revoke an offer, may cancel such agreement 33310
within seventy-two hours after having signed the agreement or 33311
offer to enroll. Cancellation occurs when written notice of the 33312
cancellation is given to the health insuring corporation or its 33313
agents or other representatives. A notice of cancellation mailed 33314
to the health insuring corporation shall be considered to have 33315
been filed on its postmark date. 33316

(G) Nothing in this section shall prohibit healthy lifestyle 33317
programs. 33318

Sec. 1751.60. (A) Except as provided for in divisions (E) and 33319
(F) of this section, every provider or health care facility that 33320
contracts with a health insuring corporation to provide health 33321
care services to the health insuring corporation's enrollees or 33322
subscribers shall seek compensation for covered services solely 33323
from the health insuring corporation and not, under any 33324
circumstances, from the enrollees or subscribers, except for 33325
approved copayments and deductibles. 33326

(B) No subscriber or enrollee of a health insuring 33327
corporation is liable to any contracting provider or health care 33328

facility for the cost of any covered health care services, if the 33329
subscriber or enrollee has acted in accordance with the evidence 33330
of coverage. 33331

(C) Except as provided for in divisions (E) and (F) of this 33332
section, every contract between a health insuring corporation and 33333
provider or health care facility shall contain a provision 33334
approved by the superintendent of insurance requiring the provider 33335
or health care facility to seek compensation solely from the 33336
health insuring corporation and not, under any circumstances, from 33337
the subscriber or enrollee, except for approved copayments and 33338
deductibles. 33339

(D) Nothing in this section shall be construed as preventing 33340
a provider or health care facility from billing the enrollee or 33341
subscriber of a health insuring corporation for noncovered 33342
services. 33343

(E) Upon application by a health insuring corporation and a 33344
provider or health care facility, the superintendent may waive the 33345
requirements of divisions (A) and (C) of this section when, in 33346
addition to the reserve requirements contained in section 1751.28 33347
of the Revised Code, the health insuring corporation provides 33348
sufficient assurances to the superintendent that the provider or 33349
health care facility has been provided with financial guarantees. 33350
No waiver of the requirements of divisions (A) and (C) of this 33351
section is effective as to enrollees or subscribers for whom the 33352
health insuring corporation is compensated under a provider 33353
agreement or risk contract entered into ~~pursuant to Chapter 5111-~~ 33354
~~or 5115. of the Revised Code~~ under the medicaid program. 33355

(F) The requirements of divisions (A) to (C) of this section 33356
apply only to health care services provided to an enrollee or 33357
subscriber prior to the effective date of a termination of a 33358
contract between the health insuring corporation and the provider 33359
or health care facility. 33360

Sec. 1901.10. (A)~~(1)~~(a) The judges of ~~the~~ a municipal court 33361
and officers of the court shall take an oath of office as provided 33362
in section 3.23 of the Revised Code. ~~The~~ 33363

(B) ~~The~~ office of judge of ~~the~~ a municipal court is subject 33364
to forfeiture, and the judge may be removed from office, for the 33365
causes and by the procedure provided in sections 3.07 to 3.10 of 33366
the Revised Code. A vacancy in the office of judge exists upon the 33367
death, resignation, forfeiture, removal from office, or absence 33368
from official duties for a period of six consecutive months, as 33369
determined under this section, of the judge and also by reason of 33370
the expiration of the term of an incumbent when no successor has 33371
been elected or qualified. ~~The chief justice of the supreme court~~ 33372
~~may designate a judge of another municipal court to act until that~~ 33373
~~vacancy is filled in accordance with section 107.08 of the Revised~~ 33374
~~Code.~~ A vacancy resulting from the absence of a judge from 33375
official duties for a period of six consecutive months shall be 33376
determined and declared by the legislative authority. 33377

~~(b)~~(C)(1) If a vacancy occurs in the office of judge or clerk 33378
of ~~the~~ a municipal court after the one-hundredth day before the 33379
first Tuesday after the first Monday in May and prior to the 33380
fortieth day before the day of the general election, all 33381
candidates for election to the unexpired term of the judge or 33382
clerk shall file nominating petitions with the board of elections 33383
not later than four p.m. on the tenth day following the day on 33384
which the vacancy occurs, except that, when the vacancy occurs 33385
fewer than six days before the fortieth day before the general 33386
election, the deadline for filing shall be four p.m. on the 33387
thirty-sixth day before the day of the general election. 33388

~~(e)~~(2) Each nominating petition referred to in division 33389
~~(A)~~(C)(1)~~(b)~~ of this section shall be in the form prescribed in 33390
section 3513.261 of the Revised Code and shall be signed by at 33391

least fifty qualified electors of the territory of the municipal 33392
court. No nominating petition shall be accepted for filing or 33393
filed if it appears on its face to contain signatures aggregating 33394
in number more than twice the minimum aggregate number of 33395
signatures required by this section. 33396

~~(2) If a judge of a municipal court that has only one judge 33397
is temporarily absent, incapacitated, or otherwise unavailable, 33398
the judge may appoint a substitute who has the qualifications 33399
required by section 1901.06 of the Revised Code or a retired judge 33400
of a court of record who is a qualified elector and a resident of 33401
the territory of the court. If the judge is unable to make the 33402
appointment, the chief justice of the supreme court shall appoint 33403
a substitute. The appointee shall serve during the absence, 33404
incapacity, or unavailability of the incumbent, shall have the 33405
jurisdiction and powers conferred upon the judge of the municipal 33406
court, and shall be styled "acting judge." During that time of 33407
service, the acting judge shall sign all process and records and 33408
shall perform all acts pertaining to the office, except that of 33409
removal and appointment of officers of the court. All courts shall 33410
take judicial notice of the selection and powers of the acting 33411
judge. The incumbent judge shall establish the amount of 33412
compensation of an acting judge upon either a per diem, hourly, or 33413
other basis, but the rate of pay shall not exceed the per diem 33414
amount received by the incumbent judge. 33415~~

~~(B) When the volume of cases pending in any municipal court 33416
necessitates an additional judge, the chief justice of the supreme 33417
court, upon the written request of the judge or presiding judge of 33418
that municipal court, may designate a judge of another municipal 33419
court or county court to serve for any period of time that the 33420
chief justice may prescribe. The compensation of a judge so 33421
designated shall be paid from the city treasury or, in the case of 33422
a county operated municipal court, from the county treasury. In 33423~~

~~addition to the annual salary provided for in section 1901.11 of 33424
the Revised Code and in addition to any compensation under 33425
division (A)(5) or (6) of section 141.04 of the Revised Code to 33426
which the judge is entitled in connection with the judge's own 33427
court, a full time or part time judge while holding court outside 33428
the judge's territory on the designation of the chief justice 33429
shall receive actual and necessary expenses and compensation as 33430
follows: 33431~~

~~(1) A full time judge shall receive thirty dollars for each 33432
day of the assignment. 33433~~

~~(2) A part time judge shall receive for each day of the 33434
assignment the per diem compensation of the judges of the court to 33435
which the judge is assigned, less the per diem amount paid to 33436
those judges pursuant to section 141.04 of the Revised Code, 33437
calculated on the basis of two hundred fifty working days per 33438
year. 33439~~

~~If a request is made by a judge or the presiding judge of a 33440
municipal court to designate a judge of another municipal court 33441
because of the volume of cases in the court for which the request 33442
is made and the chief justice reports, in writing, that no 33443
municipal or county court judge is available to serve by 33444
designation, the judges of the court requesting the designation 33445
may appoint a substitute as provided in division (A)(2) of this 33446
section, who may serve for any period of time that is prescribed 33447
by the chief justice. The substitute judge shall be paid in the 33448
same manner and at the same rate as the incumbent judges, except 33449
that, if the substitute judge is entitled to compensation under 33450
division (A)(5) or (6) of section 141.04 of the Revised Code, then 33451
section 1901.121 of the Revised Code shall govern its payment. 33452~~

Sec. 1901.12. (A) A municipal judge of a municipal court is 33453
entitled to thirty days of vacation in each calendar year. Not 33454

less than two hundred forty days of open session of the municipal court shall be held by each judge during the year, unless all business of the court is disposed of sooner.

~~(B) When a court consists of a single judge, a qualified substitute may be appointed in accordance with division (A)(2) of section 1901.10 of the Revised Code to serve during the thirty day vacation period, who shall be paid in the same manner and at the same rate as the incumbent judge, except that, if the substitute judge is entitled to compensation under division (A)(5) or (6) of section 141.04 of the Revised Code, then section 1901.121 of the Revised Code shall govern its payment. If a municipal court consists of two or more judges, one of the judges shall be in attendance at the court at all times, and the presiding judge shall have the authority to designate the vacation period for each judge, and when necessary, to appoint a substitute for the judge when on vacation or not in attendance. If a court consists of more than two judges, two thirds of the court shall be in attendance at all times, and the presiding judge shall have authority to designate the vacation period of each judge, and, when necessary, to appoint a substitute for any judge on vacation or not in attendance.~~

Sec. 1901.121. (A)(1) If a vacancy occurs in the office of a judge of a municipal court that consists of only one judge or if the judge of a municipal court of that nature is incapacitated or unavailable due to disqualification, suspension, or recusal, the chief justice of the supreme court may assign a sitting judge of another court of record or a retired judge of a court of record to temporarily serve on the court in accordance with rules adopted by the supreme court pursuant to division (A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee shall be styled "assigned judge" and shall serve for any period of time the chief justice may prescribe.

(2) If a judge of a municipal court that consists of only one judge is otherwise temporarily absent for a reason other than as specified in division (A)(1) of this section, the judge may do either of the following:

(a) Appoint a substitute who is a resident of the territory of the court or, if the territory of the court has a population of less than twenty-five thousand according to the latest federal decennial census and the judge is unable to appoint a substitute who is a resident of the territory of the court, appoint a substitute who is a resident of the territory of a municipal or county court that is contiguous to the court. The appointee shall either be admitted to the practice of law in this state and have been, for a total of at least six years preceding appointment, engaged in the practice of law in this state or a judge of a court of record in any jurisdiction in the United States or be a retired judge of a court of record. The appointee shall be styled "acting judge" and shall temporarily serve on the court during the temporary absence of the incumbent judge.

(b) Request the chief justice of the supreme court to assign a sitting judge of another court of record or a retired judge of a court of record to temporarily serve on the court in accordance with rules adopted by the supreme court pursuant to division (A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee shall be styled "assigned judge" and shall serve for any period of time the chief justice may prescribe.

(B) If a vacancy occurs in the office of a judge of a municipal court that consists of two judges or if a judge of a municipal court of that nature is incapacitated, unavailable, or temporarily absent, the presiding judge may do either of the following:

(1) Appoint a substitute who is a resident of the territory of the court or, if the territory of the court has a population of

less than twenty-five thousand according to the latest federal 33519
decennial census and the judge is unable to appoint a substitute 33520
who is a resident of the territory of the court, appoint a 33521
substitute who is a resident of the territory of a municipal or 33522
county court that is contiguous to the court. The appointee shall 33523
either be admitted to the practice of law in this state and have 33524
been, for a total of at least six years preceding appointment, 33525
engaged in the practice of law in this state or a judge of a court 33526
of record in any jurisdiction in the United States or be a retired 33527
judge of a court of record. The appointee shall be styled "acting 33528
judge" and shall temporarily serve on the court during the vacancy 33529
or the incapacity, unavailability, or temporary absence of the 33530
incumbent judge. 33531

(2) Request the chief justice of the supreme court to assign 33532
a sitting judge of another court of record or a retired judge of a 33533
court of record to temporarily serve on the court in accordance 33534
with rules adopted by the supreme court pursuant to division 33535
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 33536
shall be styled "assigned judge" and shall serve for any period of 33537
time the chief justice may prescribe. 33538

(C) If a vacancy occurs in the office of a judge of a 33539
municipal court that consists of three or more judges or if a 33540
judge of a municipal court of that nature is incapacitated, 33541
unavailable, or temporarily absent, the presiding judge may do 33542
either of the following: 33543

(1) If no other judge of the court is available to perform 33544
the duties of the judge, appoint a substitute who is a resident of 33545
the territory of the court. The appointee shall either be admitted 33546
to the practice of law in this state and have been, for a total of 33547
at least six years preceding appointment, engaged in the practice 33548
of law in this state or a judge of a court of record in any 33549
jurisdiction in the United States or be a retired judge of a court 33550

of record. The appointee shall be styled "acting judge" and shall 33551
temporarily serve on the court during the vacancy or the 33552
incapacity, unavailability, or temporary absence of the incumbent 33553
judge. 33554

(2) Request the chief justice of the supreme court to assign 33555
a sitting judge of another court of record or a retired judge of a 33556
court of record to temporarily serve on the court in accordance 33557
with rules adopted by the supreme court pursuant to division 33558
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 33559
shall be styled "assigned judge" and shall serve for any period of 33560
time the chief justice may prescribe. 33561

(D) When the volume of cases pending in any municipal court 33562
necessitates an additional judge, the judge, if the court consists 33563
of a single judge, or the presiding judge, if the court consists 33564
of two or more judges, may request the chief justice of the 33565
supreme court to assign a sitting judge of another court of record 33566
or a retired judge of a court of record to temporarily serve on 33567
the court in accordance with rules adopted by the supreme court 33568
pursuant to division (A)(1) of Section 5 of Article IV, Ohio 33569
Constitution. The appointee shall be styled "assigned judge" and 33570
shall serve for any period of time the chief justice may 33571
prescribe. 33572

(E) An acting judge appointed pursuant to division (A)(2)(a), 33573
(B)(1), or (C)(1) of this section and an assigned judge assigned 33574
pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), or (D) of 33575
this section shall have the jurisdiction and adjudicatory powers 33576
conferred upon the judge of the municipal court. During the time 33577
of service, the acting judge or assigned judge shall sign all 33578
process and records and shall perform all acts pertaining to the 33579
office, except that of removal and appointment of officers of the 33580
municipal court. All courts shall take judicial notice of the 33581
selection and powers of the acting judge or assigned judge. 33582

Sec. 1901.122. (A)(1) An acting judge appointed pursuant to 33583
division (A)(2)(a), (B)(1), or (C)(1) of section 1901.121 of the 33584
Revised Code shall receive reimbursement for actual and necessary 33585
expenses and a per diem compensation established by the incumbent 33586
judge, subject to the following limitations: 33587

(a) If the incumbent judge receives compensation as described 33588
in division (A)(5) of section 141.04 of the Revised Code, the per 33589
diem compensation of the acting judge shall not exceed the per 33590
diem compensation paid to the incumbent judge based upon a work 33591
year of two hundred fifty days. 33592

(b) If the incumbent judge receives compensation as described 33593
in division (A)(6) of section 141.04 of the Revised Code, the per 33594
diem compensation of the acting judge shall not exceed the per 33595
diem compensation paid to the incumbent judge based upon a work 33596
year of one hundred thirty days. 33597

(2) The per diem compensation of the acting judge shall be 33598
payable in the same manner as the compensation paid to the 33599
incumbent judge during the same period. 33600

(B) An assigned judge assigned pursuant to division (A)(1), 33601
(A)(2)(b), (B)(2), (C)(2), or (D) of section 1901.121 of the 33602
Revised Code shall receive reimbursement for actual and necessary 33603
expenses and a per diem compensation computed as follows: 33604

(1) If the assigned judge receives compensation as described 33605
in division (A)(5) of section 141.04 of the Revised Code, thirty 33606
dollars; 33607

(2) If the assigned judge receives compensation as described 33608
in division (A)(6) of section 141.04 of the Revised Code, the per 33609
diem compensation of a judge of a municipal court compensated as 33610
described in division (A)(5) of section 141.04 of the Revised 33611
Code, less the per diem compensation of the assigned judge, each 33612

calculated on the basis of two hundred fifty working days per 33613
year; 33614

(3) If the assigned judge is a retired judge of a municipal 33615
or county court or a court of common pleas, the established per 33616
diem compensation for a judge of a municipal court compensated as 33617
described in division (A)(5) of section 141.04 of the Revised 33618
Code, calculated on the basis of two hundred fifty working days 33619
per year, in addition to any retirement benefits to which the 33620
assigned judge may be entitled; 33621

(4) If the assigned judge is a sitting judge of the court of 33622
appeals or a court of common pleas, fifty dollars. 33623

Sec. 1901.123. (A)(1) Subject to reimbursement under division 33624
(B) of this section, the treasurer of the county in which a 33625
county-operated municipal court or other municipal court is 33626
located shall pay the per diem compensation to which an acting 33627
judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) 33628
of section 1901.121 of the Revised Code is entitled pursuant to 33629
division (A)(1) of section 1901.122 of the Revised Code. 33630

(2) Subject to reimbursement under division (B) of this 33631
section, the treasurer of the county in which a county-operated 33632
municipal court or other municipal court is located shall pay the 33633
per diem compensation to which an assigned judge assigned pursuant 33634
to division (A)(1), (A)(2)(b), (B)(2), (C)(2), or (D) of section 33635
1901.121 of the Revised Code is entitled pursuant to division (B) 33636
of section 1901.122 of the Revised Code. 33637

(B) The treasurer of a county that, pursuant to division (A) 33638
of this section, is required to pay any compensation to which an 33639
acting judge or assigned judge is entitled under division (A)(5) 33640
or (6) of section 141.04 of the Revised Code, shall submit to the 33641
administrative director of the supreme court quarterly requests 33642
for reimbursements of the per diem amounts so paid. The requests 33643

shall include verifications of the payment of those amounts and an affidavit from the acting judge or assigned judge stating the days and hours worked. The administrative director shall cause reimbursements of those amounts to be issued to the county if the administrative director verifies that those amounts were, in fact, so paid.

Sec. 1907.14. (A) A judge of a county court shall take an oath of office as provided in section 3.23 of the Revised Code, ~~the.~~

(B) The office of judge of a county court is subject to forfeiture, and a judge may be removed from office, for the causes and by the procedure provided in sections 3.07 to 3.10 of the Revised Code.

~~When a judge of a county court is temporarily absent, incapacitated, or otherwise unavailable, the judge may appoint a substitute having the qualifications required by section 1907.13 of the Revised Code or may appoint a retired judge of a court of record in the state who is a qualified elector and a resident of the county court district. If the judge is unable to make the appointment, the administrative judge of the county court district or the administrative judge of the court of common pleas of the county shall appoint the substitute. The appointee shall serve during the absence, incapacity, or unavailability of the incumbent, shall have the jurisdiction and powers conferred upon the judge of the county court, and shall be styled "acting judge." During that term of service, the acting judge shall sign all process and records and perform all acts pertaining to the office except that of removal and appointment of officers of the court. All courts shall take judicial notice of the selection and powers of the acting judge. The incumbent judge shall establish the amount of the compensation of an acting judge on a per diem,~~

~~hourly, or other basis, and the compensation shall not exceed the 33675
per diem compensation paid to the incumbent judge based upon a 33676
work year of one hundred thirty days. The compensation shall be 33677
payable in the same manner as the compensation paid to the 33678
incumbent judge during the same period. 33679~~

Sec. 1907.141. (A)(1) If a vacancy occurs in the office of a 33680
judge of a county court that consists of only one judge or if the 33681
judge of a county court of that nature is incapacitated or 33682
unavailable due to disqualification, suspension, or recusal, the 33683
chief justice of the supreme court may assign a sitting judge of 33684
another court of record or a retired judge of a court of record to 33685
temporarily serve on the court in accordance with rules adopted by 33686
the supreme court pursuant to division (A)(1) of Section 5 of 33687
Article IV, Ohio Constitution. The assignee shall be styled 33688
"assigned judge" and shall serve for any period of time the chief 33689
justice may prescribe. 33690

(2) If a judge of a county court that consists of only one 33691
judge is temporarily absent for a reason other than as specified 33692
in division (A)(1) of this section, the judge may do either of the 33693
following: 33694

(a) Appoint a substitute who is a resident of the territory 33695
of the court or, if the territory of the court has a population of 33696
less than twenty-five thousand according to the latest federal 33697
decennial census and the judge is unable to appoint a substitute 33698
who is a resident of the territory of the court, appoint a 33699
substitute who is a resident of the territory of a municipal or 33700
county court that is contiguous to the court. The appointee shall 33701
either be admitted to the practice of law in this state and have 33702
been, for a total of at least six years preceding appointment, 33703
engaged in the practice of law in this state or a judge of a court 33704
of record in any jurisdiction in the United States or be a retired 33705

judge of a court of record. The appointee shall be styled "acting judge" and shall temporarily serve on the court during the temporary absence of the incumbent judge. 33706
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(b) Request the chief justice of the supreme court to assign a sitting judge of another court of record or a retired judge of a court of record to temporarily serve on the court in accordance with rules adopted by the supreme court pursuant to division (A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee shall be styled "assigned judge" and shall serve for any period of time the chief justice may prescribe. 33709
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(B) If a vacancy occurs in the office of a judge of a county court that consists of two judges or if a judge of a county court of that nature is incapacitated, unavailable, or temporarily absent, the presiding judge may do either of the following: 33716
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(1) Appoint a substitute who is a resident of the territory of the court or, if the territory of the court has a population of less than twenty-five thousand according to the latest federal decennial census and the judge is unable to appoint a substitute who is a resident of the territory of the court, appoint a substitute who is a resident of the territory of a municipal or county court that is contiguous to the court. The appointee shall either be admitted to the practice of law in this state and have been, for a total of at least six years preceding appointment, engaged in the practice of law in this state or a judge of a court of record in any jurisdiction in the United States or be a retired judge of a court of record. The appointee shall be styled "acting judge" and shall temporarily serve on the court during the vacancy or the incapacity, unavailability, or temporary absence of the incumbent judge. 33720
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(2) Request the chief justice of the supreme court to assign a sitting judge of another court of record or a retired judge of a court of record to temporarily serve on the court in accordance 33735
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with rules adopted by the supreme court pursuant to division 33738
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 33739
shall be styled "assigned judge" and shall serve for any period of 33740
time the chief justice may prescribe. 33741

(C) If a vacancy occurs in the office of a judge of a county 33742
court that consists of three or more judges or if a judge of a 33743
county court of that nature is incapacitated, unavailable, or 33744
temporarily absent, the presiding judge may do either of the 33745
following: 33746

(1) If no other judge of the court is available to perform 33747
the duties of the judge, appoint a substitute who is a resident of 33748
the territory of the court. The appointee shall either be admitted 33749
to the practice of law in this state and have been, for a total of 33750
at least six years preceding appointment, engaged in the practice 33751
of law in this state or a judge of a court of record in any 33752
jurisdiction in the United States or be a retired judge of a court 33753
of record. The appointee shall be styled "acting judge" and shall 33754
temporarily serve on the court during the vacancy or the 33755
incapacity, unavailability, or temporary absence of the incumbent 33756
judge. 33757

(2) Request the chief justice of the supreme court to assign 33758
a sitting judge of another court of record or a retired judge of a 33759
court of record to temporarily serve on the court in accordance 33760
with rules adopted by the supreme court pursuant to division 33761
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 33762
shall be styled "assigned judge" and shall serve for any period of 33763
time the chief justice may prescribe 33764

(D) An acting judge appointed pursuant to division (A)(2)(a), 33765
(B)(1), or (C)(1) of this section and an assigned judge assigned 33766
pursuant to division (A)(1), (A)(2)(b), (B)(2), or (C)(2) of this 33767
section shall have the jurisdiction and adjudicatory powers 33768
conferred upon the judge of the county court. During the time of 33769

service, the acting judge or assigned judge shall sign all process 33770
and records and shall perform all acts pertaining to the office, 33771
except that of removal and appointment of officers of the court. 33772
All courts shall take judicial notice of the selection and powers 33773
of the acting judge or assigned judge. 33774

Sec. 1907.142. (A) An acting judge appointed pursuant to 33775
division (A)(2)(a), (B)(1), or (C)(1) of section 1907.141 of the 33776
Revised Code shall receive reimbursement for actual and necessary 33777
expenses and a per diem compensation established by the incumbent 33778
judge, provided the per diem compensation of the acting judge 33779
shall not exceed the per diem compensation paid to the incumbent 33780
judge based upon a work year of one hundred thirty days. The per 33781
diem compensation of the acting judge shall be payable in the same 33782
manner as the compensation paid to the incumbent judge during the 33783
same period. 33784

(B) An assigned judge assigned pursuant to division (A)(1), 33785
(A)(2)(b), (B)(2), or (C)(2) of section 1907.141 of the Revised 33786
Code shall receive reimbursement for actual and necessary expenses 33787
and a per diem compensation computed as follows: 33788

(1) If the assigned judge receives compensation as described 33789
in division (A)(5) of section 141.04 of the Revised Code, thirty 33790
dollars; 33791

(2) If the assigned judge receives compensation as described 33792
in division (A)(6) of section 141.04 of the Revised Code, the per 33793
diem compensation of a judge of a municipal court compensated as 33794
described in division (A)(5) of section 141.04 of the Revised 33795
Code, less the per diem compensation of the assigned judge, each 33796
calculated on the basis of two hundred fifty working days per 33797
year; 33798

(3) If the assigned judge is a retired judge of a municipal 33799
or county court or a court of common pleas, the established per 33800

diem compensation for a judge of a municipal court compensated as 33801
described in division (A)(5) of section 141.04 of the Revised 33802
Code, calculated on the basis of two hundred fifty working days 33803
per year, in addition to any retirement benefits to which the 33804
assigned judge may be entitled; 33805

(4) If the assigned judge is a sitting judge of the court of 33806
appeals or a court of common pleas, fifty dollars. 33807

Sec. 1907.143. (A)(1) Subject to reimbursement under division 33808
(B) of this section, the treasurer of the county in which a county 33809
court is located shall pay the per diem compensation to which an 33810
acting judge appointed pursuant to division (A)(2)(b), (B)(1), or 33811
(C)(1) of section 1907.141 of the Revised Code is entitled 33812
pursuant to division (A) of section 1907.142 of the Revised Code. 33813
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(2) Subject to reimbursement under division (B) of this 33815
section, the treasurer of the county in which a county court is 33816
located shall pay the per diem compensation to which an assigned 33817
judge assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), or 33818
(C)(2) of section 1907.141 of the Revised Code is entitled 33819
pursuant to division (B) of section 1907.142 of the Revised Code. 33820

(B) The treasurer of a county that, pursuant to division (A) 33821
of this section, is required to pay any compensation to which an 33822
acting judge or assigned judge is entitled under division (A)(5) 33823
or (6) of section 141.04 of the Revised Code, shall submit to the 33824
administrative director of the supreme court quarterly requests 33825
for reimbursements of the per diem amounts so paid. The requests 33826
shall include verifications of the payment of those amounts and an 33827
affidavit from the acting judge or assigned judge stating the days 33828
and hours worked. The administrative director shall cause 33829
reimbursements of those amounts to be issued to the county if the 33830
administrative director verifies that those amounts were, in fact, 33831

so paid. 33832

Sec. 1923.14. (A) Except as otherwise provided in this 33833
section, within ten days after receiving a writ of execution 33834
described in division (A) or (B) of section 1923.13 of the Revised 33835
Code, the sheriff, police officer, constable, or bailiff shall 33836
execute it by restoring the plaintiff to the possession of the 33837
premises, and shall levy and collect the costs and make return, as 33838
upon other executions. If an appeal from the judgment of 33839
restitution is filed and if, following the filing of the appeal, a 33840
stay of execution is obtained and any required bond is filed with 33841
the court of common pleas, municipal court, or county court, the 33842
judge of that court immediately shall issue an order to the 33843
sheriff, police officer, constable, or bailiff commanding the 33844
delay of all further proceedings upon the execution. If the 33845
premises have been restored to the plaintiff, the sheriff, police 33846
officer, constable, or bailiff shall forthwith place the defendant 33847
in possession of them, and return the writ with the sheriff's, 33848
police officer's, constable's, or bailiff's proceedings and the 33849
costs taxed on it. 33850

(B)(1) After a court of common pleas, municipal court, or 33851
county court issues a writ of execution described in division (B) 33852
of section 1923.13 of the Revised Code, the clerk of the court 33853
shall send by regular mail, to the last known address of the 33854
titled owner of the manufactured home, mobile home, or 33855
recreational vehicle that is the subject of the writ and to the 33856
last known address of each other person who is listed on the writ 33857
as having any outstanding right, title, or interest in the home, 33858
vehicle, or personal property and to the auditor and treasurer of 33859
the county in which the court is located, a written notice that 33860
the home or vehicle potentially may be sold, destroyed, or have 33861
its title transferred under the circumstances described in 33862
division (B)(3) or (4) of this section. 33863

(2) Except as otherwise provided in this division, after 33864
receiving a writ of execution described in division (B) of section 33865
1923.13 of the Revised Code, and after causing the defendant to be 33866
removed from the residential premises of the manufactured home 33867
park, if necessary, in accordance with the writ, the sheriff, 33868
police officer, constable, or bailiff may cause the manufactured 33869
home, mobile home, or recreational vehicle that is the subject of 33870
the writ, and all personal property on the residential premises, 33871
at the sheriff's, police officer's, constable's, or bailiff's 33872
option, either to be removed from the manufactured home park and, 33873
if necessary, moved to a storage facility of the sheriff's, police 33874
officer's, constable's, or bailiff's choice, or to be retained at 33875
their current location on the residential premises, until they are 33876
claimed by the defendant or they are disposed of in a manner 33877
authorized by division (B)(3), (4), or (6) of this section or by 33878
another section of the Revised Code. The sheriff, police officer, 33879
constable, or bailiff shall not cause the manufactured home, 33880
mobile home, or recreational vehicle that is the subject of the 33881
writ, or the personal property, to be removed from the 33882
manufactured home park or moved to a storage facility if the 33883
holder of any outstanding lien, right, title, or interest in the 33884
home or vehicle, other than the titled owner of the home or 33885
vehicle, meets the conditions set forth in division (B)(6) or (7) 33886
of this section. 33887

The sheriff, police officer, constable, or bailiff who 33888
removes the manufactured home, mobile home, or recreational 33889
vehicle, or the abandoned personal property, from the residential 33890
premises shall be immune from civil liability pursuant to section 33891
2744.03 of the Revised Code for any damage caused to the home, 33892
vehicle, or any personal property during the removal. The park 33893
operator shall not be liable for any damage caused by the park 33894
operator's removal of the manufactured home, mobile home, or 33895
recreational vehicle or the removal of the personal property from 33896

the residential premises, or for any damage to the home, vehicle, 33897
or personal property during the time the home, vehicle, or 33898
property remains abandoned or stored in the manufactured home 33899
park, unless the damage is the result of acts that the park 33900
operator or the park operator's agents or employees performed with 33901
malicious purpose, in bad faith, or in a wanton or reckless 33902
manner. The reasonable costs for a removal of the manufactured 33903
home, mobile home, or recreational vehicle and personal property 33904
and, as applicable, the reasonable costs for its storage shall 33905
constitute a lien upon the home or vehicle payable by the titled 33906
owner of the home or vehicle or payable pursuant to division 33907
(B)(3) of this section. 33908

(3) Except as provided in divisions (B)(4), (5), and (6) of 33909
this section and division (D) of section 1923.12 of the Revised 33910
Code, within sixty days after receiving a writ of execution 33911
described in division (B) of section 1923.13 of the Revised Code, 33912
the sheriff, police officer, constable, or bailiff shall commence 33913
proceedings for the sale of the manufactured home, mobile home, or 33914
recreational vehicle that is the subject of the writ, and the 33915
abandoned personal property on the residential premises, if the 33916
home or vehicle is determined to be abandoned in accordance with 33917
the procedures for the sale of goods on execution under Chapter 33918
2329. of the Revised Code. In addition to all notices required to 33919
be given under section 2329.13 of the Revised Code, the sheriff, 33920
police officer, constable, or bailiff shall serve at their 33921
respective last known addresses a written notice of the date, 33922
time, and place of the sale upon all persons who are listed on the 33923
writ of execution as having any outstanding right, title, or 33924
interest in the abandoned manufactured home, mobile home, or 33925
recreational vehicle and the personal property and shall provide 33926
written notice to the auditor and the treasurer of the county in 33927
which the court issuing the writ is located. 33928

Unless the proceedings are governed by division (D) of 33929
section 1923.12 of the Revised Code, notwithstanding any statutory 33930
provision to the contrary, including, but not limited to, section 33931
2329.66 of the Revised Code, there shall be no stay of execution 33932
or exemption from levy or sale on execution available to the 33933
titled owner of the abandoned manufactured home, mobile home, or 33934
recreational vehicle in relation to a sale under this division. 33935
Except as otherwise provided in sections 2113.031, 2117.25, and 33936
~~5111.11~~ 5162.21 of the Revised Code in a case involving a deceased 33937
resident or resident's estate, the sheriff, police officer, 33938
constable, or bailiff shall distribute the proceeds from the sale 33939
of an abandoned manufactured home, mobile home, or recreational 33940
vehicle and any personal property under this division in the 33941
following manner: 33942

(a) The sheriff, police officer, constable, or bailiff shall 33943
first pay the costs for any moving of and any storage outside the 33944
manufactured home park of the home or vehicle and any personal 33945
property pursuant to division (B)(2) of this section, the costs of 33946
the sale, including reimbursing the park operator for the deposit 33947
that the park operator paid to the clerk of court under division 33948
(C) of section 1923.12 of the Revised Code, and any unpaid court 33949
costs assessed against the defendant in the underlying action. 33950

(b) Following the payment required by division (B)(3)(a) of 33951
this section, the sheriff, police officer, constable, or bailiff 33952
shall pay all outstanding tax liens on the home or vehicle. 33953

(c) Following the payment required by division (B)(3)(b) of 33954
this section, the sheriff, police officer, constable, or bailiff 33955
shall pay all other outstanding security interests, liens, or 33956
encumbrances on the home or vehicle by priority of filing or other 33957
priority. 33958

(d) Following the payment required by division (B)(3)(c) of 33959
this section, the sheriff, police officer, constable, or bailiff 33960

shall pay any outstanding monetary judgment rendered under section 33961
1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 33962
and any costs associated with retaining the home or vehicle prior 33963
to the sale at its location on the residential premises within the 33964
manufactured home park pursuant to division (B)(2) of this 33965
section. 33966

(e) After complying with divisions (B)(3)(a) to (d) of this 33967
section, the sheriff, police officer, constable, or bailiff shall 33968
report any remaining money as unclaimed funds pursuant to Chapter 33969
169. of the Revised Code. 33970

Upon the return of any writ of execution for the satisfaction 33971
of which an abandoned manufactured home, mobile home, or 33972
recreational vehicle has been sold under this division, on careful 33973
examination of the proceedings of the sheriff, police officer, 33974
constable, or bailiff conducting the sale, if the court that 33975
issued the writ finds that the sale was made, in all respects, in 33976
conformity with the relevant provisions of Chapter 2329. of the 33977
Revised Code and with this division, it shall direct the clerk of 33978
the court to make an entry on the journal that the court is 33979
satisfied with the legality of the sale and the court shall direct 33980
the clerk of the court of common pleas of the county in which the 33981
writ was issued to issue a certificate of title, free and clear of 33982
all security interests, liens, and encumbrances, to the purchaser 33983
of the home or vehicle. The clerk of the court of common pleas 33984
shall issue the new certificate of title to the purchaser of the 33985
home or vehicle regardless of whether the writ was issued by the 33986
court of common pleas or another court duly authorized to issue 33987
the writ. If the manufactured home, mobile home, or recreational 33988
vehicle sold under this division is located in a manufactured home 33989
park, the purchaser of the home or vehicle shall have no right to 33990
maintain the home or vehicle in the manufactured home park without 33991
the park operator's consent and the sheriff, police officer, 33992

constable, or bailiff conducting the sale shall notify all 33993
prospective purchasers of this fact prior to the commencement of 33994
the sale. 33995

If, after it is offered for sale on two occasions under this 33996
division, the abandoned manufactured home, mobile home, or 33997
recreational vehicle cannot be sold due to a want of bidders, the 33998
sheriff, police officer, constable, or bailiff shall present the 33999
writ of execution unsatisfied to the clerk of the court of common 34000
pleas of the county in which the writ was issued for the issuance 34001
by the clerk in the manner prescribed in section 4505.10 of the 34002
Revised Code of a certificate of title transferring the title of 34003
the home or vehicle to the plaintiff, free and clear of all 34004
security interests, liens, and encumbrances. The clerk of the 34005
court of common pleas shall issue the new certificate of title 34006
transferring the title of the manufactured home, mobile home, or 34007
recreational vehicle to the plaintiff regardless of whether the 34008
writ was issued by the court of common pleas or another court duly 34009
authorized to issue the writ. If any taxes are owed on the home or 34010
vehicle at this time, the county auditor shall remove the 34011
delinquent taxes from the manufactured home tax list and the 34012
delinquent manufactured home tax list and remit any penalties for 34013
late payment of manufactured home taxes. Acceptance of the 34014
certificate of title by the plaintiff terminates all further 34015
proceedings under this section. 34016

(4) Except as provided in division (B)(5) or (6) of this 34017
section and division (D) of section 1923.12 of the Revised Code, 34018
within sixty days after receiving a writ of execution described in 34019
division (B) of section 1923.13 of the Revised Code, if the 34020
manufactured home, mobile home, or recreational vehicle is 34021
determined to be abandoned and to have a value of less than three 34022
thousand dollars, the sheriff, police officer, constable, or 34023
bailiff shall serve at their respective last known addresses a 34024

written notice of potential action as described in this division 34025
upon all persons who are listed on the writ as having any 34026
outstanding right, title, or interest in the home or vehicle. This 34027
notice shall be in addition to all notices required to be given 34028
under section 2329.13 of the Revised Code. Subject to the 34029
fulfillment of these notice requirements, the sheriff, police 34030
officer, constable, or bailiff shall take one of the following 34031
actions with respect to the abandoned manufactured home, mobile 34032
home, or recreational vehicle: 34033

(a) Cause its destruction if there is no person having an 34034
outstanding right, title, or interest in the home or vehicle, 34035
other than the titled owner of the home or vehicle; 34036

(b) Proceed with its sale under division (B)(3) of this 34037
section; 34038

(c) If there is no person having an outstanding right, title, 34039
or interest in the home or vehicle other than the titled owner of 34040
the home or vehicle, or if there is an outstanding right, title, 34041
or interest in the home or vehicle and the lienholder consents in 34042
writing, present the writ of execution to the clerk of the court 34043
of common pleas of the county in which the writ was issued for the 34044
issuance by the clerk in the manner prescribed in section 4505.10 34045
of the Revised Code of a certificate of title transferring the 34046
title of the home or vehicle to the plaintiff, free and clear of 34047
all security interests, liens, and encumbrances. The clerk of the 34048
court of common pleas shall issue the new certificate of title 34049
transferring the title of the home or vehicle regardless of 34050
whether the writ was issued by the court of common pleas or 34051
another court duly authorized to issue the writ. If any taxes are 34052
owed on the home or vehicle at this time, the county auditor shall 34053
remove the delinquent taxes from the manufactured home tax list 34054
and the delinquent manufactured home tax list and remit any 34055
penalties for late payment of manufactured home taxes. Acceptance 34056

of the certificate of title by the plaintiff terminates all 34057
further proceedings under this section. 34058

(5) At any time prior to the issuance of the writ of 34059
execution described in division (B) of section 1923.13 of the 34060
Revised Code, the titled owner of the manufactured home, mobile 34061
home, or recreational vehicle that would be the subject of the 34062
writ may remove the abandoned home or vehicle from the 34063
manufactured home park or other place of storage upon payment to 34064
the county auditor of all outstanding tax liens on the home or 34065
vehicle and, unless the owner is indigent, payment to the clerk of 34066
court of all unpaid court costs assessed against the defendant in 34067
the underlying action. After the issuance of the writ of 34068
execution, the titled owner of the home or vehicle may remove the 34069
abandoned home or vehicle from the manufactured home park or other 34070
place of storage at any time up to the day before the scheduled 34071
sale, destruction, or transfer of the home or vehicle pursuant to 34072
division (B)(3) or (4) of this section upon payment of all of the 34073
following: 34074

(a) All costs for moving and storage of the home or vehicle 34075
pursuant to division (B)(2) of this section and all costs incurred 34076
by the sheriff, police officer, constable, or bailiff up to and 34077
including the date of the removal of the home or vehicle; 34078

(b) All outstanding tax liens on the home or vehicle; 34079

(c) Unless the owner is indigent, all unpaid court costs 34080
assessed against the defendant in the underlying action. 34081

(6) At any time after the issuance of the writ of execution 34082
described in division (B) of section 1923.13 of the Revised Code, 34083
the holder of any outstanding lien, right, title, or interest in 34084
the manufactured home, mobile home, or recreational vehicle, other 34085
than the titled owner of the home or vehicle, may stop the 34086
sheriff, police officer, constable, or bailiff from proceeding 34087

with the sale under this division by doing both of the following: 34088

(a) Commencing a proceeding to repossess the home or vehicle 34089
pursuant to Chapters 1309. and 1317. of the Revised Code; 34090

(b) Paying to the park operator all monthly rental payments 34091
for the lot on which the home or vehicle is located from the time 34092
of the issuance of the writ of execution until the time that the 34093
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 34094
the Revised Code. 34095

(7)(a) At any time prior to the day before the scheduled sale 34096
of the property pursuant to division (B)(3) of this section, the 34097
defendant may remove any personal property of the defendant from 34098
the abandoned home or vehicle or other place of storage. 34099

(b) If personal property owned by a person other than the 34100
defendant is abandoned on the residential premises and has not 34101
previously been removed, the owner of the personal property may 34102
remove the personal property from the abandoned home or vehicle or 34103
other place of storage up to the day before the scheduled sale of 34104
the property pursuant to division (B)(3) of this section upon 34105
presentation of proof of ownership of the property that is 34106
satisfactory to the sheriff, police officer, constable, or bailiff 34107
conducting the sale. 34108

Sec. 2101.24. (A)(1) Except as otherwise provided by law, the 34109
probate court has exclusive jurisdiction: 34110

(a) To take the proof of wills and to admit to record 34111
authenticated copies of wills executed, proved, and allowed in the 34112
courts of any other state, territory, or country. If the probate 34113
judge is unavoidably absent, any judge of the court of common 34114
pleas may take proof of wills and approve bonds to be given, but 34115
the record of these acts shall be preserved in the usual records 34116
of the probate court. 34117

(b) To grant and revoke letters testamentary and of administration;	34118 34119
(c) To direct and control the conduct and settle the accounts of executors and administrators and order the distribution of estates;	34120 34121 34122
(d) To appoint the attorney general to serve as the administrator of an estate pursuant to section 2113.06 of the Revised Code;	34123 34124 34125
(e) To appoint and remove guardians, conservators, and testamentary trustees, direct and control their conduct, and settle their accounts;	34126 34127 34128
(f) To grant marriage licenses;	34129
(g) To make inquests respecting persons who are so mentally impaired as a result of a mental or physical illness or disability, or mental retardation, or as a result of chronic substance abuse, that they are unable to manage their property and affairs effectively, subject to guardianship;	34130 34131 34132 34133 34134
(h) To qualify assignees, appoint and qualify trustees and commissioners of insolvents, control their conduct, and settle their accounts;	34135 34136 34137
(i) To authorize the sale of lands, equitable estates, or interests in lands or equitable estates, and the assignments of inchoate dower in such cases of sale, on petition by executors, administrators, and guardians;	34138 34139 34140 34141
(j) To authorize the completion of real property contracts on petition of executors and administrators;	34142 34143
(k) To construe wills;	34144
(l) To render declaratory judgments, including, but not limited to, those rendered pursuant to section 2107.084 of the Revised Code;	34145 34146 34147

(m) To direct and control the conduct of fiduciaries and settle their accounts;	34148 34149
(n) To authorize the sale or lease of any estate created by will if the estate is held in trust, on petition by the trustee;	34150 34151
(o) To terminate a testamentary trust in any case in which a court of equity may do so;	34152 34153
(p) To hear and determine actions to contest the validity of wills;	34154 34155
(q) To make a determination of the presumption of death of missing persons and to adjudicate the property rights and obligations of all parties affected by the presumption;	34156 34157 34158
(r) To hear and determine an action commenced pursuant to section 3107.41 of the Revised Code to obtain the release of information pertaining to the birth name of the adopted person and the identity of the adopted person's biological parents and biological siblings;	34159 34160 34161 34162 34163
(s) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;	34164 34165
(t) To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;	34166 34167
(u) To hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section 5122.141 or 5122.15 of the Revised Code;	34168 34169 34170
(v) To hear and determine actions relating to durable powers of attorney for health care as described in division (D) of section 1337.16 of the Revised Code;	34171 34172 34173
(w) To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;	34174 34175 34176
(x) To hear and determine complaints that pertain to the use	34177

or continuation, or the withholding or withdrawal, of 34178
life-sustaining treatment in connection with certain patients 34179
allegedly in a terminal condition or in a permanently unconscious 34180
state pursuant to division (E) of section 2133.08 of the Revised 34181
Code, in accordance with that division; 34182

(y) To hear and determine applications that pertain to the 34183
withholding or withdrawal of nutrition and hydration from certain 34184
patients allegedly in a permanently unconscious state pursuant to 34185
section 2133.09 of the Revised Code, in accordance with that 34186
section; 34187

(z) To hear and determine applications of attending 34188
physicians in accordance with division (B) of section 2133.15 of 34189
the Revised Code; 34190

(aa) To hear and determine actions relative to the use or 34191
continuation of comfort care in connection with certain principals 34192
under durable powers of attorney for health care, declarants under 34193
declarations, or patients in accordance with division (E) of 34194
either section 1337.16 or 2133.12 of the Revised Code; 34195

(bb) To hear and determine applications for an order 34196
relieving an estate from administration under section 2113.03 of 34197
the Revised Code; 34198

(cc) To hear and determine applications for an order granting 34199
a summary release from administration under section 2113.031 of 34200
the Revised Code; 34201

(dd) To hear and determine actions relating to the exercise 34202
of the right of disposition, in accordance with section 2108.90 of 34203
the Revised Code; 34204

(ee) To hear and determine actions relating to the 34205
disinterment and reinterment of human remains under section 517.23 34206
of the Revised Code; 34207

(ff) To hear and determine petitions for an order for 34208
treatment of a person suffering from alcohol and other drug abuse 34209
filed under section ~~3793.34~~ 5119.93 of the Revised Code and to 34210
order treatment of that nature in accordance with, and take other 34211
actions afforded to the court under, sections ~~3793.31~~ 5119.90 to 34212
~~3793.39~~ 5119.98 of the Revised Code. 34213

(2) In addition to the exclusive jurisdiction conferred upon 34214
the probate court by division (A)(1) of this section, the probate 34215
court shall have exclusive jurisdiction over a particular subject 34216
matter if both of the following apply: 34217

(a) Another section of the Revised Code expressly confers 34218
jurisdiction over that subject matter upon the probate court. 34219

(b) No section of the Revised Code expressly confers 34220
jurisdiction over that subject matter upon any other court or 34221
agency. 34222

(B)(1) The probate court has concurrent jurisdiction with, 34223
and the same powers at law and in equity as, the general division 34224
of the court of common pleas to issue writs and orders, and to 34225
hear and determine actions as follows: 34226

(a) If jurisdiction relative to a particular subject matter 34227
is stated to be concurrent in a section of the Revised Code or has 34228
been construed by judicial decision to be concurrent, any action 34229
that involves that subject matter; 34230

(b) Any action that involves an inter vivos trust; a trust 34231
created pursuant to section 5815.28 of the Revised Code; a 34232
charitable trust or foundation; subject to divisions (A)(1)(u) and 34233
(z) of this section, a power of attorney, including, but not 34234
limited to, a durable power of attorney; the medical treatment of 34235
a competent adult; or a writ of habeas corpus; 34236

(c) Subject to section 2101.31 of the Revised Code, any 34237
action with respect to a probate estate, guardianship, trust, or 34238

post-death dispute that involves any of the following:	34239
(i) A designation or removal of a beneficiary of a life insurance policy, annuity contract, retirement plan, brokerage account, security account, bank account, real property, or tangible personal property;	34240 34241 34242 34243
(ii) A designation or removal of a payable-on-death beneficiary or transfer-on-death beneficiary;	34244 34245
(iii) A change in the title to any asset involving a joint and survivorship interest;	34246 34247
(iv) An alleged gift;	34248
(v) The passing of assets upon the death of an individual otherwise than by will, intestate succession, or trust.	34249 34250
(2) Any action that involves a concurrent jurisdiction subject matter and that is before the probate court may be transferred by the probate court, on its order, to the general division of the court of common pleas.	34251 34252 34253 34254
(C) The probate court has plenary power at law and in equity to dispose fully of any matter that is properly before the court, unless the power is expressly otherwise limited or denied by a section of the Revised Code.	34255 34256 34257 34258
(D) The jurisdiction acquired by a probate court over a matter or proceeding is exclusive of that of any other probate court, except when otherwise provided by law.	34259 34260 34261
Sec. 2108.05. (A) A donor may make an anatomical gift by doing any of the following:	34262 34263
(1) Authorizing a statement or symbol to be imprinted on the donor's driver's license or identification card indicating that the donor has certified a willingness to make an anatomical gift;	34264 34265 34266
(2) Specifying in the donor's will an intent to make an	34267

anatomical gift;	34268
(3) Specifying an intent to make an anatomical gift in the donor's declaration as described in section 2133.16 of the Revised Code;	34269 34270 34271
(4) During a terminal illness or injury of the donor, communicating in any manner to a minimum of two adults, at least one of whom is a disinterested witness, that the donor intends to make an anatomical gift;	34272 34273 34274 34275
(5) Following the procedure in division (B) of this section.	34276
(B) A donor or other person authorized to make an anatomical gift under section 2108.04 of the Revised Code may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has certified a willingness to make an anatomical gift be included in a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and shall do both of the following:	34277 34278 34279 34280 34281 34282 34283 34284 34285
(1) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person;	34286 34287 34288
(2) State that it has been signed and witnessed as provided in division (B)(1) of this section.	34289 34290
(C) <u>Once a donor has authorized a statement or symbol to be imprinted on the donor's driver's license or identification card indicating that the donor has certified a willingness to make an anatomical gift, the donor does not need to recertify the donor's willingness to make an anatomical gift upon renewal of the driver's license or identification card. The authorization shall remain in effect until the donor withdraws that authorization.</u>	34291 34292 34293 34294 34295 34296 34297

(D) Revocation, suspension, expiration, or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

~~(D)~~(E) An anatomical gift made by will takes effect on the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

Sec. 2113.041. (A) The administrator of the medicaid estate recovery program established pursuant to section ~~5111.11~~ 5162.21 of the Revised Code may present an affidavit to a financial institution requesting that the financial institution release account proceeds to recover the cost of services correctly provided to a medicaid recipient who is subject to the medicaid estate recovery program. The affidavit shall include all of the following information:

(1) The name of the decedent;

(2) The name of any person who gave notice that the decedent was a medicaid recipient and that person's relationship to the decedent;

(3) The name of the financial institution;

(4) The account number;

(5) A description of the claim for estate recovery;

(6) The amount of funds to be recovered.

(B) A financial institution may release account proceeds to the administrator of the medicaid estate recovery program if all of the following apply:

(1) The decedent held an account at the financial institution that was in the decedent's name only.

(2) No estate has been, and it is reasonable to assume that no estate will be, opened for the decedent.

(3) The decedent has no outstanding debts known to the administrator of the medicaid estate recovery program.

(4) The financial institution has received no objections or has determined that no valid objections to release of proceeds have been received.

(C) If proceeds have been released pursuant to division (B) of this section and the department of ~~job and family services~~ medicaid receives notice of a valid claim to the proceeds that has a higher priority under section 2117.25 of the Revised Code than the claim of the medicaid estate recovery program, the department may refund the proceeds to the financial institution or pay them to the person or government entity with the claim.

Sec. 2113.06. (A) Administration of the estate of an intestate shall be granted to persons mentioned in this division, in the following order:

(1) To the surviving spouse of the deceased, if resident of the state;

(2) To one of the next of kin of the deceased, resident of the state.

(B) If the persons entitled to administer the estate under division (A) of this section fail to take or renounce administration voluntarily, the matter shall be set for hearing and notice given to the persons.

(C) If there are no persons entitled to administration, if they are for any reason unsuitable for the discharge of the trust, or if without sufficient cause they neglect to apply within a reasonable time for the administration of the estate, their right to priority shall be lost, and the court shall commit the administration to some suitable person who is a resident of the state, or to the attorney general or the attorney general's

designee, if the department of ~~job and family services~~ medicaid is 34357
seeking to recover ~~medical assistance~~ the costs of medicaid 34358
services from the deceased pursuant to section ~~5111.11~~ 5162.21 or 34359
~~5111.111~~ 5162.211 of the Revised Code. The person granted 34360
administration may be a creditor of the estate. 34361

(D) This section applies to the appointment of an 34362
administrator de bonis non. 34363

Sec. 2117.061. (A) As used in this section: 34364

(1) "Medicaid estate recovery program" means the program 34365
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 34366

(2) "Person responsible for the estate" means the executor, 34367
administrator, commissioner, or person who filed pursuant to 34368
section 2113.03 of the Revised Code for release from 34369
administration of an estate. 34370

(B) The person responsible for the estate of a decedent 34371
subject to the medicaid estate recovery program or the estate of a 34372
decedent who was the spouse of a decedent subject to the medicaid 34373
estate recovery program shall submit a properly completed medicaid 34374
estate recovery notice form to the administrator of the medicaid 34375
estate recovery program not later than thirty days after the 34376
occurrence of any of the following: 34377

(1) The granting of letters of administration or letters 34378
testamentary; 34379

(2) The filing of an application for release from 34380
administration or summary release from administration. 34381

(C) The person responsible for the estate shall mark the 34382
appropriate box on the appropriate probate form that gives notice 34383
to the administrator of the medicaid estate recovery program to 34384
indicate compliance with the requirements of division (B) of this 34385
section. 34386

(D) The administrator of the medicaid estate recovery program 34387
shall present a claim for estate recovery to the person 34388
responsible for the estate of the decedent or the person's legal 34389
representative not later than ninety days after the date on which 34390
the medicaid estate recovery notice form is received under 34391
division (B) of this section or one year after the decedent's 34392
death, whichever is later. 34393

Sec. 2117.25. (A) Every executor or administrator shall 34394
proceed with diligence to pay the debts of the decedent and shall 34395
apply the assets in the following order: 34396

(1) Costs and expenses of administration; 34397

(2) An amount, not exceeding four thousand dollars, for 34398
funeral expenses that are included in the bill of a funeral 34399
director, funeral expenses other than those in the bill of a 34400
funeral director that are approved by the probate court, and an 34401
amount, not exceeding three thousand dollars, for burial and 34402
cemetery expenses, including that portion of the funeral 34403
director's bill allocated to cemetery expenses that have been paid 34404
to the cemetery by the funeral director. 34405

For purposes of division (A)(2) of this section, burial and 34406
cemetery expenses shall be limited to the following: 34407

(a) The purchase of a right of interment; 34408

(b) Monuments or other markers; 34409

(c) The outer burial container; 34410

(d) The cost of opening and closing the place of interment; 34411

(e) The urn. 34412

(3) The allowance for support made to the surviving spouse, 34413
minor children, or both under section 2106.13 of the Revised Code; 34414

(4) Debts entitled to a preference under the laws of the 34415

United States;	34416
(5) Expenses of the last sickness of the decedent;	34417
(6) If the total bill of a funeral director for funeral expenses exceeds four thousand dollars, then, in addition to the amount described in division (A)(2) of this section, an amount, not exceeding two thousand dollars, for funeral expenses that are included in the bill and that exceed four thousand dollars;	34418 34419 34420 34421 34422
(7) Expenses of the decedent's last continuous stay in a nursing home as defined in section 3721.01 of the Revised Code, residential facility as defined in section 5123.19 of the Revised Code, or hospital long-term care unit as defined in section 3721.50 <u>5168.40</u> of the Revised Code.	34423 34424 34425 34426 34427
For purposes of division (A)(7) of this section, a decedent's last continuance <u>continuous</u> stay includes up to thirty consecutive days during which the decedent was temporarily absent from the nursing home, residential facility, or hospital long-term care unit.	34428 34429 34430 34431 34432
(8) Personal property taxes, claims made under the medicaid estate recovery program instituted pursuant to section 5111.11 <u>5162.21</u> of the Revised Code, and obligations for which the decedent was personally liable to the state or any of its subdivisions;	34433 34434 34435 34436 34437
(9) Debts for manual labor performed for the decedent within twelve months preceding the decedent's death, not exceeding three hundred dollars to any one person;	34438 34439 34440
(10) Other debts for which claims have been presented and finally allowed.	34441 34442
(B) The part of the bill of a funeral director that exceeds the total of six thousand dollars as described in divisions (A)(2) and (6) of this section, and the part of a claim included in	34443 34444 34445

division (A)(9) of this section that exceeds three hundred dollars 34446
shall be included as a debt under division (A)(10) of this 34447
section, depending upon the time when the claim for the additional 34448
amount is presented. 34449

(C) Any natural person or fiduciary who pays a claim of any 34450
creditor described in division (A) of this section shall be 34451
subrogated to the rights of that creditor proportionate to the 34452
amount of the payment and shall be entitled to reimbursement for 34453
that amount in accordance with the priority of payments set forth 34454
in that division. 34455

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 34456
to the manner in which and the time within which claims shall be 34457
presented, shall apply to claims set forth in divisions (A)(2), 34458
(6), and (9) of this section. Claims for an expense of 34459
administration or for the allowance for support need not be 34460
presented. The executor or administrator shall pay debts included 34461
in divisions (A)(4) and (8) of this section, of which the executor 34462
or administrator has knowledge, regardless of presentation. 34463

(2) The giving of written notice to an executor or 34464
administrator of a motion or application to revive an action 34465
pending against the decedent at the date of death shall be 34466
equivalent to the presentation of a claim to the executor or 34467
administrator for the purpose of determining the order of payment 34468
of any judgment rendered or decree entered in such an action. 34469

(E) No payments shall be made to creditors of one class until 34470
all those of the preceding class are fully paid or provided for. 34471
If the assets are insufficient to pay all the claims of one class, 34472
the creditors of that class shall be paid ratably. 34473

(F) If it appears at any time that the assets have been 34474
exhausted in paying prior or preferred charges, allowances, or 34475
claims, those payments shall be a bar to an action on any claim 34476

not entitled to that priority or preference. 34477

Sec. 2133.01. Unless the context otherwise requires, as used 34478
in sections 2133.01 to 2133.15 of the Revised Code: 34479

(A) "Adult" means an individual who is eighteen years of age 34480
or older. 34481

(B) "Attending physician" means the physician to whom a 34482
declarant or other patient, or the family of a declarant or other 34483
patient, has assigned primary responsibility for the treatment or 34484
care of the declarant or other patient, or, if the responsibility 34485
has not been assigned, the physician who has accepted that 34486
responsibility. 34487

(C) "Comfort care" means any of the following: 34488

(1) Nutrition when administered to diminish the pain or 34489
discomfort of a declarant or other patient, but not to postpone 34490
the declarant's or other patient's death; 34491

(2) Hydration when administered to diminish the pain or 34492
discomfort of a declarant or other patient, but not to postpone 34493
the declarant's or other patient's death; 34494

(3) Any other medical or nursing procedure, treatment, 34495
intervention, or other measure that is taken to diminish the pain 34496
or discomfort of a declarant or other patient, but not to postpone 34497
the declarant's or other patient's death. 34498

(D) "Consulting physician" means a physician who, in 34499
conjunction with the attending physician of a declarant or other 34500
patient, makes one or more determinations that are required to be 34501
made by the attending physician, or to be made by the attending 34502
physician and one other physician, by an applicable provision of 34503
this chapter, to a reasonable degree of medical certainty and in 34504
accordance with reasonable medical standards. 34505

(E) "Declarant" means any adult who has executed a 34506

declaration in accordance with section 2133.02 of the Revised Code.	34507 34508
(F) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code.	34509 34510
(G) "Durable power of attorney for health care" means a document created pursuant to sections 1337.11 to 1337.17 of the Revised Code.	34511 34512 34513
(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	34514 34515 34516
(I) "Health care facility" means any of the following:	34517
(1) A hospital;	34518
(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	34519 34520 34521
(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	34522 34523
(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency;	34524 34525 34526
(5) An intermediate care facility for the mentally retarded <u>individuals with intellectual disabilities</u> .	34527 34528
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	34529 34530 34531 34532 34533 34534
(K) "Home health agency" has the same meaning as in section 3701.881 of the Revised Code.	34535 34536

(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code. 34537
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34539

(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code. 34540
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(N) "Hydration" means fluids that are artificially or technologically administered. 34542
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(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code. 34544
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(P) "Intermediate care facility for the ~~mentally retarded~~ individuals with intellectual disabilities" has the same meaning as in section ~~5111.20~~ 5124.01 of the Revised Code. 34546
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(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying. 34549
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(R) "Nurse" means a person who is licensed to practice nursing as a registered nurse or to practice practical nursing as a licensed practical nurse pursuant to Chapter 4723. of the Revised Code. 34553
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34556

(S) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 34557
34558

(T) "Nutrition" means sustenance that is artificially or technologically administered. 34559
34560

(U) "Permanently unconscious state" means a state of permanent unconsciousness in a declarant or other patient that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, is characterized by 34561
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both of the following:	34567
(1) Irreversible unawareness of one's being and environment.	34568
(2) Total loss of cerebral cortical functioning, resulting in the declarant or other patient having no capacity to experience pain or suffering.	34569 34570 34571
(V) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities.	34572 34573 34574 34575
(W) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	34576 34577 34578
(X) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.	34579 34580
(Y) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing.	34581 34582 34583 34584
(Z) "Qualified patient" means an adult who has executed a declaration and has been determined to be in a terminal condition or in a permanently unconscious state.	34585 34586 34587
(AA) "Terminal condition" means an irreversible, incurable, and untreatable condition caused by disease, illness, or injury from which, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by a declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, both of the following apply:	34588 34589 34590 34591 34592 34593 34594
(1) There can be no recovery.	34595
(2) Death is likely to occur within a relatively short time	34596

if life-sustaining treatment is not administered. 34597

(BB) "Tort action" means a civil action for damages for 34598
injury, death, or loss to person or property, other than a civil 34599
action for damages for breach of a contract or another agreement 34600
between persons. 34601

Sec. 2133.25. (A) The department of health, by rule adopted 34602
pursuant to Chapter 119. of the Revised Code, shall adopt a 34603
standardized method of procedure for the withholding of CPR by 34604
physicians, emergency medical services personnel, and health care 34605
facilities in accordance with sections 2133.21 to 2133.26 of the 34606
Revised Code. The standardized method shall specify criteria for 34607
determining when a do-not-resuscitate order issued by a physician 34608
is current. The standardized method so adopted shall be the 34609
"do-not-resuscitate protocol" for purposes of sections 2133.21 to 34610
2133.26 of the Revised Code. The department also shall approve one 34611
or more standard forms of DNR identification to be used throughout 34612
this state. 34613

(B) The department of health shall adopt rules in accordance 34614
with Chapter 119. of the Revised Code for the administration of 34615
sections 2133.21 to 2133.26 of the Revised Code. 34616

(C) The department of health shall appoint an advisory 34617
committee to advise the department in the development of rules 34618
under this section. The advisory committee shall include, but 34619
shall not be limited to, representatives of each of the following 34620
organizations: 34621

(1) The association for hospitals and health systems (OHA); 34622

(2) The Ohio state medical association; 34623

(3) The Ohio chapter of the American college of emergency 34624
physicians; 34625

(4) The Ohio hospice organization; 34626

(5) The Ohio council for home care;	34627
(6) The Ohio health care association;	34628
(7) The Ohio ambulance association;	34629
(8) The Ohio medical directors association;	34630
(9) The Ohio association of emergency medical services;	34631
(10) The bioethics network of Ohio;	34632
(11) The Ohio nurses association;	34633
(12) The Ohio academy of nursing homes;	34634
(13) The Ohio association of professional firefighters;	34635
(14) The department of developmental disabilities;	34636
(15) The Ohio osteopathic association;	34637
(16) The association of Ohio philanthropic homes, housing and services for the aging;	34638 34639
(17) The catholic conference of Ohio;	34640
(18) The department of aging;	34641
(19) The department of mental health <u>mental health and addiction services</u> ;	34642 34643
(20) The Ohio private residential association;	34644
(21) The northern Ohio fire fighters association.	34645
Sec. 2151.011. (A) As used in the Revised Code:	34646
(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:	34647 34648 34649
(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division	34650 34651 34652 34653

combined with one or more other divisions; 34654

(b) The juvenile court of Cuyahoga county or Hamilton county 34655
that is separately and independently created by section 2151.08 or 34656
Chapter 2153. of the Revised Code and that has jurisdiction under 34657
this chapter and Chapter 2152. of the Revised Code; 34658

(c) If division (A)(1)(a) or (b) of this section does not 34659
apply, the probate division of the court of common pleas. 34660

(2) "Juvenile judge" means a judge of a court having 34661
jurisdiction under this chapter. 34662

(3) "Private child placing agency" means any association, as 34663
defined in section 5103.02 of the Revised Code, that is certified 34664
under section 5103.03 of the Revised Code to accept temporary, 34665
permanent, or legal custody of children and place the children for 34666
either foster care or adoption. 34667

(4) "Private noncustodial agency" means any person, 34668
organization, association, or society certified by the department 34669
of job and family services that does not accept temporary or 34670
permanent legal custody of children, that is privately operated in 34671
this state, and that does one or more of the following: 34672

(a) Receives and cares for children for two or more 34673
consecutive weeks; 34674

(b) Participates in the placement of children in certified 34675
foster homes; 34676

(c) Provides adoption services in conjunction with a public 34677
children services agency or private child placing agency. 34678

(B) As used in this chapter: 34679

(1) "Adequate parental care" means the provision by a child's 34680
parent or parents, guardian, or custodian of adequate food, 34681
clothing, and shelter to ensure the child's health and physical 34682
safety and the provision by a child's parent or parents of 34683

specialized services warranted by the child's physical or mental 34684
needs. 34685

(2) "Adult" means an individual who is eighteen years of age 34686
or older. 34687

(3) "Agreement for temporary custody" means a voluntary 34688
agreement authorized by section 5103.15 of the Revised Code that 34689
transfers the temporary custody of a child to a public children 34690
services agency or a private child placing agency. 34691

(4) "Alternative response" means the public children services 34692
agency's response to a report of child abuse or neglect that 34693
engages the family in a comprehensive evaluation of child safety, 34694
risk of subsequent harm, and family strengths and needs and that 34695
does not include a determination as to whether child abuse or 34696
neglect occurred. 34697

(5) "Certified foster home" means a foster home, as defined 34698
in section 5103.02 of the Revised Code, certified under section 34699
5103.03 of the Revised Code. 34700

(6) "Child" means a person who is under eighteen years of 34701
age, except that the juvenile court has jurisdiction over any 34702
person who is adjudicated an unruly child prior to attaining 34703
eighteen years of age until the person attains twenty-one years of 34704
age, and, for purposes of that jurisdiction related to that 34705
adjudication, a person who is so adjudicated an unruly child shall 34706
be deemed a "child" until the person attains twenty-one years of 34707
age. 34708

(7) "Child day camp," "child care," "child day-care center," 34709
"part-time child day-care center," "type A family day-care home," 34710
"certified type B family day-care home," "type B home," 34711
"administrator of a child day-care center," "administrator of a 34712
type A family day-care home," "in-home aide," and "authorized 34713
provider" have the same meanings as in section 5104.01 of the 34714

Revised Code.	34715
(8) "Child care provider" means an individual who is a	34716
child-care staff member or administrator of a child day-care	34717
center, a type A family day-care home, or a type B family day-care	34718
home, or an in-home aide or an individual who is licensed, is	34719
regulated, is approved, operates under the direction of, or	34720
otherwise is certified by the department of job and family	34721
services, department of developmental disabilities, or the early	34722
childhood programs of the department of education.	34723
(9) "Chronic truant" has the same meaning as in section	34724
2152.02 of the Revised Code.	34725
(10) "Commit" means to vest custody as ordered by the court.	34726
(11) "Counseling" includes both of the following:	34727
(a) General counseling services performed by a public	34728
children services agency or shelter for victims of domestic	34729
violence to assist a child, a child's parents, and a child's	34730
siblings in alleviating identified problems that may cause or have	34731
caused the child to be an abused, neglected, or dependent child.	34732
(b) Psychiatric or psychological therapeutic counseling	34733
services provided to correct or alleviate any mental or emotional	34734
illness or disorder and performed by a licensed psychiatrist,	34735
licensed psychologist, or a person licensed under Chapter 4757. of	34736
the Revised Code to engage in social work or professional	34737
counseling.	34738
(12) "Custodian" means a person who has legal custody of a	34739
child or a public children services agency or private child	34740
placing agency that has permanent, temporary, or legal custody of	34741
a child.	34742
(13) "Delinquent child" has the same meaning as in section	34743
2152.02 of the Revised Code.	34744

(14) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.

(15) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

(16) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.

(17) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(18) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

(19) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year.

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall

exercise the rights and responsibilities personally unless 34776
otherwise authorized by any section of the Revised Code or by the 34777
court. 34778

(22) A "legitimate excuse for absence from the public school 34779
the child is supposed to attend" includes, but is not limited to, 34780
any of the following: 34781

(a) The fact that the child in question has enrolled in and 34782
is attending another public or nonpublic school in this or another 34783
state; 34784

(b) The fact that the child in question is excused from 34785
attendance at school for any of the reasons specified in section 34786
3321.04 of the Revised Code; 34787

(c) The fact that the child in question has received an age 34788
and schooling certificate in accordance with section 3331.01 of 34789
the Revised Code. 34790

(23) "Mental illness" and "mentally ill person subject to 34791
hospitalization by court order" have the same meanings as in 34792
section 5122.01 of the Revised Code. 34793

(24) "Mental injury" means any behavioral, cognitive, 34794
emotional, or mental disorder in a child caused by an act or 34795
omission that is described in section 2919.22 of the Revised Code 34796
and is committed by the parent or other person responsible for the 34797
child's care. 34798

(25) "Mentally retarded person" has the same meaning as in 34799
section 5123.01 of the Revised Code. 34800

(26) "Nonsecure care, supervision, or training" means care, 34801
supervision, or training of a child in a facility that does not 34802
confine or prevent movement of the child within the facility or 34803
from the facility. 34804

(27) "Of compulsory school age" has the same meaning as in 34805

section 3321.01 of the Revised Code. 34806

(28) "Organization" means any institution, public, 34807
semipublic, or private, and any private association, society, or 34808
agency located or operating in the state, incorporated or 34809
unincorporated, having among its functions the furnishing of 34810
protective services or care for children, or the placement of 34811
children in certified foster homes or elsewhere. 34812

(29) "Out-of-home care" means detention facilities, shelter 34813
facilities, certified children's crisis care facilities, certified 34814
foster homes, placement in a prospective adoptive home prior to 34815
the issuance of a final decree of adoption, organizations, 34816
certified organizations, child day-care centers, type A family 34817
day-care homes, child care provided by type B family day-care home 34818
providers and by in-home aides, group home providers, group homes, 34819
institutions, state institutions, residential facilities, 34820
residential care facilities, residential camps, day camps, public 34821
schools, chartered nonpublic schools, educational service centers, 34822
hospitals, and medical clinics that are responsible for the care, 34823
physical custody, or control of children. 34824

(30) "Out-of-home care child abuse" means any of the 34825
following when committed by a person responsible for the care of a 34826
child in out-of-home care: 34827

(a) Engaging in sexual activity with a child in the person's 34828
care; 34829

(b) Denial to a child, as a means of punishment, of proper or 34830
necessary subsistence, education, medical care, or other care 34831
necessary for a child's health; 34832

(c) Use of restraint procedures on a child that cause injury 34833
or pain; 34834

(d) Administration of prescription drugs or psychotropic 34835
medication to the child without the written approval and ongoing 34836

supervision of a licensed physician;	34837
(e) Commission of any act, other than by accidental means,	34838
that results in any injury to or death of the child in out-of-home	34839
care or commission of any act by accidental means that results in	34840
an injury to or death of a child in out-of-home care and that is	34841
at variance with the history given of the injury or death.	34842
(31) "Out-of-home care child neglect" means any of the	34843
following when committed by a person responsible for the care of a	34844
child in out-of-home care:	34845
(a) Failure to provide reasonable supervision according to	34846
the standards of care appropriate to the age, mental and physical	34847
condition, or other special needs of the child;	34848
(b) Failure to provide reasonable supervision according to	34849
the standards of care appropriate to the age, mental and physical	34850
condition, or other special needs of the child, that results in	34851
sexual or physical abuse of the child by any person;	34852
(c) Failure to develop a process for all of the following:	34853
(i) Administration of prescription drugs or psychotropic	34854
drugs for the child;	34855
(ii) Assuring that the instructions of the licensed physician	34856
who prescribed a drug for the child are followed;	34857
(iii) Reporting to the licensed physician who prescribed the	34858
drug all unfavorable or dangerous side effects from the use of the	34859
drug.	34860
(d) Failure to provide proper or necessary subsistence,	34861
education, medical care, or other individualized care necessary	34862
for the health or well-being of the child;	34863
(e) Confinement of the child to a locked room without	34864
monitoring by staff;	34865
(f) Failure to provide ongoing security for all prescription	34866

and nonprescription medication; 34867

(g) Isolation of a child for a period of time when there is 34868
substantial risk that the isolation, if continued, will impair or 34869
retard the mental health or physical well-being of the child. 34870

(32) "Permanent custody" means a legal status that vests in a 34871
public children services agency or a private child placing agency, 34872
all parental rights, duties, and obligations, including the right 34873
to consent to adoption, and divests the natural parents or 34874
adoptive parents of all parental rights, privileges, and 34875
obligations, including all residual rights and obligations. 34876

(33) "Permanent surrender" means the act of the parents or, 34877
if a child has only one parent, of the parent of a child, by a 34878
voluntary agreement authorized by section 5103.15 of the Revised 34879
Code, to transfer the permanent custody of the child to a public 34880
children services agency or a private child placing agency. 34881

(34) "Person" means an individual, association, corporation, 34882
or partnership and the state or any of its political subdivisions, 34883
departments, or agencies. 34884

(35) "Person responsible for a child's care in out-of-home 34885
care" means any of the following: 34886

(a) Any foster caregiver, in-home aide, or provider; 34887

(b) Any administrator, employee, or agent of any of the 34888
following: a public or private detention facility; shelter 34889
facility; certified children's crisis care facility; organization; 34890
certified organization; child day-care center; type A family 34891
day-care home; certified type B family day-care home; group home; 34892
institution; state institution; residential facility; residential 34893
care facility; residential camp; day camp; school district; 34894
community school; chartered nonpublic school; educational service 34895
center; hospital; or medical clinic; 34896

(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;	34897 34898 34899
(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	34900 34901
(36) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:	34902 34903 34904 34905
(a) A substantial impairment of vision, speech, or hearing;	34906
(b) A congenital orthopedic impairment;	34907
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	34908 34909 34910
(37) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.	34911 34912 34913 34914
(38) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.	34915 34916 34917 34918
(39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	34919 34920
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	34921 34922 34923
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom	34924 34925 34926

the child is placed.	34927
(40) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	34928 34929 34930
(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.	34931 34932 34933 34934
(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	34935 34936 34937 34938 34939 34940 34941 34942
(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	34943 34944
(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	34945 34946
(45) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.	34947 34948 34949
(46) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health <u>mental health and addiction services</u> under section 5119.22 <u>5119.34</u> of the Revised Code and that provides care for a child.	34950 34951 34952 34953 34954
(47) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under	34955 34956

section 5123.19 of the Revised Code and in which a child with a developmental disability resides. 34957
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(48) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support. 34959
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(49) "School day" means the school day established by the state board of education pursuant to section 3313.48 of the Revised Code. 34966
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(50) "School month" and "school year" have the same meanings as in section 3313.62 of the Revised Code. 34969
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(51) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition. 34971
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(52) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code. 34976
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(53) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition. 34978
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(54) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 34981
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(55) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the 34983
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person who executed the agreement. 34987

(56) "Traditional response" means a public children services 34988
agency's response to a report of child abuse or neglect that 34989
encourages engagement of the family in a comprehensive evaluation 34990
of the child's current and future safety needs and a fact-finding 34991
process to determine whether child abuse or neglect occurred and 34992
the circumstances surrounding the alleged harm or risk of harm. 34993

(C) For the purposes of this chapter, a child shall be 34994
presumed abandoned when the parents of the child have failed to 34995
visit or maintain contact with the child for more than ninety 34996
days, regardless of whether the parents resume contact with the 34997
child after that period of ninety days. 34998

Sec. 2151.3514. (A) As used in this section: 34999

(1) "~~Alcohol and drug~~ Community addiction program services 35000
provider" has the same meaning as in section ~~3793.01~~ 5119.01 of 35001
the Revised Code; 35002

(2) "Chemical dependency" means either of the following: 35003

(a) The chronic and habitual use of alcoholic beverages to 35004
the extent that the user no longer can control the use of alcohol 35005
or endangers the user's health, safety, or welfare or that of 35006
others; 35007

(b) The use of a drug of abuse to the extent that the user 35008
becomes physically or psychologically dependent on the drug or 35009
endangers the user's health, safety, or welfare or that of others. 35010

(3) "Drug of abuse" has the same meaning as in section 35011
3719.011 of the Revised Code. 35012

~~(4) "Medicaid" means the program established under Chapter 35013
5111. of the Revised Code. 35014~~

(B) If the juvenile court issues an order of temporary 35015

custody or protective supervision under division (A) of section 35016
2151.353 of the Revised Code with respect to a child adjudicated 35017
to be an abused, neglected, or dependent child and the alcohol or 35018
other drug addiction of a parent or other caregiver of the child 35019
was the basis for the adjudication of abuse, neglect, or 35020
dependency, the court shall issue an order requiring the parent or 35021
other caregiver to submit to an assessment and, if needed, 35022
treatment from ~~an alcohol and drug~~ a community addiction ~~program~~ 35023
services provider certified by the department of ~~alcohol and drug~~ 35024
~~addiction services~~ mental health and addiction services. The court 35025
may order the parent or other caregiver to submit to alcohol or 35026
other drug testing during, after, or both during and after, the 35027
treatment. The court shall send any order issued pursuant to this 35028
division to the public children services agency that serves the 35029
county in which the court is located for use as described in 35030
section 340.15 of the Revised Code. 35031

(C) Any order requiring alcohol or other drug testing that is 35032
issued pursuant to division (B) of this section shall require one 35033
alcohol or other drug test to be conducted each month during a 35034
period of twelve consecutive months beginning the month 35035
immediately following the month in which the order for alcohol or 35036
other drug testing is issued. Arrangements for administering the 35037
alcohol or other drug tests, as well as funding the costs of the 35038
tests, shall be locally determined in accordance with sections 35039
~~340.033~~ 340.03 and 340.15 of the Revised Code. If a parent or 35040
other caregiver required to submit to alcohol or other drug tests 35041
under this section is not a recipient of medicaid, the agency that 35042
refers the parent or caregiver for the tests may require the 35043
parent or caregiver to reimburse the agency for the cost of 35044
conducting the tests. 35045

(D) The certified ~~alcohol and drug~~ community addiction 35046
~~program~~ services provider that conducts any alcohol or other drug 35047

tests ordered in accordance with divisions (B) and (C) of this 35048
section shall send the results of the tests, along with the 35049
~~program's~~ provider's recommendations as to the benefits of 35050
continued treatment, to the court and to the public children 35051
services agency providing services to the involved family, 35052
according to federal regulations set forth in 42 C.F.R. Part 2, 35053
and division (B) of section 340.15 of the Revised Code. The court 35054
shall consider the results and the recommendations sent to it 35055
under this division in any adjudication or review by the court, 35056
according to section 2151.353, 2151.414, or 2151.419 of the 35057
Revised Code. 35058

Sec. 2151.362. (A)(1) In the manner prescribed by division 35059
(C)(1) or (2) of section 3313.64 of the Revised Code, as 35060
applicable, the court, at the time of making any order that 35061
removes a child from the child's own home or that vests legal or 35062
permanent custody of the child in a person other than the child's 35063
parent or a government agency, shall determine the school district 35064
that is to bear the cost of educating the child. The court shall 35065
make the determination a part of the order that provides for the 35066
child's placement or commitment. That school district shall bear 35067
the cost of educating the child unless and until the department of 35068
education determines that a different district shall be 35069
responsible for bearing that cost pursuant to division (A)(2) of 35070
this section. The court's order shall state that the determination 35071
of which school district is responsible to bear the cost of 35072
educating the child is subject to re-determination by the 35073
department pursuant to that division. 35074

(2) If, while the child is in the custody of a person other 35075
than the child's parent or a government agency, the department of 35076
education determines that the place of residence of the child's 35077
parent has changed since the court issued its initial order, the 35078
department may name a different school district to bear the cost 35079

of educating the child. The department shall make this new 35080
determination, and any future determinations, based on evidence 35081
received from the school district currently responsible to bear 35082
the cost of educating the child. If the department finds that the 35083
evidence demonstrates to its satisfaction that the residence of 35084
the child's parent has changed since the court issued its initial 35085
order under division (A)(1) of this section, or since the 35086
department last made a determination under division (A)(2) of this 35087
section, the department shall name the district in which the 35088
child's parent currently resides or, if the parent's residence is 35089
not known, the district in which the parent's last known residence 35090
is located. If the department cannot determine any Ohio district 35091
in which the parent currently resides or has resided, the school 35092
district designated in the initial court order under division 35093
(A)(1) of this section, or in the most recent determination made 35094
by the department under division (A)(2) of this section, shall 35095
continue to bear the cost of educating the child. 35096

(B) Whenever a child is placed in a detention facility 35097
established under section 2152.41 of the Revised Code or a 35098
juvenile facility established under section 2151.65 of the Revised 35099
Code, the facility shall be responsible for coordinating the 35100
education of the child. The facility may take any of the following 35101
measures in coordinating the education of the child: 35102

(1) If applicable, use the chartered nonpublic school that 35103
the facility operates; 35104

(2) Arrange with the school district responsible for bearing 35105
the cost of educating the child determined under division (A) of 35106
this section, for the facility to educate the child on its own; 35107

(3) Contract with an educational service center for the 35108
service center to educate the child; 35109

(4) Contract with the school district in which the facility 35110

is located for that school district to educate the child; 35111

(5) If the child is enrolled in an internet- or 35112
computer-based community school established under Chapter 3314. of 35113
the Revised Code, and provided that the facility possesses the 35114
necessary hardware, software, and internet connectivity, permit 35115
continued instruction of the child by the internet- or 35116
computer-based community school. 35117

If the facility coordinates the education of the child 35118
pursuant to division (B)(1), (2), (3), or (4) of this section, 35119
child's school district as determined by the court or the 35120
department, in the same manner as prescribed in division (A) of 35121
this section, shall pay the cost of educating the child based on 35122
the per capita cost of the educational facility within the 35123
detention home or juvenile facility. 35124

If the facility coordinates the education of the child 35125
pursuant to division (B)(5) of this section, payment for the cost 35126
of educating the child shall be made only as provided in division 35127
(C) of section 3314.08 of the Revised Code. 35128

(C) Whenever a child is placed by the court in a private 35129
institution, school, or residential treatment center or any other 35130
private facility, the state shall pay to the court a subsidy to 35131
help defray the expense of educating the child in an amount equal 35132
to the product of the daily per capita educational cost of the 35133
private facility, as determined pursuant to this section, and the 35134
number of days the child resides at the private facility, provided 35135
that the subsidy shall not exceed twenty-five hundred dollars per 35136
year per child. The daily per capita educational cost of a private 35137
facility shall be determined by dividing the actual program cost 35138
of the private facility or twenty-five hundred dollars, whichever 35139
is less, by three hundred sixty-five days or by three hundred 35140
sixty-six days for years that include February twenty-ninth. The 35141
state shall pay seventy-five per cent of the total subsidy for 35142

each year quarterly to the court. The state may adjust the 35143
remaining twenty-five per cent of the total subsidy to be paid to 35144
the court for each year to an amount that is less than twenty-five 35145
per cent of the total subsidy for that year based upon the 35146
availability of funds appropriated to the department of education 35147
for the purpose of subsidizing courts that place a child in a 35148
private institution, school, or residential treatment center or 35149
any other private facility and shall pay that adjusted amount to 35150
the court at the end of the year. 35151

Sec. 2151.83. (A) A public children services agency or 35152
private child placing agency, on the request of a young adult, 35153
shall enter into a jointly prepared written agreement with the 35154
young adult that obligates the agency to ensure that independent 35155
living services are provided to the young adult and sets forth the 35156
responsibilities of the young adult regarding the services. The 35157
agreement shall be developed based on the young adult's strengths, 35158
needs, and circumstances. The agreement shall be designed to 35159
promote the young adult's successful transition to independent 35160
adult living and emotional and economic self-sufficiency. 35161

(B) If the young adult appears to be eligible for services 35162
from one or more of the following entities, the agency must 35163
contact the appropriate entity to determine eligibility: 35164

(1) An entity, other than the agency, that is represented on 35165
a county family and children first council established pursuant to 35166
section 121.37 of the Revised Code. If the entity is a board of 35167
alcohol, drug addiction, and mental health services, an alcohol 35168
and drug addiction services board, or a community mental health 35169
board, the agency shall contact the provider of alcohol, drug 35170
addiction, or mental health services that has been designated by 35171
the board to determine the young adult's eligibility for services. 35172

(2) The ~~rehabilitation services commission~~ opportunities for 35173

Ohioans with disabilities agency; 35174

(3) A metropolitan housing authority established pursuant to 35175
section 3735.27 of the Revised Code. 35176

If an entity described in this division determines that the 35177
young adult qualifies for services from the entity, that entity, 35178
the young adult, and the agency to which the young adult made the 35179
request for independent living services shall enter into a written 35180
addendum to the jointly prepared agreement entered into under 35181
division (A) of this section. The addendum shall indicate how 35182
services under the agreement and addendum are to be coordinated 35183
and allocate the service responsibilities among the entities and 35184
agency that signed the addendum. 35185

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 35186
entity that appoints or employs any person responsible for a 35187
child's care in out-of-home care shall request the superintendent 35188
of BCII to conduct a criminal records check with respect to any 35189
person who is under final consideration for appointment or 35190
employment as a person responsible for a child's care in 35191
out-of-home care, except that section 3319.39 of the Revised Code 35192
shall apply instead of this section if the out-of-home care entity 35193
is a public school, educational service center, or chartered 35194
nonpublic school. 35195

(2) At the times specified in this division, the 35196
administrative director of an agency, or attorney, who arranges an 35197
adoption for a prospective adoptive parent shall request the 35198
superintendent of BCII to conduct a criminal records check with 35199
respect to that prospective adoptive parent and a criminal records 35200
check with respect to all persons eighteen years of age or older 35201
who reside with the prospective adoptive parent. The 35202
administrative director or attorney shall request a criminal 35203
records check pursuant to this division at the time of the initial 35204

home study, every four years after the initial home study at the 35205
time of an update, and at the time that an adoptive home study is 35206
completed as a new home study. 35207

(3) Before a recommending agency submits a recommendation to 35208
the department of job and family services on whether the 35209
department should issue a certificate to a foster home under 35210
section 5103.03 of the Revised Code, and every four years 35211
thereafter prior to a recertification under that section, the 35212
administrative director of the agency shall request that the 35213
superintendent of BCII conduct a criminal records check with 35214
respect to the prospective foster caregiver and a criminal records 35215
check with respect to all other persons eighteen years of age or 35216
older who reside with the foster caregiver. 35217

(B)(1) If a person subject to a criminal records check under 35218
division (A)(1) of this section does not present proof that the 35219
person has been a resident of this state for the five-year period 35220
immediately prior to the date upon which the criminal records 35221
check is requested or does not provide evidence that within that 35222
five-year period the superintendent of BCII has requested 35223
information about the person from the federal bureau of 35224
investigation in a criminal records check, the appointing or 35225
hiring officer shall request that the superintendent of BCII 35226
obtain information from the federal bureau of investigation as a 35227
part of the criminal records check, including fingerprint-based 35228
checks of national crime information databases as described in 42 35229
U.S.C. 671. If a person subject to a criminal records check under 35230
division (A)(1) of this section presents proof that the person has 35231
been a resident of this state for that five-year period, the 35232
appointing or hiring officer or attorney may request that the 35233
superintendent of BCII include information from the federal bureau 35234
of investigation in the criminal records check, including 35235
fingerprint-based checks of national crime information databases 35236

as described in 42 U.S.C. 671. 35237

When the administrative director of an agency, or attorney, 35238
who arranges an adoption for a prospective parent requests, at the 35239
time of the initial home study, a criminal records check for a 35240
person pursuant to division (A)(2) of this section, the 35241
administrative director or attorney shall request that the 35242
superintendent of BCII obtain information from the federal bureau 35243
of investigation as part of the criminal records check, including 35244
fingerprint-based checks of national crime information databases 35245
as described in 42 U.S.C. 671, for the person subject to the 35246
criminal records check. In all other cases in which the 35247
administrative director of an agency, or attorney, who arranges an 35248
adoption for a prospective parent requests a criminal records 35249
check for a person pursuant to division (A)(2) of this section, 35250
the administrative director or attorney may request that the 35251
superintendent of BCII include information from the federal bureau 35252
of investigation in the criminal records check, including 35253
fingerprint-based checks of national crime information databases 35254
as described in 42 U.S.C. 671. 35255

When the administrative director of a recommending agency 35256
requests, before submitting a recommendation to the department of 35257
job and family services on whether the department should issue a 35258
certificate to a foster home under section 5103.03 of the Revised 35259
Code, a criminal records check for a person pursuant to division 35260
(A)(3) of this section, the administrative director shall request 35261
that the superintendent of BCII obtain information from the 35262
federal bureau of investigation as part of a criminal records 35263
check, including fingerprint-based checks of national crime 35264
information databases as described in 42 U.S.C. 671, for the 35265
person subject to the criminal records check. In all other cases 35266
in which the administrative director of a recommending agency 35267
requests a criminal records check for a person pursuant to 35268

division (A)(3) of this section, the administrative director may 35269
request that the superintendent of BCII include information from 35270
the federal bureau of investigation in the criminal records check, 35271
including fingerprint-based checks of national crime information 35272
databases as described in 42 U.S.C. 671. 35273

Prior to a hearing on a final decree of adoption or 35274
interlocutory order of adoption by a probate court, the 35275
administrative director of an agency, or an attorney, who arranges 35276
an adoption for a prospective parent shall provide to the clerk of 35277
the probate court either of the following: 35278

(a) Any information received pursuant to a request made under 35279
this division from the superintendent of BCII or the federal 35280
bureau of investigation as part of the criminal records check, 35281
including fingerprint-based checks of national crime information 35282
databases as described in 42 U.S.C. 671, for the person subject to 35283
the criminal records check; 35284

(b) Written notification that the person subject to a 35285
criminal records check pursuant to this division failed upon 35286
request to provide the information necessary to complete the form 35287
or failed to provide impressions of the person's fingerprints as 35288
required under division (B)(2) of this section. 35289

(2) An appointing or hiring officer, administrative director, 35290
or attorney required by division (A) of this section to request a 35291
criminal records check shall provide to each person subject to a 35292
criminal records check a copy of the form prescribed pursuant to 35293
division (C)(1) of section 109.572 of the Revised Code and a 35294
standard impression sheet to obtain fingerprint impressions 35295
prescribed pursuant to division (C)(2) of section 109.572 of the 35296
Revised Code, obtain the completed form and impression sheet from 35297
the person, and forward the completed form and impression sheet to 35298
the superintendent of BCII at the time the criminal records check 35299
is requested. 35300

Any person subject to a criminal records check who receives 35301
pursuant to this division a copy of the form prescribed pursuant 35302
to division (C)(1) of section 109.572 of the Revised Code and a 35303
copy of an impression sheet prescribed pursuant to division (C)(2) 35304
of that section and who is requested to complete the form and 35305
provide a set of fingerprint impressions shall complete the form 35306
or provide all the information necessary to complete the form and 35307
shall provide the impression sheet with the impressions of the 35308
person's fingerprints. If a person subject to a criminal records 35309
check, upon request, fails to provide the information necessary to 35310
complete the form or fails to provide impressions of the person's 35311
fingerprints, the appointing or hiring officer shall not appoint 35312
or employ the person as a person responsible for a child's care in 35313
out-of-home care, a probate court may not issue a final decree of 35314
adoption or an interlocutory order of adoption making the person 35315
an adoptive parent, and the department of job and family services 35316
shall not issue a certificate authorizing the prospective foster 35317
caregiver to operate a foster home. 35318

(C)(1) No appointing or hiring officer shall appoint or 35319
employ a person as a person responsible for a child's care in 35320
out-of-home care, the department of job and family services shall 35321
not issue a certificate under section 5103.03 of the Revised Code 35322
authorizing a prospective foster caregiver to operate a foster 35323
home, and no probate court shall issue a final decree of adoption 35324
or an interlocutory order of adoption making a person an adoptive 35325
parent if the person or, in the case of a prospective foster 35326
caregiver or prospective adoptive parent, any person eighteen 35327
years of age or older who resides with the prospective foster 35328
caregiver or prospective adoptive parent previously has been 35329
convicted of or pleaded guilty to any of the violations described 35330
in division (A)(4) of section 109.572 of the Revised Code, unless 35331
the person meets rehabilitation standards established in rules 35332
adopted under division (F) of this section. 35333

(2) The appointing or hiring officer may appoint or employ a person as a person responsible for a child's care in out-of-home care conditionally until the criminal records check required by this section is completed and the officer receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (C)(1) of this section, the person subject to the criminal records check does not qualify for appointment or employment, the officer shall release the person from appointment or employment.

(3) Prior to certification or recertification under section 5103.03 of the Revised Code, the prospective foster caregiver subject to a criminal records check under division (A)(3) of this section shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years prior to the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any revocation of that type in another state that occurred within that five-year period shall be grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years prior to the date of the application, the department of job and family services shall not issue a foster home certificate to the prospective foster caregiver.

(D) The appointing or hiring officer, administrative director, or attorney shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request pursuant to division (A) of this section. The officer, director, or attorney may charge the person subject to

the criminal records check a fee for the costs the officer, 35366
director, or attorney incurs in obtaining the criminal records 35367
check. A fee charged under this division shall not exceed the 35368
amount of fees the officer, director, or attorney pays for the 35369
criminal records check. If a fee is charged under this division, 35370
the officer, director, or attorney shall notify the person who is 35371
the applicant at the time of the person's initial application for 35372
appointment or employment, an adoption to be arranged, or a 35373
certificate to operate a foster home of the amount of the fee and 35374
that, unless the fee is paid, the person who is the applicant will 35375
not be considered for appointment or employment or as an adoptive 35376
parent or foster caregiver. 35377

(E) The report of any criminal records check conducted by the 35378
bureau of criminal identification and investigation in accordance 35379
with section 109.572 of the Revised Code and pursuant to a request 35380
made under division (A) of this section is not a public record for 35381
the purposes of section 149.43 of the Revised Code and shall not 35382
be made available to any person other than the following: 35383

(1) The person who is the subject of the criminal records 35384
check or the person's representative; 35385

(2) The appointing or hiring officer, administrative 35386
director, or attorney requesting the criminal records check or the 35387
officer's, director's, or attorney's representative; 35388

(3) The department of job and family services, a county 35389
department of job and family services, or a public children 35390
services agency; 35391

(4) Any court, hearing officer, or other necessary individual 35392
involved in a case dealing with the denial of employment, a final 35393
decree of adoption or interlocutory order of adoption, or a foster 35394
home certificate. 35395

(F) The director of job and family services shall adopt rules 35396

in accordance with Chapter 119. of the Revised Code to implement 35397
this section. The rules shall include rehabilitation standards a 35398
person who has been convicted of or pleaded guilty to an offense 35399
listed in division (A)(4) of section 109.572 of the Revised Code 35400
must meet for an appointing or hiring officer to appoint or employ 35401
the person as a person responsible for a child's care in 35402
out-of-home care, a probate court to issue a final decree of 35403
adoption or interlocutory order of adoption making the person an 35404
adoptive parent, or the department to issue a certificate 35405
authorizing the prospective foster caregiver to operate a foster 35406
home or not revoke a foster home certificate for a violation 35407
specified in section 5103.0328 of the Revised Code. 35408

(G) An appointing or hiring officer, administrative director, 35409
or attorney required by division (A) of this section to request a 35410
criminal records check shall inform each person who is the 35411
applicant, at the time of the person's initial application for 35412
appointment or employment, an adoption to be arranged, or a foster 35413
home certificate, that the person subject to the criminal records 35414
check is required to provide a set of impressions of the person's 35415
fingerprints and that a criminal records check is required to be 35416
conducted and satisfactorily completed in accordance with section 35417
109.572 of the Revised Code. 35418

~~(H) The department of job and family services may waive the 35419
requirement that a criminal records check based on fingerprints be 35420
conducted for an adult resident of a prospective adoptive or 35421
foster home or the home of a foster caregiver if the recommending 35422
agency documents to the department's satisfaction that the adult 35423
resident is physically unable to comply with the fingerprinting 35424
requirement and poses no danger to foster children or adoptive 35425
children who may be placed in the home. In such cases, the 35426
recommending or approving agency shall request that the bureau of 35427
criminal identification and investigation conduct a criminal 35428~~

records check using the person's name and social security number.	35429
(I) As used in this section:	35430
(1) "Children's hospital" means any of the following:	35431
(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;	35432 35433 35434 35435 35436
(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;	35437 35438 35439 35440 35441 35442 35443
(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (I)(H)(1)(a) of this section.	35444 35445 35446 35447
(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	35448 35449
(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.	35450 35451 35452 35453 35454 35455
(4) "Person subject to a criminal records check" means the following:	35456 35457
(a) A person who is under final consideration for appointment	35458

or employment as a person responsible for a child's care in out-of-home care;	35459 35460
(b) A prospective adoptive parent;	35461
(c) A prospective foster caregiver;	35462
(d) A person eighteen years old or older who resides with a prospective foster caregiver or a prospective adoptive parent.	35463 35464
(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.	35465 35466 35467 35468
(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.	35469 35470
Sec. 2152.54. (A) An evaluation of a child who does not appear to the court to be a person who is at least moderately intellectually disabled shall be made by an evaluator who is one of the following:	35471 35472 35473 35474
(1) A professional employed by a psychiatric facility or center certified by the department of mental health <u>mental health</u> <u>and addiction services</u> to provide forensic services and appointed by the director of the facility or center to conduct the evaluation;	35475 35476 35477 35478 35479
(2) A psychiatrist or a licensed clinical psychologist who satisfies the criteria of division (I)(1) of section 5122.01 of the Revised Code and has specialized education, training, or experience in forensic evaluations of children or adolescents.	35480 35481 35482 35483
(B) An evaluation of a child who appears to the court to be a person who is at least moderately intellectually disabled shall be made by a psychiatrist or licensed clinical psychologist who satisfies the criteria of division (I)(1) of section 5122.01 of the Revised Code and has specialized education, training, or	35484 35485 35486 35487 35488

experience in forensic evaluations of children or adolescents who 35489
have intellectual disability. 35490

(C) If an evaluation is conducted by an evaluator of the type 35491
described in division (A)(1) or (2) of this section and the 35492
evaluator concludes that the child is a person who is at least 35493
moderately intellectually disabled, the evaluator shall 35494
discontinue the evaluation and notify the court within one 35495
business day after reaching the conclusion. Within two business 35496
days after receiving notification, the court shall order the child 35497
to undergo an evaluation by an evaluator of the type described in 35498
division (B) of this section. Within two business days after the 35499
appointment of the new evaluator, the original evaluator shall 35500
deliver to the new evaluator all information relating to the child 35501
obtained during the original evaluation. 35502

Sec. 2152.59. (A) If after a hearing held pursuant to section 35503
2152.58 of the Revised Code the court determines that a child is 35504
competent, the court shall proceed with the delinquent child's 35505
proceeding as provided by law. No statement that a child makes 35506
during an evaluation or hearing conducted under sections 2152.51 35507
through 2152.59 of the Revised Code shall be used against the 35508
child on the issue of responsibility or guilt in any child or 35509
adult proceeding. 35510

(B) If after a hearing held pursuant to section 2152.58 of 35511
the Revised Code the court determines that the child is not 35512
competent and cannot attain competency within the period of time 35513
applicable under division (D)(2) of this section, the court shall 35514
dismiss the charges without prejudice, except that the court may 35515
delay dismissal for up to ninety calendar days and do either of 35516
the following: 35517

(1) Refer the matter to a public children services agency and 35518
request that agency determine whether to file an action in 35519

accordance with section 2151.27 of the Revised Code alleging that 35520
the child is a dependent, neglected, or abused child; 35521

(2) Assign court staff to refer the child or the child's 35522
family to the local family and children first council or an agency 35523
funded by the department of ~~mental health~~ mental health and 35524
addiction services or department of developmental disabilities or 35525
otherwise secure services to reduce the potential that the child 35526
would engage in behavior that could result in delinquent child or 35527
other criminal charges. 35528

(C) If after a hearing held pursuant to section 2152.58 of 35529
the Revised Code the court determines that a child is not 35530
competent but could likely attain competency by participating in 35531
services specifically designed to help the child develop 35532
competency, the court may order the child to participate in 35533
services specifically designed to help the child develop 35534
competency at county expense. The court shall name a reliable 35535
provider to deliver the competency attainment services and shall 35536
order the child's parent, guardian, or custodian to contact that 35537
provider by a specified date to arrange for services. 35538

(D) The competency attainment services provided to a child 35539
shall be based on a competency attainment plan described in 35540
division (E)(2) of this section and approved by the court. 35541
Services are subject to the following conditions and time periods 35542
measured from the date the court approves the plan: 35543

(1) Services shall be provided in the least restrictive 35544
setting that is consistent with the child's ability to attain 35545
competency and the safety of both the child and the community. If 35546
the child has been released on temporary or interim orders and 35547
refuses or fails to cooperate with the service provider, the court 35548
may reassess the orders and amend them to require a more 35549
appropriate setting. 35550

(2) No child shall be required to participate in competency attainment services for longer than is required for the child to attain competency. The following maximum periods of participation apply:

(a) If a child is ordered to participate in competency attainment services that are provided outside of a residential setting, the child shall not participate in those services for a period exceeding three months if the child is charged with an act that would be a misdemeanor if committed by an adult, six months if the child is charged with an act that would be a felony of the third, fourth, or fifth degree if committed by an adult, or one year if the child is charged with an act that would be a felony of the first or second degree, aggravated murder, or murder if committed by an adult.

(b) If a child is ordered to receive competency attainment services that are provided in a residential setting that is operated solely or in part for the purpose of providing competency attainment services, the child shall not participate in those services for a period exceeding forty-five calendar days if the child is charged with an act that would be a misdemeanor if committed by an adult, three months if the child is charged with an act that would be a felony of the third, fourth, or fifth degree if committed by an adult, six months if the child is charged with an act that would be a felony of the first or second degree if committed by an adult, or one year if the child is charged with an act that would be aggravated murder or murder if committed by an adult.

(c) If a child is ordered into a residential, detention, or other secured setting for reasons other than to participate in competency attainment services and is also ordered to participate in competency attainment services concurrently, the child shall participate in the competency attainment services for not longer

than the relevant period set forth in division (D)(2)(a) of this section. 35583
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(d) If a child is ordered to participate in competency attainment services that require the child to live for some but not all of the duration of the services in a residential setting that is operated solely or in part for the purpose of providing competency attainment services, the child shall participate in the competency attainment services for not longer than the relevant period set forth in division (D)(2)(b) of this section. For the purpose of calculating a time period under division (D)(2)(d) of this section, two days of participation in a nonresidential setting shall equal one day of participation in a residential setting. 35585
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(3) A child who receives competency attainment services in a residential setting that is operated solely or partly for the purpose of providing competency attainment services is in detention for purposes of section 2921.34 and division (B) of section 2152.18 of the Revised Code during the time that the child resides in the residential setting. 35596
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(E)(1) Within ten business days after the court names the provider responsible for the child's competency attainment services under division (D) of this section, the court shall deliver to that provider a copy of each competency assessment report it has received for review. The provider shall return the copies of the reports to the court upon the termination of the services. 35602
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(2) Not later than thirty calendar days after the child contacts the competency attainment services provider under division (C) of this section, the provider shall submit to the court a plan for the child to attain competency. The court shall provide copies of the plan to the prosecuting attorney, the child's attorney, the child's guardian ad litem, if any, and the 35609
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child's parents, guardian, or custodian. 35615

(F) The provider that provides the child's competency 35616
attainment services pursuant to the competency attainment plan 35617
shall submit reports to the court on the following schedule: 35618

(1) A report on the child's progress every thirty calendar 35619
days and on the termination of services. The report shall not 35620
include any details of the alleged offense as reported by the 35621
child. 35622

(2) If the provider determines that the child is not 35623
cooperating to a degree that would allow the services to be 35624
effective to help the child attain competency, a report informing 35625
the court of the determination within three business days after 35626
making the determination; 35627

(3) If the provider determines that the current setting is no 35628
longer the least restrictive setting that is consistent with the 35629
child's ability to attain competency and the safety of both the 35630
child and the community, a report informing the court of the 35631
determination within three business days after making the 35632
determination; 35633

(4) If the provider determines that the child has achieved 35634
the goals of the plan and would be able to understand the nature 35635
and objectives of the proceeding against the child and to assist 35636
in the child's defense, with or without reasonable accommodations 35637
to meet the criteria set forth in division (B) of section 2152.56 35638
of the Revised Code, a report informing the court of that 35639
determination within three business days after making the 35640
determination. If the provider believes that accommodations would 35641
be necessary or desirable, the report shall include 35642
recommendations for accommodations. 35643

(5) If the provider determines that the child will not 35644
achieve the goals of the plan within the applicable period of time 35645

under division (D)(2) of this section, a report informing the 35646
court of the determination within three business days after making 35647
the determination. The report shall include recommendations for 35648
services for the child that would support the safety of the child 35649
or the community. 35650

(G) The court shall provide copies of any report made under 35651
division (F) of this section to the prosecuting attorney, the 35652
child's attorney, and the child's guardian ad litem, if any. The 35653
court shall provide copies of any report made under division (F) 35654
of this section to the child's parents, guardian, or custodian 35655
unless the court finds that doing so is not in the best interest 35656
of the child. 35657

(H)(1) Within fifteen business days after receiving a report 35658
under division (F) of this section, the court may hold a hearing 35659
to determine if a new order is necessary. To assist in making a 35660
determination under division (H) of this section, the court may 35661
order a new competency evaluation in accordance with section 35662
2152.53 of the Revised Code. Until a new order is issued or the 35663
required period of participation expires, the child shall continue 35664
to participate in competency attainment services. 35665

(2) If after a hearing held under division (H)(1) of this 35666
section the court determines that the child is not making progress 35667
toward competency or is so uncooperative that attainment services 35668
cannot be effective, the court may order a change in setting or 35669
services that would help the child attain competency within the 35670
relevant period of time under division (D)(2) of this section. 35671

(3) If after a hearing held under division (H)(1) of this 35672
section the court determines that the child has not or will not 35673
attain competency within the relevant period of time under 35674
division (D)(2) of this section, the court shall dismiss the 35675
delinquency complaint without prejudice, except that the court may 35676
delay dismissal for up to ninety calendar days and do either of 35677

the following: 35678

(a) Refer the matter to a public children services agency and 35679
request that agency determine whether to file an action in 35680
accordance with section 2151.27 of the Revised Code alleging that 35681
the child is a dependent, neglected, or abused child; 35682

(b) Assign court staff to refer the child or the child's 35683
family to the local family and children first council or an agency 35684
funded by the department of ~~mental health~~ mental health and 35685
addiction services or department of developmental disabilities or 35686
otherwise secure services to reduce the potential that the child 35687
would engage in behavior that could result in delinquency or other 35688
criminal charges. 35689

(4) A dismissal under division (H)(3) of this section does 35690
not preclude a future delinquent child proceeding or criminal 35691
prosecution as provided under section 2151.23 of the Revised Code 35692
if the child eventually attains competency. 35693

(5) If after a hearing held under division (H)(1) of this 35694
section the court determines that the child has attained 35695
competency, the court shall proceed with the delinquent child's 35696
proceeding in accordance with division (A) of this section. 35697

(6) A dismissal under this section does not bar a civil 35698
action based on the acts or omissions that formed the basis of the 35699
complaint. 35700

Sec. 2301.14. The clerk of the court of common pleas in which 35701
the service of a court interpreter is rendered shall tax in the 35702
cost bill in such case, to be collected as other costs, the sum of 35703
three dollars for each day of service of such interpreter, which 35704
fees shall be paid into the county treasury to the credit of the 35705
county fund. If the party taxed with costs is indigent, the clerk 35706
shall not tax the interpreter's fees as costs, and the county 35707

shall pay the interpreter's fees. 35708

Sec. 2303.201. (A)(1) The court of common pleas of any county 35709
may determine that for the efficient operation of the court 35710
additional funds are required to computerize the court, to make 35711
available computerized legal research services, or to do both. 35712
Upon making a determination that additional funds are required for 35713
either or both of those purposes, the court shall authorize and 35714
direct the clerk of the court of common pleas to charge one 35715
additional fee, not to exceed six dollars, on the filing of each 35716
cause of action or appeal under divisions (A), (Q), and (U) of 35717
section 2303.20 of the Revised Code. 35718

(2) All fees collected under division (A)(1) of this section 35719
shall be paid to the county treasurer. The treasurer shall place 35720
the funds from the fees in a separate fund to be disbursed either 35721
upon an order of the court, subject to an appropriation by the 35722
board of county commissioners, or upon an order of the court, 35723
subject to the court making an annual report available to the 35724
public listing the use of all such funds, in an amount not greater 35725
than the actual cost to the court of procuring and maintaining 35726
computerization of the court, computerized legal research 35727
services, or both. 35728

(3) If the court determines that the funds in the fund 35729
described in division (A)(2) of this section are more than 35730
sufficient to satisfy the purpose for which the additional fee 35731
described in division (A)(1) of this section was imposed, the 35732
court may declare a surplus in the fund and, subject to an 35733
appropriation by the board of county commissioners, expend those 35734
surplus funds, or upon an order of the court, subject to the court 35735
making an annual report available to the public listing the use of 35736
all such funds, expend those surplus funds, for other appropriate 35737
technological expenses of the court. 35738

(B)(1) The court of common pleas of any county may determine 35739
that, for the efficient operation of the court, additional funds 35740
are required to make technological advances in or to computerize 35741
the office of the clerk of the court of common pleas and, upon 35742
that determination, authorize and direct the clerk of the court of 35743
common pleas to charge an additional fee, not to exceed twenty 35744
dollars, on the filing of each cause of action or appeal, on the 35745
filing, docketing, and endorsing of each certificate of judgment, 35746
or on the docketing and indexing of each aid in execution or 35747
petition to vacate, revive, or modify a judgment under divisions 35748
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 35749
and not to exceed one dollar each for the services described in 35750
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 35751
the Revised Code. Subject to division (B)(2) of this section, all 35752
moneys collected under division (B)(1) of this section shall be 35753
paid to the county treasurer to be disbursed, upon an order of the 35754
court of common pleas and subject to appropriation by the board of 35755
county commissioners, in an amount no greater than the actual cost 35756
to the court of procuring and maintaining technology and computer 35757
systems for the office of the clerk of the court of common pleas. 35758

(2) If the court of common pleas of a county makes the 35759
determination described in division (B)(1) of this section, the 35760
board of county commissioners of that county may issue one or more 35761
general obligation bonds for the purpose of procuring and 35762
maintaining the technology and computer systems for the office of 35763
the clerk of the court of common pleas. In addition to the 35764
purposes stated in division (B)(1) of this section for which the 35765
moneys collected under that division may be expended, the moneys 35766
additionally may be expended to pay debt charges on and financing 35767
costs related to any general obligation bonds issued pursuant to 35768
division (B)(2) of this section as they become due. General 35769
obligation bonds issued pursuant to division (B)(2) of this 35770
section are Chapter 133. securities. 35771

(C) The court of common pleas shall collect the sum of 35772
twenty-six dollars as additional filing fees in each new civil 35773
action or proceeding for the charitable public purpose of 35774
providing financial assistance to legal aid societies that operate 35775
within the state and to support the office of the state public 35776
defender. This division does not apply to proceedings concerning 35777
annulments, dissolutions of marriage, divorces, legal separation, 35778
spousal support, marital property or separate property 35779
distribution, support, or other domestic relations matters; to a 35780
juvenile division of a court of common pleas; to a probate 35781
division of a court of common pleas, except that the additional 35782
filing fees shall apply to name change, guardianship, adoption, 35783
and decedents' estate proceedings; or to an execution on a 35784
judgment, proceeding in aid of execution, or other post-judgment 35785
proceeding arising out of a civil action. The filing fees required 35786
to be collected under this division shall be in addition to any 35787
other filing fees imposed in the action or proceeding and shall be 35788
collected at the time of the filing of the action or proceeding. 35789
The court shall not waive the payment of the additional filing 35790
fees in a new civil action or proceeding unless the court waives 35791
the advanced payment of all filing fees in the action or 35792
proceeding. All such moneys collected during a month except for an 35793
amount equal to up to one per cent of those moneys retained to 35794
cover administrative costs shall be transmitted on or before the 35795
twentieth day of the following month by the clerk of the court to 35796
the treasurer of state in a manner prescribed by the treasurer of 35797
state or by the Ohio legal assistance foundation. The treasurer of 35798
state shall deposit four per cent of the funds collected under 35799
this division to the credit of the civil case filing fee fund 35800
established under section 120.07 of the Revised Code and 35801
ninety-six per cent of the funds collected under this division to 35802
the credit of the legal aid fund established under section 120.52 35803
of the Revised Code. 35804

The court may retain up to one per cent of the moneys it 35805
collects under this division to cover administrative costs, 35806
including the hiring of any additional personnel necessary to 35807
implement this division. If the court fails to transmit to the 35808
treasurer of state the moneys the court collects under this 35809
division in a manner prescribed by the treasurer of state or by 35810
the Ohio legal assistance foundation, the court shall forfeit the 35811
moneys the court retains under this division to cover 35812
administrative costs, including the hiring of any additional 35813
personnel necessary to implement this division, and shall transmit 35814
to the treasurer of state all moneys collected under this 35815
division, including the forfeited amount retained for 35816
administrative costs, for deposit in the legal aid fund. 35817

(D) On and after the thirtieth day after December 9, 1994, 35818
the court of common pleas shall collect the sum of thirty-two 35819
dollars as additional filing fees in each new action or proceeding 35820
for annulment, divorce, or dissolution of marriage for the purpose 35821
of funding shelters for victims of domestic violence pursuant to 35822
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 35823
required to be collected under this division shall be in addition 35824
to any other filing fees imposed in the action or proceeding and 35825
shall be collected at the time of the filing of the action or 35826
proceeding. The court shall not waive the payment of the 35827
additional filing fees in a new action or proceeding for 35828
annulment, divorce, or dissolution of marriage unless the court 35829
waives the advanced payment of all filing fees in the action or 35830
proceeding. On or before the twentieth day of each month, all 35831
moneys collected during the immediately preceding month pursuant 35832
to this division shall be deposited by the clerk of the court into 35833
the county treasury in the special fund used for deposit of 35834
additional marriage license fees as described in section 3113.34 35835
of the Revised Code. Upon their deposit into the fund, the moneys 35836
shall be retained in the fund and expended only as described in 35837

section 3113.34 of the Revised Code. 35838

(E)(1) The court of common pleas may determine that, for the 35839
efficient operation of the court, additional funds are necessary 35840
to acquire and pay for special projects of the court, including, 35841
but not limited to, the acquisition of additional facilities or 35842
the rehabilitation of existing facilities, the acquisition of 35843
equipment, the hiring and training of staff, community service 35844
programs, mediation or dispute resolution services, the employment 35845
of magistrates, the training and education of judges, acting 35846
judges, and magistrates, and other related services. Upon that 35847
determination, the court by rule may charge a fee, in addition to 35848
all other court costs, on the filing of each criminal cause, civil 35849
action or proceeding, or judgment by confession. 35850

If the court of common pleas offers or requires a special 35851
program or ~~service~~ additional services in cases of a specific 35852
type, the court by rule may assess an additional charge in a case 35853
of that type, over and above court costs, to cover the special 35854
program or service. The court shall adjust the special assessment 35855
periodically, but not retroactively, so that the amount assessed 35856
in those cases does not exceed the actual cost of providing the 35857
service or program. 35858

All moneys collected under division (E) of this section shall 35859
be paid to the county treasurer for deposit into either a general 35860
special projects fund or a fund established for a specific special 35861
project. Moneys from a fund of that nature shall be disbursed upon 35862
an order of the court, subject to an appropriation by the board of 35863
county commissioners, in an amount no greater than the actual cost 35864
to the court of a project. If a specific fund is terminated 35865
because of the discontinuance of a program or service established 35866
under division (E) of this section, the court may order, subject 35867
to an appropriation by the board of county commissioners, that 35868
moneys remaining in the fund be transferred to an account 35869

established under this division for a similar purpose. 35870

(2) As used in division (E) of this section: 35871

(a) "Criminal cause" means a charge alleging the violation of 35872
a statute or ordinance, or subsection of a statute or ordinance, 35873
that requires a separate finding of fact or a separate plea before 35874
disposition and of which the defendant may be found guilty, 35875
whether filed as part of a multiple charge on a single summons, 35876
citation, or complaint or as a separate charge on a single 35877
summons, citation, or complaint. "Criminal cause" does not include 35878
separate violations of the same statute or ordinance, or 35879
subsection of the same statute or ordinance, unless each charge is 35880
filed on a separate summons, citation, or complaint. 35881

(b) "Civil action or proceeding" means any civil litigation 35882
that must be determined by judgment entry. 35883

Sec. 2305.234. (A) As used in this section: 35884

(1) "Chiropractic claim," "medical claim," and "optometric 35885
claim" have the same meanings as in section 2305.113 of the 35886
Revised Code. 35887

(2) "Dental claim" has the same meaning as in section 35888
2305.113 of the Revised Code, except that it does not include any 35889
claim arising out of a dental operation or any derivative claim 35890
for relief that arises out of a dental operation. 35891

(3) "Governmental health care program" has the same meaning 35892
as in section 4731.65 of the Revised Code. 35893

(4) "Health care facility or location" means a hospital, 35894
clinic, ambulatory surgical facility, office of a health care 35895
professional or associated group of health care professionals, 35896
training institution for health care professionals, or any other 35897
place where medical, dental, or other health-related diagnosis, 35898
care, or treatment is provided to a person. 35899

(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	35900 35901 35902
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	35903 35904 35905
(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	35906 35907 35908 35909 35910 35911
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	35912 35913
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	35914 35915
(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;	35916 35917 35918
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	35919 35920
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	35921 35922
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	35923 35924
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	35925 35926
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	35927 35928
(k) Emergency medical technicians-basic, emergency medical	35929

technicians-intermediate, and emergency medical	35930
technicians-paramedic, certified under Chapter 4765. of the	35931
Revised Code;	35932
(1) Respiratory care professionals licensed under Chapter	35933
4761. of the Revised Code;	35934
(m) Speech-language pathologists and audiologists licensed	35935
under Chapter 4753. of the Revised Code;	35936
(n) Professional clinical counselors, professional	35937
counselors, independent social workers, social workers,	35938
independent marriage and family therapists, and marriage and	35939
family therapists, licensed under Chapter 4757. of the Revised	35940
Code;	35941
(o) Psychologists licensed under Chapter 4732. of the Revised	35942
Code;	35943
(p) Independent chemical dependency counselors, chemical	35944
dependency counselors III, chemical dependency counselors II, and	35945
chemical dependency counselors I, licensed under Chapter 4758. of	35946
the Revised Code.	35947
(6) "Health care worker" means a person other than a health	35948
care professional who provides medical, dental, or other	35949
health-related care or treatment under the direction of a health	35950
care professional with the authority to direct that individual's	35951
activities, including medical technicians, medical assistants,	35952
dental assistants, orderlies, aides, and individuals acting in	35953
similar capacities.	35954
(7) "Indigent and uninsured person" means a person who meets	35955
all of the following requirements:	35956
(a) The person's income is not greater than two hundred per	35957
cent of the current poverty line as defined by the United States	35958
office of management and budget and revised in accordance with	35959

section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 35960
95 Stat. 511, 42 U.S.C. 9902, as amended. 35961

(b) The person is not eligible ~~to receive medical assistance~~ 35962
~~under Chapter 5111. of the Revised Code or assistance under~~ for 35963
the medicaid program or any other governmental health care 35964
program. 35965

(c) Either of the following applies: 35966

(i) The person is not a policyholder, certificate holder, 35967
insured, contract holder, subscriber, enrollee, member, 35968
beneficiary, or other covered individual under a health insurance 35969
or health care policy, contract, or plan. 35970

(ii) The person is a policyholder, certificate holder, 35971
insured, contract holder, subscriber, enrollee, member, 35972
beneficiary, or other covered individual under a health insurance 35973
or health care policy, contract, or plan, but the insurer, policy, 35974
contract, or plan denies coverage or is the subject of insolvency 35975
or bankruptcy proceedings in any jurisdiction. 35976

(8) "Nonprofit health care referral organization" means an 35977
entity that is not operated for profit and refers patients to, or 35978
arranges for the provision of, health-related diagnosis, care, or 35979
treatment by a health care professional or health care worker. 35980

(9) "Operation" means any procedure that involves cutting or 35981
otherwise infiltrating human tissue by mechanical means, including 35982
surgery, laser surgery, ionizing radiation, therapeutic 35983
ultrasound, or the removal of intraocular foreign bodies. 35984

"Operation" does not include the administration of medication by 35985
injection, unless the injection is administered in conjunction 35986
with a procedure infiltrating human tissue by mechanical means 35987
other than the administration of medicine by injection. 35988

"Operation" does not include routine dental restorative 35989
procedures, the scaling of teeth, or extractions of teeth that are 35990

not impacted. 35991

(10) "Tort action" means a civil action for damages for 35992
injury, death, or loss to person or property other than a civil 35993
action for damages for a breach of contract or another agreement 35994
between persons or government entities. 35995

(11) "Volunteer" means an individual who provides any 35996
medical, dental, or other health-care related diagnosis, care, or 35997
treatment without the expectation of receiving and without receipt 35998
of any compensation or other form of remuneration from an indigent 35999
and uninsured person, another person on behalf of an indigent and 36000
uninsured person, any health care facility or location, any 36001
nonprofit health care referral organization, or any other person 36002
or government entity. 36003

(12) "Community control sanction" has the same meaning as in 36004
section 2929.01 of the Revised Code. 36005

(13) "Deep sedation" means a drug-induced depression of 36006
consciousness during which a patient cannot be easily aroused but 36007
responds purposefully following repeated or painful stimulation, a 36008
patient's ability to independently maintain ventilatory function 36009
may be impaired, a patient may require assistance in maintaining a 36010
patent airway and spontaneous ventilation may be inadequate, and 36011
cardiovascular function is usually maintained. 36012

(14) "General anesthesia" means a drug-induced loss of 36013
consciousness during which a patient is not arousable, even by 36014
painful stimulation, the ability to independently maintain 36015
ventilatory function is often impaired, a patient often requires 36016
assistance in maintaining a patent airway, positive pressure 36017
ventilation may be required because of depressed spontaneous 36018
ventilation or drug-induced depression of neuromuscular function, 36019
and cardiovascular function may be impaired. 36020

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 36021

health care professional who is a volunteer and complies with 36022
division (B)(2) of this section is not liable in damages to any 36023
person or government entity in a tort or other civil action, 36024
including an action on a medical, dental, chiropractic, 36025
optometric, or other health-related claim, for injury, death, or 36026
loss to person or property that allegedly arises from an action or 36027
omission of the volunteer in the provision to an indigent and 36028
uninsured person of medical, dental, or other health-related 36029
diagnosis, care, or treatment, including the provision of samples 36030
of medicine and other medical products, unless the action or 36031
omission constitutes willful or wanton misconduct. 36032

(2) To qualify for the immunity described in division (B)(1) 36033
of this section, a health care professional shall do all of the 36034
following prior to providing diagnosis, care, or treatment: 36035

(a) Determine, in good faith, that the indigent and uninsured 36036
person is mentally capable of giving informed consent to the 36037
provision of the diagnosis, care, or treatment and is not subject 36038
to duress or under undue influence; 36039

(b) Inform the person of the provisions of this section, 36040
including notifying the person that, by giving informed consent to 36041
the provision of the diagnosis, care, or treatment, the person 36042
cannot hold the health care professional liable for damages in a 36043
tort or other civil action, including an action on a medical, 36044
dental, chiropractic, optometric, or other health-related claim, 36045
unless the action or omission of the health care professional 36046
constitutes willful or wanton misconduct; 36047

(c) Obtain the informed consent of the person and a written 36048
waiver, signed by the person or by another individual on behalf of 36049
and in the presence of the person, that states that the person is 36050
mentally competent to give informed consent and, without being 36051
subject to duress or under undue influence, gives informed consent 36052
to the provision of the diagnosis, care, or treatment subject to 36053

the provisions of this section. A written waiver under division 36054
(B)(2)(c) of this section shall state clearly and in conspicuous 36055
type that the person or other individual who signs the waiver is 36056
signing it with full knowledge that, by giving informed consent to 36057
the provision of the diagnosis, care, or treatment, the person 36058
cannot bring a tort or other civil action, including an action on 36059
a medical, dental, chiropractic, optometric, or other 36060
health-related claim, against the health care professional unless 36061
the action or omission of the health care professional constitutes 36062
willful or wanton misconduct. 36063

(3) A physician or podiatrist who is not covered by medical 36064
malpractice insurance, but complies with division (B)(2) of this 36065
section, is not required to comply with division (A) of section 36066
4731.143 of the Revised Code. 36067

(C) Subject to divisions (F) and (G)(3) of this section, 36068
health care workers who are volunteers are not liable in damages 36069
to any person or government entity in a tort or other civil 36070
action, including an action upon a medical, dental, chiropractic, 36071
optometric, or other health-related claim, for injury, death, or 36072
loss to person or property that allegedly arises from an action or 36073
omission of the health care worker in the provision to an indigent 36074
and uninsured person of medical, dental, or other health-related 36075
diagnosis, care, or treatment, unless the action or omission 36076
constitutes willful or wanton misconduct. 36077

(D) Subject to divisions (F) and (G)(3) of this section, a 36078
nonprofit health care referral organization is not liable in 36079
damages to any person or government entity in a tort or other 36080
civil action, including an action on a medical, dental, 36081
chiropractic, optometric, or other health-related claim, for 36082
injury, death, or loss to person or property that allegedly arises 36083
from an action or omission of the nonprofit health care referral 36084
organization in referring indigent and uninsured persons to, or 36085

arranging for the provision of, medical, dental, or other 36086
health-related diagnosis, care, or treatment by a health care 36087
professional described in division (B)(1) of this section or a 36088
health care worker described in division (C) of this section, 36089
unless the action or omission constitutes willful or wanton 36090
misconduct. 36091

(E) Subject to divisions (F) and (G)(3) of this section and 36092
to the extent that the registration requirements of section 36093
3701.071 of the Revised Code apply, a health care facility or 36094
location associated with a health care professional described in 36095
division (B)(1) of this section, a health care worker described in 36096
division (C) of this section, or a nonprofit health care referral 36097
organization described in division (D) of this section is not 36098
liable in damages to any person or government entity in a tort or 36099
other civil action, including an action on a medical, dental, 36100
chiropractic, optometric, or other health-related claim, for 36101
injury, death, or loss to person or property that allegedly arises 36102
from an action or omission of the health care professional or 36103
worker or nonprofit health care referral organization relative to 36104
the medical, dental, or other health-related diagnosis, care, or 36105
treatment provided to an indigent and uninsured person on behalf 36106
of or at the health care facility or location, unless the action 36107
or omission constitutes willful or wanton misconduct. 36108

(F)(1) Except as provided in division (F)(2) of this section, 36109
the immunities provided by divisions (B), (C), (D), and (E) of 36110
this section are not available to a health care professional, 36111
health care worker, nonprofit health care referral organization, 36112
or health care facility or location if, at the time of an alleged 36113
injury, death, or loss to person or property, the health care 36114
professionals or health care workers involved are providing one of 36115
the following: 36116

(a) Any medical, dental, or other health-related diagnosis, 36117

care, or treatment pursuant to a community service work order 36118
entered by a court under division (B) of section 2951.02 of the 36119
Revised Code or imposed by a court as a community control 36120
sanction; 36121

(b) Performance of an operation to which any one of the 36122
following applies: 36123

(i) The operation requires the administration of deep 36124
sedation or general anesthesia. 36125

(ii) The operation is a procedure that is not typically 36126
performed in an office. 36127

(iii) The individual involved is a health care professional, 36128
and the operation is beyond the scope of practice or the 36129
education, training, and competence, as applicable, of the health 36130
care professional. 36131

(c) Delivery of a baby or any other purposeful termination of 36132
a human pregnancy. 36133

(2) Division (F)(1) of this section does not apply when a 36134
health care professional or health care worker provides medical, 36135
dental, or other health-related diagnosis, care, or treatment that 36136
is necessary to preserve the life of a person in a medical 36137
emergency. 36138

(G)(1) This section does not create a new cause of action or 36139
substantive legal right against a health care professional, health 36140
care worker, nonprofit health care referral organization, or 36141
health care facility or location. 36142

(2) This section does not affect any immunities from civil 36143
liability or defenses established by another section of the 36144
Revised Code or available at common law to which a health care 36145
professional, health care worker, nonprofit health care referral 36146
organization, or health care facility or location may be entitled 36147

in connection with the provision of emergency or other medical, 36148
dental, or other health-related diagnosis, care, or treatment. 36149

(3) This section does not grant an immunity from tort or 36150
other civil liability to a health care professional, health care 36151
worker, nonprofit health care referral organization, or health 36152
care facility or location for actions that are outside the scope 36153
of authority of health care professionals or health care workers. 36154

(4) This section does not affect any legal responsibility of 36155
a health care professional, health care worker, or nonprofit 36156
health care referral organization to comply with any applicable 36157
law of this state or rule of an agency of this state. 36158

(5) This section does not affect any legal responsibility of 36159
a health care facility or location to comply with any applicable 36160
law of this state, rule of an agency of this state, or local code, 36161
ordinance, or regulation that pertains to or regulates building, 36162
housing, air pollution, water pollution, sanitation, health, fire, 36163
zoning, or safety. 36164

Sec. 2307.65. (A) The attorney general may bring a civil 36165
action in the Franklin county court of common pleas on behalf of 36166
the department of ~~job and family services~~ medicaid, and the 36167
prosecuting attorney of the county in which a violation of 36168
division (B) of section 2913.401 of the Revised Code occurs may 36169
bring a civil action in the court of common pleas of that county 36170
on behalf of the county department of job and family services, 36171
against a person who violates division (B) of section 2913.401 of 36172
the Revised Code for the recovery of the amount of benefits paid 36173
on behalf of a person that either department would not have paid 36174
but for the violation minus any amounts paid in restitution under 36175
division (C)(2) of section 2913.401 of the Revised Code and for 36176
reasonable attorney's fees and all other fees and costs of 36177
litigation. 36178

(B) In a civil action brought under division (A) of this section, if the defendant failed to disclose a transfer of property in violation of division (B)(3) of section 2913.401 of the Revised Code, the court may also grant any of the following relief to the extent permitted by the "Social Security Act," section 1917, 42 U.S.C. 1396p:

(1) Avoidance of the transfer of property that was not disclosed in violation of division (B)(3) of section 2913.401 of the Revised Code to the extent of the amount of benefits the department would not have paid but for the violation;

(2) An order of attachment or garnishment against the property in accordance with Chapter 2715. or 2716. of the Revised Code;

(3) An injunction against any further disposition by the transferor or transferee, or both, of the property the transfer of which was not disclosed in violation of division (B)(3) of section 2913.401 of the Revised Code or against the disposition of other property by the transferor or transferee;

(4) Appointment of a receiver to take charge of the property transferred or of other property of the transferee;

(5) Any other relief that the court considers just and equitable.

(C) To the extent permitted by the "Social Security Act," section 1917, 42 U.S.C. 1396p, the department of ~~job and family services~~ medicaid or the county department of job and family services may enforce a judgment obtained under this section by levying on property the transfer of which was not disclosed in violation of division (B)(3) of section 2913.401 of the Revised Code or on the proceeds of the transfer of that property in accordance with Chapter 2329. of the Revised Code.

(D) The remedies provided in divisions (B) and (C) of this

section do not apply if the transferee of the property the 36210
transfer of which was not disclosed in violation of division 36211
(B)(3) of section 2913.401 of the Revised Code acquired the 36212
property in good faith and for fair market value. 36213

(E) The remedies provided in this section are not exclusive 36214
and do not preclude the use of any other criminal or civil remedy 36215
for any act that is in violation of section 2913.401 of the 36216
Revised Code. 36217

(F) Amounts of medicaid ~~benefits~~ services paid and recovered 36218
in an action brought under this section shall be credited to the 36219
general revenue fund, and any applicable federal share shall be 36220
returned to the appropriate agency or department of the United 36221
States. 36222

Sec. 2311.14. (A)(1) Whenever because of a hearing, speech, 36223
or other impairment a party to or witness in a legal proceeding 36224
cannot readily understand or communicate, the court shall appoint 36225
a qualified interpreter to assist such person. ~~Before appointing~~ 36226
~~any interpreter under this division for a party or witness who is~~ 36227
~~a mentally retarded person or developmentally disabled person, the~~ 36228
~~court shall evaluate the qualifications of the interpreter and~~ 36229
~~shall make a determination as to the ability of the interpreter to~~ 36230
~~effectively interpret on behalf of the party or witness that the~~ 36231
~~interpreter will assist, and the court may appoint the interpreter~~ 36232
~~only if the court is satisfied that the interpreter is able to~~ 36233
~~effectively interpret on behalf of that party or witness.~~ 36234

(2) This section is not limited to a person who speaks a 36235
language other than English. It also applies to the language and 36236
descriptions of any mentally retarded person or developmentally 36237
disabled person who cannot be reasonably understood, or who cannot 36238
understand questioning, without the aid of an interpreter. The 36239
interpreter may aid the parties in formulating methods of 36240

questioning the person with mental retardation or a developmental disability and in interpreting the answers of the person. 36241
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(B) Before entering upon official duties, the interpreter shall take an oath that the interpreter will make a true interpretation of the proceedings to the party or witness, and that the interpreter will truly repeat the statements made by such party or witness to the court, to the best of the interpreter's ability. If the interpreter is appointed to assist a mentally retarded person or developmentally disabled person as described in division (A)(2) of this section, the oath also shall include an oath that the interpreter will not prompt, lead, suggest, or otherwise improperly influence the testimony of the witness or party. 36243
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(C) The court shall determine a reasonable fee for all such interpreter service which shall be paid out of the same funds as witness fees. If the party taxed with costs is indigent, the court shall not tax the interpreter's fees as costs, and the county shall pay the interpreter's fees. 36254
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(D) As used in this section, "mentally retarded person" and "developmentally disabled person" have the same meanings as in section 5123.01 of the Revised Code. 36259
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Sec. 2317.02. The following persons shall not testify in certain respects: 36262
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(A)(1) An attorney, concerning a communication made to the attorney by a client in that relation or concerning the attorney's advice to a client, except that the attorney may testify by express consent of the client or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of the deceased client. However, if the client voluntarily reveals the substance of attorney-client communications in a nonprivileged context or is deemed by section 36264
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2151.421 of the Revised Code to have waived any testimonial 36272
privilege under this division, the attorney may be compelled to 36273
testify on the same subject. 36274

The testimonial privilege established under this division 36275
does not apply concerning a communication between a client who has 36276
since died and the deceased client's attorney if the communication 36277
is relevant to a dispute between parties who claim through that 36278
deceased client, regardless of whether the claims are by testate 36279
or intestate succession or by inter vivos transaction, and the 36280
dispute addresses the competency of the deceased client when the 36281
deceased client executed a document that is the basis of the 36282
dispute or whether the deceased client was a victim of fraud, 36283
undue influence, or duress when the deceased client executed a 36284
document that is the basis of the dispute. 36285

(2) An attorney, concerning a communication made to the 36286
attorney by a client in that relationship or the attorney's advice 36287
to a client, except that if the client is an insurance company, 36288
the attorney may be compelled to testify, subject to an in camera 36289
inspection by a court, about communications made by the client to 36290
the attorney or by the attorney to the client that are related to 36291
the attorney's aiding or furthering an ongoing or future 36292
commission of bad faith by the client, if the party seeking 36293
disclosure of the communications has made a prima-facie showing of 36294
bad faith, fraud, or criminal misconduct by the client. 36295

(B)(1) A physician or a dentist concerning a communication 36296
made to the physician or dentist by a patient in that relation or 36297
the physician's or dentist's advice to a patient, except as 36298
otherwise provided in this division, division (B)(2), and division 36299
(B)(3) of this section, and except that, if the patient is deemed 36300
by section 2151.421 of the Revised Code to have waived any 36301
testimonial privilege under this division, the physician may be 36302
compelled to testify on the same subject. 36303

The testimonial privilege established under this division 36304
does not apply, and a physician or dentist may testify or may be 36305
compelled to testify, in any of the following circumstances: 36306

(a) In any civil action, in accordance with the discovery 36307
provisions of the Rules of Civil Procedure in connection with a 36308
civil action, or in connection with a claim under Chapter 4123. of 36309
the Revised Code, under any of the following circumstances: 36310

(i) If the patient or the guardian or other legal 36311
representative of the patient gives express consent; 36312

(ii) If the patient is deceased, the spouse of the patient or 36313
the executor or administrator of the patient's estate gives 36314
express consent; 36315

(iii) If a medical claim, dental claim, chiropractic claim, 36316
or optometric claim, as defined in section 2305.113 of the Revised 36317
Code, an action for wrongful death, any other type of civil 36318
action, or a claim under Chapter 4123. of the Revised Code is 36319
filed by the patient, the personal representative of the estate of 36320
the patient if deceased, or the patient's guardian or other legal 36321
representative. 36322

(b) In any civil action concerning court-ordered treatment or 36323
services received by a patient, if the court-ordered treatment or 36324
services were ordered as part of a case plan journalized under 36325
section 2151.412 of the Revised Code or the court-ordered 36326
treatment or services are necessary or relevant to dependency, 36327
neglect, or abuse or temporary or permanent custody proceedings 36328
under Chapter 2151. of the Revised Code. 36329

(c) In any criminal action concerning any test or the results 36330
of any test that determines the presence or concentration of 36331
alcohol, a drug of abuse, a combination of them, a controlled 36332
substance, or a metabolite of a controlled substance in the 36333
patient's whole blood, blood serum or plasma, breath, urine, or 36334

other bodily substance at any time relevant to the criminal 36335
offense in question. 36336

(d) In any criminal action against a physician or dentist. In 36337
such an action, the testimonial privilege established under this 36338
division does not prohibit the admission into evidence, in 36339
accordance with the Rules of Evidence, of a patient's medical or 36340
dental records or other communications between a patient and the 36341
physician or dentist that are related to the action and obtained 36342
by subpoena, search warrant, or other lawful means. A court that 36343
permits or compels a physician or dentist to testify in such an 36344
action or permits the introduction into evidence of patient 36345
records or other communications in such an action shall require 36346
that appropriate measures be taken to ensure that the 36347
confidentiality of any patient named or otherwise identified in 36348
the records is maintained. Measures to ensure confidentiality that 36349
may be taken by the court include sealing its records or deleting 36350
specific information from its records. 36351

(e)(i) If the communication was between a patient who has 36352
since died and the deceased patient's physician or dentist, the 36353
communication is relevant to a dispute between parties who claim 36354
through that deceased patient, regardless of whether the claims 36355
are by testate or intestate succession or by inter vivos 36356
transaction, and the dispute addresses the competency of the 36357
deceased patient when the deceased patient executed a document 36358
that is the basis of the dispute or whether the deceased patient 36359
was a victim of fraud, undue influence, or duress when the 36360
deceased patient executed a document that is the basis of the 36361
dispute. 36362

(ii) If neither the spouse of a patient nor the executor or 36363
administrator of that patient's estate gives consent under 36364
division (B)(1)(a)(ii) of this section, testimony or the 36365
disclosure of the patient's medical records by a physician, 36366

dentist, or other health care provider under division (B)(1)(e)(i) 36367
of this section is a permitted use or disclosure of protected 36368
health information, as defined in 45 C.F.R. 160.103, and an 36369
authorization or opportunity to be heard shall not be required. 36370

(iii) Division (B)(1)(e)(i) of this section does not require 36371
a mental health professional to disclose psychotherapy notes, as 36372
defined in 45 C.F.R. 164.501. 36373

(iv) An interested person who objects to testimony or 36374
disclosure under division (B)(1)(e)(i) of this section may seek a 36375
protective order pursuant to Civil Rule 26. 36376

(v) A person to whom protected health information is 36377
disclosed under division (B)(1)(e)(i) of this section shall not 36378
use or disclose the protected health information for any purpose 36379
other than the litigation or proceeding for which the information 36380
was requested and shall return the protected health information to 36381
the covered entity or destroy the protected health information, 36382
including all copies made, at the conclusion of the litigation or 36383
proceeding. 36384

(2)(a) If any law enforcement officer submits a written 36385
statement to a health care provider that states that an official 36386
criminal investigation has begun regarding a specified person or 36387
that a criminal action or proceeding has been commenced against a 36388
specified person, that requests the provider to supply to the 36389
officer copies of any records the provider possesses that pertain 36390
to any test or the results of any test administered to the 36391
specified person to determine the presence or concentration of 36392
alcohol, a drug of abuse, a combination of them, a controlled 36393
substance, or a metabolite of a controlled substance in the 36394
person's whole blood, blood serum or plasma, breath, or urine at 36395
any time relevant to the criminal offense in question, and that 36396
conforms to section 2317.022 of the Revised Code, the provider, 36397
except to the extent specifically prohibited by any law of this 36398

state or of the United States, shall supply to the officer a copy 36399
of any of the requested records the provider possesses. If the 36400
health care provider does not possess any of the requested 36401
records, the provider shall give the officer a written statement 36402
that indicates that the provider does not possess any of the 36403
requested records. 36404

(b) If a health care provider possesses any records of the 36405
type described in division (B)(2)(a) of this section regarding the 36406
person in question at any time relevant to the criminal offense in 36407
question, in lieu of personally testifying as to the results of 36408
the test in question, the custodian of the records may submit a 36409
certified copy of the records, and, upon its submission, the 36410
certified copy is qualified as authentic evidence and may be 36411
admitted as evidence in accordance with the Rules of Evidence. 36412
Division (A) of section 2317.422 of the Revised Code does not 36413
apply to any certified copy of records submitted in accordance 36414
with this division. Nothing in this division shall be construed to 36415
limit the right of any party to call as a witness the person who 36416
administered the test to which the records pertain, the person 36417
under whose supervision the test was administered, the custodian 36418
of the records, the person who made the records, or the person 36419
under whose supervision the records were made. 36420

(3)(a) If the testimonial privilege described in division 36421
(B)(1) of this section does not apply as provided in division 36422
(B)(1)(a)(iii) of this section, a physician or dentist may be 36423
compelled to testify or to submit to discovery under the Rules of 36424
Civil Procedure only as to a communication made to the physician 36425
or dentist by the patient in question in that relation, or the 36426
physician's or dentist's advice to the patient in question, that 36427
related causally or historically to physical or mental injuries 36428
that are relevant to issues in the medical claim, dental claim, 36429
chiropractic claim, or optometric claim, action for wrongful 36430

death, other civil action, or claim under Chapter 4123. of the Revised Code. 36431
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(b) If the testimonial privilege described in division (B)(1) of this section does not apply to a physician or dentist as provided in division (B)(1)(c) of this section, the physician or dentist, in lieu of personally testifying as to the results of the test in question, may submit a certified copy of those results, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of the Revised Code does not apply to any certified copy of results submitted in accordance with this division. Nothing in this division shall be construed to limit the right of any party to call as a witness the person who administered the test in question, the person under whose supervision the test was administered, the custodian of the results of the test, the person who compiled the results, or the person under whose supervision the results were compiled. 36433
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(4) The testimonial privilege described in division (B)(1) of this section is not waived when a communication is made by a physician to a pharmacist or when there is communication between a patient and a pharmacist in furtherance of the physician-patient relation. 36449
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(5)(a) As used in divisions (B)(1) to (4) of this section, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a physician or dentist to diagnose, treat, prescribe, or act for a patient. A "communication" may include, but is not limited to, any medical or dental, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis. 36454
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(b) As used in division (B)(2) of this section, "health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner. 36463
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(c) As used in division (B)(5)(b) of this section: 36467

(i) "Ambulatory care facility" means a facility that provides 36468
medical, diagnostic, or surgical treatment to patients who do not 36469
require hospitalization, including a dialysis center, ambulatory 36470
surgical facility, cardiac catheterization facility, diagnostic 36471
imaging center, extracorporeal shock wave lithotripsy center, home 36472
health agency, inpatient hospice, birthing center, radiation 36473
therapy center, emergency facility, and an urgent care center. 36474
"Ambulatory health care facility" does not include the private 36475
office of a physician or dentist, whether the office is for an 36476
individual or group practice. 36477

(ii) "Emergency facility" means a hospital emergency 36478
department or any other facility that provides emergency medical 36479
services. 36480

(iii) "Health care practitioner" has the same meaning as in 36481
section 4769.01 of the Revised Code. 36482

(iv) "Hospital" has the same meaning as in section 3727.01 of 36483
the Revised Code. 36484

(v) "Long-term care facility" means a nursing home, 36485
residential care facility, or home for the aging, as those terms 36486
are defined in section 3721.01 of the Revised Code; a residential 36487
facility licensed under section ~~5119.22~~ 5119.34 of the Revised 36488
Code that provides accommodations, supervision, and personal care 36489
services for three to sixteen unrelated adults; a nursing facility 36490
~~or intermediate care facility for the mentally retarded, as those~~ 36491
~~terms are~~ defined in section ~~5111.20~~ 5165.01 of the Revised Code; 36492
a ~~facility or portion of a facility certified as a skilled nursing~~ 36493

facility under Title XVIII of the "Social Security Act," 49 Stat. 36494
286 (1965), 42 U.S.C.A. 1395, as amended, as defined in section 36495
5165.01 of the Revised Code; and an intermediate care facility for 36496
individuals with intellectual disabilities, as defined in section 36497
5124.01 of the Revised Code. 36498

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 36499
the Revised Code. 36500

(d) As used in divisions (B)(1) and (2) of this section, 36501
"drug of abuse" has the same meaning as in section 4506.01 of the 36502
Revised Code. 36503

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 36504
apply to doctors of medicine, doctors of osteopathic medicine, 36505
doctors of podiatry, and dentists. 36506

(7) Nothing in divisions (B)(1) to (6) of this section 36507
affects, or shall be construed as affecting, the immunity from 36508
civil liability conferred by section 307.628 of the Revised Code 36509
or the immunity from civil liability conferred by section 2305.33 36510
of the Revised Code upon physicians who report an employee's use 36511
of a drug of abuse, or a condition of an employee other than one 36512
involving the use of a drug of abuse, to the employer of the 36513
employee in accordance with division (B) of that section. As used 36514
in division (B)(7) of this section, "employee," "employer," and 36515
"physician" have the same meanings as in section 2305.33 of the 36516
Revised Code. 36517

(C)(1) A cleric, when the cleric remains accountable to the 36518
authority of that cleric's church, denomination, or sect, 36519
concerning a confession made, or any information confidentially 36520
communicated, to the cleric for a religious counseling purpose in 36521
the cleric's professional character. The cleric may testify by 36522
express consent of the person making the communication, except 36523
when the disclosure of the information is in violation of a sacred 36524

trust and except that, if the person voluntarily testifies or is 36525
deemed by division (A)(4)(c) of section 2151.421 of the Revised 36526
Code to have waived any testimonial privilege under this division, 36527
the cleric may be compelled to testify on the same subject except 36528
when disclosure of the information is in violation of a sacred 36529
trust. 36530

(2) As used in division (C) of this section: 36531

(a) "Cleric" means a member of the clergy, rabbi, priest, 36532
Christian Science practitioner, or regularly ordained, accredited, 36533
or licensed minister of an established and legally cognizable 36534
church, denomination, or sect. 36535

(b) "Sacred trust" means a confession or confidential 36536
communication made to a cleric in the cleric's ecclesiastical 36537
capacity in the course of discipline enjoined by the church to 36538
which the cleric belongs, including, but not limited to, the 36539
Catholic Church, if both of the following apply: 36540

(i) The confession or confidential communication was made 36541
directly to the cleric. 36542

(ii) The confession or confidential communication was made in 36543
the manner and context that places the cleric specifically and 36544
strictly under a level of confidentiality that is considered 36545
inviolable by canon law or church doctrine. 36546

(D) Husband or wife, concerning any communication made by one 36547
to the other, or an act done by either in the presence of the 36548
other, during coverture, unless the communication was made, or act 36549
done, in the known presence or hearing of a third person competent 36550
to be a witness; and such rule is the same if the marital relation 36551
has ceased to exist; 36552

(E) A person who assigns a claim or interest, concerning any 36553
matter in respect to which the person would not, if a party, be 36554
permitted to testify; 36555

(F) A person who, if a party, would be restricted under 36556
section 2317.03 of the Revised Code, when the property or thing is 36557
sold or transferred by an executor, administrator, guardian, 36558
trustee, heir, devisee, or legatee, shall be restricted in the 36559
same manner in any action or proceeding concerning the property or 36560
thing. 36561

(G)(1) A school guidance counselor who holds a valid educator 36562
license from the state board of education as provided for in 36563
section 3319.22 of the Revised Code, a person licensed under 36564
Chapter 4757. of the Revised Code as a professional clinical 36565
counselor, professional counselor, social worker, independent 36566
social worker, marriage and family therapist or independent 36567
marriage and family therapist, or registered under Chapter 4757. 36568
of the Revised Code as a social work assistant concerning a 36569
confidential communication received from a client in that relation 36570
or the person's advice to a client unless any of the following 36571
applies: 36572

(a) The communication or advice indicates clear and present 36573
danger to the client or other persons. For the purposes of this 36574
division, cases in which there are indications of present or past 36575
child abuse or neglect of the client constitute a clear and 36576
present danger. 36577

(b) The client gives express consent to the testimony. 36578

(c) If the client is deceased, the surviving spouse or the 36579
executor or administrator of the estate of the deceased client 36580
gives express consent. 36581

(d) The client voluntarily testifies, in which case the 36582
school guidance counselor or person licensed or registered under 36583
Chapter 4757. of the Revised Code may be compelled to testify on 36584
the same subject. 36585

(e) The court in camera determines that the information 36586

communicated by the client is not germane to the counselor-client, 36587
marriage and family therapist-client, or social worker-client 36588
relationship. 36589

(f) A court, in an action brought against a school, its 36590
administration, or any of its personnel by the client, rules after 36591
an in-camera inspection that the testimony of the school guidance 36592
counselor is relevant to that action. 36593

(g) The testimony is sought in a civil action and concerns 36594
court-ordered treatment or services received by a patient as part 36595
of a case plan journalized under section 2151.412 of the Revised 36596
Code or the court-ordered treatment or services are necessary or 36597
relevant to dependency, neglect, or abuse or temporary or 36598
permanent custody proceedings under Chapter 2151. of the Revised 36599
Code. 36600

(2) Nothing in division (G)(1) of this section shall relieve 36601
a school guidance counselor or a person licensed or registered 36602
under Chapter 4757. of the Revised Code from the requirement to 36603
report information concerning child abuse or neglect under section 36604
2151.421 of the Revised Code. 36605

(H) A mediator acting under a mediation order issued under 36606
division (A) of section 3109.052 of the Revised Code or otherwise 36607
issued in any proceeding for divorce, dissolution, legal 36608
separation, annulment, or the allocation of parental rights and 36609
responsibilities for the care of children, in any action or 36610
proceeding, other than a criminal, delinquency, child abuse, child 36611
neglect, or dependent child action or proceeding, that is brought 36612
by or against either parent who takes part in mediation in 36613
accordance with the order and that pertains to the mediation 36614
process, to any information discussed or presented in the 36615
mediation process, to the allocation of parental rights and 36616
responsibilities for the care of the parents' children, or to the 36617
awarding of parenting time rights in relation to their children; 36618

(I) A communications assistant, acting within the scope of 36619
the communication assistant's authority, when providing 36620
telecommunications relay service pursuant to section 4931.06 of 36621
the Revised Code or Title II of the "Communications Act of 1934," 36622
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 36623
made through a telecommunications relay service. Nothing in this 36624
section shall limit the obligation of a communications assistant 36625
to divulge information or testify when mandated by federal law or 36626
regulation or pursuant to subpoena in a criminal proceeding. 36627

Nothing in this section shall limit any immunity or privilege 36628
granted under federal law or regulation. 36629

(J)(1) A chiropractor in a civil proceeding concerning a 36630
communication made to the chiropractor by a patient in that 36631
relation or the chiropractor's advice to a patient, except as 36632
otherwise provided in this division. The testimonial privilege 36633
established under this division does not apply, and a chiropractor 36634
may testify or may be compelled to testify, in any civil action, 36635
in accordance with the discovery provisions of the Rules of Civil 36636
Procedure in connection with a civil action, or in connection with 36637
a claim under Chapter 4123. of the Revised Code, under any of the 36638
following circumstances: 36639

(a) If the patient or the guardian or other legal 36640
representative of the patient gives express consent. 36641

(b) If the patient is deceased, the spouse of the patient or 36642
the executor or administrator of the patient's estate gives 36643
express consent. 36644

(c) If a medical claim, dental claim, chiropractic claim, or 36645
optometric claim, as defined in section 2305.113 of the Revised 36646
Code, an action for wrongful death, any other type of civil 36647
action, or a claim under Chapter 4123. of the Revised Code is 36648
filed by the patient, the personal representative of the estate of 36649

the patient if deceased, or the patient's guardian or other legal representative. 36650
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(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code. 36652
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(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding. 36663
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(4) As used in this division, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a chiropractor to diagnose, treat, or act for a patient. A communication may include, but is not limited to, any chiropractic, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis. 36666
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(K)(1) Except as provided under division (K)(2) of this section, a critical incident stress management team member concerning a communication received from an individual who receives crisis response services from the team member, or the team member's advice to the individual, during a debriefing session. 36674
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(2) The testimonial privilege established under division 36680

(K)(1) of this section does not apply if any of the following are true: 36681
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(a) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to other persons. For purposes of this division, cases in which there are indications of present or past child abuse or neglect of the individual constitute a clear and present danger. 36683
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(b) The individual who received crisis response services gives express consent to the testimony. 36688
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(c) If the individual who received crisis response services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual gives express consent. 36690
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(d) The individual who received crisis response services voluntarily testifies, in which case the team member may be compelled to testify on the same subject. 36693
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(e) The court in camera determines that the information communicated by the individual who received crisis response services is not germane to the relationship between the individual and the team member. 36696
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(f) The communication or advice pertains or is related to any criminal act. 36700
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(3) As used in division (K) of this section: 36702

(a) "Crisis response services" means consultation, risk assessment, referral, and on-site crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster. 36703
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(b) "Critical incident stress management team member" or "team member" means an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in the Ohio 36707
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critical incident stress management network. 36711

(c) "Debriefing session" means a session at which crisis 36712
response services are rendered by a critical incident stress 36713
management team member during or after a crisis or disaster. 36714

(L)(1) Subject to division (L)(2) of this section and except 36715
as provided in division (L)(3) of this section, an employee 36716
assistance professional, concerning a communication made to the 36717
employee assistance professional by a client in the employee 36718
assistance professional's official capacity as an employee 36719
assistance professional. 36720

(2) Division (L)(1) of this section applies to an employee 36721
assistance professional who meets either or both of the following 36722
requirements: 36723

(a) Is certified by the employee assistance certification 36724
commission to engage in the employee assistance profession; 36725

(b) Has education, training, and experience in all of the 36726
following: 36727

(i) Providing workplace-based services designed to address 36728
employer and employee productivity issues; 36729

(ii) Providing assistance to employees and employees' 36730
dependents in identifying and finding the means to resolve 36731
personal problems that affect the employees or the employees' 36732
performance; 36733

(iii) Identifying and resolving productivity problems 36734
associated with an employee's concerns about any of the following 36735
matters: health, marriage, family, finances, substance abuse or 36736
other addiction, workplace, law, and emotional issues; 36737

(iv) Selecting and evaluating available community resources; 36738

(v) Making appropriate referrals; 36739

(vi) Local and national employee assistance agreements; 36740

(vii) Client confidentiality.	36741
(3) Division (L)(1) of this section does not apply to any of the following:	36742 36743
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	36744 36745 36746 36747
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	36748 36749 36750
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	36751 36752 36753
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	36754 36755 36756
(e) A civil or criminal malpractice action brought against the employee assistance professional;	36757 36758
(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;	36759 36760 36761
(g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law.	36762 36763
Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 2317.41 of the Revised Code but subject to division (B) of this section, the records, or copies or photographs of the records, of a hospital, homes required to be licensed pursuant to section 3721.01 of the Revised Code, and residential facilities licensed pursuant to section 5119.22 <u>5119.34</u> of the Revised Code that provides accommodations, supervision, and personal care services	36764 36765 36766 36767 36768 36769 36770

for three to sixteen unrelated adults, in lieu of the testimony in 36771
open court of their custodian, person who made them, or person 36772
under whose supervision they were made, may be qualified as 36773
authentic evidence if any such person endorses thereon the 36774
person's verified certification identifying such records, giving 36775
the mode and time of their preparation, and stating that they were 36776
prepared in the usual course of the business of the institution. 36777
Such records, copies, or photographs may not be qualified by 36778
certification as provided in this section unless the party 36779
intending to offer them delivers a copy of them, or of their 36780
relevant portions, to the attorney of record for each adverse 36781
party not less than five days before trial. Nothing in this 36782
section shall be construed to limit the right of any party to call 36783
the custodian, person who made such records, or person under whose 36784
supervision they were made, as a witness. 36785

(B) Division (A) of this section does not apply to any 36786
certified copy of the results of any test given to determine the 36787
presence or concentration of alcohol, a drug of abuse, a 36788
combination of them, a controlled substance, or a metabolite of a 36789
controlled substance in a patient's whole blood, blood serum or 36790
plasma, breath, or urine at any time relevant to a criminal 36791
offense that is submitted in a criminal action or proceeding in 36792
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 36793
of the Revised Code. 36794

Sec. 2329.192. (A) As used in this section: 36795

(1) "State lien" means a lien upon real estate, including 36796
lands and tenements, of persons indebted to the state for debt, 36797
taxes, or in any other manner recorded by a state agency in any 36798
office of the clerk of a county court or the county recorder. 36799

(2) "State lienholder" means the department, agency, or other 36800
division of the state in whose name a state lien has been filed or 36801

recorded. 36802

(B) In every action seeking the judicial sale of real estate that is subject to a state lien, all of the following apply: 36803
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(1) The party seeking a judicial sale shall include the state lienholder as a party defendant and shall serve that state lienholder with a copy of the preliminary judicial report or commitment for an owner's fee policy of title insurance filed in accordance with section 2329.191 of the Revised Code. 36805
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(2) A state lienholder shall not be made a party defendant if no state lien has been recorded against the owner of the real estate for which the judicial sale is sought. 36810
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(3) The appearance of the state lienholder shall be presumed for purposes of jurisdiction, and the court shall take judicial notice that the state has a lien against the real estate. 36813
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(4) A state lienholder may, but is not required to, file an answer to the complaint or any other pleading in the action if the amount, validity, or priority of the state lien is not identified in the pleadings as disputed and shall file an answer to the complaint or any other pleading in the action if the amount, validity, or priority of the state lien is identified in the pleadings as disputed. If a state lien is not identified as disputed, unless the state files an answer or other responsive pleading, the party seeking the judicial sale is not required to serve the state lienholder with any answer or subsequent pleadings in the action for judicial sale. 36816
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(5) As part of any order confirming the sale of the real estate that is subject to any undisputed state lien or distributing the proceeds of any judicial sale of real estate, the undisputed state lien shall be protected as if the state had appeared in the action and filed an answer asserting the validity of the state lien as recorded in the office of the clerk of the 36827
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county court or the office of the county recorder. 36833

(6) Any party asserting a dispute as to the amount, validity, 36834
or priority of the state lien or of any lien or other interest 36835
that has priority over the state lien shall serve the state 36836
lienholder and the attorney general with notice of the dispute, 36837
and the state lienholder shall be permitted to file a responsive 36838
pleading and participate in the proceedings as if the state 36839
lienholder had been served with a summons on the date the state 36840
lienholder received notice of the dispute. 36841

(C) Upon the judicial sale of the real estate that is the 36842
subject of an action under division (B) of this section, the 36843
interest of any undisputed state lien shall transfer to the 36844
proceeds of the sale of the real estate, and the state lienholder 36845
shall be entitled to payment from the proceeds of the sale of the 36846
real estate in accordance with the state lienholder's priority as 36847
set forth in the final judicial report or commitment for an 36848
owner's fee policy of title insurance filed in accordance with 36849
section 2329.191 of the Revised Code. 36850

Sec. 2335.09. Whenever, in any criminal proceeding or 36851
prosecution for the violation of an ordinance, or in a hearing 36852
before a coroner, an interpreter is necessary, the judge, 36853
magistrate, or coroner may appoint interpreters, who shall receive 36854
fees as witnesses in the case or proceeding. Such fees shall be 36855
taxed and paid as provided by sections 2335.05 to 2335.08~~7~~ 36856
~~inclusive~~, of the Revised Code for other witness fees. If the 36857
party taxed with costs is indigent, interpreter's fees shall not 36858
be taxed as costs, and the legislative authority of the court 36859
shall pay the interpreter's fees. This section shall not apply if, 36860
by law, an interpreter is otherwise provided. 36861

Sec. 2335.11. In felony cases in which the defendant is 36862

convicted, the fees of the various magistrates and their officers, 36863
the witness fees, and interpreter's fees shall be inserted in the 36864
judgment of conviction and, when collected shall be disbursed by 36865
the clerk of the court of common pleas to the persons entitled 36866
thereto. In minor state cases, which have come to the court of 36867
common pleas through such magistrate's courts, the fees enumerated 36868
by this section shall be inserted in the judgment of conviction 36869
and, when collected shall be disbursed by the clerk to the persons 36870
entitled thereto. In both felonies and minor state cases, such 36871
clerk shall pay the witness and interpreter's fees into the county 36872
treasury, monthly. 36873

If the defendant is indigent, the interpreter's fees shall 36874
not be inserted in the judgment of conviction, and the county 36875
shall pay the interpreter's fees. 36876

In all cases in which recognizances are taken, forfeited, and 36877
collected, the amount recovered shall be paid into the county 36878
treasury, and if no conviction is had, such costs shall be paid by 36879
the county upon the allowance of the county auditor. 36880

Sec. 2505.02. (A) As used in this section: 36881

(1) "Substantial right" means a right that the United States 36882
Constitution, the Ohio Constitution, a statute, the common law, or 36883
a rule of procedure entitles a person to enforce or protect. 36884

(2) "Special proceeding" means an action or proceeding that 36885
is specially created by statute and that prior to 1853 was not 36886
denoted as an action at law or a suit in equity. 36887

(3) "Provisional remedy" means a proceeding ancillary to an 36888
action, including, but not limited to, a proceeding for a 36889
preliminary injunction, attachment, discovery of privileged 36890
matter, suppression of evidence, a prima-facie showing pursuant to 36891
section 2307.85 or 2307.86 of the Revised Code, a prima-facie 36892

showing pursuant to section 2307.92 of the Revised Code, or a 36893
finding made pursuant to division (A)(3) of section 2307.93 of the 36894
Revised Code. 36895

(B) An order is a final order that may be reviewed, affirmed, 36896
modified, or reversed, with or without retrial, when it is one of 36897
the following: 36898

(1) An order that affects a substantial right in an action 36899
that in effect determines the action and prevents a judgment; 36900

(2) An order that affects a substantial right made in a 36901
special proceeding or upon a summary application in an action 36902
after judgment; 36903

(3) An order that vacates or sets aside a judgment or grants 36904
a new trial; 36905

(4) An order that grants or denies a provisional remedy and 36906
to which both of the following apply: 36907

(a) The order in effect determines the action with respect to 36908
the provisional remedy and prevents a judgment in the action in 36909
favor of the appealing party with respect to the provisional 36910
remedy. 36911

(b) The appealing party would not be afforded a meaningful or 36912
effective remedy by an appeal following final judgment as to all 36913
proceedings, issues, claims, and parties in the action. 36914

(5) An order that determines that an action may or may not be 36915
maintained as a class action; 36916

(6) An order determining the constitutionality of any changes 36917
to the Revised Code made by Am. Sub. S.B. 281 of the 124th general 36918
assembly, including the amendment of sections 1751.67, 2117.06, 36919
2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 36920
2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.16, 3923.63, 36921
3923.64, 4705.15, and 5111.018 (renumbered as 5164.07 by H.B. 59 36922

of the 130th general assembly), and the enactment of sections 36923
2305.113, 2323.41, 2323.43, and 2323.55 of the Revised Code or any 36924
changes made by Sub. S.B. 80 of the 125th general assembly, 36925
including the amendment of sections 2125.02, 2305.10, 2305.131, 36926
2315.18, 2315.19, and 2315.21 of the Revised Code; 36927

(7) An order in an appropriation proceeding that may be 36928
appealed pursuant to division (B)(3) of section 163.09 of the 36929
Revised Code. 36930

(C) When a court issues an order that vacates or sets aside a 36931
judgment or grants a new trial, the court, upon the request of 36932
either party, shall state in the order the grounds upon which the 36933
new trial is granted or the judgment vacated or set aside. 36934

(D) This section applies to and governs any action, including 36935
an appeal, that is pending in any court on July 22, 1998, and all 36936
claims filed or actions commenced on or after July 22, 1998, 36937
notwithstanding any provision of any prior statute or rule of law 36938
of this state. 36939

Sec. 2701.03. (A) If a judge of the court of common pleas 36940
allegedly is interested in a proceeding pending before the court, 36941
allegedly is related to or has a bias or prejudice for or against 36942
a party to a proceeding pending before the court or a party's 36943
counsel, or allegedly otherwise is disqualified to preside in a 36944
proceeding pending before the court, any party to the proceeding 36945
or the party's counsel may file an affidavit of disqualification 36946
with the clerk of the supreme court in accordance with division 36947
(B) of this section. 36948

(B) An affidavit of disqualification filed under section 36949
2101.39 ~~or~~, 2501.13, 2701.031, or 2743.041 of the Revised Code or 36950
division (A) of this section shall be filed with the clerk of the 36951
supreme court not less than seven calendar days before the day on 36952
which the next hearing in the proceeding is scheduled and shall 36953

include all of the following: 36954

(1) The specific allegations on which the claim of interest, 36955
bias, prejudice, or disqualification is based and the facts to 36956
support each of those allegations or, in relation to an affidavit 36957
filed against a judge of a court of appeals, a specific allegation 36958
that the judge presided in the lower court in the same proceeding 36959
and the facts to support that allegation; 36960

(2) The jurat of a notary public or another person authorized 36961
to administer oaths or affirmations; 36962

(3) A certificate indicating that a copy of the affidavit has 36963
been served on the probate judge, judge of a court of appeals, ~~or~~ 36964
judge of a court of common pleas, judge of a municipal or county 36965
court, or judge of the court of claims against whom the affidavit 36966
is filed and on all other parties or their counsel; 36967

(4) The date of the next scheduled hearing in the proceeding 36968
or, if there is no hearing scheduled, a statement that there is no 36969
hearing scheduled. 36970

(C)(1) Except as provided in division (C)(2) of this section, 36971
when an affidavit of disqualification is presented to the clerk of 36972
the supreme court for filing under division (B) of this section, 36973
all of the following apply: 36974

(a) The clerk of the supreme court shall accept the affidavit 36975
for filing and shall forward the affidavit to the chief justice of 36976
the supreme court. 36977

(b) The supreme court shall send notice of the filing of the 36978
affidavit to the probate court served by the judge if the 36979
affidavit is filed against a probate court judge, to the clerk of 36980
the court of appeals served by the judge if the affidavit is filed 36981
against a judge of a court of appeals, ~~or~~ to the clerk of the 36982
court of common pleas served by the judge if the affidavit is 36983
filed against a judge of a court of common pleas, to the clerk of 36984

the municipal or county court served by the judge if the affidavit is filed against a judge of a municipal or county court, or to the clerk of the court of claims if the affidavit is filed against a judge of the court of claims. 36985
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(c) Upon receipt of the notice under division (C)(1)(b) of this section, the probate court, the clerk of the court of appeals, ~~or~~ the clerk of the court of common pleas, the clerk of the municipal or county court, or the clerk of the court of claims shall enter the fact of the filing of the affidavit on the docket of the probate court, the docket of the court of appeals, ~~or~~ the docket in the proceeding in the court of common pleas, the docket of the proceeding in the municipal or county court, or the docket of the proceeding in the court of claims. 36989
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(2) The clerk of the supreme court shall not accept an affidavit of disqualification presented for filing under division (B) of this section if it is not timely presented for filing or does not satisfy the requirements of divisions (B)(2), (3), and (4) of this section. 36998
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(D)(1) Except as provided in divisions (D)(2) to (4) of this section, if the clerk of the supreme court accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section, the affidavit deprives the judge against whom the affidavit was filed of any authority to preside in the proceeding until the chief justice of the supreme court, or a justice of the supreme court designated by the chief justice, rules on the affidavit pursuant to division (E) of this section. 37003
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(2) A judge against whom an affidavit of disqualification has been filed under divisions (B) and (C) of this section may do any of the following that is applicable: 37011
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(a) If, based on the scheduled hearing date, the affidavit was not timely filed, the judge may preside in the proceeding. 37014
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(b) If the proceeding is a domestic relations proceeding, the judge may issue any temporary order relating to spousal support pendente lite and the support, maintenance, and allocation of parental rights and responsibilities for the care of children.

(c) If the proceeding pertains to a complaint brought pursuant to Chapter 2151. or 2152. of the Revised Code, the judge may issue any temporary order pertaining to the relation and conduct of any other person toward a child who is the subject of a complaint as the interest and welfare of the child may require.

(3) A judge against whom an affidavit of disqualification has been filed under divisions (B) and (C) of this section may determine a matter that does not affect a substantive right of any of the parties.

(4) If the clerk of the supreme court accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section, if the chief justice of the supreme court, or a justice of the supreme court designated by the chief justice, denies the affidavit of disqualification pursuant to division (E) of this section, and if, after the denial, a second or subsequent affidavit of disqualification regarding the same judge and the same proceeding is filed by the same party who filed or on whose behalf was filed the affidavit that was denied or by counsel for the same party who filed or on whose behalf was filed the affidavit that was denied, the judge against whom the second or subsequent affidavit is filed may preside in the proceeding prior to the ruling of the chief justice of the supreme court, or a justice designated by the chief justice, on the second or subsequent affidavit.

(E) If the clerk of the supreme court accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section and if the chief justice of the supreme court, or any justice of the supreme court designated by the chief justice,

determines that the interest, bias, prejudice, or disqualification 37048
alleged in the affidavit does not exist, the chief justice or the 37049
designated justice shall issue an entry denying the affidavit of 37050
disqualification. If the chief justice of the supreme court, or 37051
any justice of the supreme court designated by the chief justice, 37052
determines that the interest, bias, prejudice, or disqualification 37053
alleged in the affidavit exists, the chief justice or the 37054
designated justice shall issue an entry that disqualifies that 37055
judge from presiding in the proceeding and either order that the 37056
proceeding be assigned to another judge of the court of which the 37057
disqualified judge is a member, to a judge of another court, or to 37058
a retired judge. 37059

Sec. 2701.031. ~~(A)~~ If a judge of a municipal or county court 37060
allegedly is interested in a proceeding pending before the judge, 37061
allegedly is related to or has a bias or prejudice for or against 37062
a party to a proceeding pending before the judge or to a party's 37063
counsel, or allegedly otherwise is disqualified to preside in a 37064
proceeding pending before the judge, any party to the proceeding 37065
or the party's counsel may file an affidavit of disqualification 37066
with the clerk of the supreme court in which the proceeding is 37067
pending. The affidavit of disqualification shall be filed and 37068
decided in accordance with divisions (B) to (E) of section 2701.03 37069
of the Revised Code, and, upon the filing of the affidavit, the 37070
provisions of those divisions apply to the affidavit, the 37071
proceeding, the judge, and the parties to the proceeding. 37072

~~(B) An affidavit of disqualification shall be filed under 37073
this section with the clerk of the court in which the proceeding 37074
is pending not less than seven calendar days before the day on 37075
which the next hearing in the proceeding is scheduled and shall 37076
include all of the following: 37077~~

~~(1) The specific allegations on which the claim of interest, 37078~~

~~bias, prejudice, or disqualification is based and the facts to support each of those allegations;~~ 37079
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~~(2) The jurat of a notary public or another person authorized to administer oaths or affirmations;~~ 37081
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~~(3) A certificate indicating that a copy of the affidavit has been served on the judge of the municipal or county court against whom the affidavit is filed and on all other parties or their counsel;~~ 37083
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~~(4) The date of the next scheduled hearing in the proceeding or, if there is no hearing scheduled, a statement that there is no hearing scheduled.~~ 37087
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~~(C)(1) Except as provided in division (C)(2) of this section, when an affidavit of disqualification is presented to the clerk of a municipal or county court for filing under division (B) of this section, the clerk shall enter the fact of the filing on the docket in that proceeding and shall provide notice of the filing of the affidavit to one of the following:~~ 37090
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~~(a) The presiding judge of the court of common pleas of the county;~~ 37096
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~~(b) If there is no presiding judge of the court of common pleas of the county, a judge of the court of common pleas of the county.~~ 37098
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~~(2) The clerk of the municipal or county court in which a proceeding is pending shall not accept an affidavit of disqualification presented for filing under division (B) of this section if it is not timely presented for filing or does not satisfy the requirements of divisions (B)(2), (3), and (4) of this section.~~ 37101
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~~(D)(1) Except as provided in divisions (D)(2) to (4) of this section, if the clerk of the municipal or county court in which a~~ 37107
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~~proceeding is pending accepts an affidavit of disqualification for 37109
filing under divisions (B) and (C) of this section, the affidavit 37110
deprives the judge of a municipal or county court against whom the 37111
affidavit was filed of any authority to preside in the proceeding 37112
until the judge who was notified pursuant to division (C)(1) of 37113
this section rules on the affidavit pursuant to division (E) of 37114
this section. 37115~~

~~(2) A judge of a municipal or county court against whom an 37116
affidavit of disqualification has been filed under divisions (B) 37117
and (C) of this section may preside in the proceeding if, based on 37118
the scheduled hearing date, the affidavit was not timely filed. 37119~~

~~(3) A judge of a municipal or county court against whom an 37120
affidavit of disqualification has been filed under divisions (B) 37121
and (C) of this section may determine a matter that does not 37122
affect a substantive right of any of the parties. 37123~~

~~(4) If the clerk of a municipal or county court accepts an 37124
affidavit of disqualification for filing under divisions (B) and 37125
(C) of this section, if the judge who is notified pursuant to 37126
division (C)(1) of this section of the filing of the affidavit of 37127
disqualification denies the affidavit pursuant to division (E) of 37128
this section, and if, after the denial, a second or subsequent 37129
affidavit of disqualification regarding the same judge and the 37130
same proceeding is filed by the same party who filed or on whose 37131
behalf was filed the affidavit that was denied or by counsel for 37132
the same party who filed or on whose behalf was filed the 37133
affidavit that was denied, the judge of a municipal or county 37134
court against whom the second or subsequent affidavit is filed may 37135
preside in the proceeding prior to the ruling, by the judge who is 37136
notified pursuant to division (C)(1) of this section, on the 37137
second or subsequent affidavit pursuant to division (E) of this 37138
section. 37139~~

~~(E) If the clerk of a municipal or county court accepts an 37140~~

~~affidavit of disqualification for filing under divisions (B) and 37141
(C) of this section and if the judge who is notified pursuant to 37142
division (C)(1) of this section of the filing of the affidavit 37143
determines that the interest, bias, prejudice, or disqualification 37144
alleged in the affidavit does not exist, the judge who is so 37145
notified shall issue an entry denying the affidavit of 37146
disqualification. If the judge who is notified pursuant to 37147
division (C)(1) of this section of the filing of the affidavit 37148
determines that the interest, bias, prejudice, or disqualification 37149
alleged in the affidavit exists, the judge who is so notified 37150
shall issue an entry that disqualifies the judge against whom the 37151
affidavit was filed from presiding in the proceeding and designate 37152
another judge of the municipal or county court, or of the court of 37153
common pleas, to preside in the proceeding in place of the 37154
disqualified judge. 37155~~

Sec. 2743.03. (A)(1) There is hereby created a court of 37156
claims. The court of claims is a court of record and has 37157
exclusive, original jurisdiction of all civil actions against the 37158
state permitted by the waiver of immunity contained in section 37159
2743.02 of the Revised Code, and exclusive jurisdiction of the 37160
causes of action of all parties in civil actions that are removed 37161
to the court of claims, ~~and jurisdiction to hear appeals from the 37162
decisions of the court of claims commissioners.~~ The court shall 37163
have full equity powers in all actions within its jurisdiction and 37164
may entertain and determine all counterclaims, cross-claims, and 37165
third-party claims. 37166

(2) If the claimant in a civil action as described in 37167
division (A)(1) of this section also files a claim for a 37168
declaratory judgment, injunctive relief, or other equitable relief 37169
against the state that arises out of the same circumstances that 37170
gave rise to the civil action described in division (A)(1) of this 37171
section, the court of claims has exclusive, original jurisdiction 37172

to hear and determine that claim in that civil action. This 37173
division does not affect, and shall not be construed as affecting, 37174
the original jurisdiction of another court of this state to hear 37175
and determine a civil action in which the sole relief that the 37176
claimant seeks against the state is a declaratory judgment, 37177
injunctive relief, or other equitable relief. 37178

(3) In addition to its exclusive, original jurisdiction as 37179
conferred by division (A)(1) and (2) of this section, the court of 37180
claims has exclusive, original jurisdiction as described in 37181
division (F) of section 2743.02, division (B) of section 3335.03, 37182
and division (C) of section 5903.02 of the Revised Code. 37183

(B) The court of claims shall sit in Franklin county, its 37184
hearings shall be public, and it shall consist of incumbent 37185
justices or judges of the supreme court, courts of appeals, or 37186
courts of common pleas, or retired justices or judges eligible for 37187
active duty pursuant to division (C) of Section 6 of Article IV, 37188
Ohio Constitution, sitting by temporary assignment of the chief 37189
justice of the supreme court. The chief justice may direct the 37190
court to sit in any county for cases on removal upon a showing of 37191
substantial hardship and whenever justice dictates. 37192

(C)(1) A civil action against the state shall be heard and 37193
determined by a single judge. Upon application by the claimant or 37194
the state, the chief justice of the supreme court may assign a 37195
panel of three judges to hear and determine a civil action 37196
presenting novel or complex issues of law or fact. Concurrence of 37197
two members of the panel is necessary for any judgment or order. 37198

(2) Whenever the chief justice of the supreme court believes 37199
an equitable resolution of a case will be expedited, the chief 37200
justice may appoint ~~referees~~ magistrates in accordance with Civil 37201
Rule 53 to hear the case. 37202

(3) When any dispute under division (B) of section 153.12 of 37203

the Revised Code is brought to the court of claims, upon request 37204
of either party to the dispute, the chief justice of the supreme 37205
court shall appoint a single referee or a panel of three referees. 37206
The referees need not be attorneys, but shall be persons 37207
knowledgeable about construction contract law, a member of the 37208
construction industry panel of the American arbitration 37209
association, or an individual or individuals deemed qualified by 37210
the chief justice to serve. No person shall serve as a referee if 37211
that person has been employed by an affected state agency or a 37212
contractor or subcontractor involved in the dispute at any time in 37213
the preceding five years. Proceedings governing referees shall be 37214
in accordance with Civil Rule 53, except as modified by this 37215
division. The referee or panel of referees shall submit its 37216
report, which shall include a recommendation and finding of fact, 37217
to the judge assigned to the case by the chief justice, within 37218
thirty days of the conclusion of the hearings. Referees appointed 37219
pursuant to this division shall be compensated on a per diem basis 37220
at the same rate as is paid to judges of the court and also shall 37221
be paid their expenses. If a single referee is appointed or a 37222
panel of three referees is appointed, then, with respect to one 37223
referee of the panel, the compensation and expenses of the referee 37224
shall not be taxed as part of the costs in the case but shall be 37225
included in the budget of the court. If a panel of three referees 37226
is appointed, the compensation and expenses of the two remaining 37227
referees shall be taxed as costs of the case. 37228

All costs of a case shall be apportioned among the parties. 37229
The court may not require that any party deposit with the court 37230
cash, bonds, or other security in excess of two hundred dollars to 37231
guarantee payment of costs without the prior approval in each case 37232
of the chief justice. 37233

(4) An appeal from a decision of the ~~court of claims~~ 37234
~~commissioners~~ attorney general shall be heard and determined by 37235

one judge of the court of claims. 37236

(D) The Rules of Civil Procedure shall govern practice and 37237
procedure in all actions in the court of claims, except insofar as 37238
inconsistent with this chapter. The supreme court may promulgate 37239
rules governing practice and procedure in actions in the court as 37240
provided in Section 5 of Article IV, Ohio Constitution. 37241

(E)(1) A party who files a counterclaim against the state or 37242
makes the state a third-party defendant in an action commenced in 37243
any court, other than the court of claims, shall file a petition 37244
for removal in the court of claims. The petition shall state the 37245
basis for removal, be accompanied by a copy of all process, 37246
pleadings, and other papers served upon the petitioner, and shall 37247
be signed in accordance with Civil Rule 11. A petition for removal 37248
based on a counterclaim shall be filed within twenty-eight days 37249
after service of the counterclaim of the petitioner. A petition 37250
for removal based on third-party practice shall be filed within 37251
twenty-eight days after the filing of the third-party complaint of 37252
the petitioner. 37253

(2) Within seven days after filing a petition for removal, 37254
the petitioner shall give written notice to the parties, and shall 37255
file a copy of the petition with the clerk of the court in which 37256
the action was brought originally. The filing effects the removal 37257
of the action to the court of claims, and the clerk of the court 37258
where the action was brought shall forward all papers in the case 37259
to the court of claims. The court of claims shall adjudicate all 37260
civil actions removed. The court may remand a civil action to the 37261
court in which it originated upon a finding that the removal 37262
petition does not justify removal, or upon a finding that the 37263
state is no longer a party. 37264

(3) Bonds, undertakings, or security and injunctions, 37265
attachments, sequestrations, or other orders issued prior to 37266
removal remain in effect until dissolved or modified by the court 37267

of claims. 37268

Sec. 2743.041. If a judge of the court of claims allegedly is 37269
interested in a proceeding pending before the judge, allegedly is 37270
related to or has a bias or prejudice for or against a party to a 37271
proceeding pending before the judge or to a party's counsel, or 37272
allegedly otherwise is disqualified to preside in a proceeding 37273
pending before the judge, any party to the proceeding or the 37274
party's counsel may file an affidavit of disqualification with the 37275
clerk of the supreme court. The affidavit of disqualification 37276
shall be filed and decided in accordance with divisions (B) to (E) 37277
of section 2701.03 of the Revised Code, and, upon the filing of 37278
the affidavit, the provisions of those divisions apply to the 37279
affidavit, the proceeding, the judge, and the parties to the 37280
proceeding. 37281

Sec. 2743.09. The clerk of the court of claims shall do all 37282
of the following: 37283

(A) Administer oaths and take and certify affidavits, 37284
depositions, and acknowledgments of powers of attorney and other 37285
instruments in writing; 37286

(B) Prepare the dockets, enter and record the orders, 37287
judgments, decisions, awards, and proceedings of the court of 37288
claims ~~and the court of claims commissioners~~, and issue writs and 37289
process; 37290

(C) Maintain an office in Franklin county in rooms provided 37291
by the supreme court for that purpose; 37292

(D) Keep an appearance docket of civil actions, and claims 37293
for an award of reparations, ~~and appeals from decisions of the~~ 37294
~~court of claims commissioners~~. The clerk may refuse to accept for 37295
filing any pleading or paper that relates to a civil action in the 37296
court of claims and that is submitted for filing by a person who 37297

has been found to be a vexatious litigator under section 2323.52 37298
of the Revised Code and who has failed to obtain leave to proceed 37299
under that section. 37300

Upon the commencement of an action or claim, the clerk shall 37301
assign it a number. This number shall be placed on the first page, 37302
and every continuation page, of the appearance docket that 37303
concerns the particular action or claim. In addition, this number 37304
and the names of the parties shall be placed on the case file and 37305
every paper filed in the action or claim. 37306

At the time the action is commenced the clerk shall enter in 37307
the appearance docket the names of the parties in full and the 37308
names of counsel and shall index the action alphabetically by the 37309
last name of each party. Thereafter, the clerk shall 37310
chronologically note in the appearance docket all process issued 37311
and returns, pleas, motions, papers filed in the action, orders, 37312
verdicts, and judgments. The notations shall be brief but shall 37313
show the date of filing, substance, and journal volume and page of 37314
each order, verdict, and judgment. An action is commenced for 37315
purposes of this division by the filing of a complaint, including 37316
a form complaint under section 2743.10 of the Revised Code or a 37317
petition for removal. 37318

At the time an appeal for an award of reparations is 37319
commenced, the clerk shall enter the full names of the claimant, 37320
the victim, and the attorneys in the appearance docket and shall 37321
index the claim alphabetically by the last name of the claimant 37322
and the victim. Thereafter, the clerk shall chronologically note 37323
in the appearance docket all process issued and returns, motions, 37324
papers filed in the claim, orders, decisions, and awards. The 37325
notations shall be brief but shall show the date of filing, 37326
substance, and journal volume and page of each order. 37327

(E) Keep all original papers filed in an action or claim in a 37328
separate file folder and a journal in which all orders, verdicts, 37329

and judgments of the court ~~and commissioners~~ shall be recorded; 37330

(F) Charge and collect fees pursuant to section 2303.20 of 37331
the Revised Code, keep a cashbook in which the clerk shall enter 37332
the amounts received, make a report to the clerk of the supreme 37333
court each quarter of the fees received during the preceding 37334
quarter, and pay them monthly into the state treasury; 37335

(G) Appoint reporters and other clerical personnel; 37336

(H) Under the direction of the chief justice, establish 37337
procedures for hearing and determining appeals for an award of 37338
reparations pursuant to sections 2743.51 to 2743.72 of the Revised 37339
Code. 37340

Sec. 2743.121. ~~(A) A panel of court of claims commissioners 37341
shall render its decisions as to claims for an award of 37342
reparations in writing and shall include separate findings of fact 37343
and any conclusions of law that are necessary. Orders as to claims 37344
for an award of reparations shall be entered on the journal, and 37345
the clerk shall certify on the order the date of journalization 37346
and shall send copies of the order and decision to the claimant, 37347
the attorney general, and the prosecuting attorney of the county 37348
in which the criminally injurious conduct occurred. 37349~~

~~(B) A judge of the The court of claims shall render the 37350
judge's its decisions as to appeals from decisions of a panel of 37351
court of claims commissioners the attorney general pursuant to 37352
sections 2743.51 to 2743.72 of the Revised Code in writing and 37353
shall include a separate finding for each issue contested upon 37354
appeal. Orders as to appeals shall be entered on the journal, and 37355
the clerk shall certify on the order the date of journalization 37356
and shall send copies of the order and decision to the claimant, 37357
the attorney general, and the prosecuting attorney of the county 37358
in which the criminally injurious conduct occurred. 37359~~

Sec. 2743.20. Appeals from orders and judgments of the court 37360
of claims lie to the same courts under the same circumstances, as 37361
appeals from the court of common pleas of Franklin county, and the 37362
same rules of law govern their determination. The decision of the 37363
court of claims with respect to an appeal from a decision of the 37364
~~court of claims commissioners~~ the attorney general pursuant to 37365
sections 2743.51 to 2743.72 of the Revised Code is final, and no 37366
appeal from the decision of the court of claims lies to any other 37367
court. 37368

Sec. 2743.48. (A) As used in this section and section 2743.49 37369
of the Revised Code, a "wrongfully imprisoned individual" means an 37370
individual who satisfies each of the following: 37371

(1) The individual was charged with a violation of a section 37372
of the Revised Code by an indictment or information, and the 37373
violation charged was an aggravated felony or felony. 37374

(2) The individual was found guilty of, but did not plead 37375
guilty to, the particular charge or a lesser-included offense by 37376
the court or jury involved, and the offense of which the 37377
individual was found guilty was an aggravated felony or felony. 37378

(3) The individual was sentenced to an indefinite or definite 37379
term of imprisonment in a state correctional institution for the 37380
offense of which the individual was found guilty. 37381

(4) The individual's conviction was vacated, dismissed, or 37382
reversed on appeal, the prosecuting attorney in the case cannot or 37383
will not seek any further appeal of right or upon leave of court, 37384
and no criminal proceeding is pending, can be brought, or will be 37385
brought by any prosecuting attorney, city director of law, village 37386
solicitor, or other chief legal officer of a municipal corporation 37387
against the individual for any act associated with that 37388
conviction. 37389

(5) Subsequent to sentencing and during or subsequent to imprisonment, an error in procedure resulted in the individual's release, or it was determined by the court of common pleas in the county where the underlying criminal action was initiated that the charged offense, including all lesser-included offenses, either was not committed by the individual or was not committed by any person.

(B)(1) A person may file a civil action to be declared a wrongfully imprisoned individual in the court of common pleas in the county where the underlying criminal action was initiated. That civil action shall be separate from the underlying finding of guilt by the court of common pleas. The prosecuting attorney of that county shall be served with a copy of the complaint and shall defend all civil actions to determine a person to be a wrongfully imprisoned individual under this section. Upon the filing of a civil action to be determined a wrongfully imprisoned individual, the attorney general also shall be served with a copy of the complaint and shall be heard.

(2) When the court of common pleas in the county where the underlying criminal action was initiated determines in a separate civil action that a person is a wrongfully imprisoned individual, the court shall provide the person with a copy of this section and orally inform the person and the person's attorney of the person's rights under this section to commence a civil action against the state in the court of claims because of the person's wrongful imprisonment and to be represented in that civil action by counsel of the person's own choice.

(3) The court described in division (B)(1) of this section shall notify the clerk of the court of claims, in writing and within seven days after the date of the entry of its determination that the person is a wrongfully imprisoned individual, of the name and proposed mailing address of the person and of the fact that

the person has the rights to commence a civil action and to have 37422
legal representation as provided in this section. The clerk of the 37423
court of claims shall maintain in the clerk's office a list of 37424
wrongfully imprisoned individuals for whom notices are received 37425
under this section and shall create files in the clerk's office 37426
for each such individual. 37427

(4) Within sixty days after the date of the entry of the 37428
determination by the court of common pleas in the county where the 37429
underlying criminal action was initiated that a person is a 37430
wrongfully imprisoned individual, the clerk of the court of claims 37431
shall forward a preliminary judgment to the president of the 37432
controlling board requesting the payment of fifty per cent of the 37433
amount described in division (E)(2)(b) of this section to the 37434
wrongfully imprisoned individual. The board shall take all actions 37435
necessary to cause the payment of that amount out of the emergency 37436
purposes special purpose account of the board. 37437

(5) If an individual was serving at the time of the wrongful 37438
imprisonment concurrent sentences on other convictions that were 37439
not vacated, dismissed, or reversed on appeal, the individual is 37440
not eligible for compensation as described in this section for any 37441
portion of that wrongful imprisonment that occurred during a 37442
concurrent sentence of that nature. 37443

(C)(1) In a civil action under this section, a wrongfully 37444
imprisoned individual has the right to have counsel of the 37445
individual's own choice. 37446

(2) If a wrongfully imprisoned individual who is the subject 37447
of a court determination as described in division (B)(2) of this 37448
section does not commence a civil action under this section within 37449
six months after the entry of that determination, the clerk of the 37450
court of claims shall send a letter to the wrongfully imprisoned 37451
individual, at the address set forth in the notice received from 37452
the court of common pleas pursuant to division (B)(3) of this 37453

section or to any later address provided by the wrongfully 37454
imprisoned individual, that reminds the wrongfully imprisoned 37455
individual of the wrongfully imprisoned individual's rights under 37456
this section. Until the statute of limitations provided in 37457
division (H) of this section expires and unless the wrongfully 37458
imprisoned individual commences a civil action under this section, 37459
the clerk of the court of claims shall send a similar letter in a 37460
similar manner to the wrongfully imprisoned individual at least 37461
once each three months after the sending of the first reminder. 37462

(D) Notwithstanding any provisions of this chapter to the 37463
contrary, a wrongfully imprisoned individual has and may file a 37464
civil action against the state, in the court of claims, to recover 37465
a sum of money as described in this section, because of the 37466
individual's wrongful imprisonment. The court of claims shall have 37467
exclusive, original jurisdiction over such a civil action. The 37468
civil action shall proceed, be heard, and be determined as 37469
provided in sections 2743.01 to 2743.20 of the Revised Code, 37470
except that if a provision of this section conflicts with a 37471
provision in any of those sections, the provision in this section 37472
controls. 37473

(E)(1) In a civil action as described in division (D) of this 37474
section, the complainant may establish that the claimant is a 37475
wrongfully imprisoned individual by submitting to the court of 37476
claims a certified copy of the judgment entry of the court of 37477
common pleas associated with the claimant's conviction and 37478
sentencing, and a certified copy of the entry of the determination 37479
of the court of common pleas that the claimant is a wrongfully 37480
imprisoned individual under division (B)(2) of this section. No 37481
other evidence shall be required of the complainant to establish 37482
that the claimant is a wrongfully imprisoned individual, and the 37483
claimant shall be irrebuttably presumed to be a wrongfully 37484
imprisoned individual. 37485

(2) In a civil action as described in division (D) of this section, upon presentation of requisite proof to the court of claims, a wrongfully imprisoned individual is entitled to receive a sum of money that equals the total of each of the following amounts:

(a) The amount of any fine or court costs imposed and paid, and the reasonable attorney's fees and other expenses incurred by the wrongfully imprisoned individual in connection with all associated criminal proceedings and appeals, and, if applicable, in connection with obtaining the wrongfully imprisoned individual's discharge from confinement in the state correctional institution;

(b) For each full year of imprisonment in the state correctional institution for the offense of which the wrongfully imprisoned individual was found guilty, forty thousand three hundred thirty dollars or the adjusted amount determined by the auditor of state pursuant to section 2743.49 of the Revised Code, and for each part of a year of being so imprisoned, a pro-rated share of forty thousand three hundred thirty dollars or the adjusted amount determined by the auditor of state pursuant to section 2743.49 of the Revised Code;

(c) Any loss of wages, salary, or other earned income that directly resulted from the wrongfully imprisoned individual's arrest, prosecution, conviction, and wrongful imprisonment;

(d) The amount of the following cost debts the department of rehabilitation and correction recovered from the wrongfully imprisoned individual who was in custody of the department or under the department's supervision:

(i) Any user fee or copayment for services at a detention facility, including, but not limited to, a fee or copayment for sick call visits;

(ii) The cost of housing and feeding the wrongfully imprisoned individual in a detention facility;	37517 37518
(iii) The cost of supervision of the wrongfully imprisoned individual;	37519 37520
(iv) The cost of any ancillary services provided to the wrongfully imprisoned individual.	37521 37522
(F)(1) If the court of claims determines in a civil action as described in division (D) of this section that the complainant is a wrongfully imprisoned individual, it shall enter judgment for the wrongfully imprisoned individual in the amount of the sum of money to which the wrongfully imprisoned individual is entitled under division (E)(2) of this section. In determining that sum, the court of claims shall not take into consideration any expenses incurred by the state or any of its political subdivisions in connection with the arrest, prosecution, and imprisonment of the wrongfully imprisoned individual, including, but not limited to, expenses for food, clothing, shelter, and medical services. The court shall reduce that sum by the amount of the payment to the wrongfully imprisoned individual described in division (B)(4) of this section.	37523 37524 37525 37526 37527 37528 37529 37530 37531 37532 37533 37534 37535 37536
(2) If the wrongfully imprisoned individual was represented in the civil action under this section by counsel of the wrongfully imprisoned individual's own choice, the court of claims shall include in the judgment entry referred to in division (F)(1) of this section an award for the reasonable attorney's fees of that counsel. These fees shall be paid as provided in division (G) of this section.	37537 37538 37539 37540 37541 37542 37543
(3) The state consents to be sued by a wrongfully imprisoned individual because the imprisonment was wrongful, and to liability on its part because of that fact, only as provided in this section. However, this section does not affect any liability of	37544 37545 37546 37547

the state or of its employees to a wrongfully imprisoned 37548
individual on a claim for relief that is not based on the fact of 37549
the wrongful imprisonment, including, but not limited to, a claim 37550
for relief that arises out of circumstances occurring during the 37551
wrongfully imprisoned individual's confinement in the state 37552
correctional institution. 37553

(G) The clerk of the court of claims shall forward a 37554
certified copy of a judgment under division (F) of this section to 37555
the president of the controlling board. The board shall take all 37556
actions necessary to cause the payment of the judgment out of the 37557
emergency purposes special purpose account of the board. 37558

(H) To be eligible to recover a sum of money as described in 37559
this section because of wrongful imprisonment, both of the 37560
following shall apply to a wrongfully imprisoned individual: 37561

(1) The wrongfully imprisoned individual shall not have been, 37562
prior to September 24, 1986, the subject of an act of the general 37563
assembly that authorized an award of compensation for the wrongful 37564
imprisonment or have been the subject of an action before the 37565
former sundry claims board that resulted in an award of 37566
compensation for the wrongful imprisonment. 37567

(2) The wrongfully imprisoned individual shall commence a 37568
civil action under this section in the court of claims no later 37569
than two years after the date of the entry of the determination of 37570
the court of common pleas that the individual is a wrongfully 37571
imprisoned individual under division (B)(2) of this section. 37572

Sec. 2743.52. (A) The attorney general shall make awards of 37573
reparations for economic loss arising from criminally injurious 37574
conduct, if satisfied by a preponderance of the evidence that the 37575
requirements for an award of reparations have been met. 37576

(B) A The court of claims ~~panel of commissioners or a judge~~ 37577

~~of the court of claims~~ has appellate jurisdiction to order awards 37578
of reparations for economic loss arising from criminally injurious 37579
conduct, if satisfied by a preponderance of the evidence that the 37580
requirements for an award of reparations have been met. 37581

(C) A decision of the attorney general, ~~an order of a court~~ 37582
~~of claims panel of commissioners,~~ or the judgment of a ~~judge of~~ 37583
the court of claims concerning an OVI violation shall not be used 37584
as the basis for any civil or criminal action and shall not be 37585
admissible as evidence in any civil or criminal proceeding. 37586

Sec. 2743.53. ~~(A) A~~ The court of claims panel of 37587
~~commissioners~~ shall hear and determine all matters relating to 37588
appeals from decisions of the attorney general pursuant to 37589
sections 2743.51 to 2743.72 of the Revised Code. 37590

~~(B) A judge of the court of claims shall hear and determine~~ 37591
~~all matters relating to appeals from decisions or orders of a~~ 37592
~~panel of commissioners of the court of claims.~~ 37593

Sec. 2743.531. The court of claims victims of crime fund is 37594
hereby created in the state treasury. The fund shall be used to 37595
pay the compensation of the ~~court of claims commissioners, the~~ 37596
~~compensation of judges of the court of claims necessary to hear~~ 37597
~~and determine appeals from the commissioners,~~ the compensation of 37598
any court of claims personnel needed to administer sections 37599
2743.51 to 2743.72 of the Revised Code, and other administrative 37600
expenses of hearing and determining ~~appeals by court of claims~~ 37601
~~commissioners and judges~~ under sections 2743.51 to 2743.72 of the 37602
Revised Code. 37603

At the beginning of each fiscal year, the director of budget 37604
and management shall transfer cash from the reparations fund to 37605
the court of claims victims of crime fund in an amount sufficient 37606
to make the cash balance in the court of claims victims of crime 37607

fund equal to the sum of the appropriation for that fiscal year 37608
and all prior fiscal year encumbrances. If the appropriation from 37609
the court of claims victims of crime fund is increased during the 37610
fiscal year, the director shall transfer cash from the reparations 37611
fund to the court of claims victims of crime fund in an amount 37612
equal to the increase in the appropriation. 37613

Sec. 2743.55. ~~(A) The attorney general, a court of claims~~ 37614
~~panel of commissioners, or a judge of the court of claims shall~~ 37615
determine all matters relating to claims for an award of 37616
reparations. The attorney general, ~~a court of claims panel of~~ 37617
~~commissioners, or a judge of the court of claims may order law~~ 37618
enforcement officers to provide copies of any information or data 37619
gathered in the investigation of the criminally injurious conduct 37620
that is the basis of any claim to enable the attorney general, ~~a~~ 37621
~~court of claims panel of commissioners, or a judge of the court of~~ 37622
claims to determine whether, and the extent to which, a claimant 37623
qualifies for an award of reparations. 37624

~~(B) A court of claims panel of commissioners shall sit in~~ 37625
~~Franklin county.~~ 37626

Sec. 2743.60. (A) The attorney general, ~~a court of claims~~ 37627
~~panel of commissioners, or a judge of the court of claims shall~~ 37628
not make or order an award of reparations to a claimant if the 37629
criminally injurious conduct upon which the claimant bases a claim 37630
never was reported to a law enforcement officer or agency. 37631

(B)(1) The attorney general, ~~a panel of commissioners, or a~~ 37632
~~judge of the court of claims shall not make or order an award of~~ 37633
reparations to a claimant if any of the following apply: 37634

(a) The claimant is the offender or an accomplice of the 37635
offender who committed the criminally injurious conduct, or the 37636
award would unjustly benefit the offender or accomplice. 37637

(b) Except as provided in division (B)(2) of this section, 37638
both of the following apply: 37639

(i) The victim was a passenger in a motor vehicle and knew or 37640
reasonably should have known that the driver was under the 37641
influence of alcohol, a drug of abuse, or both. 37642

(ii) The claimant is seeking compensation for injuries 37643
proximately caused by the driver described in division 37644
(B)(1)(b)(i) of this section being under the influence of alcohol, 37645
a drug of abuse, or both. 37646

(c) Both of the following apply: 37647

(i) The victim was under the influence of alcohol, a drug of 37648
abuse, or both and was a passenger in a motor vehicle and, if 37649
sober, should have reasonably known that the driver was under the 37650
influence of alcohol, a drug of abuse, or both. 37651

(ii) The claimant is seeking compensation for injuries 37652
proximately caused by the driver described in division 37653
(B)(1)(b)(i) of this section being under the influence of alcohol, 37654
a drug of abuse, or both. 37655

(2) Division (B)(1)(b) of this section does not apply if on 37656
the date of the occurrence of the criminally injurious conduct, 37657
the victim was under sixteen years of age or was at least sixteen 37658
years of age but less than eighteen years of age and was riding 37659
with a parent, guardian, or care-provider. 37660

(C) The attorney general, ~~a panel of commissioners,~~ or a 37661
~~judge of~~ the court of claims, upon a finding that the claimant or 37662
victim has not fully cooperated with appropriate law enforcement 37663
agencies, may deny a claim or reconsider and reduce an award of 37664
reparations. 37665

(D) The attorney general, ~~a panel of commissioners,~~ or a 37666
~~judge of~~ the court of claims shall reduce an award of reparations 37667

or deny a claim for an award of reparations that is otherwise 37668
payable to a claimant to the extent that the economic loss upon 37669
which the claim is based is recouped from other persons, including 37670
collateral sources. If an award is reduced or a claim is denied 37671
because of the expected recoupment of all or part of the economic 37672
loss of the claimant from a collateral source, the amount of the 37673
award or the denial of the claim shall be conditioned upon the 37674
claimant's economic loss being recouped by the collateral source. 37675
If the award or denial is conditioned upon the recoupment of the 37676
claimant's economic loss from a collateral source and it is 37677
determined that the claimant did not unreasonably fail to present 37678
a timely claim to the collateral source and will not receive all 37679
or part of the expected recoupment, the claim may be reopened and 37680
an award may be made in an amount equal to the amount of expected 37681
recoupment that it is determined the claimant will not receive 37682
from the collateral source. 37683

If the claimant recoups all or part of the economic loss upon 37684
which the claim is based from any other person or entity, 37685
including a collateral source, the attorney general may recover 37686
pursuant to section 2743.72 of the Revised Code the part of the 37687
award that represents the economic loss for which the claimant 37688
received the recoupment from the other person or entity. 37689

(E)(1) Except as otherwise provided in division (E)(2) of 37690
this section, the attorney general, ~~a panel of commissioners,~~ or a 37691
~~judge of~~ the court of claims shall not make an award to a claimant 37692
if any of the following applies: 37693

(a) The victim was convicted of a felony within ten years 37694
prior to the criminally injurious conduct that gave rise to the 37695
claim or is convicted of a felony during the pendency of the 37696
claim. 37697

(b) The claimant was convicted of a felony within ten years 37698
prior to the criminally injurious conduct that gave rise to the 37699

claim or is convicted of a felony during the pendency of the 37700
claim. 37701

(c) It is proved by a preponderance of the evidence that the 37702
victim or the claimant engaged, within ten years prior to the 37703
criminally injurious conduct that gave rise to the claim or during 37704
the pendency of the claim, in an offense of violence, a violation 37705
of section 2925.03 of the Revised Code, or any substantially 37706
similar offense that also would constitute a felony under the laws 37707
of this state, another state, or the United States. 37708

(d) The claimant was convicted of a violation of section 37709
2919.22 or 2919.25 of the Revised Code, or of any state law or 37710
municipal ordinance substantially similar to either section, 37711
within ten years prior to the criminally injurious conduct that 37712
gave rise to the claim or during the pendency of the claim. 37713

(e) It is proved by a preponderance of the evidence that the 37714
victim at the time of the criminally injurious conduct that gave 37715
rise to the claim engaged in conduct that was a felony violation 37716
of section 2925.11 of the Revised Code or engaged in any 37717
substantially similar conduct that would constitute a felony under 37718
the laws of this state, another state, or the United States. 37719

(2) The attorney general, ~~a panel of commissioners,~~ or a 37720
~~judge of~~ the court of claims may make an award to a minor 37721
dependent of a deceased victim for dependent's economic loss or 37722
for counseling pursuant to division (F)(2) of section 2743.51 of 37723
the Revised Code if the minor dependent is not ineligible under 37724
division (E)(1) of this section due to the minor dependent's 37725
criminal history and if the victim was not killed while engaging 37726
in illegal conduct that contributed to the criminally injurious 37727
conduct that gave rise to the claim. For purposes of this section, 37728
the use of illegal drugs by the deceased victim shall not be 37729
deemed to have contributed to the criminally injurious conduct 37730
that gave rise to the claim. 37731

(F) In determining whether to make an award of reparations 37732
pursuant to this section, the attorney general or ~~panel of~~ 37733
~~commissioners~~ the court of claims shall consider whether there was 37734
contributory misconduct by the victim or the claimant. The 37735
attorney general, ~~a panel of commissioners,~~ or ~~a judge of~~ the 37736
court of claims shall reduce an award of reparations or deny a 37737
claim for an award of reparations to the extent it is determined 37738
to be reasonable because of the contributory misconduct of the 37739
claimant or the victim. 37740

When the attorney general decides whether a claim should be 37741
denied because of an allegation of contributory misconduct, the 37742
burden of proof on the issue of that alleged contributory 37743
misconduct shall be upon the claimant, if either of the following 37744
apply: 37745

(1) The victim was convicted of a felony more than ten years 37746
prior to the criminally injurious conduct that is the subject of 37747
the claim or has a record of felony arrests under the laws of this 37748
state, another state, or the United States. 37749

(2) There is good cause to believe that the victim engaged in 37750
an ongoing course of criminal conduct within five years or less of 37751
the criminally injurious conduct that is the subject of the claim. 37752

(G) The attorney general, ~~a panel of commissioners,~~ or a 37753
~~judge of~~ the court of claims shall not make an award of 37754
reparations to a claimant if the criminally injurious conduct that 37755
caused the injury or death that is the subject of the claim 37756
occurred to a victim who was an adult and while the victim, after 37757
being convicted of or pleading guilty to an offense, was serving a 37758
sentence of imprisonment in any detention facility, as defined in 37759
section 2921.01 of the Revised Code. 37760

(H) If a claimant unreasonably fails to present a claim 37761
timely to a source of benefits or advantages that would have been 37762

a collateral source and that would have reimbursed the claimant 37763
for all or a portion of a particular expense, the attorney 37764
general, ~~a panel of commissioners,~~ or ~~a judge of~~ the court of 37765
claims may reduce an award of reparations or deny a claim for an 37766
award of reparations to the extent that it is reasonable to do so. 37767

(I) Reparations payable to a victim and to all other 37768
claimants sustaining economic loss because of injury to or the 37769
death of that victim shall not exceed fifty thousand dollars in 37770
the aggregate. If the attorney general, ~~a panel of commissioners,~~ 37771
or ~~a judge of~~ the court of claims reduces an award under division 37772
(F) of this section, the maximum aggregate amount of reparations 37773
payable under this division shall be reduced proportionately to 37774
the reduction under division (F) of this section. 37775

(J) Nothing in this section shall be construed to prohibit an 37776
award to a claimant whose claim is based on the claimant's being a 37777
victim of a violation of section 2905.32 of the Revised Code if 37778
the claimant was less than eighteen years of age when the 37779
criminally injurious conduct occurred. 37780

Sec. 2743.601. Except as otherwise provided in this section, 37781
the amendments to sections 2743.51, 2743.56, 2743.59, and 2743.60 37782
of the Revised Code made by the act in which this section was 37783
enacted apply to all applications for an award of reparations 37784
filed on or after ~~the effective date of this section~~ September 30, 37785
2011, and to all applications for an award of reparations filed 37786
before ~~the effective date of this section~~ September 30, 2011, for 37787
which an award or denial of the claim by the attorney general, ~~a~~ 37788
~~panel of commissioners,~~ or the court of claims has not yet become 37789
final. The amendments to section 2743.60 of the Revised Code made 37790
by the act in which this section was enacted, to the extent that 37791
they eliminate the statute of limitations and to the extent that 37792
they remove the seventy-two hour reporting requirement, and the 37793

amendments to section 2743.51 of the Revised Code concerning 37794
guardian bonds shall apply to all claims for an award of 37795
reparations pending on ~~the effective date of this section~~ 37796
September 30, 2011, and to all claims for an award of reparations 37797
filed on or after ~~the effective date of this section~~ September 30, 37798
2011, that are based on criminally injurious conduct not 37799
previously addressed by the attorney general, ~~by a panel of~~ 37800
~~commissioners~~, or ~~by~~ the court of claims. 37801

Sec. 2743.61. (A) The attorney general, on the attorney 37802
general's own motion or upon request of a claimant or victim, may 37803
reconsider a decision to make an award of reparations, the amount 37804
of an award of reparations, or a decision to deny a claim for an 37805
award of reparations. A claimant may file a request for 37806
reconsideration with the attorney general not later than thirty 37807
days after the attorney general renders an initial decision. A 37808
claimant may submit with the request any additional information 37809
that is relevant to the claimant's claim for an award of 37810
reparation. 37811

The attorney general shall reconsider the application based 37812
upon evidence that is relevant to the application and issue a 37813
final decision within sixty days of receiving the request for 37814
reconsideration. The attorney general may extend the sixty-day 37815
time limit and shall record in writing specific reasons to justify 37816
the extension. The attorney general shall notify the claimant of 37817
the extension and of the reasons for the extension. 37818

If a claimant does not file a request for reconsideration of 37819
a decision of the attorney general to make an award or to deny a 37820
claim or of the amount of an award within thirty days after the 37821
decision is rendered, the award, the denial of the claim, or the 37822
amount of the award is final unless the attorney general in the 37823
interest of justice allows the reconsideration after the 37824

expiration of that period of time. 37825

(B) A claimant may appeal an award of reparations, the amount 37826
of an award of reparations, or the denial of a claim for an award 37827
of reparations that is made by a final decision of the attorney 37828
general after any reconsideration. If the final decision of the 37829
attorney general with respect to any claim for an award of 37830
reparations is appealed, a the court of claims ~~panel of~~ 37831
~~commissioners~~, within ninety days of receiving the notice of 37832
appeal, shall schedule and conduct a hearing on the appeal. The 37833
~~panel of commissioners~~ court shall determine the appeal within 37834
sixty days from the date of the hearing on the basis of the record 37835
of the hearing before the ~~commissioners~~ court, including the 37836
original award or denial and the finding of fact of the attorney 37837
general, any information or documents that the attorney general 37838
used in the investigation, any information or data provided to the 37839
attorney general, any briefs or oral arguments that may be 37840
requested by a the court ~~of claims panel of commissioners~~, and any 37841
additional evidence presented at the hearing. The ~~panel of~~ 37842
~~commissioners~~ court may extend the sixty-day time limit and shall 37843
record in writing specific reasons to justify the extension. The 37844
attorney general shall supply the ~~panel of commissioners~~ court 37845
with the original decision awarding or denying compensation, the 37846
finding of fact of the attorney general, any information or 37847
documents that the attorney general used in the investigation, and 37848
any information or data provided to the attorney general within 37849
fourteen days of the filing of the objection and notice of appeal 37850
by the applicant. The ~~panel of commissioners~~ court shall notify 37851
the claimant and attorney general of the extension and of the 37852
reasons for the extension. If upon hearing and consideration of 37853
the record and evidence, the court ~~of claims panel of~~ 37854
~~commissioners~~ decides that the decision of the attorney general 37855
appealed from is reasonable and lawful, it shall affirm the same. 37856
If the court ~~of claims panel of commissioners~~ decides that the 37857

decision of the attorney general is not supported by a 37858
preponderance of the evidence or is unreasonable or unlawful, ~~it~~ 37859
the court shall reverse and vacate the decision or modify it and 37860
enter judgment thereon. The 37861

~~(C) The attorney general or a claimant may appeal an award of 37862
reparations, the amount of an award of reparations, or the denial 37863
of a claim for an award of reparations that is made by a panel of 37864
court of claims commissioners. If the determination of the panel 37865
of commissioners with respect to any claim for an award of 37866
reparations is appealed, a judge of the court of claims shall hear 37867
and determine the appeal on the basis of the record of the hearing 37868
before the commissioners, including the original award or denial 37869
made by the attorney general, any information or documents 37870
presented to the panel of commissioners, and any briefs or oral 37871
arguments that may be requested by the judge. If upon hearing and 37872
consideration of the record and evidence, the judge decides that 37873
the decision of the panel of commissioners is unreasonable or 37874
unlawful, the judge shall reverse and vacate the decision or 37875
modify it and enter judgment on the claim. The decision of the 37876
judge of the court of claims is final. 37877~~

~~(D)~~(C) Notices of an appeal concerning an award of 37878
reparations shall be filed within thirty days after the date on 37879
which the award or the denial of a claim is made by a final 37880
decision of the attorney general. If a notice of appeal is not 37881
filed within the thirty-day period, the award or denial of the 37882
claim is final unless a the court of claims panel of commissioners 37883
in the interests of justice allows the appeal. 37884

~~(E) The attorney general or a claimant shall file a notice of 37885
an appeal concerning an order or decision of a panel of 37886
commissioners within thirty days after the date on which the award 37887
or the denial of a claim is made by the panel of commissioners. If 37888
the attorney general or a claimant does not file a notice of 37889~~

~~appeal with respect to an award or denial within the thirty day 37890
period, the award or denial of the claim is final unless a judge 37891
of the court of claims in the interests of justice allows the 37892
appeal. 37893~~

Sec. 2743.62. (A)(1) Subject to division (A)(2) of this 37894
section, there is no privilege, except the privileges arising from 37895
the attorney-client relationship, as to communications or records 37896
that are relevant to the physical, mental, or emotional condition 37897
of the claimant or victim in a proceeding under sections 2743.51 37898
to 2743.72 of the Revised Code in which that condition is an 37899
element. 37900

(2)(a) Except as specified in division (A)(2)(b) of this 37901
section, any record or report that a judge of the court of claims, ~~a 37902
court of claims panel of commissioners,~~ or the attorney general 37903
has obtained prior to, or obtains on or after, June 30, 1998, 37904
under the provisions of sections 2743.51 to 2743.72 of the Revised 37905
Code and that is confidential or otherwise exempt from public 37906
disclosure under section 149.43 of the Revised Code while in the 37907
possession of the creator of the record or report shall remain 37908
confidential or exempt from public disclosure under section 149.43 37909
of the Revised Code while in the possession of the court of claims 37910
or the attorney general. 37911

(b) Notwithstanding division (A)(2)(a) of this section, a 37912
judge of the court of claims, a ~~panel of commissioners~~ magistrate, 37913
a claimant, a claimant's attorney, or the attorney general may 37914
disclose or refer to records or reports described in that division 37915
in any hearing conducted under sections 2743.51 to 2743.72 of the 37916
Revised Code or in the judge's, ~~panel of commissioners'~~ 37917
magistrate's, claimant's, or attorney general's written pleadings, 37918
findings, recommendations, and decisions. 37919

(B) If the mental, physical, or emotional condition of a 37920

victim or claimant is material to a claim for an award of 37921
reparations, the attorney general, ~~a panel of commissioners,~~ or a 37922
~~judge~~ of the court of claims may order the victim or claimant to 37923
submit to a mental or physical examination and may order an 37924
autopsy of a deceased victim. The order may be made for good cause 37925
shown and upon notice to the person to be examined and to the 37926
claimant. The order shall specify the time, place, manner, 37927
conditions, and scope of the examination or autopsy and the person 37928
by whom it is to be made. In the case of a mental examination, the 37929
person specified may be a physician or psychologist. In the case 37930
of a physical examination, the person specified may be a 37931
physician, a physician assistant, a clinical nurse specialist, a 37932
certified nurse practitioner, or a certified nurse-midwife. In the 37933
case of an autopsy, the person specified must be a physician. The 37934
order shall require the person who performs the examination or 37935
autopsy to file with the attorney general a detailed written 37936
report of the examination or autopsy. The report shall set out the 37937
findings, including the results of all tests made, diagnoses, 37938
prognoses, and other conclusions and reports of earlier 37939
examinations of the same conditions. 37940

(C) On request of the person examined, the attorney general 37941
shall furnish the person a copy of the report. If the victim is 37942
deceased, the attorney general, on request, shall furnish the 37943
claimant a copy of the report. 37944

(D) The attorney general, ~~a panel of commissioners,~~ or a 37945
~~judge~~ of the court of claims may require the claimant to 37946
supplement the application for an award of reparations with any 37947
reasonably available medical or psychological reports relating to 37948
the injury for which the award of reparations is claimed. 37949

(E) The attorney general, ~~a panel of commissioners,~~ or a 37950
~~judge~~ of the court of claims, in a claim arising out of a 37951
violation of any provision of sections 2907.02 to 2907.07 of the 37952

Revised Code, shall not request the victim or the claimant to 37953
supply, or permit any person to supply, any evidence of specific 37954
instances of the victim's sexual activity, opinion evidence of the 37955
victim's sexual activity, or reputation evidence of the victim's 37956
sexual activity unless it involves evidence of the origin of 37957
semen, pregnancy, or disease or evidence of the victim's past 37958
sexual activity with the offender and only to the extent that the 37959
~~judge, the panel~~ court of commissioners, claims or the attorney 37960
general finds that the evidence is relevant to a fact at issue in 37961
the claim. 37962

Sec. 2743.63. If a person refuses to comply with an order 37963
under sections 2743.51 to 2743.72 of the Revised Code, or asserts 37964
a privilege, except privileges arising from the attorney-client 37965
relationship, to withhold or suppress evidence relevant to a claim 37966
for an award of reparations, the attorney general may make any 37967
just decision including denial of the claim but shall not find the 37968
person in contempt. If necessary to carry out any of the attorney 37969
general's powers and duties, the attorney general may petition a 37970
the court of claims ~~panel of commissioners~~ for an appropriate 37971
order, including but not limited to a finding of contempt, but a 37972
~~panel of commissioners~~ the court shall not find a person in 37973
contempt for refusal to submit to a mental or physical 37974
examination. 37975

Sec. 2743.64. The attorney general, ~~a court of claims panel~~ 37976
~~of commissioners~~, or ~~a judge of~~ the court of claims may make an 37977
award of reparations whether or not any person is prosecuted or 37978
convicted for committing the conduct that is the basis of the 37979
award. Proof of conviction of a person whose conduct gave rise to 37980
a claim is conclusive evidence that the crime was committed, 37981
unless an application for rehearing, an appeal of the conviction, 37982
or certiorari is pending, or a rehearing or new trial has been 37983

ordered. 37984

If the prosecuting attorney of the county in which the 37985
criminally injurious conduct allegedly occurred requests the 37986
suspension of proceedings in any claim for an award of reparations 37987
and if the request is made because of the commencement of a 37988
criminal prosecution, the attorney general may suspend, because a 37989
criminal prosecution has been commenced or is imminent, the 37990
proceedings in any claim for an award of reparations for a 37991
definite period of time, and may make an emergency award under 37992
section 2743.67 of the Revised Code. 37993

Sec. 2743.65. (A) The attorney general shall determine, and 37994
the state shall pay, in accordance with this section attorney's 37995
fees, commensurate with services rendered, to the attorney 37996
representing a claimant under sections 2743.51 to 2743.72 of the 37997
Revised Code. The attorney shall submit on an application form an 37998
itemized fee bill at the rate of sixty dollars per hour upon 37999
receipt of the final decision on the claim. Attorney's fees paid 38000
pursuant to this section are subject to the following maximum 38001
amounts: 38002

(1) A maximum of seven hundred twenty dollars for claims 38003
resolved without the filing of an appeal to the ~~panel court~~ of 38004
~~commissioners claims~~; 38005

(2) A maximum of one thousand twenty dollars for claims in 38006
which an appeal to the ~~panel court~~ of ~~commissioners claims~~ is 38007
filed plus, at the request of an attorney whose main office is not 38008
in Franklin county, Delaware county, Licking county, Fairfield 38009
county, Pickaway county, Madison county, or Union county, an 38010
amount for the attorney's travel time to attend the oral hearing 38011
before the ~~panel court~~ of ~~commissioners claims~~ at the rate of 38012
thirty dollars per hour; 38013

(3) A maximum of one thousand three hundred twenty dollars 38014

for claims in which an appeal to a ~~judge~~ of the court of claims is 38015
filed plus, at the request of an attorney whose main office is not 38016
in Franklin county, Delaware county, Licking county, Fairfield 38017
county, Pickaway county, Madison county, or Union county, an 38018
amount for the attorney's travel time to attend the oral hearing 38019
before the ~~judge~~ court at the rate of thirty dollars per hour; 38020

(4) A maximum of seven hundred twenty dollars for a 38021
supplemental reparations application; 38022

(5) A maximum of two hundred dollars if the claim is denied 38023
on the basis of a claimant's or victim's conviction of a felony 38024
offense prior to the filing of the claim. If the claimant or 38025
victim is convicted of a felony offense during the pendency of the 38026
claim, the two hundred dollars maximum does not apply. If the 38027
attorney had knowledge of the claimant's or victim's felony 38028
conviction prior to the filing of the application for the claim, 38029
the attorney general may determine that the filing of the claim 38030
was frivolous and may deny attorney's fees. 38031

(B) The attorney general may determine that an attorney be 38032
reimbursed for fees incurred in the creation of a guardianship if 38033
the guardianship is required in order for an individual to receive 38034
an award of reparations, and those fees shall be reimbursed at a 38035
rate of sixty dollars per hour. 38036

(C)(1) The attorney general shall forward an application form 38037
for attorney's fees to a claimant's attorney before or when the 38038
final decision on a claim is rendered. The application form for 38039
attorney's fees shall do all of the following: 38040

(a) Inform the attorney of the requirements of this section; 38041

(b) Require a verification statement comporting with the law 38042
prohibiting falsification; 38043

(c) Require an itemized fee statement; 38044

(d) Require a verification statement that the claimant was served a copy of the completed application form; 38045
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(e) Include notice that the claimant may oppose the application by notifying the attorney general in writing within ten days. 38047
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(2) The attorney general shall forward a copy of this section to the attorney with the application form for attorney's fees. The attorney shall file the application form with the attorney general. The attorney general's decision with respect to an award of attorney's fees is final ten days after the attorney general renders the decision and mails a copy of the decision to the attorney at the address provided by the attorney. The attorney may request reconsideration of the decision on grounds that it is insufficient or calculated incorrectly. The attorney general's decision on the request for reconsideration is final. 38050
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(D) The attorney general shall review all application forms for attorney's fees that are submitted by a claimant's attorney and shall issue an order approving the amount of fees to be paid to the attorney within sixty days after receipt of the application form. 38060
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(E) No attorney's fees shall be paid for the following: 38065

(1) Estate work or representation of a claimant against a collateral source; 38066
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(2) Duplication of investigative work required to be performed by the attorney general; 38068
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(3) Performance of unnecessary criminal investigation of the offense; 38070
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(4) Presenting or appealing an issue that has been repeatedly ruled upon by the highest appellate authority, unless a unique set of facts or unique issue of law exists that distinguishes it; 38072
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(5) A fee request that is unreasonable, is not commensurate with services rendered, violates the Ohio code of professional responsibility, or is based upon services that are determined to be frivolous. 38075
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(F)(1) The attorney general may reduce or deny the payment of attorney's fees to an attorney who has filed a frivolous claim. 38079
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Subject to division (A)(5) of this section, the denial of a claim 38081
on the basis of a felony conviction, felony conduct, or 38082
contributory misconduct does not constitute a frivolous claim. 38083

(2) As used in this section, "frivolous claim" means a claim in which there is clearly no legal grounds under the existing laws of this state to support the filing of a claim on behalf of the claimant or victim. 38084
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(G) The attorney general may determine that a lesser number of hours should have been required in a given case. Additional reimbursement may be made where the attorney demonstrates to the attorney general that the nature of the particular claim required the expenditure of an amount in excess of that allowed. 38088
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(H) No attorney shall receive payment under this section for assisting a claimant with an application for an award of reparations under sections 2743.51 to 2743.72 of the Revised Code if that attorney's fees have been allowed as an expense in accordance with division (F)(4) of section 2743.51 of the Revised Code. 38093
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(I) A contract or other agreement between an attorney and any person that provides for the payment of attorney's fees or other payments in excess of the attorney's fees allowed under this section for representing a claimant under sections 2743.51 to 2743.72 of the Revised Code shall be void and unenforceable. 38099
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(J) Each witness who appears in a hearing on a claim for an award of reparations shall receive compensation in an amount equal 38104
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to that received by witnesses under section 119.094 of the Revised Code. 38106
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Sec. 2743.66. (A) A decision of the attorney general, or 38108
~~order of a court of claims panel of commissioners,~~ or judgment of 38109
~~a judge~~ of the court of claims granting an award of reparations 38110
may provide for the payment of the award in a lump sum or in 38111
installments. The part of an award equal to the amount of economic 38112
loss accrued to the date of the award shall be paid in a lump sum. 38113
An award for allowable expense that would accrue after the award 38114
is made shall not be paid in a lump sum. Except as provided in 38115
division (B) of this section, the part of an award not paid in a 38116
lump sum shall be paid in installments. 38117

(B) Upon the motion of the claimant, the attorney general may 38118
commute future economic loss, other than allowable expense, to a 38119
lump sum but only upon a finding that either of the following 38120
applies: 38121

(1) The award in a lump sum will promote the interests of the 38122
claimant. 38123

(2) The present value of all future economic loss, other than 38124
allowable expense, does not exceed one thousand dollars. 38125

(C) The attorney general may make an award for future 38126
economic loss payable in installments only for a period as to 38127
which future economic loss reasonably can be determined. An award 38128
for future economic loss payable in installments may be 38129
reconsidered and modified upon a finding that a material and 38130
substantial change of circumstances has occurred. 38131

(D) An award is not subject to execution, attachment, 38132
garnishment, or other process, except that, upon receipt of an 38133
award by a claimant: 38134

(1) The part of the award that is for allowable expense or 38135

funeral expense is not exempt from such action by a creditor to 38136
the extent that the creditor provided products, services, or 38137
accommodations the costs of which are included in the award. 38138

(2) The part of the award that is for work loss shall not be 38139
exempt from such action to secure payment of spousal support, 38140
other maintenance, or child support. 38141

(3) The attorney general may recover the award pursuant to 38142
section 2743.72 of the Revised Code if it is discovered that the 38143
claimant actually was not eligible for the award or that the award 38144
otherwise should not have been made under the standards and 38145
criteria set forth in sections 2743.51 to 2743.72 of the Revised 38146
Code. 38147

(4) If the claimant receives compensation from any other 38148
person or entity, including a collateral source, for an expense 38149
that is included within the award, the attorney general may 38150
recover pursuant to section 2743.72 of the Revised Code the part 38151
of the award that represents the expense for which the claimant 38152
received the compensation from the other person or entity. 38153

(E) If a person entitled to an award of reparations is under 38154
eighteen years of age and if the amount of the award exceeds one 38155
thousand dollars, the order providing for the payment of the award 38156
shall specify that the award be paid either to the guardian of the 38157
estate of the minor appointed pursuant to Chapter 2111. of the 38158
Revised Code or to the person or depository designated by the 38159
probate court under section 2111.05 of the Revised Code. If a 38160
person entitled to an award of reparations is under eighteen years 38161
of age and if the amount of the award is one thousand dollars or 38162
less, the order providing for the payment of the award may specify 38163
that the award be paid to an adult member of the family of the 38164
minor who is legally responsible for the minor's care or to any 38165
other person designated by the attorney general or ~~panel of~~ 38166
~~commissioners issuing the decision or order~~ court of claims. 38167

Sec. 2743.67. The attorney general may make an emergency award if, before acting on an application for an award of reparations under this section, it appears likely that a final award will be made, and the claimant or victim will suffer undue hardship if immediate economic relief is not obtained. An emergency award shall not exceed two thousand dollars. The attorney general or the court of claims ~~panel of commissioners~~ shall deduct an amount of the emergency award from the final award, or the claimant or victim shall repay the amount of the emergency award that exceeds the final award made to the claimant. If no final award is made, the claimant or victim shall repay the entire emergency award.

Sec. 2743.68. A claimant may file a supplemental reparations application in a claim if the attorney general, ~~a court of claims panel of commissioners,~~ or ~~judge of~~ the court of claims, within five years prior to the filing of the supplemental application, has made any of the following determinations:

(A) That an award, supplemental award, or installment award be granted;

(B) That an award, supplemental award, or installment award be conditioned or denied because of actual or potential recovery from a collateral source;

(C) That an award, supplemental award, or installment award be denied because the claimant had not incurred any economic loss at that time.

Sec. 2743.69. (A) The attorney general shall prepare and transmit annually to the governor, the president of the senate, the speaker of the house of representatives, and the minority leaders of both houses a report of the activities of the Ohio crime victims compensation program under sections 2743.51 to

2743.72 of the Revised Code. The report shall include all of the following: 38198
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(1) The number of claims filed, the number of awards made and the amount of each award, and a statistical summary of awards made and denied, including the average size of awards; 38200
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(2) The balance in the reparations fund, with a listing by source and amount of the moneys that have been deposited in the fund; 38203
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(3) The amount that has been withdrawn from the fund, including separate listings of the administrative costs incurred by the attorney general and ~~a the court of claims panel of commissioners, compensation of judges and court personnel,~~ the amount awarded as attorney's fees, and the amount of payments made pursuant to divisions (A)(1)(k) and (l) of section 2743.191 of the Revised Code. 38206
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(B) The director of budget and management shall assist the attorney general in the preparation of the report required by this section. 38213
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Sec. 2743.71. (A) Any law enforcement agency that investigates, and any prosecuting attorney, city director of law, village solicitor, or similar prosecuting authority who prosecutes, an offense committed in this state shall, upon first contact with the victim or the victim's family or dependents, give the victim or the victim's family or dependents a copy of an information card or other printed material provided by the attorney general pursuant to division (B) of this section and explain, upon request, the information on the card or material to the victim or the victim's family or dependents. 38216
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(B) The attorney general shall have printed, and shall provide to law enforcement agencies, prosecuting attorneys, city 38226
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directors of law, village solicitors, and similar prosecuting 38228
authorities, cards or other materials that contain information 38229
explaining awards of reparations. The information on the cards or 38230
other materials shall include, but shall not be limited to, the 38231
following statements: 38232

(1) Awards of reparations are limited to losses that are 38233
caused by physical injury resulting from criminally injurious 38234
conduct; 38235

(2) Reparations applications are required to be filed ~~within~~ 38236
~~two years after the date of the criminally injurious conduct if~~ 38237
~~the victim was an adult, or~~ within the period provided by division 38238
(C)(B)(1) of section 2743.56 of the Revised Code if the victim of 38239
the criminally injurious conduct was a minor; 38240

(3) An attorney who represents an applicant for an award of 38241
reparations cannot charge the applicant for the services rendered 38242
in relation to that representation but is required to apply to the 38243
attorney general for payment for the representation; 38244

(4) Applications for awards of reparations may be obtained 38245
from the attorney general, law enforcement agencies, and victim 38246
assistance agencies and are to be filed with the attorney general. 38247

(C) The attorney general may order that a reasonable amount 38248
of money be paid out of the reparations fund, subject to the 38249
limitation imposed by division (D) of this section, for use by the 38250
attorney general to publicize the availability of awards of 38251
reparations. 38252

(D) During any fiscal year, the total expenditure for the 38253
printing and providing of information cards or other materials 38254
pursuant to division (B) of this section and for the publicizing 38255
of the availability of awards of reparations pursuant to division 38256
(C) of this section shall not exceed two per cent of the total of 38257
all court costs deposited, in accordance with section 2743.70 of 38258

the Revised Code, in the reparations fund during the immediately preceding fiscal year.

Sec. 2744.05. Notwithstanding any other provisions of the Revised Code or rules of a court to the contrary, in an action against a political subdivision to recover damages for injury, death, or loss to person or property caused by an act or omission in connection with a governmental or proprietary function:

(A) Punitive or exemplary damages shall not be awarded.

(B)(1) If a claimant receives or is entitled to receive benefits for injuries or loss allegedly incurred from a policy or policies of insurance or any other source, the benefits shall be disclosed to the court, and the amount of the benefits shall be deducted from any award against a political subdivision recovered by that claimant. No insurer or other person is entitled to bring an action under a subrogation provision in an insurance or other contract against a political subdivision with respect to those benefits.

The amount of the benefits shall be deducted from an award against a political subdivision under division (B)(1) of this section regardless of whether the claimant may be under an obligation to pay back the benefits upon recovery, in whole or in part, for the claim. A claimant whose benefits have been deducted from an award under division (B)(1) of this section is not considered fully compensated and shall not be required to reimburse a subrogated claim for benefits deducted from an award pursuant to division (B)(1) of this section.

(2) Nothing in division (B)(1) of this section shall be construed to do either of the following:

(a) Limit the rights of a beneficiary under a life insurance policy or the rights of sureties under fidelity or surety bonds;

(b) Prohibit the department of ~~job and family services~~ 38289
medicaid from recovering from the political subdivision, pursuant 38290
to section ~~5101.58~~ 5160.37 of the Revised Code, the cost of 38291
medical assistance ~~benefits provided under Chapter 5107. or 5111.~~ 38292
~~of the Revised Code~~ provided under a medical assistance program. 38293

(C)(1) There shall not be any limitation on compensatory 38294
damages that represent the actual loss of the person who is 38295
awarded the damages. However, except in wrongful death actions 38296
brought pursuant to Chapter 2125. of the Revised Code, damages 38297
that arise from the same cause of action, transaction or 38298
occurrence, or series of transactions or occurrences and that do 38299
not represent the actual loss of the person who is awarded the 38300
damages shall not exceed two hundred fifty thousand dollars in 38301
favor of any one person. The limitation on damages that do not 38302
represent the actual loss of the person who is awarded the damages 38303
provided in this division does not apply to court costs that are 38304
awarded to a plaintiff, or to interest on a judgment rendered in 38305
favor of a plaintiff, in an action against a political 38306
subdivision. 38307

(2) As used in this division, "the actual loss of the person 38308
who is awarded the damages" includes all of the following: 38309

(a) All wages, salaries, or other compensation lost by the 38310
person injured as a result of the injury, including wages, 38311
salaries, or other compensation lost as of the date of a judgment 38312
and future expected lost earnings of the person injured; 38313

(b) All expenditures of the person injured or another person 38314
on behalf of the person injured for medical care or treatment, for 38315
rehabilitation services, or for other care, treatment, services, 38316
products, or accommodations that were necessary because of the 38317
injury; 38318

(c) All expenditures to be incurred in the future, as 38319

determined by the court, by the person injured or another person 38320
on behalf of the person injured for medical care or treatment, for 38321
rehabilitation services, or for other care, treatment, services, 38322
products, or accommodations that will be necessary because of the 38323
injury; 38324

(d) All expenditures of a person whose property was injured 38325
or destroyed or of another person on behalf of the person whose 38326
property was injured or destroyed in order to repair or replace 38327
the property that was injured or destroyed; 38328

(e) All expenditures of the person injured or of the person 38329
whose property was injured or destroyed or of another person on 38330
behalf of the person injured or of the person whose property was 38331
injured or destroyed in relation to the actual preparation or 38332
presentation of the claim involved; 38333

(f) Any other expenditures of the person injured or of the 38334
person whose property was injured or destroyed or of another 38335
person on behalf of the person injured or of the person whose 38336
property was injured or destroyed that the court determines 38337
represent an actual loss experienced because of the personal or 38338
property injury or property loss. 38339

"The actual loss of the person who is awarded the damages" 38340
does not include any fees paid or owed to an attorney for any 38341
services rendered in relation to a personal or property injury or 38342
property loss, and does not include any damages awarded for pain 38343
and suffering, for the loss of society, consortium, companionship, 38344
care, assistance, attention, protection, advice, guidance, 38345
counsel, instruction, training, or education of the person 38346
injured, for mental anguish, or for any other intangible loss. 38347

Sec. 2744.08. (A)(1) A political subdivision may use public 38348
funds to secure insurance with respect to its and its employees' 38349
potential liability in damages in civil actions for injury, death, 38350

or loss to persons or property allegedly caused by an act or 38351
omission of the political subdivision or any of its employees in 38352
connection with a governmental or proprietary function. The 38353
insurance may be at the limits, for the circumstances, and subject 38354
to the terms and conditions, that are determined by the political 38355
subdivision in its discretion. 38356

The insurance may be for the period of time that is set forth 38357
in specifications for competitive bids or, when competitive 38358
bidding is not required, for the period of time that is mutually 38359
agreed upon by the political subdivision and insurance company. 38360
The period of time does not have to be, but can be, limited to the 38361
fiscal cycle under which the political subdivision is funded and 38362
operates. 38363

(2)(a) Regardless of whether a political subdivision procures 38364
a policy or policies of liability insurance pursuant to division 38365
(A)(1) of this section or otherwise, the political subdivision may 38366
establish and maintain a self-insurance program relative to its 38367
and its employees' potential liability in damages in civil actions 38368
for injury, death, or loss to persons or property allegedly caused 38369
by an act or omission of the political subdivision or any of its 38370
employees in connection with a governmental or proprietary 38371
function. The political subdivision may reserve such funds as it 38372
deems appropriate in a special fund that may be established 38373
pursuant to an ordinance or resolution of the political 38374
subdivision and not subject to section 5705.12 of the Revised 38375
Code. The political subdivision may allocate ~~the~~ its costs of 38376
funding insurance or a self-insurance program, ~~or both,~~ among the 38377
funds or accounts in the subdivision's treasury on the basis of 38378
relative payroll, relative exposure and, relative loss experience, 38379
or any combination of these factors. The political subdivision may 38380
require any deductibles under an insurance or self-insurance 38381
program, or both, to be paid from funds or accounts in the 38382

subdivision's treasury from which a loss was directly 38383
attributable. If it so chooses, the political subdivision may 38384
contract with any person, other political subdivision, or regional 38385
council of governments for purposes of the administration of such 38386
a program. 38387

(b) Political subdivisions that have established 38388
self-insurance programs relative to their and their employees' 38389
potential liability as described in division (A)(2)(a) of this 38390
section may mutually agree that their self-insurance programs will 38391
be jointly administered in a specified manner. 38392

(B) The purchase of liability insurance, or the establishment 38393
and maintenance of a self-insurance program, by a political 38394
subdivision does not constitute a waiver of any immunity or 38395
defense of the political subdivision or its employees, except that 38396
the political subdivision may specifically waive any immunity or 38397
defense to which it or its employees may be entitled if a 38398
provision to that effect is specifically included in the policy of 38399
insurance or in a written plan of operation of the self-insurance 38400
program, or, if any, the legislative enactment of the political 38401
subdivision authorizing the purchase of the insurance or the 38402
establishment and maintenance of the self-insurance program. Such 38403
a specific waiver shall be only to the extent of the insurance or 38404
self-insurance program coverage. 38405

(C) The authorizations for political subdivisions to secure 38406
insurance and to establish and maintain self-insurance programs in 38407
this section are in addition to any other authority to secure 38408
insurance or to establish and maintain self-insurance programs 38409
that is granted pursuant to the Revised Code or the constitution 38410
of this state, and they are not in derogation of any other 38411
authorization. 38412

Sec. 2744.081. (A) Regardless of whether a political 38413

subdivision, under section 2744.08 of the Revised Code, secures a 38414
policy or policies of liability insurance, establishes and 38415
maintains a self-insurance program, or enters into an agreement 38416
for the joint administration of a self-insurance program, the 38417
political subdivision may, pursuant to a written agreement and to 38418
the extent that it considers necessary, join with other political 38419
subdivisions in establishing and maintaining a joint 38420
self-insurance pool to provide for the payment of judgments, 38421
settlement of claims, expense, loss, and damage that arises, or is 38422
claimed to have arisen, from an act or omission of the political 38423
subdivision or any of its employees in connection with a 38424
governmental or proprietary function and to indemnify or hold 38425
harmless the subdivision's employees against such loss or damage. 38426

All of the following apply to a joint self-insurance pool 38427
under this section: 38428

(1) Such funds shall be reserved as are necessary, in the 38429
exercise of sound and prudent actuarial judgment, to cover 38430
potential political subdivision and employee liability, expense, 38431
loss, and damage. A report of aggregate amounts so reserved and 38432
aggregate disbursements made from such funds, together with a 38433
written report of a member of the American academy of actuaries 38434
certifying whether the amounts reserved conform to the 38435
requirements of this division, are computed in accordance with 38436
accepted loss reserving standards, and are fairly stated in 38437
accordance with sound loss reserving principles, shall be prepared 38438
and maintained in the office of the pool administrator described 38439
in division (A)(2) of this section. The report shall be prepared 38440
and maintained on or before the last day of March for the 38441
preceding calendar year or, if the joint self-insurance pool's 38442
fiscal year is other than a calendar year, not later than ninety 38443
days after the close of the pool's fiscal year. 38444

The report required by this division shall include, but not 38445

be limited to, the aggregate of disbursements made for the 38446
administration of the pool, including claims paid, costs of the 38447
legal representation of political subdivisions and employees, and 38448
fees paid to consultants. 38449

The pool administrator described in division (A)(2) of this 38450
section shall make the report required by this division available 38451
for inspection by any person at all reasonable times during 38452
regular business hours, and, upon the request of such person, 38453
shall make copies of the report available at cost within a 38454
reasonable period of time. The report required by this division is 38455
in lieu of the records required by division (A) of section 149.431 38456
of the Revised Code. 38457

(2) A contract may be awarded, without the necessity of 38458
competitive bidding, to any person, political subdivision, 38459
nonprofit corporation organized under Chapter 1702. of the Revised 38460
Code, or regional council of governments created under Chapter 38461
167. of the Revised Code for purposes of administration of a joint 38462
self-insurance pool. No such contract shall be entered into 38463
without full, prior, public disclosure of all terms and 38464
conditions. Such disclosure shall include, at a minimum, a 38465
statement listing all representations made in connection with any 38466
possible savings and losses resulting from such contract, and 38467
potential liability of any political subdivision or employee. The 38468
proposed contract and statement shall be disclosed and presented 38469
at a meeting of the political subdivision not less than one week 38470
prior to the meeting at which the political subdivision authorizes 38471
the contract. 38472

(3) A joint self-insurance pool shall include a contract with 38473
a member of the American academy of actuaries for the preparation 38474
of the written evaluation of the reserve funds required under 38475
division (A)(1) of this section. 38476

(4) A political subdivision that has joined with other 38477

political subdivisions in establishing and maintaining a joint 38478
self-insurance pool may allocate the costs of funding the pool 38479
among the funds or accounts in the treasuries of the political 38480
subdivisions on the basis of their relative payroll, relative 38481
exposure and, and relative loss experience, or any combination of 38482
these factors. ~~A joint self-insurance program~~ such a political 38483
subdivision may require any deductible under the program to be 38484
paid from funds or accounts in the treasury of the political 38485
subdivision from which a loss was directly attributable. 38486

(B) Two or more political subdivisions may also authorize the 38487
establishment and maintenance of a joint risk-management program, 38488
including but not limited to the employment of risk managers and 38489
consultants, for the purpose of preventing and reducing the risks 38490
covered by insurance, self-insurance, or joint self-insurance 38491
programs. 38492

(C) A political subdivision is not liable under a joint 38493
self-insurance pool for any amount in excess of amounts payable 38494
pursuant to the written agreement for the participation of the 38495
political subdivision in the joint self-insurance pool. Under a 38496
joint self-insurance pool agreement a political subdivision may, 38497
to the extent permitted under the written agreement, assume the 38498
risks of any other political subdivision, including the 38499
indemnification of its employees. A joint self-insurance pool, 38500
established under this section, is deemed a separate legal entity 38501
for the public purpose of enabling the members of the joint 38502
self-insurance pool to obtain insurance or to provide for a 38503
formalized, jointly administered self-insurance fund for its 38504
members. An entity created pursuant to this section is exempt from 38505
all state and local taxes. 38506

(D) Any political subdivision may issue general obligation 38507
bonds, or special obligation bonds which are not payable from real 38508
or personal property taxes, and may also issue notes in 38509

anticipation of such bonds, pursuant to an ordinance or resolution 38510
of its legislative authority or other governing body for the 38511
purpose of providing funds to pay judgments, losses, damages, and 38512
the expenses of litigation or settlement of claims, whether by way 38513
of a reserve or otherwise, and to pay the political subdivision's 38514
portion of the cost of establishing and maintaining a joint 38515
self-insurance pool or to provide for the reserve in the special 38516
fund authorized by division (A)(2)(a) of section 2744.08 of the 38517
Revised Code. 38518

In its ordinance or resolution authorizing bonds or notes 38519
under this section, a political subdivision may elect to issue 38520
such bonds or notes under the procedures set forth in Chapter 133. 38521
of the Revised Code. In the event of such an election, 38522
notwithstanding Chapter 133. of the Revised Code, the maturity of 38523
the bonds may be for any period authorized in the ordinance or 38524
resolution not exceeding twenty years, which period shall be the 38525
maximum maturity of the bonds for purposes of section 133.22 of 38526
the Revised Code. 38527

Bonds and notes issued under this section shall not be 38528
considered in calculating the net indebtedness of the political 38529
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 38530
the Revised Code. Sections 9.98 to 9.983 of the Revised Code apply 38531
to bonds or notes authorized under this section. 38532

(E)(1) A joint self-insurance pool, in addition to its powers 38533
to provide self-insurance against any and all liabilities under 38534
this chapter, may also include any one or more of the following 38535
forms of property or casualty self-insurance for the purpose of 38536
covering any other liabilities or risks of the members of the 38537
pool: 38538

(a) Public general liability, professional liability, or 38539
employees liability; 38540

(b) Individual or fleet motor vehicle or automobile liability	38541
and protection against other liability and loss associated with	38542
the ownership, maintenance, and use of motor vehicles;	38543
(c) Aircraft liability and protection against other liability	38544
and loss associated with the ownership, maintenance, and use of	38545
aircraft;	38546
(d) Fidelity, surety, and guarantee;	38547
(e) Loss or damage to property and loss of use and occupancy	38548
of property by fire, lightning, hail, tempest, flood, earthquake,	38549
or snow, explosion, accident, or other risk;	38550
(f) Marine, inland transportation and navigation, boiler,	38551
containers, pipes, engines, flywheels, elevators, and machinery;	38552
(g) Environmental impairment;	38553
(h) Loss or damage by any hazard upon any other risk to which	38554
political subdivisions are subject, which is not prohibited by	38555
statute or at common law from being the subject of casualty or	38556
property insurance.	38557
(2) A joint self-insurance pool is not an insurance company.	38558
Its operation does not constitute doing an insurance business and	38559
is not subject to the insurance laws of this state.	38560
(F) A public official or employee of a political subdivision	38561
who is or becomes a member of the governing body of a joint	38562
self-insurance pool in which the political subdivision	38563
participates is not in violation of division (D) or (E) of section	38564
102.03, division (C) of section 102.04, or section 2921.42 of the	38565
Revised Code as a result of the political subdivision's entering	38566
under this section into the written agreement to participate in	38567
the pool or into any contract with the pool.	38568
(G) This section shall not be construed to affect the ability	38569
of any political subdivision to self-insure under the authority	38570

conferred by any other section of the Revised Code. 38571

Sec. 2744.082. (A) If a political subdivision, pursuant to 38572
division (A)(2)(a) of section 2744.08 ~~of the Revised Code~~ or a 38573
~~joint self insurance pool pursuant to~~ division (A)(4) of section 38574
2744.081 of the Revised Code, has allocated costs to, or required 38575
the payment of deductibles from, funds or accounts in the 38576
subdivision's treasury, the subdivision's fiscal officer, pursuant 38577
to an ordinance or resolution of the subdivision's legislative 38578
authority, shall transfer amounts equal to those costs or 38579
deductibles from the funds or accounts to the subdivision's 38580
general fund if both of the following occur: 38581

(1) The subdivision requests payment from the employee 38582
responsible for the funds or accounts for those costs or 38583
deductibles; 38584

(2) The employee receiving the request fails to remit payment 38585
within forty-five days after the date of receipt of the request. 38586

(B) Sections 5705.14, 5705.15, and 5705.16 of the Revised 38587
Code do not apply to transfers made pursuant to this section. 38588

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 38589
(3) of this section or as otherwise provided in this section, a 38590
prosecution shall be barred unless it is commenced within the 38591
following periods after an offense is committed: 38592

(a) For a felony, six years; 38593

(b) For a misdemeanor other than a minor misdemeanor, two 38594
years; 38595

(c) For a minor misdemeanor, six months. 38596

(2) There is no period of limitation for the prosecution of a 38597
violation of section 2903.01 or 2903.02 of the Revised Code. 38598

(3) Except as otherwise provided in divisions (B) to (H) of 38599

this section, a prosecution of any of the following offenses shall 38600
be barred unless it is commenced within twenty years after the 38601
offense is committed: 38602

(a) A violation of section 2903.03, 2903.04, 2905.01, 38603
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 38604
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 38605
2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised 38606
Code, a violation of section 2903.11 or 2903.12 of the Revised 38607
Code if the victim is a peace officer, a violation of section 38608
2903.13 of the Revised Code that is a felony, or a violation of 38609
former section 2907.12 of the Revised Code; 38610

(b) A conspiracy to commit, attempt to commit, or complicity 38611
in committing a violation set forth in division (A)(3)(a) of this 38612
section. 38613

(B)(1) Except as otherwise provided in division (B)(2) of 38614
this section, if the period of limitation provided in division 38615
(A)(1) or (3) of this section has expired, prosecution shall be 38616
commenced for an offense of which an element is fraud or breach of 38617
a fiduciary duty, within one year after discovery of the offense 38618
either by an aggrieved person, or by the aggrieved person's legal 38619
representative who is not a party to the offense. 38620

(2) If the period of limitation provided in division (A)(1) 38621
or (3) of this section has expired, prosecution for a violation of 38622
section 2913.49 of the Revised Code shall be commenced within five 38623
years after discovery of the offense either by an aggrieved person 38624
or the aggrieved person's legal representative who is not a party 38625
to the offense. 38626

(C)(1) If the period of limitation provided in division 38627
(A)(1) or (3) of this section has expired, prosecution shall be 38628
commenced for the following offenses during the following 38629
specified periods of time: 38630

(a) For an offense involving misconduct in office by a public servant, at any time while the accused remains a public servant, or within two years thereafter;

(b) For an offense by a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant, at any time while that public servant remains a public servant, or within two years thereafter.

(2) As used in this division:

(a) An "offense is directly related to the misconduct in office of a public servant" includes, but is not limited to, a violation of section 101.71, 101.91, 121.61 or 2921.13, division (F) or (H) of section 102.03, division (A) of section 2921.02, division (A) or (B) of section 2921.43, or division (F) or (G) of section 3517.13 of the Revised Code, that is directly related to an offense involving misconduct in office of a public servant.

(b) "Public servant" has the same meaning as in section 2921.01 of the Revised Code.

(D) An offense is committed when every element of the offense occurs. In the case of an offense of which an element is a continuing course of conduct, the period of limitation does not begin to run until such course of conduct or the accused's accountability for it terminates, whichever occurs first.

(E) A prosecution is commenced on the date an indictment is returned or an information filed, or on the date a lawful arrest without a warrant is made, or on the date a warrant, summons, citation, or other process is issued, whichever occurs first. A prosecution is not commenced by the return of an indictment or the filing of an information unless reasonable diligence is exercised to issue and execute process on the same. A prosecution is not commenced upon issuance of a warrant, summons, citation, or other process, unless reasonable diligence is exercised to execute the

same. 38662

(F) The period of limitation shall not run during any time 38663
when the corpus delicti remains undiscovered. 38664

(G) The period of limitation shall not run during any time 38665
when the accused purposely avoids prosecution. Proof that the 38666
accused departed this state or concealed the accused's identity or 38667
whereabouts is prima-facie evidence of the accused's purpose to 38668
avoid prosecution. 38669

(H) The period of limitation shall not run during any time a 38670
prosecution against the accused based on the same conduct is 38671
pending in this state, even though the indictment, information, or 38672
process that commenced the prosecution is quashed or the 38673
proceedings on the indictment, information, or process are set 38674
aside or reversed on appeal. 38675

(I) The period of limitation for a violation of any provision 38676
of Title XXIX of the Revised Code that involves a physical or 38677
mental wound, injury, disability, or condition of a nature that 38678
reasonably indicates abuse or neglect of a child under eighteen 38679
years of age or of a mentally retarded, developmentally disabled, 38680
or physically impaired child under twenty-one years of age shall 38681
not begin to run until either of the following occurs: 38682

(1) The victim of the offense reaches the age of majority. 38683

(2) A public children services agency, or a municipal or 38684
county peace officer that is not the parent or guardian of the 38685
child, in the county in which the child resides or in which the 38686
abuse or neglect is occurring or has occurred has been notified 38687
that abuse or neglect is known, suspected, or believed to have 38688
occurred. 38689

(J) As used in this section, "peace officer" has the same 38690
meaning as in section 2935.01 of the Revised Code. 38691

Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32 of 38692
the Revised Code: 38693

(1) "Information" means information that can be integrated 38694
into the computer system and that relates to the physical or 38695
mental description of a minor including, but not limited to, 38696
height, weight, color of hair and eyes, use of eyeglasses or 38697
contact lenses, skin coloring, physical or mental handicaps, 38698
special medical conditions or needs, abnormalities, problems, 38699
scars and marks, and distinguishing characteristics, and other 38700
information that could assist in identifying a minor including, 38701
but not limited to, full name and nickname, date and place of 38702
birth, age, names and addresses of parents and other relatives, 38703
fingerprints, dental records, photographs, social security number, 38704
driver's license number, credit card numbers, bank account 38705
numbers, and clothing. 38706

(2) "Minor" means a person under eighteen years of age. 38707

(3) "Missing children" or "missing child" means either of the 38708
following: 38709

(a) A minor who has run away from or who otherwise is missing 38710
from the home of, or the care, custody, and control of, the 38711
minor's parents, parent who is the residential parent and legal 38712
custodian, guardian, legal custodian, or other person having 38713
responsibility for the care of the minor; 38714

(b) A minor who is missing and about whom there is reason to 38715
believe the minor could be the victim of a violation of section 38716
2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a 38717
violation of section 2905.04 of the Revised Code as it existed 38718
prior to July 1, 1996. 38719

(B) When a law enforcement agency in this state that has 38720
jurisdiction in the matter is informed that a minor is or may be a 38721

missing child and that the person providing the information wishes 38722
to file a missing child report, the law enforcement agency shall 38723
take that report. Upon taking the report, the law enforcement 38724
agency shall take prompt action upon it, including, but not 38725
limited to, concerted efforts to locate the missing child. No law 38726
enforcement agency in this state shall have a rule or policy that 38727
prohibits or discourages the filing of or the taking of action 38728
upon a missing child report, within a specified period following 38729
the discovery or formulation of a belief that a minor is or could 38730
be a missing child. 38731

(C) If a missing child report is made to a law enforcement 38732
agency in this state that has jurisdiction in the matter, the law 38733
enforcement agency shall gather readily available information 38734
about the missing child and integrate it into the national crime 38735
information center computer immediately following the making of 38736
the report. The law enforcement agency shall make reasonable 38737
efforts to acquire additional information about the missing child 38738
following the transmittal of the initially available information, 38739
and promptly integrate any additional information acquired into 38740
such computer systems. 38741

Whenever a law enforcement agency integrates information 38742
about a missing child into the national crime information center 38743
computer, the law enforcement agency promptly shall notify the 38744
missing child's parents, parent who is the residential parent and 38745
legal custodian, guardian, or legal custodian, or any other person 38746
responsible for the care of the missing child, that it has so 38747
integrated the information. 38748

The parents, parent who is the residential parent and legal 38749
custodian, guardian, legal custodian, or other person responsible 38750
for the care of the missing child shall provide available 38751
information upon request, and may provide information voluntarily, 38752
to the law enforcement agency during the information gathering 38753

process. The law enforcement agency also may obtain available 38754
information about the missing child from other persons, subject to 38755
constitutional and statutory limitations. 38756

(D) Upon the filing of a missing child report, the law 38757
enforcement agency involved may notify the public or nonpublic 38758
school in which the missing child is or was most recently 38759
enrolled, as ascertained by the agency, that the child is the 38760
subject of a missing child report and that the child's school 38761
records are to be marked in accordance with section 3313.672 of 38762
the Revised Code. 38763

(E) Upon the filing of a missing child report, the law 38764
enforcement agency involved promptly shall make a reasonable 38765
attempt to notify other law enforcement agencies within its county 38766
and, if the agency has jurisdiction in a municipal corporation or 38767
township that borders another county, to notify the law 38768
enforcement agency for the municipal corporation or township in 38769
the other county with which it shares the border, that it has 38770
taken a missing child report and may be requesting assistance or 38771
cooperation in the case, and provide relevant information to the 38772
other law enforcement agencies. The agency may notify additional 38773
law enforcement agencies, or appropriate public children services 38774
agencies, about the case, request their assistance or cooperation 38775
in the case, and provide them with relevant information. 38776

Upon request from a law enforcement agency, a public children 38777
services agency shall grant the law enforcement agency access to 38778
all information concerning a missing child that the agency 38779
possesses that may be relevant to the law enforcement agency in 38780
investigating a missing child report concerning that child. The 38781
information obtained by the law enforcement agency shall be used 38782
only to further the investigation to locate the missing child. 38783

(F) Upon request, law enforcement agencies in this state 38784
shall provide assistance to, and cooperate with, other law 38785

enforcement agencies in their investigation of missing child 38786
cases. The assistance and cooperation under this paragraph shall 38787
be pursuant to any terms agreed upon by the law enforcement 38788
agencies, which may include the provision of law enforcement 38789
services or the use of law enforcement equipment or the 38790
interchange of services and equipment among the cooperating law 38791
enforcement agencies. Chapter 2744. of the Revised Code, insofar 38792
as it applies to the operation of law enforcement agencies, shall 38793
apply to the cooperating political subdivisions and to the law 38794
enforcement agency employees when they are rendering services 38795
pursuant to this paragraph outside the territory of the political 38796
subdivision by which they are employed. Law enforcement agency 38797
employees rendering services outside the territory of the 38798
political subdivision in which they are employed, pursuant to this 38799
paragraph, shall be entitled to participate in any indemnity fund 38800
established by their employer to the same extent as if they were 38801
rendering service within the territory of their employing 38802
political subdivision. Those law enforcement agency employees also 38803
shall be entitled to all the rights and benefits of Chapter 4123. 38804
of the Revised Code to the same extent as if rendering services 38805
within the territory of their employing political subdivision. 38806

The information in any missing child report made to a law 38807
enforcement agency shall be made available, upon request, to law 38808
enforcement personnel of this state, other states, and the federal 38809
government when the law enforcement personnel indicate that the 38810
request is to aid in identifying or locating a missing child or 38811
the possible identification of a deceased minor who, upon 38812
discovery, cannot be identified. 38813

(G) When a missing child has not been located within thirty 38814
days after the date on which the missing child report pertaining 38815
to the child was filed with a law enforcement agency, that law 38816
enforcement agency shall request the missing child's parents, 38817

parent who is the residential parent and legal custodian, 38818
guardian, or legal custodian, or any other person responsible for 38819
the care of the missing child, to provide written consent for the 38820
law enforcement agency to contact the missing child's dentist and 38821
request the missing child's dental records. Upon receipt of such 38822
written consent, the dentist shall release a copy of the missing 38823
child's dental records to the law enforcement agency and shall 38824
provide and encode the records in such form as requested by the 38825
law enforcement agency. The law enforcement agency then shall 38826
integrate information in the records into the national crime 38827
information center computer in order to compare the records to 38828
those of unidentified deceased persons. This division does not 38829
prevent a law enforcement agency from seeking consent to obtain 38830
copies of a missing child's dental records, or prevent a missing 38831
child's parents, parent who is the residential parent and legal 38832
custodian, guardian, or legal custodian, or any other person 38833
responsible for the care of the missing child, from granting 38834
consent for the release of copies of the missing child's dental 38835
records to a law enforcement agency, at any time. 38836

(H) A missing child's parents, parent who is the residential 38837
parent and legal custodian, guardian, or legal custodian, or any 38838
other persons responsible for the care of a missing child, 38839
immediately shall notify the law enforcement agency with which 38840
they filed the missing child report whenever the child has 38841
returned to their home or to their care, custody, and control, has 38842
been released if the missing child was the victim of an offense 38843
listed in division (A)(3)(b) of this section, or otherwise has 38844
been located. Upon such notification or upon otherwise learning 38845
that a missing child has returned to the home of, or to the care, 38846
custody, and control of the missing child's parents, parent who is 38847
the residential parent and legal custodian, guardian, legal 38848
custodian, or other person responsible for the missing child's 38849
care, has been released if the missing child was the victim of an 38850

offense listed in division (A)(3)(b) of this section, or otherwise 38851
has been located, the law enforcement agency involved promptly 38852
shall integrate the fact that the minor no longer is a missing 38853
child into the national crime information center computer and 38854
shall inform any school that was notified under division (D) of 38855
this section that the minor is no longer a missing child. 38856

~~(I) Nothing contained in this section shall be construed to 38857
impair the confidentiality of services provided to runaway minors 38858
by shelters for runaway minors pursuant to sections 5119.64 to 38859
5119.68 of the Revised Code. 38860~~

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the 38861
Revised Code: 38862

(A) "Care facility" means any of the following: 38863

(1) Any "home" as defined in section 3721.10 ~~or 5111.20~~ of 38864
the Revised Code; 38865

(2) Any "residential facility" as defined in section 5123.19 38866
of the Revised Code; 38867

(3) Any institution or facility operated or provided by the 38868
department of ~~mental health~~ mental health and addiction services 38869
or by the department of developmental disabilities pursuant to 38870
sections ~~5119.02~~ 5119.14 and 5123.03 of the Revised Code; 38871

(4) Any "residential facility" as defined in section ~~5119.22~~ 38872
5119.34 of the Revised Code; 38873

(5) Any unit of any hospital, as defined in section 3701.01 38874
of the Revised Code, that provides the same services as a nursing 38875
home, as defined in section 3721.01 of the Revised Code; 38876

(6) Any institution, residence, or facility that provides, 38877
for a period of more than twenty-four hours, whether for a 38878
consideration or not, accommodations to one individual or two 38879
unrelated individuals who are dependent upon the services of 38880

others. 38881

(B) "Abuse" means knowingly causing physical harm or 38882
recklessly causing serious physical harm to a person by physical 38883
contact with the person or by the inappropriate use of a physical 38884
or chemical restraint, medication, or isolation on the person. 38885

(C)(1) "Gross neglect" means knowingly failing to provide a 38886
person with any treatment, care, goods, or service that is 38887
necessary to maintain the health or safety of the person when the 38888
failure results in physical harm or serious physical harm to the 38889
person. 38890

(2) "Neglect" means recklessly failing to provide a person 38891
with any treatment, care, goods, or service that is necessary to 38892
maintain the health or safety of the person when the failure 38893
results in serious physical harm to the person. 38894

(D) "Inappropriate use of a physical or chemical restraint, 38895
medication, or isolation" means the use of physical or chemical 38896
restraint, medication, or isolation as punishment, for staff 38897
convenience, excessively, as a substitute for treatment, or in 38898
quantities that preclude habilitation and treatment. 38899

Sec. 2907.22. (A) No person shall knowingly: 38900

(1) Establish, maintain, operate, manage, supervise, control, 38901
or have an interest in a brothel or any other enterprise a purpose 38902
of which is to facilitate engagement in sexual activity for hire; 38903

(2) Supervise, manage, or control the activities of a 38904
prostitute in engaging in sexual activity for hire; 38905

(3) Transport another, or cause another to be transported 38906
~~across the boundary of this state or of any county in this state,~~ 38907
in order to facilitate the other person's engaging in sexual 38908
activity for hire; 38909

(4) For the purpose of violating or facilitating a violation 38910

of this section, induce or procure another to engage in sexual 38911
activity for hire. 38912

(B) Whoever violates this section is guilty of promoting 38913
prostitution. Except as otherwise provided in this division, 38914
promoting prostitution is a felony of the fourth degree. If any 38915
prostitute in the brothel involved in the offense, or the 38916
prostitute whose activities are supervised, managed, or controlled 38917
by the offender, or the person transported, induced, or procured 38918
by the offender to engage in sexual activity for hire, is a minor, 38919
whether or not the offender knows the age of the minor, then 38920
promoting prostitution is a felony of the third degree. If the 38921
offender in any case also is convicted of or pleads guilty to a 38922
specification as described in section 2941.1422 of the Revised 38923
Code that was included in the indictment, count in the indictment, 38924
or information charging the offense, the court shall sentence the 38925
offender to a mandatory prison term as provided in division (B)(7) 38926
of section 2929.14 of the Revised Code and shall order the 38927
offender to make restitution as provided in division (B)(8) of 38928
section 2929.18 of the Revised Code. 38929

Sec. 2913.01. As used in this chapter, unless the context 38930
requires that a term be given a different meaning: 38931

(A) "Deception" means knowingly deceiving another or causing 38932
another to be deceived by any false or misleading representation, 38933
by withholding information, by preventing another from acquiring 38934
information, or by any other conduct, act, or omission that 38935
creates, confirms, or perpetuates a false impression in another, 38936
including a false impression as to law, value, state of mind, or 38937
other objective or subjective fact. 38938

(B) "Defraud" means to knowingly obtain, by deception, some 38939
benefit for oneself or another, or to knowingly cause, by 38940
deception, some detriment to another. 38941

(C) "Deprive" means to do any of the following:	38942
(1) Withhold property of another permanently, or for a period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;	38943 38944 38945 38946
(2) Dispose of property so as to make it unlikely that the owner will recover it;	38947 38948
(3) Accept, use, or appropriate money, property, or services, with purpose not to give proper consideration in return for the money, property, or services, and without reasonable justification or excuse for not giving proper consideration.	38949 38950 38951 38952
(D) "Owner" means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license, or interest is unlawful.	38953 38954 38955 38956 38957
(E) "Services" include labor, personal services, professional services, rental services, public utility services including wireless service as defined in division (F)(1) of section 5507.01 <u>128.01</u> of the Revised Code, common carrier services, and food, drink, transportation, entertainment, and cable television services and, for purposes of section 2913.04 of the Revised Code, include cable services as defined in that section.	38958 38959 38960 38961 38962 38963 38964
(F) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film, or other thing having in or upon it any written, typewritten, or printed matter, and any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license, or identification.	38965 38966 38967 38968 38969
(G) "Forge" means to fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute, alter, complete, reproduce, or otherwise purport to authenticate	38970 38971 38972

any writing, when the writing in fact is not authenticated by that 38973
conduct. 38974

(H) "Utter" means to issue, publish, transfer, use, put or 38975
send into circulation, deliver, or display. 38976

(I) "Coin machine" means any mechanical or electronic device 38977
designed to do both of the following: 38978

(1) Receive a coin, bill, or token made for that purpose; 38979

(2) In return for the insertion or deposit of a coin, bill, 38980
or token, automatically dispense property, provide a service, or 38981
grant a license. 38982

(J) "Slug" means an object that, by virtue of its size, 38983
shape, composition, or other quality, is capable of being inserted 38984
or deposited in a coin machine as an improper substitute for a 38985
genuine coin, bill, or token made for that purpose. 38986

(K) "Theft offense" means any of the following: 38987

(1) A violation of section 2911.01, 2911.02, 2911.11, 38988
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 38989
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 38990
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 38991
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 38992
2913.51, 2915.05, or 2921.41 of the Revised Code; 38993

(2) A violation of an existing or former municipal ordinance 38994
or law of this or any other state, or of the United States, 38995
substantially equivalent to any section listed in division (K)(1) 38996
of this section or a violation of section 2913.41, 2913.81, or 38997
2915.06 of the Revised Code as it existed prior to July 1, 1996; 38998

(3) An offense under an existing or former municipal 38999
ordinance or law of this or any other state, or of the United 39000
States, involving robbery, burglary, breaking and entering, theft, 39001
embezzlement, wrongful conversion, forgery, counterfeiting, 39002

deceit, or fraud; 39003

(4) A conspiracy or attempt to commit, or complicity in 39004
committing, any offense under division (K)(1), (2), or (3) of this 39005
section. 39006

(L) "Computer services" includes, but is not limited to, the 39007
use of a computer system, computer network, computer program, data 39008
that is prepared for computer use, or data that is contained 39009
within a computer system or computer network. 39010

(M) "Computer" means an electronic device that performs 39011
logical, arithmetic, and memory functions by the manipulation of 39012
electronic or magnetic impulses. "Computer" includes, but is not 39013
limited to, all input, output, processing, storage, computer 39014
program, or communication facilities that are connected, or 39015
related, in a computer system or network to an electronic device 39016
of that nature. 39017

(N) "Computer system" means a computer and related devices, 39018
whether connected or unconnected, including, but not limited to, 39019
data input, output, and storage devices, data communications 39020
links, and computer programs and data that make the system capable 39021
of performing specified special purpose data processing tasks. 39022

(O) "Computer network" means a set of related and remotely 39023
connected computers and communication facilities that includes 39024
more than one computer system that has the capability to transmit 39025
among the connected computers and communication facilities through 39026
the use of computer facilities. 39027

(P) "Computer program" means an ordered set of data 39028
representing coded instructions or statements that, when executed 39029
by a computer, cause the computer to process data. 39030

(Q) "Computer software" means computer programs, procedures, 39031
and other documentation associated with the operation of a 39032
computer system. 39033

(R) "Data" means a representation of information, knowledge, facts, concepts, or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer, computer system, or computer network. For purposes of section 2913.47 of the Revised Code, "data" has the additional meaning set forth in division (A) of that section.

(S) "Cable television service" means any services provided by or through the facilities of any cable television system or other similar closed circuit coaxial cable communications system, or any microwave or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.

(T) "Gain access" means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network, or any cable service or cable system both as defined in section 2913.04 of the Revised Code.

(U) "Credit card" includes, but is not limited to, a card, code, device, or other means of access to a customer's account for the purpose of obtaining money, property, labor, or services on credit, or for initiating an electronic fund transfer at a point-of-sale terminal, an automated teller machine, or a cash dispensing machine. It also includes a county procurement card issued under section 301.29 of the Revised Code.

(V) "Electronic fund transfer" has the same meaning as in 92 Stat. 3728, 15 U.S.C.A. 1693a, as amended.

(W) "Rented property" means personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property, within any applicable minimum or maximum term; and the

amount of consideration generally is determined by the duration of 39065
possession of the property. 39066

(X) "Telecommunication" means the origination, emission, 39067
dissemination, transmission, or reception of data, images, 39068
signals, sounds, or other intelligence or equivalence of 39069
intelligence of any nature over any communications system by any 39070
method, including, but not limited to, a fiber optic, electronic, 39071
magnetic, optical, digital, or analog method. 39072

(Y) "Telecommunications device" means any instrument, 39073
equipment, machine, or other device that facilitates 39074
telecommunication, including, but not limited to, a computer, 39075
computer network, computer chip, computer circuit, scanner, 39076
telephone, cellular telephone, pager, personal communications 39077
device, transponder, receiver, radio, modem, or device that 39078
enables the use of a modem. 39079

(Z) "Telecommunications service" means the providing, 39080
allowing, facilitating, or generating of any form of 39081
telecommunication through the use of a telecommunications device 39082
over a telecommunications system. 39083

(AA) "Counterfeit telecommunications device" means a 39084
telecommunications device that, alone or with another 39085
telecommunications device, has been altered, constructed, 39086
manufactured, or programmed to acquire, intercept, receive, or 39087
otherwise facilitate the use of a telecommunications service or 39088
information service without the authority or consent of the 39089
provider of the telecommunications service or information service. 39090
"Counterfeit telecommunications device" includes, but is not 39091
limited to, a clone telephone, clone microchip, tumbler telephone, 39092
or tumbler microchip; a wireless scanning device capable of 39093
acquiring, intercepting, receiving, or otherwise facilitating the 39094
use of telecommunications service or information service without 39095
immediate detection; or a device, equipment, hardware, or software 39096

designed for, or capable of, altering or changing the electronic 39097
serial number in a wireless telephone. 39098

(BB)(1) "Information service" means, subject to division 39099
(BB)(2) of this section, the offering of a capability for 39100
generating, acquiring, storing, transforming, processing, 39101
retrieving, utilizing, or making available information via 39102
telecommunications, including, but not limited to, electronic 39103
publishing. 39104

(2) "Information service" does not include any use of a 39105
capability of a type described in division (BB)(1) of this section 39106
for the management, control, or operation of a telecommunications 39107
system or the management of a telecommunications service. 39108

(CC) "Elderly person" means a person who is sixty-five years 39109
of age or older. 39110

(DD) "Disabled adult" means a person who is eighteen years of 39111
age or older and has some impairment of body or mind that makes 39112
the person unable to work at any substantially remunerative 39113
employment that the person otherwise would be able to perform and 39114
that will, with reasonable probability, continue for a period of 39115
at least twelve months without any present indication of recovery 39116
from the impairment, or who is eighteen years of age or older and 39117
has been certified as permanently and totally disabled by an 39118
agency of this state or the United States that has the function of 39119
so classifying persons. 39120

(EE) "Firearm" and "dangerous ordnance" have the same 39121
meanings as in section 2923.11 of the Revised Code. 39122

(FF) "Motor vehicle" has the same meaning as in section 39123
4501.01 of the Revised Code. 39124

(GG) "Dangerous drug" has the same meaning as in section 39125
4729.01 of the Revised Code. 39126

(HH) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 39127
39128

(II)(1) "Computer hacking" means any of the following: 39129

(a) Gaining access or attempting to gain access to all or part of a computer, computer system, or a computer network without express or implied authorization with the intent to defraud or with intent to commit a crime; 39130
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(b) Misusing computer or network services including, but not limited to, mail transfer programs, file transfer programs, proxy servers, and web servers by performing functions not authorized by the owner of the computer, computer system, or computer network or other person authorized to give consent. As used in this division, "misuse of computer and network services" includes, but is not limited to, the unauthorized use of any of the following: 39134
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(i) Mail transfer programs to send mail to persons other than the authorized users of that computer or computer network; 39141
39142

(ii) File transfer program proxy services or proxy servers to access other computers, computer systems, or computer networks; 39143
39144

(iii) Web servers to redirect users to other web pages or web servers. 39145
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(c)(i) Subject to division (II)(1)(c)(ii) of this section, using a group of computer programs commonly known as "port scanners" or "probes" to intentionally access any computer, computer system, or computer network without the permission of the owner of the computer, computer system, or computer network or other person authorized to give consent. The group of computer programs referred to in this division includes, but is not limited to, those computer programs that use a computer network to access a computer, computer system, or another computer network to determine any of the following: the presence or types of computers or computer systems on a network; the computer network's 39147
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facilities and capabilities; the availability of computer or 39158
network services; the presence or versions of computer software 39159
including, but not limited to, operating systems, computer 39160
services, or computer contaminants; the presence of a known 39161
computer software deficiency that can be used to gain unauthorized 39162
access to a computer, computer system, or computer network; or any 39163
other information about a computer, computer system, or computer 39164
network not necessary for the normal and lawful operation of the 39165
computer initiating the access. 39166

(ii) The group of computer programs referred to in division 39167
(II)(1)(c)(i) of this section does not include standard computer 39168
software used for the normal operation, administration, 39169
management, and test of a computer, computer system, or computer 39170
network including, but not limited to, domain name services, mail 39171
transfer services, and other operating system services, computer 39172
programs commonly called "ping," "tcpdump," and "traceroute" and 39173
other network monitoring and management computer software, and 39174
computer programs commonly known as "nslookup" and "whois" and 39175
other systems administration computer software. 39176

(d) The intentional use of a computer, computer system, or a 39177
computer network in a manner that exceeds any right or permission 39178
granted by the owner of the computer, computer system, or computer 39179
network or other person authorized to give consent. 39180

(2) "Computer hacking" does not include the introduction of a 39181
computer contaminant, as defined in section 2909.01 of the Revised 39182
Code, into a computer, computer system, computer program, or 39183
computer network. 39184

(JJ) "Police dog or horse" has the same meaning as in section 39185
2921.321 of the Revised Code. 39186

(KK) "Anhydrous ammonia" is a compound formed by the 39187
combination of two gaseous elements, nitrogen and hydrogen, in the 39188

manner described in this division. Anhydrous ammonia is one part 39189
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 39190
weight is fourteen parts nitrogen to three parts hydrogen, which 39191
is approximately eighty-two per cent nitrogen to eighteen per cent 39192
hydrogen. 39193

(LL) "Assistance dog" has the same meaning as in section 39194
955.011 of the Revised Code. 39195

(MM) "Federally licensed firearms dealer" has the same 39196
meaning as in section 5502.63 of the Revised Code. 39197

Sec. 2913.40. (A) As used in this section: 39198

(1) "Statement or representation" means any oral, written, 39199
electronic, electronic impulse, or magnetic communication that is 39200
used to identify an item of goods or a service for which 39201
reimbursement may be made under the ~~medical assistance~~ medicaid 39202
program or that states income and expense and is or may be used to 39203
determine a rate of reimbursement under the ~~medical assistance~~ 39204
medicaid program. 39205

(2) ~~"Medical assistance program" means the program~~ 39206
~~established by the department of job and family services to~~ 39207
~~provide medical assistance under section 5111.01 of the Revised~~ 39208
~~Code and the medicaid program of Title XIX of the "Social Security~~ 39209
~~Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.~~ 39210

~~(3)~~ "Provider" means any person who has signed a provider 39211
agreement with the department of ~~job and family services~~ medicaid 39212
to provide goods or services pursuant to the ~~medical assistance~~ 39213
medicaid program or any person who has signed an agreement with a 39214
party to such a provider agreement under which the person agrees 39215
to provide goods or services that are reimbursable under the 39216
~~medical assistance~~ medicaid program. 39217

~~(4)~~(3) "Provider agreement" ~~means an oral or written~~ 39218

~~agreement between the department of job and family services and a~~ 39219
~~person in which the person agrees to provide goods or services~~ 39220
~~under the medical assistance program~~ has the same meaning as in 39221
section 5164.01 of the Revised Code. 39222

~~(5)(4)~~ (4) "Recipient" means any individual who receives goods or 39223
services from a provider under the ~~medical assistance~~ medicaid 39224
program. 39225

~~(6)(5)~~ (5) "Records" means any medical, professional, financial, 39226
or business records relating to the treatment or care of any 39227
recipient, to goods or services provided to any recipient, or to 39228
rates paid for goods or services provided to any recipient and any 39229
records that are required by the rules of the medicaid director ~~of~~ 39230
~~job and family services~~ to be kept for the ~~medical assistance~~ 39231
medicaid program. 39232

(B) No person shall knowingly make or cause to be made a 39233
false or misleading statement or representation for use in 39234
obtaining reimbursement from the ~~medical assistance~~ medicaid 39235
program. 39236

(C) No person, with purpose to commit fraud or knowing that 39237
the person is facilitating a fraud, shall do either of the 39238
following: 39239

(1) Contrary to the terms of the person's provider agreement, 39240
charge, solicit, accept, or receive for goods or services that the 39241
person provides under the ~~medical assistance~~ medicaid program any 39242
property, money, or other consideration in addition to the amount 39243
of reimbursement under the ~~medical assistance~~ medicaid program and 39244
the person's provider agreement for the goods or services and any 39245
cost-sharing expenses authorized by section ~~5111.0112~~ 5162.20 of 39246
the Revised Code or rules adopted ~~pursuant to section 5111.01,~~ 39247
~~5111.011, or 5111.02 of the Revised Code~~ by the medicaid director 39248
regarding the medicaid program. 39249

(2) Solicit, offer, or receive any remuneration, other than 39250
any cost-sharing expenses authorized by section ~~5111.0112~~ 5162.20 39251
of the Revised Code or rules adopted ~~under section 5111.01,~~ 39252
~~5111.011, or 5111.02 of the Revised Code~~ by the medicaid director 39253
regarding the medicaid program, in cash or in kind, including, but 39254
not limited to, a kickback or rebate, in connection with the 39255
furnishing of goods or services for which whole or partial 39256
reimbursement is or may be made under the ~~medical assistance~~ 39257
medicaid program. 39258

(D) No person, having submitted a claim for or provided goods 39259
or services under the ~~medical assistance~~ medicaid program, shall 39260
do either of the following for a period of at least six years 39261
after a reimbursement pursuant to that claim, or a reimbursement 39262
for those goods or services, is received under the ~~medical~~ 39263
~~assistance~~ medicaid program: 39264

(1) Knowingly alter, falsify, destroy, conceal, or remove any 39265
records that are necessary to fully disclose the nature of all 39266
goods or services for which the claim was submitted, or for which 39267
reimbursement was received, by the person; 39268

(2) Knowingly alter, falsify, destroy, conceal, or remove any 39269
records that are necessary to disclose fully all income and 39270
expenditures upon which rates of reimbursements were based for the 39271
person. 39272

(E) Whoever violates this section is guilty of medicaid 39273
fraud. Except as otherwise provided in this division, medicaid 39274
fraud is a misdemeanor of the first degree. If the value of 39275
property, services, or funds obtained in violation of this section 39276
is one thousand dollars or more and is less than seven thousand 39277
five hundred dollars, medicaid fraud is a felony of the fifth 39278
degree. If the value of property, services, or funds obtained in 39279
violation of this section is seven thousand five hundred dollars 39280
or more and is less than one hundred fifty thousand dollars, 39281

medicaid fraud is a felony of the fourth degree. If the value of 39282
the property, services, or funds obtained in violation of this 39283
section is one hundred fifty thousand dollars or more, medicaid 39284
fraud is a felony of the third degree. 39285

(F) Upon application of the governmental agency, office, or 39286
other entity that conducted the investigation and prosecution in a 39287
case under this section, the court shall order any person who is 39288
convicted of a violation of this section for receiving any 39289
reimbursement for furnishing goods or services under the ~~medical~~ 39290
~~assistance~~ medicaid program to which the person is not entitled to 39291
pay to the applicant its cost of investigating and prosecuting the 39292
case. The costs of investigation and prosecution that a defendant 39293
is ordered to pay pursuant to this division shall be in addition 39294
to any other penalties for the receipt of that reimbursement that 39295
are provided in this section, section ~~5111.03~~ 5164.35 of the 39296
Revised Code, or any other provision of law. 39297

(G) The provisions of this section are not intended to be 39298
exclusive remedies and do not preclude the use of any other 39299
criminal or civil remedy for any act that is in violation of this 39300
section. 39301

Sec. 2913.401. (A) As used in this section: 39302

(1) "Medicaid ~~benefits~~ services" means ~~benefits under the~~ 39303
~~medical assistance program established under Chapter 5111.~~ has the 39304
same meaning as in section 5164.01 of the Revised Code. 39305

(2) "Property" means any real or personal property or other 39306
asset in which a person has any legal title or interest. 39307

(B) No person shall knowingly do any of the following in an 39308
application for enrollment in the medicaid ~~benefits~~ program or in 39309
a document that requires a disclosure of assets for the purpose of 39310
determining eligibility to receive for the medicaid ~~benefits~~ 39311

program: 39312

(1) Make or cause to be made a false or misleading statement; 39313

(2) Conceal an interest in property; 39314

(3)(a) Except as provided in division (B)(3)(b) of this 39315
section, fail to disclose a transfer of property that occurred 39316
during the period beginning thirty-six months before submission of 39317
the application or document and ending on the date the application 39318
or document was submitted; 39319

(b) Fail to disclose a transfer of property that occurred 39320
during the period beginning sixty months before submission of the 39321
application or document and ending on the date the application or 39322
document was submitted and that was made to an irrevocable trust a 39323
portion of which is not distributable to the applicant for 39324
~~medicaid benefits~~ or the recipient of medicaid ~~benefits~~ or to a 39325
revocable trust. 39326

(C)(1) Whoever violates this section is guilty of medicaid 39327
eligibility fraud. Except as otherwise provided in this division, 39328
a violation of this section is a misdemeanor of the first degree. 39329
If the value of the medicaid ~~benefits~~ services paid as a result of 39330
the violation is one thousand dollars or more and is less than 39331
seven thousand five hundred dollars, a violation of this section 39332
is a felony of the fifth degree. If the value of the medicaid 39333
~~benefits~~ services paid as a result of the violation is seven 39334
thousand five hundred dollars or more and is less than one hundred 39335
fifty thousand dollars, a violation of this section is a felony of 39336
the fourth degree. If the value of the medicaid ~~benefits~~ services 39337
paid as a result of the violation is one hundred fifty thousand 39338
dollars or more, a violation of this section is a felony of the 39339
third degree. 39340

(2) In addition to imposing a sentence under division (C)(1) 39341
of this section, the court shall order that a person who is guilty 39342

of medicaid eligibility fraud make restitution in the full amount 39343
of any medicaid ~~benefits~~ services paid on behalf of an applicant 39344
for or recipient of medicaid ~~benefits~~ for which the applicant or 39345
recipient was not eligible, plus interest at the rate applicable 39346
to judgments on unreimbursed amounts from the date on which the 39347
~~benefits~~ medicaid services were paid to the date on which 39348
restitution is made. 39349

(3) The remedies and penalties provided in this section are 39350
not exclusive and do not preclude the use of any other criminal or 39351
civil remedy for any act that is in violation of this section. 39352

(D) This section does not apply to a person who fully 39353
disclosed in an application for medicaid ~~benefits~~ or in a document 39354
that requires a disclosure of assets for the purpose of 39355
determining eligibility ~~to receive~~ for medicaid ~~benefits~~ all of 39356
the interests in property of the applicant for or recipient of 39357
medicaid ~~benefits~~, all transfers of property by the applicant for 39358
or recipient of medicaid ~~benefits~~, and the circumstances of all 39359
those transfers. 39360

(E) Any amounts of medicaid ~~benefits~~ services recovered as 39361
restitution under this section and any interest on those amounts 39362
shall be credited to the general revenue fund, and any applicable 39363
federal share shall be returned to the appropriate agency or 39364
department of the United States. 39365

Sec. 2919.271. (A)(1)(a) If a defendant is charged with a 39366
violation of section 2919.27 of the Revised Code or of a municipal 39367
ordinance that is substantially similar to that section, the court 39368
may order an evaluation of the mental condition of the defendant 39369
if the court determines that either of the following criteria 39370
apply: 39371

(i) If the alleged violation is a violation of a protection 39372
order issued or consent agreement approved pursuant to section 39373

2919.26 or 3113.31 of the Revised Code, that the violation 39374
allegedly involves conduct by the defendant that caused physical 39375
harm to the person or property of a family or household member 39376
covered by the order or agreement, or conduct by the defendant 39377
that caused a family or household member to believe that the 39378
defendant would cause physical harm to that member or that 39379
member's property. 39380

(ii) If the alleged violation is a violation of a protection 39381
order issued pursuant to section 2903.213 or 2903.214 of the 39382
Revised Code or a protection order issued by a court of another 39383
state, that the violation allegedly involves conduct by the 39384
defendant that caused physical harm to the person or property of 39385
the person covered by the order, or conduct by the defendant that 39386
caused the person covered by the order to believe that the 39387
defendant would cause physical harm to that person or that 39388
person's property. 39389

(b) If a defendant is charged with a violation of section 39390
2903.211 of the Revised Code or of a municipal ordinance that is 39391
substantially similar to that section, the court may order an 39392
evaluation of the mental condition of the defendant. 39393

(2) An evaluation ordered under division (A)(1) of this 39394
section shall be completed no later than thirty days from the date 39395
the order is entered pursuant to that division. In that order, the 39396
court shall do either of the following: 39397

(a) Order that the evaluation of the mental condition of the 39398
defendant be preceded by an examination conducted either by a 39399
forensic center that is designated by the department of ~~mental~~ 39400
~~health~~ mental health and addiction services to conduct 39401
examinations and make evaluations of defendants charged with 39402
violations of section 2903.211 or 2919.27 of the Revised Code or 39403
of substantially similar municipal ordinances in the area in which 39404
the court is located, or by any other program or facility that is 39405

designated by the department of ~~mental health~~ mental health and 39406
addiction services or the department of developmental disabilities 39407
to conduct examinations and make evaluations of defendants charged 39408
with violations of section 2903.211 or 2919.27 of the Revised Code 39409
or of substantially similar municipal ordinances, and that is 39410
operated by either department or is certified by either department 39411
as being in compliance with the standards established under 39412
division ~~(H)(B)(7)~~ of section ~~5119.01~~ 5119.10 of the Revised Code 39413
or division (C) of section 5123.04 of the Revised Code. 39414

(b) Designate a center, program, or facility other than one 39415
designated by the department of ~~mental health~~ mental health and 39416
addiction services or the department of developmental 39417
disabilities, as described in division (A)(2)(a) of this section, 39418
to conduct the evaluation and preceding examination of the mental 39419
condition of the defendant. 39420

Whether the court acts pursuant to division (A)(2)(a) or (b) 39421
of this section, the court may designate examiners other than the 39422
personnel of the center, program, facility, or department involved 39423
to make the evaluation and preceding examination of the mental 39424
condition of the defendant. 39425

(B) If the court considers that additional evaluations of the 39426
mental condition of a defendant are necessary following the 39427
evaluation authorized by division (A) of this section, the court 39428
may order up to two additional similar evaluations. These 39429
evaluations shall be completed no later than thirty days from the 39430
date the applicable court order is entered. If more than one 39431
evaluation of the mental condition of the defendant is ordered 39432
under this division, the prosecutor and the defendant may 39433
recommend to the court an examiner whom each prefers to perform 39434
one of the evaluations and preceding examinations. 39435

(C)(1) The court may order a defendant who has been released 39436
on bail to submit to an examination under division (A) or (B) of 39437

this section. The examination shall be conducted either at the 39438
detention facility in which the defendant would have been confined 39439
if the defendant had not been released on bail, or, if so 39440
specified by the center, program, facility, or examiners involved, 39441
at the premises of the center, program, or facility. Additionally, 39442
the examination shall be conducted at the times established by the 39443
examiners involved. If such a defendant refuses to submit to an 39444
examination or a complete examination as required by the court or 39445
the center, program, facility, or examiners involved, the court 39446
may amend the conditions of the bail of the defendant and order 39447
the sheriff to take the defendant into custody and deliver the 39448
defendant to the detention facility in which the defendant would 39449
have been confined if the defendant had not been released on bail, 39450
or, if so specified by the center, program, facility, or examiners 39451
involved, to the premises of the center, program, or facility, for 39452
purposes of the examination. 39453

(2) A defendant who has not been released on bail shall be 39454
examined at the detention facility in which the defendant is 39455
confined or, if so specified by the center, program, facility, or 39456
examiners involved, at the premises of the center, program, or 39457
facility. 39458

(D) The examiner of the mental condition of a defendant under 39459
division (A) or (B) of this section shall file a written report 39460
with the court within thirty days after the entry of an order for 39461
the evaluation of the mental condition of the defendant. The 39462
report shall contain the findings of the examiner; the facts in 39463
reasonable detail on which the findings are based; the opinion of 39464
the examiner as to the mental condition of the defendant; the 39465
opinion of the examiner as to whether the defendant represents a 39466
substantial risk of physical harm to other persons as manifested 39467
by evidence of recent homicidal or other violent behavior, 39468
evidence of recent threats that placed other persons in reasonable 39469

fear of violent behavior and serious physical harm, or evidence of present dangerousness; and the opinion of the examiner as to the types of treatment or counseling that the defendant needs. The court shall provide copies of the report to the prosecutor and defense counsel.

(E) The costs of any evaluation and preceding examination of a defendant that is ordered pursuant to division (A) or (B) of this section shall be taxed as court costs in the criminal case.

(F) If the examiner considers it necessary in order to make an accurate evaluation of the mental condition of a defendant, an examiner under division (A) or (B) of this section may request any family or household member of the defendant to provide the examiner with information. A family or household member may, but is not required to, provide information to the examiner upon receipt of the request.

(G) As used in this section:

(1) "Bail" includes a recognizance.

(2) "Examiner" means a psychiatrist, a licensed independent social worker who is employed by a forensic center that is certified as being in compliance with the standards established under division ~~(H)(B)(7)~~ of section ~~5119.01~~ 5119.10 or division (C) of section 5123.04 of the Revised Code, a licensed professional clinical counselor who is employed at a forensic center that is certified as being in compliance with such standards, or a licensed clinical psychologist, except that in order to be an examiner, a licensed clinical psychologist shall meet the criteria of division (I)(1) of section 5122.01 of the Revised Code or be employed to conduct examinations by the department of ~~mental health~~ mental health and addiction services or by a forensic center certified as being in compliance with the standards established under division ~~(H)(B)(7)~~ of section ~~5119.01~~

5119.10 or division (C) of section 5123.04 of the Revised Code 39501
that is designated by the department of ~~mental health~~ mental 39502
health and addiction services. 39503

(3) "Family or household member" has the same meaning as in 39504
section 2919.25 of the Revised Code. 39505

(4) "Prosecutor" has the same meaning as in section 2935.01 39506
of the Revised Code. 39507

(5) "Psychiatrist" and "licensed clinical psychologist" have 39508
the same meanings as in section 5122.01 of the Revised Code. 39509

(6) "Protection order issued by a court of another state" has 39510
the same meaning as in section 2919.27 of the Revised Code. 39511

Sec. 2921.01. As used in sections 2921.01 to 2921.45 of the 39512
Revised Code: 39513

(A) "Public official" means any elected or appointed officer, 39514
or employee, or agent of the state or any political subdivision, 39515
whether in a temporary or permanent capacity, and includes, but is 39516
not limited to, legislators, judges, and law enforcement officers. 39517
"Public official" does not include an employee, officer, or 39518
governor-appointed member of the board of directors of the 39519
nonprofit corporation formed under section 187.01 of the Revised 39520
Code. 39521

(B) "Public servant" means any of the following: 39522

(1) Any public official; 39523

(2) Any person performing ad hoc a governmental function, 39524
including, but not limited to, a juror, member of a temporary 39525
commission, master, arbitrator, advisor, or consultant; 39526

(3) A person who is a candidate for public office, whether or 39527
not the person is elected or appointed to the office for which the 39528
person is a candidate. A person is a candidate for purposes of 39529

this division if the person has been nominated according to law 39530
for election or appointment to public office, or if the person has 39531
filed a petition or petitions as required by law to have the 39532
person's name placed on the ballot in a primary, general, or 39533
special election, or if the person campaigns as a write-in 39534
candidate in any primary, general, or special election. 39535

"Public servant" does not include an employee, officer, or 39536
governor-appointed member of the board of directors of the 39537
nonprofit corporation formed under section 187.01 of the Revised 39538
Code. 39539

(C) "Party official" means any person who holds an elective 39540
or appointive post in a political party in the United States or 39541
this state, by virtue of which the person directs, conducts, or 39542
participates in directing or conducting party affairs at any level 39543
of responsibility. 39544

(D) "Official proceeding" means any proceeding before a 39545
legislative, judicial, administrative, or other governmental 39546
agency or official authorized to take evidence under oath, and 39547
includes any proceeding before a referee, hearing examiner, 39548
commissioner, notary, or other person taking testimony or a 39549
deposition in connection with an official proceeding. 39550

(E) "Detention" means arrest; confinement in any vehicle 39551
subsequent to an arrest; confinement in any public or private 39552
facility for custody of persons charged with or convicted of crime 39553
in this state or another state or under the laws of the United 39554
States or alleged or found to be a delinquent child or unruly 39555
child in this state or another state or under the laws of the 39556
United States; hospitalization, institutionalization, or 39557
confinement in any public or private facility that is ordered 39558
pursuant to or under the authority of section 2945.37, 2945.371, 39559
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 39560
Code; confinement in any vehicle for transportation to or from any 39561

facility of any of those natures; detention for extradition or 39562
deportation; except as provided in this division, supervision by 39563
any employee of any facility of any of those natures that is 39564
incidental to hospitalization, institutionalization, or 39565
confinement in the facility but that occurs outside the facility; 39566
supervision by an employee of the department of rehabilitation and 39567
correction of a person on any type of release from a state 39568
correctional institution; or confinement in any vehicle, airplane, 39569
or place while being returned from outside of this state into this 39570
state by a private person or entity pursuant to a contract entered 39571
into under division (E) of section 311.29 of the Revised Code or 39572
division (B) of section 5149.03 of the Revised Code. For a person 39573
confined in a county jail who participates in a county jail 39574
industry program pursuant to section 5147.30 of the Revised Code, 39575
"detention" includes time spent at an assigned work site and going 39576
to and from the work site. 39577

(F) "Detention facility" means any public or private place 39578
used for the confinement of a person charged with or convicted of 39579
any crime in this state or another state or under the laws of the 39580
United States or alleged or found to be a delinquent child or 39581
unruly child in this state or another state or under the laws of 39582
the United States. 39583

(G) "Valuable thing or valuable benefit" includes, but is not 39584
limited to, a contribution. This inclusion does not indicate or 39585
imply that a contribution was not included in those terms before 39586
September 17, 1986. 39587

(H) "Campaign committee," "contribution," "political action 39588
committee," "legislative campaign fund," "political party," and 39589
"political contributing entity" have the same meanings as in 39590
section 3517.01 of the Revised Code. 39591

(I) "Provider agreement" and "~~medical assistance program~~" 39592
~~have~~ has the same ~~meanings~~ meaning as in section ~~2913.40~~ 5164.01 39593

of the Revised Code. 39594

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 39595
this section, no person, knowing that a felony has been or is 39596
being committed, shall knowingly fail to report such information 39597
to law enforcement authorities. 39598

(2) No person, knowing that a violation of division (B) of 39599
section 2913.04 of the Revised Code has been, or is being 39600
committed or that the person has received information derived from 39601
such a violation, shall knowingly fail to report the violation to 39602
law enforcement authorities. 39603

(B) Except for conditions that are within the scope of 39604
division (E) of this section, no physician, limited practitioner, 39605
nurse, or other person giving aid to a sick or injured person 39606
shall negligently fail to report to law enforcement authorities 39607
any gunshot or stab wound treated or observed by the physician, 39608
limited practitioner, nurse, or person, or any serious physical 39609
harm to persons that the physician, limited practitioner, nurse, 39610
or person knows or has reasonable cause to believe resulted from 39611
an offense of violence. 39612

(C) No person who discovers the body or acquires the first 39613
knowledge of the death of a person shall fail to report the death 39614
immediately to a physician whom the person knows to be treating 39615
the deceased for a condition from which death at such time would 39616
not be unexpected, or to a law enforcement officer, an ambulance 39617
service, an emergency squad, or the coroner in a political 39618
subdivision in which the body is discovered, the death is believed 39619
to have occurred, or knowledge concerning the death is obtained. 39620

(D) No person shall fail to provide upon request of the 39621
person to whom a report required by division (C) of this section 39622
was made, or to any law enforcement officer who has reasonable 39623
cause to assert the authority to investigate the circumstances 39624

surrounding the death, any facts within the person's knowledge 39625
that may have a bearing on the investigation of the death. 39626

(E)(1) As used in this division, "burn injury" means any of 39627
the following: 39628

(a) Second or third degree burns; 39629

(b) Any burns to the upper respiratory tract or laryngeal 39630
edema due to the inhalation of superheated air; 39631

(c) Any burn injury or wound that may result in death; 39632

(d) Any physical harm to persons caused by or as the result 39633
of the use of fireworks, novelties and trick noisemakers, and wire 39634
sparklers, as each is defined by section 3743.01 of the Revised 39635
Code. 39636

(2) No physician, nurse, or limited practitioner who, outside 39637
a hospital, sanitarium, or other medical facility, attends or 39638
treats a person who has sustained a burn injury that is inflicted 39639
by an explosion or other incendiary device or that shows evidence 39640
of having been inflicted in a violent, malicious, or criminal 39641
manner shall fail to report the burn injury immediately to the 39642
local arson, or fire and explosion investigation, bureau, if there 39643
is a bureau of this type in the jurisdiction in which the person 39644
is attended or treated, or otherwise to local law enforcement 39645
authorities. 39646

(3) No manager, superintendent, or other person in charge of 39647
a hospital, sanitarium, or other medical facility in which a 39648
person is attended or treated for any burn injury that is 39649
inflicted by an explosion or other incendiary device or that shows 39650
evidence of having been inflicted in a violent, malicious, or 39651
criminal manner shall fail to report the burn injury immediately 39652
to the local arson, or fire and explosion investigation, bureau, 39653
if there is a bureau of this type in the jurisdiction in which the 39654
person is attended or treated, or otherwise to local law 39655

enforcement authorities. 39656

(4) No person who is required to report any burn injury under 39657
division (E)(2) or (3) of this section shall fail to file, within 39658
three working days after attending or treating the victim, a 39659
written report of the burn injury with the office of the state 39660
fire marshal. The report shall comply with the uniform standard 39661
developed by the state fire marshal pursuant to division (A)(15) 39662
of section 3737.22 of the Revised Code. 39663

(5) Anyone participating in the making of reports under 39664
division (E) of this section or anyone participating in a judicial 39665
proceeding resulting from the reports is immune from any civil or 39666
criminal liability that otherwise might be incurred or imposed as 39667
a result of such actions. Notwithstanding section 4731.22 of the 39668
Revised Code, the physician-patient relationship is not a ground 39669
for excluding evidence regarding a person's burn injury or the 39670
cause of the burn injury in any judicial proceeding resulting from 39671
a report submitted under division (E) of this section. 39672

(F)(1) Any doctor of medicine or osteopathic medicine, 39673
hospital intern or resident, registered or licensed practical 39674
nurse, psychologist, social worker, independent social worker, 39675
social work assistant, professional clinical counselor, or 39676
professional counselor who knows or has reasonable cause to 39677
believe that a patient or client has been the victim of domestic 39678
violence, as defined in section 3113.31 of the Revised Code, shall 39679
note that knowledge or belief and the basis for it in the 39680
patient's or client's records. 39681

(2) Notwithstanding section 4731.22 of the Revised Code, the 39682
doctor-patient privilege shall not be a ground for excluding any 39683
information regarding the report containing the knowledge or 39684
belief noted under division (F)(1) of this section, and the 39685
information may be admitted as evidence in accordance with the 39686
Rules of Evidence. 39687

(G) Divisions (A) and (D) of this section do not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under section 2739.04 or 2739.12 of the Revised Code.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or ~~organization~~ services provider certified pursuant to section ~~3793.06~~ 5119.36 of the Revised Code.

(6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to

victims of crimes that are violations of section 2907.02 or 39719
2907.05 of the Revised Code or to victims of felonious sexual 39720
penetration in violation of former section 2907.12 of the Revised 39721
Code. As used in this division, "counseling services" include 39722
services provided in an informal setting by a person who, by 39723
education or experience, is competent to provide those services. 39724

(H) No disclosure of information pursuant to this section 39725
gives rise to any liability or recrimination for a breach of 39726
privilege or confidence. 39727

(I) Whoever violates division (A) or (B) of this section is 39728
guilty of failure to report a crime. Violation of division (A)(1) 39729
of this section is a misdemeanor of the fourth degree. Violation 39730
of division (A)(2) or (B) of this section is a misdemeanor of the 39731
second degree. 39732

(J) Whoever violates division (C) or (D) of this section is 39733
guilty of failure to report knowledge of a death, a misdemeanor of 39734
the fourth degree. 39735

(K)(1) Whoever negligently violates division (E) of this 39736
section is guilty of a minor misdemeanor. 39737

(2) Whoever knowingly violates division (E) of this section 39738
is guilty of a misdemeanor of the second degree. 39739

Sec. 2921.36. (A) No person shall knowingly convey, or 39740
attempt to convey, onto the grounds of a detention facility or of 39741
an institution, office building, or other place that is under the 39742
control of the department of ~~mental health~~ mental health and 39743
addiction services, the department of developmental disabilities, 39744
the department of youth services, or the department of 39745
rehabilitation and correction any of the following items: 39746

(1) Any deadly weapon or dangerous ordnance, as defined in 39747
section 2923.11 of the Revised Code, or any part of or ammunition 39748

for use in such a deadly weapon or dangerous ordnance; 39749

(2) Any drug of abuse, as defined in section 3719.011 of the Revised Code; 39750
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(3) Any intoxicating liquor, as defined in section 4301.01 of the Revised Code. 39752
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(B) Division (A) of this section does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention facility or of an institution, office building, or other place under the control of the department of ~~mental health~~ mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction pursuant to the written authorization of the person in charge of the detention facility or the institution, office building, or other place and in accordance with the written rules of the detention facility or the institution, office building, or other place. 39754
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(C) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, to a prisoner who is temporarily released from confinement for a work assignment, or to any patient in an institution under the control of the department of ~~mental health~~ mental health and addiction services or the department of developmental disabilities any item listed in division (A)(1), (2), or (3) of this section. 39765
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(D) No person shall knowingly deliver, or attempt to deliver, cash to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment. 39773
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(E) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is 39777
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temporarily released from confinement for a work assignment a 39780
cellular telephone, two-way radio, or other electronic 39781
communications device. 39782

(F)(1) It is an affirmative defense to a charge under 39783
division (A)(1) of this section that the weapon or dangerous 39784
ordnance in question was being transported in a motor vehicle for 39785
any lawful purpose, that it was not on the actor's person, and, if 39786
the weapon or dangerous ordnance in question was a firearm, that 39787
it was unloaded and was being carried in a closed package, box, or 39788
case or in a compartment that can be reached only by leaving the 39789
vehicle. 39790

(2) It is an affirmative defense to a charge under division 39791
(C) of this section that the actor was not otherwise prohibited by 39792
law from delivering the item to the confined person, the child, 39793
the prisoner, or the patient and that either of the following 39794
applies: 39795

(a) The actor was permitted by the written rules of the 39796
detention facility or the institution, office building, or other 39797
place to deliver the item to the confined person or the patient. 39798

(b) The actor was given written authorization by the person 39799
in charge of the detention facility or the institution, office 39800
building, or other place to deliver the item to the confined 39801
person or the patient. 39802

(G)(1) Whoever violates division (A)(1) of this section or 39803
commits a violation of division (C) of this section involving an 39804
item listed in division (A)(1) of this section is guilty of 39805
illegal conveyance of weapons onto the grounds of a specified 39806
governmental facility, a felony of the third degree. If the 39807
offender is an officer or employee of the department of 39808
rehabilitation and correction, the court shall impose a mandatory 39809
prison term. 39810

(2) Whoever violates division (A)(2) of this section or 39811
commits a violation of division (C) of this section involving any 39812
drug of abuse is guilty of illegal conveyance of drugs of abuse 39813
onto the grounds of a specified governmental facility, a felony of 39814
the third degree. If the offender is an officer or employee of the 39815
department of rehabilitation and correction or of the department 39816
of youth services, the court shall impose a mandatory prison term. 39817

(3) Whoever violates division (A)(3) of this section or 39818
commits a violation of division (C) of this section involving any 39819
intoxicating liquor is guilty of illegal conveyance of 39820
intoxicating liquor onto the grounds of a specified governmental 39821
facility, a misdemeanor of the second degree. 39822

(4) Whoever violates division (D) of this section is guilty 39823
of illegal conveyance of cash onto the grounds of a detention 39824
facility, a misdemeanor of the first degree. If the offender 39825
previously has been convicted of or pleaded guilty to a violation 39826
of division (D) of this section, illegal conveyance of cash onto 39827
the grounds of a detention facility is a felony of the fifth 39828
degree. 39829

(5) Whoever violates division (E) of this section is guilty 39830
of illegal conveyance of a communications device onto the grounds 39831
of a specified governmental facility, a misdemeanor of the first 39832
degree, or if the offender previously has been convicted of or 39833
pleaded guilty to a violation of division (E) of this section, a 39834
felony of the fifth degree. 39835

Sec. 2921.38. (A) No person who is confined in a detention 39836
facility, with intent to harass, annoy, threaten, or alarm another 39837
person, shall cause or attempt to cause the other person to come 39838
into contact with blood, semen, urine, feces, or another bodily 39839
substance by throwing the bodily substance at the other person, by 39840
expelling the bodily substance upon the other person, or in any 39841

other manner. 39842

(B) No person, with intent to harass, annoy, threaten, or 39843
alarm a law enforcement officer, shall cause or attempt to cause 39844
the law enforcement officer to come into contact with blood, 39845
semen, urine, feces, or another bodily substance by throwing the 39846
bodily substance at the law enforcement officer, by expelling the 39847
bodily substance upon the law enforcement officer, or in any other 39848
manner. 39849

(C) No person, with knowledge that the person is a carrier of 39850
the virus that causes acquired immunodeficiency syndrome, is a 39851
carrier of a hepatitis virus, or is infected with tuberculosis and 39852
with intent to harass, annoy, threaten, or alarm another person, 39853
shall cause or attempt to cause the other person to come into 39854
contact with blood, semen, urine, feces, or another bodily 39855
substance by throwing the bodily substance at the other person, by 39856
expelling the bodily substance upon the other person, or in any 39857
other manner. 39858

(D) Whoever violates this section is guilty of harassment 39859
with a bodily substance. A violation of division (A) or (B) of 39860
this section is a felony of the fifth degree. A violation of 39861
division (C) of this section is a felony of the third degree. 39862

(E)(1) The court, on request of the prosecutor, or the law 39863
enforcement authority responsible for the investigation of the 39864
violation, shall cause a person who allegedly has committed a 39865
violation of this section to submit to one or more appropriate 39866
tests to determine if the person is a carrier of the virus that 39867
causes acquired immunodeficiency syndrome, is a carrier of a 39868
hepatitis virus, or is infected with tuberculosis. 39869

(2) The court shall charge the offender with the costs of the 39870
test or tests ordered under division (E)(1) of this section unless 39871
the court determines that the accused is unable to pay, in which 39872

case the costs shall be charged to the entity that operates the 39873
detention facility in which the alleged offense occurred. 39874

(F) This section does not apply to a person who is 39875
hospitalized, institutionalized, or confined in a facility 39876
operated by the department of ~~mental health~~ mental health and 39877
addiction services or the department of developmental 39878
disabilities. 39879

Sec. 2923.126. (A) A concealed handgun license that is issued 39880
under section 2923.125 of the Revised Code shall expire five years 39881
after the date of issuance. A licensee who has been issued a 39882
license under that section shall be granted a grace period of 39883
thirty days after the licensee's license expires during which the 39884
licensee's license remains valid. Except as provided in divisions 39885
(B) and (C) of this section, a licensee who has been issued a 39886
concealed handgun license under section 2923.125 or 2923.1213 of 39887
the Revised Code may carry a concealed handgun anywhere in this 39888
state if the licensee also carries a valid license and valid 39889
identification when the licensee is in actual possession of a 39890
concealed handgun. The licensee shall give notice of any change in 39891
the licensee's residence address to the sheriff who issued the 39892
license within forty-five days after that change. 39893

If a licensee is the driver or an occupant of a motor vehicle 39894
that is stopped as the result of a traffic stop or a stop for 39895
another law enforcement purpose and if the licensee is 39896
transporting or has a loaded handgun in the motor vehicle at that 39897
time, the licensee shall promptly inform any law enforcement 39898
officer who approaches the vehicle while stopped that the licensee 39899
has been issued a concealed handgun license and that the licensee 39900
currently possesses or has a loaded handgun; the licensee shall 39901
not knowingly disregard or fail to comply with lawful orders of a 39902
law enforcement officer given while the motor vehicle is stopped, 39903

knowingly fail to remain in the motor vehicle while stopped, or 39904
knowingly fail to keep the licensee's hands in plain sight after 39905
any law enforcement officer begins approaching the licensee while 39906
stopped and before the officer leaves, unless directed otherwise 39907
by a law enforcement officer; and the licensee shall not knowingly 39908
have contact with the loaded handgun by touching it with the 39909
licensee's hands or fingers, in any manner in violation of 39910
division (E) of section 2923.16 of the Revised Code, after any law 39911
enforcement officer begins approaching the licensee while stopped 39912
and before the officer leaves. Additionally, if a licensee is the 39913
driver or an occupant of a commercial motor vehicle that is 39914
stopped by an employee of the motor carrier enforcement unit for 39915
the purposes defined in section 5503.04 of the Revised Code and if 39916
the licensee is transporting or has a loaded handgun in the 39917
commercial motor vehicle at that time, the licensee shall promptly 39918
inform the employee of the unit who approaches the vehicle while 39919
stopped that the licensee has been issued a concealed handgun 39920
license and that the licensee currently possesses or has a loaded 39921
handgun. 39922

If a licensee is stopped for a law enforcement purpose and if 39923
the licensee is carrying a concealed handgun at the time the 39924
officer approaches, the licensee shall promptly inform any law 39925
enforcement officer who approaches the licensee while stopped that 39926
the licensee has been issued a concealed handgun license and that 39927
the licensee currently is carrying a concealed handgun; the 39928
licensee shall not knowingly disregard or fail to comply with 39929
lawful orders of a law enforcement officer given while the 39930
licensee is stopped or knowingly fail to keep the licensee's hands 39931
in plain sight after any law enforcement officer begins 39932
approaching the licensee while stopped and before the officer 39933
leaves, unless directed otherwise by a law enforcement officer; 39934
and the licensee shall not knowingly remove, attempt to remove, 39935
grasp, or hold the loaded handgun or knowingly have contact with 39936

the loaded handgun by touching it with the licensee's hands or 39937
fingers, in any manner in violation of division (B) of section 39938
2923.12 of the Revised Code, after any law enforcement officer 39939
begins approaching the licensee while stopped and before the 39940
officer leaves. 39941

(B) A valid concealed handgun license does not authorize the 39942
licensee to carry a concealed handgun in any manner prohibited 39943
under division (B) of section 2923.12 of the Revised Code or in 39944
any manner prohibited under section 2923.16 of the Revised Code. A 39945
valid license does not authorize the licensee to carry a concealed 39946
handgun into any of the following places: 39947

(1) A police station, sheriff's office, or state highway 39948
patrol station, premises controlled by the bureau of criminal 39949
identification and investigation, a state correctional 39950
institution, jail, workhouse, or other detention facility, an 39951
airport passenger terminal, or an institution that is maintained, 39952
operated, managed, and governed pursuant to division (A) of 39953
section ~~5119.02~~ 5119.14 of the Revised Code or division (A)(1) of 39954
section 5123.03 of the Revised Code; 39955

(2) A school safety zone if the licensee's carrying the 39956
concealed handgun is in violation of section 2923.122 of the 39957
Revised Code; 39958

(3) A courthouse or another building or structure in which a 39959
courtroom is located, in violation of section 2923.123 of the 39960
Revised Code; 39961

(4) Any premises or open air arena for which a D permit has 39962
been issued under Chapter 4303. of the Revised Code if the 39963
licensee's carrying the concealed handgun is in violation of 39964
section 2923.121 of the Revised Code; 39965

(5) Any premises owned or leased by any public or private 39966
college, university, or other institution of higher education, 39967

unless the handgun is in a locked motor vehicle or the licensee is 39968
in the immediate process of placing the handgun in a locked motor 39969
vehicle; 39970

(6) Any church, synagogue, mosque, or other place of worship, 39971
unless the church, synagogue, mosque, or other place of worship 39972
posts or permits otherwise; 39973

(7) A child day-care center, a type A family day-care home, a 39974
type B family day-care home, or a type C family day-care home, 39975
except that this division does not prohibit a licensee who resides 39976
in a type A family day-care home, a type B family day-care home, 39977
or a type C family day-care home from carrying a concealed handgun 39978
at any time in any part of the home that is not dedicated or used 39979
for day-care purposes, or from carrying a concealed handgun in a 39980
part of the home that is dedicated or used for day-care purposes 39981
at any time during which no children, other than children of that 39982
licensee, are in the home; 39983

(8) An aircraft that is in, or intended for operation in, 39984
foreign air transportation, interstate air transportation, 39985
intrastate air transportation, or the transportation of mail by 39986
aircraft; 39987

(9) Any building that is a government facility of this state 39988
or a political subdivision of this state and that is not a 39989
building that is used primarily as a shelter, restroom, parking 39990
facility for motor vehicles, or rest facility and is not a 39991
courthouse or other building or structure in which a courtroom is 39992
located that is subject to division (B)(3) of this section; 39993

(10) A place in which federal law prohibits the carrying of 39994
handguns. 39995

(C)(1) Nothing in this section shall negate or restrict a 39996
rule, policy, or practice of a private employer that is not a 39997
private college, university, or other institution of higher 39998

education concerning or prohibiting the presence of firearms on 39999
the private employer's premises or property, including motor 40000
vehicles owned by the private employer. Nothing in this section 40001
shall require a private employer of that nature to adopt a rule, 40002
policy, or practice concerning or prohibiting the presence of 40003
firearms on the private employer's premises or property, including 40004
motor vehicles owned by the private employer. 40005

(2)(a) A private employer shall be immune from liability in a 40006
civil action for any injury, death, or loss to person or property 40007
that allegedly was caused by or related to a licensee bringing a 40008
handgun onto the premises or property of the private employer, 40009
including motor vehicles owned by the private employer, unless the 40010
private employer acted with malicious purpose. A private employer 40011
is immune from liability in a civil action for any injury, death, 40012
or loss to person or property that allegedly was caused by or 40013
related to the private employer's decision to permit a licensee to 40014
bring, or prohibit a licensee from bringing, a handgun onto the 40015
premises or property of the private employer. As used in this 40016
division, "private employer" includes a private college, 40017
university, or other institution of higher education. 40018

(b) A political subdivision shall be immune from liability in 40019
a civil action, to the extent and in the manner provided in 40020
Chapter 2744. of the Revised Code, for any injury, death, or loss 40021
to person or property that allegedly was caused by or related to a 40022
licensee bringing a handgun onto any premises or property owned, 40023
leased, or otherwise under the control of the political 40024
subdivision. As used in this division, "political subdivision" has 40025
the same meaning as in section 2744.01 of the Revised Code. 40026

(3)(a) Except as provided in division (C)(3)(b) of this 40027
section, the owner or person in control of private land or 40028
premises, and a private person or entity leasing land or premises 40029
owned by the state, the United States, or a political subdivision 40030

of the state or the United States, may post a sign in a 40031
conspicuous location on that land or on those premises prohibiting 40032
persons from carrying firearms or concealed firearms on or onto 40033
that land or those premises. Except as otherwise provided in this 40034
division, a person who knowingly violates a posted prohibition of 40035
that nature is guilty of criminal trespass in violation of 40036
division (A)(4) of section 2911.21 of the Revised Code and is 40037
guilty of a misdemeanor of the fourth degree. If a person 40038
knowingly violates a posted prohibition of that nature and the 40039
posted land or premises primarily was a parking lot or other 40040
parking facility, the person is not guilty of criminal trespass in 40041
violation of division (A)(4) of section 2911.21 of the Revised 40042
Code and instead is subject only to a civil cause of action for 40043
trespass based on the violation. 40044

(b) A landlord may not prohibit or restrict a tenant who is a 40045
licensee and who on or after September 9, 2008, enters into a 40046
rental agreement with the landlord for the use of residential 40047
premises, and the tenant's guest while the tenant is present, from 40048
lawfully carrying or possessing a handgun on those residential 40049
premises. 40050

(c) As used in division (C)(3) of this section: 40051

(i) "Residential premises" has the same meaning as in section 40052
5321.01 of the Revised Code, except "residential premises" does 40053
not include a dwelling unit that is owned or operated by a college 40054
or university. 40055

(ii) "Landlord," "tenant," and "rental agreement" have the 40056
same meanings as in section 5321.01 of the Revised Code. 40057

(D) A person who holds a concealed handgun license issued by 40058
another state that is recognized by the attorney general pursuant 40059
to a reciprocity agreement entered into pursuant to section 109.69 40060
of the Revised Code has the same right to carry a concealed 40061

handgun in this state as a person who was issued a concealed 40062
handgun license under section 2923.125 of the Revised Code and is 40063
subject to the same restrictions that apply to a person who 40064
carries a license issued under that section. 40065

(E) A peace officer has the same right to carry a concealed 40066
handgun in this state as a person who was issued a concealed 40067
handgun license under section 2923.125 of the Revised Code. For 40068
purposes of reciprocity with other states, a peace officer shall 40069
be considered to be a licensee in this state. 40070

(F)(1) A qualified retired peace officer who possesses a 40071
retired peace officer identification card issued pursuant to 40072
division (F)(2) of this section and a valid firearms 40073
requalification certification issued pursuant to division (F)(3) 40074
of this section has the same right to carry a concealed handgun in 40075
this state as a person who was issued a concealed handgun license 40076
under section 2923.125 of the Revised Code and is subject to the 40077
same restrictions that apply to a person who carries a license 40078
issued under that section. For purposes of reciprocity with other 40079
states, a qualified retired peace officer who possesses a retired 40080
peace officer identification card issued pursuant to division 40081
(F)(2) of this section and a valid firearms requalification 40082
certification issued pursuant to division (F)(3) of this section 40083
shall be considered to be a licensee in this state. 40084

(2)(a) Each public agency of this state or of a political 40085
subdivision of this state that is served by one or more peace 40086
officers shall issue a retired peace officer identification card 40087
to any person who retired from service as a peace officer with 40088
that agency, if the issuance is in accordance with the agency's 40089
policies and procedures and if the person, with respect to the 40090
person's service with that agency, satisfies all of the following: 40091

(i) The person retired in good standing from service as a 40092
peace officer with the public agency, and the retirement was not 40093

for reasons of mental instability. 40094

(ii) Before retiring from service as a peace officer with 40095
that agency, the person was authorized to engage in or supervise 40096
the prevention, detection, investigation, or prosecution of, or 40097
the incarceration of any person for, any violation of law and the 40098
person had statutory powers of arrest. 40099

(iii) At the time of the person's retirement as a peace 40100
officer with that agency, the person was trained and qualified to 40101
carry firearms in the performance of the peace officer's duties. 40102

(iv) Before retiring from service as a peace officer with 40103
that agency, the person was regularly employed as a peace officer 40104
for an aggregate of fifteen years or more, or, in the alternative, 40105
the person retired from service as a peace officer with that 40106
agency, after completing any applicable probationary period of 40107
that service, due to a service-connected disability, as determined 40108
by the agency. 40109

(b) A retired peace officer identification card issued to a 40110
person under division (F)(2)(a) of this section shall identify the 40111
person by name, contain a photograph of the person, identify the 40112
public agency of this state or of the political subdivision of 40113
this state from which the person retired as a peace officer and 40114
that is issuing the identification card, and specify that the 40115
person retired in good standing from service as a peace officer 40116
with the issuing public agency and satisfies the criteria set 40117
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 40118
addition to the required content specified in this division, a 40119
retired peace officer identification card issued to a person under 40120
division (F)(2)(a) of this section may include the firearms 40121
requalification certification described in division (F)(3) of this 40122
section, and if the identification card includes that 40123
certification, the identification card shall serve as the firearms 40124
requalification certification for the retired peace officer. If 40125

the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

(c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.

(3) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code. The retired peace officer may be required to pay the cost of the course.

If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set

forth in divisions (F)(2)(a)(i) to (iv) of this section 40158
satisfactorily completes such a firearms requalification program, 40159
the retired peace officer shall be issued a firearms 40160
requalification certification that identifies the retired peace 40161
officer by name, identifies the entity that taught the program, 40162
specifies that the retired peace officer successfully completed 40163
the program, specifies the date on which the course was 40164
successfully completed, and specifies that the requalification is 40165
valid for five years from that date of successful completion. The 40166
firearms requalification certification for a retired peace officer 40167
may be included in the retired peace officer identification card 40168
issued to the retired peace officer under division (F)(2) of this 40169
section. 40170

A retired peace officer who attends a firearms 40171
requalification program that is approved for purposes of firearms 40172
requalification required under section 109.801 of the Revised Code 40173
may be required to pay the cost of the program. 40174

(G) As used in this section: 40175

(1) "Qualified retired peace officer" means a person who 40176
satisfies all of the following: 40177

(a) The person satisfies the criteria set forth in divisions 40178
(F)(2)(a)(i) to (v) of this section. 40179

(b) The person is not under the influence of alcohol or 40180
another intoxicating or hallucinatory drug or substance. 40181

(c) The person is not prohibited by federal law from 40182
receiving firearms. 40183

(2) "Retired peace officer identification card" means an 40184
identification card that is issued pursuant to division (F)(2) of 40185
this section to a person who is a retired peace officer. 40186

(3) "Government facility of this state or a political 40187

subdivision of this state" means any of the following: 40188

(a) A building or part of a building that is owned or leased 40189
by the government of this state or a political subdivision of this 40190
state and where employees of the government of this state or the 40191
political subdivision regularly are present for the purpose of 40192
performing their official duties as employees of the state or 40193
political subdivision; 40194

(b) The office of a deputy registrar serving pursuant to 40195
Chapter 4503. of the Revised Code that is used to perform deputy 40196
registrar functions. 40197

Sec. 2925.03. (A) No person shall knowingly do any of the 40198
following: 40199

(1) Sell or offer to sell a controlled substance or a 40200
controlled substance analog; 40201

(2) Prepare for shipment, ship, transport, deliver, prepare 40202
for distribution, or distribute a controlled substance or a 40203
controlled substance analog, when the offender knows or has 40204
reasonable cause to believe that the controlled substance or a 40205
controlled substance analog is intended for sale or resale by the 40206
offender or another person. 40207

(B) This section does not apply to any of the following: 40208

(1) Manufacturers, licensed health professionals authorized 40209
to prescribe drugs, pharmacists, owners of pharmacies, and other 40210
persons whose conduct is in accordance with Chapters 3719., 4715., 40211
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 40212

(2) If the offense involves an anabolic steroid, any person 40213
who is conducting or participating in a research project involving 40214
the use of an anabolic steroid if the project has been approved by 40215
the United States food and drug administration; 40216

(3) Any person who sells, offers for sale, prescribes, 40217

dispenses, or administers for livestock or other nonhuman species 40218
an anabolic steroid that is expressly intended for administration 40219
through implants to livestock or other nonhuman species and 40220
approved for that purpose under the "Federal Food, Drug, and 40221
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 40222
and is sold, offered for sale, prescribed, dispensed, or 40223
administered for that purpose in accordance with that act. 40224

(C) Whoever violates division (A) of this section is guilty 40225
of one of the following: 40226

(1) If the drug involved in the violation is any compound, 40227
mixture, preparation, or substance included in schedule I or 40228
schedule II, with the exception of marihuana, cocaine, L.S.D., 40229
heroin, hashish, and controlled substance analogs, whoever 40230
violates division (A) of this section is guilty of aggravated 40231
trafficking in drugs. The penalty for the offense shall be 40232
determined as follows: 40233

(a) Except as otherwise provided in division (C)(1)(b), (c), 40234
(d), (e), or (f) of this section, aggravated trafficking in drugs 40235
is a felony of the fourth degree, and division (C) of section 40236
2929.13 of the Revised Code applies in determining whether to 40237
impose a prison term on the offender. 40238

(b) Except as otherwise provided in division (C)(1)(c), (d), 40239
(e), or (f) of this section, if the offense was committed in the 40240
vicinity of a school or in the vicinity of a juvenile, aggravated 40241
trafficking in drugs is a felony of the third degree, and division 40242
(C) of section 2929.13 of the Revised Code applies in determining 40243
whether to impose a prison term on the offender. 40244

(c) Except as otherwise provided in this division, if the 40245
amount of the drug involved equals or exceeds the bulk amount but 40246
is less than five times the bulk amount, aggravated trafficking in 40247
drugs is a felony of the third degree, and, except as otherwise 40248

provided in this division, there is a presumption for a prison 40249
term for the offense. If aggravated trafficking in drugs is a 40250
felony of the third degree under this division and if the offender 40251
two or more times previously has been convicted of or pleaded 40252
guilty to a felony drug abuse offense, the court shall impose as a 40253
mandatory prison term one of the prison terms prescribed for a 40254
felony of the third degree. If the amount of the drug involved is 40255
within that range and if the offense was committed in the vicinity 40256
of a school or in the vicinity of a juvenile, aggravated 40257
trafficking in drugs is a felony of the second degree, and the 40258
court shall impose as a mandatory prison term one of the prison 40259
terms prescribed for a felony of the second degree. 40260

(d) Except as otherwise provided in this division, if the 40261
amount of the drug involved equals or exceeds five times the bulk 40262
amount but is less than fifty times the bulk amount, aggravated 40263
trafficking in drugs is a felony of the second degree, and the 40264
court shall impose as a mandatory prison term one of the prison 40265
terms prescribed for a felony of the second degree. If the amount 40266
of the drug involved is within that range and if the offense was 40267
committed in the vicinity of a school or in the vicinity of a 40268
juvenile, aggravated trafficking in drugs is a felony of the first 40269
degree, and the court shall impose as a mandatory prison term one 40270
of the prison terms prescribed for a felony of the first degree. 40271

(e) If the amount of the drug involved equals or exceeds 40272
fifty times the bulk amount but is less than one hundred times the 40273
bulk amount and regardless of whether the offense was committed in 40274
the vicinity of a school or in the vicinity of a juvenile, 40275
aggravated trafficking in drugs is a felony of the first degree, 40276
and the court shall impose as a mandatory prison term one of the 40277
prison terms prescribed for a felony of the first degree. 40278

(f) If the amount of the drug involved equals or exceeds one 40279
hundred times the bulk amount and regardless of whether the 40280

offense was committed in the vicinity of a school or in the 40281
vicinity of a juvenile, aggravated trafficking in drugs is a 40282
felony of the first degree, the offender is a major drug offender, 40283
and the court shall impose as a mandatory prison term the maximum 40284
prison term prescribed for a felony of the first degree. 40285

(2) If the drug involved in the violation is any compound, 40286
mixture, preparation, or substance included in schedule III, IV, 40287
or V, whoever violates division (A) of this section is guilty of 40288
trafficking in drugs. The penalty for the offense shall be 40289
determined as follows: 40290

(a) Except as otherwise provided in division (C)(2)(b), (c), 40291
(d), or (e) of this section, trafficking in drugs is a felony of 40292
the fifth degree, and division (B) of section 2929.13 of the 40293
Revised Code applies in determining whether to impose a prison 40294
term on the offender. 40295

(b) Except as otherwise provided in division (C)(2)(c), (d), 40296
or (e) of this section, if the offense was committed in the 40297
vicinity of a school or in the vicinity of a juvenile, trafficking 40298
in drugs is a felony of the fourth degree, and division (C) of 40299
section 2929.13 of the Revised Code applies in determining whether 40300
to impose a prison term on the offender. 40301

(c) Except as otherwise provided in this division, if the 40302
amount of the drug involved equals or exceeds the bulk amount but 40303
is less than five times the bulk amount, trafficking in drugs is a 40304
felony of the fourth degree, and division (B) of section 2929.13 40305
of the Revised Code applies in determining whether to impose a 40306
prison term for the offense. If the amount of the drug involved is 40307
within that range and if the offense was committed in the vicinity 40308
of a school or in the vicinity of a juvenile, trafficking in drugs 40309
is a felony of the third degree, and there is a presumption for a 40310
prison term for the offense. 40311

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of trafficking in marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(3)(c), (d), (e), (f), (g), or (h) of this section, if the offense was

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds forty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(h) Except as otherwise provided in this division, if the offense involves a gift of twenty grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of twenty grams or less of marihuana and if the offense was committed in the vicinity of a

school or in the vicinity of a juvenile, trafficking in marihuana 40408
is a misdemeanor of the third degree. 40409

(4) If the drug involved in the violation is cocaine or a 40410
compound, mixture, preparation, or substance containing cocaine, 40411
whoever violates division (A) of this section is guilty of 40412
trafficking in cocaine. The penalty for the offense shall be 40413
determined as follows: 40414

(a) Except as otherwise provided in division (C)(4)(b), (c), 40415
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 40416
felony of the fifth degree, and division (B) of section 2929.13 of 40417
the Revised Code applies in determining whether to impose a prison 40418
term on the offender. 40419

(b) Except as otherwise provided in division (C)(4)(c), (d), 40420
(e), (f), or (g) of this section, if the offense was committed in 40421
the vicinity of a school or in the vicinity of a juvenile, 40422
trafficking in cocaine is a felony of the fourth degree, and 40423
division (C) of section 2929.13 of the Revised Code applies in 40424
determining whether to impose a prison term on the offender. 40425

(c) Except as otherwise provided in this division, if the 40426
amount of the drug involved equals or exceeds five grams but is 40427
less than ten grams of cocaine, trafficking in cocaine is a felony 40428
of the fourth degree, and division (B) of section 2929.13 of the 40429
Revised Code applies in determining whether to impose a prison 40430
term for the offense. If the amount of the drug involved is within 40431
that range and if the offense was committed in the vicinity of a 40432
school or in the vicinity of a juvenile, trafficking in cocaine is 40433
a felony of the third degree, and there is a presumption for a 40434
prison term for the offense. 40435

(d) Except as otherwise provided in this division, if the 40436
amount of the drug involved equals or exceeds ten grams but is 40437
less than twenty grams of cocaine, trafficking in cocaine is a 40438

felony of the third degree, and, except as otherwise provided in 40439
this division, there is a presumption for a prison term for the 40440
offense. If trafficking in cocaine is a felony of the third degree 40441
under this division and if the offender two or more times 40442
previously has been convicted of or pleaded guilty to a felony 40443
drug abuse offense, the court shall impose as a mandatory prison 40444
term one of the prison terms prescribed for a felony of the third 40445
degree. If the amount of the drug involved is within that range 40446
and if the offense was committed in the vicinity of a school or in 40447
the vicinity of a juvenile, trafficking in cocaine is a felony of 40448
the second degree, and the court shall impose as a mandatory 40449
prison term one of the prison terms prescribed for a felony of the 40450
second degree. 40451

(e) Except as otherwise provided in this division, if the 40452
amount of the drug involved equals or exceeds twenty grams but is 40453
less than twenty-seven grams of cocaine, trafficking in cocaine is 40454
a felony of the second degree, and the court shall impose as a 40455
mandatory prison term one of the prison terms prescribed for a 40456
felony of the second degree. If the amount of the drug involved is 40457
within that range and if the offense was committed in the vicinity 40458
of a school or in the vicinity of a juvenile, trafficking in 40459
cocaine is a felony of the first degree, and the court shall 40460
impose as a mandatory prison term one of the prison terms 40461
prescribed for a felony of the first degree. 40462

(f) If the amount of the drug involved equals or exceeds 40463
twenty-seven grams but is less than one hundred grams of cocaine 40464
and regardless of whether the offense was committed in the 40465
vicinity of a school or in the vicinity of a juvenile, trafficking 40466
in cocaine is a felony of the first degree, and the court shall 40467
impose as a mandatory prison term one of the prison terms 40468
prescribed for a felony of the first degree. 40469

(g) If the amount of the drug involved equals or exceeds one 40470

hundred grams of cocaine and regardless of whether the offense was 40471
committed in the vicinity of a school or in the vicinity of a 40472
juvenile, trafficking in cocaine is a felony of the first degree, 40473
the offender is a major drug offender, and the court shall impose 40474
as a mandatory prison term the maximum prison term prescribed for 40475
a felony of the first degree. 40476

(5) If the drug involved in the violation is L.S.D. or a 40477
compound, mixture, preparation, or substance containing L.S.D., 40478
whoever violates division (A) of this section is guilty of 40479
trafficking in L.S.D. The penalty for the offense shall be 40480
determined as follows: 40481

(a) Except as otherwise provided in division (C)(5)(b), (c), 40482
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 40483
felony of the fifth degree, and division (B) of section 2929.13 of 40484
the Revised Code applies in determining whether to impose a prison 40485
term on the offender. 40486

(b) Except as otherwise provided in division (C)(5)(c), (d), 40487
(e), (f), or (g) of this section, if the offense was committed in 40488
the vicinity of a school or in the vicinity of a juvenile, 40489
trafficking in L.S.D. is a felony of the fourth degree, and 40490
division (C) of section 2929.13 of the Revised Code applies in 40491
determining whether to impose a prison term on the offender. 40492

(c) Except as otherwise provided in this division, if the 40493
amount of the drug involved equals or exceeds ten unit doses but 40494
is less than fifty unit doses of L.S.D. in a solid form or equals 40495
or exceeds one gram but is less than five grams of L.S.D. in a 40496
liquid concentrate, liquid extract, or liquid distillate form, 40497
trafficking in L.S.D. is a felony of the fourth degree, and 40498
division (B) of section 2929.13 of the Revised Code applies in 40499
determining whether to impose a prison term for the offense. If 40500
the amount of the drug involved is within that range and if the 40501
offense was committed in the vicinity of a school or in the 40502

vicinity of a juvenile, trafficking in L.S.D. is a felony of the 40503
third degree, and there is a presumption for a prison term for the 40504
offense. 40505

(d) Except as otherwise provided in this division, if the 40506
amount of the drug involved equals or exceeds fifty unit doses but 40507
is less than two hundred fifty unit doses of L.S.D. in a solid 40508
form or equals or exceeds five grams but is less than twenty-five 40509
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 40510
distillate form, trafficking in L.S.D. is a felony of the third 40511
degree, and, except as otherwise provided in this division, there 40512
is a presumption for a prison term for the offense. If trafficking 40513
in L.S.D. is a felony of the third degree under this division and 40514
if the offender two or more times previously has been convicted of 40515
or pleaded guilty to a felony drug abuse offense, the court shall 40516
impose as a mandatory prison term one of the prison terms 40517
prescribed for a felony of the third degree. If the amount of the 40518
drug involved is within that range and if the offense was 40519
committed in the vicinity of a school or in the vicinity of a 40520
juvenile, trafficking in L.S.D. is a felony of the second degree, 40521
and the court shall impose as a mandatory prison term one of the 40522
prison terms prescribed for a felony of the second degree. 40523

(e) Except as otherwise provided in this division, if the 40524
amount of the drug involved equals or exceeds two hundred fifty 40525
unit doses but is less than one thousand unit doses of L.S.D. in a 40526
solid form or equals or exceeds twenty-five grams but is less than 40527
one hundred grams of L.S.D. in a liquid concentrate, liquid 40528
extract, or liquid distillate form, trafficking in L.S.D. is a 40529
felony of the second degree, and the court shall impose as a 40530
mandatory prison term one of the prison terms prescribed for a 40531
felony of the second degree. If the amount of the drug involved is 40532
within that range and if the offense was committed in the vicinity 40533
of a school or in the vicinity of a juvenile, trafficking in 40534

L.S.D. is a felony of the first degree, and the court shall impose 40535
as a mandatory prison term one of the prison terms prescribed for 40536
a felony of the first degree. 40537

(f) If the amount of the drug involved equals or exceeds one 40538
thousand unit doses but is less than five thousand unit doses of 40539
L.S.D. in a solid form or equals or exceeds one hundred grams but 40540
is less than five hundred grams of L.S.D. in a liquid concentrate, 40541
liquid extract, or liquid distillate form and regardless of 40542
whether the offense was committed in the vicinity of a school or 40543
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 40544
of the first degree, and the court shall impose as a mandatory 40545
prison term one of the prison terms prescribed for a felony of the 40546
first degree. 40547

(g) If the amount of the drug involved equals or exceeds five 40548
thousand unit doses of L.S.D. in a solid form or equals or exceeds 40549
five hundred grams of L.S.D. in a liquid concentrate, liquid 40550
extract, or liquid distillate form and regardless of whether the 40551
offense was committed in the vicinity of a school or in the 40552
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 40553
first degree, the offender is a major drug offender, and the court 40554
shall impose as a mandatory prison term the maximum prison term 40555
prescribed for a felony of the first degree. 40556

(6) If the drug involved in the violation is heroin or a 40557
compound, mixture, preparation, or substance containing heroin, 40558
whoever violates division (A) of this section is guilty of 40559
trafficking in heroin. The penalty for the offense shall be 40560
determined as follows: 40561

(a) Except as otherwise provided in division (C)(6)(b), (c), 40562
(d), (e), (f), or (g) of this section, trafficking in heroin is a 40563
felony of the fifth degree, and division (B) of section 2929.13 of 40564
the Revised Code applies in determining whether to impose a prison 40565
term on the offender. 40566

(b) Except as otherwise provided in division (C)(6)(c), (d), 40567
(e), (f), or (g) of this section, if the offense was committed in 40568
the vicinity of a school or in the vicinity of a juvenile, 40569
trafficking in heroin is a felony of the fourth degree, and 40570
division (C) of section 2929.13 of the Revised Code applies in 40571
determining whether to impose a prison term on the offender. 40572

(c) Except as otherwise provided in this division, if the 40573
amount of the drug involved equals or exceeds ten unit doses but 40574
is less than fifty unit doses or equals or exceeds one gram but is 40575
less than five grams, trafficking in heroin is a felony of the 40576
fourth degree, and division (B) of section 2929.13 of the Revised 40577
Code applies in determining whether to impose a prison term for 40578
the offense. If the amount of the drug involved is within that 40579
range and if the offense was committed in the vicinity of a school 40580
or in the vicinity of a juvenile, trafficking in heroin is a 40581
felony of the third degree, and there is a presumption for a 40582
prison term for the offense. 40583

(d) Except as otherwise provided in this division, if the 40584
amount of the drug involved equals or exceeds fifty unit doses but 40585
is less than one hundred unit doses or equals or exceeds five 40586
grams but is less than ten grams, trafficking in heroin is a 40587
felony of the third degree, and there is a presumption for a 40588
prison term for the offense. If the amount of the drug involved is 40589
within that range and if the offense was committed in the vicinity 40590
of a school or in the vicinity of a juvenile, trafficking in 40591
heroin is a felony of the second degree, and there is a 40592
presumption for a prison term for the offense. 40593

(e) Except as otherwise provided in this division, if the 40594
amount of the drug involved equals or exceeds one hundred unit 40595
doses but is less than five hundred unit doses or equals or 40596
exceeds ten grams but is less than fifty grams, trafficking in 40597
heroin is a felony of the second degree, and the court shall 40598

impose as a mandatory prison term one of the prison terms 40599
prescribed for a felony of the second degree. If the amount of the 40600
drug involved is within that range and if the offense was 40601
committed in the vicinity of a school or in the vicinity of a 40602
juvenile, trafficking in heroin is a felony of the first degree, 40603
and the court shall impose as a mandatory prison term one of the 40604
prison terms prescribed for a felony of the first degree. 40605

(f) If the amount of the drug involved equals or exceeds five 40606
hundred unit doses but is less than two thousand five hundred unit 40607
doses or equals or exceeds fifty grams but is less than two 40608
hundred fifty grams and regardless of whether the offense was 40609
committed in the vicinity of a school or in the vicinity of a 40610
juvenile, trafficking in heroin is a felony of the first degree, 40611
and the court shall impose as a mandatory prison term one of the 40612
prison terms prescribed for a felony of the first degree. 40613

(g) If the amount of the drug involved equals or exceeds two 40614
thousand five hundred unit doses or equals or exceeds two hundred 40615
fifty grams and regardless of whether the offense was committed in 40616
the vicinity of a school or in the vicinity of a juvenile, 40617
trafficking in heroin is a felony of the first degree, the 40618
offender is a major drug offender, and the court shall impose as a 40619
mandatory prison term the maximum prison term prescribed for a 40620
felony of the first degree. 40621

(7) If the drug involved in the violation is hashish or a 40622
compound, mixture, preparation, or substance containing hashish, 40623
whoever violates division (A) of this section is guilty of 40624
trafficking in hashish. The penalty for the offense shall be 40625
determined as follows: 40626

(a) Except as otherwise provided in division (C)(7)(b), (c), 40627
(d), (e), (f), or (g) of this section, trafficking in hashish is a 40628
felony of the fifth degree, and division (B) of section 2929.13 of 40629
the Revised Code applies in determining whether to impose a prison 40630

term on the offender. 40631

(b) Except as otherwise provided in division (C)(7)(c), (d), 40632
(e), (f), or (g) of this section, if the offense was committed in 40633
the vicinity of a school or in the vicinity of a juvenile, 40634
trafficking in hashish is a felony of the fourth degree, and 40635
division (B) of section 2929.13 of the Revised Code applies in 40636
determining whether to impose a prison term on the offender. 40637

(c) Except as otherwise provided in this division, if the 40638
amount of the drug involved equals or exceeds ten grams but is 40639
less than fifty grams of hashish in a solid form or equals or 40640
exceeds two grams but is less than ten grams of hashish in a 40641
liquid concentrate, liquid extract, or liquid distillate form, 40642
trafficking in hashish is a felony of the fourth degree, and 40643
division (B) of section 2929.13 of the Revised Code applies in 40644
determining whether to impose a prison term on the offender. If 40645
the amount of the drug involved is within that range and if the 40646
offense was committed in the vicinity of a school or in the 40647
vicinity of a juvenile, trafficking in hashish is a felony of the 40648
third degree, and division (C) of section 2929.13 of the Revised 40649
Code applies in determining whether to impose a prison term on the 40650
offender. 40651

(d) Except as otherwise provided in this division, if the 40652
amount of the drug involved equals or exceeds fifty grams but is 40653
less than two hundred fifty grams of hashish in a solid form or 40654
equals or exceeds ten grams but is less than fifty grams of 40655
hashish in a liquid concentrate, liquid extract, or liquid 40656
distillate form, trafficking in hashish is a felony of the third 40657
degree, and division (C) of section 2929.13 of the Revised Code 40658
applies in determining whether to impose a prison term on the 40659
offender. If the amount of the drug involved is within that range 40660
and if the offense was committed in the vicinity of a school or in 40661
the vicinity of a juvenile, trafficking in hashish is a felony of 40662

the second degree, and there is a presumption that a prison term shall be imposed for the offense. 40663
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(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense. 40665
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(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree. 40677
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(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second 40690
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degree, and the court shall impose as a mandatory prison term the 40695
maximum prison term prescribed for a felony of the second degree. 40696
If the amount of the drug involved equals or exceeds two thousand 40697
grams of hashish in a solid form or equals or exceeds four hundred 40698
grams of hashish in a liquid concentrate, liquid extract, or 40699
liquid distillate form and if the offense was committed in the 40700
vicinity of a school or in the vicinity of a juvenile, trafficking 40701
in hashish is a felony of the first degree, and the court shall 40702
impose as a mandatory prison term the maximum prison term 40703
prescribed for a felony of the first degree. 40704

(8) If the drug involved in the violation is a controlled 40705
substance analog or compound, mixture, preparation, or substance 40706
that contains a controlled substance analog, whoever violates 40707
division (A) of this section is guilty of trafficking in a 40708
controlled substance analog. The penalty for the offense shall be 40709
determined as follows: 40710

(a) Except as otherwise provided in division (C)(8)(b), (c), 40711
(d), (e), (f), or (g) of this section, trafficking in a controlled 40712
substance analog is a felony of the fifth degree, and division (C) 40713
of section 2929.13 of the Revised Code applies in determining 40714
whether to impose a prison term on the offender. 40715

(b) Except as otherwise provided in division (C)(8)(c), (d), 40716
(e), (f), or (g) of this section, if the offense was committed in 40717
the vicinity of a school or in the vicinity of a juvenile, 40718
trafficking in a controlled substance analog is a felony of the 40719
fourth degree, and division (C) of section 2929.13 of the Revised 40720
Code applies in determining whether to impose a prison term on the 40721
offender. 40722

(c) Except as otherwise provided in this division, if the 40723
amount of the drug involved equals or exceeds ten grams but is 40724
less than twenty grams, trafficking in a controlled substance 40725
analog is a felony of the fourth degree, and division (B) of 40726

section 2929.13 of the Revised Code applies in determining whether 40727
to impose a prison term for the offense. If the amount of the drug 40728
involved is within that range and if the offense was committed in 40729
the vicinity of a school or in the vicinity of a juvenile, 40730
trafficking in a controlled substance analog is a felony of the 40731
third degree, and there is a presumption for a prison term for the 40732
offense. 40733

(d) Except as otherwise provided in this division, if the 40734
amount of the drug involved equals or exceeds twenty grams but is 40735
less than thirty grams, trafficking in a controlled substance 40736
analog is a felony of the third degree, and there is a presumption 40737
for a prison term for the offense. If the amount of the drug 40738
involved is within that range and if the offense was committed in 40739
the vicinity of a school or in the vicinity of a juvenile, 40740
trafficking in a controlled substance analog is a felony of the 40741
second degree, and there is a presumption for a prison term for 40742
the offense. 40743

(e) Except as otherwise provided in this division, if the 40744
amount of the drug involved equals or exceeds thirty grams but is 40745
less than forty grams, trafficking in a controlled substance 40746
analog is a felony of the second degree, and the court shall 40747
impose as a mandatory prison term one of the prison terms 40748
prescribed for a felony of the second degree. If the amount of the 40749
drug involved is within that range and if the offense was 40750
committed in the vicinity of a school or in the vicinity of a 40751
juvenile, trafficking in a controlled substance analog is a felony 40752
of the first degree, and the court shall impose as a mandatory 40753
prison term one of the prison terms prescribed for a felony of the 40754
first degree. 40755

(f) If the amount of the drug involved equals or exceeds 40756
forty grams but is less than fifty grams and regardless of whether 40757
the offense was committed in the vicinity of a school or in the 40758

vicinity of a juvenile, trafficking in a controlled substance 40759
analog is a felony of the first degree, and the court shall impose 40760
as a mandatory prison term one of the prison terms prescribed for 40761
a felony of the first degree. 40762

(g) If the amount of the drug involved equals or exceeds 40763
fifty grams and regardless of whether the offense was committed in 40764
the vicinity of a school or in the vicinity of a juvenile, 40765
trafficking in a controlled substance analog is a felony of the 40766
first degree, the offender is a major drug offender, and the court 40767
shall impose as a mandatory prison term the maximum prison term 40768
prescribed for a felony of the first degree. 40769

(D) In addition to any prison term authorized or required by 40770
division (C) of this section and sections 2929.13 and 2929.14 of 40771
the Revised Code, and in addition to any other sanction imposed 40772
for the offense under this section or sections 2929.11 to 2929.18 40773
of the Revised Code, the court that sentences an offender who is 40774
convicted of or pleads guilty to a violation of division (A) of 40775
this section shall do all of the following that are applicable 40776
regarding the offender: 40777

(1) If the violation of division (A) of this section is a 40778
felony of the first, second, or third degree, the court shall 40779
impose upon the offender the mandatory fine specified for the 40780
offense under division (B)(1) of section 2929.18 of the Revised 40781
Code unless, as specified in that division, the court determines 40782
that the offender is indigent. Except as otherwise provided in 40783
division (H)(1) of this section, a mandatory fine or any other 40784
fine imposed for a violation of this section is subject to 40785
division (F) of this section. If a person is charged with a 40786
violation of this section that is a felony of the first, second, 40787
or third degree, posts bail, and forfeits the bail, the clerk of 40788
the court shall pay the forfeited bail pursuant to divisions 40789
(D)(1) and (F) of this section, as if the forfeited bail was a 40790

fine imposed for a violation of this section. If any amount of the 40791
forfeited bail remains after that payment and if a fine is imposed 40792
under division (H)(1) of this section, the clerk of the court 40793
shall pay the remaining amount of the forfeited bail pursuant to 40794
divisions (H)(2) and (3) of this section, as if that remaining 40795
amount was a fine imposed under division (H)(1) of this section. 40796

(2) The court shall suspend the driver's or commercial 40797
driver's license or permit of the offender in accordance with 40798
division (G) of this section. 40799

(3) If the offender is a professionally licensed person, the 40800
court immediately shall comply with section 2925.38 of the Revised 40801
Code. 40802

(E) When a person is charged with the sale of or offer to 40803
sell a bulk amount or a multiple of a bulk amount of a controlled 40804
substance, the jury, or the court trying the accused, shall 40805
determine the amount of the controlled substance involved at the 40806
time of the offense and, if a guilty verdict is returned, shall 40807
return the findings as part of the verdict. In any such case, it 40808
is unnecessary to find and return the exact amount of the 40809
controlled substance involved, and it is sufficient if the finding 40810
and return is to the effect that the amount of the controlled 40811
substance involved is the requisite amount, or that the amount of 40812
the controlled substance involved is less than the requisite 40813
amount. 40814

(F)(1) Notwithstanding any contrary provision of section 40815
3719.21 of the Revised Code and except as provided in division (H) 40816
of this section, the clerk of the court shall pay any mandatory 40817
fine imposed pursuant to division (D)(1) of this section and any 40818
fine other than a mandatory fine that is imposed for a violation 40819
of this section pursuant to division (A) or (B)(5) of section 40820
2929.18 of the Revised Code to the county, township, municipal 40821
corporation, park district, as created pursuant to section 511.18 40822

or 1545.04 of the Revised Code, or state law enforcement agencies 40823
in this state that primarily were responsible for or involved in 40824
making the arrest of, and in prosecuting, the offender. However, 40825
the clerk shall not pay a mandatory fine so imposed to a law 40826
enforcement agency unless the agency has adopted a written 40827
internal control policy under division (F)(2) of this section that 40828
addresses the use of the fine moneys that it receives. Each agency 40829
shall use the mandatory fines so paid to subsidize the agency's 40830
law enforcement efforts that pertain to drug offenses, in 40831
accordance with the written internal control policy adopted by the 40832
recipient agency under division (F)(2) of this section. 40833

(2)~~(a)~~ Prior to receiving any fine moneys under division 40834
(F)(1) of this section or division (B) of section 2925.42 of the 40835
Revised Code, a law enforcement agency shall adopt a written 40836
internal control policy that addresses the agency's use and 40837
disposition of all fine moneys so received and that provides for 40838
the keeping of detailed financial records of the receipts of those 40839
fine moneys, the general types of expenditures made out of those 40840
fine moneys, and the specific amount of each general type of 40841
expenditure. The policy shall not provide for or permit the 40842
identification of any specific expenditure that is made in an 40843
ongoing investigation. All financial records of the receipts of 40844
those fine moneys, the general types of expenditures made out of 40845
those fine moneys, and the specific amount of each general type of 40846
expenditure by an agency are public records open for inspection 40847
under section 149.43 of the Revised Code. Additionally, a written 40848
internal control policy adopted under this division is such a 40849
public record, and the agency that adopted it shall comply with 40850
it. 40851

~~(b) Each law enforcement agency that receives in any calendar 40852
year any fine moneys under division (F)(1) of this section or 40853
division (B) of section 2925.42 of the Revised Code shall prepare 40854~~

~~a report covering the calendar year that cumulates all of the
information contained in all of the public financial records kept
by the agency pursuant to division (F)(2)(a) of this section for
that calendar year, and shall send a copy of the cumulative
report, no later than the first day of March in the calendar year
following the calendar year covered by the report, to the attorney
general. Each report received by the attorney general is a public
record open for inspection under section 149.43 of the Revised
Code. Not later than the fifteenth day of April in the calendar
year in which the reports are received, the attorney general shall
send to the president of the senate and the speaker of the house
of representatives a written notification that does all of the
following:~~

~~(i) Indicates that the attorney general has received from law
enforcement agencies reports of the type described in this
division that cover the previous calendar year and indicates that
the reports were received under this division;~~

~~(ii) Indicates that the reports are open for inspection under
section 149.43 of the Revised Code;~~

~~(iii) Indicates that the attorney general will provide a copy
of any or all of the reports to the president of the senate or the
speaker of the house of representatives upon request.~~

(3) As used in division (F) of this section: 40877

(a) "Law enforcement agencies" includes, but is not limited
to, the state board of pharmacy and the office of a prosecutor. 40878
40879

(b) "Prosecutor" has the same meaning as in section 2935.01
of the Revised Code. 40880
40881

(G) When required under division (D)(2) of this section or
any other provision of this chapter, the court shall suspend for
not less than six months or more than five years the driver's or
commercial driver's license or permit of any person who is 40882
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40884
40885

convicted of or pleads guilty to any violation of this section or 40886
any other specified provision of this chapter. If an offender's 40887
driver's or commercial driver's license or permit is suspended 40888
pursuant to this division, the offender, at any time after the 40889
expiration of two years from the day on which the offender's 40890
sentence was imposed or from the day on which the offender finally 40891
was released from a prison term under the sentence, whichever is 40892
later, may file a motion with the sentencing court requesting 40893
termination of the suspension; upon the filing of such a motion 40894
and the court's finding of good cause for the termination, the 40895
court may terminate the suspension. 40896

(H)(1) In addition to any prison term authorized or required 40897
by division (C) of this section and sections 2929.13 and 2929.14 40898
of the Revised Code, in addition to any other penalty or sanction 40899
imposed for the offense under this section or sections 2929.11 to 40900
2929.18 of the Revised Code, and in addition to the forfeiture of 40901
property in connection with the offense as prescribed in Chapter 40902
2981. of the Revised Code, the court that sentences an offender 40903
who is convicted of or pleads guilty to a violation of division 40904
(A) of this section may impose upon the offender an additional 40905
fine specified for the offense in division (B)(4) of section 40906
2929.18 of the Revised Code. A fine imposed under division (H)(1) 40907
of this section is not subject to division (F) of this section and 40908
shall be used solely for the support of one or more eligible 40909
~~alcohol and drug~~ community addiction programs services provider in 40910
accordance with divisions (H)(2) and (3) of this section. 40911

(2) The court that imposes a fine under division (H)(1) of 40912
this section shall specify in the judgment that imposes the fine 40913
one or more eligible ~~alcohol and drug~~ community addiction programs 40914
services provider for the support of which the fine money is to be 40915
used. No ~~alcohol and drug~~ community addiction program services 40916
provider shall receive or use money paid or collected in 40917

satisfaction of a fine imposed under division (H)(1) of this 40918
section unless the ~~program services provider~~ is specified in the 40919
judgment that imposes the fine. No ~~alcohol and drug community~~ 40920
addiction ~~program services provider~~ shall be specified in the 40921
judgment unless the ~~program services provider~~ is an eligible 40922
~~alcohol and drug community~~ addiction ~~program services provider~~ 40923
and, except as otherwise provided in division (H)(2) of this 40924
section, unless the ~~program services provider~~ is located in the 40925
county in which the court that imposes the fine is located or in a 40926
county that is immediately contiguous to the county in which that 40927
court is located. If no eligible ~~alcohol and drug community~~ 40928
addiction ~~program services provider~~ is located in any of those 40929
counties, the judgment may specify an eligible ~~alcohol and drug~~ 40930
~~community~~ addiction ~~program services provider~~ that is located 40931
anywhere within this state. 40932

(3) Notwithstanding any contrary provision of section 3719.21 40933
of the Revised Code, the clerk of the court shall pay any fine 40934
imposed under division (H)(1) of this section to the eligible 40935
~~alcohol and drug community~~ addiction ~~program services provider~~ 40936
specified pursuant to division (H)(2) of this section in the 40937
judgment. The eligible ~~alcohol and drug community~~ addiction 40938
~~program services provider~~ that receives the fine moneys shall use 40939
the moneys only for the alcohol and drug addiction services 40940
identified in the application for certification under section 40941
~~3793.06~~ 5119.36 of the Revised Code or in the application for a 40942
license under section ~~3793.11~~ 5119.39 of the Revised Code filed 40943
with the department of ~~alcohol and drug addiction services~~ mental 40944
health and addiction services by the ~~alcohol and drug community~~ 40945
addiction ~~program services provider~~ specified in the judgment. 40946

(4) Each ~~alcohol and drug community~~ addiction ~~program~~ 40947
~~services provider~~ that receives in a calendar year any fine moneys 40948
under division (H)(3) of this section shall file an annual report 40949

covering that calendar year with the court of common pleas and the board of county commissioners of the county in which the ~~program~~ services provider is located, with the court of common pleas and the board of county commissioners of each county from which the ~~program~~ services provider received the moneys if that county is different from the county in which the ~~program~~ services provider is located, and with the attorney general. The ~~alcohol and drug~~ community addiction ~~program~~ services provider shall file the report no later than the first day of March in the calendar year following the calendar year in which the ~~program~~ services provider received the fine moneys. The report shall include statistics on the number of persons served by the ~~alcohol and drug~~ community addiction ~~program~~ services provider, identify the types of alcohol and drug addiction services provided to those persons, and include a specific accounting of the purposes for which the fine moneys received were used. No information contained in the report shall identify, or enable a person to determine the identity of, any person served by the ~~alcohol and drug~~ community addiction ~~program~~ services provider. Each report received by a court of common pleas, a board of county commissioners, or the attorney general is a public record open for inspection under section 149.43 of the Revised Code.

(5) As used in divisions (H)(1) to (5) of this section:

(a) "~~Alcohol and drug~~ Community addiction ~~program~~ services provider" and "alcohol and drug addiction services" have the same meanings as in section ~~3793.01~~ 5119.01 of the Revised Code.

(b) "~~Eligible alcohol and drug~~ community addiction ~~program~~ services provider" means ~~an alcohol and drug~~ a community addiction ~~program~~ services provider that is certified under section ~~3793.06~~ 5119.36 of the Revised Code or licensed under section ~~3793.11~~ 5119.39 of the Revised Code by the department of ~~alcohol and drug~~ addiction services mental health and addiction services.

(I) As used in this section, "drug" includes any substance 40982
that is represented to be a drug. 40983

(J) It is an affirmative defense to a charge of trafficking 40984
in a controlled substance analog under division (C)(8) of this 40985
section that the person charged with violating that offense sold 40986
or offered to sell, or prepared for shipment, shipped, 40987
transported, delivered, prepared for distribution, or distributed 40988
an item described in division (HH)(2)(a), (b), or (c) of section 40989
3719.01 of the Revised Code. 40990

Sec. 2929.15. (A)(1) If in sentencing an offender for a 40991
felony the court is not required to impose a prison term, a 40992
mandatory prison term, or a term of life imprisonment upon the 40993
offender, the court may directly impose a sentence that consists 40994
of one or more community control sanctions authorized pursuant to 40995
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 40996
court is sentencing an offender for a fourth degree felony OVI 40997
offense under division (G)(1) of section 2929.13 of the Revised 40998
Code, in addition to the mandatory term of local incarceration 40999
imposed under that division and the mandatory fine required by 41000
division (B)(3) of section 2929.18 of the Revised Code, the court 41001
may impose upon the offender a community control sanction or 41002
combination of community control sanctions in accordance with 41003
sections 2929.16 and 2929.17 of the Revised Code. If the court is 41004
sentencing an offender for a third or fourth degree felony OVI 41005
offense under division (G)(2) of section 2929.13 of the Revised 41006
Code, in addition to the mandatory prison term or mandatory prison 41007
term and additional prison term imposed under that division, the 41008
court also may impose upon the offender a community control 41009
sanction or combination of community control sanctions under 41010
section 2929.16 or 2929.17 of the Revised Code, but the offender 41011
shall serve all of the prison terms so imposed prior to serving 41012
the community control sanction. 41013

The duration of all community control sanctions imposed upon 41014
an offender under this division shall not exceed five years. If 41015
the offender absconds or otherwise leaves the jurisdiction of the 41016
court in which the offender resides without obtaining permission 41017
from the court or the offender's probation officer to leave the 41018
jurisdiction of the court, or if the offender is confined in any 41019
institution for the commission of any offense while under a 41020
community control sanction, the period of the community control 41021
sanction ceases to run until the offender is brought before the 41022
court for its further action. If the court sentences the offender 41023
to one or more nonresidential sanctions under section 2929.17 of 41024
the Revised Code, the court shall impose as a condition of the 41025
nonresidential sanctions that, during the period of the sanctions, 41026
the offender must abide by the law and must not leave the state 41027
without the permission of the court or the offender's probation 41028
officer. The court may impose any other conditions of release 41029
under a community control sanction that the court considers 41030
appropriate, including, but not limited to, requiring that the 41031
offender not ingest or be injected with a drug of abuse and submit 41032
to random drug testing as provided in division (D) of this section 41033
to determine whether the offender ingested or was injected with a 41034
drug of abuse and requiring that the results of the drug test 41035
indicate that the offender did not ingest or was not injected with 41036
a drug of abuse. 41037

(2)(a) If a court sentences an offender to any community 41038
control sanction or combination of community control sanctions 41039
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 41040
Revised Code, the court shall place the offender under the general 41041
control and supervision of a department of probation in the county 41042
that serves the court for purposes of reporting to the court a 41043
violation of any condition of the sanctions, any condition of 41044
release under a community control sanction imposed by the court, a 41045
violation of law, or the departure of the offender from this state 41046

without the permission of the court or the offender's probation officer. Alternatively, if the offender resides in another county and a county department of probation has been established in that county or that county is served by a multicounty probation department established under section 2301.27 of the Revised Code, the court may request the court of common pleas of that county to receive the offender into the general control and supervision of that county or multicounty department of probation for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer, subject to the jurisdiction of the trial judge over and with respect to the person of the offender, and to the rules governing that department of probation.

If there is no department of probation in the county that serves the court, the court shall place the offender, regardless of the offender's county of residence, under the general control and supervision of the adult parole authority for purposes of reporting to the court a violation of any of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer.

(b) If the court imposing sentence upon an offender sentences the offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and if the offender violates any condition of the sanctions, any condition of release under a community control sanction imposed by the court, violates any law, or departs the state without the permission of

the court or the offender's probation officer, the public or 41079
private person or entity that operates or administers the sanction 41080
or the program or activity that comprises the sanction shall 41081
report the violation or departure directly to the sentencing 41082
court, or shall report the violation or departure to the county or 41083
multicounty department of probation with general control and 41084
supervision over the offender under division (A)(2)(a) of this 41085
section or the officer of that department who supervises the 41086
offender, or, if there is no such department with general control 41087
and supervision over the offender under that division, to the 41088
adult parole authority. If the public or private person or entity 41089
that operates or administers the sanction or the program or 41090
activity that comprises the sanction reports the violation or 41091
departure to the county or multicounty department of probation or 41092
the adult parole authority, the department's or authority's 41093
officers may treat the offender as if the offender were on 41094
probation and in violation of the probation, and shall report the 41095
violation of the condition of the sanction, any condition of 41096
release under a community control sanction imposed by the court, 41097
the violation of law, or the departure from the state without the 41098
required permission to the sentencing court. 41099

(3) If an offender who is eligible for community control 41100
sanctions under this section admits to being drug addicted or the 41101
court has reason to believe that the offender is drug addicted, 41102
and if the offense for which the offender is being sentenced was 41103
related to the addiction, the court may require that the offender 41104
be assessed by a properly credentialed professional within a 41105
specified period of time and shall require the professional to 41106
file a written assessment of the offender with the court. If a 41107
court imposes treatment and recovery support services as a 41108
community control sanction, the court shall direct the level and 41109
type of treatment and recovery support services after 41110
consideration of the written assessment, if available at the time 41111

of sentencing, and recommendations of the professional and other 41112
treatment and recovery support services providers. 41113

(4) If an assessment completed pursuant to division (A)(3) of 41114
this section indicates that the offender is addicted to drugs or 41115
alcohol, the court may include in any community control sanction 41116
imposed for a violation of section 2925.02, 2925.03, 2925.04, 41117
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 41118
2925.37 of the Revised Code a requirement that the offender 41119
participate in a treatment and recovery support services program 41120
certified under section ~~3793.06~~ 5119.36 of the Revised Code or 41121
offered by another properly credentialed ~~program~~ community 41122
addiction services provider. 41123

(B)(1) If the conditions of a community control sanction are 41124
violated or if the offender violates a law or leaves the state 41125
without the permission of the court or the offender's probation 41126
officer, the sentencing court may impose upon the violator one or 41127
more of the following penalties: 41128

(a) A longer time under the same sanction if the total time 41129
under the sanctions does not exceed the five-year limit specified 41130
in division (A) of this section; 41131

(b) A more restrictive sanction under section 2929.16, 41132
2929.17, or 2929.18 of the Revised Code; 41133

(c) A prison term on the offender pursuant to section 2929.14 41134
of the Revised Code. 41135

(2) The prison term, if any, imposed upon a violator pursuant 41136
to this division shall be within the range of prison terms 41137
available for the offense for which the sanction that was violated 41138
was imposed and shall not exceed the prison term specified in the 41139
notice provided to the offender at the sentencing hearing pursuant 41140
to division (B)(2) of section 2929.19 of the Revised Code. The 41141
court may reduce the longer period of time that the offender is 41142

required to spend under the longer sanction, the more restrictive 41143
sanction, or a prison term imposed pursuant to this division by 41144
the time the offender successfully spent under the sanction that 41145
was initially imposed. 41146

(C) If an offender, for a significant period of time, 41147
fulfills the conditions of a sanction imposed pursuant to section 41148
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 41149
manner, the court may reduce the period of time under the sanction 41150
or impose a less restrictive sanction, but the court shall not 41151
permit the offender to violate any law or permit the offender to 41152
leave the state without the permission of the court or the 41153
offender's probation officer. 41154

(D)(1) If a court under division (A)(1) of this section 41155
imposes a condition of release under a community control sanction 41156
that requires the offender to submit to random drug testing, the 41157
department of probation or the adult parole authority that has 41158
general control and supervision of the offender under division 41159
(A)(2)(a) of this section may cause the offender to submit to 41160
random drug testing performed by a laboratory or entity that has 41161
entered into a contract with any of the governmental entities or 41162
officers authorized to enter into a contract with that laboratory 41163
or entity under section 341.26, 753.33, or 5120.63 of the Revised 41164
Code. 41165

(2) If no laboratory or entity described in division (D)(1) 41166
of this section has entered into a contract as specified in that 41167
division, the department of probation or the adult parole 41168
authority that has general control and supervision of the offender 41169
under division (A)(2)(a) of this section shall cause the offender 41170
to submit to random drug testing performed by a reputable public 41171
laboratory to determine whether the individual who is the subject 41172
of the drug test ingested or was injected with a drug of abuse. 41173

(3) A laboratory or entity that has entered into a contract 41174

pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 41175
shall perform the random drug tests under division (D)(1) of this 41176
section in accordance with the applicable standards that are 41177
included in the terms of that contract. A public laboratory shall 41178
perform the random drug tests under division (D)(2) of this 41179
section in accordance with the standards set forth in the policies 41180
and procedures established by the department of rehabilitation and 41181
correction pursuant to section 5120.63 of the Revised Code. An 41182
offender who is required under division (A)(1) of this section to 41183
submit to random drug testing as a condition of release under a 41184
community control sanction and whose test results indicate that 41185
the offender ingested or was injected with a drug of abuse shall 41186
pay the fee for the drug test if the department of probation or 41187
the adult parole authority that has general control and 41188
supervision of the offender requires payment of a fee. A 41189
laboratory or entity that performs the random drug testing on an 41190
offender under division (D)(1) or (2) of this section shall 41191
transmit the results of the drug test to the appropriate 41192
department of probation or the adult parole authority that has 41193
general control and supervision of the offender under division 41194
(A)(2)(a) of this section. 41195

Sec. 2930.01. As used in this chapter: 41196

(A) "Crime" means any of the following: 41197

(1) A felony; 41198

(2) A violation of section 2903.05, 2903.06, 2903.13, 41199
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the 41200
Revised Code, a violation of section 2903.07 of the Revised Code 41201
as it existed prior to March 23, 2000, or a violation of a 41202
substantially equivalent municipal ordinance; 41203

(3) A violation of division (A) or (B) of section 4511.19, 41204
division (A) or (B) of section 1547.11, or division (A)(3) of 41205

section 4561.15 of the Revised Code or of a municipal ordinance 41206
substantially similar to any of those divisions that is the 41207
proximate cause of a vehicle, streetcar, trackless trolley, 41208
aquatic device, or aircraft accident in which the victim receives 41209
injuries for which the victim receives medical treatment either at 41210
the scene of the accident by emergency medical services personnel 41211
or at a hospital, ambulatory care facility, physician's office, 41212
specialist's office, or other medical care facility. 41213

(4) A motor vehicle accident to which both of the following 41214
apply: 41215

(a) The motor vehicle accident is caused by a violation of a 41216
provision of the Revised Code that is a misdemeanor of the first 41217
degree or higher. 41218

(b) As a result of the motor vehicle accident, the victim 41219
receives injuries for which the victim receives medical treatment 41220
either at the scene of the accident by emergency medical services 41221
personnel or at a hospital, ambulatory care facility, physician's 41222
office, specialist's office, or other medical care facility. 41223

(B) "Custodial agency" means one of the following: 41224

(1) The entity that has custody of a defendant or an alleged 41225
juvenile offender who is incarcerated for a crime, is under 41226
detention for the commission of a specified delinquent act, or who 41227
is detained after a finding of incompetence to stand trial or not 41228
guilty by reason of insanity relative to a crime, including any of 41229
the following: 41230

(a) The department of rehabilitation and correction or the 41231
adult parole authority; 41232

(b) A county sheriff; 41233

(c) The entity that administers a jail, as defined in section 41234
2929.01 of the Revised Code; 41235

(d) The entity that administers a community-based 41236
correctional facility and program or a district community-based 41237
correctional facility and program; 41238

(e) The department of ~~mental health~~ mental health and 41239
addiction services or other entity to which a defendant found 41240
incompetent to stand trial or not guilty by reason of insanity is 41241
committed. 41242

(2) The entity that has custody of an alleged juvenile 41243
offender pursuant to an order of disposition of a juvenile court, 41244
including the department of youth services or a school, camp, 41245
institution, or other facility operated for the care of delinquent 41246
children. 41247

(C) "Defendant" means a person who is alleged to be the 41248
perpetrator of a crime in a police report or in a complaint, 41249
indictment, or information that charges the commission of a crime 41250
and that provides the basis for the criminal prosecution and 41251
subsequent proceedings to which this chapter makes reference. 41252

(D) "Member of the victim's family" means a spouse, child, 41253
stepchild, sibling, parent, stepparent, grandparent, or other 41254
relative of a victim but does not include a person who is charged 41255
with, convicted of, or adjudicated to be a delinquent child for 41256
the crime or specified delinquent act against the victim or 41257
another crime or specified delinquent act arising from the same 41258
conduct, criminal episode, or plan. 41259

(E) "Prosecutor" means one of the following: 41260

(1) With respect to a criminal case, it has the same meaning 41261
as in section 2935.01 of the Revised Code and also includes the 41262
attorney general and, when appropriate, the employees of any 41263
person listed in section 2935.01 of the Revised Code or of the 41264
attorney general. 41265

(2) With respect to a delinquency proceeding, it includes any 41266

person listed in division (C) of section 2935.01 of the Revised Code or an employee of a person listed in that division who prosecutes a delinquency proceeding.

(F) "Public agency" means an office, agency, department, bureau, or other governmental entity of the state or of a political subdivision of the state.

(G) "Public official" has the same meaning as in section 2921.01 of the Revised Code.

(H) "Victim" means either of the following:

(1) A person who is identified as the victim of a crime or specified delinquent act in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution or delinquency proceeding and subsequent proceedings to which this chapter makes reference.

(2) A person who receives injuries as a result of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident that is proximately caused by a violation described in division (A)(3) of this section or a motor vehicle accident that is proximately caused by a violation described in division (A)(4) of this section and who receives medical treatment as described in division (A)(3) or (4) of this section, whichever is applicable.

(I) "Victim's representative" means a member of the victim's family or another person who pursuant to the authority of section 2930.02 of the Revised Code exercises the rights of a victim under this chapter.

(J) "Court" means a court of common pleas, juvenile court, municipal court, or county court.

(K) "Delinquency proceeding" means all proceedings in a juvenile court that are related to a case in which a complaint has

been filed alleging that a child is a delinquent child.	41297
(L) "Case" means a delinquency proceeding and all related activity or a criminal prosecution and all related activity.	41298 41299
(M) The "defense" means the defense against criminal charges in a criminal prosecution or the defense against a delinquent child complaint in a delinquency proceeding.	41300 41301 41302
(N) The "prosecution" means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding.	41303 41304 41305
(O) "Specified delinquent act" means any of the following:	41306
(1) An act committed by a child that if committed by an adult would be a felony;	41307 41308
(2) An act committed by a child that is a violation of a section listed in division (A)(1) or (2) of this section or is a violation of a substantially equivalent municipal ordinance;	41309 41310 41311
(3) An act committed by a child that is described in division (A)(3) or (4) of this section.	41312 41313
(P)(1) "Alleged juvenile offender" means a child who is alleged to have committed a specified delinquent act in a police report or in a complaint in juvenile court that charges the commission of a specified delinquent act and that provides the basis for the delinquency proceeding and all subsequent proceedings to which this chapter makes reference.	41314 41315 41316 41317 41318 41319
(2) As used in divisions (O) and (P)(1) of this section, "child" has the same meaning as in section 2151.011 of the Revised Code.	41320 41321 41322
(Q) "Motor vehicle accident" means any accident involving a motor vehicle.	41323 41324
(R) "Motor vehicle" has the same meaning as in section 4509.01 of the Revised Code.	41325 41326

(S) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code. 41327
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(T) "Aquatic device" means any vessel, or any water skis, aquaplane, or similar device. 41329
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(U) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code. 41331
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(V) "Vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident" means any accident involving a vehicle, streetcar, trackless trolley, aquatic device, or aircraft. 41333
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(W) "Vessel" has the same meaning as in section 1547.01 of the Revised Code. 41336
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Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, deputy marshal, municipal police officer, township constable, police officer of a township or joint police district, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code, state university law enforcement officer appointed under section 3345.04 of the Revised Code, veterans' home police officer appointed under section 5907.02 of the Revised Code, special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, or a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended, shall 41338
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arrest and detain, until a warrant can be obtained, a person found 41358
violating, within the limits of the political subdivision, 41359
metropolitan housing authority housing project, regional transit 41360
authority facilities or areas of a municipal corporation that have 41361
been agreed to by a regional transit authority and a municipal 41362
corporation located within its territorial jurisdiction, college, 41363
university, veterans' home operated under Chapter 5907. of the 41364
Revised Code, port authority, or municipal airport or other 41365
municipal air navigation facility, in which the peace officer is 41366
appointed, employed, or elected, a law of this state, an ordinance 41367
of a municipal corporation, or a resolution of a township. 41368

(2) A peace officer of the department of natural resources, a 41369
state fire marshal law enforcement officer described in division 41370
(A)(23) of section 109.71 of the Revised Code, or an individual 41371
designated to perform law enforcement duties under section 41372
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 41373
detain, until a warrant can be obtained, a person found violating, 41374
within the limits of the peace officer's, state fire marshal law 41375
enforcement officer's, or individual's territorial jurisdiction, a 41376
law of this state. 41377

(3) The house sergeant at arms, if the house sergeant at arms 41378
has arrest authority pursuant to division (E)(1) of section 41379
101.311 of the Revised Code, and an assistant house sergeant at 41380
arms shall arrest and detain, until a warrant can be obtained, a 41381
person found violating, within the limits of the sergeant at 41382
arms's or assistant sergeant at arms's territorial jurisdiction 41383
specified in division (D)(1)(a) of section 101.311 of the Revised 41384
Code or while providing security pursuant to division (D)(1)(f) of 41385
section 101.311 of the Revised Code, a law of this state, an 41386
ordinance of a municipal corporation, or a resolution of a 41387
township. 41388

(4) The senate sergeant at arms and an assistant senate 41389

sergeant at arms shall arrest and detain, until a warrant can be 41390
obtained, a person found violating, within the limits of the 41391
sergeant at arms's or assistant sergeant at arms's territorial 41392
jurisdiction specified in division (B) of section 101.312 of the 41393
Revised Code, a law of this state, an ordinance of a municipal 41394
corporation, or a resolution of a township. 41395

(B)(1) When there is reasonable ground to believe that an 41396
offense of violence, the offense of criminal child enticement as 41397
defined in section 2905.05 of the Revised Code, the offense of 41398
public indecency as defined in section 2907.09 of the Revised 41399
Code, the offense of domestic violence as defined in section 41400
2919.25 of the Revised Code, the offense of violating a protection 41401
order as defined in section 2919.27 of the Revised Code, the 41402
offense of menacing by stalking as defined in section 2903.211 of 41403
the Revised Code, the offense of aggravated trespass as defined in 41404
section 2911.211 of the Revised Code, a theft offense as defined 41405
in section 2913.01 of the Revised Code, or a felony drug abuse 41406
offense as defined in section 2925.01 of the Revised Code, has 41407
been committed within the limits of the political subdivision, 41408
metropolitan housing authority housing project, regional transit 41409
authority facilities or those areas of a municipal corporation 41410
that have been agreed to by a regional transit authority and a 41411
municipal corporation located within its territorial jurisdiction, 41412
college, university, veterans' home operated under Chapter 5907. 41413
of the Revised Code, port authority, or municipal airport or other 41414
municipal air navigation facility, in which the peace officer is 41415
appointed, employed, or elected or within the limits of the 41416
territorial jurisdiction of the peace officer, a peace officer 41417
described in division (A) of this section may arrest and detain 41418
until a warrant can be obtained any person who the peace officer 41419
has reasonable cause to believe is guilty of the violation. 41420

(2) For purposes of division (B)(1) of this section, the 41421

execution of any of the following constitutes reasonable ground to 41422
believe that the offense alleged in the statement was committed 41423
and reasonable cause to believe that the person alleged in the 41424
statement to have committed the offense is guilty of the 41425
violation: 41426

(a) A written statement by a person alleging that an alleged 41427
offender has committed the offense of menacing by stalking or 41428
aggravated trespass; 41429

(b) A written statement by the administrator of the 41430
interstate compact on mental health appointed under section 41431
~~5119.51~~ 5119.71 of the Revised Code alleging that a person who had 41432
been hospitalized, institutionalized, or confined in any facility 41433
under an order made pursuant to or under authority of section 41434
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 41435
2945.402 of the Revised Code has escaped from the facility, from 41436
confinement in a vehicle for transportation to or from the 41437
facility, or from supervision by an employee of the facility that 41438
is incidental to hospitalization, institutionalization, or 41439
confinement in the facility and that occurs outside of the 41440
facility, in violation of section 2921.34 of the Revised Code; 41441

(c) A written statement by the administrator of any facility 41442
in which a person has been hospitalized, institutionalized, or 41443
confined under an order made pursuant to or under authority of 41444
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 41445
2945.402 of the Revised Code alleging that the person has escaped 41446
from the facility, from confinement in a vehicle for 41447
transportation to or from the facility, or from supervision by an 41448
employee of the facility that is incidental to hospitalization, 41449
institutionalization, or confinement in the facility and that 41450
occurs outside of the facility, in violation of section 2921.34 of 41451
the Revised Code. 41452

(3)(a) For purposes of division (B)(1) of this section, a 41453

peace officer described in division (A) of this section has 41454
reasonable grounds to believe that the offense of domestic 41455
violence or the offense of violating a protection order has been 41456
committed and reasonable cause to believe that a particular person 41457
is guilty of committing the offense if any of the following 41458
occurs: 41459

(i) A person executes a written statement alleging that the 41460
person in question has committed the offense of domestic violence 41461
or the offense of violating a protection order against the person 41462
who executes the statement or against a child of the person who 41463
executes the statement. 41464

(ii) No written statement of the type described in division 41465
(B)(3)(a)(i) of this section is executed, but the peace officer, 41466
based upon the peace officer's own knowledge and observation of 41467
the facts and circumstances of the alleged incident of the offense 41468
of domestic violence or the alleged incident of the offense of 41469
violating a protection order or based upon any other information, 41470
including, but not limited to, any reasonably trustworthy 41471
information given to the peace officer by the alleged victim of 41472
the alleged incident of the offense or any witness of the alleged 41473
incident of the offense, concludes that there are reasonable 41474
grounds to believe that the offense of domestic violence or the 41475
offense of violating a protection order has been committed and 41476
reasonable cause to believe that the person in question is guilty 41477
of committing the offense. 41478

(iii) No written statement of the type described in division 41479
(B)(3)(a)(i) of this section is executed, but the peace officer 41480
witnessed the person in question commit the offense of domestic 41481
violence or the offense of violating a protection order. 41482

(b) If pursuant to division (B)(3)(a) of this section a peace 41483
officer has reasonable grounds to believe that the offense of 41484
domestic violence or the offense of violating a protection order 41485

has been committed and reasonable cause to believe that a 41486
particular person is guilty of committing the offense, it is the 41487
preferred course of action in this state that the officer arrest 41488
and detain that person pursuant to division (B)(1) of this section 41489
until a warrant can be obtained. 41490

If pursuant to division (B)(3)(a) of this section a peace 41491
officer has reasonable grounds to believe that the offense of 41492
domestic violence or the offense of violating a protection order 41493
has been committed and reasonable cause to believe that family or 41494
household members have committed the offense against each other, 41495
it is the preferred course of action in this state that the 41496
officer, pursuant to division (B)(1) of this section, arrest and 41497
detain until a warrant can be obtained the family or household 41498
member who committed the offense and whom the officer has 41499
reasonable cause to believe is the primary physical aggressor. 41500
There is no preferred course of action in this state regarding any 41501
other family or household member who committed the offense and 41502
whom the officer does not have reasonable cause to believe is the 41503
primary physical aggressor, but, pursuant to division (B)(1) of 41504
this section, the peace officer may arrest and detain until a 41505
warrant can be obtained any other family or household member who 41506
committed the offense and whom the officer does not have 41507
reasonable cause to believe is the primary physical aggressor. 41508

(c) If a peace officer described in division (A) of this 41509
section does not arrest and detain a person whom the officer has 41510
reasonable cause to believe committed the offense of domestic 41511
violence or the offense of violating a protection order when it is 41512
the preferred course of action in this state pursuant to division 41513
(B)(3)(b) of this section that the officer arrest that person, the 41514
officer shall articulate in the written report of the incident 41515
required by section 2935.032 of the Revised Code a clear statement 41516
of the officer's reasons for not arresting and detaining that 41517

person until a warrant can be obtained. 41518

(d) In determining for purposes of division (B)(3)(b) of this 41519
section which family or household member is the primary physical 41520
aggressor in a situation in which family or household members have 41521
committed the offense of domestic violence or the offense of 41522
violating a protection order against each other, a peace officer 41523
described in division (A) of this section, in addition to any 41524
other relevant circumstances, should consider all of the 41525
following: 41526

(i) Any history of domestic violence or of any other violent 41527
acts by either person involved in the alleged offense that the 41528
officer reasonably can ascertain; 41529

(ii) If violence is alleged, whether the alleged violence was 41530
caused by a person acting in self-defense; 41531

(iii) Each person's fear of physical harm, if any, resulting 41532
from the other person's threatened use of force against any person 41533
or resulting from the other person's use or history of the use of 41534
force against any person, and the reasonableness of that fear; 41535

(iv) The comparative severity of any injuries suffered by the 41536
persons involved in the alleged offense. 41537

(e)(i) A peace officer described in division (A) of this 41538
section shall not require, as a prerequisite to arresting or 41539
charging a person who has committed the offense of domestic 41540
violence or the offense of violating a protection order, that the 41541
victim of the offense specifically consent to the filing of 41542
charges against the person who has committed the offense or sign a 41543
complaint against the person who has committed the offense. 41544

(ii) If a person is arrested for or charged with committing 41545
the offense of domestic violence or the offense of violating a 41546
protection order and if the victim of the offense does not 41547
cooperate with the involved law enforcement or prosecuting 41548

authorities in the prosecution of the offense or, subsequent to 41549
the arrest or the filing of the charges, informs the involved law 41550
enforcement or prosecuting authorities that the victim does not 41551
wish the prosecution of the offense to continue or wishes to drop 41552
charges against the alleged offender relative to the offense, the 41553
involved prosecuting authorities, in determining whether to 41554
continue with the prosecution of the offense or whether to dismiss 41555
charges against the alleged offender relative to the offense and 41556
notwithstanding the victim's failure to cooperate or the victim's 41557
wishes, shall consider all facts and circumstances that are 41558
relevant to the offense, including, but not limited to, the 41559
statements and observations of the peace officers who responded to 41560
the incident that resulted in the arrest or filing of the charges 41561
and of all witnesses to that incident. 41562

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 41563
this section whether to arrest a person pursuant to division 41564
(B)(1) of this section, a peace officer described in division (A) 41565
of this section shall not consider as a factor any possible 41566
shortage of cell space at the detention facility to which the 41567
person will be taken subsequent to the person's arrest or any 41568
possibility that the person's arrest might cause, contribute to, 41569
or exacerbate overcrowding at that detention facility or at any 41570
other detention facility. 41571

(g) If a peace officer described in division (A) of this 41572
section intends pursuant to divisions (B)(3)(a) to (g) of this 41573
section to arrest a person pursuant to division (B)(1) of this 41574
section and if the officer is unable to do so because the person 41575
is not present, the officer promptly shall seek a warrant for the 41576
arrest of the person. 41577

(h) If a peace officer described in division (A) of this 41578
section responds to a report of an alleged incident of the offense 41579
of domestic violence or an alleged incident of the offense of 41580

violating a protection order and if the circumstances of the 41581
incident involved the use or threatened use of a deadly weapon or 41582
any person involved in the incident brandished a deadly weapon 41583
during or in relation to the incident, the deadly weapon that was 41584
used, threatened to be used, or brandished constitutes contraband, 41585
and, to the extent possible, the officer shall seize the deadly 41586
weapon as contraband pursuant to Chapter 2981. of the Revised 41587
Code. Upon the seizure of a deadly weapon pursuant to division 41588
(B)(3)(h) of this section, section 2981.12 of the Revised Code 41589
shall apply regarding the treatment and disposition of the deadly 41590
weapon. For purposes of that section, the "underlying criminal 41591
offense" that was the basis of the seizure of a deadly weapon 41592
under division (B)(3)(h) of this section and to which the deadly 41593
weapon had a relationship is any of the following that is 41594
applicable: 41595

(i) The alleged incident of the offense of domestic violence 41596
or the alleged incident of the offense of violating a protection 41597
order to which the officer who seized the deadly weapon responded; 41598

(ii) Any offense that arose out of the same facts and 41599
circumstances as the report of the alleged incident of the offense 41600
of domestic violence or the alleged incident of the offense of 41601
violating a protection order to which the officer who seized the 41602
deadly weapon responded. 41603

(4) If, in the circumstances described in divisions (B)(3)(a) 41604
to (g) of this section, a peace officer described in division (A) 41605
of this section arrests and detains a person pursuant to division 41606
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 41607
this section, a peace officer described in division (A) of this 41608
section seizes a deadly weapon, the officer, to the extent 41609
described in and in accordance with section 9.86 or 2744.03 of the 41610
Revised Code, is immune in any civil action for damages for 41611
injury, death, or loss to person or property that arises from or 41612

is related to the arrest and detention or the seizure. 41613

(C) When there is reasonable ground to believe that a 41614
violation of division (A)(1), (2), (3), (4), or (5) of section 41615
4506.15 or a violation of section 4511.19 of the Revised Code has 41616
been committed by a person operating a motor vehicle subject to 41617
regulation by the public utilities commission of Ohio under Title 41618
XLIX of the Revised Code, a peace officer with authority to 41619
enforce that provision of law may stop or detain the person whom 41620
the officer has reasonable cause to believe was operating the 41621
motor vehicle in violation of the division or section and, after 41622
investigating the circumstances surrounding the operation of the 41623
vehicle, may arrest and detain the person. 41624

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 41625
municipal police officer, member of a police force employed by a 41626
metropolitan housing authority under division (D) of section 41627
3735.31 of the Revised Code, member of a police force employed by 41628
a regional transit authority under division (Y) of section 306.35 41629
of the Revised Code, special police officer employed by a port 41630
authority under section 4582.04 or 4582.28 of the Revised Code, 41631
special police officer employed by a municipal corporation at a 41632
municipal airport or other municipal air navigation facility 41633
described in division (A) of this section, township constable, 41634
police officer of a township or joint police district, state 41635
university law enforcement officer appointed under section 3345.04 41636
of the Revised Code, peace officer of the department of natural 41637
resources, individual designated to perform law enforcement duties 41638
under section 511.232, 1545.13, or 6101.75 of the Revised Code, 41639
the house sergeant at arms if the house sergeant at arms has 41640
arrest authority pursuant to division (E)(1) of section 101.311 of 41641
the Revised Code, or an assistant house sergeant at arms is 41642
authorized by division (A) or (B) of this section to arrest and 41643
detain, within the limits of the political subdivision, 41644

metropolitan housing authority housing project, regional transit 41645
authority facilities or those areas of a municipal corporation 41646
that have been agreed to by a regional transit authority and a 41647
municipal corporation located within its territorial jurisdiction, 41648
port authority, municipal airport or other municipal air 41649
navigation facility, college, or university in which the officer 41650
is appointed, employed, or elected or within the limits of the 41651
territorial jurisdiction of the peace officer, a person until a 41652
warrant can be obtained, the peace officer, outside the limits of 41653
that territory, may pursue, arrest, and detain that person until a 41654
warrant can be obtained if all of the following apply: 41655

(1) The pursuit takes place without unreasonable delay after 41656
the offense is committed; 41657

(2) The pursuit is initiated within the limits of the 41658
political subdivision, metropolitan housing authority housing 41659
project, regional transit authority facilities or those areas of a 41660
municipal corporation that have been agreed to by a regional 41661
transit authority and a municipal corporation located within its 41662
territorial jurisdiction, port authority, municipal airport or 41663
other municipal air navigation facility, college, or university in 41664
which the peace officer is appointed, employed, or elected or 41665
within the limits of the territorial jurisdiction of the peace 41666
officer; 41667

(3) The offense involved is a felony, a misdemeanor of the 41668
first degree or a substantially equivalent municipal ordinance, a 41669
misdemeanor of the second degree or a substantially equivalent 41670
municipal ordinance, or any offense for which points are 41671
chargeable pursuant to section 4510.036 of the Revised Code. 41672

(E) In addition to the authority granted under division (A) 41673
or (B) of this section: 41674

(1) A sheriff or deputy sheriff may arrest and detain, until 41675

a warrant can be obtained, any person found violating section 41676
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 41677
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 41678
portion of any street or highway that is located immediately 41679
adjacent to the boundaries of the county in which the sheriff or 41680
deputy sheriff is elected or appointed. 41681

(2) A member of the police force of a township police 41682
district created under section 505.48 of the Revised Code, a 41683
member of the police force of a joint police district created 41684
under section 505.482 of the Revised Code, or a township constable 41685
appointed in accordance with section 509.01 of the Revised Code, 41686
who has received a certificate from the Ohio peace officer 41687
training commission under section 109.75 of the Revised Code, may 41688
arrest and detain, until a warrant can be obtained, any person 41689
found violating any section or chapter of the Revised Code listed 41690
in division (E)(1) of this section, other than sections 4513.33 41691
and 4513.34 of the Revised Code, on the portion of any street or 41692
highway that is located immediately adjacent to the boundaries of 41693
the township police district or joint police district, in the case 41694
of a member of a township police district or joint police district 41695
police force, or the unincorporated territory of the township, in 41696
the case of a township constable. However, if the population of 41697
the township that created the township police district served by 41698
the member's police force, or the townships and municipal 41699
corporations that created the joint police district served by the 41700
member's police force, or the township that is served by the 41701
township constable, is sixty thousand or less, the member of the 41702
township police district or joint police district police force or 41703
the township constable may not make an arrest under division 41704
(E)(2) of this section on a state highway that is included as part 41705
of the interstate system. 41706

(3) A police officer or village marshal appointed, elected, 41707

or employed by a municipal corporation may arrest and detain, 41708
until a warrant can be obtained, any person found violating any 41709
section or chapter of the Revised Code listed in division (E)(1) 41710
of this section on the portion of any street or highway that is 41711
located immediately adjacent to the boundaries of the municipal 41712
corporation in which the police officer or village marshal is 41713
appointed, elected, or employed. 41714

(4) A peace officer of the department of natural resources, a 41715
state fire marshal law enforcement officer described in division 41716
(A)(23) of section 109.71 of the Revised Code, or an individual 41717
designated to perform law enforcement duties under section 41718
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 41719
detain, until a warrant can be obtained, any person found 41720
violating any section or chapter of the Revised Code listed in 41721
division (E)(1) of this section, other than sections 4513.33 and 41722
4513.34 of the Revised Code, on the portion of any street or 41723
highway that is located immediately adjacent to the boundaries of 41724
the lands and waters that constitute the territorial jurisdiction 41725
of the peace officer or state fire marshal law enforcement 41726
officer. 41727

(F)(1) A department of ~~mental health~~ mental health and 41728
addiction services special police officer or a department of 41729
developmental disabilities special police officer may arrest 41730
without a warrant and detain until a warrant can be obtained any 41731
person found committing on the premises of any institution under 41732
the jurisdiction of the particular department a misdemeanor under 41733
a law of the state. 41734

A department of ~~mental health~~ mental health and addiction 41735
services special police officer or a department of developmental 41736
disabilities special police officer may arrest without a warrant 41737
and detain until a warrant can be obtained any person who has been 41738
hospitalized, institutionalized, or confined in an institution 41739

under the jurisdiction of the particular department pursuant to or 41740
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 41741
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 41742
found committing on the premises of any institution under the 41743
jurisdiction of the particular department a violation of section 41744
2921.34 of the Revised Code that involves an escape from the 41745
premises of the institution. 41746

(2)(a) If a department of ~~mental health~~ mental health and 41747
addiction services special police officer or a department of 41748
developmental disabilities special police officer finds any person 41749
who has been hospitalized, institutionalized, or confined in an 41750
institution under the jurisdiction of the particular department 41751
pursuant to or under authority of section 2945.37, 2945.371, 41752
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 41753
Code committing a violation of section 2921.34 of the Revised Code 41754
that involves an escape from the premises of the institution, or 41755
if there is reasonable ground to believe that a violation of 41756
section 2921.34 of the Revised Code has been committed that 41757
involves an escape from the premises of an institution under the 41758
jurisdiction of the department of ~~mental health~~ mental health and 41759
addiction services or the department of developmental disabilities 41760
and if a department of ~~mental health~~ mental health and addiction 41761
services special police officer or a department of developmental 41762
disabilities special police officer has reasonable cause to 41763
believe that a particular person who has been hospitalized, 41764
institutionalized, or confined in the institution pursuant to or 41765
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 41766
2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of 41767
the violation, the special police officer, outside of the premises 41768
of the institution, may pursue, arrest, and detain that person for 41769
that violation of section 2921.34 of the Revised Code, until a 41770
warrant can be obtained, if both of the following apply: 41771

(i) The pursuit takes place without unreasonable delay after 41772
the offense is committed; 41773

(ii) The pursuit is initiated within the premises of the 41774
institution from which the violation of section 2921.34 of the 41775
Revised Code occurred. 41776

(b) For purposes of division (F)(2)(a) of this section, the 41777
execution of a written statement by the administrator of the 41778
institution in which a person had been hospitalized, 41779
institutionalized, or confined pursuant to or under authority of 41780
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 41781
2945.402 of the Revised Code alleging that the person has escaped 41782
from the premises of the institution in violation of section 41783
2921.34 of the Revised Code constitutes reasonable ground to 41784
believe that the violation was committed and reasonable cause to 41785
believe that the person alleged in the statement to have committed 41786
the offense is guilty of the violation. 41787

(G) As used in this section: 41788

(1) A "department of ~~mental health~~ mental health and 41789
addiction services special police officer" means a special police 41790
officer of the department of ~~mental health~~ mental health and 41791
addiction services designated under section ~~5119.14~~ 5119.08 of the 41792
Revised Code who is certified by the Ohio peace officer training 41793
commission under section 109.77 of the Revised Code as having 41794
successfully completed an approved peace officer basic training 41795
program. 41796

(2) A "department of developmental disabilities special 41797
police officer" means a special police officer of the department 41798
of developmental disabilities designated under section 5123.13 of 41799
the Revised Code who is certified by the Ohio peace officer 41800
training council under section 109.77 of the Revised Code as 41801
having successfully completed an approved peace officer basic 41802

training program. 41803

(3) "Deadly weapon" has the same meaning as in section 41804
2923.11 of the Revised Code. 41805

(4) "Family or household member" has the same meaning as in 41806
section 2919.25 of the Revised Code. 41807

(5) "Street" or "highway" has the same meaning as in section 41808
4511.01 of the Revised Code. 41809

(6) "Interstate system" has the same meaning as in section 41810
5516.01 of the Revised Code. 41811

(7) "Peace officer of the department of natural resources" 41812
means an employee of the department of natural resources who is a 41813
natural resources law enforcement staff officer designated 41814
pursuant to section 1501.013 of the Revised Code, a forest officer 41815
designated pursuant to section 1503.29 of the Revised Code, a 41816
preserve officer designated pursuant to section 1517.10 of the 41817
Revised Code, a wildlife officer designated pursuant to section 41818
1531.13 of the Revised Code, a park officer designated pursuant to 41819
section 1541.10 of the Revised Code, or a state watercraft officer 41820
designated pursuant to section 1547.521 of the Revised Code. 41821

(8) "Portion of any street or highway" means all lanes of the 41822
street or highway irrespective of direction of travel, including 41823
designated turn lanes, and any berm, median, or shoulder. 41824

Sec. 2935.33. (A) If a person charged with a misdemeanor is 41825
taken before a judge of a court of record and if it appears to the 41826
judge that the person is an alcoholic or is suffering from acute 41827
alcohol intoxication and that the person would benefit from 41828
services provided by ~~an alcohol and drug~~ a community addiction 41829
~~program~~ services provider certified under Chapter ~~3793-~~ 5119. of 41830
the Revised Code, the judge may place the person temporarily in a 41831
~~program~~ services provider certified under that chapter in the area 41832

in which the court has jurisdiction for inpatient care and 41833
treatment for an indefinite period not exceeding five days. The 41834
commitment does not limit the right to release on bail. The judge 41835
may dismiss a charge of a violation of division (B) of section 41836
2917.11 of the Revised Code or of a municipal ordinance 41837
substantially equivalent to that division if the defendant 41838
complies with all the conditions of treatment ordered by the 41839
court. 41840

The court may order that any fines or court costs collected 41841
by the court from defendants who have received inpatient care from 41842
~~an alcohol and drug~~ a community addiction ~~program~~ services 41843
provider be paid, for the benefit of the program, to the board of 41844
alcohol, drug addiction, and mental health services of the 41845
alcohol, drug addiction, and mental health service district in 41846
which the ~~program~~ services provider is located or to the director 41847
of ~~alcohol and drug addiction services~~ mental health and addiction 41848
services. 41849

(B) If a person is being sentenced for a violation of 41850
division (B) of section 2917.11 or section 4511.19 of the Revised 41851
Code, a misdemeanor violation of section 2919.25 of the Revised 41852
Code, a misdemeanor violation of section 2919.27 of the Revised 41853
Code involving a protection order issued or consent agreement 41854
approved pursuant to section 2919.26 or 3113.31 of the Revised 41855
Code, or a violation of a municipal ordinance substantially 41856
equivalent to that division or any of those sections and if it 41857
appears to the judge at the time of sentencing that the person is 41858
an alcoholic or is suffering from acute alcohol intoxication and 41859
that, in lieu of imprisonment, the person would benefit from 41860
services provided by ~~an alcohol and drug~~ a community addiction 41861
~~program~~ services provider certified under Chapter ~~3793-~~ 5119. of 41862
the Revised Code, the court may commit the person to close 41863
supervision in any facility in the area in which the court has 41864

jurisdiction that is, or is operated by, such a ~~program~~ services 41865
provider. Such close supervision may include outpatient services 41866
and part-time release, except that a person convicted of a 41867
violation of division (A) of section 4511.19 of the Revised Code 41868
shall be confined to the facility for at least three days and 41869
except that a person convicted of a misdemeanor violation of 41870
section 2919.25 of the Revised Code, a misdemeanor violation of 41871
section 2919.27 of the Revised Code involving a protection order 41872
issued or consent agreement approved pursuant to section 2919.26 41873
or 3113.31 of the Revised Code, or a violation of a substantially 41874
equivalent municipal ordinance shall be confined to the facility 41875
in accordance with the order of commitment. A commitment of a 41876
person to a facility for purposes of close supervision shall not 41877
exceed the maximum term for which the person could be imprisoned. 41878

(C) A law enforcement officer who finds a person subject to 41879
prosecution for violation of division (B) of section 2917.11 of 41880
the Revised Code or a municipal ordinance substantially equivalent 41881
to that division and who has reasonable cause to believe that the 41882
person is an alcoholic or is suffering from acute alcohol 41883
intoxication and would benefit from immediate treatment 41884
immediately may place the person in ~~an alcohol and drug~~ a 41885
community addiction ~~program~~ services provider certified under 41886
Chapter ~~3793.~~ 5119. of the Revised Code in the area in which the 41887
person is found, for emergency treatment, in lieu of other arrest 41888
procedures, for a maximum period of forty-eight hours. During that 41889
time, if the person desires to leave such custody, the person 41890
shall be released forthwith. 41891

(D) As used in this section: 41892

(1) "Alcoholic" has the same meaning as in section ~~3793.01~~ 41893
5119.01 of the Revised Code; 41894

(2) "Acute alcohol intoxication" means a heavy consumption of 41895
alcohol over a relatively short period of time, resulting in 41896

dysfunction of the brain centers controlling behavior, speech, and 41897
memory and causing characteristic withdrawal symptoms. 41898

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 of 41899
the Revised Code: 41900

(1) "Prosecutor" means a prosecuting attorney or a city 41901
director of law, village solicitor, or similar chief legal officer 41902
of a municipal corporation who has authority to prosecute a 41903
criminal case that is before the court or the criminal case in 41904
which a defendant in a criminal case has been found incompetent to 41905
stand trial or not guilty by reason of insanity. 41906

(2) "Examiner" means either of the following: 41907

(a) A psychiatrist or a licensed clinical psychologist who 41908
satisfies the criteria of division (I)(1) of section 5122.01 of 41909
the Revised Code or is employed by a certified forensic center 41910
designated by the department of ~~mental health~~ mental health and 41911
addiction services to conduct examinations or evaluations. 41912

(b) For purposes of a separate mental retardation evaluation 41913
that is ordered by a court pursuant to division (H) of section 41914
2945.371 of the Revised Code, a psychologist designated by the 41915
director of developmental disabilities pursuant to that section to 41916
conduct that separate mental retardation evaluation. 41917

(3) "Nonsecured status" means any unsupervised, off-grounds 41918
movement or trial visit from a hospital or institution, or any 41919
conditional release, that is granted to a person who is found 41920
incompetent to stand trial and is committed pursuant to section 41921
2945.39 of the Revised Code or to a person who is found not guilty 41922
by reason of insanity and is committed pursuant to section 2945.40 41923
of the Revised Code. 41924

(4) "Unsupervised, off-grounds movement" includes only 41925
off-grounds privileges that are unsupervised and that have an 41926

expectation of return to the hospital or institution on a daily 41927
basis. 41928

(5) "Trial visit" means a patient privilege of a longer 41929
stated duration of unsupervised community contact with an 41930
expectation of return to the hospital or institution at designated 41931
times. 41932

(6) "Conditional release" means a commitment status under 41933
which the trial court at any time may revoke a person's 41934
conditional release and order the rehospitalization or 41935
reinstitutionalization of the person as described in division (A) 41936
of section 2945.402 of the Revised Code and pursuant to which a 41937
person who is found incompetent to stand trial or a person who is 41938
found not guilty by reason of insanity lives and receives 41939
treatment in the community for a period of time that does not 41940
exceed the maximum prison term or term of imprisonment that the 41941
person could have received for the offense in question had the 41942
person been convicted of the offense instead of being found 41943
incompetent to stand trial on the charge of the offense or being 41944
found not guilty by reason of insanity relative to the offense. 41945

(7) "Licensed clinical psychologist," "mentally ill person 41946
subject to hospitalization by court order," and "psychiatrist" 41947
have the same meanings as in section 5122.01 of the Revised Code. 41948

(8) "Mentally retarded person subject to institutionalization 41949
by court order" has the same meaning as in section 5123.01 of the 41950
Revised Code. 41951

(B) In a criminal action in a court of common pleas, a county 41952
court, or a municipal court, the court, prosecutor, or defense may 41953
raise the issue of the defendant's competence to stand trial. If 41954
the issue is raised before the trial has commenced, the court 41955
shall hold a hearing on the issue as provided in this section. If 41956
the issue is raised after the trial has commenced, the court shall 41957

hold a hearing on the issue only for good cause shown or on the court's own motion.

(C) The court shall conduct the hearing required or authorized under division (B) of this section within thirty days after the issue is raised, unless the defendant has been referred for evaluation in which case the court shall conduct the hearing within ten days after the filing of the report of the evaluation or, in the case of a defendant who is ordered by the court pursuant to division (H) of section 2945.371 of the Revised Code to undergo a separate mental retardation evaluation conducted by a psychologist designated by the director of developmental disabilities, within ten days after the filing of the report of the separate mental retardation evaluation under that division. A hearing may be continued for good cause.

(D) The defendant shall be represented by counsel at the hearing conducted under division (C) of this section. If the defendant is unable to obtain counsel, the court shall appoint counsel under Chapter 120. of the Revised Code or under the authority recognized in division (C) of section 120.06, division (E) of section 120.16, division (E) of section 120.26, or section 2941.51 of the Revised Code before proceeding with the hearing.

(E) The prosecutor and defense counsel may submit evidence on the issue of the defendant's competence to stand trial. A written report of the evaluation of the defendant may be admitted into evidence at the hearing by stipulation, but, if either the prosecution or defense objects to its admission, the report may be admitted under sections 2317.36 to 2317.38 of the Revised Code or any other applicable statute or rule.

(F) The court shall not find a defendant incompetent to stand trial solely because the defendant is receiving or has received treatment as a voluntary or involuntary mentally ill patient under Chapter 5122. or a voluntary or involuntary mentally retarded

resident under Chapter 5123. of the Revised Code or because the 41990
defendant is receiving or has received psychotropic drugs or other 41991
medication, even if the defendant might become incompetent to 41992
stand trial without the drugs or medication. 41993

(G) A defendant is presumed to be competent to stand trial. 41994
If, after a hearing, the court finds by a preponderance of the 41995
evidence that, because of the defendant's present mental 41996
condition, the defendant is incapable of understanding the nature 41997
and objective of the proceedings against the defendant or of 41998
assisting in the defendant's defense, the court shall find the 41999
defendant incompetent to stand trial and shall enter an order 42000
authorized by section 2945.38 of the Revised Code. 42001

(H) Municipal courts shall follow the procedures set forth in 42002
sections 2945.37 to 2945.402 of the Revised Code. Except as 42003
provided in section 2945.371 of the Revised Code, a municipal 42004
court shall not order an evaluation of the defendant's competence 42005
to stand trial or the defendant's mental condition at the time of 42006
the commission of the offense to be conducted at any hospital 42007
operated by the department of ~~mental health~~ mental health and 42008
addiction services. Those evaluations shall be performed through 42009
community resources including, but not limited to, certified 42010
forensic centers, court probation departments, and community 42011
mental health ~~agencies~~ services providers. All expenses of the 42012
evaluations shall be borne by the legislative authority of the 42013
municipal court, as defined in section 1901.03 of the Revised 42014
Code, and shall be taxed as costs in the case. If a defendant is 42015
found incompetent to stand trial or not guilty by reason of 42016
insanity, a municipal court may commit the defendant as provided 42017
in sections 2945.38 to 2945.402 of the Revised Code. 42018

Sec. 2945.371. (A) If the issue of a defendant's competence 42019
to stand trial is raised or if a defendant enters a plea of not 42020

guilty by reason of insanity, the court may order one or more 42021
evaluations of the defendant's present mental condition or, in the 42022
case of a plea of not guilty by reason of insanity, of the 42023
defendant's mental condition at the time of the offense charged. 42024
An examiner shall conduct the evaluation. 42025

(B) If the court orders more than one evaluation under 42026
division (A) of this section, the prosecutor and the defendant may 42027
recommend to the court an examiner whom each prefers to perform 42028
one of the evaluations. If a defendant enters a plea of not guilty 42029
by reason of insanity and if the court does not designate an 42030
examiner recommended by the defendant, the court shall inform the 42031
defendant that the defendant may have independent expert 42032
evaluation and that, if the defendant is unable to obtain 42033
independent expert evaluation, it will be obtained for the 42034
defendant at public expense if the defendant is indigent. 42035

(C) If the court orders an evaluation under division (A) of 42036
this section, the defendant shall be available at the times and 42037
places established by the examiners who are to conduct the 42038
evaluation. The court may order a defendant who has been released 42039
on bail or recognizance to submit to an evaluation under this 42040
section. If a defendant who has been released on bail or 42041
recognizance refuses to submit to a complete evaluation, the court 42042
may amend the conditions of bail or recognizance and order the 42043
sheriff to take the defendant into custody and deliver the 42044
defendant to a center, program, or facility operated or certified 42045
by the department of ~~mental health~~ mental health and addiction 42046
services or the department of developmental disabilities where the 42047
defendant may be held for evaluation for a reasonable period of 42048
time not to exceed twenty days. 42049

(D) A defendant who has not been released on bail or 42050
recognizance may be evaluated at the defendant's place of 42051
detention. Upon the request of the examiner, the court may order 42052

the sheriff to transport the defendant to a program or facility 42053
operated or certified by the department of ~~mental health~~ mental 42054
health and addiction services or the department of developmental 42055
disabilities, where the defendant may be held for evaluation for a 42056
reasonable period of time not to exceed twenty days, and to return 42057
the defendant to the place of detention after the evaluation. A 42058
municipal court may make an order under this division only upon 42059
the request of a certified forensic center examiner. 42060

(E) If a court orders the evaluation to determine a 42061
defendant's mental condition at the time of the offense charged, 42062
the court shall inform the examiner of the offense with which the 42063
defendant is charged. 42064

(F) In conducting an evaluation of a defendant's mental 42065
condition at the time of the offense charged, the examiner shall 42066
consider all relevant evidence. If the offense charged involves 42067
the use of force against another person, the relevant evidence to 42068
be considered includes, but is not limited to, any evidence that 42069
the defendant suffered, at the time of the commission of the 42070
offense, from the "battered woman syndrome." 42071

(G) The examiner shall file a written report with the court 42072
within thirty days after entry of a court order for evaluation, 42073
and the court shall provide copies of the report to the prosecutor 42074
and defense counsel. The report shall include all of the 42075
following: 42076

(1) The examiner's findings; 42077

(2) The facts in reasonable detail on which the findings are 42078
based; 42079

(3) If the evaluation was ordered to determine the 42080
defendant's competence to stand trial, all of the following 42081
findings or recommendations that are applicable: 42082

(a) Whether the defendant is capable of understanding the 42083

nature and objective of the proceedings against the defendant or 42084
of assisting in the defendant's defense; 42085

(b) If the examiner's opinion is that the defendant is 42086
incapable of understanding the nature and objective of the 42087
proceedings against the defendant or of assisting in the 42088
defendant's defense, whether the defendant presently is mentally 42089
ill or mentally retarded and, if the examiner's opinion is that 42090
the defendant presently is mentally retarded, whether the 42091
defendant appears to be a mentally retarded person subject to 42092
institutionalization by court order; 42093

(c) If the examiner's opinion is that the defendant is 42094
incapable of understanding the nature and objective of the 42095
proceedings against the defendant or of assisting in the 42096
defendant's defense, the examiner's opinion as to the likelihood 42097
of the defendant becoming capable of understanding the nature and 42098
objective of the proceedings against the defendant and of 42099
assisting in the defendant's defense within one year if the 42100
defendant is provided with a course of treatment; 42101

(d) If the examiner's opinion is that the defendant is 42102
incapable of understanding the nature and objective of the 42103
proceedings against the defendant or of assisting in the 42104
defendant's defense and that the defendant presently is mentally 42105
ill or mentally retarded, the examiner's recommendation as to the 42106
least restrictive placement or commitment alternative, consistent 42107
with the defendant's treatment needs for restoration to competency 42108
and with the safety of the community. 42109

(4) If the evaluation was ordered to determine the 42110
defendant's mental condition at the time of the offense charged, 42111
the examiner's findings as to whether the defendant, at the time 42112
of the offense charged, did not know, as a result of a severe 42113
mental disease or defect, the wrongfulness of the defendant's acts 42114
charged. 42115

(H) If the examiner's report filed under division (G) of this section indicates that in the examiner's opinion the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense and that in the examiner's opinion the defendant appears to be a mentally retarded person subject to institutionalization by court order, the court shall order the defendant to undergo a separate mental retardation evaluation conducted by a psychologist designated by the director of developmental disabilities. Divisions (C) to (F) of this section apply in relation to a separate mental retardation evaluation conducted under this division. The psychologist appointed under this division to conduct the separate mental retardation evaluation shall file a written report with the court within thirty days after the entry of the court order requiring the separate mental retardation evaluation, and the court shall provide copies of the report to the prosecutor and defense counsel. The report shall include all of the information described in divisions (G)(1) to (4) of this section. If the court orders a separate mental retardation evaluation of a defendant under this division, the court shall not conduct a hearing under divisions (B) to (H) of section 2945.37 of the Revised Code regarding that defendant until a report of the separate mental retardation evaluation conducted under this division has been filed. Upon the filing of that report, the court shall conduct the hearing within the period of time specified in division (C) of section 2945.37 of the Revised Code.

(I) An examiner appointed under divisions (A) and (B) of this section or under division (H) of this section to evaluate a defendant to determine the defendant's competence to stand trial also may be appointed to evaluate a defendant who has entered a plea of not guilty by reason of insanity, but an examiner of that nature shall prepare separate reports on the issue of competence

to stand trial and the defense of not guilty by reason of 42149
insanity. 42150

(J) No statement that a defendant makes in an evaluation or 42151
hearing under divisions (A) to (H) of this section relating to the 42152
defendant's competence to stand trial or to the defendant's mental 42153
condition at the time of the offense charged shall be used against 42154
the defendant on the issue of guilt in any criminal action or 42155
proceeding, but, in a criminal action or proceeding, the 42156
prosecutor or defense counsel may call as a witness any person who 42157
evaluated the defendant or prepared a report pursuant to a 42158
referral under this section. Neither the appointment nor the 42159
testimony of an examiner appointed under this section precludes 42160
the prosecutor or defense counsel from calling other witnesses or 42161
presenting other evidence on competency or insanity issues. 42162

(K) Persons appointed as examiners under divisions (A) and 42163
(B) of this section or under division (H) of this section shall be 42164
paid a reasonable amount for their services and expenses, as 42165
certified by the court. The certified amount shall be paid by the 42166
county in the case of county courts and courts of common pleas and 42167
by the legislative authority, as defined in section 1901.03 of the 42168
Revised Code, in the case of municipal courts. 42169

Sec. 2945.38. (A) If the issue of a defendant's competence to 42170
stand trial is raised and if the court, upon conducting the 42171
hearing provided for in section 2945.37 of the Revised Code, finds 42172
that the defendant is competent to stand trial, the defendant 42173
shall be proceeded against as provided by law. If the court finds 42174
the defendant competent to stand trial and the defendant is 42175
receiving psychotropic drugs or other medication, the court may 42176
authorize the continued administration of the drugs or medication 42177
or other appropriate treatment in order to maintain the 42178
defendant's competence to stand trial, unless the defendant's 42179

attending physician advises the court against continuation of the 42180
drugs, other medication, or treatment. 42181

(B)(1)(a) If, after taking into consideration all relevant 42182
reports, information, and other evidence, the court finds that the 42183
defendant is incompetent to stand trial and that there is a 42184
substantial probability that the defendant will become competent 42185
to stand trial within one year if the defendant is provided with a 42186
course of treatment, the court shall order the defendant to 42187
undergo treatment. If the defendant has been charged with a felony 42188
offense and if, after taking into consideration all relevant 42189
reports, information, and other evidence, the court finds that the 42190
defendant is incompetent to stand trial, but the court is unable 42191
at that time to determine whether there is a substantial 42192
probability that the defendant will become competent to stand 42193
trial within one year if the defendant is provided with a course 42194
of treatment, the court shall order continuing evaluation and 42195
treatment of the defendant for a period not to exceed four months 42196
to determine whether there is a substantial probability that the 42197
defendant will become competent to stand trial within one year if 42198
the defendant is provided with a course of treatment. 42199

(b) The court order for the defendant to undergo treatment or 42200
continuing evaluation and treatment under division (B)(1)(a) of 42201
this section shall specify that the defendant, if determined to 42202
require mental health treatment or continuing evaluation and 42203
treatment, either shall be committed to the department of ~~mental~~ 42204
~~health~~ mental health and addiction services for treatment or 42205
continuing evaluation and treatment at a hospital, facility, or 42206
agency, as determined to be clinically appropriate by the 42207
department of ~~mental health~~ mental health and addiction services 42208
or shall be committed to a facility certified by the department of 42209
~~mental health~~ mental health and addiction services as being 42210
qualified to treat mental illness, to a public or community mental 42211

health facility, or to a psychiatrist or another mental health professional for treatment or continuing evaluation and treatment. Prior to placing the defendant, the department of ~~mental health~~ mental health and addiction services shall obtain court approval for that placement following a hearing. The court order for the defendant to undergo treatment or continuing evaluation and treatment under division (B)(1)(a) of this section shall specify that the defendant, if determined to require treatment or continuing evaluation and treatment for mental retardation, shall receive treatment or continuing evaluation and treatment at an institution or facility operated by the department of developmental disabilities, at a facility certified by the department of developmental disabilities as being qualified to treat mental retardation, at a public or private mental retardation facility, or by a psychiatrist or another mental retardation professional. In any case, the order may restrict the defendant's freedom of movement as the court considers necessary. The prosecutor in the defendant's case shall send to the chief clinical officer of the hospital, facility, or agency where the defendant is placed by the department of ~~mental health~~ mental health and addiction services, or to the managing officer of the institution, the director of the program or facility, or the person to which the defendant is committed, copies of relevant police reports and other background information that pertains to the defendant and is available to the prosecutor unless the prosecutor determines that the release of any of the information in the police reports or any of the other background information to unauthorized persons would interfere with the effective prosecution of any person or would create a substantial risk of harm to any person.

In determining the place of commitment, the court shall consider the extent to which the person is a danger to the person and to others, the need for security, and the type of crime

involved and shall order the least restrictive alternative 42245
available that is consistent with public safety and treatment 42246
goals. In weighing these factors, the court shall give preference 42247
to protecting public safety. 42248

(c) If the defendant is found incompetent to stand trial, if 42249
the chief clinical officer of the hospital, facility, or agency 42250
where the defendant is placed, or the managing officer of the 42251
institution, the director of the program or facility, or the 42252
person to which the defendant is committed for treatment or 42253
continuing evaluation and treatment under division (B)(1)(b) of 42254
this section determines that medication is necessary to restore 42255
the defendant's competency to stand trial, and if the defendant 42256
lacks the capacity to give informed consent or refuses medication, 42257
the chief clinical officer of the hospital, facility, or agency 42258
where the defendant is placed, or the managing officer of the 42259
institution, the director of the program or facility, or the 42260
person to which the defendant is committed for treatment or 42261
continuing evaluation and treatment may petition the court for 42262
authorization for the involuntary administration of medication. 42263
The court shall hold a hearing on the petition within five days of 42264
the filing of the petition if the petition was filed in a 42265
municipal court or a county court regarding an incompetent 42266
defendant charged with a misdemeanor or within ten days of the 42267
filing of the petition if the petition was filed in a court of 42268
common pleas regarding an incompetent defendant charged with a 42269
felony offense. Following the hearing, the court may authorize the 42270
involuntary administration of medication or may dismiss the 42271
petition. 42272

(2) If the court finds that the defendant is incompetent to 42273
stand trial and that, even if the defendant is provided with a 42274
course of treatment, there is not a substantial probability that 42275
the defendant will become competent to stand trial within one 42276

year, the court shall order the discharge of the defendant, unless 42277
upon motion of the prosecutor or on its own motion, the court 42278
either seeks to retain jurisdiction over the defendant pursuant to 42279
section 2945.39 of the Revised Code or files an affidavit in the 42280
probate court for the civil commitment of the defendant pursuant 42281
to Chapter 5122. or 5123. of the Revised Code alleging that the 42282
defendant is a mentally ill person subject to hospitalization by 42283
court order or a mentally retarded person subject to 42284
institutionalization by court order. If an affidavit is filed in 42285
the probate court, the trial court shall send to the probate court 42286
copies of all written reports of the defendant's mental condition 42287
that were prepared pursuant to section 2945.371 of the Revised 42288
Code. 42289

The trial court may issue the temporary order of detention 42290
that a probate court may issue under section 5122.11 or 5123.71 of 42291
the Revised Code, to remain in effect until the probable cause or 42292
initial hearing in the probate court. Further proceedings in the 42293
probate court are civil proceedings governed by Chapter 5122. or 42294
5123. of the Revised Code. 42295

(C) No defendant shall be required to undergo treatment, 42296
including any continuing evaluation and treatment, under division 42297
(B)(1) of this section for longer than whichever of the following 42298
periods is applicable: 42299

(1) One year, if the most serious offense with which the 42300
defendant is charged is one of the following offenses: 42301

(a) Aggravated murder, murder, or an offense of violence for 42302
which a sentence of death or life imprisonment may be imposed; 42303

(b) An offense of violence that is a felony of the first or 42304
second degree; 42305

(c) A conspiracy to commit, an attempt to commit, or 42306
complicity in the commission of an offense described in division 42307

(C)(1)(a) or (b) of this section if the conspiracy, attempt, or complicity is a felony of the first or second degree. 42308
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(2) Six months, if the most serious offense with which the defendant is charged is a felony other than a felony described in division (C)(1) of this section; 42310
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(3) Sixty days, if the most serious offense with which the defendant is charged is a misdemeanor of the first or second degree; 42313
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(4) Thirty days, if the most serious offense with which the defendant is charged is a misdemeanor of the third or fourth degree, a minor misdemeanor, or an unclassified misdemeanor. 42316
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(D) Any defendant who is committed pursuant to this section shall not voluntarily admit the defendant or be voluntarily admitted to a hospital or institution pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 42319
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(E) Except as otherwise provided in this division, a defendant who is charged with an offense and is committed by the court under this section to the department of ~~mental health~~ mental health and addiction services or is committed to an institution or facility for the treatment of mental retardation shall not be granted unsupervised on-grounds movement, supervised off-grounds movement, or nonsecured status except in accordance with the court order. The court may grant a defendant supervised off-grounds movement to obtain medical treatment or specialized habilitation treatment services if the person who supervises the treatment or the continuing evaluation and treatment of the defendant ordered under division (B)(1)(a) of this section informs the court that the treatment or continuing evaluation and treatment cannot be provided at the hospital or facility where the defendant is placed by the department of ~~mental health~~ mental health and addiction services or the institution or facility to which the defendant is 42323
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committed. The chief clinical officer of the hospital or facility 42339
where the defendant is placed by the department of ~~mental health~~ 42340
mental health and addiction services or the managing officer of 42341
the institution or director of the facility to which the defendant 42342
is committed, or a designee of any of those persons, may grant a 42343
defendant movement to a medical facility for an emergency medical 42344
situation with appropriate supervision to ensure the safety of the 42345
defendant, staff, and community during that emergency medical 42346
situation. The chief clinical officer of the hospital or facility 42347
where the defendant is placed by the department of ~~mental health~~ 42348
mental health and addiction services or the managing officer of 42349
the institution or director of the facility to which the defendant 42350
is committed shall notify the court within twenty-four hours of 42351
the defendant's movement to the medical facility for an emergency 42352
medical situation under this division. 42353

(F) The person who supervises the treatment or continuing 42354
evaluation and treatment of a defendant ordered to undergo 42355
treatment or continuing evaluation and treatment under division 42356
(B)(1)(a) of this section shall file a written report with the 42357
court at the following times: 42358

(1) Whenever the person believes the defendant is capable of 42359
understanding the nature and objective of the proceedings against 42360
the defendant and of assisting in the defendant's defense; 42361

(2) For a felony offense, fourteen days before expiration of 42362
the maximum time for treatment as specified in division (C) of 42363
this section and fourteen days before the expiration of the 42364
maximum time for continuing evaluation and treatment as specified 42365
in division (B)(1)(a) of this section, and, for a misdemeanor 42366
offense, ten days before the expiration of the maximum time for 42367
treatment, as specified in division (C) of this section; 42368

(3) At a minimum, after each six months of treatment; 42369

(4) Whenever the person who supervises the treatment or 42370
continuing evaluation and treatment of a defendant ordered under 42371
division (B)(1)(a) of this section believes that there is not a 42372
substantial probability that the defendant will become capable of 42373
understanding the nature and objective of the proceedings against 42374
the defendant or of assisting in the defendant's defense even if 42375
the defendant is provided with a course of treatment. 42376

(G) A report under division (F) of this section shall contain 42377
the examiner's findings, the facts in reasonable detail on which 42378
the findings are based, and the examiner's opinion as to the 42379
defendant's capability of understanding the nature and objective 42380
of the proceedings against the defendant and of assisting in the 42381
defendant's defense. If, in the examiner's opinion, the defendant 42382
remains incapable of understanding the nature and objective of the 42383
proceedings against the defendant and of assisting in the 42384
defendant's defense and there is a substantial probability that 42385
the defendant will become capable of understanding the nature and 42386
objective of the proceedings against the defendant and of 42387
assisting in the defendant's defense if the defendant is provided 42388
with a course of treatment, if in the examiner's opinion the 42389
defendant remains mentally ill or mentally retarded, and if the 42390
maximum time for treatment as specified in division (C) of this 42391
section has not expired, the report also shall contain the 42392
examiner's recommendation as to the least restrictive placement or 42393
commitment alternative that is consistent with the defendant's 42394
treatment needs for restoration to competency and with the safety 42395
of the community. The court shall provide copies of the report to 42396
the prosecutor and defense counsel. 42397

(H) If a defendant is committed pursuant to division (B)(1) 42398
of this section, within ten days after the treating physician of 42399
the defendant or the examiner of the defendant who is employed or 42400
retained by the treating facility advises that there is not a 42401

substantial probability that the defendant will become capable of 42402
understanding the nature and objective of the proceedings against 42403
the defendant or of assisting in the defendant's defense even if 42404
the defendant is provided with a course of treatment, within ten 42405
days after the expiration of the maximum time for treatment as 42406
specified in division (C) of this section, within ten days after 42407
the expiration of the maximum time for continuing evaluation and 42408
treatment as specified in division (B)(1)(a) of this section, 42409
within thirty days after a defendant's request for a hearing that 42410
is made after six months of treatment, or within thirty days after 42411
being advised by the treating physician or examiner that the 42412
defendant is competent to stand trial, whichever is the earliest, 42413
the court shall conduct another hearing to determine if the 42414
defendant is competent to stand trial and shall do whichever of 42415
the following is applicable: 42416

(1) If the court finds that the defendant is competent to 42417
stand trial, the defendant shall be proceeded against as provided 42418
by law. 42419

(2) If the court finds that the defendant is incompetent to 42420
stand trial, but that there is a substantial probability that the 42421
defendant will become competent to stand trial if the defendant is 42422
provided with a course of treatment, and the maximum time for 42423
treatment as specified in division (C) of this section has not 42424
expired, the court, after consideration of the examiner's 42425
recommendation, shall order that treatment be continued, may 42426
change the facility or program at which the treatment is to be 42427
continued, and shall specify whether the treatment is to be 42428
continued at the same or a different facility or program. 42429

(3) If the court finds that the defendant is incompetent to 42430
stand trial, if the defendant is charged with an offense listed in 42431
division (C)(1) of this section, and if the court finds that there 42432
is not a substantial probability that the defendant will become 42433

competent to stand trial even if the defendant is provided with a 42434
course of treatment, or if the maximum time for treatment relative 42435
to that offense as specified in division (C) of this section has 42436
expired, further proceedings shall be as provided in sections 42437
2945.39, 2945.401, and 2945.402 of the Revised Code. 42438

(4) If the court finds that the defendant is incompetent to 42439
stand trial, if the most serious offense with which the defendant 42440
is charged is a misdemeanor or a felony other than a felony listed 42441
in division (C)(1) of this section, and if the court finds that 42442
there is not a substantial probability that the defendant will 42443
become competent to stand trial even if the defendant is provided 42444
with a course of treatment, or if the maximum time for treatment 42445
relative to that offense as specified in division (C) of this 42446
section has expired, the court shall dismiss the indictment, 42447
information, or complaint against the defendant. A dismissal under 42448
this division is not a bar to further prosecution based on the 42449
same conduct. The court shall discharge the defendant unless the 42450
court or prosecutor files an affidavit in probate court for civil 42451
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 42452
If an affidavit for civil commitment is filed, the court may 42453
detain the defendant for ten days pending civil commitment. All of 42454
the following provisions apply to persons charged with a 42455
misdemeanor or a felony other than a felony listed in division 42456
(C)(1) of this section who are committed by the probate court 42457
subsequent to the court's or prosecutor's filing of an affidavit 42458
for civil commitment under authority of this division: 42459

(a) The chief clinical officer of the entity, hospital, or 42460
facility, the managing officer of the institution, the director of 42461
the program, or the person to which the defendant is committed or 42462
admitted shall do all of the following: 42463

(i) Notify the prosecutor, in writing, of the discharge of 42464
the defendant, send the notice at least ten days prior to the 42465

discharge unless the discharge is by the probate court, and state 42466
in the notice the date on which the defendant will be discharged; 42467

(ii) Notify the prosecutor, in writing, when the defendant is 42468
absent without leave or is granted unsupervised, off-grounds 42469
movement, and send this notice promptly after the discovery of the 42470
absence without leave or prior to the granting of the 42471
unsupervised, off-grounds movement, whichever is applicable; 42472

(iii) Notify the prosecutor, in writing, of the change of the 42473
defendant's commitment or admission to voluntary status, send the 42474
notice promptly upon learning of the change to voluntary status, 42475
and state in the notice the date on which the defendant was 42476
committed or admitted on a voluntary status. 42477

(b) Upon receiving notice that the defendant will be granted 42478
unsupervised, off-grounds movement, the prosecutor either shall 42479
re-indict the defendant or promptly notify the court that the 42480
prosecutor does not intend to prosecute the charges against the 42481
defendant. 42482

(I) If a defendant is convicted of a crime and sentenced to a 42483
jail or workhouse, the defendant's sentence shall be reduced by 42484
the total number of days the defendant is confined for evaluation 42485
to determine the defendant's competence to stand trial or 42486
treatment under this section and sections 2945.37 and 2945.371 of 42487
the Revised Code or by the total number of days the defendant is 42488
confined for evaluation to determine the defendant's mental 42489
condition at the time of the offense charged. 42490

Sec. 2945.39. (A) If a defendant who is charged with an 42491
offense described in division (C)(1) of section 2945.38 of the 42492
Revised Code is found incompetent to stand trial, after the 42493
expiration of the maximum time for treatment as specified in 42494
division (C) of that section or after the court finds that there 42495
is not a substantial probability that the defendant will become 42496

competent to stand trial even if the defendant is provided with a course of treatment, one of the following applies:

(1) The court or the prosecutor may file an affidavit in probate court for civil commitment of the defendant in the manner provided in Chapter 5122. or 5123. of the Revised Code. If the court or prosecutor files an affidavit for civil commitment, the court may detain the defendant for ten days pending civil commitment. If the probate court commits the defendant subsequent to the court's or prosecutor's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, the director of the program, or the person to which the defendant is committed or admitted shall send to the prosecutor the notices described in divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code within the periods of time and under the circumstances specified in those divisions.

(2) On the motion of the prosecutor or on its own motion, the court may retain jurisdiction over the defendant if, at a hearing, the court finds both of the following by clear and convincing evidence:

(a) The defendant committed the offense with which the defendant is charged.

(b) The defendant is a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order.

(B) In making its determination under division (A)(2) of this section as to whether to retain jurisdiction over the defendant, the court may consider all relevant evidence, including, but not limited to, any relevant psychiatric, psychological, or medical testimony or reports, the acts constituting the offense charged, and any history of the defendant that is relevant to the

defendant's ability to conform to the law. 42528

(C) If the court conducts a hearing as described in division 42529
(A)(2) of this section and if the court does not make both 42530
findings described in divisions (A)(2)(a) and (b) of this section 42531
by clear and convincing evidence, the court shall dismiss the 42532
indictment, information, or complaint against the defendant. Upon 42533
the dismissal, the court shall discharge the defendant unless the 42534
court or prosecutor files an affidavit in probate court for civil 42535
commitment of the defendant pursuant to Chapter 5122. or 5123. of 42536
the Revised Code. If the court or prosecutor files an affidavit 42537
for civil commitment, the court may order that the defendant be 42538
detained for up to ten days pending the civil commitment. If the 42539
probate court commits the defendant subsequent to the court's or 42540
prosecutor's filing of an affidavit for civil commitment, the 42541
chief clinical officer of the entity, hospital, or facility, the 42542
managing officer of the institution, the director of the program, 42543
or the person to which the defendant is committed or admitted 42544
shall send to the prosecutor the notices described in divisions 42545
(H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code 42546
within the periods of time and under the circumstances specified 42547
in those divisions. A dismissal of charges under this division is 42548
not a bar to further criminal proceedings based on the same 42549
conduct. 42550

(D)(1) If the court conducts a hearing as described in 42551
division (A)(2) of this section and if the court makes the 42552
findings described in divisions (A)(2)(a) and (b) of this section 42553
by clear and convincing evidence, the court shall commit the 42554
defendant, if determined to require mental health treatment, 42555
either to the department of ~~mental health~~ mental health and 42556
addiction services for treatment at a hospital, facility, or 42557
agency as determined clinically appropriate by the department of 42558
~~mental health~~ mental health and addiction services or to another 42559

medical or psychiatric facility, as appropriate. Prior to placing 42560
the defendant, the department of ~~mental health~~ mental health and 42561
addiction services shall obtain court approval for that placement. 42562
If the court conducts such a hearing and if it makes those 42563
findings by clear and convincing evidence, the court shall commit 42564
the defendant, if determined to require treatment for mental 42565
retardation, to a facility operated by the department of 42566
developmental disabilities, or another facility, as appropriate. 42567
In determining the place of commitment, the court shall consider 42568
the extent to which the person is a danger to the person and to 42569
others, the need for security, and the type of crime involved and 42570
shall order the least restrictive alternative available that is 42571
consistent with public safety and the welfare of the defendant. In 42572
weighing these factors, the court shall give preference to 42573
protecting public safety. 42574

(2) If a court makes a commitment of a defendant under 42575
division (D)(1) of this section, the prosecutor shall send to the 42576
hospital, facility, or agency where the defendant is placed by the 42577
department of ~~mental health~~ mental health and addiction services 42578
or to the defendant's place of commitment all reports of the 42579
defendant's current mental condition and, except as otherwise 42580
provided in this division, any other relevant information, 42581
including, but not limited to, a transcript of the hearing held 42582
pursuant to division (A)(2) of this section, copies of relevant 42583
police reports, and copies of any prior arrest and conviction 42584
records that pertain to the defendant and that the prosecutor 42585
possesses. The prosecutor shall send the reports of the 42586
defendant's current mental condition in every case of commitment, 42587
and, unless the prosecutor determines that the release of any of 42588
the other relevant information to unauthorized persons would 42589
interfere with the effective prosecution of any person or would 42590
create a substantial risk of harm to any person, the prosecutor 42591
also shall send the other relevant information. Upon admission of 42592

a defendant committed under division (D)(1) of this section, the 42593
place of commitment shall send to the board of alcohol, drug 42594
addiction, and mental health services or the community mental 42595
health board serving the county in which the charges against the 42596
defendant were filed a copy of all reports of the defendant's 42597
current mental condition and a copy of the other relevant 42598
information provided by the prosecutor under this division, 42599
including, if provided, a transcript of the hearing held pursuant 42600
to division (A)(2) of this section, the relevant police reports, 42601
and the prior arrest and conviction records that pertain to the 42602
defendant and that the prosecutor possesses. 42603

(3) If a court makes a commitment under division (D)(1) of 42604
this section, all further proceedings shall be in accordance with 42605
sections 2945.401 and 2945.402 of the Revised Code. 42606

Sec. 2945.40. (A) If a person is found not guilty by reason 42607
of insanity, the verdict shall state that finding, and the trial 42608
court shall conduct a full hearing to determine whether the person 42609
is a mentally ill person subject to hospitalization by court order 42610
or a mentally retarded person subject to institutionalization by 42611
court order. Prior to the hearing, if the trial judge believes 42612
that there is probable cause that the person found not guilty by 42613
reason of insanity is a mentally ill person subject to 42614
hospitalization by court order or mentally retarded person subject 42615
to institutionalization by court order, the trial judge may issue 42616
a temporary order of detention for that person to remain in effect 42617
for ten court days or until the hearing, whichever occurs first. 42618

Any person detained pursuant to a temporary order of 42619
detention issued under this division shall be held in a suitable 42620
facility, taking into consideration the place and type of 42621
confinement prior to and during trial. 42622

(B) The court shall hold the hearing under division (A) of 42623

this section to determine whether the person found not guilty by 42624
reason of insanity is a mentally ill person subject to 42625
hospitalization by court order or a mentally retarded person 42626
subject to institutionalization by court order within ten court 42627
days after the finding of not guilty by reason of insanity. 42628
Failure to conduct the hearing within the ten-day period shall 42629
cause the immediate discharge of the respondent, unless the judge 42630
grants a continuance for not longer than ten court days for good 42631
cause shown or for any period of time upon motion of the 42632
respondent. 42633

(C) If a person is found not guilty by reason of insanity, 42634
the person has the right to attend all hearings conducted pursuant 42635
to sections 2945.37 to 2945.402 of the Revised Code. At any 42636
hearing conducted pursuant to one of those sections, the court 42637
shall inform the person that the person has all of the following 42638
rights: 42639

(1) The right to be represented by counsel and to have that 42640
counsel provided at public expense if the person is indigent, with 42641
the counsel to be appointed by the court under Chapter 120. of the 42642
Revised Code or under the authority recognized in division (C) of 42643
section 120.06, division (E) of section 120.16, division (E) of 42644
section 120.26, or section 2941.51 of the Revised Code; 42645

(2) The right to have independent expert evaluation and to 42646
have that independent expert evaluation provided at public expense 42647
if the person is indigent; 42648

(3) The right to subpoena witnesses and documents, to present 42649
evidence on the person's behalf, and to cross-examine witnesses 42650
against the person; 42651

(4) The right to testify in the person's own behalf and to 42652
not be compelled to testify; 42653

(5) The right to have copies of any relevant medical or 42654

mental health document in the custody of the state or of any place 42655
of commitment other than a document for which the court finds that 42656
the release to the person of information contained in the document 42657
would create a substantial risk of harm to any person. 42658

(D) The hearing under division (A) of this section shall be 42659
open to the public, and the court shall conduct the hearing in 42660
accordance with the Rules of Civil Procedure. The court shall make 42661
and maintain a full transcript and record of the hearing 42662
proceedings. The court may consider all relevant evidence, 42663
including, but not limited to, any relevant psychiatric, 42664
psychological, or medical testimony or reports, the acts 42665
constituting the offense in relation to which the person was found 42666
not guilty by reason of insanity, and any history of the person 42667
that is relevant to the person's ability to conform to the law. 42668

(E) Upon completion of the hearing under division (A) of this 42669
section, if the court finds there is not clear and convincing 42670
evidence that the person is a mentally ill person subject to 42671
hospitalization by court order or a mentally retarded person 42672
subject to institutionalization by court order, the court shall 42673
discharge the person, unless a detainer has been placed upon the 42674
person by the department of rehabilitation and correction, in 42675
which case the person shall be returned to that department. 42676

(F) If, at the hearing under division (A) of this section, 42677
the court finds by clear and convincing evidence that the person 42678
is a mentally ill person subject to hospitalization by court 42679
order, the court shall commit the person either to the department 42680
of ~~mental health~~ mental health and addiction services for 42681
treatment in a hospital, facility, or agency as determined 42682
clinically appropriate by the department of ~~mental health~~ mental 42683
health and addiction services or to another medical or psychiatric 42684
facility, as appropriate. Prior to placing the defendant, the 42685
department of ~~mental health~~ mental health and addiction services 42686

shall obtain court approval for that placement. If, at the hearing 42687
under division (A) of this section, the court determines by clear 42688
and convincing evidence that the person requires treatment for 42689
mental retardation, it shall commit the person to a facility 42690
operated by the department of developmental disabilities or 42691
another facility, as appropriate. Further proceedings shall be in 42692
accordance with sections 2945.401 and 2945.402 of the Revised 42693
Code. In determining the place of commitment, the court shall 42694
consider the extent to which the person is a danger to the person 42695
and to others, the need for security, and the type of crime 42696
involved and shall order the least restrictive alternative 42697
available that is consistent with public safety and the welfare of 42698
the person. In weighing these factors, the court shall give 42699
preference to protecting public safety. 42700

(G) If a court makes a commitment of a person under division 42701
(F) of this section, the prosecutor shall send to the hospital, 42702
facility, or agency where the person is placed by the department 42703
of ~~mental health~~ mental health and addiction services or to the 42704
defendant's place of commitment all reports of the person's 42705
current mental condition, and, except as otherwise provided in 42706
this division, any other relevant information, including, but not 42707
limited to, a transcript of the hearing held pursuant to division 42708
(A) of this section, copies of relevant police reports, and copies 42709
of any prior arrest and conviction records that pertain to the 42710
person and that the prosecutor possesses. The prosecutor shall 42711
send the reports of the person's current mental condition in every 42712
case of commitment, and, unless the prosecutor determines that the 42713
release of any of the other relevant information to unauthorized 42714
persons would interfere with the effective prosecution of any 42715
person or would create a substantial risk of harm to any person, 42716
the prosecutor also shall send the other relevant information. 42717
Upon admission of a person committed under division (F) of this 42718
section, the place of commitment shall send to the board of 42719

alcohol, drug addiction, and mental health services or the 42720
community mental health board serving the county in which the 42721
charges against the person were filed a copy of all reports of the 42722
person's current mental condition and a copy of the other relevant 42723
information provided by the prosecutor under this division, 42724
including, if provided, a transcript of the hearing held pursuant 42725
to division (A) of this section, the relevant police reports, and 42726
the prior arrest and conviction records that pertain to the person 42727
and that the prosecutor possesses. 42728

(H) A person who is committed pursuant to this section shall 42729
not voluntarily admit the person or be voluntarily admitted to a 42730
hospital or institution pursuant to section 5122.02, 5122.15, 42731
5123.69, or 5123.76 of the Revised Code. 42732

Sec. 2945.401. (A) A defendant found incompetent to stand 42733
trial and committed pursuant to section 2945.39 of the Revised 42734
Code or a person found not guilty by reason of insanity and 42735
committed pursuant to section 2945.40 of the Revised Code shall 42736
remain subject to the jurisdiction of the trial court pursuant to 42737
that commitment, and to the provisions of this section, until the 42738
final termination of the commitment as described in division 42739
(J)(1) of this section. If the jurisdiction is terminated under 42740
this division because of the final termination of the commitment 42741
resulting from the expiration of the maximum prison term or term 42742
of imprisonment described in division (J)(1)(b) of this section, 42743
the court or prosecutor may file an affidavit for the civil 42744
commitment of the defendant or person pursuant to Chapter 5122. or 42745
5123. of the Revised Code. 42746

(B) A hearing conducted under any provision of sections 42747
2945.37 to 2945.402 of the Revised Code shall not be conducted in 42748
accordance with Chapters 5122. and 5123. of the Revised Code. Any 42749
person who is committed pursuant to section 2945.39 or 2945.40 of 42750

the Revised Code shall not voluntarily admit the person or be 42751
voluntarily admitted to a hospital or institution pursuant to 42752
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 42753
All other provisions of Chapters 5122. and 5123. of the Revised 42754
Code regarding hospitalization or institutionalization shall apply 42755
to the extent they are not in conflict with this chapter. A 42756
commitment under section 2945.39 or 2945.40 of the Revised Code 42757
shall not be terminated and the conditions of the commitment shall 42758
not be changed except as otherwise provided in division (D)(2) of 42759
this section with respect to a mentally retarded person subject to 42760
institutionalization by court order or except by order of the 42761
trial court. 42762

(C) The department of ~~mental health~~ mental health and 42763
addiction services or the institution, facility, or program to 42764
which a defendant or person has been committed under section 42765
2945.39 or 2945.40 of the Revised Code shall report in writing to 42766
the trial court, at the times specified in this division, as to 42767
whether the defendant or person remains a mentally ill person 42768
subject to hospitalization by court order or a mentally retarded 42769
person subject to institutionalization by court order and, in the 42770
case of a defendant committed under section 2945.39 of the Revised 42771
Code, as to whether the defendant remains incompetent to stand 42772
trial. The department, institution, facility, or program shall 42773
make the reports after the initial six months of treatment and 42774
every two years after the initial report is made. The trial court 42775
shall provide copies of the reports to the prosecutor and to the 42776
counsel for the defendant or person. Within thirty days after its 42777
receipt pursuant to this division of a report from the department, 42778
institution, facility, or program, the trial court shall hold a 42779
hearing on the continued commitment of the defendant or person or 42780
on any changes in the conditions of the commitment of the 42781
defendant or person. The defendant or person may request a change 42782
in the conditions of confinement, and the trial court shall 42783

conduct a hearing on that request if six months or more have 42784
elapsed since the most recent hearing was conducted under this 42785
section. 42786

(D)(1) Except as otherwise provided in division (D)(2) of 42787
this section, when a defendant or person has been committed under 42788
section 2945.39 or 2945.40 of the Revised Code, at any time after 42789
evaluating the risks to public safety and the welfare of the 42790
defendant or person, the designee of the department of ~~mental~~ 42791
~~health~~ mental health and addiction services or the managing 42792
officer of the institution or director of the facility or program 42793
to which the defendant or person is committed may recommend a 42794
termination of the defendant's or person's commitment or a change 42795
in the conditions of the defendant's or person's commitment. 42796

Except as otherwise provided in division (D)(2) of this 42797
section, if the designee of the department of ~~mental health~~ mental 42798
health and addiction services recommends on-grounds unsupervised 42799
movement, off-grounds supervised movement, or nonsecured status 42800
for the defendant or person or termination of the defendant's or 42801
person's commitment, the following provisions apply: 42802

(a) If the department's designee recommends on-grounds 42803
unsupervised movement or off-grounds supervised movement, the 42804
department's designee shall file with the trial court an 42805
application for approval of the movement and shall send a copy of 42806
the application to the prosecutor. Within fifteen days after 42807
receiving the application, the prosecutor may request a hearing on 42808
the application and, if a hearing is requested, shall so inform 42809
the department's designee. If the prosecutor does not request a 42810
hearing within the fifteen-day period, the trial court shall 42811
approve the application by entering its order approving the 42812
requested movement or, within five days after the expiration of 42813
the fifteen-day period, shall set a date for a hearing on the 42814
application. If the prosecutor requests a hearing on the 42815

application within the fifteen-day period, the trial court shall 42816
hold a hearing on the application within thirty days after the 42817
hearing is requested. If the trial court, within five days after 42818
the expiration of the fifteen-day period, sets a date for a 42819
hearing on the application, the trial court shall hold the hearing 42820
within thirty days after setting the hearing date. At least 42821
fifteen days before any hearing is held under this division, the 42822
trial court shall give the prosecutor written notice of the date, 42823
time, and place of the hearing. At the conclusion of each hearing 42824
conducted under this division, the trial court either shall 42825
approve or disapprove the application and shall enter its order 42826
accordingly. 42827

(b) If the department's designee recommends termination of 42828
the defendant's or person's commitment at any time or if the 42829
department's designee recommends the first of any nonsecured 42830
status for the defendant or person, the department's designee 42831
shall send written notice of this recommendation to the trial 42832
court and to the local forensic center. The local forensic center 42833
shall evaluate the committed defendant or person and, within 42834
thirty days after its receipt of the written notice, shall submit 42835
to the trial court and the department's designee a written report 42836
of the evaluation. The trial court shall provide a copy of the 42837
department's designee's written notice and of the local forensic 42838
center's written report to the prosecutor and to the counsel for 42839
the defendant or person. Upon the local forensic center's 42840
submission of the report to the trial court and the department's 42841
designee, all of the following apply: 42842

(i) If the forensic center disagrees with the recommendation 42843
of the department's designee, it shall inform the department's 42844
designee and the trial court of its decision and the reasons for 42845
the decision. The department's designee, after consideration of 42846
the forensic center's decision, shall either withdraw, proceed 42847

with, or modify and proceed with the recommendation. If the 42848
department's designee proceeds with, or modifies and proceeds 42849
with, the recommendation, the department's designee shall proceed 42850
in accordance with division (D)(1)(b)(iii) of this section. 42851

(ii) If the forensic center agrees with the recommendation of 42852
the department's designee, it shall inform the department's 42853
designee and the trial court of its decision and the reasons for 42854
the decision, and the department's designee shall proceed in 42855
accordance with division (D)(1)(b)(iii) of this section. 42856

(iii) If the forensic center disagrees with the 42857
recommendation of the department's designee and the department's 42858
designee proceeds with, or modifies and proceeds with, the 42859
recommendation or if the forensic center agrees with the 42860
recommendation of the department's designee, the department's 42861
designee shall work with community mental health ~~agencies~~ services 42862
providers, programs, facilities, or boards of alcohol, drug 42863
addiction, and mental health services or community mental health 42864
boards to develop a plan to implement the recommendation. If the 42865
defendant or person is on medication, the plan shall include, but 42866
shall not be limited to, a system to monitor the defendant's or 42867
person's compliance with the prescribed medication treatment plan. 42868
The system shall include a schedule that clearly states when the 42869
defendant or person shall report for a medication compliance 42870
check. The medication compliance checks shall be based upon the 42871
effective duration of the prescribed medication, taking into 42872
account the route by which it is taken, and shall be scheduled at 42873
intervals sufficiently close together to detect a potential 42874
increase in mental illness symptoms that the medication is 42875
intended to prevent. 42876

The department's designee, after consultation with the board 42877
of alcohol, drug addiction, and mental health services or the 42878
community mental health board serving the area, shall send the 42879

recommendation and plan developed under division (D)(1)(b)(iii) of 42880
this section, in writing, to the trial court, the prosecutor, and 42881
the counsel for the committed defendant or person. The trial court 42882
shall conduct a hearing on the recommendation and plan developed 42883
under division (D)(1)(b)(iii) of this section. Divisions (D)(1)(c) 42884
and (d) and (E) to (J) of this section apply regarding the 42885
hearing. 42886

(c) If the department's designee's recommendation is for 42887
nonsecured status or termination of commitment, the prosecutor may 42888
obtain an independent expert evaluation of the defendant's or 42889
person's mental condition, and the trial court may continue the 42890
hearing on the recommendation for a period of not more than thirty 42891
days to permit time for the evaluation. 42892

The prosecutor may introduce the evaluation report or present 42893
other evidence at the hearing in accordance with the Rules of 42894
Evidence. 42895

(d) The trial court shall schedule the hearing on a 42896
department's designee's recommendation for nonsecured status or 42897
termination of commitment and shall give reasonable notice to the 42898
prosecutor and the counsel for the defendant or person. Unless 42899
continued for independent evaluation at the prosecutor's request 42900
or for other good cause, the hearing shall be held within thirty 42901
days after the trial court's receipt of the recommendation and 42902
plan. 42903

(2)(a) Division (D)(1) of this section does not apply to 42904
on-grounds unsupervised movement of a defendant or person who has 42905
been committed under section 2945.39 or 2945.40 of the Revised 42906
Code, who is a mentally retarded person subject to 42907
institutionalization by court order, and who is being provided 42908
residential habilitation, care, and treatment in a facility 42909
operated by the department of developmental disabilities. 42910

(b) If, pursuant to section 2945.39 of the Revised Code, the trial court commits a defendant who is found incompetent to stand trial and who is a mentally retarded person subject to institutionalization by court order, if the defendant is being provided residential habilitation, care, and treatment in a facility operated by the department of developmental disabilities, if an individual who is conducting a survey for the department of health to determine the facility's compliance with the certification requirements of the medicaid program ~~under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ cites the defendant's receipt of the residential habilitation, care, and treatment in the facility as being inappropriate under the certification requirements, if the defendant's receipt of the residential habilitation, care, and treatment in the facility potentially jeopardizes the facility's continued receipt of federal medicaid moneys, and if as a result of the citation the chief clinical officer of the facility determines that the conditions of the defendant's commitment should be changed, the department of developmental disabilities may cause the defendant to be removed from the particular facility and, after evaluating the risks to public safety and the welfare of the defendant and after determining whether another type of placement is consistent with the certification requirements, may place the defendant in another facility that the department selects as an appropriate facility for the defendant's continued receipt of residential habilitation, care, and treatment and that is a no less secure setting than the facility in which the defendant had been placed at the time of the citation. Within three days after the defendant's removal and alternative placement under the circumstances described in division (D)(2)(b) of this section, the department of developmental disabilities shall notify the trial court and the prosecutor in writing of the removal and alternative

placement. 42944

The trial court shall set a date for a hearing on the removal 42945
and alternative placement, and the hearing shall be held within 42946
twenty-one days after the trial court's receipt of the notice from 42947
the department of developmental disabilities. At least ten days 42948
before the hearing is held, the trial court shall give the 42949
prosecutor, the department of developmental disabilities, and the 42950
counsel for the defendant written notice of the date, time, and 42951
place of the hearing. At the hearing, the trial court shall 42952
consider the citation issued by the individual who conducted the 42953
survey for the department of health to be prima-facie evidence of 42954
the fact that the defendant's commitment to the particular 42955
facility was inappropriate under the certification requirements of 42956
the medicaid program ~~under Chapter 5111. of the Revised Code and~~ 42957
~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 42958
~~U.S.C.A. 301, as amended,~~ and potentially jeopardizes the 42959
particular facility's continued receipt of federal medicaid 42960
moneys. At the conclusion of the hearing, the trial court may 42961
approve or disapprove the defendant's removal and alternative 42962
placement. If the trial court approves the defendant's removal and 42963
alternative placement, the department of developmental 42964
disabilities may continue the defendant's alternative placement. 42965
If the trial court disapproves the defendant's removal and 42966
alternative placement, it shall enter an order modifying the 42967
defendant's removal and alternative placement, but that order 42968
shall not require the department of developmental disabilities to 42969
replace the defendant for purposes of continued residential 42970
habilitation, care, and treatment in the facility associated with 42971
the citation issued by the individual who conducted the survey for 42972
the department of health. 42973

(E) In making a determination under this section regarding 42974
nonsecured status or termination of commitment, the trial court 42975

shall consider all relevant factors, including, but not limited to, all of the following: 42976
42977

(1) Whether, in the trial court's view, the defendant or person currently represents a substantial risk of physical harm to the defendant or person or others; 42978
42979
42980

(2) Psychiatric and medical testimony as to the current mental and physical condition of the defendant or person; 42981
42982

(3) Whether the defendant or person has insight into the defendant's or person's condition so that the defendant or person will continue treatment as prescribed or seek professional assistance as needed; 42983
42984
42985
42986

(4) The grounds upon which the state relies for the proposed commitment; 42987
42988

(5) Any past history that is relevant to establish the defendant's or person's degree of conformity to the laws, rules, regulations, and values of society; 42989
42990
42991

(6) If there is evidence that the defendant's or person's mental illness is in a state of remission, the medically suggested cause and degree of the remission and the probability that the defendant or person will continue treatment to maintain the remissive state of the defendant's or person's illness should the defendant's or person's commitment conditions be altered. 42992
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(F) At any hearing held pursuant to division (C) or (D)(1) or (2) of this section, the defendant or the person shall have all the rights of a defendant or person at a commitment hearing as described in section 2945.40 of the Revised Code. 42998
42999
43000
43001

(G) In a hearing held pursuant to division (C) or (D)(1) of this section, the prosecutor has the burden of proof as follows: 43002
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(1) For a recommendation of termination of commitment, to show by clear and convincing evidence that the defendant or person 43004
43005

remains a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order;

(2) For a recommendation for a change in the conditions of the commitment to a less restrictive status, to show by clear and convincing evidence that the proposed change represents a threat to public safety or a threat to the safety of any person.

(H) In a hearing held pursuant to division (C) or (D)(1) or (2) of this section, the prosecutor shall represent the state or the public interest.

(I) At the conclusion of a hearing conducted under division (D)(1) of this section regarding a recommendation from the designee of the department of ~~mental health~~ mental health and addiction services, managing officer of the institution, or director of a facility or program, the trial court may approve, disapprove, or modify the recommendation and shall enter an order accordingly.

(J)(1) A defendant or person who has been committed pursuant to section 2945.39 or 2945.40 of the Revised Code continues to be under the jurisdiction of the trial court until the final termination of the commitment. For purposes of division (J) of this section, the final termination of a commitment occurs upon the earlier of one of the following:

(a) The defendant or person no longer is a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order, as determined by the trial court;

(b) The expiration of the maximum prison term or term of imprisonment that the defendant or person could have received if the defendant or person had been convicted of the most serious offense with which the defendant or person is charged or in

relation to which the defendant or person was found not guilty by 43037
reason of insanity; 43038

(c) The trial court enters an order terminating the 43039
commitment under the circumstances described in division 43040
(J)(2)(a)(ii) of this section. 43041

(2)(a) If a defendant is found incompetent to stand trial and 43042
committed pursuant to section 2945.39 of the Revised Code, if 43043
neither of the circumstances described in divisions (J)(1)(a) and 43044
(b) of this section applies to that defendant, and if a report 43045
filed with the trial court pursuant to division (C) of this 43046
section indicates that the defendant presently is competent to 43047
stand trial or if, at any other time during the period of the 43048
defendant's commitment, the prosecutor, the counsel for the 43049
defendant, or the designee of the department of ~~mental health~~ 43050
mental health and addiction services or the managing officer of 43051
the institution or director of the facility or program to which 43052
the defendant is committed files an application with the trial 43053
court alleging that the defendant presently is competent to stand 43054
trial and requesting a hearing on the competency issue or the 43055
trial court otherwise has reasonable cause to believe that the 43056
defendant presently is competent to stand trial and determines on 43057
its own motion to hold a hearing on the competency issue, the 43058
trial court shall schedule a hearing on the competency of the 43059
defendant to stand trial, shall give the prosecutor, the counsel 43060
for the defendant, and the department's designee or the managing 43061
officer of the institution or the director of the facility to 43062
which the defendant is committed notice of the date, time, and 43063
place of the hearing at least fifteen days before the hearing, and 43064
shall conduct the hearing within thirty days of the filing of the 43065
application or of its own motion. If, at the conclusion of the 43066
hearing, the trial court determines that the defendant presently 43067
is capable of understanding the nature and objective of the 43068

proceedings against the defendant and of assisting in the 43069
defendant's defense, the trial court shall order that the 43070
defendant is competent to stand trial and shall be proceeded 43071
against as provided by law with respect to the applicable offenses 43072
described in division (C)(1) of section 2945.38 of the Revised 43073
Code and shall enter whichever of the following additional orders 43074
is appropriate: 43075

(i) If the trial court determines that the defendant remains 43076
a mentally ill person subject to hospitalization by court order or 43077
a mentally retarded person subject to institutionalization by 43078
court order, the trial court shall order that the defendant's 43079
commitment to the department of ~~mental health~~ mental health and 43080
addiction services or to an institution, facility, or program for 43081
the treatment of mental retardation be continued during the 43082
pendency of the trial on the applicable offenses described in 43083
division (C)(1) of section 2945.38 of the Revised Code. 43084

(ii) If the trial court determines that the defendant no 43085
longer is a mentally ill person subject to hospitalization by 43086
court order or a mentally retarded person subject to 43087
institutionalization by court order, the trial court shall order 43088
that the defendant's commitment to the department of ~~mental health~~ 43089
mental health and addiction services or to an institution, 43090
facility, or program for the treatment of mental retardation shall 43091
not be continued during the pendency of the trial on the 43092
applicable offenses described in division (C)(1) of section 43093
2945.38 of the Revised Code. This order shall be a final 43094
termination of the commitment for purposes of division (J)(1)(c) 43095
of this section. 43096

(b) If, at the conclusion of the hearing described in 43097
division (J)(2)(a) of this section, the trial court determines 43098
that the defendant remains incapable of understanding the nature 43099
and objective of the proceedings against the defendant or of 43100

assisting in the defendant's defense, the trial court shall order 43101
that the defendant continues to be incompetent to stand trial, 43102
that the defendant's commitment to the department of ~~mental health~~ 43103
mental health and addiction services or to an institution, 43104
facility, or program for the treatment of mental retardation shall 43105
be continued, and that the defendant remains subject to the 43106
jurisdiction of the trial court pursuant to that commitment, and 43107
to the provisions of this section, until the final termination of 43108
the commitment as described in division (J)(1) of this section. 43109

Sec. 2951.041. (A)(1) If an offender is charged with a 43110
criminal offense, including but not limited to a violation of 43111
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 43112
the Revised Code, and the court has reason to believe that drug or 43113
alcohol usage by the offender was a factor leading to the criminal 43114
offense with which the offender is charged or that, at the time of 43115
committing that offense, the offender had a mental illness or was 43116
a person with intellectual disability and that the mental illness 43117
or status as a person with intellectual disability was a factor 43118
leading to the offender's criminal behavior, the court may accept, 43119
prior to the entry of a guilty plea, the offender's request for 43120
intervention in lieu of conviction. The request shall include a 43121
statement from the offender as to whether the offender is alleging 43122
that drug or alcohol usage by the offender was a factor leading to 43123
the criminal offense with which the offender is charged or is 43124
alleging that, at the time of committing that offense, the 43125
offender had a mental illness or was a person with intellectual 43126
disability and that the mental illness or status as a person with 43127
intellectual disability was a factor leading to the criminal 43128
offense with which the offender is charged. The request also shall 43129
include a waiver of the defendant's right to a speedy trial, the 43130
preliminary hearing, the time period within which the grand jury 43131
may consider an indictment against the offender, and arraignment, 43132

unless the hearing, indictment, or arraignment has already 43133
occurred. The court may reject an offender's request without a 43134
hearing. If the court elects to consider an offender's request, 43135
the court shall conduct a hearing to determine whether the 43136
offender is eligible under this section for intervention in lieu 43137
of conviction and shall stay all criminal proceedings pending the 43138
outcome of the hearing. If the court schedules a hearing, the 43139
court shall order an assessment of the offender for the purpose of 43140
determining the offender's eligibility for intervention in lieu of 43141
conviction and recommending an appropriate intervention plan. 43142

If the offender alleges that drug or alcohol usage by the 43143
offender was a factor leading to the criminal offense with which 43144
the offender is charged, the court may order that the offender be 43145
assessed by ~~a program~~ an addiction services provider certified 43146
pursuant to section ~~3793.06~~ 5119.36 of the Revised Code or a 43147
properly credentialed professional for the purpose of determining 43148
the offender's eligibility for intervention in lieu of conviction 43149
and recommending an appropriate intervention plan. The ~~program~~ 43150
addiction services provider or the properly credentialed 43151
professional shall provide a written assessment of the offender to 43152
the court. 43153

(2) The victim notification provisions of division (C) of 43154
section 2930.08 of the Revised Code apply in relation to any 43155
hearing held under division (A)(1) of this section. 43156

(B) An offender is eligible for intervention in lieu of 43157
conviction if the court finds all of the following: 43158

(1) The offender previously has not been convicted of or 43159
pleaded guilty to a felony offense of violence or previously has 43160
been convicted of or pleaded guilty to any felony that is not an 43161
offense of violence and the prosecuting attorney recommends that 43162
the offender be found eligible for participation in intervention 43163
in lieu of treatment under this section, previously has not been 43164

through intervention in lieu of conviction under this section or 43165
any similar regimen, and is charged with a felony for which the 43166
court, upon conviction, would impose a community control sanction 43167
on the offender under division (B)(2) of section 2929.13 of the 43168
Revised Code or with a misdemeanor. 43169

(2) The offense is not a felony of the first, second, or 43170
third degree, is not an offense of violence, is not a violation of 43171
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 43172
not a violation of division (A)(1) of section 2903.08 of the 43173
Revised Code, is not a violation of division (A) of section 43174
4511.19 of the Revised Code or a municipal ordinance that is 43175
substantially similar to that division, and is not an offense for 43176
which a sentencing court is required to impose a mandatory prison 43177
term, a mandatory term of local incarceration, or a mandatory term 43178
of imprisonment in a jail. 43179

(3) The offender is not charged with a violation of section 43180
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 43181
with a violation of section 2925.03 of the Revised Code that is a 43182
felony of the first, second, third, or fourth degree, and is not 43183
charged with a violation of section 2925.11 of the Revised Code 43184
that is a felony of the first, second, or third degree. 43185

(4) If an offender alleges that drug or alcohol usage by the 43186
offender was a factor leading to the criminal offense with which 43187
the offender is charged, the court has ordered that the offender 43188
be assessed by ~~a program~~ an addiction services provider certified 43189
pursuant to section ~~3793.06~~ 5119.36 of the Revised Code or a 43190
properly credentialed professional for the purpose of determining 43191
the offender's eligibility for intervention in lieu of conviction 43192
and recommending an appropriate intervention plan, the offender 43193
has been assessed by ~~a program~~ an addiction services provider of 43194
that nature or a properly credentialed professional in accordance 43195
with the court's order, and the ~~program~~ addiction services 43196

provider or properly credentialed professional has filed the 43197
written assessment of the offender with the court. 43198

(5) If an offender alleges that, at the time of committing 43199
the criminal offense with which the offender is charged, the 43200
offender had a mental illness or was a person with intellectual 43201
disability and that the mental illness or status as a person with 43202
intellectual disability was a factor leading to that offense, the 43203
offender has been assessed by a psychiatrist, psychologist, 43204
independent social worker, or professional clinical counselor for 43205
the purpose of determining the offender's eligibility for 43206
intervention in lieu of conviction and recommending an appropriate 43207
intervention plan. 43208

(6) The offender's drug usage, alcohol usage, mental illness, 43209
or intellectual disability, whichever is applicable, was a factor 43210
leading to the criminal offense with which the offender is 43211
charged, intervention in lieu of conviction would not demean the 43212
seriousness of the offense, and intervention would substantially 43213
reduce the likelihood of any future criminal activity. 43214

(7) The alleged victim of the offense was not sixty-five 43215
years of age or older, permanently and totally disabled, under 43216
thirteen years of age, or a peace officer engaged in the officer's 43217
official duties at the time of the alleged offense. 43218

(8) If the offender is charged with a violation of section 43219
2925.24 of the Revised Code, the alleged violation did not result 43220
in physical harm to any person, and the offender previously has 43221
not been treated for drug abuse. 43222

(9) The offender is willing to comply with all terms and 43223
conditions imposed by the court pursuant to division (D) of this 43224
section. 43225

(10) The offender is not charged with an offense that would 43226
result in the offender being disqualified under Chapter 4506. of 43227

the Revised Code from operating a commercial motor vehicle or 43228
would subject the offender to any other sanction under that 43229
chapter. 43230

(C) At the conclusion of a hearing held pursuant to division 43231
(A) of this section, the court shall enter its determination as to 43232
whether the offender is eligible for intervention in lieu of 43233
conviction and as to whether to grant the offender's request. If 43234
the court finds under division (B) of this section that the 43235
offender is eligible for intervention in lieu of conviction and 43236
grants the offender's request, the court shall accept the 43237
offender's plea of guilty and waiver of the defendant's right to a 43238
speedy trial, the preliminary hearing, the time period within 43239
which the grand jury may consider an indictment against the 43240
offender, and arraignment, unless the hearing, indictment, or 43241
arraignment has already occurred. In addition, the court then may 43242
stay all criminal proceedings and order the offender to comply 43243
with all terms and conditions imposed by the court pursuant to 43244
division (D) of this section. If the court finds that the offender 43245
is not eligible or does not grant the offender's request, the 43246
criminal proceedings against the offender shall proceed as if the 43247
offender's request for intervention in lieu of conviction had not 43248
been made. 43249

(D) If the court grants an offender's request for 43250
intervention in lieu of conviction, the court shall place the 43251
offender under the general control and supervision of the county 43252
probation department, the adult parole authority, or another 43253
appropriate local probation or court services agency, if one 43254
exists, as if the offender was subject to a community control 43255
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 43256
Revised Code. The court shall establish an intervention plan for 43257
the offender. The terms and conditions of the intervention plan 43258
shall require the offender, for at least one year from the date on 43259

which the court grants the order of intervention in lieu of 43260
conviction, to abstain from the use of illegal drugs and alcohol, 43261
to participate in treatment and recovery support services, and to 43262
submit to regular random testing for drug and alcohol use and may 43263
include any other treatment terms and conditions, or terms and 43264
conditions similar to community control sanctions, which may 43265
include community service or restitution, that are ordered by the 43266
court. 43267

(E) If the court grants an offender's request for 43268
intervention in lieu of conviction and the court finds that the 43269
offender has successfully completed the intervention plan for the 43270
offender, including the requirement that the offender abstain from 43271
using illegal drugs and alcohol for a period of at least one year 43272
from the date on which the court granted the order of intervention 43273
in lieu of conviction, the requirement that the offender 43274
participate in treatment and recovery support services, and all 43275
other terms and conditions ordered by the court, the court shall 43276
dismiss the proceedings against the offender. Successful 43277
completion of the intervention plan and period of abstinence under 43278
this section shall be without adjudication of guilt and is not a 43279
criminal conviction for purposes of any disqualification or 43280
disability imposed by law and upon conviction of a crime, and the 43281
court may order the sealing of records related to the offense in 43282
question in the manner provided in sections 2953.31 to 2953.36 of 43283
the Revised Code. 43284

(F) If the court grants an offender's request for 43285
intervention in lieu of conviction and the offender fails to 43286
comply with any term or condition imposed as part of the 43287
intervention plan for the offender, the supervising authority for 43288
the offender promptly shall advise the court of this failure, and 43289
the court shall hold a hearing to determine whether the offender 43290
failed to comply with any term or condition imposed as part of the 43291

plan. If the court determines that the offender has failed to 43292
comply with any of those terms and conditions, it shall enter a 43293
finding of guilty and shall impose an appropriate sanction under 43294
Chapter 2929. of the Revised Code. If the court sentences the 43295
offender to a prison term, the court, after consulting with the 43296
department of rehabilitation and correction regarding the 43297
availability of services, may order continued court-supervised 43298
activity and treatment of the offender during the prison term and, 43299
upon consideration of reports received from the department 43300
concerning the offender's progress in the program of activity and 43301
treatment, may consider judicial release under section 2929.20 of 43302
the Revised Code. 43303

(G) As used in this section: 43304

(1) "Community control sanction" has the same meaning as in 43305
section 2929.01 of the Revised Code. 43306

(2) "Intervention in lieu of conviction" means any 43307
court-supervised activity that complies with this section. 43308

(3) "Peace officer" has the same meaning as in section 43309
2935.01 of the Revised Code. 43310

(4) "Mental illness" and "psychiatrist" have the same 43311
meanings as in section 5122.01 of the Revised Code. 43312

(5) "Person with intellectual disability" means a person 43313
having significantly subaverage general intellectual functioning 43314
existing concurrently with deficiencies in adaptive behavior, 43315
manifested during the developmental period. 43316

(6) "Psychologist" has the same meaning as in section 4732.01 43317
of the Revised Code. 43318

(H) Whenever the term "mentally retarded person" is used in 43319
any statute, rule, contract, grant, or other document, the 43320
reference shall be deemed to include a "person with intellectual 43321

disability," as defined in this section. 43322

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 43323
the Revised Code, an eligible offender may apply to the sentencing 43324
court if convicted in this state, or to a court of common pleas if 43325
convicted in another state or in a federal court, for the sealing 43326
of the conviction record. Application may be made at the 43327
expiration of three years after the offender's final discharge if 43328
convicted of a felony, or at the expiration of one year after the 43329
offender's final discharge if convicted of a misdemeanor. 43330

43331

(2) Any person who has been arrested for any misdemeanor 43332
offense and who has effected a bail forfeiture may apply to the 43333
court in which the misdemeanor criminal case was pending when bail 43334
was forfeited for the sealing of the record of the case. Except as 43335
provided in section 2953.61 of the Revised Code, the application 43336
may be filed at any time after the expiration of one year from the 43337
date on which the bail forfeiture was entered upon the minutes of 43338
the court or the journal, whichever entry occurs first. 43339

(B) Upon the filing of an application under this section, the 43340
court shall set a date for a hearing and shall notify the 43341
prosecutor for the case of the hearing on the application. The 43342
prosecutor may object to the granting of the application by filing 43343
an objection with the court prior to the date set for the hearing. 43344
The prosecutor shall specify in the objection the reasons for 43345
believing a denial of the application is justified. The court 43346
shall direct its regular probation officer, a state probation 43347
officer, or the department of probation of the county in which the 43348
applicant resides to make inquiries and written reports as the 43349
court requires concerning the applicant. If the applicant was 43350
convicted of or pleaded guilty to a violation of division (A)(2) 43351
or (B) of section 2919.21 of the Revised Code, the probation 43352

officer or county department of probation that the court directed 43353
to make inquiries concerning the applicant shall contact the child 43354
support enforcement agency enforcing the applicant's obligations 43355
under the child support order to inquire about the offender's 43356
compliance with the child support order. 43357

(C)(1) The court shall do each of the following: 43358

(a) Determine whether the applicant is an eligible offender 43359
or whether the forfeiture of bail was agreed to by the applicant 43360
and the prosecutor in the case. If the applicant applies as an 43361
eligible offender pursuant to division (A)(1) of this section and 43362
has two or three convictions that result from the same indictment, 43363
information, or complaint, from the same plea of guilty, or from 43364
the same official proceeding, and result from related criminal 43365
acts that were committed within a three-month period but do not 43366
result from the same act or from offenses committed at the same 43367
time, in making its determination under this division, the court 43368
initially shall determine whether it is not in the public interest 43369
for the two or three convictions to be counted as one conviction. 43370
If the court determines that it is not in the public interest for 43371
the two or three convictions to be counted as one conviction, the 43372
court shall determine that the applicant is not an eligible 43373
offender; if the court does not make that determination, the court 43374
shall determine that the offender is an eligible offender. 43375

(b) Determine whether criminal proceedings are pending 43376
against the applicant; 43377

(c) If the applicant is an eligible offender who applies 43378
pursuant to division (A)(1) of this section, determine whether the 43379
applicant has been rehabilitated to the satisfaction of the court; 43380

(d) If the prosecutor has filed an objection in accordance 43381
with division (B) of this section, consider the reasons against 43382
granting the application specified by the prosecutor in the 43383

objection; 43384

(e) Weigh the interests of the applicant in having the 43385
records pertaining to the applicant's conviction sealed against 43386
the legitimate needs, if any, of the government to maintain those 43387
records. 43388

(2) If the court determines, after complying with division 43389
(C)(1) of this section, that the applicant is an eligible offender 43390
or the subject of a bail forfeiture, that no criminal proceeding 43391
is pending against the applicant, and that the interests of the 43392
applicant in having the records pertaining to the applicant's 43393
conviction or bail forfeiture sealed are not outweighed by any 43394
legitimate governmental needs to maintain those records, and that 43395
the rehabilitation of an applicant who is an eligible offender 43396
applying pursuant to division (A)(1) of this section has been 43397
attained to the satisfaction of the court, the court, except as 43398
provided in divisions (G) and (H) of this section, shall order all 43399
official records pertaining to the case sealed and, except as 43400
provided in division (F) of this section, all index references to 43401
the case deleted and, in the case of bail forfeitures, shall 43402
dismiss the charges in the case. The proceedings in the case shall 43403
be considered not to have occurred and the conviction or bail 43404
forfeiture of the person who is the subject of the proceedings 43405
shall be sealed, except that upon conviction of a subsequent 43406
offense, the sealed record of prior conviction or bail forfeiture 43407
may be considered by the court in determining the sentence or 43408
other appropriate disposition, including the relief provided for 43409
in sections 2953.31 to 2953.33 of the Revised Code. 43410

(3) Upon the filing of an application under this section, the 43411
applicant, unless indigent, shall pay a fee of fifty dollars. The 43412
court shall pay thirty dollars of the fee into the state treasury. 43413
It shall pay twenty dollars of the fee into the county general 43414
revenue fund if the sealed conviction or bail forfeiture was 43415

pursuant to a state statute, or into the general revenue fund of 43416
the municipal corporation involved if the sealed conviction or 43417
bail forfeiture was pursuant to a municipal ordinance. 43418

(D) Inspection of the sealed records included in the order 43419
may be made only by the following persons or for the following 43420
purposes: 43421

(1) By a law enforcement officer or prosecutor, or the 43422
assistants of either, to determine whether the nature and 43423
character of the offense with which a person is to be charged 43424
would be affected by virtue of the person's previously having been 43425
convicted of a crime; 43426

(2) By the parole or probation officer of the person who is 43427
the subject of the records, for the exclusive use of the officer 43428
in supervising the person while on parole or under a community 43429
control sanction or a post-release control sanction, and in making 43430
inquiries and written reports as requested by the court or adult 43431
parole authority; 43432

(3) Upon application by the person who is the subject of the 43433
records, by the persons named in the application; 43434

(4) By a law enforcement officer who was involved in the 43435
case, for use in the officer's defense of a civil action arising 43436
out of the officer's involvement in that case; 43437

(5) By a prosecuting attorney or the prosecuting attorney's 43438
assistants, to determine a defendant's eligibility to enter a 43439
pre-trial diversion program established pursuant to section 43440
2935.36 of the Revised Code; 43441

(6) By any law enforcement agency or any authorized employee 43442
of a law enforcement agency or by the department of rehabilitation 43443
and correction as part of a background investigation of a person 43444
who applies for employment with the agency as a law enforcement 43445
officer or with the department as a corrections officer; 43446

(7) By any law enforcement agency or any authorized employee 43447
of a law enforcement agency, for the purposes set forth in, and in 43448
the manner provided in, section 2953.321 of the Revised Code; 43449

(8) By the bureau of criminal identification and 43450
investigation or any authorized employee of the bureau for the 43451
purpose of providing information to a board or person pursuant to 43452
division (F) or (G) of section 109.57 of the Revised Code; 43453

(9) By the bureau of criminal identification and 43454
investigation or any authorized employee of the bureau for the 43455
purpose of performing a criminal history records check on a person 43456
to whom a certificate as prescribed in section 109.77 of the 43457
Revised Code is to be awarded; 43458

(10) By the bureau of criminal identification and 43459
investigation or any authorized employee of the bureau for the 43460
purpose of conducting a criminal records check of an individual 43461
pursuant to division (B) of section 109.572 of the Revised Code 43462
that was requested pursuant to any of the sections identified in 43463
division (B)(1) of that section; 43464

(11) By the bureau of criminal identification and 43465
investigation, an authorized employee of the bureau, a sheriff, or 43466
an authorized employee of a sheriff in connection with a criminal 43467
records check described in section 311.41 of the Revised Code; 43468

(12) By the attorney general or an authorized employee of the 43469
attorney general or a court for purposes of determining a person's 43470
classification pursuant to Chapter 2950. of the Revised Code; 43471

(13) By a prosecuting attorney or the attorney general, or 43472
the assistants of either, for purposes of defending or 43473
participating in a civil action brought pursuant to division 43474
(B)(1) of section 2743.48 of the Revised Code. 43475

When the nature and character of the offense with which a 43476
person is to be charged would be affected by the information, it 43477

may be used for the purpose of charging the person with an 43478
offense. 43479

(E) In any criminal proceeding, proof of any otherwise 43480
admissible prior conviction may be introduced and proved, 43481
notwithstanding the fact that for any such prior conviction an 43482
order of sealing previously was issued pursuant to sections 43483
2953.31 to 2953.36 of the Revised Code. 43484

(F) The person or governmental agency, office, or department 43485
that maintains sealed records pertaining to convictions or bail 43486
forfeitures that have been sealed pursuant to this section may 43487
maintain a manual or computerized index to the sealed records. The 43488
index shall contain only the name of, and alphanumeric identifiers 43489
that relate to, the persons who are the subject of the sealed 43490
records, the word "sealed," and the name of the person, agency, 43491
office, or department that has custody of the sealed records, and 43492
shall not contain the name of the crime committed. The index shall 43493
be made available by the person who has custody of the sealed 43494
records only for the purposes set forth in divisions (C), (D), and 43495
(E) of this section. 43496

(G) Notwithstanding any provision of this section or section 43497
2953.33 of the Revised Code that requires otherwise, a board of 43498
education of a city, local, exempted village, or joint vocational 43499
school district that maintains records of an individual who has 43500
been permanently excluded under sections 3301.121 and 3313.662 of 43501
the Revised Code is permitted to maintain records regarding a 43502
conviction that was used as the basis for the individual's 43503
permanent exclusion, regardless of a court order to seal the 43504
record. An order issued under this section to seal the record of a 43505
conviction does not revoke the adjudication order of the 43506
superintendent of public instruction to permanently exclude the 43507
individual who is the subject of the sealing order. An order 43508
issued under this section to seal the record of a conviction of an 43509

individual may be presented to a district superintendent as 43510
evidence to support the contention that the superintendent should 43511
recommend that the permanent exclusion of the individual who is 43512
the subject of the sealing order be revoked. Except as otherwise 43513
authorized by this division and sections 3301.121 and 3313.662 of 43514
the Revised Code, any school employee in possession of or having 43515
access to the sealed conviction records of an individual that were 43516
the basis of a permanent exclusion of the individual is subject to 43517
section 2953.35 of the Revised Code. 43518

(H) For purposes of sections 2953.31 to 2953.36 of the 43519
Revised Code, DNA records collected in the DNA database and 43520
fingerprints filed for record by the superintendent of the bureau 43521
of criminal identification and investigation shall not be sealed 43522
unless the superintendent receives a certified copy of a final 43523
court order establishing that the offender's conviction has been 43524
overturned. For purposes of this section, a court order is not 43525
"final" if time remains for an appeal or application for 43526
discretionary review with respect to the order. 43527

Sec. 2967.22. Whenever it is brought to the attention of the 43528
adult parole authority or a department of probation that a 43529
parolee, person under a community control sanction, person under 43530
transitional control, or releasee appears to be a mentally ill 43531
person subject to hospitalization by court order, as defined in 43532
section 5122.01 of the Revised Code, or a mentally retarded person 43533
subject to institutionalization by court order, as defined in 43534
section 5123.01 of the Revised Code, the parole or probation 43535
officer, subject to the approval of the chief of the adult parole 43536
authority, the designee of the chief of the adult parole 43537
authority, or the chief probation officer, may file an affidavit 43538
under section 5122.11 or 5123.71 of the Revised Code. A parolee, 43539
person under a community control sanction, or releasee who is 43540
involuntarily detained under Chapter 5122. or 5123. of the Revised 43541

Code shall receive credit against the period of parole or 43542
community control or the term of post-release control for the 43543
period of involuntary detention. 43544

If a parolee, person under a community control sanction, 43545
person under transitional control, or releasee escapes from an 43546
institution or facility within the department of ~~mental health~~ 43547
mental health and addiction services or the department of 43548
developmental disabilities, the superintendent of the institution 43549
immediately shall notify the chief of the adult parole authority 43550
or the chief probation officer. Notwithstanding the provisions of 43551
section 5122.26 of the Revised Code, the procedure for the 43552
apprehension, detention, and return of the parolee, person under a 43553
community control sanction, person under transitional control, or 43554
releasee is the same as that provided for the apprehension, 43555
detention, and return of persons who escape from institutions 43556
operated by the department of rehabilitation and correction. If 43557
the escaped parolee, person under transitional control, or 43558
releasee is not apprehended and returned to the custody of the 43559
department of ~~mental health~~ mental health and addiction services 43560
or the department of developmental disabilities within ninety days 43561
after the escape, the parolee, person under transitional control, 43562
or releasee shall be discharged from the custody of the department 43563
of ~~mental health~~ mental health and addiction services or the 43564
department of developmental disabilities and returned to the 43565
custody of the department of rehabilitation and correction. If the 43566
escaped person under a community control sanction is not 43567
apprehended and returned to the custody of the department of 43568
~~mental health~~ mental health and addiction services or the 43569
department of developmental disabilities within ninety days after 43570
the escape, the person under a community control sanction shall be 43571
discharged from the custody of the department of ~~mental health~~ 43572
mental health and addiction services or the department of 43573

developmental disabilities and returned to the custody of the 43574
court that sentenced that person. 43575

Sec. 2981.01. (A) Forfeitures under this chapter shall be 43576
governed by all of the following purposes: 43577

(1) To provide economic disincentives and remedies to deter 43578
and offset the economic effect of offenses by seizing and 43579
forfeiting contraband, proceeds, and certain instrumentalities; 43580

(2) To ensure that seizures and forfeitures of 43581
instrumentalities are proportionate to the offense committed; 43582

(3) To protect third parties from wrongful forfeiture of 43583
their property; 43584

(4) To prioritize restitution for victims of offenses. 43585

(B) As used in this chapter: 43586

(1) "Aircraft" has the same meaning as in section 4561.01 of 43587
the Revised Code. 43588

(2) "Computers," "computer networks," "computer systems," 43589
"computer software," and "telecommunications device" have the same 43590
meanings as in section 2913.01 of the Revised Code. 43591

(3) "Financial institution" means a bank, credit union, 43592
savings and loan association, or a licensee or registrant under 43593
Chapter 1321. of the Revised Code. 43594

(4) "Firearm" and "dangerous ordnance" have the same meanings 43595
as in section 2923.11 of the Revised Code. 43596

(5) "Innocent person" includes any bona fide purchaser of 43597
property that is subject to forfeiture, including any person who 43598
establishes a valid claim to or interest in the property in 43599
accordance with section 2923.04 of the Revised Code, and any 43600
victim of an alleged offense. 43601

(6) "Instrumentality" means property otherwise lawful to 43602

possess that is used in or intended to be used in an offense. An 43603
"instrumentality" may include, but is not limited to, a firearm, a 43604
mobile instrumentality, a computer, a computer network, a computer 43605
system, computer software, a telecommunications device, money, and 43606
any other means of exchange. 43607

(7) "Law enforcement agency" includes, but is not limited to, 43608
the state board of pharmacy, the enforcement division of the 43609
department of taxation, the Ohio casino control commission, and 43610
the office of the prosecutor. 43611

(8) "Mobile instrumentality" means an instrumentality that is 43612
inherently mobile and used in the routine transport of persons. 43613
"Mobile instrumentality" includes, but is not limited to, any 43614
vehicle, any watercraft, and any aircraft. 43615

(9) "Money" has the same meaning as in section 1301.201 of 43616
the Revised Code. 43617

(10) "Offense" means any act or omission that could be 43618
charged as a criminal offense or a delinquent act, whether or not 43619
a formal criminal prosecution or delinquent child proceeding began 43620
at the time the forfeiture is initiated. Except as otherwise 43621
specified, an offense for which property may be forfeited includes 43622
any felony and any misdemeanor. The commission of an "offense" 43623
includes the commission of a delinquent act. 43624

(11) "Proceeds" means both of the following: 43625

(a) In cases involving unlawful goods, services, or 43626
activities, "proceeds" means any property derived directly or 43627
indirectly from an offense. "Proceeds" may include, but is not 43628
limited to, money or any other means of exchange. "Proceeds" is 43629
not limited to the net gain or profit realized from the offense. 43630

(b) In cases involving lawful goods or services that are sold 43631
or provided in an unlawful manner, "proceeds" means the amount of 43632
money or other means of exchange acquired through the illegal 43633

transactions resulting in the forfeiture, less the direct costs 43634
lawfully incurred in providing the goods or services. The lawful 43635
costs deduction does not include any part of the overhead expenses 43636
of, or income taxes paid by, the entity providing the goods or 43637
services. The alleged offender or delinquent child has the burden 43638
to prove that any costs are lawfully incurred. 43639

(12) "Property" means "property" as defined in section 43640
2901.01 of the Revised Code and any benefit, privilege, claim, 43641
position, interest in an enterprise, or right derived, directly or 43642
indirectly, from the offense. 43643

(13) "Property subject to forfeiture" includes contraband and 43644
proceeds and may include instrumentalities as provided in this 43645
chapter. 43646

(14) "Prosecutor" has the same meaning as in section 2935.01 43647
of the Revised Code. When relevant, "prosecutor" also includes the 43648
attorney general. 43649

(15) "Vehicle" has the same meaning as in section 4501.01 of 43650
the Revised Code. 43651

(16) "Watercraft" has the same meaning as in section 1547.01 43652
of the Revised Code. 43653

(C) The penalties and procedures under Chapters 2923., 2925., 43654
~~and~~ 2933., and 3772. of the Revised Code remain in effect to the 43655
extent that they do not conflict with this chapter. 43656

Sec. 2981.12. (A) Unclaimed or forfeited property in the 43657
custody of a law enforcement agency, other than property described 43658
in division (A)(2) of section 2981.11 of the Revised Code, shall 43659
be disposed of by order of any court of record that has 43660
territorial jurisdiction over the political subdivision that 43661
employs the law enforcement agency, as follows: 43662

(1) Drugs shall be disposed of pursuant to section 3719.11 of 43663

the Revised Code or placed in the custody of the secretary of the 43664
treasury of the United States for disposal or use for medical or 43665
scientific purposes under applicable federal law. 43666

(2) Firearms and dangerous ordnance suitable for police work 43667
may be given to a law enforcement agency for that purpose. 43668
Firearms suitable for sporting use or as museum pieces or 43669
collectors' items may be sold at public auction pursuant to 43670
division (B) of this section. The agency may sell other firearms 43671
and dangerous ordnance to a federally licensed firearms dealer in 43672
a manner that the court considers proper. The agency shall destroy 43673
any firearms or dangerous ordnance not given to a law enforcement 43674
agency or sold or shall send them to the bureau of criminal 43675
identification and investigation for destruction by the bureau. 43676

(3) Obscene materials shall be destroyed. 43677

(4) Beer, intoxicating liquor, or alcohol seized from a 43678
person who does not hold a permit issued under Chapters 4301. and 43679
4303. of the Revised Code or otherwise forfeited to the state for 43680
an offense under section 4301.45 or 4301.53 of the Revised Code 43681
shall be sold by the division of liquor control if the division 43682
determines that it is fit for sale or shall be placed in the 43683
custody of the investigations unit in the department of public 43684
safety and be used for training relating to law enforcement 43685
activities. The department, with the assistance of the division of 43686
liquor control, shall adopt rules in accordance with Chapter 119. 43687
of the Revised Code to provide for the distribution to state or 43688
local law enforcement agencies upon their request. If any tax 43689
imposed under Title XLIII of the Revised Code has not been paid in 43690
relation to the beer, intoxicating liquor, or alcohol, any moneys 43691
acquired from the sale shall first be used to pay the tax. All 43692
other money collected under this division shall be paid into the 43693
state treasury. Any beer, intoxicating liquor, or alcohol that the 43694
division determines to be unfit for sale shall be destroyed. 43695

(5) Money received by an inmate of a correctional institution 43696
from an unauthorized source or in an unauthorized manner shall be 43697
returned to the sender, if known, or deposited in the inmates' 43698
industrial and entertainment fund of the institution if the sender 43699
is not known. 43700

(6)(a) Any mobile instrumentality forfeited under this 43701
chapter may be given to the law enforcement agency that initially 43702
seized the mobile instrumentality for use in performing its 43703
duties, if the agency wants the mobile instrumentality. The agency 43704
shall take the mobile instrumentality subject to any security 43705
interest or lien on the mobile instrumentality. 43706

(b) Vehicles and vehicle parts forfeited under sections 43707
4549.61 to 4549.63 of the Revised Code may be given to a law 43708
enforcement agency for use in performing its duties. Those parts 43709
may be incorporated into any other official vehicle. Parts that do 43710
not bear vehicle identification numbers or derivatives of them may 43711
be sold or disposed of as provided by rules of the director of 43712
public safety. Parts from which a vehicle identification number or 43713
derivative of it has been removed, defaced, covered, altered, or 43714
destroyed and that are not suitable for police work or 43715
incorporation into an official vehicle shall be destroyed and sold 43716
as junk or scrap. 43717

(7) Computers, computer networks, computer systems, and 43718
computer software suitable for police work may be given to a law 43719
enforcement agency for that purpose or disposed of under division 43720
(B) of this section. 43721

(8) Money seized in connection with a violation of section 43722
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 43723
deposited in the victims of human trafficking fund created by 43724
section 5101.87 of the Revised Code. 43725

(B) Unclaimed or forfeited property that is not described in 43726

division (A) of this section or division (A)(2) of section 2981.11 43727
of the Revised Code, with court approval, may be used by the law 43728
enforcement agency in possession of it. If it is not used by the 43729
agency, it may be sold without appraisal at a public auction to 43730
the highest bidder for cash or disposed of in another manner that 43731
the court considers proper. 43732

(C) Except as provided in divisions (A) and (F) of this 43733
section and after compliance with division (D) of this section 43734
when applicable, any moneys acquired from the sale of property 43735
disposed of pursuant to this section shall be placed in the 43736
general revenue fund of the state, or the general fund of the 43737
county, the township, or the municipal corporation of which the 43738
law enforcement agency involved is an agency. 43739

(D) If the property was in the possession of the law 43740
enforcement agency in relation to a delinquent child proceeding in 43741
a juvenile court, ten per cent of any moneys acquired from the 43742
sale of property disposed of under this section shall be applied 43743
to one or more ~~alcohol and drug~~ community addiction treatment 43744
~~programs~~ services providers that are certified by the department 43745
of ~~alcohol and drug addiction services~~ mental health and addiction 43746
services under section ~~3793.06~~ 5119.36 of the Revised Code. A 43747
juvenile court shall not specify a ~~program~~ services provider, 43748
except as provided in this division, unless the ~~program~~ services 43749
provider is in the same county as the court or in a contiguous 43750
county. If no certified ~~program~~ services provider is located in 43751
any of those counties, the juvenile court may specify a certified 43752
~~program~~ services provider anywhere in Ohio. The remaining ninety 43753
per cent of the proceeds or cash shall be applied as provided in 43754
division (C) of this section. 43755

Each ~~treatment program~~ services provider that receives in any 43756
calendar year forfeited money under this division shall file an 43757
annual report for that year with the attorney general and with the 43758

court of common pleas and board of county commissioners of the 43759
county in which the program services provider is located and of 43760
any other county from which the program services provider received 43761
forfeited money. The program services provider shall file the 43762
report on or before the first day of March in the calendar year 43763
following the calendar year in which the program services provider 43764
received the money. The report shall include statistics on the 43765
number of persons the program services provider served, identify 43766
the types of treatment services it provided to them, and include a 43767
specific accounting of the purposes for which it used the money so 43768
received. No information contained in the report shall identify, 43769
or enable a person to determine the identity of, any person served 43770
by the program services provider. 43771

(E) Each certified ~~alcohol and drug~~ community addiction 43772
~~treatment program services provider~~ that receives in any calendar 43773
year money under this section or under section 2981.13 of the 43774
Revised Code as the result of a juvenile forfeiture order shall 43775
file an annual report for that calendar year with the attorney 43776
general and with the court of common pleas and board of county 43777
commissioners of the county in which the program services provider 43778
is located and of any other county from which the program services 43779
provider received the money. The program services provider shall 43780
file the report on or before the first day of March in the 43781
calendar year following the year in which the program services 43782
provider received the money. The report shall include statistics 43783
on the number of persons served with the money, identify the types 43784
of treatment services provided, and specifically account for how 43785
the money was used. No information in the report shall identify or 43786
enable a person to determine the identity of anyone served by the 43787
program services provider. 43788

As used in this division, "juvenile-related forfeiture order" 43789
means any forfeiture order issued by a juvenile court under 43790

section 2981.04 or 2981.05 of the Revised Code and any disposal of 43791
property ordered by a court under section 2981.11 of the Revised 43792
Code regarding property that was in the possession of a law 43793
enforcement agency in relation to a delinquent child proceeding in 43794
a juvenile court. 43795

(F) Each board of county commissioners that recognizes a 43796
citizens' reward program under section 9.92 of the Revised Code 43797
shall notify each law enforcement agency of that county and of a 43798
township or municipal corporation wholly located in that county of 43799
the recognition by filing a copy of its resolution conferring that 43800
recognition with each of those agencies. When the board recognizes 43801
a citizens' reward program and the county includes a part, but not 43802
all, of the territory of a municipal corporation, the board shall 43803
so notify the law enforcement agency of that municipal corporation 43804
of the recognition of the citizens' reward program only if the 43805
county contains the highest percentage of the municipal 43806
corporation's population. 43807

Upon being so notified, each law enforcement agency shall pay 43808
twenty-five per cent of any forfeited proceeds or cash derived 43809
from each sale of property disposed of pursuant to this section to 43810
the citizens' reward program for use exclusively to pay rewards. 43811
No part of the funds may be used to pay expenses associated with 43812
the program. If a citizens' reward program that operates in more 43813
than one county or in another state in addition to this state 43814
receives funds under this section, the funds shall be used to pay 43815
rewards only for tips and information to law enforcement agencies 43816
concerning offenses committed in the county from which the funds 43817
were received. 43818

Receiving funds under this section or section 2981.11 of the 43819
Revised Code does not make the citizens' reward program a 43820
governmental unit or public office for purposes of section 149.43 43821
of the Revised Code. 43822

(G) Any property forfeited under this chapter shall not be 43823
used to pay any fine imposed upon a person who is convicted of or 43824
pleads guilty to an underlying criminal offense or a different 43825
offense arising out of the same facts and circumstances. 43826

(H) Any moneys acquired from the sale of personal effects, 43827
tools, or other property seized because the personal effects, 43828
tools, or other property were used in the commission of a 43829
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 43830
Code or derived from the proceeds of the commission of a violation 43831
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 43832
disposed of pursuant to this section shall be placed in the 43833
victims of human trafficking fund created by section 5101.87 of 43834
the Revised Code. 43835

Sec. 2981.13. (A) Except as otherwise provided in this 43836
section, property ordered forfeited as contraband, proceeds, or an 43837
instrumentality pursuant to this chapter shall be disposed of, 43838
used, or sold pursuant to section 2981.12 of the Revised Code. If 43839
the property is to be sold under that section, the prosecutor 43840
shall cause notice of the proposed sale to be given in accordance 43841
with law. 43842

(B) If the contraband or instrumentality forfeited under this 43843
chapter is sold, any moneys acquired from a sale and any proceeds 43844
forfeited under this chapter shall be applied in the following 43845
order: 43846

(1) First, to pay costs incurred in the seizure, storage, 43847
maintenance, security, and sale of the property and in the 43848
forfeiture proceeding; 43849

(2) Second, in a criminal forfeiture case, to satisfy any 43850
restitution ordered to the victim of the offense or, in a civil 43851
forfeiture case, to satisfy any recovery ordered for the person 43852
harméd, unless paid from other assets; 43853

(3) Third, to pay the balance due on any security interest 43854
preserved under this chapter; 43855

(4) Fourth, apply the remaining amounts as follows: 43856

(a) If the forfeiture was ordered by a juvenile court, ten 43857
per cent to one or more certified alcohol and drug addiction 43858
treatment programs as provided in division (D) of section 2981.12 43859
of the Revised Code; 43860

(b) If the forfeiture was ordered in a juvenile court, ninety 43861
per cent, and if the forfeiture was ordered in a court other than 43862
a juvenile court, one hundred per cent to the law enforcement 43863
trust fund of the prosecutor and to the following fund supporting 43864
the law enforcement agency that substantially conducted the 43865
investigation: the law enforcement trust fund of the county 43866
sheriff, municipal corporation, township, or park district created 43867
under section 511.18 or 1545.01 of the Revised Code; the state 43868
highway patrol contraband, forfeiture, and other fund; the 43869
department of public safety investigative unit contraband, 43870
forfeiture, and other fund; the department of taxation enforcement 43871
fund; the board of pharmacy drug law enforcement fund created by 43872
division (B)(1) of section 4729.65 of the Revised Code; the 43873
medicaid fraud investigation and prosecution fund; the casino 43874
control commission enforcement fund created by section 3772.36 of 43875
the Revised Code; or the treasurer of state for deposit into the 43876
peace officer training commission fund if any other state law 43877
enforcement agency substantially conducted the investigation. In 43878
the case of property forfeited for medicaid fraud, any remaining 43879
amount shall be used by the attorney general to investigate and 43880
prosecute medicaid fraud offenses. 43881

If the prosecutor declines to accept any of the remaining 43882
amounts, the amounts shall be applied to the fund of the agency 43883
that substantially conducted the investigation. 43884

(c) If more than one law enforcement agency is substantially
involved in the seizure of property forfeited under this chapter,
the court ordering the forfeiture shall equitably divide the
amounts, after calculating any distribution to the law enforcement
trust fund of the prosecutor pursuant to division (B)(4) of this
section, among the entities that the court determines were
substantially involved in the seizure.

(C)(1) A law enforcement trust fund shall be established by
the prosecutor of each county who intends to receive any remaining
amounts pursuant to this section, by the sheriff of each county,
by the legislative authority of each municipal corporation, by the
board of township trustees of each township that has a township
police department, township or joint police district police force,
or office of the constable, and by the board of park commissioners
of each park district created pursuant to section 511.18 or
1545.01 of the Revised Code that has a park district police force
or law enforcement department, for the purposes of this section.

There is hereby created in the state treasury the state
highway patrol contraband, forfeiture, and other fund, the
department of public safety investigative unit contraband,
forfeiture, and other fund, the medicaid fraud investigation and
prosecution fund, the department of taxation enforcement fund, and
the peace officer training commission fund, for the purposes of
this section.

Amounts distributed to any municipal corporation, township,
or park district law enforcement trust fund shall be allocated
from the fund by the legislative authority only to the police
department of the municipal corporation, by the board of township
trustees only to the township police department, township police
district police force, or office of the constable, by the joint
police district board only to the joint police district, and by
the board of park commissioners only to the park district police

force or law enforcement department. 43917

(2)(a) No amounts shall be allocated to a fund created under 43918
this section or used by an agency unless the agency has adopted a 43919
written internal control policy that addresses the use of moneys 43920
received from the appropriate fund. The appropriate fund shall be 43921
expended only in accordance with that policy and, subject to the 43922
requirements specified in this section, only for the following 43923
purposes: 43924

(i) To pay the costs of protracted or complex investigations 43925
or prosecutions; 43926

(ii) To provide reasonable technical training or expertise; 43927

(iii) To provide matching funds to obtain federal grants to 43928
aid law enforcement, in the support of DARE programs or other 43929
programs designed to educate adults or children with respect to 43930
the dangers associated with the use of drugs of abuse; 43931

(iv) To pay the costs of emergency action taken under section 43932
3745.13 of the Revised Code relative to the operation of an 43933
illegal methamphetamine laboratory if the forfeited property or 43934
money involved was that of a person responsible for the operation 43935
of the laboratory; 43936

(v) For other law enforcement purposes that the 43937
superintendent of the state highway patrol, department of public 43938
safety, prosecutor, county sheriff, legislative authority, 43939
department of taxation, Ohio casino control commission, board of 43940
township trustees, or board of park commissioners determines to be 43941
appropriate. 43942

(b) The board of pharmacy drug law enforcement fund shall be 43943
expended only in accordance with the written internal control 43944
policy so adopted by the board and only in accordance with section 43945
4729.65 of the Revised Code, except that it also may be expended 43946
to pay the costs of emergency action taken under section 3745.13 43947

of the Revised Code relative to the operation of an illegal 43948
methamphetamine laboratory if the forfeited property or money 43949
involved was that of a person responsible for the operation of the 43950
laboratory. 43951

(c) The state highway patrol contraband, forfeiture, and 43952
other fund, the department of public safety investigative unit 43953
contraband, forfeiture, and other fund, the department of taxation 43954
enforcement fund, the board of pharmacy drug law enforcement fund, 43955
the casino control commission enforcement fund, and a law 43956
enforcement trust fund shall not be used to meet the operating 43957
costs of the state highway patrol, of the investigative unit of 43958
the department of public safety, of the state board of pharmacy, 43959
of any political subdivision, of the Ohio casino control 43960
commission, or of any office of a prosecutor or county sheriff 43961
that are unrelated to law enforcement. 43962

(d) Forfeited moneys that are paid into the state treasury to 43963
be deposited into the peace officer training commission fund shall 43964
be used by the commission only to pay the costs of peace officer 43965
training. 43966

(3) Any of the following offices or agencies that receive 43967
amounts under this section during any calendar year shall file a 43968
report with the specified entity, not later than the thirty-first 43969
day of January of the next calendar year, verifying that the 43970
moneys were expended only for the purposes authorized by this 43971
section or other relevant statute and specifying the amounts 43972
expended for each authorized purpose: 43973

(a) Any sheriff or prosecutor shall file the report with the 43974
county auditor. 43975

(b) Any municipal corporation police department shall file 43976
the report with the legislative authority of the municipal 43977
corporation. 43978

(c) Any township police department, township or joint police district police force, or office of the constable shall file the report with the board of township trustees of the township.	43979 43980 43981
(d) Any park district police force or law enforcement department shall file the report with the board of park commissioners of the park district.	43982 43983 43984
(e) The superintendent of the state highway patrol and the tax commissioner shall file the report with the attorney general.	43985 43986
(f) The executive director of the state board of pharmacy shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the board of pharmacy drug law enforcement fund were used only in accordance with section 4729.65 of the Revised Code.	43987 43988 43989 43990 43991
(g) The peace officer training commission shall file a report with the attorney general, verifying that cash and forfeited proceeds paid into the peace officer training commission fund pursuant to this section during the prior calendar year were used by the commission during the prior calendar year only to pay the costs of peace officer training.	43992 43993 43994 43995 43996 43997
<u>(h) The executive director of the Ohio casino control commission shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the casino control commission enforcement fund were used only in accordance with section 3772.36 of the Revised Code.</u>	43998 43999 44000 44001 44002
(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township or joint police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year in the agency's law enforcement trust fund	44003 44004 44005 44006 44007 44008 44009

under this section, and at least twenty per cent of the amounts 44010
exceeding one hundred thousand dollars that are so deposited, 44011
shall be used in connection with community preventive education 44012
programs. The manner of use shall be determined by the sheriff, 44013
prosecutor, department, police force, or office of the constable 44014
after receiving and considering advice on appropriate community 44015
preventive education programs from the county's board of alcohol, 44016
drug addiction, and mental health services, from the county's 44017
alcohol and drug addiction services board, or through appropriate 44018
community dialogue. 44019

The financial records kept under the internal control policy 44020
shall specify the amount deposited during each calendar year in 44021
the portion of that amount that was used pursuant to this 44022
division, and the programs in connection with which the portion of 44023
that amount was so used. 44024

As used in this division, "community preventive education 44025
programs" include, but are not limited to, DARE programs and other 44026
programs designed to educate adults or children with respect to 44027
the dangers associated with using drugs of abuse. 44028

(E) Upon the sale, under this section or section 2981.12 of 44029
the Revised Code, of any property that is required by law to be 44030
titled or registered, the state shall issue an appropriate 44031
certificate of title or registration to the purchaser. If the 44032
state is vested with title and elects to retain property that is 44033
required to be titled or registered under law, the state shall 44034
issue an appropriate certificate of title or registration. 44035

(F) Any failure of a law enforcement officer or agency, 44036
prosecutor, court, or the attorney general to comply with this 44037
section in relation to any property seized does not affect the 44038
validity of the seizure and shall not be considered to be the 44039
basis for suppressing any evidence resulting from the seizure, 44040
provided the seizure itself was lawful. 44041

Sec. 3101.051. (A) Except as provided in division (B) of this section, a probate court shall make available to any person for inspection the records pertaining to the issuance of marriage licenses as provided under section 149.43 of the Revised Code.

(B) Before it makes available to a person any records pertaining to the issuance of a marriage license as described in division (A) of this section, subject to division (C) of this section, a probate court shall delete or otherwise remove any social security numbers of the parties to a marriage so that they are not available to the person inspecting the records.

(C) Division (B) of this section does not apply in any of the following circumstances:

(1) If the records in question are inspected by authorized personnel of the division of child support in the department of job and family services under section ~~5101.31~~ 5101.37 of the Revised Code;

(2) If the records in question are inspected by law enforcement personnel for purposes of a criminal investigation;

(3) If the records in question with the social security numbers are necessary for use in a civil or criminal trial and the release of the records with the social security numbers is ordered by a court with jurisdiction over the trial;

(4) If the records in question are inspected by either party to the marriage to which the records pertain;

(5) If the court possessed the records in question prior to the effective date of this section.

Sec. 3107.083. Not later than ninety days after June 20, 1996, the director of job and family services shall do all of the following:

(A)(1) For a parent of a child who, if adopted, will be an adopted person as defined in section 3107.45 of the Revised Code, prescribe a form that has the following six components:

(a) A component the parent signs under section 3107.071, 3107.081, or 5103.151 of the Revised Code to indicate the requirements of section 3107.082 or 5103.152 of the Revised Code have been met. The component shall be as follows:

"Statement Concerning Ohio Law and Adoption Materials

By signing this component of this form, I acknowledge that it has been explained to me, and I understand, that, if I check the space on the next component of this form that indicates that I authorize the release, the adoption file maintained by the Ohio Department of Health, which contains identifying information about me at the time of my child's birth, will be released, on request, to the adoptive parent when the adoptee is at least age eighteen but younger than age twenty-one and to the adoptee when he or she is age twenty-one or older. It has also been explained to me, and I understand, that I may prohibit the release of identifying information about me contained in the adoption file by checking the space on the next component of this form that indicates that I do not authorize the release of the identifying information. It has additionally been explained to me, and I understand, that I may change my mind regarding the decision I make on the next component of this form at any time and as many times as I desire by signing, dating, and having filed with the Ohio Department of Health a denial of release form or authorization of release form prescribed and provided by the Department of Health and providing the Department two items of identification.

By signing this component of this form, I also acknowledge that I have been provided a copy of written materials about adoption prepared by the Ohio Department of Job and Family Services, the adoption process and ramifications of consenting to

adoption or entering into a voluntary permanent custody surrender 44103
agreement have been discussed with me, and I have been provided 44104
the opportunity to review the materials and ask questions about 44105
the materials and discussion. 44106

Signature of biological parent: 44107
Signature of witness: 44108
Date: " 44109

(b) A component the parent signs under section 3107.071, 44110
3107.081, or 5103.151 of the Revised Code regarding the parent's 44111
decision whether to allow identifying information about the parent 44112
contained in an adoption file maintained by the department of 44113
health to be released to the parent's child and adoptive parent 44114
pursuant to section 3107.47 of the Revised Code. The component 44115
shall be as follows: 44116

"Statement Regarding Release of Identifying Information 44117

The purpose of this component of this form is to allow a 44118
biological parent to decide whether to allow the Ohio Department 44119
of Health to provide an adoptee and adoptive parent identifying 44120
information about the adoptee's biological parent contained in an 44121
adoption file maintained by the Department. Please check one of 44122
the following spaces: 44123

..... YES, I authorize the Ohio Department of Health to 44124
release identifying information about me, on
request, to the adoptive parent when the adoptee is
at least age eighteen but younger than age
twenty-one and to the adoptee when he or she is age
twenty-one or older.

..... NO, I do not authorize the release of identifying 44125
information about me to the adoptive parent or
adoptee.

Signature of biological parent: 44126
Signature of witness: 44127

Date: "	44128
(c) A component the parent, if the mother of the child,		44129
completes and signs under section 3107.071, 3107.081, or 5103.151		44130
of the Revised Code to indicate, to the extent of the mother's		44131
knowledge, all of the following:		44132
(i) Whether the mother, during her pregnancy, was a recipient		44133
of the medical assistance <u>medicaid</u> program established under		44134
Chapter 5111. of the Revised Code or other public health insurance		44135
program and, if so, the dates her eligibility began and ended;		44136
(ii) Whether the mother, during her pregnancy, was covered by		44137
private health insurance and, if so, the dates the coverage began		44138
and ended, the name of the insurance provider, the type of		44139
coverage, and the identification number of the coverage;		44140
(iii) The name and location of the hospital, freestanding		44141
birth <u>birthing</u> center, or other place where the mother gave birth		44142
and, if different, received medical care immediately after giving		44143
birth;		44144
(iv) The expenses of the obstetrical and neonatal care;		44145
(v) Whether the mother has been informed that the adoptive		44146
parent or the agency or attorney arranging the adoption are to pay		44147
expenses involved in the adoption, including expenses the mother		44148
has paid and expects to receive or has received reimbursement,		44149
and, if so, what expenses are to be or have been paid and an		44150
estimate of the expenses;		44151
(vi) Any other information related to expenses the department		44152
determines appropriate to be included in this component.		44153
(d) A component the parent may sign to authorize the agency		44154
or attorney arranging the adoption to provide to the child or		44155
adoptive parent materials, other than photographs of the parent,		44156
that the parent requests be given to the child or adoptive parent		44157
pursuant to section 3107.68 of the Revised Code.		44158

(e) A component the parent may sign to authorize the agency 44159
or attorney arranging the adoption to provide to the child or 44160
adoptive parent photographs of the parent pursuant to section 44161
3107.68 of the Revised Code. 44162

(f) A component the parent may sign to authorize the agency 44163
or attorney arranging the adoption to provide to the child or 44164
adoptive parent the first name of the parent pursuant to section 44165
3107.68 of the Revised Code. 44166

(2) State at the bottom of the form that the parent is to 44167
receive a copy of the form the parent signed. 44168

(3) Provide copies of the form prescribed under this division 44169
to probate and juvenile courts, public children services agencies, 44170
private child placing agencies, private noncustodial agencies, 44171
attorneys, and persons authorized to take acknowledgments. 44172

(B)(1) For a parent of a child who, if adopted, will become 44173
an adopted person as defined in section 3107.39 of the Revised 44174
Code, prescribe a form that has the following five components: 44175

(a) A component the parent signs under section 3107.071, 44176
3107.081, or 5103.151 of the Revised Code to attest that the 44177
requirement of division (A) of section 3107.082 or division (A) of 44178
section 5103.152 of the Revised Code has been met; 44179

(b) A component the parent, if the mother of the child, 44180
completes and signs under section 3107.071, 3107.081, or 5103.151 44181
of the Revised Code to indicate, to the extent of the mother's 44182
knowledge, all of the following: 44183

(i) Whether the mother, during her pregnancy, was a recipient 44184
of the ~~medical assistance~~ medicaid program ~~established under~~ 44185
~~Chapter 5111. of the Revised Code~~ or other public health insurance 44186
program and, if so, the dates her eligibility began and ended; 44187

(ii) Whether the mother, during her pregnancy, was covered by 44188

private health insurance and, if so, the dates the coverage began 44189
and ended, the name of the insurance provider, the type of 44190
coverage, and the identification number of the coverage; 44191

(iii) The name and location of the hospital, freestanding 44192
~~birth~~ birthing center, or other place where the mother gave birth 44193
and, if different, received medical care immediately after giving 44194
birth; 44195

(iv) The expenses of the obstetrical and neonatal care; 44196

(v) Whether the mother has been informed that the adoptive 44197
parent or the agency or attorney arranging the adoption are to pay 44198
expenses involved in the adoption, including expenses the mother 44199
has paid and expects to receive or has received reimbursement for, 44200
and, if so, what expenses are to be or have been paid and an 44201
estimate of the expenses; 44202

(vi) Any other information related to expenses the department 44203
determines appropriate to be included in the component. 44204

(c) A component the parent may sign to authorize the agency 44205
or attorney arranging the adoption to provide to the child or 44206
adoptive parent materials, other than photographs of the parent, 44207
that the parent requests be given to the child or adoptive parent 44208
pursuant to section 3107.68 of the Revised Code. 44209

(d) A component the parent may sign to authorize the agency 44210
or attorney arranging the adoption to provide to the child or 44211
adoptive parent photographs of the parent pursuant to section 44212
3107.68 of the Revised Code. 44213

(e) A component the parent may sign to authorize the agency 44214
or attorney arranging the adoption to provide to the child or 44215
adoptive parent the first name of the parent pursuant to section 44216
3107.68 of the Revised Code. 44217

(2) State at the bottom of the form that the parent is to 44218

receive a copy of the form the parent signed. 44219

(3) Provide copies of the form prescribed under this division 44220
to probate and juvenile courts, public children services agencies, 44221
private child placing agencies, private noncustodial agencies, and 44222
attorneys. 44223

(C) Prepare the written materials about adoption that are 44224
required to be given to parents under division (A) of section 44225
3107.082 and division (A) of section 5103.152 of the Revised Code. 44226
The materials shall provide information about the adoption 44227
process, including ramifications of a parent consenting to a 44228
child's adoption or entering into a voluntary permanent custody 44229
surrender agreement. The materials also shall include referral 44230
information for professional counseling and adoption support 44231
organizations. The director shall provide the materials to 44232
assessors. 44233

(D) Adopt rules in accordance with Chapter 119. of the 44234
Revised Code specifying the documents that must be filed with a 44235
probate court under divisions (B) and (D) of section 3107.081 of 44236
the Revised Code and a juvenile court under divisions (C) and (E) 44237
of section 5103.151 of the Revised Code. 44238

Sec. 3109.15. There is hereby created within the department 44239
of job and family services the children's trust fund board 44240
consisting of fifteen members. The directors of ~~alcohol and drug~~ 44241
~~addiction services~~ mental health and addiction services, health, 44242
and job and family services shall be members of the board. Eight 44243
public members shall be appointed by the governor. These members 44244
shall be persons with demonstrated knowledge in programs for 44245
children, shall be representative of the demographic composition 44246
of this state, and, to the extent practicable, shall be 44247
representative of the following categories: the educational 44248
community; the legal community; the social work community; the 44249

medical community; the voluntary sector; and professional 44250
providers of child abuse and child neglect services. Five of these 44251
members shall be residents of metropolitan statistical areas as 44252
defined by the United States office of management and budget where 44253
the population exceeds four hundred thousand; no two such members 44254
shall be residents of the same metropolitan statistical area. Two 44255
members of the board shall be members of the house of 44256
representatives appointed by the speaker of the house of 44257
representatives and shall be members of two different political 44258
parties. Two members of the board shall be members of the senate 44259
appointed by the president of the senate and shall be members of 44260
two different political parties. All members of the board 44261
appointed by the speaker of the house of representatives or the 44262
president of the senate shall serve until the expiration of the 44263
sessions of the general assembly during which they were appointed. 44264
They may be reappointed to an unlimited number of successive terms 44265
of two years at the pleasure of the speaker of the house of 44266
representatives or president of the senate. Public members shall 44267
serve terms of three years. Each member shall serve until the 44268
member's successor is appointed, or until a period of sixty days 44269
has elapsed, whichever occurs first. No public member may serve 44270
more than two consecutive full terms. All vacancies on the board 44271
shall be filled for the balance of the unexpired term in the same 44272
manner as the original appointment. 44273

Any member of the board may be removed by the member's 44274
appointing authority for misconduct, incompetency, or neglect of 44275
duty after first being given the opportunity to be heard in the 44276
member's own behalf. Pursuant to section 3.17 of the Revised Code, 44277
a member, except a member of the general assembly or a judge of 44278
any court in the state, who fails to attend at least three-fifths 44279
of the regular and special meetings held by the board during any 44280
two-year period forfeits the member's position on the board. 44281

Each member of the board shall serve without compensation but 44282
shall be reimbursed for all actual and necessary expenses incurred 44283
in the performance of official duties. 44284

At the beginning of the first year of each even-numbered 44285
general assembly, the chairperson of the board shall be appointed 44286
by the speaker of the house of representatives from among members 44287
of the board who are members of the house of representatives. At 44288
the beginning of the first year of each odd-numbered general 44289
assembly, the chairperson of the board shall be appointed by the 44290
president of the senate from among the members of the board who 44291
are senate members. 44292

The board shall biennially select a vice-chair from among its 44293
nonlegislative members. 44294

Sec. 3111.04. (A) An action to determine the existence or 44295
nonexistence of the father and child relationship may be brought 44296
by the child or the child's personal representative, the child's 44297
mother or her personal representative, a man alleged or alleging 44298
himself to be the child's father, the child support enforcement 44299
agency of the county in which the child resides if the child's 44300
mother, father, or alleged father is a recipient of public 44301
assistance or of services under Title IV-D of the "Social Security 44302
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 44303
alleged father's personal representative. 44304

(B) An agreement does not bar an action under this section. 44305

(C) If an action under this section is brought before the 44306
birth of the child and if the action is contested, all 44307
proceedings, except service of process and the taking of 44308
depositions to perpetuate testimony, may be stayed until after the 44309
birth. 44310

(D) A recipient of public assistance or of services under 44311

Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 44312
U.S.C.A. 651, as amended, shall cooperate with the child support 44313
enforcement agency of the county in which a child resides to 44314
obtain an administrative determination pursuant to sections 44315
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 44316
determination pursuant to sections 3111.01 to 3111.18 of the 44317
Revised Code, of the existence or nonexistence of a parent and 44318
child relationship between the father and the child. If the 44319
recipient fails to cooperate, the agency may commence an action to 44320
determine the existence or nonexistence of a parent and child 44321
relationship between the father and the child pursuant to sections 44322
3111.01 to 3111.18 of the Revised Code. 44323

(E) As used in this section, "public assistance" means all of 44324
the following: 44325

(1) Medicaid ~~under Chapter 5111. of the Revised Code;~~ 44326

(2) Ohio works first under Chapter 5107. of the Revised Code; 44327

(3) Disability financial assistance under Chapter 5115. of 44328
the Revised Code. 44329

Sec. 3111.72. The contract between the department of job and 44330
family services and a local hospital shall require all of the 44331
following: 44332

(A) That the hospital provide a staff person to meet with 44333
each unmarried mother who gave birth in or en route to the 44334
hospital within twenty-four hours of the birth or before the 44335
mother is released from the hospital; 44336

(B) That the staff person attempt to meet with the father of 44337
the unmarried mother's child if possible; 44338

(C) That the staff person explain to the unmarried mother and 44339
the father, if he is present, the benefit to the child of 44340
establishing a parent and child relationship between the father 44341

and the child and the various proper procedures for establishing a parent and child relationship;

(D) That the staff person present to the unmarried mother and, if possible, the father, the pamphlet or statement regarding the rights and responsibilities of a natural parent that is prepared and provided by the department of job and family services pursuant to section 3111.32 of the Revised Code;

(E) That the staff person provide the mother and, if possible, the father, all forms and statements necessary to voluntarily establish a parent and child relationship, including, but not limited to, the acknowledgment of paternity affidavit prepared by the department of job and family services pursuant to section 3111.31 of the Revised Code;

(F) That the staff person, at the request of both the mother and father, help the mother and father complete any form or statement necessary to establish a parent and child relationship;

(G) That the hospital provide a notary public to notarize an acknowledgment of paternity affidavit signed by the mother and father;

(H) That the staff person present to an unmarried mother who is not participating in the Ohio works first program established under Chapter 5107. of the Revised Code or receiving ~~medical~~ medicaid assistance under Chapter 5111. ~~of the Revised Code~~ medicaid an application for Title IV-D services;

(I) That the staff person forward any completed acknowledgment of paternity, no later than ten days after it is completed, to the office of child support in the department of job and family services;

(J) That the department of job and family services pay the hospital twenty dollars for every correctly signed and notarized acknowledgment of paternity affidavit from the hospital.

Sec. 3119.29. (A) As used in this section and sections	44373
3119.30 to 3119.56 of the Revised Code:	44374
(1) "Cash medical support" means an amount ordered to be paid	44375
in a child support order toward the cost of health insurance	44376
provided by a public entity, another parent, or person with whom	44377
the child resides, through employment or otherwise, or for other	44378
medical cost not covered by insurance.	44379
(2) "Federal poverty line" has the same meaning as defined in	44380
section 5104.01 of the Revised Code.	44381
(3) "Health care" means such medical support that includes	44382
coverage under a health insurance plan, payment of costs of	44383
premiums, co-payments <u>copayments</u> , and deductibles, or payment for	44384
medical expenses incurred on behalf of the child.	44385
(4) "Health insurance coverage" means accessible private	44386
health insurance that provides primary care services within thirty	44387
miles from the residence of the child subject to the child support	44388
order.	44389
(5) "Health plan administrator" means any entity authorized	44390
under Title XXXIX of the Revised Code to engage in the business of	44391
insurance in this state, any health insuring corporation, any	44392
legal entity that is self-insured and provides benefits to its	44393
employees or members, and the administrator of any such entity or	44394
corporation.	44395
(6) "National medical support notice" means a form required	44396
by the "Child Support Performance and Incentive Act of 1998," P.L.	44397
105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as amended, and	44398
jointly developed and promulgated by the secretary of health and	44399
human services and the secretary of labor in federal regulations	44400
adopted under that act as modified by the department of job and	44401
family services under section 3119.291 of the Revised Code.	44402

(7) "Person required to provide health insurance coverage" 44403
means the obligor, obligee, or both, required by the court under a 44404
court child support order or by the child support enforcement 44405
agency under an administrative child support order to provide 44406
health insurance coverage pursuant to section 3119.30 of the 44407
Revised Code. 44408

(8) Subject to division (B) of this section, "reasonable 44409
cost" means the contributing cost of private family health 44410
insurance to the person responsible for the health care of the 44411
children subject to the child support order that does not exceed 44412
an amount equal to five per cent of the annual gross income of 44413
that person. 44414

(9) "Title XIX" has the same meaning as ~~defined~~ in section 44415
~~5111.20~~ 5165.01 of the Revised Code. 44416

(B) If the United States secretary of health and human 44417
services issues a regulation defining "reasonable cost" or a 44418
similar term or phrase relevant to the provisions in child support 44419
orders relating to the provision of health care for children 44420
subject to the orders, and if that definition is substantively 44421
different from the meaning of "reasonable cost" as defined in 44422
division (A) of this section, "reasonable cost" as used in this 44423
section shall have the meaning as defined by the United States 44424
secretary of health and human services. 44425

Sec. 3119.54. A party to a child support order issued in 44426
accordance with section 3119.30 of the Revised Code shall notify 44427
any physician, hospital, or other provider of medical services 44428
that provides medical services to the child who is the subject of 44429
the child support order of the number of any health insurance or 44430
health care policy, contract, or plan that covers the child if the 44431
child is eligible for ~~medical assistance under Chapter 5111. of~~ 44432
~~the Revised Code~~ medicaid. The party shall include in the notice 44433

the name and address of the insurer. Any physician, hospital, or 44434
other provider of medical services ~~for which medical assistance is~~ 44435
~~available under Chapter 5111. of the Revised Code~~ covered by the 44436
medicaid program who is notified under this section of the 44437
existence of a health insurance or health care policy, contract, 44438
or plan with coverage for children who are eligible for ~~medical~~ 44439
~~assistance~~ medicaid shall first bill the insurer for any services 44440
provided for those children. If the insurer fails to pay all or 44441
any part of a claim filed under this section and the services for 44442
which the claim is filed are covered by ~~Chapter 5111. of the~~ 44443
~~Revised Code~~ the medicaid program, the physician, hospital, or 44444
other medical services provider shall bill the remaining unpaid 44445
costs of the services ~~in accordance with Chapter 5111. of the~~ 44446
~~Revised Code~~ to the medicaid program. 44447

Sec. 3121.441. (A) Notwithstanding the provisions of this 44448
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 44449
and 5107.20 of the Revised Code providing for the office of child 44450
support in the department of job and family services to collect, 44451
withhold, or deduct spousal support, when a court pursuant to 44452
section 3105.18 or 3105.65 of the Revised Code issues or modifies 44453
an order requiring an obligor to pay spousal support or grants or 44454
modifies a decree of dissolution of marriage incorporating a 44455
separation agreement that provides for spousal support, or at any 44456
time after the issuance, granting, or modification of an order or 44457
decree of that type, the court may permit the obligor to make the 44458
spousal support payments directly to the obligee instead of to the 44459
office if the obligee and the obligor have no minor children born 44460
as a result of their marriage and the obligee has not assigned the 44461
spousal support amounts to the department pursuant to section 44462
~~5101.59 or~~ 5107.20 or 5160.38 of the Revised Code. 44463

(B) A court that permits an obligor to make spousal support 44464

payments directly to the obligee pursuant to division (A) of this 44465
section shall order the obligor to make the spousal support 44466
payments as a check, as a money order, or in any other form that 44467
establishes a clear record of payment. 44468

(C) If a court permits an obligor to make spousal support 44469
payments directly to an obligee pursuant to division (A) of this 44470
section and the obligor is in default in making any spousal 44471
support payment to the obligee, the court, upon motion of the 44472
obligee or on its own motion, may rescind the permission granted 44473
under that division. After the rescission, the court shall 44474
determine the amount of arrearages in the spousal support payments 44475
and order the obligor to make to the office of child support in 44476
the department of job and family services any spousal support 44477
payments that are in arrears and any future spousal support 44478
payments. Upon the issuance of the order of the court under this 44479
division, the provisions of this chapter, Chapters 3119., 3123., 44480
and 3125., and sections 3770.071 and 5107.20 of the Revised Code 44481
apply with respect to the collection, withholding, or deduction of 44482
the obligor's spousal support payments that are the subject of 44483
that order of the court. 44484

Sec. 3121.89. As used in sections 3121.891 to 3121.8911 of 44485
the Revised Code: 44486

(A) "Contractor" means an individual who provides services to 44487
an employer as an independent contractor for compensation that is 44488
reported as income other than wages and who is an individual, the 44489
sole shareholder of a corporation, or the sole member of a limited 44490
liability company. "Contractor" does not include any of the 44491
following: 44492

(1) An individual performing intelligence or 44493
counterintelligence functions for a state agency if the head of 44494
the agency has determined that reporting pursuant to this section 44495

could endanger the safety of the individual or compromise an ongoing investigation or intelligence mission;

(2) A professionally licensed person who is providing services to the employer under that license;

(3) An individual who will receive for the services provided under the contract compensation of less than two thousand five hundred dollars per year or a greater amount that the director of job and family services establishes by rule adopted under section 3121.896 of the Revised Code.

(B) "Employee" means an individual who is employed to provide services to an employer for compensation that is reported as income from wages. "Employee" does not include an individual performing intelligence or counterintelligence functions for a state agency, if the head of the agency has determined that reporting pursuant to this section could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(C) "Employer" means any person or governmental entity other than the federal government for which an individual performs any service, of whatever nature, as the employee or contractor of such person, except that:

(1) If the person for whom the individual performs services does not have control of the payment of compensation for the services, "employer" means the person having control of the payment of the compensation.

(2) In the case of a person paying compensation on behalf of a nonresident alien individual, foreign partnership, or foreign corporation not engaged in trade or business within the United States, "employer" means the person paying the compensation.

(3) In the case of compensation paid to a contractor, "employer" does not include any person or entity that lacks a

federal employer identification number. 44527

(D) "Newly hired employee" means either of the following: 44528

(1) An employee who has not previously been employed by the 44529
employer; 44530

(2) An employee who was previously employed by an employer 44531
but has been separated from that prior employment for at least 44532
sixty consecutive days. 44533

(E) "Professionally licensed person" has the same meaning as 44534
in section 2925.01 of the Revised Code. 44535

Sec. 3121.891. (A) Except as provided in division (B) or (C) 44536
of this section, every employer shall make a new hire report to 44537
the department of job and family services regarding ~~the hiring,~~ 44538
~~rehiring, or return to work as an~~ a newly hired employee or a 44539
contractor of a person who resides, works, or will be assigned to 44540
work in this state to whom the employer anticipates paying 44541
compensation. 44542

(B) An employer with employees or contractors in two or more 44543
states that transmits new hire reports magnetically or 44544
electronically may make the new hire report to another state if 44545
the employer does both of the following: 44546

(1) Notifies the Ohio department of job and family services 44547
and the United States secretary of health and human services in 44548
writing that the employer has designated another state as the 44549
state to which the employer will transmit the report; 44550

(2) Transmits the report to that state in compliance with 44551
federal law. 44552

(C) The department may by rule exempt employers from making 44553
new hire reports on any classification of contractors if the 44554
department determines that exempting the employer will assist the 44555
administration of the new hire reporting requirement. 44556

Sec. 3121.892. (A) An employer shall include all of the 44557
following in each new hire report: 44558

(1) For each employee, the employee's name, address, date of 44559
birth, social security number, and date of hire, ~~rehire, or return~~ 44560
~~to work;~~ 44561

(2) For each contractor, the contractor's name, address, 44562
social security or tax identification number, the date payments 44563
begin, and the length of time the contractor will be performing 44564
services for the employer; 44565

(3) The employer's name, address, and identification number. 44566

(B) The department of job and family services may by rule 44567
require that additional information, specified in the rule, be 44568
included in each new hire report. 44569

Sec. 3121.893. An employer shall make a new hire report for 44570
each newly hired employee or contractor in a manner prescribed by 44571
the department of job and family services. The department may 44572
require that the report include or consist of the submission of a 44573
copy of the United States internal revenue service form W-4 44574
(employee's withholding allowance certificate) for the employee, a 44575
form provided by the department, or any other hiring document or 44576
data storage device or mechanism the department authorizes. An 44577
employer may make the new hire report by mail, fax, magnetic or 44578
electronic means, or other means the department authorizes. If an 44579
employer makes a new hire report by mail, the date of making the 44580
report is the postmark date if the report is mailed in the United 44581
States with first class postage and is addressed as the department 44582
authorizes. An employer shall make the new hire report not later 44583
than twenty days after the date on which the employer hires ~~or~~ 44584
~~rehires~~ an employee ~~or the employee returns to work~~ or the date on 44585
which the employer engages or re-engages the contractor or the 44586

contractor resumes providing services under the contract. 44587

Sec. 3121.898. The department of job and family services 44588
shall use the new hire reports it receives for any of the 44589
following purposes set forth in 42 U.S.C. 653a, as amended, 44590
including: 44591

(A) To locate individuals for the purposes of establishing 44592
paternity and for establishing, modifying, and enforcing child 44593
support orders. 44594

(B) As used in this division, "state agency" means every 44595
department, bureau, board, commission, office, or other organized 44596
body established by the constitution or laws of this state for the 44597
exercise of state government; every entity of county government 44598
that is subject to the rules of a state agency; and every 44599
contractual agent of a state agency. 44600

To make available to any state agency responsible for 44601
administering any of the following programs for purposes of 44602
verifying program eligibility: 44603

(1) Any Title IV-A program as defined in section 5101.80 of 44604
the Revised Code; 44605

(2) The medicaid program ~~authorized by Chapter 5111. of the~~ 44606
~~Revised Code;~~ 44607

(3) The unemployment compensation program authorized by 44608
Chapter 4141. of the Revised Code; 44609

(4) The supplemental nutrition assistance program authorized 44610
by section 5101.54 of the Revised Code; 44611

(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as 44612
amended. 44613

(C) The administration of the employment security program 44614
under the director of job and family services. 44615

Sec. 3123.958. The office of child support ~~shall~~ may publish 44616
and distribute ~~the first~~ a set of posters throughout the state ~~not~~ 44617
~~later than October 1, 1992. The office shall publish and~~ 44618
~~distribute subsequent sets of posters not less than twice~~ 44619
annually. 44620

Sec. 3125.18. A child support enforcement agency shall 44621
administer a Title IV-A program identified under division 44622
(A)(4)(c) or ~~(f)~~(g) of section 5101.80 of the Revised Code that 44623
the department of job and family services provides for the agency 44624
to administer under the department's supervision pursuant to 44625
section 5101.801 of the Revised Code. 44626

Sec. 3125.36. (A) Subject to division (B) of this section, 44627
all support orders that are administered by a child support 44628
enforcement agency designated under section 307.981 of the Revised 44629
Code or former section 2301.35 of the Revised Code and are 44630
eligible for Title IV-D services shall be Title IV-D cases under 44631
Title IV-D of the "Social Security Act." Subject to division (B) 44632
of this section, all obligees of support orders administered by 44633
the agency shall be considered to have filed a signed application 44634
for Title IV-D services. 44635

(B) Except as provided in division (D) of this section, a 44636
court that issues or modifies a support order shall require the 44637
obligee under the order to sign, at the time of the issuance or 44638
modification of the order, an application for Title IV-D services 44639
and to file, as soon as possible, the signed application with the 44640
child support enforcement agency that will administer the order. 44641
The application shall be on a form prescribed by the department of 44642
job and family services. Except as provided in division (D) of 44643
this section, a support order that is administered by a child 44644
support enforcement agency, and that is eligible for Title IV-D 44645

services shall be a Title IV-D case under Title IV-D of the 44646
"Social Security Act" only upon the filing of the signed 44647
application for Title IV-D services. 44648

(C) A child support enforcement agency shall make available 44649
an application for Title IV-D services to all persons requesting a 44650
child support enforcement agency's assistance in an action under 44651
sections 3111.01 to 3111.18 of the Revised Code or in an 44652
administrative proceeding brought to establish a parent and child 44653
relationship, to establish or modify an administrative support 44654
order, or to establish or modify an order to provide health 44655
insurance coverage for the children subject to a support order. 44656

(D) An obligee under a support order who has assigned the 44657
right to the support pursuant to section ~~5101.59~~ or 5107.20 or 44658
5160.38 of the Revised Code shall not be required to sign an 44659
application for Title IV-D services. The support order shall be 44660
considered a Title IV-D case. 44661

Sec. 3301.07. The state board of education shall exercise 44662
under the acts of the general assembly general supervision of the 44663
system of public education in the state. In addition to the powers 44664
otherwise imposed on the state board under the provisions of law, 44665
the board shall have the powers described in this section. 44666

(A) The state board shall exercise policy forming, planning, 44667
and evaluative functions for the public schools of the state 44668
except as otherwise provided by law. 44669

(B)(1) The state board shall exercise leadership in the 44670
improvement of public education in this state, and administer the 44671
educational policies of this state relating to public schools, and 44672
relating to instruction and instructional material, building and 44673
equipment, transportation of pupils, administrative 44674
responsibilities of school officials and personnel, and finance 44675
and organization of school districts, educational service centers, 44676

and territory. Consultative and advisory services in such matters 44677
shall be provided by the board to school districts and educational 44678
service centers of this state. 44679

(2) The state board also shall develop a standard of 44680
financial reporting which shall be used by each school district 44681
board of education and ~~educational service center~~ each governing 44682
board of an educational service center, each governing authority 44683
of a community school established under Chapter 3314., each 44684
governing body of a STEM school established under Chapter 3328., 44685
and each board of trustees of a college-preparatory boarding 44686
school established under Chapter 3328. of the Revised Code to make 44687
its financial information and annual budgets for each school 44688
building under its control available to the public in a format 44689
understandable by the average citizen. The format shall show, 44690
~~among other things, both~~ at the district ~~and educational service~~ 44691
~~center level or~~ and at the school building level, ~~as determined~~ 44692
~~appropriate by the department of education,~~ revenue by source; 44693
expenditures for salaries, wages, and benefits of employees, 44694
showing such amounts separately for classroom teachers, other 44695
employees required to hold licenses issued pursuant to sections 44696
3319.22 to 3319.31 of the Revised Code, and all other employees; 44697
expenditures other than for personnel, by category, including 44698
utilities, textbooks and other educational materials, equipment, 44699
permanent improvements, pupil transportation, extracurricular 44700
athletics, and other extracurricular activities; and per pupil 44701
expenditures. The format shall also include information on total 44702
revenue and expenditures, per pupil revenue, and expenditures for 44703
both classroom and nonclassroom purposes, as defined by the 44704
standards adopted under section 3302.20 of the Revised Code in the 44705
aggregate and for each subgroup of students, as defined by section 44706
3317.40 of the Revised Code, that receives services provided for 44707
by state or federal funding. 44708

(3) Each school district board, governing authority, governing body, or board of trustees, or its respective designee, shall annually report, to the department of education, all financial information required by the standards for financial reporting, as prescribed by division (B)(2) of this section and adopted by the state board. The department shall post these reports in a prominent location on its web site and shall notify each school when reports are made available.

(C) The state board shall administer and supervise the allocation and distribution of all state and federal funds for public school education under the provisions of law, and may prescribe such systems of accounting as are necessary and proper to this function. It may require county auditors and treasurers, boards of education, educational service center governing boards, treasurers of such boards, teachers, and other school officers and employees, or other public officers or employees, to file with it such reports as it may prescribe relating to such funds, or to the management and condition of such funds.

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, XLVII, and LI of the Revised Code a reference is made to standards prescribed under this section or division (D) of this section, that reference shall be construed to refer to the standards prescribed under division (D)(2) of this section, unless the context specifically indicates a different meaning or intent.

(2) The state board shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of ~~requiring~~ providing children access to a general education of high quality according to the learning needs of each individual, including students with disabilities, economically disadvantaged students, limited English proficient students, and students identified as gifted. Such standards shall provide adequately for: the licensing of teachers, administrators,

and other professional personnel and their assignment according to 44741
training and qualifications; efficient and effective instructional 44742
materials and equipment, including library facilities; the proper 44743
organization, administration, and supervision of each school, 44744
including regulations for preparing all necessary records and 44745
reports and the preparation of a statement of policies and 44746
objectives for each school; the provision of safe buildings, 44747
grounds, health and sanitary facilities and services; admission of 44748
pupils, and such requirements for their promotion from grade to 44749
grade as will assure that they are capable and prepared for the 44750
level of study to which they are certified; requirements for 44751
graduation; and such other factors as the board finds necessary. 44752

The state board shall base any standards governing the 44753
promotion of students or requirements for graduation on the 44754
ability of students, at any grade level, to earn credits or 44755
advance upon demonstration of mastery of knowledge and skills 44756
through competency-based learning models. Credits of grade level 44757
advancement shall not require a minimum number of days or hours in 44758
a classroom. 44759

The state board shall base any standards governing the 44760
assignment of staff on ensuring each school has a sufficient 44761
number of teachers to ensure a student has an appropriate level of 44762
interaction to meet each student's personal learning goals. 44763

In the formulation and administration of such standards for 44764
nonpublic schools the board shall also consider the particular 44765
needs, methods and objectives of those schools, provided they do 44766
not conflict with the provision of a general education of a high 44767
quality and provided that regular procedures shall be followed for 44768
promotion from grade to grade of pupils who have met the 44769
educational requirements prescribed. 44770

~~In the formulation and administration of such standards as 44771
they relate to instructional materials and equipment in public 44772~~

~~schools, including library materials, the board shall require that 44773
the material and equipment be aligned with and promote skills 44774
expected under the statewide academic standards adopted under 44775
section 3301.079 of the Revised Code. 44776~~

(3) In addition to the minimum standards required by division 44777
(D)(2) of this section, the state board may formulate and 44778
prescribe the following additional minimum operating standards for 44779
school districts: 44780

(a) Standards for the effective and efficient organization, 44781
administration, and supervision of each school district ~~so that it 44782
becomes a thinking and learning organization according to 44783
principles of systems design and collaborative professional 44784
learning communities research as defined by the superintendent of 44785
public instruction, including a focus on the personalized and 44786
individualized needs of each student; a shared responsibility 44787
among school boards, administrators, faculty, and staff to develop 44788
a common vision, mission, and set of guiding principles; a shared 44789
responsibility among school boards, administrators, faculty, and 44790
staff to engage in a process of collective inquiry, action 44791
orientation, and experimentation to ensure the academic success of 44792
all students; commitment to teaching and learning strategies that 44793
utilize technological tools and emphasize inter disciplinary, 44794
real world, project based, and technology oriented learning 44795
experiences to meet the individual needs of every student; with a 44796
commitment to high expectations for every student based on the 44797
learning needs of each individual, including students with 44798
disabilities, economically disadvantaged students, limited English 44799
proficient students, and students identified as gifted, and 44800
commitment to closing the achievement gap without suppressing the 44801
achievement levels of higher achieving students so that all 44802
students achieve core knowledge and skills in accordance with the 44803
statewide academic standards adopted under section 3301.079 of the 44804~~

~~Revised Code; commitment to the use of assessments to diagnose the 44805
needs of each student; effective connections and relationships 44806
with families and others that support student success; and 44807
commitment to the use of positive behavior intervention supports 44808
throughout a district to ensure a safe and secure learning 44809
environment for all students; 44810~~

(b) Standards for the establishment of business advisory 44811
councils under section 3313.82 of the Revised Code; 44812

(c) Standards for school district buildings that may require+ 44813

~~(i) The the effective and efficient organization, 44814
administration, and supervision of each school district building 44815
so that it becomes a thinking and learning organization according 44816
to principles of systems design and collaborative professional 44817
learning communities research as defined by the state 44818
superintendent, including a focus on the personalized and 44819
individualized needs of each student; a shared responsibility 44820
among building administrators, faculty, and staff to develop a 44821
common vision, mission, and set of guiding principles; a shared 44822
responsibility among building administrators, faculty, and staff 44823
to engage in a process of collective inquiry, action orientation, 44824
and experimentation to ensure the academic success of all 44825
students; commitment to job embedded professional development and 44826
professional mentoring and coaching; established periods of time 44827
for teachers to pursue planning time for the development of lesson 44828
plans, professional development, and shared learning; commitment 44829
to effective management strategies that allow administrators 44830
reasonable access to classrooms for observation and professional 44831
development experiences; commitment to teaching and learning 44832
strategies that utilize technological tools and emphasize 44833
inter-disciplinary, real world, project-based, and 44834
technology-oriented learning experiences to meet the individual 44835
needs of every student; with a commitment to high expectations for 44836~~

every student based on the learning needs of each individual, 44837
including students with disabilities, economically disadvantaged 44838
students, limited English proficient students, and students 44839
identified as gifted, and commitment to closing the achievement 44840
gap without suppressing the achievement levels of higher achieving 44841
students so that all students achieve core knowledge and skills in 44842
accordance with the statewide academic standards adopted under 44843
section 3301.079 of the Revised Code; ~~commitment to the use of~~ 44844
~~assessments to diagnose the needs of each student; effective~~ 44845
~~connections and relationships with families and others that~~ 44846
~~support student success; commitment to the use of positive~~ 44847
~~behavior intervention supports throughout the building to ensure a~~ 44848
~~safe and secure learning environment for all students;~~ 44849

~~(ii) A school building leadership team to coordinate positive~~ 44850
~~behavior intervention supports, learning environments, thinking~~ 44851
~~and learning systems, collaborative planning, planning time,~~ 44852
~~student academic interventions, student extended learning~~ 44853
~~opportunities, and other activities identified by the team and~~ 44854
~~approved by the district board of education. The team shall~~ 44855
~~include the building principal, representatives from each~~ 44856
~~collective bargaining unit, a classroom teacher, parents, business~~ 44857
~~representatives, and others that support student success.~~ 44858

(E) The state board may require as part of the health 44859
curriculum information developed under section 2108.34 of the 44860
Revised Code promoting the donation of anatomical gifts pursuant 44861
to Chapter 2108. of the Revised Code and may provide the 44862
information to high schools, educational service centers, and 44863
joint vocational school district boards of education; 44864

(F) The state board shall prepare and submit annually to the 44865
governor and the general assembly a report on the status, needs, 44866
and major problems of the public schools of the state, with 44867
recommendations for necessary legislative action and a ten-year 44868

projection of the state's public and nonpublic school enrollment, 44869
by year and by grade level. 44870

(G) The state board shall prepare and submit to the director 44871
of budget and management the biennial budgetary requests of the 44872
state board of education, for its agencies and for the public 44873
schools of the state. 44874

(H) The state board shall cooperate with federal, state, and 44875
local agencies concerned with the health and welfare of children 44876
and youth of the state. 44877

(I) The state board shall require such reports from school 44878
districts and educational service centers, school officers, and 44879
employees as are necessary and desirable. The superintendents and 44880
treasurers of school districts and educational service centers 44881
shall certify as to the accuracy of all reports required by law or 44882
state board or state department of education rules to be submitted 44883
by the district or educational service center and which contain 44884
information necessary for calculation of state funding. Any 44885
superintendent who knowingly falsifies such report shall be 44886
subject to license revocation pursuant to section 3319.31 of the 44887
Revised Code. 44888

(J) In accordance with Chapter 119. of the Revised Code, the 44889
state board shall adopt procedures, standards, and guidelines for 44890
the education of children with disabilities pursuant to Chapter 44891
3323. of the Revised Code, including procedures, standards, and 44892
guidelines governing programs and services operated by county 44893
boards of developmental disabilities pursuant to section 3323.09 44894
of the Revised Code. 44895

(K) For the purpose of encouraging the development of special 44896
programs of education for academically gifted children, the state 44897
board shall employ competent persons to analyze and publish data, 44898
promote research, advise and counsel with boards of education, and 44899

encourage the training of teachers in the special instruction of 44900
gifted children. The board may provide financial assistance out of 44901
any funds appropriated for this purpose to boards of education and 44902
educational service center governing boards for developing and 44903
conducting programs of education for academically gifted children. 44904

(L) The state board shall require that all public schools 44905
emphasize and encourage, within existing units of study, the 44906
teaching of energy and resource conservation as recommended to 44907
each district board of education by leading business persons 44908
involved in energy production and conservation, beginning in the 44909
primary grades. 44910

(M) The state board shall formulate and prescribe minimum 44911
standards requiring the use of phonics as a technique in the 44912
teaching of reading in grades kindergarten through three. In 44913
addition, the state board shall provide in-service training 44914
programs for teachers on the use of phonics as a technique in the 44915
teaching of reading in grades kindergarten through three. 44916

(N) The state board may adopt rules necessary for carrying 44917
out any function imposed on it by law, and may provide rules as 44918
are necessary for its government and the government of its 44919
employees, and may delegate to the superintendent of public 44920
instruction the management and administration of any function 44921
imposed on it by law. It may provide for the appointment of board 44922
members to serve on temporary committees established by the board 44923
for such purposes as are necessary. Permanent or standing 44924
committees shall not be created. 44925

(O) Upon application from the board of education of a school 44926
district, the superintendent of public instruction may issue a 44927
waiver exempting the district from compliance with the standards 44928
adopted under divisions (B)(2) and (D) of this section, as they 44929
relate to the operation of a school operated by the district. The 44930
state board shall adopt standards for the approval or disapproval 44931

of waivers under this division. The state superintendent shall 44932
consider every application for a waiver, and shall determine 44933
whether to grant or deny a waiver in accordance with the state 44934
board's standards. For each waiver granted, the state 44935
superintendent shall specify the period of time during which the 44936
waiver is in effect, which shall not exceed five years. A district 44937
board may apply to renew a waiver. 44938

Sec. 3301.0712. (A) The state board of education, the 44939
superintendent of public instruction, and the chancellor of the 44940
Ohio board of regents shall develop a system of college and work 44941
ready assessments as described in divisions (B)(1) and (2) of this 44942
section to assess whether each student upon graduating from high 44943
school is ready to enter college or the workforce. The system 44944
shall replace the Ohio graduation tests prescribed in division 44945
(B)(1) of section 3301.0710 of the Revised Code as a measure of 44946
student academic performance and a prerequisite for eligibility 44947
for a high school diploma in the manner prescribed by rule of the 44948
state board adopted under division (D) of this section. 44949

(B) The college and work ready assessment system shall 44950
consist of the following: 44951

(1) A nationally standardized assessment that measures 44952
college and career readiness selected jointly by the state 44953
superintendent and the chancellor. 44954

(2) A series of end-of-course examinations in the areas of 44955
science, mathematics, English language arts, American history, and 44956
American government selected jointly by the state superintendent 44957
and the chancellor in consultation with faculty in the appropriate 44958
subject areas at institutions of higher education of the 44959
university system of Ohio. For each subject area, the state 44960
superintendent and chancellor shall select multiple assessments 44961
that school districts, public schools, and chartered nonpublic 44962

schools may use as end-of-course examinations. Subject to division 44963
(B)(3)(b) of this section, those assessments shall include 44964
nationally recognized subject area assessments, such as advanced 44965
placement examinations, SAT subject tests, international 44966
baccalaureate examinations, and other assessments of college and 44967
work readiness. 44968

(3)(a) Not later than July 1, 2013, each school district 44969
board of education shall adopt interim end-of-course examinations 44970
that comply with the requirements of divisions (B)(3)(b)(i) and 44971
(ii) of this section to assess mastery of American history and 44972
American government standards adopted under division (A)(1)(b) of 44973
section 3301.079 of the Revised Code and the topics required under 44974
division (M) of section 3313.603 of the Revised Code. Each high 44975
school of the district shall use the interim examinations until 44976
the state superintendent and chancellor select end-of-course 44977
examinations in American history and American government under 44978
division (B)(2) of this section. 44979

(b) Not later than July 1, 2014, the state superintendent and 44980
the chancellor shall select the end-of-course examinations in 44981
American history and American government. 44982

(i) The end-of-course examinations in American history and 44983
American government shall require demonstration of mastery of the 44984
American history and American government content for social 44985
studies standards adopted under division (A)(1)(b) of section 44986
3301.079 of the Revised Code and the topics required under 44987
division (M) of section 3313.603 of the Revised Code. 44988

(ii) At least twenty per cent of the end-of-course 44989
examination in American government shall address the topics on 44990
American history and American government described in division (M) 44991
of section 3313.603 of the Revised Code. 44992

(C) The state board shall convene a group of national 44993

experts, state experts, and local practitioners to provide advice, 44994
guidance, and recommendations for the alignment of standards and 44995
model curricula to the assessments and in the design of the 44996
end-of-course examinations prescribed by this section. 44997

(D) Upon completion of the development of the assessment 44998
system, the state board shall adopt rules prescribing all of the 44999
following: 45000

(1) A timeline and plan for implementation of the assessment 45001
system, including a phased implementation if the state board 45002
determines such a phase-in is warranted; 45003

(2) The date after which a person entering ninth grade shall 45004
meet the requirements of the entire assessment system as a 45005
prerequisite for a high school diploma under section 3313.61, 45006
3313.612, or 3325.08 of the Revised Code; 45007

(3) The date after which a person shall meet the requirements 45008
of the entire assessment system as a prerequisite for a diploma of 45009
adult education under section 3313.611 of the Revised Code; 45010

(4) Whether and the extent to which a person may be excused 45011
from an American history end-of-course examination and an American 45012
government end-of-course examination under division (H) of section 45013
3313.61 and division (B)~~(2)~~(3) of section 3313.612 of the Revised 45014
Code; 45015

(5) The date after which a person who has fulfilled the 45016
curriculum requirement for a diploma but has not passed one or 45017
more of the required assessments at the time the person fulfilled 45018
the curriculum requirement shall meet the requirements of the 45019
entire assessment system as a prerequisite for a high school 45020
diploma under division (B) of section 3313.614 of the Revised 45021
Code; 45022

(6) The extent to which the assessment system applies to 45023
students enrolled in a dropout recovery and prevention program for 45024

purposes of division (F) of section 3313.603 and section 3314.36 45025
of the Revised Code. 45026

No rule adopted under this division shall be effective 45027
earlier than one year after the date the rule is filed in final 45028
form pursuant to Chapter 119. of the Revised Code. 45029

(E) Not later than forty-five days prior to the state board's 45030
adoption of a resolution directing the department of education to 45031
file the rules prescribed by division (D) of this section in final 45032
form under section 119.04 of the Revised Code, the superintendent 45033
of public instruction shall present the assessment system 45034
developed under this section to the respective committees of the 45035
house of representatives and senate that consider education 45036
legislation. 45037

Sec. 3301.0714. (A) The state board of education shall adopt 45038
rules for a statewide education management information system. The 45039
rules shall require the state board to establish guidelines for 45040
the establishment and maintenance of the system in accordance with 45041
this section and the rules adopted under this section. The 45042
guidelines shall include: 45043

(1) Standards identifying and defining the types of data in 45044
the system in accordance with divisions (B) and (C) of this 45045
section; 45046

(2) Procedures for annually collecting and reporting the data 45047
to the state board in accordance with division (D) of this 45048
section; 45049

(3) Procedures for annually compiling the data in accordance 45050
with division (G) of this section; 45051

(4) Procedures for annually reporting the data to the public 45052
in accordance with division (H) of this section. 45053

(B) The guidelines adopted under this section shall require 45054

the data maintained in the education management information system 45055
to include at least the following: 45056

(1) Student participation and performance data, for each 45057
grade in each school district as a whole and for each grade in 45058
each school building in each school district, that includes: 45059

(a) The numbers of students receiving each category of 45060
instructional service offered by the school district, such as 45061
regular education instruction, vocational education instruction, 45062
specialized instruction programs or enrichment instruction that is 45063
part of the educational curriculum, instruction for gifted 45064
students, instruction for students with disabilities, and remedial 45065
instruction. The guidelines shall require instructional services 45066
under this division to be divided into discrete categories if an 45067
instructional service is limited to a specific subject, a specific 45068
type of student, or both, such as regular instructional services 45069
in mathematics, remedial reading instructional services, 45070
instructional services specifically for students gifted in 45071
mathematics or some other subject area, or instructional services 45072
for students with a specific type of disability. The categories of 45073
instructional services required by the guidelines under this 45074
division shall be the same as the categories of instructional 45075
services used in determining cost units pursuant to division 45076
(C)(3) of this section. 45077

(b) The numbers of students receiving support or 45078
extracurricular services for each of the support services or 45079
extracurricular programs offered by the school district, such as 45080
counseling services, health services, and extracurricular sports 45081
and fine arts programs. The categories of services required by the 45082
guidelines under this division shall be the same as the categories 45083
of services used in determining cost units pursuant to division 45084
(C)(4)(a) of this section. 45085

(c) Average student grades in each subject in grades nine 45086

through twelve;	45087
(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	45088 45089
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	45090 45091 45092
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	45093 45094 45095
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	45096 45097 45098 45099
(h) Expulsion rates;	45100
(i) Suspension rates;	45101
(j) Dropout rates;	45102
(k) Rates of retention in grade;	45103
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	45104 45105 45106
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	45107 45108 45109 45110 45111
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment	45112 45113 45114 45115 45116

administered to a kindergarten student if the parent of that 45117
student requests the district not to report those results. 45118

(2) Personnel and classroom enrollment data for each school 45119
district, including: 45120

(a) The total numbers of licensed employees and nonlicensed 45121
employees and the numbers of full-time equivalent licensed 45122
employees and nonlicensed employees providing each category of 45123
instructional service, instructional support service, and 45124
administrative support service used pursuant to division (C)(3) of 45125
this section. The guidelines adopted under this section shall 45126
require these categories of data to be maintained for the school 45127
district as a whole and, wherever applicable, for each grade in 45128
the school district as a whole, for each school building as a 45129
whole, and for each grade in each school building. 45130

(b) The total number of employees and the number of full-time 45131
equivalent employees providing each category of service used 45132
pursuant to divisions (C)(4)(a) and (b) of this section, and the 45133
total numbers of licensed employees and nonlicensed employees and 45134
the numbers of full-time equivalent licensed employees and 45135
nonlicensed employees providing each category used pursuant to 45136
division (C)(4)(c) of this section. The guidelines adopted under 45137
this section shall require these categories of data to be 45138
maintained for the school district as a whole and, wherever 45139
applicable, for each grade in the school district as a whole, for 45140
each school building as a whole, and for each grade in each school 45141
building. 45142

(c) The total number of regular classroom teachers teaching 45143
classes of regular education and the average number of pupils 45144
enrolled in each such class, in each of grades kindergarten 45145
through five in the district as a whole and in each school 45146
building in the school district. 45147

(d) The number of lead teachers employed by each school district and each school building. 45148
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(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government. 45150
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(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs. 45161
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(4) Any data required to be collected pursuant to federal law. 45166
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(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following: 45168
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(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division 45177
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(C)(1) to be designed so that each of them may be compiled and 45179
reported in terms of average expenditure per pupil in formula ADM 45180
in the school district, as determined pursuant to section 3317.03 45181
of the Revised Code. 45182

(2) Administrative costs for each school building in the 45183
school district. The guidelines shall require the cost units under 45184
this division (C)(2) to be designed so that each of them may be 45185
compiled and reported in terms of average expenditure per 45186
full-time equivalent pupil receiving instructional or support 45187
services in each building. 45188

(3) Instructional services costs for each category of 45189
instructional service provided directly to students and required 45190
by guidelines adopted pursuant to division (B)(1)(a) of this 45191
section. The guidelines shall require the cost units under 45192
division (C)(3) of this section to be designed so that each of 45193
them may be compiled and reported in terms of average expenditure 45194
per pupil receiving the service in the school district as a whole 45195
and average expenditure per pupil receiving the service in each 45196
building in the school district and in terms of a total cost for 45197
each category of service and, as a breakdown of the total cost, a 45198
cost for each of the following components: 45199

(a) The cost of each instructional services category required 45200
by guidelines adopted under division (B)(1)(a) of this section 45201
that is provided directly to students by a classroom teacher; 45202

(b) The cost of the instructional support services, such as 45203
services provided by a speech-language pathologist, classroom 45204
aide, multimedia aide, or librarian, provided directly to students 45205
in conjunction with each instructional services category; 45206

(c) The cost of the administrative support services related 45207
to each instructional services category, such as the cost of 45208
personnel that develop the curriculum for the instructional 45209

services category and the cost of personnel supervising or 45210
coordinating the delivery of the instructional services category. 45211

(4) Support or extracurricular services costs for each 45212
category of service directly provided to students and required by 45213
guidelines adopted pursuant to division (B)(1)(b) of this section. 45214
The guidelines shall require the cost units under division (C)(4) 45215
of this section to be designed so that each of them may be 45216
compiled and reported in terms of average expenditure per pupil 45217
receiving the service in the school district as a whole and 45218
average expenditure per pupil receiving the service in each 45219
building in the school district and in terms of a total cost for 45220
each category of service and, as a breakdown of the total cost, a 45221
cost for each of the following components: 45222

(a) The cost of each support or extracurricular services 45223
category required by guidelines adopted under division (B)(1)(b) 45224
of this section that is provided directly to students by a 45225
licensed employee, such as services provided by a guidance 45226
counselor or any services provided by a licensed employee under a 45227
supplemental contract; 45228

(b) The cost of each such services category provided directly 45229
to students by a nonlicensed employee, such as janitorial 45230
services, cafeteria services, or services of a sports trainer; 45231

(c) The cost of the administrative services related to each 45232
services category in division (C)(4)(a) or (b) of this section, 45233
such as the cost of any licensed or nonlicensed employees that 45234
develop, supervise, coordinate, or otherwise are involved in 45235
administering or aiding the delivery of each services category. 45236

(D)(1) The guidelines adopted under this section shall 45237
require school districts to collect information about individual 45238
students, staff members, or both in connection with any data 45239
required by division (B) or (C) of this section or other reporting 45240

requirements established in the Revised Code. The guidelines may 45241
also require school districts to report information about 45242
individual staff members in connection with any data required by 45243
division (B) or (C) of this section or other reporting 45244
requirements established in the Revised Code. The guidelines shall 45245
not authorize school districts to request social security numbers 45246
of individual students. The guidelines shall prohibit the 45247
reporting under this section of a student's name, address, and 45248
social security number to the state board of education or the 45249
department of education. The guidelines shall also prohibit the 45250
reporting under this section of any personally identifiable 45251
information about any student, except for the purpose of assigning 45252
the data verification code required by division (D)(2) of this 45253
section, to any other person unless such person is employed by the 45254
school district or the information technology center operated 45255
under section 3301.075 of the Revised Code and is authorized by 45256
the district or technology center to have access to such 45257
information or is employed by an entity with which the department 45258
contracts for the scoring or the development of state assessments. 45259
The guidelines may require school districts to provide the social 45260
security numbers of individual staff members and the county of 45261
residence for a student. Nothing in this section prohibits the 45262
state board of education or department of education from providing 45263
a student's county of residence to the department of taxation to 45264
facilitate the distribution of tax revenue. 45265

(2)(a) The guidelines shall provide for each school district 45266
or community school to assign a data verification code that is 45267
unique on a statewide basis over time to each student whose 45268
initial Ohio enrollment is in that district or school and to 45269
report all required individual student data for that student 45270
utilizing such code. The guidelines shall also provide for 45271
assigning data verification codes to all students enrolled in 45272
districts or community schools on the effective date of the 45273

guidelines established under this section. The assignment of data 45274
verification codes for other entities, as described in division 45275
(D)(2)(c) of this section, the use of those codes, and the 45276
reporting and use of associated individual student data shall be 45277
coordinated by the department in accordance with state and federal 45278
law. 45279

School districts shall report individual student data to the 45280
department through the information technology centers utilizing 45281
the code. The entities described in division (D)(2)(c) of this 45282
section shall report individual student data to the department in 45283
the manner prescribed by the department. 45284

Except as provided in sections 3301.941, 3310.11, 3310.42, 45285
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 45286
shall the state board or the department have access to information 45287
that would enable any data verification code to be matched to 45288
personally identifiable student data. 45289

(b) Each school district and community school shall ensure 45290
that the data verification code is included in the student's 45291
records reported to any subsequent school district, community 45292
school, or state institution of higher education, as defined in 45293
section 3345.011 of the Revised Code, in which the student 45294
enrolls. Any such subsequent district or school shall utilize the 45295
same identifier in its reporting of data under this section. 45296

(c) The director of any state agency that administers a 45297
publicly funded program providing services to children who are 45298
younger than compulsory school age, as defined in section 3321.01 45299
of the Revised Code, including the directors of health, job and 45300
family services, ~~mental health~~ mental health and addiction 45301
services, and developmental disabilities, shall request and 45302
receive, pursuant to sections 3301.0723 and 3701.62 of the Revised 45303
Code, a data verification code for a child who is receiving those 45304
services. 45305

(E) The guidelines adopted under this section may require 45306
school districts to collect and report data, information, or 45307
reports other than that described in divisions (A), (B), and (C) 45308
of this section for the purpose of complying with other reporting 45309
requirements established in the Revised Code. The other data, 45310
information, or reports may be maintained in the education 45311
management information system but are not required to be compiled 45312
as part of the profile formats required under division (G) of this 45313
section or the annual statewide report required under division (H) 45314
of this section. 45315

(F) Beginning with the school year that begins July 1, 1991, 45316
the board of education of each school district shall annually 45317
collect and report to the state board, in accordance with the 45318
guidelines established by the board, the data required pursuant to 45319
this section. A school district may collect and report these data 45320
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 45321

(G) The state board shall, in accordance with the procedures 45322
it adopts, annually compile the data reported by each school 45323
district pursuant to division (D) of this section. The state board 45324
shall design formats for profiling each school district as a whole 45325
and each school building within each district and shall compile 45326
the data in accordance with these formats. These profile formats 45327
shall: 45328

(1) Include all of the data gathered under this section in a 45329
manner that facilitates comparison among school districts and 45330
among school buildings within each school district; 45331

(2) Present the data on academic achievement levels as 45332
assessed by the testing of student achievement maintained pursuant 45333
to division (B)(1)(d) of this section. 45334

(H)(1) The state board shall, in accordance with the 45335
procedures it adopts, annually prepare a statewide report for all 45336

school districts and the general public that includes the profile 45337
of each of the school districts developed pursuant to division (G) 45338
of this section. Copies of the report shall be sent to each school 45339
district. 45340

(2) The state board shall, in accordance with the procedures 45341
it adopts, annually prepare an individual report for each school 45342
district and the general public that includes the profiles of each 45343
of the school buildings in that school district developed pursuant 45344
to division (G) of this section. Copies of the report shall be 45345
sent to the superintendent of the district and to each member of 45346
the district board of education. 45347

(3) Copies of the reports received from the state board under 45348
divisions (H)(1) and (2) of this section shall be made available 45349
to the general public at each school district's offices. Each 45350
district board of education shall make copies of each report 45351
available to any person upon request and payment of a reasonable 45352
fee for the cost of reproducing the report. The board shall 45353
annually publish in a newspaper of general circulation in the 45354
school district, at least twice during the two weeks prior to the 45355
week in which the reports will first be available, a notice 45356
containing the address where the reports are available and the 45357
date on which the reports will be available. 45358

(I) Any data that is collected or maintained pursuant to this 45359
section and that identifies an individual pupil is not a public 45360
record for the purposes of section 149.43 of the Revised Code. 45361

(J) As used in this section: 45362

(1) "School district" means any city, local, exempted 45363
village, or joint vocational school district and, in accordance 45364
with section 3314.17 of the Revised Code, any community school. As 45365
used in division (L) of this section, "school district" also 45366
includes any educational service center or other educational 45367

entity required to submit data using the system established under 45368
this section. 45369

(2) "Cost" means any expenditure for operating expenses made 45370
by a school district excluding any expenditures for debt 45371
retirement except for payments made to any commercial lending 45372
institution for any loan approved pursuant to section 3313.483 of 45373
the Revised Code. 45374

(K) Any person who removes data from the information system 45375
established under this section for the purpose of releasing it to 45376
any person not entitled under law to have access to such 45377
information is subject to section 2913.42 of the Revised Code 45378
prohibiting tampering with data. 45379

(L)(1) In accordance with division (L)(2) of this section and 45380
the rules adopted under division (L)(10) of this section, the 45381
department of education may sanction any school district that 45382
reports incomplete or inaccurate data, reports data that does not 45383
conform to data requirements and descriptions published by the 45384
department, fails to report data in a timely manner, or otherwise 45385
does not make a good faith effort to report data as required by 45386
this section. 45387

(2) If the department decides to sanction a school district 45388
under this division, the department shall take the following 45389
sequential actions: 45390

(a) Notify the district in writing that the department has 45391
determined that data has not been reported as required under this 45392
section and require the district to review its data submission and 45393
submit corrected data by a deadline established by the department. 45394
The department also may require the district to develop a 45395
corrective action plan, which shall include provisions for the 45396
district to provide mandatory staff training on data reporting 45397
procedures. 45398

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data

submitted by the district likely caused the district to receive a 45429
higher performance rating than it deserved under that section, 45430
issue a revised report card for the district; 45431

(ix) Any other action designed to correct the district's data 45432
reporting problems. 45433

(3) Any time the department takes an action against a school 45434
district under division (L)(2) of this section, the department 45435
shall make a report of the circumstances that prompted the action. 45436
The department shall send a copy of the report to the district 45437
superintendent or chief administrator and maintain a copy of the 45438
report in its files. 45439

(4) If any action taken under division (L)(2) of this section 45440
resolves a school district's data reporting problems to the 45441
department's satisfaction, the department shall not take any 45442
further actions described by that division. If the department 45443
withheld funds from the district under that division, the 45444
department may release those funds to the district, except that if 45445
the department withheld funding under division (L)(2)(c) of this 45446
section, the department shall not release the funds withheld under 45447
division (L)(2)(b) of this section and, if the department withheld 45448
funding under division (L)(2)(d) of this section, the department 45449
shall not release the funds withheld under division (L)(2)(b) or 45450
(c) of this section. 45451

(5) Notwithstanding anything in this section to the contrary, 45452
the department may use its own staff or an outside entity to 45453
conduct an audit of a school district's data reporting practices 45454
any time the department has reason to believe the district has not 45455
made a good faith effort to report data as required by this 45456
section. If any audit conducted by an outside entity under 45457
division (L)(2)(d)(i) or (5) of this section confirms that a 45458
district has not made a good faith effort to report data as 45459
required by this section, the district shall reimburse the 45460

department for the full cost of the audit. The department may 45461
withhold state funds due to the district for this purpose. 45462

(6) Prior to issuing a revised report card for a school 45463
district under division (L)(2)(d)(viii) of this section, the 45464
department may hold a hearing to provide the district with an 45465
opportunity to demonstrate that it made a good faith effort to 45466
report data as required by this section. The hearing shall be 45467
conducted by a referee appointed by the department. Based on the 45468
information provided in the hearing, the referee shall recommend 45469
whether the department should issue a revised report card for the 45470
district. If the referee affirms the department's contention that 45471
the district did not make a good faith effort to report data as 45472
required by this section, the district shall bear the full cost of 45473
conducting the hearing and of issuing any revised report card. 45474

(7) If the department determines that any inaccurate data 45475
reported under this section caused a school district to receive 45476
excess state funds in any fiscal year, the district shall 45477
reimburse the department an amount equal to the excess funds, in 45478
accordance with a payment schedule determined by the department. 45479
The department may withhold state funds due to the district for 45480
this purpose. 45481

(8) Any school district that has funds withheld under 45482
division (L)(2) of this section may appeal the withholding in 45483
accordance with Chapter 119. of the Revised Code. 45484

(9) In all cases of a disagreement between the department and 45485
a school district regarding the appropriateness of an action taken 45486
under division (L)(2) of this section, the burden of proof shall 45487
be on the district to demonstrate that it made a good faith effort 45488
to report data as required by this section. 45489

(10) The state board of education shall adopt rules under 45490
Chapter 119. of the Revised Code to implement division (L) of this 45491

section. 45492

(M) No information technology center or school district shall 45493
acquire, change, or update its student administration software 45494
package to manage and report data required to be reported to the 45495
department unless it converts to a student software package that 45496
is certified by the department. 45497

(N) The state board of education, in accordance with sections 45498
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 45499
license as defined under division (A) of section 3319.31 of the 45500
Revised Code that has been issued to any school district employee 45501
found to have willfully reported erroneous, inaccurate, or 45502
incomplete data to the education management information system. 45503

(O) No person shall release or maintain any information about 45504
any student in violation of this section. Whoever violates this 45505
division is guilty of a misdemeanor of the fourth degree. 45506

(P) The department shall disaggregate the data collected 45507
under division (B)(1)(n) of this section according to the race and 45508
socioeconomic status of the students assessed. No data collected 45509
under that division shall be included on the report cards required 45510
by section 3302.03 of the Revised Code. 45511

(Q) If the department cannot compile any of the information 45512
required by division (H) of section 3302.03 of the Revised Code 45513
based upon the data collected under this section, the department 45514
shall develop a plan and a reasonable timeline for the collection 45515
of any data necessary to comply with that division. 45516

Sec. 3301.0715. (A) Except as otherwise required under 45517
division (B)(1) of section 3313.608 of the Revised Code, the board 45518
of education of each city, local, and exempted village school 45519
district shall administer each applicable diagnostic assessment 45520
developed and provided to the district in accordance with section 45521

3301.079 of the Revised Code to the following: 45522

(1) Any student who transfers into the district or to a 45523
different school within the district if each applicable diagnostic 45524
assessment was not administered by the district or school the 45525
student previously attended in the current school year, within 45526
thirty days after the date of transfer. If the district or school 45527
into which the student transfers cannot determine whether the 45528
student has taken any applicable diagnostic assessment in the 45529
current school year, the district or school may administer the 45530
diagnostic assessment to the student. 45531

(2) ~~Each~~ (a) Prior to July 1, 2014, each kindergarten 45532
student, not earlier than four weeks prior to the first day of 45533
school and not later than the first day of October. ~~For~~ 45534

(b) Beginning July 1, 2014, each kindergarten student, not 45535
earlier than the first day of the school year and not later than 45536
the first day of November, except that the language and reading 45537
skills portion of the assessment shall be administered by the 45538
thirtieth day of September to fulfill the requirements of division 45539
(B) of section 3313.608 of the Revised Code. 45540

For the purpose of division (A)(2) of this section, the 45541
district shall administer the kindergarten readiness assessment 45542
provided by the department of education. In no case shall the 45543
results of the readiness assessment be used to prohibit a student 45544
from enrolling in kindergarten. 45545

(3) Each student enrolled in first, second, or third grade. 45546

(B) Each district board shall administer each diagnostic 45547
assessment when the board deems appropriate, provided the 45548
administration complies with section 3313.608 of the Revised Code. 45549
However, the board shall administer any diagnostic assessment at 45550
least once annually to all students in the appropriate grade 45551

level. A district board may administer any diagnostic assessment 45552
in the fall and spring of a school year to measure the amount of 45553
academic growth attributable to the instruction received by 45554
students during that school year. 45555

(C) Any district that received an excellent or effective 45556
rating for the immediately preceding school year, pursuant to 45557
section 3302.03 of the Revised Code as it existed prior to ~~the~~ 45558
~~effective date of this amendment~~ March 22, 2013, or the equivalent 45559
of such rating as determined by the department of education, may 45560
use different diagnostic assessments from those adopted under 45561
division (D) of section 3301.079 of the Revised Code in order to 45562
satisfy the requirements of division (A)(2) of this section. 45563

(D) Each district board shall utilize and score any 45564
diagnostic assessment administered under division (A) of this 45565
section in accordance with rules established by the department. 45566
After the administration of any diagnostic assessment, each 45567
district shall provide a student's completed diagnostic 45568
assessment, the results of such assessment, and any other 45569
accompanying documents used during the administration of the 45570
assessment to the parent of that student, and shall include all 45571
such documents and information in any plan developed for the 45572
student under division (C) of section 3313.608 of the Revised 45573
Code. Each district shall submit to the department, in the manner 45574
the department prescribes, the results of the diagnostic 45575
assessments administered under this section, regardless of the 45576
type of assessment used under section 3313.608 of the Revised 45577
Code. The department may issue reports with respect to the data 45578
collected. 45579

(E) Each district board shall provide intervention services 45580
to students whose diagnostic assessments show that they are 45581
failing to make satisfactory progress toward attaining the 45582
academic standards for their grade level. 45583

Sec. 3301.0723. (A) The independent contractor engaged by the 45584
department of education to create and maintain for school 45585
districts and community schools the student data verification 45586
codes required by division (D)(2) of section 3301.0714 of the 45587
Revised Code, upon request of the director of any state agency 45588
that administers a publicly funded program providing services to 45589
children who are younger than compulsory school age, as defined in 45590
section 3321.01 of the Revised Code, including the directors of 45591
health, job and family services, ~~mental health~~ mental health and 45592
addiction services, and developmental disabilities, shall assign a 45593
data verification code to a child who is receiving such services 45594
and shall provide that code to the director. The contractor also 45595
shall provide that code to the department of education. 45596

(B) The director of a state agency that receives a child's 45597
data verification code under division (A) of this section shall 45598
use that code to submit information for that child to the 45599
department of education in accordance with section 3301.0714 of 45600
the Revised Code. 45601

(C) A public school that receives from the independent 45602
contractor the data verification code for a child assigned under 45603
division (A) of this section shall not request or assign to that 45604
child another data verification code under division (D)(2) of 45605
section 3301.0714 of the Revised Code. That school and any other 45606
public school in which the child subsequently enrolls shall use 45607
the data verification code assigned under division (A) of this 45608
section to report data relative to that student required under 45609
section 3301.0714 of the Revised Code. 45610

Sec. 3301.0725. A school district may employ certificated 45611
instructional personnel for ~~more days during a school year than~~ 45612
~~the district normally employs its regular classroom teachers~~ hours 45613
outside of the normal school day for the purpose of providing 45614

extended programming, subject to the provisions of section 45615
3319.0812 of the Revised Code. Extended programming, as defined by 45616
rule of the state board of education, shall be based upon learner 45617
needs and, if applicable, business and industry validated 45618
standards and competencies and shall enhance student learning 45619
opportunities. Extended programming shall be subject to the 45620
requirements of sections 3313.6018 and 3313.6019 of the Revised 45621
Code. 45622

No rule of the state board shall require extended programming 45623
employment of certificated instructional personnel as a condition 45624
of eligibility for funding under any other section of the Revised 45625
Code. 45626

Sec. 3301.15. The state board of education or its authorized 45627
representatives may inspect all institutions under the control of 45628
the department of job and family services, the department of 45629
~~mental health~~ mental health and addiction services, the department 45630
of developmental disabilities, and the department of 45631
rehabilitation and correction which employ teachers, and may make 45632
a report on the teaching, discipline, and school equipment in 45633
these institutions to the director of job and family services, the 45634
director of ~~mental health~~ mental health and addiction services, 45635
the director of developmental disabilities, the director of 45636
rehabilitation and correction, and the governor. 45637

Sec. 3302.01. As used in this chapter: 45638

(A) "Performance index score" means the average of the totals 45639
derived from calculations for each subject area of English 45640
language arts, mathematics, science, and social studies of the 45641
weighted proportion of untested students and students scoring at 45642
each level of skill described in division (A)(2) of section 45643
3301.0710 of the Revised Code on the assessments prescribed by 45644

divisions (A) and (B)(1) of that section. The department of 45645
education shall assign weights such that students who do not take 45646
an assessment receive a weight of zero and students who take an 45647
assessment receive progressively larger weights dependent upon the 45648
level of skill attained on the assessment. The department shall 45649
assign additional weights to students who have been permitted to 45650
pass over a subject in accordance with a student acceleration 45651
policy adopted under section 3324.10 of the Revised Code. If such 45652
a student attains the proficient score prescribed under division 45653
(A)(2)(c) of section 3301.0710 of the Revised Code or higher on an 45654
assessment, the department shall assign the student the weight 45655
prescribed for the next higher scoring level. If such a student 45656
attains the advanced score, prescribed under division (A)(2)(a) of 45657
section 3301.0710 of the Revised Code, on an assessment, the 45658
department shall assign to the student an additional proportional 45659
weight, as approved by the state board. For each school year that 45660
such a student's score is included in the performance index score 45661
and the student attains the proficient score on an assessment, 45662
that additional weight shall be assigned to the student on a 45663
subject-by-subject basis. 45664

Students shall be included in the "performance index score" 45665
in accordance with division (K)(2) of section 3302.03 of the 45666
Revised Code. 45667

(B) "Subgroup" means a subset of the entire student 45668
population of the state, a school district, or a school building 45669
and includes each of the following: 45670

(1) Major racial and ethnic groups; 45671

(2) Students with disabilities; 45672

(3) Economically disadvantaged students; 45673

(4) Limited English proficient students; 45674

(5) Students identified as gifted in superior cognitive 45675

ability and specific academic ability fields under Chapter 3324. 45676
of the Revised Code. For students who are gifted in specific 45677
academic ability fields, the department shall use data for those 45678
students with specific academic ability in math and reading. If 45679
any other academic field is assessed, the department shall also 45680
include data for students with specific academic ability in that 45681
field. 45682

(6) Students in the lowest quintile for achievement 45683
statewide, as determined by a method prescribed by the state board 45684
of education. 45685

(C) "No Child Left Behind Act of 2001" includes the statutes 45686
codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or 45687
both thereto, rules and regulations promulgated pursuant to those 45688
statutes, guidance documents, and any other policy directives 45689
regarding implementation of that act issued by the United States 45690
department of education. 45691

(D) "Adequate yearly progress" means a measure of annual 45692
academic performance as calculated in accordance with the "No 45693
Child Left Behind Act of 2001." 45694

(E) "Supplemental educational services" means additional 45695
academic assistance, such as tutoring, remediation, or other 45696
educational enrichment activities, that is conducted outside of 45697
the regular school day by a provider approved by the department in 45698
accordance with the "No Child Left Behind Act of 2001." 45699

(F) "Value-added progress dimension" means a measure of 45700
academic gain for a student or group of students over a specific 45701
period of time that is calculated by applying a statistical 45702
methodology to individual student achievement data derived from 45703
the achievement assessments prescribed by section 3301.0710 of the 45704
Revised Code. The "value-added progress dimension" shall be 45705
developed and implemented in accordance with section 3302.021 of 45706

the Revised Code. 45707

(G)(1) "Four-year adjusted cohort graduation rate" means the 45708
number of students who graduate in four years or less with a 45709
regular high school diploma divided by the number of students who 45710
form the adjusted cohort for the graduating class. 45711

(2) "Five-year adjusted cohort graduation rate" means the 45712
number of students who graduate in five years with a regular high 45713
school diploma divided by the number of students who form the 45714
adjusted cohort for the four-year graduation rate. 45715

(H) "State institution of higher education" has the same 45716
meaning as in section 3345.011 of the Revised Code. 45717

(I) "Annual measurable objectives" means a measure of student 45718
progress determined in accordance with an agreement between the 45719
department of education and the United States department of 45720
education. 45721

Sec. 3302.03. Annually, not later than the fifteenth day of 45722
September or the preceding Friday when that day falls on a 45723
Saturday or Sunday, the department of education shall assign a 45724
letter grade for overall academic performance and for each 45725
separate performance measure for each school district, and each 45726
school building in a district, in accordance with this section. 45727
The state board shall adopt rules pursuant to Chapter 119. of the 45728
Revised Code to establish performance criteria for each letter 45729
grade and prescribe a method by which the department assigns each 45730
letter grade. For a school building to which any of the 45731
performance measures do not apply, due to grade levels served by 45732
the building, the state board shall designate the performance 45733
measures that are applicable to the building and that must be 45734
calculated separately and used to calculate the building's overall 45735
grade. The department shall issue annual report cards reflecting 45736
the performance of each school district, each building within each 45737

district, and for the state as a whole using the performance 45738
measures and letter grade system described in this section. The 45739
department shall include on the report card for each district and 45740
each building within each district the most recent two-year trend 45741
data in student achievement for each subject and each grade. 45742

(A)(1) For the 2012-2013 school year, the department shall 45743
issue grades as described in division (E) of this section for each 45744
of the following performance measures: 45745

(a) Annual measurable objectives; 45746

(b) Performance index score for a school district or 45747
building. Grades shall be awarded as a percentage of the total 45748
possible points on the performance index system as adopted by the 45749
state board. In adopting benchmarks for assigning letter grades 45750
under division (A)(1)(b) of this section, the state board of 45751
education shall designate ninety per cent or higher for an "A," at 45752
least seventy per cent but not more than eighty per cent for a 45753
"C," and less than fifty per cent for an "F." 45754

(c) The extent to which the school district or building meets 45755
each of the applicable performance indicators established by the 45756
state board under section 3302.02 of the Revised Code and the 45757
percentage of applicable performance indicators that have been 45758
achieved. In adopting benchmarks for assigning letter grades under 45759
division (A)(1)(c) of this section, the state board shall 45760
designate ninety per cent or higher for an "A." 45761

(d) The four- and five-year adjusted cohort graduation rates. 45762

In adopting benchmarks for assigning letter grades under 45763
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 45764
department shall designate a four-year adjusted cohort graduation 45765
rate of ninety-three per cent or higher for an "A" and a five-year 45766
cohort graduation rate of ninety-five per cent or higher for an 45767
"A." 45768

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:

(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A."

(ii) A score that is at least one standard error of measure but less than two standard errors of measure above the mean score shall be designated as a "B."

(iii) A score that is less than one standard error of measure above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C."

(iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D."

(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F."

Whenever the value-added progress dimension is used as a graded performance measure, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 school year, the department shall issue grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the

state board under section 3302.03 of the Revised Code and the 45831
percentage of applicable performance indicators that have been 45832
achieved. In adopting benchmarks for assigning letter grades under 45833
division (B)(1)(c) of this section, the state board shall 45834
designate ninety per cent or higher for an "A." 45835

(d) The four- and five-year adjusted cohort graduation rates; 45836

(e) The overall score under the value-added progress 45837
dimension of a school district or building, for which the 45838
department shall use up to three years of value-added data as 45839
available. 45840

(f) The value-added progress dimension score for a school 45841
district or building disaggregated for each of the following 45842
subgroups: students identified as gifted in superior cognitive 45843
ability and specific academic ability fields under Chapter 3324. 45844
of the Revised Code, students with disabilities, and students 45845
whose performance places them in the lowest quintile for 45846
achievement on a statewide basis. Each subgroup shall be a 45847
separate graded measure. 45848

(g) Whether a school district or building is making progress 45849
in improving literacy in grades kindergarten through three, as 45850
determined using a method prescribed by the state board. The state 45851
board shall adopt rules to prescribe benchmarks and standards for 45852
assigning grades to districts and buildings for purposes of 45853
division (B)(1)(~~j~~)(g) of this section. In adopting benchmarks for 45854
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 45855
this section, the state board shall determine progress made based 45856
on the reduction in the percentage of students scoring below grade 45857
level, or below proficient, compared from year to year on the 45858
~~English language arts~~ reading and writing diagnostic assessments 45859
administered under section 3301.0715 of the Revised Code and the 45860
third grade English language arts assessment under section 45861
3301.0710 of the Revised Code, as applicable. The state board 45862

shall designate for a "C" grade a value that is not lower than the 45863
statewide average value for this measure. No grade shall be issued 45864
under divisions (B)(1)(g) and (C)(1)~~(j)~~(g) of this section for a 45865
district or building in which less than five per cent of students 45866
have scored below grade level on the diagnostic assessment 45867
administered to students in kindergarten under division (B)(1) of 45868
section 3313.608 of the Revised Code. 45869

(2) In addition to the graded measures in division (B)(1) of 45870
this section, the department shall include on a school district's 45871
or building's report card all of the following without an assigned 45872
letter grade: 45873

(a) The percentage of students enrolled in a district or 45874
building participating in advanced placement classes and the 45875
percentage of those students who received a score of three or 45876
better on advanced placement examinations; 45877

(b) The number of a district's or building's students who 45878
have earned at least three college credits through dual enrollment 45879
programs, such as the post-secondary enrollment options program 45880
under Chapter 3365. of the Revised Code and state-approved 45881
career-technical courses offered through dual enrollment or 45882
statewide articulation, that appear on a student's transcript or 45883
other official document, either of which is issued by the 45884
institution of higher education from which the student earned the 45885
college credit. The credits earned that are reported under 45886
divisions (B)(2)(b) and (C)(2)(c) of this section shall not 45887
include any that are remedial or developmental and shall include 45888
those that count toward the curriculum requirements established 45889
for completion of a degree. 45890

(c) The percentage of students enrolled in a district or 45891
building who have taken a national standardized test used for 45892
college admission determinations and the percentage of those 45893
students who are determined to be remediation-free in accordance 45894

with standards adopted under division (F) of section 3345.061 of
the Revised Code; 45895
45896

(d) The percentage of the district's or the building's 45897
students who receive industry credentials. The state board shall 45898
adopt criteria for acceptable industry credentials. 45899

(e) The percentage of students enrolled in a district or 45900
building who are participating in an international baccalaureate 45901
program and the percentage of those students who receive a score 45902
of four or better on the international baccalaureate examinations. 45903

(f) The percentage of the district's or building's students 45904
who receive an honors diploma under division (B) of section 45905
3313.61 of the Revised Code. 45906

(3) Not later than December 31, 2013, the state board shall 45907
adopt rules in accordance with Chapter 119. of the Revised Code 45908
that prescribe the methods by which the performance measures under 45909
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 45910
and assigned a letter grade, including performance benchmarks for 45911
each grade. 45912

At least forty-five days prior to the state board's adoption 45913
of rules to prescribe the methods by which the performance 45914
measures under division (B)(1) of this section shall be assessed 45915
and assigned a letter grade, the department shall conduct a public 45916
presentation before the standing committees of the house of 45917
representatives and the senate that consider education legislation 45918
describing such methods, including performance benchmarks. 45919

(4) There shall not be an overall letter grade for a school 45920
district or building for the 2013-2014 school year. 45921

(C)(1) For the 2014-2015 school year and each school year 45922
thereafter, the department shall issue grades as described in 45923
division (E) of this section for each of the following performance 45924
measures and an overall letter grade based on an aggregate of 45925

those measures: 45926

(a) Annual measurable objectives; 45927

(b) Performance index score for a school district or 45928
building. Grades shall be awarded as a percentage of the total 45929
possible points on the performance index system as created by the 45930
department. In adopting benchmarks for assigning letter grades 45931
under division (C)(1)(b) of this section, the state board shall 45932
designate ninety per cent or higher for an "A," at least seventy 45933
per cent but not more than eighty per cent for a "C," and less 45934
than fifty per cent for an "F." 45935

(c) The extent to which the school district or building meets 45936
each of the applicable performance indicators established by the 45937
state board under section 3302.03 of the Revised Code and the 45938
percentage of applicable performance indicators that have been 45939
achieved. In adopting benchmarks for assigning letter grades under 45940
division (C)(1)(c) of this section, the state board shall 45941
designate ninety per cent or higher for an "A." 45942

(d) The four- and five-year adjusted cohort graduation rates; 45943

(e) The overall score under the value-added progress 45944
dimension, or another measure of student academic progress if 45945
adopted by the state board, of a school district or building, for 45946
which the department shall use up to three years of value-added 45947
data as available. 45948

In adopting benchmarks for assigning letter grades for 45949
overall score on value-added progress dimension under division 45950
(C)(1)(e) of this section, the state board shall prohibit the 45951
assigning of a grade of "A" for that measure unless the district's 45952
or building's grade assigned for value-added progress dimension 45953
for all subgroups under division (C)(1)(~~i~~)(f) of this section is a 45954
"B" or higher. 45955

For the metric prescribed by division (C)(1)(e) of this 45956

section, the state board may adopt a student academic progress 45957
measure to be used instead of the value-added progress dimension. 45958
If the state board adopts such a measure, it also shall prescribe 45959
a method for assigning letter grades for the new measure that is 45960
comparable to the method prescribed in division (A)(1)(e) of this 45961
section. 45962

(f) The value-added progress dimension score of a school 45963
district or building disaggregated for each of the following 45964
subgroups: students identified as gifted in superior cognitive 45965
ability and specific academic ability fields under Chapter 3324. 45966
of the Revised Code, students with disabilities, and students 45967
whose performance places them in the lowest quintile for 45968
achievement on a statewide basis, as determined by a method 45969
prescribed by the state board. Each subgroup shall be a separate 45970
graded measure. 45971

The state board may adopt student academic progress measures 45972
to be used instead of the value-added progress dimension. If the 45973
state board adopts such measures, it also shall prescribe a method 45974
for assigning letter grades for the new measures that is 45975
comparable to the method prescribed in division (A)(1)(e) of this 45976
section. 45977

(g) Whether a school district or building is making progress 45978
in improving literacy in grades kindergarten through three, as 45979
determined using a method prescribed by the state board. The state 45980
board shall adopt rules to prescribe benchmarks and standards for 45981
assigning grades to a district or building for purposes of 45982
division (C)(1)~~(j)~~(g) of this section. The state board shall 45983
designate for a "C" grade a value that is not lower than the 45984
statewide average value for this measure. No grade shall be issued 45985
under division (C)(1)(g) of this section for a district or 45986
building in which less than five per cent of students have scored 45987
below grade level on the kindergarten diagnostic assessment under 45988

division (B)(1) of section 3313.608 of the Revised Code. 45989

(2) In addition to the graded measures in division (C)(1) of 45990
this section, the department shall include on a school district's 45991
or building's report card all of the following without an assigned 45992
letter grade: 45993

(a) The percentage of students enrolled in a district or 45994
building who have taken a national standardized test used for 45995
college admission determinations and the percentage of those 45996
students who are determined to be remediation-free in accordance 45997
with the standards adopted under division (F) of section 3345.061 45998
of the Revised Code; 45999

(b) The percentage of students enrolled in a district or 46000
building participating in advanced placement classes and the 46001
percentage of those students who received a score of three or 46002
better on advanced placement examinations; 46003

(c) The number of a district's or building's students who 46004
have earned at least three college credits through dual enrollment 46005
programs, such as the post-secondary enrollment options program 46006
under Chapter 3365. of the Revised Code and state-approved 46007
career-technical courses offered through dual enrollment or 46008
statewide articulation, that appear on a student's transcript or 46009
other official document, either of which is issued by the 46010
institution of higher education from which the student earned the 46011
college credit. The credits earned that are reported under 46012
divisions (B)(2)(b) and (C)(2)(c) of this section shall not 46013
include any that are remedial or developmental and shall include 46014
those that count toward the curriculum requirements established 46015
for completion of a degree. 46016

(d) The percentage of the district's or building's students 46017
who receive an honor's diploma under division (B) of section 46018
3313.61 of the Revised Code; 46019

(e) The percentage of the district's or building's students who receive industry credentials;	46020 46021
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	46022 46023 46024 46025
(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code.	46026 46027 46028
(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2014-2015 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:	46029 46030 46031 46032 46033 46034
(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;	46035 46036
(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;	46037 46038
(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (i) <u>(f)</u> of this section;	46039 46040
(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;	46041 46042
(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1) (k) <u>(g)</u> of this section;	46043 46044 46045
(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C)(3)(f) of this section	46046 46047 46048 46049

using the performance measures in divisions (C)(2)(a), (b), (c), 46050
(d), (e), and (f) of this section. When available, the state board 46051
may incorporate the performance measure under division (C)(2)(g) 46052
of this section into the component under division (C)(3)(f) of 46053
this section. When determining the overall grade for the prepared 46054
for success component prescribed by division (C)(3)(f) of this 46055
section, no individual student shall be counted in more than one 46056
performance measure. However, if a student qualifies for more than 46057
one performance measure in the component, the state board may, in 46058
its method to determine a grade for the component, specify an 46059
additional weight for such a student that is not greater than or 46060
equal to 1.0. In determining the overall score under division 46061
(C)(3)(f) of this section, the state board shall ensure that the 46062
pool of students included in the performance measures aggregated 46063
under that division are all of the students included in the four- 46064
and five-year adjusted graduation cohort. 46065

In the rules adopted under division (C)(3) of this section, 46066
the state board shall adopt a method for determining a grade for 46067
each component in divisions (C)(3)(a) to (f) of this section. The 46068
state board also shall establish a method to assign an overall 46069
grade of "A," "B," "C," "D," or "F" using the grades assigned for 46070
each component. The method the state board adopts for assigning an 46071
overall grade shall give equal weight to the components in 46072
divisions (C)(3)(b) and (c) of this section. 46073

At least forty-five days prior to the state board's adoption 46074
of rules to prescribe the methods for calculating the overall 46075
grade for the report card, as required by this division, the 46076
department shall conduct a public presentation before the standing 46077
committees of the house of representatives and the senate that 46078
consider education legislation describing the format for the 46079
report card, weights that will be assigned to the components of 46080
the overall grade, and the method for calculating the overall 46081

grade. 46082

(D) Not later than July 1, 2015, the state board shall 46083
develop a measure of student academic progress for high school 46084
students. Beginning with the report card for the 2015-2016 school 46085
year, each school district and applicable school building shall be 46086
assigned a separate letter grade for this measure and the 46087
district's or building's grade for that measure shall be included 46088
in determining the district's or building's overall letter grade. 46089
This measure shall be included within the measure prescribed in 46090
division (C)~~(2)~~(3)(c) of this section in the calculation for the 46091
overall letter grade. 46092

(E) The letter grades assigned to a school district or 46093
building under this section shall be as follows: 46094

(1) "A" for a district or school making excellent progress; 46095

(2) "B" for a district or school making above average 46096
progress; 46097

(3) "C" for a district or school making average progress; 46098

(4) "D" for a district or school making below average 46099
progress; 46100

(5) "F" for a district or school failing to meet minimum 46101
progress. 46102

(F) When reporting data on student achievement and progress, 46103
the department shall disaggregate that data according to the 46104
following categories: 46105

(1) Performance of students by grade-level; 46106

(2) Performance of students by race and ethnic group; 46107

(3) Performance of students by gender; 46108

(4) Performance of students grouped by those who have been 46109
enrolled in a district or school for three or more years; 46110

(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	46111 46112 46113
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	46114 46115
(7) Performance of students grouped by those who are economically disadvantaged;	46116 46117
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	46118 46119 46120
(9) Performance of students grouped by those who are classified as limited English proficient;	46121 46122
(10) Performance of students grouped by those who have disabilities;	46123 46124
(11) Performance of students grouped by those who are classified as migrants;	46125 46126
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	46127 46128 46129 46130 46131 46132 46133 46134 46135
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	46136 46137 46138
The department may disaggregate data on student performance according to other categories that the department determines are	46139 46140

appropriate. To the extent possible, the department shall 46141
disaggregate data on student performance according to any 46142
combinations of two or more of the categories listed in divisions 46143
(F)(1) to (13) of this section that it deems relevant. 46144

In reporting data pursuant to division (F) of this section, 46145
the department shall not include in the report cards any data 46146
statistical in nature that is statistically unreliable or that 46147
could result in the identification of individual students. For 46148
this purpose, the department shall not report student performance 46149
data for any group identified in division (F) of this section that 46150
contains less than ten students. If the department does not report 46151
student performance data for a group because it contains less than 46152
ten students, the department shall indicate on the report card 46153
that is why data was not reported. 46154

(G) The department may include with the report cards any 46155
additional education and fiscal performance data it deems 46156
valuable. 46157

(H) The department shall include on each report card a list 46158
of additional information collected by the department that is 46159
available regarding the district or building for which the report 46160
card is issued. When available, such additional information shall 46161
include student mobility data disaggregated by race and 46162
socioeconomic status, college enrollment data, and the reports 46163
prepared under section 3302.031 of the Revised Code. 46164

The department shall maintain a site on the world wide web. 46165
The report card shall include the address of the site and shall 46166
specify that such additional information is available to the 46167
public at that site. The department shall also provide a copy of 46168
each item on the list to the superintendent of each school 46169
district. The district superintendent shall provide a copy of any 46170
item on the list to anyone who requests it. 46171

(I) Division (I) of this section does not apply to conversion 46172
community schools that primarily enroll students between sixteen 46173
and twenty-two years of age who dropped out of high school or are 46174
at risk of dropping out of high school due to poor attendance, 46175
disciplinary problems, or suspensions. 46176

(1) For any district that sponsors a conversion community 46177
school under Chapter 3314. of the Revised Code, the department 46178
shall combine data regarding the academic performance of students 46179
enrolled in the community school with comparable data from the 46180
schools of the district for the purpose of determining the 46181
performance of the district as a whole on the report card issued 46182
for the district under this section or section 3302.033 of the 46183
Revised Code. 46184

(2) Any district that leases a building to a community school 46185
located in the district or that enters into an agreement with a 46186
community school located in the district whereby the district and 46187
the school endorse each other's programs may elect to have data 46188
regarding the academic performance of students enrolled in the 46189
community school combined with comparable data from the schools of 46190
the district for the purpose of determining the performance of the 46191
district as a whole on the district report card. Any district that 46192
so elects shall annually file a copy of the lease or agreement 46193
with the department. 46194

(3) Any municipal school district, as defined in section 46195
3311.71 of the Revised Code, that sponsors a community school 46196
located within the district's territory, or that enters into an 46197
agreement with a community school located within the district's 46198
territory whereby the district and the community school endorse 46199
each other's programs, may exercise either or both of the 46200
following elections: 46201

(a) To have data regarding the academic performance of 46202
students enrolled in that community school combined with 46203

comparable data from the schools of the district for the purpose 46204
of determining the performance of the district as a whole on the 46205
district's report card; 46206

(b) To have the number of students attending that community 46207
school noted separately on the district's report card. 46208

The election authorized under division (I)(3)(a) of this 46209
section is subject to approval by the governing authority of the 46210
community school. 46211

Any municipal school district that exercises an election to 46212
combine or include data under division (I)(3) of this section, by 46213
the first day of October of each year, shall file with the 46214
department documentation indicating eligibility for that election, 46215
as required by the department. 46216

(J) The department shall include on each report card the 46217
percentage of teachers in the district or building who are highly 46218
qualified, as defined by the "No Child Left Behind Act of 2001," 46219
and a comparison of that percentage with the percentages of such 46220
teachers in similar districts and buildings. 46221

(K)(1) In calculating English language arts, mathematics, 46222
social studies, or science assessment passage rates used to 46223
determine school district or building performance under this 46224
section, the department shall include all students taking an 46225
assessment with accommodation or to whom an alternate assessment 46226
is administered pursuant to division (C)(1) or (3) of section 46227
3301.0711 of the Revised Code. 46228

(2) In calculating performance index scores, rates of 46229
achievement on the performance indicators established by the state 46230
board under section 3302.02 of the Revised Code, and annual 46231
measurable objectives for determining adequate yearly progress for 46232
school districts and buildings under this section, the department 46233
shall do all of the following: 46234

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment;

(c) Except as required by the "No Child Left Behind Act of 2001," exclude for each district or building any limited English proficient student who has been enrolled in United States schools for less than one full school year.

(L) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades to the performance measures and components prescribed under divisions (C)(3) and (D) of this section.

Sec. 3302.032. (A) Not later than December 31, 2011, the state board of education shall establish a measure of the following:

(1) Student success in meeting the benchmarks contained in the physical education standards adopted under division (A)(3) of section 3301.079 of the Revised Code;

(2) Compliance with the requirements for local wellness policies prescribed by section 204 of the "Child Nutrition and WIC Reauthorization Act of 2004," 42 U.S.C. 1751 note;

(3) Whether a school district or building has elected to administer the screenings authorized by sections 3313.674,

3314.15, and 3326.26 of the Revised Code; 46265

(4) Whether a school district or building is participating in 46266
the physical activity pilot program administered under section 46267
3313.6016 of the Revised Code. 46268

(B) The measure shall be included on the school district and 46269
building report cards issued under section 3302.03 of the Revised 46270
Code, beginning with the report cards issued for the 2012-2013 46271
school year, but it shall not be a factor in the performance 46272
ratings issued under that section. 46273

(C) The department of education may accept, receive, and 46274
expend gifts, devises, or bequests of money for the purpose of 46275
establishing the measure required by this section. 46276

(D) The department shall not include students enrolled in an 46277
internet- or computer-based community school, as defined in 46278
section 3314.02 of the Revised Code, in any reports using the 46279
measures required under division (A) of this section. 46280

Sec. 3302.20. (A) The department of education shall develop 46281
standards for determining, from the existing data reported in 46282
accordance with sections 3301.0714 and 3314.17 of the Revised 46283
Code, the amount of annual operating expenditures for classroom 46284
instructional purposes and for nonclassroom purposes for each 46285
city, exempted village, local, and joint vocational school 46286
district, each community school established under Chapter 3314. 46287
that is not an internet- or computer-based community school, each 46288
internet- or computer-based community school, and each STEM school 46289
established under Chapter 3326. of the Revised Code. The 46290
department shall present those standards to the state board of 46291
education for consideration. In developing the standards, the 46292
department shall adapt existing standards used by professional 46293
organizations, research organizations, and other state 46294
governments. The department also shall align the expenditure 46295

categories required for reporting under the standards with the 46296
categories that are required for reporting to the United States 46297
department of education under federal law. 46298

The state board shall consider the proposed standards and 46299
adopt a final set of standards not later than December 31, 2012. 46300
School districts, community schools, and STEM schools shall begin 46301
reporting data in accordance with the standards on June 30, 2013. 46302

(B)(1) The department shall categorize all city, exempted 46303
village, and local school districts into not less than three nor 46304
more than five groups based primarily on average daily student 46305
enrollment as reported on the most recent report card issued for 46306
each district under section 3302.03 of the Revised Code. 46307

(2) The department shall categorize all joint vocational 46308
school districts into not less than three nor more than five 46309
groups based primarily on average daily membership as reported 46310
under division (D) of section 3317.03 of the Revised Code rounded 46311
to the nearest whole number. 46312

(3) The department shall categorize all community schools 46313
that are not internet- or computer-based community schools into 46314
not less than three nor more than five groups based primarily on 46315
average daily student enrollment as reported on the most recent 46316
report card issued for each community school under sections 46317
3302.03 and 3314.012 of the Revised Code or, in the case of a 46318
school to which section 3314.017 of the Revised Code applies, on 46319
the total number of students reported under divisions (B)(2)(a) 46320
and (b) of section 3314.08 of the Revised Code. 46321

(4) The department shall categorize all internet- or 46322
computer-based community schools into a single category. 46323

(5) The department shall categorize all STEM schools into a 46324
single category. 46325

(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following:

(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;

(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;

(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;

(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:

(a) From highest to lowest percentage spent for classroom instructional purposes;

(b) From lowest to highest percentage spent for noninstructional purposes.

(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:

(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:

(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditures per pupil;

(b) Among the twenty per cent of all city, exempted village,

and local school districts statewide with the highest performance index scores. 46356
46357

(2) Within each category of joint vocational school districts, the department shall denote each district that is: 46358
46359

(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditures per pupil; 46360
46361
46362

(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code. 46363
46364
46365

(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is: 46366
46367
46368

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil; 46369
46370

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 46371
46372
46373
46374

(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is: 46375
46376
46377

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil; 46378
46379

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 46380
46381
46382
46383

(5) Within the category of STEM schools, the department shall denote each school that is: 46384
46385

(a) Among the twenty per cent of all STEM schools statewide 46386
with the lowest total operating expenditures per pupil; 46387

(b) Among the twenty per cent of all STEM schools statewide 46388
with the highest performance index scores. 46389

For purposes of divisions (D)(3)(b) and (4)(b) of this 46390
section, the display shall note that, in accordance with section 46391
3314.017 of the Revised Code, a performance index score is not 46392
reported for some community schools that serve primarily students 46393
enrolled in dropout prevention and recovery programs. 46394

(E) The department shall post in a prominent location on its 46395
web site the information prescribed by divisions (C) and (D) of 46396
this section. The department also shall include on each 46397
district's, community school's, and STEM school's annual report 46398
card issued under section 3302.03 or 3314.017 of the Revised Code 46399
the respective information computed for the district or school 46400
under divisions (C)(1) and (4) of this section, the statewide 46401
information computed under division (C)(2) of this section, and 46402
the information computed for the district's or school's category 46403
under division (C)(3) of this section. 46404

(F) As used in this section: 46405

(1) "Internet- or computer-based community school" has the 46406
same meaning as in section 3314.02 of the Revised Code. 46407

(2) A school district's, community school's, or STEM school's 46408
performance index score rank is its performance index score rank 46409
as computed under section 3302.21 of the Revised Code. 46410

(3) "Operating expenditures per pupil" has the same meaning 46411
as "expenditure per equivalent pupils" as defined in section 46412
3302.26 of the Revised Code. 46413

Sec. 3302.21. (A) The department of education shall develop a 46414
system to rank order all city, exempted village, and local school 46415

districts, community schools established under Chapter 3314. of 46416
the Revised Code except those community schools to which section 46417
3314.017 of the Revised Code applies, and STEM schools established 46418
under Chapter 3326. of the Revised Code according to the following 46419
measures: 46420

(1) Performance index score for each school district, 46421
community school, and STEM school and for each separate building 46422
of a district, community school, or STEM school. For districts, 46423
schools, or buildings to which the performance index score does 46424
not apply, the superintendent of public instruction may develop 46425
another measure of student academic performance based on similar 46426
data and performance measures if appropriate and use that measure 46427
to include those buildings in the ranking so that districts, 46428
schools, and buildings may be reliably compared to each other. 46429

(2) Student performance growth from year to year, using the 46430
value-added progress dimension, if applicable, and other measures 46431
of student performance growth designated by the superintendent of 46432
public instruction for subjects and grades not covered by the 46433
value-added progress dimension or the alternative student academic 46434
progress measure if adopted under division (C)(1)(e) of section 46435
3302.03 of the Revised Code; 46436

(3) Current operating expenditures per pupil as determined 46437
under standards adopted by the state board of education under 46438
section 3302.20 of the Revised Code; 46439

(4) Of total current operating expenditures, percentage spent 46440
for classroom instruction as determined under standards adopted by 46441
the state board under section 3302.20 of the Revised Code; 46442

(5) Performance of, and opportunities provided to, students 46443
identified as gifted using value-added progress dimensions, if 46444
applicable, and other relevant measures as designated by the 46445
superintendent of public instruction. 46446

The department shall rank each district, each community school except a community school to which section 3314.017 of the Revised Code applies, and each STEM school annually in accordance with the system developed under this section.

(B) In addition to the reports required by sections 3302.03 and 3302.031 of the Revised Code, not later than the first day of September each year, the department shall issue a report for each city, exempted village, and local school district, each community school except a community school to which section 3314.017 of the Revised Code applies, and each STEM school indicating the district's or school's rank on each measure described in divisions (A)(1) to (4) of this section, including each separate building's rank among all public school buildings according to performance index score under division (A)(1) of this section.

(C) As used in this section, "operating expenditures per pupil" has the same meaning as "expenditure per equivalent pupils" as defined in section 3302.26 of the Revised Code.

Sec. 3302.22. (A) The governor's effective and efficient schools recognition program is hereby created. Each year, the governor shall recognize, in a manner deemed appropriate by the governor, the top ten per cent of all public schools in this state, including ~~schools of~~ city, exempted village, and local school districts, ~~or~~ joint vocational school districts, community schools established under Chapter 3314. ~~of the Revised Code~~, and STEM schools established under Chapter 3326. of the Revised Code.

(B) The top ten per cent of schools shall be determined by the department of education according to standards established by the department, in consultation with the governor's office of 21st century education. The standards for recognition for each type of school may vary depending upon the unique characteristics of that type of school. The standards shall include, but need not be

limited to, both of the following, provided that sufficient data 46478
is available for each school: 46479

(1) Student performance, as determined by factors ~~including~~ 46480
that may include, but not be limited to, performance indicators 46481
under section 3302.02 of the Revised Code, report cards issued 46482
under section 3302.03 of the Revised Code, performance index score 46483
rankings under section 3302.21 of the Revised Code, and any other 46484
statewide or national assessment or student performance 46485
recognition program the department selects; 46486

(2) Fiscal performance, ~~including which may include~~ 46487
cost-effective measures taken by the school. 46488

(C) If applicable, the standards under divisions (B)(1) and 46489
(2) of this section may be applied at the school building or 46490
district level, depending upon the quality and availability of 46491
data. 46492

Sec. 3302.26. (A) As used in this section: 46493

(1) "Expenditure per equivalent pupils" is the total 46494
operating expenditures of a school district divided by the measure 46495
of equivalent pupils. 46496

(2) "Measure of equivalent pupils" is the total number of 46497
students in a school district adjusted for the relative 46498
differences in costs associated with the unique characteristics 46499
and needs of each category of pupil. 46500

(B) The department of education shall create a performance 46501
management section on the department's public web site. The 46502
performance management section shall include information on 46503
academic and financial performance metrics for each school 46504
district to assist schools and districts in providing an effective 46505
and efficient delivery of educational services. The section shall 46506
include a graph that illustrates the relationship between a 46507

district's academic performance, as measured by the performance index score, and its expenditure per equivalent pupils as compared to similar districts. The section shall include statistics of academic and financial performance measures for each school district to allow for a comparison and benchmarking between districts.

(C) The department may contract with an independent organization to develop and host the performance management section of its web site.

Sec. 3303.41. There is hereby created the governor's council on people with disabilities. The council shall consist of twenty-one members of which the majority shall be people with disabilities as defined in this section, appointed by the governor for a term of three years except that for initial appointments, seven members shall be appointed for a term of one year, seven members shall be appointed for a term of two years, and seven members shall be appointed for a term of three years. Members may succeed themselves not more than one time. The governor shall annually appoint a ~~chairman~~ chairperson who may succeed himself or herself not more than one time. Members of the council shall serve without compensation, but shall be paid the actual and necessary expenses they incur in the performance of their duties.

The council shall meet at least six times annually at such times and places as may be designated by the ~~chairman~~ chairperson.

The governor's council on people with disabilities shall be assigned to the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency for administrative purposes. The ~~administrator~~ executive director of the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency shall assign one professional staff person to the council to serve as executive secretary and other personnel as determined

advisable. 46539

The council shall have the following powers: 46540

(A) To cooperate with the president's committee on employment 46541
of the handicapped; 46542

(B) To cooperate with all employers both public and private 46543
in locating or developing employment opportunities for people with 46544
disabilities; 46545

(C) To encourage and assist in the creation of committees at 46546
the community level; 46547

(D) To assist local, state, and federal agencies to 46548
coordinate their activities for the purpose of securing maximum 46549
utilization of funds and efforts that benefit people with 46550
disabilities; 46551

(E) To encourage cooperation among public and private 46552
employers, unions, and rehabilitation agencies, bureaus, and 46553
organizations both public and private with a specific goal to 46554
facilitate employment of people with disabilities; 46555

(F) To serve in an advisory capacity to the governor's office 46556
directly and as needed to the general assembly on issues relating 46557
to the needs, problems, and other concerns of people with 46558
disabilities; 46559

(G) To conduct educational programs to acquaint the public 46560
with the abilities and accomplishments of people with 46561
disabilities; 46562

(H) To promote the elimination of architectural barriers to 46563
make buildings used by the public accessible and useable by 46564
persons with physical limitations; 46565

(I) To make such rules as it determines advisable for the 46566
conduct of its own business. 46567

The council shall annually report to the governor on council 46568

activities and on the state of ~~Ohio's~~ the people of this state 46569
with disabilities. This report may include any recommendations 46570
believed necessary or desirable to carry out the purposes of this 46571
section. 46572

As used in this section, "person with a disability" means any 46573
individual who has a disability or condition ~~which~~ that, 46574
regardless of its physical or mental origin, imposes a functional 46575
limitation. ~~It~~ 46576

It shall be lawful for any public employee or officer to 46577
serve as a member of the council. 46578

Sec. 3304.11. As used in sections 3304.11 to 3304.27~~7~~ 46579
~~inclusive,~~ of the Revised Code: 46580

(A) "~~Handicapped person~~ or "~~disabled person~~" "Person with a 46581
disability" means any person with a physical or mental ~~disability~~ 46582
~~which impairment that~~ is a substantial ~~handicap~~ impediment to 46583
employment ~~and which is of a nature that~~ who can benefit in terms 46584
of an employment outcome from the provision of vocational 46585
rehabilitation services ~~may reasonably be expected to render him~~ 46586
~~fit to engage in a gainful occupation consistent with his~~ 46587
~~capacities and abilities, and any person with a physical or mental~~ 46588
~~disability that constitutes a substantial handicap to employment~~ 46589
~~for whom vocational rehabilitation services are necessary to~~ 46590
~~determine his rehabilitation potential.~~ 46591

(B) "Physical or mental ~~disability~~ impairment" means a 46592
physical or mental condition that materially limits, contributes 46593
to limiting or, if not corrected, will probably result in limiting 46594
a person's activities or functioning. 46595

(C) "Substantial ~~handicap~~ impediment to employment" means a 46596
physical or mental disability that impedes a person's occupational 46597
performance, by preventing ~~his~~ the person's obtaining, retaining, 46598

or preparing for a gainful occupation consistent with ~~his~~ the
person's capacities and abilities. 46599
46600

(D) "Vocational rehabilitation" and "vocational 46601
rehabilitation services" means any activity or service calculated 46602
to enable a ~~handicapped~~ person with a disability or groups of 46603
~~handicapped~~ persons with disabilities to engage in gainful 46604
occupation and includes, but is not limited to, medical and 46605
vocational evaluation, including diagnostic and related services, 46606
vocational counseling, guidance and placement, including follow-up 46607
services, rehabilitation training, including books and other 46608
training materials, physical restoration, recruitment and training 46609
services designed to provide ~~handicapped~~ persons with disabilities 46610
new employment opportunities, maintenance, occupational tools, 46611
equipment, supplies, transportation, services to families of 46612
~~handicapped~~ persons which with disabilities that contribute 46613
substantially to the rehabilitation of these persons, and any 46614
other goods or service necessary to render a ~~handicapped~~ person 46615
with a disability employable. 46616

(E) "Establishment of a rehabilitation facility" means the 46617
expansion, remodeling, or alteration of an existing building, 46618
~~which that~~ is necessary to adapt or to increase the effectiveness 46619
of that building for rehabilitation facility purposes, the 46620
acquisition of equipment for these purposes, and the initial 46621
staffing. 46622

(F) "Construction" means the construction of new buildings, 46623
acquisition of land or existing buildings and their expansion, 46624
remodeling, alteration and renovation, and the initial staffing 46625
and equipment of any new, newly acquired, expanded, remodeled, 46626
altered, or renovated buildings. 46627

(G) "Physical restoration services" means those services 46628
~~which that~~ are necessary to correct or substantially modify within 46629
a reasonable period of time a physical or mental condition ~~which~~ 46630

that is stable or slowly progressive. 46631

(H) "Occupational license" means any license, permit, or 46632
other written authority required by any governmental unit in order 46633
to engage in any occupation or business. 46634

(I) "Maintenance" means money payments to ~~disabled~~ persons 46635
with disabilities who need financial assistance for their 46636
subsistence during their vocational rehabilitation. 46637

Sec. 3304.12. (A) The governor, with the advice and consent 46638
of the senate, shall appoint ~~a rehabilitation services~~ the 46639
opportunities for Ohioans with disabilities commission within the 46640
opportunities for Ohioans with disabilities agency consisting of 46641
seven members, no more than four of whom shall be members of the 46642
same political party and who shall include at least three from 46643
rehabilitation professions, including at least one member from the 46644
field of services to the blind, and at least four ~~handicapped~~ 46645
individuals with disabilities, no less than two nor more than 46646
three of whom have received vocational rehabilitation services 46647
offered by a state vocational rehabilitation agency or the 46648
veterans' administration. ~~Such handicapped~~ The members with 46649
disabilities shall be representative of several major categories 46650
of ~~handicapped~~ persons with disabilities served by the ~~commission~~ 46651
opportunities for Ohioans with disabilities agency. 46652

(B) ~~Of the members first appointed to the commission, one~~ 46653
~~shall be appointed for a term of seven years, one for a term of~~ 46654
~~six years, one for a term of five years, one for a term of four~~ 46655
~~years, one for a term of three years, one for a term of two years,~~ 46656
~~and one for a term of one year. Thereafter, terms~~ Terms of office 46657
shall be for seven years, commencing on the ninth day of September 46658
and ending on the eighth day of September, with no person eligible 46659
to serve more than two seven-year terms. Each member shall hold 46660
office from the date of ~~his~~ appointment until the end of the term 46661

for which ~~he~~ the member was appointed. Any member appointed to 46662
fill a vacancy occurring prior to the expiration of the term for 46663
which ~~his~~ the member's predecessor was appointed shall hold office 46664
for the remainder of ~~such~~ that term. Any member shall continue in 46665
office subsequent to the expiration date of ~~his~~ the member's term 46666
until ~~his~~ a successor takes office, or until a period of sixty 46667
days has elapsed, whichever occurs first. ~~Members appointed to the~~ 46668
~~commission after September 1, 1977, shall be handicapped~~ 46669
~~individuals representing those who have received vocational~~ 46670
~~rehabilitation services offered by a state vocational~~ 46671
~~rehabilitaion agency or the veterans' administration until the~~ 46672
~~commission membership includes at least four such individuals.~~ 46673
Members who fail to perform their duties or who are guilty of 46674
misconduct may be removed on written charges preferred by the 46675
governor or by a majority of the commission. 46676

(C) Members of the commission shall be reimbursed for travel 46677
and necessary expenses incurred in the conduct of their duties, 46678
and shall receive an amount fixed pursuant to division (J) of 46679
section 124.15 of the Revised Code while actually engaged in 46680
attendance at meetings or in the performance of their duties. 46681

Sec. 3304.13. The ~~rehabilitation services commission~~ 46682
opportunities for Ohioans with disabilities commission shall hold 46683
its first meeting at the call of the governor, and at that 46684
meeting, shall elect one of its members as ~~chairman~~ chairperson 46685
and adopt rules governing the time and place of regular meetings, 46686
which shall be held not less than once every four months. Special 46687
meetings shall be held at the call of the ~~chairman~~ chairperson or 46688
any three members of the commission. The ~~chairman~~ chairperson 46689
shall serve for four years, unless removed earlier by a majority 46690
vote of the commission, and shall be ineligible to serve as 46691
~~chairman~~ chairperson during the succeeding four years. Each member 46692
of the commission, before entering upon the duties of office, 46693

shall take and subscribe an oath to uphold the constitution and 46694
laws of the United States and this state and to perform the duties 46695
of office honestly, faithfully, and impartially. Each member shall 46696
give a bond of five thousand dollars, with a sufficient surety 46697
approved by the treasurer of state. After approval, the bond shall 46698
be filed with the secretary of state. If the bond is executed by a 46699
surety company, the premiums on it shall be paid from the funds 46700
appropriated for the expenses of the ~~rehabilitation services~~ 46701
~~commission~~ opportunities for Ohioans with disabilities agency. 46702

Sec. ~~3304.16~~ 3304.14. ~~In carrying out~~ For the purposes of 46703
sections 3304.11 to 3304.27 of the Revised Code, the 46704
~~rehabilitation services commission~~ opportunities for Ohioans with 46705
disabilities commission shall approve the state vocational 46706
rehabilitation plan, jointly approve the state plan for 46707
independent living with the Ohio state independent living council, 46708
appoint a consumer advisory committee, and, to the extent 46709
feasible, conduct a review and analysis of the effectiveness of 46710
and consumer satisfaction with all of the following: 46711

(A) ~~Shall develop all necessary rules~~ The functions performed 46712
by the opportunities for Ohioans with disabilities agency; 46713

(B) ~~Shall prepare and submit to the governor annual reports~~ 46714
~~of activities and expenditures and, prior to each first regular~~ 46715
~~session of the general assembly, an estimate of sums required to~~ 46716
~~carry out the commission's responsibilities~~ The vocational 46717
rehabilitation services provided by state agencies and other 46718
public and private entities responsible for providing vocational 46719
rehabilitation services to persons with disabilities under the 46720
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as 46721
amended; 46722

(C) ~~Shall certify any disbursement of funds available to the~~ 46723
~~commission for vocational rehabilitation activities;~~ 46724

- ~~(D) Shall serve as the sole state agency designated to administer the plan under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended;~~ 46725
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- ~~(E) Shall take appropriate action to guarantee rights of and services to handicapped persons;~~ 46728
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- ~~(F) Shall consult with and advise other state agencies to assist them in meeting the needs of handicapped persons more effectively and to achieve maximum coordination among programs for the handicapped;~~ 46730
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- ~~(G) Shall establish an administrative division of consumer affairs and advocacy within the commission to promote and help guarantee the rights of handicapped persons;~~ 46734
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- ~~(H) Shall maintain an inventory of state services that are available to handicapped persons;~~ 46737
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- ~~(I) Shall utilize, support, assist, and cooperate with the governor's committee on employment of the handicapped;~~ 46739
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- ~~(J) May delegate to any officer or employee of the commission any necessary powers and duties, except that the commission shall delegate to the administrator of the commission, as provided in section 3304.14 of the Revised Code, the power and duty to administer the daily operation and provision of vocational rehabilitation services;~~ 46741
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- ~~(K) May take any other necessary or appropriate action for cooperation with public and private agencies and organizations which may include:~~ 46747
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- ~~(1) Reciprocal agreements with other states to provide for the vocational rehabilitation of individuals within the states concerned;~~ 46750
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- ~~(2) Contracts or other arrangements with public and other nonprofit agencies and organizations for the construction or~~ 46753
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~~establishment and operation of vocational rehabilitation programs and facilities;~~ 46755
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~~(3) Cooperative arrangements with the federal government for carrying out sections 3304.11 to 3304.27 of the Revised Code, the "Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C. 31, as amended, or other federal statutes pertaining to vocational rehabilitation, and to this end, may adopt plans and methods of administration found necessary by the federal government for the efficient operation of any joint arrangements or the efficient application of any federal statutes;~~ 46757
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~~(4) Upon the designation of the governor, performing functions and services for the federal government relating to individuals under a physical or mental disability.~~ 46765
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~~(L) May take any appropriate action necessary to obtain federal funds in the maximum amount and most advantageous proportion possible;~~ 46768
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~~(M) May conduct research and demonstration projects, including inquiries concerning the causes of blindness and its prevention, provide training and instruction, including the establishment and maintenance of research fellowships and traineeships along with all necessary stipends and allowances, disseminate information, and provide technical assistance relating to vocational rehabilitation;~~ 46771
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~~(N) May plan, establish, and operate programs, facilities, and services relating to vocational rehabilitation;~~ 46778
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~~(O) May accept and hold, invest, reinvest, or otherwise use gifts made for the purpose of furthering vocational rehabilitation;~~ 46780
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~~(P) May ameliorate the condition of the aged blind or other severely disabled individuals by establishing a program of home visitation by commission employees for the purpose of instruction;~~ 46783
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~~(Q) May establish and manage small business enterprises that are operated by persons with a substantial handicap to employment, including blind persons;~~ 46786
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~~(R) May purchase from insurance companies licensed to do business in this state any insurance deemed necessary by the commission for the efficient operation of a suitable vending facility as defined in division (A) of section 3304.28 of the Revised Code;~~ 46789
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~~(S) May accept directly from any state agency, and any state agency may transfer directly to the commission, surplus computers and computer equipment to be used for any purposes the commission considers appropriate, notwithstanding sections 125.12 to 125.14 of the Revised Code The employment outcomes achieved by eligible individuals receiving services under sections 3304.11 to 3304.27 of the Revised Code, including the availability of health and other employment benefits in connection with those employment outcomes.~~ 46794
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Sec. ~~3304.14~~ 3304.15. (A) There is hereby created the opportunities for Ohioans with disabilities agency. The agency is the designated state unit authorized under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended, to provide vocational rehabilitation to eligible persons with disabilities. 46803
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(B) The governor shall appoint an ~~administrator~~ executive director of the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency to serve at the pleasure of the governor and shall fix the ~~administrator's~~ executive director's compensation. The ~~administrator~~ executive director shall devote the ~~administrator's~~ executive director's entire time to the duties of the ~~administrator's~~ executive director's office, shall hold no other office or position of trust and profit, and shall engage in no other business during the ~~administrator's~~ 46808
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executive director's term of office. The governor may grant the 46817
~~administrator~~ executive director the authority to appoint, remove, 46818
and discipline without regard to sex, race, creed, color, age, or 46819
national origin, such other professional, administrative, and 46820
clerical staff members as are necessary to carry out the functions 46821
and duties of the ~~commission~~ agency. 46822

~~(B)(1)~~ The executive director of the opportunities for 46823
Ohioans with disabilities agency is the executive and 46824
administrative officer of the agency. Whenever the Revised Code 46825
imposes a duty on or requires an action of the agency, the 46826
executive director shall perform the duty or action on behalf of 46827
the agency. The executive director may establish procedures for 46828
all of the following: 46829

(1) The governance of the agency; 46830

(2) The conduct of agency employees and officers; 46831

(3) The performance of agency business; 46832

(4) The custody, use, and preservation of agency records, 46833
papers, books, documents, and property. 46834

(C) The ~~administrator~~ executive director shall have exclusive 46835
authority to administer the daily operation and provision of 46836
vocational rehabilitation services under this chapter. In 46837
exercising that authority, the executive director may do all of 46838
the following: 46839

(1) Adopt rules in accordance with Chapter 119. of the 46840
Revised Code; 46841

(2) Prepare and submit an annual report to the governor; 46842

(3) Certify any disbursement of funds available to the agency 46843
for vocational rehabilitation activities; 46844

(4) Take appropriate action to guarantee rights of services 46845
to people with disabilities; 46846

<u>(5) Consult with and advise other state agencies and coordinate programs for persons with disabilities;</u>	46847
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<u>(6) Comply with the requirements for match as part of budget submission;</u>	46849
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<u>(7) Establish research and demonstration projects;</u>	46851
<u>(8) Accept, hold, invest, reinvest, or otherwise use gifts to further vocational rehabilitation;</u>	46852
	46853
<u>(9) For the purposes of the business enterprise program administered under sections 3304.28 to 3304.35 of the Revised Code:</u>	46854
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<u>(a) Establish and manage small business entities owned or operated by visually impaired persons;</u>	46857
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<u>(b) Purchase insurance;</u>	46859
<u>(c) Accept computers.</u>	46860
<u>(10) Enter into contracts and other agreements for the provision of services.</u>	46861
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<u>(2)(D) The administrator executive director shall establish a fee schedule for vocational rehabilitation services in accordance with 34 C.F.R. 361.50.</u>	46863
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Sec. 3304.15 <u>3304.16</u>. The rehabilitation services commission executive director of the opportunities for Ohioans with disabilities agency shall establish administrative subdivisions under its control as it determines necessary or appropriate to carry out its the agency's functions and duties, but there shall be a bureau of services for the visually impaired and a bureau of vocational rehabilitation, each of which has as its head a deputy director appointed by the administrator, subject to commission approval executive director. The commission executive director shall prescribe the budgets for the government of each division,	46866
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and rules for the conduct of its employees, the performance of its 46876
business, and the custody, use, and preservation of the records, 46877
papers, books, documents, and property pertaining thereto. 46878

Sec. 3304.17. The ~~rehabilitation services commission~~ 46879
opportunities for Ohioans with disabilities agency shall provide 46880
vocational rehabilitation services to all eligible ~~handicapped~~ 46881
persons with disabilities, including any ~~handicapped~~ person with a 46882
disability who is eligible under the terms of an agreement or 46883
arrangement with another state or with the federal government. 46884

Sec. 3304.18. The treasurer of state shall be the custodian 46885
of all moneys received from the federal government for vocational 46886
rehabilitation programs and shall disburse the money upon the 46887
certification of the ~~rehabilitation services commission~~ executive 46888
director of the opportunities for Ohioans with disabilities 46889
agency. If federal funds are not available to the state for 46890
vocational rehabilitation purposes, the governor shall include as 46891
part of ~~his~~ the governor's biennial budget request to the general 46892
assembly a request for funds sufficient to support the activities 46893
of the ~~commission~~ agency. 46894

Sec. 3304.181. If the total of all funds available from 46895
nonfederal sources to support the activities of the ~~rehabilitation~~ 46896
~~services commission~~ opportunities for Ohioans with disabilities 46897
agency does not comply with the expenditure requirements of 34 46898
C.F.R. 361.60 and 361.62 for those activities or would cause the 46899
state to lose an allotment or fail to receive a reallocation under 46900
34 C.F.R. 361.65, the ~~commission~~ agency may solicit additional 46901
funds from, and enter into agreements for the use of those funds 46902
with, private or public entities, including local government 46903
entities of this state. The ~~commission~~ agency may continue to 46904
solicit additional funds and enter into agreements until the total 46905

funding available is sufficient for the ~~commission~~ agency to 46906
receive federal funds at the maximum amount and in the most 46907
advantageous proportion possible. 46908

Any agreement entered into between the ~~commission~~ agency and 46909
a private or public entity to provide funds under this section 46910
shall be in accordance with 34 C.F.R. 361.28 and section 3304.182 46911
of the Revised Code. 46912

Sec. 3304.182. Any agreement between the ~~rehabilitation~~ 46913
~~services-commission~~ opportunities for Ohioans with disabilities 46914
agency and a private or public entity providing funds under 46915
section 3304.181 of the Revised Code may permit the ~~commission~~ 46916
agency to receive a specified percentage of the funds, but the 46917
percentage shall be not more than twenty-five per cent of the 46918
total funds available under the agreement. The ~~commission~~ agency 46919
may terminate an agreement at any time for just cause. It may 46920
terminate an agreement for any other reason by giving at least 46921
thirty days' notice to the public or private entity. 46922

Any services provided under an agreement entered into under 46923
section 3304.181 of the Revised Code shall be provided by a person 46924
or government entity that meets the accreditation standards 46925
established in rules adopted by the ~~commission~~ agency under 46926
section ~~3304.16~~ 3304.15 of the Revised Code. 46927

Sec. 3304.19. The right of a ~~handicapped~~ person with a 46928
disability to living maintenance under sections 3304.11 to 46929
3304.27, ~~inclusive~~, of the Revised Code, is not transferable or 46930
assignable at law or in equity, and none of the money paid or 46931
payable or rights existing under this ~~act~~ chapter are subject to 46932
execution, levy, attachment, garnishment, or other legal process, 46933
or to the operation of any bankruptcy or insolvency law. 46934

Sec. 3304.20. Any person applying for or receiving vocational rehabilitation services who is dissatisfied with regard to the furnishing or denial of services, may file a request for an administrative review and redetermination of that action in accordance with rules of the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency. When the person is dissatisfied with the finding of this administrative review, ~~he~~ the person is entitled, in accordance with ~~commission~~ agency rules and in accordance with Chapter 119. of the Revised Code, to a fair hearing before the ~~administrator~~ executive director of the ~~rehabilitation services commission~~ agency.

Sec. 3304.21. No person shall, except for the purposes of sections 3304.11 to 3304.27, ~~inclusive,~~ of the Revised Code, and in accordance with the rules established by the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency, solicit, disclose, receive, make use of, authorize, knowingly permit, participate in, or acquiesce in the use of any list of names or information concerning persons applying for or receiving any services from the ~~commission~~ agency, which information is directly or indirectly derived from the records of the agency or is acquired in the performance of the person's official duties.

Sec. 3304.22. No officer or employee of the ~~rehabilitation services~~ opportunities for Ohioans with disabilities commission, ~~the opportunities for Ohioans with disabilities agency,~~ or any person engaged in the administration of a vocational rehabilitation program sponsored by or affiliated with the state shall use or permit the use of any vocational rehabilitation program for the purpose of interfering with an election for any partisan political purpose; solicit or receive money for a

partisan political purpose; or require any other person to 46965
contribute any service or money for a partisan political purpose. 46966
Whoever violates this section shall be removed from ~~his~~ the 46967
officer's or employee's office or employment. 46968

Sec. 3304.25. The members of the ~~bureau~~ consumer advisory 46969
~~committees~~ committee appointed under section 3304.14 of the 46970
Revised Code shall receive no compensation for their services 46971
except their actual and necessary traveling and other expenses 46972
incurred in the performance of their official duties, which shall 46973
first be approved by the ~~administrator~~ executive director of the 46974
~~rehabilitation services commission~~ opportunities for Ohioans with 46975
disabilities agency. 46976

Sec. 3304.27. All vocational rehabilitation services made 46977
available under sections 3304.11 to 3304.27, ~~inclusive,~~ of the 46978
Revised Code, are made available subject to amendment or repeal of 46979
~~those~~ sections 3304.11 to 3304.27, ~~inclusive,~~ of the Revised Code, 46980
and no ~~disabled~~ person with a disability shall have any claim by 46981
reason of ~~his~~ the person's vocational rehabilitation being 46982
affected in any way by such an amendment or repeal. 46983

Sec. 3304.28. As used in sections 3304.28 to 3304.34 of the 46984
Revised Code: 46985

(A) "Suitable vending facility" means automatic vending 46986
machines, cafeterias, snack bars, cart service shelters, counters, 46987
and other appropriate auxiliary food service equipment determined 46988
to be necessary by the bureau of services for the visually 46989
impaired for the automatic or manual dispensing of foods, 46990
beverages, and other such commodities for sale by persons, no 46991
fewer than one-half of whom are blind, under the supervision of a 46992
licensed blind vendor or an employee of the ~~commission~~ 46993
opportunities for Ohioans with disabilities agency. 46994

(B) "Blind" means either of the following:	46995
(1) Vision twenty/two hundred or less in the better eye with proper correction;	46996 46997
(2) Field defect in the better eye with proper correction which that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than twenty degrees.	46998 46999 47000
(C) "Governmental property" means any real property, building, or facility owned, leased, or rented by the state or any board, commission, department, division, or other unit or agency thereof, but does not include any institution under the management of the department of rehabilitation and correction pursuant to section 5120.05 of the Revised Code, or under the management of the department of youth services created pursuant to section 5139.01 of the Revised Code.	47001 47002 47003 47004 47005 47006 47007 47008
Sec. 3304.41. The rehabilitation services commission <u>opportunities for Ohioans with disabilities agency</u> shall establish and administer a program for the use of funds appropriated for that purpose to provide personal care assistance to enable eligible severely physically disabled persons to live independently or work, shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this section, and shall apply to the controlling board for the release of the funds.	47009 47010 47011 47012 47013 47014 47015 47016 47017
Sec. 3305.03. (A) The Ohio board of regents shall designate the entities that are eligible to provide investment options under alternative retirement plans maintained by public institutions of higher education. The board shall accept and review applications from entities seeking designation as a vendor. The board shall not designate an entity as a vendor unless the entity meets the requirements described in division (B) of this section.	47018 47019 47020 47021 47022 47023 47024

(B) To be eligible for designation as a vendor, an entity 47025
must meet both of the following requirements: 47026

(1) The entity must be authorized to conduct business in this 47027
state with regard to the investment options to be offered under an 47028
alternative retirement plan maintained by a public institution of 47029
higher education. 47030

(2) The entity must ~~offer~~ meet one of the following 47031
requirements: 47032

(a) Have provided investment options for not less than ten 47033
years under alternative retirement plans maintained by public 47034
institutions of higher education in this state; 47035

(b) Offer the same or similar investment options under 47036
alternative retirement plans, optional retirement plans, or 47037
similar types of plans with respect to which all of the following 47038
apply: 47039

~~(a)~~(i) The plans are defined contribution plans that are 47040
qualified plans under Internal Revenue Code 401(a) or 403(b). 47041

~~(b)~~(ii) The plans are maintained by institutions of higher 47042
education in at least ten other states. 47043

~~(c)~~(iii) The plans are established as primary retirement 47044
plans that are alternatives to or a component of the applicable 47045
state retirement system. 47046

(C) In determining whether to designate an entity as a 47047
vendor, the board of regents shall identify, consider, and 47048
evaluate all of the following: 47049

(1) The experience of the entity in providing in this state 47050
or other states investment options under alternative retirement 47051
plans, optional retirement plans, or similar types of plans that 47052
meet the requirements of division (B)(2)(a) or (b) of this 47053
section, as applicable; 47054

(2) The potential effectiveness of the entity in recruiting eligible employees to select that entity for purposes of participating in an alternative retirement plan and in retaining those employees' accounts;	47055 47056 47057 47058
(3) Whether the entity intends to offer a broad range of investment options to the electing employees;	47059 47060
(4) The suitability of the investment options to the needs and interests of the electing employees and their beneficiaries;	47061 47062
(5) The capability of the entity to offer sufficient information to the electing employees and their beneficiaries to make informed decisions with regard to investment options offered by the entity;	47063 47064 47065 47066
(6) The capability of the entity to perform in a manner that is in the best interests of the electing employees and their beneficiaries;	47067 47068 47069
(7) The fees and expenses associated with the entity's investment options and the manner in which the entity intends to disclose those fees and expenses;	47070 47071 47072
(8) The rights and benefits to be provided under the investment options;	47073 47074
(9) The capability of the entity to provide the rights and benefits under the investment options;	47075 47076
(10) Comments submitted by a public institution of higher education under section 3305.031 of the Revised Code;	47077 47078
(11) Any other matters the board of regents considers relevant.	47079 47080
(D) The board of regents shall conduct periodic reviews of each entity designated as a vendor and the investment options being offered to ensure that the requirements and purposes of this chapter are being met. The reviews of a vendor shall occur not	47081 47082 47083 47084

less frequently than once every three years. 47085

If it finds that the vendor is not in compliance with the 47086
requirements of this chapter or the vendor is not satisfactorily 47087
meeting the purposes of this chapter, the board shall rescind the 47088
vendor's designation. 47089

(E) Notwithstanding sections 125.01 to 125.11 of the Revised 47090
Code, designation of a vendor or the execution of any agreement 47091
under this chapter is not subject to competitive bidding under 47092
those sections. 47093

Sec. 3307.51. (A) The state teachers retirement board shall 47094
have prepared annually by or under the supervision of an actuary 47095
an actuarial valuation of the pension assets, liabilities, and 47096
funding requirements of the STRS defined benefit plan. The actuary 47097
shall complete the valuation in accordance with actuarial 47098
standards of practice promulgated by the actuarial standards board 47099
of the American academy of actuaries and prepare a report of the 47100
valuation. The report shall include all of the following: 47101

(1) A summary of the benefit provisions evaluated; 47102

(2) A summary of the census data and financial information 47103
used in the valuation; 47104

(3) A description of the actuarial assumptions, actuarial 47105
cost method, and asset valuation method used in the valuation, 47106
including a statement of the assumed rate of payroll growth and 47107
assumed rate of growth or decline in the number of members 47108
contributing to the retirement system; 47109

(4) A summary of findings that includes a statement of the 47110
actuarial accrued pension liabilities and unfunded actuarial 47111
accrued pension liabilities; 47112

(5) A schedule showing the effect of any changes in the 47113
benefit provisions, actuarial assumptions, or cost methods since 47114

the last annual actuarial valuation; 47115

(6) A statement of whether contributions to the retirement 47116
system are expected to be sufficient to satisfy the funding 47117
objectives established by the board. 47118

The board shall submit the report to the Ohio retirement 47119
study council, the director of budget and management, and the 47120
standing committees of the house of representatives and the senate 47121
with primary responsibility for retirement legislation immediately 47122
upon its availability and not later than the first day of January 47123
following the year for which the valuation was made. 47124

(B) At such times as the state teachers retirement board 47125
determines, and at least once in each quinquennial period, the 47126
board shall have prepared by or under the supervision of an 47127
actuary an actuarial investigation of the mortality, service, and 47128
other experience of the members, retirants, and beneficiaries of 47129
the system, and other system retirants as defined in section 47130
3307.35 of the Revised Code to update the actuarial assumptions 47131
used in the actuarial valuation required by division (A) of this 47132
section. The actuary shall prepare a report of the actuarial 47133
investigation. The report shall be prepared and any recommended 47134
changes in actuarial assumptions shall be made in accordance with 47135
the actuarial standards of practice promulgated by the actuarial 47136
standards board of the American academy of actuaries. The report 47137
shall include all of the following: 47138

(1) A summary of relevant decrement and economic assumption 47139
experience observed over the period of the investigation; 47140

(2) Recommended changes in actuarial assumptions to be used 47141
in subsequent actuarial valuations required by division (A) of 47142
this section; 47143

(3) A measurement of the financial effect of the recommended 47144
changes in actuarial assumptions. 47145

The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the first day of May following the last fiscal year of the period the report covers.

(C) The board may at any time request the actuary to make any other studies or actuarial valuations to determine the adequacy of the normal and deficiency rates of contribution provided by section 3307.28 of the Revised Code, and those rates may be adjusted by the board, as recommended by the actuary, effective as of the first of any year thereafter.

(D) The board shall have prepared by or under the supervision of an actuary an actuarial analysis of any introduced legislation expected to have a measurable financial impact on the retirement system. The actuarial analysis shall be completed in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The actuary shall prepare a report of the actuarial analysis, which shall include all of the following:

(1) A summary of the statutory changes that are being evaluated;

(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;

(3) A description of the participant group or groups included in the report;

(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in the employer normal cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members over a period

not to exceed thirty years; 47177

(5) A statement of whether the scheduled contributions to the 47178
system after the proposed change is enacted are expected to be 47179
sufficient to satisfy the funding objectives established by the 47180
board. 47181

Not later than sixty days from the date of introduction of 47182
the legislation, the board shall submit a copy of the actuarial 47183
analysis to the legislative service commission, the standing 47184
committees of the house of representatives and the senate with 47185
primary responsibility for retirement legislation, and the Ohio 47186
retirement study council. 47187

(E) The board shall have prepared annually a report giving a 47188
full accounting of the revenues and costs relating to the 47189
provision of benefits under section 3307.39 of the Revised Code. 47190
The report shall be made as of June 30, 1997, and the thirtieth 47191
day of June of each year thereafter. The report shall include the 47192
following: 47193

(1) A description of the statutory authority for the benefits 47194
provided; 47195

(2) A summary of the benefits; 47196

(3) A summary of the eligibility requirements for the 47197
benefits; 47198

(4) A statement of the number of participants eligible for 47199
the benefits; 47200

(5) A description of the accounting, asset valuation, and 47201
funding method used to provide the benefits; 47202

(6) A statement of the net assets available for the 47203
provisions of benefits as of the last day of the fiscal year; 47204

(7) A statement of any changes in the net assets available 47205
for the provision of benefits, including participant and employer 47206

contributions, net investment income, administrative expenses, and 47207
benefits provided to participants, as of the last day of the 47208
fiscal year; 47209

(8) For the last six consecutive fiscal years, a schedule of 47210
the net assets available for the benefits, the annual cost of 47211
benefits, administrative expenses incurred, and annual employer 47212
contributions allocated for the provision of benefits; 47213

(9) A description of any significant changes that affect the 47214
comparability of the report required under this division; 47215

(10) A statement of the amount paid under division (B) of 47216
section 3307.39 of the Revised Code. 47217

The board shall submit the report to the Ohio retirement 47218
study council, the director of budget and management, and the 47219
standing committees of the house of representatives and the senate 47220
with primary responsibility for retirement legislation immediately 47221
upon its availability and not later than the thirty-first day of 47222
December following the year for which the report was made. 47223

Sec. 3309.21. (A) The school employees retirement board shall 47224
have prepared annually by or under the supervision of an actuary 47225
an actuarial valuation of the pension assets, liabilities, and 47226
funding requirements of the school employees retirement system as 47227
established pursuant to this chapter. The actuary shall complete 47228
the valuation in accordance with actuarial standards of practice 47229
promulgated by the actuarial standards board of the American 47230
academy of actuaries and prepare a report of the valuation. The 47231
report shall include all of the following: 47232

(1) A summary of the benefit provisions evaluated; 47233

(2) A summary of the census data and financial information 47234
used in the valuation; 47235

(3) A description of the actuarial assumptions, actuarial 47236

cost method, and asset valuation method used in the valuation, 47237
including a statement of the assumed rate of payroll growth and 47238
assumed rate of growth or decline in the number of members 47239
contributing to the retirement system; 47240

(4) A summary of findings that includes a statement of the 47241
actuarial accrued pension liabilities and unfunded actuarial 47242
accrued pension liabilities; 47243

(5) A schedule showing the effect of any changes in the 47244
benefit provisions, actuarial assumptions, or cost methods since 47245
the last annual actuarial valuation; 47246

(6) A statement of whether contributions to the retirement 47247
system are expected to be sufficient to satisfy the funding 47248
objectives established by the board. 47249

The board shall submit the report to the Ohio retirement 47250
study council, the director of budget and management, and the 47251
standing committees of the house of representatives and the senate 47252
with primary responsibility for retirement legislation immediately 47253
upon its availability and not later than the first day of May 47254
following the year for which the valuation was made. 47255

(B) At such times as the school employees retirement board 47256
determines, and at least once in each quinquennial period, the 47257
board shall have prepared by or under the supervision of an 47258
actuary an actuarial investigation of the mortality, service, and 47259
other experience of the members, retirants, and beneficiaries of 47260
the retirement system, and SERS retirants and other system 47261
retirants as defined in section 3309.341 of the Revised Code to 47262
update the actuarial assumptions used in the actuarial valuation 47263
required by division (A) of this section. The actuary shall 47264
prepare a report of the actuarial investigation. The report shall 47265
be prepared and any recommended changes in actuarial assumptions 47266
shall be made in accordance with the actuarial standards of 47267

practice promulgated by the actuarial standards board of the 47268
American academy of actuaries. The report shall include all of the 47269
following: 47270

(1) A summary of relevant decrement and economic assumption 47271
experience observed over the period of the investigation; 47272

(2) Recommended changes in actuarial assumptions to be used 47273
in subsequent actuarial valuations required by division (A) of 47274
this section; 47275

(3) A measurement of the financial effect of the recommended 47276
changes in actuarial assumptions. 47277

The board shall submit the report to the Ohio retirement 47278
study council and the standing committees of the house of 47279
representatives and the senate with primary responsibility for 47280
retirement legislation not later than the first day of May 47281
following the last fiscal year of the period the report covers. 47282

(C) The board may at any time request the actuary to make any 47283
studies or actuarial valuations to determine the adequacy of the 47284
rates of contribution as provided by section 3309.49 of the 47285
Revised Code, and those rates may be adjusted by the board, as 47286
recommended by the actuary, effective as of the first of any year 47287
thereafter. 47288

(D) The board shall have prepared by or under the supervision 47289
of an actuary an actuarial analysis of any introduced legislation 47290
expected to have a measurable financial impact on the retirement 47291
system. The actuarial analysis shall be completed in accordance 47292
with the actuarial standards of practice promulgated by the 47293
actuarial standards board of the American academy of actuaries. 47294
The actuary shall prepare a report of the actuarial analysis, 47295
which shall include all of the following: 47296

(1) A summary of the statutory changes that are being 47297
evaluated; 47298

(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;	47299 47300
(3) A description of the participant group or groups included in the report;	47301 47302
(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in the employer normal cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members over a period not to exceed thirty years;	47303 47304 47305 47306 47307 47308 47309
(5) A statement of whether the scheduled contributions to the system after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board.	47310 47311 47312 47313
Not later than sixty days from the date of introduction of the legislation, the board shall submit a copy of the actuarial analysis to the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation, and the Ohio retirement study council.	47314 47315 47316 47317 47318 47319
(E) The board shall have prepared annually a report giving a full accounting of the revenues and costs relating to the provision of benefits under sections 3309.375 and 3309.69 of the Revised Code. The report shall be made as of June 30, 1997, and the thirtieth day of June of each year thereafter. The report shall include the following:	47320 47321 47322 47323 47324 47325
(1) A description of the statutory authority for the benefits provided;	47326 47327
(2) A summary of the benefits;	47328

(3) A summary of the eligibility requirements for the benefits;	47329 47330
(4) A statement of the number of participants eligible for the benefits;	47331 47332
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	47333 47334
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	47335 47336
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	47337 47338 47339 47340 47341
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	47342 47343 47344 47345
(9) A description of any significant changes that affect the comparability of the report required under this division;	47346 47347
(10) A statement of the amount paid under division (E) of section 3309.69 of the Revised Code.	47348 47349
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the thirty-first day of December following the year for which the report was made.	47350 47351 47352 47353 47354 47355
Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the Revised Code:	47356 47357

(A) "Chartered nonpublic school" means a nonpublic school 47358
that holds a valid charter issued by the state board of education 47359
under section 3301.16 of the Revised Code and meets the standards 47360
established for such schools in rules adopted by the state board. 47361

(B) An "eligible student" is a student who satisfies the 47362
conditions specified in section 3310.03 or 3310.032 of the Revised 47363
Code. 47364

(C) "Parent" has the same meaning as in section 3313.98 of 47365
the Revised Code. 47366

(D) "Resident district" means the school district in which a 47367
student is entitled to attend school under section 3313.64 or 47368
3313.65 of the Revised Code. 47369

(E) "School year" has the same meaning as in section 3313.62 47370
of the Revised Code. 47371

Sec. 3310.02. (A) The educational choice scholarship pilot 47372
program is hereby established. Under the program, the department 47373
of education annually shall pay scholarships to attend chartered 47374
nonpublic schools in accordance with section 3310.08 of the 47375
Revised Code for up to the following number of eligible students: 47376

(1) Thirty thousand in the 2011-2012 school year; 47377

(2) Sixty thousand in the 2012-2013 school year and 47378
thereafter. 47379

(B) If the number of students who apply for a scholarship 47380
exceeds the number of scholarships available under division (A) of 47381
this section for the applicable school year, the department shall 47382
award scholarships in the following order of priority: 47383

(1) First, to eligible students who received scholarships in 47384
the prior school year; 47385

(2) Second, to eligible students with family incomes at or 47386

below two hundred per cent of the federal poverty guidelines, as 47387
defined in section 5101.46 of the Revised Code, who qualify under 47388
division (A) of section 3310.03 of the Revised Code. If the number 47389
of students described in division (B)(2) of this section who apply 47390
for a scholarship exceeds the number of available scholarships 47391
after awards are made under division (B)(1) of this section, the 47392
department shall select students described in division (B)(2) of 47393
this section by lot to receive any remaining scholarships. 47394

(3) Third, to other eligible students who qualify under 47395
division (A) of section 3310.03 of the Revised Code. If the number 47396
of students described in division (B)(3) of this section who apply 47397
for a scholarship exceeds the number of available scholarships 47398
after awards are made under divisions (B)(1) and (2) of this 47399
section, the department shall select students described in 47400
division (B)(3) of this section by lot to receive any remaining 47401
scholarships. 47402

(4) Fourth, to eligible students with family incomes at or 47403
below two hundred per cent of the federal poverty guidelines who 47404
qualify under division ~~(B)~~(D) of section 3310.03 of the Revised 47405
Code. If the number of students described in division (B)(4) of 47406
this section who apply for a scholarship exceeds the number of 47407
available scholarships after awards are made under divisions 47408
(B)(1) to (3) of this section, the department shall select 47409
students described in division (B)(4) of this section by lot to 47410
receive any remaining scholarships. 47411

(5) Fifth, to other eligible students who qualify under 47412
division ~~(B)~~(D) of section 3310.03 of the Revised Code. If the 47413
number of students described in division (B)(5) of this section 47414
who apply for a scholarship exceeds the number of available 47415
scholarships after awards are made under divisions (B)(1) to (4) 47416
of this section, the department shall select students described in 47417
division (B)(5) of this section by lot to receive any remaining 47418

scholarships. 47419

(6) Sixth, to eligible students with family incomes at or 47420
below two hundred per cent of the federal poverty guidelines who 47421
qualify under division (B) of section 3310.03 of the Revised Code. 47422
If the number of students described in division (B)(6) of this 47423
section who apply for a scholarship exceeds the number of 47424
available scholarships after awards are made under divisions 47425
(B)(1) to (5) of this section, the department shall select 47426
students described in division (B)(6) of this section by lot to 47427
receive any remaining scholarships. 47428

(7) Seventh, to other eligible students who qualify under 47429
division (B) of section 3310.03 of the Revised Code. If the number 47430
of students described in division (B)(7) of this section who apply 47431
for a scholarship exceeds the number of available scholarships 47432
after awards are made under divisions (B)(1) to (6) of this 47433
section, the department shall select students described in 47434
division (B)(7) of this section by lot to receive any remaining 47435
scholarships. 47436

Sec. 3310.03. A student is an "eligible student" for purposes 47437
of the educational choice scholarship pilot program if the 47438
student's resident district is not a school district in which the 47439
pilot project scholarship program is operating under sections 47440
3313.974 to 3313.979 of the Revised Code and the student satisfies 47441
one of the conditions in division (A), (B), ~~or~~ (C), or (D) of this 47442
section: 47443

(A)(1) The student is enrolled in a school building operated 47444
by the student's resident district that, on the report card issued 47445
under section 3302.03 of the Revised Code published prior to the 47446
first day of July of the school year for which a scholarship is 47447
sought, did not receive a rating as described in division ~~(C)~~(H) 47448
of this section, and to which any or a combination of any of the 47449

following apply for two of the three most recent report cards 47450
published prior to the first day of July of the school year for 47451
which a scholarship is sought: 47452

(a) The building was declared to be in a state of academic 47453
emergency or academic watch under section 3302.03 of the Revised 47454
Code as that section existed prior to ~~the effective date of this~~ 47455
~~amendment~~ March 22, 2013. 47456

(b) The building received a grade of "D" or "F" for the 47457
performance index score under division (A)(1)(b) or (B)(1)(b) of 47458
section 3302.03 of the Revised Code and for the value-added 47459
progress dimension under division (A)(1)(e) or (B)(1)(e) of 47460
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 47461
school year, or both; or if the building serves only grades ten 47462
through twelve, the building received a grade of "D" or "F" for 47463
the performance index score under division (A)(1)(b) or (B)(1)(b) 47464
of section 3302.03 of the Revised Code and had a four-year 47465
adjusted cohort graduation rate of less than seventy-five per 47466
cent. 47467

(c) The building received an overall grade of "D" or "F" 47468
under division (C)(3) of section 3302.03 of the Revised Code or a 47469
grade of "F" for the value-added progress dimension under division 47470
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 47471
school year or any school year thereafter. 47472

(2) The student is eligible to enroll in kindergarten will be 47473
enrolling in school in this state for the first time in the school 47474
year for which a scholarship is sought and otherwise would be 47475
assigned under section 3319.01 of the Revised Code, in the school 47476
year for which a scholarship is sought, to a school building 47477
described in division (A)(1) of this section. 47478

(3) The student is enrolled in a community school established 47479
under Chapter 3314. of the Revised Code but otherwise would be 47480

assigned under section 3319.01 of the Revised Code to a building 47481
described in division (A)(1) of this section. 47482

(4) The student is enrolled in a school building operated by 47483
the student's resident district or in a community school 47484
established under Chapter 3314. of the Revised Code and otherwise 47485
would be assigned under section 3319.01 of the Revised Code to a 47486
school building described in division (A)(1) of this section in 47487
the school year for which the scholarship is sought. 47488

(5) The student ~~is eligible to enroll in kindergarten~~ will be 47489
enrolling in school in this state for the first time in the school 47490
year for which a scholarship is sought, or is enrolled in a 47491
community school established under Chapter 3314. of the Revised 47492
Code, and all of the following apply to the student's resident 47493
district: 47494

(a) The district has in force an intradistrict open 47495
enrollment policy under which no student in ~~kindergarten or the~~ 47496
~~community school~~ student's grade level, ~~respectively,~~ is 47497
automatically assigned to a particular school building; 47498

(b) In the most recent rating published prior to the first 47499
day of July of the school year for which scholarship is sought, 47500
the district did not receive a rating described in division ~~(G)~~(H) 47501
of this section, and in at least two of the three most recent 47502
report cards published prior to the first day of July of that 47503
school year, any or a combination of the following apply to the 47504
district: 47505

(i) The district was declared to be in a state of academic 47506
emergency under section 3302.03 of the Revised Code as it existed 47507
prior to ~~the effective date of this amendment~~ March 22, 2013. 47508

(ii) The district received a grade of "D" or "F" for the 47509
performance index score under division (A)(1)(b) or (B)(1)(b) of 47510
section 3302.03 of the Revised Code and for the value-added 47511

progress dimension under division (A)(1)(e) or (B)(1)(e) of 47512
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 47513
school year, or both. 47514

(c) The district received an overall grade of "D" or "F" 47515
under division (C)(3) of section 3302.03 of the Revised Code or a 47516
grade of "F" for the value-added progress dimension under division 47517
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 47518
school year or any school year thereafter. 47519

(B)(1) The student is enrolled in a school building operated 47520
by the student's resident district and to which both of the 47521
following apply: 47522

(a) The building was ranked, for at least two of the three 47523
most recent rankings published under section 3302.21 of the 47524
Revised Code prior to the first day of July of the school year for 47525
which a scholarship is sought, in the lowest ten per cent of all 47526
public school buildings according to performance index score under 47527
section 3302.21 of the Revised Code. 47528

(b) The building was not declared to be excellent or 47529
effective, or the equivalent of such ratings as determined by the 47530
department of education, under section 3302.03 of the Revised Code 47531
in the most recent rating published prior to the first day of July 47532
of the school year for which a scholarship is sought. 47533

(2) ~~The student is eligible to enroll in kindergarten will be~~ 47534
enrolling in school in this state for the first time in the school 47535
year for which a scholarship is sought and otherwise would be 47536
assigned under section 3319.01 of the Revised Code, in the school 47537
year for which a scholarship is sought, to a school building 47538
described in division (B)(1) of this section. 47539

(3) The student is enrolled in a community school established 47540
under Chapter 3314. of the Revised Code but otherwise would be 47541
assigned under section 3319.01 of the Revised Code to a building 47542

described in division (B)(1) of this section. 47543

(4) The student is enrolled in a school building operated by 47544
the student's resident district or in a community school 47545
established under Chapter 3314. of the Revised Code and otherwise 47546
would be assigned under section 3319.01 of the Revised Code to a 47547
school building described in division (B)(1) of this section in 47548
the school year for which the scholarship is sought. 47549

(C) The student is enrolled in a nonpublic school at the time 47550
the school is granted a charter by the state board of education 47551
under section 3301.16 of the Revised Code and the student meets 47552
the standards of division (B) of section 3310.031 of the Revised 47553
Code. 47554

(D) For the 2016-2017 school year and each school year 47555
thereafter, the student is in any of grades kindergarten through 47556
three, is enrolled in a school building that is operated by the 47557
student's resident district or will be enrolling in school in this 47558
state for the first time in the school year for which a 47559
scholarship is sought, and to which both of the following apply: 47560

(1) The building, in at least two of the three most recent 47561
ratings of school buildings published prior to the first day of 47562
July of the school year for which a scholarship is sought, 47563
received a grade of "D" or "F" for making progress in improving 47564
literacy in grades kindergarten through three under division 47565
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 47566

(2) The building did not receive a grade of "A" for making 47567
progress in improving literacy in grades kindergarten through 47568
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 47569
the Revised Code in the most recent rating published prior to the 47570
first day of July of the school year for which a scholarship is 47571
sought. 47572

(E) A student who receives a scholarship under the 47573

educational choice scholarship pilot program remains an eligible 47574
student and may continue to receive scholarships in subsequent 47575
school years until the student completes grade twelve, so long as 47576
all of the following apply: 47577

(1) The student's resident district remains the same, or the 47578
student transfers to a new resident district and otherwise would 47579
be assigned in the new resident district to a school building 47580
described in division (A)(1) ~~or~~, (B)(1), or (D) of this section; 47581

(2) The student takes each assessment prescribed for the 47582
student's grade level under section 3301.0710 or 3301.0712 of the 47583
Revised Code while enrolled in a chartered nonpublic school; 47584

(3) In each school year that the student is enrolled in a 47585
chartered nonpublic school, the student is absent from school for 47586
not more than twenty days that the school is open for instruction, 47587
not including excused absences. 47588

~~(E)~~(F)(1) The department shall cease awarding first-time 47589
scholarships pursuant to divisions (A)(1) to (4) of this section 47590
with respect to a school building that, in the most recent ratings 47591
of school buildings published under section 3302.03 of the Revised 47592
Code prior to the first day of July of the school year, ceases to 47593
meet the criteria in division (A)(1) of this section. The 47594
department shall cease awarding first-time scholarships pursuant 47595
to division (A)(5) of this section with respect to a school 47596
district that, in the most recent ratings of school districts 47597
published under section 3302.03 of the Revised Code prior to the 47598
first day of July of the school year, ceases to meet the criteria 47599
in division (A)(5) of this section. 47600

(2) The department shall cease awarding first-time 47601
scholarships pursuant to divisions (B)(1) to (4) of this section 47602
with respect to a school building that, in the most recent ratings 47603
of school buildings under section 3302.03 of the Revised Code 47604

prior to the first day of July of the school year, ceases to meet 47605
the criteria in division (B)(1) of this section. 47606

(3) The department shall cease awarding first-time 47607
scholarships pursuant to division (D) of this section with respect 47608
to a school building that, in the most recent ratings of school 47609
buildings under section 3302.03 of the Revised Code prior to the 47610
first day of July of the school year, ceases to meet the criteria 47611
in division (D) of this section. 47612

(4) However, students who have received scholarships in the 47613
prior school year remain eligible students pursuant to division 47614
~~(D)~~(E) of this section. 47615

~~(F)~~(G) The state board of education shall adopt rules 47616
defining excused absences for purposes of division ~~(D)~~(E)(3) of 47617
this section. 47618

~~(G)~~(H)(1) A student who satisfies only the conditions 47619
prescribed in divisions (A)(1) to (4) of this section shall not be 47620
eligible for a scholarship if the student's resident building 47621
meets any of the following in the most recent rating under section 47622
3302.03 of the Revised Code published prior to the first day of 47623
July of the school year for which a scholarship is sought: 47624

(a) The building has an overall designation of excellent or 47625
effective under section 3302.03 of the Revised Code as it existed 47626
prior to ~~the effective date of this amendment~~ March 22, 2013. 47627

(b) For the 2012-2013 or 2013-2014 school year or both, the 47628
building has a grade of "A" or "B" for the performance index score 47629
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 47630
Revised Code and for the value-added progress dimension under 47631
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 47632
Code; or if the building serves only grades ten through twelve, 47633
the building received a grade of "A" or "B" for the performance 47634
index score under division (A)(1)(b) or (B)(1)(b) of section 47635

3302.03 of the Revised Code and had a four-year adjusted cohort 47636
graduation rate of greater than or equal to seventy-five per cent. 47637

(c) For the 2014-2015 school year or any school year 47638
thereafter, the building has a grade of "A" or "B" under division 47639
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 47640
for the value-added progress dimension under division (C)(1)(e) of 47641
section 3302.03 of the Revised Code; or if the building serves 47642
only grades ten through twelve, the building received a grade of 47643
"A" or "B" for the performance index score under division 47644
(C)(1)(b) of section 3302.03 of the Revised Code and had a 47645
four-year adjusted cohort graduation rate of greater than or equal 47646
to seventy-five per cent. 47647

(2) A student who satisfies only the conditions prescribed in 47648
division (A)(5) of this section shall not be eligible for a 47649
scholarship if the student's resident district meets any of the 47650
following in the most recent rating under section 3302.03 of the 47651
Revised Code published prior to the first day of July of the 47652
school year for which a scholarship is sought: 47653

(a) The district has an overall designation of excellent or 47654
effective under section 3302.03 of the Revised Code as it existed 47655
prior to ~~the effective date of this amendment~~ March 22, 2013. 47656

(b) The district has a grade of "A" or "B" for the 47657
performance index score under division (A)(1)(b) or (B)(1)(b) of 47658
section 3302.03 of the Revised Code and for the value-added 47659
progress dimension under division (A)(1)(e) or (B)(1)(e) of 47660
section 3302.03 of the Revised Code for the 2012-2013 and 47661
2013-2014 school years. 47662

(c) The district has an overall grade of "A" or "B" under 47663
division (C)(3) of section 3302.03 of the Revised Code and a grade 47664
of "A" for the value-added progress dimension under division 47665
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 47666

school year or any school year thereafter. 47667

Sec. 3310.032. (A) A student is an "eligible student" for 47668
purposes of the expansion of the educational choice scholarship 47669
pilot program under this section if the student's resident 47670
district is not a school district in which the pilot project 47671
scholarship program is operating under sections 3313.974 to 47672
3313.979 of the Revised Code, the student is not eligible for an 47673
educational choice scholarship under section 3310.03 of the 47674
Revised Code, and the student's family income is at or below two 47675
hundred per cent of the federal poverty guidelines, as defined in 47676
section 5101.46 of the Revised Code. 47677

(B) In each fiscal year for which the general assembly 47678
appropriates funds for purposes of this section, the department of 47679
education shall pay scholarships to attend chartered nonpublic 47680
schools in accordance with section 3310.08 of the Revised Code. 47681
The number of scholarships awarded under this section shall not 47682
exceed the number that can be funded with appropriations made by 47683
the general assembly for this purpose. 47684

(C) Scholarships under this section shall be awarded as 47685
follows: 47686

(1) For the 2013-2014 school year, to eligible students who 47687
are entering kindergarten in that school year for the first time; 47688

(2) For each subsequent school year, scholarships shall be 47689
awarded to eligible students in the next grade level above the 47690
highest grade level awarded in the preceding school year, in 47691
addition to the grade levels for which students received 47692
scholarships in the preceding school year. 47693

(D) If the number of eligible students who apply for a 47694
scholarship under this section exceeds the scholarships available 47695
based on the appropriation for this section, the department shall 47696

award scholarships in the following order of priority: 47697

(1) First, to eligible students who received scholarships 47698
under this section in the prior school year; 47699

(2) Second, to eligible students with family incomes at or 47700
below one hundred per cent of the federal poverty guidelines. If 47701
the number of students described in division (D)(2) of this 47702
section who apply for a scholarship exceeds the number of 47703
available scholarships after awards are made under division (D)(1) 47704
of this section, the department shall select students described in 47705
division (D)(2) of this section by lot to receive any remaining 47706
scholarships. 47707

(3) Third, to other eligible students who qualify under this 47708
section. If the number of students described in division (D)(3) of 47709
this section exceeds the number of available scholarships after 47710
awards are made under divisions (D)(1) and (2) of this section, 47711
the department shall select students described in division (D)(3) 47712
of this section by lot to receive any remaining scholarships. 47713

(E) A student who receives a scholarship under this section 47714
remains an eligible student and may continue to receive 47715
scholarships under this section in subsequent school years until 47716
the student completes grade twelve, so long as the student 47717
satisfies the conditions specified in divisions (E)(2) and (3) of 47718
section 3310.03 of the Revised Code. 47719

Once a scholarship is awarded under this section, the student 47720
shall remain eligible for that scholarship for the current school 47721
year and subsequent school years even if the student's family 47722
income rises above the amount specified in division (A) of this 47723
section, provided the student remains enrolled in a chartered 47724
nonpublic school. 47725

Sec. 3310.035. (A) A student who is eligible for an 47726

educational choice scholarship under both sections 3310.03 and 47727
3310.032 of the Revised Code, and applies for a scholarship for 47728
the first time after the effective date of this section shall 47729
receive a scholarship under section 3310.03 of the Revised Code. 47730

(B) A student who is eligible under both sections 3310.03 and 47731
3310.032 of the Revised Code and received a scholarship in the 47732
previous school year shall continue to receive the scholarship 47733
under the section from which the student received the scholarship 47734
in the previous school year, so long as: 47735

(1) The number of students who apply for a scholarship does 47736
not exceed the number of scholarships available under division (A) 47737
of section 3310.02 of the Revised Code. 47738

(2) A student who receives a scholarship under section 47739
3310.03 of the Revised Code satisfies with the conditions 47740
specified in divisions (E)(1) to (3) of that section, and a 47741
student who receives a scholarship under section 3310.032 47742
satisfies with the conditions specified in divisions (E)(2) and 47743
(3) of section 3310.03 of the Revised Code. 47744

Sec. 3310.05. A scholarship under the educational choice 47745
scholarship pilot program is not available for any student whose 47746
resident district is a school district in which the pilot project 47747
scholarship program is operating under sections 3313.974 to 47748
3313.979 of the Revised Code. The two pilot programs are separate 47749
and distinct, with differing eligibility criteria. The pilot 47750
project scholarship program operating under sections 3313.974 to 47751
3313.979 of the Revised Code is a district-wide program that may 47752
award scholarships to students who do not attend district schools 47753
that face academic challenges, whereas the educational choice 47754
scholarship pilot program established under sections 3310.01 to 47755
3310.17 of the Revised Code is limited to students of individual 47756

district school buildings that face academic challenges and to 47757
students from low-income families. 47758

Sec. 3310.06. It is the policy adopted by the general 47759
assembly that the educational choice scholarship pilot program 47760
shall be construed as one of several educational options available 47761
for students enrolled in persistently low-performing school 47762
buildings or for students from low-income families. Students may 47763
be enrolled in the schools of the student's resident district, in 47764
a community school established under Chapter 3314. of the Revised 47765
Code, in the schools of another school district pursuant to an 47766
open enrollment policy adopted under section 3313.98 of the 47767
Revised Code, in a chartered nonpublic school with or without a 47768
scholarship under the educational choice scholarship pilot 47769
program, or in other schools as the law may provide. 47770

Sec. 3310.08. (A) The amount paid for an eligible student 47771
under the educational choice scholarship pilot program shall be 47772
the lesser of the tuition of the chartered nonpublic school in 47773
which the student is enrolled or the maximum amount prescribed in 47774
section 3310.09 of the Revised Code. 47775

(B)(1) The department of education shall pay to the parent of 47776
each eligible student for whom a scholarship is awarded under the 47777
program, or to the student if at least eighteen years of age, 47778
periodic partial payments of the scholarship. 47779

(2) The department shall proportionately reduce or terminate 47780
the payments for any student who withdraws from a chartered 47781
nonpublic school prior to the end of the school year. 47782

(C)(1) The department shall deduct from the payments made to 47783
each school district under Chapter 3317., and if necessary, 47784
sections 321.24 and 323.156 of the Revised Code, the amount paid 47785
under division (B) of this section for each eligible student 47786

~~awarded who qualifies for a scholarship under the program section~~ 47787
~~3310.03 of the Revised Code and~~ who is entitled under section 47788
3313.64 or 3313.65 of the Revised Code to attend school in the 47789
district. In the case of a student entitled to attend school in a 47790
school district under division (B)(2)(a) of section 3313.64 or 47791
division (C) of section 3313.65 of the Revised Code, the 47792
department shall deduct the payments from the school district that 47793
includes the student in its average daily membership as reported 47794
to the department under section 3317.03 of the Revised Code, as 47795
determined by the department. 47796

(2) If the department reduces or terminates payments to a 47797
parent or a student, as prescribed in division (B)(2) of this 47798
section, and the student enrolls in the schools of the student's 47799
resident district or in a community school, established under 47800
Chapter 3314. of the Revised Code, before the end of the school 47801
year, the department shall proportionally restore to the resident 47802
district the amount deducted for that student under division 47803
(C)(1) of this section. 47804

Sec. 3310.56. (A) The amount of the scholarship awarded and 47805
paid to an eligible applicant for services for a qualified special 47806
education child under the Jon Peterson special needs scholarship 47807
program in each school year shall be the least of the amounts 47808
prescribed in divisions (A)(1), (2), ~~or~~ and (3) of this section, 47809
as follows: 47810

(1) The amount of fees charged for that school year by the 47811
alternative public provider or registered private provider; 47812

(2) The sum of the amounts calculated under divisions 47813
(A)(2)(a) and (b) of this section: 47814

(a) ~~The sum of the formula amount plus the per pupil amount~~ 47815
~~of the base funding supplements specified in divisions (C)(1) to~~ 47816
~~(4) of section 3317.012 of the Revised Code for fiscal year 2009;~~ 47817

(b) An amount equal to ~~\$5,732~~ the formula amount times the 47818
following multiple prescribed for the child's disability: 47819

(i) For a student in category one, ~~0.2892~~ the multiple 47820
specified in division (A) of section 3317.013 of the Revised Code; 47821

(ii) For a student in category two, ~~0.3691~~ the multiple 47822
specified in division (B) of section 3317.013 of the Revised Code; 47823

(iii) For a student in category three, ~~1.7695~~ the multiple 47824
specified in division (C) of section 3317.013 of the Revised Code; 47825

(iv) For a student in category four, ~~2.3646~~ the multiple 47826
specified in division (D) of section 3317.013 of the Revised Code; 47827

(v) For a student in category five, ~~3.1129~~ the multiple 47828
specified in division (E) of section 3317.013 of the Revised Code; 47829

(vi) For a student in category six, ~~4.7342~~ the multiple 47830
specified in division (F) of section 3317.013 of the Revised Code. 47831

~~Before applying the multiples specified in divisions~~ 47832
~~(A)(2)(b)(i) to (vi) of this section, they first shall be adjusted~~ 47833
~~by multiplying them by 0.90.~~ 47834

(3) Twenty thousand dollars. 47835

(B) As used in division (A)(2)(b) of this section, a child 47836
with a disability is in: 47837

(1) "Category one" if the ~~child's primary or only identified~~ 47838
~~disability is a speech and language disability, as this term is~~ 47839
~~defined pursuant to Chapter 3323. child is receiving special~~ 47840
education services for a disability specified in division (A) of 47841
section 3317.013 of the Revised Code; 47842

(2) "Category two" if the child is ~~identified as specific~~ 47843
~~learning disabled or developmentally disabled, as these terms are~~ 47844
~~defined pursuant to Chapter 3323. of the Revised Code, or as~~ 47845
~~having an other health impairment minor, as defined in section~~ 47846
3317.02 receiving special education services for a disability 47847

specified in division (B) of section 3317.013 of the Revised Code; 47848

(3) "Category three" if the child is ~~identified as vision~~ 47849
~~impaired, hearing disabled, or severe behavior disabled, as these~~ 47850
~~terms are defined pursuant to Chapter 3323.~~ receiving special 47851
education services for a disability specified in division (C) of 47852
section 3317.013 of the Revised Code; 47853

(4) "Category four" if the child is ~~identified as~~ 47854
~~orthopedically disabled, as this term is defined pursuant to~~ 47855
~~Chapter 3323. of the Revised Code, or as having an other health~~ 47856
~~impairment major, as defined in section 3317.02~~ receiving special 47857
education services for a disability specified in division (D) of 47858
section 3317.013 of the Revised Code; 47859

(5) "Category five" if the child is ~~identified as having~~ 47860
~~multiple disabilities, as this term is defined pursuant to Chapter~~ 47861
~~3323.~~ receiving special education services for a disability 47862
specified in division (E) of section 3317.013 of the Revised Code; 47863

(6) "Category six" if the child is ~~identified as autistic,~~ 47864
~~having traumatic brain injuries, or both visually and hearing~~ 47865
~~impaired, as these terms are defined pursuant to Chapter 3323.~~ 47866
receiving special education services for a disability specified in 47867
division (F) of section 3317.013 of the Revised Code. 47868

Sec. 3311.0510. (A) If all of the client school districts of 47869
an educational service center have terminated their agreements 47870
with the service center under division (D) of section 3313.843 of 47871
the Revised Code, upon the latest effective date of the 47872
terminations, the governing board of that service center shall be 47873
abolished and such service center shall be dissolved by order of 47874
the superintendent of public instruction. The superintendent's 47875
order shall provide for the equitable division and disposition of 47876
the assets, property, debts, and obligations of the service center 47877
among the school districts that were client school districts of 47878

the service center for the service center's last fiscal year of 47879
operation. The superintendent's order shall provide that the tax 47880
duplicate of each of those school districts shall be bound for and 47881
assume the district's equitable share of the outstanding 47882
indebtedness of the service center. The superintendent's order is 47883
final and is not appealable. 47884

Immediately upon the abolishment of the service center 47885
governing board pursuant to this section, the superintendent of 47886
public instruction shall appoint a qualified individual to 47887
administer the dissolution of the service center and to implement 47888
the terms of the superintendent's dissolution order. 47889

Prior to distributing assets to any school district under 47890
this section, but after paying in full other debts and obligations 47891
of the service center under this section, the superintendent of 47892
public instruction may assess against the remaining assets of the 47893
service center the amount of the costs incurred by the department 47894
of education in performing the superintendent's duties under this 47895
division, including the fees, if any, owed to the individual 47896
appointed to administer the superintendent's dissolution order. 47897
Any excess cost incurred by the department under this division 47898
shall be divided equitably among the school districts that were 47899
client school districts of the service center for the service 47900
center's last fiscal year of operation. Each district's share of 47901
that excess cost shall be bound against the tax duplicate of that 47902
district. 47903

(B) A final audit of the former service center shall be 47904
performed in accordance with procedures established by the auditor 47905
of state. 47906

(C) The public records of an educational service center that 47907
is dissolved under this section shall be transferred in accordance 47908
with this division. Public records maintained by the service 47909

center in connection with services provided by the service center 47910
to local school districts of which the territory of the service 47911
center is or previously was made up shall be transferred to each 47912
of the respective local school districts. Public records 47913
maintained by the service center in connection with services 47914
provided to client school districts shall be transferred to each 47915
of the respective client school districts. All other public 47916
records maintained by the service center at the time the service 47917
center ceases operations shall be transferred to the Ohio 47918
historical society for analysis and disposition by the society in 47919
its capacity as archives administrator for the state and its 47920
political subdivisions pursuant to division (C) of section 149.30 47921
and section 149.31 of the Revised Code. 47922

(D) As used in this section, "client school district" ~~has the~~ 47923
~~same meaning as in section 3317.11 of the Revised Code~~ means a 47924
city, exempted village, or local school district that has entered 47925
into an agreement under section 3313.843 or 3313.845 of the 47926
Revised Code to receive any services from an educational service 47927
center. 47928

Sec. 3311.19. (A) The management and control of a joint 47929
vocational school district shall be vested in the joint vocational 47930
school district board of education. ~~Where a joint vocational~~ 47931
~~school district is composed only of two or more local school~~ 47932
~~districts located in one county, or when all the participating~~ 47933
~~districts are in one county and the boards of such participating~~ 47934
~~districts so choose, the educational service center governing~~ 47935
~~board of the county in which the joint vocational school district~~ 47936
~~is located shall serve as the joint vocational school district~~ 47937
~~board of education. Where a joint vocational school district is~~ 47938
~~composed of local school districts of more than one county, or of~~ 47939
~~any combination of city, local, or exempted village school~~ 47940
~~districts or educational service centers, unless administration by~~ 47941

~~the educational service center governing board has been chosen by 47942
all the participating districts in one county pursuant to this 47943
section, the board of education of the joint vocational school 47944
district shall be composed of one or more persons who are members 47945
of the boards of education from each of the city or exempted 47946
village school districts or members of the educational service 47947
centers' governing boards affected to be appointed by the boards 47948
of education or governing boards of such school districts and 47949
educational service centers. In such joint vocational school 47950
districts the number and terms of members of the joint vocational 47951
school district board of education and the allocation of a given 47952
number of members to each of the city and exempted village 47953
districts and educational service centers shall be determined in 47954
the plan for such district, provided that each such joint 47955
vocational school district board of education shall be composed of 47956
an odd number of members. 47957~~

~~(B) Notwithstanding division (A) of this section, a governing 47958
board of an educational service center that has members of its 47959
governing board serving on a joint vocational school district 47960
board of education may make a request to the joint vocational 47961
district board that the joint vocational school district plan be 47962
revised to provide for one or more members of boards of education 47963
of local school districts that are within the territory of the 47964
educational service district and within the joint vocational 47965
school district to serve in the place of or in addition to its 47966
educational service center governing board members. If agreement 47967
is obtained among a majority of the boards of education and 47968
governing boards that have a member serving on the joint 47969
vocational school district board of education and among a majority 47970
of the local school district boards of education included in the 47971
district and located within the territory of the educational 47972
service center whose board requests the substitution or addition, 47973
the state board of education may revise the joint vocational 47974~~

~~school district plan to conform with such agreement.~~ 47975

~~(C) If the board of education of any school district or 47976
educational service center governing board included within a joint 47977
vocational district that has had its board or governing board 47978
membership revised under division (B) of this section requests the 47979
joint vocational school district board to submit to the state 47980
board of education a revised plan under which one or more joint 47981
vocational board members chosen in accordance with a plan revised 47982
under such division would again be chosen in the manner prescribed 47983
by division (A) of this section, the joint vocational board shall 47984
submit the revised plan to the state board of education, provided 47985
the plan is agreed to by a majority of the boards of education 47986
represented on the joint vocational board, a majority of the local 47987
school district boards included within the joint vocational 47988
district, and each educational service center governing board 47989
affected by such plan. The state board of education may revise the 47990
joint vocational school district plan to conform with the revised 47991
plan. which, beginning on the effective date of this amendment, 47992
shall be appointed under division (C) of this section. Beginning 47993
on the effective date of this amendment, no board member shall be 47994
appointed in the manner formerly provided by this section, as it 47995
existed prior to the effective date of this amendment. 47996~~

All members of a joint vocational school district board 47997
serving unexpired terms on the effective date of this amendment 47998
may continue in office until the expiration of their terms. If a 47999
member leaves office for any reason prior to the expiration of 48000
that member's term, the vacancy shall be filled only in the manner 48001
provided in division (C) of this section. 48002

(B) Members of the joint vocational school district board 48003
appointed on or after the effective date of this amendment shall 48004
serve for three year terms of office. No member shall hold office 48005
for a period of longer than two consecutive terms. Terms shall be 48006

considered consecutive unless separated by three or more years. 48007

Members of the board shall be selected based on the diversity 48008
of the employers from the geographical region of the state in 48009
which the territory of the joint vocational school district is 48010
located represented by the members. A majority of the members of 48011
the board shall reside in or be employed within the territory of 48012
the joint vocational school district board upon which the member 48013
serves. 48014

Not more than three members of the board shall be affiliated 48015
with or be a member of a labor organization. 48016

Two members of the board shall be selected based on their 48017
experience in career development and career counseling for grades 48018
kindergarten through twelve or career counseling for adult 48019
education. 48020

(C) The board of education of each city, exempted village, or 48021
local school district that belongs to the joint vocational school 48022
district shall appoint one member to the joint vocational school 48023
district board; however, that individual shall not be a member of 48024
an appointing school district board. 48025

Initial appointments under this section shall be made as the 48026
terms of members of each joint vocational school district board 48027
who are serving unexpired terms on the effective date of this 48028
amendment expire or as those offices are otherwise vacated prior 48029
to the expiration date. The appointing district boards shall 48030
continue to replace members in such a way that, by the time all 48031
terms of members serving on the effective date of this amendment 48032
have expired or their offices have been vacated prior to 48033
expiration of the term of office, the joint vocational school 48034
district board consists of one member appointed by the board of 48035
each school district belonging to the joint vocational school 48036
district. Thereafter, appointments shall be made by a district 48037

board as terms expire or are otherwise vacated. 48038

Appointing boards may also appoint students of the district 48039
to serve as additional members of the board, but student members 48040
shall be nonvoting members. 48041

Members of the joint vocational board shall have experience 48042
as chief financial officers, chief executive officers, human 48043
resources managers, or other business and industry professionals 48044
who are qualified to discuss the labor needs of the region with 48045
respect to the regional economy. The appointing board shall 48046
appoint members who represent employers in the region served by 48047
the joint vocational school district who are qualified to consider 48048
a region's workforce needs with an understanding of the skills, 48049
training, and education needed for current and future employment 48050
needs in the region. 48051

(D) The vocational schools in ~~such~~ the joint vocational 48052
school district shall be available to all youth of school age 48053
within the joint vocational school district subject to the rules 48054
adopted by the joint vocational school district board of education 48055
in regard to the standards requisite to admission. A joint 48056
vocational school district board of education shall have the same 48057
powers, duties, and authority for the management and operation of 48058
such joint vocational school district as is granted by law, except 48059
by this chapter and Chapters 124., 3317., 3323., and 3331. of the 48060
Revised Code, to a board of education of a city school district, 48061
and shall be subject to all the provisions of law that apply to a 48062
city school district, except such provisions in this chapter and 48063
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 48064

(E) ~~Where a governing board of an educational service center~~ 48065
~~has been designated to serve as the joint vocational school~~ 48066
~~district board of education, the educational service center~~ 48067
~~superintendent shall be the executive officer for the joint~~ 48068
~~vocational school district, and the governing board may provide~~ 48069

~~for additional compensation to be paid to the educational service center superintendent by the joint vocational school district, but the educational service center superintendent shall have no continuing tenure other than that of educational service center superintendent. The superintendent of schools of a joint vocational school district shall exercise the duties and authority vested by law in a superintendent of schools pertaining to the operation of a school district and the employment and supervision of its personnel. The joint vocational school district board of education shall appoint a treasurer of the joint vocational school district who shall be the fiscal officer for such district and who shall have all the powers, duties, and authority vested by law in a treasurer of a board of education. Where a governing board of an educational service center has been designated to serve as the joint vocational school district board of education, such board may appoint the educational service center superintendent as the treasurer of the joint vocational school district.~~

(F) Each member of a joint vocational school district board of education may be paid such compensation as the board provides by resolution, but it shall not exceed one hundred twenty-five dollars per member for each meeting attended plus mileage, at the rate per mile provided by resolution of the board, to and from meetings of the board.

The board may provide by resolution for the deduction of amounts payable for benefits under section 3313.202 of the Revised Code.

Each member of a joint vocational school district board may be paid such compensation as the board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars per day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training

program longer than three hours in length. However, no board 48102
member shall be compensated for the same training program under 48103
this section and section 3313.12 of the Revised Code. 48104

Sec. 3311.22. A governing board of an educational service 48105
center may propose, by resolution adopted by majority vote of its 48106
full membership, or qualified electors of the area affected equal 48107
in number to at least fifty-five per cent of the qualified 48108
electors voting at the last general election residing within that 48109
portion of a school district, or districts proposed to be 48110
transferred may propose, by petition, the transfer of a part or 48111
all of one or more local school districts to another local school 48112
district or districts within the territory of the educational 48113
service center. Such transfers may be made only to local school 48114
districts adjoining the school district that is proposed to be 48115
transferred, unless the board of education of the district 48116
proposed to be transferred has entered into an agreement pursuant 48117
to section 3313.42 of the Revised Code, in which case such 48118
transfers may be made to any local school district within the 48119
territory of the educational service center. 48120

When a governing board of an educational service center 48121
adopts a resolution proposing a transfer of school territory it 48122
shall forthwith file a copy of such resolution, together with an 48123
accurate map of the territory described in the resolution, with 48124
the board of education of each school district whose boundaries 48125
would be altered by such proposal. A governing board of an 48126
educational service center proposing a transfer of territory under 48127
the provisions of this section shall at its next regular meeting 48128
that occurs not earlier than thirty days after the adoption by the 48129
governing board of a resolution proposing such transfer, adopt a 48130
resolution making the transfer effective at any time prior to the 48131
next succeeding first day of July, unless, prior to the expiration 48132
of such thirty-day period, qualified electors residing in the area 48133

proposed to be transferred, equal in number to a majority of the 48134
qualified electors voting at the last general election, file a 48135
petition of referendum against such transfer. 48136

Any petition of transfer or petition of referendum filed 48137
under the provisions of this section shall be filed at the office 48138
of the educational service center superintendent. The person 48139
presenting the petition shall be given a receipt containing 48140
thereon the time of day, the date, and the purpose of the 48141
petition. 48142

The educational service center superintendent shall cause the 48143
board of elections to check the sufficiency of signatures on any 48144
petition of transfer or petition of referendum filed under this 48145
section and, if found to be sufficient, the superintendent shall 48146
present the petition to the educational service center governing 48147
board at a meeting of the board which shall occur not later than 48148
thirty days following the filing of the petition. 48149

Upon presentation to the educational service center governing 48150
board of a proposal to transfer territory as requested by petition 48151
of fifty-five per cent of the qualified electors voting at the 48152
last general election or a petition of referendum against a 48153
proposal of the county board to transfer territory, the governing 48154
board shall promptly certify the proposal to the board of 48155
elections for the purpose of having the proposal placed on the 48156
ballot at the next general or primary election which occurs not 48157
less than ninety days after the date of such certification, or at 48158
a special election, the date of which shall be specified in the 48159
certification, which date shall not be less than ninety days after 48160
the date of such certification. Signatures on a petition of 48161
transfer or petition of referendum may be withdrawn up to and 48162
including the above mentioned meeting of the educational service 48163
center governing board only by order of the board upon testimony 48164
of the petitioner concerned under oath before the board that the 48165

petitioner's signature was obtained by fraud, duress, or 48166
misrepresentation. 48167

If a petition is filed with the educational service center 48168
governing board which proposes the transfer of a part or all of 48169
the territory included in a resolution of transfer previously 48170
adopted by the educational service center governing board, no 48171
action shall be taken on such petition if within the thirty-day 48172
period after the adoption of the resolution of transfer a 48173
referendum petition is filed. After the election, if the proposed 48174
transfer fails to receive a majority vote, action on such petition 48175
shall then be processed under this section as though originally 48176
filed under the provisions hereof. If no referendum petition is 48177
filed within the thirty-day period after the adoption of the 48178
resolution of transfer, no action shall be taken on such petition. 48179

If a petition is filed with the educational service center 48180
governing board which proposes the transfer of a part or all of 48181
the territory included in a petition previously filed by electors 48182
no action shall be taken on such new petition. 48183

Upon certification of a proposal to the board or boards of 48184
elections pursuant to this section, the board or boards of 48185
elections shall make the necessary arrangements for the submission 48186
of such question to the electors of the county or counties 48187
qualified to vote thereon, and the election shall be conducted and 48188
canvassed and the results shall be certified in the same manner as 48189
in regular elections for the election of members of a board of 48190
education. 48191

The persons qualified to vote upon a proposal are the 48192
electors residing in the district or districts containing 48193
territory that is proposed to be transferred. If the proposed 48194
transfer be approved by at least a majority of the electors voting 48195
on the proposal, the educational service center governing board 48196
shall make such transfer at any time prior to the next succeeding 48197

first day of July. If the proposed transfer is not approved by at least a majority of the electors voting on the proposal, the question of transferring any property included in the territory covered by the proposal shall not be submitted to electors at any election prior to the first general election the date of which is at least two years after the date of the original election, or the first primary election held in an even-numbered year the date of which is at least two years after the date of the original election. A transfer shall be subject to the approval of the receiving board or boards of education, unless the proposal was initiated by the educational service center governing board, in which case, if the transfer is opposed by the board of education offered the territory, the local board may, within thirty days, following the receipt of the notice of transfer, appeal to the state board of education which shall then either approve or disapprove the transfer.

Following an election upon a proposed transfer initiated by a petition the board of education that is offered territory shall, within thirty days following receipt of the proposal, either accept or reject the transfer.

When an entire school district is proposed to be transferred to two or more school districts and the offer is rejected by any one of the receiving boards of education, none of the territory included in the proposal shall be transferred.

Upon the acceptance of territory by the receiving board or boards of education the educational service center governing board offering the territory shall file with the county auditor and with the state board of education an accurate map showing the boundaries of the territory transferred.

Upon the making of such transfer, the net indebtedness of the former district from which territory was transferred shall be apportioned between the acquiring school district and that portion

of the former school district remaining after the transfer in the 48230
ratio which the assessed valuation of the territory transferred to 48231
the acquiring school district bears to the assessed valuation of 48232
the original school district as of the effective date of the 48233
transfer. As used in this section "net indebtedness" means the 48234
difference between the par value of the outstanding and unpaid 48235
bonds and notes of the school district and the amount held in the 48236
sinking fund and other indebtedness retirement funds for their 48237
redemption. 48238

~~If an entire district is transferred, any indebtedness of the 48239
former district incurred as a result of a loan made under section 48240
3317.64 of the Revised Code is hereby canceled and such 48241
indebtedness shall not be apportioned among any districts 48242
acquiring the territory. 48243~~

Upon the making of any transfer under this section, the funds 48244
of the district from which territory was transferred shall be 48245
divided equitably by the educational service center governing 48246
board between the acquiring district and any part of the original 48247
district remaining after the transfer. 48248

If an entire district is transferred the board of education 48249
of such district is thereby abolished or if a member of the board 48250
of education lives in that part of a school district transferred 48251
the member becomes a nonresident of the school district from which 48252
the territory was transferred and such member ceases to be a 48253
member of the board of education of such district. 48254

The legal title of all property of the board of education in 48255
the territory transferred shall become vested in the board of 48256
education of the school district to which such territory is 48257
transferred. 48258

Subsequent to June 30, 1959, if an entire district is 48259
transferred, foundation program moneys accruing to a district 48260

accepting school territory under the provisions of this section or 48261
former section 3311.22 of the Revised Code, shall not be less, in 48262
any year during the next succeeding three years following the 48263
transfer, than the sum of the amounts received by the districts 48264
separately in the year in which the transfer was consummated. 48265

Sec. 3311.231. A governing board of an educational service 48266
center may propose, by resolution adopted by majority vote of its 48267
full membership, or qualified electors of the area affected equal 48268
in number to not less than fifty-five per cent of the qualified 48269
electors voting at the last general election residing within that 48270
portion of a school district proposed to be transferred may 48271
propose, by petition, the transfer of a part or all of one or more 48272
local school districts within the territory of the center to an 48273
adjoining educational service center or to an adjoining city or 48274
exempted village school district. 48275

A governing board of an educational service center adopting a 48276
resolution proposing a transfer of school territory under this 48277
section shall file a copy of such resolution together with an 48278
accurate map of the territory described in the resolution, with 48279
the board of education of each school district whose boundaries 48280
would be altered by such proposal. Where a transfer of territory 48281
is proposed by a governing board of an educational service center 48282
under this section, the governing board shall, at its next regular 48283
meeting that occurs not earlier than the thirtieth day after the 48284
adoption by the governing board of the resolution proposing such 48285
transfer, adopt a resolution making the transfer as originally 48286
proposed, effective at any time prior to the next succeeding first 48287
day of July, unless, prior to the expiration of such thirty-day 48288
period, qualified electors residing in the area proposed to be 48289
transferred, equal in number to a majority of the qualified 48290
electors voting at the last general election, file a petition of 48291
referendum against such transfer. 48292

Any petition of transfer or petition of referendum under the 48293
provisions of this section shall be filed at the office of the 48294
educational service center superintendent. The person presenting 48295
the petition shall be given a receipt containing thereon the time 48296
of day, the date, and the purpose of the petition. 48297

The educational service center superintendent shall cause the 48298
board of elections to check the sufficiency of signatures on any 48299
such petition, and, if found to be sufficient, the superintendent 48300
shall present the petition to the educational service center 48301
governing board at a meeting of said governing board which shall 48302
occur not later than thirty days following the filing of said 48303
petition. 48304

The educational service center governing board shall promptly 48305
certify the proposal to the board of elections of such counties in 48306
which school districts whose boundaries would be altered by such 48307
proposal are located for the purpose of having the proposal placed 48308
on the ballot at the next general or primary election which occurs 48309
not less than ninety days after the date of such certification or 48310
at a special election, the date of which shall be specified in the 48311
certification, which date shall not be less than ninety days after 48312
the date of such certification. 48313

Signatures on a petition of transfer or petition of 48314
referendum may be withdrawn up to and including the above 48315
mentioned meeting of the educational service center governing 48316
board only by order of the governing board upon testimony of the 48317
petitioner concerned under oath before the board that the 48318
petitioner's signature was obtained by fraud, duress, or 48319
misrepresentation. 48320

If a petition is filed with the educational service center 48321
governing board which proposes the transfer of a part or all of 48322
the territory included either in a petition previously filed by 48323
electors or in a resolution of transfer previously adopted by the 48324

educational service center governing board, no action shall be 48325
taken on such new petition as long as the previously initiated 48326
proposal is pending before the governing board or is subject to an 48327
election. 48328

Upon certification of a proposal to the board or boards of 48329
elections pursuant to this section, the board or boards of 48330
elections shall make the necessary arrangements for the submission 48331
of such question to the electors of the county or counties 48332
qualified to vote thereon, and the election shall be conducted and 48333
canvassed and the results shall be certified in the same manner as 48334
in regular elections for the election of members of a board of 48335
education. 48336

The persons qualified to vote upon a proposal are the 48337
electors residing in the district or districts containing 48338
territory that is proposed to be transferred. If the proposed 48339
transfer is approved by at least a majority of the electors voting 48340
on the proposal, the educational service center governing board 48341
shall make such transfer at any time prior to the next succeeding 48342
first day of July, subject to the approval of the receiving board 48343
of education in case of a transfer to a city or exempted village 48344
school district, and subject to the approval of the educational 48345
service center governing board of the receiving center, in case of 48346
a transfer to an educational service center. If the proposed 48347
transfer is not approved by at least a majority of the electors 48348
voting on the proposal, the question of transferring any property 48349
included in the territory covered by the proposal shall not be 48350
submitted to electors at any election prior to the first general 48351
election the date of which is at least two years after the date of 48352
the original election, or the first primary election held in an 48353
even-numbered year the date of which is at least two years after 48354
the date of the original election. 48355

Where a territory is transferred under this section to a city 48356

or exempted village school district, the board of education of 48357
such district shall, and where territory is transferred to an 48358
educational service center the governing board of such educational 48359
service center shall, within thirty days following receipt of the 48360
proposal, either accept or reject the transfer. 48361

Where a governing board of an educational service center 48362
adopts a resolution accepting territory transferred to the 48363
educational service center under the provisions of sections 48364
3311.231 and 3311.24 of the Revised Code, the governing board 48365
shall, at the time of the adoption of the resolution accepting the 48366
territory, designate the school district to which the accepted 48367
territory shall be annexed. 48368

When an entire school district is proposed to be transferred 48369
to two or more adjoining school districts and the offer is 48370
rejected by any one of the receiving boards of education, none of 48371
the territory included in the proposal shall be transferred. 48372

Upon the acceptance of territory by the receiving board or 48373
boards of education the educational service center governing board 48374
offering the territory shall file with the county auditor of each 48375
county affected by the transfer and with the state board of 48376
education an accurate map showing the boundaries of the territory 48377
transferred. 48378

Upon the making of such transfer, the net indebtedness of the 48379
former district from which territory was transferred shall be 48380
apportioned between the acquiring school district and the portion 48381
of the former school district remaining after the transfer in the 48382
ratio which the assessed valuation of the territory transferred to 48383
the acquiring school district bears to the assessed valuation of 48384
the original school district as of the effective date of the 48385
transfer. As used in this section "net indebtedness" means the 48386
difference between the par value of the outstanding and unpaid 48387
bonds and notes of the school district and the amount held in the 48388

sinking fund and other indebtedness retirement funds for their 48389
redemption. 48390

~~If an entire district is transferred, any indebtedness of the 48391
former district incurred as a result of a loan made under section 48392
3317.64 of the Revised Code is hereby canceled and such 48393
indebtedness shall not be apportioned among any districts 48394
acquiring the territory. 48395~~

Upon the making of any transfer under this section, the funds 48396
of the district from which territory was transferred shall be 48397
divided equitably by the educational service center governing 48398
board, between the acquiring district and any part of the original 48399
district remaining after the transfer. 48400

If an entire district is transferred the board of education 48401
of such district is thereby abolished or if a member of the board 48402
of education lives in that part of a school district transferred 48403
the member becomes a nonresident of the school district from which 48404
the territory was transferred and such member ceases to be a 48405
member of the board of education of such district. 48406

The legal title of all property of the board of education in 48407
the territory transferred shall become vested in the board of 48408
education of the school district to which such territory is 48409
transferred. 48410

If an entire district is transferred, foundation program 48411
moneys accruing to a district receiving school territory under the 48412
provisions of this section shall not be less, in any year during 48413
the next succeeding three years following the transfer, than the 48414
sum of the amounts received by the districts separately in the 48415
year in which the transfer was consummated. 48416

Sec. 3311.38. The state board of education may conduct, or 48417
may direct the superintendent of public instruction to conduct, 48418

studies where there is evidence of need for transfer of local, 48419
exempted village, or city school districts, or parts of any such 48420
districts, to contiguous or noncontiguous local, exempted village, 48421
or city school districts. Such studies shall include a study of 48422
the effect of any proposal upon any portion of a school district 48423
remaining after such proposed transfer. The state board, in 48424
conducting such studies and in making recommendations as a result 48425
thereof, shall consider the possibility of improving school 48426
district organization as well as the desires of the residents of 48427
the school districts which would be affected. 48428

(A) After the adoption of recommendations growing out of any 48429
such study, or upon receipt of a resolution adopted by majority 48430
vote of the full membership of the board of any city, local, or 48431
exempted village school district requesting that the entire 48432
district be transferred to another city, local, or exempted 48433
village school district, the state board may propose by resolution 48434
the transfer of territory, which may consist of part or all of the 48435
territory of a local, exempted village, or city school district to 48436
a contiguous local, exempted village, or city school district. 48437

The state board shall thereupon file a copy of such proposal 48438
with the board of education of each school district whose 48439
boundaries would be altered by the proposal and with the governing 48440
board of any educational service center in which such school 48441
district is located. 48442

The state board may, not less than thirty days following the 48443
adoption of the resolution proposing the transfer of territory, 48444
certify the proposal to the board of elections of the county or 48445
counties in which any of the territory of the proposed district is 48446
located, for the purpose of having the proposal placed on the 48447
ballot at the next general election or at a primary election 48448
occurring not less than ninety days after the adoption of such 48449
resolution. 48450

If any proposal has been previously initiated pursuant to 48451
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 48452
affects any of the territory affected by the proposal of the state 48453
board, the proposal of the state board shall not be placed on the 48454
ballot while the previously initiated proposal is subject to an 48455
election. 48456

Upon certification of a proposal to the board of elections of 48457
any county pursuant to this section, the board of elections of 48458
such county shall make the necessary arrangements for the 48459
submission of such question to the electors of the county 48460
qualified to vote thereon, and the election shall be counted and 48461
canvassed and the results shall be certified in the same manner as 48462
in regular elections for the election of members of a board of 48463
education. 48464

The electors qualified to vote upon a proposal are the 48465
electors residing in the local, exempted village, or city school 48466
districts, containing territory proposed to be transferred. 48467

If the proposed transfer be approved by a majority of the 48468
electors voting on the proposal, the state board, subject to the 48469
approval of the board of education of the district to which the 48470
territory would be transferred, shall make such transfer prior to 48471
the next succeeding July 1. 48472

(B) If a study conducted in accordance with this section 48473
involves a school district with less than four thousand dollars of 48474
assessed value for each pupil in the total student count 48475
determined under section 3317.03 of the Revised Code, the state 48476
board of education, with the approval of the educational service 48477
center governing board, and upon recommendation by the state 48478
superintendent of public instruction, may by resolution transfer 48479
all or any part of such a school district to any city, exempted 48480
village, or local school district which has more than twenty-five 48481
thousand pupils in average daily membership. Such resolution of 48482

transfer shall be adopted only after the board of education of the 48483
receiving school district has adopted a resolution approving the 48484
proposed transfer. For the purposes of this division, the assessed 48485
value shall be as certified in accordance with section 3317.021 of 48486
the Revised Code. 48487

(C) Upon the making of a transfer of an entire school 48488
district pursuant to this section, the indebtedness of the 48489
district transferred shall be assumed in full by the acquiring 48490
district and the funds of the district transferred shall be paid 48491
over in full to the acquiring district, ~~except that any~~ 48492
~~indebtedness of the transferred district incurred as a result of a~~ 48493
~~loan made under section 3317.64 of the Revised Code is hereby~~ 48494
~~anceled and shall not be assumed by the acquiring district.~~ 48495

(D) Upon the making of a transfer pursuant to this section, 48496
when only part of a district is transferred, the net indebtedness 48497
of each original district of which only a part is taken by the 48498
acquiring district shall be apportioned between the acquiring 48499
district and the original district in the ratio which the assessed 48500
valuation of the part taken by the acquiring district bears to the 48501
assessed valuation of the original district as of the effective 48502
date of the transfer. As used in this section "net indebtedness" 48503
means the difference between the par value of the outstanding and 48504
unpaid bonds and notes of the school district and the amount held 48505
in the sinking fund and other indebtedness retirement funds for 48506
their redemption. 48507

(E) Upon the making of a transfer pursuant to this section, 48508
when only part of a district is transferred, the funds of the 48509
district from which territory was transferred shall be divided 48510
equitably by the state board between the acquiring district and 48511
that part of the former district remaining after the transfer. 48512

(F) If an entire school district is transferred, the board of 48513
education of such district is thereby abolished. If part of a 48514

school district is transferred, any member of the board of 48515
education who is a legal resident of that part which is 48516
transferred shall thereby cease to be a member of that board. 48517

If an entire school district is transferred, foundation 48518
program moneys accruing to a district accepting school territory 48519
under the provisions of this section shall not be less, in any 48520
year during the next succeeding three years following the 48521
transfer, than the sum of the amounts received by the districts 48522
separately in the year in which the transfer became effective. 48523

Sec. 3311.86. (A) As used in this section: 48524

(1) "Alliance" means a municipal school district 48525
transformation alliance established as a nonprofit corporation. 48526

(2) "Alliance municipal school district" means a municipal 48527
school district for which an alliance has been created under this 48528
section. 48529

(3) "Partnering community school" means a community school 48530
established under Chapter 3314. of the Revised Code that is 48531
located within the territory of a municipal school district and 48532
that either is sponsored by the district or is a party to an 48533
agreement with the district whereby the district and the community 48534
school endorse each other's programs. 48535

(4) "Transformation alliance education plan" means a plan 48536
prepared by the mayor, and confirmed by the alliance, to transform 48537
public education in the alliance municipal school district to a 48538
system of municipal school district schools and partnering 48539
community schools that will be held to the highest standards of 48540
school performance and student achievement. 48541

(B) If one or more partnering community schools are located 48542
in a municipal school district, the mayor may initiate proceedings 48543
to establish a municipal school district transformation alliance 48544

as a nonprofit corporation under Chapter 1702. of the Revised Code. The mayor shall have sole authority to appoint the directors of any alliance created under this section. The directors of the alliance shall include representatives of all of the following:

(1) The municipal school district;

(2) Partnering community schools;

(3) Members of the community at large, including parents and educators;

(4) The business community, including business leaders and foundation leaders.

No one group listed in divisions (B)(1) to (4) of this section shall comprise a majority of the directors. The mayor shall be an ex officio director, and serve as the chairperson of the board of directors, of any alliance created under this section. If the proceedings are initiated, the mayor shall identify the directors in the articles of incorporation filed under section 1702.04 of the Revised Code.

(C)(1) A majority of the members of the board of directors of the alliance shall constitute a quorum of the board. Any formal action taken by the board of directors shall take place at a meeting of the board and shall require the concurrence of a majority of the members of the board. Meetings of the board of directors shall be public meetings open to the public at all times, except that the board may hold an executive session, as if it were a public body with public employees, for any of the purposes for which an executive session of a public body is permitted under division (G) of section 121.22 of the Revised Code, notwithstanding that the alliance is not a public body as defined in that section, and its employees are not public employees as provided in division (F) of this section. The board of directors shall establish reasonable methods whereby any person

may determine the time and place of all of the board's public meetings and by which any person, upon request, may obtain reasonable advance notification of the board's public meetings. Provisions for that advance notification may include, but are not limited to, mailing notices to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(2) All records of the alliance shall be organized and maintained by the alliance and also filed with the department of education. The alliance and the department shall make those records available to the public as though those records were public records for purposes of Chapter 149. of the Revised Code. The department shall promptly notify the alliance upon the department's receipt of any requests for records relating to the alliance pursuant to section 149.43 of the Revised Code.

(3) The board of directors of the alliance shall establish a conflicts of interest policy and shall adopt that policy, and any amendments to the policy, at a meeting of the board held in accordance with this section.

(D) If an alliance is created under this section, the alliance shall do all of the following:

(1) Report annually on the performance of all municipal school district schools and all community schools established under Chapter 3314. of the Revised Code and located in the district, using the criteria adopted under division (B) of section 3311.87 of the Revised Code;

(2) Confirm and monitor implementation of the transformation alliance education plan;

(3) Suggest national education models for and provide input in the development of new municipal school district schools and partnering community schools.

(E) Divisions (E)(1) to (3) of this section apply to each community school sponsor that is subject to approval by the department of education under section 3314.015 of the Revised Code whose approval under that section is granted or renewed on or after ~~the effective date of this section~~ October 1, 2012.

Divisions (E)(1) to (3) of this section do not apply to a sponsor that has been approved by the department prior to that date, until the sponsor's approval is renewed or granted anew on or after that date.

(1) Before a sponsor to which this section applies may sponsor new community schools in an alliance municipal school district, the sponsor shall request recommendation from the alliance to sponsor community schools in the district.

(2) The alliance shall review the sponsor's application and shall make a recommendation based on the standards for sponsors developed under division (A)(2) of section 3311.87 of the Revised Code.

(3) The department shall use the standards developed under division (A)(2) of section 3311.87 of the Revised Code, in addition to any other requirements of the Revised Code, to review a sponsor's request and make a final determination, on recommendation of the alliance, of whether the sponsor may sponsor new community schools in the alliance municipal school district.

No sponsor shall be required to receive authorization to sponsor new community schools under division (E)(3) of this section more than one time.

(F) Directors, officers, and employees of an alliance are not public employees or public officials, are not subject to Chapters 124., 145., and 4117. of the Revised Code, and are not "public officials" or "public servants" as defined in section 2921.01 of the Revised Code. Membership on the board of directors of an

alliance does not constitute the holding of an incompatible public office or employment in violation of any statutory or common law prohibition against the simultaneous holding of more than one public office or employment. Members of the board of directors of an alliance are not disqualified from holding any public office by reason of that membership, and do not forfeit by reason of that membership the public office or employment held when appointed to the board, notwithstanding any contrary disqualification or forfeiture requirement under the Revised Code or the common law of this state.

(G) The authority to establish an alliance under this section expires on January 1, 2018. Any alliance established under this section is terminated, and any related authority granted to the alliance under this section expires on that date.

Sec. 3312.08. Each fiscal agent selected by the department of education pursuant to section 3312.07 of the Revised Code shall do all of the following:

(A) Enter into performance contracts with the department in accordance with section 3312.09 of the Revised Code for the implementation of state and regional education initiatives and school improvement efforts;

(B) Receive federal and state funds, including federal funds for the provision of special education and related services, as specified in the performance contracts, and disburse those funds as specified in the performance contracts to educational service centers, information technology centers, and other regional service providers. However, any funds owed to an educational service center in accordance with an agreement entered into under section ~~3317.11~~ 3313.843, 3313.844, or 3313.845 of the Revised Code shall be paid directly to the service center by the department ~~in accordance with that section~~ and any operating funds

appropriated for an information technology center shall be paid 48669
directly to the information technology center by the department 48670
pursuant to section 3301.075 of the Revised Code. 48671

(C) Implement any expenditure of funds recommended by the 48672
advisory council for the region pursuant to section 3312.04 of the 48673
Revised Code or required by the terms of any performance contract, 48674
unless there are insufficient funds available to the region to pay 48675
for the expenditure or the expenditure violates a provision of the 48676
Revised Code, a rule of the state board of education regarding 48677
such expenditure, or the terms of a performance contract; 48678

(D) Exercise fiscal oversight of the implementation of state 48679
and regional education initiatives and school improvement efforts. 48680

Sec. 3313.372. (A) As used in this section, "energy 48681
conservation measure" means an installation or modification of an 48682
installation in, or remodeling of, a building, to reduce energy 48683
consumption. It includes: 48684

(1) Insulation of the building structure and systems within 48685
the building; 48686

(2) Storm windows and doors, multiglazed windows and doors, 48687
heat absorbing or heat reflective glazed and coated window and 48688
door systems, additional glazing, reductions in glass area, and 48689
other window and door system modifications that reduce energy 48690
consumption; 48691

(3) Automatic energy control systems; 48692

(4) Heating, ventilating, or air conditioning system 48693
modifications or replacements; 48694

(5) Caulking and weatherstripping; 48695

(6) Replacement or modification of lighting fixtures to 48696
increase the energy efficiency of the system without increasing 48697
the overall illumination of a facility, unless such increase in 48698

illumination is necessary to conform to the applicable state or 48699
local building code for the proposed lighting system; 48700

(7) Energy recovery systems; 48701

(8) Cogeneration systems that produce steam or forms of 48702
energy such as heat, as well as electricity, for use primarily 48703
within a building or complex of buildings; 48704

(9) Any other modification, installation, or remodeling 48705
approved by the Ohio school facilities commission as an energy 48706
conservation measure. 48707

(B) A board of education of a city, exempted village, local, 48708
or joint vocational school district may enter into an installment 48709
payment contract for the purchase and installation of energy 48710
conservation measures. The provisions of such installment payment 48711
contracts dealing with interest charges and financing terms shall 48712
not be subject to the competitive bidding requirements of section 48713
3313.46 of the Revised Code, and shall be on the following terms: 48714

(1) Not less than one-fifteenth of the costs thereof shall be 48715
paid within two years from the date of purchase. 48716

(2) The remaining balance of the costs thereof shall be paid 48717
within fifteen years from the date of purchase. 48718

The provisions of any installment payment contract entered 48719
into pursuant to this section shall provide that all payments, 48720
except payments for repairs and obligations on termination of the 48721
contract prior to its expiration, be stated as a percentage of 48722
calculated energy, water, or waste water cost savings, avoided 48723
operating costs, and avoided capital costs attributable to the one 48724
or more measures over a defined period of time. Those payments 48725
shall be made only to the extent that the savings described in 48726
this division actually occur. The contractor shall warrant and 48727
guarantee that the energy conservation measures shall realize 48728
guaranteed savings. In order to ensure payment of any savings 48729

shortfall, the contractor shall provide an energy guarantee bond 48730
for the full term of the contract, including any partial guarantee 48731
year. 48732

The commission may reduce the term of any installment payment 48733
contract entered into under this section on or after the effective 48734
date of this amendment to three years. 48735

An installment payment contract entered into by a board of 48736
education under this section shall require the board to contract 48737
in accordance with division (A) of section 3313.46 of the Revised 48738
Code for the installation, modification, or remodeling of energy 48739
conservation measures unless division (A) of section 3313.46 of 48740
the Revised Code does not apply pursuant to division (B)(3) of 48741
that section. 48742

(C) The board may issue the notes of the school district 48743
signed by the president and the treasurer of the board and 48744
specifying the terms of the purchase and securing the deferred 48745
payments provided in this section, payable at the times provided 48746
and bearing interest at a rate not exceeding the rate determined 48747
as provided in section 9.95 of the Revised Code. The notes may 48748
contain an option for prepayment and shall not be subject to 48749
Chapter 133. of the Revised Code. In the resolution authorizing 48750
the notes, the board may provide, without the vote of the electors 48751
of the district, for annually levying and collecting taxes in 48752
amounts sufficient to pay the interest on and retire the notes, 48753
except that the total net indebtedness of the district without a 48754
vote of the electors incurred under this and all other sections of 48755
the Revised Code, except section 3318.052 of the Revised Code, 48756
shall not exceed one per cent of the district's tax valuation. 48757
Revenues derived from local taxes or otherwise, for the purpose of 48758
conserving energy or for defraying the current operating expenses 48759
of the district, may be applied to the payment of interest and the 48760
retirement of such notes. The notes may be sold at private sale or 48761

given to the contractor under the installment payment contract 48762
authorized by division (B) of this section. 48763

(D) Debt incurred under this section shall not be included in 48764
the calculation of the net indebtedness of a school district under 48765
section 133.06 of the Revised Code. 48766

(E) No school district board shall enter into an installment 48767
payment contract under division (B) of this section unless it 48768
first obtains a report of the costs of the energy conservation 48769
measures and the savings thereof as described under division (G) 48770
of section 133.06 of the Revised Code as a requirement for issuing 48771
energy securities, makes a finding that the amount spent on such 48772
measures is not likely to exceed the amount of money it would save 48773
in energy costs and resultant operational and maintenance costs as 48774
described in that division, except that that finding shall cover 48775
the ensuing fifteen years, and the Ohio school facilities 48776
commission determines that the district board's findings are 48777
reasonable and approves the contract as described in that 48778
division. 48779

The district board shall monitor the savings and maintain a 48780
report of those savings, which shall be submitted to the 48781
commission in the same manner as required by division (G) of 48782
section 133.06 of the Revised Code in the case of energy 48783
securities. 48784

Sec. 3313.376. As used in this section, "client school 48785
district" ~~has the same meaning as in section 3317.11 of the~~ 48786
~~Revised Code~~ means a city, exempted village, or local school 48787
district that has entered into an agreement under section 3313.843 48788
or 3313.845 of the Revised Code to receive any services from an 48789
educational service center. 48790

For the purpose of obtaining quantity discounts in purchasing 48791
textbooks; computer equipment, including computer software; school 48792

buses; and natural gas, electricity, and other utility services, 48793
the governing boards of two or more educational service centers 48794
may enter into agreements, including installment purchase and 48795
lease-purchase contracts, to jointly purchase such commodities to 48796
be utilized by client school districts of the educational service 48797
centers. 48798

Sec. 3313.48. (A) The board of education of each city, 48799
exempted village, local, and joint vocational school district 48800
shall provide for the free education of the youth of school age 48801
within the district under its jurisdiction, at such places as will 48802
be most convenient for the attendance of the largest number 48803
thereof. ~~Except as provided in section 3313.481 of the Revised~~ 48804
~~Code, each~~ Each school so provided and each chartered nonpublic 48805
school shall be open for instruction with pupils in attendance, 48806
including scheduled classes, supervised activities, and approved 48807
education options but excluding lunch and breakfast periods and 48808
extracurricular activities, for not less than ~~one hundred~~ 48809
~~eighty two days~~ four hundred fifty-five hours in the case of 48810
pupils in kindergarten unless such pupils are provided all-day 48811
kindergarten, as defined in section 3321.05 of the Revised Code, 48812
in which case the pupils shall be in attendance for nine hundred 48813
ten hours; nine hundred ten hours in the case of pupils in grades 48814
one through six; and one thousand one hours in the case of pupils 48815
in grades seven through twelve in each school year, which may 48816
include all of the following: 48817

~~(A)(1)~~ Up to four the equivalent of two school days per year 48818
in which classes are dismissed one half day early or the 48819
equivalent amount of time during a different number of days during 48820
which pupils would otherwise be in attendance but are not required 48821
to attend for the purpose of individualized parent-teacher 48822
conferences and reporting periods; 48823

~~(B)(2) Up to the equivalent of two school days per year during which pupils would otherwise be in attendance but are not required to attend for professional meetings of teachers when such days occur during a regular school week and schools are not in session;~~ 48824
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~~(C) The number of days the school is closed as a result of public calamity, as provided in section 3317.01 of the Revised Code (3) Morning and afternoon recess periods of not more than fifteen minutes duration per period for pupils in grades kindergarten through six.~~ 48829
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~~The state board of education shall adopt standards for defining "school day" as used in sections 3313.48 and 3317.01 of the Revised Code.~~ 48834
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~~Except as otherwise provided in this section, each day for grades seven through twelve shall consist of not less than five clock hours with pupils in attendance, except in such emergency situations, including lack of classroom space, as are approved by the state board of education. Except as otherwise provided in this section, each day for grades one through six shall consist of not less than five clock hours with pupils in attendance which may include fifteen minute morning and afternoon recess periods, except in such emergency situations, including lack of classroom space, as are approved by the state board of education.~~ 48837
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~~(B) Not later than thirty days prior to adopting a school calendar, the board of education of each city, exempted village, and local school district shall hold a public hearing on the school calendar, addressing topics that include, but are not limited to, the total number of hours in a school year, length of school day, and beginning and end dates of instruction.~~ 48847
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~~(C) No school operated by a city, exempted village, local, or joint vocational school district shall reduce the number of hours~~ 48853
48854

in each school year that the school is scheduled to be open for 48855
instruction from the number of hours per year the school was open 48856
for instruction during the previous school year unless the 48857
reduction is approved by a resolution adopted by the district 48858
board of education. Any reduction so approved shall not result in 48859
fewer hours of instruction per school year than the applicable 48860
number of hours required under division (A) of this section. 48861

(D) Prior to making any change in the hours or days in which 48862
a high school under its jurisdiction is open for instruction, the 48863
board of education of each city, exempted village, and local 48864
school district shall consider the compatibility of the proposed 48865
change with the scheduling needs of any joint vocational school 48866
district in which any of the high school's students are also 48867
enrolled. The board shall consider the impact of the proposed 48868
change on student access to the instructional programs offered by 48869
the joint vocational school district, incentives for students to 48870
participate in career-technical education, transportation, and the 48871
timing of graduation. The board shall provide the joint vocational 48872
school district board with advance notice of the proposed change 48873
and the two boards shall enter into a written agreement 48874
prescribing reasonable accommodations to meet the scheduling needs 48875
of the joint vocational school district prior to implementation of 48876
the change. 48877

(E) Prior to making any change in the hours or days in which 48878
a school under its jurisdiction is open for instruction, the board 48879
of education of each city, exempted village, and local school 48880
district shall consider the compatibility of the proposed change 48881
with the scheduling needs of any community school established 48882
under Chapter 3314. of the Revised Code to which the district is 48883
required to transport students under sections 3314.09 and 3327.01 48884
of the Revised Code. The board shall consider the impact of the 48885
proposed change on student access to the instructional programs 48886

offered by the community school, transportation, and the timing of 48887
graduation. The board shall provide the sponsor, governing 48888
authority, and operator of the community school with advance 48889
notice of the proposed change, and the board and the governing 48890
authority, or operator if such authority is delegated to the 48891
operator, shall enter into a written agreement prescribing 48892
reasonable accommodations to meet the scheduling needs of the 48893
community school prior to implementation of the change. 48894

(F) Prior to making any change in the hours or days in which 48895
the schools under its jurisdiction are open for instruction, the 48896
board of education of each city, exempted village, and local 48897
school district shall consult with the chartered nonpublic schools 48898
to which the district is required to transport students under 48899
section 3327.01 of the Revised Code and shall consider the effect 48900
of the proposed change on the schedule for transportation of those 48901
students to their nonpublic schools. The governing authority of a 48902
chartered nonpublic school shall consult with each school district 48903
board of education that transports students to the chartered 48904
nonpublic school under section 3327.01 of the Revised Code prior 48905
to making any change in the hours or days in which the nonpublic 48906
school is open for instruction. 48907

(G) The state board of education shall not adopt or enforce 48908
any rule or standard that imposes on chartered nonpublic schools 48909
the procedural requirements imposed on school districts by 48910
divisions (B), (C), (D), and (E) of this section. 48911

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 48912
the term "school day" is used, unless otherwise specified, that 48913
term shall be construed to mean the time during a calendar day 48914
that a school is open for instruction pursuant to the schedule 48915
adopted by the board of education of the school district or the 48916
governing authority of the chartered nonpublic school in 48917

accordance with section 3313.48 of the Revised Code. 48918

Sec. 3313.483. (A) A board of education, upon the adoption of 48919
a resolution stating that it may be financially unable to open on 48920
the day or to remain open for instruction on all days set forth in 48921
its adopted school calendar and pay all obligated expenses, or the 48922
superintendent of public instruction upon the issuance of written 48923
notification under division (B) of section 3313.489 of the Revised 48924
Code, shall request the auditor of state to determine whether such 48925
situation exists. The auditor shall deliver a copy of each request 48926
from a board of education to the superintendent of public 48927
instruction. In the case of a school district not under a fiscal 48928
emergency pursuant to Chapter 3316. of the Revised Code the 48929
auditor shall not issue a finding under this section until written 48930
notification is received from the superintendent pursuant to 48931
section 3313.487 of the Revised Code. 48932

(B) If the auditor of state finds that the board of education 48933
has attempted to avail itself to the fullest extent authorized by 48934
law of all lawful revenue sources available to it except those 48935
authorized by section 5705.21 of the Revised Code, the auditor 48936
shall certify that finding to the superintendent of public 48937
instruction and the state board of education and shall certify the 48938
operating deficit the district will have at the end of the fiscal 48939
year if it commences or continues operating its instructional 48940
program in accordance with its adopted school calendar and pays 48941
all obligated expenses. 48942

(C) No board of education may delay the opening of its 48943
schools or close its schools for financial reasons. Upon the 48944
request of the superintendent of public instruction, the attorney 48945
general shall seek injunctive relief and any other relief required 48946
to enforce this prohibition in the court of common pleas of 48947
Franklin county. The court of common pleas of Franklin county has 48948

exclusive original jurisdiction over all such actions. 48949

(D) Upon the receipt of any certification of an operating 48950
deficit from the auditor of state, a board of education shall make 48951
application to a commercial bank, underwriter, or other 48952
prospective lender or purchaser of its obligations for a loan in 48953
an amount sufficient to enable the district to open or remain open 48954
for instruction on all days set forth in its adopted school 48955
calendar but not to exceed the amount of the deficit certified. 48956

(E)(1) Any board of education that has applied for and been 48957
denied a loan from a commercial bank, underwriter, or other 48958
prospective lender or purchaser of its obligations pursuant to 48959
division (D) of this section shall submit to the superintendent of 48960
public instruction a plan for implementing reductions in the 48961
school district's budget; apply for a loan from a commercial bank, 48962
underwriter, or other prospective lender or purchaser of its 48963
obligations in an amount not to exceed its certified deficit; and 48964
provide the superintendent such information as the superintendent 48965
requires concerning its application for such a loan. The board of 48966
education of a school district declared to be under a fiscal watch 48967
pursuant to division (A) of section 3316.03 of the Revised Code 48968
may, upon approval of the superintendent, utilize the financial 48969
plan required by section 3316.04 of the Revised Code, or 48970
applicable parts thereof, as the plan required under this 48971
division. The board of education of a school district declared to 48972
be under a fiscal emergency pursuant to division (B) of section 48973
3316.03 of the Revised Code may utilize the financial recovery 48974
plan for the district, or applicable parts thereof, as the plan 48975
required under this division. Except for the plan of a school 48976
district under a fiscal emergency, the superintendent shall 48977
evaluate, make recommendations concerning, and approve or 48978
disapprove each plan. When a plan is submitted, the superintendent 48979
shall immediately notify the members of the general assembly whose 48980

legislative districts include any or all of the territory of the 48981
school district submitting the plan. 48982

(2) The superintendent shall submit to the controlling board 48983
a copy of each plan the superintendent approves, or each plan 48984
submitted by a district under a fiscal emergency pursuant to 48985
division (B) of section 3316.03 of the Revised Code, and the 48986
general terms of each proposed loan, and shall make 48987
recommendations regarding the plan and whether a proposed loan to 48988
the board of education should be approved for payment as provided 48989
in division (E)(3) of this section. The controlling board shall 48990
approve or disapprove the plan and the proposed loan presented to 48991
it by the superintendent. In the case of a district not under a 48992
fiscal emergency pursuant to division (B) of section 3316.03 of 48993
the Revised Code, the controlling board may require a board of 48994
education to implement the superintendent's recommendations for 48995
expenditure reductions or impose other requirements. Loan 48996
repayments shall be in accordance with a schedule approved by the 48997
superintendent, except that the principal amount of the loan shall 48998
be payable in monthly, semiannual, or annual installments of 48999
principal and interest that are substantially equal principal and 49000
interest installments. Except as otherwise provided in division 49001
(E)(2) of this section, repayment shall be made no later than the 49002
fifteenth day of June of the second fiscal year following the 49003
approval of the loan. A school district with a certified deficit 49004
in excess of either twenty-five million dollars or fifteen per 49005
cent of the general fund expenditures of the district during the 49006
fiscal year shall repay the loan no later than the fifteenth day 49007
of June of the tenth fiscal year following the approval of the 49008
loan. In deciding whether to approve or disapprove a proposed 49009
loan, the controlling board shall consider the deficit certified 49010
by the auditor of state pursuant to this section. A board of 49011
education that has an outstanding loan approved pursuant to this 49012
section with a repayment date of more than two fiscal years after 49013

the date of approval of such loan may not apply for another loan 49014
with such a repayment date until the outstanding loan has been 49015
repaid. 49016

(3) If a board of education has submitted and received 49017
controlling board approval of a plan and proposed loan in 49018
accordance with this section, the superintendent of public 49019
instruction shall report to the controlling board the actual 49020
amounts loaned to the board of education. Such board of education 49021
shall request the superintendent to pay any funds the board of 49022
education would otherwise receive pursuant to Chapter 3306. of the 49023
Revised Code first directly to the holders of the board of 49024
education's notes, or an agent thereof, such amounts as are 49025
specified under the terms of the loan. Such payments shall be made 49026
only from and to the extent of money appropriated by the general 49027
assembly for purposes of such sections. No note or other 49028
obligation of the board of education under the loan constitutes an 49029
obligation nor a debt or a pledge of the faith, credit, or taxing 49030
power of the state, and the holder or owner of such note or 49031
obligation has no right to have taxes levied by the general 49032
assembly for the payment of such note or obligation, and such note 49033
or obligation shall contain a statement to that effect. 49034

(4) Pursuant to the terms of such a loan, a board of 49035
education may issue its notes in anticipation of the collection of 49036
its voted levies for current expenses or its receipt of such state 49037
funds or both. Such notes shall be issued in accordance with 49038
division (E) of section 133.10 of the Revised Code and constitute 49039
Chapter 133. securities to the extent such division and the 49040
otherwise applicable provisions of Chapter 133. of the Revised 49041
Code are not inconsistent with this section, provided that in any 49042
event sections 133.24 and 5705.21 and divisions (A), (B), (C), and 49043
(E)(2) of section 133.10 of the Revised Code do not apply to such 49044
notes. 49045

(5) Notwithstanding section 133.36 or 3313.17, any other 49046
section of the Revised Code, or any other provision of law, a 49047
board of education that has received a loan under this section may 49048
not declare bankruptcy, so long as any portion of such loan 49049
remains unpaid. 49050

(F) Under this section and ~~sections~~ section 3313.4810 and 49051
~~3313.4811~~, "board of education" or "district board" includes the 49052
financial planning and supervision commission of a school district 49053
under a fiscal emergency pursuant to Chapter 3316. of the Revised 49054
Code where such commission chooses to exercise the powers and 49055
duties otherwise required of the district board of education under 49056
this section and ~~sections~~ section 3313.4810 and ~~3313.4811~~ of the 49057
Revised Code. 49058

Sec. 3313.484. No loan shall be approved under sections 49059
3313.483 to ~~3313.4811~~ 3313.4810 of the Revised Code after March 1, 49060
1998. 49061

By the last day of June each year, the department of 49062
education shall calculate and pay a subsidy to every school 49063
district that during the current fiscal year paid and was 49064
obligated to pay interest on a loan under sections 3313.483 to 49065
~~3313.4811~~ 3313.4810 of the Revised Code in excess of two per cent 49066
simple interest. The amount of the subsidy shall equal the 49067
difference between the amount of interest the district paid and 49068
was obligated to pay during the year and the interest that the 49069
district would have been obligated to pay if the interest rate on 49070
the loan had been two per cent per year. 49071

Sec. 3313.488. (A) Within fifteen days ~~of~~ after the date a 49072
~~board of education requests that its school district be made~~ 49073
~~subject to this section as authorized by section 3317.62 of the~~ 49074
~~Revised Code, or the state board of education has issued~~ issues an 49075

order under section 3313.487 of the Revised Code making a school 49076
district subject to this section, the district's board of 49077
education shall prepare a fiscal statement of expenses and 49078
expenditures for the remainder of the current fiscal year. The 49079
fiscal statement shall be submitted to the superintendent of 49080
public instruction and shall set forth all revenues to be received 49081
by the district during the remainder of the fiscal year and their 49082
sources, the expenses to be incurred by the district during the 49083
remainder of the fiscal year, the outstanding and unpaid expenses 49084
at the time the fiscal statement is prepared and the date or dates 49085
by which such expenses must be paid, and such other information as 49086
the superintendent requires to enable the superintendent to ensure 49087
that during the remainder of the fiscal year, the district will 49088
not incur any expenses that will further impair its ability to 49089
operate an instructional program that meets or exceeds the minimum 49090
standards of the state board of education and requirements of the 49091
Revised Code during the current and ensuing fiscal years with the 49092
revenue available to it from existing revenue sources. The fiscal 49093
statement shall be presented in such detail and form as the 49094
superintendent prescribes. Beginning the tenth day after the 49095
fiscal statement is submitted and for the remainder of the fiscal 49096
year, the board shall not make any expenditure of money, make any 49097
employment, purchase, or rental contract, give any order involving 49098
the expenditure of money, or increase any wage or salary schedule 49099
unless the superintendent of public instruction has approved the 49100
fiscal statement in writing and the expenditure, contract, order, 49101
or schedule has been approved in writing by the superintendent as 49102
being in conformity with the fiscal statement. 49103

Any contract or expenditure made, order given, or schedule 49104
adopted or put into effect without the written approval of the 49105
superintendent of public instruction is void, and no warrant shall 49106
be issued in payment of any amount due thereon. 49107

(B) A board of education subject to division (A) of this section shall prepare a fiscal statement of expenses and expenditures for the ensuing fiscal year. The fiscal statement shall be submitted to the superintendent of public instruction and shall set forth all revenues to be received by the district during such year and their source, the expenses to be incurred by the district during such year, the outstanding and unpaid expenses on the first day of such fiscal year, the date or dates by which such expenses must be paid, and such other information as the superintendent requires to enable the superintendent to ensure that during such year, the district will not incur any expenses that will further impair its ability to operate an instructional program that meets or exceeds the minimum standards of the state board of education and requirements of the Revised Code during such year with the revenue available to it from existing revenue sources. The fiscal statement shall be presented at the time and in such detail and form as the superintendent prescribes. During the fiscal year following the year in which a board of education first becomes subject to division (A) of this section it shall not make any expenditure of money, make any employment, purchase, or rental contract, give any order involving the expenditure of money, or increase any wage or salary schedule unless the superintendent of public instruction has approved the fiscal statement submitted under this division in writing and has approved the expenditure, contract, order, or schedule in writing as being in conformity with the fiscal statement.

Any contract or expenditure made, order given, or schedule adopted or put into effect without the written approval of the superintendent of public instruction is void, and no warrant shall be issued in payment of any amount due thereon.

(C) The state board of education shall examine any fiscal statement presented to and approved by the superintendent of

public instruction under division (B) of this section and shall 49140
determine whether the data set forth in the fiscal statement are 49141
factual and based upon assumptions that in its judgment are 49142
reasonable expectations consistent with acceptable governmental 49143
budget and accounting practices. If the state board so determines 49144
and finds that the revenues and expenditures in the fiscal 49145
statement are in balance for the fiscal year and the fiscal 49146
statement will enable the district to operate during such year 49147
without interrupting its school calendar, it shall certify its 49148
determination and finding to the district at least thirty days 49149
prior to the beginning of the fiscal year, and the district shall 49150
thereupon cease to be subject to this section. If the state board 49151
does not make such a determination and finding, the board of 49152
education and school district are subject to this division and 49153
division (B) of this section in the ensuing fiscal year and each 49154
fiscal year thereafter until the state board makes a 49155
determination, finding, and certification under this division. 49156

(D) Any officer, employee, or other person who knowingly 49157
expends or authorizes the expenditure of any public funds or 49158
knowingly authorizes or executes any contract, order, or schedule 49159
contrary to division (A) or (B) of this section or who knowingly 49160
expends or authorizes the expenditure of any public funds on any 49161
such void contract, order, or schedule is jointly and severally 49162
liable in person and upon any official bond that the officer, 49163
employee, or other person has given to such school district to the 49164
extent of any payments on the void claim, not to exceed twenty 49165
thousand dollars. The attorney general at the written request of 49166
the superintendent of public instruction shall enforce this 49167
liability by civil action brought in any court of appropriate 49168
jurisdiction in the name of and on behalf of the school district. 49169

(E) During each month that a board of education is subject to 49170
division (A), (B), or (C) of this section, the superintendent of 49171

public instruction shall submit a report to the speaker of the 49172
house of representatives and the president of the senate on the 49173
financial condition of the school district. The report shall 49174
contain the date by which the superintendent anticipates the 49175
district will cease to be subject to such divisions, the 49176
district's plans for becoming exempt from such section, and such 49177
other information the superintendent determines appropriate or the 49178
speaker of the house of representatives or president of the senate 49179
requests. 49180

In addition to the other reports required under this 49181
division, on the thirty-first day of each school district fiscal 49182
year following a fiscal year in which a school district first 49183
becomes subject to this section, the superintendent shall submit a 49184
written report to the speaker of the house of representatives and 49185
the president of the senate. The report shall include 49186
recommendations to the general assembly for strengthening the 49187
financial condition of school districts based upon the experiences 49188
of the superintendent and the state board in exercising their 49189
powers under this section and sections 3313.483 and 3313.487 of 49190
the Revised Code. 49191

(F) This section does not apply to a school district declared 49192
to be under a fiscal emergency pursuant to division (B) of section 49193
3316.03 of the Revised Code. 49194

Sec. 3313.4810. Any school district receiving a loan under 49195
section 3313.483 ~~or 3317.64~~ of the Revised Code in excess of seven 49196
per cent of the general fund expenditures of the district during 49197
the fiscal year in which the loan is received and that has 49198
received a loan under that section within the last five years is 49199
subject to section 3313.488 of the Revised Code for the duration 49200
of the fiscal year in which the district receives the loan and 49201
during the ensuing two fiscal years. The controlling board may not 49202

relieve a school district to which this section applies from any 49203
requirements imposed under section 3313.483 ~~or 3317.64~~ of the 49204
Revised Code to implement recommendations of the superintendent of 49205
public instruction for expenditure reduction and may not modify 49206
any other requirements imposed under such section upon such a 49207
district as a condition for receiving the loan unless expressly 49208
authorized to do so by law. The superintendent of public 49209
instruction shall, among any recommendations ~~he~~ the superintendent 49210
makes for expenditure reduction under section 3313.483 ~~or 3317.63~~ 49211
of the Revised Code affecting the number of employees of a school 49212
district to which this section applies, provide wherever possible 49213
for the retention of teachers who are actually involved in the 49214
daily teaching of students in the classroom. 49215

Sec. 3313.533. (A) The board of education of a city, exempted 49216
village, or local school district may adopt a resolution to 49217
establish and maintain an alternative school in accordance with 49218
this section. The resolution shall specify, but not necessarily be 49219
limited to, all of the following: 49220

(1) The purpose of the school, which purpose shall be to 49221
serve students who are on suspension, who are having truancy 49222
problems, who are experiencing academic failure, who have a 49223
history of class disruption, who are exhibiting other academic or 49224
behavioral problems specified in the resolution, or who have been 49225
discharged or released from the custody of the department of youth 49226
services under section 5139.51 of the Revised Code; 49227

(2) The grades served by the school, which may include any of 49228
grades kindergarten through twelve; 49229

(3) A requirement that the school be operated in accordance 49230
with this section. The board of education adopting the resolution 49231
under division (A) of this section shall be the governing board of 49232
the alternative school. The board shall develop and implement a 49233

plan for the school in accordance with the resolution establishing 49234
the school and in accordance with this section. Each plan shall 49235
include, but not necessarily be limited to, all of the following: 49236

(a) Specification of the reasons for which students will be 49237
accepted for assignment to the school and any criteria for 49238
admission that are to be used by the board to approve or 49239
disapprove the assignment of students to the school; 49240

(b) Specification of the criteria and procedures that will be 49241
used for returning students who have been assigned to the school 49242
back to the regular education program of the district; 49243

(c) An evaluation plan for assessing the effectiveness of the 49244
school and its educational program and reporting the results of 49245
the evaluation to the public. 49246

(B) Notwithstanding any provision of Title XXXIII of the 49247
Revised Code to the contrary, the alternative school plan may 49248
include any of the following: 49249

(1) A requirement that on each school day students must 49250
attend school or participate in other programs specified in the 49251
plan or by the chief administrative officer of the school for a 49252
period equal to the minimum school day set by the ~~state~~ board of 49253
education under section 3313.48 of the Revised Code plus any 49254
additional time required in the plan or by the chief 49255
administrative officer; 49256

(2) Restrictions on student participation in extracurricular 49257
or interscholastic activities; 49258

(3) A requirement that students wear uniforms prescribed by 49259
the district board of education. 49260

(C) In accordance with the alternative school plan, the 49261
district board of education may employ teachers and nonteaching 49262
employees necessary to carry out its duties and fulfill its 49263

responsibilities or may contract with a nonprofit or for profit 49264
entity to operate the alternative school, including the provision 49265
of personnel, supplies, equipment, or facilities. 49266

(D) An alternative school may be established in all or part 49267
of a school building. 49268

(E) If a district board of education elects under this 49269
section, or is required by section 3313.534 of the Revised Code, 49270
to establish an alternative school, the district board may join 49271
with the board of education of one or more other districts to form 49272
a joint alternative school by forming a cooperative education 49273
school district under section 3311.52 or 3311.521 of the Revised 49274
Code, or a joint educational program under section 3313.842 of the 49275
Revised Code. The authority to employ personnel or to contract 49276
with a nonprofit or for profit entity under division (C) of this 49277
section applies to any alternative school program established 49278
under this division. 49279

(F) Any individual employed as a teacher at an alternative 49280
school operated by a nonprofit or for profit entity under this 49281
section shall be licensed and shall be subject to background 49282
checks, as described in section 3319.39 of the Revised Code, in 49283
the same manner as an individual employed by a school district. 49284

(G) Division (G) of this section applies only to any 49285
alternative school that is operated by a nonprofit or for profit 49286
entity under contract with the school district. 49287

(1) In addition to the specifications authorized under 49288
division (B) of this section, any plan adopted under that division 49289
for an alternative school to which division (G) of this section 49290
also applies shall include the following: 49291

(a) A description of the educational program provided at the 49292
alternative school, which shall include: 49293

(i) Provisions for the school to be configured in clusters or 49294

small learning communities;	49295
(ii) Provisions for the incorporation of education technology into the curriculum;	49296 49297
(iii) Provisions for accelerated learning programs in reading and mathematics.	49298 49299
(b) A method to determine the reading and mathematics level of each student assigned to the alternative school and a method to continuously monitor each student's progress in those areas. The methods employed under this division shall be aligned with the curriculum adopted by the school district board of education under section 3313.60 of the Revised Code.	49300 49301 49302 49303 49304 49305
(c) A plan for social services to be provided at the alternative school, such as, but not limited to, counseling services, psychological support services, and enrichment programs;	49306 49307 49308
(d) A plan for a student's transition from the alternative school back to a school operated by the school district;	49309 49310
(e) A requirement that the alternative school maintain financial records in a manner that is compatible with the form prescribed for school districts by the auditor of state to enable the district to comply with any rules adopted by the auditor of state.	49311 49312 49313 49314 49315
(2) Notwithstanding division (A)(2) of this section, any alternative school to which division (G) of this section applies shall include only grades six through twelve.	49316 49317 49318
(3) Notwithstanding anything in division (A)(3)(a) of this section to the contrary, the characteristics of students who may be assigned to an alternative school to which division (G) of this section applies shall include only disruptive and low-performing students.	49319 49320 49321 49322 49323
(H) When any district board of education determines to	49324

contract with a nonprofit or for profit entity to operate an 49325
alternative school under this section, the board shall use the 49326
procedure set forth in this division. 49327

(1) The board shall publish notice of a request for proposals 49328
in a newspaper of general circulation in the district once each 49329
week for a period of two consecutive weeks, or as provided in 49330
section 7.16 of the Revised Code, prior to the date specified by 49331
the board for receiving proposals. Notices of requests for 49332
proposals shall contain a general description of the subject of 49333
the proposed contract and the location where the request for 49334
proposals may be obtained. The request for proposals shall include 49335
all of the following information: 49336

(a) Instructions and information to respondents concerning 49337
the submission of proposals, including the name and address of the 49338
office where proposals are to be submitted; 49339

(b) Instructions regarding communications, including at least 49340
the names, titles, and telephone numbers of persons to whom 49341
questions concerning a proposal may be directed; 49342

(c) A description of the performance criteria that will be 49343
used to evaluate whether a respondent to which a contract is 49344
awarded is meeting the district's educational standards or the 49345
method by which such performance criteria will be determined; 49346

(d) Factors and criteria to be considered in evaluating 49347
proposals, the relative importance of each factor or criterion, 49348
and a description of the evaluation procedures to be followed; 49349

(e) Any terms or conditions of the proposed contract, 49350
including any requirement for a bond and the amount of such bond; 49351

(f) Documents that may be incorporated by reference into the 49352
request for proposals, provided that the request for proposals 49353
specifies where such documents may be obtained and that such 49354
documents are readily available to all interested parties. 49355

(2) After the date specified for receiving proposals, the board shall evaluate the submitted proposals and may hold discussions with any respondent to ensure a complete understanding of the proposal and the qualifications of such respondent to execute the proposed contract. Such qualifications shall include, but are not limited to, all of the following:

(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school;

(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board;

(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school;

(d) Financial responsibility.

(3) The board shall select for further review at least three proposals from respondents the board considers qualified to operate the alternative school in the best interests of the students and the district. If fewer than three proposals are submitted, the board shall select each proposal submitted. The board may cancel a request for proposals or reject all proposals at any time prior to the execution of a contract.

The board may hold discussions with any of the three selected respondents to clarify or revise the provisions of a proposal or the proposed contract to ensure complete understanding between the board and the respondent of the terms under which a contract will be entered. Respondents shall be accorded fair and equal treatment with respect to any opportunity for discussion regarding

clarifications or revisions. The board may terminate or 49387
discontinue any further discussion with a respondent upon written 49388
notice. 49389

(4) Upon further review of the three proposals selected by 49390
the board, the board shall award a contract to the respondent the 49391
board considers to have the most merit, taking into consideration 49392
the scope, complexity, and nature of the services to be performed 49393
by the respondent under the contract. 49394

(5) Except as provided in division (H)(6) of this section, 49395
the request for proposals, submitted proposals, and related 49396
documents shall become public records under section 149.43 of the 49397
Revised Code after the award of the contract. 49398

(6) Any respondent may request in writing that the board not 49399
disclose confidential or proprietary information or trade secrets 49400
contained in the proposal submitted by the respondent to the 49401
board. Any such request shall be accompanied by an offer of 49402
indemnification from the respondent to the board. The board shall 49403
determine whether to agree to the request and shall inform the 49404
respondent in writing of its decision. If the board agrees to 49405
nondisclosure of specified information in a proposal, such 49406
information shall not become a public record under section 149.43 49407
of the Revised Code. If the respondent withdraws its proposal at 49408
any time prior to the execution of a contract, the proposal shall 49409
not be a public record under section 149.43 of the Revised Code. 49410

(I) Upon a recommendation from the department and in 49411
accordance with section 3301.16 of the Revised Code, the state 49412
board of education may revoke the charter of any alternative 49413
school operated by a school district that violates this section. 49414

Sec. 3313.539. (A) As used in this section, ~~"physician":~~ 49415

"Physician" means a person authorized under Chapter 4731. of 49416

the Revised Code to practice medicine and surgery or osteopathic 49417
medicine and surgery. 49418

"Chiropractor" means a person licensed under Chapter 4734. of 49419
the Revised Code to practice chiropractic. 49420

(B) No school district board of education or governing 49421
authority of a chartered or nonchartered nonpublic school shall 49422
permit a student to practice for or compete in interscholastic 49423
athletics until the student has submitted, to a school official 49424
designated by the board or governing authority, a form signed by 49425
the parent, guardian, or other person having care or charge of the 49426
student stating that the student and the parent, guardian, or 49427
other person having care or charge of the student have received 49428
the concussion and head injury information sheet required by 49429
section 3707.52 of the Revised Code. A completed form shall be 49430
submitted each school year, as defined in section 3313.62 of the 49431
Revised Code, for each sport or other category of interscholastic 49432
athletics for or in which the student practices or competes. 49433

(C)(1) No school district board of education or governing 49434
authority of a chartered or nonchartered nonpublic school shall 49435
permit an individual to coach interscholastic athletics unless the 49436
individual holds a pupil-activity program permit issued under 49437
section 3319.303 of the Revised Code for coaching interscholastic 49438
athletics. 49439

(2) No school district board of education or governing 49440
authority of a chartered or nonchartered nonpublic school shall 49441
permit an individual to referee interscholastic athletics unless 49442
the individual holds a pupil-activity program permit issued under 49443
section 3319.303 of the Revised Code for coaching interscholastic 49444
athletics or presents evidence that the individual has 49445
successfully completed, within the previous three years, a 49446
training program in recognizing the symptoms of concussions and 49447
head injuries to which the department of health has provided a 49448

link on its internet web site under section 3707.52 of the Revised Code or a training program authorized and required by an organization that regulates interscholastic conferences or events.

(D) If a student practicing for or competing in an interscholastic athletic event exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while participating in the practice or competition, the student shall be removed from the practice or competition by either of the following:

(1) The individual who is serving as the student's coach during that practice or competition;

(2) An individual who is serving as a referee during that practice or competition.

(E)(1) If a student is removed from practice or competition under division (D) of this section, the coach or referee who removed the student shall not allow the student, on the same day the student is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible. Thereafter, the coach or referee shall not allow the student to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible until both of the following conditions are satisfied:

(a) The student's condition is assessed by ~~either~~ any of the following:

(i) A physician;

(ii) A chiropractor;

(iii) Any other licensed health care provider the school district board of education or governing authority of the chartered or nonchartered nonpublic school, pursuant to division

(E)(2) of this section, authorizes to assess a student who has
been removed from practice or competition under division (D) of
this section.

(b) The student receives written clearance that it is safe
for the student to return to practice or competition from a
physician, chiropractor, or ~~from~~ another licensed health care
provider authorized pursuant to division (E)(2) of this section to
grant the clearance.

(2) A school district board of education or governing
authority of a chartered or nonchartered nonpublic school may
authorize a licensed health care provider who is not a physician
or a chiropractor to make an assessment or grant a clearance for
purposes of division (E)(1) of this section only if the provider
is acting in accordance with one of the following, as applicable
to the provider's authority to practice in this state:

(a) In consultation with a physician;

(b) Pursuant to the referral of a physician;

(c) In collaboration with a physician;

(d) Under the supervision of a physician.

(3) A physician, chiropractor, or other licensed health care
provider who makes an assessment or grants a clearance for
purposes of division (E)(1) of this section may be a volunteer.

(F) A school district board of education or governing
authority of a chartered or nonchartered nonpublic school that is
subject to the rules of an interscholastic conference or an
organization that regulates interscholastic conferences or events
shall be considered to be in compliance with divisions (B), (D),
and (E) of this section, as long as the requirements of those
rules are substantially similar to the requirements of divisions
(B), (D), and (E) of this section.

(G)(1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

This section does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee or volunteer, including a coach or referee, may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(2) A chartered or nonchartered nonpublic school or any officer, director, employee, or volunteer of the school, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

Sec. 3313.603. (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(3) "Internet- or computer-based community school" has the

same meaning as in section 3314.02 of the Revised Code. 49539

(B) Beginning September 15, 2001, except as required in 49540
division (C) of this section and division (C) of section 3313.614 49541
of the Revised Code, the requirements for graduation from every 49542
high school shall include twenty units earned in grades nine 49543
through twelve and shall be distributed as follows: 49544

(1) English language arts, four units; 49545

(2) Health, one-half unit; 49546

(3) Mathematics, three units; 49547

(4) Physical education, one-half unit; 49548

(5) Science, two units until September 15, 2003, and three 49549
units thereafter, which at all times shall include both of the 49550
following: 49551

(a) Biological sciences, one unit; 49552

(b) Physical sciences, one unit. 49553

(6) History and government, one unit, which shall comply with 49554
division (M) of this section and shall include both of the 49555
following: 49556

(a) American history, one-half unit; 49557

(b) American government, one-half unit. 49558

(7) Social studies, two units. 49559

(8) Elective units, seven units until September 15, 2003, and 49560
six units thereafter. 49561

Each student's electives shall include at least one unit, or 49562
two half units, chosen from among the areas of 49563
business/technology, fine arts, and/or foreign language. 49564

(C) Beginning with students who enter ninth grade for the 49565
first time on or after July 1, 2010, except as provided in 49566

divisions (D) to (F) of this section, the requirements for 49567
graduation from every public and chartered nonpublic high school 49568
shall include twenty units that are designed to prepare students 49569
for the workforce and college. The units shall be distributed as 49570
follows: 49571

- (1) English language arts, four units; 49572
- (2) Health, one-half unit, which shall include instruction in 49573
nutrition and the benefits of nutritious foods and physical 49574
activity for overall health; 49575
- (3) Mathematics, four units, which shall include one unit of 49576
algebra II or the equivalent of algebra II; 49577
- (4) Physical education, one-half unit; 49578
- (5) Science, three units with inquiry-based laboratory 49579
experience that engages students in asking valid scientific 49580
questions and gathering and analyzing information, which shall 49581
include the following, or their equivalent: 49582
 - (a) Physical sciences, one unit; 49583
 - (b) Life sciences, one unit; 49584
 - (c) Advanced study in one or more of the following sciences, 49585
one unit: 49586
 - (i) Chemistry, physics, or other physical science; 49587
 - (ii) Advanced biology or other life science; 49588
 - (iii) Astronomy, physical geology, or other earth or space 49589
science. 49590
- (6) History and government, one unit, which shall comply with 49591
division (M) of this section and shall include both of the 49592
following: 49593
 - (a) American history, one-half unit; 49594
 - (b) American government, one-half unit. 49595

(7) Social studies, two units. 49596

Each school shall integrate the study of economics and 49597
financial literacy, as expressed in the social studies academic 49598
content standards adopted by the state board of education under 49599
division (A)(1) of section 3301.079 of the Revised Code and the 49600
academic content standards for financial literacy and 49601
entrepreneurship adopted under division (A)(2) of that section, 49602
into one or more existing social studies credits required under 49603
division (C)(7) of this section, or into the content of another 49604
class, so that every high school student receives instruction in 49605
those concepts. In developing the curriculum required by this 49606
paragraph, schools shall use available public-private partnerships 49607
and resources and materials that exist in business, industry, and 49608
through the centers for economics education at institutions of 49609
higher education in the state. 49610

(8) Five units consisting of one or any combination of 49611
foreign language, fine arts, business, career-technical education, 49612
family and consumer sciences, technology, agricultural education, 49613
a junior reserve officer training corps (JROTC) program approved 49614
by the congress of the United States under title 10 of the United 49615
States Code, or English language arts, mathematics, science, or 49616
social studies courses not otherwise required under division (C) 49617
of this section. 49618

Ohioans must be prepared to apply increased knowledge and 49619
skills in the workplace and to adapt their knowledge and skills 49620
quickly to meet the rapidly changing conditions of the 49621
twenty-first century. National studies indicate that all high 49622
school graduates need the same academic foundation, regardless of 49623
the opportunities they pursue after graduation. The goal of Ohio's 49624
system of elementary and secondary education is to prepare all 49625
students for and seamlessly connect all students to success in 49626
life beyond high school graduation, regardless of whether the next 49627

step is entering the workforce, beginning an apprenticeship, 49628
engaging in post-secondary training, serving in the military, or 49629
pursuing a college degree. 49630

The Ohio core curriculum is the standard expectation for all 49631
students entering ninth grade for the first time at a public or 49632
chartered nonpublic high school on or after July 1, 2010. A 49633
student may satisfy this expectation through a variety of methods, 49634
including, but not limited to, integrated, applied, 49635
career-technical, and traditional coursework. 49636

Whereas teacher quality is essential for student success in 49637
completing the Ohio core curriculum, the general assembly shall 49638
appropriate funds for strategic initiatives designed to strengthen 49639
schools' capacities to hire and retain highly qualified teachers 49640
in the subject areas required by the curriculum. Such initiatives 49641
are expected to require an investment of \$120,000,000 over five 49642
years. 49643

Stronger coordination between high schools and institutions 49644
of higher education is necessary to prepare students for more 49645
challenging academic endeavors and to lessen the need for academic 49646
remediation in college, thereby reducing the costs of higher 49647
education for Ohio's students, families, and the state. The state 49648
board and the chancellor of the Ohio board of regents shall 49649
develop policies to ensure that only in rare instances will 49650
students who complete the Ohio core curriculum require academic 49651
remediation after high school. 49652

School districts, community schools, and chartered nonpublic 49653
schools shall integrate technology into learning experiences 49654
across the curriculum in order to maximize efficiency, enhance 49655
learning, and prepare students for success in the 49656
technology-driven twenty-first century. Districts and schools 49657
shall use distance and web-based course delivery as a method of 49658
providing or augmenting all instruction required under this 49659

division, including laboratory experience in science. Districts 49660
and schools shall utilize technology access and electronic 49661
learning opportunities provided by the ~~eTech-Ohio~~ broadcast 49662
educational media commission, chancellor, the Ohio learning 49663
network, education technology centers, public television stations, 49664
and other public and private providers. 49665

(D) Except as provided in division (E) of this section, a 49666
student who enters ninth grade on or after July 1, 2010, and 49667
before July 1, 2014, may qualify for graduation from a public or 49668
chartered nonpublic high school even though the student has not 49669
completed the Ohio core curriculum prescribed in division (C) of 49670
this section if all of the following conditions are satisfied: 49671

(1) After the student has attended high school for two years, 49672
as determined by the school, the student and the student's parent, 49673
guardian, or custodian sign and file with the school a written 49674
statement asserting the parent's, guardian's, or custodian's 49675
consent to the student's graduating without completing the Ohio 49676
core curriculum and acknowledging that one consequence of not 49677
completing the Ohio core curriculum is ineligibility to enroll in 49678
most state universities in Ohio without further coursework. 49679

(2) The student and parent, guardian, or custodian fulfill 49680
any procedural requirements the school stipulates to ensure the 49681
student's and parent's, guardian's, or custodian's informed 49682
consent and to facilitate orderly filing of statements under 49683
division (D)(1) of this section. 49684

(3) The student and the student's parent, guardian, or 49685
custodian and a representative of the student's high school 49686
jointly develop an individual career plan for the student that 49687
specifies the student matriculating to a two-year degree program, 49688
acquiring a business and industry credential, or entering an 49689
apprenticeship. 49690

(4) The student's high school provides counseling and support 49691
for the student related to the plan developed under division 49692
(D)(3) of this section during the remainder of the student's high 49693
school experience. 49694

(5) The student successfully completes, at a minimum, the 49695
curriculum prescribed in division (B) of this section. 49696

The department of education, in collaboration with the 49697
chancellor, shall analyze student performance data to determine if 49698
there are mitigating factors that warrant extending the exception 49699
permitted by division (D) of this section to high school classes 49700
beyond those entering ninth grade before July 1, 2014. The 49701
department shall submit its findings and any recommendations not 49702
later than August 1, 2014, to the speaker and minority leader of 49703
the house of representatives, the president and minority leader of 49704
the senate, the chairpersons and ranking minority members of the 49705
standing committees of the house of representatives and the senate 49706
that consider education legislation, the state board of education, 49707
and the superintendent of public instruction. 49708

(E) Each school district and chartered nonpublic school 49709
retains the authority to require an even more rigorous minimum 49710
curriculum for high school graduation than specified in division 49711
(B) or (C) of this section. A school district board of education, 49712
through the adoption of a resolution, or the governing authority 49713
of a chartered nonpublic school may stipulate any of the 49714
following: 49715

(1) A minimum high school curriculum that requires more than 49716
twenty units of academic credit to graduate; 49717

(2) An exception to the district's or school's minimum high 49718
school curriculum that is comparable to the exception provided in 49719
division (D) of this section but with additional requirements, 49720
which may include a requirement that the student successfully 49721

complete more than the minimum curriculum prescribed in division 49722
(B) of this section; 49723

(3) That no exception comparable to that provided in division 49724
(D) of this section is available. 49725

(F) A student enrolled in a dropout prevention and recovery 49726
program, which program has received a waiver from the department, 49727
may qualify for graduation from high school by successfully 49728
completing a competency-based instructional program administered 49729
by the dropout prevention and recovery program in lieu of 49730
completing the Ohio core curriculum prescribed in division (C) of 49731
this section. The department shall grant a waiver to a dropout 49732
prevention and recovery program, within sixty days after the 49733
program applies for the waiver, if the program meets all of the 49734
following conditions: 49735

(1) The program serves only students not younger than sixteen 49736
years of age and not older than twenty-one years of age. 49737

(2) The program enrolls students who, at the time of their 49738
initial enrollment, either, or both, are at least one grade level 49739
behind their cohort age groups or experience crises that 49740
significantly interfere with their academic progress such that 49741
they are prevented from continuing their traditional programs. 49742

(3) The program requires students to attain at least the 49743
applicable score designated for each of the assessments prescribed 49744
under division (B)(1) of section 3301.0710 of the Revised Code or, 49745
to the extent prescribed by rule of the state board under division 49746
(D)(6) of section 3301.0712 of the Revised Code, division (B)(2) 49747
of that section. 49748

(4) The program develops an individual career plan for the 49749
student that specifies the student's matriculating to a two-year 49750
degree program, acquiring a business and industry credential, or 49751
entering an apprenticeship. 49752

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(G) Every high school may permit students below the ninth grade to take advanced work. If a high school so permits, it shall award high school credit for successful completion of the advanced work and shall count such advanced work toward the graduation requirements of division (B) or (C) of this section if the advanced work was both:

(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative

education school district, or the governing authority of the 49784
chartered nonpublic school as meeting the high school curriculum 49785
requirements. 49786

Each high school shall record on the student's high school 49787
transcript all high school credit awarded under division (G) of 49788
this section. In addition, if the student completed a seventh- or 49789
eighth-grade fine arts course described in division (K) of this 49790
section and the course qualified for high school credit under that 49791
division, the high school shall record that course on the 49792
student's high school transcript. 49793

(H) The department shall make its individual academic career 49794
plan available through its Ohio career information system web site 49795
for districts and schools to use as a tool for communicating with 49796
and providing guidance to students and families in selecting high 49797
school courses. 49798

(I) Units earned in English language arts, mathematics, 49799
science, and social studies that are delivered through integrated 49800
academic and career-technical instruction are eligible to meet the 49801
graduation requirements of division (B) or (C) of this section. 49802

(J) The state board, in consultation with the chancellor, 49803
shall adopt a statewide plan implementing methods for students to 49804
earn units of high school credit based on a demonstration of 49805
subject area competency, instead of or in combination with 49806
completing hours of classroom instruction. The state board shall 49807
adopt the plan not later than March 31, 2009, and commence phasing 49808
in the plan during the 2009-2010 school year. The plan shall 49809
include a standard method for recording demonstrated proficiency 49810
on high school transcripts. Each school district and community 49811
school shall comply with the state board's plan adopted under this 49812
division and award units of high school credit in accordance with 49813
the plan. The state board may adopt existing methods for earning 49814
high school credit based on a demonstration of subject area 49815

competency as necessary prior to the 2009-2010 school year. 49816

(K) This division does not apply to students who qualify for 49817
graduation from high school under division (D) or (F) of this 49818
section, or to students pursuing a career-technical instructional 49819
track as determined by the school district board of education or 49820
the chartered nonpublic school's governing authority. 49821
Nevertheless, the general assembly encourages such students to 49822
consider enrolling in a fine arts course as an elective. 49823

Beginning with students who enter ninth grade for the first 49824
time on or after July 1, 2010, each student enrolled in a public 49825
or chartered nonpublic high school shall complete two semesters or 49826
the equivalent of fine arts to graduate from high school. The 49827
coursework may be completed in any of grades seven to twelve. Each 49828
student who completes a fine arts course in grade seven or eight 49829
may elect to count that course toward the five units of electives 49830
required for graduation under division (C)(8) of this section, if 49831
the course satisfied the requirements of division (G) of this 49832
section. In that case, the high school shall award the student 49833
high school credit for the course and count the course toward the 49834
five units required under division (C)(8) of this section. If the 49835
course in grade seven or eight did not satisfy the requirements of 49836
division (G) of this section, the high school shall not award the 49837
student high school credit for the course but shall count the 49838
course toward the two semesters or the equivalent of fine arts 49839
required by this division. 49840

(L)(1) Notwithstanding anything to the contrary in this 49841
section, the board of education of each school district and the 49842
governing authority of each chartered nonpublic school may adopt a 49843
policy to excuse from the high school physical education 49844
requirement each student who, during high school, has participated 49845
in interscholastic athletics, marching band, or cheerleading for 49846
at least two full seasons or in the junior reserve officer 49847

training corps for at least two full school years. If the board or 49848
authority adopts such a policy, the board or authority shall not 49849
require the student to complete any physical education course as a 49850
condition to graduate. ~~However~~ 49851

(2) Notwithstanding anything to the contrary in this section, 49852
a student enrolled in an internet- or computer-based community 49853
school shall be excused from the high school physical education 49854
requirement prescribed by this section. 49855

(3) However, the any student excused from the physical 49856
education requirement under division (L) of this section shall be 49857
required to complete one-half unit, consisting of at least sixty 49858
hours of instruction, in another course of study. In the case of a 49859
student who has participated in the junior reserve officer 49860
training corps for at least two full school years, credit received 49861
for that participation may be used to satisfy the requirement to 49862
complete one-half unit in another course of study. 49863

(M) It is important that high school students learn and 49864
understand United States history and the governments of both the 49865
United States and the state of Ohio. Therefore, beginning with 49866
students who enter ninth grade for the first time on or after July 49867
1, 2012, the study of American history and American government 49868
required by divisions (B)(6) and (C)(6) of this section shall 49869
include the study of all of the following documents: 49870

(1) The Declaration of Independence; 49871

(2) The Northwest Ordinance; 49872

(3) The Constitution of the United States with emphasis on 49873
the Bill of Rights; 49874

(4) The Ohio Constitution. 49875

The study of each of the documents prescribed in divisions 49876
(M)(1) to (4) of this section shall include study of that document 49877

in its original context. 49878

The study of American history and government required by 49879
divisions (B)(6) and (C)(6) of this section shall include the 49880
historical evidence of the role of documents such as the 49881
Federalist Papers and the Anti-Federalist Papers to firmly 49882
establish the historical background leading to the establishment 49883
of the provisions of the Constitution and Bill of Rights. 49884

Sec. 3313.6013. (A) As used in this section, "dual enrollment 49885
program" means a program that enables a student to earn credit 49886
toward a degree from an institution of higher education while 49887
enrolled in high school or that enables a student to complete 49888
coursework while enrolled in high school that may earn credit 49889
toward a degree from an institution of higher education upon the 49890
student's attainment of a specified score on an examination 49891
covering the coursework. Dual enrollment programs may include any 49892
of the following: 49893

(1) The post-secondary enrollment options program established 49894
under Chapter 3365. of the Revised Code; 49895

(2) Advanced placement courses; 49896

(3) Any similar program established pursuant to an agreement 49897
between a school district or chartered nonpublic high school and 49898
an institution of higher education; 49899

(4) Early college high schools. 49900

(B) Each city, local, exempted village, and joint vocational 49901
school district and each chartered nonpublic high school shall 49902
provide students enrolled in grades nine through twelve with the 49903
opportunity to participate in a dual enrollment program. For this 49904
purpose, each school district and chartered nonpublic high school 49905
shall offer at least one dual enrollment program in accordance 49906
with division (B)(1) or (2) of this section, as applicable. 49907

(1) A city, local, or exempted village school district meets 49908
the requirements of this division through its mandatory 49909
participation in the post-secondary enrollment options program 49910
established under Chapter 3365. of the Revised Code. However, a 49911
city, local, or exempted village school district may offer any 49912
other dual enrollment program, in addition to the post-secondary 49913
enrollment options program, and each joint vocational school 49914
district shall offer at least one other dual enrollment program, 49915
to students in good standing, as defined by the partnership for 49916
continued learning under section 3301.42 of the Revised Code as it 49917
existed prior to October 16, 2009, or as subsequently defined by 49918
the department of education. 49919

(2) A chartered nonpublic high school that elects to 49920
participate in the post-secondary enrollment options program 49921
established under Chapter 3365. of the Revised Code meets the 49922
requirements of this division. Each chartered nonpublic high 49923
school that elects not to participate in the post-secondary 49924
enrollment options program instead shall offer at least one other 49925
dual enrollment program to students in good standing, as defined 49926
by the partnership for continued learning under section 3301.42 of 49927
the Revised Code as it existed prior to October 16, 2009, or as 49928
subsequently defined by the department of education. 49929

(C) Each school district and each chartered nonpublic high 49930
school shall provide information about the dual enrollment 49931
programs offered by the district or school to all students 49932
enrolled in grades eight through eleven. 49933

Sec. 3313.6016. (A) Beginning in the 2011-2012 school year, 49934
the department of education shall administer a pilot program 49935
requiring daily physical activity for students. Any school 49936
district; community school established under Chapter 3314. of the 49937
Revised Code; science, technology, engineering, and mathematics 49938

school established under Chapter 3326. of the Revised Code; or 49939
chartered nonpublic school annually may elect to participate in 49940
the pilot program by notifying the department of its interest by a 49941
date established by the department. If a school district elects to 49942
participate in the pilot program, ~~each school building operated by~~ 49943
~~the district shall be required~~ the district shall select one or 49944
more school buildings to participate in the program. To the 49945
maximum extent possible, the department shall seek to include in 49946
the pilot program districts and schools that are located in urban, 49947
suburban, and rural areas distributed geographically throughout 49948
the state. The department shall administer the pilot program in 49949
accordance with this section. 49950

(B) Except as provided in division (C) of this section, each 49951
district or school participating in the pilot program shall 49952
require all students in ~~each of grades kindergarten through twelve~~ 49953
the school building selected under division (A) of this section to 49954
engage in at least thirty minutes of moderate to rigorous physical 49955
activity each school day or at least one hundred fifty minutes of 49956
moderate to rigorous physical activity each week, exclusive of 49957
recess. Physical activity engaged in during the following may 49958
count toward the daily requirement: 49959

(1) A physical education course; 49960

(2) A program or activity occurring before or after the 49961
regular school day, as defined in section 3313.814 of the Revised 49962
Code, that is sponsored or approved by the school of attendance, 49963
provided school officials are able to monitor students' 49964
participation to ensure compliance with the requirement. 49965

(C) None of the following shall be subject to the requirement 49966
of division (B) of this section: 49967

(1) Any student enrolled in the post-secondary enrollment 49968
options program established under Chapter 3365. of the Revised 49969

Code;	49970
(2) Any student enrolled in a career-technical education program operated by the district or school;	49971 49972
(3) Any student enrolled in a dropout prevention and recovery program operated by the district or school;	49973 49974
<u>(4) Any student enrolled in an internet- or computer-based community school.</u>	49975 49976
(D) For any period in which a student is participating in interscholastic athletics, marching band, cheerleading, or a junior reserve officer training corps program, the district or school may excuse the student from the requirement of division (B) of this section.	49977 49978 49979 49980 49981
(E) The district or school may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (B) of this section.	49982 49983 49984 49985
(F) Each district or school annually shall report to the department, in the manner prescribed by the department, how the district or school implemented the thirty minutes of daily physical activity and the financial costs of implementation. The department shall issue an annual report of the data collected under this division.	49986 49987 49988 49989 49990 49991
<u>Sec. 3313.6018. (A) As used in this section and section 3313.6019 of the Revised Code, "extended programming" means extended programming as described in section 3301.0725 of the Revised Code.</u>	49992 49993 49994 49995
<u>(B) Except as provided in division (C) of section 3313.6019 of the Revised Code, extended programming shall be used for activities that involve direct contact with students or are directly related to student programs and activities. On any given</u>	49996 49997 49998 49999

day that extended programming is provided, it shall be provided 50000
for at least one hour. 50001

Sec. 3313.6019. (A) Not later than December 31, 2013, the 50002
department of education shall issue a report with recommendations 50003
for quality agricultural education programs. These recommendations 50004
shall be developed using both of the following: 50005

(1) The standards for exemplary agricultural education that 50006
are described in the national quality program standards for 50007
secondary (grades 9-12) agricultural education developed by the 50008
national council for agricultural education or a successor 50009
document developed by the national council for agricultural 50010
education or its successor; 50011

(2) The quality program standards for Ohio's agricultural and 50012
environmental systems career field programs or a successor 50013
document developed by the department, the Ohio association of 50014
agricultural educators, the Ohio state university, and wilmingon 50015
college of Ohio. 50016

The report shall include the appropriate use of extended 50017
programming in agricultural education programs and the recommended 50018
number of hours outside the normal school day that licensed 50019
educators may be permitted to provide extended programming 50020
instruction. Following the initial issuance of the report, the 50021
department may periodically review and update the report as it 50022
considers necessary. 50023

(B) All agricultural education instructors shall utilize a 50024
three-part model of agricultural education instruction of 50025
classroom instruction, FFA activities, and extended programming 50026
projects. 50027

(C) Professional development associated with agricultural 50028
education shall be considered an acceptable use of extended 50029

student programming funds. 50030

(D) All agricultural education instructors shall submit a 50031
monthly time log to the principal of the school at which the 50032
extended programming is offered, or the principal's designee, for 50033
review. 50034

Sec. 3313.612. (A) No nonpublic school chartered by the state 50035
board of education shall grant a high school diploma to any person 50036
unless, subject to section 3313.614 of the Revised Code, the 50037
person has met the assessment requirements of division (A)(1) or 50038
(2) of this section, as applicable. 50039

(1) If the person entered the ninth grade prior to the date 50040
prescribed by rule of the state board under division (D)(2) of 50041
section 3301.0712 of the Revised Code, the person has attained at 50042
least the applicable scores designated under division (B)(1) of 50043
section 3301.0710 of the Revised Code on all the assessments 50044
required by that division, or has satisfied the alternative 50045
conditions prescribed in section 3313.615 of the Revised Code. 50046

(2) If the person entered the ninth grade on or after the 50047
date prescribed by rule of the state board under division (E)(2) 50048
of section 3301.0712 of the Revised Code, the person has met the 50049
requirements of the entire assessment system prescribed under 50050
division (B)(2) of section 3301.0710 of the Revised Code. 50051

(B) This section does not apply to ~~either~~ any of the 50052
following: 50053

(1) Any person with regard to any assessment from which the 50054
person was excused pursuant to division (C)(1)(c) of section 50055
3301.0711 of the Revised Code; 50056

(2) Any person that attends a nonpublic school accredited 50057
through the independent school association of the central states 50058
with regard to any end-of-course examination required under 50059

divisions (B)(2) and (3) of section 3301.0712 of the Revised Code; 50060

(3) Any person with regard to the social studies assessment 50061
under division (B)(1) of section 3301.0710 of the Revised Code, 50062
any American history end-of-course examination and any American 50063
government end-of-course examination required under division 50064
(B)(2) of that section if such an exemption is prescribed by rule 50065
of the state board of education under division (D)(4) of section 50066
3301.0712 of the Revised Code, or the citizenship test under 50067
former division (B) of section 3301.0710 of the Revised Code as it 50068
existed prior to September 11, 2001, if all of the following 50069
apply: 50070

(a) The person is not a citizen of the United States; 50071

(b) The person is not a permanent resident of the United 50072
States; 50073

(c) The person indicates no intention to reside in the United 50074
States after completion of high school. 50075

(C) As used in this division, "limited English proficient 50076
student" has the same meaning as in division (C)(3) of section 50077
3301.0711 of the Revised Code. 50078

Notwithstanding division (C)(3) of section 3301.0711 of the 50079
Revised Code, no limited English proficient student who has not 50080
either attained the applicable scores designated under division 50081
(B)(1) of section 3301.0710 of the Revised Code on all the 50082
assessments required by that division, or met the requirements of 50083
the assessments under division (B)(2) of that section, shall be 50084
awarded a diploma under this section. 50085

Sec. 3313.615. This section shall apply to diplomas awarded 50086
after September 15, 2006, to students who are required to take the 50087
five Ohio graduation tests prescribed by division (B)(1) of 50088
section 3301.0710 of the Revised Code. 50089

(A) As an alternative to the requirement that a person attain the scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required under that division in order to be eligible for a high school diploma or an honors diploma under sections 3313.61, 3313.612, or 3325.08 of the Revised Code or for a diploma of adult education under section 3313.611 of the Revised Code, a person who has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all but one of the assessments required by that division and from which the person was not excused or exempted, pursuant to division (L) of section 3313.61, division (B)(1) of section 3313.612, or section 3313.532 of the Revised Code, may be awarded a diploma or honors diploma if the person has satisfied all of the following conditions:

(1) On the one assessment required under division (B)(1) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score, the person missed that score by ten points or less;

(2) Has a ninety-seven per cent school attendance rate in each of the last four school years, excluding any excused absences;

(3) Has not been expelled from school under section 3313.66 of the Revised Code in any of the last four school years;

(4) Has a grade point average of at least 2.5 out of 4.0, or its equivalent as designated in rules adopted by the state board of education, in the subject area of the assessment required under division (B)(1) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score;

(5) Has completed the high school curriculum requirements prescribed in section 3313.603 of the Revised Code or has qualified under division (D) or (F) of that section;

(6) Has taken advantage of any intervention programs provided 50121
by the school district or school in the subject area described in 50122
division (A)(4) of this section and has a ninety-seven per cent 50123
attendance rate, excluding any excused absences, in any of those 50124
programs that are provided at times beyond the normal school day, 50125
school week, or school year or has received comparable 50126
intervention services from a source other than the school district 50127
or school; 50128

(7) Holds a letter recommending graduation from each of the 50129
person's high school teachers in the subject area described in 50130
division (A)(4) of this section and from the person's high school 50131
principal. 50132

(B) The state board of education shall establish rules 50133
designating grade point averages equivalent to the average 50134
specified in division (A)(4) of this section for use by school 50135
districts and schools with different grading systems. 50136

(C) Any student who is exempt from attaining the applicable 50137
score designated under division (B)(1) of section 3301.0710 of the 50138
Revised Code on the Ohio graduation test in social studies 50139
pursuant to division (H) of section 3313.61 or division (B)~~(2)~~(3) 50140
of section 3313.612 of the Revised Code shall not qualify for a 50141
high school diploma under this section, unless, notwithstanding 50142
the exemption, the student attains the applicable score on that 50143
assessment. If the student attains the applicable score on that 50144
assessment, the student may qualify for a diploma under this 50145
section in the same manner as any other student who is required to 50146
take the five Ohio graduation tests prescribed by division (B)(1) 50147
of section 3301.0710 of the Revised Code. 50148

Sec. 3313.62. The school year shall begin on the first day of 50149
July of each calendar year and close on the thirtieth day of June 50150
of the succeeding calendar year. A school week shall consist of 50151

five days, and a school month of four school weeks. A chartered 50152
nonpublic school may be open for instruction with pupils in 50153
attendance on any day of the week, including Saturday or Sunday. 50154

Sec. 3313.64. (A) As used in this section and in section 50155
3313.65 of the Revised Code: 50156

(1)(a) Except as provided in division (A)(1)(b) of this 50157
section, "parent" means either parent, unless the parents are 50158
separated or divorced or their marriage has been dissolved or 50159
annulled, in which case "parent" means the parent who is the 50160
residential parent and legal custodian of the child. When a child 50161
is in the legal custody of a government agency or a person other 50162
than the child's natural or adoptive parent, "parent" means the 50163
parent with residual parental rights, privileges, and 50164
responsibilities. When a child is in the permanent custody of a 50165
government agency or a person other than the child's natural or 50166
adoptive parent, "parent" means the parent who was divested of 50167
parental rights and responsibilities for the care of the child and 50168
the right to have the child live with the parent and be the legal 50169
custodian of the child and all residual parental rights, 50170
privileges, and responsibilities. 50171

(b) When a child is the subject of a power of attorney 50172
executed under sections 3109.51 to 3109.62 of the Revised Code, 50173
"parent" means the grandparent designated as attorney in fact 50174
under the power of attorney. When a child is the subject of a 50175
caretaker authorization affidavit executed under sections 3109.64 50176
to 3109.73 of the Revised Code, "parent" means the grandparent 50177
that executed the affidavit. 50178

(2) "Legal custody," "permanent custody," and "residual 50179
parental rights, privileges, and responsibilities" have the same 50180
meanings as in section 2151.011 of the Revised Code. 50181

(3) "School district" or "district" means a city, local, or 50182

exempted village school district and excludes any school operated 50183
in an institution maintained by the department of youth services. 50184

(4) Except as used in division (C)(2) of this section, "home" 50185
means a home, institution, foster home, group home, or other 50186
residential facility in this state that receives and cares for 50187
children, to which any of the following applies: 50188

(a) The home is licensed, certified, or approved for such 50189
purpose by the state or is maintained by the department of youth 50190
services. 50191

(b) The home is operated by a person who is licensed, 50192
certified, or approved by the state to operate the home for such 50193
purpose. 50194

(c) The home accepted the child through a placement by a 50195
person licensed, certified, or approved to place a child in such a 50196
home by the state. 50197

(d) The home is a children's home created under section 50198
5153.21 or 5153.36 of the Revised Code. 50199

(5) "Agency" means all of the following: 50200

(a) A public children services agency; 50201

(b) An organization that holds a certificate issued by the 50202
Ohio department of job and family services in accordance with the 50203
requirements of section 5103.03 of the Revised Code and assumes 50204
temporary or permanent custody of children through commitment, 50205
agreement, or surrender, and places children in family homes for 50206
the purpose of adoption; 50207

(c) Comparable agencies of other states or countries that 50208
have complied with applicable requirements of section 2151.39 of 50209
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 50210
5103.23 to 5103.237 of the Revised Code. 50211

(6) A child is placed for adoption if either of the following 50212

occurs: 50213

(a) An agency to which the child has been permanently 50214
committed or surrendered enters into an agreement with a person 50215
pursuant to section 5103.16 of the Revised Code for the care and 50216
adoption of the child. 50217

(b) The child's natural parent places the child pursuant to 50218
section 5103.16 of the Revised Code with a person who will care 50219
for and adopt the child. 50220

(7) "Preschool child with a disability" has the same meaning 50221
as in section 3323.01 of the Revised Code. 50222

(8) "Child," unless otherwise indicated, includes preschool 50223
children with disabilities. 50224

(9) "Active duty" means active duty pursuant to an executive 50225
order of the president of the United States, an act of the 50226
congress of the United States, or section 5919.29 or 5923.21 of 50227
the Revised Code. 50228

(B) Except as otherwise provided in section 3321.01 of the 50229
Revised Code for admittance to kindergarten and first grade, a 50230
child who is at least five but under twenty-two years of age and 50231
any preschool child with a disability shall be admitted to school 50232
as provided in this division. 50233

(1) A child shall be admitted to the schools of the school 50234
district in which the child's parent resides. 50235

(2) A Except as provided in division (B) of section 2151.362 50236
and section 3317.30 of the Revised Code, a child who does not 50237
reside in the district where the child's parent resides shall be 50238
admitted to the schools of the district in which the child resides 50239
if any of the following applies: 50240

(a) The child is in the legal or permanent custody of a 50241
government agency or a person other than the child's natural or 50242

adoptive parent.	50243
(b) The child resides in a home.	50244
(c) The child requires special education.	50245
(3) A child who is not entitled under division (B)(2) of this	50246
section to be admitted to the schools of the district where the	50247
child resides and who is residing with a resident of this state	50248
with whom the child has been placed for adoption shall be admitted	50249
to the schools of the district where the child resides unless	50250
either of the following applies:	50251
(a) The placement for adoption has been terminated.	50252
(b) Another school district is required to admit the child	50253
under division (B)(1) of this section.	50254
Division (B) of this section does not prohibit the board of	50255
education of a school district from placing a child with a	50256
disability who resides in the district in a special education	50257
program outside of the district or its schools in compliance with	50258
Chapter 3323. of the Revised Code.	50259
(C) A district shall not charge tuition for children admitted	50260
under division (B)(1) or (3) of this section. If the district	50261
admits a child under division (B)(2) of this section, tuition	50262
shall be paid to the district that admits the child as provided in	50263
divisions (C)(1) to (3) of this section, unless division (C)(4) of	50264
this section applies to the child:	50265
(1) If the child receives special education in accordance	50266
with Chapter 3323. of the Revised Code, the school district of	50267
residence, as defined in section 3323.01 of the Revised Code,	50268
shall pay tuition for the child in accordance with section	50269
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code	50270
regardless of who has custody of the child or whether the child	50271
resides in a home.	50272

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education has determined, pursuant

to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home ~~or~~, a home maintained by the department of youth services, a detention facility established under section 2152.41 of the Revised Code, or a juvenile facility established under section 2151.65 of the Revised Code, receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing those services, and does not receive special education.

In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and,

if different, the school district that is responsible to pay 50335
tuition for the child. The department shall deduct the certified 50336
amount from the state basic aid funds payable under Chapter 3317. 50337
of the Revised Code to the district responsible to pay tuition and 50338
shall pay that amount to the district providing the educational 50339
services to the child. 50340

(D) Tuition required to be paid under divisions (C)(2) and 50341
(3)(a) of this section shall be computed in accordance with 50342
section 3317.08 of the Revised Code. Tuition required to be paid 50343
under division (C)(3)(b) of this section shall be computed in 50344
accordance with section 3317.081 of the Revised Code. If a home 50345
fails to pay the tuition required by division (C)(3)(b) of this 50346
section, the board of education providing the education may 50347
recover in a civil action the tuition and the expenses incurred in 50348
prosecuting the action, including court costs and reasonable 50349
attorney's fees. If the prosecuting attorney or city director of 50350
law represents the board in such action, costs and reasonable 50351
attorney's fees awarded by the court, based upon the prosecuting 50352
attorney's, director's, or one of their designee's time spent 50353
preparing and presenting the case, shall be deposited in the 50354
county or city general fund. 50355

(E) A board of education may enroll a child free of any 50356
tuition obligation for a period not to exceed sixty days, on the 50357
sworn statement of an adult resident of the district that the 50358
resident has initiated legal proceedings for custody of the child. 50359

(F) In the case of any individual entitled to attend school 50360
under this division, no tuition shall be charged by the school 50361
district of attendance and no other school district shall be 50362
required to pay tuition for the individual's attendance. 50363
Notwithstanding division (B), (C), or (E) of this section: 50364

(1) All persons at least eighteen but under twenty-two years 50365
of age who live apart from their parents, support themselves by 50366

their own labor, and have not successfully completed the high 50367
school curriculum or the individualized education program 50368
developed for the person by the high school pursuant to section 50369
3323.08 of the Revised Code, are entitled to attend school in the 50370
district in which they reside. 50371

(2) Any child under eighteen years of age who is married is 50372
entitled to attend school in the child's district of residence. 50373

(3) A child is entitled to attend school in the district in 50374
which either of the child's parents is employed if the child has a 50375
medical condition that may require emergency medical attention. 50376
The parent of a child entitled to attend school under division 50377
(F)(3) of this section shall submit to the board of education of 50378
the district in which the parent is employed a statement from the 50379
child's physician certifying that the child's medical condition 50380
may require emergency medical attention. The statement shall be 50381
supported by such other evidence as the board may require. 50382

(4) Any child residing with a person other than the child's 50383
parent is entitled, for a period not to exceed twelve months, to 50384
attend school in the district in which that person resides if the 50385
child's parent files an affidavit with the superintendent of the 50386
district in which the person with whom the child is living resides 50387
stating all of the following: 50388

(a) That the parent is serving outside of the state in the 50389
armed services of the United States; 50390

(b) That the parent intends to reside in the district upon 50391
returning to this state; 50392

(c) The name and address of the person with whom the child is 50393
living while the parent is outside the state. 50394

(5) Any child under the age of twenty-two years who, after 50395
the death of a parent, resides in a school district other than the 50396
district in which the child attended school at the time of the 50397

parent's death is entitled to continue to attend school in the 50398
district in which the child attended school at the time of the 50399
parent's death for the remainder of the school year, subject to 50400
approval of that district board. 50401

(6) A child under the age of twenty-two years who resides 50402
with a parent who is having a new house built in a school district 50403
outside the district where the parent is residing is entitled to 50404
attend school for a period of time in the district where the new 50405
house is being built. In order to be entitled to such attendance, 50406
the parent shall provide the district superintendent with the 50407
following: 50408

(a) A sworn statement explaining the situation, revealing the 50409
location of the house being built, and stating the parent's 50410
intention to reside there upon its completion; 50411

(b) A statement from the builder confirming that a new house 50412
is being built for the parent and that the house is at the 50413
location indicated in the parent's statement. 50414

(7) A child under the age of twenty-two years residing with a 50415
parent who has a contract to purchase a house in a school district 50416
outside the district where the parent is residing and who is 50417
waiting upon the date of closing of the mortgage loan for the 50418
purchase of such house is entitled to attend school for a period 50419
of time in the district where the house is being purchased. In 50420
order to be entitled to such attendance, the parent shall provide 50421
the district superintendent with the following: 50422

(a) A sworn statement explaining the situation, revealing the 50423
location of the house being purchased, and stating the parent's 50424
intent to reside there; 50425

(b) A statement from a real estate broker or bank officer 50426
confirming that the parent has a contract to purchase the house, 50427
that the parent is waiting upon the date of closing of the 50428

mortgage loan, and that the house is at the location indicated in 50429
the parent's statement. 50430

The district superintendent shall establish a period of time 50431
not to exceed ninety days during which the child entitled to 50432
attend school under division (F)(6) or (7) of this section may 50433
attend without tuition obligation. A student attending a school 50434
under division (F)(6) or (7) of this section shall be eligible to 50435
participate in interscholastic athletics under the auspices of 50436
that school, provided the board of education of the school 50437
district where the student's parent resides, by a formal action, 50438
releases the student to participate in interscholastic athletics 50439
at the school where the student is attending, and provided the 50440
student receives any authorization required by a public agency or 50441
private organization of which the school district is a member 50442
exercising authority over interscholastic sports. 50443

(8) A child whose parent is a full-time employee of a city, 50444
local, or exempted village school district, or of an educational 50445
service center, may be admitted to the schools of the district 50446
where the child's parent is employed, or in the case of a child 50447
whose parent is employed by an educational service center, in the 50448
district that serves the location where the parent's job is 50449
primarily located, provided the district board of education 50450
establishes such an admission policy by resolution adopted by a 50451
majority of its members. Any such policy shall take effect on the 50452
first day of the school year and the effective date of any 50453
amendment or repeal may not be prior to the first day of the 50454
subsequent school year. The policy shall be uniformly applied to 50455
all such children and shall provide for the admission of any such 50456
child upon request of the parent. No child may be admitted under 50457
this policy after the first day of classes of any school year. 50458

(9) A child who is with the child's parent under the care of 50459
a shelter for victims of domestic violence, as defined in section 50460

3113.33 of the Revised Code, is entitled to attend school free in 50461
the district in which the child is with the child's parent, and no 50462
other school district shall be required to pay tuition for the 50463
child's attendance in that school district. 50464

The enrollment of a child in a school district under this 50465
division shall not be denied due to a delay in the school 50466
district's receipt of any records required under section 3313.672 50467
of the Revised Code or any other records required for enrollment. 50468
Any days of attendance and any credits earned by a child while 50469
enrolled in a school district under this division shall be 50470
transferred to and accepted by any school district in which the 50471
child subsequently enrolls. The state board of education shall 50472
adopt rules to ensure compliance with this division. 50473

(10) Any child under the age of twenty-two years whose parent 50474
has moved out of the school district after the commencement of 50475
classes in the child's senior year of high school is entitled, 50476
subject to the approval of that district board, to attend school 50477
in the district in which the child attended school at the time of 50478
the parental move for the remainder of the school year and for one 50479
additional semester or equivalent term. A district board may also 50480
adopt a policy specifying extenuating circumstances under which a 50481
student may continue to attend school under division (F)(10) of 50482
this section for an additional period of time in order to 50483
successfully complete the high school curriculum for the 50484
individualized education program developed for the student by the 50485
high school pursuant to section 3323.08 of the Revised Code. 50486

(11) As used in this division, "grandparent" means a parent 50487
of a parent of a child. A child under the age of twenty-two years 50488
who is in the custody of the child's parent, resides with a 50489
grandparent, and does not require special education is entitled to 50490
attend the schools of the district in which the child's 50491
grandparent resides, provided that, prior to such attendance in 50492

any school year, the board of education of the school district in 50493
which the child's grandparent resides and the board of education 50494
of the school district in which the child's parent resides enter 50495
into a written agreement specifying that good cause exists for 50496
such attendance, describing the nature of this good cause, and 50497
consenting to such attendance. 50498

In lieu of a consent form signed by a parent, a board of 50499
education may request the grandparent of a child attending school 50500
in the district in which the grandparent resides pursuant to 50501
division (F)(11) of this section to complete any consent form 50502
required by the district, including any authorization required by 50503
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 50504
Code. Upon request, the grandparent shall complete any consent 50505
form required by the district. A school district shall not incur 50506
any liability solely because of its receipt of a consent form from 50507
a grandparent in lieu of a parent. 50508

Division (F)(11) of this section does not create, and shall 50509
not be construed as creating, a new cause of action or substantive 50510
legal right against a school district, a member of a board of 50511
education, or an employee of a school district. This section does 50512
not affect, and shall not be construed as affecting, any 50513
immunities from defenses to tort liability created or recognized 50514
by Chapter 2744. of the Revised Code for a school district, 50515
member, or employee. 50516

(12) A child under the age of twenty-two years is entitled to 50517
attend school in a school district other than the district in 50518
which the child is entitled to attend school under division (B), 50519
(C), or (E) of this section provided that, prior to such 50520
attendance in any school year, both of the following occur: 50521

(a) The superintendent of the district in which the child is 50522
entitled to attend school under division (B), (C), or (E) of this 50523
section contacts the superintendent of another district for 50524

purposes of this division; 50525

(b) The superintendents of both districts enter into a 50526
written agreement that consents to the attendance and specifies 50527
that the purpose of such attendance is to protect the student's 50528
physical or mental well-being or to deal with other extenuating 50529
circumstances deemed appropriate by the superintendents. 50530

While an agreement is in effect under this division for a 50531
student who is not receiving special education under Chapter 3323. 50532
of the Revised Code and notwithstanding Chapter 3327. of the 50533
Revised Code, the board of education of neither school district 50534
involved in the agreement is required to provide transportation 50535
for the student to and from the school where the student attends. 50536

A student attending a school of a district pursuant to this 50537
division shall be allowed to participate in all student 50538
activities, including interscholastic athletics, at the school 50539
where the student is attending on the same basis as any student 50540
who has always attended the schools of that district while of 50541
compulsory school age. 50542

(13) All school districts shall comply with the 50543
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 50544
seq., for the education of homeless children. Each city, local, 50545
and exempted village school district shall comply with the 50546
requirements of that act governing the provision of a free, 50547
appropriate public education, including public preschool, to each 50548
homeless child. 50549

When a child loses permanent housing and becomes a homeless 50550
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 50551
such a homeless person changes temporary living arrangements, the 50552
child's parent or guardian shall have the option of enrolling the 50553
child in either of the following: 50554

(a) The child's school of origin, as defined in 42 U.S.C.A. 50555

11432(g)(3)(C); 50556

(b) The school that is operated by the school district in 50557
which the shelter where the child currently resides is located and 50558
that serves the geographic area in which the shelter is located. 50559

(14) A child under the age of twenty-two years who resides 50560
with a person other than the child's parent is entitled to attend 50561
school in the school district in which that person resides if both 50562
of the following apply: 50563

(a) That person has been appointed, through a military power 50564
of attorney executed under section 574(a) of the "National Defense 50565
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 50566
U.S.C. 1044b, or through a comparable document necessary to 50567
complete a family care plan, as the parent's agent for the care, 50568
custody, and control of the child while the parent is on active 50569
duty as a member of the national guard or a reserve unit of the 50570
armed forces of the United States or because the parent is a 50571
member of the armed forces of the United States and is on a duty 50572
assignment away from the parent's residence. 50573

(b) The military power of attorney or comparable document 50574
includes at least the authority to enroll the child in school. 50575

The entitlement to attend school in the district in which the 50576
parent's agent under the military power of attorney or comparable 50577
document resides applies until the end of the school year in which 50578
the military power of attorney or comparable document expires. 50579

(G) A board of education, after approving admission, may 50580
waive tuition for students who will temporarily reside in the 50581
district and who are either of the following: 50582

(1) Residents or domiciliaries of a foreign nation who 50583
request admission as foreign exchange students; 50584

(2) Residents or domiciliaries of the United States but not 50585

of Ohio who request admission as participants in an exchange 50586
program operated by a student exchange organization. 50587

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 50588
3327.04, and 3327.06 of the Revised Code, a child may attend 50589
school or participate in a special education program in a school 50590
district other than in the district where the child is entitled to 50591
attend school under division (B) of this section. 50592

(I)(1) Notwithstanding anything to the contrary in this 50593
section or section 3313.65 of the Revised Code, a child under 50594
twenty-two years of age may attend school in the school district 50595
in which the child, at the end of the first full week of October 50596
of the school year, was entitled to attend school as otherwise 50597
provided under this section or section 3313.65 of the Revised 50598
Code, if at that time the child was enrolled in the schools of the 50599
district but since that time the child or the child's parent has 50600
relocated to a new address located outside of that school district 50601
and within the same county as the child's or parent's address 50602
immediately prior to the relocation. The child may continue to 50603
attend school in the district, and at the school to which the 50604
child was assigned at the end of the first full week of October of 50605
the current school year, for the balance of the school year. 50606
Division (I)(1) of this section applies only if both of the 50607
following conditions are satisfied: 50608

(a) The board of education of the school district in which 50609
the child was entitled to attend school at the end of the first 50610
full week in October and of the district to which the child or 50611
child's parent has relocated each has adopted a policy to enroll 50612
children described in division (I)(1) of this section. 50613

(b) The child's parent provides written notification of the 50614
relocation outside of the school district to the superintendent of 50615
each of the two school districts. 50616

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (H) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to

receive tuition pursuant to division (C)(2) or (3) of this section 50649
or section 3313.65 of the Revised Code shall have an amount 50650
credited under division (C) of section 3317.023 of the Revised 50651
Code equal to its own tuition rate for the same period of 50652
attendance. If the tuition rate credited to the district of 50653
attendance exceeds the rate deducted from the district required to 50654
pay tuition, the department of education shall pay the district of 50655
attendance the difference from amounts deducted from all 50656
districts' payments under division (C) of section 3317.023 of the 50657
Revised Code but not credited to other school districts under such 50658
division and from appropriations made for such purpose. The 50659
treasurer of each school district shall, by the fifteenth day of 50660
January and July, furnish the superintendent of public instruction 50661
a report of the names of each child who attended the district's 50662
schools under divisions (C)(2) and (3) of this section or section 50663
3313.65 of the Revised Code during the preceding six calendar 50664
months, the duration of the attendance of those children, the 50665
school district responsible for tuition on behalf of the child, 50666
and any other information that the superintendent requires. 50667

Upon receipt of the report the superintendent, pursuant to 50668
division (C) of section 3317.023 of the Revised Code, shall deduct 50669
each district's tuition obligations under divisions (C)(2) and (3) 50670
of this section or section 3313.65 of the Revised Code and pay to 50671
the district of attendance that amount plus any amount required to 50672
be paid by the state. 50673

(K) In the event of a disagreement, the superintendent of 50674
public instruction shall determine the school district in which 50675
the parent resides. 50676

(L) Nothing in this section requires or authorizes, or shall 50677
be construed to require or authorize, the admission to a public 50678
school in this state of a pupil who has been permanently excluded 50679
from public school attendance by the superintendent of public 50680

instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code. 50681
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(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment. 50683
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Sec. 3313.646. (A) The board of education of a school district, except a cooperative education district established pursuant to section 3311.521 of the Revised Code, may establish and operate a ~~preschool~~ program to provide services to preschool-age children, provided the board has demonstrated a need for the program. A board may use school funds in support of preschool programs. The board shall maintain, operate, and admit children to any such program pursuant to rules adopted by such board and the rules of the state board of education adopted under sections 3301.52 to 3301.57 of the Revised Code. 50698
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A board of education may establish fees or tuition, which may be graduated in proportion to family income, for participation in a preschool program. In cases where payment of fees or tuition would create a hardship for the child's parent or guardian, the 50708
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board may waive any such fees or tuition. 50712

(B) No board of education that is not receiving funds under 50713
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 50714
March 17, 1989, shall compete for funds under the "Head Start Act" 50715
with any grantee receiving funds under that act. 50716

(C) A board of education may contract with any of the 50717
following preschool providers to provide ~~preschool programs~~ 50718
services to preschool-age children, other than ~~programs for units~~ 50719
~~described by divisions (B) and (C) of those services for which the~~ 50720
district is eligible to receive funding under section 3317.05 50721
3317.0213 of the Revised Code, for children of the school 50722
district: 50723

(1) Any organization receiving funds under the "Head Start 50724
Act"; 50725

(2) Any nonsectarian eligible nonpublic school as defined in 50726
division (H) of section 3301.52 of the Revised Code; 50727

(3) Any child care provider licensed under Chapter 5104. of 50728
the Revised Code. 50729

Boards may contract to provide ~~preschool programs~~ services to 50730
preschool-age children only with such organizations whose staff 50731
meet the requirements of rules adopted under section 3301.53 of 50732
the Revised Code or those of the child development associate 50733
credential established by the national association for the 50734
education of young children. 50735

(D) A contract entered into under division (C) of this 50736
section may provide for the board of education to lease school 50737
facilities to the preschool provider or to furnish transportation, 50738
utilities, or staff for the preschool program. 50739

(E) The treasurer of any board of education operating a 50740
preschool program pursuant to this section shall keep an account 50741

of all funds used to operate the program in the same manner as the 50742
treasurer would any other funds of the district pursuant to this 50743
chapter. 50744

Sec. 3313.65. (A) As used in this section and section 3313.64 50745
of the Revised Code: 50746

(1) A person is "in a residential facility" if the person is 50747
a resident or a resident patient of an institution, home, or other 50748
residential facility that is: 50749

(a) Licensed as a nursing home, residential care facility, or 50750
home for the aging by the director of health under section 3721.02 50751
of the Revised Code; 50752

(b) Maintained as a county home or district home by the board 50753
of county commissioners or a joint board of county commissioners 50754
under Chapter 5155. of the Revised Code; 50755

(c) Operated or administered by a board of alcohol, drug 50756
addiction, and mental health services under section 340.03 ~~or~~ 50757
~~340.06~~ of the Revised Code, or provides residential care pursuant 50758
to contracts made under section 340.03 ~~or 340.033~~ of the Revised 50759
Code; 50760

(d) Maintained as a state institution for the mentally ill 50761
under Chapter 5119. of the Revised Code; 50762

(e) Licensed by the department of ~~mental health~~ mental health 50763
and addiction services under section ~~5119.20~~ 5119.33 or ~~5119.22~~ 50764
5119.34 of the Revised Code; 50765

(f) Licensed as a residential facility by the department of 50766
developmental disabilities under section 5123.19 of the Revised 50767
Code; 50768

(g) Operated by the veteran's administration or another 50769
agency of the United States government; 50770

(h) Operated by the Ohio veterans' home.	50771
(2) A person is "in a correctional facility" if any of the following apply:	50772
(a) The person is an Ohio resident and is:	50773
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	50774
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	50775
(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority.	50776
(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned.	50777
(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal.	50778
(4) "Community control sanction" has the same meaning as in	50779
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section 2929.01 of the Revised Code. 50801

(5) "Post-release control sanction" has the same meaning as 50802
in section 2967.01 of the Revised Code. 50803

(B) If the circumstances described in division (C) of this 50804
section apply, the determination of what school district must 50805
admit a child to its schools and what district, if any, is liable 50806
for tuition shall be made in accordance with this section, rather 50807
than section 3313.64 of the Revised Code. 50808

(C) A child who does not reside in the school district in 50809
which the child's parent resides and for whom a tuition obligation 50810
previously has not been established under division (C)(2) of 50811
section 3313.64 of the Revised Code shall be admitted to the 50812
schools of the district in which the child resides if at least one 50813
of the child's parents is in a residential or correctional 50814
facility or a juvenile residential placement and the other parent, 50815
if living and not in such a facility or placement, is not known to 50816
reside in this state. 50817

(D) Regardless of who has custody or care of the child, 50818
whether the child resides in a home, or whether the child receives 50819
special education, if a district admits a child under division (C) 50820
of this section, tuition shall be paid to that district as 50821
follows: 50822

(1) If the child's parent is in a juvenile residential 50823
placement, by the district in which the child's parent resided at 50824
the time the parent became subject to the jurisdiction of the 50825
juvenile court; 50826

(2) If the child's parent is in a correctional facility, by 50827
the district in which the child's parent resided at the time the 50828
sentence was imposed; 50829

(3) If the child's parent is in a residential facility, by 50830
the district in which the parent resided at the time the parent 50831

was admitted to the residential facility, except that if the 50832
parent was transferred from another residential facility, tuition 50833
shall be paid by the district in which the parent resided at the 50834
time the parent was admitted to the facility from which the parent 50835
first was transferred; 50836

(4) In the event of a disagreement as to which school 50837
district is liable for tuition under division (C)(1), (2), or (3) 50838
of this section, the superintendent of public instruction shall 50839
determine which district shall pay tuition. 50840

(E) If a child covered by division (D) of this section 50841
receives special education in accordance with Chapter 3323. of the 50842
Revised Code, the tuition shall be paid in accordance with section 50843
3323.13 or 3323.14 of the Revised Code. Tuition for children who 50844
do not receive special education shall be paid in accordance with 50845
division (J) of section 3313.64 of the Revised Code. 50846

Sec. 3313.714. (A) As used in this section: 50847

(1) "Board of education" means the board of education of a 50848
city, local, exempted village, or joint vocational school 50849
district. 50850

(2) "Healthcheck" means the early and periodic screening, 50851
diagnosis, and treatment program, a component of the ~~medical~~ 50852
~~assistance~~ medicaid ~~program established under Title XIX of the~~ 50853
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 302, as~~ 50854
~~amended, and Chapter 5111. of the Revised Code.~~ 50855

(3) "Pupil" means a person under age twenty-two enrolled in 50856
the schools of a city, local, exempted village, or joint 50857
vocational school district. 50858

(4) "Parent" means either parent with the following 50859
exceptions: 50860

(a) If one parent has custody by court order, "parent" means 50861

the parent with custody. 50862

(b) If neither parent has legal custody, "parent" means the 50863
person or government entity with legal custody. 50864

(c) The child's legal guardian or a person who has accepted 50865
responsibility for the health, safety, and welfare of the child. 50866

(B) At the request of the department of ~~job and family~~ 50867
~~services~~ medicaid, a board of education shall establish and 50868
conduct a healthcheck program for pupils enrolled in the schools 50869
of the district who are medicaid recipients ~~of medical assistance~~ 50870
~~under Chapter 5111. of the Revised Code~~. At the request of a board 50871
of education, the department may authorize the board to establish 50872
a healthcheck program. A board that establishes a healthcheck 50873
program shall enter into a ~~medical assistance~~ medicaid provider 50874
agreement with the department. 50875

A healthcheck program established by a board of education 50876
shall be conducted in accordance with rules adopted by the 50877
medicaid director ~~of job and family services~~ under division (F) of 50878
this section. The healthcheck program shall include all of the 50879
following components: 50880

(1) A comprehensive health and development history; 50881

(2) A comprehensive physical examination; 50882

(3) A developmental assessment; 50883

(4) A nutritional assessment; 50884

(5) A vision assessment; 50885

(6) A hearing assessment; 50886

(7) An immunization assessment; 50887

(8) Lead screening and laboratory tests ordered by a doctor 50888
of medicine or osteopathic medicine as part of one of the other 50889
components; 50890

(9) Such other assessment as may be required by the 50891
department of ~~job and family services~~ medicaid in accordance with 50892
the requirements of the healthcheck program. 50893

All services included in a board of education's healthcheck 50894
program that the board provided under sections 3313.67, 3313.673, 50895
3313.68, 3313.69, and 3313.71 of the Revised Code during the 50896
1990-1991 school year shall continue to be provided to ~~medical~~ 50897
~~assistance~~ medicaid recipients by the board pursuant to those 50898
sections. The services shall be considered part of the healthcheck 50899
program for medicaid recipients ~~of medical assistance~~, and the 50900
board shall be eligible for ~~reimbursement~~ payment from the ~~state~~ 50901
department in accordance with this division for providing the 50902
services. 50903

The department shall ~~reimburse~~ pay boards of education for 50904
healthcheck program services provided under this division at the 50905
rates paid under the ~~medical assistance~~ medicaid program to 50906
physicians, dentists, nurses, and other providers of healthcheck 50907
services. 50908

(C) Each board of education that conducts a healthcheck 50909
program shall determine for each pupil enrolled in the schools of 50910
the district whether the pupil is a ~~medical assistance~~ medicaid 50911
recipient. The department of ~~job and family services~~ medicaid and 50912
county departments of ~~human services~~ job and family services shall 50913
assist the board in making these determinations. Except as 50914
necessary to carry out the purposes of this section, all 50915
information received by a board under this division shall be 50916
confidential. 50917

Before the first day of October of each year, each board that 50918
conducts a healthcheck program shall send the parent of each pupil 50919
who is under age eighteen and a medicaid recipient ~~of medical~~ 50920
~~assistance~~ notice that the pupil will be examined under the 50921
district's healthcheck program unless the parent notifies the 50922

board that the parent denies consent for the examination. The 50923
notice shall include a form to be used by the parent to indicate 50924
that the parent denies consent. The denial shall be effective only 50925
if the form is signed by the parent and returned to the board or 50926
the school in which the pupil is enrolled. If the parent does not 50927
return a signed form indicating denial of consent within two weeks 50928
after the date the notice is sent, the school district and the 50929
department of ~~job and family services~~ medicaid shall deem the 50930
parent to have consented to examination of the parent's child 50931
under the healthcheck program. In the case of a pupil age eighteen 50932
or older, the notice shall be given to the pupil, and the school 50933
district and the department of ~~job and family services~~ medicaid 50934
shall deem the pupil to have consented to examination unless the 50935
pupil returns the signed form indicating the pupil's denial of 50936
consent. 50937

(D)(1) As used in this division: 50938

(a) "Nonfederal share" means the portion of expenditures for 50939
services that is required under the ~~medical assistance~~ medicaid 50940
program to be paid for with state or local government funds. 50941

(b) "Federal financial participation" means the portion of 50942
expenditures for services that is ~~reimbursed~~ payable under the 50943
~~medical assistance~~ medicaid program with federal funds. 50944

(2) At the request of a board of education, the state 50945
department may enter into an agreement with the board under which 50946
the board provides medical services to a medicaid recipient ~~of~~ 50947
~~medical assistance~~ that are ~~reimbursable~~ payable under the ~~medical~~ 50948
~~assistance~~ medicaid program but not under the healthcheck program. 50949
The agreement may be for a term specified in the agreement and 50950
renewable by mutual consent of the board and the department, or 50951
may continue in force as long as agreeable to the board and the 50952
department. 50953

The board shall use state or local funds of the district to pay the nonfederal share of expenditures for services provided under this division. Prior to entering into or renewing an agreement and at any other time requested by the department while the agreement is in force, the board shall certify to the department in accordance with the rules adopted under division (F) of this section that it will have sufficient state or local funds to pay the nonfederal share of expenditures under this division. If the board fails to make the certification, the department shall not enter into or renew the agreement. If an agreement has been entered into, it shall be void unless the board makes the certification not later than fifteen days after receiving notice from the department that the certification is due. The board shall report to the department, in accordance with the rules, the amount of state or local funds it spends to provide services under this division.

The department shall ~~reimburse~~ pay the board the federal financial participation allowed for the board's expenditures for services under this division. The total of the nonfederal share spent by the board and the federal financial participation ~~reimbursed~~ paid by the department for a service rendered under this division shall be an amount agreed to by the board and the department, but shall not exceed the maximum ~~reimbursable~~ payable amount for that service under rules adopted ~~by the director of job and family services~~ under ~~Chapter 5111. section 5164.02~~ of the Revised Code. The rules adopted under division (F) of this section shall include procedures under which the department will recover from a board overpayments and subsequent federal audit disallowances of federal financial participation ~~reimbursed~~ paid by the department.

(E) A board of education shall provide services under division (D) of this section and under its healthcheck program as

provided in division (E)(1), (2), or (3) of this section: 50986

(1) By having the services performed by physicians, dentists, 50987
and nurses employed by the board; 50988

(2) By contracting with physicians, dentists, nurses, and 50989
other providers of services who have ~~medical assistance~~ medicaid 50990
provider agreements with the department of ~~job and family services~~ 50991
medicaid; 50992

(3) By having some of the services performed by persons 50993
described in division (E)(1) of this section and others performed 50994
by persons described in division (E)(2) of this section. 50995

(F) The medicaid director ~~of job and family services~~ shall 50996
adopt rules in accordance with Chapter 119. of the Revised Code 50997
governing healthcheck programs conducted under this section and 50998
services provided under division (D) of this section. 50999

Sec. 3313.715. The board of education of a school district 51000
may request from the director of developmental disabilities the 51001
appropriate identification numbers for all students residing in 51002
the district who are ~~medical assistance~~ medicaid recipients ~~under~~ 51003
~~Chapter 5111. of the Revised Code.~~ The director shall furnish such 51004
numbers upon receipt of lists of student names furnished by the 51005
district board, in such form as the director may require. 51006

The medicaid director ~~of job and family services~~ shall 51007
provide the director of developmental disabilities with the data 51008
necessary for compliance with this section. 51009

Section 3319.321 of the Revised Code does not apply to the 51010
release of student names or other data to the director of 51011
developmental disabilities for the purposes of this section. 51012
Chapter 1347. of the Revised Code does not apply to information 51013
required to be kept by a school board or the departments of ~~job~~ 51014
~~and family services~~ medicaid or developmental disabilities to the 51015

extent necessary to comply with this section and section 3313.714 51016
of the Revised Code. However, any such information or data shall 51017
be used only for the specific legal purposes of such boards and 51018
departments and shall not be released to any unauthorized person. 51019

Sec. 3313.83. (A)(1) For the purpose of pooling resources, 51020
operating more cost effectively, minimizing administrative 51021
overhead, encouraging the sharing of resource development, and 51022
diminishing duplication, the boards of education of two or more 51023
city, local, or exempted village school districts each having a 51024
majority of its territory in a county with a population greater 51025
than one million two hundred thousand, by adopting identical 51026
resolutions, may enter into an agreement providing for the 51027
creation of a regional student education district for the purpose 51028
of funding the following for students enrolled in those school 51029
districts, including students diagnosed as autistic and students 51030
with special needs, and their immediate family members: 51031

(a) Special education services; 51032

(b) Behavioral health services for persons with special 51033
needs. 51034

If more than eight boards of education adopt resolutions to 51035
form a regional student education district, the boards may meet at 51036
facilities of the educational service center of the county to 51037
discuss membership in the district. 51038

(2) The territory of a regional student education district at 51039
any time shall be composed of the combined territories of the 51040
school districts that are parties to the agreement at that time. 51041
Services funded by a regional student education district shall be 51042
available to all individuals enrolled in a school district that is 51043
a part of the regional student education district and members of 51044
their immediate family. 51045

(3) The agreement may be amended pursuant to terms and 51046
procedures mutually agreed to by the boards of education that are 51047
parties to the agreement. 51048

(B) Each regional student education district shall be 51049
governed by a board of directors. The superintendent of each board 51050
of education that is a party to the agreement shall serve on the 51051
board of directors. The agreement shall provide for the terms of 51052
office of directors. Directors shall receive no compensation, but 51053
shall be reimbursed, from the special fund of the regional student 51054
education district, for the reasonable and necessary expenses they 51055
incur in the performance of their duties for the district. The 51056
agreement shall provide for the conduct of the board's initial 51057
organizational meeting and for the frequency of subsequent 51058
meetings and quorum requirements. At its first meeting, the board 51059
shall designate from among its members a president and secretary 51060
in the manner provided in the agreement. 51061

The board of directors of a regional student education 51062
district is a body corporate and politic, is capable of suing and 51063
being sued, is capable of contracting within the limits of this 51064
section and the agreement governing the district, and is capable 51065
of accepting gifts, donations, bequests, or other grants of money 51066
for use in paying its expenses. The district is a public office 51067
and its directors are public officials within the meaning of 51068
section 117.01 of the Revised Code, the board of directors is a 51069
public body within the meaning of section 121.22 of the Revised 51070
Code, and records of the board and of the district are public 51071
records within the meaning of section 149.43 of the Revised Code. 51072

The agreement shall require the board to designate a 51073
permanent location for its offices and meeting place, and may 51074
provide for the use of such facilities and property for the 51075
provision of services by the agencies with which the board 51076
contracts under division (C) of this section. 51077

(C)(1) To provide the services identified in division (A)(1) 51078
of this section, the board of directors of a regional student 51079
education district shall provide for the hiring of employees or 51080
shall contract with one or more entities. Except as provided in 51081
division (C)(2) of this section, any entity with which the board 51082
of directors contracts to provide the services identified in 51083
division (A)(1)(b) of this section shall be a qualified nonprofit, 51084
nationally accredited agency to which both of the following apply: 51085

(a) The agency is licensed or certified by the departments of 51086
~~mental health, mental health and addiction services and job and~~ 51087
family services, ~~and alcohol and drug addiction services.~~ 51088

(b) The agency provides school-based behavioral health 51089
services. 51090

(2) The board of directors may contract with an entity that 51091
does not meet the conditions stated in division (C)(1) of this 51092
section if the services to be provided by the entity are only 51093
incidental to the services identified in division (A)(1)(b) of 51094
this section. 51095

(3) The board of directors may levy a tax throughout the 51096
district as provided in section 5705.2111 of the Revised Code. The 51097
board of directors shall provide for the creation of a special 51098
fund to hold the proceeds of any tax levied under section 51099
5705.2111 of the Revised Code and any gifts, donations, bequests, 51100
or other grants of money coming into the possession of the 51101
district. A regional student education district is a subdivision, 51102
and the board of directors is a governing body, within the meaning 51103
of section 135.01 of the Revised Code. The board of directors may 51104
not issue securities or otherwise incur indebtedness. 51105

(4) The adoption or rejection by electors of a tax levy to 51106
fund a regional student education district pursuant to section 51107
5705.2111 of the Revised Code does not alter the duty of each 51108

school district member of the regional student education district 51109
to provide special education and related services as required 51110
under Chapter 3323. of the Revised Code. On the expiration of a 51111
regional student education district levy, the state, member school 51112
districts of the regional student education district, and any 51113
other governmental entity shall not be obligated to provide 51114
replacement funding for the revenues under the expired levy. The 51115
tax levy, in whole or in part, shall not be considered a levy for 51116
current operating expenses pursuant to division (A) of section 51117
3317.01 of the Revised Code for any of the school districts that 51118
are members of the regional student education district. 51119

(D)(1) The agreement shall provide for the manner of 51120
appointing an individual or entity to perform the duties of fiscal 51121
officer of the regional student education district. The agreement 51122
shall specify the length of time the individual or entity shall 51123
perform those duties and whether the individual or entity may be 51124
reappointed upon the completion of a term. The fiscal officer may 51125
receive compensation for performing the duties of the position and 51126
be reimbursed for reasonable expenses of performing those duties 51127
from the regional student education district's special fund. 51128

(2) The legal advisor of the board of directors of a regional 51129
student education district shall be the prosecuting attorney of 51130
the most populous county containing a school district that is a 51131
member of the regional student education district. The prosecuting 51132
attorney shall prosecute all actions against a member of the board 51133
of directors for malfeasance or misfeasance in office and shall be 51134
the legal counsel for the board and its members in all other 51135
actions brought by or against them and shall conduct those actions 51136
in the prosecuting attorney's official capacity. No compensation 51137
in addition to the prosecuting attorney's regular salary shall be 51138
allowed. 51139

(E) The board of directors of a regional student education 51140

district shall procure a policy or policies of insurance insuring 51141
the board, the fiscal officer, and the legal representative 51142
against liability on account of damage or injury to persons and 51143
property. Before procuring such insurance the board shall adopt a 51144
resolution setting forth the amount of insurance to be purchased, 51145
the necessity of the insurance, and a statement of its estimated 51146
premium cost. Insurance procured pursuant to this section shall be 51147
from one or more recognized insurance companies authorized to do 51148
business in this state. The cost of the insurance shall be paid 51149
from the district's special fund. 51150

A regional student education district is a political 51151
subdivision within the meaning of section 2744.01 of the Revised 51152
Code. 51153

(F)(1) The board of education of a school district having a 51154
majority of its territory in the county may join an existing 51155
regional student education district by adopting a resolution 51156
requesting to join as a party to the agreement and upon approval 51157
by the boards of education that currently are parties to the 51158
agreement. If a tax is levied in the regional student education 51159
district under section 5705.2111 of the Revised Code, a board of 51160
education may join the district only after a majority of qualified 51161
electors in the school district voting on the question vote in 51162
favor of levying the tax throughout the school district. A board 51163
of education joining an existing district shall have the same 51164
powers, rights, and obligations under the agreement as other 51165
boards of education that are parties to the agreement. 51166

(2) A board of education that is a party to an agreement 51167
under this section may withdraw the school district from a 51168
regional student education district by adopting a resolution. The 51169
withdrawal shall take effect on the date provided in the 51170
resolution. If a tax is levied in the regional student education 51171
district under section 5705.2111 of the Revised Code, the 51172

resolution shall take effect not later than the first day of 51173
January following adoption of the resolution. Beginning with the 51174
first day of January following adoption of the resolution, any tax 51175
levied under section 5705.2111 of the Revised Code shall not be 51176
levied within the territory of the withdrawing school district. 51177
Any collection of tax levied in the territory of the withdrawing 51178
school district under that section that has not been settled and 51179
distributed when the resolution takes effect shall be credited to 51180
the district's special fund. 51181

(G) An agreement entered into under this section shall 51182
provide for the manner of the regional student education 51183
district's dissolution. The district shall cease to exist when not 51184
more than one school district remains in the district, and the 51185
levy of any tax under section 5705.2111 of the Revised Code shall 51186
not be extended on the tax lists in any tax year beginning after 51187
the dissolution of the district. The agreement shall provide that, 51188
upon dissolution of the district, any unexpended balance in the 51189
district's special fund shall be divided among the school 51190
districts that are parties to the agreement immediately before 51191
dissolution in proportion to the taxable valuation of taxable 51192
property in the districts, and credited to their respective 51193
general funds. 51194

Sec. 3313.841. The boards of education and governing boards 51195
of two or more city, local, joint vocational, or exempted village 51196
school districts or educational service centers may contract in 51197
accordance with the terms of this section for the sharing on a 51198
cooperative basis of the services of supervisory teachers, special 51199
instruction teachers, special education teachers, and other 51200
licensed personnel necessary to conduct approved cooperative 51201
classes for special education and related services and gifted 51202
education. 51203

The boards of two or more districts or service centers 51204
desiring to enroll students in such classes shall each adopt 51205
resolutions indicating such desire and designating one of the 51206
participating districts or service centers as the funding agent 51207
for purposes of this section. The district or service center 51208
designated as the funding agent shall enter into an employment 51209
contract with each licensed teacher whose services are to be 51210
shared among the participating districts and service centers. In 51211
turn, the funding agent shall enter into contracts with each of 51212
the districts and service centers which have adopted resolutions 51213
agreeing to participate in the cooperative program upon terms 51214
agreed to by all parties to such contract. Such contracts between 51215
districts and service centers shall set forth the services to be 51216
provided by the licensed teacher employed by the funding agent 51217
whose services are to be shared by the participating districts and 51218
service centers and the basis for computing the amounts to be paid 51219
for such services to the funding agent by the participating 51220
districts and service centers. 51221

For purposes of ~~division (B) of section 3317.05~~ 3317.0213 of 51222
the Revised Code, the funding agent shall count all pupils 51223
enrolled in cooperative programs for pupils with disabilities as 51224
pupils enrolled in such programs in the funding agent district. 51225
Upon receipt of payment for such programs, the funding agent 51226
district shall credit the account of districts participating in 51227
the cooperative program for the amounts due under contracts 51228
entered into under the terms of this section in proportion to the 51229
number of resident students enrolled in the cooperative program 51230
from each participating district and service center. 51231

In determining the terms of the contract entered into by the 51232
funding agent district or service center and the participating 51233
districts and service centers, the superintendent of schools of 51234
each participating board of education and governing board shall 51235

serve as a committee which shall recommend such terms to such boards. 51236
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Sec. 3313.843. (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to any cooperative education school district. 51238
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(B)(1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district. 51241
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(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district. 51248
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(3) Services provided under an agreement entered into under division (B)(1) or (2) of this section shall be specified in the agreement, and may include any of the following: supervisory teachers; in-service and continuing education programs for district personnel; curriculum services; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; assistance in the provision of special accommodations and classes for students with disabilities; or any other services the district board and service center governing board agree can be better provided by the service center and are not provided under an agreement entered into under section 3313.845 of the Revised Code. Services included in the agreement shall be provided to the 51254
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district in the manner specified in the agreement. The district 51267
board of education shall reimburse the educational service center 51268
governing board pursuant to ~~section 3317.11 of the Revised Code~~ 51269
division (H) of this section. 51270

~~Beginning with the 2012-2013 school year, the board of any 51271
district described in division (B)(2) of this section may elect 51272
not to receive the supervisory services for which supervisory 51273
units are paid under division (B) of section 3317.11 of the 51274
Revised Code, provided that election is specified in the 51275
agreement.~~ 51276

(C) Any agreement entered into pursuant to this section shall 51277
be filed with the department of education by the first day of July 51278
of the school year for which the agreement is in effect. 51279

(D)(1) An agreement for services from an educational service 51280
center entered into under this section may be terminated by the 51281
school district board of education, at its option, by notifying 51282
the governing board of the service center by March 1, 2012, or by 51283
the first day of January of any odd-numbered year thereafter, that 51284
the district board intends to terminate the agreement in that 51285
year, and that termination shall be effective on the thirtieth day 51286
of June of that year. The failure of a district board to notify an 51287
educational service center of its intent to terminate an agreement 51288
by March 1, 2012, shall result in renewal of the existing 51289
agreement for the following school year. Thereafter, the failure 51290
of a district board to notify an educational service center of its 51291
intent to terminate an agreement by the first day of January of an 51292
odd-numbered year shall result in renewal of the existing 51293
agreement for the following two school years. 51294

(2) If the school district that terminates an agreement for 51295
services under division (D)(1) of this section is also subject to 51296
the requirement of division (B)(1) of this section, the district 51297
board shall enter into a new agreement with any educational 51298

service center so that the new agreement is effective on the first 51299
day of July of that same year. 51300

(3) If all moneys owed by a school district to an educational 51301
service center under an agreement for services terminated under 51302
division (D)(1) of this section have been paid in full by the 51303
effective date of the termination, the governing board of the 51304
service center shall submit an affidavit to the department 51305
certifying that fact not later than fifteen days after the 51306
termination's effective date. Notwithstanding anything in the 51307
Revised Code to the contrary, until the department receives such 51308
an affidavit, it shall not make any payments to any other 51309
educational service center with which the district enters into an 51310
agreement under this section for services that the educational 51311
service center provides to the district. 51312

(E) An educational service center may apply to any state or 51313
federal agency for competitive grants. It may also apply to any 51314
private entity for additional funds. 51315

(F) Not later than January 1, 2014, each educational service 51316
center shall post on its web site a list of all of the services 51317
that it provides and the corresponding cost for each of those 51318
services. 51319

(G)(1) For purposes of calculating any state subsidy to be 51320
paid to an educational service center for services provided to a 51321
school district, the service center's student count shall be the 51322
sum of the total student counts of all the school districts with 51323
which the educational service center has entered into an agreement 51324
under this section. 51325

(2) When a district enters into a new agreement with a new 51326
educational service center, the department of education shall 51327
ensure that the state subsidy for services provided to the 51328
district is paid to the new educational service center and that 51329

the educational service center with which the district previously had an agreement is no longer paid a state subsidy for providing services to that district. 51330
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(H) Pursuant to division (B) of section 3317.023 of the Revised Code, the department annually shall deduct from each school district that enters into an agreement with an educational service center under this section, and pay to the service center, an amount equal to six dollars and fifty cents times the school district's total student count. The district board of education, or the district superintendent acting on behalf of the district board, may agree to pay an amount in excess of six dollars and fifty cents per student in total student count. If a majority of the boards of education, or superintendents acting on behalf of the boards, of the districts that entered into an agreement under this section approve an amount in excess of six dollars and fifty cents per student in total student count, each district shall pay the excess amount to the service center. 51333
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(I) For purposes of this section, a school district's "total student count" means the average daily student enrollment reported on the most recent report card issued for the district pursuant to section 3302.03 of the Revised Code. 51347
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Sec. 3313.844. The governing authority of a community school established under Chapter 3314. of the Revised Code and the governing board of an educational service center may enter into an agreement, through adoption of identical resolutions, under which the service center board will provide services to the community school. Services provided under the agreement and the amount and manner in which the community school ~~board~~ will pay for such services shall be mutually agreed to by the school's governing ~~board~~ authority and the service center board, and shall be specified in the service agreement. If specified in the agreement 51351
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as the manner of payment, the department of education shall pay 51361
the service center the amount due to it under the agreement and 51362
shall deduct that amount from the payments made to the community 51363
school under Chapter 3314. of the Revised Code. Any agreement 51364
entered into under this section shall be valid only if a copy is 51365
filed with the department. 51366

Sec. 3313.845. The board of education of a city, exempted 51367
village, ~~or~~ local, or joint vocational school district and the 51368
governing board of an educational service center may enter into an 51369
agreement under which the educational service center will provide 51370
services to the school district. Services provided under the 51371
agreement and the amount to be paid for such services shall be 51372
mutually agreed to by the district board of education and the 51373
service center governing board, and shall be specified in the 51374
agreement. Payment for services specified in the agreement shall 51375
be made pursuant to ~~division (D) of section 3317.11 of the Revised~~ 51376
~~Code and shall not include any deduction under division (B), (C),~~ 51377
~~or (F) of that section~~ the terms of that agreement. If specified 51378
in the agreement as the manner of payment, the department of 51379
education shall pay the service center the amount due to it under 51380
the agreement and shall deduct that amount from the payments made 51381
to the joint vocational school district under Chapter 3317. of the 51382
Revised Code. Any agreement entered into pursuant to this section 51383
shall be valid only if a copy is filed with the department ~~of~~ 51384
education. 51385

The authority granted under this section to the boards of 51386
education of city, exempted village, and local school districts is 51387
in addition to the authority granted to such boards under section 51388
3313.843 of the Revised Code. 51389

Sec. 3313.848. (A) As used in this section: 51390

(1) "Client" means a city, local, or exempted village school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, or political subdivision. 51391
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(2) "Governing body" means the board of education of a school district, governing authority of a community school, governing body of a STEM school, or governing body of a political subdivision. 51395
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(3) "Political subdivision" has the same meaning as used in section 3313.846 of the Revised Code. 51399
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(4) "Service agreement" means an agreement that a client has entered into with an educational service center under section 3313.843, 3313.844, 3313.845, 3313.846, or 3326.45 of the Revised Code and any subsequent amendment to that agreement. 51401
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(B) If at the end of a fiscal year for which a service agreement is in effect any of the funds paid directly by a client to the educational service center under the agreement have not been expended, a client's governing body may elect to have the service center retain the unexpended funds for the purpose of applying them toward any payment the client will owe to the service center under a service agreement for the next fiscal year. The treasurer or fiscal officer of the client shall indicate on the client's end-of-year financial report that unexpended funds have been retained by the service center and the amount of those funds. 51405
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(C) If the chief administrator of a client requests that the treasurer of an educational service center spend a portion of the client's funds retained under division (B) of this section for a purpose other than services specifically set forth under a service agreement and the treasurer fulfills that request, the treasurer shall keep a record of the expenditure and the purpose for which 51416
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the expenditure was made. On at least an annual basis, or upon the 51422
request of the client's governing body or its treasurer or fiscal 51423
officer, the treasurer of the service center shall notify the 51424
client's treasurer or fiscal officer of the expenditures recorded 51425
under this division. The client's treasurer or fiscal officer 51426
shall include that information in the financial report made by the 51427
treasurer or fiscal officer at the next meeting of the client's 51428
governing body that occurs following receipt of the information. 51429

Sec. 3313.849. The governing bodies of two or more city, 51430
exempted village, local, or joint vocational school districts, 51431
community schools established under Chapter 3314. of the Revised 51432
Code, or STEM schools established under Chapter 3326. of the 51433
Revised Code, may mutually agree to share supervisory, curriculum, 51434
teaching, special education, professional development, or any 51435
other services offered by an educational service center and may 51436
pool their funding to pay the cost of receiving those services. 51437
Each of the governing bodies of the districts or schools 51438
participating in shared services pursuant to this section shall 51439
specify in its service agreement with the service center under 51440
section 3313.843, 3313.844, 3313.845, or 3326.45 of the Revised 51441
Code which services that the participants have agreed to share, 51442
any other districts or schools participating in the shared 51443
services, and the amount of funds that the governing body will 51444
contribute toward the total cost of the shared services. Each 51445
governing body's funding contribution shall be paid to the service 51446
center in accordance with section 3313.843, 3313.844, 3313.845, or 51447
3326.45 of the Revised Code, as applicable. 51448

The authority granted under this section is in addition to 51449
the authority granted to school district boards of education under 51450
section 3313.841 of the Revised Code. 51451

Sec. 3313.88. (A)(1) Prior to the first day of August of each 51452

school year, the board of education of any school district or the governing authority of any chartered nonpublic school may submit to the department of education a plan to require students to access and complete classroom lessons posted on the district's or nonpublic school's web portal or web site in order to make up days in that school year on which it is necessary to close schools for any of the reasons specified in division (B) of section 3317.01 of the Revised Code in excess of the number of days permitted under sections 3313.48, 3313.481, and 3317.01 of the Revised Code.

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Prior to the first day of August of each school year, the governing authority of any community school established under Chapter 3314. that is not an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, may submit to the department a plan to require students to access and complete classroom lessons posted on the school's web portal or web site in order to make up days or hours in that school year on which it is necessary to close the school for any of the reasons specified in division ~~(L)~~(H)(4) of section 3314.08 of the Revised Code so that the school is in compliance with the minimum number of hours required under Chapter 3314. of the Revised Code.

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A plan submitted by a school district board or chartered nonpublic school governing authority shall provide for making up any number of days, up to a maximum of three days. A plan submitted by a community school governing authority shall provide for making up any number of hours, up to a maximum of the equivalent of three days. Provided the plan meets all requirements of this section, the department shall permit the board or governing authority to implement the plan for the applicable school year.

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(2) Each plan submitted under this section by a school

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district board of education shall include the written consent of 51484
the teachers' employee representative designated under division 51485
(B) of section 4117.04 of the Revised Code. 51486

(3) Each plan submitted under this section shall provide for 51487
the following: 51488

(a) Not later than the first day of November of the school 51489
year, each classroom teacher shall develop a sufficient number of 51490
lessons for each course taught by the teacher that school year to 51491
cover the number of make-up days or hours specified in the plan. 51492
The teacher shall designate the order in which the lessons are to 51493
be posted on the district's, community school's, or nonpublic 51494
school's web portal or web site in the event of a school closure. 51495
Teachers may be granted up to one professional development day to 51496
create lesson plans for those lessons. 51497

(b) To the extent possible and necessary, a classroom teacher 51498
shall update or replace, based on current instructional progress, 51499
one or more of the lesson plans developed under division (A)(3)(a) 51500
of this section before they are posted on the web portal or web 51501
site under division (A)(3)(c) of this section or distributed under 51502
division (B) of this section. 51503

(c) As soon as practicable after a school closure, a district 51504
or school employee responsible for web portal or web site 51505
operations shall make the designated lessons available to students 51506
on the district's, community school's, or nonpublic school's 51507
portal or site. A lesson shall be posted for each course that was 51508
scheduled to meet on the day or hours of the closure. 51509

(d) Each student enrolled in a course for which a lesson is 51510
posted on the portal or site shall be granted a two-week period 51511
from the date of posting to complete the lesson. The student's 51512
classroom teacher shall grade the lesson in the same manner as 51513
other lessons. The student may receive an incomplete or failing 51514

grade if the lesson is not completed on time. 51515

(e) If a student does not have access to a computer at the 51516
student's residence and the plan does not include blizzard bags 51517
under division (B) of this section, the student shall be permitted 51518
to work on the posted lessons at school after the student's school 51519
reopens. If the lessons were posted prior to the reopening, the 51520
student shall be granted a two-week period from the date of the 51521
reopening, rather than from the date of posting as otherwise 51522
required under division (A)(3)(d) of this section, to complete the 51523
lessons. The district board or community school or nonpublic 51524
school governing authority may provide the student access to a 51525
computer before, during, or after the regularly scheduled school 51526
day or may provide a substantially similar paper lesson in order 51527
to complete the lessons. 51528

(B)(1) In addition to posting classroom lessons online under 51529
division (A) of this section, the board of education of any school 51530
district or governing authority of any community or chartered 51531
nonpublic school may include in the plan distribution of "blizzard 51532
bags," which are paper copies of the lessons posted online. 51533

(2) If a school opts to use blizzard bags, teachers shall 51534
prepare paper copies in conjunction with the lessons to be posted 51535
online and update the paper copies whenever the teacher updates 51536
the online lesson plans. 51537

(3) The board of education of any school district or 51538
governing authority of any community or chartered nonpublic school 51539
that opts to use blizzard bags shall specify in the plan the 51540
method of distribution of blizzard bag lessons, which may include, 51541
but not be limited to, requiring distribution by a specific 51542
deadline or requiring distribution prior to anticipated school 51543
closure as directed by the superintendent of a school district or 51544
the principal, director, chief administrative officer, or the 51545
equivalent, of a school. 51546

(4) Students shall turn in completed lessons in accordance 51547
with division (A)(3)(d) of this section. 51548

(C)(1) No school district that implements a plan in 51549
accordance with this section shall be considered to have failed to 51550
comply with division (B) of section 3317.01 of the Revised Code 51551
with respect to the number of make-up days specified in the plan. 51552

(2) No community school that implements a plan in accordance 51553
with this section shall be considered to have failed to comply 51554
with the minimum number of hours required under Chapter 3314. of 51555
the Revised Code with respect to the number of make-up hours 51556
specified in the plan. 51557

Sec. 3313.911. The state board of education may adopt a 51558
resolution assigning a city, exempted village, or local school 51559
district that is not a part of a joint vocational school district 51560
to membership in a joint vocational school district. A copy of the 51561
resolution shall be certified to the board of education of the 51562
joint vocational school district and the board of education of the 51563
district proposed to be assigned. The board of education of the 51564
joint vocational school district shall advertise a copy of the 51565
resolution in a newspaper of general circulation in the district 51566
proposed to be assigned once each week for two weeks, or as 51567
provided in section 7.16 of the Revised Code, immediately 51568
following the certification of the resolution to the board. The 51569
assignment shall take effect on the ninety-first day after the 51570
state board adopts the resolution, unless prior to that date 51571
qualified electors residing in the school district proposed for 51572
assignment, equal in number to ten per cent of the qualified 51573
electors of that district voting at the last general election, 51574
file a petition against the assignment. 51575

The petition of referendum shall be filed with the treasurer 51576
of the board of education of the district proposed to be assigned 51577

to the joint vocational school district. The treasurer shall give 51578
the person presenting the petition a receipt showing the time of 51579
day, date, and purpose of the petition. The treasurer shall cause 51580
the board of elections to determine the sufficiency of signatures 51581
on the petition and if the signatures are found to be sufficient, 51582
shall present the petition to the board of education of the 51583
district. The board of education shall promptly certify the 51584
question to the board of elections for the purpose of having the 51585
question placed on the ballot at the next general, primary, or 51586
special election not earlier than sixty days after the date of the 51587
certification. 51588

Only those qualified electors residing in the district 51589
proposed for assignment to the joint vocational school district 51590
are qualified to vote on the question. If a majority of the 51591
electors voting on the question vote against the assignment, it 51592
shall not take place, and the state board of education shall 51593
require the district to contract with the joint vocational school 51594
district or another school district as authorized by section 51595
3313.91 of the Revised Code. 51596

If a majority of the electors voting on the question do not 51597
vote against the assignment, the assignment shall take immediate 51598
effect, and the board of education of the joint vocational school 51599
district shall notify the county auditor of the county in which 51600
the school district becoming a part of the joint vocational school 51601
district is located to have any outstanding levy of the joint 51602
vocational school district spread over the territory of the school 51603
district that has become a part of the joint vocational school 51604
district. 51605

The assignment of a school district to a joint vocational 51606
school district pursuant to this section is subject to any 51607
agreements made between the board of education of the assigned 51608
school district and the board of education of the joint vocational 51609

school district. Such an agreement may include provisions for a 51610
payment by the assigned school district to the joint vocational 51611
school district of an amount to be contributed toward the cost of 51612
the existing facilities of the joint vocational school district. 51613

~~On the assignment of a school district to a joint vocational 51614
school district pursuant to this section, the joint vocational 51615
school district's board of education shall submit a proposal to 51616
the state board of education to enlarge or reorganize the 51617
membership of the joint vocational school district's board of 51618
education if expansion or reorganization of the board is necessary 51619
in order to comply with section 3311.19 of the Revised Code. 51620~~

Sec. 3313.978. (A) Annually by the first day of November, the 51621
superintendent of public instruction shall notify the pilot 51622
project school district of the number of initial scholarships that 51623
the state superintendent will be awarding in each of grades 51624
kindergarten through twelve. 51625

The state superintendent shall provide information about the 51626
scholarship program to all students residing in the district, 51627
shall accept applications from any such students until such date 51628
as shall be established by the state superintendent as a deadline 51629
for applications, and shall establish criteria for the selection 51630
of students to receive scholarships from among all those applying 51631
prior to the deadline, which criteria shall give preference to 51632
students from low-income families. The state superintendent shall 51633
notify students of their selection prior to the fifteenth day of 51634
January. 51635

(1) A student receiving a pilot project scholarship may 51636
utilize it at an alternative public school by notifying the 51637
district superintendent, at any time before the beginning of the 51638
school year, of the name of the public school in an adjacent 51639
school district to which the student has been accepted pursuant to 51640

section 3327.06 of the Revised Code. 51641

(2) A student may decide to utilize a pilot project 51642
scholarship at a registered private school in the district if all 51643
of the following conditions are met: 51644

(a) By the fifteenth day of February of the preceding school 51645
year, or at any time prior to the start of the school year, the 51646
parent makes an application on behalf of the student to a 51647
registered private school. 51648

(b) The registered private school notifies the parent and the 51649
state superintendent as follows that the student has been 51650
admitted: 51651

(i) By the fifteenth day of March of the preceding school 51652
year if the student filed an application by the fifteenth day of 51653
February and was admitted by the school pursuant to division (A) 51654
of section 3313.977 of the Revised Code; 51655

(ii) Within one week of the decision to admit the student if 51656
the student is admitted pursuant to division (C) of section 51657
3313.977 of the Revised Code. 51658

(c) The student actually enrolls in the registered private 51659
school to which the student was first admitted or in another 51660
registered private school in the district or in a public school in 51661
an adjacent school district. 51662

(B) The state superintendent shall also award in any school 51663
year tutorial assistance grants to a number of students equal to 51664
the number of students who receive scholarships under division (A) 51665
of this section. Tutorial assistance grants shall be awarded 51666
solely to students who are enrolled in the public schools of the 51667
district in a grade level covered by the pilot project. Tutorial 51668
assistance grants may be used solely to obtain tutorial assistance 51669
from a provider approved pursuant to division (D) of section 51670
3313.976 of the Revised Code. 51671

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish.

(C)(1) In the case of basic scholarships for students in grades kindergarten through eight, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or ~~three thousand dollars before fiscal year 2007, three thousand four hundred fifty dollars in fiscal year 2007 through fiscal year 2011, and~~ four thousand two hundred fifty dollars in fiscal year 2012 and thereafter.

In the case of basic scholarships for students in grades nine through twelve, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or ~~two thousand seven hundred dollars before fiscal year 2007, three thousand four hundred fifty dollars in fiscal year 2007 through fiscal year 2011, and~~ five thousand dollars in fiscal year 2012 and ~~thereafter~~ fiscal year 2013, and five thousand seven hundred dollars in fiscal year 2014 and thereafter.

The net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.

(2) The state superintendent shall provide for an increase in the basic scholarship amount in the case of any student who is a

mainstreamed student with a disability and shall further increase 51704
such amount in the case of any separately educated student with a 51705
disability. Such increases shall take into account the 51706
instruction, related services, and transportation costs of 51707
educating such students. 51708

(3) In the case of tutorial assistance grants, the grant 51709
amount shall not exceed the lesser of the provider's actual 51710
charges for such assistance or: 51711

(a) Before fiscal year 2007, a percentage established by the 51712
state superintendent, not to exceed twenty per cent, of the amount 51713
of the pilot project school district's average basic scholarship 51714
amount; 51715

(b) In fiscal year 2007 and thereafter, four hundred dollars. 51716

(D)(1) Annually by the first day of November, the state 51717
superintendent shall estimate the maximum per-pupil scholarship 51718
amounts for the ensuing school year. The state superintendent 51719
shall make this estimate available to the general public at the 51720
offices of the district board of education together with the forms 51721
required by division (D)(2) of this section. 51722

(2) Annually by the fifteenth day of January, the chief 51723
administrator of each registered private school located in the 51724
pilot project district and the principal of each public school in 51725
such district shall complete a parental information form and 51726
forward it to the president of the board of education. The 51727
parental information form shall be prescribed by the department of 51728
education and shall provide information about the grade levels 51729
offered, the numbers of students, tuition amounts, achievement 51730
test results, and any sectarian or other organizational 51731
affiliations. 51732

(E)(1) Only for the purpose of administering the pilot 51733
project scholarship program, the department may request from any 51734

of the following entities the data verification code assigned 51735
under division (D)(2) of section 3301.0714 of the Revised Code to 51736
any student who is seeking a scholarship under the program: 51737

(a) The school district in which the student is entitled to 51738
attend school under section 3313.64 or 3313.65 of the Revised 51739
Code; 51740

(b) If applicable, the community school in which the student 51741
is enrolled; 51742

(c) The independent contractor engaged to create and maintain 51743
data verification codes. 51744

(2) Upon a request by the department under division (E)(1) of 51745
this section for the data verification code of a student seeking a 51746
scholarship or a request by the student's parent for that code, 51747
the school district or community school shall submit that code to 51748
the department or parent in the manner specified by the 51749
department. If the student has not been assigned a code, because 51750
the student will be entering kindergarten during the school year 51751
for which the scholarship is sought, the district shall assign a 51752
code to that student and submit the code to the department or 51753
parent by a date specified by the department. If the district does 51754
not assign a code to the student by the specified date, the 51755
department shall assign a code to the student. 51756

The department annually shall submit to each school district 51757
the name and data verification code of each student residing in 51758
the district who is entering kindergarten, who has been awarded a 51759
scholarship under the program, and for whom the department has 51760
assigned a code under this division. 51761

(3) The department shall not release any data verification 51762
code that it receives under division (E) of this section to any 51763
person except as provided by law. 51764

(F) Any document relative to the pilot project scholarship 51765

program that the department holds in its files that contains both 51766
a student's name or other personally identifiable information and 51767
the student's data verification code shall not be a public record 51768
under section 149.43 of the Revised Code. 51769

(G)(1) The department annually shall compile the scores 51770
attained by scholarship students enrolled in registered private 51771
schools on the assessments administered to the students pursuant 51772
to division (A)(11) of section 3313.976 of the Revised Code. The 51773
scores shall be aggregated as follows: 51774

(a) By school district, which shall include all scholarship 51775
students residing in the pilot project school district who are 51776
enrolled in a registered private school and were required to take 51777
an assessment pursuant to division (A)(11) of section 3313.976 of 51778
the Revised Code; 51779

(b) By registered private school, which shall include all 51780
scholarship students enrolled in that school who were required to 51781
take an assessment pursuant to division (A)(11) of section 51782
3313.976 of the Revised Code. 51783

(2) The department shall disaggregate the student performance 51784
data described in division (G)(1) of this section according to the 51785
following categories: 51786

(a) Grade level; 51787

(b) Race and ethnicity; 51788

(c) Gender; 51789

(d) Students who have participated in the scholarship program 51790
for three or more years; 51791

(e) Students who have participated in the scholarship program 51792
for more than one year and less than three years; 51793

(f) Students who have participated in the scholarship program 51794
for one year or less; 51795

(g) Economically disadvantaged students.	51796
(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	51797 51798 51799 51800 51801 51802 51803 51804 51805 51806
(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.	51807 51808 51809 51810 51811 51812 51813 51814 51815 51816
Sec. 3313.98. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section and sections 3313.981 to 3313.983 of the Revised Code that apply to a city school district do not apply to a joint vocational or cooperative education school district unless expressly specified.	51817 51818 51819 51820 51821 51822
(A) As used in this section and sections 3313.981 to 3313.983 of the Revised Code:	51823 51824
(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions:	51825 51826

(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.

(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child.

(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.

(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.

(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.

(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

(6) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 51858
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~~(7) "Adjusted formula amount" means the sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code for fiscal year 2009.~~ 51860
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~~(8)~~ "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the ~~director~~ secretary of the ~~office of community health and human~~ services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 51864
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~~(9)~~(8) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 51870
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~~(10)~~(9) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section. 51872
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~~(11)~~(10) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district. 51875
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~~(12)~~(11) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code. 51878
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(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies: 51884
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(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code;	51888 51889 51890 51891
(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;	51892 51893 51894
(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.	51895 51896 51897
(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:	51898 51899 51900
(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.	51901 51902 51903 51904
(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:	51905 51906 51907
(i) The establishment of district capacity limits by grade level, school building, and education program;	51908 51909
(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;	51910 51911 51912 51913
(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	51914 51915
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district	51916 51917

students, as applicable, shall not include: 51918

(1) Any requirement of academic ability, or any level of 51919
athletic, artistic, or other extracurricular skills; 51920

(2) Limitations on admitting applicants because of 51921
disability, except that a board may refuse to admit a student 51922
receiving services under Chapter 3323. of the Revised Code, if the 51923
services described in the student's IEP are not available in the 51924
district's schools; 51925

(3) A requirement that the student be proficient in the 51926
English language; 51927

(4) Rejection of any applicant because the student has been 51928
subject to disciplinary proceedings, except that if an applicant 51929
has been suspended or expelled by the student's district for ten 51930
consecutive days or more in the term for which admission is sought 51931
or in the term immediately preceding the term for which admission 51932
is sought, the procedures may include a provision denying 51933
admission of such applicant. 51934

(D)(1) Each school board permitting only enrollment of 51935
adjacent district students shall provide information about the 51936
policy adopted under this section, including the application 51937
procedures and deadlines, to the superintendent and the board of 51938
education of each adjacent district and, upon request, to the 51939
parent of any adjacent district student. 51940

(2) Each school board permitting enrollment of other district 51941
students shall provide information about the policy adopted under 51942
this section, including the application procedures and deadlines, 51943
upon request, to the board of education of any other school 51944
district or to the parent of any student anywhere in the state. 51945

(E) Any school board shall accept all credits toward 51946
graduation earned in adjacent or other district schools by an 51947
adjacent or other district student or a native student. 51948

(F)(1) No board of education may adopt a policy discouraging 51949
or prohibiting its native students from applying to enroll in the 51950
schools of an adjacent or any other district that has adopted a 51951
policy permitting such enrollment, except that: 51952

(a) A district may object to the enrollment of a native 51953
student in an adjacent or other district in order to maintain an 51954
appropriate racial balance. 51955

(b) The board of education of a district receiving funds 51956
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 51957
may adopt a resolution objecting to the enrollment of its native 51958
students in adjacent or other districts if at least ten per cent 51959
of its students are included in the determination of the United 51960
States secretary of education made under section 20 U.S.C.A. 51961
238(a). 51962

(2) If a board objects to enrollment of native students under 51963
this division, any adjacent or other district shall refuse to 51964
enroll such native students unless tuition is paid for the 51965
students in accordance with section 3317.08 of the Revised Code. 51966
An adjacent or other district enrolling such students may not 51967
receive funding for those students in accordance with section 51968
3313.981 of the Revised Code. 51969

(G) The state board of education shall monitor school 51970
districts to ensure compliance with this section and the 51971
districts' policies. The board may adopt rules requiring uniform 51972
application procedures, deadlines for application, notification 51973
procedures, and record-keeping requirements for all school boards 51974
that adopt policies permitting the enrollment of adjacent or other 51975
district students, as applicable. If the state board adopts such 51976
rules, no school board shall adopt a policy that conflicts with 51977
those rules. 51978

(H) A resolution adopted by a board of education under this 51979

section that entirely prohibits the enrollment of students from adjacent and from other school districts does not abrogate any agreement entered into under section 3313.841 or 3313.92 of the Revised Code or any contract entered into under section 3313.90 of the Revised Code between the board of education adopting the resolution and the board of education of any adjacent or other district or prohibit these boards of education from entering into any such agreement or contract.

(I) Nothing in this section shall be construed to permit or require the board of education of a city, exempted village, or local school district to exclude any native student of the district from enrolling in the district.

Sec. 3313.981. (A) The state board of education shall adopt rules requiring all of the following:

(1) The board of education of each city, exempted village, and local school district to annually report to the department of education all of the following:

(a) The number of adjacent district or other district students, as applicable, and adjacent district or other district joint vocational students, as applicable, enrolled in the district and the number of native students enrolled in adjacent or other districts, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;

(b) Each adjacent district or other district student's or adjacent district or other district joint vocational student's date of enrollment in the district;

(c) The full-time equivalent number of adjacent district or other district students enrolled in ~~vocational~~ each of the categories of career-technical education programs or classes described in ~~division (A) of~~ section 3317.014 of the Revised Code

~~and the full-time equivalent number of such students enrolled in vocational education programs or classes described in division (B) of that section;~~

(d) Each native student's date of enrollment in an adjacent or other district.

(2) The board of education of each joint vocational school district to annually report to the department all of the following:

(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;

(b) The full-time equivalent number of adjacent district or other district joint vocational students enrolled in ~~vocational~~ each category of career-technical education programs or classes described in ~~division (A) of~~ section 3317.014 of the Revised Code ~~and the full-time equivalent number of such students enrolled in vocational education programs or classes described in division (B) of that section;~~

(c) For each adjacent district or other district joint vocational student, the city, exempted village, or local school district in which the student is also enrolled.

(3) Prior to the first full school week in October each year, the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to notify each adjacent or other district where those students are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code of the number of the adjacent or other district's native students who are enrolled in the superintendent's district under the policy.

The rules shall provide for the method of counting students

who are enrolled for part of a school year in an adjacent or other 52041
district or as an adjacent district or other district joint 52042
vocational student. 52043

(B) From the payments made to a city, exempted village, or 52044
local school district under Chapter 3317. of the Revised Code and, 52045
if necessary, from the payments made to the district under 52046
sections 321.24 and 323.156 of the Revised Code, the department of 52047
education shall annually subtract both of the following: 52048

(1) An amount equal to the number of the district's native 52049
students reported under division (A)(1) of this section who are 52050
enrolled in adjacent or other school districts pursuant to 52051
policies adopted by such districts under division (B) of section 52052
3313.98 of the Revised Code multiplied by the ~~adjusted~~ formula 52053
amount; 52054

(2) The excess costs computed in accordance with division (E) 52055
of this section for any such native students receiving special 52056
education and related services in adjacent or other school 52057
districts or as an adjacent district or other district joint 52058
vocational student; 52059

(3) For the full-time equivalent number the formula amount of 52060
the district's native students reported under division (A)(1)(c) 52061
or (2)(b) of this section as enrolled in ~~vocational~~ 52062
career-technical education programs or classes described in 52063
section 3317.014 of the Revised Code, an amount equal to ~~\$5,732~~ 52064
the formula amount times the applicable multiple prescribed by 52065
that section. 52066

(C) To the payments made to a city, exempted village, or 52067
local school district under Chapter 3317. of the Revised Code, the 52068
department of education shall annually add all of the following: 52069

(1) An amount equal to the ~~adjusted~~ formula amount multiplied 52070
by the remainder obtained by subtracting the number of adjacent 52071

district or other district joint vocational students from the 52072
number of adjacent district or other district students enrolled in 52073
the district, as reported under division (A)(1) of this section; 52074

(2) The excess costs computed in accordance with division (E) 52075
of this section for any adjacent district or other district 52076
students, except for any adjacent or other district joint 52077
vocational students, receiving special education and related 52078
services in the district; 52079

(3) For the full-time equivalent number of the adjacent or 52080
other district students who are not adjacent district or other 52081
district joint vocational students and are reported under division 52082
(A)(1)(c) of this section as enrolled in ~~vocational~~ 52083
career-technical education programs or classes described in 52084
section 3317.014 of the Revised Code, an amount equal to ~~\$5,732~~ 52085
the formula amount times the applicable multiple prescribed by 52086
that section; 52087

(4) An amount equal to the number of adjacent district or 52088
other district joint vocational students reported under division 52089
(A)(1) of this section multiplied by an amount equal to twenty per 52090
cent of the ~~adjusted~~ formula amount. 52091

(D) To the payments made to a joint vocational school 52092
district under Chapter 3317. of the Revised Code, the department 52093
of education shall add, for each adjacent district or other 52094
district joint vocational student reported under division (A)(2) 52095
of this section, both of the following: 52096

(1) The ~~adjusted~~ formula amount; 52097

(2) An amount equal to the full-time equivalent number of 52098
students reported pursuant to division (A)(2)(b) of this section 52099
times ~~\$5,732~~ the formula amount times the applicable multiple 52100
prescribed by section 3317.014 of the Revised Code. 52101

(E)(1) A city, exempted village, or local school board 52102

providing special education and related services to an adjacent or 52103
other district student in accordance with an IEP shall, pursuant 52104
to rules of the state board, compute the excess costs to educate 52105
such student as follows: 52106

(a) Subtract the ~~adjusted~~ formula amount from the actual 52107
costs to educate the student; 52108

(b) From the amount computed under division (E)(1)(a) of this 52109
section subtract the amount of any funds received by the district 52110
under Chapter 3317. of the Revised Code to provide special 52111
education and related services to the student. 52112

(2) The board shall report the excess costs computed under 52113
this division to the department of education. 52114

(3) If any student for whom excess costs are computed under 52115
division (E)(1) of this section is an adjacent or other district 52116
joint vocational student, the department of education shall add 52117
the amount of such excess costs to the payments made under Chapter 52118
3317. of the Revised Code to the joint vocational school district 52119
enrolling the student. 52120

(F) As provided in division (D)(1)(b) of section 3317.03 of 52121
the Revised Code, no joint vocational school district shall count 52122
any adjacent or other district joint vocational student enrolled 52123
in the district in its formula ADM certified under section 3317.03 52124
of the Revised Code. 52125

(G) No city, exempted village, or local school district shall 52126
receive a payment under division (C) of this section for a 52127
student, and no joint vocational school district shall receive a 52128
payment under division (D) of this section for a student, if for 52129
the same school year that student is counted in the district's 52130
formula ADM certified under section 3317.03 of the Revised Code. 52131

(H) Upon request of a parent, and provided the board offers 52132
transportation to native students of the same grade level and 52133

distance from school under section 3327.01 of the Revised Code, a 52134
city, exempted village, or local school board enrolling an 52135
adjacent or other district student shall provide transportation 52136
for the student within the boundaries of the board's district, 52137
except that the board shall be required to pick up and drop off a 52138
nonhandicapped student only at a regular school bus stop 52139
designated in accordance with the board's transportation policy. 52140
Pursuant to rules of the state board of education, such board may 52141
reimburse the parent from funds received for pupil transportation 52142
under section 3317.0212 of the Revised Code, or other provisions 52143
of law, for the reasonable cost of transportation from the 52144
student's home to the designated school bus stop if the student's 52145
family has an income below the federal poverty line. 52146

Sec. 3314.015. (A) The department of education shall be 52147
responsible for the oversight of any and all sponsors of the 52148
community schools established under this chapter and shall provide 52149
technical assistance to schools and sponsors in their compliance 52150
with applicable laws and the terms of the contracts entered into 52151
under section 3314.03 of the Revised Code and in the development 52152
and start-up activities of those schools. In carrying out its 52153
duties under this section, the department shall do all of the 52154
following: 52155

(1) In providing technical assistance to proposing parties, 52156
governing authorities, and sponsors, conduct training sessions and 52157
distribute informational materials; 52158

(2) Approve entities to be sponsors of community schools; 52159

(3) Monitor and evaluate, as required under section 3314.016 52160
of the Revised Code, the effectiveness of any and all sponsors in 52161
their oversight of the schools with which they have contracted; 52162

(4) By December thirty-first of each year, issue a report to 52163
the governor, the speaker of the house of representatives, the 52164

president of the senate, and the chairpersons of the house and 52165
senate committees principally responsible for education matters 52166
regarding the effectiveness of academic programs, operations, and 52167
legal compliance and of the financial condition of all community 52168
schools established under this chapter and on the performance of 52169
community school sponsors; 52170

(5) From time to time, make legislative recommendations to 52171
the general assembly designed to enhance the operation and 52172
performance of community schools. 52173

(B)(1) Except as provided in sections 3314.021 and 3314.027 52174
of the Revised Code, no entity listed in division (C)(1) of 52175
section 3314.02 of the Revised Code shall enter into a preliminary 52176
agreement under division (C)(2) of section 3314.02 of the Revised 52177
Code until it has received approval from the department of 52178
education to sponsor community schools under this chapter and has 52179
entered into a written agreement with the department regarding the 52180
manner in which the entity will conduct such sponsorship. ~~The~~ 52181

The initial term of a sponsor's agreement with the department 52182
shall be for up to seven years. For every year that the sponsor 52183
satisfies the conditions of division (B)(1)(a) or (b) of this 52184
section, as applicable, the department shall add one year to the 52185
agreement term, subject to divisions (C) and (F) of this section, 52186
unless the sponsor notifies the department that it does not wish 52187
to have the term of the agreement so extended. 52188

To qualify for the extension of the term of the sponsor's 52189
agreement, the sponsor shall satisfy one of the following, as 52190
applicable: 52191

(a) Prior to January 1, 2015, the sponsor is not in the 52192
lowest twenty per cent of sponsors statewide according to the 52193
composite performance index score as ranked under section 3314.016 52194
of the Revised Code, as that section exists prior to that date, 52195

and the sponsor continues to meet all the requirements of this 52196
chapter pertaining to community school sponsors. 52197

(b) On or after January 1, 2015, the sponsor is rated as 52198
"exemplary" or "effective" under section 3314.016 of the Revised 52199
Code, as that section exists on and after that date, and the 52200
sponsor continues to meet all the requirements of this chapter 52201
pertaining to community school sponsors. 52202

The department shall adopt in accordance with Chapter 119. of 52203
the Revised Code rules containing criteria, procedures, and 52204
deadlines for processing applications for ~~such~~ approval of 52205
sponsors, for oversight of sponsors, for notifying a sponsor of 52206
noncompliance with applicable laws and administrative rules under 52207
division (F) of this section, for revocation of the approval of 52208
sponsors under division (C) of this section, and for entering into 52209
written agreements with sponsors. The rules shall require an 52210
entity to submit evidence of the entity's ability and willingness 52211
to comply with the provisions of division (D) of section 3314.03 52212
of the Revised Code. The rules also shall require entities 52213
approved as sponsors on and after June 30, 2005, to demonstrate a 52214
record of financial responsibility and successful implementation 52215
of educational programs. If an entity seeking approval on or after 52216
June 30, 2005, to sponsor community schools in this state sponsors 52217
or operates schools in another state, at least one of the schools 52218
sponsored or operated by the entity must be comparable to or 52219
better than the performance of Ohio schools in need of continuous 52220
improvement under section 3302.03 of the Revised Code, as 52221
determined by the department. 52222

Subject to section 3314.016 of the Revised Code, an entity 52223
that sponsors community schools may enter into preliminary 52224
agreements and sponsor up to one hundred schools, provided each 52225
school and the contract for sponsorship meets the requirements of 52226
this chapter. 52227

(2) The state board of education shall determine, pursuant to 52228
criteria specified in rules adopted in accordance with Chapter 52229
119. of the Revised Code, whether the mission proposed to be 52230
specified in the contract of a community school to be sponsored by 52231
a state university board of trustees or the board's designee under 52232
division (C)(1)(e) of section 3314.02 of the Revised Code complies 52233
with the requirements of that division. Such determination of the 52234
state board is final. 52235

(3) The state board of education shall determine, pursuant to 52236
criteria specified in rules adopted in accordance with Chapter 52237
119. of the Revised Code, if any tax-exempt entity under section 52238
501(c)(3) of the Internal Revenue Code that is proposed to be a 52239
sponsor of a community school is an education-oriented entity for 52240
purpose of satisfying the condition prescribed in division 52241
(C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such 52242
determination of the state board is final. 52243

(C) If at any time the state board of education finds that a 52244
sponsor is not in compliance or is no longer willing to comply 52245
with its contract with any community school or with the 52246
department's rules for sponsorship, the state board or designee 52247
shall conduct a hearing in accordance with Chapter 119. of the 52248
Revised Code on that matter. If after the hearing, the state board 52249
or designee has confirmed the original finding, the department of 52250
education may revoke the sponsor's approval to sponsor community 52251
schools. In that case, the department's office of Ohio school 52252
sponsorship, established under section 3314.029 of the Revised 52253
Code, may assume the sponsorship of any schools with which the 52254
sponsor has contracted until the earlier of the expiration of two 52255
school years or until a new sponsor as described in division 52256
(C)(1) of section 3314.02 of the Revised Code is secured by the 52257
school's governing authority. The office of Ohio school 52258
sponsorship may extend the term of the contract in the case of a 52259

school for which it has assumed sponsorship under this division as 52260
necessary to accommodate the term of the department's 52261
authorization to sponsor the school specified in this division. 52262
Community schools sponsored under this division shall not apply to 52263
the limit on directly authorized community schools under division 52264
(A)(3) of section 3314.029 of the Revised Code. However, nothing 52265
in this division shall preclude a community school affected by 52266
this division from applying for sponsorship under that section. 52267

(D) The decision of the department to disapprove an entity 52268
for sponsorship of a community school or to revoke approval for 52269
such sponsorship under division (C) of this section, may be 52270
appealed by the entity in accordance with section 119.12 of the 52271
Revised Code. 52272

(E) The department shall adopt procedures for use by a 52273
community school governing authority and sponsor when the school 52274
permanently closes and ceases operation, which shall include at 52275
least procedures for data reporting to the department, handling of 52276
student records, distribution of assets in accordance with section 52277
3314.074 of the Revised Code, and other matters related to ceasing 52278
operation of the school. 52279

(F)(1) In lieu of revoking a sponsor's authority to sponsor 52280
community schools under division (C) of this section, if the 52281
department finds that a sponsor is not in compliance with 52282
applicable laws and administrative rules, the department shall 52283
declare in a written notice to the sponsor the specific laws or 52284
rules, or both, for which the sponsor is noncompliant. A sponsor 52285
notified under division (F)(1) of this section shall respond to 52286
the department not later than fourteen days after the notification 52287
with a proposed plan to remedy the conditions for which the 52288
sponsor was found to be noncompliant. The department shall approve 52289
or disapprove the plan not later than fourteen days after 52290
receiving it. If the plan is disapproved, the sponsor may submit a 52291

revised plan to the department not later than fourteen days after 52292
receiving notification of disapproval from the department or not 52293
later than sixty days after the date the sponsor received 52294
notification of noncompliance from the department, whichever is 52295
earlier. The department shall approve or disapprove the revised 52296
plan not later than fourteen days after receiving it or not later 52297
than sixty days after the date the sponsor received notification 52298
of noncompliance from the department, whichever is earlier. A 52299
sponsor may continue to make revisions by the deadlines prescribed 52300
in division (F)(1) of this section to any revised plan that is 52301
disapproved by the department until the sixtieth day after the 52302
date the sponsor received notification of noncompliance from the 52303
department. 52304

If a plan or a revised plan is approved, the sponsor shall 52305
implement it not later than sixty days after the date the sponsor 52306
received notification of noncompliance from the department or not 52307
later than thirty days after the plan is approved, whichever is 52308
later. If a sponsor does not respond to the department or 52309
implement an approved compliance plan by the deadlines prescribed 52310
by division (F)(1) of this section, or if a sponsor does not 52311
receive approval of a compliance plan on or before the sixtieth 52312
day after the date the sponsor received notification of 52313
noncompliance from the department, the department shall declare in 52314
written notice to the sponsor that the sponsor is in probationary 52315
status, and may limit the sponsor's ability to sponsor additional 52316
schools. 52317

(2) A sponsor that has been placed on probationary status 52318
under division (F)(1) of this section may apply to the department 52319
for its probationary status to be lifted. The application for a 52320
sponsor's probationary status to be lifted shall include evidence, 52321
occurring after the initial notification of noncompliance, of the 52322
sponsor's compliance with applicable laws and administrative 52323

rules. Not later than fourteen days after receiving an application 52324
from the sponsor, the department shall decide whether or not to 52325
remove the sponsor's probationary status. 52326

(G) In carrying out its duties under this chapter, the 52327
department shall not impose requirements on community schools or 52328
their sponsors that are not permitted by law or duly adopted 52329
rules. 52330

(H) This section applies to entities that sponsor conversion 52331
community schools and new start-up schools. 52332

Sec. 3314.017. (A) The state board of education shall 52333
prescribe by rules, adopted in accordance with Chapter 119. of the 52334
Revised Code, an academic performance rating and report card 52335
system that satisfies the requirements of this section for 52336
community schools that primarily serve students enrolled in 52337
dropout prevention and recovery programs as described in division 52338
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 52339
lieu of the system prescribed under sections 3302.03 and 3314.012 52340
of the Revised Code beginning with the 2012-2013 school year. Each 52341
such school shall comply with the testing and reporting 52342
requirements of the system as prescribed by the state board. 52343

(B) Nothing in this section shall at any time relieve a 52344
school from its obligations under the "No Child Left Behind Act of 52345
2001" to make "adequate yearly progress," as both that act and 52346
that term are defined in section 3302.01 of the Revised Code, or a 52347
school's amenability to the provisions of section 3302.04 or 52348
3302.041 of the Revised Code. The department shall continue to 52349
report each school's performance as required by the act and to 52350
enforce applicable sanctions under section 3302.04 or 3302.041 of 52351
the Revised Code. 52352

(C) The rules adopted by the state board shall prescribe the 52353
following performance indicators for the rating and report card 52354

or both as measured by separate nationally norm-referenced 52385
assessments that have developed appropriate standards for students 52386
enrolled in dropout prevention and recovery programs, adopted or 52387
approved by the state board. 52388

(D)(1) The state board's rules shall prescribe the expected 52389
performance levels and benchmarks for each of the indicators 52390
prescribed by division (C) of this section based on the data 52391
gathered by the department under division (F) of this section. 52392
Based on a school's level of attainment or nonattainment of the 52393
expected performance levels and benchmarks for each of the 52394
indicators, the department shall rate each school in one of the 52395
following categories: 52396

(a) Exceeds standards; 52397

(b) Meets standards; 52398

(c) Does not meet standards. 52399

(2) The state board's rules shall establish all of the 52400
following: 52401

(a) Not later than June 30, 2013, performance levels and 52402
benchmarks for the indicators described in divisions (C)(1) to (3) 52403
of this section; 52404

(b) Not later than December 31, 2014, both of the following: 52405

(i) Performance levels and benchmarks for the indicator 52406
described in division (C)(4) of this section; 52407

(ii) Standards for awarding a community school described in 52408
division (A)(4)(a) of section 3314.35 of the Revised Code an 52409
overall designation, which shall be calculated as follows: 52410

(I) Thirty per cent of the score shall be based on the 52411
indicators described in division (C)(1) of this section that are 52412
applicable to the school year for which the overall designation is 52413
granted. 52414

(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section.

(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section.

(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section.

(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated ~~as~~ not less than "meets standards."

The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.

(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code:

(a) The graduation rates as described in divisions (C)(1)(a) to (c) of this section;

(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;

(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section;

(d) Annual measurable objectives described in division (C)(3)

of this section. 52445

(2) For the 2013-2014 school year, the department shall issue 52446
a report card including the following performance measures for 52447
each community school described in division (A)(4) of section 52448
3314.35 of the Revised Code: 52449

(a) The graduation rates described in divisions (C)(1)(a) to 52450
(d) of this section, including a performance rating as described 52451
in divisions (D)(1)(a) to (c) of this section; 52452

(b) The percentage of twelfth-grade students and other 52453
students who have attained a designated passing score on high 52454
school achievement assessments as described in division (C)(2) of 52455
this section, including a performance rating as described in 52456
divisions (D)(1)(a) to (c) of this section; 52457

(c) Annual measurable objectives described in division (C)(3) 52458
of this section, including a performance rating as described in 52459
divisions (D)(1)(a) to (c) of this section; 52460

(d) Both of the following without an assigned rating: 52461

(i) Growth in annual student achievement in reading and 52462
mathematics described in division (C)(4) of this section, if 52463
available; 52464

(ii) Student outcome data, including postsecondary credit 52465
earned, nationally recognized career or technical certification, 52466
military enlistment, job placement, and attendance rate. 52467

(3) Beginning with the 2014-2015 school year, and annually 52468
thereafter, the department shall issue a report card for each 52469
community school described in division (A)(4)(a) of section 52470
3314.35 of the Revised Code that includes all of the following 52471
performance measures, including a performance rating for each 52472
measure as described in divisions (D)(1)(a) to (c) of this 52473
section: 52474

(a) The graduation rates as described in division (C)(1) of this section; 52475
52476

(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section; 52477
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(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section; 52481
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52483

(d) Growth in annual student achievement in reading and mathematics as described in division (C)(4) of this section; 52484
52485

(e) An overall performance designation for the school calculated under rules adopted under division (D)(2) of this section. 52486
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The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating. 52489
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(F) In developing the rating and report card system required by this section, during the 2012-2013 and 2013-2014 school years, the department shall gather and analyze data as determined necessary from each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code. Each such school shall cooperate with the department by supplying requested data and administering required assessments, including sample assessments for purposes of measuring student achievement growth as described in division (C)(4) of this section. The department shall consult with stakeholder groups in performing its duties under this division. 52495
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The department shall also identify one or more states that 52506
have established or are in the process of establishing similar 52507
academic performance rating systems for dropout prevention and 52508
recovery programs and consult with the departments of education of 52509
those states in developing the system required by this section. 52510

(G) Not later than December 31, 2014, the state board shall 52511
review the performance levels and benchmarks for performance 52512
indicators in the report card issued under this section and may 52513
revise them based on the data collected under division (F) of this 52514
section. 52515

Sec. 3314.027. Notwithstanding the requirement for initial 52516
approval of sponsorship by the department of education prescribed 52517
in divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 52518
Code and any geographical restriction or mission requirement 52519
prescribed in division (C)(1) of section 3314.02 of the Revised 52520
Code, an entity that has entered into a contract to sponsor a 52521
community school on April 8, 2003, may continue to sponsor the 52522
school in conformance with the terms of that contract ~~as long as~~ 52523
~~the entity complies with all other sponsorship provisions of this~~ 52524
~~chapter. Such an entity and~~ also may enter into new contracts to 52525
sponsor community schools after April 8, 2003, ~~and need not be~~ 52526
~~approved by the department for such sponsorship, as otherwise~~ 52527
~~required under divisions (A)(2) and (B)(1) of section 3314.015 of~~ 52528
~~the Revised Code,~~ as long as the contracts conform to and the 52529
entity complies with all other provisions of this chapter. 52530

Regardless of the entity's authority to sponsor community 52531
schools without the initial approval of the department, each 52532
entity described in this section is under the continuing oversight 52533
of the department in accordance with rules adopted under section 52534
3314.015 of the Revised Code. 52535

Sec. 3314.029. This section establishes the Ohio school 52536
sponsorship program. The department of education shall establish 52537
an office of Ohio school sponsorship to perform the department's 52538
duties prescribed by this section. 52539

(A)(1) Notwithstanding anything to the contrary in this 52540
chapter, but subject to section 3314.20 of the Revised Code, any 52541
person, group of individuals, or entity may apply to the 52542
department for direct authorization to establish a community 52543
school and, upon approval of the application, may establish the 52544
school. Notwithstanding anything to the contrary in this chapter, 52545
the governing authority of an existing community school, upon the 52546
expiration or termination of its contract with the school's 52547
sponsor entered into under section 3314.03 of the Revised Code, 52548
may apply to the department for direct authorization to continue 52549
operating the school and, upon approval of the application, may 52550
continue to operate the school. 52551

Each application submitted to the department shall include 52552
the following: 52553

(a) Evidence that the applicant will be able to comply with 52554
division (C) of this section; 52555

(b) A statement indicating that the applicant agrees to 52556
comply with all applicable provisions of this chapter, including 52557
the requirement to be established as a nonprofit corporation or 52558
public benefit corporation in accordance with division (A)(1) of 52559
section 3314.03 of the Revised Code; 52560

(c) A statement attesting that no unresolved finding of 52561
recovery has been issued by the auditor of state against any 52562
person, group of individuals, or entity that is a party to the 52563
application and that no person who is party to the application has 52564
been a member of the governing authority of any community school 52565
that has permanently closed and against which an unresolved 52566

finding of recovery has been issued by the auditor of state. In 52567
the case of an application submitted by the governing authority of 52568
an existing community school, a person who is party to the 52569
application shall include each individual member of that governing 52570
authority. 52571

(d) A statement that the school will be nonsectarian in its 52572
programs, admission policies, employment practices, and all other 52573
operations, and will not be operated by a sectarian school or 52574
religious institution; 52575

(e) A statement of whether the school is to be created by 52576
converting all or part of an existing public school or educational 52577
service center building or is to be a new start-up school. If it 52578
is a converted public school or service center building, the 52579
statement shall include a specification of any duties or 52580
responsibilities of an employer that the board of education or 52581
service center governing board that operated the school or 52582
building before conversion is delegating to the governing 52583
authority of the community school with respect to all or any 52584
specified group of employees, provided the delegation is not 52585
prohibited by a collective bargaining agreement applicable to such 52586
employees. 52587

(f) A statement that the school's teachers will be licensed 52588
in the manner prescribed by division (A)(10) of section 3314.03 of 52589
the Revised Code; 52590

(g) A statement that the school will comply with all of the 52591
provisions of law enumerated in divisions (A)(11)(d) and (e) of 52592
section 3314.03 of the Revised Code and of division (A)(11)(h) of 52593
that section, if applicable; 52594

(h) A statement that the school's graduation and curriculum 52595
requirements will comply with division (A)(11)(f) of section 52596
3314.03 of the Revised Code; 52597

(i) A description of each of the following:	52598
(i) The school's mission and educational program, the characteristics of the students the school is expected to attract, the ages and grade levels of students, and the focus of the curriculum;	52599 52600 52601 52602
(ii) The school's governing authority, which shall be in compliance with division (E) of section 3314.02 of the Revised Code;	52603 52604 52605
(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A)(5) and (6) of section 3314.03 of the Revised Code;	52606 52607 52608
(iv) The school's business plan, including a five-year financial forecast;	52609 52610
(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school;	52611 52612 52613
(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	52614 52615 52616 52617
(vii) The facilities to be used by the school and their locations;	52618 52619
(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (L) (H)(2) of section 3314.08 of the Revised Code.	52620 52621 52622 52623 52624 52625
(2) Subject to division (A)(3) of this section, the department shall approve each application, unless, within thirty	52626 52627

days after receipt of the application, the department determines 52628
that the application does not satisfy the requirements of division 52629
(A)(1) of this section and provides the applicant a written 52630
explanation of the reasons for the determination. In that case, 52631
the department shall grant the applicant thirty days to correct 52632
the insufficiencies in the application. If the department 52633
determines that the insufficiencies have been corrected, it shall 52634
approve the application. If the department determines that the 52635
insufficiencies have not been corrected, it shall deny the 52636
application and provide the applicant with a written explanation 52637
of the reasons for the denial. The denial of an application may be 52638
appealed in accordance with section 119.12 of the Revised Code. 52639

(3) For each of five school years, beginning with the school 52640
year that begins in the calendar year in which this section takes 52641
effect, the department may approve up to twenty applications for 52642
community schools to be established or to continue operation under 52643
division (A) of this section; however, of the twenty applications 52644
that may be approved each school year, only up to five may be for 52645
the establishment of new schools. 52646

(4) Notwithstanding division (A)(2) of this section, the 52647
department may deny an application submitted by the governing 52648
authority of an existing community school, if a previous sponsor 52649
of that school did not renew its contract or terminated its 52650
contract with the school entered into under section 3314.03 of the 52651
Revised Code. 52652

(B) The department and the governing authority of each 52653
community school authorized under this section shall enter into a 52654
contract under section 3314.03 of the Revised Code. 52655
Notwithstanding division (A)(13) of that section, the contract 52656
with an existing community school may begin at any time during the 52657
academic year. The length of the initial contract of any community 52658
school under this section may be for any term up to five years. 52659

The contract may be renewed in accordance with division (E) of 52660
that section. The contract may provide for the school's governing 52661
authority to pay a fee for oversight and monitoring of the school 52662
that does not exceed three per cent of the total amount of 52663
payments for operating expenses that the school receives from the 52664
state. 52665

(C) The department may require a community school authorized 52666
under this section to post and file with the superintendent of 52667
public instruction a bond payable to the state or to file with the 52668
state superintendent a guarantee, which shall be used to pay the 52669
state any moneys owed by the community school in the event the 52670
school closes. 52671

(D) Except as otherwise provided in this section, a community 52672
school authorized under this section shall comply with all 52673
applicable provisions of this chapter. The department may take any 52674
action that a sponsor may take under this chapter to enforce the 52675
school's compliance with this division and the terms of the 52676
contract entered into under division (B) of this section. 52677

(E) Not later than December 31, 2012, and annually 52678
thereafter, the department shall issue a report on the program, 52679
including information about the number of community schools 52680
participating in the program and their compliance with the 52681
provisions of this chapter. In its fifth report, the department 52682
shall include a complete evaluation of the program and 52683
recommendations regarding the program's continuation. Each report 52684
shall be provided to the general assembly, in accordance with 52685
section 101.68 of the Revised Code, and to the governor. 52686

Sec. 3314.03. A copy of every contract entered into under 52687
this section shall be filed with the superintendent of public 52688
instruction. The department of education shall make available on 52689
its web site a copy of every approved, executed contract filed 52690

with the superintendent under this section. 52691

(A) Each contract entered into between a sponsor and the 52692
governing authority of a community school shall specify the 52693
following: 52694

(1) That the school shall be established as either of the 52695
following: 52696

(a) A nonprofit corporation established under Chapter 1702. 52697
of the Revised Code, if established prior to April 8, 2003; 52698

(b) A public benefit corporation established under Chapter 52699
1702. of the Revised Code, if established after April 8, 2003. 52700

(2) The education program of the school, including the 52701
school's mission, the characteristics of the students the school 52702
is expected to attract, the ages and grades of students, and the 52703
focus of the curriculum; 52704

(3) The academic goals to be achieved and the method of 52705
measurement that will be used to determine progress toward those 52706
goals, which shall include the statewide achievement assessments; 52707

(4) Performance standards by which the success of the school 52708
will be evaluated by the sponsor; 52709

(5) The admission standards of section 3314.06 of the Revised 52710
Code and, if applicable, section 3314.061 of the Revised Code; 52711

(6)(a) Dismissal procedures; 52712

(b) A requirement that the governing authority adopt an 52713
attendance policy that includes a procedure for automatically 52714
withdrawing a student from the school if the student without a 52715
legitimate excuse fails to participate in one hundred five 52716
consecutive hours of the learning opportunities offered to the 52717
student. 52718

(7) The ways by which the school will achieve racial and 52719
ethnic balance reflective of the community it serves; 52720

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, including the following:

(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;

(b) A requirement that each classroom teacher initially hired by the school on or after July 1, 2013, and employed to provide instruction in physical education hold a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 52751
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 52752
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.539, 52753
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 52754
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 52755
3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 52756
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 52757
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 52758
3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 52759
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 52760
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 52761
4123., 4141., and 4167. of the Revised Code as if it were a school 52762
district and will comply with section 3301.0714 of the Revised 52763
Code in the manner specified in section 3314.17 of the Revised 52764
Code. 52765

(e) The school shall comply with Chapter 102. and section 52766
2921.42 of the Revised Code. 52767

(f) The school will comply with sections 3313.61, 3313.611, 52768
and 3313.614 of the Revised Code, except that for students who 52769
enter ninth grade for the first time before July 1, 2010, the 52770
requirement in sections 3313.61 and 3313.611 of the Revised Code 52771
that a person must successfully complete the curriculum in any 52772
high school prior to receiving a high school diploma may be met by 52773
completing the curriculum adopted by the governing authority of 52774
the community school rather than the curriculum specified in Title 52775
XXXIII of the Revised Code or any rules of the state board of 52776
education. Beginning with students who enter ninth grade for the 52777
first time on or after July 1, 2010, the requirement in sections 52778
3313.61 and 3313.611 of the Revised Code that a person must 52779
successfully complete the curriculum of a high school prior to 52780
receiving a high school diploma shall be met by completing the 52781
Ohio core curriculum prescribed in division (C) of section 52782

3313.603 of the Revised Code, unless the person qualifies under 52783
division (D) or (F) of that section. Each school shall comply with 52784
the plan for awarding high school credit based on demonstration of 52785
subject area competency, adopted by the state board of education 52786
under division (J) of section 3313.603 of the Revised Code. 52787

(g) The school governing authority will submit within four 52788
months after the end of each school year a report of its 52789
activities and progress in meeting the goals and standards of 52790
divisions (A)(3) and (4) of this section and its financial status 52791
to the sponsor and the parents of all students enrolled in the 52792
school. 52793

(h) The school, unless it is an internet- or computer-based 52794
community school, will comply with section 3313.801 of the Revised 52795
Code as if it were a school district. 52796

(i) If the school is the recipient of moneys from a grant 52797
awarded under the federal race to the top program, Division (A), 52798
Title XIV, Sections 14005 and 14006 of the "American Recovery and 52799
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 52800
school will pay teachers based upon performance in accordance with 52801
section 3317.141 and will comply with section 3319.111 of the 52802
Revised Code as if it were a school district. 52803

(12) Arrangements for providing health and other benefits to 52804
employees; 52805

(13) The length of the contract, which shall begin at the 52806
beginning of an academic year. No contract shall exceed five years 52807
unless such contract has been renewed pursuant to division (E) of 52808
this section. 52809

(14) The governing authority of the school, which shall be 52810
responsible for carrying out the provisions of the contract; 52811

(15) A financial plan detailing an estimated school budget 52812
for each year of the period of the contract and specifying the 52813

total estimated per pupil expenditure amount for each such year. 52814
~~The plan shall specify for each year the base formula amount that 52815~~
~~will be used for purposes of funding calculations under section 52816~~
~~3314.08 of the Revised Code. This base formula amount for any year 52817~~
~~shall not exceed the formula amount defined under section 3317.02 52818~~
~~of the Revised Code. The plan may also specify for any year a 52819~~
~~percentage figure to be used for reducing the per pupil amount of 52820~~
~~the subsidy calculated pursuant to section 3317.029 of the Revised 52821~~
~~Code the school is to receive that year under section 3314.08 of 52822~~
~~the Revised Code. 52823~~

(16) Requirements and procedures regarding the disposition of 52824
employees of the school in the event the contract is terminated or 52825
not renewed pursuant to section 3314.07 of the Revised Code; 52826

(17) Whether the school is to be created by converting all or 52827
part of an existing public school or educational service center 52828
building or is to be a new start-up school, and if it is a 52829
converted public school or service center building, specification 52830
of any duties or responsibilities of an employer that the board of 52831
education or service center governing board that operated the 52832
school or building before conversion is delegating to the 52833
governing authority of the community school with respect to all or 52834
any specified group of employees provided the delegation is not 52835
prohibited by a collective bargaining agreement applicable to such 52836
employees; 52837

(18) Provisions establishing procedures for resolving 52838
disputes or differences of opinion between the sponsor and the 52839
governing authority of the community school; 52840

(19) A provision requiring the governing authority to adopt a 52841
policy regarding the admission of students who reside outside the 52842
district in which the school is located. That policy shall comply 52843
with the admissions procedures specified in sections 3314.06 and 52844
3314.061 of the Revised Code and, at the sole discretion of the 52845

authority, shall do one of the following: 52846

(a) Prohibit the enrollment of students who reside outside 52847
the district in which the school is located; 52848

(b) Permit the enrollment of students who reside in districts 52849
adjacent to the district in which the school is located; 52850

(c) Permit the enrollment of students who reside in any other 52851
district in the state. 52852

(20) A provision recognizing the authority of the department 52853
of education to take over the sponsorship of the school in 52854
accordance with the provisions of division (C) of section 3314.015 52855
of the Revised Code; 52856

(21) A provision recognizing the sponsor's authority to 52857
assume the operation of a school under the conditions specified in 52858
division (B) of section 3314.073 of the Revised Code; 52859

(22) A provision recognizing both of the following: 52860

(a) The authority of public health and safety officials to 52861
inspect the facilities of the school and to order the facilities 52862
closed if those officials find that the facilities are not in 52863
compliance with health and safety laws and regulations; 52864

(b) The authority of the department of education as the 52865
community school oversight body to suspend the operation of the 52866
school under section 3314.072 of the Revised Code if the 52867
department has evidence of conditions or violations of law at the 52868
school that pose an imminent danger to the health and safety of 52869
the school's students and employees and the sponsor refuses to 52870
take such action. 52871

(23) A description of the learning opportunities that will be 52872
offered to students including both classroom-based and 52873
non-classroom-based learning opportunities that is in compliance 52874
with criteria for student participation established by the 52875

department under division ~~(L)~~(H)(2) of section 3314.08 of the Revised Code; 52876
52877

(24) The school will comply with sections 3302.04 and 52878
3302.041 of the Revised Code, except that any action required to 52879
be taken by a school district pursuant to those sections shall be 52880
taken by the sponsor of the school. However, the sponsor shall not 52881
be required to take any action described in division (F) of 52882
section 3302.04 of the Revised Code. 52883

(25) Beginning in the 2006-2007 school year, the school will 52884
open for operation not later than the thirtieth day of September 52885
each school year, unless the mission of the school as specified 52886
under division (A)(2) of this section is solely to serve dropouts. 52887
In its initial year of operation, if the school fails to open by 52888
the thirtieth day of September, or within one year after the 52889
adoption of the contract pursuant to division (D) of section 52890
3314.02 of the Revised Code if the mission of the school is solely 52891
to serve dropouts, the contract shall be void. 52892

(B) The community school shall also submit to the sponsor a 52893
comprehensive plan for the school. The plan shall specify the 52894
following: 52895

(1) The process by which the governing authority of the 52896
school will be selected in the future; 52897

(2) The management and administration of the school; 52898

(3) If the community school is a currently existing public 52899
school or educational service center building, alternative 52900
arrangements for current public school students who choose not to 52901
attend the converted school and for teachers who choose not to 52902
teach in the school or building after conversion; 52903

(4) The instructional program and educational philosophy of 52904
the school; 52905

(5) Internal financial controls.	52906
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	52907 52908 52909 52910 52911 52912 52913 52914 52915
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	52916 52917 52918 52919 52920
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	52921 52922
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	52923 52924 52925
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	52926 52927 52928 52929
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	52930 52931 52932
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant	52933 52934 52935 52936

to section 3314.072 of the Revised Code, or terminate the contract 52937
of the school pursuant to section 3314.07 of the Revised Code as 52938
determined necessary by the sponsor; 52939

(6) Have in place a plan of action to be undertaken in the 52940
event the community school experiences financial difficulties or 52941
closes prior to the end of a school year. 52942

(E) Upon the expiration of a contract entered into under this 52943
section, the sponsor of a community school may, with the approval 52944
of the governing authority of the school, renew that contract for 52945
a period of time determined by the sponsor, but not ending earlier 52946
than the end of any school year, if the sponsor finds that the 52947
school's compliance with applicable laws and terms of the contract 52948
and the school's progress in meeting the academic goals prescribed 52949
in the contract have been satisfactory. Any contract that is 52950
renewed under this division remains subject to the provisions of 52951
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 52952

(F) If a community school fails to open for operation within 52953
one year after the contract entered into under this section is 52954
adopted pursuant to division (D) of section 3314.02 of the Revised 52955
Code or permanently closes prior to the expiration of the 52956
contract, the contract shall be void and the school shall not 52957
enter into a contract with any other sponsor. A school shall not 52958
be considered permanently closed because the operations of the 52959
school have been suspended pursuant to section 3314.072 of the 52960
Revised Code. 52961

Sec. 3314.042. The governing authority of each community 52962
school shall comply with the standards for financial reporting 52963
adopted under division (B)(2) of section 3301.07 of the Revised 52964
Code. 52965

Sec. 3314.05. (A) The contract between the community school 52966

and the sponsor shall specify the facilities to be used for the 52967
community school and the method of acquisition. Except as provided 52968
in divisions (B)(3) and (4) of this section, no community school 52969
shall be established in more than one school district under the 52970
same contract. 52971

(B) Division (B) of this section shall not apply to internet- 52972
or computer-based community schools. 52973

(1) A community school may be located in multiple facilities 52974
under the same contract only if the limitations on availability of 52975
space prohibit serving all the grade levels specified in the 52976
contract in a single facility or division (B)(2), (3), or (4) of 52977
this section applies to the school. The school shall not offer the 52978
same grade level classrooms in more than one facility. 52979

(2) A community school may be located in multiple facilities 52980
under the same contract and, notwithstanding division (B)(1) of 52981
this section, may assign students in the same grade level to 52982
multiple facilities, as long as all of the following apply: 52983

~~(a) The governing authority of the community school filed a 52984
copy of its contract with the school's sponsor under section 52985
3314.03 of the Revised Code with the superintendent of public 52986
instruction on or before May 15, 2008. 52987~~

~~(b) The school was not open for operation prior to July 1, 52988
2008. 52989~~

~~(e)~~ The governing authority has entered into and maintains a 52990
contract with an operator of the type described in division 52991
(A)(8)(b) of section 3314.02 of the Revised Code. 52992

~~(d)~~(b) The contract with that operator qualified the school 52993
to be established pursuant to division (A) of former section 52994
3314.016 of the Revised Code. 52995

~~(e)~~(c) The school's rating under section 3302.03 of the 52996

Revised Code does not fall below a combination of any of the 52997
following for two or more consecutive years: 52998

(i) A rating of "in need of continuous improvement" under 52999
section 3302.03 of the Revised Code, as that section existed prior 53000
to ~~the effective date of this section~~ March 22, 2013; 53001

(ii) For the 2012-2013 and 2013-2014 school years, a rating 53002
of "C" for both the performance index score under division 53003
(A)(1)(b) or (B)(1)(b) and the value-added dimension under 53004
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 53005
Code; or if the building serves only grades ten through twelve, 53006
the building received a grade of "C" for the performance index 53007
score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of 53008
the Revised Code; 53009

(iii) For the 2014-2015 school year and for any school year 53010
thereafter, an overall grade of "C" under division (C)(3) of 53011
section 3302.03 of the Revised Code or an overall performance 53012
designation of "meets standards" under division (E)(3)(e) of 53013
section 3314.017 of the Revised Code. 53014

(3) A new start-up community school may be established in two 53015
school districts under the same contract if all of the following 53016
apply: 53017

(a) At least one of the school districts in which the school 53018
is established is a challenged school district; 53019

(b) The school operates not more than one facility in each 53020
school district and, in accordance with division (B)(1) of this 53021
section, the school does not offer the same grade level classrooms 53022
in both facilities; and 53023

(c) Transportation between the two facilities does not 53024
require more than thirty minutes of direct travel time as measured 53025
by school bus. 53026

In the case of a community school to which division (B)(3) of 53027
this section applies, if only one of the school districts in which 53028
the school is established is a challenged school district, that 53029
district shall be considered the school's primary location and the 53030
district in which the school is located for the purposes of 53031
division (A)(19) of section 3314.03 and divisions (C) and (H) of 53032
section 3314.06 of the Revised Code and for all other purposes of 53033
this chapter. If both of the school districts in which the school 53034
is established are challenged school districts, the school's 53035
governing authority shall designate one of those districts to be 53036
considered the school's primary location and the district in which 53037
the school is located for the purposes of those divisions and all 53038
other purposes of this chapter and shall notify the department of 53039
education of that designation. 53040

(4) A community school may be located in multiple facilities 53041
under the same contract and, notwithstanding division (B)(1) of 53042
this section, may assign students in the same grade level to 53043
multiple facilities, as long as both of the following apply: 53044

(a) The facilities are all located in the same county. 53045

(b) Either of the following conditions are satisfied: 53046

(i) The community school is sponsored by a board of education 53047
of a city, local, or exempted village school district having 53048
territory in the same county where the facilities of the community 53049
school are located; 53050

(ii) The community school is managed by an operator. 53051

In the case of a community school to which division (B)(4) of 53052
this section applies and that maintains facilities in more than 53053
one school district, the school's governing authority shall 53054
designate one of those districts to be considered the school's 53055
primary location and the district in which the school is located 53056
for the purposes of division (A)(19) of section 3314.03 and 53057

divisions (C) and (H) of section 3314.06 of the Revised Code and 53058
for all other purposes of this chapter and shall notify the 53059
department of that designation. 53060

(5) Any facility used for a community school shall meet all 53061
health and safety standards established by law for school 53062
buildings. 53063

(C) In the case where a community school is proposed to be 53064
located in a facility owned by a school district or educational 53065
service center, the facility may not be used for such community 53066
school unless the district or service center board owning the 53067
facility enters into an agreement for the community school to 53068
utilize the facility. Use of the facility may be under any terms 53069
and conditions agreed to by the district or service center board 53070
and the school. 53071

(D) Two or more separate community schools may be located in 53072
the same facility. 53073

(E) In the case of a community school that is located in 53074
multiple facilities, beginning July 1, 2012, the department shall 53075
assign a unique identification number to the school and to each 53076
facility maintained by the school. Each number shall be used for 53077
identification purposes only. Nothing in this division shall be 53078
construed to require the department to calculate the amount of 53079
funds paid under this chapter, or to compute any data required for 53080
the report cards issued under section 3314.012 of the Revised 53081
Code, for each facility separately. The department shall make all 53082
such calculations or computations for the school as a whole. 53083

Sec. 3314.06. The governing authority of each community 53084
school established under this chapter shall adopt admission 53085
procedures that specify the following: 53086

(A) That, except as otherwise provided in this section, 53087

admission to the school shall be open to any individual age five 53088
to twenty-two entitled to attend school pursuant to section 53089
3313.64 or 3313.65 of the Revised Code in a school district in the 53090
state. 53091

Additionally, except as otherwise provided in this section, 53092
admission to the school may be open on a tuition basis to any 53093
individual age five to twenty-two who is not a resident of this 53094
state. The school shall not receive state funds under section 53095
3314.08 of the Revised Code for any student who is not a resident 53096
of this state. 53097

An individual younger than five years of age may be admitted 53098
to the school in accordance with division (A)(2) of section 53099
3321.01 of the Revised Code. 53100

(B)(1) That admission to the school may be limited to 53101
students who have attained a specific grade level or are within a 53102
specific age group; to students that meet a definition of 53103
"at-risk," as defined in the contract; to residents of a specific 53104
geographic area within the district, as defined in the contract; 53105
or to separate groups of autistic students and nondisabled 53106
students, as authorized in section 3314.061 of the Revised Code 53107
and as defined in the contract. 53108

(2) For purposes of division (B)(1) of this section, 53109
"at-risk" students may include those students identified as gifted 53110
students under section 3324.03 of the Revised Code. 53111

(C) Whether enrollment is limited to students who reside in 53112
the district in which the school is located or is open to 53113
residents of other districts, as provided in the policy adopted 53114
pursuant to the contract. 53115

(D)(1) That there will be no discrimination in the admission 53116
of students to the school on the basis of race, creed, color, 53117
disability, or sex except that: 53118

(a) The governing authority may do either of the following	53119
for the purpose described in division (G) of this section:	53120
(i) Establish a single-gender school for either sex;	53121
(ii) Establish single-gender schools for each sex under the	53122
same contract, provided substantially equal facilities and	53123
learning opportunities are offered for both boys and girls. Such	53124
facilities and opportunities may be offered for each sex at	53125
separate locations.	53126
(b) The governing authority may establish a school that	53127
simultaneously serves a group of students identified as autistic	53128
and a group of students who are not disabled, as authorized in	53129
section 3314.061 of the Revised Code. However, unless the total	53130
capacity established for the school has been filled, no student	53131
with any disability shall be denied admission on the basis of that	53132
disability.	53133
(2) That upon admission of any student with a disability, the	53134
community school will comply with all federal and state laws	53135
regarding the education of students with disabilities.	53136
(E) That the school may not limit admission to students on	53137
the basis of intellectual ability, measures of achievement or	53138
aptitude, or athletic ability, except that a school may limit its	53139
enrollment to students as described in division (B) of this	53140
section.	53141
(F) That the community school will admit the number of	53142
students that does not exceed the capacity of the school's	53143
programs, classes, grade levels, or facilities.	53144
(G) That the purpose of single-gender schools that are	53145
established shall be to take advantage of the academic benefits	53146
some students realize from single-gender instruction and	53147
facilities and to offer students and parents residing in the	53148
district the option of a single-gender education.	53149

(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year.

Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.

Sec. 3314.072. The provisions of this section are enacted to promote the public health, safety, and welfare by establishing procedures under which the governing authorities of community schools established under this chapter will be held accountable for their compliance with the terms of the contracts they enter into with their school's sponsors and the law relating to the school's operation. Suspension of the operation of a school imposed under this section is intended to encourage the governing authority's compliance with the terms of the school's contract and the law and is not intended to be an alteration of the terms of that contract.

(A) If a sponsor of a community school established under this chapter suspends the operation of that school pursuant to procedures set forth in this section, the governing authority shall not operate that school while the suspension is in effect. Any such suspension shall remain in effect until the sponsor notifies the governing authority that it is no longer in effect.

The contract of a school of which operation is suspended under 53181
this section also may be subject to termination or nonrenewal 53182
under section 3314.07 of the Revised Code. 53183

(B) If at any time conditions at the school do not comply 53184
with a health and safety standard established by law for school 53185
buildings, the sponsor shall immediately suspend the operation of 53186
the school pursuant to procedures set forth in division (D) of 53187
this section. If the sponsor fails to take action to suspend the 53188
operation of a school to which this division applies, the 53189
department of education may take such action. 53190

(C)(1) For any of the reasons prescribed in division 53191
(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 53192
sponsor of a community school established under this chapter may 53193
suspend the operation of the school only if it first issues to the 53194
governing authority notice of the sponsor's intent to suspend the 53195
operation of the contract. Such notice shall explain the reasons 53196
for the sponsor's intent to suspend operation of the contract and 53197
shall provide the school's governing authority with five business 53198
days to submit to the sponsor a proposal to remedy the conditions 53199
cited as reasons for the suspension. 53200

(2) The sponsor shall promptly review any proposed remedy 53201
timely submitted by the governing authority and either approve or 53202
disapprove the remedy. If the sponsor disapproves the remedy 53203
proposed by the governing authority, if the governing authority 53204
fails to submit a proposed remedy in the manner prescribed by the 53205
sponsor, or if the governing authority fails to implement the 53206
remedy as approved by the sponsor, the sponsor may suspend 53207
operation of the school pursuant to procedures set forth in 53208
division (D) of this section. 53209

(D)(1) If division (B) of this section applies or if the 53210
sponsor of a community school established under this chapter 53211
decides to suspend the operation of a school as permitted in 53212

division (C)(2) of this section, the sponsor shall promptly send 53213
written notice to the governing authority stating that the 53214
operation of the school is immediately suspended, and explaining 53215
the specific reasons for the suspension. The notice shall state 53216
that the governing authority has five business days to submit a 53217
proposed remedy to the conditions cited as reasons for the 53218
suspension or face potential contract termination. 53219

(2) Upon receipt of the notice of suspension prescribed under 53220
division (D)(1) of this section, the governing authority shall 53221
immediately notify the employees of the school and the parents of 53222
the students enrolled in the school of the suspension and the 53223
reasons therefore, and shall cease all school operations on the 53224
next business day. 53225

(E)(1) Beginning with the 2013-2014 school year, if the 53226
sponsor of a community school suspends the operation of that 53227
school pursuant to procedures set forth in this section, the 53228
school's contract with the sponsor under section 3314.03 of the 53229
Revised Code shall become void, if the governing authority of the 53230
school fails to provide a proposal to remedy the conditions cited 53231
by the sponsor as reasons for the suspension, to the satisfaction 53232
of the sponsor, by the thirtieth day of September of the school 53233
year immediately following the school year in which the operation 53234
of school was suspended. 53235

(2) If, prior to the effective date of this amendment, the 53236
sponsor of a community school has suspended the operation of the 53237
school, the contract with the sponsor under section 3314.03 of the 53238
Revised Code shall become void if the governing authority of the 53239
school fails to provide by September 30, 2014, a proposal to 53240
remedy the conditions cited by the sponsor as reasons for the 53241
suspension, to the satisfaction of the sponsor. 53242

Sec. 3314.074. Divisions (A) and (B) of this section apply 53243

only to the extent permitted under Chapter 1702. of the Revised Code. 53244
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(A) If any community school established under this chapter 53246
permanently closes and ceases its operation as a community school, 53247
the assets of that school shall be distributed first to the 53248
retirement funds of employees of the school, employees of the 53249
school, and private creditors who are owed compensation, and then 53250
any remaining funds shall be paid to the department of education 53251
for redistribution to the school districts in which the students 53252
who were enrolled in the school at the time it ceased operation 53253
were entitled to attend school under section 3313.64 or 3313.65 of 53254
the Revised Code. The amount distributed to each school district 53255
shall be proportional to the district's share of the total 53256
enrollment in the community school. 53257

(B) If a community school closes and ceases to operate as a 53258
community school and the school has received computer hardware or 53259
software from the former Ohio SchoolNet commission or the former 53260
eTech Ohio commission, such hardware or software shall be ~~returned~~ 53261
turned over to the ~~eTech Ohio commission~~ department of education, 53262
~~and the eTech Ohio commission~~ which shall redistribute the 53263
hardware and software, to the extent such redistribution is 53264
possible, to school districts in conformance with the provisions 53265
of the programs as they were operated and administered by the 53266
former eTech Ohio commission. 53267

(C) If the assets of the school are insufficient to pay all 53268
persons or entities to whom compensation is owed, the 53269
prioritization of the distribution of the assets to individual 53270
persons or entities within each class of payees may be determined 53271
by decree of a court in accordance with this section and Chapter 53272
1702. of the Revised Code. 53273

Sec. 3314.08. ~~The deductions under division (C) and the~~ 53274

~~payments under division (D) of this section for fiscal years 2012 53275
and 2013 shall be made in accordance with section 3314.088 of the 53276
Revised Code. 53277~~

~~(A) As used in this section: 53278~~

~~(1) "Base formula amount" means the amount specified as such 53279
in a community school's financial plan for a school year pursuant 53280
to division (A)(15) of section 3314.03 of the Revised Code. 53281~~

~~(2) "IEP" has the same meaning as in section 3323.01 of the 53282
Revised Code. 53283~~

~~(3) "Applicable special education weight" means the multiple 53284
specified in section 3317.013 of the Revised Code for a disability 53285
described in that section. 53286~~

~~(4) "Applicable vocational education weight" means: 53287~~

~~(a) For a student enrolled in vocational education programs 53288
or classes described in division (A) of section 3317.014 of the 53289
Revised Code, the multiple specified in that division: 53290~~

~~(b) For a student enrolled in vocational education programs 53291
or classes described in division (B) of section 3317.014 of the 53292
Revised Code, the multiple specified in that division. 53293~~

~~(5) "Entitled to attend school" means entitled to attend 53294
school in a district under section 3313.64 or 3313.65 of the 53295
Revised Code. 53296~~

~~(6) A community school student is "included in the poverty 53297
student count" of a school district if the student is entitled to 53298
attend school in the district and the student's family receives 53299
assistance under the Ohio works first program. 53300~~

~~(7) "Poverty based assistance reduction factor" means the 53301
percentage figure, if any, for reducing the per pupil amount of 53302
poverty based assistance a community school is entitled to receive 53303
pursuant to divisions (D)(5) to (9) of this section in any year, 53304~~

~~as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.~~ 53305
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~~(8) "All day kindergarten" has the same meaning as in section 3321.05 of the Revised Code.~~ 53307
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~~(9)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.~~ 53309
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~~(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.~~ 53313
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~~(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.~~ 53316
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~~(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.~~ 53319
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~~(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.~~ 53322
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~~(2)(a) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code.~~ 53325
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~~(b) "Category two limited English proficient student" means a limited English proficient student described in division (B) of section 3317.016 of the Revised Code.~~ 53328
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~~(c) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code.~~ 53331
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~~(3)(a) "Category one special education student" means a~~ 53334

student who is receiving special education services for a 53335
disability specified in division (A) of section 3317.013 of the 53336
Revised Code. 53337

(b) "Category two special education student" means a student 53338
who is receiving special education services for a disability 53339
specified in division (B) of section 3317.013 of the Revised Code. 53340

(c) "Category three special education student" means a 53341
student who is receiving special education services for a 53342
disability specified in division (C) of section 3317.013 of the 53343
Revised Code. 53344

(d) "Category four special education student" means a student 53345
who is receiving special education services for a disability 53346
specified in division (D) of section 3317.013 of the Revised Code. 53347

(e) "Category five special education student" means a student 53348
who is receiving special education services for a disability 53349
specified in division (E) of section 3317.013 of the Revised Code. 53350

(f) "Category six special education student" means a student 53351
who is receiving special education services for a disability 53352
specified in division (F) of section 3317.013 of the Revised Code. 53353

(4) "Formula amount" has the same meaning as in section 53354
3317.02 of the Revised Code. 53355

(5) "IEP" has the same meaning as in section 3323.01 of the 53356
Revised Code. 53357

(6) "Resident district" means the school district in which a 53358
student is entitled to attend school under section 3313.64 or 53359
3313.65 of the Revised Code. 53360

(7) "State education aid" has the same meaning as in section 53361
5751.20 of the Revised Code. 53362

(B) The state board of education shall adopt rules requiring 53363
both of the following: 53364

(1) The board of education of each city, exempted village, 53365
and local school district to annually report the number of 53366
students entitled to attend school in the district who are 53367
enrolled in ~~grades one~~ each grade kindergarten through twelve in a 53368
community school established under this chapter, ~~the number of~~ 53369
~~students entitled to attend school in the district who are~~ 53370
~~enrolled in kindergarten in a community school, the number of~~ 53371
~~those kindergartners who are enrolled in all day kindergarten in~~ 53372
~~their community school,~~ and for each child, the community school 53373
in which the child is enrolled. 53374

(2) The governing authority of each community school 53375
established under this chapter to annually report all of the 53376
following: 53377

(a) The number of students enrolled in grades one through 53378
twelve and the full-time equivalent number of students enrolled in 53379
kindergarten in the school who are not receiving special education 53380
and related services pursuant to an IEP; 53381

(b) The number of enrolled students in grades one through 53382
twelve and the full-time equivalent number of enrolled students in 53383
kindergarten, who are receiving special education and related 53384
services pursuant to an IEP; 53385

(c) The number of students reported under division (B)(2)(b) 53386
of this section receiving special education and related services 53387
pursuant to an IEP for a disability described in each of divisions 53388
(A) to (F) of section 3317.013 of the Revised Code; 53389

(d) The full-time equivalent number of students reported 53390
under divisions (B)(2)(a) and (b) of this section who are enrolled 53391
in ~~vocational~~ career-technical education programs or classes 53392
described in each of divisions (A) ~~and (B)~~ to (E) of section 53393
3317.014 of the Revised Code that are provided by the community 53394
school; 53395

(e) Twenty per cent of the number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in ~~vocational~~ career-technical education programs or classes described in each of divisions (A) ~~and (B)~~ to (E) of section 3317.014 of the Revised Code at a joint vocational school district ~~under a contract between the community school and the joint vocational school district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational school district or another district in the career-technical planning district to which the school is assigned;~~

~~(f) The number of enrolled preschool children with disabilities receiving special education services in a state funded unit;~~

~~(g) The community school's base formula amount;~~

~~(h) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;~~

~~(g) The number of students reported under divisions (B)(2)(a) and (b) who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income.~~

~~(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school;~~

~~(i) Any poverty based assistance reduction factor that applies to a school year under section 3313.64 or 3313.65 of the Revised Code.~~

A school district board and a community school governing

authority shall include in their respective reports under division 53427
(B) of this section any child admitted in accordance with division 53428
(A)(2) of section 3321.01 of the Revised Code. 53429

A governing authority of a community school shall not include 53430
in its report under division (B)(2) of this section any student 53431
for whom tuition is charged under division (F) of this section. 53432

~~(C) From the state education aid calculated for a city, 53433
exempted village, or local school district and, if necessary, from 53434
the payment made to the district under sections 321.24 and 323.156 53435
of the Revised Code, the department of education shall annually 53436
subtract the sum of the amounts described in divisions (C)(1) to 53437
(9) of this section. However, when deducting payments on behalf of 53438
students enrolled in internet or computer based community 53439
schools, the department shall deduct only those amounts described 53440
in divisions (C)(1) and (2) of this section. Furthermore, the 53441
aggregate amount deducted under this division shall not exceed the 53442
sum of the district's state education aid and its payment under 53443
sections 321.24 and 323.156 of the Revised Code. 53444~~

~~(1) An amount equal to the sum of the amounts obtained when, 53445
for each community school where the district's students are 53446
enrolled, the number of the district's students reported under 53447
divisions (B)(2)(a), (b), and (c) of this section who are enrolled 53448
in grades one through twelve, and one half the number of students 53449
reported under those divisions who are enrolled in kindergarten, 53450
in that community school is multiplied by the sum of the base 53451
formula amount of that community school plus the per pupil amount 53452
of the base funding supplements specified in divisions (C)(1) to 53453
(4) of section 3317.012 of the Revised Code. 53454~~

~~(2) The sum of the amounts calculated under divisions 53455
(C)(2)(a) and (b) of this section. 53456~~

~~(a) For each of the district's students reported under 53457~~

~~division (B)(2)(c) of this section as enrolled in a community school in grades one through twelve and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, the product of the applicable special education weight times the community school's base formula amount;~~

~~(b) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in kindergarten in a community school and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, one half of the amount calculated as prescribed in division (C)(2)(a) of this section.~~

~~(3) For each of the district's students reported under division (B)(2)(d) of this section for whom payment is made under division (D)(4) of this section, the amount of that payment;~~

~~(4) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students enrolled in that community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty based assistance the school district receives that year pursuant to division (C) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school. The per pupil amount of that aid for the district shall be calculated by the department.~~

~~(5) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school, is multiplied by the sum of the following:~~

~~(a) The number of the district's students reported under division (B)(2)(a) of this section who are enrolled in grades one to three in that community school and who are not receiving special education and related services pursuant to an IEP;~~ 53489
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~~(b) One half of the district's students who are enrolled in all day or any other kindergarten class in that community school and who are not receiving special education and related services pursuant to an IEP;~~ 53493
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~~(c) One half of the district's students who are enrolled in all day kindergarten in that community school and who are not receiving special education and related services pursuant to an IEP.~~ 53497
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~~The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.~~ 53501
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~~(6) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (F) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school, is multiplied by the number of the district's students enrolled in the community school who are identified as limited English proficient.~~ 53506
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~~(7) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (G) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school, is multiplied by the sum of the following:~~ 53514
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~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~ 53520
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~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~ 53522
53523

~~The district's per pupil amount under division (G) of section 3317.029 of the Revised Code is the district's amount per teacher calculated under division (G)(1) or (2) of that section divided by 17.~~ 53524
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~~(8) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under divisions (H) and (I) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school, is multiplied by the sum of the following:~~ 53528
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~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~ 53534
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~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~ 53536
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~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.~~ 53538
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~~(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.~~ 53542
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~~(D) The department shall annually pay to a community school established under this chapter the sum of the amounts described in divisions (D)(1) to (10) of this section. However, the department shall calculate and pay to each internet or computer based community school only the amounts described in divisions (D)(1) to (3) of this section. Furthermore, the sum of the payments to all community schools under divisions (D)(1), (2), and (4) to (10) of this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under those divisions for the students entitled to attend school in that district.~~

~~(1) An amount equal to the sum of the amounts obtained when the number of students enrolled in grades one through twelve, plus one half of the kindergarten students in the school, reported under divisions (B)(2)(a), (b), and (c) of this section who are not receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code is multiplied by the sum of the community school's base formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~

~~(2) The sum of the following amounts:~~

~~(a) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special education and related services~~

~~pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, the following amount:~~ 53582
~~(the school's base formula amount plus~~ 53584
~~the per pupil amount of the base funding supplements specified in~~ 53585
~~divisions (C)(1) to (4) of section 3317.012 of the Revised Code)~~ 53586
~~+ (the applicable special education weight X the~~ 53587
~~community school's base formula amount);~~ 53588

~~(b) For each student reported under division (B)(2)(c) of this section as enrolled in kindergarten and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, one half of the amount calculated under the formula prescribed in division (D)(2)(a) of this section.~~ 53589
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~~(3) An amount received from federal funds to provide special education and related services to students in the community school, as determined by the superintendent of public instruction.~~ 53595
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~~(4) For each student reported under division (B)(2)(d) of this section as enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the community school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, an amount equal to the applicable vocational education weight times the community school's base formula amount times the percentage of time the student spends in the vocational education programs or classes.~~ 53598
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~~(5) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school who are included in the district's poverty student count is multiplied by the per pupil~~ 53609
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~~amount of poverty based assistance that school district receives 53614
that year pursuant to division (C) of section 3317.029 of the 53615
Revised Code, as adjusted by any poverty based assistance 53616
reduction factor of the community school. The per pupil amount of 53617
aid shall be determined as described in division (C)(4) of this 53618
section. 53619~~

~~(6) An amount equal to the sum of the amounts obtained when, 53620
for each school district where the community school's students are 53621
entitled to attend school, the district's per pupil amount of aid 53622
received under division (E) of section 3317.029 of the Revised 53623
Code, as adjusted by any poverty based assistance reduction factor 53624
of the community school, is multiplied by the sum of the 53625
following: 53626~~

~~(a) The number of the district's students reported under 53627
division (B)(2)(a) of this section who are enrolled in grades one 53628
to three in that community school and who are not receiving 53629
special education and related services pursuant to an IEP; 53630~~

~~(b) One half of the district's students who are enrolled in 53631
all day or any other kindergarten class in that community school 53632
and who are not receiving special education and related services 53633
pursuant to an IEP; 53634~~

~~(c) One half of the district's students who are enrolled in 53635
all day kindergarten in that community school and who are not 53636
receiving special education and related services pursuant to an 53637
IEP. 53638~~

~~The district's per pupil amount of aid under division (E) of 53639
section 3317.029 of the Revised Code shall be determined as 53640
described in division (C)(5) of this section. 53641~~

~~(7) An amount equal to the sum of the amounts obtained when, 53642
for each school district where the community school's students are 53643
entitled to attend school, the number of that district's students 53644~~

~~enrolled in the community school who are identified as 53645
limited English proficient is multiplied by the district's per 53646
pupil amount received under division (F) of section 3317.029 of 53647
the Revised Code, as adjusted by any poverty based assistance 53648
reduction factor of the community school. 53649~~

~~(8) An amount equal to the sum of the amounts obtained when, 53650
for each school district where the community school's students are 53651
entitled to attend school, the district's per pupil amount 53652
received under division (G) of section 3317.029 of the Revised 53653
Code, as adjusted by any poverty based assistance reduction factor 53654
of the community school, is multiplied by the sum of the 53655
following: 53656~~

~~(a) The number of the district's students enrolled in grades 53657
one through twelve in that community school; 53658~~

~~(b) One half of the number of the district's students 53659
enrolled in kindergarten in that community school. 53660~~

~~The district's per pupil amount under division (G) of section 53661
3317.029 of the Revised Code shall be determined as described in 53662
division (C)(7) of this section. 53663~~

~~(9) An amount equal to the sum of the amounts obtained when, 53664
for each school district where the community school's students are 53665
entitled to attend school, the district's per pupil amount 53666
received under divisions (H) and (I) of section 3317.029 of the 53667
Revised Code, as adjusted by any poverty based assistance 53668
reduction factor of the community school, is multiplied by the sum 53669
of the following: 53670~~

~~(a) The number of the district's students enrolled in grades 53671
one through twelve in that community school; 53672~~

~~(b) One half of the number of the district's students 53673
enrolled in kindergarten in that community school. 53674~~

~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code shall be determined as described in division (C)(8) of this section.~~

~~(10) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of state parity aid funding calculated under either division (C) or (D) of section 3317.0217 of the Revised Code is multiplied by the sum of the number of that district's students enrolled in grades one through twelve, and one half of the number of that district's students enrolled in kindergarten, in the community school as reported under divisions (B)(2)(a) and (b) of this section.~~

~~(E)(1) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.~~

~~(2) The community school shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.~~

~~(F) A community school may apply to the department of~~

~~education for preschool children with disabilities unit funding 53707
the school would receive if it were a school district. Upon 53708
request of its governing authority, a community school that 53709
received such unit funding as a school district operated school 53710
before it became a community school shall retain any units awarded 53711
to it as a school district operated school provided the school 53712
continues to meet eligibility standards for the unit. 53713~~

~~A community school shall be considered a school district and 53714
its governing authority shall be considered a board of education 53715
for the purpose of applying to any state or federal agency for 53716
grants that a school district may receive under federal or state 53717
law or any appropriations act of the general assembly. The 53718
governing authority of a community school may apply to any private 53719
entity for additional funds. 53720~~

(G)(1) Except as provided in division (C)(2) of this section, 53721
and subject to divisions (C)(3) and (4) of this section, on a 53722
full-time equivalency basis, for each student enrolled in a 53723
community school established under this chapter, the department of 53724
education annually shall deduct from the state education aid of a 53725
student's resident district and, if necessary, from the payment 53726
made to the district under sections 321.24 and 323.156 of the 53727
Revised Code and pay to the community school the sum of the 53728
following: 53729

(a) An opportunity grant in an amount equal to the formula 53730
amount; 53731

(b) The per pupil amount of targeted assistance funds 53732
calculated under division (A) of section 3317.0217 of the Revised 53733
Code for the student's resident district, as determined by the 53734
department, X 0.25; 53735

(c) Additional state aid for special education and related 53736
services provided under Chapter 3323. of the Revised Code as 53737

<u>follows:</u>	53738
<u>(i) If the student is a category one special education student, the formula amount X the multiple specified in division (A) of section 3317.013 of the Revised Code;</u>	53739 53740 53741
<u>(ii) If the student is a category two special education student, the formula amount X the multiple specified in division (B) of section 3317.013 of the Revised Code;</u>	53742 53743 53744
<u>(iii) If the student is a category three special education student, the formula amount X the multiple specified in division (C) of section 3317.013 of the Revised Code;</u>	53745 53746 53747
<u>(iv) If the student is a category four special education student, the formula amount X the multiple specified in division (D) of section 3317.013 of the Revised Code;</u>	53748 53749 53750
<u>(v) If the student is a category five special education student, the formula amount X the multiple specified in division (E) of section 3317.013 of the Revised Code;</u>	53751 53752 53753
<u>(vi) If the student is a category six special education student, the formula amount X the multiple specified in division (F) of section 3317.013 of the Revised Code.</u>	53754 53755 53756
<u>(d) If the student is in kindergarten through third grade, an additional amount of \$300, in fiscal year 2014, and \$303, in fiscal year 2015;</u>	53757 53758 53759
<u>(e) If the student is economically disadvantaged, an additional amount equal to the following:</u>	53760 53761
<u>(\$340, in fiscal year 2014, or \$343, in fiscal year 2015) X (the resident district's economically disadvantaged index)</u>	53762 53763
<u>(f) Limited English proficiency funds as follows:</u>	53764
<u>(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;</u>	53765 53766 53767

<u>(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;</u>	53768
	53769
	53770
<u>(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.</u>	53771
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	53773
<u>(g) Career-technical education funds as follows:</u>	53774
<u>(i) If the student is a category one career-technical education student, the formula amount X the multiple specified in division (A) of section 3317.014 of the Revised Code;</u>	53775
	53776
	53777
<u>(ii) If the student is a category two career-technical education student, the formula amount X the multiple specified in division (B) of section 3317.014 of the Revised Code;</u>	53778
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	53780
<u>(iii) If the student is a category three career-technical education student, the formula amount X the multiple specified in division (C) of section 3317.014 of the Revised Code;</u>	53781
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<u>(iv) If the student is a category four career-technical education student, the formula amount X the multiple specified in division (D) of section 3317.014 of the Revised Code;</u>	53784
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	53786
<u>(v) If the student is a category five career-technical education student, the formula amount X the multiple specified in division (E) of section 3317.014 of the Revised Code.</u>	53787
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<u>Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.</u>	53790
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	53793
<u>(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the</u>	53794
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deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section. 53798
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No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section. 53800
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(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs. 53803
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(b) The community school shall report under division (C)(3)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 53815
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(4) In any fiscal year, a community school receiving funds under division (C)(1)(g) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school to report data annually so that the department may monitor 53822
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the school's compliance with the requirements regarding the manner 53830
in which funding received under division (C)(1)(g) of this section 53831
may be spent. 53832

(5) All funds received under division (C)(1)(g) of this 53833
section shall be spent in the following manner: 53834

(a) At least seventy-five per cent of the funds shall be 53835
spent on curriculum development, purchase, and implementation; 53836
instructional resources and supplies; industry-based program 53837
certification; student assessment, credentialing, and placement; 53838
curriculum specific equipment purchases and leases; 53839
career-technical student organization fees and expenses; home and 53840
agency linkages; work-based learning experiences; professional 53841
development; and other costs directly associated with 53842
career-technical education programs including development of new 53843
programs. 53844

(b) Not more than twenty-five per cent of the funds shall be 53845
used for personnel expenditures. 53846

(6) If the sum of the payments computed under division (C)(1) 53847
of this section for the students entitled to attend school in a 53848
particular school district under sections 3313.64 and 3313.65 of 53849
the Revised Code exceeds the sum of that district's state 53850
education aid and its payment under sections 321.24 and 323.156 of 53851
the Revised Code, the department shall calculate and apply a 53852
proration factor to the payments to all community schools under 53853
that division for the students entitled to attend school in that 53854
district. 53855

(D) A board of education sponsoring a community school may 53856
utilize local funds to make enhancement grants to the school or 53857
may agree, either as part of the contract or separately, to 53858
provide any specific services to the community school at no cost 53859
to the school. 53860

~~(H)~~(E) A community school may not levy taxes or issue bonds secured by tax revenues. 53861
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~~(I)~~(F) No community school shall charge tuition for the enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state. 53863
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~~(J)~~(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division ~~(D)~~(C) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school. 53867
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(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities. 53874
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(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school. 53876
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~~(K) For purposes of determining the number of students for which divisions (D)(5) and (6) of this section applies in any school year, a community school may submit to the department of job and family services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The~~ 53879
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~~department shall make this determination on the basis of 53892
information readily available to it. Upon making this 53893
determination and no later than ninety days after submission of 53894
the list by the community school, the department shall report to 53895
the state department of education the number of students on the 53896
list who reside in each school district who were included in the 53897
department's report under section 3317.10 of the Revised Code. In 53898
complying with this division, the department of job and family 53899
services shall not report to the state department of education any 53900
personally identifiable information on any student. 53901~~

~~(L)(H) The department of education shall adjust the amounts 53902
subtracted and paid under ~~divisions~~ division (C) and ~~(D)~~ of this 53903
section to reflect any enrollment of students in community schools 53904
for less than the equivalent of a full school year. The state 53905
board of education within ninety days after April 8, 2003, shall 53906
adopt in accordance with Chapter 119. of the Revised Code rules 53907
governing the payments to community schools under this section ~~and~~ 53908
~~section 3314.13 of the Revised Code~~ including initial payments in 53909
a school year and adjustments and reductions made in subsequent 53910
periodic payments to community schools and corresponding 53911
deductions from school district accounts as provided under 53912
~~divisions~~ division (C) and ~~(D)~~ of this section ~~and section 3314.13~~ 53913
~~of the Revised Code~~. For purposes of this section ~~and section~~ 53914
~~3314.13 of the Revised Code~~: 53915~~

(1) A student shall be considered enrolled in the community 53916
school for any portion of the school year the student is 53917
participating at a college under Chapter 3365. of the Revised 53918
Code. 53919

(2) A student shall be considered to be enrolled in a 53920
community school for the period of time beginning on the later of 53921
the date on which the school both has received documentation of 53922
the student's enrollment from a parent and the student has 53923

commenced participation in learning opportunities as defined in 53924
the contract with the sponsor, or thirty days prior to the date on 53925
which the student is entered into the education management 53926
information system established under section 3301.0714 of the 53927
Revised Code. For purposes of applying this division and divisions 53928
~~(L)~~(H)(3) and (4) of this section to a community school student, 53929
"learning opportunities" shall be defined in the contract, which 53930
shall describe both classroom-based and non-classroom-based 53931
learning opportunities and shall be in compliance with criteria 53932
and documentation requirements for student participation which 53933
shall be established by the department. Any student's instruction 53934
time in non-classroom-based learning opportunities shall be 53935
certified by an employee of the community school. A student's 53936
enrollment shall be considered to cease on the date on which any 53937
of the following occur: 53938

(a) The community school receives documentation from a parent 53939
terminating enrollment of the student. 53940

(b) The community school is provided documentation of a 53941
student's enrollment in another public or private school. 53942

(c) The community school ceases to offer learning 53943
opportunities to the student pursuant to the terms of the contract 53944
with the sponsor or the operation of any provision of this 53945
chapter. 53946

Except as otherwise specified in this paragraph, beginning in 53947
the 2011-2012 school year, any student who completed the prior 53948
school year in an internet- or computer-based community school 53949
shall be considered to be enrolled in the same school in the 53950
subsequent school year until the student's enrollment has ceased 53951
as specified in division ~~(L)~~(H)(2) of this section. The department 53952
shall continue subtracting and paying amounts for the student 53953
under ~~divisions~~ division (C) and ~~(D)~~ of this section without 53954
interruption at the start of the subsequent school year. However, 53955

if the student without a legitimate excuse fails to participate in 53956
the first one hundred five consecutive hours of learning 53957
opportunities offered to the student in that subsequent school 53958
year, the student shall be considered not to have re-enrolled in 53959
the school for that school year and the department shall 53960
recalculate the payments to the school for that school year to 53961
account for the fact that the student is not enrolled. 53962

(3) The department shall determine each community school 53963
student's percentage of full-time equivalency based on the 53964
percentage of learning opportunities offered by the community 53965
school to that student, reported either as number of hours or 53966
number of days, is of the total learning opportunities offered by 53967
the community school to a student who attends for the school's 53968
entire school year. However, no internet- or computer-based 53969
community school shall be credited for any time a student spends 53970
participating in learning opportunities beyond ten hours within 53971
any period of twenty-four consecutive hours. Whether it reports 53972
hours or days of learning opportunities, each community school 53973
shall offer not less than nine hundred twenty hours of learning 53974
opportunities during the school year. 53975

(4) With respect to the calculation of full-time equivalency 53976
under division ~~(L)~~(H)(3) of this section, the department shall 53977
waive the number of hours or days of learning opportunities not 53978
offered to a student because the community school was closed 53979
during the school year due to disease epidemic, hazardous weather 53980
conditions, law enforcement emergencies, inoperability of school 53981
buses or other equipment necessary to the school's operation, 53982
damage to a school building, or other temporary circumstances due 53983
to utility failure rendering the school building unfit for school 53984
use, so long as the school was actually open for instruction with 53985
students in attendance during that school year for not less than 53986
the minimum number of hours required by this chapter. The 53987

department shall treat the school as if it were open for 53988
instruction with students in attendance during the hours or days 53989
waived under this division. 53990

~~(M)~~(I) The department of education shall reduce the amounts 53991
paid under ~~division (D)~~ of this section to reflect payments made 53992
to colleges under division (B) of section 3365.07 of the Revised 53993
Code or through alternative funding agreements entered into under 53994
rules adopted under section 3365.12 of the Revised Code. 53995

~~(N)~~(J)(1) No student shall be considered enrolled in any 53996
internet- or computer-based community school or, if applicable to 53997
the student, in any community school that is required to provide 53998
the student with a computer pursuant to division (C) of section 53999
3314.22 of the Revised Code, unless both of the following 54000
conditions are satisfied: 54001

(a) The student possesses or has been provided with all 54002
required hardware and software materials and all such materials 54003
are operational so that the student is capable of fully 54004
participating in the learning opportunities specified in the 54005
contract between the school and the school's sponsor as required 54006
by division (A)(23) of section 3314.03 of the Revised Code; 54007

(b) The school is in compliance with division (A) of section 54008
3314.22 of the Revised Code, relative to such student. 54009

(2) In accordance with policies adopted jointly by the 54010
superintendent of public instruction and the auditor of state, the 54011
department shall reduce the amounts otherwise payable under 54012
division ~~(D)~~(C) of this section to any community school that 54013
includes in its program the provision of computer hardware and 54014
software materials to any student, if such hardware and software 54015
materials have not been delivered, installed, and activated for 54016
each such student in a timely manner or other educational 54017
materials or services have not been provided according to the 54018

contract between the individual community school and its sponsor. 54019

The superintendent of public instruction and the auditor of 54020
state shall jointly establish a method for auditing any community 54021
school to which this division pertains to ensure compliance with 54022
this section. 54023

The superintendent, auditor of state, and the governor shall 54024
jointly make recommendations to the general assembly for 54025
legislative changes that may be required to assure fiscal and 54026
academic accountability for such schools. 54027

~~(O)~~(K)(1) If the department determines that a review of a 54028
community school's enrollment is necessary, such review shall be 54029
completed and written notice of the findings shall be provided to 54030
the governing authority of the community school and its sponsor 54031
within ninety days of the end of the community school's fiscal 54032
year, unless extended for a period not to exceed thirty additional 54033
days for one of the following reasons: 54034

(a) The department and the community school mutually agree to 54035
the extension. 54036

(b) Delays in data submission caused by either a community 54037
school or its sponsor. 54038

(2) If the review results in a finding that additional 54039
funding is owed to the school, such payment shall be made within 54040
thirty days of the written notice. If the review results in a 54041
finding that the community school owes moneys to the state, the 54042
following procedure shall apply: 54043

(a) Within ten business days of the receipt of the notice of 54044
findings, the community school may appeal the department's 54045
determination to the state board of education or its designee. 54046

(b) The board or its designee shall conduct an informal 54047
hearing on the matter within thirty days of receipt of such an 54048

appeal and shall issue a decision within fifteen days of the 54049
conclusion of the hearing. 54050

(c) If the board has enlisted a designee to conduct the 54051
hearing, the designee shall certify its decision to the board. The 54052
board may accept the decision of the designee or may reject the 54053
decision of the designee and issue its own decision on the matter. 54054

(d) Any decision made by the board under this division is 54055
final. 54056

(3) If it is decided that the community school owes moneys to 54057
the state, the department shall deduct such amount from the 54058
school's future payments in accordance with guidelines issued by 54059
the superintendent of public instruction. 54060

~~(P)~~(L) The department shall not subtract from a school 54061
district's state aid account ~~under division (C) of this section~~ 54062
and shall not pay to a community school under division ~~(D)~~(C) of 54063
this section any amount for any of the following: 54064

(1) Any student who has graduated from the twelfth grade of a 54065
public or nonpublic high school; 54066

(2) Any student who is not a resident of the state; 54067

(3) Any student who was enrolled in the community school 54068
during the previous school year when assessments were administered 54069
under section 3301.0711 of the Revised Code but did not take one 54070
or more of the assessments required by that section and was not 54071
excused pursuant to division (C)(1) or (3) of that section, unless 54072
the superintendent of public instruction grants the student a 54073
waiver from the requirement to take the assessment and a parent is 54074
not paying tuition for the student pursuant to section 3314.26 of 54075
the Revised Code. The superintendent may grant a waiver only for 54076
good cause in accordance with rules adopted by the state board of 54077
education. 54078

(4) Any student who has attained the age of twenty-two years, 54079
except for veterans of the armed services whose attendance was 54080
interrupted before completing the recognized twelve-year course of 54081
the public schools by reason of induction or enlistment in the 54082
armed forces and who apply for enrollment in a community school 54083
not later than four years after termination of war or their 54084
honorable discharge. If, however, any such veteran elects to 54085
enroll in special courses organized for veterans for whom tuition 54086
is paid under federal law, or otherwise, the department shall not 54087
subtract from a school district's state aid account ~~under division~~ 54088
~~(C) of this section~~ and shall not pay to a community school under 54089
division ~~(D)~~(C) of this section any amount for that veteran. 54090

Sec. 3314.082. A community school shall be considered a 54091
school district and its governing authority shall be considered a 54092
board of education for the purpose of applying to any state or 54093
federal agency for grants that a school district may receive under 54094
federal or state law or any appropriations act of the general 54095
assembly. The governing authority of a community school may apply 54096
to any private entity for additional funds. 54097

Sec. 3314.083. If the department of education pays a joint 54098
vocational school district under division ~~(G)~~(4)(C)(3) of section 54099
3317.16 of the Revised Code for excess costs of providing special 54100
education and related services to a student with a disability who 54101
is enrolled in a community school, as calculated under division 54102
~~(G)~~(2)(C)(1) of that section, the department shall deduct the 54103
amount of that payment from the amount calculated for payment to 54104
the community school under section 3314.08 of the Revised Code. 54105

Sec. 3314.084. (A) As used in this section: 54106

(1) "Formula ADM" has the same meaning as in section 3317.03 54107
of the Revised Code. 54108

(2) "Home" has the same meaning as in section 3313.64 of the Revised Code. 54109
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(3) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code; however, a community school established under this chapter is not a "school district of residence" for purposes of this section. 54111
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(B) Notwithstanding anything to the contrary in section 3314.08 or 3317.03 of the Revised Code, all of the following apply in the case of a child who is enrolled in a community school and is also living in a home: 54115
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(1) For purposes of the report required under division (B)(1) of section 3314.08 of the Revised Code, the child's school district of residence, and not the school district in which the home that the child is living in is located, shall be considered to be the school district in which the child is entitled to attend school. That school district of residence, therefore, shall make the report required under division (B)(1) of section 3314.08 of the Revised Code with respect to the child. 54119
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(2) For purposes of the report required under division (B)(2) of section 3314.08 of the Revised Code, the community school shall report the name of the child's school district of residence. 54127
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(3) The child's school district of residence shall count the child in that district's formula ADM. 54130
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(4) The school district in which the home that the child is living in is located shall not count the child in that district's formula ADM. 54132
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(5) The ~~Department~~ department of ~~Education~~ education shall deduct the applicable amounts prescribed under division (C) of section 3314.08 ~~and division (D) of section 3314.13~~ of the Revised Code from the child's school district of residence and shall not deduct those amounts from the school district in which the home 54135
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that the child is living in is located. 54140

(6) The ~~Department~~ department shall make the payments 54141
prescribed in ~~divisions (D) and (E)~~ division (C) of section 54142
3314.08 ~~and section 3314.13~~ of the Revised Code, as applicable, to 54143
the community school. 54144

Sec. 3314.086. A community school established under this 54145
chapter, including an internet- or computer-based community 54146
school, may provide career-technical education in the manner 54147
prescribed by section 3313.90 of the Revised Code. The community 54148
school may contract with any public agency, board, or bureau or 54149
with any private individual or firm for the purchase of any 54150
career-technical education or vocational rehabilitation service 54151
for any student enrolled in the community school and may pay for 54152
such services with funds received under section 3314.08 of the 54153
Revised Code. 54154

Sec. 3314.087. (A) As used in this section: 54155

(1) "Career-technical program" means ~~vocational~~ 54156
career-technical programs or classes described in division (A) ~~or,~~ 54157
(B), (C), (D), or (E) of section 3317.014 of the Revised Code in 54158
which a student is enrolled. 54159

(2) "Formula ADM," "category one ~~or two vocational~~ through 54160
five career-technical education ADM," and "FTE basis" have the 54161
same meanings as in section 3317.02 of the Revised Code. 54162

(3) "Resident school district" means the city, exempted 54163
village, or local school district in which a student is entitled 54164
to attend school under section 3313.64 or 3313.65 of the Revised 54165
Code. 54166

(B) Notwithstanding anything to the contrary in this chapter 54167
or Chapter 3317. of the Revised Code, a student enrolled in a 54168
community school may simultaneously enroll in the career-technical 54169

program operated by the ~~student's resident school district~~ 54170
career-technical planning district to which the student's resident 54171
district belongs. On an FTE basis, the student's resident school 54172
district shall count the student in the category one ~~or two~~ 54173
vocational through five career-technical education ADM for the 54174
proportion of the time the student is enrolled in ~~the district's a~~ 54175
career-technical program of the career-technical planning district 54176
to which the student's resident district belongs and, accordingly, 54177
the department of education shall calculate funds under Chapter 54178
3317. for the resident district attributable to the student for 54179
the proportion of time the student attends the career-technical 54180
program. The community school shall count the student in its 54181
enrollment report under section 3314.08 of the Revised Code and 54182
shall report to the department the proportion of time that the 54183
student attends classes at the community school. The department 54184
shall pay the community school and deduct from the student's 54185
resident school district the amount computed for the student under 54186
section 3314.08 of the Revised Code in proportion to the fraction 54187
of the time on an FTE basis that the student attends classes at 54188
the community school. "Full-time equivalency" for a community 54189
school student, as defined in division ~~(L)~~(H) of section 3314.08 54190
of the Revised Code, does not apply to the student. 54191

Sec. 3314.09. (A) As used in this section and section 54192
3314.091 of the Revised Code, "native student" means a student 54193
entitled to attend school in the school district under section 54194
3313.64 or 3313.65 of the Revised Code. 54195

(B) Except as provided in section 3314.091 or 3327.02 of the 54196
Revised Code, the board of education of each city, local, and 54197
exempted village school district shall provide transportation to 54198
and from school for its ~~district's~~ native students in accordance 54199
with section 3327.01 of the Revised Code. 54200

Sec. 3314.091. (A) A student who attends a community school that provides or arranges for transporting students pursuant to this section, or the student's parent or guardian, is not eligible for the subsidy prescribed by section 3327.02 of the Revised Code.

(A) A school district is not required to provide transportation for any native student enrolled in a community school if the district board of education has entered into an agreement with the community school's governing authority that designates the community school as responsible for providing or arranging for the transportation of the district's native students to and from the community school. For any such agreement to be effective, it must be certified by the superintendent of public instruction as having met all of the following requirements:

(1) It is submitted to the department of education by a deadline which shall be established by the department.

(2) In accordance with divisions (C)(1) and (2) of this section, it specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged.

(3) The transportation provided by the community school is subject to all provisions of the Revised Code and all rules adopted under the Revised Code pertaining to pupil transportation.

(4) The sponsor of the community school also has signed the agreement.

(B)(1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having

parents transport their children to and from the school, but did 54231
not enter into an agreement to transport or arrange for 54232
transportation for those students under division (A) of this 54233
section, and if the governing authority of the community school by 54234
July 15, 2007, submits written notification to the district board 54235
of education stating that the governing authority is accepting 54236
responsibility for providing or arranging for the transportation 54237
of the district's native students to and from the community 54238
school. 54239

(2) ~~For~~ Except as provided in division (B)(4) of this 54240
section, for any school year subsequent to the school year that 54241
begins on July 1, 2007, a school district is not required to 54242
provide transportation for any native student enrolled in a 54243
community school if the governing authority of the community 54244
school, by the thirty-first day of January of the previous school 54245
year, submits written notification to the district board of 54246
education stating that the governing authority is accepting 54247
responsibility for providing or arranging for the transportation 54248
of the district's native students to and from the community 54249
school. If the governing authority of the community school has 54250
previously accepted responsibility for providing or arranging for 54251
the transportation of a district's native students to and from the 54252
community school, under division (B)(1) or (2) of this section, 54253
and has since relinquished that responsibility under division 54254
(B)(3) of this section, the governing authority shall not accept 54255
that responsibility again unless the district board consents to 54256
the governing authority's acceptance of that responsibility. 54257

(3) A governing authority's acceptance of responsibility 54258
under division (B)(1) or (2) of this section shall cover an entire 54259
school year, and shall remain in effect for subsequent school 54260
years unless the governing authority submits written notification 54261
to the district board that the governing authority is 54262

relinquishing the responsibility. However, a governing authority 54263
shall not relinquish responsibility for transportation before the 54264
end of a school year, and shall submit the notice relinquishing 54265
responsibility by the thirty-first day of January, in order to 54266
allow the school district reasonable time to prepare 54267
transportation for its native students enrolled in the school. 54268

(4)(a) For any school year that begins on or after July 1, 54269
2014, a school district is not required to provide transportation 54270
for any native student enrolled in a community school scheduled to 54271
open for operation in the current school year, if the governing 54272
authority of the community school, by the fifteenth day of April 54273
of the previous school year, submits written notification to the 54274
district board of education stating that the governing authority 54275
is accepting responsibility for providing or arranging for the 54276
transportation of the district's native students to and from the 54277
community school. 54278

(b) The governing authority of a community school that 54279
accepts responsibility for transporting its students under 54280
division (4)(a) of this section shall comply with divisions (B)(2) 54281
and (3) of this section to renew or relinquish that authority for 54282
subsequent school years. 54283

(C)(1) A community school governing authority that enters 54284
into an agreement under division (A) of this section, or that 54285
accepts responsibility under division (B) of this section, shall 54286
provide or arrange transportation free of any charge for each of 54287
its enrolled students who is required to be transported under 54288
section 3327.01 of the Revised Code or who would otherwise be 54289
transported by the school district under the district's 54290
transportation policy. The governing authority shall report to the 54291
department of education the number of students transported or for 54292
whom transportation is arranged under this section in accordance 54293
with rules adopted by the state board of education. 54294

(2) The governing authority may provide or arrange transportation for any other enrolled student who is not eligible for transportation in accordance with division (C)(1) of this section and may charge a fee for such service up to the actual cost of the service.

(3) Notwithstanding anything to the contrary in division (C)(1) or (2) of this section, a community school governing authority shall provide or arrange transportation free of any charge for any disabled student enrolled in the school for whom the student's individualized education program developed under Chapter 3323. of the Revised Code specifies transportation.

(D)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of this section, the department of education shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C)(1) of this section.

If a community school governing authority accepts transportation responsibility under division (B) of this section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C)(1) of this section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with

disabilities; divided by 54326

(ii) The number of students included in the district's 54327
transportation ADM for the current fiscal year, as reported under 54328
division (B)~~(13)~~(19) of section 3317.03 of the Revised Code, plus 54329
the number of students enrolled in the community school not 54330
counted in the district's transportation ADM who are transported 54331
under division (B)(1) or (2) of this section. 54332

(b) For any fiscal year which the general assembly has 54333
specified that the transportation payments to school districts be 54334
calculated in accordance with section 3317.0212 of the Revised 54335
Code and any rules of the state board of education implementing 54336
that section, the payment to the community school shall be the 54337
amount so calculated that otherwise would be paid to the school 54338
district in which the student is entitled to attend school by the 54339
method of transportation the district would have used. The 54340
community school, however, is not required to use the same method 54341
to transport that student. 54342

(c) Divisions (D)(1)(a) and (b) of this section do not apply 54343
to fiscal years 2012 and 2013. Rather, for each of those fiscal 54344
years, the per pupil payment to a community school for 54345
transporting a student shall be the total amount paid under former 54346
section 3306.12 of the Revised Code for fiscal year 2011 to the 54347
school district in which the child is entitled to attend school 54348
divided by that district's "qualifying ridership," as defined in 54349
that section for fiscal year 2011. 54350

As used in this division "entitled to attend school" means 54351
entitled to attend school under section 3313.64 or 3313.65 of the 54352
Revised Code. 54353

(2) The department shall deduct the payment under division 54354
(D)(1) of this section from the state education aid, as defined in 54355
section 3314.08 of the Revised Code, and, if necessary, the 54356

payment under sections 321.14 and 323.156 of the Revised Code, 54357
that is otherwise paid to the school district in which the student 54358
enrolled in the community school is entitled to attend school. The 54359
department shall include the number of the district's native 54360
students for whom payment is made to a community school under 54361
division (D)(1) of this section in the calculation of the 54362
district's transportation payment under section 3317.0212 of the 54363
Revised Code and the operating appropriations act. 54364

(3) A community school shall be paid under division (D)(1) of 54365
this section only for students who are eligible as specified in 54366
section 3327.01 of the Revised Code and division (C)(1) of this 54367
section, and whose transportation to and from school is actually 54368
provided, who actually utilized transportation arranged, or for 54369
whom a payment in lieu of transportation is made by the community 54370
school's governing authority. To qualify for the payments, the 54371
community school shall report to the department, in the form and 54372
manner required by the department, data on the number of students 54373
transported or whose transportation is arranged, the number of 54374
miles traveled, cost to transport, and any other information 54375
requested by the department. 54376

(4) A community school shall use payments received under this 54377
section solely to pay the costs of providing or arranging for the 54378
transportation of students who are eligible as specified in 54379
section 3327.01 of the Revised Code and division (C)(1) of this 54380
section, which may include payments to a parent, guardian, or 54381
other person in charge of a child in lieu of transportation. 54382

(E) Except when arranged through payment to a parent, 54383
guardian, or person in charge of a child, transportation provided 54384
or arranged for by a community school pursuant to an agreement 54385
under this section is subject to all provisions of the Revised 54386
Code, and all rules adopted under the Revised Code, pertaining to 54387
the construction, design, equipment, and operation of school buses 54388

and other vehicles transporting students to and from school. The 54389
drivers and mechanics of the vehicles are subject to all 54390
provisions of the Revised Code, and all rules adopted under the 54391
Revised Code, pertaining to drivers and mechanics of such 54392
vehicles. The community school also shall comply with sections 54393
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 54394
of section 3327.16 of the Revised Code and, subject to division 54395
(C)(1) of this section, ~~sections~~ and section 3327.01 ~~and 3327.02~~ 54396
of the Revised Code, as if it were a school district. 54397

Sec. 3314.092. The governing authority or operator of a 54398
community school established under this chapter shall consult with 54399
each school district board of education that transports students 54400
to the community school under sections 3314.09 and 3327.01 of the 54401
Revised Code prior to making any change in the hours or days in 54402
which the community school is open for instruction. 54403

Sec. 3314.11. (A) The board of education of each city, 54404
exempted village, and local school district monthly shall review 54405
enrollment for students enrolled in community schools established 54406
under this chapter and entitled to attend school in the district 54407
under section 3313.64 or 3313.65 of the Revised Code. For each 54408
student, the district shall verify to the department of education 54409
both of the following: 54410

(1) The community school in which the student is enrolled; 54411

(2) That the student is entitled to attend school in the 54412
district under section 3313.64 or 3313.65 of the Revised Code. 54413

(B) For purposes of its initial reporting of the school 54414
districts its students are entitled to attend, the governing 54415
authority of a community school may adopt a policy that prescribes 54416
the number of documents listed in division (E) of this section 54417
required to verify a student's residency. This policy, if adopted, 54418

shall supersede any policy concerning the number of documents for 54419
initial residency verification adopted by the district the student 54420
is entitled to attend. If a community school does not adopt a 54421
policy under this division, the policy of the school district in 54422
which the student is entitled to attend shall prevail. 54423

(C) In making the determinations under this section, the 54424
school district in which a parent or child resides is the location 54425
the parent or student has established as the primary residence and 54426
where substantial family activity takes place. 54427

(D) If a district's determination under division (A) of this 54428
section of the school district a student is entitled to attend 54429
under section 3313.64 or 3313.65 of the Revised Code differs from 54430
a community school's determination under division (B) of this 54431
section, the community school shall provide the school district 54432
that made the determination under division (A) of this section 54433
with documentation of the student's residency and shall make a 54434
good faith effort to accurately identify the correct residence of 54435
the student. 54436

(E) For purposes of this section, the following documents may 54437
serve as evidence of primary residence: 54438

(1) A deed, mortgage, lease, current home owner's or renter's 54439
insurance declaration page, or current real property tax bill; 54440

(2) A utility bill or receipt of utility installation issued 54441
within ninety days of enrollment; 54442

(3) A paycheck or paystub issued to the parent or student 54443
within ninety days of the date of enrollment that includes the 54444
address of the parent's or student's primary residence; 54445

(4) The most current available bank statement issued to the 54446
parent or student that includes the address of the parent's or 54447
student's primary residence; 54448

(5) Any other official document issued to the parent or student that includes the address of the parent's or student's primary residence. The superintendent of public instruction shall develop guidelines for determining what qualifies as an "official document" under this division.

(F) When a student loses permanent housing and becomes a homeless child or youth, as defined in 42 U.S.C. 11434a, or when a child who is such a homeless child or youth changes temporary living arrangements, the district in which the student is entitled to attend school shall be determined in accordance with division (F)(13) of section 3313.64 of the Revised Code and the "McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq.

(G) In the event of a disagreement as to which school district a student is entitled to attend, the community school, after complying with division (D) of this section, but not more than sixty days after the monthly deadline established by the department of education for reporting of community school enrollment, may present the matter to the superintendent of public instruction. Not later than thirty days after the community school presents the matter, the state superintendent, or the state superintendent's designee, shall determine which district the student is entitled to attend and shall direct any necessary adjustments to payments and deductions under ~~sections~~ section 3314.08 ~~and 3314.13~~ of the Revised Code based on that determination.

Sec. 3314.26. (A) Each internet- or computer-based community school shall withdraw from the school any student who, for two consecutive school years, has failed to participate in the spring administration of any assessment prescribed under section 3301.0710 or 3301.0712 of the Revised Code for the student's grade level and was not excused from the assessment pursuant to division

(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless 54480
of whether a waiver was granted for the student under division 54481
~~(P)~~(L)(3) of section 3314.08 of the Revised Code. The school shall 54482
report any such student's data verification code, as assigned 54483
pursuant to section 3301.0714 of the Revised Code, to the 54484
department of education. The department shall maintain a list of 54485
all data verification codes reported under this division and 54486
section 3313.6410 of the Revised Code and provide that list to 54487
each internet- or computer-based community school and to each 54488
school to which section 3313.6410 of the Revised Code applies. 54489

(B) No internet- or computer-based community school shall 54490
receive any state funds under this chapter for any enrolled 54491
student whose data verification code appears on the list 54492
maintained by the department under division (A) of this section. 54493

Notwithstanding any provision of the Revised Code to the 54494
contrary, the parent of any such student shall pay tuition to the 54495
internet- or computer-based community school in an amount equal to 54496
the state funds the school otherwise would receive for that 54497
student, as determined by the department. An internet- or 54498
computer-based community school may withdraw any student for whom 54499
the parent does not pay tuition as required by this division. 54500

Sec. 3314.29. (A) Notwithstanding anything in this chapter to 54501
the contrary, an internet- or computer-based community school may 54502
divide into two separate internet- or computer-based community 54503
schools by grade level, if all of the following apply: 54504

(1) The school was in operation on or before the effective 54505
date of this section. 54506

(2) The school offers at least grades one through eight. 54507

(3) The sponsor of the school approves dividing the school 54508
into two separate schools under this section. 54509

(4) The school exercises the option to divide into two separate schools under this section during either the 2013-2014 or 2014-2015 school year.

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(5) Either of the following applies:

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(a) For a school that divides into separate schools in the 2013-2014 school year, the school is rated in continuous improvement or higher for the 2011-2012 school year on the report cards issued under section 3302.03 of the Revised Code as that section existed prior to March 22, 2013, and the school receives a grade of "C" or higher on its performance index score under division (A)(1)(b) of section 3302.03 of the Revised Code for the report cards issued for the 2012-2013 school year.

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(b) For a school that divides into separate schools in the 2013-2014 school year, the school receives a grade of "C" or higher on its performance index score under divisions (A)(1)(b) and (B)(1)(b) of section 3302.03 of the Revised Code on the report cards issued for both the 2012-2013 and 2013-2014 school years.

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(B) No school may exercise the option under this section after the 2014-2015 school year. However, the authority of a school that has exercised the option under this section to operate separately as two schools continues for all subsequent school years in which the schools are in operation.

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(C) If a school divides into separate schools under this section, the accountability data of the original school, including report card ratings under section 3302.03 of the Revised Code, shall continue to apply to the applicable grade levels of the new schools.

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(D) An internet- or computer-based community school created under this section shall not count toward the annual limit on new internet- or computer-based community schools prescribed by division (B) of section 3314.013 of the Revised Code.

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Sec. 3314.35. (A)(1) Except as provided in division (A)(4) of 54541
this section, this section applies to any community school that 54542
meets one of the following criteria after July 1, 2009, but before 54543
July 1, 2011: 54544

(a) The school does not offer a grade level higher than three 54545
and has been declared to be in a state of academic emergency under 54546
section 3302.03 of the Revised Code for three of the four most 54547
recent school years. 54548

(b) The school satisfies all of the following conditions: 54549

(i) The school offers any of grade levels four to eight but 54550
does not offer a grade level higher than nine. 54551

(ii) The school has been declared to be in a state of 54552
academic emergency under section 3302.03 of the Revised Code for 54553
two of the three most recent school years. 54554

(iii) In at least two of the three most recent school years, 54555
the school showed less than one standard year of academic growth 54556
in either reading or mathematics, as determined by the department 54557
of education in accordance with rules adopted under division (A) 54558
of section 3302.021 of the Revised Code. 54559

(c) The school offers any of grade levels ten to twelve and 54560
has been declared to be in a state of academic emergency under 54561
section 3302.03 of the Revised Code for three of the four most 54562
recent school years. 54563

(2) Except as provided in division (A)(4) of this section, 54564
this section applies to any community school that meets one of the 54565
following criteria after July 1, 2011, but before July 1, 2013: 54566

(a) The school does not offer a grade level higher than three 54567
and has been declared to be in a state of academic emergency under 54568
section 3302.03 of the Revised Code for two of the three most 54569
recent school years. 54570

- (b) The school satisfies all of the following conditions: 54571
- (i) The school offers any of grade levels four to eight but 54572
does not offer a grade level higher than nine. 54573
- (ii) The school has been declared to be in a state of 54574
academic emergency under section 3302.03 of the Revised Code for 54575
two of the three most recent school years. 54576
- (iii) In at least two of the three most recent school years, 54577
the school showed less than one standard year of academic growth 54578
in either reading or mathematics, as determined by the department 54579
in accordance with rules adopted under division (A) of section 54580
3302.021 of the Revised Code. 54581
- (c) The school offers any of grade levels ten to twelve and 54582
has been declared to be in a state of academic emergency under 54583
section 3302.03 of the Revised Code for two of the three most 54584
recent school years. 54585
- (3) Except as provided in division (A)(4) of this section, 54586
this section applies to any community school that meets one of the 54587
following criteria on or after July 1, 2013: 54588
- (a) The school does not offer a grade level higher than three 54589
and, for two of the three most recent school years, satisfies any 54590
of the following criteria: 54591
- (i) The school has been declared to be in a state of academic 54592
emergency under section 3302.03 of the Revised Code, as it existed 54593
prior to ~~the effective date of this amendment~~ March 22, 2013; 54594
- (ii) The school has received a grade of "F" in improving 54595
literacy in grades kindergarten through three under division 54596
(B)(1)(j) or (C)(1)(k) of section 3302.03 of the Revised Code; 54597
- (iii) The school has received an overall grade of "F" under 54598
division (C) of section 3302.03 of the Revised Code. 54599
- (b) The school offers any of grade levels four to eight but 54600

does not offer a grade level higher than nine and, for two of the
three most recent school years, satisfies any of the following
criteria:

(i) The school has been declared to be in a state of academic
emergency under section 3302.03 of the Revised Code, as it existed
prior to ~~the effective date of this amendment~~ March 22, 2013, and
the school showed less than one standard year of academic growth
in either reading or mathematics, as determined by the department
in accordance with rules adopted under division (A) of section
3302.021 of the Revised Code;

(ii) The school has received a grade of "F" for the
performance index score under division (A)(1)(b), (B)(1)(b), or
(C)(1)(b) and a grade of "F" for the value-added progress
dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of
section 3302.03 of the Revised Code;

(iii) The school has received an overall grade of "F" under
division (C) and a grade of "F" for the value-added progress
dimension under division (C)(1)(e) of section 3302.03 of the
Revised Code.

(c) The school offers any of grade levels ten to twelve and,
for two of the three most recent school years, satisfies any of
the following criteria:

(i) The school has been declared to be in a state of academic
emergency under section 3302.03 of the Revised Code, as it existed
prior to ~~the effective date of this amendment~~ March 22, 2013;

(ii) The school has received a grade of "F" for the
performance index score under division (A)(1)(b), (B)(1)(b), or
(C)(1)(b) and has not met annual measurable objectives under
division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of
the Revised Code;

(iii) The school has received an overall grade of "F" under

division (C) and a grade of "F" for the value-added progress 54632
dimension under division (C)(1)(e) of section 3302.03 of the 54633
Revised Code. 54634

For purposes of division (A)(3) of this section only, the 54635
value-added progress dimension for a community school shall be 54636
calculated using assessment scores for only those students to whom 54637
the school has administered the achievement assessments prescribed 54638
by section 3301.0710 of the Revised Code for at least the two most 54639
recent school years. 54640

(4) This section does not apply to either of the following: 54641

(a) Any community school in which a majority of the students 54642
are enrolled in a dropout prevention and recovery program that is 54643
operated by the school. Rather, such schools shall be subject to 54644
closure only as provided in section 3314.351 of the Revised Code. 54645
However, prior to July 1, 2014, a community school in which a 54646
majority of the students are enrolled in a dropout prevention and 54647
recovery program shall be exempt from this section only if it has 54648
been granted a waiver under section 3314.36 of the Revised Code. 54649

(b) Any community school in which a majority of the enrolled 54650
students are children with disabilities receiving special 54651
education and related services in accordance with Chapter 3323. of 54652
the Revised Code. 54653

(B) Any community school to which this section applies shall 54654
permanently close at the conclusion of the school year in which 54655
the school first becomes subject to this section. The sponsor and 54656
governing authority of the school shall comply with all procedures 54657
for closing a community school adopted by the department under 54658
division (E) of section 3314.015 of the Revised Code. The 54659
governing authority of the school shall not enter into a contract 54660
with any other sponsor under section 3314.03 of the Revised Code 54661
after the school closes. 54662

(C) In accordance with division (B) of section 3314.012 of 54663
the Revised Code, the department shall not consider the 54664
performance ratings assigned to a community school for its first 54665
two years of operation when determining whether the school meets 54666
the criteria prescribed by division (A)(1) or (2) of this section. 54667

Sec. 3315.40. The board of education of a city, local, 54668
exempted village, or joint vocational school district or the 54669
governing board of any educational service center may establish an 54670
education foundation fund. Moneys in the fund shall consist of 54671
proceeds paid into the fund under division (B) of section 3313.36 54672
of the Revised Code. In addition, by resolution adopted by a 54673
majority of its members, a city, local, exempted village, or joint 54674
vocational board may annually direct the school district treasurer 54675
to pay into the education foundation fund an amount from the 54676
school district general fund not to exceed one-half of one per 54677
cent of the total appropriations of the school district as 54678
estimated by the board at the time the resolution is adopted or as 54679
set forth in the annual appropriation measure as most recently 54680
amended or supplemented; and any governing board, by resolution 54681
adopted by a majority of its members, may annually direct the 54682
service center treasurer to pay into the education foundation fund 54683
an amount not to exceed one-half of one per cent of the funds 54684
received by the governing board pursuant to an agreement entered 54685
into under section ~~3317.11~~ 3313.843 or 3313.845 of the Revised 54686
Code. 54687

Income from the investment of moneys in the fund shall be 54688
paid into the fund. A board, by resolution adopted by a majority 54689
of its members, may accept a trust created under section 3315.41 54690
of the Revised Code for the investment of money in the educational 54691
foundation fund and direct the school district or service center 54692
treasurer to pay to the trustee, the initial trust principal 54693
contemplated by the instrument creating the trust. A board that 54694

has accepted a trust created under section 3315.41 of the Revised Code may do any of the following by resolution adopted by a majority of its members: direct the school district or service center treasurer to pay additional amounts to the trust principal, amend the trust, revoke the trust, or provide for payment of compensation to the trustee.

Moneys in the fund shall be expended only by resolution adopted by a majority of the members of the board for operating or capital costs of any existing or new and innovative program designed to enhance or promote education within the district or service center, such as scholarships for students or teachers.

A board of education or governing board may appoint a committee of administrators to administer the education foundation fund and to make recommendations for the use of the fund. Members of the committee shall serve at the discretion of the appointing board. Members shall receive no compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

Sec. 3315.42. Sections 3315.40 and 3315.41 of the Revised Code do not apply to either of the following:

(A) A school district that has received funds for a project under Chapter 3318. of the Revised Code, so long as the purchase price to be paid by the board for the state's interest in the project has not been paid;

(B) A school district that has an outstanding loan under section 3313.483 ~~or sections 3317.62 to 3317.64~~ of the Revised Code.

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 133. or sections 3313.483 to ~~3313.4811~~ 3313.4810 of the Revised Code, and subject to the approval of the superintendent of public

instruction, a school district that is in a state of fiscal watch 54725
declared under section 3316.03 of the Revised Code may restructure 54726
or refinance loans obtained or in the process of being obtained 54727
under section 3313.483 of the Revised Code if all of the following 54728
requirements are met: 54729

(1) The operating deficit certified for the school district 54730
for the current or preceding fiscal year under section 3313.483 of 54731
the Revised Code exceeds fifteen per cent of the district's 54732
general revenue fund for the fiscal year preceding the year for 54733
which the certification of the operating deficit is made. 54734

(2) The school district voters have, during the period of the 54735
fiscal watch, approved the levy of a tax under section 718.09, 54736
718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the Revised Code 54737
that is not a renewal or replacement levy, or a levy under section 54738
5705.199 of the Revised Code, and that will provide new operating 54739
revenue. 54740

(3) The board of education of the school district has adopted 54741
or amended the financial plan required by section 3316.04 of the 54742
Revised Code to reflect the restructured or refinanced loans, and 54743
sets forth the means by which the district will bring projected 54744
operating revenues and expenditures, and projected debt service 54745
obligations, into balance for the life of any such loan. 54746

(B) Subject to the approval of the superintendent of public 54747
instruction, the school district may issue securities to evidence 54748
the restructuring or refinancing authorized by this section. Such 54749
securities may extend the original period for repayment not to 54750
exceed ten years, and may alter the frequency and amount of 54751
repayments, interest or other financing charges, and other terms 54752
or agreements under which the loans were originally contracted, 54753
provided the loans received under sections 3313.483 of the Revised 54754
Code are repaid from funds the district would otherwise receive 54755
under Chapter 3317. of the Revised Code, as required under 54756

division (E)(3) of section 3313.483 of the Revised Code. 54757
Securities issued for the purpose of restructuring or refinancing 54758
under this section shall be repaid in equal payments and at equal 54759
intervals over the term of the debt and are not eligible to be 54760
included in any subsequent proposal to restructure or refinance. 54761

(C) Unless the district is declared to be in a state of 54762
fiscal emergency under division (D) of section 3316.04 of the 54763
Revised Code, a school district shall remain in a state of fiscal 54764
watch for the duration of the repayment period of any loan 54765
restructured or refinanced under this section. 54766

Sec. 3316.06. (A) Within one hundred twenty days after the 54767
first meeting of a school district financial planning and 54768
supervision commission, the commission shall adopt a financial 54769
recovery plan regarding the school district for which the 54770
commission was created. During the formulation of the plan, the 54771
commission shall seek appropriate input from the school district 54772
board and from the community. This plan shall contain the 54773
following: 54774

(1) Actions to be taken to: 54775

(a) Eliminate all fiscal emergency conditions declared to 54776
exist pursuant to division (B) of section 3316.03 of the Revised 54777
Code; 54778

(b) Satisfy any judgments, past-due accounts payable, and all 54779
past-due and payable payroll and fringe benefits; 54780

(c) Eliminate the deficits in all deficit funds, except that 54781
any prior year deficits in the capital and maintenance fund 54782
established pursuant to section 3315.18 of the Revised Code shall 54783
be forgiven; 54784

(d) Restore to special funds any moneys from such funds that 54785
were used for purposes not within the purposes of such funds, or 54786

borrowed from such funds by the purchase of debt obligations of 54787
the school district with the moneys of such funds, or missing from 54788
the special funds and not accounted for, if any; 54789

(e) Balance the budget, avoid future deficits in any funds, 54790
and maintain on a current basis payments of payroll, fringe 54791
benefits, and all accounts; 54792

(f) Avoid any fiscal emergency condition in the future; 54793

(g) Restore the ability of the school district to market 54794
long-term general obligation bonds under provisions of law 54795
applicable to school districts generally. 54796

(2) The management structure that will enable the school 54797
district to take the actions enumerated in division (A)(1) of this 54798
section. The plan shall specify the level of fiscal and management 54799
control that the commission will exercise within the school 54800
district during the period of fiscal emergency, and shall 54801
enumerate respectively, the powers and duties of the commission 54802
and the powers and duties of the school board during that period. 54803
The commission may elect to assume any of the powers and duties of 54804
the school board it considers necessary, including all powers 54805
related to personnel, curriculum, and legal issues in order to 54806
successfully implement the actions described in division (A)(1) of 54807
this section. 54808

(3) The target dates for the commencement, progress upon, and 54809
completion of the actions enumerated in division (A)(1) of this 54810
section and a reasonable period of time expected to be required to 54811
implement the plan. The commission shall prepare a reasonable time 54812
schedule for progress toward and achievement of the requirements 54813
for the plan, and the plan shall be consistent with that time 54814
schedule. 54815

(4) The amount and purpose of any issue of debt obligations 54816
that will be issued, together with assurances that any such debt 54817

obligations that will be issued will not exceed debt limits 54818
supported by appropriate certifications by the fiscal officer of 54819
the school district and the county auditor. Debt obligations 54820
issued pursuant to section 133.301 of the Revised Code shall 54821
include assurances that such debt shall be in an amount not to 54822
exceed the amount certified under division (B) of such section. If 54823
the commission considers it necessary in order to maintain or 54824
improve educational opportunities of pupils in the school 54825
district, the plan may include a proposal to restructure or 54826
refinance outstanding debt obligations incurred by the board under 54827
section 3313.483 of the Revised Code contingent upon the approval, 54828
during the period of the fiscal emergency, by district voters of a 54829
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 54830
5748.02, 5748.08, or 5748.09 of the Revised Code that is not a 54831
renewal or replacement levy, or a levy under section 5705.199 of 54832
the Revised Code, and that will provide new operating revenue. 54833
Notwithstanding any provision of Chapter 133. or sections 3313.483 54834
to ~~3313.4811~~ 3313.4810 of the Revised Code, following the required 54835
approval of the district voters and with the approval of the 54836
commission, the school district may issue securities to evidence 54837
the restructuring or refinancing. Those securities may extend the 54838
original period for repayment, not to exceed ten years, and may 54839
alter the frequency and amount of repayments, interest or other 54840
financing charges, and other terms of agreements under which the 54841
debt originally was contracted, at the discretion of the 54842
commission, provided that any loans received pursuant to section 54843
3313.483 of the Revised Code shall be paid from funds the district 54844
would otherwise receive under Chapter 3317. of the Revised Code, 54845
as required under division (E)(3) of section 3313.483 of the 54846
Revised Code. The securities issued for the purpose of 54847
restructuring or refinancing the debt shall be repaid in equal 54848
payments and at equal intervals over the term of the debt and are 54849
not eligible to be included in any subsequent proposal for the 54850

purpose of restructuring or refinancing debt under this section. 54851

(5) An evaluation of the feasibility of entering into shared 54852
services agreements with other political subdivisions for the 54853
joint exercise of any power, performance of any function, or 54854
rendering of any service, if so authorized by statute. 54855

(B) Any financial recovery plan may be amended subsequent to 54856
its adoption. Each financial recovery plan shall be updated 54857
annually. 54858

(C) Each school district financial planning and supervision 54859
commission shall submit the financial recovery plan it adopts or 54860
updates under this section to the state superintendent of public 54861
instruction for approval immediately following its adoption or 54862
updating. The state superintendent shall evaluate the plan and 54863
either approve or disapprove it within thirty calendar days from 54864
the date of its submission. If the plan is disapproved, the state 54865
superintendent shall recommend modifications that will render it 54866
acceptable. No financial planning and supervision commission shall 54867
implement a financial recovery plan that is adopted or updated on 54868
or after April 10, 2001, unless the state superintendent has 54869
approved it. 54870

Sec. 3317.01. As used in this section, "school district," 54871
unless otherwise specified, means any city, local, exempted 54872
village, joint vocational, or cooperative education school 54873
district and any educational service center. 54874

This chapter shall be administered by the state board of 54875
education. The superintendent of public instruction shall 54876
calculate the amounts payable to each school district and shall 54877
certify the amounts payable to each eligible district to the 54878
treasurer of the district as provided by this chapter. As soon as 54879
possible after such amounts are calculated, the superintendent 54880
shall certify to the treasurer of each school district the 54881

district's adjusted charge-off increase, as defined in section 54882
5705.211 of the Revised Code. Certification of moneys pursuant to 54883
this section shall include the amounts payable to each school 54884
building, at a frequency determined by the superintendent, for 54885
each subgroup of students, as defined in section 3317.40 of the 54886
Revised Code, receiving services, provided for by state funding, 54887
from the district or school. No moneys shall be distributed 54888
pursuant to this chapter without the approval of the controlling 54889
board. 54890

The state board of education shall, in accordance with 54891
appropriations made by the general assembly, meet the financial 54892
obligations of this chapter. 54893

Moneys distributed pursuant to this chapter shall be 54894
calculated based on the annualized average of the monthly 54895
certifications required under section 3317.03 of the Revised Code 54896
and paid on a fiscal year basis, beginning with the first day of 54897
July and extending through the thirtieth day of June. The moneys 54898
appropriated for each fiscal year shall be distributed 54899
periodically to each school district unless otherwise provided 54900
for. The state board, in June of each year, shall submit to the 54901
controlling board the state board's year-end distributions 54902
pursuant to this chapter. 54903

Except as otherwise provided, payments under this chapter 54904
shall be made only to those school districts in which: 54905

(A) The school district, except for any educational service 54906
center and any joint vocational or cooperative education school 54907
district, levies for current operating expenses at least twenty 54908
mills. Levies for joint vocational or cooperative education school 54909
districts or county school financing districts, limited to or to 54910
the extent apportioned to current expenses, shall be included in 54911
this qualification requirement. School district income tax levies 54912
under Chapter 5748. of the Revised Code, limited to or to the 54913

extent apportioned to current operating expenses, shall be 54914
included in this qualification requirement to the extent 54915
determined by the tax commissioner under division (D) of section 54916
3317.021 of the Revised Code. 54917

(B) The school year next preceding the fiscal year for which 54918
such payments are authorized meets the requirement of section 54919
3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the 54920
minimum number of ~~days or~~ hours school must be open for 54921
instruction with pupils in attendance, for individualized 54922
parent-teacher conference and reporting periods, and for 54923
professional meetings of teachers. ~~This requirement shall be~~ 54924
~~waived by the superintendent of public instruction if it had been~~ 54925
~~necessary for a school to be closed because of disease epidemic,~~ 54926
~~hazardous weather conditions, law enforcement emergencies,~~ 54927
~~inoperability of school buses or other equipment necessary to the~~ 54928
~~school's operation, damage to a school building, or other~~ 54929
~~temporary circumstances due to utility failure rendering the~~ 54930
~~school building unfit for school use, provided that for those~~ 54931
~~school districts operating pursuant to section 3313.48 of the~~ 54932
~~Revised Code the number of days the school was actually open for~~ 54933
~~instruction with pupils in attendance and for individualized~~ 54934
~~parent teacher conference and reporting periods is not less than~~ 54935
~~one hundred seventy five, or for those school districts operating~~ 54936
~~on a trimester plan the number of days the school was actually~~ 54937
~~open for instruction with pupils in attendance not less than~~ 54938
~~seventy nine days in any trimester, for those school districts~~ 54939
~~operating on a quarterly plan the number of days the school was~~ 54940
~~actually open for instruction with pupils in attendance not less~~ 54941
~~than fifty nine days in any quarter, or for those school districts~~ 54942
~~operating on a pentamester plan the number of days the school was~~ 54943
~~actually open for instruction with pupils in attendance not less~~ 54944
~~than forty four days in any pentamester.~~ 54945

A school district shall not be considered to have failed to 54946
comply with this division ~~or section 3313.481 of the Revised Code~~ 54947
because schools were open for instruction but either twelfth grade 54948
students were excused from attendance for up to the equivalent of 54949
three school days or only a portion of the kindergarten students 54950
were in attendance for up to the equivalent of three school days 54951
in order to allow for the gradual orientation to school of such 54952
students. 54953

~~The superintendent of public instruction shall waive the 54954
requirements of this section with reference to the minimum number 54955
of days or hours school must be in session with pupils in 54956
attendance for the school year succeeding the school year in which 54957
a board of education initiates a plan of operation pursuant to 54958
section 3313.481 of the Revised Code. The minimum requirements of 54959
this section shall again be applicable to such a district 54960
beginning with the school year commencing the second July 54961
succeeding the initiation of one such plan, and for each school 54962
year thereafter.~~ 54963

~~A school district shall not be considered to have failed to 54964
comply with this division or section 3313.48 or 3313.481 of the 54965
Revised Code because schools were open for instruction but the 54966
length of the regularly scheduled school day, for any number of 54967
days during the school year, was reduced by not more than two 54968
hours due to hazardous weather conditions.~~ 54969

A board of education or governing board of an educational 54970
service center which has not conformed with other law and the 54971
rules pursuant thereto, shall not participate in the distribution 54972
of funds authorized by this chapter, except for good and 54973
sufficient reason established to the satisfaction of the state 54974
board of education and the state controlling board. 54975

All funds allocated to school districts under this chapter, 54976
except those specifically allocated for other purposes, shall be 54977

used to pay current operating expenses only. 54978

~~Sec. 3317.013. Except for a preschool child with a disability 54979
for whom a scholarship has been awarded under section 3310.41 of 54980
the Revised Code, this section does not apply to preschool 54981
children with disabilities. 54982~~

~~Analysis of special education cost data has resulted in a 54983
finding that the average special education additional cost per 54984
pupil, including the costs of related services, can be expressed 54985
as a multiple of the formula amount. The multiples for the 54986
following categories of special education programs, as these 54987
programs are defined for purposes of Chapter 3323. of the Revised 54988
Code, and adjusted as provided in this section, are as follows: 54989~~

(A) A multiple of 0.2906 for students whose primary or only 54990
identified disability is a speech and language disability, as this 54991
term is defined pursuant to Chapter 3323. of the Revised Code; 54992

(B) A multiple of 0.7374 for students identified as specific 54993
learning disabled or developmentally disabled, as these terms are 54994
defined pursuant to Chapter 3323. of the Revised Code, ~~or~~ 54995
identified as having an other health impairment-minor, or 54996
identified as a preschool child who is developmentally delayed; 54997

(C) A multiple of 1.7716 for students identified as hearing 54998
disabled or severe behavior disabled, as these terms are defined 54999
pursuant to Chapter 3323. of the Revised Code; 55000

(D) A multiple of 2.3643 for students identified as vision 55001
impaired, as this term is defined pursuant to Chapter 3323. of the 55002
Revised Code, or as having an other health impairment-major; 55003

(E) A multiple of 3.2022 for students identified as 55004
orthopedically disabled or as having multiple disabilities, as 55005
these terms are defined pursuant to Chapter 3323. of the Revised 55006
Code; 55007

(F) A multiple of 4.7205 for students identified as autistic, 55008
having traumatic brain injuries, or as both visually and hearing 55009
impaired, as these terms are defined pursuant to Chapter 3323. of 55010
the Revised Code. 55011

~~In fiscal years 2008, 2009, 2010, 2011, 2012, and 2013, the~~ 55012
~~The~~ multiples specified in divisions (A) to (F) of this section 55013
shall be adjusted by multiplying them by 0.90. 55014

Sec. 3317.014. The career-technical education additional cost 55015
per pupil for each student enrolled in career-technical education 55016
programs approved by the department of education in accordance 55017
with rules adopted under section 3313.90 of the Revised Code can 55018
be expressed as a multiple of the formula amount. The multiples 55019
for the following categories of career-technical education 55020
programs are as follows: 55021

(A) A multiple of 0.76 for each student enrolled in 55022
career-technical education workforce development programs in 55023
environmental and agricultural systems, construction technologies, 55024
engineering and science technologies, finance, health science, 55025
information technology, and manufacturing technologies; 55026

(B) A multiple of 0.68 for each student enrolled in workforce 55027
development programs in business and administration, hospitality 55028
and tourism, human services, law and public safety, and 55029
transportation systems; 55030

(C) A multiple of 0.43 for students enrolled in workforce 55031
development career-based intervention programs; 55032

(D) A multiple of 0.31 for students enrolled in workforce 55033
development programs in arts and communications, education and 55034
training, marketing, workforce development academics, and career 55035
development; 55036

(E) A multiple of 0.24 for students enrolled in family and 55037

consumer science programs. 55038

Career-technical education associated services costs can be 55039
expressed as a multiple of 0.05 of the formula amount. 55040

Sec. 3317.016. The amounts for limited English proficient 55041
students shall be as follows: 55042

(A) An amount of \$1,500, in fiscal year 2014, and \$1,515, in 55043
fiscal year 2015, for each student who has been enrolled in 55044
schools in the United States for 180 school days or less and was 55045
not previously exempted from taking the spring administration of 55046
either of the state's English language arts assessments prescribed 55047
by section 3301.0710 of the Revised Code (reading or writing). 55048

(B) An amount of \$1,125, in fiscal year 2014, and \$1,136, in 55049
fiscal year 2015, for each student who has been enrolled in 55050
schools in the United States for more than 180 school days or was 55051
previously exempted from taking the spring administration of 55052
either of the state's English language arts assessments prescribed 55053
by section 3301.0710 of the Revised Code (reading or writing). 55054

(C) An amount of \$750, in fiscal year 2014, and \$758, in 55055
fiscal year 2015, for each student who does not qualify for 55056
inclusion under division (A) or (B) of this section and is in a 55057
trial-mainstream period, as defined by the department. 55058

Sec. 3317.017. The department of education shall compute a 55059
school district's state share index as follows: 55060

(A) Calculate the district's valuation index, which equals 55061
the following quotient: 55062

(The district's three-year average valuation / the district's 55063
total ADM) / (the statewide three-year average valuation for 55064
school districts with a total ADM greater than zero / the 55065
statewide total ADM) 55066

(B) Calculate the district's median income index, which equals the following quotient: 55067
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(The district's median Ohio adjusted gross income / the median of the median Ohio adjusted gross income of all districts statewide) 55069
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(C) Determine the district's wealth index as follows: 55072

(1) If the district's median income index is less than the district's valuation index, then the district's wealth index shall be equal to [(1/3 X the district's median income index) + (2/3 X the district's valuation index)]. 55073
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(2) If the district's median income index is greater than or equal to the district's valuation index, then the district's wealth index shall be equal to the district's valuation index. 55077
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(D) Determine the district's state share index as follows: 55080

(1) If the district's wealth index is less than or equal to 0.35, then the district's state share index shall be equal to 0.90. 55081
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(2) If the district's wealth index is greater than 0.35 but less than or equal to 0.90, then the district's state share index shall be equal to {0.40 X [(0.90 - the district's wealth index) / 0.55]} + 0.50. 55084
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(3) If the district's wealth index is greater than 0.90 but less than 1.8, then the district's state share index shall be equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 0.05. 55088
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(4) If the district's wealth index is greater than or equal to 1.8, then the district's state share index shall be equal to 0.05. 55092
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(E)(1) For each school district for which the tax-exempt value of the district, as certified under division (A)(4) of 55095
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section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall calculate the difference between the district's tax-exempt value and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three-year average valuation of the district plus the tax-exempt value of the district. 55097
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(2) For each school district to which division (E)(1) of this section applies, the department shall adjust the three-year average valuation used in the calculation under division (A) of this section by subtracting from it the amount calculated under division (E)(1) of this section. 55104
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(F) When performing the calculations required under this section, the department shall not round to fewer than four decimal places. 55109
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For purposes of these calculations for fiscal years 2014 and 2015, "three-year average valuation" means the average of total taxable value for fiscal years 2012, 2013, and 2014; "total ADM" means the total ADM for fiscal year 2014; "median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2011; and "tax-exempt value" means the tax-exempt value for fiscal year 2014. 55112
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Sec. 3317.02. As used in this chapter: 55119

(A)(1) "Category one career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (A) of section 3317.014 of the Revised Code and reported under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code. 55120
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(2) "Category two career-technical education ADM" means the average daily membership of students receiving career-technical 55125
55126

education services described in division (B) of section 3317.014 55127
of the Revised Code and reported under division (B)(12) or 55128
(D)(2)(i) of section 3317.03 of the Revised Code. 55129

(3) "Category three career-technical education ADM" means the 55130
average daily membership of students receiving career-technical 55131
education services described in division (C) of section 3317.014 55132
of the Revised Code and reported under division (B)(13) or 55133
(D)(2)(j) of section 3317.03 of the Revised Code. 55134

(4) "Category four career-technical education ADM" means the 55135
average daily membership of students receiving career-technical 55136
education services described in division (D) of section 3317.014 55137
of the Revised Code and reported under division (B)(14) or 55138
(D)(2)(k) of section 3317.03 of the Revised Code. 55139

(5) "Category five career-technical education ADM" means the 55140
average daily membership of students receiving career-technical 55141
education services described in division (E) of section 3317.014 55142
of the Revised Code and reported under division (B)(15) or 55143
(D)(2)(l) of section 3317.03 of the Revised Code. 55144

(B)(1) "Category one limited English proficient ADM" means 55145
the average daily membership of limited English proficient 55146
students described in division (A) of section 3317.016 of the 55147
Revised Code and reported under division (B)(16) or (D)(2)(m) of 55148
section 3317.03 of the Revised Code. 55149

(2) "Category two limited English proficient ADM" means the 55150
average daily membership of limited English proficient students 55151
described in division (B) of section 3317.016 of the Revised Code 55152
and reported under division (B)(17) or (D)(2)(n) of section 55153
3317.03 of the Revised Code. 55154

(3) "Category three limited English proficient ADM" means the 55155
average daily membership of limited English proficient students 55156
described in division (C) of section 3317.016 of the Revised Code 55157

and reported under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code. 55158
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(C)(1) "Category one special education ADM" means the average daily membership of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and reported under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 55160
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(2) "Category two special education ADM" means the average daily membership of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and reported under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code. 55165
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(3) "Category three special education ADM" means the average daily membership of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and reported under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 55171
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(4) "Category four special education ADM" means the average daily membership of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and reported under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 55176
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(5) "Category five special education ADM" means the average daily membership of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and reported under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 55181
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(6) "Category six special education ADM" means the average daily membership of students receiving special education services for the disabilities specified in division (F) of section 3317.013 55186
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of the Revised Code and reported under division (B)(10) or 55189
(D)(2)(g) of section 3317.03 of the Revised Code. 55190

(D) "County DD board" means a county board of developmental 55191
disabilities. 55192

(E) "Economically disadvantaged index for a school district" 55193
means the square of the quotient of that district's percentage of 55194
students in its total ADM who are identified as economically 55195
disadvantaged as defined by the department of education, divided 55196
by the statewide percentage of students identified as economically 55197
disadvantaged. 55198

(F)(1) "Formula ADM" means, for a city, local, or exempted 55199
village school district, the average daily membership described in 55200
division (A) of section 3317.03 of the Revised Code, as verified 55201
by the superintendent of public instruction and adjusted if so 55202
ordered under division (K) of that section, and as further 55203
adjusted by counting only twenty per cent of the number of joint 55204
vocational school district students counted under division (A)(3) 55205
of section 3317.03 of the Revised Code. 55206

(2) "Formula ADM" means, for a joint vocational school 55207
district, the final number verified by the superintendent of 55208
public instruction, based on the number reported pursuant to 55209
division (D) of section 3317.03 of the Revised Code, as adjusted, 55210
if so ordered, under division (K) of that section. 55211

(G) "Formula amount" means \$5,732, for fiscal year 2014, and 55212
\$5,789, for fiscal year 2015. 55213

(H) "FTE basis" means a count of students based on full-time 55214
equivalency, in accordance with rules adopted by the department of 55215
education pursuant to section 3317.03 of the Revised Code. In 55216
adopting its rules under this division, the department shall 55217
provide for counting any student in category one, two, three, 55218
four, five, or six special education ADM or in category one, two, 55219

three, four, or five career technical education ADM in the same 55220
proportion the student is counted in formula ADM. 55221

(I) "Internet- or computer-based community school" has the 55222
same meaning as in section 3314.02 of the Revised Code. 55223

(J) "Medically fragile child" means a child to whom all of 55224
the following apply: 55225

(1) The child requires the services of a doctor of medicine 55226
or osteopathic medicine at least once a week due to the 55227
instability of the child's medical condition. 55228

(2) The child requires the services of a registered nurse on 55229
a daily basis. 55230

(3) The child is at risk of institutionalization in a 55231
hospital, skilled nursing facility, or intermediate care facility 55232
for individuals with intellectual disabilities. 55233

(K)(1) A child may be identified as having an "other health 55234
impairment-major" if the child's condition meets the definition of 55235
"other health impaired" established in rules previously adopted by 55236
the state board of education and if either of the following apply: 55237

(a) The child is identified as having a medical condition 55238
that is among those listed by the superintendent of public 55239
instruction as conditions where a substantial majority of cases 55240
fall within the definition of "medically fragile child." 55241

(b) The child is determined by the superintendent of public 55242
instruction to be a medically fragile child. A school district 55243
superintendent may petition the superintendent of public 55244
instruction for a determination that a child is a medically 55245
fragile child. 55246

(2) A child may be identified as having an "other health 55247
impairment-minor" if the child's condition meets the definition of 55248
"other health impaired" established in rules previously adopted by 55249

the state board of education but the child's condition does not 55250
meet either of the conditions specified in division (K)(1)(a) or 55251
(b) of this section. 55252

(L) "Preschool child with a disability" means a child with a 55253
disability, as defined in section 3323.01 of the Revised Code, who 55254
is at least age three but is not of compulsory school age, as 55255
defined in section 3321.01 of the Revised Code, and who is not 55256
currently enrolled in kindergarten. 55257

(M) "Preschool scholarship ADM" means the number of preschool 55258
children with disabilities reported under division (B)(3)(h) of 55259
section 3317.03 of the Revised Code. 55260

(N) "Related services" includes: 55261

(1) Child study, special education supervisors and 55262
coordinators, speech and hearing services, adaptive physical 55263
development services, occupational or physical therapy, teacher 55264
assistants for children with disabilities whose disabilities are 55265
described in division (B) of section 3317.013 or division (B)(3) 55266
of this section, behavioral intervention, interpreter services, 55267
work study, nursing services, and specialized integrative services 55268
as those terms are defined by the department; 55269

(2) Speech and language services provided to any student with 55270
a disability, including any student whose primary or only 55271
disability is a speech and language disability; 55272

(3) Any related service not specifically covered by other 55273
state funds but specified in federal law, including but not 55274
limited to, audiology and school psychological services; 55275

(4) Any service included in units funded under former 55276
division (O)(1) of section 3317.024 of the Revised Code; 55277

(5) Any other related service needed by children with 55278
disabilities in accordance with their individualized education 55279

<u>programs.</u>	55280
<u>(O) "School district," unless otherwise specified, means city, local, and exempted village school districts.</u>	55281
<u>(P) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.</u>	55282
<u>(Q) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.</u>	55283
<u>(R) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.</u>	55284
<u>(S) "Total ADM" means, for a city, local, or exempted village school district, the average daily membership described in division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.</u>	55285
<u>(T) "Total career-technical education weight" for a district means the sum of the following:</u>	55286
<u>(1) The district's category one career-technical education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;</u>	55287
<u>(2) The district's category two career-technical education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code;</u>	55288
<u>(3) The district's category three career-technical education ADM multiplied by the multiple specified in division (C) of section 3317.014 of the Revised Code;</u>	55289
<u>(4) The district's category four career-technical education ADM multiplied by the multiple specified in division (D) of</u>	55290

<u>section 3317.014 of the Revised Code;</u>	55310
<u>(5) The district's category five career-technical education ADM multiplied by the multiple specified in division (E) of section 3317.014 of the Revised Code.</u>	55311
	55312
	55313
<u>(U) "Total special education ADM" means the sum of categories one through six special education ADM.</u>	55314
	55315
<u>(V) "Total special education weight" for a district means the sum of the following:</u>	55316
	55317
<u>(1) The district's category one special education ADM multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code;</u>	55318
	55319
	55320
<u>(2) The district's category two special education ADM multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code;</u>	55321
	55322
	55323
<u>(3) The district's category three special education ADM multiplied by the multiple specified in division (C) of section 3317.013 of the Revised Code;</u>	55324
	55325
	55326
<u>(4) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code;</u>	55327
	55328
	55329
<u>(5) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code;</u>	55330
	55331
	55332
<u>(6) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 3317.013 of the Revised Code.</u>	55333
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	55335
<u>(W) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.</u>	55336
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Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (7) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.

(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the

district owned by the United States government and used 55370
exclusively for a public purpose; 55371

(b) The value of real and public utility real property in the 55372
district exempted from taxation under Chapter 725. or 1728. or 55373
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 55374
5709.73, or 5709.78 of the Revised Code. 55375

(5) The total federal adjusted gross income of the residents 55376
of the school district, based on tax returns filed by the 55377
residents of the district, for the most recent year for which this 55378
information is available. 55379

~~(6) The sum of the school district compensation value as 55380
indicated on the list of exempted property for the preceding tax 55381
year under section 5713.08 of the Revised Code as if such property 55382
had been assessed for taxation that year and the other 55383
compensation value for the school district, minus the amounts 55384
described in divisions (A)(6)(c) to (i) of this section. The 55385
portion of school district compensation value or other 55386
compensation value attributable to an incentive district exemption 55387
may be subtracted only once even if that incentive district 55388
satisfies more than one of the criteria in divisions (A)(6)(c) to 55389
(i) of this section. 55390~~

~~(a) "School district compensation value" means the aggregate 55391
value of real property in the school district exempted from 55392
taxation pursuant to an ordinance or resolution adopted under 55393
division (C) of section 5709.40, division (C) of section 5709.73, 55394
or division (B) of section 5709.78 of the Revised Code to the 55395
extent that the exempted value results in the charging of payments 55396
in lieu of taxes required to be paid to the school district under 55397
division (D)(1) or (2) of section 5709.40, division (D) of section 55398
5709.73, or division (C) of section 5709.78 of the Revised Code. 55399~~

~~(b) "Other compensation value" means the quotient that 55400~~

~~results from dividing (i) the dollar value of compensation 55401
received by the school district during the preceding tax year 55402
pursuant to division (B), (C), or (D) of section 5709.82 of the 55403
Revised Code and the amounts received pursuant to an agreement as 55404
specified in division (D)(2) of section 5709.40, division (D) of 55405
section 5709.73, or division (C) of section 5709.78 of the Revised 55406
Code to the extent those amounts were not previously reported or 55407
included in division (A)(6)(a) of this section, and so that any 55408
such amount is reported only once under division (A)(6)(b) of this 55409
section, in relation to exemptions from taxation granted pursuant 55410
to an ordinance or resolution adopted under division (C) of 55411
section 5709.40, division (C) of section 5709.73, or division (B) 55412
of section 5709.78 of the Revised Code, by (ii) the real property 55413
tax rate in effect for the preceding tax year for 55414
nonresidential/agricultural real property after making the 55415
reductions required by section 319.301 of the Revised Code. 55416~~

~~(c) The portion of school district compensation value or 55417
other compensation value that was exempted from taxation pursuant 55418
to such an ordinance or resolution for the preceding tax year, if 55419
the ordinance or resolution is adopted prior to January 1, 2006, 55420
and the legislative authority or board of township trustees or 55421
county commissioners, prior to January 1, 2006, executes a 55422
contract or agreement with a developer, whether for profit or 55423
not for profit, with respect to the development of a project 55424
undertaken or to be undertaken and identified in the ordinance or 55425
resolution, and upon which parcels such project is being, or will 55426
be, undertaken; 55427~~

~~(d) The portion of school district compensation value that 55428
was exempted from taxation for the preceding tax year and for 55429
which payments in lieu of taxes for the preceding tax year were 55430
provided to the school district under division (D)(1) of section 55431
5709.40 of the Revised Code. 55432~~

~~(e) The portion of school district compensation value that 55433
was exempted from taxation for the preceding tax year pursuant to 55434
such an ordinance or resolution, if and to the extent that, on or 55435
before April 1, 2006, the fiscal officer of the municipal 55436
corporation that adopted the ordinance, or of the township or 55437
county that adopted the resolution, certifies and provides 55438
appropriate supporting documentation to the tax commissioner and 55439
the director of development that, based on hold harmless 55440
provisions in any agreement between the school district and the 55441
legislative authority of the municipal corporation, board of 55442
township trustees, or board of county commissioners that was 55443
entered into on or before June 1, 2005, the ability or obligation 55444
of the municipal corporation, township, or county to repay bonds, 55445
notes, or other financial obligations issued or entered into prior 55446
to January 1, 2006, will be impaired, including obligations to or 55447
of any other body corporate and politic with whom the legislative 55448
authority of the municipal corporation or board of township 55449
trustees or county commissioners has entered into an agreement 55450
pertaining to the use of service payments derived from the 55451
improvements exempted; 55452~~

~~(f) The portion of school district compensation value that 55453
was exempted from taxation for the preceding tax year pursuant to 55454
such an ordinance or resolution, if the ordinance or resolution is 55455
adopted prior to January 1, 2006, in a municipal corporation with 55456
a population that exceeds one hundred thousand, as shown by the 55457
most recent federal decennial census, that includes a major 55458
employment center and that is adjacent to historically distressed 55459
neighborhoods, if the legislative authority of the municipal 55460
corporation that exempted the property prepares an economic 55461
analysis that demonstrates that all taxes generated within the 55462
incentive district accruing to the state by reason of improvements 55463
constructed within the district during its existence exceed the 55464
amount the state pays the school district under section 3317.022 55465~~

~~of the Revised Code attributable to such property exemption from 55466
the school district's recognized valuation. The analysis shall be 55467
submitted to and approved by the department of development prior 55468
to January 1, 2006, and the department shall not unreasonably 55469
withhold approval. 55470~~

~~(g) The portion of school district compensation value that 55471
was exempted from taxation for the preceding tax year under such 55472
an ordinance or resolution, if the ordinance or resolution is 55473
adopted prior to January 1, 2006, and if service payments have 55474
been pledged to be used for mixed use riverfront entertainment 55475
development in any county with a population that exceeds six 55476
hundred thousand, as shown by the most recent federal decennial 55477
census; 55478~~

~~(h) The portion of school district compensation value that 55479
was exempted from taxation for the preceding tax year under such 55480
an ordinance or resolution, if, prior to January 1, 2006, the 55481
legislative authority of a municipal corporation, board of 55482
township trustees, or board of county commissioners has pledged 55483
service payments for a designated transportation capacity project 55484
approved by the transportation review advisory council under 55485
Chapter 5512. of the Revised Code; 55486~~

~~(i) The portion of school district compensation value that 55487
was exempted from taxation for the preceding tax year under such 55488
an ordinance or resolution if the legislative authority of a 55489
municipal corporation, board of township trustees, or board of 55490
county commissioners have, by January 1, 2006, pledged proceeds 55491
for designated transportation improvement projects that involve 55492
federal funds for which the proceeds are used to meet a local 55493
share match requirement for such funding. 55494~~

~~As used in division (A)(6) of this section, "project" has the 55495
same meaning as in section 5709.40 of the Revised Code. 55496~~

~~(7) The aggregate value of real property in the school district for which an exemption from taxation is granted by an ordinance or resolution adopted on or after January 1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code, as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code and as if such property had been assessed for taxation that year, minus the product determined by multiplying (a) the aggregate value of the real property in the school district exempted from taxation for the preceding tax year under any of the chapters or sections specified in this division, by (b) a fraction, the numerator of which is the difference between (i) the amount of anticipated revenue such school district would have received for the preceding tax year if the real property exempted from taxation had not been exempted from taxation and (ii) the aggregate amount of payments in lieu of taxes on the exempt real property for the preceding tax year and other compensation received for the preceding tax year by the school district pursuant to any agreements entered into on or after January 1, 2006, under section 5709.82 of the Revised Code between the school district and the legislative authority of a political subdivision that acted under the authority of a chapter or statute specified in this division, that were entered into in relation to such exemption, and the denominator of which is the amount of anticipated revenue such school district would have received in the preceding fiscal year if the real property exempted from taxation had not been exempted.~~

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If a public utility has properly and timely filed a petition for reassessment under section 5727.47 of the Revised Code with respect to an assessment issued under section 5727.23 of the Revised Code affecting taxable property apportioned by the tax commissioner to a school district, the taxable value of public utility tangible personal property included in the certification under divisions (A)(2) and (B) of this section for the school district shall include only the amount of taxable value on the basis of which the public utility paid tax for the preceding year as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code.

(D) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (D)(3) of this section to the department and the office of budget and management. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of division (A) of section 3317.01 of the Revised Code.

The tax commissioner shall make the determination required by this division as follows:

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the 55562
current tax year under taxes levied by Chapter 5748. of the 55563
Revised Code that are apportioned to current operating expenses of 55564
the district, excluding any income tax receipts allocated for the 55565
project cost, debt service, or maintenance set-aside associated 55566
with a state-assisted classroom facilities project as authorized 55567
by section 3318.052 of the Revised Code; 55568

(3) Divide the amount estimated under division (D)(2) of this 55569
section by the product obtained under division (D)(1) of this 55570
section. 55571

~~(E)(1) On or before June 1, 2006, and the first day of April 55572
of each year thereafter, the director of development shall report 55573
to the department of education, the tax commissioner, and the 55574
director of budget and management the total amounts of payments 55575
received by each city, local, exempted village, or joint 55576
vocational school district for the preceding tax year pursuant to 55577
division (D) of section 5709.40, division (D) of section 5709.73, 55578
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 55579
or (D) of section 5709.82 of the Revised Code in relation to 55580
exemptions from taxation granted pursuant to an ordinance adopted 55581
by the legislative authority of a municipal corporation under 55582
division (C) of section 5709.40 of the Revised Code, or a 55583
resolution adopted by a board of township trustees or board of 55584
county commissioners under division (C) of section 5709.73 or 55585
division (B) of section 5709.78 of the Revised Code, respectively. 55586
On or before April 1, 2006, and the first day of March of each 55587
year thereafter, the treasurer of each city, local, exempted 55588
village, or joint vocational school district that has entered into 55589
such an agreement shall report to the director of development the 55590
total amounts of such payments the district received for the 55591
preceding tax year as provided in this section. The state board of 55592
education, in accordance with sections 3319.31 and 3319.311 of the 55593~~

~~Revised Code, may suspend or revoke the license of a treasurer
found to have willfully reported erroneous, inaccurate, or
incomplete data under this division.~~ 55594
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~~(2) On or before April 1, 2007, and the first day of April of
each year thereafter, the director of development shall report to
the department of education, the tax commissioner, and the
director of budget and management the total amounts of payments
received by each city, local, exempted village, or joint
vocational school district for the preceding tax year pursuant to
divisions (B), (C), and (D) of section 5709.82 of the Revised Code
in relation to exemptions from taxation granted pursuant to
ordinances or resolutions adopted on or after January 1, 2006,
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the
Revised Code. On or before March 1, 2007, and the first day of
March of each year thereafter, the treasurer of each city, local,
exempted village, or joint vocational school district that has
entered into such an agreement shall report to the director of
development the total amounts of such payments the district
received for the preceding tax year as provided by this section.
The state board of education, in accordance with sections 3319.31
and 3319.311 of the Revised Code, may suspend or revoke the
license of a treasurer found to have willfully reported erroneous,
inaccurate, or incomplete data under this division.~~ 55597
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Sec. 3317.022. (A) The department of education shall compute
and distribute state core foundation funding to each eligible
school district for the fiscal year, using the information
obtained under section 3317.021 of the Revised Code in the
calendar year in which the fiscal year begins, as prescribed in
the following divisions: 55618
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(1) An opportunity grant calculated according to the 55624

<u>following formula:</u>	55625
<u>The formula amount X formula ADM X the district's state share</u>	55626
<u>index</u>	55627
<u>(2) Targeted assistance funds calculated under divisions (A)</u>	55628
<u>and (B) of section 3317.0217 of the Revised Code;</u>	55629
<u>(3) Additional state aid for special education and related</u>	55630
<u>services provided under Chapter 3323. of the Revised Code</u>	55631
<u>calculated according to the following formula:</u>	55632
<u>The formula amount X the district's total special education</u>	55633
<u>weight X the district's state share index</u>	55634
<u>(4) Kindergarten through third grade literacy funds</u>	55635
<u>calculated according to the following formula:</u>	55636
<u>(\$300, in fiscal year 2014, or \$303, in fiscal year 2015) X</u>	55637
<u>formula ADM for grades kindergarten through three X the district's</u>	55638
<u>state share index</u>	55639
<u>(5) Economically disadvantaged funds calculated according to</u>	55640
<u>the following formula:</u>	55641
<u>(\$340, in fiscal year 2014, or \$343, in fiscal year 2015) X</u>	55642
<u>(the district's economically disadvantaged index) X the number of</u>	55643
<u>students who are economically disadvantaged as reported under</u>	55644
<u>division (B)(21) of section 3317.03 of the Revised Code</u>	55645
<u>(6) Limited English proficiency funds calculated as the sum</u>	55646
<u>of the following:</u>	55647
<u>(a) The district's category one limited English proficient</u>	55648
<u>ADM X the amount specified in division (A) of section 3317.016 of</u>	55649
<u>the Revised Code X the district's state share index;</u>	55650
<u>(b) The district's category two limited English proficient</u>	55651
<u>ADM X the amount specified in division (B) of section 3317.016 of</u>	55652
<u>the Revised Code X the district's state share index;</u>	55653
<u>(c) The district's category three limited English proficient</u>	55654

ADM X the amount specified in division (C) of section 3317.016 of 55655
the Revised Code X the district's state share index. 55656

(7)(a) Gifted identification funds calculated according to 55657
the following formula: 55658

(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015) X the 55659
district's formula ADM 55660

(b) Gifted unit funding calculated under section 3317.051 of 55661
the Revised Code. 55662

(8) Career-technical education funds calculated according to 55663
the following formula: 55664

The formula amount X the district's total career-technical 55665
education weight X the district's state share index 55666

Payment of funds under division (A)(8) of this section is 55667
subject to approval under section 3317.161 of the Revised Code. 55668

(9) Career-technical education associated services funds 55669
calculated according to the following formula: 55670

The district's state share index X 0.05 X the formula 55671
amount X the sum of categories one through five career-technical 55672
education ADM 55673

(B) In any fiscal year, a school district shall spend for 55674
purposes that the department designates as approved for special 55675
education and related services expenses at least the amount 55676
calculated as follows: 55677

(The formula amount X the total special education ADM) + 55678
(the formula amount X the district's total special education 55679
weight) 55680

The purposes approved by the department for special education 55681
expenses shall include, but shall not be limited to, 55682
identification of children with disabilities, compliance with 55683
state rules governing the education of children with disabilities 55684
and prescribing the continuum of program options for children with 55685

disabilities, provision of speech language pathology services, and 55686
the portion of the school district's overall administrative and 55687
overhead costs that are attributable to the district's special 55688
education student population. 55689

The scholarships deducted from the school district's account 55690
under sections 3310.41 and 3310.55 of the Revised Code shall be 55691
considered to be an approved special education and related 55692
services expense for the purpose of the school district's 55693
compliance with this division. 55694

(C) In any fiscal year, a school district receiving funds 55695
under division (A)(8) of this section shall spend those funds only 55696
for the purposes that the department designates as approved for 55697
career-technical education expenses. Career-technical educational 55698
expenses approved by the department shall include only expenses 55699
connected to the delivery of career-technical programming to 55700
career-technical students. The department shall require the school 55701
district to report data annually so that the department may 55702
monitor the district's compliance with the requirements regarding 55703
the manner in which funding received under division (A)(8) of this 55704
section may be spent. 55705

(D) In any fiscal year, a school district receiving funds 55706
under division (A)(9) of this section, or through a transfer of 55707
funds pursuant to division (I) of section 3317.023 of the Revised 55708
Code, shall spend those funds only for the purposes that the 55709
department designates as approved for career-technical education 55710
associated services expenses, which may include such purposes as 55711
apprenticeship coordinators, coordinators for other 55712
career-technical education services, career-technical evaluation, 55713
and other purposes designated by the department. The department 55714
may deny payment under division (A)(9) of this section to any 55715
district that the department determines is not operating those 55716
services or is using funds paid under division (A)(9) of this 55717

section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes. 55718
55719

(E) All funds received under division (A)(8) of this section shall be spent in the following manner: 55720
55721

(1) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs. 55722
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(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures. 55732
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Sec. 3317.023. (A) The amounts required to be paid to a district under this chapter shall be adjusted by the amount of the computations made under divisions (B) to (K) of this section. 55734
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As used in this section: 55737

(1) "~~VEPD~~ CTPD" means a school district or group of school districts designated by the department of education as being responsible for the planning for and provision of ~~vocational~~ career-technical education services to students within the district or group. A community school established under Chapter 3314. of the Revised Code or a STEM school established under Chapter 3326. of the Revised Code may be assigned to a career-technical planning district. 55738
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(2) "Lead district" means a school district, including a joint vocational school district, designated by the department as 55746
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a ~~VEPD CTPD~~, or designated to provide primary ~~vocational~~
career-technical education leadership within a ~~VEPD CTPD~~ composed
of a group of districts and, if assigned to the CTPD, community
schools and STEM schools.

(B) If a local ~~school district, or a~~ city, or exempted
village school district to which a governing board of an
educational service center provides services pursuant to an
agreement entered into under section 3313.843 of the Revised Code,
deduct the amount of the payment required for the reimbursement of
the governing board under that section ~~3317.11 of the Revised~~
Code.

(C)(1) If the district is required to pay to or entitled to
receive tuition from another school district under division (C)(2)
or (3) of section 3313.64 or section 3313.65 of the Revised Code,
or if the superintendent of public instruction is required to
determine the correct amount of tuition and make a deduction or
credit under section 3317.08 of the Revised Code, deduct and
credit such amounts as provided in division (J) of section 3313.64
or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for
tuition or payment under division (A)(1) of section 3317.082 or
section 3323.091 of the Revised Code, deduct the amount of tuition
or payment for which the district is responsible.

(D) If the district has been certified by the superintendent
of public instruction under section 3313.90 of the Revised Code as
not in compliance with the requirements of that section, deduct an
amount equal to ten per cent of the amount computed for the
district under this chapter.

(E) If the district has received a loan from a commercial
lending institution for which payments are made by the
superintendent of public instruction pursuant to division (E)(3)

of section 3313.483 of the Revised Code, deduct an amount equal to 55779
such payments. 55780

(F)(1) If the district is a party to an agreement entered 55781
into under division (D), (E), or (F) of section 3311.06 or 55782
division (B) of section 3311.24 of the Revised Code and is 55783
obligated to make payments to another district under such an 55784
agreement, deduct an amount equal to such payments if the district 55785
school board notifies the department in writing that it wishes to 55786
have such payments deducted. 55787

(2) If the district is entitled to receive payments from 55788
another district that has notified the department to deduct such 55789
payments under division (F)(1) of this section, add the amount of 55790
such payments. 55791

(G) If the district is required to pay an amount of funds to 55792
a cooperative education district pursuant to a provision described 55793
by division (B)(4) of section 3311.52 or division (B)(8) of 55794
section 3311.521 of the Revised Code, deduct such amounts as 55795
provided under that provision and credit those amounts to the 55796
cooperative education district for payment to the district under 55797
division (B)(1) of section 3317.19 of the Revised Code. 55798

(H)(1) If a district is educating a student entitled to 55799
attend school in another district pursuant to a shared education 55800
contract, compact, or cooperative education agreement other than 55801
an agreement entered into pursuant to section 3313.842 of the 55802
Revised Code, credit to that educating district on an FTE basis 55803
both of the following: 55804

(a) An amount equal to the formula amount. 55805

(b) An amount equal to ~~\$5,732~~ the formula amount times the 55806
state share ~~percentage~~ index times any multiple applicable to the 55807
student ~~for fiscal year 2009~~ pursuant to section 3317.013 ~~or~~ 55808
~~3317.014~~ of the Revised Code, ~~as those sections existed for that~~ 55809

~~fiscal year.~~ 55810

(2) Deduct any amount credited pursuant to division (H)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 55811
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(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center pursuant to section 3317.11 of the Revised Code. 55815
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(I)(1) If a district, including a joint vocational school district, is a lead district of a ~~VEPD~~ CTPD, credit to that district the following ~~amounts~~ amount calculated for ~~all the~~ each school ~~districts~~ district within that ~~VEPD~~ CTPD: 55820
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~~(a) In any fiscal year except fiscal year 2012 or 2013, the amount computed under division (D)(2) of section 3317.022 of the Revised Code;~~ 55824
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~~(b) In fiscal years 2012 and 2013, an amount equal to the following:~~ 55827
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state share percentage index X .05 X ~~\$5,732~~ the formula amount X
the sum of categories one 55829
55830

~~and two vocational~~ through five career-technical education ADM 55831

(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (I)(1) of this section. 55832
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(J) If the department pays a joint vocational school district under division ~~(G)(4)(C)(3)~~ of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a student with a disability, as calculated under division ~~(G)(2)(C)(1)~~ of that section, the department shall deduct the amount of that payment from the city, local, or exempted 55835
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village school district that is responsible as specified in that section for the excess costs. 55841
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(K)(1) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall pay that amount to the district. 55843
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(2) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall deduct that amount from the district of residence of that child. 55847
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Sec. 3317.0212. ~~The department of education shall make no payments under this section for fiscal year 2012 or 2013.~~ 55851
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(A) As used in this section: 55853

(1) ~~"Assigned bus" means a school bus used to transport qualifying riders.~~ 55854
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(2) ~~"Nontraditional ridership" means the average number of qualifying riders who are enrolled in a community school established under Chapter 3314. of the Revised Code, in a STEM school established under Chapter 3326. of the Revised Code, or in a nonpublic school and are provided school bus service by a school district during the first full week of October.~~ 55856
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(3) "Qualifying riders" means resident students enrolled in regular education in grades kindergarten to twelve who are provided school bus service by a school district and who live more than one mile from the school they attend, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school. 55862
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(4)(2) "Qualifying ridership" means the average number of qualifying riders who are provided school bus service by a school 55869
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district during the first full week of October. 55871

~~(5)~~(3) "Rider density" means the number of qualifying riders 55872
per square mile of a school district. 55873

~~(6)~~(4) "School bus service" means a school district's 55874
transportation of qualifying riders in any of the following types 55875
of vehicles: 55876

(a) School buses owned or leased by the district; 55877

(b) School buses operated by a private contractor hired by 55878
the district; 55879

(c) School buses operated by another school district or 55880
entity with which the district has contracted, either as part of a 55881
consortium for the provision of transportation or otherwise. 55882

(B) Not later than the fifteenth day of October each year, 55883
each city, local, and exempted village school district shall 55884
report to the department of education its qualifying ridership, 55885
~~nontraditional ridership, number of qualifying riders per assigned~~ 55886
~~bus,~~ and any other information requested by the department. 55887
Subsequent adjustments to the reported numbers shall be made only 55888
in accordance with rules adopted by the department. 55889

(C) The department shall calculate the statewide 55890
transportation cost per student as follows: 55891

(1) Determine each city, local, and exempted village school 55892
district's transportation cost per student by dividing the 55893
district's total costs for school bus service in the previous 55894
fiscal year by its qualifying ridership in the previous fiscal 55895
year. 55896

(2) After excluding districts that do not provide school bus 55897
service and the ten districts with the highest transportation 55898
costs per student and the ten districts with the lowest 55899
transportation costs per student, divide the aggregate cost for 55900

school bus service for the remaining districts in the previous 55901
fiscal year by the aggregate qualifying ridership of those 55902
districts in the previous fiscal year. 55903

(D) The department shall calculate the statewide 55904
transportation cost per mile as follows: 55905

(1) Determine each city, local, and exempted village school 55906
district's transportation cost per mile by dividing the district's 55907
total costs for school bus service in the previous fiscal year by 55908
its total number of miles driven for school bus service in the 55909
previous fiscal year. 55910

(2) After excluding districts that do not provide school bus 55911
service and the ten districts with the highest transportation 55912
costs per mile and the ten districts with the lowest 55913
transportation costs per mile, divide the aggregate cost for 55914
school bus service for the remaining districts in the previous 55915
fiscal year by the aggregate miles driven for school bus service 55916
in those districts in the previous fiscal year. 55917

(E) The department shall calculate each city, local, and 55918
exempted village school district's transportation ~~base~~ payment as 55919
follows: 55920

(1) Multiply the statewide transportation cost per student by 55921
the district's qualifying ridership for the current fiscal year. 55922

(2) Multiply the statewide transportation cost per mile by 55923
the district's total number of miles driven for school bus service 55924
in the current fiscal year. 55925

(3) Multiply the greater of the amounts calculated under 55926
divisions (E)(1) and (2) of this section by the greater of sixty 55927
per cent or the district's state share ~~percentage~~ index, as 55928
defined in section 3317.02 of the Revised Code. 55929

~~(F) The department shall calculate each city, local, and~~ 55930

~~exempted village school district's nontraditional ridership 55931
adjustment according to the following formula: 55932
 ~~(nontraditional ridership for the current fiscal year / 55933
 qualifying ridership for the current fiscal year) X 0.1 X 55934
 transportation base payment 55935~~~~

~~(G) If a city, local, or exempted village school district 55936
offers school bus service to all resident students who are 55937
enrolled in regular education in district schools in grades nine 55938
to twelve and who live more than one mile from the school they 55939
attend, the department shall calculate the district's high school 55940
ridership adjustment according to the following formula: 55941
 ~~0.025 X transportation base payment 55942~~~~

~~(H) If a city, local, or exempted village school district 55943
offers school bus service to students enrolled in grades 55944
kindergarten to eight who live more than one mile, but two miles 55945
or less, from the school they attend, the department shall 55946
calculate an additional adjustment according to the following 55947
formula: 55948
 ~~0.025 X transportation base payment 55949~~~~

~~(I)(1) The department annually shall establish a target 55950
number of qualifying riders per assigned bus for each city, local, 55951
and exempted village school district. The department shall use the 55952
most recently available data in establishing the target number. 55953
The target number shall be based on the statewide median number of 55954
qualifying riders per assigned bus as adjusted to reflect the 55955
district's rider density in comparison to the rider density of all 55956
other districts. The department shall post on the department's web 55957
site each district's target number of qualifying riders per 55958
assigned bus and a description of how the target number was 55959
determined. 55960~~

~~(2) The department shall determine each school district's 55961
efficiency index by dividing the district's median number of 55962~~

~~qualifying riders per assigned bus by its target number of~~ 55963
~~qualifying riders per assigned bus.~~ 55964

~~(3) The department shall determine each city, local, and~~ 55965
~~exempted village school district's efficiency adjustment as~~ 55966
~~follows:~~ 55967

~~(a) If the district's efficiency index is equal to or greater~~ 55968
~~than 1.5, the efficiency adjustment shall be calculated according~~ 55969
~~to the following formula:~~ 55970

~~0.1 X transportation base payment~~ 55971

~~(b) If the district's efficiency index is less than 1.5 but~~ 55972
~~equal to or greater than 1.0, the efficiency adjustment shall be~~ 55973
~~calculated according to the following formula:~~ 55974

~~{(efficiency index - 1) / 5} X transportation base payment~~ 55975

~~(c) If the district's efficiency index is less than 1.0, the~~ 55976
~~efficiency adjustment shall be zero.~~ 55977

~~(J) The department shall pay each city, local, and exempted~~ 55978
~~village school district the lesser of the following:~~ 55979

~~(1) The sum of the amounts calculated under divisions (E) to~~ 55980
~~(H) and (I)(3) of this section;~~ 55981

~~(2) The district's total costs for school bus service for the~~ 55982
~~prior fiscal year.~~ 55983

~~(K) In addition to funds paid under division (J)(E) of this~~ 55984
~~section, each city, local, and exempted village district shall~~ 55985
~~receive in accordance with rules adopted by the state board of~~ 55986
~~education a payment for students transported by means other than~~ 55987
~~school bus service and whose transportation is not funded under~~ 55988
~~division (C) of section 3317.024 of the Revised Code. The rules~~ 55989
~~shall include provisions for school district reporting of such~~ 55990
~~students.~~ 55991

(G)(1) In fiscal years 2014 and 2015, the department shall 55992

pay each district a pro rata portion of the amounts calculated 55993
under division (E) of this section and described in division (F) 55994
of this section, based on state appropriations. 55995

(2) In addition to the prorated payment under division (G)(1) 55996
of this section, in fiscal years 2014 and 2015, the department 55997
shall pay each school district that meets the conditions 55998
prescribed in division (G)(3) of this section an additional amount 55999
equal to the difference of (a) the amounts calculated under 56000
division (E) of this section and prescribed in division (F) of 56001
this section minus (b) that prorated payment. 56002

(3) Division (G)(2) of this section applies to each school 56003
district that meets all of the following conditions: 56004

(a) The district qualifies for the calculation of a payment 56005
under division (E) of this section because it transports students 56006
on board-owned or contractor-owned school buses. 56007

(b) The district's state share index is greater than or equal 56008
to 0.50. 56009

(c) The district's rider density is at or below the median 56010
rider density of all districts that qualify for calculation of a 56011
payment under division (E) of this section. 56012

(H) Each city, local, and exempted village school district 56013
shall report all data used to calculate funding for transportation 56014
under this section through the education management information 56015
system pursuant to section 3301.0714 of the Revised Code. 56016

Sec. 3317.0213. (A) The department of education shall compute 56017
and pay in accordance with this section additional state aid for 56018
preschool special education children to each city, local, and 56019
exempted village school district and to each institution, as 56020
defined in section 3323.091 of the Revised Code. Funding shall be 56021
provided for children who are not enrolled in kindergarten and who 56022

are under age six on the thirtieth day of September of the 56023
academic year, or on the first day of August of the academic year 56024
if the school district in which the child is enrolled has adopted 56025
a resolution under division (A)(3) of section 3321.01 of the 56026
Revised Code, but not less than age three on the first day of 56027
December of the academic year. 56028

The additional state aid shall be calculated under the 56029
following formula: 56030

(\$4,000 X the number of preschool special education children) 56031
+ the sum of the following: 56032

(1) The district's or institution's category one special 56033
education preschool students X the multiple specified in division 56034
(A) of section 3317.013 of the Revised Code X the formula amount X 56035
the district's state share index X 0.50; 56036

(2) The district's or institution's category two special 56037
education preschool students X the multiple specified in division 56038
(B) of section 3317.013 of the Revised Code X the formula amount X 56039
the district's state share index X 0.50; 56040

(3) The district's or institution's category three special 56041
education preschool students X the multiple specified in division 56042
(C) of section 3317.013 of the Revised Code X the formula amount X 56043
the district's state share index X 0.50; 56044

(4) The district's or institution's category four special 56045
education preschool students X the multiple specified in division 56046
(D) of section 3317.013 of the Revised Code X the formula amount X 56047
the district's state share index X 0.50; 56048

(5) The district's or institution's category five special 56049
education preschool students X the multiple specified in division 56050
(E) of section 3317.013 of the Revised Code X the formula amount X 56051
the district's state share index X 0.50; 56052

(6) The district's or institution's category six special education preschool students X the multiple specified in division (F) of section 3317.013 of the Revised Code X the formula amount X the district's state share index X 0.50. 56053
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The special education disability categories for preschool children used in this section are the same categories prescribed in section 3317.013 of the Revised Code. 56057
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As used in division (A) of this section, the state share index of a student enrolled in an institution is the state share index of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 56060
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(B) If an educational service center is providing services to preschool special education students under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, that district may authorize the department to transfer funds computed under this section to the service center providing those services. 56065
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(C) If a county DD board is providing services to preschool special education students under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, the department shall deduct from the district's payment computed under division (A) of this section the total amount of those funds that are attributable to the students served by the county DD board and pay that amount to that board. 56071
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Sec. 3317.0214. (A) The department shall compute and pay in accordance with this section additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, 56078
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the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(1) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(2) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share index.

(B) For purposes of division (A) of this section, the threshold catastrophic cost for serving a student equals:

(1) For a student in the school district's category two, three, four, or five special education ADM, twenty-seven thousand three hundred seventy-five dollars;

(2) For a student in the district's category six special education ADM, thirty-two thousand eight hundred fifty dollars.

(C) The district shall report under division (A) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

Sec. 3317.0217. Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code.

(A) The department of education shall annually compute

targeted assistance funds to school districts, as follows: 56113

(1) Calculate the local wealth per pupil of each school district, which equals the following sum: 56114

(a) One-half times the quotient of (i) the district's three-year average valuation divided by (ii) its formula ADM; plus 56116

(b) One-half times the quotient of (i) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (ii) its formula ADM. 56118

(2) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil. 56122

(3) Compute the statewide wealth per pupil, which equals the following sum: 56125

(a) One-half times the quotient of (i) the sum of the three-year average valuations for all school districts divided by (ii) the sum of formula ADM counts for all schools districts; plus 56127

(b) One-half times the quotient of (i) the sum of the three-year average total federal adjusted gross incomes for all school districts divided by (ii) the sum of formula ADM counts for all school districts. 56130

(4) Compute each district's wealth index by dividing the statewide wealth per pupil by the district's local wealth per pupil. 56134

(5) Compute the per pupil targeted assistance for each eligible school district in accordance with the following formula: 56137

(Threshold local wealth per pupil - the district's local wealth per pupil) 56139

X target millage X the district's wealth index 56141

Where: 56142

(a) An "eligible school district" means a school district with a local wealth per pupil less than that of the school district with the 490th lowest local wealth per pupil. 56143
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(b) "Threshold local wealth per pupil" means the local wealth per pupil of the school district with the 490th lowest local wealth per pupil. 56146
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(c) "Target millage" means 0.006. 56149

If the result of the calculation for a school district under division (A)(5) of this section is less than zero, the district's targeted assistance shall be zero. 56150
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(6) Calculate the aggregate amount to be paid as targeted assistance funds to each school district under division (A) of section 3317.022 of the Revised Code by multiplying the per pupil targeted assistance computed under division (A)(5) of this section by the district's net formula ADM. 56153
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As used in this division, a district's "net formula ADM" means its formula ADM minus both the number of internet- and computer-based community school students reported under division (B)(3)(e) of section 3317.03 of the Revised Code and scholarship students reported under divisions (B)(3)(f), (g), and (l) of that section. 56158
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(B) The department shall annually compute supplemental targeted assistance funds to school districts, as follows: 56164
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(1) Compute each district's agricultural percentage as the quotient of (a) the three-year average tax valuation of real property in the district that is classified as agricultural property divided by (b) the three-year average tax valuation of all of the real property in the district. For purposes of this computation, a district's "three-year average tax valuation" means the average of a district's tax valuation for fiscal years 2012, 2013, and 2014. 56166
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(2) Determine each district's agricultural targeted 56174
percentage as follows: 56175

(a) If a district's agricultural percentage is greater than 56176
or equal to 0.10, then the district's agricultural targeted 56177
percentage shall be equal to 0.40. 56178

(b) If a district's agricultural percentage is less than 56179
0.10, then the district's agricultural targeted percentage shall 56180
be equal to 4 X the district's agricultural percentage. 56181

(3) Calculate the aggregate amount to be paid as supplemental 56182
targeted assistance funds to each school district under division 56183
(A) of section 3317.022 of the Revised Code by multiplying the 56184
district's agricultural targeted percentage by the amount 56185
calculated for the district under division (A)(6) of this section. 56186

Sec. 3317.03. (A) The superintendent of each city, local, and 56187
exempted village school district and of each educational service 56188
center shall, for the schools under the superintendent's 56189
supervision, certify to the state board of education on or before 56190
the fifteenth day of ~~October~~ in each year month for the first full 56191
school week ~~in October~~ of that month the average daily membership 56192
of students receiving services from schools under the 56193
superintendent's supervision, and the numbers of other students 56194
entitled to attend school in the district under section 3313.64 or 56195
3313.65 of the Revised Code the superintendent is required to 56196
report under this section, so that the department of education can 56197
calculate the district's formula ADM. If a school under the 56198
superintendent's supervision is closed for one or more days during 56199
~~that~~ a week for which the average daily membership must be 56200
certified due to hazardous weather conditions or other 56201
circumstances described in ~~the first paragraph of~~ division 56202
~~(B)~~(A)(1) of section ~~3317.01~~ 3313.482 of the Revised Code, the 56203
superintendent may apply to the superintendent of public 56204

instruction for a waiver, under which the superintendent of public 56205
instruction may exempt the district superintendent from certifying 56206
the average daily membership for that school for that week and 56207
specify an alternate week in the same month for certifying the 56208
average daily membership of that school. 56209

The average daily membership during ~~such a~~ week shall consist 56210
of the sum of the following: 56211

(1) On an FTE basis, the number of students in grades 56212
kindergarten through twelve receiving any educational services 56213
from the district, except that the following categories of 56214
students shall not be included in the determination: 56215

(a) Students enrolled in adult education classes; 56216

(b) Adjacent or other district students enrolled in the 56217
district under an open enrollment policy pursuant to section 56218
3313.98 of the Revised Code; 56219

(c) Students receiving services in the district pursuant to a 56220
compact, cooperative education agreement, or a contract, but who 56221
are entitled to attend school in another district pursuant to 56222
section 3313.64 or 3313.65 of the Revised Code; 56223

(d) Students for whom tuition is payable pursuant to sections 56224
3317.081 and 3323.141 of the Revised Code; 56225

(e) Students receiving services in the district through a 56226
scholarship awarded under either section 3310.41 or sections 56227
3310.51 to 3310.64 of the Revised Code. 56228

(2) On an FTE basis, the number of students entitled to 56229
attend school in the district pursuant to section 3313.64 or 56230
3313.65 of the Revised Code, but receiving educational services in 56231
grades kindergarten through twelve from one or more of the 56232
following entities: 56233

(a) A community school pursuant to Chapter 3314. of the 56234

Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	56235 56236 56237
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	56238 56239 56240
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	56241 56242 56243 56244 56245
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	56246 56247 56248
(e) An educational service center or cooperative education district;	56249 56250
(f) Another school district under a cooperative education agreement, compact, or contract;	56251 56252
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, <u>if the students qualified for the scholarship under section 3310.03 of the Revised Code</u> ;	56253 56254 56255 56256
(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	56257 56258 56259
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.	56260 56261 56262
(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code,	56263 56264

including any participation in a college pursuant to Chapter 3365. 56265
of the Revised Code while enrolled in the school; 56266

(j) A college-preparatory boarding school established under 56267
Chapter 3328. of the Revised Code. 56268

(3) The number of students enrolled in a joint vocational 56269
school district or under a ~~vocational~~ career-technical education 56270
compact, excluding any students entitled to attend school in the 56271
district under section 3313.64 or 3313.65 of the Revised Code who 56272
are enrolled in another school district through an open enrollment 56273
policy as reported under division (A)(2)(d) of this section and 56274
then enroll in a joint vocational school district or under a 56275
~~vocational~~ career-technical education compact; 56276

~~(4) The number of children with disabilities, other than 56277
preschool children with disabilities, entitled to attend school in 56278
the district pursuant to section 3313.64 or 3313.65 of the Revised 56279
Code who are placed by the district with a county DD board, minus 56280
the number of such children placed with a county DD board in 56281
fiscal year 1998. If this calculation produces a negative number, 56282
the number reported under division (A)(4) of this section shall be 56283
zero. 56284~~

(B) To enable the department of education to obtain the data 56285
needed to complete the calculation of payments pursuant to this 56286
chapter, in addition to the average daily membership, each 56287
superintendent shall report separately the following student 56288
counts for the same ~~week~~ weeks for which average daily membership 56289
is certified: 56290

(1) The total average daily membership in regular learning 56291
day classes included in the report under division (A)(1) or (2) of 56292
this section for each of the individual grades kindergarten 56293
through twelve in schools under the superintendent's supervision; 56294

(2) The number of all preschool children with disabilities 56295

enrolled as of the first day of December in classes in the 56296
district ~~that are~~ for whom the district is eligible for approval 56297
to receive funding under ~~division (B) of~~ section ~~3317.05~~ 3317.0213 56298
of the Revised Code and the number of those classes, which shall 56299
be reported not later than the fifteenth day of December, in 56300
accordance with ~~rules adopted under that~~ the disability categories 56301
prescribed in section 3317.013 of the Revised Code; 56302

(3) The number of children entitled to attend school in the 56303
district pursuant to section 3313.64 or 3313.65 of the Revised 56304
Code who are: 56305

(a) Participating in a pilot project scholarship program 56306
established under sections 3313.974 to 3313.979 of the Revised 56307
Code as described in division (I)(2)(a) or (b) of this section; 56308

(b) Enrolled in a college under Chapter 3365. of the Revised 56309
Code, except when the student is enrolled in the college while 56310
also enrolled in a community school pursuant to Chapter 3314. or a 56311
science, technology, engineering, and mathematics school 56312
established under Chapter 3326. of the Revised Code; 56313

(c) Enrolled in an adjacent or other school district under 56314
section 3313.98 of the Revised Code; 56315

(d) Enrolled in a community school established under Chapter 56316
3314. of the Revised Code that is not an internet- or 56317
computer-based community school as defined in section 3314.02 of 56318
the Revised Code, including any participation in a college 56319
pursuant to Chapter 3365. of the Revised Code while enrolled in 56320
such community school; 56321

(e) Enrolled in an internet- or computer-based community 56322
school, as defined in section 3314.02 of the Revised Code, 56323
including any participation in a college pursuant to Chapter 3365. 56324
of the Revised Code while enrolled in the school; 56325

(f) Enrolled in a chartered nonpublic school with a 56326

scholarship paid under section 3310.08 of the Revised Code and who 56327
qualified for the scholarship under section 3310.03 of the Revised 56328
Code; 56329

(g) Enrolled in kindergarten through grade twelve in an 56330
alternative public provider or a registered private provider with 56331
a scholarship awarded under section 3310.41 of the Revised Code; 56332

(h) Enrolled as a preschool child with a disability in an 56333
alternative public provider or a registered private provider with 56334
a scholarship awarded under section 3310.41 of the Revised Code; 56335

(i) Participating in a program operated by a county DD board 56336
or a state institution; 56337

(j) Enrolled in a science, technology, engineering, and 56338
mathematics school established under Chapter 3326. of the Revised 56339
Code, including any participation in a college pursuant to Chapter 56340
3365. of the Revised Code while enrolled in the school; 56341

(k) Enrolled in a college-preparatory boarding school 56342
established under Chapter 3328. of the Revised Code; 56343

(l) Enrolled in an alternative public provider or a 56344
registered private provider with a scholarship awarded under 56345
sections 3310.51 to 3310.64 of the Revised Code. 56346

(4) The number of pupils enrolled in joint vocational 56347
schools; 56348

(5) The combined average daily membership of children with 56349
disabilities reported under division (A)(1) or (2) of this section 56350
receiving special education services for the category one 56351
disability described in division (A) of section 3317.013 of the 56352
Revised Code, including children attending a special education 56353
program operated by an alternative public provider or a registered 56354
private provider with a scholarship awarded under sections 3310.51 56355
to 3310.64 of the Revised Code; 56356

(6) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(7) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(8) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(9) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(10) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code;

(11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one ~~vocational~~ career-technical education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, ~~excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet or computer-based community school~~, notwithstanding division ~~(C)~~(H) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(12) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two ~~vocational~~ career-technical education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, ~~excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet or computer-based community school~~, notwithstanding division ~~(C)~~(H) of section 3317.02 of the Revised Code and division (C)(3) of this

section; 56421

~~Beginning with fiscal year 2010, vocational education ADM 56422
shall not be used to calculate a district's funding but shall be 56423
reported under divisions (B)(11) and (12) of this section for 56424
statistical purposes. 56425~~

(13) The average daily membership of pupils reported under 56426
division (A)(1) or (2) of this section enrolled in category three 56427
career-technical education programs or services, described in 56428
division (C) of section 3317.014 of the Revised Code, operated by 56429
the school district or another school district that is a member of 56430
the district's career-technical planning district, other than a 56431
joint vocational school district, or by an educational service 56432
center, notwithstanding division (H) of section 3317.02 of the 56433
Revised Code and division (C)(3) of this section; 56434

(14) The average daily membership of pupils reported under 56435
division (A)(1) or (2) of this section enrolled in category four 56436
career-technical education programs or services, described in 56437
division (D) of section 3317.014 of the Revised Code, operated by 56438
the school district or another school district that is a member of 56439
the district's career-technical planning district, other than a 56440
joint vocational school district, or by an educational service 56441
center, notwithstanding division (H) of section 3317.02 of the 56442
Revised Code and division (C)(3) of this section; 56443

(15) The average daily membership of pupils reported under 56444
division (A)(1) or (2) of this section enrolled in category five 56445
career-technical education programs or services, described in 56446
division (E) of section 3317.014 of the Revised Code, operated by 56447
the school district or another school district that is a member of 56448
the district's career-technical planning district, other than a 56449
joint vocational school district, or by an educational service 56450
center, notwithstanding division (H) of section 3317.02 of the 56451
Revised Code and division (C)(3) of this section; 56452

(16) The average daily membership of pupils reported under division (A)(1) or (2) of this section who are limited English proficient students described in division (A) of section 3317.016 of the Revised Code; 56453
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56456

(17) The average daily membership of pupils reported under division (A)(1) or (2) of this section who are limited English proficient students described in division (B) of section 3317.016 of the Revised Code; 56457
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(18) The average daily membership of pupils reported under division (A)(1) or (2) of this section who are limited English proficient students described in division (C) of section 3317.016 of the Revised Code; 56461
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(19) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education; 56465
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~~(14)~~(20)(a) The number of children, other than preschool children with disabilities, the district placed with a county DD board in fiscal year 1998+. Division (B)(20)(a) of this section does not apply after fiscal year 2013. 56469
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56472

(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code; 56473
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(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code; 56478
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56482

(d) The number of children with disabilities, other than 56483

preschool children with disabilities, placed with a county DD 56484
board in the current fiscal year to receive special education 56485
services for category three disabilities described in division (C) 56486
of section 3317.013 of the Revised Code; 56487

(e) The number of children with disabilities, other than 56488
preschool children with disabilities, placed with a county DD 56489
board in the current fiscal year to receive special education 56490
services for category four disabilities described in division (D) 56491
of section 3317.013 of the Revised Code; 56492

(f) The number of children with disabilities, other than 56493
preschool children with disabilities, placed with a county DD 56494
board in the current fiscal year to receive special education 56495
services for the category five disabilities described in division 56496
(E) of section 3317.013 of the Revised Code; 56497

(g) The number of children with disabilities, other than 56498
preschool children with disabilities, placed with a county DD 56499
board in the current fiscal year to receive special education 56500
services for category six disabilities described in division (F) 56501
of section 3317.013 of the Revised Code. 56502

(21) The number of students who are economically 56503
disadvantaged, as defined by the department. A student shall not 56504
be categorically excluded from the number reported under division 56505
(B)(21) of this section based on anything other than family 56506
income. 56507

(C)(1) The average daily membership in divisions (B)(1) to 56508
(12) of this section shall be based upon the number of full-time 56509
equivalent students. The state board of education shall adopt 56510
rules defining full-time equivalent students and for determining 56511
the average daily membership therefrom for the purposes of 56512
divisions (A), (B), and (D) of this section. ~~Each student enrolled 56513~~
~~in kindergarten shall be counted as one full-time equivalent 56514~~

~~student regardless of whether the student is enrolled in a 56515
part-day or all-day kindergarten class. 56516~~

(2) A student enrolled in a community school established 56517
under Chapter 3314., a science, technology, engineering, and 56518
mathematics school established under Chapter 3326., or a 56519
college-preparatory boarding school established under Chapter 56520
3328. of the Revised Code shall be counted in the formula ADM and, 56521
if applicable, the category one, two, three, four, five, or six 56522
special education ADM of the school district in which the student 56523
is entitled to attend school under section 3313.64 or 3313.65 of 56524
the Revised Code for the same proportion of the school year that 56525
the student is counted in the enrollment of the community school, 56526
the science, technology, engineering, and mathematics school, or 56527
the college-preparatory boarding school for purposes of section 56528
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 56529
the number of students reported pursuant to division (B)(3)(d), 56530
(e), (j), or (k) of this section, the department may adjust the 56531
formula ADM of a school district to account for students entitled 56532
to attend school in the district under section 3313.64 or 3313.65 56533
of the Revised Code who are enrolled in a community school, a 56534
science, technology, engineering, and mathematics school, or a 56535
college-preparatory boarding school for only a portion of the 56536
school year. 56537

(3) No child shall be counted as more than a total of one 56538
child in the sum of the average daily memberships of a school 56539
district under division (A), divisions (B)(1) to ~~(12)~~(22), or 56540
division (D) of this section, except as follows: 56541

(a) A child with a disability described in section 3317.013 56542
of the Revised Code may be counted both in formula ADM and in 56543
category one, two, three, four, five, or six special education ADM 56544
and, if applicable, in category one ~~or~~, two vocational, three, 56545
four, or five career-technical education ADM. As provided in 56546

division ~~(C)~~(H) of section 3317.02 of the Revised Code, such a 56547
child shall be counted in category one, two, three, four, five, or 56548
six special education ADM in the same proportion that the child is 56549
counted in formula ADM. 56550

(b) A child enrolled in ~~vocational~~ career-technical education 56551
programs or classes described in section 3317.014 of the Revised 56552
Code may be counted both in formula ADM and category one ~~or~~, two 56553
~~vocational~~, three, four, or five career-technical education ADM 56554
and, if applicable, in category one, two, three, four, five, or 56555
six special education ADM. Such a child shall be counted in 56556
category one ~~or~~, two ~~vocational~~, three, four, or five 56557
career-technical education ADM in the same proportion as the 56558
percentage of time that the child spends in the ~~vocational~~ 56559
career-technical education programs or classes. 56560

(4) Based on the information reported under this section, the 56561
department of education shall determine the total student count, 56562
as defined in section 3301.011 of the Revised Code, for each 56563
school district. 56564

(D)(1) The superintendent of each joint vocational school 56565
district shall certify to the superintendent of public instruction 56566
on or before the fifteenth day of ~~October~~ in each ~~year~~ month for 56567
the first full school week ~~in October~~ the formula ADM, for 56568
~~purposes of section 3318.42 of the Revised Code and for any other~~ 56569
~~purpose prescribed by law for which "formula ADM" of the joint~~ 56570
~~vocational district is a factor~~ of that month the average daily 56571
membership. If a school operated by the joint vocational school 56572
district is closed for one or more days during ~~that~~ a week for 56573
which the average daily membership must be certified due to 56574
hazardous weather conditions or other circumstances described in 56575
~~the first paragraph of~~ division ~~(B)~~(A)(1) of section ~~3317.01~~ 56576
3313.482 of the Revised Code, the superintendent may apply to the 56577
superintendent of public instruction for a waiver, under which the 56578

superintendent of public instruction may exempt the district 56579
superintendent from certifying the ~~formula-ADM~~ average daily 56580
membership for that school for that week and specify an alternate 56581
week in the same month for certifying the ~~formula-ADM~~ average 56582
daily membership of that school. 56583

The ~~formula-ADM~~ average daily membership, except as otherwise 56584
provided in this division, shall consist of the average daily 56585
membership during ~~such~~ a week, on an FTE basis, of the number of 56586
students receiving any educational services from the district, 56587
including students enrolled in a community school established 56588
under Chapter 3314. or a science, technology, engineering, and 56589
mathematics school established under Chapter 3326. of the Revised 56590
Code who are attending the joint vocational district ~~under an~~ 56591
~~agreement between the district board of education and the~~ 56592
~~governing authority of the community school or the governing body~~ 56593
~~of the science, technology, engineering, and mathematics school~~ 56594
and are entitled to attend school in a city, local, or exempted 56595
village school district whose territory is part of the territory 56596
of the joint vocational district. 56597

The following categories of students shall not be included in 56598
the determination made under division (D)(1) of this section: 56599

(a) Students enrolled in adult education classes; 56600

(b) Adjacent or other district joint vocational students 56601
enrolled in the district under an open enrollment policy pursuant 56602
to section 3313.98 of the Revised Code; 56603

(c) Students receiving services in the district pursuant to a 56604
compact, cooperative education agreement, or a contract, but who 56605
are entitled to attend school in a city, local, or exempted 56606
village school district whose territory is not part of the 56607
territory of the joint vocational district; 56608

(d) Students for whom tuition is payable pursuant to sections 56609

3317.081 and 3323.141 of the Revised Code. 56610

(2) To enable the department of education to obtain the data 56611
needed to complete the calculation of payments pursuant to this 56612
chapter, in addition to the ~~formula~~ ADM, each superintendent shall 56613
report separately the average daily membership included in the 56614
report under division (D)(1) of this section for each of the 56615
following categories of students for each of the ~~same-week~~ weeks 56616
for which ~~formula~~ ADM is certified: 56617

(a) Students enrolled in each individual grade included in 56618
the joint vocational district schools; 56619

(b) Children with disabilities receiving special education 56620
services for the category one disability described in division (A) 56621
of section 3317.013 of the Revised Code; 56622

(c) Children with disabilities receiving special education 56623
services for the category two disabilities described in division 56624
(B) of section 3317.013 of the Revised Code; 56625

(d) Children with disabilities receiving special education 56626
services for category three disabilities described in division (C) 56627
of section 3317.013 of the Revised Code; 56628

(e) Children with disabilities receiving special education 56629
services for category four disabilities described in division (D) 56630
of section 3317.013 of the Revised Code; 56631

(f) Children with disabilities receiving special education 56632
services for the category five disabilities described in division 56633
(E) of section 3317.013 of the Revised Code; 56634

(g) Children with disabilities receiving special education 56635
services for category six disabilities described in division (F) 56636
of section 3317.013 of the Revised Code; 56637

(h) Students receiving category one ~~vocational~~ 56638
career-technical education services, described in division (A) of 56639

section 3317.014 of the Revised Code;	56640
(i) Students receiving category two vocational	56641
<u>career-technical</u> education services, described in division (B) of	56642
section 3317.014 of the Revised Code;	56643
(j) <u>Students receiving category three career-technical</u>	56644
<u>education services, described in division (C) of section 3317.014</u>	56645
<u>of the Revised Code;</u>	56646
(k) <u>Students receiving category four career-technical</u>	56647
<u>education services, described in division (D) of section 3317.014</u>	56648
<u>of the Revised Code;</u>	56649
(l) <u>Students receiving category five career-technical</u>	56650
<u>education services, described in division (E) of section 3317.014</u>	56651
<u>of the Revised Code;</u>	56652
(m) <u>Limited English proficient students described in division</u>	56653
<u>(A) of section 3317.016 of the Revised Code;</u>	56654
(n) <u>Limited English proficient students described in division</u>	56655
<u>(B) of section 3317.016 of the Revised Code;</u>	56656
(o) <u>Limited English proficient students described in division</u>	56657
<u>(C) of section 3317.016 of the Revised Code;</u>	56658
(p) <u>Students who are economically disadvantaged, as defined</u>	56659
<u>by the department. A student shall not be categorically excluded</u>	56660
<u>from the number reported under division (D)(2)(p) of this section</u>	56661
<u>based on anything other than family income.</u>	56662
The superintendent of each joint vocational school district	56663
shall also indicate the city, local, or exempted village school	56664
district in which each joint vocational district pupil is entitled	56665
to attend school pursuant to section 3313.64 or 3313.65 of the	56666
Revised Code.	56667
(E) In each school of each city, local, exempted village,	56668
joint vocational, and cooperative education school district there	56669

shall be maintained a record of school membership, which record 56670
shall accurately show, for each day the school is in session, the 56671
actual membership enrolled in regular day classes. For the purpose 56672
of determining average daily membership, the membership figure of 56673
any school shall not include any pupils except those pupils 56674
described by division (A) of this section. The record of 56675
membership for each school shall be maintained in such manner that 56676
no pupil shall be counted as in membership prior to the actual 56677
date of entry in the school and also in such manner that where for 56678
any cause a pupil permanently withdraws from the school that pupil 56679
shall not be counted as in membership from and after the date of 56680
such withdrawal. There shall not be included in the membership of 56681
any school any of the following: 56682

(1) Any pupil who has graduated from the twelfth grade of a 56683
public or nonpublic high school; 56684

(2) Any pupil who is not a resident of the state; 56685

(3) Any pupil who was enrolled in the schools of the district 56686
during the previous school year when assessments were administered 56687
under section 3301.0711 of the Revised Code but did not take one 56688
or more of the assessments required by that section and was not 56689
excused pursuant to division (C)(1) or (3) of that section; 56690

(4) Any pupil who has attained the age of twenty-two years, 56691
except for veterans of the armed services whose attendance was 56692
interrupted before completing the recognized twelve-year course of 56693
the public schools by reason of induction or enlistment in the 56694
armed forces and who apply for reenrollment in the public school 56695
system of their residence not later than four years after 56696
termination of war or their honorable discharge. 56697

If, however, any veteran described by division (E)(4) of this 56698
section elects to enroll in special courses organized for veterans 56699
for whom tuition is paid under the provisions of federal laws, or 56700

otherwise, that veteran shall not be included in average daily membership. 56701
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Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education. 56703
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Except as provided in divisions (B)(2) and (F) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance is actually open for instruction during the week for which the average daily membership is being certified by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized reasons, and those children with disabilities currently receiving home instruction. 56712
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The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education. 56725
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~~(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall~~ 56728
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~~certify such increase to the superintendent of public instruction. 56733
Such certification shall be submitted no later than the fifteenth 56734
day of February. For the balance of the fiscal year, beginning 56735
with the February payments, the superintendent of public 56736
instruction shall use the increased formula ADM in calculating or 56737
recalculating the amounts to be allocated in accordance with 56738
section 3317.022 or 3317.16 of the Revised Code. In no event shall 56739
the superintendent use an increased membership certified to the 56740
superintendent after the fifteenth day of February. Division 56741
(F)(1) of this section does not apply after fiscal year 2006. 56742~~

~~(2) If on the first school day of April the total number of 56743
classes or units for preschool children with disabilities that are 56744
eligible for approval under division (B) of section 3317.05 of the 56745
Revised Code exceeds the number of units that have been approved 56746
for the year under that division, the superintendent of schools of 56747
any city, exempted village, or cooperative education school 56748
district or educational service center shall make the 56749
certifications required by this section for that day. If the 56750
department determines additional units can be approved for the 56751
fiscal year within any limitations set forth in the acts 56752
appropriating moneys for the funding of such units, the department 56753
shall approve additional units for the fiscal year on the basis of 56754
such average daily membership. For each unit so approved, the 56755
department shall pay an amount computed in the manner prescribed 56756
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 56757
Code. 56758~~

~~(3) If a student attending a community school under Chapter 56759
3314., a science, technology, engineering, and mathematics school 56760
established under Chapter 3326., or a college-preparatory boarding 56761
school established under Chapter 3328. of the Revised Code is not 56762
included in the formula ADM certified for the school district in 56763
which the student is entitled to attend school under section 56764~~

3313.64 or 3313.65 of the Revised Code, the department of 56765
education shall adjust the formula ADM of that school district to 56766
include the student in accordance with division (C)(2) of this 56767
section, and shall recalculate the school district's payments 56768
under this chapter for the entire fiscal year on the basis of that 56769
adjusted formula ADM. This requirement applies regardless of 56770
whether the student was enrolled, as defined in division (E) of 56771
this section, in the community school, the science, technology, 56772
engineering, and mathematics school, or the college-preparatory 56773
boarding school during the ~~week~~ weeks for which the formula ADM is 56774
being certified. 56775

~~(4)~~(2) If a student awarded an educational choice scholarship 56776
is not included in the formula ADM of the school district from 56777
which the department deducts funds for the scholarship under 56778
section 3310.08 of the Revised Code, the department shall adjust 56779
the formula ADM of that school district to include the student to 56780
the extent necessary to account for the deduction, and shall 56781
recalculate the school district's payments under this chapter for 56782
the entire fiscal year on the basis of that adjusted formula ADM. 56783
This requirement applies regardless of whether the student was 56784
enrolled, as defined in division (E) of this section, in the 56785
chartered nonpublic school, the school district, or a community 56786
school during the ~~week~~ weeks for which the formula ADM is being 56787
certified. 56788

~~(5)~~(3) If a student awarded a scholarship under the Jon 56789
Peterson special needs scholarship program is not included in the 56790
formula ADM of the school district from which the department 56791
deducts funds for the scholarship under section 3310.55 of the 56792
Revised Code, the department shall adjust the formula ADM of that 56793
school district to include the student to the extent necessary to 56794
account for the deduction, and shall recalculate the school 56795
district's payments under this chapter for the entire fiscal year 56796

on the basis of that adjusted formula ADM. This requirement 56797
applies regardless of whether the student was enrolled, as defined 56798
in division (E) of this section, in an alternative public 56799
provider, a registered private provider, or the school district 56800
during the ~~week~~ weeks for which the formula ADM is being 56801
certified. 56802

(G)(1)(a) The superintendent of an institution operating a 56803
special education program pursuant to section 3323.091 of the 56804
Revised Code shall, for the programs under such superintendent's 56805
supervision, certify to the state board of education, in the 56806
manner prescribed by the superintendent of public instruction, 56807
both of the following: 56808

(i) The average daily membership of all children with 56809
disabilities other than preschool children with disabilities 56810
receiving services at the institution for each category of 56811
disability described in divisions (A) to (F) of section 3317.013 56812
of the Revised Code; 56813

(ii) The average daily membership of all preschool children 56814
with disabilities in classes or programs ~~approved annually by the~~ 56815
~~department of education for unit~~ for whom the district is eligible 56816
to receive funding under section ~~3317.05~~ 3317.0213 of the Revised 56817
Code, reported according to the categories prescribed in section 56818
3317.013 of the Revised Code. 56819

(b) The superintendent of an institution with ~~vocational~~ 56820
career-technical education units approved under ~~division (A) of~~ 56821
section 3317.05 of the Revised Code shall, for the units under the 56822
superintendent's supervision, certify to the state board of 56823
education the average daily membership in those units, in the 56824
manner prescribed by the superintendent of public instruction. 56825

(2) The superintendent of each county DD board that maintains 56826
special education classes under section 3317.20 of the Revised 56827

~~Code or units approved provides services to preschool children~~ 56828
~~with disabilities pursuant to section 3317.05 of the Revised Code~~ 56829
~~an agreement between the DD board and the appropriate school~~ 56830
~~district shall do both of the following:~~ 56831

(a) Certify to the state board, in the manner prescribed by 56832
the board, the average daily membership in classes under section 56833
3317.20 of the Revised Code for each school district that has 56834
placed children in the classes; 56835

(b) Certify to the state board, in the manner prescribed by 56836
the board, the number of all preschool children with disabilities 56837
enrolled as of the first day of December in classes for which the 56838
DD board is eligible for approval to receive funding under 56839
division (B) of section 3317.05 3317.0213 of the Revised Code, 56840
reported according to the categories prescribed in section 56841
3317.013 of the Revised Code, and the number of those classes. 56842

~~(3)(a) If on the first school day of April the number of~~ 56843
~~classes or units maintained for preschool children with~~ 56844
~~disabilities by the county DD board that are eligible for approval~~ 56845
~~under division (B) of section 3317.05 of the Revised Code is~~ 56846
~~greater than the number of units approved for the year under that~~ 56847
~~division, the superintendent shall make the certification required~~ 56848
~~by this section for that day.~~ 56849

~~(b) If the department determines that additional classes or~~ 56850
~~units can be approved for the fiscal year within any limitations~~ 56851
~~set forth in the acts appropriating moneys for the funding of the~~ 56852
~~classes and units described in division (C)(3)(a) of this section,~~ 56853
~~the department shall approve and fund additional units for the~~ 56854
~~fiscal year on the basis of such average daily membership. For~~ 56855
~~each unit so approved, the department shall pay an amount computed~~ 56856
~~in the manner prescribed in sections 3317.052 and 3317.053 of the~~ 56857
~~Revised Code.~~ 56858

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's membership shall not be included in that district's membership figure used in the calculation of that district's formula ADM or included in the determination of any ~~unit~~ funding approved for the district under section ~~3317.05~~ 3317.0213 of the Revised Code. The reporting official shall report separately the average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its average daily membership.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in average daily membership:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school 56890
district shall certify to the superintendent of public 56891
instruction, in a manner prescribed by the state board of 56892
education, the applicable average daily memberships for all 56893
students in the cooperative education district, also indicating 56894
the city, local, or exempted village district where each pupil is 56895
entitled to attend school under section 3313.64 or 3313.65 of the 56896
Revised Code. 56897

(K) If the superintendent of public instruction determines 56898
that a component of the average daily membership certified or 56899
reported by a district superintendent, or other reporting entity, 56900
is not correct, the superintendent of public instruction may order 56901
that the formula ADM used for the purposes of payments under any 56902
section of Title XXXVIII of the Revised Code be adjusted in the 56903
amount of the error. 56904

Sec. 3317.032. ~~(A)~~ Each city, local, exempted village, and 56905
cooperative education school district, each educational service 56906
center, each county DD board, and each institution operating a 56907
special education program pursuant to section 3323.091 of the 56908
Revised Code shall, in accordance with procedures adopted by the 56909
state board of education, maintain a record of district membership 56910
of ~~both of the following:~~ 56911

~~(1) All preschool children with disabilities in units 56912
approved under division (B) of section 3317.05 of the Revised 56913
Code;~~ 56914

~~(2) All all preschool children with disabilities who are not 56915
in units approved under division (B) of section 3317.05 of the 56916
Revised Code but who are otherwise served by a special education 56917
program. 56918~~

~~(B) The superintendent of each district, board, or 56919
institution subject to division (A) of this section shall certify 56920~~

~~to the state board of education, in accordance with procedures 56921
adopted by that board, membership figures of all preschool 56922
children with disabilities whose membership is maintained under 56923
division (A)(2) of this section. The figures certified under this 56924
division shall be used in the determination of the ADM used to 56925
compute funds for educational service center governing boards 56926
under section 3317.11 of the Revised Code. 56927~~

Sec. 3317.05. ~~(A) For the purpose of calculating payments 56928
under sections 3317.052 and 3317.053 of the Revised Code, the The 56929
department of education shall determine for each institution, by 56930
the last day of January of each year and based on information 56931
certified under section 3317.03 of the Revised Code, the number of 56932
~~vocational~~ career-technical education units or fractions of units 56933
approved by the department on the basis of standards and rules 56934
adopted by the state board of education. As used in this ~~division~~ 56935
section, "institution" means an institution operated by a 56936
department specified in section 3323.091 of the Revised Code and 56937
that provides ~~vocational~~ career-technical education programs under 56938
the supervision of the division of ~~vocational~~ career-technical 56939
education of the department that meet the standards and rules for 56940
these programs, including licensure of professional staff involved 56941
in the programs, as established by the state board. 56942~~

~~(B) For the purpose of calculating payments under sections 56943
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 56944
department shall determine, based on information certified under 56945
section 3317.03 of the Revised Code, the following by the last day 56946
of January of each year for each educational service center, for 56947
each school district, including each cooperative education school 56948
district, for each institution eligible for payment under section 56949
3323.091 of the Revised Code, and for each county DD board: the 56950
number of classes operated by the school district, service center, 56951
institution, or county DD board for preschool children with 56952~~

~~disabilities, or fraction thereof, including in the case of a 56953
district or service center that is a funding agent, classes taught 56954
by a licensed teacher employed by that district or service center 56955
under section 3313.841 of the Revised Code, approved annually by 56956
the department on the basis of standards and rules adopted by the 56957
state board. 56958~~

~~(C) For the purpose of calculating payments under sections 56959
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 56960
department shall determine, based on information certified under 56961
section 3317.03 of the Revised Code, the following by the last day 56962
of January of each year for each school district, including each 56963
cooperative education school district, for each institution 56964
eligible for payment under section 3323.091 of the Revised Code, 56965
and for each county DD board: the number of units for related 56966
services, as defined in section 3323.01 of the Revised Code, for 56967
preschool children with disabilities approved annually by the 56968
department on the basis of standards and rules adopted by the 56969
state board. 56970~~

~~(D) All of the arithmetical calculations made under this 56971
section shall be carried to the second decimal place. The total 56972
number of units for ~~school districts, service centers, and 56973~~
institutions approved annually under this section shall not exceed 56974
the number of units included in the estimate of cost for these 56975
units and appropriations made for them by the general assembly. 56976~~

~~In the case of units for preschool children with disabilities 56977
described in division (B) of this section, the department shall 56978
approve only preschool units for children who are under age six on 56979
the thirtieth day of September of the academic year, or on the 56980
first day of August of the academic year if the school district in 56981
which the child is enrolled has adopted a resolution under 56982
division (A)(3) of section 3321.01 of the Revised Code, but not 56983
less than age three on the first day of December of the academic 56984~~

~~year, except that such a unit may include one or more children who 56985
are under age three or are age six or over on the applicable date, 56986
as reported under division (B)(2) or (C)(2)(b) of section 3317.03 56987
of the Revised Code, if such children have been admitted to the 56988
unit pursuant to rules of the state board. The number of units for 56989
county DD boards and institutions eligible for payment under 56990
section 3323.091 of the Revised Code approved under this section 56991
shall not exceed the number that can be funded with appropriations 56992
made for such purposes by the general assembly. 56993~~

~~No unit shall be approved under divisions (B) and (C) of this 56994
section unless a plan has been submitted and approved under 56995
Chapter 3323. of the Revised Code. 56996~~

(C) The department shall pay each institution approved for 56997
career-technical education units under division (A) of this 56998
section an amount for the total of all the units approved under 56999
that division. The amount for each unit shall be the sum of the 57000
minimum salary for the teacher of the unit, calculated on the 57001
basis of the teacher's training level and years of experience 57002
pursuant to the salary schedule prescribed in the version of 57003
section 3317.13 of the Revised Code in effect prior to July 1, 57004
2001, plus fifteen per cent of that minimum salary amount, and 57005
nine thousand five hundred ten dollars. Each institution that 57006
receives unit funds under this division annually shall report to 57007
the department on the delivery of services and the performance of 57008
students and any other information required by the department to 57009
evaluate the institution's career-technical education program. 57010

(D) For each unit allocated to an institution pursuant to 57011
division (A) of this section, the department, in addition to the 57012
amount specified in division (B) of this section, shall pay a 57013
supplemental unit allowance of \$7,227. 57014

Sec. 3317.051. (A) As used in this section, "gifted unit ADM" 57015

means a school district's formula ADM minus the number of students reported by a district under divisions (A)(2)(a) and (i) of section 3317.03 of the Revised Code. 57016
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(B) The department of education shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section. 57019
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(C) The department shall allocate gifted units for a school district as follows: 57023
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(1) One gifted coordinator unit shall be allocated for every 3,300 students in a district's gifted unit ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district. 57025
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(2) One gifted intervention specialist unit shall be allocated for every 1,100 students in a district's gifted unit ADM, with a minimum of 0.3 units allocated for the district. 57028
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(D) The department shall pay the following amount to a school district for gifted units: 57031
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(1) In fiscal year 2014, \$37,000 multiplied by the number of units allocated to a school district under division (C) of this section; 57033
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(2) In fiscal year 2015, \$37,370 multiplied by the number of units allocated to a school district under division (C) of this section. 57036
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A school district shall use the funds it receives for units allocated under division (C)(1) of this section only for gifted coordinator services as prescribed by the department. Qualified personnel shall be employed by the district for this purpose on a full-time equivalency basis that corresponds to the number of units allocated to the district under division (C)(1) of this section. 57039
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A school district shall use the funds it receives for units allocated under division (C)(2) of this section only for gifted intervention specialist services as prescribed by the department. Qualified personnel shall be employed by the district for this purpose on a full-time equivalency basis that corresponds to the number of units allocated to the district under division (C)(2) of this section. 57046
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(E) A school district may assign gifted unit funding that it receives under division (D) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district as follows: 57053
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(1) Funds received for units allocated under division (C)(1) of this section may be assigned to a district, service center, or school that employs qualified gifted coordinators; 57058
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(2) Funds received for units allocated under division (C)(2) of this section may be assigned to a district, service center, or school that employs qualified gifted intervention specialists. 57061
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Sec. 3317.06. Moneys paid to school districts under division (E) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes: 57064
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(A) To purchase such secular textbooks or ~~electronic textbooks~~ digital texts as have been approved by the superintendent of public instruction for use in public schools in the state and to loan such textbooks or ~~electronic textbooks~~ digital texts to pupils attending nonpublic schools within the district or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school is located. Such individual requests 57067
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for the loan of textbooks or ~~electronic textbooks~~ digital texts 57077
shall, for administrative convenience, be submitted by the 57078
nonpublic school pupil or the pupil's parent to the nonpublic 57079
school, which shall prepare and submit collective summaries of the 57080
individual requests to the school district. As used in this 57081
section: 57082

(1) "Textbook" means any book or book substitute that a pupil 57083
uses as a consumable or nonconsumable text, text substitute, or 57084
text supplement in a particular class or program in the school the 57085
pupil regularly attends. 57086

(2) ~~"Electronic textbook"~~ "Digital text" means ~~any a~~ 57087
consumable book or book substitute that a student accesses through 57088
the use of a computer or other electronic medium or that is 57089
available through an internet-based provider of course content, or 57090
any other material that contributes to the learning process 57091
through electronic means. 57092

(B) To provide speech and hearing diagnostic services to 57093
pupils attending nonpublic schools within the district. Such 57094
service shall be provided in the nonpublic school attended by the 57095
pupil receiving the service. 57096

(C) To provide physician, nursing, dental, and optometric 57097
services to pupils attending nonpublic schools within the 57098
district. Such services shall be provided in the school attended 57099
by the nonpublic school pupil receiving the service. 57100

(D) To provide diagnostic psychological services to pupils 57101
attending nonpublic schools within the district. Such services 57102
shall be provided in the school attended by the pupil receiving 57103
the service. 57104

(E) To provide therapeutic psychological and speech and 57105
hearing services to pupils attending nonpublic schools within the 57106
district. Such services shall be provided in the public school, in 57107

nonpublic schools, in public centers, or in mobile units located 57108
on or off of the nonpublic premises. If such services are provided 57109
in the public school or in public centers, transportation to and 57110
from such facilities shall be provided by the school district in 57111
which the nonpublic school is located. 57112

(F) To provide guidance, counseling, and social work services 57113
to pupils attending nonpublic schools within the district. Such 57114
services shall be provided in the public school, in nonpublic 57115
schools, in public centers, or in mobile units located on or off 57116
of the nonpublic premises. If such services are provided in the 57117
public school or in public centers, transportation to and from 57118
such facilities shall be provided by the school district in which 57119
the nonpublic school is located. 57120

(G) To provide remedial services to pupils attending 57121
nonpublic schools within the district. Such services shall be 57122
provided in the public school, in nonpublic schools, in public 57123
centers, or in mobile units located on or off of the nonpublic 57124
premises. If such services are provided in the public school or in 57125
public centers, transportation to and from such facilities shall 57126
be provided by the school district in which the nonpublic school 57127
is located. 57128

(H) To supply for use by pupils attending nonpublic schools 57129
within the district such standardized tests and scoring services 57130
as are in use in the public schools of the state; 57131

(I) To provide programs for children who attend nonpublic 57132
schools within the district and are children with disabilities as 57133
defined in section 3323.01 of the Revised Code or gifted children. 57134
Such programs shall be provided in the public school, in nonpublic 57135
schools, in public centers, or in mobile units located on or off 57136
of the nonpublic premises. If such programs are provided in the 57137
public school or in public centers, transportation to and from 57138
such facilities shall be provided by the school district in which 57139

the nonpublic school is located. 57140

(J) To hire clerical personnel to assist in the 57141
administration of programs pursuant to divisions (B), (C), (D), 57142
(E), (F), (G), and (I) of this section and to hire supervisory 57143
personnel to supervise the providing of services and textbooks 57144
pursuant to this section. 57145

(K) To purchase or lease any secular, neutral, and 57146
nonideological computer application software designed to assist 57147
students in performing a single task or multiple related tasks, 57148
device management software, learning management software, 57149
site-licensing, digital video on demand (DVD), wide area 57150
connectivity and related technology as it relates to internet 57151
access, mathematics or science equipment and materials, 57152
instructional materials, and school library materials that are in 57153
general use in the public schools of the state and loan such items 57154
to pupils attending nonpublic schools within the district or to 57155
their parents, and to hire clerical personnel to administer the 57156
lending program. Only such items that are incapable of diversion 57157
to religious use and that are susceptible of loan to individual 57158
pupils and are furnished for the use of individual pupils shall be 57159
purchased and loaned under this division. As used in this section, 57160
"instructional materials" means prepared learning materials that 57161
are secular, neutral, and nonideological in character and are of 57162
benefit to the instruction of school children, ~~and may include~~ 57163
~~educational resources and services developed by the eTech Ohio~~ 57164
~~commission.~~ 57165

Mobile applications that are secular, neutral, and 57166
nonideological in character and that are purchased for less than 57167
ten dollars for instructional use shall be considered to be 57168
consumable and shall be distributed to students without the 57169
expectation that the applications must be returned. 57170

(L) To purchase or lease instructional equipment, including 57171

computer hardware and related equipment in general use in the 57172
public schools of the state, for use by pupils attending nonpublic 57173
schools within the district and to loan such items to pupils 57174
attending nonpublic schools within the district or to their 57175
parents, and to hire clerical personnel to administer the lending 57176
program. "Computer hardware and related equipment" includes 57177
desktop computers and workstations; laptop computers, computer 57178
tablets, and other mobile handheld devices; and their operating 57179
systems and accessories. 57180

(M) To purchase mobile units to be used for the provision of 57181
services pursuant to divisions (E), (F), (G), and (I) of this 57182
section and to pay for necessary repairs and operating costs 57183
associated with these units. 57184

(N) To reimburse costs the district incurred to store the 57185
records of a chartered nonpublic school that closes. 57186
Reimbursements under this division shall be made one time only for 57187
each chartered nonpublic school that closes. 57188

(O) To purchase life-saving medical or other emergency 57189
equipment for placement in nonpublic schools within the district 57190
or to maintain such equipment. 57191

Clerical and supervisory personnel hired pursuant to division 57192
(J) of this section shall perform their services in the public 57193
schools, in nonpublic schools, public centers, or mobile units 57194
where the services are provided to the nonpublic school pupil, 57195
except that such personnel may accompany pupils to and from the 57196
service sites when necessary to ensure the safety of the children 57197
receiving the services. 57198

All services provided pursuant to this section may be 57199
provided under contract with educational service centers, the 57200
department of health, city or general health districts, or private 57201
agencies whose personnel are properly licensed by an appropriate 57202

state board or agency. 57203

Transportation of pupils provided pursuant to divisions (E), 57204
(F), (G), and (I) of this section shall be provided by the school 57205
district from its general funds and not from moneys paid to it 57206
under division (E) of section 3317.024 of the Revised Code unless 57207
a special transportation request is submitted by the parent of the 57208
child receiving service pursuant to such divisions. If such an 57209
application is presented to the school district, it may pay for 57210
the transportation from moneys paid to it under division (E) of 57211
section 3317.024 of the Revised Code. 57212

No school district shall provide health or remedial services 57213
to nonpublic school pupils as authorized by this section unless 57214
such services are available to pupils attending the public schools 57215
within the district. 57216

Materials, equipment, computer hardware or software, 57217
textbooks, ~~electronic textbooks~~ digital texts, and health and 57218
remedial services provided for the benefit of nonpublic school 57219
pupils pursuant to this section and the admission of pupils to 57220
such nonpublic schools shall be provided without distinction as to 57221
race, creed, color, or national origin of such pupils or of their 57222
teachers. 57223

No school district shall provide services, materials, or 57224
equipment that contain religious content for use in religious 57225
courses, devotional exercises, religious training, or any other 57226
religious activity. 57227

As used in this section, "parent" includes a person standing 57228
in loco parentis to a child. 57229

Notwithstanding section 3317.01 of the Revised Code, payments 57230
shall be made under this section to any city, local, or exempted 57231
village school district within which is located one or more 57232
nonpublic elementary or high schools and any payments made to 57233

school districts under division (E) of section 3317.024 of the Revised Code for purposes of this section may be disbursed without submission to and approval of the controlling board.

The allocation of payments for materials, equipment, textbooks, ~~electronic textbooks~~ digital texts, health services, and remedial services to city, local, and exempted village school districts shall be on the basis of the state board of education's estimated annual average daily membership in nonpublic elementary and high schools located in the district.

Payments made to city, local, and exempted village school districts under this section shall be equal to specific appropriations made for the purpose. All interest earned by a school district on such payments shall be used by the district for the same purposes and in the same manner as the payments may be used.

The department of education shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts shall be reimbursed for administrative costs incurred in providing such programs and services, and under which any unexpended balance of the amounts appropriated by the general assembly to implement this section may be transferred to the auxiliary services personnel unemployment compensation fund established pursuant to section 4141.47 of the Revised Code. The department shall also adopt guidelines and procedures limiting the purchase and loan of the items described in division (K) of this section to items that are in general use in the public schools of the state, that are incapable of diversion to religious use, and that are susceptible to individual use rather than classroom use. Within thirty days after the end of each biennium, each board of education shall remit to the department all moneys paid to it under division (E) of section 3317.024 of the Revised Code and any interest earned on those

moneys that are not required to pay expenses incurred under this 57266
section during the biennium for which the money was appropriated 57267
and during which the interest was earned. If a board of education 57268
subsequently determines that the remittal of moneys leaves the 57269
board with insufficient money to pay all valid expenses incurred 57270
under this section during the biennium for which the remitted 57271
money was appropriated, the board may apply to the department of 57272
education for a refund of money, not to exceed the amount of the 57273
insufficiency. If the department determines the expenses were 57274
lawfully incurred and would have been lawful expenditures of the 57275
refunded money, it shall certify its determination and the amount 57276
of the refund to be made to the director of job and family 57277
services who shall make a refund as provided in section 4141.47 of 57278
the Revised Code. 57279

Each school district shall label materials, equipment, 57280
computer hardware or software, textbooks, and ~~electronic textbooks~~ 57281
digital texts purchased or leased for loan to a nonpublic school 57282
under this section, acknowledging that they were purchased or 57283
leased with state funds under this section. However, a district 57284
need not label materials, equipment, computer hardware or 57285
software, textbooks, or ~~electronic textbooks~~ digital texts that 57286
the district determines are consumable in nature or have a value 57287
of less than two hundred dollars. 57288

Sec. 3317.063. The superintendent of public instruction, in 57289
accordance with rules adopted by the department of education, 57290
shall annually reimburse each chartered nonpublic school for the 57291
actual mandated service administrative and clerical costs incurred 57292
by such school during the preceding school year in preparing, 57293
maintaining, and filing reports, forms, and records, and in 57294
providing such other administrative and clerical services that are 57295
not an integral part of the teaching process as may be required by 57296
state law or rule or by requirements duly promulgated by city, 57297

exempted village, or local school districts. The mandated service 57298
costs reimbursed pursuant to this section shall include, but are 57299
not limited to, the preparation, filing and maintenance of forms, 57300
reports, or records and other clerical and administrative services 57301
relating to state chartering or approval of the nonpublic school, 57302
pupil attendance, pupil health and health testing, transportation 57303
of pupils, federally funded education programs, pupil appraisal, 57304
pupil progress, educator licensure, unemployment and workers' 57305
compensation, transfer of pupils, and such other education related 57306
data which are now or hereafter shall be required of such 57307
nonpublic school by state law or rule, or by requirements of the 57308
state department of education, other state agencies, or city, 57309
exempted village, or local school districts. 57310

The reimbursement required by this section shall be for 57311
school years beginning on or after July 1, 1981. 57312

Each nonpublic school which seeks reimbursement pursuant to 57313
this section shall submit to the superintendent of public 57314
instruction an application together with such additional reports 57315
and documents as the department of education may require. Such 57316
application, reports, and documents shall contain such information 57317
as the department of education may prescribe in order to carry out 57318
the purposes of this section. No payment shall be made until the 57319
superintendent of public instruction has approved such 57320
application. 57321

Each nonpublic school which applies for reimbursement 57322
pursuant to this section shall maintain a separate account or 57323
system of accounts for the expenses incurred in rendering the 57324
required services for which reimbursement is sought. Such accounts 57325
shall contain such information as is required by the department of 57326
education and shall be maintained in accordance with rules adopted 57327
by the department of education. 57328

Reimbursement payments to a nonpublic school pursuant to this 57329

section shall not exceed an amount for each school year equal to 57330
three hundred ~~twenty-five~~ sixty dollars per pupil enrolled in that 57331
nonpublic school. 57332

The superintendent of public instruction may, from time to 57333
time, examine any and all accounts and records of a nonpublic 57334
school which have been maintained pursuant to this section in 57335
support of an application for reimbursement, for the purpose of 57336
determining the costs to such school of rendering the services for 57337
which reimbursement is sought. If after such audit it is 57338
determined that any school has received funds in excess of the 57339
actual cost of providing such services, said school shall 57340
immediately reimburse the state in such excess amount. 57341

Any payments made to chartered nonpublic schools under this 57342
section may be disbursed without submission to and approval of the 57343
controlling board. 57344

Sec. 3317.08. A board of education may admit to its schools a 57345
child it is not required by section 3313.64 or 3313.65 of the 57346
Revised Code to admit, if tuition is paid for the child. 57347

Unless otherwise provided by law, tuition shall be computed 57348
in accordance with this section. A district's tuition charge for a 57349
school year shall be one of the following: 57350

(A) For any child, except a preschool child with a disability 57351
described in division (B) of this section, the quotient obtained 57352
by dividing the sum of the amounts described in divisions (A)(1) 57353
and (2) of this section by the district's formula ADM. 57354

(1) The district's total taxes charged and payable for 57355
current expenses for the tax year preceding the tax year in which 57356
the school year begins as certified under division (A)(3) of 57357
section 3317.021 of the Revised Code. 57358

(2) The district's total taxes collected for current expenses 57359

under a school district income tax adopted pursuant to section 57360
5748.03, 5748.08, or 5748.09 of the Revised Code that are 57361
disbursed to the district during the fiscal year, excluding any 57362
income tax receipts allocated for the project cost, debt service, 57363
or maintenance set-aside associated with a state-assisted 57364
classroom facilities project as authorized by section 3318.052 of 57365
the Revised Code. On or before the first day of June of each year, 57366
the tax commissioner shall certify the amount to be used in the 57367
calculation under this division for the next fiscal year to the 57368
department of education and the office of budget and management 57369
for each city, local, and exempted village school district that 57370
levies a school district income tax. 57371

(B) For any preschool child with a disability ~~not included in~~ 57372
~~a unit approved under division (B) of section 3317.05 of the~~ 57373
~~Revised Code~~, an amount computed for the school year as follows: 57374

(1) For each type of special education service provided to 57375
the child for whom tuition is being calculated, determine the 57376
amount of the district's operating expenses in providing that type 57377
of service to all preschool children with disabilities ~~not~~ 57378
~~included in units approved under division (B) of section 3317.05~~ 57379
~~of the Revised Code;~~ 57380

(2) For each type of special education service for which 57381
operating expenses are determined under division (B)(1) of this 57382
section, determine the amount of such operating expenses that was 57383
paid from any state funds received under this chapter; 57384

(3) For each type of special education service for which 57385
operating expenses are determined under division (B)(1) of this 57386
section, divide the difference between the amount determined under 57387
division (B)(1) of this section and the amount determined under 57388
division (B)(2) of this section by the total number of preschool 57389
children with disabilities ~~not included in units approved under~~ 57390
~~division (B) of section 3317.05 of the Revised Code~~ who received 57391

that type of service; 57392

(4) Determine the sum of the quotients obtained under 57393
division (B)(3) of this section for all types of special education 57394
services provided to the child for whom tuition is being 57395
calculated. 57396

The state board of education shall adopt rules defining the 57397
types of special education services and specifying the operating 57398
expenses to be used in the computation under this section. 57399

If any child for whom a tuition charge is computed under this 57400
section for any school year is enrolled in a district for only 57401
part of that school year, the amount of the district's tuition 57402
charge for the child for the school year shall be computed in 57403
proportion to the number of school days the child is enrolled in 57404
the district during the school year. 57405

Except as otherwise provided in division (J) of section 57406
3313.64 of the Revised Code, whenever a district admits a child to 57407
its schools for whom tuition computed in accordance with this 57408
section is an obligation of another school district, the amount of 57409
the tuition shall be certified by the treasurer of the board of 57410
education of the district of attendance, to the board of education 57411
of the district required to pay tuition for its approval and 57412
payment. If agreement as to the amount payable or the district 57413
required to pay the tuition cannot be reached, or the board of 57414
education of the district required to pay the tuition refuses to 57415
pay that amount, the board of education of the district of 57416
attendance shall notify the superintendent of public instruction. 57417
The superintendent shall determine the correct amount and the 57418
district required to pay the tuition and shall deduct that amount, 57419
if any, under division (D) of section 3317.023 of the Revised 57420
Code, from the district required to pay the tuition and add that 57421
amount to the amount allocated to the district attended under such 57422
division. The superintendent of public instruction shall send to 57423

the district required to pay the tuition an itemized statement 57424
showing such deductions at the time of such deduction. 57425

When a political subdivision owns and operates an airport, 57426
welfare, or correctional institution or other project or facility 57427
outside its corporate limits, the territory within which the 57428
facility is located is exempt from taxation by the school district 57429
within which such territory is located, and there are school age 57430
children residing within such territory, the political subdivision 57431
owning such tax exempt territory shall pay tuition to the district 57432
in which such children attend school. The tuition for these 57433
children shall be computed as provided for in this section. 57434

Sec. 3317.10. (A) On or before the first day of March of each 57435
year, the department of job and family services shall certify to 57436
the state board of education the unduplicated number of children 57437
ages five through seventeen residing in each school district and 57438
living in a family that, during the preceding October, 57439
participated in Ohio works first. 57440

The department of job and family services shall certify this 57441
information according to the school district of residence for each 57442
child. ~~Except as provided under division (B) of this section, the~~ 57443
~~number of children so certified in any year shall be used by the~~ 57444
~~department of education in calculating the distribution of moneys~~ 57445
~~for the ensuing fiscal year as provided in section 3317.029 of the~~ 57446
~~Revised Code.~~ 57447

(B) Upon the transfer of part of the territory of one school 57448
district to the territory of one or more other school districts, 57449
the department of education may adjust the number of children 57450
certified under division (A) of this section for any district 57451
gaining or losing territory in such a transfer in order to take 57452
into account the effect of the transfer on the number of such 57453
children who reside in the district. Within sixty days of receipt 57454

of a request for information from the department of education, the 57455
department of job and family services shall provide any 57456
information the department of education determines is necessary to 57457
make such adjustments. ~~The department of education may use the~~ 57458
~~adjusted number for any district for the applicable fiscal year,~~ 57459
~~in lieu of the number certified for the district for that fiscal~~ 57460
~~year under division (A) of this section, in the calculation of the~~ 57461
~~distribution of moneys provided in section 3317.029 of the Revised~~ 57462
~~Code.~~ 57463

Sec. 3317.14. Any school district board of education or 57464
educational service center governing board participating in funds 57465
distributed under Chapter 3317. of the Revised Code shall annually 57466
adopt a teachers' salary schedule with provision for increments 57467
based upon training and years of service. Notwithstanding sections 57468
3317.13 and 3319.088 of the Revised Code, the board may establish 57469
its own service requirements and may grant service credit for such 57470
activities as teaching in public or nonpublic schools in this 57471
state or in another state, for service as an educational assistant 57472
other than as a classroom aide employed in accordance with section 57473
5107.541 of the Revised Code, and for service in the military or 57474
in an appropriate state or federal governmental agency, provided 57475
no teacher receives less than the amount required to be paid 57476
pursuant to section 3317.13 of the Revised Code and provided full 57477
credit for a minimum of five years of actual teaching and military 57478
experience as defined in division (A) of section 3317.13 of the 57479
Revised Code is given to each teacher. 57480

~~On the fifteenth day of October of each year, a copy of the~~ 57481
~~salary schedule in effect on that date shall be filed by the board~~ 57482
~~of education of each local school district with the educational~~ 57483
~~service center superintendent, who thereupon shall certify to the~~ 57484
~~treasurer of such local district the correct salary to be paid to~~ 57485
~~each teacher in accordance with the adopted schedule.~~ 57486

Each teacher who has completed training which would qualify 57487
such teacher for a higher salary bracket pursuant to this section 57488
shall file by the fifteenth day of September with the treasurer of 57489
the board of education or educational service center satisfactory 57490
evidence of the completion of such additional training. The 57491
treasurer shall then immediately place the teacher, pursuant to 57492
this section and section 3317.13 of the Revised Code, in the 57493
proper salary bracket in accordance with training and years of 57494
service before certifying such salary, training, and years of 57495
service to the superintendent of public instruction. No teacher 57496
shall be paid less than the salary to which such teacher is 57497
entitled pursuant to section 3317.13 of the Revised Code. 57498

Sec. 3317.16. (A) The department of education shall compute 57499
and distribute state core foundation funding to each joint 57500
vocational school district for the fiscal year as prescribed in 57501
the following divisions: 57502

(1) An opportunity grant calculated according to the 57503
following formula: 57504

(The formula amount X formula ADM) - (0.0005 X the 57505
district's three-year average valuation) 57506

If the result of the calculation for a joint vocational 57507
school district under division (A)(1) of this section is less than 57508
zero, the joint vocational school district's opportunity grant 57509
shall be zero. 57510

(2) Additional state aid for special education and related 57511
services provided under Chapter 3323. of the Revised Code 57512
calculated as the sum of the following: 57513

The formula amount X the district's total special education 57514
weight X the district's state share percentage 57515

(3) Economically disadvantaged funds calculated according to 57516
the following formula: 57517

(\$340, in fiscal year 2014, or \$343, in fiscal year 2015) X 57518
(the district's economically disadvantaged index) X the number 57519
of students who are economically disadvantaged as reported under 57520
division (D)(2)(p) of section 3317.03 of the Revised Code 57521

(4) Limited English proficiency funds calculated as the sum 57522
of the following: 57523

(a) The district's category one limited English proficient 57524
ADM X the amount specified in division (A) of section 3317.016 of 57525
the Revised Code X the district's state share percentage; 57526

(b) The district's category two limited English proficient 57527
ADM X the amount specified in division (B) of section 3317.016 of 57528
the Revised Code X the district's state share percentage; 57529

(c) The district's category three limited English proficient 57530
ADM X the amount specified in division (C) of section 3317.016 of 57531
the Revised Code X the district's state share percentage; 57532

(5) Career-technical education funds calculated according to 57533
the following formula: 57534

The formula amount X the district's total career-technical 57535
education weight X the district's state share percentage 57536

Payment of funds under division (A)(5) of this section is 57537
subject to approval under section 3317.161 of the Revised Code. 57538

(6) Career-technical education associated services funds 57539
calculated under the following formula: 57540

The district's state share percentage X 0.05 X the formula 57541
amount X the sum of categories one through five career-technical 57542
education ADM 57543

(B)(1) If a joint vocational school district's costs for a 57544
fiscal year for a student in its categories two through six 57545
special education ADM exceed the threshold catastrophic cost for 57546
servicing the student, as specified in division (B) of section 57547
3317.0214 of the Revised Code, the district may submit to the 57548

superintendent of public instruction documentation, as prescribed 57549
by the superintendent, of all of its costs for that student. Upon 57550
submission of documentation for a student of the type and in the 57551
manner prescribed, the department shall pay to the district an 57552
amount equal to the sum of the following: 57553

(a) One-half of the district's costs for the student in 57554
excess of the threshold catastrophic cost; 57555

(b) The product of one-half of the district's costs for the 57556
student in excess of the threshold catastrophic cost multiplied by 57557
the district's state share percentage. 57558

(2) The district shall report under division (B)(1) of this 57559
section, and the department shall pay for, only the costs of 57560
educational expenses and the related services provided to the 57561
student in accordance with the student's individualized education 57562
program. Any legal fees, court costs, or other costs associated 57563
with any cause of action relating to the student may not be 57564
included in the amount. 57565

(C)(1) For each student with a disability receiving special 57566
education and related services under an individualized education 57567
program, as defined in section 3323.01 of the Revised Code, at a 57568
joint vocational district, the resident district or, if the 57569
student is enrolled in a community school, the community school 57570
shall be responsible for the amount of any costs of providing 57571
those special education and related services to that student that 57572
exceed the sum of the amount calculated for those services 57573
attributable to that student under division (A) of this section. 57574

Those excess costs shall be calculated by subtracting the sum 57575
of the following from the actual cost to provide special education 57576
and related services to the student: 57577

(a) The formula amount; 57578

(b) The formula amount times the multiple specified in 57579

section 3317.013 of the Revised Code that is applicable to the student; 57580
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(c) Any funds paid under section 3317.0214 for the student. 57582

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education. 57583
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(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable: 57586
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(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code. 57593
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(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code. 57597
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(D)(1) In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(5) of this section may be spent. 57600
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(2) All funds received under division (A)(5) of this section shall be spent in the following manner: 57611
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(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs. 57613
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(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures. 57623
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(E) In any fiscal year, a school district receiving funds under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes. 57625
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(F) As used in this section: 57639

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code. 57640
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(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 57642
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(3) "State share percentage" is equal to the following: 57645
The amount computed under division (A)(1) of this section / 57646
(the formula amount X formula ADM) 57647

Sec. 3317.161. (A) As used in this section, "lead district" has the same meaning as in section 3317.023 of the Revised Code. 57648
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(B) The lead district of a career-technical planning district shall review the career-technical education program of each city, local, and exempted village school district, each community school, and each STEM school that is assigned to the career-technical planning district and determine whether to approve or disapprove the program. The lead district shall notify the department of its determination. 57650
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(C) Upon receiving notification of a lead district's approval, the department shall pay to the member city, local, or exempted village school district or deduct from the state education aid of a district and pay to a community school or STEM school the funds attributed to the career-technical students enrolled in the district or school, according to a payment schedule prescribed by the department. 57657
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(D) Upon receiving notification from a lead district of disapproval of a city, local, or exempted village school district's, a community school's, or STEM school's career-technical education program, the department shall automatically review the lead district's decision. In reviewing the lead district's decision, the department shall consider the demand for the career-technical education program and the availability of the program within the career-technical planning district. If, as a result of the review, the department decides to 57664
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approve the city, local, or exempted village school district's, 57673
the community school's, or the STEM school's career-technical 57674
education program, the department shall pay the funds to the 57675
district or deduct and pay the funds to the community school or 57676
STEM school in the manner described in division (C) of this 57677
section. The department's decision shall be final. 57678

Sec. 3317.18. (A) As used in this section, the terms "Chapter 57679
133. securities," "credit enhancement facilities," "debt charges," 57680
"general obligation," "legislation," "public obligations," and 57681
"securities" have the same meanings as in section 133.01 of the 57682
Revised Code. 57683

(B) The board of education of any school district authorizing 57684
the issuance of securities under section 133.10,~~133.301~~, or 57685
3313.372 of the Revised Code or general obligation Chapter 133. 57686
securities may adopt legislation requesting the state department 57687
of education to approve, and enter into an agreement with the 57688
school district and the primary paying agent or fiscal agent for 57689
such securities providing for, the withholding and deposit of 57690
funds, otherwise due the district under Chapter 3317. of the 57691
Revised Code, for the payment of debt service charges on such 57692
securities. 57693

The board of education shall deliver to the state department 57694
a copy of such resolution and any additional pertinent information 57695
the state department may require. 57696

The department of education and the office of budget and 57697
management shall evaluate each request received from a school 57698
district under this section and the department, with the advice 57699
and consent of the director of budget and management, shall 57700
approve or deny each request based on all of the following: 57701

(1) Whether approval of the request will enhance the 57702
marketability of the securities for which the request is made; 57703

(2) Any other pertinent factors or limitations established in rules made under division (I) of this section, including:

(a) Current and projected obligations of funds due to the requesting school district under Chapter 3317. of the Revised Code including obligations of those funds to public obligations or relevant credit enhancement facilities under this section, Chapter 133. and section 3313.483 of the Revised Code, and under any other similar provisions of law;

(b) Whether the department of education or the office of budget and management has any reason to believe the requesting school district will be unable to pay when due the debt charges on the securities for which the request is made.

The department may require a school district to establish schedules for the payment of all debt charges that take into account the amount and timing of anticipated distributions of funds to the district under Chapter 3317. of the Revised Code.

(C) If the department approves the request of a school district to withhold and deposit funds pursuant to this section, the department shall enter into a written agreement with the district and the primary paying agent or fiscal agent for the securities which shall provide for the withholding of funds pursuant to this section for the payment of debt charges on those securities, and may include both of the following:

(1) Provisions for certification by the district to the department, at a time prior to any date for the payment of applicable debt charges, whether the district is able to pay those debt charges when due;

(2) Requirements that the district deposit amounts for the payment of debt charges on the securities with the primary paying agent or fiscal agent for the securities prior to the date on which those debt charge payments are due to the owners or holders

of the securities. 57735

(D) Whenever a district notifies the department of education 57736
that it will be unable to pay debt charges when they are due, 57737
subject to the withholding provisions of this section, or whenever 57738
the applicable paying agent or fiscal agent notifies the 57739
department that it has not timely received from a school district 57740
the full amount needed for the payment when due of those debt 57741
charges to the holders or owners of such securities, the 57742
department shall immediately contact the school district and the 57743
paying agent or fiscal agent to confirm or determine whether the 57744
district is unable to make the required payment by the date on 57745
which it is due. 57746

Upon demand of the treasurer of state while holding a school 57747
district obligation purchased under division (G)(1) of section 57748
135.143 of the Revised Code, the state department of education, 57749
without a request of the school district, shall withhold and 57750
deposit funds pursuant to this section for payment of debt service 57751
charges on that obligation. 57752

If the department confirms or determines that the district 57753
will be unable to make such payment and payment will not be made 57754
pursuant to a credit enhancement facility, the department shall 57755
promptly pay to the applicable primary paying agent or fiscal 57756
agent the lesser of the amount due for debt charges or the amount 57757
due the district for the remainder of the fiscal year under 57758
Chapter 3317. of the Revised Code. If this amount is insufficient 57759
to pay the total amount then due the agent for the payment of debt 57760
charges, the department shall pay to the agent each fiscal year 57761
thereafter, and until the full amount due the agent for unpaid 57762
debt charges is paid in full, the lesser of the remaining amount 57763
due the agent for debt charges or the amount due the district for 57764
the fiscal year under Chapter 3317. of the Revised Code. 57765

(E) The state department may make any payments under this 57766

division by direct deposit of funds by electronic transfer. 57767

Any amount received by a paying agent or fiscal agent under 57768
this section shall be applied only to the payment of debt charges 57769
on the securities of the school district subject to this section 57770
or to the reimbursement to the provider of a credit enhancement 57771
facility that has paid such debt charges. 57772

(F) To the extent a school district whose securities are 57773
subject to this section is unable to pay applicable debt charges 57774
because of the failure to collect property taxes levied for the 57775
payment of those debt charges, the district may transfer to or 57776
deposit into any fund that would have received payments under 57777
Chapter 3317. of the Revised Code that were withheld under this 57778
section any such delinquent property taxes when later collected, 57779
provided that transfer or deposit shall be limited to the amounts 57780
withheld from that fund under this section. 57781

(G) The department may make payments under this section to 57782
paying agents or fiscal agents only from and to the extent that 57783
money is appropriated by the general assembly for Chapter 3317. of 57784
the Revised Code or for the purposes of this section. No 57785
securities of a school district to which this section is made 57786
applicable constitute an obligation or a debt or a pledge of the 57787
faith, credit, or taxing power of the state, and the holders or 57788
owners of such securities have no right to have taxes levied or 57789
appropriations made by the general assembly for the payment of 57790
debt charges on those securities, and those securities, if the 57791
department requires, shall contain a statement to that effect. The 57792
agreement for or the actual withholding and payment of moneys 57793
under this section does not constitute the assumption by the state 57794
of any debt of a school district. 57795

(H) In the case of securities subject to the withholding 57796
provisions of this section, the issuing board of education shall 57797
appoint a paying agent or fiscal agent who is not an officer or 57798

employee of the school district. 57799

(I) The department of education, with the advice of the 57800
office of budget and management, may adopt reasonable rules not 57801
inconsistent with this section for the implementation of this 57802
section and division (B) of section 133.25 of the Revised Code as 57803
it relates to the withholding and depositing of payments under 57804
Chapter 3317. of the Revised Code to secure payment of debt 57805
charges on school district securities. Those rules shall include 57806
criteria for the evaluation and approval or denial of school 57807
district requests for withholding under this section and limits on 57808
the obligation for the purpose of paying debt charges or 57809
reimbursing credit enhancement facilities of funds otherwise to be 57810
paid to school districts under Chapter 3317. of the Revised Code. 57811

(J) The authority granted by this section is in addition to 57812
and not a limitation on any other authorizations granted by or 57813
pursuant to law for the same or similar purposes. 57814

Sec. 3317.19. ~~(A) As used in this section, "total unit 57815
allowance" means an amount equal to the sum of the following: 57816~~

~~(1) The total of the salary allowances for the teachers 57817
employed in the cooperative education school district for all 57818
units approved under division (B) or (C) of section 3317.05 of the 57819
Revised Code. The salary allowance for each unit shall equal the 57820
minimum salary for the teacher of the unit calculated on the basis 57821
of the teacher's training level and years of experience pursuant 57822
to the salary schedule prescribed in the version of section 57823
3317.13 of the Revised Code in effect prior to July 1, 2001. 57824~~

~~(2) Fifteen per cent of the total computed under division 57825
(A)(1) of this section; 57826~~

~~(3) The total of the unit operating allowances for all 57827
approved units. The amount of each allowance shall equal one of 57828~~

~~the following:~~ 57829

~~(a) Eight thousand twenty three dollars times the number of units for preschool children with disabilities or fraction thereof approved for the year under division (B) of section 3317.05 of the Revised Code;~~ 57830
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57833

~~(b) Two thousand one hundred thirty two dollars times the number of units or fraction thereof approved for the year under division (C) of section 3317.05 of the Revised Code.~~ 57834
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~~(B) The state board of education shall compute and distribute to each cooperative education school district for each fiscal year an amount equal to the sum of the following:~~ 57837
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57839

~~(1)(A) An amount equal to the total of the amounts credited to the cooperative education school district pursuant to division (H) of section 3317.023 of the Revised Code;~~ 57840
57841
57842

~~(2) The total unit allowance;~~ 57843

~~(3)(B) An amount for assisting in providing free lunches to needy children pursuant to division (D) of section 3317.024 of the Revised Code.~~ 57844
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57846

~~(C) If a cooperative education school district has had additional special education units approved for the year under division (F)(2) of section 3317.03 of the Revised Code, the district shall receive an additional amount during the last half of the fiscal year. For each unit, the additional amount shall equal fifty per cent of the amount computed under division (A) of this section for a unit approved under division (B) of section 3317.05 of the Revised Code.~~ 57847
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Sec. 3317.20. This section does not apply to preschool children with disabilities. 57855
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(A) As used in this section: 57857

(1) "Applicable weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.

(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) "State share ~~percentage~~ index" means the state share ~~percentage~~ index of the child's school district.

~~(B) Except as provided in division (C) of this section, the~~
The department shall annually pay each county DD board for each child with a disability, other than a preschool child with a disability, for whom the county DD board provides special education and related services an amount equal to the formula amount + (state share ~~percentage~~ index X formula amount X the applicable weight).

~~(C) If any school district places with a county DD board more children with disabilities than it had placed with a county DD board in fiscal year 1998, the department shall not make a payment under division (B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter, and pay to the county DD board, an amount calculated in accordance with the formula prescribed in division (B) of this section for each child over the number of children placed in fiscal year 1998.~~

~~(D) The department shall calculate for each county DD board receiving payments under divisions (B) and (C) of this section the following amounts:~~

~~(1) The amount received by the county DD board for approved special education and related services units, other than units for preschool children with disabilities, in fiscal year 1998, divided~~

by the total number of children served in the units that year; 57889

~~(2) The product of the quotient calculated under division 57890~~
~~(D)(1) of this section times the number of children for whom 57891~~
~~payments are made under divisions (B) and (C) of this section. 57892~~

~~If the amount calculated under division (D)(2) of this 57893~~
~~section is greater than the total amount calculated under 57894~~
~~divisions (B) and (C) of this section, the department shall pay 57895~~
~~the county DD board one hundred per cent of the difference in 57896~~
~~addition to the payments under divisions (B) and (C) of this 57897~~
~~section. 57898~~

~~(E)(C)~~ Each county DD board shall report to the department, 57899
in the manner specified by the department, the name of each child 57900
for whom the county DD board provides special education and 57901
related services and the child's school district. 57902

~~(F)(D)(1)~~ For the purpose of verifying the accuracy of the 57903
payments under this section, the department may request from 57904
either of the following entities the data verification code 57905
assigned under division (D)(2) of section 3301.0714 of the Revised 57906
Code to any child who is placed with a county DD board: 57907

(a) The child's school district; 57908

(b) The independent contractor engaged to create and maintain 57909
data verification codes. 57910

(2) Upon a request by the department under division ~~(F)(D)(1)~~ 57911
of this section for the data verification code of a child, the 57912
child's school district shall submit that code to the department 57913
in the manner specified by the department. If the child has not 57914
been assigned a code, the district shall assign a code to that 57915
child and submit the code to the department by a date specified by 57916
the department. If the district does not assign a code to the 57917
child by the specified date, the department shall assign a code to 57918
the child. 57919

The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division ~~(F)~~(D) of this section to any person except as provided by law.

~~(G)~~(E) Any document relative to special education and related services provided by a county DD board that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. ~~3313.847~~ 3317.30. (A) In the case of a child placed in the custody of a juvenile facility established under section 2151.65 or a detention facility established under section 2152.41 of the Revised Code, if payment for the child's education services shall be administered by one of the following methods:

(1) If the facility educates the child, the facility, or the chartered nonpublic school it operates, may submit its request for payment directly to the school district that is to bear the cost of educating the child, as determined under section 2151.362 of the Revised Code. That district shall pay the facility or the chartered nonpublic school directly for those services.

(2) If the facility contracts directly with a school district in which the facility is located for services for that child, the school district may submit its request for payment directly to the school district that is to bear the cost of educating the child, as determined under section 2151.362 of the Revised Code. That district shall pay the school district where the facility is located directly for those services.

(3) If that facility contracts directly with an educational service center for services for that child, the service center may submit its request for payment for services for the child directly to the school district that is responsible to bear the cost of educating the child, as determined under section 2151.362 of the Revised Code. That district shall pay the service center directly for those services. ~~Notwithstanding~~ 57951
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(B) Notwithstanding anything to the contrary in section 3317.03 of the Revised Code, the district that pays a service center, facility or chartered nonpublic school the facility operates, or other school district for services for a particular child under this section shall include that child in the district's average daily membership as reported under division (A) of section 3317.03 of the Revised Code. No other district shall include the child in its average daily membership. 57958
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Payments made for a child under this section shall be determined in accordance with division (C)(4) of section 3313.64 of the Revised Code. 57966
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Sec. 3317.40. (A) As used in this section, "subgroup" means one of the following subsets of the entire student population of a school district or a school building: 57969
57970
57971

(1) Students with disabilities; 57972

(2) Economically disadvantaged students; 57973

(3) Limited English proficient students; 57974

(4) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. 57975
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(B) When funds are provided under this chapter specifically for services for a subgroup of students, the general assembly has determined that these students experience unique challenges 57978
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requiring additional resources and intends that the funds so 57981
provided be used for services that will allow students in those 57982
subgroups to master the knowledge base required for high school 57983
graduation. 57984

(C) If a district or school fails to show satisfactory 57985
achievement and progress, as determined by the state board of 57986
education, for any subgroup of students based on performance 57987
measures reported or graded under section 3302.03 of the Revised 57988
Code, the district or school shall submit an improvement plan to 57989
the department for approval. The plan may be included in any other 57990
improvement plan required of the district or school under state or 57991
federal law. The department may require that a plan required under 57992
division (C) of this section include an agreement to partner with 57993
another organization that has demonstrated the ability to improve 57994
the educational outcome for that subgroup of students to provide 57995
services to those students. The partner organization may be 57996
another school, district, or other education provider. 57997

Not later than December 31, 2014, the state board of 57998
education shall establish measures of satisfactory achievement and 57999
progress, which include, but are not limited to, performance 58000
measures under section 3302.03 of the Revised Code. The department 58001
shall make the initial determination of satisfactory achievement 58002
and progress under this section using those measures not later 58003
than September 1, 2015, and then make determinations under this 58004
section annually thereafter. 58005

The department shall publish a list of schools, school 58006
districts, and other educational providers that have demonstrated 58007
an ability to serve each subgroup of students. 58008

Sec. 3317.50. ~~The eTech-Ohio~~ telecommunity education fund is 58009
hereby created in the state treasury. The fund shall consist of 58010
certain excess local exchange telephone company contributions 58011

transferred from the reserve fund of the Ohio telecommunications 58012
advisory board pursuant to an agreement between the public 58013
utilities commission of Ohio and the Ohio department of education. 58014
The fund shall be used by the chancellor of the Ohio board of 58015
regents, in the amounts appropriated, to finance technology grants 58016
to state-chartered elementary and secondary schools. Investment 58017
earnings of the fund shall be credited to the fund. 58018

Sec. 3317.51. (A) The distance learning fund is hereby 58019
created in the state treasury. The fund shall consist of moneys 58020
paid ~~to the eTech Ohio commission~~ by any telephone company as a 58021
part of a settlement agreement between such company and the public 58022
utilities commission in fiscal year 1995 in part to establish 58023
distance learning throughout the state. The ~~commission~~ chancellor 58024
of the Ohio board of regents shall administer the fund and expend 58025
moneys from it to finance technology grants to eligible schools 58026
chartered by the state board of education to establish distance 58027
learning in those schools. Chartered schools are eligible for 58028
funds if they are within the service area of the telephone 58029
company. Investment earnings of the fund shall be credited to the 58030
fund. 58031

(B) For purposes of this section, "distance learning" means 58032
the creation of a learning environment involving a school setting 58033
and at least one other location outside of the school which allows 58034
for information available at one site to be accessed at the other 58035
through the use of such educational applications as one-way or 58036
two-way transmission of data, voice, and video, singularly or in 58037
appropriate combinations. 58038

Sec. 3318.011. For purposes of providing assistance under 58039
sections 3318.01 to 3318.20 of the Revised Code, the department of 58040
education shall annually do all of the following: 58041

(A) Calculate the adjusted valuation per pupil of each city, 58042
local, and exempted village school district according to the 58043
following formula: 58044

The district's valuation per pupil - 58045
[\$30,000 X (1 - the district's income factor)]. 58046

For purposes of this calculation: 58047

(1) Except for a district with an open enrollment net gain 58048
that is ten per cent or more of its formula ADM, "valuation per 58049
pupil" for a district means its average taxable value, divided by 58050
its formula ADM for the previous fiscal year. "Valuation per 58051
pupil," for a district with an open enrollment net gain that is 58052
ten per cent or more of its formula ADM, means its average taxable 58053
value, divided by the sum of its formula ADM for the previous 58054
fiscal year plus its open enrollment net gain for the previous 58055
fiscal year. 58056

(2) "Average taxable value" means the average of the sum of 58057
the amounts certified for a district under divisions (A)(1) and 58058
(2) of section 3317.021 of the Revised Code in the second, third, 58059
and fourth preceding fiscal years. 58060

(3) "Entitled to attend school" means entitled to attend 58061
school in a city, local, or exempted village school district under 58062
section 3313.64 or 3313.65 of the Revised Code. 58063

(4) "Formula ADM" ~~and "income factor"~~ have has the same 58064
~~meanings~~ meaning as in section 3317.02 of the Revised Code. 58065

(5) "Native student" has the same meaning as in section 58066
3313.98 of the Revised Code. 58067

(6) "Open enrollment net gain" for a district means (a) the 58068
number of the students entitled to attend school in another 58069
district but who are enrolled in the schools of the district under 58070
its open enrollment policy minus (b) the number of the district's 58071
native students who are enrolled in the schools of another 58072

district under the other district's open enrollment policy, both 58073
numbers as certified to the department under section 3313.981 of 58074
the Revised Code. If the difference is a negative number, the 58075
district's "open enrollment net gain" is zero. 58076

(7) "Open enrollment policy" means an interdistrict open 58077
enrollment policy adopted under section 3313.98 of the Revised 58078
Code. 58079

(8) "District median income" means the median Ohio adjusted 58080
gross income certified for a school district. On or before the 58081
first day of July of each year, the tax commissioner shall certify 58082
to the department of education and the office of budget and 58083
management for each city, exempted village, and local school 58084
district the median Ohio adjusted gross income of the residents of 58085
the school district determined on the basis of tax returns filed 58086
for the second preceding tax year by the residents of the 58087
district. 58088

(9) "Statewide median income" means the median district 58089
median income of all city, exempted village, and local school 58090
districts in the state. 58091

(10) "Income factor" for a city, exempted village, or local 58092
school district means the quotient obtained by dividing that 58093
district's median income by the statewide median income. 58094

(B) Calculate for each district the three-year average of the 58095
adjusted valuations per pupil calculated for the district for the 58096
current and two preceding fiscal years; 58097

(C) Rank all such districts in order of adjusted valuation 58098
per pupil from the district with the lowest three-year average 58099
adjusted valuation per pupil to the district with the highest 58100
three-year average adjusted valuation per pupil; 58101

(D) Divide such ranking into percentiles with the first 58102
percentile containing the one per cent of school districts having 58103

the lowest three-year average adjusted valuations per pupil and 58104
the one-hundredth percentile containing the one per cent of school 58105
districts having the highest three-year average adjusted 58106
valuations per pupil; 58107

(E) Determine the school districts that have three-year 58108
average adjusted valuations per pupil that are greater than the 58109
median three-year average adjusted valuation per pupil for all 58110
school districts in the state; 58111

(F) On or before the first day of September, certify the 58112
information described in divisions (A) to (E) of this section to 58113
the Ohio school facilities commission. 58114

Sec. 3318.031. (A) The Ohio school facilities commission 58115
shall consider student and staff safety and health when reviewing 58116
design plans for classroom facility construction projects proposed 58117
under this chapter. After consulting with appropriate education, 58118
health, and law enforcement personnel, the commission may require 58119
as a condition of project approval under either section 3318.03 or 58120
division (B)(1) of section 3318.41 of the Revised Code such 58121
changes in the design plans as the commission believes will 58122
advance or improve student and staff safety and health in the 58123
proposed classroom facility. 58124

To carry out its duties under this division, the commission 58125
shall review and, if necessary, amend any construction and design 58126
standards used in its project approval process, including 58127
standards for location and number of exits, standards for lead 58128
safety in classroom facilities constructed before 1978 in which 58129
services are provided to children under six years of age, and 58130
location of restrooms, with a focus on advancing student and staff 58131
safety and health. 58132

(B) When reviewing design standards for classroom facility 58133
construction projects proposed under this chapter, the commission 58134

shall also consider the extent to which the design standards	58135
support the following:	58136
(1) Support and facilitation of smaller classes and the trend	58137
toward smaller schools <u>Trends in educational delivery methods,</u>	58138
<u>including digital access and blended learning;</u>	58139
(2) Provision of sufficient space for training new teachers	58140
and promotion of collaboration among teaching candidates,	58141
experienced teachers, and teacher educators;	58142
(3) Provision of adequate space for teacher planning and	58143
collaboration;	58144
(4) Provision of adequate space for parent involvement	58145
activities;	58146
(5) Provision of sufficient space for innovative partnerships	58147
between schools and health and social service agencies.	58148
Sec. 3318.08. Except in the case of a joint vocational school	58149
district that receives assistance under sections 3318.40 to	58150
3318.45 of the Revised Code, if the requisite favorable vote on	58151
the election is obtained, or if the school district board has	58152
resolved to apply the proceeds of a property tax levy or the	58153
proceeds of an income tax, or a combination of proceeds from such	58154
taxes, as authorized in section 3318.052 of the Revised Code, the	58155
Ohio school facilities commission, upon certification to it of	58156
either the results of the election or the resolution under section	58157
3318.052 of the Revised Code, shall enter into a written agreement	58158
with the school district board for the construction and sale of	58159
the project. In the case of a joint vocational school district	58160
that receives assistance under sections 3318.40 to 3318.45 of the	58161
Revised Code, if the school district board of education and the	58162
school district electors have satisfied the conditions prescribed	58163
in division (D)(1) of section 3318.41 of the Revised Code, the	58164

commission shall enter into an agreement with the school district 58165
board for the construction and sale of the project. In either 58166
case, the agreement shall include, but need not be limited to, the 58167
following provisions: 58168

(A) The sale and issuance of bonds or notes in anticipation 58169
thereof, as soon as practicable after the execution of the 58170
agreement, in an amount equal to the school district's portion of 58171
the basic project cost, including any securities authorized under 58172
division (J) of section 133.06 of the Revised Code and dedicated 58173
by the school district board to payment of the district's portion 58174
of the basic project cost of the project; provided, that if at 58175
that time the county treasurer of each county in which the school 58176
district is located has not commenced the collection of taxes on 58177
the general duplicate of real and public utility property for the 58178
year in which the controlling board approved the project, the 58179
school district board shall authorize the issuance of a first 58180
installment of bond anticipation notes in an amount specified by 58181
the agreement, which amount shall not exceed an amount necessary 58182
to raise the net bonded indebtedness of the school district as of 58183
the date of the controlling board's approval to within five 58184
thousand dollars of the required level of indebtedness for the 58185
preceding year. In the event that a first installment of bond 58186
anticipation notes is issued, the school district board shall, as 58187
soon as practicable after the county treasurer of each county in 58188
which the school district is located has commenced the collection 58189
of taxes on the general duplicate of real and public utility 58190
property for the year in which the controlling board approved the 58191
project, authorize the issuance of a second and final installment 58192
of bond anticipation notes or a first and final issue of bonds. 58193

The combined value of the first and second installment of 58194
bond anticipation notes or the value of the first and final issue 58195
of bonds shall be equal to the school district's portion of the 58196

basic project cost. The proceeds of any such bonds shall be used 58197
first to retire any bond anticipation notes. Otherwise, the 58198
proceeds of such bonds and of any bond anticipation notes, except 58199
the premium and accrued interest thereon, shall be deposited in 58200
the school district's project construction fund. In determining 58201
the amount of net bonded indebtedness for the purpose of fixing 58202
the amount of an issue of either bonds or bond anticipation notes, 58203
gross indebtedness shall be reduced by moneys in the bond 58204
retirement fund only to the extent of the moneys therein on the 58205
first day of the year preceding the year in which the controlling 58206
board approved the project. Should there be a decrease in the tax 58207
valuation of the school district so that the amount of 58208
indebtedness that can be incurred on the tax duplicates for the 58209
year in which the controlling board approved the project is less 58210
than the amount of the first installment of bond anticipation 58211
notes, there shall be paid from the school district's project 58212
construction fund to the school district's bond retirement fund to 58213
be applied against such notes an amount sufficient to cause the 58214
net bonded indebtedness of the school district, as of the first 58215
day of the year following the year in which the controlling board 58216
approved the project, to be within five thousand dollars of the 58217
required level of indebtedness for the year in which the 58218
controlling board approved the project. The maximum amount of 58219
indebtedness to be incurred by any school district board as its 58220
share of the cost of the project is either an amount that will 58221
cause its net bonded indebtedness, as of the first day of the year 58222
following the year in which the controlling board approved the 58223
project, to be within five thousand dollars of the required level 58224
of indebtedness, or an amount equal to the required percentage of 58225
the basic project costs, whichever is greater. All bonds and bond 58226
anticipation notes shall be issued in accordance with Chapter 133. 58227
of the Revised Code, and notes may be renewed as provided in 58228
section 133.22 of the Revised Code. 58229

(B) The transfer of such funds of the school district board 58230
available for the project, together with the proceeds of the sale 58231
of the bonds or notes, except premium, accrued interest, and 58232
interest included in the amount of the issue, to the school 58233
district's project construction fund; 58234

(C) For all school districts except joint vocational school 58235
districts that receive assistance under sections 3318.40 to 58236
3318.45 of the Revised Code, the following provisions as 58237
applicable: 58238

(1) If section 3318.052 of the Revised Code applies, the 58239
earmarking of the proceeds of a tax levied under section 5705.21 58240
of the Revised Code for general permanent improvements or under 58241
section 5705.218 of the Revised Code for the purpose of permanent 58242
improvements, or the proceeds of a school district income tax 58243
levied under Chapter 5748. of the Revised Code, or the proceeds 58244
from a combination of those two taxes, in an amount to pay all or 58245
part of the service charges on bonds issued to pay the school 58246
district portion of the project and an amount equivalent to all or 58247
part of the tax required under division (B) of section 3318.05 of 58248
the Revised Code; 58249

(2) If section 3318.052 of the Revised Code does not apply, 58250
one of the following: 58251

(a) The levy of the tax authorized at the election for the 58252
payment of maintenance costs, as specified in division (B) of 58253
section 3318.05 of the Revised Code; 58254

(b) If the school district electors have approved a 58255
continuing tax for general permanent improvements under section 58256
5705.21 of the Revised Code and that tax can be used for 58257
maintenance, the earmarking of an amount of the proceeds from such 58258
tax for maintenance of classroom facilities as specified in 58259
division (B) of section 3318.05 of the Revised Code; 58260

(c) If, in lieu of the tax otherwise required under division 58261
(B) of section 3318.05 of the Revised Code, the commission has 58262
approved the transfer of money to the maintenance fund in 58263
accordance with section 3318.051 of the Revised Code, a 58264
requirement that the district board comply with the provisions of 58265
that section. The district board may rescind the provision 58266
prescribed under division (C)(2)(c) of this section only so long 58267
as the electors of the district have approved, in accordance with 58268
section 3318.063 of the Revised Code, the levy of a tax for the 58269
maintenance of the classroom facilities acquired under the 58270
district's project and that levy continues to be collected as 58271
approved by the electors. 58272

(D) For joint vocational school districts that receive 58273
assistance under sections 3318.40 to 3318.45 of the Revised Code, 58274
provision for deposit of school district moneys dedicated to 58275
maintenance of the classroom facilities acquired under those 58276
sections as prescribed in section 3318.43 of the Revised Code; 58277

(E) Dedication of any local donated contribution as provided 58278
for under section 3318.084 of the Revised Code, including a 58279
schedule for depositing such moneys applied as an offset of the 58280
district's obligation to levy the tax described in division (B) of 58281
section 3318.05 of the Revised Code as required under division 58282
(D)(2) of section 3318.084 of the Revised Code; 58283

(F) Ownership of or interest in the project during the period 58284
of construction, which shall be divided between the commission and 58285
the school district board in proportion to their respective 58286
contributions to the school district's project construction fund; 58287

(G) Maintenance of the state's interest in the project until 58288
any obligations issued for the project under section 3318.26 of 58289
the Revised Code are no longer outstanding; 58290

(H) The insurance of the project by the school district from 58291

the time there is an insurable interest therein and so long as the 58292
state retains any ownership or interest in the project pursuant to 58293
division (F) of this section, in such amounts and against such 58294
risks as the commission shall require; provided, that the cost of 58295
any required insurance until the project is completed shall be a 58296
part of the basic project cost; 58297

(I) The certification by the director of budget and 58298
management that funds are available and have been set aside to 58299
meet the state's share of the basic project cost as approved by 58300
the controlling board pursuant to either section 3318.04 or 58301
division (B)(1) of section 3318.41 of the Revised Code; 58302

(J) Authorization of the school district board to advertise 58303
for and receive construction bids for the project, for and on 58304
behalf of the commission, and to award contracts in the name of 58305
the state subject to approval by the commission; 58306

(K) Provisions for the disbursement of moneys from the school 58307
district's project account upon issuance by the commission or the 58308
commission's designated representative of vouchers for work done 58309
to be certified to the commission by the treasurer of the school 58310
district board; 58311

(L) Disposal of any balance left in the school district's 58312
project construction fund upon completion of the project; 58313

(M) Limitations upon use of the project or any part of it so 58314
long as any obligations issued to finance the project under 58315
section 3318.26 of the Revised Code are outstanding; 58316

(N) Provision for vesting the state's interest in the project 58317
to the school district board when the obligations issued to 58318
finance the project under section 3318.26 of the Revised Code are 58319
outstanding; 58320

(O) Provision for deposit of an executed copy of the 58321
agreement in the office of the commission; 58322

(P) Provision for termination of the contract and release of 58323
the funds encumbered at the time of the conditional approval, if 58324
the proceeds of the sale of the bonds of the school district board 58325
are not paid into the school district's project construction fund 58326
and if bids for the construction of the project have not been 58327
taken within such period after the execution of the agreement as 58328
may be fixed by the commission; 58329

(Q) Provision for the school district to maintain the project 58330
in accordance with a plan approved by the commission; 58331

(R) Provision that all state funds reserved and encumbered to 58332
pay the state share of the cost of the project and the funds 58333
provided by the school district to pay for its share of the 58334
project cost, including the respective shares of the cost of a 58335
segment if the project is divided into segments, be spent on the 58336
construction and acquisition of the project or segment 58337
simultaneously in proportion to the state's and the school 58338
district's respective shares of that basic project cost as 58339
determined under section 3318.032 of the Revised Code or, if the 58340
district is a joint vocational school district, under section 58341
3318.42 of the Revised Code. However, if the school district 58342
certifies to the commission that expenditure by the school 58343
district is necessary to maintain the federal tax status or 58344
tax-exempt status of notes or bonds issued by the school district 58345
to pay for its share of the project cost or to comply with 58346
applicable temporary investment periods or spending exceptions to 58347
rebate as provided for under federal law in regard to those notes 58348
or bonds, the school district may commit to spend, or spend, a 58349
greater portion of the funds it provides during any specific 58350
period than would otherwise be required under this division. 58351

(S) A provision stipulating that the commission may prohibit 58352
the district from proceeding with any project if the commission 58353
determines that the site is not suitable for construction 58354

purposes. The commission may perform soil tests in its 58355
determination of whether a site is appropriate for construction 58356
purposes. 58357

(T) A provision stipulating that, unless otherwise authorized 58358
by the commission, any contingency reserve portion of the 58359
construction budget prescribed by the commission shall be used 58360
only to pay costs resulting from unforeseen job conditions, to 58361
comply with rulings regarding building and other codes, to pay 58362
costs related to design clarifications or corrections to contract 58363
documents, and to pay the costs of settlements or judgments 58364
related to the project as provided under section 3318.086 of the 58365
Revised Code; 58366

(U) ~~Provision~~ A provision stipulating that for continued 58367
release of project funds the school district board shall comply 58368
with ~~section~~ sections 3313.41 and 3313.411 of the Revised Code 58369
throughout the project and shall notify the department of 58370
education and the Ohio community school association when the board 58371
plans to dispose of facilities by sale under that section; 58372

(V) ~~Provision~~ A provision stipulating that the commission 58373
shall not approve a contract for demolition of a facility until 58374
the school district board has complied with ~~section~~ sections 58375
3313.41 and 3313.411 of the Revised Code relative to that 58376
facility, unless demolition of that facility is to clear a site 58377
for construction of a replacement facility included in the 58378
district's project; 58379

(W) A requirement for the school district to adhere to a 58380
facilities maintenance plan approved by the commission. 58381

Sec. 3318.31. (A) The Ohio school facilities commission may 58382
perform any act and ensure the performance of any function 58383
necessary or appropriate to carry out the purposes of, and 58384
exercise the powers granted under, Chapter 3318. of the Revised 58385

Code, including any of the following: 58386

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 58387
the Revised Code, rules for the administration of programs 58388
authorized under Chapter 3318. of the Revised Code. 58389

(2) Contract with, retain the services of, or designate, and 58390
fix the compensation of, such agents, accountants, consultants, 58391
advisers, and other independent contractors as may be necessary or 58392
desirable to carry out the programs authorized under Chapter 3318. 58393
of the Revised Code, or authorize the executive director to 58394
perform such powers and duties. 58395

(3) Receive and accept any gifts, grants, donations, and 58396
pledges, and receipts therefrom, to be used for the programs 58397
authorized under Chapter 3318. of the Revised Code. 58398

(4) Make and enter into all contracts, commitments, and 58399
agreements, and execute all instruments, necessary or incidental 58400
to the performance of its duties and the execution of its rights 58401
and powers under Chapter 3318. of the Revised Code, or authorize 58402
the executive director or the Ohio facilities construction 58403
commission to perform such powers and duties. 58404

(5) Request the Ohio facilities construction commission to 58405
debar a contractor as provided in section 153.02 of the Revised 58406
Code. 58407

(B) ~~The Ohio school facilities commission shall appoint and~~ 58408
~~fix the compensation of an~~ executive director who of the Ohio 58409
facilities construction commission, as appointed under division 58410
(B) of section 123.21 of the Revised Code, shall also serve at the 58411
~~pleasure of~~ as the executive director for the Ohio school 58412
facilities commission. The executive director shall exercise all 58413
powers that the Ohio school facilities commission possesses, 58414
supervise the operations of the Ohio school facilities commission 58415
and perform such other duties as delegated by the Ohio school 58416

facilities commission. The executive director also shall employ 58417
and fix the compensation of such employees as will facilitate the 58418
activities and purposes of the Ohio school facilities commission, 58419
who shall serve at the pleasure of the executive director. The 58420
employees of the Ohio school facilities commission shall be exempt 58421
from Chapter 4117. of the Revised Code and shall not be public 58422
employees as defined in section 4117.01 of the Revised Code. Any 58423
agreement entered into prior to July 1, 2012, between the office 58424
of collective bargaining and the exclusive representative for 58425
employees of the commission is binding and shall continue to have 58426
effect. 58427

(C) The attorney general shall serve as the legal 58428
representative for the Ohio school facilities commission and may 58429
appoint other counsel as necessary for that purpose in accordance 58430
with section 109.07 of the Revised Code. 58431

Sec. 3318.36. (A)(1) As used in this section: 58432

(a) "Ohio school facilities commission," "classroom 58433
facilities," "school district," "school district board," "net 58434
bonded indebtedness," "required percentage of the basic project 58435
costs," "basic project cost," "valuation," and "percentile" have 58436
the same meanings as in section 3318.01 of the Revised Code. 58437

(b) "Required level of indebtedness" means five per cent of 58438
the school district's valuation for the year preceding the year in 58439
which the commission and school district enter into an agreement 58440
under division (B) of this section, plus [two one-hundredths of 58441
one per cent multiplied by (the percentile in which the district 58442
ranks minus one)]. 58443

(c) "Local resources" means any moneys generated in any 58444
manner permitted for a school district board to raise the school 58445
district portion of a project undertaken with assistance under 58446
sections 3318.01 to 3318.20 of the Revised Code. 58447

(d) "Tangible personal property phase-out impacted district" 58448
means a school district for which the taxable value of its 58449
tangible personal property certified under division (A)(2) of 58450
section 3317.021 of the Revised Code for tax year 2005, excluding 58451
the taxable value of public utility personal property, made up 58452
eighteen per cent or more of its total taxable value for tax year 58453
2005 as certified under that section. 58454

(2) For purposes of determining the required level of 58455
indebtedness, the required percentage of the basic project costs 58456
under division (C)(1) of this section, and priority for assistance 58457
under sections 3318.01 to 3318.20 of the Revised Code, the 58458
percentile ranking of a school district with which the commission 58459
has entered into an agreement under this section between the first 58460
day of July and the thirty-first day of August in each fiscal year 58461
is the percentile ranking calculated for that district for the 58462
immediately preceding fiscal year, and the percentile ranking of a 58463
school district with which the commission has entered into such 58464
agreement between the first day of September and the thirtieth day 58465
of June in each fiscal year is the percentile ranking calculated 58466
for that district for the current fiscal year. However, in the 58467
case of a tangible personal property phase-out impacted district, 58468
the district's priority for assistance under sections 3318.01 to 58469
3318.20 of the Revised Code and its portion of the basic project 58470
cost under those sections shall be determined in the manner 58471
prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 58472
this section. 58473

(B)(1) There is hereby established the school building 58474
assistance expedited local partnership program. Under the program, 58475
the Ohio school facilities commission may enter into an agreement 58476
with the board of any school district under which the board may 58477
proceed with the new construction or major repairs of a part of 58478
the district's classroom facilities needs, as determined under 58479

sections 3318.01 to 3318.20 of the Revised Code, through the 58480
expenditure of local resources prior to the school district's 58481
eligibility for state assistance under those sections, and may 58482
apply that expenditure toward meeting the school district's 58483
portion of the basic project cost of the total of the district's 58484
classroom facilities needs, as recalculated under division (E) of 58485
this section, when the district becomes eligible for state 58486
assistance under sections 3318.01 to 3318.20 or section 3318.364 58487
of the Revised Code. Any school district that is reasonably 58488
expected to receive assistance under sections 3318.01 to 3318.20 58489
of the Revised Code within two fiscal years from the date the 58490
school district adopts its resolution under division (B) of this 58491
section shall not be eligible to participate in the program 58492
established under this section. 58493

(2) To participate in the program, a school district board 58494
shall first adopt a resolution certifying to the commission the 58495
board's intent to participate in the program. 58496

The resolution shall specify the approximate date that the 58497
board intends to seek elector approval of any bond or tax measures 58498
or to apply other local resources to use to pay the cost of 58499
classroom facilities to be constructed under this section. The 58500
resolution may specify the application of local resources or 58501
elector-approved bond or tax measures after the resolution is 58502
adopted by the board, and in such case the board may proceed with 58503
a discrete portion of its project under this section as soon as 58504
the commission and the controlling board have approved the basic 58505
project cost of the district's classroom facilities needs as 58506
specified in division (D) of this section. The board shall submit 58507
its resolution to the commission not later than ten days after the 58508
date the resolution is adopted by the board. 58509

The commission shall not consider any resolution that is 58510
submitted pursuant to division (B)(2) of this section, as amended 58511

by this amendment, sooner than September 14, 2000. 58512

(3) For purposes of determining when a district that enters 58513
into an agreement under this section becomes eligible for 58514
assistance under sections 3318.01 to 3318.20 of the Revised Code 58515
or priority for assistance under section 3318.364 of the Revised 58516
Code, the commission shall use one of the following as applicable: 58517

(a) Except for a tangible personal property phase-out 58518
impacted district, the district's percentile ranking determined at 58519
the time the district entered into the agreement under this 58520
section, as prescribed by division (A)(2) of this section; 58521

(b) For a tangible personal property phase-out impacted 58522
district, the lesser of (i) the district's percentile ranking 58523
determined at the time the district entered into the agreement 58524
under this section, as prescribed by division (A)(2) of this 58525
section, or (ii) the district's current percentile ranking under 58526
section 3318.011 of the Revised Code. 58527

(4) Any project under this section shall comply with section 58528
3318.03 of the Revised Code and with any specifications for plans 58529
and materials for classroom facilities adopted by the commission 58530
under section 3318.04 of the Revised Code. 58531

(5) If a school district that enters into an agreement under 58532
this section has not begun a project applying local resources as 58533
provided for under that agreement at the time the district is 58534
notified by the commission that it is eligible to receive state 58535
assistance under sections 3318.01 to 3318.20 of the Revised Code, 58536
all assessment and agreement documents entered into under this 58537
section are void. 58538

(6) Only construction of or repairs to classroom facilities 58539
that have been approved by the commission and have been therefore 58540
included as part of a district's basic project cost qualify for 58541
application of local resources under this section. 58542

(C) Based on the results of on-site visits and assessment, 58543
the commission shall determine the basic project cost of the 58544
school district's classroom facilities needs. The commission shall 58545
determine the school district's portion of such basic project 58546
cost, which shall be the greater of: 58547

(1) The required percentage of the basic project costs, 58548
determined based on the school district's percentile ranking; 58549

(2) An amount necessary to raise the school district's net 58550
bonded indebtedness, as of the fiscal year the commission and the 58551
school district enter into the agreement under division (B) of 58552
this section, to within five thousand dollars of the required 58553
level of indebtedness. 58554

(D)(1) When the commission determines the basic project cost 58555
of the classroom facilities needs of a school district and the 58556
school district's portion of that basic project cost under 58557
division (C) of this section, the project shall be conditionally 58558
approved. Such conditional approval shall be submitted to the 58559
controlling board for approval thereof. The controlling board 58560
shall forthwith approve or reject the commission's determination, 58561
conditional approval, and the amount of the state's portion of the 58562
basic project cost; however, no state funds shall be encumbered 58563
under this section. Upon approval by the controlling board, the 58564
school district board may identify a discrete part of its 58565
classroom facilities needs, which shall include only new 58566
construction of or additions or major repairs to a particular 58567
building, to address with local resources. Upon identifying a part 58568
of the school district's basic project cost to address with local 58569
resources, the school district board may allocate any available 58570
school district moneys to pay the cost of that identified part, 58571
including the proceeds of an issuance of bonds if approved by the 58572
electors of the school district. 58573

All local resources utilized under this division shall first 58574

be deposited in the project construction account required under 58575
section 3318.08 of the Revised Code. 58576

(2) Unless the school district board exercises its option 58577
under division (D)(3) of this section, for a school district to 58578
qualify for participation in the program authorized under this 58579
section, one of the following conditions shall be satisfied: 58580

(a) The electors of the school district by a majority vote 58581
shall approve the levy of taxes outside the ten-mill limitation 58582
for a period of twenty-three years at the rate of not less than 58583
one-half mill for each dollar of valuation to be used to pay the 58584
cost of maintaining the classroom facilities included in the basic 58585
project cost as determined by the commission. The form of the 58586
ballot to be used to submit the question whether to approve the 58587
tax required under this division to the electors of the school 58588
district shall be the form for an additional levy of taxes 58589
prescribed in section 3318.361 of the Revised Code, which may be 58590
combined in a single ballot question with the questions prescribed 58591
under section 5705.218 of the Revised Code. 58592

(b) As authorized under division (C) of section 3318.05 of 58593
the Revised Code, the school district board shall earmark from the 58594
proceeds of a permanent improvement tax levied under section 58595
5705.21 of the Revised Code, an amount equivalent to the 58596
additional tax otherwise required under division (D)(2)(a) of this 58597
section for the maintenance of the classroom facilities included 58598
in the basic project cost as determined by the commission. 58599

(c) As authorized under section 3318.051 of the Revised Code, 58600
the school district board shall, if approved by the commission, 58601
annually transfer into the maintenance fund required under section 58602
3318.05 of the Revised Code the amount prescribed in section 58603
3318.051 of the Revised Code in lieu of the tax otherwise required 58604
under division (D)(2)(a) of this section for the maintenance of 58605
the classroom facilities included in the basic project cost as 58606

determined by the commission. 58607

(d) If the school district board has rescinded the agreement 58608
to make transfers under section 3318.051 of the Revised Code, as 58609
provided under division (F) of that section, the electors of the 58610
school district, in accordance with section 3318.063 of the 58611
Revised Code, first shall approve the levy of taxes outside the 58612
ten-mill limitation for the period specified in that section at a 58613
rate of not less than one-half mill for each dollar of valuation. 58614

(e) The school district board shall apply the proceeds of a 58615
tax to leverage bonds as authorized under section 3318.052 of the 58616
Revised Code or dedicate a local donated contribution in the 58617
manner described in division (B) of section 3318.084 of the 58618
Revised Code in an amount equivalent to the additional tax 58619
otherwise required under division (D)(2)(a) of this section for 58620
the maintenance of the classroom facilities included in the basic 58621
project cost as determined by the commission. 58622

(3) A school district board may opt to delay taking any of 58623
the actions described in division (D)(2) of this section until the 58624
school district becomes eligible for state assistance under 58625
sections 3318.01 to 3318.20 of the Revised Code. In order to 58626
exercise this option, the board shall certify to the commission a 58627
resolution indicating the board's intent to do so prior to 58628
entering into an agreement under division (B) of this section. 58629

(4) If pursuant to division (D)(3) of this section a district 58630
board opts to delay levying an additional tax until the district 58631
becomes eligible for state assistance, it shall submit the 58632
question of levying that tax to the district electors as follows: 58633

(a) In accordance with section 3318.06 of the Revised Code if 58634
it will also be necessary pursuant to division (E) of this section 58635
to submit a proposal for approval of a bond issue; 58636

(b) In accordance with section 3318.361 of the Revised Code 58637

if it is not necessary to also submit a proposal for approval of a 58638
bond issue pursuant to division (E) of this section. 58639

(5) No state assistance under sections 3318.01 to 3318.20 of 58640
the Revised Code shall be released until a school district board 58641
that adopts and certifies a resolution under division (D) of this 58642
section also demonstrates to the satisfaction of the commission 58643
compliance with the provisions of division (D)(2) of this section. 58644

Any amount required for maintenance under division (D)(2) of 58645
this section shall be deposited into a separate fund as specified 58646
in division (B) of section 3318.05 of the Revised Code. 58647

(E)(1) If the school district becomes eligible for state 58648
assistance under sections 3318.01 to 3318.20 of the Revised Code 58649
based on its percentile ranking under division (B)(3) of this 58650
section or is offered assistance under section 3318.364 of the 58651
Revised Code, the commission shall conduct a new assessment of the 58652
school district's classroom facilities needs and shall recalculate 58653
the basic project cost based on this new assessment. The basic 58654
project cost recalculated under this division shall include the 58655
amount of expenditures made by the school district board under 58656
division (D)(1) of this section. The commission shall then 58657
recalculate the school district's portion of the new basic project 58658
cost, which shall be one of the following as applicable: 58659

(a) Except for a tangible personal property phase-out 58660
impacted district, the percentage of the original basic project 58661
cost assigned to the school district as its portion under division 58662
(C) of this section; 58663

(b) For a tangible personal property phase-out impacted 58664
district, the lesser of (i) the percentage of the original basic 58665
project cost assigned to the school district as its portion under 58666
division (C) of this section, or (ii) the percentage of the new 58667
basic project cost determined under section 3318.032 of the 58668

Revised Code using the district's current percentile ranking under 58669
section 3318.011 of the Revised Code. The 58670

The commission shall deduct the expenditure of school 58671
district moneys made under division (D)(1) of this section from 58672
the school district's portion of the basic project cost as 58673
recalculated under this division. If the amount of school district 58674
resources applied by the school district board to the school 58675
district's portion of the basic project cost under this section is 58676
less than the total amount of such portion as recalculated under 58677
this division, the school district board by a majority vote of all 58678
of its members shall, if it desires to seek state assistance under 58679
sections 3318.01 to 3318.20 of the Revised Code, adopt a 58680
resolution as specified in section 3318.06 of the Revised Code to 58681
submit to the electors of the school district the question of 58682
approval of a bond issue in order to pay any additional amount of 58683
school district portion required for state assistance. Any tax 58684
levy approved under division (D) of this section satisfies the 58685
requirements to levy the additional tax under section 3318.06 of 58686
the Revised Code. 58687

(2) If the amount of school district resources applied by the 58688
school district board to the school district's portion of the 58689
basic project cost under this section is more than the total 58690
amount of such portion as recalculated under ~~this~~ (E)(1) 58691
of this section, within one year after the school district's 58692
portion is so recalculated ~~under division (E)(1) of this section~~ 58693
the commission may grant to the school district the difference 58694
between the two calculated portions, but at no time shall the 58695
commission expend any state funds on a project in an amount 58696
greater than the state's portion of the basic project cost as 58697
recalculated under ~~this~~ (E)(1) of this section. 58698

Any reimbursement under this division shall be only for local 58699
resources the school district has applied toward construction cost 58700

expenditures for the classroom facilities approved by the 58701
commission, which shall not include any financing costs associated 58702
with that construction. 58703

The school district board shall use any moneys reimbursed to 58704
the district under this division to pay off any debt service the 58705
district owes for classroom facilities constructed under its 58706
project under this section before such moneys are applied to any 58707
other purpose. However, the district board first may deposit 58708
moneys reimbursed under this division into the district's general 58709
fund or a permanent improvement fund to replace local resources 58710
the district withdrew from those funds, as long as, and to the 58711
extent that, those local resources were used by the district for 58712
constructing classroom facilities included in the district's basic 58713
project cost. 58714

(3) A tangible personal property phase-out impacted district 58715
shall receive credit under division (E) of this section for the 58716
expenditure of local resources pursuant to any prior agreement 58717
authorized by this section, notwithstanding any recalculation of 58718
its average taxable value. 58719

Sec. 3318.363. (A) This section applies beginning in fiscal 58720
year 2003 and only to a school district participating in the 58721
school building assistance expedited local partnership program 58722
under section 3318.36 of the Revised Code. 58723

(B) If there is a decrease in the tax valuation of a school 58724
district to which this section applies by ten per cent or greater 58725
from one tax year to the next due to a decrease in the assessment 58726
rate of the taxable property of an electric company that owns 58727
property in the district, as provided for in section 5727.111 of 58728
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 58729
General Assembly, the Ohio school facilities commission shall 58730
calculate or recalculate the state and school district portions of 58731

the basic project cost of the school district's project by 58732
determining the percentile rank in which the district would be 58733
located if such ranking were made using the adjusted valuation per 58734
pupil calculated under division (C) of this section rather than 58735
the three-year average adjusted valuation per pupil, calculated 58736
under division (B) of section 3318.011 of the Revised Code. For 58737
such district, the required percentage of the basic project cost 58738
used to determine the state and school district shares of that 58739
cost under division (C) of section 3318.36 of the Revised Code 58740
shall be based on the percentile rank as calculated under this 58741
section rather than as otherwise provided in division (C)(1) of 58742
section 3318.36 of the Revised Code. If the commission has 58743
determined the state and school district portion of the basic 58744
project cost of such a district's project under section 3318.36 of 58745
the Revised Code prior to that decrease in tax valuation, the 58746
commission shall adjust the state and school district shares of 58747
the basic project cost of such project in accordance with this 58748
section. 58749

(C)(1) As used in divisions (C) and (D) of this section, 58750
"total taxable value," and "formula ADM," ~~and "income factor"~~ have 58751
the same meanings as in section 3317.02 of the Revised Code, and 58752
"income factor" has the same meaning as in section 3318.011 of the 58753
Revised Code. 58754

(2) The adjusted valuation per pupil for a school district to 58755
which this section applies shall be calculated using the following 58756
formula: 58757

(The district's total taxable value for the tax year 58758
preceding the calendar year in which the current fiscal year 58759
begins / the district's formula ADM for the previous fiscal year) 58760
- [\$30,000 x (1 - the district's income factor)]. 58761

(D) At the request of the Ohio school facilities commission, 58762
the department of education shall report a district's total 58763

taxable value for the tax year preceding the calendar year in 58764
which the current fiscal year begins for any district to which 58765
this section applies as that information has been certified to the 58766
department by the tax commissioner pursuant to section 3317.021 of 58767
the Revised Code. 58768

Sec. 3319.031. Notwithstanding any provision of the Revised 58769
Code to the contrary, if the board of education of a city, local, 58770
or exempted village school district does not appoint a business 58771
manager under section 3319.03 of the Revised Code, the board may 58772
assign powers and duties specified in section 3319.04 of the 58773
Revised Code to one or more employees or officers of the board, 58774
including the treasurer, and may give the employees or officers 58775
any title recognizing the assignment of the powers and duties. The 58776
prohibition, in section 3319.04 of the Revised Code, against a 58777
business manager having possession of moneys does not prevent a 58778
board from assigning powers and duties specified in that section 58779
to the treasurer and does not prevent a treasurer who is assigned 58780
those powers and duties from exercising the powers and duties of 58781
treasurer. If the board assigns the duties of a business manager 58782
under section 3319.04 of the Revised Code to the treasurer, the 58783
treasurer shall not have the authority to make recommendations to 58784
appoint or discharge noneducational employees, except as provided 58785
under section 3313.31 of the Revised Code. Instead, the district 58786
superintendent shall be responsible for making recommendations, 58787
subject to confirmation by the board, for the appointment or 58788
discharge of noneducational employees. 58789

Sec. 3319.07. (A) The board of education of each city, 58790
exempted village, local, and joint vocational school district 58791
shall employ the teachers of the public schools of their 58792
respective districts. 58793

The governing board of each educational service center may 58794

employ special instruction teachers, special education teachers, 58795
and teachers of academic courses in which there are too few 58796
students in each of the school districts entering into agreements 58797
pursuant to section 3313.843 of the Revised Code to warrant each 58798
district's employing teachers for those courses. 58799

When any board makes appointments of teachers, the teachers 58800
in the employ of the board shall be considered before new teachers 58801
are chosen in their stead. In all school districts and in service 58802
centers, no teacher shall be employed unless such person is 58803
nominated by the superintendent of such district or center, or by 58804
another individual designated by the board in the event that the 58805
superintendent's nomination would be a violation of section 58806
2921.42 of the Revised Code. Such board, by a three-fourths vote 58807
of its full membership, may re-employ any teacher whom the 58808
superintendent refuses to appoint. 58809

(B) The board of education of any school district may 58810
contract with the governing board of the educational service 58811
center from which it otherwise receives services to conduct 58812
searches and recruitment of candidates for teacher positions. 58813

Sec. 3319.073. (A) The board of education of each city and 58814
exempted village school district and the governing board of each 58815
educational service center shall adopt or adapt the curriculum 58816
developed by the department of education for, or shall develop in 58817
consultation with public or private agencies or persons involved 58818
in child abuse prevention or intervention programs, a program of 58819
in-service training in the prevention of child abuse, violence, 58820
and substance abuse and the promotion of positive youth 58821
development. Each person employed by any school district or 58822
service center to work in a school as a nurse, teacher, counselor, 58823
school psychologist, or administrator shall complete at least four 58824
hours of the in-service training within two years of commencing 58825

employment with the district or center, and every five years 58826
thereafter. A person who is employed by any school district or 58827
service center to work in an elementary school as a nurse, 58828
teacher, counselor, school psychologist, or administrator on March 58829
30, 2007, shall complete at least four hours of the in-service 58830
training not later than March 30, 2009, and every five years 58831
thereafter. A person who is employed by any school district or 58832
service center to work in a middle or high school as a nurse, 58833
teacher, counselor, school psychologist, or administrator on 58834
October 16, 2009, shall complete at least four hours of the 58835
in-service training not later than October 16, 2011, and every 58836
five years thereafter. 58837

(B) Each board shall incorporate training in school safety 58838
and violence prevention, including human trafficking content, into 58839
the in-service training required by division (A) of this section. 58840
For this purpose, the board shall adopt or adapt the curriculum 58841
developed by the department or shall develop its own curriculum in 58842
consultation with public or private agencies or persons involved 58843
in school safety and violence prevention programs. 58844

(C) Each board shall incorporate training on the board's 58845
harassment, intimidation, or bullying policy adopted under section 58846
3313.666 of the Revised Code into the in-service training required 58847
by division (A) of this section. Each board also shall incorporate 58848
training in the prevention of dating violence into the in-service 58849
training required by that division for middle and high school 58850
employees. The board shall develop its own curricula for these 58851
purposes. 58852

(D) Each board shall incorporate training in youth suicide 58853
awareness and prevention into the in-service training required by 58854
division (A) of this section for each person employed by a school 58855
district or service center to work in a school as a nurse, 58856
teacher, counselor, school psychologist, or administrator, and any 58857

other personnel that the board determines appropriate. For this 58858
purpose, the board shall adopt or adapt the curriculum developed 58859
by the department or shall develop its own curriculum in 58860
consultation with public or private agencies or persons involved 58861
in youth suicide awareness and prevention programs. 58862

The training completed under this division shall count toward 58863
the satisfaction of requirements for professional development 58864
required by the school district or service center board, and the 58865
training may be accomplished through self-review of suitable 58866
suicide prevention materials approved by the board. 58867

Sec. 3319.0811. ~~If~~ Except as provided in section 3319.0812 of 58868
the Revised Code, if the board of education of a school district 58869
offers to students of compulsory school age courses for high 58870
school credit that are taught at times outside the district's 58871
normal school day, the board shall enter into supplemental 58872
contracts under section 3319.08 of the Revised Code with the 58873
teachers assigned to teach those courses and shall not include 58874
such assignment of duties within the teachers' regular employment 58875
contracts under that section. 58876

Sec. 3319.0812. (A) As used in this section, "extended 58877
programming" means extended programming as described in section 58878
3301.0725 of the Revised Code. 58879

(B) The board of education of a school district shall pay a 58880
licensed educator who is providing extended programming on an 58881
hourly basis at the regular per diem rate determined under the 58882
licensed educator's employment contract or collective bargaining 58883
agreement. 58884

(C) A licensed educator shall not provide more than eight 58885
hours of extended programming in a twenty-four-hour day. 58886

Sec. 3319.112. (A) Not later than December 31, 2011, the state board of education shall develop a standards-based state framework for the evaluation of teachers. The state board may update the framework periodically by adoption of a resolution. The framework shall establish an evaluation system that does the following:

(1) Provides for multiple evaluation factors. One factor shall be student academic growth which shall account for ~~fifty~~ thirty-five per cent of each evaluation. A school district may attribute an additional percentage to the academic growth factor, not to exceed fifteen per cent of each evaluation. When applicable to the grade level or subject area taught by a teacher, the value-added progress dimension established under section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code shall be used in the student academic growth portion of an evaluation in proportion to the part of a teacher's schedule of courses or subjects for which the value-added progress dimension is applicable.

If a teacher's schedule is comprised only of courses or subjects for which the value-added progress dimension is applicable, one of the following applies:

(a) Beginning with ~~the effective date of this amendment~~ March 22, 2013, until June 30, 2014, the majority of the student academic growth factor of the evaluation shall be based on the value-added progress dimension.

(b) On or after July 1, 2014, the entire student academic growth factor of the evaluation shall be based on the value-added progress dimension. In calculating student academic growth for an evaluation, a student shall not be included if the student has ~~sixty~~ thirty or more excused or unexcused absences for the school

year.	58918
(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code;	58919 58920
(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom walkthroughs;	58921 58922 58923
(4) Assigns a rating on each evaluation in accordance with division (B) of this section;	58924 58925
(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation;	58926 58927
(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code does not apply;	58928 58929 58930 58931 58932 58933
(7) Implements a classroom-level, value-added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code;	58934 58935 58936 58937 58938
(8) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;	58939 58940 58941
(9) Provides for the allocation of financial resources to support professional development.	58942 58943
(B) For purposes of the framework developed under this section, the state board also shall do the following:	58944 58945
(1) Develop specific standards and criteria that distinguish between the following levels of performance for teachers and	58946 58947

principals for the purpose of assigning ratings on the evaluations	58948
conducted under sections 3311.80, 3311.84, 3319.02, and 3319.111	58949
of the Revised Code:	58950
(a) Accomplished;	58951
(b) Proficient;	58952
(c) Developing;	58953
(d) Ineffective.	58954
(2) For grade levels and subjects for which the assessments	58955
prescribed under sections 3301.0710 and 3301.0712 of the Revised	58956
Code and the value-added progress dimension prescribed by section	58957
3302.021 of the Revised Code, or alternative student academic	58958
progress measure, do not apply, develop a list of student	58959
assessments that measure mastery of the course content for the	58960
appropriate grade level, which may include nationally normed	58961
standardized assessments, industry certification examinations, or	58962
end-of-course examinations.	58963
(C) The state board shall consult with experts, teachers and	58964
principals employed in public schools, and representatives of	58965
stakeholder groups in developing the standards and criteria	58966
required by division (B)(1) of this section.	58967
(D) To assist school districts in developing evaluation	58968
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of	58969
the Revised Code, the department shall do both of the following:	58970
(1) Serve as a clearinghouse of promising evaluation	58971
procedures and evaluation models that districts may use;	58972
(2) Provide technical assistance to districts in creating	58973
evaluation policies.	58974
(E) Not later than June 30, 2013, the state board, in	58975
consultation with state agencies that employ teachers, shall	58976
develop a standards-based framework for the evaluation of teachers	58977

employed by those agencies. Each state agency that employs 58978
teachers shall adopt a standards-based teacher evaluation policy 58979
that conforms with the framework developed under this division. 58980
The policy shall become operative at the expiration of any 58981
collective bargaining agreement covering teachers employed by the 58982
agency that is in effect on September 24, 2012, and shall be 58983
included in any renewal or extension of such an agreement. 58984
However, this division does not apply to any person who is 58985
employed as a substitute teacher or as an instructor of adult 58986
education. 58987

Sec. 3319.17. (A) As used in this section, "interdistrict 58988
contract" means any contract or agreement entered into by an 58989
educational service center governing board and another board or 58990
other public entity pursuant to section 3313.17, 3313.841, 58991
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 58992
Revised Code, including any such contract or agreement for the 58993
provision of services funded under division (E) of section 58994
3317.024 of the Revised Code ~~or provided in any unit approved~~ 58995
~~under section 3317.05 of the Revised Code.~~ 58996

(B) When, for any of the following reasons that apply to any 58997
city, exempted village, local, or joint vocational school district 58998
or any educational service center, the board decides that it will 58999
be necessary to reduce the number of teachers it employs, it may 59000
make a reasonable reduction: 59001

(1) In the case of any district or service center, return to 59002
duty of regular teachers after leaves of absence including 59003
suspension of schools, territorial changes affecting the district 59004
or center, or financial reasons; 59005

(2) In the case of any city, exempted village, local, or 59006
joint vocational school district, decreased enrollment of pupils 59007
in the district; 59008

(3) In the case of any governing board of a service center 59009
providing any particular service directly to pupils pursuant to 59010
one or more interdistrict contracts requiring such service, 59011
reduction in the total number of pupils the governing board is 59012
required to provide with the service under all interdistrict 59013
contracts as a result of the termination or nonrenewal of one or 59014
more of these interdistrict contracts; 59015

(4) In the case of any governing board providing any 59016
particular service that it does not provide directly to pupils 59017
pursuant to one or more interdistrict contracts requiring such 59018
service, reduction in the total level of the service the governing 59019
board is required to provide under all interdistrict contracts as 59020
a result of the termination or nonrenewal of one or more of these 59021
interdistrict contracts. 59022

(C) In making any such reduction, any city, exempted village, 59023
local, or joint vocational school board shall proceed to suspend 59024
contracts in accordance with the recommendation of the 59025
superintendent of schools who shall, within each teaching field 59026
affected, give preference to teachers on continuing contracts. The 59027
board shall not give preference to any teacher based on seniority, 59028
except when making a decision between teachers who have comparable 59029
evaluations. 59030

On a case-by-case basis, in lieu of suspending a contract in 59031
whole, a board may suspend a contract in part, so that an 59032
individual is required to work a percentage of the time the 59033
employee otherwise is required to work under the contract and 59034
receives a commensurate percentage of the full compensation the 59035
employee otherwise would receive under the contract. 59036

The teachers whose continuing contracts are suspended by any 59037
board pursuant to this section shall have the right of restoration 59038
to continuing service status by that board if and when teaching 59039
positions become vacant or are created for which any of such 59040

teachers are or become qualified. No teacher whose continuing 59041
contract has been suspended pursuant to this section shall lose 59042
that right of restoration to continuing service status by reason 59043
of having declined recall to a position that is less than 59044
full-time or, if the teacher was not employed full-time just prior 59045
to suspension of the teacher's continuing contract, to a position 59046
requiring a lesser percentage of full-time employment than the 59047
position the teacher last held while employed in the district or 59048
service center. Seniority shall not be the basis for rehiring a 59049
teacher, except when making a decision between teachers who have 59050
comparable evaluations. 59051

(D) Notwithstanding any provision to the contrary in Chapter 59052
4117. of the Revised Code: 59053

(1) The requirements of this section, as it existed prior to 59054
~~the effective date of this amendment~~ September 29, 2011, prevail 59055
over any conflicting provisions of agreements between employee 59056
organizations and public employers entered into between September 59057
29, 2005, and ~~that effective date~~ September 29, 2011; 59058

(2) The requirements of this section, as it exists on and 59059
~~after the effective date of this amendment~~ September 29, 2011, 59060
prevail over any conflicting provisions of agreements between 59061
employee organizations and public employers entered into on or 59062
after ~~that effective date~~ September 29, 2011. 59063

Sec. 3319.22. (A)(1) The state board of education shall issue 59064
the following educator licenses: 59065

(a) A resident educator license, which shall be valid for 59066
four years, except that the state board, on a case-by-case basis, 59067
may extend the license's duration as necessary to enable the 59068
license holder to complete the Ohio teacher residency program 59069
established under section 3319.223 of the Revised Code; 59070

(b) A professional educator license, which shall be valid for five years and shall be renewable; 59071
59072

(c) A senior professional educator license, which shall be valid for five years and shall be renewable; 59073
59074

(d) A lead professional educator license, which shall be valid for five years and shall be renewable. 59075
59076

(2) The state board may issue any additional educator licenses of categories, types, and levels the board elects to provide. 59077
59078
59079

(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. 59080
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59082

(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section: 59083
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59085

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code. 59086
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(2) An applicant for a professional educator license shall: 59091

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization; 59092
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59094

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code. 59095
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(3) An applicant for a senior professional educator license shall:	59101 59102
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	59103 59104 59105
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	59106 59107 59108
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	59109 59110 59111 59112
(4) An applicant for a lead professional educator license shall:	59113 59114
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	59115 59116 59117
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	59118 59119 59120 59121
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	59122 59123 59124
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.	59125 59126 59127 59128 59129
(C) The state board shall align the standards and	59130

qualifications for obtaining a principal license with the 59131
standards for principals adopted by the state board under section 59132
3319.61 of the Revised Code. 59133

(D) If the state board requires any examinations for educator 59134
licensure, the department of education shall provide the results 59135
of such examinations received by the department to the chancellor 59136
of the Ohio board of regents, in the manner and to the extent 59137
permitted by state and federal law. 59138

(E) Any rules the state board of education adopts, amends, or 59139
rescinds for educator licenses under this section, division (D) of 59140
section 3301.07 of the Revised Code, or any other law shall be 59141
adopted, amended, or rescinded under Chapter 119. of the Revised 59142
Code except as follows: 59143

(1) Notwithstanding division (D) of section 119.03 and 59144
division (A)(1) of section 119.04 of the Revised Code, in the case 59145
of the adoption of any rule or the amendment or rescission of any 59146
rule that necessitates institutions' offering preparation programs 59147
for educators and other school personnel that are approved by the 59148
chancellor of the Ohio board of regents under section 3333.048 of 59149
the Revised Code to revise the curriculum of those programs, the 59150
effective date shall not be as prescribed in division (D) of 59151
section 119.03 and division (A)(1) of section 119.04 of the 59152
Revised Code. Instead, the effective date of such rules, or the 59153
amendment or rescission of such rules, shall be the date 59154
prescribed by section 3333.048 of the Revised Code. 59155

(2) Notwithstanding the authority to adopt, amend, or rescind 59156
emergency rules in division (F) of section 119.03 of the Revised 59157
Code, this authority shall not apply to the state board of 59158
education with regard to rules for educator licenses. 59159

(F)(1) The rules adopted under this section establishing 59160
standards requiring additional coursework for the renewal of any 59161

educator license shall require a school district and a chartered 59162
nonpublic school to establish local professional development 59163
committees. In a nonpublic school, the chief administrative 59164
officer shall establish the committees in any manner acceptable to 59165
such officer. The committees established under this division shall 59166
determine whether coursework that a district or chartered 59167
nonpublic school teacher proposes to complete meets the 59168
requirement of the rules. The department of education shall 59169
provide technical assistance and support to committees as the 59170
committees incorporate the professional development standards 59171
adopted by the state board of education pursuant to section 59172
3319.61 of the Revised Code into their review of coursework that 59173
is appropriate for license renewal. The rules shall establish a 59174
procedure by which a teacher may appeal the decision of a local 59175
professional development committee. 59176

(2) In any school district in which there is no exclusive 59177
representative established under Chapter 4117. of the Revised 59178
Code, the professional development committees shall be established 59179
as described in division (F)(2) of this section. 59180

Not later than the effective date of the rules adopted under 59181
this section, the board of education of each school district shall 59182
establish the structure for one or more local professional 59183
development committees to be operated by such school district. The 59184
committee structure so established by a district board shall 59185
remain in effect unless within thirty days prior to an anniversary 59186
of the date upon which the current committee structure was 59187
established, the board provides notice to all affected district 59188
employees that the committee structure is to be modified. 59189
Professional development committees may have a district-level or 59190
building-level scope of operations, and may be established with 59191
regard to particular grade or age levels for which an educator 59192
license is designated. 59193

Each professional development committee shall consist of at least three classroom teachers employed by the district, one principal employed by the district, and one other employee of the district appointed by the district superintendent. For committees with a building-level scope, the teacher and principal members shall be assigned to that building, and the teacher members shall be elected by majority vote of the classroom teachers assigned to that building. For committees with a district-level scope, the teacher members shall be elected by majority vote of the classroom teachers of the district, and the principal member shall be elected by a majority vote of the principals of the district, unless there are two or fewer principals employed by the district, in which case the one or two principals employed shall serve on the committee. If a committee has a particular grade or age level scope, the teacher members shall be licensed to teach such grade or age levels, and shall be elected by majority vote of the classroom teachers holding such a license and the principal shall be elected by all principals serving in buildings where any such teachers serve. The district superintendent shall appoint a replacement to fill any vacancy that occurs on a professional development committee, except in the case of vacancies among the elected classroom teacher members, which shall be filled by vote of the remaining members of the committee so selected.

Terms of office on professional development committees shall be prescribed by the district board establishing the committees. The conduct of elections for members of professional development committees shall be prescribed by the district board establishing the committees. A professional development committee may include additional members, except that the majority of members on each such committee shall be classroom teachers employed by the district. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which a predecessor was appointed shall hold office as a member for the remainder of that

term. 59227

The initial meeting of any professional development 59228
committee, upon election and appointment of all committee members, 59229
shall be called by a member designated by the district 59230
superintendent. At this initial meeting, the committee shall 59231
select a chairperson and such other officers the committee deems 59232
necessary, and shall adopt rules for the conduct of its meetings. 59233
Thereafter, the committee shall meet at the call of the 59234
chairperson or upon the filing of a petition with the district 59235
superintendent signed by a majority of the committee members 59236
calling for the committee to meet. 59237

(3) In the case of a school district in which an exclusive 59238
representative has been established pursuant to Chapter 4117. of 59239
the Revised Code, professional development committees shall be 59240
established in accordance with any collective bargaining agreement 59241
in effect in the district that includes provisions for such 59242
committees. 59243

If the collective bargaining agreement does not specify a 59244
different method for the selection of teacher members of the 59245
committees, the exclusive representative of the district's 59246
teachers shall select the teacher members. 59247

If the collective bargaining agreement does not specify a 59248
different structure for the committees, the board of education of 59249
the school district shall establish the structure, including the 59250
number of committees and the number of teacher and administrative 59251
members on each committee; the specific administrative members to 59252
be part of each committee; whether the scope of the committees 59253
will be district levels, building levels, or by type of grade or 59254
age levels for which educator licenses are designated; the lengths 59255
of terms for members; the manner of filling vacancies on the 59256
committees; and the frequency and time and place of meetings. 59257
However, in all cases, except as provided in division (F)(4) of 59258

this section, there shall be a majority of teacher members of any 59259
professional development committee, there shall be at least five 59260
total members of any professional development committee, and the 59261
exclusive representative shall designate replacement members in 59262
the case of vacancies among teacher members, unless the collective 59263
bargaining agreement specifies a different method of selecting 59264
such replacements. 59265

(4) Whenever an administrator's coursework plan is being 59266
discussed or voted upon, the local professional development 59267
committee shall, at the request of one of its administrative 59268
members, cause a majority of the committee to consist of 59269
administrative members by reducing the number of teacher members 59270
voting on the plan. 59271

(G)(1) The department of education, educational service 59272
centers, county boards of developmental disabilities, regional 59273
professional development centers, special education regional 59274
resource centers, college and university departments of education, 59275
head start programs, ~~the eTech Ohio commission~~, and the Ohio 59276
education computer network may establish local professional 59277
development committees to determine whether the coursework 59278
proposed by their employees who are licensed or certificated under 59279
this section or section 3319.222 of the Revised Code, or under the 59280
former version of either section as it existed prior to October 59281
16, 2009, meet the requirements of the rules adopted under this 59282
section. They may establish local professional development 59283
committees on their own or in collaboration with a school district 59284
or other agency having authority to establish them. 59285

Local professional development committees established by 59286
county boards of developmental disabilities shall be structured in 59287
a manner comparable to the structures prescribed for school 59288
districts in divisions (F)(2) and (3) of this section, as shall 59289
the committees established by any other entity specified in 59290

division (G)(1) of this section that provides educational services 59291
by employing or contracting for services of classroom teachers 59292
licensed or certificated under this section or section 3319.222 of 59293
the Revised Code, or under the former version of either section as 59294
it existed prior to October 16, 2009. All other entities specified 59295
in division (G)(1) of this section shall structure their 59296
committees in accordance with guidelines which shall be issued by 59297
the state board. 59298

(2) Any public agency that is not specified in division 59299
(G)(1) of this section but provides educational services and 59300
employs or contracts for services of classroom teachers licensed 59301
or certificated under this section or section 3319.222 of the 59302
Revised Code, or under the former version of either section as it 59303
existed prior to October 16, 2009, may establish a local 59304
professional development committee, subject to the approval of the 59305
department of education. The committee shall be structured in 59306
accordance with guidelines issued by the state board. 59307

Sec. 3319.235. (A) The standards for the preparation of 59308
teachers adopted under section 3333.048 of the Revised Code shall 59309
require any institution that provides a course of study for the 59310
training of teachers to ensure that graduates of such course of 59311
study are skilled at integrating educational technology in the 59312
instruction of children, as evidenced by the graduate having 59313
either demonstrated proficiency in such skills in a manner 59314
prescribed by the department of education or completed a course 59315
that includes training in such skills. 59316

(B) The eTech Ohio commission chancellor of the Ohio board of 59317
regents, in consultation with the department of education, shall 59318
establish model professional development programs to assist 59319
teachers who completed their teacher preparation prior to the 59320
effective date of division (A) of this section to become skilled 59321

at integrating educational technology in the instruction of 59322
children. The ~~commission~~ chancellor shall provide technical 59323
assistance to school districts wishing to establish such programs. 59324

Sec. 3319.57. (A) A grant program is hereby established under 59325
which the department of education shall award grants to assist 59326
certain schools in a city, exempted village, local, or joint 59327
vocational school district in implementing one of the following 59328
innovations: 59329

(1) The use of instructional specialists to mentor and 59330
support classroom teachers; 59331

(2) The use of building managers to supervise the 59332
administrative functions of school operation so that a school 59333
principal can focus on supporting instruction, providing 59334
instructional leadership, and engaging teachers as part of the 59335
instructional leadership team; 59336

(3) The reconfiguration of school leadership structure in a 59337
manner that allows teachers to serve in leadership roles so that 59338
teachers may share the responsibility for making and implementing 59339
school decisions; 59340

(4) The adoption of new models for restructuring the school 59341
day or school year, such as including teacher planning and 59342
collaboration time as part of the school day; 59343

(5) The creation of smaller schools or smaller units within 59344
larger schools for the purpose of facilitating teacher 59345
collaboration to improve and advance the professional practice of 59346
teaching; 59347

(6) The implementation of "grow your own" recruitment 59348
strategies that are designed to assist individuals who show a 59349
commitment to education become licensed teachers, to assist 59350
experienced teachers obtain licensure in subject areas for which 59351

there is need, and to assist teachers in becoming principals; 59352

(7) The provision of better conditions for new teachers, such 59353
as reduced teaching load and reduced class size; 59354

(8) The provision of incentives to attract qualified 59355
mathematics, science, or special education teachers; 59356

(9) The development and implementation of a partnership with 59357
teacher preparation programs at colleges and universities to help 59358
attract teachers qualified to teach in shortage areas; 59359

(10) The implementation of a program to increase the cultural 59360
competency of both new and veteran teachers; 59361

(11) The implementation of a program to increase the subject 59362
matter competency of veteran teachers. 59363

(B) To qualify for a grant to implement one of the 59364
innovations described in division (A) of this section, a school 59365
must meet both of the following criteria: 59366

(1) Be hard to staff, as defined by the department. 59367

(2) Use existing school district funds for the implementation 59368
of the innovation in an amount equal to the grant amount 59369
multiplied by (1 - the district's state share percentage index for 59370
the fiscal year in which the grant is awarded). 59371

For purposes of division (B)(2) of this section, "state share 59372
percentage index" has the same meaning as in section 3317.02 of 59373
the Revised Code. 59374

(C) The amount and number of grants awarded under this 59375
section shall be determined by the department based on any 59376
appropriations made by the general assembly for grants under this 59377
section. 59378

(D) The state board of education shall adopt rules for the 59379
administration of this grant program. 59380

Sec. 3319.58. (A) As used in this section, "core subject area" has the same meaning as in section 3319.074 of the Revised Code. 59381
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(B) Each year, beginning with the 2015-2016 school year, the board of education of each city, exempted village, local, and joint vocational school district shall require each classroom teacher who is currently teaching in a core subject area and has received a rating of ineffective on the evaluations conducted under section 3319.111 of the Revised Code for two of the three most recent school years to register for and take all written examinations of content knowledge selected by the department of education as appropriate to determine expertise to teach that core subject area and the grade level to which the teacher is assigned. 59384
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(C) Each year, beginning with the 2015-2016 school year, the governing authority of each community school established under Chapter 3314. of the Revised Code, except a community school to which section 3314.017 of the Revised Code applies or a community school described in division (A)(4)(b) of section 3314.35 of the Revised Code, and governing body of each STEM school established under Chapter 3326. of the Revised Code with a building ranked in the lowest ten per cent of all public school buildings according to performance index score, under section 3302.21 of the Revised Code, shall require each classroom teacher currently teaching in a core subject area in such a building to register for and take all written examinations of content knowledge selected by the department as appropriate to determine expertise to teach that core subject area and the grade level to which the teacher is assigned. 59394
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(D) If a teacher who takes an examination under division (B) of this section passes that examination and provides proof of that passage to the teacher's employer, the employer shall require the 59409
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teacher, at the teacher's expense, to complete professional 59412
development that is targeted to the deficiencies identified in the 59413
teacher's evaluations conducted under section 3319.111 of the 59414
Revised Code. The receipt by the teacher of a rating of 59415
ineffective on the teacher's next evaluation after completion of 59416
the professional development, or the failure of the teacher to 59417
complete the professional development, shall be grounds for 59418
termination of the teacher under section 3319.16 of the Revised 59419
Code. 59420

(E) If a teacher who takes an examination under this section 59421
passes that examination and provides proof of that passage to the 59422
teacher's employer, the teacher shall not be required to take the 59423
examination again for three years, regardless of the teacher's 59424
evaluation ratings or the performance index score ranking of the 59425
building in which the teacher teaches. No teacher shall be 59426
responsible for the cost of taking an examination under this 59427
section. 59428

(F) Each district board of education, each community school 59429
governing authority, and each STEM school governing body may use 59430
the results of a teacher's examinations required under division 59431
(B) or (C) of this section in developing and revising professional 59432
development plans and in deciding whether or not to continue 59433
employing the teacher in accordance with the provisions of this 59434
chapter or Chapter 3314. or 3326. of the Revised Code. However, no 59435
decision to terminate or not to renew a teacher's employment 59436
contract shall be made solely on the basis of the results of a 59437
teacher's examination under this section until and unless the 59438
teacher has not attained a passing score on the same required 59439
examination for at least three consecutive administrations of that 59440
examination. 59441

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 59442

"guardian," or "other person having charge or care of a child" 59443
means either parent unless the parents are separated or divorced 59444
or their marriage has been dissolved or annulled, in which case 59445
"parent" means the parent who is the residential parent and legal 59446
custodian of the child. If the child is in the legal or permanent 59447
custody of a person or government agency, "parent" means that 59448
person or government agency. When a child is a resident of a home, 59449
as defined in section 3313.64 of the Revised Code, and the child's 59450
parent is not a resident of this state, "parent," "guardian," or 59451
"other person having charge or care of a child" means the head of 59452
the home. 59453

A child between six and eighteen years of age is "of 59454
compulsory school age" for the purpose of sections 3321.01 to 59455
3321.13 of the Revised Code. A child under six years of age who 59456
has been enrolled in kindergarten also shall be considered "of 59457
compulsory school age" for the purpose of sections 3321.01 to 59458
3321.13 of the Revised Code unless at any time the child's parent 59459
or guardian, at the parent's or guardian's discretion and in 59460
consultation with the child's teacher and principal, formally 59461
withdraws the child from kindergarten. The compulsory school age 59462
of a child shall not commence until the beginning of the term of 59463
such schools, or other time in the school year fixed by the rules 59464
of the board of the district in which the child resides. 59465

(2) No child shall be admitted to a kindergarten or a first 59466
grade of a public school in a district in which all children are 59467
admitted to kindergarten and the first grade in August or 59468
September unless the child is five or six years of age, 59469
respectively, by the thirtieth day of September of the year of 59470
admittance, or by the first day of a term or semester other than 59471
one beginning in August or September in school districts granting 59472
admittance at the beginning of such term or semester, unless the 59473
child has been recommended for early admittance in accordance with 59474

the district's acceleration policy adopted under section 3324.10 59475
of the Revised Code. A child who does not meet the age requirement 59476
for admittance to kindergarten or first grade shall be evaluated 59477
for early admittance upon referral by the child's parent or 59478
guardian, an educator employed by the district, a preschool 59479
educator who knows the child, or a pediatrician or psychologist 59480
who knows the child. 59481

(3) Notwithstanding division (A)(2) of this section, 59482
beginning with the school year that starts in 2001 and continuing 59483
thereafter the board of education of any district may adopt a 59484
resolution establishing the first day of August in lieu of the 59485
thirtieth day of September as the required date by which students 59486
must have attained the age specified in that division. 59487

(4) After a student has been admitted to kindergarten in a 59488
school district or chartered nonpublic school, no board of 59489
education of a school district to which the student transfers 59490
shall deny that student admission based on the student's age. 59491

(B) As used in division (C) of this section, "successfully 59492
completed kindergarten" means that the child has completed the 59493
kindergarten requirements at one of the following: 59494

(1) A public or chartered nonpublic school; 59495

(2) A kindergarten class that is both of the following: 59496

(a) Offered by a day-care provider licensed under Chapter 59497
5104. of the Revised Code; 59498

(b) If offered after July 1, 1991, is directly taught by a 59499
teacher who holds one of the following: 59500

(i) A valid educator license issued under section 3319.22 of 59501
the Revised Code; 59502

(ii) A Montessori preprimary credential or age-appropriate 59503
diploma granted by the American Montessori society or the 59504

association Montessori internationale; 59505

(iii) Certification determined under division (F) of this 59506
section to be equivalent to that described in division 59507
(B)(2)(b)(ii) of this section; 59508

(iv) Certification for teachers in nontax-supported schools 59509
pursuant to section 3301.071 of the Revised Code. 59510

(C) Except as provided in division (A)(2) of this section, no 59511
school district shall admit to the first grade any child who has 59512
not successfully completed kindergarten. 59513

(D) The scheduling of times for kindergarten classes and 59514
length of the school day for kindergarten shall be determined by 59515
the board of education of a city, exempted village, or local 59516
school district. 59517

(E) Any kindergarten class offered by a day-care provider or 59518
school described by division (B)(1) or (B)(2)(a) of this section 59519
shall be developmentally appropriate. 59520

(F) Upon written request of a day-care provider described by 59521
division (B)(2)(a) of this section, the department of education 59522
shall determine whether certification held by a teacher employed 59523
by the provider meets the requirement of division (B)(2)(b)(iii) 59524
of this section and, if so, shall furnish the provider a statement 59525
to that effect. 59526

(G) As used in this division, "all-day kindergarten" has the 59527
same meaning as in section 3321.05 of the Revised Code. 59528

(1) ~~Any A school district that did not receive for fiscal~~ 59529
~~year 2009 poverty based assistance for all day kindergarten under~~ 59530
~~division (D) of section 3317.029 of the Revised Code may charge~~ 59531
fees or tuition for ~~students~~ a student enrolled in all-day 59532
kindergarten only so long as the student is reported as less than 59533
one full-time equivalent student under division (A) of section 59534

3317.03 of the Revised Code. If a district charges fees or tuition 59535
for all-day kindergarten under this division, the district shall 59536
develop a sliding fee scale based on family incomes. 59537

(2) The department of education shall conduct an annual 59538
survey of each school district described in division (G)(1) of 59539
this section to determine the following: 59540

(a) Whether the district charges fees or tuition for students 59541
enrolled in all-day kindergarten; 59542

(b) The amount of the fees or tuition charged; 59543

(c) How many of the students for whom tuition is charged are 59544
eligible for free lunches under the "National School Lunch Act," 59545
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 59546
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 59547
and how many of the students for whom tuition is charged are 59548
eligible for reduced price lunches under those acts; 59549

(d) How many students are enrolled in traditional half-day 59550
kindergarten rather than all-day kindergarten. 59551

Each district shall report to the department, in the manner 59552
prescribed by the department, the information described in 59553
divisions (G)(2)(a) to (d) of this section. 59554

The department shall issue an annual report on the results of 59555
the survey and shall post the report on its web site. The 59556
department shall issue the first report not later than April 30, 59557
2008, and shall issue a report not later than the thirtieth day of 59558
April each year thereafter. 59559

Sec. 3321.05. (A) As used in this section, "all-day 59560
kindergarten" means a kindergarten class that is in session ~~five~~ 59561
~~days per week~~ for not less than the same number of clock hours 59562
each ~~day~~ week as for students in grades one through six. 59563

(B) Any school district may operate all-day kindergarten or 59564

extended kindergarten, but no district shall require any student 59565
to attend kindergarten for more than the number of clock hours 59566
required each day for traditional kindergarten by the minimum 59567
standards adopted under division (D) of section 3301.07 of the 59568
Revised Code. Each school district that operates all-day or 59569
extended kindergarten shall accommodate kindergarten students 59570
whose parents or guardians elect to enroll them for the minimum 59571
number of hours. 59572

(C) A school district may use space in child day-care centers 59573
licensed under Chapter 5104. of the Revised Code to provide 59574
all-day kindergarten under this section. 59575

Sec. 3323.021. As used in this section, "participating county 59576
DD board" means a county board of developmental disabilities 59577
electing to participate in the provision of or contracting for 59578
educational services for children under division (D) of section 59579
5126.05 of the Revised Code. 59580

(A) When a school district, educational service center, or 59581
participating county DD board enters into an agreement or contract 59582
with another school district, educational service center, or 59583
participating county DD board to provide educational services to a 59584
disabled child during a school year, both of the following shall 59585
apply: 59586

(1) Beginning with fiscal year 1999, if the provider of the 59587
services intends to increase the amount it charges for some or all 59588
of those services during the next school year or if the provider 59589
intends to cease offering all or part of those services during the 59590
next school year, the provider shall notify the entity for which 59591
the services are provided of these intended changes no later than 59592
the first day of March of the current fiscal year. 59593

(2) Beginning with fiscal year 1999, if the entity for which 59594
services are provided intends to cease obtaining those services 59595

from the provider for the next school year or intends to change 59596
the type or amount of services it obtains from the provider for 59597
the next school year, the entity shall notify the service provider 59598
of these intended changes no later than the first day of March of 59599
the current fiscal year. 59600

(B) School districts, educational service centers, 59601
participating county DD boards, and other applicable governmental 59602
entities shall collaborate where possible to maximize federal 59603
sources of revenue to provide additional funds for special 59604
education related services for disabled children. Annually, each 59605
school district shall report to the department of education any 59606
amounts of ~~money~~ such federal revenue the district received 59607
~~through such medical assistance program.~~ 59608

(C) The state board of education, the department of 59609
developmental disabilities, and the department of ~~job and family~~ 59610
~~services~~ medicaid shall develop working agreements for pursuing 59611
additional funds for services for disabled children. 59612

Sec. 3323.03. The state board of education shall, in 59613
consultation with the department of health, the department of 59614
~~mental health~~ mental health and addiction services, and the 59615
department of developmental disabilities, establish standards and 59616
procedures for the identification, location, and evaluation of all 59617
children with disabilities residing in the state, including 59618
children with disabilities who are homeless children or are wards 59619
of the state and children with disabilities attending nonpublic 59620
schools, regardless of the severity of their disabilities, and who 59621
are in need of special education and related services. The state 59622
board shall develop and implement a practical method to determine 59623
which children with disabilities are currently receiving needed 59624
special education and related services. 59625

In conducting the evaluation, the board of education of each 59626

school district shall use a variety of assessment tools and 59627
strategies to gather relevant functional, developmental, and 59628
academic information about the child, including information 59629
provided by the child's parent. The board of education of each 59630
school district, in consultation with the county DD board, the 59631
county family and children first council, and the board of 59632
alcohol, drug addiction, and mental health services of each county 59633
in which the school district has territory, shall identify, 59634
locate, and evaluate all children with disabilities residing 59635
within the district to determine which children with disabilities 59636
are not receiving appropriate special education and related 59637
services. In addition, the board of education of each school 59638
district, in consultation with such county boards or council, 59639
shall identify, locate, and evaluate all children with 59640
disabilities who are enrolled by their parents in nonpublic 59641
elementary and secondary schools located within the public school 59642
district, without regard to where those children reside in 59643
accordance with rules of the state board of education or 59644
guidelines of the superintendent of public instruction. 59645

Each county DD board, county family and children first 59646
council, and board of alcohol, drug addiction, and mental health 59647
services and the board's or council's contract agencies may 59648
transmit to boards of education the names and addresses of 59649
children with disabilities who are not receiving appropriate 59650
special education and related services. 59651

Sec. 3323.04. The state board of education, in consultation 59652
with the department of ~~mental health~~ mental health and addiction 59653
services and the department of developmental disabilities, shall 59654
establish procedures and standards for the development of 59655
individualized education programs for children with disabilities. 59656

The state board shall require the board of education of each 59657

school district to develop an individualized education program for 59658
each child with a disability who is at least three years of age 59659
and less than twenty-two years of age residing in the district in 59660
a manner that is in accordance with rules of the state board. 59661

Prior to the placement of a child with a disability in a 59662
program operated under section 3323.09 of the Revised Code, the 59663
district board of education shall consult the county DD board of 59664
the county in which the child resides regarding the proposed 59665
placement. 59666

A child with a disability enrolled in a nonpublic school or 59667
facility shall be provided special education and related services, 59668
in accordance with an individualized education program, at no cost 59669
for those services, if the child is placed in, or referred to, 59670
that nonpublic school or facility by the department of education 59671
or a school district. 59672

The IEP team shall review the individualized education 59673
program of each child with a disability periodically, but at least 59674
annually, to determine whether the annual goals for the child are 59675
being achieved, and shall revise the individualized education 59676
program as appropriate. 59677

The state board shall establish procedures and standards to 59678
assure that to the maximum extent appropriate, children with 59679
disabilities, including children in public or private institutions 59680
or other care facilities, shall be educated with children who are 59681
not disabled. Special classes, separate schools, or other removal 59682
of children with disabilities from the regular educational 59683
environment shall be used only when the nature or severity of a 59684
child's disability is such that education in regular classes with 59685
supplementary aids and services cannot be achieved satisfactorily. 59686

If an agency directly affected by a placement decision 59687
objects to such decision, an impartial hearing officer, appointed 59688

by the department of education from a list prepared by the 59689
department, shall conduct a hearing to review the placement 59690
decision. The agencies that are parties to a hearing shall divide 59691
the costs of such hearing equally. The decision of the hearing 59692
officer shall be final, except that any party to the hearing who 59693
is aggrieved by the findings or the decision of the hearing 59694
officer may appeal the findings or decision in accordance with 59695
division (H) of section 3323.05 of the Revised Code or the parent 59696
of any child affected by such decision may present a complaint in 59697
accordance with that section. 59698

Sec. 3323.07. The state board of education shall authorize 59699
the establishment and maintenance of special education and related 59700
services for all children with disabilities who are at least three 59701
years of age and less than twenty-two years of age, including 59702
children with disabilities who have been suspended or expelled 59703
from school, and may authorize special education and related 59704
services for children with disabilities who are less than three 59705
years of age in accordance with rules adopted by the state board. 59706
The state board shall require the boards of education of school 59707
districts, shall authorize the department of ~~mental health~~ mental 59708
health and addiction services and the department of developmental 59709
disabilities, and may authorize any other educational agency, to 59710
establish and maintain such special education and related services 59711
in accordance with standards adopted by the state board. 59712

Sec. 3323.08. (A) Each school district shall submit a plan to 59713
the superintendent of public instruction that provides assurances 59714
that the school district will provide for the education of 59715
children with disabilities within its jurisdiction and has in 59716
effect policies, procedures, and programs that are consistent with 59717
the policies and procedures adopted by the state board of 59718
education in accordance with section 612 of the "Individuals with 59719

Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 59720
and that meet the conditions applicable to school districts under 59721
section 613 of that act, 20 U.S.C. 1413. 59722

Each district's plan shall do all of the following: 59723

(1) Provide, as specified in section 3323.11 of the Revised 59724
Code and in accordance with standards established by the state 59725
board, for an organizational structure and necessary and qualified 59726
staffing and supervision for the identification of and provision 59727
of special education and related services for children with 59728
disabilities; 59729

(2) Provide, as specified by section 3323.03 of the Revised 59730
Code and in accordance with standards established by the state 59731
board, for the identification, location, and evaluation of all 59732
children with disabilities residing in the district, including 59733
children with disabilities who are homeless children or are wards 59734
of the state and children with disabilities attending private 59735
schools and who are in need of special education and related 59736
services. A practical method shall be developed and implemented to 59737
determine which children with disabilities are currently receiving 59738
needed special education and related services. 59739

(3) Provide, as specified by section 3323.07 of the Revised 59740
Code and standards established by the state board, for the 59741
establishment and maintenance of special education and related 59742
services for children with disabilities who are at least three 59743
years of age and less than twenty-two years of age, including 59744
children with disabilities who have been suspended or expelled 59745
from school. 59746

(4) Provide, as specified by section 3323.04 of the Revised 59747
Code and in accordance with standards adopted by the state board, 59748
for an individualized education program for each child with a 59749
disability who is at least three years of age and less than 59750

twenty-two years of age residing within the district; 59751

(5) Provide, as specified by section 3323.02 of the Revised 59752
Code and in accordance with standards established by the state 59753
board, for special education and related services and a free 59754
appropriate public education for every child with a disability who 59755
is at least three years of age and less than twenty-two years of 59756
age, including children with disabilities who have been suspended 59757
or expelled from school; 59758

(6) Provide procedural safeguards and prior written notice as 59759
required under section 3323.05 of the Revised Code and the 59760
standards established by the state board; 59761

(7) Outline the steps that have been or are being taken to 59762
comply with standards established by the state board. 59763

(B)(1) A school district may arrange, by a cooperative 59764
agreement or contract with one or more school districts or with a 59765
cooperative education or joint vocational school district or an 59766
educational service center, to provide for the identification, 59767
location, and evaluation of children with disabilities, and to 59768
provide special education and related services for such children 59769
that meet the standards established by the state board. A school 59770
district may arrange, by a cooperative agreement or contract, for 59771
the provision of related services for children with disabilities 59772
that meet the standards established by the state board. 59773

(2) A school district shall arrange by interagency agreement 59774
with one or more school districts or with a cooperative education 59775
or joint vocational school district or an educational service 59776
center or other providers of early learning services to provide 59777
for the identification, location, evaluation of children with 59778
disabilities of ages birth through five years of age and for the 59779
transition of children with disabilities at age three in 59780
accordance with the standards established by the state board. A 59781

school district may arrange by interagency agreement with 59782
providers of early learning services to provide special education 59783
and related services for such children that meet the standards 59784
established by the state board. 59785

(3) If at the time an individualized education program is 59786
developed for a child a school district is not providing special 59787
education and related services required by that individualized 59788
education program, the school district may arrange by contract 59789
with a nonpublic entity for the provision of the special education 59790
and related services, provided the special education and related 59791
services meet the standards for special education and related 59792
services established by the state board and is provided within the 59793
state. 59794

(4) Any cooperative agreement or contract under division 59795
(B)(1) or (2) of this section involving a local school district 59796
shall be approved by the governing board of the educational 59797
service center which serves that district. 59798

(C) No plan of a local school district shall be submitted to 59799
the superintendent of public instruction until it has been 59800
approved by the superintendent of the educational service center 59801
which serves that district. 59802

(D) Upon approval of a school district's plan by the 59803
superintendent of public instruction, the district shall 59804
immediately certify students for state funds under section 3317.03 59805
of the Revised Code to implement and maintain such plan. ~~The~~ 59806
~~district also shall request approval of classroom units under~~ 59807
~~division (B) of section 3317.05 of the Revised Code for which the~~ 59808
~~district has adequately identified preschool children with~~ 59809
~~disabilities and shall, in accordance with procedures adopted by~~ 59810
~~the state board, request approval of units under division (C) of~~ 59811
~~section 3317.05 of the Revised Code.~~ The district shall, in 59812
accordance with guidelines adopted by the state board, identify 59813

problems relating to the provision of qualified personnel and 59814
adequate facilities, and indicate the extent to which the cost of 59815
programs required under the plan will exceed anticipated state 59816
reimbursement. Each school district shall immediately implement 59817
the identification, location, and evaluation of children with 59818
disabilities in accordance with this chapter, and shall implement 59819
those parts of the plan involving placement and provision of 59820
special education and related services. 59821

Sec. 3323.09. (A) As used in this section: 59822

(1) "Home" has the meaning given in section 3313.64 of the 59823
Revised Code. 59824

(2) "Preschool child" means a child who is at least age three 59825
but under age six on the thirtieth day of September of an academic 59826
year. 59827

(B) Each county DD board shall establish special education 59828
programs for all children with disabilities who in accordance with 59829
section 3323.04 of the Revised Code have been placed in special 59830
education programs operated by the county board and for preschool 59831
children who are developmentally delayed or at risk of being 59832
developmentally delayed. The board annually shall submit to the 59833
department of education a plan for the provision of these programs 59834
~~and, if applicable, a request for approval of units under section~~ 59835
~~3317.05 of the Revised Code.~~ The superintendent of public 59836
instruction shall review the plan and approve or modify it in 59837
accordance with rules adopted by the state board of education 59838
under section 3301.07 of the Revised Code. The superintendent of 59839
public instruction shall compile the plans submitted by county 59840
boards and shall submit a comprehensive plan to the state board. 59841

A county DD board may combine transportation for children 59842
enrolled in classes funded under ~~section~~ sections 3317.0213 or 59843
~~3317.20 or units approved under section 3317.05~~ with 59844

transportation for children and adults enrolled in programs and 59845
services offered by the board under Chapter 5126. of the Revised 59846
Code. 59847

(C) A county DD board that during the school year provided 59848
special education pursuant to this section for any child with 59849
mental disabilities under twenty-two years of age shall prepare 59850
and submit the following reports and statements: 59851

(1) The board shall prepare a statement for each child who at 59852
the time of receiving such special education was a resident of a 59853
home and was not in the legal or permanent custody of an Ohio 59854
resident or a government agency in this state, and whose natural 59855
or adoptive parents are not known to have been residents of this 59856
state subsequent to the child's birth. The statement shall contain 59857
the child's name, the name of the child's school district of 59858
residence, the name of the county board providing the special 59859
education, and the number of months, including any fraction of a 59860
month, it was provided. Not later than the thirtieth day of June, 59861
the board shall forward a certified copy of such statement to both 59862
the director of developmental disabilities and to the home. 59863

Within thirty days after its receipt of a statement, the home 59864
shall pay tuition to the county board computed in the manner 59865
prescribed by section 3323.141 of the Revised Code. 59866

(2) The board shall prepare a report for each school district 59867
that is the school district of residence of one or more of such 59868
children for whom statements are not required by division (C)(1) 59869
of this section. The report shall contain the name of the county 59870
board providing special education, the name of each child 59871
receiving special education, the number of months, including 59872
fractions of a month, that the child received it, and the name of 59873
the child's school district of residence. Not later than the 59874
thirtieth day of June, the board shall forward certified copies of 59875
each report to the school district named in the report, the 59876

superintendent of public instruction, and the director of 59877
developmental disabilities. 59878

Sec. 3323.091. (A) The department of ~~mental health~~ mental 59879
health and addiction services, the department of developmental 59880
disabilities, the department of youth services, and the department 59881
of rehabilitation and correction shall establish and maintain 59882
special education programs for children with disabilities in 59883
institutions under their jurisdiction according to standards 59884
adopted by the state board of education. 59885

(B) ~~The superintendent of each state institution required to~~ 59886
~~provide services under division (A) of this section, and each~~ 59887
~~county DD board, providing special education for preschool~~ 59888
~~children with disabilities under this chapter may apply to the~~ 59889
~~state department of education for unit funding, which shall be~~ 59890
~~paid in accordance with sections 3317.052 and 3317.053 of the~~ 59891
~~Revised Code.~~ 59892

The superintendent of each state institution required to 59893
provide services under division (A) of this section may apply to 59894
the department of education for special education and related 59895
services ~~weighted~~ funding for children with disabilities other 59896
than preschool children with disabilities, calculated in 59897
accordance with section 3317.201 of the Revised Code. 59898

Each county DD board providing special education for children 59899
with disabilities other than preschool children with disabilities 59900
may apply to the department of education for ~~base cost and~~ 59901
opportunity funds and special education and related services 59902
~~weighted~~ funding calculated in accordance with section 3317.20 of 59903
the Revised Code. 59904

(C) In addition to the authorization to apply for state 59905
funding described in division (B) of this section, each state 59906
institution required to provide services under division (A) of 59907

this section is entitled to tuition payments calculated in the 59908
manner described in division (C) of this section. 59909

On or before the thirtieth day of June of each year, the 59910
superintendent of each institution that during the school year 59911
provided special education pursuant to this section shall prepare 59912
a statement for each child with a disability under twenty-two 59913
years of age who has received special education. The statement 59914
shall contain the child's data verification code assigned pursuant 59915
to division (D)(2) of section 3301.0714 of the Revised Code and 59916
the name of the child's school district of residence. Within sixty 59917
days after receipt of such statement, the department of education 59918
shall perform one of the following: 59919

(1) For any child except a preschool child with a disability 59920
described in division (C)(2) of this section, pay to the 59921
institution submitting the statement an amount equal to the 59922
tuition calculated under division (A) of section 3317.08 of the 59923
Revised Code for the period covered by the statement, and deduct 59924
the same from the amount of state funds, if any, payable under 59925
Chapter 3317. of the Revised Code, to the child's school district 59926
of residence or, if the amount of such state funds is 59927
insufficient, require the child's school district of residence to 59928
pay the institution submitting the statement an amount equal to 59929
the amount determined under this division. 59930

(2) For any preschool child with a disability ~~not included in~~ 59931
~~a unit approved under division (B) of section 3317.05 of the~~ 59932
~~Revised Code~~, perform the following: 59933

(a) Pay to the institution submitting the statement an amount 59934
equal to the tuition calculated under division (B) of section 59935
3317.08 of the Revised Code for the period covered by the 59936
statement, except that in calculating the tuition under that 59937
section the operating expenses of the institution submitting the 59938
statement under this section shall be used instead of the 59939

operating expenses of the school district of residence; 59940

(b) Deduct from the amount of state funds, if any, payable 59941
under Chapter 3317. of the Revised Code to the child's school 59942
district of residence an amount equal to the amount paid under 59943
division (C)(2)(a) of this section. 59944

Sec. 3323.13. (A) If a child who is a school resident of one 59945
school district receives special education from another district, 59946
the board of education of the district providing the education, 59947
subject to division (C) of this section, may require the payment 59948
by the board of education of the district of residence of a sum 59949
not to exceed one of the following, as applicable: 59950

(1) For any child except a preschool child with a disability 59951
described in division (A)(2) of this section, the tuition of the 59952
district providing the education for a child of normal needs of 59953
the same school grade. The determination of the amount of such 59954
tuition shall be in the manner provided for by division (A) of 59955
section 3317.08 of the Revised Code. 59956

(2) For any preschool child with a disability ~~not included in~~ 59957
~~a unit approved under division (B) of section 3317.05 of the~~ 59958
~~Revised Code,~~ the tuition of the district providing the education 59959
for the child as calculated under division (B) of section 3317.08 59960
of the Revised Code, multiplied by 0.50. 59961

(B) The board of the district of residence may contract with 59962
the board of another district for the transportation of such child 59963
into any school in such other district, on terms agreed upon by 59964
such boards. Upon direction of the state board of education, the 59965
board of the district of residence shall pay for the child's 59966
transportation and the tuition. 59967

(C) The board of education of a district providing the 59968
education for a child shall be entitled to require payment from 59969

the district of residence under this section or section 3323.14 of 59970
the Revised Code only if the district providing the education has 59971
done at least one of the following: 59972

(1) Invited the district of residence to send representatives 59973
to attend the meetings of the team developing the child's 59974
individualized education program; 59975

(2) Received from the district of residence a copy of the 59976
individualized education program or a multifactored evaluation 59977
developed for the child by the district of residence; 59978

(3) Informed the district of residence in writing that the 59979
district is providing the education for the child. 59980

As used in division (C)(2) of this section, "multifactored 59981
evaluation" means an evaluation, conducted by a multidisciplinary 59982
team, of more than one area of the child's functioning so that no 59983
single procedure shall be the sole criterion for determining an 59984
appropriate educational program placement for the child. 59985

~~Sec. 3323.14. This section does not apply to any preschool 59986
child with a disability except if included in a unit approved 59987
under division (B) of section 3317.05 of the Revised Code. 59988~~

(A) Where a child who is a school resident of one school 59989
district receives special education from another district and the 59990
per capita cost to the educating district for that child exceeds 59991
the sum of the amount received by the educating district for that 59992
child under division (A) of section 3317.08 of the Revised Code 59993
and the amount received by the district from the state board of 59994
education for that child, then the board of education of the 59995
district of residence shall pay to the board of the school 59996
district that is providing the special education such excess cost 59997
as is determined by using a formula approved by the department of 59998
education and agreed upon in contracts entered into by the boards 59999

of the districts concerned at the time the district providing such 60000
special education accepts the child for enrollment. The department 60001
shall certify the amount of the payments under Chapter 3317. of 60002
the Revised Code for such pupils with disabilities for each school 60003
year ending on the thirtieth day of July. 60004

(B) In the case of a child described in division (A) of this 60005
section who has been placed in a home, as defined in section 60006
3313.64 of the Revised Code, pursuant to the order of a court and 60007
who is not subject to section 3323.141 of the Revised Code, the 60008
district providing the child with special education and related 60009
services may charge to the child's district of residence the 60010
excess cost determined by formula approved by the department, 60011
regardless of whether the district of residence has entered into a 60012
contract with the district providing the services. If the district 60013
providing the services chooses to charge excess costs, the 60014
district may report the amount calculated under this division to 60015
the department. 60016

(C) If a district providing special education for a child 60017
reports an amount for the excess cost of those services, as 60018
authorized and calculated under division (A) or (B) of this 60019
section, the department shall pay that amount of excess cost to 60020
the district providing the services and shall deduct that amount 60021
from the child's district of residence in accordance with division 60022
(K) of section 3317.023 of the Revised Code. 60023

Sec. 3323.141. (A) When a child who is not in the legal or 60024
permanent custody of an Ohio resident or a government agency in 60025
this state and whose natural or adoptive parents are not known to 60026
have been residents of this state subsequent to the child's birth 60027
is a resident of a home as defined in section 3313.64 of the 60028
Revised Code and receives special education and related services 60029
from a school district or county ~~MR/DD~~ DD board, the home shall 60030

pay tuition to the board providing the special education. 60031

(B) In the case of a child described in division (A) of this 60032
section who receives special education and related services from a 60033
school district, tuition shall be the amount determined under 60034
division (B)(1) or (2) of this section. 60035

(1) For a child other than a child described in division 60036
(B)(2) of this section the tuition shall be an amount equal to the 60037
sum of the following: 60038

(a) Tuition as determined in the manner provided for by 60039
division (B) of section 3317.081 of the Revised Code for the 60040
district that provides the special education; 60041

(b) Such excess cost as is determined by using a formula 60042
established by rule of the department of education. The excess 60043
cost computed in this section shall not be used as excess cost 60044
computed under section 3323.14 of the Revised Code. 60045

(2) For a child who is a preschool child with a disability 60046
~~not included in a unit approved under division (B) of section~~ 60047
~~3317.05 of the Revised Code,~~ the tuition shall be computed as 60048
follows: 60049

(a) Determine the amount of the tuition of the district 60050
providing the education for the child as calculated under division 60051
(B) of section 3317.08 of the Revised Code; 60052

(b) For each type of special education service included in 60053
the computation of the amount of tuition under division (B)(2)(a) 60054
of this section, divide the amount determined for that computation 60055
under division (B)(2) of section 3317.08 of the Revised Code by 60056
the total number of preschool children with disabilities used for 60057
that computation under division (B)(3) of section 3317.08 of the 60058
Revised Code; 60059

(c) Determine the sum of the quotients obtained under 60060

division (B)(2)(b) of this section; 60061

(d) Determine the sum of the amounts determined under 60062
divisions (B)(2)(a) and (c) of this section. 60063

(C) In the case of a child described in division (A) of this 60064
section who receives special education and related services from a 60065
county ~~MR/DD~~ DD board, tuition shall be the amount determined 60066
under division (C)(1) or (2) of this section. 60067

(1) For a child other than a child described in division 60068
(C)(2) of this section, the tuition shall be an amount equal to 60069
such board's per capita cost of providing special education and 60070
related services for children at least three but less than 60071
twenty-two years of age as determined by using a formula 60072
established by rule of the department of developmental 60073
disabilities. 60074

(2) For a child who is a preschool child with a disability 60075
~~not included in a unit approved under division (B) of section~~ 60076
~~3317.05 of the Revised Code~~, the tuition shall equal the sum of 60077
the amounts of each such board's per capita cost of providing each 60078
of the special education or related service that the child 60079
receives. The calculation of tuition shall be made by using a 60080
formula established by rule of the department of developmental 60081
disabilities. The formula for the calculation of per capita costs 60082
under division (C)(2) of this section shall be based only on each 60083
such ~~MR/DD~~ DD board's cost of providing each type of special 60084
education or related service to preschool children with 60085
disabilities ~~not included in a unit approved under division (B) of~~ 60086
~~section 3317.05 of the Revised Code.~~ 60087

(D) If a home fails to pay the tuition required under this 60088
section, the board of education or county ~~MR/DD~~ DD board providing 60089
the education may recover in a civil action the tuition and the 60090
expenses incurred in prosecuting the action, including court costs 60091

and reasonable attorney's fees. If the prosecuting attorney or 60092
city director of law represents the board in such action, costs 60093
and reasonable attorney's fees awarded by the court, based upon 60094
the time spent preparing and presenting the case by the 60095
prosecuting attorney, director, or a designee of either, shall be 60096
deposited in the county or city general fund. 60097

~~Sec. 3323.142. This section does not apply to any preschool 60098
child with a disability except if included in a unit approved 60099
under division (B) of section 3317.05 of the Revised Code. 60100~~

As used in this section, "per pupil amount" for a preschool 60101
child with a disability included in such an approved unit means 60102
the amount determined by dividing the amount received for the 60103
classroom unit in which the child has been placed by the number of 60104
children in the unit. For any other child, "per pupil amount" 60105
means the amount paid for the child under section 3317.20 of the 60106
Revised Code. 60107

When a school district places or has placed a child with a 60108
county DD board for special education, but another district is 60109
responsible for tuition under section 3313.64 or 3313.65 of the 60110
Revised Code and the child is not a resident of the territory 60111
served by the county DD board, the board may charge the district 60112
responsible for tuition with the educational costs in excess of 60113
the per pupil amount received by the board under Chapter 3317. of 60114
the Revised Code. The amount of the excess cost shall be 60115
determined by the formula established by rule of the department of 60116
education under section 3323.14 of the Revised Code, and the 60117
payment for such excess cost shall be made by the school district 60118
directly to the county DD board. 60119

A school district board of education and the county DD board 60120
that serves the school district may negotiate and contract, at or 60121
after the time of placement, for payments by the board of 60122

education to the county DD board for additional services provided 60123
to a child placed with the county DD board and whose 60124
individualized education program established pursuant to section 60125
3323.08 of the Revised Code requires additional services that are 60126
not routinely provided children in the county DD board's program 60127
but are necessary to maintain the child's enrollment and 60128
participation in the program. Additional services may include, but 60129
are not limited to, specialized supplies and equipment for the 60130
benefit of the child and instruction, training, or assistance 60131
provided by staff members other than staff members for which 60132
funding is received under Chapter 3317. of the Revised Code. 60133

Sec. 3325.13. The state school for the blind employees food 60134
service fund is hereby created in the state treasury. The fund 60135
shall consist of payments received from employees who make 60136
purchases from the school's food service program. Notwithstanding 60137
section 3325.01 of the Revised Code, the approval of the state 60138
board of education is not required to designate money for deposit 60139
into the fund. The school for the blind shall use money in the 60140
fund to pay costs associated with the school's food service 60141
program. 60142

Sec. 3325.14. The state school for the deaf employees food 60143
service fund is hereby created in the state treasury. The fund 60144
shall consist of payments received from employees who make 60145
purchases from the school's food service program. Notwithstanding 60146
section 3325.01 of the Revised Code, the approval of the state 60147
board of education is not required to designate money for deposit 60148
into the fund. The school for the deaf shall use money in the fund 60149
to pay costs associated with the school's food service program. 60150

Sec. 3326.07. Each science, technology, engineering, and 60151
mathematics school established under this chapter is a public 60152

school, is part of the state's program of education, may contract 60153
for any services necessary for the operation of the school, and 60154
may continue in operation for as long as the school is in 60155
compliance with the provisions of this chapter and with the 60156
proposal for its establishment as approved by the STEM committee. 60157
If the school closes for any reason, its assets shall be 60158
distributed in the manner provided in the proposal for its 60159
establishment as required by division (C)(9) of section 3326.03 of 60160
the Revised Code. 60161

Sec. 3326.08. (A) The governing body of each science, 60162
technology, engineering, and mathematics school shall ~~employ and~~ 60163
~~fix the compensation for the~~ engage the services of administrative 60164
officers, teachers, and nonteaching employees of the STEM school 60165
necessary for the school to carry out its mission and shall 60166
oversee the operations of the school. The governing body of each 60167
STEM school shall ~~employ~~ engage the services of a chief 60168
administrative officer to serve as the school's instructional and 60169
administrative leader. The chief administrative officer shall be 60170
granted the authority to oversee the recruitment, retention, and 60171
employment of teachers and nonteaching employees. 60172

(B) The department of education shall monitor the oversight 60173
of each STEM school exercised by the school's governing body and 60174
shall monitor the school's compliance with this chapter and with 60175
the proposal for the establishment of the school as it was 60176
approved by the STEM committee under section 3326.04 of the 60177
Revised Code. If the department finds that the school is not in 60178
compliance with this chapter or with the proposal, the department 60179
shall consult with the STEM committee, and the committee may order 60180
the school to close on the last day of the school year in which 60181
the committee issues its order. 60182

(C) The governing body of each STEM school shall comply with 60183

sections 121.22 and 149.43 of the Revised Code. 60184

Sec. 3326.11. Each science, technology, engineering, and 60185
mathematics school established under this chapter and its 60186
governing body shall comply with sections 9.90, 9.91, 109.65, 60187
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 60188
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 60189
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 60190
3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014, 60191
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 60192
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 60193
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 60194
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 60195
3313.816, 3313.817, 3313.86, ~~3313.88~~, 3313.96, 3319.073, 3319.21, 60196
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 60197
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 60198
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 60199
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 60200
4123., 4141., and 4167. of the Revised Code as if it were a school 60201
district. 60202

Sec. 3326.112. The governing body of each STEM school shall 60203
comply with the standards for financial reporting adopted under 60204
division (B)(2) of section 3301.07 of the Revised Code. 60205

Sec. 3326.20. (A) As used in this section, "native student" 60206
means a student entitled to attend school in the school district 60207
under section 3313.64 or 3313.65 of the Revised Code. 60208

(B) Unless either the proposal for the establishment of a 60209
science, technology, engineering, and mathematics school, as it 60210
was approved by the STEM committee under section 3326.03 of the 60211
Revised Code, ~~otherwise~~ provides for the transportation of 60212
students to and from the STEM school, or the parent of a native 60213

student or that student opts to receive the transportation subsidy 60214
prescribed by section 3327.02 of the Revised Code, the board of 60215
education of each city, local, and exempted village school 60216
district shall provide transportation to and from school for its 60217
~~district's~~ native students enrolled in the STEM school in the same 60218
manner that section 3327.01 of the Revised Code requires for its 60219
native students enrolled in nonpublic schools. 60220

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the 60221
Revised Code: 60222

~~(A) "Applicable special education weight" means the multiple~~ 60223
~~specified in section 3317.013 of the Revised Code for a disability~~ 60224
~~described in that section.~~ 60225

~~(B) "Applicable vocational education weight" means the~~ 60226
~~multiple specified in section 3317.014 of the Revised Code for~~ 60227
~~vocational education programs or classes described in that section~~ 60228

(1) "Category one career-technical education student" means a 60229
student who is receiving the career-technical education services 60230
described in division (A) of section 3317.014 of the Revised Code. 60231

(2) "Category two career-technical student" means a student 60232
who is receiving the career-technical education services described 60233
in division (B) of section 3317.014 of the Revised Code. 60234

(3) "Category three career-technical student" means a student 60235
who is receiving the career-technical education services described 60236
in division (C) of section 3317.014 of the Revised Code. 60237

(4) "Category four career-technical student" means a student 60238
who is receiving the career-technical education services described 60239
in division (D) of section 3317.014 of the Revised Code. 60240

(5) "Category five career-technical education student" means 60241
a student who is receiving the career-technical education services 60242
described in division (E) of section 3317.014 of the Revised Code. 60243

(B)(1) "Category one limited English proficient student" 60244
means a limited English proficient student described in division 60245
(A) of section 3317.016 of the Revised Code. 60246

(2) "Category two limited English proficient student" means a 60247
limited English proficient student described in division (B) of 60248
section 3317.016 of the Revised Code. 60249

(3) "Category three limited English proficient student" means 60250
a limited English proficient student described in division (C) of 60251
section 3317.016 of the Revised Code. 60252

(C)(1) "Category one special education student" means a 60253
student who is receiving special education services for a 60254
disability specified in division (A) of section 3317.013 of the 60255
Revised Code. 60256

(2) "Category two special education student" means a student 60257
who is receiving special education services for a disability 60258
specified in division (B) of section 3317.013 of the Revised Code. 60259

(3) "Category three special education student" means a 60260
student who is receiving special education services for a 60261
disability specified in division (C) of section 3317.013 of the 60262
Revised Code. 60263

(4) "Category four special education student" means a student 60264
who is receiving special education services for a disability 60265
specified in division (D) of section 3317.013 of the Revised Code. 60266

(5) "Category five special education student" means a student 60267
who is receiving special education services for a disability 60268
specified in division (E) of section 3317.013 of the Revised Code. 60269

(6) "Category six special education student" means a student 60270
who is receiving special education services for a disability 60271
specified in division (F) of section 3317.013 of the Revised Code. 60272

(C)(D) "Formula amount" has the same meaning as in section 60273

3317.02 of the Revised Code. 60274

~~(D)~~(E) "IEP" means an individualized education program as 60275
defined in section 3323.01 of the Revised Code. 60276

~~(E) A student is "included in the poverty student count of 60277
the student's resident district" if the student's family receives 60278
assistance under the Ohio works first program.~~ 60279

(F) "Resident district" means the school district in which a 60280
student is entitled to attend school under section 3313.64 or 60281
3313.65 of the Revised Code. 60282

(G) "State education aid" has the same meaning as in section 60283
5751.20 of the Revised Code. 60284

Sec. 3326.32. Each science, technology, engineering, and 60285
mathematics school shall report to the department of education, in 60286
the form and manner required by the department, all of the 60287
following information: 60288

(A) The total number of students enrolled in the school; 60289

(B) The number of students who are receiving special 60290
education and related services pursuant to an IEP; 60291

(C) For each student reported under division (B) of this 60292
section, which category specified in divisions (A) to (F) of 60293
section 3317.013 of the Revised Code applies to the student; 60294

(D) The full-time equivalent number of students who are 60295
enrolled in ~~vocational~~ career-technical education programs or 60296
classes described in each of divisions (A) ~~and~~, (B), (C), (D), and 60297
(E) of section 3317.014 of the Revised Code that are provided by 60298
the STEM school; 60299

(E) The number of students who are limited English proficient 60300
students and which category specified in divisions (A) to (C) of 60301
section 3317.016 of the Revised Code applies to each student; 60302

(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (F) of this section based on anything other than family income. 60303
60304
60305
60306
60307

(G) The resident district of each student; 60308

~~(F)~~(H) Any additional information the department determines necessary to make payments under this chapter. 60309
60310

~~Sec. 3326.33. Payments and deductions under this section for fiscal years 2012 and 2013 shall be made in accordance with section 3326.39 of the Revised Code.~~ 60311
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For each student enrolled in a science, technology, engineering, and mathematics school established under this chapter, on a full-time equivalency basis, the department of education annually shall deduct from the state education aid of a student's resident school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the school the sum of the following: 60314
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~~(A) The sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~ 60321
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~~(B) If the student is receiving special education and related services pursuant to an IEP, the product of the applicable special education weight times the formula amount;~~ 60324
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~~(C) If the student is enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code,~~ 60327
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~~the product of the applicable vocational education weight times 60333
the formula amount times the percentage of time the student spends 60334
in the vocational education programs or classes; 60335~~

~~(D) If the student is included in the poverty student count 60336
of the student's resident district, the per pupil amount of the 60337
district's payment under division (C) of section 3317.029 of the 60338
Revised Code; 60339~~

~~(E) If the student is identified as limited English 60340
proficient and the student's resident district receives a payment 60341
for services to limited English proficient students under division 60342
(F) of section 3317.029 of the Revised Code, the per pupil amount 60343
of the district's payment under that division, calculated in the 60344
same manner as per pupil payments are calculated under division 60345
(C)(6) of section 3314.08 of the Revised Code; 60346~~

~~(F) If the student's resident district receives a payment 60347
under division (G), (H), or (I) of section 3317.029 of the Revised 60348
Code, the per pupil amount of the district's payments under each 60349
division, calculated in the same manner as per pupil payments are 60350
calculated under divisions (C)(7) and (8) of section 3314.08 of 60351
the Revised Code; 60352~~

~~(G) If the student's resident district receives a parity aid 60353
payment under section 3317.0217 of the Revised Code, the per pupil 60354
amount calculated for the district under division (C) or (D) of 60355
that section An opportunity grant in an amount equal to the 60356
formula amount; 60357~~

~~(B) The per pupil amount of targeted assistance funds 60358
calculated under division (A) of section 3317.0217 of the Revised 60359
Code for the student's resident district, as determined by the 60360
department, X 0.25; 60361~~

~~(C) Additional state aid for special education and related 60362
services provided under Chapter 3323. of the Revised Code as 60363~~

<u>follows:</u>	60364
<u>(1) If the student is a category one special education student, the formula amount X the multiple specified in division (A) of section 3317.013 of the Revised Code;</u>	60365 60366 60367
<u>(2) If the student is a category two special education student, the formula amount X the multiple specified in division (B) of section 3317.013 of the Revised Code;</u>	60368 60369 60370
<u>(3) If the student is a category three special education student, the formula amount X the multiple specified in division (C) of section 3317.013 of the Revised Code;</u>	60371 60372 60373
<u>(4) If the student is a category four special education student, the formula amount X the multiple specified in division (D) of section 3317.013 of the Revised Code;</u>	60374 60375 60376
<u>(5) If the student is a category five special education student, the formula amount X the multiple specified in division (E) of section 3317.013 of the Revised Code;</u>	60377 60378 60379
<u>(6) If the student is a category six special education student, the formula amount X the multiple specified in division (F) of section 3317.013 of the Revised Code.</u>	60380 60381 60382
<u>(D) If the student is in kindergarten through third grade, \$300, in fiscal year 2014, or \$303, in fiscal year 2015;</u>	60383 60384
<u>(E) If the student is economically disadvantaged, an amount equal to the following:</u>	60385 60386
<u>(\$340, in fiscal year 2014, or \$343, in fiscal year 2015) X (the resident district's economically disadvantaged index)</u>	60387 60388
<u>(F) Limited English proficiency funds, as follows:</u>	60389
<u>(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;</u>	60390 60391 60392
<u>(2) If the student is a category two limited English</u>	60393

<u>proficient student, the amount specified in division (B) of</u>	60394
<u>section 3317.016 of the Revised Code;</u>	60395
<u>(3) If the student is a category three limited English</u>	60396
<u>proficient student, the amount specified in division (C) of</u>	60397
<u>section 3317.016 of the Revised Code.</u>	60398
<u>(G) Career-technical education funds as follows:</u>	60399
<u>(1) If the student is a category one career-technical</u>	60400
<u>education student, the formula amount X the multiple specified in</u>	60401
<u>division (A) of section 3317.014 of the Revised Code;</u>	60402
<u>(2) If the student is a category two career-technical</u>	60403
<u>education student, the formula amount X the multiple specified in</u>	60404
<u>division (B) of section 3317.014 of the Revised Code;</u>	60405
<u>(3) If the student is a category three career-technical</u>	60406
<u>education student, the formula amount X the multiple specified in</u>	60407
<u>division (C) of section 3317.014 of the Revised Code;</u>	60408
<u>(4) If the student is a category four career-technical</u>	60409
<u>education student, the formula amount X the multiple specified in</u>	60410
<u>division (D) of section 3317.014 of the Revised Code;</u>	60411
<u>(5) If the student is a category five career-technical</u>	60412
<u>education student, the formula amount X the multiple specified in</u>	60413
<u>division (E) of section 3317.014 of the Revised Code.</u>	60414
<u>Deduction and payment of funds under division (G) of this</u>	60415
<u>section is subject to approval under section 3317.161 of the</u>	60416
<u>Revised Code.</u>	60417
Sec. 3326.34. If a science, technology, engineering, and	60418
mathematics school established under this chapter incurs costs for	60419
a fiscal year for a student receiving special education and	60420
related services pursuant to an IEP for a disability described in	60421
divisions (B) to (F) of section 3317.013 of the Revised Code that	60422
exceed the threshold catastrophic cost for serving the student as	60423

specified in division ~~(C)(3)(b)~~(B) of section ~~3317.022~~ 3317.0214 60424
of the Revised Code, the STEM school may submit to the 60425
superintendent of public instruction documentation, as prescribed 60426
by the superintendent, of all its costs for that student. Upon 60427
submission of documentation for a student of the type and in the 60428
manner prescribed, the department of education shall pay to the 60429
school an amount equal to the school's costs for the student in 60430
excess of the threshold catastrophic costs. 60431

The school shall only report under this section, and the 60432
department shall only pay for, the costs of educational expenses 60433
and the related services provided to the student in accordance 60434
with the student's IEP. Any legal fees, court costs, or other 60435
costs associated with any cause of action relating to the student 60436
may not be included in the amount. 60437

Sec. 3326.38. A science, technology, engineering, and 60438
mathematics school may do ~~all~~ both of the following: 60439

(A) ~~Apply to the department of education for gifted unit~~ 60440
~~funding;~~ 60441

~~(B)~~ Apply to any state or federal agency for grants that a 60442
school district or public school may receive under federal or 60443
state law or any appropriations act of the general assembly; 60444

~~(C)~~(B) Apply to any private entity or foundation for 60445
additional funds. 60446

Sec. 3326.39. Sec. 3326.39. (A) In any fiscal year, a STEM 60447
school receiving funds under division (G) of section 3326.33 of 60448
the Revised Code shall spend those funds only for the purposes 60449
that the department designates as approved for career-technical 60450
education expenses. Career-technical educational expenses approved 60451
by the department shall include only expenses connected to the 60452
delivery of career-technical programming to career-technical 60453

students. The department shall require the school to report data 60454
annually so that the department may monitor the school's 60455
compliance with the requirements regarding the manner in which 60456
funding received under division (G) of section 3326.33 of the 60457
Revised Code may be spent. 60458

(B) All funds received under division (G) of section 3326.33 60459
of the Revised Code shall be spent in the following manner: 60460

(1) At least seventy-five per cent of the funds shall be 60461
spent on curriculum development, purchase, and implementation; 60462
instructional resources and supplies; industry-based program 60463
certification; student assessment, credentialing, and placement; 60464
curriculum specific equipment purchases and leases; 60465
career-technical student organization fees and expenses; home and 60466
agency linkages; work-based learning experiences; professional 60467
development; and other costs directly associated with 60468
career-technical education programs including development of new 60469
programs. 60470

(2) Not more than twenty-five per cent of the funds shall be 60471
used for personnel expenditures. 60472

Sec. 3326.45. (A) The governing body of a science, 60473
technology, engineering, and mathematics school may contract with 60474
the governing board of an educational service center or the board 60475
of education of a joint vocational school district for the 60476
provision of services to the STEM school or to any student 60477
enrolled in the school. Services provided under the contract and 60478
the amount to be paid for those services shall be mutually agreed 60479
to by the parties to the contract, and shall be specified in the 60480
contract. 60481

(B) A contract entered into under this section may require an 60482
educational service center to provide any one or a combination of 60483

the following services to a STEM school: 60484

(1) Supervisory teachers; 60485

(2) In-service and continuing education programs for 60486
personnel of the STEM school; 60487

(3) Curriculum services as provided to the client school 60488
districts of the service center; 60489

(4) Research and development programs; 60490

(5) Academic instruction for which the service center 60491
governing board employs teachers; 60492

(6) Assistance in the provision of special accommodations and 60493
classes for students with disabilities. 60494

Services described in division (B) of this section shall be 60495
provided to the STEM school in the same manner they are provided 60496
to client school districts of the service center, unless otherwise 60497
specified in the contract. The contract shall specify whether the 60498
service center will receive a per-pupil payment from the 60499
department of education for the provision of these services and, 60500
if so, the amount of the per-pupil payment, ~~which shall not exceed~~ 60501
~~the per pupil amount paid to the service center under division (F)~~ 60502
~~of section 3317.11 of the Revised Code for each student in the~~ 60503
~~service center ADM.~~ 60504

(C) For each contract entered into under this section, the 60505
department shall deduct the amount owed by the STEM school from 60506
the state funds due to the STEM school under this chapter and 60507
shall pay that amount to the educational service center or joint 60508
vocational school district that is party to the contract. ~~In the~~ 60509
~~ease of a contract with an educational service center that~~ 60510
~~specifies per pupil payments for the provision of services~~ 60511
~~described in division (B) of this section, the department also~~ 60512
~~shall pay the service center the amount calculated under division~~ 60513

~~(H) of section 3317.11 of the Revised Code.~~ 60514

(D) No contract entered into under this section shall be 60515
valid unless a copy is filed with the department by the first day 60516
of the school year for which the contract is in effect. 60517

(E) As used in this section, "client school district" ~~has the~~ 60518
~~same meaning as in section 3317.11 of the Revised Code~~ means a 60519
city, exempted village, or local school district that has entered 60520
into an agreement under section 3313.843 or 3313.845 of the 60521
Revised Code to receive any services from an educational service 60522
center. 60523

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 60524
and division (D) of section 3311.52 of the Revised Code, this 60525
section and sections 3327.011, ~~3327.012~~, and 3327.02 of the 60526
Revised Code do not apply to any joint vocational or cooperative 60527
education school district. 60528

~~In~~ (A) Except as provided in division (D) of this section or 60529
section 3314.091 or 3327.02 of the Revised Code, in all city, 60530
local, and exempted village school districts where resident school 60531
pupils in grades kindergarten through eight live more than two 60532
miles from the school for which the state board of education 60533
prescribes minimum standards pursuant to division (D) of section 60534
3301.07 of the Revised Code and to which they are assigned by the 60535
board of education of the district of residence or to and from the 60536
nonpublic or community school which they attend, the board of 60537
education shall provide transportation for such pupils to and from 60538
~~such that school except as provided in section 3327.02 of the~~ 60539
~~Revised Code.~~ 60540

(B) In all city, local, and exempted village school districts 60541
where pupil transportation is required under a career-technical 60542
plan approved by the state board of education under section 60543
3313.90 of the Revised Code, for any student attending a 60544

career-technical program operated by another school district, 60545
including a joint vocational school district, as prescribed under 60546
that section, the board of education of the student's district of 60547
residence shall provide transportation from the public high school 60548
operated by that district to which the student is assigned to the 60549
career-technical program. 60550

~~In (C) Except as provided in division (D) of this section or~~ 60551
~~section 3314.091 or 3327.02 of the Revised Code, in all city,~~ 60552
local, and exempted village school districts, the board may 60553
provide transportation for resident school pupils in grades nine 60554
through twelve to and from the high school to which they are 60555
assigned by the board of education of the district of residence or 60556
to and from the nonpublic or community high school which they 60557
attend for which the state board of education prescribes minimum 60558
standards pursuant to division (D) of section 3301.07 of the 60559
Revised Code. 60560

(D)(1) A board of education shall not be required to 60561
transport elementary or high school pupils to and from a nonpublic 60562
or community school where such transportation would require more 60563
than thirty minutes of direct travel time as measured by school 60564
bus from the public school building to which the pupils would be 60565
assigned if attending the public school designated by the district 60566
of residence. 60567

~~Where it is impractical to transport a pupil by school~~ 60568
~~conveyance, a board of education may offer payment, in lieu of~~ 60569
~~providing such transportation in accordance with section 3327.02~~ 60570
~~of the Revised Code.~~ 60571

(2) A board of education shall not be required to transport 60572
elementary or high school pupils to and from a nonpublic or 60573
community school on Saturday or Sunday, unless a board of 60574
education and a nonpublic or community school have an agreement in 60575
place to do so before the effective date of this amendment. 60576

(E) In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts, the board shall provide transportation to and from school or special education classes for ~~educable~~ ~~mentally retarded~~ disabled children in accordance with standards adopted by the state board of education.

(F) When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board not later than ten days after the beginning of the school term.

The cost of any transportation service authorized by this section shall be paid first out of federal funds, if any, available for the purpose of pupil transportation, and secondly out of state appropriations, in accordance with regulations adopted by the state board of education.

(G) No transportation of any pupils shall be provided by any board of education to or from any school which in the selection of pupils, faculty members, or employees, practices discrimination against any person on the grounds of race, color, religion, or national origin.

Sec. 3327.02. (A) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Parent" has the same meaning as in section 3313.98 of

the Revised Code. 60607

(3) "Resident school district" means the city, exempted 60608
village, or local school district in which a student is entitled 60609
to attend school under section 3313.64 or 3313.65 of the Revised 60610
Code. 60611

(4) "School year" has the same meaning as in section 3313.62 60612
of the Revised Code. 60613

(5) "State education aid" has the same meaning as in section 60614
5751.20 of the Revised Code. 60615

(6) "STEM school" means a science, technology, engineering, 60616
and mathematics school established under Chapter 3326. of the 60617
Revised Code. 60618

(B) Beginning July 1, 2014, the board of education of a city, 60619
exempted village, or local school district is not required to 60620
provide transportation to and from school for a student attending 60621
one of the district's schools or a community school, STEM school, 60622
or nonpublic school under division (A) or (C) of section 3327.01 60623
of the Revised Code, if the student's parent or the student, if at 60624
least eighteen years old and no guardian or custodian is currently 60625
appointed for the student, opts instead to receive the subsidy 60626
prescribed by division (D) of this section. The parent or student 60627
may exercise that option on an annual basis by submitting an 60628
application to the department of education and by notifying the 60629
district board in accordance with procedures and deadlines 60630
prescribed by the department. The department shall prescribe 60631
deadlines for that application and notice so that the district 60632
board has sufficient time to take the exercise of the parent's or 60633
student's option into account when planning its transportation 60634
routes and schedules for the succeeding school year. The 60635
department shall not accept an application that is submitted after 60636
the deadline. The department shall award a subsidy as long as the 60637

parent or student complies with the application and notice 60638
procedures. The award shall be for one school year at a time and 60639
may be renewed if the parent or student again submits an 60640
application to the department and notice to the district board in 60641
accordance with the prescribed procedures and deadlines. The 60642
parent or student shall use the subsidy to pay the cost of the 60643
student's transportation to and from school for the entire school 60644
year. 60645

(C) The subsidy prescribed by this section is not available 60646
for any of the following: 60647

(1) A student attending a community school or nonpublic 60648
school that is more than thirty minutes of direct travel time, as 60649
measured by school bus, from the building of the student's 60650
resident school district to which the student would be assigned if 60651
attending school in the district, as provided in division (D) of 60652
section 3327.01 of the Revised Code; 60653

(2) A student attending a community school that either: 60654

(a) Has an agreement with the student's resident school 60655
district for the community school to transport students to that 60656
school under division (A) of section 3314.091 of the Revised Code; 60657

(b) Accepts responsibility to transport students to the 60658
school under division (B) of that section. 60659

(3) A student who attends a school district other than the 60660
student's resident school district under an open enrollment policy 60661
adopted in accordance with section 3313.98 of the Revised Code; 60662

(4) A student who attends school in a school district under 60663
division (I) of section 3313.64 of the Revised Code. 60664

(D) The amount of the subsidy awarded for each student under 60665
this section shall equal the lesser of the following: 60666

(1) The statewide average cost of pupil transportation for 60667

the previous school year; 60668

(2) The average cost of pupil transportation for the previous school year for the student's resident school district. 60669
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The department shall pay that amount to the student's parent or the student, if at least eighteen years old and no guardian or custodian is currently appointed for the student, in quarterly periodic payments. 60671
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(E) The department shall deduct the amount of each subsidy awarded for a student under this section from the state education aid of the student's resident school district and, if necessary, from that district's payments under sections 321.24 and 323.156 of the Revised Code. 60675
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The department shall include the student in the calculation of the district's transportation payment under section 3317.0212 of the Revised Code and the operating appropriations act. 60680
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(F) This section has no effect on a school district's responsibility to transport a student to and from a college-preparatory boarding school established under Chapter 3328. of the Revised Code. 60683
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(G) The state board of education shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section. 60687
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Sec. 3327.07. (A) The governing authority of a chartered nonpublic school that transports a student enrolled in the school to and from school may charge the parent or guardian of the student a fee for the transportation, if the governing authority purchased the vehicle that transports the student using no state or federal funds. The fee shall not exceed the per student cost of the transportation, as determined by the governing authority. 60690
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(B) If the parent or guardian of a student who is enrolled in 60697

a chartered nonpublic school opts to receive the subsidy 60698
prescribed by section 3327.02 of the Revised Code, instead of 60699
transportation by a school district under section 3327.01 of the 60700
Revised Code, and the governing authority of the chartered 60701
nonpublic school transports the student to and from school in a 60702
vehicle that the governing authority purchased using no state or 60703
federal funds, the governing authority may charge the parent or 60704
guardian a fee for transportation. 60705

(C) The parent or guardian of a student who is enrolled in a 60706
chartered nonpublic school and is eligible for transportation by a 60707
school district under section 3327.01 of the Revised Code may 60708
decline that transportation and accept transportation from the 60709
chartered nonpublic school. The governing authority of a chartered 60710
nonpublic school may charge a fee under division (A) of this 60711
section regardless of whether a student is eligible for 60712
transportation under section 3327.01 of the Revised Code. 60713

(D) The offering by the governing authority of a chartered 60714
nonpublic school of transportation to and from the school does not 60715
relieve any school district board of education from any duty 60716
imposed by section 3327.01 of the Revised Code with respect to the 60717
chartered nonpublic school's students. 60718

Sec. 3328.27. The board of trustees of each 60719
college-preparatory boarding school shall comply with the 60720
standards for financial reporting adopted under division (B)(2) of 60721
section 3301.07 of the Revised Code. 60722

Sec. 3333.041. (A) On or before the last day of December of 60723
each year, the chancellor of the Ohio board of regents shall 60724
submit to the governor and, in accordance with section 101.68 of 60725
the Revised Code, the general assembly a report or reports 60726
concerning all of the following: 60727

(1) The status of graduates of Ohio school districts at state 60728
institutions of higher education during the twelve-month period 60729
ending on the thirtieth day of September of the current calendar 60730
year. The report shall list, by school district, the number of 60731
graduates of each school district who attended a state institution 60732
of higher education and the percentage of each district's 60733
graduates enrolled in a state institution of higher education 60734
during the reporting period who were required during such period 60735
by the college or university, as a prerequisite to enrolling in 60736
those courses generally required for first-year students, to 60737
enroll in a remedial course in English, including composition or 60738
reading, mathematics, and any other area designated by the 60739
chancellor. The chancellor also shall make the information 60740
described in division (A)(1) of this section available to the 60741
board of education of each city, exempted village, and local 60742
school district. 60743

Each state institution of higher education shall, by the 60744
first day of November of each year, submit to the chancellor in 60745
the form specified by the chancellor the information the 60746
chancellor requires to compile the report. 60747

(2) Aggregate academic growth data for students assigned to 60748
graduates of teacher preparation programs approved under section 60749
3333.048 of the Revised Code who teach English language arts or 60750
mathematics in any of grades four to eight in a public school in 60751
Ohio. For this purpose, the chancellor shall use the value-added 60752
progress dimension prescribed by section 3302.021 of the Revised 60753
Code or the alternative student academic progress measure if 60754
adopted under division (C)(1)(e) of section 3302.03 of the Revised 60755
Code. The chancellor shall aggregate the data by graduating class 60756
for each approved teacher preparation program, except that if a 60757
particular class has ten or fewer graduates to which this section 60758
applies, the chancellor shall report the data for a group of 60759

classes over a three-year period. In no case shall the report 60760
identify any individual graduate. The department of education 60761
shall share any data necessary for the report with the chancellor. 60762

(3) The following information with respect to the Ohio 60763
tuition trust authority: 60764

(a) The name of each investment manager that is a minority 60765
business enterprise or a women's business enterprise with which 60766
the chancellor contracts; 60767

(b) The amount of assets managed by investment managers that 60768
are minority business enterprises or women's business enterprises, 60769
expressed as a percentage of assets managed by investment managers 60770
with which the chancellor has contracted; 60771

(c) Efforts by the chancellor to increase utilization of 60772
investment managers that are minority business enterprises or 60773
women's business enterprises. 60774

~~(4) The status of implementation of faculty improvement 60775
programs under section 3345.28 of the Revised Code. The report 60776
shall include, but need not be limited to, the following: the 60777
number of professional leave grants made by each institution; the 60778
purpose of each professional leave; and a statement of the cost to 60779
the institution of each professional leave, to the extent that the 60780
cost exceeds the salary of the faculty member on professional 60781
leave. 60782~~

~~(5) The number and types of biobased products purchased under 60783
section 125.092 of the Revised Code and the amount of money spent 60784
by state institutions of higher education for those biobased 60785
products as that information is provided to the chancellor under 60786
division (A) of section 3345.692 of the Revised Code. 60787~~

~~(6) A description of dual enrollment programs, as defined in 60788
section 3313.6013 of the Revised Code, that are offered by school 60789
districts, community schools established under Chapter 3314. of 60790~~

the Revised Code, STEM schools established under Chapter 3326. of 60791
the Revised Code, college-preparatory boarding schools established 60792
under Chapter 3328. of the Revised Code, and chartered nonpublic 60793
high schools. The chancellor also shall post the information on 60794
the chancellor's web site. 60795

~~(7) The academic and economic impact of the Ohio innovation 60796
partnership established under section 3333.61 of the Revised Code. 60797
At a minimum, the report shall include the following: 60798~~

~~(a) Progress and performance metrics for each initiative that 60799
received an award in the previous fiscal year; 60800~~

~~(b) Economic indicators of the impact of each initiative, and 60801
all initiatives as a whole, on the regional economies and the 60802
statewide economy; 60803~~

~~(e)(5) The chancellor's strategy in assigning choose Ohio 60804
first scholarships, as established under section 3333.61 of the 60805
Revised Code, among state universities and colleges and how the 60806
actual awards fit that strategy. 60807~~

~~(8)(6) The academic and economic impact of the Ohio 60808
co-op/internship program established under section 3333.72 of the 60809
Revised Code. At a minimum, the report shall include the 60810
following: 60811~~

~~(a) Progress and performance metrics for each initiative that 60812
received an award in the previous fiscal year; 60813~~

~~(b) Economic indicators of the impact of each initiative, and 60814
all initiatives as a whole, on the regional economies and the 60815
statewide economy; 60816~~

~~(c) The chancellor's strategy in allocating awards among 60817
state institutions of higher education and how the actual awards 60818
fit that strategy. 60819~~

(B) As used in this section: 60820

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code. 60821
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(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 60823
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(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 60826
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(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 60828
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Sec. 3333.049. No nonprofit institution that holds a certificate of authorization issued under Chapter 1713. of the Revised Code shall be liable for a breach of confidentiality arising from the institution's submission of student data or records to the board of regents or any other state agency in compliance with any law, rule, or regulation, provided that the breach occurs as a result of one of the following: 60832
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(A) An action by a third party during and after the transmission of the data or records by the institution but prior to receipt of the data or records by the board of regents or other state agency; 60839
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(B) An action by the board of regents or the state agency. 60843

This provision shall apply to the submission of any student data or records that are subject to any laws of this state or, to the extent permitted, any federal law, including the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g. 60844
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Sec. 3333.124. There is hereby created in the state treasury 60849

the Ohio college opportunity grant program reserve fund. Not later 60850
than the first day of July of each fiscal year, the chancellor of 60851
the Ohio board of regents shall certify to the director of budget 60852
and management the unencumbered balance of the general revenue 60853
fund appropriations made in the immediately preceding fiscal year 60854
for purposes of the Ohio college opportunity grant program created 60855
in section 3333.122 of the Revised Code. Upon receipt of the 60856
certification, the director may transfer an amount not exceeding 60857
the certified amount from the general revenue fund to the Ohio 60858
college opportunity grant program reserve fund. Moneys in the Ohio 60859
college opportunity grant program reserve fund shall be used to 60860
pay grant obligations in excess of the general revenue fund 60861
appropriations made for that purpose. 60862

The director may transfer any unencumbered balance from the 60863
Ohio college opportunity grant program reserve fund to the general 60864
revenue fund. 60865

Sec. 3333.342. (A) The chancellor of the Ohio board of 60866
regents may designate a "certificate of value" for a certificate 60867
program at any adult career-technical education institution or 60868
state institution of higher education, as defined under section 60869
3345.011 of the Revised Code, based on the standards adopted under 60870
division (B) of this section. 60871

(B) The chancellor shall develop standards for designation of 60872
the certificates of value for certificate programs at adult 60873
career-technical education institutions and state institutions of 60874
higher education. The standards shall include at least the 60875
following considerations: 60876

(1) The quality of the certificate program; 60877

(2) The ability to transfer agreed-upon technical courses 60878
completed through an adult career-technical education institution 60879

<u>to a state institution of higher education without unnecessary</u>	60880
<u>duplication or institutional barriers;</u>	60881
<u>(3) The extent to which the certificate program encourages a</u>	60882
<u>student to obtain an associate's or bachelor's degree;</u>	60883
<u>(4) The extent to which the certificate program increases a</u>	60884
<u>student's likelihood to complete other certificate programs or an</u>	60885
<u>associate's or bachelor's degree;</u>	60886
<u>(5) The ability of the certificate program to meet the</u>	60887
<u>expectations of the workplace and higher education;</u>	60888
<u>(6) The extent to which the certificate program is aligned</u>	60889
<u>with the strengths of the regional economy;</u>	60890
<u>(7) The extent to which the certificate program increases the</u>	60891
<u>amount of individuals who remain in or enter the state's</u>	60892
<u>workforce;</u>	60893
<u>(8) The extent of a certificate program's relationship with</u>	60894
<u>private companies in the state to fill potential job growth.</u>	60895
<u>(C) The designation of a certificate of value under this</u>	60896
<u>section shall expire six years after its designation date.</u>	60897
<u>(D) The chancellor may revoke a designation prior to its</u>	60898
<u>expiration date if the chancellor determines that the program no</u>	60899
<u>longer complies with the standards developed under division (B) of</u>	60900
<u>this section.</u>	60901
<u>(E) Any revocation of a certificate of value under this</u>	60902
<u>section shall become effective one hundred eighty days after the</u>	60903
<u>date the revocation was declared by the chancellor.</u>	60904
<u>(F) Any adult career-technical education institution or state</u>	60905
<u>institution of higher education that desires to be eligible to</u>	60906
<u>receive a designation of certificate of value for one or more of</u>	60907
<u>its certificate programs shall comply with all records and data</u>	60908
<u>requests required by the chancellor.</u>	60909

Sec. 3333.90 <u>3333.59</u>. (A) As used in this section:	60910
(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the Ohio board of regents by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year.	60911 60912 60913 60914 60915
(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.	60916 60917
(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.	60918 60919
(4) "Chancellor" means the chancellor of the Ohio board of regents.	60920 60921
(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:	60922 60923 60924
(a) A community college as defined in section 3354.01 of the Revised Code;	60925 60926
(b) A technical college as defined in section 3357.01 of the Revised Code;	60927 60928
(c) A state community college as defined in section 3358.01 of the Revised Code.	60929 60930
(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:	60931 60932 60933
(a) A community college district as defined in section 3354.01 of the Revised Code;	60934 60935
(b) A technical college district as defined in section 3357.01 of the Revised Code;	60936 60937
(c) A state community college district as defined in section	60938

3358.01 of the Revised Code. 60939

(7) "Credit enhancement facilities" has the same meaning as 60940
in section 133.01 of the Revised Code. 60941

(8) "Obligations" has the meaning as in section 154.01 or 60942
3345.12 of the Revised Code, as the context requires. 60943

(B) The board of trustees of any community or technical 60944
college district authorizing the issuance of obligations under 60945
section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the 60946
Revised Code, or for whose benefit and on whose behalf the issuing 60947
authority proposes to issue obligations under section 154.25 of 60948
the Revised Code, may adopt a resolution requesting the chancellor 60949
to enter into an agreement with the community or technical college 60950
district and the primary paying agent or fiscal agent for such 60951
obligations, providing for the withholding and deposit of funds 60952
otherwise due the district or the community or technical college 60953
it operates in respect of its allocated state share of 60954
instruction, for the payment of bond service charges on such 60955
obligations. 60956

The board of trustees shall deliver to the chancellor a copy 60957
of the resolution and any additional pertinent information the 60958
chancellor may require. 60959

The chancellor and the office of budget and management, and 60960
the issuing authority in the case of obligations to be issued by 60961
the issuing authority, shall evaluate each request received from a 60962
community or technical college district under this section. The 60963
chancellor, with the advice and consent of the director of budget 60964
and management and the issuing authority in the case of 60965
obligations to be issued by the issuing authority, shall approve 60966
each request if all of the following conditions are met: 60967

(1) Approval of the request will enhance the marketability of 60968
the obligations for which the request is made; 60969

(2) The chancellor and the office of budget and management, 60970
and the issuing authority in the case of obligations to be issued 60971
by the issuing authority, have no reason to believe the requesting 60972
community or technical college district or the community or 60973
technical college it operates will be unable to pay when due the 60974
bond service charges on the obligations for which the request is 60975
made, and bond service charges on those obligations are therefore 60976
not anticipated to be paid pursuant to this section from the 60977
allocated state share of instruction for purposes of Section 17 of 60978
Article VIII, Ohio Constitution. 60979

(3) Any other pertinent conditions established in rules 60980
adopted under division (H) of this section. 60981

(C) If the chancellor approves the request of a community or 60982
technical college district to withhold and deposit funds pursuant 60983
to this section, the chancellor shall enter into a written 60984
agreement with the district and the primary paying agent or fiscal 60985
agent for the obligations, which agreement shall provide for the 60986
withholding of funds pursuant to this section for the payment of 60987
bond service charges on those obligations. The agreement may also 60988
include both of the following: 60989

(1) Provisions for certification by the district to the 60990
chancellor, prior to the deadline for payment of the applicable 60991
bond service charges, whether the district and the community or 60992
technical college it operates are able to pay those bond service 60993
charges when due; 60994

(2) Requirements that the district or the community or 60995
technical college it operates deposits amounts for the payment of 60996
those bond service charges with the primary paying agent or fiscal 60997
agent for the obligations prior to the date on which the bond 60998
service charges are due to the owners or holders of the 60999
obligations. 61000

(D) Whenever a district or the community or technical college
it operates notifies the chancellor that it will not be able to
pay the bond service charges when they are due, subject to the
withholding provisions of this section, or whenever the applicable
paying agent or fiscal agent notifies the chancellor that it has
not timely received from a district or from the college it
operates the full amount needed for payment of the bond service
charges when due to the holders or owners of such obligations, the
chancellor shall immediately contact the district or college and
the paying agent or fiscal agent to confirm that the district and
the college are not able to make the required payment by the date
on which it is due.

If the chancellor confirms that the district and the college
are not able to make the payment and the payment will not be made
pursuant to a credit enhancement facility, the chancellor shall
promptly pay to the applicable primary paying agent or fiscal
agent the lesser of the amount due for bond service charges or the
amount of the next periodic distribution scheduled to be made to
the district or to the college in respect of its allocated state
share of instruction. If this amount is insufficient to pay the
total amount then due the agent for the payment of bond service
charges, the chancellor shall continue to pay to the agent from
each periodic distribution thereafter, and until the full amount
due the agent for unpaid bond service charges is paid in full, the
lesser of the remaining amount due the agent for bond service
charges or the amount of the next periodic distribution scheduled
to be made to the district or college in respect of its allocated
state share of instruction.

(E) The chancellor may make any payments under this section
by direct deposit of funds by electronic transfer.

Any amount received by a paying agent or fiscal agent under
this section shall be applied only to the payment of bond service

charges on the obligations of the community or technical college 61033
district or community or technical college subject to this section 61034
or to the reimbursement of the provider of a credit enhancement 61035
facility that has paid the bond service charges. 61036

(F) The chancellor may make payments under this section to 61037
paying agents or fiscal agents during any fiscal biennium of the 61038
state only from and to the extent that money is appropriated to 61039
the board of regents by the general assembly for distribution 61040
during such biennium for the state share of instruction and only 61041
to the extent that a portion of the state share of instruction has 61042
been allocated to the community or technical college district or 61043
community or technical college. Obligations of the issuing 61044
authority or of a community or technical college district to which 61045
this section is made applicable do not constitute an obligation or 61046
a debt or a pledge of the faith, credit, or taxing power of the 61047
state, and the holders or owners of those obligations have no 61048
right to have excises or taxes levied or appropriations made by 61049
the general assembly for the payment of bond service charges on 61050
the obligations, and the obligations shall contain a statement to 61051
that effect. The agreement for or the actual withholding and 61052
payment of money under this section does not constitute the 61053
assumption by the state of any debt of a community or technical 61054
college district or a community or technical college, and bond 61055
service charges on the related obligations are not anticipated to 61056
be paid from the state general revenue fund for purposes of 61057
Section 17 of Article VIII, Ohio Constitution. 61058

(G) In the case of obligations subject to the withholding 61059
provisions of this section, the issuing community or technical 61060
college district, or the issuing authority in the case of 61061
obligations issued by the issuing authority, shall appoint a 61062
paying agent or fiscal agent who is not an officer or employee of 61063
the district or college. 61064

(H) The chancellor, with the advice and consent of the office of budget and management, may adopt reasonable rules not inconsistent with this section for the implementation of this section to secure payment of bond service charges on obligations issued by a community or technical college district or by the issuing authority for the benefit of a community or technical college district or the community or technical college it operates. Those rules shall include criteria for the evaluation and approval or denial of community or technical college district requests for withholding under this section.

(I) The authority granted by this section is in addition to and not a limitation on any other authorizations granted by or pursuant to law for the same or similar purposes.

Sec. 3333.613. There is hereby created in the state treasury the choose Ohio first scholarship reserve fund. Not later than the first day of July of each fiscal year, the chancellor of the Ohio board of regents shall certify to the director of budget and management the unencumbered balance of the general revenue fund appropriations made in the immediately preceding fiscal year for purposes of the choose Ohio first scholarship program created in section 3333.61 of the Revised Code. Upon receipt of the certification, the director may transfer an amount not exceeding the certified amount from the general revenue fund to the choose Ohio first scholarship reserve fund. Moneys in the choose Ohio first scholarship reserve fund shall be used to pay scholarship obligations in excess of the general revenue fund appropriations made for that purpose.

The director may transfer any unencumbered balance from the choose Ohio first scholarship reserve fund to the general revenue fund.

Sec. 3333.73. The chancellor of the Ohio board of regents 61095
shall establish a competitive process for making awards under the 61096
Ohio co-op/internship program. The chancellor, on completion of 61097
that process, shall make a recommendation to the controlling board 61098
asking for approval of each award selected by the chancellor. 61099

The state institution of higher education shall submit a 61100
proposal and other documentation required by the chancellor, in 61101
the form and manner prescribed by the chancellor, for each award 61102
it seeks. A proposal may propose an initiative to be implemented 61103
solely by the state institution of higher education or in 61104
collaboration with other state institutions of higher education or 61105
nonpublic Ohio universities or colleges. 61106

The chancellor shall determine which proposals will receive 61107
awards each fiscal year, and the amount of each award, on the 61108
basis of the merit of each proposal, which the chancellor, subject 61109
to approval by the controlling board, shall determine based on one 61110
or more of the following criteria: 61111

(A) The extent to which the proposal will keep Ohio students 61112
in Ohio institutions of higher education; 61113

(B) The extent to which the proposal will attract Ohio 61114
residents who left Ohio to attend out-of-state institutions of 61115
higher education to return to Ohio institutions of higher 61116
education; 61117

(C) The extent to which the proposal will increase the number 61118
of Ohio graduates who remain in Ohio and enter Ohio's workforce; 61119

(D) The quality of the program that is the subject of the 61120
proposal and the extent to which additional resources will enhance 61121
its quality; 61122

(E) The extent to which the proposal is integrated with the 61123
strengths of the regional economy; 61124

(F) The extent to which the proposal ~~is aligned with the~~ 61125
~~report submitted by the chancellor pursuant to Section 4 of Sub-~~ 61126
~~H.B. 2 of the 127th general assembly, as amended~~ supports the 61127
workforce policies of the governor's office of workforce 61128
transformation to meet the workforce needs of the state and to 61129
provide a student participating in the program with the skills 61130
needed for workplace success; 61131

(G) The extent to which the proposal facilitates the 61132
development of high quality academic programs with a cooperative 61133
education program or a significant internship program at state 61134
institutions of higher education; 61135

(H) The extent to which the proposal is integrated with 61136
supporting private companies to fill potential job growth, is 61137
responsive to the needs of employers, aligns with the skills 61138
identified by employers as necessary to fill high-demand job 61139
openings, particularly job openings in targeted industry sectors 61140
as identified by the governor's office of workforce 61141
transformation; 61142

(I) The amount of other institutional, public, or private 61143
resources, whether monetary or nonmonetary, the proposal pledges 61144
to leverage that are in addition to the monetary cost-sharing 61145
requirement prescribed in section 3333.74 of the Revised Code; 61146

(J) The extent to which the proposal is collaborative with 61147
other Ohio institutions of higher education; 61148

(K) The extent to which the proposal is integrated with the 61149
institution's mission; 61150

(L) The extent to which the proposal meets a statewide 61151
educational need at the undergraduate or graduate level; 61152

(M) The demonstrated productivity or future capacity of the 61153
students to be recruited; 61154

(N) The extent to which the proposal will create additional capacity in a high quality academic program with a cooperative education program or significant internship program;	61155 61156 61157
(O) The extent to which the proposal will encourage students who received degrees from two-year institutions to pursue baccalaureate degrees;	61158 61159 61160
(P) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner;	61161 61162
(Q) The extent to which other institutional, public, or private resources that are pledged to the proposal, in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code, will be deployed to assist in sustaining the academic program of excellence;	61163 61164 61165 61166 61167
(R) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs or certificate programs;	61168 61169 61170
(S) The extent to which the proposal ensures that a student participating in the high quality academic program funded by the Ohio co-op/internship program is appropriately qualified and prepared to successfully transition into professions in Ohio's growing companies and industries.	61171 61172 61173 61174 61175
Sec. 3333.82. (A) The chancellor of the Ohio board of regents shall establish a clearinghouse of interactive distance learning courses and other distance learning courses delivered via a computer-based method offered by school districts, community schools, STEM schools, state institutions of higher education, private colleges and universities, and other nonprofit and for-profit course providers for sharing with other school districts, community schools, STEM schools, state institutions of higher education, private colleges and universities, and	61176 61177 61178 61179 61180 61181 61182 61183 61184

individuals for the fee set pursuant to section 3333.84 of the Revised Code. The chancellor shall not be responsible for the content of courses offered through the clearinghouse; however, all such courses shall be delivered only in accordance with technical specifications approved by the chancellor and on a common statewide platform administered by the chancellor.

The clearinghouse's distance learning program for students in grades kindergarten to twelve shall be based on the following principles:

(1) All Ohio students shall have access to high quality distance learning courses at any point in their educational careers.

(2) All students shall be able to customize their education using distance learning courses offered through the clearinghouse and no student shall be denied access to any course in the clearinghouse in which the student is eligible to enroll.

(3) Students may take distance learning courses for all or any portion of their curriculum requirements and may utilize a combination of distance learning courses and courses taught in a traditional classroom setting.

(4) Students may earn an unlimited number of academic credits through distance learning courses.

(5) Students may take distance learning courses at any time of the calendar year.

(6) Student advancement to higher coursework shall be based on a demonstration of subject area competency instead of completion of any particular number of hours of instruction.

(B) To offer a course through the clearinghouse, a course provider shall apply to the chancellor in a form and manner prescribed by the chancellor. The application for each course

shall describe the course of study in as much detail as required 61215
by the chancellor, whether an instructor is provided, the 61216
qualification and credentials of the instructor, the number of 61217
hours of instruction, and any other information required by the 61218
chancellor. The chancellor may require course providers to include 61219
in their applications information recommended by the state board 61220
of education under former section 3353.30 of the Revised Code. 61221

(C) The chancellor shall review the technical specifications 61222
of each application submitted under division (B) of this section. 61223
In reviewing applications, the chancellor may consult with the 61224
department of education; however, the responsibility to either 61225
approve or not approve a course for the clearinghouse belongs to 61226
the chancellor. The chancellor may request additional information 61227
from a course provider that submits an application under division 61228
(B) of this section, if the chancellor determines that such 61229
information is necessary. The chancellor may negotiate changes in 61230
the proposal to offer a course, if the chancellor determines that 61231
changes are necessary in order to approve the course. 61232

(D) The chancellor shall catalog each course approved for the 61233
clearinghouse, through a print or electronic medium, displaying 61234
the following: 61235

(1) Information necessary for a student and the student's 61236
parent, guardian, or custodian and the student's school district, 61237
community school, STEM school, college, or university to decide 61238
whether to enroll in or subscribe to the course; 61239

(2) Instructions for enrolling in that course, including 61240
deadlines for enrollment. 61241

(E) Any expenses related to the installation of a course into 61242
the common statewide platform shall be borne by the course 61243
provider. 61244

~~(F) The eTech Ohio commission, in consultation with the 61245~~

~~chancellor and the state board, shall distribute information to~~ 61246
~~students and parents describing the clearinghouse. The information~~ 61247
~~shall be provided in an easily understandable format~~ The 61248
chancellor may contract with an entity to perform any or all of 61249
the chancellor's duties under sections 3333.81 to 3333.88 of the 61250
Revised Code. 61251

Sec. 3334.08. (A) Subject to division (B) of this section, in 61252
addition to any other powers conferred by this chapter, the Ohio 61253
tuition trust authority may do any of the following: 61254

(1) Impose reasonable residency requirements for 61255
beneficiaries of tuition units; 61256

(2) Impose reasonable limits on the number of tuition unit 61257
participants; 61258

(3) Impose and collect administrative fees and charges in 61259
connection with any transaction under this chapter; 61260

(4) Purchase insurance from insurers licensed to do business 61261
in this state providing for coverage against any loss in 61262
connection with the authority's property, assets, or activities or 61263
to further ensure the value of tuition units; 61264

(5) Indemnify or purchase policies of insurance on behalf of 61265
members, officers, and employees of the authority from insurers 61266
licensed to do business in this state providing for coverage for 61267
any liability incurred in connection with any civil action, 61268
demand, or claim against a director, officer, or employee by 61269
reason of an act or omission by the director, officer, or employee 61270
that was not manifestly outside the scope of the employment or 61271
official duties of the director, officer, or employee or with 61272
malicious purpose, in bad faith, or in a wanton or reckless 61273
manner; 61274

(6) Make, execute, and deliver contracts, conveyances, and 61275

other instruments necessary to the exercise and discharge of the powers and duties of the authority;

(7) Promote, advertise, and publicize the Ohio college savings program and the variable college savings program;

(8) Adopt rules under section 111.15 of the Revised Code for the implementation of the Ohio college savings program;

(9) Contract, for the provision of all or part of the services necessary for the management and operation of the Ohio college savings program and the variable college savings program, with a bank, trust company, savings and loan association, insurance company, or licensed dealer in securities if the bank, company, association, or dealer is authorized to do business in this state and ~~information about the contract is filed with approved by the controlling board pursuant to division (D)(6) of section 127.16 of the Revised Code;~~ provided, however, that any funds of the Ohio college savings program and the variable college savings program ~~that are not needed for immediate use~~ shall be deposited by the treasurer of state in the same manner provided under Chapter 135. of the Revised Code for public moneys of the state. All interest earned on those deposits shall be credited to the Ohio college savings program or the variable college savings program, as applicable.

(10) Contract for other services, or for goods, needed by the authority in the conduct of its business, including but not limited to credit card services;

(11) Employ an executive director and other personnel as necessary to carry out its responsibilities under this chapter, and fix the compensation of these persons. All employees of the authority shall be in the unclassified civil service and shall be eligible for membership in the public employees retirement system. In the hiring of the executive director, the Ohio tuition trust

authority shall obtain the advice and consent of the Ohio tuition trust board created in section 3334.03 of the Revised Code, provided that the executive director shall not be hired unless a majority of the board votes in favor of the hiring. In addition, the board may remove the executive director at any time subject to the advice and consent of the chancellor of the Ohio board of regents.

(12) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(13) Enter into agreements with any agency of the state or its political subdivisions or with private employers under which an employee may agree to have a designated amount deducted in each payroll period from the wages or salary due the employee for the purpose of purchasing tuition units pursuant to a tuition payment contract or making contributions pursuant to a variable college savings program contract;

(14) Enter into an agreement with the treasurer of state under which the treasurer of state will receive, and credit to the Ohio tuition trust fund or variable college savings program fund, from any bank or savings and loan association authorized to do business in this state, amounts that a depositor of the bank or association authorizes the bank or association to withdraw periodically from the depositor's account for the purpose of purchasing tuition units pursuant to a tuition payment contract or making contributions pursuant to a variable college savings program contract;

(15) Solicit and accept gifts, grants, and loans from any person or governmental agency and participate in any governmental program;

(16) Impose limits on the number of units which may be

purchased on behalf of or assigned or awarded to any beneficiary 61338
and on the total amount of contributions that may be made on 61339
behalf of a beneficiary; 61340

(17) Impose restrictions on the substitution of another 61341
individual for the original beneficiary under the Ohio college 61342
savings program; 61343

(18) Impose a limit on the age of a beneficiary, above which 61344
tuition units may not be purchased on behalf of that beneficiary; 61345

(19) Enter into a cooperative agreement with the treasurer of 61346
state to provide for the direct disbursement of payments under 61347
tuition payment or variable college savings program contracts; 61348

(20) Determine the other higher education expenses for which 61349
tuition units or contributions may be used; 61350

(21) Terminate any tuition payment or variable college 61351
savings program contract if no purchases or contributions are made 61352
for a period of three years or more and there are fewer than a 61353
total of five tuition units or less than a dollar amount set by 61354
rule on account, provided that notice of a possible termination 61355
shall be provided in advance, explaining any options to prevent 61356
termination, and a reasonable amount of time shall be provided 61357
within which to act to prevent a termination; 61358

(22) Maintain a separate account for each tuition payment or 61359
variable college savings program contract; 61360

(23) Perform all acts necessary and proper to carry out the 61361
duties and responsibilities of the authority pursuant to this 61362
chapter. 61363

(B) The authority shall adopt rules under section 111.15 of 61364
the Revised Code for the implementation and administration of the 61365
variable college savings program. The rules shall provide 61366
taxpayers with the maximum tax advantages and flexibility 61367

consistent with section 529 of the Internal Revenue Code and 61368
regulations adopted thereunder with regard to disposition of 61369
contributions and earnings, designation of beneficiaries, and 61370
rollover of account assets to other programs. 61371

(C) Except as otherwise specified in this chapter, the 61372
provisions of Chapters 123., 125., and 4117. of the Revised Code 61373
shall not apply to the authority. The department of administrative 61374
services shall, upon the request of the authority, act as the 61375
authority's agent for the purchase of equipment, supplies, 61376
insurance, or services, or the performance of administrative 61377
services pursuant to Chapter 125. of the Revised Code. 61378

Sec. 3335.35. There is hereby created the "~~Ohio cooperative~~ 61379
OSU extension service fund," which shall be under the custody and 61380
control of the board of trustees of the Ohio state university and 61381
shall consist of all moneys appropriated, given, granted, or 61382
bequeathed to the university for the use of ~~the Ohio cooperative~~ 61383
OSU extension service by the United States, this state, any 61384
political subdivision of this state, or any person. The board 61385
shall have responsibility for expenditure of all moneys in the 61386
fund in accordance with state and federal law and memoranda of 61387
agreement between the university and the United States department 61388
of agriculture. 61389

Sec. 3335.36. The board of trustees of the Ohio state 61390
university may employ such employees as it considers appropriate 61391
for the conduct of educational programs of ~~the Ohio cooperative~~ 61392
OSU extension service and may provide for the payment from the 61393
~~Ohio cooperative~~ OSU extension service fund created by section 61394
3335.35 of the Revised Code of reasonable compensation to such 61395
employees and of reasonable expenses incurred by them in the 61396
discharge of their duties, including expenses of travel and of 61397
maintaining, equipping, and supplying their offices. 61398

The employees shall cooperate with the department of 61399
agriculture, the Ohio agricultural research and development 61400
center, the department of education, and the United States 61401
department of agriculture, for the purpose of making available the 61402
educational materials of ~~the OSU extension service~~. ~~Such~~ The 61403
employees shall represent the university and shall conduct 61404
educational activities related to agriculture, natural resources, 61405
~~home economics~~ community development, family ~~living~~ and consumer 61406
sciences, and 4-H programs for the citizens of this state through 61407
personal instruction, bulletins, practical demonstrations, mass 61408
media, and otherwise, subject to such rules as may be prescribed 61409
by the board of trustees of the university. ~~Such~~ The employees 61410
shall have offices provided by the county or other political 61411
subdivision in which they serve in which bulletins and other 61412
educational materials of value to the people may be consulted and 61413
through which the employees may be reached. 61414

The board of trustees of the Ohio state university may hire 61415
or use employees of ~~the Ohio cooperative OSU extension service~~ to 61416
carry out the functions and duties of a director of economic 61417
development under division (B) of section 307.07 of the Revised 61418
Code pursuant to any agreement with a county under division (A)(2) 61419
of section 307.07 of the Revised Code. 61420

Sec. 3335.37. The board of county commissioners of any county 61421
may levy a tax, within the limitations prescribed by law, and 61422
appropriate money from the proceeds thereof or from the general 61423
fund of the county to be paid to the Ohio state university to the 61424
credit of the ~~Ohio cooperative OSU extension service~~ fund created 61425
by section 3335.35 of the Revised Code and expended for the 61426
purposes prescribed in section 3335.36 of the Revised Code for the 61427
benefit of the citizens of ~~such~~ that county. Any money paid into 61428
the fund under this section that aggregates more than ten per cent 61429
of the county appropriation in the preceding year and that remains 61430

unexpended for two years from the time of ~~such~~ the payment shall 61431
be returned to the county from which it came unless the board of 61432
county commissioners determines by resolution to contribute it to 61433
~~the Ohio cooperative~~ OSU extension ~~service~~ for general purposes. 61434
61435

Sec. 3335.38. The board of trustees of the Ohio state 61436
university shall establish a farm financial management institute 61437
in ~~the Ohio cooperative~~ OSU extension ~~service~~ to train interested 61438
and qualified persons to assist farmers needing help with farm 61439
financial management problems. 61440

Participation shall be open to all interested persons, but 61441
the following persons shall be given priority as to enrollment: 61442
employees or representatives of banks and other farm credit 61443
agencies, agricultural teachers, and faculty and employees of the 61444
Ohio state university and ~~the Ohio cooperative~~ OSU extension 61445
~~service~~ who agree to assist Ohio farmers in completing and 61446
understanding the coordinated financial statement and other 61447
subjects. A fee may be charged participants, as determined by ~~the~~ 61448
OSU extension ~~service~~, but may be waived for those participants 61449
granted priority status at enrollment. 61450

Sec. ~~3304.23~~ 3335.60. (A) There is hereby created in the 61451
~~rehabilitation services commission~~ Ohio state university college 61452
of medicine a brain injury program consisting of a program 61453
director and at least one support staff person. 61454

(B) To the extent that funds are available, the brain injury 61455
program may do the following: 61456

(1) Identify existing services in this state to assist 61457
survivors and families of survivors of brain injury; 61458

(2) Promote the coordination of services for survivors and 61459
families of survivors of brain injury; 61460

(3) Explore options for delivery of services to survivors and families of survivors of brain injury;	61461 61462
(4) Explore the establishment of a traumatic brain injury incidence reporting system to collect information on the incidence and character of traumatic brain injury in this state;	61463 61464 61465
(5) Promote practices that will reduce the incidence of brain injury;	61466 61467
(6) Develop training programs on dealing with brain injury and the special needs of survivors of brain injury;	61468 61469
(7) Identify sources of available funds for services for survivors and families of survivors of brain injury;	61470 61471
(8) Explore options for the delivery of case management services to residents of this state who are survivors of brain injury;	61472 61473 61474
(9) Provide assistance to assure that services for survivors and families of survivors of brain injury are all of the following:	61475 61476 61477
(a) Designed to enhance the survivor's ability to lead an independent and productive life;	61478 61479
(b) Available within close proximity of the survivor's home;	61480
(c) Provided in the least restrictive environment;	61481
(d) Appropriate to the unique needs of the survivor.	61482
(C) The staff of the brain injury program shall prepare a biennial report on the incidence of brain injury in this state that. The report shall be submitted to the administrator of the rehabilitation services commission on or before December 15, 1992, <u>completed not later than two years after the effective date of this amendment</u> and every two years thereafter. A copy of the report shall be and submitted to the brain injury advisory committee created under section 3304.231 <u>3335.61</u> of the Revised	61483 61484 61485 61486 61487 61488 61489 61490

Code. 61491

Sec. ~~3304.231~~ 3335.61. There is hereby created a brain injury 61492
advisory committee, which shall advise the ~~administrator of the~~ 61493
~~rehabilitation services commission and the~~ brain injury program 61494
with regard to unmet needs of survivors of brain injury, 61495
development of programs for survivors and their families, 61496
establishment of training programs for health care professionals, 61497
and any other matter within the province of the brain injury 61498
program. The committee shall consist of not fewer than ~~twenty~~ 61499
nineteen and not more than ~~twenty-two~~ twenty-one members as 61500
follows: 61501

(A) Not fewer than ten and not more than twelve members 61502
appointed by the ~~administrator of the rehabilitation services~~ 61503
~~commission~~ dean of the college of medicine of the Ohio state 61504
university, including all of the following: a survivor of brain 61505
injury, a relative of a survivor of brain injury, a licensed 61506
physician recommended by the Ohio chapter of the American college 61507
of emergency physicians, a licensed physician recommended by the 61508
Ohio state medical association, one other health care 61509
professional, a rehabilitation professional, an individual who 61510
represents the brain injury association of Ohio, and not fewer 61511
than three nor more than five individuals who shall represent the 61512
public; 61513

(B) The directors of the departments of health, ~~alcohol and~~ 61514
~~drug addiction services~~ mental health and drug addiction services, 61515
developmental disabilities, ~~mental health, job and family~~ 61516
~~services~~, aging, and public safety; the medicaid director; the 61517
administrator of workers' compensation; the superintendent of 61518
public instruction; and the administrator of the rehabilitation 61519
services commission. Any of the officials specified in this 61520
division may designate an individual to serve in the official's 61521

place as a member of the committee. 61522

Terms of office of the appointed members shall be two years. 61523
Members may be reappointed. Vacancies shall be filled in the 61524
manner provided for original appointments. Any member appointed to 61525
fill a vacancy occurring prior to the expiration date of the term 61526
for which the member's predecessor was appointed shall hold office 61527
as a member for the remainder of that term. 61528

Members of the committee shall serve without compensation, 61529
but shall be reimbursed for actual and necessary expenses incurred 61530
in the performance of their duties. 61531

Sec. 3337.16. (A) The president of Ohio university may create 61532
an advisory committee to do both of the following: 61533

(1) Review the comprehensive land use plans and any updates 61534
of those land use plans prepared by Ohio university for the 61535
property conveyed to the university in Sub. H.B. 576 of the 117th 61536
general assembly; 61537

(2) Comment on and periodically review the progress on the 61538
implementation of the comprehensive land use plans described in 61539
division (A)(1) of this section. 61540

(B) The advisory committee created under division (A) of this 61541
section shall consist of the following members: 61542

(1) The president of Ohio university or the president's 61543
designee, who shall serve as chairperson of the advisory 61544
committee; 61545

(2) The mayor of the city of Athens or the mayor's designee; 61546

(3) The following members appointed by the president of Ohio 61547
university: 61548

(a) One Athens county commissioner; 61549

(b) One to three individuals who reside in Athens county and 61550

have special knowledge and experience in land use planning, 61551
preservation, or economic development. 61552

Vacancies on the committee shall be filled in the same manner 61553
as the original appointments. 61554

Sec. 3345.05. (A) All registration fees, nonresident tuition 61555
fees, academic fees for the support of off-campus instruction, 61556
laboratory and course fees when so assessed and collected, student 61557
health fees for the support of a student health service, all other 61558
fees, deposits, charges, receipts, and income from all or part of 61559
the students, all subsidy or other payments from state 61560
appropriations, and all other fees, deposits, charges, receipts, 61561
income, and revenue received by each state institution of higher 61562
education, the Ohio state university hospitals and their ancillary 61563
facilities, the Ohio agricultural research and development center, 61564
and ~~the Ohio state university cooperative~~ OSU extension ~~service~~ 61565
shall be held and administered by the respective boards of 61566
trustees of the state institution of higher education; provided, 61567
that such fees, deposits, charges, receipts, income and revenue, 61568
to the extent required by resolutions, trust agreements, 61569
indentures, leases, and agreements adopted, made, or entered into 61570
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 61571
Revised Code, shall be held, administered, transferred, and 61572
applied in accordance therewith. 61573

(B) The Ohio board of regents shall require annual reporting 61574
by the Ohio agricultural research and development center and by 61575
each university and college receiving state aid in such form and 61576
detail as determined by the board in consultation with such 61577
center, universities and colleges, and the director of budget and 61578
management. 61579

(C) Notwithstanding any provision of the Revised Code to the 61580
contrary, the title to investments made by the board of trustees 61581

of a state institution of higher education with funds derived from 61582
any of the sources described in division (A) of this section shall 61583
not be vested in the state or the political subdivision but shall 61584
be held in trust by the board. Such investments shall be made 61585
pursuant to an investment policy adopted by the board in public 61586
session that requires all fiduciaries to discharge their duties 61587
with the care, skill, prudence, and diligence under the 61588
circumstances then prevailing that a prudent person acting in like 61589
capacity and familiar with such matters would use in the conduct 61590
of an enterprise of a like character and with like aims. The 61591
policy also shall require at least the following: 61592

(1) A stipulation that investment of at least twenty-five per 61593
cent of the average amount of the investment portfolio over the 61594
course of the previous fiscal year be invested in securities of 61595
the United States government or of its agencies or 61596
instrumentalities, the treasurer of state's pooled investment 61597
program, obligations of this state or any political subdivision of 61598
this state, certificates of deposit of any national bank located 61599
in this state, written repurchase agreements with any eligible 61600
Ohio financial institution that is a member of the federal reserve 61601
system or federal home loan bank, money market funds, or bankers 61602
acceptances maturing in two hundred seventy days or less which are 61603
eligible for purchase by the federal reserve system, as a reserve; 61604

(2) Eligible funds above those that meet the conditions of 61605
division (C)(1) of this section may be pooled with other 61606
institutional funds and invested in accordance with section 61607
1715.52 of the Revised Code. 61608

(3) The establishment of an investment committee. 61609

(D) The investment committee established under division 61610
(C)(3) of this section shall meet at least quarterly. The 61611
committee shall review and recommend revisions to the board's 61612
investment policy and shall advise the board on its investments 61613

made under division (C) of this section in an effort to assist it 61614
in meeting its obligations as a fiduciary as described in division 61615
(C) of this section. The committee shall be authorized to retain 61616
the services of an investment advisor who meets both of the 61617
following qualifications: 61618

(1) The advisor is either: 61619

(a) Licensed by the division of securities under section 61620
1707.141 of the Revised Code; 61621

(b) Registered with the securities and exchange commission. 61622

(2) The advisor either: 61623

(a) Has experience in the management of investments of public 61624
funds, especially in the investment of state-government investment 61625
portfolios; 61626

(b) Is an eligible institution referenced in section 135.03 61627
of the Revised Code. 61628

(E) As used in this section, "state institution of higher 61629
education" means a state institution of higher education as 61630
defined in section 3345.011 of the Revised Code. 61631

Sec. 3345.06. (A) Subject to divisions (B) and (C) of this 61632
section, a graduate of the twelfth grade shall be entitled to 61633
admission without examination to any college or university which 61634
is supported wholly or in part by the state, but for unconditional 61635
admission may be required to complete such units not included in 61636
the graduate's high school course as may be prescribed, not less 61637
than two years prior to the graduate's entrance, by the faculty of 61638
the institution. 61639

(B) Beginning with the 2014-2015 academic year, each state 61640
university listed in section 3345.011 of the Revised Code, except 61641
for Central state university, Shawnee state university, and 61642
Youngstown state university, shall permit a resident of this state 61643

who entered ninth grade for the first time on or after July 1, 61644
2010, to begin undergraduate coursework at the university only if 61645
the person has successfully completed the Ohio core curriculum for 61646
high school graduation prescribed in division (C) of section 61647
3313.603 of the Revised Code, unless one of the following applies: 61648

(1) The person has earned at least ten semester hours, or the 61649
equivalent, at a community college, state community college, 61650
university branch, technical college, or another post-secondary 61651
institution except a state university to which division (B) of 61652
this section applies, in courses that are college-credit-bearing 61653
and may be applied toward the requirements for a degree. The 61654
university shall grant credit for successful completion of those 61655
courses pursuant to any applicable articulation and transfer 61656
policy of the Ohio board of regents or any agreements the 61657
university has entered into in accordance with policies and 61658
procedures adopted under section 3333.16, 3313.161, or 3333.162 of 61659
the Revised Code. The university may count college credit that the 61660
student earned while in high school through the post-secondary 61661
enrollment options program under Chapter 3365. of the Revised 61662
Code, or through other dual enrollment programs, toward the 61663
requirements of division (B)(1) of this section if the credit may 61664
be applied toward a degree. 61665

(2) The person qualified to graduate from high school under 61666
division (D) or (F) of section 3313.603 of the Revised Code and 61667
has successfully completed the topics or courses that the person 61668
lacked to graduate under division (C) of that section at any 61669
post-secondary institution or at a summer program at the state 61670
university. A state university may admit a person for enrollment 61671
contingent upon completion of such topics or courses or summer 61672
program. 61673

(3) The person met the high school graduation requirements by 61674
successfully completing the person's individualized education 61675

program developed under section 3323.08 of the Revised Code. 61676

~~(3)~~(4) The person is receiving or has completed the final 61677
year of instruction at home as authorized under section 3321.04 of 61678
the Revised Code, or has graduated from a nonchartered, nonpublic 61679
school in Ohio, and demonstrates mastery of the academic content 61680
and skills in reading, writing, and mathematics needed to 61681
successfully complete introductory level coursework at an 61682
institution of higher education and to avoid remedial coursework. 61683

~~(4)~~(5) The person is a high school student participating in 61684
the post-secondary enrollment options program under Chapter 3365. 61685
of the Revised Code or another dual enrollment program. 61686

(C) A state university subject to division (B) of this 61687
section may delay admission for or admit conditionally an 61688
undergraduate student who has successfully completed the Ohio core 61689
curriculum if the university determines the student requires 61690
academic remedial or developmental coursework. The university may 61691
delay admission pending, or make admission conditional upon, the 61692
student's successful completion of the academic remedial or 61693
developmental coursework at a university branch, community 61694
college, state community college, or technical college. 61695

(D) This section does not deny the right of a college of law, 61696
medicine, or other specialized education to require college 61697
training for admission, or the right of a department of music or 61698
other art to require particular preliminary training or talent. 61699

Sec. 3345.12. (A) As used in this section and sections 61700
3345.07 and 3345.11 of the Revised Code, in other sections of the 61701
Revised Code that make reference to this section unless the 61702
context does not permit, and in related bond proceedings unless 61703
otherwise expressly provided: 61704

(1) "State university or college" means each of the state 61705

universities identified in section 3345.011 of the Revised Code 61706
and the northeast Ohio medical university, and includes its board 61707
of trustees. 61708

(2) "Institution of higher education" or "institution" means 61709
a state university or college, or a community college district, 61710
technical college district, university branch district, or state 61711
community college, and includes the applicable board of trustees 61712
or, in the case of a university branch district, any other 61713
managing authority. 61714

(3) "Housing and dining facilities" means buildings, 61715
structures, and other improvements, and equipment, real estate, 61716
and interests in real estate therefor, to be used for or in 61717
connection with dormitories or other living quarters and 61718
accommodations, or related dining halls or other food service and 61719
preparation facilities, for students, members of the faculty, 61720
officers, or employees of the institution of higher education, and 61721
their spouses and families. 61722

(4) "Auxiliary facilities" means buildings, structures, and 61723
other improvements, and equipment, real estate, and interests in 61724
real estate therefor, to be used for or in connection with student 61725
activity or student service facilities, housing and dining 61726
facilities, dining halls, and other food service and preparation 61727
facilities, vehicular parking facilities, bookstores, athletic and 61728
recreational facilities, faculty centers, auditoriums, assembly 61729
and exhibition halls, hospitals, infirmaries and other medical and 61730
health facilities, research, and continuing education facilities. 61731

(5) "Education facilities" means buildings, structures, and 61732
other improvements, and equipment, real estate, and interests in 61733
real estate therefor, to be used for or in connection with, 61734
classrooms or other instructional facilities, libraries, 61735
administrative and office facilities, and other facilities, other 61736
than auxiliary facilities, to be used directly or indirectly for 61737

or in connection with the conduct of the institution of higher education. 61738
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(6) "Facilities" means housing and dining facilities, auxiliary facilities, or education facilities, and includes any one, part of, or any combination of such facilities, and further includes site improvements, utilities, machinery, furnishings, and any separate or connected buildings, structures, improvements, sites, open space and green space areas, utilities or equipment to be used in, or in connection with the operation or maintenance of, or supplementing or otherwise related to the services or facilities to be provided by, such facilities. 61740
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(7) "Obligations" means bonds or notes or other evidences of obligation, including interest coupons pertaining thereto, authorized to be issued under this section or section 3345.07, 3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code. 61749
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(8) "Bond service charges" means principal, including any mandatory sinking fund or redemption requirements for the retirement of obligations or assurances, interest, or interest equivalent and other accreted amounts, and any call premium required to be paid on obligations or assurances. 61754
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(9) "Bond proceedings" means the resolutions, trust agreement, indenture, and other agreements and credit enhancement facilities, and amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing, awarding, or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations or assurances, and the provisions contained in those obligations or assurances. 61759
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(10) "Costs of facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing 61766
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facilities, and the financing thereof, including the cost of 61769
clearance and preparation of the site and of any land to be used 61770
in connection with facilities, the cost of any indemnity and 61771
surety bonds and premiums on insurance, all related direct 61772
administrative expenses and allocable portions of direct costs of 61773
the institution of higher education or state agency, cost of 61774
engineering, architectural services, design, plans, specifications 61775
and surveys, estimates of cost, legal fees, fees and expenses of 61776
trustees, depositories, bond registrars, and paying agents for the 61777
obligations, cost of issuance of the obligations and financing 61778
costs and fees and expenses of financial advisers and consultants 61779
in connection therewith, interest on the obligations from the date 61780
thereof to the time when interest is to be covered by available 61781
receipts or other sources other than proceeds of the obligations, 61782
amounts necessary to establish reserves as required by the bond 61783
proceedings, costs of audits, the reimbursements of all moneys 61784
advanced or applied by or borrowed from the institution or others, 61785
from whatever source provided, including any temporary advances 61786
from state appropriations, for the payment of any item or items of 61787
cost of facilities, and all other expenses necessary or incident 61788
to planning or determining feasibility or practicability with 61789
respect to facilities, and such other expenses as may be necessary 61790
or incident to the acquisition, construction, reconstruction, 61791
rehabilitation, remodeling, renovation, enlargement, improvement, 61792
equipment, and furnishing of facilities, the financing thereof and 61793
the placing of them in use and operation, including any one, part 61794
of, or combination of such classes of costs and expenses. 61795

(11) "Available receipts" means all moneys received by the 61796
institution of higher education, including income, revenues, and 61797
receipts from the operation, ownership, or control of facilities 61798
or entrepreneurial projects, grants, gifts, donations, and pledges 61799
and receipts therefrom, receipts from fees and charges, and the 61800
proceeds of the sale of obligations or assurances, including 61801

proceeds of obligations or assurances issued to refund obligations 61802
or assurances previously issued, but excluding any special fee, 61803
and receipts therefrom, charged pursuant to division (D) of 61804
section 154.21 of the Revised Code. 61805

(12) "Credit enhancement facilities" has the meaning given in 61806
division (H) of section 133.01 of the Revised Code. 61807

(13) "Financing costs" has the meaning given in division (K) 61808
of section 133.01 of the Revised Code. 61809

(14) "Interest" or "interest equivalent" has the meaning 61810
given in division (R) of section 133.01 of the Revised Code. 61811

(15) "Assurances" means bonds, notes, or other evidence of 61812
indebtedness, including interest coupons pertaining thereto, 61813
authorized to be issued under section 3345.36 of the Revised Code. 61814

(16) "Entrepreneurial project" has the same meaning as in 61815
section 3345.36 of the Revised Code. 61816

(17) "Costs of entrepreneurial projects" means any costs 61817
related to the establishment or development of entrepreneurial 61818
projects pursuant to a resolution adopted under section 3345.36 of 61819
the Revised Code. 61820

(B) Obligations issued under section 3345.07 or 3345.11 of 61821
the Revised Code by a state university or college shall be 61822
authorized by resolution of its board of trustees. Obligations 61823
issued by any other institution of higher education shall be 61824
authorized by resolution of its board of trustees, or managing 61825
directors in the case of certain university branch districts, as 61826
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 61827
apply to obligations and assurances. Obligations and assurances 61828
may be issued to pay costs of facilities or entrepreneurial 61829
projects even if the institution anticipates the possibility of a 61830
future state appropriation to pay all or a portion of such costs. 61831

(C) Obligations and assurances shall be secured by a pledge 61832
of and lien on all or such part of the available receipts of the 61833
institution of higher education as it provides for in the bond 61834
proceedings, excluding moneys raised by taxation and state 61835
appropriations except as permitted by section ~~3333.90~~ 3333.59 of 61836
the Revised Code. Such pledge and lien may be made prior to all 61837
other expenses, claims, or payments, excepting any pledge of such 61838
available receipts previously made to the contrary and except as 61839
provided by any existing restrictions on the use thereof, or such 61840
pledge and lien may be made subordinate to such other expenses, 61841
claims, or payments, as provided in the bond proceedings. 61842
Obligations or assurances may be additionally secured by covenants 61843
of the institution to make, fix, adjust, collect, and apply such 61844
charges, rates, fees, rentals, and other items of available 61845
receipts as will produce pledged available receipts sufficient to 61846
meet bond service charges, reserve, and other requirements 61847
provided for in the bond proceedings. Notwithstanding this and any 61848
other sections of the Revised Code, the holders or owners of the 61849
obligations or assurances shall not be given the right and shall 61850
have no right to have excises or taxes levied by the general 61851
assembly for the payment of bond service charges thereon, and each 61852
such obligation or assurance shall bear on its face a statement to 61853
that effect and to the effect that the right to such payment is 61854
limited to the available receipts and special funds pledged to 61855
such purpose under the bond proceedings. 61856

All pledged available receipts and funds and the proceeds of 61857
obligations or assurances are trust funds and, subject to the 61858
provisions of this section and the applicable bond proceedings, 61859
shall be held, deposited, invested, reinvested, disbursed, 61860
applied, and used to such extent, in such manner, at such times, 61861
and for such purposes, as are provided in the bond proceedings. 61862

(D) The bond proceedings for obligations or assurances shall 61863

provide for the purpose thereof and the principal amount or 61864
maximum principal amount, and provide for or authorize the manner 61865
of determining the principal maturity or maturities, the sale 61866
price including any permitted discount, the interest rate or 61867
rates, which may be a variable rate or rates, or the maximum 61868
interest rate, the date of the obligations or assurances and the 61869
date or dates of payment of interest thereon, their denominations, 61870
the manner of sale thereof, and the establishment within or 61871
without the state of a place or places of payment of bond service 61872
charges. The bond proceedings also shall provide for a pledge of 61873
and lien on available receipts of the institution of higher 61874
education as provided in division (C) of this section, and a 61875
pledge of and lien on such fund or funds provided in the bond 61876
proceedings arising from available receipts, which pledges and 61877
liens may provide for parity with obligations or assurances 61878
theretofore or thereafter issued by the institution. The available 61879
receipts so pledged and thereafter received by the institution and 61880
the funds so pledged are immediately subject to the lien of such 61881
pledge without any physical delivery thereof or further act, and 61882
the lien of any such pledge is valid and binding against all 61883
parties having claims of any kind against the institution, 61884
irrespective of whether such parties have notice thereof, and 61885
shall create a perfected security interest for all purposes of 61886
Chapter 1309. of the Revised Code, without the necessity for 61887
separation or delivery of funds or for the filing or recording of 61888
the bond proceedings by which such pledge is created or any 61889
certificate, statement, or other document with respect thereto; 61890
and the pledge of such available receipts and funds shall be 61891
effective and the money therefrom and thereof may be applied to 61892
the purposes for which pledged without necessity for any act of 61893
appropriation. 61894

(E) The bond proceedings may contain additional provisions 61895
customary or appropriate to the financing or to the obligations or 61896

assurances or to particular obligations and assurances, including:	61897
(1) The acquisition, construction, reconstruction, equipment, furnishing, improvement, operation, alteration, enlargement, maintenance, insurance, and repair of facilities or entrepreneurial projects, and the duties of the institution of higher education with reference thereto;	61898 61899 61900 61901 61902
(2) The terms of the obligations or assurances, including provisions for their redemption prior to maturity at the option of the institution of higher education at such price or prices and under such terms and conditions as are provided in the bond proceedings;	61903 61904 61905 61906 61907
(3) Limitations on the purposes to which the proceeds of the obligations or assurances may be applied;	61908 61909
(4) The rates or rentals or other charges for the use of or right to use the facilities or entrepreneurial projects financed by the obligations or assurances, or other properties the revenues or receipts from which are pledged to the obligations or assurances, and rules for assuring any applicable use and occupancy thereof, including limitations upon the right to modify such rates, rentals, other charges, or regulations;	61910 61911 61912 61913 61914 61915 61916
(5) The use and expenditure of the pledged available receipts in such manner and to such extent as shall be determined, which may include provision for the payment of the expenses of operation, maintenance, and repair of facilities or entrepreneurial projects so that such expenses, or part thereof, shall be paid or provided as a charge prior or subsequent to the payment of bond service charges and any other payments required to be made by the bond proceedings;	61917 61918 61919 61920 61921 61922 61923 61924
(6) Limitations on the issuance of additional obligations or assurances;	61925 61926
(7) The terms of any trust agreement or indenture securing	61927

the obligations or assurances or under which the same may be 61928
issued; 61929

(8) The deposit, investment, and application of funds, and 61930
the safeguarding of funds on hand or on deposit without regard to 61931
Chapter 131. or 135. of the Revised Code, and any bank or trust 61932
company or other financial institution that acts as depository of 61933
any moneys under the bond proceedings shall furnish such 61934
indemnifying bonds or pledge such securities as required by the 61935
bond proceedings or otherwise by the institution of higher 61936
education; 61937

(9) The binding effect of any or every provision of the bond 61938
proceedings upon such officer, board, commission, authority, 61939
agency, department, or other person or body as may from time to 61940
time have the authority under law to take such actions as may be 61941
necessary to perform all or any part of the duty required by such 61942
provision; 61943

(10) Any provision that may be made in a trust agreement or 61944
indenture; 61945

(11) Any other or additional agreements with respect to the 61946
facilities of the institution of higher education or its 61947
entrepreneurial projects, their operation, the available receipts 61948
and funds pledged, and insurance of facilities or entrepreneurial 61949
projects and of the institution, its officers and employees. 61950

(F) Such obligations or assurances may have the seal of the 61951
institution of higher education or a facsimile thereof affixed 61952
thereto or printed thereon and shall be executed by such officers 61953
as are designated in the bond proceedings, which execution may be 61954
by facsimile signatures. Any obligations or assurances may be 61955
executed by an officer who, on the date of execution, is the 61956
proper officer although on the date of such obligations or 61957
assurances such person was not the proper officer. In case any 61958

officer whose signature or a facsimile of whose signature appears 61959
on any such obligation or assurance ceases to be such officer 61960
before delivery thereof, such signature or facsimile is 61961
nevertheless valid and sufficient for all purposes as if the 61962
person had remained such officer until such delivery; and in case 61963
the seal of the institution has been changed after a facsimile of 61964
the seal has been imprinted on such obligations or assurances, 61965
such facsimile seal continues to be sufficient as to such 61966
obligations or assurances and obligations or assurances issued in 61967
substitution or exchange therefor. 61968

(G) All such obligations or assurances are negotiable 61969
instruments and securities under Chapter 1308. of the Revised 61970
Code, subject to the provisions of the bond proceedings as to 61971
registration. The obligations or assurances may be issued in 61972
coupon or in registered form, or both. Provision may be made for 61973
the registration of any obligations or assurances with coupons 61974
attached thereto as to principal alone or as to both principal and 61975
interest, their exchange for obligations or assurances so 61976
registered, and for the conversion or reconversion into 61977
obligations or assurances with coupons attached thereto of any 61978
obligations or assurances registered as to both principal and 61979
interest, and for reasonable charges for such registration, 61980
exchange, conversion, and reconversion. 61981

(H) Pending preparation of definitive obligations or 61982
assurances, the institution of higher education may issue interim 61983
receipts or certificates which shall be exchanged for such 61984
definitive obligations or assurances. 61985

(I) Such obligations or assurances may be secured 61986
additionally by a trust agreement or indenture between the 61987
institution of higher education and a corporate trustee, which may 61988
be any trust company or bank having the powers of a trust company 61989
within or without this state but authorized to exercise trust 61990

powers within this state. Any such agreement or indenture may 61991
contain the resolution authorizing the issuance of the obligations 61992
or assurances, any provisions that may be contained in the bond 61993
proceedings as authorized by this section, and other provisions 61994
which are customary or appropriate in an agreement or indenture of 61995
such type, including: 61996

(1) Maintenance of each pledge, trust agreement, and 61997
indenture, or other instrument comprising part of the bond 61998
proceedings until the institution of higher education has fully 61999
paid the bond service charges on the obligations or assurances 62000
secured thereby, or provision therefor has been made; 62001

(2) In the event of default in any payments required to be 62002
made by the bond proceedings, or any other agreement of the 62003
institution of higher education made as a part of the contract 62004
under which the obligations or assurances were issued, enforcement 62005
of such payments or agreement by mandamus, the appointment of a 62006
receiver, suit in equity, action at law, or any combination of the 62007
foregoing; 62008

(3) The rights and remedies of the holders of obligations or 62009
assurances and of the trustee, and provisions for protecting and 62010
enforcing them, including limitations on rights of individual 62011
holders of obligations or assurances; 62012

(4) The replacement of any obligations or assurances that 62013
become mutilated or are destroyed, lost, or stolen; 62014

(5) Such other provisions as the trustee and the institution 62015
of higher education agree upon, including limitations, conditions, 62016
or qualifications relating to any of the foregoing. 62017

(J) Each duty of the institution of higher education and its 62018
officers or employees, undertaken pursuant to the bond proceedings 62019
or any related agreement or lease made under authority of law, is 62020
hereby established as a duty of such institution, and of each such 62021

officer or employee having authority to perform such duty, 62022
specially enjoined by law resulting from an office, trust, or 62023
station within the meaning of section 2731.01 of the Revised Code. 62024
The persons who are at the time the members of the board of 62025
trustees or the managing directors of the institution or its 62026
officers or employees are not liable in their personal capacities 62027
on such obligations or assurances, or lease, or other agreement of 62028
the institution. 62029

(K) The authority to issue obligations or assurances includes 62030
authority to: 62031

(1) Issue obligations or assurances in the form of bond 62032
anticipation notes and to renew them from time to time by the 62033
issuance of new notes. Such notes are payable solely from the 62034
available receipts and funds that may be pledged to the payment of 62035
such bonds, or from the proceeds of such bonds or renewal notes, 62036
or both, as the institution of higher education provides in its 62037
resolution authorizing such notes. Such notes may be additionally 62038
secured by covenants of the institution to the effect that it will 62039
do such or all things necessary for the issuance of such bonds or 62040
renewal notes in appropriate amount, and either exchange such 62041
bonds or renewal notes therefor or apply the proceeds thereof to 62042
the extent necessary, to make full payment of the bond service 62043
charges on such notes at the time or times contemplated, as 62044
provided in such resolution. Subject to the provisions of this 62045
division, all references to obligations or assurances in this 62046
section apply to such anticipation notes. 62047

(2) Issue obligations or assurances to refund, including 62048
funding and retirement of, obligations or assurances previously 62049
issued to pay costs of facilities or entrepreneurial projects. 62050
Such obligations or assurances may be issued in amounts sufficient 62051
for payment of the principal amount of the obligations or 62052
assurances to be so refunded, any redemption premiums thereon, 62053

principal maturities of any obligations or assurances maturing 62054
prior to the redemption of any other obligations or assurances on 62055
a parity therewith to be so refunded, interest accrued or to 62056
accrue to the maturity date or dates of redemption of such 62057
obligations or assurances, and any expenses incurred or to be 62058
incurred in connection with such refunding or the issuance of the 62059
obligations or assurances. 62060

(L) Obligations and assurances are lawful investments for 62061
banks, societies for savings, savings and loan associations, 62062
deposit guarantee associations, trust companies, trustees, 62063
fiduciaries, insurance companies, including domestic for life and 62064
domestic not for life, trustees or other officers having charge of 62065
sinking and bond retirement or other special funds of political 62066
subdivisions and taxing districts of this state, the commissioners 62067
of the sinking fund, the administrator of workers' compensation in 62068
accordance with the investment policy approved by the bureau of 62069
workers' compensation board of directors pursuant to section 62070
4121.12 of the Revised Code, the state teachers retirement system, 62071
the public employees retirement system, the school employees 62072
retirement system, and the Ohio police and fire pension fund, 62073
notwithstanding any other provisions of the Revised Code or rules 62074
adopted pursuant thereto by any state agency with respect to 62075
investments by them, and are also acceptable as security for the 62076
deposit of public moneys. 62077

(M) All facilities or entrepreneurial projects purchased, 62078
acquired, constructed, or owned by an institution of higher 62079
education, or financed in whole or in part by obligations or 62080
assurances issued by an institution, and used for the purposes of 62081
the institution or other publicly owned and controlled college or 62082
university, is public property used exclusively for a public 62083
purpose, and such property and the income therefrom is exempt from 62084
all taxation and assessment within this state, including ad 62085

valorem and excise taxes. The obligations or assurances, the 62086
transfer thereof, and the income therefrom, including any profit 62087
made on the sale thereof, are at all times free from taxation 62088
within the state. The transfer of tangible personal property by 62089
lease under authority of this section or section 3345.07, 3345.11, 62090
3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 62091
Code is not a sale as used in Chapter 5739. of the Revised Code. 62092

(N) The authority granted by this section is cumulative with 62093
the authority granted to institutions of higher education under 62094
Chapter 154. of the Revised Code, and nothing in this section 62095
impairs or limits the authority granted by Chapter 154. of the 62096
Revised Code. In any lease, agreement, or commitment made by an 62097
institution of higher education under Chapter 154. of the Revised 62098
Code, it may agree to restrict or subordinate any pledge it may 62099
thereafter make under authority of this section. 62100

(O) Title to lands acquired under this section and sections 62101
3345.07 and 3345.11 of the Revised Code by a state university or 62102
college shall be taken in the name of the state. 62103

(P) Except where costs of facilities or entrepreneurial 62104
projects are to be paid in whole or in part from funds 62105
appropriated by the general assembly, section 125.81 of the 62106
Revised Code and the requirement for certification with respect 62107
thereto under section 153.04 of the Revised Code do not apply to 62108
such facilities or entrepreneurial projects. 62109

(Q) A state university or college may sell or lease lands or 62110
interests in land owned by it or by the state for its use, or 62111
facilities authorized to be acquired or constructed by it under 62112
section 3345.07 or 3345.11 of the Revised Code, to permit the 62113
purchasers or lessees thereof to acquire, construct, equip, 62114
furnish, reconstruct, alter, enlarge, remodel, renovate, 62115
rehabilitate, improve, maintain, repair, or maintain and operate 62116
thereon and to provide by lease or otherwise to such institution, 62117

facilities authorized in section 3345.07 or 3345.11 of the Revised Code or entrepreneurial projects authorized under section 3345.36 of the Revised Code. Such land or interests therein shall be sold for such appraised value, or leased, and on such terms as the board of trustees determines. All deeds or other instruments relating to such sales or leases shall be executed by such officer of the state university or college as the board of trustees designates. The state university or college shall hold, invest, or use the proceeds of such sales or leases for the same purposes for which proceeds of borrowings may be used under sections 3345.07 and 3345.11 of the Revised Code or, if the proceeds relate to the sale or lease of entrepreneurial projects, for purposes of section 3345.36 of the Revised Code.

(R) An institution of higher education may pledge available receipts, to the extent permitted by division (C) of this section with respect to obligations, to secure the payments to be made by it under any lease, lease with option to purchase, or lease-purchase agreement authorized under this section or section 3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code.

Sec. 3345.48. (A) As used in this section:

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university.

(2) "Eligible student" means an undergraduate student who:

(a) Is enrolled full-time in a bachelor's degree program at a state university;

(b) Is a resident of this state, as defined by the chancellor of the Ohio board of regents under section 3333.31 of the Revised Code. 62148
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(3) "State university" has the same meaning as in section 3345.011 of the Revised Code. 62151
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(B) The board of trustees of a state university may establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program. 62153
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If the board of trustees chooses to establish such a program, the board shall adopt rules for the program that include, but are not limited to, all of the following: 62158
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(1) The number of credit hours required to earn an undergraduate degree in each major; 62161
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(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to six per cent above what has been charged in the previous academic year one time for the first cohort enrolled under the tuition guarantee program. If the board of trustees determines that economic conditions or other circumstances require an increase for the first cohort of above six per cent, the board shall submit a request to increase the amount by a specified percentage to the chancellor. The chancellor, based on information the chancellor requires from the board of trustees, shall approve or disapprove such a request. Thereafter, the board of trustees may increase the guaranteed amount by up to the sum of the following above what has been charged in the previous academic year one time per subsequent 62163
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cohort: 62179

(a) The average rate of inflation, as measured by the 62180
consumer price index prepared by the bureau of labor statistics of 62181
the United States department of labor (all urban consumers, all 62182
items), for the previous sixty-month period; and 62183

(b) The percentage amount the general assembly restrains 62184
increases on in-state undergraduate instructional and general fees 62185
for the applicable fiscal year. If the general assembly does not 62186
enact a limit on the increase of in-state undergraduate 62187
instructional and general fees, then no limit shall apply under 62188
this division for the cohort that first enrolls in any academic 62189
year for which the general assembly does not prescribe a limit. 62190

If, beginning with the academic year that starts four years 62191
after the effective date of this section, the board of trustees 62192
determines that the general and instructional fees charged under 62193
the tuition guarantee have fallen significantly lower than those 62194
of other state universities, the board of trustees may submit a 62195
request to increase the amount charged to a cohort by a specified 62196
percentage to the chancellor, who shall approve or disapprove such 62197
a request. 62198

(3) A benchmark by which the board sets annual increases in 62199
general and instructional fees. This benchmark and any subsequent 62200
change to the benchmark shall be subject to approval of the 62201
chancellor. 62202

(4) Eligibility requirements for students to participate in 62203
the program; 62204

(5) Student rights and privileges under the program; 62205

(6) Consequences to the university for students unable to 62206
complete a degree program within four years, as follows: 62207

(a) For a student who could not complete the program in four 62208

years due to a lack of available classes or space in classes 62209
provided by the university, the university shall provide the 62210
necessary course or courses for completion to the student free of 62211
charge. 62212

(b) For a student who could not complete the program in four 62213
years due to military service or other circumstances beyond a 62214
student's control, as determined by the board of trustees, the 62215
university shall provide the necessary course or courses for 62216
completion to the student at the student's initial cohort rate. 62217

(c) For a student who did not complete the program in four 62218
years for any other reason, as determined by the board of 62219
trustees, the university shall provide the necessary course or 62220
courses for completion to the student at a rate determined through 62221
a method established by the board under division (B)(7) of this 62222
section. 62223

(7) Guidelines for adjusting a student's annual charges if 62224
the student, due to circumstances under the student's control, is 62225
unable to complete a degree program within four years; 62226

(8) A requirement that the rules adopted under division (B) 62227
of this section be published or posted in the university handbook, 62228
course catalog, and web site. 62229

(C) If a board of trustees implements a program under this 62230
section, the board shall submit the rules adopted under division 62231
(B) of this section to the chancellor for approval before 62232
beginning implementation of the program. 62233

The chancellor shall not unreasonably withhold approval of a 62234
program if the program conforms in principle with the parameters 62235
and guidelines of this section. 62236

(D) A board of trustees of a state university may establish 62237
an undergraduate tuition guarantee program for nonresident 62238
students. 62239

(E) Within five years after the effective date of this section, the chancellor shall publish on the board of regents web site a report that includes all of the following: 62240
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(1) The state universities that have adopted an undergraduate tuition guarantee program under this section; 62243
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(2) The details of each undergraduate tuition guarantee program established under this section; 62245
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(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities. 62247
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Sec. 3345.81. Not later than May 1, 2014, the board of trustees of each institution of higher education, as defined by section 3345.12 of the Revised Code, shall adopt an institution-specific strategic completion plan designed to increase the number of degrees awarded. The plan shall be consistent with the mission and strategic priorities of the institution and include measurable completion goals. 62250
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Sec. 3350.15. The northeast Ohio medical university may enter into a partnership with Cleveland state university to establish the northeast Ohio medical university academic campus at Cleveland state university, to enable fifty per cent or more of the medical curriculum taught to students enrolled under this partnership to be based in Cleveland at Cleveland state university, local hospitals, and community- and neighborhood-based primary care clinics. Cleveland state university shall not receive state capital appropriations to pay for facilities for the academic campus. 62257
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Sec. 3353.01. As used in this chapter: 62267

(A) "Educational television or radio" means television or 62268

radio programs which serve the educational needs of the community 62269
and which meet the requirements of the federal communications 62270
commission for noncommercial educational television or radio. 62271

(B) "Educational telecommunications network" means a system 62272
of connected educational television, radio, or radio reading 62273
service facilities and coordinated programs established and 62274
operated or controlled by the ~~eTech-Ohio~~ broadcast educational
media commission, pursuant to this chapter. 62275
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(C) "Transmission" means the sending out of television, 62277
radio, or radio reading service programs, either directly to the 62278
public, or to broadcasting stations or services for simultaneous 62279
broadcast or rebroadcast. 62280

(D) "Transmission facilities" means structures, equipment, 62281
material, and services used in the transmission of educational 62282
television, radio, or radio reading service programs. 62283

(E) "Interconnection facilities" means the equipment, 62284
material, and services used to link one location to another 62285
location or to several locations by means of telephone line, 62286
coaxial cable, microwave relays, or other available technologies. 62287

(F) "Broadcasting station" means a properly licensed 62288
noncommercial educational television or radio station, 62289
appropriately staffed and equipped to produce programs or lessons 62290
and to broadcast programs. 62291

(G) "Radio reading service" means a nonprofit organization 62292
that disseminates news and other information to blind and 62293
physically handicapped persons. 62294

(H) "Affiliate" means an educational telecommunication 62295
entity, including a television or radio broadcasting station or 62296
radio reading service. 62297

Sec. 3353.02. (A) There is hereby created the ~~eTech-Ohio~~ 62298

broadcast educational media commission as an independent agency to 62299
advance education and accelerate the learning of the citizens of 62300
this state through ~~technology~~ public educational broadcasting 62301
services. The commission shall provide leadership and support in 62302
extending the knowledge of the citizens of this state by promoting 62303
access to and use of ~~all forms of educational technology~~ 62304
broadcasting services, including educational television and radio, 62305
and radio reading services, ~~broadband networks, videotapes,~~ 62306
~~compact discs, digital video on demand (DVD), and the internet.~~ 62307
The commission also shall administer programs to provide financial 62308
and other assistance to ~~school districts and other educational~~ 62309
~~institutions for the acquisition and utilization of educational~~ 62310
~~technology~~ television and radio and radio reading services. 62311

The commission is a body corporate and politic, an agency of 62312
the state performing essential governmental functions of the 62313
state. 62314

(B) The commission shall consist of thirteen members, nine of 62315
whom shall be voting members. Six of the voting members shall be 62316
representatives of the public selected from among leading citizens 62317
in the state who have demonstrated interest in educational 62318
broadcast media through service on boards or advisory councils of 62319
educational television stations, educational radio stations, 62320
educational technology agencies, or radio reading services. Of the 62321
representatives of the public, four shall be appointed by the 62322
governor with the advice and consent of the senate, one shall be 62323
appointed by the speaker of the house of representatives, and one 62324
shall be appointed by the president of the senate. The 62325
superintendent of public instruction or a designee of the 62326
superintendent, the chancellor of the Ohio board of regents or a 62327
designee of the chancellor, and the state chief information 62328
officer or a designee of the officer shall be ex officio voting 62329
members. Of the nonvoting members, two shall be members of the 62330

house of representatives appointed by the speaker of the house of 62331
representatives and two shall be members of the senate appointed 62332
by the president of the senate. The members appointed from each 62333
chamber shall not be members of the same political party. 62334

(C) Initial terms of office for members appointed by the 62335
governor shall be one year for one member, two years for one 62336
member, three years for one member, and four years for one member. 62337
At the first meeting of the commission, members appointed by the 62338
governor shall draw lots to determine the length of the term each 62339
member will serve. Thereafter, terms of office for members 62340
appointed by the governor shall be for four years. Terms of office 62341
for voting members appointed by the speaker of the house of 62342
representatives and the president of the senate shall be for four 62343
years. Any member who is a representative of the public may be 62344
reappointed by the member's respective appointing authority, but 62345
no such member may serve more than two consecutive four-year 62346
terms. Such a member may be removed by the member's respective 62347
appointing authority for cause. 62348

Any legislative member appointed by the speaker of the house 62349
of representatives or the president of the senate who ceases to be 62350
a member of the legislative chamber from which the member was 62351
appointed shall cease to be a member of the commission. The 62352
speaker of the house of representatives and the president of the 62353
senate may remove their respective appointments to the commission 62354
at any time. 62355

(D) Vacancies among appointed members shall be filled in the 62356
manner provided for original appointments. Any member appointed to 62357
fill a vacancy occurring prior to the expiration of the term for 62358
which the member's predecessor was appointed shall hold office for 62359
the remainder of that term. Any appointed member shall continue in 62360
office subsequent to the expiration of that member's term until 62361
the member's successor takes office or until a period of sixty 62362

days has elapsed, whichever occurs first. 62363

(E) Members of the commission shall serve without 62364
compensation. The members who are representatives of the public 62365
shall be reimbursed, pursuant to office of budget and management 62366
guidelines, for actual and necessary expenses incurred in the 62367
performance of official duties. 62368

(F) The governor shall appoint the chairperson of the 62369
commission from among the commission's public voting members. The 62370
chairperson shall serve a term of two years and may be 62371
reappointed. The commission shall elect other officers as 62372
necessary from among its voting members and shall prescribe its 62373
rules of procedure. 62374

~~(G) The commission shall establish advisory groups as needed 62375
to address topics of interest and to provide guidance to the 62376
commission regarding educational technology issues and the 62377
technology needs of educators, learners, and the public. Members 62378
of each advisory group shall be appointed by the commission and 62379
shall include representatives of individuals or organizations with 62380
an interest in the topic addressed by the advisory group. 62381~~

Sec. 3353.03. (A) The ~~eTech-Ohio~~ broadcast educational media 62382
commission shall appoint an executive director, who shall serve at 62383
the pleasure of the commission. The executive director shall have 62384
no authority other than that provided by law or delegated to the 62385
executive director by the commission. The executive director shall 62386
do all of the following: 62387

(1) Direct ~~commission employees in~~ the administration of all 62388
programs of the commission; 62389

(2) Provide leadership and support in extending the knowledge 62390
of the citizens of this state by promoting equal access to and use 62391
of ~~all forms of educational technology~~ broadcast media, as 62392

directed by the commission; 62393

(3) Provide financial and other assistance to ~~school~~ 62394
~~districts,~~ educational television and radio stations, radio 62395
reading services, ~~educational technology organizations, and other~~ 62396
~~educational institutions for the acquisition and utilization of~~ 62397
~~educational technology~~ and related organizations and activities; 62398

(4) Implement policies and directives issued by the 62399
commission; 62400

(5) Perform other duties authorized by the commission. 62401

(B) The commission shall fix the compensation of the 62402
executive director. The executive director shall employ and fix 62403
the compensation for such employees as necessary to facilitate the 62404
activities and purposes of the commission. The employees shall 62405
serve at the pleasure of the executive director. 62406

(C) The employees of the commission shall be placed in the 62407
unclassified service. 62408

(D)(1) Except as provided in division (D)(2) of this section, 62409
the employees of the commission shall be exempt from Chapter 4117. 62410
of the Revised Code and shall not be public employees as defined 62411
in section 4117.01 of the Revised Code. 62412

(2) All employees of the commission who transferred to the 62413
commission from one of the commission's predecessor agencies upon 62414
the commission's creation and, when employed by the predecessor 62415
agency were included in a bargaining unit established under 62416
Chapter 4117. of the Revised Code, shall continue to be included 62417
in that bargaining unit, are public employees as defined in 62418
section 4117.01 of the Revised Code, and may collectively bargain 62419
with the commission in accordance with that chapter. Otherwise, 62420
any employee hired by the commission after July 1, 2005, either to 62421
fill vacancies or to fill new positions, shall be exempt from 62422
Chapter 4117. of the Revised Code and shall not be public 62423

employees as defined in section 4117.10 of the Revised Code. 62424

Sec. 3353.04. (A) The ~~eTech Ohio~~ broadcast educational media 62425
commission may perform any act necessary to carry out the 62426
functions of this chapter, including any of the following: 62427

(1) ~~Make grants to institutions and other organizations as~~ 62428
~~prescribed by the general assembly for the provision of technical~~ 62429
~~assistance, professional development, and other support services~~ 62430
~~to enable school districts, community schools established under~~ 62431
~~Chapter 3314. of the Revised Code, other educational institutions,~~ 62432
~~and affiliates to utilize educational technology;~~ 62433

(2) ~~Establish a reporting system for school districts,~~ 62434
~~community schools, other educational institutions, affiliates, and~~ 62435
~~educational technology organizations that receive financial~~ 62436
~~assistance from the commission. The system may require the~~ 62437
~~reporting of information regarding the manner in which the~~ 62438
~~assistance was expended, the manner in which the equipment or~~ 62439
~~services purchased with the assistance is being utilized, the~~ 62440
~~results or outcome of the utilization, the manner in which the~~ 62441
~~utilization is compatible with the statewide academic standards~~ 62442
~~adopted by the state board of education pursuant to section~~ 62443
~~3301.079 of the Revised Code, and any other information determined~~ 62444
~~by the commission.~~ 62445

(3) ~~Ensure that, where appropriate, products produced by any~~ 62446
~~entity to which the commission provides financial assistance for~~ 62447
~~use in elementary and secondary education are aligned with the~~ 62448
~~statewide academic standards adopted by the state board pursuant~~ 62449
~~to section 3301.079 of the Revised Code;~~ 62450

(4) ~~Promote accessibility to~~ through broadcasting services of 62451
educational products aligned with the statewide academic 62452
standards, adopted by the state board pursuant to section 3301.079 62453
of the Revised Code, for school districts, community schools, and 62454

other entities serving grades kindergarten through twelve; 62455

~~(5)~~(2) Own or operate transmission facilities and 62456
interconnection facilities, or contract for transmission 62457
facilities and interconnection facilities, for an educational 62458
television, radio, or radio reading service network; 62459

~~(6)~~(3) Establish standards for interconnection facilities 62460
used by the commission in the transmission of educational 62461
television, radio, or radio reading service programming; 62462

~~(7)~~(4) Enter into agreements with noncommercial educational 62463
television or radio broadcasting stations or radio reading 62464
services for the operation of the interconnection; 62465

~~(8)~~(5) Enter into agreements with noncommercial educational 62466
television or radio broadcasting stations or radio reading 62467
services for the production and use of educational television, 62468
radio, or radio reading service programs to be transmitted by the 62469
educational telecommunications network; 62470

~~(9)~~(6) Execute contracts and other agreements necessary and 62471
desirable to carry out the purposes of this chapter and other 62472
duties prescribed to the commission by law or authorize the 62473
executive director of the commission to execute such contracts and 62474
agreements on the commission's behalf; 62475

~~(10)~~(7) Act as consultant with educational television and 62476
educational radio stations and radio reading services toward 62477
coordination within the state of the distribution of federal funds 62478
that may become available for equipment for educational 62479
broadcasting or radio reading services; 62480

~~(11)~~(8) Make payments to noncommercial Ohio educational 62481
television or radio broadcasting stations or radio reading 62482
services to sustain the operation of such stations or services; 62483

~~(12)~~(9) In consultation with participants in programs 62484

administered by the commission, establish guidelines governing 62485
purchasing and procurement that facilitate the timely and 62486
effective implementation of such programs; 62487

~~(13)~~(10) In consultation with participants in programs 62488
administered by the commission, consider the efficiency and cost 62489
savings of statewide procurement prior to allocating and releasing 62490
funds for such programs; 62491

~~(14)~~(11) In consultation with participants in programs 62492
administered by the commission, establish a systems support 62493
network to facilitate the timely implementation of the programs 62494
and other projects and activities for which the commission 62495
provides assistance. 62496

(B) Chapters 123., 124., 125., and 153. of the Revised Code 62497
and sections 9.331 to 9.335 of the Revised Code do not apply to 62498
contracts, programs, projects, or activities of the commission. 62499

Sec. 3353.06. (A) The affiliates services fund is hereby 62500
created in the state treasury. The ~~eTech-Ohio~~ broadcast 62501
educational media commission shall deposit any money it receives 62502
for services provided to affiliates to the credit of the fund, 62503
including: 62504

(1) Reimbursements for services provided to stations; 62505

(2) Charges levied for maintenance of telecommunications, 62506
broadcasting, or transmission equipment; 62507

(3) Contract or grant payments from affiliates. 62508

(B) The commission shall use money credited to the affiliates 62509
services fund for any commission operating purposes, including: 62510

(1) The purchase, repair, or maintenance of 62511
telecommunications, broadcasting, or transmission equipment; 62512

(2) The purchase or lease of educational programming; 62513

(3) The purchase of tape and digital media storage and 62514
maintenance of a media library; 62515

(4) ~~Professional development programs and services;~~ 62516

~~(5) Administrative expenses.~~ 62517

Sec. 3353.07. (A) There is hereby created the Ohio government 62518
telecommunications service. The Ohio government telecommunications 62519
service shall provide the state government and affiliated 62520
organizations with multimedia support including audio, visual, and 62521
internet services, multimedia streaming, and hosting multimedia 62522
programs. 62523

Services relating to the official activities of the general 62524
assembly and the executive offices provided by the Ohio government 62525
telecommunications service shall be funded through grants to a 62526
~~public~~ an educational television broadcasting station that will 62527
manage the staff and provide the services of the Ohio government 62528
telecommunications service. The Ohio educational television 62529
stations shall select a member station to manage the Ohio 62530
government telecommunications service. The Ohio government 62531
telecommunications service shall receive grants from, or contract 62532
with, any of the three branches of Ohio government, and their 62533
affiliates, to provide additional services. Services provided by 62534
the Ohio government telecommunications service shall not be used 62535
for political purposes included in campaign materials, or 62536
otherwise used to influence an election, legislation, issue, 62537
judicial decision, or other policy of state government. 62538

(B)(1) There is hereby created the legislative programming 62539
committee of the Ohio government telecommunications service that 62540
shall consist of the president of the senate, speaker of the house 62541
of representatives, minority leader of the senate, and minority 62542
leader of the house of representatives, or their designees, and 62543
the clerks of the senate and house of representatives as 62544

nonvoting, ex officio members. By a vote of a majority of its 62545
members, the program committee may add additional members to the 62546
committee. 62547

(2) The legislative programming committee shall adopt rules 62548
that govern the operation of the Ohio government 62549
telecommunications service relating to the general assembly and 62550
any affiliated organizations. 62551

Sec. 3365.01. As used in this chapter: 62552

(A) "College" means any state-assisted college or university 62553
described in section 3333.041 of the Revised Code, any nonprofit 62554
institution holding a certificate of authorization pursuant to 62555
Chapter 1713. of the Revised Code, any private institution exempt 62556
from regulation under Chapter 3332. of the Revised Code as 62557
prescribed in section 3333.046 of the Revised Code, and any 62558
institution holding a certificate of registration from the state 62559
board of career colleges and schools and program authorization for 62560
an associate or bachelor's degree program issued under section 62561
3332.05 of the Revised Code. 62562

(B) "School district," except as specified in division (G) of 62563
this section, means any school district to which a student is 62564
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 62565
the Revised Code and does not include a joint vocational or 62566
cooperative education school district. 62567

(C) "Parent" has the same meaning as in section 3313.64 of 62568
the Revised Code. 62569

(D) "Participant" means a student enrolled in a college under 62570
the post-secondary enrollment options program established by this 62571
chapter, including a student who has been excused from the 62572
compulsory attendance law for the purpose of home instruction 62573
under section 3321.04 of the Revised Code. 62574

(E) "Secondary grade" means the ninth through twelfth grades. 62575

(F) "School foundation payments" means the amount required to 62576
be paid to a school district for a fiscal year under Chapter 3317. 62577
of the Revised Code. 62578

(G) "Tuition base" means, ~~with respect to a participant's~~ 62579
~~school district, the sum of the formula amount plus the per pupil~~ 62580
~~amount of the base funding supplements specified in divisions~~ 62581
~~(C)(1) to (4) of section 3317.012 3317.02~~ of the Revised Code for 62582
the applicable fiscal year ~~2009~~. 62583

~~The participant's "school district" in the case of a~~ 62584
~~participant enrolled in a community school shall be the school~~ 62585
~~district in which the student is entitled to attend school under~~ 62586
~~section 3313.64 or 3313.65 of the Revised Code.~~ 62587

(H) "Educational program" means enrollment in one or more 62588
school districts, in a nonpublic school, or in a college under 62589
division (B) of section 3365.04 of the Revised Code. 62590

(I) "Nonpublic school" means a chartered or nonchartered 62591
school for which minimum standards are prescribed by the state 62592
board of education pursuant to division (D) of section 3301.07 of 62593
the Revised Code. 62594

(J) "School year" means the year beginning on the first day 62595
of July and ending on the thirtieth day of June. 62596

(K) "Community school" means any school established pursuant 62597
to Chapter 3314. of the Revised Code that includes secondary 62598
grades. 62599

(L) "STEM school" means a science, technology, engineering, 62600
and mathematics school established under Chapter 3326. of the 62601
Revised Code. 62602

Sec. 3365.02. There is hereby established the post-secondary 62603
enrollment options program under which a secondary grade student 62604

who is a resident of this state may enroll at a college, on a 62605
full- or part-time basis, and complete nonsectarian courses for 62606
high school and college credit. 62607

Secondary grade students in a nonpublic school may 62608
participate in the post-secondary enrollment options program if 62609
the chief administrator of such school notifies the department of 62610
education by the first day of April prior to the school year in 62611
which the school's students will participate. 62612

The state board of education, after consulting with the board 62613
of regents, shall adopt rules governing the program. The rules 62614
shall include: 62615

(A) Requirements for school districts, community schools, or 62616
participating nonpublic schools to provide information about the 62617
program prior to the first day of March of each year to all 62618
students enrolled in grades eight through eleven; 62619

(B) A requirement that a student or the student's parent 62620
inform the district board of education, the governing authority of 62621
a community school, the STEM school chief administrative officer, 62622
or the nonpublic school administrator by the thirtieth day of 62623
March of the student's intent to participate in the program during 62624
the following school year. The rule shall provide that any student 62625
who fails to provide the notification by the required date may not 62626
participate in the program during the following school year 62627
without the written consent of the district superintendent, the 62628
governing authority of a community school, the STEM school chief 62629
administrative officer, or the nonpublic school administrator. 62630

(C) Requirements that school districts, community schools, 62631
and STEM schools provide counseling services to students in grades 62632
eight through eleven and to their parents before the students 62633
participate in the program under this chapter to ensure that 62634
students and parents are fully aware of the possible risks and 62635

consequences of participation. Counseling information shall	62636
include without limitation:	62637
(1) Program eligibility;	62638
(2) The process for granting academic credits;	62639
(3) Financial arrangements for tuition, books, materials, and	62640
fees;	62641
(4) Criteria for any transportation aid;	62642
(5) Available support services;	62643
(6) Scheduling;	62644
(7) The consequences of failing or not completing a course in	62645
which the student enrolls and the effect of the grade attained in	62646
the course being included in the student's grade point average, if	62647
applicable;	62648
(8) The effect of program participation on the student's	62649
ability to complete the district's or school's graduation	62650
requirements;	62651
(9) The academic and social responsibilities of students and	62652
parents under the program;	62653
(10) Information about and encouragement to use the	62654
counseling services of the college in which the student intends to	62655
enroll.	62656
<u>(11) A list of all institutions of higher education that</u>	62657
<u>currently participate in the program or in another dual enrollment</u>	62658
<u>program, as defined in section 3313.6013 of the Revised Code,</u>	62659
<u>compiled and distributed by the department of education pursuant</u>	62660
<u>to division (G) of this section.</u>	62661
(D) A requirement that the student and the student's parent	62662
sign a form, provided by the school district or school, stating	62663
that they have received the counseling required by division (C) of	62664

this section and that they understand the responsibilities they must assume in the program;

(E) The options required by section 3365.04 of the Revised Code;

~~(F) A requirement that a student may not enroll in any specific college course through the program if the student has taken high school courses in the same subject area as that college course and has failed to attain a cumulative grade point average of at least 3.0 on a 4.0 scale, or the equivalent, in such completed high school courses~~ A requirement that student participation in the program be based solely on a participating college's established admission standards.

(G) A requirement that the department of education annually compile a list of all institutions of higher education that currently participate in the program or in another dual enrollment program as defined in section 3313.6013 of the Revised Code and, not later than the thirty-first day of December of each school year, distribute this list to all school districts, community schools, STEM schools, and chartered nonpublic schools in the state.

Sec. 3365.021. The chief administrator of any nonpublic school notifying the department of education that students of the school will participate in the post-secondary enrollment options program shall provide counseling to students in grades eight through eleven and to their parents before the students participate in the program to ensure that students and parents are fully aware of the possible risks and consequences of participation. Such counseling shall include explaining the fact that funding may be limited and that not all students who wish to participate may be able to do so.

The chief administrator also shall provide students and

parents with a list of all institutions of higher education that 62696
currently participate in the program or in another dual enrollment 62697
program as defined in section 3313.6013 of the Revised Code, 62698
compiled and distributed by the department of education pursuant 62699
to division (G) of section 3365.02 of the Revised Code. 62700

Sec. 3365.022. (A) Beginning July 1, 2013, a student who has 62701
been excused from the compulsory attendance law for the purpose of 62702
home instruction under section 3321.04 of the Revised Code, and is 62703
the equivalent of a ninth, tenth, eleventh, or twelfth grader may 62704
participate in the post-secondary enrollment options program 62705
established under this chapter. 62706

(B)(1) If a student meets the criteria established in 62707
division (A) of this section and wishes to participate in the 62708
post-secondary enrollment options program, the parent or guardian 62709
of that student shall notify the department of education by the 62710
first day of April prior to the school year in which the student 62711
wishes to participate. 62712

(2) For the 2013-2014 school year, the department may accept 62713
applications at a later date if that student wishes to participate 62714
in the program during the 2013-2014 school year. 62715

(C) Pursuant to rules adopted by the state board of education 62716
under section 3365.02 of the Revised Code, payments to a 62717
participating college, in which home-instructed students enrolled 62718
pursuant to this section, shall be made in the same manner as 62719
payments made for participating students from nonpublic secondary 62720
schools, pursuant to section 3365.07 of the Revised Code. 62721

Sec. 3365.07. (A) The rules adopted under section 3365.02 of 62722
the Revised Code shall specify a method for each of the following: 62723

(1) Determining, with respect to any participant, the 62724
percentage of a full-time educational program constituted by the 62725

participant's total educational program. That percentage shall be 62726
the participant's full-time equivalency percentage for purposes of 62727
the computation required by division (B)(1) of this section. 62728

(2) In the case of a participant who is not enrolled in a 62729
participating nonpublic school, determining the percentage of a 62730
participant's school day during which the participant is 62731
participating in each of the following: 62732

(a) Programs provided by the city, local, or exempted village 62733
school district, a community school, or a STEM school; 62734

(b) Programs provided by a joint vocational school district; 62735

(c) Programs provided by a college under division (B) of 62736
section 3365.04 of the Revised Code. 62737

The sum of divisions (A)(2)(a) to (c) of this section shall equal 62738
one hundred per cent. 62739

(3) In the case of a participant who is not enrolled in a 62740
participating nonpublic school, determining the percentage of a 62741
participant's enrollment that shall be deemed to be enrollment in 62742
a joint vocational school district and the percentage that shall 62743
be deemed to be enrollment in a city, local, or exempted village 62744
school district. The sum of such percentages shall equal one 62745
hundred per cent. 62746

(4) In the case of a participant who is enrolled in a 62747
participating nonpublic school, determining the percentage of a 62748
participant's school day during which the participant is 62749
participating in programs provided by a college under division (B) 62750
of section 3365.04 of the Revised Code. 62751

(B) Each July, unless provided otherwise in an alternative 62752
funding agreement entered into under rules adopted under section 62753
3365.12 of the Revised Code, the department of education shall pay 62754
each college for any participant enrolled in the college in the 62755

prior school year under division (B) of section 3365.04 of the Revised Code an amount computed as follows:

(1) Multiply the tuition base by the participant's full-time equivalency percentage and multiply the resulting amount by a percentage equal to the percentage of the participant's school day apportioned to the college under division (A)(2)(c) or (4) of this section, as applicable.

(2) Pay the college the lesser of:

(a) The amount computed under division (B)(1) of this section;

(b) The actual costs that would have been the responsibility of the participant had the participant elected to enroll under division (A) of section 3365.04 of the Revised Code, as verified by the department, of tuition, textbooks, materials, and fees directly related to any courses elected by the participant during the prior school year under division (B) of section 3365.04 of the Revised Code.

(C) The department shall not reimburse ~~any~~ a college for any of the following:

(1) A college course taken by a participant under division (A) of section 3365.04 of the Revised Code;

(2) A remedial college course taken by a participant.

(D) If the participant was not enrolled in a participating nonpublic school, the amount paid under division (B) of this section for each participant shall be subtracted from the school foundation payments made to the participant's school district or, if the participant was enrolled in a community school or a STEM school, from the payments made to the participant's school under section 3314.08 or 3326.33 of the Revised Code. If the participant was enrolled in a joint vocational school district, a portion of

the amount shall be subtracted from the payments to the joint 62786
vocational school district and a portion shall be subtracted from 62787
the payments to the participant's city, local, or exempted village 62788
school district. The amount of the payment subtracted from the 62789
city, local, or exempted village school district shall be computed 62790
as follows: 62791

(1) Add the following: 62792

(a) The percentage of the participant's enrollment in the 62793
school district, determined under division (A)(3) of this section; 62794
and 62795

(b) Twenty-five per cent times the percentage of the 62796
participant's enrollment in the joint vocational school district, 62797
determined under division (A)(3) of this section. 62798

(2) Multiply the sum obtained under division (D)(1) of this 62799
section by the amount computed under division (B)(2) of this 62800
section. 62801

The balance of the payment shall be subtracted from the joint 62802
vocational district's school foundation payments. 62803

(E) If the participant was enrolled in a participating 62804
nonpublic school, the amount paid under division (B) of this 62805
section shall be subtracted from moneys set aside by the general 62806
assembly for such purpose from funds appropriated for the purposes 62807
of section 3317.06 of the Revised Code. 62808

Sec. 3365.12. The superintendent of public instruction and 62809
the chancellor of the Ohio board of regents jointly may adopt 62810
rules in accordance with Chapter 119. of the Revised Code 62811
permitting a board of education of a school district or joint 62812
vocational school district, governing authority of a community 62813
school, governing body of a STEM school, or governing authority of 62814
a participating nonpublic school to enter into an agreement with a 62815

college or university to use an alternate funding formula to 62816
calculate, or an alternate method to transmit, the amount the 62817
college or university would be paid for a student participating in 62818
a program under this chapter, including the program known as 62819
seniors to sophomores. 62820

Rules adopted under this section may include, but need not be 62821
limited to, any of the following alternative funding options: 62822

(A) Direct payment of funds necessary to support students 62823
participating in a program under this chapter, including the 62824
seniors to sophomores program, by the school district, joint 62825
vocational school district, community school, STEM school, or any 62826
combination thereof, to the college or university in which the 62827
student enrolled; 62828

(B) Alternate funding formulas to calculate the amount of 62829
money to be paid to colleges for participants; 62830

(C) A negotiated amount to be paid, as agreed by the school 62831
district, joint vocational school district, community school, or 62832
STEM school and the college or university. 62833

Rules adopted under this section shall prohibit any 62834
alternative funding option to include charging a student 62835
participating in the program under this chapter any tuition or 62836
fees. 62837

Sec. 3501.01. As used in the sections of the Revised Code 62838
relating to elections and political communications: 62839

(A) "General election" means the election held on the first 62840
Tuesday after the first Monday in each November. 62841

(B) "Regular municipal election" means the election held on 62842
the first Tuesday after the first Monday in November in each 62843
odd-numbered year. 62844

(C) "Regular state election" means the election held on the first Tuesday after the first Monday in November in each even-numbered year.

(D) "Special election" means any election other than those elections defined in other divisions of this section. A special election may be held only on the first Tuesday after the first Monday in February, May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election, except that in any year in which a presidential primary election is held, no special election shall be held in February or May, except as authorized by a municipal or county charter, but may be held on the first Tuesday after the first Monday in March.

(E)(1) "Primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held.

(2) "Presidential primary election" means a primary election as defined by division (E)(1) of this section at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties pursuant to section 3513.12 of the Revised Code. Unless otherwise specified, presidential primary elections are included in references to primary elections. In years in which a presidential primary election is held, all primary elections shall be held on the first Tuesday after the first Monday in March except as otherwise authorized by a municipal or county charter.

(F) "Political party" means any group of voters meeting the

requirements set forth in section 3517.01 of the Revised Code for 62877
the formation and existence of a political party. 62878

(1) "Major political party" means any political party 62879
organized under the laws of this state whose candidate for 62880
governor or nominees for presidential electors received no less 62881
than twenty per cent of the total vote cast for such office at the 62882
most recent regular state election. 62883

(2) "Intermediate political party" means any political party 62884
organized under the laws of this state whose candidate for 62885
governor or nominees for presidential electors received less than 62886
twenty per cent but not less than ten per cent of the total vote 62887
cast for such office at the most recent regular state election. 62888

(3) "Minor political party" means any political party 62889
organized under the laws of this state whose candidate for 62890
governor or nominees for presidential electors received less than 62891
ten per cent but not less than five per cent of the total vote 62892
cast for such office at the most recent regular state election or 62893
which has filed with the secretary of state, subsequent to any 62894
election in which it received less than five per cent of such 62895
vote, a petition signed by qualified electors equal in number to 62896
at least one per cent of the total vote cast for such office in 62897
the last preceding regular state election, except that a newly 62898
formed political party shall be known as a minor political party 62899
until the time of the first election for governor or president 62900
which occurs not less than twelve months subsequent to the 62901
formation of such party, after which election the status of such 62902
party shall be determined by the vote for the office of governor 62903
or president. 62904

(G) "Dominant party in a precinct" or "dominant political 62905
party in a precinct" means that political party whose candidate 62906
for election to the office of governor at the most recent regular 62907
state election at which a governor was elected received more votes 62908

than any other person received for election to that office in such precinct at such election.

(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held in this state.

(I) "Independent candidate" means any candidate who claims not to be affiliated with a political party, and whose name has been certified on the office-type ballot at a general or special election through the filing of a statement of candidacy and nominating petition, as prescribed in section 3513.257 of the Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judicial office, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party, whose name has been certified on the office-type ballot at a general or special election through the filing of a declaration of candidacy and petition of candidate, and who has won the primary election of the candidate's party for the public office the candidate seeks or is selected by party committee in accordance with section 3513.31 of the Revised Code.

(L) "Officer of a political party" includes, but is not

limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major, intermediate, or minor political party.

(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.

(O) "Voter" means an elector who votes at an election.

(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.

(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.

(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.

(T) "Political subdivision" means a county, township, city, village, or school district.

(U) "Election officer" or "election official" means any of the following:

(1) Secretary of state;

(2) Employees of the secretary of state serving the division

of elections in the capacity of attorney, administrative officer,	62970
administrative assistant, elections administrator, office manager,	62971
or clerical supervisor;	62972
(3) Director of a board of elections;	62973
(4) Deputy director of a board of elections;	62974
(5) Member of a board of elections;	62975
(6) Employees of a board of elections;	62976
(7) Precinct polling place judges;	62977
(8) Employees appointed by the boards of elections on a	62978
temporary or part-time basis.	62979
(V) "Acknowledgment notice" means a notice sent by a board of	62980
elections, on a form prescribed by the secretary of state,	62981
informing a voter registration applicant or an applicant who	62982
wishes to change the applicant's residence or name of the status	62983
of the application; the information necessary to complete or	62984
update the application, if any; and if the application is	62985
complete, the precinct in which the applicant is to vote.	62986
(W) "Confirmation notice" means a notice sent by a board of	62987
elections, on a form prescribed by the secretary of state, to a	62988
registered elector to confirm the registered elector's current	62989
address.	62990
(X) "Designated agency" means an office or agency in the	62991
state that provides public assistance or that provides	62992
state-funded programs primarily engaged in providing services to	62993
persons with disabilities and that is required by the National	62994
Voter Registration Act of 1993 to implement a program designed and	62995
administered by the secretary of state for registering voters, or	62996
any other public or government office or agency that implements a	62997
program designed and administered by the secretary of state for	62998
registering voters, including the department of job and family	62999

services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of ~~mental health~~ mental health and addiction services, the department of developmental disabilities, the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.

(Y) "National Voter Registration Act of 1993" means the "National Voter Registration Act of 1993," 107 Stat. 77, 42 U.S.C.A. 1973gg.

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.

(AA) "Photo identification" means a document that meets each of the following requirements:

(1) It shows the name of the individual to whom it was issued, which shall conform to the name in the poll list or signature pollbook.

(2) It shows the current address of the individual to whom it was issued, which shall conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook.

(3) It shows a photograph of the individual to whom it was issued.

(4) It includes an expiration date that has not passed.

(5) It was issued by the government of the United States or

this state. 63030

Sec. 3501.054. (A) The secretary of state shall adopt rules 63031
under section 111.15 of the Revised Code establishing customer 63032
service standards for the members and employees of the boards of 63033
elections and a method for the secretary of state to evaluate each 63034
board's compliance with those standards. 63035

(B) The secretary of state shall adopt rules under section 63036
111.15 of the Revised Code establishing a method for the secretary 63037
of state to evaluate the efficiency of each board of elections. 63038

Sec. 3517.10. (A) Except as otherwise provided in this 63039
division, every campaign committee, political action committee, 63040
legislative campaign fund, political party, and political 63041
contributing entity that made or received a contribution or made 63042
an expenditure in connection with the nomination or election of 63043
any candidate or in connection with any ballot issue or question 63044
at any election held or to be held in this state shall file, on a 63045
form prescribed under this section or by electronic means of 63046
transmission as provided in this section and section 3517.106 of 63047
the Revised Code, a full, true, and itemized statement, made under 63048
penalty of election falsification, setting forth in detail the 63049
contributions and expenditures, not later than four p.m. of the 63050
following dates: 63051

(1) The twelfth day before the election to reflect 63052
contributions received and expenditures made from the close of 63053
business on the last day reflected in the last previously filed 63054
statement, if any, to the close of business on the twentieth day 63055
before the election; 63056

(2) The thirty-eighth day after the election to reflect the 63057
contributions received and expenditures made from the close of 63058
business on the last day reflected in the last previously filed 63059

statement, if any, to the close of business on the seventh day 63060
before the filing of the statement; 63061

(3) The last business day of January of every year to reflect 63062
the contributions received and expenditures made from the close of 63063
business on the last day reflected in the last previously filed 63064
statement, if any, to the close of business on the last day of 63065
December of the previous year; 63066

(4) The last business day of July of every year to reflect 63067
the contributions received and expenditures made from the close of 63068
business on the last day reflected in the last previously filed 63069
statement, if any, to the close of business on the last day of 63070
June of that year. 63071

A campaign committee shall only be required to file the 63072
statements prescribed under divisions (A)(1) and (2) of this 63073
section in connection with the nomination or election of the 63074
committee's candidate. 63075

The statement required under division (A)(1) of this section 63076
shall not be required of any campaign committee, political action 63077
committee, legislative campaign fund, political party, or 63078
political contributing entity that has received contributions of 63079
less than one thousand dollars and has made expenditures of less 63080
than one thousand dollars at the close of business on the 63081
twentieth day before the election. Those contributions and 63082
expenditures shall be reported in the statement required under 63083
division (A)(2) of this section. 63084

If an election to select candidates to appear on the general 63085
election ballot is held within sixty days before a general 63086
election, the campaign committee of a successful candidate in the 63087
earlier election may file the statement required by division 63088
(A)(1) of this section for the general election instead of the 63089
statement required by division (A)(2) of this section for the 63090

earlier election if the pregeneral election statement reflects the 63091
status of contributions and expenditures for the period twenty 63092
days before the earlier election to twenty days before the general 63093
election. 63094

If a person becomes a candidate less than twenty days before 63095
an election, the candidate's campaign committee is not required to 63096
file the statement required by division (A)(1) of this section. 63097

No statement under division (A)(3) of this section shall be 63098
required for any year in which a campaign committee, political 63099
action committee, legislative campaign fund, political party, or 63100
political contributing entity is required to file a postgeneral 63101
election statement under division (A)(2) of this section. However, 63102
a statement under division (A)(3) of this section may be filed, at 63103
the option of the campaign committee, political action committee, 63104
legislative campaign fund, political party, or political 63105
contributing entity. 63106

No campaign committee of a candidate for the office of chief 63107
justice or justice of the supreme court, and no campaign committee 63108
of a candidate for the office of judge of any court in this state, 63109
shall be required to file a statement under division (A)(4) of 63110
this section. 63111

Except as otherwise provided in this paragraph and in the 63112
next paragraph of this section, the only campaign committees 63113
required to file a statement under division (A)(4) of this section 63114
are the campaign committee of a statewide candidate and the 63115
campaign committee of a candidate for county office. The campaign 63116
committee of a candidate for any other nonjudicial office is 63117
required to file a statement under division (A)(4) of this section 63118
if that campaign committee receives, during that period, 63119
contributions exceeding ten thousand dollars. 63120

No statement under division (A)(4) of this section shall be 63121

required of a campaign committee, a political action committee, a legislative campaign fund, a political party, or a political contributing entity for any year in which the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity is required to file a postprimary election statement under division (A)(2) of this section. However, a statement under division (A)(4) of this section may be filed at the option of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity.

No statement under division (A)(3) or (4) of this section shall be required if the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity has no contributions that it has received and no expenditures that it has made since the last date reflected in its last previously filed statement. However, the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, on the date required in division (A)(3) or (4) of this section, as applicable.

The campaign committee of a statewide candidate shall file a monthly statement of contributions received during each of the months of July, August, and September in the year of the general election in which the candidate seeks office. The campaign committee of a statewide candidate shall file the monthly statement not later than three business days after the last day of the month covered by the statement. During the period beginning on the nineteenth day before the general election in which a statewide candidate seeks election to office and extending through the day of that general election, each time the campaign committee

of the joint candidates for the offices of governor and lieutenant 63154
governor or of a candidate for the office of secretary of state, 63155
auditor of state, treasurer of state, or attorney general receives 63156
a contribution from a contributor that causes the aggregate amount 63157
of contributions received from that contributor during that period 63158
to equal or exceed ten thousand dollars and each time the campaign 63159
committee of a candidate for the office of chief justice or 63160
justice of the supreme court receives a contribution from a 63161
contributor that causes the aggregate amount of contributions 63162
received from that contributor during that period to exceed ten 63163
thousand dollars, the campaign committee shall file a 63164
two-business-day statement reflecting that contribution. ~~During~~ 63165
~~the period beginning on the nineteenth day before a primary~~ 63166
~~election in which a candidate for statewide office seeks~~ 63167
~~nomination to office and extending through the day of that primary~~ 63168
~~election, each time either the campaign committee of a statewide~~ 63169
~~candidate in that primary election that files a notice under~~ 63170
~~division (C)(1) of section 3517.103 of the Revised Code or the~~ 63171
~~campaign committee of a statewide candidate in that primary~~ 63172
~~election to which, in accordance with division (D) of section~~ 63173
~~3517.103 of the Revised Code, the contribution limitations~~ 63174
~~prescribed in section 3517.102 of the Revised Code no longer apply~~ 63175
~~receives a contribution from a contributor that causes the~~ 63176
~~aggregate amount of contributions received from that contributor~~ 63177
~~during that period to exceed ten thousand dollars, the campaign~~ 63178
~~committee shall file a two business day statement reflecting that~~ 63179
~~contribution.~~ Contributions reported on a two-business-day 63180
statement required to be filed by a campaign committee of a 63181
statewide candidate in a primary election shall also be included 63182
in the postprimary election statement required to be filed by that 63183
campaign committee under division (A)(2) of this section. A 63184
two-business-day statement required by this paragraph shall be 63185
filed not later than two business days after receipt of the 63186

contribution. The statements required by this paragraph shall be 63187
filed in addition to any other statements required by this 63188
section. 63189

Subject to the secretary of state having implemented, tested, 63190
and verified the successful operation of any system the secretary 63191
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 63192
this section and division (H)(1) of section 3517.106 of the 63193
Revised Code for the filing of campaign finance statements by 63194
electronic means of transmission, a campaign committee of a 63195
statewide candidate shall file a two-business-day statement under 63196
the preceding paragraph by electronic means of transmission if the 63197
campaign committee is required to file a pre-election, 63198
postelection, or monthly statement of contributions and 63199
expenditures by electronic means of transmission under this 63200
section or section 3517.106 of the Revised Code. 63201

If a campaign committee or political action committee has no 63202
balance on hand and no outstanding obligations and desires to 63203
terminate itself, it shall file a statement to that effect, on a 63204
form prescribed under this section and made under penalty of 63205
election falsification, with the official with whom it files a 63206
statement under division (A) of this section after filing a final 63207
statement of contributions and a final statement of expenditures, 63208
if contributions have been received or expenditures made since the 63209
period reflected in its last previously filed statement. 63210

(B) Except as otherwise provided in division (C)(7) of this 63211
section, each statement required by division (A) of this section 63212
shall contain the following information: 63213

(1) The full name and address of each campaign committee, 63214
political action committee, legislative campaign fund, political 63215
party, or political contributing entity, including any treasurer 63216
of the committee, fund, party, or entity, filing a contribution 63217
and expenditure statement; 63218

(2)(a) In the case of a campaign committee, the candidate's full name and address; 63219
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(b) In the case of a political action committee, the registration number assigned to the committee under division (D)(1) of this section. 63221
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(3) The date of the election and whether it was or will be a general, primary, or special election; 63224
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(4) A statement of contributions received, which shall include the following information: 63226
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(a) The month, day, and year of the contribution; 63228

(b)(i) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity from whom contributions are received and the registration number assigned to the political action committee under division (D)(1) of this section. The requirement of filing the full address does not apply to any statement filed by a state or local committee of a political party, to a finance committee of such committee, or to a committee recognized by a state or local committee as its fund-raising auxiliary. Notwithstanding division (F) of this section, the requirement of filing the full address shall be considered as being met if the address filed is the same address the contributor provided under division (E)(1) of this section. 63229
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(ii) If a political action committee, political contributing entity, legislative campaign fund, or political party that is required to file campaign finance statements by electronic means of transmission under section 3517.106 of the Revised Code or a campaign committee of a statewide candidate or candidate for the office of member of the general assembly receives a contribution from an individual that exceeds one hundred dollars, the name of the individual's current employer, if any, or, if the individual 63242
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is self-employed, the individual's occupation and the name of the individual's business, if any;

(iii) If a campaign committee of a statewide candidate or candidate for the office of member of the general assembly receives a contribution transmitted pursuant to section 3599.031 of the Revised Code from amounts deducted from the wages and salaries of two or more employees that exceeds in the aggregate one hundred dollars during any one filing period under division (A)(1), (2), (3), or (4) of this section, the full name of the employees' employer and the full name of the labor organization of which the employees are members, if any.

(c) A description of the contribution received, if other than money;

(d) The value in dollars and cents of the contribution;

(e) A separately itemized account of all contributions and expenditures regardless of the amount, except a receipt of a contribution from a person in the sum of twenty-five dollars or less at one social or fund-raising activity and a receipt of a contribution transmitted pursuant to section 3599.031 of the Revised Code from amounts deducted from the wages and salaries of employees if the contribution from the amount deducted from the wages and salary of any one employee is twenty-five dollars or less aggregated in a calendar year. An account of the total contributions from each social or fund-raising activity shall include a description of and the value of each in-kind contribution received at that activity from any person who made one or more such contributions whose aggregate value exceeded two hundred fifty dollars and shall be listed separately, together with the expenses incurred and paid in connection with that activity. A campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity shall keep records of contributions from each

person in the amount of twenty-five dollars or less at one social 63282
or fund-raising activity and contributions from amounts deducted 63283
under section 3599.031 of the Revised Code from the wages and 63284
salary of each employee in the amount of twenty-five dollars or 63285
less aggregated in a calendar year. No continuing association that 63286
is recognized by a state or local committee of a political party 63287
as an auxiliary of the party and that makes a contribution from 63288
funds derived solely from regular dues paid by members of the 63289
auxiliary shall be required to list the name or address of any 63290
members who paid those dues. 63291

Contributions that are other income shall be itemized 63292
separately from all other contributions. The information required 63293
under division (B)(4) of this section shall be provided for all 63294
other income itemized. As used in this paragraph, "other income" 63295
means a loan, investment income, or interest income. 63296

(f) In the case of a campaign committee of a state elected 63297
officer, if a person doing business with the state elected officer 63298
in the officer's official capacity makes a contribution to the 63299
campaign committee of that officer, the information required under 63300
division (B)(4) of this section in regard to that contribution, 63301
which shall be filed together with and considered a part of the 63302
committee's statement of contributions as required under division 63303
(A) of this section but shall be filed on a separate form provided 63304
by the secretary of state. As used in this division: 63305

(i) "State elected officer" has the same meaning as in 63306
section 3517.092 of the Revised Code. 63307

(ii) "Person doing business" means a person or an officer of 63308
an entity who enters into one or more contracts with a state 63309
elected officer or anyone authorized to enter into contracts on 63310
behalf of that officer to receive payments for goods or services, 63311
if the payments total, in the aggregate, more than five thousand 63312
dollars during a calendar year. 63313

(5) A statement of expenditures which shall include the following information: 63314
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(a) The month, day, and year of the expenditure; 63316

(b) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity to whom the expenditure was made and the registration number assigned to the political action committee under division (D)(1) of this section; 63317
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(c) The object or purpose for which the expenditure was made; 63322

(d) The amount of each expenditure. 63323

(C)(1) The statement of contributions and expenditures shall be signed by the person completing the form. If a statement of contributions and expenditures is filed by electronic means of transmission pursuant to this section or section 3517.106 of the Revised Code, the electronic signature of the person who executes the statement and transmits the statement by electronic means of transmission, as provided in division (H) of section 3517.106 of the Revised Code, shall be attached to or associated with the statement and shall be binding on all persons and for all purposes under the campaign finance reporting law as if the signature had been handwritten in ink on a printed form. 63324
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(2) The person filing the statement, under penalty of election falsification, shall include with it a list of each anonymous contribution, the circumstances under which it was received, and the reason it cannot be attributed to a specific donor. 63335
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(3) Each statement of a campaign committee of a candidate who holds public office shall contain a designation of each contributor who is an employee in any unit or department under the candidate's direct supervision and control. In a space provided in the statement, the person filing the statement shall affirm that 63340
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each such contribution was voluntarily made. 63345

(4) A campaign committee that did not receive contributions 63346
or make expenditures in connection with the nomination or election 63347
of its candidate shall file a statement to that effect, on a form 63348
prescribed under this section and made under penalty of election 63349
falsification, on the date required in division (A)(2) of this 63350
section. 63351

(5) The campaign committee of any person who attempts to 63352
become a candidate and who, for any reason, does not become 63353
certified in accordance with Title XXXV of the Revised Code for 63354
placement on the official ballot of a primary, general, or special 63355
election to be held in this state, and who, at any time prior to 63356
or after an election, receives contributions or makes 63357
expenditures, or has given consent for another to receive 63358
contributions or make expenditures, for the purpose of bringing 63359
about the person's nomination or election to public office, shall 63360
file the statement or statements prescribed by this section and a 63361
termination statement, if applicable. Division (C)(5) of this 63362
section does not apply to any person with respect to an election 63363
to the offices of member of a county or state central committee, 63364
presidential elector, or delegate to a national convention or 63365
conference of a political party. 63366

(6)(a) The statements required to be filed under this section 63367
shall specify the balance in the hands of the campaign committee, 63368
political action committee, legislative campaign fund, political 63369
party, or political contributing entity and the disposition 63370
intended to be made of that balance. 63371

(b) The secretary of state shall prescribe the form for all 63372
statements required to be filed under this section and shall 63373
furnish the forms to the boards of elections in the several 63374
counties. The boards of elections shall supply printed copies of 63375
those forms without charge. The secretary of state shall prescribe 63376

the appropriate methodology, protocol, and data file structure for 63377
statements required or permitted to be filed by electronic means 63378
of transmission under division (A) of this section, divisions (E), 63379
(F), and (G) of section 3517.106, division (D) of section 63380
3517.1011, division (B) of section 3517.1012, division (C) of 63381
section 3517.1013, and divisions (D) and (I) of section 3517.1014 63382
of the Revised Code. Subject to division (A) of this section, 63383
divisions (E), (F), and (G) of section 3517.106, division (D) of 63384
section 3517.1011, division (B) of section 3517.1012, division (C) 63385
of section 3517.1013, and divisions (D) and (I) of section 63386
3517.1014 of the Revised Code, the statements required to be 63387
stored on computer by the secretary of state under division (B) of 63388
section 3517.106 of the Revised Code shall be filed in whatever 63389
format the secretary of state considers necessary to enable the 63390
secretary of state to store the information contained in the 63391
statements on computer. Any such format shall be of a type and 63392
nature that is readily available to whoever is required to file 63393
the statements in that format. 63394

(c) The secretary of state shall assess the need for training 63395
regarding the filing of campaign finance statements by electronic 63396
means of transmission and regarding associated technologies for 63397
candidates, campaign committees, political action committees, 63398
legislative campaign funds, political parties, or political 63399
contributing entities, for individuals, partnerships, or other 63400
entities, for persons making disbursements to pay the direct costs 63401
of producing or airing electioneering communications, or for 63402
treasurers of transition funds, required or permitted to file 63403
statements by electronic means of transmission under this section 63404
or section 3517.105, 3517.106, 3517.1011, 3517.1012, 3517.1013, or 63405
3517.1014 of the Revised Code. If, in the opinion of the secretary 63406
of state, training in these areas is necessary, the secretary of 63407
state shall arrange for the provision of voluntary training 63408
programs for candidates, campaign committees, political action 63409

committees, legislative campaign funds, political parties, or 63410
political contributing entities, for individuals, partnerships, 63411
and other entities, for persons making disbursements to pay the 63412
direct costs of producing or airing electioneering communications, 63413
or for treasurers of transition funds, as appropriate. 63414

(7) Each monthly statement and each two-business-day 63415
statement required by division (A) of this section shall contain 63416
the information required by divisions (B)(1) to (4), (C)(2), and, 63417
if appropriate, (C)(3) of this section. Each statement shall be 63418
signed as required by division (C)(1) of this section. 63419

(D)(1) Prior to receiving a contribution or making an 63420
expenditure, every campaign committee, political action committee, 63421
legislative campaign fund, political party, or political 63422
contributing entity shall appoint a treasurer and shall file, on a 63423
form prescribed by the secretary of state, a designation of that 63424
appointment, including the full name and address of the treasurer 63425
and of the campaign committee, political action committee, 63426
legislative campaign fund, political party, or political 63427
contributing entity. That designation shall be filed with the 63428
official with whom the campaign committee, political action 63429
committee, legislative campaign fund, political party, or 63430
political contributing entity is required to file statements under 63431
section 3517.11 of the Revised Code. The name of a campaign 63432
committee shall include at least the last name of the campaign 63433
committee's candidate. If two or more candidates are the 63434
beneficiaries of a single campaign committee under division (B) of 63435
section 3517.081 of the Revised Code, the name of the campaign 63436
committee shall include at least the last name of each candidate 63437
who is a beneficiary of that campaign committee. The secretary of 63438
state shall assign a registration number to each political action 63439
committee that files a designation of the appointment of a 63440
treasurer under this division if the political action committee is 63441

required by division (A)(1) of section 3517.11 of the Revised Code 63442
to file the statements prescribed by this section with the 63443
secretary of state. 63444

(2) The treasurer appointed under division (D)(1) of this 63445
section shall keep a strict account of all contributions, from 63446
whom received and the purpose for which they were disbursed. 63447

(3)(a) Except as otherwise provided in section 3517.108 of 63448
the Revised Code, a campaign committee shall deposit all monetary 63449
contributions received by the committee into an account separate 63450
from a personal or business account of the candidate or campaign 63451
committee. 63452

(b) A political action committee shall deposit all monetary 63453
contributions received by the committee into an account separate 63454
from all other funds. 63455

(c) A state or county political party may establish a state 63456
candidate fund that is separate from an account that contains the 63457
public moneys received from the Ohio political party fund under 63458
section 3517.17 of the Revised Code and from all other funds. A 63459
state or county political party may deposit into its state 63460
candidate fund any amounts of monetary contributions that are made 63461
to or accepted by the political party subject to the applicable 63462
limitations, if any, prescribed in section 3517.102 of the Revised 63463
Code. A state or county political party shall deposit all other 63464
monetary contributions received by the party into one or more 63465
accounts that are separate from its state candidate fund and from 63466
its account that contains the public moneys received from the Ohio 63467
political party fund under section 3517.17 of the Revised Code. 63468

(d) Each state political party shall have only one 63469
legislative campaign fund for each house of the general assembly. 63470
Each such fund shall be separate from any other funds or accounts 63471
of that state party. A legislative campaign fund is authorized to 63472

receive contributions and make expenditures for the primary 63473
purpose of furthering the election of candidates who are members 63474
of that political party to the house of the general assembly with 63475
which that legislative campaign fund is associated. Each 63476
legislative campaign fund shall be administered and controlled in 63477
a manner designated by the caucus. As used in this division, 63478
"caucus" has the same meaning as in section 3517.01 of the Revised 63479
Code and includes, as an ex officio member, the chairperson of the 63480
state political party with which the caucus is associated or that 63481
chairperson's designee. 63482

(4) Every expenditure in excess of twenty-five dollars shall 63483
be vouched for by a receipted bill, stating the purpose of the 63484
expenditure, that shall be filed with the statement of 63485
expenditures. A canceled check with a notation of the purpose of 63486
the expenditure is a receipted bill for purposes of division 63487
(D)(4) of this section. 63488

(5) The secretary of state or the board of elections, as the 63489
case may be, shall issue a receipt for each statement filed under 63490
this section and shall preserve a copy of the receipt for a period 63491
of at least six years. All statements filed under this section 63492
shall be open to public inspection in the office where they are 63493
filed and shall be carefully preserved for a period of at least 63494
six years after the year in which they are filed. 63495

(6) The secretary of state, by rule adopted pursuant to 63496
section 3517.23 of the Revised Code, shall prescribe both of the 63497
following: 63498

(a) The manner of immediately acknowledging, with date and 63499
time received, and preserving the receipt of statements that are 63500
transmitted by electronic means of transmission to the secretary 63501
of state pursuant to this section or section 3517.106, 3517.1011, 63502
3517.1012, 3517.1013, or 3517.1014 of the Revised Code; 63503

(b) The manner of preserving the contribution and 63504
expenditure, contribution and disbursement, deposit and 63505
disbursement, gift and disbursement, or donation and disbursement 63506
information in the statements described in division (D)(6)(a) of 63507
this section. The secretary of state shall preserve the 63508
contribution and expenditure, contribution and disbursement, 63509
deposit and disbursement, gift and disbursement, or donation and 63510
disbursement information in those statements for at least ten 63511
years after the year in which they are filed by electronic means 63512
of transmission. 63513

(7) The secretary of state, pursuant to division (I) of 63514
section 3517.106 of the Revised Code, shall make available online 63515
to the public through the internet the contribution and 63516
expenditure, contribution and disbursement, deposit and 63517
disbursement, gift and disbursement, or donation and disbursement 63518
information in all statements, all addenda, amendments, or other 63519
corrections to statements, and all amended statements filed with 63520
the secretary of state by electronic or other means of 63521
transmission under this section, division (B)(2)(b) or (C)(2)(b) 63522
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 63523
3517.1013, 3517.1014, or 3517.11 of the Revised Code. The 63524
secretary of state may remove the information from the internet 63525
after a reasonable period of time. 63526

(E)(1) Any person, political party, campaign committee, 63527
legislative campaign fund, political action committee, or 63528
political contributing entity that makes a contribution in 63529
connection with the nomination or election of any candidate or in 63530
connection with any ballot issue or question at any election held 63531
or to be held in this state shall provide its full name and 63532
address to the recipient of the contribution at the time the 63533
contribution is made. The political action committee also shall 63534
provide the registration number assigned to the committee under 63535

division (D)(1) of this section to the recipient of the 63536
contribution at the time the contribution is made. 63537

(2) Any individual who makes a contribution that exceeds one 63538
hundred dollars to a political action committee, political 63539
contributing entity, legislative campaign fund, or political party 63540
or to a campaign committee of a statewide candidate or candidate 63541
for the office of member of the general assembly shall provide the 63542
name of the individual's current employer, if any, or, if the 63543
individual is self-employed, the individual's occupation and the 63544
name of the individual's business, if any, to the recipient of the 63545
contribution at the time the contribution is made. Sections 63546
3599.39 and 3599.40 of the Revised Code do not apply to division 63547
(E)(2) of this section. 63548

(3) If a campaign committee shows that it has exercised its 63549
best efforts to obtain, maintain, and submit the information 63550
required under divisions (B)(4)(b)(ii) and (iii) of this section, 63551
that committee is considered to have met the requirements of those 63552
divisions. A campaign committee shall not be considered to have 63553
exercised its best efforts unless, in connection with written 63554
solicitations, it regularly includes a written request for the 63555
information required under division (B)(4)(b)(ii) of this section 63556
from the contributor or the information required under division 63557
(B)(4)(b)(iii) of this section from whoever transmits the 63558
contribution. 63559

(4) Any check that a political action committee uses to make 63560
a contribution or an expenditure shall contain the full name and 63561
address of the committee and the registration number assigned to 63562
the committee under division (D)(1) of this section. 63563

(F) As used in this section: 63564

(1)(a) Except as otherwise provided in division (F)(1) of 63565
this section, "address" means all of the following if they exist: 63566

apartment number, street, road, or highway name and number, rural 63567
delivery route number, city or village, state, and zip code as 63568
used in a person's post-office address, but not post-office box. 63569

(b) Except as otherwise provided in division (F)(1) of this 63570
section, if an address is required in this section, a post-office 63571
box and office, room, or suite number may be included in addition 63572
to, but not in lieu of, an apartment, street, road, or highway 63573
name and number. 63574

(c) If an address is required in this section, a campaign 63575
committee, political action committee, legislative campaign fund, 63576
political party, or political contributing entity may use the 63577
business or residence address of its treasurer or deputy 63578
treasurer. The post-office box number of the campaign committee, 63579
political action committee, legislative campaign fund, political 63580
party, or political contributing entity may be used in addition to 63581
that address. 63582

(d) For the sole purpose of a campaign committee's reporting 63583
of contributions on a statement of contributions received under 63584
division (B)(4) of this section, "address" has one of the 63585
following meanings at the option of the campaign committee: 63586

(i) The same meaning as in division (F)(1)(a) of this 63587
section; 63588

(ii) All of the following, if they exist: the contributor's 63589
post-office box number and city or village, state, and zip code as 63590
used in the contributor's post-office address. 63591

(e) As used with regard to the reporting under this section 63592
of any expenditure, "address" means all of the following if they 63593
exist: apartment number, street, road, or highway name and number, 63594
rural delivery route number, city or village, state, and zip code 63595
as used in a person's post-office address, or post-office box. If 63596
an address concerning any expenditure is required in this section, 63597

a campaign committee, political action committee, legislative 63598
campaign fund, political party, or political contributing entity 63599
may use the business or residence address of its treasurer or 63600
deputy treasurer or its post-office box number. 63601

(2) "Statewide candidate" means the joint candidates for the 63602
offices of governor and lieutenant governor or a candidate for the 63603
office of secretary of state, auditor of state, treasurer of 63604
state, attorney general, member of the state board of education, 63605
chief justice of the supreme court, or justice of the supreme 63606
court. 63607

(3) "Candidate for county office" means a candidate for the 63608
office of county auditor, county treasurer, clerk of the court of 63609
common pleas, judge of the court of common pleas, sheriff, county 63610
recorder, county engineer, county commissioner, prosecuting 63611
attorney, or coroner. 63612

(G) An independent expenditure shall be reported whenever and 63613
in the same manner that an expenditure is required to be reported 63614
under this section and shall be reported pursuant to division 63615
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 63616

(H)(1) Except as otherwise provided in division (H)(2) of 63617
this section, if, during the combined pre-election and 63618
postelection reporting periods for an election, a campaign 63619
committee has received contributions of five hundred dollars or 63620
less and has made expenditures in the total amount of five hundred 63621
dollars or less, it may file a statement to that effect, under 63622
penalty of election falsification, in lieu of the statement 63623
required by division (A)(2) of this section. The statement shall 63624
indicate the total amount of contributions received and the total 63625
amount of expenditures made during those combined reporting 63626
periods. 63627

(2) In the case of a successful candidate at a primary 63628

election, if either the total contributions received by or the 63629
total expenditures made by the candidate's campaign committee 63630
during the preprimary, postprimary, pregeneral, and postgeneral 63631
election periods combined equal more than five hundred dollars, 63632
the campaign committee may file the statement under division 63633
(H)(1) of this section only for the primary election. The first 63634
statement that the campaign committee files in regard to the 63635
general election shall reflect all contributions received and all 63636
expenditures made during the preprimary and postprimary election 63637
periods. 63638

(3) Divisions (H)(1) and (2) of this section do not apply if 63639
a campaign committee receives contributions or makes expenditures 63640
prior to the first day of January of the year of the election at 63641
which the candidate seeks nomination or election to office or if 63642
the campaign committee does not file a termination statement with 63643
its postprimary election statement in the case of an unsuccessful 63644
primary election candidate or with its postgeneral election 63645
statement in the case of other candidates. 63646

(I) In the case of a contribution made by a partner of a 63647
partnership or an owner or a member of another unincorporated 63648
business from any funds of the partnership or other unincorporated 63649
business, all of the following apply: 63650

(1) The recipient of the contribution shall report the 63651
contribution by listing both the partnership or other 63652
unincorporated business and the name of the partner, owner, or 63653
member making the contribution. 63654

(2) In reporting the contribution, the recipient of the 63655
contribution shall be entitled to conclusively rely upon the 63656
information provided by the partnership or other unincorporated 63657
business, provided that the information includes one of the 63658
following: 63659

(a) The name of each partner, owner, or member as of the date 63660
of the contribution or contributions, and a statement that the 63661
total contributions are to be allocated equally among all of the 63662
partners, owners, or members; or 63663

(b) The name of each partner, owner, or member as of the date 63664
of the contribution or contributions who is participating in the 63665
contribution or contributions, and a statement that the 63666
contribution or contributions are to be allocated to those 63667
individuals in accordance with the information provided by the 63668
partnership or other unincorporated business to the recipient of 63669
the contribution. 63670

(3) For purposes of section 3517.102 of the Revised Code, the 63671
contribution shall be considered to have been made by the partner, 63672
owner, or member reported under division (I)(1) of this section. 63673

(4) No contribution from a partner of a partnership or an 63674
owner or a member of another unincorporated business shall be 63675
accepted from any funds of the partnership or other unincorporated 63676
business unless the recipient reports the contribution under 63677
division (I)(1) of this section together with the information 63678
provided under division (I)(2) of this section. 63679

(5) No partnership or other unincorporated business shall 63680
make a contribution or contributions solely in the name of the 63681
partnership or other unincorporated business. 63682

(6) As used in division (I) of this section, "partnership or 63683
other unincorporated business" includes, but is not limited to, a 63684
cooperative, a sole proprietorship, a general partnership, a 63685
limited partnership, a limited partnership association, a limited 63686
liability partnership, and a limited liability company. 63687

(J) A candidate shall have only one campaign committee at any 63688
given time for all of the offices for which the person is a 63689
candidate or holds office. 63690

(K)(1) In addition to filing a designation of appointment of a treasurer under division (D)(1) of this section, the campaign committee of any candidate for an elected municipal office that pays an annual amount of compensation of five thousand dollars or less, the campaign committee of any candidate for member of a board of education except member of the state board of education, or the campaign committee of any candidate for township trustee or township fiscal officer may sign, under penalty of election falsification, a certificate attesting that the committee will not accept contributions during an election period that exceed in the aggregate two thousand dollars from all contributors and one hundred dollars from any one individual, and that the campaign committee will not make expenditures during an election period that exceed in the aggregate two thousand dollars.

The certificate shall be on a form prescribed by the secretary of state and shall be filed not later than ten days after the candidate files a declaration of candidacy and petition, a nominating petition, or a declaration of intent to be a write-in candidate.

(2) Except as otherwise provided in division (K)(3) of this section, a campaign committee that files a certificate under division (K)(1) of this section is not required to file the statements required by division (A) of this section.

(3) If, after filing a certificate under division (K)(1) of this section, a campaign committee exceeds any of the limitations described in that division during an election period, the certificate is void and thereafter the campaign committee shall file the statements required by division (A) of this section. If the campaign committee has not previously filed a statement, then on the first statement the campaign committee is required to file under division (A) of this section after the committee's certificate is void, the committee shall report all contributions

received and expenditures made from the time the candidate filed 63723
the candidate's declaration of candidacy and petition, nominating 63724
petition, or declaration of intent to be a write-in candidate. 63725

(4) As used in division (K) of this section, "election 63726
period" means the period of time beginning on the day a person 63727
files a declaration of candidacy and petition, nominating 63728
petition, or declaration of intent to be a write-in candidate 63729
through the day of the election at which the person seeks 63730
nomination to office if the person is not elected to office, or, 63731
if the candidate was nominated in a primary election, the day of 63732
the election at which the candidate seeks office. 63733

(L) A political contributing entity that receives 63734
contributions from the dues, membership fees, or other assessments 63735
of its members or from its officers, shareholders, and employees 63736
may report the aggregate amount of contributions received from 63737
those contributors and the number of individuals making those 63738
contributions, for each filing period under divisions (A)(1), (2), 63739
(3), and (4) of this section, rather than reporting information as 63740
required under division (B)(4) of this section, including, when 63741
applicable, the name of the current employer, if any, of a 63742
contributor whose contribution exceeds one hundred dollars or, if 63743
such a contributor is self-employed, the contributor's occupation 63744
and the name of the contributor's business, if any. Division 63745
(B)(4) of this section applies to a political contributing entity 63746
with regard to contributions it receives from all other 63747
contributors. 63748

Sec. 3517.102. (A) Except as otherwise provided in section 63749
3517.103 of the Revised Code, as used in this section and sections 63750
3517.103 and 3517.104 of the Revised Code: 63751

(1) "Candidate" has the same meaning as in section 3517.01 of 63752
the Revised Code but includes only candidates for the offices of 63753

governor, lieutenant governor, secretary of state, auditor of 63754
state, treasurer of state, attorney general, member of the state 63755
board of education, member of the general assembly, chief justice 63756
of the supreme court, and justice of the supreme court. 63757

(2) "Statewide candidate" or "any one statewide candidate" 63758
means the joint candidates for the offices of governor and 63759
lieutenant governor or a candidate for the office of secretary of 63760
state, auditor of state, treasurer of state, attorney general, 63761
member of the state board of education, chief justice of the 63762
supreme court, or justice of the supreme court. 63763

(3) "Senate candidate" means a candidate for the office of 63764
state senator. 63765

(4) "House candidate" means a candidate for the office of 63766
state representative. 63767

(5)(a) "Primary election period" for a candidate begins on 63768
the beginning date of the candidate's pre-filing period specified 63769
in division (A)(9) of section 3517.109 of the Revised Code and 63770
ends on the day of the primary election. 63771

(b) In regard to any candidate, the "general election period" 63772
begins on the day after the primary election immediately preceding 63773
the general election at which the candidate seeks an office 63774
specified in division (A)(1) of this section and ends on the 63775
thirty-first day of December following that general election. 63776

(6) "State candidate fund" means the state candidate fund 63777
established by a state or county political party under division 63778
(D)(3)(c) of section 3517.10 of the Revised Code. 63779

(7) "Postgeneral election statement" means the statement 63780
filed under division (A)(2) of section 3517.10 of the Revised Code 63781
by the campaign committee of a candidate after the general 63782
election in which the candidate ran for office or filed by 63783
legislative campaign fund after the general election in an 63784

even-numbered year. 63785

(8) "Contribution" means any contribution that is required to 63786
be reported in the statement of contributions under section 63787
3517.10 of the Revised Code. 63788

(9)(a) Except as otherwise provided in division (A)(9)(b) of 63789
this section ~~and in division (F) of section 3517.103 and division~~ 63790
~~(B)(3)(b) of section 3517.1010 of the Revised Code~~, "designated 63791
state campaign committee" means: 63792

(i) In the case of contributions to or from a state political 63793
party, a campaign committee of a statewide candidate, statewide 63794
officeholder, senate candidate, house candidate, or member of the 63795
general assembly. 63796

(ii) In the case of contributions to or from a county 63797
political party, a campaign committee of a senate candidate or 63798
house candidate whose candidacy is to be submitted to some or all 63799
of the electors in that county, or member of the general assembly 63800
whose district contains all or part of that county. 63801

(iii) In the case of contributions to or from a legislative 63802
campaign fund, a campaign committee of any of the following: 63803

(I) A senate or house candidate who, if elected, will be a 63804
member of the same party that established the legislative campaign 63805
fund and the same house with which the legislative campaign fund 63806
is associated; 63807

(II) A state senator or state representative who is a member 63808
of the same party that established the legislative campaign fund 63809
and the same house with which the legislative campaign fund is 63810
associated. 63811

(b) A campaign committee is no longer a "designated state 63812
campaign committee" after the campaign committee's candidate 63813
changes the designation of treasurer required to be filed under 63814

division (D)(1) of section 3517.10 of the Revised Code to indicate 63815
that the person intends to be a candidate for, or becomes a 63816
candidate for nomination or election to, any office that, if 63817
elected, would not qualify that candidate's campaign committee as 63818
a "designated state campaign committee" under division (A)(9)(a) 63819
of this section. 63820

(B)(1)(a) No individual who is seven years of age or older 63821
shall make a contribution or contributions aggregating more than: 63822

(i) Ten thousand dollars to the campaign committee of any one 63823
statewide candidate in a primary election period or in a general 63824
election period; 63825

(ii) Ten thousand dollars to the campaign committee of any 63826
one senate candidate in a primary election period or in a general 63827
election period; 63828

(iii) Ten thousand dollars to the campaign committee of any 63829
one house candidate in a primary election period or in a general 63830
election period; 63831

(iv) Ten thousand dollars to a county political party of the 63832
county in which the individual's designated Ohio residence is 63833
located for the party's state candidate fund in a calendar year; 63834

(v) Fifteen thousand dollars to any one legislative campaign 63835
fund in a calendar year; 63836

(vi) Thirty thousand dollars to any one state political party 63837
for the party's state candidate fund in a calendar year; 63838

(vii) Ten thousand dollars to any one political action 63839
committee in a calendar year; 63840

(viii) Ten thousand dollars to any one political contributing 63841
entity in a calendar year. 63842

(b) No individual shall make a contribution or contributions 63843
to the state candidate fund of a county political party of any 63844

county other than the county in which the individual's designated 63845
Ohio residence is located. 63846

(c) No individual who is under seven years of age shall make 63847
any contribution. 63848

(2)(a) Subject to division (D)(1) of this section, no 63849
political action committee shall make a contribution or 63850
contributions aggregating more than: 63851

(i) Ten thousand dollars to the campaign committee of any one 63852
statewide candidate in a primary election period or in a general 63853
election period; 63854

(ii) Ten thousand dollars to the campaign committee of any 63855
one senate candidate in a primary election period or in a general 63856
election period; 63857

(iii) Ten thousand dollars to the campaign committee of any 63858
one house candidate in a primary election period or in a general 63859
election period; 63860

(iv) Fifteen thousand dollars to any one legislative campaign 63861
fund in a calendar year; 63862

(v) Thirty thousand dollars to any one state political party 63863
for the party's state candidate fund in a calendar year; 63864

(vi) Ten thousand dollars to another political action 63865
committee or to a political contributing entity in a calendar 63866
year. This division does not apply to a political action committee 63867
that makes a contribution to a political action committee or a 63868
political contributing entity affiliated with it. For purposes of 63869
this division, a political action committee is affiliated with 63870
another political action committee or with a political 63871
contributing entity if they are both established, financed, 63872
maintained, or controlled by, or if they are, the same 63873
corporation, organization, labor organization, continuing 63874

association, or other person, including any parent, subsidiary, 63875
division, or department of that corporation, organization, labor 63876
organization, continuing association, or other person. 63877

(b) No political action committee shall make a contribution 63878
or contributions to a county political party for the party's state 63879
candidate fund. 63880

(3) No campaign committee shall make a contribution or 63881
contributions aggregating more than: 63882

(a) Ten thousand dollars to the campaign committee of any one 63883
statewide candidate in a primary election period or in a general 63884
election period; 63885

(b) Ten thousand dollars to the campaign committee of any one 63886
senate candidate in a primary election period or in a general 63887
election period; 63888

(c) Ten thousand dollars to the campaign committee of any one 63889
house candidate in a primary election period or in a general 63890
election period; 63891

(d) Ten thousand dollars to any one political action 63892
committee in a calendar year; 63893

(e) Ten thousand dollars to any one political contributing 63894
entity in a calendar year. 63895

(4)(a) Subject to division (D)(3) of this section, no 63896
political party shall make a contribution or contributions 63897
aggregating more than ten thousand dollars to any one political 63898
action committee or to any one political contributing entity in a 63899
calendar year. 63900

(b) No county political party shall make a contribution or 63901
contributions to another county political party. 63902

(5)(a) Subject to division (B)(5)(b) of this section, no 63903
campaign committee, other than a designated state campaign 63904

committee, shall make a contribution or contributions aggregating 63905
in a calendar year more than: 63906

(i) Thirty thousand dollars to any one state political party 63907
for the party's state candidate fund; 63908

(ii) Fifteen thousand dollars to any one legislative campaign 63909
fund; 63910

(iii) Ten thousand dollars to any one county political party 63911
for the party's state candidate fund. 63912

(b) No campaign committee shall make a contribution or 63913
contributions to a county political party for the party's state 63914
candidate fund unless one of the following applies: 63915

(i) The campaign committee's candidate will appear on a 63916
ballot in that county. 63917

(ii) The campaign committee's candidate is the holder of an 63918
elected public office that represents all or part of the 63919
population of that county at the time the contribution is made. 63920

(6)(a) No state candidate fund of a county political party 63921
shall make a contribution or contributions, except a contribution 63922
or contributions to a designated state campaign committee, in a 63923
primary election period or a general election period, aggregating 63924
more than: 63925

(i) Two hundred fifty thousand dollars to the campaign 63926
committee of any one statewide candidate; 63927

(ii) Ten thousand dollars to the campaign committee of any 63928
one senate candidate; 63929

(iii) Ten thousand dollars to the campaign committee of any 63930
one house candidate. 63931

(b)(i) No state candidate fund of a state or county political 63932
party shall make a transfer or a contribution or transfers or 63933
contributions of cash or cash equivalents to a designated state 63934

campaign committee in a primary election period or in a general	63935
election period aggregating more than:	63936
(I) Five hundred thousand dollars to the campaign committee	63937
of any one statewide candidate;	63938
(II) One hundred thousand dollars to the campaign committee	63939
of any one senate candidate;	63940
(III) Fifty thousand dollars to the campaign committee of any	63941
one house candidate.	63942
(ii) No legislative campaign fund shall make a transfer or a	63943
contribution or transfers or contributions of cash or cash	63944
equivalents to a designated state campaign committee aggregating	63945
more than:	63946
(I) Fifty thousand dollars in a primary election period or	63947
one hundred thousand dollars in a general election period to the	63948
campaign committee of any one senate candidate;	63949
(II) Twenty-five thousand dollars in a primary election	63950
period or fifty thousand dollars in a general election period to	63951
the campaign committee of any one house candidate.	63952
(iii) As used in divisions (B)(6)(b) and (C)(6) of this	63953
section, "transfer or contribution of cash or cash equivalents"	63954
does not include any in-kind contributions.	63955
(c) A county political party that has no state candidate fund	63956
and that is located in a county having a population of less than	63957
one hundred fifty thousand may make one or more contributions from	63958
other accounts to any one statewide candidate or to any one	63959
designated state campaign committee that do not exceed, in the	63960
aggregate, two thousand five hundred dollars in any primary	63961
election period or general election period. As used in this	63962
division, "other accounts" does not include an account that	63963
contains the public moneys received from the Ohio political party	63964

fund under section 3517.17 of the Revised Code. 63965

(d) No legislative campaign fund shall make a contribution, 63966
other than to a designated state campaign committee or to the 63967
state candidate fund of a political party. 63968

(7)(a) Subject to division (D)(1) of this section, no 63969
political contributing entity shall make a contribution or 63970
contributions aggregating more than: 63971

(i) Ten thousand dollars to the campaign committee of any one 63972
statewide candidate in a primary election period or in a general 63973
election period; 63974

(ii) Ten thousand dollars to the campaign committee of any 63975
one senate candidate in a primary election period or in a general 63976
election period; 63977

(iii) Ten thousand dollars to the campaign committee of any 63978
one house candidate in a primary election period or in a general 63979
election period; 63980

(iv) Fifteen thousand dollars to any one legislative campaign 63981
fund in a calendar year; 63982

(v) Thirty thousand dollars to any one state political party 63983
for the party's state candidate fund in a calendar year; 63984

(vi) Ten thousand dollars to another political contributing 63985
entity or to a political action committee in a calendar year. This 63986
division does not apply to a political contributing entity that 63987
makes a contribution to a political contributing entity or a 63988
political action committee affiliated with it. For purposes of 63989
this division, a political contributing entity is affiliated with 63990
another political contributing entity or with a political action 63991
committee if they are both established, financed, maintained, or 63992
controlled by, or if they are, the same corporation, organization, 63993
labor organization, continuing association, or other person, 63994

including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person.

(b) No political contributing entity shall make a contribution or contributions to a county political party for the party's state candidate fund.

(C)(1)(a) Subject to division (D)(1) of this section, no campaign committee of a statewide candidate shall do any of the following:

(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age;

(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one other campaign committee in a primary election period or in a general election period;

(iii) Accept a contribution or contributions aggregating more than two hundred fifty thousand dollars from any one or combination of state candidate funds of county political parties in a primary election period or in a general election period.

(b) No campaign committee of a statewide candidate shall accept a contribution or contributions aggregating more than two thousand five hundred dollars in a primary election period or in a general election period from a county political party that has no state candidate fund and that is located in a county having a population of less than one hundred fifty thousand.

(2)(a) Subject to division (D)(1) of this section and except for a designated state campaign committee, no campaign committee of a senate candidate shall do either of the following:

(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 64025
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(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, from any one state candidate fund of a county political party, or from any one other campaign committee in a primary election period or in a general election period. 64027
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(b) No campaign committee of a senate candidate shall accept a contribution or contributions aggregating more than two thousand five hundred dollars in a primary election period or in a general election period from a county political party that has no state candidate fund and that is located in a county having a population of less than one hundred fifty thousand. 64034
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(3)(a) Subject to division (D)(1) of this section and except for a designated state campaign committee, no campaign committee of a house candidate shall do either of the following: 64040
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(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 64043
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(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, from any one state candidate fund of a county political party, or from any one other campaign committee in a primary election period or in a general election period. 64045
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(b) No campaign committee of a house candidate shall accept a contribution or contributions aggregating more than two thousand five hundred dollars in a primary election period or in a general election period from a county political party that has no state 64052
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candidate fund and that is located in a county having a population 64056
of less than one hundred fifty thousand. 64057

(4)(a)(i) Subject to division (C)(4)(a)(ii) of this section 64058
and except for a designated state campaign committee, no county 64059
political party shall knowingly accept a contribution or 64060
contributions from any individual who is under seven years of age, 64061
or accept a contribution or contributions for the party's state 64062
candidate fund aggregating more than ten thousand dollars from any 64063
one individual whose designated Ohio residence is located within 64064
that county and who is seven years of age or older or from any one 64065
campaign committee in a calendar year. 64066

(ii) Subject to division (D)(1) of this section, no county 64067
political party shall accept a contribution or contributions for 64068
the party's state candidate fund from any individual whose 64069
designated Ohio residence is located outside of that county and 64070
who is seven years of age or older, from any campaign committee 64071
unless the campaign committee's candidate will appear on a ballot 64072
in that county or unless the campaign committee's candidate is the 64073
holder of an elected public office that represents all or part of 64074
the population of that county at the time the contribution is 64075
accepted, or from any political action committee or any political 64076
contributing entity. 64077

(iii) No county political party shall accept a contribution 64078
or contributions from any other county political party. 64079

(b) Subject to division (D)(1) of this section, no state 64080
political party shall do either of the following: 64081

(i) Knowingly accept a contribution or contributions from any 64082
individual who is under seven years of age; 64083

(ii) Accept a contribution or contributions for the party's 64084
state candidate fund aggregating more than thirty thousand dollars 64085
from any one individual who is seven years of age or older, from 64086

any one political action committee, from any one political 64087
contributing entity, or from any one campaign committee, other 64088
than a designated state campaign committee, in a calendar year. 64089

(5) Subject to division (D)(1) of this section, no 64090
legislative campaign fund shall do either of the following: 64091

(a) Knowingly accept a contribution or contributions from any 64092
individual who is under seven years of age; 64093

(b) Accept a contribution or contributions aggregating more 64094
than fifteen thousand dollars from any one individual who is seven 64095
years of age or older, from any one political action committee, 64096
from any one political contributing entity, or from any one 64097
campaign committee, other than a designated state campaign 64098
committee, in a calendar year. 64099

(6)(a) No designated state campaign committee shall accept a 64100
transfer or contribution of cash or cash equivalents from a state 64101
candidate fund of a state political party aggregating in a primary 64102
election period or a general election period more than: 64103

(i) Five hundred thousand dollars, in the case of a campaign 64104
committee of a statewide candidate; 64105

(ii) One hundred thousand dollars, in the case of a campaign 64106
committee of a senate candidate; 64107

(iii) Fifty thousand dollars, in the case of a campaign 64108
committee of a house candidate. 64109

(b) No designated state campaign committee shall accept a 64110
transfer or contribution of cash or cash equivalents from a 64111
legislative campaign fund aggregating more than: 64112

(i) Fifty thousand dollars in a primary election period or 64113
one hundred thousand dollars in a general election period, in the 64114
case of a campaign committee of a senate candidate; 64115

(ii) Twenty-five thousand dollars in a primary election 64116

period or fifty thousand dollars in a general election period, in 64117
the case of a campaign committee of a house candidate. 64118

(c) No campaign committee of a candidate for the office of 64119
member of the general assembly, including a designated state 64120
campaign committee, shall accept a transfer or contribution of 64121
cash or cash equivalents from any one or combination of state 64122
candidate funds of county political parties aggregating in a 64123
primary election period or a general election period more than: 64124

(i) One hundred thousand dollars, in the case of a campaign 64125
committee of a senate candidate; 64126

(ii) Fifty thousand dollars, in the case of a campaign 64127
committee of a house candidate. 64128

(7)(a) Subject to division (D)(3) of this section, no 64129
political action committee and no political contributing entity 64130
shall do either of the following: 64131

(i) Knowingly accept a contribution or contributions from any 64132
individual who is under seven years of age; 64133

(ii) Accept a contribution or contributions aggregating more 64134
than ten thousand dollars from any one individual who is seven 64135
years of age or older, from any one campaign committee, or from 64136
any one political party in a calendar year. 64137

(b) Subject to division (D)(1) of this section, no political 64138
action committee shall accept a contribution or contributions 64139
aggregating more than ten thousand dollars from another political 64140
action committee or from a political contributing entity in a 64141
calendar year. Subject to division (D)(1) of this section, no 64142
political contributing entity shall accept a contribution or 64143
contributions aggregating more than ten thousand dollars from 64144
another political contributing entity or from a political action 64145
committee in a calendar year. This division does not apply to a 64146
political action committee or political contributing entity that 64147

accepts a contribution from a political action committee or 64148
political contributing entity affiliated with it. For purposes of 64149
this division, a political action committee is affiliated with 64150
another political action committee or with a political 64151
contributing entity if they are both established, financed, 64152
maintained, or controlled by the same corporation, organization, 64153
labor organization, continuing association, or other person, 64154
including any parent, subsidiary, division, or department of that 64155
corporation, organization, labor organization, continuing 64156
association, or other person. 64157

(D)(1)(a) For purposes of the limitations prescribed in 64158
division (B)(2) of this section and the limitations prescribed in 64159
divisions (C)(1), (2), (3), (4), (5), and (7)(b) of this section, 64160
whichever is applicable, all contributions made by and all 64161
contributions accepted from political action committees that are 64162
established, financed, maintained, or controlled by, or that are, 64163
the same corporation, organization, labor organization, continuing 64164
association, or other person, including any parent, subsidiary, 64165
division, or department of that corporation, organization, labor 64166
organization, continuing association, or other person, are 64167
considered to have been made by or accepted from a single 64168
political action committee. 64169

(b) For purposes of the limitations prescribed in division 64170
(B)(7) of this section and the limitations prescribed in divisions 64171
(C)(1), (2), (3), (4), (5), and (7)(b) of this section, whichever 64172
is applicable, all contributions made by and all contributions 64173
accepted from political contributing entities that are 64174
established, financed, maintained, or controlled by, or that are, 64175
the same corporation, organization, labor organization, continuing 64176
association, or other person, including any parent, subsidiary, 64177
division, or department of that corporation, organization, labor 64178
organization, continuing association, or other person, are 64179

considered to have been made by or accepted from a single 64180
political contributing entity. 64181

(2) As used in divisions (B)(1)(a)(vii), (B)(3)(d), 64182
(B)(4)(a), and (C)(7) of this section, "political action 64183
committee" does not include a political action committee that is 64184
organized to support or oppose a ballot issue or question and that 64185
makes no contributions to or expenditures on behalf of a political 64186
party, campaign committee, legislative campaign fund, political 64187
action committee, or political contributing entity. As used in 64188
divisions (B)(1)(a)(viii), (B)(3)(e), (B)(4)(a), and (C)(7) of 64189
this section, "political contributing entity" does not include a 64190
political contributing entity that is organized to support or 64191
oppose a ballot issue or question and that makes no contributions 64192
to or expenditures on behalf of a political party, campaign 64193
committee, legislative campaign fund, political action committee, 64194
or political contributing entity. 64195

(3) For purposes of the limitations prescribed in divisions 64196
(B)(4) and (C)(7)(a) of this section, all contributions made by 64197
and all contributions accepted from a national political party, a 64198
state political party, and a county political party are considered 64199
to have been made by or accepted from a single political party and 64200
shall be combined with each other to determine whether the 64201
limitations have been exceeded. 64202

(E)(1) If a legislative campaign fund has kept a total amount 64203
of contributions exceeding one hundred fifty thousand dollars at 64204
the close of business on the seventh day before the postgeneral 64205
election statement is required to be filed under section 3517.10 64206
of the Revised Code, the legislative campaign fund shall comply 64207
with division (E)(2) of this section. 64208

(2)(a) Any legislative campaign fund that has kept a total 64209
amount of contributions in excess of the amount specified in 64210
division (E)(1) of this section at the close of business on the 64211

seventh day before the postgeneral election statement is required 64212
to be filed under section 3517.10 of the Revised Code shall 64213
dispose of the excess amount in the manner prescribed in division 64214
(E)(2)(b)(i), (ii), or (iii) of this section not later than ninety 64215
days after the day the postgeneral election statement is required 64216
to be filed under section 3517.10 of the Revised Code. Any 64217
legislative campaign fund that is required to dispose of an excess 64218
amount of contributions under this division shall file a statement 64219
on the ninetieth day after the postgeneral election statement is 64220
required to be filed under section 3517.10 of the Revised Code 64221
indicating the total amount of contributions the fund has at the 64222
close of business on the seventh day before the postgeneral 64223
election statement is required to be filed under section 3517.10 64224
of the Revised Code and that the excess contributions were 64225
disposed of pursuant to this division and division (E)(2)(b) of 64226
this section. The statement shall be on a form prescribed by the 64227
secretary of state and shall contain any additional information 64228
the secretary of state considers necessary. 64229

(b) Any legislative campaign fund that is required to dispose 64230
of an excess amount of contributions under division (E)(2) of this 64231
section shall dispose of that excess amount by doing any of the 64232
following: 64233

(i) Giving the amount to the treasurer of state for deposit 64234
into the state treasury to the credit of the Ohio elections 64235
commission fund created by division (I) of section 3517.152 of the 64236
Revised Code; 64237

(ii) Giving the amount to individuals who made contributions 64238
to that legislative campaign fund as a refund of all or part of 64239
their contributions; 64240

(iii) Giving the amount to a corporation that is exempt from 64241
federal income taxation under subsection 501(a) and described in 64242
subsection 501(c) of the Internal Revenue Code. 64243

(F)(1) No legislative campaign fund shall fail to file a statement required by division (E) of this section. 64244
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(2) No legislative campaign fund shall fail to dispose of excess contributions as required by division (E) of this section. 64246
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(G) Nothing in this section shall affect, be used in determining, or supersede a limitation on campaign contributions as provided for in the Federal Election Campaign Act. 64248
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Sec. 3517.103. (A)~~(1)~~ For purposes of this section: 64251

~~(a)~~(1) "Statewide candidate" means the joint candidates for the offices of governor and lieutenant governor or a candidate for the office of secretary of state, auditor of state, treasurer of state, attorney general, or member of the state board of education. 64252
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~~(b)(i)~~(2)(a) "Personal funds" means contributions to the campaign committee of a candidate by the candidate ~~or by the candidate's spouse, parents, children, sons in law, daughters in law, brothers, sisters, grandparents, mother in law, father in law, brothers in law, sisters in law, or grandparents by marriage.~~ 64257
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~~(ii)~~(b) A loan obtained by, guaranteed by, or for the benefit of a statewide candidate, senate candidate, or house candidate shall be considered "personal funds" subject to the provisions of this section ~~and section 3517.1010 of the Revised Code to the extent that the loan is obtained or guaranteed by the candidate or is for the benefit of the candidate and is obtained or guaranteed by the candidate's spouse, parents, children, sons in law, daughters in law, brothers, sisters, grandparents, mother in law, father in law, brothers in law, sisters in law, or grandparents by marriage.~~ A loan that is obtained or guaranteed and that is for the benefit of a statewide candidate, senate candidate, or house 64263
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candidate shall not be considered "personal funds" for the 64274
purposes of this section ~~and section 3517.1010 of the Revised Code~~ 64275
but shall be considered to be a "contribution" for the purposes of 64276
this chapter if the loan is obtained or guaranteed by anyone other 64277
than the candidate ~~or the candidate's spouse, parents, children,~~ 64278
~~sons-in-law, daughters-in-law, brothers, sisters, grandparents,~~ 64279
~~mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or~~ 64280
~~grandparents by marriage.~~ 64281

~~(iii)(c)~~ When a debt or other obligation incurred by a 64282
committee or by a candidate on behalf of the candidate's committee 64283
~~described in division (C)(1) or (2) of this section~~ is to be paid 64284
from "personal funds," those funds are considered to be expended 64285
when the debt or other obligation is incurred, regardless of when 64286
it is paid. 64287

~~(2) For purposes of this chapter, a candidate is an~~ 64288
~~"opponent" when the candidate has indicated on the candidate's~~ 64289
~~most recently filed designation of treasurer that the candidate~~ 64290
~~seeks the same office at the same primary or general election as~~ 64291
~~another candidate whose campaign committee has filed a personal~~ 64292
~~funds notice required by division (C)(1) or (2) of this section.~~ 64293

(B)(1) Except as otherwise provided in division (B)(2) of 64294
this section, no statewide candidate or candidate for the office 64295
of member of the general assembly shall make an expenditure of 64296
personal funds to influence the results of an election for that 64297
candidate's nomination or election to office unless the personal 64298
funds are first deposited into the campaign fund of that 64299
candidate's campaign committee. 64300

(2) A statewide candidate or candidate for the office of 64301
member of the general assembly may make an expenditure of personal 64302
funds without first depositing those funds into the campaign 64303
committee's funds as long as the aggregate total of those 64304
expenditures does not exceed five hundred dollars at any time 64305

during an election period. After the candidate's campaign committee reimburses the candidate for any direct expenditure of personal funds, the amount that was reimbursed is no longer included in the aggregate total of expenditures of personal funds subject to the five-hundred-dollar limit.

~~(C)(1) If the campaign committee of any statewide candidate has received or expended or expects to expend more than one hundred thousand dollars of personal funds during a primary election period or one hundred fifty thousand dollars of personal funds during a general election period, the campaign committee shall file a personal funds notice in the manner provided in division (C)(3) of this section indicating that the committee has received or expended or expects to expend more than that amount. For the purpose of this division, a joint team of candidates for governor and lieutenant governor shall be considered a single candidate and their personal funds shall be combined.~~

~~(2) If the campaign committee of any senate candidate or house candidate has received or expended or expects to expend more than twenty five thousand dollars of personal funds during a primary election period or twenty five thousand dollars of personal funds during a general election period, the campaign committee shall file a personal funds notice in the manner provided in division (C)(3) of this section indicating that the committee has received or expended or expects to expend more than that amount.~~

~~(3) The personal funds notice required in divisions (C)(1) and (2) of this section and the declaration of no limits required under division (D)(2) of this section shall be on a form prescribed by the secretary of state. The personal funds notice required in divisions (C)(1) and (2) of this section shall be filed not later than the earlier of the following times:~~

~~(a) One hundred twenty days before a primary election, in the~~

~~ease of personal funds received, expended, or expected to be 64338
expended during a primary election period, or not later than one 64339
hundred twenty days before a general election, in the case of 64340
personal funds received, expended, or expected to be expended 64341
during a general election period; 64342~~

~~(b) Two business days after the candidate's campaign 64343
committee receives or makes an expenditure of personal funds or 64344
the candidate makes an expenditure of personal funds on behalf of 64345
the candidate's campaign committee during that election period 64346
that exceed, in the aggregate, the amount specified in division 64347
(C)(1) or (2) of this section. 64348~~

~~The personal funds notice required under divisions (C)(1) and 64349
(2) of this section and the declaration of no limits required 64350
under division (D)(2) of this section shall be filed wherever the 64351
campaign committee files statements of contributions and 64352
expenditures under section 3517.11 of the Revised Code. The board 64353
of elections shall send to the secretary of state a copy of any 64354
personal funds notice or declaration of no limits filed by the 64355
campaign committee of a senate candidate or house candidate under 64356
division (C)(3) or (D)(2) of this section. 64357~~

~~(D)(1) Whenever a campaign committee files a notice under 64358
division (C)(1) or (2) of this section, and the campaign committee 64359
of an opponent files a declaration of no limits pursuant to 64360
division (D)(2) of this section within thirty days of the filing 64361
of the personal funds notice under division (C)(1) or (2) of this 64362
section, the contribution limitations prescribed in section 64363
3517.102 of the Revised Code no longer apply to the campaign 64364
committee of the candidate's opponent. 64365~~

~~(2) No campaign committee of a candidate described in 64366
division (D)(1) of this section shall accept any contribution or 64367
contributions from a contributor that exceed the limitations 64368
prescribed in section 3517.102 of the Revised Code until the 64369~~

~~committee files a declaration that the committee will accept 64370
contributions that exceed those limitations. This declaration 64371
shall be filed not later than thirty days after a candidate's 64372
opponent has filed a personal funds notice pursuant to division 64373
(C)(1) or (2) of section 3517.103 of the Revised Code, shall be 64374
referred to as the "declaration of no limits," and shall list all 64375
of the following:~~ 64376

~~(a) The amount of cash on hand in the candidate's campaign 64377
fund at the end of the day immediately preceding the day on which 64378
the candidate's campaign committee files the declaration of no 64379
limits:~~ 64380

~~(b) The value and description of all campaign assets worth 64381
five hundred dollars or more available to the candidate at the end 64382
of the day immediately preceding the day on which the candidate's 64383
campaign committee files the declaration of no limits.~~ 64384

~~(3) A candidate who was not an opponent of a candidate who 64385
filed the personal funds notice required under division (C)(3) of 64386
this section on the date the personal funds notice was filed may 64387
file the declaration of no limits pursuant to division (D)(2) of 64388
this section within thirty days after becoming an opponent of the 64389
candidate who filed the personal funds notice.~~ 64390

~~(4) If the candidate whose campaign committee filed a 64391
personal funds notice under division (C)(1) or (2) of this section 64392
fails to file a declaration of candidacy for the office listed on 64393
the designation of treasurer filed under division (D) of section 64394
3517.10 of the Revised Code or files a declaration of candidacy or 64395
nominating petition for that office and dies or withdraws, both of 64396
the following apply to the campaign committee of that candidate's 64397
opponent if the opponent has filed a declaration of no limits 64398
pursuant to division (D) of this section:~~ 64399

~~(a) No contribution from a contributor may thereafter be 64400~~

~~accepted that, when added to the aggregate total of all 64401
contributions received by that committee from that contributor 64402
during the primary election period or general election period, 64403
whichever is applicable, would cause that committee to exceed the 64404
contribution limitations prescribed in section 3517.102 of the 64405
Revised Code for the applicable election period. 64406~~

~~(b) The statement of primary day finances or the year end 64407
statement required to be filed under division (E) of section 64408
3517.1010 of the Revised Code shall be filed not later than 64409
fourteen days after the date the candidate's opponent fails to 64410
file a declaration of candidacy or nominating petition by the 64411
appropriate filing deadline, or dies or withdraws. For purposes of 64412
calculating permitted funds under division (A)(4) of section 64413
3517.1010 of the Revised Code, the primary or general election 64414
period, whichever is applicable, shall be considered to have ended 64415
on the filing deadline, in the case of an opponent who fails to 64416
file a declaration of candidacy or nominating petition, or on the 64417
date of the opponent's death or withdrawal. In such an event, the 64418
filing of a statement of primary day finances or year end finances 64419
and the disposing of any excess funds as required under division 64420
(B) of section 3517.1010 of the Revised Code satisfies the 64421
candidate's obligation to file such a statement for that election 64422
period. 64423~~

~~(E)(1) No campaign committee shall fail to file a personal 64424
funds notice as required under division (C)(1) or (2) of this 64425
section. 64426~~

~~(2) No campaign committee shall accept any contribution in 64427
excess of the contribution limitations prescribed in section 64428
3517.102 of the Revised Code: 64429~~

~~(a) Unless a declaration of no limits has been filed under 64430
division (D)(2) of this section: 64431~~

~~(b) In violation of division (D)(4) of this section once the candidate who filed a personal funds notice under division (C)(3) of this section fails to file a declaration of candidacy or nominating petition or that candidate dies or withdraws.~~ 64432
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~~(3) No campaign committee that violates division (E)(1) of this section shall expend any personal funds in excess of the amount specified in division (C)(1) or (2) of this section, whichever is appropriate to the committee.~~ 64436
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~~(4) The candidate of any campaign committee that violates division (E) of this section shall forfeit the candidate's nomination, if the candidate was nominated, or the office to which the candidate was elected, if the candidate was elected to office.~~ 64440
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~~(F)(1) Whenever a campaign committee files a notice under division (C)(1) or (2) of this section or whenever the contribution limitations prescribed in section 3517.102 of the Revised Code do not apply to a campaign committee under division (D)(1) of this section, that committee is not a designated state campaign committee for the purpose of the limitations prescribed in section 3517.102 of the Revised Code with regard to contributions made by that campaign committee to a legislative campaign fund or to a state candidate fund of a state or county political party.~~ 64444
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~~(2) Division (F)(1) of this section no longer applies to a campaign committee after both of the following occur:~~ 64454
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~~(a) The primary or general election period during which the contribution limitations prescribed in section 3517.102 of the Revised Code did not apply after being removed pursuant to division (D) of this section has expired;~~ 64456
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~~(b) When the campaign committee has disposed of all excess funds and excess aggregate contributions as required under section 3517.1010 of the Revised Code.~~ 64460
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Sec. 3517.153. (A) Upon the filing of a complaint with the 64463
Ohio elections commission, which shall be made by affidavit of any 64464
person, on personal knowledge, and subject to the penalties for 64465
perjury, or upon the filing of a complaint made by the secretary 64466
of state or an official at the board of elections, setting forth a 64467
failure to comply with or a violation of any provision in sections 64468
3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, 64469
or 3599.031 of the Revised Code, the commission shall proceed in 64470
accordance with sections 3517.154 to 3517.157 of the Revised Code. 64471

(B) The commission shall prescribe the form for complaints 64472
made under division (A) of this section. The secretary of state 64473
and boards of elections shall furnish the information that the 64474
commission requests. The commission or a member of the commission 64475
may administer oaths, and the commission may issue subpoenas to 64476
any person in the state compelling the attendance of witnesses and 64477
the production of relevant papers, books, accounts, and reports. 64478
Section 101.42 of the Revised Code governs the issuance of 64479
subpoenas insofar as applicable. Upon the refusal of any person to 64480
obey a subpoena or to be sworn or to answer as a witness, the 64481
commission may apply to the court of common pleas of Franklin 64482
county under section 2705.03 of the Revised Code. The court shall 64483
hold proceedings in accordance with Chapter 2705. of the Revised 64484
Code. 64485

(C) No prosecution shall commence for a violation of a 64486
provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 64487
3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code 64488
unless a complaint has been filed with the commission under this 64489
section and all proceedings of the commission or a panel of the 64490
commission, as appropriate, under sections 3517.154 to 3517.157 of 64491
the Revised Code are completed. 64492

(D) The commission may recommend legislation and render 64493

advisory opinions concerning sections 3517.08, 3517.082, 3517.092, 64494
3517.102, ~~3517.103~~, 3517.105, 3517.1014, 3517.13, 3517.18, 3517.20 64495
to 3517.22, 3599.03, and 3599.031 of the Revised Code for persons 64496
over whose acts it has or may have jurisdiction. When the 64497
commission renders an advisory opinion relating to a specific set 64498
of circumstances involving any of those sections stating that 64499
there is no violation of a provision in those sections, the person 64500
to whom the opinion is directed or a person who is similarly 64501
situated may reasonably rely on the opinion and is immune from 64502
criminal prosecution and a civil action, including, without 64503
limitation, a civil action for removal from public office or 64504
employment, based on facts and circumstances covered by the 64505
opinion. 64506

(E) The commission shall establish a web site on which it 64507
shall post, at a minimum, all decisions and advisory opinions 64508
issued by the commission and copies of each election law as it is 64509
amended by the general assembly. The commission shall update the 64510
web site regularly to reflect any changes to those decisions and 64511
advisory opinions and any new decisions and advisory opinions. 64512

Sec. 3517.154. (A)(1) The full-time attorney for the Ohio 64513
elections commission shall review each complaint filed with the 64514
commission under section 3517.153 of the Revised Code, shall 64515
determine the nature of the complaint, and, unless division 64516
(A)(2)(a) of this section requires that the complaint receive an 64517
automatic expedited hearing, shall make a recommendation to the 64518
commission for its disposition, in accordance with this section. 64519
The attorney shall make the determination and the recommendation, 64520
if required, not later than one business day after the complaint 64521
is filed. 64522

(2)(a) If the attorney determines that the complaint sets 64523
forth a violation of division (B) of section 3517.21 or division 64524

(B) of section 3517.22 of the Revised Code and that the complaint 64525
is filed during one of the periods of time specified in division 64526
(B)(1) of section 3517.156 of the Revised Code, ~~or that the~~ 64527
~~complaint sets forth a violation of section 3517.103 of the~~ 64528
~~Revised Code or a violation described in division (D) of section~~ 64529
~~3517.1010 of the Revised Code,~~ the complaint shall receive an 64530
automatic expedited hearing under section 3517.156 of the Revised 64531
Code. 64532

(b) If the attorney determines that the complaint sets forth 64533
a failure to comply with or a violation of division (G), (I), (J), 64534
(O), (P), or (Q) of section 3517.13, division (A) of section 64535
3517.21, or division (A) of section 3517.22 of the Revised Code 64536
and that the complaint is filed during one of the periods of time 64537
specified in division (B)(1) of section 3517.156 of the Revised 64538
Code, the attorney shall recommend to the commission that the 64539
complaint receive an expedited hearing under section 3517.156 of 64540
the Revised Code, and the complaint shall receive such a hearing. 64541

(c) If the attorney determines that the complaint sets forth 64542
a failure to comply with or a violation of a section of the 64543
Revised Code over which the commission has jurisdiction to hear 64544
complaints other than the sections described in divisions 64545
(A)(2)(a) and (b) of this section, and unless the attorney makes a 64546
determination as provided for in division (A)(3) of this section, 64547
the attorney shall recommend to the commission that the complaint 64548
be submitted to the commission under section 3517.155 of the 64549
Revised Code. After the attorney makes that recommendation, the 64550
attorney shall notify all parties to the complaint of the 64551
attorney's recommendation. 64552

(3)(a) If a complaint sets forth a failure to comply with or 64553
a violation of a section of the Revised Code over which the 64554
commission has jurisdiction to hear complaints other than the 64555
sections described in divisions (A)(2)(a) and (b) of this section 64556

and if the complaint is filed during one of the periods of time 64557
specified in division (B)(1) of section 3517.156 of the Revised 64558
Code, the attorney may determine that the complaint should receive 64559
an expedited hearing under that section. The attorney shall make 64560
that determination by considering one or more of the following: 64561

(i) The number of prior failures to comply with or violations 64562
of Title XXXV of the Revised Code that the person or entity 64563
against whom the complaint has been brought has committed and any 64564
prior penalties the commission has imposed on the person or 64565
entity; 64566

(ii) If the complaint involves a statement required to be 64567
filed under section 3517.10, division (E) of section 3517.102, or 64568
section ~~3517.103~~, 3517.105, 3517.107, 3517.108, 3517.109, 64569
3517.1011, 3517.1012, or 3517.1014 of the Revised Code or an 64570
addendum required to be filed under section 3517.11 of the Revised 64571
Code that is filed late, how late the filing is and how much time 64572
has elapsed between the deadline for filing the statement or 64573
addendum and the filing of the complaint; 64574

(iii) If the complaint involves contributions and 64575
expenditures, contributions and disbursements, deposits and 64576
disbursements, gifts and disbursements, or donations and 64577
disbursements required to be reported under section 3517.10, 64578
division (E) of section 3517.102, or section 3517.105, 3517.107, 64579
3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 64580
of the Revised Code that are either not reported or reported late, 64581
the number of contributions and expenditures, contributions and 64582
disbursements, deposits and disbursements, gifts and 64583
disbursements, or donations and disbursements not reported or how 64584
late they were reported; 64585

(iv) If the complaint involves contributions required to be 64586
reported by a campaign committee under section 3517.10, division 64587
(E) of section 3517.102, or section 3517.105, 3517.107, 3517.108, 64588

or 3517.109 of the Revised Code that are not reported, whether any 64589
of the contributors of the contributions not reported have a 64590
personal or professional relationship with the campaign 64591
committee's candidate; 64592

(v) If the complaint involves a statement required to be 64593
filed under section 3517.10, division (E) of section 3517.102, or 64594
section ~~3517.103~~, 3517.105, 3517.107, 3517.108, 3517.109, 64595
3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised Code 64596
that is incomplete, the degree to which it is incomplete; 64597

(vi) If the complaint involves the receipt of contributions 64598
in violation of section 3599.03 of the Revised Code, the dollar 64599
amount and number of contributions received in violation of that 64600
section; 64601

(vii) If the complaint involves a failure to make the 64602
identification or a misstatement of the identification required 64603
under section 3517.105 or 3517.20 of the Revised Code, whether the 64604
failure or misstatement was purposely made; 64605

(viii) If the complaint sets forth a failure to comply with 64606
or a violation of a section of the Revised Code described in 64607
division (A)(2)(c) of this section, whether the person or entity 64608
against whom the complaint has been made has committed more than 64609
one such failure or violation within a reasonable amount of time, 64610
or whether the cumulative nature of the failures or violations 64611
indicates a systematic disregard for the law. 64612

(b) Prior to making a determination under division (A)(3)(a) 64613
of this section that the complaint should receive an expedited 64614
hearing under section 3517.156 of the Revised Code, the attorney 64615
shall take into consideration the number of panels of the 64616
commission that have cases pending before them and the number of 64617
cases pending before the panels and shall not make a determination 64618
that will place an undue burden on a panel of the commission. 64619

(c) If the attorney determines that the complaint should receive an expedited hearing under section 3517.156 of the Revised Code, the attorney shall recommend to the commission that the complaint receive an expedited hearing, and, if a majority of the members of the commission agrees with the recommendation, the complaint shall receive an expedited hearing under that section.

(4) The attorney may join two or more complaints if the attorney determines that the allegations in each complaint are of the same or similar character, are based on the same act or failure to act, or are based on two or more acts or failures to act constituting parts of a common scheme or plan. If one complaint contains two or more allegations, the attorney may separate the allegations if they are not of the same or similar character, if they are not based on the same act or failure to act, or if they are not based on two or more acts or failures to act constituting parts of a common scheme or plan. If the attorney separates the allegations in a complaint, the attorney may make separate recommendations under division (A)(2) or (3) of this section for each allegation.

(B) Whenever a person or other entity files a complaint with the commission setting forth a failure to comply with or a violation of a section of the Revised Code as described in division (A)(2)(c) of this section and the complaint is filed during one of the periods of time specified in division (B)(1) of section 3517.156 of the Revised Code, the person or entity may request an expedited hearing under that section at the time the complaint is filed. The attorney for the commission shall inform the members of the commission of that request at the time the attorney makes a recommendation under division (A) of this section. The commission may grant the request for an expedited hearing under this division if it determines that an expedited hearing is practicable.

Sec. 3517.155. (A)(1) Except as otherwise provided in 64652
division (B) of this section, the Ohio elections commission shall 64653
hold its first hearing on a complaint filed with it, other than a 64654
complaint that receives an expedited hearing under section 64655
3517.156 of the Revised Code, not later than ninety business days 64656
after the complaint is filed unless the commission has good cause 64657
to hold the hearing after that time, in which case it shall hold 64658
the hearing not later than one hundred eighty business days after 64659
the complaint is filed. At the hearing, the commission shall 64660
determine whether or not the failure to act or the violation 64661
alleged in the complaint has occurred and shall do only one of the 64662
following, except as otherwise provided in division (B) of this 64663
section or in division (B) of section 3517.151 of the Revised 64664
Code: 64665

(a) Enter a finding that good cause has been shown not to 64666
impose a fine or not to refer the matter to the appropriate 64667
prosecutor; 64668

(b) Impose a fine under section 3517.993 of the Revised Code; 64669

(c) Refer the matter to the appropriate prosecutor; 64670

~~(d) Direct the secretary of state or appropriate board of 64671
elections with the authority to certify a candidate to the ballot 64672
to remove a candidate's name from the ballot if the candidate is 64673
barred from the ballot under division (D) of section 3517.1010 of 64674
the Revised Code. 64675~~

(2) As used in division (A) of this section, "appropriate 64676
prosecutor" means a prosecutor as defined in section 2935.01 of 64677
the Revised Code and either of the following: 64678

(a) In the case of a failure to comply with or a violation of 64679
law involving a campaign committee or the committee's candidate, a 64680
political party, a legislative campaign fund, a political action 64681

committee, or a political contributing entity, that is required to 64682
file a statement of contributions and expenditures with the 64683
secretary of state under division (A) of section 3517.11 of the 64684
Revised Code, the prosecutor of Franklin county; 64685

(b) In the case of a failure to comply with or a violation of 64686
law involving any other campaign committee or committee's 64687
candidate, or any other political party, political action 64688
committee, or political contributing entity either of the 64689
following as determined by the commission: 64690

(i) The prosecutor of Franklin county; 64691

(ii) The prosecutor of the county in which the candidacy or 64692
ballot question or issue is submitted to the electors or, if it is 64693
submitted in more than one county, the most populous of those 64694
counties. 64695

(B) If the commission decides that the evidence is 64696
insufficient for it to determine whether or not the failure to act 64697
or the violation alleged in the complaint has occurred, the 64698
commission, by the affirmative vote of five members, may request 64699
that an investigatory attorney investigate the complaint. Upon 64700
that request, an investigatory attorney shall make an 64701
investigation in order to produce sufficient evidence for the 64702
commission to decide the matter. If the commission requests an 64703
investigation under this division, for good cause shown by the 64704
investigatory attorney, the commission may extend by sixty days 64705
the deadline for holding its first hearing on the complaint as 64706
required in division (A) of this section. 64707

(C) The commission shall take one of the actions required 64708
under division (A) of this section not later than thirty days 64709
after the close of all the evidence presented. 64710

(D)(1) The commission shall make any finding of a failure to 64711
comply with or a violation of law in regard to a complaint that 64712

alleges a violation of ~~division (D) of section 3517.1010~~, division 64713
(A) or (B) of section 3517.21, or division (A) or (B) of section 64714
3517.22 of the Revised Code by clear and convincing evidence. The 64715
commission shall make any finding of a failure to comply with or a 64716
violation of law in regard to any other complaint by a 64717
preponderance of the evidence. 64718

(2) If the commission finds a violation of division (B) of 64719
section 3517.21 or division (B) of section 3517.22 of the Revised 64720
Code, it shall refer the matter to the appropriate prosecutor 64721
under division (A)(1)(c) of this section and shall not impose a 64722
fine under division (A)(1)(b) of this section or section 3517.993 64723
of the Revised Code. 64724

(E) In an action before the commission or a panel of the 64725
commission, if the allegations of the complainant are not proved, 64726
and the commission takes the action described in division 64727
(A)(1)(a) of this section or a panel of the commission takes the 64728
action described in division (C)(1) of section 3517.156 of the 64729
Revised Code, the commission or a panel of the commission may find 64730
that the complaint is frivolous, and, if the commission or panel 64731
so finds, the commission shall order the complainant to pay 64732
reasonable attorney's fees and to pay the costs of the commission 64733
or panel as determined by a majority of the members of the 64734
commission. The costs paid to the commission or panel under this 64735
division shall be deposited into the Ohio elections commission 64736
fund. 64737

Sec. 3517.20. (A)(1) As used in this section: 64738

(a) "Political publication for or against a candidate" means 64739
a notice, placard, advertisement, sample ballot, brochure, flyer, 64740
direct mailer, or other form of general publication that is 64741
designed to promote the nomination, election, or defeat of a 64742
candidate. 64743

(b) "Political publication for or against an issue" means a notice, placard, advertisement, sample ballot, brochure, flyer, direct mailer, or other form of general publication that is designed to promote the adoption or defeat of a ballot issue or question or to influence the voters in an election.

(c) "Public political advertising" means newspapers, magazines, outdoor advertising facilities, direct mailings, or other similar types of general public political advertising, or flyers, handbills, or other nonperiodical printed matter.

(d) "Statewide candidate" has the same meaning as in section 3517.102 of the Revised Code.

(e) "Legislative candidate" means a candidate for the office of member of the general assembly.

(f) "Local candidate" means a candidate for an elective office of a political subdivision of this state.

(g) "Legislative campaign fund" has the same meaning as in section 3517.01 of the Revised Code.

(h) "Limited political action committee" means a political action committee of fewer than ten members.

(i) "Limited political contributing entity" means a political contributing entity of fewer than ten members.

(j) "Designated amount" means one hundred dollars in the case of a local candidate or a local ballot issue, two hundred fifty dollars in the case of a legislative candidate, or five hundred dollars in the case of a statewide candidate or a statewide ballot issue.

(k) "To issue" includes to print, post, distribute, reproduce for distribution, or cause to be issued, printed, posted, distributed, or reproduced for distribution.

(l) "Telephone bank" means more than five hundred telephone

calls of an identical or substantially similar nature within any 64774
thirty-day period, whether those telephone calls are made by 64775
individual callers or by recording. 64776

(2)(a) No ~~candidate, legislative campaign fund,~~ political 64777
party, or other entity, except a political action committee, a 64778
political contributing entity, a candidate, a legislative campaign 64779
fund, or a campaign committee, shall issue a form of political 64780
publication for or against a candidate, or shall make an 64781
expenditure for the purpose of financing political communications 64782
in support of or opposition to a candidate through public 64783
political advertising, unless the name and residence or business 64784
address of the candidate or the chairperson, treasurer, or 64785
secretary of the legislative campaign fund, political party, or 64786
other entity that issues or otherwise is responsible for that 64787
political publication or that makes an expenditure for that 64788
political communication appears in a conspicuous place on that 64789
political publication or is contained within that political 64790
communication. 64791

(b) No candidate, legislative campaign fund, or campaign 64792
committee shall issue a form of political publication for or 64793
against a candidate, or shall make an expenditure for the purpose 64794
of financing political communications in support of or opposition 64795
to a candidate through public political advertising, unless the 64796
name of the ~~campaign committee~~ entity appears in a conspicuous 64797
place on that political publication or is contained within that 64798
political communication. 64799

(3) No limited political action committee or limited 64800
political contributing entity shall do either of the following 64801
unless the name and residence or business address of the 64802
chairperson, treasurer, or secretary of the limited political 64803
action committee or limited political contributing entity involved 64804
appears in a conspicuous place in the political publication for or 64805

against a candidate described in division (A)(3)(a) of this 64806
section or is contained within the political communication 64807
described in division (A)(3)(b) of this section: 64808

(a) Issue a form of political publication for or against a 64809
candidate that costs in excess of the designated amount or that is 64810
issued in cooperation, consultation, or concert with, or at the 64811
request or suggestion of, a candidate, a campaign committee, a 64812
legislative campaign fund, a political party, a political action 64813
committee with ten or more members, a political contributing 64814
entity with ten or more members, or a limited political action 64815
committee or limited political contributing entity that spends in 64816
excess of the designated amount on a related or the same or 64817
similar political publication for or against a candidate; 64818

(b) Make an expenditure in excess of the designated amount in 64819
support of or opposition to a candidate or make an expenditure in 64820
cooperation, consultation, or concert with, or at the request or 64821
suggestion of, a candidate, a campaign committee, a legislative 64822
campaign fund, a political party, a political action committee 64823
with ten or more members, a political contributing entity with ten 64824
or more members, or a limited political action committee or 64825
limited political contributing entity that spends in excess of the 64826
designated amount in support of or opposition to the same 64827
candidate, for the purpose of financing political communications 64828
in support of or opposition to that candidate through public 64829
political advertising. 64830

(4) No political action committee with ten or more members 64831
and no political contributing entity with ten or more members 64832
shall issue a form of political publication for or against a 64833
candidate, or shall make an expenditure for the purpose of 64834
financing political communications in support of or opposition to 64835
a candidate through public political advertising, unless the name 64836
and residence or business address of the chairperson, treasurer, 64837

or secretary of the political action committee or political 64838
contributing entity that issues or otherwise is responsible for 64839
that political publication or that makes an expenditure for that 64840
political communication through public political advertising 64841
appears in a conspicuous place in that political publication or is 64842
contained within that political communication. 64843

(5)(a) No corporation, labor organization, ~~legislative~~ 64844
~~campaign fund~~, political party, or other entity, except a 64845
political action committee, a legislative campaign fund, or a 64846
campaign committee, shall issue a form of political publication 64847
for or against an issue, or shall make an expenditure for the 64848
purpose of financing political communications in support of or 64849
opposition to a ballot issue or question through public political 64850
advertising, unless the name and residence or business address of 64851
the chairperson, treasurer, or secretary of the corporation, labor 64852
organization, ~~legislative campaign fund~~, political party, or other 64853
entity that issues or otherwise is responsible for that political 64854
publication or that makes an expenditure for that political 64855
communication through public political advertising appears in a 64856
conspicuous place in that political publication or is contained 64857
within that political communication. 64858

(b) No campaign committee or legislative campaign fund shall 64859
issue a form of political publication for or against an issue, or 64860
shall make an expenditure for the purpose of financing political 64861
communications in support of or opposition to a ballot issue or 64862
question through public political advertising, unless the name of 64863
the campaign committee or legislative campaign fund appears in a 64864
conspicuous place in that political publication or is contained 64865
within that political communication. 64866

(6) No limited political action committee shall do either of 64867
the following unless the name and residence or business address of 64868
the chairperson, treasurer, or secretary of the limited political 64869

action committee involved appears in a conspicuous place in the 64870
political publication for or against a ballot issue described in 64871
division (A)(6)(a) of this section or is contained within the 64872
political communication described in division (A)(6)(b) of this 64873
section: 64874

(a) Issue a form of political publication for or against a 64875
ballot issue that costs in excess of the designated amount or that 64876
is issued in cooperation, consultation, or concert with, or at the 64877
request or suggestion of, a candidate, a campaign committee, a 64878
legislative campaign fund, a political party, a political action 64879
committee with ten or more members, or a limited political action 64880
committee that spends in excess of the designated amount for a 64881
related or the same or similar political publication for or 64882
against an issue; 64883

(b) Make an expenditure in excess of the designated amount in 64884
support of or opposition to a ballot issue or make an expenditure 64885
in cooperation, consultation, or concert with, or at the request 64886
or suggestion of, a candidate, a campaign committee, a legislative 64887
campaign fund, a political party, a political action committee 64888
with ten or more members, or a limited political action committee 64889
that spends in excess of the designated amount in support of or 64890
opposition to the same ballot issue, for the purpose of financing 64891
political communications in support of or opposition to that 64892
ballot issue through public political advertising. 64893

(7) No political action committee with ten or more members 64894
shall issue a form of political publication for or against an 64895
issue, or shall make an expenditure for the purpose of financing 64896
political communications in support of or opposition to a ballot 64897
issue or question through public political advertising, unless the 64898
name and residence or business address of the chairperson, 64899
treasurer, or secretary of the political action committee that 64900
issues or otherwise is responsible for that political publication 64901

or that makes an expenditure for that political communication 64902
appears in a conspicuous place in that political publication or is 64903
contained within that political communication. 64904

(8) The disclaimer "paid political advertisement" is not 64905
sufficient to meet the requirements of this section. 64906

(9) If the political publication described in division (A) of 64907
this section is issued by the regularly constituted central or 64908
executive committee of a political party that is organized as 64909
provided in this chapter, it shall be sufficiently identified if 64910
it bears the name of the committee and its chairperson or 64911
treasurer. 64912

(10) If more than one piece of printed matter or printed 64913
political communications are mailed as a single packet, the 64914
requirements of division (A) of this section are met if one of the 64915
pieces of printed matter or printed political communications in 64916
the packet contains the name and residence or business address of 64917
the chairperson, treasurer, or secretary of the organization or 64918
entity that issues or is responsible for the printed matter or 64919
other printed political communications, except that if a campaign 64920
committee or legislative campaign fund mails more than one piece 64921
of printed matter or printed political communications as a single 64922
packet, the requirements of division (A) of this section are met 64923
if one of the pieces of printed matter or printed political 64924
communications in the packet contains the name of the campaign 64925
committee or legislative campaign fund. 64926

(11) This section does not apply to the transmittal of 64927
personal correspondence that is not reproduced by machine for 64928
general distribution. 64929

(12) The secretary of state, by rule, may exempt from the 64930
requirements of this section, printed matter and certain other 64931
kinds of printed communications such as campaign buttons, 64932

balloons, pencils, or similar items, the size or nature of which 64933
makes it unreasonable to add an identification or disclaimer. 64934

(13) The disclaimer or identification described in division 64935
(A) of this section, when paid for by a candidate, legislative 64936
campaign fund, or campaign committee, shall be identified by the 64937
words "paid for by" followed by the name of the ~~campaign committee~~ 64938
~~and the appropriate officer of the committee, identified by name~~ 64939
~~and title~~ entity. The identification or disclaimer may use 64940
reasonable abbreviations for common terms such as "~~treasurer~~" or 64941
"committee". 64942

(B)(1) No candidate, campaign committee, legislative campaign 64943
fund, political party, political action committee, limited 64944
political action committee, political contributing entity, limited 64945
political contributing entity, or other entity shall utter or 64946
cause to be uttered, over the broadcasting facilities of any radio 64947
or television station within this state, any communication that is 64948
designed to promote the nomination, election, or defeat of a 64949
candidate, or the adoption or defeat of an issue or to influence 64950
the voters in an election, unless the speaker identifies the 64951
speaker with the speaker's name and residence address or unless 64952
the communication identifies the chairperson, treasurer, or 64953
secretary of the organization responsible for the communication 64954
with the name and residence or business address of that officer, 64955
except that communications by radio need not broadcast the 64956
residence or business address of the officer. However, a radio 64957
station, for a period of at least six months, shall keep the 64958
residence or business address on file and divulge it to any person 64959
upon request. 64960

No person operating a broadcast station or an organ of 64961
printed media shall broadcast or print a paid political 64962
communication that does not contain the identification required by 64963
this section. 64964

(2) Division (B) of this section does not apply to any 64965
communications made on behalf of a radio or television station or 64966
network by any employee of such radio or television station or 64967
network while acting in the course of the employee's employment. 64968

(3) No candidate or entity described in division (B)(1) of 64969
this section shall use or cause to be used a false, fictitious, or 64970
fraudulent name or address in the making or issuing of a 64971
publication or communication included within the provisions of 64972
this section. 64973

(C) No candidate, campaign committee, legislative campaign 64974
fund, political party, political action committee, limited 64975
political action committee, political contributing entity, limited 64976
political contributing entity, or other person or entity shall 64977
conduct a telephone bank for the purpose of promoting the 64978
nomination, election, or defeat of a candidate or the adoption or 64979
defeat of an issue or to influence the voters in an election, 64980
unless the call includes a disclaimer that identifies the name of 64981
the candidate, campaign committee, legislative campaign fund, 64982
political party, political action committee, limited political 64983
action committee, political contributing entity, limited political 64984
contributing entity, or other person or entity paying for the 64985
telephone bank. 64986

(D) Before a prosecution may commence under this section, a 64987
complaint shall be filed with the Ohio elections commission under 64988
section 3517.153 of the Revised Code. After the complaint is 64989
filed, the commission shall proceed in accordance with sections 64990
3517.154 to 3517.157 of the Revised Code. 64991

Sec. 3517.992. This section establishes penalties only with 64992
respect to acts or failures to act that occur on and after August 64993
24, 1995. 64994

(A)(1) A candidate whose campaign committee violates division 64995

(A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, 64996
or a treasurer of a campaign committee who violates any of those 64997
divisions, shall be fined not more than one hundred dollars for 64998
each day of violation. 64999

(2) Whoever violates division (E) or (X)(5) of section 65000
3517.13 or division (E)(1) of section 3517.1014 of the Revised 65001
Code shall be fined not more than one hundred dollars for each day 65002
of violation. 65003

(B) A political party that violates division (F)(1) of 65004
section 3517.101 of the Revised Code shall be fined not more than 65005
one hundred dollars for each day of violation. 65006

(C) Whoever violates division (F)(2) of section 3517.101, 65007
division (G) of section 3517.13, or division (E)(2) or (3) of 65008
section 3517.1014 of the Revised Code shall be fined not more than 65009
ten thousand dollars or, if the offender is a person who was 65010
nominated or elected to public office, shall forfeit the 65011
nomination or the office to which the offender was elected, or 65012
both. 65013

(D) Whoever violates division (F) of section 3517.13 of the 65014
Revised Code shall be fined not more than three times the amount 65015
contributed. 65016

(E) Whoever violates division (H) of section 3517.13 of the 65017
Revised Code shall be fined not more than one hundred dollars. 65018

(F) Whoever violates division (O), (P), or (Q) of section 65019
3517.13 of the Revised Code is guilty of a misdemeanor of the 65020
first degree. 65021

(G) A state or county committee of a political party that 65022
violates division (B)(1) of section 3517.18 of the Revised Code 65023
shall be fined not more than twice the amount of the improper 65024
expenditure. 65025

(H) A state or county political party that violates division 65026
(G) of section 3517.101 of the Revised Code shall be fined not 65027
more than twice the amount of the improper expenditure or use. 65028

(I)(1) Any individual who violates division (B)(1) of section 65029
3517.102 of the Revised Code and knows that the contribution the 65030
individual makes violates that division shall be fined an amount 65031
equal to three times the amount contributed in excess of the 65032
amount permitted by that division. 65033

(2) Any political action committee that violates division 65034
(B)(2) of section 3517.102 of the Revised Code shall be fined an 65035
amount equal to three times the amount contributed in excess of 65036
the amount permitted by that division. 65037

(3) Any campaign committee that violates division (B)(3) or 65038
(5) of section 3517.102 of the Revised Code shall be fined an 65039
amount equal to three times the amount contributed in excess of 65040
the amount permitted by that division. 65041

(4)(a) Any legislative campaign fund that violates division 65042
(B)(6) of section 3517.102 of the Revised Code shall be fined an 65043
amount equal to three times the amount transferred or contributed 65044
in excess of the amount permitted by that division, as applicable. 65045

(b) Any state political party, county political party, or 65046
state candidate fund of a state political party or county 65047
political party that violates division (B)(6) of section 3517.102 65048
of the Revised Code shall be fined an amount equal to three times 65049
the amount transferred or contributed in excess of the amount 65050
permitted by that division, as applicable. 65051

(c) Any political contributing entity that violates division 65052
(B)(7) of section 3517.102 of the Revised Code shall be fined an 65053
amount equal to three times the amount contributed in excess of 65054
the amount permitted by that division. 65055

(5) Any political party that violates division (B)(4) of 65056

section 3517.102 of the Revised Code shall be fined an amount 65057
equal to three times the amount contributed in excess of the 65058
amount permitted by that division. 65059

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) 65060
of this section, no violation of division (B) of section 3517.102 65061
of the Revised Code occurs, and the secretary of state shall not 65062
refer parties to the Ohio elections commission, if the amount 65063
transferred or contributed in excess of the amount permitted by 65064
that division meets either of the following conditions: 65065

(a) It is completely refunded within five business days after 65066
it is accepted. 65067

(b) It is completely refunded on or before the tenth business 65068
day after notification to the recipient of the excess transfer or 65069
contribution by the board of elections or the secretary of state 65070
that a transfer or contribution in excess of the permitted amount 65071
has been received. 65072

(J)(1) Any campaign committee that violates division (C)(1), 65073
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 65074
fined an amount equal to three times the amount accepted in excess 65075
of the amount permitted by that division. 65076

(2)(a) Any county political party that violates division 65077
(C)(4)(a)(ii) or (iii) of section 3517.102 of the Revised Code 65078
shall be fined an amount equal to three times the amount accepted. 65079

(b) Any county political party that violates division 65080
(C)(4)(a)(i) of section 3517.102 of the Revised Code shall be 65081
fined an amount from its state candidate fund equal to three times 65082
the amount accepted in excess of the amount permitted by that 65083
division. 65084

(c) Any state political party that violates division 65085
(C)(4)(b) of section 3517.102 of the Revised Code shall be fined 65086
an amount from its state candidate fund equal to three times the 65087

amount accepted in excess of the amount permitted by that 65088
division. 65089

(3) Any legislative campaign fund that violates division 65090
(C)(5) of section 3517.102 of the Revised Code shall be fined an 65091
amount equal to three times the amount accepted in excess of the 65092
amount permitted by that division. 65093

(4) Any political action committee or political contributing 65094
entity that violates division (C)(7) of section 3517.102 of the 65095
Revised Code shall be fined an amount equal to three times the 65096
amount accepted in excess of the amount permitted by that 65097
division. 65098

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of 65099
this section, no violation of division (C) of section 3517.102 of 65100
the Revised Code occurs, and the secretary of state shall not 65101
refer parties to the Ohio elections commission, if the amount 65102
transferred or contributed in excess of the amount permitted to be 65103
accepted by that division meets either of the following 65104
conditions: 65105

(a) It is completely refunded within five business days after 65106
its acceptance. 65107

(b) It is completely refunded on or before the tenth business 65108
day after notification to the recipient of the excess transfer or 65109
contribution by the board of elections or the secretary of state 65110
that a transfer or contribution in excess of the permitted amount 65111
has been received. 65112

(K)(1) Any legislative campaign fund that violates division 65113
(F)(1) of section 3517.102 of the Revised Code shall be fined 65114
twenty-five dollars for each day of violation. 65115

(2) Any legislative campaign fund that violates division 65116
(F)(2) of section 3517.102 of the Revised Code shall give to the 65117
treasurer of state for deposit into the state treasury to the 65118

credit of the Ohio elections commission fund all excess 65119
contributions not disposed of as required by division (E) of 65120
section 3517.102 of the Revised Code. 65121

(L) Whoever violates section 3517.105 of the Revised Code 65122
shall be fined one thousand dollars. 65123

(M)(1) Whoever solicits a contribution in violation of 65124
section 3517.092 or violates division (B) of section 3517.09 of 65125
the Revised Code is guilty of a misdemeanor of the first degree. 65126

(2) Whoever knowingly accepts a contribution in violation of 65127
division (B) or (C) of section 3517.092 of the Revised Code shall 65128
be fined an amount equal to three times the amount accepted in 65129
violation of either of those divisions and shall return to the 65130
contributor any amount so accepted. Whoever unknowingly accepts a 65131
contribution in violation of division (B) or (C) of section 65132
3517.092 of the Revised Code shall return to the contributor any 65133
amount so accepted. 65134

(N) Whoever violates division (S) of section 3517.13 of the 65135
Revised Code shall be fined an amount equal to three times the 65136
amount of funds transferred or three times the value of the assets 65137
transferred in violation of that division. 65138

(O) Any campaign committee that accepts a contribution or 65139
contributions in violation of section 3517.108 of the Revised 65140
Code, uses a contribution in violation of that section, or fails 65141
to dispose of excess contributions in violation of that section 65142
shall be fined an amount equal to three times the amount accepted, 65143
used, or kept in violation of that section. 65144

(P) Any political party, state candidate fund, legislative 65145
candidate fund, or campaign committee that violates division (T) 65146
of section 3517.13 of the Revised Code shall be fined an amount 65147
equal to three times the amount contributed or accepted in 65148
violation of that section. 65149

(Q) A treasurer of a committee or another person who violates division (U) of section 3517.13 of the Revised Code shall be fined not more than two hundred fifty dollars.

(R) Whoever violates division (I) or (J) of section 3517.13 of the Revised Code shall be fined not more than one thousand dollars. Whenever a person is found guilty of violating division (I) or (J) of section 3517.13 of the Revised Code, the contract awarded in violation of either of those divisions shall be rescinded if its terms have not yet been performed.

(S) A candidate whose campaign committee violates or a treasurer of a campaign committee who violates section 3517.081 of the Revised Code, and a candidate whose campaign committee violates or a treasurer of a campaign committee or another person who violates division (C) of section 3517.10 of the Revised Code, shall be fined not more than five hundred dollars.

(T) A candidate whose campaign committee violates or a treasurer of a committee who violates division (B) of section 3517.09 of the Revised Code, or a candidate whose campaign committee violates or a treasurer of a campaign committee or another person who violates division (C) of section 3517.09 of the Revised Code shall be fined not more than one thousand dollars.

(U) Whoever violates section 3517.20 of the Revised Code shall be fined not more than five hundred dollars.

(V) Whoever violates section 3517.21 or 3517.22 of the Revised Code shall be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

(W) A campaign committee that is required to file a declaration of no limits under division (D)(2) of section 3517.103 of the Revised Code that, before filing that declaration, accepts a contribution or contributions that exceed the limitations prescribed in section 3517.102 of the Revised Code, shall return

that contribution or those contributions to the contributor. 65181

(X) Any campaign committee that fails to file the declaration 65182
of filing-day finances required by division (F) of section 65183
3517.109 ~~or the declaration of primary day finances or declaration~~ 65184
~~of year end finances required by division (E) of section 3517.1010~~ 65185
of the Revised Code shall be fined twenty-five dollars for each 65186
day of violation. 65187

(Y)(1) Any campaign committee that fails to dispose of excess 65188
funds or excess aggregate contributions under division (B) of 65189
section 3517.109 of the Revised Code in the manner required by 65190
division (C) of that section ~~or under division (B) of section~~ 65191
~~3517.1010 of the Revised Code in the manner required by division~~ 65192
~~(C) of that section~~ shall give to the treasurer of state for 65193
deposit into the Ohio elections commission fund created under 65194
division (I) of section 3517.152 of the Revised Code all funds not 65195
disposed of pursuant to ~~those divisions~~ that division. 65196

(2) Any treasurer of a transition fund that fails to dispose 65197
of assets remaining in the transition fund as required under 65198
division (H)(1) or (2) of section 3517.1014 of the Revised Code 65199
shall give to the treasurer of state for deposit into the Ohio 65200
elections commission fund all assets not disposed of pursuant to 65201
that division. 65202

(Z) Any individual, campaign committee, political action 65203
committee, political contributing entity, legislative campaign 65204
fund, political party, treasurer of a transition fund, or other 65205
entity that violates any provision of sections 3517.09 to 3517.12 65206
of the Revised Code for which no penalty is provided for under any 65207
other division of this section shall be fined not more than one 65208
thousand dollars. 65209

(AA)(1) Whoever knowingly violates division (W)(1) of section 65210
3517.13 of the Revised Code shall be fined an amount equal to 65211

three times the amount contributed, expended, or promised in 65212
violation of that division or ten thousand dollars, whichever 65213
amount is greater. 65214

(2) Whoever knowingly violates division (W)(2) of section 65215
3517.13 of the Revised Code shall be fined an amount equal to 65216
three times the amount solicited or accepted in violation of that 65217
division or ten thousand dollars, whichever amount is greater. 65218

(BB) Whoever knowingly violates division (C) or (D) of 65219
section 3517.1011 of the Revised Code shall be fined not more than 65220
ten thousand dollars plus not more than one thousand dollars for 65221
each day of violation. 65222

(CC)(1) Subject to division (CC)(2) of this section, whoever 65223
violates division (H) of section 3517.1011 of the Revised Code 65224
shall be fined an amount up to three times the amount disbursed 65225
for the direct costs of airing the communication made in violation 65226
of that division. 65227

(2) Whoever has been ordered by the Ohio elections commission 65228
or by a court of competent jurisdiction to cease making 65229
communications in violation of division (H) of section 3517.1011 65230
of the Revised Code who again violates that division shall be 65231
fined an amount equal to three times the amount disbursed for the 65232
direct costs of airing the communication made in violation of that 65233
division. 65234

(DD)(1) Any corporation or labor organization that violates 65235
division (X)(3)(a) of section 3517.13 of the Revised Code shall be 65236
fined an amount equal to three times the amount given in excess of 65237
the amount permitted by that division. 65238

(2) Any state or county political party that violates 65239
division (X)(3)(b) of section 3517.13 of the Revised Code shall be 65240
fined an amount equal to three times the amount accepted in excess 65241
of the amount permitted by that division. 65242

(EE)(1) Any campaign committee or person who violates 65243
division (C)(1)(b) or (c) of section 3517.1014 of the Revised Code 65244
shall be fined an amount equal to three times the amount donated 65245
in excess of the amount permitted by that division. 65246

(2) Any officeholder or treasurer of a transition fund who 65247
violates division (C)(3)(a) or (b) of section 3517.1014 of the 65248
Revised Code shall be fined an amount equal to three times the 65249
amount accepted in excess of the amount permitted by that 65250
division. 65251

Sec. 3599.45. (A) As used in this section: 65252

"Candidate," "campaign committee," and "contribution" have 65253
the same meanings as in section 3517.01 of the Revised Code. 65254

"Medicaid provider" has the same meaning as in section 65255
5164.01 of the Revised Code. 65256

(B) No candidate for the office of attorney general or county 65257
prosecutor or such a candidate's campaign committee shall 65258
knowingly accept any contribution from a medicaid provider ~~of~~ 65259
~~services or goods under contract with the department of job and 65260~~
~~family services pursuant to the medicaid program of Title XIX of 65261~~
~~the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 65262~~
~~amended,~~ or from any person having an ownership interest in the 65263
medicaid provider. 65264

~~As used in this section "candidate," "campaign committee," 65265~~
~~and "contribution" have the same meaning as in section 3517.01 of 65266~~
~~the Revised Code.~~ 65267

~~(B)~~(C) Whoever violates this section is guilty of a 65268
misdemeanor of the first degree. 65269

Sec. 3701.023. (A) The department of health shall review 65270
applications for eligibility for the program for medically 65271

handicapped children that are submitted to the department by city 65272
and general health districts and physician providers approved in 65273
accordance with division (C) of this section. The department shall 65274
determine whether the applicants meet the medical and financial 65275
eligibility requirements established by the director of health 65276
pursuant to division (A)(1) of section 3701.021 of the Revised 65277
Code, and by the department in the manual of operational 65278
procedures and guidelines for the program for medically 65279
handicapped children developed pursuant to division (B) of that 65280
section. Referrals of potentially eligible children for the 65281
program may be submitted to the department on behalf of the child 65282
by parents, guardians, public health nurses, or any other 65283
interested person. The department of health may designate other 65284
agencies to refer applicants to the department of health. 65285

(B) In accordance with the procedures established in rules 65286
adopted under division (A)(4) of section 3701.021 of the Revised 65287
Code, the department of health shall authorize a provider or 65288
providers to provide to any Ohio resident under twenty-one years 65289
of age, without charge to the resident or the resident's family 65290
and without restriction as to the economic status of the resident 65291
or the resident's family, diagnostic services necessary to 65292
determine whether the resident has a medically handicapping or 65293
potentially medically handicapping condition. 65294

(C) The department of health shall review the applications of 65295
health professionals, hospitals, medical equipment suppliers, and 65296
other individuals, groups, or agencies that apply to become 65297
providers. The department shall enter into a written agreement 65298
with each applicant who is determined, pursuant to the 65299
requirements set forth in rules adopted under division (A)(2) of 65300
section 3701.021 of the Revised Code, to be eligible to be a 65301
provider in accordance with the provider agreement required by the 65302
~~medical assistance~~ medicaid ~~program established under section~~ 65303

~~5111.01 of the Revised Code.~~ No provider shall charge a medically 65304
handicapped child or the child's parent or guardian for services 65305
authorized by the department under division (B) or (D) of this 65306
section. 65307

The department, in accordance with rules adopted under 65308
division (A)(3) of section 3701.021 of the Revised Code, may 65309
disqualify any provider from further participation in the program 65310
for violating any requirement set forth in rules adopted under 65311
division (A)(2) of that section. The disqualification shall not 65312
take effect until a written notice, specifying the requirement 65313
violated and describing the nature of the violation, has been 65314
delivered to the provider and the department has afforded the 65315
provider an opportunity to appeal the disqualification under 65316
division (H) of this section. 65317

(D) The department of health shall evaluate applications from 65318
city and general health districts and approved physician providers 65319
for authorization to provide treatment services, service 65320
coordination, and related goods to children determined to be 65321
eligible for the program for medically handicapped children 65322
pursuant to division (A) of this section. The department shall 65323
authorize necessary treatment services, service coordination, and 65324
related goods for each eligible child in accordance with an 65325
individual plan of treatment for the child. As an alternative, the 65326
department may authorize payment of health insurance premiums on 65327
behalf of eligible children when the department determines, in 65328
accordance with criteria set forth in rules adopted under division 65329
(A)(9) of section 3701.021 of the Revised Code, that payment of 65330
the premiums is cost-effective. 65331

(E) The department of health shall pay, from appropriations 65332
to the department, any necessary expenses, including but not 65333
limited to, expenses for diagnosis, treatment, service 65334
coordination, supportive services, transportation, and accessories 65335

and their upkeep, provided to medically handicapped children, 65336
provided that the provision of the goods or services is authorized 65337
by the department under division (B) or (D) of this section. Money 65338
appropriated to the department of health may also be expended for 65339
reasonable administrative costs incurred by the program. The 65340
department of health also may purchase liability insurance 65341
covering the provision of services under the program for medically 65342
handicapped children by physicians and other health care 65343
professionals. 65344

Payments made to providers by the department of health 65345
pursuant to this division for inpatient hospital care, outpatient 65346
care, and all other medical assistance furnished to eligible 65347
recipients shall be made in accordance with rules adopted by the 65348
director of health pursuant to division (A) of section 3701.021 of 65349
the Revised Code. 65350

The departments of health and ~~job and family services~~ 65351
medicaid shall jointly implement procedures to ensure that 65352
duplicate payments are not made under the program for medically 65353
handicapped children and the ~~medical assistance~~ medicaid program 65354
~~established under section 5111.01 of the Revised Code~~ and to 65355
identify and recover duplicate payments. 65356

(F) At the time of applying for participation in the program 65357
for medically handicapped children, a medically handicapped child 65358
or the child's parent or guardian shall disclose the identity of 65359
any third party against whom the child or the child's parent or 65360
guardian has or may have a right of recovery for goods and 65361
services provided under division (B) or (D) of this section. The 65362
department of health shall require a medically handicapped child 65363
who receives services from the program or the child's parent or 65364
guardian to apply for all third-party benefits for which the child 65365
may be eligible and require the child, parent, or guardian to 65366
apply all third-party benefits received to the amount determined 65367

under division (E) of this section as the amount payable for goods 65368
and services authorized under division (B) or (D) of this section. 65369
The department is the payer of last resort and shall pay for 65370
authorized goods or services, up to the amount determined under 65371
division (E) of this section for the authorized goods or services, 65372
only to the extent that payment for the authorized goods or 65373
services is not made through third-party benefits. When a third 65374
party fails to act on an application or claim for benefits by a 65375
medically handicapped child or the child's parent or guardian, the 65376
department shall pay for the goods or services only after ninety 65377
days have elapsed since the date the child, parents, or guardians 65378
made an application or claim for all third-party benefits. 65379
Third-party benefits received shall be applied to the amount 65380
determined under division (E) of this section. Third-party 65381
payments for goods and services not authorized under division (B) 65382
or (D) of this section shall not be applied to payment amounts 65383
determined under division (E) of this section. Payment made by the 65384
department shall be considered payment in full of the amount 65385
determined under division (E) of this section. Medicaid payments 65386
for persons eligible for the ~~medical assistance~~ medicaid program 65387
~~established under section 5111.01 of the Revised Code~~ shall be 65388
considered payment in full of the amount determined under division 65389
(E) of this section. 65390

(G) The department of health shall administer a program to 65391
provide services to Ohio residents who are twenty-one or more 65392
years of age who have cystic fibrosis and who meet the eligibility 65393
requirements established in rules adopted by the director of 65394
health pursuant to division (A)(7) of section 3701.021 of the 65395
Revised Code, subject to all provisions of this section, but not 65396
subject to section 3701.024 of the Revised Code. 65397

(H) The department of health shall provide for appeals, in 65398
accordance with rules adopted under section 3701.021 of the 65399

Revised Code, of denials of applications for the program for 65400
medically handicapped children under division (A) or (D) of this 65401
section, disqualification of providers, or amounts paid under 65402
division (E) of this section. Appeals under this division are not 65403
subject to Chapter 119. of the Revised Code. 65404

The department may designate ombudspersons to assist 65405
medically handicapped children or their parents or guardians, upon 65406
the request of the children, parents, or guardians, in filing 65407
appeals under this division and to serve as children's, parents', 65408
or guardians' advocates in matters pertaining to the 65409
administration of the program for medically handicapped children 65410
and eligibility for program services. The ombudspersons shall 65411
receive no compensation but shall be reimbursed by the department, 65412
in accordance with rules of the office of budget and management, 65413
for their actual and necessary travel expenses incurred in the 65414
performance of their duties. 65415

(I) The department of health, and city and general health 65416
districts providing service coordination pursuant to division 65417
(A)(2) of section 3701.024 of the Revised Code, shall provide 65418
service coordination in accordance with the standards set forth in 65419
the rules adopted under section 3701.021 of the Revised Code, 65420
without charge, and without restriction as to economic status. 65421

(J)(1) The department of health may establish a manufacturer 65422
discount program under which a manufacturer of a drug or 65423
nutritional formula is permitted to enter into an agreement with 65424
the department to provide a discount on the price of the drug or 65425
nutritional formula distributed to medically handicapped children 65426
participating in the program for medically handicapped children. 65427
The program shall be administered in accordance with rules adopted 65428
under section 3701.021 of the Revised Code. 65429

(2) If a manufacturer enters into an agreement with the 65430
department as described in division (J)(1) of this section, the 65431

manufacturer and the department may negotiate the amount and terms 65432
of the discount. 65433

(3) In lieu of establishing a discount program as described 65434
in division (J)(1) of this section, the department and a 65435
manufacturer of a drug or nutritional formula may discuss a 65436
donation of drugs, nutritional formulas, or money by the 65437
manufacturer to the department. 65438

Sec. 3701.024. (A)(1) Under a procedure established in rules 65439
adopted under section 3701.021 of the Revised Code, the department 65440
of health shall determine the amount each county shall provide 65441
annually for the program for medically handicapped children, based 65442
on a proportion of the county's total general property tax 65443
duplicate, not to exceed one-tenth of a mill, and charge the 65444
county for any part of expenses incurred under the program for 65445
treatment services on behalf of medically handicapped children 65446
having legal settlement in the county that is not paid from 65447
federal funds or through the ~~medical assistance~~ medicaid program 65448
~~established under section 5111.01 of the Revised Code.~~ The 65449
department shall not charge the county for expenses exceeding the 65450
difference between the amount determined under division (A)(1) of 65451
this section and any amounts retained under divisions (A)(2) and 65452
(3) of this section. 65453

All amounts collected by the department under division (A)(1) 65454
of this section shall be deposited into the state treasury to the 65455
credit of the medically handicapped children-county assessment 65456
fund, which is hereby created. The fund shall be used by the 65457
department to comply with sections 3701.021 to 3701.028 of the 65458
Revised Code. 65459

(2) The department, in accordance with rules adopted under 65460
section 3701.021 of the Revised Code, may allow each county to 65461
retain up to ten per cent of the amount determined under division 65462

(A)(1) of this section to provide funds to city or general health districts of the county with which the districts shall provide service coordination, public health nursing, or transportation services for medically handicapped children.

(3) In addition to any amount retained under division (A)(2) of this section, the department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow counties that it determines have significant numbers of potentially eligible medically handicapped children to retain an amount equal to the difference between:

(a) Twenty-five per cent of the amount determined under division (A)(1) of this section;

(b) Any amount retained under division (A)(2) of this section.

Counties shall use amounts retained under division (A)(3) of this section to provide funds to city or general health districts of the county with which the districts shall conduct outreach activities to increase participation in the program for medically handicapped children.

(4) Prior to any increase in the millage charged to a county, the director of health shall hold a public hearing on the proposed increase and shall give notice of the hearing to each board of county commissioners that would be affected by the increase at least thirty days prior to the date set for the hearing. Any county commissioner may appear and give testimony at the hearing. Any increase in the millage any county is required to provide for the program for medically handicapped children shall be determined, and notice of the amount of the increase shall be provided to each affected board of county commissioners, no later than the first day of June of the fiscal year next preceding the fiscal year in which the increase will take effect.

(B) Each board of county commissioners shall establish a medically handicapped children's fund and shall appropriate thereto an amount, determined in accordance with division (A)(1) of this section, for the county's share in providing medical, surgical, and other aid to medically handicapped children residing in such county and for the purposes specified in divisions (A)(2) and (3) of this section. Each county shall use money retained under divisions (A)(2) and (3) of this section only for the purposes specified in those divisions.

Sec. 3701.027. The department of health shall administer funds received from the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended, for programs including the program for medically handicapped children, and to provide technical assistance and consultation to city and general health districts and local health planning organizations in implementing local, community-based, family-centered, coordinated systems of care for medically handicapped children. The department may make grants to persons and other entities for the provision of services with the funds. In addition, the department may use the funds to purchase liability insurance covering the provision of services under the programs by physicians and other health care professionals, and to pay health insurance premiums on behalf of medically handicapped children participating in the program for medically handicapped children when the department determines, in accordance with criteria set forth in rules adopted under division (A)(9) of section 3701.021 of the Revised Code, that payment of the premiums is cost effective.

In determining eligibility for services provided with funds received from the "Maternal and Child Health Block Grant," the department may use the application form established under section ~~5111.013~~ 5163.40 of the Revised Code. The department may require

applicants to furnish their social security numbers. Funds from 65526
the "Maternal and Child Health Block Grant" that are administered 65527
for the purpose of providing family planning services shall be 65528
distributed in accordance with section 3701.033 of the Revised 65529
Code. 65530

Sec. 3701.033. (A) This section establishes the order of 65531
priority to be followed by the department of health when 65532
distributing funds for the purpose of providing family planning 65533
services, including funds the department receives through the 65534
"Maternal and Child Health Block Grant," Title V of the "Social 65535
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, and 65536
funds the department receives through Title X of the "Public 65537
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 65538
amended. This section does not apply to grants awarded by the 65539
department under section 3701.046 of the Revised Code. 65540

(B) With respect to each period during which funds from a 65541
particular source are distributed for the purpose of providing 65542
family planning services, the department is subject to both of the 65543
following when distributing the funds to applicants seeking those 65544
funds: 65545

(1) Foremost priority shall be given to public entities that 65546
are operated by state or local government entities and that 65547
provide or are able to provide family planning services. 65548

(2) If any funds remain after the department distributes 65549
funds to public entities under division (B)(1) of this section, 65550
the department may distribute funds to nonpublic entities. If 65551
funds are distributed to nonpublic entities, the department shall 65552
distribute the funds in the following order of descending 65553
priority: 65554

(a) Nonpublic entities that are federally qualified health 65555
centers or federally qualified health center look-alikes, both as 65556

defined in section 3701.047 of the Revised Code, or community 65557
action agencies, as defined in section 122.66 of the Revised Code; 65558

(b) Nonpublic entities that provide comprehensive primary and 65559
preventive care services in addition to family planning services; 65560

(c) Nonpublic entities that provide family planning services, 65561
but do not provide comprehensive primary and preventive care 65562
services. 65563

Sec. 3701.13. The department of health shall have supervision 65564
of all matters relating to the preservation of the life and health 65565
of the people and have ultimate authority in matters of quarantine 65566
and isolation, which it may declare and enforce, when neither 65567
exists, and modify, relax, or abolish, when either has been 65568
established. The department may approve methods of immunization 65569
against the diseases specified in section 3313.671 of the Revised 65570
Code for the purpose of carrying out the provisions of that 65571
section and take such actions as are necessary to encourage 65572
vaccination against those diseases. 65573

The department may make special or standing orders or rules 65574
for preventing the use of fluoroscopes for nonmedical purposes 65575
~~which~~ that emit doses of radiation likely to be harmful to any 65576
person, for preventing the spread of contagious or infectious 65577
diseases, for governing the receipt and conveyance of remains of 65578
deceased persons, and for such other sanitary matters as are best 65579
controlled by a general rule. Whenever possible, the department 65580
shall work in cooperation with the health commissioner of a 65581
general or city health district. ~~It~~ The department may make and 65582
enforce orders in local matters or reassign substantive authority 65583
for mandatory programs from a general or city health district to 65584
another general or city health district when an emergency exists, 65585
or when the board of health of a general or city health district 65586
has neglected or refused to act with sufficient promptness or 65587

efficiency, or when such board has not been established as 65588
provided by sections 3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 65589
3709.12, and 3709.14 of the Revised Code. In such cases, the 65590
necessary expense incurred shall be paid by the general health 65591
district or city for which the services are rendered. 65592

The department of health may require general or city health 65593
districts to enter into agreements for shared services under 65594
section 9.482 of the Revised Code. The department shall prepare 65595
and offer to boards of health a model contract and memorandum of 65596
understanding that are easily adaptable for use by boards of 65597
health when entering into shared services agreements. The 65598
department also shall offer financial and other technical 65599
assistance to boards of health to encourage the sharing of 65600
services. 65601

As a condition precedent to receiving funding from the 65602
department of health, the director of health may require general 65603
or city health districts to complete the prerequisites for 65604
national public health agency accreditation not later than July 1, 65605
2018. An objective body approved by the director in conjunction 65606
with the association of Ohio health commissioners, shall 65607
independently verify that the prerequisites have been timely 65608
completed. 65609

The department may make evaluative studies of the nutritional 65610
status of Ohio residents, and of the food and nutrition-related 65611
programs operating within the state. Every agency of the state, at 65612
the request of the department, shall provide information and 65613
otherwise assist in the execution of such studies. 65614

Sec. 3701.132. The department of health is hereby designated 65615
as the state agency to administer the "special supplemental 65616
nutrition program for women, infants, and children" established 65617
under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 65618

1786, as amended. The director of health may adopt rules pursuant 65619
to Chapter 119. of the Revised Code as necessary for administering 65620
the program. The rules may include civil money penalties for 65621
violations of the rules. 65622

In determining eligibility for services provided under the 65623
program, the department may use the application form established 65624
under section ~~5111.013~~ 5163.40 of the Revised Code for the healthy 65625
start program. The department may require applicants to furnish 65626
their social security numbers. 65627

If the department determines that a vendor has committed an 65628
act with respect to the program that federal statutes or 65629
regulations or state statutes or rules prohibit, the department 65630
shall take action against the vendor in the manner required by 7 65631
C.F.R. part 246, including imposition of a civil money penalty in 65632
accordance with 7 C.F.R. 246.12, or rules adopted under this 65633
section. 65634

Sec. 3701.243. (A) Except as provided in this section or 65635
section 3701.248 of the Revised Code, no person or agency of state 65636
or local government that acquires the information while providing 65637
any health care service or while in the employ of a health care 65638
facility or health care provider shall disclose or compel another 65639
to disclose any of the following: 65640

(1) The identity of any individual on whom an HIV test is 65641
performed; 65642

(2) The results of an HIV test in a form that identifies the 65643
individual tested; 65644

(3) The identity of any individual diagnosed as having AIDS 65645
or an AIDS-related condition. 65646

(B)(1) Except as provided in divisions (B)(2), (C), (D), and 65647
(F) of this section, the results of an HIV test or the identity of 65648

an individual on whom an HIV test is performed or who is diagnosed 65649
as having AIDS or an AIDS-related condition may be disclosed only 65650
to the following: 65651

(a) The individual who was tested or the individual's legal 65652
guardian, and the individual's spouse or any sexual partner; 65653

(b) A person to whom disclosure is authorized by a written 65654
release, executed by the individual tested or by the individual's 65655
legal guardian and specifying to whom disclosure of the test 65656
results or diagnosis is authorized and the time period during 65657
which the release is to be effective; 65658

(c) The individual's physician; 65659

(d) The department of health or a health commissioner to 65660
which reports are made under section 3701.24 of the Revised Code; 65661

(e) A health care facility or provider that procures, 65662
processes, distributes, or uses a human body part from a deceased 65663
individual, donated for a purpose specified in Chapter 2108. of 65664
the Revised Code, and that needs medical information about the 65665
deceased individual to ensure that the body part is medically 65666
acceptable for its intended purpose; 65667

(f) Health care facility staff committees or accreditation or 65668
oversight review organizations conducting program monitoring, 65669
program evaluation, or service reviews; 65670

(g) A health care provider, emergency medical services 65671
worker, or peace officer who sustained a significant exposure to 65672
the body fluids of another individual, if that individual was 65673
tested pursuant to division (E)(6) of section 3701.242 of the 65674
Revised Code, except that the identity of the individual tested 65675
shall not be revealed; 65676

(h) To law enforcement authorities pursuant to a search 65677
warrant or a subpoena issued by or at the request of a grand jury, 65678

a prosecuting attorney, a city director of law or similar chief 65679
legal officer of a municipal corporation, or a village solicitor, 65680
in connection with a criminal investigation or prosecution. 65681

(2) The results of an HIV test or a diagnosis of AIDS or an 65682
AIDS-related condition may be disclosed to a health care provider, 65683
or an authorized agent or employee of a health care facility or a 65684
health care provider, if the provider, agent, or employee has a 65685
medical need to know the information and is participating in the 65686
diagnosis, care, or treatment of the individual on whom the test 65687
was performed or who has been diagnosed as having AIDS or an 65688
AIDS-related condition. 65689

This division does not impose a standard of disclosure 65690
different from the standard for disclosure of all other specific 65691
information about a patient to health care providers and 65692
facilities. Disclosure may not be requested or made solely for the 65693
purpose of identifying an individual who has a positive HIV test 65694
result or has been diagnosed as having AIDS or an AIDS-related 65695
condition in order to refuse to treat the individual. Referral of 65696
an individual to another health care provider or facility based on 65697
reasonable professional judgment does not constitute refusal to 65698
treat the individual. 65699

(3) Not later than ninety days after November 1, 1989, each 65700
health care facility in this state shall establish a protocol to 65701
be followed by employees and individuals affiliated with the 65702
facility in making disclosures authorized by division (B)(2) of 65703
this section. A person employed by or affiliated with a health 65704
care facility who determines in accordance with the protocol 65705
established by the facility that a disclosure is authorized by 65706
division (B)(2) of this section is immune from liability to any 65707
person in a civil action for damages for injury, death, or loss to 65708
person or property resulting from the disclosure. 65709

(C)(1) Any person or government agency may seek access to or 65710

authority to disclose the HIV test records of an individual in 65711
accordance with the following provisions: 65712

(a) The person or government agency shall bring an action in 65713
a court of common pleas requesting disclosure of or authority to 65714
disclose the results of an HIV test of a specific individual, who 65715
shall be identified in the complaint by a pseudonym but whose name 65716
shall be communicated to the court confidentially, pursuant to a 65717
court order restricting the use of the name. The court shall 65718
provide the individual with notice and an opportunity to 65719
participate in the proceedings if the individual is not named as a 65720
party. Proceedings shall be conducted in chambers unless the 65721
individual agrees to a hearing in open court. 65722

(b) The court may issue an order granting the plaintiff 65723
access to or authority to disclose the test results only if the 65724
court finds by clear and convincing evidence that the plaintiff 65725
has demonstrated a compelling need for disclosure of the 65726
information that cannot be accommodated by other means. In 65727
assessing compelling need, the court shall weigh the need for 65728
disclosure against the privacy right of the individual tested and 65729
against any disservice to the public interest that might result 65730
from the disclosure, such as discrimination against the individual 65731
or the deterrence of others from being tested. 65732

(c) If the court issues an order, it shall guard against 65733
unauthorized disclosure by specifying the persons who may have 65734
access to the information, the purposes for which the information 65735
shall be used, and prohibitions against future disclosure. 65736

(2) A person or government agency that considers it necessary 65737
to disclose the results of an HIV test of a specific individual in 65738
an action in which it is a party may seek authority for the 65739
disclosure by filing an in camera motion with the court in which 65740
the action is being heard. In hearing the motion, the court shall 65741
employ procedures for confidentiality similar to those specified 65742

in division (C)(1) of this section. The court shall grant the motion only if it finds by clear and convincing evidence that a compelling need for the disclosure has been demonstrated.

(3) Except for an order issued in a criminal prosecution or an order under division (C)(1) or (2) of this section granting disclosure of the result of an HIV test of a specific individual, a court shall not compel a blood bank, hospital blood center, or blood collection facility to disclose the result of HIV tests performed on the blood of voluntary donors in a way that reveals the identity of any donor.

(4) In a civil action in which the plaintiff seeks to recover damages from an individual defendant based on an allegation that the plaintiff contracted the HIV virus as a result of actions of the defendant, the prohibitions against disclosure in this section do not bar discovery of the results of any HIV test given to the defendant or any diagnosis that the defendant suffers from AIDS or an AIDS-related condition.

(D) The results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed to a federal, state, or local government agency, or the official representative of such an agency, for purposes of the ~~medical assistance~~ medicaid program established under section 5111.01 of the Revised Code, the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935) 42 U.S.C.A. 301, as amended, or any other public assistance program.

(E) Any disclosure pursuant to this section shall be in writing and accompanied by a written statement that includes the following or substantially similar language: "This information has been disclosed to you from confidential records protected from disclosure by state law. You shall make no further disclosure of this information without the specific, written, and informed

release of the individual to whom it pertains, or as otherwise 65775
permitted by state law. A general authorization for the release of 65776
medical or other information is not sufficient for the purpose of 65777
the release of HIV test results or diagnoses." 65778

(F) An individual who knows that the individual has received 65779
a positive result on an HIV test or has been diagnosed as having 65780
AIDS or an AIDS-related condition shall disclose this information 65781
to any other person with whom the individual intends to make 65782
common use of a hypodermic needle or engage in sexual conduct as 65783
defined in section 2907.01 of the Revised Code. An individual's 65784
compliance with this division does not prohibit a prosecution of 65785
the individual for a violation of division (B) of section 2903.11 65786
of the Revised Code. 65787

(G) Nothing in this section prohibits the introduction of 65788
evidence concerning an HIV test of a specific individual in a 65789
criminal proceeding. 65790

Sec. 3701.261. (A) As used in this section, "state 65791
university" has the same meaning as in section 3345.011 of the 65792
Revised Code. 65793

(B) The director of health shall: 65794

(1) Establish a population-based cancer registry, which shall 65795
be known as the Ohio cancer incidence surveillance system, to 65796
monitor the incidence of various types of malignant diseases in 65797
Ohio, make appropriate epidemiologic studies to determine any 65798
causal relations of such diseases with occupational, nutritional, 65799
environmental, or infectious conditions, and alleviate or 65800
eliminate any such conditions; 65801

(2) Advise, consult, cooperate with, and assist, by contract 65802
or otherwise, agencies of the state and federal government, 65803
agencies of the governments of other states, agencies of political 65804

subdivisions of this state, universities, private organizations, 65805
corporations, and associations for the purposes of division 65806
~~(A)~~(B)(1) of this section; 65807

(3) Accept and administer grants from the federal government 65808
or other sources, public or private, for carrying out any of the 65809
functions enumerated in divisions ~~(A)~~(B)(1) and (2) of this 65810
section. 65811

~~(B)~~(C) The Ohio cancer incidence surveillance system shall 65812
follow a model of cancer data collection as set forth by the 65813
survey epidemiology and end results system (SEERS). 65814

(D) The department may, by contract, designate a state 65815
university as an agent to implement some or all of this section 65816
and section 3701.262 of the Revised Code and the rules adopted 65817
under those sections. 65818

Sec. 3701.262. (A) As used in this section ~~and section 65819
3701.263 of the Revised Code:~~ 65820

(1) "Physician" means a person who holds a valid certificate 65821
issued under Chapter 4731. of the Revised Code authorizing the 65822
person to practice medicine ~~or~~ and surgery or osteopathic medicine 65823
and surgery. 65824

(2) "Dentist" means a person who is licensed under Chapter 65825
4715. of the Revised Code to practice dentistry. 65826

(3) "Hospital" has the same meaning as in section 3727.01 of 65827
the Revised Code. 65828

(4) "Cancer" includes those diseases specified by rule of the 65829
director of health under division (B)(2) of this section. 65830

(B) The director of health shall adopt rules in accordance 65831
with Chapter 119. of the Revised Code to do all of the following: 65832

(1) Establish the Ohio cancer incidence surveillance system 65833

required by section 3701.261 of the Revised Code; 65834

(2) Specify the types of cancer and other tumorous and 65835
precancerous diseases to be reported to the department of health 65836
under division (D) of this section; 65837

(3) Establish reporting requirements for information 65838
concerning diagnosed cancer cases as the director considers 65839
necessary to conduct epidemiologic surveys of cancer in this 65840
state; 65841

(4) Establish standards that must be met by research projects 65842
to be eligible to receive information concerning individual cancer 65843
patients from the department of health ~~under division (B) of~~ 65844
~~section 3701.263 of the Revised Code.~~ 65845

(C) The department of health shall record in the registry all 65846
reports of cancer received by it. In the development and 65847
administration of the cancer registry the department may use 65848
information compiled by public or private cancer registries and 65849
may contract for the collection and analysis of, and research 65850
related to, the information recorded under this section. 65851

(D)(1) Each physician, dentist, hospital, or person providing 65852
diagnostic or treatment services to patients with cancer shall 65853
report each case of cancer to the department. Any person required 65854
to report pursuant to this section may elect to report to the 65855
department through an existing cancer registry if the registry 65856
meets the reporting standards established by the director and 65857
reports to the department. 65858

(2) No person shall fail to make the cancer reports required 65859
by division (D)(1) of this section. 65860

(E) All physicians, dentists, hospitals, or persons providing 65861
diagnostic or treatment services to patients with cancer shall 65862
grant to the department or its authorized representative access to 65863
all records that identify cases of cancer or establish 65864

characteristics of cancer, the treatment of cancer, or the medical 65865
status of any identified cancer patient. 65866

(F) The Arthur G. James cancer hospital and Richard J. Solove 65867
research institute of the Ohio state university, shall analyze and 65868
evaluate the cancer reports collected pursuant to this section. 65869
The department shall publish and make available to the public 65870
reports summarizing the information collected. Reports shall be 65871
made on a calendar year basis and published not later than ninety 65872
days after the end of each calendar year. 65873

(G) Furnishing information, including records, reports, 65874
statements, notes, memoranda, or other information, to the 65875
department of health, either voluntarily or as required by this 65876
section, or to a person or governmental entity designated as a 65877
medical research project by the department, does not subject a 65878
physician, dentist, hospital, or person providing diagnostic or 65879
treatment services to patients with cancer to liability in an 65880
action for damages or other relief for furnishing the information. 65881

(H) This section does not affect the authority of any person 65882
or facility providing diagnostic or treatment services to patients 65883
with cancer to maintain facility-based tumor registries, in 65884
addition to complying with the reporting requirements of this 65885
section. 65886

~~(I) No person shall fail to make the cancer reports required 65887
by division (D) of this section. 65888~~

Sec. 3701.264. There is hereby created the Ohio cancer 65889
incidence surveillance system advisory board. The board shall 65890
consist of the director of health, who shall serve as chair of the 65891
board, and one representative, appointed by the governor, from 65892
each medical school accredited by the liaison committee on medical 65893
education and each osteopathic medical school accredited by the 65894
American osteopathic association in Ohio. In addition, the 65895

director of health shall appoint up to three additional members of 65896
the board. Vacancies on the board shall be filled in the same 65897
manner as the initial appointments. Members shall serve without 65898
compensation. 65899

The board shall provide oversight of the collection and 65900
analysis of data by the Ohio cancer incidence surveillance system 65901
to the director of health and the Arthur G. James cancer hospital 65902
and Richard J. Solove research institute of the Ohio state 65903
university and advise in the implementation of sections 3701.261 65904
~~to 3701.263~~ and 3701.262 of the Revised Code. The board shall meet 65905
and conduct its business as directed by the chair. 65906

~~The board shall report to the finance committees of both 65907
houses of the general assembly, not later than March 1, 2001, on 65908
the progress made in implementing sections 3701.261 to 3701.263 of 65909
the Revised Code. 65910~~

The board is not subject to sections 101.82 to 101.87 of the 65911
Revised Code. 65912

Sec. 3701.342. ~~After consultation with the public health 65913
standards task force established under section 3701.343 of the 65914
Revised Code, the The director of health shall adopt rules 65915
establishing minimum standards and optimum achievable standards 65916
for boards of health and local health departments. The minimum 65917
standards shall assure that boards of health and local health 65918
departments provide for: 65919~~

(A) Analysis and prevention of communicable disease; 65920

(B) Analysis of the causes of, and appropriate treatment for, 65921
the leading causes of morbidity and mortality; 65922

(C) The administration and management of the local health 65923
department; 65924

(D) Access to primary health care by medically underserved individuals; 65925
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(E) Environmental health management programs; 65927

(F) Health promotion services designed to encourage individual and community wellness; 65928
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(G) Annual completion of two hours of continuing education by each member of a board of health. The minimum standards shall provide that continuing education credits earned for the purpose of license renewal or certification by licensed health professionals serving on boards of health may be counted to fulfill the two-hour continuing education requirement. 65930
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The director shall adopt rules establishing a formula for distribution of state health district subsidy funds to boards of health and local health departments. The formula shall provide no subsidy funds to a board or department unless it meets minimum standards and shall provide higher funding levels for boards and districts that meet optimum achievable standards. 65936
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Notwithstanding section 119.03 of the Revised Code, rules adopted under this section shall not take effect unless approved by concurrent resolution of the general assembly. 65942
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Sec. 3701.344. As used in this section and sections 3701.345, 3701.346, and 3701.347 of the Revised Code: 65945
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(A) "Private water system" means any water system for the provision of water for human consumption, if such system has fewer than fifteen service connections and does not regularly serve an average of at least twenty-five individuals daily at least sixty days out of the year. A private water system includes any well, spring, cistern, pond, or hauled water and any equipment for the collection, transportation, filtration, disinfection, treatment, or storage of such water extending from and including the source 65947
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of the water to the point of discharge from any pressure tank or 65955
other storage vessel; to the point of discharge from the water 65956
pump where no pressure tank or other storage vessel is present; 65957
or, in the case of multiple service connections serving more than 65958
one dwelling, to the point of discharge from each service 65959
connection. "Private water system" does not include the water 65960
service line extending from the point of discharge to a structure. 65961

(B) Notwithstanding section 3701.347 of the Revised Code and 65962
subject to division (C) of this section, rules adopted by the 65963
director of health regarding private water systems shall provide 65964
for the following: 65965

(1) Except as otherwise provided in this division, boards of 65966
health of city or general health districts shall be given the 65967
exclusive power to establish fees in accordance with section 65968
3709.09 of the Revised Code for administering and enforcing such 65969
rules. Such fees shall establish a different rate for 65970
administering and enforcing the rules relative to private water 65971
systems serving single-family dwelling houses and nonsingle-family 65972
dwelling houses. Except for an amount established by the director, 65973
pursuant to division (B)(5) of this section, for each new private 65974
water system installation, no portion of any fee for administering 65975
and enforcing such rules shall be returned to the department of 65976
health. If the director of health determines that a board of 65977
health of a city or general health district is unable to 65978
administer and enforce a private water system program in the 65979
district, the director shall administer and enforce such a program 65980
in the district and establish fees for such administration and 65981
enforcement. 65982

(2) Boards of health of city or general health districts 65983
shall be given the exclusive power to determine the number of 65984
inspections necessary for determining the safe drinking 65985
characteristics of a private water system. 65986

(3) Private water systems contractors, as a condition of doing business in this state, shall annually register with, and comply with surety bonding requirements of, the department of health. No such contractor shall be permitted to register if the contractor fails to comply with all applicable rules adopted by the director and the board of health of the city or general health district. The annual registration fee for private water systems contractors shall be sixty-five dollars. The director, by rule adopted in accordance with Chapter 119. of the Revised Code, may increase the annual registration fee.

(4) Subject to rules adopted by the director, boards of health of city or general health districts shall have the option of determining whether bacteriological examinations shall be performed at approved laboratories of the state or at approved private laboratories.

(5) The director may establish fees for each new private water system installation, which shall be collected by the appropriate board of health and transmitted to the director pursuant to section 3709.092 of the Revised Code.

(6) All fees received by the director of health under divisions (B)(1), (3), and (5) of this section shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code for use in the administration and enforcement of sections 3701.344 to 3701.347 of the Revised Code and the rules pertaining to private water systems adopted under those sections.

(C) To the extent that rules adopted under division (B) of this section require health districts to follow specific procedures or use prescribed forms, no such procedure or form shall be implemented until it is approved by majority vote of an approval board of health commissioners, hereby created. Members of the board shall be the officers of the association of Ohio health

commissioners, or any successor organization, and membership on 66019
the board shall be coterminous with holding an office of the 66020
association. No health district is required to follow a procedure 66021
or use a form required by a rule adopted under division (B) of 66022
this section without the approval of the board. 66023

(D) A board of health shall collect well log filing fees on 66024
behalf of the division of soil and water resources in the 66025
department of natural resources in accordance with section 1521.05 66026
of the Revised Code and rules adopted under it. The fees shall be 66027
submitted to the division quarterly as provided in those rules. 66028

(E) A water system that does not provide water for human 66029
consumption shall not be required to obtain a permit or license 66030
issued under, pay any fees assessed or levied under, or comply 66031
with any rule adopted under sections 3701.34 to 3701.347 of the 66032
Revised Code. 66033

Sec. 3701.507. (A) To assist in implementing sections 66034
3701.503 to 3701.509 of the Revised Code, the medically 66035
handicapped children's medical advisory council created in section 66036
3701.025 of the Revised Code shall appoint a permanent infant 66037
hearing screening subcommittee. The subcommittee shall consist of 66038
the following members: 66039

(1) One otolaryngologist; 66040

(2) One neonatologist; 66041

(3) One pediatrician; 66042

(4) One neurologist; 66043

(5) One hospital administrator; 66044

(6) Two or more audiologists who are experienced in infant 66045
hearing screening and evaluation; 66046

(7) One speech-language pathologist licensed under section 66047

4753.07 of the Revised Code;	66048
(8) Two persons who are each a parent of a hearing-impaired child;	66049 66050
(9) One geneticist;	66051
(10) One epidemiologist;	66052
(11) One adult who is deaf or hearing impaired;	66053
(12) One representative from an organization for the deaf or hearing impaired;	66054 66055
(13) One family advocate;	66056
(14) One nurse from a well-baby neonatal nursery;	66057
(15) One nurse from a special care neonatal nursery;	66058
(16) One teacher of the deaf who works with infants and toddlers;	66059 66060
(17) One representative of the health insurance industry;	66061
(18) One representative of the bureau for children with medical handicaps;	66062 66063
(19) One representative of the department of education;	66064
(20) One representative of the Ohio department of job and family services who has responsibilities regarding medicaid;	66065 66066
(21) Any other person the advisory council appoints.	66067
(B) The infant hearing subcommittee shall:	66068
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	66069 66070 66071
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	66072 66073 66074

(3) Consult with the director of health and advise and make 66075
recommendations regarding program development and implementation 66076
under sections 3701.503 to 3701.509 of the Revised Code, including 66077
all of the following: 66078

(a) Establishment under section 3701.504 of the Revised Code 66079
of the statewide hearing screening, tracking, and early 66080
intervention program to identify newborn and infant hearing 66081
impairment; 66082

(b) Identification of locations where hearing evaluations may 66083
be conducted; 66084

(c) Recommendations for methods and techniques of hearing 66085
screening and hearing evaluation; 66086

(d) Referral, data recording and compilation, and procedures 66087
to encourage follow-up hearing care; 66088

(e) Maintenance of a register of newborns and infants who do 66089
not pass the hearing screening; 66090

(f) Preparation of the information required by section 66091
3701.506 of the Revised Code. 66092

Sec. 3701.74. (A) As used in this section and section 66093
3701.741 of the Revised Code: 66094

(1) "Ambulatory care facility" means a facility that provides 66095
medical, diagnostic, or surgical treatment to patients who do not 66096
require hospitalization, including a dialysis center, ambulatory 66097
surgical facility, cardiac catheterization facility, diagnostic 66098
imaging center, extracorporeal shock wave lithotripsy center, home 66099
health agency, inpatient hospice, birthing center, radiation 66100
therapy center, emergency facility, and an urgent care center. 66101
"Ambulatory care facility" does not include the private office of 66102
a physician or dentist, whether the office is for an individual or 66103
group practice. 66104

(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	66105 66106
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	66107 66108 66109
(4) "Health care practitioner" means all of the following:	66110
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	66111 66112
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	66113 66114
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	66115 66116
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	66117 66118 66119 66120
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	66121 66122
(f) A physician;	66123
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	66124 66125
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	66126 66127
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	66128 66129
(j) A chiropractor;	66130
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	66131 66132
(l) A speech-language pathologist or audiologist licensed	66133

under Chapter 4753. of the Revised Code; 66134

(m) An occupational therapist or occupational therapy 66135
assistant licensed under Chapter 4755. of the Revised Code; 66136

(n) A physical therapist or physical therapy assistant 66137
licensed under Chapter 4755. of the Revised Code; 66138

(o) A professional clinical counselor, professional 66139
counselor, social worker, or independent social worker licensed, 66140
or a social work assistant registered, under Chapter 4757. of the 66141
Revised Code; 66142

(p) A dietitian licensed under Chapter 4759. of the Revised 66143
Code; 66144

(q) A respiratory care professional licensed under Chapter 66145
4761. of the Revised Code; 66146

(r) An emergency medical technician-basic, emergency medical 66147
technician-intermediate, or emergency medical technician-paramedic 66148
certified under Chapter 4765. of the Revised Code. 66149

(5) "Health care provider" means a hospital, ambulatory care 66150
facility, long-term care facility, pharmacy, emergency facility, 66151
or health care practitioner. 66152

(6) "Hospital" has the same meaning as in section 3727.01 of 66153
the Revised Code. 66154

(7) "Long-term care facility" means a nursing home, 66155
residential care facility, or home for the aging, as those terms 66156
are defined in section 3721.01 of the Revised Code; a residential 66157
facility licensed under section ~~5119.22~~ 5119.34 of the Revised 66158
Code that provides accommodations, supervision, and personal care 66159
services for three to sixteen unrelated adults; a nursing facility 66160
~~or intermediate care facility for the mentally retarded, as those~~ 66161
~~terms are~~ defined in section ~~5111.20~~ 5165.01 of the Revised Code; 66162
~~a facility or portion of a facility certified as a skilled nursing~~ 66163

facility under Title XVIII of the "Social Security Act," 49 Stat. 66164
286 (1965), 42 U.S.C.A. 1395, as amended, as defined in section 66165
5165.01 of the Revised Code; and an intermediate care facility for 66166
individuals with intellectual disabilities, as defined in section 66167
5124.01 of the Revised Code. 66168

(8) "Medical record" means data in any form that pertains to 66169
a patient's medical history, diagnosis, prognosis, or medical 66170
condition and that is generated and maintained by a health care 66171
provider in the process of the patient's health care treatment. 66172

(9) "Medical records company" means a person who stores, 66173
locates, or copies medical records for a health care provider, or 66174
is compensated for doing so by a health care provider, and charges 66175
a fee for providing medical records to a patient or patient's 66176
representative. 66177

(10) "Patient" means either of the following: 66178

(a) An individual who received health care treatment from a 66179
health care provider; 66180

(b) A guardian, as defined in section 1337.11 of the Revised 66181
Code, of an individual described in division (A)(10)(a) of this 66182
section. 66183

(11) "Patient's personal representative" means a minor 66184
patient's parent or other person acting in loco parentis, a 66185
court-appointed guardian, or a person with durable power of 66186
attorney for health care for a patient, the executor or 66187
administrator of the patient's estate, or the person responsible 66188
for the patient's estate if it is not to be probated. "Patient's 66189
personal representative" does not include an insurer authorized 66190
under Title XXXIX of the Revised Code to do the business of 66191
sickness and accident insurance in this state, a health insuring 66192
corporation holding a certificate of authority under Chapter 1751. 66193
of the Revised Code, or any other person not named in this 66194

division. 66195

(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 66196
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(13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 66198
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(14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record. 66202
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(B) A patient, a patient's personal representative or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, physician or chiropractor, or held for the requestor at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with section 3701.741 of the Revised Code, except that if a physician or chiropractor who has treated the patient determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the patient, the health care provider shall provide the record to a physician or chiropractor designated by the patient. The health care provider shall take reasonable steps to establish the identity of the person making 66205
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the request to examine or obtain a copy of the patient's record. 66227

(C) If a health care provider fails to furnish a medical 66228
record as required by division (B) of this section, the patient, 66229
personal representative, or authorized person who requested the 66230
record may bring a civil action to enforce the patient's right of 66231
access to the record. 66232

(D)(1) This section does not apply to medical records whose 66233
release is covered by section 173.20 or 3721.13 of the Revised 66234
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 66235
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 66236
Records," or by 42 C.F.R. 483.10. 66237

(2) Nothing in this section is intended to supersede the 66238
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 66239
and 2305.252 of the Revised Code. 66240

Sec. 3701.741. (A) Each health care provider and medical 66241
records company shall provide copies of medical records in 66242
accordance with this section. 66243

(B) Except as provided in divisions (C) and (E) of this 66244
section, a health care provider or medical records company that 66245
receives a request for a copy of a patient's medical record shall 66246
charge not more than the amounts set forth in this section. 66247

(1) If the request is made by the patient or the patient's 66248
personal representative, total costs for copies and all services 66249
related to those copies shall not exceed the sum of the following: 66250

(a) Except as provided in division (B)(1)(b) of this section, 66251
with respect to data recorded on paper or electronically, the 66252
following amounts adjusted in accordance with section 3701.742 of 66253
the Revised Code: 66254

(i) Two dollars and seventy-four cents per page for the first 66255
ten pages; 66256

(ii) Fifty-seven cents per page for pages eleven through fifty;	66257 66258
(iii) Twenty-three cents per page for pages fifty-one and higher;	66259 66260
(b) With respect to data resulting from an x-ray, magnetic resonance imaging (MRI), or computed axial tomography (CAT) scan and recorded on paper or film, one dollar and eighty-seven cents per page;	66261 66262 66263 66264
(c) The actual cost of any related postage incurred by the health care provider or medical records company.	66265 66266
(2) If the request is made other than by the patient or the patient's personal representative, total costs for copies and all services related to those copies shall not exceed the sum of the following:	66267 66268 66269 66270
(a) An initial fee of sixteen dollars and eighty-four cents <u>adjusted in accordance with section 3701.742 of the Revised Code</u> , which shall compensate for the records search;	66271 66272 66273
(b) Except as provided in division (B)(2)(c) of this section, with respect to data recorded on paper or electronically, the following amounts <u>adjusted in accordance with section 3701.742 of the Revised Code</u> :	66274 66275 66276 66277
(i) One dollar and eleven cents per page for the first ten pages;	66278 66279
(ii) Fifty-seven cents per page for pages eleven through fifty;	66280 66281
(iii) Twenty-three cents per page for pages fifty-one and higher.	66282 66283
(c) With respect to data resulting from an x-ray, magnetic resonance imaging (MRI), or computed axial tomography (CAT) scan and recorded on paper or film, one dollar and eighty-seven cents	66284 66285 66286

per page; 66287

(d) The actual cost of any related postage incurred by the health care provider or medical records company. 66288
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(C)(1) On request, a health care provider or medical records company shall provide one copy of the patient's medical record and one copy of any records regarding treatment performed subsequent to the original request, not including copies of records already provided, without charge to the following: 66290
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(a) The bureau of workers' compensation, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters; 66295
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(b) The industrial commission, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters; 66298
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(c) The department of ~~job and family services~~ medicaid or a county department of job and family services, in accordance with Chapters ~~5101.~~ 5160., 5161., 5162., 5163., 5164., 5165., 5166., and ~~5111.~~ 5167. of the Revised Code and the rules adopted under those chapters; 66301
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(d) The attorney general, in accordance with sections 2743.51 to 2743.72 of the Revised Code and any rules that may be adopted under those sections; 66306
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(e) A patient, patient's personal representative, or authorized person if the medical record is necessary to support a claim under Title II or Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the request is accompanied by documentation that a claim has been filed. 66309
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(2) Nothing in division (C)(1) of this section requires a health care provider or medical records company to provide a copy 66315
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without charge to any person or entity not listed in division 66317
(C)(1) of this section. 66318

(D) Division (C) of this section shall not be construed to 66319
supersede any rule of the bureau of workers' compensation, the 66320
industrial commission, or the department of ~~job and family~~ 66321
~~services~~ medicaid. 66322

(E) A health care provider or medical records company may 66323
enter into a contract with either of the following for the copying 66324
of medical records at a fee other than as provided in division (B) 66325
of this section: 66326

(1) A patient, a patient's personal representative, or an 66327
authorized person; 66328

(2) An insurer authorized under Title XXXIX of the Revised 66329
Code to do the business of sickness and accident insurance in this 66330
state or health insuring corporations holding a certificate of 66331
authority under Chapter 1751. of the Revised Code. 66332

(F) This section does not apply to medical records the 66333
copying of which is covered by section 173.20 of the Revised Code 66334
or by 42 C.F.R. 483.10. 66335

Sec. 3701.742. ~~Not later than January 31, 2006, the~~ The 66336
amounts specified in division (B) of section 3701.741 of the 66337
Revised Code ~~and, not later than the first day of January of each~~ 66338
~~year thereafter,~~ shall be adjusted annually in accordance with 66339
this section. These amounts plus any amounts previously computed 66340
by annual adjustments made under this section, shall be increased 66341
or decreased by the average percentage of increase or decrease in 66342
the consumer price index for all urban consumers (United States 66343
city average, all items), prepared by the United States department 66344
of labor, bureau of labor statistics, for the 66345
~~twelve calendar month period prior to the~~ immediately preceding 66346

~~first day of January~~ calendar year over the calendar year 66347
immediately preceding ~~twelve calendar month period~~ that year, as 66348
reported by the bureau. The director of health shall make this 66349
determination and adjust the amounts accordingly. The director 66350
shall ~~provide a list of the adjusted amounts to any party upon~~ 66351
~~request and the department of health shall make the~~ a list of the 66352
adjusted amounts available to the public on ~~its~~ the internet web 66353
site maintained by the department of health. 66354

Sec. 3701.78. (A) There is hereby created the commission on 66355
minority health, consisting of twenty-one members. The governor 66356
shall appoint to the commission nine members from among health 66357
researchers, health planners, and health professionals. The 66358
governor also shall appoint two members who are representatives of 66359
the lupus awareness and education program. The speaker of the 66360
house of representatives shall appoint to the commission two 66361
members of the house of representatives, not more than one of whom 66362
is a member of the same political party, and the president of the 66363
senate shall appoint to the commission two members of the senate, 66364
not more than one of whom is a member of the same political party. 66365
The following shall be members of the commission: the directors of 66366
health, ~~mental health~~ mental health and addiction services, 66367
developmental disabilities, ~~alcohol and drug addiction services,~~ 66368
and job and family services, or their designees; the medicaid 66369
director, or the director's designee; and the superintendent of 66370
public instruction, or the superintendent's designee, ~~shall be~~ 66371
~~members of the commission.~~ The 66372

The commission shall elect a chairperson from among its 66373
members. ~~Of~~ 66374

Of the members appointed by the governor, five shall be 66375
appointed to initial terms of one year, and four shall be 66376
appointed to initial terms of two years. Thereafter, all members 66377

appointed by the governor shall be appointed to terms of two 66378
years. All members of the commission appointed by the speaker of 66379
the house of representatives or the president of the senate shall 66380
be nonvoting members of the commission and be appointed within 66381
thirty days after the commencement of the first regular session of 66382
each general assembly, and shall serve until the expiration of the 66383
session of the general assembly during which they were appointed. 66384

~~Members~~ 66385

Members of the commission shall serve without compensation, 66386
but shall be reimbursed for the actual and necessary expenses they 66387
incur in the performance of their official duties. 66388

(B) The commission shall promote health and the prevention of 66389
disease among members of minority groups. Each year the commission 66390
shall distribute grants from available funds to community-based 66391
health groups to be used to promote health and the prevention of 66392
disease among members of minority groups. As used in this 66393
division, "minority group" means any of the following economically 66394
disadvantaged groups: Blacks, American Indians, Hispanics, and 66395
Orientals. The commission shall adopt and maintain rules pursuant 66396
to Chapter 119. of the Revised Code to provide for the 66397
distribution of these grants. No group shall qualify to receive a 66398
grant from the commission unless it receives at least twenty per 66399
cent of its funds from sources other than grants distributed under 66400
this section. 66401

(C) The commission may appoint such employees as it considers 66402
necessary to carry out its duties under this section. The 66403
department of health shall provide office space for the 66404
commission. 66405

(D) The commission shall meet at the call of its chairperson 66406
to conduct its official business. A majority of the voting members 66407
of the commission constitute a quorum. The votes of at least eight 66408
voting members of the commission are necessary for the commission 66409

to take any official action or to approve the distribution of 66410
grants under this section. 66411

Sec. 3701.83. (A) There is hereby created in the state 66412
treasury the general operations fund. Moneys in the fund shall be 66413
used for the purposes specified in sections 3701.04, 3701.344, 66414
3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 66415
3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 66416
3749.04, 3749.07, 4747.04, ~~4751.04~~, and 4769.09 of the Revised 66417
Code. 66418

(B) The alcohol testing program fund is hereby created in the 66419
state treasury. The director of health shall use the fund to 66420
administer and enforce the alcohol testing and permit program 66421
authorized by section 3701.143 of the Revised Code. 66422

The fund shall receive transfers from the liquor control fund 66423
created under section 4301.12 of the Revised Code. All investment 66424
earnings of the alcohol testing program fund shall be credited to 66425
the fund. 66426

Sec. 3701.881. (A) As used in this section: 66427

(1) "Applicant" means a person who is under final 66428
consideration for employment with a home health agency in a 66429
full-time, part-time, or temporary position that involves 66430
providing direct care to an individual or is referred to a home 66431
health agency by an employment service for such a position. 66432

(2) "Community-based long-term care agency provider" ~~has the~~ 66433
~~same meaning~~ means a provider as defined in section 173.39 of the 66434
Revised Code. 66435

(3) "Community-based long-term care subcontractor" means a 66436
subcontractor as defined in section 173.38 of the Revised Code. 66437

(4) "Criminal records check" has the same meaning as in 66438

section 109.572 of the Revised Code. 66439

~~(4)~~(5) "Direct care" means any of the following: 66440

(a) Any service identified in divisions (A)~~(7)~~(8)(a) to (f) 66441
of this section that is provided in a patient's place of residence 66442
used as the patient's home; 66443

(b) Any activity that requires the person performing the 66444
activity to be routinely alone with a patient or to routinely have 66445
access to a patient's personal property or financial documents 66446
regarding a patient; 66447

(c) For each home health agency individually, any other 66448
routine service or activity that the chief administrator of the 66449
home health agency designates as direct care. 66450

~~(5)~~(6) "Disqualifying offense" means any of the offenses 66451
listed or described in divisions (A)(3)(a) to (e) of section 66452
109.572 of the Revised Code. 66453

~~(6)~~(7) "Employee" means a person employed by a home health 66454
agency in a full-time, part-time, or temporary position that 66455
involves providing direct care to an individual and a person who 66456
works in such a position due to being referred to a home health 66457
agency by an employment service. 66458

~~(7)~~(8) "Home health agency" means a person or government 66459
entity, other than a nursing home, residential care facility, 66460
hospice care program, or pediatric respite care program, that has 66461
the primary function of providing any of the following services to 66462
a patient at a place of residence used as the patient's home: 66463

(a) Skilled nursing care; 66464

(b) Physical therapy; 66465

(c) Speech-language pathology; 66466

(d) Occupational therapy; 66467

(e) Medical social services;	66468
(f) Home health aide services.	66469
(8) <u>(9)</u> "Home health aide services" means any of the following services provided by an employee of a home health agency:	66470 66471
(a) Hands-on bathing or assistance with a tub bath or shower;	66472
(b) Assistance with dressing, ambulation, and toileting;	66473
(c) Catheter care but not insertion;	66474
(d) Meal preparation and feeding.	66475
(9) <u>(10)</u> "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	66476 66477 66478
(10) <u>(11)</u> "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	66479 66480 66481
(11) <u>(12)</u> "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	66482 66483
(12) <u>(13)</u> "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	66484 66485 66486
(13) <u>(14)</u> "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	66487 66488
(14) <u>(15)</u> "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	66489 66490
(15) <u>(16)</u> "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	66491 66492 66493
(16) <u>(17)</u> "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.	66494 66495

~~(17)~~(18) "Waiver agency" has the same meaning as in section 66496
~~5111.033~~ 5164.342 of the Revised Code. 66497

(B) No home health agency shall employ an applicant or 66498
continue to employ an employee in a position that involves 66499
providing direct care to an individual if any of the following 66500
apply: 66501

(1) A review of the databases listed in division (D) of this 66502
section reveals any of the following: 66503

(a) That the applicant or employee is included in one or more 66504
of the databases listed in divisions (D)(1) to (5) of this 66505
section; 66506

(b) That there is in the state nurse aide registry 66507
established under section 3721.32 of the Revised Code a statement 66508
detailing findings by the director of health that the applicant or 66509
employee neglected or abused a long-term care facility or 66510
residential care facility resident or misappropriated property of 66511
such a resident; 66512

(c) That the applicant or employee is included in one or more 66513
of the databases, if any, specified in rules adopted under this 66514
section and the rules prohibit the home health agency from 66515
employing an applicant or continuing to employ an employee 66516
included in such a database in a position that involves providing 66517
direct care to an individual. 66518

(2) After the applicant or employee is provided, pursuant to 66519
division (E)(2)(a) of this section, a copy of the form prescribed 66520
pursuant to division (C)(1) of section 109.572 of the Revised Code 66521
and the standard impression sheet prescribed pursuant to division 66522
(C)(2) of that section, the applicant or employee fails to 66523
complete the form or provide the applicant's or employee's 66524
fingerprint impressions on the standard impression sheet. 66525

(3) Except as provided in rules adopted under this section, 66526

the applicant or employee is found by a criminal records check 66527
required by this section to have been convicted of, pleaded guilty 66528
to, or been found eligible for intervention in lieu of conviction 66529
for a disqualifying offense. 66530

(C) Except as provided by division (F) of this section, the 66531
chief administrator of a home health agency shall inform each 66532
applicant of both of the following at the time of the applicant's 66533
initial application for employment or referral to the home health 66534
agency by an employment service for a position that involves 66535
providing direct care to an individual: 66536

(1) That a review of the databases listed in division (D) of 66537
this section will be conducted to determine whether the home 66538
health agency is prohibited by division (B)(1) of this section 66539
from employing the applicant in the position; 66540

(2) That, unless the database review reveals that the 66541
applicant may not be employed in the position, a criminal records 66542
check of the applicant will be conducted and the applicant is 66543
required to provide a set of the applicant's fingerprint 66544
impressions as part of the criminal records check. 66545

(D) As a condition of employing any applicant in a position 66546
that involves providing direct care to an individual, the chief 66547
administrator of a home health agency shall conduct a database 66548
review of the applicant in accordance with rules adopted under 66549
this section. If rules adopted under this section so require, the 66550
chief administrator of a home health agency shall conduct a 66551
database review of an employee in accordance with the rules as a 66552
condition of continuing to employ the employee in a position that 66553
involves providing direct care to an individual. However, the 66554
chief administrator is not required to conduct a database review 66555
of an applicant or employee if division (F) of this section 66556
applies. A database review shall determine whether the applicant 66557
or employee is included in any of the following: 66558

(1) The excluded parties list system that is maintained by 66559
the United States general services administration pursuant to 66560
subpart 9.4 of the federal acquisition regulation and available at 66561
the federal web site known as the system for award management; 66562

(2) The list of excluded individuals and entities maintained 66563
by the office of inspector general in the United States department 66564
of health and human services pursuant to ~~section 1128 of the~~ 66565
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 66566
1156, 42 U.S.C. 1320a-7, ~~as amended, and section 1156 of the~~ 66567
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. and 1320c-5,~~ 66568
~~as amended;~~ 66569

(3) The registry of MR/DD employees established under section 66570
5123.52 of the Revised Code; 66571

(4) The internet-based sex offender and child-victim offender 66572
database established under division (A)(11) of section 2950.13 of 66573
the Revised Code; 66574

(5) The internet-based database of inmates established under 66575
section 5120.66 of the Revised Code; 66576

(6) The state nurse aide registry established under section 66577
3721.32 of the Revised Code; 66578

(7) Any other database, if any, specified in rules adopted 66579
under this section. 66580

(E)(1) As a condition of employing any applicant in a 66581
position that involves providing direct care to an individual, the 66582
chief administrator of a home health agency shall request the 66583
superintendent of the bureau of criminal identification and 66584
investigation to conduct a criminal records check of the 66585
applicant. If rules adopted under this section so require, the 66586
chief administrator of a home health agency shall request the 66587
superintendent to conduct a criminal records check of an employee 66588
at times specified in the rules as a condition of continuing to 66589

employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to request the criminal records check of the applicant or the employee if division (F) of this section applies or the home health agency is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing direct care to an individual. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof that the applicant or employee has been a resident of this state for that five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

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

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

(b) Obtain the completed form and standard impression sheet from each applicant and employee;

(c) Forward the completed form and standard impression sheet

to the superintendent at the time the chief administrator requests 66622
the criminal records check. 66623

(3) A home health agency shall pay to the bureau of criminal 66624
identification and investigation the fee prescribed pursuant to 66625
division (C)(3) of section 109.572 of the Revised Code for each 66626
criminal records check the agency requests under this section. A 66627
home health agency may charge an applicant a fee not exceeding the 66628
amount the agency pays to the bureau under this section if both of 66629
the following apply: 66630

(a) The home health agency notifies the applicant at the time 66631
of initial application for employment of the amount of the fee and 66632
that, unless the fee is paid, the applicant will not be considered 66633
for employment. 66634

(b) The medicaid program ~~established under Chapter 5111. of~~ 66635
~~the Revised Code~~ does not reimburse the home health agency for the 66636
fee it pays to the bureau under this section. 66637

(F) Divisions (C) to (E) of this section do not apply with 66638
regard to an applicant or employee if the applicant or employee is 66639
referred to a home health agency by an employment service that 66640
supplies full-time, part-time, or temporary staff for positions 66641
that involve providing direct care to an individual and both of 66642
the following apply: 66643

(1) The chief administrator of the home health agency 66644
receives from the employment service confirmation that a review of 66645
the databases listed in division (D) of this section was conducted 66646
with regard to the applicant or employee. 66647

(2) The chief administrator of the home health agency 66648
receives from the employment service, applicant, or employee a 66649
report of the results of a criminal records check of the applicant 66650
or employee that has been conducted by the superintendent within 66651
the one-year period immediately preceding the following: 66652

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency; 66653
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(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section. 66655
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(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies: 66658
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(a) The chief administrator of the home health agency requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment. 66665
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(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following: 66669
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(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant; 66675
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(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense; 66678
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(iii) That the employment service has not received the results of the criminal records check as of the date set forth on 66682
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the letter; 66684

(iv) That the employment service promptly will send a copy of 66685
the results of the criminal records check to the chief 66686
administrator of the home health agency when the employment 66687
service receives the results. 66688

(2) If a home health agency employs an applicant 66689
conditionally pursuant to division (G)(1)(b) of this section, the 66690
employment service, on its receipt of the results of the criminal 66691
records check, promptly shall send a copy of the results to the 66692
chief administrator of the agency. 66693

(3) A home health agency that employs an applicant 66694
conditionally pursuant to division (G)(1)(a) or (b) of this 66695
section shall terminate the applicant's employment if the results 66696
of the criminal records check, other than the results of any 66697
request for information from the federal bureau of investigation, 66698
are not obtained within the period ending sixty days after the 66699
date the request for the criminal records check is made. 66700
Regardless of when the results of the criminal records check are 66701
obtained, if the results indicate that the applicant has been 66702
convicted of, pleaded guilty to, or been found eligible for 66703
intervention in lieu of conviction for a disqualifying offense, 66704
the home health agency shall terminate the applicant's employment 66705
unless circumstances specified in rules adopted under this section 66706
that permit the agency to employ the applicant exist and the 66707
agency chooses to employ the applicant. Termination of employment 66708
under this division shall be considered just cause for discharge 66709
for purposes of division (D)(2) of section 4141.29 of the Revised 66710
Code if the applicant makes any attempt to deceive the home health 66711
agency about the applicant's criminal record. 66712

(H) The report of any criminal records check conducted by the 66713
bureau of criminal identification and investigation in accordance 66714
with section 109.572 of the Revised Code and pursuant to a request 66715

made under this section is not a public record for the purposes of 66716
section 149.43 of the Revised Code and shall not be made available 66717
to any person other than the following: 66718

(1) The applicant or employee who is the subject of the 66719
criminal records check or the applicant's or employee's 66720
representative; 66721

(2) The home health agency requesting the criminal records 66722
check or its representative; 66723

(3) The administrator of any other facility, agency, or 66724
program that provides direct care to individuals that is owned or 66725
operated by the same entity that owns or operates the home health 66726
agency that requested the criminal records check; 66727

(4) The employment service that requested the criminal 66728
records check; 66729

(5) The director of health and the staff of the department of 66730
health who monitor a home health agency's compliance with this 66731
section; 66732

(6) The director of aging or the director's designee if 66733
either of the following apply: 66734

(a) In the case of a criminal records check requested by a 66735
home health agency, the home health agency also is a 66736
community-based long-term care ~~agency~~ provider or community-based 66737
long-term care subcontractor; 66738

(b) In the case of a criminal records check requested by an 66739
employment service, the employment service makes the request for 66740
an applicant or employee the employment service refers to a home 66741
health agency that also is a community-based long-term care ~~agency~~ 66742
provider or community-based long-term care subcontractor. 66743

(7) The medicaid director ~~of job and family services~~ and the 66744
staff of the department of ~~job and family services~~ medicaid who 66745

are involved in the administration of the medicaid program if 66746
either of the following apply: 66747

(a) In the case of a criminal records check requested by a 66748
home health agency, the home health agency also is a waiver 66749
agency; 66750

(b) In the case of a criminal records check requested by an 66751
employment service, the employment service makes the request for 66752
an applicant or employee the employment service refers to a home 66753
health agency that also is a waiver agency. 66754

(8) Any court, hearing officer, or other necessary individual 66755
involved in a case dealing with any of the following: 66756

(a) A denial of employment of the applicant or employee; 66757

(b) Employment or unemployment benefits of the applicant or 66758
employee; 66759

(c) A civil or criminal action regarding the medicaid 66760
program. 66761

(I) In a tort or other civil action for damages that is 66762
brought as the result of an injury, death, or loss to person or 66763
property caused by an applicant or employee who a home health 66764
agency employs in a position that involves providing direct care 66765
to an individual, all of the following shall apply: 66766

(1) If the home health agency employed the applicant or 66767
employee in good faith and reasonable reliance on the report of a 66768
criminal records check requested under this section, the agency 66769
shall not be found negligent solely because of its reliance on the 66770
report, even if the information in the report is determined later 66771
to have been incomplete or inaccurate. 66772

(2) If the home health agency employed the applicant in good 66773
faith on a conditional basis pursuant to division (G) of this 66774
section, the agency shall not be found negligent solely because it 66775

employed the applicant prior to receiving the report of a criminal records check requested under this section. 66776
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(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 66778
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(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 66785
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(1) The rules may do the following: 66787

(a) Require employees to undergo database reviews and criminal records checks under this section; 66788
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 66790
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66792

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 66793
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(2) The rules shall specify all of the following: 66796

(a) The procedures for conducting database reviews under this section; 66797
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 66799
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(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or 66803
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continuing to employ an employee who is found by a database review 66806
to be included in one or more of those databases; 66807

(d) Circumstances under which a home health agency may employ 66808
an applicant or employee who is found by a criminal records check 66809
required by this section to have been convicted of, pleaded guilty 66810
to, or been found eligible for intervention in lieu of conviction 66811
for a disqualifying offense but meets personal character 66812
standards. 66813

Sec. 3701.921. There is hereby established the patient 66814
centered medical home education program in the department of 66815
health. For the purpose of advancing education in the patient 66816
centered medical home model of care, the director of health may 66817
implement and administer the program pursuant to sections 3701.922 66818
to 3701.929 of the Revised Code. The patient centered medical home 66819
model of care is an enhanced model of primary care in which care 66820
teams attend to the multifaceted needs of patients, providing 66821
whole person comprehensive and coordinate patient centered care. 66822

To the extent that funds are available, the program shall 66823
include the patient centered medical home education pilot project 66824
and may include any other ~~pilot~~ projects the director establishes 66825
pursuant to division (A)(3) of section 3701.922 of the Revised 66826
Code. 66827

Sec. 3701.922. (A) The director of health may do any of the 66828
following to implement and administer the patient centered medical 66829
home education program: 66830

(1) Develop and implement programs of education or training 66831
on the patient centered medical home model of care or other 66832
similar enhanced models of coordinated patient centered care that 66833
are intended to address the multifaceted needs of patients and 66834
provide whole person comprehensive and coordinated patient 66835

centered care; 66836

(2) Advise, consult, cooperate with, and assist, by contract 66837
or other arrangement, government agencies or institutions or 66838
private organizations, corporations, or associations in the 66839
development and promotion of programs pertaining to the evaluation 66840
and implementation of the patient centered medical home model of 66841
care or other similar enhanced models of coordinated patient 66842
centered care; 66843

(3) Establish ~~pilot~~ projects that ~~do any of the following:~~ 66844

~~(a) Evaluate or implement the patient centered medical home 66845
model of care or other similar enhanced models of coordinated 66846
patient centered care;~~ 66847

~~(b) Provide~~ provide education or training on the patient 66848
centered medical home model of care or other similar enhanced 66849
models of coordinated patient centered care. 66850

(4) Seek and administer state funds or grants from other 66851
sources to carry out any functions of the patient centered medical 66852
home education program. 66853

Any funds or grants received by the director for purposes of 66854
the program shall be used for the program. 66855

(B) The director may adopt rules as necessary to implement 66856
and administer the patient centered medical home education 66857
program, including rules that define what constitutes a "patient 66858
centered medical home" for purposes of an entity authorized to 66859
provide care coordination services. The rules shall be adopted in 66860
accordance with Chapter 119. of the Revised Code. 66861

Sec. 3701.94. There is hereby established the patient 66862
centered medical home program in the department of health. The 66863
patient centered medical home model of care is an advanced model 66864
of primary care in which care teams attend to the multifaceted 66865

needs of patients, providing whole person comprehensive and 66866
coordinated patient centered care. 66867

Sec. 3701.941. (A) As part of the patient centered medical 66868
home program established under section 3701.94 of the Revised 66869
Code, the department of health shall establish a voluntary patient 66870
centered medical home certification program. 66871

(B) Each primary care practice, that seeks a patient centered 66872
medical home certificate shall submit an application on a form 66873
prepared by the department. The department may require an 66874
application fee and annual renewal fee as determined by the 66875
department. If the department establishes a fee under this 66876
section, the fee shall be in an amount that is sufficient to cover 66877
the cost of any on-site evaluations conducted by the department or 66878
an entity under contract with the department pursuant to section 66879
3701.942 of the Revised Code. 66880

(C) A practice certified under this section shall do all of 66881
the following: 66882

(1) Meet any standards developed by national independent 66883
accrediting and medical home organizations, as determined by the 66884
department; 66885

(2) Develop a systematic follow-up procedure for patients, 66886
including the use of health information technology and patient 66887
registries; 66888

(3) Implement and maintain health information technology that 66889
meets the requirements of 42 U.S.C. 300jj; 66890

(4) Comply with the reporting requirements of section 66891
3701.942 of the Revised Code; 66892

(5) Meet any process, outcome, and quality standards 66893
specified by the department of health; 66894

<u>(6) Meet any other requirements established by the</u>	66895
<u>department.</u>	66896
<u>(D) The department shall seek to do all of the following</u>	66897
<u>through the certification of patient centered medical homes:</u>	66898
<u>(1) Expand, enhance, and encourage the use of primary care</u>	66899
<u>providers, including primary care physicians, advanced practice</u>	66900
<u>registered nurses, and physician assistants, as personal</u>	66901
<u>clinicians;</u>	66902
<u>(2) Develop a focus on delivering high-quality, efficient,</u>	66903
<u>and effective health care services;</u>	66904
<u>(3) Encourage patient centered care and the provision of care</u>	66905
<u>that is appropriate for a patient's race, ethnicity, and language;</u>	66906
<u>(4) Encourage the education and active participation of</u>	66907
<u>patients and patients' families or legal guardians, as</u>	66908
<u>appropriate, in decision making and care plan development;</u>	66909
<u>(5) Provide patients with consistent, ongoing contact with a</u>	66910
<u>personal clinician or team of clinical professionals to ensure</u>	66911
<u>continuous and appropriate care;</u>	66912
<u>(6) Ensure that patient centered medical homes develop and</u>	66913
<u>maintain appropriate comprehensive care plans for patients with</u>	66914
<u>complex or chronic conditions, including an assessment of health</u>	66915
<u>risks and chronic conditions;</u>	66916
<u>(7) Ensure that patient centered medical homes plan for</u>	66917
<u>transition of care from youth to adult to senior;</u>	66918
<u>(8) Enable and encourage use of a range of qualified health</u>	66919
<u>care professionals, including dedicated care coordinators, in a</u>	66920
<u>manner that enables those professionals to practice to the fullest</u>	66921
<u>extent of their professional licenses.</u>	66922
<u>Sec. 3701.942. (A) Each certified patient centered medical</u>	66923

home shall report health care quality and performance information 66924
to the department of health, including any data necessary for 66925
monitoring compliance with certification standards and for 66926
evaluating the impact of patient centered medical homes on health 66927
care quality, cost, and outcomes. 66928

(B) The department may contract with a private entity to 66929
evaluate the effectiveness of certified patient centered medical 66930
homes. The department may provide the entity with data collected 66931
under division (A) of this section. 66932

(C) The department may contract with national independent 66933
accrediting and medical home organizations to provide on-site 66934
evaluation of primary care practices and verification of data 66935
collected under division (A) of this section. 66936

(D) Data collected under this section is not a public record 66937
under section 149.43 of the Revised Code. 66938

Sec. 3701.943. (A) The department of health shall submit a 66939
report to the governor and, in accordance with section 101.68 of 66940
the Revised Code, the general assembly, evaluating the patient 66941
centered medical home program not later than three years after 66942
rules adopted pursuant to section 3701.944 of the Revised Code 66943
first become effective. The department shall submit a second 66944
report not later than five years after those rules first become 66945
effective. 66946

(B) The reports submitted under division (A) of this section 66947
shall include all of the following: 66948

(1) The number of patients receiving primary care services 66949
from certified patient centered medical homes and the number and 66950
characteristics of those patients with complex or chronic 66951
conditions. To the extent available, information regarding the 66952
income, race, ethnicity, and language of patients shall be 66953

<u>included in the reports;</u>	66954
<u>(2) The number and geographic distribution of certified patient centered medical homes;</u>	66955
<u>(3) Performance of and quality of care measures implemented by certified patient centered medical homes;</u>	66956
<u>(3) Performance of and quality of care measures implemented by certified patient centered medical homes;</u>	66957
<u>(3) Performance of and quality of care measures implemented by certified patient centered medical homes;</u>	66958
<u>(4) Preventive care measures implemented by certified patient centered medical homes;</u>	66959
<u>(4) Preventive care measures implemented by certified patient centered medical homes;</u>	66960
<u>(5) Payment arrangements of certified patient centered medical homes;</u>	66961
<u>(5) Payment arrangements of certified patient centered medical homes;</u>	66962
<u>(6) Costs related to implementation of the patient centered medical home program and payment of care coordination fees;</u>	66963
<u>(6) Costs related to implementation of the patient centered medical home program and payment of care coordination fees;</u>	66964
<u>(7) The estimated effect of certified patient centered medical homes on health disparities;</u>	66965
<u>(7) The estimated effect of certified patient centered medical homes on health disparities;</u>	66966
<u>(8) The estimated savings from establishing the patient centered medical home program, as those savings apply to the fee for service, managed care, and state-based purchasing sectors.</u>	66967
<u>(8) The estimated savings from establishing the patient centered medical home program, as those savings apply to the fee for service, managed care, and state-based purchasing sectors.</u>	66968
<u>(8) The estimated savings from establishing the patient centered medical home program, as those savings apply to the fee for service, managed care, and state-based purchasing sectors.</u>	66969
<u>Sec. 3701.944. The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following:</u>	66970
<u>Sec. 3701.944. The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following:</u>	66971
<u>Sec. 3701.944. The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following:</u>	66972
<u>(A) Considering the goals set forth in section 3701.941 of the Revised Code, establish standards and procedures for certifying a primary care practice as a patient centered medical home;</u>	66973
<u>(A) Considering the goals set forth in section 3701.941 of the Revised Code, establish standards and procedures for certifying a primary care practice as a patient centered medical home;</u>	66974
<u>(A) Considering the goals set forth in section 3701.941 of the Revised Code, establish standards and procedures for certifying a primary care practice as a patient centered medical home;</u>	66975
<u>(A) Considering the goals set forth in section 3701.941 of the Revised Code, establish standards and procedures for certifying a primary care practice as a patient centered medical home;</u>	66976
<u>(B) Specify the types of medical practices that constitute primary care practices for the purpose of certifying patient centered medical homes;</u>	66977
<u>(B) Specify the types of medical practices that constitute primary care practices for the purpose of certifying patient centered medical homes;</u>	66978
<u>(B) Specify the types of medical practices that constitute primary care practices for the purpose of certifying patient centered medical homes;</u>	66979
<u>(C) Specify the health care quality and performance information that certified patient centered medical homes must report to the department pursuant to section 3701.942 of the</u>	66980
<u>(C) Specify the health care quality and performance information that certified patient centered medical homes must report to the department pursuant to section 3701.942 of the</u>	66981
<u>(C) Specify the health care quality and performance information that certified patient centered medical homes must report to the department pursuant to section 3701.942 of the</u>	66982

Revised Code. 66983

Sec. 3701.95. (A) As used in this section, "direct care services" and "direct care worker" have the same meanings as in section 191.061 of the Revised Code. 66984
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(B) Not later than October 1, 2014, the director of health shall establish a direct care worker certification program. The director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the program. The rules may address standards, procedures, and application fees charged for certification. 66987
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(C) For purposes of the program, the director shall do both of the following: 66993
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(1) Specify the minimum standards that must be met by a direct care worker to attain certification, which may include standards pertaining to education, experience, and continuing education requirements, as well as standards for compliance with administrative requirements. 66995
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(2) Specify a procedure for determining whether a direct care worker satisfies the standards specified under division (C)(1) of this section. 67000
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Sec. 3701.96. As used in this section, "board of health" means a board of health of a city or general health district or an authority having the duties of a board of health under section 3709.05 of the Revised Code. 67003
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If a zoonotic disease program is administered by the department of health, the director of health may charge a board of health a fee for each service the program provides to the board. The fee amount shall be determined by the director and be commensurate with the department's cost to provide the service. The board shall pay the fee associated with a service at the time 67007
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the service is provided. 67013

Sec. 3701.98. Not later than July 1, 2014, the director of 67014
health shall establish both of the following by rule adopted under 67015
Chapter 119. of the Revised Code: 67016

(A) A standardized process by which all general and city 67017
health districts shall collect and report to the director 67018
information regarding public health quality indicators. 67019

(B) A policy and procedures for the sharing of health data 67020
reported under this section with payers, providers, general and 67021
city health districts, and public health professionals. 67022

The rules shall identify the public health quality indicators 67023
that are to be a priority for general and city health districts 67024
and the information to be collected and reported regarding those 67025
indicators. 67026

Sec. 3701.99. (A) Whoever violates division (C) of section 67027
3701.23, division (C) of section 3701.232, division (C) of section 67028
3701.24, division (B) of section 3701.25, division ~~(I)~~(D)(2) of 67029
section 3701.262, ~~division (D) of section 3701.263,~~ or sections 67030
3701.46 to 3701.55 of the Revised Code is guilty of a minor 67031
misdemeanor on a first offense; on each subsequent offense, the 67032
person is guilty of a misdemeanor of the fourth degree. 67033

(B) Whoever violates section 3701.82 of the Revised Code is 67034
guilty of a misdemeanor of the first degree. 67035

(C) Whoever violates section 3701.352 or 3701.81 of the 67036
Revised Code is guilty of a misdemeanor of the second degree. 67037

Sec. 3702.30. (A) As used in this section: 67038

(1) "Ambulatory surgical facility" means a facility, whether 67039
or not part of the same organization as a hospital, that is 67040

located in a building distinct from another in which inpatient 67041
care is provided, and to which any of the following apply: 67042

(a) Outpatient surgery is routinely performed in the 67043
facility, and the facility functions separately from a hospital's 67044
inpatient surgical service and from the offices of private 67045
physicians, podiatrists, and dentists. 67046

(b) Anesthesia is administered in the facility by an 67047
anesthesiologist or certified registered nurse anesthetist, and 67048
the facility functions separately from a hospital's inpatient 67049
surgical service and from the offices of private physicians, 67050
podiatrists, and dentists. 67051

(c) The facility applies to be certified by the United States 67052
centers for medicare and medicaid services as an ambulatory 67053
surgical center for purposes of reimbursement under Part B of the 67054
medicare program, Part B of Title XVIII of the "Social Security 67055
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 67056

(d) The facility applies to be certified by a national 67057
accrediting body approved by the centers for medicare and medicaid 67058
services for purposes of deemed compliance with the conditions for 67059
participating in the medicare program as an ambulatory surgical 67060
center. 67061

(e) The facility bills or receives from any third-party 67062
payer, governmental health care program, or other person or 67063
government entity any ambulatory surgical facility fee that is 67064
billed or paid in addition to any fee for professional services. 67065

(f) The facility is held out to any person or government 67066
entity as an ambulatory surgical facility or similar facility by 67067
means of signage, advertising, or other promotional efforts. 67068

"Ambulatory surgical facility" does not include a hospital 67069
emergency department. 67070

(2) "Ambulatory surgical facility fee" means a fee for 67071
certain overhead costs associated with providing surgical services 67072
in an outpatient setting. A fee is an ambulatory surgical facility 67073
fee only if it directly or indirectly pays for costs associated 67074
with any of the following: 67075

(a) Use of operating and recovery rooms, preparation areas, 67076
and waiting rooms and lounges for patients and relatives; 67077

(b) Administrative functions, record keeping, housekeeping, 67078
utilities, and rent; 67079

(c) Services provided by nurses, orderlies, technical 67080
personnel, and others involved in patient care related to 67081
providing surgery. 67082

"Ambulatory surgical facility fee" does not include any 67083
additional payment in excess of a professional fee that is 67084
provided to encourage physicians, podiatrists, and dentists to 67085
perform certain surgical procedures in their office or their group 67086
practice's office rather than a health care facility, if the 67087
purpose of the additional fee is to compensate for additional cost 67088
incurred in performing office-based surgery. 67089

(3) "Governmental health care program" has the same meaning 67090
as in section 4731.65 of the Revised Code. 67091

(4) "Health care facility" means any of the following: 67092

(a) An ambulatory surgical facility; 67093

(b) A freestanding dialysis center; 67094

(c) A freestanding inpatient rehabilitation facility; 67095

(d) A freestanding birthing center; 67096

(e) A freestanding radiation therapy center; 67097

(f) A freestanding or mobile diagnostic imaging center. 67098

(5) "Third-party payer" has the same meaning as in section 67099

3901.38 of the Revised Code. 67100

(B) By rule adopted in accordance with sections 3702.12 and 67101
3702.13 of the Revised Code, the director of health shall 67102
establish quality standards for health care facilities. The 67103
standards may incorporate accreditation standards or other quality 67104
standards established by any entity recognized by the director. 67105

In the case of an ambulatory surgical facility, the standards 67106
shall require the ambulatory surgical facility to maintain an 67107
infection control program. The purposes of the program are to 67108
minimize infections and communicable diseases and facilitate a 67109
functional and sanitary environment consistent with standards of 67110
professional practice. To achieve these purposes, ambulatory 67111
surgical facility staff managing the program shall create and 67112
administer a plan designed to prevent, identify, and manage 67113
infections and communicable diseases; ensure that the program is 67114
directed by a qualified professional trained in infection control; 67115
ensure that the program is an integral part of the ambulatory 67116
surgical facility's quality assessment and performance improvement 67117
program; and implement in an expeditious manner corrective and 67118
preventive measures that result in improvement. 67119

(C) Every ambulatory surgical facility shall require that 67120
each physician who practices at the facility comply with all 67121
relevant provisions in the Revised Code that relate to the 67122
obtaining of informed consent from a patient. 67123

(D) The director shall issue a license to each health care 67124
facility that makes application for a license and demonstrates to 67125
the director that it meets the quality standards established by 67126
the rules adopted under division (B) of this section and satisfies 67127
the informed consent compliance requirements specified in division 67128
(C) of this section. 67129

(E)(1) Except as provided in division (H) of this section and 67130

in section 3702.301 of the Revised Code, no health care facility shall operate without a license issued under this section.

(2) If the department of health finds that a physician who practices at a health care facility is not complying with any provision of the Revised Code related to the obtaining of informed consent from a patient, the department shall report its finding to the state medical board, the physician, and the health care facility.

(3) This division does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a health care facility and in favor of a patient who allegedly sustains harm as a result of the failure of the patient's physician to obtain informed consent from the patient prior to performing a procedure on or otherwise caring for the patient in the health care facility.

(F) The rules adopted under division (B) of this section shall include all of the following:

(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section;

(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;

(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this section or the rules adopted under this section, including a scale for determining the amount of the penalties;

(4) Provisions specifying the form inspectors must use when conducting inspections of ambulatory surgical facilities.

(G) An ambulatory surgical facility that performs or induces

abortions shall comply with section 3701.791 of the Revised Code. 67161

(H) The following entities are not required to obtain a 67162
license as a freestanding diagnostic imaging center issued under 67163
this section: 67164

(1) A hospital registered under section 3701.07 of the 67165
Revised Code that provides diagnostic imaging; 67166

(2) An entity that is reviewed as part of a hospital 67167
accreditation or certification program and that provides 67168
diagnostic imaging; 67169

(3) An ambulatory surgical facility that provides diagnostic 67170
imaging in conjunction with or during any portion of a surgical 67171
procedure. 67172

Sec. 3702.302. In the case of an ambulatory surgical facility 67173
not certified by the centers for medicare and medicaid services as 67174
an ambulatory surgical center, the director of health shall 67175
conduct an inspection of the facility each time the facility 67176
submits an application for license renewal. The director shall not 67177
renew the license unless all of the following conditions are met: 67178

(A) The inspector conducting the inspection completes each 67179
item on the following, as applicable: 67180

(1) Until the director adopts rules under division (F) of 67181
section 3702.30 of the Revised Code, the form approved by the 67182
director on the effective date of this section; 67183

(2) The form specified by the director pursuant to rules 67184
adopted under division (F) of section 3702.30 of the Revised Code. 67185

(B) The inspection demonstrates that the ambulatory surgical 67186
facility complies with all quality standards established by the 67187
director in rules adopted under division (B) of section 3702.30 of 67188
the Revised Code. 67189

(C) The director determines that the most recent version of the updated written transfer agreement filed in accordance with division (B) of section 3702.303 of the Revised Code is satisfactory, unless the director has granted a variance from the written transfer agreement requirement as permitted by section 3702.304 of the Revised Code. 67190
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Sec. 3702.303. (A) Except as provided in division (C) of this section, an ambulatory surgical facility shall have a written transfer agreement with a local hospital that specifies an effective procedure for the safe and immediate transfer of patients from the facility to the hospital when medical care beyond the care that can be provided at the ambulatory surgical facility is necessary, including when emergency situations occur or medical complications arise. A copy of the agreement shall be filed with the director of health. 67196
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(B) An ambulatory surgical facility shall update a written transfer agreement every two years and file a copy of the updated agreement with the director. 67205
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(C) The requirement for a written transfer agreement between an ambulatory surgical facility and a hospital does not apply if either of the following is the case: 67208
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(1) The facility is a provider-based entity, as defined in 42 C.F.R. 413.65(a)(2), of a hospital and the facility's policies and procedures to address situations when care beyond the care that can be provided at the ambulatory surgical facility are approved by the governing body of the facility's parent hospital and implemented; 67211
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(2) The director of health has, pursuant to the procedure specified in section 3702.304 of the Revised Code, granted the facility a variance from the requirement. 67217
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Sec. 3702.304. (A) The director of health may grant a 67220
variance from the written transfer agreement requirement of 67221
section 3702.303 of the Revised Code if the ambulatory surgical 67222
facility submits to the director a complete variance application, 67223
prescribed by the director, and the director determines after 67224
reviewing the application that the facility is capable of 67225
achieving the purpose of a written transfer agreement in the 67226
absence of one. The director's determination is final. 67227

(B) A variance application is complete for purposes of 67228
division (A) of this section if it contains or includes as 67229
attachments all of the following: 67230

(1) A statement explaining why application of the requirement 67231
would cause the facility undue hardship and why the variance will 67232
not jeopardize the health and safety of any patient; 67233

(2) A letter, contract, or memorandum of understanding signed 67234
by the facility and one or more consulting physicians who have 67235
admitting privileges at a minimum of one local hospital, 67236
memorializing the physician or physicians' agreement to provide 67237
back-up coverage when medical care beyond the level the facility 67238
can provide is necessary; 67239

(3) For each consulting physician described in division 67240
(B)(2) of this section: 67241

(a) A signed statement in which the physician attests that 67242
the physician is familiar with the facility and its operations, 67243
and agrees to provide notice to the facility of any changes in the 67244
physician's ability to provide back-up coverage; 67245

(b) The estimated travel time from the physician's main 67246
residence or office to each local hospital where the physician has 67247
admitting privileges; 67248

(c) Written verification that the facility has a record of 67249

the name, telephone numbers, and practice specialties of the 67250
physician; 67251

(d) Written verification from the state medical board that 67252
the physician possesses a valid certificate to practice medicine 67253
and surgery or osteopathic medicine and surgery issued under 67254
Chapter 4731. of the Revised Code; 67255

(e) Documented verification that each hospital at which the 67256
physician has admitting privileges has been informed in writing by 67257
the physician that the physician is a consulting physician for the 67258
ambulatory surgical facility and has agreed to provide back-up 67259
coverage for the facility when medical care beyond the care the 67260
facility can provide is necessary. 67261

(4) A copy of the facility's operating procedures or 67262
protocols that, at a minimum, do all of the following: 67263

(a) Address how back-up coverage by consulting physicians is 67264
to occur, including how back-up coverage is to occur when 67265
consulting physicians are temporarily unavailable; 67266

(b) Specify that each consulting physician is required to 67267
notify the facility, without delay, when the physician is unable 67268
to expeditiously admit patients to a local hospital and provide 67269
for continuity of patient care; 67270

(c) Specify that a patient's medical record maintained by the 67271
facility must be transferred contemporaneously with the patient 67272
when the patient is transferred from the facility to a hospital. 67273

(5) Any other information the director considers necessary. 67274

(C) The director's decision to grant, refuse, or rescind a 67275
variance is final. 67276

(D) The director shall consider each application for a 67277
variance independently without regard to any decision the director 67278
may have made on a prior occasion to grant or deny a variance to 67279

that ambulatory surgical facility or any other facility. 67280

Sec. 3702.305. The director of health may impose conditions 67281
on any variance the director has granted under section 3702.304 of 67282
the Revised Code. The director may, at any time, rescind the 67283
variance for any reason, including a determination by the director 67284
that the facility is failing to meet one or more of the conditions 67285
or no longer adequately protects public health and safety. The 67286
director's decision to rescind a variance is final. 67287

Sec. 3702.306. A variance the director of health grants under 67288
section 3702.304 of the Revised Code is effective for the period 67289
of time specified by the director, except that it shall not be 67290
effective beyond the date the ambulatory surgical facility's 67291
license expires. If a variance is to expire on the date the 67292
facility's license expires, the facility may submit to the 67293
director an application for a new variance with its next license 67294
renewal application. 67295

Sec. 3702.307. An ambulatory surgical facility shall notify 67296
the director of health when any of the following occurs: 67297

(A) The facility modifies any provision of its most recent 67298
written transfer agreement filed with the director under section 67299
3702.303 of the Revised Code. Notification under these 67300
circumstances shall occur not later than the business day after 67301
the modification is finalized. As used in this division, "business 67302
day" means a day of the week excluding Saturday, Sunday, and a 67303
legal holiday as defined in section 1.14 of the Revised Code. 67304

(B) The facility modifies its operating procedures or 67305
protocols described in division (B)(4) of section 3702.304 of the 67306
Revised Code. Notification under these circumstances shall occur 67307
not later than forty-eight hours after the modification is made. 67308

(C) The ambulatory surgical facility becomes aware of an event, including disciplinary action by the state medical board pursuant to section 4731.22 of the Revised Code, that may affect a consulting physician's certificate to practice medicine and surgery or osteopathic medicine and surgery or the physician's ability to admit patients to a hospital identified in a variance application, as described in division (B)(3)(e) of section 3702.304 of the Revised Code. Notification under these circumstances shall occur not later than one week after the facility becomes aware of the event's occurrence.

Sec. 3702.308. If any provision in sections 3702.302 to 3702.307 of the Revised Code is enjoined, the injunction does not affect any remaining provision of those sections, any provision of section 3702.30 of the Revised Code, or any provision of the rules adopted under that section.

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the Revised Code:

(A) "Applicant" means any person that submits an application for a certificate of need and who is designated in the application as the applicant.

(B) "Person" means any individual, corporation, business trust, estate, firm, partnership, association, joint stock company, insurance company, government unit, or other entity.

(C) "Certificate of need" means a written approval granted by the director of health to an applicant to authorize conducting a reviewable activity.

(D) "Service area" means the current and projected primary and secondary service areas to which the long-term care facility is, or will be, providing long-term care services.

(E) "Primary service area" means the geographic region,

usually comprised of the Ohio zip code in which the long-term care facility is located and contiguous zip codes, from which approximately seventy-five to eighty per cent of the facility's residents currently originate or are expected to originate.

(F) "Secondary service area" means the geographic region, usually comprised of Ohio zip codes not included in the primary service area, excluding isolated exceptions, from which the facility's remaining residents currently originate or are expected to originate.

(G) "Third-party payer" means a health insuring corporation licensed under Chapter 1751. of the Revised Code, a health maintenance organization as defined in division (I) of this section, an insurance company that issues sickness and accident insurance in conformity with Chapter 3923. of the Revised Code, a state-financed health insurance program under Chapter 3701. ~~or~~ 4123. ~~or 5111.~~ of the Revised Code, the medicaid program, or any self-insurance plan.

(H) "Government unit" means the state and any county, municipal corporation, township, or other political subdivision of the state, or any department, division, board, or other agency of the state or a political subdivision.

(I) "Health maintenance organization" means a public or private organization organized under the law of any state that is qualified under section 1310(d) of Title XIII of the "Public Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9.

(J) "Existing long-term care facility" means either of the following:

(1) A long-term care facility that is licensed or otherwise authorized to operate in this state in accordance with applicable law, including a county home or a county nursing home that is certified under Title XVIII or Title XIX of the "Social Security

Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 67370
and equipped to provide long-term care services, and is actively 67371
providing long-term care services; 67372

(2) A long-term care facility that is licensed or otherwise 67373
authorized to operate in this state in accordance with applicable 67374
law, including a county home or a county nursing home that is 67375
certified under Title XVIII or Title XIX of the "Social Security 67376
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 67377
beds registered under section 3701.07 of the Revised Code as 67378
skilled nursing beds or long-term care beds and has provided 67379
long-term care services for at least three hundred sixty-five 67380
consecutive days within the twenty-four months immediately 67381
preceding the date a certificate of need application is filed with 67382
the director of health. 67383

(K) "State" means the state of Ohio, including, but not 67384
limited to, the general assembly, the supreme court, the offices 67385
of all elected state officers, and all departments, boards, 67386
offices, commissions, agencies, institutions, and other 67387
instrumentalities of the state of Ohio. "State" does not include 67388
political subdivisions. 67389

(L) "Political subdivision" means a municipal corporation, 67390
township, county, school district, and all other bodies corporate 67391
and politic responsible for governmental activities only in 67392
geographic areas smaller than that of the state to which the 67393
sovereign immunity of the state attaches. 67394

(M) "Affected person" means: 67395

(1) An applicant for a certificate of need, including an 67396
applicant whose application was reviewed comparatively with the 67397
application in question; 67398

(2) The person that requested the reviewability ruling in 67399
question; 67400

(3) Any person that resides or regularly uses long-term care facilities within the service area served or to be served by the long-term care services that would be provided under the certificate of need or reviewability ruling in question;

(4) Any long-term care facility that is located in the service area where the long-term care services would be provided under the certificate of need or reviewability ruling in question;

(5) Third-party payers that reimburse long-term care facilities for services in the service area where the long-term care services would be provided under the certificate of need or reviewability ruling in question.

(N) "Long-term care facility" means any of the following:

(1) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;

(2) The portion of any facility, including a county home or county nursing home, that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act";

(3) The portion of any hospital that contains beds registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds.

(O) "Long-term care bed" or "bed" means a bed that is categorized as one of the following:

(1) A bed that is located in a facility that is a nursing home licensed under section 3721.02 of the Revised Code or a facility licensed by a political subdivision certified under section 3721.09 of the Revised Code and is included in the authorized maximum licensed capacity of the facility;

(2) A bed that is located in the portion of any facility,

including a county home or county nursing home, that is certified 67431
as a skilled nursing facility under the medicare program or a 67432
nursing facility under the medicaid program and is included in the 67433
authorized maximum certified capacity of that portion of the 67434
facility; 67435

(3) A bed that is registered under section 3701.07 of the 67436
Revised Code as a skilled nursing bed, a long-term care bed, or a 67437
special skilled nursing bed; 67438

(4) A bed in a county home or county nursing home that has 67439
been certified under section 5155.38 of the Revised Code as having 67440
been in operation on July 1, 1993, and is eligible for licensure 67441
as a nursing home bed; 67442

(5) A bed held as an approved bed under a certificate of need 67443
approved by the director. 67444

A bed cannot simultaneously be both a bed described in 67445
division (0)(1), (2), (3), or (4) of this section and a bed 67446
described in division (0)(5) of this section. 67447

(P) "Reviewability ruling" means a ruling issued by the 67448
director of health under division (A) of section 3702.52 of the 67449
Revised Code as to whether a particular proposed project is or is 67450
not a reviewable activity. 67451

(Q) "County nursing home" has the same meaning as in section 67452
5155.31 of the Revised Code. 67453

(R) "Principal participant" means both of the following: 67454

(1) A person who has an ownership or controlling interest of 67455
at least five per cent in an applicant, in a long-term care 67456
facility that is the subject of an application for a certificate 67457
of need, or in the owner or operator of the applicant or such a 67458
facility; 67459

(2) An officer, director, trustee, or general partner of an 67460

applicant, of a long-term care facility that is the subject of an 67461
application for a certificate of need, or of the owner or operator 67462
of the applicant or such a facility. 67463

(S) "Actual harm but not immediate jeopardy deficiency" means 67464
a deficiency that, under 42 C.F.R. 488.404, either constitutes a 67465
pattern of deficiencies resulting in actual harm that is not 67466
immediate jeopardy or represents widespread deficiencies resulting 67467
in actual harm that is not immediate jeopardy. 67468

(T) "Immediate jeopardy deficiency" means a deficiency that, 67469
under 42 C.F.R. 488.404, either constitutes a pattern of 67470
deficiencies resulting in immediate jeopardy to resident health or 67471
safety or represents widespread deficiencies resulting in 67472
immediate jeopardy to resident health or safety. 67473

(U) "Existing bed" or "existing long-term care bed" means a 67474
bed from an existing long-term care facility, a bed described in 67475
division (O)(5) of this section, or a bed correctly reported as a 67476
long-term care bed pursuant to section 5155.38 of the Revised 67477
Code. 67478

Sec. 3702.521. (A) Reviews of applications for certificates 67479
of need to recategorize hospital beds to skilled nursing beds 67480
shall be conducted in accordance with this division and rules 67481
adopted by the director of health. 67482

(1) No hospital recategorizing beds shall apply for a 67483
certificate of need for more than twenty skilled nursing beds. 67484

(2) No beds for which a certificate of need is requested 67485
under this division shall be reviewed under or counted in any 67486
formula developed under rules adopted by the director for the 67487
purpose of determining the number of long-term care beds that may 67488
be needed within the state. 67489

(3) No beds shall be approved under this division unless the 67490

hospital certifies and demonstrates in the application that the 67491
beds will be dedicated to patients with a length of stay of no 67492
more than thirty days. 67493

(4) No beds shall be approved under this division unless the 67494
hospital can satisfactorily demonstrate in the application that it 67495
is routinely unable to place the patients planned for the beds in 67496
accessible skilled nursing facilities. 67497

(5) In developing rules to implement this division, the 67498
director shall give special attention to the required 67499
documentation of the need for such beds, including the efforts 67500
made by the hospital to place patients in suitable skilled nursing 67501
facilities, and special attention to the appropriate size of units 67502
with such beds given the historical pattern of the applicant 67503
hospital's documented difficulty in placing skilled nursing 67504
patients. 67505

(B) For assistance in monitoring the use of hospital beds 67506
recategorized as skilled nursing beds after August 5, 1989, the 67507
director shall adopt rules specifying appropriate quarterly 67508
procedures for reporting to the department of health. 67509

(C) A patient may stay in a hospital bed that, after August 67510
5, 1989, has been recategorized as a skilled nursing bed for more 67511
than thirty days if the hospital is able to demonstrate that it 67512
made a good faith effort to place the patient in an accessible 67513
skilled nursing facility acceptable to the patient within the 67514
thirty-day period, but was unable to do so. 67515

(D) No hospital bed recategorized after August 5, 1989, as a 67516
skilled nursing bed shall be covered by a provider agreement under 67517
the ~~medical assistance~~ medicaid program ~~established under Chapter~~ 67518
~~5111. of the Revised Code.~~ 67519

(E) Nothing in this section requires a hospital to place a 67520
patient in any nursing home if the patient does not wish to be 67521

placed in the nursing home. Nothing in this section limits the 67522
ability of a hospital to file a certificate of need application 67523
for the addition of long-term care beds that meet the definition 67524
of "home" in section 3721.01 of the Revised Code. Nothing in this 67525
section limits the ability of the director to grant certificates 67526
of need necessary for hospitals to engage in demonstration 67527
projects authorized by the federal government for the purpose of 67528
enhancing long-term quality of care and cost containment. Nothing 67529
in this section limits the ability of hospitals to develop swing 67530
bed programs in accordance with federal regulations. 67531

No hospital that is granted a certificate of need after 67532
August 5, 1989, to recategorize hospital beds as skilled nursing 67533
beds is subject to sections 3721.01 to 3721.09 of the Revised 67534
Code. If the portion of the hospital in which the recategorized 67535
beds are located is certified as a skilled nursing facility under 67536
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 67537
U.S.C.A. 301, as amended, that portion of the hospital is subject 67538
to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of 67539
the Revised Code. If the beds are registered pursuant to section 67540
3701.07 of the Revised Code as long-term care beds, the beds are 67541
subject to sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the 67542
Revised Code. 67543

Sec. 3702.55. A person that the director of health determines 67544
has violated section 3702.53 of the Revised Code shall cease 67545
conducting the activity that constitutes the violation or 67546
utilizing the facility resulting from the violation not later than 67547
thirty days after the person receives the notice mailed under 67548
section 3702.532 of the Revised Code or, if the person appeals the 67549
director's determination under section 3702.60 of the Revised 67550
Code, thirty days after the person receives an order upholding the 67551
director's determination that is not subject to further appeal. 67552

If any person determined to have violated section 3702.53 of the Revised Code fails to cease conducting an activity or using a facility as required by this section or if the person continues to seek payment or reimbursement for services rendered or costs incurred in conducting the activity as prohibited by section 3702.56 of the Revised Code, in addition to the penalties imposed under section 3702.54 or 3702.541 of the Revised Code:

(A) The director of health may refuse to include any beds involved in the activity in the bed capacity of a hospital for purposes of registration under section 3701.07 of the Revised Code;

(B) The director of health may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a hospice care program under section 3712.04 of the Revised Code; a nursing home, residential care facility, or home for the aging under section 3721.02 of the Revised Code; or any beds within any of those facilities that are involved in the activity;

(C) A political subdivision certified under section 3721.09 of the Revised Code may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a nursing home, residential care facility, or home for the aging, or any beds within any of those facilities that are involved in the activity;

(D) The director of ~~mental health~~ mental health and addiction services may refuse to license under section ~~5119.20~~ 5119.33 of the Revised Code, or may revoke a license or reduce bed capacity previously granted to, a hospital receiving mentally ill persons or beds within such a hospital that are involved in the activity;

(E) The department of ~~job and family services~~ medicaid may refuse to enter into a provider agreement that includes a facility, beds, or services that result from the activity.

Sec. 3702.62. Sections 3702.51 to 3702.61 of the Revised Code 67583
do not apply to any part of a long-term care facility's campus 67584
that is certified as an intermediate care facility for ~~the~~ 67585
~~mentally retarded under Title XIX of the "Social Security Act," 79~~ 67586
~~Stat. 343 (1965), 42 U.S.C. 1396 et seq., as amended~~individuals 67587
with intellectual disabilities, as defined in section 5124.01 of 67588
the Revised Code. 67589

Sec. 3702.74. (A) A primary care physician who has signed a 67590
letter of intent under section 3702.73 of the Revised Code and the 67591
director of health may enter into a contract for the physician's 67592
participation in the physician loan repayment program. The 67593
physician's employer or other funding source may also be a party 67594
to the contract. 67595

(B) The contract shall include all of the following 67596
obligations: 67597

(1) The primary care physician agrees to provide primary care 67598
services in the health resource shortage area identified in the 67599
letter of intent for at least two years; 67600

(2) When providing primary care services in the health 67601
resource shortage area, the primary care physician agrees to do 67602
all of the following: 67603

(a) Provide primary care services for a minimum of forty 67604
hours per week, of which at least twenty-one hours will be spent 67605
providing patient care in an outpatient or ambulatory setting; 67606

(b) Provide primary care services without regard to a 67607
patient's ability to pay; 67608

(c) Meet the ~~conditions prescribed by the "Social Security~~ 67609
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the~~ 67610
~~department of job and family services requirements for~~ 67611
~~participation in the a medicaid program established under Chapter~~ 67612

~~5111. of the Revised Code provider agreement and enter into a 67613
contract the agreement with the department of medicaid to provide 67614
primary care services to medicaid recipients ~~of the medical~~ 67615
~~assistance program.~~ 67616~~

(3) The department of health agrees, as provided in section 67617
3702.75 of the Revised Code, to repay, so long as the primary care 67618
physician performs the service obligation agreed to under division 67619
(B)(1) of this section, all or part of the principal and interest 67620
of a government or other educational loan taken by the primary 67621
care physician for expenses described in section 3702.75 of the 67622
Revised Code; 67623

(4) The primary care physician agrees to pay the department 67624
of health an amount established by rules adopted under section 67625
3702.79 of the Revised Code if the physician fails to complete the 67626
service obligation agreed to under division (B)(1) of this 67627
section. 67628

(C) The contract may include any other terms agreed upon by 67629
the parties. 67630

Sec. 3702.91. (A) An individual who has signed a letter of 67631
intent under section 3702.90 of the Revised Code may enter into a 67632
contract with the director of health for participation in the 67633
dentist loan repayment program. The dentist's employer or other 67634
funding source may also be a party to the contract. 67635

(B) The contract shall include all of the following 67636
obligations: 67637

(1) The individual agrees to provide dental services in the 67638
dental health resource shortage area identified in the letter of 67639
intent for at least two years. 67640

(2) When providing dental services in the dental health 67641
resource shortage area, the individual agrees to do all of the 67642

following: 67643

(a) Provide dental services for a minimum of forty hours per 67644
week; 67645

(b) Provide dental services without regard to a patient's 67646
ability to pay; 67647

(c) Meet the ~~conditions prescribed by the "Social Security~~ 67648
~~Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the~~ 67649
~~department of job and family services requirements for~~ 67650
~~participation in the a medicaid program established under Chapter~~ 67651
~~5111. of the Revised Code provider agreement~~ and enter into a 67652
~~contract the agreement~~ with the department of medicaid to provide 67653
dental services to medicaid recipients. 67654

(3) The department of health agrees, as provided in section 67655
3702.85 of the Revised Code, to repay, so long as the individual 67656
performs the service obligation agreed to under division (B)(1) of 67657
this section, all or part of the principal and interest of a 67658
government or other educational loan taken by the individual for 67659
expenses described in section 3702.85 of the Revised Code. 67660

(4) The individual agrees to pay the department of health an 67661
amount established by rules adopted under section 3702.86 of the 67662
Revised Code, if the individual fails to complete the service 67663
obligation agreed to under division (B)(1) of this section. 67664

(C) The contract may include any other terms agreed upon by 67665
the parties. 67666

(D) Not later than the thirty-first day of January of each 67667
year, the department of health shall mail to each individual to 67668
whom or on whose behalf repayment is made under the dentist loan 67669
repayment program a statement showing the amount of principal and 67670
interest repaid by the department pursuant to the contract in the 67671
preceding year. The statement shall be sent by ordinary mail with 67672
address correction and forwarding requested in the manner 67673

prescribed by the United States postal service. 67674

Sec. 3704.144. (A) Gifts, grants, and contributions for the 67675
purpose of adding pollution control equipment to diesel-powered 67676
school buses and converting diesel-powered school buses to 67677
alternative fuels, including contributions that are made pursuant 67678
to the settlement of an administrative action or civil action that 67679
is brought at the request of the director of environmental 67680
protection pursuant to Chapter 3704., 3714., 3734., 6109., or 67681
6111. of the Revised Code, shall be credited to the clean diesel 67682
school bus fund, which is hereby created in the state treasury. 67683
The director shall use money credited to the fund to make grants 67684
to school districts in the state and to county boards of 67685
developmental disabilities for the purpose of adding pollution 67686
control equipment to diesel-powered school buses and converting 67687
diesel-powered school buses to alternative fuels by means of 67688
certified engine configurations and verified technologies that are 67689
consistent with the requirements of section 793 and any 67690
regulations adopted under that section and to pay the 67691
environmental protection agency's costs incurred in administering 67692
this section. In addition, the director may use money credited to 67693
the fund to make grants to school districts and to county boards 67694
of developmental disabilities for the purpose of maintaining 67695
pollution control equipment that is installed on diesel-powered 67696
school buses ~~and to pay the additional cost incurred by a school~~ 67697
~~district or a county board for using ultra-low sulfur diesel fuel~~ 67698
~~instead of diesel fuel for the operation of diesel powered school~~ 67699
~~buses.~~ 67700

(B) In making grants under this section, the director shall 67701
give priority to school districts and to county boards of 67702
developmental disabilities that are located in a county that is 67703
designated as nonattainment by the United States environmental 67704
protection agency for the fine particulate national ambient air 67705

quality standard under the federal Clean Air Act. In addition, the 67706
director may give a higher priority to a school district or a 67707
county board of developmental disabilities that employs additional 67708
measures that reduce air pollution from the district's or the 67709
county board's school bus fleet. 67710

(C) The director shall adopt rules establishing procedures 67711
and requirements that are necessary to implement this section, 67712
including procedures and requirements governing applications for 67713
grants. 67714

(D) As used in this section: 67715

(1) "Alternative fuel" has the same meaning as in section 67716
125.831 of the Revised Code. 67717

(2) "Certified engine configuration" and "section 793" have 67718
the same meanings as in section 122.861 of the Revised Code. 67719

(3) "Verified technology" means a pollution control 67720
technology, including retrofit technology and auxiliary power 67721
unit, that has been verified by the administrator of the United 67722
States environmental protection agency or the California air 67723
resources board. 67724

Sec. 3706.01. As used in this chapter: 67725

(A) "Governmental agency" means a department, division, or 67726
other unit of state government, a municipal corporation, county, 67727
township, and other political subdivision, or any other public 67728
corporation or agency having the power to acquire, construct, or 67729
operate air quality facilities, the United States or any agency 67730
thereof, and any agency, commission, or authority established 67731
pursuant to an interstate compact or agreement. 67732

(B) "Person" means any individual, firm, partnership, 67733
association, or corporation, or any combination thereof. 67734

(C) "Air contaminant" means particulate matter, dust, fumes, 67735

gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 67736
odorous substance, or any combination thereof. 67737

(D) "Air pollution" means the presence in the ambient air of 67738
one or more air contaminants in sufficient quantity and of such 67739
characteristics and duration as to injure human health or welfare, 67740
plant or animal life, or property, or that unreasonably interferes 67741
with the comfortable enjoyment of life or property. 67742

(E) "Ambient air" means that portion of the atmosphere 67743
outside of buildings and other enclosures, stacks, or ducts that 67744
surrounds human, plant, or animal life, or property. 67745

(F) "Emission" means the release into the outdoor atmosphere 67746
of an air contaminant. 67747

(G) "Air quality facility" means any of the following: 67748

(1) Any method, modification or replacement of property, 67749
process, device, structure, or equipment that removes, reduces, 67750
prevents, contains, alters, conveys, stores, disperses, or 67751
disposes of air contaminants or substances containing air 67752
contaminants, or that renders less noxious or reduces the 67753
concentration of air contaminants in the ambient air, including, 67754
without limitation, facilities and expenditures that qualify as 67755
air pollution control facilities under section 103 (C)(4)(F) of 67756
the Internal Revenue Code of 1954, as amended, and regulations 67757
adopted thereunder; 67758

(2) Motor vehicle inspection stations operated in accordance 67759
with, and any equipment used for motor vehicle inspections 67760
conducted under, section 3704.14 of the Revised Code and rules 67761
adopted under it; 67762

(3) Ethanol or other biofuel facilities, including any 67763
equipment used at the ethanol or other biofuel facility for the 67764
production of ethanol or other biofuels; 67765

(4) Any property or portion thereof used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product or solid waste resulting from any method, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air;

(5) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through improvements in the efficiency of energy utilization or energy conservation;

(6) Any coal research and development project conducted under Chapter 1555. of the Revised Code;

(7) As determined by the director of the Ohio coal development office, any property or portion thereof that is used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product resulting from a coal research and development project as defined in section 1555.01 of the Revised Code or from the use of clean coal technology, excluding any property or portion thereof that is used primarily for other subsequent commercial purposes;

(8) Any property or portion thereof that is part of the FutureGen project of the United States department of energy or related to the siting of the FutureGen project;

(9) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through the generation of clean, renewable energy with renewable energy resources or advanced energy resources as defined in section 3706.25 of the Revised Code;

(10) Any property, device, structure or equipment necessary for the manufacture and production of equipment described as an

air quality facility under this chapter; 67797

(11) Any property, device, or equipment related to the 67798
recharging or refueling of vehicles that promotes the reduction of 67799
emissions of air contaminants into the ambient air through the use 67800
of an alternative fuel as defined in section 125.831 of the 67801
Revised Code or the use of a renewable energy resource as defined 67802
in section 3706.25 of the Revised Code. 67803

"Air quality facility" further includes any property or 67804
system to be used in whole or in part for any of the purposes in 67805
divisions (G)(1) to ~~(10)~~(11) of this section, whether another 67806
purpose is also served, and any property or system incidental to 67807
or that has to do with, or the end purpose of which is, any of the 67808
foregoing. Air quality facilities that are defined in this 67809
division for industry, commerce, distribution, or research, 67810
including public utility companies, are hereby determined to be 67811
those that qualify as facilities for the control of air pollution 67812
and thermal pollution related to air under Section 13 of Article 67813
VIII, Ohio Constitution. 67814

(H) "Project" or "air quality project" means any air quality 67815
facility, including undivided or other interests therein, acquired 67816
or to be acquired or constructed or to be constructed by the Ohio 67817
air quality development authority under this chapter, or acquired 67818
or to be acquired or constructed or to be constructed by a 67819
governmental agency or person with all or a part of the cost 67820
thereof being paid from a loan or grant from the authority under 67821
this chapter or otherwise paid from the proceeds of air quality 67822
revenue bonds, including all buildings and facilities that the 67823
authority determines necessary for the operation of the project, 67824
together with all property, rights, easements, and interests that 67825
may be required for the operation of the project. 67826

(I) "Cost" as applied to an air quality project means the 67827
cost of acquisition and construction, the cost of acquisition of 67828

all land, rights-of-way, property rights, easements, franchise 67829
rights, and interests required for such acquisition and 67830
construction, the cost of demolishing or removing any buildings or 67831
structures on land so acquired, including the cost of acquiring 67832
any lands to which such buildings or structures may be moved, the 67833
cost of acquiring or constructing and equipping a principal office 67834
and sub-offices of the authority, the cost of diverting highways, 67835
interchange of highways, and access roads to private property, 67836
including the cost of land or easements for such access roads, the 67837
cost of public utility and common carrier relocation or 67838
duplication, the cost of all machinery, furnishings, and 67839
equipment, financing charges, interest prior to and during 67840
construction and for no more than eighteen months after completion 67841
of construction, engineering, expenses of research and development 67842
with respect to air quality facilities, the cost of any commodity 67843
contract, including fees and expenses related thereto, legal 67844
expenses, plans, specifications, surveys, studies, estimates of 67845
cost and revenues, working capital, other expenses necessary or 67846
incident to determining the feasibility or practicability of 67847
acquiring or constructing such project, administrative expense, 67848
and such other expense as may be necessary or incident to the 67849
acquisition or construction of the project, the financing of such 67850
acquisition or construction, including the amount authorized in 67851
the resolution of the authority providing for the issuance of air 67852
quality revenue bonds to be paid into any special funds from the 67853
proceeds of such bonds, and the financing of the placing of such 67854
project in operation. Any obligation, cost, or expense incurred by 67855
any governmental agency or person for surveys, borings, 67856
preparation of plans and specifications, and other engineering 67857
services, or any other cost described above, in connection with 67858
the acquisition or construction of a project may be regarded as a 67859
part of the cost of that project and may be reimbursed out of the 67860
proceeds of air quality revenue bonds as authorized by this 67861

chapter. 67862

(J) "Owner" includes an individual, copartnership, 67863
association, or corporation having any title or interest in any 67864
property, rights, easements, or interests authorized to be 67865
acquired by this chapter. 67866

(K) "Revenues" means all rentals and other charges received 67867
by the authority for the use or services of any air quality 67868
project, any gift or grant received with respect to any air 67869
quality project, any moneys received with respect to the lease, 67870
sublease, sale, including installment sale or conditional sale, or 67871
other disposition of an air quality project, moneys received in 67872
repayment of and for interest on any loans made by the authority 67873
to a person or governmental agency, whether from the United States 67874
or any department, administration, or agency thereof, or 67875
otherwise, proceeds of such bonds to the extent that use thereof 67876
for payment of principal of, premium, if any, or interest on the 67877
bonds is authorized by the authority, amounts received or 67878
otherwise derived from a commodity contract or from the sale of 67879
the related commodity under such a contract, proceeds from any 67880
insurance, condemnation, or guaranty pertaining to a project or 67881
property mortgaged to secure bonds or pertaining to the financing 67882
of the project, and income and profit from the investment of the 67883
proceeds of air quality revenue bonds or of any revenues. 67884

(L) "Public roads" includes all public highways, roads, and 67885
streets in the state, whether maintained by the state, county, 67886
city, township, or other political subdivision. 67887

(M) "Public utility facilities" includes tracks, pipes, 67888
mains, conduits, cables, wires, towers, poles, and other equipment 67889
and appliances of any public utility. 67890

(N) "Construction," unless the context indicates a different 67891
meaning or intent, includes reconstruction, enlargement, 67892

improvement, or providing furnishings or equipment. 67893

(O) "Air quality revenue bonds," unless the context indicates 67894
a different meaning or intent, includes air quality revenue notes, 67895
air quality revenue renewal notes, and air quality revenue 67896
refunding bonds, except that notes issued in anticipation of the 67897
issuance of bonds shall have a maximum maturity of five years as 67898
provided in section 3706.05 of the Revised Code and notes or 67899
renewal notes issued as the definitive obligation may be issued 67900
maturing at such time or times with a maximum maturity of forty 67901
years from the date of issuance of the original note. 67902

(P) "Solid waste" means any garbage; refuse; sludge from a 67903
waste water treatment plant, water supply treatment plant, or air 67904
pollution control facility; and other discarded material, 67905
including solid, liquid, semisolid, or contained gaseous material 67906
resulting from industrial, commercial, mining, and agricultural 67907
operations, and from community activities, but not including solid 67908
or dissolved material in domestic sewage, or solid or dissolved 67909
material in irrigation return flows or industrial discharges that 67910
are point sources subject to permits under section 402 of the 67911
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 67912
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 67913
byproduct material as defined by the "Atomic Energy Act of 1954," 67914
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 67915

(Q) "Sludge" means any solid, semisolid, or liquid waste, 67916
other than a recyclable by-product, generated from a municipal, 67917
commercial, or industrial waste water treatment plant, water 67918
supply plant, or air pollution control facility or any other such 67919
wastes having similar characteristics and effects. 67920

(R) "Ethanol or other biofuel facility" means a plant at 67921
which ethanol or other biofuel is produced. 67922

(S) "Ethanol" means fermentation ethyl alcohol derived from 67923

agricultural products, including potatoes, cereal, grains, cheese 67924
whey, and sugar beets; forest products; or other renewable or 67925
biomass resources, including residue and waste generated from the 67926
production, processing, and marketing of agricultural products, 67927
forest products, and other renewable or biomass resources, that 67928
meets all of the specifications in the American society for 67929
testing and materials (ASTM) specification D 4806-88 and is 67930
denatured as specified in Parts 20 and 21 of Title 27 of the Code 67931
of Federal Regulations. 67932

(T) "Biofuel" means any fuel that is made from cellulosic 67933
biomass resources, including renewable organic matter, crop waste 67934
residue, wood, aquatic plants and other crops, animal waste, solid 67935
waste, or sludge, and that is used for the production of energy 67936
for transportation or other purposes. 67937

(U) "FutureGen project" means the buildings, equipment, and 67938
real property and functionally related buildings, equipment, and 67939
real property, including related research projects that support 67940
the development and operation of the buildings, equipment, and 67941
real property, designated by the United States department of 67942
energy and the FutureGen industrial alliance, inc., as the 67943
coal-fueled, zero-emissions power plant designed to prove the 67944
technical and economic feasibility of producing electricity and 67945
hydrogen from coal and nearly eliminating carbon dioxide emissions 67946
through capture and permanent storage. 67947

(V) "Commodity contract" means a contract or series of 67948
contracts entered into in connection with the acquisition or 67949
construction of air quality facilities for the purchase or sale of 67950
a commodity that is eligible for prepayment with the proceeds of 67951
federally tax exempt bonds under sections 103, 141, and 148 of the 67952
Internal Revenue Code of 1986, as amended, and regulations adopted 67953
under it. 67954

Sec. 3707.511. (A) As used in this section, ~~"physician":~~ 67955

"Physician" means a person authorized under Chapter 4731. of 67956
the Revised Code to practice medicine and surgery or osteopathic 67957
medicine and surgery. 67958

"Chiropractor" means a person licensed under Chapter 4734. of 67959
the Revised Code to practice chiropractic. 67960

(B) A youth sports organization shall provide to the parent, 67961
guardian, or other person having care or charge of an individual 67962
who wishes to practice for or compete in an athletic activity 67963
organized by a youth sports organization the concussion and head 67964
injury information sheet required by section 3707.52 of the 67965
Revised Code. The organization shall provide the information sheet 67966
annually for each sport or other category of athletic activity for 67967
or in which the individual practices or competes. 67968

(C)(1) No individual shall act as a coach or referee for a 67969
youth sports organization unless the individual holds a 67970
pupil-activity program permit issued under section 3319.303 of the 67971
Revised Code for coaching interscholastic athletics or presents 67972
evidence that the individual has successfully completed, within 67973
the previous three years, a training program in recognizing the 67974
symptoms of concussions and head injuries to which the department 67975
of health has provided a link on its internet web site under 67976
section 3707.52 of the Revised Code. 67977

(2) The youth sports organization for which the individual 67978
intends to act as a coach or referee shall inform the individual 67979
of the requirement described in division (C)(1) of this section. 67980

(D) If an individual practicing for or competing in an 67981
athletic event organized by a youth sports organization exhibits 67982
signs, symptoms, or behaviors consistent with having sustained a 67983
concussion or head injury while participating in the practice or 67984

competition, the individual shall be removed from the practice or 67985
competition by one of the following: 67986

(1) The individual who is serving as the individual's coach 67987
during that practice or competition; 67988

(2) An individual who is serving as a referee during that 67989
practice or competition; 67990

(3) An official of the youth sports organization who is 67991
supervising that practice or competition. 67992

(E)(1) If an individual is removed from practice or 67993
competition under division (D) of this section, the coach, 67994
referee, or official who removed the individual shall not allow 67995
the individual, on the same day the individual is removed, to 67996
return to that practice or competition or to participate in any 67997
other practice or competition for which the coach, referee, or 67998
official is responsible. Thereafter, the coach, referee, or 67999
official shall not allow the student to return to that practice or 68000
competition or to participate in any other practice or competition 68001
for which the coach, referee, or official is responsible until 68002
both of the following conditions are satisfied: 68003

(a) The individual's condition is assessed by ~~either~~ any of 68004
the following: 68005

(i) A physician; 68006

(ii) A chiropractor; 68007

(iii) Any other licensed health care provider the youth 68008
sports organization, pursuant to division (E)(2) of this section, 68009
authorizes to assess an individual who has been removed from 68010
practice or competition under division (D) of this section. 68011

(b) The individual receives written clearance that it is safe 68012
for the individual to return to practice or competition from a 68013
physician, chiropractor, or ~~from~~ another licensed health care 68014

provider authorized pursuant to division (E)(2) of this section to grant the clearance.

(2) A youth sports organization may authorize a licensed health care provider who is not a physician or a chiropractor to make an assessment or grant a clearance for purposes of division (E)(1) of this section only if the provider is acting in accordance with one of the following, as applicable to the provider's authority to practice in this state:

(a) In consultation with a physician;

(b) Pursuant to the referral of a physician;

(c) In collaboration with a physician;

(d) Under the supervision of a physician.

(3) A physician, chiropractor, or other licensed health care provider who makes an assessment or grants a clearance for purposes of division (E)(1) of this section may be a volunteer.

(F)(1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

Sec. 3709.01. The state shall be divided into health districts. Each city constitutes a health district and shall be known as a "city health district."

The townships and villages in each county shall be combined 68044
into a health district and shall be known as a "general health 68045
district." 68046

As provided for in sections 3709.051, 3709.07, ~~3709.071~~, and 68047
3709.10 of the Revised Code, there may be a union of two or more 68048
~~contiguous~~ general health districts, ~~not to exceed five~~, a union 68049
of two or more ~~contiguous~~ city health districts to form a single 68050
city health district, or a union of a general health district and 68051
one or more city health districts located within or partially 68052
within such general health district. 68053

Sec. 3709.051. Two or more ~~contiguous~~ city health districts 68054
may be united to form a single city health district by a majority 68055
affirmative vote of the legislative authority of each city 68056
affected by the union. 68057

If at least three per cent of the qualified electors residing 68058
within each of two or more ~~contiguous~~ city health districts sign a 68059
petition proposing a union into a single city health district, an 68060
election shall be held as provided in this section to determine 68061
whether a single city health district shall be formed. The 68062
petition for union may specify regarding the board of health of 68063
the new district: 68064

(A) The qualifications for membership; 68065

(B) The term of office; 68066

(C) The number of members or a method by which the number may 68067
be determined from time to time; 68068

(D) The method of appointment. 68069

Such petition shall be filed with the boards of county 68070
commissioners of the respective counties affected, subject to 68071
approval of the director of health, and such boards shall promptly 68072
certify the text of the proposal to the boards of election for the 68073

purpose of having the proposal placed on the ballot at the next 68074
general election occurring more than ninety days after such 68075
certification. The election procedures provided in Chapter 3505. 68076
of the Revised Code for questions and issues shall apply to the 68077
election. If a majority of the electors voting on the proposal in 68078
each of the health districts affected vote in favor thereof, the 68079
union of such districts into a single city health district shall 68080
be established on the second succeeding first day of January. 68081

Sec. 3709.10. When it is proposed that two or more ~~contiguous~~ 68082
general health districts, ~~not to exceed five,~~ unite in the 68083
formation of one general health district, the district advisory 68084
council of each general health district shall meet and vote on the 68085
question of union. An affirmative majority vote of the district 68086
advisory council shall be required for approval. When the district 68087
advisory councils have voted affirmatively on the question, they 68088
shall meet in joint session and shall elect a board of health for 68089
the combined districts. Each original general health district 68090
shall be entitled to at least one member on the board of health of 68091
the combined districts. 68092

When such union is completed, ~~such~~ the district shall 68093
constitute a general health district and shall be governed in the 68094
manner provided for general health districts. When two or more 68095
general health districts unite to form one district, the office of 68096
the board of health shall be located at the county seat of the 68097
county selected by the joint board of district advisory councils. 68098

When two or more general health districts have been combined 68099
into a single district, the county auditor of the county selected 68100
by the joint board of district advisory councils as the location 68101
of the central office of the board of health shall be the auditor 68102
of such district and the county treasurer of such county shall be 68103
the custodian of the health funds of such district. When the 68104

budget of such combined general health district is a matter for 68105
consideration, the members of the budget commissions of the 68106
counties constituting the district shall sit as a joint board for 68107
considering and acting on such budget. 68108

Sec. 3712.051. (A) As used in this division, "person" does 68109
not include a member of an interdisciplinary team, as defined in 68110
section 3712.01 of the Revised Code, or any individual who is 68111
employed by a person or public agency licensed under section 68112
3712.041 of the Revised Code. 68113

Except as provided in division (B) of this section, no person 68114
or public agency, other than a person or public agency licensed 68115
pursuant to section 3712.041 of the Revised Code, shall hold 68116
itself out as providing a pediatric respite care program, or 68117
provide a pediatric respite care program, or use the term 68118
"pediatric respite care program" or any term containing "pediatric 68119
respite care" to describe or refer to a health program, facility, 68120
or agency. 68121

(B) Division (A) of this section does not apply to any of the 68122
following: 68123

(1) A hospital; 68124

(2) A nursing home or residential care facility, as those 68125
terms are defined in section 3721.01 of the Revised Code; 68126

(3) A home health agency, if it provides services under 68127
contract with a person or public agency providing a pediatric 68128
respite care program licensed under section 3712.041 of the 68129
Revised Code; 68130

(4) A regional, state, or national nonprofit organization 68131
whose members are providers of pediatric respite care programs, 68132
individuals interested in pediatric respite care programs, or 68133
both, as long as the organization does not provide or represent 68134

that it provides pediatric respite care programs; 68135

(5) A person or government entity certified under section 68136
5123.161 of the Revised Code as a supported living provider; 68137

(6) A residential facility licensed under section 5123.19 of 68138
the Revised Code; 68139

(7) A respite care home certified under section 5126.05 of 68140
the Revised Code; 68141

(8) A person providing respite care under a family support 68142
services program established under section 5126.11 of the Revised 68143
Code; 68144

(9) A person or government entity providing respite care 68145
under a medicaid waiver component that the department of 68146
developmental disabilities administers pursuant to section 68147
~~5111.871~~ 5166.21 of the Revised Code. 68148

(C) The department of health shall petition the court of 68149
common pleas of any county in which a person or public agency, 68150
without a license granted under section 3712.041 of the Revised 68151
Code, is holding itself out as providing a pediatric respite care 68152
program, is providing a pediatric respite care program, or is 68153
representing a health program, facility, or agency as a pediatric 68154
respite care program, for an order enjoining that person or public 68155
agency from conducting those activities without a license. The 68156
court has jurisdiction to grant injunctive relief upon a showing 68157
that the respondent named in the petition is conducting those 68158
activities without a license. 68159

Any person or public agency may request the department to 68160
petition the court for injunctive relief under this division, and 68161
the department shall do so if it determines that the person or 68162
public agency named in the request is violating division (A) of 68163
this section. 68164

Sec. 3712.07. (A) As used in this section, "terminal care facility for the homeless" means a facility that provides accommodations to homeless individuals who are terminally ill.

(B) A person or public agency licensed under this chapter to provide a hospice care program may enter into an agreement with a terminal care facility for the homeless under which hospice care program services may be provided to individuals residing at the facility, if all of the following apply:

(1) Each resident of the facility has been diagnosed by a physician as having a terminal condition and an anticipated life expectancy of six months or less;

(2) No resident of the facility has a relative or other person willing or capable of providing the care necessary to cope with ~~his~~ the resident's terminal illness or is financially capable of hiring a person to provide such care;

(3) Each resident of the facility is under the direct care of a physician;

(4) No resident of the facility requires the staff of the facility to administer medication by injection;

(5) The facility does not receive any remuneration, directly or indirectly, from the residents;

(6) The facility does not receive any remuneration, directly or indirectly, from the ~~medical assistance~~ medicaid program established under section 5111.01 of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(7) The facility meets all applicable state and federal health and safety standards, including standards for fire prevention, maintenance of safe and sanitary conditions, and proper preparation and storage of foods.

(C) Hospice care program services may be provided at a terminal care facility for the homeless only by the personnel of the person or public agency that has entered into an agreement with the facility under this section.

(D) A terminal care facility for the homeless that has entered into an agreement under this section may assist its residents with the self-administration of medication if the medication has been prescribed by a physician and is not administered by injection. In the event that a resident has entered the final stages of dying and is no longer mentally alert, the facility may administer medication to that resident if the medication has been prescribed by a physician and is not administered by injection. Determinations of whether an individual has entered the final stages of dying and is no longer mentally alert shall be based on directions from the personnel who provide hospice care program services at the facility.

Sec. 3712.09. (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment with a hospice care program or pediatric respite care program in a full-time, part-time, or temporary position that involves providing direct care to an older adult or pediatric respite care patient. "Applicant" does not include a person who provides direct care as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

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

(3) "Older adult" means a person age sixty or older.

(B)(1) Except as provided in division (I) of this section, the chief administrator of a hospice care program or pediatric

respite care program shall request that the superintendent of the 68225
bureau of criminal identification and investigation conduct a 68226
criminal records check of each applicant. If an applicant for whom 68227
a criminal records check request is required under this division 68228
does not present proof of having been a resident of this state for 68229
the five-year period immediately prior to the date the criminal 68230
records check is requested or provide evidence that within that 68231
five-year period the superintendent has requested information 68232
about the applicant from the federal bureau of investigation in a 68233
criminal records check, the chief administrator shall request that 68234
the superintendent obtain information from the federal bureau of 68235
investigation as part of the criminal records check of the 68236
applicant. Even if an applicant for whom a criminal records check 68237
request is required under this division presents proof of having 68238
been a resident of this state for the five-year period, the chief 68239
administrator may request that the superintendent include 68240
information from the federal bureau of investigation in the 68241
criminal records check. 68242

(2) A person required by division (B)(1) of this section to 68243
request a criminal records check shall do both of the following: 68244

(a) Provide to each applicant for whom a criminal records 68245
check request is required under that division a copy of the form 68246
prescribed pursuant to division (C)(1) of section 109.572 of the 68247
Revised Code and a standard fingerprint impression sheet 68248
prescribed pursuant to division (C)(2) of that section, and obtain 68249
the completed form and impression sheet from the applicant; 68250

(b) Forward the completed form and impression sheet to the 68251
superintendent of the bureau of criminal identification and 68252
investigation. 68253

(3) An applicant provided the form and fingerprint impression 68254
sheet under division (B)(2)(a) of this section who fails to 68255
complete the form or provide fingerprint impressions shall not be 68256

employed in any position for which a criminal records check is 68257
required by this section. 68258

(C)(1) Except as provided in rules adopted by the director of 68259
health in accordance with division (F) of this section and subject 68260
to division (C)(2) of this section, no hospice care program or 68261
pediatric respite care program shall employ a person in a position 68262
that involves providing direct care to an older adult or pediatric 68263
respite care patient if the person has been convicted of or 68264
pleaded guilty to any of the following: 68265

(a) A violation of section 2903.01, 2903.02, 2903.03, 68266
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 68267
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 68268
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 68269
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 68270
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 68271
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 68272
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 68273
2925.22, 2925.23, or 3716.11 of the Revised Code. 68274

(b) A violation of an existing or former law of this state, 68275
any other state, or the United States that is substantially 68276
equivalent to any of the offenses listed in division (C)(1)(a) of 68277
this section. 68278

(2)(a) A hospice care program or pediatric respite care 68279
program may employ conditionally an applicant for whom a criminal 68280
records check request is required under division (B) of this 68281
section prior to obtaining the results of a criminal records check 68282
regarding the individual, provided that the program shall request 68283
a criminal records check regarding the individual in accordance 68284
with division (B)(1) of this section not later than five business 68285
days after the individual begins conditional employment. In the 68286
circumstances described in division (I)(2) of this section, a 68287
hospice care program or pediatric respite care program may employ 68288

conditionally an applicant who has been referred to the hospice care program or pediatric respite care program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults or pediatric respite care patients and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section.

(b) A hospice care program or pediatric respite care program that employs an individual conditionally under authority of division (C)(2)(a) of this section shall terminate the individual's employment if the results of the criminal records check requested under division (B) of this section or described in division (I)(2) of this section, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending thirty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual has been convicted of or pleaded guilty to any of the offenses listed or described in division (C)(1) of this section, the program shall terminate the individual's employment unless the program chooses to employ the individual pursuant to division (F) of this section. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the individual makes any attempt to deceive the program about the individual's criminal record.

(D)(1) Each hospice care program or pediatric respite care program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section.

(2) A hospice care program or pediatric respite care program 68321
may charge an applicant a fee not exceeding the amount the program 68322
pays under division (D)(1) of this section. A program may collect 68323
a fee only if both of the following apply: 68324

(a) The program notifies the person at the time of initial 68325
application for employment of the amount of the fee and that, 68326
unless the fee is paid, the person will not be considered for 68327
employment; 68328

(b) The ~~medical assistance~~ medicaid program established under 68329
~~Chapter 5111. of the Revised Code~~ does not reimburse the program 68330
the fee it pays under division (D)(1) of this section. 68331

(E) The report of a criminal records check conducted pursuant 68332
to a request made under this section is not a public record for 68333
the purposes of section 149.43 of the Revised Code and shall not 68334
be made available to any person other than the following: 68335

(1) The individual who is the subject of the criminal records 68336
check or the individual's representative; 68337

(2) The chief administrator of the program requesting the 68338
criminal records check or the administrator's representative; 68339

(3) The administrator of any other facility, agency, or 68340
program that provides direct care to older adults or pediatric 68341
respite care patients that is owned or operated by the same entity 68342
that owns or operates the hospice care program or pediatric 68343
respite care program; 68344

(4) A court, hearing officer, or other necessary individual 68345
involved in a case dealing with a denial of employment of the 68346
applicant or dealing with employment or unemployment benefits of 68347
the applicant; 68348

(5) Any person to whom the report is provided pursuant to, 68349
and in accordance with, division (I)(1) or (2) of this section. 68350

(F) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a hospice care program or pediatric respite care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a hospice care program or pediatric respite care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult or pediatric respite care patient, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a hospice care program or pediatric respite care program employs in a position that involves providing direct care to older adults or pediatric respite care patients, all of the following shall apply:

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

(2) If the program employed the individual in good faith on a conditional basis pursuant to division (C)(2) of this section, the program shall not be found negligent solely because it employed the individual prior to receiving the report of a criminal records check requested under this section;

(3) If the program in good faith employed the individual 68383
according to the personal character standards established in rules 68384
adopted under division (F) of this section, the program shall not 68385
be found negligent solely because the individual prior to being 68386
employed had been convicted of or pleaded guilty to an offense 68387
listed or described in division (C)(1) of this section. 68388

(I)(1) The chief administrator of a hospice care program or 68389
pediatric respite care program is not required to request that the 68390
superintendent of the bureau of criminal identification and 68391
investigation conduct a criminal records check of an applicant if 68392
the applicant has been referred to the program by an employment 68393
service that supplies full-time, part-time, or temporary staff for 68394
positions involving the direct care of older adults or pediatric 68395
respite care patients and both of the following apply: 68396

(a) The chief administrator receives from the employment 68397
service or the applicant a report of the results of a criminal 68398
records check regarding the applicant that has been conducted by 68399
the superintendent within the one-year period immediately 68400
preceding the applicant's referral; 68401

(b) The report of the criminal records check demonstrates 68402
that the person has not been convicted of or pleaded guilty to an 68403
offense listed or described in division (C)(1) of this section, or 68404
the report demonstrates that the person has been convicted of or 68405
pleaded guilty to one or more of those offenses, but the hospice 68406
care program or pediatric respite care program chooses to employ 68407
the individual pursuant to division (F) of this section. 68408

(2) The chief administrator of a hospice care program or 68409
pediatric respite care program is not required to request that the 68410
superintendent of the bureau of criminal identification and 68411
investigation conduct a criminal records check of an applicant and 68412
may employ the applicant conditionally as described in this 68413
division, if the applicant has been referred to the program by an 68414

employment service that supplies full-time, part-time, or 68415
temporary staff for positions involving the direct care of older 68416
adults or pediatric respite care patients and if the chief 68417
administrator receives from the employment service or the 68418
applicant a letter from the employment service that is on the 68419
letterhead of the employment service, dated, and signed by a 68420
supervisor or another designated official of the employment 68421
service and that states that the employment service has requested 68422
the superintendent to conduct a criminal records check regarding 68423
the applicant, that the requested criminal records check will 68424
include a determination of whether the applicant has been 68425
convicted of or pleaded guilty to any offense listed or described 68426
in division (C)(1) of this section, that, as of the date set forth 68427
on the letter, the employment service had not received the results 68428
of the criminal records check, and that, when the employment 68429
service receives the results of the criminal records check, it 68430
promptly will send a copy of the results to the hospice care 68431
program or pediatric respite care program. If a hospice care 68432
program or pediatric respite care program employs an applicant 68433
conditionally in accordance with this division, the employment 68434
service, upon its receipt of the results of the criminal records 68435
check, promptly shall send a copy of the results to the hospice 68436
care program or pediatric respite care program, and division 68437
(C)(2)(b) of this section applies regarding the conditional 68438
employment. 68439

Sec. 3713.06. (A) Any person required to register under 68440
division (A) of section 3713.02 of the Revised Code who imports 68441
bedding or stuffed toys into this state for retail sale or use in 68442
this state and any person required to register under division (A) 68443
of section 3713.02 of the Revised Code who manufactures bedding or 68444
stuffed toys in this state for retail sale or use in this state 68445
shall submit a report to the superintendent of industrial 68446

compliance, in a form and manner prescribed by the superintendent. 68447
The form shall be submitted once ~~every six months~~ per year and 68448
shall show the total number of items of bedding or stuffed toys 68449
imported into this state or manufactured in this state. Each 68450
report shall be accompanied by a fee of four cents for each item 68451
of bedding or stuffed toy imported into this state or manufactured 68452
in this state. 68453

(B) Every importer, manufacturer, or wholesaler of stuffed 68454
toys or articles of bedding, and every mobile home and 68455
recreational vehicle dealer, conversion van dealer, secondhand 68456
dealer, and auction house shall retain records, designated by the 68457
superintendent in rule, for the time period established in rule. 68458

(C) Every importer, manufacturer, or wholesaler of stuffed 68459
toys or articles of bedding, and every mobile home and 68460
recreational vehicle dealer, conversion van dealer, secondhand 68461
dealer, and auction house shall make sufficient investigation of 68462
its records to ensure that the information reported to the 68463
superintendent under division (A) of this section is accurate. 68464

Sec. 3714.03. (A) As used in this section: 68465

(1) "Aquifer system" means one or more geologic units or 68466
formations that are wholly or partially saturated with water and 68467
are capable of storing, transmitting, and yielding significant 68468
amounts of water to wells or springs. 68469

(2) "Category 3 wetland" means a wetland that supports 68470
superior habitat or hydrological or recreational functions as 68471
determined by an appropriate wetland evaluation methodology 68472
acceptable to the director of environmental protection. "Category 68473
3 wetland" includes a wetland with high levels of diversity, a 68474
high proportion of native species, and high functional values and 68475
includes, but is not limited to, a wetland that contains or 68476
provides habitat for threatened or endangered species. "Category 3 68477

wetland" may include high quality forested wetlands, including old growth forested wetlands, mature forested riparian wetlands, vernal pools, bogs, fens, and wetlands that are scarce regionally.

(3) "Natural area" means either of the following:

(a) An area designated by the director of natural resources as a wild, scenic, or recreational river under section 1547.81 of the Revised Code;

(b) An area designated by the United States department of the interior as a national wild, scenic, or recreational river.

(4) "Occupied dwelling" means a residential dwelling and also includes a place of worship as defined in section 5104.01 of the Revised Code, a child day-care center as defined in that section, a hospital as defined in section 3727.01 of the Revised Code, a nursing home as defined in that section, a school, and a restaurant or other eating establishment. "Occupied dwelling" does not include a dwelling owned or controlled by the owner or operator of a construction and demolition debris facility to which the siting criteria established under this section are being applied.

(5) "Residential dwelling" means a building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence.

(B) Neither the director of environmental protection nor any board of health shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when any portion of the facility is proposed to be located in either of the following locations:

(1) Within the boundaries of a one-hundred-year flood plain, as those boundaries are shown on the applicable maps prepared

under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 68509
U.S.C.A. 4001, as amended, unless the owner or operator has 68510
obtained an exemption from division (B)(1) of this section in 68511
accordance with section 3714.04 of the Revised Code. If no such 68512
maps have been prepared, the boundaries of a one-hundred-year 68513
flood plain shall be determined by the applicant for a permit 68514
based upon standard methodologies set forth in "urban hydrology 68515
for small watersheds" (soil conservation service technical release 68516
number 55) and section 4 of the "national engineering hydrology 68517
handbook" of the soil conservation service of the United States 68518
department of agriculture. 68519

(2) Within the boundaries of a sole source aquifer designated 68520
by the administrator of the United States environmental protection 68521
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 68522
42 U.S.C.A. 300f, as amended. 68523

(C) Neither the director nor any board shall issue a permit 68524
to install under section 3714.051 of the Revised Code to establish 68525
a new construction and demolition debris facility when the 68526
horizontal limits of construction and demolition debris placement 68527
at the new facility are proposed to be located in any of the 68528
following locations: 68529

(1) Within one hundred feet of a perennial stream as defined 68530
by the United States geological survey seven and one-half minute 68531
quadrangle map or a category 3 wetland; 68532

(2) Within one hundred feet of the facility's property line; 68533

(3)(a) Except as provided in division (C)(3)(b) of this 68534
section, within five hundred feet of a residential or public water 68535
supply well. 68536

(b) Division (C)(3)(a) of this section does not apply to a 68537
residential well under any of the circumstances specified in 68538
divisions (C)(3)(b)(i) to (iii) of this section as follows: 68539

(i) The well is controlled by the owner or operator of the construction and demolition debris facility. 68540
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(ii) The well is hydrologically separated from the horizontal limits of construction and demolition debris placement. 68542
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(iii) The well is at least three hundred feet upgradient from the horizontal limits of construction and demolition debris placement and division (D) of this section does not prohibit the issuance of the permit to install. 68544
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(4) Within five hundred feet of a park created or operated pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 of the Revised Code, a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, a national recreation area, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any area located in this state that is recommended by the secretary for study for potential inclusion in the national park system in accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended; 68548
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(5) Within five hundred feet of a natural area, any area established by the department of natural resources as a state wildlife area under Chapter 1531. of the Revised Code and rules adopted under it, any area that is formally dedicated as a nature preserve under section 1517.05 of the Revised Code, or any area designated by the United States department of the interior as a national wildlife refuge; 68561
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(6) Within five hundred feet of a lake or reservoir of one acre or more that is hydrogeologically connected to ground water. For purposes of division (C)(6) of this section, a lake or 68568
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reservoir does not include a body of water constructed and used 68571
for purposes of surface water drainage or sediment control. 68572

(7) Within five hundred feet of a state forest purchased or 68573
otherwise acquired under Chapter 1503. of the Revised Code; 68574

~~(8) Within five hundred feet of land that is placed on the 68575
state registry of historic landmarks under section 149.55 of the 68576
Revised Code; 68577~~

~~(9) Within five hundred feet of an occupied dwelling unless 68578
written permission is given by the owner of the dwelling. 68579~~

(D) Neither the director nor any board shall issue a permit 68580
to install under section 3714.051 of the Revised Code to establish 68581
a new construction and demolition debris facility when the limits 68582
of construction and demolition debris placement at the new 68583
facility are proposed to have an isolation distance of less than 68584
five feet from the uppermost aquifer system that consists of 68585
material that has a maximum hydraulic conductivity of 1×10^{-5} 68586
cm/sec and all of the geologic material comprising the isolation 68587
distance has a hydraulic conductivity equivalent to or less than 1 68588
 $\times 10^{-6}$ cm/sec. 68589

(E) Neither the director nor any board shall issue a permit 68590
to install under section 3714.051 of the Revised Code to establish 68591
a new construction and demolition debris facility when the road 68592
that is designated by the owner or operator as the main hauling 68593
road at the facility to and from the limits of construction and 68594
demolition debris placement is proposed to be located within five 68595
hundred feet of an occupied dwelling unless written permission is 68596
given by the owner of the occupied dwelling. 68597

(F) Neither the director nor any board shall issue a permit 68598
to install under section 3714.051 of the Revised Code to establish 68599
a new construction and demolition debris facility unless the new 68600
facility will have all of the following: 68601

(1) Access roads that shall be constructed in a manner that allows use in all weather conditions and will withstand the anticipated degree of use and minimize erosion and generation of dust;

(2) Surface water drainage and sediment controls that are required by the director;

(3) If the facility is proposed to be located in an area in which an applicable zoning resolution allows residential construction, vegetated earthen berms or an equivalent barrier with a minimum height of six feet separating the facility from adjoining property.

(G)(1) The siting criteria established in this section shall be applied to an application for a permit to install at the time that the application is submitted to the director or a board of health, as applicable. Circumstances related to the siting criteria that change after the application is submitted shall not be considered in approving or disapproving the application.

(2) The siting criteria established in this section by this amendment do not apply to an expansion of a construction and demolition debris facility that was in operation prior to December 22, 2005, onto property within the property boundaries identified in the application for the initial license for that facility or any subsequent license issued for that facility up to and including the license issued for that facility for calendar year 2005. The siting criteria established in this section prior to December 22, 2005, apply to such an expansion.

Sec. 3714.07. (A)(1) For the purpose of assisting boards of health and the environmental protection agency in administering and enforcing this chapter and rules adopted under it, there is hereby levied a fee of thirty cents per cubic yard or sixty cents per ton, as applicable, on both of the following:

(a) The disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code;

(b) The disposal of asbestos or asbestos-containing materials or products at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code.

(2) The owner or operator of a construction and demolition debris facility or a solid waste facility shall determine if cubic yards or tons will be used as the unit of measurement. If basing the fee on cubic yards, the owner or operator shall utilize either the maximum cubic yard capacity of the container, or the hauling volume of the vehicle, that transports the construction and demolition debris to the facility or the cubic yards actually logged for disposal by the owner or operator in accordance with rules adopted under section 3714.02 of the Revised Code. If basing the fee on tonnage, the owner or operator shall use certified scales to determine the tonnage of construction and demolition debris that is disposed of.

(3) The owner or operator of a construction and demolition debris facility or a solid waste facility shall calculate the amount of money generated from the fee levied under division (A)(1) of this section and shall hold that amount as a trustee for the health district having jurisdiction over the facility, if that district is on the approved list under section 3714.09 of the Revised Code, or for the state. The owner or operator shall prepare and file with the appropriate board of health or the director of environmental protection monthly returns indicating the total volume or weight, as applicable, of construction and demolition debris and asbestos or asbestos-containing materials or products disposed of at the facility and the total amount of money

generated during that month from the fee levied under division 68665
(A)(1) of this section on the disposal of construction and 68666
demolition debris and asbestos or asbestos-containing materials or 68667
products. Not later than thirty days after the last day of the 68668
month to which the return applies, the owner or operator shall 68669
mail to the board of health or the director the return for that 68670
month together with the amount of money calculated under division 68671
(A)(3) of this section on the disposal of construction and 68672
demolition debris and asbestos or asbestos-containing materials or 68673
products during that month or may submit the return and money 68674
electronically in a manner approved by the director. The owner or 68675
operator may request, in writing, an extension of not more than 68676
thirty days after the last day of the month to which the return 68677
applies. A request for extension may be denied. If the owner or 68678
operator submits the money late, the owner or operator shall pay a 68679
penalty of ten per cent of the amount of the money due for each 68680
month that it is late. 68681

(4) Of the money that is submitted by a construction and 68682
demolition debris facility or a solid waste facility on a per 68683
cubic yard or per ton basis under this section, a board of health 68684
shall transmit three cents per cubic yard or six cents per ton, as 68685
applicable, to the director not later than forty-five days after 68686
the receipt of the money. The money retained by a board of health 68687
under this section shall be paid into a special fund, which is 68688
hereby created in each health district, and used solely ~~to~~ for the 68689
following purposes: 68690

(a) To administer and enforce this chapter and rules adopted 68691
under it; 68692

(b) To abate abandoned accumulations of construction and 68693
demolition debris as provided in section 3714.074 of the Revised 68694
Code. 68695

The director shall transmit all money received under this 68696

section to the treasurer of state to be credited to the 68697
construction and demolition debris facility oversight fund, which 68698
is hereby created in the state treasury. The fund shall be 68699
administered by the director, and money credited to the fund shall 68700
be used exclusively for the administration and enforcement of this 68701
chapter and rules adopted under it. 68702

(B) The board of health of a health district or the director 68703
may enter into an agreement with the owner or operator of a 68704
construction and demolition debris facility or a solid waste 68705
facility for the quarterly payment of money generated from the 68706
disposal fee as calculated in division (A)(3) of this section. The 68707
board of health shall notify the director of any such agreement. 68708
Not later than forty-five days after receipt of the quarterly 68709
payment, the board of health shall transmit the amount established 68710
in division (A)(4) of this section to the director. The money 68711
retained by the board of health shall be deposited in the special 68712
fund of the district as required under that division. Upon receipt 68713
of the money from a board of health, the director shall transmit 68714
the money to the treasurer of state to be credited to the 68715
construction and demolition debris facility oversight fund. 68716

(C) If a construction and demolition debris facility or a 68717
solid waste facility is located within the territorial boundaries 68718
of a municipal corporation or the unincorporated area of a 68719
township, the municipal corporation or township may appropriate up 68720
to four cents per cubic yard or up to eight cents per ton of the 68721
disposal fee required to be paid by the facility under division 68722
(A)(1) of this section for the same purposes that a municipal 68723
corporation or township may levy a fee under division (C) of 68724
section 3734.57 of the Revised Code. 68725

The legislative authority of the municipal corporation or 68726
township may appropriate the money from the fee by enacting an 68727
ordinance or adopting a resolution establishing the amount of the 68728

fee to be appropriated. Upon doing so, the legislative authority 68729
shall mail a certified copy of the ordinance or resolution to the 68730
board of health of the health district in which the construction 68731
and demolition debris facility or the solid waste facility is 68732
located or, if the facility is located in a health district that 68733
is not on the approved list under section 3714.09 of the Revised 68734
Code, to the director. Upon receipt of the copy of the ordinance 68735
or resolution and not later than forty-five days after receipt of 68736
money generated from the fee, the board or the director, as 68737
applicable, shall transmit to the treasurer or other appropriate 68738
officer of the municipal corporation or clerk of the township that 68739
portion of the money generated from the disposal fee by the owner 68740
or operator of the facility that is required by the ordinance or 68741
resolution to be paid to that municipal corporation or township. 68742

Money received by the treasurer or other appropriate officer 68743
of a municipal corporation under this division shall be paid into 68744
the general fund of the municipal corporation. Money received by 68745
the clerk of a township under this division shall be paid into the 68746
general fund of the township. The treasurer or other officer of 68747
the municipal corporation or the clerk of the township, as 68748
appropriate, shall maintain separate records of the money received 68749
under this division. 68750

The legislative authority of a municipal corporation or 68751
township may cease appropriating money under this division by 68752
repealing the ordinance or resolution that was enacted or adopted 68753
under this division. 68754

The director shall adopt rules in accordance with Chapter 68755
119. of the Revised Code establishing requirements for prorating 68756
the amount of the fee that may be appropriated under this division 68757
by a municipal corporation or township in which only a portion of 68758
a construction and demolition debris facility is located within 68759
the territorial boundaries of the municipal corporation or 68760

township. 68761

(D) The board of county commissioners of a county in which a 68762
construction and demolition debris facility or a solid waste 68763
facility is located may appropriate up to three cents per cubic 68764
yard or up to six cents per ton of the disposal fee required to be 68765
paid by the facility under division (A)(1) of this section for the 68766
same purposes that a solid waste management district may levy a 68767
fee under division (B) of section 3734.57 of the Revised Code. 68768

The board of county commissioners may appropriate the money 68769
from the fee by adopting a resolution establishing the amount of 68770
the fee to be appropriated. Upon doing so, the board of county 68771
commissioners shall mail a certified copy of the resolution to the 68772
board of health of the health district in which the construction 68773
and demolition debris facility or the solid waste facility is 68774
located or, if the facility is located in a health district that 68775
is not on the approved list under section 3714.09 of the Revised 68776
Code, to the director. Upon receipt of the copy of the resolution 68777
and not later than forty-five days after receipt of money 68778
generated from the fee, the board of health or the director, as 68779
applicable, shall transmit to the treasurer of the county that 68780
portion of the money generated from the disposal fee by the owner 68781
or operator of the facility that is required by the resolution to 68782
be paid to that county. 68783

Money received by a county treasurer under this division 68784
shall be paid into the general fund of the county. The county 68785
treasurer shall maintain separate records of the money received 68786
under this division. 68787

A board of county commissioners may cease appropriating money 68788
under this division by repealing the resolution that was adopted 68789
under this division. 68790

(E)(1) This section does not apply to the disposal of 68791

construction and demolition debris at a solid waste facility that 68792
is licensed under Chapter 3734. of the Revised Code if there is no 68793
construction and demolition debris facility licensed under this 68794
chapter within thirty-five miles of the solid waste facility as 68795
determined by a facility's property boundaries. 68796

(2) This section does not apply to the disposal of 68797
construction and demolition debris at a solid waste facility that 68798
is licensed under Chapter 3734. of the Revised Code if the owner 68799
or operator of the facility chooses to collect fees on the 68800
disposal of the construction and demolition debris and asbestos or 68801
asbestos-containing materials or products that are identical to 68802
the fees that are collected under Chapters 343. and 3734. of the 68803
Revised Code on the disposal of solid wastes at that facility. 68804

(3) This section does not apply to the disposal of source 68805
separated materials that are exclusively composed of reinforced or 68806
nonreinforced concrete, asphalt, clay tile, building or paving 68807
brick, or building or paving stone at a construction and 68808
demolition debris facility that is licensed under this chapter 68809
when either of the following applies: 68810

(a) The materials are placed within the limits of 68811
construction and demolition debris placement at the facility as 68812
specified in the license issued to the facility under section 68813
3714.06 of the Revised Code, are not placed within the unloading 68814
zone of the facility, and are used as a fire prevention measure in 68815
accordance with rules adopted by the director under section 68816
3714.02 of the Revised Code. 68817

(b) The materials are not placed within the unloading zone of 68818
the facility or within the limits of construction and demolition 68819
debris placement at the facility as specified in the license 68820
issued to the facility under section 3714.06 of the Revised Code, 68821
but are used as fill material, either alone or in conjunction with 68822
clean soil, sand, gravel, or other clean aggregates, in legitimate 68823

fill operations for construction purposes at the facility or to 68824
bring the facility up to a consistent grade. 68825

Sec. 3714.074. (A) A board of health may use money in the 68826
board's special fund created in section 3714.07 of the Revised 68827
Code for the purpose specified in division (B) of this section if 68828
both of the following apply: 68829

(1) It is the end of the fiscal year. 68830

(2) The board determines that it has more money in the fund 68831
than is necessary for the board to administer and enforce this 68832
chapter and rules adopted under it for the following fiscal year. 68833

(B) A board of health may use excess money as described in 68834
division (A) of this section to abate abandoned accumulations of 68835
construction and demolition debris at a location for which a 68836
license has not been issued pursuant to section 3714.05 of the 68837
Revised Code if the board has reason to believe that there is a 68838
substantial threat to public health or safety or the environment 68839
and all of the following apply to the property on which the 68840
accumulations are located: 68841

(1) The construction and demolition debris was placed on the 68842
property under either of the following circumstances: 68843

(a) After the owner of the property acquired title to it; 68844

(b) Before the owner of the property acquired title to it if 68845
the owner acquired title to the property by bequest or devise. 68846

(2) The owner of the property did not have knowledge that the 68847
construction and demolition debris was being placed on the 68848
property, or the owner posted on the property signs prohibiting 68849
dumping or took other action to prevent the placing of 68850
construction and demolition debris on the property. 68851

(3) The owner of the property did not participate in or 68852
consent to the placement of the construction and demolition debris 68853

on the property. 68854

(4) The owner of the property did not receive any financial benefit from the placement of the construction and demolition debris on the property or from having the construction and demolition debris on the property. 68855
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(5) Title to the property was not transferred to the owner of that property for the purpose of avoiding liability for violations of this chapter or rules adopted under it. 68859
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(6) The person responsible for the placement of the construction and demolition debris on the property, in placing the construction and demolition debris on the property, was not acting as an agent for the owner of the property. 68862
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Sec. 3717.08. (A) The director of agriculture and director of health shall strive to increase consumer confidence in the state's food supply by promoting food safety awareness and education. The efforts of the director of agriculture and director of health shall be made, when appropriate and available, through partnerships with representatives of retail food establishments, representatives of food service operations, and representatives of the academic community, including ~~the Ohio state university~~ OSU extension ~~service~~. 68866
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(B) As part of their promotion of food safety awareness, the director of agriculture and the director of health shall do the following: 68875
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(1) Develop training programs regarding the Ohio uniform food safety code. The directors may offer the training programs separately but shall coordinate the content of the programs to the greatest extent practicable. The training programs shall be made available to the employees of the department of agriculture, employees of the department of health, representatives of boards 68878
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of health and the health officials employed by the boards, 68884
representatives of retail food establishments, and representatives 68885
of food service operations. 68886

(2) Co-sponsor a biennial statewide food safety conference. 68887
Additional statewide food safety conferences may be held as 68888
considered appropriate by the director of agriculture and director 68889
of health. 68890

Sec. 3718.06. (A) A board of health shall establish fees in 68891
accordance with section 3709.09 of the Revised Code for the 68892
purpose of carrying out its duties under this chapter and rules 68893
adopted under it, including fees for installation permits, 68894
operation permits, and alteration permits issued by the board. All 68895
fees so established and collected by the board shall be deposited 68896
in a special fund of the district to be used exclusively by the 68897
board in carrying out those duties. 68898

(B) In accordance with Chapter 119. of the Revised Code, the 68899
director of health may establish by rule a fee to be collected 68900
from applicants for installation permits and alteration permits 68901
issued under rules adopted under this chapter. The director of 68902
health shall use not more than ~~seventy-five~~ ninety per cent of the 68903
proceeds from that fee for administering and enforcing this 68904
chapter and the rules adopted under it by the director. The 68905
director shall use not less than ~~twenty-five~~ ten per cent of the 68906
proceeds from that fee to establish a program in cooperation with 68907
boards of health to fund installation and evaluation of sewage 68908
treatment system new technology pilot projects through grants or 68909
other agreements. In the selection of pilot projects, the director 68910
shall consult with the sewage treatment system technical advisory 68911
committee. A board of health shall collect and transmit the fee to 68912
the director pursuant to section 3709.092 of the Revised Code. 68913

Sec. 3719.61. Nothing in the laws dealing with drugs of abuse 68914
shall be construed to prohibit treatment of narcotic drug 68915
dependent persons by the continuing maintenance of their 68916
dependence through the administration of methadone in accordance 68917
with the rules adopted by the department of ~~alcohol and drug~~ 68918
~~addiction services~~ mental health and addiction services under 68919
section ~~3793.11~~ 5119.39 of the Revised Code, when all of the 68920
following apply: 68921

(A) The likelihood that any person undergoing maintenance 68922
treatment will be cured of dependence on narcotic drugs is remote, 68923
the treatment is prescribed for the purpose of alleviating or 68924
controlling the patient's drug dependence, and the patient's 68925
prognosis while undergoing treatment is at least a partial 68926
improvement in the patient's asocial or antisocial behavior 68927
patterns; 68928

(B) In the case of an inpatient in a hospital or clinic, the 68929
amount of the maintenance drug dispensed at any one time does not 68930
exceed the quantity necessary for a single dose, and the dose is 68931
administered to the patient immediately; 68932

(C) In the case of an outpatient, the amount of the 68933
maintenance drug dispensed at any one time shall be determined by 68934
the patient's treatment provider taking into account the patient's 68935
progress in the treatment program and the patient's needs for 68936
gainful employment, education, and responsible homemaking, except 68937
that in no event shall the dosage be greater than the amount 68938
permitted by federal law and rules adopted by the department 68939
pursuant to section ~~3793.11~~ 5119.39 of the Revised Code; 68940

(D) The drug is not dispensed in any case to replace or 68941
supplement any part of a supply of the drug previously dispensed, 68942
or when there is reasonable cause to believe it will be used or 68943
disposed of unlawfully; 68944

(E) The drug is dispensed through a program licensed and 68945
operated in accordance with section ~~3793.11~~ 5119.39 of the Revised 68946
Code. 68947

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 68948
3721.99 of the Revised Code: 68949

(1)(a) "Home" means an institution, residence, or facility 68950
that provides, for a period of more than twenty-four hours, 68951
whether for a consideration or not, accommodations to three or 68952
more unrelated individuals who are dependent upon the services of 68953
others, including a nursing home, residential care facility, home 68954
for the aging, and a veterans' home operated under Chapter 5907. 68955
of the Revised Code. 68956

(b) "Home" also means both of the following: 68957

(i) Any facility that a person, as defined in section 3702.51 68958
of the Revised Code, proposes for certification as a skilled 68959
nursing facility or nursing facility under Title XVIII or XIX of 68960
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 68961
as amended, and for which a certificate of need, other than a 68962
certificate to recategorize hospital beds as described in section 68963
3702.521 of the Revised Code or division (R)(7)(d) of the version 68964
of section 3702.51 of the Revised Code in effect immediately prior 68965
to April 20, 1995, has been granted to the person under sections 68966
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 68967

(ii) A county home or district home that is or has been 68968
licensed as a residential care facility. 68969

(c) "Home" does not mean any of the following: 68970

(i) Except as provided in division (A)(1)(b) of this section, 68971
a public hospital or hospital as defined in section 3701.01 or 68972
5122.01 of the Revised Code; 68973

(ii) A residential facility as defined in section ~~5119.22~~ 68974

<u>5119.34</u> of the Revised Code;	68975
(iii) A residential facility as defined in section 5123.19 of the Revised Code;	68976 68977
(iv) An alcohol or drug <u>A community addiction program services provider</u> as defined in section 3793.01 <u>5119.01</u> of the Revised Code;	68978 68979 68980
(v) A facility licensed to provide methadone treatment under section 3793.11 <u>5119.39</u> of the Revised Code;	68981 68982
(vi) A facility providing services under contract with the department of developmental disabilities under section 5123.18 of the Revised Code;	68983 68984 68985
(vii) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	68986 68987 68988
(viii) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used exclusively for care of pediatric respite care patients;	68989 68990 68991
(ix) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program established under Title XVIII of the "Social Security Act" or the <u>medical assistance medicaid</u> program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;	68992 68993 68994 68995 68996 68997 68998 68999 69000 69001
(x) A county home or district home that has never been licensed as a residential care facility.	69002 69003
(2) "Unrelated individual" means one who is not related to	69004

the owner or operator of a home or to the spouse of the owner or 69005
operator as a parent, grandparent, child, grandchild, brother, 69006
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 69007
uncle. 69008

(3) "Mental impairment" does not mean mental illness as 69009
defined in section 5122.01 of the Revised Code or mental 69010
retardation as defined in section 5123.01 of the Revised Code. 69011

(4) "Skilled nursing care" means procedures that require 69012
technical skills and knowledge beyond those the untrained person 69013
possesses and that are commonly employed in providing for the 69014
physical, mental, and emotional needs of the ill or otherwise 69015
incapacitated. "Skilled nursing care" includes, but is not limited 69016
to, the following: 69017

(a) Irrigations, catheterizations, application of dressings, 69018
and supervision of special diets; 69019

(b) Objective observation of changes in the patient's 69020
condition as a means of analyzing and determining the nursing care 69021
required and the need for further medical diagnosis and treatment; 69022

(c) Special procedures contributing to rehabilitation; 69023

(d) Administration of medication by any method ordered by a 69024
physician, such as hypodermically, rectally, or orally, including 69025
observation of the patient after receipt of the medication; 69026

(e) Carrying out other treatments prescribed by the physician 69027
that involve a similar level of complexity and skill in 69028
administration. 69029

(5)(a) "Personal care services" means services including, but 69030
not limited to, the following: 69031

(i) Assisting residents with activities of daily living; 69032

(ii) Assisting residents with self-administration of 69033
medication, in accordance with rules adopted under section 3721.04 69034

of the Revised Code; 69035

(iii) Preparing special diets, other than complex therapeutic 69036
diets, for residents pursuant to the instructions of a physician 69037
or a licensed dietitian, in accordance with rules adopted under 69038
section 3721.04 of the Revised Code. 69039

(b) "Personal care services" does not include "skilled 69040
nursing care" as defined in division (A)(4) of this section. A 69041
facility need not provide more than one of the services listed in 69042
division (A)(5)(a) of this section to be considered to be 69043
providing personal care services. 69044

(6) "Nursing home" means a home used for the reception and 69045
care of individuals who by reason of illness or physical or mental 69046
impairment require skilled nursing care and of individuals who 69047
require personal care services but not skilled nursing care. A 69048
nursing home is licensed to provide personal care services and 69049
skilled nursing care. 69050

(7) "Residential care facility" means a home that provides 69051
either of the following: 69052

(a) Accommodations for seventeen or more unrelated 69053
individuals and supervision and personal care services for three 69054
or more of those individuals who are dependent on the services of 69055
others by reason of age or physical or mental impairment; 69056

(b) Accommodations for three or more unrelated individuals, 69057
supervision and personal care services for at least three of those 69058
individuals who are dependent on the services of others by reason 69059
of age or physical or mental impairment, and, to at least one of 69060
those individuals, any of the skilled nursing care authorized by 69061
section 3721.011 of the Revised Code. 69062

(8) "Home for the aging" means a home that provides services 69063
as a residential care facility and a nursing home, except that the 69064
home provides its services only to individuals who are dependent 69065

on the services of others by reason of both age and physical or 69066
mental impairment. 69067

The part or unit of a home for the aging that provides 69068
services only as a residential care facility is licensed as a 69069
residential care facility. The part or unit that may provide 69070
skilled nursing care beyond the extent authorized by section 69071
3721.011 of the Revised Code is licensed as a nursing home. 69072

(9) "County home" and "district home" mean a county home or 69073
district home operated under Chapter 5155. of the Revised Code. 69074

(B) The director of health may further classify homes. For 69075
the purposes of this chapter, any residence, institution, hotel, 69076
congregate housing project, or similar facility that meets the 69077
definition of a home under this section is such a home regardless 69078
of how the facility holds itself out to the public. 69079

(C) For purposes of this chapter, personal care services or 69080
skilled nursing care shall be considered to be provided by a 69081
facility if they are provided by a person employed by or 69082
associated with the facility or by another person pursuant to an 69083
agreement to which neither the resident who receives the services 69084
nor the resident's sponsor is a party. 69085

(D) Nothing in division (A)(4) of this section shall be 69086
construed to permit skilled nursing care to be imposed on an 69087
individual who does not require skilled nursing care. 69088

Nothing in division (A)(5) of this section shall be construed 69089
to permit personal care services to be imposed on an individual 69090
who is capable of performing the activity in question without 69091
assistance. 69092

(E) Division (A)(1)(c)(ix) of this section does not prohibit 69093
a facility, infirmary, or other entity described in that division 69094
from seeking licensure under sections 3721.01 to 3721.09 of the 69095
Revised Code or certification under Title XVIII or XIX of the 69096

"Social Security Act." However, such a facility, infirmary, or 69097
entity that applies for licensure or certification must meet the 69098
requirements of those sections or titles and the rules adopted 69099
under them and obtain a certificate of need from the director of 69100
health under section 3702.52 of the Revised Code. 69101

(F) Nothing in this chapter, or rules adopted pursuant to it, 69102
shall be construed as authorizing the supervision, regulation, or 69103
control of the spiritual care or treatment of residents or 69104
patients in any home who rely upon treatment by prayer or 69105
spiritual means in accordance with the creed or tenets of any 69106
recognized church or religious denomination. 69107

Sec. 3721.011. (A) In addition to providing accommodations, 69108
supervision, and personal care services to its residents, a 69109
residential care facility may do the following: 69110

(1) Provide the following skilled nursing care to its 69111
residents: 69112

(a) Supervision of special diets; 69113

(b) Application of dressings, in accordance with rules 69114
adopted under section 3721.04 of the Revised Code; 69115

(c) Subject to division (B)(1) of this section, 69116
administration of medication. 69117

(2) Subject to division (C) of this section, provide other 69118
skilled nursing care on a part-time, intermittent basis for not 69119
more than a total of one hundred twenty days in a twelve-month 69120
period; 69121

(3) Provide skilled nursing care for more than one hundred 69122
twenty days in a twelve-month period to a resident when the 69123
requirements of division (D) of this section are met. 69124

A residential care facility may not admit or retain an 69125
individual requiring skilled nursing care that is not authorized 69126

by this section. A residential care facility may not provide 69127
skilled nursing care beyond the limits established by this 69128
section. 69129

(B)(1) A residential care facility may admit or retain an 69130
individual requiring medication, including biologicals, only if 69131
the individual's personal physician has determined in writing that 69132
the individual is capable of self-administering the medication or 69133
the facility provides for the medication to be administered to the 69134
individual by a home health agency certified under Title XVIII of 69135
the "Social Security Act," 79 Stat. 620 (1965), 42 U.S.C. 1395, as 69136
amended; a hospice care program licensed under Chapter 3712. of 69137
the Revised Code; or a member of the staff of the residential care 69138
facility who is qualified to perform medication administration. 69139
Medication may be administered in a residential care facility only 69140
by the following persons authorized by law to administer 69141
medication: 69142

(a) A registered nurse licensed under Chapter 4723. of the 69143
Revised Code; 69144

(b) A licensed practical nurse licensed under Chapter 4723. 69145
of the Revised Code who holds proof of successful completion of a 69146
course in medication administration approved by the board of 69147
nursing and who administers the medication only at the direction 69148
of a registered nurse or a physician authorized under Chapter 69149
4731. of the Revised Code to practice medicine and surgery or 69150
osteopathic medicine and surgery; 69151

(c) A medication aide certified under Chapter 4723. of the 69152
Revised Code; 69153

(d) A physician authorized under Chapter 4731. of the Revised 69154
Code to practice medicine and surgery or osteopathic medicine and 69155
surgery. 69156

(2) In assisting a resident with self-administration of 69157

medication, any member of the staff of a residential care facility 69158
may do the following: 69159

(a) Remind a resident when to take medication and watch to 69160
ensure that the resident follows the directions on the container; 69161

(b) Assist a resident by taking the medication from the 69162
locked area where it is stored, in accordance with rules adopted 69163
pursuant to section 3721.04 of the Revised Code, and handing it to 69164
the resident. If the resident is physically unable to open the 69165
container, a staff member may open the container for the resident. 69166

(c) Assist a physically impaired but mentally alert resident, 69167
such as a resident with arthritis, cerebral palsy, or Parkinson's 69168
disease, in removing oral or topical medication from containers 69169
and in consuming or applying the medication, upon request by or 69170
with the consent of the resident. If a resident is physically 69171
unable to place a dose of medicine to the resident's mouth without 69172
spilling it, a staff member may place the dose in a container and 69173
place the container to the mouth of the resident. 69174

(C) Except as provided in division (D) of this section, a 69175
residential care facility may admit or retain individuals who 69176
require skilled nursing care beyond the supervision of special 69177
diets, application of dressings, or administration of medication, 69178
only if the care will be provided on a part-time, intermittent 69179
basis for not more than a total of one hundred twenty days in any 69180
twelve-month period. In accordance with Chapter 119. of the 69181
Revised Code, the director of health shall adopt rules specifying 69182
what constitutes the need for skilled nursing care on a part-time, 69183
intermittent basis. The director shall adopt rules that are 69184
consistent with rules pertaining to home health care adopted by 69185
the medicaid director ~~of job and family services~~ for the medicaid 69186
program ~~established under Chapter 5111. of the Revised Code.~~ 69187
Skilled nursing care provided pursuant to this division may be 69188
provided by a home health agency certified ~~under Title XVIII of~~ 69189

~~the "Social Security Act for participation in the medicare~~ 69190
~~program,"~~ a hospice care program licensed under Chapter 3712. of 69191
the Revised Code, or a member of the staff of a residential care 69192
facility who is qualified to perform skilled nursing care. 69193

A residential care facility that provides skilled nursing 69194
care pursuant to this division shall do both of the following: 69195

(1) Evaluate each resident receiving the skilled nursing care 69196
at least once every seven days to determine whether the resident 69197
should be transferred to a nursing home; 69198

(2) Meet the skilled nursing care needs of each resident 69199
receiving the care. 69200

(D)(1) A residential care facility may admit or retain an 69201
individual who requires skilled nursing care for more than one 69202
hundred twenty days in any twelve-month period only if the 69203
facility has entered into a written agreement with each of the 69204
following: 69205

(a) The individual or individual's sponsor; 69206

(b) The individual's personal physician; 69207

(c) Unless the individual's personal physician oversees the 69208
skilled nursing care, the provider of the skilled nursing care; 69209

(d) If the individual is a hospice patient as defined in 69210
section 3712.01 of the Revised Code, a hospice care program 69211
licensed under Chapter 3712. of the Revised Code. 69212

(2) The agreement required by division (D)(1) of this section 69213
shall include all of the following provisions: 69214

(a) That the individual will be provided skilled nursing care 69215
in the facility only if a determination has been made that the 69216
individual's needs can be met at the facility; 69217

(b) That the individual will be retained in the facility only 69218
if periodic redeterminations are made that the individual's needs 69219

are being met at the facility; 69220

(c) That the redeterminations will be made according to a 69221
schedule specified in the agreement; 69222

(d) If the individual is a hospice patient, that the 69223
individual has been given an opportunity to choose the hospice 69224
care program that best meets the individual's needs; 69225

(e) Unless the individual is a hospice patient, that the 69226
individual's personal physician has determined that the skilled 69227
nursing care the individual needs is routine. 69228

(E) Notwithstanding any other provision of this chapter, a 69229
residential care facility in which residents receive skilled 69230
nursing care pursuant to this section is not a nursing home. 69231

Sec. 3721.02. (A) As used in this section, "residential 69232
facility" means a residential facility licensed under section 69233
~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, 69234
supervision, and personal care services for three to sixteen 69235
unrelated adults. 69236

(B) The director of health shall license homes and establish 69237
procedures to be followed in inspecting and licensing homes. The 69238
director may inspect a home at any time. Each home shall be 69239
inspected by the director at least once prior to the issuance of a 69240
license and at least once every fifteen months thereafter. The 69241
state fire marshal or a township, municipal, or other legally 69242
constituted fire department approved by the marshal shall also 69243
inspect a home prior to issuance of a license, at least once every 69244
fifteen months thereafter, and at any other time requested by the 69245
director. A home does not have to be inspected prior to issuance 69246
of a license by the director, state fire marshal, or a fire 69247
department if ownership of the home is assigned or transferred to 69248
a different person and the home was licensed under this chapter 69249

immediately prior to the assignment or transfer. The director may 69250
enter at any time, for the purposes of investigation, any 69251
institution, residence, facility, or other structure that has been 69252
reported to the director or that the director has reasonable cause 69253
to believe is operating as a nursing home, residential care 69254
facility, or home for the aging without a valid license required 69255
by section 3721.05 of the Revised Code or, in the case of a county 69256
home or district home, is operating despite the revocation of its 69257
residential care facility license. The director may delegate the 69258
director's authority and duties under this chapter to any 69259
division, bureau, agency, or official of the department of health. 69260

(C) A single facility may be licensed both as a nursing home 69261
pursuant to this chapter and as a residential facility pursuant to 69262
section ~~5119.22~~ 5119.34 of the Revised Code if the director 69263
determines that the part or unit to be licensed as a nursing home 69264
can be maintained separate and discrete from the part or unit to 69265
be licensed as a residential facility. 69266

(D) In determining the number of residents in a home for the 69267
purpose of licensing, the director shall consider all the 69268
individuals for whom the home provides accommodations as one group 69269
unless one of the following is the case: 69270

(1) The home is a home for the aging, in which case all the 69271
individuals in the part or unit licensed as a nursing home shall 69272
be considered as one group, and all the individuals in the part or 69273
unit licensed as a rest home shall be considered as another group. 69274

(2) The home is both a nursing home and a residential 69275
facility. In that case, all the individuals in the part or unit 69276
licensed as a nursing home shall be considered as one group, and 69277
all the individuals in the part or unit licensed as an adult care 69278
facility shall be considered as another group. 69279

(3) The home maintains, in addition to a nursing home or 69280

residential care facility, a separate and discrete part or unit 69281
that provides accommodations to individuals who do not require or 69282
receive skilled nursing care and do not receive personal care 69283
services from the home, in which case the individuals in the 69284
separate and discrete part or unit shall not be considered in 69285
determining the number of residents in the home if the separate 69286
and discrete part or unit is in compliance with the Ohio basic 69287
building code established by the board of building standards under 69288
Chapters 3781. and 3791. of the Revised Code and the home permits 69289
the director, on request, to inspect the separate and discrete 69290
part or unit and speak with the individuals residing there, if 69291
they consent, to determine whether the separate and discrete part 69292
or unit meets the requirements of this division. 69293

(E)(1) The director of health shall charge the following 69294
application fee and annual renewal licensing and inspection fee 69295
for each fifty persons or part thereof of a home's licensed 69296
capacity: 69297

(a) For state fiscal year 2010, two hundred twenty dollars; 69298

(b) For state fiscal year 2011, two hundred seventy dollars; 69299

(c) For each state fiscal year thereafter, three hundred 69300
twenty dollars. 69301

(2) All fees collected by the director for the issuance or 69302
renewal of licenses shall be deposited into the state treasury to 69303
the credit of the general operations fund created in section 69304
3701.83 of the Revised Code for use only in administering and 69305
enforcing this chapter and rules adopted under it. 69306

(F)(1) Except as otherwise provided in this section, the 69307
results of an inspection or investigation of a home that is 69308
conducted under this section, including any statement of 69309
deficiencies and all findings and deficiencies cited in the 69310
statement on the basis of the inspection or investigation, shall 69311

be used solely to determine the home's compliance with this 69312
chapter or another chapter of the Revised Code in any action or 69313
proceeding other than an action commenced under division (I) of 69314
section 3721.17 of the Revised Code. Those results of an 69315
inspection or investigation, that statement of deficiencies, and 69316
the findings and deficiencies cited in that statement shall not be 69317
used in any court or in any action or proceeding that is pending 69318
in any court and are not admissible in evidence in any action or 69319
proceeding unless that action or proceeding is an appeal of an 69320
action by the department of health under this chapter or is an 69321
action by any department or agency of the state to enforce this 69322
chapter or another chapter of the Revised Code. 69323

(2) Nothing in division (E)(1) of this section prohibits the 69324
results of an inspection or investigation conducted under this 69325
section from being used in a criminal investigation or 69326
prosecution. 69327

Sec. 3721.022. (A) As used in this section: 69328

(1) "Nursing facility" has the same meaning as in section 69329
~~5111.20~~ 5165.01 of the Revised Code. 69330

(2) "Deficiency" and "survey" have the same meanings as in 69331
section ~~5111.35~~ 5165.60 of the Revised Code. 69332

(3) "Title XIX" and "Title XVIII" have the same meanings as 69333
in section 5165.01 of the Revised Code. 69334

(B) The department of health is hereby designated the state 69335
agency responsible for establishing and maintaining health 69336
standards and serving as the state survey agency for the purposes 69337
of ~~Titles~~ Title XVIII and Title XIX of the "~~Social Security Act,~~" 69338
~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.~~ The department 69339
shall carry out these functions in accordance with the 69340
regulations, guidelines, and procedures issued under ~~Titles~~ Title 69341

XVIII and Title XIX by the United States secretary of health and human services and with sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. The director of health shall enter into agreements with regard to these functions with the department of ~~job and family services~~ medicaid and the United States department of health and human services. The director may also enter into agreements with the department of ~~job and family services~~ medicaid under which the department of health is designated to perform functions under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code.

The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement the survey and certification requirements for skilled nursing facilities and nursing facilities established by the United States secretary of health and human services under ~~Titles~~ Title XVIII and Title XIX of the "~~Social Security Act,~~" and the survey requirements established under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. The rules shall include an informal process by which a facility may obtain up to two reviews of any deficiencies that have been cited on a statement of deficiencies made by the department of health under 42 C.F.R. Part 488 and cause the facility to be in noncompliance as defined in 42 C.F.R. 488.301. The first review shall be conducted by an employee of the department who did not participate in and was not otherwise involved in any way with the survey. A facility that is not satisfied with the results of a first review may receive a second review on payment of a fee to the department. The amount of the fee shall be specified in rules adopted under this section. The fee shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code for use in the implementation of this section. The second review shall be conducted by either of the following as selected by the facility: a hearing officer employed by the

department or a hearing officer included on a list the department 69375
shall provide the facility. A final determination that any 69376
deficiency citation is unjustified shall be reflected clearly in 69377
all records relating to the survey. 69378

The director need not adopt as rules any of the regulations, 69379
guidelines, or procedures issued under ~~Titles~~ Title XVIII and 69380
Title XIX ~~of the "Social Security Act"~~ by the United States 69381
secretary of health and human services. 69382

Sec. 3721.024. As used in this section, "nursing facility" 69383
has the same meaning as in section ~~5111.20~~ 5165.01 of the Revised 69384
Code. 69385

The department of health may establish a program of 69386
recognition of nursing facilities that provide the highest quality 69387
care to residents who are medicaid recipients ~~of medical~~ 69388
~~assistance under Chapter 5111. of the Revised Code.~~ The program 69389
may be funded with public funds appropriated by the general 69390
assembly for the purpose of the program or any funds appropriated 69391
for nursing home licensure. 69392

Sec. 3721.027. (A) As used in this section, "survey" has the 69393
same meaning as in section 5165.60 of the Revised Code. 69394

(B) The department of health shall investigate within ten 69395
working days after referral, in accordance with procedures and 69396
criteria to be established by the department of health and the 69397
department of aging, any unresolved complaint that the office of 69398
the state long-term care ~~ombudsman~~ ombudsman has investigated 69399
and found to be valid and refers to the department of health. This 69400
requirement does not supersede federal requirements for survey 69401
agency complaint investigations. 69402

Sec. 3721.042. The director of health may not deny a nursing 69403

home license to a facility seeking a license under this chapter as 69404
a nursing home on the grounds that the facility does not satisfy a 69405
requirement established in rules adopted under section 3721.04 of 69406
the Revised Code regarding the toilet rooms and dining and 69407
recreational areas of nursing homes if all of the following 69408
requirements are met: 69409

(A) The facility seeks a license under this chapter because 69410
it is a county home or district home being sold under section 69411
5155.31 of the Revised Code to a person who may not operate the 69412
facility without a nursing home license under this chapter. 69413

(B) The requirement would not have applied to the facility 69414
had the facility been a nursing home first licensed under this 69415
chapter before October 20, 2001. 69416

(C) The facility was a nursing facility, as defined in 69417
section ~~5111.20~~ 5165.01 of the Revised Code, on the date 69418
immediately preceding the date the facility is sold to the person 69419
seeking the license. 69420

Sec. 3721.071. The buildings in which a home is housed shall 69421
be equipped with both an automatic fire extinguishing system and 69422
fire alarm system. Such systems shall conform to standards set 69423
forth in the regulations of the board of building standards and 69424
the state fire marshal. 69425

The time for compliance with the requirements imposed by this 69426
section shall be January 1, 1975, except that the date for 69427
compliance with the automatic fire extinguishing requirements is 69428
extended to January 1, 1976, provided the buildings of the home 69429
are otherwise in compliance with fire safety laws and regulations 69430
and: 69431

(A) The home within thirty days after August 4, 1975, files a 69432
written plan with the state fire marshal's office that: 69433

(1) Outlines the interim safety procedures which shall be 69434
carried out to reduce the possibility of a fire; 69435

(2) Provides evidence that the home has entered into an 69436
agreement for a fire safety inspection to be conducted not less 69437
than monthly by a qualified independent safety engineer consultant 69438
or a township, municipal, or other legally constituted fire 69439
department, or by a township or municipal fire prevention officer; 69440

(3) Provides verification that the home has entered into a 69441
valid contract for the installation of an automatic fire 69442
extinguishing system or fire alarm system, or both, as required to 69443
comply with this section; 69444

(4) Includes a statement regarding the expected date for the 69445
completion of the fire extinguishing system or fire alarm system, 69446
or both. 69447

(B) Inspections by a qualified independent safety engineer 69448
consultant or a township, municipal, or other legally constituted 69449
fire department, or by a township or municipal fire prevention 69450
officer are initiated no later than sixty days after August 4, 69451
1975, and are conducted no less than monthly thereafter, and 69452
reports of the consultant, fire department, or fire prevention 69453
officer identifying existing hazards and recommended corrective 69454
actions are submitted to the state fire marshal, the division of 69455
industrial compliance in the department of commerce, and the 69456
department of health. 69457

It is the express intent of the general assembly that the 69458
department of ~~job and family services~~ medicaid shall terminate 69459
~~payments under Title XIX of the "Social Security Act," 49 Stat.~~ 69460
~~620 (1935), 42 U.S.C. 301, as amended, to~~ the medicaid provider 69461
agreements of those homes ~~which~~ that do not comply with the 69462
requirements of this section for the submission of a written fire 69463
safety plan and the deadline for entering into contracts for the 69464

installation of systems. 69465

Sec. 3721.072. (A) As used in this section: 69466

(1) "Advance care planning" means providing each nursing home resident, or the resident's sponsor if the resident is unable to participate, on admission to the nursing home and quarterly thereafter, with the opportunity to discuss the resident's care goals. 69467
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(2) "Overhead paging" means sending audible announcements via an electronic sound amplification and distribution system throughout part or all of a nursing home to staff, residents, residents' families, or others. 69472
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(3) "Quality improvement project" means a project listed by the department of aging under the nursing home quality initiative established under section 173.60 of the Revised Code. 69476
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(B) Beginning July 1, 2013, each nursing home shall participate in at least one quality improvement project each year. Each nursing facility shall select the project in which it will participate from the list the department of aging makes available pursuant to section 173.60 of the Revised Code. 69479
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(C) Beginning July 1, 2015, each nursing home shall participate in advance care planning with all residents or their sponsors. 69484
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(D) Beginning July 1, 2015, each nursing home shall prohibit the use of overhead paging within the nursing home, except that the nursing home may permit the use of overhead paging for matters of urgent public safety or urgent clinical operations. The nursing home shall develop a written policy regarding its use of overhead paging and make the policy available to staff, residents, and residents' families. 69487
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Sec. 3721.08. (A) As used in this section, "real and present danger" means imminent danger of serious physical or life-threatening harm to one or more occupants of a home.

(B) The director of health may petition the court of common pleas of the county in which the home is located for an order enjoining any person from operating a home without a license or enjoining a county home or district home that has had its license revoked from continuing to operate. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a home without a license or that the county home or district home named in the petition is operating despite the revocation of its license. The court shall have jurisdiction to grant such injunctive relief against the operation of a home without a valid license regardless of whether the home meets essential licensing requirements.

(C) Unless the department of ~~job and family services~~ medicaid or contracting agency has taken action under section ~~5111.51~~ 5165.77 of the Revised Code to appoint a temporary manager or seek injunctive relief, if, in the judgment of the director of health, real and present danger exists at any home, the director may petition the court of common pleas of the county in which the home is located for such injunctive relief as is necessary to close the home, transfer one or more occupants to other homes or other appropriate care settings, or otherwise eliminate the real and present danger. The court shall have the jurisdiction to grant such injunctive relief upon a showing that there is real and present danger.

(D)(1) If the director determines that real and present danger exists at a home and elects not to immediately seek injunctive relief under division (C) of this section, the director may give written notice of proposed action to the home. The notice

shall specify all of the following: 69525

(a) The nature of the conditions giving rise to the real and present danger; 69526
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(b) The measures that the director determines the home must take to respond to the conditions; 69528
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(c) The date on which the director intends to seek injunctive relief under division (C) of this section if the director determines that real and present danger exists at the home. 69530
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(2) If the home notifies the director, within the time specified pursuant to division (D)(1)(c) of this section, that it believes the conditions giving rise to the real and present danger have been substantially corrected, the director shall conduct an inspection to determine whether real and present danger exists. If the director determines on the basis of the inspection that real and present danger exists, the director may petition under division (C) of this section for injunctive relief. 69533
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(E)(1) If in the judgment of the director of health conditions exist at a home that will give rise to real and present danger if not corrected, the director shall give written notice of proposed action to the home. The notice shall specify all of the following: 69541
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(a) The nature of the conditions giving rise to the director's judgment; 69546
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(b) The measures that the director determines the home must take to respond to the conditions; 69548
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(c) The date, which shall be no less than ten days after the notice is delivered, on which the director intends to seek injunctive relief under division (C) of this section if the conditions are not substantially corrected and the director determines that a real and present danger exists. 69550
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(2) If the home notifies the director, within the period of 69555
time specified pursuant to division (E)(1)(c) of this section, 69556
that the conditions giving rise to the director's determination 69557
have been substantially corrected, the director shall conduct an 69558
inspection. If the director determines on the basis of the 69559
inspection that the conditions have not been corrected and a real 69560
and present danger exists, the director may petition under 69561
division (C) of this section for injunctive relief. 69562

(F)(1) A court that grants injunctive relief under division 69563
(C) of this section may also appoint a special master who, subject 69564
to division (F)(2) of this section, shall have such powers and 69565
authority over the home and length of appointment as the court 69566
considers necessary. Subject to division (F)(2) of this section, 69567
the salary of a special master and any costs incurred by a special 69568
master shall be the obligation of the home. 69569

(2) No special master shall enter into any employment 69570
contract on behalf of a home, or purchase with the home's funds 69571
any capital goods totaling more than ten thousand dollars, unless 69572
the special master has obtained approval for the contract or 69573
purchase from the home's operator or the court. 69574

(G) If the director takes action under division (C), (D), or 69575
(E) of this section, the director may also appoint employees of 69576
the department of health to conduct on-site monitoring of the 69577
home. Appointment of monitors is not subject to appeal under 69578
Chapter 119. or any other section of the Revised Code. No employee 69579
of a home for which monitors are appointed, no person employed by 69580
the home within the previous two years, and no person who 69581
currently has a consulting contract with the department or a home, 69582
shall be appointed under this division. Every monitor shall have 69583
the professional qualifications necessary to monitor correction of 69584
the conditions that give rise to or, in the director's judgment, 69585
will give rise to real and present danger. The number of monitors 69586

present at a home at any given time shall not exceed one for every 69587
fifty residents, or fraction thereof. 69588

(H) On finding that the real and present danger for which 69589
injunctive relief was granted under division (C) of this section 69590
has been eliminated and that the home's operator has demonstrated 69591
the capacity to prevent the real and present danger from 69592
recurring, the court shall terminate its jurisdiction over the 69593
home and return control and management of the home to the 69594
operator. If the real and present danger cannot be eliminated 69595
practicably within a reasonable time following appointment of a 69596
special master, the court may order the special master to close 69597
the home and transfer all residents to other homes or other 69598
appropriate care settings. 69599

(I) The director of health shall give notice of proposed 69600
action under divisions (D) and (E) of this section to both of the 69601
following: 69602

(1) The home's administrator; 69603

(2) If the home is operated by an organization described in 69604
subsection 501(c)(3) and tax exempt under subsection 501(a) of the 69605
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 69606
amended, the board of trustees of the organization; or, if the 69607
home is not operated by such an organization, the owner of the 69608
home. 69609

Notices shall be delivered by certified mail or hand 69610
delivery. If notices are mailed, they shall be addressed to the 69611
persons specified in divisions (I)(1) and (2) of this section, as 69612
indicated in the department of health's records. If they are hand 69613
delivered, they shall be delivered to persons who would reasonably 69614
appear to the average prudent person to have authority to accept 69615
them. 69616

(J) If ownership of a home is assigned or transferred to a 69617

different person, the new owner is responsible and liable for 69618
compliance with any notice of proposed action or order issued 69619
under this section prior to the effective date of the assignment 69620
or transfer. 69621

Sec. 3721.10. As used in sections 3721.10 to 3721.18 of the 69622
Revised Code: 69623

(A) "Home" means all of the following: 69624

(1) A home as defined in section 3721.01 of the Revised Code; 69625

(2) Any facility or part of a facility not defined as a home 69626
under section 3721.01 of the Revised Code that is ~~certified as a~~ 69627
skilled nursing facility ~~under Title XVIII of the "Social Security~~ 69628
~~Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395 and 1396, as amended,~~ 69629
~~or as a~~ or nursing facility, both as defined in section ~~5111.20~~ 69630
5165.01 of the Revised Code; 69631

(3) A county home or district home operated pursuant to 69632
Chapter 5155. of the Revised Code. 69633

(B) "Resident" means a resident or a patient of a home. 69634

(C) "Administrator" means all of the following: 69635

(1) With respect to a home as defined in section 3721.01 of 69636
the Revised Code, a nursing home administrator as defined in 69637
section 4751.01 of the Revised Code; 69638

(2) With respect to a facility or part of a facility not 69639
defined as a home in section 3721.01 of the Revised Code that is 69640
authorized to provide skilled nursing facility or nursing facility 69641
services, the administrator of the facility or part of a facility; 69642

(3) With respect to a county home or district home, the 69643
superintendent appointed under Chapter 5155. of the Revised Code. 69644

(D) "Sponsor" means an adult relative, friend, or guardian of 69645
a resident who has an interest or responsibility in the resident's 69646

welfare. 69647

(E) "Residents' rights advocate" means: 69648

(1) An employee or representative of any state or local 69649
government entity that has a responsibility regarding residents 69650
and that has registered with the department of health under 69651
division (B) of section 3701.07 of the Revised Code; 69652

(2) An employee or representative of any private nonprofit 69653
corporation or association that qualifies for tax-exempt status 69654
under section 501(a) of the "Internal Revenue Code of 1986," 100 69655
Stat. 2085, 26 U.S.C.A. 1, as amended, and that has registered 69656
with the department of health under division (B) of section 69657
3701.07 of the Revised Code and whose purposes include educating 69658
and counseling residents, assisting residents in resolving 69659
problems and complaints concerning their care and treatment, and 69660
assisting them in securing adequate services to meet their needs; 69661

(3) A member of the general assembly. 69662

(F) "Physical restraint" means, but is not limited to, any 69663
article, device, or garment that interferes with the free movement 69664
of the resident and that the resident is unable to remove easily, 69665
a geriatric chair, or a locked room door. 69666

(G) "Chemical restraint" means any medication bearing the 69667
American hospital formulary service therapeutic class ~~4-00~~ 4:00, 69668
28:16:08, 28:24:08, or 28:24:92 that alters the functioning of the 69669
central nervous system in a manner that limits physical and 69670
cognitive functioning to the degree that the resident cannot 69671
attain the resident's highest practicable physical, mental, and 69672
psychosocial well-being. 69673

(H) "Ancillary service" means, but is not limited to, 69674
podiatry, dental, hearing, vision, physical therapy, occupational 69675
therapy, speech therapy, and psychological and social services. 69676

(I) "Facility" means a facility, or part of a facility, certified as a nursing facility or skilled nursing facility ~~under Title XVIII or Title XIX of the "Social Security Act, both as defined in section 5165.01 of the Revised Code."~~ "Facility" does not include an intermediate care facility for ~~the mentally retarded individuals with intellectual disabilities,~~ as defined in section ~~5111.20~~ 5124.01 of the Revised Code.

~~(J) "Medicare" means the program established by Title XVIII of the "Social Security Act."~~

~~(K) "Medicaid" means the program established by Title XIX of the "Social Security Act" and Chapter 5111. of the Revised Code.~~

Sec. 3721.12. (A) The administrator of a home shall:

(1) With the advice of residents, their sponsors, or both, establish and review at least annually, written policies regarding the applicability and implementation of residents' rights under sections 3721.10 to 3721.17 of the Revised Code, the responsibilities of residents regarding the rights, and the home's grievance procedure established under division (A)(2) of this section. The administrator is responsible for the development of, and adherence to, procedures implementing the policies.

(2) Establish a grievance committee for review of complaints by residents. The grievance committee shall be comprised of the home's staff and residents, sponsors, or outside representatives in a ratio of not more than one staff member to every two residents, sponsors, or outside representatives.

(3) Furnish to each resident and sponsor prior to or at the time of admission, and to each member of the home's staff, at least one of each of the following:

(a) A copy of the rights established under sections 3721.10 to 3721.17 of the Revised Code;

(b) A written explanation of the provisions of sections 3721.16 to 3721.162 of the Revised Code;	69707 69708
(c) A copy of the home's policies and procedures established under this section;	69709 69710
(d) A copy of the home's rules;	69711
(e) A copy of the addresses and telephone numbers of the board of health of the health district of the county in which the home is located, the county department of job and family services of the county in which the home is located, the state departments of health and job and family services <u>medicaid</u> , the state and local offices of the department of aging, and any Ohio nursing home ombuds <u>ombudsman</u> program.	69712 69713 69714 69715 69716 69717 69718
(B) Written acknowledgment of the receipt of copies of the materials listed in this section shall be made part of the resident's record and the staff member's personnel record.	69719 69720 69721
(C) The administrator shall post all of the following prominently within the home:	69722 69723
(1) A copy of the rights of residents as listed in division (A) of section 3721.13 of the Revised Code;	69724 69725
(2) A copy of the home's rules and its policies and procedures regarding the rights and responsibilities of residents;	69726 69727
(3) A notice that a copy of this chapter, rules of the department of health applicable to the home, and federal regulations adopted under the medicare and medicaid programs, and the materials required to be available in the home under section 3721.021 of the Revised Code, are available for inspection in the home at reasonable hours;	69728 69729 69730 69731 69732 69733
(4) A list of residents' rights advocates;	69734
(5) A notice that the following are available in a place readily accessible to residents:	69735 69736

(a) If the home is licensed under section 3721.02 of the Revised Code, a copy of the most recent licensure inspection report prepared for the home under that section;

(b) If the home is a facility, a copy of the most recent statement of deficiencies issued to the home under section ~~5111.42~~ 5165.68 of the Revised Code.

(D) The administrator of a home may, with the advice of residents, their sponsors, or both, establish written policies regarding the applicability and administration of any additional residents' rights beyond those set forth in sections 3721.10 to 3721.17 of the Revised Code, and the responsibilities of residents regarding the rights. Policies established under this division shall be reviewed, and procedures developed and adhered to as in division (A)(1) of this section.

Sec. 3721.121. (A) As used in this section:

(1) "Adult day-care program" means a program operated pursuant to rules adopted by the director of health under section 3721.04 of the Revised Code and provided by and on the same site as homes licensed under this chapter.

(2) "Applicant" means a person who is under final consideration for employment with a home or adult day-care program in a full-time, part-time, or temporary position that involves providing direct care to an older adult. "Applicant" does not include a person who provides direct care as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(3) "Community-based long-term care services provider" means a provider as defined in section 173.39 of the Revised Code.

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

~~(4)~~(5) "Home" means a home as defined in section 3721.10 of the Revised Code. 69767
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~~(5)~~(6) "Older adult" means a person age sixty or older. 69769

(B)(1) Except as provided in division (I) of this section, 69770
the chief administrator of a home or adult day-care program shall 69771
request that the superintendent of the bureau of criminal 69772
identification and investigation conduct a criminal records check 69773
of each applicant. If an applicant for whom a criminal records 69774
check request is required under this division does not present 69775
proof of having been a resident of this state for the five-year 69776
period immediately prior to the date the criminal records check is 69777
requested or provide evidence that within that five-year period 69778
the superintendent has requested information about the applicant 69779
from the federal bureau of investigation in a criminal records 69780
check, the chief administrator shall request that the 69781
superintendent obtain information from the federal bureau of 69782
investigation as part of the criminal records check of the 69783
applicant. Even if an applicant for whom a criminal records check 69784
request is required under this division presents proof of having 69785
been a resident of this state for the five-year period, the chief 69786
administrator may request that the superintendent include 69787
information from the federal bureau of investigation in the 69788
criminal records check. 69789

(2) A person required by division (B)(1) of this section to 69790
request a criminal records check shall do both of the following: 69791

(a) Provide to each applicant for whom a criminal records 69792
check request is required under that division a copy of the form 69793
prescribed pursuant to division (C)(1) of section 109.572 of the 69794
Revised Code and a standard fingerprint impression sheet 69795
prescribed pursuant to division (C)(2) of that section, and obtain 69796
the completed form and impression sheet from the applicant; 69797

(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

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(3) An applicant provided the form and fingerprint impression sheet under division (B)(2)(a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position for which a criminal records check is required by this section.

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(C)(1) Except as provided in rules adopted by the director of health in accordance with division (F) of this section and subject to division (C)(2) of this section, no home or adult day-care program shall employ a person in a position that involves providing direct care to an older adult if the person has been convicted of or pleaded guilty to any of the following:

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

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

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(2)(a) A home or an adult day-care program may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section prior to obtaining the results of a criminal records check regarding the

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individual, provided that the home or program shall request a 69829
criminal records check regarding the individual in accordance with 69830
division (B)(1) of this section not later than five business days 69831
after the individual begins conditional employment. In the 69832
circumstances described in division (I)(2) of this section, a home 69833
or adult day-care program may employ conditionally an applicant 69834
who has been referred to the home or adult day-care program by an 69835
employment service that supplies full-time, part-time, or 69836
temporary staff for positions involving the direct care of older 69837
adults and for whom, pursuant to that division, a criminal records 69838
check is not required under division (B) of this section. 69839

(b) A home or adult day-care program that employs an 69840
individual conditionally under authority of division (C)(2)(a) of 69841
this section shall terminate the individual's employment if the 69842
results of the criminal records check requested under division (B) 69843
of this section or described in division (I)(2) of this section, 69844
other than the results of any request for information from the 69845
federal bureau of investigation, are not obtained within the 69846
period ending thirty days after the date the request is made. 69847
Regardless of when the results of the criminal records check are 69848
obtained, if the results indicate that the individual has been 69849
convicted of or pleaded guilty to any of the offenses listed or 69850
described in division (C)(1) of this section, the home or program 69851
shall terminate the individual's employment unless the home or 69852
program chooses to employ the individual pursuant to division (F) 69853
of this section. Termination of employment under this division 69854
shall be considered just cause for discharge for purposes of 69855
division (D)(2) of section 4141.29 of the Revised Code if the 69856
individual makes any attempt to deceive the home or program about 69857
the individual's criminal record. 69858

(D)(1) Each home or adult day-care program shall pay to the 69859
bureau of criminal identification and investigation the fee 69860

prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section.

(2) A home or adult day-care program may charge an applicant a fee not exceeding the amount the home or program pays under division (D)(1) of this section. A home or program may collect a fee only if both of the following apply:

(a) The home or program notifies the person at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment;

(b) The ~~medical assistance~~ medicaid program established under ~~Chapter 5111. of the Revised Code~~ does not reimburse the home or program the fee it pays under division (D)(1) of this section.

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

(1) The individual who is the subject of the criminal records check or the individual's representative;

(2) The chief administrator of the home or program requesting the criminal records check or the administrator's representative;

(3) The administrator of any other facility, agency, or program that provides direct care to older adults that is owned or operated by the same entity that owns or operates the home or program;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of

the applicant; 69891

(5) Any person to whom the report is provided pursuant to, 69892
and in accordance with, division (I)(1) or (2) of this section; 69893

(6) The board of nursing for purposes of accepting and 69894
processing an application for a medication aide certificate issued 69895
under Chapter 4723. of the Revised Code; 69896

(7) The director of aging or the director's designee if the 69897
criminal records check is requested by the chief administrator of 69898
a home that is also a community-based long-term care services 69899
provider. 69900

(F) In accordance with section 3721.11 of the Revised Code, 69901
the director of health shall adopt rules to implement this 69902
section. The rules shall specify circumstances under which a home 69903
or adult day-care program may employ a person who has been 69904
convicted of or pleaded guilty to an offense listed or described 69905
in division (C)(1) of this section but meets personal character 69906
standards set by the director. 69907

(G) The chief administrator of a home or adult day-care 69908
program shall inform each individual, at the time of initial 69909
application for a position that involves providing direct care to 69910
an older adult, that the individual is required to provide a set 69911
of fingerprint impressions and that a criminal records check is 69912
required to be conducted if the individual comes under final 69913
consideration for employment. 69914

(H) In a tort or other civil action for damages that is 69915
brought as the result of an injury, death, or loss to person or 69916
property caused by an individual who a home or adult day-care 69917
program employs in a position that involves providing direct care 69918
to older adults, all of the following shall apply: 69919

(1) If the home or program employed the individual in good 69920
faith and reasonable reliance on the report of a criminal records 69921

check requested under this section, the home or program shall not
be found negligent solely because of its reliance on the report,
even if the information in the report is determined later to have
been incomplete or inaccurate;

(2) If the home or program employed the individual in good
faith on a conditional basis pursuant to division (C)(2) of this
section, the home or program shall not be found negligent solely
because it employed the individual prior to receiving the report
of a criminal records check requested under this section;

(3) If the home or program in good faith employed the
individual according to the personal character standards
established in rules adopted under division (F) of this section,
the home or program shall not be found negligent solely because
the individual prior to being employed had been convicted of or
pleaded guilty to an offense listed or described in division
(C)(1) of this section.

(I)(1) The chief administrator of a home or adult day-care
program is not required to request that the superintendent of the
bureau of criminal identification and investigation conduct a
criminal records check of an applicant if the applicant has been
referred to the home or program by an employment service that
supplies full-time, part-time, or temporary staff for positions
involving the direct care of older adults and both of the
following apply:

(a) The chief administrator receives from the employment
service or the applicant a report of the results of a criminal
records check regarding the applicant that has been conducted by
the superintendent within the one-year period immediately
preceding the applicant's referral;

(b) The report of the criminal records check demonstrates
that the person has not been convicted of or pleaded guilty to an

offense listed or described in division (C)(1) of this section, or 69953
the report demonstrates that the person has been convicted of or 69954
pleaded guilty to one or more of those offenses, but the home or 69955
adult day-care program chooses to employ the individual pursuant 69956
to division (F) of this section. 69957

(2) The chief administrator of a home or adult day-care 69958
program is not required to request that the superintendent of the 69959
bureau of criminal identification and investigation conduct a 69960
criminal records check of an applicant and may employ the 69961
applicant conditionally as described in this division, if the 69962
applicant has been referred to the home or program by an 69963
employment service that supplies full-time, part-time, or 69964
temporary staff for positions involving the direct care of older 69965
adults and if the chief administrator receives from the employment 69966
service or the applicant a letter from the employment service that 69967
is on the letterhead of the employment service, dated, and signed 69968
by a supervisor or another designated official of the employment 69969
service and that states that the employment service has requested 69970
the superintendent to conduct a criminal records check regarding 69971
the applicant, that the requested criminal records check will 69972
include a determination of whether the applicant has been 69973
convicted of or pleaded guilty to any offense listed or described 69974
in division (C)(1) of this section, that, as of the date set forth 69975
on the letter, the employment service had not received the results 69976
of the criminal records check, and that, when the employment 69977
service receives the results of the criminal records check, it 69978
promptly will send a copy of the results to the home or adult 69979
day-care program. If a home or adult day-care program employs an 69980
applicant conditionally in accordance with this division, the 69981
employment service, upon its receipt of the results of the 69982
criminal records check, promptly shall send a copy of the results 69983
to the home or adult day-care program, and division (C)(2)(b) of 69984
this section applies regarding the conditional employment. 69985

Sec. 3721.13. (A) The rights of residents of a home shall 69986
include, but are not limited to, the following: 69987

(1) The right to a safe and clean living environment pursuant 69988
to the medicare and medicaid programs and applicable state laws 69989
and rules adopted by the director of health; 69990

(2) The right to be free from physical, verbal, mental, and 69991
emotional abuse and to be treated at all times with courtesy, 69992
respect, and full recognition of dignity and individuality; 69993

(3) Upon admission and thereafter, the right to adequate and 69994
appropriate medical treatment and nursing care and to other 69995
ancillary services that comprise necessary and appropriate care 69996
consistent with the program for which the resident contracted. 69997
This care shall be provided without regard to considerations such 69998
as race, color, religion, national origin, age, or source of 69999
payment for care. 70000

(4) The right to have all reasonable requests and inquiries 70001
responded to promptly; 70002

(5) The right to have clothes and bed sheets changed as the 70003
need arises, to ensure the resident's comfort or sanitation; 70004

(6) The right to obtain from the home, upon request, the name 70005
and any specialty of any physician or other person responsible for 70006
the resident's care or for the coordination of care; 70007

(7) The right, upon request, to be assigned, within the 70008
capacity of the home to make the assignment, to the staff 70009
physician of the resident's choice, and the right, in accordance 70010
with the rules and written policies and procedures of the home, to 70011
select as the attending physician a physician who is not on the 70012
staff of the home. If the cost of a physician's services is to be 70013
met under a federally supported program, the physician shall meet 70014
the federal laws and regulations governing such services. 70015

(8) The right to participate in decisions that affect the resident's life, including the right to communicate with the physician and employees of the home in planning the resident's treatment or care and to obtain from the attending physician complete and current information concerning medical condition, prognosis, and treatment plan, in terms the resident can reasonably be expected to understand; the right of access to all information in the resident's medical record; and the right to give or withhold informed consent for treatment after the consequences of that choice have been carefully explained. When the attending physician finds that it is not medically advisable to give the information to the resident, the information shall be made available to the resident's sponsor on the resident's behalf, if the sponsor has a legal interest or is authorized by the resident to receive the information. The home is not liable for a violation of this division if the violation is found to be the result of an act or omission on the part of a physician selected by the resident who is not otherwise affiliated with the home.

(9) The right to withhold payment for physician visitation if the physician did not visit the resident;

(10) The right to confidential treatment of personal and medical records, and the right to approve or refuse the release of these records to any individual outside the home, except in case of transfer to another home, hospital, or health care system, as required by law or rule, or as required by a third-party payment contract;

(11) The right to privacy during medical examination or treatment and in the care of personal or bodily needs;

(12) The right to refuse, without jeopardizing access to appropriate medical care, to serve as a medical research subject;

(13) The right to be free from physical or chemical

restraints or prolonged isolation except to the minimum extent 70047
necessary to protect the resident from injury to self, others, or 70048
to property and except as authorized in writing by the attending 70049
physician for a specified and limited period of time and 70050
documented in the resident's medical record. Prior to authorizing 70051
the use of a physical or chemical restraint on any resident, the 70052
attending physician shall make a personal examination of the 70053
resident and an individualized determination of the need to use 70054
the restraint on that resident. 70055

Physical or chemical restraints or isolation may be used in 70056
an emergency situation without authorization of the attending 70057
physician only to protect the resident from injury to self or 70058
others. Use of the physical or chemical restraints or isolation 70059
shall not be continued for more than twelve hours after the onset 70060
of the emergency without personal examination and authorization by 70061
the attending physician. The attending physician or a staff 70062
physician may authorize continued use of physical or chemical 70063
restraints for a period not to exceed thirty days, and at the end 70064
of this period and any subsequent period may extend the 70065
authorization for an additional period of not more than thirty 70066
days. The use of physical or chemical restraints shall not be 70067
continued without a personal examination of the resident and the 70068
written authorization of the attending physician stating the 70069
reasons for continuing the restraint. 70070

If physical or chemical restraints are used under this 70071
division, the home shall ensure that the restrained resident 70072
receives a proper diet. In no event shall physical or chemical 70073
restraints or isolation be used for punishment, incentive, or 70074
convenience. 70075

(14) The right to the pharmacist of the resident's choice and 70076
the right to receive pharmaceutical supplies and services at 70077
reasonable prices not exceeding applicable and normally accepted 70078

prices for comparably packaged pharmaceutical supplies and 70079
services within the community; 70080

(15) The right to exercise all civil rights, unless the 70081
resident has been adjudicated incompetent pursuant to Chapter 70082
2111. of the Revised Code and has not been restored to legal 70083
capacity, as well as the right to the cooperation of the home's 70084
administrator in making arrangements for the exercise of the right 70085
to vote; 70086

(16) The right of access to opportunities that enable the 70087
resident, at the resident's own expense or at the expense of a 70088
third-party payer, to achieve the resident's fullest potential, 70089
including educational, vocational, social, recreational, and 70090
habilitation programs; 70091

(17) The right to consume a reasonable amount of alcoholic 70092
beverages at the resident's own expense, unless not medically 70093
advisable as documented in the resident's medical record by the 70094
attending physician or unless contradictory to written admission 70095
policies; 70096

(18) The right to use tobacco at the resident's own expense 70097
under the home's safety rules and under applicable laws and rules 70098
of the state, unless not medically advisable as documented in the 70099
resident's medical record by the attending physician or unless 70100
contradictory to written admission policies; 70101

(19) The right to retire and rise in accordance with the 70102
resident's reasonable requests, if the resident does not disturb 70103
others or the posted meal schedules and upon the home's request 70104
remains in a supervised area, unless not medically advisable as 70105
documented by the attending physician; 70106

(20) The right to observe religious obligations and 70107
participate in religious activities; the right to maintain 70108
individual and cultural identity; and the right to meet with and 70109

participate in activities of social and community groups at the 70110
resident's or the group's initiative; 70111

(21) The right upon reasonable request to private and 70112
unrestricted communications with the resident's family, social 70113
worker, and any other person, unless not medically advisable as 70114
documented in the resident's medical record by the attending 70115
physician, except that communications with public officials or 70116
with the resident's attorney or physician shall not be restricted. 70117
Private and unrestricted communications shall include, but are not 70118
limited to, the right to: 70119

(a) Receive, send, and mail sealed, unopened correspondence; 70120

(b) Reasonable access to a telephone for private 70121
communications; 70122

(c) Private visits at any reasonable hour. 70123

(22) The right to assured privacy for visits by the spouse, 70124
or if both are residents of the same home, the right to share a 70125
room within the capacity of the home, unless not medically 70126
advisable as documented in the resident's medical record by the 70127
attending physician; 70128

(23) The right upon reasonable request to have room doors 70129
closed and to have them not opened without knocking, except in the 70130
case of an emergency or unless not medically advisable as 70131
documented in the resident's medical record by the attending 70132
physician; 70133

(24) The right to retain and use personal clothing and a 70134
reasonable amount of possessions, in a reasonably secure manner, 70135
unless to do so would infringe on the rights of other residents or 70136
would not be medically advisable as documented in the resident's 70137
medical record by the attending physician; 70138

(25) The right to be fully informed, prior to or at the time 70139

of admission and during the resident's stay, in writing, of the 70140
basic rate charged by the home, of services available in the home, 70141
and of any additional charges related to such services, including 70142
charges for services not covered under the medicare or medicaid 70143
program. The basic rate shall not be changed unless thirty days' 70144
notice is given to the resident or, if the resident is unable to 70145
understand this information, to the resident's sponsor. 70146

(26) The right of the resident and person paying for the care 70147
to examine and receive a bill at least monthly for the resident's 70148
care from the home that itemizes charges not included in the basic 70149
rates; 70150

(27)(a) The right to be free from financial exploitation; 70151

(b) The right to manage the resident's own personal financial 70152
affairs, or, if the resident has delegated this responsibility in 70153
writing to the home, to receive upon written request at least a 70154
quarterly accounting statement of financial transactions made on 70155
the resident's behalf. The statement shall include: 70156

(i) A complete record of all funds, personal property, or 70157
possessions of a resident from any source whatsoever, that have 70158
been deposited for safekeeping with the home for use by the 70159
resident or the resident's sponsor; 70160

(ii) A listing of all deposits and withdrawals transacted, 70161
which shall be substantiated by receipts which shall be available 70162
for inspection and copying by the resident or sponsor. 70163

(28) The right of the resident to be allowed unrestricted 70164
access to the resident's property on deposit at reasonable hours, 70165
unless requests for access to property on deposit are so 70166
persistent, continuous, and unreasonable that they constitute a 70167
nuisance; 70168

(29) The right to receive reasonable notice before the 70169
resident's room or roommate is changed, including an explanation 70170

of the reason for either change. 70171

(30) The right not to be transferred or discharged from the 70172
home unless the transfer is necessary because of one of the 70173
following: 70174

(a) The welfare and needs of the resident cannot be met in 70175
the home. 70176

(b) The resident's health has improved sufficiently so that 70177
the resident no longer needs the services provided by the home. 70178

(c) The safety of individuals in the home is endangered. 70179

(d) The health of individuals in the home would otherwise be 70180
endangered. 70181

(e) The resident has failed, after reasonable and appropriate 70182
notice, to pay or to have the medicare or medicaid program pay on 70183
the resident's behalf, for the care provided by the home. A 70184
resident shall not be considered to have failed to have the 70185
resident's care paid for if the resident has applied for medicaid, 70186
unless both of the following are the case: 70187

(i) The resident's application, or a substantially similar 70188
previous application, has been denied ~~by the county department of~~ 70189
~~job and family services.~~ 70190

(ii) If the resident appealed the denial ~~pursuant to division~~ 70191
~~(C) of section 5101.35 of the Revised Code, the director of job~~ 70192
~~and family services has upheld~~ the denial was upheld. 70193

(f) The home's license has been revoked, the home is being 70194
closed pursuant to section 3721.08, sections ~~5111.35~~ 5165.60 to 70195
~~5111.62~~ 5165.89, or section 5155.31 of the Revised Code, or the 70196
home otherwise ceases to operate. 70197

(g) The resident is a recipient of medicaid, and the home's 70198
participation in the medicaid program is involuntarily terminated 70199
or denied. 70200

(h) The resident is a beneficiary under the medicare program, 70201
and the home's participation in the medicare program is 70202
involuntarily terminated or denied. 70203

(31) The right to voice grievances and recommend changes in 70204
policies and services to the home's staff, to employees of the 70205
department of health, or to other persons not associated with the 70206
operation of the home, of the resident's choice, free from 70207
restraint, interference, coercion, discrimination, or reprisal. 70208
This right includes access to a residents' rights advocate, and 70209
the right to be a member of, to be active in, and to associate 70210
with persons who are active in organizations of relatives and 70211
friends of nursing home residents and other organizations engaged 70212
in assisting residents. 70213

(32) The right to have any significant change in the 70214
resident's health status reported to the resident's sponsor. As 70215
soon as such a change is known to the home's staff, the home shall 70216
make a reasonable effort to notify the sponsor within twelve 70217
hours. 70218

(B) A sponsor may act on a resident's behalf to assure that 70219
the home does not deny the residents' rights under sections 70220
3721.10 to 3721.17 of the Revised Code. 70221

(C) Any attempted waiver of the rights listed in division (A) 70222
of this section is void. 70223

Sec. 3721.14. To assist in the implementation of the rights 70224
granted in division (A) of section 3721.13 of the Revised Code, 70225
each home shall provide: 70226

(A) Appropriate staff training to implement each resident's 70227
rights under division (A) of section 3721.13 of the Revised Code, 70228
including, but not limited to, explaining: 70229

(1) The resident's rights and the staff's responsibility in 70230

the implementation of the rights;	70231
(2) The staff's obligation to provide all residents who have similar needs with comparable service.	70232 70233
(B) Arrangements for a resident's needed ancillary services;	70234
(C) Protected areas outside the home for residents to enjoy outdoor activity, within the capacity of the facility, consistent with applicable laws and rules;	70235 70236 70237
(D) Adequate indoor space, which need not be dedicated to that purpose, for families of residents to meet privately with families of other residents;	70238 70239 70240
(E) Access to the following persons to enter the home during reasonable hours, except where such access would interfere with resident care or the privacy of residents:	70241 70242 70243
(1) Employees of the department of health, department of mental health <u>mental health and addiction services</u> , department of developmental disabilities, department of aging, department of job and family services, and county departments of job and family services;	70244 70245 70246 70247 70248
(2) Prospective residents and their sponsors;	70249
(3) A resident's sponsors;	70250
(4) Residents' rights advocates;	70251
(5) A resident's attorney;	70252
(6) A minister, priest, rabbi, or other person ministering to a resident's religious needs.	70253 70254
(F) In writing, a description of the home's grievance procedures.	70255 70256
Sec. 3721.15. (A) Authorization from a resident or a sponsor with a power of attorney for a home to manage the resident's	70257 70258

financial affairs shall be in writing and shall be attested to by 70259
a witness who is not connected in any manner whatsoever with the 70260
home or its administrator. The home shall maintain accounts 70261
pursuant to division (A)(27) of section 3721.13 of the Revised 70262
Code. Upon the resident's transfer, discharge, or death, the 70263
account shall be closed and a final accounting made. All remaining 70264
funds shall be returned to the resident or resident's sponsor, 70265
except in the case of death, when all remaining funds shall be 70266
transferred or used in accordance with section ~~5111.113~~ 5162.22 of 70267
the Revised Code. 70268

(B) A home that manages a resident's financial affairs shall 70269
deposit the resident's funds in excess of one ~~hundred thousand~~ 70270
dollars, and may deposit the resident's funds that are one ~~hundred~~ 70271
thousand dollars or less, in an interest-bearing account separate 70272
from any of the home's operating accounts. Interest earned on the 70273
resident's funds shall be credited to the resident's account. A 70274
resident's funds that are one ~~hundred thousand~~ dollars or less and 70275
have not been deposited in an interest-bearing account may be 70276
deposited in a noninterest-bearing account or petty cash fund. 70277

(C) Each resident whose financial affairs are managed by a 70278
home shall be promptly notified by the home when the total of the 70279
amount of funds in the resident's accounts and the petty cash fund 70280
plus other nonexempt resources reaches two hundred dollars less 70281
than the maximum amount permitted a recipient of medicaid. The 70282
notice shall include an explanation of the potential effect on the 70283
resident's eligibility for medicaid if the amount in the 70284
resident's accounts and the petty cash fund, plus the value of 70285
other nonexempt resources, exceeds the maximum assets a medicaid 70286
recipient may retain. 70287

(D) Each home that manages the financial affairs of residents 70288
shall purchase a surety bond or otherwise provide assurance 70289
satisfactory to the director of health, or, in the case of a home 70290

that participates in the medicaid program, to the medicaid 70291
director ~~of job and family services~~, to assure the security of all 70292
residents' funds managed by the home. 70293

Sec. 3721.16. For each resident of a home, notice of a 70294
proposed transfer or discharge shall be in accordance with this 70295
section. 70296

(A)(1) The administrator of a home shall notify a resident in 70297
writing, and the resident's sponsor in writing by certified mail, 70298
return receipt requested, in advance of any proposed transfer or 70299
discharge from the home. The administrator shall send a copy of 70300
the notice to the state department of health. The notice shall be 70301
provided at least thirty days in advance of the proposed transfer 70302
or discharge, unless any of the following applies: 70303

(a) The resident's health has improved sufficiently to allow 70304
a more immediate discharge or transfer to a less skilled level of 70305
care; 70306

(b) The resident has resided in the home less than thirty 70307
days; 70308

(c) An emergency arises in which the safety of individuals in 70309
the home is endangered; 70310

(d) An emergency arises in which the health of individuals in 70311
the home would otherwise be endangered; 70312

(e) An emergency arises in which the resident's urgent 70313
medical needs necessitate a more immediate transfer or discharge. 70314

In any of the circumstances described in divisions (A)(1)(a) 70315
to (e) of this section, the notice shall be provided as many days 70316
in advance of the proposed transfer or discharge as is 70317
practicable. 70318

(2) The notice required under division (A)(1) of this section 70319
shall include all of the following: 70320

(a) The reasons for the proposed transfer or discharge;	70321
(b) The proposed date the resident is to be transferred or discharged;	70322 70323
(c) Subject to division (A)(3) of this section, a proposed location to which the resident may relocate and a notice that the resident and resident's sponsor may choose another location to which the resident will relocate;	70324 70325 70326 70327
(d) Notice of the right of the resident and the resident's sponsor to an impartial hearing at the home on the proposed transfer or discharge, and of the manner in which and the time within which the resident or sponsor may request a hearing pursuant to section 3721.161 of the Revised Code;	70328 70329 70330 70331 70332
(e) A statement that the resident will not be transferred or discharged before the date specified in the notice unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date;	70333 70334 70335 70336 70337
(f) The address of the legal services office of the department of health;	70338 70339
(g) The name, address, and telephone number of a representative of the state long-term care ombuds <u>ombudsman</u> program and, if the resident or patient has a developmental disability or mental illness, the name, address, and telephone number of the Ohio protection and advocacy system.	70340 70341 70342 70343 70344
(3) The proposed location to which a resident may relocate as specified pursuant to division (A)(2)(c) of this section in the proposed transfer or discharge notice shall be capable of meeting the resident's health-care and safety needs. The proposed location for relocation need not have accepted the resident at the time the notice is issued to the resident and resident's sponsor.	70345 70346 70347 70348 70349 70350

(B) No home shall transfer or discharge a resident before the date specified in the notice required by division (A) of this section unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date.

(C) Transfer or discharge actions shall be documented in the resident's medical record by the home if there is a medical basis for the action.

(D) A resident or resident's sponsor may challenge a transfer or discharge by requesting an impartial hearing pursuant to section 3721.161 of the Revised Code, unless the transfer or discharge is required because of one of the following reasons:

(1) The home's license has been revoked under this chapter;

(2) The home is being closed pursuant to section 3721.08, sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89, or section 5155.31 of the Revised Code;

(3) The resident is a recipient of medicaid and the home's participation in the medicaid program has been involuntarily terminated or denied by the federal government;

(4) The resident is a beneficiary under the medicare program and the home's certification under the medicare program has been involuntarily terminated or denied by the federal government.

(E) If a resident is transferred or discharged pursuant to this section, the home from which the resident is being transferred or discharged shall provide the resident with adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, and the home or alternative setting to which the resident is to be transferred or discharged shall have accepted the resident for transfer or discharge.

(F) At the time of a transfer or discharge of a resident who
is a recipient of medicaid from a home to a hospital or for
therapeutic leave, the home shall provide notice in writing to the
resident and in writing by certified mail, return receipt
requested, to the resident's sponsor, specifying the number of
days, if any, during which the resident will be permitted under
the medicaid program to return and resume residence in the home
and specifying the medicaid program's coverage of the days during
which the resident is absent from the home. An individual who is
absent from a home for more than the number of days specified in
the notice and continues to require the services provided by the
facility shall be given priority for the first available bed in a
semi-private room.

Sec. 3721.17. (A) Any resident who believes that the
resident's rights under sections 3721.10 to 3721.17 of the Revised
Code have been violated may file a grievance under procedures
adopted pursuant to division (A)(2) of section 3721.12 of the
Revised Code.

When the grievance committee determines a violation of
sections 3721.10 to 3721.17 of the Revised Code has occurred, it
shall notify the administrator of the home. If the violation
cannot be corrected within ten days, or if ten days have elapsed
without correction of the violation, the grievance committee shall
refer the matter to the department of health.

(B) Any person who believes that a resident's rights under
sections 3721.10 to 3721.17 of the Revised Code have been violated
may report or cause reports to be made of the information directly
to the department of health. No person who files a report is
liable for civil damages resulting from the report.

(C)(1) Within thirty days of receiving a complaint under this
section, the department of health shall investigate any complaint

referred to it by a home's grievance committee and any complaint 70412
from any source that alleges that the home provided substantially 70413
less than adequate care or treatment, or substantially unsafe 70414
conditions, or, within seven days of receiving a complaint, refer 70415
it to the attorney general, if the attorney general agrees to 70416
investigate within thirty days. 70417

(2) Within thirty days of receiving a complaint under this 70418
section, the department of health may investigate any alleged 70419
violation of sections 3721.10 to 3721.17 of the Revised Code, or 70420
of rules, policies, or procedures adopted pursuant to those 70421
sections, not covered by division (C)(1) of this section, or it 70422
may, within seven days of receiving a complaint, refer the 70423
complaint to the grievance committee at the home where the alleged 70424
violation occurred, or to the attorney general if the attorney 70425
general agrees to investigate within thirty days. 70426

(D) If, after an investigation, the department of health 70427
finds probable cause to believe that a violation of sections 70428
3721.10 to 3721.17 of the Revised Code, or of rules, policies, or 70429
procedures adopted pursuant to those sections, has occurred at a 70430
home that is certified under the medicare or medicaid program, it 70431
shall cite one or more findings or deficiencies under sections 70432
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. If the 70433
home is not so certified, the department shall hold an 70434
adjudicative hearing within thirty days under Chapter 119. of the 70435
Revised Code. 70436

(E) Upon a finding at an adjudicative hearing under division 70437
(D) of this section that a violation of sections 3721.10 to 70438
3721.17 of the Revised Code, or of rules, policies, or procedures 70439
adopted pursuant thereto, has occurred, the department of health 70440
shall make an order for compliance, set a reasonable time for 70441
compliance, and assess a fine pursuant to division (F) of this 70442
section. The fine shall be paid to the general revenue fund only 70443

if compliance with the order is not shown to have been made within 70444
the reasonable time set in the order. The department of health may 70445
issue an order prohibiting the continuation of any violation of 70446
sections 3721.10 to 3721.17 of the Revised Code. 70447

Findings at the hearings conducted under this section may be 70448
appealed pursuant to Chapter 119. of the Revised Code, except that 70449
an appeal may be made to the court of common pleas of the county 70450
in which the home is located. 70451

The department of health shall initiate proceedings in court 70452
to collect any fine assessed under this section that is unpaid 70453
thirty days after the violator's final appeal is exhausted. 70454

(F) Any home found, pursuant to an adjudication hearing under 70455
division (D) of this section, to have violated sections 3721.10 to 70456
3721.17 of the Revised Code, or rules, policies, or procedures 70457
adopted pursuant to those sections may be fined not less than one 70458
hundred nor more than five hundred dollars for a first offense. 70459
For each subsequent offense, the home may be fined not less than 70460
two hundred nor more than one thousand dollars. 70461

A violation of sections 3721.10 to 3721.17 of the Revised 70462
Code is a separate offense for each day of the violation and for 70463
each resident who claims the violation. 70464

(G) No home or employee of a home shall retaliate against any 70465
person who: 70466

(1) Exercises any right set forth in sections 3721.10 to 70467
3721.17 of the Revised Code, including, but not limited to, filing 70468
a complaint with the home's grievance committee or reporting an 70469
alleged violation to the department of health; 70470

(2) Appears as a witness in any hearing conducted under this 70471
section or section 3721.162 of the Revised Code; 70472

(3) Files a civil action alleging a violation of sections 70473

3721.10 to 3721.17 of the Revised Code, or notifies a county 70474
prosecuting attorney or the attorney general of a possible 70475
violation of sections 3721.10 to 3721.17 of the Revised Code. 70476

If, under the procedures outlined in this section, a home or 70477
its employee is found to have retaliated, the violator may be 70478
fined up to one thousand dollars. 70479

(H) When legal action is indicated, any evidence of criminal 70480
activity found in an investigation under division (C) of this 70481
section shall be given to the prosecuting attorney in the county 70482
in which the home is located for investigation. 70483

(I)(1)(a) Any resident whose rights under sections 3721.10 to 70484
3721.17 of the Revised Code are violated has a cause of action 70485
against any person or home committing the violation. 70486

(b) An action under division (I)(1)(a) of this section may be 70487
commenced by the resident or by the resident's legal guardian or 70488
other legally authorized representative on behalf of the resident 70489
or the resident's estate. If the resident or the resident's legal 70490
guardian or other legally authorized representative is unable to 70491
commence an action under that division on behalf of the resident, 70492
the following persons in the following order of priority have the 70493
right to and may commence an action under that division on behalf 70494
of the resident or the resident's estate: 70495

(i) The resident's spouse; 70496

(ii) The resident's parent or adult child; 70497

(iii) The resident's guardian if the resident is a minor 70498
child; 70499

(iv) The resident's brother or sister; 70500

(v) The resident's niece, nephew, aunt, or uncle. 70501

(c) Notwithstanding any law as to priority of persons 70502
entitled to commence an action, if more than one eligible person 70503

within the same level of priority seeks to commence an action on behalf of a resident or the resident's estate, the court shall determine, in the best interest of the resident or the resident's estate, the individual to commence the action. A court's determination under this division as to the person to commence an action on behalf of a resident or the resident's estate shall bar another person from commencing the action on behalf of the resident or the resident's estate.

(d) The result of an action commenced pursuant to division (I)(1)(a) of this section by a person authorized under division (I)(1)(b) of this section shall bind the resident or the resident's estate that is the subject of the action.

(e) A cause of action under division (I)(1)(a) of this section shall accrue, and the statute of limitations applicable to that cause of action shall begin to run, based upon the violation of a resident's rights under sections 3721.10 to 3721.17 of the Revised Code, regardless of the party commencing the action on behalf of the resident or the resident's estate as authorized under divisions (I)(1)(b) and (c) of this section.

(2)(a) The plaintiff in an action filed under division (I)(1) of this section may obtain injunctive relief against the violation of the resident's rights. The plaintiff also may recover compensatory damages based upon a showing, by a preponderance of the evidence, that the violation of the resident's rights resulted from a negligent act or omission of the person or home and that the violation was the proximate cause of the resident's injury, death, or loss to person or property.

(b) If compensatory damages are awarded for a violation of the resident's rights, section 2315.21 of the Revised Code shall apply to an award of punitive or exemplary damages for the violation.

(c) The court, in a case in which only injunctive relief is granted, may award to the prevailing party reasonable attorney's fees limited to the work reasonably performed.

(3) Division (I)(2) (b) of this section shall be considered to be purely remedial in operation and shall be applied in a remedial manner in any civil action in which this section is relevant, whether the action is pending in court or commenced on or after July 9, 1998.

(4) Within thirty days after the filing of a complaint in an action for damages brought against a home under division (I)(1)(a) of this section by or on behalf of a resident or former resident of the home, the plaintiff or plaintiff's counsel shall send written notice of the filing of the complaint to the department of ~~job and family services~~ medicaid if the department has a right of recovery under section ~~5101.58~~ 5160.37 of the Revised Code against the liability of the home for the cost of ~~medical~~ medicaid services ~~and care~~ arising out of injury, disease, or disability of the resident or former resident.

Sec. 3721.19. (A) As used in this section:

(1) "Home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code;

(2) "Provider agreement" has the same meaning as in section 5165.01 of the Revised Code.

(3) "Sponsor" and "residents' rights advocate" have the same meanings as in section 3721.10 of the Revised Code.

A home licensed under this chapter that is not a party to a provider agreement, ~~as defined in section 5111.20 of the Revised Code,~~ shall provide each prospective resident, before admission, with the following information, orally and in a separate written notice on which is printed in a conspicuous manner: "This home is

not a participant in the ~~medical assistance~~ medicaid program 70565
administered by the Ohio department of ~~job and family services~~ 70566
medicaid. Consequently, you may be discharged from this home if 70567
you are unable to pay for the services provided by this home." 70568

If the prospective resident has a sponsor whose identity is 70569
made known to the home, the home shall also inform the sponsor, 70570
before admission of the resident, of the home's status relative to 70571
the ~~medical assistance~~ medicaid program. Written acknowledgement 70572
of the receipt of the information shall be provided by the 70573
resident and, if the prospective resident has a sponsor who has 70574
been identified to the home, by the sponsor. The written 70575
acknowledgement shall be made part of the resident's record by the 70576
home. 70577

No home shall terminate its ~~status as a provider under the~~ 70578
~~medicaid program agreement~~ unless it has complied with section 70579
~~5111.66~~ 5165.50 of the Revised Code and, at least ninety days 70580
prior to such termination, provided written notice to the 70581
residents of the home and their sponsors of such action. This 70582
requirement shall not apply in cases where the department of ~~job~~ 70583
~~and family services~~ medicaid terminates a home's provider 70584
agreement or provider status. 70585

(B) A home licensed under this chapter as a residential care 70586
facility shall provide notice to each prospective resident or the 70587
individual's sponsor of the services offered by the facility and 70588
the types of skilled nursing care that the facility may provide. A 70589
residential care facility that, pursuant to section 3721.012 of 70590
the Revised Code, has a policy of entering into risk agreements 70591
with residents or their sponsors shall provide each prospective 70592
resident or the individual's sponsor a written explanation of the 70593
policy and the provisions that may be contained in a risk 70594
agreement. At the time the information is provided, the facility 70595
shall obtain a statement signed by the individual receiving the 70596

information acknowledging that the individual received the 70597
information. The facility shall maintain on file the individual's 70598
signed statement. 70599

(C) A resident has a cause of action against a home for 70600
breach of any duty imposed by this section. The action may be 70601
commenced by the resident, or on the resident's behalf by the 70602
resident's sponsor or a residents' rights advocate, by the filing 70603
of a civil action in the court of common pleas of the county in 70604
which the home is located, or in the court of common pleas of 70605
Franklin county. 70606

If the court finds that a breach of any duty imposed by this 70607
section has occurred, the court shall enjoin the home from 70608
discharging the resident from the home until arrangements 70609
satisfactory to the court are made for the orderly transfer of the 70610
resident to another mode of health care including, but not limited 70611
to, another home, and may award the resident and a person or 70612
public agency that brings an action on behalf of a resident 70613
reasonable attorney's fees. If a home discharges a resident to 70614
whom or to whose sponsor information concerning its status 70615
relative to the ~~medical assistance~~ medicaid program was not 70616
provided as required under this section, the court shall grant any 70617
appropriate relief including, but not limited to, actual damages, 70618
reasonable attorney's fees, and costs. 70619

Sec. 3727.01. (A) As used in this section, "health 70620
maintenance organization" means a public or private organization 70621
organized under the law of any state that is qualified under 70622
section 1310(d) of Title XIII of the "Public Health Service Act," 70623
87 Stat. 931 (1973), 42 U.S.C. 300e-9, or that does all of the 70624
following: 70625

(1) Provides or otherwise makes available to enrolled 70626
participants health care services including at least the following 70627

basic health care services: usual physician services, 70628
hospitalization, laboratory, x-ray, emergency and preventive 70629
service, and out-of-area coverage; 70630

(2) Is compensated, except for copayments, for the provision 70631
of basic health care services to enrolled participants by a 70632
payment that is paid on a periodic basis without regard to the 70633
date the health care services are provided and that is fixed 70634
without regard to the frequency, extent, or kind of health service 70635
actually provided; 70636

(3) Provides physician services primarily in either of the 70637
following ways: 70638

(a) Directly through physicians who are either employees or 70639
partners of the organization; 70640

(b) Through arrangements with individual physicians or one or 70641
more groups of physicians organized on a group-practice or 70642
individual-practice basis. 70643

(B) As used in this chapter: 70644

(1) "Children's hospital" means any of the following: 70645

(a) A hospital registered under section 3701.07 of the 70646
Revised Code that provides general pediatric medical and surgical 70647
care, and in which at least seventy-five per cent of annual 70648
inpatient discharges for the preceding two calendar years were 70649
individuals less than eighteen years of age; 70650

(b) A distinct portion of a hospital registered under section 70651
3701.07 of the Revised Code that provides general pediatric 70652
medical and surgical care, has a total of at least one hundred 70653
fifty registered pediatric special care and pediatric acute care 70654
beds, and in which at least seventy-five per cent of annual 70655
inpatient discharges for the preceding two calendar years were 70656
individuals less than eighteen years of age; 70657

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (B)(1)(a) of this section.

(2) "Hospital" means an institution classified as a hospital under section 3701.07 of the Revised Code in which are provided to inpatients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care for a continuous period longer than twenty-four hours or a hospital operated by a health maintenance organization. "Hospital" does not include a facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of ~~mental health~~ mental health and addiction services or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, the office of any private licensed health care professional, whether organized for individual or group practice, or a clinic that provides ambulatory patient services and where patients are not regularly admitted as inpatients. "Hospital" also does not include an institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and providing twenty-four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.

(3) "Joint commission" means the commission formerly known as the joint commission on accreditation of healthcare organizations or the joint commission on accreditation of hospitals.

Sec. 3734.28. Except as otherwise provided in sections 70689
3734.281 and 3734.282 of the Revised Code, moneys collected under 70690
sections 3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 70691
of the Revised Code and under the "Comprehensive Environmental 70692
Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 70693
42 U.S.C.A. 9601, et seq., as amended, including moneys recovered 70694
under division (B)(1) of this section, shall be paid into the 70695
state treasury to the credit of the hazardous waste clean-up fund, 70696
which is hereby created. In addition, both of the following shall 70697
be credited to the fund: 70698

(A) Moneys recovered for costs paid from the fund for 70699
activities described in divisions (A)(1) and (2) of section 70700
3745.12 of the Revised Code; 70701

(B) Natural resource damage assessment costs recovered under 70702
any of the following: 70703

(1) The "Comprehensive Environmental Response, Compensation, 70704
and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601, et 70705
seq., as amended; 70706

(2) The "Oil Pollution Act of 1990," 104 Stat. 484, 33 U.S.C. 70707
2701, et seq., as amended; 70708

(3) ~~The Federal Water Pollution Control Act as defined in~~ 70709
~~section 6111.01 of the Revised Code~~ "Clean Water Act of 1977," 91 70710
Stat. 1566, 33 U.S.C. 1321, et seq., as amended; 70711

(4) Any other applicable federal or state law. 70712

The environmental protection agency shall use the moneys in 70713
the fund for the purposes set forth in division (D) of section 70714
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 70715
3734.26, and 3734.27, divisions (A)(1) and (2) of section 3745.12, 70716
and Chapter 3746. of the Revised Code, including any related 70717
enforcement expenses and administrative expenses of any related 70718

closure or corrective action program. In addition, the agency 70719
shall use the moneys in the fund to pay the state's long-term 70720
operation and maintenance costs or matching share for actions 70721
taken under the "Comprehensive Environmental Response, 70722
Compensation, and Liability Act of 1980," as amended. If those 70723
moneys are reimbursed by grants or other moneys from the United 70724
States or any other person, the moneys shall be placed in the fund 70725
and not in the general revenue fund. 70726

The director of environmental protection may enter into 70727
contracts and grant agreements with federal, state, or local 70728
government agencies, nonprofit organizations, and colleges and 70729
universities for the purpose of carrying out the responsibilities 70730
of the environmental protection agency for which money may be 70731
expended from the fund. 70732

Sec. 3734.57. (A) The following fees are hereby levied on the 70733
transfer or disposal of solid wastes in this state: 70734

(1) One dollar per ton through June 30, ~~2014~~ 2016, ~~one-half~~ 70735
thirty per cent of the proceeds of which shall be deposited in the 70736
state treasury to the credit of the hazardous waste facility 70737
management fund created in section 3734.18 of the Revised Code and 70738
~~one-half~~ seventy per cent of the proceeds of which shall be 70739
deposited in the state treasury to the credit of the hazardous 70740
waste clean-up fund created in section 3734.28 of the Revised 70741
Code; 70742

(2) An additional one dollar per ton through June 30, ~~2014~~ 70743
2016, the proceeds of which shall be deposited in the state 70744
treasury to the credit of the solid waste fund, which is hereby 70745
created. The environmental protection agency shall use money in 70746
the solid waste fund to pay the costs of administering and 70747
enforcing the laws pertaining to solid wastes, infectious wastes, 70748
and construction and demolition debris, including, without 70749

limitation, ground water evaluations related to solid wastes, 70750
infectious wastes, and construction and demolition debris, under 70751
this chapter and Chapter 3714. of the Revised Code and any rules 70752
adopted under them, providing compliance assistance to small 70753
businesses, and paying a share of the administrative costs of the 70754
environmental protection agency pursuant to section 3745.014 of 70755
the Revised Code. 70756

(3) An additional two dollars and fifty cents per ton through 70757
June 30, ~~2014~~ 2016, the proceeds of which shall be deposited in 70758
the state treasury to the credit of the environmental protection 70759
fund created in section 3745.015 of the Revised Code; 70760

(4) An additional twenty-five cents per ton through June 30, 70761
~~2013~~ 2016, the proceeds of which shall be deposited in the state 70762
treasury to the credit of the soil and water conservation district 70763
assistance fund created in section 1515.14 of the Revised Code. 70764

In the case of solid wastes that are taken to a solid waste 70765
transfer facility located in this state prior to being transported 70766
for disposal at a solid waste disposal facility located in this 70767
state or outside of this state, the fees levied under this 70768
division shall be collected by the owner or operator of the 70769
transfer facility as a trustee for the state. The amount of fees 70770
required to be collected under this division at such a transfer 70771
facility shall equal the total tonnage of solid wastes received at 70772
the facility multiplied by the fees levied under this division. In 70773
the case of solid wastes that are not taken to a solid waste 70774
transfer facility located in this state prior to being transported 70775
to a solid waste disposal facility, the fees shall be collected by 70776
the owner or operator of the solid waste disposal facility as a 70777
trustee for the state. The amount of fees required to be collected 70778
under this division at such a disposal facility shall equal the 70779
total tonnage of solid wastes received at the facility that was 70780
not previously taken to a solid waste transfer facility located in 70781

this state multiplied by the fees levied under this division. Fees 70782
levied under this division do not apply to materials separated 70783
from a mixed waste stream for recycling by a generator or 70784
materials removed from the solid waste stream through recycling, 70785
as "recycling" is defined in rules adopted under section 3734.02 70786
of the Revised Code. 70787

The owner or operator of a solid waste transfer facility or 70788
disposal facility, as applicable, shall prepare and file with the 70789
director of environmental protection each month a return 70790
indicating the total tonnage of solid wastes received at the 70791
facility during that month and the total amount of the fees 70792
required to be collected under this division during that month. In 70793
addition, the owner or operator of a solid waste disposal facility 70794
shall indicate on the return the total tonnage of solid wastes 70795
received from transfer facilities located in this state during 70796
that month for which the fees were required to be collected by the 70797
transfer facilities. The monthly returns shall be filed on a form 70798
prescribed by the director. Not later than thirty days after the 70799
last day of the month to which a return applies, the owner or 70800
operator shall mail to the director the return for that month 70801
together with the fees required to be collected under this 70802
division during that month as indicated on the return or may 70803
submit the return and fees electronically in a manner approved by 70804
the director. If the return is filed and the amount of the fees 70805
due is paid in a timely manner as required in this division, the 70806
owner or operator may retain a discount of three-fourths of one 70807
per cent of the total amount of the fees that are required to be 70808
paid as indicated on the return. 70809

The owner or operator may request an extension of not more 70810
than thirty days for filing the return and remitting the fees, 70811
provided that the owner or operator has submitted such a request 70812
in writing to the director together with a detailed description of 70813

why the extension is requested, the director has received the 70814
request not later than the day on which the return is required to 70815
be filed, and the director has approved the request. If the fees 70816
are not remitted within thirty days after the last day of the 70817
month to which the return applies or are not remitted by the last 70818
day of an extension approved by the director, the owner or 70819
operator shall not retain the three-fourths of one per cent 70820
discount and shall pay an additional ten per cent of the amount of 70821
the fees for each month that they are late. For purposes of 70822
calculating the late fee, the first month in which fees are late 70823
begins on the first day after the deadline has passed for timely 70824
submitting the return and fees, and one additional month shall be 70825
counted every thirty days thereafter. 70826

The owner or operator of a solid waste facility may request a 70827
refund or credit of fees levied under this division and remitted 70828
to the director that have not been paid to the owner or operator. 70829
Such a request shall be made only if the fees have not been 70830
collected by the owner or operator, have become a debt that has 70831
become worthless or uncollectable for a period of six months or 70832
more, and may be claimed as a deduction, including a deduction 70833
claimed if the owner or operator keeps accounts on an accrual 70834
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 70835
U.S.C. 166, as amended, and regulations adopted under it. Prior to 70836
making a request for a refund or credit, an owner or operator 70837
shall make reasonable efforts to collect the applicable fees. A 70838
request for a refund or credit shall not include any costs 70839
resulting from those efforts to collect unpaid fees. 70840

A request for a refund or credit of fees shall be made in 70841
writing, on a form prescribed by the director, and shall be 70842
supported by evidence that may be required in rules adopted by the 70843
director under this chapter. After reviewing the request, and if 70844
the request and evidence submitted with the request indicate that 70845

a refund or credit is warranted, the director shall grant a refund 70846
to the owner or operator or shall permit a credit to be taken by 70847
the owner or operator on a subsequent monthly return submitted by 70848
the owner or operator. The amount of a refund or credit shall not 70849
exceed an amount that is equal to ninety days' worth of fees owed 70850
to an owner or operator by a particular debtor of the owner or 70851
operator. A refund or credit shall not be granted by the director 70852
to an owner or operator more than once in any twelve-month period 70853
for fees owed to the owner or operator by a particular debtor. 70854

If, after receiving a refund or credit from the director, an 70855
owner or operator receives payment of all or part of the fees, the 70856
owner or operator shall remit the fees with the next monthly 70857
return submitted to the director together with a written 70858
explanation of the reason for the submittal. 70859

For purposes of computing the fees levied under this division 70860
or division (B) of this section, any solid waste transfer or 70861
disposal facility that does not use scales as a means of 70862
determining gate receipts shall use a conversion factor of three 70863
cubic yards per ton of solid waste or one cubic yard per ton for 70864
baled waste, as applicable. 70865

The fees levied under this division and divisions (B) and (C) 70866
of this section are in addition to all other applicable fees and 70867
taxes and shall be paid by the customer or a political subdivision 70868
to the owner or operator of a solid waste transfer or disposal 70869
facility. In the alternative, the fees shall be paid by a customer 70870
or political subdivision to a transporter of waste who 70871
subsequently transfers the fees to the owner or operator of such a 70872
facility. The fees shall be paid notwithstanding the existence of 70873
any provision in a contract that the customer or a political 70874
subdivision may have with the owner or operator or with a 70875
transporter of waste to the facility that would not require or 70876
allow such payment regardless of whether the contract was entered 70877

prior to or after October 16, 2009. For those purposes, "customer" 70878
means a person who contracts with, or utilizes the solid waste 70879
services of, the owner or operator of a solid waste transfer or 70880
disposal facility or a transporter of solid waste to such a 70881
facility. 70882

(B) For the purposes specified in division (G) of this 70883
section, the solid waste management policy committee of a county 70884
or joint solid waste management district may levy fees upon the 70885
following activities: 70886

(1) The disposal at a solid waste disposal facility located 70887
in the district of solid wastes generated within the district; 70888

(2) The disposal at a solid waste disposal facility within 70889
the district of solid wastes generated outside the boundaries of 70890
the district, but inside this state; 70891

(3) The disposal at a solid waste disposal facility within 70892
the district of solid wastes generated outside the boundaries of 70893
this state. 70894

The solid waste management plan of the county or joint 70895
district approved under section 3734.521 or 3734.55 of the Revised 70896
Code and any amendments to it, or the resolution adopted under 70897
this division, as appropriate, shall establish the rates of the 70898
fees levied under divisions (B)(1), (2), and (3) of this section, 70899
if any, and shall specify whether the fees are levied on the basis 70900
of tons or cubic yards as the unit of measurement. A solid waste 70901
management district that levies fees under this division on the 70902
basis of cubic yards shall do so in accordance with division (A) 70903
of this section. 70904

The fee levied under division (B)(1) of this section shall be 70905
not less than one dollar per ton nor more than two dollars per 70906
ton, the fee levied under division (B)(2) of this section shall be 70907
not less than two dollars per ton nor more than four dollars per 70908

ton, and the fee levied under division (B)(3) of this section 70909
shall be not more than the fee levied under division (B)(1) of 70910
this section. 70911

Prior to the approval of the solid waste management plan of a 70912
district under section 3734.55 of the Revised Code, the solid 70913
waste management policy committee of a district may levy fees 70914
under this division by adopting a resolution establishing the 70915
proposed amount of the fees. Upon adopting the resolution, the 70916
committee shall deliver a copy of the resolution to the board of 70917
county commissioners of each county forming the district and to 70918
the legislative authority of each municipal corporation and 70919
township under the jurisdiction of the district and shall prepare 70920
and publish the resolution and a notice of the time and location 70921
where a public hearing on the fees will be held. Upon adopting the 70922
resolution, the committee shall deliver written notice of the 70923
adoption of the resolution; of the amount of the proposed fees; 70924
and of the date, time, and location of the public hearing to the 70925
director and to the fifty industrial, commercial, or institutional 70926
generators of solid wastes within the district that generate the 70927
largest quantities of solid wastes, as determined by the 70928
committee, and to their local trade associations. The committee 70929
shall make good faith efforts to identify those generators within 70930
the district and their local trade associations, but the 70931
nonprovision of notice under this division to a particular 70932
generator or local trade association does not invalidate the 70933
proceedings under this division. The publication shall occur at 70934
least thirty days before the hearing. After the hearing, the 70935
committee may make such revisions to the proposed fees as it 70936
considers appropriate and thereafter, by resolution, shall adopt 70937
the revised fee schedule. Upon adopting the revised fee schedule, 70938
the committee shall deliver a copy of the resolution doing so to 70939
the board of county commissioners of each county forming the 70940
district and to the legislative authority of each municipal 70941

corporation and township under the jurisdiction of the district. 70942
Within sixty days after the delivery of a copy of the resolution 70943
adopting the proposed revised fees by the policy committee, each 70944
such board and legislative authority, by ordinance or resolution, 70945
shall approve or disapprove the revised fees and deliver a copy of 70946
the ordinance or resolution to the committee. If any such board or 70947
legislative authority fails to adopt and deliver to the policy 70948
committee an ordinance or resolution approving or disapproving the 70949
revised fees within sixty days after the policy committee 70950
delivered its resolution adopting the proposed revised fees, it 70951
shall be conclusively presumed that the board or legislative 70952
authority has approved the proposed revised fees. The committee 70953
shall determine if the resolution has been ratified in the same 70954
manner in which it determines if a draft solid waste management 70955
plan has been ratified under division (B) of section 3734.55 of 70956
the Revised Code. 70957

The committee may amend the schedule of fees levied pursuant 70958
to a resolution adopted and ratified under this division by 70959
adopting a resolution establishing the proposed amount of the 70960
amended fees. The committee may repeal the fees levied pursuant to 70961
such a resolution by adopting a resolution proposing to repeal 70962
them. Upon adopting such a resolution, the committee shall proceed 70963
to obtain ratification of the resolution in accordance with this 70964
division. 70965

Not later than fourteen days after declaring the new fees to 70966
be ratified or the fees to be repealed under this division, the 70967
committee shall notify by certified mail the owner or operator of 70968
each solid waste disposal facility that is required to collect the 70969
fees of the ratification and the amount of the fees or of the 70970
repeal of the fees. Collection of any fees shall commence or 70971
collection of repealed fees shall cease on the first day of the 70972
second month following the month in which notification is sent to 70973

the owner or operator. 70974

Fees levied under this division also may be established, 70975
amended, or repealed by a solid waste management policy committee 70976
through the adoption of a new district solid waste management 70977
plan, the adoption of an amended plan, or the amendment of the 70978
plan or amended plan in accordance with sections 3734.55 and 70979
3734.56 of the Revised Code or the adoption or amendment of a 70980
district plan in connection with a change in district composition 70981
under section 3734.521 of the Revised Code. 70982

Not later than fourteen days after the director issues an 70983
order approving a district's solid waste management plan, amended 70984
plan, or amendment to a plan or amended plan that establishes, 70985
amends, or repeals a schedule of fees levied by the district, the 70986
committee shall notify by certified mail the owner or operator of 70987
each solid waste disposal facility that is required to collect the 70988
fees of the approval of the plan or amended plan, or the amendment 70989
to the plan, as appropriate, and the amount of the fees, if any. 70990
In the case of an initial or amended plan approved under section 70991
3734.521 of the Revised Code in connection with a change in 70992
district composition, other than one involving the withdrawal of a 70993
county from a joint district, the committee, within fourteen days 70994
after the change takes effect pursuant to division (G) of that 70995
section, shall notify by certified mail the owner or operator of 70996
each solid waste disposal facility that is required to collect the 70997
fees that the change has taken effect and of the amount of the 70998
fees, if any. Collection of any fees shall commence or collection 70999
of repealed fees shall cease on the first day of the second month 71000
following the month in which notification is sent to the owner or 71001
operator. 71002

If, in the case of a change in district composition involving 71003
the withdrawal of a county from a joint district, the director 71004
completes the actions required under division (G)(1) or (3) of 71005

section 3734.521 of the Revised Code, as appropriate, forty-five 71006
days or more before the beginning of a calendar year, the policy 71007
committee of each of the districts resulting from the change that 71008
obtained the director's approval of an initial or amended plan in 71009
connection with the change, within fourteen days after the 71010
director's completion of the required actions, shall notify by 71011
certified mail the owner or operator of each solid waste disposal 71012
facility that is required to collect the district's fees that the 71013
change is to take effect on the first day of January immediately 71014
following the issuance of the notice and of the amount of the fees 71015
or amended fees levied under divisions (B)(1) to (3) of this 71016
section pursuant to the district's initial or amended plan as so 71017
approved or, if appropriate, the repeal of the district's fees by 71018
that initial or amended plan. Collection of any fees set forth in 71019
such a plan or amended plan shall commence on the first day of 71020
January immediately following the issuance of the notice. If such 71021
an initial or amended plan repeals a schedule of fees, collection 71022
of the fees shall cease on that first day of January. 71023

If, in the case of a change in district composition involving 71024
the withdrawal of a county from a joint district, the director 71025
completes the actions required under division (G)(1) or (3) of 71026
section 3734.521 of the Revised Code, as appropriate, less than 71027
forty-five days before the beginning of a calendar year, the 71028
director, on behalf of each of the districts resulting from the 71029
change that obtained the director's approval of an initial or 71030
amended plan in connection with the change proceedings, shall 71031
notify by certified mail the owner or operator of each solid waste 71032
disposal facility that is required to collect the district's fees 71033
that the change is to take effect on the first day of January 71034
immediately following the mailing of the notice and of the amount 71035
of the fees or amended fees levied under divisions (B)(1) to (3) 71036
of this section pursuant to the district's initial or amended plan 71037
as so approved or, if appropriate, the repeal of the district's 71038

fees by that initial or amended plan. Collection of any fees set 71039
forth in such a plan or amended plan shall commence on the first 71040
day of the second month following the month in which notification 71041
is sent to the owner or operator. If such an initial or amended 71042
plan repeals a schedule of fees, collection of the fees shall 71043
cease on the first day of the second month following the month in 71044
which notification is sent to the owner or operator. 71045

If the schedule of fees that a solid waste management 71046
district is levying under divisions (B)(1) to (3) of this section 71047
is amended or repealed, the fees in effect immediately prior to 71048
the amendment or repeal shall continue to be collected until 71049
collection of the amended fees commences or collection of the 71050
repealed fees ceases, as applicable, as specified in this 71051
division. In the case of a change in district composition, money 71052
so received from the collection of the fees of the former 71053
districts shall be divided among the resulting districts in 71054
accordance with division (B) of section 343.012 of the Revised 71055
Code and the agreements entered into under division (B) of section 71056
343.01 of the Revised Code to establish the former and resulting 71057
districts and any amendments to those agreements. 71058

For the purposes of the provisions of division (B) of this 71059
section establishing the times when newly established or amended 71060
fees levied by a district are required to commence and the 71061
collection of fees that have been amended or repealed is required 71062
to cease, "fees" or "schedule of fees" includes, in addition to 71063
fees levied under divisions (B)(1) to (3) of this section, those 71064
levied under section 3734.573 or 3734.574 of the Revised Code. 71065

(C) For the purposes of defraying the added costs to a 71066
municipal corporation or township of maintaining roads and other 71067
public facilities and of providing emergency and other public 71068
services, and compensating a municipal corporation or township for 71069
reductions in real property tax revenues due to reductions in real 71070

property valuations resulting from the location and operation of a 71071
solid waste disposal facility within the municipal corporation or 71072
township, a municipal corporation or township in which such a 71073
solid waste disposal facility is located may levy a fee of not 71074
more than twenty-five cents per ton on the disposal of solid 71075
wastes at a solid waste disposal facility located within the 71076
boundaries of the municipal corporation or township regardless of 71077
where the wastes were generated. 71078

The legislative authority of a municipal corporation or 71079
township may levy fees under this division by enacting an 71080
ordinance or adopting a resolution establishing the amount of the 71081
fees. Upon so doing the legislative authority shall mail a 71082
certified copy of the ordinance or resolution to the board of 71083
county commissioners or directors of the county or joint solid 71084
waste management district in which the municipal corporation or 71085
township is located or, if a regional solid waste management 71086
authority has been formed under section 343.011 of the Revised 71087
Code, to the board of trustees of that regional authority, the 71088
owner or operator of each solid waste disposal facility in the 71089
municipal corporation or township that is required to collect the 71090
fee by the ordinance or resolution, and the director of 71091
environmental protection. Although the fees levied under this 71092
division are levied on the basis of tons as the unit of 71093
measurement, the legislative authority, in its ordinance or 71094
resolution levying the fees under this division, may direct that 71095
the fees be levied on the basis of cubic yards as the unit of 71096
measurement based upon a conversion factor of three cubic yards 71097
per ton generally or one cubic yard per ton for baled wastes. 71098

Not later than five days after enacting an ordinance or 71099
adopting a resolution under this division, the legislative 71100
authority shall so notify by certified mail the owner or operator 71101
of each solid waste disposal facility that is required to collect 71102

the fee. Collection of any fee levied on or after March 24, 1992, 71103
shall commence on the first day of the second month following the 71104
month in which notification is sent to the owner or operator. 71105

(D)(1) The fees levied under divisions (A), (B), and (C) of 71106
this section do not apply to the disposal of solid wastes that: 71107

(a) Are disposed of at a facility owned by the generator of 71108
the wastes when the solid waste facility exclusively disposes of 71109
solid wastes generated at one or more premises owned by the 71110
generator regardless of whether the facility is located on a 71111
premises where the wastes are generated; 71112

(b) Are generated from the combustion of coal, or from the 71113
combustion of primarily coal, regardless of whether the disposal 71114
facility is located on the premises where the wastes are 71115
generated; 71116

(c) Are asbestos or asbestos-containing materials or products 71117
disposed of at a construction and demolition debris facility that 71118
is licensed under Chapter 3714. of the Revised Code or at a solid 71119
waste facility that is licensed under this chapter. 71120

(2) Except as provided in section 3734.571 of the Revised 71121
Code, any fees levied under division (B)(1) of this section apply 71122
to solid wastes originating outside the boundaries of a county or 71123
joint district that are covered by an agreement for the joint use 71124
of solid waste facilities entered into under section 343.02 of the 71125
Revised Code by the board of county commissioners or board of 71126
directors of the county or joint district where the wastes are 71127
generated and disposed of. 71128

(3) When solid wastes, other than solid wastes that consist 71129
of scrap tires, are burned in a disposal facility that is an 71130
incinerator or energy recovery facility, the fees levied under 71131
divisions (A), (B), and (C) of this section shall be levied upon 71132
the disposal of the fly ash and bottom ash remaining after burning 71133

of the solid wastes and shall be collected by the owner or 71134
operator of the sanitary landfill where the ash is disposed of. 71135

(4) When solid wastes are delivered to a solid waste transfer 71136
facility, the fees levied under divisions (B) and (C) of this 71137
section shall be levied upon the disposal of solid wastes 71138
transported off the premises of the transfer facility for disposal 71139
and shall be collected by the owner or operator of the solid waste 71140
disposal facility where the wastes are disposed of. 71141

(5) The fees levied under divisions (A), (B), and (C) of this 71142
section do not apply to sewage sludge that is generated by a waste 71143
water treatment facility holding a national pollutant discharge 71144
elimination system permit and that is disposed of through 71145
incineration, land application, or composting or at another 71146
resource recovery or disposal facility that is not a landfill. 71147

(6) The fees levied under divisions (A), (B), and (C) of this 71148
section do not apply to solid wastes delivered to a solid waste 71149
composting facility for processing. When any unprocessed solid 71150
waste or compost product is transported off the premises of a 71151
composting facility and disposed of at a landfill, the fees levied 71152
under divisions (A), (B), and (C) of this section shall be 71153
collected by the owner or operator of the landfill where the 71154
unprocessed waste or compost product is disposed of. 71155

(7) When solid wastes that consist of scrap tires are 71156
processed at a scrap tire recovery facility, the fees levied under 71157
divisions (A), (B), and (C) of this section shall be levied upon 71158
the disposal of the fly ash and bottom ash or other solid wastes 71159
remaining after the processing of the scrap tires and shall be 71160
collected by the owner or operator of the solid waste disposal 71161
facility where the ash or other solid wastes are disposed of. 71162

(8) The director of environmental protection may issue an 71163
order exempting from the fees levied under this section solid 71164

wastes, including, but not limited to, scrap tires, that are 71165
generated, transferred, or disposed of as a result of a contract 71166
providing for the expenditure of public funds entered into by the 71167
administrator or regional administrator of the United States 71168
environmental protection agency, the director of environmental 71169
protection, or the director of administrative services on behalf 71170
of the director of environmental protection for the purpose of 71171
remediating conditions at a hazardous waste facility, solid waste 71172
facility, or other location at which the administrator or regional 71173
administrator or the director of environmental protection has 71174
reason to believe that there is a substantial threat to public 71175
health or safety or the environment or that the conditions are 71176
causing or contributing to air or water pollution or soil 71177
contamination. An order issued by the director of environmental 71178
protection under division (D)(8) of this section shall include a 71179
determination that the amount of the fees not received by a solid 71180
waste management district as a result of the order will not 71181
adversely impact the implementation and financing of the 71182
district's approved solid waste management plan and any approved 71183
amendments to the plan. Such an order is a final action of the 71184
director of environmental protection. 71185

(E) The fees levied under divisions (B) and (C) of this 71186
section shall be collected by the owner or operator of the solid 71187
waste disposal facility where the wastes are disposed of as a 71188
trustee for the county or joint district and municipal corporation 71189
or township where the wastes are disposed of. Moneys from the fees 71190
levied under division (B) of this section shall be forwarded to 71191
the board of county commissioners or board of directors of the 71192
district in accordance with rules adopted under division (H) of 71193
this section. Moneys from the fees levied under division (C) of 71194
this section shall be forwarded to the treasurer or such other 71195
officer of the municipal corporation as, by virtue of the charter, 71196
has the duties of the treasurer or to the fiscal officer of the 71197

township, as appropriate, in accordance with those rules. 71198

(F) Moneys received by the treasurer or other officer of the 71199
municipal corporation under division (E) of this section shall be 71200
paid into the general fund of the municipal corporation. Moneys 71201
received by the fiscal officer of the township under that division 71202
shall be paid into the general fund of the township. The treasurer 71203
or other officer of the municipal corporation or the township 71204
fiscal officer, as appropriate, shall maintain separate records of 71205
the moneys received from the fees levied under division (C) of 71206
this section. 71207

(G) Moneys received by the board of county commissioners or 71208
board of directors under division (E) of this section or section 71209
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 71210
shall be paid to the county treasurer, or other official acting in 71211
a similar capacity under a county charter, in a county district or 71212
to the county treasurer or other official designated by the board 71213
of directors in a joint district and kept in a separate and 71214
distinct fund to the credit of the district. If a regional solid 71215
waste management authority has been formed under section 343.011 71216
of the Revised Code, moneys received by the board of trustees of 71217
that regional authority under division (E) of this section shall 71218
be kept by the board in a separate and distinct fund to the credit 71219
of the district. Moneys in the special fund of the county or joint 71220
district arising from the fees levied under division (B) of this 71221
section and the fee levied under division (A) of section 3734.573 71222
of the Revised Code shall be expended by the board of county 71223
commissioners or directors of the district in accordance with the 71224
district's solid waste management plan or amended plan approved 71225
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 71226
exclusively for the following purposes: 71227

(1) Preparation of the solid waste management plan of the 71228
district under section 3734.54 of the Revised Code, monitoring 71229

implementation of the plan, and conducting the periodic review and 71230
amendment of the plan required by section 3734.56 of the Revised 71231
Code by the solid waste management policy committee; 71232

(2) Implementation of the approved solid waste management 71233
plan or amended plan of the district, including, without 71234
limitation, the development and implementation of solid waste 71235
recycling or reduction programs; 71236

(3) Providing financial assistance to boards of health within 71237
the district, if solid waste facilities are located within the 71238
district, for enforcement of this chapter and rules, orders, and 71239
terms and conditions of permits, licenses, and variances adopted 71240
or issued under it, other than the hazardous waste provisions of 71241
this chapter and rules adopted and orders and terms and conditions 71242
of permits issued under those provisions; 71243

(4) Providing financial assistance to each county within the 71244
district to defray the added costs of maintaining roads and other 71245
public facilities and of providing emergency and other public 71246
services resulting from the location and operation of a solid 71247
waste facility within the county under the district's approved 71248
solid waste management plan or amended plan; 71249

(5) Pursuant to contracts entered into with boards of health 71250
within the district, if solid waste facilities contained in the 71251
district's approved plan or amended plan are located within the 71252
district, for paying the costs incurred by those boards of health 71253
for collecting and analyzing samples from public or private water 71254
wells on lands adjacent to those facilities; 71255

(6) Developing and implementing a program for the inspection 71256
of solid wastes generated outside the boundaries of this state 71257
that are disposed of at solid waste facilities included in the 71258
district's approved solid waste management plan or amended plan; 71259

(7) Providing financial assistance to boards of health within 71260

the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid waste management policy committee by resolution.

Notwithstanding division (G)(6) of this section as it existed prior to October 29, 1993, or any provision in a district's solid waste management plan prepared in accordance with division (B)(2)(e) of section 3734.53 of the Revised Code as it existed prior to that date, any moneys arising from the fees levied under division (B)(3) of this section prior to January 1, 1994, may be expended for any of the purposes authorized in divisions (G)(1) to (10) of this section.

(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for collecting and forwarding the fees levied under divisions (B) and (C) of this section to the boards of county commissioners or directors of county or joint solid waste management districts and to the treasurers or other officers of municipal corporations and the fiscal officers of townships. The rules also shall prescribe the dates for forwarding the fees to the boards and officials and may prescribe any other requirements the director considers necessary or appropriate to implement and administer divisions (A), (B), and (C) of this section.

Sec. 3734.901. (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and

tire recycling processes and to support scrap tire amnesty and 71324
cleanup events; to make loans to promote the recycling or recovery 71325
of energy from scrap tires; and to defray the costs of 71326
administering and enforcing sections 3734.90 to 3734.9014 of the 71327
Revised Code, a fee of fifty cents per tire is hereby levied on 71328
the sale of tires. The proceeds of the fee shall be deposited in 71329
the state treasury to the credit of the scrap tire management fund 71330
created in section 3734.82 of the Revised Code. The fee is levied 71331
from the first day of the calendar month that begins next after 71332
thirty days from October 29, 1993, through June 30, ~~2013~~ 2016. 71333

(2) Beginning on July 1, 2011, and ending on June 30, ~~2013~~ 71334
2016, there is hereby levied an additional fee of fifty cents per 71335
tire on the sale of tires the proceeds of which shall be deposited 71336
in the state treasury to the credit of the soil and water 71337
conservation district assistance fund created in section 1515.14 71338
of the Revised Code. 71339

(B) Only one sale of the same article shall be used in 71340
computing the amount of the fee due. 71341

Sec. 3734.907. (A) Any person required to pay the fee imposed 71342
by section 3734.901 of the Revised Code is personally liable for 71343
the fee. The tax commissioner may make an assessment, based upon 71344
any information in the commissioner's possession, against any 71345
person who fails to file a return or pay any fee, interest, or 71346
additional charge as required by sections 3734.90 to 3734.9014 of 71347
the Revised Code. The commissioner shall give the person assessed 71348
written notice of the assessment in the manner provided in section 71349
5703.37 of the Revised Code. With the notice, the commissioner 71350
shall provide instructions on how to petition for reassessment and 71351
request a hearing on the petition. 71352

(B) When the information in the possession of the tax 71353
commissioner indicates that a person liable for the fee imposed by 71354

section 3734.901 of the Revised Code has not paid the full amount of fee due, the commissioner may audit a representative sample of the person's business and may issue an assessment based on the audit.

(C) A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The commissioner may adopt rules providing for the imposition and remission of the penalties.

(D) Unless the person assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the person assessed or that person's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the person assessed to the treasurer of state. The petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(E) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person assessed resides or in which the person's business is conducted. If the person assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the person assessed in the

amount shown on the entry. The judgment may be filed by the clerk 71387
in a loose-leaf book entitled "special judgments for state tire 71388
fee," and shall have the same effect as other judgments. Execution 71389
shall issue upon the judgment upon the request of the tax 71390
commissioner, and all laws applicable to sales on execution shall 71391
apply to sales made under the judgment. 71392

~~The portion of~~ If the assessment is not paid in its entirety 71393
within sixty days after the day the assessment was issued, the 71394
portion of the assessment consisting of the fee due shall bear 71395
interest at the rate per annum prescribed by section 5703.47 of 71396
the Revised Code from the day the commissioner issues the 71397
assessment until the day the assessment is paid or until it is 71398
certified to the attorney general for collection under section 71399
131.02 of the Revised Code, whichever comes first. If the unpaid 71400
portion of the assessment is certified to the attorney general for 71401
collection, the entire unpaid portion of the assessment shall bear 71402
interest at the rate per annum prescribed by section 5703.47 of 71403
the Revised Code from the date of certification until the date it 71404
is paid in its entirety. Interest shall be paid in the same manner 71405
as the fee and may be collected by the issuance of an assessment 71406
under this section. 71407

(F) If the tax commissioner believes that collection of the 71408
fee will be jeopardized unless proceedings to collect or secure 71409
collection of the fee are instituted without delay, the 71410
commissioner may issue a jeopardy assessment against the person 71411
liable for the fee. Immediately upon the issuance of the jeopardy 71412
assessment, the commissioner shall file an entry with the clerk of 71413
the court of common pleas in the manner prescribed by division (E) 71414
of this section. Notice of the jeopardy assessment shall be served 71415
on the person assessed or the person's legal representative, as 71416
provided in section 5703.37 of the Revised Code, within five days 71417
of the filing of the entry with the clerk. The total amount 71418

assessed is immediately due and payable, unless the person 71419
assessed files a petition for reassessment in accordance with 71420
division (D) of this section and provides security in a form 71421
satisfactory to the commissioner and in an amount sufficient to 71422
satisfy the unpaid balance of the assessment. Full or partial 71423
payment of the assessment does not prejudice the commissioner's 71424
consideration of the petition for reassessment. 71425

(G) All money collected by the tax commissioner under this 71426
section shall be paid to the treasurer of state as revenue arising 71427
from the fee imposed by section 3734.901 of the Revised Code. 71428

Sec. 3735.58. (A) The director of ~~mental health~~ mental health 71429
and addiction services, the director of developmental 71430
disabilities, or the director of rehabilitation and correction may 71431
enter into contracts for the sale of land not needed by their 71432
departments and under their jurisdiction or supervision to 71433
metropolitan housing authorities for use by such an authority for 71434
a housing project or projects. Such contract may contain such 71435
conditions and terms as are, in the discretion of the directors, 71436
in the best interests of the state and the welfare of the 71437
residents of the state. 71438

(B) The director may, upon receipt of a request from a 71439
metropolitan housing authority, request the approval of the 71440
governor to sell and convey land not needed by the director's 71441
department and under the director's jurisdiction or supervision to 71442
an authority, subject to such terms and conditions consistent with 71443
the public interest and welfare of the residents of the state as 71444
the director considers necessary. The governor, with the approval 71445
of the controlling board, may approve the request. Such property 71446
shall be appraised at its fair market value before it is conveyed. 71447
The director of administrative services shall cause it to be 71448
appraised by three disinterested persons and shall determine the 71449

fee which each appraiser shall receive, not to exceed fifty 71450
dollars. All appraisal fees shall be paid by the authority which 71451
shall deposit with the director one hundred fifty dollars before 71452
the appraisal is made. If the deposit exceeds the appraisal fee, 71453
the balance shall be returned to the authority. The appraisal 71454
value, when approved by the director, is the purchase price. If 71455
the purchase price is not paid within ninety days after notice to 71456
the authority of the approved appraisal value, the director shall 71457
withdraw approval of the appraisal value and no deed shall be 71458
delivered to the authority without the written approval of the 71459
director of the purchase price. If the purchase price is paid 71460
within ninety days, a deed shall be prepared and recorded pursuant 71461
to section 5301.13 of the Revised Code. 71462

(C) Moneys received from sales of land to a metropolitan 71463
housing authority shall be placed in the state treasury in special 71464
funds, to be used for such purposes of the department of ~~mental~~ 71465
~~health~~ mental health and addiction services, the department of 71466
developmental disabilities, or the department of rehabilitation 71467
and correction as is appropriate. 71468

Sec. 3735.67. (A) The owner of real property located in a 71469
community reinvestment area and eligible for exemption from 71470
taxation under a resolution adopted pursuant to section 3735.66 of 71471
the Revised Code may file an application for an exemption from 71472
real property taxation of a percentage of the assessed valuation 71473
of a new structure or remodeling, completed after the effective 71474
date of the resolution adopted pursuant to section 3735.66 of the 71475
Revised Code, with the housing officer designated pursuant to 71476
section 3735.66 of the Revised Code for the community reinvestment 71477
area in which the property is located. If any part of the new 71478
structure or remodeling that would be exempted is of real property 71479
to be used for commercial or industrial purposes, the legislative 71480
authority and the owner of the property shall enter into a written 71481

agreement pursuant to section 3735.671 of the Revised Code prior 71482
to commencement of construction or remodeling; if such an 71483
agreement is subject to approval by the board of education of the 71484
school district within the territory of which the property is or 71485
will be located, the agreement shall not be formally approved by 71486
the legislative authority until the board of education approves 71487
the agreement in the manner prescribed by that section. 71488

(B) The housing officer shall verify the construction of the 71489
new structure or the cost of the remodeling and the facts asserted 71490
in the application. The housing officer shall determine whether 71491
the construction or the cost of the remodeling meets the 71492
requirements for an exemption under this section. In cases 71493
involving a structure of historical or architectural significance, 71494
the housing officer shall not determine whether the remodeling 71495
meets the requirements for a tax exemption unless the 71496
appropriateness of the remodeling has been certified, in writing, 71497
by the society, association, agency, or legislative authority that 71498
has designated the structure or by any organization or person 71499
authorized, in writing, by such society, association, agency, or 71500
legislative authority to certify the appropriateness of the 71501
remodeling. 71502

(C) If the construction or remodeling meets the requirements 71503
for exemption, the housing officer shall forward the application 71504
to the county auditor with a certification as to the division of 71505
this section under which the exemption is granted, and the period 71506
and percentage of the exemption as determined by the legislative 71507
authority pursuant to that division. If the construction or 71508
remodeling is of commercial or industrial property and the 71509
legislative authority is not required to certify a copy of a 71510
resolution under section 3735.671 of the Revised Code, the housing 71511
officer shall comply with the notice requirements prescribed under 71512
section 5709.83 of the Revised Code, unless the board has adopted 71513

a resolution under that section waiving its right to receive such 71514
a notice. 71515

(D) Except as provided in division (F) of this section, the 71516
tax exemption shall first apply in the year the construction or 71517
remodeling would first be taxable but for this section. In the 71518
case of remodeling that qualifies for exemption, a percentage, not 71519
to exceed one hundred per cent, of the amount by which the 71520
remodeling increased the assessed value of the structure shall be 71521
exempted from real property taxation. In the case of construction 71522
of a structure that qualifies for exemption, a percentage, not to 71523
exceed one hundred per cent, of the assessed value of the 71524
structure shall be exempted from real property taxation. In either 71525
case, the percentage shall be the percentage set forth in the 71526
agreement if the structure or remodeling is to be used for 71527
commercial or industrial purposes, or the percentage set forth in 71528
the resolution describing the community reinvestment area if the 71529
structure or remodeling is to be used for residential purposes. 71530

The construction of new structures and the remodeling of 71531
existing structures are hereby declared to be a public purpose for 71532
which exemptions from real property taxation may be granted for 71533
the following periods: 71534

(1) For every dwelling containing not more than two family 71535
units located within the same community reinvestment area and upon 71536
which the cost of remodeling is at least two thousand five hundred 71537
dollars, a period to be determined by the legislative authority 71538
adopting the resolution describing the community reinvestment area 71539
where the dwelling is located, but not exceeding ten years unless 71540
extended pursuant to division (D)(3) of this section; 71541

(2) For every dwelling containing more than two units and 71542
commercial or industrial properties, located within the same 71543
community reinvestment area, upon which the cost of remodeling is 71544
at least five thousand dollars, a period to be determined by the 71545

legislative authority adopting the resolution, but not exceeding 71546
twelve years unless extended pursuant to division (D)(3) of this 71547
section; 71548

(3) The period of exemption for a dwelling described in 71549
division (D)(1) or (2) of this section may be extended by a 71550
legislative authority for up to an additional ten years if the 71551
dwelling is a structure of historical or architectural 71552
significance, is a certified historic structure that has been 71553
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 71554
and units within the structure have been leased to individual 71555
tenants for five consecutive years; 71556

(4) Except as provided in division (F) of this section, for 71557
construction of every dwelling, and commercial or industrial 71558
structure located within the same community reinvestment area, a 71559
period to be determined by the legislative authority adopting the 71560
resolution, but not exceeding fifteen years. 71561

(E) Any person, ~~board,~~ or officer authorized by section 71562
5715.19 of the Revised Code to file complaints with the county 71563
board of revision, the board of county commissioners, the 71564
prosecuting attorney or treasurer of the county, the board of 71565
township trustees of any township with territory in the county, 71566
the board of education of any school district with any territory 71567
in the county, or the mayor or legislative authority of a 71568
municipal corporation with any territory in the county, may file a 71569
complaint with the housing officer challenging the continued 71570
exemption of any property granted an exemption under this section. 71571
A complaint against exemption shall be filed prior to the 71572
thirty-first day of December of the tax year for which taxation of 71573
the property is requested. The housing officer shall determine 71574
whether the property continues to meet the requirements for 71575
exemption and shall certify the housing officer's findings to the 71576
complainant. If the housing officer determines that the property 71577

does not meet the requirements for exemption, the housing officer 71578
shall notify the county auditor, who shall correct the tax list 71579
and duplicate accordingly. 71580

(F) The owner of a dwelling constructed in a community 71581
reinvestment area may file an application for an exemption after 71582
the year the construction first became subject to taxation. The 71583
application shall be processed in accordance with the procedures 71584
prescribed under this section and shall be granted if the 71585
construction that is the subject of the application otherwise 71586
meets the requirements for an exemption under this section. If 71587
approved, the exemption sought in the application first applies in 71588
the year the application is filed. An exemption approved pursuant 71589
to this division continues only for those years remaining in the 71590
period described in division (D)(4) of this section. No exemption 71591
may be claimed for any year in that period that precedes the year 71592
in which the application is filed. 71593

Sec. 3737.02. (A) The fire marshal may collect fees to cover 71594
the costs of performing inspections and other duties that the fire 71595
marshal is authorized or required by law to perform. Except as 71596
provided in division (B) of this section, all fees collected by 71597
the fire marshal shall be deposited to the credit of the fire 71598
marshal's fund. 71599

(B) All of the following shall be credited to the underground 71600
storage tank administration fund, which is hereby created in the 71601
state treasury: 71602

(1) Fees collected under sections 3737.88 and 3737.881 of the 71603
Revised Code for operation of the underground storage tank and 71604
underground storage tank installer certification programs, ~~moneys;~~ 71605

(2) Moneys recovered under section 3737.89 of the Revised 71606
Code for the state's costs of undertaking corrective or 71607
enforcement actions under that section or section 3737.882 of the 71608

Revised Code, ~~and fines;~~ 71609

~~(3) Fines and penalties collected under section 3737.882 of 71610
the Revised Code shall be credited to the underground storage tank 71611
administration fund, which is hereby created in the state 71612
treasury. All;~~ 71613

(4) Amounts repaid for underground storage tank revolving 71614
loans under section 3737.883 of the Revised Code. 71615

(C) All interest earned on moneys credited to the underground 71616
storage tank administration fund shall be credited to the fund. 71617
Moneys credited to the underground storage tank administration 71618
fund shall be used by the fire marshal for implementation and 71619
enforcement of underground storage tank, corrective action, and 71620
installer certification programs under sections 3737.88 to 3737.89 71621
of the Revised Code. Only moneys described in divisions (B)(3) and 71622
(4) of this section may be used by the fire marshal to make 71623
underground storage tank revolving loans under section 3737.883 of 71624
the Revised Code, and no other moneys may be used to make those 71625
loans. 71626

~~(C)~~(D) The fire marshal shall take all actions necessary to 71627
obtain any federal funding available to carry out the fire 71628
marshal's responsibilities under sections 3737.88 to 3737.89 of 71629
the Revised Code and federal laws regarding the cleaning up of 71630
releases of petroleum, as "release" is defined in section 3737.87 71631
of the Revised Code, including, without limitation, any federal 71632
funds that are available to reimburse the state for the costs of 71633
undertaking corrective actions for such releases of petroleum. The 71634
state may, when appropriate, return to the United States any 71635
federal funds recovered under sections 3737.882 and 3737.89 of the 71636
Revised Code. 71637

Sec. 3737.83. The fire marshal shall, as part of the state 71638
fire code, adopt rules to: 71639

(A) Establish minimum standards of performance for fire protection equipment and fire fighting equipment; 71640
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(B) Establish minimum standards of training, fix minimum qualifications, and require certificates for all persons who engage in the business for profit of installing, testing, repairing, or maintaining fire protection equipment; 71642
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(C) Provide for the issuance of certificates required under division (B) of this section and establish the fees to be charged for such certificates. A certificate shall be granted, renewed, or revoked according to rules the fire marshal shall adopt. 71646
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(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the fire marshal shall be identical to the minimum federal standards. 71650
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In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the fire marshal, standards previously adopted by the fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards. 71656
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With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code. 71662
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(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code. 71665
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(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section ~~5119.22~~ 71669
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5119.34 of the Revised Code that provides accommodations, 71671
supervision, and personal care services for three to sixteen 71672
unrelated adults. The fire marshal shall adopt the rules under 71673
this division in consultation with the director of ~~mental health~~ 71674
mental health and addiction services and interested parties 71675
designated by the director of ~~mental health~~ mental health and 71676
addiction services. 71677

Sec. 3737.841. As used in this section and section 3737.842 71678
of the Revised Code: 71679

(A) "Public occupancy" means all of the following: 71680

(1) Any state correctional institution as defined in section 71681
2967.01 of the Revised Code and any county, multicounty, 71682
municipal, or municipal-county jail or workhouse; 71683

(2) Any hospital as defined in section 3727.01 of the Revised 71684
Code, any hospital licensed by the department of ~~mental health~~ 71685
mental health and addiction services under section ~~5119.20~~ 5119.33 71686
of the Revised Code, and any institution, hospital, or other place 71687
established, controlled, or supervised by the department of ~~mental~~ 71688
~~health~~ mental health and addiction services under Chapter 5119. of 71689
the Revised Code; 71690

(3) Any nursing home, residential care facility, or home for 71691
the aging as defined in section 3721.01 of the Revised Code and 71692
any residential facility licensed under section ~~5119.22~~ 5119.34 of 71693
the Revised Code that provides accommodations, supervision, and 71694
personal care services for three to sixteen unrelated adults; 71695

(4) Any child day-care center and any type A family day-care 71696
home as defined in section 5104.01 of the Revised Code; 71697

(5) Any public auditorium or stadium; 71698

(6) Public assembly areas of hotels and motels containing 71699
more than ten articles of seating furniture. 71700

(B) "Sell" includes sell, offer or expose for sale, barter, 71701
trade, deliver, give away, rent, consign, lease, possess for sale, 71702
or dispose of in any other commercial manner. 71703

(C) Except as provided in division (D) of this section, 71704
"seating furniture" means any article of furniture, including 71705
children's furniture, that can be used as a support for an 71706
individual, or an individual's limbs or feet, when sitting or 71707
resting in an upright or reclining position and that either: 71708

(1) Is made with loose or attached cushions or pillows; 71709

(2) Is stuffed or filled in whole or in part with any filling 71710
material; 71711

(3) Is or can be stuffed or filled in whole or in part with 71712
any substance or material, concealed by fabric or any other 71713
covering. 71714

"Seating furniture" includes the cushions or pillows 71715
belonging to or forming a part of the furniture, the structural 71716
unit, and the filling material and its container or covering. 71717

(D) "Seating furniture" does not include, except if intended 71718
for use by children or in facilities designed for the care or 71719
treatment of humans, any of the following: 71720

(1) Cushions or pads intended solely for outdoor use; 71721

(2) Any article with a smooth surface that contains no more 71722
than one-half inch of filling material, if that article does not 71723
have an upholstered horizontal surface meeting an upholstered 71724
vertical surface; 71725

(3) Any article manufactured solely for recreational use or 71726
physical fitness purposes, including weight-lifting benches, 71727
gymnasium mats or pads, and sidehorses. 71728

(E) "Filling material" means cotton, wool, kapok, feathers, 71729
down, hair, liquid, or any other natural or artificial material or 71730

substance that is used or can be used as stuffing in seating 71731
furniture. 71732

Sec. 3737.88. (A)(1) The fire marshal shall have 71733
responsibility for implementation of the underground storage tank 71734
program and corrective action program for releases of petroleum 71735
from underground storage tanks established by the "Resource 71736
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 71737
6901, as amended. To implement the programs, the fire marshal may 71738
adopt, amend, and rescind such rules, conduct such inspections, 71739
require annual registration of underground storage tanks, issue 71740
such citations and orders to enforce those rules, enter into 71741
environmental covenants in accordance with sections 5301.80 to 71742
5301.92 of the Revised Code, and perform such other duties, as are 71743
consistent with those programs. The fire marshal, by rule, may 71744
delegate the authority to conduct inspections of underground 71745
storage tanks to certified fire safety inspectors. 71746

(2) In the place of any rules regarding release containment 71747
and release detection for underground storage tanks adopted under 71748
division (A)(1) of this section, the fire marshal, by rule, shall 71749
designate areas as being sensitive for the protection of human 71750
health and the environment and adopt alternative rules regarding 71751
release containment and release detection methods for new and 71752
upgraded underground storage tank systems located in those areas. 71753
In designating such areas, the fire marshal shall take into 71754
consideration such factors as soil conditions, hydrogeology, water 71755
use, and the location of public and private water supplies. Not 71756
later than July 11, 1990, the fire marshal shall file the rules 71757
required under this division with the secretary of state, director 71758
of the legislative service commission, and joint committee on 71759
agency rule review in accordance with divisions (B) and (H) of 71760
section 119.03 of the Revised Code. 71761

(3) Notwithstanding sections 3737.87 to 3737.89 of the Revised Code, a person who is not a responsible person, as determined by the fire marshal pursuant to this chapter, may conduct a voluntary action in accordance with Chapter 3746. of the Revised Code and rules adopted under it for either of the following:

(a) A class C release;

(b) A release, other than a class C release, that is subject to the rules adopted by the fire marshal under division (B) of section 3737.882 of the Revised Code pertaining to a corrective action, provided that both of the following apply:

(i) The voluntary action also addresses hazardous substances or petroleum that is not subject to the rules adopted under division (B) of section 3737.882 of the Revised Code pertaining to a corrective action.

(ii) The fire marshal has not issued an administrative order concerning the release or referred the release to the attorney general for enforcement.

The director of environmental protection, pursuant to section 3746.12 of the Revised Code, may issue a covenant not to sue to any person who properly completes a voluntary action with respect to any such release in accordance with Chapter 3746. of the Revised Code and rules adopted under it.

(B) Before adopting any rule under this section or section 3737.881 or 3737.882 of the Revised Code, the fire marshal shall file written notice of the proposed rule with the chairperson of the state fire council, and, within sixty days after notice is filed, the council may file responses to or comments on and may recommend alternative or supplementary rules to the fire marshal. At the end of the sixty-day period or upon the filing of responses, comments, or recommendations by the council, the fire

marshal may adopt the rule filed with the council or any 71793
alternative or supplementary rule recommended by the council. 71794

(C) The state fire council may recommend courses of action to 71795
be taken by the fire marshal in carrying out the fire marshal's 71796
duties under this section. The council shall file its 71797
recommendations in the office of the fire marshal, and, within 71798
sixty days after the recommendations are filed, the fire marshal 71799
shall file with the chairperson of the council comments on, and 71800
proposed action in response to, the recommendations. 71801

(D) For the purpose of sections 3737.87 to 3737.89 of the 71802
Revised Code, the fire marshal shall adopt, and may amend and 71803
rescind, rules identifying or listing hazardous substances. The 71804
rules shall be consistent with and equivalent in scope, coverage, 71805
and content to regulations identifying or listing hazardous 71806
substances adopted under the "Comprehensive Environmental 71807
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 71808
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 71809
not identify or list as a hazardous substance any hazardous waste 71810
identified or listed in rules adopted under division (A) of 71811
section 3734.12 of the Revised Code. 71812

(E) Except as provided in division (A)(3) of this section, 71813
the fire marshal shall have exclusive jurisdiction to regulate the 71814
storage, treatment, and disposal of petroleum contaminated soil 71815
generated from corrective actions undertaken in response to 71816
releases of petroleum from underground storage tank systems. The 71817
fire marshal may adopt, amend, or rescind such rules as the fire 71818
marshal considers to be necessary or appropriate to regulate the 71819
storage, treatment, or disposal of petroleum contaminated soil so 71820
generated. 71821

(F) The fire marshal shall adopt, amend, and rescind rules 71822
under sections 3737.88 to ~~3737.882~~ 3737.883 of the Revised Code in 71823
accordance with Chapter 119. of the Revised Code. 71824

Sec. 3737.882. (A) If, after an examination or inspection, 71825
the fire marshal or an assistant fire marshal finds that a release 71826
of petroleum is suspected, the fire marshal shall take such action 71827
as the fire marshal considers necessary to ensure that a suspected 71828
release is confirmed or disproved and, if the occurrence of a 71829
release is confirmed, to correct the release. These actions may 71830
include one or more of the following: 71831

(1) Issuance of a citation and order requiring the 71832
responsible person to undertake, in a manner consistent with the 71833
requirements of section 9003 of the "Resource Conservation and 71834
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as 71835
amended, applicable regulations adopted thereunder, and rules 71836
adopted under division (B) of this section, such actions as are 71837
necessary to protect human health and the environment, including, 71838
without limitation, the investigation of a suspected release; 71839

(2) Requesting the attorney general to bring a civil action 71840
for appropriate relief, including a temporary restraining order or 71841
preliminary or permanent injunction, in the court of common pleas 71842
of the county in which a suspected release is located or in which 71843
the release occurred, to obtain the corrective action necessary to 71844
protect human health and the environment. In granting any such 71845
relief, the court shall ensure that the terms of the temporary 71846
restraining order or injunction are sufficient to provide 71847
comprehensive corrective action to protect human health and the 71848
environment. 71849

(3) Entry onto premises and undertaking corrective action 71850
with respect to a release of petroleum if, in the fire marshal's 71851
judgment, such action is necessary to protect human health and the 71852
environment. Any corrective action undertaken by the fire marshal 71853
or assistant fire marshal under division (A)(3) of this section 71854
shall be consistent with the requirements of sections 9003 and 71855

9005 of the "Resource Conservation and Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, applicable regulations adopted thereunder, and rules adopted under division (B) of this section.

(B) The fire marshal shall adopt, and may amend and rescind, such rules as the fire marshal considers necessary to establish standards for corrective actions for suspected and confirmed releases of petroleum and standards for the recovery of costs incurred for undertaking corrective or enforcement actions with respect to such releases. The rules also shall include requirements for financial responsibility for the cost of corrective actions for and compensation of bodily injury and property damage incurred by third parties that are caused by releases of petroleum. Rules regarding financial responsibility shall, without limitation, require responsible persons to provide evidence that the parties guaranteeing payment of the deductible amount established under division (E) or (F) of section 3737.91 of the Revised Code are, at a minimum, secondarily liable for all corrective action and third-party liability costs incurred within the scope of the deductible amount. The rules shall be consistent with sections 9003 and 9005 of the "Resource Conservation and Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, and applicable regulations adopted thereunder.

(C)(1) No person shall violate or fail to comply with a rule adopted under division (A) of section 3737.88 of the Revised Code or division (B) of this section, and no person shall violate or fail to comply with the terms of any order issued under division (A) of section 3737.88 of the Revised Code or division (A)(1) of this section.

(2) Whoever violates division (C)(1) of this section or division (F) of section 3737.881 of the Revised Code shall pay a

civil penalty of not more than ten thousand dollars for each day 71888
that the violation continues. The fire marshal may, by order, 71889
assess a civil penalty under this division, or the fire marshal 71890
may request the attorney general to bring a civil action for 71891
imposition of the civil penalty in the court of common pleas of 71892
the county in which the violation occurred. If the fire marshal 71893
determines that a responsible person is in violation of division 71894
(C)(1) of this section or division (F) of section 3737.881 of the 71895
Revised Code, the fire marshal may request the attorney general to 71896
bring a civil action for appropriate relief, including a temporary 71897
restraining order or preliminary or permanent injunction, in the 71898
court of common pleas of the county in which the underground 71899
storage tank or, in the case of a violation of division (F)(3) of 71900
section 3737.881 of the Revised Code, the training program that is 71901
the subject of the violation is located. The court shall issue a 71902
temporary restraining order or an injunction upon a demonstration 71903
that a violation of division (C)(1) of this section or division 71904
(F) of section 3737.881 of the Revised Code has occurred or is 71905
occurring. 71906

Any action brought by the attorney general under this 71907
division is a civil action, governed by the Rules of Civil 71908
Procedure and other rules of practice and procedure applicable to 71909
civil actions. 71910

Nothing in section 3737.883 of the Revised Code limits the 71911
powers of the fire marshal or the attorney general under this 71912
division. 71913

(D) Orders issued under division (A) of section 3737.88 of 71914
the Revised Code and divisions (A)(1) and (C) of this section, and 71915
appeals thereof, are subject to and governed by Chapter 3745. of 71916
the Revised Code. Such orders shall be issued without the 71917
necessity for issuance of a proposed action under that chapter. 71918
For purposes of appeals of any such orders, the term "director" as 71919

used in Chapter 3745. of the Revised Code includes the fire 71920
marshal and an assistant fire marshal. 71921

(E) Any restrictions on the use of real property for the 71922
purpose of the achievement by an owner or operator of applicable 71923
standards pursuant to rules adopted under division (B) of this 71924
section shall be contained in a deed or in another instrument that 71925
is signed and acknowledged by the property owner in the same 71926
manner as a deed or an environmental covenant that is entered into 71927
in accordance with sections 5301.80 to 5301.92 of the Revised 71928
Code. The deed, other instrument containing the restrictions, or 71929
environmental covenant shall be filed and recorded in the office 71930
of the county recorder of the county in which the property is 71931
located. Pursuant to Chapter 5309. of the Revised Code, if the use 71932
restrictions or environmental covenant are connected with 71933
registered land, as defined in section 5309.01 of the Revised 71934
Code, the restrictions or environmental covenant shall be entered 71935
as a memorial on the page of the register where the title of the 71936
owner is registered. 71937

(F) Any restrictions on the use of real property for the 71938
purpose of the achievement by a person that is not a responsible 71939
person, or by a person undertaking a voluntary action of 71940
applicable standards pursuant to rules adopted under division (B) 71941
of this section shall be contained in an environmental covenant 71942
that is entered into in accordance with sections 5301.80 to 71943
5301.92 of the Revised Code. The environmental covenant shall be 71944
filed and recorded in the office of the county recorder of the 71945
county in which the property is located. Pursuant to Chapter 5309. 71946
of the Revised Code, if the environmental covenant is connected 71947
with registered land, as defined in section 5309.01 of the Revised 71948
Code, the environmental covenant shall be entered as a memorial on 71949
the page of the register where the title of the owner is 71950
registered. 71951

Sec. 3737.883. (A) As used in this section, "political subdivision" has the same meaning as in section 2744.01 of the Revised Code, but includes a community improvement corporation as that term is defined in section 1724.01 of the Revised Code. 71952
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(B)(1) A political subdivision may do any of the following for an underground storage tank located within its territorial boundaries if the political subdivision is the tank owner but not the operator: 71956
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71958
71959

(a) Initiate, continue, or properly complete the closure in place or removal of an underground storage tank system; 71960
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(b) Initiate, continue, or properly complete an assessment of the site of an underground storage tank or the site of an underground storage tank system; 71962
71963
71964

(c) Initiate, continue, or properly complete a corrective action. 71965
71966

(2) A political subdivision may take any of the actions described in divisions (B)(1)(a) to (c) of this section for the site of a previously existing release to which all of the following apply: 71967
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71969
71970

(a) The political subdivision is not the responsible person. 71971

(b) The release has not received a no-further-action determination from the state fire marshal. 71972
71973

(c) The site of the release is located within the political subdivision's territorial boundaries. 71974
71975

(d) The responsible person is not identifiable or the state fire marshal determines that an identified responsible person is unable to pay the costs of the action to be taken by the political subdivision. 71976
71977
71978
71979

(C) The state fire marshal or the state fire marshal's 71980

designee shall administer an underground storage tank revolving loan program under which the state fire marshal issues loans to assist with the costs of actions taken under divisions (B)(1) and (2) of this section. The state fire marshal shall issue a loan under the program to a political subdivision that meets the application requirements of division (D) of this section and agrees to written terms and conditions of the loan with the state fire marshal. 71981
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(D) A political subdivision shall apply to the state fire marshal for a loan under this section on a form prescribed by the state fire marshal. In the application, the political subdivision shall do all of the following: 71989
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(1) Describe the action for which it is requesting a loan; 71993

(2) State the requested loan amount; 71994

(3) Explain how the political subdivision plans to spend, of its own funds, in undertaking the action for which the loan is requested, an amount equal to at least five per cent of the requested loan amount; 71995
71996
71997
71998

(4) Provide any other information requested by the state fire marshal. 71999
72000

(E) The state fire marshal shall consult with the director of development services before issuing any loan under this section. 72001
72002

(F) A loan issued under this section shall not carry interest. No loan issued under this section shall have a term of more than ten years. The political subdivision shall repay a loan issued under this section to the state fire marshal. 72003
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(G) If, at any time after the expenditure of loan funds by a political subdivision under division (B)(2) of this section, the state fire marshal or any law enforcement agency identifies the responsible person or determines, for any reason, that the 72007
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previously identified responsible person was or is able to pay the 72011
costs of the action for which the loan was issued, the political 72012
subdivision may bring any appropriate proceedings against the 72013
responsible person to recover the costs incurred by the political 72014
subdivision. The proceedings may be brought in either the court of 72015
common pleas having jurisdiction where the underground storage 72016
tank is located or the court of common pleas of Franklin county. 72017

(H)(1) The state fire marshal shall adopt and may amend and 72018
rescind rules as necessary for the administration and operation of 72019
the underground storage tank revolving loan program. The rules may 72020
do any of the following: 72021

(a) Further define the entities considered "political 72022
subdivisions" eligible to receive loans; 72023

(b) Establish qualifying criteria for loan recipients; 72024

(c) Establish criteria for awarding loans, loan amounts, loan 72025
payment terms, and permissible expenditures of loan funds, 72026
including methods that the state fire marshal may use to verify 72027
the proper use of loan funds or to obtain reimbursement for or the 72028
return of improperly used loan funds. 72029

(2) The state fire marshal may adopt and may amend and 72030
rescind rules for the issuance of emergency underground storage 72031
tank revolving loans to qualifying entities during a natural 72032
disaster or another similar event as defined in the rules. 72033

Sec. ~~3737.883~~ 3737.884. On receipt of a notice pursuant to 72034
section 3123.43 of the Revised Code, the state fire marshal shall 72035
comply with sections 3123.41 to 3123.50 of the Revised Code and 72036
any applicable rules adopted under section 3123.63 of the Revised 72037
Code with respect to a certificate issued pursuant to section 72038
3737.34, 3737.65, 3737.83, or 3737.881 of the Revised Code. 72039

Sec. 3742.30. Each child at risk of lead poisoning shall 72040

undergo a blood lead screening test to determine whether the child 72041
has lead poisoning. The at-risk children shall undergo the test at 72042
times determined by rules the director of health shall adopt in 72043
accordance with Chapter 119. of the Revised Code that are 72044
consistent with the guidelines established by the centers for 72045
disease control and prevention in the public health service of the 72046
United States department of health and human services. The rules 72047
shall specify which children are at risk of lead poisoning. 72048

Neither this section nor the rules adopted under it affect 72049
the coverage of blood lead screening tests by any publicly funded 72050
health program, including the medicaid program ~~established by~~ 72051
~~Chapter 5111. of the Revised Code.~~ Neither this section nor the 72052
rules adopted under it apply to a child if a parent of the child 72053
objects to the test on the grounds that the test conflicts with 72054
the parent's religious tenets and practices. 72055

Sec. 3742.31. (A) The director of health shall establish, 72056
promote, and maintain a child lead poisoning prevention program. 72057
The program shall provide statewide coordination of screening, 72058
diagnosis, and treatment services for children under age six, 72059
including both of the following: 72060

(1) Collecting the social security numbers of all children 72061
screened, diagnosed, or treated as part of the program's case 72062
management system; 72063

(2) Disclosing to the ~~office of medical assistance in the~~ 72064
department of ~~job and family services~~ medicaid on at least an 72065
annual basis the identity and lead screening test results of each 72066
child screened pursuant to section 3742.30 of the Revised Code. 72067
The director shall collect and disseminate information relating to 72068
child lead poisoning and controlling lead hazards. 72069

(B) The director of health shall operate the child lead 72070

poisoning prevention program in accordance with rules adopted 72071
under section 3742.50 of the Revised Code. The director may enter 72072
into an interagency agreement with one or more other state 72073
agencies to perform one or more of the program's duties. The 72074
director shall supervise and direct an agency's performance of 72075
such a duty. 72076

Sec. 3742.32. (A) The director of health shall appoint an 72077
advisory council to assist in the ongoing development and 72078
implementation of the child lead poisoning prevention program 72079
created under section 3742.31 of the Revised Code. The advisory 72080
council shall consist of the following members: 72081

(1) A representative of the ~~office of medical assistance in~~ 72082
the department of ~~job and family services~~ medicaid; 72083

(2) A representative of the bureau of child care in the 72084
department of job and family services; 72085

(3) A representative of the department of environmental 72086
protection; 72087

(4) A representative of the department of education; 72088

(5) A representative of the ~~department of~~ development 72089
services agency; 72090

(6) A representative of the Ohio apartment owner's 72091
association; 72092

(7) A representative of the Ohio help end lead poisoning 72093
coalition; 72094

(8) A representative of the Ohio environmental health 72095
association; 72096

(9) An Ohio representative of the national paint and coatings 72097
association. 72098

(B) The advisory council shall do both of the following: 72099

(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;

(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.

(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.

Sec. 3742.51. (A) There is hereby created in the state treasury the lead poisoning prevention fund. The fund shall include all moneys appropriated to the department of health for the administration and enforcement of sections 3742.31 to 3742.50 of the Revised Code and the rules adopted under those sections. Any grants, contributions, or other moneys collected by the department for purposes of preventing lead poisoning shall be deposited in the state treasury to the credit of the fund.

(B) Moneys in the fund shall be used solely for the purposes of the child lead poisoning prevention program established under section 3742.31 of the Revised Code, including providing financial assistance to individuals who are unable to pay for the following:

(1) Costs associated with obtaining lead tests and lead poisoning treatment for children under six years of age who are not covered by private medical insurance or are underinsured, are not eligible for the medicaid program ~~established under Chapter 5111. of the Revised Code~~ or any other government health program, and do not have access to another source of funds to cover the cost of lead tests and any indicated treatments;

(2) Costs associated with having lead abatement performed or having the preventive treatments specified in section 3742.41 of

the Revised Code performed. 72130

Sec. 3745.11. (A) Applicants for and holders of permits, 72131
licenses, variances, plan approvals, and certifications issued by 72132
the director of environmental protection pursuant to Chapters 72133
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 72134
to the environmental protection agency for each such issuance and 72135
each application for an issuance as provided by this section. No 72136
fee shall be charged for any issuance for which no application has 72137
been submitted to the director. 72138

(B) Except as otherwise provided in division (C)(2) of this 72139
section, beginning July 1, 1994, each person who owns or operates 72140
an air contaminant source and who is required to apply for and 72141
obtain a Title V permit under section 3704.036 of the Revised Code 72142
shall pay the fees set forth in this division. For the purposes of 72143
this division, total emissions of air contaminants may be 72144
calculated using engineering calculations, emissions factors, 72145
material balance calculations, or performance testing procedures, 72146
as authorized by the director. 72147

The following fees shall be assessed on the total actual 72148
emissions from a source in tons per year of the regulated 72149
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 72150
organic compounds, and lead: 72151

(1) Fifteen dollars per ton on the total actual emissions of 72152
each such regulated pollutant during the period July through 72153
December 1993, to be collected no sooner than July 1, 1994; 72154

(2) Twenty dollars per ton on the total actual emissions of 72155
each such regulated pollutant during calendar year 1994, to be 72156
collected no sooner than April 15, 1995; 72157

(3) Twenty-five dollars per ton on the total actual emissions 72158
of each such regulated pollutant in calendar year 1995, and each 72159

subsequent calendar year, to be collected no sooner than the 72160
fifteenth day of April of the year next succeeding the calendar 72161
year in which the emissions occurred. 72162

The fees levied under this division do not apply to that 72163
portion of the emissions of a regulated pollutant at a facility 72164
that exceed four thousand tons during a calendar year. 72165

(C)(1) The fees assessed under division (B) of this section 72166
are for the purpose of providing funding for the Title V permit 72167
program. 72168

(2) The fees assessed under division (B) of this section do 72169
not apply to emissions from any electric generating unit 72170
designated as a Phase I unit under Title IV of the federal Clean 72171
Air Act prior to calendar year 2000. Those fees shall be assessed 72172
on the emissions from such a generating unit commencing in 72173
calendar year 2001 based upon the total actual emissions from the 72174
generating unit during calendar year 2000 and shall continue to be 72175
assessed each subsequent calendar year based on the total actual 72176
emissions from the generating unit during the preceding calendar 72177
year. 72178

(3) The director shall issue invoices to owners or operators 72179
of air contaminant sources who are required to pay a fee assessed 72180
under division (B) or (D) of this section. Any such invoice shall 72181
be issued no sooner than the applicable date when the fee first 72182
may be collected in a year under the applicable division, shall 72183
identify the nature and amount of the fee assessed, and shall 72184
indicate that the fee is required to be paid within thirty days 72185
after the issuance of the invoice. 72186

(D)(1) Except as provided in division (D)(3) of this section, 72187
from January 1, 1994, through December 31, 2003, each person who 72188
owns or operates an air contaminant source; who is required to 72189
apply for a permit to operate pursuant to rules adopted under 72190

division (G), or a variance pursuant to division (H), of section 72191
3704.03 of the Revised Code; and who is not required to apply for 72192
and obtain a Title V permit under section 3704.036 of the Revised 72193
Code shall pay a single fee based upon the sum of the actual 72194
annual emissions from the facility of the regulated pollutants 72195
particulate matter, sulfur dioxide, nitrogen oxides, organic 72196
compounds, and lead in accordance with the following schedule: 72197

Total tons per year		72198
of regulated pollutants	Annual fee	72199
emitted	per facility	72200
More than 0, but less than 50	\$ 75	72201
50 or more, but less than 100	300	72202
100 or more	700	72203

(2) Except as provided in division (D)(3) of this section, 72204
beginning January 1, 2004, each person who owns or operates an air 72205
contaminant source; who is required to apply for a permit to 72206
operate pursuant to rules adopted under division (G), or a 72207
variance pursuant to division (H), of section 3704.03 of the 72208
Revised Code; and who is not required to apply for and obtain a 72209
Title V permit under section 3704.03 of the Revised Code shall pay 72210
a single fee based upon the sum of the actual annual emissions 72211
from the facility of the regulated pollutants particulate matter, 72212
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 72213
accordance with the following schedule: 72214

Total tons per year		72215
of regulated pollutants	Annual fee	72216
emitted	per facility	72217
More than 0, but less than 10	\$ 100	72218
10 or more, but less than 50	200	72219
50 or more, but less than 100	300	72220
100 or more	700	72221

(3)(a) As used in division (D) of this section, "synthetic 72222

minor facility" means a facility for which one or more permits to 72223
install or permits to operate have been issued for the air 72224
contaminant sources at the facility that include terms and 72225
conditions that lower the facility's potential to emit air 72226
contaminants below the major source thresholds established in 72227
rules adopted under section 3704.036 of the Revised Code. 72228

(b) Beginning January 1, 2000, through June 30, ~~2014~~ 2016, 72229
each person who owns or operates a synthetic minor facility shall 72230
pay an annual fee based on the sum of the actual annual emissions 72231
from the facility of particulate matter, sulfur dioxide, nitrogen 72232
dioxide, organic compounds, and lead in accordance with the 72233
following schedule: 72234

Combined total tons		72235
per year of all regulated	Annual fee	72236
pollutants emitted	per facility	72237
Less than 10	\$ 170	72238
10 or more, but less than 20	340	72239
20 or more, but less than 30	670	72240
30 or more, but less than 40	1,010	72241
40 or more, but less than 50	1,340	72242
50 or more, but less than 60	1,680	72243
60 or more, but less than 70	2,010	72244
70 or more, but less than 80	2,350	72245
80 or more, but less than 90	2,680	72246
90 or more, but less than 100	3,020	72247
100 or more	3,350	72248

(4) The fees assessed under division (D)(1) of this section 72249
shall be collected annually no sooner than the fifteenth day of 72250
April, commencing in 1995. The fees assessed under division (D)(2) 72251
of this section shall be collected annually no sooner than the 72252
fifteenth day of April, commencing in 2005. The fees assessed 72253
under division (D)(3) of this section shall be collected no sooner 72254

than the fifteenth day of April, commencing in 2000. The fees 72255
assessed under division (D) of this section in a calendar year 72256
shall be based upon the sum of the actual emissions of those 72257
regulated pollutants during the preceding calendar year. For the 72258
purpose of division (D) of this section, emissions of air 72259
contaminants may be calculated using engineering calculations, 72260
emission factors, material balance calculations, or performance 72261
testing procedures, as authorized by the director. The director, 72262
by rule, may require persons who are required to pay the fees 72263
assessed under division (D) of this section to pay those fees 72264
biennially rather than annually. 72265

(E)(1) Consistent with the need to cover the reasonable costs 72266
of the Title V permit program, the director annually shall 72267
increase the fees prescribed in division (B) of this section by 72268
the percentage, if any, by which the consumer price index for the 72269
most recent calendar year ending before the beginning of a year 72270
exceeds the consumer price index for calendar year 1989. Upon 72271
calculating an increase in fees authorized by division (E)(1) of 72272
this section, the director shall compile revised fee schedules for 72273
the purposes of division (B) of this section and shall make the 72274
revised schedules available to persons required to pay the fees 72275
assessed under that division and to the public. 72276

(2) For the purposes of division (E)(1) of this section: 72277

(a) The consumer price index for any year is the average of 72278
the consumer price index for all urban consumers published by the 72279
United States department of labor as of the close of the 72280
twelve-month period ending on the thirty-first day of August of 72281
that year. 72282

(b) If the 1989 consumer price index is revised, the director 72283
shall use the revision of the consumer price index that is most 72284
consistent with that for calendar year 1989. 72285

(F) Each person who is issued a permit to install pursuant to 72286
rules adopted under division (F) of section 3704.03 of the Revised 72287
Code on or after July 1, 2003, shall pay the fees specified in the 72288
following schedules: 72289

(1) Fuel-burning equipment (boilers, furnaces, or process 72290
heaters used in the process of burning fuel for the primary 72291
purpose of producing heat or power by indirect heat transfer) 72292
Input capacity (maximum) 72293
(million British thermal units per hour) Permit to install 72294
Greater than 0, but less than 10 \$ 200 72295
10 or more, but less than 100 400 72296
100 or more, but less than 300 1000 72297
300 or more, but less than 500 2250 72298
500 or more, but less than 1000 3750 72299
1000 or more, but less than 5000 6000 72300
5000 or more 9000 72301

Units burning exclusively natural gas, number two fuel oil, 72302
or both shall be assessed a fee that is one-half the applicable 72303
amount shown in division (F)(1) of this section. 72304

(2) Combustion turbines and stationary internal combustion 72305
engines designed to generate electricity 72306
Generating capacity (mega watts) Permit to install 72307
0 or more, but less than 10 \$ 25 72308
10 or more, but less than 25 150 72309
25 or more, but less than 50 300 72310
50 or more, but less than 100 500 72311
100 or more, but less than 250 1000 72312
250 or more 2000 72313

(3) Incinerators 72314
Input capacity (pounds per hour) Permit to install 72315
0 to 100 \$ 100 72316

101 to 500	500	72317
501 to 2000	1000	72318
2001 to 20,000	1500	72319
more than 20,000	3750	72320

(4)(a) Process 72321

Process weight rate (pounds per hour)	Permit to install	72322
0 to 1000	\$ 200	72323
1001 to 5000	500	72324
5001 to 10,000	750	72325
10,001 to 50,000	1000	72326
more than 50,000	1250	72327

In any process where process weight rate cannot be 72328
ascertained, the minimum fee shall be assessed. A boiler, furnace, 72329
combustion turbine, stationary internal combustion engine, or 72330
process heater designed to provide direct heat or power to a 72331
process not designed to generate electricity shall be assessed a 72332
fee established in division (F)(4)(a) of this section. A 72333
combustion turbine or stationary internal combustion engine 72334
designed to generate electricity shall be assessed a fee 72335
established in division (F)(2) of this section. 72336

(b) Notwithstanding division (F)(4)(a) of this section, any 72337
person issued a permit to install pursuant to rules adopted under 72338
division (F) of section 3704.03 of the Revised Code shall pay the 72339
fees set forth in division (F)(4)(c) of this section for a process 72340
used in any of the following industries, as identified by the 72341
applicable two-digit, three-digit, or four-digit standard 72342
industrial classification code according to the Standard 72343
Industrial Classification Manual published by the United States 72344
office of management and budget in the executive office of the 72345
president, 1987, as revised: 72346

Major group 10, metal mining; 72347

Major group 12, coal mining; 72348

Major group 14, mining and quarrying of nonmetallic minerals;		72349
Industry group 204, grain mill products;		72350
2873 Nitrogen fertilizers;		72351
2874 Phosphatic fertilizers;		72352
3281 Cut stone and stone products;		72353
3295 Minerals and earth, ground or otherwise treated;		72354
4221 Grain elevators (storage only);		72355
5159 Farm related raw materials;		72356
5261 Retail nurseries and lawn and garden supply stores.		72357
(c) The fees set forth in the following schedule apply to the		72358
issuance of a permit to install pursuant to rules adopted under		72359
division (F) of section 3704.03 of the Revised Code for a process		72360
identified in division (F)(4)(b) of this section:		72361
Process weight rate (pounds per	Permit to install	72362
hour)		
0 to 10,000	\$ 200	72363
10,001 to 50,000	400	72364
50,001 to 100,000	500	72365
100,001 to 200,000	600	72366
200,001 to 400,000	750	72367
400,001 or more	900	72368
(5) Storage tanks		72369
Gallons (maximum useful capacity)	Permit to install	72370
0 to 20,000	\$ 100	72371
20,001 to 40,000	150	72372
40,001 to 100,000	250	72373
100,001 to 500,000	400	72374
500,001 or greater	750	72375
(6) Gasoline/fuel dispensing facilities		72376

For each gasoline/fuel		72377
dispensing facility (includes all	Permit to install	72378
units at the facility)	\$ 100	72379
(7) Dry cleaning facilities		72380
For each dry cleaning		72381
facility (includes all units	Permit to install	72382
at the facility)	\$ 100	72383
(8) Registration status		72384
For each source covered	Permit to install	72385
by registration status	\$ 75	72386
(G) An owner or operator who is responsible for an asbestos		72387
demolition or renovation project pursuant to rules adopted under		72388
section 3704.03 of the Revised Code shall pay the fees set forth		72389
in the following schedule:		72390
Action	Fee	72391
Each notification	\$75	72392
Asbestos removal	\$3/unit	72393
Asbestos cleanup	\$4/cubic yard	72394
For purposes of this division, "unit" means any combination of		72395
linear feet or square feet equal to fifty.		72396
(H) A person who is issued an extension of time for a permit		72397
to install an air contaminant source pursuant to rules adopted		72398
under division (F) of section 3704.03 of the Revised Code shall		72399
pay a fee equal to one-half the fee originally assessed for the		72400
permit to install under this section, except that the fee for such		72401
an extension shall not exceed two hundred dollars.		72402
(I) A person who is issued a modification to a permit to		72403
install an air contaminant source pursuant to rules adopted under		72404
section 3704.03 of the Revised Code shall pay a fee equal to		72405
one-half of the fee that would be assessed under this section to		72406
obtain a permit to install the source. The fee assessed by this		72407

division only applies to modifications that are initiated by the 72408
owner or operator of the source and shall not exceed two thousand 72409
dollars. 72410

(J) Notwithstanding division (F) of this section, a person 72411
who applies for or obtains a permit to install pursuant to rules 72412
adopted under division (F) of section 3704.03 of the Revised Code 72413
after the date actual construction of the source began shall pay a 72414
fee for the permit to install that is equal to twice the fee that 72415
otherwise would be assessed under the applicable division unless 72416
the applicant received authorization to begin construction under 72417
division (W) of section 3704.03 of the Revised Code. This division 72418
only applies to sources for which actual construction of the 72419
source begins on or after July 1, 1993. The imposition or payment 72420
of the fee established in this division does not preclude the 72421
director from taking any administrative or judicial enforcement 72422
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 72423
of the Revised Code, or a rule adopted under any of them, in 72424
connection with a violation of rules adopted under division (F) of 72425
section 3704.03 of the Revised Code. 72426

As used in this division, "actual construction of the source" 72427
means the initiation of physical on-site construction activities 72428
in connection with improvements to the source that are permanent 72429
in nature, including, without limitation, the installation of 72430
building supports and foundations and the laying of underground 72431
pipework. 72432

(K)(1) Money received under division (B) of this section 72433
shall be deposited in the state treasury to the credit of the 72434
Title V clean air fund created in section 3704.035 of the Revised 72435
Code. Annually, fifty cents per ton of each fee assessed under 72436
division (B) of this section on actual emissions from a source and 72437
received by the environmental protection agency pursuant to that 72438
division shall be transferred using an interstate transfer voucher 72439

to the state treasury to the credit of the small business 72440
assistance fund created in section 3706.19 of the Revised Code. In 72441
addition, annually, the amount of money necessary for the 72442
operation of the office of ombudsperson as determined under 72443
division (B) of that section shall be transferred to the state 72444
treasury to the credit of the small business ombudsperson fund 72445
created by that section. 72446

(2) Money received by the agency pursuant to divisions (D), 72447
(F), (G), (H), (I), and (J) of this section shall be deposited in 72448
the state treasury to the credit of the non-Title V clean air fund 72449
created in section 3704.035 of the Revised Code. 72450

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 72451
or (c) of this section, a person issued a water discharge permit 72452
or renewal of a water discharge permit pursuant to Chapter 6111. 72453
of the Revised Code shall pay a fee based on each point source to 72454
which the issuance is applicable in accordance with the following 72455
schedule: 72456

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	72458
1,001 to 5000	100	72459
5,001 to 50,000	200	72460
50,001 to 100,000	300	72461
100,001 to 300,000	525	72462
over 300,000	750	72463

(b) Notwithstanding the fee schedule specified in division 72464
(L)(1)(a) of this section, the fee for a water discharge permit 72465
that is applicable to coal mining operations regulated under 72466
Chapter 1513. of the Revised Code shall be two hundred fifty 72467
dollars per mine. 72468

(c) Notwithstanding the fee schedule specified in division 72469
(L)(1)(a) of this section, the fee for a water discharge permit 72470
for a public discharger identified by I in the third character of 72471

the permittee's NPDES permit number shall not exceed seven hundred 72472
fifty dollars. 72473

(2) A person applying for a plan approval for a wastewater 72474
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 72475
of the Revised Code shall pay a fee of one hundred dollars plus 72476
sixty-five one-hundredths of one per cent of the estimated project 72477
cost through June 30, ~~2014~~ 2016, and one hundred dollars plus 72478
two-tenths of one per cent of the estimated project cost on and 72479
after July 1, ~~2014~~ 2016, except that the total fee shall not 72480
exceed fifteen thousand dollars through June 30, ~~2014~~ 2016, and 72481
five thousand dollars on and after July 1, ~~2014~~ 2016. The fee 72482
shall be paid at the time the application is submitted. 72483

(3) A person issued a modification of a water discharge 72484
permit shall pay a fee equal to one-half the fee that otherwise 72485
would be charged for a water discharge permit, except that the fee 72486
for the modification shall not exceed four hundred dollars. 72487

(4) A person who has entered into an agreement with the 72488
director under section 6111.14 of the Revised Code shall pay an 72489
administrative service fee for each plan submitted under that 72490
section for approval that shall not exceed the minimum amount 72491
necessary to pay administrative costs directly attributable to 72492
processing plan approvals. The director annually shall calculate 72493
the fee and shall notify all persons who have entered into 72494
agreements under that section, or who have applied for agreements, 72495
of the amount of the fee. 72496

(5)(a)(i) Not later than January 30, ~~2012~~ 2014, and January 72497
30, ~~2013~~ 2015, a person holding an NPDES discharge permit issued 72498
pursuant to Chapter 6111. of the Revised Code with an average 72499
daily discharge flow of five thousand gallons or more shall pay a 72500
nonrefundable annual discharge fee. Any person who fails to pay 72501
the fee at that time shall pay an additional amount that equals 72502
ten per cent of the required annual discharge fee. 72503

(ii) The billing year for the annual discharge fee 72504
established in division (L)(5)(a)(i) of this section shall consist 72505
of a twelve-month period beginning on the first day of January of 72506
the year preceding the date when the annual discharge fee is due. 72507
In the case of an existing source that permanently ceases to 72508
discharge during a billing year, the director shall reduce the 72509
annual discharge fee, including the surcharge applicable to 72510
certain industrial facilities pursuant to division (L)(5)(c) of 72511
this section, by one-twelfth for each full month during the 72512
billing year that the source was not discharging, but only if the 72513
person holding the NPDES discharge permit for the source notifies 72514
the director in writing, not later than the first day of October 72515
of the billing year, of the circumstances causing the cessation of 72516
discharge. 72517

(iii) The annual discharge fee established in division 72518
(L)(5)(a)(i) of this section, except for the surcharge applicable 72519
to certain industrial facilities pursuant to division (L)(5)(c) of 72520
this section, shall be based upon the average daily discharge flow 72521
in gallons per day calculated using first day of May through 72522
thirty-first day of October flow data for the period two years 72523
prior to the date on which the fee is due. In the case of NPDES 72524
discharge permits for new sources, the fee shall be calculated 72525
using the average daily design flow of the facility until actual 72526
average daily discharge flow values are available for the time 72527
period specified in division (L)(5)(a)(iii) of this section. The 72528
annual discharge fee may be prorated for a new source as described 72529
in division (L)(5)(a)(ii) of this section. 72530

(b) An NPDES permit holder that is a public discharger shall 72531
pay the fee specified in the following schedule: 72532

Average daily	Fee due by	72533
discharge flow	January 30,	72534
	2012 <u>2014</u> , and	72535

	January 30, 2013	72536
	<u>2015</u>	
5,000 to 49,999	\$ 200	72537
50,000 to 100,000	500	72538
100,001 to 250,000	1,050	72539
250,001 to 1,000,000	2,600	72540
1,000,001 to 5,000,000	5,200	72541
5,000,001 to 10,000,000	10,350	72542
10,000,001 to 20,000,000	15,550	72543
20,000,001 to 50,000,000	25,900	72544
50,000,001 to 100,000,000	41,400	72545
100,000,001 or more	62,100	72546
Public dischargers owning or operating two or more publicly		72547
owned treatment works serving the same political subdivision, as		72548
"treatment works" is defined in section 6111.01 of the Revised		72549
Code, and that serve exclusively political subdivisions having a		72550
population of fewer than one hundred thousand shall pay an annual		72551
discharge fee under division (L)(5)(b) of this section that is		72552
based on the combined average daily discharge flow of the		72553
treatment works.		72554
(c) An NPDES permit holder that is an industrial discharger,		72555
other than a coal mining operator identified by P in the third		72556
character of the permittee's NPDES permit number, shall pay the		72557
fee specified in the following schedule:		72558
Average daily	Fee due by	72559
discharge flow	January 30,	72560
	2012 <u>2014</u> , and	72561
	January 30, 2013	72562
	<u>2015</u>	
5,000 to 49,999	\$ 250	72563
50,000 to 250,000	1,200	72564
250,001 to 1,000,000	2,950	72565

1,000,001 to 5,000,000	5,850	72566
5,000,001 to 10,000,000	8,800	72567
10,000,001 to 20,000,000	11,700	72568
20,000,001 to 100,000,000	14,050	72569
100,000,001 to 250,000,000	16,400	72570
250,000,001 or more	18,700	72571

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2012~~ 2014, and not later than January 30, ~~2013~~ 2015. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2012~~ 2014, and not later than January 30, ~~2013~~ 2015. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the

fee on the date specified in division (L)(6) of this section shall 72598
pay an additional amount per year equal to ten per cent of the 72599
annual fee that is unpaid. 72600

(7) The director shall transmit all moneys collected under 72601
division (L) of this section to the treasurer of state for deposit 72602
into the state treasury to the credit of the surface water 72603
protection fund created in section 6111.038 of the Revised Code. 72604

(8) As used in division (L) of this section: 72605

(a) "NPDES" means the federally approved national pollutant 72606
discharge elimination system program for issuing, modifying, 72607
revoking, reissuing, terminating, monitoring, and enforcing 72608
permits and imposing and enforcing pretreatment requirements under 72609
Chapter 6111. of the Revised Code and rules adopted under it. 72610

(b) "Public discharger" means any holder of an NPDES permit 72611
identified by P in the second character of the NPDES permit number 72612
assigned by the director. 72613

(c) "Industrial discharger" means any holder of an NPDES 72614
permit identified by I in the second character of the NPDES permit 72615
number assigned by the director. 72616

(d) "Major discharger" means any holder of an NPDES permit 72617
classified as major by the regional administrator of the United 72618
States environmental protection agency in conjunction with the 72619
director. 72620

(M) Through June 30, ~~2014~~ 2016, a person applying for a 72621
license or license renewal to operate a public water system under 72622
section 6109.21 of the Revised Code shall pay the appropriate fee 72623
established under this division at the time of application to the 72624
director. Any person who fails to pay the fee at that time shall 72625
pay an additional amount that equals ten per cent of the required 72626
fee. The director shall transmit all moneys collected under this 72627
division to the treasurer of state for deposit into the drinking 72628

water protection fund created in section 6109.30 of the Revised Code. 72629
72630

Except as provided in ~~division~~ divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 72631
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72633

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2014~~ 2016, the fee is: 72634
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72636
72637
72638

Number of service connections	Fee amount	
Not more than 49	\$ 112	72639 72640
50 to 99	176	72641
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	72642 72643
2,500 to 4,999	1.48	72644
5,000 to 7,499	1.42	72645
7,500 to 9,999	1.34	72646
10,000 to 14,999	1.16	72647
15,000 to 24,999	1.10	72648
25,000 to 49,999	1.04	72649
50,000 to 99,999	.92	72650
100,000 to 149,999	.86	72651
150,000 to 199,999	.80	72652
200,000 or more	.76	72653

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis. 72654
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72656
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As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water 72658
72659
72660

main to any building outlet. 72661

(2) For the initial license required under section 6109.21 of 72662
the Revised Code for any public water system that is not a 72663
community water system and serves a nontransient population, and 72664
for each license renewal required for such a system prior to 72665
January 31, ~~2014~~ 2016, the fee is: 72666

Population served	Fee amount	
Fewer than 150	\$ 112	72668
150 to 299	176	72669
300 to 749	384	72670
750 to 1,499	628	72671
1,500 to 2,999	1,268	72672
3,000 to 7,499	2,816	72673
7,500 to 14,999	5,510	72674
15,000 to 22,499	9,048	72675
22,500 to 29,999	12,430	72676
30,000 or more	16,820	72677

As used in division (M)(2) of this section, "population 72678
served" means the total number of individuals having access to the 72679
water supply during a twenty-four-hour period for at least sixty 72680
days during any calendar year. In the absence of a specific 72681
population count, that number shall be calculated at the rate of 72682
three individuals per service connection. 72683

(3) For the initial license required under section 6109.21 of 72684
the Revised Code for any public water system that is not a 72685
community water system and serves a transient population, and for 72686
each license renewal required for such a system prior to January 72687
31, ~~2014~~ 2016, the fee is: 72688

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	72690
2	112	72691

3	176	72692
4	278	72693
5	568	72694
System designated as using a		72695
surface water source	792	72696
As used in division (M)(3) of this section, "number of wells		72697
or sources, other than surface water, supplying system" means		72698
those wells or sources that are physically connected to the		72699
plumbing system serving the public water system.		72700
(4) A public water system designated as using a surface water		72701
source shall pay a fee of seven hundred ninety-two dollars or the		72702
amount calculated under division (M)(1) or (2) of this section,		72703
whichever is greater.		72704
<u>(5) An applicant for an initial license who is proposing to</u>		72705
<u>operate a new public water supply system shall submit a fee that</u>		72706
<u>equals a prorated amount of the appropriate fee for the remainder</u>		72707
<u>of the licensing year.</u>		72708
(N)(1) A person applying for a plan approval for a public		72709
water supply system under section 6109.07 of the Revised Code		72710
shall pay a fee of one hundred fifty dollars plus thirty-five		72711
hundredths of one per cent of the estimated project cost, except		72712
that the total fee shall not exceed twenty thousand dollars		72713
through June 30, 2014 <u>2016</u> , and fifteen thousand dollars on and		72714
after July 1, 2014 <u>2016</u> . The fee shall be paid at the time the		72715
application is submitted.		72716
(2) A person who has entered into an agreement with the		72717
director under division (A)(2) of section 6109.07 of the Revised		72718
Code shall pay an administrative service fee for each plan		72719
submitted under that section for approval that shall not exceed		72720
the minimum amount necessary to pay administrative costs directly		72721
attributable to processing plan approvals. The director annually		72722
shall calculate the fee and shall notify all persons that have		72723

entered into agreements under that division, or who have applied 72724
for agreements, of the amount of the fee. 72725

(3) Through June 30, ~~2014~~ 2016, the following fee, on a per 72726
survey basis, shall be charged any person for services rendered by 72727
the state in the evaluation of laboratories and laboratory 72728
personnel for compliance with accepted analytical techniques and 72729
procedures established pursuant to Chapter 6109. of the Revised 72730
Code for determining the qualitative characteristics of water: 72731

microbiological		72732
MMO-MUG	\$2,000	72733
MF	2,100	72734
MMO-MUG and MF	2,550	72735
organic chemical	5,400	72736
trace metals	5,400	72737
standard chemistry	2,800	72738
limited chemistry	1,550	72739

On and after July 1, ~~2014~~ 2016, the following fee, on a per 72740
survey basis, shall be charged any such person: 72741

microbiological	\$ 1,650	72742
organic chemicals	3,500	72743
trace metals	3,500	72744
standard chemistry	1,800	72745
limited chemistry	1,000	72746

The fee for those services shall be paid at the time the request 72747
for the survey is made. Through June 30, ~~2014~~ 2016, an individual 72748
laboratory shall not be assessed a fee under this division more 72749
than once in any three-year period unless the person requests the 72750
addition of analytical methods or analysts, in which case the 72751
person shall pay eighteen hundred dollars for each additional 72752
survey requested. 72753

As used in division (N)(3) of this section: 72754

- (a) "MF" means microfiltration. 72755
- (b) "MMO" means minimal medium ONPG. 72756
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 72757
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 72758

The director shall transmit all moneys collected under this 72759
division to the treasurer of state for deposit into the drinking 72760
water protection fund created in section 6109.30 of the Revised 72761
Code. 72762

(O) Any person applying to the director to take an 72763
examination for certification as an operator of a water supply 72764
system or wastewater system under Chapter 6109. or 6111. of the 72765
Revised Code that is administered by the director, at the time the 72766
application is submitted, shall pay a fee in accordance with the 72767
following schedule through November 30, ~~2014~~ 2016: 72768

Class A operator	\$ 80	72769
Class I operator	105	72770
Class II operator	120	72771
Class III operator	130	72772
Class IV operator	145	72773

On and after December 1, ~~2014~~ 2016, the applicant shall pay a 72774
fee in accordance with the following schedule: 72775

Class A operator	\$ 50	72776
Class I operator	70	72777
Class II operator	80	72778
Class III operator	90	72779
Class IV operator	100	72780

Any person applying to the director for certification as an 72781
operator of a water supply system or wastewater system who has 72782
passed an examination administered by an examination provider 72783
approved by the director shall pay a certification fee of 72784
forty-five dollars. 72785

A person shall pay a biennial certification renewal fee for 72786
each applicable class of certification in accordance with the 72787
following schedule: 72788

Class A operator	\$25	72789
Class I operator	35	72790
Class II operator	45	72791
Class III operator	55	72792
Class IV operator	65	72793

If a certification renewal fee is received by the director 72794
more than thirty days, but not more than one year after the 72795
expiration date of the certification, the person shall pay a 72796
certification renewal fee in accordance with the following 72797
schedule: 72798

Class A operator	\$45	72799
Class I operator	55	72800
Class II operator	65	72801
Class III operator	75	72802
Class IV operator	85	72803

A person who requests a replacement certificate shall pay a 72804
fee of twenty-five dollars at the time the request is made. 72805

Any person applying to be a water supply system or wastewater 72806
treatment system examination provider shall pay an application fee 72807
of five hundred dollars. Any person approved by the director as a 72808
water supply system or wastewater treatment system examination 72809
provider shall pay an annual fee that is equal to ten per cent of 72810
the fees that the provider assesses and collects for administering 72811
water supply system or wastewater treatment system certification 72812
examinations in this state for the calendar year. The fee shall be 72813
paid not later than forty-five days after the end of a calendar 72814
year. 72815

The director shall transmit all moneys collected under this 72816
division to the treasurer of state for deposit into the drinking 72817

water protection fund created in section 6109.30 of the Revised Code. 72818
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(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code. 72820
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(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste 72834
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transfer facility under that chapter shall pay a fee of two 72850
thousand five hundred dollars. A person issued a permit to install 72851
a new or to modify an existing solid waste incineration or 72852
composting facility, or an existing infectious waste treatment 72853
facility using incineration as its principal method of treatment, 72854
under that chapter shall pay a fee of one thousand dollars. The 72855
increases in the permit fees under this division resulting from 72856
the amendments made by Amended Substitute House Bill 592 of the 72857
117th general assembly do not apply to any person who submitted an 72858
application for a permit to install a new, or modify an existing, 72859
solid waste disposal facility under that chapter prior to 72860
September 1, 1987; any such person shall pay the permit fee 72861
established in this division as it existed prior to June 24, 1988. 72862
In addition to the applicable permit fee under this division, a 72863
person issued a permit to install or modify a solid waste facility 72864
or an infectious waste treatment facility under that chapter who 72865
fails to pay the permit fee to the director in compliance with 72866
division (V) of this section shall pay an additional ten per cent 72867
of the amount of the fee for each week that the permit fee is 72868
late. 72869

Permit and late payment fees paid to the director under this 72870
division shall be credited to the general revenue fund. 72871

(R)(1) A person issued a registration certificate for a scrap 72872
tire collection facility under section 3734.75 of the Revised Code 72873
shall pay a fee of two hundred dollars, except that if the 72874
facility is owned or operated by a motor vehicle salvage dealer 72875
licensed under Chapter 4738. of the Revised Code, the person shall 72876
pay a fee of twenty-five dollars. 72877

(2) A person issued a registration certificate for a new 72878
scrap tire storage facility under section 3734.76 of the Revised 72879
Code shall pay a fee of three hundred dollars, except that if the 72880
facility is owned or operated by a motor vehicle salvage dealer 72881

licensed under Chapter 4738. of the Revised Code, the person shall 72882
pay a fee of twenty-five dollars. 72883

(3) A person issued a permit for a scrap tire storage 72884
facility under section 3734.76 of the Revised Code shall pay a fee 72885
of one thousand dollars, except that if the facility is owned or 72886
operated by a motor vehicle salvage dealer licensed under Chapter 72887
4738. of the Revised Code, the person shall pay a fee of fifty 72888
dollars. 72889

(4) A person issued a permit for a scrap tire monocell or 72890
monofill facility under section 3734.77 of the Revised Code shall 72891
pay a fee of ten dollars per thousand cubic yards of disposal 72892
capacity or one thousand dollars, whichever is greater, except 72893
that the total fee for any such permit shall not exceed eighty 72894
thousand dollars. 72895

(5) A person issued a registration certificate for a scrap 72896
tire recovery facility under section 3734.78 of the Revised Code 72897
shall pay a fee of one hundred dollars. 72898

(6) A person issued a permit for a scrap tire recovery 72899
facility under section 3734.78 of the Revised Code shall pay a fee 72900
of one thousand dollars. 72901

(7) In addition to the applicable registration certificate or 72902
permit fee under divisions (R)(1) to (6) of this section, a person 72903
issued a registration certificate or permit for any such scrap 72904
tire facility who fails to pay the registration certificate or 72905
permit fee to the director in compliance with division (V) of this 72906
section shall pay an additional ten per cent of the amount of the 72907
fee for each week that the fee is late. 72908

(8) The registration certificate, permit, and late payment 72909
fees paid to the director under divisions (R)(1) to (7) of this 72910
section shall be credited to the scrap tire management fund 72911
created in section 3734.82 of the Revised Code. 72912

(S)(1) Except as provided by divisions (L), (M), (N), (O), 72913
(P), and (S)(2) of this section, division (A)(2) of section 72914
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 72915
and rules adopted under division (T)(1) of this section, any 72916
person applying for a registration certificate under section 72917
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 72918
variance, or plan approval under Chapter 3734. of the Revised Code 72919
shall pay a nonrefundable fee of fifteen dollars at the time the 72920
application is submitted. 72921

Except as otherwise provided, any person applying for a 72922
permit, variance, or plan approval under Chapter 6109. or 6111. of 72923
the Revised Code shall pay a nonrefundable fee of one hundred 72924
dollars at the time the application is submitted through June 30, 72925
~~2014~~ 2016, and a nonrefundable fee of fifteen dollars at the time 72926
the application is submitted on and after July 1, ~~2014~~ 2016. 72927
Except as provided in division (S)(3) of this section, through 72928
June 30, ~~2014~~ 2016, any person applying for a national pollutant 72929
discharge elimination system permit under Chapter 6111. of the 72930
Revised Code shall pay a nonrefundable fee of two hundred dollars 72931
at the time of application for the permit. On and after July 1, 72932
~~2014~~ 2016, such a person shall pay a nonrefundable fee of fifteen 72933
dollars at the time of application. 72934

In addition to the application fee established under division 72935
(S)(1) of this section, any person applying for a national 72936
pollutant discharge elimination system general storm water 72937
construction permit shall pay a nonrefundable fee of twenty 72938
dollars per acre for each acre that is permitted above five acres 72939
at the time the application is submitted. However, the per acreage 72940
fee shall not exceed three hundred dollars. In addition, any 72941
person applying for a national pollutant discharge elimination 72942
system general storm water industrial permit shall pay a 72943
nonrefundable fee of one hundred fifty dollars at the time the 72944

application is submitted. 72945

The director shall transmit all moneys collected under 72946
division (S)(1) of this section pursuant to Chapter 6109. of the 72947
Revised Code to the treasurer of state for deposit into the 72948
drinking water protection fund created in section 6109.30 of the 72949
Revised Code. 72950

The director shall transmit all moneys collected under 72951
division (S)(1) of this section pursuant to Chapter 6111. of the 72952
Revised Code and under division (S)(3) of this section to the 72953
treasurer of state for deposit into the surface water protection 72954
fund created in section 6111.038 of the Revised Code. 72955

If a registration certificate is issued under section 72956
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 72957
the application fee paid shall be deducted from the amount of the 72958
registration certificate fee due under division (R)(1), (2), or 72959
(5) of this section, as applicable. 72960

If a person submits an electronic application for a 72961
registration certificate, permit, variance, or plan approval for 72962
which an application fee is established under division (S)(1) of 72963
this section, the person shall pay the applicable application fee 72964
as expeditiously as possible after the submission of the 72965
electronic application. An application for a registration 72966
certificate, permit, variance, or plan approval for which an 72967
application fee is established under division (S)(1) of this 72968
section shall not be reviewed or processed until the applicable 72969
application fee, and any other fees established under this 72970
division, are paid. 72971

(2) Division (S)(1) of this section does not apply to an 72972
application for a registration certificate for a scrap tire 72973
collection or storage facility submitted under section 3734.75 or 72974
3734.76 of the Revised Code, as applicable, if the owner or 72975

operator of the facility or proposed facility is a motor vehicle 72976
salvage dealer licensed under Chapter 4738. of the Revised Code. 72977

(3) A person applying for coverage under a national pollutant 72978
discharge elimination system general discharge permit for 72979
household sewage treatment systems shall pay the following fees: 72980

(a) A nonrefundable fee of two hundred dollars at the time of 72981
application for initial permit coverage; 72982

(b) A nonrefundable fee of one hundred dollars at the time of 72983
application for a renewal of permit coverage. 72984

(T) The director may adopt, amend, and rescind rules in 72985
accordance with Chapter 119. of the Revised Code that do all of 72986
the following: 72987

(1) Prescribe fees to be paid by applicants for and holders 72988
of any license, permit, variance, plan approval, or certification 72989
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 72990
the Revised Code that are not specifically established in this 72991
section. The fees shall be designed to defray the cost of 72992
processing, issuing, revoking, modifying, denying, and enforcing 72993
the licenses, permits, variances, plan approvals, and 72994
certifications. 72995

The director shall transmit all moneys collected under rules 72996
adopted under division (T)(1) of this section pursuant to Chapter 72997
6109. of the Revised Code to the treasurer of state for deposit 72998
into the drinking water protection fund created in section 6109.30 72999
of the Revised Code. 73000

The director shall transmit all moneys collected under rules 73001
adopted under division (T)(1) of this section pursuant to Chapter 73002
6111. of the Revised Code to the treasurer of state for deposit 73003
into the surface water protection fund created in section 6111.038 73004
of the Revised Code. 73005

(2) Exempt the state and political subdivisions thereof, 73006
including education facilities or medical facilities owned by the 73007
state or a political subdivision, or any person exempted from 73008
taxation by section 5709.07 or 5709.12 of the Revised Code, from 73009
any fee required by this section; 73010

(3) Provide for the waiver of any fee, or any part thereof, 73011
otherwise required by this section whenever the director 73012
determines that the imposition of the fee would constitute an 73013
unreasonable cost of doing business for any applicant, class of 73014
applicants, or other person subject to the fee; 73015

(4) Prescribe measures that the director considers necessary 73016
to carry out this section. 73017

(U) When the director reasonably demonstrates that the direct 73018
cost to the state associated with the issuance of a permit to 73019
install, license, variance, plan approval, or certification 73020
exceeds the fee for the issuance or review specified by this 73021
section, the director may condition the issuance or review on the 73022
payment by the person receiving the issuance or review of, in 73023
addition to the fee specified by this section, the amount, or any 73024
portion thereof, in excess of the fee specified under this 73025
section. The director shall not so condition issuances for which a 73026
fee is prescribed in division (L)(1)(b) of this section. 73027

(V) Except as provided in divisions (L), (M), and (P) of this 73028
section or unless otherwise prescribed by a rule of the director 73029
adopted pursuant to Chapter 119. of the Revised Code, all fees 73030
required by this section are payable within thirty days after the 73031
issuance of an invoice for the fee by the director or the 73032
effective date of the issuance of the license, permit, variance, 73033
plan approval, or certification. If payment is late, the person 73034
responsible for payment of the fee shall pay an additional ten per 73035
cent of the amount due for each month that it is late. 73036

(W) As used in this section, "fuel-burning equipment," 73037
"fuel-burning equipment input capacity," "incinerator," 73038
"incinerator input capacity," "process," "process weight rate," 73039
"storage tank," "gasoline dispensing facility," "dry cleaning 73040
facility," "design flow discharge," and "new source treatment 73041
works" have the meanings ascribed to those terms by applicable 73042
rules or standards adopted by the director under Chapter 3704. or 73043
6111. of the Revised Code. 73044

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 73045
(J) of this section, and in any other provision of this section 73046
pertaining to fees paid pursuant to Chapter 3704. of the Revised 73047
Code: 73048

(1) "Facility," "federal Clean Air Act," "person," and "Title 73049
V permit" have the same meanings as in section 3704.01 of the 73050
Revised Code. 73051

(2) "Title V permit program" means the following activities 73052
as necessary to meet the requirements of Title V of the federal 73053
Clean Air Act and 40 C.F.R. part 70, including at least: 73054

(a) Preparing and adopting, if applicable, generally 73055
applicable rules or guidance regarding the permit program or its 73056
implementation or enforcement; 73057

(b) Reviewing and acting on any application for a Title V 73058
permit, permit revision, or permit renewal, including the 73059
development of an applicable requirement as part of the processing 73060
of a permit, permit revision, or permit renewal; 73061

(c) Administering the permit program, including the 73062
supporting and tracking of permit applications, compliance 73063
certification, and related data entry; 73064

(d) Determining which sources are subject to the program and 73065
implementing and enforcing the terms of any Title V permit, not 73066
including any court actions or other formal enforcement actions; 73067

(e) Emission and ambient monitoring;	73068
(f) Modeling, analyses, or demonstrations;	73069
(g) Preparing inventories and tracking emissions;	73070
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	73071 73072 73073 73074 73075 73076 73077
<u>(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.</u>	73078 73079 73080
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.	73081 73082 73083 73084 73085 73086 73087 73088 73089 73090
(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.	73091 73092 73093
(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following	73094 73095 73096 73097 73098

exceptions: 73099

(i) Except as provided in division (Y)(2)(d) of this section, 73100
a sewage sludge facility that treats or disposes of exceptional 73101
quality sludge shall pay a minimum annual sewage sludge fee of one 73102
hundred dollars. 73103

(ii) A sewage sludge facility that treats or disposes of 73104
exceptional quality sludge shall not be required to pay the annual 73105
sludge fee for treatment or disposal in this state of exceptional 73106
quality sludge generated outside of this state and contained in 73107
bags or other containers not greater than one hundred pounds in 73108
capacity. 73109

A thirty-five per cent reduction for exceptional quality 73110
sludge applies to the maximum annual fees established under 73111
division (Y)(3) of this section. 73112

(c) A sewage sludge facility that transfers sewage sludge to 73113
another sewage sludge facility in this state for further treatment 73114
prior to disposal in this state shall not be required to pay the 73115
annual sludge fee for the tons of sewage sludge that have been 73116
transferred. In such a case, the sewage sludge facility that 73117
disposes of the sewage sludge shall pay the annual sludge fee. 73118
However, the facility transferring the sewage sludge shall pay the 73119
one-hundred-dollar minimum fee required under division (Y)(2)(a) 73120
of this section. 73121

In the case of a sewage sludge facility that treats sewage 73122
sludge in this state and transfers it out of this state to another 73123
entity for disposal, the sewage sludge facility in this state 73124
shall be required to pay the annual sludge fee for the tons of 73125
sewage sludge that have been transferred. 73126

(d) A sewage sludge facility that generates sewage sludge 73127
resulting from an average daily discharge flow of less than five 73128
thousand gallons per day is not subject to the fees assessed under 73129

division (Y) of this section. 73130

(3) No sewage sludge facility required to pay the annual 73131
sludge fee shall be required to pay more than the maximum annual 73132
fee for each disposal method that the sewage sludge facility uses. 73133
The maximum annual fee does not include the additional amount that 73134
may be charged under division (Y)(5) of this section for late 73135
payment of the annual sludge fee. The maximum annual fee for the 73136
following methods of disposal of sewage sludge is as follows: 73137

(a) Incineration: five thousand dollars; 73138

(b) Preexisting land reclamation project or disposal in a 73139
landfill: five thousand dollars; 73140

(c) Land application, land reclamation, surface disposal, or 73141
any other disposal method not specified in division (Y)(3)(a) or 73142
(b) of this section: twenty thousand dollars. 73143

(4)(a) In the case of an entity that generates sewage sludge 73144
or a sewage sludge facility that treats sewage sludge and 73145
transfers the sewage sludge to an incineration facility for 73146
disposal, the incineration facility, and not the entity generating 73147
the sewage sludge or the sewage sludge facility treating the 73148
sewage sludge, shall pay the annual sludge fee for the tons of 73149
sewage sludge that are transferred. However, the entity or 73150
facility generating or treating the sewage sludge shall pay the 73151
one-hundred-dollar minimum fee required under division (Y)(2)(a) 73152
of this section. 73153

(b) In the case of an entity that generates sewage sludge and 73154
transfers the sewage sludge to a landfill for disposal or to a 73155
sewage sludge facility for land reclamation or surface disposal, 73156
the entity generating the sewage sludge, and not the landfill or 73157
sewage sludge facility, shall pay the annual sludge fee for the 73158
tons of sewage sludge that are transferred. 73159

(5) Not later than the first day of April of the calendar 73160

year following March 17, 2000, and each first day of April 73161
thereafter, the director shall issue invoices to persons who are 73162
required to pay the annual sludge fee. The invoice shall identify 73163
the nature and amount of the annual sludge fee assessed and state 73164
the first day of May as the deadline for receipt by the director 73165
of objections regarding the amount of the fee and the first day of 73166
July as the deadline for payment of the fee. 73167

Not later than the first day of May following receipt of an 73168
invoice, a person required to pay the annual sludge fee may submit 73169
objections to the director concerning the accuracy of information 73170
regarding the number of dry tons of sewage sludge used to 73171
calculate the amount of the annual sludge fee or regarding whether 73172
the sewage sludge qualifies for the exceptional quality sludge 73173
discount established in division (Y)(2)(b) of this section. The 73174
director may consider the objections and adjust the amount of the 73175
fee to ensure that it is accurate. 73176

If the director does not adjust the amount of the annual 73177
sludge fee in response to a person's objections, the person may 73178
appeal the director's determination in accordance with Chapter 73179
119. of the Revised Code. 73180

Not later than the first day of June, the director shall 73181
notify the objecting person regarding whether the director has 73182
found the objections to be valid and the reasons for the finding. 73183
If the director finds the objections to be valid and adjusts the 73184
amount of the annual sludge fee accordingly, the director shall 73185
issue with the notification a new invoice to the person 73186
identifying the amount of the annual sludge fee assessed and 73187
stating the first day of July as the deadline for payment. 73188

Not later than the first day of July, any person who is 73189
required to do so shall pay the annual sludge fee. Any person who 73190
is required to pay the fee, but who fails to do so on or before 73191
that date shall pay an additional amount that equals ten per cent 73192

of the required annual sludge fee. 73193

(6) The director shall transmit all moneys collected under 73194
division (Y) of this section to the treasurer of state for deposit 73195
into the surface water protection fund created in section 6111.038 73196
of the Revised Code. The moneys shall be used to defray the costs 73197
of administering and enforcing provisions in Chapter 6111. of the 73198
Revised Code and rules adopted under it that govern the use, 73199
storage, treatment, or disposal of sewage sludge. 73200

(7) Beginning in fiscal year 2001, and every two years 73201
thereafter, the director shall review the total amount of moneys 73202
generated by the annual sludge fees to determine if that amount 73203
exceeded six hundred thousand dollars in either of the two 73204
preceding fiscal years. If the total amount of moneys in the fund 73205
exceeded six hundred thousand dollars in either fiscal year, the 73206
director, after review of the fee structure and consultation with 73207
affected persons, shall issue an order reducing the amount of the 73208
fees levied under division (Y) of this section so that the 73209
estimated amount of moneys resulting from the fees will not exceed 73210
six hundred thousand dollars in any fiscal year. 73211

If, upon review of the fees under division (Y)(7) of this 73212
section and after the fees have been reduced, the director 73213
determines that the total amount of moneys collected and 73214
accumulated is less than six hundred thousand dollars, the 73215
director, after review of the fee structure and consultation with 73216
affected persons, may issue an order increasing the amount of the 73217
fees levied under division (Y) of this section so that the 73218
estimated amount of moneys resulting from the fees will be 73219
approximately six hundred thousand dollars. Fees shall never be 73220
increased to an amount exceeding the amount specified in division 73221
(Y)(7) of this section. 73222

Notwithstanding section 119.06 of the Revised Code, the 73223
director may issue an order under division (Y)(7) of this section 73224

without the necessity to hold an adjudicatory hearing in 73225
connection with the order. The issuance of an order under this 73226
division is not an act or action for purposes of section 3745.04 73227
of the Revised Code. 73228

(8) As used in division (Y) of this section: 73229

(a) "Sewage sludge facility" means an entity that performs 73230
treatment on or is responsible for the disposal of sewage sludge. 73231

(b) "Sewage sludge" means a solid, semi-solid, or liquid 73232
residue generated during the treatment of domestic sewage in a 73233
treatment works as defined in section 6111.01 of the Revised Code. 73234
"Sewage sludge" includes, but is not limited to, scum or solids 73235
removed in primary, secondary, or advanced wastewater treatment 73236
processes. "Sewage sludge" does not include ash generated during 73237
the firing of sewage sludge in a sewage sludge incinerator, grit 73238
and screenings generated during preliminary treatment of domestic 73239
sewage in a treatment works, animal manure, residue generated 73240
during treatment of animal manure, or domestic septage. 73241

(c) "Exceptional quality sludge" means sewage sludge that 73242
meets all of the following qualifications: 73243

(i) Satisfies the class A pathogen standards in 40 C.F.R. 73244
503.32(a); 73245

(ii) Satisfies one of the vector attraction reduction 73246
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 73247

(iii) Does not exceed the ceiling concentration limitations 73248
for metals listed in table one of 40 C.F.R. 503.13; 73249

(iv) Does not exceed the concentration limitations for metals 73250
listed in table three of 40 C.F.R. 503.13. 73251

(d) "Treatment" means the preparation of sewage sludge for 73252
final use or disposal and includes, but is not limited to, 73253
thickening, stabilization, and dewatering of sewage sludge. 73254

- (e) "Disposal" means the final use of sewage sludge, 73255
including, but not limited to, land application, land reclamation, 73256
surface disposal, or disposal in a landfill or an incinerator. 73257
- (f) "Land application" means the spraying or spreading of 73258
sewage sludge onto the land surface, the injection of sewage 73259
sludge below the land surface, or the incorporation of sewage 73260
sludge into the soil for the purposes of conditioning the soil or 73261
fertilizing crops or vegetation grown in the soil. 73262
- (g) "Land reclamation" means the returning of disturbed land 73263
to productive use. 73264
- (h) "Surface disposal" means the placement of sludge on an 73265
area of land for disposal, including, but not limited to, 73266
monofills, surface impoundments, lagoons, waste piles, or 73267
dedicated disposal sites. 73268
- (i) "Incinerator" means an entity that disposes of sewage 73269
sludge through the combustion of organic matter and inorganic 73270
matter in sewage sludge by high temperatures in an enclosed 73271
device. 73272
- (j) "Incineration facility" includes all incinerators owned 73273
or operated by the same entity and located on a contiguous tract 73274
of land. Areas of land are considered to be contiguous even if 73275
they are separated by a public road or highway. 73276
- (k) "Annual sludge fee" means the fee assessed under division 73277
(Y)(1) of this section. 73278
- (l) "Landfill" means a sanitary landfill facility, as defined 73279
in rules adopted under section 3734.02 of the Revised Code, that 73280
is licensed under section 3734.05 of the Revised Code. 73281
- (m) "Preexisting land reclamation project" means a 73282
property-specific land reclamation project that has been in 73283
continuous operation for not less than five years pursuant to 73284

approval of the activity by the director and includes the 73285
implementation of a community outreach program concerning the 73286
activity. 73287

Sec. 3745.113. (A) A person that applies for a state isolated 73288
wetland permit under Chapter 6111. of the Revised Code and rules 73289
adopted under it shall pay an application fee of two hundred 73290
dollars at the time of application. 73291

In addition, that person shall pay, at the time of 73292
application, a review fee of five hundred dollars per acre of the 73293
wetlands to be impacted. 73294

However, the review fee shall not exceed five thousand 73295
dollars per application. In addition, if an application is denied, 73296
the director of environmental protection shall refund to the 73297
applicant one-half of the amount of the review fee paid by the 73298
applicant under division (A) of this section. 73299

(B) If a person conducts any activities for which an 73300
individual state isolated wetland permit is required under Chapter 73301
6111. of the Revised Code and rules adopted under it without first 73302
obtaining such a permit, the person shall pay twice the amount of 73303
the application and review fees that the person otherwise would 73304
have been required to pay under division (A) of this section, not 73305
to exceed ten thousand dollars. 73306

(C) All moneys collected under this section shall be 73307
deposited in the state treasury to the credit of the ~~dredge and~~ 73308
~~fill~~ surface water protection fund created in section ~~6111.029~~ 73309
6111.038 of the Revised Code. 73310

(D) Fees established under this section shall not apply to 73311
any agency or department of the state or to any county, township, 73312
or municipal corporation in this state. 73313

Sec. 3745.72. (A) The owner or operator of a facility or 73314

property who conducts an environmental audit of the facility or 73315
property and promptly and voluntarily discloses information 73316
contained in or derived from an audit report that is based on the 73317
audit and concerns an alleged violation of environmental laws to 73318
the director of the state agency that has jurisdiction over the 73319
alleged violation is immune from any administrative and civil 73320
penalties for the specific violation disclosed, except that where 73321
the disclosed violation has resulted in significant economic 73322
benefit to the owner or operator of the facility or property, 73323
there is no immunity for the economic benefit component of the 73324
administrative and civil penalties for that violation. An owner or 73325
operator asserting entitlement to such immunity has the burden of 73326
proving that entitlement by a preponderance of the evidence. 73327

(B) For the purposes of this section, a disclosure of 73328
information is voluntary with respect to an alleged violation of 73329
environmental laws only if all of the following apply: 73330

(1) The disclosure is made promptly after the information is 73331
obtained through the environmental audit by the owner or operator 73332
who conducts the environmental audit. 73333

(2) A reasonable, good faith effort is made to achieve 73334
compliance as quickly as practicable with environmental laws 73335
applicable to the information disclosed. 73336

(3) Compliance with environmental laws applicable to the 73337
information disclosed is achieved as quickly as practicable or 73338
within such period as is reasonably ordered by the director of the 73339
state agency that has jurisdiction over the alleged violation. 73340

(4) The owner or operator cooperates with the director of the 73341
state agency that has jurisdiction over the alleged violation in 73342
investigating the cause, nature, extent, and effects of the 73343
noncompliance. 73344

(5) The disclosure is not required by law, prior litigation, 73345

or an order by a court or a government agency. 73346

(6) The owner or operator who makes the disclosure does not 73347
know or have reason to know that a government agency charged with 73348
enforcing environmental laws has commenced an investigation or 73349
enforcement action that concerns a violation of such laws 73350
involving the activity. 73351

(C) For the purposes of this section, a disclosure shall be 73352
in writing, dated, and hand delivered or sent by certified mail to 73353
the director of the state agency that has jurisdiction over the 73354
alleged violation, and shall contain all of the following in a 73355
printed letter attached to the front of the disclosure: 73356

(1) The name, address, and telephone number of the owner or 73357
operator making the disclosure; 73358

(2) The name, title, address, and telephone number of one or 73359
more persons associated with the owner or operator who may be 73360
contacted regarding the disclosure; 73361

(3) A brief summary of the alleged violation of environmental 73362
laws, including, without limitation, the nature, date, and 73363
location of the alleged violation to the extent that the 73364
information is known by the owner or operator; 73365

(4) A statement that the information is part of an 73366
environmental audit report and is being disclosed under section 73367
3745.72 of the Revised Code in order to obtain the immunity 73368
provided by that section. 73369

(D) This section does not provide immunity from the payment 73370
of damages for harm to persons, property, or the environment; the 73371
payment of reasonable costs incurred by a government agency in 73372
responding to a disclosure; or responsibility for the remediation 73373
or cleanup of environmental harm under environmental laws. 73374

(E) The immunity provided by this section does not apply 73375

under any of the following circumstances: 73376

(1) Within the three-year period prior to disclosure, the 73377
owner or operator of a facility or property has committed 73378
significant violations that constitute a pattern of continuous or 73379
repeated violations of environmental laws, environmental related 73380
settlement agreements, or environmental related judicial orders 73381
and that arose from separate and distinct events. For the purposes 73382
of division (E)(1) of this section, a pattern of continuous or 73383
repeated violations also may be demonstrated by multiple 73384
settlement agreements related to substantially the same alleged 73385
significant violations that occurred within the three-year period 73386
immediately prior to the voluntary disclosure. Determination of 73387
whether a person has a pattern of continuous or repeated 73388
violations under division (E)(1) of this section shall be based on 73389
the compliance history of the property or specific facility at 73390
issue. 73391

(2) With respect to a specific violation, the violation 73392
resulted in serious harm or in imminent and substantial 73393
endangerment to human health or the environment. 73394

(3) With respect to a specific violation, the violation is of 73395
a specific requirement of an administrative or judicial order. 73396

(F) The immunity provided by this section applies only to 73397
disclosures made concerning environmental audits initiated after 73398
March 13, 1997, ~~and completed before January 1, 2014,~~ in 73399
accordance with the time frames specified in division (A) of 73400
section 3745.70 of the Revised Code. 73401

(G) The immunity provided by this section applies to a person 73402
who makes a good faith disclosure to a state agency under this 73403
section even though another state agency is determined to have 73404
jurisdiction over an alleged violation of environmental laws 73405
indicated in the disclosure. 73406

(H) Each state agency that receives a disclosure under this section promptly shall record receipt of the disclosure, determine whether it has jurisdiction over the alleged violation of environmental laws indicated in the disclosure, and, if it does not have such jurisdiction, deliver the disclosure documents to the director of a state agency that has jurisdiction over the alleged violation. If a disclosure indicates alleged violations of environmental laws that are under the jurisdiction of more than one state agency, the state agency that first receives the disclosure and has jurisdiction over any of the alleged violations promptly shall notify the director of each state agency that has jurisdiction over any of such alleged violations. The director of each state agency that receives a disclosure under this section, or is notified by another state agency that the director's agency has jurisdiction over an alleged violation of environmental laws indicated in the disclosure, promptly shall deliver written notice of that fact by certified mail to the owner or operator who made the disclosure. The notice shall identify the state agency that sends the notice; state the name, title, address, and telephone number of a person in the agency whom the owner or operator may contact regarding the disclosure; and state the name, address, and telephone number of the director of any other state agency notified about the disclosure because that agency has jurisdiction over an alleged violation of environmental laws indicated in the disclosure.

Sec. 3769.08. (A) Any person holding a permit to conduct a horse-racing meeting may provide a place in the race meeting grounds or enclosure at which the permit holder may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the live racing programs and simulcast racing programs conducted by the permit holder.

The pari-mutuel method of wagering upon the live racing

programs and simulcast racing programs held at or conducted within 73439
such race track, and at the time of such horse-racing meeting, or 73440
at other times authorized by the state racing commission, shall 73441
not be unlawful. No other place, except that provided and 73442
designated by the permit holder and except as provided in section 73443
3769.26 of the Revised Code, nor any other method or system of 73444
betting or wagering on live racing programs and simulcast racing 73445
programs, except the pari-mutuel system, shall be used or 73446
permitted by the permit holder; nor, except as provided in section 73447
3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel 73448
system of wagering be conducted by the permit holder on any races 73449
except the races at the race track, grounds, or enclosure for 73450
which the person holds a permit. Each permit holder may retain as 73451
a commission an amount not to exceed eighteen per cent of the 73452
total of all moneys wagered on live racing programs and simulcast 73453
racing programs. 73454

The pari-mutuel wagering authorized by this section is 73455
subject to sections 3769.25 to 3769.28 of the Revised Code. 73456

(B) At the close of each racing day, each permit holder 73457
authorized to conduct thoroughbred racing, out of the amount 73458
retained on that day by the permit holder, shall pay by check, 73459
draft, or money order to the tax commissioner, as a tax, a sum 73460
equal to the following percentages of the total of all moneys 73461
wagered on live racing programs on that day and shall separately 73462
compute and pay by check, draft, or money order to the tax 73463
commissioner, as a tax, a sum equal to the following percentages 73464
of the total of all money wagered on simulcast racing programs on 73465
that day: 73466

(1) One per cent of the first two hundred thousand dollars 73467
wagered, or any part of that amount; 73468

(2) Two per cent of the next one hundred thousand dollars 73469
wagered, or any part of that amount; 73470

(3) Three per cent of the next one hundred thousand dollars 73471
wagered, or any part of that amount; 73472

(4) Four per cent of all sums over four hundred thousand 73473
dollars wagered. 73474

Except as otherwise provided in section 3769.089 of the 73475
Revised Code, each permit holder authorized to conduct 73476
thoroughbred racing shall use for purse money a sum equal to fifty 73477
per cent of the pari-mutuel revenues retained by the permit holder 73478
as a commission after payment of the state tax. This fifty per 73479
cent payment shall be in addition to the purse distribution from 73480
breakage specified in this section. 73481

Subject to division (M) of this section, from the moneys paid 73482
to the tax commissioner by thoroughbred racing permit holders, 73483
one-half of one per cent of the total of all moneys so wagered on 73484
a racing day shall be paid into the Ohio fairs fund created by 73485
section 3769.082 of the Revised Code, one and one-eighth per cent 73486
of the total of all moneys so wagered on a racing day shall be 73487
paid into the Ohio thoroughbred race fund created by section 73488
3769.083 of the Revised Code, and one-quarter of one per cent of 73489
the total of all moneys wagered on a racing day by each permit 73490
holder shall be paid into the state racing commission operating 73491
fund created by section 3769.03 of the Revised Code. The required 73492
payment to the state racing commission operating fund does not 73493
apply to county and independent fairs and agricultural societies. 73494
The remaining moneys may be retained by the permit holder, except 73495
as provided in this section with respect to the odd cents 73496
redistribution. Amounts paid into the nursing home franchise 73497
permit fee fund pursuant to this section and section 3769.26 of 73498
the Revised Code shall be used solely for the support of the 73499
PASSPORT program as determined in appropriations made by the 73500
general assembly. If the PASSPORT program is abolished, the amount 73501
that would have been paid to the nursing home franchise permit fee 73502

fund under this chapter shall be paid to the general revenue fund 73503
of the state. As used in this chapter, "PASSPORT program" ~~means~~ 73504
~~the PASSPORT program created under~~ has the same meaning as in 73505
section ~~173.40~~ 173.51 of the Revised Code. 73506

The total amount paid to the Ohio thoroughbred race fund 73507
under this section and division (A) of section 3769.087 of the 73508
Revised Code shall not exceed by more than six per cent the total 73509
amount paid to this fund under this section and division (A) of 73510
that section during the immediately preceding calendar year. 73511

Each year, the total amount calculated for payment into the 73512
Ohio fairs fund under this division, division (C) of this section, 73513
and division (A) of section 3769.087 of the Revised Code shall be 73514
an amount calculated using the percentages specified in this 73515
division, division (C) of this section, and division (A) of 73516
section 3769.087 of the Revised Code. 73517

A permit holder may contract with a thoroughbred horsemen's 73518
organization for the organization to act as a representative of 73519
all thoroughbred owners and trainers participating in a 73520
horse-racing meeting conducted by the permit holder. A 73521
"thoroughbred horsemen's organization" is any corporation or 73522
association that represents, through membership or otherwise, more 73523
than one-half of the aggregate of all thoroughbred owners and 73524
trainers who were licensed and actively participated in racing 73525
within this state during the preceding calendar year. Except as 73526
otherwise provided in this paragraph, any moneys received by a 73527
thoroughbred horsemen's organization shall be used exclusively for 73528
the benefit of thoroughbred owners and trainers racing in this 73529
state through the administrative purposes of the organization, 73530
benevolent activities on behalf of the horsemen, promotion of the 73531
horsemen's rights and interests, and promotion of equine research. 73532
A thoroughbred horsemen's organization may expend not more than an 73533
aggregate of five per cent of its annual gross receipts, or a 73534

larger amount as approved by the organization, for dues, 73535
assessments, and other payments to all other local, national, or 73536
international organizations having as their primary purposes the 73537
promotion of thoroughbred horse racing, thoroughbred horsemen's 73538
rights, and equine research. 73539

(C) Except as otherwise provided in division (B) of this 73540
section, at the close of each racing day, each permit holder 73541
authorized to conduct harness or quarter horse racing, out of the 73542
amount retained that day by the permit holder, shall pay by check, 73543
draft, or money order to the tax commissioner, as a tax, a sum 73544
equal to the following percentages of the total of all moneys 73545
wagered on live racing programs and shall separately compute and 73546
pay by check, draft, or money order to the tax commissioner, as a 73547
tax, a sum equal to the following percentages of the total of all 73548
money wagered on simulcast racing programs on that day: 73549

(1) One per cent of the first two hundred thousand dollars 73550
wagered, or any part of that amount; 73551

(2) Two per cent of the next one hundred thousand dollars 73552
wagered, or any part of that amount; 73553

(3) Three per cent of the next one hundred thousand dollars 73554
wagered, or any part of that amount; 73555

(4) Four per cent of all sums over four hundred thousand 73556
dollars wagered. 73557

Except as otherwise provided in division (B) and subject to 73558
division (M) of this section, from the moneys paid to the tax 73559
commissioner by permit holders authorized to conduct harness or 73560
quarter horse racing, one-half of one per cent of all moneys 73561
wagered on that racing day shall be paid into the Ohio fairs fund; 73562
from the moneys paid to the tax commissioner by permit holders 73563
authorized to conduct harness racing, five-eighths of one per cent 73564
of all moneys wagered on that racing day shall be paid into the 73565

Ohio standardbred development fund; and from the moneys paid to 73566
the tax commissioner by permit holders authorized to conduct 73567
quarter horse racing, five-eighths of one per cent of all moneys 73568
wagered on that racing day shall be paid into the Ohio quarter 73569
horse development fund. 73570

(D) In addition, subject to division (M) of this section, 73571
beginning on January 1, 1996, from the money paid to the tax 73572
commissioner as a tax under this section and division (A) of 73573
section 3769.087 of the Revised Code by harness horse permit 73574
holders, one-half of one per cent of the amount wagered on a 73575
racing day shall be paid into the Ohio standardbred development 73576
fund. Beginning January 1, 1998, the payment to the Ohio 73577
standardbred development fund required under this division does 73578
not apply to county agricultural societies or independent 73579
agricultural societies. 73580

The total amount paid to the Ohio standardbred development 73581
fund under this division, division (C) of this section, and 73582
division (A) of section 3769.087 of the Revised Code and the total 73583
amount paid to the Ohio quarter horse development fund under this 73584
division and division (A) of that section shall not exceed by more 73585
than six per cent the total amount paid into the fund under this 73586
division, division (C) of this section, and division (A) of 73587
section 3769.087 of the Revised Code in the immediately preceding 73588
calendar year. 73589

(E) Subject to division (M) of this section, from the money 73590
paid as a tax under this chapter by harness and quarter horse 73591
permit holders, one-quarter of one per cent of the total of all 73592
moneys wagered on a racing day by each permit holder shall be paid 73593
into the state racing commission operating fund created by section 73594
3769.03 of the Revised Code. This division does not apply to 73595
county and independent fairs and agricultural societies. 73596

(F) Except as otherwise provided in section 3769.089 of the 73597

Revised Code, each permit holder authorized to conduct harness racing shall pay to the harness horsemen's purse pool a sum equal to fifty per cent of the pari-mutuel revenues retained by the permit holder as a commission after payment of the state tax. This fifty per cent payment is to be in addition to the purse distribution from breakage specified in this section.

(G) In addition, each permit holder authorized to conduct harness racing shall be allowed to retain the odd cents of all redistribution to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of ten.

Forty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for purse money for Ohio sired, bred, and owned colts, for purse money for Ohio bred horses, and for increased purse money for horse races. Upon the formation of the corporation described in section 3769.21 of the Revised Code to establish a harness horsemen's health and retirement fund, twenty-five per cent of that portion of that total sum of odd cents shall be paid at the close of each racing day by the permit holder to that corporation to establish and fund the health and retirement fund. Until that corporation is formed, that twenty-five per cent shall be paid at the close of each racing day by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county in which the permit holder operates race meetings. The remaining thirty-five per cent of that portion of that total sum of odd cents shall be retained by the permit holder.

(H) In addition, each permit holder authorized to conduct thoroughbred racing shall be allowed to retain the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten. Twenty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for increased purse money for horse

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73630 races. Upon the formation of the corporation described in section
73631 3769.21 of the Revised Code to establish a thoroughbred horsemen's
73632 health and retirement fund, forty-five per cent of that portion of
73633 that total sum of odd cents shall be paid at the close of each
73634 racing day by the permit holder to that corporation to establish
73635 and fund the health and retirement fund. Until that corporation is
73636 formed, that forty-five per cent shall be paid by the permit
73637 holder to the tax commissioner or the tax commissioner's agent in
73638 the county seat of the county in which the permit holder operates
73639 race meetings, at the close of each racing day. The remaining
73640 thirty-five per cent of that portion of that total sum of odd
73641 cents shall be retained by the permit holder.

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(I) In addition, each permit holder authorized to conduct
quarter horse racing shall be allowed to retain the odd cents of
all redistribution to be made on all mutuel contributions
exceeding a sum equal to the next lowest multiple of ten, subject
to a tax of twenty-five per cent on that portion of the total sum
of such odd cents that is in excess of two thousand dollars during
a calendar year, which tax shall be paid at the close of each
racing day by the permit holder to the tax commissioner or the tax
commissioner's agent in the county seat of the county within which
the permit holder operates race meetings. Forty per cent of that
portion of that total sum of such odd cents shall be used by the
permit holder for increased purse money for horse races. The
remaining thirty-five per cent of that portion of that total sum
of odd cents shall be retained by the permit holder.

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(J)(1) To encourage the improvement of racing facilities for
the benefit of the public, breeders, and horse owners, and to
increase the revenue to the state from the increase in pari-mutuel
wagering resulting from those improvements, the taxes paid by a
permit holder to the state as provided for in this chapter shall
be reduced by three-fourths of one per cent of the total amount

wagered for those permit holders who make capital improvements to 73662
existing race tracks or construct new race tracks. The percentage 73663
of the reduction that may be taken each racing day shall equal 73664
seventy-five per cent of the taxes levied under divisions (B) and 73665
(C) of this section and section 3769.087 of the Revised Code, and 73666
division (F)(2) of section 3769.26 of the Revised Code, as 73667
applicable, divided by the calculated amount each fund should 73668
receive under divisions (B) and (C) of this section and section 73669
3769.087 of the Revised Code, and division (F)(2) of section 73670
3769.26 of the Revised Code and the reduction provided for in this 73671
division. If the resulting percentage is less than one, that 73672
percentage shall be multiplied by the amount of the reduction 73673
provided for in this division. Otherwise, the permit holder shall 73674
receive the full reduction provided for in this division. The 73675
amount of the allowable reduction not received shall be carried 73676
forward and applied against future tax liability. After any 73677
reductions expire, any reduction carried forward shall be treated 73678
as a reduction as provided for in this division. 73679

If more than one permit holder is authorized to conduct 73680
racing at the facility that is being built or improved, the cost 73681
of the new race track or capital improvement shall be allocated 73682
between or among all the permit holders in the ratio that the 73683
permit holders' number of racing days bears to the total number of 73684
racing days conducted at the facility. 73685

A reduction for a new race track or a capital improvement 73686
shall start from the day racing is first conducted following the 73687
date actual construction of the new race track or each capital 73688
improvement is completed and the construction cost has been 73689
approved by the racing commission, unless otherwise provided in 73690
this section. A reduction for a new race track or a capital 73691
improvement shall continue for a period of twenty-five years for 73692
new race tracks and for fifteen years for capital improvements if 73693

the construction of the capital improvement or new race track 73694
commenced prior to March 29, 1988, and for a period of ten years 73695
for new race tracks or capital improvements if the construction of 73696
the capital improvement or new race track commenced on or after 73697
March 29, 1988, but before June 6, 2001, or until the total tax 73698
reduction reaches seventy per cent of the approved cost of the new 73699
race track or capital improvement, as allocated to each permit 73700
holder, whichever occurs first. A reduction for a new race track 73701
or a capital improvement approved after June 6, 2001, shall 73702
continue until the total tax reduction reaches one hundred per 73703
cent of the approved cost of the new race track or capital 73704
improvement, as allocated to each permit holder. 73705

A reduction granted for a new race track or a capital 73706
improvement, the application for which was approved by the racing 73707
commission after March 29, 1988, but before June 6, 2001, shall 73708
not commence nor shall the ten-year period begin to run until all 73709
prior tax reductions with respect to the same race track have 73710
ended. The total tax reduction because of capital improvements 73711
shall not during any one year exceed for all permit holders using 73712
any one track three-fourths of one per cent of the total amount 73713
wagered, regardless of the number of capital improvements made. 73714
Several capital improvements to a race track may be consolidated 73715
in an application if the racing commission approved the 73716
application prior to March 29, 1988. No permit holder may receive 73717
a tax reduction for a capital improvement approved by the racing 73718
commission on or after March 29, 1988, at a race track until all 73719
tax reductions have ended for all prior capital improvements 73720
approved by the racing commission under this section or section 73721
3769.20 of the Revised Code at that race track. If there are two 73722
or more permit holders operating meetings at the same track, they 73723
may consolidate their applications. The racing commission shall 73724
notify the tax commissioner when the reduction of tax begins and 73725
when it ends. 73726

Each fiscal year the racing commission shall submit a report 73727
to the tax commissioner, the office of budget and management, and 73728
the legislative service commission. The report shall identify each 73729
capital improvement project undertaken under this division and in 73730
progress at each race track, indicate the total cost of each 73731
project, state the tax reduction that resulted from each project 73732
during the immediately preceding fiscal year, estimate the tax 73733
reduction that will result from each project during the current 73734
fiscal year, state the total tax reduction that resulted from all 73735
such projects at all race tracks during the immediately preceding 73736
fiscal year, and estimate the total tax reduction that will result 73737
from all such projects at all race tracks during the current 73738
fiscal year. 73739

(2) In order to qualify for the reduction in tax, a permit 73740
holder shall apply to the racing commission in such form as the 73741
commission may require and shall provide full details of the new 73742
race track or capital improvement, including a schedule for its 73743
construction and completion, and set forth the costs and expenses 73744
incurred in connection with it. The racing commission shall not 73745
approve an application unless the permit holder shows that a 73746
contract for the new race track or capital improvement has been 73747
let under an unrestricted competitive bidding procedure, unless 73748
the contract is exempted by the controlling board because of its 73749
unusual nature. In determining whether to approve an application, 73750
the racing commission shall consider whether the new race track or 73751
capital improvement will promote the safety, convenience, and 73752
comfort of the racing public and horse owners and generally tend 73753
towards the improvement of racing in this state. 73754

(3) If a new race track or capital improvement is approved by 73755
the racing commission and construction has started, the tax 73756
reduction may be authorized by the commission upon presentation of 73757
copies of paid bills in excess of one hundred thousand dollars or 73758

ten per cent of the approved cost, whichever is greater. After the 73759
initial authorization, the permit holder shall present copies of 73760
paid bills. If the permit holder is in substantial compliance with 73761
the schedule for construction and completion of the new race track 73762
or capital improvement, the racing commission may authorize the 73763
continuation of the tax reduction upon the presentation of the 73764
additional paid bills. The total amount of the tax reduction 73765
authorized shall not exceed the percentage of the approved cost of 73766
the new race track or capital improvement specified in division 73767
(J)(1) of this section. The racing commission may terminate any 73768
tax reduction immediately if a permit holder fails to complete the 73769
new race track or capital improvement, or to substantially comply 73770
with the schedule for construction and completion of the new race 73771
track or capital improvement. If a permit holder fails to complete 73772
a new race track or capital improvement, the racing commission 73773
shall order the permit holder to repay to the state the total 73774
amount of tax reduced. The normal tax paid by the permit holder 73775
shall be increased by three-fourths of one per cent of the total 73776
amount wagered until the total amount of the additional tax 73777
collected equals the total amount of tax reduced. 73778

(4) As used in this section: 73779

(a) "Capital improvement" means an addition, replacement, or 73780
remodeling of a structural unit of a race track facility costing 73781
at least one hundred thousand dollars, including, but not limited 73782
to, the construction of barns used exclusively for the race track 73783
facility, backstretch facilities for horsemen, paddock facilities, 73784
new pari-mutuel and totalizator equipment and appurtenances to 73785
that equipment purchased by the track, new access roads, new 73786
parking areas, the complete reconstruction, reshaping, and 73787
leveling of the racing surface and appurtenances, the installation 73788
of permanent new heating or air conditioning, roof replacement or 73789
restoration, installations of a permanent nature forming a part of 73790

the track structure, and construction of buildings that are 73791
located on a permit holder's premises. "Capital improvement" does 73792
not include the cost of replacement of equipment that is not 73793
permanently installed, ordinary repairs, painting, and maintenance 73794
required to keep a race track facility in ordinary operating 73795
condition. 73796

(b) "New race track" includes the reconstruction of a race 73797
track damaged by fire or other cause that has been declared by the 73798
racing commission, as a result of the damage, to be an inadequate 73799
facility for the safe operation of horse racing. 73800

(c) "Approved cost" includes all debt service and interest 73801
costs that are associated with a capital improvement or new race 73802
track and that the racing commission approves for a tax reduction 73803
under division (J) of this section. 73804

(5) The racing commission shall not approve an application 73805
for a tax reduction under this section if it has reasonable cause 73806
to believe that the actions or negligence of the permit holder 73807
substantially contributed to the damage suffered by the track due 73808
to fire or other cause. The racing commission shall obtain any 73809
data or information available from a fire marshal, law enforcement 73810
official, or insurance company concerning any fire or other damage 73811
suffered by a track, prior to approving an application for a tax 73812
reduction. 73813

(6) The approved cost to which a tax reduction applies shall 73814
be determined by generally accepted accounting principles and 73815
verified by an audit of the permit holder's records upon 73816
completion of the project by the racing commission, or by an 73817
independent certified public accountant selected by the permit 73818
holder and approved by the commission. 73819

(K) No other license or excise tax or fee, except as provided 73820
in sections 3769.01 to 3769.14 of the Revised Code, shall be 73821

assessed or collected from such licensee by any county, township, 73822
district, municipal corporation, or other body having power to 73823
assess or collect a tax or fee. That portion of the tax paid under 73824
this section by permit holders for racing conducted at and during 73825
the course of an agricultural exposition or fair, and that portion 73826
of the tax that would have been paid by eligible permit holders 73827
into the nursing home franchise permit fee fund as a result of 73828
racing conducted at and during the course of an agricultural 73829
exposition or fair, shall be deposited into the state treasury to 73830
the credit of the horse racing tax fund, which is hereby created 73831
for the use of the agricultural societies of the several counties 73832
in which the taxes originate. The state racing commission shall 73833
determine eligible permit holders for purposes of the preceding 73834
sentence, taking into account the breed of horse, the racing 73835
dates, the geographic proximity to the fair, and the best 73836
interests of Ohio racing. On the first day of any month on which 73837
there is money in the fund, the tax commissioner shall provide for 73838
payment to the treasurer of each agricultural society the amount 73839
of the taxes collected under this section upon racing conducted at 73840
and during the course of any exposition or fair conducted by the 73841
society. 73842

(L) From the tax paid under this section by harness track 73843
permit holders, the tax commissioner shall pay into the Ohio 73844
thoroughbred race fund a sum equal to a percentage of the amount 73845
wagered upon which the tax is paid. The percentage shall be 73846
determined by the tax commissioner and shall be rounded to the 73847
nearest one-hundredth. The percentage shall be such that, when 73848
multiplied by the amount wagered upon which tax was paid by the 73849
harness track permit holders in the most recent year for which 73850
final figures are available, it results in a sum that 73851
substantially equals the same amount of tax paid by the tax 73852
commissioner during that year into the Ohio fairs fund from taxes 73853
paid by thoroughbred permit holders. This division does not apply 73854

to county and independent fairs and agricultural societies. 73855

(M) Twenty-five per cent of the taxes levied on thoroughbred 73856
racing permit holders, harness racing permit holders, and quarter 73857
horse racing permit holders under this section, division (A) of 73858
section 3769.087 of the Revised Code, and division (F)(2) of 73859
section 3769.26 of the Revised Code shall be paid into the nursing 73860
home franchise permit fee fund. The tax commissioner shall pay any 73861
money remaining, after the payment into the nursing home franchise 73862
permit fee fund and the reductions provided for in division (J) of 73863
this section and in section 3769.20 of the Revised Code, into the 73864
Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred 73865
development fund, Ohio quarter horse fund, and state racing 73866
commission operating fund as prescribed in this section and 73867
division (A) of section 3769.087 of the Revised Code. The tax 73868
commissioner shall thereafter use and apply the balance of the 73869
money paid as a tax by any permit holder to cover any shortage in 73870
the accounts of such funds resulting from an insufficient payment 73871
as a tax by any other permit holder. The moneys received by the 73872
tax commissioner shall be deposited weekly and paid by the tax 73873
commissioner into the funds to cover the total aggregate amount 73874
due from all permit holders to the funds, as calculated under this 73875
section and division (A) of section 3769.087 of the Revised Code, 73876
as applicable. If, after the payment into the nursing home 73877
franchise permit fee fund, sufficient funds are not available from 73878
the tax deposited by the tax commissioner to pay the required 73879
amounts into the Ohio fairs fund, Ohio standardbred development 73880
fund, Ohio thoroughbred race fund, Ohio quarter horse fund, and 73881
the state racing commission operating fund, the tax commissioner 73882
shall prorate on a proportional basis the amount paid to each of 73883
the funds. Any shortage to the funds as a result of a proration 73884
shall be applied against future deposits for the same calendar 73885
year when funds are available. After this application, the tax 73886
commissioner shall pay any remaining money paid as a tax by all 73887

permit holders into the nursing home franchise permit fee fund. 73888
This division does not apply to permit holders conducting racing 73889
at the course of an agricultural exposition or fair as described 73890
in division (K) of this section. 73891

Sec. 3769.087. (A) In addition to the commission of eighteen 73892
per cent retained by each permit holder as provided in section 73893
3769.08 of the Revised Code, each permit holder shall retain an 73894
additional amount equal to four per cent of the total of all 73895
moneys wagered on each racing day on all wagering pools other than 73896
win, place, and show, of which amount retained an amount equal to 73897
three per cent of the total of all moneys wagered on each racing 73898
day on those pools shall be paid by check, draft, or money order 73899
to the tax commissioner, as a tax. Subject to the restrictions 73900
contained in divisions (B), (C), and (M) of section 3769.08 of the 73901
Revised Code, from such additional moneys paid to the tax 73902
commissioner: 73903

(1) Four-sixths shall be allocated to fund distribution as 73904
provided in division (M) of section 3769.08 of the Revised Code. 73905

(2) One-twelfth shall be paid into the Ohio fairs fund 73906
created by section 3769.082 of the Revised Code. 73907

(3) One-twelfth of the additional moneys paid to the tax 73908
commissioner by thoroughbred racing permit holders shall be paid 73909
into the Ohio thoroughbred race fund created by section 3769.083 73910
of the Revised Code. 73911

(4) One-twelfth of the additional moneys paid to the tax 73912
commissioner by harness horse racing permit holders shall be paid 73913
to the Ohio standardbred development fund created by section 73914
3769.085 of the Revised Code. 73915

(5) One-twelfth of the additional moneys paid to the tax 73916
commissioner by quarter horse racing permit holders shall be paid 73917

to the Ohio quarter horse development fund created by section 73918
3769.086 of the Revised Code. 73919

(6) One-sixth shall be paid into the state racing commission 73920
operating fund created by section 3769.03 of the Revised Code. 73921

The remaining one per cent that is retained of the total of 73922
all moneys wagered on each racing day on all pools other than win, 73923
place, and show, shall be retained by racing permit holders, and, 73924
except as otherwise provided in section 3769.089 of the Revised 73925
Code, racing permit holders shall use one-half for purse money and 73926
retain one-half. 73927

(B) In addition to the commission of eighteen per cent 73928
retained by each permit holder as provided in section 3769.08 of 73929
the Revised Code and the additional amount retained by each permit 73930
holder as provided in division (A) of this section, each permit 73931
holder shall retain an additional amount equal to one-half of one 73932
per cent of the total of all moneys wagered on each racing day on 73933
all wagering pools other than win, place, and show. The additional 73934
amount retained under this division shall be paid by check, draft, 73935
or money order to the tax commissioner, as a tax. The tax 73936
commissioner shall pay the amount of the tax received under this 73937
division to the state racing commission operating fund created by 73938
section 3769.03 of the Revised Code. 73939

(C) Unless otherwise agreed to by the video lottery sales 73940
agent and the applicable horsemen's association recognized by the 73941
state racing commission to represent such persons, the state 73942
racing commission ~~may~~ shall direct through rule that a percentage 73943
of the lottery sales agent's commission as determined by the state 73944
lottery commission for conducting video lottery terminal gaming on 73945
behalf of the state be paid to the state racing commission for the 73946
benefit of breeding and racing in this state. The percentage so 73947
determined shall not be less than nine per cent or more than 73948
eleven per cent of the video lottery terminal income, and shall be 73949

a sliding scale based upon capital expenditures necessary to build 73950
the video lottery sales agent's facility. The aggregate of one 73951
hundred per cent of video lottery terminal income minus the 73952
lottery sales agent's commission percentage as determined by the 73953
state lottery commission plus the percentage of the lottery sale 73954
agent's commission, as determined by the state racing commission 73955
or otherwise agreed to by the video lottery sales agent and the 73956
applicable horsemen's association recognized by the state racing 73957
commission to represent such persons, for the benefit of breeding 73958
and racing in this state shall not exceed forty-five per cent of 73959
the video lottery terminal income. In addition, beginning July 1, 73960
2013, the state lottery commission shall adopt a rule to require 73961
the lottery sales agent conducting video lottery terminal gaming 73962
on behalf of the state to disperse to the state lottery commission 73963
one-half of one per cent of such a lottery sales agent's 73964
commission for the purpose of providing funding support to 73965
appropriate state agencies for programs that provide for gambling 73966
addiction and other related addiction services. The state lottery 73967
commission's rule also may require the lottery sales agent 73968
conducting video lottery terminal gaming on behalf of the state to 73969
disperse to the state lottery commission an additional amount up 73970
to one-half of one per cent of such a lottery sales agent's 73971
commission for that purpose. 73972

Sec. 3769.088. (A) If any permit holder required by this 73973
chapter to pay the taxes levied by sections 3769.08, 3769.087, 73974
3769.26, and 3769.28 of the Revised Code fails to pay the taxes, 73975
the tax commissioner may make an assessment against the permit 73976
holder based upon any information in the commissioner's 73977
possession. 73978

A penalty of up to fifteen per cent may be added to the 73979
amount of every assessment made under this section. The 73980
commissioner may adopt rules providing for the imposition and 73981

remission of penalties added to assessments made under this 73982
section. 73983

The commissioner shall give the party assessed written notice 73984
of the assessment in the manner provided in section 5703.37 of the 73985
Revised Code. With the notice, the commissioner shall provide 73986
instructions on how to petition for reassessment and request a 73987
hearing on the petition. 73988

(B) Unless the party assessed files with the tax commissioner 73989
within sixty days after service of the notice of assessment, 73990
either personally or by certified mail, a written petition for 73991
reassessment signed by the party assessed or that party's 73992
authorized agent having knowledge of the facts, the assessment 73993
becomes final and the amount of the assessment is due and payable 73994
from the party assessed to the commissioner. The petition shall 73995
indicate the objections of the party assessed, but additional 73996
objections may be raised in writing if received by the 73997
commissioner prior to the date shown on the final determination. 73998
If the petition has been properly filed, the commissioner shall 73999
proceed under section 5703.60 of the Revised Code. 74000

(C) After an assessment becomes final, if any portion of the 74001
assessment remains unpaid, including accrued interest, a certified 74002
copy of the tax commissioner's entry making the assessment final 74003
may be filed in the office of the clerk of the court of common 74004
pleas in the county in which the place, track, or enclosure for 74005
which the permit was issued is located or the county in which the 74006
party assessed resides or has its principal place of business. If 74007
the party assessed maintains no place of business in this state 74008
and is not a resident of this state, the certified copy of the 74009
entry may be filed in the office of the clerk of the court of 74010
common pleas of Franklin county. 74011

Immediately upon the filing of the entry, the clerk shall 74012
enter a judgment for the state against the party assessed in the 74013

amount shown on the entry. The judgment may be filed by the clerk 74014
in a loose-leaf book entitled "special judgments for state horse 74015
racing tax," and shall have the same effect as other judgments. 74016
Execution shall issue upon the judgment upon the request of the 74017
tax commissioner, and all laws applicable to sales on execution 74018
shall apply to sales made under the judgment. 74019

~~The portion of~~ If the assessment is not paid in its entirety 74020
within sixty days after the day the assessment was issued, the 74021
portion of the assessment consisting of tax due shall bear 74022
interest at the rate per annum prescribed by section 5703.47 of 74023
the Revised Code from the day the tax commissioner issues the 74024
assessment until the day the assessment is paid or until it is 74025
certified to the attorney general for collection under section 74026
131.02 of the Revised Code, whichever comes first. If the unpaid 74027
portion of the assessment is certified to the attorney general for 74028
collection, the entire unpaid portion of the assessment shall bear 74029
interest at the rate per annum prescribed by section 5703.47 of 74030
the Revised Code from the date of certification until the date it 74031
is paid in its entirety. Interest shall be paid in the same manner 74032
as the tax and may be collected by the issuance of an assessment 74033
under this section. 74034

(D) All money collected by the tax commissioner under this 74035
section shall be treated as revenue arising from the taxes imposed 74036
by sections 3769.08, 3769.087, 3769.26, and 3769.28 of the Revised 74037
Code. 74038

Sec. 3770.02. (A) Subject to the advice and consent of the 74039
senate, the governor shall appoint a director of the state lottery 74040
commission who shall serve at the pleasure of the governor. The 74041
director shall devote full time to the duties of the office and 74042
shall hold no other office or employment. The director shall meet 74043
all requirements for appointment as a member of the commission and 74044

shall, by experience and training, possess management skills that 74045
equip the director to administer an enterprise of the nature of a 74046
state lottery. The director shall receive an annual salary in 74047
accordance with pay range 48 of section 124.152 of the Revised 74048
Code. 74049

(B)(1) The director shall attend all meetings of the 74050
commission and shall act as its secretary. The director shall keep 74051
a record of all commission proceedings and shall keep the 74052
commission's records, files, and documents at the commission's 74053
principal office. All records of the commission's meetings shall 74054
be available for inspection by any member of the public, upon a 74055
showing of good cause and prior notification to the director. 74056

(2) The director shall be the commission's executive officer 74057
and shall be responsible for keeping all commission records and 74058
supervising and administering the state lottery in accordance with 74059
this chapter, and carrying out all commission rules adopted under 74060
section 3770.03 of the Revised Code. 74061

(C)(1) The director shall appoint an assistant director, 74062
deputy directors of marketing, operations, sales, finance, public 74063
relations, security, and administration, and as many regional 74064
managers as are required. The director may also appoint necessary 74065
professional, technical, and clerical assistants. All such 74066
officers and employees shall be appointed and compensated pursuant 74067
to Chapter 124. of the Revised Code. Regional and assistant 74068
regional managers, sales representatives, and any lottery 74069
executive account representatives shall remain in the unclassified 74070
service. 74071

(2) The director, in consultation with the director of 74072
administrative services, may establish standards of proficiency 74073
and productivity for commission field representatives. 74074

(D) The director shall request the bureau of criminal 74075

identification and investigation, the department of public safety, 74076
or any other state, local, or federal agency to supply the 74077
director with the criminal records of any job applicant and may 74078
periodically request the criminal records of commission employees. 74079
At or prior to the time of making such a request, the director 74080
shall require a job applicant or commission employee to obtain 74081
fingerprint cards prescribed by the superintendent of the bureau 74082
of criminal identification and investigation at a qualified law 74083
enforcement agency, and the director shall cause these fingerprint 74084
cards to be forwarded to the bureau of criminal identification and 74085
investigation and the federal bureau of investigation. The 74086
commission shall assume the cost of obtaining the fingerprint 74087
cards and shall pay to each agency supplying criminal records for 74088
each investigation under this division a reasonable fee, as 74089
determined by the agency. 74090

(E) The director shall license lottery sales agents pursuant 74091
to section 3770.05 of the Revised Code and, when it is considered 74092
necessary, may revoke or suspend the license of any lottery sales 74093
agent. The director may license video lottery technology 74094
providers, independent testing laboratories, and gaming employees, 74095
and promulgate rules relating thereto. When the director considers 74096
it necessary, the director may suspend or revoke the license of a 74097
video lottery technology provider, independent testing laboratory, 74098
or gaming employee, including suspension or revocation without 74099
affording an opportunity for a prior hearing under section 119.07 74100
of the Revised Code when the public safety, convenience, or trust 74101
requires immediate action. 74102

(F) The director shall confer at least once each month with 74103
the commission, at which time the director shall advise it 74104
regarding the operation and administration of the lottery. The 74105
director shall make available at the request of the commission all 74106
documents, files, and other records pertaining to the operation 74107

and administration of the lottery. The director shall prepare and 74108
make available to the commission each month a complete and 74109
accurate accounting of lottery revenues, prize money disbursements 74110
and the cost of goods and services awarded as prizes, operating 74111
expenses, and all other relevant financial information, including 74112
an accounting of all transfers made from any lottery funds in the 74113
custody of the treasurer of state to benefit education. 74114

(G) The director may enter into contracts for the operation 74115
or promotion of the lottery pursuant to Chapter 125. of the 74116
Revised Code. 74117

(H)(1) Pursuant to rules adopted by the commission under 74118
section 3770.03 of the Revised Code, the director shall require 74119
any lottery sales agents to ~~either mail directly to the commission~~ 74120
~~or~~ deposit to the credit of the state lottery fund, in banking 74121
institutions designated by the treasurer of state, net proceeds 74122
due the commission as determined by the director, ~~and to file with~~ 74123
~~the director or the director's designee reports of their receipts~~ 74124
~~and transactions in the sale of lottery tickets in the form~~ 74125
~~required by the director.~~ 74126

(2) Pursuant to rules adopted by the commission under Chapter 74127
119. of the Revised Code, the director may impose penalties for 74128
the failure of a sales agent to transfer funds to the commission 74129
in a timely manner. Penalties may include monetary penalties, 74130
immediate suspension or revocation of a license, or any other 74131
penalty the commission adopts by rule. 74132

(I) The director may arrange for any person, or any banking 74133
institution, to perform functions and services in connection with 74134
the operation of the lottery as the director may consider 74135
necessary to carry out this chapter. 74136

(J)(1) As used in this chapter, "statewide joint lottery 74137
game" means a lottery game that the commission sells solely within 74138

this state under an agreement with other lottery jurisdictions to 74139
sell the same lottery game solely within their statewide or other 74140
jurisdictional boundaries. 74141

(2) If the governor directs the director to do so, the 74142
director shall enter into an agreement with other lottery 74143
jurisdictions to conduct statewide joint lottery games. If the 74144
governor signs the agreement personally or by means of an 74145
authenticating officer pursuant to section 107.15 of the Revised 74146
Code, the director then may conduct statewide joint lottery games 74147
under the agreement. 74148

(3) The entire net proceeds from any statewide joint lottery 74149
games shall be used to fund elementary, secondary, vocational, and 74150
special education programs in this state. 74151

(4) The commission shall conduct any statewide joint lottery 74152
games in accordance with rules it adopts under division (B)(5) of 74153
section 3770.03 of the Revised Code. 74154

(K)(1) The director shall enter into an agreement with the 74155
department of ~~alcohol and drug addiction services~~ mental health 74156
and addiction services under which the department shall provide a 74157
program of gambling addiction services on behalf of the 74158
commission. The commission shall pay the costs of the program 74159
provided pursuant to the agreement. 74160

(2) As used in this section, "gambling addiction services" 74161
has the same meaning as in section ~~3793.01~~ 5119.01 of the Revised 74162
Code. 74163

Sec. 3770.06. (A) There is hereby created the state lottery 74164
gross revenue fund, which shall be in the custody of the treasurer 74165
of state but shall not be part of the state treasury. All gross 74166
revenues received from sales of lottery tickets, fines, fees, and 74167
related proceeds in connection with the statewide lottery and all 74168

gross proceeds from statewide joint lottery games shall be 74169
deposited into the fund. The treasurer of state shall invest any 74170
portion of the fund not needed for immediate use in the same 74171
manner as, and subject to all provisions of law with respect to 74172
the investment of, state funds. The treasurer of state shall 74173
disburse money from the fund on order of the director of the state 74174
lottery commission or the director's designee. 74175

Except for gross proceeds from statewide joint lottery games, 74176
all revenues of the state lottery gross revenue fund that are not 74177
paid to holders of winning lottery tickets, that are not required 74178
to meet short-term prize liabilities, that are not credited to 74179
lottery sales agents in the form of bonuses, commissions, or 74180
reimbursements, that are not paid to financial institutions to 74181
reimburse those institutions for sales agent nonsufficient funds, 74182
and that are collected from sales agents for remittance to 74183
insurers under contract to provide sales agent bonding services 74184
shall be transferred to the state lottery fund, which is hereby 74185
created in the state treasury. In addition, all revenues of the 74186
state lottery gross revenue fund that represent the gross proceeds 74187
from the statewide joint lottery games and that are not paid to 74188
holders of winning lottery tickets, that are not required to meet 74189
short-term prize liabilities, that are not credited to lottery 74190
sales agents in the form of bonuses, commissions, or 74191
reimbursements, and that are not necessary to cover operating 74192
expenses associated with those games or to otherwise comply with 74193
the agreements signed by the governor that the director enters 74194
into under division (J) of section 3770.02 of the Revised Code or 74195
the rules the commission adopts under division (B)(5) of section 74196
3770.03 of the Revised Code shall be transferred to the state 74197
lottery fund. All investment earnings of the fund shall be 74198
credited to the fund. Moneys shall be disbursed from the fund 74199
pursuant to vouchers approved by the director. Total disbursements 74200
for monetary prize awards to holders of winning lottery tickets in 74201

connection with the statewide lottery and purchases of goods and 74202
services awarded as prizes to holders of winning lottery tickets 74203
shall be of an amount equal to at least fifty per cent of the 74204
total revenue accruing from the sale of lottery tickets. 74205

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 74206
there is hereby established in the state treasury the lottery 74207
profits education fund. Whenever, in the judgment of the director 74208
of the state lottery commission, the amount to the credit of the 74209
state lottery fund that does not represent proceeds from statewide 74210
joint lottery games is in excess of that needed to meet the 74211
maturing obligations of the commission and as working capital for 74212
its further operations, the director of the state lottery 74213
commission shall recommend the amount of the excess to be 74214
transferred to the lottery profits education fund, and the 74215
director of budget and management may transfer the excess to the 74216
lottery profits education fund in connection with the statewide 74217
lottery. In addition, whenever, in the judgment of the director of 74218
the state lottery commission, the amount to the credit of the 74219
state lottery fund that represents proceeds from statewide joint 74220
lottery games equals the entire net proceeds of those games as 74221
described in division (B)(5) of section 3770.03 of the Revised 74222
Code and the rules adopted under that division, the director of 74223
the state lottery commission shall recommend the amount of the 74224
proceeds to be transferred to the lottery profits education fund, 74225
and the director of budget and management may transfer those 74226
proceeds to the lottery profits education fund. Investment 74227
earnings of the lottery profits education fund shall be credited 74228
to the fund. 74229

The lottery profits education fund shall be used solely for 74230
the support of elementary, secondary, vocational, and special 74231
education programs as determined in appropriations made by the 74232
general assembly, or as provided in applicable bond proceedings 74233

for the payment of debt service on obligations issued to pay costs 74234
of capital facilities, including those for a system of common 74235
schools throughout the state pursuant to section 2n of Article 74236
VIII, Ohio Constitution. When determining the availability of 74237
money in the lottery profits education fund, the director of 74238
budget and management may consider all balances and estimated 74239
revenues of the fund. 74240

(C) There is hereby established in the state treasury the 74241
deferred prizes trust fund. With the approval of the director of 74242
budget and management, an amount sufficient to fund annuity prizes 74243
shall be transferred from the state lottery fund and credited to 74244
the trust fund. The treasurer of state shall credit all earnings 74245
arising from investments purchased under this division to the 74246
trust fund. Within sixty days after the end of each fiscal year, 74247
the treasurer of state shall certify to the director of budget and 74248
management whether the actuarial amount of the trust fund is 74249
sufficient over the fund's life for continued funding of all 74250
remaining deferred prize liabilities as of the last day of the 74251
fiscal year just ended. Also, within that sixty days, the director 74252
of budget and management shall certify the amount of investment 74253
earnings necessary to have been credited to the trust fund during 74254
the fiscal year just ending to provide for such continued funding 74255
of deferred prizes. Any earnings credited in excess of the latter 74256
certified amount shall be transferred to the lottery profits 74257
education fund. 74258

To provide all or a part of the amounts necessary to fund 74259
deferred prizes awarded by the commission in connection with the 74260
statewide lottery, the treasurer of state, in consultation with 74261
the commission, may invest moneys contained in the deferred prizes 74262
trust fund which represents proceeds from the statewide lottery in 74263
obligations of the type permitted for the investment of state 74264
funds but whose maturities are thirty years or less. 74265

Notwithstanding the requirements of any other section of the 74266
Revised Code, to provide all or part of the amounts necessary to 74267
fund deferred prizes awarded by the commission in connection with 74268
statewide joint lottery games, the treasurer of state, in 74269
consultation with the commission, may invest moneys in the trust 74270
fund which represent proceeds derived from the statewide joint 74271
lottery games in accordance with the rules the commission adopts 74272
under division (B)(5) of section 3770.03 of the Revised Code. 74273
Investments of the trust fund are not subject to the provisions of 74274
division (A)(10) of section 135.143 of the Revised Code limiting 74275
to twenty-five per cent the amount of the state's total average 74276
portfolio that may be invested in debt interests and limiting to 74277
one-half of one per cent the amount that may be invested in debt 74278
interests of a single issuer. 74279

All purchases made under this division shall be effected on a 74280
delivery versus payment method and shall be in the custody of the 74281
treasurer of state. 74282

The treasurer of state may retain an investment advisor, if 74283
necessary. The commission shall pay any costs incurred by the 74284
treasurer of state in retaining an investment advisor. 74285

(D) The auditor of state shall conduct annual audits of all 74286
funds and any other audits as the auditor of state or the general 74287
assembly considers necessary. The auditor of state may examine all 74288
records, files, and other documents of the commission, and records 74289
of lottery sales agents that pertain to their activities as 74290
agents, for purposes of conducting authorized audits. 74291

(E) The state lottery commission shall establish an internal 74292
audit ~~program plan~~ plan before the beginning of each fiscal year, 74293
subject to the approval of the ~~auditor office~~ of ~~state~~ state internal 74294
audit in the office of budget and management. At the end of each 74295
fiscal year, the commission shall prepare and submit an annual 74296
report to the ~~auditor office~~ of ~~state~~ state internal audit for the 74297

~~auditor of state's office's~~ review and approval, specifying the 74298
internal audit work completed by the end of that fiscal year and 74299
reporting on compliance with the annual internal audit ~~program.~~ 74300
~~The form and content of the report shall be prescribed by the~~ 74301
~~auditor of state under division (C) of section 117.20 of the~~ 74302
~~Revised Code~~ plan. 74303

~~(E)~~(F) Whenever, in the judgment of the director of budget 74304
and management, an amount of net state lottery proceeds is 74305
necessary to be applied to the payment of debt service on 74306
obligations, all as defined in sections 151.01 and 151.03 of the 74307
Revised Code, the director shall transfer that amount directly 74308
from the state lottery fund or from the lottery profits education 74309
fund to the bond service fund defined in those sections. The 74310
provisions of this division are subject to any prior pledges or 74311
obligation of those amounts to the payment of bond service charges 74312
as defined in division (C) of section 3318.21 of the Revised Code, 74313
as referred to in division (B) of this section. 74314

Sec. 3772.062. (A) The executive director of the commission 74315
shall enter into an agreement with the department of ~~alcohol and~~ 74316
~~drug addiction services~~ mental health and addiction services under 74317
which the department provides a program of gambling and addiction 74318
services on behalf of the commission. 74319

(B) The executive director of the commission, in conjunction 74320
with the department of ~~alcohol and drug addiction services~~ mental 74321
health and addiction services and the state lottery commission, 74322
shall establish, operate, and publicize an in-state, toll-free 74323
telephone number Ohio residents may call to obtain basic 74324
information about problem gambling, the gambling addiction 74325
services available to problem gamblers, and how a problem gambler 74326
may obtain help. The telephone number shall be staffed twenty-four 74327
hours per day, seven days a week, to respond to inquiries and 74328

provide that information. The costs of establishing, operating, 74329
and publicizing the telephone number shall be paid for with money 74330
in the problem casino gambling and addictions fund. 74331

Sec. 3772.36. (A) There is hereby created in the state 74332
treasury the casino control commission enforcement fund. All 74333
moneys that are derived from any fines, mandatory fines, or 74334
forfeited bail to which the commission may be entitled under this 74335
chapter and all moneys that are derived from forfeitures of 74336
property to which the commission may be entitled under this 74337
chapter or Chapter 2981. of the Revised Code, any other provision 74338
of the Revised Code, or federal law shall be deposited into the 74339
fund. Subject to division (B) of this section and divisions (B), 74340
(C), and (D) of section 2981.13 of the Revised Code, the moneys in 74341
the fund shall be used solely to subsidize the commission's 74342
division of enforcement and its efforts to ensure the integrity of 74343
casino gaming. 74344

(B) Notwithstanding any contrary provision in the Revised 74345
Code, moneys that are derived from forfeitures of property under 74346
federal law and that are deposited into the casino control 74347
commission enforcement fund in accordance with division (A) of 74348
this section shall be used and accounted for in accordance with 74349
the applicable federal law, and the commission otherwise shall 74350
comply with federal law in connection with that money. 74351

Sec. 3781.112. (A) As used in this section, "secured 74352
facility" means any of the following: 74353

(1) A maternity unit, newborn care nursery, or maternity home 74354
licensed under Chapter 3711. of the Revised Code; 74355

(2) A pediatric intensive care unit subject to rules adopted 74356
by the director of health pursuant to section 3702.11 of the 74357
Revised Code; 74358

(3) A children's hospital, as defined in section 3727.01 of the Revised Code; 74359
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(4) A hospital that is licensed under section ~~5119.20~~ 5119.33 of the Revised Code to receive mentally ill persons; 74361
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(5) The portion of a nursing home licensed under section 3721.02 of the Revised Code or in accordance with section 3721.09 of the Revised Code in which specialized care is provided to residents of the nursing home who have physical or mental conditions that require a resident to be restricted in the resident's freedom of movement for the health and safety of the resident, the staff attending the resident, or the general public. 74363
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(B) A secured facility may take reasonable steps in accordance with rules the board of building standards adopts under division (A) of section 3781.10 of the Revised Code and in accordance with the state fire code the fire marshal adopts under section 3737.82 of the Revised Code, to deny egress to confine and protect patients or residents of the secured facility who are not capable of self-preservation. A secured facility that wishes to deny egress to those patients or residents may use delayed-egress doors and electronically coded doors to deny egress, on the condition that those doors are installed and used in accordance with rules the board of building standards adopts under division (A) of section 3781.10 of the Revised Code and in accordance with the state fire code the fire marshal adopts under section 3737.82 of the Revised Code. A secured facility also may install controlled-egress locks, in compliance with rules the board of building standards adopts under division (A) of section 3781.10 of the Revised Code and in compliance with the state fire code the fire marshal adopts under section 3737.82 of the Revised Code, in areas of the secured facility where patients or residents who have physical or mental conditions that would endanger the patients or residents, the staff attending the patients or residents, or the 74370
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general public if those patients or residents are not restricted 74391
in their freedom of movement. A secured facility that uses 74392
delayed-egress doors and electronically coded doors, 74393
controlled-egress locks, or both, shall do both of the following: 74394

(1) Provide continuous, twenty-four-hour custodial care to 74395
the patients or residents of the facility; 74396

(2) Establish a system to evacuate patients or residents in 74397
the event of fire or other emergency. 74398

Sec. 3795.01. As used in sections 3795.01, 3795.02, and 74399
3795.03 of the Revised Code: 74400

(A) "Assist suicide" or "assisting suicide" means knowingly 74401
doing either of the following, with the purpose of helping another 74402
person to commit or attempt suicide: 74403

(1) Providing the physical means by which the person commits 74404
or attempts to commit suicide; 74405

(2) Participating in a physical act by which the person 74406
commits or attempts to commit suicide. 74407

(B) "Certified nurse practitioner," "certified 74408
nurse-midwife," and "clinical nurse specialist" have the same 74409
meanings as in section 4723.01 of the Revised Code. 74410

(C) "CPR" has the same meaning as in section 2133.21 of the 74411
Revised Code. 74412

(D) "Health care" means any care, treatment, service, or 74413
procedure to maintain, diagnose, or treat a person's physical or 74414
mental condition. 74415

(E) "Health care decision" means informed consent, refusal to 74416
give informed consent, or withdrawal of informed consent to health 74417
care. 74418

(F) "Health care facility" means any of the following: 74419

(1) A hospital;	74420
(2) A hospice care program or pediatric respite care program as defined in section 3712.01 of the Revised Code;	74421 74422
(3) A nursing home;	74423
(4) A home health agency;	74424
(5) An intermediate care facility for the mentally retarded <u>individuals with intellectual disabilities.</u>	74425 74426
(G) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	74427 74428 74429 74430 74431 74432
(H) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	74433 74434 74435
Sec. 3798.01. As used in this chapter:	74436
(A) "Administrative safeguards," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304.	74437 74438 74439
(B) "Approved health information exchange" means a health information exchange that has been approved or reapproved by the <u>medicaid</u> director of job and family services pursuant to the approval or reapproval process, as applicable, the director establishes in rules adopted under division (A) of section 3798.15 of the Revised Code or that has been certified by the office of the national coordinator for health information technology in the United States department of health and human services.	74440 74441 74442 74443 74444 74445 74446 74447
(C) "Covered entity," "disclosure," "health care provider,"	74448

"health information," "individually identifiable health information," "protected health information," and "use" have the same meanings as in 45 C.F.R. 160.103. 74449
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(D) "Designated record set" has the same meaning as in 45 C.F.R. 164.501. 74452
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(E) "Direct exchange" means the activity of electronic transmission of health information through a direct connection between the electronic record systems of health care providers without the use of a health information exchange. 74454
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(F) "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103. 74458
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(G) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information. "Health information exchange" excludes health care providers engaged in direct exchange, including direct exchange through the use of a health information service provider. 74460
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(H) "HIPAA privacy rule" means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E. 74468
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(I) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner. 74471
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(J) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director ~~of job and family services~~ under section 3798.13 of the Revised Code. 74474
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(K) "More stringent" has the same meaning as in 45 C.F.R. 160.202.	74479 74480
(L) "Office of health transformation" means the office of health transformation created by executive order 2011-02K or a successor governmental entity responsible for health system oversight in this state.	74481 74482 74483 74484
(M) "Personal representative" means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor. "Personal representative" does not include the parent or legal guardian of, or another person acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's parent, legal guardian, or other person acting in loco parentis has assented to an agreement of confidentiality between the provider and the minor.	74485 74486 74487 74488 74489 74490 74491 74492 74493 74494 74495 74496 74497
(N) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.	74498 74499 74500 74501
(O) "State agency" means any one or more of the following:	74502
(1) <u>The department of administrative services;</u>	74503
(2) The department of aging;	74504
(3) (3) <u>The department of alcohol and drug addiction services mental health and addiction services;</u>	74505 74506
(3) (4) The department of developmental disabilities;	74507
(4) (5) The department of education;	74508

(5) (6) The department of health;	74509
(6) (7) The department of insurance;	74510
(7) (8) The department of job and family services;	74511
(8) (9) The department of mental health <u>medicaid</u> ;	74512
(9) (10) The department of rehabilitation and correction;	74513
(10) (11) The department of youth services;	74514
(11) (12) The bureau of workers' compensation;	74515
(12) (13) The rehabilitation services commission <u>opportunities</u> <u>for Ohioans with disabilities agency</u> ;	74516 74517
(13) (14) The office of the attorney general;	74518
(14) (15) A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information.	74519 74520 74521
Sec. 3798.10. (A) Not later than six months after the effective date of this section <u>September 10, 2012</u> , the <u>medicaid</u> director of job and family services , in consultation with the office of health transformation, shall prescribe by rules adopted in accordance with Chapter 119. of the Revised Code a standard authorization form for the use and disclosure of protected health information by covered entities in this state. The form shall meet all requirements specified in 45 C.F.R. 164.508 and, where applicable, 42 C.F.R. part 2.	74522 74523 74524 74525 74526 74527 74528 74529 74530
(B) If a form the <u>medicaid</u> director prescribes under division (A) of this section is properly executed by an individual or the individual's personal representative, it shall be accepted by any person or governmental entity in this state as valid authorization for the use or disclosure of the individual's protected health information to the persons or governmental entities specified in the form.	74531 74532 74533 74534 74535 74536 74537

(C) This section does not preclude a person or governmental 74538
entity from accepting as valid authorization for the use or 74539
disclosure of protected health information a form other than the 74540
form prescribed under division (A) of this section if the other 74541
form meets all requirements specified in 45 C.F.R. 164.508 and, if 74542
applicable, 42 C.F.R. part 2. 74543

Sec. 3798.13. The medicaid director ~~of job and family~~ 74544
~~services~~ shall adopt rules for purposes of specifying the criteria 74545
a person who is mentally or physically disabled and who is under 74546
twenty-one years of age must meet to be considered a minor for 74547
purposes of sections 3798.07 and 3798.12 of the Revised Code. 74548

Sec. 3798.14. (A) The medicaid director ~~of job and family~~ 74549
~~services~~, in consultation with the office of health 74550
transformation, shall adopt rules in accordance with Chapter 119. 74551
of the Revised Code for the purpose of establishing standards the 74552
director must use to approve health information exchanges 74553
operating in this state. The rules shall not be adopted until the 74554
earlier of sixty days following the adoption of a federal 74555
certification process for health information exchanges by the 74556
office of the national coordinator for health information 74557
technology in the United States department of health and human 74558
services or January 1, 2013. Subject to division (B) of this 74559
section, the rules may include standards and procedures to be 74560
followed by a health information exchange regarding the following: 74561

(1) Access to and use and disclosure of protected health 74562
information maintained by or on an approved health information 74563
exchange; 74564

(2) Demonstration of adequate financial resources to sustain 74565
continued operations in compliance with the rules adopted under 74566
this section; 74567

(3) Participation in outreach activities for individuals and covered entities;	74568 74569
(4) Conduct of operations in a transparent manner to promote consumer confidence;	74570 74571
(5) Implementation of security breach notification procedures.	74572 74573
(B) The rules the <u>medicaid</u> director adopts pursuant to division (A) of this section shall be consistent with certification standards for health information exchanges established in federal statutes and regulations, including nationally recognized standards for interoperability.	74574 74575 74576 74577 74578
Sec. 3798.15. (A) The <u>medicaid</u> director of job and family services , in consultation with the office of health transformation, shall adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of establishing processes for all of the following:	74579 74580 74581 74582 74583
(1) A health information exchange to obtain approval to operate as an approved health information exchange in this state and, at times specified by the director, obtain reapproval of such status;	74584 74585 74586 74587
(2) The director to investigate and resolve concerns and complaints submitted to the director regarding an approved health information exchange;	74588 74589 74590
(3) A health information exchange to apply for reconsideration of a decision the director makes under a process established under division (A)(1) or (2) of this section;	74591 74592 74593
(4) Covered entities and approved health information exchanges to enter into participation agreements and enforce the terms of such agreements.	74594 74595 74596
(B) Any decision the <u>medicaid</u> director makes in relation to a	74597

request for reconsideration made in accordance with rules adopted 74598
under division (A)(3) of this section is not subject to appeal 74599
under Chapter 119. of the Revised Code. 74600

Sec. 3798.16. (A) The medicaid director of job and family 74601
services, in consultation with the office of health 74602
transformation, shall adopt rules in accordance with Chapter 119. 74603
of the Revised Code for the purpose of specifying the content of 74604
agreements governing covered entities' participation in approved 74605
health information exchanges. At a minimum, the rules shall 74606
require the content of such participation agreements to include 74607
all of the following: 74608

(1) Procedures for a covered entity to disclose an 74609
individual's protected health information to an approved health 74610
information exchange; 74611

(2) Procedures for a covered entity to access an individual's 74612
protected health information from an approved health information 74613
exchange; 74614

(3) Subject to division (B) of this section, a written notice 74615
to be provided by a covered entity to an individual or the 74616
individual's personal representative prior to the covered entity's 74617
disclosure of the individual's protected health information to an 74618
approved health information exchange; 74619

(4) Documentation the covered entity must use to verify that 74620
a notice described in division (A)(3) of this section has been 74621
provided by the covered entity to an individual or the 74622
individual's personal representative prior to the disclosure of 74623
the individual's protected health information to an approved 74624
health information exchange; 74625

(5) Procedures for an individual or the individual's personal 74626
representative to submit to the covered entity a written request 74627

to place restrictions on the covered entity's disclosure of 74628
protected health information to the approved health information 74629
exchange; 74630

(6) The standards a covered entity must use to determine 74631
whether, and to what extent, to comply with a written request 74632
described in division (A)(5) of this section; 74633

(7) The purposes for which a covered entity may access and 74634
use protected health information from the approved health 74635
information exchange. 74636

(B) With respect to the written notice described in division 74637
(A)(3) of this section, the rules may specify that the notice can 74638
be incorporated into the covered entity's notice of privacy 74639
practices required by 45 C.F.R. 164.520 and shall specify that the 74640
notice include the following statements: 74641

(1) The individual's protected health information will be 74642
disclosed to the approved health information exchange to 74643
facilitate the provision of health care to the individual. 74644

(2) The approved health information exchange maintains 74645
appropriate administrative, physical, and technical safeguards to 74646
protect the privacy and security of protected health information. 74647

(3) Only authorized individuals may access and use protected 74648
health information from the approved health information exchange. 74649

(4) The individual or the individual's personal 74650
representative has the right to request in writing that the 74651
covered entity do either or both of the following: 74652

(a) Not disclose any of the individual's protected health 74653
information to the approved health information exchange; 74654

(b) Not disclose specific categories of the individual's 74655
protected health information to the approved health information 74656
exchange. 74657

(5) Any restrictions on the disclosure of protected health information an individual requests as described in either division (B)(4)(a) or (b) of this section may result in a health care provider not having access to information that is necessary for the provider to render appropriate care to the individual.

(6) Any restrictions on the disclosure of protected health information an individual requests as described in division (B)(4)(a) of this section must be honored by the covered entity.

(7) Any restrictions on the disclosure of protected health information an individual requests as described in division (B)(4)(b) of this section must be honored if the restriction is consistent with rules adopted under this chapter.

(C) In adopting standards under division (A)(6) of this section, the medicaid director shall take into consideration the technical capabilities of software available to health information exchanges."

Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code do not apply to the following:

(A) Policies offering coverage that is regulated under Chapters 3935. and 3937. of the Revised Code;

(B) An employer's self-insurance plan and any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of any provisions of those sections to the plan and its administrators;

(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(D) A third-party payer for coverage provided under the

medicaid program ~~operated under Title XIX of the "Social Security Act,"~~ except that if a federal waiver applied for under section ~~5111.178~~ 5167.25 of the Revised Code is granted or the medicaid director ~~of job and family services~~ determines that this provision can be implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to claims submitted electronically or non-electronically that are made with respect to coverage of medicaid recipients by health insuring corporations licensed under Chapter 1751. of the Revised Code, instead of the prompt payment requirements of 42 C.F.R. 447.46;

(E) A third-party payer for coverage provided under the tricare program offered by the United States department of defense.

Sec. 3903.14. (A) The superintendent of insurance as rehabilitator may appoint one or more special deputies, who shall have all the powers and responsibilities of the rehabilitator granted under this section, and the superintendent may employ such clerks and assistants as considered necessary. The compensation of the special deputies, clerks, and assistants and all expenses of taking possession of the insurer and of conducting the proceedings shall be fixed by the superintendent, with the approval of the court and shall be paid out of the funds or assets of the insurer. The persons appointed under this section shall serve at the pleasure of the superintendent. In the event that the property of the insurer does not contain sufficient cash or liquid assets to defray the costs incurred, the superintendent may advance the costs so incurred out of any appropriation for the maintenance of the department of insurance. Any amounts so advanced for expenses of administration shall be repaid to the superintendent for the use of the department out of the first available money of the insurer.

(B) The rehabilitator may take such action as the 74719
rehabilitator considers necessary or appropriate to reform and 74720
revitalize the insurer. The rehabilitator shall have all the 74721
powers of the directors, officers, and managers, whose authority 74722
shall be suspended, except as they are redelegated by the 74723
rehabilitator. The rehabilitator shall have full power to direct 74724
and manage, to hire and discharge employees subject to any 74725
contract rights they may have, and to deal with the property and 74726
business of the insurer. 74727

(C) If it appears to the rehabilitator that there has been 74728
criminal or tortious conduct, or breach of any contractual or 74729
fiduciary obligation detrimental to the insurer by any officer, 74730
manager, agent, director, trustee, broker, employee, or other 74731
person, the rehabilitator may pursue all appropriate legal 74732
remedies on behalf of the insurer. 74733

(D) If the rehabilitator determines that reorganization, 74734
consolidation, conversion, reinsurance, merger, or other 74735
transformation of the insurer is appropriate, the rehabilitator 74736
shall prepare a plan to effect such changes. Upon application of 74737
the rehabilitator for approval of the plan, and after such notice 74738
and hearings as the court may prescribe, the court may either 74739
approve or disapprove the plan proposed, or may modify it and 74740
approve it as modified. Any plan approved under this section shall 74741
be, in the judgment of the court, fair and equitable to all 74742
parties concerned. If the plan is approved, the rehabilitator 74743
shall carry out the plan. In the case of a life insurer, the plan 74744
proposed may include the imposition of liens upon the policies of 74745
the company, if all rights of shareholders are first relinquished. 74746
A plan for a life insurer may also propose imposition of a 74747
moratorium upon loan and cash surrender rights under policies, for 74748
such period and to such an extent as may be necessary. 74749

(E) In the case of a medicaid health insuring corporation 74750

that has posted a bond or deposited securities in accordance with 74751
section 1751.271 of the Revised Code, the plan proposed under 74752
division (D) of this section may include the use of the proceeds 74753
of the bond or securities to first pay the claims of contracted 74754
providers for covered health care services provided to medicaid 74755
recipients, then next to pay other claimants with any remaining 74756
funds, consistent with the priorities set forth in sections 74757
3903.421 and 3903.42 of the Revised Code. 74758

(F) The rehabilitator shall have the power under sections 74759
3903.26 and 3903.27 of the Revised Code to avoid fraudulent 74760
transfers. 74761

(G) As used in this section: 74762

(1) "Contracted provider" means a provider with a contract 74763
with a medicaid health insuring corporation to provide covered 74764
health care services to medicaid recipients. 74765

(2) "Medicaid recipient" means a person ~~eligible for~~ 74766
~~assistance under~~ enrolled in the medicaid program ~~operated~~ 74767
~~pursuant to Chapter 5111. of the Revised Code.~~ 74768

Sec. 3905.40. There shall be paid to the superintendent of 74769
insurance the following fees: 74770

(A) Each insurance company doing business in this state shall 74771
pay: 74772

(1) For filing a copy of its charter or deed of settlement, 74773
two hundred fifty dollars; 74774

(2) For filing each statement, one hundred seventy-five 74775
dollars; 74776

(3) For each certificate of authority or license, one hundred 74777
seventy-five, and for each certified copy thereof, five dollars; 74778

(4) For each copy of a paper filed in the superintendent's 74779

office, twenty cents per page;	74780
(5) For issuing certificates of deposits or certified copies thereof, five dollars for the first certificate or copy and one dollar for each additional certificate or copy;	74781 74782 74783
(6) For issuing certificates of compliance or certified copies thereof, sixty dollars;	74784 74785
(7) For affixing the seal of office and certifying documents, other than those enumerated herein, two dollars;	74786 74787
(8) For each agent appointment and each annual renewal of an agent appointment, <u>not more than</u> twenty dollars;	74788 74789
(9) For each termination of an agent appointment, five dollars.	74790 74791
(B) Each domestic life insurance company doing business in this state shall pay for annual valuation of its policies, one cent on every one thousand dollars of insurance.	74792 74793 74794
(C) Each applicant for licensure as an insurance agent except applicants for licensure as surety bail bond agents, surplus line brokers, and portable electronics insurance vendors shall pay ten dollars for each line of authority requested. Fees collected under this division shall be credited to the department of insurance operating fund created in section 3901.021 of the Revised Code.	74795 74796 74797 74798 74799 74800
(D) Each domestic mutual life insurance company shall pay for verifying that any amendment to its articles of incorporation was regularly adopted, two hundred fifty dollars with each application for verification. Any such amendment shall be considered to have been regularly adopted when approved by the affirmative vote of two-thirds of the policyholders present in person or by proxy at any annual meeting of policyholders or at a special meeting of policyholders called for that purpose.	74801 74802 74803 74804 74805 74806 74807 74808
(E) Each insurance agent doing business in this state shall	74809

pay a biennial license renewal fee of twenty-five dollars, except 74810
the following insurance agents are not required to pay that 74811
license renewal fee: 74812

(1) Individual resident agents who have met their continuing 74813
education requirements under section 3905.481 of the Revised Code; 74814

(2) Surety bail bond agents; 74815

(3) Surplus line brokers; 74816

(4) Portable electronics insurance vendors. 74817

(F) Each applicant for licensure as a portable electronics 74818
insurance vendor with a portable electronics insurance limited 74819
lines license and each licensed vendor doing business in this 74820
state shall pay the following fees prescribed by the 74821
superintendent: 74822

(1) For vendors engaged in portable electronic transactions 74823
at more than ten locations in this state, an application fee not 74824
to exceed five thousand dollars for an initial license and a 74825
biennial license renewal fee not to exceed two thousand five 74826
hundred dollars for each renewal thereafter; 74827

(2) For vendors engaged in portable electronic transactions 74828
at ten or fewer locations in this state, an application fee not to 74829
exceed three thousand dollars for an initial license and a 74830
biennial license renewal fee not to exceed one thousand dollars 74831
for each renewal thereafter. 74832

(G) All fees collected by the superintendent under this 74833
section except any fees collected under divisions (A)(2), (3), and 74834
(6) of this section shall be credited to the department of 74835
insurance operating fund created under section 3901.021 of the 74836
Revised Code. 74837

Sec. 3905.483. (A) There is hereby created the insurance 74838
agent education advisory council to advise the superintendent of 74839

insurance in carrying out the duties imposed under sections 74840
3905.04 and 3905.481 to 3905.486 of the Revised Code. 74841

(B) The council shall be composed of the superintendent, or 74842
the superintendent's designee, and twelve members appointed by the 74843
superintendent, as follows: 74844

(1) One representative of the association of Ohio life 74845
insurance companies; 74846

(2) One representative of the independent insurance agents of 74847
Ohio; 74848

(3) One representative of the Ohio association of health 74849
underwriters; 74850

(4) One representative of the national association of 74851
insurance and financial advisors-Ohio; 74852

(5) One representative of the Ohio insurance institute; 74853

(6) One representative of the professional insurance agents 74854
association of Ohio; 74855

(7) One representative of the Ohio land title association; 74856

(8) Two insurance agents each of whom has been licensed 74857
continuously during the five-year period immediately preceding the 74858
agent's appointment; 74859

(9) One representative of an insurance company admitted to 74860
transact business in this state; 74861

(10) Two representatives of consumers, one of whom shall be 74862
at least ~~sixty~~ fifty years of age. 74863

(C)(1) Of the initial eleven appointments made by the 74864
superintendent, three shall be for terms ending December 31, 1994, 74865
four shall be for terms ending December 31, 1995, and four shall 74866
be for terms ending December 31, 1996. Thereafter, terms of office 74867
shall be for three years, each term ending on the thirty-first day 74868

of December of the third year. 74869

(2) The initial appointment of the twelfth member made by the 74870
superintendent under division (B)(7) of this section, pursuant to 74871
Am. Sub. S.B. 129 of the 124th general assembly, shall be for a 74872
term ending December 31, 2003. Thereafter, the term of office 74873
shall be for three years, ending on the thirty-first day of 74874
December of the third year. 74875

(D) Each member shall hold office from the date of 74876
appointment until the end of the term for which the member was 74877
appointed. Any member appointed to fill a vacancy occurring prior 74878
to the expiration of the term for which the member's predecessor 74879
was appointed shall hold office for the remainder of such term. 74880
Any member shall continue in office subsequent to the expiration 74881
date of the member's term until the member's successor takes 74882
office, or until a period of sixty days has elapsed, whichever 74883
occurs first. A vacancy shall be filled in the same manner as the 74884
original appointment. 74885

(E) Initial appointments to the council shall be made no 74886
later than thirty days after April 16, 1993. The initial 74887
appointment of the twelfth member to the council under division 74888
(B)(7) of this section, pursuant to Am. Sub. S.B. 129 of the 124th 74889
general assembly, shall be made no later than December 31, 2002. 74890

(F) Any member is eligible for reappointment. The 74891
superintendent, after notice and opportunity for a hearing, may 74892
remove for cause any member the superintendent appoints. 74893

(G) The superintendent or the superintendent's designee shall 74894
serve as chairperson of the council. Meetings shall be held upon 74895
the call of the chairperson and as may be provided by procedures 74896
adopted by the superintendent. Seven members of the council 74897
constitute a quorum. 74898

(H) Each member shall receive mileage and necessary and 74899

actual expenses while engaged in the business of the council. 74900

Sec. 3905.862. Upon the expiration or cancellation of a 74901
surety bail bond agent's appointment, the agent shall not engage 74902
or attempt to engage in any activity requiring such an 74903
appointment. However, an insurer that cancels the appointment of a 74904
surety bail bond agent may authorize the agent to continue to 74905
attempt the arrest and surrender of a defendant for whom a bail 74906
bond had been written prior to the cancellation and to seek 74907
discharge of forfeitures and judgments. 74908

~~An insurer that cancels the appointment of a surety bail bond 74909
agent or allows that appointment to expire shall pay to the 74910
superintendent of insurance a fee pursuant to division (A)(9) of 74911
section 3905.40 of the Revised Code. 74912~~

Sec. 3916.06. (A)(1) With each application for a viatical 74913
settlement, a viatical settlement provider or viatical settlement 74914
broker shall disclose at least the following to a viator no later 74915
than the time all parties sign the application for the viatical 74916
settlement contract: 74917

(a) That there are possible alternatives to viatical 74918
settlement contracts, including any accelerated death benefits 74919
offered under the viator's policy; 74920

(b) That some or all of the proceeds of the viatical 74921
settlement may be subject to federal income taxation and state 74922
franchise and income taxation, and that assistance should be 74923
sought from a professional tax advisor; 74924

(c) That the proceeds of the viatical settlement could be 74925
subject to the claims of creditors; 74926

(d) That receipt of the proceeds of the viatical settlement 74927
may adversely affect the viator's eligibility for ~~medical~~ 74928
~~assistance under Chapter 5111. of the Revised Code~~ the medicaid 74929

program or other government benefits or entitlements, and that 74930
advice should be obtained from the appropriate government 74931
agencies; 74932

(e) That the viator has a right to rescind the viatical 74933
settlement contract for at least fifteen calendar days after the 74934
viator receives the viatical settlement proceeds, as provided in 74935
section 3916.08 of the Revised Code. If the insured dies during 74936
the rescission period, the viatical settlement contract shall be 74937
deemed to have been rescinded, subject to repayment of all 74938
viatical settlement proceeds to the viatical settlement company. 74939

(f) That funds will be sent to the viator within three 74940
business days after the viatical settlement provider has received 74941
written acknowledgment from the insurer or group administrator 74942
that ownership of the policy or interest in the certificate has 74943
been transferred and that the beneficiary has been designated 74944
pursuant to the viatical settlement contract; 74945

(g) That entering into a viatical settlement contract may 74946
cause other rights or benefits, including conversion rights and 74947
waiver of premium benefits that may exist under the policy, to be 74948
forfeited by the viator and that assistance should be sought from 74949
a financial advisor. 74950

(h) That following execution of the viatical settlement 74951
contract, the viatical settlement provider or the authorized 74952
representative of the viatical settlement provider may contact the 74953
insured for the purpose of determining the insured's health status 74954
and to confirm the insured's residential or business address and 74955
telephone number or for other purposes permitted by law. Any such 74956
contact shall be limited to once in any three-month period if the 74957
insured has a life expectancy of more than one year or to once per 74958
month if the insured has a life expectancy of one year or less. 74959

(2) The viatical settlement provider or viatical settlement 74960

broker shall provide the disclosures under division (A)(1) of this 74961
section in a separate document that is signed by the viator and 74962
the viatical settlement provider or viatical settlement broker. 74963

(3) Disclosure to a viator under division (A)(1) of this 74964
section shall include distribution of a brochure describing the 74965
process of viatical settlements. The viatical settlement provider 74966
or viatical settlement broker shall use the NAIC's form for the 74967
brochure unless another form is developed or approved by the 74968
superintendent. 74969

(4) The disclosure document under division (A)(1) of this 74970
section shall contain the following language: 74971

"All medical, financial, or personal information solicited or 74972
obtained by a viatical settlement provider or viatical settlement 74973
broker about an insured, including the insured's identity or the 74974
identity of family members, a spouse, or a significant other may 74975
be disclosed as necessary to effect the viatical settlement 74976
between the viator and the viatical settlement provider. If you 74977
are asked to provide this information, you will be asked to 74978
consent to the disclosure. The information may be provided to 74979
someone who buys the policy or provides funds for the purchase. 74980
You may be asked to renew your permission to share information 74981
every two years." 74982

(B)(1) A viatical settlement provider shall disclose at least 74983
the following to a viator prior to the date the viatical 74984
settlement contract is signed by all the necessary parties: 74985

(a) The affiliation, if any, between the viatical settlement 74986
provider and the issuer of the policy to be viaticated; 74987

(b) The name, business address, and telephone number of the 74988
viatical settlement provider; 74989

(c) Regarding a viatical settlement broker, the amount and 74990
method of calculating the broker's compensation. As used in this 74991

division, "compensation" includes anything of value paid or given 74992
to a viatical settlement broker for the placement of a policy or 74993
certificate. 74994

(d) Any affiliations or contractual arrangements between the 74995
viatical settlement provider and the viatical settlement broker; 74996

(e) If a policy to be viaticated has been issued as a joint 74997
policy or involves family riders or any coverage of a life other 74998
than the insured under the policy to be viaticated, the possible 74999
loss of coverage on the other lives under the policy and that 75000
advice should be sought from the viator's insurance agent or the 75001
company issuing the policy; 75002

(f) The dollar amount of the current death benefit payable to 75003
the viatical settlement provider under the policy, and, if known, 75004
the availability of any additional guaranteed insurance benefits, 75005
the dollar amount of any accidental death and dismemberment 75006
benefits under the policy, and the extent to which the viator's 75007
interest in those benefits will be transferred as a result of the 75008
viatical settlement contract. 75009

(g) That an escrow agent shall provide escrow services to the 75010
parties pursuant to a written agreement, signed by the viatical 75011
settlement provider, the viatical settlement broker, and the 75012
viator. At the close of escrow, the escrow agent will distribute 75013
the proceeds of the sale to the viator, minus any compensation to 75014
be paid to any other persons who provided services and to whom the 75015
viator has agreed to compensate out of the gross amount offered by 75016
the viatical settlement purchaser. All persons receiving any form 75017
of compensation under the escrow agreement shall be clearly 75018
identified, including name, business address, telephone number, 75019
and tax identification number. 75020

(2) The viatical settlement broker shall disclose at least 75021
the following to a viator prior to the execution of the viatical 75022

settlement contract: 75023

(a) The name, business address, and telephone number of the 75024
viatical settlement broker; 75025

(b) A full, complete, and accurate description of all offers, 75026
counteroffers, acceptances, and rejections relating to the 75027
proposed viatical settlement contract; 75028

(c) Any affiliations or contractual agreements between the 75029
viatical settlement broker and any person making an offer in 75030
connection with the proposed viatical settlement contract; 75031

(d) The amount and method of calculating the viatical 75032
settlement broker's compensation and, if any portion of the 75033
viatical settlement broker's compensation is taken from the 75034
viatical settlement offer, the total amount of the viatical 75035
settlement offer and the viatical settlement broker's compensation 75036
as a percentage of that total. As used in this division, 75037
"compensation" includes anything of value paid or given to a 75038
viatical settlement broker related to the settlement of a policy. 75039

(3) The viatical settlement provider or viatical settlement 75040
broker shall conspicuously display the disclosures required under 75041
divisions (B)(1) and (2) of this section in the viatical 75042
settlement contract or in a separate document signed by the viator 75043
and the viatical settlement provider or viatical settlement 75044
broker, as appropriate. 75045

(C) If the viatical settlement provider transfers ownership 75046
or changes the beneficiary of the policy, the viatical settlement 75047
provider shall communicate in writing the change in ownership or 75048
beneficiary to the insured within twenty days after the change. 75049

Sec. 3923.24. (A) Notwithstanding section 3901.71 of the 75050
Revised Code, every certificate furnished by an insurer in 75051
connection with, or pursuant to any provision of, any group 75052

sickness and accident insurance policy delivered, issued for 75053
delivery, renewed, or used in this state on or after January 1, 75054
1972, every policy of sickness and accident insurance delivered, 75055
issued for delivery, renewed, or used in this state on or after 75056
January 1, 1972, and every multiple employer welfare arrangement 75057
offering an insurance program, which provides that coverage of an 75058
unmarried dependent child of a parent or legal guardian will 75059
terminate upon attainment of the limiting age for dependent 75060
children specified in the contract shall also provide in substance 75061
both of the following: 75062

(1) Once an unmarried child has attained the limiting age for 75063
dependent children, as provided in the policy, upon the request of 75064
the insured, the insurer shall offer to cover the unmarried child 75065
until the child attains twenty-eight years of age if all of the 75066
following are true: 75067

(a) The child is the natural child, stepchild, or adopted 75068
child of the insured. 75069

(b) The child is a resident of this state or a full-time 75070
student at an accredited public or private institution of higher 75071
education. 75072

(c) The child is not employed by an employer that offers any 75073
health benefit plan under which the child is eligible for 75074
coverage. 75075

(d) The child is not eligible for ~~coverage under~~ the medicaid 75076
~~program established under Chapter 5111. of the Revised Code~~ or the 75077
~~medicare program established under Title XVIII of the "Social~~ 75078
~~Security Act," 42 U.S.C. 1395.~~ 75079

(2) That attainment of the limiting age for dependent 75080
children shall not operate to terminate the coverage of a 75081
dependent child if the child is and continues to be both of the 75082
following: 75083

(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;	75084 75085
(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance.	75086 75087
(B) Proof of such incapacity and dependence for purposes of division (A)(2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually after the two-year period following the child's attainment of the limiting age, the insurer may require proof satisfactory to it of the continuance of such incapacity and dependency.	75088 75089 75090 75091 75092 75093 75094 75095
(C) Nothing in this section shall require an insurer to cover a dependent child who is mentally retarded or physically handicapped if the contract is underwritten on evidence of insurability based on health factors set forth in the application, or if such dependent child does not satisfy the conditions of the contract as to any requirement for evidence of insurability or other provision of the contract, satisfaction of which is required for coverage thereunder to take effect. In any such case, the terms of the contract shall apply with regard to the coverage or exclusion of the dependent from such coverage. Nothing in this section shall apply to accidental death or dismemberment benefits provided by any such policy of sickness and accident insurance.	75096 75097 75098 75099 75100 75101 75102 75103 75104 75105 75106 75107
(D) Nothing in this section shall do any of the following:	75108
(1) Require that any policy offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the policy;	75109 75110 75111
(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the policy;	75112 75113 75114

(3) Require an employer to offer health insurance coverage to the dependents of any employee.

(E) This section does not apply to any policies or certificates covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, or vision care; coverage under a one-time-limited-duration policy of not longer than six months; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(F) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following:

(1) A public employee benefit plan;

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.

Sec. 3923.241. (A) Notwithstanding section 3901.71 of the Revised Code, any public employee benefit plan that provides that coverage of an unmarried dependent child will terminate upon attainment of the limiting age for dependent children specified in the plan shall also provide in substance both of the following:

(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the plan, upon the request of the employee, the public employee benefit plan shall offer to cover the unmarried child until the child attains twenty-eight years of age if all of the following are true:

(a) The child is the natural child, stepchild, or adopted

child of the employee. 75145

(b) The child is a resident of this state or a full-time 75146
student at an accredited public or private institution of higher 75147
education. 75148

(c) The child is not employed by an employer that offers any 75149
health benefit plan under which the child is eligible for 75150
coverage. 75151

(d) The child is not eligible for ~~coverage under~~ the medicaid 75152
program ~~established under Chapter 5111. of the Revised Code~~ or the 75153
medicare program ~~established under Title XVIII of the "Social~~ 75154
~~Security Act," 42 U.S.C. 1395.~~ 75155

(2) That attainment of the limiting age for dependent 75156
children shall not operate to terminate the coverage of a 75157
dependent child if the child is and continues to be both of the 75158
following: 75159

(a) Incapable of self-sustaining employment by reason of 75160
mental retardation or physical handicap; 75161

(b) Primarily dependent upon the plan member for support and 75162
maintenance. 75163

(B) Proof of incapacity and dependence for purposes of 75164
division (A)(2) of this section shall be furnished to the public 75165
employee benefit plan within thirty-one days of the child's 75166
attainment of the limiting age. Upon request, but not more 75167
frequently than annually, the public employee benefit plan may 75168
require proof satisfactory to it of the continuance of such 75169
incapacity and dependency. 75170

(C) Nothing in this section shall do any of the following: 75171

(1) Require that any public employee benefit plan offer 75172
coverage for dependent children or provide coverage for an 75173
unmarried dependent child's children as dependents on the public 75174

employee benefit plan;	75175
(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the plan;	75176 75177 75178
(3) Require an employer to offer health insurance coverage to the dependents of any employee.	75179 75180
(D) This section does not apply to any public employee benefit plan covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, or vision care; coverage under a one-time-limited-duration policy of not longer than six months; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.	75181 75182 75183 75184 75185 75186 75187 75188 75189 75190 75191
(E) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following:	75192 75193 75194
(1) A public employee benefit plan;	75195
(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.	75196 75197
Sec. 3923.281. (A) As used in this section:	75198
(1) "Biologically based mental illness" means schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, and panic disorder, as these terms are defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American	75199 75200 75201 75202 75203 75204

psychiatric association. 75205

(2) "Policy of sickness and accident insurance" has the same 75206
meaning as in section 3923.01 of the Revised Code, but excludes 75207
any hospital indemnity, medicare supplement, long-term care, 75208
disability income, one-time-limited-duration policy of not longer 75209
than six months, supplemental benefit, or other policy that 75210
provides coverage for specific diseases or accidents only; any 75211
policy that provides coverage for workers' compensation claims 75212
compensable pursuant to Chapters 4121. and 4123. of the Revised 75213
Code; and any policy that provides coverage to ~~beneficiaries~~ 75214
~~enrolled in Title XIX of the "Social Security Act," 49 Stat. 620~~ 75215
~~(1935), 42 U.S.C.A. 301, as amended, known as the medical~~ 75216
~~assistance program or medicaid, as provided by the Ohio department~~ 75217
~~of job and family services under Chapter 5111. of the Revised Code~~ 75218
recipients. 75219

(B) Notwithstanding section 3901.71 of the Revised Code, and 75220
subject to division (E) of this section, every policy of sickness 75221
and accident insurance shall provide benefits for the diagnosis 75222
and treatment of biologically based mental illnesses on the same 75223
terms and conditions as, and shall provide benefits no less 75224
extensive than, those provided under the policy of sickness and 75225
accident insurance for the treatment and diagnosis of all other 75226
physical diseases and disorders, if both of the following apply: 75227

(1) The biologically based mental illness is clinically 75228
diagnosed by a physician authorized under Chapter 4731. of the 75229
Revised Code to practice medicine and surgery or osteopathic 75230
medicine and surgery; a psychologist licensed under Chapter 4732. 75231
of the Revised Code; a professional clinical counselor, 75232
professional counselor, or independent social worker licensed 75233
under Chapter 4757. of the Revised Code; or a clinical nurse 75234
specialist licensed under Chapter 4723. of the Revised Code whose 75235
nursing specialty is mental health. 75236

(2) The prescribed treatment is not experimental or 75237
investigational, having proven its clinical effectiveness in 75238
accordance with generally accepted medical standards. 75239

(C) Division (B) of this section applies to all coverages and 75240
terms and conditions of the policy of sickness and accident 75241
insurance, including, but not limited to, coverage of inpatient 75242
hospital services, outpatient services, and medication; maximum 75243
lifetime benefits; copayments; and individual and family 75244
deductibles. 75245

(D) Nothing in this section shall be construed as prohibiting 75246
a sickness and accident insurance company from taking any of the 75247
following actions: 75248

(1) Negotiating separately with mental health care providers 75249
with regard to reimbursement rates and the delivery of health care 75250
services; 75251

(2) Offering policies that provide benefits solely for the 75252
diagnosis and treatment of biologically based mental illnesses; 75253

(3) Managing the provision of benefits for the diagnosis or 75254
treatment of biologically based mental illnesses through the use 75255
of pre-admission screening, by requiring beneficiaries to obtain 75256
authorization prior to treatment, or through the use of any other 75257
mechanism designed to limit coverage to that treatment determined 75258
to be necessary; 75259

(4) Enforcing the terms and conditions of a policy of 75260
sickness and accident insurance. 75261

(E) An insurer that offers any policy of sickness and 75262
accident insurance is not required to provide benefits for the 75263
diagnosis and treatment of biologically based mental illnesses 75264
pursuant to division (B) of this section if all of the following 75265
apply: 75266

(1) The insurer submits documentation certified by an 75267
independent member of the American academy of actuaries to the 75268
superintendent of insurance showing that incurred claims for 75269
diagnostic and treatment services for biologically based mental 75270
illnesses for a period of at least six months independently caused 75271
the insurer's costs for claims and administrative expenses for the 75272
coverage of all other physical diseases and disorders to increase 75273
by more than one per cent per year. 75274

(2) The insurer submits a signed letter from an independent 75275
member of the American academy of actuaries to the superintendent 75276
of insurance opining that the increase described in division 75277
(E)(1) of this section could reasonably justify an increase of 75278
more than one per cent in the annual premiums or rates charged by 75279
the insurer for the coverage of all other physical diseases and 75280
disorders. 75281

(3) The superintendent of insurance makes the following 75282
determinations from the documentation and opinion submitted 75283
pursuant to divisions (E)(1) and (2) of this section: 75284

(a) Incurred claims for diagnostic and treatment services for 75285
biologically based mental illnesses for a period of at least six 75286
months independently caused the insurer's costs for claims and 75287
administrative expenses for the coverage of all other physical 75288
diseases and disorders to increase by more than one per cent per 75289
year. 75290

(b) The increase in costs reasonably justifies an increase of 75291
more than one per cent in the annual premiums or rates charged by 75292
the insurer for the coverage of all other physical diseases and 75293
disorders. 75294

Any determination made by the superintendent under this 75295
division is subject to Chapter 119. of the Revised Code. 75296

Sec. 3923.443. (A)(1) No agent shall sell, solicit, or negotiate long-term care insurance on or after September 1, 2008, without completing an initial eight-hour partnership program training course as described in division (B) of this section.

(2)(a) Any agent that sells, solicits, or negotiates any long-term care insurance shall complete at least four hours of continuing education in every twenty-four-month period commencing on the first day of January of the year immediately following the year of the issuance of the agent's license.

(b) No agent shall fail to complete the continuing education requirements in division (A)(2)(a) of this section in the twenty-four-month period described in that division.

(B) The initial training course and continuing education required under division (A) of this section may be approved by the superintendent of insurance as continuing education courses under sections 3905.481 to 3905.486 of the Revised Code and shall consist of combined topics related to long-term care insurance, long-term care services, and state long-term care insurance partnership programs, including all of the following:

(1) State and federal regulations and requirements and the relationship between state long-term care insurance partnership programs and other public and private coverage of long-term care services, including medicaid;

(2) Available long-term care services and providers;

(3) Changes or improvements in long-term care services or providers;

(4) Alternatives to the purchase of private long-term care insurance;

(5) The effect of inflation on benefits and the importance of inflation protection;

(6) Consumer suitability standards and guidelines; 75327

(7) Any other topics required by the superintendent. 75328

(C) The initial training and continuing education required by 75329
division (A) of this section shall not include training that is 75330
specific to a particular insurer or company product or that 75331
includes any sales or marketing information, materials, or 75332
training other than those required by state or federal law. 75333

(D) A resident agent shall satisfy the training and 75334
continuing education required by division (A) of this section by 75335
completing long-term care courses that are approved by the 75336
superintendent. A nonresident agent may satisfy the training and 75337
continuing education required by division (A) of this section by 75338
completing the training requirements in any other state, provided 75339
that the course is approved for credit by the insurance department 75340
of that state prior to the agent taking the course. 75341

(E) Each insurer shall obtain records of the initial training 75342
and continuing education completed by agents of that insurer 75343
pursuant to division (A) of this section as well as the training 75344
completed by the insurer's agents concerning the distribution of 75345
the insurer's partnership program policies and shall make those 75346
records available to the superintendent upon request. 75347

(F) Each insurer shall maintain records with respect to the 75348
training of its agents concerning the distribution of the 75349
insurer's partnership program policies. Each insurer shall provide 75350
documentation to the superintendent that will allow the 75351
superintendent to provide assurance to the medicaid director ~~of~~ 75352
~~job and family services~~ that agents have received the training 75353
required by this section and that agents have demonstrated an 75354
understanding of the partnership program policies and their 75355
relationship to public and private coverage of long-term care in 75356
this state, including medicaid. The superintendent may audit each 75357

insurer's records annually to verify that the insurer is 75358
maintaining the records required by this division. The 75359
superintendent shall make the records provided to the 75360
superintendent pursuant to division (E) of this section available 75361
to the director. 75362

Sec. 3923.49. The department of insurance shall establish an 75363
outreach program to educate consumers about the following: 75364

(A) The need for long-term care insurance; 75365

(B) Mechanisms for financing long-term care; 75366

(C) The availability of long-term care insurance; 75367

(D) The resource protection provided by the Ohio long-term 75368
care insurance program under section ~~5111.18~~ 5164.86 of the 75369
Revised Code; 75370

(E) That a consumer who purchased a long-term care insurance 75371
policy that does not meet the requirements of section 3923.50 of 75372
the Revised Code may purchase a policy that meets those 75373
requirements. 75374

The department shall develop and make available to consumers 75375
information to assist them in choosing long-term care insurance 75376
coverage. 75377

Sec. 3923.50. For the purposes of the Ohio long-term care 75378
insurance program established under section ~~5111.18~~ 5164.86 of the 75379
Revised Code, the department of insurance shall notify the 75380
department of ~~job and family services~~ medicaid of all long-term 75381
care insurance policies that meet all of the following 75382
requirements: 75383

(A) Comply with sections 3923.41 to 3923.48 of the Revised 75384
Code and the rules adopted under section 3923.47 of the Revised 75385
Code; 75386

(B) Provide benefits for home and community-based services in addition to nursing home care;	75387 75388
(C) Include case management services in its coverage of home and community-based services;	75389 75390
(D) Provide five per cent inflation protection compounded annually;	75391 75392
(E) Provide for the keeping of records and explanation-of-benefit reports on insurance payments that count toward resource exclusion for the medical assistance <u>medicaid</u> program;	75393 75394 75395 75396
(F) Provide the information the <u>medicaid</u> director of job and family services determines is necessary to document the extent of resource exclusion and to evaluate the Ohio long-term care insurance program;	75397 75398 75399 75400
(G) Comply with other requirements established in rules adopted under this section.	75401 75402
The superintendent of insurance shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements under division (G) of this section that policies must meet to qualify under the Ohio long-term care insurance program. The superintendent shall consult with the departments of aging and job and family services <u>medicaid</u> in adopting those rules.	75403 75404 75405 75406 75407 75408
Sec. 3923.601. (A)(1) This section applies to both of the following:	75409 75410
(a) A sickness and accident insurer that issues or requires the use of a standardized identification card or an electronic technology for submission and routing of prescription drug claims pursuant to a policy, contract, or agreement for health care services;	75411 75412 75413 75414 75415
(b) A person that a sickness and accident insurer contracts	75416

with to issue a standardized identification card or an electronic 75417
technology described in division (A)(1)(a) of this section. 75418

(2) Notwithstanding division (A)(1) of this section, this 75419
section does not apply to the issuance or required use of a 75420
standardized identification card or an electronic technology for 75421
the submission and routing of prescription drug claims in 75422
connection with any of the following: 75423

(a) Any individual or group policy of sickness and accident 75424
insurance covering only accident, credit, dental, disability 75425
income, long-term care, hospital indemnity, medicare supplement, 75426
medicare, tricare, specified disease, or vision care; coverage 75427
under a one-time-limited-duration policy of not longer than six 75428
months; coverage issued as a supplement to liability insurance; 75429
insurance arising out of workers' compensation or similar law; 75430
automobile medical payment insurance; or insurance under which 75431
benefits are payable with or without regard to fault and which is 75432
statutorily required to be contained in any liability insurance 75433
policy or equivalent self-insurance. 75434

(b) Coverage provided under the medicaid, ~~as defined in~~ 75435
~~section 5111.01 of the Revised Code~~ program. 75436

(c) Coverage provided under an employer's self-insurance plan 75437
or by any of its administrators, as defined in section 3959.01 of 75438
the Revised Code, to the extent that federal law supersedes, 75439
preempts, prohibits, or otherwise precludes the application of 75440
this section to the plan and its administrators. 75441

(B) A standardized identification card or an electronic 75442
technology issued or required to be used as provided in division 75443
(A)(1) of this section shall contain uniform prescription drug 75444
information in accordance with either division (B)(1) or (2) of 75445
this section. 75446

(1) The standardized identification card or the electronic 75447

technology shall be in a format and contain information fields 75448
approved by the national council for prescription drug programs or 75449
a successor organization, as specified in the council's or 75450
successor organization's pharmacy identification card 75451
implementation guide in effect on the first day of October most 75452
immediately preceding the issuance or required use of the 75453
standardized identification card or the electronic technology. 75454

(2) If the insurer or person under contract with the insurer 75455
to issue a standardized identification card or an electronic 75456
technology requires the information for the submission and routing 75457
of a claim, the standardized identification card or the electronic 75458
technology shall contain any of the following information: 75459

(a) The insurer's name; 75460

(b) The insured's name, group number, and identification 75461
number; 75462

(c) A telephone number to inquire about pharmacy-related 75463
issues; 75464

(d) The issuer's international identification number, labeled 75465
as "ANSI BIN" or "RxBIN"; 75466

(e) The processor's control number, labeled as "RxPCN"; 75467

(f) The insured's pharmacy benefits group number if different 75468
from the insured's medical group number, labeled as "RxGrp." 75469

(C) If the standardized identification card or the electronic 75470
technology issued or required to be used as provided in division 75471
(A)(1) of this section is also used for submission and routing of 75472
nonpharmacy claims, the designation "Rx" is required to be 75473
included as part of the labels identified in divisions (B)(2)(d) 75474
and (e) of this section if the issuer's international 75475
identification number or the processor's control number is 75476
different for medical and pharmacy claims. 75477

(D) Each sickness and accident insurer described in division 75478
(A) of this section shall annually file a certificate with the 75479
superintendent of insurance certifying that it or any person it 75480
contracts with to issue a standardized identification card or 75481
electronic technology for submission and routing of prescription 75482
drug claims complies with this section. 75483

(E)(1) Except as provided in division (E)(2) of this section, 75484
if there is a change in the information contained in the 75485
standardized identification card or the electronic technology 75486
issued to an insured, the insurer or person under contract with 75487
the insurer to issue a standardized identification card or an 75488
electronic technology shall issue a new card or electronic 75489
technology to the insured. 75490

(2) An insurer or person under contract with the insurer is 75491
not required under division (E)(1) of this section to issue a new 75492
card or electronic technology to an insured more than once during 75493
a twelve-month period. 75494

(F) Nothing in this section shall be construed as requiring 75495
an insurer to produce more than one standardized identification 75496
card or one electronic technology for use by insureds accessing 75497
health care benefits provided under a policy of sickness and 75498
accident insurance. 75499

Sec. 3923.83. (A)(1) This section applies to both of the 75500
following: 75501

(a) A public employee benefit plan that issues or requires 75502
the use of a standardized identification card or an electronic 75503
technology for submission and routing of prescription drug claims 75504
pursuant to a policy, contract, or agreement for health care 75505
services; 75506

(b) A person or entity that a public employee benefit plan 75507

contracts with to issue a standardized identification card or an 75508
electronic technology described in division (A)(1)(a) of this 75509
section. 75510

(2) Notwithstanding division (A)(1) of this section, this 75511
section does not apply to the issuance or required use of a 75512
standardized identification card or an electronic technology for 75513
the submission and routing of prescription drug claims in 75514
connection with either of the following: 75515

(a) Any individual or group policy of insurance covering only 75516
accident, credit, dental, disability income, long-term care, 75517
hospital indemnity, medicare supplement, medicare, tricare, 75518
specified disease, or vision care; coverage under a 75519
one-time-limited-duration policy of not longer than six months; 75520
coverage issued as a supplement to liability insurance; insurance 75521
arising out of workers' compensation or similar law; automobile 75522
medical payment insurance; or insurance under which benefits are 75523
payable with or without regard to fault and which is statutorily 75524
required to be contained in any liability insurance policy or 75525
equivalent self-insurance. 75526

(b) Coverage provided under the medicaid, ~~as defined in~~ 75527
~~section 5111.01 of the Revised Code~~ program. 75528

(B) A standardized identification card or an electronic 75529
technology issued or required to be used as provided in division 75530
(A)(1) of this section shall contain uniform prescription drug 75531
information in accordance with either division (B)(1) or (2) of 75532
this section. 75533

(1) The standardized identification card or the electronic 75534
technology shall be in a format and contain information fields 75535
approved by the national council for prescription drug programs or 75536
a successor organization, as specified in the council's or 75537
successor organization's pharmacy identification card 75538

implementation guide in effect on the first day of October most 75539
immediately preceding the issuance or required use of the 75540
standardized identification card or the electronic technology. 75541

(2) If the public employee benefit plan or person under 75542
contract with the plan to issue a standardized identification card 75543
or an electronic technology requires the information for the 75544
submission and routing of a claim, the standardized identification 75545
card or the electronic technology shall contain any of the 75546
following information: 75547

(a) The plan's name; 75548

(b) The insured's name, group number, and identification 75549
number; 75550

(c) A telephone number to inquire about pharmacy-related 75551
issues; 75552

(d) The issuer's international identification number, labeled 75553
as "ANSI BIN" or "RxBIN"; 75554

(e) The processor's control number, labeled as "RxPCN"; 75555

(f) The insured's pharmacy benefits group number if different 75556
from the insured's medical group number, labeled as "RxGrp." 75557

(C) If the standardized identification card or the electronic 75558
technology issued or required to be used as provided in division 75559
(A)(1) of this section is also used for submission and routing of 75560
nonpharmacy claims, the designation "Rx" is required to be 75561
included as part of the labels identified in divisions (B)(2)(d) 75562
and (e) of this section if the issuer's international 75563
identification number or the processor's control number is 75564
different for medical and pharmacy claims. 75565

(D)(1) Except as provided in division (D)(2) of this section, 75566
if there is a change in the information contained in the 75567
standardized identification card or the electronic technology 75568

issued to an insured, the public employee benefit plan or person 75569
under contract with the plan to issue a standardized 75570
identification card or electronic technology shall issue a new 75571
card or electronic technology to the insured. 75572

(2) A public employee benefit plan or person under contract 75573
with the plan is not required under division (D)(1) of this 75574
section to issue a new card or electronic technology to an insured 75575
more than once during a twelve-month period. 75576

~~(F)~~(E) Nothing in this section shall be construed as 75577
requiring a public employee benefit plan to produce more than one 75578
standardized identification card or one electronic technology for 75579
use by insureds accessing health care benefits provided under a 75580
health benefit plan. 75581

Sec. 3924.41. (A) As used in sections 3924.41 and 3924.42 of 75582
the Revised Code, "health insurer" means any sickness and accident 75583
insurer or health insuring corporation. "Health insurer" also 75584
includes any group health plan as defined in section 607 of the 75585
federal "Employee Retirement Income Security Act of 1974," 88 75586
Stat. 832, 29 U.S.C.A. 1167. 75587

(B) Notwithstanding any other provision of the Revised Code, 75588
no health insurer shall take into consideration the availability 75589
of, or eligibility for, ~~medical assistance~~ the medicaid program in 75590
this state ~~under Chapter 5111. of the Revised Code~~ or in any other 75591
state ~~pursuant to Title XIX of the "Social Security Act," 49 Stat.~~ 75592
~~620 (1935), 42 U.S.C.A. 301, as amended,~~ when determining an 75593
individual's eligibility for coverage or when making payments to 75594
or on behalf of an enrollee, subscriber, policyholder, or 75595
certificate holder. 75596

Sec. 3924.42. No health insurer shall impose requirements on 75597
the department of ~~job and family services~~ medicaid, when it has 75598

been assigned the rights of an individual who is eligible for 75599
~~medical assistance under Chapter 5111. of the Revised Code~~ 75600
medicaid and who is covered under a health care policy, contract, 75601
or plan issued by the health insurer, that are different from the 75602
requirements applicable to an agent or assignee of any other 75603
individual so covered. 75604

Sec. 3963.01. As used in this chapter: 75605

(A) "Affiliate" means any person or entity that has ownership 75606
or control of a contracting entity, is owned or controlled by a 75607
contracting entity, or is under common ownership or control with a 75608
contracting entity. 75609

(B) "Basic health care services" has the same meaning as in 75610
division (A) of section 1751.01 of the Revised Code, except that 75611
it does not include any services listed in that division that are 75612
provided by a pharmacist or nursing home. 75613

(C) "Contracting entity" means any person that has a primary 75614
business purpose of contracting with participating providers for 75615
the delivery of health care services. 75616

(D) "Credentialing" means the process of assessing and 75617
validating the qualifications of a provider applying to be 75618
approved by a contracting entity to provide basic health care 75619
services, specialty health care services, or supplemental health 75620
care services to enrollees. 75621

(E) "Edit" means adjusting one or more procedure codes billed 75622
by a participating provider on a claim for payment or a practice 75623
that results in any of the following: 75624

(1) Payment for some, but not all of the procedure codes 75625
originally billed by a participating provider; 75626

(2) Payment for a different procedure code than the procedure 75627
code originally billed by a participating provider; 75628

(3) A reduced payment as a result of services provided to an enrollee that are claimed under more than one procedure code on the same service date. 75629
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75631

(F) "Electronic claims transport" means to accept and digitize claims or to accept claims already digitized, to place those claims into a format that complies with the electronic transaction standards issued by the United States department of health and human services pursuant to the "Health Insurance Portability and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as those electronic standards are applicable to the parties and as those electronic standards are updated from time to time, and to electronically transmit those claims to the appropriate contracting entity, payer, or third-party administrator. 75632
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(G) "Enrollee" means any person eligible for health care benefits under a health benefit plan, including an eligible recipient of medicaid ~~under Chapter 5111. of the Revised Code~~, and includes all of the following terms: 75643
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(1) "Enrollee" and "subscriber" as defined by section 1751.01 of the Revised Code; 75647
75648

(2) "Member" as defined by section 1739.01 of the Revised Code; 75649
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(3) "Insured" and "plan member" pursuant to Chapter 3923. of the Revised Code; 75651
75652

(4) "Beneficiary" as defined by section 3901.38 of the Revised Code. 75653
75654

(H) "Health care contract" means a contract entered into, materially amended, or renewed between a contracting entity and a participating provider for the delivery of basic health care services, specialty health care services, or supplemental health care services to enrollees. 75655
75656
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75659

(I) "Health care services" means basic health care services, 75660
specialty health care services, and supplemental health care 75661
services. 75662

(J) "Material amendment" means an amendment to a health care 75663
contract that decreases the participating provider's payment or 75664
compensation, changes the administrative procedures in a way that 75665
may reasonably be expected to significantly increase the 75666
provider's administrative expenses, or adds a new product. A 75667
material amendment does not include any of the following: 75668

(1) A decrease in payment or compensation resulting solely 75669
from a change in a published fee schedule upon which the payment 75670
or compensation is based and the date of applicability is clearly 75671
identified in the contract; 75672

(2) A decrease in payment or compensation that was 75673
anticipated under the terms of the contract, if the amount and 75674
date of applicability of the decrease is clearly identified in the 75675
contract; 75676

(3) An administrative change that may significantly increase 75677
the provider's administrative expense, the specific applicability 75678
of which is clearly identified in the contract; 75679

(4) Changes to an existing prior authorization, 75680
precertification, notification, or referral program that do not 75681
substantially increase the provider's administrative expense; 75682

(5) Changes to an edit program or to specific edits if the 75683
participating provider is provided notice of the changes pursuant 75684
to division (A)(1) of section 3963.04 of the Revised Code and the 75685
notice includes information sufficient for the provider to 75686
determine the effect of the change; 75687

(6) Changes to a health care contract described in division 75688
(B) of section 3963.04 of the Revised Code. 75689

(K) "Participating provider" means a provider that has a health care contract with a contracting entity and is entitled to reimbursement for health care services rendered to an enrollee under the health care contract.

(L) "Payer" means any person that assumes the financial risk for the payment of claims under a health care contract or the reimbursement for health care services provided to enrollees by participating providers pursuant to a health care contract.

(M) "Primary enrollee" means a person who is responsible for making payments for participation in a health care plan or an enrollee whose employment or other status is the basis of eligibility for enrollment in a health care plan.

(N) "Procedure codes" includes the American medical association's current procedural terminology code, the American dental association's current dental terminology, and the centers for medicare and medicaid services health care common procedure coding system.

(O) "Product" means one of the following types of categories of coverage for which a participating provider may be obligated to provide health care services pursuant to a health care contract:

(1) A health maintenance organization or other product provided by a health insuring corporation;

(2) A preferred provider organization;

(3) Medicare;

(4) Medicaid;

(5) Workers' compensation.

(P) "Provider" means a physician, podiatrist, dentist, chiropractor, optometrist, psychologist, physician assistant, advanced practice registered nurse, occupational therapist, massage therapist, physical therapist, professional counselor,

professional clinical counselor, hearing aid dealer, orthotist, 75720
prosthetist, home health agency, hospice care program, pediatric 75721
respite care program, or hospital, or a provider organization or 75722
physician-hospital organization that is acting exclusively as an 75723
administrator on behalf of a provider to facilitate the provider's 75724
participation in health care contracts. "Provider" does not mean a 75725
pharmacist, pharmacy, nursing home, or a provider organization or 75726
physician-hospital organization that leases the provider 75727
organization's or physician-hospital organization's network to a 75728
third party or contracts directly with employers or health and 75729
welfare funds. 75730

(Q) "Specialty health care services" has the same meaning as 75731
in section 1751.01 of the Revised Code, except that it does not 75732
include any services listed in division (B) of section 1751.01 of 75733
the Revised Code that are provided by a pharmacist or a nursing 75734
home. 75735

(R) "Supplemental health care services" has the same meaning 75736
as in division (B) of section 1751.01 of the Revised Code, except 75737
that it does not include any services listed in that division that 75738
are provided by a pharmacist or nursing home. 75739

Sec. 3963.04. (A)(1) If an amendment to a health care 75740
contract is not a material amendment, the contracting entity shall 75741
provide the participating provider notice of the amendment at 75742
least fifteen days prior to the effective date of the amendment. 75743
The contracting entity shall provide all other notices to the 75744
participating provider pursuant to the health care contract. 75745

(2) A material amendment to a health care contract shall 75746
occur only if the contracting entity provides to the participating 75747
provider the material amendment in writing and notice of the 75748
material amendment not later than ninety days prior to the 75749
effective date of the material amendment. The notice shall be 75750

conspicuously entitled "Notice of Material Amendment to Contract." 75751

(3) If within fifteen days after receiving the material 75752
amendment and notice described in division (A)(2) of this section, 75753
the participating provider objects in writing to the material 75754
amendment, and there is no resolution of the objection, either 75755
party may terminate the health care contract upon written notice 75756
of termination provided to the other party not later than sixty 75757
days prior to the effective date of the material amendment. 75758

(4) If the participating provider does not object to the 75759
material amendment in the manner described in division (A)(3) of 75760
this section, the material amendment shall be effective as 75761
specified in the notice described in division (A)(2) of this 75762
section. 75763

(B)(1) Division (A) of this section does not apply if the 75764
delay caused by compliance with that division could result in 75765
imminent harm to an enrollee, if the material amendment of a 75766
health care contract is required by state or federal law, rule, or 75767
regulation, or if the provider affirmatively accepts the material 75768
amendment in writing and agrees to an earlier effective date than 75769
otherwise required by division (A)(2) of this section. 75770

(2) This section does not apply under any of the following 75771
circumstances: 75772

(a) The participating provider's payment or compensation is 75773
based on the current medicaid or medicare physician fee schedule, 75774
and the change in payment or compensation results solely from a 75775
change in that physician fee schedule. 75776

(b) A routine change or update of the health care contract is 75777
made in response to any addition, deletion, or revision of any 75778
service code, procedure code, or reporting code, or a pricing 75779
change is made by any third party source. 75780

For purposes of division (B)(2)(b) of this section: 75781

(i) "Service code, procedure code, or reporting code" means 75782
the current procedural terminology (CPT), current dental 75783
terminology (CDT), the healthcare common procedure coding system 75784
(HCPCS), the international classification of diseases (ICD), or 75785
the drug topics redbook average wholesale price (AWP). 75786

(ii) "Third party source" means the American medical 75787
association, American dental association, the centers for medicare 75788
and medicaid services, the national center for health statistics, 75789
the department of health and human services office of the 75790
inspector general, the Ohio department of insurance, or the Ohio 75791
department of ~~job and family services~~ medicaid. 75792

(C) Notwithstanding divisions (A) and (B) of this section, a 75793
health care contract may be amended by operation of law as 75794
required by any applicable state or federal law, rule, or 75795
regulation. Nothing in this section shall be construed to require 75796
the renegotiation of a health care contract that is in existence 75797
before ~~the effective date of this section~~ June 25, 2008, until the 75798
time that the contract is renewed or materially amended. 75799

Sec. 4104.33. There is hereby created the historical boilers 75800
licensing board consisting of seven members, three of whom shall 75801
be appointed by the governor with the advice and consent of the 75802
senate. The governor shall make initial appointments to the board 75803
within ninety days after October 24, 2002. Of the initial members 75804
appointed by the governor, one shall be for a term ending three 75805
years after October 24, 2002, one shall be for a term ending four 75806
years after October 24, 2002, and one shall be for a term ending 75807
five years after October 24, 2002. Thereafter, terms of office 75808
shall be for five years, each term ending on the same day of the 75809
same month of the year as did the term that it succeeds. Of the 75810
three members the governor appoints, one member shall be an 75811
employee of the division of boiler inspection in the department of 75812

commerce; one member shall be an independent mechanical engineer 75813
who is not involved in selling or inspecting historical boilers; 75814
and one shall be an active member of an association that 75815
represents managers of fairs or festivals. 75816

Two members of the board shall be appointed by the president 75817
of the senate and two members of the board shall be appointed by 75818
the speaker of the house of representatives. The president and 75819
speaker shall make initial appointments to the board within ninety 75820
days after October 24, 2002. Of the initial members appointed by 75821
the president, one shall be for a term ending four years after 75822
October 24, 2002 and one shall be for a term ending five years 75823
after October 24, 2002. Of the initial members appointed by the 75824
speaker, one shall be for a term ending three years after October 75825
24, 2002 and one shall be for a term ending five years after 75826
October 24, 2002. Thereafter, terms of office shall be for five 75827
years, each term ending on the same day of the same month of the 75828
year as did the term that it succeeds. Of the four members 75829
appointed by the president and speaker, each shall own a 75830
historical boiler and also have at least ten years of experience 75831
in the operation of historical boilers, and each of these four 75832
members shall reside in a different region of the state. 75833

Each member shall hold office from the date of the member's 75834
appointment until the end of the term for which the member was 75835
appointed. Members may be reappointed. Vacancies shall be filled 75836
~~in the manner provided for initial appointments by the director of~~ 75837
commerce, and shall not require the advice and consent of the 75838
senate. Any member appointed to fill a vacancy occurring prior to 75839
the expiration date of the term for which the member's predecessor 75840
was appointed shall hold office as a member for the remainder of 75841
that term. A member shall continue in office subsequent to the 75842
expiration date of the member's term until the successor takes 75843
office or until a period of sixty days has elapsed, whichever 75844

occurs first. 75845

The members of the board, annually, shall elect, by majority 75846
vote, a chairperson from among their members. The board shall meet 75847
at least once annually and at other times at the call of the 75848
chairperson. Board members shall receive their actual and 75849
necessary expenses incurred in the discharge of their duties as 75850
board members. 75851

The superintendent of industrial compliance shall furnish 75852
office space, staff, and supplies to the board as the 75853
superintendent determines are necessary for the board to carry out 75854
its official duties under sections 4104.33 to 4104.37 of the 75855
Revised Code. 75856

Sec. 4112.02. It shall be an unlawful discriminatory 75857
practice: 75858

(A) For any employer, because of the race, color, religion, 75859
sex, military status, national origin, disability, age, or 75860
ancestry of any person, to discharge without just cause, to refuse 75861
to hire, or otherwise to discriminate against that person with 75862
respect to hire, tenure, terms, conditions, or privileges of 75863
employment, or any matter directly or indirectly related to 75864
employment. 75865

(B) For an employment agency or personnel placement service, 75866
because of race, color, religion, sex, military status, national 75867
origin, disability, age, or ancestry, to do any of the following: 75868

(1) Refuse or fail to accept, register, classify properly, or 75869
refer for employment, or otherwise discriminate against any 75870
person; 75871

(2) Comply with a request from an employer for referral of 75872
applicants for employment if the request directly or indirectly 75873
indicates that the employer fails to comply with the provisions of 75874

sections 4112.01 to 4112.07 of the Revised Code.	75875
(C) For any labor organization to do any of the following:	75876
(1) Limit or classify its membership on the basis of race,	75877
color, religion, sex, military status, national origin,	75878
disability, age, or ancestry;	75879
(2) Discriminate against, limit the employment opportunities	75880
of, or otherwise adversely affect the employment status, wages,	75881
hours, or employment conditions of any person as an employee	75882
because of race, color, religion, sex, military status, national	75883
origin, disability, age, or ancestry.	75884
(D) For any employer, labor organization, or joint	75885
labor-management committee controlling apprentice training	75886
programs to discriminate against any person because of race,	75887
color, religion, sex, military status, national origin,	75888
disability, or ancestry in admission to, or employment in, any	75889
program established to provide apprentice training.	75890
(E) Except where based on a bona fide occupational	75891
qualification certified in advance by the commission, for any	75892
employer, employment agency, personnel placement service, or labor	75893
organization, prior to employment or admission to membership, to	75894
do any of the following:	75895
(1) Elicit or attempt to elicit any information concerning	75896
the race, color, religion, sex, military status, national origin,	75897
disability, age, or ancestry of an applicant for employment or	75898
membership;	75899
(2) Make or keep a record of the race, color, religion, sex,	75900
military status, national origin, disability, age, or ancestry of	75901
any applicant for employment or membership;	75902
(3) Use any form of application for employment, or personnel	75903
or membership blank, seeking to elicit information regarding race,	75904

color, religion, sex, military status, national origin, 75905
disability, age, or ancestry; but an employer holding a contract 75906
containing a nondiscrimination clause with the government of the 75907
United States, or any department or agency of that government, may 75908
require an employee or applicant for employment to furnish 75909
documentary proof of United States citizenship and may retain that 75910
proof in the employer's personnel records and may use photographic 75911
or fingerprint identification for security purposes; 75912

(4) Print or publish or cause to be printed or published any 75913
notice or advertisement relating to employment or membership 75914
indicating any preference, limitation, specification, or 75915
discrimination, based upon race, color, religion, sex, military 75916
status, national origin, disability, age, or ancestry; 75917

(5) Announce or follow a policy of denying or limiting, 75918
through a quota system or otherwise, employment or membership 75919
opportunities of any group because of the race, color, religion, 75920
sex, military status, national origin, disability, age, or 75921
ancestry of that group; 75922

(6) Utilize in the recruitment or hiring of persons any 75923
employment agency, personnel placement service, training school or 75924
center, labor organization, or any other employee-referring source 75925
known to discriminate against persons because of their race, 75926
color, religion, sex, military status, national origin, 75927
disability, age, or ancestry. 75928

(F) For any person seeking employment to publish or cause to 75929
be published any advertisement that specifies or in any manner 75930
indicates that person's race, color, religion, sex, military 75931
status, national origin, disability, age, or ancestry, or 75932
expresses a limitation or preference as to the race, color, 75933
religion, sex, military status, national origin, disability, age, 75934
or ancestry of any prospective employer. 75935

(G) For any proprietor or any employee, keeper, or manager of a place of public accommodation to deny to any person, except for reasons applicable alike to all persons regardless of race, color, religion, sex, military status, national origin, disability, age, or ancestry, the full enjoyment of the accommodations, advantages, facilities, or privileges of the place of public accommodation.

(H) For any person to do any of the following:

(1) Refuse to sell, transfer, assign, rent, lease, sublease, or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin;

(2) Represent to any person that housing accommodations are not available for inspection, sale, or rental, when in fact they are available, because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin;

(3) Discriminate against any person in the making or purchasing of loans or the provision of other financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations, or any person in the making or purchasing of loans or the provision of other financial assistance that is secured by residential real estate, because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin or because of the racial composition of the neighborhood in which the housing accommodations are located, provided that the person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects or incident to the person's principal business and not only as a part of the purchase price of an owner-occupied residence the person is selling nor merely casually or occasionally to a relative or friend;

(4) Discriminate against any person in the terms or 75968
conditions of selling, transferring, assigning, renting, leasing, 75969
or subleasing any housing accommodations or in furnishing 75970
facilities, services, or privileges in connection with the 75971
ownership, occupancy, or use of any housing accommodations, 75972
including the sale of fire, extended coverage, or homeowners 75973
insurance, because of race, color, religion, sex, military status, 75974
familial status, ancestry, disability, or national origin or 75975
because of the racial composition of the neighborhood in which the 75976
housing accommodations are located; 75977

(5) Discriminate against any person in the terms or 75978
conditions of any loan of money, whether or not secured by 75979
mortgage or otherwise, for the acquisition, construction, 75980
rehabilitation, repair, or maintenance of housing accommodations 75981
because of race, color, religion, sex, military status, familial 75982
status, ancestry, disability, or national origin or because of the 75983
racial composition of the neighborhood in which the housing 75984
accommodations are located; 75985

(6) Refuse to consider without prejudice the combined income 75986
of both husband and wife for the purpose of extending mortgage 75987
credit to a married couple or either member of a married couple; 75988

(7) Print, publish, or circulate any statement or 75989
advertisement, or make or cause to be made any statement or 75990
advertisement, relating to the sale, transfer, assignment, rental, 75991
lease, sublease, or acquisition of any housing accommodations, or 75992
relating to the loan of money, whether or not secured by mortgage 75993
or otherwise, for the acquisition, construction, rehabilitation, 75994
repair, or maintenance of housing accommodations, that indicates 75995
any preference, limitation, specification, or discrimination based 75996
upon race, color, religion, sex, military status, familial status, 75997
ancestry, disability, or national origin, or an intention to make 75998
any such preference, limitation, specification, or discrimination; 75999

(8) Except as otherwise provided in division (H)(8) or (17) 76000
of this section, make any inquiry, elicit any information, make or 76001
keep any record, or use any form of application containing 76002
questions or entries concerning race, color, religion, sex, 76003
military status, familial status, ancestry, disability, or 76004
national origin in connection with the sale or lease of any 76005
housing accommodations or the loan of any money, whether or not 76006
secured by mortgage or otherwise, for the acquisition, 76007
construction, rehabilitation, repair, or maintenance of housing 76008
accommodations. Any person may make inquiries, and make and keep 76009
records, concerning race, color, religion, sex, military status, 76010
familial status, ancestry, disability, or national origin for the 76011
purpose of monitoring compliance with this chapter. 76012

(9) Include in any transfer, rental, or lease of housing 76013
accommodations any restrictive covenant, or honor or exercise, or 76014
attempt to honor or exercise, any restrictive covenant; 76015

(10) Induce or solicit, or attempt to induce or solicit, a 76016
housing accommodations listing, sale, or transaction by 76017
representing that a change has occurred or may occur with respect 76018
to the racial, religious, sexual, military status, familial 76019
status, or ethnic composition of the block, neighborhood, or other 76020
area in which the housing accommodations are located, or induce or 76021
solicit, or attempt to induce or solicit, a housing accommodations 76022
listing, sale, or transaction by representing that the presence or 76023
anticipated presence of persons of any race, color, religion, sex, 76024
military status, familial status, ancestry, disability, or 76025
national origin, in the block, neighborhood, or other area will or 76026
may have results including, but not limited to, the following: 76027

(a) The lowering of property values; 76028

(b) A change in the racial, religious, sexual, military 76029
status, familial status, or ethnic composition of the block, 76030
neighborhood, or other area; 76031

(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area; 76032
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(d) A decline in the quality of the schools serving the block, neighborhood, or other area. 76034
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(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, on account of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry; 76036
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(12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section; 76044
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(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, military status, familial status, or ethnic composition; 76049
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(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot; 76054
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(15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of a disability of any of the following: 76059
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(a) The buyer or renter; 76062

(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;

(c) Any individual associated with the person described in division (H)(15)(b) of this section.

(16) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of a disability of any of the following:

(a) That person;

(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;

(c) Any individual associated with the person described in division (H)(16)(b) of this section.

(17) Except as otherwise provided in division (H)(17) of this section, make an inquiry to determine whether an applicant for the sale or rental of housing accommodations, a person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available, or any individual associated with that person has a disability, or make an inquiry to determine the nature or severity of a disability of the applicant or such a person or individual. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of whether they have disabilities:

(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;

(b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with

disabilities or persons with a particular type of disability;	76093
(c) An inquiry to determine whether an applicant is qualified for a priority available to persons with disabilities or persons with a particular type of disability;	76094 76095 76096
(d) An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 of the Revised Code or a substantively comparable municipal ordinance;	76097 76098 76099
(e) An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense, an element of which is the illegal sale, offer to sell, cultivation, manufacture, other production, shipment, transportation, delivery, or other distribution of a controlled substance.	76100 76101 76102 76103 76104
(18)(a) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing accommodations. This division does not preclude a landlord of housing accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or more of the following:	76105 76106 76107 76108 76109 76110 76111 76112 76113 76114
(i) Providing a reasonable description of the proposed modification and reasonable assurances that the proposed modification will be made in a workerlike manner and that any required building permits will be obtained prior to the commencement of the proposed modification;	76115 76116 76117 76118 76119
(ii) Agreeing to restore at the end of the tenancy the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if it is reasonable	76120 76121 76122 76123

for the landlord to condition permission for the proposed 76124
modification upon the agreement; 76125

(iii) Paying into an interest-bearing escrow account that is 76126
in the landlord's name, over a reasonable period of time, a 76127
reasonable amount of money not to exceed the projected costs at 76128
the end of the tenancy of the restoration of the interior of the 76129
housing accommodations to the condition they were in prior to the 76130
proposed modification, but subject to reasonable wear and tear 76131
during the period of occupancy, if the landlord finds the account 76132
reasonably necessary to ensure the availability of funds for the 76133
restoration work. The interest earned in connection with an escrow 76134
account described in this division shall accrue to the benefit of 76135
the disabled tenant who makes payments into the account. 76136

(b) A landlord shall not condition permission for a proposed 76137
modification upon a disabled tenant's payment of a security 76138
deposit that exceeds the customarily required security deposit of 76139
all tenants of the particular housing accommodations. 76140

(19) Refuse to make reasonable accommodations in rules, 76141
policies, practices, or services when necessary to afford a person 76142
with a disability equal opportunity to use and enjoy a dwelling 76143
unit, including associated public and common use areas; 76144

(20) Fail to comply with the standards and rules adopted 76145
under division (A) of section 3781.111 of the Revised Code; 76146

(21) Discriminate against any person in the selling, 76147
brokering, or appraising of real property because of race, color, 76148
religion, sex, military status, familial status, ancestry, 76149
disability, or national origin; 76150

(22) Fail to design and construct covered multifamily 76151
dwellings for first occupancy on or after June 30, 1992, in 76152
accordance with the following conditions: 76153

(a) The dwellings shall have at least one building entrance 76154

on an accessible route, unless it is impractical to do so because 76155
of the terrain or unusual characteristics of the site. 76156

(b) With respect to dwellings that have a building entrance 76157
on an accessible route, all of the following apply: 76158

(i) The public use areas and common use areas of the 76159
dwellings shall be readily accessible to and usable by persons 76160
with a disability. 76161

(ii) All the doors designed to allow passage into and within 76162
all premises shall be sufficiently wide to allow passage by 76163
persons with a disability who are in wheelchairs. 76164

(iii) All premises within covered multifamily dwelling units 76165
shall contain an accessible route into and through the dwelling; 76166
all light switches, electrical outlets, thermostats, and other 76167
environmental controls within such units shall be in accessible 76168
locations; the bathroom walls within such units shall contain 76169
reinforcements to allow later installation of grab bars; and the 76170
kitchens and bathrooms within such units shall be designed and 76171
constructed in a manner that enables an individual in a wheelchair 76172
to maneuver about such rooms. 76173

For purposes of division (H)(22) of this section, "covered 76174
multifamily dwellings" means buildings consisting of four or more 76175
units if such buildings have one or more elevators and ground 76176
floor units in other buildings consisting of four or more units. 76177

(I) For any person to discriminate in any manner against any 76178
other person because that person has opposed any unlawful 76179
discriminatory practice defined in this section or because that 76180
person has made a charge, testified, assisted, or participated in 76181
any manner in any investigation, proceeding, or hearing under 76182
sections 4112.01 to 4112.07 of the Revised Code. 76183

(J) For any person to aid, abet, incite, compel, or coerce 76184
the doing of any act declared by this section to be an unlawful 76185

discriminatory practice, to obstruct or prevent any person from 76186
complying with this chapter or any order issued under it, or to 76187
attempt directly or indirectly to commit any act declared by this 76188
section to be an unlawful discriminatory practice. 76189

(K)(1) Nothing in division (H) of this section shall bar any 76190
religious or denominational institution or organization, or any 76191
nonprofit charitable or educational organization that is operated, 76192
supervised, or controlled by or in connection with a religious 76193
organization, from limiting the sale, rental, or occupancy of 76194
housing accommodations that it owns or operates for other than a 76195
commercial purpose to persons of the same religion, or from giving 76196
preference in the sale, rental, or occupancy of such housing 76197
accommodations to persons of the same religion, unless membership 76198
in the religion is restricted on account of race, color, or 76199
national origin. 76200

(2) Nothing in division (H) of this section shall bar any 76201
bona fide private or fraternal organization that, incidental to 76202
its primary purpose, owns or operates lodgings for other than a 76203
commercial purpose, from limiting the rental or occupancy of the 76204
lodgings to its members or from giving preference to its members. 76205

(3) Nothing in division (H) of this section limits the 76206
applicability of any reasonable local, state, or federal 76207
restrictions regarding the maximum number of occupants permitted 76208
to occupy housing accommodations. Nothing in that division 76209
prohibits the owners or managers of housing accommodations from 76210
implementing reasonable occupancy standards based on the number 76211
and size of sleeping areas or bedrooms and the overall size of a 76212
dwelling unit, provided that the standards are not implemented to 76213
circumvent the purposes of this chapter and are formulated, 76214
implemented, and interpreted in a manner consistent with this 76215
chapter and any applicable local, state, or federal restrictions 76216
regarding the maximum number of occupants permitted to occupy 76217

housing accommodations. 76218

(4) Nothing in division (H) of this section requires that 76219
housing accommodations be made available to an individual whose 76220
tenancy would constitute a direct threat to the health or safety 76221
of other individuals or whose tenancy would result in substantial 76222
physical damage to the property of others. 76223

(5) Nothing in division (H) of this section pertaining to 76224
discrimination on the basis of familial status shall be construed 76225
to apply to any of the following: 76226

(a) Housing accommodations provided under any state or 76227
federal program that have been determined under the "Fair Housing 76228
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 76229
amended, to be specifically designed and operated to assist 76230
elderly persons; 76231

(b) Housing accommodations intended for and solely occupied 76232
by persons who are sixty-two years of age or older; 76233

(c) Housing accommodations intended and operated for 76234
occupancy by at least one person who is fifty-five years of age or 76235
older per unit, as determined under the "Fair Housing Amendments 76236
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 76237

(L) Nothing in divisions (A) to (E) of this section shall be 76238
construed to require a person with a disability to be employed or 76239
trained under circumstances that would significantly increase the 76240
occupational hazards affecting either the person with a 76241
disability, other employees, the general public, or the facilities 76242
in which the work is to be performed, or to require the employment 76243
or training of a person with a disability in a job that requires 76244
the person with a disability routinely to undertake any task, the 76245
performance of which is substantially and inherently impaired by 76246
the person's disability. 76247

(M) Nothing in divisions (H)(1) to (18) of this section shall 76248

be construed to require any person selling or renting property to 76249
modify the property in any way or to exercise a higher degree of 76250
care for a person with a disability, to relieve any person with a 76251
disability of any obligation generally imposed on all persons 76252
regardless of disability in a written lease, rental agreement, or 76253
contract of purchase or sale, or to forbid distinctions based on 76254
the inability to fulfill the terms and conditions, including 76255
financial obligations, of the lease, agreement, or contract. 76256

(N) An aggrieved individual may enforce the individual's 76257
rights relative to discrimination on the basis of age as provided 76258
for in this section by instituting a civil action, within one 76259
hundred eighty days after the alleged unlawful discriminatory 76260
practice occurred, in any court with jurisdiction for any legal or 76261
equitable relief that will effectuate the individual's rights. 76262

A person who files a civil action under this division is 76263
barred, with respect to the practices complained of, from 76264
instituting a civil action under section 4112.14 of the Revised 76265
Code and from filing a charge with the commission under section 76266
4112.05 of the Revised Code. 76267

(O) With regard to age, it shall not be an unlawful 76268
discriminatory practice and it shall not constitute a violation of 76269
division (A) of section 4112.14 of the Revised Code for any 76270
employer, employment agency, joint labor-management committee 76271
controlling apprenticeship training programs, or labor 76272
organization to do any of the following: 76273

(1) Establish bona fide employment qualifications reasonably 76274
related to the particular business or occupation that may include 76275
standards for skill, aptitude, physical capability, intelligence, 76276
education, maturation, and experience; 76277

(2) Observe the terms of a bona fide seniority system or any 76278
bona fide employee benefit plan, including, but not limited to, a 76279

retirement, pension, or insurance plan, that is not a subterfuge 76280
to evade the purposes of this section. However, no such employee 76281
benefit plan shall excuse the failure to hire any individual, and 76282
no such seniority system or employee benefit plan shall require or 76283
permit the involuntary retirement of any individual, because of 76284
the individual's age except as provided for in the "Age 76285
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 76286
29 U.S.C.A. 623, as amended by the "Age Discrimination in 76287
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 76288
623, as amended. 76289

(3) Retire an employee who has attained sixty-five years of 76290
age who, for the two-year period immediately before retirement, is 76291
employed in a bona fide executive or a high policymaking position, 76292
if the employee is entitled to an immediate nonforfeitable annual 76293
retirement benefit from a pension, profit-sharing, savings, or 76294
deferred compensation plan, or any combination of those plans, of 76295
the employer of the employee, which equals, in the aggregate, at 76296
least forty-four thousand dollars, in accordance with the 76297
conditions of the "Age Discrimination in Employment Act Amendment 76298
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 76299
Discrimination in Employment Act Amendments of 1986," 100 Stat. 76300
3342, 29 U.S.C.A. 631, as amended; 76301

(4) Observe the terms of any bona fide apprenticeship program 76302
if the program is registered with the Ohio apprenticeship council 76303
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 76304
approved by the federal committee on apprenticeship of the United 76305
States department of labor. 76306

(P) Nothing in this chapter prohibiting age discrimination 76307
and nothing in division (A) of section 4112.14 of the Revised Code 76308
shall be construed to prohibit the following: 76309

(1) The designation of uniform age the attainment of which is 76310
necessary for public employees to receive pension or other 76311

retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 76312
or 5505. of the Revised Code; 76313

(2) The mandatory retirement of uniformed patrol officers of 76314
the state highway patrol as provided in section 5505.16 of the 76315
Revised Code; 76316

(3) The maximum age requirements for appointment as a patrol 76317
officer in the state highway patrol established by section 5503.01 76318
of the Revised Code; 76319

(4) The maximum age requirements established for original 76320
appointment to a police department or fire department in sections 76321
124.41 and 124.42 of the Revised Code; 76322

(5) Any maximum age not in conflict with federal law that may 76323
be established by a municipal charter, municipal ordinance, or 76324
resolution of a board of township trustees for original 76325
appointment as a police officer or firefighter; 76326

(6) Any mandatory retirement provision not in conflict with 76327
federal law of a municipal charter, municipal ordinance, or 76328
resolution of a board of township trustees pertaining to police 76329
officers and firefighters; 76330

(7) Until January 1, 1994, the mandatory retirement of any 76331
employee who has attained seventy years of age and who is serving 76332
under a contract of unlimited tenure, or similar arrangement 76333
providing for unlimited tenure, at an institution of higher 76334
education as defined in the "Education Amendments of 1980," 94 76335
Stat. 1503, 20 U.S.C.A. 1141(a). 76336

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 76337
section, for purposes of divisions (A) to (E) of this section, a 76338
disability does not include any physiological disorder or 76339
condition, mental or psychological disorder, or disease or 76340
condition caused by an illegal use of any controlled substance by 76341
an employee, applicant, or other person, if an employer, 76342

employment agency, personnel placement service, labor 76343
organization, or joint labor-management committee acts on the 76344
basis of that illegal use. 76345

(b) Division (Q)(1)(a) of this section does not apply to an 76346
employee, applicant, or other person who satisfies any of the 76347
following: 76348

(i) The employee, applicant, or other person has successfully 76349
completed a supervised drug rehabilitation program and no longer 76350
is engaging in the illegal use of any controlled substance, or the 76351
employee, applicant, or other person otherwise successfully has 76352
been rehabilitated and no longer is engaging in that illegal use. 76353

(ii) The employee, applicant, or other person is 76354
participating in a supervised drug rehabilitation program and no 76355
longer is engaging in the illegal use of any controlled substance. 76356

(iii) The employee, applicant, or other person is erroneously 76357
regarded as engaging in the illegal use of any controlled 76358
substance, but the employee, applicant, or other person is not 76359
engaging in that illegal use. 76360

(2) Divisions (A) to (E) of this section do not prohibit an 76361
employer, employment agency, personnel placement service, labor 76362
organization, or joint labor-management committee from doing any 76363
of the following: 76364

(a) Adopting or administering reasonable policies or 76365
procedures, including, but not limited to, testing for the illegal 76366
use of any controlled substance, that are designed to ensure that 76367
an individual described in division (Q)(1)(b)(i) or (ii) of this 76368
section no longer is engaging in the illegal use of any controlled 76369
substance; 76370

(b) Prohibiting the illegal use of controlled substances and 76371
the use of alcohol at the workplace by all employees; 76372

(c) Requiring that employees not be under the influence of alcohol or not be engaged in the illegal use of any controlled substance at the workplace; 76373
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(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 76376
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(e) Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an employee's illegal use of a controlled substance or alcoholism; 76379
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(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards. 76387
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(3) For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination. 76391
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(4) Division (Q) of this section does not encourage, prohibit, or authorize, and shall not be construed as encouraging, prohibiting, or authorizing, the conduct of testing for the illegal use of any controlled substance by employees, applicants, or other persons, or the making of employment decisions based on the results of that type of testing. 76394
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(R) This section does not apply to a religious corporation, association, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious 76400
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corporation, association, educational institution, or society of 76404
its activities. 76405

The unlawful discriminatory practices defined in this section 76406
do not make it unlawful for a person or an appointing authority 76407
administering an examination under section 124.23 of the Revised 76408
Code to obtain information about an applicant's military status 76409
for the purpose of determining if the applicant is eligible for 76410
the additional credit that is available under that section. 76411

Sec. 4112.12. (A) There is hereby created the commission on 76412
African-American males, which shall consist of not more than 76413
twenty-five members as follows: the directors or their designees 76414
of the departments of health, development, ~~alcohol and drug~~ 76415
~~addiction services~~ mental health and addiction services, and job 76416
and family services; the equal employment opportunity officer of 76417
the department of administrative services or the equal employment 76418
opportunity officer's designee; the executive director or the 76419
executive director's designee of the Ohio civil rights commission; 76420
the executive director or the executive director's designee of the 76421
division of criminal justice services in the department of public 76422
safety; the superintendent of public instruction; the chancellor 76423
or the chancellor's designee of the Ohio board of regents; two 76424
members of the house of representatives appointed by the speaker 76425
of the house of representatives each of whom shall be members of 76426
different political parties; and two members of the senate 76427
appointed by the president of the senate each of whom shall be 76428
members of different political parties. The members who are 76429
members of the general assembly shall be nonvoting members. The 76430
Ohio state university African American and African studies 76431
community extension center, in consultation with the governor, 76432
shall appoint four members from the private corporate sector, at 76433
least four members from the public sector, and two members from 76434
the nonprofit sector. 76435

(B) Terms of office shall be for three years, except that 76436
members of the general assembly appointed to the commission shall 76437
be members only so long as they are members of the general 76438
assembly. Each term ends on the same day of the same month as did 76439
the term that it succeeds. Each member shall hold office from the 76440
date of appointment until the end of the term for which the member 76441
was appointed. Members may be reappointed. Vacancies shall be 76442
filled in the manner provided for original appointments. Any 76443
member appointed to fill a vacancy occurring prior to the 76444
expiration date of the term for which the member's predecessor was 76445
appointed shall hold office as a member for the remainder of that 76446
term. A member shall continue in office subsequent to the 76447
expiration date of the member's term until the member's successor 76448
takes office or until a period of sixty days has elapsed, 76449
whichever occurs first. 76450

The commission annually shall elect a chairperson from among 76451
its members. 76452

(C) Members of the commission and members of subcommittees 76453
appointed under division (B) of section 4112.13 of the Revised 76454
Code shall not be compensated, but shall be reimbursed for their 76455
necessary and actual expenses incurred in the performance of their 76456
official duties. 76457

(D) The Ohio state university African American and African 76458
studies community extension center, in consultation with the 76459
governor, shall appoint an executive director of the commission on 76460
African-American males, who shall be in the unclassified civil 76461
service. The executive director shall supervise the commission's 76462
activities and report to the commission and to the Ohio state 76463
university African American and African studies community 76464
extension center on the progress of those activities. The 76465
executive director shall do all things necessary for the efficient 76466
and effective implementation of the duties of the commission. 76467

The responsibilities assigned to the executive director do 76468
not relieve the members of the commission from final 76469
responsibility for the proper performance of the requirements of 76470
this division. 76471

(E) The commission on African-American males shall do all of 76472
the following: 76473

(1) Employ, promote, supervise, and remove all employees, as 76474
needed, in connection with the performance of its duties under 76475
this section; 76476

(2) Maintain its office in Columbus; 76477

(3) Acquire facilities, equipment, and supplies necessary to 76478
house the commission, its employees, and files and records under 76479
its control, and to discharge any duty imposed upon it by law. The 76480
expense of these acquisitions shall be audited and paid for in the 76481
same manner as other state expenses. 76482

(4) Establish the overall policy and management of the 76483
commission in accordance with this chapter; 76484

(5) Follow all state procurement requirements; 76485

(6) Implement the policies and plans of the Ohio state 76486
university African American and African studies community 76487
extension center as those policies and plans are formulated and 76488
adopted by the Ohio state university African American and African 76489
studies community extension center; 76490

(7) Report to the Ohio state university African American and 76491
African studies community extension center on the progress of the 76492
commission on African-American males in implementing the policies 76493
and plans of the Ohio state university African American and 76494
African studies community extension center. 76495

(F) The commission on African-American males may: 76496

(1) Hold sessions at any place within the state, except that 76497

the commission on African-American males shall meet at least 76498
quarterly; 76499

(2) Establish, change, or abolish positions, and assign and 76500
reassign duties and responsibilities of any employee of the 76501
commission on African-American males as necessary to achieve the 76502
most efficient performance of its functions. 76503

(G) The Ohio state university African American and African 76504
studies community extension center shall establish the overall 76505
policy and management of the commission on African-American males 76506
and shall direct, manage, and oversee the commission. The Ohio 76507
state university African American and African studies community 76508
extension center shall develop overall policies and plans, and the 76509
commission on African-American males shall implement those 76510
policies and plans. The commission on African-American males, 76511
through its executive director, shall keep the Ohio state 76512
university African American and African studies community 76513
extension center informed as to the activities of the commission 76514
on African-American males in such manner and at such times as the 76515
Ohio state university African American and African studies 76516
community extension center shall determine. 76517

The Ohio state university African American and African 76518
studies community extension center may prescribe duties and 76519
responsibilities of the commission on African-American males in 76520
addition to those prescribed in section 4112.13 of the Revised 76521
Code. 76522

(H) The Ohio state university African American and African 76523
studies community extension center annually shall contract for a 76524
report on the status of African Americans in this state. Issues to 76525
be evaluated in the report shall include the criminal justice 76526
system, education, employment, health care, and housing, and such 76527
other issues as the Ohio state university African American and 76528
African studies community extension center may specify. The report 76529

shall include policy recommendations relating to the issues 76530
covered in the report. 76531

Sec. 4112.31. The new African immigrants commission shall do 76532
all of the following: 76533

(A) Gather and disseminate information and conduct hearings, 76534
conferences, investigations, and special studies on problems and 76535
programs concerning sub-Saharan African people; 76536

(B) Secure appropriate recognition of the accomplishments and 76537
contributions of sub-Saharan African people to this state; 76538

(C) Stimulate public awareness of the problems of sub-Saharan 76539
African people by conducting a program of public education; 76540

(D) Develop, coordinate, and assist other public and private 76541
organizations that serve sub-Saharan African people, including the 76542
conducting of training programs for community leadership and 76543
service project staff; 76544

(E) Advise the governor, general assembly, and state 76545
departments and agencies of the nature, magnitude, and priorities 76546
of the problems of sub-Saharan African people; 76547

(F) Advise the governor, general assembly, and state 76548
departments and agencies on, and assist in the development and 76549
implementation of, comprehensive and coordinated policies, 76550
programs, and procedures focusing on the special problems and 76551
needs of sub-Saharan African people, especially in the fields of 76552
education, employment, energy, health, housing, welfare, and 76553
recreation; 76554

(G) Propose new programs concerning sub-Saharan African 76555
people to public and private agencies and evaluate for such 76556
agencies existing programs or prospective legislation concerning 76557
sub-Saharan African people; 76558

(H) Review and approve grants to be made from federal, state, 76559

or private funds that are administered or subcontracted by the commission; 76560
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(I) Prepare, review, and approve an annual report; 76562

(J) Serve as a clearinghouse to review and comment on all proposals to meet the needs of sub-Saharan African people that are submitted to it by public and private agencies; 76563
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(K) Apply for and accept grants and gifts from governmental and private sources to be administered by the commission or subcontracted to local agencies; 76566
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(L) Monitor and evaluate all programs subcontracted to local agencies by the commission; 76569
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(M) Endeavor to assure that sub-Saharan African people have access to decision-making bodies in all state and local governmental departments and agencies; 76571
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(N) Establish advisory committees on special subjects as needed to facilitate and maximize community participation in the operation of the commission; 76574
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(O) Establish with state and local governments and private business and industry relationships that promote and assure equal opportunity for sub-Saharan African people in government, education, and employment. 76577
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(P) Create an interagency council consisting of the following persons or their authorized representatives: one member of the senate appointed by the president of the senate; one member of the house of representatives appointed by the speaker of the house of representatives; the directors of administrative services, agriculture, education, development services, health, highway safety, job and family services, liquor control, ~~mental health~~ mental health and addiction services, ~~mental retardation~~ and developmental disabilities, natural resources, rehabilitation and 76581
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correction, youth services, transportation, environmental 76590
protection, and budget and management; the chairperson of the Ohio 76591
civil rights commission, the ~~administrators~~ administrator of the 76592
bureau of workers' compensation ~~and, the rehabilitation services~~ 76593
~~commission~~ executive director of the opportunities for Ohioans 76594
with disabilities agency, and an additional member of the 76595
governor's cabinet appointed by the governor. The new African 76596
immigrants commission, by rule, may designate other state officers 76597
or their representatives to be members of the council. The 76598
director of the commission shall be the chairperson of the 76599
council. 76600

The interagency council shall provide and coordinate the 76601
exchange of information relative to the needs of sub-Saharan 76602
African people and promote the delivery of state services to such 76603
people. The council shall meet at the call of the chairperson. 76604

Advisory committees shall be composed of persons representing 76605
community organizations and charitable institutions, public 76606
officials, and such other persons as the commission determines. 76607

Sec. 4115.034. On January 1, 1996, and the first day of 76608
January of every even-numbered year thereafter, the director of 76609
commerce shall adjust the threshold levels for which public 76610
improvement projects are subject to sections 4115.03 to 4115.16 of 76611
the Revised Code as set forth in divisions (B)(3) and (4) of 76612
section 4115.03 of the Revised Code. The director shall adjust 76613
those amounts according to the average increase or decrease for 76614
each of the two years immediately preceding the adjustment as set 76615
forth in ~~the United States department of commerce, bureau of the~~ 76616
~~census implicit price deflator for~~ the construction cost index 76617
published by the engineering news-record or, should that index 76618
cease to be published, a similar recognized industry index chosen 76619
by the director, provided that no increase or decrease for any 76620

year shall exceed three per cent of the threshold level in 76621
existence at the time of the adjustment. 76622

Sec. 4115.32. (A) Subject to section 4115.36 of the Revised 76623
Code, there is hereby created the state committee for the purchase 76624
of products and services provided by persons with severe 76625
disabilities. The committee shall be composed ex officio of the 76626
following persons, or their designees: 76627

(1) The directors of administrative services, ~~mental health~~ 76628
mental health and addiction services, developmental disabilities, 76629
transportation, natural resources, and commerce; 76630

(2) The ~~administrators~~ administrator of the ~~rehabilitation~~ 76631
~~services commission and the~~ bureau of workers' compensation and 76632
the executive director of the opportunities for Ohioans with 76633
disabilities agency; 76634

(3) The secretary of state; 76635

(4) One representative of a purchasing department of a 76636
political subdivision who is designated by the governor. 76637

The governor shall appoint two representatives of a qualified 76638
nonprofit agency for persons with severe disabilities, and a 76639
person with a severe disability to the committee. 76640

(B) Within thirty days after September 29, 1995, the governor 76641
shall appoint the representatives of a qualified nonprofit agency 76642
for persons with severe disabilities to the committee for a term 76643
ending August 31, 1996. Thereafter, terms for such representatives 76644
are for three years, each term ending on the same day of the same 76645
month of the year as did the term that it succeeds. Each committee 76646
member shall serve from the date of the member's appointment until 76647
the end of the term for which the member was appointed. Vacancies 76648
shall be filled in the same manner provided for original 76649
appointments. Any member appointed to fill a vacancy occurring 76650

prior to the expiration date of the term for which the member's predecessor was appointed shall serve as a member for the remainder of that term. A member shall serve subsequent to the expiration of the member's term and shall continue to serve until the member's successor takes office.

(C) Members of the committee shall serve without compensation. Except as otherwise provided in divisions (C)(1) and (2) of this section, members shall be reimbursed for actual and necessary expenses, including travel expenses, incurred while away from their homes or regular places of business and incurred while performing services for the committee.

(1) The members listed in divisions (A)(1) to (3) of this section, or their designees, shall not be reimbursed for any expenses.

(2) No member of the committee who is entitled to receive reimbursement for the performance of services for the committee from another agency or entity shall receive reimbursement from the committee.

(D) The committee shall elect from among its members a chairperson. The committee may request from any agency of the state, political subdivision, or instrumentality of the state any information necessary to enable it to carry out the intent of sections 4115.31 to 4115.35 of the Revised Code. Upon request of the committee, the agency, subdivision, or instrumentality shall furnish the information to the chairperson of the committee.

(E) The committee shall not later than one hundred eighty days following the close of each fiscal year transmit to the governor, the general assembly, and each qualified nonprofit agency for persons with severe disabilities a report that includes the names of the committee members serving during the preceding fiscal year, the dates of committee meetings in that year, and any

recommendations for changes in sections 4115.31 to 4115.35 of the Revised Code that the committee determines are necessary.

(F) The director of administrative services shall designate a subordinate to act as executive director of the committee and shall furnish other staff and clerical assistance, office space, and supplies required by the committee.

Sec. 4117.06. (A) The state employment relations board shall decide in each case the unit appropriate for the purposes of collective bargaining. The determination is final and conclusive and not appealable to the court.

(B) The board shall determine the appropriateness of each bargaining unit and shall consider among other relevant factors: the desires of the employees; the community of interest; wages, hours, and other working conditions of the public employees; the effect of over-fragmentation; the efficiency of operations of the public employer; the administrative structure of the public employer; and the history of collective bargaining.

(C) The board may determine a unit to be the appropriate unit in a particular case, even though some other unit might also be appropriate.

(D) In addition, in determining the appropriate unit, the board shall not:

(1) Decide that any unit is appropriate if the unit includes both professional and nonprofessional employees, unless a majority of the professional employees and a majority of the nonprofessional employees first vote for inclusion in the unit;

(2) Include guards or correction officers at correctional or mental institutions, special police officers appointed in accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the Revised Code, psychiatric attendants employed at mental health

forensic facilities, youth leaders employed at juvenile correction 76712
facilities, or any public employee employed as a guard to enforce 76713
against other employees rules to protect property of the employer 76714
or to protect the safety of persons on the employer's premises in 76715
a unit with other employees; 76716

(3) Include members of a police or fire department or members 76717
of the state highway patrol in a unit with other classifications 76718
of public employees of the department; 76719

(4) Designate as appropriate a bargaining unit that contains 76720
more than one institution of higher education; nor shall it within 76721
any such institution of higher education designate as appropriate 76722
a unit where such designation would be inconsistent with the 76723
accreditation standards or interpretations of such standards, 76724
governing such institution of higher education or any department, 76725
school, or college thereof. For the purposes of this division, any 76726
branch or regional campus of a public institution of higher 76727
education is part of that institution of higher education. 76728

(5) Designate as appropriate a bargaining unit that contains 76729
employees within the jurisdiction of more than one elected county 76730
office holder, unless the county-elected office holder and the 76731
board of county commissioners agree to such other designation; 76732

(6) With respect to members of a police department, designate 76733
as appropriate a unit that includes rank and file members of the 76734
department with members who are of the rank of sergeant or above; 76735

(7) Except as otherwise provided by division (A)(3) of 76736
section 3314.10 or division (B) of section 3326.18 of the Revised 76737
Code, designate as appropriate a bargaining unit that contains 76738
employees from multiple community schools established under 76739
Chapter 3314. or multiple science, technology, engineering, and 76740
mathematics schools established under Chapter 3326. of the Revised 76741
Code. For purposes of this division, more than one unit may be 76742

designated within a single community school or science, 76743
technology, engineering, and mathematics school. 76744

This section shall not be deemed to prohibit multiunit 76745
bargaining. 76746

Sec. 4117.14. (A) The procedures contained in this section 76747
govern the settlement of disputes between an exclusive 76748
representative and a public employer concerning the termination or 76749
modification of an existing collective bargaining agreement or 76750
negotiation of a successor agreement, or the negotiation of an 76751
initial collective bargaining agreement. 76752

(B)(1) In those cases where there exists a collective 76753
bargaining agreement, any public employer or exclusive 76754
representative desiring to terminate, modify, or negotiate a 76755
successor collective bargaining agreement shall: 76756

(a) Serve written notice upon the other party of the proposed 76757
termination, modification, or successor agreement. The party must 76758
serve the notice not less than sixty days prior to the expiration 76759
date of the existing agreement or, in the event the existing 76760
collective bargaining agreement does not contain an expiration 76761
date, not less than sixty days prior to the time it is proposed to 76762
make the termination or modifications or to make effective a 76763
successor agreement. 76764

(b) Offer to bargain collectively with the other party for 76765
the purpose of modifying or terminating any existing agreement or 76766
negotiating a successor agreement; 76767

(c) Notify the state employment relations board of the offer 76768
by serving upon the board a copy of the written notice to the 76769
other party and a copy of the existing collective bargaining 76770
agreement. 76771

(2) In the case of initial negotiations between a public 76772

employer and an exclusive representative, where a collective 76773
bargaining agreement has not been in effect between the parties, 76774
any party may serve notice upon the board and the other party 76775
setting forth the names and addresses of the parties and offering 76776
to meet, for a period of ninety days, with the other party for the 76777
purpose of negotiating a collective bargaining agreement. 76778

If the settlement procedures specified in divisions (B), (C), 76779
and (D) of this section govern the parties, where those procedures 76780
refer to the expiration of a collective bargaining agreement, it 76781
means the expiration of the sixty-day period to negotiate a 76782
collective bargaining agreement referred to in this subdivision, 76783
or in the case of initial negotiations, it means the ninety-day 76784
period referred to in this subdivision. 76785

(3) The parties shall continue in full force and effect all 76786
the terms and conditions of any existing collective bargaining 76787
agreement, without resort to strike or lock-out, for a period of 76788
sixty days after the party gives notice or until the expiration 76789
date of the collective bargaining agreement, whichever occurs 76790
later, or for a period of ninety days where applicable. 76791

(4) Upon receipt of the notice, the parties shall enter into 76792
collective bargaining. 76793

(C) In the event the parties are unable to reach an 76794
agreement, they may submit, at any time prior to forty-five days 76795
before the expiration date of the collective bargaining agreement, 76796
the issues in dispute to any mutually agreed upon dispute 76797
settlement procedure which supersedes the procedures contained in 76798
this section. 76799

(1) The procedures may include: 76800

(a) Conventional arbitration of all unsettled issues; 76801

(b) Arbitration confined to a choice between the last offer 76802
of each party to the agreement as a single package; 76803

(c) Arbitration confined to a choice of the last offer of 76804
each party to the agreement on each issue submitted; 76805

(d) The procedures described in division (C)(1)(a), (b), or 76806
(c) of this section and including among the choices for the 76807
arbitrator, the recommendations of the fact finder, if there are 76808
recommendations, either as a single package or on each issue 76809
submitted; 76810

(e) Settlement by a citizens' conciliation council composed 76811
of three residents within the jurisdiction of the public employer. 76812
The public employer shall select one member and the exclusive 76813
representative shall select one member. The two members selected 76814
shall select the third member who shall chair the council. If the 76815
two members cannot agree upon a third member within five days 76816
after their appointments, the board shall appoint the third 76817
member. Once appointed, the council shall make a final settlement 76818
of the issues submitted to it pursuant to division (G) of this 76819
section. 76820

(f) Any other dispute settlement procedure mutually agreed to 76821
by the parties. 76822

(2) If, fifty days before the expiration date of the 76823
collective bargaining agreement, the parties are unable to reach 76824
an agreement, any party may request the state employment relations 76825
board to intervene. The request shall set forth the names and 76826
addresses of the parties, the issues involved, and, if applicable, 76827
the expiration date of any agreement. 76828

The board shall intervene and investigate the dispute to 76829
determine whether the parties have engaged in collective 76830
bargaining. 76831

If an impasse exists or forty-five days before the expiration 76832
date of the collective bargaining agreement if one exists, the 76833
board shall appoint a mediator to assist the parties in the 76834

collective bargaining process. 76835

(3) Any time after the appointment of a mediator, either 76836
party may request the appointment of a fact-finding panel. Within 76837
fifteen days after receipt of a request for a fact-finding panel, 76838
the board shall appoint a fact-finding panel of not more than 76839
three members who have been selected by the parties in accordance 76840
with rules established by the board, from a list of qualified 76841
persons maintained by the board. 76842

(a) The fact-finding panel shall, in accordance with rules 76843
and procedures established by the board that include the 76844
regulation of costs and expenses of fact-finding, gather facts and 76845
make recommendations for the resolution of the matter. The board 76846
shall by its rules require each party to specify in writing the 76847
unresolved issues and its position on each issue to the 76848
fact-finding panel. The fact-finding panel shall make final 76849
recommendations as to all the unresolved issues. 76850

(b) The board may continue mediation, order the parties to 76851
engage in collective bargaining until the expiration date of the 76852
agreement, or both. 76853

(4) The following guidelines apply to fact-finding: 76854

(a) The fact-finding panel may establish times and place of 76855
hearings which shall be, where feasible, in the jurisdiction of 76856
the state. 76857

(b) The fact-finding panel shall conduct the hearing pursuant 76858
to rules established by the board. 76859

(c) Upon request of the fact-finding panel, the board shall 76860
issue subpoenas for hearings conducted by the panel. 76861

(d) The fact-finding panel may administer oaths. 76862

(e) The board shall prescribe guidelines for the fact-finding 76863
panel to follow in making findings. In making its recommendations, 76864

the fact-finding panel shall take into consideration the factors 76865
listed in divisions (G)(7)(a) to (f) of this section. 76866

(f) The fact-finding panel may attempt mediation at any time 76867
during the fact-finding process. From the time of appointment 76868
until the fact-finding panel makes a final recommendation, it 76869
shall not discuss the recommendations for settlement of the 76870
dispute with parties other than the direct parties to the dispute. 76871

(5) The fact-finding panel, acting by a majority of its 76872
members, shall transmit its findings of fact and recommendations 76873
on the unresolved issues to the public employer and employee 76874
organization involved and to the board no later than fourteen days 76875
after the appointment of the fact-finding panel, unless the 76876
parties mutually agree to an extension. The parties shall share 76877
the cost of the fact-finding panel in a manner agreed to by the 76878
parties. 76879

(6)(a) Not later than seven days after the findings and 76880
recommendations are sent, the legislative body, by a three-fifths 76881
vote of its total membership, and in the case of the public 76882
employee organization, the membership, by a three-fifths vote of 76883
the total membership, may reject the recommendations; if neither 76884
rejects the recommendations, the recommendations shall be deemed 76885
agreed upon as the final resolution of the issues submitted and a 76886
collective bargaining agreement shall be executed between the 76887
parties, including the fact-finding panel's recommendations, 76888
except as otherwise modified by the parties by mutual agreement. 76889
If either the legislative body or the public employee organization 76890
rejects the recommendations, the board shall publicize the 76891
findings of fact and recommendations of the fact-finding panel. 76892
The board shall adopt rules governing the procedures and methods 76893
for public employees to vote on the recommendations of the 76894
fact-finding panel. 76895

(b) As used in division (C)(6)(a) of this section, 76896

"legislative body" means the controlling board when the state or any of its agencies, authorities, commissions, boards, or other branch of public employment is party to the fact-finding process.

(D) If the parties are unable to reach agreement within seven days after the publication of findings and recommendations from the fact-finding panel or the collective bargaining agreement, if one exists, has expired, then the:

(1) Public employees, who are members of a police or fire department, members of the state highway patrol, deputy sheriffs, dispatchers employed by a police, fire, or sheriff's department or the state highway patrol or civilian dispatchers employed by a public employer other than a police, fire, or sheriff's department to dispatch police, fire, sheriff's department, or emergency medical or rescue personnel and units, an exclusive nurse's unit, employees of the state school for the deaf or the state school for the blind, employees of any public employee retirement system, corrections officers, guards at penal or mental institutions, special police officers appointed in accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the Revised Code, psychiatric attendants employed at mental health forensic facilities, youth leaders employed at juvenile correctional facilities, or members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board, shall submit the matter to a final offer settlement procedure pursuant to a board order issued forthwith to the parties to settle by a conciliator selected by the parties. The parties shall request from the board a list of five qualified conciliators and the parties shall select a single conciliator from the list by alternate striking of names. If the parties cannot agree upon a conciliator within five days after the board order, the board shall on the sixth day after its order appoint a conciliator from a list of qualified persons

maintained by the board or shall request a list of qualified 76929
conciliators from the American arbitration association and appoint 76930
therefrom. 76931

(2) Public employees other than those listed in division 76932
(D)(1) of this section have the right to strike under Chapter 76933
4117. of the Revised Code provided that the employee organization 76934
representing the employees has given a ten-day prior written 76935
notice of an intent to strike to the public employer and to the 76936
board, and further provided that the strike is for full, 76937
consecutive work days and the beginning date of the strike is at 76938
least ten work days after the ending date of the most recent prior 76939
strike involving the same bargaining unit; however, the board, at 76940
its discretion, may attempt mediation at any time. 76941

(E) Nothing in this section shall be construed to prohibit 76942
the parties, at any time, from voluntarily agreeing to submit any 76943
or all of the issues in dispute to any other alternative dispute 76944
settlement procedure. An agreement or statutory requirement to 76945
arbitrate or to settle a dispute pursuant to a final offer 76946
settlement procedure and the award issued in accordance with the 76947
agreement or statutory requirement is enforceable in the same 76948
manner as specified in division (B) of section 4117.09 of the 76949
Revised Code. 76950

(F) Nothing in this section shall be construed to prohibit a 76951
party from seeking enforcement of a collective bargaining 76952
agreement or a conciliator's award as specified in division (B) of 76953
section 4117.09 of the Revised Code. 76954

(G) The following guidelines apply to final offer settlement 76955
proceedings under division (D)(1) of this section: 76956

(1) The parties shall submit to final offer settlement those 76957
issues that are subject to collective bargaining as provided by 76958
section 4117.08 of the Revised Code and upon which the parties 76959

have not reached agreement and other matters mutually agreed to by 76960
the public employer and the exclusive representative; except that 76961
the conciliator may attempt mediation at any time. 76962

(2) The conciliator shall hold a hearing within thirty days 76963
of the board's order to submit to a final offer settlement 76964
procedure, or as soon thereafter as is practicable. 76965

(3) The conciliator shall conduct the hearing pursuant to 76966
rules developed by the board. The conciliator shall establish the 76967
hearing time and place, but it shall be, where feasible, within 76968
the jurisdiction of the state. Not later than five calendar days 76969
before the hearing, each of the parties shall submit to the 76970
conciliator, to the opposing party, and to the board, a written 76971
report summarizing the unresolved issues, the party's final offer 76972
as to the issues, and the rationale for that position. 76973

(4) Upon the request by the conciliator, the board shall 76974
issue subpoenas for the hearing. 76975

(5) The conciliator may administer oaths. 76976

(6) The conciliator shall hear testimony from the parties and 76977
provide for a written record to be made of all statements at the 76978
hearing. The board shall submit for inclusion in the record and 76979
for consideration by the conciliator the written report and 76980
recommendation of the fact-finders. 76981

(7) After hearing, the conciliator shall resolve the dispute 76982
between the parties by selecting, on an issue-by-issue basis, from 76983
between each of the party's final settlement offers, taking into 76984
consideration the following: 76985

(a) Past collectively bargained agreements, if any, between 76986
the parties; 76987

(b) Comparison of the issues submitted to final offer 76988
settlement relative to the employees in the bargaining unit 76989

involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;

(c) The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service;

(d) The lawful authority of the public employer;

(e) The stipulations of the parties;

(f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment.

(8) Final offer settlement awards made under Chapter 4117. of the Revised Code are subject to Chapter 2711. of the Revised Code.

(9) If more than one conciliator is used, the determination must be by majority vote.

(10) The conciliator shall make written findings of fact and promulgate a written opinion and order upon the issues presented to the conciliator, and upon the record made before the conciliator and shall mail or otherwise deliver a true copy thereof to the parties and the board.

(11) Increases in rates of compensation and other matters with cost implications awarded by the conciliator may be effective only at the start of the fiscal year next commencing after the date of the final offer settlement award; provided that if a new fiscal year has commenced since the issuance of the board order to submit to a final offer settlement procedure, the awarded

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increases may be retroactive to the commencement of the new fiscal 77020
year. The parties may, at any time, amend or modify a 77021
conciliator's award or order by mutual agreement. 77022

(12) The parties shall bear equally the cost of the final 77023
offer settlement procedure. 77024

(13) Conciliators appointed pursuant to this section shall be 77025
residents of the state. 77026

(H) All final offer settlement awards and orders of the 77027
conciliator made pursuant to Chapter 4117. of the Revised Code are 77028
subject to review by the court of common pleas having jurisdiction 77029
over the public employer as provided in Chapter 2711. of the 77030
Revised Code. If the public employer is located in more than one 77031
court of common pleas district, the court of common pleas in which 77032
the principal office of the chief executive is located has 77033
jurisdiction. 77034

(I) The issuance of a final offer settlement award 77035
constitutes a binding mandate to the public employer and the 77036
exclusive representative to take whatever actions are necessary to 77037
implement the award. 77038

Sec. 4117.15. (A) Whenever a strike by members of a police or 77039
fire department, members of the state highway patrol, deputy 77040
sheriffs, dispatchers employed by a police, fire, or sheriff's 77041
department or the state highway patrol or civilian dispatchers 77042
employed by a public employer other than a police, fire, or 77043
sheriff's department to dispatch police, fire, sheriff's 77044
department, or emergency medical or rescue personnel and units, an 77045
exclusive nurse's unit, employees of the state school for the deaf 77046
or the state school for the blind, employees of any public 77047
employee retirement system, correction officers, guards at penal 77048
or mental institutions, or special police officers appointed in 77049
accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the 77050

Revised Code, psychiatric attendants employed at mental health 77051
forensic facilities, youth leaders employed at juvenile 77052
correctional facilities, or members of a law enforcement security 77053
force that is established and maintained exclusively by a board of 77054
county commissioners and whose members are employed by that board, 77055
a strike by other public employees during the pendency of the 77056
settlement procedures set forth in section 4117.14 of the Revised 77057
Code, or a strike during the term or extended term of a collective 77058
bargaining agreement occurs, the public employer may seek an 77059
injunction against the strike in the court of common pleas of the 77060
county in which the strike is located. 77061

(B) An unfair labor practice by a public employer is not a 77062
defense to the injunction proceeding noted in division (A) of this 77063
section. Allegations of unfair labor practices during the 77064
settlement procedures set forth in section 4117.14 of the Revised 77065
Code shall receive priority by the state employment relations 77066
board. 77067

(C) No public employee is entitled to pay or compensation 77068
from the public employer for the period engaged in any strike. 77069

Sec. 4121.44. (A) The administrator of workers' compensation 77070
shall oversee the implementation of the Ohio workers' compensation 77071
qualified health plan system as established under section 4121.442 77072
of the Revised Code. 77073

(B) The administrator shall direct the implementation of the 77074
health partnership program administered by the bureau as set forth 77075
in section 4121.441 of the Revised Code. To implement the health 77076
partnership program and to ensure the efficiency and effectiveness 77077
of the public services provided through the program, the bureau: 77078

(1) Shall certify one or more external vendors, which shall 77079
be known as "managed care organizations," to provide medical 77080
management and cost containment services in the health partnership 77081

program for a period of two years beginning on the date of 77082
certification, consistent with the standards established under 77083
this section; 77084

(2) May recertify ~~external vendors~~ managed care organizations 77085
for additional periods of two years; and 77086

(3) May integrate the certified ~~vendors~~ managed care 77087
organizations with bureau staff and existing bureau services for 77088
purposes of operation and training to allow the bureau to assume 77089
operation of the health partnership program at the conclusion of 77090
the certification periods set forth in division (B)(1) or (2) of 77091
this section; 77092

(4) May enter into a contract with any managed care 77093
organization that is certified by the bureau, pursuant to division 77094
(B)(1) or (2) of this section, to provide medical management and 77095
cost containment services in the health partnership program. 77096

(C) A contract entered into pursuant to division (B)(4) of 77097
this section shall include both of the following: 77098

(1) Incentives that may be awarded by the administrator, at 77099
the administrator's discretion, based on compliance and 77100
performance of the managed care organization; 77101

(2) Penalties that may be imposed by the administrator, at 77102
the administrator's discretion, based on the failure of the 77103
managed care organization to reasonably comply with or perform 77104
terms of the contract, which may include termination of the 77105
contract. 77106

(D) Notwithstanding section 119.061 of the Revised Code, a 77107
contract entered into pursuant to division (B)(4) of this section 77108
may include provisions limiting, restricting, or regulating any 77109
marketing or advertising by the managed care organization, or by 77110
any individual or entity that is affiliated with or acting on 77111
behalf of the managed care organization, under the health 77112

partnership program. 77113

(E) No managed care organization shall receive compensation 77114
under the health partnership program unless the managed care 77115
organization has entered into a contract with the bureau pursuant 77116
to division (B)(4) of this section. 77117

(F) Any ~~vendor~~ managed care organization selected shall 77118
demonstrate all of the following: 77119

(1) Arrangements and reimbursement agreements with a 77120
substantial number of the medical, professional and pharmacy 77121
providers currently being utilized by claimants. 77122

(2) Ability to accept a common format of medical bill data in 77123
an electronic fashion from any provider who wishes to submit 77124
medical bill data in that form. 77125

(3) A computer system able to handle the volume of medical 77126
bills and willingness to customize that system to the bureau's 77127
needs and to be operated by the ~~vendor's~~ managed care 77128
organization's staff, bureau staff, or some combination of both 77129
staffs. 77130

(4) A prescription drug system where pharmacies on a 77131
statewide basis have access to the eligibility and pricing, at a 77132
discounted rate, of all prescription drugs. 77133

(5) A tracking system to record all telephone calls from 77134
claimants and providers regarding the status of submitted medical 77135
bills so as to be able to track each inquiry. 77136

(6) Data processing capacity to absorb all of the bureau's 77137
medical bill processing or at least that part of the processing 77138
which the bureau arranges to delegate. 77139

(7) Capacity to store, retrieve, array, simulate, and model 77140
in a relational mode all of the detailed medical bill data so that 77141
analysis can be performed in a variety of ways and so that the 77142

bureau and its governing authority can make informed decisions. 77143

(8) Wide variety of software programs which translate medical 77144
terminology into standard codes, and which reveal if a provider is 77145
manipulating the procedures codes, commonly called "unbundling." 77146

(9) Necessary professional staff to conduct, at a minimum, 77147
authorizations for treatment, medical necessity, utilization 77148
review, concurrent review, post-utilization review, and have the 77149
attendant computer system which supports such activity and 77150
measures the outcomes and the savings. 77151

(10) Management experience and flexibility to be able to 77152
react quickly to the needs of the bureau in the case of required 77153
change in federal or state requirements. 77154

~~(D)~~(G)(1) The administrator may decertify a managed care 77155
organization if the managed care organization does any of the 77156
following: 77157

(a) Fails to maintain any of the requirements set forth in 77158
division (F) of this section; 77159

(b) Fails to reasonably comply with or to perform in 77160
accordance with the terms of a contract entered into under 77161
division (B)(4) of this section; 77162

(c) Violates a rule adopted under section 4121.441 of the 77163
Revised Code. 77164

(2) The administrator shall provide each managed care 77165
organization that is being decertified pursuant to division (G)(1) 77166
of this section with written notice of the pending decertification 77167
and an opportunity for a hearing pursuant to rules adopted by the 77168
administrator. 77169

(H)(1) Information contained in a ~~vendor's~~ managed care 77170
organization's application for certification in the health 77171
partnership program, and other information furnished to the bureau 77172

by a ~~vendor~~ managed care organization for purposes of obtaining 77173
certification or to comply with performance and financial auditing 77174
requirements established by the administrator, is for the 77175
exclusive use and information of the bureau in the discharge of 77176
its official duties, and shall not be open to the public or be 77177
used in any court in any proceeding pending therein, unless the 77178
bureau is a party to the action or proceeding, but the information 77179
may be tabulated and published by the bureau in statistical form 77180
for the use and information of other state departments and the 77181
public. No employee of the bureau, except as otherwise authorized 77182
by the administrator, shall divulge any information secured by the 77183
employee while in the employ of the bureau in respect to a 77184
~~vendor's~~ managed care organization's application for certification 77185
or in respect to the business or other trade processes of any 77186
~~vendor~~ managed care organization to any person other than the 77187
administrator or to the employee's superior. 77188

(2) Notwithstanding the restrictions imposed by division 77189
~~(D)~~(H)(1) of this section, the governor, members of select or 77190
standing committees of the senate or house of representatives, the 77191
auditor of state, the attorney general, or their designees, 77192
pursuant to the authority granted in this chapter and Chapter 77193
4123. of the Revised Code, may examine any ~~vendor~~ managed care 77194
organization application or other information furnished to the 77195
bureau by the ~~vendor~~ managed care organization. None of those 77196
individuals shall divulge any information secured in the exercise 77197
of that authority in respect to a ~~vendor's~~ managed care 77198
organization's application for certification or in respect to the 77199
business or other trade processes of any ~~vendor~~ managed care 77200
organization to any person. 77201

~~(E)~~(I) On and after January 1, 2001, a ~~vendor~~ managed care 77202
organization shall not be ~~any~~ an insurance company holding a 77203
certificate of authority issued pursuant to Title XXXIX of the 77204

Revised Code or ~~any~~ a health insuring corporation holding a 77205
certificate of authority under Chapter 1751. of the Revised Code. 77206

~~(F)~~(J) The administrator may limit freedom of choice of 77207
health care provider or supplier by requiring, beginning with the 77208
period set forth in division (B)(1) or (2) of this section, that 77209
claimants shall pay an appropriate out-of-plan copayment for 77210
selecting a medical provider not within the health partnership 77211
program as provided for in this section. 77212

~~(G)~~(K) The administrator, six months prior to the expiration 77213
of the bureau's certification or recertification of the ~~vendor or~~ 77214
~~vendors~~ managed care organizations as set forth in division (B)(1) 77215
or (2) of this section, may certify and provide evidence to the 77216
governor, the speaker of the house of representatives, and the 77217
president of the senate that the existing bureau staff is able to 77218
match or exceed the performance and outcomes of the ~~external~~ 77219
~~vendor or vendors~~ managed care organizations and that the bureau 77220
should be permitted to internally administer the health 77221
partnership program upon the expiration of the certification or 77222
recertification as set forth in division (B)(1) or (2) of this 77223
section. 77224

~~(H)~~(L) The administrator shall establish and operate a bureau 77225
of workers' compensation health care data program. The 77226
administrator shall develop reporting requirements from all 77227
employees, employers ~~and~~ medical providers, ~~medical vendors~~ 77228
managed care organizations, and plans that participate in the 77229
workers' compensation system. The administrator shall do all of 77230
the following: 77231

(1) Utilize the collected data to measure and perform 77232
comparison analyses of costs, quality, appropriateness of medical 77233
care, and effectiveness of medical care delivered by all 77234
components of the workers' compensation system. 77235

(2) Compile data to support activities of the selected ~~vendor~~ 77236
~~or vendors~~ managed care organizations and to measure the outcomes 77237
and savings of the health partnership program. 77238

(3) Publish and report compiled data on the measures of 77239
outcomes and savings of the health partnership program and submit 77240
the report to the president of the senate, the speaker of the 77241
house of representatives, and the governor with the annual report 77242
prepared under division (F)(3) of section 4121.12 of the Revised 77243
Code. The administrator shall protect the confidentiality of all 77244
proprietary pricing data. 77245

~~(I)~~(M) Any rehabilitation facility the bureau operates is 77246
eligible for inclusion in the Ohio workers' compensation qualified 77247
health plan system or the health partnership program under the 77248
same terms as other providers within health care plans or the 77249
program. 77250

~~(J)~~(N) In areas outside the state or within the state where 77251
no qualified health plan or an inadequate number of providers 77252
within the health partnership program exist, the administrator 77253
shall permit employees to use a nonplan or nonprogram health care 77254
provider and shall pay the provider for the services or supplies 77255
provided to or on behalf of an employee for an injury or 77256
occupational disease that is compensable under this chapter or 77257
Chapter 4123., 4127., or 4131. of the Revised Code on a fee 77258
schedule the administrator adopts. 77259

~~(K)~~(O) No health care provider, whether certified or not, 77260
shall charge, assess, or otherwise attempt to collect from an 77261
employee, employer, a managed care organization, or the bureau any 77262
amount for covered services or supplies that is in excess of the 77263
allowed amount paid by a managed care organization, the bureau, or 77264
a qualified health plan. 77265

~~(L)~~(P) The administrator shall permit any employer or group 77266

of employers who agree to abide by the rules adopted under this 77267
section and sections 4121.441 and 4121.442 of the Revised Code to 77268
provide services or supplies to or on behalf of an employee for an 77269
injury or occupational disease that is compensable under this 77270
chapter or Chapter 4123., 4127., or 4131. of the Revised Code 77271
through qualified health plans of the Ohio workers' compensation 77272
qualified health plan system pursuant to section 4121.442 of the 77273
Revised Code or through the health partnership program pursuant to 77274
section 4121.441 of the Revised Code. No amount paid under the 77275
qualified health plan system pursuant to section 4121.442 of the 77276
Revised Code by an employer who is a state fund employer shall be 77277
charged to the employer's experience or otherwise be used in 77278
merit-rating or determining the risk of that employer for the 77279
purpose of the payment of premiums under this chapter, and if the 77280
employer is a self-insuring employer, the employer shall not 77281
include that amount in the paid compensation the employer reports 77282
under section 4123.35 of the Revised Code. 77283

Sec. 4121.441. (A) The administrator of workers' 77284
compensation, with the advice and consent of the bureau of 77285
workers' compensation board of directors, shall adopt rules under 77286
Chapter 119. of the Revised Code for the health care partnership 77287
program administered by the bureau of workers' compensation to 77288
provide medical, surgical, nursing, drug, hospital, and 77289
rehabilitation services and supplies to an employee for an injury 77290
or occupational disease that is compensable under this chapter or 77291
Chapter 4123., 4127., or 4131. of the Revised Code, and to 77292
regulate contracts with managed care organizations pursuant to 77293
this chapter. 77294

(1) The rules shall include, but are not limited to, the 77295
following: 77296

~~(1)~~(a) Procedures for the resolution of medical disputes 77297

between an employer and an employee, an employee and a provider, 77298
or an employer and a provider, prior to an appeal under section 77299
4123.511 of the Revised Code. Rules the administrator adopts 77300
pursuant to division (A)(1)(a) of this section may specify that 77301
the resolution procedures shall not be used to resolve disputes 77302
concerning medical services rendered that have been approved 77303
through standard treatment guidelines, pathways, or presumptive 77304
authorization guidelines. 77305

~~(2)~~(b) Prohibitions against discrimination against any 77306
category of health care providers; 77307

~~(3)~~(c) Procedures for reporting injuries to employers and the 77308
bureau by providers; 77309

~~(4)~~(d) Appropriate financial incentives to reduce service 77310
cost and insure proper system utilization without sacrificing the 77311
quality of service; 77312

~~(5)~~(e) Adequate methods of peer review, utilization review, 77313
quality assurance, and dispute resolution to prevent, and provide 77314
sanctions for, inappropriate, excessive or not medically necessary 77315
treatment; 77316

~~(6)~~(f) A timely and accurate method of collection of 77317
necessary information regarding medical and health care service 77318
and supply costs, quality, and utilization to enable the 77319
administrator to determine the effectiveness of the program; 77320

~~(7)~~(g) Provisions for necessary emergency medical treatment 77321
for an injury or occupational disease provided by a health care 77322
provider who is not part of the program; 77323

~~(8)~~(h) Discounted pricing for all in-patient and out-patient 77324
medical services, all professional services, and all 77325
pharmaceutical services; 77326

~~(9)~~(i) Provisions for provider referrals, pre-admission and 77327

post-admission approvals, second surgical opinions, and other cost management techniques; 77328
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~~(10)~~(j) Antifraud mechanisms; 77330

~~(11)~~(k) Standards and criteria for the bureau to utilize in certifying or recertifying a health care provider or a ~~vendor~~ managed care organization for participation in the health partnership program; 77331
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~~(12)~~(l) Standards ~~and criteria~~ for the bureau to utilize in penalizing or decertifying a health care provider ~~or a vendor~~ from participation in the health partnership program. 77335
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(2) Notwithstanding section 119.061 of the Revised Code, the rules may include provisions limiting, restricting, or regulating any marketing or advertising by a managed care organization, or by any individual or entity that is affiliated with or acting on behalf of the managed care organization, under the health partnership program. 77338
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(B) The administrator shall implement the health partnership program according to the rules the administrator adopts under this section for the provision and payment of medical, surgical, nursing, drug, hospital, and rehabilitation services and supplies to an employee for an injury or occupational disease that is compensable under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code." 77344
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Sec. 4121.50. Not later than July 1, 2012, the administrator of workers' compensation shall adopt rules in accordance with Chapter 119. of the Revised Code to implement a coordinated services program for claimants under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code who are found to have obtained prescription drugs that were reimbursed pursuant to an order of the administrator or of the industrial commission or by a 77351
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self-insuring employer but were obtained at a frequency or in an amount that is not medically necessary. The program shall be implemented in a manner that is substantially similar to the coordinated services programs established for the medicaid program under ~~section 5111.085~~ sections 5164.758 and 5111.179 5167.13 of the Revised Code.

Sec. 4121.69. (A) The administrator of workers' compensation may establish compensation plans, including schedules of hourly rates, for the compensation of professional, administrative, and managerial employees who are employed to fulfill the duties placed upon the bureau of workers' compensation pursuant to sections 4121.61 to 4121.69 of the Revised Code. The administrator may establish rules or policies for the administration of the respective compensation plans.

This division does not apply to employees for whom the state employment relations board establishes appropriate bargaining units pursuant to section 4117.06 of the Revised Code.

(B) The administrator may employ the services and resources of any public entity or private person, business, or association in fulfilling the duties placed upon the bureau of workers' compensation by sections 4121.61 to 4121.69 of the Revised Code. The ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency, the director of job and family services, and any other public officer, employee, or agency shall give to the bureau of workers' compensation full cooperation and, at the request of the administrator, enter into a written agreement stating the procedures and criteria for referring, accepting, and providing services to claimants in the job placement and rehabilitation efforts of the bureau of workers' compensation on behalf of a claimant when referred by the bureau of workers' compensation.

(C) In appropriate cases, the bureau may refer a candidate to 77389
the ~~rehabilitation services commission~~ opportunities for Ohioans 77390
with disabilities agency for participation in a program of the 77391
~~commission~~ agency. For that purpose, the bureau of workers' 77392
compensation shall compensate the ~~commission~~ agency for the 77393
nonfederal portion of its services. 77394

Sec. 4123.32. The administrator of workers' compensation, 77395
with the advice and consent of the bureau of workers' compensation 77396
board of directors, shall adopt rules with respect to the 77397
collection, maintenance, and disbursements of the state insurance 77398
fund including all of the following: 77399

(A) A rule providing that the premium security deposit 77400
collected from any employer entitles the employer to the benefits 77401
of this chapter for the remainder of the six months and also for 77402
an additional adjustment period of two months, and, thereafter, if 77403
the employer pays the premium due at the close of any six-month 77404
period, coverage shall be extended for an additional eight-month 77405
period beginning from the end of the six-month period for which 77406
the employer pays the premium due; 77407

(B) A rule providing for ascertaining the correctness of any 77408
employer's report of estimated or actual expenditure of wages and 77409
the determination and adjustment of proper premiums and the 77410
payment of those premiums by the employer for or during any period 77411
less than eight months and notwithstanding any payment or 77412
determination of premium made when exceptional conditions or 77413
circumstances in the judgment of the administrator justify the 77414
action; 77415

(C) Such special rules as the administrator considers 77416
necessary to safeguard the fund and that are just in the 77417
circumstances, covering the rates to be applied where one employer 77418
takes over the occupation or industry of another or where an 77419

employer first makes application for state insurance, and the 77420
administrator may require that if any employer transfers a 77421
business in whole or in part or otherwise reorganizes the 77422
business, the successor in interest shall assume, in proportion to 77423
the extent of the transfer, as determined by the administrator, 77424
the employer's account and shall continue the payment of all 77425
contributions due under this chapter; 77426

(D) A rule providing that an employer who employs an employee 77427
covered under the federal "Longshore and Harbor Workers'
Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and this 77428
chapter and Chapter 4121. of the Revised Code shall be assessed a 77429
premium in accordance with the expenditure of wages, payroll, or 77430
both attributable to only labor performed and services provided by 77431
such an employee when the employee performs labor and provides 77432
services for which the employee is not eligible to receive 77433
compensation and benefits under that federal act. 77434
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(E) A rule providing for all of the following: 77436

(1) If, within two months immediately after the expiration of 77437
the six-month period, an employer fails to file a report of the 77438
employer's actual payroll expenditures for the period, the premium 77439
found to be due from the employer for the period shall be 77440
increased in an amount equal to one per cent of the premium, but 77441
the increase shall not be less than three nor more than fifteen 77442
dollars; 77443

(2) The premium determined by the administrator to be due 77444
from an employer shall be payable on or before the end of the 77445
coverage period established by the premium security deposit, or 77446
within the time specified by the administrator if the period for 77447
which the advance premium has been paid is less than eight months. 77448
If an employer fails to pay the premium when due, the 77449
administrator may add a late fee penalty of not more than thirty 77450
dollars to the premium plus an additional penalty amount as 77451

follows: 77452

(a) For a premium from sixty-one to ninety days past due, the prime interest rate, multiplied by the premium due; 77453
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(b) For a premium from ninety-one to one hundred twenty days past due, the prime interest rate plus two per cent, multiplied by the premium due; 77455
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(c) For a premium from one hundred twenty-one to one hundred fifty days past due, the prime interest rate plus four per cent, multiplied by the premium due; 77458
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(d) For a premium from one hundred fifty-one to one hundred eighty days past due, the prime interest rate plus six per cent, multiplied by the premium due; 77461
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(e) For a premium from one hundred eighty-one to two hundred ten days past due, the prime interest rate plus eight per cent, multiplied by the premium due; 77464
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(f) For each additional thirty-day period or portion thereof that a premium remains past due after it has remained past due for more than two hundred ten days, the prime interest rate plus eight per cent, multiplied by the premium due. 77467
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(3) Notwithstanding the interest rates specified in division (E)(2) of this section, at no time shall the additional penalty amount assessed under division (E)(2) of this section exceed fifteen per cent of the premium due. 77471
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(4) An employer may appeal a late fee penalty or additional penalty to an adjudicating committee pursuant to section 4123.291 of the Revised Code. 77475
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For purposes of division (E) of this section, "prime interest rate" means the average bank prime rate, and the administrator shall determine the prime interest rate in the same manner as a county auditor determines the average bank prime rate under 77478
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section 929.02 of the Revised Code. 77482

(5) If the employer files an appropriate payroll report, 77483
within the time provided by law or within the time specified by 77484
the administrator if the period for which the employer paid an 77485
estimated premium is less than eight months, the employer shall 77486
not be in default and division (E)(2) of this section shall not 77487
apply if the employer pays the premiums within fifteen days after 77488
being first notified by the administrator of the amount due. 77489

(6) Any deficiencies in the amounts of the premium security 77490
deposit paid by an employer for any period shall be subject to an 77491
interest charge of six per cent per annum from the date the 77492
premium obligation is incurred. In determining the interest due on 77493
deficiencies in premium security deposit payments, a charge in 77494
each case shall be made against the employer in an amount equal to 77495
interest at the rate of six per cent per annum on the premium 77496
security deposit due but remaining unpaid sixty days after notice 77497
by the administrator. 77498

(7) Any interest charges or penalties provided for in 77499
divisions (E)(2) and (6) of this section shall be credited to the 77500
employer's account for rating purposes in the same manner as 77501
premiums. 77502

(F) A rule providing that each employer, on the occasion of 77503
instituting coverage under this chapter, shall submit a premium 77504
security deposit. The deposit shall be calculated equivalent to 77505
thirty per cent of the semiannual premium obligation of the 77506
employer based upon the employer's estimated expenditure for wages 77507
for the ensuing six-month period plus thirty per cent of an 77508
additional adjustment period of two months but only up to a 77509
maximum of one thousand dollars and not less than ten dollars. The 77510
administrator shall review the security deposit of every employer 77511
who has submitted a deposit which is less than the 77512
one-thousand-dollar maximum. The administrator may require any 77513

such employer to submit additional money up to the maximum of one 77514
thousand dollars that, in the administrator's opinion, reflects 77515
the employer's current payroll expenditure for an eight-month 77516
period. 77517

(G) A rule providing that each employer, on the occasion of 77518
instituting coverage under this chapter, shall submit an 77519
application for coverage that completely provides all of the 77520
information required for the administrator to establish coverage 77521
for that employer, and that the employer's failure to provide all 77522
of the information completely may be grounds for the administrator 77523
to deny coverage for that employer. 77524

(H) A rule providing that, in addition to any other remedies 77525
permitted in this chapter, the administrator may discontinue an 77526
employer's coverage if the employer fails to pay the premium due 77527
on or before the premium's due date. 77528

(I) A rule providing that if after a final adjudication it is 77529
determined that an employer has failed to pay an obligation, 77530
billing, account, or assessment that is greater than one thousand 77531
dollars on or before its due date, the administrator may 77532
discontinue the employer's coverage in addition to any other 77533
remedies permitted in this chapter, and that the administrator 77534
shall not discontinue an employer's coverage pursuant to this 77535
division prior to a final adjudication regarding the employer's 77536
failure to pay such obligation, billing, account, or assessment on 77537
or before its due date. 77538

(J) As used in divisions (H) and (I) of this section: 77539

(1) "Employer" has the same meaning as in division (B) of 77540
section 4123.01 of the Revised Code except that "employer" does 77541
not include the state, a state hospital, or a state university or 77542
college. 77543

(2) "State university or college" has the same meaning as in 77544

section 3345.12 of the Revised Code and also includes the Ohio 77545
agricultural research and development center and the ~~Ohio state~~ 77546
~~university cooperative~~ OSU extension ~~service~~. 77547

(3) "State hospital" means the Ohio state university hospital 77548
and its ancillary facilities and the medical university of Ohio at 77549
Toledo hospital. 77550

Sec. 4123.322. (A) Notwithstanding any provision to the 77551
contrary in section 4123.32 or 4123.41 of the Revised Code, the 77552
administrator of workers' compensation, with the advice and 77553
consent of the bureau of workers' compensation board of directors, 77554
may adopt rules with respect to the collection, maintenance, and 77555
disbursements of the state insurance fund to provide for a system 77556
of prospective payment of workers' compensation premiums. If the 77557
administrator elects to adopt rules establishing a prospective 77558
payment system, those rules shall include all of the following: 77559

(1) A requirement that, notwithstanding section 4123.26 of 77560
the Revised Code, on or before the thirtieth day of June of each 77561
year, or such other date as the administrator establishes, every 77562
employer mentioned in division (B)(2) of section 4123.01 of the 77563
Revised Code shall file with the bureau of workers' compensation 77564
an estimate of the employer's payroll for the immediately 77565
following twelve-month period or other period as the administrator 77566
establishes; 77567

(2) A requirement that upon an initial application for 77568
coverage, an employer mentioned in division (B)(2) of section 77569
4123.01 of the Revised Code shall file with the application an 77570
estimate of the employer's payroll for the unexpired period from 77571
the date of application to the period ending on the following 77572
thirtieth day of June or other date as established by the 77573
administrator pursuant to division (A)(1) of this section, and 77574
shall pay the amount the administrator determines by rule in order 77575

to establish coverage for the employer as described in division (B)(12) of section 4121.121 of the Revised Code; 77576
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(3) A requirement that, notwithstanding section 4123.26 or 4123.41 of the Revised Code, on or before the first day of January of each year, or such other date as the administrator establishes, every employer mentioned in division (B)(1) of section 4123.01 of the Revised Code, except for a state agency or a state university or college, shall file with the bureau an estimate of the employer's payroll for the immediately following twelve-month period or other period as the administrator establishes; 77578
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(4) A requirement that upon an initial application for coverage, an employer mentioned in division (B)(1) of section 4123.01 of the Revised Code, except for a state agency or state university or college, shall file with the application an estimate of the employer's payroll for the unexpired period from the date of application to the period ending on the following thirty-first day of December or other date as established by the administrator pursuant to division (A)(3) of this section, and shall pay the amount the administrator determines by rule in order to establish coverage for the employer as described in division (B)(12) of section 4121.121 of the Revised Code; 77586
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(5) The assessment of a penalty if an employer fails to timely file the estimates of payroll required by the rules adopted pursuant to this section; 77597
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(6) A requirement that an employer complete periodic payroll reports of actual expenditures for previous coverage periods for reconciliation with estimated payroll reports; 77600
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(7) The assessment of a penalty for late payroll reconciliation reports and for late payment of any reconciliation premium; 77603
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(8) The establishment of a transition period during which 77606

time the bureau shall determine the adequacy of existing premium security deposits of employers, the establishment of provisions for additional premium payments during that transition, the provision of a credit of those deposits toward the first premium due from an employer under the rules adopted under divisions (A)(1) to (7) of this section, and the establishment of penalties for late payment or failure to comply with the rules.

(B) For purposes of division (A)(6) of this section, an employer shall make timely payment of any premium owed when actual payroll expenditures exceeded estimated payroll, and the employer shall receive premium credit when the estimated payroll exceeded the actual payroll.

(C) For purposes of division (A)(7) of this section, if the employer's actual payroll substantially exceeds the estimated payroll, the administrator may assess additional penalties specified in rules the administrator adopts on the reconciliation premium.

(D) As used in this section, "state university or college" has the same meaning as in section 4123.32 of the Revised Code.

Sec. 4123.35. (A) Except as provided in this section, every employer mentioned in division (B)(2) of section 4123.01 of the Revised Code, and every publicly owned utility shall pay semiannually in the months of January and July into the state insurance fund the amount of annual premium the administrator of workers' compensation fixes for the employment or occupation of the employer, the amount of which premium to be paid by each employer to be determined by the classifications, rules, and rates made and published by the administrator. The employer shall pay semiannually a further sum of money into the state insurance fund as may be ascertained to be due from the employer by applying the rules of the administrator, and a receipt or certificate

certifying that payment has been made, along with a written notice 77638
as is required in section 4123.54 of the Revised Code, shall be 77639
mailed immediately to the employer by the bureau of workers' 77640
compensation. The receipt or certificate is prima-facie evidence 77641
of the payment of the premium, and the proper posting of the 77642
notice constitutes the employer's compliance with the notice 77643
requirement mandated in section 4123.54 of the Revised Code. 77644

If the administrator adopts rules to establish a prospective 77645
payment of premium under section 4123.322 of the Revised Code, 77646
every employer mentioned in division (B)(2) of section 4123.01 of 77647
the Revised Code and every publicly owned utility shall pay into 77648
the state insurance fund the amount of premium the administrator 77649
fixes for the employment or occupation of the employer, the amount 77650
of which premium to be paid by each employer to be determined by 77651
the classifications, rules, and rates made and published by the 77652
administrator and based upon the estimates and reconciliations 77653
required by the rules the administrator adopts under section 77654
4123.322 of the Revised Code. 77655

The bureau of workers' compensation shall verify with the 77656
secretary of state the existence of all corporations and 77657
organizations making application for workers' compensation 77658
coverage and shall require every such application to include the 77659
employer's federal identification number. 77660

An employer as defined in division (B)(2) of section 4123.01 77661
of the Revised Code who has contracted with a subcontractor is 77662
liable for the unpaid premium due from any subcontractor with 77663
respect to that part of the payroll of the subcontractor that is 77664
for work performed pursuant to the contract with the employer. 77665

Division (A) of this section providing for the payment of 77666
premiums semiannually does not apply to any employer who was a 77667
subscriber to the state insurance fund prior to January 1, 1914, 77668
or who may first become a subscriber to the fund in any month 77669

other than January or July. Instead, the semiannual premiums shall 77670
be paid by those employers from time to time upon the expiration 77671
of the respective periods for which payments into the fund have 77672
been made by them. 77673

The administrator shall adopt rules to permit employers to 77674
make periodic payments of the semiannual premium due under this 77675
division. The rules shall include provisions for the assessment of 77676
interest charges, where appropriate, and for the assessment of 77677
penalties when an employer fails to make timely premium payments. 77678
An employer who timely pays the amounts due under this division is 77679
entitled to all of the benefits and protections of this chapter. 77680
Upon receipt of payment, the bureau immediately shall mail a 77681
receipt or certificate to the employer certifying that payment has 77682
been made, which receipt is prima-facie evidence of payment. 77683
Workers' compensation coverage under this chapter continues 77684
uninterrupted upon timely receipt of payment under this division. 77685

Every public employer, except public employers that are 77686
self-insuring employers under this section, shall comply with 77687
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 77688
regard to the contribution of moneys to the public insurance fund. 77689

(B) Employers who will abide by the rules of the 77690
administrator and who may be of sufficient financial ability to 77691
render certain the payment of compensation to injured employees or 77692
the dependents of killed employees, and the furnishing of medical, 77693
surgical, nursing, and hospital attention and services and 77694
medicines, and funeral expenses, equal to or greater than is 77695
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 77696
to 4123.67 of the Revised Code, and who do not desire to insure 77697
the payment thereof or indemnify themselves against loss sustained 77698
by the direct payment thereof, upon a finding of such facts by the 77699
administrator, may be granted the privilege to pay individually 77700
compensation, and furnish medical, surgical, nursing, and hospital 77701

services and attention and funeral expenses directly to injured 77702
employees or the dependents of killed employees, thereby being 77703
granted status as a self-insuring employer. The administrator may 77704
charge employers who apply for the status as a self-insuring 77705
employer a reasonable application fee to cover the bureau's costs 77706
in connection with processing and making a determination with 77707
respect to an application. 77708

All employers granted status as self-insuring employers shall 77709
demonstrate sufficient financial and administrative ability to 77710
assure that all obligations under this section are promptly met. 77711
The administrator shall deny the privilege where the employer is 77712
unable to demonstrate the employer's ability to promptly meet all 77713
the obligations imposed on the employer by this section. 77714

(1) The administrator shall consider, but is not limited to, 77715
the following factors, where applicable, in determining the 77716
employer's ability to meet all of the obligations imposed on the 77717
employer by this section: 77718

(a) The employer employs a minimum of five hundred employees 77719
in this state; 77720

(b) The employer has operated in this state for a minimum of 77721
two years, provided that an employer who has purchased, acquired, 77722
or otherwise succeeded to the operation of a business, or any part 77723
thereof, situated in this state that has operated for at least two 77724
years in this state, also shall qualify; 77725

(c) Where the employer previously contributed to the state 77726
insurance fund or is a successor employer as defined by bureau 77727
rules, the amount of the buyout, as defined by bureau rules; 77728

(d) The sufficiency of the employer's assets located in this 77729
state to insure the employer's solvency in paying compensation 77730
directly; 77731

(e) The financial records, documents, and data, certified by 77732

a certified public accountant, necessary to provide the employer's 77733
full financial disclosure. The records, documents, and data 77734
include, but are not limited to, balance sheets and profit and 77735
loss history for the current year and previous four years. 77736

(f) The employer's organizational plan for the administration 77737
of the workers' compensation law; 77738

(g) The employer's proposed plan to inform employees of the 77739
change from a state fund insurer to a self-insuring employer, the 77740
procedures the employer will follow as a self-insuring employer, 77741
and the employees' rights to compensation and benefits; and 77742

(h) The employer has either an account in a financial 77743
institution in this state, or if the employer maintains an account 77744
with a financial institution outside this state, ensures that 77745
workers' compensation checks are drawn from the same account as 77746
payroll checks or the employer clearly indicates that payment will 77747
be honored by a financial institution in this state. 77748

The administrator may waive the requirements of divisions 77749
(B)(1)(a) and (b) of this section and the requirement of division 77750
(B)(1)(e) of this section that the financial records, documents, 77751
and data be certified by a certified public accountant. The 77752
administrator shall adopt rules establishing the criteria that an 77753
employer shall meet in order for the administrator to waive the 77754
~~requirement~~ requirements of division divisions (B)(1)(a), (b), and 77755
(e) of this section. Such rules may require additional security of 77756
that employer pursuant to division (E) of section 4123.351 of the 77757
Revised Code. 77758

The administrator shall not grant the status of self-insuring 77759
employer to the state, except that the administrator may grant the 77760
status of self-insuring employer to a state institution of higher 77761
education, including its hospitals, that meets the requirements of 77762
division (B)(2) of this section. 77763

(2) When considering the application of a public employer, 77764
except for a board of county commissioners described in division 77765
(G) of section 4123.01 of the Revised Code, a board of a county 77766
hospital, or a publicly owned utility, the administrator shall 77767
verify that the public employer satisfies all of the following 77768
requirements as the requirements apply to that public employer: 77769

(a) For the two-year period preceding application under this 77770
section, the public employer has maintained an unvoted debt 77771
capacity equal to at least two times the amount of the current 77772
annual premium established by the administrator under this chapter 77773
for that public employer for the year immediately preceding the 77774
year in which the public employer makes application under this 77775
section. 77776

(b) For each of the two fiscal years preceding application 77777
under this section, the unreserved and undesignated year-end fund 77778
balance in the public employer's general fund is equal to at least 77779
five per cent of the public employer's general fund revenues for 77780
the fiscal year computed in accordance with generally accepted 77781
accounting principles. 77782

(c) For the five-year period preceding application under this 77783
section, the public employer, to the extent applicable, has 77784
complied fully with the continuing disclosure requirements 77785
established in rules adopted by the United States securities and 77786
exchange commission under 17 C.F.R. 240.15c 2-12. 77787

(d) For the five-year period preceding application under this 77788
section, the public employer has not had its local government fund 77789
distribution withheld on account of the public employer being 77790
indebted or otherwise obligated to the state. 77791

(e) For the five-year period preceding application under this 77792
section, the public employer has not been under a fiscal watch or 77793
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 77794

of the Revised Code. 77795

(f) For the public employer's fiscal year preceding 77796
application under this section, the public employer has obtained 77797
an annual financial audit as required under section 117.10 of the 77798
Revised Code, which has been released by the auditor of state 77799
within seven months after the end of the public employer's fiscal 77800
year. 77801

(g) On the date of application, the public employer holds a 77802
debt rating of Aa3 or higher according to Moody's investors 77803
service, inc., or a comparable rating by an independent rating 77804
agency similar to Moody's investors service, inc. 77805

(h) The public employer agrees to generate an annual 77806
accumulating book reserve in its financial statements reflecting 77807
an actuarially generated reserve adequate to pay projected claims 77808
under this chapter for the applicable period of time, as 77809
determined by the administrator. 77810

(i) For a public employer that is a hospital, the public 77811
employer shall submit audited financial statements showing the 77812
hospital's overall liquidity characteristics, and the 77813
administrator shall determine, on an individual basis, whether the 77814
public employer satisfies liquidity standards equivalent to the 77815
liquidity standards of other public employers. 77816

(j) Any additional criteria that the administrator adopts by 77817
rule pursuant to division (E) of this section. 77818

The administrator may adopt rules establishing the criteria 77819
that a public employer shall satisfy in order for the 77820
administrator to waive any of the requirements listed in divisions 77821
(B)(2)(a) to (j) of this section. The rules may require additional 77822
security from that employer pursuant to division (E) of section 77823
4123.351 of the Revised Code. The administrator shall not waive 77824
any of the requirements listed in divisions (B)(2)(a) to (j) of 77825

this section for a public employer who does not satisfy the 77826
criteria established in the rules the administrator adopts. 77827

(C) A board of county commissioners described in division (G) 77828
of section 4123.01 of the Revised Code, as an employer, that will 77829
abide by the rules of the administrator and that may be of 77830
sufficient financial ability to render certain the payment of 77831
compensation to injured employees or the dependents of killed 77832
employees, and the furnishing of medical, surgical, nursing, and 77833
hospital attention and services and medicines, and funeral 77834
expenses, equal to or greater than is provided for in sections 77835
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 77836
Code, and that does not desire to insure the payment thereof or 77837
indemnify itself against loss sustained by the direct payment 77838
thereof, upon a finding of such facts by the administrator, may be 77839
granted the privilege to pay individually compensation, and 77840
furnish medical, surgical, nursing, and hospital services and 77841
attention and funeral expenses directly to injured employees or 77842
the dependents of killed employees, thereby being granted status 77843
as a self-insuring employer. The administrator may charge a board 77844
of county commissioners described in division (G) of section 77845
4123.01 of the Revised Code that applies for the status as a 77846
self-insuring employer a reasonable application fee to cover the 77847
bureau's costs in connection with processing and making a 77848
determination with respect to an application. All employers 77849
granted such status shall demonstrate sufficient financial and 77850
administrative ability to assure that all obligations under this 77851
section are promptly met. The administrator shall deny the 77852
privilege where the employer is unable to demonstrate the 77853
employer's ability to promptly meet all the obligations imposed on 77854
the employer by this section. The administrator shall consider, 77855
but is not limited to, the following factors, where applicable, in 77856
determining the employer's ability to meet all of the obligations 77857
imposed on the board as an employer by this section: 77858

- (1) The board as an employer employs a minimum of five hundred employees in this state; 77859
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- (2) The board has operated in this state for a minimum of two years; 77861
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- (3) Where the board previously contributed to the state insurance fund or is a successor employer as defined by bureau rules, the amount of the buyout, as defined by bureau rules; 77863
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- (4) The sufficiency of the board's assets located in this state to insure the board's solvency in paying compensation directly; 77866
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- (5) The financial records, documents, and data, certified by a certified public accountant, necessary to provide the board's full financial disclosure. The records, documents, and data include, but are not limited to, balance sheets and profit and loss history for the current year and previous four years. 77869
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- (6) The board's organizational plan for the administration of the workers' compensation law; 77874
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- (7) The board's proposed plan to inform employees of the proposed self-insurance, the procedures the board will follow as a self-insuring employer, and the employees' rights to compensation and benefits; 77876
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- (8) The board has either an account in a financial institution in this state, or if the board maintains an account with a financial institution outside this state, ensures that workers' compensation checks are drawn from the same account as payroll checks or the board clearly indicates that payment will be honored by a financial institution in this state; 77880
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- (9) The board shall provide the administrator a surety bond in an amount equal to one hundred twenty-five per cent of the projected losses as determined by the administrator. 77886
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(D) The administrator shall require a surety bond from all self-insuring employers, issued pursuant to section 4123.351 of the Revised Code, that is sufficient to compel, or secure to injured employees, or to the dependents of employees killed, the payment of compensation and expenses, which shall in no event be less than that paid or furnished out of the state insurance fund in similar cases to injured employees or to dependents of killed employees whose employers contribute to the fund, except when an employee of the employer, who has suffered the loss of a hand, arm, foot, leg, or eye prior to the injury for which compensation is to be paid, and thereafter suffers the loss of any other of the members as the result of any injury sustained in the course of and arising out of the employee's employment, the compensation to be paid by the self-insuring employer is limited to the disability suffered in the subsequent injury, additional compensation, if any, to be paid by the bureau out of the surplus created by section 4123.34 of the Revised Code.

(E) In addition to the requirements of this section, the administrator shall make and publish rules governing the manner of making application and the nature and extent of the proof required to justify a finding of fact by the administrator as to granting the status of a self-insuring employer, which rules shall be general in their application, one of which rules shall provide that all self-insuring employers shall pay into the state insurance fund such amounts as are required to be credited to the surplus fund in division (B) of section 4123.34 of the Revised Code. The administrator may adopt rules establishing requirements in addition to the requirements described in division (B)(2) of this section that a public employer shall meet in order to qualify for self-insuring status.

Employers shall secure directly from the bureau central offices application forms upon which the bureau shall stamp a

designating number. Prior to submission of an application, an 77921
employer shall make available to the bureau, and the bureau shall 77922
review, the information described in division (B)(1) of this 77923
section, and public employers shall make available, and the bureau 77924
shall review, the information necessary to verify whether the 77925
public employer meets the requirements listed in division (B)(2) 77926
of this section. An employer shall file the completed application 77927
forms with an application fee, which shall cover the costs of 77928
processing the application, as established by the administrator, 77929
by rule, with the bureau at least ninety days prior to the 77930
effective date of the employer's new status as a self-insuring 77931
employer. The application form is not deemed complete until all 77932
the required information is attached thereto. The bureau shall 77933
only accept applications that contain the required information. 77934

(F) The bureau shall review completed applications within a 77935
reasonable time. If the bureau determines to grant an employer the 77936
status as a self-insuring employer, the bureau shall issue a 77937
statement, containing its findings of fact, that is prepared by 77938
the bureau and signed by the administrator. If the bureau 77939
determines not to grant the status as a self-insuring employer, 77940
the bureau shall notify the employer of the determination and 77941
require the employer to continue to pay its full premium into the 77942
state insurance fund. The administrator also shall adopt rules 77943
establishing a minimum level of performance as a criterion for 77944
granting and maintaining the status as a self-insuring employer 77945
and fixing time limits beyond which failure of the self-insuring 77946
employer to provide for the necessary medical examinations and 77947
evaluations may not delay a decision on a claim. 77948

(G) The administrator shall adopt rules setting forth 77949
procedures for auditing the program of self-insuring employers. 77950
The bureau shall conduct the audit upon a random basis or whenever 77951
the bureau has grounds for believing that a self-insuring employer 77952

is not in full compliance with bureau rules or this chapter. 77953

The administrator shall monitor the programs conducted by 77954
self-insuring employers, to ensure compliance with bureau 77955
requirements and for that purpose, shall develop and issue to 77956
self-insuring employers standardized forms for use by the 77957
self-insuring employer in all aspects of the self-insuring 77958
employers' direct compensation program and for reporting of 77959
information to the bureau. 77960

The bureau shall receive and transmit to the self-insuring 77961
employer all complaints concerning any self-insuring employer. In 77962
the case of a complaint against a self-insuring employer, the 77963
administrator shall handle the complaint through the 77964
self-insurance division of the bureau. The bureau shall maintain a 77965
file by employer of all complaints received that relate to the 77966
employer. The bureau shall evaluate each complaint and take 77967
appropriate action. 77968

The administrator shall adopt as a rule a prohibition against 77969
any self-insuring employer from harassing, dismissing, or 77970
otherwise disciplining any employee making a complaint, which rule 77971
shall provide for a financial penalty to be levied by the 77972
administrator payable by the offending self-insuring employer. 77973

(H) For the purpose of making determinations as to whether to 77974
grant status as a self-insuring employer, the administrator may 77975
subscribe to and pay for a credit reporting service that offers 77976
financial and other business information about individual 77977
employers. The costs in connection with the bureau's subscription 77978
or individual reports from the service about an applicant may be 77979
included in the application fee charged employers under this 77980
section. 77981

(I) The administrator, notwithstanding other provisions of 77982
this chapter, may permit a self-insuring employer to resume 77983

payment of premiums to the state insurance fund with appropriate 77984
credit modifications to the employer's basic premium rate as such 77985
rate is determined pursuant to section 4123.29 of the Revised 77986
Code. 77987

(J) On the first day of July of each year, the administrator 77988
shall calculate separately each self-insuring employer's 77989
assessments for the safety and hygiene fund, administrative costs 77990
pursuant to section 4123.342 of the Revised Code, and for the 77991
portion of the surplus fund under division (B) of section 4123.34 77992
of the Revised Code that is not used for handicapped 77993
reimbursement, on the basis of the paid compensation attributable 77994
to the individual self-insuring employer according to the 77995
following calculation: 77996

(1) The total assessment against all self-insuring employers 77997
as a class for each fund and for the administrative costs for the 77998
year that the assessment is being made, as determined by the 77999
administrator, divided by the total amount of paid compensation 78000
for the previous calendar year attributable to all amenable 78001
self-insuring employers; 78002

(2) Multiply the quotient in division (J)(1) of this section 78003
by the total amount of paid compensation for the previous calendar 78004
year that is attributable to the individual self-insuring employer 78005
for whom the assessment is being determined. Each self-insuring 78006
employer shall pay the assessment that results from this 78007
calculation, unless the assessment resulting from this calculation 78008
falls below a minimum assessment, which minimum assessment the 78009
administrator shall determine on the first day of July of each 78010
year with the advice and consent of the bureau of workers' 78011
compensation board of directors, in which event, the self-insuring 78012
employer shall pay the minimum assessment. 78013

In determining the total amount due for the total assessment 78014
against all self-insuring employers as a class for each fund and 78015

the administrative assessment, the administrator shall reduce 78016
proportionately the total for each fund and assessment by the 78017
amount of money in the self-insurance assessment fund as of the 78018
date of the computation of the assessment. 78019

The administrator shall calculate the assessment for the 78020
portion of the surplus fund under division (B) of section 4123.34 78021
of the Revised Code that is used for handicapped reimbursement in 78022
the same manner as set forth in divisions (J)(1) and (2) of this 78023
section except that the administrator shall calculate the total 78024
assessment for this portion of the surplus fund only on the basis 78025
of those self-insuring employers that retain participation in the 78026
handicapped reimbursement program and the individual self-insuring 78027
employer's proportion of paid compensation shall be calculated 78028
only for those self-insuring employers who retain participation in 78029
the handicapped reimbursement program. The administrator, as the 78030
administrator determines appropriate, may determine the total 78031
assessment for the handicapped portion of the surplus fund in 78032
accordance with sound actuarial principles. 78033

The administrator shall calculate the assessment for the 78034
portion of the surplus fund under division (B) of section 4123.34 78035
of the Revised Code that under division (D) of section 4121.66 of 78036
the Revised Code is used for rehabilitation costs in the same 78037
manner as set forth in divisions (J)(1) and (2) of this section, 78038
except that the administrator shall calculate the total assessment 78039
for this portion of the surplus fund only on the basis of those 78040
self-insuring employers who have not made the election to make 78041
payments directly under division (D) of section 4121.66 of the 78042
Revised Code and an individual self-insuring employer's proportion 78043
of paid compensation only for those self-insuring employers who 78044
have not made that election. 78045

The administrator shall calculate the assessment for the 78046
portion of the surplus fund under division (B) of section 4123.34 78047

of the Revised Code that is used for reimbursement to a 78048
self-insuring employer under division (H) of section 4123.512 of 78049
the Revised Code in the same manner as set forth in divisions 78050
(J)(1) and (2) of this section except that the administrator shall 78051
calculate the total assessment for this portion of the surplus 78052
fund only on the basis of those self-insuring employers that 78053
retain participation in reimbursement to the self-insuring 78054
employer under division (H) of section 4123.512 of the Revised 78055
Code and the individual self-insuring employer's proportion of 78056
paid compensation shall be calculated only for those self-insuring 78057
employers who retain participation in reimbursement to the 78058
self-insuring employer under division (H) of section 4123.512 of 78059
the Revised Code. 78060

An employer who no longer is a self-insuring employer in this 78061
state or who no longer is operating in this state, shall continue 78062
to pay assessments for administrative costs and for the portion of 78063
the surplus fund under division (B) of section 4123.34 of the 78064
Revised Code that is not used for handicapped reimbursement, based 78065
upon paid compensation attributable to claims that occurred while 78066
the employer was a self-insuring employer within this state. 78067

(K) There is hereby created in the state treasury the 78068
self-insurance assessment fund. All investment earnings of the 78069
fund shall be deposited in the fund. The administrator shall use 78070
the money in the self-insurance assessment fund only for 78071
administrative costs as specified in section 4123.341 of the 78072
Revised Code. 78073

(L) Every self-insuring employer shall certify, in affidavit 78074
form subject to the penalty for perjury, to the bureau the amount 78075
of the self-insuring employer's paid compensation for the previous 78076
calendar year. In reporting paid compensation paid for the 78077
previous year, a self-insuring employer shall exclude from the 78078
total amount of paid compensation any reimbursement the 78079

self-insuring employer receives in the previous calendar year from 78080
the surplus fund pursuant to section 4123.512 of the Revised Code 78081
for any paid compensation. The self-insuring employer also shall 78082
exclude from the paid compensation reported any amount recovered 78083
under section 4123.931 of the Revised Code and any amount that is 78084
determined not to have been payable to or on behalf of a claimant 78085
in any final administrative or judicial proceeding. The 78086
self-insuring employer shall exclude such amounts from the paid 78087
compensation reported in the reporting period subsequent to the 78088
date the determination is made. The administrator shall adopt 78089
rules, in accordance with Chapter 119. of the Revised Code, that 78090
provide for all of the following: 78091

(1) Establishing the date by which self-insuring employers 78092
must submit such information and the amount of the assessments 78093
provided for in division (J) of this section for employers who 78094
have been granted self-insuring status within the last calendar 78095
year; 78096

(2) If an employer fails to pay the assessment when due, the 78097
administrator may add a late fee penalty of not more than five 78098
hundred dollars to the assessment plus an additional penalty 78099
amount as follows: 78100

(a) For an assessment from sixty-one to ninety days past due, 78101
the prime interest rate, multiplied by the assessment due; 78102

(b) For an assessment from ninety-one to one hundred twenty 78103
days past due, the prime interest rate plus two per cent, 78104
multiplied by the assessment due; 78105

(c) For an assessment from one hundred twenty-one to one 78106
hundred fifty days past due, the prime interest rate plus four per 78107
cent, multiplied by the assessment due; 78108

(d) For an assessment from one hundred fifty-one to one 78109
hundred eighty days past due, the prime interest rate plus six per 78110

cent, multiplied by the assessment due; 78111

(e) For an assessment from one hundred eighty-one to two 78112
hundred ten days past due, the prime interest rate plus eight per 78113
cent, multiplied by the assessment due; 78114

(f) For each additional thirty-day period or portion thereof 78115
that an assessment remains past due after it has remained past due 78116
for more than two hundred ten days, the prime interest rate plus 78117
eight per cent, multiplied by the assessment due. 78118

(3) An employer may appeal a late fee penalty and penalty 78119
assessment to the administrator. 78120

For purposes of division (L)(2) of this section, "prime 78121
interest rate" means the average bank prime rate, and the 78122
administrator shall determine the prime interest rate in the same 78123
manner as a county auditor determines the average bank prime rate 78124
under section 929.02 of the Revised Code. 78125

The administrator shall include any assessment and penalties 78126
that remain unpaid for previous assessment periods in the 78127
calculation and collection of any assessments due under this 78128
division or division (J) of this section. 78129

(M) As used in this section, "paid compensation" means all 78130
amounts paid by a self-insuring employer for living maintenance 78131
benefits, all amounts for compensation paid pursuant to sections 78132
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 78133
4123.64 of the Revised Code, all amounts paid as wages in lieu of 78134
such compensation, all amounts paid in lieu of such compensation 78135
under a nonoccupational accident and sickness program fully funded 78136
by the self-insuring employer, and all amounts paid by a 78137
self-insuring employer for a violation of a specific safety 78138
standard pursuant to Section 35 of Article II, Ohio Constitution 78139
and section 4121.47 of the Revised Code. 78140

(N) Should any section of this chapter or Chapter 4121. of 78141

the Revised Code providing for self-insuring employers' 78142
assessments based upon compensation paid be declared 78143
unconstitutional by a final decision of any court, then that 78144
section of the Revised Code declared unconstitutional shall revert 78145
back to the section in existence prior to November 3, 1989, 78146
providing for assessments based upon payroll. 78147

(O) The administrator may grant a self-insuring employer the 78148
privilege to self-insure a construction project entered into by 78149
the self-insuring employer that is scheduled for completion within 78150
six years after the date the project begins, and the total cost of 78151
which is estimated to exceed one hundred million dollars or, for 78152
employers described in division (R) of this section, if the 78153
construction project is estimated to exceed twenty-five million 78154
dollars. The administrator may waive such cost and time criteria 78155
and grant a self-insuring employer the privilege to self-insure a 78156
construction project regardless of the time needed to complete the 78157
construction project and provided that the cost of the 78158
construction project is estimated to exceed fifty million dollars. 78159
A self-insuring employer who desires to self-insure a construction 78160
project shall submit to the administrator an application listing 78161
the dates the construction project is scheduled to begin and end, 78162
the estimated cost of the construction project, the contractors 78163
and subcontractors whose employees are to be self-insured by the 78164
self-insuring employer, the provisions of a safety program that is 78165
specifically designed for the construction project, and a 78166
statement as to whether a collective bargaining agreement 78167
governing the rights, duties, and obligations of each of the 78168
parties to the agreement with respect to the construction project 78169
exists between the self-insuring employer and a labor 78170
organization. 78171

A self-insuring employer may apply to self-insure the 78172
employees of either of the following: 78173

(1) All contractors and subcontractors who perform labor or work or provide materials for the construction project; 78174
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(2) All contractors and, at the administrator's discretion, a substantial number of all the subcontractors who perform labor or work or provide materials for the construction project. 78176
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Upon approval of the application, the administrator shall mail a certificate granting the privilege to self-insure the construction project to the self-insuring employer. The certificate shall contain the name of the self-insuring employer and the name, address, and telephone number of the self-insuring employer's representatives who are responsible for administering workers' compensation claims for the construction project. The self-insuring employer shall post the certificate in a conspicuous place at the site of the construction project. 78179
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The administrator shall maintain a record of the contractors and subcontractors whose employees are covered under the certificate issued to the self-insured employer. A self-insuring employer immediately shall notify the administrator when any contractor or subcontractor is added or eliminated from inclusion under the certificate. 78188
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Upon approval of the application, the self-insuring employer is responsible for the administration and payment of all claims under this chapter and Chapter 4121. of the Revised Code for the employees of the contractor and subcontractors covered under the certificate who receive injuries or are killed in the course of and arising out of employment on the construction project, or who contract an occupational disease in the course of employment on the construction project. For purposes of this chapter and Chapter 4121. of the Revised Code, a claim that is administered and paid in accordance with this division is considered a claim against the self-insuring employer listed in the certificate. A contractor or subcontractor included under the certificate shall report to the 78194
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self-insuring employer listed in the certificate, all claims that 78206
arise under this chapter and Chapter 4121. of the Revised Code in 78207
connection with the construction project for which the certificate 78208
is issued. 78209

A self-insuring employer who complies with this division is 78210
entitled to the protections provided under this chapter and 78211
Chapter 4121. of the Revised Code with respect to the employees of 78212
the contractors and subcontractors covered under a certificate 78213
issued under this division for death or injuries that arise out 78214
of, or death, injuries, or occupational diseases that arise in the 78215
course of, those employees' employment on that construction 78216
project, as if the employees were employees of the self-insuring 78217
employer, provided that the self-insuring employer also complies 78218
with this section. No employee of the contractors and 78219
subcontractors covered under a certificate issued under this 78220
division shall be considered the employee of the self-insuring 78221
employer listed in that certificate for any purposes other than 78222
this chapter and Chapter 4121. of the Revised Code. Nothing in 78223
this division gives a self-insuring employer authority to control 78224
the means, manner, or method of employment of the employees of the 78225
contractors and subcontractors covered under a certificate issued 78226
under this division. 78227

The contractors and subcontractors included under a 78228
certificate issued under this division are entitled to the 78229
protections provided under this chapter and Chapter 4121. of the 78230
Revised Code with respect to the contractor's or subcontractor's 78231
employees who are employed on the construction project which is 78232
the subject of the certificate, for death or injuries that arise 78233
out of, or death, injuries, or occupational diseases that arise in 78234
the course of, those employees' employment on that construction 78235
project. 78236

The contractors and subcontractors included under a 78237

certificate issued under this division shall identify in their 78238
payroll records the employees who are considered the employees of 78239
the self-insuring employer listed in that certificate for purposes 78240
of this chapter and Chapter 4121. of the Revised Code, and the 78241
amount that those employees earned for employment on the 78242
construction project that is the subject of that certificate. 78243
Notwithstanding any provision to the contrary under this chapter 78244
and Chapter 4121. of the Revised Code, the administrator shall 78245
exclude the payroll that is reported for employees who are 78246
considered the employees of the self-insuring employer listed in 78247
that certificate, and that the employees earned for employment on 78248
the construction project that is the subject of that certificate, 78249
when determining those contractors' or subcontractors' premiums or 78250
assessments required under this chapter and Chapter 4121. of the 78251
Revised Code. A self-insuring employer issued a certificate under 78252
this division shall include in the amount of paid compensation it 78253
reports pursuant to division (L) of this section, the amount of 78254
paid compensation the self-insuring employer paid pursuant to this 78255
division for the previous calendar year. 78256

Nothing in this division shall be construed as altering the 78257
rights of employees under this chapter and Chapter 4121. of the 78258
Revised Code as those rights existed prior to September 17, 1996. 78259
Nothing in this division shall be construed as altering the rights 78260
devolved under sections 2305.31 and 4123.82 of the Revised Code as 78261
those rights existed prior to September 17, 1996. 78262

As used in this division, "privilege to self-insure a 78263
construction project" means privilege to pay individually 78264
compensation, and to furnish medical, surgical, nursing, and 78265
hospital services and attention and funeral expenses directly to 78266
injured employees or the dependents of killed employees. 78267

(P) A self-insuring employer whose application is granted 78268
under division (O) of this section shall designate a safety 78269

professional to be responsible for the administration and 78270
enforcement of the safety program that is specifically designed 78271
for the construction project that is the subject of the 78272
application. 78273

A self-insuring employer whose application is granted under 78274
division (O) of this section shall employ an ombudsperson for the 78275
construction project that is the subject of the application. The 78276
ombudsperson shall have experience in workers' compensation or the 78277
construction industry, or both. The ombudsperson shall perform all 78278
of the following duties: 78279

(1) Communicate with and provide information to employees who 78280
are injured in the course of, or whose injury arises out of 78281
employment on the construction project, or who contract an 78282
occupational disease in the course of employment on the 78283
construction project; 78284

(2) Investigate the status of a claim upon the request of an 78285
employee to do so; 78286

(3) Provide information to claimants, third party 78287
administrators, employers, and other persons to assist those 78288
persons in protecting their rights under this chapter and Chapter 78289
4121. of the Revised Code. 78290

A self-insuring employer whose application is granted under 78291
division (O) of this section shall post the name of the safety 78292
professional and the ombudsperson and instructions for contacting 78293
the safety professional and the ombudsperson in a conspicuous 78294
place at the site of the construction project. 78295

(Q) The administrator may consider all of the following when 78296
deciding whether to grant a self-insuring employer the privilege 78297
to self-insure a construction project as provided under division 78298
(O) of this section: 78299

(1) Whether the self-insuring employer has an organizational 78300

plan for the administration of the workers' compensation law; 78301

(2) Whether the safety program that is specifically designed 78302
for the construction project provides for the safety of employees 78303
employed on the construction project, is applicable to all 78304
contractors and subcontractors who perform labor or work or 78305
provide materials for the construction project, and has as a 78306
component, a safety training program that complies with standards 78307
adopted pursuant to the "Occupational Safety and Health Act of 78308
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 78309
management and employee involvement; 78310

(3) Whether granting the privilege to self-insure the 78311
construction project will reduce the costs of the construction 78312
project; 78313

(4) Whether the self-insuring employer has employed an 78314
ombudsperson as required under division (P) of this section; 78315

(5) Whether the self-insuring employer has sufficient surety 78316
to secure the payment of claims for which the self-insuring 78317
employer would be responsible pursuant to the granting of the 78318
privilege to self-insure a construction project under division (O) 78319
of this section. 78320

(R) As used in divisions (O), (P), and (Q), "self-insuring 78321
employer" includes the following employers, whether or not they 78322
have been granted the status of being a self-insuring employer 78323
under division (B) of this section: 78324

(1) A state institution of higher education; 78325

(2) A school district; 78326

(3) A county school financing district; 78327

(4) An educational service center; 78328

(5) A community school established under Chapter 3314. of the 78329
Revised Code; 78330

(6) A municipal power agency as defined in section 3734.058 of the Revised Code. 78331
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(S) As used in this section: 78333

(1) "Unvoted debt capacity" means the amount of money that a public employer may borrow without voter approval of a tax levy; 78334
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(2) "State institution of higher education" means the state universities listed in section 3345.011 of the Revised Code, community colleges created pursuant to Chapter 3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, and state community colleges created pursuant to Chapter 3358. of the Revised Code. 78336
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Sec. 4123.41. (A) By the first day of January of each year, the bureau of workers' compensation shall furnish to the county auditor of each county and the chief fiscal officer of each taxing district in a county and of each district activity and institution mentioned in section 4123.39 of the Revised Code forms containing the premium rates applicable to the county, district, district activity, or institution as an employer, on which to report the amount of money expended by the county, district, district activity, or institution during the previous twelve calendar months for the services of employees under this chapter. 78343
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(B) Each county auditor and each fiscal officer of a district, district activity, and institution shall calculate on the form it receives from the bureau under division (A) of this section the premium due as its proper contribution to the public insurance fund and issue a warrant in favor of the bureau for the amount due from the county, district, district activity, or institution to the public insurance fund according to the following schedule: 78353
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- (1) On or before the fifteenth day of May of each year, no 78361
less than forty-five per cent of the amount due; 78362
- (2) On or before the first day of September of each year, no 78363
less than the total amount due. 78364
- (C) The legislative body of any county, district, district 78365
activity, or institution may reimburse the fund from which the 78366
workers' compensation payments are made by transferring to the 78367
fund from any other fund of the county, district, district 78368
activity, or institution, the proportionate amount of the payments 78369
that should be chargeable to the fund, whether the fund is derived 78370
from taxation or otherwise. The proportionate amount of the 78371
payments chargeable to the fund may be based on payroll, relative 78372
exposure, relative loss experience, or any combination of these 78373
factors, as determined by the legislative body. 78374
- (1) The workers' compensation program payments of any county, 78375
district, district activity, or institution may include all 78376
payments required by any bureau of workers' compensation rating 78377
plan. 78378
- (2) The workers' compensation program payments of any county, 78379
district, district activity, or institution, except for a county 78380
board of developmental disabilities, a board of alcohol, drug 78381
addiction, and mental health services, a board of mental health 78382
services, and a board of alcohol and drug addiction services, also 78383
may include any of the following: 78384
- (a) Direct administrative costs incurred in the management of 78385
the county, district, district activity, or institution's workers' 78386
compensation program; 78387
- (b) Indirect costs that are necessary and reasonable for the 78388
proper and efficient administration of the workers' compensation 78389
program as documented in a cost allocation plan. The indirect cost 78390
plan shall conform to the United States office of management and 78391

budget circular A-87 "cost principles for state and local 78392
governments," 2 C.F.R. 225, as most recently amended on May 10, 78393
2004. The plan shall not authorize payment from the fund of any 78394
general government expense required to carry out the overall 78395
governmental responsibilities. 78396

(3) Within sixty days before a legislative body changes the 78397
method used for calculating the proportionate amount of the 78398
payments chargeable to the fund, it shall notify, consult with, 78399
and give information supporting the change to any elected official 78400
affected by the change. A transfer made pursuant to division 78401
(B)(2) of this section is not subject to section 5705.16 of the 78402
Revised Code. 78403

(D) Any county board of developmental disabilities, board of 78404
alcohol, drug addiction, and mental health services, board of 78405
mental health services, or board of alcohol and drug addiction 78406
services whose workers' compensation payments, on or before ~~the~~ 78407
~~effective date of this section~~ September 28, 2012, includes costs 78408
referred to in division (C)(2) of this section may continue to do 78409
so on and after ~~the effective date of this amendment~~ September 28, 78410
2012. 78411

(E) The bureau may investigate the correctness of the 78412
information provided by the county auditor and chief fiscal 78413
officer under division (B) of this section, and if the bureau 78414
determines at any time that the county, district, district 78415
activity, or institution has not reported the correct information, 78416
the administrator of workers' compensation may make deductions or 78417
additions as the facts warrant and take those facts into 78418
consideration in determining the current or future contributions 78419
to be made by the county, district, district activity, or 78420
institution. If the county, district, district activity, or 78421
institution does not furnish the report in the time required by 78422
this section, the administrator may fix the amount of contribution 78423

the county, district, district activity, or institution must make 78424
and certify that amount for payment. 78425

(F) The administrator shall provide a discount to any county, 78426
district, district activity, or institution that pays its total 78427
amount due to the public insurance fund on or before the fifteenth 78428
day of May of each year as its proper contribution for premiums. 78429
The administrator shall base the discount provided under this 78430
division on the savings generated by the early payment to the 78431
public insurance fund. The administrator may provide the discount 78432
through a refund to the county, district, district activity, or 78433
institution or an offset against the future contributions due to 78434
the public insurance fund from the county, district, district 78435
activity, or institution. 78436

(G) The administrator may impose an interest penalty for late 78437
payment of any amount due from a county, district, district 78438
activity, and institution at the interest rate established by the 78439
state tax commissioner pursuant to section 5703.47 of the Revised 78440
Code. 78441

(H) If the administrator adopts rules for the prospective 78442
payment of premium as permitted under section 4123.322 of the 78443
Revised Code, every employer mentioned in division (B)(1) of 78444
section 4123.01 of the Revised Code, except for a state agency or 78445
a state university or college as defined in section 4123.32 of the 78446
Revised Code, shall pay into the state insurance fund the amount 78447
of premium the administrator fixes for the employment or 78448
occupation of the employer, the amount of which premium to be paid 78449
by each employer to be determined by the classifications, rules, 78450
and rates made and published by the administrator and based upon 78451
the estimates and reconciliations required by the rules the 78452
administrator adopts under section 4123.322 of the Revised Code. 78453

Sec. 4123.54. (A) Except as otherwise provided in divisions 78454

(I) and (K) of this section, every employee, who is injured or who contracts an occupational disease, and the dependents of each employee who is killed, or dies as the result of an occupational disease contracted in the course of employment, wherever such injury has occurred or occupational disease has been contracted, provided the same were not:

(1) Purposely self-inflicted; or

(2) Caused by the employee being intoxicated or under the influence of a controlled substance not prescribed by a physician where the intoxication or being under the influence of the controlled substance not prescribed by a physician was the proximate cause of the injury, is entitled to receive, either directly from the employee's self-insuring employer as provided in section 4123.35 of the Revised Code, or from the state insurance fund, the compensation for loss sustained on account of the injury, occupational disease, or death, and the medical, nurse, and hospital services and medicines, and the amount of funeral expenses in case of death, as are provided by this chapter.

(B) For the purpose of this section, provided that an employer has posted written notice to employees that the results of, or the employee's refusal to submit to, any chemical test described under this division may affect the employee's eligibility for compensation and benefits pursuant to this chapter and Chapter 4121. of the Revised Code, there is a rebuttable presumption that an employee is intoxicated or under the influence of a controlled substance not prescribed by the employee's physician and that being intoxicated or under the influence of a controlled substance not prescribed by the employee's physician is the proximate cause of an injury under either of the following conditions:

(1) When any one or more of the following is true:

(a) The employee, through a qualifying chemical test 78486
administered within eight hours of an injury, is determined to 78487
have an alcohol concentration level equal to or in excess of the 78488
levels established in divisions (A)(1)(b) to (i) of section 78489
4511.19 of the Revised Code; 78490

(b) The employee, through a qualifying chemical test 78491
administered within thirty-two hours of an injury, is determined 78492
to have one of the following controlled substances not prescribed 78493
by the employee's physician in the employee's system that tests 78494
above the following levels in an enzyme multiplied immunoassay 78495
technique screening test and above the levels established in 78496
division (B)(1)(c) of this section in a gas chromatography mass 78497
spectrometry test: 78498

(i) For amphetamines, one thousand nanograms per milliliter 78499
of urine; 78500

(ii) For cannabinoids, fifty nanograms per milliliter of 78501
urine; 78502

(iii) For cocaine, including crack cocaine, three hundred 78503
nanograms per milliliter of urine; 78504

(iv) For opiates, two thousand nanograms per milliliter of 78505
urine; 78506

(v) For phencyclidine, twenty-five nanograms per milliliter 78507
of urine. 78508

(c) The employee, through a qualifying chemical test 78509
administered within thirty-two hours of an injury, is determined 78510
to have one of the following controlled substances not prescribed 78511
by the employee's physician in the employee's system that tests 78512
above the following levels by a gas chromatography mass 78513
spectrometry test: 78514

(i) For amphetamines, five hundred nanograms per milliliter 78515

of urine;	78516
(ii) For cannabinoids, fifteen nanograms per milliliter of urine;	78517 78518
(iii) For cocaine, including crack cocaine, one hundred fifty nanograms per milliliter of urine;	78519 78520
(iv) For opiates, two thousand nanograms per milliliter of urine;	78521 78522
(v) For phencyclidine, twenty-five nanograms per milliliter of urine.	78523 78524
(d) The employee, through a qualifying chemical test administered within thirty-two hours of an injury, is determined to have barbiturates, benzodiazepines, methadone, or propoxyphene in the employee's system that tests above levels established by laboratories certified by the United States department of health and human services.	78525 78526 78527 78528 78529 78530
(2) When the employee refuses to submit to a requested chemical test, on the condition that that employee is or was given notice that the refusal to submit to any chemical test described in division (B)(1) of this section may affect the employee's eligibility for compensation and benefits under this chapter and Chapter 4121. of the Revised Code.	78531 78532 78533 78534 78535 78536
(C)(1) For purposes of division (B) of this section, a chemical test is a qualifying chemical test if it is administered to an employee after an injury under at least one of the following conditions:	78537 78538 78539 78540
(a) When the employee's employer had reasonable cause to suspect that the employee may be intoxicated or under the influence of a controlled substance not prescribed by the employee's physician;	78541 78542 78543 78544
(b) At the request of a police officer pursuant to section	78545

4511.191 of the Revised Code, and not at the request of the 78546
employee's employer; 78547

(c) At the request of a licensed physician who is not 78548
employed by the employee's employer, and not at the request of the 78549
employee's employer. 78550

(2) As used in division (C)(1)(a) of this section, 78551
"reasonable cause" means, but is not limited to, evidence that an 78552
employee is or was using alcohol or a controlled substance drawn 78553
from specific, objective facts and reasonable inferences drawn 78554
from these facts in light of experience and training. These facts 78555
and inferences may be based on, but are not limited to, any of the 78556
following: 78557

(a) Observable phenomena, such as direct observation of use, 78558
possession, or distribution of alcohol or a controlled substance, 78559
or of the physical symptoms of being under the influence of 78560
alcohol or a controlled substance, such as but not limited to 78561
slurred speech, dilated pupils, odor of alcohol or a controlled 78562
substance, changes in affect, or dynamic mood swings; 78563

(b) A pattern of abnormal conduct, erratic or aberrant 78564
behavior, or deteriorating work performance such as frequent 78565
absenteeism, excessive tardiness, or recurrent accidents, that 78566
appears to be related to the use of alcohol or a controlled 78567
substance, and does not appear to be attributable to other 78568
factors; 78569

(c) The identification of an employee as the focus of a 78570
criminal investigation into unauthorized possession, use, or 78571
trafficking of a controlled substance; 78572

(d) A report of use of alcohol or a controlled substance 78573
provided by a reliable and credible source; 78574

(e) Repeated or flagrant violations of the safety or work 78575
rules of the employee's employer, that are determined by the 78576

employee's supervisor to pose a substantial risk of physical 78577
injury or property damage and that appear to be related to the use 78578
of alcohol or a controlled substance and that do not appear 78579
attributable to other factors. 78580

(D) Nothing in this section shall be construed to affect the 78581
rights of an employer to test employees for alcohol or controlled 78582
substance abuse. 78583

(E) For the purpose of this section, laboratories certified 78584
by the United States department of health and human services or 78585
laboratories that meet or exceed the standards of that department 78586
for laboratory certification shall be used for processing the test 78587
results of a qualifying chemical test. 78588

(F) The written notice required by division (B) of this 78589
section shall be the same size or larger than the certificate of 78590
premium payment notice furnished by the bureau of workers' 78591
compensation and shall be posted by the employer in the same 78592
location as the certificate of premium payment notice or the 78593
certificate of self-insurance. 78594

(G) If a condition that pre-existed an injury is 78595
substantially aggravated by the injury, and that substantial 78596
aggravation is documented by objective diagnostic findings, 78597
objective clinical findings, or objective test results, no 78598
compensation or benefits are payable because of the pre-existing 78599
condition once that condition has returned to a level that would 78600
have existed without the injury. 78601

(H)(1) Whenever, with respect to an employee of an employer 78602
who is subject to and has complied with this chapter, there is 78603
possibility of conflict with respect to the application of 78604
workers' compensation laws because the contract of employment is 78605
entered into and all or some portion of the work is or is to be 78606
performed in a state or states other than Ohio, the employer and 78607

the employee may agree to be bound by the laws of this state or by 78608
the laws of some other state in which all or some portion of the 78609
work of the employee is to be performed. The agreement shall be in 78610
writing and shall be filed with the bureau of workers' 78611
compensation within ten days after it is executed and shall remain 78612
in force until terminated or modified by agreement of the parties 78613
similarly filed. If the agreement is to be bound by the laws of 78614
this state and the employer has complied with this chapter, then 78615
the employee is entitled to compensation and benefits regardless 78616
of where the injury occurs or the disease is contracted and the 78617
rights of the employee and the employee's dependents under the 78618
laws of this state are the exclusive remedy against the employer 78619
on account of injury, disease, or death in the course of and 78620
arising out of the employee's employment. If the agreement is to 78621
be bound by the laws of another state and the employer has 78622
complied with the laws of that state, the rights of the employee 78623
and the employee's dependents under the laws of that state are the 78624
exclusive remedy against the employer on account of injury, 78625
disease, or death in the course of and arising out of the 78626
employee's employment without regard to the place where the injury 78627
was sustained or the disease contracted. If an employer and an 78628
employee enter into an agreement under this division, the fact 78629
that the employer and the employee entered into that agreement 78630
shall not be construed to change the status of an employee whose 78631
continued employment is subject to the will of the employer or the 78632
employee, unless the agreement contains a provision that expressly 78633
changes that status. 78634

(2) If any employee or the employee's dependents pursue 78635
workers' compensation benefits or recover damages from the 78636
employer under the laws of another state, the amount awarded or 78637
recovered, whether paid or to be paid in future installments, 78638
shall be credited on the amount of any award of compensation or 78639
benefits made to the employee or the employee's dependents by the 78640

bureau. If an employee or the employee's dependents pursue or 78641
receive an award of compensation or benefits under this chapter or 78642
Chapter 4121., 4127., or 4131. of the Revised Code for the same 78643
injury, occupational disease, or death for which the employee or 78644
the employee's dependents pursued workers' compensation benefits 78645
and received a decision on the merits as defined in section 78646
4123.542 of the Revised Code under the laws of another state or 78647
recovered damages under the laws of another state, the 78648
administrator or any employer, by any lawful means, may collect 78649
the amount of compensation or benefits paid to or on behalf of the 78650
employee or the employee's dependents by the administrator or a 78651
self-insuring employer pursuant to this chapter or Chapter 4121., 78652
4127., or 4131. of the Revised Code for that award. The 78653
administrator or any employer also may collect from the employee 78654
or the employee's dependents any costs and attorney's fees the 78655
administrator or the employer incurs in collecting that payment 78656
and any attorney's fees, penalties, interest, awards, and costs 78657
incurred by an employer in contesting or responding to any claim 78658
filed by the employee or the employee's dependents for the same 78659
injury, occupational disease, or death that was filed after the 78660
original claim for which the employee or the employee's dependents 78661
received a decision on the merits as described in section 4123.542 78662
of the Revised Code. If the employee's employer pays premiums into 78663
the state insurance fund, the administrator shall not charge the 78664
amount of compensation or benefits the administrator collects 78665
pursuant to this division to the employer's experience. If the 78666
administrator collects any costs, penalties, interest, awards, or 78667
attorney's fees incurred by a state fund employer, the 78668
administrator shall forward the amount of such costs, penalties, 78669
interest, awards, and attorney's fees the administrator collects 78670
to that employer. If the employee's employer is a self-insuring 78671
employer, the self-insuring employer shall deduct the amount of 78672
compensation or benefits the self-insuring employer collects 78673

pursuant to this division from the paid compensation the 78674
self-insuring employer reports to the administrator under division 78675
(L) of section 4123.35 of the Revised Code. 78676

(3) Except as otherwise stipulated in division (H)(4) of this 78677
section, if an employee is a resident of a state other than this 78678
state and is insured under the workers' compensation law or 78679
similar laws of a state other than this state, the employee and 78680
the employee's dependents are not entitled to receive compensation 78681
or benefits under this chapter, on account of injury, disease, or 78682
death arising out of or in the course of employment while 78683
temporarily within this state, and the rights of the employee and 78684
the employee's dependents under the laws of the other state are 78685
the exclusive remedy against the employer on account of the 78686
injury, disease, or death. 78687

(4) Division (H)(3) of this section does not apply to an 78688
employee described in that division, or the employee's dependents, 78689
unless both of the following apply: 78690

(a) The laws of the other state limit the ability of an 78691
employee who is a resident of this state and is covered by this 78692
chapter and Chapter 4123. of the Revised Code, or the employee's 78693
dependents, to receive compensation or benefits under the other 78694
state's workers' compensation law on account of injury, disease, 78695
or death incurred by the employee that arises out of or in the 78696
course of the employee's employment while temporarily within that 78697
state in the same manner as specified in division (H)(3) of this 78698
section for an employee who is a resident of a state other than 78699
this state, or the employee's dependents; 78700

(b) The laws of the other state limit the liability of the 78701
employer of the employee who is a resident of this state and who 78702
is described in division (H)(4)(a) of this section for that 78703
injury, disease, or death, in the same manner specified in 78704
division (H)(3) of this section for the employer of an employee 78705

who is a resident of the other state. 78706

(5) An employee, or the dependent of an employee, who elects 78707
to receive compensation and benefits under this chapter or Chapter 78708
4121., 4127., or 4131. of the Revised Code for a claim may not 78709
receive compensation and benefits under the workers' compensation 78710
laws of any state other than this state for that same claim. For 78711
each claim submitted by or on behalf of an employee, the 78712
administrator or, if the employee is employed by a self-insuring 78713
employer, the self-insuring employer shall request the employee or 78714
the employee's dependent to sign an election that affirms the 78715
employee's or employee's dependent's acceptance of electing to 78716
receive compensation and benefits under this chapter or Chapter 78717
4121., 4127., or 4131. of the Revised Code for that claim that 78718
also affirmatively waives and releases the employee's or the 78719
employee's dependent's right to file for and receive compensation 78720
and benefits under the laws of any state other than this state for 78721
that claim. The employee or employee's dependent shall sign the 78722
election form within twenty-eight days after the administrator or 78723
self-insuring employer submits the request or the administrator or 78724
self-insuring employer shall suspend that claim until the 78725
administrator or self-insuring employer receives the signed 78726
election form. 78727

(I) If an employee who is covered under the federal 78728
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 78729
33 U.S.C. 901 et seq., is injured or contracts an occupational 78730
disease or dies as a result of an injury or occupational disease, 78731
and if that employee's or that employee's dependents' claim for 78732
compensation or benefits for that injury, occupational disease, or 78733
death is subject to the jurisdiction of that act, the employee or 78734
the employee's dependents are not entitled to apply for and shall 78735
not receive compensation or benefits under this chapter and 78736
Chapter 4121. of the Revised Code. The rights of such an employee 78737

and the employee's dependents under the federal "Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., are the exclusive remedy against the employer for that injury, occupational disease, or death.

(J) Compensation or benefits are not payable to a claimant during the period of confinement of the claimant in any state or federal correctional institution, or in any county jail in lieu of incarceration in a state or federal correctional institution, whether in this or any other state for conviction of violation of any state or federal criminal law.

(K)(1) An employer, upon the approval of the administrator, may provide for workers' compensation coverage for the employer's employees who are professional athletes and coaches by submitting to the administrator proof of coverage under a league policy issued under the laws of another state under either of the following circumstances:

~~(1)~~(a) The employer administers the payroll and workers' compensation insurance for a professional sports team subject to a collective bargaining agreement, and the collective bargaining agreement provides for the uniform administration of workers' compensation benefits and compensation for professional athletes.

~~(2)~~(b) The employer is a professional sports league, or is a member team of a professional sports league, and all of the following apply:

~~(a)~~(i) The professional sports league operates as a single entity, whereby all of the players and coaches of the sports league are employees of the sports league and not of the individual member teams.

~~(b)~~(ii) The professional sports league at all times maintains workers' compensation insurance that provides coverage for the players and coaches of the sports league.

~~(e)(iii)~~ Each individual member team of the professional sports league, pursuant to the organizational or operating documents of the sports league, is obligated to the sports league to pay to the sports league any workers' compensation claims that are not covered by the workers' compensation insurance maintained by the sports league.

(2) If the administrator approves the employer's proof of coverage submitted under division (K)(1) of this section, a professional athlete or coach who is an employee of the employer and the dependents of the professional athlete or coach are not entitled to apply for and shall not receive compensation or benefits under this chapter and Chapter 4121. of the Revised Code. The rights of such an athlete or coach and the dependents of such an athlete or coach under the laws of the state where the policy was issued are the exclusive remedy against the employer for the athlete or coach if the athlete or coach suffers an injury or contracts an occupational disease in the course of employment, or for the dependents of the athlete or the coach if the athlete or coach is killed as a result of an injury or dies as a result of an occupational disease, regardless of the location where the injury was suffered or the occupational disease was contracted.

(3) If an actuary employed by the administrator determines that, with respect to an employer whose proof of coverage submitted pursuant to division (K)(1) of this section is approved by the administrator, the amount of the liability of the employer for the employer's proportionate share of any deficit in the state insurance fund is greater than two hundred thousand dollars as of the date the administrator approves the proof of coverage, the administrator shall establish a payment schedule not to exceed seven years after the date the administrator approves the coverage to allow the employer to buy out of the state insurance fund.

Sec. 4123.57. Partial disability compensation shall be paid 78800
as follows. 78801

Except as provided in this section, not earlier than 78802
twenty-six weeks after the date of termination of the latest 78803
period of payments under section 4123.56 of the Revised Code, or 78804
not earlier than twenty-six weeks after the date of the injury or 78805
contraction of an occupational disease in the absence of payments 78806
under section 4123.56 of the Revised Code, the employee may file 78807
an application with the bureau of workers' compensation for the 78808
determination of the percentage of the employee's permanent 78809
partial disability resulting from an injury or occupational 78810
disease. 78811

Whenever the application is filed, the bureau shall send a 78812
copy of the application to the employee's employer or the 78813
employer's representative and shall schedule the employee for a 78814
medical examination by the bureau medical section. The bureau 78815
shall send a copy of the report of the medical examination to the 78816
employee, the employer, and their representatives. Thereafter, the 78817
administrator of workers' compensation shall review the employee's 78818
claim file and make a tentative order as the evidence before the 78819
administrator at the time of the making of the order warrants. If 78820
the administrator determines that there is a conflict of evidence, 78821
the administrator shall send the application, along with the 78822
claimant's file, to the district hearing officer who shall set the 78823
application for a hearing. 78824

The administrator shall notify the employee, the employer, 78825
and their representatives, in writing, of the tentative order and 78826
of the parties' right to request a hearing. Unless the employee, 78827
the employer, or their representative notifies the administrator, 78828
in writing, of an objection to the tentative order within twenty 78829
days after receipt of the notice thereof, the tentative order 78830

shall go into effect and the employee shall receive the 78831
compensation provided in the order. In no event shall there be a 78832
reconsideration of a tentative order issued under this division. 78833

If the employee, the employer, or their representatives 78834
timely notify the administrator of an objection to the tentative 78835
order, the matter shall be referred to a district hearing officer 78836
who shall set the application for hearing with written notices to 78837
all interested persons. Upon referral to a district hearing 78838
officer, the employer may obtain a medical examination of the 78839
employee, pursuant to rules of the industrial commission. 78840

(A) The district hearing officer, upon the application, shall 78841
determine the percentage of the employee's permanent disability, 78842
except as is subject to division (B) of this section, based upon 78843
that condition of the employee resulting from the injury or 78844
occupational disease and causing permanent impairment evidenced by 78845
medical or clinical findings reasonably demonstrable. The employee 78846
shall receive sixty-six and two-thirds per cent of the employee's 78847
average weekly wage, but not more than a maximum of thirty-three 78848
and one-third per cent of the statewide average weekly wage as 78849
defined in division (C) of section 4123.62 of the Revised Code, 78850
per week regardless of the average weekly wage, for the number of 78851
weeks which equals the percentage of two hundred weeks. Except on 78852
application for reconsideration, review, or modification, which is 78853
filed within ten days after the date of receipt of the decision of 78854
the district hearing officer, in no instance shall the former 78855
award be modified unless it is found from medical or clinical 78856
findings that the condition of the claimant resulting from the 78857
injury has so progressed as to have increased the percentage of 78858
permanent partial disability. A staff hearing officer shall hear 78859
an application for reconsideration filed and the staff hearing 78860
officer's decision is final. An employee may file an application 78861
for a subsequent determination of the percentage of the employee's 78862

permanent disability. If such an application is filed, the bureau 78863
shall send a copy of the application to the employer or the 78864
employer's representative. No sooner than sixty days from the date 78865
of the mailing of the application to the employer or the 78866
employer's representative, the administrator shall review the 78867
application. The administrator may require a medical examination 78868
or medical review of the employee. The administrator shall issue a 78869
tentative order based upon the evidence before the administrator, 78870
provided that if the administrator requires a medical examination 78871
or medical review, the administrator shall not issue the tentative 78872
order until the completion of the examination or review. 78873

The employer may obtain a medical examination of the employee 78874
and may submit medical evidence at any stage of the process up to 78875
a hearing before the district hearing officer, pursuant to rules 78876
of the commission. The administrator shall notify the employee, 78877
the employer, and their representatives, in writing, of the nature 78878
and amount of any tentative order issued on an application 78879
requesting a subsequent determination of the percentage of an 78880
employee's permanent disability. An employee, employer, or their 78881
representatives may object to the tentative order within twenty 78882
days after the receipt of the notice thereof. If no timely 78883
objection is made, the tentative order shall go into effect. In no 78884
event shall there be a reconsideration of a tentative order issued 78885
under this division. If an objection is timely made, the 78886
application for a subsequent determination shall be referred to a 78887
district hearing officer who shall set the application for a 78888
hearing with written notice to all interested persons. No 78889
application for subsequent percentage determinations on the same 78890
claim for injury or occupational disease shall be accepted for 78891
review by the district hearing officer unless supported by 78892
substantial evidence of new and changed circumstances developing 78893
since the time of the hearing on the original or last 78894
determination. 78895

No award shall be made under this division based upon a 78896
percentage of disability which, when taken with all other 78897
percentages of permanent disability, exceeds one hundred per cent. 78898
If the percentage of the permanent disability of the employee 78899
equals or exceeds ninety per cent, compensation for permanent 78900
partial disability shall be paid for two hundred weeks. 78901

Compensation payable under this division accrues and is 78902
payable to the employee from the date of last payment of 78903
compensation, or, in cases where no previous compensation has been 78904
paid, from the date of the injury or the date of the diagnosis of 78905
the occupational disease. 78906

When an award under this division has been made prior to the 78907
death of an employee, all unpaid installments accrued or to accrue 78908
under the provisions of the award are payable to the surviving 78909
spouse, or if there is no surviving spouse, to the dependent 78910
children of the employee, and if there are no children surviving, 78911
then to other dependents as the administrator determines. 78912

(B) For purposes of this division, "payable per week" means 78913
the seven_consecutive_day period in which compensation is paid in 78914
installments according to the schedule associated with the 78915
applicable injury as set forth in this division. 78916

Compensation paid in weekly installments according to the 78917
schedule described in this division may only be commuted to one or 78918
more ~~lump sum~~ lump sum payments pursuant to the procedure set 78919
forth in section 4123.64 of the Revised Code. 78920

In cases included in the following schedule the compensation 78921
payable per week to the employee is the statewide average weekly 78922
wage as defined in division (C) of section 4123.62 of the Revised 78923
Code per week and shall be paid in installments according to the 78924
following schedule: 78925

For the loss of a first finger, commonly known as a thumb, 78926

sixty weeks.	78927
For the loss of a second finger, commonly called index finger, thirty-five weeks.	78928 78929
For the loss of a third finger, thirty weeks.	78930
For the loss of a fourth finger, twenty weeks.	78931
For the loss of a fifth finger, commonly known as the little finger, fifteen weeks.	78932 78933
The loss of a second, or distal, phalange of the thumb is considered equal to the loss of one half of such thumb; the loss of more than one half of such thumb is considered equal to the loss of the whole thumb.	78934 78935 78936 78937
The loss of the third, or distal, phalange of any finger is considered equal to the loss of one-third of the finger.	78938 78939
The loss of the middle, or second, phalange of any finger is considered equal to the loss of two-thirds of the finger.	78940 78941
The loss of more than the middle and distal phalanges of any finger is considered equal to the loss of the whole finger. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.	78942 78943 78944 78945
For the loss of the metacarpal bone (bones of the palm) for the corresponding thumb, or fingers, add ten weeks to the number of weeks under this division.	78946 78947 78948
For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes any of the fingers, thumbs, or parts of either useless, the same number of weeks apply to the members or parts thereof as given for the loss thereof.	78949 78950 78951 78952
If the claimant has suffered the loss of two or more fingers by amputation or ankylosis and the nature of the claimant's employment in the course of which the claimant was working at the time of the injury or occupational disease is such that the	78953 78954 78955 78956

handicap or disability resulting from the loss of fingers, or loss of use of fingers, exceeds the normal handicap or disability resulting from the loss of fingers, or loss of use of fingers, the administrator may take that fact into consideration and increase the award of compensation accordingly, but the award made shall not exceed the amount of compensation for loss of a hand.

For the loss of a hand, one hundred seventy-five weeks.

For the loss of an arm, two hundred twenty-five weeks.

For the loss of a great toe, thirty weeks.

For the loss of one of the toes other than the great toe, ten weeks.

The loss of more than two-thirds of any toe is considered equal to the loss of the whole toe.

The loss of less than two-thirds of any toe is considered no loss, except as to the great toe; the loss of the great toe up to the interphalangeal joint is co-equal to the loss of one-half of the great toe; the loss of the great toe beyond the interphalangeal joint is considered equal to the loss of the whole great toe.

For the loss of a foot, one hundred fifty weeks.

For the loss of a leg, two hundred weeks.

For the loss of the sight of an eye, one hundred twenty-five weeks.

For the permanent partial loss of sight of an eye, the portion of one hundred twenty-five weeks as the administrator in each case determines, based upon the percentage of vision actually lost as a result of the injury or occupational disease, but, in no case shall an award of compensation be made for less than twenty-five per cent loss of uncorrected vision. "Loss of uncorrected vision" means the percentage of vision actually lost

as the result of the injury or occupational disease. 78987

For the permanent and total loss of hearing of one ear, 78988
twenty-five weeks; but in no case shall an award of compensation 78989
be made for less than permanent and total loss of hearing of one 78990
ear. 78991

For the permanent and total loss of hearing, one hundred 78992
twenty-five weeks; but, except pursuant to the next preceding 78993
paragraph, in no case shall an award of compensation be made for 78994
less than permanent and total loss of hearing. 78995

In case an injury or occupational disease results in serious 78996
facial or head disfigurement which either impairs or may in the 78997
future impair the opportunities to secure or retain employment, 78998
the administrator shall make an award of compensation as it deems 78999
proper and equitable, in view of the nature of the disfigurement, 79000
and not to exceed the sum of ten thousand dollars. For the purpose 79001
of making the award, it is not material whether the employee is 79002
gainfully employed in any occupation or trade at the time of the 79003
administrator's determination. 79004

When an award under this division has been made prior to the 79005
death of an employee all unpaid installments accrued or to accrue 79006
under the provisions of the award shall be payable to the 79007
surviving spouse, or if there is no surviving spouse, to the 79008
dependent children of the employee and if there are no such 79009
children, then to such dependents as the administrator determines. 79010

When an employee has sustained the loss of a member by 79011
severance, but no award has been made on account thereof prior to 79012
the employee's death, the administrator shall make an award in 79013
accordance with this division for the loss which shall be payable 79014
to the surviving spouse, or if there is no surviving spouse, to 79015
the dependent children of the employee and if there are no such 79016
children, then to such dependents as the administrator determines. 79017

(C) Compensation for partial impairment under divisions (A) and (B) of this section is in addition to the compensation paid the employee pursuant to section 4123.56 of the Revised Code. A claimant may receive compensation under divisions (A) and (B) of this section.

In all cases arising under division (B) of this section, if it is determined by any one of the following: (1) the amputee clinic at University hospital, Ohio state university; (2) the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency; (3) an amputee clinic or prescribing physician approved by the administrator or the administrator's designee, that an injured or disabled employee is in need of an artificial appliance, or in need of a repair thereof, regardless of whether the appliance or its repair will be serviceable in the vocational rehabilitation of the injured employee, and regardless of whether the employee has returned to or can ever again return to any gainful employment, the bureau shall pay the cost of the artificial appliance or its repair out of the surplus created by division (B) of section 4123.34 of the Revised Code.

In those cases where a ~~rehabilitation services commission~~ an opportunities for Ohioans with disabilities agency recommendation that an injured or disabled employee is in need of an artificial appliance would conflict with their state plan, adopted pursuant to the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 701, the administrator or the administrator's designee or the bureau may obtain a recommendation from an amputee clinic or prescribing physician that they determine appropriate.

(D) If an employee of a state fund employer makes application for a finding and the administrator finds that the employee has contracted silicosis as defined in division (X), or coal miners' pneumoconiosis as defined in division (Y), or asbestosis as defined in division (AA) of section 4123.68 of the Revised Code,

and that a change of such employee's occupation is medically 79050
advisable in order to decrease substantially further exposure to 79051
silica dust, asbestos, or coal dust and if the employee, after the 79052
finding, has changed or shall change the employee's occupation to 79053
an occupation in which the exposure to silica dust, asbestos, or 79054
coal dust is substantially decreased, the administrator shall 79055
allow to the employee an amount equal to fifty per cent of the 79056
statewide average weekly wage per week for a period of thirty 79057
weeks, commencing as of the date of the discontinuance or change, 79058
and for a period of one hundred weeks immediately following the 79059
expiration of the period of thirty weeks, the employee shall 79060
receive sixty-six and two-thirds per cent of the loss of wages 79061
resulting directly and solely from the change of occupation but 79062
not to exceed a maximum of an amount equal to fifty per cent of 79063
the statewide average weekly wage per week. No such employee is 79064
entitled to receive more than one allowance on account of 79065
discontinuance of employment or change of occupation and benefits 79066
shall cease for any period during which the employee is employed 79067
in an occupation in which the exposure to silica dust, asbestos, 79068
or coal dust is not substantially less than the exposure in the 79069
occupation in which the employee was formerly employed or for any 79070
period during which the employee may be entitled to receive 79071
compensation or benefits under section 4123.68 of the Revised Code 79072
on account of disability from silicosis, asbestosis, or coal 79073
miners' pneumoconiosis. An award for change of occupation for a 79074
coal miner who has contracted coal miners' pneumoconiosis may be 79075
granted under this division even though the coal miner continues 79076
employment with the same employer, so long as the coal miner's 79077
employment subsequent to the change is such that the coal miner's 79078
exposure to coal dust is substantially decreased and a change of 79079
occupation is certified by the claimant as permanent. The 79080
administrator may accord to the employee medical and other 79081
benefits in accordance with section 4123.66 of the Revised Code. 79082

(E) If a firefighter or police officer makes application for a finding and the administrator finds that the firefighter or police officer has contracted a cardiovascular and pulmonary disease as defined in division (W) of section 4123.68 of the Revised Code, and that a change of the firefighter's or police officer's occupation is medically advisable in order to decrease substantially further exposure to smoke, toxic gases, chemical fumes, and other toxic vapors, and if the firefighter, or police officer, after the finding, has changed or changes occupation to an occupation in which the exposure to smoke, toxic gases, chemical fumes, and other toxic vapors is substantially decreased, the administrator shall allow to the firefighter or police officer an amount equal to fifty per cent of the statewide average weekly wage per week for a period of thirty weeks, commencing as of the date of the discontinuance or change, and for a period of seventy-five weeks immediately following the expiration of the period of thirty weeks the administrator shall allow the firefighter or police officer sixty-six and two-thirds per cent of the loss of wages resulting directly and solely from the change of occupation but not to exceed a maximum of an amount equal to fifty per cent of the statewide average weekly wage per week. No such firefighter or police officer is entitled to receive more than one allowance on account of discontinuance of employment or change of occupation and benefits shall cease for any period during which the firefighter or police officer is employed in an occupation in which the exposure to smoke, toxic gases, chemical fumes, and other toxic vapors is not substantially less than the exposure in the occupation in which the firefighter or police officer was formerly employed or for any period during which the firefighter or police officer may be entitled to receive compensation or benefits under section 4123.68 of the Revised Code on account of disability from a cardiovascular and pulmonary disease. The administrator may accord to the firefighter or police officer

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medical and other benefits in accordance with section 4123.66 of 79116
the Revised Code. 79117

(F) An order issued under this section is appealable pursuant 79118
to section 4123.511 of the Revised Code but is not appealable to 79119
court under section 4123.512 of the Revised Code. 79120

Sec. 4123.93. As used in sections 4123.93 and 4123.931 of the 79121
Revised Code: 79122

(A) "Claimant" means a person who is eligible to receive 79123
compensation, medical benefits, or death benefits under this 79124
chapter or Chapter 4121., 4127., or 4131. of the Revised Code. 79125

(B) "Statutory subrogee" means the administrator of workers' 79126
compensation, a self-insuring employer, or an employer that 79127
contracts for the direct payment of medical services pursuant to 79128
division ~~(L)~~(P) of section 4121.44 of the Revised Code. 79129

(C) "Third party" means an individual, private insurer, 79130
public or private entity, or public or private program that is or 79131
may be liable to make payments to a person without regard to any 79132
statutory duty contained in this chapter or Chapter 4121., 4127., 79133
or 4131. of the Revised Code. 79134

(D) "Subrogation interest" includes past, present, and 79135
estimated future payments of compensation, medical benefits, 79136
rehabilitation costs, or death benefits, and any other costs or 79137
expenses paid to or on behalf of the claimant by the statutory 79138
subrogee pursuant to this chapter or Chapter 4121., 4127., or 79139
4131. of the Revised Code. 79140

(E) "Net amount recovered" means the amount of any award, 79141
settlement, compromise, or recovery by a claimant against a third 79142
party, minus the attorney's fees, costs, or other expenses 79143
incurred by the claimant in securing the award, settlement, 79144
compromise, or recovery. "Net amount recovered" does not include 79145

any punitive damages that may be awarded by a judge or jury. 79146

(F) "Uncompensated damages" means the claimant's demonstrated 79147
or proven damages minus the statutory subrogee's subrogation 79148
interest. 79149

Sec. 4131.03. (A) For the relief of persons who are entitled 79150
to receive benefits by virtue of the federal act, there is hereby 79151
established a coal-workers pneumoconiosis fund, which shall be 79152
separate from the funds established and administered pursuant to 79153
Chapter 4123. of the Revised Code. The fund shall consist of 79154
premiums and other payments thereto by subscribers who elect to 79155
subscribe to the fund to insure the payment of benefits required 79156
by the federal act. 79157

(B)(1) The coal-workers pneumoconiosis fund shall be in the 79158
custody of the treasurer of state. The bureau of workers' 79159
compensation shall make disbursements from the fund to those 79160
persons entitled to payment therefrom and in the amounts required 79161
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 79162
investment earnings of the fund shall be credited to the fund. 79163

~~(2) Beginning July 1, 2011, and ending June 30, 2013, the 79164
director of natural resources annually may request the 79165
administrator of workers' compensation to transfer a portion of 79166
the investment earnings credited to the coal workers 79167
pneumoconiosis fund as provided in this division. If the 79168
administrator receives a request from the director, the 79169
administrator, on the first day of July, or as soon as possible 79170
after that date, shall transfer from the investment earnings 79171
credited to the coal workers pneumoconiosis fund an amount not to 79172
exceed three million dollars to the mine safety fund created in 79173
section 1561.24 of the Revised Code for the purposes specified in 79174
that section and an amount not to exceed one million five hundred 79175
thousand dollars to the coal mining administration and reclamation 79176~~

~~reserve fund created in section 1513.181 of the Revised Code for 79177
the purposes specified in that section. The administrator, with 79178
the advice and consent of the bureau of workers' compensation 79179
board of directors, shall adopt rules governing the transfer in 79180
order to ensure the solvency of the coal workers pneumoconiosis 79181
fund. For that purpose, the rules may establish tests based on 79182
measures of net assets, liabilities, expenses, interest, dividend 79183
income, or other factors that the administrator determines 79184
appropriate that may be applied prior to a transfer. 79185~~

(C) The administrator shall have the same powers to invest 79186
any of the surplus or reserve belonging to the coal-workers 79187
pneumoconiosis fund as are delegated to the administrator under 79188
section 4123.44 of the Revised Code with respect to the state 79189
insurance fund. 79190

(D) If the administrator determines that reinsurance of the 79191
risks of the coal-workers pneumoconiosis fund is necessary to 79192
assure solvency of the fund, the administrator may: 79193

(1) Enter into contracts for the purchase of reinsurance 79194
coverage of the risks of the fund with any company or agency 79195
authorized by law to issue contracts of reinsurance; 79196

(2) Pay the cost of reinsurance from the fund; 79197

(3) Include the costs of reinsurance as a liability and 79198
estimated liability of the fund. 79199

Sec. 4141.162. (A) The director of job and family services 79200
shall establish an income and eligibility verification system that 79201
complies with section 1137 of the "Social Security Act." The 79202
programs included in the system are all of the following: 79203

(1) Unemployment compensation pursuant to section 3304 of the 79204
"Internal Revenue Code of 1954"; 79205

(2) The state programs funded in part under part A of Title 79206

IV of the "Social Security Act" and administered under Chapters 79207
5107. and 5108. of the Revised Code; 79208

(3) ~~Medicaid pursuant to Title XIX of the "Social Security~~ 79209
~~Act"~~ The medicaid program; 79210

(4) The supplemental nutrition assistance program pursuant to 79211
the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.; 79212

(5) Any Ohio program under a plan approved under Title I, X, 79213
XIV, or XVI of the "Social Security Act." 79214

Wage information provided by employers to the director shall 79215
be furnished to the income and eligibility verification system. 79216
Such information shall be used by the director to determine 79217
eligibility of individuals for unemployment compensation benefits 79218
and the amount of those benefits and used by the agencies that 79219
administer the programs identified in divisions (A)(2) to (5) of 79220
this section to determine or verify eligibility for or the amount 79221
of benefits under those programs. 79222

The director shall fully implement the use of wage 79223
information to determine eligibility for and the amount of 79224
unemployment compensation benefits by September 30, 1988. 79225

Information furnished under the system shall also be made 79226
available to the appropriate state or local child support 79227
enforcement agency for the purposes of an approved plan under 79228
Title IV-D of the "Social Security Act" and to the appropriate 79229
federal agency for the purposes of Titles II and XVI of the 79230
"Social Security Act." 79231

(B) The director shall adopt rules as necessary under which 79232
the department of job and family services and other state agencies 79233
that the director determines must participate in order to ensure 79234
compliance with section 1137 of the "Social Security Act" exchange 79235
information with each other or authorized federal agencies about 79236
individuals who are applicants for or recipients of benefits under 79237

any of the programs enumerated in division (A) of this section. 79238
The rules shall extend to all of the following: 79239

(1) A requirement for standardized formats and procedures for 79240
a participating agency to request and receive information about an 79241
individual, which information shall include the individual's 79242
social security number; 79243

(2) A requirement that all applicants for and recipients of 79244
benefits under any program enumerated in division (A) of this 79245
section be notified at the time of application, and periodically 79246
thereafter, that information available through the system may be 79247
shared with agencies that administer other benefit programs and 79248
utilized in establishing or verifying eligibility or benefit 79249
amounts under the other programs enumerated in division (A) of 79250
this section; 79251

(3) A requirement that information is made available only to 79252
the extent necessary to assist in the valid administrative needs 79253
of the program receiving the information and is targeted for use 79254
in ways which are most likely to be productive in identifying and 79255
preventing ineligibility and incorrect payments; 79256

(4) A requirement that information is adequately protected 79257
against unauthorized disclosures for purposes other than to 79258
establish or verify eligibility or benefit amounts under the 79259
programs enumerated in division (A) of this section; 79260

(5) A requirement that a program providing information is 79261
reimbursed by the program using the information for the actual 79262
costs of furnishing the information and that the director be 79263
reimbursed by the participating programs for any actual costs 79264
incurred in operating the system; 79265

(6) Requirements for any other matters necessary to ensure 79266
the effective, efficient, and timely exchange of necessary 79267
information or that the director determines must be addressed in 79268

order to ensure compliance with the requirements of section 1137 79269
of the "Social Security Act." 79270

(C) Each participating agency shall furnish to the income and 79271
eligibility verification system established in division (A) of 79272
this section that information, which the director, by rule, 79273
determines is necessary in order to comply with section 1137 of 79274
the "Social Security Act." 79275

(D) Notwithstanding the information disclosure requirements 79276
of this section and section 4141.21 and division (A) of section 79277
4141.284 of the Revised Code, the director shall administer those 79278
provisions of law so as to comply with section 1137 of the "Social 79279
Security Act." 79280

(E) Requirements in section 4141.21 of the Revised Code with 79281
respect to confidentiality of information obtained in the 79282
administration of Chapter 4141. of the Revised Code and any 79283
sanctions imposed for improper disclosure of such information 79284
shall apply to the redisclosure of information disclosed under 79285
this section. 79286

(F) The director of job and family services shall consult 79287
with the medicaid director and the director of administrative 79288
services regarding the implementation of this section. 79289

Sec. 4141.29. Each eligible individual shall receive benefits 79290
as compensation for loss of remuneration due to involuntary total 79291
or partial unemployment in the amounts and subject to the 79292
conditions stipulated in this chapter. 79293

(A) No individual is entitled to a waiting period or benefits 79294
for any week unless the individual: 79295

(1) Has filed a valid application for determination of 79296
benefit rights in accordance with section 4141.28 of the Revised 79297
Code; 79298

(2) Has made a claim for benefits in accordance with section 79299
4141.28 of the Revised Code; 79300

(3) Has registered at an employment office or other 79301
registration place maintained or designated by the director of job 79302
and family services. Registration shall be made in accordance with 79303
the time limits, frequency, and manner prescribed by the director. 79304

(4)(a)(i) Is able to work and available for suitable work 79305
and, except as provided in division (A)(4)(a)(ii) of this section, 79306
is actively seeking suitable work either in a locality in which 79307
the individual has earned wages subject to this chapter during the 79308
individual's base period, or if the individual leaves that 79309
locality, then in a locality where suitable work normally is 79310
performed. 79311

(ii) The director may waive the requirement that a claimant 79312
be actively seeking work when the director finds that the 79313
individual has been laid off and the employer who laid the 79314
individual off has notified the director within ten days after the 79315
layoff, that work is expected to be available for the individual 79316
within a specified number of days not to exceed forty-five 79317
calendar days following the last day the individual worked. In the 79318
event the individual is not recalled within the specified period, 79319
this waiver shall cease to be operative with respect to that 79320
layoff. 79321

(b) The individual shall be instructed as to the efforts that 79322
the individual must make in the search for suitable work, except 79323
where the active search for work requirement has been waived under 79324
division (A)(4)(a) of this section, and shall keep a record of 79325
where and when the individual has sought work in complying with 79326
those instructions and, upon request, shall produce that record 79327
for examination by the director. 79328

(c) An individual who is attending a training course approved 79329

by the director meets the requirement of this division, if 79330
attendance was recommended by the director and the individual is 79331
regularly attending the course and is making satisfactory 79332
progress. An individual also meets the requirements of this 79333
division if the individual is participating and advancing in a 79334
training program, as defined in division (P) of section 5709.61 of 79335
the Revised Code, and if an enterprise, defined in division (B) of 79336
section 5709.61 of the Revised Code, is paying all or part of the 79337
cost of the individual's participation in the training program 79338
with the intention of hiring the individual for employment as a 79339
new employee, as defined in division (L) of section 5709.61 of the 79340
Revised Code, for at least ninety days after the individual's 79341
completion of the training program. 79342

(d) An individual who becomes unemployed while attending a 79343
regularly established school and whose base period qualifying 79344
weeks were earned in whole or in part while attending that school, 79345
meets the availability and active search for work requirements of 79346
division (A)(4)(a) of this section if the individual regularly 79347
attends the school during weeks with respect to which the 79348
individual claims unemployment benefits and makes self available 79349
on any shift of hours for suitable employment with the 79350
individual's most recent employer or any other employer in the 79351
individual's base period, or for any other suitable employment to 79352
which the individual is directed, under this chapter. 79353

(e) The director shall adopt any rules that the director 79354
deems necessary for the administration of division (A)(4) of this 79355
section. 79356

(f) Notwithstanding any other provisions of this section, no 79357
otherwise eligible individual shall be denied benefits for any 79358
week because the individual is in training approved under section 79359
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 79360
2296, nor shall that individual be denied benefits by reason of 79361

leaving work to enter such training, provided the work left is not 79362
suitable employment, or because of the application to any week in 79363
training of provisions in this chapter, or any applicable federal 79364
unemployment compensation law, relating to availability for work, 79365
active search for work, or refusal to accept work. 79366

For the purposes of division (A)(4)(f) of this section, 79367
"suitable employment" means with respect to an individual, work of 79368
a substantially equal or higher skill level than the individual's 79369
past adversely affected employment, as defined for the purposes of 79370
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 79371
wages for such work at not less than eighty per cent of the 79372
individual's average weekly wage as determined for the purposes of 79373
that federal act. 79374

(5) Is unable to obtain suitable work. An individual who is 79375
provided temporary work assignments by the individual's employer 79376
under agreed terms and conditions of employment, and who is 79377
required pursuant to those terms and conditions to inquire with 79378
the individual's employer for available work assignments upon the 79379
conclusion of each work assignment, is not considered unable to 79380
obtain suitable employment if suitable work assignments are 79381
available with the employer but the individual fails to contact 79382
the employer to inquire about work assignments. 79383

(6) Participates in reemployment services, such as job search 79384
assistance services, if the individual has been determined to be 79385
likely to exhaust benefits under this chapter, including 79386
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 79387
extended compensation, and needs reemployment services pursuant to 79388
the profiling system established by the director under division 79389
(K) of this section, unless the director determines that: 79390

(a) The individual has completed such services; or 79391

(b) There is justifiable cause for the claimant's failure to 79392

participate in such services. 79393

(B) An individual suffering total or partial unemployment is 79394
eligible for benefits for unemployment occurring subsequent to a 79395
waiting period of one week and no benefits shall be payable during 79396
this required waiting period. Not more than one week of waiting 79397
period shall be required of any individual in any benefit year in 79398
order to establish the individual's eligibility for total or 79399
partial unemployment benefits. 79400

(C) The waiting period for total or partial unemployment 79401
shall commence on the first day of the first week with respect to 79402
which the individual first files a claim for benefits at an 79403
employment office or other place of registration maintained or 79404
designated by the director or on the first day of the first week 79405
with respect to which the individual has otherwise filed a claim 79406
for benefits in accordance with the rules of the department of job 79407
and family services, provided such claim is allowed by the 79408
director. 79409

(D) Notwithstanding division (A) of this section, no 79410
individual may serve a waiting period or be paid benefits under 79411
the following conditions: 79412

(1) For any week with respect to which the director finds 79413
that: 79414

(a) The individual's unemployment was due to a labor dispute 79415
other than a lockout at any factory, establishment, or other 79416
premises located in this or any other state and owned or operated 79417
by the employer by which the individual is or was last employed; 79418
and for so long as the individual's unemployment is due to such 79419
labor dispute. No individual shall be disqualified under this 79420
provision if either of the following applies: 79421

(i) The individual's employment was with such employer at any 79422
factory, establishment, or premises located in this state, owned 79423

or operated by such employer, other than the factory, 79424
establishment, or premises at which the labor dispute exists, if 79425
it is shown that the individual is not financing, participating 79426
in, or directly interested in such labor dispute; 79427

(ii) The individual's employment was with an employer not 79428
involved in the labor dispute but whose place of business was 79429
located within the same premises as the employer engaged in the 79430
dispute, unless the individual's employer is a wholly owned 79431
subsidiary of the employer engaged in the dispute, or unless the 79432
individual actively participates in or voluntarily stops work 79433
because of such dispute. If it is established that the claimant 79434
was laid off for an indefinite period and not recalled to work 79435
prior to the dispute, or was separated by the employer prior to 79436
the dispute for reasons other than the labor dispute, or that the 79437
individual obtained a bona fide job with another employer while 79438
the dispute was still in progress, such labor dispute shall not 79439
render the employee ineligible for benefits. 79440

(b) The individual has been given a disciplinary layoff for 79441
misconduct in connection with the individual's work. 79442

(2) For the duration of the individual's unemployment if the 79443
director finds that: 79444

(a) The individual quit work without just cause or has been 79445
discharged for just cause in connection with the individual's 79446
work, provided division (D)(2) of this section does not apply to 79447
the separation of a person under any of the following 79448
circumstances: 79449

(i) Separation from employment for the purpose of entering 79450
the armed forces of the United States if the individual is 79451
inducted into the armed forces within one of the following 79452
periods: 79453

(I) Thirty days after separation; 79454

(II) One hundred eighty days after separation if the individual's date of induction is delayed solely at the discretion of the armed forces.

(ii) Separation from employment pursuant to a labor-management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employee, because of lack of work, to accept a separation from employment;

(iii) The individual has left employment to accept a recall from a prior employer or, except as provided in division (D)(2)(a)(iv) of this section, to accept other employment as provided under section 4141.291 of the Revised Code, or left or was separated from employment that was concurrent employment at the time of the most recent separation or within six weeks prior to the most recent separation where the remuneration, hours, or other conditions of such concurrent employment were substantially less favorable than the individual's most recent employment and where such employment, if offered as new work, would be considered not suitable under the provisions of divisions (E) and (F) of this section. Any benefits that would otherwise be chargeable to the account of the employer from whom an individual has left employment or was separated from employment that was concurrent employment under conditions described in division (D)(2)(a)(iii) of this section, shall instead be charged to the mutualized account created by division (B) of section 4141.25 of the Revised Code, except that any benefits chargeable to the account of a reimbursing employer under division (D)(2)(a)(iii) of this section shall be charged to the account of the reimbursing employer and not to the mutualized account, except as provided in division (D)(2) of section 4141.24 of the Revised Code.

(iv) When an individual has been issued a definite layoff date by the individual's employer and before the layoff date, the

individual quits to accept other employment, the provisions of 79487
division (D)(2)(a)(iii) of this section apply and no 79488
disqualification shall be imposed under division (D) of this 79489
section. However, if the individual fails to meet the employment 79490
and earnings requirements of division (A)(2) of section 4141.291 79491
of the Revised Code, then the individual, pursuant to division 79492
(A)(5) of this section, shall be ineligible for benefits for any 79493
week of unemployment that occurs prior to the layoff date. 79494

(v) The individual's spouse is a member of the armed forces 79495
of the United States who is on active duty as defined in 10 U.S.C. 79496
101(d)(1), the spouse is the subject of a military transfer, the 79497
individual left employment to accompany the individual's spouse to 79498
a location from which it is impractical to commute to the 79499
individual's place of employment, and upon arrival at the new 79500
place of residence, the individual is in all respects able and 79501
available for suitable work. 79502

(b) The individual has refused without good cause to accept 79503
an offer of suitable work when made by an employer either in 79504
person or to the individual's last known address, or has refused 79505
or failed to investigate a referral to suitable work when directed 79506
to do so by a local employment office of this state or another 79507
state, provided that this division shall not cause a 79508
disqualification for a waiting week or benefits under the 79509
following circumstances: 79510

(i) When work is offered by the individual's employer and the 79511
individual is not required to accept the offer pursuant to the 79512
terms of the labor-management contract or agreement; or 79513

(ii) When the individual is attending a training course 79514
pursuant to division (A)(4) of this section except, in the event 79515
of a refusal to accept an offer of suitable work or a refusal or 79516
failure to investigate a referral, benefits thereafter paid to 79517
such individual shall not be charged to the account of any 79518

employer and, except as provided in division (B)(1)(b) of section 79519
4141.241 of the Revised Code, shall be charged to the mutualized 79520
account as provided in division (B) of section 4141.25 of the 79521
Revised Code. 79522

(c) Such individual quit work to marry or because of marital, 79523
parental, filial, or other domestic obligations. 79524

(d) The individual became unemployed by reason of commitment 79525
to any correctional institution. 79526

(e) The individual became unemployed because of dishonesty in 79527
connection with the individual's most recent or any base period 79528
work. Remuneration earned in such work shall be excluded from the 79529
individual's total base period remuneration and qualifying weeks 79530
that otherwise would be credited to the individual for such work 79531
in the individual's base period shall not be credited for the 79532
purpose of determining the total benefits to which the individual 79533
is eligible and the weekly benefit amount to be paid under section 79534
4141.30 of the Revised Code. Such excluded remuneration and 79535
noncredited qualifying weeks shall be excluded from the 79536
calculation of the maximum amount to be charged, under division 79537
(D) of section 4141.24 and section 4141.33 of the Revised Code, 79538
against the accounts of the individual's base period employers. In 79539
addition, no benefits shall thereafter be paid to the individual 79540
based upon such excluded remuneration or noncredited qualifying 79541
weeks. 79542

For purposes of division (D)(2)(e) of this section, 79543
"dishonesty" means the commission of substantive theft, fraud, or 79544
deceitful acts. 79545

(E) No individual otherwise qualified to receive benefits 79546
shall lose the right to benefits by reason of a refusal to accept 79547
new work if: 79548

(1) As a condition of being so employed the individual would 79549

be required to join a company union, or to resign from or refrain 79550
from joining any bona fide labor organization, or would be denied 79551
the right to retain membership in and observe the lawful rules of 79552
any such organization. 79553

(2) The position offered is vacant due directly to a strike, 79554
lockout, or other labor dispute. 79555

(3) The work is at an unreasonable distance from the 79556
individual's residence, having regard to the character of the work 79557
the individual has been accustomed to do, and travel to the place 79558
of work involves expenses substantially greater than that required 79559
for the individual's former work, unless the expense is provided 79560
for. 79561

(4) The remuneration, hours, or other conditions of the work 79562
offered are substantially less favorable to the individual than 79563
those prevailing for similar work in the locality. 79564

(F) Subject to the special exceptions contained in division 79565
(A)(4)(f) of this section and section 4141.301 of the Revised 79566
Code, in determining whether any work is suitable for a claimant 79567
in the administration of this chapter, the director, in addition 79568
to the determination required under division (E) of this section, 79569
shall consider the degree of risk to the claimant's health, 79570
safety, and morals, the individual's physical fitness for the 79571
work, the individual's prior training and experience, the length 79572
of the individual's unemployment, the distance of the available 79573
work from the individual's residence, and the individual's 79574
prospects for obtaining local work. 79575

(G) The "duration of unemployment" as used in this section 79576
means the full period of unemployment next ensuing after a 79577
separation from any base period or subsequent work and until an 79578
individual has become reemployed in employment subject to this 79579
chapter, or the unemployment compensation act of another state, or 79580

of the United States, and until such individual has worked six 79581
weeks and for those weeks has earned or been paid remuneration 79582
equal to six times an average weekly wage of not less than: 79583
eighty-five dollars and ten cents per week beginning on June 26, 79584
1990; and beginning on and after January 1, 1992, twenty-seven and 79585
one-half per cent of the statewide average weekly wage as computed 79586
each first day of January under division (B)(3) of section 4141.30 79587
of the Revised Code, rounded down to the nearest dollar, except 79588
for purposes of division (D)(2)(c) of this section, such term 79589
means the full period of unemployment next ensuing after a 79590
separation from such work and until such individual has become 79591
reemployed subject to the terms set forth above, and has earned 79592
wages equal to one-half of the individual's average weekly wage or 79593
sixty dollars, whichever is less. 79594

(H) If a claimant is disqualified under division (D)(2)(a), 79595
(c), or (d) of this section or found to be qualified under the 79596
exceptions provided in division (D)(2)(a)(i), (iii), ~~or~~ (iv), or 79597
(v) of this section or division (A)(2) of section 4141.291 of the 79598
Revised Code, then benefits that may become payable to such 79599
claimant, which are chargeable to the account of the employer from 79600
whom the individual was separated under such conditions, shall be 79601
charged to the mutualized account provided in section 4141.25 of 79602
the Revised Code, provided that no charge shall be made to the 79603
mutualized account for benefits chargeable to a reimbursing 79604
employer, except as provided in division (D)(2) of section 4141.24 79605
of the Revised Code. In the case of a reimbursing employer, the 79606
director shall refund or credit to the account of the reimbursing 79607
employer any over-paid benefits that are recovered under division 79608
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 79609
other states, the United States, or Canada that are subject to 79610
agreements and arrangements that are established pursuant to 79611
section 4141.43 of the Revised Code shall be credited or 79612
reimbursed according to the agreements and arrangements to which 79613

the chargeable amounts are subject. 79614

(I)(1) Benefits based on service in employment as provided in 79615
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 79616
shall be payable in the same amount, on the same terms, and 79617
subject to the same conditions as benefits payable on the basis of 79618
other service subject to this chapter; except that after December 79619
31, 1977: 79620

(a) Benefits based on service in an instructional, research, 79621
or principal administrative capacity in an institution of higher 79622
education, as defined in division (Y) of section 4141.01 of the 79623
Revised Code; or for an educational institution as defined in 79624
division (CC) of section 4141.01 of the Revised Code, shall not be 79625
paid to any individual for any week of unemployment that begins 79626
during the period between two successive academic years or terms, 79627
or during a similar period between two regular but not successive 79628
terms or during a period of paid sabbatical leave provided for in 79629
the individual's contract, if the individual performs such 79630
services in the first of those academic years or terms and has a 79631
contract or a reasonable assurance that the individual will 79632
perform services in any such capacity for any such institution in 79633
the second of those academic years or terms. 79634

(b) Benefits based on service for an educational institution 79635
or an institution of higher education in other than an 79636
instructional, research, or principal administrative capacity, 79637
shall not be paid to any individual for any week of unemployment 79638
which begins during the period between two successive academic 79639
years or terms of the employing educational institution or 79640
institution of higher education, provided the individual performed 79641
those services for the educational institution or institution of 79642
higher education during the first such academic year or term and, 79643
there is a reasonable assurance that such individual will perform 79644
those services for any educational institution or institution of 79645

higher education in the second of such academic years or terms. 79646

If compensation is denied to any individual for any week 79647
under division (I)(1)(b) of this section and the individual was 79648
not offered an opportunity to perform those services for an 79649
institution of higher education or for an educational institution 79650
for the second of such academic years or terms, the individual is 79651
entitled to a retroactive payment of compensation for each week 79652
for which the individual timely filed a claim for compensation and 79653
for which compensation was denied solely by reason of division 79654
(I)(1)(b) of this section. An application for retroactive benefits 79655
shall be timely filed if received by the director or the 79656
director's deputy within or prior to the end of the fourth full 79657
calendar week after the end of the period for which benefits were 79658
denied because of reasonable assurance of employment. The 79659
provision for the payment of retroactive benefits under division 79660
(I)(1)(b) of this section is applicable to weeks of unemployment 79661
beginning on and after November 18, 1983. The provisions under 79662
division (I)(1)(b) of this section shall be retroactive to 79663
September 5, 1982, only if, as a condition for full tax credit 79664
against the tax imposed by the "Federal Unemployment Tax Act," 53 79665
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 79666
secretary of labor determines that retroactivity is required by 79667
federal law. 79668

(c) With respect to weeks of unemployment beginning after 79669
December 31, 1977, benefits shall be denied to any individual for 79670
any week which commences during an established and customary 79671
vacation period or holiday recess, if the individual performs any 79672
services described in divisions (I)(1)(a) and (b) of this section 79673
in the period immediately before the vacation period or holiday 79674
recess, and there is a reasonable assurance that the individual 79675
will perform any such services in the period immediately following 79676
the vacation period or holiday recess. 79677

(d) With respect to any services described in division 79678
(I)(1)(a), (b), or (c) of this section, benefits payable on the 79679
basis of services in any such capacity shall be denied as 79680
specified in division (I)(1)(a), (b), or (c) of this section to 79681
any individual who performs such services in an educational 79682
institution or institution of higher education while in the employ 79683
of an educational service agency. For this purpose, the term 79684
"educational service agency" means a governmental agency or 79685
governmental entity that is established and operated exclusively 79686
for the purpose of providing services to one or more educational 79687
institutions or one or more institutions of higher education. 79688

(e) Any individual employed by a county board of 79689
developmental disabilities shall be notified by the thirtieth day 79690
of April each year if the individual is not to be reemployed the 79691
following academic year. 79692

(f) Any individual employed by a school district, other than 79693
a municipal school district as defined in section 3311.71 of the 79694
Revised Code, shall be notified by the first day of June each year 79695
if the individual is not to be reemployed the following academic 79696
year. 79697

(2) No disqualification will be imposed, between academic 79698
years or terms or during a vacation period or holiday recess under 79699
this division, unless the director or the director's deputy has 79700
received a statement in writing from the educational institution 79701
or institution of higher education that the claimant has a 79702
contract for, or a reasonable assurance of, reemployment for the 79703
ensuing academic year or term. 79704

(3) If an individual has employment with an educational 79705
institution or an institution of higher education and employment 79706
with a noneducational employer, during the base period of the 79707
individual's benefit year, then the individual may become eligible 79708
for benefits during the between-term, or vacation or holiday 79709

recess, disqualification period, based on employment performed for 79710
the noneducational employer, provided that the employment is 79711
sufficient to qualify the individual for benefit rights separately 79712
from the benefit rights based on school employment. The weekly 79713
benefit amount and maximum benefits payable during a 79714
disqualification period shall be computed based solely on the 79715
nonschool employment. 79716

(J) Benefits shall not be paid on the basis of employment 79717
performed by an alien, unless the alien had been lawfully admitted 79718
to the United States for permanent residence at the time the 79719
services were performed, was lawfully present for purposes of 79720
performing the services, or was otherwise permanently residing in 79721
the United States under color of law at the time the services were 79722
performed, under section 212(d)(5) of the "Immigration and 79723
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 79724

(1) Any data or information required of individuals applying 79725
for benefits to determine whether benefits are not payable to them 79726
because of their alien status shall be uniformly required from all 79727
applicants for benefits. 79728

(2) In the case of an individual whose application for 79729
benefits would otherwise be approved, no determination that 79730
benefits to the individual are not payable because of the 79731
individual's alien status shall be made except upon a 79732
preponderance of the evidence that the individual had not, in 79733
fact, been lawfully admitted to the United States. 79734

(K) The director shall establish and utilize a system of 79735
profiling all new claimants under this chapter that: 79736

(1) Identifies which claimants will be likely to exhaust 79737
regular compensation and will need job search assistance services 79738
to make a successful transition to new employment; 79739

(2) Refers claimants identified pursuant to division (K)(1) 79740

of this section to reemployment services, such as job search 79741
assistance services, available under any state or federal law; 79742

(3) Collects follow-up information relating to the services 79743
received by such claimants and the employment outcomes for such 79744
claimant's subsequent to receiving such services and utilizes such 79745
information in making identifications pursuant to division (K)(1) 79746
of this section; and 79747

(4) Meets such other requirements as the United States 79748
secretary of labor determines are appropriate. 79749

Sec. 4301.01. (A) As used in the Revised Code: 79750

(1) "Intoxicating liquor" and "liquor" include all liquids 79751
and compounds, other than beer, containing one-half of one per 79752
cent or more of alcohol by volume which are fit to use for 79753
beverage purposes, from whatever source and by whatever process 79754
produced, by whatever name called, and whether they are medicated, 79755
proprietary, or patented. "Intoxicating liquor" and "liquor" 79756
include ~~wine even if it contains less than four per cent of~~ 79757
~~alcohol by volume, mixed beverages even if they contain less than~~ 79758
~~four per cent of alcohol by volume, cider, and~~ alcohol, and all 79759
solids and confections which contain ~~any alcohol~~ one-half of one 79760
per cent or more of alcohol by volume. 79761

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 79762
4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the 79763
Revised Code, "sale" and "sell" include exchange, barter, gift, 79764
offer for sale, sale, distribution and delivery of any kind, and 79765
the transfer of title or possession of beer and intoxicating 79766
liquor either by constructive or actual delivery by any means or 79767
devices whatever, including the sale of beer or intoxicating 79768
liquor by means of a controlled access alcohol and beverage 79769
cabinet pursuant to section 4301.21 of the Revised Code. "Sale" 79770
and "sell" do not include the mere solicitation of orders for beer 79771

or intoxicating liquor from the holders of permits issued by the 79772
division of liquor control authorizing the sale of the beer or 79773
intoxicating liquor, but no solicitor shall solicit any such 79774
orders until the solicitor has been registered with the division 79775
pursuant to section 4303.25 of the Revised Code. 79776

(3) "Vehicle" includes all means of transportation by land, 79777
by water, or by air, and everything made use of in any way for 79778
such transportation. 79779

(B) As used in this chapter: 79780

(1) "Alcohol" means ethyl alcohol, whether rectified or 79781
diluted with water or not, whatever its origin may be, and 79782
includes synthetic ethyl alcohol. "Alcohol" does not include 79783
denatured alcohol and wood alcohol. 79784

(2) "Beer" includes all beverages brewed or fermented wholly 79785
or in part from malt products and containing one-half of one per 79786
cent or more, but not more than twelve per cent, of alcohol by 79787
volume. 79788

(3) "Wine" includes all liquids fit to use for beverage 79789
purposes containing not less than one-half of one per cent of 79790
alcohol by volume and not more than twenty-one per cent of alcohol 79791
by volume, which is made from the fermented juices of grapes, 79792
fruits, or other agricultural products, except that as used in 79793
sections 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44 of the 79794
Revised Code, and, for purposes of determining the rate of the tax 79795
that applies, division (B) of section 4301.43 of the Revised Code, 79796
"wine" does not include cider. 79797

(4) "Mixed beverages," ~~such as~~ include bottled and prepared 79798
cordials, cocktails, ~~and~~ highballs, and solids and confections 79799
that are ~~products~~ obtained by mixing any type of whiskey, neutral 79800
spirits, brandy, gin, or other distilled spirits with, or over, 79801
carbonated or plain water, pure juices from flowers and plants, 79802

and other flavoring materials. The completed product shall contain 79803
not less than one-half of one per cent of alcohol by volume and 79804
not more than twenty-one per cent of alcohol by volume. 79805

(5) "Spirituous liquor" includes all intoxicating liquors 79806
containing more than twenty-one per cent of alcohol by volume. 79807

(6) "Sealed container" means any container having a capacity 79808
of not more than one hundred twenty-eight fluid ounces, the 79809
opening of which is closed to prevent the entrance of air. 79810

(7) "Person" includes firms and corporations. 79811

(8) "Manufacture" includes all processes by which beer or 79812
intoxicating liquor is produced, whether by distillation, 79813
rectifying, fortifying, blending, fermentation, or brewing, or in 79814
any other manner. 79815

(9) "Manufacturer" means any person engaged in the business 79816
of manufacturing beer or intoxicating liquor. 79817

(10) "Wholesale distributor" and "distributor" means a person 79818
engaged in the business of selling to retail dealers for purposes 79819
of resale. 79820

(11) "Hotel" has the same meaning as in section 3731.01 of 79821
the Revised Code, subject to the exceptions mentioned in section 79822
3731.03 of the Revised Code. 79823

(12) "Restaurant" means a place located in a permanent 79824
building provided with space and accommodations wherein, in 79825
consideration of the payment of money, hot meals are habitually 79826
prepared, sold, and served at noon and evening, as the principal 79827
business of the place. "Restaurant" does not include pharmacies, 79828
confectionery stores, lunch stands, night clubs, and filling 79829
stations. 79830

(13) "Club" means a corporation or association of individuals 79831
organized in good faith for social, recreational, benevolent, 79832

charitable, fraternal, political, patriotic, or athletic purposes, 79833
which is the owner, lessor, or occupant of a permanent building or 79834
part of a permanent building operated solely for those purposes, 79835
membership in which entails the prepayment of regular dues, and 79836
includes the place so operated. 79837

(14) "Night club" means a place operated for profit, where 79838
food is served for consumption on the premises and one or more 79839
forms of amusement are provided or permitted for a consideration 79840
that may be in the form of a cover charge or may be included in 79841
the price of the food and beverages, or both, purchased by 79842
patrons. 79843

(15) "At retail" means for use or consumption by the 79844
purchaser and not for resale. 79845

(16) "Pharmacy" means an establishment, as defined in section 79846
4729.01 of the Revised Code, that is under the management or 79847
control of a licensed pharmacist in accordance with section 79848
4729.27 of the Revised Code. 79849

(17) "Enclosed shopping center" means a group of retail sales 79850
and service business establishments that face into an enclosed 79851
mall, share common ingress, egress, and parking facilities, and 79852
are situated on a tract of land that contains an area of not less 79853
than five hundred thousand square feet. "Enclosed shopping center" 79854
also includes not more than one business establishment that is 79855
located within a free-standing building on such a tract of land, 79856
so long as the sale of beer and intoxicating liquor on the tract 79857
of land was approved in an election held under former section 79858
4301.353 of the Revised Code. 79859

(18) "Controlled access alcohol and beverage cabinet" means a 79860
closed container, either refrigerated, in whole or in part, or 79861
nonrefrigerated, access to the interior of which is restricted by 79862
means of a device that requires the use of a key, magnetic card, 79863

or similar device and from which beer, intoxicating liquor, other beverages, or food may be sold. 79864
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(19) "Community facility" means either of the following: 79866

(a) Any convention, sports, or entertainment facility or complex, or any combination of these, that is used by or accessible to the general public and that is owned or operated in whole or in part by the state, a state agency, or a political subdivision of the state or that is leased from, or located on property owned by or leased from, the state, a state agency, a political subdivision of the state, or a convention facilities authority created pursuant to section 351.02 of the Revised Code; 79867
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(b) An area designated as a community entertainment district pursuant to section 4301.80 of the Revised Code. 79875
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(20) "Low-alcohol beverage" means any brewed or fermented malt product, or any product made from the fermented juices of grapes, fruits, or other agricultural products, that contains either no alcohol or less than one-half of one per cent of alcohol by volume. The beverages described in division (B)(20) of this section do not include a soft drink such as root beer, birch beer, or ginger beer. 79877
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(21) "Cider" means all liquids fit to use for beverage purposes that contain one-half of one per cent of alcohol by volume, but not more than six per cent of alcohol by weight, and that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must. 79884
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(22) "Sales area or territory" means an exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily 79891
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identifiable geographic boundaries. "Sales area or territory" does 79895
not include, however, any particular retail location in an 79896
exclusive geographic area or territory that had been assigned to 79897
another A or B permit holder before April 9, 2001. 79898

Sec. 4301.10. (A) The division of liquor control shall do all 79899
of the following: 79900

(1) Control the traffic in beer and intoxicating liquor in 79901
this state, including the manufacture, importation, and sale of 79902
beer and intoxicating liquor; 79903

(2) Grant or refuse permits for the manufacture, 79904
distribution, transportation, and sale of beer and intoxicating 79905
liquor and the sale of alcohol, as authorized or required by this 79906
chapter and Chapter 4303. of the Revised Code. A certificate, 79907
signed by the superintendent of liquor control and to which is 79908
affixed the official seal of the division, stating that it appears 79909
from the records of the division that no permit has been issued to 79910
the person specified in the certificate, or that a permit, if 79911
issued, has been revoked, canceled, or suspended, shall be 79912
received as prima-facie evidence of the facts recited in the 79913
certificate in any court or before any officer of this state. 79914

(3) Put into operation, manage, and control a system of state 79915
liquor stores for the sale of spirituous liquor at retail and to 79916
holders of permits authorizing the sale of spirituous liquor; 79917
however, the division shall not establish any drive-in state 79918
liquor stores; and by means of those types of stores, and any 79919
manufacturing plants, distributing and bottling plants, 79920
warehouses, and other facilities that it considers expedient, 79921
establish and maintain a state monopoly of the distribution of 79922
spirituous liquor and its sale in packages or containers; and for 79923
that purpose, manufacture, buy, import, possess, and sell 79924
spirituous liquors as provided in this chapter and Chapter 4303. 79925

of the Revised Code, and in the rules promulgated by the 79926
superintendent of liquor control pursuant to those chapters; lease 79927
or in any manner acquire the use of any land or building required 79928
for any of those purposes; purchase any equipment that is 79929
required; and borrow money to carry on its business, and issue, 79930
sign, endorse, and accept notes, checks, and bills of exchange; 79931
but all obligations of the division created under authority of 79932
this division shall be a charge only upon the moneys received by 79933
the division from the sale of spirituous liquor and its other 79934
business transactions in connection with the sale of spirituous 79935
liquor, and shall not be general obligations of the state; 79936

(4) Enforce the administrative provisions of this chapter and 79937
Chapter 4303. of the Revised Code, and the rules and orders of the 79938
liquor control commission and the superintendent relating to the 79939
manufacture, importation, transportation, distribution, and sale 79940
of beer or intoxicating liquor. The attorney general, any 79941
prosecuting attorney, and any prosecuting officer of a municipal 79942
corporation or a municipal court shall, at the request of the 79943
division of liquor control or the department of public safety, 79944
prosecute any person charged with the violation of any provision 79945
in those chapters or of any section of the Revised Code relating 79946
to the manufacture, importation, transportation, distribution, and 79947
sale of beer or intoxicating liquor. 79948

(5) Determine the locations of all state liquor stores and 79949
manufacturing, distributing, and bottling plants required in 79950
connection with those stores, subject to this chapter and Chapter 79951
4303. of the Revised Code; 79952

(6) Conduct inspections of liquor permit premises to 79953
determine compliance with the administrative provisions of this 79954
chapter and Chapter 4303. of the Revised Code and the rules 79955
adopted under those provisions by the liquor control commission. 79956

Except as otherwise provided in division (A)(6) of this 79957

section, those inspections may be conducted only during those 79958
hours in which the permit holder is open for business and only by 79959
authorized agents or employees of the division or by any peace 79960
officer, as defined in section 2935.01 of the Revised Code. 79961
Inspections may be conducted at other hours only to determine 79962
compliance with laws or commission rules that regulate the hours 79963
of sale of beer or intoxicating liquor and only if the 79964
investigator has reasonable cause to believe that those laws or 79965
rules are being violated. Any inspection conducted pursuant to 79966
division (A)(6) of this section is subject to all of the following 79967
requirements: 79968

(a) The only property that may be confiscated is contraband, 79969
as defined in section 2901.01 of the Revised Code, or property 79970
that is otherwise necessary for evidentiary purposes. 79971

(b) A complete inventory of all property confiscated from the 79972
premises shall be given to the permit holder or the permit 79973
holder's agent or employee by the confiscating agent or officer at 79974
the conclusion of the inspection. At that time, the inventory 79975
shall be signed by the confiscating agent or officer, and the 79976
agent or officer shall give the permit holder or the permit 79977
holder's agent or employee the opportunity to sign the inventory. 79978

(c) Inspections conducted pursuant to division (A)(6) of this 79979
section shall be conducted in a reasonable manner. A finding by 79980
any court of competent jurisdiction that an inspection was not 79981
conducted in a reasonable manner in accordance with this section 79982
or any rules adopted by the commission may be considered grounds 79983
for suppression of evidence. A finding by the commission that an 79984
inspection was not conducted in a reasonable manner in accordance 79985
with this section or any rules adopted by it may be considered 79986
grounds for dismissal of the commission case. 79987

If any court of competent jurisdiction finds that property 79988
confiscated as the result of an administrative inspection is not 79989

necessary for evidentiary purposes and is not contraband, as 79990
defined in section 2901.01 of the Revised Code, the court shall 79991
order the immediate return of the confiscated property, provided 79992
that property is not otherwise subject to forfeiture, to the 79993
permit holder. However, the return of this property is not grounds 79994
for dismissal of the case. The commission likewise may order the 79995
return of confiscated property if no criminal prosecution is 79996
pending or anticipated. 79997

(7) Delegate to any of its agents or employees any power of 79998
investigation that the division possesses with respect to the 79999
enforcement of any of the administrative laws relating to beer or 80000
intoxicating liquor, provided that this division does not 80001
authorize the division to designate any agent or employee to serve 80002
as an enforcement agent. The employment and designation of 80003
enforcement agents shall be within the exclusive authority of the 80004
director of public safety pursuant to sections 5502.13 to 5502.19 80005
of the Revised Code. 80006

(8) Collect the following fees: 80007

(a) A biennial fifty-dollar registration fee for each agent, 80008
solicitor, trade marketing professional, or salesperson, 80009
registered pursuant to section 4303.25 of the Revised Code, of a 80010
beer or intoxicating liquor manufacturer, supplier, broker, trade 80011
marketing company, or wholesale distributor doing business in this 80012
state; 80013

(b) A fifty-dollar product registration fee for each new beer 80014
or intoxicating liquor product sold in this state. The product 80015
registration fee also applies to products sold in this state by 80016
B-2a and S permit holders. The product registration fee shall be 80017
accompanied by a copy of the federal label and product approval 80018
for the new product. 80019

(c) An annual three-hundred-dollar supplier registration fee 80020

from each manufacturer or supplier that produces and ships into 80021
this state, or ships into this state, intoxicating liquor or beer, 80022
in addition to an initial application fee of one hundred dollars. 80023
A manufacturer that produces and ships beer or wine into this 80024
state and that holds only an S permit is exempt from the supplier 80025
registration fee. A manufacturer that produces and ships wine into 80026
this state and that holds a B-2a permit shall pay an annual 80027
seventy-six-dollar supplier registration fee. A manufacturer that 80028
produces and ships wine into this state and that does not hold 80029
either an S or a B-2a permit, but that produces less than two 80030
hundred fifty thousand gallons of wine per year and that is 80031
entitled to a tax credit under 27 C.F.R. 24.278 shall pay an 80032
annual seventy-six-dollar supplier registration fee. A B-2a or S 80033
permit holder that does not sell its wine to wholesale 80034
distributors of wine in this state and an S permit holder that 80035
does not sell its beer to wholesale distributors of beer in this 80036
state shall not be required to submit to the division territory 80037
designation forms. 80038

Each supplier, agent, solicitor, trade marketing 80039
professional, or salesperson registration issued under this 80040
division shall authorize the person named to carry on the activity 80041
specified in the registration. Each agent, solicitor, trade 80042
marketing professional, or salesperson registration is valid for 80043
two years or for the unexpired portion of a two-year registration 80044
period. Each supplier registration is valid for one year or for 80045
the unexpired portion of a one-year registration period. 80046
Registrations shall end on their respective uniform expiration 80047
date, which shall be designated by the division, and are subject 80048
to suspension, revocation, cancellation, or fine as authorized by 80049
this chapter and Chapter 4303. of the Revised Code. 80050

As used in this division, "trade marketing company" and 80051
"trade marketing professional" have the same meanings as in 80052

section 4301.171 of the Revised Code. 80053

(9) Establish a system of electronic data interchange within 80054
the division and regulate the electronic transfer of information 80055
and funds among persons and governmental entities engaged in the 80056
manufacture, distribution, and retail sale of alcoholic beverages; 80057

(10) Notify all holders of retail permits of the forms of 80058
permissible identification for purposes of division (A) of section 80059
4301.639 of the Revised Code; 80060

(11) Exercise all other powers expressly or by necessary 80061
implication conferred upon the division by this chapter and 80062
Chapter 4303. of the Revised Code, and all powers necessary for 80063
the exercise or discharge of any power, duty, or function 80064
expressly conferred or imposed upon the division by those 80065
chapters. 80066

(B) The division may do all of the following: 80067

(1) Sue, but may be sued only in connection with the 80068
execution of leases of real estate and the purchases and contracts 80069
necessary for the operation of the state liquor stores that are 80070
made under this chapter and Chapter 4303. of the Revised Code; 80071

(2) Enter into leases and contracts of all descriptions and 80072
acquire and transfer title to personal property with regard to the 80073
sale, distribution, and storage of spirituous liquor within the 80074
state; 80075

(3) Terminate at will any lease entered into pursuant to 80076
division (B)(2) of this section upon first giving ninety days' 80077
notice in writing to the lessor of its intention to do so; 80078

(4) Fix the wholesale and retail prices at which the various 80079
classes, varieties, and brands of spirituous liquor shall be sold 80080
by the division. Those retail prices shall be the same at all 80081
state liquor stores, except to the extent that a price 80082

differential is required to collect a county sales tax levied 80083
pursuant to section 5739.021 of the Revised Code and for which tax 80084
the tax commissioner has authorized prepayment pursuant to section 80085
5739.05 of the Revised Code. In fixing selling prices, the 80086
division shall compute an anticipated gross profit at least 80087
sufficient to provide in each calendar year all costs and expenses 80088
of the division and also an adequate working capital reserve for 80089
the division. The gross profit shall not exceed forty per cent of 80090
the retail selling price based on costs of the division, and in 80091
addition the sum required by section 4301.12 of the Revised Code 80092
to be paid into the state treasury. An amount equal to one and 80093
one-half per cent of that gross profit shall be paid into the 80094
statewide treatment and prevention fund created by section 4301.30 80095
of the Revised Code and be appropriated by the general assembly 80096
from the fund to the department of ~~alcohol and drug addiction~~ 80097
~~services~~ mental health and addiction services as provided in 80098
section 4301.30 of the Revised Code. 80099

On spirituous liquor manufactured in this state from the 80100
juice of grapes or fruits grown in this state, the division shall 80101
compute an anticipated gross profit of not to exceed ten per cent. 80102

The wholesale prices fixed under this division shall be at a 80103
discount of not less than six per cent of the retail selling 80104
prices as determined by the division in accordance with this 80105
section. 80106

(C) The division may approve the expansion or diminution of a 80107
premises to which a liquor permit has been issued and may adopt 80108
standards governing such an expansion or diminution. 80109

Sec. 4301.30. (A) All fees collected by the division of 80110
liquor control shall be deposited in the state treasury to the 80111
credit of the undivided liquor permit fund, which is hereby 80112
created, at the time prescribed under section 4301.12 of the 80113

Revised Code. Each payment shall be accompanied by a statement 80114
showing separately the amount collected for each class of permits 80115
in each municipal corporation and in each township outside the 80116
limits of any municipal corporation in such township. 80117

(B)(1) An amount equal to forty-five per cent of the fund 80118
shall be paid from the fund into the state liquor regulatory fund, 80119
which is hereby created in the state treasury. The state liquor 80120
regulatory fund shall be used to pay the operating expenses of the 80121
division of liquor control in administering and enforcing Title 80122
XLIII of the Revised Code and the operating expenses of the liquor 80123
control commission. Investment earnings of the fund shall be 80124
credited to the fund. 80125

(2) Whenever, in the judgment of the director of budget and 80126
management, the amount of money that is in the state liquor 80127
regulatory fund is in excess of the amount that is needed to pay 80128
the operating expenses of the division in administering and 80129
enforcing Title XLIII of the Revised Code and the operating 80130
expenses of the commission, the director shall credit the excess 80131
amount to the general revenue fund. 80132

(C) Twenty per cent of the undivided liquor permit fund shall 80133
be paid into the statewide treatment and prevention fund, which is 80134
hereby created in the state treasury. This amount shall be 80135
appropriated by the general assembly, together with an amount 80136
equal to one and one-half per cent of the gross profit of the 80137
division of liquor control derived under division (B)(4) of 80138
section 4301.10 of the Revised Code, to the department of ~~alcohol~~ 80139
~~and drug addiction services~~ mental health and addiction services. 80140
In planning for the allocation of and in allocating these amounts 80141
for the purposes of Chapter ~~3793~~ 5119 of the Revised Code, the 80142
department of ~~alcohol and drug addiction services~~ shall comply 80143
with the nondiscrimination provisions of Title VI of the Civil 80144
Rights Act of 1964, and any rules adopted under that act. 80145

(D) Thirty-five per cent of the undivided liquor permit fund 80146
shall be distributed by the superintendent of liquor control at 80147
quarterly calendar periods as follows: 80148

(1) To each municipal corporation, the aggregate amount shown 80149
by the statements to have been collected from permits in the 80150
municipal corporation, for the use of the general fund of the 80151
municipal corporation; 80152

(2) To each township, the aggregate amount shown by the 80153
statements to have been collected from permits in its territory, 80154
outside the limits of any municipal corporation located in the 80155
township, for the use of the general fund of the township, or for 80156
fire protection purposes, including buildings and equipment in the 80157
township or in an established fire district within the township, 80158
to the extent that the funds are derived from liquor permits 80159
within the territory comprising such fire district. 80160

(E) For the purpose of the distribution required by this 80161
section, E, H, and D permits covering boats or vessels are deemed 80162
to have been issued in the municipal corporation or township 80163
wherein the owner or operator of the vehicle, boat, vessel, or 80164
dining car equipment to which the permit relates has the owner's 80165
or operator's principal office or place of business within the 80166
state. 80167

(F) If the liquor control commission determines that the 80168
police or other officers of any municipal corporation or township 80169
entitled to share in distributions under this section are refusing 80170
or culpably neglecting to enforce this chapter and Chapter 4303. 80171
of the Revised Code, or the penal laws of this state relating to 80172
the manufacture, importation, transportation, distribution, and 80173
sale of beer and intoxicating liquors, or if the prosecuting 80174
officer of a municipal corporation or a municipal court fails to 80175
comply with the request of the commission authorized by division 80176
(A)(4) of section 4301.10 of the Revised Code, the commission, by 80177

certified mail, may notify the chief executive officer of the 80178
municipal corporation or the board of township trustees of the 80179
township of the failure and require the immediate cooperation of 80180
the responsible officers of the municipal corporation or township 80181
with the division of liquor control in the enforcement of those 80182
chapters and penal laws. Within thirty days after the notice is 80183
served, the commission shall determine whether the requirement has 80184
been complied with. If the commission determines that the 80185
requirement has not been complied with, it may issue an order to 80186
the superintendent to withhold the distributive share of the 80187
municipal corporation or township until further order of the 80188
commission. This action of the commission is reviewable within 80189
thirty days thereafter in the court of common pleas of Franklin 80190
county. 80191

(G) All fees collected by the division of liquor control from 80192
the issuance or renewal of B-2a and S permits, and paid by B-2a 80193
and S permit holders who do not also hold A-2 permits, shall be 80194
deposited in the state treasury to the credit of the state liquor 80195
regulatory fund. Once during each fiscal year, an amount equal to 80196
fifty per cent of the fees collected shall be paid from the state 80197
liquor regulatory fund into the general revenue fund. 80198

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 80199
the Revised Code: 80200

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 80201
fluid ounces. 80202

(2) "Sale" or "sell" includes exchange, barter, gift, 80203
distribution, and, except with respect to A-4 permit holders, 80204
offer for sale. 80205

(B) For the purposes of providing revenues for the support of 80206
the state and encouraging the grape industries in the state, a tax 80207
is hereby levied on the sale or distribution of wine in Ohio, 80208

except for known sacramental purposes, at the rate of thirty cents 80209
per wine gallon for wine containing not less than four per cent of 80210
alcohol by volume and not more than fourteen per cent of alcohol 80211
by volume, ninety-eight cents per wine gallon for wine containing 80212
more than fourteen per cent but not more than twenty-one per cent 80213
of alcohol by volume, one dollar and eight cents per wine gallon 80214
for vermouth, and one dollar and forty-eight cents per wine gallon 80215
for sparkling and carbonated wine and champagne, the tax to be 80216
paid by the holders of A-2 and B-5 permits or by any other person 80217
selling or distributing wine upon which no tax has been paid. From 80218
the tax paid under this section on wine, vermouth, and sparkling 80219
and carbonated wine and champagne, the treasurer of state shall 80220
credit to the Ohio grape industries fund created under section 80221
924.54 of the Revised Code a sum equal to one cent per gallon for 80222
each gallon upon which the tax is paid. 80223

(C) For the purpose of providing revenues for the support of 80224
the state, there is hereby levied a tax on prepared and bottled 80225
highballs, cocktails, cordials, and other mixed beverages at the 80226
rate of one dollar and twenty cents per wine gallon to be paid by 80227
holders of A-4 permits or by any other person selling or 80228
distributing those products upon which no tax has been paid. Only 80229
one sale of the same article shall be used in computing the amount 80230
of tax due. The tax on mixed beverages to be paid by holders of 80231
A-4 permits under this section shall not attach until the 80232
ownership of the mixed beverage is transferred for valuable 80233
consideration to a wholesaler or retailer, and no payment of the 80234
tax shall be required prior to that time. 80235

(D) During the period of July 1, ~~2011~~ 2013, through June 30, 80236
~~2013~~ 2015, from the tax paid under this section on wine, vermouth, 80237
and sparkling and carbonated wine and champagne, the treasurer of 80238
state shall credit to the Ohio grape industries fund created under 80239
section 924.54 of the Revised Code a sum equal to two cents per 80240

gallon upon which the tax is paid. The amount credited under this 80241
division is in addition to the amount credited to the Ohio grape 80242
industries fund under division (B) of this section. 80243

(E) For the purpose of providing revenues for the support of 80244
the state, there is hereby levied a tax on cider at the rate of 80245
twenty-four cents per wine gallon to be paid by the holders of A-2 80246
and B-5 permits or by any other person selling or distributing 80247
cider upon which no tax has been paid. Only one sale of the same 80248
article shall be used in computing the amount of the tax due. 80249

Sec. 4301.62. (A) As used in this section: 80250

(1) "Chauffeured limousine" means a vehicle registered under 80251
section 4503.24 of the Revised Code. 80252

(2) "Street," "highway," and "motor vehicle" have the same 80253
meanings as in section 4511.01 of the Revised Code. 80254

(B) No person shall have in the person's possession an opened 80255
container of beer or intoxicating liquor in any of the following 80256
circumstances: 80257

(1) Except as provided in division (C)(1)(e) of this section, 80258
in an agency store; 80259

(2) Except as provided in division (C) of this section, on 80260
the premises of the holder of any permit issued by the division of 80261
liquor control; 80262

(3) In any other public place; 80263

(4) Except as provided in division (D) or (E) of this 80264
section, while operating or being a passenger in or on a motor 80265
vehicle on any street, highway, or other public or private 80266
property open to the public for purposes of vehicular travel or 80267
parking; 80268

(5) Except as provided in division (D) or (E) of this 80269

section, while being in or on a stationary motor vehicle on any 80270
street, highway, or other public or private property open to the 80271
public for purposes of vehicular travel or parking. 80272

(C)(1) A person may have in the person's possession an opened 80273
container of any of the following: 80274

(a) Beer or intoxicating liquor that has been lawfully 80275
purchased for consumption on the premises where bought from the 80276
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 80277
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 80278
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 80279
F-8 permit; 80280

(b) Beer, wine, or mixed beverages served for consumption on 80281
the premises by the holder of an F-3 permit or wine served for 80282
consumption on the premises by the holder of an F-4 or F-6 permit; 80283

(c) Beer or intoxicating liquor consumed on the premises of a 80284
convention facility as provided in section 4303.201 of the Revised 80285
Code; 80286

(d) Beer or intoxicating liquor to be consumed during 80287
tastings and samplings approved by rule of the liquor control 80288
commission; 80289

(e) Spirituous liquor to be consumed for purposes of a 80290
tasting sample, as defined in section 4301.171 of the Revised 80291
Code. 80292

(2) A person may have in the person's possession on an F 80293
liquor permit premises an opened container of beer or intoxicating 80294
liquor that was not purchased from the holder of the F permit if 80295
the premises for which the F permit is issued is a music festival 80296
and the holder of the F permit grants permission for that 80297
possession on the premises during the period for which the F 80298
permit is issued. As used in this division, "music festival" means 80299
a series of outdoor live musical performances, extending for a 80300

period of at least three consecutive days and located on an area 80301
of land of at least forty acres. 80302

(3)(a) A person may have in the person's possession on a D-2 80303
liquor permit premises an opened or unopened container of wine 80304
that was not purchased from the holder of the D-2 permit if the 80305
premises for which the D-2 permit is issued is an outdoor 80306
performing arts center, the person is attending an orchestral 80307
performance, and the holder of the D-2 permit grants permission 80308
for the possession and consumption of wine in certain 80309
predesignated areas of the premises during the period for which 80310
the D-2 permit is issued. 80311

(b) As used in division (C)(3)(a) of this section: 80312

(i) "Orchestral performance" means a concert comprised of a 80313
group of not fewer than forty musicians playing various musical 80314
instruments. 80315

(ii) "Outdoor performing arts center" means an outdoor 80316
performing arts center that is located on not less than one 80317
hundred fifty acres of land and that is open for performances from 80318
the first day of April to the last day of October of each year. 80319

(4) A person may have in the person's possession an opened or 80320
unopened container of beer or intoxicating liquor at an outdoor 80321
location at which the person is attending an orchestral 80322
performance as defined in division (C)(3)(b)(i) of this section if 80323
the person with supervision and control over the performance 80324
grants permission for the possession and consumption of beer or 80325
intoxicating liquor in certain predesignated areas of that outdoor 80326
location. 80327

(5) A person may have in the person's possession on an F-9 80328
liquor permit premises an opened or unopened container of beer or 80329
intoxicating liquor that was not purchased from the holder of the 80330
F-9 permit if the person is attending an orchestral performance 80331

and the holder of the F-9 permit grants permission for the 80332
possession and consumption of beer or intoxicating liquor in 80333
certain predesignated areas of the premises during the period for 80334
which the F-9 permit is issued. 80335

As used in division (C)(5) of this section, "orchestral 80336
performance" has the same meaning as in division (C)(3)(b) of this 80337
section. 80338

(6)(a) A person may have in the person's possession on the 80339
premises of an outdoor motorsports facility an opened or unopened 80340
container of beer or intoxicating liquor that was not purchased 80341
from the owner of the facility if both of the following apply: 80342

(i) The person is attending a racing event at the facility; 80343
and 80344

(ii) The owner of the facility grants permission for the 80345
possession and consumption of beer or intoxicating liquor on the 80346
premises of the facility. 80347

(b) As used in division (C)(6)(a) of this section: 80348

(i) "Racing event" means a motor vehicle racing event 80349
sanctioned by one or more motor racing sanctioning organizations. 80350

(ii) "Outdoor motorsports facility" means an outdoor 80351
racetrack to which all of the following apply: 80352

(I) It is two and four-tenths miles or more in length. 80353

(II) It is located on two hundred acres or more of land. 80354

(III) The primary business of the owner of the facility is 80355
the hosting and promoting of racing events. 80356

(IV) The owner of the facility is the holder of a D-1, D-2, 80357
and D-3 permit. 80358

(D) This section does not apply to a person who pays all or a 80359
portion of the fee imposed for the use of a chauffeured limousine 80360

pursuant to a prearranged contract, or the guest of the person, 80361
when all of the following apply: 80362

(1) The person or guest is a passenger in the limousine. 80363

(2) The person or guest is located in the limousine, but is 80364
not occupying a seat in the front compartment of the limousine 80365
where the operator of the limousine is located. 80366

(3) The limousine is located on any street, highway, or other 80367
public or private property open to the public for purposes of 80368
vehicular travel or parking. 80369

(E) An opened bottle of wine that was purchased from the 80370
holder of a permit that authorizes the sale of wine for 80371
consumption on the premises where sold is not an opened container 80372
for the purposes of this section if both of the following apply: 80373

(1) The opened bottle of wine is securely resealed by the 80374
permit holder or an employee of the permit holder before the 80375
bottle is removed from the premises. The bottle shall be secured 80376
in such a manner that it is visibly apparent if the bottle has 80377
been subsequently opened or tampered with. 80378

(2) The opened bottle of wine that is resealed in accordance 80379
with division (E)(1) of this section is stored in the trunk of a 80380
motor vehicle or, if the motor vehicle does not have a trunk, 80381
behind the last upright seat or in an area not normally occupied 80382
by the driver or passengers and not easily accessible by the 80383
driver. 80384

Sec. 4303.181. (A) Permit D-5a may be issued either to the 80385
owner or operator of a hotel or motel that is required to be 80386
licensed under section 3731.03 of the Revised Code, that contains 80387
at least fifty rooms for registered transient guests or is owned 80388
by a state institution of higher education as defined in section 80389
3345.011 of the Revised Code or a private college or university, 80390

and that qualifies under the other requirements of this section, 80391
or to the owner or operator of a restaurant specified under this 80392
section, to sell beer and any intoxicating liquor at retail, only 80393
by the individual drink in glass and from the container, for 80394
consumption on the premises where sold, and to registered guests 80395
in their rooms, which may be sold by means of a controlled access 80396
alcohol and beverage cabinet in accordance with division (B) of 80397
section 4301.21 of the Revised Code; and to sell the same products 80398
in the same manner and amounts not for consumption on the premises 80399
as may be sold by holders of D-1 and D-2 permits. The premises of 80400
the hotel or motel shall include a retail food establishment or a 80401
food service operation licensed pursuant to Chapter 3717. of the 80402
Revised Code that operates as a restaurant for purposes of this 80403
chapter and that is affiliated with the hotel or motel and within 80404
or contiguous to the hotel or motel, and that serves food within 80405
the hotel or motel, but the principal business of the owner or 80406
operator of the hotel or motel shall be the accommodation of 80407
transient guests. In addition to the privileges authorized in this 80408
division, the holder of a D-5a permit may exercise the same 80409
privileges as the holder of a D-5 permit. 80410

The owner or operator of a hotel, motel, or restaurant who 80411
qualified for and held a D-5a permit on August 4, 1976, may, if 80412
the owner or operator held another permit before holding a D-5a 80413
permit, either retain a D-5a permit or apply for the permit 80414
formerly held, and the division of liquor control shall issue the 80415
permit for which the owner or operator applies and formerly held, 80416
notwithstanding any quota. 80417

A D-5a permit shall not be transferred to another location. 80418
No quota restriction shall be placed on the number of D-5a permits 80419
that may be issued. 80420

The fee for this permit is two thousand three hundred 80421
forty-four dollars. 80422

(B) Permit D-5b may be issued to the owner, operator, tenant, 80423
lessee, or occupant of an enclosed shopping center to sell beer 80424
and intoxicating liquor at retail, only by the individual drink in 80425
glass and from the container, for consumption on the premises 80426
where sold; and to sell the same products in the same manner and 80427
amount not for consumption on the premises as may be sold by 80428
holders of D-1 and D-2 permits. In addition to the privileges 80429
authorized in this division, the holder of a D-5b permit may 80430
exercise the same privileges as a holder of a D-5 permit. 80431

A D-5b permit shall not be transferred to another location. 80432

One D-5b permit may be issued at an enclosed shopping center 80433
containing at least two hundred twenty-five thousand, but less 80434
than four hundred thousand, square feet of floor area. 80435

Two D-5b permits may be issued at an enclosed shopping center 80436
containing at least four hundred thousand square feet of floor 80437
area. No more than one D-5b permit may be issued at an enclosed 80438
shopping center for each additional two hundred thousand square 80439
feet of floor area or fraction of that floor area, up to a maximum 80440
of five D-5b permits for each enclosed shopping center. The number 80441
of D-5b permits that may be issued at an enclosed shopping center 80442
shall be determined by subtracting the number of D-3 and D-5 80443
permits issued in the enclosed shopping center from the number of 80444
D-5b permits that otherwise may be issued at the enclosed shopping 80445
center under the formulas provided in this division. Except as 80446
provided in this section, no quota shall be placed on the number 80447
of D-5b permits that may be issued. Notwithstanding any quota 80448
provided in this section, the holder of any D-5b permit first 80449
issued in accordance with this section is entitled to its renewal 80450
in accordance with section 4303.271 of the Revised Code. 80451

The holder of a D-5b permit issued before April 4, 1984, 80452
whose tenancy is terminated for a cause other than nonpayment of 80453
rent, may return the D-5b permit to the division of liquor 80454

control, and the division shall cancel that permit. Upon 80455
cancellation of that permit and upon the permit holder's payment 80456
of taxes, contributions, premiums, assessments, and other debts 80457
owing or accrued upon the date of cancellation to this state and 80458
its political subdivisions and a filing with the division of a 80459
certification of that payment, the division shall issue to that 80460
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 80461
that person requests. The division shall issue the D-5 permit, or 80462
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 80463
D-3, or D-5 permits currently issued in the municipal corporation 80464
or in the unincorporated area of the township where that person's 80465
proposed premises is located equals or exceeds the maximum number 80466
of such permits that can be issued in that municipal corporation 80467
or in the unincorporated area of that township under the 80468
population quota restrictions contained in section 4303.29 of the 80469
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 80470
be transferred to another location. If a D-5b permit is canceled 80471
under the provisions of this paragraph, the number of D-5b permits 80472
that may be issued at the enclosed shopping center for which the 80473
D-5b permit was issued, under the formula provided in this 80474
division, shall be reduced by one if the enclosed shopping center 80475
was entitled to more than one D-5b permit under the formula. 80476

The fee for this permit is two thousand three hundred 80477
forty-four dollars. 80478

(C) Permit D-5c may be issued to the owner or operator of a 80479
retail food establishment or a food service operation licensed 80480
pursuant to Chapter 3717. of the Revised Code that operates as a 80481
restaurant for purposes of this chapter and that qualifies under 80482
the other requirements of this section to sell beer and any 80483
intoxicating liquor at retail, only by the individual drink in 80484
glass and from the container, for consumption on the premises 80485
where sold, and to sell the same products in the same manner and 80486

amounts not for consumption on the premises as may be sold by 80487
holders of D-1 and D-2 permits. In addition to the privileges 80488
authorized in this division, the holder of a D-5c permit may 80489
exercise the same privileges as the holder of a D-5 permit. 80490

To qualify for a D-5c permit, the owner or operator of a 80491
retail food establishment or a food service operation licensed 80492
pursuant to Chapter 3717. of the Revised Code that operates as a 80493
restaurant for purposes of this chapter, shall have operated the 80494
restaurant at the proposed premises for not less than twenty-four 80495
consecutive months immediately preceding the filing of the 80496
application for the permit, have applied for a D-5 permit no later 80497
than December 31, 1988, and appear on the division's quota waiting 80498
list for not less than six months immediately preceding the filing 80499
of the application for the permit. In addition to these 80500
requirements, the proposed D-5c permit premises shall be located 80501
within a municipal corporation and further within an election 80502
precinct that, at the time of the application, has no more than 80503
twenty-five per cent of its total land area zoned for residential 80504
use. 80505

A D-5c permit shall not be transferred to another location. 80506
No quota restriction shall be placed on the number of such permits 80507
that may be issued. 80508

Any person who has held a D-5c permit for at least two years 80509
may apply for a D-5 permit, and the division of liquor control 80510
shall issue the D-5 permit notwithstanding the quota restrictions 80511
contained in section 4303.29 of the Revised Code or in any rule of 80512
the liquor control commission. 80513

The fee for this permit is one thousand five hundred 80514
sixty-three dollars. 80515

(D) Permit D-5d may be issued to the owner or operator of a 80516
retail food establishment or a food service operation licensed 80517

pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located at an airport operated by a board of county commissioners pursuant to section 307.20 of the Revised Code, at an airport operated by a port authority pursuant to Chapter 4582. of the Revised Code, or at an airport operated by a regional airport authority pursuant to Chapter 308. of the Revised Code. The holder of a D-5d permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5d permit may exercise the same privileges as the holder of a D-5 permit.

A D-5d permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued.

The fee for this permit is two thousand three hundred forty-four dollars.

(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

- (1) Is permanently docked at one location;
- (2) Is designated as an historical riverboat by the Ohio historical society;
- (3) Contains not less than fifteen hundred square feet of floor area;

(4) Has a seating capacity of fifty or more persons. 80549

The holder of a D-5e permit may sell beer and intoxicating 80550
liquor at retail, only by the individual drink in glass and from 80551
the container, for consumption on the premises where sold. 80552

A D-5e permit shall not be transferred to another location. 80553
No quota restriction shall be placed on the number of such permits 80554
that may be issued. The population quota restrictions contained in 80555
section 4303.29 of the Revised Code or in any rule of the liquor 80556
control commission shall not apply to this division, and the 80557
division shall issue a D-5e permit to any applicant who meets the 80558
requirements of this division. However, the division shall not 80559
issue a D-5e permit if the permit premises or proposed permit 80560
premises are located within an area in which the sale of 80561
spirituous liquor by the glass is prohibited. 80562

The fee for this permit is one thousand two hundred nineteen 80563
dollars. 80564

(F) Permit D-5f may be issued to the owner or operator of a 80565
retail food establishment or a food service operation licensed 80566
under Chapter 3717. of the Revised Code that operates as a 80567
restaurant for purposes of this chapter and that meets all of the 80568
following: 80569

(1) It contains not less than twenty-five hundred square feet 80570
of floor area. 80571

(2) It is located on or in, or immediately adjacent to, the 80572
shoreline of, a navigable river. 80573

(3) It provides docking space for twenty-five boats. 80574

(4) It provides entertainment and recreation, provided that 80575
not less than fifty per cent of the business on the permit 80576
premises shall be preparing and serving meals for a consideration. 80577

In addition, each application for a D-5f permit shall be 80578

accompanied by a certification from the local legislative 80579
authority that the issuance of the D-5f permit is not inconsistent 80580
with that political subdivision's comprehensive development plan 80581
or other economic development goal as officially established by 80582
the local legislative authority. 80583

The holder of a D-5f permit may sell beer and intoxicating 80584
liquor at retail, only by the individual drink in glass and from 80585
the container, for consumption on the premises where sold. 80586

A D-5f permit shall not be transferred to another location. 80587

The division of liquor control shall not issue a D-5f permit 80588
if the permit premises or proposed permit premises are located 80589
within an area in which the sale of spirituous liquor by the glass 80590
is prohibited. 80591

A fee for this permit is two thousand three hundred 80592
forty-four dollars. 80593

As used in this division, "navigable river" means a river 80594
that is also a "navigable water" as defined in the "Federal Power 80595
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 80596

(G) Permit D-5g may be issued to a nonprofit corporation that 80597
is either the owner or the operator of a national professional 80598
sports museum. The holder of a D-5g permit may sell beer and any 80599
intoxicating liquor at retail, only by the individual drink in 80600
glass and from the container, for consumption on the premises 80601
where sold. The holder of a D-5g permit shall sell no beer or 80602
intoxicating liquor for consumption on the premises where sold 80603
after two-thirty a.m. A D-5g permit shall not be transferred to 80604
another location. No quota restrictions shall be placed on the 80605
number of D-5g permits that may be issued. The fee for this permit 80606
is one thousand eight hundred seventy-five dollars. 80607

(H)(1) Permit D-5h may be issued to any nonprofit 80608
organization that is exempt from federal income taxation under the 80609

"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 80610
501(c)(3), as amended, that owns or operates any of the following: 80611

(a) A fine arts museum, provided that the nonprofit 80612
organization has no less than one thousand five hundred bona fide 80613
members possessing full membership privileges; 80614

(b) A community arts center. As used in division (H)(1)(b) of 80615
this section, "community arts center" means a facility that 80616
provides arts programming to the community in more than one arts 80617
discipline, including, but not limited to, exhibits of works of 80618
art and performances by both professional and amateur artists. 80619

(c) A community theater, provided that the nonprofit 80620
organization is a member of the Ohio arts council and the American 80621
community theatre association and has been in existence for not 80622
less than ten years. As used in division (H)(1)(c) of this 80623
section, "community theater" means a facility that contains at 80624
least one hundred fifty seats and has a primary function of 80625
presenting live theatrical performances and providing recreational 80626
opportunities to the community. 80627

(2) The holder of a D-5h permit may sell beer and any 80628
intoxicating liquor at retail, only by the individual drink in 80629
glass and from the container, for consumption on the premises 80630
where sold. The holder of a D-5h permit shall sell no beer or 80631
intoxicating liquor for consumption on the premises where sold 80632
after one a.m. A D-5h permit shall not be transferred to another 80633
location. No quota restrictions shall be placed on the number of 80634
D-5h permits that may be issued. 80635

(3) The fee for a D-5h permit is one thousand eight hundred 80636
seventy-five dollars. 80637

(I) Permit D-5i may be issued to the owner or operator of a 80638
retail food establishment or a food service operation licensed 80639
under Chapter 3717. of the Revised Code that operates as a 80640

restaurant for purposes of this chapter and that meets all of the 80641
following requirements: 80642

(1) It is located in a municipal corporation or a township 80643
with a population of one hundred thousand or less. 80644

(2) It has inside seating capacity for at least one hundred 80645
forty persons. 80646

(3) It has at least four thousand square feet of floor area. 80647

(4) It offers full-course meals, appetizers, and sandwiches. 80648

(5) Its receipts from beer and liquor sales, excluding wine 80649
sales, do not exceed twenty-five per cent of its total gross 80650
receipts. 80651

(6) It has at least one of the following characteristics: 80652

(a) The value of its real and personal property exceeds seven 80653
hundred twenty-five thousand dollars. 80654

(b) It is located on property that is owned or leased by the 80655
state or a state agency, and its owner or operator has 80656
authorization from the state or the state agency that owns or 80657
leases the property to obtain a D-5i permit. 80658

The holder of a D-5i permit may sell beer and any 80659
intoxicating liquor at retail, only by the individual drink in 80660
glass and from the container, for consumption on the premises 80661
where sold, and may sell the same products in the same manner and 80662
amounts not for consumption on the premises where sold as may be 80663
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 80664
permit shall sell no beer or intoxicating liquor for consumption 80665
on the premises where sold after two-thirty a.m. In addition to 80666
the privileges authorized in this division, the holder of a D-5i 80667
permit may exercise the same privileges as the holder of a D-5 80668
permit. 80669

A D-5i permit shall not be transferred to another location. 80670

The division of liquor control shall not renew a D-5i permit 80671
unless the retail food establishment or food service operation for 80672
which it is issued continues to meet the requirements described in 80673
divisions (I)(1) to (6) of this section. No quota restrictions 80674
shall be placed on the number of D-5i permits that may be issued. 80675
The fee for the D-5i permit is two thousand three hundred 80676
forty-four dollars. 80677

(J) Permit D-5j may be issued to the owner or the operator of 80678
a retail food establishment or a food service operation licensed 80679
under Chapter 3717. of the Revised Code to sell beer and 80680
intoxicating liquor at retail, only by the individual drink in 80681
glass and from the container, for consumption on the premises 80682
where sold and to sell beer and intoxicating liquor in the same 80683
manner and amounts not for consumption on the premises where sold 80684
as may be sold by the holders of D-1 and D-2 permits. The holder 80685
of a D-5j permit may exercise the same privileges, and shall 80686
observe the same hours of operation, as the holder of a D-5 80687
permit. 80688

The D-5j permit shall be issued only within a community 80689
entertainment district that is designated under section 4301.80 of 80690
the Revised Code and that meets one of the following 80691
qualifications: 80692

(1) It is located in a municipal corporation with a 80693
population of at least one hundred thousand. 80694

(2) It is located in a municipal corporation with a 80695
population of at least twenty thousand, and either of the 80696
following applies: 80697

(a) It contains an amusement park the rides of which have 80698
been issued a permit by the department of agriculture under 80699
Chapter 1711. of the Revised Code. 80700

(b) Not less than fifty million dollars will be invested in 80701

development and construction in the community entertainment 80702
district's area located in the municipal corporation. 80703

(3) It is located in a township with a population of at least 80704
forty thousand. 80705

(4) It is located in a township with a population of at least 80706
twenty thousand, and not less than seventy million dollars will be 80707
invested in development and construction in the community 80708
entertainment district's area located in the township. 80709

(5) It is located in a municipal corporation with a 80710
population between ten thousand and twenty thousand, and both of 80711
the following apply: 80712

(a) The municipal corporation was incorporated as a village 80713
prior to calendar year 1840 and currently has a historic downtown 80714
business district. 80715

(b) The municipal corporation is located in the same county 80716
as another municipal corporation with at least one community 80717
entertainment district. 80718

(6) It is located in a municipal corporation with a 80719
population of at least ten thousand, and not less than seventy 80720
million dollars will be invested in development and construction 80721
in the community entertainment district's area located in the 80722
municipal corporation. 80723

(7) It is located in a municipal corporation with a 80724
population of at least five thousand, and not less than one 80725
hundred million dollars will be invested in development and 80726
construction in the community entertainment district's area 80727
located in the municipal corporation. 80728

The location of a D-5j permit may be transferred only within 80729
the geographic boundaries of the community entertainment district 80730
in which it was issued and shall not be transferred outside the 80731

geographic boundaries of that district. 80732

Not more than one D-5j permit shall be issued within each 80733
community entertainment district for each five acres of land 80734
located within the district. Not more than fifteen D-5j permits 80735
may be issued within a single community entertainment district. 80736
Except as otherwise provided in division (J)(4) of this section, 80737
no quota restrictions shall be placed upon the number of D-5j 80738
permits that may be issued. 80739

The fee for a D-5j permit is two thousand three hundred 80740
forty-four dollars. 80741

(K)(1) Permit D-5k may be issued to any nonprofit 80742
organization that is exempt from federal income taxation under the 80743
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 80744
501(c)(3), as amended, that is the owner or operator of a 80745
botanical garden recognized by the American association of 80746
botanical gardens and arboreta, and that has not less than 80747
twenty-five hundred bona fide members. 80748

(2) The holder of a D-5k permit may sell beer and any 80749
intoxicating liquor at retail, only by the individual drink in 80750
glass and from the container, on the premises where sold. 80751

(3) The holder of a D-5k permit shall sell no beer or 80752
intoxicating liquor for consumption on the premises where sold 80753
after one a.m. 80754

(4) A D-5k permit shall not be transferred to another 80755
location. 80756

(5) No quota restrictions shall be placed on the number of 80757
D-5k permits that may be issued. 80758

(6) The fee for the D-5k permit is one thousand eight hundred 80759
seventy-five dollars. 80760

(L)(1) Permit D-5l may be issued to the owner or the operator 80761

of a retail food establishment or a food service operation 80762
licensed under Chapter 3717. of the Revised Code to sell beer and 80763
intoxicating liquor at retail, only by the individual drink in 80764
glass and from the container, for consumption on the premises 80765
where sold and to sell beer and intoxicating liquor in the same 80766
manner and amounts not for consumption on the premises where sold 80767
as may be sold by the holders of D-1 and D-2 permits. The holder 80768
of a D-51 permit may exercise the same privileges, and shall 80769
observe the same hours of operation, as the holder of a D-5 80770
permit. 80771

(2) The D-51 permit shall be issued only to a premises to 80772
which all of the following apply: 80773

(a) The premises has gross annual receipts from the sale of 80774
food and meals that constitute not less than seventy-five per cent 80775
of its total gross annual receipts. 80776

(b) The premises is located within a revitalization district 80777
that is designated under section 4301.81 of the Revised Code. 80778

(c) The premises is located in a municipal corporation or 80779
township in which the number of D-5 permits issued equals or 80780
exceeds the number of those permits that may be issued in that 80781
municipal corporation or township under section 4303.29 of the 80782
Revised Code. 80783

(d) The premises meets any of the following qualifications: 80784

(i) It is located in a county with a population of one 80785
hundred twenty-five thousand or less according to the population 80786
estimates certified by the development services agency for 80787
calendar year 2006. 80788

(ii) It is located in the municipal corporation that has the 80789
largest population in a county when the county has a population 80790
between two hundred fifteen thousand and two hundred twenty-five 80791
thousand according to the population estimates certified by the 80792

development services agency for calendar year 2006. Division 80793
(L)(2)(d)(ii) of this section applies only to a municipal 80794
corporation that is wholly located in a county. 80795

(iii) It is located in the municipal corporation that has the 80796
largest population in a county when the county has a population 80797
between one hundred forty thousand and one hundred forty-one 80798
thousand according to the population estimates certified by the 80799
development services agency for calendar year 2006. Division 80800
(L)(2)(d)(iii) of this section applies only to a municipal 80801
corporation that is wholly located in a county. 80802

(3) The location of a D-51 permit may be transferred only 80803
within the geographic boundaries of the revitalization district in 80804
which it was issued and shall not be transferred outside the 80805
geographic boundaries of that district. 80806

(4) Not more than one D-51 permit shall be issued within each 80807
revitalization district for each five acres of land located within 80808
the district. Not more than fifteen D-51 permits may be issued 80809
within a single revitalization district. Except as otherwise 80810
provided in division (L)(4) of this section, no quota restrictions 80811
shall be placed upon the number of D-51 permits that may be 80812
issued. 80813

(5) No D-51 permit shall be issued to an adult entertainment 80814
establishment as defined in section 2907.39 of the Revised Code. 80815

(6) The fee for a D-51 permit is two thousand three hundred 80816
forty-four dollars. 80817

(M) Permit D-5m may be issued to either the owner or the 80818
operator of a retail food establishment or food service operation 80819
licensed under Chapter 3717. of the Revised Code that operates as 80820
a restaurant for purposes of this chapter and that is located in, 80821
or affiliated with, a center for the preservation of wild animals 80822
as defined in section 4301.404 of the Revised Code, to sell beer 80823

and any intoxicating liquor at retail, only by the glass and from 80824
the container, for consumption on the premises where sold, and to 80825
sell the same products in the same manner and amounts not for 80826
consumption on the premises as may be sold by the holders of D-1 80827
and D-2 permits. In addition to the privileges authorized by this 80828
division, the holder of a D-5m permit may exercise the same 80829
privileges as the holder of a D-5 permit. 80830

A D-5m permit shall not be transferred to another location. 80831
No quota restrictions shall be placed on the number of D-5m 80832
permits that may be issued. The fee for a permit D-5m is two 80833
thousand three hundred forty-four dollars. 80834

(N) Permit D-5n shall be issued to either a casino operator 80835
or a casino management company licensed under Chapter 3772. of the 80836
Revised Code that operates a casino facility under that chapter, 80837
to sell beer and any intoxicating liquor at retail, only by the 80838
individual drink in glass and from the container, for consumption 80839
on the premises where sold, and to sell the same products in the 80840
same manner and amounts not for consumption on the premises as may 80841
be sold by the holders of D-1 and D-2 permits. In addition to the 80842
privileges authorized by this division, the holder of a D-5n 80843
permit may exercise the same privileges as the holder of a D-5 80844
permit. A D-5n permit shall not be transferred to another 80845
location. Only one D-5n permit may be issued per casino facility 80846
and not more than four D-5n permits shall be issued in this state. 80847
The fee for a permit D-5n shall be twenty thousand dollars. The 80848
holder of a D-5n permit may conduct casino gaming on the permit 80849
premises notwithstanding any provision of the Revised Code or 80850
Administrative Code. 80851

(O) Permit D-5o may be issued to the owner or operator of a 80852
retail food establishment or a food service operation licensed 80853
under Chapter 3717. of the Revised Code that operates as a 80854
restaurant for purposes of this chapter and that is located within 80855

a casino facility for which a D-5n permit has been issued. The 80856
holder of a D-5o permit may sell beer and any intoxicating liquor 80857
at retail, only by the individual drink in glass and from the 80858
container, for consumption on the premises where sold, and may 80859
sell the same products in the same manner and amounts not for 80860
consumption on the premises where sold as may be sold by the 80861
holders of D-1 and D-2 permits. In addition to the privileges 80862
authorized by this division, the holder of a D-5o permit may 80863
exercise the same privileges as the holder of a D-5 permit. A D-5o 80864
permit shall not be transferred to another location. No quota 80865
restrictions shall be placed on the number of such permits that 80866
may be issued. The fee for this permit is two thousand three 80867
hundred forty-four dollars. 80868

(P) Permit D-5p may be issued to the owner or operator of a 80869
retail food establishment or a food service operation licensed 80870
under Chapter 3717. of the Revised Code that operates as a 80871
restaurant for purposes of this chapter and that is located within 80872
a park district. The holder of a D-5p permit may sell beer and any 80873
intoxicating liquor at retail, only by the individual drink in 80874
glass and from the container, for consumption on the premises 80875
where sold, and may sell the same products in the same manner and 80876
amounts not for consumption on the premises where sold as may be 80877
sold by the holders of D-1 and D-2 permits. In addition to the 80878
privileges authorized by this division, the holder of a D-5p 80879
permit may exercise the same privileges as the holder of a D-5 80880
permit. A D-5p permit shall not be transferred to another 80881
location. No quota restrictions shall be placed on the number of 80882
such permits that may be issued. The fee for a D-5p permit is two 80883
thousand three hundred forty-four dollars. 80884

As used in this division, "park district" means a park 80885
district that is created under Chapter 1545. of the Revised Code 80886
consisting of not less than twenty-two thousand acres of land, a 80887

portion of which is adjacent to Lake Erie. 80888

Sec. 4305.131. (A) If any permit holder fails to pay the 80889
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 of 80890
the Revised Code in the manner prescribed by section 4303.33 of 80891
the Revised Code, or by section 4301.421 or 4301.424 of the 80892
Revised Code in the manner prescribed in section 4301.422 of the 80893
Revised Code, and by the rules of the tax commissioner, the 80894
commissioner may make an assessment against the permit holder 80895
based upon any information in the commissioner's possession. 80896

No assessment shall be made against any permit holder for any 80897
taxes imposed by section 4301.42, 4301.421, 4301.424, 4301.43, 80898
4301.432, or 4305.01 of the Revised Code more than three years 80899
after the last day of the calendar month in which the sale was 80900
made or more than three years after the return for that period is 80901
filed, whichever is later. This section does not bar an assessment 80902
against any permit holder or registrant as provided in section 80903
4303.331 of the Revised Code who fails to file a return as 80904
required by section 4301.422 or 4303.33 of the Revised Code, or 80905
who files a fraudulent return. 80906

A penalty of up to thirty per cent may be added to the amount 80907
of every assessment made under this section. The commissioner may 80908
adopt rules providing for the imposition and remission of 80909
penalties added to assessments made under this section. 80910

The commissioner shall give the party assessed written notice 80911
of the assessment in the manner provided in section 5703.37 of the 80912
Revised Code. With the notice, the commissioner shall provide 80913
instructions on how to petition for reassessment and request a 80914
hearing on the petition. 80915

(B) Unless the party assessed files with the tax commissioner 80916
within sixty days after service of the notice of assessment, 80917
either personally or by certified mail, a written petition for 80918

reassessment, signed by the party assessed or that party's 80919
authorized agent having knowledge of the facts, the assessment 80920
becomes final and the amount of the assessment is due and payable 80921
from the party assessed to the treasurer of state. The petition 80922
shall indicate the objections of the party assessed, but 80923
additional objections may be raised in writing if received by the 80924
commissioner prior to the date shown on the final determination. 80925
If the petition has been properly filed, the commissioner shall 80926
proceed under section 5703.60 of the Revised Code. 80927

(C) After an assessment becomes final, if any portion of the 80928
assessment remains unpaid, including accrued interest, a certified 80929
copy of the tax commissioner's entry making the assessment final 80930
may be filed in the office of the clerk of the court of common 80931
pleas in the county in which the permit holder's place of business 80932
is located or the county in which the party assessed resides. If 80933
the party assessed maintains no place of business in this state 80934
and is not a resident of this state, the certified copy of the 80935
entry may be filed in the office of the clerk of the court of 80936
common pleas of Franklin county. 80937

Immediately upon the filing of the entry, the clerk shall 80938
enter a judgment for the state against the party assessed in the 80939
amount shown on the entry. The judgment may be filed by the clerk 80940
in a loose-leaf book entitled "special judgments for state beer 80941
and liquor sales taxes," and shall have the same effect as other 80942
judgments. Execution shall issue upon the judgment upon the 80943
request of the commissioner, and all laws applicable to sales on 80944
execution shall apply to sales made under the judgment, except as 80945
otherwise provided in this chapter and Chapters 4301. and 4307. of 80946
the Revised Code. 80947

~~The portion of~~ If the assessment is not paid in its entirety 80948
within sixty days after the day the assessment was issued, the 80949
portion of the assessment consisting of tax due shall bear 80950

interest at the rate per annum prescribed by section 5703.47 of 80951
the Revised Code from the day the commissioner issues the 80952
assessment until it is paid or until it is certified to the 80953
attorney general for collection under section 131.02 of the 80954
Revised Code, whichever comes first. If the unpaid portion of the 80955
assessment is certified to the attorney general for collection, 80956
the entire unpaid portion of the assessment shall bear interest at 80957
the rate per annum prescribed by section 5703.47 of the Revised 80958
Code from the date of certification until the date it is paid in 80959
its entirety. Interest shall be paid in the same manner as the tax 80960
and may be collected by the issuance of an assessment under this 80961
section. 80962

(D) All money collected under this section shall be 80963
considered as revenue arising from the taxes imposed by sections 80964
4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of the 80965
Revised Code. 80966

Sec. 4501.01. As used in this chapter and Chapters 4503., 80967
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 80968
Revised Code, and in the penal laws, except as otherwise provided: 80969

(A) "Vehicles" means everything on wheels or runners, 80970
including motorized bicycles, but does not mean electric personal 80971
assistive mobility devices, vehicles that are operated exclusively 80972
on rails or tracks or from overhead electric trolley wires, and 80973
vehicles that belong to any police department, municipal fire 80974
department, or volunteer fire department, or that are used by such 80975
a department in the discharge of its functions. 80976

(B) "Motor vehicle" means any vehicle, including mobile homes 80977
and recreational vehicles, that is propelled or drawn by power 80978
other than muscular power or power collected from overhead 80979
electric trolley wires. "Motor vehicle" does not include utility 80980
vehicles as defined in division (VV) of this section, motorized 80981

bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(C) "Agricultural tractor" and "traction engine" mean any self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes.

(D) "Commercial tractor," except as defined in division (C) of this section, means any motor vehicle that has motive power and either is designed or used for drawing other motor vehicles, or is designed or used for drawing another motor vehicle while carrying a portion of the other motor vehicle or its load, or both.

(E) "Passenger car" means any motor vehicle that is designed and used for carrying not more than nine persons and includes any motor vehicle that is designed and used for carrying not more than fifteen persons in a ridesharing arrangement.

(F) "Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license

tags issued under section 4503.45 of the Revised Code, or a 81014
similar type of motor vehicle that displays current, valid license 81015
tags issued under substantially equivalent provisions in the laws 81016
of other states. 81017

(G) "Historical motor vehicle" means any motor vehicle that 81018
is over twenty-five years old and is owned solely as a collector's 81019
item and for participation in club activities, exhibitions, tours, 81020
parades, and similar uses, but that in no event is used for 81021
general transportation. 81022

(H) "Noncommercial motor vehicle" means any motor vehicle, 81023
including a farm truck as defined in section 4503.04 of the 81024
Revised Code, that is designed by the manufacturer to carry a load 81025
of no more than one ton and is used exclusively for purposes other 81026
than engaging in business for profit. 81027

(I) "Bus" means any motor vehicle that has motor power and is 81028
designed and used for carrying more than nine passengers, except 81029
any motor vehicle that is designed and used for carrying not more 81030
than fifteen passengers in a ridesharing arrangement. 81031

(J) "Commercial car" or "truck" means any motor vehicle that 81032
has motor power and is designed and used for carrying merchandise 81033
or freight, or that is used as a commercial tractor. 81034

(K) "Bicycle" means every device, other than a device that is 81035
designed solely for use as a play vehicle by a child, that is 81036
propelled solely by human power upon which a person may ride, and 81037
that has two or more wheels, any of which is more than fourteen 81038
inches in diameter. 81039

(L) "Motorized bicycle" means any vehicle that either has two 81040
tandem wheels or one wheel in the front and two wheels in the 81041
rear, that is capable of being pedaled, and that is equipped with 81042
a helper motor of not more than fifty cubic centimeters piston 81043
displacement that produces no more than one brake horsepower and 81044

is capable of propelling the vehicle at a speed of no greater than 81045
twenty miles per hour on a level surface. 81046

(M) "Trailer" means any vehicle without motive power that is 81047
designed or used for carrying property or persons wholly on its 81048
own structure and for being drawn by a motor vehicle, and includes 81049
any such vehicle that is formed by or operated as a combination of 81050
a semitrailer and a vehicle of the dolly type such as that 81051
commonly known as a trailer dolly, a vehicle used to transport 81052
agricultural produce or agricultural production materials between 81053
a local place of storage or supply and the farm when drawn or 81054
towed on a public road or highway at a speed greater than 81055
twenty-five miles per hour, and a vehicle that is designed and 81056
used exclusively to transport a boat between a place of storage 81057
and a marina, or in and around a marina, when drawn or towed on a 81058
public road or highway for a distance of more than ten miles or at 81059
a speed of more than twenty-five miles per hour. "Trailer" does 81060
not include a manufactured home or travel trailer. 81061

(N) "Noncommercial trailer" means any trailer, except a 81062
travel trailer or trailer that is used to transport a boat as 81063
described in division (B) of this section, but, where applicable, 81064
includes a vehicle that is used to transport a boat as described 81065
in division (M) of this section, that has a gross weight of no 81066
more than ten thousand pounds, and that is used exclusively for 81067
purposes other than engaging in business for a profit, such as the 81068
transportation of personal items for personal or recreational 81069
purposes. 81070

(O) "Mobile home" means a building unit or assembly of closed 81071
construction that is fabricated in an off-site facility, is more 81072
than thirty-five body feet in length or, when erected on site, is 81073
three hundred twenty or more square feet, is built on a permanent 81074
chassis, is transportable in one or more sections, and does not 81075
qualify as a manufactured home as defined in division (C)(4) of 81076

section 3781.06 of the Revised Code or as an industrialized unit 81077
as defined in division (C)(3) of section 3781.06 of the Revised 81078
Code. 81079

(P) "Semitrailer" means any vehicle of the trailer type that 81080
does not have motive power and is so designed or used with another 81081
and separate motor vehicle that in operation a part of its own 81082
weight or that of its load, or both, rests upon and is carried by 81083
the other vehicle furnishing the motive power for propelling 81084
itself and the vehicle referred to in this division, and includes, 81085
for the purpose only of registration and taxation under those 81086
chapters, any vehicle of the dolly type, such as a trailer dolly, 81087
that is designed or used for the conversion of a semitrailer into 81088
a trailer. 81089

(Q) "Recreational vehicle" means a vehicular portable 81090
structure that meets all of the following conditions: 81091

(1) It is designed for the sole purpose of recreational 81092
travel. 81093

(2) It is not used for the purpose of engaging in business 81094
for profit. 81095

(3) It is not used for the purpose of engaging in intrastate 81096
commerce. 81097

(4) It is not used for the purpose of commerce as defined in 81098
49 C.F.R. 383.5, as amended. 81099

(5) It is not regulated by the public utilities commission 81100
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 81101

(6) It is classed as one of the following: 81102

(a) "Travel trailer" means a nonself-propelled recreational 81103
vehicle that does not exceed an overall length of thirty-five 81104
feet, exclusive of bumper and tongue or coupling, and contains 81105
less than three hundred twenty square feet of space when erected 81106

on site. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code. 81107
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(b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping. 81109
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(c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. 81113
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(d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck. 81119
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(e) "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances. 81126
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(R) "Pneumatic tires" means tires of rubber and fabric or tires of similar material, that are inflated with air. 81133
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(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load. 81135
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(T) "Solid tire vehicle" means any vehicle that is equipped with two or more solid tires. 81138
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(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products. 81140
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(V) "Owner" includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers. 81148
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(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of business is used to dismantle, salvage, or rebuild motor vehicles by means of used parts, if such departments are operated for the purpose of furthering and assisting in the business of 81152
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manufacturing, selling, displaying, offering for sale, or dealing 81170
in motor vehicles. Places of business or departments in a place of 81171
business used to dismantle, salvage, or rebuild motor vehicles by 81172
means of using used parts are not considered as being maintained 81173
for the purpose of assisting or furthering the manufacturing, 81174
selling, displaying, and offering for sale or dealing in motor 81175
vehicles. 81176

(X) "Operator" includes any person who drives or operates a 81177
motor vehicle upon the public highways. 81178

(Y) "Chauffeur" means any operator who operates a motor 81179
vehicle, other than a taxicab, as an employee for hire; or any 81180
operator whether or not the owner of a motor vehicle, other than a 81181
taxicab, who operates such vehicle for transporting, for gain, 81182
compensation, or profit, either persons or property owned by 81183
another. Any operator of a motor vehicle who is voluntarily 81184
involved in a ridesharing arrangement is not considered an 81185
employee for hire or operating such vehicle for gain, 81186
compensation, or profit. 81187

(Z) "State" includes the territories and federal districts of 81188
the United States, and the provinces of Canada. 81189

(AA) "Public roads and highways" for vehicles includes all 81190
public thoroughfares, bridges, and culverts. 81191

(BB) "Manufacturer's number" means the manufacturer's 81192
original serial number that is affixed to or imprinted upon the 81193
chassis or other part of the motor vehicle. 81194

(CC) "Motor number" means the manufacturer's original number 81195
that is affixed to or imprinted upon the engine or motor of the 81196
vehicle. 81197

(DD) "Distributor" means any person who is authorized by a 81198
motor vehicle manufacturer to distribute new motor vehicles to 81199
licensed motor vehicle dealers at an established place of business 81200

that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(FF) "Apportionable vehicle" means any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:

(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;

(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;

(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.

"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used for the transportation of chartered parties, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying motor vehicle at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the United States department of transportation, for the purpose of group travel to a

specified destination or for a particular itinerary, either agreed 81232
upon in advance or modified by the chartered group after having 81233
left the place of origin. 81234

(HH) "International registration plan" means a reciprocal 81235
agreement of member jurisdictions that is endorsed by the American 81236
association of motor vehicle administrators, and that promotes and 81237
encourages the fullest possible use of the highway system by 81238
authorizing apportioned registration of fleets of vehicles and 81239
recognizing registration of vehicles apportioned in member 81240
jurisdictions. 81241

(II) "Restricted plate" means a license plate that has a 81242
restriction of time, geographic area, mileage, or commodity, and 81243
includes license plates issued to farm trucks under division (J) 81244
of section 4503.04 of the Revised Code. 81245

(JJ) "Gross vehicle weight," with regard to any commercial 81246
car, trailer, semitrailer, or bus that is taxed at the rates 81247
established under section 4503.042 or 4503.65 of the Revised Code, 81248
means the unladen weight of the vehicle fully equipped plus the 81249
maximum weight of the load to be carried on the vehicle. 81250

(KK) "Combined gross vehicle weight" with regard to any 81251
combination of a commercial car, trailer, and semitrailer, that is 81252
taxed at the rates established under section 4503.042 or 4503.65 81253
of the Revised Code, means the total unladen weight of the 81254
combination of vehicles fully equipped plus the maximum weight of 81255
the load to be carried on that combination of vehicles. 81256

(LL) "Chauffeured limousine" means a motor vehicle that is 81257
designed to carry nine or fewer passengers and is operated for 81258
hire ~~on an hourly basis~~ pursuant to a prearranged contract for the 81259
transportation of passengers on public roads and highways along a 81260
route under the control of the person hiring the vehicle and not 81261
over a defined and regular route. "Prearranged contract" means an 81262

agreement, made in advance of boarding, to provide transportation 81263
from a specific location in a chauffeured limousine ~~at a fixed~~ 81264
~~rate per hour or trip~~. "Chauffeured limousine" does not include 81265
any vehicle that is used exclusively in the business of funeral 81266
directing. 81267

(MM) "Manufactured home" has the same meaning as in division 81268
(C)(4) of section 3781.06 of the Revised Code. 81269

(NN) "Acquired situs," with respect to a manufactured home or 81270
a mobile home, means to become located in this state by the 81271
placement of the home on real property, but does not include the 81272
placement of a manufactured home or a mobile home in the inventory 81273
of a new motor vehicle dealer or the inventory of a manufacturer, 81274
remanufacturer, or distributor of manufactured or mobile homes. 81275

(OO) "Electronic" includes electrical, digital, magnetic, 81276
optical, electromagnetic, or any other form of technology that 81277
entails capabilities similar to these technologies. 81278

(PP) "Electronic record" means a record generated, 81279
communicated, received, or stored by electronic means for use in 81280
an information system or for transmission from one information 81281
system to another. 81282

(QQ) "Electronic signature" means a signature in electronic 81283
form attached to or logically associated with an electronic 81284
record. 81285

(RR) "Financial transaction device" has the same meaning as 81286
in division (A) of section 113.40 of the Revised Code. 81287

(SS) "Electronic motor vehicle dealer" means a motor vehicle 81288
dealer licensed under Chapter 4517. of the Revised Code whom the 81289
registrar of motor vehicles determines meets the criteria 81290
designated in section 4503.035 of the Revised Code for electronic 81291
motor vehicle dealers and designates as an electronic motor 81292
vehicle dealer under that section. 81293

(TT) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour.

(UU) "Limited driving privileges" means the privilege to operate a motor vehicle that a court grants under section 4510.021 of the Revised Code to a person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended.

(VV) "Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities. "Utility vehicle" includes a vehicle with a maximum attainable speed of twenty miles per hour or less that is used exclusively within the boundaries of state parks by state park employees or volunteers for the operation or maintenance of state park facilities.

Sec. 4501.21. (A) There is hereby created in the state treasury the license plate contribution fund. The fund shall consist of all contributions paid by motor vehicle registrants and collected by the registrar of motor vehicles pursuant to sections 4503.491, 4503.493, 4503.494, 4503.496, 4503.498, 4503.499, 4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 4503.522, 4503.523, 4503.524, 4503.526, 4503.531, 4503.545, 4503.55, 4503.551, 4503.552, 4503.553, 4503.561, 4503.562, 4503.564, 4503.591, 4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 4503.712, 4503.713, 4503.72, 4503.73, 4503.732, 4503.74, 4503.75, 4503.751, 4503.85, 4503.89, 4503.92, and 4503.94 of the Revised

Code. 81325

(B) The registrar shall pay the contributions the registrar 81326
collects in the fund as follows: 81327

The registrar shall pay the contributions received pursuant 81328
to section 4503.491 of the Revised Code to the breast cancer fund 81329
of Ohio, which shall use that money only to pay for programs that 81330
provide assistance and education to Ohio breast cancer patients 81331
and that improve access for such patients to quality health care 81332
and clinical trials and shall not use any of the money for 81333
abortion information, counseling, services, or other 81334
abortion-related activities. 81335

The registrar shall pay the contributions received pursuant 81336
to section 4503.493 of the Revised Code to the autism society of 81337
Ohio, which shall use the contributions for programs and autism 81338
awareness efforts throughout the state. 81339

The registrar shall pay the contributions the registrar 81340
receives pursuant to section 4503.494 of the Revised Code to the 81341
national multiple sclerosis society for distribution in equal 81342
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 81343
chapters of the national multiple sclerosis society. These 81344
chapters shall use the money they receive under this section to 81345
assist in paying the expenses they incur in providing services 81346
directly to their clients. 81347

The registrar shall pay the contributions the registrar 81348
receives pursuant to section 4503.496 of the Revised Code to the 81349
Ohio sickle cell and health association, which shall use the 81350
contributions to help support educational, clinical, and social 81351
support services for adults who have sickle cell disease. 81352

The registrar shall pay the contributions the registrar 81353
receives pursuant to section 4503.498 of the Revised Code to 81354

special olympics Ohio, inc., which shall use the contributions for 81355
its programs, charitable efforts, and other activities. 81356

The registrar shall pay the contributions the registrar 81357
receives pursuant to section 4503.499 of the Revised Code to the 81358
children's glioma cancer foundation, which shall use the 81359
contributions for its research and other programs. 81360

The registrar shall pay the contributions the registrar 81361
receives pursuant to section 4503.50 of the Revised Code to the 81362
future farmers of America foundation, which shall deposit the 81363
contributions into its general account to be used for educational 81364
and scholarship purposes of the future farmers of America 81365
foundation. 81366

The registrar shall pay the contributions the registrar 81367
receives pursuant to section 4503.501 of the Revised Code to the 81368
4-H youth development program of the Ohio state university 81369
extension program, which shall use those contributions to pay the 81370
expenses it incurs in conducting its educational activities. 81371

The registrar shall pay the contributions received pursuant 81372
to section 4503.502 of the Revised Code to the Ohio cattlemen's 81373
foundation, which shall use those contributions for scholarships 81374
and other educational activities. 81375

The registrar shall pay the contributions received pursuant 81376
to section 4503.505 of the Revised Code to the organization Ohio 81377
region phi theta kappa, which shall use those contributions for 81378
scholarships for students who are members of that organization. 81379

The registrar shall pay each contribution the registrar 81380
receives pursuant to section 4503.51 of the Revised Code to the 81381
university or college whose name or marking or design appears on 81382
collegiate license plates that are issued to a person under that 81383
section. A university or college that receives contributions from 81384
the fund shall deposit the contributions into its general 81385

scholarship fund. 81386

The registrar shall pay the contributions the registrar 81387
receives pursuant to section 4503.522 of the Revised Code to the 81388
"friends of Perry's victory and international peace memorial, 81389
incorporated," a nonprofit corporation organized under the laws of 81390
this state, to assist that organization in paying the expenses it 81391
incurs in sponsoring or holding charitable, educational, and 81392
cultural events at the monument. 81393

The registrar shall pay the contributions the registrar 81394
receives pursuant to section 4503.523 of the Revised Code to the 81395
fairport lights foundation, which shall use the money to pay for 81396
the restoration, maintenance, and preservation of the lighthouses 81397
of fairport harbor. 81398

The registrar shall pay the contributions the registrar 81399
receives pursuant to section 4503.524 of the Revised Code to the 81400
Massillon tiger football booster club, which shall use the 81401
contributions only to promote and support the football team of 81402
Washington high school of the Massillon city school district. 81403

The registrar shall pay the contributions the registrar 81404
receives pursuant to section 4503.526 of the Revised Code to the 81405
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 81406
international, which shall use the money it receives under this 81407
section to pay the costs of its educational and humanitarian 81408
activities. 81409

The registrar shall pay the contributions the registrar 81410
receives pursuant to section 4503.531 of the Revised Code to the 81411
thank you foundation, incorporated, a nonprofit corporation 81412
organized under the laws of this state, to assist that 81413
organization in paying for the charitable activities and programs 81414
it sponsors in support of United States military personnel, 81415
veterans, and their families. 81416

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

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The registrar shall pay the contributions that are paid to the registrar pursuant to section 4503.545 of the Revised Code to the national rifle association foundation, which shall use the money to pay the costs of the educational activities and programs the foundation holds or sponsors in this state.

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The registrar shall pay to the Ohio pet fund the contributions the registrar receives pursuant to section 4503.551 of the Revised Code and any other money from any other source, including donations, gifts, and grants, that is designated by the source to be paid to the Ohio pet fund. The Ohio pet fund shall use the moneys it receives under this section to support programs for the sterilization of dogs and cats and for educational programs concerning the proper veterinary care of those animals, and for expenses of the Ohio pet fund that are reasonably necessary for it to obtain and maintain its tax-exempt status and to perform its duties.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.552 of the Revised Code to the rock and roll hall of fame and museum, incorporated.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.553 of the Revised Code to the Ohio coalition for animals, incorporated, a nonprofit corporation. Except as provided in division (B) of this section, the coalition shall distribute the money to its members, and the members shall use the money only to pay for educational, charitable, and other

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programs of each coalition member that provide care for unwanted, 81449
abused, and neglected horses. The Ohio coalition for animals may 81450
use a portion of the money to pay for reasonable marketing costs 81451
incurred in the design and promotion of the license plate and for 81452
administrative costs incurred in the disbursement and management 81453
of funds received under this section. 81454

The registrar shall pay the contributions the registrar 81455
receives pursuant to section 4503.561 of the Revised Code to the 81456
state of Ohio chapter of ducks unlimited, inc., which shall 81457
deposit the contributions into a special bank account that it 81458
establishes. The special bank account shall be separate and 81459
distinct from any other account the state of Ohio chapter of ducks 81460
unlimited, inc., maintains and shall be used exclusively for the 81461
purpose of protecting, enhancing, restoring, and managing wetlands 81462
and conserving wildlife habitat. The state of Ohio chapter of 81463
ducks unlimited, inc., annually shall notify the registrar in 81464
writing of the name, address, and account to which such payments 81465
are to be made. 81466

The registrar shall pay the contributions the registrar 81467
receives pursuant to section 4503.562 of the Revised Code to the 81468
Mahoning river consortium, which shall use the money to pay the 81469
expenses it incurs in restoring and maintaining the Mahoning river 81470
watershed. 81471

The registrar shall pay the contributions the registrar 81472
receives pursuant to section 4503.564 of the Revised Code to 81473
Antioch college for the use of the Glen Helen ecology institute to 81474
pay expenses related to the Glen Helen nature preserve. 81475

The registrar shall pay to a sports commission created 81476
pursuant to section 4503.591 of the Revised Code each contribution 81477
the registrar receives under that section that an applicant pays 81478
to obtain license plates that bear the logo of a professional 81479
sports team located in the county of that sports commission and 81480

that is participating in the license plate program pursuant to 81481
division (E) of that section, irrespective of the county of 81482
residence of an applicant. 81483

The registrar shall pay to a community charity each 81484
contribution the registrar receives under section 4503.591 of the 81485
Revised Code that an applicant pays to obtain license plates that 81486
bear the logo of a professional sports team that is participating 81487
in the license plate program pursuant to division (G) of that 81488
section. 81489

The registrar shall pay the contributions the registrar 81490
receives pursuant to section 4503.67 of the Revised Code to the 81491
Dan Beard council of the boy scouts of America. The council shall 81492
distribute all contributions in an equitable manner throughout the 81493
state to regional councils of the boy scouts. 81494

The registrar shall pay the contributions the registrar 81495
receives pursuant to section 4503.68 of the Revised Code to the 81496
great river council of the girl scouts of the United States of 81497
America. The council shall distribute all contributions in an 81498
equitable manner throughout the state to regional councils of the 81499
girl scouts. 81500

The registrar shall pay the contributions the registrar 81501
receives pursuant to section 4503.69 of the Revised Code to the 81502
Dan Beard council of the boy scouts of America. The council shall 81503
distribute all contributions in an equitable manner throughout the 81504
state to regional councils of the boy scouts. 81505

The registrar shall pay the contributions the registrar 81506
receives pursuant to section 4503.701 of the Revised Code to the 81507
Prince Hall grand lodge of free and accepted masons of Ohio, which 81508
shall use the contributions for scholarship purposes. 81509

The registrar shall pay the contributions the registrar 81510
receives pursuant to section 4503.71 of the Revised Code to the 81511

fraternal order of police of Ohio, incorporated, which shall 81512
deposit the fees into its general account to be used for purposes 81513
of the fraternal order of police of Ohio, incorporated. 81514

The registrar shall pay the contributions the registrar 81515
receives pursuant to section 4503.711 of the Revised Code to the 81516
fraternal order of police of Ohio, incorporated, which shall 81517
deposit the contributions into an account that it creates to be 81518
used for the purpose of advancing and protecting the law 81519
enforcement profession, promoting improved law enforcement 81520
methods, and teaching respect for law and order. 81521

The registrar shall pay the contributions received pursuant 81522
to section 4503.712 of the Revised Code to Ohio concerns of police 81523
survivors, which shall use those contributions to provide whatever 81524
assistance may be appropriate to the families of Ohio law 81525
enforcement officers who are killed in the line of duty. 81526

The registrar shall pay the contributions received pursuant 81527
to section 4503.713 of the Revised Code to the greater Cleveland 81528
peace officers memorial society, which shall use those 81529
contributions to honor law enforcement officers who have died in 81530
the line of duty and support its charitable purposes. 81531

The registrar shall pay the contributions the registrar 81532
receives pursuant to section 4503.72 of the Revised Code to the 81533
organization known on March 31, 2003, as the Ohio CASA/GAL 81534
association, a private, nonprofit corporation organized under 81535
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 81536
shall use these contributions to pay the expenses it incurs in 81537
administering a program to secure the proper representation in the 81538
courts of this state of abused, neglected, and dependent children, 81539
and for the training and supervision of persons participating in 81540
that program. 81541

The registrar shall pay the contributions the registrar 81542

receives pursuant to section 4503.73 of the Revised Code to Wright B. Flyer, incorporated, which shall deposit the contributions into its general account to be used for purposes of Wright B. Flyer, incorporated.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.732 of the Revised Code to the Siegel & Shuster society, a nonprofit organization dedicated to commemorating and celebrating the creation of Superman in Cleveland, Ohio.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.74 of the Revised Code to the Columbus zoological park association, which shall disburse the moneys to Ohio's major metropolitan zoos, as defined in section 4503.74 of the Revised Code, in accordance with a written agreement entered into by the major metropolitan zoos.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.75 of the Revised Code to the rotary foundation, located on March 31, 2003, in Evanston, Illinois, to be placed in a fund known as the permanent fund and used to endow educational and humanitarian programs of the rotary foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.751 of the Revised Code to the Ohio association of realtors, which shall deposit the contributions into a property disaster relief fund maintained under the Ohio realtors charitable and education foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.85 of the Revised Code to the Ohio sea grant college program to be used for Lake Erie area research projects.

The registrar shall pay the contributions the registrar

receives pursuant to section 4503.89 of the Revised Code to the 81574
American red cross of greater Columbus on behalf of the Ohio 81575
chapters of the American red cross, which shall use the 81576
contributions for disaster readiness, preparedness, and response 81577
programs on a statewide basis. 81578

The registrar shall pay the contributions received pursuant 81579
to section 4503.92 of the Revised Code to support our troops, 81580
incorporated, a national nonprofit corporation, which shall use 81581
those contributions in accordance with its articles of 81582
incorporation and for the benefit of servicemembers of the armed 81583
forces of the United States and their families when they are in 81584
financial need. 81585

The registrar shall pay the contributions the registrar 81586
receives pursuant to section 4503.94 of the Revised Code to the 81587
Michelle's leading star foundation, which shall use the money 81588
solely to fund the rental, lease, or purchase of the simulated 81589
driving curriculum of the Michelle's leading star foundation by 81590
boards of education of city, exempted village, local, and joint 81591
vocational school districts. 81592

(C) All investment earnings of the license plate contribution 81593
fund shall be credited to the fund. Not later than the first day 81594
of May of every year, the registrar shall distribute to each 81595
entity described in division (B) of this section the investment 81596
income the fund earned the previous calendar year. The amount of 81597
such a distribution paid to an entity shall be proportionate to 81598
the amount of money the entity received from the fund during the 81599
previous calendar year. 81600

Sec. 4503.03. (A)(1)(a) The Except as provided in division 81601
(B) of this section, the registrar of motor vehicles may designate 81602
the county auditor in each county any of the following persons as 81603
a deputy registrar. ~~If the population of a county is forty~~ 81604

~~thousand or less according to the last federal census and if the
county auditor is designated by the registrar as a deputy
registrar, no other person need be designated in the county to act
as a deputy registrar:~~

(i) The county auditor in any county;

(ii) The clerk of a court of common pleas in any county
subject to division (A)(1)(b) of this section;

(iii) Any other person.

(b) The registrar may designate a clerk of a court of common
pleas as a deputy registrar if the population of ~~the~~ a county is
forty thousand or less according to the last federal census. In a
county with a population greater than forty thousand but not more
than fifty thousand according to the last federal census, the
clerk of a court of common pleas is eligible to act as a deputy
registrar and may participate in the competitive selection process
for the award of a deputy registrar contract by applying in the
same manner as any other person. All fees collected and retained
by a clerk for conducting deputy registrar services shall be paid
into the county treasury to the credit of the certificate of title
administration fund created under section 325.33 of the Revised
Code.

~~(c) In all other instances, the registrar shall contract with
one or more other persons in each county to act as deputy
registrars. As part of the selection process in awarding a deputy
registrar contract, the registrar shall consider the customer
service performance record of any person previously awarded a
deputy registrar contract.~~

Notwithstanding the county population restrictions in
division (A)(1)(b) of this section, if no person applies to act
under contract as a deputy registrar in a county and the county
auditor is not designated as a deputy registrar, the registrar may

ask the clerk of a court of common pleas to serve as the deputy registrar for that county. 81636
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(c) The registrar shall determine the need for a deputy registrar in each county. If the registrar determines that deputy registrar services are adequately provided either by a deputy registrar in that county or a deputy registrar in an adjoining county, no additional person shall be designated to act as deputy registrar. If the registrar determines that deputy registrar services are not adequately provided in that county, the registrar may appoint one or more deputy registrars as are necessary to provide adequate services. 81638
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As part of the selection process in awarding a deputy registrar contract, the registrar shall consider the customer service performance record of any person previously awarded a deputy registrar contract. 81647
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(2) Deputy registrars shall accept applications for the annual license tax for any vehicle not taxed under section 4503.63 of the Revised Code and shall assign distinctive numbers in the same manner as the registrar. ~~Such deputies shall be located in such locations in the county as the registrar sees fit. There shall be at least one deputy registrar in each county.~~ 81651
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Deputy registrar contracts are subject to the provisions of division (B) of section 125.081 of the Revised Code. 81657
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(B)(1) The registrar shall not contract with any person to act as a deputy registrar if the person or, where applicable, the person's spouse or a member of the person's immediate family has made, within the current calendar year or any one of the previous three calendar years, one or more contributions totaling in excess of one hundred dollars to any person or entity included in division (A)(2) of section 4503.033 of the Revised Code. As used in this division, "immediate family" has the same meaning as in 81659
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division (D) of section 102.01 of the Revised Code, and "entity" 81667
includes any political party and any "continuing association" as 81668
defined in division (B)(4) of section 3517.01 of the Revised Code 81669
or "political action committee" as defined in division (B)(8) of 81670
that section that is primarily associated with that political 81671
party. For purposes of this division, contributions to any 81672
continuing association or any political action committee that is 81673
primarily associated with a political party shall be aggregated 81674
with contributions to that political party. 81675

The contribution limitations contained in this division do 81676
not apply to any county auditor or clerk of a court of common 81677
pleas. A county auditor or clerk of a court of common pleas is not 81678
required to file the disclosure statement or pay the filing fee 81679
required under section 4503.033 of the Revised Code. The 81680
limitations of this division also do not apply to a deputy 81681
registrar who, subsequent to being awarded a deputy registrar 81682
contract, is elected to an office of a political subdivision. 81683

(2) The registrar shall not contract with either of the 81684
following to act as a deputy registrar: 81685

~~(1)~~(a) Any elected public official other than a county 81686
auditor or, as authorized by division (A)(1)(b) of this section, a 81687
clerk of a court of common pleas, acting in an official capacity, 81688
except that, the registrar shall continue and may renew a contract 81689
with any deputy registrar who, subsequent to being awarded a 81690
deputy registrar contract, is elected to an office of a political 81691
subdivision; 81692

~~(2)~~(b) Any person holding a current, valid contract to 81693
conduct motor vehicle inspections under section 3704.14 of the 81694
Revised Code. 81695

(3) As used in division (B) of this section, "political 81696
subdivision" has the same meaning as in section 3501.01 of the 81697

Revised Code. 81698

(C)(1) Except as provided in division (C)(2) of this section, 81699
deputy registrars are independent contractors and neither they nor 81700
their employees are employees of this state, except that nothing 81701
in this section shall affect the status of county auditors or 81702
clerks of courts of common pleas as public officials, nor the 81703
status of their employees as employees of any of the counties of 81704
this state, which are political subdivisions of this state. Each 81705
deputy registrar shall be responsible for the payment of all 81706
unemployment compensation premiums, all workers' compensation 81707
premiums, social security contributions, and any and all taxes for 81708
which the deputy registrar is legally responsible. Each deputy 81709
registrar shall comply with all applicable federal, state, and 81710
local laws requiring the withholding of income taxes or other 81711
taxes from the compensation of the deputy registrar's employees. 81712
Each deputy registrar shall maintain during the entire term of the 81713
deputy registrar's contract a policy of business liability 81714
insurance satisfactory to the registrar and shall hold the 81715
department of public safety, the director of public safety, the 81716
bureau of motor vehicles, and the registrar harmless upon any and 81717
all claims for damages arising out of the operation of the deputy 81718
registrar agency. 81719

(2) For purposes of Chapter 4141. of the Revised Code, 81720
determinations concerning the employment of deputy registrars and 81721
their employees shall be made under Chapter 4141. of the Revised 81722
Code. 81723

(D)(1) With the approval of the director, the registrar shall 81724
adopt rules governing the deputy registrars. The rules shall do 81725
all of the following: 81726

(a) Establish requirements governing the terms of the 81727
contract between the registrar and each deputy registrar and 81728
~~specifications for the services to be performed. The rules shall~~ 81729

~~include specifications relating to the;~~ 81730

(b) Establish requirements governing the amount of bond to be 81731
given as provided in this section; ~~the~~ 81732

(c) Establish requirements governing the size and location of 81733
the deputy's office; ~~and~~ 81734

(d) Establish requirements governing the leasing of equipment 81735
necessary to conduct the vision screenings required under section 81736
4507.12 of the Revised Code and training in the use of the 81737
equipment. ~~The specifications shall permit and encourage;~~ 81738

(e) Encourage every deputy registrar to inform the public of 81739
the location of the deputy registrar's office and hours of 81740
operation by means of public service announcements ~~and allow;~~ 81741

(f) Allow any deputy registrar to advertise in regard to the 81742
operation of the deputy registrar's office. ~~The rules also shall~~ 81743
~~include specifications for;~~ 81744

(g) Specify the hours the deputy's office is to be open to 81745
the public and ~~shall~~ require as a minimum that one deputy's office 81746
in each county containing a deputy registrar's office be open to 81747
the public for at least four hours each weekend, provided that if 81748
only one deputy's office is located within the boundary of the 81749
county seat, that office is the office that shall be open for the 81750
four-hour period each weekend. ~~The rules also shall include~~ 81751
~~specifications providing;~~ 81752

(h) Specify that every deputy ~~in each county~~ registrar, upon 81753
request, provide any person with information about the location 81754
and office hours of all deputy registrars in the county ~~and that~~ 81755
~~every deputy prominently display within the deputy's office, the~~ 81756
~~toll free telephone number of the bureau. The rules shall not~~ 81757
~~prohibit the award of;~~ 81758

(i) Allow a deputy registrar contract to be awarded to a 81759

nonprofit corporation formed under the laws of this state. ~~The~~ 81760
~~rules shall;~~ 81761

(j) Except as provided in division (D)(2) of this section, 81762
prohibit any deputy registrar from operating more than one ~~such~~ 81763
~~deputy registrar's~~ office at any time, ~~except that the rules may~~ 81764
~~permit a nonprofit corporation formed for the purposes of~~ 81765
~~providing automobile related services to its members or the public~~ 81766
~~and that provides such services from more than one location in~~ 81767
~~this state to operate a deputy registrar office at any such~~ 81768
~~location, provided that the nonprofit corporation operates no more~~ 81769
~~than one deputy registrar office in any one county. The rules may~~ 81770
~~include such other specifications as the registrar and director~~ 81771
~~consider necessary to provide a high level of service.~~ 81772

~~The rules shall establish;~~ 81773

(k) For the duration of any deputy registrar contract, 81774
require that the deputy registrar occupy a primary residence in a 81775
location that is within a one-hour commute time from the deputy 81776
registrar's office or offices. The rules shall require the 81777
registrar to determine commute time by using multiple established 81778
internet-based mapping services. 81779

(l) Establish procedures for a deputy registrar ~~who requests~~ 81780
~~such to request the~~ authority to collect reinstatement fees under 81781
sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 81782
4510.72, and 4511.191 of the Revised Code and to transmit the 81783
reinstatement fees and two dollars of the service fee collected 81784
under those sections. The registrar shall ensure that, not later 81785
than January 1, 2012, at least one deputy registrar in each county 81786
containing a deputy registrar's office has the necessary equipment 81787
and is able to accept reinstatement fees. The registrar shall 81788
deposit the service fees received from a deputy registrar under 81789
those sections into the state bureau of motor vehicles fund 81790
created in section 4501.25 of the Revised Code and shall use the 81791

money for deputy registrar equipment necessary in connection with 81792
accepting reinstatement fees. 81793

(m) Establish such other requirements as the registrar and 81794
director consider necessary to provide a high level of service. 81795

(2) Notwithstanding division (D)(1)(j) of this section, the 81796
rules may allow both of the following: 81797

(a) The registrar to award a contract to a deputy registrar 81798
to operate more than one deputy registrar's office if determined 81799
by the registrar to be practical; 81800

(b) A nonprofit corporation formed for the purposes of 81801
providing automobile-related services to its members or the public 81802
and that provides such services from more than one location in 81803
this state to operate a deputy registrar office at any location. 81804

(3) As a daily adjustment, the bureau of motor vehicles shall 81805
credit to a deputy registrar three dollars and fifty cents for 81806
each damaged license plate or validation sticker the deputy 81807
registrar replaces as a service to a member of the public. 81808

~~(3)~~(4)(a) With the prior approval of the registrar, each 81809
deputy registrar may conduct at the location of the deputy 81810
registrar's office any business that is consistent with the 81811
functions of a deputy registrar and that is not specifically 81812
mandated or authorized by this or another chapter of the Revised 81813
Code or by implementing rules of the registrar. 81814

(b) In accordance with guidelines the director of public 81815
safety shall establish, a deputy registrar may operate or contract 81816
for the operation of a vending machine at a deputy registrar 81817
location if products of the vending machine are consistent with 81818
the functions of a deputy registrar. 81819

(c) A deputy registrar may enter into an agreement with the 81820
Ohio turnpike and infrastructure commission pursuant to division 81821

(A)(11) of section 5537.04 of the Revised Code for the purpose of 81822
allowing the general public to acquire from the deputy registrar 81823
the electronic toll collection devices that are used under the 81824
multi-jurisdiction electronic toll collection agreement between 81825
the Ohio turnpike and infrastructure commission and any other 81826
entities or agencies that participate in such an agreement. The 81827
approval of the registrar is not necessary if a deputy registrar 81828
engages in this activity. 81829

~~(4)~~(5) As used in this section and in section 4507.01 of the 81830
Revised Code, "nonprofit corporation" has the same meaning as in 81831
section 1702.01 of the Revised Code. 81832

(E)(1) Unless otherwise terminated and except for interim 81833
contracts ~~of less lasting not longer~~ than one year, contracts with 81834
deputy registrars shall be ~~for a term of at least two years, but~~ 81835
~~no more than three years, and all contracts effective on or after~~ 81836
entered into through a competitive selection process and shall be 81837
limited in duration as follows: (a) For contracts entered into 81838
between July 1, 1996, shall be for a term of more and June 29, 81839
2014, for a period of not less than two years, but not more than 81840
three years. All; (b) For contracts entered into on or after June 81841
29, 2014, for a period of not more than five years, unless the 81842
registrar determines that a shorter contract term is appropriate 81843
for a particular deputy registrar. 81844

(2) All contracts with deputy registrars shall expire on the 81845
last Saturday of June in the year of their expiration. The Prior 81846
to the expiration of any deputy registrar contract, the registrar, 81847
with the approval of the director, may award a one-year contract 81848
extension to any deputy registrar who has provided exemplary 81849
service based upon objective performance evaluations. 81850

(3)(a) The auditor of state may examine the accounts, 81851
reports, systems, and other data of each deputy registrar at least 81852
every two years. The registrar, with the approval of the director, 81853

shall immediately remove a deputy who violates any provision of 81854
the Revised Code related to the duties as a deputy, any rule 81855
adopted by the registrar, or a term of the deputy's contract with 81856
the registrar. The registrar also may remove a deputy who, in the 81857
opinion of the registrar, has engaged in any conduct that is 81858
either unbecoming to one representing this state or is 81859
inconsistent with the efficient operation of the deputy's office. 81860

(b) If the registrar, with the approval of the director, 81861
determines that there is good cause to believe that a deputy 81862
registrar or a person proposing for a deputy registrar contract 81863
has engaged in any conduct that would require the denial or 81864
termination of the deputy registrar contract, the registrar may 81865
require the production of books, records, and papers as the 81866
registrar determines are necessary, and may take the depositions 81867
of witnesses residing within or outside the state in the same 81868
manner as is prescribed by law for the taking of depositions in 81869
civil actions in the court of common pleas, and for that purpose 81870
the registrar may issue a subpoena for any witness or a subpoena 81871
duces tecum to compel the production of any books, records, or 81872
papers, directed to the sheriff of the county where the witness 81873
resides or is found. Such a subpoena shall be served and returned 81874
in the same manner as a subpoena in a criminal case is served and 81875
returned. The fees of the sheriff shall be the same as that 81876
allowed in the court of common pleas in criminal cases. Witnesses 81877
shall be paid the fees and mileage provided for under section 81878
119.094 of the Revised Code. The fees and mileage shall be paid 81879
from the fund in the state treasury for the use of the agency in 81880
the same manner as other expenses of the agency are paid. 81881

In any case of disobedience or neglect of any subpoena served 81882
on any person or the refusal of any witness to testify to any 81883
matter regarding which the witness lawfully may be interrogated, 81884
the court of common pleas of any county where the disobedience, 81885

neglect, or refusal occurs or any judge of that court, on 81886
application by the registrar, shall compel obedience by attachment 81887
proceedings for contempt, as in the case of disobedience of the 81888
requirements of a subpoena issued from that court, or a refusal to 81889
testify in that court. 81890

(4) Nothing in ~~this~~ division (E) of this section shall be 81891
construed to require a hearing of any nature prior to the 81892
termination of any deputy registrar contract by the registrar, 81893
with the approval of the director, for cause. 81894

(F) Except as provided in section 2743.03 of the Revised 81895
Code, no court, other than the court of common pleas of Franklin 81896
county, has jurisdiction of any action against the department of 81897
public safety, the director, the bureau, or the registrar to 81898
restrain the exercise of any power or authority, or to entertain 81899
any action for declaratory judgment, in the selection and 81900
appointment of, or contracting with, deputy registrars. Neither 81901
the department, the director, the bureau, nor the registrar is 81902
liable in any action at law for damages sustained by any person 81903
because of any acts of the department, the director, the bureau, 81904
or the registrar, or of any employee of the department or bureau, 81905
in the performance of official duties in the selection and 81906
appointment of, and contracting with, deputy registrars. 81907

(G) The registrar shall assign to each deputy registrar a 81908
series of numbers sufficient to supply the demand at all times in 81909
the area the deputy registrar serves, and the registrar shall keep 81910
a record in the registrar's office of the numbers within the 81911
series assigned. Each deputy shall be required to give bond in the 81912
amount of at least twenty-five thousand dollars, or in such higher 81913
amount as the registrar determines necessary, based on a uniform 81914
schedule of bond amounts established by the registrar and 81915
determined by the volume of registrations handled by the deputy. 81916
The form of the bond shall be prescribed by the registrar. The 81917

bonds required of deputy registrars, in the discretion of the registrar, may be individual or schedule bonds or may be included in any blanket bond coverage carried by the department.

(H) Each deputy registrar shall keep a file of each application received by the deputy and shall register that motor vehicle with the name and address of its owner.

(I) Upon request, a deputy registrar shall make the physical inspection of a motor vehicle and issue the physical inspection certificate required in section 4505.061 of the Revised Code.

(J) Each deputy registrar shall file a report semiannually with the registrar of motor vehicles listing the number of applicants for licenses the deputy has served, the number of voter registration applications the deputy has completed and transmitted to the board of elections, and the number of voter registration applications declined.

Sec. 4503.10. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff, or the chief of police of the municipal corporation or township, with jurisdiction over the political subdivision in which the owner of the motor vehicle resides. Except as provided in section 4503.103 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title of a motor vehicle that is operated

or driven upon the public roads or highways shall cause to be 81949
filed each year, by mail or otherwise, in the office of the 81950
registrar of motor vehicles or a deputy registrar, a written or 81951
electronic application or a preprinted registration renewal notice 81952
issued under section 4503.102 of the Revised Code, the form of 81953
which shall be prescribed by the registrar, for registration for 81954
the following registration year, which shall begin on the first 81955
day of January of every calendar year and end on the thirty-first 81956
day of December in the same year. Applications for registration 81957
and registration renewal notices shall be filed at the times 81958
established by the registrar pursuant to section 4503.101 of the 81959
Revised Code. A motor vehicle owner also may elect to apply for or 81960
renew a motor vehicle registration by electronic means using 81961
electronic signature in accordance with rules adopted by the 81962
registrar. Except as provided in division (J) of this section, 81963
applications for registration shall be made on blanks furnished by 81964
the registrar for that purpose, containing the following 81965
information: 81966

(1) A brief description of the motor vehicle to be 81967
registered, including the year, make, model, and vehicle 81968
identification number, and, in the case of commercial cars, the 81969
gross weight of the vehicle fully equipped computed in the manner 81970
prescribed in section 4503.08 of the Revised Code; 81971

(2) The name and residence address of the owner, and the 81972
township and municipal corporation in which the owner resides; 81973

(3) The district of registration, which shall be determined 81974
as follows: 81975

(a) In case the motor vehicle to be registered is used for 81976
hire or principally in connection with any established business or 81977
branch business, conducted at a particular place, the district of 81978
registration is the municipal corporation in which that place is 81979
located or, if not located in any municipal corporation, the 81980

county and township in which that place is located. 81981

(b) In case the vehicle is not so used, the district of 81982
registration is the municipal corporation or county in which the 81983
owner resides at the time of making the application. 81984

(4) Whether the motor vehicle is a new or used motor vehicle; 81985

(5) The date of purchase of the motor vehicle; 81986

(6) Whether the fees required to be paid for the registration 81987
or transfer of the motor vehicle, during the preceding 81988
registration year and during the preceding period of the current 81989
registration year, have been paid. Each application for 81990
registration shall be signed by the owner, either manually or by 81991
electronic signature, or pursuant to obtaining a limited power of 81992
attorney authorized by the registrar for registration, or other 81993
document authorizing such signature. If the owner elects to apply 81994
for or renew the motor vehicle registration with the registrar by 81995
electronic means, the owner's manual signature is not required. 81996

(7) The owner's social security number, driver's license 81997
number, or state identification number, or, where a motor vehicle 81998
to be registered is used for hire or principally in connection 81999
with any established business, the owner's federal taxpayer 82000
identification number. The bureau of motor vehicles shall retain 82001
in its records all social security numbers provided under this 82002
section, but the bureau shall not place social security numbers on 82003
motor vehicle certificates of registration. 82004

(B) Except as otherwise provided in this division, each time 82005
an applicant first registers a motor vehicle in the applicant's 82006
name, the applicant shall present for inspection a physical 82007
certificate of title or memorandum certificate showing title to 82008
the motor vehicle to be registered in the name of the applicant if 82009
a physical certificate of title or memorandum certificate has been 82010
issued by a clerk of a court of common pleas. If, under sections 82011

4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 82012
instead has issued an electronic certificate of title for the 82013
applicant's motor vehicle, that certificate may be presented for 82014
inspection at the time of first registration in a manner 82015
prescribed by rules adopted by the registrar. An applicant is not 82016
required to present a certificate of title to an electronic motor 82017
vehicle dealer acting as a limited authority deputy registrar in 82018
accordance with rules adopted by the registrar. When a motor 82019
vehicle inspection and maintenance program is in effect under 82020
section 3704.14 of the Revised Code and rules adopted under it, 82021
each application for registration for a vehicle required to be 82022
inspected under that section and those rules shall be accompanied 82023
by an inspection certificate for the motor vehicle issued in 82024
accordance with that section. The application shall be refused if 82025
any of the following applies: 82026

(1) The application is not in proper form. 82027

(2) The application is prohibited from being accepted by 82028
division (D) of section 2935.27, division (A) of section 2937.221, 82029
division (A) of section 4503.13, division (B) of section 4510.22, 82030
or division (B)(1) of section 4521.10 of the Revised Code. 82031

(3) A certificate of title or memorandum certificate of title 82032
is required but does not accompany the application or, in the case 82033
of an electronic certificate of title, is required but is not 82034
presented in a manner prescribed by the registrar's rules. 82035

(4) All registration and transfer fees for the motor vehicle, 82036
for the preceding year or the preceding period of the current 82037
registration year, have not been paid. 82038

(5) The owner or lessee does not have an inspection 82039
certificate for the motor vehicle as provided in section 3704.14 82040
of the Revised Code, and rules adopted under it, if that section 82041
is applicable. 82042

This section does not require the payment of license or 82043
registration taxes on a motor vehicle for any preceding year, or 82044
for any preceding period of a year, if the motor vehicle was not 82045
taxable for that preceding year or period under sections 4503.02, 82046
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 82047
Revised Code. When a certificate of registration is issued upon 82048
the first registration of a motor vehicle by or on behalf of the 82049
owner, the official issuing the certificate shall indicate the 82050
issuance with a stamp on the certificate of title or memorandum 82051
certificate or, in the case of an electronic certificate of title, 82052
an electronic stamp or other notation as specified in rules 82053
adopted by the registrar, and with a stamp on the inspection 82054
certificate for the motor vehicle, if any. The official also shall 82055
indicate, by a stamp or by other means the registrar prescribes, 82056
on the registration certificate issued upon the first registration 82057
of a motor vehicle by or on behalf of the owner the odometer 82058
reading of the motor vehicle as shown in the odometer statement 82059
included in or attached to the certificate of title. Upon each 82060
subsequent registration of the motor vehicle by or on behalf of 82061
the same owner, the official also shall so indicate the odometer 82062
reading of the motor vehicle as shown on the immediately preceding 82063
certificate of registration. 82064

The registrar shall include in the permanent registration 82065
record of any vehicle required to be inspected under section 82066
3704.14 of the Revised Code the inspection certificate number from 82067
the inspection certificate that is presented at the time of 82068
registration of the vehicle as required under this division. 82069

(C)(1) Except as otherwise provided in division (C)(1) of 82070
this section, for each registration renewal with an expiration 82071
date on or after October 1, 2003, and for each initial application 82072
for registration received on and after that date, the registrar 82073
and each deputy registrar shall collect an additional fee of 82074

eleven dollars for each application for registration and 82075
registration renewal received. For vehicles specified in divisions 82076
(A)(1) to (21) of section 4503.042 of the Revised Code, commencing 82077
with each registration renewal with an expiration date on or after 82078
October 1, 2009, and for each initial application received on or 82079
after that date, the registrar and deputy registrar shall collect 82080
an additional fee of thirty dollars for each application for 82081
registration and registration renewal received. The additional fee 82082
is for the purpose of defraying the department of public safety's 82083
costs associated with the administration and enforcement of the 82084
motor vehicle and traffic laws of Ohio. Each deputy registrar 82085
shall transmit the fees collected under division (C)(1) of this 82086
section in the time and manner provided in this section. The 82087
registrar shall deposit all moneys received under division (C)(1) 82088
of this section into the state highway safety fund established in 82089
section 4501.06 of the Revised Code. 82090

(2) In addition, a charge of twenty-five cents shall be made 82091
for each reflectorized safety license plate issued, and a single 82092
charge of twenty-five cents shall be made for each county 82093
identification sticker or each set of county identification 82094
stickers issued, as the case may be, to cover the cost of 82095
producing the license plates and stickers, including material, 82096
manufacturing, and administrative costs. Those fees shall be in 82097
addition to the license tax. If the total cost of producing the 82098
plates is less than twenty-five cents per plate, or if the total 82099
cost of producing the stickers is less than twenty-five cents per 82100
sticker or per set issued, any excess moneys accruing from the 82101
fees shall be distributed in the same manner as provided by 82102
section 4501.04 of the Revised Code for the distribution of 82103
license tax moneys. If the total cost of producing the plates 82104
exceeds twenty-five cents per plate, or if the total cost of 82105
producing the stickers exceeds twenty-five cents per sticker or 82106
per set issued, the difference shall be paid from the license tax 82107

moneys collected pursuant to section 4503.02 of the Revised Code. 82108

(D) ~~Each~~ (1) For each registration or registration renewal, a 82109
deputy registrar shall be allowed a both of the following: 82110

(a) A fee of three dollars and fifty cents for each 82111
~~application for registration and registration renewal notice the~~ 82112
~~deputy registrar receives, which; and~~ 82113

(b) For each registration or registration renewal, a vendor 82114
allowance equal to two per cent of the applicable license tax 82115
specified under either section 4503.04 or 4503.042 of the Revised 82116
Code, plus two per cent of the fee collected under division (C)(1) 82117
of this section. 82118

(2) The fee and vendor allowance shall be for the purpose of 82119
compensating the deputy registrar for the deputy registrar's 82120
services, and such office and rental expenses, as may be necessary 82121
for the proper discharge of the deputy registrar's duties in the 82122
receiving of applications and renewal notices and the issuing of 82123
registrations. 82124

(E) Upon the certification of the registrar, the county 82125
sheriff or local police officials shall recover license plates 82126
erroneously or fraudulently issued. 82127

(F) Each deputy registrar, upon receipt of any application 82128
for registration or registration renewal notice, together with the 82129
license fee and any local motor vehicle license tax levied 82130
pursuant to Chapter 4504. of the Revised Code, shall transmit that 82131
fee and tax, if any, in the manner provided in this section, 82132
together with the original and duplicate copy of the application, 82133
to the registrar. The registrar, subject to the approval of the 82134
director of public safety, may deposit the funds collected by 82135
those deputies in a local bank or depository to the credit of the 82136
"state of Ohio, bureau of motor vehicles." Where a local bank or 82137
depository has been designated by the registrar, each deputy 82138

registrar shall deposit all moneys collected by the deputy 82139
registrar into that bank or depository not more than one business 82140
day after their collection and shall make reports to the registrar 82141
of the amounts so deposited, together with any other information, 82142
some of which may be prescribed by the treasurer of state, as the 82143
registrar may require and as prescribed by the registrar by rule. 82144
The registrar, within three days after receipt of notification of 82145
the deposit of funds by a deputy registrar in a local bank or 82146
depository, shall draw on that account in favor of the treasurer 82147
of state. The registrar, subject to the approval of the director 82148
and the treasurer of state, may make reasonable rules necessary 82149
for the prompt transmittal of fees and for safeguarding the 82150
interests of the state and of counties, townships, municipal 82151
corporations, and transportation improvement districts levying 82152
local motor vehicle license taxes. The registrar may pay service 82153
charges usually collected by banks and depositories for such 82154
service. If deputy registrars are located in communities where 82155
banking facilities are not available, they shall transmit the fees 82156
forthwith, by money order or otherwise, as the registrar, by rule 82157
approved by the director and the treasurer of state, may 82158
prescribe. The registrar may pay the usual and customary fees for 82159
such service. 82160

(G) This section does not prevent any person from making an 82161
application for a ~~motor vehicle license~~ registration or 82162
registration renewal directly to the registrar by mail, by 82163
electronic means, or in person at any of the registrar's offices, 82164
upon payment of a both of the following: 82165

(1) A service fee of three dollars and fifty cents for each 82166
application; and 82167

(2) For each registration or registration renewal, a vendor 82168
allowance equal to two per cent of the applicable license tax 82169
specified under either section 4503.04 or 4503.042 of the Revised 82170

Code, plus two per cent of the fee collected under division (C)(1) 82171
of this section. 82172

(H) No person shall make a false statement as to the district 82173
of registration in an application required by division (A) of this 82174
section. Violation of this division is falsification under section 82175
2921.13 of the Revised Code and punishable as specified in that 82176
section. 82177

(I)(1) Where applicable, the requirements of division (B) of 82178
this section relating to the presentation of an inspection 82179
certificate issued under section 3704.14 of the Revised Code and 82180
rules adopted under it for a motor vehicle, the refusal of a 82181
license for failure to present an inspection certificate, and the 82182
stamping of the inspection certificate by the official issuing the 82183
certificate of registration apply to the registration of and 82184
issuance of license plates for a motor vehicle under sections 82185
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 82186
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 82187
4503.47, and 4503.51 of the Revised Code. 82188

(2)(a) The registrar shall adopt rules ensuring that each 82189
owner registering a motor vehicle in a county where a motor 82190
vehicle inspection and maintenance program is in effect under 82191
section 3704.14 of the Revised Code and rules adopted under it 82192
receives information about the requirements established in that 82193
section and those rules and about the need in those counties to 82194
present an inspection certificate with an application for 82195
registration or preregistration. 82196

(b) Upon request, the registrar shall provide the director of 82197
environmental protection, or any person that has been awarded a 82198
contract under section 3704.14 of the Revised Code, an on-line 82199
computer data link to registration information for all passenger 82200
cars, noncommercial motor vehicles, and commercial cars that are 82201
subject to that section. The registrar also shall provide to the 82202

director of environmental protection a magnetic data tape 82203
containing registration information regarding passenger cars, 82204
noncommercial motor vehicles, and commercial cars for which a 82205
multi-year registration is in effect under section 4503.103 of the 82206
Revised Code or rules adopted under it, including, without 82207
limitation, the date of issuance of the multi-year registration, 82208
the registration deadline established under rules adopted under 82209
section 4503.101 of the Revised Code that was applicable in the 82210
year in which the multi-year registration was issued, and the 82211
registration deadline for renewal of the multi-year registration. 82212

(J) Subject to division (K) of this section, application for 82213
registration under the international registration plan, as set 82214
forth in sections 4503.60 to 4503.66 of the Revised Code, shall be 82215
made to the registrar on forms furnished by the registrar. In 82216
accordance with international registration plan guidelines and 82217
pursuant to rules adopted by the registrar, the forms shall 82218
include the following: 82219

(1) A uniform mileage schedule; 82220

(2) The gross vehicle weight of the vehicle or combined gross 82221
vehicle weight of the combination vehicle as declared by the 82222
registrant; 82223

(3) Any other information the registrar requires by rule. 82224

(K) The registrar shall determine the feasibility of 82225
implementing an electronic commercial fleet licensing and 82226
management program that will enable the owners of commercial 82227
tractors, commercial trailers, and commercial semitrailers to 82228
conduct electronic transactions by July 1, 2010, or sooner. If the 82229
registrar determines that implementing such a program is feasible, 82230
the registrar shall adopt new rules under this division or amend 82231
existing rules adopted under this division as necessary in order 82232
to respond to advances in technology. 82233

If international registration plan guidelines and provisions 82234
allow member jurisdictions to permit applications for 82235
registrations under the international registration plan to be made 82236
via the internet, the rules the registrar adopts under this 82237
division shall permit such action. 82238

Sec. 4503.44. (A) As used in this section and in section 82239
4511.69 of the Revised Code: 82240

(1) "Person with a disability that limits or impairs the 82241
ability to walk" means any person who, as determined by a health 82242
care provider, meets any of the following criteria: 82243

(a) Cannot walk two hundred feet without stopping to rest; 82244

(b) Cannot walk without the use of, or assistance from, a 82245
brace, cane, crutch, another person, prosthetic device, 82246
wheelchair, or other assistive device; 82247

(c) Is restricted by a lung disease to such an extent that 82248
the person's forced (respiratory) expiratory volume for one 82249
second, when measured by spirometry, is less than one liter, or 82250
the arterial oxygen tension is less than sixty millimeters of 82251
mercury on room air at rest; 82252

(d) Uses portable oxygen; 82253

(e) Has a cardiac condition to the extent that the person's 82254
functional limitations are classified in severity as class III or 82255
class IV according to standards set by the American heart 82256
association; 82257

(f) Is severely limited in the ability to walk due to an 82258
arthritic, neurological, or orthopedic condition; 82259

(g) Is blind. 82260

(2) "Organization" means any private organization or 82261
corporation, or any governmental board, agency, department, 82262

division, or office, that, as part of its business or program, 82263
transports persons with disabilities that limit or impair the 82264
ability to walk on a regular basis in a motor vehicle that has not 82265
been altered for the purpose of providing it with special 82266
equipment for use by ~~handicapped~~ persons with disabilities. This 82267
definition does not apply to division (J) of this section. 82268

(3) "Health care provider" means a physician, physician 82269
assistant, advanced practice registered nurse, or chiropractor as 82270
defined in this section. 82271

(4) "Physician" means a person licensed to practice medicine 82272
or surgery or osteopathic medicine and surgery under Chapter 4731. 82273
of the Revised Code. 82274

(5) "Chiropractor" means a person licensed to practice 82275
chiropractic under Chapter 4734. of the Revised Code. 82276

(6) "Advanced practice registered nurse" means a certified 82277
nurse practitioner, clinical nurse specialist, certified 82278
registered nurse anesthetist, or certified nurse-midwife who holds 82279
a certificate of authority issued by the board of nursing under 82280
Chapter 4723. of the Revised Code. 82281

(7) "Physician assistant" means a person who holds a 82282
certificate to practice as a physician assistant issued under 82283
Chapter 4730. of the Revised Code. 82284

(B) Any organization or person with a disability that limits 82285
or impairs the ability to walk may apply to the registrar of motor 82286
vehicles for a removable windshield placard or, if the person owns 82287
or leases a motor vehicle, the person may apply for the 82288
registration of any motor vehicle the person owns or leases. In 82289
addition to one or more sets of license plates or one placard, a 82290
person with a disability that limits or impairs the ability to 82291
walk is entitled to one additional placard, but only if the person 82292
applies separately for the additional placard, states the reasons 82293

why the additional placard is needed, and the registrar, in the 82294
registrar's discretion, determines that good and justifiable cause 82295
exists to approve the request for the additional placard. When a 82296
motor vehicle has been altered for the purpose of providing it 82297
with special equipment for a person with a disability that limits 82298
or impairs the ability to walk, but is owned or leased by someone 82299
other than such a person, the owner or lessee may apply to the 82300
registrar or a deputy registrar for registration under this 82301
section. The application for registration of a motor vehicle owned 82302
or leased by a person with a disability that limits or impairs the 82303
ability to walk shall be accompanied by a signed statement from 82304
the applicant's health care provider certifying that the applicant 82305
meets at least one of the criteria contained in division (A)(1) of 82306
this section and that the disability is expected to continue for 82307
more than six consecutive months. The application for a removable 82308
windshield placard made by a person with a disability that limits 82309
or impairs the ability to walk shall be accompanied by a 82310
prescription from the applicant's health care provider prescribing 82311
such a placard for the applicant, provided that the applicant 82312
meets at least one of the criteria contained in division (A)(1) of 82313
this section. The health care provider shall state on the 82314
prescription the length of time the health care provider expects 82315
the applicant to have the disability that limits or impairs the 82316
applicant's ability to walk. The application for a removable 82317
windshield placard made by an organization shall be accompanied by 82318
such documentary evidence of regular transport of persons with 82319
disabilities that limit or impair the ability to walk by the 82320
organization as the registrar may require by rule and shall be 82321
completed in accordance with procedures that the registrar may 82322
require by rule. The application for registration of a motor 82323
vehicle that has been altered for the purpose of providing it with 82324
special equipment for a person with a disability that limits or 82325
impairs the ability to walk but is owned by someone other than 82326

such a person shall be accompanied by such documentary evidence of 82327
vehicle alterations as the registrar may require by rule. 82328

(C) When an organization, a person with a disability that 82329
limits or impairs the ability to walk, or a person who does not 82330
have a disability that limits or impairs the ability to walk but 82331
owns a motor vehicle that has been altered for the purpose of 82332
providing it with special equipment for a person with a disability 82333
that limits or impairs the ability to walk first submits an 82334
application for registration of a motor vehicle under this section 82335
and every fifth year thereafter, the organization or person shall 82336
submit a signed statement from the applicant's health care 82337
provider, a completed application, and any required documentary 82338
evidence of vehicle alterations as provided in division (B) of 82339
this section, and also a power of attorney from the owner of the 82340
motor vehicle if the applicant leases the vehicle. Upon submission 82341
of these items, the registrar or deputy registrar shall issue to 82342
the applicant appropriate vehicle registration and a set of 82343
license plates and validation stickers, or validation stickers 82344
alone when required by section 4503.191 of the Revised Code. In 82345
addition to the letters and numbers ordinarily inscribed thereon, 82346
the license plates shall be imprinted with the international 82347
symbol of access. The license plates and validation stickers shall 82348
be issued upon payment of the regular license fee as prescribed 82349
under section 4503.04 of the Revised Code and any motor vehicle 82350
tax levied under Chapter 4504. of the Revised Code, and the 82351
payment of a service fee equal to the amount specified in division 82352
(D) or (G) of section 4503.10 of the Revised Code. 82353

(D)(1) Upon receipt of a completed and signed application for 82354
a removable windshield placard, a prescription as described in 82355
division (B) of this section, documentary evidence of regular 82356
transport of persons with disabilities that limit or impair the 82357
ability to walk, if required, and payment of a service fee equal 82358

to the amount specified in division (D) or (G) of section 4503.10 82359
of the Revised Code, the registrar or deputy registrar shall issue 82360
to the applicant a removable windshield placard, which shall bear 82361
the date of expiration on both sides of the placard and shall be 82362
valid until expired, revoked, or surrendered. Every removable 82363
windshield placard expires as described in division (D)(2) of this 82364
section, but in no case shall a removable windshield placard be 82365
valid for a period of less than sixty days. Removable windshield 82366
placards shall be renewable upon application as provided in 82367
division (B) of this section, and a service fee equal to the 82368
amount specified in division (D) or (G) of section 4503.10 of the 82369
Revised Code shall be charged for the renewal of a removable 82370
windshield placard. The registrar shall provide the application 82371
form and shall determine the information to be included thereon. 82372
The registrar also shall determine the form and size of the 82373
removable windshield placard, the material of which it is to be 82374
made, and any other information to be included thereon, and shall 82375
adopt rules relating to the issuance, expiration, revocation, 82376
surrender, and proper display of such placards. Any placard issued 82377
after October 14, 1999, shall be manufactured in a manner that 82378
allows the expiration date of the placard to be indicated on it 82379
through the punching, drilling, boring, or creation by any other 82380
means of holes in the placard. 82381

(2) At the time a removable windshield placard is issued to a 82382
person with a disability that limits or impairs the ability to 82383
walk, the registrar or deputy registrar shall enter into the 82384
records of the bureau of motor vehicles the last date on which the 82385
person will have that disability, as indicated on the accompanying 82386
prescription. Not less than thirty days prior to that date and all 82387
removable windshield placard renewal dates, the bureau shall send 82388
a renewal notice to that person at the person's last known address 82389
as shown in the records of the bureau, informing the person that 82390
the person's removable windshield placard will expire on the 82391

indicated date not to exceed five years from the date of issuance, 82392
and that the person is required to renew the placard by submitting 82393
to the registrar or a deputy registrar another prescription, as 82394
described in division (B) of this section, and by complying with 82395
the renewal provisions prescribed in division (D)(1) of this 82396
section. If such a prescription is not received by the registrar 82397
or a deputy registrar by that date, the placard issued to that 82398
person expires and no longer is valid, and this fact shall be 82399
recorded in the records of the bureau. 82400

(3) At least once every year, on a date determined by the 82401
registrar, the bureau shall examine the records of the office of 82402
vital statistics, located within the department of health, that 82403
pertain to deceased persons, and also the bureau's records of all 82404
persons who have been issued removable windshield placards and 82405
temporary removable windshield placards. If the records of the 82406
office of vital statistics indicate that a person to whom a 82407
removable windshield placard or temporary removable windshield 82408
placard has been issued is deceased, the bureau shall cancel that 82409
placard, and note the cancellation in its records. 82410

The office of vital statistics shall make available to the 82411
bureau all information necessary to enable the bureau to comply 82412
with division (D)(3) of this section. 82413

(4) Nothing in this section shall be construed to require a 82414
person or organization to apply for a removable windshield placard 82415
or special license plates if the parking card or special license 82416
plates issued to the person or organization under prior law have 82417
not expired or been surrendered or revoked. 82418

(E)(1)(a) Any person with a disability that limits or impairs 82419
the ability to walk may apply to the registrar or a deputy 82420
registrar for a temporary removable windshield placard. The 82421
application for a temporary removable windshield placard shall be 82422
accompanied by a prescription from the applicant's health care 82423

provider prescribing such a placard for the applicant, provided 82424
that the applicant meets at least one of the criteria contained in 82425
division (A)(1) of this section and that the disability is 82426
expected to continue for six consecutive months or less. The 82427
health care provider shall state on the prescription the length of 82428
time the health care provider expects the applicant to have the 82429
disability that limits or impairs the applicant's ability to walk, 82430
which cannot exceed six months from the date of the prescription. 82431
Upon receipt of an application for a temporary removable 82432
windshield placard, presentation of the prescription from the 82433
applicant's health care provider, and payment of a service fee 82434
equal to the amount specified in division (D) or (G) of section 82435
4503.10 of the Revised Code, the registrar or deputy registrar 82436
shall issue to the applicant a temporary removable windshield 82437
placard. 82438

(b) Any active-duty member of the armed forces of the United 82439
States, including the reserve components of the armed forces and 82440
the national guard, who has an illness or injury that limits or 82441
impairs the ability to walk may apply to the registrar or a deputy 82442
registrar for a temporary removable windshield placard. With the 82443
application, the person shall present evidence of the person's 82444
active-duty status and the illness or injury. Evidence of the 82445
illness or injury may include a current department of defense 82446
convalescent leave statement, any department of defense document 82447
indicating that the person currently has an ill or injured 82448
casualty status or has limited duties, or a prescription from any 82449
health care provider prescribing the placard for the applicant. 82450
Upon receipt of the application and the necessary evidence, the 82451
registrar or deputy registrar shall issue the applicant the 82452
temporary removable windshield placard without the payment of any 82453
service fee. 82454

(2) The temporary removable windshield placard shall be of 82455

the same size and form as the removable windshield placard, shall 82456
be printed in white on a red-colored background, and shall bear 82457
the word "temporary" in letters of such size as the registrar 82458
shall prescribe. A temporary removable windshield placard also 82459
shall bear the date of expiration on the front and back of the 82460
placard, and shall be valid until expired, surrendered, or 82461
revoked, but in no case shall such a placard be valid for a period 82462
of less than sixty days. The registrar shall provide the 82463
application form and shall determine the information to be 82464
included on it, provided that the registrar shall not require a 82465
health care provider's prescription or certification for a person 82466
applying under division (E)(1)(b) of this section. The registrar 82467
also shall determine the material of which the temporary removable 82468
windshield placard is to be made and any other information to be 82469
included on the placard and shall adopt rules relating to the 82470
issuance, expiration, surrender, revocation, and proper display of 82471
those placards. Any temporary removable windshield placard issued 82472
after October 14, 1999, shall be manufactured in a manner that 82473
allows for the expiration date of the placard to be indicated on 82474
it through the punching, drilling, boring, or creation by any 82475
other means of holes in the placard. 82476

(F) If an applicant for a removable windshield placard is a 82477
veteran of the armed forces of the United States whose disability, 82478
as defined in division (A)(1) of this section, is 82479
service-connected, the registrar or deputy registrar, upon receipt 82480
of the application, presentation of a signed statement from the 82481
applicant's health care provider certifying the applicant's 82482
disability, and presentation of such documentary evidence from the 82483
department of veterans affairs that the disability of the 82484
applicant meets at least one of the criteria identified in 82485
division (A)(1) of this section and is service-connected as the 82486
registrar may require by rule, but without the payment of any 82487
service fee, shall issue the applicant a removable windshield 82488

placard that is valid until expired, surrendered, or revoked. 82489

(G) Upon a conviction of a violation of division (I), (J), or 82490
(K) of this section, the court shall report the conviction, and 82491
send the placard or parking card, if available, to the registrar, 82492
who thereupon shall revoke the privilege of using the placard or 82493
parking card and send notice in writing to the placardholder or 82494
cardholder at that holder's last known address as shown in the 82495
records of the bureau, and the placardholder or cardholder shall 82496
return the placard or card if not previously surrendered to the 82497
court, to the registrar within ten days following mailing of the 82498
notice. 82499

Whenever a person to whom a removable windshield placard or 82500
parking card has been issued moves to another state, the person 82501
shall surrender the placard or card to the registrar; and whenever 82502
an organization to which a placard or card has been issued changes 82503
its place of operation to another state, the organization shall 82504
surrender the placard or card to the registrar. 82505

(H) Subject to division (F) of section 4511.69 of the Revised 82506
Code, the operator of a motor vehicle displaying a removable 82507
windshield placard, temporary removable windshield placard, 82508
parking card, or the special license plates authorized by this 82509
section is entitled to park the motor vehicle in any special 82510
parking location reserved for persons with disabilities that limit 82511
or impair the ability to walk, also known as handicapped parking 82512
spaces or disability parking spaces. 82513

(I) No person or organization that is not eligible under 82514
division (B) or (E) of this section shall willfully and falsely 82515
represent that the person or organization is so eligible. 82516

No person or organization shall display license plates issued 82517
under this section unless the license plates have been issued for 82518
the vehicle on which they are displayed and are valid. 82519

(J) No person or organization to which a removable windshield placard or temporary removable windshield placard is issued shall do either of the following:

(1) Display or permit the display of the placard on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for persons with disabilities that limit or impair the ability to walk;

(2) Refuse to return or surrender the placard, when required.

(K)(1) No person or organization to which a parking card is issued shall do either of the following:

(a) Display or permit the display of the parking card on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for a ~~handicapped~~ person with a disability;

(b) Refuse to return or surrender the parking card, when required.

(2) As used in division (K) of this section:

(a) "~~Handicapped person~~ Person with a disability" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely ~~handicapped~~ disabled as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other ~~handicapping~~ disabling condition.

(b) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports ~~handicapped~~ persons with disabilities on a regular

basis in a motor vehicle that has not been altered for the 82550
purposes of providing it with special equipment for use by 82551
~~handicapped~~ persons with disabilities. 82552

(L) If a removable windshield placard, temporary removable 82553
windshield placard, or parking card is lost, destroyed, or 82554
mutilated, the placardholder or cardholder may obtain a duplicate 82555
by doing both of the following: 82556

(1) Furnishing suitable proof of the loss, destruction, or 82557
mutilation to the registrar; 82558

(2) Paying a service fee equal to the amount specified in 82559
division (D) or (G) of section 4503.10 of the Revised Code. 82560

Any placardholder or cardholder who loses a placard or card 82561
and, after obtaining a duplicate, finds the original, immediately 82562
shall surrender the original placard or card to the registrar. 82563

(M) The registrar shall pay all fees received under this 82564
section for the issuance of removable windshield placards or 82565
temporary removable windshield placards or duplicate removable 82566
windshield placards or cards into the state treasury to the credit 82567
of the state bureau of motor vehicles fund created in section 82568
4501.25 of the Revised Code. 82569

(N) In addition to the fees collected under this section, the 82570
registrar or deputy registrar shall ask each person applying for a 82571
removable windshield placard or temporary removable windshield 82572
placard or duplicate removable windshield placard or license plate 82573
issued under this section, whether the person wishes to make a 82574
two-dollar voluntary contribution to support rehabilitation 82575
employment services. The registrar shall transmit the 82576
contributions received under this division to the treasurer of 82577
state for deposit into the rehabilitation employment fund, which 82578
is hereby created in the state treasury. A deputy registrar shall 82579
transmit the contributions received under this division to the 82580

registrar in the time and manner prescribed by the registrar. The 82581
contributions in the fund shall be used by the ~~rehabilitation~~ 82582
~~services commission~~ opportunities for Ohioans with disabilities 82583
agency to purchase services related to vocational evaluation, work 82584
adjustment, personal adjustment, job placement, job coaching, and 82585
community-based assessment from accredited community 82586
rehabilitation program facilities. 82587

(O) For purposes of enforcing this section, every peace 82588
officer is deemed to be an agent of the registrar. Any peace 82589
officer or any authorized employee of the bureau of motor vehicles 82590
who, in the performance of duties authorized by law, becomes aware 82591
of a person whose placard or parking card has been revoked 82592
pursuant to this section, may confiscate that placard or parking 82593
card and return it to the registrar. The registrar shall prescribe 82594
any forms used by law enforcement agencies in administering this 82595
section. 82596

No peace officer, law enforcement agency employing a peace 82597
officer, or political subdivision or governmental agency employing 82598
a peace officer, and no employee of the bureau is liable in a 82599
civil action for damages or loss to persons arising out of the 82600
performance of any duty required or authorized by this section. As 82601
used in this division, "peace officer" has the same meaning as in 82602
division (B) of section 2935.01 of the Revised Code. 82603

(P) All applications for registration of motor vehicles, 82604
removable windshield placards, and temporary removable windshield 82605
placards issued under this section, all renewal notices for such 82606
items, and all other publications issued by the bureau that relate 82607
to this section shall set forth the criminal penalties that may be 82608
imposed upon a person who violates any provision relating to 82609
special license plates issued under this section, the parking of 82610
vehicles displaying such license plates, and the issuance, 82611
procurement, use, and display of removable windshield placards and 82612

temporary removable windshield placards issued under this section. 82613

(Q) Whoever violates this section is guilty of a misdemeanor 82614
of the fourth degree. 82615

Sec. 4503.524. (A) The owner or lessee of any passenger car, 82616
noncommercial motor vehicle, recreational vehicle, or other 82617
vehicle of a class approved by the registrar of motor vehicles may 82618
apply to the registrar for the registration of the vehicle and 82619
issuance of "Massillon tiger football booster club" license 82620
plates. The application for "Massillon tiger football booster 82621
club" license plates may be combined with a request for a special 82622
reserved license plate under section 4503.40 or 4503.42 of the 82623
Revised Code. Upon receipt of the completed application and 82624
compliance with division (B) of this section, the registrar shall 82625
issue to the applicant the appropriate vehicle registration and a 82626
set of "Massillon tiger football booster club" license plates with 82627
a validation sticker or a validation sticker alone when required 82628
by section 4503.191 of the Revised Code. In addition to the 82629
letters and numbers ordinarily inscribed thereon, "Massillon tiger 82630
football booster club" license plates shall be inscribed with 82631
words and markings selected and designed by the Massillon tiger 82632
football booster club and approved by the registrar. "Massillon 82633
tiger football booster club" license plates shall bear county 82634
identification stickers that identify the county of registration 82635
by name or number. 82636

(B) "Massillon tiger football booster club" license plates 82637
and validation stickers shall be issued upon payment of the 82638
regular license tax as prescribed under section 4503.04 of the 82639
Revised Code, any applicable motor vehicle tax levied under 82640
Chapter 4504. of the Revised Code, a bureau of motor vehicles 82641
administrative fee of ten dollars, the contribution specified in 82642
division (C) of this section, and compliance with all other 82643

applicable laws relating to the registration of motor vehicles. If 82644
the application for "Massillon tiger football booster club" 82645
license plates is combined with a request for a special reserved 82646
license plate under section 4503.40 or 4503.42 of the Revised 82647
Code, the license plates and validation sticker shall be issued 82648
upon payment of the contribution, fees, and taxes contained in 82649
this division and the additional fee prescribed under section 82650
4503.40 or 4503.42 of the Revised Code. 82651

(C) For each application for registration and registration 82652
renewal submitted under this section, the registrar shall collect 82653
a contribution of twenty-five dollars. The registrar shall 82654
transmit this contribution to the treasurer of state for deposit 82655
into the license plate contribution fund created in section 82656
4501.21 of the Revised Code. 82657

The registrar shall deposit the ten-dollar bureau 82658
administrative fee, the purpose of which is to compensate the 82659
bureau for additional services required in issuing "Massillon 82660
tiger football booster club" license plates, into the state bureau 82661
of motor vehicles fund created in section 4501.25 of the Revised 82662
Code. 82663

Sec. 4503.526. (A) The owner or lessee of any passenger car, 82664
noncommercial motor vehicle, recreational vehicle, or other 82665
vehicle of a class approved by the registrar of motor vehicles may 82666
apply to the registrar for the registration of the vehicle and 82667
issuance of Kiwanis club license plates. The application for 82668
Kiwanis club license plates may be combined with a request for a 82669
special reserved license plate under section 4503.40 or 4503.42 of 82670
the Revised Code. Upon receipt of the completed application and 82671
compliance with division (B) of this section, the registrar shall 82672
issue to the applicant the appropriate vehicle registration and a 82673
set of Kiwanis club license plates with a validation sticker or a 82674

validation sticker alone when required by section 4503.191 of the Revised Code. 82675
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In addition to the letters and numbers ordinarily inscribed thereon, Kiwanis club license plates shall be inscribed with words and markings selected and designed by the Ohio district of Kiwanis international. The registrar shall approve the final design. Kiwanis club license plates shall bear county identification stickers that identify the county of registration by name or number. 82677
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(B) Kiwanis club license plates and validation stickers shall be issued upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, a bureau of motor vehicles administrative fee of ten dollars, the contribution specified under division (C) of this section, and compliance with all other applicable laws relating to the registration of motor vehicles. If the application for Kiwanis club license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plates and validation sticker shall be issued upon payment of the fees and taxes contained in this division and the additional fee prescribed by section 4503.40 or 4503.42 of the Revised Code. 82684
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(C) For each application for registration and registration renewal received under this section, the registrar shall collect a contribution of twenty-five dollars. The registrar shall pay this contribution into the state treasury to the credit of the license plate contribution fund created in section 4501.21 of the Revised Code. 82698
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The registrar shall deposit the ten-dollar bureau administrative fee, the purpose of which is to compensate the 82704
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bureau for the additional services required in issuing Kiwanis 82706
club license plates, into the state treasury to the credit of the 82707
state bureau of motor vehicles fund created in section 4501.25 of 82708
the Revised Code. 82709

Sec. 4503.62. (A) Application for the registration of an 82710
apportionable vehicle shall be made to the registrar of motor 82711
vehicles in accordance with division (J) of section 4503.10 of the 82712
Revised Code. 82713

(B) Any person applying to register a vehicle or combination 82714
vehicle that has a gross vehicle weight of twenty-six thousand 82715
pounds or less or two axles, or that is a bus used in charter 82716
party service, also may register the vehicle in accordance with 82717
division (J) of section 4503.10 of the Revised Code if the vehicle 82718
is used or intended for use in two or more international 82719
registration plan member jurisdictions. 82720

(C) No later than December 31, 2011, the registrar shall 82721
adopt rules under Chapter 119. of the Revised Code to establish a 82722
program to accept applications for vehicle registration 82723
transactions of apportionable vehicles electronically over the 82724
internet. The program also may provide for vehicle registration 82725
transactions of nonapportionable commercial motor vehicles over 82726
the internet. 82727

(D) The internet registration program shall provide an option 82728
for the payment of all registration taxes and fees by use of a 82729
financial transaction device. In providing for payment by the use 82730
of a financial transaction device, the registrar ~~may, but is not~~ 82731
~~required to,~~ shall comply with section 113.40 of the Revised Code. 82732
~~The registrar, with the approval of the director of public safety,~~ 82733
~~may contract with a third party to accept and process payments~~ 82734
~~made by use of a financial transaction device on behalf of the~~ 82735
~~bureau of motor vehicles.~~ All fees associated with payment by use 82736

of a financial transaction device shall be borne by the applicants 82737
seeking the registration of apportionable or other vehicles under 82738
the program established pursuant to division (C) of this section. 82739
The bureau shall not pay any costs, and shall not retain any 82740
additional fees, associated with the use of a financial 82741
transaction device. 82742

(E) As used in this section, "financial transaction device" 82743
has the same meaning as in section 113.40 of the Revised Code. 82744

Sec. 4503.732. (A) The owner or lessee of any passenger car, 82745
noncommercial motor vehicle, recreational vehicle, or other 82746
vehicle of a class approved by the registrar of motor vehicles may 82747
apply to the registrar for the registration of the vehicle and 82748
issuance of "Truth, Justice, and the American Way" license plates. 82749
The application may be combined with a request for a special 82750
reserved license plate under section 4503.40 or 4503.42 of the 82751
Revised Code. Upon receipt of an application for registration of a 82752
motor vehicle under this section, the registrar shall issue to the 82753
applicant the appropriate motor vehicle registration and a set of 82754
"Truth, Justice, and the American Way" license plates and a 82755
validation sticker, or a validation sticker alone when required by 82756
section 4503.191 of the Revised Code. 82757

In addition to the letters and numbers ordinarily inscribed 82758
on the license plates, "Truth, Justice, and the American Way" 82759
license plates shall be inscribed with the words "Truth, Justice, 82760
and the American Way" and a design, logo, or marking selected by 82761
the entity that owns the Superman name. The registrar shall 82762
approve the final design after entering into a license agreement 82763
with that entity for appropriate use of the Superman name and 82764
associated logo or marking, as applicable. The license plates 82765
shall bear county identification stickers that identify the county 82766
of registration by name or number. 82767

(B) "Truth, Justice, and the American Way" license plates and validation stickers shall be issued upon receipt of a contribution as provided in division (C)(1) of this section and upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle license tax levied under Chapter 4504. of the Revised Code, and a bureau of motor vehicles administrative fee of ten dollars. The applicant shall comply with all other applicable laws relating to the registration of motor vehicles. If the application for "Truth, Justice, and the American Way" license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plates and validation sticker shall be issued upon payment of the fees and taxes specified in this division and the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code.

(C)(1) For each application for registration and registration renewal notice the registrar receives under this section, the registrar shall collect a contribution of ten dollars. The registrar shall pay this contribution into the state treasury to the credit of the license plate contribution fund created in section 4501.21 of the Revised Code.

(2) The registrar shall pay into the state treasury the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for additional services required in issuing "Truth, Justice, and the American Way" license plates, to the credit of the state bureau of motor vehicles fund created in section 4501.25 of Revised Code.

Sec. 4503.95. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and

issuance of "Ohio history" license plates. The application for 82799
"Ohio history" license plates may be combined with a request for a 82800
special reserved license plate under section 4503.40 or 4503.42 of 82801
the Revised Code. Upon receipt of the completed application and 82802
compliance with division (B) of this section, the registrar shall 82803
issue to the applicant the appropriate vehicle registration and a 82804
set of "Ohio history" license plates with a validation sticker or 82805
a validation sticker alone when required by section 4503.191 of 82806
the Revised Code. In addition to the letters and numbers 82807
ordinarily inscribed thereon, "Ohio history" license plates shall 82808
be inscribed with words and markings selected and designed by the 82809
Ohio historical society and approved by the registrar. "Ohio 82810
history" license plates shall bear county identification stickers 82811
that identify the county of registration by name or number. 82812

(B) "Ohio history" license plates and validation stickers 82813
shall be issued upon payment of the regular license tax as 82814
prescribed under section 4503.04 of the Revised Code, any 82815
applicable motor vehicle tax levied under Chapter 4504. of the 82816
Revised Code, a bureau of motor vehicles administrative fee of ten 82817
dollars, the contribution specified in division (C) of this 82818
section, and compliance with all other applicable laws relating to 82819
the registration of motor vehicles. If the application for "Ohio 82820
history" license plates is combined with a request for a special 82821
reserved license plate under section 4503.40 or 4503.42 of the 82822
Revised Code, the license plates and validation sticker shall be 82823
issued upon payment of the contribution, fees, and taxes contained 82824
in this division and the additional fee prescribed under section 82825
4503.40 or 4503.42 of the Revised Code. 82826

(C) For each application for registration and registration 82827
renewal submitted under this section, the registrar shall collect 82828
a contribution of twenty dollars. The registrar shall transmit 82829
this contribution to the treasurer of state for deposit in the 82830

Ohio history license plate contribution fund created in section 149.307 of the Revised Code. 82831
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The registrar shall deposit the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for additional services required in issuing "Ohio history" license plates, in the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code. 82833
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Sec. 4503.96. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of Ohio coal license plates. An application made under this section may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance by the applicant with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of Ohio coal license plates and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code. 82838
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In addition to the letters and numbers ordinarily inscribed on the license plates, Ohio coal license plates shall be inscribed with identifying words or markings that are designed by the Ohio coal association and approved by the registrar. Ohio coal license plates shall display county identification stickers that identify the county of registration by name or number. 82851
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(B) Ohio coal license plates and validation stickers shall be issued upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle license tax levied under Chapter 4504. of the Revised Code, and a bureau of motor vehicles administrative fee of ten dollars. The 82857
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applicant shall comply with all other applicable laws relating to 82862
the registration of motor vehicles. If the application for Ohio 82863
coal license plates is combined with a request for a special 82864
reserved license plate under section 4503.40 or 4503.42 of the 82865
Revised Code, the license plates and validation sticker shall be 82866
issued upon payment of the fees and taxes specified in this 82867
division and the additional fee prescribed under section 4503.40 82868
or 4503.42 of the Revised Code. 82869

(C) The registrar shall deposit into the state treasury the 82870
ten-dollar bureau administrative fee, the purpose of which is to 82871
compensate the bureau for additional services required in issuing 82872
Ohio coal license plates, to the credit of the state bureau of 82873
motor vehicles fund created in section 4501.25 of Revised Code. 82874

Sec. 4505.02. The registrar of motor vehicles shall issue 82875
rules as the registrar determines necessary to ensure uniform and 82876
orderly operation of this chapter and to ensure that the 82877
identification of each applicant for a certificate of title is 82878
reasonably accurate. The clerks of the courts of common pleas 82879
shall conform thereto. The clerks shall provide the forms as 82880
prescribed by the registrar, except the manufacturers' or 82881
importers' certificates. The clerks shall provide, from moneys in 82882
the automated title processing fund, certificates of title and 82883
ribbons, cartridges, or other devices necessary for the operation 82884
of the certificate of title processing equipment as determined by 82885
the automated title processing board pursuant to division (C) of 82886
section 4505.09 of the Revised Code. All other automated title 82887
processing system supplies shall be provided by the clerks. 82888

If it appears that any certificate of title has been 82889
improperly issued, the registrar shall cancel the certificate. 82890
Upon the cancellation of any certificate of title, the registrar 82891
shall notify the clerk who issued it, and the clerk thereupon 82892

shall enter the cancellation upon the clerk's records. The 82893
registrar also shall notify the person to whom such certificate of 82894
title was issued, as well as any lienholders appearing thereon, of 82895
the cancellation and shall demand the surrender of the certificate 82896
of title immediately, but the cancellation shall not affect the 82897
validity of any lien noted thereon. The holder of such certificate 82898
of title immediately shall return it to the registrar. If a 82899
certificate of registration has been issued to the holder of a 82900
certificate of title so canceled the registrar immediately shall 82901
cancel it and demand the return of such certificate of 82902
registration and license plates, and the holder of such 82903
certificate of registration and license plates shall return the 82904
same to the registrar forthwith. The clerks shall keep on hand a 82905
sufficient supply of blank forms, which, except for certificate of 82906
title and memorandum certificate forms, shall be furnished and 82907
distributed without charge to registered manufacturers or dealers, 82908
or other persons residing within the county. 82909

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 82910
shall charge and retain fees as follows: 82911

(a) Five dollars for each certificate of title that is not 82912
applied for within thirty days after the later of the assignment 82913
or delivery of the motor vehicle described in it. The entire fee 82914
shall be retained by the clerk. 82915

(b) Fifteen dollars for each certificate of title or 82916
duplicate certificate of title including the issuance of a 82917
memorandum certificate of title, or authorization to print a 82918
non-negotiable evidence of ownership described in division (G) of 82919
section 4505.08 of the Revised Code, non-negotiable evidence of 82920
ownership printed by the clerk under division (H) of that section, 82921
and notation of any lien on a certificate of title that is applied 82922
for at the same time as the certificate of title. The clerk shall 82923

retain eleven dollars and fifty cents of that fee for each 82924
certificate of title when there is a notation of a lien or 82925
security interest on the certificate of title, twelve dollars and 82926
twenty-five cents when there is no lien or security interest noted 82927
on the certificate of title, and eleven dollars and fifty cents 82928
for each duplicate certificate of title. 82929

(c) Four dollars and fifty cents for each certificate of 82930
title with no security interest noted that is issued to a licensed 82931
motor vehicle dealer for resale purposes and, in addition, a 82932
separate fee of fifty cents. The clerk shall retain two dollars 82933
and twenty-five cents of that fee. 82934

(d) Five dollars for each memorandum certificate of title or 82935
non-negotiable evidence of ownership that is applied for 82936
separately. The clerk shall retain that entire fee. 82937

(2) The fees that are not retained by the clerk shall be paid 82938
to the registrar of motor vehicles by monthly returns, which shall 82939
be forwarded to the registrar not later than the fifth day of the 82940
month next succeeding that in which the certificate is issued or 82941
that in which the registrar is notified of a lien or cancellation 82942
of a lien. 82943

(B)(1) The registrar shall pay twenty-five cents of the 82944
amount received for each certificate of title issued to a motor 82945
vehicle dealer for resale, one dollar for certificates of title 82946
issued with a lien or security interest noted on the certificate 82947
of title, and twenty-five cents for each certificate of title with 82948
no lien or security interest noted on the certificate of title 82949
into the state bureau of motor vehicles fund established in 82950
section 4501.25 of the Revised Code. 82951

(2) Fifty cents of the amount received for each certificate 82952
of title shall be paid by the registrar as follows: 82953

(a) Four cents shall be paid into the state treasury to the 82954

credit of the motor vehicle dealers board fund, which is hereby 82955
created. All investment earnings of the fund shall be credited to 82956
the fund. The moneys in the motor vehicle dealers board fund shall 82957
be used by the motor vehicle dealers board created under section 82958
4517.30 of the Revised Code, together with other moneys 82959
appropriated to it, in the exercise of its powers and the 82960
performance of its duties under Chapter 4517. of the Revised Code, 82961
except that the director of budget and management may transfer 82962
excess money from the motor vehicle dealers board fund to the 82963
bureau of motor vehicles fund if the registrar determines that the 82964
amount of money in the motor vehicle dealers board fund, together 82965
with other moneys appropriated to the board, exceeds the amount 82966
required for the exercise of its powers and the performance of its 82967
duties under Chapter 4517. of the Revised Code and requests the 82968
director to make the transfer. 82969

(b) Twenty-one cents shall be paid into the highway operating 82970
fund. 82971

(c) Twenty-five cents shall be paid into the state treasury 82972
to the credit of the motor vehicle sales audit fund, which is 82973
hereby created. The moneys in the fund shall be used by the tax 82974
commissioner together with other funds available to the 82975
commissioner to conduct a continuing investigation of sales and 82976
use tax returns filed for motor vehicles in order to determine if 82977
sales and use tax liability has been satisfied. The commissioner 82978
shall refer cases of apparent violations of section 2921.13 of the 82979
Revised Code made in connection with the titling or sale of a 82980
motor vehicle and cases of any other apparent violations of the 82981
sales or use tax law to the appropriate county prosecutor whenever 82982
the commissioner considers it advisable. 82983

(3) Two dollars of the amount received by the registrar under 82984
divisions (A)(1)(a), (b), and (d) of this section and one dollar 82985
and fifty cents of the amount received by the registrar under 82986

division (A)(1)(c) of this section for each certificate of title 82987
shall be paid into the state treasury to the credit of the 82988
automated title processing fund, which is hereby created and which 82989
shall consist of moneys collected under division (B)(3) of this 82990
section and under sections 1548.10 and 4519.59 of the Revised 82991
Code. All investment earnings of the fund shall be credited to the 82992
fund. The moneys in the fund shall be used as follows: 82993

(a) Except for moneys collected under section 1548.10 of the 82994
Revised Code and as provided in division (B)(3)(c) of this 82995
section, moneys collected under division (B)(3) of this section 82996
shall be used to implement and maintain an automated title 82997
processing system for the issuance of motor vehicle, off-highway 82998
motorcycle, and all-purpose vehicle certificates of title in the 82999
offices of the clerks of the courts of common pleas. 83000

(b) Moneys collected under section 1548.10 of the Revised 83001
Code shall be used to issue marine certificates of title in the 83002
offices of the clerks of the courts of common pleas as provided in 83003
Chapter 1548. of the Revised Code. 83004

(c) Moneys collected under division (B)(3) of this section 83005
shall be used in accordance with section 4505.25 of the Revised 83006
Code to implement Sub. S.B. 59 of the 124th general assembly. 83007

(4) The registrar shall pay the fifty-cent separate fee 83008
collected from a licensed motor vehicle dealer under division 83009
(A)(1)(c) of this section into the title defect recision fund 83010
created by section 1345.52 of the Revised Code. 83011

(C)(1) The automated title processing board is hereby created 83012
consisting of the registrar or the registrar's representative, a 83013
person selected by the registrar, the president of the Ohio clerks 83014
of court association or the president's representative, and two 83015
clerks of courts of common pleas appointed by the governor. The 83016
director of budget and management or the director's designee, the 83017

chief of the division of watercraft in the department of natural 83018
resources or the chief's designee, and the tax commissioner or the 83019
commissioner's designee shall be nonvoting members of the board. 83020
The purpose of the board is to facilitate the operation and 83021
maintenance of an automated title processing system and approve 83022
the procurement of automated title processing system equipment and 83023
ribbons, cartridges, or other devices necessary for the operation 83024
of that equipment. Voting members of the board, excluding the 83025
registrar or the registrar's representative, shall serve without 83026
compensation, but shall be reimbursed for travel and other 83027
necessary expenses incurred in the conduct of their official 83028
duties. The registrar or the registrar's representative shall 83029
receive neither compensation nor reimbursement as a board member. 83030

(2) The automated title processing board shall determine each 83031
of the following: 83032

(a) The automated title processing equipment and certificates 83033
of title requirements for each county; 83034

(b) The payment of expenses that may be incurred by the 83035
counties in implementing an automated title processing system; 83036

(c) The repayment to the counties for existing title 83037
processing equipment. 83038

(3) The registrar shall purchase, lease, or otherwise acquire 83039
any automated title processing equipment and certificates of title 83040
that the board determines are necessary from moneys in the 83041
automated title processing fund established by division (B)(3) of 83042
this section. 83043

(D) All counties shall conform to the requirements of the 83044
registrar regarding the operation of their automated title 83045
processing system for motor vehicle titles, certificates of title 83046
for off-highway motorcycles and all-purpose vehicles, and 83047
certificates of title for watercraft and outboard motors. 83048

Sec. 4506.07. (A) Every application for a commercial driver's license, restricted commercial driver's license, or a commercial driver's temporary instruction permit, or a duplicate of such a license, shall be made upon a form approved and furnished by the registrar of motor vehicles. Except as provided in section 4506.24 of the Revised Code in regard to a restricted commercial driver's license, the application shall be signed by the applicant and shall contain the following information:

(1) The applicant's name, date of birth, social security account number, sex, general description including height, weight, and color of hair and eyes, current residence, duration of residence in this state, country of citizenship, and occupation;

(2) Whether the applicant previously has been licensed to operate a commercial motor vehicle or any other type of motor vehicle in another state or a foreign jurisdiction and, if so, when, by what state, and whether the license or driving privileges currently are suspended or revoked in any jurisdiction, or the applicant otherwise has been disqualified from operating a commercial motor vehicle, or is subject to an out-of-service order issued under this chapter or any similar law of another state or a foreign jurisdiction and, if so, the date of, locations involved, and reason for the suspension, revocation, disqualification, or out-of-service order;

(3) Whether the applicant is afflicted with or suffering from any physical or mental disability or disease that prevents the applicant from exercising reasonable and ordinary control over a motor vehicle while operating it upon a highway or is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and, if so, the nature and extent of the disability, disease, or condition, and the names and addresses of the physicians attending the applicant;

(4) Whether the applicant has obtained a medical examiner's certificate as required by this chapter and, beginning January 30, 2012, the applicant, prior to or at the time of applying, has self-certified to the registrar the applicable status of the applicant under division (A)(2) of section 4506.10 of the Revised Code;

(5) Whether the applicant has pending a citation for violation of any motor vehicle law or ordinance except a parking violation and, if so, a description of the citation, the court having jurisdiction of the offense, and the date when the offense occurred;

(6) ~~Whether~~ If an applicant has not certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift ~~under section 2108.05 of the Revised Code~~, which shall be given no consideration in the issuance of a license;

(7) On and after May 1, 1993, whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the license issued to indicate that the applicant has executed the instrument;

(8) On and after October 7, 2009, whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the license issued to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license.

(B) Every applicant shall certify, on a form approved and furnished by the registrar, all of the following:

(1) That the motor vehicle in which the applicant intends to take the driving skills test is representative of the type of motor vehicle that the applicant expects to operate as a driver;

(2) That the applicant is not subject to any disqualification or out-of-service order, or license suspension, revocation, or cancellation, under the laws of this state, of another state, or of a foreign jurisdiction and does not have more than one driver's license issued by this or another state or a foreign jurisdiction;

(3) Any additional information, certification, or evidence that the registrar requires by rule in order to ensure that the issuance of a commercial driver's license to the applicant is in compliance with the law of this state and with federal law.

(C) Every applicant shall execute a form, approved and furnished by the registrar, under which the applicant consents to the release by the registrar of information from the applicant's driving record.

(D) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any applicant for a commercial driver's license or for a renewal or duplicate of such a license under this chapter, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant a license or a renewal or duplicate.

(E) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall offer the opportunity of completing a notice of change of residence or change of name to any applicant for a commercial driver's license or for a renewal or duplicate of such a license who is a resident of this state, if

the applicant is a registered elector who has changed the 83143
applicant's residence or name and has not filed such a notice. 83144

(F) In considering any application submitted pursuant to this 83145
section, the bureau of motor vehicles may conduct any inquiries 83146
necessary to ensure that issuance or renewal of a commercial 83147
driver's license would not violate any provision of the Revised 83148
Code or federal law. 83149

(G) In addition to any other information it contains, on and 83150
after October 7, 2009, the form approved and furnished by the 83151
registrar of motor vehicles for an application for a commercial 83152
driver's license, restricted commercial driver's license, or a 83153
commercial driver's temporary instruction permit or an application 83154
for a duplicate of such a license shall inform applicants that the 83155
applicant must present a copy of the applicant's DD-214 or an 83156
equivalent document in order to qualify to have the license or 83157
duplicate indicate that the applicant is a veteran, active duty, 83158
or reservist of the armed forces of the United States based on a 83159
request made pursuant to division (A)(8) of this section. 83160

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 83161
"motorized bicycle," "state," "owner," "operator," "chauffeur," 83162
and "highways" have the same meanings as in section 4501.01 of the 83163
Revised Code. 83164

"Driver's license" means a class D license issued to any 83165
person to operate a motor vehicle or motor-driven cycle, other 83166
than a commercial motor vehicle, and includes "probationary 83167
license," "restricted license," and any operator's or chauffeur's 83168
license issued before January 1, 1990. 83169

"Probationary license" means the license issued to any person 83170
between sixteen and eighteen years of age to operate a motor 83171
vehicle. 83172

"Restricted license" means the license issued to any person 83173
to operate a motor vehicle subject to conditions or restrictions 83174
imposed by the registrar of motor vehicles. 83175

"Commercial driver's license" means the license issued to a 83176
person under Chapter 4506. of the Revised Code to operate a 83177
commercial motor vehicle. 83178

"Commercial motor vehicle" has the same meaning as in section 83179
4506.01 of the Revised Code. 83180

"Motorized bicycle license" means the license issued under 83181
section 4511.521 of the Revised Code to any person to operate a 83182
motorized bicycle including a "probationary motorized bicycle 83183
license." 83184

"Probationary motorized bicycle license" means the license 83185
issued under section 4511.521 of the Revised Code to any person 83186
between fourteen and sixteen years of age to operate a motorized 83187
bicycle. 83188

"Identification card" means a card issued under sections 83189
4507.50 and 4507.51 of the Revised Code. 83190

"Resident" means a person who, in accordance with standards 83191
prescribed in rules adopted by the registrar, resides in this 83192
state on a permanent basis. 83193

"Temporary resident" means a person who, in accordance with 83194
standards prescribed in rules adopted by the registrar, resides in 83195
this state on a temporary basis. 83196

(B) In the administration of this chapter and Chapter 4506. 83197
of the Revised Code, the registrar has the same authority as is 83198
conferred on the registrar by section 4501.02 of the Revised Code. 83199
Any act of an authorized deputy registrar of motor vehicles under 83200
direction of the registrar is deemed the act of the registrar. 83201

To carry out this chapter, the registrar shall appoint such 83202

deputy registrars ~~in each county~~ as are necessary. 83203

The registrar also shall provide at each place where an 83204
application for a driver's or commercial driver's license or 83205
identification card may be made the necessary equipment to take a 83206
color photograph of the applicant for such license or card as 83207
required under section 4506.11 or 4507.06 of the Revised Code, and 83208
to conduct the vision screenings required by section 4507.12 of 83209
the Revised Code, and equipment to laminate licenses, motorized 83210
bicycle licenses, and identification cards as required by sections 83211
4507.13, 4507.52, and 4511.521 of the Revised Code. 83212

The registrar shall assign one or more deputy registrars to 83213
any driver's license examining station operated under the 83214
supervision of the director of public safety, whenever the 83215
registrar considers such assignment possible. Space shall be 83216
provided in the driver's license examining station for any such 83217
deputy registrar so assigned. The deputy registrars shall not 83218
exercise the powers conferred by such sections upon the registrar, 83219
unless they are specifically authorized to exercise such powers by 83220
such sections. 83221

(C) No agent for any insurance company, writing automobile 83222
insurance, shall be appointed deputy registrar, and any such 83223
appointment is void. No deputy registrar shall in any manner 83224
solicit any form of automobile insurance, nor in any manner 83225
advise, suggest, or influence any licensee or applicant for 83226
license for or against any kind or type of automobile insurance, 83227
insurance company, or agent, nor have the deputy registrar's 83228
office directly connected with the office of any automobile 83229
insurance agent, nor impart any information furnished by any 83230
applicant for a license or identification card to any person, 83231
except the registrar. This division shall not apply to any 83232
nonprofit corporation appointed deputy registrar. 83233

(D) The registrar shall immediately remove a deputy registrar 83234

who violates the requirements of this chapter. 83235

(E) The registrar shall periodically solicit bids and enter 83236
into a contract for the provision of laminating equipment and 83237
laminating materials to the registrar and all deputy registrars. 83238
The registrar shall not consider any bid that does not provide for 83239
the supplying of both laminating equipment and laminating 83240
materials. The laminating materials selected shall contain a 83241
security feature so that any tampering with the laminating 83242
material covering a license or identification card is readily 83243
apparent. In soliciting bids and entering into a contract for the 83244
provision of laminating equipment and laminating materials, the 83245
registrar shall observe all procedures required by law. 83246

Sec. 4507.06. (A)(1) Every application for a driver's license 83247
or motorcycle operator's license or endorsement, or duplicate of 83248
any such license or endorsement, shall be made upon the approved 83249
form furnished by the registrar of motor vehicles and shall be 83250
signed by the applicant. 83251

Every application shall state the following: 83252

(a) The applicant's name, date of birth, social security 83253
number if such has been assigned, sex, general description, 83254
including height, weight, color of hair, and eyes, residence 83255
address, including county of residence, duration of residence in 83256
this state, and country of citizenship; 83257

(b) Whether the applicant previously has been licensed as an 83258
operator, chauffeur, driver, commercial driver, or motorcycle 83259
operator and, if so, when, by what state, and whether such license 83260
is suspended or canceled at the present time and, if so, the date 83261
of and reason for the suspension or cancellation; 83262

(c) Whether the applicant is now or ever has been afflicted 83263
with epilepsy, or whether the applicant now is suffering from any 83264

physical or mental disability or disease and, if so, the nature 83265
and extent of the disability or disease, giving the names and 83266
addresses of physicians then or previously in attendance upon the 83267
applicant; 83268

(d) Whether an applicant for a duplicate driver's license, or 83269
duplicate license containing a motorcycle operator endorsement has 83270
pending a citation for violation of any motor vehicle law or 83271
ordinance, a description of any such citation pending, and the 83272
date of the citation; 83273

(e) ~~Whether~~ If an applicant has not certified the applicant's 83274
willingness to make an anatomical gift under section 2108.05 of 83275
the Revised Code, whether the applicant wishes to certify 83276
willingness to make such an anatomical gift ~~under section 2108.05~~ 83277
~~of the Revised Code~~, which shall be given no consideration in the 83278
issuance of a license or endorsement; 83279

(f) Whether the applicant has executed a valid durable power 83280
of attorney for health care pursuant to sections 1337.11 to 83281
1337.17 of the Revised Code or has executed a declaration 83282
governing the use or continuation, or the withholding or 83283
withdrawal, of life-sustaining treatment pursuant to sections 83284
2133.01 to 2133.15 of the Revised Code and, if the applicant has 83285
executed either type of instrument, whether the applicant wishes 83286
the applicant's license to indicate that the applicant has 83287
executed the instrument; 83288

(g) On and after October 7, 2009, whether the applicant is a 83289
veteran, active duty, or reservist of the armed forces of the 83290
United States and, if the applicant is such, whether the applicant 83291
wishes the applicant's license to indicate that the applicant is a 83292
veteran, active duty, or reservist of the armed forces of the 83293
United States by a military designation on the license. 83294

(2) Every applicant for a driver's license shall be 83295

photographed in color at the time the application for the license 83296
is made. The application shall state any additional information 83297
that the registrar requires. 83298

(B) The registrar or a deputy registrar, in accordance with 83299
section 3503.11 of the Revised Code, shall register as an elector 83300
any person who applies for a driver's license or motorcycle 83301
operator's license or endorsement under division (A) of this 83302
section, or for a renewal or duplicate of the license or 83303
endorsement, if the applicant is eligible and wishes to be 83304
registered as an elector. The decision of an applicant whether to 83305
register as an elector shall be given no consideration in the 83306
decision of whether to issue the applicant a license or 83307
endorsement, or a renewal or duplicate. 83308

(C) The registrar or a deputy registrar, in accordance with 83309
section 3503.11 of the Revised Code, shall offer the opportunity 83310
of completing a notice of change of residence or change of name to 83311
any applicant for a driver's license or endorsement under division 83312
(A) of this section, or for a renewal or duplicate of the license 83313
or endorsement, if the applicant is a registered elector who has 83314
changed the applicant's residence or name and has not filed such a 83315
notice. 83316

(D) In addition to any other information it contains, on and 83317
after October 7, 2009, the approved form furnished by the 83318
registrar of motor vehicles for an application for a driver's 83319
license or motorcycle operator's license or endorsement or an 83320
application for a duplicate of any such license or endorsement 83321
shall inform applicants that the applicant must present a copy of 83322
the applicant's DD-214 or an equivalent document in order to 83323
qualify to have the license or duplicate indicate that the 83324
applicant is a veteran, active duty, or reservist of the armed 83325
forces of the United States based on a request made pursuant to 83326
division (A)(1)(g) of this section. 83327

Sec. 4507.51. (A)(1) Every application for an identification 83328
card or duplicate shall be made on a form furnished by the 83329
registrar of motor vehicles, shall be signed by the applicant, and 83330
by the applicant's parent or guardian if the applicant is under 83331
eighteen years of age, and shall contain the following information 83332
pertaining to the applicant: name, date of birth, sex, general 83333
description including the applicant's height, weight, hair color, 83334
and eye color, address, and social security number. The 83335
application also shall ~~state~~ include, for an applicant who has not 83336
already certified the applicant's willingness to make an 83337
anatomical gift under section 2108.05 of the Revised Code, whether 83338
~~an~~ the applicant wishes to certify willingness to make such an 83339
anatomical gift ~~under section 2108.05 of the Revised Code~~ and 83340
shall include information about the requirements of sections 83341
2108.01 to 2108.29 of the Revised Code that apply to persons who 83342
are less than eighteen years of age. The statement regarding 83343
willingness to make such a donation shall be given no 83344
consideration in the decision of whether to issue an 83345
identification card. Each applicant shall be photographed in color 83346
at the time of making application. 83347

(2)(a) The application also shall state whether the applicant 83348
has executed a valid durable power of attorney for health care 83349
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 83350
executed a declaration governing the use or continuation, or the 83351
withholding or withdrawal, of life-sustaining treatment pursuant 83352
to sections 2133.01 to 2133.15 of the Revised Code and, if the 83353
applicant has executed either type of instrument, whether the 83354
applicant wishes the identification card issued to indicate that 83355
the applicant has executed the instrument. 83356

(b) On and after October 7, 2009, the application also shall 83357
state whether the applicant is a veteran, active duty, or 83358
reservist of the armed forces of the United States and, if the 83359

applicant is such, whether the applicant wishes the identification card issued to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the identification card.

(3) The registrar or deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any person who applies for an identification card or duplicate if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant an identification card or duplicate.

(B) The application for an identification card or duplicate shall be filed in the office of the registrar or deputy registrar. Each applicant shall present documentary evidence as required by the registrar of the applicant's age and identity, and the applicant shall swear that all information given is true. An identification card issued by the department of rehabilitation and correction under section 5120.59 of the Revised Code or an identification card issued by the department of youth services under section 5139.511 of the Revised Code shall be sufficient documentary evidence under this division upon verification of the applicant's social security number by the registrar or a deputy registrar. Upon issuing an identification card under this section for a person who has been issued an identification card under section 5120.59 or section 5139.511 of the Revised Code, the registrar or deputy registrar shall destroy the identification card issued under section 5120.59 or section 5139.511 of the Revised Code.

All applications for an identification card or duplicate shall be filed in duplicate, and if submitted to a deputy registrar, a copy shall be forwarded to the registrar. The registrar shall prescribe rules for the manner in which a deputy

registrar is to file and maintain applications and other records. 83392
The registrar shall maintain a suitable, indexed record of all 83393
applications denied and cards issued or canceled. 83394

(C) In addition to any other information it contains, on and 83395
after the date that is fifteen months after April 7, 2009, the 83396
form furnished by the registrar of motor vehicles for an 83397
application for an identification card or duplicate shall inform 83398
applicants that the applicant must present a copy of the 83399
applicant's DD-214 or an equivalent document in order to qualify 83400
to have the card or duplicate indicate that the applicant is an 83401
honorably discharged veteran of the armed forces of the United 83402
States based on a request made pursuant to division (A)(2)(b) of 83403
this section. 83404

Sec. 4510.038. (A) Any person whose driver's or commercial 83405
driver's license or permit is suspended or who is granted limited 83406
driving privileges under section 4510.037, under division (H) of 83407
section 4511.19, or under section 4510.07 of the Revised Code for 83408
a violation of a municipal ordinance that is substantially 83409
equivalent to division (B) of section 4511.19 of the Revised Code 83410
is not eligible to retain the license, or to have the driving 83411
privileges reinstated, until each of the following has occurred: 83412

(1) The person successfully completes a course of remedial 83413
driving instruction approved by the director of public safety. A 83414
minimum of twenty-five per cent of the number of hours of 83415
instruction included in the course shall be devoted to instruction 83416
on driver attitude. 83417

The course also shall devote a number of hours to instruction 83418
in the area of alcohol and drugs and the operation of vehicles. 83419
The instruction shall include, but not be limited to, a review of 83420
the laws governing the operation of a vehicle while under the 83421
influence of alcohol, drugs, or a combination of them, the dangers 83422

of operating a vehicle while under the influence of alcohol, 83423
drugs, or a combination of them, and other information relating to 83424
the operation of vehicles and the consumption of alcoholic 83425
beverages and use of drugs. The director, in consultation with the 83426
director of ~~alcohol and drug addiction services~~ mental health and 83427
addiction services, shall prescribe the content of the 83428
instruction. The number of hours devoted to the area of alcohol 83429
and drugs and the operation of vehicles shall comprise a minimum 83430
of twenty-five per cent of the number of hours of instruction 83431
included in the course. 83432

(2) The person is examined in the manner provided for in 83433
section 4507.20 of the Revised Code, and found by the registrar of 83434
motor vehicles to be qualified to operate a motor vehicle; 83435

(3) The person gives and maintains proof of financial 83436
responsibility, in accordance with section 4509.45 of the Revised 83437
Code. 83438

(B)(1) Except as provided in division (B)(2) of this section, 83439
any course of remedial driving instruction the director of public 83440
safety approves under this section shall require its students to 83441
attend at least fifty per cent of the course in person and the 83442
director shall not approve any course of remedial driving 83443
instruction that permits its students to take more than fifty per 83444
cent of the course in any other manner, including via video 83445
teleconferencing or the internet. 83446

(2) The director may approve a course of remedial instruction 83447
that permits students to take the entire course via video 83448
teleconferencing or the internet. 83449

Sec. 4510.45. (A)(1) A manufacturer of ignition interlock 83450
devices that desires for its devices to be certified under section 83451
4510.43 of the Revised Code and then to be included on the list of 83452
certified devices that the department of public safety compiles 83453

and makes available to courts pursuant to that section first shall 83454
obtain a license from the department under this section. The 83455
department, in accordance with Chapter 119. of the Revised Code, 83456
shall adopt any rules that are necessary to implement this 83457
licensing requirement. 83458

(2) A manufacturer shall apply to the department for the 83459
license and shall include all information the department may 83460
require by rule. Each application, including an application for 83461
license renewal, shall be accompanied by an application fee of one 83462
hundred dollars, which the department shall deposit into the state 83463
treasury to the credit of the indigent drivers alcohol treatment 83464
fund created by section 4511.191 of the Revised Code. 83465

(3) Upon receipt of a completed application, if the 83466
department finds that a manufacturer has complied with all 83467
application requirements, the department shall issue a license to 83468
the manufacturer. A manufacturer that has been issued a license 83469
under this section is eligible immediately to have the models of 83470
ignition interlock devices it produces certified under section 83471
4510.43 of the Revised Code and then included on the list of 83472
certified devices that the department compiles and makes available 83473
to courts pursuant to that section. 83474

(4)(a) A license issued under this section shall expire 83475
annually on a date selected by the department. The department 83476
shall reject the license application of a manufacturer if any of 83477
the following apply: 83478

(i) The application is not accompanied by the application 83479
fee. 83480

(ii) The department finds that the manufacturer has not 83481
complied with all application requirements. 83482

(iii) The license application is a renewal application and 83483
the manufacturer failed to file the annual report or failed to pay 83484

the fee as required by division (B) of this section. 83485

(b) A manufacturer whose license application is rejected by 83486
the department may appeal the decision to the director of public 83487
safety. The director or the director's designee shall hold a 83488
hearing on the matter not more than thirty days from the date of 83489
the manufacturer's appeal. If the director or the director's 83490
designee upholds the denial of the manufacturer's application for 83491
a license, the manufacturer may appeal the decision to the 83492
Franklin county court of common pleas. If the director or the 83493
director's designee reverses the denial of the manufacturer's 83494
application for a license, the director or the director's designee 83495
shall issue a written order directing that the department issue a 83496
license to the manufacturer. 83497

(B) Every manufacturer of ignition interlock devices that is 83498
issued a license under this section shall file an annual report 83499
with the department on a form the department prescribes on or 83500
before a date the department prescribes. The annual report shall 83501
state the amount of net profit the manufacturer earned during a 83502
twelve-month period specified by the department that is 83503
attributable to the sales of that manufacturer's certified 83504
ignition interlock devices to purchasers in this state. Each 83505
manufacturer shall pay a fee equal to five per cent of the amount 83506
of the net profit described in this division. 83507

The department may permit annual reports to be filed via 83508
electronic means. 83509

(C) The department shall deposit all fees it receives from 83510
manufacturers under this section into the state treasury to the 83511
credit of the indigent drivers alcohol treatment fund created by 83512
section 4511.191 of the Revised Code. All money so deposited into 83513
that fund that is paid by the department of ~~alcohol and drug~~ 83514
~~addiction services~~ mental health and addiction services to county 83515
indigent drivers alcohol treatment funds, county juvenile indigent 83516

drivers alcohol treatment funds, and municipal indigent drivers 83517
alcohol treatment funds shall be used only as described in 83518
division (H)(3) of section 4511.191 of the Revised Code. 83519

(D)(1) The director may make an assessment, based on any 83520
information in the director's possession, against any manufacturer 83521
that fails to file an annual report or pay the fee required by 83522
division (B) of this section. The director, in accordance with 83523
Chapter 119. of the Revised Code, shall adopt rules governing 83524
assessments and assessment procedures and related provisions. In 83525
adopting these rules, the director shall incorporate the 83526
provisions of section 5751.09 of the Revised Code to the greatest 83527
extent possible, except that the director is not required to 83528
incorporate any provisions of that section that by their nature 83529
are not applicable, appropriate, or necessary to assessments made 83530
by the director under this section. 83531

(2) A manufacturer may appeal the final determination of the 83532
director regarding an assessment made by the director under this 83533
section. The director, in accordance with Chapter 119. of the 83534
Revised Code, shall adopt rules governing such appeals. In 83535
adopting these rules, the director shall incorporate the 83536
provisions of section 5717.02 of the Revised Code to the greatest 83537
extent possible, except that the director is not required to 83538
incorporate any provisions of that section that by their nature 83539
are not applicable, appropriate, or necessary to appeals of 83540
assessments made by the director under this section. 83541

(E) The director, in accordance with Chapter 119. of the 83542
Revised Code, shall adopt a penalty schedule setting forth the 83543
monetary penalties to be imposed upon a manufacturer that is 83544
issued a license under this section and fails to file an annual 83545
report or pay the fee required by division (B) of this section in 83546
a timely manner. The penalty amounts shall not exceed the maximum 83547
penalty amounts established in section 5751.06 of the Revised Code 83548

for similar or equivalent facts or circumstances. 83549

(F)(1) No manufacturer of ignition interlock devices that is 83550
required by division (B) of this section to file an annual report 83551
with the department or to pay a fee shall fail to do so as 83552
required by that division. 83553

(2) No manufacturer of ignition interlock devices that is 83554
required by division (B) of this section to file an annual report 83555
with the department shall file a report that contains incorrect or 83556
erroneous information. 83557

(G) Whoever violates division (F)(2) of this section is 83558
guilty of a misdemeanor of the first degree. The department shall 83559
remove from the list of certified devices described in division 83560
(A)(1) of this section the ignition interlock devices manufactured 83561
by a manufacturer that violates division (F)(1) or (2) of this 83562
section. 83563

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 83564
streetcar, or trackless trolley within this state, if, at the time 83565
of the operation, any of the following apply: 83566

(a) The person is under the influence of alcohol, a drug of 83567
abuse, or a combination of them. 83568

(b) The person has a concentration of eight-hundredths of one 83569
per cent or more but less than seventeen-hundredths of one per 83570
cent by weight per unit volume of alcohol in the person's whole 83571
blood. 83572

(c) The person has a concentration of ninety-six-thousandths 83573
of one per cent or more but less than two hundred four-thousandths 83574
of one per cent by weight per unit volume of alcohol in the 83575
person's blood serum or plasma. 83576

(d) The person has a concentration of eight-hundredths of one 83577
gram or more but less than seventeen-hundredths of one gram by 83578

weight of alcohol per two hundred ten liters of the person's 83579
breath. 83580

(e) The person has a concentration of eleven-hundredths of 83581
one gram or more but less than two hundred 83582
thirty-eight-thousandths of one gram by weight of alcohol per one 83583
hundred milliliters of the person's urine. 83584

(f) The person has a concentration of seventeen-hundredths of 83585
one per cent or more by weight per unit volume of alcohol in the 83586
person's whole blood. 83587

(g) The person has a concentration of two hundred 83588
four-thousandths of one per cent or more by weight per unit volume 83589
of alcohol in the person's blood serum or plasma. 83590

(h) The person has a concentration of seventeen-hundredths of 83591
one gram or more by weight of alcohol per two hundred ten liters 83592
of the person's breath. 83593

(i) The person has a concentration of two hundred 83594
thirty-eight-thousandths of one gram or more by weight of alcohol 83595
per one hundred milliliters of the person's urine. 83596

(j) Except as provided in division (K) of this section, the 83597
person has a concentration of any of the following controlled 83598
substances or metabolites of a controlled substance in the 83599
person's whole blood, blood serum or plasma, or urine that equals 83600
or exceeds any of the following: 83601

(i) The person has a concentration of amphetamine in the 83602
person's urine of at least five hundred nanograms of amphetamine 83603
per milliliter of the person's urine or has a concentration of 83604
amphetamine in the person's whole blood or blood serum or plasma 83605
of at least one hundred nanograms of amphetamine per milliliter of 83606
the person's whole blood or blood serum or plasma. 83607

(ii) The person has a concentration of cocaine in the 83608

person's urine of at least one hundred fifty nanograms of cocaine 83609
per milliliter of the person's urine or has a concentration of 83610
cocaine in the person's whole blood or blood serum or plasma of at 83611
least fifty nanograms of cocaine per milliliter of the person's 83612
whole blood or blood serum or plasma. 83613

(iii) The person has a concentration of cocaine metabolite in 83614
the person's urine of at least one hundred fifty nanograms of 83615
cocaine metabolite per milliliter of the person's urine or has a 83616
concentration of cocaine metabolite in the person's whole blood or 83617
blood serum or plasma of at least fifty nanograms of cocaine 83618
metabolite per milliliter of the person's whole blood or blood 83619
serum or plasma. 83620

(iv) The person has a concentration of heroin in the person's 83621
urine of at least two thousand nanograms of heroin per milliliter 83622
of the person's urine or has a concentration of heroin in the 83623
person's whole blood or blood serum or plasma of at least fifty 83624
nanograms of heroin per milliliter of the person's whole blood or 83625
blood serum or plasma. 83626

(v) The person has a concentration of heroin metabolite 83627
(6-monoacetyl morphine) in the person's urine of at least ten 83628
nanograms of heroin metabolite (6-monoacetyl morphine) per 83629
milliliter of the person's urine or has a concentration of heroin 83630
metabolite (6-monoacetyl morphine) in the person's whole blood or 83631
blood serum or plasma of at least ten nanograms of heroin 83632
metabolite (6-monoacetyl morphine) per milliliter of the person's 83633
whole blood or blood serum or plasma. 83634

(vi) The person has a concentration of L.S.D. in the person's 83635
urine of at least twenty-five nanograms of L.S.D. per milliliter 83636
of the person's urine or a concentration of L.S.D. in the person's 83637
whole blood or blood serum or plasma of at least ten nanograms of 83638
L.S.D. per milliliter of the person's whole blood or blood serum 83639
or plasma. 83640

(vii) The person has a concentration of marihuana in the 83641
person's urine of at least ten nanograms of marihuana per 83642
milliliter of the person's urine or has a concentration of 83643
marihuana in the person's whole blood or blood serum or plasma of 83644
at least two nanograms of marihuana per milliliter of the person's 83645
whole blood or blood serum or plasma. 83646

(viii) Either of the following applies: 83647

(I) The person is under the influence of alcohol, a drug of 83648
abuse, or a combination of them, and, as measured by gas 83649
chromatography mass spectrometry, the person has a concentration 83650
of marihuana metabolite in the person's urine of at least fifteen 83651
nanograms of marihuana metabolite per milliliter of the person's 83652
urine or has a concentration of marihuana metabolite in the 83653
person's whole blood or blood serum or plasma of at least five 83654
nanograms of marihuana metabolite per milliliter of the person's 83655
whole blood or blood serum or plasma. 83656

(II) As measured by gas chromatography mass spectrometry, the 83657
person has a concentration of marihuana metabolite in the person's 83658
urine of at least thirty-five nanograms of marihuana metabolite 83659
per milliliter of the person's urine or has a concentration of 83660
marihuana metabolite in the person's whole blood or blood serum or 83661
plasma of at least fifty nanograms of marihuana metabolite per 83662
milliliter of the person's whole blood or blood serum or plasma. 83663

(ix) The person has a concentration of methamphetamine in the 83664
person's urine of at least five hundred nanograms of 83665
methamphetamine per milliliter of the person's urine or has a 83666
concentration of methamphetamine in the person's whole blood or 83667
blood serum or plasma of at least one hundred nanograms of 83668
methamphetamine per milliliter of the person's whole blood or 83669
blood serum or plasma. 83670

(x) The person has a concentration of phencyclidine in the 83671

person's urine of at least twenty-five nanograms of phencyclidine 83672
per milliliter of the person's urine or has a concentration of 83673
phencyclidine in the person's whole blood or blood serum or plasma 83674
of at least ten nanograms of phencyclidine per milliliter of the 83675
person's whole blood or blood serum or plasma. 83676

(xi) The state board of pharmacy has adopted a rule pursuant 83677
to section 4729.041 of the Revised Code that specifies the amount 83678
of salvia divinorum and the amount of salvinorin A that constitute 83679
concentrations of salvia divinorum and salvinorin A in a person's 83680
urine, in a person's whole blood, or in a person's blood serum or 83681
plasma at or above which the person is impaired for purposes of 83682
operating any vehicle, streetcar, or trackless trolley within this 83683
state, the rule is in effect, and the person has a concentration 83684
of salvia divinorum or salvinorin A of at least that amount so 83685
specified by rule in the person's urine, in the person's whole 83686
blood, or in the person's blood serum or plasma. 83687

(2) No person who, within twenty years of the conduct 83688
described in division (A)(2)(a) of this section, previously has 83689
been convicted of or pleaded guilty to a violation of this 83690
division, a violation of division (A)(1) or (B) of this section, 83691
or any other equivalent offense shall do both of the following: 83692

(a) Operate any vehicle, streetcar, or trackless trolley 83693
within this state while under the influence of alcohol, a drug of 83694
abuse, or a combination of them; 83695

(b) Subsequent to being arrested for operating the vehicle, 83696
streetcar, or trackless trolley as described in division (A)(2)(a) 83697
of this section, being asked by a law enforcement officer to 83698
submit to a chemical test or tests under section 4511.191 of the 83699
Revised Code, and being advised by the officer in accordance with 83700
section 4511.192 of the Revised Code of the consequences of the 83701
person's refusal or submission to the test or tests, refuse to 83702
submit to the test or tests. 83703

(B) No person under twenty-one years of age shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1)(a) or (A)(2) and a violation of division (B)(1), (2), or (3) of this section, but the person may not be convicted of more than one violation of these divisions.

(D)(1)(a) In any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(a) of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in section 2317.02 of the Revised Code, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

(b) In any criminal prosecution or juvenile court proceeding

for a violation of division (A) or (B) of this section or for an 83735
equivalent offense that is vehicle-related, the court may admit 83736
evidence on the concentration of alcohol, drugs of abuse, 83737
controlled substances, metabolites of a controlled substance, or a 83738
combination of them in the defendant's whole blood, blood serum or 83739
plasma, breath, urine, or other bodily substance at the time of 83740
the alleged violation as shown by chemical analysis of the 83741
substance withdrawn within three hours of the time of the alleged 83742
violation. The three-hour time limit specified in this division 83743
regarding the admission of evidence does not extend or affect the 83744
two-hour time limit specified in division (A) of section 4511.192 83745
of the Revised Code as the maximum period of time during which a 83746
person may consent to a chemical test or tests as described in 83747
that section. The court may admit evidence on the concentration of 83748
alcohol, drugs of abuse, or a combination of them as described in 83749
this division when a person submits to a blood, breath, urine, or 83750
other bodily substance test at the request of a law enforcement 83751
officer under section 4511.191 of the Revised Code or a blood or 83752
urine sample is obtained pursuant to a search warrant. Only a 83753
physician, a registered nurse, an emergency medical 83754
technician-intermediate, an emergency medical 83755
technician-paramedic, or a qualified technician, chemist, or 83756
phlebotomist shall withdraw a blood sample for the purpose of 83757
determining the alcohol, drug, controlled substance, metabolite of 83758
a controlled substance, or combination content of the whole blood, 83759
blood serum, or blood plasma. This limitation does not apply to 83760
the taking of breath or urine specimens. A person authorized to 83761
withdraw blood under this division may refuse to withdraw blood 83762
under this division, if in that person's opinion, the physical 83763
welfare of the person would be endangered by the withdrawing of 83764
blood. 83765

The bodily substance withdrawn under division (D)(1)(b) of 83766
this section shall be analyzed in accordance with methods approved 83767

by the director of health by an individual possessing a valid 83768
permit issued by the director pursuant to section 3701.143 of the 83769
Revised Code. 83770

(c) As used in division (D)(1)(b) of this section, "emergency 83771
medical technician-intermediate" and "emergency medical 83772
technician-paramedic" have the same meanings as in section 4765.01 83773
of the Revised Code. 83774

(2) In a criminal prosecution or juvenile court proceeding 83775
for a violation of division (A) of this section or for an 83776
equivalent offense that is vehicle-related, if there was at the 83777
time the bodily substance was withdrawn a concentration of less 83778
than the applicable concentration of alcohol specified in 83779
divisions (A)(1)(b), (c), (d), and (e) of this section or less 83780
than the applicable concentration of a listed controlled substance 83781
or a listed metabolite of a controlled substance specified for a 83782
violation of division (A)(1)(j) of this section, that fact may be 83783
considered with other competent evidence in determining the guilt 83784
or innocence of the defendant. This division does not limit or 83785
affect a criminal prosecution or juvenile court proceeding for a 83786
violation of division (B) of this section or for an equivalent 83787
offense that is substantially equivalent to that division. 83788

(3) Upon the request of the person who was tested, the 83789
results of the chemical test shall be made available to the person 83790
or the person's attorney, immediately upon the completion of the 83791
chemical test analysis. 83792

If the chemical test was obtained pursuant to division 83793
(D)(1)(b) of this section, the person tested may have a physician, 83794
a registered nurse, or a qualified technician, chemist, or 83795
phlebotomist of the person's own choosing administer a chemical 83796
test or tests, at the person's expense, in addition to any 83797
administered at the request of a law enforcement officer. If the 83798
person was under arrest as described in division (A)(5) of section 83799

4511.191 of the Revised Code, the arresting officer shall advise 83800
the person at the time of the arrest that the person may have an 83801
independent chemical test taken at the person's own expense. If 83802
the person was under arrest other than described in division 83803
(A)(5) of section 4511.191 of the Revised Code, the form to be 83804
read to the person to be tested, as required under section 83805
4511.192 of the Revised Code, shall state that the person may have 83806
an independent test performed at the person's expense. The failure 83807
or inability to obtain an additional chemical test by a person 83808
shall not preclude the admission of evidence relating to the 83809
chemical test or tests taken at the request of a law enforcement 83810
officer. 83811

(4)(a) As used in divisions (D)(4)(b) and (c) of this 83812
section, "national highway traffic safety administration" means 83813
the national highway traffic safety administration established as 83814
an administration of the United States department of 83815
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 83816

(b) In any criminal prosecution or juvenile court proceeding 83817
for a violation of division (A) or (B) of this section, of a 83818
municipal ordinance relating to operating a vehicle while under 83819
the influence of alcohol, a drug of abuse, or alcohol and a drug 83820
of abuse, or of a municipal ordinance relating to operating a 83821
vehicle with a prohibited concentration of alcohol, a controlled 83822
substance, or a metabolite of a controlled substance in the whole 83823
blood, blood serum or plasma, breath, or urine, if a law 83824
enforcement officer has administered a field sobriety test to the 83825
operator of the vehicle involved in the violation and if it is 83826
shown by clear and convincing evidence that the officer 83827
administered the test in substantial compliance with the testing 83828
standards for any reliable, credible, and generally accepted field 83829
sobriety tests that were in effect at the time the tests were 83830
administered, including, but not limited to, any testing standards 83831

then in effect that were set by the national highway traffic 83832
safety administration, all of the following apply: 83833

(i) The officer may testify concerning the results of the 83834
field sobriety test so administered. 83835

(ii) The prosecution may introduce the results of the field 83836
sobriety test so administered as evidence in any proceedings in 83837
the criminal prosecution or juvenile court proceeding. 83838

(iii) If testimony is presented or evidence is introduced 83839
under division (D)(4)(b)(i) or (ii) of this section and if the 83840
testimony or evidence is admissible under the Rules of Evidence, 83841
the court shall admit the testimony or evidence and the trier of 83842
fact shall give it whatever weight the trier of fact considers to 83843
be appropriate. 83844

(c) Division (D)(4)(b) of this section does not limit or 83845
preclude a court, in its determination of whether the arrest of a 83846
person was supported by probable cause or its determination of any 83847
other matter in a criminal prosecution or juvenile court 83848
proceeding of a type described in that division, from considering 83849
evidence or testimony that is not otherwise disallowed by division 83850
(D)(4)(b) of this section. 83851

(E)(1) Subject to division (E)(3) of this section, in any 83852
criminal prosecution or juvenile court proceeding for a violation 83853
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 83854
or (B)(1), (2), (3), or (4) of this section or for an equivalent 83855
offense that is substantially equivalent to any of those 83856
divisions, a laboratory report from any laboratory personnel 83857
issued a permit by the department of health authorizing an 83858
analysis as described in this division that contains an analysis 83859
of the whole blood, blood serum or plasma, breath, urine, or other 83860
bodily substance tested and that contains all of the information 83861
specified in this division shall be admitted as prima-facie 83862

evidence of the information and statements that the report 83863
contains. The laboratory report shall contain all of the 83864
following: 83865

(a) The signature, under oath, of any person who performed 83866
the analysis; 83867

(b) Any findings as to the identity and quantity of alcohol, 83868
a drug of abuse, a controlled substance, a metabolite of a 83869
controlled substance, or a combination of them that was found; 83870

(c) A copy of a notarized statement by the laboratory 83871
director or a designee of the director that contains the name of 83872
each certified analyst or test performer involved with the report, 83873
the analyst's or test performer's employment relationship with the 83874
laboratory that issued the report, and a notation that performing 83875
an analysis of the type involved is part of the analyst's or test 83876
performer's regular duties; 83877

(d) An outline of the analyst's or test performer's 83878
education, training, and experience in performing the type of 83879
analysis involved and a certification that the laboratory 83880
satisfies appropriate quality control standards in general and, in 83881
this particular analysis, under rules of the department of health. 83882

(2) Notwithstanding any other provision of law regarding the 83883
admission of evidence, a report of the type described in division 83884
(E)(1) of this section is not admissible against the defendant to 83885
whom it pertains in any proceeding, other than a preliminary 83886
hearing or a grand jury proceeding, unless the prosecutor has 83887
served a copy of the report on the defendant's attorney or, if the 83888
defendant has no attorney, on the defendant. 83889

(3) A report of the type described in division (E)(1) of this 83890
section shall not be prima-facie evidence of the contents, 83891
identity, or amount of any substance if, within seven days after 83892
the defendant to whom the report pertains or the defendant's 83893

attorney receives a copy of the report, the defendant or the 83894
defendant's attorney demands the testimony of the person who 83895
signed the report. The judge in the case may extend the seven-day 83896
time limit in the interest of justice. 83897

(F) Except as otherwise provided in this division, any 83898
physician, registered nurse, emergency medical 83899
technician-intermediate, emergency medical technician-paramedic, 83900
or qualified technician, chemist, or phlebotomist who withdraws 83901
blood from a person pursuant to this section or section 4511.191 83902
or 4511.192 of the Revised Code, and any hospital, first-aid 83903
station, or clinic at which blood is withdrawn from a person 83904
pursuant to this section or section 4511.191 or 4511.192 of the 83905
Revised Code, is immune from criminal liability and civil 83906
liability based upon a claim of assault and battery or any other 83907
claim that is not a claim of malpractice, for any act performed in 83908
withdrawing blood from the person. The immunity provided in this 83909
division also extends to an emergency medical service organization 83910
that employs an emergency medical technician-intermediate or 83911
emergency medical technician-paramedic who withdraws blood under 83912
this section. The immunity provided in this division is not 83913
available to a person who withdraws blood if the person engages in 83914
willful or wanton misconduct. 83915

As used in this division, "emergency medical 83916
technician-intermediate" and "emergency medical 83917
technician-paramedic" have the same meanings as in section 4765.01 83918
of the Revised Code. 83919

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 83920
to (i) or (A)(2) of this section is guilty of operating a vehicle 83921
under the influence of alcohol, a drug of abuse, or a combination 83922
of them. Whoever violates division (A)(1)(j) of this section is 83923
guilty of operating a vehicle while under the influence of a 83924
listed controlled substance or a listed metabolite of a controlled 83925

substance. The court shall sentence the offender for either 83926
offense under Chapter 2929. of the Revised Code, except as 83927
otherwise authorized or required by divisions (G)(1)(a) to (e) of 83928
this section: 83929

(a) Except as otherwise provided in division (G)(1)(b), (c), 83930
(d), or (e) of this section, the offender is guilty of a 83931
misdemeanor of the first degree, and the court shall sentence the 83932
offender to all of the following: 83933

(i) If the sentence is being imposed for a violation of 83934
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 83935
mandatory jail term of three consecutive days. As used in this 83936
division, three consecutive days means seventy-two consecutive 83937
hours. The court may sentence an offender to both an intervention 83938
program and a jail term. The court may impose a jail term in 83939
addition to the three-day mandatory jail term or intervention 83940
program. However, in no case shall the cumulative jail term 83941
imposed for the offense exceed six months. 83942

The court may suspend the execution of the three-day jail 83943
term under this division if the court, in lieu of that suspended 83944
term, places the offender under a community control sanction 83945
pursuant to section 2929.25 of the Revised Code and requires the 83946
offender to attend, for three consecutive days, a drivers' 83947
intervention program certified under section ~~3793.10~~ 5119.38 of 83948
the Revised Code. The court also may suspend the execution of any 83949
part of the three-day jail term under this division if it places 83950
the offender under a community control sanction pursuant to 83951
section 2929.25 of the Revised Code for part of the three days, 83952
requires the offender to attend for the suspended part of the term 83953
a drivers' intervention program so certified, and sentences the 83954
offender to a jail term equal to the remainder of the three 83955
consecutive days that the offender does not spend attending the 83956
program. The court may require the offender, as a condition of 83957

community control and in addition to the required attendance at a 83958
drivers' intervention program, to attend and satisfactorily 83959
complete any treatment or education programs that comply with the 83960
minimum standards adopted pursuant to Chapter ~~3793.~~ 5119. of the 83961
Revised Code by the director of ~~alcohol and drug addiction~~ 83962
~~services~~ mental health and addiction services that the operators 83963
of the drivers' intervention program determine that the offender 83964
should attend and to report periodically to the court on the 83965
offender's progress in the programs. The court also may impose on 83966
the offender any other conditions of community control that it 83967
considers necessary. 83968

(ii) If the sentence is being imposed for a violation of 83969
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 83970
section, except as otherwise provided in this division, a 83971
mandatory jail term of at least three consecutive days and a 83972
requirement that the offender attend, for three consecutive days, 83973
a drivers' intervention program that is certified pursuant to 83974
section ~~3793.10~~ 5119.38 of the Revised Code. As used in this 83975
division, three consecutive days means seventy-two consecutive 83976
hours. If the court determines that the offender is not conducive 83977
to treatment in a drivers' intervention program, if the offender 83978
refuses to attend a drivers' intervention program, or if the jail 83979
at which the offender is to serve the jail term imposed can 83980
provide a driver's intervention program, the court shall sentence 83981
the offender to a mandatory jail term of at least six consecutive 83982
days. 83983

The court may require the offender, under a community control 83984
sanction imposed under section 2929.25 of the Revised Code, to 83985
attend and satisfactorily complete any treatment or education 83986
programs that comply with the minimum standards adopted pursuant 83987
to Chapter ~~3793.~~ 5119. of the Revised Code by the director of 83988
~~alcohol and drug addiction services~~ mental health and addiction 83989

services, in addition to the required attendance at drivers' 83990
intervention program, that the operators of the drivers' 83991
intervention program determine that the offender should attend and 83992
to report periodically to the court on the offender's progress in 83993
the programs. The court also may impose any other conditions of 83994
community control on the offender that it considers necessary. 83995

(iii) In all cases, a fine of not less than three hundred 83996
seventy-five and not more than one thousand seventy-five dollars; 83997

(iv) In all cases, a class five license suspension of the 83998
offender's driver's or commercial driver's license or permit or 83999
nonresident operating privilege from the range specified in 84000
division (A)(5) of section 4510.02 of the Revised Code. The court 84001
may grant limited driving privileges relative to the suspension 84002
under sections 4510.021 and 4510.13 of the Revised Code. 84003

(b) Except as otherwise provided in division (G)(1)(e) of 84004
this section, an offender who, within six years of the offense, 84005
previously has been convicted of or pleaded guilty to one 84006
violation of division (A) or (B) of this section or one other 84007
equivalent offense is guilty of a misdemeanor of the first degree. 84008
The court shall sentence the offender to all of the following: 84009

(i) If the sentence is being imposed for a violation of 84010
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 84011
mandatory jail term of ten consecutive days. The court shall 84012
impose the ten-day mandatory jail term under this division unless, 84013
subject to division (G)(3) of this section, it instead imposes a 84014
sentence under that division consisting of both a jail term and a 84015
term of house arrest with electronic monitoring, with continuous 84016
alcohol monitoring, or with both electronic monitoring and 84017
continuous alcohol monitoring. The court may impose a jail term in 84018
addition to the ten-day mandatory jail term. The cumulative jail 84019
term imposed for the offense shall not exceed six months. 84020

In addition to the jail term or the term of house arrest with 84021
electronic monitoring or continuous alcohol monitoring or both 84022
types of monitoring and jail term, the court shall require the 84023
offender to be assessed by ~~an alcohol and drug treatment program~~ a 84024
community addiction services provider that is authorized by 84025
section ~~3793.02~~ 5119.21 of the Revised Code, subject to division 84026
(I) of this section, and shall order the offender to follow the 84027
treatment recommendations of the ~~program~~ services provider. The 84028
purpose of the assessment is to determine the degree of the 84029
offender's alcohol usage and to determine whether or not treatment 84030
is warranted. Upon the request of the court, the ~~program~~ services 84031
provider shall submit the results of the assessment to the court, 84032
including all treatment recommendations and clinical diagnoses 84033
related to alcohol use. 84034

(ii) If the sentence is being imposed for a violation of 84035
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 84036
section, except as otherwise provided in this division, a 84037
mandatory jail term of twenty consecutive days. The court shall 84038
impose the twenty-day mandatory jail term under this division 84039
unless, subject to division (G)(3) of this section, it instead 84040
imposes a sentence under that division consisting of both a jail 84041
term and a term of house arrest with electronic monitoring, with 84042
continuous alcohol monitoring, or with both electronic monitoring 84043
and continuous alcohol monitoring. The court may impose a jail 84044
term in addition to the twenty-day mandatory jail term. The 84045
cumulative jail term imposed for the offense shall not exceed six 84046
months. 84047

In addition to the jail term or the term of house arrest with 84048
electronic monitoring or continuous alcohol monitoring or both 84049
types of monitoring and jail term, the court shall require the 84050
offender to be assessed by ~~an alcohol and drug treatment program~~ a 84051
community addiction service provider that is authorized by section 84052

~~3793.02~~ 5119.21 of the Revised Code, subject to division (I) of 84053
this section, and shall order the offender to follow the treatment 84054
recommendations of the ~~program~~ services provider. The purpose of 84055
the assessment is to determine the degree of the offender's 84056
alcohol usage and to determine whether or not treatment is 84057
warranted. Upon the request of the court, the ~~program~~ services 84058
provider shall submit the results of the assessment to the court, 84059
including all treatment recommendations and clinical diagnoses 84060
related to alcohol use. 84061

(iii) In all cases, notwithstanding the fines set forth in 84062
Chapter 2929. of the Revised Code, a fine of not less than five 84063
hundred twenty-five and not more than one thousand six hundred 84064
twenty-five dollars; 84065

(iv) In all cases, a class four license suspension of the 84066
offender's driver's license, commercial driver's license, 84067
temporary instruction permit, probationary license, or nonresident 84068
operating privilege from the range specified in division (A)(4) of 84069
section 4510.02 of the Revised Code. The court may grant limited 84070
driving privileges relative to the suspension under sections 84071
4510.021 and 4510.13 of the Revised Code. 84072

(v) In all cases, if the vehicle is registered in the 84073
offender's name, immobilization of the vehicle involved in the 84074
offense for ninety days in accordance with section 4503.233 of the 84075
Revised Code and impoundment of the license plates of that vehicle 84076
for ninety days. 84077

(c) Except as otherwise provided in division (G)(1)(e) of 84078
this section, an offender who, within six years of the offense, 84079
previously has been convicted of or pleaded guilty to two 84080
violations of division (A) or (B) of this section or other 84081
equivalent offenses is guilty of a misdemeanor. The court shall 84082
sentence the offender to all of the following: 84083

(i) If the sentence is being imposed for a violation of 84084
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 84085
mandatory jail term of thirty consecutive days. The court shall 84086
impose the thirty-day mandatory jail term under this division 84087
unless, subject to division (G)(3) of this section, it instead 84088
imposes a sentence under that division consisting of both a jail 84089
term and a term of house arrest with electronic monitoring, with 84090
continuous alcohol monitoring, or with both electronic monitoring 84091
and continuous alcohol monitoring. The court may impose a jail 84092
term in addition to the thirty-day mandatory jail term. 84093
Notwithstanding the jail terms set forth in sections 2929.21 to 84094
2929.28 of the Revised Code, the additional jail term shall not 84095
exceed one year, and the cumulative jail term imposed for the 84096
offense shall not exceed one year. 84097

(ii) If the sentence is being imposed for a violation of 84098
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 84099
section, a mandatory jail term of sixty consecutive days. The 84100
court shall impose the sixty-day mandatory jail term under this 84101
division unless, subject to division (G)(3) of this section, it 84102
instead imposes a sentence under that division consisting of both 84103
a jail term and a term of house arrest with electronic monitoring, 84104
with continuous alcohol monitoring, or with both electronic 84105
monitoring and continuous alcohol monitoring. The court may impose 84106
a jail term in addition to the sixty-day mandatory jail term. 84107
Notwithstanding the jail terms set forth in sections 2929.21 to 84108
2929.28 of the Revised Code, the additional jail term shall not 84109
exceed one year, and the cumulative jail term imposed for the 84110
offense shall not exceed one year. 84111

(iii) In all cases, notwithstanding the fines set forth in 84112
Chapter 2929. of the Revised Code, a fine of not less than eight 84113
hundred fifty and not more than two thousand seven hundred fifty 84114
dollars; 84115

(iv) In all cases, a class three license suspension of the 84116
offender's driver's license, commercial driver's license, 84117
temporary instruction permit, probationary license, or nonresident 84118
operating privilege from the range specified in division (A)(3) of 84119
section 4510.02 of the Revised Code. The court may grant limited 84120
driving privileges relative to the suspension under sections 84121
4510.021 and 4510.13 of the Revised Code. 84122

(v) In all cases, if the vehicle is registered in the 84123
offender's name, criminal forfeiture of the vehicle involved in 84124
the offense in accordance with section 4503.234 of the Revised 84125
Code. Division (G)(6) of this section applies regarding any 84126
vehicle that is subject to an order of criminal forfeiture under 84127
this division. 84128

(vi) In all cases, the court shall order the offender to 84129
participate ~~in an alcohol and drug~~ with a community addiction 84130
~~program services provider~~ authorized by section ~~3793.02~~ 5119.21 of 84131
the Revised Code, subject to division (I) of this section, and 84132
shall order the offender to follow the treatment recommendations 84133
of the ~~program services provider~~. The operator of the ~~program~~ 84134
services provider shall determine and assess the degree of the 84135
offender's alcohol dependency and shall make recommendations for 84136
treatment. Upon the request of the court, the ~~program services~~ 84137
provider shall submit the results of the assessment to the court, 84138
including all treatment recommendations and clinical diagnoses 84139
related to alcohol use. 84140

(d) Except as otherwise provided in division (G)(1)(e) of 84141
this section, an offender who, within six years of the offense, 84142
previously has been convicted of or pleaded guilty to three or 84143
four violations of division (A) or (B) of this section or other 84144
equivalent offenses or an offender who, within twenty years of the 84145
offense, previously has been convicted of or pleaded guilty to 84146
five or more violations of that nature is guilty of a felony of 84147

the fourth degree. The court shall sentence the offender to all of 84148
the following: 84149

(i) If the sentence is being imposed for a violation of 84150
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 84151
mandatory prison term of one, two, three, four, or five years as 84152
required by and in accordance with division (G)(2) of section 84153
2929.13 of the Revised Code if the offender also is convicted of 84154
or also pleads guilty to a specification of the type described in 84155
section 2941.1413 of the Revised Code or, in the discretion of the 84156
court, either a mandatory term of local incarceration of sixty 84157
consecutive days in accordance with division (G)(1) of section 84158
2929.13 of the Revised Code or a mandatory prison term of sixty 84159
consecutive days in accordance with division (G)(2) of that 84160
section if the offender is not convicted of and does not plead 84161
guilty to a specification of that type. If the court imposes a 84162
mandatory term of local incarceration, it may impose a jail term 84163
in addition to the sixty-day mandatory term, the cumulative total 84164
of the mandatory term and the jail term for the offense shall not 84165
exceed one year, and, except as provided in division (A)(1) of 84166
section 2929.13 of the Revised Code, no prison term is authorized 84167
for the offense. If the court imposes a mandatory prison term, 84168
notwithstanding division (A)(4) of section 2929.14 of the Revised 84169
Code, it also may sentence the offender to a definite prison term 84170
that shall be not less than six months and not more than thirty 84171
months and the prison terms shall be imposed as described in 84172
division (G)(2) of section 2929.13 of the Revised Code. If the 84173
court imposes a mandatory prison term or mandatory prison term and 84174
additional prison term, in addition to the term or terms so 84175
imposed, the court also may sentence the offender to a community 84176
control sanction for the offense, but the offender shall serve all 84177
of the prison terms so imposed prior to serving the community 84178
control sanction. 84179

(ii) If the sentence is being imposed for a violation of 84180
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 84181
section, a mandatory prison term of one, two, three, four, or five 84182
years as required by and in accordance with division (G)(2) of 84183
section 2929.13 of the Revised Code if the offender also is 84184
convicted of or also pleads guilty to a specification of the type 84185
described in section 2941.1413 of the Revised Code or, in the 84186
discretion of the court, either a mandatory term of local 84187
incarceration of one hundred twenty consecutive days in accordance 84188
with division (G)(1) of section 2929.13 of the Revised Code or a 84189
mandatory prison term of one hundred twenty consecutive days in 84190
accordance with division (G)(2) of that section if the offender is 84191
not convicted of and does not plead guilty to a specification of 84192
that type. If the court imposes a mandatory term of local 84193
incarceration, it may impose a jail term in addition to the one 84194
hundred twenty-day mandatory term, the cumulative total of the 84195
mandatory term and the jail term for the offense shall not exceed 84196
one year, and, except as provided in division (A)(1) of section 84197
2929.13 of the Revised Code, no prison term is authorized for the 84198
offense. If the court imposes a mandatory prison term, 84199
notwithstanding division (A)(4) of section 2929.14 of the Revised 84200
Code, it also may sentence the offender to a definite prison term 84201
that shall be not less than six months and not more than thirty 84202
months and the prison terms shall be imposed as described in 84203
division (G)(2) of section 2929.13 of the Revised Code. If the 84204
court imposes a mandatory prison term or mandatory prison term and 84205
additional prison term, in addition to the term or terms so 84206
imposed, the court also may sentence the offender to a community 84207
control sanction for the offense, but the offender shall serve all 84208
of the prison terms so imposed prior to serving the community 84209
control sanction. 84210

(iii) In all cases, notwithstanding section 2929.18 of the 84211
Revised Code, a fine of not less than one thousand three hundred 84212

fifty nor more than ten thousand five hundred dollars; 84213

(iv) In all cases, a class two license suspension of the 84214
offender's driver's license, commercial driver's license, 84215
temporary instruction permit, probationary license, or nonresident 84216
operating privilege from the range specified in division (A)(2) of 84217
section 4510.02 of the Revised Code. The court may grant limited 84218
driving privileges relative to the suspension under sections 84219
4510.021 and 4510.13 of the Revised Code. 84220

(v) In all cases, if the vehicle is registered in the 84221
offender's name, criminal forfeiture of the vehicle involved in 84222
the offense in accordance with section 4503.234 of the Revised 84223
Code. Division (G)(6) of this section applies regarding any 84224
vehicle that is subject to an order of criminal forfeiture under 84225
this division. 84226

(vi) In all cases, the court shall order the offender to 84227
participate ~~in an alcohol and drug~~ with a community addiction 84228
~~program services provider~~ authorized by section ~~3793.02~~ 5119.21 of 84229
the Revised Code, subject to division (I) of this section, and 84230
shall order the offender to follow the treatment recommendations 84231
of the ~~program services provider~~. The operator of the ~~program~~ 84232
services provider shall determine and assess the degree of the 84233
offender's alcohol dependency and shall make recommendations for 84234
treatment. Upon the request of the court, the ~~program services~~ 84235
provider shall submit the results of the assessment to the court, 84236
including all treatment recommendations and clinical diagnoses 84237
related to alcohol use. 84238

(vii) In all cases, if the court sentences the offender to a 84239
mandatory term of local incarceration, in addition to the 84240
mandatory term, the court, pursuant to section 2929.17 of the 84241
Revised Code, may impose a term of house arrest with electronic 84242
monitoring. The term shall not commence until after the offender 84243
has served the mandatory term of local incarceration. 84244

(e) An offender who previously has been convicted of or 84245
pleaded guilty to a violation of division (A) of this section that 84246
was a felony, regardless of when the violation and the conviction 84247
or guilty plea occurred, is guilty of a felony of the third 84248
degree. The court shall sentence the offender to all of the 84249
following: 84250

(i) If the offender is being sentenced for a violation of 84251
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 84252
mandatory prison term of one, two, three, four, or five years as 84253
required by and in accordance with division (G)(2) of section 84254
2929.13 of the Revised Code if the offender also is convicted of 84255
or also pleads guilty to a specification of the type described in 84256
section 2941.1413 of the Revised Code or a mandatory prison term 84257
of sixty consecutive days in accordance with division (G)(2) of 84258
section 2929.13 of the Revised Code if the offender is not 84259
convicted of and does not plead guilty to a specification of that 84260
type. The court may impose a prison term in addition to the 84261
mandatory prison term. The cumulative total of a sixty-day 84262
mandatory prison term and the additional prison term for the 84263
offense shall not exceed five years. In addition to the mandatory 84264
prison term or mandatory prison term and additional prison term 84265
the court imposes, the court also may sentence the offender to a 84266
community control sanction for the offense, but the offender shall 84267
serve all of the prison terms so imposed prior to serving the 84268
community control sanction. 84269

(ii) If the sentence is being imposed for a violation of 84270
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 84271
section, a mandatory prison term of one, two, three, four, or five 84272
years as required by and in accordance with division (G)(2) of 84273
section 2929.13 of the Revised Code if the offender also is 84274
convicted of or also pleads guilty to a specification of the type 84275
described in section 2941.1413 of the Revised Code or a mandatory 84276

prison term of one hundred twenty consecutive days in accordance 84277
with division (G)(2) of section 2929.13 of the Revised Code if the 84278
offender is not convicted of and does not plead guilty to a 84279
specification of that type. The court may impose a prison term in 84280
addition to the mandatory prison term. The cumulative total of a 84281
one hundred twenty-day mandatory prison term and the additional 84282
prison term for the offense shall not exceed five years. In 84283
addition to the mandatory prison term or mandatory prison term and 84284
additional prison term the court imposes, the court also may 84285
sentence the offender to a community control sanction for the 84286
offense, but the offender shall serve all of the prison terms so 84287
imposed prior to serving the community control sanction. 84288

(iii) In all cases, notwithstanding section 2929.18 of the 84289
Revised Code, a fine of not less than one thousand three hundred 84290
fifty nor more than ten thousand five hundred dollars; 84291

(iv) In all cases, a class two license suspension of the 84292
offender's driver's license, commercial driver's license, 84293
temporary instruction permit, probationary license, or nonresident 84294
operating privilege from the range specified in division (A)(2) of 84295
section 4510.02 of the Revised Code. The court may grant limited 84296
driving privileges relative to the suspension under sections 84297
4510.021 and 4510.13 of the Revised Code. 84298

(v) In all cases, if the vehicle is registered in the 84299
offender's name, criminal forfeiture of the vehicle involved in 84300
the offense in accordance with section 4503.234 of the Revised 84301
Code. Division (G)(6) of this section applies regarding any 84302
vehicle that is subject to an order of criminal forfeiture under 84303
this division. 84304

(vi) In all cases, the court shall order the offender to 84305
participate ~~in an alcohol and drug~~ with a community addiction 84306
~~program~~ services provider authorized by section ~~3793.02~~ 5119.21 of 84307
the Revised Code, subject to division (I) of this section, and 84308

shall order the offender to follow the treatment recommendations 84309
of the ~~program~~ services provider. The operator of the ~~program~~ 84310
services provider shall determine and assess the degree of the 84311
offender's alcohol dependency and shall make recommendations for 84312
treatment. Upon the request of the court, the ~~program~~ services 84313
provider shall submit the results of the assessment to the court, 84314
including all treatment recommendations and clinical diagnoses 84315
related to alcohol use. 84316

(2) An offender who is convicted of or pleads guilty to a 84317
violation of division (A) of this section and who subsequently 84318
seeks reinstatement of the driver's or occupational driver's 84319
license or permit or nonresident operating privilege suspended 84320
under this section as a result of the conviction or guilty plea 84321
shall pay a reinstatement fee as provided in division (F)(2) of 84322
section 4511.191 of the Revised Code. 84323

(3) If an offender is sentenced to a jail term under division 84324
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 84325
if, within sixty days of sentencing of the offender, the court 84326
issues a written finding on the record that, due to the 84327
unavailability of space at the jail where the offender is required 84328
to serve the term, the offender will not be able to begin serving 84329
that term within the sixty-day period following the date of 84330
sentencing, the court may impose an alternative sentence under 84331
this division that includes a term of house arrest with electronic 84332
monitoring, with continuous alcohol monitoring, or with both 84333
electronic monitoring and continuous alcohol monitoring. 84334

As an alternative to a mandatory jail term of ten consecutive 84335
days required by division (G)(1)(b)(i) of this section, the court, 84336
under this division, may sentence the offender to five consecutive 84337
days in jail and not less than eighteen consecutive days of house 84338
arrest with electronic monitoring, with continuous alcohol 84339
monitoring, or with both electronic monitoring and continuous 84340

alcohol monitoring. The cumulative total of the five consecutive 84341
days in jail and the period of house arrest with electronic 84342
monitoring, continuous alcohol monitoring, or both types of 84343
monitoring shall not exceed six months. The five consecutive days 84344
in jail do not have to be served prior to or consecutively to the 84345
period of house arrest. 84346

As an alternative to the mandatory jail term of twenty 84347
consecutive days required by division (G)(1)(b)(ii) of this 84348
section, the court, under this division, may sentence the offender 84349
to ten consecutive days in jail and not less than thirty-six 84350
consecutive days of house arrest with electronic monitoring, with 84351
continuous alcohol monitoring, or with both electronic monitoring 84352
and continuous alcohol monitoring. The cumulative total of the ten 84353
consecutive days in jail and the period of house arrest with 84354
electronic monitoring, continuous alcohol monitoring, or both 84355
types of monitoring shall not exceed six months. The ten 84356
consecutive days in jail do not have to be served prior to or 84357
consecutively to the period of house arrest. 84358

As an alternative to a mandatory jail term of thirty 84359
consecutive days required by division (G)(1)(c)(i) of this 84360
section, the court, under this division, may sentence the offender 84361
to fifteen consecutive days in jail and not less than fifty-five 84362
consecutive days of house arrest with electronic monitoring, with 84363
continuous alcohol monitoring, or with both electronic monitoring 84364
and continuous alcohol monitoring. The cumulative total of the 84365
fifteen consecutive days in jail and the period of house arrest 84366
with electronic monitoring, continuous alcohol monitoring, or both 84367
types of monitoring shall not exceed one year. The fifteen 84368
consecutive days in jail do not have to be served prior to or 84369
consecutively to the period of house arrest. 84370

As an alternative to the mandatory jail term of sixty 84371
consecutive days required by division (G)(1)(c)(ii) of this 84372

section, the court, under this division, may sentence the offender 84373
to thirty consecutive days in jail and not less than one hundred 84374
ten consecutive days of house arrest with electronic monitoring, 84375
with continuous alcohol monitoring, or with both electronic 84376
monitoring and continuous alcohol monitoring. The cumulative total 84377
of the thirty consecutive days in jail and the period of house 84378
arrest with electronic monitoring, continuous alcohol monitoring, 84379
or both types of monitoring shall not exceed one year. The thirty 84380
consecutive days in jail do not have to be served prior to or 84381
consecutively to the period of house arrest. 84382

(4) If an offender's driver's or occupational driver's 84383
license or permit or nonresident operating privilege is suspended 84384
under division (G) of this section and if section 4510.13 of the 84385
Revised Code permits the court to grant limited driving 84386
privileges, the court may grant the limited driving privileges in 84387
accordance with that section. If division (A)(7) of that section 84388
requires that the court impose as a condition of the privileges 84389
that the offender must display on the vehicle that is driven 84390
subject to the privileges restricted license plates that are 84391
issued under section 4503.231 of the Revised Code, except as 84392
provided in division (B) of that section, the court shall impose 84393
that condition as one of the conditions of the limited driving 84394
privileges granted to the offender, except as provided in division 84395
(B) of section 4503.231 of the Revised Code. 84396

(5) Fines imposed under this section for a violation of 84397
division (A) of this section shall be distributed as follows: 84398

(a) Twenty-five dollars of the fine imposed under division 84399
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 84400
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 84401
fine imposed under division (G)(1)(c)(iii), and two hundred ten 84402
dollars of the fine imposed under division (G)(1)(d)(iii) or 84403
(e)(iii) of this section shall be paid to an enforcement and 84404

education fund established by the legislative authority of the law 84405
enforcement agency in this state that primarily was responsible 84406
for the arrest of the offender, as determined by the court that 84407
imposes the fine. The agency shall use this share to pay only 84408
those costs it incurs in enforcing this section or a municipal OVI 84409
ordinance and in informing the public of the laws governing the 84410
operation of a vehicle while under the influence of alcohol, the 84411
dangers of the operation of a vehicle under the influence of 84412
alcohol, and other information relating to the operation of a 84413
vehicle under the influence of alcohol and the consumption of 84414
alcoholic beverages. 84415

(b) Fifty dollars of the fine imposed under division 84416
(G)(1)(a)(iii) of this section shall be paid to the political 84417
subdivision that pays the cost of housing the offender during the 84418
offender's term of incarceration. If the offender is being 84419
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 84420
(e), or (j) of this section and was confined as a result of the 84421
offense prior to being sentenced for the offense but is not 84422
sentenced to a term of incarceration, the fifty dollars shall be 84423
paid to the political subdivision that paid the cost of housing 84424
the offender during that period of confinement. The political 84425
subdivision shall use the share under this division to pay or 84426
reimburse incarceration or treatment costs it incurs in housing or 84427
providing drug and alcohol treatment to persons who violate this 84428
section or a municipal OVI ordinance, costs of any immobilizing or 84429
disabling device used on the offender's vehicle, and costs of 84430
electronic house arrest equipment needed for persons who violate 84431
this section. 84432

(c) Twenty-five dollars of the fine imposed under division 84433
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 84434
division (G)(1)(b)(iii) of this section shall be deposited into 84435
the county or municipal indigent drivers' alcohol treatment fund 84436

under the control of that court, as created by the county or 84437
municipal corporation under division (F) of section 4511.191 of 84438
the Revised Code. 84439

(d) One hundred fifteen dollars of the fine imposed under 84440
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 84441
fine imposed under division (G)(1)(c)(iii), and four hundred forty 84442
dollars of the fine imposed under division (G)(1)(d)(iii) or 84443
(e)(iii) of this section shall be paid to the political 84444
subdivision that pays the cost of housing the offender during the 84445
offender's term of incarceration. The political subdivision shall 84446
use this share to pay or reimburse incarceration or treatment 84447
costs it incurs in housing or providing drug and alcohol treatment 84448
to persons who violate this section or a municipal OVI ordinance, 84449
costs for any immobilizing or disabling device used on the 84450
offender's vehicle, and costs of electronic house arrest equipment 84451
needed for persons who violate this section. 84452

(e) Fifty dollars of the fine imposed under divisions 84453
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 84454
and (G)(1)(e)(iii) of this section shall be deposited into the 84455
special projects fund of the court in which the offender was 84456
convicted and that is established under division (E)(1) of section 84457
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 84458
of section 1907.24 of the Revised Code, to be used exclusively to 84459
cover the cost of immobilizing or disabling devices, including 84460
certified ignition interlock devices, and remote alcohol 84461
monitoring devices for indigent offenders who are required by a 84462
judge to use either of these devices. If the court in which the 84463
offender was convicted does not have a special projects fund that 84464
is established under division (E)(1) of section 2303.201, division 84465
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 84466
of the Revised Code, the fifty dollars shall be deposited into the 84467
indigent drivers interlock and alcohol monitoring fund under 84468

division (I) of section 4511.191 of the Revised Code. 84469

(f) Seventy-five dollars of the fine imposed under division 84470
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 84471
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 84472
of the fine imposed under division (G)(1)(c)(iii), and five 84473
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 84474
or (e)(iii) of this section shall be transmitted to the treasurer 84475
of state for deposit into the indigent defense support fund 84476
established under section 120.08 of the Revised Code. 84477

(g) The balance of the fine imposed under division 84478
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 84479
section shall be disbursed as otherwise provided by law. 84480

(6) If title to a motor vehicle that is subject to an order 84481
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 84482
this section is assigned or transferred and division (B)(2) or (3) 84483
of section 4503.234 of the Revised Code applies, in addition to or 84484
independent of any other penalty established by law, the court may 84485
fine the offender the value of the vehicle as determined by 84486
publications of the national automobile dealers association. The 84487
proceeds of any fine so imposed shall be distributed in accordance 84488
with division (C)(2) of that section. 84489

(7) In all cases in which an offender is sentenced under 84490
division (G) of this section, the offender shall provide the court 84491
with proof of financial responsibility as defined in section 84492
4509.01 of the Revised Code. If the offender fails to provide that 84493
proof of financial responsibility, the court, in addition to any 84494
other penalties provided by law, may order restitution pursuant to 84495
section 2929.18 or 2929.28 of the Revised Code in an amount not 84496
exceeding five thousand dollars for any economic loss arising from 84497
an accident or collision that was the direct and proximate result 84498
of the offender's operation of the vehicle before, during, or 84499
after committing the offense for which the offender is sentenced 84500

under division (G) of this section. 84501

(8) As used in division (G) of this section, "electronic 84502
monitoring," "mandatory prison term," and "mandatory term of local 84503
incarceration" have the same meanings as in section 2929.01 of the 84504
Revised Code. 84505

(H) Whoever violates division (B) of this section is guilty 84506
of operating a vehicle after underage alcohol consumption and 84507
shall be punished as follows: 84508

(1) Except as otherwise provided in division (H)(2) of this 84509
section, the offender is guilty of a misdemeanor of the fourth 84510
degree. In addition to any other sanction imposed for the offense, 84511
the court shall impose a class six suspension of the offender's 84512
driver's license, commercial driver's license, temporary 84513
instruction permit, probationary license, or nonresident operating 84514
privilege from the range specified in division (A)(6) of section 84515
4510.02 of the Revised Code. 84516

(2) If, within one year of the offense, the offender 84517
previously has been convicted of or pleaded guilty to one or more 84518
violations of division (A) or (B) of this section or other 84519
equivalent offenses, the offender is guilty of a misdemeanor of 84520
the third degree. In addition to any other sanction imposed for 84521
the offense, the court shall impose a class four suspension of the 84522
offender's driver's license, commercial driver's license, 84523
temporary instruction permit, probationary license, or nonresident 84524
operating privilege from the range specified in division (A)(4) of 84525
section 4510.02 of the Revised Code. 84526

(3) If the offender also is convicted of or also pleads 84527
guilty to a specification of the type described in section 84528
2941.1416 of the Revised Code and if the court imposes a jail term 84529
for the violation of division (B) of this section, the court shall 84530
impose upon the offender an additional definite jail term pursuant 84531

to division (E) of section 2929.24 of the Revised Code. 84532

(4) The offender shall provide the court with proof of 84533
financial responsibility as defined in section 4509.01 of the 84534
Revised Code. If the offender fails to provide that proof of 84535
financial responsibility, then, in addition to any other penalties 84536
provided by law, the court may order restitution pursuant to 84537
section 2929.28 of the Revised Code in an amount not exceeding 84538
five thousand dollars for any economic loss arising from an 84539
accident or collision that was the direct and proximate result of 84540
the offender's operation of the vehicle before, during, or after 84541
committing the violation of division (B) of this section. 84542

(I)(1) No court shall sentence an offender to an alcohol 84543
treatment program under this section unless the treatment program 84544
complies with the minimum standards for alcohol treatment programs 84545
adopted under Chapter ~~3793~~. 5119. of the Revised Code by the 84546
director of ~~alcohol and drug addiction services~~ mental health and 84547
addiction services. 84548

(2) An offender who stays in a drivers' intervention program 84549
or in an alcohol treatment program under an order issued under 84550
this section shall pay the cost of the stay in the program. 84551
However, if the court determines that an offender who stays in an 84552
alcohol treatment program under an order issued under this section 84553
is unable to pay the cost of the stay in the program, the court 84554
may order that the cost be paid from the court's indigent drivers' 84555
alcohol treatment fund. 84556

(J) If a person whose driver's or commercial driver's license 84557
or permit or nonresident operating privilege is suspended under 84558
this section files an appeal regarding any aspect of the person's 84559
trial or sentence, the appeal itself does not stay the operation 84560
of the suspension. 84561

(K) Division (A)(1)(j) of this section does not apply to a 84562

person who operates a vehicle, streetcar, or trackless trolley 84563
while the person has a concentration of a listed controlled 84564
substance or a listed metabolite of a controlled substance in the 84565
person's whole blood, blood serum or plasma, or urine that equals 84566
or exceeds the amount specified in that division, if both of the 84567
following apply: 84568

(1) The person obtained the controlled substance pursuant to 84569
a prescription issued by a licensed health professional authorized 84570
to prescribe drugs. 84571

(2) The person injected, ingested, or inhaled the controlled 84572
substance in accordance with the health professional's directions. 84573

(L) The prohibited concentrations of a controlled substance 84574
or a metabolite of a controlled substance listed in division 84575
(A)(1)(j) of this section also apply in a prosecution of a 84576
violation of division (D) of section 2923.16 of the Revised Code 84577
in the same manner as if the offender is being prosecuted for a 84578
prohibited concentration of alcohol. 84579

(M) All terms defined in section 4510.01 of the Revised Code 84580
apply to this section. If the meaning of a term defined in section 84581
4510.01 of the Revised Code conflicts with the meaning of the same 84582
term as defined in section 4501.01 or 4511.01 of the Revised Code, 84583
the term as defined in section 4510.01 of the Revised Code applies 84584
to this section. 84585

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 84586
as adopted by the supreme court under authority of section 2937.46 84587
of the Revised Code, do not apply to felony violations of this 84588
section. Subject to division (N)(2) of this section, the Rules of 84589
Criminal Procedure apply to felony violations of this section. 84590

(2) If, on or after January 1, 2004, the supreme court 84591
modifies the Ohio Traffic Rules to provide procedures to govern 84592
felony violations of this section, the modified rules shall apply 84593

to felony violations of this section. 84594

Sec. 4511.191. (A)(1) As used in this section: 84595

(a) "Physical control" has the same meaning as in section 84596
4511.194 of the Revised Code. 84597

(b) "Alcohol monitoring device" means any device that 84598
provides for continuous alcohol monitoring, any ignition interlock 84599
device, any immobilizing or disabling device other than an 84600
ignition interlock device that is constantly available to monitor 84601
the concentration of alcohol in a person's system, or any other 84602
device that provides for the automatic testing and periodic 84603
reporting of alcohol consumption by a person and that a court 84604
orders a person to use as a sanction imposed as a result of the 84605
person's conviction of or plea of guilty to an offense. 84606

(2) Any person who operates a vehicle, streetcar, or 84607
trackless trolley upon a highway or any public or private property 84608
used by the public for vehicular travel or parking within this 84609
state or who is in physical control of a vehicle, streetcar, or 84610
trackless trolley shall be deemed to have given consent to a 84611
chemical test or tests of the person's whole blood, blood serum or 84612
plasma, breath, or urine to determine the alcohol, drug of abuse, 84613
controlled substance, metabolite of a controlled substance, or 84614
combination content of the person's whole blood, blood serum or 84615
plasma, breath, or urine if arrested for a violation of division 84616
(A) or (B) of section 4511.19 of the Revised Code, section 84617
4511.194 of the Revised Code or a substantially equivalent 84618
municipal ordinance, or a municipal OVI ordinance. 84619

(3) The chemical test or tests under division (A)(2) of this 84620
section shall be administered at the request of a law enforcement 84621
officer having reasonable grounds to believe the person was 84622
operating or in physical control of a vehicle, streetcar, or 84623
trackless trolley in violation of a division, section, or 84624

ordinance identified in division (A)(2) of this section. The law 84625
enforcement agency by which the officer is employed shall 84626
designate which of the tests shall be administered. 84627

(4) Any person who is dead or unconscious, or who otherwise 84628
is in a condition rendering the person incapable of refusal, shall 84629
be deemed to have consented as provided in division (A)(2) of this 84630
section, and the test or tests may be administered, subject to 84631
sections 313.12 to 313.16 of the Revised Code. 84632

(5)(a) If a law enforcement officer arrests a person for a 84633
violation of division (A) or (B) of section 4511.19 of the Revised 84634
Code, section 4511.194 of the Revised Code or a substantially 84635
equivalent municipal ordinance, or a municipal OVI ordinance and 84636
if the person if convicted would be required to be sentenced under 84637
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 84638
Code, the law enforcement officer shall request the person to 84639
submit, and the person shall submit, to a chemical test or tests 84640
of the person's whole blood, blood serum or plasma, breath, or 84641
urine for the purpose of determining the alcohol, drug of abuse, 84642
controlled substance, metabolite of a controlled substance, or 84643
combination content of the person's whole blood, blood serum or 84644
plasma, breath, or urine. A law enforcement officer who makes a 84645
request pursuant to this division that a person submit to a 84646
chemical test or tests is not required to advise the person of the 84647
consequences of submitting to, or refusing to submit to, the test 84648
or tests and is not required to give the person the form described 84649
in division (B) of section 4511.192 of the Revised Code, but the 84650
officer shall advise the person at the time of the arrest that if 84651
the person refuses to take a chemical test the officer may employ 84652
whatever reasonable means are necessary to ensure that the person 84653
submits to a chemical test of the person's whole blood or blood 84654
serum or plasma. The officer shall also advise the person at the 84655
time of the arrest that the person may have an independent 84656

chemical test taken at the person's own expense. Divisions (A)(3) 84657
and (4) of this section apply to the administration of a chemical 84658
test or tests pursuant to this division. 84659

(b) If a person refuses to submit to a chemical test upon a 84660
request made pursuant to division (A)(5)(a) of this section, the 84661
law enforcement officer who made the request may employ whatever 84662
reasonable means are necessary to ensure that the person submits 84663
to a chemical test of the person's whole blood or blood serum or 84664
plasma. A law enforcement officer who acts pursuant to this 84665
division to ensure that a person submits to a chemical test of the 84666
person's whole blood or blood serum or plasma is immune from 84667
criminal and civil liability based upon a claim for assault and 84668
battery or any other claim for the acts, unless the officer so 84669
acted with malicious purpose, in bad faith, or in a wanton or 84670
reckless manner. 84671

(B)(1) Upon receipt of the sworn report of a law enforcement 84672
officer who arrested a person for a violation of division (A) or 84673
(B) of section 4511.19 of the Revised Code, section 4511.194 of 84674
the Revised Code or a substantially equivalent municipal 84675
ordinance, or a municipal OVI ordinance that was completed and 84676
sent to the registrar of motor vehicles and a court pursuant to 84677
section 4511.192 of the Revised Code in regard to a person who 84678
refused to take the designated chemical test, the registrar shall 84679
enter into the registrar's records the fact that the person's 84680
driver's or commercial driver's license or permit or nonresident 84681
operating privilege was suspended by the arresting officer under 84682
this division and that section and the period of the suspension, 84683
as determined under this section. The suspension shall be subject 84684
to appeal as provided in section 4511.197 of the Revised Code. The 84685
suspension shall be for whichever of the following periods 84686
applies: 84687

(a) Except when division (B)(1)(b), (c), or (d) of this 84688

section applies and specifies a different class or length of 84689
suspension, the suspension shall be a class C suspension for the 84690
period of time specified in division (B)(3) of section 4510.02 of 84691
the Revised Code. 84692

(b) If the arrested person, within six years of the date on 84693
which the person refused the request to consent to the chemical 84694
test, had refused one previous request to consent to a chemical 84695
test or had been convicted of or pleaded guilty to one violation 84696
of division (A) or (B) of section 4511.19 of the Revised Code or 84697
one other equivalent offense, the suspension shall be a class B 84698
suspension imposed for the period of time specified in division 84699
(B)(2) of section 4510.02 of the Revised Code. 84700

(c) If the arrested person, within six years of the date on 84701
which the person refused the request to consent to the chemical 84702
test, had refused two previous requests to consent to a chemical 84703
test, had been convicted of or pleaded guilty to two violations of 84704
division (A) or (B) of section 4511.19 of the Revised Code or 84705
other equivalent offenses, or had refused one previous request to 84706
consent to a chemical test and also had been convicted of or 84707
pleaded guilty to one violation of division (A) or (B) of section 84708
4511.19 of the Revised Code or other equivalent offenses, which 84709
violation or offense arose from an incident other than the 84710
incident that led to the refusal, the suspension shall be a class 84711
A suspension imposed for the period of time specified in division 84712
(B)(1) of section 4510.02 of the Revised Code. 84713

(d) If the arrested person, within six years of the date on 84714
which the person refused the request to consent to the chemical 84715
test, had refused three or more previous requests to consent to a 84716
chemical test, had been convicted of or pleaded guilty to three or 84717
more violations of division (A) or (B) of section 4511.19 of the 84718
Revised Code or other equivalent offenses, or had refused a number 84719
of previous requests to consent to a chemical test and also had 84720

been convicted of or pleaded guilty to a number of violations of 84721
division (A) or (B) of section 4511.19 of the Revised Code or 84722
other equivalent offenses that cumulatively total three or more 84723
such refusals, convictions, and guilty pleas, the suspension shall 84724
be for five years. 84725

(2) The registrar shall terminate a suspension of the 84726
driver's or commercial driver's license or permit of a resident or 84727
of the operating privilege of a nonresident, or a denial of a 84728
driver's or commercial driver's license or permit, imposed 84729
pursuant to division (B)(1) of this section upon receipt of notice 84730
that the person has entered a plea of guilty to, or that the 84731
person has been convicted after entering a plea of no contest to, 84732
operating a vehicle in violation of section 4511.19 of the Revised 84733
Code or in violation of a municipal OVI ordinance, if the offense 84734
for which the conviction is had or the plea is entered arose from 84735
the same incident that led to the suspension or denial. 84736

The registrar shall credit against any judicial suspension of 84737
a person's driver's or commercial driver's license or permit or 84738
nonresident operating privilege imposed pursuant to section 84739
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 84740
Revised Code for a violation of a municipal OVI ordinance, any 84741
time during which the person serves a related suspension imposed 84742
pursuant to division (B)(1) of this section. 84743

(C)(1) Upon receipt of the sworn report of the law 84744
enforcement officer who arrested a person for a violation of 84745
division (A) or (B) of section 4511.19 of the Revised Code or a 84746
municipal OVI ordinance that was completed and sent to the 84747
registrar and a court pursuant to section 4511.192 of the Revised 84748
Code in regard to a person whose test results indicate that the 84749
person's whole blood, blood serum or plasma, breath, or urine 84750
contained at least the concentration of alcohol specified in 84751
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 84752

Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division

(B)(2) of section 4510.02 of the Revised Code. 84785

(d) If, within six years of the date the test was conducted, 84786
the person has been convicted of or pleaded guilty to more than 84787
two violations of a statute or ordinance described in division 84788
(C)(1)(b) of this section, the suspension shall be a class A 84789
suspension imposed for the period of time specified in division 84790
(B)(1) of section 4510.02 of the Revised Code. 84791

(2) The registrar shall terminate a suspension of the 84792
driver's or commercial driver's license or permit of a resident or 84793
of the operating privilege of a nonresident, or a denial of a 84794
driver's or commercial driver's license or permit, imposed 84795
pursuant to division (C)(1) of this section upon receipt of notice 84796
that the person has entered a plea of guilty to, or that the 84797
person has been convicted after entering a plea of no contest to, 84798
operating a vehicle in violation of section 4511.19 of the Revised 84799
Code or in violation of a municipal OVI ordinance, if the offense 84800
for which the conviction is had or the plea is entered arose from 84801
the same incident that led to the suspension or denial. 84802

The registrar shall credit against any judicial suspension of 84803
a person's driver's or commercial driver's license or permit or 84804
nonresident operating privilege imposed pursuant to section 84805
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 84806
Revised Code for a violation of a municipal OVI ordinance, any 84807
time during which the person serves a related suspension imposed 84808
pursuant to division (C)(1) of this section. 84809

(D)(1) A suspension of a person's driver's or commercial 84810
driver's license or permit or nonresident operating privilege 84811
under this section for the time described in division (B) or (C) 84812
of this section is effective immediately from the time at which 84813
the arresting officer serves the notice of suspension upon the 84814
arrested person. Any subsequent finding that the person is not 84815
guilty of the charge that resulted in the person being requested 84816

to take the chemical test or tests under division (A) of this 84817
section does not affect the suspension. 84818

(2) If a person is arrested for operating a vehicle, 84819
streetcar, or trackless trolley in violation of division (A) or 84820
(B) of section 4511.19 of the Revised Code or a municipal OVI 84821
ordinance, or for being in physical control of a vehicle, 84822
streetcar, or trackless trolley in violation of section 4511.194 84823
of the Revised Code or a substantially equivalent municipal 84824
ordinance, regardless of whether the person's driver's or 84825
commercial driver's license or permit or nonresident operating 84826
privilege is or is not suspended under division (B) or (C) of this 84827
section or Chapter 4510. of the Revised Code, the person's initial 84828
appearance on the charge resulting from the arrest shall be held 84829
within five days of the person's arrest or the issuance of the 84830
citation to the person, subject to any continuance granted by the 84831
court pursuant to section 4511.197 of the Revised Code regarding 84832
the issues specified in that division. 84833

(E) When it finally has been determined under the procedures 84834
of this section and sections 4511.192 to 4511.197 of the Revised 84835
Code that a nonresident's privilege to operate a vehicle within 84836
this state has been suspended, the registrar shall give 84837
information in writing of the action taken to the motor vehicle 84838
administrator of the state of the person's residence and of any 84839
state in which the person has a license. 84840

(F) At the end of a suspension period under this section, 84841
under section 4511.194, section 4511.196, or division (G) of 84842
section 4511.19 of the Revised Code, or under section 4510.07 of 84843
the Revised Code for a violation of a municipal OVI ordinance and 84844
upon the request of the person whose driver's or commercial 84845
driver's license or permit was suspended and who is not otherwise 84846
subject to suspension, cancellation, or disqualification, the 84847
registrar shall return the driver's or commercial driver's license 84848

or permit to the person upon the occurrence of all of the 84849
conditions specified in divisions (F)(1) and (2) of this section: 84850

(1) A showing that the person has proof of financial 84851
responsibility, a policy of liability insurance in effect that 84852
meets the minimum standards set forth in section 4509.51 of the 84853
Revised Code, or proof, to the satisfaction of the registrar, that 84854
the person is able to respond in damages in an amount at least 84855
equal to the minimum amounts specified in section 4509.51 of the 84856
Revised Code. 84857

(2) Subject to the limitation contained in division (F)(3) of 84858
this section, payment by the person to the registrar or an 84859
eligible deputy registrar of a license reinstatement fee of four 84860
hundred seventy-five dollars, which fee shall be deposited in the 84861
state treasury and credited as follows: 84862

(a) One hundred twelve dollars and fifty cents shall be 84863
credited to the statewide treatment and prevention fund created by 84864
section 4301.30 of the Revised Code. Money credited to the fund 84865
under this section shall be used for purposes identified ~~in the~~ 84866
~~comprehensive statewide alcohol and drug addiction services plan~~ 84867
~~developed~~ under section ~~3793.04~~ 5119.22 of the Revised Code. 84868

(b) Seventy-five dollars shall be credited to the reparations 84869
fund created by section 2743.191 of the Revised Code. 84870

(c) Thirty-seven dollars and fifty cents shall be credited to 84871
the indigent drivers alcohol treatment fund, which is hereby 84872
established in the state treasury. Except as otherwise provided in 84873
division (F)(2)(c) of this section, moneys in the fund shall be 84874
distributed by the department of ~~alcohol and drug addiction~~ 84875
~~services~~ mental health and addiction services to the county 84876
indigent drivers alcohol treatment funds, the county juvenile 84877
indigent drivers alcohol treatment funds, and the municipal 84878
indigent drivers alcohol treatment funds that are required to be 84879

established by counties and municipal corporations pursuant to 84880
division (H) of this section, and shall be used only to pay the 84881
cost of an alcohol and drug addiction treatment program attended 84882
by an offender or juvenile traffic offender who is ordered to 84883
attend an alcohol and drug addiction treatment program by a 84884
county, juvenile, or municipal court judge and who is determined 84885
by the county, juvenile, or municipal court judge not to have the 84886
means to pay for the person's attendance at the program or to pay 84887
the costs specified in division (H)(4) of this section in 84888
accordance with that division. In addition, a county, juvenile, or 84889
municipal court judge may use moneys in the county indigent 84890
drivers alcohol treatment fund, county juvenile indigent drivers 84891
alcohol treatment fund, or municipal indigent drivers alcohol 84892
treatment fund to pay for the cost of the continued use of an 84893
alcohol monitoring device as described in divisions (H)(3) and (4) 84894
of this section. Moneys in the fund that are not distributed to a 84895
county indigent drivers alcohol treatment fund, a county juvenile 84896
indigent drivers alcohol treatment fund, or a municipal indigent 84897
drivers alcohol treatment fund under division (H) of this section 84898
because the director of ~~alcohol and drug addiction services~~ mental 84899
health and addiction services does not have the information 84900
necessary to identify the county or municipal corporation where 84901
the offender or juvenile offender was arrested may be transferred 84902
by the director of budget and management to the statewide 84903
treatment and prevention fund created by section 4301.30 of the 84904
Revised Code, upon certification of the amount by the director of 84905
~~alcohol and drug addiction services~~ mental health and addiction 84906
services. 84907

(d) Seventy-five dollars shall be credited to the ~~Ohio~~ 84908
~~rehabilitation services commission~~ opportunities for Ohioans with 84909
disabilities agency established by section ~~3304.12~~ 3304.15 of the 84910
Revised Code, to the services for rehabilitation fund, which is 84911
hereby established. The fund shall be used to match available 84912

federal matching funds where appropriate, and for any other 84913
purpose or program of the ~~commission~~ agency to rehabilitate ~~people~~ 84914
persons with disabilities to help them become employed and 84915
independent. 84916

(e) Seventy-five dollars shall be deposited into the state 84917
treasury and credited to the drug abuse resistance education 84918
programs fund, which is hereby established, to be used by the 84919
attorney general for the purposes specified in division (F)(4) of 84920
this section. 84921

(f) Thirty dollars shall be credited to the state bureau of 84922
motor vehicles fund created by section 4501.25 of the Revised 84923
Code. 84924

(g) Twenty dollars shall be credited to the trauma and 84925
emergency medical services fund created by section 4513.263 of the 84926
Revised Code. 84927

(h) Fifty dollars shall be credited to the indigent drivers 84928
interlock and alcohol monitoring fund, which is hereby established 84929
in the state treasury. Moneys in the fund shall be distributed by 84930
the department of public safety to the county indigent drivers 84931
interlock and alcohol monitoring funds, the county juvenile 84932
indigent drivers interlock and alcohol monitoring funds, and the 84933
municipal indigent drivers interlock and alcohol monitoring funds 84934
that are required to be established by counties and municipal 84935
corporations pursuant to this section, and shall be used only to 84936
pay the cost of an immobilizing or disabling device, including a 84937
certified ignition interlock device, or an alcohol monitoring 84938
device used by an offender or juvenile offender who is ordered to 84939
use the device by a county, juvenile, or municipal court judge and 84940
who is determined by the county, juvenile, or municipal court 84941
judge not to have the means to pay for the person's use of the 84942
device. 84943

(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the registrar or an eligible deputy registrar, only one reinstatement fee of four hundred seventy-five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (F)(2) of this section.

(4) The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to a law enforcement agency under this section shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of law enforcement officers who conduct drug abuse resistance education programs in public schools. The attorney general shall not use more than six per cent of the amounts the attorney general's office receives under division (F)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (F)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs.

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(5) In addition to the reinstatement fee under this section,

if the person pays the reinstatement fee to a deputy registrar, 84976
the deputy registrar shall collect a service fee of ten dollars to 84977
compensate the deputy registrar for services performed under this 84978
section. The deputy registrar shall retain eight dollars of the 84979
service fee and shall transmit the reinstatement fee, plus two 84980
dollars of the service fee, to the registrar in the manner the 84981
registrar shall determine. 84982

(G) Suspension of a commercial driver's license under 84983
division (B) or (C) of this section shall be concurrent with any 84984
period of disqualification under section 3123.611 or 4506.16 of 84985
the Revised Code or any period of suspension under section 3123.58 84986
of the Revised Code. No person who is disqualified for life from 84987
holding a commercial driver's license under section 4506.16 of the 84988
Revised Code shall be issued a driver's license under Chapter 84989
4507. of the Revised Code during the period for which the 84990
commercial driver's license was suspended under division (B) or 84991
(C) of this section. No person whose commercial driver's license 84992
is suspended under division (B) or (C) of this section shall be 84993
issued a driver's license under Chapter 4507. of the Revised Code 84994
during the period of the suspension. 84995

(H)(1) Each county shall establish an indigent drivers 84996
alcohol treatment fund, each county shall establish a juvenile 84997
indigent drivers alcohol treatment fund, and each municipal 84998
corporation in which there is a municipal court shall establish an 84999
indigent drivers alcohol treatment fund. All revenue that the 85000
general assembly appropriates to the indigent drivers alcohol 85001
treatment fund for transfer to a county indigent drivers alcohol 85002
treatment fund, a county juvenile indigent drivers alcohol 85003
treatment fund, or a municipal indigent drivers alcohol treatment 85004
fund, all portions of fees that are paid under division (F) of 85005
this section and that are credited under that division to the 85006
indigent drivers alcohol treatment fund in the state treasury for 85007

a county indigent drivers alcohol treatment fund, a county 85008
juvenile indigent drivers alcohol treatment fund, or a municipal 85009
indigent drivers alcohol treatment fund, all portions of 85010
additional costs imposed under section 2949.094 of the Revised 85011
Code that are specified for deposit into a county, county 85012
juvenile, or municipal indigent drivers alcohol treatment fund by 85013
that section, and all portions of fines that are specified for 85014
deposit into a county or municipal indigent drivers alcohol 85015
treatment fund by section 4511.193 of the Revised Code shall be 85016
deposited into that county indigent drivers alcohol treatment 85017
fund, county juvenile indigent drivers alcohol treatment fund, or 85018
municipal indigent drivers alcohol treatment fund. The portions of 85019
the fees paid under division (F) of this section that are to be so 85020
deposited shall be determined in accordance with division (H)(2) 85021
of this section. Additionally, all portions of fines that are paid 85022
for a violation of section 4511.19 of the Revised Code or of any 85023
prohibition contained in Chapter 4510. of the Revised Code, and 85024
that are required under section 4511.19 or any provision of 85025
Chapter 4510. of the Revised Code to be deposited into a county 85026
indigent drivers alcohol treatment fund or municipal indigent 85027
drivers alcohol treatment fund shall be deposited into the 85028
appropriate fund in accordance with the applicable division of the 85029
section or provision. 85030

(2) That portion of the license reinstatement fee that is 85031
paid under division (F) of this section and that is credited under 85032
that division to the indigent drivers alcohol treatment fund shall 85033
be deposited into a county indigent drivers alcohol treatment 85034
fund, a county juvenile indigent drivers alcohol treatment fund, 85035
or a municipal indigent drivers alcohol treatment fund as follows: 85036

(a) Regarding a suspension imposed under this section, that 85037
portion of the fee shall be deposited as follows: 85038

(i) If the fee is paid by a person who was charged in a 85039

county court with the violation that resulted in the suspension or 85040
in the imposition of the court costs, the portion shall be 85041
deposited into the county indigent drivers alcohol treatment fund 85042
under the control of that court; 85043

(ii) If the fee is paid by a person who was charged in a 85044
juvenile court with the violation that resulted in the suspension 85045
or in the imposition of the court costs, the portion shall be 85046
deposited into the county juvenile indigent drivers alcohol 85047
treatment fund established in the county served by the court; 85048

(iii) If the fee is paid by a person who was charged in a 85049
municipal court with the violation that resulted in the suspension 85050
or in the imposition of the court costs, the portion shall be 85051
deposited into the municipal indigent drivers alcohol treatment 85052
fund under the control of that court. 85053

(b) Regarding a suspension imposed under section 4511.19 of 85054
the Revised Code or under section 4510.07 of the Revised Code for 85055
a violation of a municipal OVI ordinance, that portion of the fee 85056
shall be deposited as follows: 85057

(i) If the fee is paid by a person whose license or permit 85058
was suspended by a county court, the portion shall be deposited 85059
into the county indigent drivers alcohol treatment fund under the 85060
control of that court; 85061

(ii) If the fee is paid by a person whose license or permit 85062
was suspended by a municipal court, the portion shall be deposited 85063
into the municipal indigent drivers alcohol treatment fund under 85064
the control of that court. 85065

(3) Expenditures from a county indigent drivers alcohol 85066
treatment fund, a county juvenile indigent drivers alcohol 85067
treatment fund, or a municipal indigent drivers alcohol treatment 85068
fund shall be made only upon the order of a county, juvenile, or 85069
municipal court judge and only for payment of the cost of an 85070

assessment or the cost of the attendance at an alcohol and drug 85071
addiction treatment program of a person who is convicted of, or 85072
found to be a juvenile traffic offender by reason of, a violation 85073
of division (A) of section 4511.19 of the Revised Code or a 85074
substantially similar municipal ordinance, who is ordered by the 85075
court to attend the alcohol and drug addiction treatment program, 85076
and who is determined by the court to be unable to pay the cost of 85077
the assessment or the cost of attendance at the treatment program 85078
or for payment of the costs specified in division (H)(4) of this 85079
section in accordance with that division. The alcohol and drug 85080
addiction services board or the board of alcohol, drug addiction, 85081
and mental health services established pursuant to section 340.02 85082
or 340.021 of the Revised Code and serving the alcohol, drug 85083
addiction, and mental health service district in which the court 85084
is located shall administer the indigent drivers alcohol treatment 85085
program of the court. When a court orders an offender or juvenile 85086
traffic offender to obtain an assessment or attend an alcohol and 85087
drug addiction treatment program, the board shall determine which 85088
program is suitable to meet the needs of the offender or juvenile 85089
traffic offender, and when a suitable program is located and space 85090
is available at the program, the offender or juvenile traffic 85091
offender shall attend the program designated by the board. A 85092
reasonable amount not to exceed five per cent of the amounts 85093
credited to and deposited into the county indigent drivers alcohol 85094
treatment fund, the county juvenile indigent drivers alcohol 85095
treatment fund, or the municipal indigent drivers alcohol 85096
treatment fund serving every court whose program is administered 85097
by that board shall be paid to the board to cover the costs it 85098
incurs in administering those indigent drivers alcohol treatment 85099
programs. 85100

In addition, upon exhaustion of moneys in the indigent 85101
drivers interlock and alcohol monitoring fund for the use of an 85102
alcohol monitoring device, a county, juvenile, or municipal court 85103

judge may use moneys in the county indigent drivers alcohol 85104
treatment fund, county juvenile indigent drivers alcohol treatment 85105
fund, or municipal indigent drivers alcohol treatment fund in the 85106
following manners: 85107

(a) If the source of the moneys was an appropriation of the 85108
general assembly, a portion of a fee that was paid under division 85109
(F) of this section, a portion of a fine that was specified for 85110
deposit into the fund by section 4511.193 of the Revised Code, or 85111
a portion of a fine that was paid for a violation of section 85112
4511.19 of the Revised Code or of a provision contained in Chapter 85113
4510. of the Revised Code that was required to be deposited into 85114
the fund, to pay for the continued use of an alcohol monitoring 85115
device by an offender or juvenile traffic offender, in conjunction 85116
with a treatment program approved by the department of ~~alcohol and~~ 85117
~~drug addiction services~~ mental health and addiction services, when 85118
such use is determined clinically necessary by the treatment 85119
program and when the court determines that the offender or 85120
juvenile traffic offender is unable to pay all or part of the 85121
daily monitoring or cost of the device; 85122

(b) If the source of the moneys was a portion of an 85123
additional court cost imposed under section 2949.094 of the 85124
Revised Code, to pay for the continued use of an alcohol 85125
monitoring device by an offender or juvenile traffic offender when 85126
the court determines that the offender or juvenile traffic 85127
offender is unable to pay all or part of the daily monitoring or 85128
cost of the device. The moneys may be used for a device as 85129
described in this division if the use of the device is in 85130
conjunction with a treatment program approved by the department of 85131
~~alcohol and drug addiction services~~ mental health and addiction 85132
services, when the use of the device is determined clinically 85133
necessary by the treatment program, but the use of a device is not 85134
required to be in conjunction with a treatment program approved by 85135

the department in order for the moneys to be used for the device 85136
as described in this division. 85137

(4) If a county, juvenile, or municipal court determines, in 85138
consultation with the alcohol and drug addiction services board or 85139
the board of alcohol, drug addiction, and mental health services 85140
established pursuant to section 340.02 or 340.021 of the Revised 85141
Code and serving the alcohol, drug addiction, and mental health 85142
district in which the court is located, that the funds in the 85143
county indigent drivers alcohol treatment fund, the county 85144
juvenile indigent drivers alcohol treatment fund, or the municipal 85145
indigent drivers alcohol treatment fund under the control of the 85146
court are more than sufficient to satisfy the purpose for which 85147
the fund was established, as specified in divisions (H)(1) to (3) 85148
of this section, the court may declare a surplus in the fund. If 85149
the court declares a surplus in the fund, the court may expend the 85150
amount of the surplus in the fund for: 85151

(a) Alcohol and drug abuse assessment and treatment of 85152
persons who are charged in the court with committing a criminal 85153
offense or with being a delinquent child or juvenile traffic 85154
offender and in relation to whom both of the following apply: 85155

(i) The court determines that substance abuse was a 85156
contributing factor leading to the criminal or delinquent activity 85157
or the juvenile traffic offense with which the person is charged. 85158

(ii) The court determines that the person is unable to pay 85159
the cost of the alcohol and drug abuse assessment and treatment 85160
for which the surplus money will be used. 85161

(b) All or part of the cost of purchasing alcohol monitoring 85162
devices to be used in conjunction with division (H)(3) of this 85163
section, upon exhaustion of moneys in the indigent drivers 85164
interlock and alcohol monitoring fund for the use of an alcohol 85165
monitoring device. 85166

(5) For the purpose of determining as described in division 85167
(F)(2)(c) of this section whether an offender does not have the 85168
means to pay for the offender's attendance at an alcohol and drug 85169
addiction treatment program or whether an alleged offender or 85170
delinquent child is unable to pay the costs specified in division 85171
(H)(4) of this section, the court shall use the indigent client 85172
eligibility guidelines and the standards of indigency established 85173
by the state public defender to make the determination. 85174

(6) The court shall identify and refer any ~~alcohol and drug~~ 85175
community addiction program services provider that is not 85176
certified under section ~~3793.06~~ 5119.36 of the Revised Code and 85177
that is interested in receiving amounts from the surplus in the 85178
fund declared under division (H)(4) of this section to the 85179
department of ~~alcohol and drug addiction services~~ mental health 85180
and addiction services in order for the ~~program services provider~~ 85181
to become a certified ~~alcohol and drug~~ community addiction program 85182
services provider. The department shall keep a record of applicant 85183
referrals received pursuant to this division and shall submit a 85184
report on the referrals each year to the general assembly. If a 85185
~~program services provider~~ interested in becoming certified makes 85186
an application to become certified pursuant to section ~~3793.06~~ 85187
5119.36 of the Revised Code, the ~~program services provider~~ is 85188
eligible to receive surplus funds as long as the application is 85189
pending with the department. The department of ~~alcohol and drug~~ 85190
~~addiction services~~ mental health and addiction services must offer 85191
technical assistance to the applicant. If the interested ~~program~~ 85192
services provider withdraws the certification application, the 85193
department must notify the court, and the court shall not provide 85194
the interested ~~program services provider~~ with any further surplus 85195
funds. 85196

(7)(a) Each alcohol and drug addiction services board and 85197
board of alcohol, drug addiction, and mental health services 85198

established pursuant to section 340.02 or 340.021 of the Revised Code shall submit to the department of ~~alcohol and drug addiction services~~ mental health and addiction services an annual report for each indigent drivers alcohol treatment fund in that board's area.

(b) The report, which shall be submitted not later than sixty days after the end of the state fiscal year, shall provide the total payment that was made from the fund, including the number of indigent consumers that received treatment services and the number of indigent consumers that received an alcohol monitoring device. The report shall identify the treatment program and expenditure for an alcohol monitoring device for which that payment was made. The report shall include the fiscal year balance of each indigent drivers alcohol treatment fund located in that board's area. In the event that a surplus is declared in the fund pursuant to division (H)(4) of this section, the report also shall provide the total payment that was made from the surplus moneys and identify the treatment program and expenditure for an alcohol monitoring device for which that payment was made. ~~The department may require additional information necessary to complete the comprehensive statewide alcohol and drug addiction services plan as required by section 3793.04 of the Revised Code.~~

(c) If a board is unable to obtain adequate information to develop the report to submit to the department for a particular indigent drivers alcohol treatment fund, the board shall submit a report detailing the effort made in obtaining the information.

(I)(1) Each county shall establish an indigent drivers interlock and alcohol monitoring fund and a juvenile indigent drivers interlock and alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers interlock and alcohol monitoring fund. All revenue that the general assembly appropriates to the indigent drivers interlock and alcohol monitoring fund for transfer to a

county indigent drivers interlock and alcohol monitoring fund, a 85231
county juvenile indigent drivers interlock and alcohol monitoring 85232
fund, or a municipal indigent drivers interlock and alcohol 85233
monitoring fund, all portions of license reinstatement fees that 85234
are paid under division (F)(2) of this section and that are 85235
credited under that division to the indigent drivers interlock and 85236
alcohol monitoring fund in the state treasury, and all portions of 85237
fines that are paid under division (G) of section 4511.19 of the 85238
Revised Code and that are credited by division (G)(5)(e) of that 85239
section to the indigent drivers interlock and alcohol monitoring 85240
fund in the state treasury shall be deposited in the appropriate 85241
fund in accordance with division (I)(2) of this section. 85242

(2) That portion of the license reinstatement fee that is 85243
paid under division (F) of this section and that portion of the 85244
fine paid under division (G) of section 4511.19 of the Revised 85245
Code and that is credited under either division to the indigent 85246
drivers interlock and alcohol monitoring fund shall be deposited 85247
into a county indigent drivers interlock and alcohol monitoring 85248
fund, a county juvenile indigent drivers interlock and alcohol 85249
monitoring fund, or a municipal indigent drivers interlock and 85250
alcohol monitoring fund as follows: 85251

(a) If the fee or fine is paid by a person who was charged in 85252
a county court with the violation that resulted in the suspension 85253
or fine, the portion shall be deposited into the county indigent 85254
drivers interlock and alcohol monitoring fund under the control of 85255
that court. 85256

(b) If the fee or fine is paid by a person who was charged in 85257
a juvenile court with the violation that resulted in the 85258
suspension or fine, the portion shall be deposited into the county 85259
juvenile indigent drivers interlock and alcohol monitoring fund 85260
established in the county served by the court. 85261

(c) If the fee or fine is paid by a person who was charged in 85262

a municipal court with the violation that resulted in the 85263
suspension, the portion shall be deposited into the municipal 85264
indigent drivers interlock and alcohol monitoring fund under the 85265
control of that court. 85266

Sec. 4511.21. (A) No person shall operate a motor vehicle, 85267
trackless trolley, or streetcar at a speed greater or less than is 85268
reasonable or proper, having due regard to the traffic, surface, 85269
and width of the street or highway and any other conditions, and 85270
no person shall drive any motor vehicle, trackless trolley, or 85271
streetcar in and upon any street or highway at a greater speed 85272
than will permit the person to bring it to a stop within the 85273
assured clear distance ahead. 85274

(B) It is prima-facie lawful, in the absence of a lower limit 85275
declared or established pursuant to this section by the director 85276
of transportation or local authorities, for the operator of a 85277
motor vehicle, trackless trolley, or streetcar to operate the same 85278
at a speed not exceeding the following: 85279

(1)(a) Twenty miles per hour in school zones during school 85280
recess and while children are going to or leaving school during 85281
the opening or closing hours, and when twenty miles per hour 85282
school speed limit signs are erected; except that, on 85283
controlled-access highways and expressways, if the right-of-way 85284
line fence has been erected without pedestrian opening, the speed 85285
shall be governed by division (B)(4) of this section and on 85286
freeways, if the right-of-way line fence has been erected without 85287
pedestrian opening, the speed shall be governed by divisions 85288
(B)(9) and (10) of this section. The end of every school zone may 85289
be marked by a sign indicating the end of the zone. Nothing in 85290
this section or in the manual and specifications for a uniform 85291
system of traffic control devices shall be construed to require 85292
school zones to be indicated by signs equipped with flashing or 85293

other lights, or giving other special notice of the hours in which 85294
the school zone speed limit is in effect. 85295

(b) As used in this section and in section 4511.212 of the 85296
Revised Code, "school" means any school chartered under section 85297
3301.16 of the Revised Code and any nonchartered school that 85298
during the preceding year filed with the department of education 85299
in compliance with rule 3301-35-08 of the Ohio Administrative 85300
Code, a copy of the school's report for the parents of the 85301
school's pupils certifying that the school meets Ohio minimum 85302
standards for nonchartered, nontax-supported schools and presents 85303
evidence of this filing to the jurisdiction from which it is 85304
requesting the establishment of a school zone. "School" also 85305
includes a special elementary school that in writing requests the 85306
county engineer of the county in which the special elementary 85307
school is located to create a school zone at the location of that 85308
school. Upon receipt of such a written request, the county 85309
engineer shall create a school zone at that location by erecting 85310
the appropriate signs. 85311

(c) As used in this section, "school zone" means that portion 85312
of a street or highway passing a school fronting upon the street 85313
or highway that is encompassed by projecting the school property 85314
lines to the fronting street or highway, and also includes that 85315
portion of a state highway. Upon request from local authorities 85316
for streets and highways under their jurisdiction and that portion 85317
of a state highway under the jurisdiction of the director of 85318
transportation or a request from a county engineer in the case of 85319
a school zone for a special elementary school, the director may 85320
extend the traditional school zone boundaries. The distances in 85321
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 85322
exceed three hundred feet per approach per direction and are 85323
bounded by whichever of the following distances or combinations 85324
thereof the director approves as most appropriate: 85325

(i) The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of three hundred feet on each approach direction; 85326
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(ii) The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred feet on each approach direction; 85329
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(iii) The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of three hundred feet on each approach direction of the highway. 85332
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Nothing in this section shall be construed to invalidate the director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B)(1)(a) and (c) of this section. 85335
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(d) As used in this division, "crosswalk" has the meaning given that term in division (LL)(2) of section 4511.01 of the Revised Code. 85341
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The director may, upon request by resolution of the legislative authority of a municipal corporation, the board of trustees of a township, or a county board of developmental disabilities created pursuant to Chapter 5126. of the Revised Code, and upon submission by the municipal corporation, township, or county board of such engineering, traffic, and other information as the director considers necessary, designate a school zone on any portion of a state route lying within the municipal corporation, lying within the unincorporated territory of the township, or lying adjacent to the property of a school that is operated by such county board, that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as 85344
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measured in a straight line, from the school property line nearest 85357
the crosswalk to the nearest point of the crosswalk is no more 85358
than one thousand three hundred twenty feet. Such a school zone 85359
shall include the distance encompassed by the crosswalk and 85360
extending three hundred feet on each approach direction of the 85361
state route. 85362

(e) As used in this section, "special elementary school" 85363
means a school that meets all of the following criteria: 85364

(i) It is not chartered and does not receive tax revenue from 85365
any source. 85366

(ii) It does not educate children beyond the eighth grade. 85367

(iii) It is located outside the limits of a municipal 85368
corporation. 85369

(iv) A majority of the total number of students enrolled at 85370
the school are not related by blood. 85371

(v) The principal or other person in charge of the special 85372
elementary school annually sends a report to the superintendent of 85373
the school district in which the special elementary school is 85374
located indicating the total number of students enrolled at the 85375
school, but otherwise the principal or other person in charge does 85376
not report any other information or data to the superintendent. 85377

(2) Twenty-five miles per hour in all other portions of a 85378
municipal corporation, except on state routes outside business 85379
districts, through highways outside business districts, and 85380
alleys; 85381

(3) Thirty-five miles per hour on all state routes or through 85382
highways within municipal corporations outside business districts, 85383
except as provided in divisions (B)(4) and (6) of this section; 85384

(4) Fifty miles per hour on controlled-access highways and 85385
expressways within municipal corporations; 85386

(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in division (B)(9) of this section, and freeways as provided in divisions (B)~~(12)~~, (13), ~~(14)~~, (16), and (17) of this section; 85387
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(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section; 85392
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(7) Fifteen miles per hour on all alleys within the municipal corporation; 85395
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(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction; 85397
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(9) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section. 85399
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(10) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)~~(12)~~, (13), ~~(14)~~, (16), and (17) of this section; 85402
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(11) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)~~(12)~~, (13), ~~(14)~~, (16), and (17) of this section; 85406
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(12) ~~Fifty-five~~ Sixty miles per hour at all times on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had a speed limit of fifty-five miles per hour immediately prior to the effective date of this amendment. for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus; 85409
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(13) ~~Fifty-five~~ Sixty miles per hour for operators of any 85417
motor vehicle weighing eight thousand pounds or less empty weight 85418
and any commercial bus at all times on all portions of freeways 85419
that are not part of the interstate system, but are built to the 85420
standards and specifications that are applicable to freeways that 85421
are part of the interstate system and that had ~~such~~ a speed limit 85422
established of fifty-five miles per hour immediately prior to 85423
~~October 1, 1995, unless a higher speed limit is established under~~ 85424
~~division (L) the effective date of this section amendment;~~ 85425

(14) ~~Sixty-five~~ Seventy miles per hour for operators of any 85426
motor vehicle ~~weighing eight thousand pounds or less empty weight~~ 85427
~~and any commercial bus~~ at all times on all portions of both of the 85428
following: 85429

(a) Freeways that are not part of the interstate system, but 85430
are built to the standards and specifications that are applicable 85431
to freeways that are part of the interstate system and that had 85432
~~such~~ a speed limit established of sixty-five miles per hour 85433
immediately prior to ~~October 1, 1995~~ the effective date of this 85434
amendment; 85435

(b) ~~Freeways that are not part of the interstate system but~~ 85436
~~are built to the standards and specifications that are applicable~~ 85437
~~to freeways that are part of the interstate system, and that had~~ 85438
~~such a speed limit established under division (L) of this section;~~ 85439

(c) ~~Rural, divided, multi-lane highways that are designated~~ 85440
~~as part of the national highway system under the "National Highway~~ 85441
~~System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103,~~ 85442
~~and that had such a speed limit established under division (M) of~~ 85443
sixty-five miles per hour immediately prior to the effective date 85444
of this section amendment. 85445

(15) Fifty-five miles per hour for operators of any motor 85446
vehicle at all times on all portions of freeways in congested 85447

areas as determined by the director and that are part of the 85448
interstate system and are located within a municipal corporation 85449
or within an interstate freeway outerbelt; 85450

(16) Sixty-five miles per hour for operators of any motor 85451
vehicle at all times on all portions of freeways in urban areas as 85452
determined by the director and that are part of the interstate 85453
system and are part of an interstate freeway outerbelt; 85454

(17) Seventy miles per hour at all times on all portions of 85455
freeways that are part of the interstate system and are outside 85456
urbanized areas, as designated in accordance with 23 U.S.C. 101, 85457
for operators of all motor vehicles. 85458

(C) It is prima-facie unlawful for any person to exceed any 85459
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 85460
(6), (7), and (8) of this section, or any declared or established 85461
pursuant to this section by the director or local authorities and 85462
it is unlawful for any person to exceed any of the speed 85463
limitations in division (D) of this section. No person shall be 85464
convicted of more than one violation of this section for the same 85465
conduct, although violations of more than one provision of this 85466
section may be charged in the alternative in a single affidavit. 85467

(D) No person shall operate a motor vehicle, trackless 85468
trolley, or streetcar upon a street or highway as follows: 85469

(1) At a speed exceeding fifty-five miles per hour, except 85470
upon a two-lane state route as provided in division (B)(9) of this 85471
section and upon a freeway as provided in divisions (B)(12), (13), 85472
(14), (16), and (17) of this section; 85473

(2) At a speed exceeding sixty miles per hour upon a two-lane 85474
state route as provided in division (B)(9) of this section- and 85475
upon a freeway as provided in divisions (B)(12) and (13) of this 85476
section; 85477

(3) At a speed exceeding sixty-five miles per hour upon a 85478

freeway as provided in division (B)(16) of this section, except 85479
upon a freeway as provided in ~~division~~ divisions (B)(~~14~~) and (17) 85480
of this section; 85481

(4) At a speed exceeding seventy miles per hour upon a 85482
freeway as provided in ~~division~~ divisions (B)(~~14~~) and (17) of this 85483
section; 85484

(5) If a motor vehicle weighing in excess of eight thousand 85485
pounds empty weight or a noncommercial bus as prescribed in 85486
division (B)(~~11~~)(~~12~~) of this section, at a speed exceeding 85487
~~fifty-five~~ sixty miles per hour, except upon a freeway as provided 85488
in divisions (B)(~~14~~), (16), and (17) of this section; 85489

(6) At a speed exceeding the posted speed limit upon a 85490
freeway for which the director has determined and declared a speed 85491
limit of not more than sixty-five miles per hour pursuant to 85492
division (L)(2) or (M) of this section; 85493

(7) At a speed exceeding sixty-five miles per hour upon a 85494
freeway for which such a speed limit has been established through 85495
the operation of division (L)(3) of this section; 85496

(8) At a speed exceeding the posted speed limit upon a 85497
freeway for which the director has determined and declared a speed 85498
limit pursuant to division (I)(2) of this section. 85499

(E) In every charge of violation of this section the 85500
affidavit and warrant shall specify the time, place, and speed at 85501
which the defendant is alleged to have driven, and in charges made 85502
in reliance upon division (C) of this section also the speed which 85503
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 85504
declared or established pursuant to, this section declares is 85505
prima-facie lawful at the time and place of such alleged 85506
violation, except that in affidavits where a person is alleged to 85507
have driven at a greater speed than will permit the person to 85508
bring the vehicle to a stop within the assured clear distance 85509

ahead the affidavit and warrant need not specify the speed at 85510
which the defendant is alleged to have driven. 85511

(F) When a speed in excess of both a prima-facie limitation 85512
and a limitation in division (D) of this section is alleged, the 85513
defendant shall be charged in a single affidavit, alleging a 85514
single act, with a violation indicated of both division (B)(1)(a), 85515
(2), (3), (4), (6), (7), or (8) of this section, or of a limit 85516
declared or established pursuant to this section by the director 85517
or local authorities, and of the limitation in division (D) of 85518
this section. If the court finds a violation of division 85519
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 85520
or established pursuant to, this section has occurred, it shall 85521
enter a judgment of conviction under such division and dismiss the 85522
charge under division (D) of this section. If it finds no 85523
violation of division (B)(1)(a), (2), (3), (4), (6), (7), or (8) 85524
of, or a limit declared or established pursuant to, this section, 85525
it shall then consider whether the evidence supports a conviction 85526
under division (D) of this section. 85527

(G) Points shall be assessed for violation of a limitation 85528
under division (D) of this section in accordance with section 85529
4510.036 of the Revised Code. 85530

(H)(1) Whenever the director determines upon the basis of a 85531
geometric and traffic characteristic study that any speed limit 85532
set forth in divisions (B)(1)(a) to (D) of this section is greater 85533
or less than is reasonable or safe under the conditions found to 85534
exist at any portion of a street or highway under the jurisdiction 85535
of the director, the director shall determine and declare a 85536
reasonable and safe prima-facie speed limit, which shall be 85537
effective when appropriate signs giving notice of it are erected 85538
at the location. 85539

(2) Whenever the director determines upon the basis of a 85540
geometric and traffic characteristic study that the speed limit of 85541

fifty-five miles per hour on a two-lane state route outside a 85542
municipal corporation is less than is reasonable or safe under the 85543
conditions found to exist at that portion of the state route, the 85544
director may determine and declare a speed limit of sixty miles 85545
per hour for that portion of the state route, which shall be 85546
effective when appropriate signs giving notice of it are erected 85547
at the location. 85548

(I)(1) Except as provided in divisions (I)(2) and (K) of this 85549
section, whenever local authorities determine upon the basis of an 85550
engineering and traffic investigation that the speed permitted by 85551
divisions (B)(1)(a) to (D) of this section, on any part of a 85552
highway under their jurisdiction, is greater than is reasonable 85553
and safe under the conditions found to exist at such location, the 85554
local authorities may by resolution request the director to 85555
determine and declare a reasonable and safe prima-facie speed 85556
limit. Upon receipt of such request the director may determine and 85557
declare a reasonable and safe prima-facie speed limit at such 85558
location, and if the director does so, then such declared speed 85559
limit shall become effective only when appropriate signs giving 85560
notice thereof are erected at such location by the local 85561
authorities. The director may withdraw the declaration of a 85562
prima-facie speed limit whenever in the director's opinion the 85563
altered prima-facie speed becomes unreasonable. Upon such 85564
withdrawal, the declared prima-facie speed shall become 85565
ineffective and the signs relating thereto shall be immediately 85566
removed by the local authorities. 85567

(2) A local authority may determine on the basis of a 85568
geometric and traffic characteristic study that the speed limit of 85569
sixty-five miles per hour on a portion of a freeway under its 85570
jurisdiction that was established through the operation of 85571
division (L)(3) of this section is greater than is reasonable or 85572
safe under the conditions found to exist at that portion of the 85573

freeway. If the local authority makes such a determination, the 85574
local authority by resolution may request the director to 85575
determine and declare a reasonable and safe speed limit of not 85576
less than fifty-five miles per hour for that portion of the 85577
freeway. If the director takes such action, the declared speed 85578
limit becomes effective only when appropriate signs giving notice 85579
of it are erected at such location by the local authority. 85580

(J) Local authorities in their respective jurisdictions may 85581
authorize by ordinance higher prima-facie speeds than those stated 85582
in this section upon through highways, or upon highways or 85583
portions thereof where there are no intersections, or between 85584
widely spaced intersections, provided signs are erected giving 85585
notice of the authorized speed, but local authorities shall not 85586
modify or alter the basic rule set forth in division (A) of this 85587
section or in any event authorize by ordinance a speed in excess 85588
of fifty miles per hour. 85589

Alteration of prima-facie limits on state routes by local 85590
authorities shall not be effective until the alteration has been 85591
approved by the director. The director may withdraw approval of 85592
any altered prima-facie speed limits whenever in the director's 85593
opinion any altered prima-facie speed becomes unreasonable, and 85594
upon such withdrawal, the altered prima-facie speed shall become 85595
ineffective and the signs relating thereto shall be immediately 85596
removed by the local authorities. 85597

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 85598
section, "unimproved highway" means a highway consisting of any of 85599
the following: 85600

(a) Unimproved earth; 85601

(b) Unimproved graded and drained earth; 85602

(c) Gravel. 85603

(2) Except as otherwise provided in divisions (K)(4) and (5) 85604

of this section, whenever a board of township trustees determines 85605
upon the basis of an engineering and traffic investigation that 85606
the speed permitted by division (B)(5) of this section on any part 85607
of an unimproved highway under its jurisdiction and in the 85608
unincorporated territory of the township is greater than is 85609
reasonable or safe under the conditions found to exist at the 85610
location, the board may by resolution declare a reasonable and 85611
safe prima-facie speed limit of fifty-five but not less than 85612
twenty-five miles per hour. An altered speed limit adopted by a 85613
board of township trustees under this division becomes effective 85614
when appropriate traffic control devices, as prescribed in section 85615
4511.11 of the Revised Code, giving notice thereof are erected at 85616
the location, which shall be no sooner than sixty days after 85617
adoption of the resolution. 85618

(3)(a) Whenever, in the opinion of a board of township 85619
trustees, any altered prima-facie speed limit established by the 85620
board under this division becomes unreasonable, the board may 85621
adopt a resolution withdrawing the altered prima-facie speed 85622
limit. Upon the adoption of such a resolution, the altered 85623
prima-facie speed limit becomes ineffective and the traffic 85624
control devices relating thereto shall be immediately removed. 85625

(b) Whenever a highway ceases to be an unimproved highway and 85626
the board has adopted an altered prima-facie speed limit pursuant 85627
to division (K)(2) of this section, the board shall, by 85628
resolution, withdraw the altered prima-facie speed limit as soon 85629
as the highway ceases to be unimproved. Upon the adoption of such 85630
a resolution, the altered prima-facie speed limit becomes 85631
ineffective and the traffic control devices relating thereto shall 85632
be immediately removed. 85633

(4)(a) If the boundary of two townships rests on the 85634
centerline of an unimproved highway in unincorporated territory 85635
and both townships have jurisdiction over the highway, neither of 85636

the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K)(2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of an engineering and traffic investigation, that the speed permitted by division (B)(5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K)(2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in division (K)(4)(b) of this section, no speed limit altered pursuant to division (K)(4)(a) of this section may be withdrawn unless the boards of township trustees of both townships determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each board adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in division (K)(3)(a) of this section.

(b) Whenever a highway described in division (K)(4)(a) of this section ceases to be an unimproved highway and two boards of township trustees have adopted an altered prima-facie speed limit pursuant to division (K)(4)(a) of this section, both boards shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of the resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(5) As used in division (K)(5) of this section:

(a) "Commercial subdivision" means any platted territory outside the limits of a municipal corporation and fronting a

highway where, for a distance of three hundred feet or more, the frontage is improved with buildings in use for commercial purposes, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with buildings in use for commercial purposes.

(b) "Residential subdivision" means any platted territory outside the limits of a municipal corporation and fronting a highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with residences or residences and buildings in use for business.

Whenever a board of township trustees finds upon the basis of an engineering and traffic investigation that the prima-facie speed permitted by division (B)(5) of this section on any part of a highway under its jurisdiction that is located in a commercial or residential subdivision, except on highways or portions thereof at the entrances to which vehicular traffic from the majority of intersecting highways is required to yield the right-of-way to vehicles on such highways in obedience to stop or yield signs or traffic control signals, is greater than is reasonable and safe under the conditions found to exist at the location, the board may by resolution declare a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour at the location. An altered speed limit adopted by a board of township trustees under this division shall become effective when appropriate signs giving notice thereof are erected at the location by the township. Whenever, in the opinion of a board of township trustees, any altered prima-facie speed limit established by it under this division becomes unreasonable, it may adopt a resolution withdrawing the altered prima-facie speed, and upon such withdrawal, the altered prima-facie speed shall become

ineffective, and the signs relating thereto shall be immediately removed by the township.

(L)(1) Within one hundred twenty days of February 29, 1996, the director of transportation, based upon a geometric and traffic characteristic study of a freeway that is part of the interstate system or that is not part of the interstate system, but is built to the standards and specifications that are applicable to freeways that are part of the interstate system, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over a portion of such freeway, may determine and declare that the speed limit of less than sixty-five miles per hour established on such freeway or portion of freeway either is reasonable and safe or is less than that which is reasonable and safe.

(2) If the established speed limit for such a freeway or portion of freeway is determined to be less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the portion of freeway, shall determine and declare a reasonable and safe speed limit of not more than sixty-five miles per hour for that freeway or portion of freeway.

The director of transportation or local authority having jurisdiction over the freeway or portion of freeway shall erect appropriate signs giving notice of the speed limit at such location within one hundred fifty days of February 29, 1996. Such speed limit becomes effective only when such signs are erected at the location.

(3) If, within one hundred twenty days of February 29, 1996, the director of transportation does not make a determination and declaration of a reasonable and safe speed limit for a freeway or portion of freeway that is part of the interstate system or that

is not part of the interstate system, but is built to the 85733
standards and specifications that are applicable to freeways that 85734
are part of the interstate system and that has a speed limit of 85735
less than sixty-five miles per hour, the speed limit on that 85736
freeway or portion of a freeway shall be sixty-five miles per 85737
hour. The director of transportation or local authority having 85738
jurisdiction over the freeway or portion of the freeway shall 85739
erect appropriate signs giving notice of the speed limit of 85740
sixty-five miles per hour at such location within one hundred 85741
fifty days of February 29, 1996. Such speed limit becomes 85742
effective only when such signs are erected at the location. A 85743
speed limit established through the operation of division (L)(3) 85744
of this section is subject to reduction under division (I)(2) of 85745
this section. 85746

(M) Within three hundred sixty days after February 29, 1996, 85747
the director of transportation, based upon a geometric and traffic 85748
characteristic study of a rural, divided, multi-lane highway that 85749
has been designated as part of the national highway system under 85750
the "National Highway System Designation Act of 1995," 109 Stat. 85751
568, 23 U.S.C.A. 103, in consultation with the director of public 85752
safety and, if applicable, the local authority having jurisdiction 85753
over a portion of the highway, may determine and declare that the 85754
speed limit of less than sixty-five miles per hour established on 85755
the highway or portion of highway either is reasonable and safe or 85756
is less than that which is reasonable and safe. 85757

If the established speed limit for the highway or portion of 85758
highway is determined to be less than that which is reasonable and 85759
safe, the director of transportation, in consultation with the 85760
director of public safety and, if applicable, the local authority 85761
having jurisdiction over the portion of highway, shall determine 85762
and declare a reasonable and safe speed limit of not more than 85763
sixty-five miles per hour for that highway or portion of highway. 85764

The director of transportation or local authority having 85765
jurisdiction over the highway or portion of highway shall erect 85766
appropriate signs giving notice of the speed limit at such 85767
location within three hundred ninety days after February 29, 1996. 85768
The speed limit becomes effective only when such signs are erected 85769
at the location. 85770

(N)(1)(a) If the boundary of two local authorities rests on 85771
the centerline of a highway and both authorities have jurisdiction 85772
over the highway, the speed limit for the part of the highway 85773
within their joint jurisdiction shall be either one of the 85774
following as agreed to by both authorities: 85775

(i) Either prima-facie speed limit permitted by division (B) 85776
of this section; 85777

(ii) An altered speed limit determined and posted in 85778
accordance with this section. 85779

(b) If the local authorities are unable to reach an 85780
agreement, the speed limit shall remain as established and posted 85781
under this section. 85782

(2) Neither local authority may declare an altered 85783
prima-facie speed limit pursuant to this section on the part of 85784
the highway under their joint jurisdiction unless both of the 85785
local authorities determine, upon the basis of an engineering and 85786
traffic investigation, that the speed permitted by this section is 85787
greater than is reasonable or safe under the conditions found to 85788
exist at the location and both authorities agree upon a uniform 85789
reasonable and safe prima-facie speed limit of less than 85790
fifty-five but not less than twenty-five miles per hour for that 85791
location. If both authorities so agree, each shall follow the 85792
procedure specified in this section for altering the prima-facie 85793
speed limit on the highway, and the speed limit for the part of 85794
the highway within their joint jurisdiction shall be uniformly 85795

altered. No altered speed limit may be withdrawn unless both local 85796
authorities determine that the altered prima-facie speed limit 85797
previously adopted becomes unreasonable and each adopts a 85798
resolution withdrawing the altered prima-facie speed limit 85799
pursuant to the procedure specified in this section. 85800

(O) As used in this section: 85801

(1) "Interstate system" has the same meaning as in 23 85802
U.S.C.A. 101. 85803

(2) "Commercial bus" means a motor vehicle designed for 85804
carrying more than nine passengers and used for the transportation 85805
of persons for compensation. 85806

(3) "Noncommercial bus" includes but is not limited to a 85807
school bus or a motor vehicle operated solely for the 85808
transportation of persons associated with a charitable or 85809
nonprofit organization. 85810

(4) "Outerbelt" means a portion of a freeway that is part of 85811
the interstate system and is located in the outer vicinity of a 85812
major municipal corporation or group of municipal corporations, as 85813
designated by the director. 85814

(P)(1) A violation of any provision of this section is one of 85815
the following: 85816

(a) Except as otherwise provided in divisions (P)(1)(b), 85817
(1)(c), (2), and (3) of this section, a minor misdemeanor; 85818

(b) If, within one year of the offense, the offender 85819
previously has been convicted of or pleaded guilty to two 85820
violations of any provision of this section or of any provision of 85821
a municipal ordinance that is substantially similar to any 85822
provision of this section, a misdemeanor of the fourth degree; 85823

(c) If, within one year of the offense, the offender 85824
previously has been convicted of or pleaded guilty to three or 85825

more violations of any provision of this section or of any 85826
provision of a municipal ordinance that is substantially similar 85827
to any provision of this section, a misdemeanor of the third 85828
degree. 85829

(2) If the offender has not previously been convicted of or 85830
pleaded guilty to a violation of any provision of this section or 85831
of any provision of a municipal ordinance that is substantially 85832
similar to this section and operated a motor vehicle faster than 85833
thirty-five miles an hour in a business district of a municipal 85834
corporation, faster than fifty miles an hour in other portions of 85835
a municipal corporation, or faster than thirty-five miles an hour 85836
in a school zone during recess or while children are going to or 85837
leaving school during the school's opening or closing hours, a 85838
misdemeanor of the fourth degree. 85839

(3) Notwithstanding division (P)(1) of this section, if the 85840
offender operated a motor vehicle in a construction zone where a 85841
sign was then posted in accordance with section 4511.98 of the 85842
Revised Code, the court, in addition to all other penalties 85843
provided by law, shall impose upon the offender a fine of two 85844
times the usual amount imposed for the violation. No court shall 85845
impose a fine of two times the usual amount imposed for the 85846
violation upon an offender if the offender alleges, in an 85847
affidavit filed with the court prior to the offender's sentencing, 85848
that the offender is indigent and is unable to pay the fine 85849
imposed pursuant to this division and if the court determines that 85850
the offender is an indigent person and unable to pay the fine. 85851

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 85852
roadway where there is an adjacent curb shall be stopped or parked 85853
with the right-hand wheels of the vehicle parallel with and not 85854
more than twelve inches from the right-hand curb, unless it is 85855
impossible to approach so close to the curb; in such case the stop 85856

shall be made as close to the curb as possible and only for the 85857
time necessary to discharge and receive passengers or to load or 85858
unload merchandise. Local authorities by ordinance may permit 85859
angle parking on any roadway under their jurisdiction, except that 85860
angle parking shall not be permitted on a state route within a 85861
municipal corporation unless an unoccupied roadway width of not 85862
less than twenty-five feet is available for free-moving traffic. 85863

(B) Local authorities by ordinance may permit parking of 85864
vehicles with the left-hand wheels adjacent to and within twelve 85865
inches of the left-hand curb of a one-way roadway. 85866

(C)(1)~~(a)~~ Except as provided in division (C)~~(2)~~(1)~~(b)~~ of this 85867
section, no vehicle or trackless trolley shall be stopped or 85868
parked on a road or highway with the vehicle or trackless trolley 85869
facing in a direction other than the direction of travel on that 85870
side of the road or highway. 85871

~~(2)~~(b) The operator of a motorcycle may back the motorcycle 85872
into an angled parking space so that when the motorcycle is parked 85873
it is facing in a direction other than the direction of travel on 85874
the side of the road or highway. 85875

(2) The operator of a motorcycle may back the motorcycle into 85876
a parking space that is located on the side of, and parallel to, a 85877
road or highway. The motorcycle may face any direction when so 85878
parked. Not more than two motorcycles at a time shall be parked in 85879
a parking space as described in division (C)(2) of this section 85880
irrespective of whether or not the space is metered. 85881

(D) Notwithstanding any statute or any rule, resolution, or 85882
ordinance adopted by any local authority, air compressors, 85883
tractors, trucks, and other equipment, while being used in the 85884
construction, reconstruction, installation, repair, or removal of 85885
facilities near, on, over, or under a street or highway, may stop, 85886
stand, or park where necessary in order to perform such work, 85887

provided a flagperson is on duty or warning signs or lights are 85888
displayed as may be prescribed by the director of transportation. 85889

(E) Special parking locations and privileges for persons with 85890
disabilities that limit or impair the ability to walk, also known 85891
as handicapped parking spaces or disability parking spaces, shall 85892
be provided and designated by all political subdivisions and by 85893
the state and all agencies and instrumentalities thereof at all 85894
offices and facilities, where parking is provided, whether owned, 85895
rented, or leased, and at all publicly owned parking garages. The 85896
locations shall be designated through the posting of an elevated 85897
sign, whether permanently affixed or movable, imprinted with the 85898
international symbol of access and shall be reasonably close to 85899
exits, entrances, elevators, and ramps. All elevated signs posted 85900
in accordance with this division and division (C) of section 85901
3781.111 of the Revised Code shall be mounted on a fixed or 85902
movable post, and the distance from the ground to the bottom edge 85903
of the sign shall measure not less than five feet. If a new sign 85904
or a replacement sign designating a special parking location is 85905
posted on or after October 14, 1999, there also shall be affixed 85906
upon the surface of that sign or affixed next to the designating 85907
sign a notice that states the fine applicable for the offense of 85908
parking a motor vehicle in the special designated parking location 85909
if the motor vehicle is not legally entitled to be parked in that 85910
location. 85911

(F)(1) No person shall stop, stand, or park any motor vehicle 85912
at special parking locations provided under division (E) of this 85913
section or at special clearly marked parking locations provided in 85914
or on privately owned parking lots, parking garages, or other 85915
parking areas and designated in accordance with that division, 85916
unless one of the following applies: 85917

(a) The motor vehicle is being operated by or for the 85918
transport of a person with a disability that limits or impairs the 85919

ability to walk and is displaying a valid removable windshield placard or special license plates; 85920
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(b) The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates. 85922
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(2) Any motor vehicle that is parked in a special marked parking location in violation of division (F)(1)(a) or (b) of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the political subdivision in which the parking location is located. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles. 85925
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(3) If a person is charged with a violation of division (F)(1)(a) or (b) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in division (A)(1) of section 4503.44 of the Revised Code. 85939
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(G) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card 85946
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or special handicapped license plates, the motor vehicle is 85952
permitted to park for a period of two hours in excess of the legal 85953
parking period permitted by local authorities, except where local 85954
ordinances or police rules provide otherwise or where the vehicle 85955
is parked in such a manner as to be clearly a traffic hazard. 85956

(H) No owner of an office, facility, or parking garage where 85957
special parking locations are required to be designated in 85958
accordance with division (E) of this section shall fail to 85959
properly mark the special parking locations in accordance with 85960
that division or fail to maintain the markings of the special 85961
locations, including the erection and maintenance of the fixed or 85962
movable signs. 85963

(I) Nothing in this section shall be construed to require a 85964
person or organization to apply for a removable windshield placard 85965
or special license plates if the parking card or special license 85966
plates issued to the person or organization under prior law have 85967
not expired or been surrendered or revoked. 85968

(J)(1) Whoever violates division (A) or (C) of this section 85969
is guilty of a minor misdemeanor. 85970

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 85971
section is guilty of a misdemeanor and shall be punished as 85972
provided in division (J)(2)(a) and (b) of this section. Except as 85973
otherwise provided in division (J)(2)(a) of this section, an 85974
offender who violates division (F)(1)(a) or (b) of this section 85975
shall be fined not less than two hundred fifty nor more than five 85976
hundred dollars. An offender who violates division (F)(1)(a) or 85977
(b) of this section shall be fined not more than one hundred 85978
dollars if the offender, prior to sentencing, proves either of the 85979
following to the satisfaction of the court: 85980

(i) At the time of the violation of division (F)(1)(a) of 85981
this section, the offender or the person for whose transport the 85982

motor vehicle was being operated had been issued a removable 85983
windshield placard that then was valid or special license plates 85984
that then were valid but the offender or the person neglected to 85985
display the placard or license plates as described in division 85986
(F)(1)(a) of this section. 85987

(ii) At the time of the violation of division (F)(1)(b) of 85988
this section, the offender or the person for whose transport the 85989
motor vehicle was being operated had been issued a parking card 85990
that then was valid or special handicapped license plates that 85991
then were valid but the offender or the person neglected to 85992
display the card or license plates as described in division 85993
(F)(1)(b) of this section. 85994

(b) In no case shall an offender who violates division 85995
(F)(1)(a) or (b) of this section be sentenced to any term of 85996
imprisonment. 85997

An arrest or conviction for a violation of division (F)(1)(a) 85998
or (b) of this section does not constitute a criminal record and 85999
need not be reported by the person so arrested or convicted in 86000
response to any inquiries contained in any application for 86001
employment, license, or other right or privilege, or made in 86002
connection with the person's appearance as a witness. 86003

The clerk of the court shall pay every fine collected under 86004
division (J)(2) of this section to the political subdivision in 86005
which the violation occurred. Except as provided in division 86006
(J)(2) of this section, the political subdivision shall use the 86007
fine moneys it receives under division (J)(2) of this section to 86008
pay the expenses it incurs in complying with the signage and 86009
notice requirements contained in division (E) of this section. The 86010
political subdivision may use up to fifty per cent of each fine it 86011
receives under division (J)(2) of this section to pay the costs of 86012
educational, advocacy, support, and assistive technology programs 86013
for persons with disabilities, and for public improvements within 86014

the political subdivision that benefit or assist persons with 86015
disabilities, if governmental agencies or nonprofit organizations 86016
offer the programs. 86017

(3) Whoever violates division (H) of this section shall be 86018
punished as follows: 86019

(a) Except as otherwise provided in division (J)(3) of this 86020
section, the offender shall be issued a warning. 86021

(b) If the offender previously has been convicted of or 86022
pleaded guilty to a violation of division (H) of this section or 86023
of a municipal ordinance that is substantially similar to that 86024
division, the offender shall not be issued a warning but shall be 86025
fined not more than twenty-five dollars for each parking location 86026
that is not properly marked or whose markings are not properly 86027
maintained. 86028

(K) As used in this section: 86029

(1) "Handicapped person" means any person who has lost the 86030
use of one or both legs or one or both arms, who is blind, deaf, 86031
or so severely handicapped as to be unable to move without the aid 86032
of crutches or a wheelchair, or whose mobility is restricted by a 86033
permanent cardiovascular, pulmonary, or other handicapping 86034
condition. 86035

(2) "Person with a disability that limits or impairs the 86036
ability to walk" has the same meaning as in section 4503.44 of the 86037
Revised Code. 86038

(3) "Special license plates" and "removable windshield 86039
placard" mean any license plates or removable windshield placard 86040
or temporary removable windshield placard issued under section 86041
4503.41 or 4503.44 of the Revised Code, and also mean any 86042
substantially similar license plates or removable windshield 86043
placard or temporary removable windshield placard issued by a 86044
state, district, country, or sovereignty. 86045

Sec. 4511.85. (A) The operator of a chauffeured limousine 86046
shall accept passengers only on the basis of prearranged 86047
contracts, as defined in division (LL) of section 4501.01 of the 86048
Revised Code, and shall not cruise in search of patronage unless 86049
the limousine is in compliance with any statute or ordinance 86050
governing the operation of taxicabs or other similar vehicles for 86051
hire. 86052

(B) The operator of a chauffeured limousine may provide 86053
transportation to passengers who arrange for the transportation 86054
through an intermediary, including a digital dispatching service. 86055
Notwithstanding any law to the contrary, when providing 86056
transportation arranged through an intermediary, the operator of a 86057
chauffeured limousine may establish the fare and method of fare 86058
calculation, so long as the method of fare calculation is provided 86059
to the passenger upon request. 86060

(C) No person shall advertise or hold self out as doing 86061
business as a limousine service or livery service or other similar 86062
designation unless each vehicle used by the person to provide the 86063
service is registered in accordance with section 4503.24 of the 86064
Revised Code and is in compliance with section 4509.80 of the 86065
Revised Code. 86066

~~(C)~~(D) Whoever violates this section is guilty of a 86067
misdemeanor of the first degree. 86068

Sec. 4513.34. (A)(1) The director of transportation with 86069
respect to all highways that are a part of the state highway 86070
system and local authorities with respect to highways under their 86071
jurisdiction, upon application in writing, shall issue a special 86072
regional heavy hauling permit authorizing the applicant to operate 86073
or move a vehicle or combination of vehicles as follows: 86074

(a) At a size or weight of vehicle or load exceeding the 86075

maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code;

(b) Upon any highway under the jurisdiction of the authority granting the permit except those highways with a condition insufficient to bear the weight of the vehicle or combination of vehicles as stated in the application;

(c) For regional trips at distances of one hundred fifty miles or less from a facility stated on the application as the applicant's point of origin.

Issuance of a special regional heavy hauling permit is subject to the payment of a fee established by the director or local authority in accordance with this section.

(2) In circumstances where a person is not eligible to receive a permit under division (A)(1) of this section, the director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code, upon any highway under the jurisdiction of the authority granting the permit.

(3) For purposes of this section, the director may designate certain state highways or portions of state highways as special economic development highways. If an application submitted to the director under this section involves travel of a nonconforming vehicle or combination of vehicles upon a special economic development highway, the director, in determining whether good

cause has been shown that issuance of a permit is justified, shall 86107
consider the effect the travel of the vehicle or combination of 86108
vehicles will have on the economic development in the area in 86109
which the designated highway or portion of highway is located. 86110

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 86111
Code, the holder of a permit issued by the director under this 86112
section may move the vehicle or combination of vehicles described 86113
in the permit on any highway that is a part of the state highway 86114
system when the movement is partly within and partly without the 86115
corporate limits of a municipal corporation. No local authority 86116
shall require any other permit or license or charge any license 86117
fee or other charge against the holder of a permit for the 86118
movement of a vehicle or combination of vehicles on any highway 86119
that is a part of the state highway system. The director shall not 86120
require the holder of a permit issued by a local authority to 86121
obtain a special permit for the movement of vehicles or 86122
combination of vehicles on highways within the jurisdiction of the 86123
local authority. Permits may be issued for any period of time not 86124
to exceed one year, as the director in the director's discretion 86125
or a local authority in its discretion determines advisable, or 86126
for the duration of any public construction project. 86127

(C)(1) The application for a permit issued under this section 86128
shall be in the form that the director or local authority 86129
prescribes. The director or local authority may prescribe a permit 86130
fee to be imposed and collected when any permit described in this 86131
section is issued. The permit fee may be in an amount sufficient 86132
to reimburse the director or local authority for the 86133
administrative costs incurred in issuing the permit, and also to 86134
cover the cost of the normal and expected damage caused to the 86135
roadway or a street or highway structure as the result of the 86136
operation of the nonconforming vehicle or combination of vehicles. 86137
The director, in accordance with Chapter 119. of the Revised Code, 86138

shall establish a schedule of fees for permits issued by the 86139
director under this section; however, the fee to operate a triple 86140
trailer unit, at locations authorized under federal law, shall be 86141
one hundred dollars. 86142

(2) For the purposes of this section and of rules adopted by 86143
the director under this section, milk transported in bulk by 86144
vehicle is deemed a nondivisible load. 86145

(3) For purposes of this section and of rules adopted by the 86146
director under this section, three or fewer aluminum coils, 86147
transported by a vehicle, are deemed a nondivisible load. The 86148
director shall adopt rules establishing requirements for an 86149
aluminum coil permit that are substantially similar to the 86150
requirements for a steel coil permit under Chapter 5501:2-1 of the 86151
Administrative Code. 86152

(D) The director or a local authority shall issue a special 86153
regional heavy hauling permit under division (A)(1) of this 86154
section upon application and payment of the applicable fee. 86155
However, the director or local authority may issue or withhold a 86156
special permit specified in division (A)(2) of this section. If a 86157
permit is to be issued, the director or local authority may limit 86158
or prescribe conditions of operation for the vehicle and may 86159
require the posting of a bond or other security conditioned upon 86160
the sufficiency of the permit fee to compensate for damage caused 86161
to the roadway or a street or highway structure. In addition, a 86162
local authority, as a condition of issuance of an overweight 86163
permit, may require the applicant to develop and enter into a 86164
mutual agreement with the local authority to compensate for or to 86165
repair excess damage caused to the roadway by travel under the 86166
permit. 86167

For a permit that will allow travel of a nonconforming 86168
vehicle or combination of vehicles on a special economic 86169
development highway, the director, as a condition of issuance, may 86170

require the applicant to agree to make periodic payments to the department to compensate for damage caused to the roadway by travel under the permit.

(E) Every permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

(F) The director may debar an applicant from applying for a permit under this section upon a finding based on a reasonable belief that the applicant has done any of the following:

(1) Abused the process by repeatedly submitting false information or false travel plans or by using another company or individual's name, insurance, or escrow account without proper authorization;

(2) Failed to comply with or substantially perform under a previously issued permit according to its terms, conditions, and specifications within specified time limits;

(3) Failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the permit;

(4) Accumulated repeated justified complaints regarding performance under a permit that was previously issued to the applicant or previously failed to obtain a permit when such a permit was required;

(5) Attempted to influence a public employee to breach ethical conduct standards;

(6) Been convicted of a criminal offense related to the

application for, or performance under, a permit, including, but 86201
not limited to, bribery, falsification, fraud or destruction of 86202
records, receiving stolen property, and any other offense that 86203
directly reflects on the applicant's integrity or commercial 86204
driver's license; 86205

(7) Accumulated repeated convictions under a state or federal 86206
safety law governing commercial motor vehicles or a rule or 86207
regulation adopted under such a law; 86208

(8) Accumulated repeated convictions under a law, rule, or 86209
regulation governing the movement of traffic over the public 86210
streets and highways; 86211

(9) Failed to pay any fees associated with any permitted 86212
operation or move; 86213

(10) Deliberately or willfully submitted false or misleading 86214
information in connection with the application for, or performance 86215
under, a permit issued under this section. 86216

If the applicant is a partnership, association, or 86217
corporation, the director also may debar from consideration for 86218
permits any partner of the partnership, or the officers, 86219
directors, or employees of the association or corporation being 86220
debarred. 86221

The director may adopt rules in accordance with Chapter 119. 86222
of the Revised Code governing the debarment of an applicant. 86223

(G) When the director reasonably believes that grounds for 86224
debarment exist, the director shall send the person that is 86225
subject to debarment a notice of the proposed debarment. A notice 86226
of proposed debarment shall indicate the grounds for the debarment 86227
of the person and the procedure for requesting a hearing. The 86228
notice and hearing shall be in accordance with Chapter 119. of the 86229
Revised Code. If the person does not respond with a request for a 86230
hearing in the manner specified in that chapter, the director 86231

shall issue the debarment decision without a hearing and shall 86232
notify the person of the decision by certified mail, return 86233
receipt requested. The debarment period may be of any length 86234
determined by the director, and the director may modify or rescind 86235
the debarment at any time. During the period of debarment, the 86236
director shall not issue, or consider issuing, a permit under this 86237
section to any partnership, association, or corporation that is 86238
affiliated with a debarred person. After the debarment period 86239
expires, the person, and any partnership, association, or 86240
corporation affiliated with the person, may reapply for a permit. 86241

(H)(1) No person shall violate the terms of a permit issued 86242
under this section that relate to gross load limits. 86243

(2) No person shall violate the terms of a permit issued 86244
under this section that relate to axle load by more than two 86245
thousand pounds per axle or group of axles. 86246

(3) No person shall violate the terms of a permit issued 86247
under this section that relate to an approved route except upon 86248
order of a law enforcement officer or authorized agent of the 86249
issuing authority. 86250

(I) Whoever violates division (H) of this section shall be 86251
punished as provided in section 4513.99 of the Revised Code. 86252

(J) A permit issued by the department of transportation or a 86253
local authority under this section for the operation of a vehicle 86254
or combination of vehicles is valid for the purposes of the 86255
vehicle operation in accordance with the conditions and 86256
limitations specified on the permit. Such a permit is voidable by 86257
law enforcement only for operation of a vehicle or combination of 86258
vehicles in violation of the weight, dimension, or route 86259
provisions of the permit. However, a permit is not voidable for 86260
operation in violation of a route provision of a permit if the 86261
operation is upon the order of a law enforcement officer. 86262

Sec. 4701.03. (A) The accountancy board annually shall elect 86263
a president, secretary, and treasurer from its members. The board 86264
may adopt and amend rules for the orderly conduct of its affairs 86265
and for the administration of this chapter. The board may adopt 86266
and amend rules defining the practice of public accounting, rules 86267
of professional conduct appropriate to establish and maintain a 86268
high standard of integrity and dignity in registrants and 86269
certificate holders under this chapter, and rules regulating the 86270
sole proprietorship, partnership, limited liability company, 86271
professional association, corporation-for-profit, or other legal 86272
entity practice of public accounting. A majority of the board 86273
shall constitute a quorum for the transaction of business. 86274

(B) The board shall keep and hold open for public inspection 86275
all records of its proceedings. 86276

(C) The board may employ any clerks that are necessary to 86277
assist it in the performance of its duties and the keeping of its 86278
records. If the board employs an executive director, the board 86279
shall pay the executive director ~~shall be paid~~ in accordance with 86280
~~pay range 18 of schedule E 1 of section 124.152 of the Revised~~ 86281
~~Code, or, if the director was employed and being paid on June 28,~~ 86282
~~2003, in accordance with step 7 in pay range 18 of schedule E 1 of~~ 86283
~~former section 124.152 of the Revised Code and continued to be so~~ 86284
~~paid on June 29, 2003, the executive director shall be paid in~~ 86285
~~accordance with pay range 18 of salary schedule E 1 for step seven~~ 86286
~~only of section 124.152 of the Revised Code.~~ 86287

Sec. 4707.02. (A) No person shall act as an auction firm, 86288
auctioneer, apprentice auctioneer, or special auctioneer within 86289
this state without a license issued by the department of 86290
agriculture. No auction shall be conducted in this state except by 86291
an auctioneer licensed by the department. 86292

The department shall not issue or renew a license if the applicant or licensee has been convicted of a felony or crime involving fraud or theft in this or another state at any time during the ten years immediately preceding application or renewal.

(B) Division (A) of this section does not apply to any of the following:

(1) Sales at auction that either are required by law to be at auction, other than sales pursuant to a judicial order or decree, or are conducted by or under the direction of a public authority;

(2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale;

(3) An auction mediation company;

(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section 4707.03 of the Revised Code for purposes of student training and is supervised by a licensed auctioneer;

(5)(a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction; or

(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction

for compensation and no consignor of consigned items sold at the 86324
auction, except such organization or school, receives compensation 86325
from the proceeds of the auction. As used in division (B)(5)(b) of 86326
this section, "compensation" means money, a thing of value other 86327
than participation in a charitable event, or a financial benefit. 86328

(6) A person licensed as a livestock dealer under Chapter 86329
943. of the Revised Code who exclusively sells livestock and uses 86330
an auctioneer who is licensed under this chapter to conduct the 86331
auction; 86332

(7) A person licensed as a motor vehicle auction owner under 86333
Chapter 4517. of the Revised Code who exclusively sells motor 86334
vehicles to a person licensed under Chapter 4517. of the Revised 86335
Code and who uses an auctioneer who is licensed under this chapter 86336
to conduct the auction; 86337

(8) A person who sells real or personal property by means of 86338
the internet; 86339

(9) A bid calling contest that is approved by the commission 86340
and that is conducted for the purposes of the advancement or 86341
promotion of the auction profession in this state, provided that 86342
no compensation is paid to the sponsor of or participants in the 86343
contest other than a prize or award for winning the contest; 86344

(10) An auction at which the champion of a national or 86345
international bid calling contest appears, provided that both of 86346
the following apply: 86347

(a) The champion is not paid a commission. 86348

(b) The auction is conducted under the direct supervision of 86349
an auctioneer licensed under this chapter in order to ensure that 86350
the champion complies with this chapter and rules adopted under 86351
it. 86352

(C)(1) No person shall advertise or hold oneself out as an 86353

auction firm, auctioneer, apprentice auctioneer, or special
auctioneer without a license issued by the department of
agriculture. 86354
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(2) Division (C)(1) of this section does not apply to an
individual who is the subject of an advertisement regarding an
auction conducted under division (B)(5)(b) of this section. 86357
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Sec. 4707.073. (A) No corporation, limited liability company,
general or limited partnership, or unincorporated association
shall act or hold itself out as an auctioneer without a valid
auctioneer's license issued under this section. This section does
not apply to a person who is issued a license under section
4707.071 of the Revised Code. 86360
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(B) The department of agriculture may grant an auctioneer's
license to a corporation, limited liability company, general or
limited partnership, or unincorporated association that is
determined to be qualified by the department. Every applicant for
a license under this section shall furnish to the department, on
forms provided by the department, satisfactory proof that the
applicant: 86366
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(1) Is in good standing with the secretary of state if the
applicant is a corporation; 86373
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(2) Is of trustworthy character; 86375

(3) Has provided proof of financial responsibility as
required in section 4707.11 of the Revised Code; 86376
86377

(4) Is registered with the secretary of state or a local
authority, as applicable, to do business in this state; 86378
86379

(5) Has complied with any other requirement that the director
establishes in rules adopted under section 4707.19 of the Revised
Code. 86380
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(C) An application submitted under this section shall list 86383

the names of all of the owners, directors, partners, or members of 86384
the applicant, as applicable, and shall indicate those that have 86385
an auctioneer's license issued under section 4707.07 of the 86386
Revised Code. 86387

(D)~~(1)~~ The department shall not issue a license under this 86388
section unless one of the following applies, as applicable: 86389

~~(a)~~(1) If the applicant is a limited liability company or a 86390
general or limited partnership, not less than fifty per cent of 86391
the members or general partners have a current license issued 86392
under section 4707.07 of the Revised Code. 86393

~~(b)~~(2) If the applicant is a corporation, not less than fifty 86394
per cent of the directors and the president or chief executive 86395
have a current license issued under section 4707.07 of the Revised 86396
Code. 86397

~~(c)~~(3) If the applicant is an unincorporated association, not 86398
less than fifty per cent of the members have a current license 86399
issued under section 4707.07 of the Revised Code. 86400

Failure of a corporation, limited liability company, 86401
partnership, or unincorporated association to maintain the 86402
applicable requirements of this division after the issuance of a 86403
license under this section may be sufficient cause for the 86404
revocation of the license under section 4707.15 of the Revised 86405
Code. 86406

~~(2) Not later than two years after the effective date of this~~ 86407
~~section, a corporation, partnership, or unincorporated association~~ 86408
~~that was issued a license under section 4707.07 of the Revised~~ 86409
~~Code on or before the effective date of this section shall comply~~ 86410
~~with the requirements established in division (D)(1) of this~~ 86411
~~section. If such a corporation, partnership, or unincorporated~~ 86412
~~association fails to comply with those requirements, the license~~ 86413
~~of the corporation, partnership, or unincorporated association~~ 86414

~~immediately shall terminate.~~ 86415

(E) Upon the issuance of a license under this section, a 86416
corporation, limited liability company, partnership, or 86417
unincorporated association shall designate an individual from 86418
among its directors, partners, or members who is licensed under 86419
section 4707.07 of the Revised Code as its agent for purposes of 86420
communication with the department. If that individual ceases to be 86421
the agent, the corporation, limited liability company, 86422
partnership, or unincorporated association shall notify the 86423
department not later than ten days after the day on which the 86424
individual ceases to be the agent. Upon notification to the 86425
department, the license of the corporation, limited liability
company, partnership, or unincorporated association, as 86427
applicable, immediately shall terminate. If the corporation, 86428
limited liability company, partnership, or unincorporated 86429
association notifies the department of the designation of a new 86430
agent in accordance with the requirements of this division and 86431
pays a fee in the amount of ten dollars, the department shall 86432
issue the corporation, limited liability company, partnership, or 86433
unincorporated association a new license. 86434

(F) This section does not preclude a corporation, limited 86435
liability company, partnership, or unincorporated association from 86436
selling real property at auction, provided that the requirements 86437
of this section and section 4707.021 and Chapter 4735. of the 86438
Revised Code are satisfied. 86439

(G) A person licensed as a real estate broker under Chapter 86440
4735. of the Revised Code shall not be required to obtain a 86441
license under this section if the person complies with sections 86442
4707.021 and 4707.22 of the Revised Code. 86443

Sec. 4707.10. (A) The fee for each apprentice auctioneer's or 86444
auction firm license issued by the department of agriculture is 86445

one hundred dollars, and the annual renewal fee for any such 86446
license is one hundred dollars. All licenses expire annually on 86447
the last day of June of each year and shall be renewed according 86448
to the standard renewal procedures of Chapter 4745. of the Revised 86449
Code, or the procedures of this section. Any licensee under this 86450
chapter who wishes to renew the licensee's license, but fails to 86451
do so before the first day of July shall reapply for licensure in 86452
the same manner and pursuant to the same requirements as for 86453
initial licensure, unless before the first day of September of the 86454
year of expiration, the former licensee pays to the department, in 86455
addition to the regular renewal fee, a late renewal penalty of one 86456
hundred dollars. 86457

(B)(1) Each person to whom the department issues an 86458
auctioneer's license or special auctioneer's license shall pay a 86459
licensure fee. Those licenses are biennial and expire in 86460
accordance with the schedule established in division (B)(2) of 86461
this section. If such a license is issued during the first year of 86462
a biennium, the licensee shall pay a fee in the amount of two 86463
hundred dollars. If the license is issued during the second year 86464
of a biennium, the licensee shall pay a fee in the amount of one 86465
hundred dollars. With respect to an auctioneer's license, the fees 86466
apply regardless of whether the license is issued to an individual 86467
under section 4707.07 of the Revised Code or to a corporation, 86468
limited liability company, partnership, or association under 86469
section 4707.073 of the Revised Code. 86470

All auctioneer's licenses and special auctioneer's licenses 86471
expire on the last day of June of the biennium. The licenses shall 86472
be renewed in accordance with the standard renewal procedures of 86473
Chapter 4745. of the Revised Code or the procedures in this 86474
section and upon the licensee's payment to the department of a 86475
renewal fee of two hundred dollars. A licensee who wishes to renew 86476
the licensee's license, but who fails to do so before the first 86477

day of July following the license's expiration, shall reapply for 86478
licensure in the same manner and pursuant to the same requirements 86479
as for the initial licensure unless before the first day of 86480
September following the expiration, the former licensee pays to 86481
the department, in addition to the regular renewal fee, a late 86482
renewal penalty of one hundred dollars. 86483

(2) The biennial expiration of an auctioneer's license or 86484
special auctioneer's license shall occur in accordance with the 86485
following schedule: 86486

(a) The license shall expire in odd-numbered years if the 86487
business name or last name, as applicable, of the licensee begins 86488
with the letters "A" through "J" or with the letters "X" through 86489
"Z." 86490

(b) The license shall expire in even-numbered years if the 86491
business name or last name, as applicable, of the licensee begins 86492
with the letters "K" through "W." 86493

(C) Any person who fails to renew the person's license before 86494
the first day of July is prohibited from engaging in any activity 86495
specified or comprehended in section 4707.01 of the Revised Code 86496
until such time as the person's license is renewed or a new 86497
license is issued. Renewal of a license between the first day of 86498
July and the first day of September does not relieve any person 86499
from complying with this division. The department may refuse to 86500
renew the license of or issue a new license to any person who 86501
violates this division. 86502

(D) The department shall prepare and deliver to each licensee 86503
a permanent license certificate and an identification card, the 86504
appropriate portion of which shall be carried on the person of the 86505
licensee at all times when engaged in any type of auction 86506
activity, and part of which shall be posted with the permanent 86507
certificate in a conspicuous location at the licensee's place of 86508

business. 86509

(E) Notice in writing shall be given to the department by 86510
each auctioneer or apprentice auctioneer licensee of any change of 86511
principal business location or any change or addition to the name 86512
or names under which business is conducted, whereupon the 86513
department shall issue a new license for the unexpired period. Any 86514
change of business location or change or addition of names without 86515
notification to the department shall automatically cancel any 86516
license previously issued. For each new ~~auctioneer~~ auctioneer's or 86517
apprentice ~~auctioneer~~ auctioneer's license issued upon the 86518
occasion of a change in business location or a change in or an 86519
addition of names under which business is conducted, the 86520
department may collect a fee of ten dollars for each change in 86521
location, or name or each added name unless the notification of 86522
the change occurs concurrently with the renewal application or 86523
unless otherwise provided in section 4707.07 of the Revised Code. 86524

Sec. 4709.11. Every license issued pursuant to this chapter 86525
expires on the thirty-first day of August of each even-numbered 86526
year. Each licensee desiring to do so shall, on or before the 86527
first day of September of each even-numbered year, renew ~~his~~ the 86528
licensee's license pursuant to the standard renewal procedure of 86529
Chapter 4745. of the Revised Code. Any holder of an expired 86530
license shall restore ~~his~~ the holder's license before continuing 86531
the practice of barbering or the activity for which ~~he~~ the holder 86532
is licensed under this chapter and pay the appropriate restoration 86533
fee. If the person fails to restore ~~his~~ the person's license 86534
within ~~three~~ six years, ~~he~~ the person shall pay any required 86535
restoration fee and take any examination required for the license 86536
under this chapter. 86537

Sec. 4713.08. (A) The state board of cosmetology shall adopt 86538
rules in accordance with Chapter 119. of the Revised Code as 86539

necessary to implement this chapter. The rules shall do all of the following: 86540
86541

(1) Govern the practice of the branches of cosmetology and management of salons; 86542
86543

(2) Specify conditions a person must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section; 86544
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86546
86547

(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code; 86548
86549

(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license; 86550
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(5) Provide for the granting of waivers under section 4713.29 of the Revised Code; 86555
86556

(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code; 86557
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86559
86560

(7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided; 86561
86562

(8) Establish conditions and the fee for a temporary special occasion work permit under section 4713.37 of the Revised Code and specify the amount of time such a permit is valid; 86563
86564
86565

(9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license; 86566
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86568
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- (10) Establish conditions under which food may be sold at a salon; 86570
86571
- (11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under section 4713.42 of the Revised Code; 86572
86573
86574
- (12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon pursuant to section 4713.42 of the Revised Code; 86575
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86577
- (13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology at schools of cosmetology licensed in this state; 86578
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86580
- (14) Establish the manner in which a school of cosmetology licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs; 86581
86582
86583
- (15) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology; 86584
86585
- ~~(15)~~(16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit; 86586
86587
86588
- ~~(16)~~(17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following: 86589
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86591
- (a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated; 86592
86593
- (b) Require consumers to wear protective eyeglasses and be supervised as to the length of time consumers use the facility; 86594
86595
- (c) Require the operator to prohibit consumers from standing too close to sun lamps and to post signs warning consumers of the potential effects of radiation on persons taking certain medications and of the possible relationship of the radiation to 86596
86597
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86599

skin cancer;	86600
(d) Require the installation of protective shielding for sun lamps and handrails for consumers;	86601 86602
(e) Require floors to be dry during operation of lamps;	86603
(f) Require a consumer who is under the age of eighteen to obtain written consent from the consumer's parent or legal guardian prior to receiving tanning services.	86604 86605 86606
(17) (18)(a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:	86607 86608 86609
(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service;	86610 86611 86612
(ii) Specify the continuing education that a person whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the person would have been required to complete had the person retained an active license.	86613 86614 86615 86616 86617 86618 86619 86620 86621
(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to a person whose license has been classified inactive.	86622 86623 86624 86625
(18) (19) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process;	86626 86627 86628 86629

~~(19)~~(20) Anything else necessary to implement this chapter. 86630

(B)(1) The rules adopted under division (A)(2) of this 86631
section may establish additional conditions for a temporary 86632
pre-examination work permit under section 4713.22 of the Revised 86633
Code that are applicable to persons who practice a branch of 86634
cosmetology in another state or country. 86635

(2) The rules adopted under division (A)~~(17)~~(18)(b) of this 86636
section may establish additional conditions for a temporary work 86637
permit that are applicable to persons who practice a branch of 86638
cosmetology in another state. 86639

(C) The conditions specified in rules adopted under division 86640
(A)(6) of this section may include that an applicant is applying 86641
for a license to practice a branch of cosmetology for which the 86642
board determines an examination is unnecessary. 86643

(D) The rules adopted under division (A)(11) of this section 86644
shall not include a profession if practice of the profession in a 86645
salon is a violation of a statute or rule governing the 86646
profession. 86647

(E) The sanitary standards established under division 86648
(A)~~(14)~~(15) of this section shall focus in particular on 86649
precautions to be employed to prevent infectious or contagious 86650
diseases being created or spread. The board shall consult with the 86651
Ohio department of health when establishing the sanitary 86652
standards. 86653

(F) The fee established by rules adopted under division 86654
(A)~~(15)~~(16) of this section shall cover the cost the board incurs 86655
in inspecting tanning facilities and enforcing the board's rules 86656
but may not exceed one hundred dollars per location of such 86657
facilities. 86658

Sec. 4713.44. (A) The state board of cosmetology shall issue 86659

a license to operate a school of cosmetology to an applicant who 86660
pays the applicable fee and satisfies all of the following 86661
requirements: 86662

~~(A)~~(1) Maintains a course of practical training and technical 86663
instruction for the branch or branches of cosmetology to be taught 86664
at the school equal to the requirements for admission to an 86665
examination under section 4713.24 of the Revised Code that a 86666
person must pass to obtain a license to practice that branch or 86667
those branches of cosmetology; 86668

~~(B)~~(2) Possesses or makes available apparatus and equipment 86669
sufficient for the ready and full teaching of all subjects of the 86670
curriculum; 86671

~~(C)~~(3) Maintains persons licensed under section 4713.31 or 86672
4713.34 of the Revised Code to teach the theory and practice of 86673
the branches of cosmetology; 86674

~~(D)~~(4) Notifies the board of the enrollment of each new 86675
student, keeps a record devoted to the different practices, 86676
establishes grades, and holds examinations in order to certify the 86677
students' completion of the prescribed course of study before the 86678
issuance of certificates of completion; 86679

~~(E)~~(5) In the case of a school of cosmetology that offers 86680
clock hours for the purpose of satisfying minimum hours of 86681
training and instruction, keeps a daily record of the attendance 86682
of each student; 86683

~~(F)~~(6) On the date that an apprentice cosmetology instructor 86684
begins cosmetology instructor training at the school, certifies 86685
the name of the apprentice cosmetology instructor to the board 86686
along with the date on which the apprentice's instructor training 86687
began; 86688

~~(G)~~(7) Instructs not more than six apprentice cosmetology 86689
instructors at any one time; 86690

~~(H)~~(8) Files with the board a good and sufficient surety bond 86691
executed by the person, firm, or corporation operating the school 86692
of cosmetology as principal and by a surety company as surety in 86693
the amount of ten thousand dollars; provided, that this 86694
requirement does not apply to a vocational program conducted by a 86695
city, exempted village, local, or joint vocational school 86696
district. The bond shall be in the form prescribed by the board 86697
and be conditioned upon the school's continued instruction in the 86698
theory and practice of the branches of cosmetology. Every bond 86699
shall continue in effect until notice of its termination is given 86700
to the board by registered mail and every bond shall so provide. 86701

(9) Establishes and maintains an internal procedure for 86702
processing complaints filed against the school and for providing 86703
students with instructions on how to file a complaint directly 86704
with the board pursuant to section 4713.641 of the Revised Code. 86705

(B) A school of cosmetology holding a license issued under 86706
division (A) of this section is an educational institution and is 86707
authorized to offer educational programs beyond secondary 86708
education, advanced practice programs, or both in accordance with 86709
rules adopted by the board pursuant to section 4713.08 of the 86710
Revised Code. 86711

(C) A school of cosmetology holding a license to operate a 86712
school of cosmetology on the effective date of this amendment 86713
shall establish and maintain an internal procedure for processing 86714
complaints filed against the school and shall provide each of the 86715
school's students with instructions on how to file a complaint 86716
directly with the board pursuant to section 4713.641 of the 86717
Revised Code. 86718

Sec. 4713.641. Any student or former student of a school of 86719
cosmetology licensed under division (A) of section 4713.44 of the 86720
Revised Code may file a complaint with the state board of 86721

cosmetology alleging that the school has violated division (A) of 86722
section 4713.64 of the Revised Code. The complaint shall be in 86723
writing and signed by the person bringing the complaint. Upon 86724
receiving a complaint, the board shall initiate a preliminary 86725
investigation to determine whether it is probable that a violation 86726
was committed. If the board determines after preliminary 86727
investigation that it is not probable that a violation was 86728
committed, the board shall notify the person who filed the 86729
complaint of the board's findings and that the board will not 86730
issue a formal complaint in the matter. If the board determines 86731
after a preliminary investigation that it is probable that a 86732
violation was committed, the board shall proceed against the 86733
school pursuant to the board's authority under section 4713.64 of 86734
the Revised Code and in accordance with the hearing and notice 86735
requirements prescribed in Chapter 119. of the Revised Code. 86736

Sec. 4715.22. (A)(1) This section applies only when a 86737
licensed dental hygienist is not practicing under a permit issued 86738
pursuant to section 4715.363 of the Revised Code authorizing 86739
practice under the oral health access supervision of a dentist. 86740

(2) As used in this section, "health care facility" means 86741
either of the following: 86742

(a) A hospital registered under section 3701.07 of the 86743
Revised Code; 86744

(b) A "home" as defined in section 3721.01 of the Revised 86745
Code. 86746

(B) A licensed dental hygienist shall practice under the 86747
supervision, order, control, and full responsibility of a dentist 86748
licensed under this chapter. A dental hygienist may practice in a 86749
dental office, public or private school, health care facility, 86750
dispensary, or public institution. Except as provided in division 86751

(C) or (D) of this section, a dental hygienist may not provide 86752
dental hygiene services to a patient when the supervising dentist 86753
is not physically present at the location where the dental 86754
hygienist is practicing. 86755

(C) A dental hygienist may provide, for not more than fifteen 86756
consecutive business days, dental hygiene services to a patient 86757
when the supervising dentist is not physically present at the 86758
location at which the services are provided if all of the 86759
following requirements are met: 86760

(1) The dental hygienist has at least two years and a minimum 86761
of three thousand hours of experience in the practice of dental 86762
hygiene. 86763

(2) The dental hygienist has successfully completed a course 86764
approved by the state dental board in the identification and 86765
prevention of potential medical emergencies. 86766

(3) The dental hygienist complies with written protocols for 86767
emergencies the supervising dentist establishes. 86768

(4) The dental hygienist does not perform, while the 86769
supervising dentist is absent from the location, procedures while 86770
the patient is anesthetized, definitive root planing, definitive 86771
subgingival curettage, or other procedures identified in rules the 86772
state dental board adopts. 86773

(5) The supervising dentist has evaluated the dental 86774
hygienist's skills. 86775

(6) The supervising dentist examined the patient not more 86776
than seven months prior to the date the dental hygienist provides 86777
the dental hygiene services to the patient. 86778

(7) The dental hygienist complies with written protocols or 86779
written standing orders that the supervising dentist establishes. 86780

(8) The supervising dentist completed and evaluated a medical 86781

and dental history of the patient not more than one year prior to 86782
the date the dental hygienist provides dental hygiene services to 86783
the patient and, except when the dental hygiene services are 86784
provided in a health care facility, the supervising dentist 86785
determines that the patient is in a medically stable condition. 86786

(9) If the dental hygiene services are provided in a health 86787
care facility, a doctor of medicine and surgery or osteopathic 86788
medicine and surgery who holds a current certificate issued under 86789
Chapter 4731. of the Revised Code or a registered nurse licensed 86790
under Chapter 4723. of the Revised Code is present in the health 86791
care facility when the services are provided. 86792

(10) In advance of the appointment for dental hygiene 86793
services, the patient is notified that the supervising dentist 86794
will be absent from the location and that the dental hygienist 86795
cannot diagnose the patient's dental health care status. 86796

(11) The dental hygienist is employed by, or under contract 86797
with, one of the following: 86798

(a) The supervising dentist; 86799

(b) A dentist licensed under this chapter who is one of the 86800
following: 86801

(i) The employer of the supervising dentist; 86802

(ii) A shareholder in a professional association formed under 86803
Chapter 1785. of the Revised Code of which the supervising dentist 86804
is a shareholder; 86805

(iii) A member or manager of a limited liability company 86806
formed under Chapter 1705. of the Revised Code of which the 86807
supervising dentist is a member or manager; 86808

(iv) A shareholder in a corporation formed under division (B) 86809
of section 1701.03 of the Revised Code of which the supervising 86810
dentist is a shareholder; 86811

(v) A partner or employee of a partnership or a limited liability partnership formed under Chapter 1775. or 1776. of the Revised Code of which the supervising dentist is a partner or employee. 86812
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(c) A government entity that employs the dental hygienist to provide dental hygiene services in a public school or in connection with other programs the government entity administers. 86816
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86818

(D) A dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present at the location at which the services are provided if the services are provided as part of a dental hygiene program that is approved by the state dental board and all of the following requirements are met: 86819
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(1) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized by the state dental board. 86825
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(2) The supervising dentist is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated. 86832
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86834

(3) The (a) Except as provided in division (D)(3)(b) of this section, the services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan. 86835
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86837
86838

(b) The requirement in division (D)(3)(a) of this section does not apply when the only service to be provided by the dental hygienist is the placement of pit and fissure sealants. 86839
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86841

(E) No person shall do either of the following: 86842

(1) Practice dental hygiene in a manner that is separate or
otherwise independent from the dental practice of a supervising
dentist;

(2) Establish or maintain an office or practice that is
primarily devoted to the provision of dental hygiene services.

(F) The state dental board shall adopt rules under division
(C) of section 4715.03 of the Revised Code identifying procedures
a dental hygienist may not perform when practicing in the absence
of the supervising dentist pursuant to division (C) or (D) of this
section.

Sec. 4715.36. As used in this section and sections 4715.361
to 4715.374 of the Revised Code:

(A) "Accredited dental hygiene school" means a dental hygiene
school accredited by the American dental association commission on
dental accreditation or a dental hygiene school whose educational
standards are recognized by the American dental association
commission on dental accreditation and approved by the state
dental board.

(B) "Authorizing dentist" means a dentist who authorizes a
dental hygienist to perform dental hygiene services under section
4715.365 of the Revised Code.

(C) "Clinical evaluation" means a diagnosis and treatment
plan formulated for an individual patient by a dentist.

(D) "Dentist" means an individual licensed under this chapter
to practice dentistry.

(E) "Dental hygienist" means an individual licensed under
this chapter to practice as a dental hygienist.

(F) "Dental hygiene services" means the prophylactic,
preventive, and other procedures that dentists are authorized by
this chapter and rules of the state dental board to assign to

dental hygienists, except for procedures while a patient is 86873
anesthetized, definitive root planing, definitive subgingival 86874
curettage, the administration of local anesthesia, and the 86875
procedures specified in rules adopted by the board as described in 86876
division (C)(4) of section 4715.22 of the Revised Code. 86877

(G) "Facility" means any of the following: 86878

(1) A health care facility, as defined in section 4715.22 of 86879
the Revised Code; 86880

(2) A state correctional institution, as defined in section 86881
2967.01 of the Revised Code; 86882

(3) A comprehensive child development program that receives 86883
funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 86884
42 U.S.C. 9831, as amended, and is licensed as a child day-care 86885
center; 86886

(4) A residential facility licensed under section 5123.19 of 86887
the Revised Code; 86888

(5) A public school, as defined in section 3701.93 of the 86889
Revised Code, located in an area designated as a dental health 86890
resource shortage area pursuant to section 3702.87 of the Revised 86891
Code; 86892

(6) A nonpublic school, as defined in section 3701.93 of the 86893
Revised Code, located in an area designated as a dental health 86894
resource shortage area pursuant to section 3702.87 of the Revised 86895
Code; 86896

(7) A federally qualified health center or federally 86897
qualified health center look-alike, as defined in section 3701.047 86898
of the Revised Code; 86899

(8) A shelter for victims of domestic violence, as defined in 86900
section 3113.33 of the Revised Code; 86901

(9) A facility operated by the department of youth services 86902

under Chapter 5139. of the Revised Code; 86903

~~(10) A shelter for runaways, as defined in section 5119.64 of~~ 86904
~~the Revised Code;~~ 86905

~~(11)~~ A foster home, as defined in section 5103.02 of the 86906
Revised Code; 86907

~~(12)~~(11) A nonprofit clinic, as defined in section 3715.87 of 86908
the Revised Code; 86909

~~(13)~~(12) The residence of one or more individuals receiving 86910
services provided by a home health agency, as defined in section 86911
5101.61 of the Revised Code; 86912

~~(14)~~(13) A dispensary; 86913

~~(15)~~(14) A health care facility, such as a clinic or 86914
hospital, of the United States department of veterans affairs; 86915

~~(16)~~(15) The residence of one or more individuals enrolled in 86916
a home and community-based services medicaid waiver component, as 86917
defined in section ~~5111.851~~ 5166.01 of the Revised Code; 86918

~~(17)~~(16) A facility operated by the board of health of a city 86919
or general health district or the authority having the duties of a 86920
board of health under section 3709.05 of the Revised Code; 86921

~~(18)~~(17) A women, infants, and children clinic; 86922

~~(19)~~(18) A mobile dental unit located at any location listed 86923
in divisions (G)(1) to ~~(18)~~(17) of this section; 86924

~~(20)~~(19) Any other location, as specified by the state dental 86925
board in rules adopted under section 4715.372 of the Revised Code, 86926
that is in an area designated as a dental health resource shortage 86927
area pursuant to section 3702.87 of the Revised Code and provides 86928
health care services to individuals who are medicaid recipients of 86929
~~medical assistance under the medicaid program established pursuant~~ 86930
~~to Chapter 5111. of the Revised Code~~ and to indigent and uninsured 86931
persons, as defined in section 2305.234 of the Revised Code. 86932

Sec. 4715.372. (A) The state dental board shall adopt rules 86933
in accordance with Chapter 119. of the Revised Code as necessary 86934
to implement the oral health access supervision program, including 86935
rules that do all of the following: 86936

(1) For the purpose of division (G)~~(20)~~(19) of section 86937
4715.36 of the Revised Code, designate additional facilities at 86938
which a dental hygienist may be authorized to perform dental 86939
hygiene services under the oral health access supervision program; 86940

(2) For the purpose of section 4715.362 of the Revised Code, 86941
prescribe the application form and requirements for obtaining an 86942
oral health access supervision permit; 86943

(3) For the purpose of section 4715.363 of the Revised Code, 86944
prescribe the application form for a permit to practice as a 86945
dental hygienist under the oral health access supervision of a 86946
dentist; 86947

(4) For the purpose of division (B)(3) of section 4715.363 of 86948
the Revised Code and subject to division (B) of this section, 86949
establish standards for the course in the practice of dental 86950
hygiene under oral health access supervision; 86951

(5) For the purpose of section 4715.369 of the Revised Code, 86952
prescribe the form for renewal of an oral health access 86953
supervision permit; 86954

(6) For the purpose of section 4715.37 of the Revised Code, 86955
prescribe the form for renewal of a permit to practice as a dental 86956
hygienist under the oral health access supervision of a dentist. 86957

(B) The course in the practice of dental hygiene under oral 86958
health access supervision for which the board establishes 86959
standards under division (A)(4) of this section shall meet all of 86960
the following requirements: 86961

(1) Be eight hours in length; 86962

(2) Include, at a minimum, instruction in both of the 86963
following: 86964

(a) The treatment of geriatric patients, medically 86965
compromised patients, developmentally disabled patients, and 86966
pediatric patients; 86967

(b) Recordkeeping practices. 86968

(3) Be developed and offered by an institution accredited by 86969
the American dental association commission on dental accreditation 86970
or a program provided by a sponsor of continuing education 86971
approved by the board; 86972

(4) Include content that is separate and independent from the 86973
course content required for the completion of dental hygiene 86974
education from an accredited dental hygiene school. 86975

Sec. 4717.03. (A) Members of the board of embalmers and 86976
funeral directors shall annually in July, or within thirty days 86977
after the senate's confirmation of the new members appointed in 86978
that year, meet and organize by selecting from among its members a 86979
president, vice-president, and secretary-treasurer. The board may 86980
hold other meetings as it determines necessary. A quorum of the 86981
board consists of four members, of whom at least three shall be 86982
members who are embalmers and funeral directors. The concurrence 86983
of at least four members is necessary for the board to take any 86984
action. The president and secretary-treasurer shall sign all 86985
licenses issued under this chapter and affix the board's seal to 86986
each license. 86987

(B) The board may appoint an individual who is not a member 86988
of the board to serve as executive director of the board. The 86989
board shall fix the compensation of the executive director. The 86990
executive director serves at the pleasure of the board and shall 86991
do all of the following: 86992

(1) Serve as the board's chief administrative officer;	86993
(2) Act as custodian of the board's records;	86994
(3) Execute all of the board's orders;	86995
<u>(4) Employ staff who are not members of the board and who</u>	86996
<u>serve at the pleasure of the executive director to provide any</u>	86997
<u>assistance that the board considers necessary;</u>	86998
<u>(5) Fix the compensation of staff employed pursuant to</u>	86999
<u>division (B)(4) of this section.</u>	87000
<u>(C) In executing the board's orders as required by division</u>	87001
<u>(B)(3) of this section, the executive director may enter the</u>	87002
premises, establishment, office, or place of business of any	87003
embalmer, funeral director, or operator of a crematory facility in	87004
this state. The executive director may serve and execute any	87005
process issued by any court under this chapter.	87006
(C) The board may employ clerical or technical staff who are	87007
not members of the board and who serve at the pleasure of the	87008
board to provide any clerical or technical assistance the board	87009
considers necessary. (D) The board executive director may employ	87010
necessary inspectors, who shall be licensed embalmers and funeral	87011
directors. Any <u>An</u> inspector employed by the board <u>executive</u>	87012
<u>director</u> may enter the premises, establishment, office, or place	87013
of business of any embalmer, funeral director, or operator of a	87014
crematory facility in this state, for the purposes of inspecting	87015
the facility and premises; the license and registration of	87016
embalmers and funeral directors operating in the facility; and the	87017
license of the funeral home, embalming facility, or crematory. The	87018
inspector shall serve and execute any process issued by any court	87019
under this chapter, serve and execute any papers or process issued	87020
by the board or any officer or member of the board, facility and	87021
perform any other duties delegated <u>to the inspector</u> by the board	87022
<u>or assigned to the inspector by the executive director. The</u>	87023

executive director may enter the facility or premises of a funeral home, embalming facility, or crematory for the purpose of an inspection if accompanied by an inspector or, if an inspector is not available, when a situation presents a danger of immediate and serious harm to the public.

~~(D)~~(E) The president of the board shall designate three of ~~its~~ the board's members to serve on the crematory review board, which is hereby created, for such time as the president finds appropriate to carry out the provisions of this chapter. Those members of the crematory review board designated by the president to serve and three members designated by the cemetery dispute resolution commission shall designate, by a majority vote, one person who is experienced in the operation of a crematory facility and who is not affiliated with a cemetery or a funeral home to serve on the crematory review board for such time as the crematory review board finds appropriate. Members serving on the crematory review board shall not receive any additional compensation for serving on the board, but may be reimbursed for their actual and necessary expenses incurred in the performance of official duties as members of the board. Members of the crematory review board shall designate one from among its members to serve as a chairperson for such time as the board finds appropriate. Costs associated with conducting an adjudicatory hearing in accordance with division ~~(E)~~(F) of this section shall be paid from funds available to the board of embalmers and funeral directors.

~~(E)~~(F) Upon receiving written notice from the board of embalmers and funeral directors of any of the following, the crematory review board shall conduct an adjudicatory hearing on the matter in accordance with Chapter 119. of the Revised Code, except as otherwise provided in this section or division (C) of section 4717.14 of the Revised Code:

(1) Notice provided under division ~~(H)~~(I) of this section of

an alleged violation of any provision of this chapter or any rules 87056
adopted under this chapter governing or in connection with 87057
crematory facilities or cremation; 87058

(2) Notice provided under division (B) of section 4717.14 of 87059
the Revised Code that the board of embalmers and funeral directors 87060
proposes to refuse to grant or renew, or to suspend or revoke, a 87061
license to operate a crematory facility; 87062

(3) Notice provided under division (C) of section 4717.14 of 87063
the Revised Code that the board of embalmers and funeral directors 87064
has issued an order summarily suspending a license to operate a 87065
crematory facility; 87066

(4) Notice provided under division (B) of section 4717.15 of 87067
the Revised Code that the board of embalmers and funeral directors 87068
proposes to issue a notice of violation and order requiring 87069
payment of a forfeiture for any violation described in divisions 87070
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 87071
connection with a crematory facility or cremation. 87072

Nothing in division ~~(E)~~(F) of this section precludes the 87073
crematory review board from appointing an independent examiner in 87074
accordance with section 119.09 of the Revised Code to conduct any 87075
adjudication hearing required under division ~~(E)~~(F) of this 87076
section. 87077

The crematory review board shall submit a written report of 87078
findings and advisory recommendations, and a written transcript of 87079
its proceedings, to the board of embalmers and funeral directors. 87080
The board of embalmers and funeral directors shall serve a copy of 87081
the written report of the crematory review board's findings and 87082
advisory recommendations on the party to the adjudication or the 87083
party's attorney, by certified mail, within five days after 87084
receiving the report and advisory recommendations. A party may 87085
file objections to the written report with the board of embalmers 87086

and funeral directors within ten days after receiving the report. 87087
No written report is final or appealable until it is issued as a 87088
final order by the board of embalmers and funeral directors and 87089
entered on the record of the proceedings. The board of embalmers 87090
and funeral directors shall consider objections filed by the party 87091
prior to issuing a final order. After reviewing the findings and 87092
advisory recommendations of the crematory review board, the 87093
written transcript of the crematory review board's proceedings, 87094
and any objections filed by a party, the board of embalmers and 87095
funeral directors shall issue a final order in the matter. Any 87096
party may appeal the final order issued by the board of embalmers 87097
and funeral directors in a matter described in divisions ~~(E)~~(F)(1) 87098
to (4) of this section in accordance with section 119.12 of the 87099
Revised Code, except that the appeal may be made to the court of 87100
common pleas in the county in which is located the crematory 87101
facility to which the final order pertains, or in the county in 87102
which the party resides. 87103

~~(F)~~(G) On its own initiative or on receiving a written 87104
complaint from any person whose identity is made known to the 87105
board of embalmers and funeral directors, the board shall 87106
investigate the acts or practices of any person holding or 87107
claiming to hold a license or registration under this chapter 87108
that, if proven to have occurred, would violate this chapter or 87109
any rules adopted under it. The board may compel witnesses by 87110
subpoena to appear and testify in relation to investigations 87111
conducted under this chapter and may require by subpoena duces 87112
tecum the production of any book, paper, or document pertaining to 87113
an investigation. If a person does not comply with a subpoena or 87114
subpoena duces tecum, the board may apply to the court of common 87115
pleas of any county in this state for an order compelling the 87116
person to comply with the subpoena or subpoena duces tecum, or for 87117
failure to do so, to be held in contempt of court. 87118

~~(G)~~(H) If, as a result of its investigation conducted under 87119
division ~~(F)~~(G) of this section, the board of embalmers and 87120
funeral directors has reasonable cause to believe that the person 87121
investigated is violating any provision of this chapter or any 87122
rules adopted under this chapter governing or in connection with 87123
embalming, funeral directing, funeral homes, embalming facilities, 87124
or the operation of funeral homes or embalming facilities, it may, 87125
after providing the opportunity for an adjudicatory hearing, issue 87126
an order directing the person to cease the acts or practices that 87127
constitute the violation. The board shall conduct the adjudicatory 87128
hearing in accordance with Chapter 119. of the Revised Code except 87129
that, notwithstanding the provisions of that chapter, the 87130
following shall apply: 87131

(1) The board shall send the notice informing the person of 87132
the person's right to a hearing by certified mail. 87133

(2) The person is entitled to a hearing only if the person 87134
requests a hearing and if the board receives the request within 87135
thirty days after the mailing of the notice described in division 87136
~~(G)~~(H)(1) of this section. 87137

(3) A stenographic record shall be taken, in the manner 87138
prescribed in section 119.09 of the Revised Code, at every 87139
adjudicatory hearing held under this section, regardless of 87140
whether the record may be the basis of an appeal to a court. 87141

~~(H)~~(I) If, as a result of its investigation conducted under 87142
division ~~(F)~~(G) of this section, the board of embalmers and 87143
funeral directors has reasonable cause to believe that the person 87144
investigated is violating any provision of this chapter or any 87145
rules adopted under this chapter governing or in connection with 87146
crematory facilities or cremation, the board shall send written 87147
notice of the alleged violation to the crematory review board. If, 87148
after the conclusion of the adjudicatory hearing in the matter 87149
conducted under division ~~(E)~~(F) of this section, the board of 87150

embalmers and funeral directors finds that a person is in 87151
violation of any provision of this chapter or any rules adopted 87152
under this chapter governing or in connection with crematory 87153
facilities or cremation, the board may issue a final order under 87154
that division directing the person to cease the acts or practices 87155
that constitute the violation. 87156

~~(I)~~(J) The board of embalmers and funeral directors may bring 87157
a civil action to enjoin any violation or threatened violation of 87158
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 87159
under any of those sections; division (A) or (B) of section 87160
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 87161
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 87162
division (D)(1) of section 4717.27; divisions (A) to (C) of 87163
section 4717.28, or division (D) or (E) of section 4717.31 of the 87164
Revised Code. The action shall be brought in the county where the 87165
violation occurred or the threatened violation is expected to 87166
occur. At the request of the board, the attorney general shall 87167
represent the board in any matter arising under this chapter. 87168

~~(J)~~(K) The board of embalmers and funeral directors and the 87169
crematory review board may issue subpoenas for funeral directors 87170
and embalmers or persons holding themselves out as such, for 87171
operators of crematory facilities or persons holding themselves 87172
out as such, or for any other person whose testimony, in the 87173
opinion of either board, is necessary. The subpoena shall require 87174
the person to appear before the appropriate board or any 87175
designated member of either board, upon any hearing conducted 87176
under this chapter. The penalty for disobedience to the command of 87177
such a subpoena is the same as for refusal to answer such a 87178
process issued under authority of the court of common pleas. 87179

~~(K)~~(L) All moneys received by the board of embalmers and 87180
funeral directors from any source shall be deposited in the state 87181
treasury to the credit of the occupational licensing and 87182

regulatory fund created in section 4743.05 of the Revised Code. 87183

~~(L)~~(M) The board of embalmers and funeral directors shall 87184
submit a written report to the governor on or before the first 87185
Monday of July of each year. This report shall contain a detailed 87186
statement of the nature and amount of the board's receipts and the 87187
amount and manner of its expenditures. 87188

Sec. 4717.06. (A)(1) Any person who desires to obtain a 87189
license to operate a funeral home, embalming facility, or 87190
crematory facility shall apply to the board of embalmers and 87191
funeral directors on a form provided by the board. The application 87192
shall include the initial license fee set forth in section 4717.07 87193
of the Revised Code and proof satisfactory to the board that the 87194
funeral home, embalming facility, or crematory facility is in 87195
compliance with rules adopted by the board under section 4717.04 87196
of the Revised Code, rules adopted by the board of building 87197
standards under Chapter 3781. of the Revised Code, and all other 87198
federal, state, and local requirements relating to the safety of 87199
the premises. 87200

(2) If the funeral home, embalming facility, or crematory 87201
facility to which the license application pertains is owned by a 87202
corporation or limited liability company, the application shall 87203
include the name and address of the corporation's or limited 87204
liability company's statutory agent appointed under section 87205
1701.07 or 1705.06 of the Revised Code or, in the case of a 87206
foreign corporation, the corporation's designated agent appointed 87207
under section 1703.041 of the Revised Code. If the funeral home, 87208
embalming facility, or crematory facility to which the application 87209
pertains is owned by a partnership, the application shall include 87210
the name and address of each of the partners. If, at any time 87211
after the submission of a license application or issuance of a 87212
license, the statutory or designated agent of a corporation or 87213

limited liability company owning a funeral home, embalming 87214
facility, or crematory facility or the address of the statutory or 87215
designated agent changes or, in the case of a partnership, any of 87216
the partners of the funeral home, embalming facility, or crematory 87217
facility or the address of any of the partners changes, the 87218
applicant for or holder of the license to operate the funeral 87219
home, embalming facility, or crematory facility shall submit 87220
written notice to the board, within thirty days after the change, 87221
informing the board of the change and of any name or address of a 87222
statutory or designated agent or partner that has changed from 87223
that contained in the application for the license or the most 87224
recent notice submitted under division (A)(2) of this section. 87225

(B)(1) The board shall issue a license to operate a funeral 87226
home only for the address at which the funeral home is operated. 87227
The funeral home license and licenses of the embalmers and funeral 87228
directors employed by the funeral home shall be displayed in a 87229
conspicuous place within the funeral home. 87230

(2) The funeral home shall have on the premises one of the 87231
following: 87232

(a) If embalming will take place at the funeral home, an 87233
embalming room that is adequately equipped and maintained. The 87234
embalming room shall be kept in a clean and sanitary manner and 87235
used only for the embalming, preparation, or holding of dead human 87236
bodies. The embalming room shall contain only the articles, 87237
facilities, and instruments necessary for those purposes. 87238

(b) If embalming will not take place at the funeral home, a 87239
holding room that is adequately equipped and maintained. The 87240
holding room shall be kept in a clean and sanitary manner and used 87241
only for the preparation, other than embalming, and holding of 87242
dead human bodies. The holding room shall contain only the 87243
articles and facilities necessary for those purposes. 87244

(3) Except as provided in division (B) of section 4717.11 of the Revised Code, a funeral home shall be established and operated only under the name of a holder of a funeral director's license issued by the board who is actually in charge of and ultimately responsible for the funeral home, and a funeral home license shall not include directional or geographical references in the name of the funeral home. The holder of the funeral home license shall be a funeral director licensed under this chapter who is actually in charge of and ultimately responsible for the funeral home. Nothing in division (B)(3) of this section prohibits the holder of a funeral home license from including directional or geographical references in promotional or advertising materials identifying the location of the funeral home.

(4) Each funeral home shall be directly supervised by a funeral director licensed under this chapter, who ~~shall~~ may supervise ~~only~~ more than one funeral home.

(C)(1) The board shall issue a license to operate an embalming facility only for the address at which the embalming facility is operated. The license shall be displayed in a conspicuous place within the facility.

(2) The embalming facility shall be adequately equipped and maintained in a sanitary manner. The embalming room at such a facility shall contain only the articles, facilities, and instruments necessary for its stated purpose. The embalming room shall be kept in a clean and sanitary condition and used only for the care and preparation of dead human bodies.

(3) An embalming facility license shall be issued only to an embalmer licensed under division (B) of section 4717.05 of the Revised Code, who is actually in charge of the facility.

(D)(1) The board shall issue a license to operate a crematory facility only for the address at which the crematory facility is

located and operated. The license shall be displayed in a 87276
conspicuous place within the crematory facility. 87277

(2) The crematory facility shall be adequately equipped and 87278
maintained in a clean and sanitary manner. The crematory facility 87279
may be located in a funeral home, embalming facility, cemetery 87280
building, or other building in which the crematory facility may 87281
lawfully operate. If a crematory facility engages in the cremation 87282
of animals, the crematory facility shall cremate animals in a 87283
cremation chamber that also is not used to cremate dead human 87284
bodies or human body parts and shall not cremate animals in a 87285
cremation chamber used for the cremation of dead human bodies and 87286
human body parts. Cremation chambers that are used for the 87287
cremation of dead human bodies or human body parts and cremation 87288
chambers used for the cremation of animals may be located in the 87289
same area. 87290

(3) A license to operate a crematory facility shall be issued 87291
to the person actually in charge of the crematory facility. This 87292
section does not require the individual who is actually in charge 87293
of the crematory facility to be an embalmer or funeral director 87294
licensed under this chapter. 87295

(4) Nothing in this section or rules adopted under section 87296
4717.04 of the Revised Code precludes the establishment and 87297
operation of a crematory facility on or adjacent to the property 87298
on which a cemetery, funeral home, or embalming facility is 87299
located. 87300

Sec. 4717.07. (A) The board of embalmers and funeral 87301
directors shall charge and collect the following fees: 87302

(1) For the initial issuance or biennial renewal of an 87303
embalmer's or funeral director's license, one hundred ~~forty~~ fifty 87304
dollars; 87305

(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;	87306 87307
(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;	87308 87309
(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;	87310 87311 87312
(5) For the initial issuance of a license to operate a funeral home, two <u>three</u> hundred fifty dollars and biennial renewal of a license to operate a funeral home, two <u>three</u> hundred fifty dollars;	87313 87314 87315 87316
(6) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(1) of this section plus fifty dollars for each month or portion of a month the license is lapsed <u>until reinstatement, but not more than one thousand dollars;</u>	87317 87318 87319 87320 87321
(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	87322 87323 87324 87325
(8) For the initial issuance of a license to operate an embalming facility, two <u>three</u> hundred <u>fifty</u> dollars and biennial renewal of a license to operate an embalming facility, two <u>three</u> hundred <u>fifty</u> dollars;	87326 87327 87328 87329
(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(8) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	87330 87331 87332 87333
(10) For the initial issuance of a license to operate a crematory facility, two <u>three</u> hundred <u>fifty</u> dollars and biennial	87334 87335

renewal of a license to operate a crematory facility, ~~two~~ three 87336
hundred fifty dollars; 87337

(11) For the reinstatement of a lapsed license to operate a 87338
crematory facility, the renewal fee prescribed in division (A)(10) 87339
of this section plus fifty dollars for each month or portion of a 87340
month the license is lapsed until reinstatement; 87341

(12) For the issuance of a duplicate of a license issued 87342
under this chapter, ~~four~~ ten dollars. 87343

(B) In addition to the fees set forth in division (A) of this 87344
section, an applicant shall pay the examination fee assessed by 87345
any examining agency the board uses for any section of an 87346
examination required under this chapter. 87347

(C) Subject to the approval of the controlling board, the 87348
board of embalmers and funeral directors may establish fees in 87349
excess of the amounts set forth in this section, provided that 87350
these fees do not exceed the amounts set forth in this section by 87351
more than fifty per cent. 87352

Sec. 4717.10. (A) The board of embalmers and funeral 87353
directors may recognize licenses issued to embalmers and funeral 87354
directors by other states, and upon presentation of such licenses, 87355
may issue to the holder an embalmer's or funeral director's 87356
license under this chapter. The board shall charge the same fee as 87357
prescribed in section 4717.07 of the Revised Code to issue or 87358
renew such an embalmer's or funeral director's license. Such 87359
licenses shall be renewed ~~annually~~ biennially as provided in 87360
section 4717.08 of the Revised Code. The board shall not issue a 87361
license to any person under this section unless the applicant 87362
proves that the applicant, in the state in which the applicant is 87363
licensed, has complied with requirements substantially equal to 87364
those established in section 4717.05 of the Revised Code. 87365

(B) The board of embalmers and funeral directors may issue 87366
courtesy cards. A courtesy cardholder shall be authorized to 87367
undertake both the following acts in this state: 87368

(1) Prepare and complete those sections of a death 87369
certificate and other permits needed for disposition of deceased 87370
human remains in this state and sign and file such death 87371
certificates and permits; 87372

(2) Supervise and conduct funeral ceremonies and interments 87373
in this state. 87374

(C) The board of embalmers and funeral directors may 87375
determine under what conditions a courtesy card may be issued to 87376
funeral directors in bordering states after taking into account 87377
whether and under what conditions and fees such border states 87378
issue similar courtesy cards to funeral directors licensed in this 87379
state. Applicants for courtesy cards shall apply on forms 87380
prescribed by the board, pay ~~an annual~~ a biennial fee set by the 87381
board for initial applications and renewals, and adhere to such 87382
other requirements imposed by the board on courtesy cardholders. 87383

(D) No courtesy cardholder shall be authorized to undertake 87384
any of the following activities in this state: 87385

(1) Arranging funerals or disposition services with members 87386
of the public in this state; 87387

(2) Be employed by or under contract to a funeral home 87388
licensed in this state to perform funeral services in this state; 87389

(3) Advertise funeral or disposition services in this state; 87390

(4) Enter into or execute funeral or disposition contracts in 87391
this state; 87392

(5) Prepare or embalm deceased human remains in this state; 87393

(6) Arrange for or carry out the disinterment of human 87394
remains in this state. 87395

(E) As used in this section, "courtesy card" means a special permit that may be issued to a funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter.

Sec. 4717.14. (A) The board of embalmers and funeral directors may refuse to grant or renew, or may suspend or revoke, any license issued under this chapter or may require the holder of a license to take corrective action courses for any of the following reasons:

(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination.

(2) The applicant or licensee has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude.

(3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee.

(4) The applicant or licensee has committed immoral or unprofessional conduct.

(5) The applicant or licensee knowingly permitted an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the applicant's or licensee's supervision.

(6) The applicant or licensee has been habitually 87426
intoxicated, or is addicted to the use of morphine, cocaine, or 87427
other habit-forming or illegal drugs. 87428

(7) The applicant or licensee has refused to promptly submit 87429
the custody of a dead human body upon the express order of the 87430
person legally entitled to the body. 87431

(8) The licensee loaned the licensee's own license, or the 87432
applicant or licensee borrowed or used the license of another 87433
person, or knowingly aided or abetted the granting of an improper 87434
license. 87435

(9) The applicant or licensee transferred a license to 87436
operate a funeral home, embalming facility, or crematory from one 87437
owner or operator to another, or from one location to another, 87438
without notifying the board. 87439

(10) The applicant or licensee misled the public by using 87440
false or deceptive advertising. 87441

(B)(1) The board of embalmers and funeral directors shall 87442
refuse to grant or renew, or shall suspend or revoke, an 87443
embalmer's, funeral director's, funeral home, or embalming 87444
facility license only in accordance with Chapter 119. of the 87445
Revised Code. 87446

(2) The board shall send to the crematory review board 87447
written notice that it proposes to refuse to issue or renew, or 87448
proposes to suspend or revoke, a license to operate a crematory 87449
facility. If, after the conclusion of the adjudicatory hearing on 87450
the matter conducted under division ~~(E)~~(F) of section 4717.03 of 87451
the Revised Code, the board of embalmers and funeral directors 87452
finds that any of the circumstances described in divisions (A)(1) 87453
to (10) of this section apply to the person named in its proposed 87454
action, the board may issue a final order under division ~~(E)~~(F) of 87455
section 4717.03 of the Revised Code refusing to issue or renew, or 87456

suspending or revoking, the person's license to operate a crematory facility. 87457
87458

(C) If the board of embalmers and funeral directors 87459
determines that there is clear and convincing evidence that any of 87460
the circumstances described in divisions (A)(1) to (10) of this 87461
section apply to the holder of a license issued under this chapter 87462
and that the licensee's continued practice presents a danger of 87463
immediate and serious harm to the public, the board may suspend 87464
the licensee's license without a prior adjudicatory hearing. The 87465
executive director of the board shall prepare written allegations 87466
for consideration by the board. 87467

The board, after reviewing the written allegations, may 87468
suspend a license without a prior hearing. 87469

The board shall issue a written order of suspension by a 87470
delivery system or in person in accordance with section 119.07 of 87471
the Revised Code. Such an order is not subject to suspension by 87472
the court during the pendency of any appeal filed under section 87473
119.12 of the Revised Code. If the holder of an embalmer's, 87474
funeral director's, funeral home, or embalming facility license 87475
requests an adjudicatory hearing by the board, the date set for 87476
the hearing shall be within fifteen days, but not earlier than 87477
seven days, after the licensee has requested a hearing, unless the 87478
board and the licensee agree to a different time for holding the 87479
hearing. 87480

Upon issuing a written order of suspension to the holder of a 87481
license to operate a crematory facility, the board of embalmers 87482
and funeral directors shall send written notice of the issuance of 87483
the order to the crematory review board. The crematory review 87484
board shall hold an adjudicatory hearing on the order under 87485
division ~~(E)~~(F) of section 4717.03 of the Revised Code within 87486
fifteen days, but not earlier than seven days, after the issuance 87487
of the order, unless the crematory review board and the licensee 87488

agree to a different time for holding the adjudicatory hearing. 87489

Any summary suspension imposed under this division shall 87490
remain in effect, unless reversed on appeal, until a final 87491
adjudicatory order issued by the board of embalmers and funeral 87492
directors pursuant to this division and Chapter 119. of the 87493
Revised Code, or division ~~(E)~~(F) of section 4717.03 of the Revised 87494
Code, as applicable, becomes effective. The board of embalmers and 87495
funeral directors shall issue its final adjudicatory order within 87496
sixty days after the completion of its hearing or, in the case of 87497
the summary suspension of a license to operate a crematory 87498
facility, within sixty days after completion of the adjudicatory 87499
hearing by the crematory review board. A failure to issue the 87500
order within that time results in the dissolution of the summary 87501
suspension order, but does not invalidate any subsequent final 87502
adjudicatory order. 87503

(D) If the board of embalmers and funeral directors suspends 87504
or revokes a license held by a funeral director or a funeral home 87505
for any reason identified in division (A) of this section, the 87506
board may file a complaint with the court of common pleas in the 87507
county where the violation occurred requesting appointment of a 87508
receiver and the sequestration of the assets of the funeral home 87509
that held the suspended or revoked license or the licensed funeral 87510
home that employs the funeral director that held the suspended or 87511
revoked license. If the court of common pleas is satisfied with 87512
the application for a receivership, the court may appoint a 87513
receiver. 87514

The board or a receiver may employ and procure whatever 87515
assistance or advice is necessary in the receivership or 87516
liquidation and distribution of the assets of the funeral home, 87517
and, for that purpose, may retain officers or employees of the 87518
funeral home as needed. All expenses of the receivership or 87519
liquidation shall be paid from the assets of the funeral home and 87520

shall be a lien on those assets, and that lien shall be a priority 87521
to any other lien. 87522

(E) Any holder of a license issued under this chapter who has 87523
pleaded guilty to, has been found by a judge or jury to be guilty 87524
of, or has had a judicial finding of eligibility for treatment in 87525
lieu of conviction entered against the individual in this state 87526
for aggravated murder, murder, voluntary manslaughter, felonious 87527
assault, kidnapping, rape, sexual battery, gross sexual 87528
imposition, aggravated arson, aggravated robbery, or aggravated 87529
burglary, or who has pleaded guilty to, has been found by a judge 87530
or jury to be guilty of, or has had a judicial finding of 87531
eligibility for treatment in lieu of conviction entered against 87532
the individual in another jurisdiction for any substantially 87533
equivalent criminal offense, is hereby suspended from practice 87534
under this chapter by operation of law, and any license issued to 87535
the individual under this chapter is hereby suspended by operation 87536
of law as of the date of the guilty plea, verdict or finding of 87537
guilt, or judicial finding of eligibility for treatment in lieu of 87538
conviction, regardless of whether the proceedings are brought in 87539
this state or another jurisdiction. The board shall notify the 87540
suspended individual of the suspension of the individual's license 87541
by the operation of this division by a delivery system or in 87542
person in accordance with section 119.07 of the Revised Code. If 87543
an individual whose license is suspended under this division fails 87544
to make a timely request for an adjudicatory hearing, the board 87545
shall enter a final order revoking the license. 87546

(F) No person whose license has been suspended or revoked 87547
under or by the operation of this section shall practice embalming 87548
or funeral directing or operate a funeral home, embalming 87549
facility, or crematory facility until the board has reinstated the 87550
person's license. 87551

Sec. 4717.15. (A) The board of embalmers and funeral directors, without the necessity for conducting a prior adjudication hearing, may issue a notice of violation to the holder of an embalmer's, funeral director's, funeral home, or embalming facility license issued under this chapter who the board finds has committed any of the violations described in divisions (A)(9)(a) to (g) of section 4717.04 of the Revised Code. The notice shall set forth the specific violation committed by the licensee and shall be sent by certified mail. The notice shall be accompanied by an order requiring the payment of the appropriate forfeiture prescribed in rules adopted under division (A)(9) of section 4717.04 of the Revised Code and by a notice informing the licensee that the licensee is entitled to an adjudicatory hearing on the notice of violation and order if the licensee requests a hearing and if the board receives the request within thirty days after the mailing of the notice of violation and order. The board shall conduct any such adjudicatory hearing in accordance with Chapter 119. of the Revised Code, except as otherwise provided in this division.

A licensee who receives a notice of violation and order under this division shall pay to the executive director of the board the full amount of the forfeiture by certified check within thirty days after the notice of violation and order were mailed to the licensee unless, within that time, the licensee submits a request for an adjudicatory hearing on the notice of violation and order. If such a request for an adjudicatory hearing is timely filed, the licensee need not pay the forfeiture to the executive director until after a final, nonappealable administrative or judicial decision is rendered on the order requiring payment of the forfeiture. If a final nonappealable administrative or judicial decision is rendered affirming the board's order, the licensee shall pay to the executive director of the board the full amount

of the forfeiture by certified check within thirty days after 87584
notice of the decision was sent to the licensee. A forfeiture is 87585
considered to be paid when the licensee's certified check is 87586
received by the executive director in Columbus. If the licensee 87587
fails to so pay the full amount of the forfeiture to the executive 87588
director within that time, the board shall issue an order 87589
suspending or revoking the individual's license, as the board 87590
considers appropriate. 87591

(B) The board shall send to the crematory review board 87592
written notice that it proposes to issue to the holder of a 87593
license to operate a crematory facility issued under this chapter 87594
a notice of violation and order requiring payment of a forfeiture 87595
specified in rules adopted under division (A)(9) of section 87596
4717.04 of the Revised Code. If, after the conclusion of the 87597
adjudicatory hearing on the matter conducted under division ~~(E)~~(F) 87598
of section 4717.03 of the Revised Code, the board of embalmers and 87599
funeral directors finds that the licensee has committed any of the 87600
violations described in divisions (A)(9)(a) to (g) of section 87601
4717.04 of the Revised Code in connection with the operation of a 87602
crematory facility or cremation, the board of embalmers and 87603
funeral directors may issue a final order under division ~~(E)~~(F) of 87604
section 4717.03 of the Revised Code requiring payment of the 87605
appropriate forfeiture specified in rules adopted under division 87606
(A)(9) of section 4717.04 of the Revised Code. A licensee who 87607
receives such an order shall pay the full amount of the forfeiture 87608
to the executive director by certified check within thirty days 87609
after the order was sent to the licensee unless, within that time, 87610
the licensee files a notice of appeal in accordance with division 87611
~~(E)~~(F) of section 4717.03 and section 119.12 of the Revised Code. 87612
If such a notice of appeal is timely filed, the licensee need not 87613
pay the forfeiture to the executive director until after a final, 87614
nonappealable judicial decision is rendered in the appeal. If a 87615
final, nonappealable judicial decision is rendered affirming the 87616

board's order, the licensee shall pay to the executive director 87617
the full amount of the forfeiture by certified check within thirty 87618
days after notice of the decision was sent to the licensee. A 87619
forfeiture is considered paid when the licensee's certified check 87620
is received by the executive director in Columbus. If the licensee 87621
fails to so pay the full amount of the forfeiture to the executive 87622
director within that time, the board shall issue an order 87623
suspending or revoking the individual's license, as the board 87624
considers appropriate. 87625

Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of 87626
the Revised Code: 87627

(1) "Affiliate" means a business entity that is owned by, 87628
operated by, controlled by, or under common control with another 87629
business entity. 87630

(2) "Communication" means a written or oral notification or 87631
advertisement that meets both of the following criteria, as 87632
applicable: 87633

(a) The notification or advertisement is transmitted by or on 87634
behalf of the seller of goods or services and by or through any 87635
printed, audio, video, cinematic, telephonic, or electronic means. 87636

(b) In the case of a notification or advertisement other than 87637
by telephone, either of the following conditions is met: 87638

(i) The notification or advertisement is followed by a 87639
telephone call from a telephone solicitor or salesperson. 87640

(ii) The notification or advertisement invites a response by 87641
telephone, and, during the course of that response, a telephone 87642
solicitor or salesperson attempts to make or makes a sale of goods 87643
or services. As used in division (A)(2)(b)(ii) of this section, 87644
"invites a response by telephone" excludes the mere listing or 87645
inclusion of a telephone number in a notification or 87646

advertisement. 87647

(3) "Gift, award, or prize" means anything of value that is 87648
offered or purportedly offered, or given or purportedly given by 87649
chance, at no cost to the receiver and with no obligation to 87650
purchase goods or services. As used in this division, "chance" 87651
includes a situation in which a person is guaranteed to receive an 87652
item and, at the time of the offer or purported offer, the 87653
telephone solicitor does not identify the specific item that the 87654
person will receive. 87655

(4) "Goods or services" means any real property or any 87656
tangible or intangible personal property, or services of any kind 87657
provided or offered to a person. "Goods or services" includes, but 87658
is not limited to, advertising; labor performed for the benefit of 87659
a person; personal property intended to be attached to or 87660
installed in any real property, regardless of whether it is so 87661
attached or installed; timeshare estates or licenses; and extended 87662
service contracts. 87663

(5) "Purchaser" means a person that is solicited to become or 87664
does become financially obligated as a result of a telephone 87665
solicitation. 87666

(6) "Salesperson" means an individual who is employed, 87667
appointed, or authorized by a telephone solicitor to make 87668
telephone solicitations but does not mean any of the following: 87669

(a) An individual who comes within one of the exemptions in 87670
division (B) of this section; 87671

(b) An individual employed, appointed, or authorized by a 87672
person who comes within one of the exemptions in division (B) of 87673
this section; 87674

(c) An individual under a written contract with a person who 87675
comes within one of the exemptions in division (B) of this 87676
section, if liability for all transactions with purchasers is 87677

assumed by the person so exempted. 87678

(7) "Telephone solicitation" means a communication to a 87679
person that meets both of the following criteria: 87680

(a) The communication is initiated by or on behalf of a 87681
telephone solicitor or by a salesperson. 87682

(b) The communication either represents a price or the 87683
quality or availability of goods or services or is used to induce 87684
the person to purchase goods or services, including, but not 87685
limited to, inducement through the offering of a gift, award, or 87686
prize. 87687

(8) "Telephone solicitor" means a person that engages in 87688
telephone solicitation directly or through one or more 87689
salespersons either from a location in this state, or from a 87690
location outside this state to persons in this state. "Telephone 87691
solicitor" includes, but is not limited to, any such person that 87692
is an owner, operator, officer, or director of, partner in, or 87693
other individual engaged in the management activities of, a 87694
business. 87695

(B) A telephone solicitor is exempt from the provisions of 87696
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 87697
Code if the telephone solicitor is any one of the following: 87698

(1) A person engaging in a telephone solicitation that is a 87699
one-time or infrequent transaction not done in the course of a 87700
pattern of repeated transactions of a like nature; 87701

(2) A person engaged in telephone solicitation solely for 87702
religious or political purposes; a charitable organization, 87703
fund-raising counsel, or professional solicitor in compliance with 87704
the registration and reporting requirements of Chapter 1716. of 87705
the Revised Code; or any person or other entity exempt under 87706
section 1716.03 of the Revised Code from filing a registration 87707
statement under section 1716.02 of the Revised Code; 87708

(3) A person, making a telephone solicitation involving a home solicitation sale as defined in section 1345.21 of the Revised Code, that makes the sales presentation and completes the sale at a later, face-to-face meeting between the seller and the purchaser rather than during the telephone solicitation. However, if the person, following the telephone solicitation, causes another person to collect the payment of any money, this exemption does not apply.

(4) A licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person when making a telephone solicitation within the scope of the person's license. As used in division (B)(4) of this section, "licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person" means a person subject to licensure or registration as such by the securities and exchange commission; the National Association of Securities Dealers or other self-regulatory organization, as defined by 15 U.S.C.A. 78c; by the division of securities under Chapter 1707. of the Revised Code; or by an official or agency of any other state of the United States.

(5)(a) A person primarily engaged in soliciting the sale of a newspaper of general circulation;

(b) As used in division (B)(5)(a) of this section, "newspaper of general circulation" includes, but is not limited to, both of the following:

(i) A newspaper that is a daily law journal designated as an official publisher of court calendars pursuant to section 2701.09 of the Revised Code;

(ii) A newspaper or publication that has at least twenty-five per cent editorial, non-advertising content, exclusive of inserts, measured relative to total publication space, and an audited

circulation to at least fifty per cent of the households in the newspaper's retail trade zone as defined by the audit.

(6)(a) An issuer, or its subsidiary, that has a class of securities to which all of the following apply:

(i) The class of securities is subject to section 12 of the "Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is registered or is exempt from registration under 15 U.S.C.A. 781(g)(2)(A), (B), (C), (E), (F), (G), or (H);

(ii) The class of securities is listed on the New York stock exchange, the American stock exchange, or the NASDAQ national market system;

(iii) The class of securities is a reported security as defined in 17 C.F.R. 240.11Aa3-1(a)(4).

(b) An issuer, or its subsidiary, that formerly had a class of securities that met the criteria set forth in division (B)(6)(a) of this section if the issuer, or its subsidiary, has a net worth in excess of one hundred million dollars, files or its parent files with the securities and exchange commission an S.E.C. form 10-K, and has continued in substantially the same business since it had a class of securities that met the criteria in division (B)(6)(a) of this section. As used in division (B)(6)(b) of this section, "issuer" and "subsidiary" include the successor to an issuer or subsidiary.

(7) A person soliciting a transaction regulated by the commodity futures trading commission, if the person is registered or temporarily registered for that activity with the commission under 7 U.S.C.A. 1 et. seq. and the registration or temporary registration has not expired or been suspended or revoked;

(8) A person soliciting the sale of any book, record, audio tape, compact disc, or video, if the person allows the purchaser to review the merchandise for at least seven days and provides a

full refund within thirty days to a purchaser who returns the 87771
merchandise or if the person solicits the sale on behalf of a 87772
membership club operating in compliance with regulations adopted 87773
by the federal trade commission in 16 C.F.R. 425; 87774

(9) A supervised financial institution or its subsidiary. As 87775
used in division (B)(9) of this section, "supervised financial 87776
institution" means a bank, trust company, savings and loan 87777
association, savings bank, credit union, industrial loan company, 87778
consumer finance lender, commercial finance lender, or institution 87779
described in section 2(c)(2)(F) of the "Bank Holding Company Act 87780
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 87781
official or agency of the United States, this state, or any other 87782
state of the United States; or a licensee or registrant under 87783
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 87784
1321.83 of the Revised Code. 87785

(10)(a) An insurance company, association, or other 87786
organization that is licensed or authorized to conduct business in 87787
this state by the superintendent of insurance pursuant to Title 87788
XXXIX of the Revised Code or Chapter 1751. of the Revised Code, 87789
when soliciting within the scope of its license or authorization. 87790

(b) A licensed insurance broker, agent, or solicitor when 87791
soliciting within the scope of the person's license. As used in 87792
division (B)(10)(b) of this section, "licensed insurance broker, 87793
agent, or solicitor" means any person licensed as an insurance 87794
broker, agent, or solicitor by the superintendent of insurance 87795
pursuant to Title XXXIX of the Revised Code. 87796

(11) A person soliciting the sale of services provided by a 87797
cable television system operating under authority of a 87798
governmental franchise or permit; 87799

(12) A person soliciting a business-to-business sale under 87800
which any of the following conditions are met: 87801

(a) The telephone solicitor has been operating continuously 87802
for at least three years under the same business name under which 87803
it solicits purchasers, and at least fifty-one per cent of its 87804
gross dollar volume of sales consists of repeat sales to existing 87805
customers to whom it has made sales under the same business name. 87806

(b) The purchaser business intends to resell the goods 87807
purchased. 87808

(c) The purchaser business intends to use the goods or 87809
services purchased in a recycling, reuse, manufacturing, or 87810
remanufacturing process. 87811

(d) The telephone solicitor is a publisher of a periodical or 87812
of magazines distributed as controlled circulation publications as 87813
defined in division (CC) of section 5739.01 of the Revised Code 87814
and is soliciting sales of advertising, subscriptions, reprints, 87815
lists, information databases, conference participation or 87816
sponsorships, trade shows or media products related to the 87817
periodical or magazine, or other publishing services provided by 87818
the controlled circulation publication. 87819

(13) A person that, not less often than once each year, 87820
publishes and delivers to potential purchasers a catalog that 87821
complies with both of the following: 87822

(a) It includes all of the following: 87823

(i) The business address of the seller; 87824

(ii) A written description or illustration of each good or 87825
service offered for sale; 87826

(iii) A clear and conspicuous disclosure of the sale price of 87827
each good or service; shipping, handling, and other charges; and 87828
return policy. 87829

(b) One of the following applies: 87830

(i) The catalog includes at least twenty-four pages of 87831

written material and illustrations, is distributed in more than 87832
one state, and has an annual postage-paid mail circulation of not 87833
less than two hundred fifty thousand households; 87834

(ii) The catalog includes at least ten pages of written 87835
material or an equivalent amount of material in electronic form on 87836
the internet or an on-line computer service, the person does not 87837
solicit customers by telephone but solely receives telephone calls 87838
made in response to the catalog, and during the calls the person 87839
takes orders but does not engage in further solicitation of the 87840
purchaser. As used in division (B)(13)(b)(ii) of this section, 87841
"further solicitation" does not include providing the purchaser 87842
with information about, or attempting to sell, any other item in 87843
the catalog that prompted the purchaser's call or in a 87844
substantially similar catalog issued by the seller. 87845

(14) A political subdivision or instrumentality of the United 87846
States, this state, or any state of the United States; 87847

(15) A college or university or any other public or private 87848
institution of higher education in this state; 87849

(16) A public utility as defined in section 4905.02 of the 87850
Revised Code or a retail natural gas supplier as defined in 87851
section 4929.01 of the Revised Code, if the utility or supplier is 87852
subject to regulation by the public utilities commission, or the 87853
affiliate of the utility or supplier; 87854

(17) A person that solicits sales through a television 87855
program or advertisement that is presented in the same market area 87856
no fewer than twenty days per month or offers for sale no fewer 87857
than ten distinct items of goods or services; and offers to the 87858
purchaser an unconditional right to return any good or service 87859
purchased within a period of at least seven days and to receive a 87860
full refund within thirty days after the purchaser returns the 87861
good or cancels the service; 87862

(18)(a) A person that, for at least one year, has been 87863
operating a retail business under the same name as that used in 87864
connection with telephone solicitation and both of the following 87865
occur on a continuing basis: 87866

(i) The person either displays goods and offers them for 87867
retail sale at the person's business premises or offers services 87868
for sale and provides them at the person's business premises. 87869

(ii) At least fifty-one per cent of the person's gross dollar 87870
volume of retail sales involves purchases of goods or services at 87871
the person's business premises. 87872

(b) An affiliate of a person that meets the requirements in 87873
division (B)(18)(a) of this section if the affiliate meets all of 87874
the following requirements: 87875

(i) The affiliate has operated a retail business for a period 87876
of less than one year; 87877

(ii) The affiliate either displays goods and offers them for 87878
retail sale at the affiliate's business premises or offers 87879
services for sale and provides them at the affiliate's business 87880
premises; 87881

(iii) At least fifty-one per cent of the affiliate's gross 87882
dollar volume of retail sales involves purchases of goods or 87883
services at the affiliate's business premises. 87884

(c) A person that, for a period of less than one year, has 87885
been operating a retail business in this state under the same name 87886
as that used in connection with telephone solicitation, as long as 87887
all of the following requirements are met: 87888

(i) The person either displays goods and offers them for 87889
retail sale at the person's business premises or offers services 87890
for sale and provides them at the person's business premises; 87891

(ii) The goods or services that are the subject of telephone 87892

solicitation are sold at the person's business premises, and at 87893
least sixty-five per cent of the person's gross dollar volume of 87894
retail sales involves purchases of goods or services at the 87895
person's business premises; 87896

(iii) The person conducts all telephone solicitation 87897
activities according to sections 310.3, 310.4, and 310.5 of the 87898
telemarketing sales rule adopted by the federal trade commission 87899
in 16 C.F.R. part 310. 87900

(19) A person who performs telephone solicitation sales 87901
services on behalf of other persons and to whom one of the 87902
following applies: 87903

(a) The person has operated under the same ownership, 87904
control, and business name for at least five years, and the person 87905
receives at least seventy-five per cent of its gross revenues from 87906
written telephone solicitation contracts with persons who come 87907
within one of the exemptions in division (B) of this section. 87908

(b) The person is an affiliate of one or more exempt persons 87909
and makes telephone solicitations on behalf of only the exempt 87910
persons of which it is an affiliate. 87911

(c) The person makes telephone solicitations on behalf of 87912
only exempt persons, the person and each exempt person on whose 87913
behalf telephone solicitations are made have entered into a 87914
written contract that specifies the manner in which the telephone 87915
solicitations are to be conducted and that at a minimum requires 87916
compliance with the telemarketing sales rule adopted by the 87917
federal trade commission in 16 C.F.R. part 310, and the person 87918
conducts the telephone solicitations in the manner specified in 87919
the written contract. 87920

(d) The person performs telephone solicitation for religious 87921
or political purposes, a charitable organization, a fund-raising 87922
council, or a professional solicitor in compliance with the 87923

registration and reporting requirements of Chapter 1716. of the Revised Code; and meets all of the following requirements:

(i) The person has operated under the same ownership, control, and business name for at least five years, and the person receives at least fifty-one per cent of its gross revenues from written telephone solicitation contracts with persons who come within the exemption in division (B)(2) of this section;

(ii) The person does not conduct a prize promotion or offer the sale of an investment opportunity;

(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310.

(20) A person that is a licensed real estate salesperson or broker under Chapter 4735. of the Revised Code when soliciting within the scope of the person's license;

(21)(a) Either of the following:

(i) A publisher that solicits the sale of the publisher's periodical or magazine of general, paid circulation, or a person that solicits a sale of that nature on behalf of a publisher under a written agreement directly between the publisher and the person.

(ii) A publisher that solicits the sale of the publisher's periodical or magazine of general, paid circulation, or a person that solicits a sale of that nature as authorized by a publisher under a written agreement directly with a publisher's clearinghouse provided the person is a resident of Ohio for more than three years and initiates all telephone solicitations from Ohio and the person conducts the solicitation and sale in compliance with 16 C.F.R. part 310, as adopted by the federal trade commission.

(b) As used in division (B)(21) of this section, "periodical or magazine of general, paid circulation" excludes a periodical or magazine circulated only as part of a membership package or given as a free gift or prize from the publisher or person.

(22) A person that solicits the sale of food, as defined in section 3715.01 of the Revised Code, or the sale of products of horticulture, as defined in section 5739.01 of the Revised Code, if the person does not intend the solicitation to result in, or the solicitation actually does not result in, a sale that costs the purchaser an amount greater than five hundred dollars.

(23) A funeral director licensed pursuant to Chapter 4717. of the Revised Code when soliciting within the scope of that license, if both of the following apply:

(a) The solicitation and sale are conducted in compliance with 16 C.F.R. part 453, as adopted by the federal trade commission, and with sections 1107.33 and 1345.21 to 1345.28 of the Revised Code;

(b) The person provides to the purchaser of any preneed funeral contract a notice that clearly and conspicuously sets forth the cancellation rights specified in division (G) of section 1107.33 of the Revised Code, and retains a copy of the notice signed by the purchaser.

(24) A person, or affiliate thereof, licensed to sell or issue Ohio instruments designated as travelers checks pursuant to sections 1315.01 to 1315.18 of the Revised Code.

(25) A person that solicits sales from its previous purchasers and meets all of the following requirements:

(a) The solicitation is made under the same business name that was previously used to sell goods or services to the purchaser;

(b) The person has, for a period of not less than three 87984
years, operated a business under the same business name as that 87985
used in connection with telephone solicitation; 87986

(c) The person does not conduct a prize promotion or offer 87987
the sale of an investment opportunity; 87988

(d) The person conducts all telephone solicitation activities 87989
according to sections 310.3, 310.4, and 310.5 of the telemarketing 87990
sales rules adopted by the federal trade commission in 16 C.F.R. 87991
part 310; 87992

(e) Neither the person nor any of its principals has been 87993
convicted of, pleaded guilty to, or has entered a plea of no 87994
contest for a felony or a theft offense as defined in sections 87995
2901.02 and 2913.01 of the Revised Code or similar law of another 87996
state or of the United States; 87997

(f) Neither the person nor any of its principals has had 87998
entered against them an injunction or a final judgment or order, 87999
including an agreed judgment or order, an assurance of voluntary 88000
compliance, or any similar instrument, in any civil or 88001
administrative action involving engaging in a pattern of corrupt 88002
practices, fraud, theft, embezzlement, fraudulent conversion, or 88003
misappropriation of property; the use of any untrue, deceptive, or 88004
misleading representation; or the use of any unfair, unlawful, 88005
deceptive, or unconscionable trade act or practice. 88006

(26) An institution defined as a home health agency in 88007
section 3701.881 of the Revised Code, that conducts all telephone 88008
solicitation activities according to sections 310.3, 310.4, and 88009
310.5 of the telemarketing sales rules adopted by the federal 88010
trade commission in 16 C.F.R. part 310, and engages in telephone 88011
solicitation only within the scope of the institution's 88012
certification, accreditation, contract with the department of 88013
aging, or status as a home health agency; and that meets one of 88014

the following requirements: 88015

(a) The institution is certified as a provider of home health services under Title XVIII of the Social Security Act, 49 Stat. 620, 42 U.S.C. 301, as amended; 88016
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(b) The institution is accredited by either the joint commission on accreditation of health care organizations or the community health accreditation program; 88019
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(c) The institution is providing ~~passport~~ PASSPORT services under the direction of the ~~Ohio~~ department of aging under ~~section 173.40~~ sections 173.52 to 173.523 of the Revised Code; 88022
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(d) An affiliate of an institution that meets the requirements of division (B)(26)(a), (b), or (c) of this section when offering for sale substantially the same goods and services as those that are offered by the institution that meets the requirements of division (B)(26)(a), (b), or (c) of this section. 88025
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(27) A person licensed by the department of health pursuant to section 3712.04 or 3712.041 of the Revised Code to provide a hospice care program or pediatric respite care program when conducting telephone solicitations within the scope of the person's license and according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310. 88030
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Sec. 4723.18. (A) The board of nursing shall authorize a licensed practical nurse to administer to an adult intravenous therapy if the nurse supplies evidence satisfactory to the board that all of the following are the case: 88037
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(1) The nurse holds a current, valid license issued under this chapter to practice nursing as a licensed practical nurse. 88041
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(2) The nurse has been authorized under section 4723.18 of the Revised Code to administer medications. 88043
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(3) The nurse successfully completed a course of study in the safe performance of intravenous therapy approved by the board pursuant to section 4723.19 of the Revised Code or by an agency in another jurisdiction that regulates the practice of nursing and has requirements for intravenous therapy course approval that are substantially similar to the requirements in division (B) of section 4723.19 of the Revised Code, as determined by the board.

(4) The nurse has successfully completed a minimum of forty hours of training that includes all of the following:

(a) The curriculum established by rules adopted by the board;

(b) Training in the anatomy and physiology of the cardiovascular system, signs and symptoms of local and systemic complications in the administration of fluids and antibiotic additives, and guidelines for management of these complications;

(c) Any other training or instruction the board considers appropriate;

(d) A testing component that requires the nurse to perform a successful demonstration of the intravenous procedures, including all skills needed to perform them safely.

(B) Except as provided in section 4723.181 of the Revised Code and subject to the restrictions in division (D) of this section, a licensed practical nurse may perform intravenous therapy on an adult patient only if authorized by the board pursuant to division (A) of this section and only at the direction of one of the following:

(1) A licensed physician, dentist, optometrist, or podiatrist who, except as provided in division (C)(2) of this section, is present and readily available at the facility where the intravenous therapy procedure is performed;

(2) A registered nurse in accordance with division (C) of

this section. 88075

(C)(1) Except as provided in division (C)(2) of this section 88076
and section 4723.181 of the Revised Code, when a licensed 88077
practical nurse authorized by the board to perform intravenous 88078
therapy performs an intravenous therapy procedure at the direction 88079
of a registered nurse, the registered nurse or another registered 88080
nurse shall be readily available at the site where the intravenous 88081
therapy is performed, and before the licensed practical nurse 88082
initiates the intravenous therapy, the registered nurse shall 88083
personally perform an on-site assessment of the adult patient who 88084
is to receive the intravenous therapy. 88085

(2) When a licensed practical nurse authorized by the board 88086
to perform intravenous therapy performs an intravenous therapy 88087
procedure in a home as defined in section 3721.10 of the Revised 88088
Code, or in an intermediate care facility for ~~the mentally~~ 88089
retarded individuals with intellectual disabilities as defined in 88090
section ~~5111.20~~ 5124.01 of the Revised Code, at the direction of a 88091
registered nurse or licensed physician, dentist, optometrist, or 88092
podiatrist, a registered nurse shall be on the premises of the 88093
home or facility or accessible by some form of telecommunication. 88094

(D) No licensed practical nurse shall perform any of the 88095
following intravenous therapy procedures: 88096

(1) Initiating or maintaining any of the following: 88097

(a) Blood or blood components; 88098

(b) Solutions for total parenteral nutrition; 88099

(c) Any cancer therapeutic medication including, but not 88100
limited to, cancer chemotherapy or an anti-neoplastic agent; 88101

(d) Solutions administered through any central venous line or 88102
arterial line or any other line that does not terminate in a 88103
peripheral vein, except that a licensed practical nurse authorized 88104

by the board to perform intravenous therapy may maintain the 88105
solutions specified in division (D)(6)(a) of this section that are 88106
being administered through a central venous line or peripherally 88107
inserted central catheter; 88108

(e) Any investigational or experimental medication. 88109

(2) Initiating intravenous therapy in any vein, except that a 88110
licensed practical nurse authorized by the board to perform 88111
intravenous therapy may initiate intravenous therapy in accordance 88112
with this section in a vein of the hand, forearm, or antecubital 88113
fossa; 88114

(3) Discontinuing a central venous, arterial, or any other 88115
line that does not terminate in a peripheral vein; 88116

(4) Initiating or discontinuing a peripherally inserted 88117
central catheter; 88118

(5) Mixing, preparing, or reconstituting any medication for 88119
intravenous therapy, except that a licensed practical nurse 88120
authorized by the board to perform intravenous therapy may prepare 88121
or reconstitute an antibiotic additive; 88122

(6) Administering medication via the intravenous route, 88123
including all of the following activities: 88124

(a) Adding medication to an intravenous solution or to an 88125
existing infusion, except that a licensed practical nurse 88126
authorized by the board to perform intravenous therapy may do any 88127
of the following: 88128

(i) Initiate an intravenous infusion containing one or more 88129
of the following elements: dextrose 5%, normal saline, lactated 88130
ringers, sodium chloride .45%, sodium chloride 0.2%, sterile 88131
water; 88132

(ii) Hang subsequent containers of the intravenous solutions 88133
specified in division (D)(6)(a)(i) of this section that contain 88134

vitamins or electrolytes, if a registered nurse initiated the 88135
infusion of that same intravenous solution; 88136

(iii) Initiate or maintain an intravenous infusion containing 88137
an antibiotic additive. 88138

(b) Injecting medication via a direct intravenous route, 88139
except that a licensed practical nurse authorized by the board to 88140
perform intravenous therapy may inject heparin or normal saline to 88141
flush an intermittent infusion device or heparin lock including, 88142
but not limited to, bolus or push. 88143

(7) Changing tubing on any line including, but not limited 88144
to, an arterial line or a central venous line, except that a 88145
licensed practical nurse authorized by the board to perform 88146
intravenous therapy may change tubing on an intravenous line that 88147
terminates in a peripheral vein; 88148

(8) Programming or setting any function of a patient 88149
controlled infusion pump. 88150

(E) Notwithstanding divisions (A) and (D) of this section, at 88151
the direction of a physician or a registered nurse, a licensed 88152
practical nurse authorized by the board to perform intravenous 88153
therapy may perform the following activities for the purpose of 88154
performing dialysis: 88155

(1) The routine administration and regulation of saline 88156
solution for the purpose of maintaining an established fluid plan; 88157

(2) The administration of a heparin dose intravenously; 88158

(3) The administration of a heparin dose peripherally via a 88159
fistula needle; 88160

(4) The loading and activation of a constant infusion pump; 88161

(5) The intermittent injection of a dose of medication that 88162
is administered via the hemodialysis blood circuit and through the 88163
patient's venous access. 88164

(F) No person shall employ or direct a licensed practical nurse to perform an intravenous therapy procedure without first verifying that the licensed practical nurse is authorized by the board to perform intravenous therapy.

Sec. 4723.35. (A) As used in this section, "chemical dependency" means either of the following:

(1) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others;

(2) The use of a controlled substance as defined in section 3719.01 of the Revised Code, a harmful intoxicant as defined in section 2925.01 of the Revised Code, or a dangerous drug as defined in section 4729.01 of the Revised Code, to the extent that the user becomes physically or psychologically dependent on the substance, intoxicant, or drug or endangers the user's health, safety, or welfare or that of others.

(B) The board of nursing may abstain from taking disciplinary action under section 4723.28 or 4723.86 of the Revised Code against an individual with a chemical dependency if it finds that the individual can be treated effectively and there is no impairment of the individual's ability to practice according to acceptable and prevailing standards of safe care. The board shall establish a chemical dependency monitoring program to monitor the registered nurses, licensed practical nurses, dialysis technicians, and certified community health workers against whom the board has abstained from taking action. The board shall develop the program, select the program's name, and designate a coordinator to administer the program.

(C) Determinations regarding an individual's eligibility for admission to, continued participation in, and successful

completion of the monitoring program shall be made by the board's 88196
supervising member for disciplinary matters in accordance with 88197
rules adopted under division (D) of this section. 88198

(D) The board shall adopt rules in accordance with Chapter 88199
119. of the Revised Code that establish the following: 88200

(1) Eligibility requirements for admission to and continued 88201
participation in the monitoring program; 88202

(2) Terms and conditions that must be met to participate in 88203
and successfully complete the program; 88204

(3) Procedures for keeping confidential records regarding 88205
participants; 88206

(4) Any other requirements or procedures necessary to 88207
establish and administer the program. 88208

(E)(1) As a condition of being admitted to the monitoring 88209
program, an individual shall surrender to the program coordinator 88210
the license or certificate that the individual holds. While the 88211
surrender is in effect, the individual is prohibited from engaging 88212
in the practice of nursing, engaging in the provision of dialysis 88213
care, or engaging in the provision of services that were being 88214
provided as a certified community health worker. 88215

If the board's supervising member for disciplinary matters 88216
determines that a participant is capable of resuming practice 88217
according to acceptable and prevailing standards of safe care, the 88218
program coordinator shall return the participant's license or 88219
certificate. If the participant violates the terms and conditions 88220
of resumed practice, the coordinator shall require the participant 88221
to surrender the license or certificate as a condition of 88222
continued participation in the program. The coordinator may 88223
require the surrender only on the approval of the board's 88224
supervising member for disciplinary matters. 88225

The surrender of a license or certificate on admission to the monitoring program or while participating in the program does not constitute an action by the board under section 4723.28 or 4723.86 of the Revised Code. The participant may rescind the surrender at any time and the board may proceed by taking action under section 4723.28 or 4723.86 of the Revised Code.

(2) If the program coordinator determines that a participant is significantly out of compliance with the terms and conditions for participation, the coordinator shall notify the board's supervising member for disciplinary matters and the supervising member shall determine whether to temporarily suspend the participant's license or certificate. The board shall notify the participant of the suspension by certified mail sent to the participant's last known address and shall refer the matter to the board for formal action under section 4723.28 or 4723.86 of the Revised Code.

(F) All of the following apply with respect to the receipt, release, and maintenance of records and information by the monitoring program:

(1) The program coordinator shall maintain all program records in the board's office, and for each participant, shall retain the records for a period of two years following the participant's date of successful completion of the program.

(2) When applying to participate in the monitoring program, the applicant shall sign a waiver permitting the board to receive and release information necessary to determine whether the individual is eligible for admission. After being admitted, the participant shall sign a waiver permitting the board to receive and release information necessary to determine whether the individual is eligible for continued participation in the program. Information that may be necessary for the board's supervising member for disciplinary matters to determine eligibility for

admission or continued participation in the monitoring program 88258
includes, but is not limited to, information provided to and by 88259
employers, probation officers, law enforcement agencies, peer 88260
assistance programs, health professionals, and treatment 88261
providers. No entity with knowledge that the information has been 88262
provided to the monitoring program shall divulge that knowledge to 88263
any other person. 88264

(3) Except as provided in division (F)(4) of this section, 88265
all records pertaining to an individual's application for or 88266
participation in the monitoring program, including medical 88267
records, treatment records, and mental health records, shall be 88268
confidential. The records are not public records for the purposes 88269
of section 149.43 of the Revised Code and are not subject to 88270
discovery by subpoena or admissible as evidence in any judicial 88271
proceeding. 88272

(4) The board may disclose information regarding a 88273
participant's progress in the program to any person or government 88274
entity that the participant authorizes in writing to be given the 88275
information. In disclosing information under this division, the 88276
board shall not include any information that is protected under 88277
section ~~3793.13~~ 5119.27 of the Revised Code or any federal statute 88278
or regulation that provides for the confidentiality of medical, 88279
mental health, or substance abuse records. 88280

(G) In the absence of fraud or bad faith, the board as a 88281
whole, its individual members, and its employees and 88282
representatives are not liable for damages in any civil action as 88283
a result of disclosing information in accordance with division 88284
(F)(4) of this section. In the absence of fraud or bad faith, any 88285
person reporting to the program with regard to an individual's 88286
chemical dependence, or the progress or lack of progress of that 88287
individual with regard to treatment, is not liable for damages in 88288
any civil action as a result of the report. 88289

Sec. 4723.481. This section establishes standards and 88290
conditions regarding the authority of a clinical nurse specialist, 88291
certified nurse-midwife, or certified nurse practitioner to 88292
prescribe drugs and therapeutic devices under a certificate to 88293
prescribe issued under section ~~4723.481~~ 4723.48 of the Revised 88294
Code. 88295

(A) A clinical nurse specialist, certified nurse-midwife, or 88296
certified nurse practitioner shall not prescribe any drug or 88297
therapeutic device that is not included in the types of drugs and 88298
devices listed on the formulary established in rules adopted under 88299
section 4723.50 of the Revised Code. 88300

(B) The prescriptive authority of a clinical nurse 88301
specialist, certified nurse-midwife, or certified nurse 88302
practitioner shall not exceed the prescriptive authority of the 88303
collaborating physician or podiatrist, including the collaborating 88304
physician's authority to treat chronic pain with controlled 88305
substances and products containing tramadol as described in 88306
section 4731.052 of the Revised Code. 88307

(C)(1) Except as provided in division (C)(2) or (3) of this 88308
section, a clinical nurse specialist, certified nurse-midwife, or 88309
certified nurse practitioner may prescribe to a patient a schedule 88310
II controlled substance only if all of the following are the case: 88311

(a) The patient has a terminal condition, as defined in 88312
section 2133.01 of the Revised Code. 88313

(b) The collaborating physician of the clinical nurse 88314
specialist, certified nurse-midwife, or certified nurse 88315
practitioner initially prescribed the substance for the patient. 88316

(c) The prescription is for an amount that does not exceed 88317
the amount necessary for the patient's use in a single, 88318
twenty-four-hour period. 88319

(2) The restrictions on prescriptive authority in division	88320
(C)(1) of this section do not apply if a clinical nurse	88321
specialist, certified nurse-midwife, or certified nurse	88322
practitioner issues the prescription to the patient from any of	88323
the following locations:	88324
(a) A hospital registered under section 3701.07 of the	88325
Revised Code;	88326
(b) An entity owned or controlled, in whole or in part, by a	88327
hospital or by an entity that owns or controls, in whole or in	88328
part, one or more hospitals;	88329
(c) A health care facility operated by the department of	88330
mental health <u>mental health and addiction services</u> or the	88331
department of developmental disabilities;	88332
(d) A nursing home licensed under section 3721.02 of the	88333
Revised Code or by a political subdivision certified under section	88334
3721.09 of the Revised Code;	88335
(e) A county home or district home operated under Chapter	88336
5155. of the Revised Code that is certified under the medicare or	88337
medicaid program;	88338
(f) A hospice care program, as defined in section 3712.01 of	88339
the Revised Code;	88340
(g) A community mental health agency <u>services provider</u> , as	88341
defined in section 5122.01 of the Revised Code;	88342
(h) An ambulatory surgical facility, as defined in section	88343
3702.30 of the Revised Code;	88344
(i) A freestanding birthing center, as defined in section	88345
3702.51 <u>3702.141</u> of the Revised Code;	88346
(j) A federally qualified health center, as defined in	88347
section 3701.047 of the Revised Code;	88348
(k) A federally qualified health center look-alike, as	88349

defined in section 3701.047 of the Revised Code; 88350

(1) A health care office or facility operated by the board of 88351
health of a city or general health district or the authority 88352
having the duties of a board of health under section 3709.05 of 88353
the Revised Code; 88354

(m) A site where a medical practice is operated, but only if 88355
the practice is comprised of one or more physicians who also are 88356
owners of the practice; the practice is organized to provide 88357
direct patient care; and the clinical nurse specialist, certified 88358
nurse-midwife, or certified nurse practitioner providing services 88359
at the site has a standard care arrangement and collaborates with 88360
at least one of the physician owners who practices primarily at 88361
that site. 88362

(3) A clinical nurse specialist, certified nurse-midwife, or 88363
certified nurse practitioner shall not issue to a patient a 88364
prescription for a schedule II controlled substance from a 88365
convenience care clinic even if the clinic is owned or operated by 88366
an entity specified in division (C)(2) of this section. 88367

(D) A pharmacist who acts in good faith reliance on a 88368
prescription issued by a clinical nurse specialist, certified 88369
nurse-midwife, or certified nurse practitioner under division 88370
(C)(2) of this section is not liable for or subject to any of the 88371
following for relying on the prescription: damages in any civil 88372
action, prosecution in any criminal proceeding, or professional 88373
disciplinary action by the state board of pharmacy under Chapter 88374
4729. of the Revised Code. 88375

(E) A clinical nurse specialist, certified nurse-midwife, or 88376
certified nurse practitioner may personally furnish to a patient a 88377
sample of any drug or therapeutic device included in the types of 88378
drugs and devices listed on the formulary, except that all of the 88379
following conditions apply: 88380

(1) The amount of the sample furnished shall not exceed a 88381
seventy-two-hour supply, except when the minimum available 88382
quantity of the sample is packaged in an amount that is greater 88383
than a seventy-two-hour supply, in which case the packaged amount 88384
may be furnished. 88385

(2) No charge may be imposed for the sample or for furnishing 88386
it. 88387

(3) Samples of controlled substances may not be personally 88388
furnished. 88389

(F) A clinical nurse specialist, certified nurse-midwife, or 88390
certified nurse practitioner may personally furnish to a patient a 88391
complete or partial supply of a drug or therapeutic device 88392
included in the types of drugs and devices listed on the 88393
formulary, except that all of the following conditions apply: 88394

(1) The clinical nurse specialist, certified nurse-midwife, 88395
or certified nurse practitioner shall personally furnish only 88396
antibiotics, antifungals, scabicides, contraceptives, prenatal 88397
vitamins, antihypertensives, drugs and devices used in the 88398
treatment of diabetes, drugs and devices used in the treatment of 88399
asthma, and drugs used in the treatment of dyslipidemia. 88400

(2) The clinical nurse specialist, certified nurse-midwife, 88401
or certified nurse practitioner shall not furnish the drugs and 88402
devices in locations other than a health department operated by 88403
the board of health of a city or general health district or the 88404
authority having the duties of a board of health under section 88405
3709.05 of the Revised Code, a federally funded comprehensive 88406
primary care clinic, or a nonprofit health care clinic or program. 88407

(3) The clinical nurse specialist, certified nurse-midwife, 88408
or certified nurse practitioner shall comply with all safety 88409
standards for personally furnishing supplies of drugs and devices, 88410
as established in rules adopted under section 4723.50 of the 88411

Revised Code. 88412

Sec. 4725.03. The governor, with the advice and consent of 88413
the senate, shall appoint a state board of optometry consisting of 88414
six nonmedical residents of this state, five of whom shall be 88415
persons actually engaged in the practice of optometry for five 88416
years preceding appointment and one of whom shall be a member of 88417
the public at least ~~sixty~~ fifty years of age. Terms of office 88418
shall be five years, commencing on the twenty-sixth day of 88419
September and ending on the twenty-fifth day of September. Each 88420
member shall hold office from the date of appointment until the 88421
end of the term for which appointed. Any member appointed to fill 88422
a vacancy occurring prior to the expiration of the term for which 88423
the member's predecessor was appointed shall hold office for the 88424
remainder of the term. A member shall continue in office 88425
subsequent to the expiration date of the member's term until the 88426
member's successor takes office, or until a period of sixty days 88427
has elapsed, whichever occurs first. No person shall serve as a 88428
member for more than two terms. 88429

Sec. 4725.16. (A) Each certificate of licensure, topical 88430
ocular pharmaceutical agents certificate, and therapeutic 88431
pharmaceutical agents certificate issued by the state board of 88432
optometry shall expire annually on the last day of December, and 88433
may be renewed in accordance with this section and the standard 88434
renewal procedure established under Chapter 4745. of the Revised 88435
Code. 88436

An optometrist seeking to continue to practice optometry 88437
shall file with the board an application for license renewal. The 88438
application shall be in such form and require such pertinent 88439
professional biographical data as the board may require. 88440

(B) All licensed optometrists shall annually complete 88441

continuing education in subjects relating to the practice of 88442
optometry, to the end that the utilization and application of new 88443
techniques, scientific and clinical advances, and the achievements 88444
of research will assure comprehensive care to the public. The 88445
board shall prescribe by rule the continuing optometric education 88446
that licensed optometrists must complete. The length of study 88447
shall be twenty-five clock hours each year, including ten clock 88448
hours of instruction in pharmacology to be completed by all 88449
licensed optometrists. 88450

Unless the continuing education required under this division 88451
is waived or deferred under division (D) of this section, the 88452
continuing education must be completed during the twelve-month 88453
period beginning on the first day of October and ending on the 88454
last day of September. If the board receives notice from a 88455
continuing education program indicating that an optometrist 88456
completed the program after the last day of September, and the 88457
optometrist wants to use the continuing education completed after 88458
that day to renew the license that expires on the last day of 88459
December of that year, the optometrist shall pay the penalty 88460
specified under section 4725.34 of the Revised Code for late 88461
completion of continuing education. 88462

At least once annually, the board shall post on its web site 88463
and shall mail, or send by electronic mail, to each licensed 88464
optometrist a list of courses approved in accordance with 88465
standards prescribed by board rule. Upon the request of a licensed 88466
optometrist, the executive director of the board shall supply a 88467
list of additional courses that the board has approved subsequent 88468
to the most recent web site posting, electronic mail transmission, 88469
or mailing of the list of approved courses. 88470

(C)(1) Annually, not later than the first day of November, 88471
the board shall mail or send by electronic mail a notice regarding 88472
license renewal to each licensed optometrist who may be eligible 88473

for renewal. The notice shall be sent to the optometrist's ~~last~~ 88474
most recent electronic mail or mailing address shown in the 88475
board's records. If the board knows that the optometrist has 88476
completed the required continuing optometric education for the 88477
year, the board may include with the notice an application for 88478
license renewal. 88479

(2) Filing a license renewal application with the board shall 88480
serve as notice by the optometrist that the continuing optometric 88481
education requirement has been successfully completed. If the 88482
board finds that an optometrist has not completed the required 88483
continuing optometric education, the board shall disapprove the 88484
optometrist's application. The board's disapproval of renewal is 88485
effective without a hearing, unless a hearing is requested 88486
pursuant to Chapter 119. of the Revised Code. 88487

(3) The board shall refuse to accept an application for 88488
renewal from any applicant whose license is not in good standing 88489
or who is under disciplinary review pursuant to section 4725.19 of 88490
the Revised Code. 88491

(4) Notice of an applicant's failure to qualify for renewal 88492
shall be served upon the applicant by mail. The notice shall be 88493
sent not later than the fifteenth day of November to the 88494
applicant's last address shown in the board's records. 88495

(D) In cases of certified illness or undue hardship, the 88496
board may waive or defer for up to twelve months the requirement 88497
of continuing optometric education, except that in such cases the 88498
board may not waive or defer the continuing education in 88499
pharmacology required to be completed by optometrists who hold 88500
topical ocular pharmaceutical agents certificates or therapeutic 88501
pharmaceutical agents certificates. The board shall waive the 88502
requirement of continuing optometric education for any optometrist 88503
who is serving in the armed forces of the United States or who has 88504
received an initial certificate of licensure during the nine-month 88505

period which ended on the last day of September. 88506

(E) An optometrist whose renewal application has been 88507
approved may renew each certificate held by paying to the 88508
treasurer of state the fees for renewal specified under section 88509
4725.34 of the Revised Code. On payment of all applicable fees, 88510
the board shall issue a renewal of the optometrist's certificate 88511
of licensure, topical ocular pharmaceutical agents certificate, 88512
and therapeutic pharmaceutical agents certificate, as appropriate. 88513

(F) Not later than the fifteenth day of December, the board 88514
shall mail or send by electronic mail a second notice regarding 88515
license renewal to each licensed optometrist who may be eligible 88516
for renewal but did not respond to the notice sent under division 88517
(C)(1) of this section. The notice shall be sent to the 88518
optometrist's ~~last~~ most recent electronic mail or mailing address 88519
shown in the board's records. If an optometrist fails to file a 88520
renewal application after the second notice is sent, the board 88521
shall send a third notice regarding license renewal prior to any 88522
action under division (I) of this section to classify the 88523
optometrist's certificates as delinquent. 88524

(G) The failure of an optometrist to apply for license 88525
renewal or the failure to pay the applicable annual renewal fees 88526
on or before the date of expiration, shall automatically work a 88527
forfeiture of the optometrist's authority to practice optometry in 88528
this state. 88529

(H) The board shall accept renewal applications and renewal 88530
fees that are submitted from the first day of January to the last 88531
day of April of the year next succeeding the date of expiration. 88532
An individual who submits such a late renewal application or fee 88533
shall pay the late renewal fee specified in section 4725.34 of the 88534
Revised Code. 88535

(I)(1) If the certificates issued by the board to an 88536

individual have expired and the individual has not filed a 88537
complete application during the late renewal period, the 88538
individual's certificates shall be classified in the board's 88539
records as delinquent. 88540

(2) Any optometrist subject to delinquent classification may 88541
submit a written application to the board for reinstatement. For 88542
reinstatement to occur, the applicant must meet all of the 88543
following conditions: 88544

(a) Submit to the board evidence of compliance with board 88545
rules requiring continuing optometric education in a sufficient 88546
number of hours to make up for any delinquent compliance; 88547

(b) Pay the renewal fees for the year in which application 88548
for reinstatement is made and the reinstatement fee specified 88549
under division (A)(8) of section 4725.34 of the Revised Code; 88550

(c) Pass all or part of the licensing examination accepted by 88551
the board under section 4725.11 of the Revised Code as the board 88552
considers appropriate to determine whether the application for 88553
reinstatement should be approved; 88554

(d) If the applicant has been practicing optometry in another 88555
state or country, submit evidence that the applicant's license to 88556
practice optometry in the other state or country is in good 88557
standing. 88558

(3) The board shall approve an application for reinstatement 88559
if the conditions specified in division (I)(2) of this section are 88560
met. An optometrist who receives reinstatement is subject to the 88561
continuing education requirements specified under division (B) of 88562
this section for the year in which reinstatement occurs. 88563

Sec. 4729.51. (A) No person other than a registered wholesale 88564
distributor of dangerous drugs shall possess for sale, sell, 88565
distribute, or deliver, at wholesale, dangerous drugs, except as 88566

follows: 88567

(1) A pharmacist who is a licensed terminal distributor of 88568
dangerous drugs or who is employed by a licensed terminal 88569
distributor of dangerous drugs may make occasional sales of 88570
dangerous drugs at wholesale; 88571

(2) A licensed terminal distributor of dangerous drugs having 88572
more than one establishment or place may transfer or deliver 88573
dangerous drugs from one establishment or place for which a 88574
license has been issued to the terminal distributor to another 88575
establishment or place for which a license has been issued to the 88576
terminal distributor if the license issued for each establishment 88577
or place is in effect at the time of the transfer or delivery. 88578

(B)(1) No registered wholesale distributor of dangerous drugs 88579
shall possess for sale, or sell, at wholesale, dangerous drugs to 88580
any person other than the following: 88581

(a) Except as provided in division (B)(2)(a) of this section, 88582
a licensed health professional authorized to prescribe drugs; 88583

(b) An optometrist licensed under Chapter 4725. of the 88584
Revised Code who holds a topical ocular pharmaceutical agents 88585
certificate; 88586

(c) A registered wholesale distributor of dangerous drugs; 88587

(d) A manufacturer of dangerous drugs; 88588

(e) Subject to division (B)(3) of this section, a licensed 88589
terminal distributor of dangerous drugs; 88590

(f) Carriers or warehouses for the purpose of carriage or 88591
storage; 88592

(g) Terminal or wholesale distributors of dangerous drugs who 88593
are not engaged in the sale of dangerous drugs within this state; 88594

(h) An individual who holds a current license, certificate, 88595
or registration issued under Title 47 XLVII of the Revised Code 88596

and has been certified to conduct diabetes education by a national 88597
certifying body specified in rules adopted by the state board of 88598
pharmacy under section 4729.68 of the Revised Code, but only with 88599
respect to insulin that will be used for the purpose of diabetes 88600
education and only if diabetes education is within the 88601
individual's scope of practice under statutes and rules regulating 88602
the individual's profession; 88603

(i) An individual who holds a valid certificate issued by a 88604
nationally recognized S.C.U.B.A. diving certifying organization 88605
approved by the state board of pharmacy in rule, but only with 88606
respect to medical oxygen that will be used for the purpose of 88607
emergency care or treatment at the scene of a diving emergency; 88608

(j) Except as provided in division (B)(2)(b) of this section, 88609
a business entity that is a corporation formed under division (B) 88610
of section 1701.03 of the Revised Code, a limited liability 88611
company formed under Chapter 1705. of the Revised Code, or a 88612
professional association formed under Chapter 1785. of the Revised 88613
Code if the entity has a sole shareholder who is a licensed health 88614
professional authorized to prescribe drugs and is authorized to 88615
provide the professional services being offered by the entity; 88616

(k) Except as provided in division (B)(2)(c) of this section, 88617
a business entity that is a corporation formed under division (B) 88618
of section 1701.03 of the Revised Code, a limited liability 88619
company formed under Chapter 1705. of the Revised Code, a 88620
partnership or a limited liability partnership formed under 88621
Chapter 1775. of the Revised Code, or a professional association 88622
formed under Chapter 1785. of the Revised Code, if, to be a 88623
shareholder, member, or partner, an individual is required to be 88624
licensed, certified, or otherwise legally authorized under Title 88625
XLVII of the Revised Code to perform the professional service 88626
provided by the entity and each such individual is a licensed 88627
health professional authorized to prescribe drugs. 88628

(2) No registered wholesale distributor of dangerous drugs 88629
shall possess for sale, or sell, at wholesale, dangerous drugs to 88630
any of the following: 88631

(a) A prescriber who is employed by a pain management clinic 88632
that is not licensed as a terminal distributor of dangerous drugs 88633
with a pain management clinic classification issued under section 88634
4729.552 of the Revised Code; 88635

(b) A business entity described in division (B)(1)(j) of this 88636
section that is, or is operating, a pain management clinic without 88637
a license as a terminal distributor of dangerous drugs with a pain 88638
management clinic classification issued under section 4729.552 of 88639
the Revised Code; 88640

(c) A business entity described in division (B)(1)(k) of this 88641
section that is, or is operating, a pain management clinic without 88642
a license as a terminal distributor of dangerous drugs with a pain 88643
management clinic classification issued under section 4729.552 of 88644
the Revised Code. 88645

(3) No registered wholesale distributor of dangerous drugs 88646
shall possess dangerous drugs for sale at wholesale, or sell such 88647
drugs at wholesale, to a licensed terminal distributor of 88648
dangerous drugs, except as follows: 88649

(a) In the case of a terminal distributor with a category I 88650
license, only dangerous drugs described in category I, as defined 88651
in division (A)(1) of section 4729.54 of the Revised Code; 88652

(b) In the case of a terminal distributor with a category II 88653
license, only dangerous drugs described in category I and category 88654
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 88655
the Revised Code; 88656

(c) In the case of a terminal distributor with a category III 88657
license, dangerous drugs described in category I, category II, and 88658
category III, as defined in divisions (A)(1), (2), and (3) of 88659

section 4729.54 of the Revised Code; 88660

(d) In the case of a terminal distributor with a limited 88661
category I, II, or III license, only the dangerous drugs specified 88662
in the certificate furnished by the terminal distributor in 88663
accordance with section 4729.60 of the Revised Code. 88664

(C)(1) Except as provided in division (C)(4) of this section, 88665
no person shall sell, at retail, dangerous drugs. 88666

(2) Except as provided in division (C)(4) of this section, no 88667
person shall possess for sale, at retail, dangerous drugs. 88668

(3) Except as provided in division (C)(4) of this section, no 88669
person shall possess dangerous drugs. 88670

(4) Divisions (C)(1), (2), and (3) of this section do not 88671
apply to a registered wholesale distributor of dangerous drugs, a 88672
licensed terminal distributor of dangerous drugs, or a person who 88673
possesses, or possesses for sale or sells, at retail, a dangerous 88674
drug in accordance with Chapters 3719., 4715., 4723., 4725., 88675
4729., 4730., 4731., and 4741. of the Revised Code. 88676

Divisions (C)(1), (2), and (3) of this section do not apply 88677
to an individual who holds a current license, certificate, or 88678
registration issued under Title XLVII of the Revised Code and has 88679
been certified to conduct diabetes education by a national 88680
certifying body specified in rules adopted by the state board of 88681
pharmacy under section 4729.68 of the Revised Code, but only to 88682
the extent that the individual possesses insulin or personally 88683
supplies insulin solely for the purpose of diabetes education and 88684
only if diabetes education is within the individual's scope of 88685
practice under statutes and rules regulating the individual's 88686
profession. 88687

Divisions (C)(1), (2), and (3) of this section do not apply 88688
to an individual who holds a valid certificate issued by a 88689
nationally recognized S.C.U.B.A. diving certifying organization 88690

approved by the state board of pharmacy in rule, but only to the 88691
extent that the individual possesses medical oxygen or personally 88692
supplies medical oxygen for the purpose of emergency care or 88693
treatment at the scene of a diving emergency. 88694

(D) No licensed terminal distributor of dangerous drugs shall 88695
purchase for the purpose of resale dangerous drugs from any person 88696
other than a registered wholesale distributor of dangerous drugs, 88697
except as follows: 88698

(1) A licensed terminal distributor of dangerous drugs may 88699
make occasional purchases of dangerous drugs for resale from a 88700
pharmacist who is a licensed terminal distributor of dangerous 88701
drugs or who is employed by a licensed terminal distributor of 88702
dangerous drugs; 88703

(2) A licensed terminal distributor of dangerous drugs having 88704
more than one establishment or place may transfer or receive 88705
dangerous drugs from one establishment or place for which a 88706
license has been issued to the terminal distributor to another 88707
establishment or place for which a license has been issued to the 88708
terminal distributor if the license issued for each establishment 88709
or place is in effect at the time of the transfer or receipt. 88710

(E) A pharmacy that is a licensed terminal distributor of 88711
dangerous drugs may operate a remote dispensing system in 88712
accordance with section 4729.542 of the Revised Code. 88713

(F) No licensed terminal distributor of dangerous drugs shall 88714
engage in the sale or other distribution of dangerous drugs at 88715
retail or maintain possession, custody, or control of dangerous 88716
drugs for any purpose other than the distributor's personal use or 88717
consumption, at any establishment or place other than that or 88718
those described in the license issued by the state board of 88719
pharmacy to such terminal distributor. 88720

~~(F)~~(G) Nothing in this section shall be construed to 88721

interfere with the performance of official duties by any law 88722
enforcement official authorized by municipal, county, state, or 88723
federal law to collect samples of any drug, regardless of its 88724
nature or in whose possession it may be. 88725

Sec. 4729.54. (A) As used in this section and section 88726
4729.541 of the Revised Code: 88727

(1) "Category I" means single-dose injections of intravenous 88728
fluids, including saline, Ringer's lactate, five per cent dextrose 88729
and distilled water, and other intravenous fluids or parenteral 88730
solutions included in this category by rule of the state board of 88731
pharmacy, that have a volume of one hundred milliliters or more 88732
and that contain no added substances, or single-dose injections of 88733
epinephrine to be administered pursuant to sections 4765.38 and 88734
4765.39 of the Revised Code. 88735

(2) "Category II" means any dangerous drug that is not 88736
included in category I or III. 88737

(3) "Category III" means any controlled substance that is 88738
contained in schedule I, II, III, IV, or V. 88739

(4) "Emergency medical service organization" has the same 88740
meaning as in section 4765.01 of the Revised Code. 88741

(5) "Person" includes an emergency medical service 88742
organization. 88743

(6) "Schedule I, schedule II, schedule III, schedule IV, and 88744
schedule V" mean controlled substance schedules I, II, III, IV, 88745
and V, respectively, as established pursuant to section 3719.41 of 88746
the Revised Code and as amended. 88747

(B)(1) A person who desires to be licensed as a terminal 88748
distributor of dangerous drugs shall file with the executive 88749
director of the state board of pharmacy a verified application. 88750
After it is filed, the application may not be withdrawn without 88751

approval of the board. 88752

(2) An application shall contain all the following that apply 88753
in the applicant's case: 88754

(a) Information that the board requires relative to the 88755
qualifications of a terminal distributor of dangerous drugs set 88756
forth in section 4729.55 of the Revised Code; 88757

(b) A statement that the person wishes to be licensed as a 88758
category I, category II, category III, limited category I, limited 88759
category II, or limited category III terminal distributor of 88760
dangerous drugs; 88761

(c) If the person wishes to be licensed as a limited category 88762
I, limited category II, or limited category III terminal 88763
distributor of dangerous drugs, a notarized list of the dangerous 88764
drugs that the person wishes to possess, have custody or control 88765
of, and distribute, which list shall also specify the purpose for 88766
which those drugs will be used and their source; 88767

(d) If the person is an emergency medical service 88768
organization, the information that is specified in division (C)(1) 88769
of this section; 88770

(e) Except for an emergency medical service organization, the 88771
identity of the one establishment or place at which the person 88772
intends to engage in the sale or other distribution of dangerous 88773
drugs at retail, and maintain possession, custody, or control of 88774
dangerous drugs for purposes other than the person's own use or 88775
consumption and any place at which the person intends to operate a 88776
remote dispensing system in accordance with section 4729.542 of 88777
the Revised Code; 88778

(f) If the application pertains to a pain management clinic, 88779
information that demonstrates, to the satisfaction of the board, 88780
compliance with division (A) of section 4729.552 of the Revised 88781
Code. 88782

(C)(1) An emergency medical service organization that wishes to be licensed as a terminal distributor of dangerous drugs shall list in its application for licensure the following additional information:

(a) The units under its control that the organization determines will possess dangerous drugs for the purpose of administering emergency medical services in accordance with Chapter 4765. of the Revised Code;

(b) With respect to each such unit, whether the dangerous drugs that the organization determines the unit will possess are in category I, II, or III.

(2) An emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.

(3) A unit listed in an application for licensure pursuant to division (C)(1) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service organization or, on a replacement basis, from a hospital pharmacy. If units will obtain dangerous drugs from a hospital pharmacy, the organization shall file, and maintain in current form, the following items with the pharmacist who is responsible for the hospital's terminal distributor of dangerous drugs license:

(a) A copy of its standing orders or protocol;

(b) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code, who are authorized to possess the drugs, which list also shall indicate the personnel who are authorized to administer the drugs.

(D) Each emergency medical service organization that applies

for a terminal distributor of dangerous drugs license shall submit 88814
with its application the following: 88815

(1) A notarized copy of its standing orders or protocol, 88816
which orders or protocol shall be signed by a physician and 88817
specify the dangerous drugs that its units may carry, expressed in 88818
standard dose units; 88819

(2) A list of the personnel employed or used by the 88820
organization to provide emergency medical services in accordance 88821
with Chapter 4765. of the Revised Code. 88822

An emergency medical service organization that is licensed as 88823
a terminal distributor shall notify the board immediately of any 88824
changes in its standing orders or protocol. 88825

(E) There shall be six categories of terminal distributor of 88826
dangerous drugs licenses, which categories shall be as follows: 88827

(1) Category I license. A person who obtains this license may 88828
possess, have custody or control of, and distribute only the 88829
dangerous drugs described in category I. 88830

(2) Limited category I license. A person who obtains this 88831
license may possess, have custody or control of, and distribute 88832
only the dangerous drugs described in category I that were listed 88833
in the application for licensure. 88834

(3) Category II license. A person who obtains this license 88835
may possess, have custody or control of, and distribute only the 88836
dangerous drugs described in category I and category II. 88837

(4) Limited category II license. A person who obtains this 88838
license may possess, have custody or control of, and distribute 88839
only the dangerous drugs described in category I or category II 88840
that were listed in the application for licensure. 88841

(5) Category III license, which may include a pain management 88842
clinic classification issued under section 4729.552 of the Revised 88843

Code. A person who obtains this license may possess, have custody 88844
or control of, and distribute the dangerous drugs described in 88845
category I, category II, and category III. If the license includes 88846
a pain management clinic classification, the person may operate a 88847
pain management clinic. 88848

(6) Limited category III license. A person who obtains this 88849
license may possess, have custody or control of, and distribute 88850
only the dangerous drugs described in category I, category II, or 88851
category III that were listed in the application for licensure. 88852

(F) Except for an application made on behalf of an animal 88853
shelter, if an applicant for licensure as a limited category I, 88854
II, or III terminal distributor of dangerous drugs intends to 88855
administer dangerous drugs to a person or animal, the applicant 88856
shall submit, with the application, a notarized copy of its 88857
protocol or standing orders, which protocol or orders shall be 88858
signed by a licensed health professional authorized to prescribe 88859
drugs, specify the dangerous drugs to be administered, and list 88860
personnel who are authorized to administer the dangerous drugs in 88861
accordance with federal law or the law of this state. An 88862
application made on behalf of an animal shelter shall include a 88863
notarized list of the dangerous drugs to be administered to 88864
animals and the personnel who are authorized to administer the 88865
drugs to animals in accordance with section 4729.532 of the 88866
Revised Code. After obtaining a terminal distributor license, a 88867
licensee shall notify the board immediately of any changes in its 88868
protocol or standing orders, or in such personnel. 88869

(G)(1) Except as provided in division (G)(2) of this section, 88870
each applicant for licensure as a terminal distributor of 88871
dangerous drugs shall submit, with the application, a license fee 88872
determined as follows: 88873

(a) For a category I or limited category I license, 88874
forty-five dollars; 88875

(b) For a category II or limited category II license, one 88876
hundred twelve dollars and fifty cents; 88877

(c) For a category III license, including a license with a 88878
pain management clinic classification issued under section 88879
4729.552 of the Revised Code, or a limited category III license, 88880
one hundred fifty dollars. 88881

(2) For a professional association, corporation, partnership, 88882
or limited liability company organized for the purpose of 88883
practicing veterinary medicine, the fee shall be forty dollars. 88884

(3) Fees assessed under divisions (G)(1) and (2) of this 88885
section shall not be returned if the applicant fails to qualify 88886
for registration. 88887

(H)(1) The board shall issue a terminal distributor of 88888
dangerous drugs license to each person who submits an application 88889
for such licensure in accordance with this section, pays the 88890
required license fee, is determined by the board to meet the 88891
requirements set forth in section 4729.55 of the Revised Code, and 88892
satisfies any other applicable requirements of this section. 88893

(2) The license of a person other than an emergency medical 88894
service organization shall describe the one establishment or place 88895
at which the licensee may engage in the sale or other distribution 88896
of dangerous drugs at retail and maintain possession, custody, or 88897
control of dangerous drugs for purposes other than the licensee's 88898
own use or consumption and any place at which the person intends 88899
to operate a remote dispensing system in accordance with section 88900
4729.542 of the Revised Code. The one establishment or place and 88901
any place at which the person intends to operate a remote 88902
dispensing system shall be ~~that which is~~ those described in the 88903
application for licensure. 88904

No such license shall authorize or permit the terminal 88905
distributor of dangerous drugs named in it to engage in the sale 88906

or other distribution of dangerous drugs at retail or to maintain 88907
possession, custody, or control of dangerous drugs for any purpose 88908
other than the distributor's own use or consumption, at any 88909
establishment or place other than ~~that~~ those described in the 88910
license, except that an agent or employee of an animal shelter may 88911
possess and use dangerous drugs in the course of business as 88912
provided in division (D) of section 4729.532 of the Revised Code. 88913

(3) The license of an emergency medical service organization 88914
shall cover and describe all the units of the organization listed 88915
in its application for licensure. 88916

(4) The license of every terminal distributor of dangerous 88917
drugs shall indicate, on its face, the category of licensure. If 88918
the license is a limited category I, II, or III license, it shall 88919
specify, and shall authorize the licensee to possess, have custody 88920
or control of, and distribute only, the dangerous drugs that were 88921
listed in the application for licensure. 88922

(I) All licenses issued pursuant to this section shall be 88923
effective for a period of twelve months from the first day of 88924
January of each year. A license shall be renewed by the board for 88925
a like period, annually, according to the provisions of this 88926
section, and the standard renewal procedure of Chapter 4745. of 88927
the Revised Code. A person who desires to renew a license shall 88928
submit an application for renewal and pay the required fee on or 88929
before the thirty-first day of December each year. The fee 88930
required for the renewal of a license shall be the same as the fee 88931
paid for the license being renewed, and shall accompany the 88932
application for renewal. 88933

A license that has not been renewed during December in any 88934
year and by the first day of February of the following year may be 88935
reinstated only upon payment of the required renewal fee and a 88936
penalty fee of fifty-five dollars. 88937

(J)(1) No emergency medical service organization that is 88938
licensed as a terminal distributor of dangerous drugs shall fail 88939
to comply with division (C)(2) or (3) of this section. 88940

(2) No emergency medical service organization that is 88941
licensed as a terminal distributor of dangerous drugs shall fail 88942
to comply with division (D) of this section. 88943

(3) No licensed terminal distributor of dangerous drugs shall 88944
possess, have custody or control of, or distribute dangerous drugs 88945
that the terminal distributor is not entitled to possess, have 88946
custody or control of, or distribute by virtue of its category of 88947
licensure. 88948

(4) No licensee that is required by division (F) of this 88949
section to notify the board of changes in its protocol or standing 88950
orders, or in personnel, shall fail to comply with that division. 88951

Sec. 4729.542. (A) As used in this section, "remote 88952
dispensing system" means a mechanical system for dispensing drugs 88953
that is installed in a facility and communicates electronically 88954
with a pharmacy. 88955

(B) A pharmacy licensed under this chapter as a terminal 88956
distributor of dangerous drugs may use a remote dispensing system 88957
to assist in the distribution of dangerous drugs at a nursing home 88958
or residential care facility licensed under Chapter 3721. of the 88959
Revised Code if all of the following requirements are met: 88960

(1) The system has a documented and ongoing quality assurance 88961
program that monitors total system performance and requires one 88962
hundred per cent accuracy in drugs dispensed and their strength. 88963

(2) The system has security adequate to prevent unauthorized 88964
access to dangerous drugs. 88965

(3) Records kept by the system comply with requirements of 88966
the state board of pharmacy. 88967

(C) A pharmacist licensed under this chapter is not required to maintain supervision and control of a remote dispensing system or be physically present at the facility where the system is used to dispense drugs. 88968
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(D) As part of the quality assurance program required by division (B)(1) of this section, the facility where the remote dispensing system is located shall complete periodic audits of controlled substances dispensed through the system. 88972
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Sec. 4729.69. (A) The state board of pharmacy, in 88976
collaboration with the director of ~~alcohol and drug addiction~~ 88977
~~services~~ mental health and addiction services and attorney 88978
general, shall establish and administer a drug take-back program 88979
under which drugs are collected from the community for the purpose 88980
of destruction or disposal of the drugs. 88981

(B) The program shall be established and administered in such 88982
a manner that it does both of the following: 88983

(1) Complies with any state or federal laws regarding the 88984
collection, destruction, or disposal of drugs; 88985

(2) Maintains the confidentiality of individuals who submit 88986
or otherwise provide drugs under the program. 88987

(C) In consultation with the director of ~~alcohol and drug~~ 88988
~~addiction services~~ mental health and addiction services and 88989
attorney general, the board shall adopt rules governing the 88990
program. The rules shall be adopted in accordance with Chapter 88991
119. of the Revised Code. In adopting the rules, the board shall 88992
specify all of the following: 88993

(1) The entities that may participate; 88994

(2) Guidelines and responsibilities for accepting drugs by 88995
participating entities; 88996

(3) Drugs that may be collected; 88997

(4) Record-keeping requirements;	88998
(5) Proper methods to destroy unused drugs;	88999
(6) Privacy protocols and security standards;	89000
(7) Drug transportation procedures;	89001
(8) The schedule, duration, and frequency of the collections	89002
of drugs, except that the first collection shall occur not later	89003
than one year after the effective date of this section <u>May 20,</u>	89004
<u>2011</u> ;	89005
(9) Any other standards and procedures the board considers	89006
necessary for purposes of governing the program.	89007
(D) In accordance with state and federal law, the board may	89008
adopt rules to allow an entity participating in the program to	89009
return any unused drugs to the pharmacy that originally dispensed	89010
the drug. The rules shall include procedures to be followed to	89011
maintain the confidentiality of the person for whom the drug was	89012
dispensed.	89013
(E) Rules adopted under this section may not do any of the	89014
following:	89015
(1) Require any entity to establish, fund, or operate a drug	89016
take-back program;	89017
(2) Establish any new licensing requirement or fee to	89018
participate in the program;	89019
(3) Require any entity to compile data on drugs collected.	89020
(F) The board may compile data on the amount and type of	89021
drugs collected under the program. For purposes of this division,	89022
the board may cooperate with a public or private entity in	89023
obtaining assistance in the compilation of data. An entity	89024
providing the assistance shall not be reimbursed under the program	89025
for any costs incurred in providing the assistance.	89026

(G) If the board compiles data under division (F) of this section, the board shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. The report, to the extent possible, shall include the following information:

(1) Total weight of drugs collected, both with and without packaging;

(2) The weight of controlled substances;

(3) The amount of all of the following as a per cent of total drugs collected:

(a) Controlled substances;

(b) Brand name drugs;

(c) Generic drugs;

(d) Prescription drugs;

(e) Non-prescription drugs.

(4) The amount of vitamins, herbal supplements, and personal care products collected;

(5) If provided by the person who submitted or otherwise donated drugs to the program, the reasons why the drugs were returned or unused.

(H) No entity is required to participate in a drug take-back program established under this section, and no entity shall be subject to civil liability or professional disciplinary action for declining to participate.

(I) The board may accept grants, gifts, or donations for purposes of the program. Money received under this division shall be deposited into the drug take-back program fund established under section 109.90 of the Revised Code.

Sec. 4729.77. (A) If the state board of pharmacy establishes 89055
and maintains a drug database pursuant to section 4729.75 of the 89056
Revised Code, each pharmacy licensed as a terminal distributor of 89057
dangerous drugs that dispenses drugs to patients in this state and 89058
is included in the types of pharmacies specified in rules adopted 89059
under section 4729.84 of the Revised Code shall submit to the 89060
board the following prescription information: 89061

- (1) Terminal distributor identification; 89062
- (2) Patient identification; 89063
- (3) Prescriber identification; 89064
- (4) Date prescription was issued by prescriber; 89065
- (5) Date drug was dispensed; 89066
- (6) Indication of whether the drug dispensed is new or a 89067
refill; 89068
- (7) Name, strength, and national drug code of the drug 89069
dispensed; 89070
- (8) Quantity of drug dispensed; 89071
- (9) Number of days' supply of drug dispensed; 89072
- (10) Serial or prescription number assigned by the terminal 89073
distributor; 89074
- (11) Source of payment for the drug dispensed. 89075

(B)(1) The information shall be transmitted as specified by 89076
the board in rules adopted under section 4729.84 of the Revised 89077
Code. 89078

(2) The information shall be submitted electronically in the 89079
format specified by the board, except that the board may grant a 89080
waiver allowing the distributor to submit the information in 89081
another format. 89082

(3) The information shall be submitted ~~in accordance with any~~ 89083
~~time limits specified by the board~~ not less than once each day 89084
that the distributor conducts business, except that the board may 89085
grant an extension if either of the following occurs: 89086

(a) The distributor suffers a mechanical or electronic 89087
failure, or cannot meet the deadline for other reasons beyond the 89088
distributor's control. 89089

(b) The board is unable to receive electronic submissions. 89090

(C) This section does not apply to a prescriber personally 89091
furnishing or administering dangerous drugs to the prescriber's 89092
patient. 89093

Sec. 4729.78. (A) If the state board of pharmacy establishes 89094
and maintains a drug database pursuant to section 4729.75 of the 89095
Revised Code, each wholesale distributor of dangerous drugs that 89096
delivers drugs in this state to prescribers or terminal 89097
distributors of dangerous drugs shall submit to the board the 89098
following purchase information: 89099

(1) Purchaser identification; 89100

(2) Identification of the drug sold; 89101

(3) Quantity of the drug sold; 89102

(4) Date of sale; 89103

(5) The wholesale distributor's license number issued by the 89104
board. 89105

(B)(1) The information shall be transmitted as specified by 89106
the board in rules adopted under section 4729.84 of the Revised 89107
Code. 89108

(2) The information shall be submitted electronically in the 89109
format specified by the board, except that the board may grant a 89110
waiver allowing the distributor to submit the information in 89111

another format. 89112

(3) The information shall be submitted ~~in accordance with any~~ 89113
~~time limits specified by the board~~ not less than once each day 89114
that the distributor conducts business, except that the board may 89115
grant an extension if either of the following occurs: 89116

(a) The distributor suffers a mechanical or electronic 89117
failure, or cannot meet the deadline for other reasons beyond the 89118
distributor's control. 89119

(b) The board is unable to receive electronic submissions. 89120

Sec. 4729.79. (A) If the state board of pharmacy establishes 89121
and maintains a drug database pursuant to section 4729.75 of the 89122
Revised Code, each licensed health professional authorized to 89123
prescribe drugs, except as provided in division (C) of this 89124
section, who personally furnishes to a patient a controlled 89125
substance or other dangerous drug the board includes in the 89126
database pursuant to rules adopted under section 4729.84 of the 89127
Revised Code shall submit to the board the following information: 89128

(1) Prescriber identification; 89129

(2) Patient identification; 89130

(3) Date drug was furnished by the prescriber; 89131

(4) Indication of whether the drug furnished is new or a 89132
refill; 89133

(5) Name, strength, and national drug code of drug furnished; 89134

(6) Quantity of drug furnished; 89135

(7) Number of days' supply of drug furnished; 89136

(8) Source of payment for the drug furnished; 89137

(9) Identification of the owner of the drug furnished. 89138

(B)(1) The information shall be transmitted as specified by 89139

the board in rules adopted under section 4729.84 of the Revised Code. 89140
89141

(2) The information shall be submitted electronically in the 89142
format specified by the board, except that the board may grant a 89143
waiver allowing the prescriber to submit the information in 89144
another format. 89145

(3) The information shall be submitted ~~in accordance with any~~ 89146
~~time limits specified by the board~~ not less than once each day 89147
that the prescriber conducts business, except that the board may 89148
grant an extension if either of the following occurs: 89149

(a) The prescriber's transmission system suffers a mechanical 89150
or electronic failure, or the prescriber cannot meet the deadline 89151
for other reasons beyond the prescriber's control. 89152

(b) The board is unable to receive electronic submissions. 89153

(C)(1) The information required to be submitted under 89154
division (A) of this section may be submitted on behalf of the 89155
prescriber by the owner of the drug being personally furnished or 89156
by a delegate approved by that owner. 89157

(2) The requirements of this section to submit information to 89158
the board do not apply to a prescriber who is a veterinarian. 89159

(D) If the board becomes aware of a prescriber's failure to 89160
comply with this section, the board shall notify the government 89161
entity responsible for licensing the prescriber. 89162

Sec. 4729.80. (A) If the state board of pharmacy establishes 89163
and maintains a drug database pursuant to section 4729.75 of the 89164
Revised Code, the board is authorized or required to provide 89165
information from the database in accordance with the following: 89166

(1) On receipt of a request from a designated representative 89167
of a government entity responsible for the licensure, regulation, 89168
or discipline of health care professionals with authority to 89169

prescribe, administer, or dispense drugs, the board may provide to 89170
the representative information from the database relating to the 89171
professional who is the subject of an active investigation being 89172
conducted by the government entity. 89173

(2) On receipt of a request from a federal officer, or a 89174
state or local officer of this or any other state, whose duties 89175
include enforcing laws relating to drugs, the board shall provide 89176
to the officer information from the database relating to the 89177
person who is the subject of an active investigation of a drug 89178
abuse offense, as defined in section 2925.01 of the Revised Code, 89179
being conducted by the officer's employing government entity. 89180

(3) Pursuant to a subpoena issued by a grand jury, the board 89181
shall provide to the grand jury information from the database 89182
relating to the person who is the subject of an investigation 89183
being conducted by the grand jury. 89184

(4) Pursuant to a subpoena, search warrant, or court order in 89185
connection with the investigation or prosecution of a possible or 89186
alleged criminal offense, the board shall provide information from 89187
the database as necessary to comply with the subpoena, search 89188
warrant, or court order. 89189

(5) On receipt of a request from a prescriber or the 89190
prescriber's delegate approved by the board, the board may provide 89191
to the prescriber information from the database relating to a 89192
patient who is either of the following, if the prescriber 89193
certifies in a form specified by the board that it is for the 89194
purpose of providing medical treatment to the patient who is the 89195
subject of the request; 89196

(a) A current patient of the prescriber; 89197

(b) A potential patient of the prescriber based on a referral 89198
of the patient to the prescriber. 89199

(6) On receipt of a request from a pharmacist or the 89200

pharmacist's delegate approved by the board, the board may provide 89201
to the pharmacist information from the database relating to a 89202
current patient of the pharmacist, if the pharmacist certifies in 89203
a form specified by the board that it is for the purpose of the 89204
pharmacist's practice of pharmacy involving the patient who is the 89205
subject of the request. 89206

(7) On receipt of a request from an individual seeking the 89207
individual's own database information in accordance with the 89208
procedure established in rules adopted under section 4729.84 of 89209
the Revised Code, the board may provide to the individual the 89210
individual's own database information. 89211

(8) On receipt of a request from the medical director of a 89212
managed care organization that has entered into a data security 89213
agreement with the board required by section ~~5111.1710~~ 5167.14 of 89214
the Revised Code, the board ~~may~~ shall provide to the medical 89215
director information from the database relating to a medicaid 89216
recipient enrolled in the managed care organization, including 89217
information in the database related to prescriptions for the 89218
recipient that were not covered or reimbursed under a program 89219
administered by the department of medicaid. 89220

(9) On receipt of a request from the medicaid director ~~of job~~ 89221
~~and family services~~, the board ~~may~~ shall provide to the director 89222
information from the database relating to a recipient of a program 89223
administered by the department of ~~job and family services~~ 89224
medicaid, including information in the database related to 89225
prescriptions for the recipient that were not covered or paid by a 89226
program administered by the department. 89227

(10) On receipt of a request from the administrator of 89228
workers' compensation, the board may provide to the administrator 89229
information from the database relating to a claimant under Chapter 89230
4121., 4123., 4127., or 4131. of the Revised Code. 89231

(11) On receipt of a request from a requestor described in 89232
division (A)(1), (2), (5), or (6) of this section who is from or 89233
participating with another state's prescription monitoring 89234
program, the board may provide to the requestor information from 89235
the database, but only if there is a written agreement under which 89236
the information is to be used and disseminated according to the 89237
laws of this state. 89238

(B) The state board of pharmacy shall maintain a record of 89239
each individual or entity that requests information from the 89240
database pursuant to this section. In accordance with rules 89241
adopted under section 4729.84 of the Revised Code, the board may 89242
use the records to document and report statistics and law 89243
enforcement outcomes. 89244

The board may provide records of an individual's requests for 89245
database information to the following: 89246

(1) A designated representative of a government entity that 89247
is responsible for the licensure, regulation, or discipline of 89248
health care professionals with authority to prescribe, administer, 89249
or dispense drugs who is involved in an active investigation being 89250
conducted by the government entity of the individual who submitted 89251
the requests for database information; 89252

(2) A federal officer, or a state or local officer of this or 89253
any other state, whose duties include enforcing laws relating to 89254
drugs and who is involved in an active investigation being 89255
conducted by the officer's employing government entity of the 89256
individual who submitted the requests for database information. 89257

(C) Information contained in the database and any information 89258
obtained from it is not a public record. Information contained in 89259
the records of requests for information from the database is not a 89260
public record. Information that does not identify a person may be 89261
released in summary, statistical, or aggregate form. 89262

(D) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

Sec. 4729.81. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board shall review the information in the drug database. If the board determines from the review that a violation of law may have occurred, it shall notify the appropriate law enforcement agency or a government entity responsible for the licensure, regulation, or discipline of licensed health professionals authorized to prescribe drugs and supply information required by the agency or entity for an investigation of the violation of law that may have occurred. The board also shall notify the medicaid director if the board determines that the violation may have been committed by a provider of services under a program administered by the department of medicaid.

Sec. 4729.99. (A) Whoever violates section 4729.16, division (A) or (B) of section 4729.38, or section 4729.57 of the Revised Code is guilty of a minor misdemeanor. Each day's violation constitutes a separate offense.

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of the Revised Code is guilty of a misdemeanor of the third degree. Each day's violation constitutes a separate offense. If the offender previously has been convicted of or pleaded guilty to a violation of this chapter, that person is guilty of a misdemeanor of the second degree.

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of the Revised Code is guilty of a misdemeanor.

(D) Whoever violates division (A), (B), (D), or ~~(E)~~(F) of 89293
section 4729.51 of the Revised Code is guilty of a misdemeanor of 89294
the first degree. 89295

(E)(1) Whoever violates section 4729.37, division (C)(2) of 89296
section 4729.51, division (J) of section 4729.54, or section 89297
4729.61 of the Revised Code is guilty of a felony of the fifth 89298
degree. If the offender previously has been convicted of or 89299
pleaded guilty to a violation of this chapter or a violation of 89300
Chapter 2925. or 3719. of the Revised Code, that person is guilty 89301
of a felony of the fourth degree. 89302

(2) If an offender is convicted of or pleads guilty to a 89303
violation of section 4729.37, division (C) of section 4729.51, 89304
division (J) of section 4729.54, or section 4729.61 of the Revised 89305
Code, if the violation involves the sale, offer to sell, or 89306
possession of a schedule I or II controlled substance, with the 89307
exception of marihuana, and if the court imposing sentence upon 89308
the offender finds that the offender as a result of the violation 89309
is a major drug offender, as defined in section 2929.01 of the 89310
Revised Code, and is guilty of a specification of the type 89311
described in section 2941.1410 of the Revised Code, the court, in 89312
lieu of the prison term authorized or required by division (E)(1) 89313
of this section and sections 2929.13 and 2929.14 of the Revised 89314
Code and in addition to any other sanction imposed for the offense 89315
under sections 2929.11 to 2929.18 of the Revised Code, shall 89316
impose upon the offender, in accordance with division (B)(3) of 89317
section 2929.14 of the Revised Code, the mandatory prison term 89318
specified in that division. 89319

(3) Notwithstanding any contrary provision of section 3719.21 89320
of the Revised Code, the clerk of court shall pay any fine imposed 89321
for a violation of section 4729.37, division (C) of section 89322
4729.51, division (J) of section 4729.54, or section 4729.61 of 89323
the Revised Code pursuant to division (A) of section 2929.18 of 89324

the Revised Code in accordance with and subject to the 89325
requirements of division (F) of section 2925.03 of the Revised 89326
Code. The agency that receives the fine shall use the fine as 89327
specified in division (F) of section 2925.03 of the Revised Code. 89328

(F) Whoever violates section 4729.531 of the Revised Code or 89329
any rule adopted thereunder or section 4729.532 of the Revised 89330
Code is guilty of a misdemeanor of the first degree. 89331

(G) Whoever violates division (C)(1) of section 4729.51 of 89332
the Revised Code is guilty of a felony of the fourth degree. If 89333
the offender has previously been convicted of or pleaded guilty to 89334
a violation of this chapter, or of a violation of Chapter 2925. or 89335
3719. of the Revised Code, that person is guilty of a felony of 89336
the third degree. 89337

(H) Whoever violates division (C)(3) of section 4729.51 of 89338
the Revised Code is guilty of a misdemeanor of the first degree. 89339
If the offender has previously been convicted of or pleaded guilty 89340
to a violation of this chapter, or of a violation of Chapter 2925. 89341
or 3719. of the Revised Code, that person is guilty of a felony of 89342
the fifth degree. 89343

(I)(1) Whoever violates division (B) of section 4729.42 of 89344
the Revised Code is guilty of unauthorized pharmacy-related drug 89345
conduct. Except as otherwise provided in this section, 89346
unauthorized pharmacy-related drug conduct is a misdemeanor of the 89347
second degree. If the offender previously has been convicted of or 89348
pleaded guilty to a violation of division (B), (C), (D), or (E) of 89349
that section, unauthorized pharmacy-related drug conduct is a 89350
misdemeanor of the first degree on a second offense and a felony 89351
of the fifth degree on a third or subsequent offense. 89352

(2) Whoever violates division (C) or (D) of section 4729.42 89353
of the Revised Code is guilty of permitting unauthorized 89354
pharmacy-related drug conduct. Except as otherwise provided in 89355

this section, permitting unauthorized pharmacy-related drug 89356
conduct is a misdemeanor of the second degree. If the offender 89357
previously has been convicted of or pleaded guilty to a violation 89358
of division (B), (C), (D), or (E) of that section, permitting 89359
unauthorized pharmacy-related drug conduct is a misdemeanor of the 89360
first degree on a second offense and a felony of the fifth degree 89361
on a third or subsequent offense. 89362

(3) Whoever violates division (E) of section 4729.42 of the 89363
Revised Code is guilty of the offense of falsification under 89364
section 2921.13 of the Revised Code. In addition to any other 89365
sanction imposed for the violation, the offender is forever 89366
disqualified from engaging in any activity specified in division 89367
(B)(1), (2), or (3) of section 4729.42 of the Revised Code and 89368
from performing any function as a health care professional or 89369
health care worker. As used in this division, "health care 89370
professional" and "health care worker" have the same meanings as 89371
in section 2305.234 of the Revised Code. 89372

(4) Notwithstanding any contrary provision of section 3719.21 89373
of the Revised Code or any other provision of law that governs the 89374
distribution of fines, the clerk of the court shall pay any fine 89375
imposed pursuant to division (I)(1), (2), or (3) of this section 89376
to the state board of pharmacy if the board has adopted a written 89377
internal control policy under division (F)(2) of section 2925.03 89378
of the Revised Code that addresses fine moneys that it receives 89379
under Chapter 2925. of the Revised Code and if the policy also 89380
addresses fine moneys paid under this division. The state board of 89381
pharmacy shall use the fines so paid in accordance with the 89382
written internal control policy to subsidize the board's law 89383
enforcement efforts that pertain to drug offenses. 89384

(J)(1) Whoever violates division (A)(1) of section 4729.86 of 89385
the Revised Code is guilty of a misdemeanor of the third degree. 89386
If the offender has previously been convicted of or pleaded guilty 89387

to a violation of division (A)(1), (2), or (3) of section 4729.86 89388
of the Revised Code, that person is guilty of a misdemeanor of the 89389
first degree. 89390

(2) Whoever violates division (A)(2) of section 4729.86 of 89391
the Revised Code is guilty of a misdemeanor of the first degree. 89392
If the offender has previously been convicted of or pleaded guilty 89393
to a violation of division (A)(1), (2), or (3) of section 4729.86 89394
of the Revised Code, that person is guilty of a felony of the 89395
fifth degree. 89396

(3) Whoever violates division (A)(3) of section 4729.86 of 89397
the Revised Code is guilty of a felony of the fifth degree. If the 89398
offender has previously been convicted of or pleaded guilty to a 89399
violation of division (A)(1), (2), or (3) of section 4729.86 of 89400
the Revised Code, that person is guilty of a felony of the fourth 89401
degree. 89402

(K) A person who violates division (C) of section 4729.552 of 89403
the Revised Code is guilty of a misdemeanor of the first degree. 89404
If the person previously has been convicted of or pleaded guilty 89405
to a violation of division (C) of section 4729.552 of the Revised 89406
Code, that person is guilty of a felony of the fifth degree. 89407

Sec. 4730.411. (A) Except as provided in division (B) or (C) 89408
of this section, a physician assistant may prescribe to a patient 89409
a schedule II controlled substance only if all of the following 89410
are the case: 89411

(1) The patient is in a terminal condition, as defined in 89412
section 2133.01 of the Revised Code. 89413

(2) The physician assistant's supervising physician initially 89414
prescribed the substance for the patient. 89415

(3) The prescription is for an amount that does not exceed 89416
the amount necessary for the patient's use in a single, 89417

twenty-four-hour period. 89418

(B) The restrictions on prescriptive authority in division 89419
(A) of this section do not apply if a physician assistant issues 89420
the prescription to the patient from any of the following 89421
locations: 89422

(1) A hospital registered under section 3701.07 of the 89423
Revised Code; 89424

(2) An entity owned or controlled, in whole or in part, by a 89425
hospital or by an entity that owns or controls, in whole or in 89426
part, one or more hospitals; 89427

(3) A health care facility operated by the department of 89428
~~mental health~~ mental health and addiction services or the 89429
department of developmental disabilities; 89430

(4) A nursing home licensed under section 3721.02 of the 89431
Revised Code or by a political subdivision certified under section 89432
3721.09 of the Revised Code; 89433

(5) A county home or district home operated under Chapter 89434
5155. of the Revised Code that is certified under the medicare or 89435
medicaid program; 89436

(6) A hospice care program, as defined in section 3712.01 of 89437
the Revised Code; 89438

(7) A community mental health ~~agency~~ services provider, as 89439
defined in section 5122.01 of the Revised Code; 89440

(8) An ambulatory surgical facility, as defined in section 89441
3702.30 of the Revised Code; 89442

(9) A freestanding birthing center, as defined in section 89443
~~3702.51~~ 3702.141 of the Revised Code; 89444

(10) A federally qualified health center, as defined in 89445
section 3701.047 of the Revised Code; 89446

(11) A federally qualified health center look-alike, as 89447
defined in section 3701.047 of the Revised Code; 89448

(12) A health care office or facility operated by the board 89449
of health of a city or general health district or the authority 89450
having the duties of a board of health under section 3709.05 of 89451
the Revised Code; 89452

(13) A site where a medical practice is operated, but only if 89453
the practice is comprised of one or more physicians who also are 89454
owners of the practice; the practice is organized to provide 89455
direct patient care; and the physician assistant has entered into 89456
a supervisory agreement with at least one of the physician owners 89457
who practices primarily at that site. 89458

(C) A physician assistant shall not issue to a patient a 89459
prescription for a schedule II controlled substance from a 89460
convenience care clinic even if the convenience care clinic is 89461
owned or operated by an entity specified in division (B) of this 89462
section. 89463

(D) A pharmacist who acts in good faith reliance on a 89464
prescription issued by a physician assistant under division (B) of 89465
this section is not liable for or subject to any of the following 89466
for relying on the prescription: damages in any civil action, 89467
prosecution in any criminal proceeding, or professional 89468
disciplinary action by the state board of pharmacy under Chapter 89469
4729. of the Revised Code. 89470

Sec. 4731.151. (A) Naprapaths who received a certificate to 89471
practice from the board prior to March 2, 1992, may continue to 89472
practice naprapathy, as defined in rules adopted by the board. 89473
Such naprapaths shall practice in accordance with rules adopted by 89474
the board. 89475

(B)(1) As used in this division: 89476

- (a) "Mechanotherapy" means all of the following: 89477
- (i) Examining patients by verbal inquiry; 89478
 - (ii) Examination of the musculoskeletal system by hand; 89479
 - (iii) Visual inspection and observation; 89480
 - (iv) Diagnosing a patient's condition only as to whether the 89481
patient has a disorder of the musculoskeletal system; 89482
 - (v) In the treatment of patients, employing the techniques of 89483
advised or supervised exercise; electrical neuromuscular 89484
stimulation; massage or manipulation; or air, water, heat, cold, 89485
sound, or infrared ray therapy only to those disorders of the 89486
musculoskeletal system that are amenable to treatment by such 89487
techniques and that are identifiable by examination performed in 89488
accordance with division (B)(1)(a)(i) of this section and 89489
diagnosable in accordance with division (B)(1)(a)(ii) of this 89490
section. 89491
- (b) "Educational requirements" means the completion of a 89492
course of study appropriate for certification to practice 89493
mechanotherapy on or before November 3, 1985, as determined by 89494
rules adopted under this chapter. 89495
- (2) Mechanotherapists who received a certificate to practice 89496
from the board prior to March 2, 1992, may continue to practice 89497
mechanotherapy, as defined in rules adopted by the board. Such 89498
mechanotherapists shall practice in accordance with rules adopted 89499
by the board. 89500
- A person authorized by this division to practice as a 89501
mechanotherapist may examine, diagnose, and assume responsibility 89502
for the care of patients with due regard for first aid and the 89503
hygienic and nutritional care of the patients. Roentgen rays shall 89504
be used by a mechanotherapist only for diagnostic purposes. 89505
- (3) A person who holds a certificate to practice 89506

mechanotherapy and completed educational requirements in 89507
mechanotherapy on or before November 3, 1985, is entitled to use 89508
the title "doctor of mechanotherapy" and is a "physician" who 89509
performs "medical services" for the purposes of Chapters 4121. and 89510
4123. of the Revised Code and the medicaid program ~~established~~ 89511
~~under section 5111.01 of the Revised Code~~, and shall receive 89512
payment or reimbursement as provided under those chapters and that 89513
~~section~~ program. 89514

Sec. 4731.23. (A)(1)(a) The state medical board shall 89515
designate one or more attorneys at law who have been admitted to 89516
the practice of law, and who are classified as either 89517
administrative law attorney examiners or as administrative law 89518
attorney examiner administrators under the state job 89519
classification plan adopted under section 124.14 of the Revised 89520
Code, as hearing examiners, subject to Chapter 119. of the Revised 89521
Code, to conduct any hearing which the medical board is empowered 89522
to hold or undertake pursuant to Chapter 119. of the Revised Code. 89523

(b) Notwithstanding the requirement of division (A)(1)(a) of 89524
this section that the board designate as a hearing examiner an 89525
attorney who is classified as either an administrative law 89526
attorney examiner or an administrative law attorney examiner 89527
administrator, the board may, subject to ~~controlling board~~ 89528
~~approval~~ section 127.16 of the Revised Code, enter into a personal 89529
service contract with an attorney admitted to the practice of law 89530
in this state to serve on a temporary basis as a hearing examiner. 89531

(2) The hearing examiner shall hear and consider the oral and 89532
documented evidence introduced by the parties and issue in writing 89533
proposed findings of fact and conclusions of law to the board for 89534
their consideration within thirty days following the close of the 89535
hearing. 89536

(B) The board shall be given copies of the transcript of the 89537

record hearing and all exhibits and documents presented by the 89538
parties at the hearing. 89539

(C) The board shall, upon the favorable vote of three 89540
members, allow the parties or their counsel the opportunity to 89541
present oral arguments on the proposed findings of fact and 89542
conclusions of law of the hearing examiner prior to the board's 89543
final action. 89544

(D) The board shall render a decision and take action within 89545
sixty days following the receipt of the hearing examiner's 89546
proposed findings of fact and conclusions of law or within any 89547
longer period mutually agreed upon by the board and the 89548
certificate holder. 89549

(E) The final decision of the board in any hearing which the 89550
board is empowered to undertake shall be in writing and contain 89551
findings of fact and conclusions of law. Copies of the decision 89552
shall be delivered to the parties personally or by certified mail. 89553
The decision shall be final upon delivery or mailing, except that 89554
the certificate holder may appeal in the manner provided by 89555
Chapter 119. of the Revised Code. 89556

Sec. 4731.299. (A) The state medical board may issue, without 89557
examination, to an applicant who meets all of the requirements of 89558
this section an expedited certificate to practice medicine and 89559
surgery or osteopathic medicine and surgery by endorsement. 89560
89561

(B) An individual who seeks an expedited certificate to 89562
practice medicine and surgery or osteopathic medicine and surgery 89563
by endorsement shall file with the board a written application on 89564
a form prescribed and supplied by the board. The application shall 89565
include all of the information the board considers necessary to 89566
process it. 89567

(C) To be eligible to receive an expedited certificate by endorsement, an applicant shall do both of the following: 89568
89569

(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements: 89570
89571

(a) Holds current certification in a medical specialty from a member board of the American board of medical specialties or from an American osteopathic association specialty certifying board; 89572
89573
89574

(b) Has passed one of the following: 89575

(i) Steps one, two, and three of the United States medical licensing examination; 89576
89577

(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States; 89578
89579

(iii) Any other medical licensing examination recognized by the board. 89580
89581

(c) For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province; 89582
89583
89584
89585

(d) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting. 89586
89587
89588

(2) Certify to the board that all of the following are the case: 89589
89590

(a) Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than five hundred thousand dollars. 89591
89592
89593
89594

(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.081 of the Revised Code. 89595
89596
89597

(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care. 89598
89599
89600

(d) No adverse action has been taken against the applicant by a health care institution. 89601
89602

(e) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant. 89603
89604
89605

(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application. 89606
89607
89608
89609

(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school. 89610
89611
89612

(D) An applicant for an expedited certificate by endorsement shall comply with section 4731.081 of the Revised Code. 89613
89614

(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee. 89615
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89617
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(F) The board shall review all applications received under this section. If the board determines that an applicant meets the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the board shall issue the certificate to the applicant. Each certificate issued by the board under this section shall be signed by the president and secretary of the board and attested by its seal. 89619
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Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 89627

Revised Code: 89628

(A)(1) "Clinical laboratory services" means either of the 89629
following: 89630

(a) Any examination of materials derived from the human body 89631
for the purpose of providing information for the diagnosis, 89632
prevention, or treatment of any disease or impairment or for the 89633
assessment of health; 89634

(b) Procedures to determine, measure, or otherwise describe 89635
the presence or absence of various substances or organisms in the 89636
body. 89637

(2) "Clinical laboratory services" does not include the mere 89638
collection or preparation of specimens. 89639

(B) "Designated health services" means any of the following: 89640

(1) Clinical laboratory services; 89641

(2) Home health care services; 89642

(3) Outpatient prescription drugs. 89643

(C) "Fair market value" means the value in arms-length 89644
transactions, consistent with general market value and: 89645

(1) With respect to rentals or leases, the value of rental 89646
property for general commercial purposes, not taking into account 89647
its intended use; 89648

(2) With respect to a lease of space, not adjusted to reflect 89649
the additional value the prospective lessee or lessor would 89650
attribute to the proximity or convenience to the lessor if the 89651
lessor is a potential source of referrals to the lessee. 89652

(D) "Governmental health care program" means any program 89653
providing health care benefits that is administered by the federal 89654
government, this state, or a political subdivision of this state, 89655
including the medicare program ~~established under Title XVIII of~~ 89656

~~the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301,~~ 89657
~~as amended,~~ health care coverage for public employees, health care 89658
benefits administered by the bureau of workers' compensation, and 89659
the medicaid program ~~established under Chapter 5111. of the~~ 89660
~~Revised Code.~~ 89661

(E)(1) "Group practice" means a group of two or more holders 89662
of certificates under this chapter legally organized as a 89663
partnership, professional corporation or association, limited 89664
liability company, foundation, nonprofit corporation, faculty 89665
practice plan, or similar group practice entity, including an 89666
organization comprised of a nonprofit medical clinic that 89667
contracts with a professional corporation or association of 89668
physicians to provide medical services exclusively to patients of 89669
the clinic in order to comply with section 1701.03 of the Revised 89670
Code and including a corporation, limited liability company, 89671
partnership, or professional association described in division (B) 89672
of section 4731.226 of the Revised Code formed for the purpose of 89673
providing a combination of the professional services of 89674
optometrists who are licensed, certificated, or otherwise legally 89675
authorized to practice optometry under Chapter 4725. of the 89676
Revised Code, chiropractors who are licensed, certificated, or 89677
otherwise legally authorized to practice chiropractic or 89678
acupuncture under Chapter 4734. of the Revised Code, psychologists 89679
who are licensed, certificated, or otherwise legally authorized to 89680
practice psychology under Chapter 4732. of the Revised Code, 89681
registered or licensed practical nurses who are licensed, 89682
certificated, or otherwise legally authorized to practice nursing 89683
under Chapter 4723. of the Revised Code, pharmacists who are 89684
licensed, certificated, or otherwise legally authorized to 89685
practice pharmacy under Chapter 4729. of the Revised Code, 89686
physical therapists who are licensed, certificated, or otherwise 89687
legally authorized to practice physical therapy under sections 89688
4755.40 to 4755.56 of the Revised Code, occupational therapists 89689

who are licensed, certificated, or otherwise legally authorized to 89690
practice occupational therapy under sections 4755.04 to 4755.13 of 89691
the Revised Code, mechanotherapists who are licensed, 89692
certificated, or otherwise legally authorized to practice 89693
mechanotherapy under section 4731.151 of the Revised Code, and 89694
doctors of medicine and surgery, osteopathic medicine and surgery, 89695
or podiatric medicine and surgery who are licensed, certificated, 89696
or otherwise legally authorized for their respective practices 89697
under this chapter, to which all of the following apply: 89698

(a) Each physician who is a member of the group practice 89699
provides substantially the full range of services that the 89700
physician routinely provides, including medical care, 89701
consultation, diagnosis, or treatment, through the joint use of 89702
shared office space, facilities, equipment, and personnel. 89703

(b) Substantially all of the services of the members of the 89704
group are provided through the group and are billed in the name of 89705
the group and amounts so received are treated as receipts of the 89706
group. 89707

(c) The overhead expenses of and the income from the practice 89708
are distributed in accordance with methods previously determined 89709
by members of the group. 89710

(d) The group practice meets any other requirements that the 89711
state medical board applies in rules adopted under section 4731.70 89712
of the Revised Code. 89713

(2) In the case of a faculty practice plan associated with a 89714
hospital with a medical residency training program in which 89715
physician members may provide a variety of specialty services and 89716
provide professional services both within and outside the group, 89717
as well as perform other tasks such as research, the criteria in 89718
division (E)(1) of this section apply only with respect to 89719
services rendered within the faculty practice plan. 89720

(F) "Home health care services" and "immediate family" have 89721
the same meanings as in the rules adopted under section 4731.70 of 89722
the Revised Code. 89723

(G) "Hospital" has the same meaning as in section 3727.01 of 89724
the Revised Code. 89725

(H) A "referral" includes both of the following: 89726

(1) A request by a holder of a certificate under this chapter 89727
for an item or service, including a request for a consultation 89728
with another physician and any test or procedure ordered by or to 89729
be performed by or under the supervision of the other physician; 89730

(2) A request for or establishment of a plan of care by a 89731
certificate holder that includes the provision of designated 89732
health services. 89733

(I) "Third-party payer" has the same meaning as in section 89734
3901.38 of the Revised Code. 89735

Sec. 4731.71. The auditor of state may implement procedures 89736
to detect violations of section 4731.66 or 4731.69 of the Revised 89737
Code within governmental health care programs administered by the 89738
state. The auditor of state shall report any violation of either 89739
section to the state medical board and shall certify to the 89740
attorney general in accordance with section 131.02 of the Revised 89741
Code the amount of any refund owed to a state-administered 89742
governmental health care program under section 4731.69 of the 89743
Revised Code as a result of a violation. If a refund is owed to 89744
the medicaid program ~~established under Chapter 5111. of the~~ 89745
~~Revised Code~~, the auditor of state also shall report the amount to 89746
the department of ~~job and family services~~ medicaid. 89747

The state medical board also may implement procedures to 89748
detect violations of section 4731.66 or 4731.69 of the Revised 89749
Code. 89750

Sec. 4734.41. (A) As used in this section: 89751

(1) "Chemical dependency" means either of the following: 89752

(a) The chronic and habitual use of alcoholic beverages to 89753
the extent that the user no longer can control the use of alcohol 89754
or endangers the user's health, safety, or welfare or that of 89755
others; 89756

(b) The use of a controlled substance as defined in section 89757
3719.01 of the Revised Code, a harmful intoxicant as defined in 89758
section 2925.01 of the Revised Code, or a dangerous drug as 89759
defined in section 4729.01 of the Revised Code, to the extent that 89760
the user becomes physically or psychologically dependent on the 89761
substance, intoxicant, or drug or endangers the user's health, 89762
safety, or welfare or that of others. 89763

(2) "Mental illness" means a recognized psychiatric or 89764
psychological condition, disorder, or syndrome that has been 89765
diagnosed by a psychiatrist, psychologist, professional clinical 89766
counselor, or independent social worker as a condition, disorder, 89767
or syndrome that may pose a danger to the person diagnosed or 89768
others or may prevent the person from practicing the person's 89769
profession according to acceptable and prevailing standards of 89770
care. 89771

(B) The state chiropractic board shall establish a chemical 89772
dependency and mental illness monitoring program. The program 89773
shall be made available to any individual under the board's 89774
jurisdiction who has a chemical dependency or mental illness and 89775
meets the board's eligibility requirements for admission to and 89776
continued participation in the program. The board shall develop 89777
the program and may designate a coordinator to administer it or 89778
enter into a contract for the program to be administered by 89779
another entity through a coordinator. The board shall adopt rules 89780
in accordance with Chapter 119. of the Revised Code that establish 89781

standards and procedure for operating the program. 89782

(C) Except as provided in division (D) of this section, all 89783
records of an individual's participation in the monitoring 89784
program, including medical records, chemical dependency records, 89785
and mental health records, shall be confidential, are not public 89786
records for the purposes of section 149.43 of the Revised Code, 89787
and are not subject to discovery by subpoena or ~~admissible~~ 89788
admissible as evidence in any judicial proceeding. The program 89789
coordinator shall maintain all records as directed by the board. 89790

(D) The monitoring program's coordinator may disclose records 89791
or information regarding an individual's progress and status of 89792
participation in the program to the disciplinary section of the 89793
board and to any person or government entity that the program 89794
participant authorizes in writing to be given the records or 89795
information. 89796

In disclosing records or information under this division, the 89797
coordinator shall not include any record or information that is 89798
protected under section ~~3793.13~~ 5119.27 of the Revised Code or any 89799
federal statute or regulation that provides for the 89800
confidentiality of mental health or substance abuse records. 89801

(E) In the absence of fraud or bad faith, the monitoring 89802
program's coordinator, the board and the board's employees and 89803
representatives are not liable for damages in any civil action as 89804
a result of disclosing records or information in accordance with 89805
division (D) of this section. In the absence of fraud or bad 89806
faith, any person reporting to the program an individual's 89807
chemical dependency or mental illness, or the progress or lack of 89808
progress of that individual with regard to treatment, is not 89809
liable for damages in any civil action as a result of the report. 89810

(F) The board may abstain from taking formal disciplinary 89811
action under section 4734.31 of the Revised Code against an 89812

individual because of the individual's chemical dependency or 89813
mental illness, if the individual meets the eligibility 89814
requirements for admission into the monitoring program and all of 89815
the following occur: 89816

(1) The individual enters into a monitoring agreement with 89817
the coordinator of the program; 89818

(2) The individual complies with the terms and conditions for 89819
continued participation in the program, as specified in the 89820
monitoring agreement; 89821

(3) The individual successfully completes the terms and 89822
conditions of the monitoring agreement, including the condition 89823
that the individual attain the ability to practice in accordance 89824
with acceptable and prevailing standards of care applicable to the 89825
practice of chiropractic. 89826

Sec. 4735.07. (A) The superintendent of real estate, with the 89827
consent of the Ohio real estate commission, may enter into 89828
agreements with recognized national testing services to administer 89829
the real estate broker's examination under the superintendent's 89830
supervision and control, consistent with the requirements of this 89831
chapter as to the contents of such examination. 89832

(B) No applicant for a real estate broker's license shall 89833
take the broker's examination who has not established to the 89834
satisfaction of the superintendent that the applicant: 89835

(1) Is honest, truthful, and of good reputation; 89836

(2)(a) Has not been convicted of a felony or crime of moral 89837
turpitude, or if the applicant has been so convicted, the 89838
superintendent has disregarded the conviction because the 89839
applicant has proven to the superintendent, by a preponderance of 89840
the evidence, that the applicant's activities and employment 89841
record since the conviction show that the applicant is honest, 89842

truthful, and of good reputation, and there is no basis in fact 89843
for believing that the applicant again will violate the laws 89844
involved; 89845

(b) Has not been finally adjudged by a court to have violated 89846
any municipal, state, or federal civil rights laws relevant to the 89847
protection of purchasers or sellers of real estate or, if the 89848
applicant has been so adjudged, at least two years have passed 89849
since the court decision and the superintendent has disregarded 89850
the adjudication because the applicant has proven, by a 89851
preponderance of the evidence, that the applicant's activities and 89852
employment record since the adjudication show that the applicant 89853
is honest, truthful, and of good reputation, and there is no basis 89854
in fact for believing that the applicant will again violate the 89855
laws involved. 89856

(3) Has not, during any period in which the applicant was 89857
licensed under this chapter, violated any provision of, or any 89858
rule adopted pursuant to, this chapter, or, if the applicant has 89859
violated any such provision or rule, has established to the 89860
satisfaction of the superintendent that the applicant will not 89861
again violate such provision or rule; 89862

(4) Is at least eighteen years of age; 89863

(5) Has been a licensed real estate broker or salesperson for 89864
at least two years; during at least two of the five years 89865
preceding the person's application, has worked as a licensed real 89866
estate broker or salesperson for an average of at least thirty 89867
hours per week; and has completed one of the following: 89868

(a) At least twenty real estate transactions, in which 89869
property was sold for another by the applicant while acting in the 89870
capacity of a real estate broker or salesperson; 89871

(b) Such equivalent experience as is defined by rules adopted 89872
by the commission. 89873

(6)(a) If licensed as a real estate salesperson prior to August 1, 2001, successfully has completed at an institution of higher education all of the following:	89874 89875 89876
(i) Thirty hours of classroom instruction in real estate practice;	89877 89878
(ii) Thirty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	89879 89880 89881 89882 89883 89884 89885 89886 89887 89888 89889 89890 89891 89892
(iii) Thirty hours of classroom instruction in real estate appraisal;	89893 89894
(iv) Thirty hours of classroom instruction in real estate finance;	89895 89896
(v) Three quarter hours, or its equivalent in semester hours, in financial management;	89897 89898
(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;	89899 89900
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	89901 89902
(viii) Three quarter hours, or its equivalent in semester	89903

hours, in business law. 89904

(b) If licensed as a real estate salesperson on or after 89905
August 1, 2001, successfully has completed at an institution of 89906
higher education all of the following: 89907

(i) Forty hours of classroom instruction in real estate 89908
practice; 89909

(ii) Forty hours of classroom instruction that includes the 89910
subjects of Ohio real estate law, municipal, state, and federal 89911
civil rights law, new case law on housing discrimination, 89912
desegregation issues, and methods of eliminating the effects of 89913
prior discrimination. If feasible, the classroom instruction in 89914
Ohio real estate law shall be taught by a member of the faculty of 89915
an accredited law school. If feasible, the classroom instruction 89916
in municipal, state, and federal civil rights law, new case law on 89917
housing discrimination, desegregation issues, and methods of 89918
eliminating the effects of prior discrimination shall be taught by 89919
a staff member of the Ohio civil rights commission who is 89920
knowledgeable with respect to those subjects. The requirements of 89921
this division do not apply to an applicant who is admitted to 89922
practice before the supreme court. 89923

(iii) Twenty hours of classroom instruction in real estate 89924
appraisal; 89925

(iv) Twenty hours of classroom instruction in real estate 89926
finance; 89927

(v) The training in the amount of hours specified under 89928
divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. 89929

(c) Division (B)(6)(a) or (b) of this section does not apply 89930
to any applicant who holds a valid real estate salesperson's 89931
license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), 89932
(vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 89933
do not apply to any applicant who holds a valid real estate 89934

salesperson's license issued prior to January 3, 1984. 89935

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this 89936
section do not apply to any new applicant who holds a valid Ohio 89937
real estate appraiser license or certificate issued prior to the 89938
date of application for a real estate broker's license. 89939

(7) If licensed as a real estate salesperson on or after 89940
January 3, 1984, satisfactorily has completed a minimum of two 89941
years of post-secondary education, or its equivalent in semester 89942
or quarter hours, at an institution of higher education, and has 89943
fulfilled the requirements of division (B)(6)(a) or (b) of this 89944
section. The requirements of division (B)(6)(a) or (b) of this 89945
section may be included in the two years of post-secondary 89946
education, or its equivalent in semester or quarter hours, that is 89947
required by this division. 89948

(C) Each applicant for a broker's license shall be examined 89949
in the principles of real estate practice, Ohio real estate law, 89950
and financing and appraisal, and as to the duties of real estate 89951
brokers and real estate salespersons, the applicant's knowledge of 89952
real estate transactions and instruments relating to them, and the 89953
canons of business ethics pertaining to them. The commission from 89954
time to time shall promulgate such canons and cause them to be 89955
published in printed form. 89956

(D) Examinations shall be administered with reasonable 89957
accommodations in accordance with the requirements of the 89958
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 89959
U.S.C. 12101. The contents of an examination shall be consistent 89960
with the requirements of division (B)(6) of this section and with 89961
the other specific requirements of this section. An applicant who 89962
has completed the requirements of division (B)(6) of this section 89963
at the time of application shall be examined no later than twelve 89964
months after the applicant is notified of admission to the 89965
examination. 89966

(E) The superintendent may waive one or more of the requirements of this section in the case of an application from a nonresident real estate broker pursuant to a reciprocity agreement with the licensing authority of the state from which the nonresident applicant holds a valid real estate broker license.

(F) There shall be no limit placed on the number of times an applicant may retake the examination.

(G)(1) Not earlier than the date of issue of a real estate broker's license to a licensee, but not later than twelve months after the date of issue of a real estate broker's license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of classroom instruction that shall be completed in schools, seminars, and educational institutions that are approved by the commission. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code.

If the required proof of completion is not submitted to the superintendent within twelve months of the date a license is issued under this section, the license of the real estate broker is suspended automatically without the taking of any action by the superintendent. The broker's license shall not be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met and that the licensee is in compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent if the licensee fails to submit proof of completion of the education requirements specified under division (G)(1) of this section within twelve months of the date the license is suspended.

(2) If the license of a real estate broker is suspended pursuant to division (G)(1) of this section, the license of a real

estate salesperson associated with that broker correspondingly is 89999
suspended pursuant to division (H) of section 4735.20 of the 90000
Revised Code. However, the suspended license of the associated 90001
real estate salesperson shall be reactivated and no fee shall be 90002
charged or collected for that reactivation if all of the following 90003
occur: 90004

(a) That broker subsequently submits satisfactory proof to 90005
the superintendent that the broker has complied with the 90006
requirements of division (G)(1) of this section and requests that 90007
the broker's license as a real estate broker be reactivated; 90008

(b) The superintendent then reactivates the broker's license 90009
as a real estate broker; 90010

(c) The associated real estate salesperson intends to 90011
continue to be associated with that broker and otherwise is in 90012
compliance with this chapter. 90013

Sec. 4735.09. (A) Application for a license as a real estate 90014
salesperson shall be made to the superintendent of real estate on 90015
forms furnished by the superintendent and signed by the applicant. 90016
The application shall be in the form prescribed by the 90017
superintendent and shall contain such information as is required 90018
by this chapter and the rules of the Ohio real estate commission. 90019
The application shall be accompanied by the recommendation of the 90020
real estate broker with whom the applicant is associated or with 90021
whom the applicant intends to be associated, certifying that the 90022
applicant is honest, truthful, and of good reputation, has not 90023
been convicted of a felony or a crime involving moral turpitude, 90024
and has not been finally adjudged by a court to have violated any 90025
municipal, state, or federal civil rights laws relevant to the 90026
protection of purchasers or sellers of real estate, which 90027
conviction or adjudication the applicant has not disclosed to the 90028
superintendent, and recommending that the applicant be admitted to 90029

the real estate salesperson examination. 90030

(B) A fee of sixty dollars shall accompany the application, 90031
which fee includes the fee for the initial year of the licensing 90032
period, if a license is issued. The initial year of the licensing 90033
period commences at the time the license is issued and ends on the 90034
applicant's first birthday thereafter. The application fee shall 90035
be nonrefundable. A fee of sixty dollars shall be charged by the 90036
superintendent for each successive application made by the 90037
applicant. One dollar of each application fee shall be credited to 90038
the real estate education and research fund. 90039

(C) There shall be no limit placed on the number of times an 90040
applicant may retake the examination. 90041

(D) The superintendent, with the consent of the commission, 90042
may enter into an agreement with a recognized national testing 90043
service to administer the real estate salesperson's examination 90044
under the superintendent's supervision and control, consistent 90045
with the requirements of this chapter as to the contents of the 90046
examination. 90047

If the superintendent, with the consent of the commission, 90048
enters into an agreement with a national testing service to 90049
administer the real estate salesperson's examination, the 90050
superintendent may require an applicant to pay the testing 90051
service's examination fee directly to the testing service. If the 90052
superintendent requires the payment of the examination fee 90053
directly to the testing service, each applicant shall submit to 90054
the superintendent a processing fee in an amount determined by the 90055
Ohio real estate commission pursuant to division (A)(1) of section 90056
4735.10 of the Revised Code. 90057

(E) The superintendent shall issue a real estate 90058
salesperson's license when satisfied that the applicant has 90059
received a passing score on each portion of the salesperson's 90060

examination as determined by rule by the real estate commission, 90061
except that the superintendent may waive one or more of the 90062
requirements of this section in the case of an applicant who is a 90063
licensed real estate salesperson in another state pursuant to a 90064
reciprocity agreement with the licensing authority of the state 90065
from which the applicant holds a valid real estate salesperson's 90066
license. 90067

(F) No applicant for a salesperson's license shall take the 90068
salesperson's examination who has not established to the 90069
satisfaction of the superintendent that the applicant: 90070

(1) Is honest, truthful, and of good reputation; 90071

(2)(a) Has not been convicted of a felony or crime of moral 90072
turpitude or, if the applicant has been so convicted, the 90073
superintendent has disregarded the conviction because the 90074
applicant has proven to the superintendent, by a preponderance of 90075
the evidence, that the applicant's activities and employment 90076
record since the conviction show that the applicant is honest, 90077
truthful, and of good reputation, and there is no basis in fact 90078
for believing that the applicant again will violate the laws 90079
involved; 90080

(b) Has not been finally adjudged by a court to have violated 90081
any municipal, state, or federal civil rights laws relevant to the 90082
protection of purchasers or sellers of real estate or, if the 90083
applicant has been so adjudged, at least two years have passed 90084
since the court decision and the superintendent has disregarded 90085
the adjudication because the applicant has proven, by a 90086
preponderance of the evidence, that the applicant is honest, 90087
truthful, and of good reputation, and there is no basis in fact 90088
for believing that the applicant again will violate the laws 90089
involved. 90090

(3) Has not, during any period in which the applicant was 90091

licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or its equivalent as recognized by the state department of education;

(6) Has successfully completed at an institution of higher education all of the following:

(a) Forty hours of classroom instruction in real estate practice;

(b) Forty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(c) Twenty hours of classroom instruction in real estate appraisal;

(d) Twenty hours of classroom instruction in real estate finance.

(G) Division (F)(6)(c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license. 90122
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(H) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination shall have successfully completed the prelicensure classroom instruction required by division (F)(6) of this section within a ten-year period immediately preceding the person's current application for the salesperson's examination. 90126
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~~(H)~~(I) Not earlier than the date of issue of a real estate salesperson's license to a licensee, but not later than twelve months after the date of issue of a real estate salesperson license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of classroom instruction that shall be completed in schools, seminars, and educational institutions approved by the commission. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code. 90133
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If proof of completion of the required instruction is not submitted within twelve months of the date a license is issued under this section, the licensee's license is suspended automatically without the taking of any action by the superintendent. The superintendent immediately shall notify the broker with whom such salesperson is associated of the suspension of the salesperson's license. A salesperson whose license has been suspended under this division shall have twelve months after the date of the suspension of the salesperson's license to submit proof of successful completion of the instruction required under this division. No such license shall be reactivated by the 90143
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superintendent until it is established, to the satisfaction of the 90154
superintendent, that the requirements of this division have been 90155
met and that the licensee is in compliance with this chapter. A 90156
licensee's license is revoked automatically without the taking of 90157
any action by the superintendent when the licensee fails to submit 90158
the required proof of completion of the education requirements 90159
under division ~~(H)~~(I) of this section within twelve months of the 90160
date the license is suspended. 90161

~~(I)~~(J) Examinations shall be administered with reasonable 90162
accommodations in accordance with the requirements of the 90163
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 90164
U.S.C. 12189. The contents of an examination shall be consistent 90165
with the classroom instructional requirements of division (F)(6) 90166
of this section. An applicant who has completed the classroom 90167
instructional requirements of division (F)(6) of this section at 90168
the time of application shall be examined no later than twelve 90169
months after the applicant is notified of the applicant's 90170
admission to the examination. 90171

Sec. 4735.10. (A)(1) The Ohio real estate commission may 90172
adopt reasonable rules in accordance with Chapter 119. of the 90173
Revised Code, necessary for implementing the provisions of this 90174
chapter relating, but not limited to, the following: 90175

(a) The form and manner of filing applications for licensure; 90176

(b) Times and form of examination for license; 90177

(c) Placing an existing broker's license on deposit or a 90178
salesperson's license on an inactive status for an indefinite 90179
period; 90180

(d) Specifying the process by which a licensee may resign the 90181
licensee's license; 90182

(e) Defining any additional license status that the 90183

commission determines is necessary and that is not otherwise 90184
defined in this chapter and establishing the process by which a 90185
licensee places the licensee's license in a status defined by the 90186
commission in the rules the commission adopts; 90187

(f) Clarification of the activities that require a license 90188
under this chapter. 90189

(2) The commission shall adopt reasonable rules in accordance 90190
with Chapter 119. of the Revised Code, for implementing the 90191
provisions of this chapter relating to the following: 90192

(a) The issuance, renewal, suspension, and revocation of 90193
licenses, other sanctions that may be imposed for violations of 90194
this chapter, the conduct of hearings related to these actions, 90195
and the process of reactivating a license; 90196

(b) A three-year license and a three-year license renewal 90197
system; 90198

(c) Standards for the approval of the ten-hour postlicensure 90199
courses as required by division (G) of section 4735.07 and 90200
division ~~(H)~~(I) of section 4735.09 of the Revised Code, courses of 90201
study required for licenses, courses offered in preparation for 90202
license examinations, or courses required as continuing education 90203
for licenses. 90204

(d) Guidelines to ensure that continuing education classes 90205
are open to all persons licensed under this chapter. The rules 90206
shall specify that an organization that sponsors a continuing 90207
education class may offer its members a reasonable reduction in 90208
the fees charged for the class. 90209

(e) Requirements for trust accounts and property management 90210
accounts. The rules shall specify that: 90211

(i) Brokerages engaged in the management of property for 90212
another may, pursuant to a written contract with the property 90213

owner, exercise signatory authority for withdrawals from property 90214
management accounts maintained in the name of the property owner. 90215
The exercise of authority for withdrawals does not constitute a 90216
violation of any provision of division (A) of section 4735.18 of 90217
the Revised Code. 90218

(ii) The interest earned on property management trust 90219
accounts maintained in the name of the property owner or the 90220
broker shall be payable to the property owner unless otherwise 90221
specified in a written contract. 90222

(f) Notice of renewal forms and filing deadlines; 90223

(g) Special assessments under division (A) of section 4735.12 90224
of the Revised Code. 90225

(B) The commission may adopt rules in accordance with Chapter 90226
119. of the Revised Code establishing standards and guidelines 90227
with which the superintendent of real estate shall comply in the 90228
exercise of the following powers: 90229

(1) Appointment and recommendation of ancillary trustees 90230
under section 4735.05 of the Revised Code; 90231

(2) Rejection of names proposed to be used by partnerships, 90232
associations, limited liability companies, limited liability 90233
partnerships, and corporations, under division (A) of section 90234
4735.06 of the Revised Code; 90235

(3) Acceptance and rejection of applications to take the 90236
broker and salesperson examinations and licensure, with 90237
appropriate waivers pursuant to division (E) of section 4735.07 90238
and section 4735.09 of the Revised Code; 90239

(4) Approval of applications of brokers to place their 90240
licenses in an inactive status and to become salespersons under 90241
section 4735.13 of the Revised Code; 90242

(5) Appointment of hearing examiners under section 119.09 of 90243

the Revised Code; 90244

(6) Acceptance and rejection of applications to take the 90245
foreign real estate dealer and salesperson examinations and 90246
licensure, with waiver of examination, under sections 4735.27 and 90247
4735.28 of the Revised Code; 90248

(7) Qualification of foreign real estate under section 90249
4735.25 of the Revised Code. 90250

If at any time there is no rule in effect establishing a 90251
guideline or standard required by this division, the 90252
superintendent may adopt a rule in accordance with Chapter 119. of 90253
the Revised Code for such purpose. 90254

(C) The commission or superintendent may hear testimony in 90255
matters relating to the duties imposed upon them, and the 90256
president of the commission and superintendent may administer 90257
oaths. The commission or superintendent may require other proof of 90258
the honesty, truthfulness, and good reputation of any person named 90259
in an application for a real estate broker's or real estate 90260
salesperson's license before admitting the applicant to the 90261
examination or issuing a license. 90262

Sec. 4735.142. (A) Any person licensed under section 4735.07 90263
or 4735.09 of the Revised Code, at any time prior to the date the 90264
licensee is required to file a notice of renewal pursuant to 90265
division (B) of section 4735.14 of the Revised Code may apply to 90266
the superintendent of real estate and professional licensing to 90267
place the licensee's license in a permanently resigned status. 90268

(B) A licensee, at any time during which a license has been 90269
suspended pursuant to division (G) of section 4735.07, division 90270
~~(H)~~(I) of section 4735.09, division (E) of section 4735.12, 90271
division (C) of section 4735.14, division (C) of section 4735.141, 90272
or section 4735.182 of the Revised Code, may apply to the 90273

superintendent on a form prescribed by the superintendent to 90274
permanently resign the licensee's license voluntarily. The 90275
resignation of a license is considered to be final without the 90276
taking of any action by the superintendent. 90277

(C) If a person whose license is in a permanently resigned 90278
status pursuant to a request made under this section wishes to 90279
obtain an active or inactive license, the person shall apply for 90280
such a license in accordance with the requirements specified in 90281
section 4735.07 or 4735.09 of the Revised Code, as applicable, or 90282
in the rules adopted by the commission pursuant to division (A) of 90283
section 4735.10 of the Revised Code. 90284

(D) If placing a broker's license in a permanently resigned 90285
status will result in the closure of the broker's brokerage, the 90286
broker, within three days after applying to the superintendent to 90287
place the license in a permanently resigned status, shall provide 90288
to each salesperson associated with that broker a written notice 90289
stating that fact. 90290

(E) This section does not apply to any licensee whose license 90291
has been suspended pursuant to division (F) of section 4735.181 of 90292
the Revised Code or due to disciplinary action ordered by the 90293
commission pursuant to section 4735.051 of the Revised Code. 90294

Sec. 4735.56. (A) Each brokerage shall develop a written 90295
brokerage policy on agency to be given to prospective sellers and 90296
purchasers in accordance with divisions (C) and (D) of this 90297
section. 90298

(B) The brokerage policy on agency described in division (A) 90299
of this section shall include all of the following information: 90300

(1) An explanation of the permissible agency relationships 90301
available under section 4735.53 of the Revised Code and the duties 90302
that the agent owes the agent's client; 90303

(2) The brokerage's policy on representation of purchasers or
sellers; 90304
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(3) Whether at some time during the agency relationship the
brokerage and its licensee may act as a dual agent, and the
options and consequences for the client if a dual agency situation
arises including the right of the client to terminate the agency
relationship and seek representation from another source; 90306
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(4) Whether at some time during the agency relationship,
another licensee affiliated with the same brokerage as the
licensee may become the exclusive agent for the other party in the
transaction and whether each licensee will represent only the
interests of that licensee's client; 90311
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(5) The brokerage's policy on cooperation with other
brokerages, including whether the brokerage offers compensation to
other brokerages or will seek compensation from other brokerages; 90316
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(6) That a brokerage that has a purchaser as a client
represents the purchaser's interests even though the seller's
agent or the seller may compensate that purchaser's brokerage; 90319
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(7) That the signature of the purchaser or the seller
indicates acknowledgement of receipt of the brokerage policy on
agency. 90322
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(C) A licensee acting as a seller's agent shall provide the
seller with the brokerage policy on agency described in this
section prior to marketing or showing the seller's real estate and
shall obtain a signature from the seller acknowledging receipt
unless the seller refuses to provide a signature. If the seller
refuses to provide a signature, the licensee shall note this on
the policy. 90325
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(D) A licensee working directly with a purchaser in a real
estate transaction, whether as the purchaser's agent, the seller's
agent, or the seller's subagent, shall provide the purchaser with 90332
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the brokerage policy on agency described in this section and 90335
obtain a signature from the purchaser acknowledging receipt of the 90336
policy unless the purchaser refuses to provide a signature. If the 90337
purchaser refuses to provide a signature, the licensee shall note 90338
this on the policy. Except as provided in division (E) of this 90339
section, the licensee shall provide the brokerage policy on agency 90340
to a purchaser prior to the earliest of the following actions of 90341
the licensee: 90342

(1) Initiating a prequalification evaluation to determine 90343
whether the purchaser has the financial ability to purchase or 90344
lease a particular real estate property; 90345

(2) Requesting specific financial information from the 90346
purchaser to determine the purchaser's ability to purchase or 90347
finance real estate in a particular price range; 90348

(3) Showing the real estate to the purchaser other than at an 90349
open house; 90350

(4) Discussing, with the purchaser, the making of an offer to 90351
purchase or lease real estate; 90352

(5) Submitting an offer to purchase or lease real estate on 90353
behalf of the purchaser. 90354

(E) If the earliest event described in division (D) of this 90355
section is by telephone or electronic mail, the licensee shall 90356
disclose by that same medium the nature of the agency relationship 90357
that the licensee has with both the seller and the purchaser. The 90358
licensee shall provide the purchaser with the brokerage policy on 90359
agency described in this section at the first meeting with the 90360
purchaser following this disclosure of the agency relationship. 90361

(F) A licensee acting as a seller's agent is not required to 90362
provide a purchaser with the brokerage policy on agency described 90363
in this section except in the case of an event described in 90364
division (D) of this section. 90365

(G) The requirements of this section regarding provision of a brokerage policy on agency ~~do not~~ apply only in ~~any of~~ the following situations:

(1) The sale or lease of vacant land;

(2) The sale of a parcel of real estate containing one to four residential units;

(3) The ~~rental or~~ leasing of residential premises as defined in section 5321.01 of the Revised Code, if the rental or lease agreement ~~can be performed in~~ is for a term of more than eighteen months ~~or less;~~

~~(2) The referral of a prospective purchaser or seller to another licensee;~~

~~(3) Transactions involving the sale, lease, or exchange of foreign real estate as defined in division (E) of section 4735.01 of the Revised Code;~~

~~(4) Transactions involving the sale of a cemetery lot or a cemetery interment right.~~

Sec. 4742.01. As used in this chapter:

(A) "Emergency service provider" has the same meaning as in section ~~5507.01~~ 128.01 of the Revised Code.

(B) "Emergency service telecommunicator" means an individual employed by an emergency service provider, whose primary responsibility is to be an operator for the receipt or processing of calls for emergency services made by telephone, radio, or other electronic means.

Sec. 4751.01. As used in sections 4751.01 to ~~4751.11~~ 4751.13 of the Revised Code:

(A) "Long-term services and supports settings" means any

institutional or community-based setting in which medical, health, 90394
psycho-social, habilitative, rehabilitative, or personal care 90395
services are provided to individuals on a post-acute care basis. 90396

(B) "Nursing home administrator" means any individual 90397
responsible for planning, organizing, directing, and managing the 90398
operation of a nursing home, or who in fact performs such 90399
function, whether or not such functions and duties are shared by 90400
one or more other persons. 90401

~~(B)~~(C) "Nursing home" means a nursing home as defined by or 90402
under the authority of section 3721.01 of the Revised Code, or a 90403
nursing home operated by a governmental agency. 90404

~~(C)~~(D) "Temporary license" means a license for a period not 90405
to exceed one hundred eighty days issued pursuant to division (B) 90406
of section 4751.06 of the Revised Code. 90407

~~(D)~~(E) "Valid license" means a license which is current and 90408
in good standing. 90409

Sec. 4751.02. (A) No person shall operate a nursing home 90410
unless it is under the supervision of an administrator whose 90411
principal occupation is nursing home administration or hospital 90412
administration and who holds a valid nursing home administrator's 90413
license and registration, or a temporary license, issued pursuant 90414
to Chapter 4751. of the Revised Code. 90415

(B) No person other than a licensed and registered nursing 90416
home administrator or person holding a temporary license as 90417
required by Chapter 4751. of the Revised Code shall practice or 90418
offer to practice nursing home administration in this state. All 90419
nursing home administrators and temporary licensees shall comply 90420
with Chapter 4751. of the Revised Code and the regulations adopted 90421
thereunder. 90422

(C) Every operator of a nursing home shall report to the 90423

board of ~~examiners~~ executives of ~~nursing home administrators~~ 90424
long-term services and supports the name and license number of 90425
each nursing home administrator for said home within ten days 90426
after the operator engages a nursing home administrator, and 90427
within ten days after a nursing home administrator is no longer 90428
engaged as such by such operator for said home. 90429

(D) Each individual who holds a nursing home administrator 90430
license or temporary license shall report ~~his~~ the individual's 90431
residence mailing address and the name and address of each place 90432
of employment to the board within ten days after any change. 90433

Sec. 4751.03. (A) There is hereby established in the 90434
department of health aging a board of ~~examiners~~ executives of 90435
~~nursing home administrators~~ long-term services and supports, which 90436
board shall be composed of ~~nine~~ the following eleven members, 90437
~~eight of whom shall be representative of the professions and~~ 90438
~~institutions concerned with care and treatment of chronically ill~~ 90439
~~or infirm aged patients, and one of whom shall be a public member~~ 90440
~~at least sixty years of age, provided that less than a majority of~~ 90441
~~the board members shall be representative of a single profession~~ 90442
~~or institutional category, and provided further that a person~~ 90443
~~appointed as a noninstitutional member shall neither have nor~~ 90444
~~acquire any direct financial interest in a nursing home. For~~ 90445
~~purposes of this section, nursing home administrators are~~ 90446
~~considered representatives of institutions.~~ 90447

~~Four members shall be nursing home administrators, owners of~~ 90448
~~nursing homes or an officer of a corporation owning a nursing~~ 90449
~~home. The director of health or his designated representative~~ 90450
~~shall be a member. All:~~ 90451

(1) Four members who are nursing home administrators, owners 90452
of nursing homes, or officers of corporations owning nursing 90453
homes, and who shall have an understanding of person-centered 90454

care, and experience with a range of long-term services and supports settings; 90455
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(2) Three members who work in long-term services and supports settings that are not nursing homes, and who shall have an understanding of person-centered care, and experience with a range of long-term services and supports settings; 90457
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(3) One member who is a member of the academic community; 90461

(4) One member who is a consumer of services offered in a long-term services and supports setting; 90462
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(5) One member who is a representative of the department of health, designated by the director of health, who is involved in the nursing home survey and certification process; 90464
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(6) One member who is a representative of the office of the state long-term care, designated by the state long-term care ombudsman. 90467
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All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A)(3) to (6) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings. 90470
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(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of ~~his~~ appointment until the end of the term for which ~~he was~~ appointed. No member shall serve more than two consecutive full terms. 90475
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(C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of such term. Any 90481
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appointed member shall continue in office subsequent to the 90485
expiration date of ~~his~~ the member's term until ~~his~~ the member's
successor takes office, or until a period of sixty days has 90486
elapsed, whichever occurs first. 90487
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(D) The governor may remove any member of the board for 90489
misconduct, incapacity, incompetence, or neglect of duty after the 90490
member so charged has been served with a written statement of 90491
charges and has been given an opportunity to be heard. 90492

(E) Each member of the board, except the member designated by 90493
the director of health ~~or his~~ and the member designated 90494
representative by the ombudsman, shall be paid in accordance with 90495
section 124.15 of the Revised Code and each member shall be 90496
reimbursed for ~~his~~ the member's actual and necessary expenses 90497
incurred in the discharge of such duties. 90498

(F) The board shall elect annually from its membership a 90499
~~chairman~~ chairperson and a ~~vice-chairman~~ vice-chairperson. 90500

(G) The board shall hold and conduct meetings quarterly and 90501
at such other times as its business requires. A majority of the 90502
board shall constitute a quorum. The affirmative vote of a 90503
majority of the members of the board is necessary for the board to 90504
act. 90505

(H) The board shall appoint a secretary who has no financial 90506
interest in a ~~nursing home~~ long-term services and supports 90507
setting, and may employ and prescribe the powers and duties of 90508
such employees and consultants as are necessary to carry out this 90509
chapter and the rules adopted under it. ~~Administrative, technical,~~ 90510
~~or other services shall be performed, insofar as practicable, by~~ 90511
~~personnel of the department of health.~~ 90512

Sec. 4751.04. (A) The board of ~~examiners~~ executives of 90513
~~nursing home administrators~~ long-term services and supports shall: 90514

(1) Develop, adopt, impose, and enforce regulations 90515
prescribing standards which must be met by individuals in order to 90516
receive a license as a nursing home administrator, which standards 90517
shall be designed to ensure that nursing home administrators are 90518
of good character and are otherwise suitable, and who, by training 90519
and experience, are qualified to serve as nursing home 90520
administrators; 90521

(2) Develop and apply appropriate techniques, including 90522
examinations and investigations, for determining whether an 90523
individual meets such standards; 90524

(3) Issue licenses and registrations to individuals 90525
determined, after application of such techniques, to meet such 90526
standards, and revoke or suspend licenses or registrations 90527
previously issued by the board in any case where the individual 90528
holding such license or registration is determined to have failed 90529
substantially to conform to the requirements of such standards; 90530

(4) Develop, adopt, impose, and enforce regulations and 90531
procedures designed to ensure that individuals holding a temporary 90532
license, or licensed as nursing home administrators will, during 90533
any period that they serve as such, comply with Chapter 4751. of 90534
the Revised Code and the regulations adopted thereunder; 90535

(5) Receive, investigate, and take appropriate action with 90536
respect to any charge or complaint filed with the board to the 90537
effect that any individual licensed as a nursing home 90538
administrator has failed to comply with Chapter 4751. of the 90539
Revised Code and the regulations adopted thereunder; 90540

(6) Take such other actions as may be necessary to enable the 90541
state to meet the requirements set forth in the "Social Security 90542
Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 g; 90543

(7) Pay all license and registration fees collected under 90544
Chapter 4751. of the Revised Code into the ~~general operations~~ 90545

board of executives of long-term services and support fund created 90546
by section ~~3701.83~~ 4751.14 of the Revised Code to be used in 90547
administering and enforcing this chapter and the rules adopted 90548
under it; 90549

(8) Administer, or contract with a government or private 90550
entity to administer, examinations for licensure as a nursing home 90551
administrator. If the board contracts with a government or private 90552
entity to administer the examinations, the contract may authorize 90553
the entity to collect and keep, as all or part of the entity's 90554
compensation under the contract, any fee an applicant for 90555
licensure pays to take an examination. The entity is not required 90556
to deposit the fee into the state treasury; 90557

(9) Enter into a contract with the department of aging as 90558
required under section 4751.042 of the Revised Code; 90559

(10) Create opportunities for the education, training, and 90560
credentialing of nursing home administrators and others in 90561
leadership positions who practice in long-term services and 90562
supports settings or who direct the practices of others in those 90563
settings. In carrying out this function, the board shall do the 90564
following: 90565

(a) Identify core competencies and areas of knowledge that 90566
are appropriate for nursing home administrators and others working 90567
within the long-term services and supports settings system, with 90568
an emphasis on all of the following: 90569

(i) Leadership; 90570

(ii) Person-centered care; 90571

(iii) Principles of management within both the business and 90572
regulatory environments; 90573

(iv) An understanding of all post-acute settings, including 90574
transitions from acute settings and between post-acute settings. 90575

(b) Assist in the development of a strong, competitive market in Ohio for training, continuing education, and degree programs in long-term services and supports settings administration. 90576
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(B) In the administration and enforcement of Chapter 4751. of the Revised Code, and the regulations adopted thereunder, the board is subject to Chapter 119. of the Revised Code and sections 4743.01 and 4743.02 of the Revised Code except that a notice of appeal of an order of the board adopting, amending, or rescinding a rule or regulation does not operate as a stay of the effective date of such order as provided in section 119.11 of the Revised Code. The court, at its discretion, may grant a stay of any regulation in its application against the person filing the notice of appeal. 90579
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Sec. 4751.041. Except when the board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports considers it necessary, the board shall not disclose test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer. 90589
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Sec. 4751.042. (A) The board of executives of long-term services and supports shall enter into a written agreement with the department of aging for the department to serve as the board's fiscal agent. The fiscal agent shall be responsible for all the board's fiscal matters and financial transactions, as specified in the agreement. The written agreement shall specify the fees that the board shall pay to the fiscal agent for services performed under the agreement, and such fees shall be in proportion to the services performed for the board. 90597
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<u>(1) The agreement shall require the fiscal agent to provide</u>	90606
<u>the following services:</u>	90607
<u>(a) Preparation and processing of payroll and other personnel</u>	90608
<u>documents that the board approves;</u>	90609
<u>(b) Maintenance of ledgers of accounts and reports of account</u>	90610
<u>balances, and monitoring of budgets and allotment plans in</u>	90611
<u>consultation with the board;</u>	90612
<u>(c) Performance of other routine support services, specified</u>	90613
<u>in the agreement, that the fiscal agent considers appropriate to</u>	90614
<u>achieve efficiency.</u>	90615
<u>(2) The agreement may require the fiscal agent to provide the</u>	90616
<u>following services:</u>	90617
<u>(a) Any shared services between the board and the fiscal</u>	90618
<u>agent;</u>	90619
<u>(b) Any other services agreed to by the board and the</u>	90620
<u>department, including administrative or technical services.</u>	90621
<u>(B) The board, in conjunction and consultation with the</u>	90622
<u>fiscal agent, has the following authority and responsibility</u>	90623
<u>relative to fiscal matters:</u>	90624
<u>(1) Sole authority to expend funds from the board's accounts</u>	90625
<u>for programs and any other necessary expenses the board may incur;</u>	90626
<u>(2) Responsibility to cooperate with and inform the fiscal</u>	90627
<u>agent fully of all financial transactions.</u>	90628
<u>(C) The board shall follow all state procurement, fiscal,</u>	90629
<u>human resources, information technology, statutory, and</u>	90630
<u>administrative rule requirements.</u>	90631
<u>(D) In its role as fiscal agent for the board, the department</u>	90632
<u>shall serve as a contractor of the board, and does not assume</u>	90633
<u>responsibility for the debts or fiscal obligations of the board.</u>	90634

Sec. 4751.05. (A) The board of ~~examiners~~ executives of 90635
~~nursing home administrators~~ long-term services and supports, or a 90636
government or private entity under contract with the board to 90637
administer examinations for licensure as a nursing home 90638
administrator, shall admit to an examination any candidate who: 90639

- (1) Pays the application fee of fifty dollars; 90640
- (2) Submits evidence of good moral character and suitability; 90641
- (3) Is at least eighteen years of age; 90642
- (4) Has completed educational requirements and work 90643
experience satisfactory to the board; 90644
- (5) Submits an application on forms prescribed by the board; 90645
- (6) Pays the examination fee charged by the board or 90646
government or private entity. 90647

(B) Nothing in Chapter 4751. of the Revised Code or the rules 90648
adopted thereunder shall be construed to require an applicant for 90649
licensure or a temporary license, who is employed by an 90650
institution for the care and treatment of the sick to demonstrate 90651
proficiency in any medical techniques or to meet any medical 90652
educational qualifications or medical standards not in accord with 90653
the remedial care and treatment provided by the institution if the 90654
institution is all of the following: 90655

- (1) Operated exclusively for patients who use spiritual means 90656
for healing and for whom the acceptance of medical care is 90657
inconsistent with their religious beliefs; 90658
- (2) Accredited by a national accrediting organization; 90659
- (3) Exempt from federal income taxation under section 501 of 90660
the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, 90661
as amended; 90662
- (4) Providing twenty-four hour nursing care pursuant to the 90663

exemption in division (E) of section 4723.32 of the Revised Code 90664
from the licensing requirements of Chapter 4723. of the Revised 90665
Code. 90666

(C) If a person fails three times to attain a passing grade 90667
on the examination, said person, before the person may again be 90668
admitted to examination, shall meet such additional education or 90669
experience requirements, or both, as may be prescribed by the 90670
board. 90671

Sec. 4751.06. (A) An applicant for licensure as a nursing 90672
home administrator who has successfully completed the requirements 90673
of section 4751.05 of the Revised Code, passed the examination 90674
administered by the board of ~~examiners~~ executives of ~~nursing home~~ 90675
~~administrators~~ long-term services and supports or a government or 90676
private entity under contract with the board, and paid to the 90677
board an original license fee of two hundred fifty dollars shall 90678
be issued a license on a form provided by the board. Such license 90679
shall certify that the applicant has met the licensure 90680
requirements of Chapter 4751. of the Revised Code and is entitled 90681
to practice as a licensed nursing home administrator. 90682

(B) A temporary license for a period not to exceed one 90683
hundred eighty days may be issued to an individual temporarily 90684
filling the position of a nursing home administrator vacated by 90685
reason of death, illness, or other unexpected cause, pursuant to 90686
regulations adopted by the board. 90687

(C) The fee for a temporary license is one hundred dollars. 90688
Said fee must accompany the application for the temporary license. 90689

(D) Any license or temporary license issued by the board 90690
pursuant to this section shall be under the hand of the 90691
chairperson and the secretary of the board. 90692

(E) A duplicate of the original certificate of registration 90693

or license may be secured to replace one that has been lost or 90694
destroyed by submitting to the board a notarized statement 90695
explaining the conditions of the loss, mutilation, or destruction 90696
of the certificate or license and by paying a fee of twenty-five 90697
dollars. 90698

(F) A duplicate certificate of registration and license may 90699
be issued in the event of a legal change of name by submitting to 90700
the board a certified copy of the court order or marriage license 90701
establishing the change of name, by returning at the same time the 90702
original license and certificate of registration, and by paying a 90703
fee of twenty-five dollars. 90704

Sec. 4751.07. (A) Every individual who holds a valid license 90705
as a nursing home administrator issued under division (A) of 90706
section 4751.06 of the Revised Code, shall immediately upon 90707
issuance thereof be registered with the board of ~~examiners~~ 90708
executives of nursing home administrators long-term services and 90709
supports and be issued a certificate of registration. Such 90710
individual shall annually apply to the board for a new certificate 90711
of registration on forms provided for such purpose prior to the 90712
expiration of the certificate of registration and shall at the 90713
same time submit satisfactory evidence to the board of having 90714
attended such continuing education programs or courses of study as 90715
may be prescribed in rules adopted by the board. 90716

(B) Upon making an application for a new certificate of 90717
registration such individual shall pay the annual registration fee 90718
of three hundred dollars. 90719

(C) Upon receipt of such application for registration and the 90720
registration fee required by divisions (A) and (B) of this 90721
section, the board shall issue a certificate of registration to 90722
such nursing home administrator. 90723

(D) The license of a nursing home administrator who fails to 90724

comply with this section shall automatically lapse. 90725

(E) A nursing home administrator who has been licensed and 90726
registered in this state who determines to temporarily abandon the 90727
practice of nursing home administration shall notify the board in 90728
writing immediately; provided, that such individual may thereafter 90729
register to resume the practice of nursing home administration 90730
within the state upon complying with the requirements of this 90731
section regarding annual registration. 90732

(F) Only an individual who has qualified as a licensed and 90733
registered nursing home administrator under Chapter 4751. of the 90734
Revised Code and the rules adopted thereunder, and who holds a 90735
valid current registration certificate pursuant to this section, 90736
may use the title "nursing home administrator," or the 90737
abbreviation "N.H.A." after the individual's name. No other person 90738
shall use such title or such abbreviation or any other words, 90739
letters, sign, card, or device tending to indicate or to imply 90740
that the person is a licensed and registered nursing home 90741
administrator. 90742

(G) Every person holding a valid license entitling the person 90743
to practice nursing home administration in this state shall 90744
display said license in the nursing home which is the person's 90745
principal place of employment, and while engaged in the practice 90746
of nursing home administration shall have at hand the current 90747
registration certificate. 90748

(H) Every person holding a valid temporary license shall have 90749
such license at hand while engaged in the practice of nursing home 90750
administration. 90751

Sec. 4751.08. The board of ~~examiners~~ executives of ~~nursing~~ 90752
~~home administrators~~ long-term services and supports, in its 90753
discretion, and otherwise subject to Chapter 4751. of the Revised 90754
Code and the rules adopted by the board thereunder prescribing the 90755

qualifications for a nursing home administrator license, may 90756
license a nursing home administrator without examination if ~~he~~ the 90757
nursing home administrator has a valid license issued by the 90758
proper authorities of any other state, upon payment of a fee of 90759
one hundred fifty dollars, and upon submission of evidence 90760
satisfactory to the board both: 90761

(A) That such other state maintained a system and standard of 90762
qualifications and examinations for a nursing home administrator 90763
license which were substantially equivalent to those required in 90764
this state at the time such other license was issued by such other 90765
state; 90766

(B) That such other state gives similar recognition to 90767
nursing home administrators licensed in this state. 90768

Sec. 4751.10. The license or registration, or both, or the 90769
temporary license of any person practicing or offering to practice 90770
nursing home administration, shall be revoked or suspended by the 90771
board of ~~examiners~~ executives of ~~nursing home administrators~~ 90772
long-term services and supports if such licensee or temporary 90773
licensee: 90774

(A) Is unfit or incompetent by reason of negligence, habits, 90775
or other causes; 90776

(B) Has willfully or repeatedly violated any of the 90777
provisions of Chapter 4751. of the Revised Code or the regulations 90778
adopted thereunder; or willfully or repeatedly acted in a manner 90779
inconsistent with the health and safety of the patients of the 90780
nursing home in which ~~he~~ the licensee or temporary licensee is the 90781
administrator; 90782

(C) Is guilty of fraud or deceit in the practice of nursing 90783
home administration or in ~~his~~ the licensee's or temporary 90784
licensee's admission to such practice; 90785

(D) Has been convicted in a court of competent jurisdiction, 90786
either within or without this state, of a felony. 90787

Proceedings under this section shall be instituted by the 90788
board or shall be begun by filing with the board charges in 90789
writing and under oath. 90790

Sec. 4751.11. (A) The board of ~~examiners~~ executives of 90791
~~nursing home administrators~~ long-term services and supports may, 90792
in its discretion, reissue a license or registration, or both, to 90793
any person whose license or registration, or both, has been 90794
revoked. 90795

(B) Application for the reissuance of a license or 90796
registration, or both, shall not be made prior to one year after 90797
revocation and shall be made in such manner as the board may 90798
direct. 90799

(C) If a person convicted of a felony is subsequently 90800
pardoned by the governor of the state where such conviction was 90801
had or by the president of the United States, or receives a final 90802
release granted by the adult parole authority of this state or its 90803
equivalent agency of another state, the board may, in its 90804
discretion, on application of such person and on the submission of 90805
evidence satisfactory to the board restore to such person the 90806
nursing home administrator's license or registration, or both. 90807

Sec. 4751.12. On receipt of a notice pursuant to section 90808
3123.43 of the Revised Code, the board of ~~examiners~~ executives of 90809
~~nursing home administrators~~ long-term services and supports shall 90810
comply with sections 3123.41 to 3123.50 of the Revised Code and 90811
any applicable rules adopted under section 3123.63 of the Revised 90812
Code with respect to a license issued pursuant to this chapter. 90813

Sec. 4751.13. The board of ~~examiners~~ executives of ~~nursing~~ 90814

~~home administrators~~ long-term services and supports shall comply 90815
with section 4776.20 of the Revised Code. 90816

Sec. 4751.14. There is hereby created in the state treasury 90817
the board of executives of long-term services and supports fund. 90818
The fund shall consist of license and registration fees collected 90819
under this chapter. Money in the fund shall be used by the board 90820
of executives of long-term services and supports to administer and 90821
enforce this chapter and the rules adopted under it. Investment 90822
earnings of the fund shall be credited to the fund. 90823

Sec. 4753.071. A person who is required to meet the 90824
supervised professional experience requirement of division (F) of 90825
section 4753.06 of the Revised Code shall submit to the board of 90826
speech-language pathology and audiology an application for a 90827
conditional license. The application shall include a plan for the 90828
content of the supervised professional experience on a form the 90829
board shall prescribe. The board shall issue the conditional 90830
license to the applicant if the applicant meets the requirements 90831
of section 4753.06 of the Revised Code, other than the requirement 90832
to have obtained the supervised professional experience, and pays 90833
to the board the appropriate fee for a conditional license. An 90834
applicant may not begin employment until the conditional license 90835
has been issued. 90836

A conditional license authorizes an individual to practice 90837
speech-language pathology or audiology while completing the 90838
supervised professional experience as required by division (F) of 90839
section 4753.06 of the Revised Code. A person holding a 90840
conditional license may practice speech-language pathology or 90841
audiology while working under the supervision of a person fully 90842
licensed in accordance with this chapter. A conditional license is 90843
valid for eighteen months unless suspended or revoked pursuant to 90844

section 3123.47 or 4753.10 of the Revised Code. 90845

A person holding a conditional license may perform services 90846
for which ~~reimbursement~~ payment will be sought under the medicare 90847
program ~~established under Title XVIII of the "Social Security~~ 90848
~~Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended,~~ or the 90849
medicaid program ~~established under Chapter 5111. of the Revised~~ 90850
~~Code~~ but all requests for ~~reimbursement~~ payment for such services 90851
shall be made by the person who supervises the person performing 90852
the services. 90853

Sec. 4755.11. (A) In accordance with Chapter 119. of the 90854
Revised Code, the occupational therapy section of the Ohio 90855
occupational therapy, physical therapy, and athletic trainers 90856
board may suspend, revoke, or refuse to issue or renew an 90857
occupational therapist license, occupational therapy assistant 90858
license, occupational therapist limited permit, occupational 90859
therapy assistant limited permit, or reprimand, fine, place a 90860
license or limited permit holder on probation, or require the 90861
license or limited permit holder to take corrective action 90862
courses, for any of the following: 90863

(1) Conviction of an offense involving moral turpitude or a 90864
felony, regardless of the state or country in which the conviction 90865
occurred; 90866

(2) Violation of any provision of sections 4755.04 to 4755.13 90867
of the Revised Code; 90868

(3) Violation of any lawful order or rule of the occupational 90869
therapy section; 90870

(4) Obtaining or attempting to obtain a license or limited 90871
permit issued by the occupational therapy section by fraud or 90872
deception, including the making of a false, fraudulent, deceptive, 90873
or misleading statements in relation to these activities; 90874

(5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy;	90875 90876
(6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;	90877 90878
(7) Communicating, without authorization, information received in professional confidence;	90879 90880
(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder;	90881 90882 90883 90884 90885
(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;	90886 90887
(10) Failing the licensing or Ohio jurisprudence examination;	90888
(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;	90889 90890
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	90891 90892 90893 90894
(13) Except as provided in division (B) of this section:	90895
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	90896 90897 90898 90899 90900 90901
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or	90902 90903 90904

plan that covers occupational therapy, would otherwise be required 90905
to pay. 90906

(14) Working or representing oneself as an occupational 90907
therapist, occupational therapy assistant, occupational therapist 90908
limited permit holder, or occupational therapy assistant limited 90909
permit holder without a current and valid license or limited 90910
permit issued by the occupational therapy section; 90911

(15) Engaging in a deceptive trade practice, as defined in 90912
section 4165.02 of the Revised Code; 90913

(16) Violation of the standards of ethical conduct in the 90914
practice of occupational therapy as identified by the occupational 90915
therapy section; 90916

(17) A departure from, or the failure to conform to, minimal 90917
standards of care required of licensees or limited permit holders, 90918
whether or not actual injury to a patient is established; 90919

(18) An adjudication by a court that the applicant, licensee, 90920
or limited permit holder is incompetent for the purpose of holding 90921
a license or limited permit and has not thereafter been restored 90922
to legal capacity for that purpose; 90923

(19)(a) Except as provided in division (A)(19)(b) of this 90924
section, failure to cooperate with an investigation conducted by 90925
the occupational therapy section, including failure to comply with 90926
a subpoena or orders issued by the section or failure to answer 90927
truthfully a question presented by the section at a deposition or 90928
in written interrogatories. 90929

(b) Failure to cooperate with an investigation does not 90930
constitute grounds for discipline under this section if a court of 90931
competent jurisdiction issues an order that either quashes a 90932
subpoena or permits the individual to withhold the testimony or 90933
evidence at issue. 90934

(20) Conviction of a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction occurred;

(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;

(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section on a license or limited permit to practice;

(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy;

(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section under section 4755.06 of the Revised Code.

(B) Sanctions shall not be imposed under division (A)(13) of this section against any individual who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section upon request.

(2) For professional services rendered to any other person licensed pursuant to sections 4755.04 to 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section.

(C) Except as provided in division (D) of this section, the suspension or revocation of a license or limited permit under this

section is not effective until either the order for suspension or 90965
revocation has been affirmed following an adjudication hearing, or 90966
the time for requesting a hearing has elapsed. 90967

When a license or limited permit is revoked under this 90968
section, application for reinstatement may not be made sooner than 90969
one year after the date of revocation. The occupational therapy 90970
section may accept or refuse an application for reinstatement and 90971
may require that the applicant pass an examination as a condition 90972
of reinstatement. 90973

When a license or limited permit holder is placed on 90974
probation under this section, the occupational therapy section's 90975
probation order shall be accompanied by a statement of the 90976
conditions under which the individual may be removed from 90977
probation and restored to unrestricted practice. 90978

(D) On receipt of a complaint that a person who holds a 90979
license or limited permit issued by the occupational therapy 90980
section has committed any of the prohibited actions listed in 90981
division (A) of this section, the section may immediately suspend 90982
the license or limited permit prior to holding a hearing in 90983
accordance with Chapter 119. of the Revised Code if it determines, 90984
based on the complaint, that the licensee or limited permit holder 90985
poses an immediate threat to the public. The section may review 90986
the allegations and vote on the suspension by telephone conference 90987
call. If the section votes to suspend a license or limited permit 90988
under this division, the section shall ~~notify~~ issue a written 90989
order of summary suspension to the licensee or limited permit 90990
holder ~~of the suspension~~ in accordance with section 119.07 of the 90991
Revised Code. If the individual whose license or limited permit is 90992
suspended fails to make a timely request for an adjudication under 90993
Chapter 119. of the Revised Code, the section shall enter a final 90994
order permanently revoking the individual's license or limited 90995
permit. Notwithstanding section 119.12 of the Revised Code, a 90996

court of common pleas shall not grant a suspension of the 90997
section's order of summary suspension pending the determination of 90998
an appeal filed under that section. Any order of summary 90999
suspension issued under this division shall remain in effect, 91000
unless reversed on appeal, until a final adjudication order issued 91001
by the section pursuant to division (A) of this section becomes 91002
effective. The section shall issue its final adjudication order 91003
regarding an order of summary suspension issued under this 91004
division not later than ninety days after completion of its 91005
hearing. Failure to issue the order within ninety days shall 91006
result in immediate dissolution of the suspension order, but shall 91007
not invalidate any subsequent, final adjudication order. 91008

(E) If any person other than a person who holds a license or 91009
limited permit issued under section 4755.08 of the Revised Code 91010
has engaged in any practice that is prohibited under sections 91011
4755.04 to 4755.13 of the Revised Code or the rules of the 91012
occupational therapy section, the section may apply to the court 91013
of common pleas of the county in which the violation occurred, for 91014
an injunction or other appropriate order restraining this conduct, 91015
and the court shall issue this order. 91016

Sec. 4755.47. (A) In accordance with Chapter 119. of the 91017
Revised Code, the physical therapy section of the Ohio 91018
occupational therapy, physical therapy, and athletic trainers 91019
board may refuse to grant a license to an applicant for an initial 91020
or renewed license as a physical therapist or physical therapist 91021
assistant or, by an affirmative vote of not less than five 91022
members, may limit, suspend, or revoke the license of a physical 91023
therapist or physical therapist assistant or reprimand, fine, 91024
place a license holder on probation, or require the license holder 91025
to take corrective action courses, on any of the following 91026
grounds: 91027

- (1) Habitual indulgence in the use of controlled substances, 91028
other habit-forming drugs, or alcohol to an extent that affects 91029
the individual's professional competency; 91030
- (2) Conviction of a felony or a crime involving moral 91031
turpitude, regardless of the state or country in which the 91032
conviction occurred; 91033
- (3) Obtaining or attempting to obtain a license issued by the 91034
physical therapy section by fraud or deception, including the 91035
making of a false, fraudulent, deceptive, or misleading statement; 91036
- (4) An adjudication by a court, as provided in section 91037
5122.301 of the Revised Code, that the applicant or licensee is 91038
incompetent for the purpose of holding the license and has not 91039
thereafter been restored to legal capacity for that purpose; 91040
- (5) Subject to section 4755.471 of the Revised Code, 91041
violation of the code of ethics adopted by the physical therapy 91042
section; 91043
- (6) Violating or attempting to violate, directly or 91044
indirectly, or assisting in or abetting the violation of or 91045
conspiring to violate sections 4755.40 to 4755.56 of the Revised 91046
Code or any order issued or rule adopted under those sections; 91047
- (7) Failure of one or both of the examinations required under 91048
section 4755.43 or 4755.431 of the Revised Code; 91049
- (8) Permitting the use of one's name or license by a person, 91050
group, or corporation when the one permitting the use is not 91051
directing the treatment given; 91052
- (9) Denial, revocation, suspension, or restriction of 91053
authority to practice a health care occupation, including physical 91054
therapy, for any reason other than a failure to renew, in Ohio or 91055
another state or jurisdiction; 91056
- (10) Failure to maintain minimal standards of practice in the 91057

administration or handling of drugs, as defined in section 4729.01 91058
of the Revised Code, or failure to employ acceptable scientific 91059
methods in the selection of drugs, as defined in section 4729.01 91060
of the Revised Code, or other modalities for treatment; 91061

(11) Willful betrayal of a professional confidence; 91062

(12) Making a false, fraudulent, deceptive, or misleading 91063
statement in the solicitation of or advertising for patients in 91064
relation to the practice of physical therapy; 91065

(13) A departure from, or the failure to conform to, minimal 91066
standards of care required of licensees when under the same or 91067
similar circumstances, whether or not actual injury to a patient 91068
is established; 91069

(14) Obtaining, or attempting to obtain, money or anything of 91070
value by fraudulent misrepresentations in the course of practice; 91071

(15) Violation of the conditions of limitation or agreements 91072
placed by the physical therapy section on a license to practice; 91073

(16) Failure to renew a license in accordance with section 91074
4755.46 of the Revised Code; 91075

(17) Except as provided in section 4755.471 of the Revised 91076
Code, engaging in the division of fees for referral of patients or 91077
receiving anything of value in return for a specific referral of a 91078
patient to utilize a particular service or business; 91079

(18) Inability to practice according to acceptable and 91080
prevailing standards of care because of mental illness or physical 91081
illness, including physical deterioration that adversely affects 91082
cognitive, motor, or perception skills; 91083

(19) The revocation, suspension, restriction, or termination 91084
of clinical privileges by the United States department of defense 91085
or department of veterans affairs; 91086

(20) Termination or suspension from participation in the 91087

medicare or medicaid program established under Title XVIII and 91088
Title XIX, respectively, of the "Social Security Act," 49 Stat. 91089
620 (1935), 42 U.S.C. 301, as amended, for an act or acts that 91090
constitute a violation of sections 4755.40 to 4755.56 of the 91091
Revised Code; 91092

(21) Failure of a physical therapist to maintain supervision 91093
of a student, physical therapist assistant, unlicensed support 91094
personnel, other assistant personnel, or a license applicant in 91095
accordance with the requirements of sections 4755.40 to 4755.56 of 91096
the Revised Code and rules adopted under those sections; 91097

(22) Failure to complete continuing education requirements as 91098
prescribed in section 4755.51 or 4755.511 of the Revised Code or 91099
to satisfy any rules applicable to continuing education 91100
requirements that are adopted by the physical therapy section; 91101

(23) Conviction of a misdemeanor when the act that 91102
constitutes the misdemeanor occurs during the practice of physical 91103
therapy; 91104

(24)(a) Except as provided in division (A)(24)(b) of this 91105
section, failure to cooperate with an investigation conducted by 91106
the physical therapy section, including failure to comply with a 91107
subpoena or orders issued by the section or failure to answer 91108
truthfully a question presented by the section at a deposition or 91109
in written interrogatories. 91110

(b) Failure to cooperate with an investigation does not 91111
constitute grounds for discipline under this section if a court of 91112
competent jurisdiction issues an order that either quashes a 91113
subpoena or permits the individual to withhold the testimony or 91114
evidence at issue. 91115

(25) Regardless of whether the contact or verbal behavior is 91116
consensual, engaging with a patient other than the spouse of the 91117
physical therapist or physical therapist assistant, in any of the 91118

following:	91119
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	91120 91121
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	91122 91123 91124
(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change;	91125 91126 91127
(27) Except as provided in division (B) of this section:	91128
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	91129 91130 91131 91132 91133 91134
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay;	91135 91136 91137 91138 91139
(28) Violation of any section of this chapter or rule adopted under it.	91140 91141
(B) Sanctions shall not be imposed under division (A)(27) of this section against any individual who waives deductibles and copayments as follows:	91142 91143 91144
(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of	91145 91146 91147 91148

the consent shall be made available to the physical therapy section upon request. 91149
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(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the physical therapy section. 91151
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(C) When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The physical therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement. 91155
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When a license holder is placed on probation under this section, the physical therapy section's order for placement on probation shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice. 91160
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(D) When an application for an initial or renewed license is refused under this section, the physical therapy section shall notify the applicant in writing of the section's decision to refuse issuance of a license and the reason for its decision. 91165
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(E) On receipt of a complaint that a person licensed by the physical therapy section has committed any of the actions listed in division (A) of this section, the physical therapy section may immediately suspend the license of the physical therapist or physical therapist assistant prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the person poses an immediate threat to the public. The physical therapy section may review the allegations and vote on the suspension by telephone conference call. If the physical therapy section votes to suspend a license under this division, the physical therapy section shall notify 91169
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issue a written order of summary suspension to the person of the 91180
suspension in accordance with section 119.07 of the Revised Code. 91181
If the person fails to make a timely request for an adjudication 91182
under Chapter 119. of the Revised Code, the physical therapy 91183
section shall enter a final order permanently revoking the 91184
person's license. Notwithstanding section 119.12 of the Revised 91185
Code, a court of common pleas shall not grant a suspension of the 91186
physical therapy section's order of summary suspension pending the 91187
determination of an appeal filed under that section. Any order of 91188
summary suspension issued under this division shall remain in 91189
effect, unless reversed on appeal, until a final adjudication 91190
order issued by the physical therapy section pursuant to division 91191
(A) of this section becomes effective. The physical therapy 91192
section shall issue its final adjudication order regarding an 91193
order of summary suspension issued under this division not later 91194
than ninety days after completion of its hearing. Failure to issue 91195
the order within ninety days shall result in immediate dissolution 91196
of the suspension order, but shall not invalidate any subsequent, 91197
final adjudication order. 91198

Sec. 4755.481. (A) If a physical therapist evaluates and 91199
treats a patient without the prescription of, or the referral of 91200
the patient by, a person described in division (G)(1) of section 91201
4755.48 of the Revised Code, all of the following apply: 91202

(1) The physical therapist shall, upon consent of the 91203
patient, inform the relevant person described in division (G)(1) 91204
of section 4755.48 of the Revised Code of the evaluation not later 91205
than five business days after the evaluation is made. 91206

(2) If the physical therapist determines, based on reasonable 91207
evidence, that no substantial progress has been made with respect 91208
to that patient during the thirty-day period immediately following 91209
the date of the patient's initial visit with the physical 91210

therapist, the physical therapist shall consult with or refer the 91211
patient to a person described in division (G)(1) of section 91212
4755.48 of the Revised Code, unless either of the following 91213
applies: 91214

(a) The evaluation, treatment, or services are being provided 91215
for fitness, wellness, or prevention purposes. 91216

(b) The patient previously was diagnosed with chronic, 91217
neuromuscular, or developmental conditions and the evaluation, 91218
treatment, or services are being provided for problems or symptoms 91219
associated with one or more of those previously diagnosed 91220
conditions. 91221

(3) If the physical therapist determines that orthotic 91222
devices are necessary to treat the patient, the physical therapist 91223
shall be limited to the application of the following orthotic 91224
devices: 91225

(a) Upper extremity adaptive equipment used to facilitate the 91226
activities of daily living; 91227

(b) Finger splints; 91228

(c) Wrist splints; 91229

(d) Prefabricated elastic or fabric abdominal supports with 91230
or without metal or plastic reinforcing stays and other 91231
prefabricated soft goods requiring minimal fitting; 91232

(e) Nontherapeutic accommodative inlays; 91233

(f) Shoes that are not manufactured or modified for a 91234
particular individual; 91235

(g) Prefabricated foot care products; 91236

(h) Custom foot orthotics; 91237

(i) Durable medical equipment. 91238

(4) If, at any time, the physical therapist has reason to 91239

believe that the patient has symptoms or conditions that require 91240
treatment or services beyond the scope of practice of a physical 91241
therapist, the physical therapist shall refer the patient to a 91242
licensed health care practitioner acting within the practitioner's 91243
scope of practice. 91244

(B) Nothing in sections 4755.40 to 4755.56 of the Revised 91245
Code shall be construed to require reimbursement under any health 91246
insuring corporation policy, contract, or agreement, any sickness 91247
and accident insurance policy, the ~~medical assistance~~ medicaid 91248
program ~~as defined in section 5111.01 of the Revised Code~~, or the 91249
health partnership program or qualified health plans established 91250
pursuant to sections 4121.44 to 4121.442 of the Revised Code, for 91251
any physical therapy service rendered without the prescription of, 91252
or the referral of the patient by, a person described in division 91253
(G)(1) of section 4755.48 of the Revised Code. 91254

(C) For purposes of this section, "business day" means any 91255
calendar day that is not a Saturday, Sunday, or legal holiday. 91256
"Legal holiday" has the same meaning as in section 1.14 of the 91257
Revised Code. 91258

Sec. 4755.64. (A) In accordance with Chapter 119. of the 91259
Revised Code, the athletic trainers section of the Ohio 91260
occupational therapy, physical therapy, and athletic trainers 91261
board may suspend, revoke, or refuse to issue or renew an athletic 91262
trainers license, or reprimand, fine, or place a licensee on 91263
probation, for any of the following: 91264

(1) Conviction of a felony or offense involving moral 91265
turpitude, regardless of the state or country in which the 91266
conviction occurred; 91267

(2) Violation of sections 4755.61 to 4755.65 of the Revised 91268
Code or any order issued or rule adopted thereunder; 91269

(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;	91270 91271
(4) Negligence or gross misconduct in the practice of athletic training;	91272 91273
(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;	91274 91275 91276
(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;	91277 91278 91279
(7) Practicing in an area of athletic training for which the individual is untrained, incompetent, or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter;	91280 91281 91282 91283 91284 91285
(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;	91286 91287 91288
(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;	91289 91290 91291 91292
(10) Failing the licensing examination;	91293
(11) Aiding or abetting the unlicensed practice of athletic training;	91294 91295
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction.	91296 91297 91298 91299

(B) If the athletic trainers section places a licensee on probation under division (A) of this section, the section's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice.

(C) A licensee whose license has been revoked under division (A) of this section may apply to the athletic trainers section for reinstatement of the license one year following the date of revocation. The athletic trainers section may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

(D) On receipt of a complaint that a person licensed by the athletic trainers section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license of a licensed athletic trainer prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section may review the allegations and vote on the suspension by telephone conference call. If the section votes to suspend a license under this division, the section shall ~~notify~~ issue a written order of summary suspension to the licensed athletic trainer ~~of the suspension~~ in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication

order issued by the section pursuant to division (A) of this 91332
section becomes effective. The section shall issue its final 91333
adjudication order regarding an order of summary suspension issued 91334
under this division not later than ninety days after completion of 91335
its hearing. Failure to issue the order within ninety days shall 91336
result in immediate dissolution of the suspension order, but shall 91337
not invalidate any subsequent, final adjudication order. 91338

Sec. 4758.10. (A) There is hereby created the chemical 91339
dependency professionals board. 91340

(B) The governor shall appoint all of the following voting 91341
members of the board with the advice and consent of the senate: 91342

(1) Four individuals who hold a valid independent chemical 91343
dependency counselor-clinical supervisor license or independent 91344
chemical dependency counselor license issued under this chapter, 91345
including at least two of whom have received at least a master's 91346
degree in a field related to chemical dependency counseling from 91347
an accredited educational institution; 91348

(2) Two individuals who hold a valid chemical dependency 91349
counselor III license issued under this chapter; 91350

(3) One individual who holds a valid chemical dependency 91351
counselor II license issued under this chapter; 91352

(4) Two individuals who hold a valid prevention specialist II 91353
certificate or prevention specialist I certificate issued under 91354
this chapter; 91355

(5) One individual who is authorized under Chapter 4731. of 91356
the Revised Code to practice medicine and surgery or osteopathic 91357
medicine and surgery and has experience practicing in a field 91358
related to chemical dependency counseling; 91359

(6) Two individuals who represent the public and have not 91360
practiced chemical dependency counseling or alcohol and other drug 91361

prevention services and have not been involved in the delivery of 91362
chemical dependency counseling services or alcohol and other drug 91363
prevention services. At least one of these individuals shall be at 91364
least ~~sixty~~ fifty years of age. During their terms, the public 91365
members shall not practice chemical dependency counseling or 91366
alcohol and other drug prevention services or be involved in the 91367
delivery of chemical dependency counseling services or alcohol and 91368
other drug prevention services. 91369

(C) Not later than ninety days after December 23, 2002, the 91370
director of ~~alcohol and drug addiction services~~ mental health and 91371
addiction services shall appoint an individual who represents the 91372
department of ~~alcohol and drug addiction services~~ mental health 91373
and addiction services to serve as an ex officio member of the 91374
chemical dependency professionals board. 91375

(D) Not more than one-half of the voting members of the board 91376
may be of the same gender or members of the same political party. 91377
At least two voting members of the board shall be of African, 91378
Native American, Hispanic, or Asian descent. 91379

Sec. 4758.11. Of the initial appointees to the chemical 91380
dependency professionals board appointed by the governor under 91381
division (B) of section 4758.10 of the Revised Code, four shall be 91382
appointed for terms ending one year after ~~the effective date of~~ 91383
~~this section~~ December 23, 2002, four shall be appointed for terms 91384
ending two years after ~~the effective date of this section~~ December 91385
23, 2002, and four shall be appointed for terms ending three years 91386
after ~~the effective date of this section~~ December 23, 2002. After 91387
the initial appointments, terms of office shall be three years, 91388
each term ending on the same day of the same month of the year as 91389
the term it succeeds. 91390

A voting member of the board shall hold office from the date 91391
of appointment until the end of the term for which the member was 91392

appointed. A voting member appointed to fill a vacancy occurring 91393
prior to the expiration of the term for which the member's 91394
predecessor was appointed shall hold office for the remainder of 91395
that term. A voting member shall continue in office after the 91396
expiration date of the member's term until the member's successor 91397
takes office or until a period of sixty days has elapsed, 91398
whichever occurs first. Voting members may be reappointed, except 91399
that an individual who has held office for two consecutive full 91400
terms shall not be reappointed sooner than one year after the 91401
expiration of the second full term. 91402

The ex officio member of the board appointed by the director 91403
of ~~alcohol and drug addiction services~~ mental health and addiction 91404
services under division (C) of section 4758.10 of the Revised Code 91405
shall serve at the pleasure of the director. 91406

Sec. 4761.01. As used in this chapter: 91407

(A) "Respiratory care" means rendering or offering to render 91408
to individuals, groups, organizations, or the public any service 91409
involving the evaluation of cardiopulmonary function, the 91410
treatment of cardiopulmonary impairment, the assessment of 91411
treatment effectiveness, and the care of patients with 91412
deficiencies and abnormalities associated with the cardiopulmonary 91413
system. The practice of respiratory care includes: 91414

(1) Obtaining, analyzing, testing, measuring, and monitoring 91415
blood and gas samples in the determination of cardiopulmonary 91416
parameters and related physiologic data, including flows, 91417
pressures, and volumes, and the use of equipment employed for this 91418
purpose; 91419

(2) Administering, monitoring, recording the results of, and 91420
instructing in the use of medical gases, aerosols, and 91421
bronchopulmonary hygiene techniques, including drainage, 91422
aspiration, and sampling, and applying, maintaining, and 91423

instructing in the use of artificial airways, ventilators, and 91424
other life support equipment employed in the treatment of 91425
cardiopulmonary impairment and provided in collaboration with 91426
other licensed health care professionals responsible for providing 91427
care; 91428

(3) Performing cardiopulmonary resuscitation and respiratory 91429
rehabilitation techniques; 91430

(4) Administering medications for the testing or treatment of 91431
cardiopulmonary impairment. 91432

(B) "Respiratory care professional" means a person who is 91433
licensed under this chapter to practice the full range of 91434
respiratory care services as defined in division (A) of this 91435
section. 91436

(C) "Physician" means an individual authorized under Chapter 91437
4731. of the Revised Code to practice medicine and surgery or 91438
osteopathic medicine and surgery. 91439

(D) "Registered nurse" means an individual licensed under 91440
Chapter 4723. of the Revised Code to engage in the practice of 91441
nursing as a registered nurse. 91442

(E) "Hospital" means a facility that meets the operating 91443
standards of section 3727.02 of the Revised Code. 91444

(F) "Nursing facility" has the same meaning as in section 91445
~~5111.20~~ 5165.01 of the Revised Code. 91446

Sec. 4778.02. (A)(1) Except as provided in division (B) of 91447
this section, no person shall practice as a genetic counselor 91448
unless the person holds a current, valid license to practice as a 91449
genetic counselor issued under this chapter. 91450

(2) No person shall use the title "genetic counselor," or 91451
otherwise hold the person out as a genetic counselor, unless the 91452
person holds a current, valid license to practice as a genetic 91453

counselor issued under this chapter. 91454

(B) Division (A)(1) of this section does not apply to either 91455
of the following: 91456

(1) A student performing an activity as part of a genetic 91457
counseling graduate program described in division (B)~~(2)~~(1)(b) of 91458
section 4778.03 of the Revised Code; 91459

(2) A person who is authorized pursuant to another provision 91460
of the Revised Code to perform any of the activities that a 91461
genetic counselor is authorized to perform. 91462

Sec. 4778.03. (A) An individual seeking a license to practice 91463
as a genetic counselor shall file with the state medical board an 91464
application in a manner prescribed by the board. The application 91465
shall include all the information the board considers necessary to 91466
process the application, including evidence satisfactory to the 91467
board that the applicant meets the requirements specified in 91468
division (B) of this section. 91469

At the time an application is submitted, the applicant shall 91470
pay the board an application fee of two hundred dollars. No part 91471
of the fee shall be returned to the applicant or transferred for 91472
purposes of another application. 91473

(B)(1) To be eligible to receive a license to practice as a 91474
genetic counselor, an applicant shall demonstrate to the board 91475
that the applicant meets all of the following requirements: 91476

~~(1)~~(a) Is at least eighteen years of age and of good moral 91477
character; 91478

~~(2)~~ ~~Has~~ (b) Except as provided in division (B)(2) of this 91479
section, has attained a master's degree or higher degree from a 91480
genetic counseling graduate program accredited by the American 91481
board of genetic counseling, inc.; 91482

~~(3)~~(c) Is a certified genetic counselor; 91483

~~(4)~~(d) Has satisfied any other requirements established by 91484
the board in rules adopted under section 4778.12 of the Revised 91485
Code. 91486

(2) In the case of an applicant who files an application not 91487
later than December 31, 2013, and meets all eligibility 91488
requirements other than the requirement specified in division 91489
(B)(1)(b) of this section, the applicant is eligible for a license 91490
to practice as a genetic counselor if the applicant has attained a 91491
master's or higher degree in education or in a field that the 91492
state medical board considers to be closely related to genetic 91493
counseling. 91494

(C) The board shall review all applications received under 91495
this section. Not later than sixty days after receiving an 91496
application it considers complete, the board shall determine 91497
whether the applicant meets the requirements for a license to 91498
practice as a genetic counselor. The affirmative vote of not fewer 91499
than six members of the board is required to determine that the 91500
applicant meets the requirements for the license. 91501

Sec. 4781.121. (A) The manufactured homes commission, 91502
pursuant to section 4781.04 of the Revised Code, may investigate 91503
any person who allegedly has committed a violation. If, after an 91504
investigation the commission determines that reasonable evidence 91505
exists that a person has committed a violation, within seven days 91506
after that determination, the commission shall send a written 91507
notice to that person in the same manner as prescribed in section 91508
119.07 of the Revised Code for licensees, except that the notice 91509
shall specify that a hearing will be held and specify the date, 91510
time, and place of the hearing. 91511

(B) The commission shall hold a hearing regarding the alleged 91512
violation in the same manner prescribed for an adjudication 91513
hearing under section 119.09 of the Revised Code. If the 91514

commission, after the hearing, determines that a violation has 91515
occurred, the commission, upon an affirmative vote of five of its 91516
members, may impose a fine not exceeding one thousand dollars per 91517
violation per day. The commission's determination is an order that 91518
the person may appeal in accordance with section 119.12 of the 91519
Revised Code. 91520

(C) If the person who allegedly committed a violation fails 91521
to appear for a hearing, the commission may request the court of 91522
common pleas of the county where the alleged violation occurred to 91523
compel the person to appear before the commission for a hearing. 91524

(D) If the commission assesses a person a civil penalty for a 91525
violation and the person fails to pay that civil penalty within 91526
the time period prescribed by the commission pursuant to section 91527
131.02 of the Revised Code, the commission shall forward to the 91528
attorney general the name of the person and the amount of the 91529
civil penalty for the purpose of collecting that civil penalty. In 91530
addition to the civil penalty assessed pursuant to this section, 91531
the person also shall pay any fee assessed by the attorney general 91532
for collection of the civil penalty. 91533

(E) The authority provided to the commission pursuant to this 91534
section, and any fine imposed under this section, shall be in 91535
addition to, and not in lieu of, all penalties and other remedies 91536
provided in this chapter. Any fines collected pursuant to this 91537
section shall be used solely to administer and enforce this 91538
chapter and rules adopted under it. Any fees collected pursuant to 91539
this section shall be transmitted to the treasurer of state and 91540
shall be credited to the manufactured homes commission regulatory 91541
fund created in section 4781.54 of the Revised Code and the rules 91542
adopted thereunder. The fees shall be used only for the purpose of 91543
administering and enforcing sections 4781.26 to 4781.35 of the 91544
Revised Code and the rules adopted thereunder. 91545

(F) As used in this section, "violation" means a violation of 91546

section 4781.11, 4781.16, or 4781.27 of the Revised Code, or any 91547
rule adopted pursuant to ~~section 4781.04, of the Revised Code~~ this 91548
chapter. 91549

Sec. 4781.28. The manufactured homes commission may charge a 91550
fee for an annual license to operate a manufactured home park. The 91551
fee for a license shall be determined in accordance with section 91552
~~4781.26~~ 4781.27 of the Revised Code and shall include the cost of 91553
licensing and all inspections. 91554

Any fees collected shall be transmitted to the treasurer of 91555
state and shall be credited to the manufactured homes commission 91556
regulatory fund created in section 4781.54 of the Revised Code and 91557
used only for the purpose of administering and enforcing sections 91558
4781.26 to 4781.35 of the Revised Code and the rules adopted 91559
thereunder. 91560

Sec. 4781.29. The manufactured homes commission may refuse to 91561
grant, may suspend, or may revoke any license granted to any 91562
person for failure to comply with ~~sections 4781.26 to 4781.35 of~~ 91563
~~the Revised Code~~ this chapter or with any rule adopted under 91564
~~section 4781.26 of the Revised Code~~ this chapter. 91565

Sec. 4906.20. (A) No person shall commence to construct an 91566
economically significant wind farm in this state without first 91567
having obtained a certificate from the power siting board. An 91568
economically significant wind farm with respect to which such a 91569
certificate is required shall be constructed, operated, and 91570
maintained in conformity with that certificate and any terms, 91571
conditions, and modifications it contains. A certificate shall be 91572
issued only pursuant to this section. The certificate may be 91573
transferred, subject to the approval of the board, to a person 91574
that agrees to comply with those terms, conditions, and 91575
modifications. 91576

(B) The board shall adopt rules governing the certificating 91577
of economically significant wind farms under this section. Initial 91578
rules shall be adopted within one hundred twenty days after June 91579
24, 2008. 91580

(1) The rules shall provide for an application process for 91581
certificating economically significant wind farms that is 91582
identical to the extent practicable to the process applicable to 91583
certificating major utility facilities under sections 4906.06, 91584
4906.07, 4906.08, 4906.09, 4906.10, 4906.11, and 4906.12 of the 91585
Revised Code and shall prescribe a reasonable schedule of 91586
application filing fees structured in the manner of the schedule 91587
of filing fees required for major utility facilities. 91588

(2) Additionally, the rules shall prescribe reasonable 91589
regulations regarding any wind turbines and associated facilities 91590
of an economically significant wind farm, including, but not 91591
limited to, their location, erection, construction, 91592
reconstruction, change, alteration, maintenance, removal, use, or 91593
enlargement and including erosion control, aesthetics, 91594
recreational land use, wildlife protection, interconnection with 91595
power lines and with regional transmission organizations, 91596
independent transmission system operators, or similar 91597
organizations, ice throw, sound and noise levels, blade shear, 91598
shadow flicker, decommissioning, and necessary cooperation for 91599
site visits and enforcement investigations. The rules also shall 91600
prescribe a minimum setback for a wind turbine of an economically 91601
significant wind farm. That minimum shall be equal to a horizontal 91602
distance, from the turbine's base to the property line of the wind 91603
farm property, equal to one and one-tenth times the total height 91604
of the turbine structure as measured from its base to the tip of 91605
its highest blade and be at least ~~seven~~ one thousand two hundred 91606
fifty feet in horizontal distance from the tip of the turbine's 91607
nearest blade at ninety degrees to the exterior of the nearest, 91608

habitable, residential structure, if any, located on adjacent 91609
property at the time of the certification application. For a 91610
certification application filed before the effective date of the 91611
amendment of this section, including any amendment of that 91612
application filed on or after that effective date, the distance 91613
shall be seven hundred fifty feet instead of one thousand two 91614
hundred fifty feet. The setback shall apply in all cases except 91615
those in which all owners of property adjacent to the wind farm 91616
property waive application of the setback to that property 91617
pursuant to a procedure the board shall establish by rule and 91618
except in which, in a particular case, the board determines that a 91619
setback greater than the minimum is necessary. 91620

Sec. 5101.01. (A) As used in the Revised Code, the 91621
"department of public welfare" and the "department of human 91622
services" mean the department of job and family services and the 91623
"director of public welfare" and the "director of human services" 91624
mean the director of job and family services. ~~Whenever~~ Except as 91625
provided in section 5160.011 of the Revised Code, whenever the 91626
department or director of public welfare or the department or 91627
director of human services is referred to or designated in any 91628
statute, rule, contract, grant, or other document, the reference 91629
or designation shall be deemed to refer to the department or 91630
director of job and family services, as the case may be. 91631

(B) As used in this chapter: 91632

(1) References to a county department of job and family 91633
services include a joint county department of job and family 91634
services established under section 329.40 of the Revised Code. 91635

(2) References to a board of county commissioners include the 91636
board of directors of a joint county department of job and family 91637
services established under section 329.40 of the Revised Code. 91638

Sec. 5101.101. (A) This section establishes the order of 91639
priority to be followed by the department of job and family 91640
services when distributing funds for the purpose of providing 91641
family planning services, including funds the department receives 91642
through Title XX of the "Social Security Act," 88 Stat. 2337 91643
(1974), 42 U.S.C. 1397, as amended, and funds the department 91644
receives through Title IV-A of the "Social Security Act," 110 91645
Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be used for 91646
purposes of providing Title XX social services. This section does 91647
not apply to payments made under the medicaid program. 91648

(B) With respect to each period during which funds from a 91649
particular source are distributed for the purpose of providing 91650
family planning services, the department is subject to both of the 91651
following when distributing the funds to applicants seeking those 91652
funds: 91653

(1) Foremost priority shall be given to public entities that 91654
are operated by state or local government entities and that 91655
provide or are able to provide family planning services. 91656

(2) If any funds remain after the department distributes 91657
funds to public entities under division (B)(1) of this section, 91658
the department may distribute funds to nonpublic entities. If 91659
funds are distributed to nonpublic entities, the department shall 91660
distribute the funds in the following order of descending 91661
priority: 91662

(a) Nonpublic entities that are federally qualified health 91663
centers or federally qualified health center look-alikes, both as 91664
defined in section 3701.047 of the Revised Code, or community 91665
action agencies, as defined in section 122.66 of the Revised Code; 91666

(b) Nonpublic entities that provide comprehensive primary and 91667
preventive care services in addition to family planning services; 91668

(c) Nonpublic entities that provide family planning services, 91669
but do not provide comprehensive primary and preventive care 91670
services. 91671

~~Sec. 5101.11. This section does not apply to contracts~~ 91672
~~entered into under section 5111.90 or 5111.91 of the Revised Code.~~ 91673

(A) As used in this section: 91674

(1) "Entity" includes an agency, board, commission, or 91675
department of the state or a political subdivision of the state; a 91676
private, nonprofit entity; a school district; a private school; or 91677
a public or private institution of higher education. 91678

(2) "Federal financial participation" means the federal 91679
government's share of expenditures made by an entity in 91680
implementing a program administered by the department of job and 91681
family services. 91682

(B) At the request of any public entity having authority to 91683
implement a program administered by the department of job and 91684
family services or any private entity under contract with a public 91685
entity to implement a program administered by the department, the 91686
department may seek to obtain federal financial participation for 91687
costs incurred by the entity. Federal financial participation may 91688
be sought from programs operated pursuant to Title IV-A, of the 91689
"Social Security Act," 42 U.S.C. 601 et seq.; Title IV-E, ~~and~~ 91690
~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935),~~ 42 91691
U.S.C. 301, ~~as amended~~ 670 et seq.; the Food and Nutrition Act of 91692
2008 (7 U.S.C. 2011 et seq.); and any other statute or regulation 91693
under which federal financial participation may be available, 91694
except that federal financial participation may be sought only for 91695
expenditures made with funds for which federal financial 91696
participation is available under federal law. 91697

(C) All funds collected by the department ~~of job and family~~ 91698

~~services~~ pursuant to division (B) of this section shall be 91699
distributed to the entities that incurred the costs, except for 91700
any amounts retained by the department pursuant to division (D)(3) 91701
of this section. 91702

(D) In distributing federal financial participation pursuant 91703
to this section, the department may either enter into an agreement 91704
with the entity that is to receive the funds or distribute the 91705
funds in accordance with rules adopted under division (F) of this 91706
section. If the department decides to enter into an agreement to 91707
distribute the funds, the agreement may include terms that do any 91708
of the following: 91709

(1) Provide for the whole or partial reimbursement of any 91710
cost incurred by the entity in implementing the program; 91711

(2) In the event that federal financial participation is 91712
disallowed or otherwise unavailable for any expenditure, require 91713
the department ~~of job and family services~~ or the entity, whichever 91714
party caused the disallowance or unavailability of federal 91715
financial participation, to assume responsibility for the 91716
expenditures; 91717

(3) Permit the department to retain not more than five per 91718
cent of the amount of the federal financial participation to be 91719
distributed to the entity; 91720

(4) Require the public entity to certify the availability of 91721
sufficient unencumbered funds to match the federal financial 91722
participation it receives under this section; 91723

(5) Establish the length of the agreement, which may be for a 91724
fixed or a continuing period of time; 91725

(6) Establish any other requirements determined by the 91726
department to be necessary for the efficient administration of the 91727
agreement. 91728

(E) An entity that receives federal financial participation 91729
pursuant to this section for a program aiding children and their 91730
families shall establish a process for collaborative planning with 91731
the department ~~of job and family services~~ for the use of the funds 91732
to improve and expand the program. 91733

(F) The director of job and family services shall adopt rules 91734
as necessary to implement this section, including rules for the 91735
distribution of federal financial participation pursuant to this 91736
section. The rules shall be adopted in accordance with Chapter 91737
119. of the Revised Code. The director may adopt or amend any 91738
statewide plan required by the federal government for a program 91739
administered by the department, as necessary to implement this 91740
section. 91741

(G) Federal financial participation received pursuant to this 91742
section shall not be included in any calculation made under 91743
section 5101.16 or 5101.161 of the Revised Code. 91744

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1410 91745
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 91746
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 91747

(B) The department of job and family services shall act as 91748
the single state agency to administer federal payments for foster 91749
care and adoption assistance made pursuant to Title IV-E. The 91750
director of job and family services shall adopt rules to implement 91751
this authority. Rules governing financial and administrative 91752
requirements applicable to public children services agencies and 91753
government entities that provide Title IV-E reimbursable placement 91754
services to children shall be adopted in accordance with section 91755
111.15 of the Revised Code, as if they were internal management 91756
rules. Rules governing requirements applicable to private child 91757
placing agencies and private noncustodial agencies and rules 91758
establishing eligibility, program participation, and other 91759

requirements concerning Title IV-E shall be adopted in accordance 91760
with Chapter 119. of the Revised Code. A public children services 91761
agency to which the department distributes Title IV-E funds shall 91762
administer the funds in accordance with those rules. 91763

(C)(1) The county, on behalf of each child eligible for 91764
foster care maintenance payments under Title IV-E, shall make 91765
payments to cover the cost of providing all of the following: 91766

(a) The child's food, clothing, shelter, daily supervision, 91767
and school supplies; 91768

(b) The child's personal incidentals; 91769

(c) Reasonable travel to the child's home for visitation. 91770

(2) In addition to payments made under division (C)(1) of 91771
this section, the county may, on behalf of each child eligible for 91772
foster care maintenance payments under Title IV-E, make payments 91773
to cover the cost of providing the following: 91774

(a) Liability insurance with respect to the child; 91775

(b) If the county is participating in the demonstration 91776
project established under division (A) of section 5101.142 of the 91777
Revised Code, services provided under the project. 91778

(3) With respect to a child who is in a child-care 91779
institution, including any type of group home designed for the 91780
care of children or any privately operated program consisting of 91781
two or more certified foster homes operated by a common 91782
administrative unit, the foster care maintenance payments made by 91783
the county on behalf of the child shall include the reasonable 91784
cost of the administration and operation of the institution, group 91785
home, or program, as necessary to provide the items described in 91786
divisions (C)(1) and (2) of this section. 91787

(D) To the extent that either foster care maintenance 91788
payments under division (C) of this section or Title IV-E adoption 91789

assistance payments for maintenance costs require the expenditure 91790
of county funds, the board of county commissioners shall report 91791
the nature and amount of each expenditure of county funds to the 91792
department. 91793

(E) The department shall distribute to public children 91794
services agencies that incur and report expenditures of the type 91795
described in division (D) of this section federal financial 91796
participation received for administrative and training costs 91797
incurred in the operation of foster care maintenance and adoption 91798
assistance programs. The department may withhold not more than 91799
three per cent of the federal financial participation received. 91800
The funds withheld may be used only to fund the following: 91801

(1) The Ohio child welfare training program established under 91802
section 5103.30 of the Revised Code; 91803

(2) The university partnership program for college and 91804
university students majoring in social work who have committed to 91805
work for a public children services agency upon graduation; 91806

(3) Efforts supporting organizational excellence, including 91807
voluntary activities to be accredited by a nationally recognized 91808
accreditation organization. 91809

The funds withheld shall be in addition to any administration 91810
and training cost for which the department is reimbursed through 91811
its own cost allocation plan. 91812

(F) All federal financial participation funds received by a 91813
county pursuant to this section shall be deposited into the 91814
county's children services fund created pursuant to section 91815
5101.144 of the Revised Code. 91816

(G) The department shall periodically publish and distribute 91817
the maximum amounts that the department will reimburse public 91818
children services agencies for making payments on behalf of 91819
children eligible for foster care maintenance payments. 91820

(H) The department, by and through its director, is hereby authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with agencies of any other states, for the provision of ~~medical assistance and other~~ social services to children in relation to whom all of the following apply:

(1) They have special needs.

(2) This state or another state that is a party to the interstate compact is providing adoption assistance on their behalf.

(3) They move into this state from another state or move out of this state to another state.

Sec. 5101.16. (A) As used in this section and sections 5101.161 and 5101.162 of the Revised Code:

(1) "Disability financial assistance" means the financial assistance program established under Chapter 5115. of the Revised Code.

(2) "Supplemental nutrition assistance program" means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.

~~(3) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.~~

~~(4)~~ "Ohio works first" means the program established by Chapter 5107. of the Revised Code.

~~(5)~~(4) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.

~~(6)~~(5) "Public assistance expenditures" means expenditures for all of the following:

(a) Ohio works first;	91850
(b) County administration of Ohio works first;	91851
(c) Prevention, retention, and contingency;	91852
(d) County administration of prevention, retention, and contingency;	91853 91854
(e) Disability financial assistance;	91855
(f) County administration of disability financial assistance;	91856
(g) County administration of the supplemental nutrition assistance program;	91857 91858
(h) County administration of medicaid, <u>excluding</u> <u>administrative expenditures for transportation services covered by</u> <u>the medicaid program.</u>	91859 91860 91861
(7) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	91862 91863
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter:	91864 91865 91866 91867 91868 91869
(1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and county administration of that program during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable.	91870 91871 91872 91873 91874
(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's total expenditures for county administration of the supplemental nutrition assistance program and medicaid (<u>excluding</u> <u>administrative expenditures for transportation services covered by</u>	91875 91876 91877 91878 91879

the medicaid program) during the state fiscal year ending in the 91880
previous calendar year that the department determines are 91881
allowable, less the amount of federal reimbursement credited to 91882
the county under division (E) of this section for the state fiscal 91883
year ending in the previous calendar year; 91884

(3) A percentage of the actual amount of the county share of 91885
program and administrative expenditures during federal fiscal year 91886
1994 for assistance and services, other than child care, provided 91887
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 91888
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 91889
enactment of the "Personal Responsibility and Work Opportunity 91890
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 91891
and family services shall determine the actual amount of the 91892
county share from expenditure reports submitted to the United 91893
States department of health and human services. The percentage 91894
shall be the percentage established in rules adopted under 91895
division (F) of this section. 91896

(C)(1) If a county's share of public assistance expenditures 91897
determined under division (B) of this section for a state fiscal 91898
year exceeds one hundred five per cent of the county's share for 91899
those expenditures for the immediately preceding state fiscal 91900
year, the department of job and family services shall reduce the 91901
county's share for expenditures under divisions (B)(1) and (2) of 91902
this section so that the total of the county's share for 91903
expenditures under division (B) of this section equals one hundred 91904
five per cent of the county's share of those expenditures for the 91905
immediately preceding state fiscal year. 91906

(2) A county's share of public assistance expenditures 91907
determined under division (B) of this section may be increased 91908
pursuant to section 5101.163 of the Revised Code and a sanction 91909
under section 5101.24 of the Revised Code. An increase made 91910
pursuant to section 5101.163 of the Revised Code may cause the 91911

county's share to exceed the limit established by division (C)(1) 91912
of this section. 91913

(D)(1) If the per capita tax duplicate of a county is less 91914
than the per capita tax duplicate of the state as a whole and 91915
division (D)(2) of this section does not apply to the county, the 91916
percentage to be used for the purpose of division (B)(2) of this 91917
section is the product of ten multiplied by a fraction of which 91918
the numerator is the per capita tax duplicate of the county and 91919
the denominator is the per capita tax duplicate of the state as a 91920
whole. The department of job and family services shall compute the 91921
per capita tax duplicate for the state and for each county by 91922
dividing the tax duplicate for the most recent available year by 91923
the current estimate of population prepared by the ~~department of~~ 91924
development services agency. 91925

(2) If the percentage of families in a county with an annual 91926
income of less than three thousand dollars is greater than the 91927
percentage of such families in the state and division (D)(1) of 91928
this section does not apply to the county, the percentage to be 91929
used for the purpose of division (B)(2) of this section is the 91930
product of ten multiplied by a fraction of which the numerator is 91931
the percentage of families in the state with an annual income of 91932
less than three thousand dollars a year and the denominator is the 91933
percentage of such families in the county. The department of job 91934
and family services shall compute the percentage of families with 91935
an annual income of less than three thousand dollars for the state 91936
and for each county by multiplying the most recent estimate of 91937
such families published by the ~~department of~~ development services 91938
agency, by a fraction, the numerator of which is the estimate of 91939
average annual personal income published by the bureau of economic 91940
analysis of the United States department of commerce for the year 91941
on which the census estimate is based and the denominator of which 91942
is the most recent such estimate published by the bureau. 91943

(3) If the per capita tax duplicate of a county is less than 91944
the per capita tax duplicate of the state as a whole and the 91945
percentage of families in the county with an annual income of less 91946
than three thousand dollars is greater than the percentage of such 91947
families in the state, the percentage to be used for the purpose 91948
of division (B)(2) of this section shall be determined as follows: 91949

(a) Multiply ten by the fraction determined under division 91950
(D)(1) of this section; 91951

(b) Multiply the product determined under division (D)(3)(a) 91952
of this section by the fraction determined under division (D)(2) 91953
of this section. 91954

(4) The department of job and family services shall 91955
determine, for each county, the percentage to be used for the 91956
purpose of division (B)(2) of this section not later than the 91957
first day of July of the year preceding the state fiscal year for 91958
which the percentage is used. 91959

(E) The department of job and family services shall credit to 91960
a county the amount of federal reimbursement the department 91961
receives from the United States departments of agriculture and 91962
health and human services for the county's expenditures for 91963
administration of the supplemental nutrition assistance program 91964
and medicaid (excluding administrative expenditures for 91965
transportation services covered by the medicaid program) that the 91966
department determines are allowable administrative expenditures. 91967

(F)(1) The director of job and family services shall adopt 91968
rules in accordance with section 111.15 of the Revised Code to 91969
establish all of the following: 91970

(a) The method the department is to use to change a county's 91971
share of public assistance expenditures determined under division 91972
(B) of this section as provided in division (C) of this section; 91973

(b) The allocation methodology and formula the department 91974

will use to determine the amount of funds to credit to a county 91975
under this section; 91976

(c) The method the department will use to change the payment 91977
of the county share of public assistance expenditures from a 91978
calendar-year basis to a state fiscal year basis; 91979

(d) The percentage to be used for the purpose of division 91980
(B)(3) of this section, which shall, except as provided in section 91981
5101.163 of the Revised Code, meet both of the following 91982
requirements: 91983

(i) The percentage shall not be less than seventy-five per 91984
cent nor more than eighty-two per cent; 91985

(ii) The percentage shall not exceed the percentage that the 91986
state's qualified state expenditures is of the state's historic 91987
state expenditures as those terms are defined in 42 U.S.C. 91988
609(a)(7). 91989

(e) Other procedures and requirements necessary to implement 91990
this section. 91991

(2) The director of job and family services may amend the 91992
rule adopted under division (F)(1)(d) of this section to modify 91993
the percentage on determination that the amount the general 91994
assembly appropriates for Title IV-A programs makes the 91995
modification necessary. The rule shall be adopted and amended as 91996
if an internal management rule and in consultation with the 91997
director of budget and management. 91998

Sec. 5101.162. Subject to available federal funds and 91999
appropriations made by the general assembly, the department of job 92000
and family services may, at its sole discretion, use available 92001
federal funds to reimburse county expenditures for county 92002
administration of the supplemental nutrition assistance program or 92003
medicaid (excluding administrative expenditures for transportation 92004

services covered by the medicaid program) even though the county 92005
expenditures meet or exceed the maximum allowable reimbursement 92006
amount established by rules adopted under section 5101.161 of the 92007
Revised Code. The director of job and family services may adopt 92008
internal management rules in accordance with section 111.15 of the 92009
Revised Code to implement this section. 92010

Sec. 5101.18. ~~(A)~~ When the director of job and family 92011
services adopts rules under section 5107.05 regarding income 92012
requirements for the Ohio works first program and under section 92013
5115.03 of the Revised Code regarding income and resource 92014
requirements for the disability financial assistance program, the 92015
director shall determine what payments shall be regarded or 92016
disregarded. In making this determination, the director shall 92017
consider: 92018

~~(1)~~(A) The source of the payment; 92019

~~(2)~~(B) The amount of the payment; 92020

~~(3)~~(C) The purpose for which the payment was made; 92021

~~(4)~~(D) Whether regarding the payment as income would be in 92022
the public interest; 92023

~~(5)~~(E) Whether treating the payment as income would be 92024
detrimental to any of the programs administered in whole or in 92025
part by the department of job and family services and whether such 92026
determination would jeopardize the receipt of any federal grant or 92027
payment by the state or any receipt of aid under Chapter 5107. of 92028
the Revised Code. 92029

~~(B) Any recipient of aid under Title XVI of the "Social 92030
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, 92031
whose money payment is discontinued as the result of a general 92032
increase in old age, survivors, and disability insurance benefits 92033
under such act, shall remain a recipient for the purpose of 92034~~

~~receiving medical assistance through the medical assistance
program established under section 5111.01 of the Revised Code.~~ 92035
92036

Sec. 5101.181. (A) As used in this section and section 92037
5101.182 of the Revised Code: 92038

~~(1) "Public, "public~~ assistance" means any or all of the 92039
following: 92040

~~(a)(1)~~ Ohio works first; 92041

~~(b)(2)~~ Prevention, retention, and contingency; 92042

~~(c)(3)~~ Disability financial assistance; 92043

~~(d)(4)~~ General assistance provided prior to July 17, 1995, 92044
under former Chapter 5113. of the Revised Code. 92045

~~(2) "Medical assistance" means medical assistance provided 92046
pursuant to, or under programs established by, section 5101.49, 92047
sections 5101.50 to 5101.529, Chapter 5111., or any other 92048
provision of the Revised Code.~~ 92049

(B) As part of the procedure for the determination of 92050
overpayment to a recipient of public assistance under Chapter 92051
5107., 5108., or 5115. of the Revised Code, the director of job 92052
and family services may furnish quarterly the name and social 92053
security number of each individual who receives public assistance 92054
to the director of administrative services, the administrator of 92055
the bureau of workers' compensation, and each of the state's 92056
retirement boards. Within fourteen days after receiving the name 92057
and social security number of an individual who receives public 92058
assistance, the director of administrative services, 92059
administrator, or board shall inform the auditor of state as to 92060
whether such individual is receiving wages or benefits, the amount 92061
of any wages or benefits being received, the social security 92062
number, and the address of the individual. The director of 92063
administrative services, administrator, boards, and any agent or 92064

employee of those officials and boards shall comply with the rules 92065
of the director of job and family services restricting the 92066
disclosure of information regarding recipients of public 92067
assistance. Any person who violates this provision shall 92068
thereafter be disqualified from acting as an agent or employee or 92069
in any other capacity under appointment or employment of any state 92070
board, commission, or agency. 92071

(C) The auditor of state may enter into a reciprocal 92072
agreement with the director of job and family services or 92073
comparable officer of any other state for the exchange of names, 92074
current or most recent addresses, or social security numbers of 92075
persons receiving public assistance under Title IV-A of the 92076
"Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C. 301, ~~as~~ 92077
~~amended 601 et seq.~~ 92078

(D) The auditor of state shall retain, for not less than two 92079
years, at least one copy of all information received under this 92080
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 92081
5101.182, and 5505.04 of the Revised Code. 92082

~~(E) On the request of the director of job and family 92083
services, the auditor of state may conduct an audit of an 92084
individual who receives medical assistance. If the auditor decides 92085
to conduct an audit, the auditor shall enter into an interagency 92086
agreement with the department of job and family services that 92087
specifies that the auditor agrees to comply with section 5101.271 92088
of the Revised Code with respect to any information the auditor 92089
receives pursuant to the audit. 92090~~

~~(F)~~ The auditor shall review the information described in 92091
division (D) of this section to determine whether overpayments 92092
were made to recipients of public assistance under Chapters 5107., 92093
5108., and 5115. of the Revised Code. The auditor of state shall 92094
initiate action leading to prosecution, where warranted, of 92095
recipients who received overpayments by forwarding the name of 92096

each recipient who received overpayment, together with other 92097
pertinent information, to the director of job and family services, 92098
the attorney general, and the county director of job and family 92099
services and county prosecutor of the county through which public 92100
assistance was received. 92101

~~(G)~~(F) The auditor of state and the attorney general or their 92102
designees may examine any records, whether in computer or printed 92103
format, in the possession of the director of job and family 92104
services or any county director of job and family services. They 92105
shall provide safeguards which restrict access to such records to 92106
purposes directly connected with an audit or investigation, 92107
prosecution, or criminal or civil proceeding conducted in 92108
connection with the administration of the programs and shall 92109
comply with ~~sections~~ section 5101.27 ~~and 5101.271~~ of the Revised 92110
Code and ~~adopts~~ rules of adopted by the director of job and family 92111
services restricting the disclosure of information regarding 92112
recipients of public assistance ~~or medical assistance~~. Any person 92113
who violates this provision shall thereafter be disqualified from 92114
acting as an agent or employee or in any other capacity under 92115
appointment or employment of any state board, commission, or 92116
agency. 92117

~~(H)~~(G) Costs incurred by the auditor of state in carrying out 92118
the auditor of state's duties under this section shall be borne by 92119
the auditor of state. 92120

Sec. 5101.183. (A) ~~Except as provided in section 5111.12 of~~ 92121
~~the Revised Code, the~~ The director of job and family services, in 92122
accordance with section 111.15 of the Revised Code, may adopt 92123
rules under which county family services agencies shall take 92124
action to recover the cost of the following benefits and services 92125
available under programs administered by the department of job and 92126
family services: 92127

(1) Benefits or services provided to any of the following: 92128

(a) Persons who were not eligible for the benefits or 92129
services but who secured the benefits or services through fraud or 92130
misrepresentation; 92131

(b) Persons who were eligible for the benefits or services 92132
but who intentionally diverted the benefits or services to other 92133
persons who were not eligible for the benefits or services. 92134

(2) Any benefits or services provided by a county family 92135
services agency for which recovery is required or permitted by 92136
federal law for the federal programs administered by the agency. 92137

(B) A county family services agency may bring a civil action 92138
against a recipient of benefits or services to recover any costs 92139
described in division (A) of this section. 92140

(C) A county family services agency shall retain any money it 92141
recovers under division (A) of this section and shall use the 92142
money to meet a family services duty, except that, if federal law 92143
requires the department of job and family services to return any 92144
portion of the money so recovered to the federal government, the 92145
county family services agency shall pay that portion to the 92146
department of job and family services. 92147

Sec. 5101.184. (A) The director of job and family services 92148
shall work with the tax commissioner to collect overpayments of 92149
assistance under Chapter 5107., ~~5111.~~, or 5115., former Chapter 92150
5113., or section 5101.54 of the Revised Code from refunds of 92151
state income taxes for taxable year 1992 and thereafter that are 92152
payable to the recipients of such overpayments. 92153

Any overpayment of assistance, whether obtained by fraud or 92154
misrepresentation, as the result of an error by the recipient or 92155
by the agency making the payment, or in any other manner, may be 92156
collected under this section. Any reduction under section 5747.12 92157

or 5747.121 of the Revised Code to an income tax refund shall be 92158
made before a reduction under this section. No reduction shall be 92159
made under this section if the amount of the refund is less than 92160
twenty-five dollars after any reduction under section 5747.12 of 92161
the Revised Code. A reduction under this section shall be made 92162
before any part of the refund is contributed under section 92163
5747.113 of the Revised Code, or is credited under section 5747.12 92164
of the Revised Code against tax due in any subsequent year. 92165

The director and the tax commissioner, by rules adopted in 92166
accordance with Chapter 119. of the Revised Code, shall establish 92167
procedures to implement this division. The procedures shall 92168
provide for notice to a recipient of assistance and an opportunity 92169
for the recipient to be heard before the recipient's income tax 92170
refund is reduced. 92171

(B) The director of job and family services may enter into 92172
agreements with the federal government to collect overpayments of 92173
assistance from refunds of federal income taxes that are payable 92174
to recipients of the overpayments. 92175

Sec. 5101.26. As used in this section and in sections 5101.27 92176
to 5101.30 of the Revised Code: 92177

(A) "County agency" means a county department of job and 92178
family services or a public children services agency. 92179

(B) "Fugitive felon" means an individual who is fleeing to 92180
avoid prosecution, or custody or confinement after conviction, 92181
under the laws of the place from which the individual is fleeing, 92182
for a crime or an attempt to commit a crime that is a felony under 92183
the laws of the place from which the individual is fleeing or, in 92184
the case of New Jersey, a high misdemeanor, regardless of whether 92185
the individual has departed from the individual's usual place of 92186
residence. 92187

(C) "Information" means records as defined in section 149.011 92188
of the Revised Code, any other documents in any format, and data 92189
derived from records and documents that are generated, acquired, 92190
or maintained by the department of job and family services, a 92191
county agency, or an entity performing duties on behalf of the 92192
department or a county agency. 92193

(D) "Law enforcement agency" means the state highway patrol, 92194
an agency that employs peace officers as defined in section 109.71 92195
of the Revised Code, the adult parole authority, a county 92196
department of probation, a prosecuting attorney, the attorney 92197
general, similar agencies of other states, federal law enforcement 92198
agencies, and postal inspectors. "Law enforcement agency" includes 92199
the peace officers and other law enforcement officers employed by 92200
the agency. 92201

~~(E) "Medical assistance" means medical assistance provided 92202
pursuant to, or under programs established by, section 5101.49, 92203
sections 5101.50 to 5101.529, Chapter 5111., or any other 92204
provision of the Revised Code. 92205~~

~~(F) "Medical assistance recipient" means an applicant for or 92206
recipient or former recipient of medical assistance. 92207~~

~~(G)~~ "Public assistance" means financial assistance or social 92208
services that are ~~not medical assistance~~ provided under a program 92209
administered by the department of job and family services or a 92210
county agency pursuant to Chapter 329., 5101., 5104., 5107., 92211
5108., or 5115. of the Revised Code or an executive order issued 92212
under section 107.17 of the Revised Code. "Public assistance" does 92213
not mean medical assistance provided under a medical assistance 92214
program, as defined in section 5160.01 of the Revised Code. 92215

~~(H)~~(F) "Public assistance recipient" means an applicant for 92216
or recipient or former recipient of public assistance. 92217

Sec. 5101.272. (A) For the purposes of ~~sections~~ section 92218
5101.27 and ~~5101.271~~ of the Revised Code, an authorization shall 92219
be made on a form that uses language understandable to the average 92220
person and contains all of the following: 92221

(1) A description of the information to be used or disclosed 92222
that identifies the information in a specific and meaningful 92223
fashion; 92224

(2) The name or other specific identification of the person 92225
or class of persons authorized to make the requested use or 92226
disclosure; 92227

(3) The name or other specific identification of the person 92228
or governmental entity to which the information may be released; 92229

(4) A description of each purpose of the requested use or 92230
disclosure of the information; 92231

(5) The date on which the authorization expires or an event 92232
related either to the individual who is the subject of the request 92233
or to the purposes of the requested use or disclosure, the 92234
occurrence of which will cause the authorization to expire; 92235

(6) A statement that the information used or disclosed 92236
pursuant to the authorization may be disclosed by the recipient of 92237
the information and may no longer be protected from disclosure; 92238

(7) The signature of the individual or the individual's 92239
authorized representative and the date on which the authorization 92240
was signed; 92241

(8) If signed by an authorized representative, a description 92242
of the representative's authority to act for the individual; 92243

(9) A statement of the individual or authorized 92244
representative's right to prospectively revoke the written 92245
authorization in writing, along with one of the following: 92246

(a) A description of how the individual or authorized representative may revoke the authorization; 92247
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(b) If the department of job and family services' privacy notice contains a description of how the individual or authorized representative may revoke the authorization, a reference to that privacy notice. 92249
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(10) A statement that treatment, payment, enrollment, or eligibility for public assistance ~~or medical assistance~~ cannot be conditioned on signing the authorization unless the authorization is necessary for determining eligibility for the public assistance ~~or medical assistance~~ program. 92253
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~~(B) An authorization for the release of information regarding a medical assistance recipient to the recipient's attorney under division (C)(3) of section 5101.271 of the Revised Code may include a provision specifically authorizing the release of the recipient's electronic health records, if any, in accordance with rules the director of job and family services adopts under section 5101.30 of the Revised Code.~~ 92258
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~~(C)~~ When an individual requests information pursuant to section 5101.27 ~~or 5101.271~~ of the Revised Code regarding the individual's receipt of public assistance ~~or medical assistance~~ and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for purposes of division (A)(4) of this section. 92265
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Sec. 5101.273. The department of job and family services shall enter into any necessary agreements with the United States department of health and human services and neighboring states to join and participate as an active member in the public assistance reporting information system. The department may disclose information regarding a public assistance recipient ~~or medical assistance recipient~~ to the extent necessary to participate as an 92271
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active member in the public assistance reporting information 92278
system. 92279

Sec. 5101.30. (A) The director of job and family services 92280
shall adopt rules in accordance with Chapter 119. of the Revised 92281
Code implementing sections 5101.26 to 5101.30 of the Revised Code 92282
and governing the custody, use, disclosure, and preservation of 92283
the information generated or received by the department of job and 92284
family services, county agencies, other state and county entities, 92285
contractors, grantees, private entities, or officials 92286
participating in the administration of public assistance ~~or~~ 92287
~~medical assistance~~ programs. The rules shall comply with 92288
applicable federal statutes and regulations. 92289

(1) The rules shall specify conditions and procedures for the 92290
release of information which may include, among other conditions 92291
and procedures, both of the following: 92292

(a) Permitting providers of services or assistance under 92293
public assistance programs limited access to information that is 92294
essential for the providers to render services or assistance or to 92295
bill for services or assistance rendered. The department of aging, 92296
when investigating a complaint under section 173.20 of the Revised 92297
Code, shall be granted any limited access permitted in the rules 92298
pursuant to division (A)(1) of this section. 92299

(b) Permitting a contractor, grantee, or other state or 92300
county entity limited access to information that is essential for 92301
the contractor, grantee, or entity to perform administrative or 92302
other duties on behalf of the department or county agency. A 92303
contractor, grantee, or entity given access to information 92304
pursuant to division (A)(2) of this section is bound by the 92305
director's rules, and disclosure of the information by the 92306
contractor, grantee, or entity in a manner not authorized by the 92307
rules is a violation of section 5101.27 of the Revised Code. 92308

(2) The rules may define who is an "authorized representative" for purposes of sections 5101.27, ~~5101.271~~, and 5101.272 of the Revised Code.

(B) Whenever names, addresses, or other information relating to public assistance recipients is held by any agency other than the department or a county agency, that other agency shall adopt rules consistent with sections 5101.26 to 5101.30 of the Revised Code to prevent the publication or disclosure of names, lists, or other information concerning those recipients.

Sec. 5101.34. (A) There is hereby created in the department of job and family services the Ohio commission on fatherhood. The commission shall consist of the following members:

(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. Two of the members must be from legislative districts that include a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(b) Two members of the senate appointed by the president of the senate, each from a different political party. One of the members must be from a legislative district that includes a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(2) The governor, or the governor's designee;

(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court;

(4) The directors of health, job and family services, rehabilitation and correction, ~~alcohol and drug addiction services~~ mental health and addiction services, and youth services and the

superintendent of public instruction, or their designees; 92339

(5) One representative of the Ohio family and children first 92340
cabinet council created under section 121.37 of the Revised Code 92341
appointed by the chairperson of the council; 92342

(6) Five representatives of the general public appointed by 92343
the governor. These members shall have extensive experience in 92344
issues related to fatherhood. 92345

(B) The appointing authorities of the Ohio commission on 92346
fatherhood shall make initial appointments to the commission 92347
within thirty days after September 29, 1999. Of the initial 92348
appointments to the commission made pursuant to divisions (A)(3), 92349
(5), and (6) of this section, three of the members shall serve a 92350
term of one year and four shall serve a term of two years. Members 92351
so appointed subsequently shall serve two-year terms. A member 92352
appointed pursuant to division (A)(1) of this section shall serve 92353
on the commission until the end of the general assembly from which 92354
the member was appointed or until the member ceases to serve in 92355
the chamber of the general assembly in which the member serves at 92356
the time of appointment, whichever occurs first. The governor or 92357
the governor's designee shall serve on the commission until the 92358
governor ceases to be governor. The directors and superintendent 92359
or their designees shall serve on the commission until they cease, 92360
or the director or superintendent a designee represents ceases, to 92361
be director or superintendent. Each member shall serve on the 92362
commission from the date of appointment until the end of the term 92363
for which the member was appointed. Members may be reappointed. 92364

Vacancies shall be filled in the manner provided for original 92365
appointments. Any member appointed to fill a vacancy occurring 92366
prior to the expiration date of the term for which the member's 92367
predecessor was appointed shall serve on the commission for the 92368
remainder of that term. A member shall continue to serve on the 92369
commission subsequent to the expiration date of the member's term 92370

until the member's successor is appointed or until a period of 92371
sixty days has elapsed, whichever occurs first. Members shall 92372
serve without compensation but shall be reimbursed for necessary 92373
expenses. 92374

Sec. 5101.35. (A) As used in this section: 92375

(1)(a) "Agency" means the following entities that administer 92376
a family services program: 92377

~~(a)~~(i) The department of job and family services; 92378

~~(b)~~(ii) A county department of job and family services; 92379

~~(c)~~(iii) A public children services agency; 92380

~~(d)~~(iv) A private or government entity administering, in 92381
whole or in part, a family services program for or on behalf of 92382
the department of job and family services or a county department 92383
of job and family services or public children services agency. 92384

(b) If the department of medicaid contracts with the 92385
department of job and family services to hear appeals authorized 92386
by section 5160.31 of the Revised Code regarding medical 92387
assistance programs, "agency" includes the department of medicaid. 92388

(2) "Appellant" means an applicant, participant, former 92389
participant, recipient, or former recipient of a family services 92390
program who is entitled by federal or state law to a hearing 92391
regarding a decision or order of the agency that administers the 92392
program. 92393

(3)(a) "Family services program" means ~~assistance provided 92394
under a~~ all of the following: 92395

(i) A Title IV-A program as defined in section 5101.80 of the 92396
Revised Code ~~or;~~ 92397

(ii) Programs that provide assistance under Chapter 5104.7 92398
5111.7 or 5115. ~~or~~ of the Revised Code; 92399

(iii) Programs that provide assistance under section 5119.69, 92400
5101.141, ~~5101.46,~~ 5101.461, 5101.54, 5119.41, 5153.163, or 92401
5153.165 of the Revised Code~~;~~i 92402

(iv) Title XX social services provided under section 5101.46 92403
of the Revised Code, other than assistance such services provided 92404
under section 5101.46 of the Revised Code by the department of 92405
~~mental health~~ mental health and addiction services, the department 92406
of developmental disabilities, a board of alcohol, drug addiction, 92407
and mental health services, or a county board of developmental 92408
disabilities. 92409

(b) If the department of medicaid contracts with the 92410
department of job and family services to hear appeals authorized 92411
by section 5160.31 of the Revised Code regarding medical 92412
assistance programs, "family services program" includes medical 92413
assistance programs. 92414

(4) "Medical assistance program" has the same meaning as in 92415
section 5160.01 of the Revised Code. 92416

(B) Except as provided by divisions (G) and (H) of this 92417
section, an appellant who appeals under federal or state law a 92418
decision or order of an agency administering a family services 92419
program shall, at the appellant's request, be granted a state 92420
hearing by the department of job and family services. This state 92421
hearing shall be conducted in accordance with rules adopted under 92422
this section. The state hearing shall be recorded, but neither the 92423
recording nor a transcript of the recording shall be part of the 92424
official record of the proceeding. ~~A~~ Except as provided in section 92425
5160.31 of the Revised Code, a state hearing decision is binding 92426
upon the agency and department, unless it is reversed or modified 92427
on appeal to the director of job and family services or a court of 92428
common pleas. 92429

(C) Except as provided by division (G) of this section, an 92430

appellant who disagrees with a state hearing decision may make an 92431
administrative appeal to the director of job and family services 92432
in accordance with rules adopted under this section. This 92433
administrative appeal does not require a hearing, but the director 92434
or the director's designee shall review the state hearing decision 92435
and previous administrative action and may affirm, modify, remand, 92436
or reverse the state hearing decision. An administrative appeal 92437
decision is the final decision of the department and, except as 92438
provided in section 5160.31 of the Revised Code, is binding upon 92439
the department and agency, unless it is reversed or modified on 92440
appeal to the court of common pleas. 92441

(D) An agency shall comply with a decision issued pursuant to 92442
division (B) or (C) of this section within the time limits 92443
established by rules adopted under this section. If a county 92444
department of job and family services or a public children 92445
services agency fails to comply within these time limits, the 92446
department may take action pursuant to section 5101.24 of the 92447
Revised Code. If another agency, other than the department of 92448
medicaid, fails to comply within the time limits, the department 92449
may force compliance by withholding funds due the agency or 92450
imposing another sanction established by rules adopted under this 92451
section. 92452

(E) An appellant who disagrees with an administrative appeal 92453
decision of the director of job and family services or the 92454
director's designee issued under division (C) of this section may 92455
appeal from the decision to the court of common pleas pursuant to 92456
section 119.12 of the Revised Code. The appeal shall be governed 92457
by section 119.12 of the Revised Code except that: 92458

(1) The person may appeal to the court of common pleas of the 92459
county in which the person resides, or to the court of common 92460
pleas of Franklin county if the person does not reside in this 92461
state. 92462

(2) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal.

(3) The appellant shall mail the notice of appeal to the department of job and family services and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court.

(4) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued.

(F) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following:

(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family services to request a county conference with the county department before the state hearing is held.

(2) Administrative appeals under division (C) of this section;

(3) Time limits for complying with a decision issued under division (B) or (C) of this section;	92494 92495
(4) Sanctions that may be applied against an agency under division (D) of this section.	92496 92497
(G) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing an appeals process for an appellant who appeals a decision or order regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), or (f) , <u>or (g)</u> of section 5101.80 of the Revised Code that is different from the appeals process established by this section. The different appeals process may include having a state agency that administers the Title IV-A program pursuant to an interagency agreement entered into under section 5101.801 of the Revised Code administer the appeals process.	92498 92499 92500 92501 92502 92503 92504 92505 92506 92507 92508
(H) If an appellant receiving medicaid through a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code is appealing a denial of medicaid services based on lack of medical necessity or other clinical issues regarding coverage by the health insuring corporation, the person hearing the appeal may order an independent medical review if that person determines that a review is necessary. The review shall be performed by a health care professional with appropriate clinical expertise in treating the recipient's condition or disease. The department shall pay the costs associated with the review.	92509 92510 92511 92512 92513 92514 92515 92516 92517 92518 92519
A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary consideration by the person hearing the appeal.	92520 92521 92522
(I) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this	92523 92524

section only to the extent, if any, specifically provided by rules 92525
adopted under this section. 92526

Sec. 5101.36. Any application for public assistance gives a 92527
right of subrogation to the department of job and family services 92528
for any workers' compensation benefits payable to a person who is 92529
subject to a support order, as defined in section 3119.01 of the 92530
Revised Code, on behalf of the applicant, to the extent of any 92531
public assistance payments made on the applicant's behalf. If the 92532
director of job and family services, in consultation with a child 92533
support enforcement agency and the administrator of the bureau of 92534
workers' compensation, determines that a person responsible for 92535
support payments to a recipient of public assistance is receiving 92536
workers' compensation, the director shall notify the administrator 92537
of the amount of the benefit to be paid to the department of job 92538
and family services. 92539

For purposes of this section, "public assistance" means 92540
~~medical assistance provided through the medical assistance program~~ 92541
~~established under section 5111.01 of the Revised Code;~~ Ohio works 92542
first provided under Chapter 5107. of the Revised Code; 92543
prevention, retention, and contingency benefits and services 92544
provided under Chapter 5108. of the Revised Code; or disability 92545
financial assistance provided under Chapter 5115. of the Revised 92546
Code. 92547

Sec. 5101.46. (A) As used in this section: 92548

(1) "Title XX" means Title XX of the "Social Security Act," 92549
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 92550

(2) "Respective local agency" means, with respect to the 92551
department of job and family services, a county department of job 92552
and family services; with respect to the department of ~~mental~~ 92553
~~health~~ mental health and addiction services, a board of alcohol, 92554

drug addiction, and mental health services; and with respect to 92555
the department of developmental disabilities, a county board of 92556
developmental disabilities. 92557

(3) "Federal poverty guidelines" means the poverty guidelines 92558
as revised annually by the United States department of health and 92559
human services in accordance with section 673(2) of the "Omnibus 92560
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 92561
9902, as amended, for a family size equal to the size of the 92562
family of the person whose income is being determined. 92563

(B) The departments of job and family services, mental 92564
health, and developmental disabilities, with their respective 92565
local agencies, shall administer the provision of social services 92566
funded through grants made under Title XX. The social services 92567
furnished with Title XX funds shall be directed at the following 92568
goals: 92569

(1) Achieving or maintaining economic self-support to 92570
prevent, reduce, or eliminate dependency; 92571

(2) Achieving or maintaining self-sufficiency, including 92572
reduction or prevention of dependency; 92573

(3) Preventing or remedying neglect, abuse, or exploitation 92574
of children and adults unable to protect their own interests, or 92575
preserving, rehabilitating, or reuniting families; 92576

(4) Preventing or reducing inappropriate institutional care 92577
by providing for community-based care, home-based care, or other 92578
forms of less intensive care; 92579

(5) Securing referral or admission for institutional care 92580
when other forms of care are not appropriate, or providing 92581
services to individuals in institutions. 92582

(C)(1) All federal funds received under Title XX shall be 92583
appropriated as follows: 92584

- (a) Seventy-two and one-half per cent to the department of job and family services; 92585
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- (b) Twelve and ninety-three one-hundredths per cent to the department of ~~mental health~~ mental health and addiction services; 92587
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- (c) Fourteen and fifty-seven one-hundredths per cent to the department of developmental disabilities. 92589
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- (2) Each of the state departments shall, subject to the approval of the controlling board, develop a formula for the distribution of the Title XX funds appropriated to the department to its respective local agencies. The formula developed by each state department shall take into account all of the following for each of its respective local agencies: 92591
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- (a) The total population of the area that is served by the respective local agency; 92597
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- (b) The percentage of the population in the area served that falls below the federal poverty guidelines; 92599
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- (c) The respective local agency's history of and ability to utilize Title XX funds. 92601
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- (3) Each of the state departments shall expend for state administrative costs not more than three per cent of the Title XX funds appropriated to the department. 92603
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- Each state department shall establish for each of its respective local agencies the maximum percentage of the Title XX funds distributed to the respective local agency that the respective local agency may expend for local administrative costs. The percentage shall be established by rule and shall comply with federal law governing the use of Title XX funds. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. 92606
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- (4) The department of job and family services shall expend 92614

for the training of the following not more than two per cent of 92615
the Title XX funds appropriated to the department: 92616

(a) Employees of county departments of job and family 92617
services; 92618

(b) Providers of services under contract with the state 92619
departments' respective local agencies; 92620

(c) Employees of a public children services agency directly 92621
engaged in providing Title XX services. 92622

(5) Title XX funds distributed for the purpose of providing 92623
family planning services shall be distributed by the respective 92624
local agencies according to the same order of priority that 92625
applies to the department of job and family services under section 92626
5101.101 of the Revised Code. 92627

(D) The department of job and family services shall prepare 92628
an annual comprehensive Title XX social services plan on the 92629
intended use of Title XX funds. The department shall develop a 92630
method for obtaining public comment during the development of the 92631
plan and following its completion. 92632

For each federal fiscal year, the department of job and 92633
family services shall prepare a report on the actual use of Title 92634
XX funds. The department shall make the annual report available 92635
for public inspection. 92636

The departments of ~~mental health~~ mental health and addiction 92637
services and developmental disabilities shall prepare and submit 92638
to the department of job and family services the portions of each 92639
annual plan and report that apply to services for mental health 92640
and mental retardation and developmental disabilities. Each 92641
respective local agency of the three state departments shall 92642
submit information as necessary for the preparation of annual 92643
plans and reports. 92644

(E) Each county department of job and family services shall 92645
adopt a county profile for the administration and provision of 92646
Title XX social services in the county. In developing its county 92647
profile, the county department shall take into consideration the 92648
comments and recommendations received from the public by the 92649
county family services planning committee pursuant to section 92650
329.06 of the Revised Code. As part of its preparation of the 92651
county profile, the county department may prepare a local needs 92652
report analyzing the need for Title XX social services. 92653

The county department shall submit the county profile to the 92654
board of county commissioners for its review. Once the county 92655
profile has been approved by the board, the county department 92656
shall file a copy of the county profile with the department of job 92657
and family services. The department shall approve the county 92658
profile if the department determines the profile provides for the 92659
Title XX social services to meet the goals specified in division 92660
(B) of this section. 92661

(F) Any of the three state departments and their respective 92662
local agencies may require that an entity under contract to 92663
provide social services with Title XX funds submit to an audit on 92664
the basis of alleged misuse or improper accounting of funds. If an 92665
audit is required, the social services provider shall reimburse 92666
the state department or respective local agency for the cost it 92667
incurred in conducting the audit or having the audit conducted. 92668

If an audit demonstrates that a social services provider is 92669
responsible for one or more adverse findings, the provider shall 92670
reimburse the appropriate state department or its respective local 92671
agency the amount of the adverse findings. The amount shall not be 92672
reimbursed with Title XX funds received under this section. The 92673
three state departments and their respective local agencies may 92674
terminate or refuse to enter into a Title XX contract with a 92675
social services provider if there are adverse findings in an audit 92676

that are the responsibility of the provider. 92677

(G) Except with respect to the matters for which each of the 92678
state departments must adopt rules under division (C)(3) of this 92679
section, the department of job and family services may adopt any 92680
rules it considers necessary to implement and carry out the 92681
purposes of this section. Rules governing financial and 92682
operational matters of the department or matters between the 92683
department and county departments of job and family services shall 92684
be adopted as internal management rules in accordance with section 92685
111.15 of the Revised Code. Rules governing eligibility for 92686
services, program participation, and other matters pertaining to 92687
applicants and participants shall be adopted in accordance with 92688
Chapter 119. of the Revised Code. 92689

Sec. 5101.461. (A) As used in this section: 92690

(1) "Title IV-A" means Title IV-A of the "Social Security 92691
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 92692

(2) "Title XX" has the same meaning as in section 5101.46 of 92693
the Revised Code. 92694

(B) To the extent authorized by federal law, the department 92695
of job and family services may use funds received through the 92696
Title IV-A temporary assistance for needy families block grant for 92697
purposes of providing Title XX social services. The amount used 92698
under this section shall not exceed the maximum amount permitted 92699
by federal law. The funds and provision of Title XX social 92700
services with the funds are not subject to section 5101.46 of the 92701
Revised Code. 92702

Funds distributed under this section for the purpose of 92703
providing family planning services shall be distributed by a 92704
county department of job and family services according to the same 92705
order of priority that applies to the department of job and family 92706

services under section 5101.101 of the Revised Code. 92707

(C) The department and any county department of job and 92708
family services may require an entity under contract to provide 92709
Title XX social services with funds used under this section to 92710
submit to an audit on the basis of alleged misuse or improper 92711
accounting of funds. If an audit is required, the social services 92712
provider shall reimburse the state department or county department 92713
for the cost it incurred in conducting the audit or having the 92714
audit conducted. 92715

If an audit demonstrates that a social services provider is 92716
responsible for one or more adverse findings, the provider shall 92717
reimburse the state department or county department the amount of 92718
the adverse findings. The amount shall not be reimbursed with 92719
funds received under this section. The state department and county 92720
departments may terminate or refuse to enter into a contract with 92721
a social services provider to provide services with funds 92722
available pursuant to this section if there are adverse findings 92723
in an audit that are the responsibility of the provider. 92724

(D) The state department of job and family services may adopt 92725
rules to implement and carry out the purposes of this section. 92726
Rules governing financial and operational matters of the 92727
department or matters between the department and county 92728
departments of job and family services shall be adopted as 92729
internal management rules in accordance with section 111.15 of the 92730
Revised Code. Rules governing eligibility for services, program 92731
participation, and other matters pertaining to applicants and 92732
participants shall be adopted in accordance with Chapter 119. of 92733
the Revised Code. 92734

Sec. 5101.47. (A) Except as provided in divisions (B) and (C) 92735
of this section, the department of job and family services may 92736
accept applications, determine eligibility, redetermine 92737

eligibility, and perform related administrative activities for one 92738
or more of the following: 92739

~~(1) The medicaid program established by Chapter 5111. of the 92740
Revised Code;~~ 92741

~~(2) The children's health insurance program parts I, II, and 92742
III provided for under sections 5101.50 to 5101.529 of the Revised 92743
Code;~~ 92744

~~(3) Publicly funded child care provided under Chapter 5104. 92745
of the Revised Code;~~ 92746

~~(4)(2) The supplemental nutrition assistance program 92747
administered by the department pursuant to section 5101.54 of the 92748
Revised Code;~~ 92749

~~(5)(3) Other programs administered by the department that the 92750
director of job and family services determines are supportive of 92751
children, adults, or families;~~ 92752

~~(6)(4) Other programs administered by the department 92753
regarding which the director determines administrative cost 92754
savings and efficiency may be achieved through the department 92755
accepting applications, determining eligibility, redetermining 92756
eligibility, or performing related administrative activities. 92757~~

~~(B) To the extent permitted by federal law, the department 92758
may enter into agreements with one or more other state agencies, 92759
local government entities, or political subdivisions to accept 92760
applications, determine eligibility, redetermine eligibility, and 92761
perform related administrative activities on behalf of the 92762
department with respect to the medicaid program and the children's 92763
health insurance program.~~ 92764

~~(C) If federal law requires a face-to-face interview to 92765
complete an eligibility determination for a program specified in 92766
or pursuant to division (A) of this section, the face-to-face 92767~~

interview shall not be conducted by the department of job and family services. 92768
92769

~~(D)~~(C) Subject to division ~~(C)~~(B) of this section, if the 92770
department elects to accept applications, determine eligibility, 92771
redetermine eligibility, and perform related administrative 92772
activities for a program specified in or pursuant to division (A) 92773
of this section, both of the following apply: 92774

(1) An individual seeking services under the program may 92775
apply for the program to the department or to the entity that 92776
state law governing the program authorizes to accept applications 92777
for the program. 92778

(2) The department is subject to federal statutes and 92779
regulations and state statutes and rules that require, permit, or 92780
prohibit an action regarding accepting applications, determining 92781
or redetermining eligibility, and performing related 92782
administrative activities for the program. 92783

~~(E)~~(D) The director may adopt rules as necessary to implement 92784
this section. 92785

Sec. 5101.49. The department of job and family services shall 92786
administer funds received under the "Refugee Act of 1980," 94 92787
Stat. 102, 8 U.S.C.A. 1521, as amended. In administering the 92788
funds, the department may establish a refugee cash assistance 92789
program and a state legalization impact assistance program. The 92790
director of job and family services may adopt rules in accordance 92791
with section 111.15 of the Revised Code and issue appropriate 92792
orders as necessary for administration of these funds and 92793
programs. 92794

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the 92795
Revised Code: 92796

(A) "Abuse" means the infliction upon an adult by self or 92797

others of injury, unreasonable confinement, intimidation, or cruel 92798
punishment with resulting physical harm, pain, or mental anguish. 92799

(B) "Adult" means any person sixty years of age or older 92800
within this state who is handicapped by the infirmities of aging 92801
or who has a physical or mental impairment which prevents the 92802
person from providing for the person's own care or protection, and 92803
who resides in an independent living arrangement. An "independent 92804
living arrangement" is a domicile of a person's own choosing, 92805
including, but not limited to, a private home, apartment, trailer, 92806
or rooming house. An "independent living arrangement" includes a 92807
residential facility licensed under section ~~5119.22~~ 5119.34 of the 92808
Revised Code that provides accommodations, supervision, and 92809
personal care services for three to sixteen unrelated adults, but 92810
does not include other institutions or facilities licensed by the 92811
state or facilities in which a person resides as a result of 92812
voluntary, civil, or criminal commitment. 92813

(C) "Caretaker" means the person assuming the responsibility 92814
for the care of an adult on a voluntary basis, by contract, 92815
through receipt of payment for care, as a result of a family 92816
relationship, or by order of a court of competent jurisdiction. 92817

(D) "Court" means the probate court in the county where an 92818
adult resides. 92819

(E) "Emergency" means that the adult is living in conditions 92820
which present a substantial risk of immediate and irreparable 92821
physical harm or death to self or any other person. 92822

(F) "Emergency services" means protective services furnished 92823
to an adult in an emergency. 92824

(G) "Exploitation" means the unlawful or improper act of a 92825
caretaker using an adult or an adult's resources for monetary or 92826
personal benefit, profit, or gain. 92827

(H) "In need of protective services" means an adult known or 92828

suspected to be suffering from abuse, neglect, or exploitation to 92829
an extent that either life is endangered or physical harm, mental 92830
anguish, or mental illness results or is likely to result. 92831

(I) "Incapacitated person" means a person who is impaired for 92832
any reason to the extent that the person lacks sufficient 92833
understanding or capacity to make and carry out reasonable 92834
decisions concerning the person's self or resources, with or 92835
without the assistance of a caretaker. Refusal to consent to the 92836
provision of services shall not be the sole determinative that the 92837
person is incapacitated. "Reasonable decisions" are decisions made 92838
in daily living which facilitate the provision of food, shelter, 92839
clothing, and health care necessary for life support. 92840

(J) "Mental illness" means a substantial disorder of thought, 92841
mood, perception, orientation, or memory that grossly impairs 92842
judgment, behavior, capacity to recognize reality, or ability to 92843
meet the ordinary demands of life. 92844

(K) "Neglect" means the failure of an adult to provide for 92845
self the goods or services necessary to avoid physical harm, 92846
mental anguish, or mental illness or the failure of a caretaker to 92847
provide such goods or services. 92848

(L) "Peace officer" means a peace officer as defined in 92849
section 2935.01 of the Revised Code. 92850

(M) "Physical harm" means bodily pain, injury, impairment, or 92851
disease suffered by an adult. 92852

(N) "Protective services" means services provided by the 92853
county department of job and family services or its designated 92854
agency to an adult who has been determined by evaluation to 92855
require such services for the prevention, correction, or 92856
discontinuance of an act of as well as conditions resulting from 92857
abuse, neglect, or exploitation. Protective services may include, 92858
but are not limited to, case work services, medical care, mental 92859

health services, legal services, fiscal management, home health 92860
care, homemaker services, housing-related services, guardianship 92861
services, and placement services as well as the provision of such 92862
commodities as food, clothing, and shelter. 92863

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 92864
and Friday, except when such day is a holiday as defined in 92865
section 1.14 of the Revised Code. 92866

Sec. 5101.61. (A) As used in this section: 92867

(1) "Senior service provider" means any person who provides 92868
care or services to a person who is an adult as defined in 92869
division (B) of section 5101.60 of the Revised Code. 92870

(2) "Ambulatory health facility" means a nonprofit, public or 92871
proprietary freestanding organization or a unit of such an agency 92872
or organization that: 92873

(a) Provides preventive, diagnostic, therapeutic, 92874
rehabilitative, or palliative items or services furnished to an 92875
outpatient or ambulatory patient, by or under the direction of a 92876
physician or dentist in a facility which is not a part of a 92877
hospital, but which is organized and operated to provide medical 92878
care to outpatients; 92879

(b) Has health and medical care policies which are developed 92880
with the advice of, and with the provision of review of such 92881
policies, an advisory committee of professional personnel, 92882
including one or more physicians, one or more dentists, if dental 92883
care is provided, and one or more registered nurses; 92884

(c) Has a medical director, a dental director, if dental care 92885
is provided, and a nursing director responsible for the execution 92886
of such policies, and has physicians, dentists, nursing, and 92887
ancillary staff appropriate to the scope of services provided; 92888

(d) Requires that the health care and medical care of every 92889

patient be under the supervision of a physician, provides for 92890
medical care in a case of emergency, has in effect a written 92891
agreement with one or more hospitals and other centers or clinics, 92892
and has an established patient referral system to other resources, 92893
and a utilization review plan and program; 92894

(e) Maintains clinical records on all patients; 92895

(f) Provides nursing services and other therapeutic services 92896
in accordance with programs and policies, with such services 92897
supervised by a registered professional nurse, and has a 92898
registered professional nurse on duty at all times of clinical 92899
operations; 92900

(g) Provides approved methods and procedures for the 92901
dispensing and administration of drugs and biologicals; 92902

(h) Has established an accounting and record keeping system 92903
to determine reasonable and allowable costs; 92904

(i) "Ambulatory health facilities" also includes an 92905
alcoholism treatment facility approved by the joint commission on 92906
accreditation of healthcare organizations as an alcoholism 92907
treatment facility or certified by the department of ~~alcohol and~~ 92908
~~drug addiction services~~ mental health and addiction services, and 92909
such facility shall comply with other provisions of this division 92910
not inconsistent with such accreditation or certification. 92911

(3) "Community mental health facility" means a facility which 92912
provides community mental health services and is included in the 92913
comprehensive mental health plan for the alcohol, drug addiction, 92914
and mental health service district in which it is located. 92915

(4) "Community mental health service" means services, other 92916
than inpatient services, provided by a community mental health 92917
facility. 92918

(5) "Home health agency" means an institution or a distinct 92919

part of an institution operated in this state which: 92920

(a) Is primarily engaged in providing home health services; 92921

(b) Has home health policies which are established by a group 92922
of professional personnel, including one or more duly licensed 92923
doctors of medicine or osteopathy and one or more registered 92924
professional nurses, to govern the home health services it 92925
provides and which includes a requirement that every patient must 92926
be under the care of a duly licensed doctor of medicine or 92927
osteopathy; 92928

(c) Is under the supervision of a duly licensed doctor of 92929
medicine or doctor of osteopathy or a registered professional 92930
nurse who is responsible for the execution of such home health 92931
policies; 92932

(d) Maintains comprehensive records on all patients; 92933

(e) Is operated by the state, a political subdivision, or an 92934
agency of either, or is operated not for profit in this state and 92935
is licensed or registered, if required, pursuant to law by the 92936
appropriate department of the state, county, or municipality in 92937
which it furnishes services; or is operated for profit in this 92938
state, meets all the requirements specified in divisions (A)(5)(a) 92939
to (d) of this section, and is certified under Title XVIII of the 92940
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 92941
amended. 92942

(6) "Home health service" means the following items and 92943
services, provided, except as provided in division (A)(6)(g) of 92944
this section, on a visiting basis in a place of residence used as 92945
the patient's home: 92946

(a) Nursing care provided by or under the supervision of a 92947
registered professional nurse; 92948

(b) Physical, occupational, or speech therapy ordered by the 92949

patient's attending physician;	92950
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	92951 92952 92953
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	92954 92955 92956
(e) Medical supplies and the use of medical appliances;	92957
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	92958 92959 92960 92961
(g) Any of the foregoing items and services which:	92962
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	92963 92964 92965
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	92966 92967 92968 92969 92970
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.22 <u>5119.34</u> of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, any employee of a nursing home, residential care	92971 92972 92973 92974 92975 92976 92977 92978 92979

facility, or home for the aging, as defined in section 3721.01 of 92980
the Revised Code, any senior service provider, any peace officer, 92981
coroner, member of the clergy, any employee of a community mental 92982
health facility, and any person engaged in social work or 92983
counseling having reasonable cause to believe that an adult is 92984
being abused, neglected, or exploited, or is in a condition which 92985
is the result of abuse, neglect, or exploitation shall immediately 92986
report such belief to the county department of job and family 92987
services. This section does not apply to employees of any hospital 92988
or public hospital as defined in section 5122.01 of the Revised 92989
Code. 92990

(B) Any person having reasonable cause to believe that an 92991
adult has suffered abuse, neglect, or exploitation may report, or 92992
cause reports to be made of such belief to the department. 92993

(C) The reports made under this section shall be made orally 92994
or in writing except that oral reports shall be followed by a 92995
written report if a written report is requested by the department. 92996
Written reports shall include: 92997

(1) The name, address, and approximate age of the adult who 92998
is the subject of the report; 92999

(2) The name and address of the individual responsible for 93000
the adult's care, if any individual is, and if the individual is 93001
known; 93002

(3) The nature and extent of the alleged abuse, neglect, or 93003
exploitation of the adult; 93004

(4) The basis of the reporter's belief that the adult has 93005
been abused, neglected, or exploited. 93006

(D) Any person with reasonable cause to believe that an adult 93007
is suffering abuse, neglect, or exploitation who makes a report 93008
pursuant to this section or who testifies in any administrative or 93009
judicial proceeding arising from such a report, or any employee of 93010

the state or any of its subdivisions who is discharging 93011
responsibilities under section 5101.62 of the Revised Code shall 93012
be immune from civil or criminal liability on account of such 93013
investigation, report, or testimony, except liability for perjury, 93014
unless the person has acted in bad faith or with malicious 93015
purpose. 93016

(E) No employer or any other person with the authority to do 93017
so shall discharge, demote, transfer, prepare a negative work 93018
performance evaluation, or reduce benefits, pay, or work 93019
privileges, or take any other action detrimental to an employee or 93020
in any way retaliate against an employee as a result of the 93021
employee's having filed a report under this section. 93022

(F) Neither the written or oral report provided for in this 93023
section nor the investigatory report provided for in section 93024
5101.62 of the Revised Code shall be considered a public record as 93025
defined in section 149.43 of the Revised Code. Information 93026
contained in the report shall upon request be made available to 93027
the adult who is the subject of the report, to agencies authorized 93028
by the department to receive information contained in the report, 93029
and to legal counsel for the adult. 93030

Sec. 5101.80. (A) As used in this section and in section 93031
5101.801 of the Revised Code: 93032

(1) "County family services agency" has the same meaning as 93033
in section 307.981 of the Revised Code. 93034

(2) "State agency" has the same meaning as in section 9.82 of 93035
the Revised Code. 93036

(3) "Title IV-A administrative agency" means both of the 93037
following: 93038

(a) A county family services agency or state agency 93039
administering a Title IV-A program under the supervision of the 93040

department of job and family services; 93041

(b) A government agency or private, not-for-profit entity 93042
administering a project funded in whole or in part with funds 93043
provided under the Title IV-A demonstration program created under 93044
section 5101.803 of the Revised Code. 93045

(4) "Title IV-A program" means all of the following that are 93046
funded in part with funds provided under the temporary assistance 93047
for needy families block grant established by Title IV-A of the 93048
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 93049
amended: 93050

(a) The Ohio works first program established under Chapter 93051
5107. of the Revised Code; 93052

(b) The prevention, retention, and contingency program 93053
established under Chapter 5108. of the Revised Code; 93054

(c) A program established by the general assembly or an 93055
executive order issued by the governor that is administered or 93056
supervised by the department of job and family services pursuant 93057
to section 5101.801 of the Revised Code; 93058

(d) The kinship permanency incentive program created under 93059
section 5101.802 of the Revised Code; 93060

(e) The Title IV-A demonstration program created under 93061
section 5101.803 of the Revised Code; 93062

(f) The Ohio parenting and pregnancy program created under 93063
section 5101.804 of the Revised Code; 93064

(g) A component of a Title IV-A program identified under 93065
divisions (A)(4)(a) to ~~(e)~~(f) of this section that the Title IV-A 93066
state plan prepared under division (C)(1) of this section 93067
identifies as a component. 93068

(B) The department of job and family services shall act as 93069
the single state agency to administer and supervise the 93070

administration of Title IV-A programs. The Title IV-A state plan 93071
and amendments to the plan prepared under division (C) of this 93072
section are binding on Title IV-A administrative agencies. No 93073
Title IV-A administrative agency may establish, by rule or 93074
otherwise, a policy governing a Title IV-A program that is 93075
inconsistent with a Title IV-A program policy established, in rule 93076
or otherwise, by the director of job and family services. 93077

(C) The department of job and family services shall do all of 93078
the following: 93079

(1) Prepare and submit to the United States secretary of 93080
health and human services a Title IV-A state plan for Title IV-A 93081
programs; 93082

(2) Prepare and submit to the United States secretary of 93083
health and human services amendments to the Title IV-A state plan 93084
that the department determines necessary, including amendments 93085
necessary to implement Title IV-A programs identified in divisions 93086
(A)(4)(c) to ~~(f)~~(g) of this section; 93087

(3) Prescribe forms for applications, certificates, reports, 93088
records, and accounts of Title IV-A administrative agencies, and 93089
other matters related to Title IV-A programs; 93090

(4) Make such reports, in such form and containing such 93091
information as the department may find necessary to assure the 93092
correctness and verification of such reports, regarding Title IV-A 93093
programs; 93094

(5) Require reports and information from each Title IV-A 93095
administrative agency as may be necessary or advisable regarding a 93096
Title IV-A program; 93097

(6) Afford a fair hearing in accordance with section 5101.35 93098
of the Revised Code to any applicant for, or participant or former 93099
participant of, a Title IV-A program aggrieved by a decision 93100
regarding the program; 93101

(7) Administer and expend, pursuant to Chapters 5104., 5107., 93102
and 5108. of the Revised Code and sections 5101.801, 5101.802, ~~and~~ 93103
5101.803, and 5101.804 of the Revised Code, any sums appropriated 93104
by the general assembly for the purpose of those chapters and 93105
sections and all sums paid to the state by the secretary of the 93106
treasury of the United States as authorized by Title IV-A of the 93107
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 93108
amended; 93109

(8) Conduct investigations and audits as are necessary 93110
regarding Title IV-A programs; 93111

(9) Enter into reciprocal agreements with other states 93112
relative to the provision of Ohio works first and prevention, 93113
retention, and contingency to residents and nonresidents; 93114

(10) Contract with a private entity to conduct an independent 93115
on-going evaluation of the Ohio works first program and the 93116
prevention, retention, and contingency program. The contract must 93117
require the private entity to do all of the following: 93118

(a) Examine issues of process, practice, impact, and 93119
outcomes; 93120

(b) Study former participants of Ohio works first who have 93121
not participated in Ohio works first for at least one year to 93122
determine whether they are employed, the type of employment in 93123
which they are engaged, the amount of compensation they are 93124
receiving, whether their employer provides health insurance, 93125
whether and how often they have received benefits or services 93126
under the prevention, retention, and contingency program, and 93127
whether they are successfully self sufficient; 93128

(c) Provide the department with reports at times the 93129
department specifies. 93130

(11) Not later than the last day of each January and July, 93131
prepare a report containing information on the following: 93132

(a) Individuals exhausting the time limits for participation 93133
in Ohio works first set forth in section 5107.18 of the Revised 93134
Code. 93135

(b) Individuals who have been exempted from the time limits 93136
set forth in section 5107.18 of the Revised Code and the reasons 93137
for the exemption. 93138

(D) The department shall provide copies of the reports it 93139
receives under division (C)(10) of this section and prepares under 93140
division (C)(11) of this section to the governor, the president 93141
and minority leader of the senate, and the speaker and minority 93142
leader of the house of representatives. The department shall 93143
provide copies of the reports to any private or government entity 93144
on request. 93145

(E) An authorized representative of the department or a 93146
county family services agency or state agency administering a 93147
Title IV-A program shall have access to all records and 93148
information bearing thereon for the purposes of investigations 93149
conducted pursuant to this section. An authorized representative 93150
of a government entity or private, not-for-profit entity 93151
administering a project funded in whole or in part with funds 93152
provided under the Title IV-A demonstration program shall have 93153
access to all records and information bearing on the project for 93154
the purpose of investigations conducted pursuant to this section. 93155

Sec. 5101.801. (A) Except as otherwise provided by the law 93156
enacted by the general assembly or executive order issued by the 93157
governor establishing the Title IV-A program, a Title IV-A program 93158
identified under division (A)(4)(c), (d), (e), ~~or (f)~~, or (g) of 93159
section 5101.80 of the Revised Code shall provide benefits and 93160
services that are not "assistance" as defined in 45 C.F.R. 93161
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 93162
excludes from the definition of assistance. 93163

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), ~~or~~ (f), or (g) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency for the state agency to administer the program under the department's supervision.

(2) The department may enter into an agreement with a government entity and, to the extent permitted by federal law, a private, not-for-profit entity for the entity to receive funding for a project under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.

(3) To the extent permitted by federal law, the department may enter into an agreement with a private, not-for-profit entity for the entity to receive funds under the Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code.

(C) The department may adopt rules governing Title IV-A programs identified under divisions (A)(4)(c), (d), (e), ~~and~~ (f), and (g) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of the department or between the department and county family services agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department enters into an agreement regarding a Title IV-A program identified under division (A)(4)(c), (e), ~~or~~

(f), or (g) of section 5101.80 of the Revised Code pursuant to 93195
division (B)(1)(b) or (2) of this section, the agreement shall 93196
include at least all of the following: 93197

(1) A requirement that the state agency or entity comply with 93198
the requirements for the program or project, including all of the 93199
following requirements established by federal statutes and 93200
regulations, state statutes and rules, the United States office of 93201
management and budget, and the Title IV-A state plan prepared 93202
under section 5101.80 of the Revised Code: 93203

(a) Eligibility; 93204

(b) Reports; 93205

(c) Benefits and services; 93206

(d) Use of funds; 93207

(e) Appeals for applicants for, and recipients and former 93208
recipients of, the benefits and services; 93209

(f) Audits. 93210

(2) A complete description of all of the following: 93211

(a) The benefits and services that the program or project is 93212
to provide; 93213

(b) The methods of program or project administration; 93214

(c) The appeals process under section 5101.35 of the Revised 93215
Code for applicants for, and recipients and former recipients of, 93216
the program or project's benefits and services; 93217

(d) Other requirements that the department requires be 93218
included. 93219

(3) Procedures for the department to approve a policy, 93220
established by rule or otherwise, that the state agency or entity 93221
establishes for the program or project before the policy is 93222
established; 93223

(4) Provisions regarding how the department is to reimburse	93224
the state agency or entity for allowable expenditures under the	93225
program or project that the department approves, including all of	93226
the following:	93227
(a) Limitations on administrative costs;	93228
(b) The department, at its discretion, doing either of the	93229
following:	93230
(i) Withholding no more than five per cent of the funds that	93231
the department would otherwise provide to the state agency or	93232
entity for the program or project;	93233
(ii) Charging the state agency or entity for the costs to the	93234
department of performing, or contracting for the performance of,	93235
audits and other administrative functions associated with the	93236
program or project.	93237
(5) If the state agency or entity arranges by contract,	93238
grant, or other agreement for another entity to perform a function	93239
the state agency or entity would otherwise perform regarding the	93240
program or project, the state agency or entity's responsibilities	93241
for both of the following:	93242
(a) Ensuring that the other entity complies with the	93243
agreement between the state agency or entity and department and	93244
federal statutes and regulations and state statutes and rules	93245
governing the use of funds for the program or project;	93246
(b) Auditing the other entity in accordance with requirements	93247
established by the United States office of management and budget.	93248
(6) The state agency or entity's responsibilities regarding	93249
the prompt payment, including any interest assessed, of any	93250
adverse audit finding, final disallowance of federal funds, or	93251
other sanction or penalty imposed by the federal government,	93252
auditor of state, department, a court, or other entity regarding	93253

funds for the program or project; 93254

(7) Provisions for the department to terminate the agreement 93255
or withhold reimbursement from the state agency or entity if 93256
either of the following occur: 93257

(a) The federal government disapproves the program or project 93258
or reduces federal funds for the program or project; 93259

(b) The state agency or entity fails to comply with the terms 93260
of the agreement. 93261

(8) Provisions for both of the following: 93262

(a) The department and state agency or entity determining the 93263
performance outcomes expected for the program or project; 93264

(b) An evaluation of the program or project to determine its 93265
success in achieving the performance outcomes determined under 93266
division (D)(8)(a) of this section. 93267

(E) To the extent consistent with the law enacted by the 93268
general assembly or executive order issued by the governor 93269
establishing the Title IV-A program and subject to the approval of 93270
the director of budget and management, the director of job and 93271
family services may terminate a Title IV-A program identified 93272
under division (A)(4)(c), (d), (e), ~~or~~ (f), or (g) of section 93273
5101.80 of the Revised Code or reduce funding for the program if 93274
the director of job and family services determines that federal or 93275
state funds are insufficient to fund the program. If the director 93276
of budget and management approves the termination or reduction in 93277
funding for such a program, the director of job and family 93278
services shall issue instructions for the termination or funding 93279
reduction. If a Title IV-A administrative agency is administering 93280
the program, the agency is bound by the termination or funding 93281
reduction and shall comply with the director's instructions. 93282

(F) The director of job and family services may adopt 93283

internal management rules in accordance with section 111.15 of the Revised Code as necessary to implement this section. The rules are binding on each Title IV-A administrative agency.

Sec. 5101.803. (A) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the Title IV-A demonstration program to provide funding for innovative and promising prevention and intervention projects that meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601 and are for individuals with specific and multiple barriers to achieving or maintaining self-sufficiency and personal responsibility. The department of job and family services may provide funding for such projects to government entities and, to the extent permitted by federal law, private, not-for-profit entities with which the department enters into agreements under division (B)(2) of section 5101.801 of the Revised Code.

In accordance with criteria the department develops, the department may solicit proposals ~~for~~ from entities seeking to enter into an agreement with the department under division (B)(2) of section 5101.801 of the Revised Code. The department may enter into such agreements with entities that do both of the following:

(1) Meet the proposals' criteria;

(2) If the entity's proposed project does not potentially affect persons in each county of the state, provides the department evidence that the entity has notified, in writing, the county department of job and family services of each county where persons may be affected by the implementation of the project.

(B) In developing the criteria, soliciting the proposals, and entering in the agreements, the department shall comply with all applicable federal and state laws, the Title IV-A state plan submitted to the United States secretary of health and human

services under section 5101.80 of the Revised Code, amendments to 93315
the Title IV-A state plan submitted to the United States secretary 93316
under that section, and federal waivers the United States 93317
secretary grants. 93318

(C) The department shall begin implementation of the Title 93319
IV-A demonstration program no later than January 1, 2006. 93320

Sec. 5101.804. (A) Subject to division (E) of section 93321
5101.801 of the Revised Code, there is hereby created the Ohio 93322
parenting and pregnancy program to provide services for pregnant 93323
women and parents or other relatives caring for children twelve 93324
months of age or younger that do both of the following: 93325

(1) Promote childbirth, parenting, and alternatives to 93326
abortion; 93327

(2) Meet one or more of the four purposes of the temporary 93328
assistance for needy families block grant as specified in 42 93329
U.S.C. 601. 93330

(B) To the extent permitted by federal law, the department of 93331
job and family services may provide funds under the program to 93332
entities with which the department enters into agreements under 93333
division (B)(3) of section 5101.801 of the Revised Code. In 93334
accordance with criteria the department develops, the department 93335
may solicit proposals from entities seeking to provide services 93336
under the program. The department may enter into an agreement with 93337
an entity only if it meets all of the following conditions: 93338

(1) Is a private, not-for-profit entity; 93339

(2) Is an entity whose primary purpose is to promote 93340
childbirth, rather than abortion, through counseling and other 93341
services, including parenting and adoption support; 93342

(3) Provides services to pregnant women and parents or other 93343
relatives caring for children twelve months of age or younger, 93344

including clothing, counseling, diapers, food, furniture, health care, parenting classes, postpartum recovery, shelter, and any other supportive services, programs, or related outreach; 93345
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(4) Does not charge pregnant women and parents or other relatives caring for children twelve months of age or younger a fee for any services received; 93348
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(5) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising; 93351
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(6) Does not discriminate in its provision of services on the basis of race, religion, color, age, marital status, national origin, disability, or gender. 93355
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(C) An entity that has entered into an agreement with the department under division (B)(3) of section 5101.801 of the Revised Code may enter into a subcontract with another entity under which the other entity provides all or part of the services described in division (B)(3) of this section. A subcontract may be entered into with another entity only if that entity meets all of the following conditions: 93358
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(1) Is a private, not-for-profit entity; 93365

(2) Is physically and financially separate from any entity, or component of an entity, that engages in abortion activities; 93366
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(3) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising. 93368
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(D) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the Ohio parenting and pregnancy program. 93372
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Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the Revised Code: 93375
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(A)(1) "Association" or "institution" includes ~~any~~ all of the following: 93377
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(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks, including a therapeutic wilderness camp; ~~any~~ 93379
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(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage; ~~and any~~ 93383
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(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage, or is the appointed guardian of such children; ~~provided, that any.~~ 93387
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(2) "Association" or "institution" does not include any of the following: 93393
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(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of ~~mental health~~ mental health and addiction services, or the department of developmental disabilities, ~~or any;~~ 93395
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(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having 93403
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custody, shall not be considered as being within the purview of 93405
these sections. 93406

(B) "Family foster home" means a foster home that is not a 93407
specialized foster home. 93408

(C) "Foster caregiver" means a person holding a valid foster 93409
home certificate issued under section 5103.03 of the Revised Code. 93410

(D) "Foster home" means a private residence in which children 93411
are received apart from their parents, guardian, or legal 93412
custodian, by an individual reimbursed for providing the children 93413
nonsecure care, supervision, or training twenty-four hours a day. 93414
"Foster home" does not include care provided for a child in the 93415
home of a person other than the child's parent, guardian, or legal 93416
custodian while the parent, guardian, or legal custodian is 93417
temporarily away. Family foster homes and specialized foster homes 93418
are types of foster homes. 93419

(E) "Medically fragile foster home" means a foster home that 93420
provides specialized medical services designed to meet the needs 93421
of children with intensive health care needs who meet all of the 93422
following criteria: 93423

(1) Under rules adopted by the ~~department of job and family~~ 93424
~~services medicaid director~~ governing ~~payment under Chapter 5111-~~ 93425
~~of the Revised Code~~ medicaid payments for long-term care services, 93426
the children require a skilled level of care. 93427

(2) The children require the services of a doctor of medicine 93428
or osteopathic medicine at least once a week due to the 93429
instability of their medical conditions. 93430

(3) The children require the services of a registered nurse 93431
on a daily basis. 93432

(4) The children are at risk of institutionalization in a 93433
hospital, skilled nursing facility, or intermediate care facility 93434

for ~~the mentally retarded~~ individuals with intellectual 93435
disabilities. 93436

(F) "Recommending agency" means a public children services 93437
agency, private child placing agency, or private noncustodial 93438
agency that recommends that the department of job and family 93439
services take any of the following actions under section 5103.03 93440
of the Revised Code regarding a foster home: 93441

(1) Issue a certificate; 93442

(2) Deny a certificate; 93443

(3) Renew a certificate; 93444

(4) Deny renewal of a certificate; 93445

(5) Revoke a certificate. 93446

(G) "Specialized foster home" means a medically fragile 93447
foster home or a treatment foster home. 93448

(H) "Treatment foster home" means a foster home that 93449
incorporates special rehabilitative services designed to treat the 93450
specific needs of the children received in the foster home and 93451
that receives and cares for children who are emotionally or 93452
behaviorally disturbed, chemically dependent, mentally retarded, 93453
developmentally disabled, or who otherwise have exceptional needs. 93454

(I) "Therapeutic wilderness camp" means a structured, 93455
alternative residential setting for children who are experiencing 93456
emotional, behavioral, moral, social, or learning difficulties at 93457
home or school in which both of the following are the case: 93458

(1) The children spend the majority of their time, including 93459
overnight, either outdoors or in a primitive structure; 93460

(2) The children have been placed there by their parents or 93461
another relative having custody. 93462

Sec. 5103.0323. (A) As used in this section, "~~government~~" 93463

~~auditing standards" means the government auditing standards~~ 93464
~~published by the comptroller general of the United States general~~ 93465
~~accounting office "American institute of certified public~~ 93466
~~accountants auditing standards" and "AICPA auditing standards"~~ 93467
~~mean the auditing standards published by the American institute of~~ 93468
~~certified public accountants.~~ 93469

(B) The first time that a private child placing agency or 93470
private noncustodial agency seeks renewal of a certificate issued 93471
under section 5103.03 of the Revised Code, it shall provide the 93472
department of job and family services, as a condition of renewal, 93473
evidence of an independent financial statement audit ~~of its first~~ 93474
~~year of certification, unless the auditor of state has audited the~~ 93475
~~agency during that year and the audit sets forth that no money has~~ 93476
~~been illegally expended, converted, misappropriated, or is~~ 93477
~~unaccounted for or sets forth findings that are inconsequential,~~ 93478
~~as defined by government performed by a licensed public accounting~~ 93479
firm following applicable AICPA auditing standards for the most 93480
recent fiscal year. Thereafter, when an agency seeks renewal of 93481
its certificate, it shall provide the department evidence of an 93482
independent financial statement audit performed by a licensed 93483
public accounting firm following applicable AICPA auditing 93484
standards for the two most recent previous fiscal years it is 93485
possible for an independent audit to have been conducted, ~~unless~~ 93486
~~the auditor of state has audited the agency during those years and~~ 93487
~~the audit sets forth that no money has been illegally expended,~~ 93488
~~converted, misappropriated, or is unaccounted for or sets forth~~ 93489
~~findings that are inconsequential, as defined by government~~ 93490
~~auditing standards.~~ 93491

(C) For an agency to be eligible for renewal, the independent 93492
audits must demonstrate that the agency operated in a fiscally 93493
accountable manner ~~in accordance with state laws and rules and any~~ 93494
~~agreement between the agency and a public children services~~ 93495

agency. 93496

~~All audits required by this section shall be conducted in accordance with generally accepted government auditing standards as determined by the department of job and family services.~~ 93497
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(D) The director of job and family services may adopt rules as necessary to implement this section. The director shall adopt the rules in accordance with section 111.15 of the Revised Code. 93500
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Sec. 5103.13. (A) As used in this section and section 5103.131 of the Revised Code: 93503
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(1)(a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following: 93505
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(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services; 93508
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(ii) One or more preteens placed in the facility by a public children services agency or private child placing agency that has legal custody or permanent custody of the preteen and determines that an emergency situation exists necessitating the preteen's placement in the facility rather than an institution certified under section 5103.03 of the Revised Code or elsewhere. 93512
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(b) "Children's crisis care facility" does not include either of the following: 93518
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(i) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of ~~mental health~~ mental health and 93520
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addiction services, or the department of developmental 93526
disabilities; 93527

(ii) Any individual who provides care for only a 93528
single-family group, placed there by their parents or other 93529
relative having custody. 93530

(2) "Legal custody" and "permanent custody" have the same 93531
meanings as in section 2151.011 of the Revised Code. 93532

(3) "Preteen" means an individual under thirteen years of 93533
age. 93534

(B) No person shall operate a children's crisis care facility 93535
or hold a children's crisis care facility out as a certified 93536
children's crisis care facility unless there is a valid children's 93537
crisis care facility certificate issued under this section for the 93538
facility. 93539

(C) A person seeking to operate a children's crisis care 93540
facility shall apply to the director of job and family services to 93541
obtain a certificate for the facility. The director shall certify 93542
the person's children's crisis care facility if the facility meets 93543
all of the certification standards established in rules adopted 93544
under division (F) of this section and the person complies with 93545
all of the rules governing the certification of children's crisis 93546
care facilities adopted under that division. The issuance of a 93547
children's crisis care facility certificate does not exempt the 93548
facility from a requirement to obtain another certificate or 93549
license mandated by law. 93550

(D)(1) No certified children's crisis care facility shall do 93551
any of the following: 93552

(a) Provide residential care to a preteen for more than one 93553
hundred twenty days in a calendar year; 93554

(b) Subject to division (D)(1)(c) of this section and except 93555

as provided in division (D)(2) of this section, provide 93556
residential care to a preteen for more than sixty consecutive 93557
days; 93558

(c) Except as provided in division (D)(3) of this section, 93559
provide residential care to a preteen for more than seventy-two 93560
consecutive hours if a public children services agency or private 93561
child placing agency placed the preteen in the facility; 93562

(d) Fail to comply with section 2151.86 of the Revised Code. 93563

(2) A certified children's crisis care facility may provide 93564
residential care to a preteen for up to ninety consecutive days, 93565
other than a preteen placed in the facility by a public children 93566
services agency or private child placing agency, if any of the 93567
following are the case: 93568

(a) The preteen's parent or other caretaker is enrolled in an 93569
alcohol and drug addiction ~~program certified under section 3793.06~~ 93570
~~of the Revised Code~~ service or a community mental health service 93571
certified under section ~~5119.611~~ 5119.36 of the Revised Code; 93572

(b) The preteen's parent or other caretaker is an inpatient 93573
in a hospital; 93574

(c) The preteen's parent or other caretaker is incarcerated; 93575

(d) A physician has diagnosed the preteen's parent or other 93576
caretaker as medically incapacitated. 93577

(3) A certified children's crisis care facility may provide 93578
residential care to a preteen placed in the facility by a public 93579
children services agency or private child placing agency for more 93580
than seventy-two consecutive hours if the director of job and 93581
family services or the director's designee issues the agency a 93582
waiver of the seventy-two consecutive hour limitation. The waiver 93583
may authorize the certified children's crisis care facility to 93584
provide residential care to the preteen for up to fourteen 93585

consecutive days. 93586

(E) The director of job and family services may suspend or 93587
revoke a children's crisis care facility's certificate pursuant to 93588
Chapter 119. of the Revised Code if the facility violates division 93589
(D) of this section or ceases to meet any of the certification 93590
standards established in rules adopted under division (F) of this 93591
section or the facility's operator ceases to comply with any of 93592
the rules governing the certification of children's crisis care 93593
facilities adopted under that division. 93594

(F) Not later than ninety days after September 21, 2006, the 93595
director of job and family services shall adopt rules pursuant to 93596
Chapter 119. of the Revised Code for the certification of 93597
children's crisis care facilities. The rules shall specify that a 93598
certificate shall not be issued to an applicant if the conditions 93599
at the children's crisis care facility would jeopardize the health 93600
or safety of the preteens placed in the facility. 93601

Sec. 5103.42. Prior to the beginning of the fiscal biennium 93602
that first follows October 5, 2000, the public children services 93603
agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, 93604
~~Hamilton~~, Lucas, and Summit counties shall each establish and 93605
maintain a regional training center. Prior to the beginning of the 93606
fiscal biennium that first follows the effective date of this 93607
amendment, the public children services agency of Butler county 93608
shall establish and maintain a regional training center. At any 93609
time after the beginning of ~~that~~ the specified biennium, the 93610
department of job and family services, on the recommendation of 93611
the Ohio child welfare training program steering committee, may 93612
direct a public children services agency to establish and maintain 93613
a training center to replace the center established by an agency 93614
under this section. There may be no more and no less than eight 93615
centers in existence at any time. The department may make a grant 93616

to a public children services agency that establishes and 93617
maintains a regional training center under this section for the 93618
purpose of wholly or partially subsidizing the operation of the 93619
center. The department shall specify in the grant all of the 93620
center's duties, including the duties specified in section 93621
5103.422 of the Revised Code. 93622

The regional training center established by the public 93623
children services agency of Butler county under this section 93624
replaces the regional training center previously established by 93625
the public children services agency of Hamilton county under this 93626
section. 93627

Sec. 5104.012. (A)(1) At the times specified in this 93628
division, the administrator of a child day-care center or a type A 93629
family day-care home shall request the superintendent of the 93630
bureau of criminal identification and investigation to conduct a 93631
criminal records check with respect to any applicant who has 93632
applied to the center or type A home for employment as a person 93633
responsible for the care, custody, or control of a child. 93634

The administrator shall request a criminal records check 93635
pursuant to this division at the time of the applicant's initial 93636
application for employment and every ~~four~~ five years thereafter. 93637
When the administrator requests pursuant to this division a 93638
criminal records check for an applicant at the time of the 93639
applicant's initial application for employment, the administrator 93640
shall request that the superintendent obtain information from the 93641
federal bureau of investigation as a part of the criminal records 93642
check for the applicant, including fingerprint-based checks of 93643
national crime information databases as described in 42 U.S.C. 93644
671, for the person subject to the criminal records check. In all 93645
other cases in which the administrator requests a criminal records 93646
check for an applicant pursuant to this division, the 93647

administrator may request that the superintendent include 93648
information from the federal bureau of investigation in the 93649
criminal records check, including fingerprint-based checks of 93650
national crime information databases as described in 42 U.S.C. 93651
671. 93652

(2) A person required by division (A)(1) of this section to 93653
request a criminal records check shall provide to each applicant a 93654
copy of the form prescribed pursuant to division (C)(1) of section 93655
109.572 of the Revised Code, provide to each applicant a standard 93656
impression sheet to obtain fingerprint impressions prescribed 93657
pursuant to division (C)(2) of section 109.572 of the Revised 93658
Code, obtain the completed form and impression sheet from each 93659
applicant, and forward the completed form and impression sheet to 93660
the superintendent of the bureau of criminal identification and 93661
investigation at the time the person requests a criminal records 93662
check pursuant to division (A)(1) of this section. On and after 93663
August 14, 2008, the administrator of a child day-care center or a 93664
type A family day-care home shall review the results of the 93665
criminal records check before the applicant has sole 93666
responsibility for the care, custody, or control of any child. 93667

(3) An applicant who receives pursuant to division (A)(2) of 93668
this section a copy of the form prescribed pursuant to division 93669
(C)(1) of section 109.572 of the Revised Code and a copy of an 93670
impression sheet prescribed pursuant to division (C)(2) of that 93671
section and who is requested to complete the form and provide a 93672
set of fingerprint impressions shall complete the form or provide 93673
all the information necessary to complete the form and shall 93674
provide the impression sheet with the impressions of the 93675
applicant's fingerprints. If an applicant, upon request, fails to 93676
provide the information necessary to complete the form or fails to 93677
provide impressions of the applicant's fingerprints, the center or 93678
type A home shall not employ that applicant for any position for 93679

which a criminal records check is required by division (A)(1) of 93680
this section. 93681

(B)(1) Except as provided in rules adopted under division (E) 93682
of this section, no child day-care center or type A family 93683
day-care home shall employ or contract with another entity for the 93684
services of a person as a person responsible for the care, 93685
custody, or control of a child if the person previously has been 93686
convicted of or pleaded guilty to any of the violations described 93687
in division (A)(5) of section 109.572 of the Revised Code. 93688

(2) A child day-care center or type A family day-care home 93689
may employ an applicant conditionally until the criminal records 93690
check required by this section is completed and the center or home 93691
receives the results of the criminal records check. If the results 93692
of the criminal records check indicate that, pursuant to division 93693
(B)(1) of this section, the applicant does not qualify for 93694
employment, the center or home shall release the applicant from 93695
employment. 93696

(C)(1) Each child day-care center and type A family day-care 93697
home shall pay to the bureau of criminal identification and 93698
investigation the fee prescribed pursuant to division (C)(3) of 93699
section 109.572 of the Revised Code for each criminal records 93700
check conducted in accordance with that section upon the request 93701
pursuant to division (A)(1) of this section of the administrator 93702
or provider of the center or home. 93703

(2) A child day-care center and type A family day-care home 93704
may charge an applicant a fee for the costs it incurs in obtaining 93705
a criminal records check under this section. A fee charged under 93706
this division shall not exceed the amount of fees the center or 93707
home pays under division (C)(1) of this section. If a fee is 93708
charged under this division, the center or home shall notify the 93709
applicant at the time of the applicant's initial application for 93710
employment of the amount of the fee and that, unless the fee is 93711

paid, the center or type A home will not consider the applicant 93712
for employment. 93713

(D) The report of any criminal records check conducted by the 93714
bureau of criminal identification and investigation in accordance 93715
with section 109.572 of the Revised Code and pursuant to a request 93716
under division (A)(1) of this section is not a public record for 93717
the purposes of section 149.43 of the Revised Code and shall not 93718
be made available to any person other than the applicant who is 93719
the subject of the criminal records check or the applicant's 93720
representative; the center or type A home requesting the criminal 93721
records check or its representative; the department of job and 93722
family services or a county department of job and family services; 93723
and any court, hearing officer, or other necessary individual 93724
involved in a case dealing with the denial of employment to the 93725
applicant. 93726

(E) The director of job and family services shall adopt rules 93727
pursuant to Chapter 119. of the Revised Code to implement this 93728
section, including rules specifying circumstances under which a 93729
center or home may hire a person who has been convicted of an 93730
offense listed in division (B)(1) of this section but who meets 93731
standards in regard to rehabilitation set by the department. 93732

(F) Any person required by division (A)(1) of this section to 93733
request a criminal records check shall inform each person, at the 93734
time of the person's initial application for employment, that the 93735
person is required to provide a set of impressions of the person's 93736
fingerprints and that a criminal records check is required to be 93737
conducted and satisfactorily completed in accordance with section 93738
109.572 of the Revised Code if the person comes under final 93739
consideration for appointment or employment as a precondition to 93740
employment for that position. 93741

(G) As used in this section: 93742

(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child; an in-home aide certified pursuant to section 5104.12 of the Revised Code; or any person who would serve in any position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child pursuant to a contract with another entity.

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

Sec. 5104.013. (A)(1) At the times specified in division (A)(3) of this section, the director of job and family services, as part of the process of licensure of child day-care centers and type A family day-care homes, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to the following persons:

(a) Any owner, licensee, or administrator of a child day-care center;

(b) Any owner, licensee, or administrator of a type A family day-care home and any person eighteen years of age or older who resides in a type A family day-care home.

(2) At the times specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of type B family day-care homes, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any authorized provider of a certified type B family day-care home and any person eighteen years of age or older who resides in a certified type B family day-care home.

(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every ~~four~~ five years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every ~~four~~ five years thereafter at the time of a certification renewal. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. In all other cases in which the director of job and family services or the director of a county department of job and family services requests a criminal records check for an applicant pursuant to division (A)(1) or (2) of this section, the director may request that the superintendent include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.

(4) The director of job and family services shall review the results of a criminal records check subsequent to a request made pursuant to divisions (A)(1) and (3) of this section prior to approval of a license. The director of a county department of job and family services shall review the results of a criminal records check subsequent to a request made pursuant to divisions (A)(2)

and (3) of this section prior to approval of certification. 93807

(B) The director of job and family services or the director 93808
of a county department of job and family services shall provide to 93809
each person for whom a criminal records check is required under 93810
this section a copy of the form prescribed pursuant to division 93811
(C)(1) of section 109.572 of the Revised Code and a standard 93812
impression sheet to obtain fingerprint impressions prescribed 93813
pursuant to division (C)(2) of that section, obtain the completed 93814
form and impression sheet from that person, and forward the 93815
completed form and impression sheet to the superintendent of the 93816
bureau of criminal identification and investigation. 93817

(C) A person who receives pursuant to division (B) of this 93818
section a copy of the form and standard impression sheet described 93819
in that division and who is requested to complete the form and 93820
provide a set of fingerprint impressions shall complete the form 93821
or provide all the information necessary to complete the form and 93822
shall provide the impression sheet with the impressions of the 93823
person's fingerprints. If the person, upon request, fails to 93824
provide the information necessary to complete the form or fails to 93825
provide impressions of the person's fingerprints, the director may 93826
consider the failure as a reason to deny licensure or 93827
certification. 93828

(D) Except as provided in rules adopted under division (G) of 93829
this section, the director of job and family services shall not 93830
grant a license to a child day-care center or type A family 93831
day-care home and a county director of job and family services 93832
shall not certify a type B family day-care home if a person for 93833
whom a criminal records check was required in connection with the 93834
center or home previously has been convicted of or pleaded guilty 93835
to any of the violations described in division (A)(5) of section 93836
109.572 of the Revised Code. 93837

(E) Each child day-care center, type A family day-care home, 93838

and type B family day-care home shall pay to the bureau of 93839
criminal identification and investigation the fee prescribed 93840
pursuant to division (C)(3) of section 109.572 of the Revised Code 93841
for each criminal records check conducted in accordance with that 93842
section upon a request made pursuant to division (A) of this 93843
section. 93844

(F) The report of any criminal records check conducted by the 93845
bureau of criminal identification and investigation in accordance 93846
with section 109.572 of the Revised Code and pursuant to a request 93847
made under division (A) of this section is not a public record for 93848
the purposes of section 149.43 of the Revised Code and shall not 93849
be made available to any person other than the person who is the 93850
subject of the criminal records check or the person's 93851
representative, the director of job and family services, the 93852
director of a county department of job and family services, the 93853
center, type A home, or type B home involved, and any court, 93854
hearing officer, or other necessary individual involved in a case 93855
dealing with a denial of licensure or certification related to the 93856
criminal records check. 93857

(G) The director of job and family services shall adopt rules 93858
pursuant to Chapter 119. of the Revised Code to implement this 93859
section, including rules specifying exceptions to the prohibition 93860
in division (D) of this section for persons who have been 93861
convicted of an offense listed in that division but who meet 93862
standards in regard to rehabilitation set by the director. 93863

(H) As used in this section, "criminal records check" has the 93864
same meaning as in section 109.572 of the Revised Code. 93865

Sec. 5104.02. (A) The director of job and family services is 93866
responsible for the licensing of child day-care centers and type A 93867
family day-care homes. Each entity operating a head start program 93868
shall meet the criteria for, and be licensed as, a child day-care 93869

center. The director is responsible for the enforcement of this 93870
chapter and of rules promulgated pursuant to this chapter. 93871

No person, firm, organization, institution, or agency shall 93872
operate, establish, manage, conduct, or maintain a child day-care 93873
center or type A family day-care home without a license issued 93874
under section 5104.03 of the Revised Code. The current license 93875
shall be posted in a conspicuous place in the center or type A 93876
home that is accessible to parents, custodians, or guardians and 93877
employees of the center or type A home at all times when the 93878
center or type A home is in operation. 93879

(B) A person, firm, institution, organization, or agency 93880
operating any of the following programs is exempt from the 93881
requirements of this chapter: 93882

(1) A program of child care that operates for two or less 93883
consecutive weeks; 93884

(2) Child care in places of worship during religious 93885
activities during which children are cared for while at least one 93886
parent, guardian, or custodian of each child is participating in 93887
such activities and is readily available; 93888

(3) Religious activities which do not provide child care; 93889

(4) Supervised training, instruction, or activities of 93890
children in specific areas, including, but not limited to: art; 93891
drama; dance; music; gymnastics, swimming, or another athletic 93892
skill or sport; computers; or an educational subject conducted on 93893
an organized or periodic basis no more than one day a week and for 93894
no more than six hours duration; 93895

(5) Programs in which the director determines that at least 93896
one parent, custodian, or guardian of each child is on the 93897
premises of the facility offering child care and is readily 93898
accessible at all times, except that child care provided on the 93899
premises at which a parent, custodian, or guardian is employed 93900

more than two and one-half hours a day shall be licensed in 93901
accordance with division (A) of this section; 93902

(6)(a) Programs that provide child care funded and regulated 93903
or operated and regulated by state departments other than the 93904
department of job and family services or the state board of 93905
education when the director of job and family services has 93906
determined that the rules governing the program are equivalent to 93907
or exceed the rules promulgated pursuant to this chapter. 93908

Notwithstanding any exemption from regulation under this 93909
chapter, each state department shall submit to the director of job 93910
and family services a copy of the rules that govern programs that 93911
provide child care and are regulated or operated and regulated by 93912
the department. Annually, each state department shall submit to 93913
the director a report for each such program it regulates or 93914
operates and regulates that includes the following information: 93915

(i) The site location of the program; 93916

(ii) The maximum number of infants, toddlers, preschool-age 93917
children, or school-age children served by the program at one 93918
time; 93919

(iii) The number of adults providing child care for the 93920
number of infants, toddlers, preschool-age children, or school-age 93921
children; 93922

(iv) Any changes in the rules made subsequent to the time 93923
when the rules were initially submitted to the director. 93924

The director shall maintain a record of the child care 93925
information submitted by other state departments and shall provide 93926
this information upon request to the general assembly or the 93927
public. 93928

(b) Child care programs conducted by boards of education or 93929
by chartered nonpublic schools that are conducted in school 93930

buildings and that provide child care to school-age children only 93931
shall be exempt from meeting or exceeding rules promulgated 93932
pursuant to this chapter. 93933

(7) Any preschool program or school child program, except a 93934
head start program, that is subject to licensure by the department 93935
of education under sections 3301.52 to 3301.59 of the Revised 93936
Code. 93937

(8) Any program providing child care that meets all of the 93938
following requirements and, on October 20, 1987, was being 93939
operated by a nonpublic school that holds a charter issued by the 93940
state board of education for kindergarten only: 93941

(a) The nonpublic school has given the notice to the state 93942
board and the director of job and family services required by 93943
Section 4 of Substitute House Bill No. 253 of the 117th general 93944
assembly; 93945

(b) The nonpublic school continues to be chartered by the 93946
state board for kindergarten, or receives and continues to hold a 93947
charter from the state board for kindergarten through grade five; 93948

(c) The program is conducted in a school building; 93949

(d) The program is operated in accordance with rules 93950
promulgated by the state board under sections 3301.52 to 3301.57 93951
of the Revised Code. 93952

(9) A youth development program operated outside of school 93953
hours by a community-based center to which all of the following 93954
apply: 93955

(a) The children enrolled in the program are under nineteen 93956
years of age and enrolled in or eligible to be enrolled in a grade 93957
of kindergarten or above. 93958

(b) The program provides informal child care ~~and at least~~ 93959
two, which is child care that does not require parental signature, 93960

permission, or notice for the child receiving the care to enter or 93961
leave the program; 93962

(c) The program provides any of the following supervised 93963
activities: educational, recreational, culturally enriching, 93964
social, and personal development activities. 93965

~~(e)~~(d) The program is eligible for participation in the child 93966
and adult care food program as an outside-school-hours care center 93967
pursuant to standards established under section 3313.813 of the 93968
Revised Code. 93969

~~(d)~~(e) The community-based center operating the program is 93970
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 93971
and (c)(3). 93972

(10) A preschool program operated by a nonchartered, 93973
nontax-supported school if the preschool program meets all of the 93974
following conditions: 93975

(a) The program complies with state and local health, fire, 93976
and safety laws. 93977

(b) The program annually certifies in a report to the parents 93978
of its pupils that the school is in compliance with division 93979
(B)(10)(a) of this section and files a copy of the report with the 93980
department of job and family services on or before the thirtieth 93981
day of September of each year. 93982

(c) The program complies with all applicable reporting 93983
requirements in the same manner as required by the state board of 93984
education for nonchartered, nonpublic primary and secondary 93985
schools. 93986

(d) The program is associated with a nonchartered, 93987
nontax-supported primary or secondary school. 93988

Sec. 5104.021. The director of job and family services may 93989
~~not~~ issue a child day-care center or type A family day-care home 93990

license to a youth development program that is exempted by 93991
division (B)(9) of section 5104.02 of the Revised Code from the 93992
requirements of this chapter if the youth development program 93993
applies for and meets all of the requirements for the license. 93994

Sec. 5104.03. (A) Any person, firm, organization, 93995
institution, or agency desiring to establish a child day-care 93996
center or type A family day-care home shall apply for a license to 93997
the director of job and family services on such form as the 93998
director prescribes. The director shall provide at no charge to 93999
each applicant for licensure a copy of the child care license 94000
requirements in this chapter and a copy of the rules adopted 94001
pursuant to this chapter. The copies may be provided in paper or 94002
electronic form. 94003

Fees shall be set by the director pursuant to section 94004
5104.011 of the Revised Code and shall be paid at the time of 94005
application for a license to operate a center or type A home. Fees 94006
collected under this section shall be paid into the state treasury 94007
to the credit of the general revenue fund. 94008

(B) Upon filing of the application for a license, the 94009
director shall investigate and inspect the center or type A home 94010
to determine the license capacity for each age category of 94011
children of the center or type A home and to determine whether the 94012
center or type A home complies with this chapter and rules adopted 94013
pursuant to this chapter. When, after investigation and 94014
inspection, the director is satisfied that this chapter and rules 94015
adopted pursuant to it are complied with, subject to division (G) 94016
of this section, a provisional license shall be issued as soon as 94017
practicable in such form and manner as prescribed by the director. 94018
The provisional license shall be valid for twelve months from the 94019
date of issuance unless revoked. 94020

(C) The director shall investigate and inspect the center or 94021

type A home at least once during operation under the provisional 94022
license. If after the investigation and inspection the director 94023
determines that the requirements of this chapter and rules adopted 94024
pursuant to this chapter are met, subject to division (G) of this 94025
section, the director shall issue a license to the center or home. 94026

(D) The license or provisional license shall state the name 94027
of the licensee, the name of the administrator, the address of the 94028
center or type A home, and the license capacity for each age 94029
category of children. The license or provisional license shall 94030
include thereon, in accordance with section 5104.011 of the 94031
Revised Code, the toll-free telephone number to be used by persons 94032
suspecting that the center or type A home has violated a provision 94033
of this chapter or rules adopted pursuant to this chapter. A 94034
license or provisional license is valid only for the licensee, 94035
administrator, address, and license capacity for each age category 94036
of children designated on the license. The license capacity 94037
specified on the license or provisional license is the maximum 94038
number of children in each age category that may be cared for in 94039
the center or type A home at one time. 94040

The center or type A home licensee shall notify the director 94041
when the administrator of the center or home changes. The director 94042
shall amend the current license or provisional license to reflect 94043
a change in an administrator, if the administrator meets the 94044
requirements of Chapter 5104. of the Revised Code and rules 94045
adopted pursuant to Chapter 5104. of the Revised Code, or a change 94046
in license capacity for any age category of children as determined 94047
by the director of job and family services. 94048

(E) If the director revokes the license of a center or a type 94049
A home, the director shall not issue another license to the owner 94050
of the center or type A home until five years have elapsed from 94051
the date the license is revoked. 94052

If the director denies an application for a license, the 94053

director shall not accept another application from the applicant 94054
until five years have elapsed from the date the application is 94055
denied. 94056

(F) If during the application for licensure process the 94057
director determines that the license of the owner has been 94058
revoked, the investigation of the center or type A home shall 94059
cease. This action does not constitute denial of the application 94060
and may not be appealed under division (G) of this section. 94061

(G) All actions of the director with respect to licensing 94062
centers or type A homes, refusal to license, and revocation of a 94063
license shall be in accordance with Chapter 119. of the Revised 94064
Code. Any applicant who is denied a license or any owner whose 94065
license is revoked may appeal in accordance with section 119.12 of 94066
the Revised Code. 94067

(H) In no case shall the director issue a license or 94068
provisional license under this section for a type A home or center 94069
if the director, based on documentation provided by the 94070
appropriate county department of job and family services, 94071
determines that the applicant previously had been certified as a 94072
type B family day-care home, that the county department revoked 94073
that certification within the immediately preceding five years, 94074
that the revocation was based on the applicant's refusal or 94075
inability to comply with the criteria for certification, and that 94076
the refusal or inability resulted in a risk to the health or 94077
safety of children. 94078

Sec. 5104.08. (A) There is hereby created in the department 94079
of job and family services a child care advisory council to advise 94080
and assist the department in the administration of this chapter 94081
and in the development of child care. The council shall consist of 94082
twenty-two voting members appointed by the director of job and 94083
family services with the approval of the governor. The director of 94084

job and family services, the director of developmental 94085
disabilities, the director of ~~mental health~~ mental health and 94086
addiction services, the superintendent of public instruction, the 94087
director of health, the director of commerce, and the state fire 94088
marshal shall serve as nonvoting members of the council. 94089

Six members shall be representatives of child care centers 94090
subject to licensing, the members to represent a variety of 94091
centers, including nonprofit and proprietary, from different 94092
geographical areas of the state. At least three members shall be 94093
parents, guardians, or custodians of children receiving child care 94094
or publicly funded child care in the child's own home, a center, a 94095
type A home, a head start program, a certified type B home, or a 94096
type B home at the time of appointment. Three members shall be 94097
representatives of in-home aides, type A homes, certified type B 94098
homes, or type B homes or head start programs. At least six 94099
members shall represent county departments of job and family 94100
services. The remaining members shall be representatives of the 94101
teaching, child development, and health professions, and other 94102
individuals interested in the welfare of children. At least six 94103
members of the council shall not be employees or licensees of a 94104
child day-care center, head start program, or type A home, or 94105
providers operating a certified type B home or type B home, or 94106
in-home aides. 94107

Appointments shall be for three-year terms. Vacancies shall 94108
be filled for the unexpired terms. A member of the council is 94109
subject to removal by the director of job and family services for 94110
a willful and flagrant exercise of authority or power that is not 94111
authorized by law, for a refusal or willful neglect to perform any 94112
official duty as a member of the council imposed by law, or for 94113
being guilty of misfeasance, malfeasance, nonfeasance, or gross 94114
neglect of duty as a member of the council. 94115

There shall be two co-chairpersons of the council. One 94116

co-chairperson shall be the director of job and family services or 94117
the director's designee, and one co-chairperson shall be elected 94118
by the members of the council. The council shall meet as often as 94119
is necessary to perform its duties, provided that it shall meet at 94120
least once in each quarter of each calendar year and at the call 94121
of the co-chairpersons. The co-chairpersons or their designee 94122
shall send to each member a written notice of the date, time, and 94123
place of each meeting. 94124

Members of the council shall serve without compensation, but 94125
shall be reimbursed for necessary expenses. 94126

(B) The child care advisory council shall advise the director 94127
on matters affecting the licensing of centers and type A homes and 94128
the certification of type B homes and in-home aides. The council 94129
shall make an annual report to the director of job and family 94130
services that addresses the availability, affordability, 94131
accessibility, and quality of child care and that summarizes the 94132
recommendations and plans of action that the council has proposed 94133
to the director during the preceding fiscal year. The director of 94134
job and family services shall provide copies of the report to the 94135
governor, speaker and minority leader of the house of 94136
representatives, and the president and minority leader of the 94137
senate and, on request, shall make copies available to the public. 94138

(C) The director of job and family services shall adopt rules 94139
pursuant to Chapter 119. of the Revised Code to implement this 94140
section. 94141

Sec. 5104.11. (A)(1) Every person desiring to receive 94142
certification for a type B family day-care home to provide 94143
publicly funded child care shall apply for certification to the 94144
county director of job and family services on such forms as the 94145
director of job and family services prescribes. The county 94146
director shall provide at no charge to each applicant a copy of 94147

rules for certifying type B family day-care homes adopted pursuant 94148
to this chapter. 94149

(2) Except as provided in division (G)(1) of section 5104.011 94150
of the Revised Code, after receipt of an application for 94151
certification from a type B family day-care home, the county 94152
director of job and family services shall inspect the home. If it 94153
complies with this chapter and any applicable rules adopted under 94154
this chapter, the county department shall certify the type B 94155
family day-care home to provide publicly funded child care 94156
pursuant to this chapter and any rules adopted under it. The 94157
director of job and family services or a county director of job 94158
and family services may contract with a government entity or a 94159
private nonprofit entity for that entity to inspect and certify 94160
type B family day-care homes pursuant to this section. The county 94161
department of job and family services, government entity, or 94162
nonprofit entity shall conduct the inspection prior to the 94163
issuance of a certificate for the type B home and, as part of that 94164
inspection, ensure that the type B home is safe and sanitary. 94165

(3)(a) On receipt of an application for certification for a 94166
type B family day-care home to provide publicly funded child care 94167
or for renewal of such certification, the county department shall 94168
request from ~~both of the following~~ the public children services 94169
agency information concerning any abuse or neglect report made 94170
pursuant to section 2151.421 of the Revised Code of which the 94171
applicant, any other adult residing in the applicant's home, or a 94172
person designated by the applicant to be an emergency or 94173
substitute caregiver for the applicant is the subject+ 94174

~~(i) The public children services agency, until the county 94175
department is notified by the department of job and family 94176
services that the uniform statewide automated child welfare 94177
information system has been finalized statewide; 94178~~

~~(ii) Upon receipt of notification under division (D) of 94179~~

~~section 5101.13 of the Revised Code that the uniform statewide
automated child welfare information system has been implemented
statewide, the uniform statewide automated child welfare
information system via the department.~~

(b) The county department shall consider any information
provided by the agency ~~or the department~~ pursuant to section
5153.175 of the Revised Code. If the county department determines
that the information, when viewed within the totality of the
circumstances, reasonably leads to the conclusion that the
applicant may directly or indirectly endanger the health, safety,
or welfare of children, the county department shall deny the
application for certification or renewal of certification, or
revoke the certification of an authorized provider.

(c) As used in division (A)(3) of this section, "public
children services agency" means either an entity separate from the
county department or the part of the county department that serves
as the county's public children services agency, as appropriate.

(4) Except as provided in division (A)(5) of this section, an
authorized provider of a type B family day-care home that receives
a certificate pursuant to this section to provide publicly funded
child care is an independent contractor and is not an employee of
the county department of job and family services that issues the
certificate.

(5) For purposes of Chapter 4141. of the Revised Code,
determinations concerning the employment of an authorized provider
of a type B family day-care home that receives a certificate
pursuant to this section shall be determined under Chapter 4141.
of the Revised Code.

(B)(1) If the county director of job and family services
determines that the type B family day-care home complies with this
chapter and any rules adopted under it, the county director shall

issue to the provider a certificate to provide publicly funded 94211
child care, ~~which. The~~ certificate is valid for twelve months, 94212
unless revoked earlier. ~~The county director may revoke the~~ 94213
~~certificate after determining that revocation is necessary.~~ The 94214
authorized provider shall post the certificate in a conspicuous 94215
place in the certified type B home that is accessible to parents, 94216
custodians, or guardians at all times. The certificate shall state 94217
the name and address of the authorized provider, the maximum 94218
number of children who may be cared for at any one time in the 94219
certified type B home, the expiration date of the certification, 94220
and the name and telephone number of the county director who 94221
issued the certificate. 94222

(2) The county director may revoke a certificate to provide 94223
publicly funded child care in either of the following 94224
circumstances: 94225

(a) The county director determines, pursuant to rules adopted 94226
under Chapter 119. of the Revised Code, that revocation is 94227
necessary; 94228

(b) The authorized provider does not comply with division 94229
(D)(2) of section 5104.32 of the Revised Code. 94230

(C)(1) The county director shall inspect every certified type 94231
B family day-care home at least twice within each twelve-month 94232
period of the operation of the certified type B home. A minimum of 94233
one inspection shall be unannounced and all inspections may be 94234
unannounced. Upon receipt of a complaint, the county director 94235
shall investigate the certified type B home, and division (C)(2) 94236
of this section applies regarding the complaint. The authorized 94237
provider shall permit the county director to inspect any part of 94238
the certified type B home. The county director shall prepare a 94239
written inspection report and furnish one copy to the authorized 94240
provider within a reasonable time after the inspection. 94241

(2) Upon receipt of a complaint as described in division 94242
(C)(1) of this section, in addition to the investigation that is 94243
required under that division, both of the following apply: 94244

(a) If the complaint alleges that a child suffered physical 94245
harm while receiving child care at the certified type B family 94246
day-care home or that the noncompliance with law or act alleged in 94247
the complaint involved, resulted in, or poses a substantial risk 94248
of physical harm to a child receiving child care at the home, the 94249
county director shall inspect the home. 94250

(b) If division (C)(2)(a) of this section does not apply 94251
regarding the complaint, the county director may inspect the 94252
certified type B family day-care home. 94253

(3) Division (C)(2) of this section does not limit, restrict, 94254
or negate any duty of the county director to inspect a certified 94255
type B family day-care home that otherwise is imposed under this 94256
section, or any authority of the county director to inspect a home 94257
that otherwise is granted under this section when the county 94258
director believes the inspection is necessary and it is permitted 94259
under the grant. 94260

(D) The county director of job and family services, in 94261
accordance with rules adopted pursuant to section 5104.052 of the 94262
Revised Code regarding fire safety and fire prevention, shall 94263
inspect each type B home that applies to be certified that is 94264
providing or is to provide publicly funded child care. 94265

(E) All materials that are supplied by the department of job 94266
and family services to type A family day-care home providers, type 94267
B family day-care home providers, in-home aides, persons who 94268
desire to be type A family day-care home providers, type B family 94269
day-care home providers, or in-home aides, and caretaker parents 94270
shall be written at no higher than the sixth grade reading level. 94271
The department may employ a readability expert to verify its 94272

compliance with this division. 94273

Sec. 5104.12. (A) The county director of job and family 94274
services may certify in-home aides to provide publicly funded 94275
child care pursuant to this chapter and any rules adopted under 94276
it. Any in-home aide who receives a certificate pursuant to this 94277
section to provide publicly funded child care is an independent 94278
contractor and is not an employee of the county department of job 94279
and family services that issues the certificate. 94280

(B) Every person desiring to receive certification as an 94281
in-home aide shall apply for certification to the county director 94282
of job and family services on such forms as the director of job 94283
and family services prescribes. The county director shall provide 94284
at no charge to each applicant a copy of rules for certifying 94285
in-home aides adopted pursuant to this chapter. 94286

(C)(1) If the county director of job and family services 94287
determines that public funds are available and that the person 94288
complies with this chapter and any rules adopted under it, the 94289
county director shall certify the person as an in-home aide and 94290
issue the person a certificate to provide publicly funded child 94291
care for twelve months. ~~The county director may revoke the~~ 94292
~~certificate after determining that revocation is necessary.~~ 94293
The county director shall furnish a copy of the certificate to the 94294
parent, custodian, or guardian. The certificate shall state the 94295
name and address of the in-home aide, the expiration date of the 94296
certification, and the name and telephone number of the county 94297
director who issued the certificate. 94298

(2) The county director may revoke the certificate in either 94299
of the following circumstances: 94300

(a) The county director determines, pursuant to rules adopted 94301
under Chapter 119. of the Revised Code, that revocation is 94302
necessary; 94303

(b) The in-home aide does not comply with division (D)(2) of section 5104.32 of the Revised Code. 94304
94305

(D)(1) The county director of job and family services shall 94306
inspect every home of a child who is receiving publicly funded 94307
child care in the child's own home while the in-home aide is 94308
providing the services. Inspections may be unannounced. Upon 94309
receipt of a complaint, the county director shall investigate the 94310
in-home aide, shall investigate the home of a child who is 94311
receiving publicly funded child care in the child's own home, and 94312
division (D)(2) of this section applies regarding the complaint. 94313
The caretaker parent shall permit the county director to inspect 94314
any part of the child's home. The county director shall prepare a 94315
written inspection report and furnish one copy each to the in-home 94316
aide and the caretaker parent within a reasonable time after the 94317
inspection. 94318

(2) Upon receipt of a complaint as described in division 94319
(D)(1) of this section, in addition to the investigations that are 94320
required under that division, both of the following apply: 94321

(a) If the complaint alleges that a child suffered physical 94322
harm while receiving publicly funded child care in the child's own 94323
home from an in-home aide or that the noncompliance with law or 94324
act alleged in the complaint involved, resulted in, or poses a 94325
substantial risk of physical harm to a child receiving publicly 94326
funded child care in the child's own home from an in-home aide, 94327
the county director shall inspect the home of the child. 94328

(b) If division (D)(2)(a) of this section does not apply 94329
regarding the complaint, the county director may inspect the home 94330
of the child. 94331

(3) Division (D)(2) of this section does not limit, restrict, 94332
or negate any duty of the county director to inspect a home of a 94333
child who is receiving publicly funded child care from an in-home 94334

aide that otherwise is imposed under this section, or any 94335
authority of the county director to inspect such a home that 94336
otherwise is granted under this section when the county director 94337
believes the inspection is necessary and it is permitted under the 94338
grant. 94339

Sec. 5104.32. (A) Except as provided in division (C) of this 94340
section, all purchases of publicly funded child care shall be made 94341
under a contract entered into by a licensed child day-care center, 94342
licensed type A family day-care home, certified type B family 94343
day-care home, certified in-home aide, approved child day camp, 94344
licensed preschool program, licensed school child program, or 94345
border state child care provider and the department of job and 94346
family services. All contracts for publicly funded child care 94347
shall be contingent upon the availability of state and federal 94348
funds. The department shall prescribe a standard form to be used 94349
for all contracts for the purchase of publicly funded child care, 94350
regardless of the source of public funds used to purchase the 94351
child care. To the extent permitted by federal law and 94352
notwithstanding any other provision of the Revised Code that 94353
regulates state contracts or contracts involving the expenditure 94354
of state or federal funds, all contracts for publicly funded child 94355
care shall be entered into in accordance with the provisions of 94356
this chapter and are exempt from any other provision of the 94357
Revised Code that regulates state contracts or contracts involving 94358
the expenditure of state or federal funds. 94359

(B) Each contract for publicly funded child care shall 94360
specify at least the following: 94361

(1) That the provider of publicly funded child care agrees to 94362
be paid for rendering services at the lower of the rate 94363
customarily charged by the provider for children enrolled for 94364
child care or the reimbursement ceiling or rate of payment 94365

established pursuant to section 5104.30 of the Revised Code; 94366

(2) That, if a provider provides child care to an individual 94367
potentially eligible for publicly funded child care who is 94368
subsequently determined to be eligible, the department agrees to 94369
pay for all child care provided between the date the county 94370
department of job and family services receives the individual's 94371
completed application and the date the individual's eligibility is 94372
determined; 94373

(3) Whether the county department of job and family services, 94374
the provider, or a child care resource and referral service 94375
organization will make eligibility determinations, whether the 94376
provider or a child care resource and referral service 94377
organization will be required to collect information to be used by 94378
the county department to make eligibility determinations, and the 94379
time period within which the provider or child care resource and 94380
referral service organization is required to complete required 94381
eligibility determinations or to transmit to the county department 94382
any information collected for the purpose of making eligibility 94383
determinations; 94384

(4) That the provider, other than a border state child care 94385
provider, shall continue to be licensed, approved, or certified 94386
pursuant to this chapter and shall comply with all standards and 94387
other requirements in this chapter and in rules adopted pursuant 94388
to this chapter for maintaining the provider's license, approval, 94389
or certification; 94390

(5) That, in the case of a border state child care provider, 94391
the provider shall continue to be licensed, certified, or 94392
otherwise approved by the state in which the provider is located 94393
and shall comply with all standards and other requirements 94394
established by that state for maintaining the provider's license, 94395
certificate, or other approval; 94396

(6) Whether the provider will be paid by the state department 94397
of job and family services or in some other manner as prescribed 94398
by rules adopted under section 5104.42 of the Revised Code; 94399

(7) That the contract is subject to the availability of state 94400
and federal funds. 94401

(C) Unless specifically prohibited by federal law or by rules 94402
adopted under section 5104.42 of the Revised Code, the county 94403
department of job and family services shall give individuals 94404
eligible for publicly funded child care the option of obtaining 94405
certificates that the individual may use to purchase services from 94406
any provider qualified to provide publicly funded child care under 94407
section 5104.31 of the Revised Code. Providers of publicly funded 94408
child care may present these certificates for payment in 94409
accordance with rules that the director of job and family services 94410
shall adopt. Only providers may receive payment for certificates. 94411
The value of the certificate shall be based on the lower of the 94412
rate customarily charged by the provider or the rate of payment 94413
established pursuant to section 5104.30 of the Revised Code. The 94414
county department may provide the certificates to the individuals 94415
or may contract with child care providers or child care resource 94416
and referral service organizations that make determinations of 94417
eligibility for publicly funded child care pursuant to contracts 94418
entered into under section 5104.34 of the Revised Code for the 94419
providers or resource and referral service organizations to 94420
provide the certificates to individuals whom they determine are 94421
eligible for publicly funded child care. 94422

For each six-month period a provider of publicly funded child 94423
care provides publicly funded child care to the child of an 94424
individual given certificates, the individual shall provide the 94425
provider certificates for days the provider would have provided 94426
publicly funded child care to the child had the child been 94427
present. The maximum number of days providers shall be provided 94428

certificates shall not exceed ten days in a six-month period 94429
during which publicly funded child care is provided to the child 94430
regardless of the number of providers that provide publicly funded 94431
child care to the child during that period. 94432

(D)(1) The department shall establish the Ohio electronic 94433
child care system to track attendance and calculate payments for 94434
publicly funded child care. The system shall include issuing an 94435
electronic child care card to each caretaker parent to swipe 94436
through a point-of-service device issued to an eligible provider, 94437
as described in section 5104.31 of the Revised Code. 94438

(2) Each eligible provider that provides publicly funded 94439
child care shall participate in the Ohio electronic child care 94440
system. A provider participating in the system shall not do any of 94441
the following: 94442

(a) Use or have possession of an electronic child care card 94443
issued to a caretaker parent; 94444

(b) Falsify attendance records; 94445

(c) Knowingly seek payment for publicly funded child care 94446
that was not provided; 94447

(d) Knowingly accept reimbursement for publicly funded child 94448
care that was not provided. 94449

Sec. 5107.10. (A) As used in this section: 94450

(1) "Countable income," "gross earned income," and "gross 94451
unearned income" have the meanings established in rules adopted 94452
under section 5107.05 of the Revised Code. 94453

(2) "Federal poverty guidelines" has the same meaning as in 94454
section 5101.46 of the Revised Code, except that references to a 94455
person's family in the definition shall be deemed to be references 94456
to the person's assistance group. 94457

(3) "Gross income" means gross earned income and gross unearned income. 94458
94459

(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment. 94460
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(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code. 94469
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(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements: 94475
94476

(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following: 94477
94478

(a) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child; 94479
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(b) A parent residing with and caring for the parent's minor child who receives supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local adoption assistance; 94484
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(c) A specified relative residing with and caring for a minor 94488

child who is related to the specified relative in a manner that 94489
makes the specified relative a specified relative and receives 94490
supplemental security income or federal, state, or local foster 94491
care or adoption assistance; 94492

(d) A woman at least six months pregnant. 94493

(2) The assistance group must meet the income requirements 94494
established by division (D) of this section. 94495

(3) No member of the assistance group may be involved in a 94496
strike. 94497

(4) The assistance group must satisfy the requirements for 94498
Ohio works first established by this chapter and ~~sections 5101.58,~~ 94499
~~5101.59,~~ and section 5101.83 of the Revised Code. 94500

(5) The assistance group must meet requirements for Ohio 94501
works first established by rules adopted under section 5107.05 of 94502
the Revised Code. 94503

(D)(1) Except as provided in division (D)(4) of this section, 94504
to determine whether an assistance group is initially eligible to 94505
participate in Ohio works first, a county department of job and 94506
family services shall do the following: 94507

(a) Determine whether the assistance group's gross income 94508
exceeds fifty per cent of the federal poverty guidelines. In 94509
making this determination, the county department shall disregard 94510
amounts that federal statutes or regulations and sections 5101.17 94511
and 5117.10 of the Revised Code require be disregarded. The 94512
assistance group is ineligible to participate in Ohio works first 94513
if the assistance group's gross income, less the amounts 94514
disregarded, exceeds fifty per cent of the federal poverty 94515
guidelines. 94516

(b) If the assistance group's gross income, less the amounts 94517
disregarded pursuant to division (D)(1)(a) of this section, does 94518

not exceed fifty per cent of the federal poverty guidelines, 94519
determine whether the assistance group's countable income is less 94520
than the payment standard. The assistance group is ineligible to 94521
participate in Ohio works first if the assistance group's 94522
countable income equals or exceeds the payment standard. 94523

(2) For the purpose of determining whether an assistance 94524
group meets the income requirement established by division 94525
(D)(1)(a) of this section, the annual revision that the United 94526
States department of health and human services makes to the 94527
federal poverty guidelines shall go into effect on the first day 94528
of July of the year for which the revision is made. 94529

(3) To determine whether an assistance group participating in 94530
Ohio works first continues to be eligible to participate, a county 94531
department of job and family services shall determine whether the 94532
assistance group's countable income continues to be less than the 94533
payment standard. In making this determination, the county 94534
department shall disregard the first two hundred fifty dollars and 94535
fifty per cent of the remainder of the assistance group's gross 94536
earned income. No amounts shall be disregarded from the assistance 94537
group's gross unearned income. The assistance group ceases to be 94538
eligible to participate in Ohio works first if its countable 94539
income, less the amounts disregarded, equals or exceeds the 94540
payment standard. 94541

(4) If an assistance group reapplies to participate in Ohio 94542
works first not more than four months after ceasing to 94543
participate, a county department of job and family services shall 94544
use the income requirement established by division (D)(3) of this 94545
section to determine eligibility for resumed participation rather 94546
than the income requirement established by division (D)(1) of this 94547
section. 94548

(E)(1) An assistance group may continue to participate in 94549
Ohio works first even though a public children services agency 94550

removes the assistance group's minor children from the assistance 94551
group's home due to abuse, neglect, or dependency if the agency 94552
does both of the following: 94553

(a) Notifies the county department of job and family services 94554
at the time the agency removes the children that it believes the 94555
children will be able to return to the assistance group within six 94556
months; 94557

(b) Informs the county department at the end of each of the 94558
first five months after the agency removes the children that the 94559
parent, guardian, custodian, or specified relative of the children 94560
is cooperating with the case plans prepared for the children under 94561
section 2151.412 of the Revised Code and that the agency is making 94562
reasonable efforts to return the children to the assistance group. 94563

(2) An assistance group may continue to participate in Ohio 94564
works first pursuant to division (E)(1) of this section for not 94565
more than six payment months. This division does not affect the 94566
eligibility of an assistance group that includes a woman at least 94567
six months pregnant. 94568

Sec. 5107.14. (A) An assistance group is ineligible to 94569
participate in Ohio works first unless the following enter into a 94570
written self-sufficiency contract with the county department of 94571
job and family services: 94572

(1) Each adult member of the assistance group; 94573

(2) The assistance group's minor head of household. 94574

(B) A self-sufficiency contract shall set forth the rights 94575
and responsibilities of the assistance group as applicants for and 94576
participants of Ohio works first. Each self-sufficiency contract 94577
shall include, based on appraisals conducted under section 5107.41 94578
of the Revised Code and assessments conducted under section 94579
5107.70 of the Revised Code, the following: 94580

- (1) The assistance group's plan, developed under section 94581
5107.41 of the Revised Code, to achieve the goal of self 94582
sufficiency and personal responsibility through unsubsidized 94583
employment within the time limit for participating in Ohio works 94584
first established by section 5107.18 of the Revised Code; 94585
- (2) Work activities, developmental activities, and 94586
alternative work activities to which members of the assistance 94587
group are assigned under sections 5107.40 to 5107.69 of the 94588
Revised Code; 94589
- (3) The responsibility of a caretaker member of the 94590
assistance group to cooperate in establishing a minor child's 94591
paternity and establishing, modifying, and enforcing a support 94592
order for the child in accordance with section 5107.22 of the 94593
Revised Code; 94594
- (4) Other responsibilities that members of the assistance 94595
group must satisfy to participate in Ohio works first and the 94596
consequences for failure or refusal to satisfy the 94597
responsibilities; 94598
- (5) An agreement that, except as otherwise provided in a 94599
waiver issued under section 5107.714 of the Revised Code, the 94600
assistance group will comply with the conditions of participating 94601
in Ohio works first established by this chapter and ~~sections~~ 94602
~~5101.58, 5101.59, and section~~ 5101.83 of the Revised Code; 94603
- (6) Assistance and services the county department will 94604
provide to the assistance group; 94605
- (7) Assistance and services the child support enforcement 94606
agency and public children services agency will provide to the 94607
assistance group pursuant to a plan of cooperation entered into 94608
under section 307.983 of the Revised Code; 94609
- (8) Other provisions designed to assist the assistance group 94610
in achieving self sufficiency and personal responsibility; 94611

(9) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended; 94612
94613

(10) Procedures for amending the contract. 94614

(C) No self-sufficiency contract shall include provisions regarding the LEAP program. 94615
94616

(D) The county department shall provide without charge a copy of the self-sufficiency contract to each assistance group member who signs it. 94617
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94619

Sec. 5107.16. (A) If a member of an assistance group fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract entered into under section 5107.14 of the Revised Code, a county department of job and family services shall sanction the assistance group as follows: 94620
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(1) For a first failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for one payment month or until the failure or refusal ceases, whichever is longer; 94625
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(2) For a second failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for three payment months or until the failure or refusal ceases, whichever is longer; 94629
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(3) For a third or subsequent failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for six payment months or until the failure or refusal ceases, whichever is longer. 94633
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(B) The director of job and family services shall establish standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract in rules adopted under section 5107.05 of the Revised 94638
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94641

Code. 94642

(C) An assistance group member who fails or refuses, without 94643
good cause, to comply in full with a provision of a 94644
self-sufficiency contract must complete all compliance activities 94645
specified in rules adopted under section 5107.05 of the Revised 94646
Code in order for the failure or refusal to be considered to have 94647
ceased. 94648

(D) After sanctioning an assistance group under division (A) 94649
of this section, a county department of job and family services 94650
shall continue to work with the assistance group. 94651

(E) An adult eligible for medicaid ~~pursuant to division~~ 94652
~~(C)(1)(a) of section 5111.01 of the Revised Code~~ who is sanctioned 94653
under division (A)(3) of this section for a failure or refusal, 94654
without good cause, to comply in full with a provision of a 94655
self-sufficiency contract related to work responsibilities under 94656
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 94657
for medicaid unless the adult is otherwise eligible for medicaid 94658
pursuant to ~~another division of section 5111.01 of the Revised~~ 94659
~~Code~~ an eligibility category other than the category associated 94660
with Title IV-A. 94661

An assistance group that would be participating in Ohio works 94662
first if not for a sanction under this section shall continue to 94663
be eligible for all of the following: 94664

(1) Publicly funded child care in accordance with division 94665
(A)(3) of section 5104.30 of the Revised Code; 94666

(2) Support services in accordance with section 5107.66 of 94667
the Revised Code; 94668

(3) To the extent permitted by the "Fair Labor Standards Act 94669
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 94670
in work activities, developmental activities, and alternative work 94671
activities in accordance with sections 5107.40 to 5107.69 of the 94672

Revised Code. 94673

Sec. 5107.20. As used in this section, "support" means child 94674
support, spousal support, and support for a spouse or a former 94675
spouse. 94676

Participation in Ohio works first constitutes an assignment 94677
to the department of job and family services of any rights members 94678
of an assistance group have to support from any other person, 94679
~~excluding medical support assigned pursuant to section 5101.59 of~~ 94680
~~the Revised Code.~~ The rights to support assigned to the department 94681
pursuant to this section constitute an obligation of the person 94682
who is responsible for providing the support to the state for the 94683
amount of cash assistance provided to the assistance group. 94684

The office of child support in the department of job and 94685
family services shall collect and distribute support payments owed 94686
to Ohio works first participants, whether assigned to the 94687
department or unassigned, in accordance with 42 U.S.C. 654 B and 94688
657 and regulations adopted under those statutes, state statutes, 94689
and rules adopted under section 5107.05 of the Revised Code. 94690

Upon implementation of centralized collection and 94691
disbursement under Chapter 3121. of the Revised Code, in 94692
accordance with 42 U.S.C. 654B and 657 and regulations adopted 94693
under those statutes, the department shall deposit support 94694
payments it receives pursuant to this section into the state 94695
treasury to the credit of the child support collections fund or 94696
the child support administrative fund, both of which are hereby 94697
created. Money credited to the funds shall be used to make cash 94698
assistance payments under Ohio works first. 94699

Sec. 5107.24. (A) As used in this section: 94700

(1) "Adult-supervised living arrangement" means a family 94701
setting approved, licensed, or certified by the department of job 94702

and family services, the department of ~~mental health~~ mental health 94703
and addiction services, the department of developmental 94704
disabilities, the department of youth services, a public children 94705
services agency, a private child placing agency, or a private 94706
noncustodial agency that is maintained by a person age eighteen or 94707
older who assumes responsibility for the care and control of a 94708
minor parent, pregnant minor, or child of a minor parent or 94709
provides the minor parent, pregnant minor, or child of a minor 94710
parent supportive services, including counseling, guidance, and 94711
supervision. "Adult-supervised living arrangement" does not mean a 94712
public institution. 94713

(2) "Child of a minor parent" means a child born to a minor 94714
parent, except that the child ceases to be considered a child of 94715
minor parent when the minor parent attains age eighteen. 94716

(3) "Minor parent" means a parent who is under age eighteen 94717
and is not married. 94718

(4) "Pregnant minor" means a pregnant person who is under age 94719
eighteen and not married. 94720

(B)(1) Except as provided in division (B)(2) of this section 94721
and to the extent permitted by Title IV-A and federal regulations 94722
adopted under Title IV-A, a pregnant minor, minor parent, or child 94723
of a minor parent must reside in a place of residence maintained 94724
by a parent, guardian, custodian, or specified relative of the 94725
pregnant minor or minor parent as the parent's, guardian's, 94726
custodian's, or specified relative's own home to be eligible to 94727
participate in Ohio works first. 94728

(2) To the extent permitted by Title IV-A and federal 94729
regulations adopted under it, a pregnant minor, minor parent, or 94730
child of a minor parent is exempt from the requirement of division 94731
(B)(1) of this section if any of the following apply: 94732

(a) The minor parent or pregnant minor does not have a 94733

parent, guardian, custodian, or specified relative living or whose
whereabouts are known. 94734
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(b) No parent, guardian, custodian, or specified relative of 94736
the minor parent or pregnant minor will allow the pregnant minor, 94737
minor parent, or minor parent's child to live in the parent's, 94738
guardian's, custodian's, or specified relative's home. 94739

(c) The department of job and family services, a county 94740
department of job and family services, or a public children 94741
services agency determines that the physical or emotional health 94742
or safety of the pregnant minor, minor parent, or minor parent's 94743
child would be in jeopardy if the pregnant minor, minor parent, or 94744
minor parent's child lived in the same home as the parent, 94745
guardian, custodian, or specified relative. 94746

(d) The department of job and family services, a county 94747
department of job and family services, or a public children 94748
services agency otherwise determines that it is in the best 94749
interest of the pregnant minor, minor parent, or minor parent's 94750
child to waive the requirement of division (B)(1) of this section. 94751

(C) A pregnant minor, minor parent, or child of a minor 94752
parent exempt from the requirement of division (B)(1) of this 94753
section must reside in an adult-supervised living arrangement to 94754
be eligible to participate in Ohio works first. 94755

(D) The department of job and family services, whenever 94756
possible and to the extent permitted by Title IV-A and federal 94757
regulations adopted under it, shall provide cash assistance under 94758
Ohio works first to the parent, guardian, custodian, or specified 94759
relative of a pregnant minor or minor parent on behalf of the 94760
pregnant minor, minor parent, or minor parent's child. 94761

Sec. 5107.26. (A) As used in this section: 94762

(1) ~~"Transitional,~~ "transitional child care" means publicly 94763

funded child care provided under division (A)(3) of section 94764
5104.34 of the Revised Code. 94765

~~(2) "Transitional medicaid" means the medical assistance 94766
provided under section 5111.0115 of the Revised Code. 94767~~

(B) Except as provided in division (C) of this section, ~~each:~~ 94768

(1) Each member of an assistance group participating in Ohio 94769
works first is ineligible to participate in the program for six 94770
payment months if a county department of job and family services 94771
determines that a member of the assistance group terminated the 94772
member's employment ~~and each.~~ 94773

(2) Each person who, on the day prior to the day a recipient 94774
begins to receive transitional child care ~~or transitional~~ 94775
~~medicaid~~, was a member of the recipient's assistance group is 94776
ineligible to participate in Ohio works first for six payment 94777
months if a county department determines that the recipient 94778
terminated the recipient's employment. 94779

(C) No assistance group member shall lose or be denied 94780
eligibility to participate in Ohio works first pursuant to 94781
division (B) of this section if the termination of employment was 94782
because an assistance group member or recipient of transitional 94783
child care ~~or transitional medicaid~~ secured comparable or better 94784
employment or the county department of job and family services 94785
certifies that the member or recipient terminated the employment 94786
with just cause. 94787

Just cause includes the following: 94788

(1) Discrimination by an employer based on age, race, sex, 94789
color, handicap, religious beliefs, or national origin; 94790

(2) Work demands or conditions that render continued 94791
employment unreasonable, such as working without being paid on 94792
schedule; 94793

(3) Employment that has become unsuitable due to any of the following: 94794
94795

(a) The wage is less than the federal minimum wage; 94796

(b) The work is at a site subject to a strike or lockout, unless the strike has been enjoined under section 208 of the "Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 178, as amended, an injunction has been issued under section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as amended, or an injunction has been issued under section 4117.16 of the Revised Code; 94797
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(c) The documented degree of risk to the member or recipient's health and safety is unreasonable; 94804
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(d) The member or recipient is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources. 94806
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(4) Documented illness of the member or recipient or of another assistance group member of the member or recipient requiring the presence of the member or recipient; 94809
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(5) A documented household emergency; 94812

(6) Lack of adequate child care for children of the member or recipient who are under six years of age. 94813
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Sec. 5107.42. (A) Except as provided in divisions (B) and (C) of this section, county departments of job and family services shall assign each minor head of household and adult participating in Ohio works first, other than a minor head of household participating in the LEAP program, to one or more work activities and developmental activities. 94815
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If a county department assigns a minor head of household or adult to the work activity established under division (H) of section 5107.60 of the Revised Code, the county department shall 94821
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make reasonable efforts to assign the minor head of household or 94824
adult to at least one other work activity at the same time. If a 94825
county department assigns a minor head of household or adult to 94826
the work activity established under section 5107.58 of the Revised 94827
Code, the county department shall assign the minor head of 94828
household or adult to at least one other work activity at the same 94829
time. 94830

A county department may not assign a minor head of household 94831
or adult to a work activity established under division (D) of 94832
section 5107.60 of the Revised Code for more than twelve months. 94833

(B) If a county department determines that a minor head of 94834
household or adult has a temporary or permanent barrier to 94835
participation in a work activity, it may assign the minor head of 94836
household or adult to one or more alternative work activities 94837
instead of assigning the minor head of household or adult to one 94838
or more work activities or developmental activities. A county 94839
department may not assign more than twenty per cent of minor heads 94840
of household and adults participating in Ohio works first to an 94841
alternative work activity. 94842

County departments shall establish standards for determining 94843
whether a minor head of household or adult has a temporary or 94844
permanent barrier to participating in a work activity. The 94845
following are examples of circumstances that a county department 94846
may consider when it develops its standards: 94847

(1) A minor head of household or adult provides the county 94848
department documented evidence that one or more members of the 94849
assistance group have been the victim of domestic violence and are 94850
in imminent danger of suffering continued domestic violence; 94851

(2) A minor head of household or adult is actively 94852
participating in ~~an alcohol or drug~~ a community addiction ~~program~~ 94853
services provider certified by the department of ~~alcohol and drug~~ 94854

~~addiction services~~ mental health and addiction services under 94855
section ~~3793.06~~ 5119.36 of the Revised Code; 94856

(3) An assistance group is homeless. 94857

(C) A county department may exempt a minor head of household 94858
or adult who is unmarried and caring for a minor child under 94859
twelve months of age from the work requirements of sections 94860
5107.40 to 5107.69 of the Revised Code for not more than twelve 94861
months. While exempt, the minor head of household or adult shall 94862
be disregarded in determining whether the county department is 94863
meeting the requirement of section 5107.44 of the Revised Code. 94864
The county department shall assign the exempt minor head of 94865
household or adult to at least one developmental activity for a 94866
number of hours a week the county department determines. The 94867
county department may assign the exempt minor head of household or 94868
adult to one or more work activities, in addition to developmental 94869
activities, for a number of hours the county department 94870
determines. Division (B) of section 5107.43 of the Revised Code 94871
does not apply to the exempt minor head of household or adult. 94872

(D) A county department may reassign a minor head of 94873
household or adult when the county department determines 94874
reassignment will aid the assistance group in achieving self 94875
sufficiency and personal responsibility and shall make 94876
reassignments when circumstances requiring reassignment occur, 94877
including when a temporary barrier to participating in a work 94878
activity is eliminated. 94879

A county department shall include assignments in the 94880
self-sufficiency contract entered into under section 5107.14 of 94881
the Revised Code and shall amend the contract when a reassignment 94882
is made to include the reassignment in the contract. 94883

Sec. 5107.64. County departments of job and family services 94884
shall establish and administer alternative work activities for 94885

minor heads of households and adults participating in Ohio works 94886
first. In establishing alternative work activities, county 94887
departments are not limited by the restrictions Title IV-A imposes 94888
on work activities. The following are examples of alternative work 94889
activities that a county department may establish: 94890

(A) Parenting classes and life-skills training; 94891

(B) Participation in ~~an alcohol or drug~~ a community addiction 94892
~~program services provider~~ certified by the department of ~~alcohol~~ 94893
~~and drug addiction services~~ mental health and addiction services 94894
under section ~~3793.06~~ 5119.36 of the Revised Code; 94895

(C) In the case of a homeless assistance group, finding a 94896
home; 94897

(D) In the case of a minor head of household or adult with a 94898
disability, active work in an individual written rehabilitation 94899
plan with the ~~rehabilitation services commission~~ opportunities for 94900
Ohioans with disabilities agency; 94901

(E) In the case of a minor head of household or adult who has 94902
been the victim of domestic violence, residing in a domestic 94903
violence shelter, receiving counseling or treatment related to the 94904
domestic violence, or participating in criminal justice activities 94905
against the domestic violence offender; 94906

(F) An education program under which a participant who does 94907
not speak English attends English as a second language course. 94908

Sec. 5115.20. (A) The department of job and family services 94909
shall establish a disability advocacy program and each county 94910
department of job and family services shall establish a disability 94911
advocacy program unit or join with other county departments of job 94912
and family services to establish a joint county disability 94913
advocacy program unit. Through the program the department and 94914
county departments shall cooperate in efforts to assist applicants 94915

for and recipients of assistance under the disability financial 94916
assistance program, who might be eligible for supplemental 94917
security income benefits under Title XVI of the "Social Security 94918
Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, in 94919
applying for those benefits. 94920

As part of their disability advocacy programs, the state 94921
department and county departments may enter into contracts for the 94922
services of persons and government entities that in the judgment 94923
of the department or county department have demonstrated expertise 94924
in representing persons seeking supplemental security income 94925
benefits. Each contract shall require the person or entity with 94926
which a department contracts to assess each person referred to it 94927
by the department to determine whether the person appears to be 94928
eligible for supplemental security income benefits, and, if the 94929
person appears to be eligible, assist the person in applying and 94930
represent the person in any proceeding of the social security 94931
administration, including any appeal or reconsideration of a 94932
denial of benefits. The department or county department shall 94933
provide to the person or entity with which it contracts all 94934
records in its possession relevant to the application for 94935
supplemental security income benefits. The department shall 94936
require a county department with relevant records to submit them 94937
to the person or entity. 94938

(B) Each applicant for or recipient of disability financial 94939
assistance who, in the judgment of the department of job and 94940
family services or a county department of job and family services 94941
might be eligible for supplemental security benefits, shall, as a 94942
condition of eligibility for assistance, apply for such benefits 94943
if directed to do so by the department or county department. 94944

(C) With regard to applicants for and recipients of 94945
disability financial assistance, each county department of job and 94946
family services shall do all of the following: 94947

- (1) Identify applicants and recipients who might be eligible for supplemental security income benefits; 94948
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- (2) Assist applicants and recipients in securing documentation of disabling conditions or refer them for such assistance to a person or government entity with which the department of job and family services or county department has contracted under division (A) of this section; 94950
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- (3) Inform applicants and recipients of available sources of representation, which may include a person or government entity with which the department or county department has contracted under division (A) of this section, and of their right to represent themselves in reconsiderations and appeals of social security administration decisions that deny them supplemental security income benefits. The county department may require the applicants and recipients, as a condition of eligibility for assistance, to pursue reconsiderations and appeals of social security administration decisions that deny them supplemental security income benefits, and shall assist applicants and recipients as necessary to obtain such benefits or refer them to a person or government entity with which the department or county department has contracted under division (A) of this section. 94955
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- (4) Require applicants and recipients who, in the judgment of the county department, are or may be aged, blind, or disabled, to apply for ~~medical assistance under Chapter 5111. of the Revised Code~~ the medicaid program, make determinations when appropriate as to eligibility for ~~medical assistance~~ medicaid, and refer their applications when necessary to the disability determination unit established in accordance with division (F) of this section for expedited review; 94969
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- (5) Require each applicant and recipient who in the judgment of the department or the county department might be eligible for supplemental security income benefits, as a condition of 94977
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eligibility for disability financial assistance, to execute a written authorization for the secretary of health and human services to withhold benefits due that individual and pay to the director of job and family services or the director's designee an amount sufficient to reimburse the state and county shares of interim assistance furnished to the individual. For the purposes of division (C)(5) of this section, "benefits" and "interim assistance" have the meanings given in Title XVI of the "Social Security Act."

(D) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code for the effective administration of the disability advocacy program. The rules shall include all of the following:

(1) Methods to be used in collecting information from and disseminating it to county departments, including the following:

(a) The number of individuals in the county who are disabled recipients of disability financial assistance;

(b) The final decision made either by the social security administration or by a court for each application or reconsideration in which an individual was assisted pursuant to this section.

(2) The type and process of training to be provided by the department of job and family services to the employees of the county department of job and family services who perform duties under this section;

(3) Requirements for the written authorization required by division (C)(5) of this section.

(E) The department of job and family services shall provide basic and continuing training to employees of the county department of job and family services who perform duties under this section. Training shall include but not be limited to all

processes necessary to obtain federal disability benefits, and 95011
methods of advocacy. 95012

(F) The department of medicaid shall establish a disability 95013
determination unit and develop guidelines for expediting reviews 95014
of applications for ~~medical assistance under Chapter 5111. of the~~ 95015
~~Revised Code~~ the medicaid program for persons who have been 95016
referred to the unit under division (C)(4) of this section. The 95017
department of medicaid shall make determinations of eligibility 95018
for ~~medical assistance~~ medicaid for any such person within the 95019
time prescribed by federal regulations. 95020

(G) The department of job and family services may, under 95021
rules the director of job and family services adopts in accordance 95022
with section 111.15 of the Revised Code, pay a portion of the 95023
federal reimbursement described in division (C)(5) of this section 95024
to persons or government entities that assist or represent 95025
assistance recipients in reconsiderations and appeals of social 95026
security administration decisions denying them supplemental 95027
security income benefits. 95028

(H) The director of job and family services shall conduct 95029
investigations to determine whether disability advocacy programs 95030
are being administered in compliance with the Revised Code and the 95031
rules adopted by the director pursuant to this section. 95032

Sec. 5117.10. (A) On or before the fifteenth day of January, 95033
the director of development shall pay each applicant determined 95034
eligible for a payment under divisions (A) and (B) of section 95035
5117.07 of the Revised Code one hundred twenty-five dollars. 95036

(B) The director may withhold from any payment to which a 95037
person would otherwise be entitled under division (A) of this 95038
section any amount that the director determines was erroneously 95039
received by such person in a preceding year under this or the 95040
program established under Am. Sub. H.B. 230, as amended by Am. 95041

H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 523 of the 112th general assembly, provided the director has employed all other legal methods reasonably available to obtain reimbursement for the erroneous payment or credit prior to the commencement of the current program year.

(C) Payments made under this section and credits granted under section 5117.09 of the Revised Code shall not be considered income for the purpose of determining eligibility or the level of benefits or assistance under section 329.042 or Chapters 5107.7 ~~5111.7~~ and 5115. of the Revised Code; the medicaid program; supplemental security income payments under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended; or any other program under which eligibility or the level of benefits or assistance is based upon need measured by income.

Sec. ~~3793.01~~ 5119.01. (A) As used in this chapter:

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons

who abuse drugs of abuse and for the prevention of alcoholism and drug addiction. 95073
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(4) "Alcoholic" means a person suffering from alcoholism. 95075

(5) "Alcoholism" means the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can control the individual's use of alcohol or endangers the health, safety, or welfare of the individual or others. 95076
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~~(2) "Alcoholic" means a person suffering from alcoholism.~~ 95081

~~(3)~~(6) "Community addiction services provider" means an agency, association, corporation, individual, or program that provides community alcohol, drug addiction, or gambling addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. 95082
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(7) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides community mental health services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. 95087
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(8) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others. 95092
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~~(4) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.~~ 95097
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~~(5) "Alcohol and drug addiction program" means a program that provides alcohol or drug addiction services and includes a~~ 95101
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~~facility or entity that operates such a program.~~ 95103

~~(6)~~(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others. 95104
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~~(7)~~(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction. 95108
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(11) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code. 95111
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(12) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life. 95116
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(13) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness as defined in this section. 95120
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(14)(a) "Residence" means a person's physical presence in a county with intent to remain there, except in either of the following circumstances: 95123
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(i) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility; 95126
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(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 95131
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"residence" means the county where the criminal charges were 95133
filed. 95134

(b) When the residence of a person is disputed, the matter of 95135
residence shall be referred to the department of mental health and 95136
addiction services for investigation and determination. Residence 95137
shall not be a basis for a board of alcohol, drug addiction, and 95138
mental health services to deny services to any person present in 95139
the board's service district, and the board shall provide services 95140
for a person whose residence is in dispute while residence is 95141
being determined and for a person in an emergency situation. 95142

(B) Any reference in this chapter to a board of alcohol, drug 95143
addiction, and mental health services also refers to an alcohol 95144
and drug addiction services board or a community mental health 95145
board in a service district in which an alcohol and drug addiction 95146
services board or a community mental health board has been 95147
established under section 340.021 or former section 340.02 of the 95148
Revised Code. 95149

Sec. 5119.04. The department of ~~mental health~~ mental health 95150
and addiction services and any institutions under its supervision 95151
or jurisdiction shall, where applicable, be in substantial 95152
compliance with standards set forth for psychiatric facilities by 95153
the joint commission ~~on accreditation of healthcare organizations~~ 95154
or medical assistance standards under Title XIX of the "Social 95155
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or 95156
other applicable standards, ~~except that the department and any~~ 95157
~~institution under its supervision or jurisdiction shall be in~~ 95158
~~substantial compliance with standards for physical facilities and~~ 95159
~~equipment by July 1, 1989. The requirements of this section do not~~ 95160
~~apply to any facility designated by the director of mental health~~ 95161
~~for use as a psychiatric rehabilitation center.~~ 95162

The requirements of this section are in addition to any other 95163

requirements established by the Revised Code and nothing in this 95164
section shall be construed to limit any rights, privileges, 95165
protections, or immunities which may exist under the constitution 95166
and laws of the United States or this state. 95167

Sec. ~~5119.27~~ 5119.05. Subject to the rules of the director of 95168
~~mental health~~ mental health and addiction services, each 95169
institution under the jurisdiction of the department shall be 95170
under the management and control of a managing officer to be known 95171
as a ~~superintendent~~ chief executive officer or by another 95172
appropriate title. Such managing officer shall be appointed by the 95173
director of ~~mental health~~ mental health and addiction services, 95174
and shall be in the unclassified service and serve at the pleasure 95175
of the director. Each managing officer shall be of good moral 95176
character and have skill, ability, and experience in ~~his~~ the 95177
managing officer's profession. ~~Appointment to this position may be~~ 95178
~~made from persons holding positions in the classified service in~~ 95179
~~the department.~~ 95180

The managing officer, under the director, shall ~~have entire~~ 95181
~~executive charge~~ serve as the appointing authority of the 95182
institution ~~for~~ to which such managing officer is appointed. 95183
Subject to civil service rules, the managing officer shall have 95184
the power to appoint the necessary and remove employees ~~and he or~~ 95185
~~the director may remove such employees for cause of the~~ 95186
institution. On behalf of the institution, the managing officer 95187
has the authority and responsibility for entering into contracts 95188
and other agreements for the efficient operations of the 95189
institution. 95190

Sec. ~~5119.44~~ 5119.051. The department of ~~mental health~~ mental 95191
health and addiction services shall keep in its office a proper 95192
and complete set of books and accounts with each institution, 95193
which shall clearly show the nature and amount of every 95194

expenditure authorized and made at such institution, and which 95195
shall contain an account of all appropriations made by the general 95196
assembly and of all other funds, together with the disposition of 95197
such funds. 95198

The department shall prescribe the form of vouchers, records, 95199
and methods of keeping accounts at each of the institutions, which 95200
shall be as nearly uniform as possible. The department may examine 95201
the records of each institution at any time. 95202

The department may authorize any of its ~~bookkeepers~~ 95203
bookkeepers, accountants, or employees to examine and check the 95204
records, accounts, and vouchers or take an inventory of the 95205
property of any institution, or do whatever is necessary, and pay 95206
the actual and reasonable expenses incurred in such service when 95207
an itemized account is filed and approved. 95208

Sec. ~~5119.43~~ 5119.06. The department of ~~mental health~~ mental 95209
health and addiction services shall keep in its office, accessible 95210
only to its employees, except by the consent of the department or 95211
the order of the judge of a court of record, a record showing the 95212
name, residence, sex, age, nativity, occupation, condition, and 95213
date of entrance or commitment of every patient in the 95214
institutions governed by it, the date, cause, and terms of 95215
discharge and the condition of such person at the time of leaving, 95216
and also a record of all transfers from one institution to 95217
another, and, if such person dies while in the care or custody of 95218
the department, the date and cause of death. These and such other 95219
facts as the department requires shall be furnished by the 95220
managing officer of each institution within twenty-four hours 95221
after the commitment, entrance, death, or discharge of a patient. 95222

In case of an accident or injury or peculiar death of a 95223
patient the managing officer shall make a special report to the 95224
department within twenty-four hours thereafter, giving the 95225

circumstances as fully as possible. 95226

Sec. ~~5119.42~~ 5119.07. A person, firm, or corporation may file 95227
a petition in the court of common pleas of the county in which a 95228
benevolent institution of the department of mental health and 95229
addiction services is located, in which petition the desire to 95230
erect or carry on at a less distance than that prescribed in 95231
section 3767.19 of the Revised Code shall be set forth, the 95232
business prohibited, the precise point of its establishment, and 95233
the reasons and circumstances, in its opinion, why the erection or 95234
carrying on ~~thereof~~ of the business would not annoy or endanger 95235
the health, convenience, or recovery of the patients of such 95236
institution. The petitioner shall give notice in a newspaper of 95237
general circulation in the county of the pendency and prayer of 95238
the petition for at least six consecutive weeks before the day set 95239
for hearing the petition and serve a written notice upon the 95240
~~superintendent~~ managing officer of the institution at least thirty 95241
days before the day set for hearing the petition. 95242

If, upon the hearing of the petition, it appears that the 95243
notice has been given as required and the court is of the opinion 95244
that no good reason exists why such establishment may not be 95245
erected or such business carried on and that by the erection or 95246
carrying on ~~thereof~~ of the business at the point named, the 95247
institution will sustain no detriment, the court may issue an 95248
order granting the prayer of the petitioner. Thereafter the 95249
petitioner may locate such establishment or carry on such business 95250
at the point named in the petition. 95251

Sec. ~~5119.14~~ 5119.08. (A) As used in this section, "felony" 95252
has the same meaning as in section 109.511 of the Revised Code. 95253

(B)(1) Subject to division (C) of this section, upon the 95254
recommendation of the director of ~~mental health~~ mental health and 95255

addiction services, the managing officer of an institution under 95256
the jurisdiction of the department of ~~mental health~~ mental health 95257
and addiction services may designate one or more employees to be 95258
special police officers of the department. The special police 95259
officers shall take an oath of office, wear the badge of office, 95260
and give bond for the proper and faithful discharge of their 95261
duties in an amount that the director requires. 95262

(2) In accordance with section 109.77 of the Revised Code, 95263
the special police officers shall be required to complete 95264
successfully a peace officer basic training program approved by 95265
the Ohio peace officer training commission and to be certified by 95266
the commission. The cost of the training shall be paid by the 95267
department of ~~mental health~~ mental health and addiction services. 95268

(3) Special police officers, on the premises of institutions 95269
under the jurisdiction of the department of ~~mental health~~ mental 95270
health and addiction services and subject to the rules of the 95271
department, shall protect the property of the institutions and the 95272
persons and property of patients in the institutions, suppress 95273
riots, disturbances, and breaches of the peace, and enforce the 95274
laws of the state and the rules of the department for the 95275
preservation of good order. They may arrest any person without a 95276
warrant and detain the person until a warrant can be obtained 95277
under the circumstances described in division (F) of section 95278
2935.03 of the Revised Code. 95279

(C)(1) The managing officer of an institution under the 95280
jurisdiction of the department of ~~mental health~~ mental health and 95281
addiction services shall not designate an employee as a special 95282
police officer of the department pursuant to division (B)(1) of 95283
this section on a permanent basis, on a temporary basis, for a 95284
probationary term, or on other than a permanent basis if the 95285
employee previously has been convicted of or has pleaded guilty to 95286
a felony. 95287

(2)(a) The managing officer of an institution under the jurisdiction of the department of ~~mental health~~ mental health and addiction services shall terminate the employment as a special police officer of the department of an employee designated as a special police officer under division (B)(1) of this section if that employee does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the employee agrees to surrender the certificate awarded to that employee under section 109.77 of the Revised Code.

(b) The managing officer shall suspend from employment as a special police officer of the department an employee designated as a special police officer under division (B)(1) of this section if that employee is convicted, after trial, of a felony. If the special police officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the special police officer does not file a timely appeal, the managing officer shall terminate the employment of that special police officer. If the special police officer files an appeal that results in that special police officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that special police officer, the managing officer shall reinstate that special police officer. A special police officer of the department who is reinstated under division (C)(2)(b) of this section shall not receive any back pay unless that special police officer's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the special police officer of the felony.

(3) Division (C) of this section does not apply regarding an

offense that was committed prior to January 1, 1997. 95320

(4) The suspension from employment, or the termination of the 95321
employment, of a special police officer under division (C)(2) of 95322
this section shall be in accordance with ~~Chapter 119. of the~~ 95323
~~Revised Code~~ applicable collective bargaining agreements. 95324

Sec. ~~5119.30~~ 5119.09. The attorney general shall attend to 95325
all ~~suits~~ claims instituted on behalf of or against the department 95326
of mental health and addiction services or any institution under 95327
the jurisdiction of the department ~~of mental health~~ and the 95328
managing officer thereof, except such institutions as are 95329
privately owned or operated under a license from the department of 95330
~~mental health~~ mental health and addiction services, and shall 95331
represent the public hospital in proceedings under section 5122.15 95332
of the Revised Code. The department of ~~mental health~~ mental health 95333
and addiction services shall reimburse the attorney general for 95334
the compensation of assistant attorneys general required to 95335
represent the public hospital in proceedings under section 5122.15 95336
of the Revised code and shall also pay the costs of litigation 95337
incurred by the attorney general under that section. 95338

If a writ of habeas corpus is applied for, the clerk of the 95339
court shall give notice of the time and place of hearing to the 95340
attorney general. 95341

Sec. ~~5119.01~~ 5119.10. (A) The director of ~~mental health~~ 95342
mental health and addiction services is the chief executive and 95343
~~administrative officer~~ appointing authority of the department of 95344
~~mental health~~ mental health and addiction services. The director 95345
may organize the department for its efficient operation, including 95346
creating divisions or offices as necessary. The director may 95347
establish procedures for the governance of the department, conduct 95348
of its employees and officers, performance of its business, and 95349

custody, use, and preservation of departmental records, papers, 95350
books, documents, and property. Whenever the Revised Code imposes 95351
a duty upon or requires an action of the department or any of its 95352
institutions, the director or the director's designee shall 95353
perform the action or duty in the name of the department, except 95354
that the medical director appointed pursuant to section ~~5119.07~~ 95355
5119.11 of the Revised Code shall be responsible for decisions 95356
relating to medical diagnosis, treatment, rehabilitation, quality 95357
assurance, and the clinical aspects of the following: licensure of 95358
hospitals and residential facilities, research, community 95359
addiction and mental health services plans, and certification and 95360
delivery of mental health and addiction services. 95361

(B) The director shall: 95362

~~(A)~~(1) Adopt rules for the proper execution of the powers and 95363
duties of the department with respect to the institutions under 95364
its control, and require the performance of additional duties by 95365
the officers of the institutions as necessary to fully meet the 95366
requirements, intents, and purposes of this chapter. In case of an 95367
apparent conflict between the powers conferred upon any managing 95368
officer and those conferred by such sections upon the department, 95369
the presumption shall be conclusive in favor of the department. 95370

~~(B)~~(2) Adopt rules for the nonpartisan management of the 95371
institutions under the department's control. An officer or 95372
employee of the department or any officer or employee of any 95373
institution under its control who, by solicitation or otherwise, 95374
exerts influence directly or indirectly to induce any other 95375
officer or employee of the department or any of its institutions 95376
to adopt the exerting officer's or employee's political views or 95377
to favor any particular person, issue, or candidate for office 95378
shall be removed from the exerting officer's or employee's office 95379
or position, by the department in case of an officer or employee, 95380
and by the governor in case of the director. 95381

~~(C)~~(3) Appoint such employees, including the medical 95382
director, as are necessary for the efficient conduct of the 95383
department, and prescribe their titles and duties; 95384

~~(D)~~(4) Prescribe the forms of affidavits, applications, 95385
medical certificates, orders of hospitalization and release, and 95386
all other forms, reports, and records that are required in the 95387
hospitalization or admission and release of all persons to the 95388
institutions under the control of the department, or are otherwise 95389
required under this chapter or Chapter 5122. of the Revised Code; 95390

~~(E)~~ ~~Contract with hospitals licensed by the department under~~ 95391
~~section 5119.20 of the Revised Code for the care and treatment of~~ 95392
~~mentally ill patients, or with persons, organizations, or agencies~~ 95393
~~for the custody, evaluation, supervision, care, or treatment of~~ 95394
~~mentally ill persons receiving services elsewhere than within the~~ 95395
~~enclosure of a hospital operated under section 5119.02 of the~~ 95396
~~Revised Code;~~ 95397

~~(F)~~(5) Exercise the powers and perform the duties relating to 95398
community addiction and mental health facilities and services that 95399
are assigned to the director under this chapter and Chapter 340. 95400
of the Revised Code; 95401

~~(G)~~(6) Develop and implement clinical evaluation and 95402
monitoring of services that are operated by the department; 95403

~~(H)~~(7) Adopt rules establishing standards for the performance 95404
of evaluations by a forensic center or other psychiatric program 95405
or facility of the mental condition of defendants ordered by the 95406
court under section 2919.271, or 2945.371 of the Revised Code, and 95407
for the treatment of defendants who have been found incompetent to 95408
stand trial and ordered by the court under section 2945.38, 95409
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 95410
treatment in facilities; 95411

~~(I)~~(8) On behalf of the department, have the authority and 95412

responsibility for entering into contracts and other agreements~~+~~ 95413
with providers, agencies, institutions, and other entities, both 95414
public and private, as necessary for the department to carry out 95415
its duties under this chapter and Chapters 340., 2919., 2945., and 95416
5122. of the Revised Code. Chapter 125. of the Revised Code does 95417
not apply to contracts the director enters into under this section 95418
for services provided to individuals with mental illness by 95419
providers, agencies, institutions, and other entities not owned or 95420
operated by the department. 95421

~~(J) Prepare and publish regularly a state mental health plan~~ 95422
~~that describes the department's philosophy, current activities,~~ 95423
~~and long term and short term goals and activities;~~ 95424

~~(K)(9) Adopt rules in accordance with Chapter 119. of the~~ 95425
~~Revised Code specifying the supplemental services that may be~~ 95426
~~provided through a trust authorized by section 5815.28 of the~~ 95427
~~Revised Code;~~ 95428

~~(L)(10) Adopt rules in accordance with Chapter 119. of the~~ 95429
~~Revised Code establishing standards for the maintenance and~~ 95430
~~distribution to a beneficiary of assets of a trust authorized by~~ 95431
~~section 5815.28 of the Revised Code.~~ 95432

(C) The director may contract with hospitals licensed by the 95433
department under section 5119.33 of the Revised Code for the care 95434
and treatment of mentally ill patients, or with persons, 95435
organizations, or agencies for the custody, evaluation, 95436
supervision, care, or treatment of mentally ill persons receiving 95437
services elsewhere than within the enclosure of a hospital 95438
operated under section 5119.14 of the Revised Code. 95439

Sec. 5119.07 5119.11. (A) The director of mental health 95440
mental health and addiction services shall appoint a medical 95441
director who is a psychiatrist as defined in division (E) of 95442
section 5122.01 of the Revised Code, is eligible or certified by 95443

the American board of psychiatry and neurology or the American 95444
osteopathic board of neurology and psychiatry, and has at least 95445
five years of clinical and two years of administrative experience. 95446
The medical director shall also have certification or substantial 95447
training and experience in the field of addiction medicine or 95448
addiction psychiatry. The medical director shall be responsible 95449
for decisions relating to medical diagnosis, treatment, 95450
prevention, rehabilitation, quality assurance, and the clinical 95451
aspects of mental health and addiction services involving all of 95452
the following: ~~licensure~~ 95453

(1) Licensure of hospitals ~~and,~~ residential facilities, 95454
~~research, community mental health and outpatient facilities;~~ 95455

(2) Research; 95456

(3) Community addiction and mental health services plans; 95457

(4) Certification and delivery of mental health and addiction 95458
services. ~~The~~ 95459

(B) The medical director shall also exercise clinical 95460
supervision of the chief clinical officers of hospitals and 95461
institutions under the jurisdiction of the department and shall 95462
review and approve decisions relating to the employment of the 95463
chief clinical officers. The medical director or ~~his~~ the medical 95464
director's designee shall advise the director on matters relating 95465
to licensure, research, ~~community mental health plans,~~ and the 95466
certification and delivery of mental health and addiction services 95467
and community plans. The medical director shall participate in the 95468
development of guidelines for community addiction and mental 95469
health services plans. The director of ~~mental health~~ mental health 95470
and addiction services may establish other duties of the medical 95471
director. ~~The medical director shall participate in the~~ 95472
~~development of guidelines for community mental health plans.~~ 95473

~~Sec. 5119.02~~ 5119.14. (A) The department of ~~mental health~~ 95474
mental health and addiction services shall maintain, operate, 95475
manage, and govern state institutions and other services for the 95476
care and treatment of mentally ill persons. 95477

(B)~~(1)~~ The department of ~~mental health~~ mental health and 95478
addiction services may, with the approval of the governor, 95479
designate ~~all~~ the name and purpose of any institutions under its 95480
jurisdiction ~~by appropriate respective names, regardless of~~ 95481
~~present statutory designation~~ and may change, with the approval of 95482
the governor, the designation and name when necessary. 95483

~~(C)~~~~(2)~~ The department shall divide the state into districts 95484
for the purpose of designating the institution in which mentally 95485
ill persons are hospitalized and may change the districts. 95486

~~(3)~~ Subject to section 5139.08 and pursuant to Chapter 5122. 95487
of the Revised Code and on the agreement of the departments of 95488
~~mental health~~ mental health and addiction services and youth 95489
services, the department of ~~mental health~~ mental health and 95490
addiction services may receive from the department of youth 95491
services for psychiatric observation, diagnosis, or treatment any 95492
person eighteen years of age or older in the custody of the 95493
department of youth services. The departments ~~shall~~ may enter into 95494
a written agreement specifying the procedures necessary to 95495
implement this division. 95496

~~(D)~~~~(C)~~ The department of ~~mental health~~ mental health and 95497
addiction services shall designate hospitals, facilities, and 95498
community mental health ~~agencies~~ services providers for the 95499
custody, care, and special treatment of, and authorize payment for 95500
such custody, care, and special treatment provided to, persons who 95501
are charged with a crime and who are found incompetent to stand 95502
trial or not guilty by reason of insanity. 95503

~~(E)~~~~(D)~~ The department of ~~mental health~~ mental health and 95504

addiction services may do all any of the following: 95505

(1) Require reports from the managing officer of any 95506
institution under the department's jurisdiction, relating to the 95507
admission, examination, comprehensive evaluation, diagnosis, 95508
release, or discharge of any patient; 95509

(2) Visit each institution regularly to review its operations 95510
and to investigate complaints made by any patient or by any person 95511
on behalf of a patient, provided these duties may be performed by 95512
a person designated by the director. 95513

~~(F) The department of mental health shall divide the state 95514
into districts for the purpose of designating the institution in 95515
which mentally ill persons are hospitalized, and may change the 95516
districts. 95517~~

~~(G)~~(E) The department of mental health and addiction services 95518
may provide or contract to provide addiction services for 95519
offenders incarcerated in the state prison system. 95520

(F) In addition to the powers expressly conferred, the 95521
department of ~~mental health~~ mental health and addiction services 95522
shall have all powers and authority necessary for the full and 95523
efficient exercise of the executive, administrative, and fiscal 95524
supervision over the state institutions described in this section. 95525

~~(H) The department of mental health may provide for the 95526
custody, supervision, control, treatment, and training of mentally 95527
ill persons hospitalized elsewhere than within the enclosure of a 95528
hospital, if the department so determines with respect to any 95529
individual or group of individuals. In all such cases, the 95530
department shall ensure adequate and proper supervision for the 95531
protection of such persons and of the public. 95532~~

Sec. 5119.012 5119.141. The department of ~~mental health~~ 95533
mental health and addiction services has all the authority 95534

necessary to carry out its powers and duties under this chapter 95535
and Chapters 340., 2919., 2945., and 5122. of the Revised Code, 95536
including the authority to adopt rules pursuant to Chapter 119. of 95537
the Revised Code that may be necessary to carry out the purposes 95538
of this chapter and Chapters 340., 2919., 2945., and 5122. of the 95539
Revised Code. 95540

Sec. ~~5119.24~~ 5119.15. The department of ~~mental health~~ mental 95541
health and addiction services may make such investigations as are 95542
necessary in the performance of its duties and to that end the 95543
director of ~~mental health~~ mental health and addiction services 95544
shall have the same power as a judge of a county court to 95545
administer oaths and to enforce the attendance and testimony of 95546
witnesses and the production of books or papers. 95547

The department shall keep a record of such investigations 95548
stating the time, place, charges or subject, witnesses summoned 95549
and examined, and its conclusions. 95550

In matters involving the conduct of an officer, a 95551
stenographic report of the evidence shall be taken and a copy of 95552
such report, with all documents introduced, kept on file at the 95553
office of the department. 95554

The fees of witnesses for attendance and travel shall be the 95555
same as in the court of common pleas, but no officer or employee 95556
of the institution under investigation is entitled to such fees. 95557

Any judge of the probate court or of the court of common 95558
pleas, upon application of the department, may compel the 95559
attendance of witnesses, the production of books or papers, and 95560
the giving of testimony before the department, by a judgment for 95561
contempt or otherwise, in the same manner as in cases before such 95562
courts. 95563

The department of ~~mental health~~ mental health and addiction 95564

services may appoint and commission any competent agency or person, to serve without compensation, as a special agent, investigator, or representative to perform a designated duty for the department. Specific credentials shall be given by the department to each person so designated. Each credential shall state the:

- (A) Name of the agent, investigator, or representative;
- (B) Agency with which such person is connected;
- (C) Purpose of appointment;
- (D) Date of expiration of appointment;
- (E) Such information as the department considers proper.

Sec. ~~3793.051~~ 5119.161. The department of ~~alcohol and drug addiction services~~ mental health and addiction services, in conjunction with the department of job and family services, shall develop a joint state plan to improve the accessibility and timeliness of alcohol and drug addiction services for individuals identified by a public children services agency as in need of those services. The plan shall address the fact that Ohio works first participants may be among the persons receiving services under section 340.15 of the Revised Code and shall require the department of job and family services to seek federal funds available under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, for the provision of the services to Ohio works first participants who are receiving services under section 340.15 of the Revised Code.

The plan shall address the need and manner for sharing information and include a request for the general assembly to appropriate an amount of funds specified in the report to be used by the departments to pay for services under section 340.15 of the Revised Code. The departments shall review and amend the plan as

necessary. 95595

Not later than the first day of July of each even-numbered 95596
year, the departments shall submit a report on the progress made 95597
under the joint state plan to the governor, president of the 95598
senate, and speaker of the house of representatives. The report 95599
shall include information on treatment capacity, needs 95600
assessments, and number of individuals who received services 95601
pursuant to section 340.15 of the Revised Code. 95602

Sec. ~~3793.15~~ 5119.17. (A) The department of ~~alcohol and drug~~ 95603
~~addiction services~~ mental health and addiction services, in 95604
accordance with division (B) of this section, shall give priority 95605
to developing, and promptly shall develop, with available public 95606
and private resources a program that does all of the following: 95607

(1) Provides a manner of identifying the aggregate number of 95608
pregnant women in this state who are addicted to a drug of abuse; 95609

(2) Provides for an effective means of intervention to 95610
eliminate the addiction of pregnant women to drugs of abuse prior 95611
to the birth of their children; 95612

(3) Provides for the continued monitoring of women who were 95613
addicted to a drug of abuse during their pregnancies, after the 95614
birth of their children, and for the availability of treatment and 95615
rehabilitation for those women; 95616

(4) Provides a manner of determining the aggregate number of 95617
children who are born in this state to women who are addicted, at 95618
the time of birth, to a drug of abuse, and of children who are 95619
born in this state with an addiction to or a dependency on a drug 95620
of abuse; 95621

(5) Provides for the continued monitoring of children who are 95622
born in this state to women who are addicted, at the time of 95623
birth, to a drug of abuse, or who are born in this state with an 95624

addiction to or dependency on a drug of abuse, after their birth; 95625

(6) Provides for the treatment and rehabilitation of any 95626
child who is born to a woman who is addicted, at the time of 95627
birth, to a drug of abuse, and of any child who is born with an 95628
addiction to or dependency on a drug of abuse. 95629

(B) In developing the program described in division (A) of 95630
this section, the department may obtain information from the 95631
department of health and the department of job and family 95632
services, and those departments shall cooperate with the 95633
department of ~~alcohol and drug addiction services~~ mental health 95634
and addiction services in its development and implementation of 95635
the program. 95636

(C) Immediately upon its development of the program described 95637
in division (A) of this section, the department shall implement 95638
the program. 95639

(D) Any record or information that is obtained or maintained 95640
by the department in connection with the program described in 95641
division (A) of this section and could enable the identification 95642
of any woman or child described in division (A)(1) or (4) of this 95643
section is not a public record subject to inspection or copying 95644
under section 149.43 of the Revised Code. 95645

Sec. ~~5119.071~~ 5119.18. An appointing authority may appoint a 95646
person who holds a certified or permanent position in the 95647
classified service within the department of ~~mental health~~ mental 95648
health and addiction services to a position in the unclassified 95649
service within the department. A person appointed pursuant to this 95650
section to a position in the unclassified service shall retain the 95651
right to resume the position and status held by the person in the 95652
classified service immediately prior to the person's appointment 95653
to the position in the unclassified service, ~~regardless of the~~ 95654
~~number of positions the person held in the unclassified service.~~ 95655

~~An employee's right to resume a position in the classified service 95656
may only be exercised when an appointing authority demotes the 95657
employee to a pay range lower than the employee's current pay 95658
range or revokes the employee's appointment to the unclassified 95659
service. An employee forfeits the right to resume a position in 95660
the classified service when the employee is removed from the 95661
position in the unclassified service due to incompetence, 95662
inefficiency, dishonesty, drunkenness, immoral conduct, 95663
insubordination, discourteous treatment of the public, neglect of 95664
duty, violation of this chapter or Chapter 124. of the Revised 95665
Code, violation of the rules of the director of administrative 95666
services or the director of mental health, any other failure of 95667
good behavior, any other acts of misfeasance, malfeasance, or 95668
nonfeasance in office, or conviction of a felony. An employee also 95669
forfeits the right to resume a position in the classified service 95670
upon transfer to a different agency. 95671~~

~~Reinstatement to a position in the classified service shall 95672
be to a position substantially equal to that position in the 95673
classified service held previously, as certified by the director 95674
of administrative services. If the position the person previously 95675
held in the classified service has been placed in the unclassified 95676
service or is otherwise unavailable, the person shall be appointed 95677
to a position in the classified service within the department that 95678
the director of administrative services certifies is comparable in 95679
compensation to the position the person previously held in the 95680
classified service. Service in the position in the unclassified 95681
service shall be counted as service in the position in the 95682
classified service held by the person immediately prior to the 95683
person's appointment to the position in the unclassified service. 95684
When a person is reinstated to a position in the classified 95685
service as provided in this section, the person is entitled to all 95686
rights, status, and benefits accruing to the position in the 95687
classified service during the person's time of service in the 95688~~

~~position in the unclassified service pursuant to division (D) of~~ 95689
~~section 124.11 of the Revised Code.~~ 95690

Sec. ~~5119.072~~ 5119.181. (A) No appointing officer shall 95691
appoint a person to fill a position in either the classified or 95692
unclassified service of the department of ~~mental health~~ mental 95693
health and addiction services if the person has been convicted of 95694
or pleaded guilty to a violation of the following: 95695

(1) Any felony contained in the Revised Code, if the felony 95696
bears a direct and substantial relationship to the position being 95697
filled; 95698

(2) Any crime contained in the Revised Code constituting a 95699
misdemeanor of the first degree on the first offense and a felony 95700
on subsequent offenses, if the crime bears a direct and 95701
substantial relationship to the position being filled; 95702

(3) An existing or former law of this state, any other state, 95703
or the United States, if the law violated is substantially 95704
equivalent to any of the offenses described in division (A)(1) or 95705
(2) of this section. 95706

(B) The director of ~~mental health~~ mental health and addiction 95707
services shall adopt rules, in accordance with Chapter 119. of the 95708
Revised Code, to implement this section. 95709

(C) The director or an appointing officer shall request the 95710
bureau of criminal identification and investigation created by 95711
section 109.51 of the Revised Code or, at ~~his~~ the director's or 95712
appointing officer's discretion, any other state or federal 95713
agency, to supply ~~him~~ the director or appointing officer with a 95714
written report regarding the criminal records of any applicant. 95715
For each investigation undertaken at the department's request 95716
under this section, the department shall pay a reasonable fee to 95717
the bureau or other state or federal agency conducting the 95718

investigation. The amount of the fee shall be determined by the 95719
bureau or other state or federal agency conducting the 95720
investigation and shall be sufficient to cover the costs of 95721
conducting the investigation. The report made by the bureau or 95722
other state or federal agency is not a public record for purposes 95723
of section 149.43 of the Revised Code and shall not be made 95724
available to any person, except the applicant, the director, the 95725
appointing officer or ~~his designee~~ the appointing officer's 95726
designees, or any hearing officer involved in a case denying 95727
employment. 95728

(D) As used in this section, "applicant" means a person who 95729
is under final consideration for appointment to a position in the 95730
classified or unclassified service of the department of ~~mental~~ 95731
~~health~~ mental health and addiction services. 95732

Sec. ~~5119.08~~ 5119.182. The department of ~~mental health shall~~ 95733
~~mental health and addiction services may~~ require any of its 95734
employees and each officer and employee of every institution under 95735
its control who may be charged with custody or control of any 95736
money or property belonging to the state or who is required to 95737
give bond, to give a surety company bond, properly conditioned, in 95738
a sum to be fixed by the department which when approved by the 95739
department, shall be filed in the office of the secretary of 95740
state. The cost of such bonds, when approved by the department, 95741
shall be paid from funds available for the department. The bonds 95742
required or authorized by this section may, in the discretion of 95743
the director of ~~mental health~~ mental health and addiction 95744
services, be individual, schedule, or blanket bonds. 95745

Sec. ~~5119.10~~ 5119.184. The department of ~~mental health~~ mental 95746
health and addiction services may provide educational grants or 95747
tuition reimbursements to upgrade the education, training, and 95748
professional achievement of its employees, whenever it determines 95749

that provision of such grants or reimbursements is essential to 95750
the achievement of its goals. The department may enter into 95751
agreements with its employees for the purposes of this section. 95752
The agreements may require, as a condition of each grant or 95753
reimbursement, that the employee continue employment with the 95754
department or with another federal, state, or local public agency 95755
designated by the department for a period of time stated in the 95756
agreement. If an employee does not fulfill the employment 95757
requirement stated in the agreement, the department may take 95758
action to recover the amount of all educational grants or tuition 95759
reimbursements paid to the employee under this section, plus 95760
interest at the rate of ten per cent per year calculated from the 95761
date of payment of each grant or reimbursement. 95762

Sec. ~~5119.101~~ 5119.185. (A) As used in this section, 95763
"physician" means an individual authorized under Chapter 4731. of 95764
the Revised Code to practice medicine and surgery or osteopathic 95765
medicine and surgery. 95766

(B) The department of ~~mental health~~ mental health and 95767
addiction services may establish a physician recruitment program 95768
under which the department agrees to repay all or part of the 95769
principal and interest of a government or other educational loan 95770
incurred by a physician who agrees to provide services to 95771
inpatients and outpatients of institutions under the department's 95772
administration. To be eligible to participate in the program, a 95773
physician must have attended a school that was, at the time of 95774
attendance, a medical school or osteopathic medical school in this 95775
country accredited by the liason committee on medical education or 95776
the American osteopathic association, or a medical school or 95777
osteopathic medical school located outside this country that was 95778
acknowledged by the world health organization and verified by a 95779
member state of that organization as operating within that state's 95780
jurisdiction. 95781

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

(1) The physician agrees to provide a specified scope of medical or osteopathic medical services for a specified number of hours per week and a specified number of years to patients of one or more specified institutions administered by the department.

(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the physician for the following expenses if the physician meets the service obligation agreed to and the expenses were incurred while the physician was enrolled in, for up to a maximum of four years, a school that qualifies the physician to participate in the program:

(a) Tuition;

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

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

(3) The physician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if ~~he~~ the physician fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the physician's service obligation that remains uncompleted as determined by the department.

(4) Other terms agreed upon by the parties.

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

(1) Criteria for designating institutions for which physicians will be recruited;

(2) Criteria for selecting physicians for participation in the program;

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

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

(5) Procedures for monitoring compliance by physicians with the terms of their contracts;

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

Sec. ~~5119.11~~ 5119.186. (A) The director of ~~mental health~~ mental health and addiction services or the managing officer of an institution of the department may enter into an agreement with boards of trustees or boards of directors of one or more institutions of higher education or hospitals licensed pursuant to section ~~5119.20~~ 5119.33 of the Revised Code to establish, manage, and conduct collaborative training efforts for students enrolled in courses of studies for occupations or professions ~~which may be determined by the director upon the approval of the medical director to be in occupations or professions needed to provide adequate~~ that involve the care and treatment for persons receiving mental health or addiction services.

(B) Such collaborative training efforts may include but are not limited to programs in psychiatry, psychology, nursing, social

work, counseling professions, and others considered appropriate by 95843
the director of ~~mental health~~ mental health and addiction 95844
services. Any such program shall be approved or accredited by its 95845
respective professional organization or state board having 95846
jurisdiction over the profession. 95847

(1) The department shall require that the following be 95848
provided for in agreements between the department and institutions 95849
of higher education or hospitals licensed pursuant to section 95850
~~5119.20~~ 5119.33 of the Revised Code: 95851

(a) Establishment of inter-disciplinary committees to advise 95852
persons responsible for training programs. Each committee shall 95853
have representation drawn from the geographical community the 95854
institution of higher education or hospital serves and shall 95855
include representatives of agencies, boards, targeted populations 95856
as determined by the department, racial and ethnic minority 95857
groups, and publicly funded programs; 95858

(b) Funding procedures; 95859

(c) Specific outcomes and accomplishments that are expected 95860
or required of a program under such agreement; 95861

(d) The types of services to be provided under such 95862
agreement. 95863

(2) The department may require that the following be provided 95864
for in agreements between the department and institutions of 95865
higher education or hospitals licensed pursuant to section ~~5119.20~~ 95866
5119.33 of the Revised Code: 95867

(a) Special arrangements for individual residents or trainees 95868
to encourage their employment in publicly funded settings upon 95869
completion of their training; 95870

(b) Procedures for the selection of residents or trainees to 95871
promote the admission, retention, and graduation of women, 95872

minorities, and ~~handicapped~~ disabled persons; 95873

(c) Cross-cultural training and other subjects considered 95874
necessary to enhance training efforts and the care and treatment 95875
of patients and clients; 95876

(d) Funding of faculty positions oriented toward meeting the 95877
needs of publicly funded programs. 95878

Subject to appropriations by the general assembly, the 95879
director of ~~mental health~~ mental health and addiction services has 95880
final approval of the funding of these collaborative training 95881
efforts. 95882

Sec. ~~5119.12~~ 5119.187. The courses of study for the 95883
instruction and training of all persons in institutions under the 95884
control of the department of ~~mental health~~ mental health and 95885
addiction services shall be subject to the approval of the 95886
superintendent of public instruction. 95887

All teachers employed in institutions under the control of 95888
the department of ~~mental health~~ mental health and addiction 95889
services shall possess such educator licenses or have such 95890
qualifications and approval as the superintendent of public 95891
instruction, after consulting with the officers in charge of the 95892
institutions, prescribes for the various types of service in the 95893
institutions. 95894

Sec. ~~3793.16~~ 5119.188. (A) As used in this section, "state 95895
correctional institution" has the same meaning as in section 95896
2967.01 of the Revised Code. 95897

(B) The department of ~~alcohol and drug addiction services~~ 95898
mental health and addiction services shall develop a program that 95899
is designed to educate and train the employees of each state 95900
correctional institution, the employees of each department of 95901
youth services institution, and other persons associated by 95902

contract or otherwise with each state correctional institution or 95903
each department of youth services institution, who will be 95904
responsible for the conduct of, or otherwise providing treatment 95905
or rehabilitation services pursuant to, a substance abuse 95906
treatment or rehabilitation program offered in the institution to 95907
adult prisoners or juvenile offenders. Upon the development of the 95908
educational and training program, the department of ~~alcohol and~~ 95909
~~drug addiction services~~ mental health and addiction services 95910
promptly shall commence its implementation. The department of 95911
~~alcohol and drug addiction services~~ mental health and addiction 95912
services may charge to the department of rehabilitation and 95913
correction and to the department of youth services a reasonable 95914
annual fee that reflects the expenses incurred by it during the 95915
immediately preceding calendar year in preparing and offering the 95916
educational and training program during that year to the 95917
respective employees and other associated persons described in 95918
this division. 95919

The director of rehabilitation and correction and the 95920
director of youth services shall require the respective employees 95921
and other associated persons described in this division to attend 95922
and successfully complete the educational and training program 95923
developed pursuant to this division as a condition of their 95924
continuing to have responsibility for the conduct of, or their 95925
continuing to provide treatment or rehabilitation services 95926
pursuant to, any treatment or rehabilitation program that is 95927
offered in a state correctional institution or in a department of 95928
youth services institution to adult prisoners or juvenile 95929
offenders. If the department of ~~alcohol and drug addiction~~ 95930
~~services~~ mental health and addiction services charges a reasonable 95931
annual fee as described in this division, the director involved 95932
shall cause that fee to be paid from any available funds of the 95933
department of rehabilitation and correction or any available funds 95934
of the department of youth services. 95935

(C) The department of rehabilitation and correction and the 95936
department of ~~alcohol and drug addiction services~~ mental health 95937
and addiction services jointly shall develop program 95938
specifications for the alcohol and drug addiction treatment 95939
programs offered in state correctional institutions. 95940

Sec. ~~3793.031~~ 5119.201. (A) The director of ~~alcohol and drug~~ 95941
~~addiction services~~ mental health and addiction services may 95942
acquire by purchase, lease, or otherwise such real and personal 95943
property rights in the name of the state as are necessary for the 95944
purposes of the department. ~~The~~ 95945

(B) When it is necessary for a state institution under the 95946
jurisdiction of the department to acquire any real estate, 95947
right-of-way, or easement in real estate in order to accomplish 95948
the purposes for which it was organized or is being conducted, and 95949
the department is unable to agree with the owner of such property 95950
upon the price to be paid for the property, such property may be 95951
appropriated in the manner provided for the appropriation of 95952
property for other state purposes. 95953

(C) The director, with the approval of the governor and the 95954
attorney general, may work with the department of administrative 95955
services to sell, lease, or exchange portions of real and personal 95956
property of the department when the sale, lease, or exchange is 95957
advantageous to the state. Money received from such sales, leases, 95958
or exchanges shall be credited to the ~~general revenue~~ the 95959
department of mental health and addiction services trust fund, 95960
created in section 5119.46 of the Revised Code. 95961

(D) Any instrument by which real property is acquired 95962
pursuant to this section shall identify the agency of the state 95963
that has the use and benefit of the real property as specified in 95964
section 5301.012 of the Revised Code. 95965

~~Sec. 5119.06~~ 5119.21. (A) The department of ~~mental health~~ 95966
mental health and addiction services shall: 95967

~~(A)(1)~~ To the extent the department has available resources 95968
and in consultation with boards of alcohol, drug addiction, and 95969
mental health services, support a ~~community support system~~ 95970
continuum of care in accordance with ~~section 340.03~~ Chapter 340. 95971
of the Revised Code on a district or multi-district basis. The 95972
department shall define the essential elements of a ~~community~~ 95973
~~support system~~ continuum of care, shall assist in identifying 95974
resources, and may prioritize support for one or more of the 95975
elements. 95976

~~(B) Operate inpatient and other mental health services;~~ 95977

~~(C)(2)~~ Provide training, consultation, and technical 95978
assistance regarding mental health ~~programs~~ and addiction services 95979
and appropriate prevention, recovery, and mental health promotion 95980
activities, including those that are culturally ~~sensitive~~ 95981
competent, to employees of the department, community mental health 95982
~~agencies~~ and addiction services providers, boards of alcohol, drug 95983
addiction, and mental health services, and other agencies 95984
providing mental health and addiction services; 95985

~~(D)(3)~~ To the extent the department has available resources, 95986
promote and support a full range of mental health and addiction 95987
services that are available and accessible to all residents of 95988
this state, especially for severely mentally disabled children, 95989
adolescents, ~~and~~ adults, pregnant women, parents, guardians or 95990
custodians of children at risk of abuse or neglect, and other 95991
special target populations, including racial and ethnic 95992
minorities, as determined by the department; 95993

~~(E)(4)~~ Develop standards and measures for evaluating the 95994
effectiveness of mental health and addiction services, including 95995
services that use methadone treatment, of gambling addiction 95996

<u>services, and for increasing the accountability of mental health</u>	95997
<u>and alcohol and addiction services providers and of gambling</u>	95998
<u>addiction services providers;</u>	95999
<u>(5) Design and set criteria for the determination of severe</u>	96000
<u>mental disability priority populations;</u>	96001
(F) Establish standards for evaluation of mental health	96002
programs;	96003
(G) <u>(6) Promote, direct, conduct, and coordinate scientific</u>	96004
research, taking ethnic and racial differences into consideration,	96005
concerning the causes and prevention of mental illness <u>and</u>	96006
<u>addiction</u> , methods of providing effective services and treatment,	96007
and means of enhancing the mental health of <u>and recovery from</u>	96008
<u>addiction of</u> all residents of this state;	96009
(H) <u>(7) Foster the establishment and availability of</u>	96010
vocational rehabilitation services and the creation of employment	96011
opportunities for consumers of mental health <u>and addiction</u>	96012
services, including members of racial and ethnic minorities;	96013
(I) <u>(8) Establish a program to protect and promote the rights</u>	96014
of persons receiving mental health <u>and addiction</u> services,	96015
including the issuance of guidelines on informed consent and other	96016
rights;	96017
(J) Establish, in consultation with board of alcohol, drug	96018
addiction, and mental health services representatives and after	96019
consideration of the recommendations of the medical director,	96020
guidelines for the development of community mental health plans	96021
and the review and approval or disapproval of such plans submitted	96022
pursuant to section 340.03 of the Revised Code;	96023
(K) <u>(9) Promote the involvement of persons who are receiving</u>	96024
or have received mental health <u>or addiction</u> services, including	96025
families and other persons having a close relationship to a person	96026
receiving mental health <u>those</u> services, in the planning,	96027

evaluation, delivery, and operation of mental health and addiction 96028
services; 96029

~~(L)~~(10) Notify and consult with the relevant constituencies 96030
that may be affected by rules, standards, and guidelines issued by 96031
the department of ~~mental health~~ mental health and addiction 96032
services. These constituencies shall include consumers of mental 96033
health and addiction services and their families, and may include 96034
public and private providers, employee organizations, and others 96035
when appropriate. Whenever the department proposes the adoption, 96036
amendment, or rescission of rules under Chapter 119. of the 96037
Revised Code, the notification and consultation required by this 96038
division shall occur prior to the commencement of proceedings 96039
under Chapter 119. The department shall adopt rules under Chapter 96040
119. of the Revised Code that establish procedures for the 96041
notification and consultation required by this division. 96042

~~(M) In cooperation with board of alcohol, drug addiction, and 96043
mental health services representatives, provide training regarding 96044
the provision of community based mental health services to those 96045
department employees who are utilized in state operated, 96046
community based mental health services; 96047~~

~~(N)~~(11) Provide consultation to the department of 96048
rehabilitation and correction concerning the delivery of mental 96049
health and addiction services in state correctional institutions. 96050

(12) Promote and coordinate efforts in the provision of 96051
alcohol and drug addiction services and of gambling addiction 96052
services by other state agencies, as defined in section 1.60 of 96053
the Revised Code; courts; hospitals; clinics; physicians in 96054
private practice; public health authorities; boards of alcohol, 96055
drug addiction, and mental health services; alcohol and drug 96056
addiction services providers; law enforcement agencies; gambling 96057
addiction services providers; and related groups; 96058

(13) Provide to each court of record, and biennially update, a list of the treatment and education programs within that court's jurisdiction that the court may require an offender, sentenced pursuant to section 4511.19 of the Revised Code, to attend; 96059
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(14) Make the warning sign described in sections 3313.752, 3345.41, and 3707.50 of the Revised Code available on the department's internet web site; 96063
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(15) Provide a program of gambling addiction services on behalf of the state lottery commission, pursuant to an agreement entered into with the director of the commission under division (K) of section 3770.02 of the Revised Code, and provide a program of gambling addiction services on behalf of the Ohio casino control commission, under an agreement entered into with the executive director of the commission under section 3772.062 of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio Constitution, the department may enter into agreements with boards of alcohol, drug addiction, and mental health services, including boards with districts in which a casino facility is not located, and nonprofit organizations to provide gambling addiction services and substance abuse services, and with state institutions of higher education or private nonprofit institutions that possess a certificate of authorization issued under Chapter 1713. of the Revised Code to perform related research. 96066
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(B) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section. 96082
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(C) Pursuant to Chapter 119. of the Revised Code, the department shall adopt a rule defining the term "intervention" as it is used in this chapter in connection with alcohol and drug addiction services and in connection with gambling addiction services. The department may adopt other rules as necessary to implement the requirements of this chapter. 96085
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~~Sec. 5119.61 5119.22.~~ Any provision in this chapter that 96091
refers to a board of alcohol, drug addiction, and mental health 96092
services also refers to the community mental health board in an 96093
alcohol, drug addiction, and mental health service district that 96094
has a community mental health board. 96095

The director of ~~mental health~~ mental health and addiction 96096
services with respect to all mental health and addiction 96097
facilities and ~~programs~~ services established and operated or 96098
provided under Chapter 340. of the Revised Code ~~for mentally ill~~ 96099
~~and emotionally disturbed persons~~, shall do all of the following: 96100

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 96101
that may be necessary to carry out the purposes of ~~Chapter~~ this 96102
chapter and Chapters 340. and ~~sections 5119.61 to 5119.63~~ 5122. of 96103
the Revised Code. 96104

~~(1) The rules shall include the following:~~ 96105

~~(a) Rules governing a community mental health agency's~~ 96106
~~services under section 340.091 of the Revised Code to an~~ 96107
~~individual referred to the agency under division (D)(2) of section~~ 96108
~~5119.69 of the Revised Code;~~ 96109

~~(b) For the purpose of division (A)(16) of section 340.03 of~~ 96110
~~the Revised Code, rules governing the duties of mental health~~ 96111
~~agencies and boards of alcohol, drug addiction, and mental health~~ 96112
~~services regarding referrals of individuals with mental illness or~~ 96113
~~severe mental disability to residential facilities as defined in~~ 96114
~~division (A)(9)(b) of section 5119.22 of the Revised Code and~~ 96115
~~effective arrangements for ongoing mental health services for the~~ 96116
~~individuals.~~ 96117

~~(2) Rules may be adopted to govern the method of paying a~~ 96118
~~community mental health facility, as defined in section 5111.023~~ 96119
~~of the Revised Code, for providing services listed in division (B)~~ 96120

~~of that section. Such rules must be consistent with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and include requirements ensuring appropriate service utilization.~~

(B) Review and evaluate, ~~and~~ the continuum of care in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district ~~served by the program submitted under division (A)(4) of section 340.03 of the Revised Code~~ and the ~~requirements and~~ priorities and plans of the ~~state mental health plan department~~, including the needs of residents of the district ~~now residing in state mental institutions~~ currently receiving services in state-operated hospitals, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;

~~(C) Provide consultative services to community mental health agencies with the knowledge and cooperation of the board of alcohol, drug addiction, and mental health services;~~

~~(D)~~ At the director's discretion, provide to boards of alcohol, drug addiction, and mental health services state or federal funds, in addition to those allocated under section ~~5119.62~~ 5119.23 of the Revised Code, for special programs or projects the director considers necessary but for which local funds are not available;

(D) Establish, in consultation with board of alcohol, drug addiction, and mental health service representatives and after consideration of the recommendations of the medical director, guidelines for the development of community mental health and addiction services plans and the review and approval or disapproval of such plans submitted pursuant to section 340.03 of the Revised Code.

(E) Establish criteria by which a board of alcohol, drug 96152
addiction, and mental health services reviews and evaluates the 96153
quality, effectiveness, and efficiency of its contracted services 96154
~~provided through its community mental health plan.~~ The criteria 96155
shall include requirements ensuring appropriate service 96156
utilization. The department shall assess a board's evaluation of 96157
services and the compliance of each board with this section, 96158
Chapter 340. ~~or section 5119.62~~ of the Revised Code, and other 96159
state or federal law and regulations. The department, in 96160
cooperation with the board, periodically shall review and evaluate 96161
the quality, effectiveness, and efficiency of services provided 96162
through each board. The department shall collect information that 96163
is necessary to perform these functions. 96164

(F) To the extent the director determines necessary and after 96165
consulting with boards of alcohol, drug addiction, and mental 96166
health services, develop and operate, or contract for the 96167
operation of, a community ~~mental~~ behavioral health information 96168
system or systems. The department shall specify the information 96169
that must be provided by boards of alcohol, drug addiction, and 96170
mental health services and by community addiction and mental 96171
health services providers for inclusion in the system or systems. 96172

Boards of alcohol, drug addiction, and mental health services 96173
and community addiction and mental health services providers shall 96174
submit information requested by the department in the form and 96175
manner and in accordance with time frames prescribed by the 96176
department. Information collected by the department ~~shall~~ may 96177
include, ~~but not be limited to,~~ all of the following: 96178

(1) Information ~~regarding units of~~ on services provided ~~in~~ 96179
~~whole or in part under contract with a board, including diagnosis~~ 96180
~~and special needs, demographic information, the number of units of~~ 96181
~~service provided, past treatment, financial status, and service~~ 96182
~~dates in accordance with rules adopted by the department in~~ 96183

~~accordance with Chapter 119. of the Revised Code;~~ 96184

~~(2) Financial information other than price or price related 96185
data regarding expenditures of boards and community mental health 96186
agencies, including units of service provided, budgeted and actual 96187
expenses by type, and sources of federal, state, or local funds; 96188~~

~~(3) Information about persons served. 96189~~

~~Boards shall submit the information specified in division 96190
(F)(1) of this section no less frequently than annually for each 96191
client, and each time the client's case is opened or closed. The 96192
department shall not collect any personal information from the 96193
boards except as required or permitted by state or federal law for 96194
purposes related to payment, health care operations, program and 96195
service evaluation, reporting activities, research, system 96196
administration, and oversight. 96197~~

~~(G)(1) Review each board's community mental health and 96198
addiction services plan, budget, and statement of services to be 96199
made available submitted pursuant to ~~section~~ sections 340.03 and 96200
340.08 of the Revised Code and approve or disapprove ~~it~~ the plan, 96201
the budget, and the statement of services in whole or in part. 96202
~~Periodically, in consultation with representatives of boards and~~ 96203
~~after considering the recommendations of the medical director, the~~ 96204
~~director shall issue criteria for determining when a plan is~~ 96205
~~complete, criteria for plan approval or disapproval, and~~ 96206
~~provisions for conditional approval. The factors that the director~~ 96207
~~considers may include, but are not limited to, the following:~~ 96208~~

~~(1) The mental health needs of all persons residing within 96209
the board's service district, especially severely mentally 96210
disabled children, adolescents, and adults; 96211~~

~~(2) The demonstrated quality, effectiveness, efficiency, and 96212
cultural relevance of the services provided in each service 96213
district, the extent to which any services are duplicative of 96214~~

~~other available services, and whether the services meet the needs~~ 96215
~~identified above;~~ 96216

~~(3) The adequacy of the board's accounting for the~~ 96217
~~expenditure of funds.~~ 96218

~~If the director disapproves all or part of any plan, the~~ 96219
~~director shall provide the board an opportunity to present its~~ 96220
~~position. The director shall inform the board of the reasons for~~ 96221
~~the disapproval and of the criteria that must be met before the~~ 96222
~~plan may be approved. The director shall give the board a~~ 96223
~~reasonable time within which to meet the criteria, and shall offer~~ 96224
~~technical assistance to the board to help it meet the criteria.~~ 96225

~~If the approval of a plan remains in dispute, the board or~~ 96226
~~the director may request that the dispute be submitted to a~~ 96227
~~mutually agreed upon third party mediator with the cost to be~~ 96228
~~shared by the board and the department. The mediator shall issue~~ 96229
~~to the board and the department recommendations for resolution of~~ 96230
~~the dispute. The director, taking into consideration the~~ 96231
~~recommendations of the mediator, shall make a final determination~~ 96232
~~and approve or disapprove the plan, in whole or in part The~~ 96233
~~department may withhold all or part of the funds allocated to a~~ 96234
~~board if it disapproves all or part of a plan, budget, or~~ 96235
~~statement of services. Prior to a final decision to disapprove a~~ 96236
~~plan, budget, or statement of services, or to withhold funds from~~ 96237
~~a board, a representative of the director of mental health and~~ 96238
~~addiction services shall meet with the board and discuss the~~ 96239
~~reason for the action the department proposes to take and any~~ 96240
~~corrective action that should be taken to make the plan, budget,~~ 96241
~~or statement of services acceptable to the department. In~~ 96242
~~addition, the department shall offer technical assistance to the~~ 96243
~~board to assist it to make the plan, budget, or statement of~~ 96244
~~services acceptable. The department shall give the board a~~ 96245
~~reasonable time in which to revise the plan, budget, or statement~~ 96246

of services. The board thereafter shall submit a revised plan, 96247
budget, or statement of services, or a new plan, budget, or 96248
statement of services. 96249

(2) If a board determines that it is necessary to amend the 96250
plan, budget, or statement of services that has been approved 96251
under this section, the board shall submit the proposed amendment 96252
to the department. The department may approve or disapprove all or 96253
part of the amendment. 96254

(3) If the director disapproves of all or part of any 96255
proposed amendment, the director shall provide the board an 96256
opportunity to present its position. The director shall inform the 96257
board of the reasons for the disapproval and of the criteria that 96258
must be met before the proposed amendment may be approved. The 96259
director shall give the board a reasonable time within which to 96260
meet the criteria and shall offer technical assistance to the 96261
board to help it meet the criteria. 96262

(4) The department shall establish procedures for the review 96263
of plans, budgets, and statements of services, and a timetable for 96264
submission and review of plans, budgets, and statements of 96265
services and for corrective action and submission of new or 96266
revised plans, budgets, and statements of services. 96267

Sec. ~~5119.62~~ 5119.23. (A) The department of ~~mental health~~ 96268
mental health and addiction services shall establish a methodology 96269
for allocating to boards of alcohol, drug addiction, and mental 96270
health services the funds appropriated by the general assembly to 96271
the department for the purpose of local mental health ~~systems~~ and 96272
addiction services continuums of care. The department shall 96273
establish the methodology after notifying and consulting with 96274
relevant constituencies as required by division ~~(L)~~(A)(10) of 96275
section ~~5119.06~~ 5119.21 of the Revised Code. The methodology may 96276
provide for the funds to be allocated to boards on a district or 96277

multi-district basis. Subject 96278

~~(B) Subject to sections 5119.622 and 5119.623 section 5119.25~~ 96279
of the Revised Code, and to required submissions and approvals 96280
under section 340.08 of the Revised Code, the department shall 96281
allocate the funds to the boards in a manner consistent with the 96282
methodology, this section, other state and federal laws, rules, 96283
and regulations. 96284

~~(B) The department may allocate to boards a portion of the~~ 96285
~~funds appropriated by the general assembly to the department for~~ 96286
~~the operation of state hospital services. If the department~~ 96287
~~allocates the funds, the department shall do all of the following:~~ 96288

~~(1) In consultation with the boards:~~ 96289

~~(a) Annually determine the unit costs of providing state~~ 96290
~~hospital services; and~~ 96291

~~(b) Establish the methodology for allocating the funds to the~~ 96292
~~boards.~~ 96293

~~(2) Determine the type of unit costs of providing state~~ 96294
~~hospital services to be included as a factor in the methodology~~ 96295
~~and include that unit cost as a factor in the methodology;~~ 96296

~~(3) Subject to sections 5119.622 and 5119.623 of the Revised~~ 96297
~~Code, allocate the funds to the boards in a manner consistent with~~ 96298
~~the methodology, this section, other state and federal laws,~~ 96299
~~rules, and regulations.~~ 96300

~~(c) Not later than the first day of April of each year, the~~ 96301
~~department shall notify each board of the department's estimate of~~ 96302
~~the amount of funds to be allocated to the board under this~~ 96303
~~section during the fiscal year beginning on the next July first.~~ 96304
~~If the department makes an allocation under division (B) of this~~ 96305
~~section, the department shall also notify each board of the unit~~ 96306
~~costs of providing state hospital services for the upcoming fiscal~~ 96307

~~year as determined under that division. Not later than the first day of May of each year, each board shall notify the department as to which of the following options it has elected for the upcoming fiscal year:~~ 96308
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~~(1) The board elects to accept distribution of the amount allocated to it under this section. Funds distributed to each board shall be used to supplement and not to supplant other state, local, or federal funds that are being used to support community based programs for severely mentally disabled children, adolescents, and adults, unless the funds have been specifically designated for the initiation of programs in accordance with the community mental health plan developed and submitted under section 340.03 and approved under section 5119.61 of the Revised Code. Notwithstanding section 131.33 of the Revised Code, any board may expend unexpended funds distributed to the board from appropriations for the purpose of local management of mental health services in the fiscal year following the fiscal year for which the appropriations are made, in accordance with the approved community mental health plan.~~ 96312
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~~(2) Subject to division (D) of this section, the board elects not to accept the amount allocated to it under this section, authorizes the department to determine the use of its allocation, and agrees to provide the department with a statement of projected utilization of state hospitals and other state operated services by residents of its service district during the fiscal year.~~ 96327
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~~(D) No board shall elect the option in division (C)(2) of this section unless all of the following apply:~~ 96333
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~~(1) Either the total funds estimated by the department to be allocated to the board under this section for the next fiscal year are reduced by a substantial amount, as defined in guidelines adopted by the director of mental health under division (E) of this section, in comparison to the amount allocated for the~~ 96335
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~~current fiscal year, for reasons not related to performance or the board has experienced other circumstances specified in the guidelines.~~

~~(2) The board provides the department written confirmation that the board has received input about the impact that the board's election will have on the mental health system in the board's district from all of the following:~~

~~(a) Individuals who receive mental health services and such individuals' families;~~

~~(b) Boards of county commissioners;~~

~~(c) Judges of juvenile and probate courts;~~

~~(d) County sheriffs, jail administrators, and other local law enforcement officials.~~

~~(3) Not later than seven days before notifying the department of its election and after providing the department the written confirmation required by division (D)(2) of this section, the board conducts a public hearing on the issue.~~

~~(E) For the purpose of division (D)(1) of this section, the director of mental health shall consult with the boards and other relevant constituencies to develop guidelines for determining what constitutes a substantial reduction of funds and what other circumstances qualify a board to elect the option in division (C)(2) of this section.~~

~~(F) No board shall use state funds for the purpose of discouraging employees from seeking collective bargaining representation or encouraging employees to decertify a recognized collective bargaining agent.~~

~~(G) The department shall charge against the allocation made to a board under division (B) of this section, if any, any unreimbursed costs for services provided by the department.~~

~~(H) A board's use of funds allocated under this section is subject to audit by county, state, and federal authorities.~~ 96370
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(C) In consultation with boards, community mental health and addiction services providers, and persons receiving services, the department shall establish guidelines for the use of funds allocated and distributed under this section. 96372
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Sec. ~~5119.621~~ 5119.24. (A) As used in this section, 96376
"administrative function" means a function related to one or more 96377
of the following: 96378

(1) Continuous quality improvement; 96379

(2) Utilization review; 96380

(3) Resource development; 96381

(4) Fiscal administration; 96382

(5) General administration; 96383

(6) Any other function related to administration that is 96384
required by Chapter 340. of the Revised Code. 96385

(B) Each board of alcohol, drug addiction, and mental health 96386
services shall submit an annual report to the department of ~~mental~~ 96387
~~health~~ mental health and addiction services specifying how the 96388
board used funds allocated to the board under section ~~5119.62~~ 96389
5119.23 of the Revised Code for administrative functions in the 96390
year preceding the report's submission. The director of ~~mental~~ 96391
~~health~~ mental health and addiction services shall establish the 96392
date by which the report must be submitted each year. 96393

Sec. ~~5119.622~~ 5119.25. (A) The director of ~~mental health~~ 96394
mental health and addiction services, in whole or in part, may 96395
withhold funds otherwise to be allocated to a board of alcohol, 96396
drug addiction, and mental health services under section ~~5119.62~~ 96397
5119.23 of the Revised Code if the board fails to comply with 96398

Chapter 340. or section ~~5119.61, 5119.611, 5119.612, or 5119.621~~ 96399
~~5119.22, 5119.24, 5119.36, or 5119.37~~ of the Revised Code or rules 96400
of the department of ~~mental health regarding a community mental~~ 96401
~~health service~~ mental health and addiction services. The 96402

(B) The director of mental health and addiction services may 96403
withhold funds otherwise to be allocated to a board of alcohol, 96404
drug addiction, and mental health services under section 5119.23 96405
of the Revised Code if the board denies available service on the 96406
basis of race, color, religion, creed, sex, age, national origin, 96407
disability as defined in section 4112.01 of the Revised Code, or 96408
developmental disability. 96409

(C) The director shall identify issue a notice identifying 96410
the areas of noncompliance and the action necessary to achieve 96411
compliance. The director ~~shall~~ may offer technical assistance to 96412
the board to achieve compliance. The ~~director shall give the board~~ 96413
~~a reasonable time within which to comply or shall have ten days~~ 96414
~~from receipt of the notice of noncompliance~~ to present its 96415
position that it is in compliance. Before withholding funds, the 96416
director or the director's designee shall hold a hearing ~~shall be~~ 96417
~~conducted within ten days of receipt of the board's position~~ to 96418
determine if there are continuing violations and that either 96419
assistance is rejected or the board is unable to achieve 96420
compliance. Subsequent to the hearing process, if it is determined 96421
that compliance has not been achieved, the director may allocate 96422
all or part of the withheld funds to a public or private agency to 96423
provide the community mental health or community addiction service 96424
for which the board is not in compliance until the time that there 96425
is compliance. The director ~~shall~~ may adopt rules in accordance 96426
with Chapter 119. of the Revised Code to implement this section. 96427

Sec. ~~3793.14~~ 5119.26. Any person treated under this chapter 96428
or rules adopted under it shall retain ~~his~~ the person's civil 96429

rights and liberties, including the right not to be experimented 96430
upon with treatment not accepted as good medical practice without 96431
~~his~~ the person's fully informed consent, the right as a ~~patient~~ 96432
person receiving services to maintain the confidentiality of 96433
health and medical records, the right as a person detained for 96434
medical purposes to receive adequate and appropriate treatment, 96435
and the right to vote. 96436

Sec. ~~3793.13~~ 5119.27. (A) Records or information, other than 96437
court journal entries or court docket entries, pertaining to the 96438
identity, diagnosis, or treatment of any ~~patient~~ person seeking or 96439
receiving services that are maintained in connection with the 96440
performance of any drug treatment program or services licensed by, 96441
or certified by, the director of ~~alcohol and drug addiction~~ 96442
~~services,~~ mental health and addiction services under ~~section~~ 96443
~~3793.11 of the Revised Code,~~ this chapter shall be kept 96444
confidential, may be disclosed only for the purposes and under the 96445
circumstances expressly authorized under this section, and may not 96446
otherwise be divulged in any civil, criminal, administrative, or 96447
legislative proceeding. 96448

(B) When the ~~patient~~ person, with respect to whom any record 96449
or information referred to in division (A) of this section is 96450
maintained, gives consent in the form of a written release signed 96451
by the ~~patient~~ person, the content of the record or information 96452
may be disclosed if the written release conforms to all of the 96453
following: 96454

(1) Specifically identifies the person, official, or entity 96455
to whom the information is to be provided; 96456

(2) Describes with reasonable specificity the record, 96457
records, or information to be disclosed; and 96458

(3) Describes with reasonable specificity the purposes of the 96459
disclosure and the intended use of the disclosed information. 96460

(C) A ~~patient~~ person who is subject to a community control sanction, parole, or a post-release control sanction or who is ordered to rehabilitation in lieu of conviction, and who has agreed to participate in a drug treatment or rehabilitation program as a condition of the community control sanction, post-release control sanction, parole, or order to rehabilitation, shall be considered to have consented to the release of records and information relating to the progress of treatment, frequency of treatment, adherence to treatment requirements, and probable outcome of treatment. Release of information and records under this division shall be limited to the court or governmental personnel having the responsibility for supervising the ~~patient's~~ person's community control sanction, post-release control sanction, parole, or order to rehabilitation. A ~~patient~~ person, described in this division, who refuses to allow disclosure may be considered in violation of the conditions of the ~~patient's~~ person's community control sanction, post-release control sanction, parole, or order to rehabilitation.

(D) Disclosure of a ~~patient's~~ person's record may be made without the ~~patient's~~ person's consent to qualified personnel for the purpose of conducting scientific research, management, financial audits, or program evaluation, but these personnel may not identify, directly or indirectly, any individual ~~patient~~ person in any report of the research, audit, or evaluation, or otherwise disclose a ~~patient's~~ person's identity in any manner.

(E) Upon the request of a prosecuting attorney or the director of ~~alcohol and drug addiction services~~ mental health and addiction services, a court of competent jurisdiction may order the disclosure of records or information referred to in division (A) of this section if the court has reason to believe that a treatment program or facility is being operated or used in a manner contrary to law. The use of any information or record so

disclosed shall be limited to the prosecution of persons who are 96493
or may be charged with any offense related to the illegal 96494
operation or use of the drug treatment program or facility, or to 96495
the decision to withdraw the authority of a drug treatment program 96496
or facility to continue operation. For purposes of this division 96497
the court shall: 96498

(1) Limit disclosure to those parts of the ~~patient's~~ person's 96499
record considered essential to fulfill the objective for which the 96500
order was granted; 96501

(2) Require, where appropriate, that all information be 96502
disclosed in chambers; 96503

(3) Include any other appropriate measures to keep disclosure 96504
to a minimum, consistent with the protection of the ~~patients~~ 96505
persons seeking or receiving services, the physician-patient 96506
relationship, and the administration of the drug treatment and 96507
rehabilitation program. 96508

(F) As used in this section: 96509

(1) "Community control sanction" has the same meaning as in 96510
section 2929.01 of the Revised Code. 96511

(2) "Post-release control sanction" has the same meaning as 96512
in section 2967.01 of the Revised Code. 96513

Sec. 5119.28. (A) All records, and reports, other than court 96514
journal entries or court docket entries, identifying a person and 96515
pertaining to the person's mental health condition, assessment, 96516
provision of care or treatment, or payment for assessment, care or 96517
treatment that are maintained in connection with any services 96518
certified by the department of mental health and addiction 96519
services, or any hospitals or facilities licensed or operated by 96520
the department, shall be kept confidential and shall not be 96521
disclosed by any person except: 96522

(1) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents; 96523
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(2) When disclosure is provided for in this chapter or Chapter 340. or 5122., or Title XLVII of the Revised Code; 96526
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(3) That hospitals, boards of alcohol, drug addiction, and mental health services, licensed facilities, and community mental health services providers may release necessary information to insurers and other third-party payers, including government entities responsible for processing and authorizing payment, to obtain payment for goods and services furnished to the person; 96528
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(4) Pursuant to a court order signed by a judge; 96534

(5) That a person shall be granted access to the person's own psychiatric and medical records, unless access specifically is restricted in a person's treatment plan for clear treatment reasons; 96535
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(6) That the department of mental health and addiction services may exchange psychiatric records and other pertinent information with community mental health services providers and boards of alcohol, drug addiction, and mental health services relating to the person's care or services. Records and information that may be exchanged pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and a discharge summary, if any. 96539
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(7) That the department of mental health and addiction services, hospitals and community providers operated by the department, hospitals licensed by the department under section 5119.33 of the Revised Code, and community mental health services providers may exchange psychiatric records and other pertinent information with payers and other providers of treatment and 96548
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health services if the purpose of the exchange is to facilitate 96554
continuity of care for the person or for the emergency treatment 96555
of the person; 96556

(8) That the department of mental health and addiction 96557
services and community mental health services providers may 96558
exchange psychiatric records and other pertinent information with 96559
boards of alcohol, drug addiction, and mental health services for 96560
purposes of any board function set forth in Chapter 340. of the 96561
Revised Code. Boards of alcohol, drug addiction, and mental health 96562
services shall not access any personal information from the 96563
department or providers except as required or permitted by this 96564
section, or Chapter 340. or 5122. of the Revised Code for purposes 96565
related to payment, care coordination, health care operations, 96566
program and service evaluation, reporting activities, research, 96567
system administration, oversight, or other authorized purposes. 96568

(9) That a person's family member who is involved in the 96569
provision, planning, and monitoring of services to the person may 96570
receive medication information, a summary of the person's 96571
diagnosis and prognosis, and a list of the services and personnel 96572
available to assist the person and the person's family, if the 96573
person's treatment provider determines that the disclosure would 96574
be in the best interests of the person. No such disclosure shall 96575
be made unless the person is notified first and receives the 96576
information and does not object to the disclosure. 96577

(10) That community mental health services providers may 96578
exchange psychiatric records and certain other information with 96579
the board of alcohol, drug addiction, and mental health services 96580
and other providers in order to provide services to a person 96581
involuntarily committed to a board. Release of records under this 96582
division shall be limited to medication history, physical health 96583
status and history, financial status, summary of course of 96584
treatment, summary of treatment needs, and discharge summary, if 96585

any. 96586

(11) That information may be disclosed to the executor or the administrator of an estate of a deceased person when the information is necessary to administer the estate; 96587
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(12) That information may be disclosed to staff members of the appropriate board or to staff members designated by the director of mental health and addiction services for the purpose of evaluating the quality, effectiveness, and efficiency of services and determining if the services meet minimum standards. Information obtained during such evaluations shall not be retained with the name of any person. 96590
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(13) That records pertaining to the person's diagnosis, course of treatment, treatment needs, and prognosis shall be disclosed and released to the appropriate prosecuting attorney if the person was committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or to the attorney designated by the board for proceedings pursuant to involuntary commitment under Chapter 5122. of the Revised Code. 96597
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(14) That the department of mental health and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates and offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The 96604
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release of records under this division is limited to records 96618
regarding an inmate's or offender's medication history, physical 96619
health status and history, summary of course of treatment, summary 96620
of treatment needs, and a discharge summary, if any. 96621

(15) That a community mental health services provider that 96622
ceases to operate may transfer to either a community mental health 96623
services provider that assumes its caseload or to the board of 96624
alcohol, drug addiction, and mental health services of the service 96625
district in which the person resided at the time services were 96626
most recently provided any treatment records that have not been 96627
transferred elsewhere at the person's request. 96628

(B) Before records are disclosed pursuant to divisions 96629
(A)(3), (6), and (10) of this section, the custodian of the 96630
records shall attempt to obtain the person's consent for the 96631
disclosure. 96632

(C) No person shall reveal the content of a medical record of 96633
a person that is confidential pursuant to this section, except as 96634
authorized by law. 96635

Sec. ~~5119.57~~ 5119.29. ~~No later than January 1, 1998, the~~ The 96636
department of ~~mental health~~ mental health and addiction services, 96637
in conjunction with boards of alcohol, drug addiction, and mental 96638
health services and community mental health boards, shall develop 96639
a coordinated system for tracking and monitoring persons found not 96640
guilty by reason of insanity and committed pursuant to section 96641
2945.40 of the Revised Code who have been granted a conditional 96642
release and persons found incompetent to stand trial and committed 96643
pursuant to section 2945.39 of the Revised Code who have been 96644
granted a conditional release. The system shall do all of the 96645
following: 96646

(A) Centralize responsibility for the tracking of those 96647
persons; 96648

(B) Develop uniformity in monitoring those persons; 96649

(C) Develop a mechanism to allow prompt rehospitalization, 96650
reinstitutionalization, or detention when a violation of the 96651
conditional release or decompensation occurs. 96652

Sec. ~~3793.18~~ 5119.30. The department of ~~alcohol and drug~~ 96653
~~addiction services~~ mental health and addiction services promptly 96654
shall develop and maintain a program that continually provides the 96655
courts of this state with relevant information pertaining to 96656
~~alcohol and drug~~ addiction services and programs available both 96657
within their jurisdictions and statewide in order to facilitate 96658
the ability of the courts to utilize treatment and rehabilitation 96659
alternatives in addition to or in lieu of imposing sentences of 96660
imprisonment upon appropriate offenders. 96661

Sec. ~~5119.23~~ 5119.31. The department of ~~mental health~~ mental 96662
health and addiction services may examine into, with or without 96663
expert assistance, the question of the mental and physical 96664
condition of any person committed to or involuntarily confined in 96665
any hospital for the mentally ill, or restrained of ~~his~~ liberty at 96666
any place within this state by reason of alleged mental illness 96667
and may order and compel the discharge of any such person who is 96668
not a mentally ill person subject to hospitalization by court 96669
order as defined in division (B) of section 5122.01 of the Revised 96670
Code and direct what disposition shall be made of ~~him~~ the person. 96671
The order of discharge shall be signed by the director of ~~mental~~ 96672
~~health~~ mental health and addiction services. Upon receipt of such 96673
order by the superintendent or other person in charge of the 96674
building in which the person named in such order is confined, such 96675
person shall forthwith be discharged or otherwise disposed of 96676
according to the terms of said order, and any further or other 96677
detention of such person is unlawful. No such order shall be made 96678
in favor of any person committed and held for trial on a criminal 96679

charge, in confinement by an order of a judge or court made in a 96680
criminal proceeding, or in any case unless notice is given to the 96681
superintendent or other person having charge of the building in 96682
which the alleged mentally ill person is detained, and a 96683
reasonable opportunity is allowed the person in charge to justify 96684
further detention of the person confined. 96685

Sec. ~~5119.60~~ 5119.32. The department of ~~mental health~~ mental 96686
health and addiction services is hereby designated as the state 96687
administrative agency for the ~~alcohol, drug abuse and mental~~ 96688
~~health services~~ substance abuse prevention treatment block grant 96689
and the community mental health services block grant authorized by 96690
the "Public Health Services Act," 95 Stat. 357, 543, 42 U.S.C. 96691
300x, as amended, and similar alcohol, drug abuse, or mental 96692
health programs that are specified in an appropriations act. ~~The~~ 96693
~~department shall establish and administer an annual plan to~~ 96694
~~utilize federal block grant funds. The department shall consult~~ 96695
~~with the department of alcohol and drug addiction services on the~~ 96696
~~allocation of funds for alcohol and drug addiction services~~ 96697
~~pursuant to Chapter 3793. of the Revised Code and shall notify the~~ 96698
~~controlling board, which shall authorize the transfer of funds~~ 96699
~~allocated to the department of alcohol and drug addiction~~ 96700
~~services.~~ 96701

Sec. ~~5119.20~~ 5119.33. The department of ~~mental health~~ mental 96702
health and addiction services shall inspect and license all 96703
hospitals that receive mentally ill persons, except those 96704
hospitals managed by the department. No hospital may receive for 96705
care or treatment, either at public or private expense, any person 96706
who is or appears to be mentally ill, whether or not so 96707
adjudicated, unless the hospital has received a license from the 96708
department authorizing it to receive for care or treatment persons 96709
who are mentally ill or the hospital is managed by the department. 96710

No such license shall be granted to a hospital for the 96711
treatment of mentally ill persons unless the department is 96712
satisfied, after investigation, that the hospital is managed and 96713
operated by qualified persons and has on its staff one or more 96714
qualified physicians responsible for the medical care of the 96715
patients confined there. At least one such physician shall be a 96716
psychiatrist. 96717

The department shall adopt rules under Chapter 119. of the 96718
Revised Code prescribing minimum standards for the operation of 96719
hospitals for the care and treatment of mentally ill persons and 96720
establishing standards and procedures for the issuance, renewal, 96721
or revocation of full, probationary, and interim licenses. No 96722
license shall be granted to any hospital established or used for 96723
the care of mentally ill persons unless such hospital is operating 96724
in accordance with this section and rules adopted pursuant to this 96725
section. A full license shall expire one year after the date of 96726
issuance, a probationary license shall expire at the time 96727
prescribed by rule adopted pursuant to Chapter 119. of the Revised 96728
Code by the director of ~~mental health~~ mental health and addiction 96729
services, and an interim license shall expire ninety days after 96730
the date of issuance. A full, probationary, or interim license may 96731
be renewed, except that an interim license may be renewed only 96732
twice. The department may fix reasonable fees for licenses and for 96733
license renewals. Such hospitals are subject to inspection and 96734
~~visitation~~ on-site review by the department. 96735

Except as otherwise provided in Chapter 5122. of the Revised 96736
Code, neither the director of ~~the department of mental health~~ 96737
mental health and addiction services; an employee of the 96738
department; a board of alcohol, drug addiction, and mental health 96739
services or ~~agency~~ employee of a community mental health services 96740
provider; nor any other public official shall hospitalize any 96741
mentally ill person for care or treatment in any hospital that is 96742

not licensed in accordance with this section. 96743

Any license issued by the department under this section may 96744
be revoked by the department for any of the following reasons: 96745

(A) The hospital is no longer a suitable place for the care 96746
or treatment of mentally ill persons. 96747

(B) The hospital refuses to be subject to inspection or 96748
~~visitation~~ on-site review by the department. 96749

(C) The hospital has failed to furnish humane, kind, and 96750
adequate treatment and care. 96751

(D) The hospital fails to comply with the licensure rules of 96752
the department. 96753

The department may inspect, ~~visit~~ conduct an on-site review, 96754
and review the records of any hospital that the department has 96755
reason to believe is operating without a license. 96756

Sec. ~~5119.201~~ 5119.331. If the department of ~~mental health~~ 96757
mental health and addiction services determines that a hospital 96758
not licensed by the department is receiving for care or treatment 96759
any person who is or appears to be mentally ill, the department 96760
may request in writing that the attorney general petition the 96761
court of common pleas in the county where the hospital is located 96762
to enjoin the hospital from continued operation in violation of 96763
section ~~5119.20~~ 5119.33 of the Revised Code. 96764

Sec. ~~5119.202~~ 5119.332. No third-party payer shall directly 96765
or indirectly reimburse, nor shall any person be obligated to pay 96766
any hospital for psychiatric services for which a license is 96767
required under section ~~5119.20~~ 5119.33 of the Revised Code unless 96768
the hospital is licensed by the department of ~~mental health~~ mental 96769
health and addiction services. 96770

As used in this section, "third-party payer" means a health 96771

insuring corporation licensed under Chapter 1751. of the Revised 96772
Code, an insurance company that issues sickness and accident 96773
insurance in conformity with Chapter 3923. of the Revised Code, a 96774
state-financed health insurance program under Chapter 3701., 96775
4123., or 5101. of the Revised Code, or any self-insurance plan. 96776

Sec. ~~5119.21~~ 5119.333. No person shall keep or maintain a 96777
hospital for the care or treatment of mentally ill persons unless 96778
it is licensed by the department of ~~mental health~~ mental health 96779
and addiction services, as provided by section ~~5119.20~~ 5119.33 of 96780
the Revised Code. 96781

Sec. ~~5119.22~~ 5119.34. (A) As used in this section and ~~section~~ 96782
~~5119.221~~ sections 5119.341 and 5119.342 of the Revised Code: 96783
96784

(1) "Accommodations" means housing, daily meal preparation, 96785
laundry, housekeeping, arranging for transportation, social and 96786
recreational activities, maintenance, security, and other services 96787
that do not constitute personal care services or skilled nursing 96788
care. 96789

(2) "ADAMHS board" means a board of alcohol, drug addiction, 96790
and mental health services. 96791

(3) "Adult" means a person who is eighteen years of age or 96792
older, other than a person described in division (A)(4) of this 96793
section who is between eighteen and twenty-one years of age. 96794

(4) "Child" means a person who is under eighteen years of age 96795
or a person with a mental disability who is under twenty-one years 96796
of age. 96797

(5) "Community mental health ~~agency~~ services provider" means 96798
a community mental health ~~agency~~ services provider as defined in 96799
~~division (H) of section 5122.01~~ 5119.01 of the Revised Code. 96800

(6) "Community mental health services" means any ~~of the~~ 96801
mental health services listed in certified by the department 96802
pursuant to section 340.09 5119.36 of the Revised Code. 96803

(7) "Operator" means the person or persons, firm, 96804
partnership, agency, governing body, association, corporation, or 96805
other entity that is responsible for the administration and 96806
management of a residential facility and that is the applicant for 96807
a residential facility license. 96808

(8) "Personal care services" means services including, but 96809
not limited to, the following: 96810

(a) Assisting residents with activities of daily living; 96811

(b) Assisting residents with self-administration of 96812
medication in accordance with rules adopted under this section; 96813

(c) Preparing special diets, other than complex therapeutic 96814
diets, for residents pursuant to the instructions of a physician 96815
or a licensed dietitian, in accordance with rules adopted under 96816
this section. 96817

"Personal care services" does not include "skilled nursing 96818
care" as defined in section 3721.01 of the Revised Code. A 96819
facility need not provide more than one of the services listed in 96820
division (A)(8) of this section to be considered to be providing 96821
personal care services. 96822

(9) "Residential facility" means a publicly or privately 96823
operated home or facility that provides one of the following: 96824

(a) Accommodations, supervision, personal care services, and 96825
community mental health services for one or more ~~of the following~~ 96826
unrelated ~~persons~~ adults with mental illness or severe mental 96827
disabilities or to one or more unrelated children and adolescents 96828
with a serious emotional disturbance or who are in need of mental 96829
health services who are referred by or are receiving community 96830

mental health services from a community mental health agency,	96831
<u>services provider</u> , hospital, or practitioner;	96832
(i) Adults with mental illness;	96833
(ii) Persons of any age with severe mental disabilities;	96834
(iii) Children with serious emotional disturbances or in need	96835
of mental health services.	96836
(b) Accommodations, <u>supervision</u> , and personal care services	96837
for only one or two unrelated adults; accommodations, supervision,	96838
and personal care services for three to sixteen unrelated adults;	96839
or accommodations, supervision, and personal care services for one	96840
or two of the following unrelated persons:	96841
(i) Persons of any age with mental illness who are referred	96842
by or are receiving community mental health services from a	96843
community mental health agency, hospital, or practitioner;	96844
(ii) Persons of any age with severe mental disabilities who	96845
are referred by or are receiving community mental health services	96846
from a community mental health agency, hospital, or practitioner	96847
to any of the following:	96848
(i) <u>One or two unrelated persons with mental illness or</u>	96849
<u>persons with severe mental disabilities who are referred by or are</u>	96850
<u>receiving mental health services from a community mental health</u>	96851
<u>services provider, hospital, or practitioner;</u>	96852
(ii) <u>One or two unrelated adults who are receiving</u>	96853
<u>residential state supplement payments;</u>	96854
(iii) <u>Three to sixteen unrelated adults.</u>	96855
(c) Room and board for five or more of the following	96856
unrelated persons:	96857
(i) <u>Adults</u> <u>adults</u> with mental illness <u>or severe mental</u>	96858
<u>disability</u> who are referred by or are receiving community mental	96859
health services from a community mental health agency, <u>services</u>	96860

provider, hospital, or practitioner; 96861

~~(ii) Adults with severe mental disabilities who are referred~~ 96862
~~by or are receiving community mental health services from a~~ 96863
~~community mental health agency, hospital, or practitioner.~~ 96864

(10) "Residential facility" does not include any of the 96865
following: 96866

(a) A hospital subject to licensure under section ~~5119.20~~ 96867
5119.33 of the Revised Code; 96868

(b) A residential facility licensed under section 5123.19 of 96869
the Revised Code or otherwise regulated by the department of 96870
developmental disabilities; 96871

(c) An institution or association subject to certification 96872
under section 5103.03 of the Revised Code; 96873

(d) A facility operated by a hospice care program licensed 96874
under section 3712.04 of the Revised Code that is used exclusively 96875
for care of hospice patients; 96876

~~(e) A facility operated by a pediatric respite care program~~ 96877
~~licensed under section 3712.041 of the Revised Code that is used~~ 96878
~~exclusively for care of pediatric respite care patients;~~ 96879

~~(f)~~ A nursing home, residential care facility, or home for 96880
the aging as defined in section 3721.02 of the Revised Code; 96881

~~(g) An alcohol~~ (f) Alcohol or drug addiction ~~program as~~ 96882
~~defined in services certified pursuant to section 3793.01~~ 5119.36 96883
of the Revised Code; 96884

~~(h)~~(g) A facility licensed to provide methadone treatment 96885
under section ~~3793.11~~ 5119.39 of the Revised Code; 96886

~~(i)~~(h) Any facility that receives funding for operating costs 96887
from the ~~department of development~~ services agency under any 96888
program established to provide emergency shelter housing or 96889
transitional housing for the homeless; 96890

~~(j)~~(i) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;

~~(k)~~(j) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.

(11) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.

(12) "Residential state supplement" means the program administered under section 5119.41 of the Revised Code and related provisions of the Administrative Code under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the Social Security Act. Residential state supplement payments are used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients the department of mental health and addition services determines are at risk of needing institutional care.

(13) "Supervision" means any of the following:

(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities;

(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities;

(c) Assisting a resident in making or keeping an appointment.

~~(13)~~(14) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's

or operator's spouse as a parent, grandparent, child, stepchild, 96921
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 96922
the child of an aunt or uncle. 96923

(B) Nothing in division (A)(9) of this section shall be 96924
construed to permit personal care services to be imposed on a 96925
resident who is capable of performing the activity in question 96926
without assistance. 96927

(C) Except in the case of a residential facility described in 96928
division (A)(9)(a) of this section, members of the staff of a 96929
residential facility shall not administer medication to the 96930
facility's residents, but may do any of the following: 96931

(1) Remind a resident when to take medication and watch to 96932
ensure that the resident follows the directions on the container; 96933

(2) Assist a resident in the self-administration of 96934
medication by taking the medication from the locked area where it 96935
is stored, in accordance with rules adopted pursuant to this 96936
section, and handing it to the resident. If the resident is 96937
physically unable to open the container, a staff member may open 96938
the container for the resident. 96939

(3) Assist a physically impaired but mentally alert resident, 96940
such as a resident with arthritis, cerebral palsy, or Parkinson's 96941
disease, in removing oral or topical medication from containers 96942
and in consuming or applying the medication, upon request by or 96943
with the consent of the resident. If a resident is physically 96944
unable to place a dose of medicine to the resident's mouth without 96945
spilling it, a staff member may place the dose in a container and 96946
place the container to the mouth of the resident. 96947

(D)(1) Except as provided in division (D)(2) of this section, 96948
a person operating or seeking to operate a residential facility 96949
shall apply for licensure of the facility to the department of 96950
~~mental health~~ mental health and addiction services. The 96951

application shall be submitted by the operator. When applying for 96952
the license, the applicant shall pay to the department the 96953
application fee specified in rules adopted under division ~~(L)~~(K) 96954
of this section. The fee is nonrefundable. 96955

The department shall send a copy of an application to the 96956
ADAMHS board serving the county in which the person operates or 96957
seeks to operate the facility. The ADAMHS board shall review the 96958
application and provide to the department any information about 96959
the applicant or the facility that the board would like the 96960
department to consider in reviewing the application. 96961

(2) A person may not apply for a license to operate a 96962
residential facility if the person is or has been the owner, 96963
operator, or manager of a residential facility for which a license 96964
to operate was revoked or for which renewal of a license was 96965
refused for any reason other than nonpayment of the license 96966
renewal fee, unless both of the following conditions are met: 96967

(a) A period of not less than two years has elapsed since the 96968
date the director of ~~mental health~~ mental health and addiction 96969
services issued the order revoking or refusing to renew the 96970
facility's license. 96971

(b) The director's revocation or refusal to renew the license 96972
was not based on an act or omission at the facility that violated 96973
a resident's right to be free from abuse, neglect, or 96974
exploitation. 96975

~~(E)(1) Any person may operate a residential facility 96976
providing accommodations and personal care services for one to 96977
five unrelated persons and licensed as a residential facility that 96978
meets the criteria specified in division (A)(9)(b) of this section 96979
as a permitted use in any residential district or zone, including 96980
any single family residential district or zone of any political 96981
subdivision. Such facilities may be required to comply with area, 96982~~

~~height, yard, and architectural compatibility requirements that 96983
are uniformly imposed upon all single family residences within the 96984
district or zone. 96985~~

~~(2) Any person may operate a residential facility providing 96986
accommodations and personal care services for six to sixteen 96987
persons and licensed as a residential facility that meets the 96988
criteria specified in division (A)(9)(b) of this section as a 96989
permitted use in any multiple family residential district or zone 96990
of any political subdivision, except that a political subdivision 96991
that has enacted a zoning ordinance or resolution establishing 96992
planned unit development districts as defined in section 519.021 96993
of the Revised Code may exclude such facilities from such 96994
districts, and a political subdivision that has enacted a zoning 96995
ordinance or resolution may regulate such facilities in 96996
multiple family residential districts or zones as a conditionally 96997
permitted use or special exception, in either case, under 96998
reasonable and specific standards and conditions set out in the 96999
zoning ordinance or resolution to: 97000~~

~~(a) Require the architectural design and site layout of the 97001
home and the location, nature, and height of any walls, screens, 97002
and fences to be compatible with adjoining land uses and the 97003
residential character of the neighborhood; 97004~~

~~(b) Require compliance with yard, parking, and sign 97005
regulation. 97006~~

~~(3) Divisions (E)(1) and (2) of this section do not affect 97007
any right of a political subdivision to permit a person to operate 97008
a residential facility licensed under this section in a 97009
single family residential district or zone under conditions 97010
established by the political subdivision. 97011~~

~~(4)(a) Notwithstanding divisions (E)(1) and (2) of this 97012
section and except as provided in division (E)(4)(b) of this 97013~~

~~section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities that meet the criteria specified in division (A)(9)(b) of this section.~~

~~(b) Division (E)(4)(a) of this section does not authorize a political subdivision to prevent or limit the continued existence and operation of residential facilities existing and operating on September 10, 2012, and that meet the criteria specified in division (A)(9)(b) of this section. A political subdivision may consider the existence of such facilities for the purpose of limiting the excessive concentration of such facilities that meet the criteria specified in division (A)(9)(b) of this section that are not existing and operating on September 10, 2012.~~

~~(F)(1) The department of ~~mental health~~ mental health and addiction services shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision.~~

The department may issue full, probationary, and interim licenses. A full license shall expire ~~two~~ up to three years after the date of issuance, a probationary license shall expire in a shorter period of time as specified in rules adopted by the director of mental health under division ~~(L)~~(K) of this section, and an interim license shall expire ninety days after the date of issuance. A license may be renewed in accordance with rules adopted by the director under division ~~(L)~~(K) of this section. The renewal application shall be submitted by the operator. When applying for renewal of a license, the applicant shall pay to the department the renewal fee specified in rules adopted under division ~~(L)~~(K) of this section. The fee is nonrefundable.

(2) The department may issue an order suspending the admission of residents to the facility or refuse to issue or renew

and may revoke a license if it finds the facility is not in 97046
compliance with rules adopted by the director pursuant to division 97047
(~~L~~)(K) of this section or if any facility operated by the 97048
applicant or licensee has been cited for repeated violations of 97049
statutes or rules during the period of previous licenses. 97050
Proceedings initiated to deny applications for full or 97051
probationary licenses or to revoke such licenses are governed by 97052
Chapter 119. of the Revised Code. 97053

(~~G~~)(F) The department may issue an interim license to operate 97054
a residential facility if both of the following conditions are 97055
met: 97056

(1) The department determines that the closing of or the need 97057
to remove residents from another residential facility has created 97058
an emergency situation requiring immediate removal of residents 97059
and an insufficient number of licensed beds are available. 97060

(2) The residential facility applying for an interim license 97061
meets standards established for interim licenses in rules adopted 97062
by the director under division (~~L~~)(K) of this section. 97063

An interim license shall be valid for ninety days and may be 97064
renewed by the director no more than twice. Proceedings initiated 97065
to deny applications for or to revoke interim licenses under this 97066
division are not subject to Chapter 119. of the Revised Code. 97067

(~~H~~)(G)(1) The department of ~~mental health~~ mental health and 97068
addiction services may conduct an inspection of a residential 97069
facility as follows: 97070

(a) Prior to issuance of a license for the facility; 97071

(b) Prior to renewal of the license; 97072

(c) To determine whether the facility has completed a plan of 97073
correction required pursuant to division (~~H~~)(G)(2) of this section 97074
and corrected deficiencies to the satisfaction of the department 97075

and in compliance with this section and rules adopted pursuant to 97076
it; 97077

(d) Upon complaint by any individual or agency; 97078

(e) At any time the director considers an inspection to be 97079
necessary in order to determine whether the facility is in 97080
compliance with this section and rules adopted pursuant to this 97081
section. 97082

(2) In conducting inspections the department may conduct an 97083
on-site examination and evaluation of the residential facility and 97084
its personnel, activities, and services. The department shall have 97085
access to examine and copy all records, accounts, and any other 97086
documents relating to the operation of the residential facility, 97087
including records pertaining to residents, and shall have access 97088
to the facility in order to conduct interviews with the operator, 97089
staff, and residents. Following each inspection and review, the 97090
department shall complete a report listing any deficiencies, and 97091
including, when appropriate, a time table within which the 97092
operator shall correct the deficiencies. The department may 97093
require the operator to submit a plan of correction describing how 97094
the deficiencies will be corrected. 97095

~~(I)~~(H) No person shall do any of the following: 97096

(1) Operate a residential facility unless the facility holds 97097
a valid license; 97098

(2) Violate any of the conditions of licensure after having 97099
been granted a license; 97100

(3) Interfere with a state or local official's inspection or 97101
investigation of a residential facility; 97102

(4) Violate any of the provisions of this section or any 97103
rules adopted pursuant to this section. 97104

~~(J)~~(I) The following may enter a residential facility at any 97105

time: 97106

(1) Employees designated by the director of ~~mental health~~ mental health and addiction services; 97107
97108

(2) Employees of an ADAMHS board under either of the 97109
following circumstances: 97110

(a) When a resident of the facility is receiving services 97111
from a community mental health ~~agency~~ services provider under 97112
contract with that ADAMHS board or another ADAMHS board; 97113

(b) When authorized by section 340.05 of the Revised Code. 97114

(3) Employees of a community mental health ~~agency~~ services 97115
provider under either of the following circumstances: 97116

(a) When the ~~agency~~ services provider has a ~~client~~ person 97117
receiving services residing in the facility; 97118

(b) When the ~~agency~~ services provider is acting as an agent 97119
of an ADAMHS board other than the board with which it is under 97120
contract. 97121

(4) Representatives of the state long-term care ~~ombudsman~~ 97122
ombudsman program when the facility provides accommodations, 97123
supervision, and personal care services for three to sixteen 97124
unrelated adults or to one or two unrelated adults who are 97125
recipients under the residential state supplement program. 97126

The persons specified in division ~~(J)~~(I) of this section 97127
shall be afforded access to examine and copy all records, 97128
accounts, and any other documents relating to the operation of the 97129
residential facility, including records pertaining to residents. 97130

~~(K)~~(J) Employees of the department of ~~mental health~~ mental 97131
health and addiction services may enter, for the purpose of 97132
investigation, any institution, residence, facility, or other 97133
structure which has been reported to the department as, or that 97134
the department has reasonable cause to believe is, operating as a 97135

residential facility without a valid license. 97136

~~(I)~~(K) The director shall adopt and may amend and rescind 97137
rules pursuant to Chapter 119. of the Revised Code governing the 97138
licensing and operation of residential facilities. The rules shall 97139
establish all of the following: 97140

(1) Minimum standards for the health, safety, adequacy, and 97141
cultural competency of treatment of and services for persons in 97142
residential facilities; 97143

(2) Procedures for the issuance, renewal, or revocation of 97144
the licenses of residential facilities; 97145

(3) Procedures for conducting criminal records checks for 97146
prospective or current operators, ~~staff employees~~, and ~~other~~ 97147
~~individuals~~ volunteers who, ~~if employed by a residential facility,~~ 97148
~~would~~ may have ~~unsupervised~~ direct access to facility residents; 97149
97150

(4) The fee to be paid when applying for a new residential 97151
facility license or renewing the license; 97152

(5) Procedures for the operator of a residential facility to 97153
follow when notifying the ADAMHS board serving the county in which 97154
the facility is located when the facility is serving residents 97155
with mental illness or severe mental disability, including the 97156
circumstances under which the operator is required to make such a 97157
notification; 97158

(6) Procedures for the issuance and termination of orders of 97159
suspension of admission of residents to a residential facility; 97160

(7) Measures to be taken by residential facilities relative 97161
to residents' medication; 97162

(8) Requirements relating to preparation of special diets; 97163

(9) The maximum number of residents who may be served in a 97164
residential facility; 97165

(10) The rights of residents of residential facilities and 97166
procedures to protect such rights; 97167

(11) Procedures for obtaining an affiliation agreement 97168
approved by the board between a residential facility and a 97169
community mental health ~~agency~~ services provider; 97170

(12) Standards and procedures under which the director may 97171
waive the requirements of any of the rules adopted. 97172

~~(M)~~(L)(1) The department may withhold the source of any 97173
complaint reported as a violation of this section when the 97174
department determines that disclosure could be detrimental to the 97175
department's purposes or could jeopardize the investigation. The 97176
department may disclose the source of any complaint if the 97177
complainant agrees in writing to such disclosure and shall 97178
disclose the source upon order by a court of competent 97179
jurisdiction. 97180

(2) Any person who makes a complaint under division ~~(M)~~(L)(1) 97181
of this section, or any person who participates in an 97182
administrative or judicial proceeding resulting from such a 97183
complaint, is immune from civil liability and is not subject to 97184
criminal prosecution, other than for perjury, unless the person 97185
has acted in bad faith or with malicious purpose. 97186

~~(N)~~(M)(1) The director of ~~mental health~~ mental health and 97187
addiction services may petition the court of common pleas of the 97188
county in which a residential facility is located for an order 97189
enjoining any person from operating a residential facility without 97190
a license or from operating a licensed facility when, in the 97191
director's judgment, there is a present danger to the health or 97192
safety of any of the occupants of the facility. The court shall 97193
have jurisdiction to grant such injunctive relief upon a showing 97194
that the respondent named in the petition is operating a facility 97195
without a license or there is a present danger to the health or 97196

safety of any residents of the facility. 97197

(2) When the court grants injunctive relief in the case of a 97198
facility operating without a license, the court shall issue, at a 97199
minimum, an order enjoining the facility from admitting new 97200
residents to the facility and an order requiring the facility to 97201
assist with the safe and orderly relocation of the facility's 97202
residents. 97203

(3) If injunctive relief is granted against a facility for 97204
operating without a license and the facility continues to operate 97205
without a license, the director shall refer the case to the 97206
attorney general for further action. 97207

~~(O)~~(N) The director may fine a person for violating division 97208
~~(I)~~(H) of this section. The fine shall be five hundred dollars for 97209
a first offense; for each subsequent offense, the fine shall be 97210
one thousand dollars. The director's actions in imposing a fine 97211
shall be taken in accordance with Chapter 119. of the Revised 97212
Code. 97213

Sec. 5119.341. (A) Any person may operate a residential 97214
facility providing accommodations and personal care services for 97215
one to five unrelated persons and licensed as a residential 97216
facility that meets the criteria specified in division (A)(9)(b) 97217
of section 5119.34 of the Revised Code as a permitted use in any 97218
residential district or zone, including any single-family 97219
residential district or zone of any political subdivision. Such 97220
facilities may be required to comply with area, height, yard, and 97221
architectural compatibility requirements that are uniformly 97222
imposed upon all single-family residences within the district or 97223
zone. 97224

(B) Any person may operate a residential facility providing 97225
accommodations and personal care services for six to sixteen 97226
persons and licensed as a residential facility that meets the 97227

criteria specified in division (A)(9)(b) of section 5119.34 of the 97228
Revised Code as a permitted use in any multiple-family residential 97229
district or zone of any political subdivision, except that a 97230
political subdivision that has enacted a zoning ordinance or 97231
resolution establishing planned-unit developments as defined in 97232
section 519.021 of the Revised Code may exclude such facilities 97233
from such districts, and a political subdivision that has enacted 97234
a zoning ordinance or resolution may regulate such facilities in 97235
multiple-family residential districts or zones as a conditionally 97236
permitted use or special exception, in either case, under 97237
reasonable and specific standards and conditions set out in the 97238
zoning ordinance or resolution to: 97239

(1) Require the architectural design and site layout of the 97240
home and the location, nature, and height of any walls, screens, 97241
and fences to be compatible with adjoining land uses and the 97242
residential character of the neighborhood; 97243

(2) Require compliance with yard, parking, and sign 97244
regulation. 97245

(C) Divisions (A) and (B) of this section do not affect any 97246
right of a political subdivision to permit a person to operate a 97247
residential facility licensed under section 5119.34 of the Revised 97248
Code in a single-family residential district or zone under 97249
conditions established by the political subdivision. 97250

(D)(1) Notwithstanding divisions (A) and (B) of this section 97251
and except as provided in division (D)(2) of this section, a 97252
political subdivision that has enacted a zoning ordinance or 97253
resolution may limit the excessive concentration of licensed 97254
residential facilities that meet the criteria specified in 97255
division (A)(9)(b) of section 5119.34 of the Revised Code. 97256

(2) Division (D)(1) of this section does not authorize a 97257
political subdivision to prevent or limit the continued existence 97258

and operation of residential facilities existing and operating on 97259
September 10, 2012, and that meet the criteria specified in 97260
division (A)(9)(b) of section 5119.34 of the Revised Code. A 97261
political subdivision may consider the existence of such 97262
facilities for the purpose of limiting the excessive concentration 97263
of such facilities that meet the criteria specified in division 97264
(A)(9)(b) of section 5119.34 of the Revised Code that are not 97265
existing and operating on September 10, 2012. 97266

Sec. ~~5119.221~~ 5119.342. (A) Upon petition by the director of 97267
~~mental health~~ mental health and addiction services, the court of 97268
common pleas or the probate court may appoint a receiver to take 97269
possession of and operate a residential facility licensed pursuant 97270
to section ~~5119.22~~ 5119.34 of the Revised Code, when conditions 97271
existing at the residential facility present a substantial risk of 97272
physical or mental harm to residents and no other remedies at law 97273
are adequate to protect the health, safety, and welfare of the 97274
residents. 97275

Petitions filed pursuant to this section shall include: 97276

(1) A description of the specific conditions existing at the 97277
residential facility which present a substantial risk of physical 97278
or mental harm to residents; 97279

(2) A statement of the absence of other adequate remedies at 97280
law; 97281

(3) The number of individuals residing at the facility; 97282

(4) A statement that the facts have been brought to the 97283
attention of the owner or licensee and that conditions have not 97284
been remedied within a reasonable period of time or that the 97285
conditions, though remedied periodically, habitually exist at the 97286
residential facility as a pattern or practice; and 97287

(5) The name and address of the person holding the license 97288

for the residential facility. 97289

(B) A court in which a petition is filed pursuant to this 97290
section shall notify the person holding the license for the 97291
facility of the filing. The department shall send notice of the 97292
filing to the following, as appropriate: the Ohio protection and 97293
advocacy system as defined in section 5123.60 of the Revised Code; 97294
facility owner; facility operator; board of alcohol, drug 97295
addiction, and mental health services; board of health; department 97296
of developmental disabilities; department of job and family 97297
services; facility residents; and residents' families and 97298
guardians. The court shall provide a hearing on the petition 97299
within five court days of the time it was filed, except that the 97300
court may appoint a receiver prior to that time if it determines 97301
that the circumstances necessitate such action. 97302

Following a hearing on the petition, and upon a determination 97303
that the appointment of a receiver is warranted, the court shall 97304
appoint a receiver and notify the department of ~~mental health~~ 97305
mental health and addiction services and appropriate persons of 97306
this action. 97307

In setting forth the powers of the receiver, the court may 97308
generally authorize the receiver to do all that is prudent and 97309
necessary to safely and efficiently operate the residential 97310
facility within the requirements of state and federal law, but 97311
shall require the receiver to obtain court approval prior to 97312
making any single expenditure of more than five thousand dollars 97313
to correct deficiencies in the structure or furnishings of a 97314
facility. The court shall closely review the conduct of the 97315
receiver and shall require regular and detailed reports. 97316

(C) A receivership established pursuant to this section shall 97317
be terminated, following notification of the appropriate parties 97318
and a hearing, if the court determines either of the following: 97319

(1) The residential facility has been closed and the former residents have been relocated to an appropriate facility;

(2) Circumstances no longer exist at the residential facility which present a substantial risk of physical or mental harm to residents, and there is no deficiency in the residential facility that is likely to create a future risk of harm.

Notwithstanding division (C)(2) of this section, the court shall not terminate a receivership for a residential facility that has previously operated under another receivership unless the responsibility for the operation of the facility is transferred to an operator approved by the court and the department of ~~mental health~~ mental health and addiction services.

(D) Except for the department of ~~mental health~~ mental health and addiction services or appropriate board of alcohol, drug addiction, and mental health services, no party or person interested in an action shall be appointed a receiver pursuant to this section.

To assist the court in identifying persons qualified to be named as receivers, the director of ~~the department of mental health~~ mental health and addiction services shall maintain a list of the names of such persons. The department of ~~mental health~~ mental health and addiction services, the department of job and family services, and the department of health shall provide technical assistance to any receiver appointed pursuant to this section.

Before entering upon the duties of receiver, the receiver must be sworn to perform the duties faithfully, and, with surety approved by the court, judge, or clerk, execute a bond to such person, and in such sum as the court or judge directs, to the effect that such receiver will faithfully discharge the duties of receiver in the action, and obey the orders of the court therein.

- (1) Under the control of the appointing court, a receiver may do the following: 97351
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- (a) Bring and defend actions in the appointee's name as receiver; 97353
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 - (b) Take and keep possession of property. 97355
- (2) The court shall authorize the receiver to do the following: 97356
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- (a) Collect payment for all goods and services provided to the residents or others during the period of the receivership at the same rate as was charged by the licensee at the time the petition for receivership was filed, unless a different rate is set by the court; 97358
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 - (b) Honor all leases, mortgages, and secured transactions governing all buildings, goods, and fixtures of which the receiver has taken possession, but, in the case of a rental agreement only to the extent of payments that are for the use of the property during the period of the receivership, or, in the case of a purchase agreement, only to the extent that payments come due during the period of the receivership; 97363
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 - (c) If transfer of residents is necessary, provide for the orderly transfer of residents by: 97370
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 - (i) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements; 97372
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 - (ii) Providing for the transportation of residents' belongings and records; 97375
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 - (iii) Helping to locate alternative placements and develop plans for transfer; 97377
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 - (iv) Encouraging residents or guardians to participate in transfer planning except when an emergency exists and immediate 97379
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transfer is necessary. 97381

(d) Make periodic reports on the status of the residential 97382
facility to the court; the appropriate state agencies; and the 97383
board of alcohol, drug addiction, and mental health services. Each 97384
report shall be made available to residents, their guardians, and 97385
families. 97386

(e) Compromise demands or claims; and 97387

(f) Generally do such acts respecting the residential 97388
facility as the court authorizes. 97389

Notwithstanding any other provision of law, contracts which 97390
are necessary to carry out the powers and duties of the receiver 97391
need not be competitively bid. 97392

Sec. ~~5119.611~~ 5119.36. (A) A community mental health agency 97393
services provider applicant or community addiction services 97394
provider applicant that seeks certification of its community 97395
mental health services or community addiction services shall 97396
submit an application to the director of ~~mental health~~ mental 97397
health and addiction services. On receipt of the application, the 97398
director may ~~visit~~ conduct an on-site review and shall evaluate 97399
the ~~agency provider~~ to determine whether its services satisfy the 97400
standards established by rules adopted under division ~~(C)~~ (E) of 97401
this section. The director shall make the evaluation, and, if the 97402
director ~~visits~~ conducts an on-site review of the agency provider, 97403
~~shall~~ may make the ~~visit~~ review, in cooperation with the board of 97404
alcohol, drug addiction, and mental health services with which the 97405
~~agency provider~~ seeks to contract under division (A)(8)(a) of 97406
section 340.03 of the Revised Code. 97407

(B) Subject to section ~~5119.612~~ 5119.37 of the Revised Code, 97408
the director shall determine whether the services of an 97409
~~applicant's community mental health agency~~ applicant satisfy the 97410

standards for certification of the services. If the director 97411
determines that a community mental health ~~agency's~~ services 97412
provider's or a community addiction services provider's services 97413
satisfy the standards for certification and the ~~agency~~ provider 97414
has paid the fee required under division (D) of this section, the 97415
director shall certify the services. No community mental health 97416
services provider or community addiction services provider shall 97417
be eligible to receive state or federal funds, or funds 97418
administered by a board of alcohol, drug addiction, and mental 97419
health services unless its services have been certified by the 97420
department. 97421

(C) If the director determines that a community mental health 97422
~~agency's~~ services provider's or a community addiction services 97423
provider's services do not satisfy the standards for 97424
certification, the director shall identify the areas of 97425
noncompliance, specify what action is necessary to satisfy the 97426
standards, and may offer technical assistance to the provider and 97427
to the board of alcohol, drug addiction, and mental health 97428
services so that the board may assist the ~~agency~~ provider in 97429
satisfying the standards. The director shall give the ~~agency~~ 97430
provider a reasonable time within which to demonstrate that its 97431
services satisfy the standards or to bring the services into 97432
compliance with the standards. If the director concludes that the 97433
services continue to fail to satisfy the standards, the director 97434
may request that the board reallocate ~~the~~ any funds for the 97435
~~community~~ mental health or addiction services the ~~agency~~ provider 97436
was to provide to another community mental health ~~agency~~ or 97437
addiction services provider whose community mental health or 97438
community addiction services satisfy the standards. If the board 97439
does not reallocate ~~those~~ such funds in a reasonable period of 97440
time, the director may withhold state and federal funds for the 97441
~~community mental health~~ services and allocate those funds directly 97442
to a community mental health ~~agency~~ or community addiction 97443

services provider whose ~~community mental health~~ services satisfy 97444
the standards. 97445

(D) Each community mental health ~~agency~~ services provider or 97446
community addiction services provider seeking certification of its 97447
~~community~~ mental health or addiction services under this section 97448
shall pay a fee for the certification required by this section. 97449
unless the provider is exempt under rules adopted under division 97450
(E) of this section. Fees shall be paid into the state treasury to 97451
the credit of the sale of goods and services fund created pursuant 97452
to section ~~5119.161~~ 5119.45 of the Revised Code. 97453

(E) The director shall adopt rules in accordance with Chapter 97454
119. of the Revised Code to implement this section. The rules 97455
shall do all of the following: 97456

(1) Establish certification standards for ~~community~~ mental 97457
health services, ~~including assertive community treatment and~~ 97458
~~intensive home based mental health services,~~ and addiction 97459
services that are consistent with nationally recognized applicable 97460
standards and facilitate participation in federal assistance 97461
programs. The rules shall include as certification standards only 97462
requirements that improve the quality of services or the health 97463
and safety of ~~clients of~~ persons receiving community mental health 97464
and addiction services. The standards shall address at a minimum 97465
all of the following: 97466

(a) Reporting major unusual incidents to the director; 97467

(b) Procedures for applicants for and ~~clients of~~ persons 97468
receiving community mental health and addiction services to file 97469
grievances and complaints; 97470

(c) Seclusion; 97471

(d) Restraint; 97472

(e) Requirements regarding physical facilities of service 97473

<u>delivery sites;</u>	97474
<u>(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;</u>	97475
<u>(g) Standards for evaluating services;</u>	97476
<u>(h) Standards and procedures for granting full or conditional certification to a service provider;</u>	97477
<u>(i) Standards and procedures for revoking the certification of a provider's services that do not continue to meet the minimum standards established pursuant to this section;</u>	97478
<u>(j) The limitations to be placed on a provider that is granted conditional certification;</u>	97479
<u>(k) Development of written policies addressing the rights of clients persons receiving services, including all of the following:</u>	97480
<u>(i) The right to a copy of the written policies addressing client the rights of persons receiving services;</u>	97481
<u>(ii) The right at all times to be treated with consideration and respect for the client's person's privacy and dignity;</u>	97482
<u>(iii) The right to have access to the client's person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the client's person's treatment plan for clear treatment reasons;</u>	97483
<u>(iv) The right to have a client rights officer provided by the agency services provider or board of alcohol, drug addiction, and mental health services advise the client person of the client's person's rights, including the client's person's rights under Chapter 5122. of the Revised Code if the client person is committed to the agency provider or board.</u>	97484
<u>(2) Establish standards for qualifications of mental health professionals as defined in section 340.02 of the Revised Code and</u>	97485
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~~personnel who provide the community mental health services;~~ 97504

~~(3)~~ Establish the process for certification of community 97505
mental health and addiction services; 97506

~~(4)~~(3) Set the amount of certification review fees ~~based on a~~ 97507
~~portion of the cost of performing the review;~~ 97508

~~(5)~~(4) Specify the type of notice and hearing to be provided 97509
prior to a decision on whether to reallocate funds. 97510

(F) The department shall maintain a current list of providers 97511
whose addiction services are certified by the department under 97512
division (B) of this section and shall provide a copy of the list 97513
to a judge of a court of common pleas who requests a copy for the 97514
use of the judge under division (H) of section 2925.03 of the 97515
Revised Code. The list of certified addiction services shall 97516
identify each provider by its name, its address, and the county in 97517
which it is located. 97518

(G) No person shall represent in any manner that a provider 97519
is certified by the department if the provider is not certified at 97520
the time the representation is made. 97521

Sec. ~~5119.613~~ 5119.361. The director of ~~mental health~~ mental 97522
health and addiction services shall require that each board of 97523
alcohol, drug addiction, and mental health services ensure that 97524
each community mental health ~~agency~~ services provider and 97525
community addiction services provider with which it contracts 97526
under division (A)(8)(a) of section 340.03 of the Revised Code to 97527
provide community mental health or addiction services establish 97528
grievance procedures consistent with rules adopted under section 97529
~~5119.611~~ 5119.36 of the Revised Code that are available to all 97530
~~applicants for and clients of the~~ persons seeking or receiving 97531
services from a community mental health or addiction services 97532
provider. 97533

Sec. ~~5119.612~~ 5119.37. (A) In lieu of a determination by the 97534
director of ~~mental health~~ mental health and addiction services of 97535
whether the services of a community mental health ~~agency~~ services 97536
provider or a community addiction services provider satisfy the 97537
standards for certification under section ~~5119.611~~ 5119.36 of the 97538
Revised Code, the director shall accept appropriate accreditation 97539
of an applicant's mental health services, alcohol and drug 97540
addiction services, integrated mental health and alcohol and other 97541
drug addiction services, ~~or~~ integrated mental health and physical 97542
health services, or integrated alcohol and other drug addiction 97543
and physical health services being provided in this state from any 97544
of the following national accrediting organizations as evidence 97545
that the applicant satisfies the standards for certification: 97546

(1) The joint commission; 97547

(2) The commission on accreditation of rehabilitation 97548
facilities; 97549

(3) The council on accreditation; 97550

(4) Other behavioral health accreditation as determined by 97551
the director. 97552

(B) If the director determines that an applicant's 97553
accreditation is current, is appropriate for the services for 97554
which the applicant is seeking certification, and the applicant 97555
meets any other requirements established under this section or in 97556
rules adopted under this section, the director shall certify the 97557
applicant's services that are accredited. Except as provided in 97558
division (C)(2) of this section, the director shall issue the 97559
certification without further evaluation of the services. 97560

(C) For purposes of this section, all of the following apply: 97561

(1) The director may review the accrediting organizations 97562
listed in division (A) of this section to evaluate whether the 97563

accreditation standards and processes used by the organizations 97564
are consistent with service delivery models the director considers 97565
appropriate for mental health services, alcohol or other drug 97566
addiction services, physical health services, or both. The 97567
director may communicate to an accrediting organization any 97568
identified concerns, trends, needs, and recommendations. 97569

(2) The director may ~~visit~~ conduct an on-site review or 97570
otherwise evaluate a community mental health ~~agency~~ services 97571
provider or a community addiction services provider at any time 97572
based on cause, including complaints made by or on behalf of 97573
~~consumers~~ persons receiving services and confirmed or alleged 97574
deficiencies brought to the attention of the director. 97575

(3) The director shall require a community mental health 97576
~~agency~~ services provider and a community addiction services 97577
provider to notify the director not later than ten days after any 97578
change in the ~~agency's~~ provider's accreditation status. The ~~agency~~ 97579
provider may notify the director by providing a copy of the 97580
relevant document the ~~agency~~ provider received from the 97581
accrediting organization. 97582

(4) The director shall require a community mental health 97583
~~agency~~ services provider and a community addiction services 97584
provider to submit to the director reports of major unusual 97585
incidents. 97586

(5) The director may require a community mental health ~~agency~~ 97587
services provider or a community addiction services provider to 97588
submit to the director cost reports pertaining to the ~~agency~~ 97589
provider. 97590

(D) The director shall adopt rules in accordance with Chapter 97591
119. of the Revised Code to implement this section. In adopting 97592
the rules, the director shall do all of the following: 97593

(1) Specify the documentation that must be submitted as 97594

evidence of holding appropriate accreditation; 97595

(2) Establish a process by which the director may review the 97596
accreditation standards and processes used by the national 97597
accrediting organizations listed in division (A) of this section; 97598

(3) Specify the circumstances under which reports of major 97599
unusual incidents and ~~agency~~ provider cost reports must be 97600
submitted to the director; 97601

(4) Specify the circumstances under which the director may 97602
~~visit~~ conduct an on-site review or otherwise evaluate a community 97603
mental health ~~agency~~ services provider and a community addiction 97604
services provider for cause; 97605

(5) Establish a process by which the director, based on 97606
deficiencies identified as a result of ~~visiting~~ conducting an 97607
on-site review or evaluating a community mental health ~~agency~~ 97608
services provider or a community addiction services provider under 97609
division (C)(2) of this section, may take any of a range of 97610
corrective actions, with the most stringent being revocation of 97611
the certification of the ~~agency's~~ provider's services. 97612

Sec. ~~3793.10~~ 5119.38. A drivers' intervention program may be 97613
used as an alternative to a term of imprisonment for an offender 97614
sentenced pursuant to division (G)(1)(a) of section 4511.19 of the 97615
Revised Code, if it is certified by the director of ~~alcohol and~~ 97616
~~drug addiction services~~ mental health and addiction services 97617
pursuant to this section. No drivers' intervention program shall 97618
be used as an alternative to a term of imprisonment that is 97619
imposed pursuant to division (G)(1)(b), (c), (d), or (e) of 97620
section 4511.19 of the Revised Code. 97621

To qualify for certification by the director and to receive 97622
funds from the statewide treatment and prevention fund created by 97623
section 4301.30 of the Revised Code in any amounts and at any 97624

times that the director determines are appropriate, a drivers' 97625
intervention program shall meet state minimum standards that the 97626
director shall establish by rule. The rules shall include, but are 97627
not limited to, standards governing program course hours and 97628
content, qualifications of program personnel, methods of 97629
identifying and testing participants to isolate participants with 97630
alcohol and drug abuse problems, referral of such persons to 97631
~~alcohol and drug~~ community addiction ~~programs~~ services providers, 97632
the prompt notification of courts by program operators of the 97633
completion of the programs by persons required by courts to attend 97634
them, and record keeping, including methods of tracking 97635
participants for a reasonable time after they have left the 97636
program. 97637

The director shall issue a certificate to any qualified 97638
drivers' intervention program. The certificate is valid for three 97639
years. 97640

Sec. ~~3793.11~~ 5119.39. (A) No ~~alcohol and drug~~ community 97641
addiction ~~program~~ services provider shall employ methadone 97642
treatment or prescribe, dispense, or administer methadone unless 97643
the program is licensed under this section. No ~~alcohol and drug~~ 97644
community addiction ~~program~~ services provider licensed under this 97645
section shall maintain methadone treatment in a manner 97646
inconsistent with this section and the rules adopted under it. 97647

(B) ~~An alcohol and drug~~ A community addiction ~~program~~ 97648
services provider may apply to the department of ~~alcohol and drug~~ 97649
~~addiction services~~ mental health and addiction services for a 97650
license to maintain methadone treatment. The department shall 97651
review all applications received. 97652

(C) The department may issue a license to maintain methadone 97653
treatment to an ~~alcohol and drug~~ community addiction ~~program~~ 97654
services provider only if all of the following apply: 97655

(1) The ~~program~~ provider is operated by a private, nonprofit organization or by a government entity; 97656
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(2) For at least two years immediately preceding the date of application, the ~~program~~ provider has been fully certified under section ~~3793.06~~ 5119.36 of the Revised Code; 97658
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(3) The ~~program~~ provider has not been denied a license to maintain methadone treatment or had its license withdrawn or revoked within the five-year period immediately preceding the date of application; 97661
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(4) It affirmatively appears to the department that the ~~program~~ provider is adequately staffed and equipped to maintain methadone treatment; 97665
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(5) It affirmatively appears to the department that the ~~program~~ provider will maintain methadone treatment in strict compliance with section 3719.61 of the Revised Code, all other laws relating to drug abuse, and the rules adopted by the department; 97668
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(6) Except as provided in division (D) of this section, there is no public or private school, licensed child day-care center, or other child-serving agency within a radius of five hundred feet of the location where the program is to maintain methadone treatment. 97673
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(D) The department may waive the requirement of division (C)(6) of this section if it receives, from each public or private school, licensed child day-care center, or other child-serving agency that is within the applicable radius of the location where the program is to maintain methadone treatment, a letter of support for the location. The department shall determine whether a letter of support is satisfactory for purposes of waiving the requirement. 97677
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(E) A license to maintain methadone treatment shall expire one year from the date of issuance. Licenses may be renewed. 97685
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(F) The department shall establish procedures and adopt rules 97687
for licensing, inspection, and supervision of ~~alcohol and drug~~ 97688
community addiction programs services providers that maintain 97689
methadone treatment. The rules shall establish standards for the 97690
control, storage, furnishing, use, and dispensing of methadone, 97691
prescribe minimum standards for the operation of the methadone 97692
treatment component of the ~~program~~, provider's operations and 97693
comply with federal laws and regulations. 97694

All rules adopted under this division shall be adopted in 97695
accordance with Chapter 119. of the Revised Code. All actions 97696
taken by the department regarding the licensing of ~~programs~~ 97697
providers to maintain methadone treatment shall be conducted in 97698
accordance with Chapter 119. of the Revised Code, except as 97699
provided in division (L) of this section. 97700

(G) The department of ~~alcohol and drug addiction services~~ 97701
mental health and addiction services shall inspect all ~~alcohol and~~ 97702
~~drug~~ community addiction programs services providers licensed to 97703
maintain methadone treatment. Inspections shall be conducted at 97704
least annually and may be conducted more frequently. No person or 97705
government entity shall interfere with a state or local government 97706
official acting on behalf of the department while conducting an 97707
inspection. 97708

(H) An ~~alcohol and drug~~ community addiction program services 97709
provider shall not administer or dispense methadone in a tablet, 97710
powder, or intravenous form. Methadone shall be administered or 97711
dispensed only in a liquid form intended for ingestion. A ~~program~~ 97712
services provider shall not administer or dispense methadone to an 97713
individual for pain or other medical reasons. 97714

(I) As used in this division, "program sponsor" means a 97715
person who assumes responsibility for the operation and employees 97716
of the methadone treatment component of ~~an alcohol and drug a~~ 97717
community addiction program services provider. 97718

~~An alcohol and drug~~ A community addiction program services 97719
provider shall not employ an individual who receives methadone 97720
treatment from that ~~program services provider~~. A program shall not 97721
permit an individual to act as a ~~program~~ provider sponsor, medical 97722
director, or director of the ~~program~~ provider if the individual is 97723
receiving methadone treatment from any ~~alcohol and drug~~ community 97724
addiction ~~program services provider~~. 97725

(J) The department may issue orders to assure compliance with 97726
section 3719.61 of the Revised Code, all other laws relating to 97727
drug abuse, and the rules adopted under this section. Subject to 97728
section ~~3793.13~~ 5119.27 of the Revised Code, the department may 97729
hold hearings, require the production of relevant matter, compel 97730
testimony, issue subpoenas, and make adjudications. Upon failure 97731
of a person without lawful excuse to obey a subpoena or to produce 97732
relevant matter, the department may apply to a court of common 97733
pleas for an order compelling compliance. 97734

(K) The department may refuse to issue, or may withdraw or 97735
revoke, a license to maintain methadone treatment. A license may 97736
be refused if ~~an alcohol and drug~~ a community addiction program 97737
services provider does not meet the requirements of division (C) 97738
of this section. A license may be withdrawn at any time the 97739
department determines that the program no longer meets the 97740
requirements for receiving the license. A license may be revoked 97741
in accordance with division (L) of this section. 97742

In the case of a license issued prior to ~~the effective date~~ 97743
~~of this amendment~~ December 20, 2012, the department shall not 97744
consider the requirement of division (C)(6) of this section in 97745
determining whether to renew, withdraw, or revoke the license. 97746

(L) If the department of ~~alcohol and drug addiction services~~ 97747
mental health and addiction services finds reasonable cause to 97748
believe that ~~an alcohol and drug~~ a community addiction program 97749
services provider licensed under this section is in violation of 97750

any provision of section 3719.61 of the Revised Code, or of any 97751
other state or federal law or rule relating to drug abuse, the 97752
department may issue an order immediately revoking the license, 97753
subject to division (M) of this section. The department shall set 97754
a date not more than fifteen days later than the date of the order 97755
of revocation for a hearing on the continuation or cancellation of 97756
the revocation. For good cause, the department may continue the 97757
hearing on application of any interested party. In conducting 97758
hearings, the department has all the authority and power set forth 97759
in division (J) of this section. Following the hearing, the 97760
department shall either confirm or cancel the revocation. The 97761
hearing shall be conducted in accordance with Chapter 119. of the 97762
Revised Code, except that the ~~program~~ provider shall not be 97763
permitted to maintain methadone treatment pending the hearing or 97764
pending any appeal from an adjudication made as a result of the 97765
hearing. Notwithstanding any provision of Chapter 119. of the 97766
Revised Code to the contrary, a court shall not stay or suspend 97767
any order of revocation issued by the director under this division 97768
pending judicial appeal. 97769

(M) The department shall not revoke a license to maintain 97770
methadone treatment unless all ~~clients~~ services recipients 97771
receiving methadone treatment from the ~~alcohol and drug~~ community 97772
addiction ~~program~~ services provider are provided adequate 97773
substitute treatment. For purposes of this division, the 97774
department may transfer the ~~clients~~ services recipients to other 97775
programs licensed to maintain methadone treatment or replace any 97776
or all of the administrators and staff of the ~~program~~ provider 97777
with representatives of the department who shall continue on a 97778
provisional basis the methadone treatment component of the 97779
program. 97780

(N) Each time the department receives an application from ~~an~~ 97781
~~alcohol and drug~~ a community addiction ~~program~~ services provider 97782

for a license to maintain methadone treatment, issues or refuses 97783
to issue a license, or withdraws or revokes a license, the 97784
department shall notify the board of alcohol, drug addiction, and 97785
mental health services of each alcohol, drug addiction, and mental 97786
health service district in which the ~~program is operated~~ provider 97787
operates. 97788

(O) Whenever it appears to the department from files, upon 97789
complaint, or otherwise, that ~~an alcohol and drug~~ a community 97790
addiction ~~program~~ services provider has engaged in any practice 97791
declared to be illegal or prohibited by section 3719.61 of the 97792
Revised Code, or any other state or federal laws or regulations 97793
relating to drug abuse, or when the department believes it to be 97794
in the best interest of the public and necessary for the 97795
protection of the citizens of the state, the department may 97796
request criminal proceedings by laying before the prosecuting 97797
attorney of the proper county any evidence of criminality which 97798
may come to its knowledge. 97799

(P) The department shall maintain a current list of ~~alcohol~~ 97800
~~and drug~~ community addiction ~~programs~~ services providers licensed 97801
by the department under this section and shall provide a copy of 97802
the current list to a judge of a court of common pleas who 97803
requests a copy for the use of the judge under division (H) of 97804
section 2925.03 of the Revised Code. The list of licensed ~~alcohol~~ 97805
~~and drug~~ community addiction ~~programs~~ services providers shall 97806
identify each licensed ~~program~~ provider by its name, its address, 97807
and the county in which it is located. 97808

Sec. ~~5119.061~~ 5119.40. (A) As used in this section, "mentally 97809
ill individual" and "specialized services" have the same meanings 97810
as in section ~~5111.202~~ 5165.03 of the Revised Code. 97811

(B)(1) Except as provided in division (B)(2) of this section 97812
and rules adopted under division (E)(3) of this section, for 97813

purposes of section ~~5111.202~~ 5165.03 of the Revised Code, the 97814
department of ~~mental health~~ mental health and addiction services 97815
shall determine in accordance with ~~section 1919(e)(7)~~ of the 97816
"Social Security Act," ~~49 Stat. 620 (1935)~~ section 1919(e)(7), 42 97817
U.S.C.A. ~~301 1396r(e)(7)~~, ~~as amended~~, and regulations adopted 97818
under section 1919(f)(8)(A) of that act, 42 U.S.C. 1396r(f)(8)(A), 97819
whether, because of the individual's physical and mental 97820
condition, a mentally ill individual seeking admission to a 97821
nursing facility requires the level of services provided by a 97822
nursing facility and, if the individual requires that level of 97823
services, whether the individual requires specialized services for 97824
mental illness. The determination required by this division shall 97825
be based on an independent physical and mental evaluation 97826
performed by a person or entity other than the department. 97827

(2) ~~A~~ Except as provided in division (B)(3) of this section, 97828
a determination under this division (B)(1) of this section is not 97829
required for any of the following: 97830

(a) An individual seeking readmission to a nursing facility 97831
after having been transferred from a nursing facility to a 97832
hospital for care; 97833

(b) An individual who meets all of the following conditions: 97834

(i) The individual is admitted to the nursing facility 97835
directly from a hospital after receiving inpatient care at the 97836
hospital; 97837

(ii) The individual requires nursing facility services for 97838
the condition for which care in the hospital was received; 97839

(iii) The individual's attending physician has certified, 97840
before admission to the nursing facility, that the individual is 97841
likely to require less than thirty days of nursing facility 97842
services. 97843

(c) An individual transferred from one nursing facility to 97844

another nursing facility, with or without an intervening hospital stay. 97845
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(3) A determination under division (B)(1) of this section is required for an individual described in division (B)(2)(a) or (b) of this section if the hospital from which the individual is transferred or directly admitted to a nursing facility is either of the following: 97847
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(a) A hospital that the department maintains, operates, manages, and governs under section 5119.14 of the Revised Code for the care and treatment of mentally ill persons; 97852
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(b) A free-standing hospital, or unit of a hospital, licensed by the department under section 5119.33 of the Revised Code. 97855
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(C) Except as provided in rules adopted under division ~~(F)~~(E)(3) of this section, the department of ~~mental health~~ mental health and addiction services shall review and determine for each resident of a nursing facility who is mentally ill, whether the resident, because of the resident's physical and mental condition, requires the level of services provided by a nursing facility and whether the resident requires specialized services for mental illness. The review and determination shall be conducted in accordance with section 1919(e)(7) of the "Social Security Act" and the regulations adopted under section 1919(f)(8)(A) of the act and based on an independent physical and mental evaluation performed by a person or entity other than the department. The review and determination shall be completed promptly after a nursing facility has notified the department that there has been a significant change in the resident's mental or physical condition. 97857
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(D)(1) In the case of a nursing facility resident who has continuously resided in a nursing facility for at least thirty months before the date of a review and determination under division (C) of this section, if the resident is determined not to 97872
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require the level of services provided by a nursing facility, but 97876
is determined to require specialized services for mental illness, 97877
the department, in consultation with the resident's family or 97878
legal representative and care givers, shall do all of the 97879
following: 97880

(a) Inform the resident of the institutional and 97881
noninstitutional alternatives covered under the state plan for 97882
medical assistance; 97883

(b) Offer the resident the choice of remaining in the nursing 97884
facility or receiving covered services in an alternative 97885
institutional or noninstitutional setting; 97886

(c) Clarify the effect on eligibility for services under the 97887
state plan for medical assistance if the resident chooses to leave 97888
the facility, including its effect on readmission to the facility; 97889

(d) Provide for or arrange for the provision of specialized 97890
services for the resident's mental illness in the setting chosen 97891
by the resident. 97892

(2) In the case of a nursing facility resident who has 97893
continuously resided in a nursing facility for less than thirty 97894
months before the date of the review and determination under 97895
division (C) of this section, if the resident is determined not to 97896
require the level of services provided by a nursing facility, but 97897
is determined to require specialized services for mental illness, 97898
or if the resident is determined to require neither the level of 97899
services provided by a nursing facility nor specialized services 97900
for mental illness, the department shall act in accordance with 97901
its alternative disposition plan approved by the United States 97902
department of health and human services under section 97903
1919(e)(7)(E) of the "Social Security Act." 97904

(3) In the case of an individual who is determined under 97905
division (B) or (C) of this section to require both the level of 97906

services provided by a nursing facility and specialized services 97907
for mental illness, the department of ~~mental health~~ mental health 97908
and addiction services shall provide or arrange for the provision 97909
of the specialized services needed by the individual or resident 97910
while residing in a nursing facility. 97911

(E) The department of ~~mental health~~ mental health and 97912
addiction services shall adopt rules in accordance with Chapter 97913
119. of the Revised Code that do all of the following: 97914

(1) Establish criteria to be used in making the 97915
determinations required by divisions (B) and (C) of this section. 97916
The criteria shall not exceed the criteria established by 97917
regulations adopted by the United States department of health and 97918
human services under section 1919(f)(8)(A) of the "Social Security 97919
Act." 97920

(2) Specify information to be provided by the individual or 97921
nursing facility resident being assessed; 97922

(3) Specify any circumstances, in addition to circumstances 97923
listed in division (B) of this section, under which determinations 97924
under divisions (B) and (C) of this section are not required to be 97925
made. 97926

Sec. ~~5119.69~~ 5119.41. (A) As used in this section and section 97927
~~5119.691~~ 5119.411 of the Revised Code: 97928

(1) ~~"Long term care consultation program" means the program~~ 97929
~~the department of aging is required to develop under section~~ 97930
~~173.42 of the Revised Code.~~ 97931

~~(2) "Long term care consultation program administrator" or~~ 97932
~~"administrator" means the department of aging or, if the~~ 97933
~~department contracts with an area agency on aging or other entity~~ 97934
~~to administer the long term care consultation program for a~~ 97935
~~particular area, that agency or entity.~~ 97936

~~(3)~~ "Nursing facility" has the same meaning as in section 97937
~~5111.20~~ 5165.01 of the Revised Code. 97938

~~(4)~~(2) "Residential state supplement administrative agency" 97939
means the department of ~~mental health~~ mental health and addiction 97940
services or, if the department designates an entity under division 97941
(C) of this section for a particular area, the designated entity. 97942

~~(5)~~(3) "Residential state supplement program" means the 97943
program administered pursuant to this section. 97944

(B) The department of ~~mental health~~ mental health and 97945
addiction services shall implement the residential state 97946
supplement program under which the state supplements the 97947
supplemental security income payments received by aged, blind, or 97948
disabled adults under Title XVI of the "Social Security Act," ~~49~~ 97949
~~Stat. 620 (1935)~~, 42 U.S.C.A., ~~as amended~~ 1381 et seq. Residential 97950
state supplement payments shall be used for the provision of 97951
accommodations, supervision, and personal care services to social 97952
security, supplemental security income, and social security 97953
disability insurance recipients who the department determines are 97954
at risk of needing institutional care. 97955

(C) In implementing the program, the department may designate 97956
one or more entities to be responsible for providing 97957
administrative services regarding the program. The department may 97958
designate an entity to be a residential state supplement 97959
administrative agency under this division either by entering into 97960
a contract with the entity to serve in that capacity or by 97961
otherwise delegating to the entity the responsibility to serve in 97962
that capacity. 97963

(D) For an individual to be eligible for residential state 97964
supplement payments, all of the following must be the case: 97965

(1) Except as provided by division (H) of this section, the 97966
individual must reside in one of the following: 97967

(a) A ~~home or residential care facility, other than a nursing home or nursing home unit of a home for the aging,~~ licensed by the department of health under Chapter 3721. of the Revised Code or an assisted living program as defined in section 5111.89 of the Revised Code; 97968
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(b) A residential facility as defined in division (A)(9)(b) of section ~~5119.22~~ 5119.34 of the Revised Code licensed by the department of ~~mental health~~ mental health and addiction services; 97973
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(c) An apartment or room used to provide community mental health housing services certified by the department of ~~mental health~~ mental health and addiction services under section ~~5119.611~~ 5119.36 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code. 97976
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(2) A residential state supplement administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for social security payments, supplemental security income payments, or social security disability insurance benefits because of a mental disability, the residential state supplement administrative agency shall refer the individual to a community mental health ~~agency~~ services provider for an assessment under division (A) of section 340.091 of the Revised Code. 97982
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(3) The individual satisfies all eligibility requirements established by rules adopted under division (E) of this section. 97992
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(E) The ~~directors~~ director of ~~mental health~~ mental health and addiction services and ~~job and family services~~ medicaid director shall adopt rules in accordance with section 111.15 of the Revised Code as necessary to implement the residential state supplement program. 97994
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To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the medicaid director ~~of job and family services~~ may adopt rules establishing standards for adjusting the eligibility requirements concerning the level of impairment a person must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of disabled persons solely on a basis classifying disabilities as physical or mental. The medicaid director ~~of job and family services~~ also may adopt rules that establish eligibility standards for aged, blind, or disabled individuals who reside in one of the homes or facilities specified in division (D)(1) of this section but who, because of their income, do not receive supplemental security income payments. The rules may provide that these individuals may include individuals who receive other types of benefits, including, social security payments or social security disability insurance benefits provided under Title II of the "Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C.A. 401, ~~as amended et seq.~~ Notwithstanding division (B) of this section, such payments may be made if funds are available for them.

The director of ~~mental health~~ mental health and addiction services may adopt rules establishing the method to be used to determine the amount an eligible individual will receive under the program. The amount the general assembly appropriates for the program may be a factor included in the method that director establishes.

(F) The county department of job and family services of the county in which an applicant for the residential state supplement program resides shall determine whether the applicant meets income and resource requirements for the program.

(G) The department of ~~mental health~~ mental health and

addiction services shall maintain a waiting list of any 98031
individuals eligible for payments under this section but not 98032
receiving them because moneys appropriated to the department for 98033
the purposes of this section are insufficient to make payments to 98034
all eligible individuals. An individual may apply to be placed on 98035
the waiting list even though the individual does not reside in one 98036
of the homes or facilities specified in division (D)(1) of this 98037
section at the time of application. The director of ~~mental health~~ 98038
mental health and addiction services, by rules adopted in 98039
accordance with Chapter 119. of the Revised Code, may specify 98040
procedures and requirements for placing an individual on the 98041
waiting list and priorities for the order in which individuals 98042
placed on the waiting list are to begin to receive residential 98043
state supplement payments. The rules specifying priorities may 98044
give priority to individuals placed on the waiting list on or 98045
after July 1, 2006, who receive social security payments, social 98046
security disability insurance, or supplemental security income 98047
benefits under Title XVI of the "Social Security Act," ~~86 Stat.~~ 98048
~~1475 (1972)~~, 42 U.S.C. 1381, ~~as amended~~ et seq. The rules shall 98049
not affect the place on the waiting list of any person who was on 98050
the list on July 1, 2006. The rules specifying priorities may also 98051
set additional priorities based on living arrangement, such as 98052
whether an individual resides in a facility listed in division 98053
(D)(1) of this section or has been admitted to a nursing facility. 98054

(H) An individual in a licensed or certified living 98055
arrangement receiving state supplementation on November 15, 1990, 98056
under former section 5101.531 of the Revised Code shall not become 98057
ineligible for payments under this section solely by reason of the 98058
individual's living arrangement as long as the individual remains 98059
in the living arrangement in which the individual resided on 98060
November 15, 1990. 98061

(I) The ~~department of mental health~~ county department of job 98062

and family services from which the person is receiving benefits 98063
shall notify each person denied approval for payments under this 98064
section of the person's right to a hearing. On request, the 98065
hearing shall be provided in accordance with Chapter 119. of the 98066
Revised Code. 98067

Sec. ~~5119.691~~ 5119.411. On a periodic schedule determined by 98068
the department of ~~mental health~~ mental health and addiction 98069
services, each residential state supplement administrative agency 98070
shall determine whether individuals who reside in the area that 98071
the agency serves and are on a waiting list for the residential 98072
state supplement program have been admitted to a nursing facility. 98073
~~If~~ The department shall have a process in place to ensure that if 98074
a residential state supplement administrative agency determines 98075
that such an individual has been admitted to a nursing facility, 98076
~~the agency shall notify the long term care consultation program~~ 98077
~~administrator serving the area in which the individual resides~~ 98078
~~about the determination. The administrator shall determine there~~ 98079
shall be a determination whether the residential state supplement 98080
program is appropriate for the individual and whether the 98081
individual would rather participate in the program than continue 98082
residing in the nursing facility. ~~If the administrator determines~~ 98083
it is determined that the residential state supplement program is 98084
appropriate for the individual and the individual would rather 98085
participate in the program than continue residing in the nursing 98086
facility, ~~the administrator shall so notify the department of~~ 98087
~~mental health. On receipt of the notice from the administrator,~~ 98088
~~the department of mental health~~ mental health and addiction 98089
services shall approve the individual's enrollment in the 98090
residential state supplement program in accordance with the 98091
priorities specified in rules adopted under division (G) of 98092
section ~~5119.69~~ 5119.41 of the Revised Code. Each quarter in which 98093
a waiting list is in place, the department of ~~mental health~~ mental 98094

health and addiction services shall certify to the director of 98095
budget and management the estimated increase in costs of the 98096
residential state supplement program resulting from enrollment of 98097
individuals in the program pursuant to this section. 98098

Sec. ~~5119.63~~ 5119.42. (A) As used in this section, "private, 98099
nonprofit organization" means a private association, organization, 98100
corporation, or other entity that is tax exempt under section 98101
501(a) and described in section 501(c) of the "Internal Revenue 98102
Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 98103

(B) To the extent funds are available and on application by 98104
boards of alcohol, drug addiction, and mental health services, the 98105
director of ~~mental health~~ mental health and addiction services may 98106
approve state reimbursement of, or state grants for, community 98107
~~mental health~~ construction programs including residential housing 98108
for severely mentally disabled persons and persons with substance 98109
use disorders. The director may also approve an application for 98110
reimbursement or a grant for such programs submitted by other 98111
governmental entities or by private, nonprofit organizations, 98112
after the application has been reviewed and recommended for 98113
approval or disapproval by the board of alcohol, drug addiction, 98114
and mental health services for the district from which the 98115
application came, and the application is consistent with the plan 98116
submitted by the board under division (A) of section 340.03 of the 98117
Revised Code and the budget and statement of services submitted by 98118
the board under divisions (A) and (B) of section 340.08 of the 98119
Revised Code. 98120

(C)(1) The director of ~~mental health~~ mental health and 98121
addiction services shall adopt rules in accordance with Chapter 98122
119. of the Revised Code that specify procedures for applying for 98123
state reimbursement of and state grants for community construction 98124
programs, including residential housing for severely mentally 98125

disabled persons and persons with substance use disorders and 98126
procedures and criteria for approval of such reimbursement and 98127
grants. 98128

(2) The director of ~~mental health~~ mental health and addiction 98129
services shall not approve state reimbursement or a state grant 98130
unless all of the following conditions are met: 98131

(a) The applicant includes with the application a plan 98132
specifying the services, in addition to housing, that will be 98133
provided to persons who will reside in the residential housing. 98134
Services specified may include any of the services ~~listed~~ 98135
described in section 340.09 of the Revised Code. 98136

(b) The director is satisfied that the residential housing 98137
for severely mentally disabled persons will be developed to 98138
promote the maximum practical integration of severely mentally 98139
disabled persons with persons at the same site who are not 98140
severely mentally disabled. 98141

(c) The use of any funds distributed pursuant to the 98142
reimbursement or grant will not subject any obligation from which 98143
the funds are derived to federal income taxation. 98144

(3) The director may enter into an agreement establishing 98145
terms for any reimbursement or grant approved under this division 98146
with the organization, board, or other government entity that is 98147
the recipient of the reimbursement or grant. Any such agreement is 98148
subject to any covenant or agreement pertaining to any obligation 98149
issued to provide funds for the reimbursement or grant. 98150

Sec. ~~5119.631~~ 5119.421. (A) This section applies to a board 98151
of alcohol, drug addiction, and mental health services, another 98152
governmental entity, or a private, nonprofit organization that 98153
received a grant or reimbursement under section ~~5119.63~~ 5119.42 of 98154
the Revised Code for a facility on which the department of ~~mental~~ 98155

~~health~~ mental health and addiction services holds a security interest. 98156
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(B) A board of alcohol, drug addiction, and mental health services, another governmental entity, or a private, nonprofit organization to which this section applies may apply to the director of ~~mental health~~ mental health and addiction services for approval to sell its facility and acquire, construct, or renovate a replacement facility pursuant to this section. The director shall prescribe the form of the application. Before submitting an application to the director, a governmental entity or private, nonprofit organization must obtain approval of the application from the board of alcohol, drug addiction, and mental health services with jurisdiction over the service district in which the existing facility is located. The director shall approve an application for a replacement project upon determining that the project provides for the continuation of appropriate mental health and addiction services to the population served by the board, entity, or organization. 98158
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(C) A board, entity, or organization that obtains approval for a project under division (B) of this section shall pay the proceeds of the sale of its facility to the director of ~~mental health~~ mental health and addiction services. The director shall deposit the proceeds to the credit of the community capital replacement facilities fund. 98174
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(D) When a board, entity, or organization that has sold its facility notifies the director of ~~mental health~~ mental health and addiction services that it is ready to acquire, construct, or renovate a replacement facility, the director shall do one of the following: 98180
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(1) If the replacement facility is located in the same alcohol, drug addiction, and mental health service district as the original facility, and if the purposes for which the replacement 98185
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facility will be used are the same as or similar to those for the 98188
original facility, the director shall pay to the board, entity, or 98189
organization from the community capital replacement facilities 98190
fund an amount equal to the lesser of an amount equal to the 98191
proceeds of the sale of the original facility or the amount of the 98192
state's agreed-upon participation (as a per cent of the total 98193
cost) in the cost of the replacement facility. If the amount of 98194
the state's agreed-upon participation in the cost of the 98195
replacement facility is less than the value of the state's 98196
security interest in the original facility, the difference between 98197
the state's agreed-upon participation in the cost of the 98198
replacement facility and the value of the state's security 98199
interest in the original facility shall be retained in the 98200
community capital replacement facilities fund, and any excess 98201
proceeds shall be paid to the board, entity, or organization. 98202

(2) If the replacement facility is located in a different 98203
alcohol, drug addiction, and mental health service district than 98204
the original facility, or if the purposes for which the 98205
replacement facility will be used are not the same as or similar 98206
to those for the original facility, the director shall request 98207
controlling board approval for release of funds for the project. 98208
If the controlling board so approves, the director shall pay to 98209
the board, entity, or organization from the community capital 98210
replacement facilities fund the lesser of an amount equal to the 98211
proceeds of the sale of the original facility or the amount of the 98212
state's agreed-upon participation (as a per cent of the total 98213
cost) in the cost of the replacement facility. ~~if~~ If the amount of 98214
the state's agreed-upon participation in the cost of the 98215
replacement facility is less than the value of the state's 98216
security interest in the original facility, the difference between 98217
the state's agreed-upon participation in the cost of the 98218
replacement facility and the value of the state's security 98219
interest in the original facility shall be retained in the 98220

community capital replacement facilities fund, and any excess 98221
proceeds shall be paid to the board, entity, or organization. 98222

(E) The director of ~~mental health~~ mental health and addiction 98223
services and a board, entity, or organization shall enter into an 98224
agreement specifying the terms of any payment made to the board, 98225
entity, or organization under division (D) of this section. The 98226
terms may include provision for the department of ~~mental health~~ 98227
mental health and addiction services to hold a security interest 98228
in the facility. 98229

(F)(1) When approving an application under division (B) of 98230
this section, the director of ~~mental health~~ mental health and 98231
addiction services shall establish a deadline by which the board, 98232
entity, or organization must notify the director that it is ready 98233
to acquire, construct, or renovate a replacement facility. If the 98234
board, entity, or organization does not notify the director on or 98235
before the deadline, the director may cancel the project. Upon 98236
canceling the project, the director shall pay to the board, 98237
entity, or organization from the community capital replacement 98238
facilities fund an amount equal to the portion of the proceeds of 98239
the sale of the original facility that exceeds the value of the 98240
state's security interest in the facility. 98241

(2) Notwithstanding the deadline established under division 98242
(F)(1) of this section, if at any time a board, entity, or 98243
organization notifies the director that it does not intend to 98244
acquire, construct, or renovate a replacement facility under this 98245
section, the director shall cancel the replacement project and pay 98246
to the board, entity, or organization from the community capital 98247
replacement facilities fund an amount equal to the portion of the 98248
proceeds of the sale of the original facility that exceeds the 98249
value of the state's security interest in the facility. 98250

(G) If a replacement project is canceled after the sale of 98251
the original facility, the director of ~~mental health~~ mental health 98252

and addiction services shall use funds equal to the value of the 98253
state's security interest in the original facility for additional 98254
grants or reimbursements under section ~~5119.63~~ 5119.42 of the 98255
Revised Code. The director shall obtain the approval of the 98256
controlling board before releasing the additional grants or 98257
reimbursements. 98258

(H) The community capital replacement facilities fund is 98259
hereby created in the state treasury. The director of ~~mental~~ 98260
~~health~~ mental health and addiction services shall use the fund for 98261
the purposes of this section. 98262

Sec. ~~5119.16~~ 5119.44. As used in this section, "free clinic" 98263
has the same meaning as in section 2305.2341 of the Revised Code. 98264

(A) The department of ~~mental health~~ mental health and 98265
addiction services may provide certain goods and services for the 98266
department of ~~mental health~~ mental health and addiction services, 98267
the department of developmental disabilities, the department of 98268
rehabilitation and correction, the department of youth services, 98269
and other state, county, or municipal agencies requesting such 98270
goods and services when the department of ~~mental health~~ mental 98271
health and addiction services determines that it is in the public 98272
interest, and considers it advisable, to provide these goods and 98273
services. The department of ~~mental health~~ mental health and 98274
addiction services also may provide goods and services to agencies 98275
operated by the United States government and to public or private 98276
nonprofit agencies, other than free clinics, that are funded in 98277
whole or in part by the state if the public or private nonprofit 98278
agencies are designated for participation in this program by the 98279
director of ~~mental health~~ mental health and addiction services for 98280
community addiction services providers and community mental health 98281
~~agencies~~ services providers, the director of developmental 98282
disabilities for community mental retardation and developmental 98283

disabilities agencies, the director of rehabilitation and 98284
correction for community rehabilitation and correction agencies, 98285
or the director of youth services for community youth services 98286
agencies. 98287

Designated community agencies or services providers shall 98288
receive goods and services through the department of ~~mental health~~ 98289
mental health and addiction services only in those cases where the 98290
designating state agency certifies that providing such goods and 98291
services to the agency or services provider will conserve public 98292
resources to the benefit of the public and where the provision of 98293
such goods and services is considered feasible by the department 98294
of ~~mental health~~ mental health and addiction services. 98295

(B) The department of ~~mental health~~ mental health and 98296
addiction services may permit free clinics to purchase certain 98297
goods and services to the extent the purchases fall within the 98298
exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 98299
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 98300
amended. 98301

(C) The goods and services that may be provided by the 98302
department of ~~mental health~~ mental health and addiction services 98303
under divisions (A) and (B) of this section may include: 98304

(1) Procurement, storage, processing, and distribution of 98305
food and professional consultation on food operations; 98306

(2) Procurement, storage, and distribution of medical and 98307
laboratory supplies, dental supplies, medical records, forms, 98308
optical supplies, and sundries, subject to section 5120.135 of the 98309
Revised Code; 98310

(3) Procurement, storage, repackaging, distribution, and 98311
dispensing of drugs, the provision of professional pharmacy 98312
consultation, and drug information services; 98313

(4) Other goods and services. 98314

(D) The department of ~~mental health~~ mental health and 98315
addiction services may provide the goods and services designated 98316
in division (C) of this section to its institutions and to 98317
state-operated community-based mental health or addiction services 98318
providers. 98319

(E) After consultation with and advice from the director of 98320
developmental disabilities, the director of rehabilitation and 98321
correction, and the director of youth services, the department of 98322
~~mental health~~ mental health and addiction services may provide the 98323
goods and services designated in division (C) of this section to 98324
the department of developmental disabilities, the department of 98325
rehabilitation and correction, and the department of youth 98326
services. 98327

(F) The cost of administration of this section shall be 98328
determined by the department of ~~mental health~~ mental health and 98329
addiction services and paid by the agencies, services providers, 98330
or free clinics receiving the goods and services to the department 98331
for deposit in the state treasury to the credit of the ~~mental~~ 98332
~~health~~ office of support services fund, which is hereby created. 98333
The fund shall be used to pay the cost of administration of this 98334
section to the department. 98335

(G) Whenever a state agency fails to make a payment for goods 98336
and services provided under this section within thirty-one days 98337
after the date the payment was due, the office of budget and 98338
management may transfer moneys from the state agency to the 98339
department of ~~mental health~~ mental health and addiction services. 98340
The amount transferred shall not exceed the amount of overdue 98341
payments. Prior to making a transfer under this division, the 98342
office of budget and management shall apply any credits the state 98343
agency has accumulated in payments for goods and services provided 98344
under this section. 98345

(H) Purchases of goods and services under this section are 98346

not subject to section 307.86 of the Revised Code. 98347

Sec. ~~5119.161~~ 5119.45. Unless otherwise specifically provided 98348
by law, all moneys received by the department of ~~mental health~~ 98349
mental health and addiction services from the sale of goods and 98350
services, including, but not limited to, shared service agreements 98351
with other governmental entities and nongovernmental entities, 98352
employee housing and cafeteria receipts, fees for copying 98353
services, and sales of other tangible personal property under the 98354
department's control, shall be paid into the state treasury to the 98355
credit of the sale of goods and services fund, which is hereby 98356
created. Moneys received by the department pursuant to section 98357
~~5119.16~~ 5119.44 of the Revised Code shall not be paid into the 98358
fund. The department shall use the moneys in the fund for paying 98359
operating expenses of the department. 98360

Sec. ~~5119.18~~ 5119.46. There is hereby created in the state 98361
treasury the department of ~~mental health~~ mental health and 98362
addiction services trust fund. Not later than the first day of 98363
September of each year, the director of ~~mental health~~ mental 98364
health and addiction services shall certify to the director of 98365
budget and management the amount of all of the unexpended, 98366
unencumbered balances of general revenue fund appropriations made 98367
to the department of ~~mental health~~ mental health and addiction 98368
services for the previous fiscal year, excluding funds 98369
appropriated for rental payments to the Ohio public facilities 98370
commission. On receipt of the certification, the director of 98371
budget and management shall transfer cash to the trust fund in an 98372
amount up to, but not exceeding, the total of the amounts 98373
certified by the director of ~~mental health~~ mental health and 98374
addiction services. 98375

In addition, the trust fund shall receive all amounts, 98376
subject to any provisions in bond documents, received from the 98377

sale or lease of lands and facilities by the department. 98378

All moneys in the trust fund shall be used by the department 98379
of ~~mental health~~ mental health and addiction services to pay for 98380
expenditures the department incurs in performing any of its duties 98381
under this chapter. The use of moneys in the trust fund pursuant 98382
to this section does not represent an ongoing commitment to the 98383
continuation of the trust fund or to the use of moneys in the 98384
trust fund. 98385

Sec. ~~3793.032~~ 5119.47. The director of ~~alcohol and drug~~ 98386
~~addiction services~~ mental health and addiction services shall 98387
administer the problem casino gambling and addictions fund. The 98388
director shall use the money in the fund to support ~~programs that~~ 98389
~~provide~~ gambling addiction services, alcohol and drug addiction 98390
~~programs that provide alcohol and drug addiction~~ services, other 98391
~~programs~~ services that relate to gambling addiction and substance 98392
abuse, and research that relates to gambling addiction and 98393
substance abuse. Treatment and prevention services ~~provided under~~ 98394
~~programs~~ supported by money in the fund under this section shall 98395
be services that are ~~provided by alcohol and drug addiction~~ 98396
~~treatment programs~~ certified by the department of alcohol and drug 98397
~~addiction services or provided by counselors who are certified by~~ 98398
~~the department~~ mental health and addiction services. Prevention 98399
~~services provided under programs supported by money in the fund~~ 98400
~~under this section shall be services that are provided by alcohol~~ 98401
~~and drug addiction prevention programs certified by the department~~ 98402
~~of alcohol and drug addiction services.~~ 98403

The director shall prepare an annual report describing the 98404
use of the fund for these purposes. The director shall submit the 98405
report to the Ohio casino control commission, the speaker and 98406
minority leader of the house of representatives, the president and 98407
minority leader of the senate, the governor, and the joint 98408

committee on gaming and wagering. 98409

Sec. ~~3793.22~~ 5119.49. (A) The director of ~~alcohol and drug~~ 98410
~~addiction services~~ mental health and addiction services shall 98411
collaborate with the state board of pharmacy and attorney general 98412
in the establishment and administration of a drug take-back 98413
program, as provided under section 4729.69 of the Revised Code. 98414

(B) The department may accept grants, gifts, or donations for 98415
purposes of the program. Money received under this division shall 98416
be deposited into the drug take-back program fund established 98417
under section 109.90 of the Revised Code. 98418

Sec. ~~5119.34~~ 5119.50. The director of ~~mental health~~ mental 98419
health and addiction services may accept, hold, and administer in 98420
trust on behalf of the state, if it is for the public interest, 98421
any grant, gift, devise, or bequest of money or property made to 98422
the state for the use or benefit of any institution described in 98423
section ~~5119.02~~ 5119.14 of the Revised Code or for the use and 98424
benefit of mentally ill persons under its control. If the trust so 98425
provides, the money or property may be used for any work which the 98426
department of ~~mental health~~ mental health and addiction services 98427
is authorized to undertake. 98428

The department shall keep such gift, grant, devise, or 98429
bequest as a distinct property or fund and, if it is in money, 98430
shall invest it in the manner provided by law. The department may 98431
deposit in a proper trust company or savings bank any money left 98432
in trust during a specified life or lives and shall adopt rules 98433
governing the deposit, transfer, withdrawal, or investment of such 98434
money and the income thereof. 98435

The department shall, in the manner prescribed by the 98436
director of budget and management pursuant to section 126.21 of 98437
the Revised Code, account for all money or property received or 98438

expended under this section. The records, together with a 98439
statement certified by the depository showing the funds deposited 98440
there to the credit of the trust, shall be open to public 98441
inspection. The director of budget and management may require the 98442
department to file a report with ~~him~~ the director on any 98443
particular portion, or the whole, of any trust property received 98444
or expended by it. 98445

The department shall, upon the expiration of any trust 98446
according to its terms, dispose of the funds or property held 98447
thereunder in the manner provided in the instrument creating the 98448
trust. If the instrument creating the trust failed to make any 98449
terms of disposition, or if no trust was in evidence, then the 98450
decedent patient's money, saving or commercial deposits, dividends 98451
or distributions, bonds, or any other interest-bearing debt 98452
certificate or stamp issued by the United States government shall 98453
escheat to the state. All such unclaimed intangible personal 98454
property of a former patient shall be retained by the managing 98455
officer in such institution for the period of one year, during 98456
which time every possible effort shall be made to find such former 98457
patient or ~~his~~ the former patient's legal representative. 98458

If, after a period of one year from the time the patient has 98459
left the institution or has died, the managing officer has been 98460
unable to locate such person or ~~his~~ the person's legal 98461
representative, then upon proper notice of such fact the director 98462
shall at that time formulate in writing a method of disposition on 98463
the minutes of the department authorizing the managing officer to 98464
convert such intangible personal property to cash to be paid into 98465
the state treasury to the credit of the general revenue fund. 98466

The department shall include in its annual report a statement 98467
of all money and property and the terms and conditions relating 98468
thereto. 98469

Sec. ~~5119.17~~ 5119.51. (A) As used in this section, 98470
"supplemental services" has the same meaning as in section 5815.28 98471
of the Revised Code. 98472

(B) There is hereby created in the state treasury the 98473
services fund for individuals with mental illness. On the death of 98474
the beneficiary of a trust created pursuant to section 5815.28 of 98475
the Revised Code, the portion of the remaining assets of the trust 98476
specified in the trust instrument shall be deposited to the credit 98477
of the fund. Money credited to the fund shall be used for 98478
individuals with mental illness. 98479

Supplemental services may be provided through the department 98480
or boards of alcohol, drug addiction, and mental health services. 98481
In accordance with Chapter 119. of the Revised Code, the 98482
department of ~~mental health~~ mental health and addiction services 98483
may adopt any rules necessary to implement this section. 98484

Sec. ~~5119.36~~ 5119.52. Each managing officer of an institution 98485
under the jurisdiction of the department of ~~mental health~~ mental 98486
health and addiction services as described in section ~~5119.02~~ 98487
5119.14 of the Revised Code, with the approval of the director of 98488
~~mental health~~ mental health and addiction services, may establish 98489
local institution funds designated as follows: 98490

(A) Industrial and entertainment fund created and maintained 98492
for the entertainment and welfare of the patients of the 98493
institution. The director shall establish rules for the operation 98494
of the industrial and entertainment fund. 98495

(B) Commissary fund created and maintained for the benefit of 98496
patients in the institution. Commissary revenue over and above 98497
operating costs and reserve shall be considered profits. All 98498
profits from the commissary fund operations shall be paid into the 98499

industrial and entertainment fund and used only for the 98500
entertainment and ~~wel-fare~~ welfare of patients. The director shall 98501
establish rules for the operation of the commissary fund. 98502

Sec. ~~5119.33~~ 5119.54. The treasurer of state shall have 98503
charge of all funds under the jurisdiction of the department of 98504
~~mental health~~ mental health and addiction services and shall pay 98505
out the same only in accordance with this chapter. 98506

The department shall cause to be furnished a contract of 98507
indemnity to cover all funds received by it or by its managing 98508
officers, employees, or agents while the funds are in the 98509
possession of such managing officers, employees or agents. Such 98510
funds are designated as follows: 98511

(A) Funds which are due and payable to the treasurer of state 98512
as provided by Chapter 131. of the Revised Code; 98513

(B) Those funds which are held in trust by the managing 98514
officers, employees, or agents of the institution as local funds 98515
or accounts under the jurisdiction of the department. 98516

Such contract of indemnity shall be made payable to the state 98517
and the premium for such contract of indemnity may be paid from 98518
any of the moneys received for the use of the department under 98519
this chapter and Chapters 5121. and 5122. of the Revised Code. 98520

Funds collected from various sources, such as the sale of 98521
goods, and all miscellaneous articles, shall be transmitted on or 98522
before Monday of each week to the treasurer of state and a 98523
detailed statement of such collections shall be made to the 98524
department. 98525

Sec. ~~5119.351~~ 5119.55. The department of ~~mental health~~ mental 98526
health and addiction services may pay an amount for personal use 98527
to each individual residing in a state institution as described in 98528
section ~~5119.02~~ 5119.14 of the Revised Code who would be eligible 98529

for supplemental security income benefits at the reduced rate 98530
established by Title XVI of the "Social Security Act," ~~49 Stat.~~ 98531
~~620 (1935), 42 U.S.C.A. 1382, as amended 1381 et seq.,~~ if the 98532
~~state plan for providing medical assistance under section 5111.01~~ 98533
~~of the Revised Code included reimbursement of medicaid program~~ 98534
covers services provided in such institutions. The amount paid by 98535
the department shall not exceed the reduced supplemental security 98536
income benefit rate established by Title XVI of the "Social 98537
Security Act." 98538

Sec. ~~5119.35~~ 5119.56. Money or property deposited with 98539
managing officers of institutions under the jurisdiction of the 98540
department of ~~mental health~~ mental health and addiction services 98541
by any patient under the department's control or by relatives, 98542
guardians, conservators, and others for the special benefit of 98543
such patient, as well as all other funds and all other income paid 98544
to the patient, ~~his~~ the patient's estate, or on ~~his~~ the patient's 98545
behalf, or paid to the managing officer or to the institution as 98546
representative payee or otherwise paid on the patient's behalf, 98547
shall remain in the hands of such officers in appropriate accounts 98548
for use accordingly. The managing officer shall keep itemized book 98549
accounts of the receipt and disposition of such money and 98550
property, which book shall be open at all times to the inspection 98551
of the department. The director of ~~mental health~~ mental health and 98552
addiction services shall adopt rules governing the deposit, 98553
transfer, withdrawal, or investment of the funds and the income 98554
thereof, as well as rules under which such funds and income shall 98555
be paid by managing officers for the support of the patients 98556
pursuant to Chapter 5121. of the Revised Code, or for their other 98557
needs. 98558

Whenever any patient confined in any state institution 98559
subject to the jurisdiction of the department dies, escapes, or is 98560
discharged from such institution, and any personal funds of such 98561

person remain in the hands of the managing officer thereof and no 98562
demand for such funds is made upon such managing officer by the 98563
owner of the funds or ~~his~~ the owner's legally appointed 98564
representative, the managing officer shall hold the funds in the 98565
personal deposit fund for a period of at least one year during 98566
which time the managing officer shall make every effort possible 98567
to locate the owner or ~~his~~ the owner's legally appointed 98568
representative. 98569

If at the end of this period no demand has been made for the 98570
funds, the managing officer shall dispose of the funds as follows: 98571

(A) All money in a personal deposit fund in excess of ten 98572
dollars due for the support of a patient shall be paid in 98573
accordance with the provisions of Chapter 5121. of the Revised 98574
Code. 98575

(B) All money in a personal deposit fund in excess of ten 98576
dollars not due for the support of a patient shall be placed to 98577
the credit of the institution's local account designated as the 98578
"industrial and entertainment" fund. 98579

(C) The first ten dollars to the credit of a patient shall be 98580
placed to the credit of the institution's local account designated 98581
as the "industrial and entertainment" fund. 98582

Whenever any patient in any state institution subject to the 98583
jurisdiction of the department dies, escapes, or is discharged 98584
from such institution, and any personal effects of such person 98585
remain in the hands of the managing officer thereof, and no demand 98586
is made upon such managing officer by the owner of the property or 98587
~~his~~ the owner's legally appointed representative, the managing 98588
officer shall hold and dispose of such property in the following 98589
manner. 98590

All the miscellaneous personal effects shall be held for a 98591
period of at least one year, during which time the managing 98592

officer shall make every effort possible to locate the owner or 98593
~~his~~ the owner's legal representative. If at the end of this 98594
period, no demand has been made by the owner of the property or 98595
~~his~~ the owner's legal representative, the managing officer shall 98596
file with the county recorder of the county of commitment of such 98597
owner, all deeds, wills, contract mortgages, or assignments. The 98598
balance of the personal effects shall be sold at public auction 98599
after being duly advertised, and the funds turned over to the 98600
treasurer of state for credit to the general revenue fund. If any 98601
of the property is not of a type to be filed with the county 98602
recorder and is not salable at public auction, then the managing 98603
officer of the institution shall destroy such property. 98604

Sec. ~~5119.46~~ 5119.60. ~~In its annual report, the~~ The 98605
department of ~~mental health~~ mental health and addiction services 98606
shall submit an annual report to the governor that shall describe 98607
the services the department offers and how appropriated funds have 98608
been spent. The report shall include ~~the~~ all of the following: 98609

(A) The utilization of state hospitals by each alcohol, drug 98610
addiction, and mental health service district, ~~the;~~ 98611

(B) The number of persons served by community addiction 98612
services providers that receive funds distributed by the 98613
department, with a breakdown into categories including age, sex, 98614
race, the type of drug to which the person is addicted, and any 98615
other categories the director of mental health and addiction 98616
services considers significant; 98617

(C) The number of severely mentally disabled persons served 98618
in each district, ~~and the;~~ 98619

(D) The number and types of services provided to severely 98620
mentally disabled persons through state-operated services and 98621
community mental health ~~agencies~~ services providers; 98622

(E) A report measuring the success of community addiction services providers, based on the measures for accountability developed by the department, including the percentage of persons served by such community addiction services providers who have not relapsed; 98623
98624
98625
98626
98627

(F) Any other information that the director considers significant or is requested by the governor. 98628
98629

Sec. ~~3793.12~~ 5119.61. (A) The department of ~~alcohol and drug addiction services~~ mental health and addiction services shall 98630
98631
collect and compile statistics and other information on the care 98632
and treatment of mentally disabled persons, and the care, 98633
treatment, and rehabilitation of alcoholics, drug dependent 98634
persons, and persons in danger of drug dependence in this state, 98635
including, without limitation, information on the number of such 98636
persons, the type of drug involved, the type of care, treatment, 98637
or rehabilitation prescribed or undertaken, and the success or 98638
failure of the care, treatment, or rehabilitation. The department 98639
shall collect information about services delivered and persons 98640
served as required for reporting and evaluation relating to state 98641
and federal funds expended for such purposes. 98642

(B) No alcohol ~~or~~, drug addiction program, or mental health services provider shall fail to supply statistics and other 98643
98644
information within its knowledge and with respect to its ~~programs~~ 98645
services, upon request of the department. 98646

(C) Communications by a person seeking aid in good faith for 98647
alcoholism or drug dependence are confidential, and this section 98648
does not require the collection or permit the disclosure of 98649
information which reveals or comprises the identity of any person 98650
seeking aid. 98651

(D) Based on the information collected and compiled under 98652
division (A) of this section, the department shall develop a 98653

project to assess the outcomes of persons served by alcohol and 98654
drug addiction ~~programs~~ services providers and mental health 98655
services providers that receive funds distributed by the 98656
department. 98657

Sec. ~~5119.50~~ 5119.70. The "interstate compact on mental 98658
health" is hereby ratified, enacted into law, and entered into by 98659
the state of Ohio as a party thereto with any other state which 98660
has legally joined in the compact as follows: 98661

INTERSTATE COMPACT ON MENTAL HEALTH 98662

The contracting states solemnly agree that: 98663

Article I 98664

The party states find that the proper and expeditious 98665
treatment of the mentally ill and mentally retarded can be 98666
facilitated by cooperative action, to the benefit of the patients, 98667
their families, and society as a whole. Further, the party states 98668
find that the necessity of and desirability for furnishing such 98669
care and treatment bears no primary relation to the residence or 98670
citizenship of the patient but that, on the contrary, the 98671
controlling factors of community safety and humanitarianism 98672
require that facilities and services be made available for all who 98673
are in need of them. Consequently, it is the purpose of this 98674
compact and of the party states to provide the necessary legal 98675
basis for the institutionalization or other appropriate care and 98676
treatment of the mentally ill and mentally retarded under a system 98677
that recognizes the paramount importance of patient welfare and to 98678
establish the responsibilities of the party states in terms of 98679
such welfare. 98680

Article II 98681

As used in this compact: 98682

(a) "Sending state" shall mean a party state from which a 98683
patient is transported pursuant to the provisions of the compact 98684

or from which it is contemplated that a patient may be so sent. 98685

(b) "Receiving state" shall mean a party state to which a 98686
patient is transported pursuant to the provisions of the compact 98687
or to which it is contemplated that a patient may be so sent. 98688

(c) "Institution" shall mean any hospital or other facility 98689
maintained by a party state or political subdivision thereof for 98690
the care and treatment of mental illness or mental retardation. 98691

(d) "Patient" shall mean any person subject to or eligible as 98692
determined by the laws of the sending state, for 98693
institutionalization or other care, treatment, or supervision 98694
pursuant to the provisions of this compact. 98695

(e) "After-care" shall mean care, treatment and services 98696
provided a patient, as defined herein, or convalescent status or 98697
conditional release. 98698

(f) "Mental illness" shall mean mental disease to such extent 98699
that a person so afflicted requires care and treatment for his own 98700
welfare, or the welfare of others, or of the community. 98701

(g) "Mental retardation" shall mean mental retardation as 98702
defined by appropriate clinical authorities to such extent that a 98703
person so afflicted is incapable of managing himself and his 98704
affairs, but shall not include mental illness as defined herein. 98705

(h) "State" shall mean any state, territory or possession of 98706
the United States, the District of Columbia, and the Commonwealth 98707
of Puerto Rico. 98708

Article III 98709

(a) Whenever a person physically present in any party state 98710
shall be in need of institutionalization by reason of mental 98711
illness or mental retardation, he shall be eligible for care and 98712
treatment in an institution in that state irrespective of his 98713
residence, settlement or citizenship qualifications. 98714

(b) The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this article unless the sending state has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish; and unless the receiving state shall agree to accept the patient.

(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

Article IV

(a) Whenever, pursuant to the laws of the state in which a patient is physically present, it shall be determined that the

patient should receive after-care or supervision, such care or 98747
supervision may be provided in a receiving state. If the medical 98748
or other appropriate clinical authorities having responsibility 98749
for the care and treatment of the patient in the sending state 98750
shall have reason to believe that after-care in another state 98751
would be in the best interest of the patient and would not 98752
jeopardize the public safety, they shall request the appropriate 98753
authorities in the receiving state to investigate the desirability 98754
of affording the patient such after-care in said receiving state, 98755
and such investigation shall be made with all reasonable speed. 98756
The request for investigation shall be accompanied by complete 98757
information concerning the patient's intended place of residence 98758
and the identity of the person in whose charge it is proposed to 98759
place the patient, the complete medical history of the patient, 98760
and such other documents as may be pertinent. 98761

(b) If the medical or other appropriate clinical authorities 98762
having responsibility for the care and treatment of the patient in 98763
the sending state and the appropriate authorities in the receiving 98764
state find that the best interest of the patient would be served 98765
thereby, and if the public safety would not be jeopardized 98766
thereby, the patient may receive after-care or supervision in the 98767
receiving state. 98768

(c) In supervising, treating, or caring for a patient on 98769
after-care pursuant to the terms of this article, a receiving 98770
state shall employ the same standards of visitation, examination, 98771
care, and treatment that it employs for similar local patients. 98772

Article V 98773

Whenever a dangerous or potentially dangerous patient escapes 98774
from an institution in any party state, that state shall promptly 98775
notify all appropriate authorities within and without the 98776
jurisdiction of the escape in a manner reasonably calculated to 98777
facilitate the speedy apprehension of the escapee. Immediately 98778

upon the apprehension and identification of any such dangerous or 98779
potentially dangerous patient, he shall be detained in the state 98780
where found pending disposition in accordance with law. 98781

Article VI 98782

The duly accredited officers of any state party to this 98783
compact, upon the establishment of their authority and the 98784
identity of the patient, shall be permitted to transport any 98785
patient being moved pursuant to this compact through any and all 98786
states party to this compact, without interference. 98787

Article VII 98788

(a) No person shall be deemed a patient of more than one 98789
institution at any given time. Completion of transfer of any 98790
patient to an institution in a receiving state shall have the 98791
effect of making the person a patient of the institution in the 98792
receiving state. 98793

(b) The sending state shall pay all costs of and incidental 98794
to the transportation of any patient pursuant to this compact, but 98795
any two or more party states may, by making a specific agreement 98796
for that purpose, arrange for a different allocation of costs as 98797
among themselves. 98798

(c) No provision of this compact shall be construed to alter 98799
or affect any internal relationships among the departments, 98800
agencies and officers of and in the government of a party state, 98801
or between a party state and its subdivisions, as to the payment 98802
of costs, or responsibilities therefor. 98803

(d) Nothing in this compact shall be construed to prevent any 98804
party state or subdivision thereof from asserting any right 98805
against any person, agency or other entity in regard to costs for 98806
which such party state or subdivision thereof may be responsible 98807
pursuant to any provision of this compact. 98808

(e) Nothing in this compact shall be construed to invalidate 98809

any reciprocal agreement between a party state and a nonparty 98810
state relating to institutionalization, care or treatment of the 98811
mentally ill or mentally retarded, or any statutory authority 98812
pursuant to which such agreements may be made. 98813

Article VIII 98814

(a) Nothing in this compact shall be construed to abridge, 98815
diminish, or in any way impair the rights, duties, and 98816
responsibilities of any patient's guardian on his own behalf or in 98817
respect of any patient for whom he may serve, except that where 98818
the transfer of any patient to another jurisdiction makes 98819
advisable the appointment of a supplemental or substitute 98820
guardian, any court of competent jurisdiction in the receiving 98821
state may make such supplemental or substitute appointment and the 98822
court which appointed the previous guardian shall upon being duly 98823
advised of the new appointment, and upon the satisfactory 98824
completion of such accounting and other acts as such court may by 98825
law require, relieve the previous guardian of power and 98826
responsibility to whatever extent shall be appropriate in the 98827
circumstances; provided, however, that in the case of any patient 98828
having settlement in the sending state, the court of competent 98829
jurisdiction in the sending state shall have the sole discretion 98830
to relieve a guardian appointed by it or continue his power and 98831
responsibility, whichever it shall deem advisable. The court in 98832
the receiving state may, in its discretion, confirm or reappoint 98833
the person or persons previously serving as guardian in the 98834
sending state in lieu of making a supplemental or substitute 98835
appointment. 98836

(b) The term "guardian" as used in paragraph (a) of this 98837
article shall include any guardian, trustee, legal committee, 98838
conservator, or other person or agency however denominated who is 98839
charged by law with power to act for or responsibility for the 98840
person or property of a patient. 98841

Article IX 98842

(a) No provision of this compact except Article V shall apply 98843
to any person institutionalized while under sentence in a penal or 98844
correctional institution or while subject to trial on a criminal 98845
charge, or whose institutionalization is due to the commission of 98846
an offense for which, in the absence of mental illness or mental 98847
retardation, said person would be subject to incarceration in a 98848
penal or correctional institution. 98849

(b) To every extent possible, it shall be the policy of 98850
states party to this compact that no patient shall be placed or 98851
detained in any prison, jail or lockup, but such patient shall, 98852
with all expedition, be taken to a suitable institutional facility 98853
for mental illness or mental retardation. 98854

Article X 98855

(a) Each party state shall appoint a "compact administrator" 98856
who, on behalf of his state, shall act as general coordinator of 98857
activities under the compact in his state and who shall receive 98858
copies of all reports, correspondence, and other documents 98859
relating to any patient processed under the compact by his state 98860
either in the capacity of sending or receiving state. The compact 98861
administrator or his duly designated representative shall be the 98862
official with whom other party states shall deal in any matter 98863
relating to the compact or any patient processed thereunder. 98864

(b) The compact administrators of the respective party states 98865
shall have power to promulgate reasonable rules and regulations to 98866
carry out more effectively the terms and provisions of this 98867
compact. 98868

Article XI 98869

The duly constituted administrative authorities of any two or 98870
more party states may enter into supplementary agreements for the 98871
provision of any service or facility or for the maintenance of any 98872
institution on a joint or cooperative basis whenever the states 98873

concerned shall find that such agreements will improve services, 98874
facilities, or institutional care and treatment in the fields of 98875
mental illness or mental retardation. No such supplementary 98876
agreement shall be construed so as to relieve any party state of 98877
any obligation which it otherwise would have under other 98878
provisions of this compact. 98879

Article XII 98880

This compact shall enter into full force and effect as to any 98881
state when enacted by it into law and such states shall thereafter 98882
be a party thereto with any and all states legally joining 98883
therein. 98884

Article XIII 98885

(a) A state party to this compact may withdraw therefrom by 98886
enacting a statute repealing the same. Such withdrawal shall take 98887
effect one year after notice thereof has been communicated 98888
officially and in writing to the governors and compact 98889
administrators of all other party states. However, the withdrawal 98890
of any state shall not change the status of any patient who has 98891
been sent to said state or sent out of said state pursuant to the 98892
provisions of the compact. 98893

(b) Withdrawal from any agreement permitted by Article VII 98894
(b) as to costs or from any supplementary agreement made pursuant 98895
to Article XI shall be in accordance with the terms of such 98896
agreement. 98897

Article XIV 98898

This compact shall be liberally construed so as to effectuate 98899
the purposes thereof. The provisions of this compact shall be 98900
severable and if any phrase, clause, sentence or provision of this 98901
compact is declared to be contrary to the constitution of any 98902
party state or of the United States or the applicability thereof 98903
to any government, agency, person or circumstance is held invalid, 98904
the validity of the remainder of this compact and the 98905

applicability thereof to any government, agency, person or 98906
circumstance shall not be affected thereby. If this compact shall 98907
be held contrary to the constitution of any state party thereto, 98908
the compact shall remain in full force and effect as to the 98909
remaining states and in full force and effect as to the state 98910
affected as to all severable matters. 98911

Sec. ~~5119.51~~ 5119.71. Pursuant to Article X of the compact 98912
set forth in section ~~5119.50~~ 5119.70 of the Revised Code, the 98913
director of ~~mental health~~ mental health and addiction services and 98914
the director of developmental disabilities each shall designate an 98915
officer who shall be the compact administrator for the department 98916
and who, acting jointly with like officers of other party states, 98917
shall adopt rules to carry out more effectively the terms of the 98918
compact. The compact administrators of each department shall serve 98919
subject to the pleasure of the governor and shall cooperate with 98920
all departments, agencies, and officers of and in the government 98921
of this state and its subdivisions in facilitating the proper 98922
administration of the compact or of any supplementary agreements 98923
entered into by this state thereunder. 98924

Sec. ~~5119.52~~ 5119.72. The compact administrator may enter 98925
into supplementary agreements with appropriate officials of other 98926
states pursuant to articles VII and XI of the compact set forth in 98927
section ~~5119.50~~ 5119.70 of the Revised Code. In the event that 98928
such supplementary agreements require or contemplate the use of 98929
any institution or facility of this state or require or 98930
contemplate the provision of any service by this state, no such 98931
agreement shall have force or effect until approved by the head of 98932
the department or agency under whose jurisdiction the institution 98933
or facility is operated or whose department or agency will be 98934
charged with the rendering of such service. 98935

Sec. ~~5119.53~~ 5119.73. Any payments necessary to discharge any 98936
financial obligations imposed upon the state of Ohio by the 98937
compact or by any supplementary agreement entered into thereunder, 98938
as provided in sections ~~5119.50~~ 5119.70 to ~~5119.52~~ 5119.72 of the 98939
Revised Code, shall be made from appropriated funds upon 98940
presentation to the director of budget and management of itemized 98941
vouchers approved by the compact administrator. 98942

Sec. ~~3793.31~~ 5119.90. As used in sections ~~3793.31~~ 5119.90 to 98943
~~3793.39~~ 5119.98 of the Revised Code: 98944

(A) "Alcohol and other drug abuse" means alcoholism or drug 98945
addiction. 98946

(B) "Another drug" means a controlled substance as defined in 98947
section 3719.01 of the Revised Code or a harmful intoxicant as 98948
defined in section 2925.01 of the Revised Code. 98949

(C) "Board of alcohol, drug addiction, and mental health 98950
services" means a board of alcohol, drug addiction, and mental 98951
health services established under section 340.02 or 340.021 of the 98952
Revised Code. 98953

(D) "Danger" or "threat of danger to self, family, or others" 98954
means substantial physical harm or threat of substantial physical 98955
harm upon self, family, or others. 98956

(E) "Hospital" has the same meaning as in section 3701.01 or 98957
3727.01 of the Revised Code but does not include either a hospital 98958
operated by the department of ~~mental health~~ mental health and 98959
addiction services or an inpatient unit licensed by the 98960
department. 98961

(F) "Intoxicated" means being under the influence of alcohol, 98962
another drug, or both alcohol and another drug and, as a result, 98963
having a significantly impaired ability to function. 98964

(G) "Petitioner" means a person who institutes a proceeding under sections ~~3793.32~~ 5119.91 to ~~3793.39~~ 5119.98 of the Revised Code. 98965
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(H) "Probate court" means the probate division of the court of common pleas. 98968
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(I) "Qualified health professional" means a person that is properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law. 98970
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(J) "Residence" means the legal residence of a person as determined by applicable principles governing conflicts of law. 98973
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(K) "Respondent" means a person alleged in a petition filed or hearing under sections ~~3793.32~~ 5119.91 to ~~3793.39~~ 5119.98 of the Revised Code to be a person who is suffering from alcohol and other drug abuse and who may be ordered under those sections to undergo treatment. 98975
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(L) "Treatment" means services and programs for the care and rehabilitation of intoxicated persons and persons suffering from alcohol and other drug abuse. "Treatment" includes residential treatment, a halfway house setting, and an intensive outpatient or outpatient level of care. 98980
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Sec. ~~3793.32~~ 5119.91. A probate court may order involuntary treatment for a person suffering from alcohol and other drug abuse pursuant to the procedures set forth in sections ~~3793.31~~ 5119.90 to ~~3793.39~~ 5119.98 of the Revised Code. 98985
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Sec. ~~3793.33~~ 5119.92. No person shall be ordered to undergo treatment under sections ~~3793.31~~ 5119.90 to ~~3793.39~~ 5119.98 of the Revised Code unless all of the following apply to that person: 98989
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(A) The person suffers from alcohol and other drug abuse. 98992

(B) The person presents an imminent danger or imminent threat 98993

of danger to self, family, or others as a result of alcohol and 98994
other drug abuse, or there exists a substantial likelihood of such 98995
a threat in the near future. 98996

(C) The person can reasonably benefit from treatment. 98997

Sec. ~~3793.34~~ 5119.93. (A) A person may initiate proceedings 98998
for treatment for an individual suffering from alcohol and other 98999
drug abuse by filing a verified petition in the probate court and 99000
paying a filing fee in the same amount, if any, that is charged 99001
for the filing under section 5122.11 of the Revised Code of an 99002
affidavit seeking the hospitalization of a person. The petition 99003
and all subsequent court documents shall be entitled: "In the 99004
interest of (name of respondent)." A spouse, relative, or guardian 99005
of the individual concerning whom the petition is filed shall file 99006
the petition. 99007

(B) A petition filed under division (A) of this section shall 99008
set forth all of the following: 99009

(1) The petitioner's relationship to the respondent; 99010

(2) The respondent's name, residence address, and current 99011
location, if known; 99012

(3) The name and residence of the respondent's parents, if 99013
living and if known, or of the respondent's legal guardian, if any 99014
and if known; 99015

(4) The name and residence of the respondent's spouse, if any 99016
and if known; 99017

(5) The name and residence of the person having custody of 99018
the respondent, if any, or if no such person is known, the name 99019
and residence of a near relative or a statement that the person is 99020
unknown; 99021

(6) The petitioner's belief, including the factual basis for 99022
the belief, that the respondent is suffering from alcohol and 99023

other drug abuse and presents an imminent danger or imminent 99024
threat of danger to self, family, or others if not treated for 99025
alcohol or other drug abuse. 99026

(C)(1) Any petition filed pursuant to divisions (A) and (B) 99027
of this section shall be accompanied by a certificate of a 99028
physician who has examined the respondent within two days prior to 99029
the day that the petition is filed in the probate court. The 99030
physician shall be authorized to practice medicine and surgery or 99031
osteopathic medicine and surgery under Chapter 4731. of the 99032
Revised Code. The physician's certificate shall set forth the 99033
physician's findings in support of the need to treat the 99034
respondent for alcohol or other drug abuse. The certificate shall 99035
indicate if the respondent presents an imminent danger or imminent 99036
threat of danger to self, family, or others if not treated. 99037
Further, the certificate shall indicate the type and length of 99038
treatment required and if the respondent can reasonably benefit 99039
from treatment. If the physician's certificate indicates that 99040
inpatient treatment is required, the certificate shall identify 99041
any inpatient facilities known to the physician that are able and 99042
willing to provide the recommended inpatient treatment. 99043

If the respondent refuses to undergo an examination with a 99044
physician concerning the respondent's possible need for treatment 99045
for alcohol or other drug abuse, the petition shall state that the 99046
respondent has refused all requests made by the petitioner to 99047
undergo a physician's examination. In that case, the petitioner 99048
shall not be required to provide a physician's certificate with 99049
the petition. 99050

(2) Any petition filed pursuant to divisions (A) and (B) of 99051
this section shall contain a statement that the petitioner has 99052
arranged for treatment of the respondent. Further, the petition 99053
shall be accompanied by a statement from the person or facility 99054
who has agreed to provide the treatment that verifies that the 99055

person or facility has agreed to provide the treatment and the 99056
estimated cost of the treatment. 99057

(D) Any petition filed pursuant to divisions (A) and (B) of 99058
this section shall be accompanied by both of the following: 99059

(1) A security deposit to be deposited with the clerk of the 99060
probate court that will cover half of the estimated cost of 99061
treatment of the respondent; 99062

(2) A guarantee, signed by the petitioner or another person 99063
authorized to file the petition obligating the guarantor to pay 99064
the costs of the examinations of the respondent conducted by the 99065
physician and qualified health professional under division (B)(5) 99066
of section ~~3793.35~~ 5119.94 of the Revised Code, the costs of the 99067
respondent that are associated with a hearing conducted in 99068
accordance with section ~~3793.35~~ 5119.94 of the Revised Code and 99069
that the court determines to be appropriate, and the costs of any 99070
treatment ordered by the court. 99071

Sec. ~~3793.35~~ 5119.94. (A) Upon receipt of a petition filed 99072
under section ~~3793.34~~ 5119.93 of the Revised Code and the payment 99073
of the appropriate filing fee, if any, the probate court shall 99074
examine the petitioner under oath as to the contents of the 99075
petition. 99076

(B) If, after reviewing the allegations contained in the 99077
petition and examining the petitioner under oath, it appears to 99078
the probate court that there is probable cause to believe the 99079
respondent may reasonably benefit from treatment, the court shall 99080
do all of the following: 99081

(1) Schedule a hearing to be held within seven days to 99082
determine if there is clear and convincing evidence that the 99083
respondent may reasonably benefit from treatment for alcohol and 99084
other drug abuse; 99085

(2) Notify the respondent, the legal guardian, if any and if known, and the spouse, parents, or nearest relative or friend of the respondent concerning the allegations and contents of the petition and of the date and purpose of the hearing;

(3) Notify the respondent that the respondent may retain counsel and, if the person is unable to obtain an attorney, that the respondent may be represented by court-appointed counsel at public expense if the person is indigent. Upon the appointment of an attorney to represent an indigent respondent, the court shall notify the respondent of the name, address, and telephone number of the attorney appointed to represent the respondent.

(4) Notify the respondent that the court shall cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis. In addition, the court shall notify the respondent that the respondent may have an independent expert evaluation of the person's physical and mental condition conducted at the respondent's own expense.

(5) Cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis;

(6) Conduct the hearing.

(C) The physician and qualified health professional who examine the respondent pursuant to division (B)(5) of this section or who are obtained by the respondent at the respondent's own expense shall certify their findings to the court within twenty-four hours of the examinations. The findings of each

qualified health professional shall include a recommendation for 99117
treatment if the qualified health professional determines that 99118
treatment is necessary. 99119

(D)(1) If upon completion of the hearing held under this 99120
section the probate court finds by clear and convincing evidence 99121
that the respondent may reasonably benefit from treatment, the 99122
court may order the treatment after considering the qualified 99123
health professionals' recommendations for treatment that have been 99124
submitted to the court under division (C) of this section. If the 99125
court orders the treatment under this division, the court shall 99126
order the treatment to be provided through ~~an alcohol and drug~~ a 99127
community addiction program services provider certified under 99128
section ~~3793.06~~ 5119.36 of the Revised Code or by an individual 99129
licensed or certified by the state medical board under Chapter 99130
4731. of the Revised Code, the chemical dependency professionals 99131
board under Chapter 4758. of the Revised Code, the counselor, 99132
social worker, and marriage and family therapist board under 99133
Chapter 4757. of the Revised Code, or a similar board of another 99134
state authorized to provide substance abuse treatment. 99135

(2) Failure of a respondent to undergo and complete any 99136
treatment ordered pursuant to this division is contempt of court. 99137
Any alcohol and drug addiction program or person providing 99138
treatment under this division shall notify the probate court of a 99139
respondent's failure to undergo or complete the ordered treatment. 99140

(E) If, at any time after a petition is filed under section 99141
~~3793.34~~ 5119.93 of the Revised Code, the probate court finds that 99142
there is not probable cause to continue treatment or if the 99143
petitioner withdraws the petition, then the court shall dismiss 99144
the proceedings against the respondent. 99145

Sec. ~~3793.36~~ 5119.95. (A) Following an examination by a 99146
qualified health professional and a certification by that 99147

professional that the person meets the criteria specified in 99148
section ~~3793.33~~ 5119.92 of the Revised Code, a probate court may 99149
order the person hospitalized for a period not to exceed 99150
seventy-two hours if the court finds by clear and convincing 99151
evidence that the person presents an imminent threat of danger to 99152
self, family, or others as a result of alcohol and other drug 99153
abuse. However, if the hearing to be held under section ~~3793.35~~ 99154
5119.94 of the Revised Code will not be held within seventy-two 99155
hours, the court may order the person hospitalized until the 99156
hearing. In making its order, the court shall inform the person 99157
that the person may immediately make a reasonable number of 99158
telephone calls or use other reasonable means to contact an 99159
attorney, a licensed physician, or a qualified health 99160
professional, to contact any other person or persons to secure 99161
representation by counsel, or to obtain medical or psychological 99162
assistance and that the person will be provided assistance in 99163
making calls if the assistance is needed and requested. 99164

(B) Any person who has been admitted to a hospital under 99165
division (A) of this section shall be released from the hospital 99166
immediately upon the expiration of the time period established by 99167
the court for the hospitalization. 99168

(C) No person ordered hospitalized under this section shall 99169
be held in jail pending transportation to the hospital or 99170
evaluation unless the probate court previously has found the 99171
person to be in contempt of court for either failure to undergo 99172
treatment or failure to appear at the evaluation ordered pursuant 99173
to section ~~3793.35~~ 5119.94 of the Revised Code. 99174

Sec. ~~3793.37~~ 5119.96. When a probate court is authorized to 99175
issue an order that the respondent be transported to a hospital, 99176
the court may issue a summons. If the respondent fails to attend 99177
an examination scheduled before the hearing under section ~~3793.35~~ 99178

5119.94 of the Revised Code, the court shall issue a summons. A 99179
summons so issued shall be directed to the respondent and shall 99180
command the respondent to appear at a time and place specified in 99181
the summons. If a respondent who has been summoned fails to appear 99182
at the hospital or the examination, the probate court may order 99183
the sheriff or any other peace officer to transport the respondent 99184
to a hospital on the list provided under section ~~3793.38~~ 5119.97 99185
of the Revised Code for treatment. The sheriff or any other peace 99186
officer, upon agreement of a person authorized by the peace 99187
officer, may authorize a board of alcohol, drug addiction, and 99188
mental health services, a private ~~agency~~ services provider under 99189
contract with a board of alcohol, drug addiction, and mental 99190
health services, or an ambulance service designated by a board of 99191
alcohol, drug addiction, and mental health services to transport 99192
the respondent to the hospital. The transportation costs of the 99193
sheriff, other peace officer, ambulance service, or other private 99194
~~agency~~ services provider under contract with the board of alcohol, 99195
drug addiction, and mental health services shall be included in 99196
the costs of treatment for alcohol and other drug abuse to be paid 99197
by the petitioner. 99198

Sec. ~~3793.38~~ 5119.97. Each board of alcohol, drug addiction, 99199
and mental health services on at least an annual basis shall 99200
submit each of the following lists to the clerk of the probate 99201
court in each county served by the board: 99202

(A) A list of all hospitals in the counties served by the 99203
board that are able and willing to take respondents ordered to 99204
undergo seventy-two hours of treatment and observation pursuant to 99205
section ~~3793.36~~ 5119.95 of the Revised Code; 99206

(B) A list of hospitals and treatment providers in the 99207
counties served by the board that are able and willing to provide 99208
treatment for alcohol and other drug abuse ordered pursuant to 99209

section ~~3793.35~~ 5119.94 of the Revised Code. 99210

Sec. ~~3793.39~~ 5119.98. Sections ~~3793.12, 3793.13~~ 5119.26, 99211
5119.27, and ~~3793.14~~ 5119.61 of the Revised Code apply to a person 99212
who is ordered to undergo treatment under sections ~~3793.31 to~~ 99213
~~3793.39~~ 5119.90 to 5119.98 of the Revised Code. 99214

Sec. 5119.99. (A) Whoever violates section ~~5119.21~~ 5119.333 99215
of the Revised Code is guilty of a misdemeanor of the first 99216
degree. 99217

(B) Whoever violates division (B) of section 5119.61 of the 99218
Revised Code is guilty of a misdemeanor of the fourth degree. 99219

(C) Whoever violates section 5119.27 or 5119.28 or division 99220
(G) of section 5119.36 of the Revised Code is guilty of a felony 99221
of the fifth degree. 99222

Sec. 5120.07. (A) There is hereby created the ex-offender 99223
reentry coalition consisting of the following ~~eighteen~~ seventeen 99224
members or their designees: 99225

(1) The director of rehabilitation and correction; 99226

(2) The director of aging; 99227

(3) The director of ~~alcohol and drug addiction services~~ 99228
mental health and addiction services; 99229

(4) The director of development services; 99230

(5) The superintendent of public instruction; 99231

(6) The director of health; 99232

(7) The director of job and family services; 99233

(8) ~~The director of mental health;~~ 99234

~~(9)~~ The director of developmental disabilities; 99235

~~(10)~~(9) The director of public safety; 99236

(11) (10) The director of youth services;	99237
(12) (11) The chancellor of the Ohio board of regents;	99238
(13) (12) A representative or member of the governor's staff;	99239
(14) (13) The <u>executive</u> director of the rehabilitation	99240
services commission opportunities for Ohioans with disabilities	99241
<u>agency</u> ;	99242
(15) (14) The director of the department of commerce;	99243
(16) (15) The executive director of a health care licensing	99244
board created under Title XLVII of the Revised Code, as appointed	99245
by the chairperson of the coalition;	99246
(17) (16) The director of veterans services;	99247
(18) (17) An ex-offender appointed by the director of	99248
rehabilitation and correction.	99249
(B) The members of the coalition shall serve without	99250
compensation. The director of rehabilitation and correction or the	99251
director's designee shall be the chairperson of the coalition.	99252
(C) In consultation with persons interested and involved in	99253
the reentry of ex-offenders into the community, including but not	99254
limited to, services providers, community-based organizations, and	99255
local governments, the coalition shall identify and examine social	99256
service barriers and other obstacles to the reentry of	99257
ex-offenders into the community. Not later than one year after	99258
April 7, 2009, and on or before the same date of each year	99259
thereafter, the coalition shall submit to the speaker of the house	99260
of representatives and the president of the senate a report,	99261
including recommendations for legislative action, the activities	99262
of the coalition, and the barriers affecting the successful	99263
reentry of ex-offenders into the community. The report shall	99264
analyze the effects of those barriers on ex-offenders and on their	99265
children and other family members in various areas, including but	99266

not limited to, the following:	99267
(1) Admission to public and other housing;	99268
(2) Child support obligations and procedures;	99269
(3) Parental incarceration and family reunification;	99270
(4) Social security benefits, veterans' benefits, food stamps, and other forms of public assistance;	99271 99272
(5) Employment;	99273
(6) Education programs and financial assistance;	99274
(7) Substance abuse, mental health , and sex offender treatment programs and financial assistance <u>and mental health services and financial assistance</u> ;	99275 99276 99277
(8) Civic and political participation;	99278
(9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.	99279 99280 99281
(D)(1) The report shall also include the following information:	99282 99283
(a) Identification of state appropriations for reentry programs;	99284 99285
(b) Identification of other funding sources for reentry programs that are not funded by the state;	99286 99287
(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following:	99288 99289 99290 99291
(a) The amount of funding received;	99292
(b) The number of program participants;	99293
(c) The composition of the program, including program goals,	99294

methods for measuring success, and program success rate; 99295

(d) The type of post-program tracking that is utilized; 99296

(e) Information about employment rates and recidivism rates
of ex-offenders. 99297
99298

(E) The coalition shall cease to exist on December 31, 2014. 99299

Sec. 5120.09. Under the supervision and control of the 99300
director of rehabilitation and correction, the division of 99301
business administration shall do all of the following: 99302

(A) Submit the budgets for the several divisions of the 99303
department of rehabilitation and correction, as prepared by the 99304
respective chiefs of those divisions, to the director. The 99305
director, with the assistance of the chief of the division of 99306
business administration, shall compile a departmental budget that 99307
contains all proposals submitted by the chiefs of the divisions 99308
and shall forward the departmental budget to the governor with 99309
comments and recommendations that the director considers 99310
necessary. 99311

(B) Maintain accounts and records and compile statistics that 99312
the director prescribes; 99313

(C) Under the control of the director, coordinate and make 99314
the necessary purchases and requisitions for the department and 99315
its divisions, except when goods and services are provided to the 99316
department as described in section ~~5119.16~~ 5119.44 of the Revised 99317
Code; 99318

(D) Administer within this state federal criminal justice 99319
acts that the governor requires the department to administer. In 99320
order to improve the criminal justice system of this state, the 99321
division of business administration shall apply for, allocate, 99322
disburse, and account for grants that are made available pursuant 99323
to those federal criminal justice acts and grants that are made 99324

available from other federal government sources, state government 99325
sources, or private sources. As used in this division, "criminal 99326
justice system" and "federal criminal justice acts" have the same 99327
meanings as in section 5502.61 of the Revised Code. 99328

(E) Audit the activities of governmental entities, persons as 99329
defined in section 1.59 of the Revised Code, and other types of 99330
nongovernmental entities that are financed in whole or in part by 99331
funds that the department allocates or disburses and that are 99332
derived from grants described in division (D) of this section; 99333

(F) Enter into contracts, including contracts with federal, 99334
state, or local governmental entities, persons as defined in 99335
section 1.59 of the Revised Code, foundations, and other types of 99336
nongovernmental entities, that are necessary for the department to 99337
carry out its duties and that neither the director nor another 99338
section of the Revised Code authorizes another division of the 99339
department to enter; 99340

(G) Exercise other powers and perform other duties that the 99341
director may assign to the division of business administration. 99342

Sec. 5120.135. (A) As used in this section, "laboratory 99343
services" includes the performance of medical laboratory analysis; 99344
professional laboratory and pathologist consultation; the 99345
procurement, storage, and distribution of laboratory supplies; and 99346
the performance of phlebotomy services. 99347

(B) The department of rehabilitation and correction may 99348
provide laboratory services to the departments of ~~mental health~~ 99349
mental health and addiction services, developmental disabilities, 99350
youth services, and rehabilitation and correction. The department 99351
of rehabilitation and correction may also provide laboratory 99352
services to other state, county, or municipal agencies and to 99353
private persons that request laboratory services if the department 99354
of rehabilitation and correction determines that the provision of 99355

laboratory services is in the public interest and considers it 99356
advisable to provide such services. The department of 99357
rehabilitation and correction may also provide laboratory services 99358
to agencies operated by the United States government and to public 99359
and private entities funded in whole or in part by the state if 99360
the director of rehabilitation and correction designates them as 99361
eligible to receive such services. 99362

The department of rehabilitation and correction shall provide 99363
laboratory services from a laboratory that complies with the 99364
standards for certification set by the United States department of 99365
health and human services under the "Clinical Laboratory 99366
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 99367
In addition, the laboratory shall maintain accreditation or 99368
certification with an appropriate accrediting or certifying 99369
organization as considered necessary by the recipients of its 99370
laboratory services and as authorized by the director of 99371
rehabilitation and correction. 99372

(C) The cost of administering this section shall be 99373
determined by the department of rehabilitation and correction and 99374
shall be paid by entities that receive laboratory services to the 99375
department for deposit in the state treasury to the credit of the 99376
laboratory services fund, which is hereby created. The fund shall 99377
be used to pay the costs the department incurs in administering 99378
this section. 99379

(D) Whenever a state agency fails to make a payment for 99380
laboratory services provided to it by the department of 99381
rehabilitation and correction under this section within thirty-one 99382
days after the date the payment was due, the office of budget and 99383
management may transfer moneys from that state agency to the 99384
department of rehabilitation and correction for deposit to the 99385
credit of the laboratory services fund. The amount transferred 99386
shall not exceed the amount of the overdue payments. Prior to 99387

making a transfer under this division, the office shall apply any 99388
credits the state agency has accumulated in payment for laboratory 99389
services provided under this section. 99390

Sec. 5120.17. (A) As used in this section: 99391

(1) "Mental illness" means a substantial disorder of thought, 99392
mood, perception, orientation, or memory that grossly impairs 99393
judgment, behavior, capacity to recognize reality, or ability to 99394
meet the ordinary demands of life. 99395

(2) "Mentally ill person subject to hospitalization" means a 99396
mentally ill person to whom any of the following applies because 99397
of the person's mental illness: 99398

(a) The person represents a substantial risk of physical harm 99399
to the person as manifested by evidence of threats of, or attempts 99400
at, suicide or serious self-inflicted bodily harm. 99401

(b) The person represents a substantial risk of physical harm 99402
to others as manifested by evidence of recent homicidal or other 99403
violent behavior, evidence of recent threats that place another in 99404
reasonable fear of violent behavior and serious physical harm, or 99405
other evidence of present dangerousness. 99406

(c) The person represents a substantial and immediate risk of 99407
serious physical impairment or injury to the person as manifested 99408
by evidence that the person is unable to provide for and is not 99409
providing for the person's basic physical needs because of the 99410
person's mental illness and that appropriate provision for those 99411
needs cannot be made immediately available in the correctional 99412
institution in which the inmate is currently housed. 99413

(d) The person would benefit from treatment in a hospital for 99414
the person's mental illness and is in need of treatment in a 99415
hospital as manifested by evidence of behavior that creates a 99416
grave and imminent risk to substantial rights of others or the 99417

person. 99418

(3) "Psychiatric hospital" means all or part of a facility 99419
that is operated and managed by the department of ~~mental health~~ 99420
mental health and addiction services to provide psychiatric 99421
hospitalization services in accordance with the requirements of 99422
this section pursuant to an agreement between the directors of 99423
rehabilitation and correction and ~~mental health~~ mental health and 99424
addiction services or, is licensed by the department of ~~mental~~ 99425
~~health~~ mental health and addiction services pursuant to section 99426
~~5119.20~~ 5119.33 of the Revised Code as a psychiatric hospital and 99427
is accredited by a ~~healthcare~~ health care accrediting organization 99428
approved by the department of ~~mental health~~ mental health and 99429
addiction services and the psychiatric hospital is any of the 99430
following: 99431

(a) Operated and managed by the department of rehabilitation 99432
and correction within a facility that is operated by the 99433
department of rehabilitation and correction; 99434

(b) Operated and managed by a contractor for the department 99435
of rehabilitation and correction within a facility that is 99436
operated by the department of rehabilitation and correction; 99437

(c) Operated and managed in the community by an entity that 99438
has contracted with the department of rehabilitation and 99439
correction to provide psychiatric hospitalization services in 99440
accordance with the requirements of this section. 99441

(4) "Inmate patient" means an inmate who is admitted to a 99442
psychiatric hospital. 99443

(5) "Admitted" to a psychiatric hospital means being accepted 99444
for and staying at least one night at the psychiatric hospital. 99445

(6) "Treatment plan" means a written statement of reasonable 99446
objectives and goals for an inmate patient that is based on the 99447
needs of the inmate patient and that is established by the 99448

treatment team, with the active participation of the inmate 99449
patient and with documentation of that participation. "Treatment 99450
plan" includes all of the following: 99451

(a) The specific criteria to be used in evaluating progress 99452
toward achieving the objectives and goals; 99453

(b) The services to be provided to the inmate patient during 99454
the inmate patient's hospitalization; 99455

(c) The services to be provided to the inmate patient after 99456
discharge from the hospital, including, but not limited to, 99457
housing and mental health services provided at the state 99458
correctional institution to which the inmate patient returns after 99459
discharge or community mental health services. 99460

(7) "Mentally retarded person subject to institutionalization 99461
by court order" has the same meaning as in section 5123.01 of the 99462
Revised Code. 99463

(8) "Emergency transfer" means the transfer of a mentally ill 99464
inmate to a psychiatric hospital when the inmate presents an 99465
immediate danger to self or others and requires hospital-level 99466
care. 99467

(9) "Uncontested transfer" means the transfer of a mentally 99468
ill inmate to a psychiatric hospital when the inmate has the 99469
mental capacity to, and has waived, the hearing required by 99470
division (B) of this section. 99471

(10)(a) "Independent decision-maker" means a person who is 99472
employed or retained by the department of rehabilitation and 99473
correction and is appointed by the chief or chief clinical officer 99474
of mental health services as a hospitalization hearing officer to 99475
conduct due process hearings. 99476

(b) An independent decision-maker who presides over any 99477
hearing or issues any order pursuant to this section shall be a 99478

psychiatrist, psychologist, or attorney, shall not be specifically 99479
associated with the institution in which the inmate who is the 99480
subject of the hearing or order resides at the time of the hearing 99481
or order, and previously shall not have had any treatment 99482
relationship with nor have represented in any legal proceeding the 99483
inmate who is the subject of the order. 99484

(B)(1) Except as provided in division (C) of this section, if 99485
the warden of a state correctional institution or the warden's 99486
designee believes that an inmate should be transferred from the 99487
institution to a psychiatric hospital, the department shall hold a 99488
hearing to determine whether the inmate is a mentally ill person 99489
subject to hospitalization. The department shall conduct the 99490
hearing at the state correctional institution in which the inmate 99491
is confined, and the department shall provide qualified 99492
independent assistance to the inmate for the hearing. An 99493
independent decision-maker provided by the department shall 99494
preside at the hearing and determine whether the inmate is a 99495
mentally ill person subject to hospitalization. 99496

(2) Except as provided in division (C) of this section, prior 99497
to the hearing held pursuant to division (B)(1) of this section, 99498
the warden or the warden's designee shall give written notice to 99499
the inmate that the department is considering transferring the 99500
inmate to a psychiatric hospital, that it will hold a hearing on 99501
the proposed transfer at which the inmate may be present, that at 99502
the hearing the inmate has the rights described in division (B)(3) 99503
of this section, and that the department will provide qualified 99504
independent assistance to the inmate with respect to the hearing. 99505
The department shall not hold the hearing until the inmate has 99506
received written notice of the proposed transfer and has had 99507
sufficient time to consult with the person appointed by the 99508
department to provide assistance to the inmate and to prepare for 99509
a presentation at the hearing. 99510

(3) At the hearing held pursuant to division (B)(1) of this section, the department shall disclose to the inmate the evidence that it relies upon for the transfer and shall give the inmate an opportunity to be heard. Unless the independent decision-maker finds good cause for not permitting it, the inmate may present documentary evidence and the testimony of witnesses at the hearing and may confront and cross-examine witnesses called by the department.

(4) If the independent decision-maker does not find clear and convincing evidence that the inmate is a mentally ill person subject to hospitalization, the department shall not transfer the inmate to a psychiatric hospital but shall continue to confine the inmate in the same state correctional institution or in another state correctional institution that the department considers appropriate. If the independent decision-maker finds clear and convincing evidence that the inmate is a mentally ill person subject to hospitalization, the decision-maker shall order that the inmate be transported to a psychiatric hospital for observation and treatment for a period of not longer than thirty days. After the hearing, the independent decision-maker shall submit to the department a written decision that states one of the findings described in division (B)(4) of this section, the evidence that the decision-maker relied on in reaching that conclusion, and, if the decision is that the inmate should be transferred, the reasons for the transfer.

(C)(1) The department may transfer an inmate to a psychiatric hospital under an emergency transfer order if the chief clinical officer of mental health services of the department or that officer's designee and either a psychiatrist employed or retained by the department or, in the absence of a psychiatrist, a psychologist employed or retained by the department determines that the inmate is mentally ill, presents an immediate danger to

self or others, and requires hospital-level care. 99543

(2) The department may transfer an inmate to a psychiatric hospital under an uncontested transfer order if both of the following apply: 99544
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99546

(a) A psychiatrist employed or retained by the department determines all of the following apply: 99547
99548

(i) The inmate has a mental illness or is a mentally ill person subject to hospitalization. 99549
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(ii) The inmate requires hospital care to address the mental illness. 99551
99552

(iii) The inmate has the mental capacity to make a reasoned choice regarding the inmate's transfer to a hospital. 99553
99554

(b) The inmate agrees to a transfer to a hospital. 99555

(3) The written notice and the hearing required under divisions (B)(1) and (2) of this section are not required for an emergency transfer or uncontested transfer under division (C)(1) or (2) of this section. 99556
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(4) After an emergency transfer under division (C)(1) of this section, the department shall hold a hearing for continued hospitalization within five working days after admission of the transferred inmate to the psychiatric hospital. The department shall hold subsequent hearings pursuant to division (F) of this section at the same intervals as required for inmate patients who are transported to a psychiatric hospital under division (B)(4) of this section. 99560
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(5) After an uncontested transfer under division (C)(2) of this section, the inmate may withdraw consent to the transfer in writing at any time. Upon the inmate's withdrawal of consent, the hospital shall discharge the inmate, or, within five working days, the department shall hold a hearing for continued hospitalization. 99568
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The department shall hold subsequent hearings pursuant to division 99573
(F) of this section at the same time intervals as required for 99574
inmate patients who are transported to a psychiatric hospital 99575
under division (B)(4) of this section. 99576

(D)(1) If an independent decision-maker, pursuant to division 99577
(B)(4) of this section, orders an inmate transported to a 99578
psychiatric hospital or if an inmate is transferred pursuant to 99579
division (C)(1) or (2) of this section, the staff of the 99580
psychiatric hospital shall examine the inmate patient when 99581
admitted to the psychiatric hospital as soon as practicable after 99582
the inmate patient arrives at the hospital and no later than 99583
twenty-four hours after the time of arrival. The attending 99584
physician responsible for the inmate patient's care shall give the 99585
inmate patient all information necessary to enable the patient to 99586
give a fully informed, intelligent, and knowing consent to the 99587
treatment the inmate patient will receive in the hospital. The 99588
attending physician shall tell the inmate patient the expected 99589
physical and medical consequences of any proposed treatment and 99590
shall give the inmate patient the opportunity to consult with 99591
another psychiatrist at the hospital and with the inmate advisor. 99592

(2) No inmate patient who is transported or transferred 99593
pursuant to division (B)(4) or (C)(1) or (2) of this section to a 99594
psychiatric hospital within a facility that is operated by the 99595
department of rehabilitation and correction shall be subjected to 99596
any of the following procedures: 99597

(a) Convulsive therapy; 99598

(b) Major aversive interventions; 99599

(c) Any unusually hazardous treatment procedures; 99600

(d) Psychosurgery. 99601

(E) The department of rehabilitation and correction shall 99602
ensure that an inmate patient hospitalized pursuant to this 99603

section receives or has all of the following: 99604

(1) Receives sufficient professional care within twenty days 99605
of admission to ensure that an evaluation of the inmate patient's 99606
current status, differential diagnosis, probable prognosis, and 99607
description of the current treatment plan have been formulated and 99608
are stated on the inmate patient's official chart; 99609

(2) Has a written treatment plan consistent with the 99610
evaluation, diagnosis, prognosis, and goals of treatment; 99611

(3) Receives treatment consistent with the treatment plan; 99612

(4) Receives periodic reevaluations of the treatment plan by 99613
the professional staff at intervals not to exceed thirty days; 99614

(5) Is provided with adequate medical treatment for physical 99615
disease or injury; 99616

(6) Receives humane care and treatment, including, without 99617
being limited to, the following: 99618

(a) Access to the facilities and personnel required by the 99619
treatment plan; 99620

(b) A humane psychological and physical environment; 99621

(c) The right to obtain current information concerning the 99622
treatment program, the expected outcomes of treatment, and the 99623
expectations for the inmate patient's participation in the 99624
treatment program in terms that the inmate patient reasonably can 99625
understand; 99626

(d) Opportunity for participation in programs designed to 99627
help the inmate patient acquire the skills needed to work toward 99628
discharge from the psychiatric hospital; 99629

(e) The right to be free from unnecessary or excessive 99630
medication and from unnecessary restraints or isolation; 99631

(f) All other rights afforded inmates in the custody of the 99632

department consistent with rules, policy, and procedure of the 99633
department. 99634

(F) The department shall hold a hearing for the continued 99635
hospitalization of an inmate patient who is transported or 99636
transferred to a psychiatric hospital pursuant to division (B)(4) 99637
or (C)(1) of this section prior to the expiration of the initial 99638
thirty-day period of hospitalization. The department shall hold 99639
any subsequent hearings, if necessary, not later than ninety days 99640
after the first thirty-day hearing and then not later than each 99641
one hundred and eighty days after the immediately prior hearing. 99642
An independent decision-maker shall conduct the hearings at the 99643
psychiatric hospital in which the inmate patient is confined. The 99644
inmate patient shall be afforded all of the rights set forth in 99645
this section for the hearing prior to transfer to the psychiatric 99646
hospital. The department may not waive a hearing for continued 99647
commitment. A hearing for continued commitment is mandatory for an 99648
inmate patient transported or transferred to a psychiatric 99649
hospital pursuant to division (B)(4) or (C)(1) of this section 99650
unless the inmate patient has the capacity to make a reasoned 99651
choice to execute a waiver and waives the hearing in writing. An 99652
inmate patient who is transferred to a psychiatric hospital 99653
pursuant to an uncontested transfer under division (C)(2) of this 99654
section and who has scheduled hearings after withdrawal of consent 99655
for hospitalization may waive any of the scheduled hearings if the 99656
inmate has the capacity to make a reasoned choice and executes a 99657
written waiver of the hearing. 99658

If upon completion of the hearing the independent 99659
decision-maker does not find by clear and convincing evidence that 99660
the inmate patient is a mentally ill person subject to 99661
hospitalization, the independent decision-maker shall order the 99662
inmate patient's discharge from the psychiatric hospital. If the 99663
independent decision-maker finds by clear and convincing evidence 99664

that the inmate patient is a mentally ill person subject to 99665
hospitalization, the independent decision-maker shall order that 99666
the inmate patient remain at the psychiatric hospital for 99667
continued hospitalization until the next required hearing. 99668

If at any time prior to the next required hearing for 99669
continued hospitalization, the medical director of the hospital or 99670
the attending physician determines that the treatment needs of the 99671
inmate patient could be met equally well in an available and 99672
appropriate less restrictive state correctional institution or 99673
unit, the medical director or attending physician may discharge 99674
the inmate to that facility. 99675

(G) An inmate patient is entitled to the credits toward the 99676
reduction of the inmate patient's stated prison term pursuant to 99677
Chapters 2967. and 5120. of the Revised Code under the same terms 99678
and conditions as if the inmate patient were in any other 99679
institution of the department of rehabilitation and correction. 99680

(H) The adult parole authority may place an inmate patient on 99681
parole or under post-release control directly from a psychiatric 99682
hospital. 99683

(I) If an inmate patient who is a mentally ill person subject 99684
to hospitalization is to be released from a psychiatric hospital 99685
because of the expiration of the inmate patient's stated prison 99686
term, the director of rehabilitation and correction or the 99687
director's designee, at least fourteen days before the expiration 99688
date, may file an affidavit under section 5122.11 or 5123.71 of 99689
the Revised Code with the probate court in the county where the 99690
psychiatric hospital is located or the probate court in the county 99691
where the inmate will reside, alleging that the inmate patient is 99692
a mentally ill person subject to hospitalization by court order or 99693
a mentally retarded person subject to institutionalization by 99694
court order, whichever is applicable. The proceedings in the 99695
probate court shall be conducted pursuant to Chapter 5122. or 99696

5123. of the Revised Code except as modified by this division. 99697

Upon the request of the inmate patient, the probate court 99698
shall grant the inmate patient an initial hearing under section 99699
5122.141 of the Revised Code or a probable cause hearing under 99700
section 5123.75 of the Revised Code before the expiration of the 99701
stated prison term. After holding a full hearing, the probate 99702
court shall make a disposition authorized by section 5122.15 or 99703
5123.76 of the Revised Code before the date of the expiration of 99704
the stated prison term. No inmate patient shall be held in the 99705
custody of the department of rehabilitation and correction past 99706
the date of the expiration of the inmate patient's stated prison 99707
term. 99708

(J) The department of rehabilitation and correction shall set 99709
standards for treatment provided to inmate patients. 99710

(K) A certificate, application, record, or report that is 99711
made in compliance with this section and that directly or 99712
indirectly identifies an inmate or former inmate whose 99713
hospitalization has been sought under this section is 99714
confidential. No person shall disclose the contents of any 99715
certificate, application, record, or report of that nature or any 99716
other psychiatric or medical record or report regarding a mentally 99717
ill inmate unless one of the following applies: 99718

(1) The person identified, or the person's legal guardian, if 99719
any, consents to disclosure, and the chief clinical officer or 99720
designee of mental health services of the department of 99721
rehabilitation and correction determines that disclosure is in the 99722
best interests of the person. 99723

(2) Disclosure is required by a court order signed by a 99724
judge. 99725

(3) An inmate patient seeks access to the inmate patient's 99726
own psychiatric and medical records, unless access is specifically 99727

restricted in the treatment plan for clear treatment reasons. 99728

(4) Hospitals and other institutions and facilities within 99729
the department of rehabilitation and correction may exchange 99730
psychiatric records and other pertinent information with other 99731
hospitals, institutions, and facilities of the department, but the 99732
information that may be released about an inmate patient is 99733
limited to medication history, physical health status and history, 99734
summary of course of treatment in the hospital, summary of 99735
treatment needs, and a discharge summary, if any. 99736

(5) An inmate patient's family member who is involved in 99737
planning, providing, and monitoring services to the inmate patient 99738
may receive medication information, a summary of the inmate 99739
patient's diagnosis and prognosis, and a list of the services and 99740
personnel available to assist the inmate patient and family if the 99741
attending physician determines that disclosure would be in the 99742
best interest of the inmate patient. No disclosure shall be made 99743
under this division unless the inmate patient is notified of the 99744
possible disclosure, receives the information to be disclosed, and 99745
does not object to the disclosure. 99746

(6) The department of rehabilitation and correction may 99747
exchange psychiatric hospitalization records, other mental health 99748
treatment records, and other pertinent information with county 99749
sheriffs' offices, hospitals, institutions, and facilities of the 99750
department of ~~mental health~~ mental health and addiction services 99751
and with community mental health ~~agencies~~ services providers and 99752
boards of alcohol, drug addiction, and mental health services with 99753
which the department of ~~mental health~~ mental health and addiction 99754
services has a current agreement for patient care or services to 99755
ensure continuity of care. Disclosure under this division is 99756
limited to records regarding a mentally ill inmate's medication 99757
history, physical health status and history, summary of course of 99758
treatment, summary of treatment needs, and a discharge summary, if 99759

any. No office, department, agency, provider, or board shall 99760
disclose the records and other information unless one of the 99761
following applies: 99762

(a) The mentally ill inmate is notified of the possible 99763
disclosure and consents to the disclosure. 99764

(b) The mentally ill inmate is notified of the possible 99765
disclosure, an attempt to gain the consent of the inmate is made, 99766
and the office, department, agency, or board documents the attempt 99767
to gain consent, the inmate's objections, if any, and the reasons 99768
for disclosure in spite of the inmate's objections. 99769

(7) Information may be disclosed to staff members designated 99770
by the director of rehabilitation and correction for the purpose 99771
of evaluating the quality, effectiveness, and efficiency of 99772
services and determining if the services meet minimum standards. 99773

The name of an inmate patient shall not be retained with the 99774
information obtained during the evaluations. 99775

(L) The director of rehabilitation and correction may adopt 99776
rules setting forth guidelines for the procedures required under 99777
divisions (B), (C)(1), and (C)(2) of this section. 99778

Sec. 5120.171. (A) The department of rehabilitation and 99779
correction shall have exclusive direction and control of the care 99780
and treatment of seriously mentally ill inmates who are in the 99781
department's custody. The department shall enter into any 99782
arrangements it considers desirable on such matters, including but 99783
not limited to both of the following: 99784

(1) The monitoring of such services by another state agency 99785
or agencies; 99786

(2) Adopting joint standards for the provision and monitoring 99787
of mental health services with the department of ~~mental health~~ 99788
mental health and addiction services and other state agencies. 99789

(B) In order to implement its duties imposed by division (A) 99790
of this section, the department of rehabilitation and correction 99791
may enter into a contract for the provision of the mental health 99792
services described in that division. 99793

Sec. 5120.652. To participate in the prison nursery program, 99794
each eligible inmate selected by the department shall do all the 99795
following: 99796

(A) Agree in writing to do all the following: 99797

(1) Comply with any program, educational, counseling, and 99798
other requirements established for the program by the department 99799
of rehabilitation and correction; 99800

(2) If eligible, have the child participate in the medicaid 99801
program or a health insurance program; 99802

(3) Accept the normal risks of childrearing; 99803

(4) Abide by any court decisions regarding the allocation of 99804
parental rights and responsibilities with respect to the child. 99805

(B) Assign to the department any rights to support from any 99806
other person, excluding support assigned pursuant to section 99807
5107.20 of the Revised Code and medical support assigned pursuant 99808
to section ~~5101.59~~ 5160.38 of the Revised Code; 99809

(C) Specify with whom the child is to be placed in the event 99810
the inmate's participation in the program is terminated for a 99811
reason other than release from imprisonment. 99812

Sec. 5120.654. (A) The rights to support assigned by an 99813
inmate pursuant to section 5120.652 of the Revised Code constitute 99814
an obligation of the person who is responsible for providing the 99815
support to the department of rehabilitation and correction for the 99816
support provided the inmate and child pursuant to the prison 99817
nursery program. The division of child support in the department 99818

of job and family services shall collect support payments made 99819
pursuant to the assignment and forward them to the department of 99820
rehabilitation and correction. 99821

(B) The department of rehabilitation and correction may 99822
receive the following: 99823

(1) Money that is assigned or donated on behalf of, and 99824
~~public~~ assistance provided under Ohio works first to, a specific 99825
inmate or child participating in the prison nursery program; 99826

(2) Money assigned or donated to establish and maintain the 99827
prison nursery program. 99828

(C) The amounts described in division (B)(1) of this section 99829
shall be placed in the individual nursery account created and 99830
maintained under section 5120.655 of the Revised Code for the 99831
inmate and child for whom the money was received. The money 99832
described in division (B)(2) of this section shall be deposited in 99833
the appropriate prison nursery program fund. 99834

Sec. 5121.051. All outstanding liability of relatives for the 99835
support of any patient or resident in a benevolent institution 99836
under the control of the department of ~~mental health~~ mental health 99837
and addiction services or the department of developmental 99838
disabilities accrued prior to January 1, 1956, including the 99839
liability of the patient personally, is hereby canceled, provided 99840
that this section does not abrogate any written agreements or 99841
security arrangement for the payment of support charges entered 99842
into between the state and any patient or liable relative prior to 99843
such date. 99844

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of the 99845
Revised Code: 99846

(A) ~~"Community mental health services client" or "client"~~ 99847
~~means a person receiving state-operated community mental health~~ 99848

services.	99849
(B) "Countable assets" means all of the following:	99850
(1) Cash;	99851
(2) Bank deposits;	99852
(3) Securities;	99853
(4) Individual retirement accounts;	99854
(5) Qualified employer plans, including 401(k) and Keogh plans;	99855 99856
(6) Annuities;	99857
(7) Funds in a trust created under section 5815.28 of the Revised Code;	99858 99859
(8) Investment property and income;	99860
(9) The cash surrender values of life insurance policies;	99861
(10) Assets acquired by gift, bequest, devise, or inheritance;	99862 99863
(11) Any other asset determined by the department of mental health <u>mental health and addiction services</u> to be equivalent to the assets enumerated in this division.	99864 99865 99866
(C) <u>(B)</u> "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	99867 99868 99869 99870 99871 99872 99873
(D) <u>(C)</u> "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42	99874 99875 99876 99877

U.S.C. 9902, as amended, for a family size equal to the size of 99878
the family of the person whose income is being determined. 99879

~~(E)~~(D) "Hospital" means an institution, hospital, or other 99880
place established, controlled, or supervised by the department of 99881
~~mental health~~ mental health and addiction services under Chapter 99882
5119. of the Revised Code. 99883

~~(F)~~(E) "Liable relative" means all of the following: 99884

(1) A patient's spouse; 99885

(2) A patient's mother or father, or both, if the patient is 99886
under eighteen years of age; 99887

(3) A patient's guardian. 99888

~~(G)~~(F) "Patient" means a person admitted to a hospital for 99889
inpatient care or treatment, including a person transferred to a 99890
hospital from a state correctional institution or a person under 99891
indictment or conviction who has been transferred to a hospital. 99892

Sec. 5121.32. On an annual basis, the department of ~~mental~~ 99893
~~health~~ mental health and addiction services shall determine both 99894
of the following using generally accepted governmental accounting 99895
principles: 99896

(A) The applicable per diem charge for each hospital operated 99897
by the department; 99898

(B) The ancillary per diem rate for each hospital operated by 99899
the department. 99900

In determining a hospital's applicable per diem charge and 99901
ancillary per diem rate, the department shall consider the average 99902
actual per diem cost of maintaining and treating a patient at the 99903
hospital or, at the department's discretion, the average actual 99904
per diem cost of maintaining and treating a patient in a unit of 99905
the hospital. 99906

Sec. 5121.33. Except as provided in sections 5121.35, 99907
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 99908
Code, the department of ~~mental health~~ mental health and addiction 99909
services shall, for each billing cycle, charge a patient, 99910
patient's estate, or liable relative an amount equal to the sum of 99911
the following: 99912

(A) The applicable per diem charge multiplied by the number 99913
of days the patient was admitted to the hospital; 99914

(B) An amount that was previously billed but not paid. 99915

Sec. 5121.34. (A) A patient, patient's estate, and patient's 99916
liable relatives shall be jointly and severally liable for amounts 99917
charged by the department of ~~mental health~~ mental health and 99918
addiction services in accordance with section 5121.33 or 5121.35 99919
of the Revised Code. In no case shall any of the foregoing persons 99920
be liable for more than one hundred per cent of the full sum 99921
charged under section 5121.33 of the Revised Code. 99922

(B) Collections of support payments shall be made by the 99923
department and, subject to meeting prior requirements for payment 99924
and crediting of such collections and other available receipts, in 99925
accordance with the bond proceedings applicable to obligations 99926
issued pursuant to section 154.20 of the Revised Code. The 99927
collections and other available receipts designated by the 99928
director of ~~mental health~~ mental health and addiction services for 99929
deposit in the special accounts, together with insurance contract 99930
payments provided for in section 5121.43 of the Revised Code, 99931
shall be remitted to the treasurer of state for deposit in the 99932
state treasury to the credit of the mental health operating fund, 99933
which is hereby created, to be used for the general purposes of 99934
the department. The department shall make refunds of overpayment 99935
of support charges from the mental health operating fund. 99936

Sec. 5121.35. The department of ~~mental health~~ mental health and addiction services shall charge a patient, patient's estate, or liable relative an amount discounted from the amount the department charges under section 5121.33 of the Revised Code if the department determines through the application process described in section 5121.36 of the Revised Code or through the financial assessment process described in section 5121.37 of the Revised Code that the patient, estate, or relative is eligible for a discount.

Sec. 5121.36. (A) A patient, patient's estate, or liable relative may apply for a discount by completing an application form prescribed by the director of ~~mental health~~ mental health and addiction services. The department of ~~mental health~~ mental health and addiction services may require a patient, estate, or relative to furnish any of the following with an application form:

(1) A copy of the patient's, estate's, or liable relative's federal income tax return for the year preceding the date of application or, if that is not yet available, the preceding year;

(2) A copy of the patient's, estate's, or liable relative's employee tax withholding return (form W-2) for the year preceding the date of application;

(3) Any other relevant documents prescribed by the director of ~~mental health~~ mental health and addiction services.

(B) To be considered, an application must be submitted to the department not later than ninety days after the date the patient is admitted to a hospital.

(C) From the information provided by a patient, estate, or relative, the department shall determine whether the department will charge the person a discounted amount in accordance with sections 5121.40 and 5121.41 of the Revised Code. In making this

determination, the department shall consider whether the patient 99967
is covered by an insurance policy or other contract that provides 99968
for payment of expenses and treatment for mental illness. If the 99969
department determines that the patient has coverage, the 99970
department shall require payment in accordance with section 99971
5121.43 of the Revised Code. 99972

(D) The department shall notify the patient, executor or 99973
administrator of the patient's estate, or liable relative who 99974
submitted the application form in writing regarding whether that 99975
person will be charged a discounted amount and the per diem rate 99976
to be charged. 99977

(E) In accordance with section 5121.42 of the Revised Code, 99978
the department may, at any time, modify an amount charged or 99979
change the per diem rate to be charged if the department learns of 99980
countable assets or income that was not previously disclosed or 99981
was acquired after the application form was submitted. Within a 99982
reasonable time, the department shall notify in writing any person 99983
affected by a modification or change. 99984

Sec. 5121.37. After a patient's admittance to a hospital, the 99985
department of ~~mental health~~ mental health and addiction services 99986
shall conduct a financial assessment to determine whether the 99987
patient, patient's estate, or liable relative will be charged an 99988
amount discounted from the amount the department charges under 99989
section 5121.33 of the Revised Code. The department shall make the 99990
determination in accordance with sections 5121.40 and 5121.41 of 99991
the Revised Code. 99992

If a discounted rate is to be charged, the department shall 99993
notify the person whose financial condition was assessed. The 99994
notice shall specify the per diem rate to be charged. 99995

In accordance with section 5121.42 of the Revised Code, the 99996
department may, at any time, modify an amount charged or change 99997

the per diem rate to be charged if the department learns of 99998
countable assets or income that was not previously disclosed or 99999
was acquired after the assessment was conducted. Within a 100000
reasonable time, the department shall notify in writing any person 100001
affected by a modification or change. 100002

Sec. 5121.38. The department of ~~mental health~~ mental health 100003
and addiction services may subpoena witnesses, take testimony 100004
under oath, and examine any public records relating to the income 100005
and other assets of a patient or of a relative liable for such 100006
patient's support. All information, conclusions, and 100007
recommendations shall be submitted to the department by the 100008
investigating agent of the department. 100009

Sec. 5121.40. (A) A patient, patient's estate, or liable 100010
relative may be eligible to be charged an amount discounted from 100011
the amount the department of ~~mental health~~ mental health and 100012
addiction services charges under section 5121.33 of the Revised 100013
Code if the patient, estate, or relative has countable assets with 100014
a total value that is not greater than an amount equal to fifty 100015
per cent of the difference between the following: 100016

(1) The gross annual income that corresponds with a family 100017
size of two persons at one hundred per cent of the federal poverty 100018
level for the state; 100019

(2) The gross annual income that corresponds with a family 100020
size of one person at one hundred per cent of the federal poverty 100021
level for the state. For purposes of determining family size, the 100022
patient is one dependent. One additional dependent shall be 100023
included for each of the following circumstances and persons: 100024

(a) The patient or liable relative is legally blind or deaf. 100025

(b) The patient or liable relative is ~~of~~ sixty-five years of 100026
age or older. 100027

(c) Each child under eighteen years of age for which the patient or liable relative has legal custody; 100028
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(d) The patient's or liable relative's spouse. 100030

(B) A patient, estate, or relative may, not later than ninety days after the patient's admission to a hospital, surrender the value of countable assets sufficient to reduce countable assets to not more than the limit described in division (A) of this section. 100031
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Sec. 5121.42. (A) Except as provided in division (B) of this section, a patient, patient's estate, or liable relative shall cease to be eligible for a discount under ~~sections~~ section 5121.36 or 5121.37 of the Revised Code on accumulation of countable assets in excess of an amount equal to fifty per cent of the difference between the following: 100035
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(1) The gross annual income that corresponds with a family size of two persons at one hundred per cent of the federal poverty level for the state; 100041
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(2) The gross annual income that corresponds with a family size of one person at one hundred per cent of the federal poverty level for the state. 100044
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(B) Money needed to meet the patient's needs and burial fund as determined by a needs assessment conducted by the department of ~~mental health~~ mental health and addiction services pursuant to rules adopted under section ~~5119.01~~ 5119.10 of the Revised Code shall be excluded from any determination the department makes under division (A) of this section. 100047
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Sec. 5121.43. If a patient is covered by an insurance policy or other contract that provides for payment of expenses for care and treatment for mental illness at or from a hospital under the jurisdiction of the department of ~~mental health~~ mental health and addiction services, sections 5121.33 to 5121.55 of the Revised 100053
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Code are inapplicable to the extent that the policy or contract is 100058
in force. Any insurance carrier or other third party payor 100059
providing coverage for such care and treatment shall pay for the 100060
patient's support obligation in amounts equal to the lesser of 100061
amounts charged by the department under section 5121.33 of the 100062
Revised Code or the benefits provided under the policy or other 100063
contract. Whether or not an insured, owner of, or other person 100064
having an interest in such policy or other contract is liable for 100065
support payments, the insured, policy owner, or other person shall 100066
assign payment directly to the department of all assignable 100067
benefits under the policy or other contract and shall pay to the 100068
department, within ten days of receipt, all insurance or other 100069
benefits received as reimbursement or payment for expenses 100070
incurred by the patient or for any other reason. If the insured, 100071
policy owner, or other person refuses to assign payment to the 100072
department or refuses to pay received reimbursements or payments 100073
to the department within ten days of receipt, the total liability 100074
of the insured, policy owner, or other person for the services is 100075
an amount equal to the per diem charge for the hospital where the 100076
patient was admitted multiplied by the number of days the patient 100077
was admitted. 100078

In no event shall this total liability exceed the 100079
department's actual cost of providing care and treatment to a 100080
patient. The department may disqualify patients and liable 100081
relatives who have retained third party funds from future 100082
discounts. The department may request that the attorney general 100083
petition a court of competent jurisdiction to compel the insured, 100084
owner of, or other person having an interest in the policy or 100085
contract to comply with the assignment requirements in this 100086
section. 100087

Sec. 5121.44. The department of ~~mental health~~ mental health 100088

and addiction services may enter into an extended payment 100089
agreement with a patient, patient's estate, or liable relative who 100090
has notified the department that the patient, estate, or relative 100091
cannot reasonably pay an amount the department has charged. In no 100092
case shall the department take a security interest, mortgage, or 100093
lien against the principal family residence of a patient or liable 100094
relative. 100095

Sec. 5121.45. (A) For purposes of this section, "delinquent 100096
payment" means an amount owed by a patient, patient's estate, or 100097
liable relative to the department of ~~mental health~~ mental health 100098
and addiction services for which the person has failed to do 100099
either of the following not later than ninety days after the 100100
service associated with the charge was incurred: 100101

(1) Make payment in full; 100102

(2) Make a payment in accordance with the terms of an 100103
agreement entered into under section 5121.44 of the Revised Code. 100104

(B) An action to enforce the collection of a delinquent 100105
payment shall be commenced not later than six years after the 100106
later of the following: 100107

(1) The last date the department received money to satisfy 100108
the delinquent payment; 100109

(2) The date the charge was due. 100110

(C) In all actions to enforce the collection of delinquent 100111
payments, a court of record shall receive into evidence the proof 100112
of claim document made by the state together with all debts and 100113
credits. The proof of claim document shall be prima-facie evidence 100114
of the facts stated in the document. 100115

Sec. 5121.46. The department of ~~mental health~~ mental health 100116
and addiction services shall not charge a liable relative under 100117

sections 5121.33 and 5121.35 of the Revised Code who has done 100118
either of the following: 100119

(A) Paid all amounts charged by the department for the care 100120
and treatment of a particular patient for fifteen consecutive 100121
years; 100122

(B) Paid amounts charged by the department for the care and 100123
treatment of more than one patient for a total of fifteen 100124
consecutive years. 100125

Sec. 5121.47. Irrespective of the number of patients for 100126
which the department of ~~mental health~~ mental health and addiction 100127
services may charge a liable relative under sections 5121.33 ~~or~~ 100128
and 5121.35 of the Revised Code, the department shall not charge a 100129
liable relative or group of liable relatives who are members of 100130
the same family unit for the support of more than one patient 100131
during the same period of time. 100132

Sec. 5121.49. (A) Any person who has been charged under 100133
section 5121.33 or 5121.35 of the Revised Code may petition the 100134
department of ~~mental health~~ mental health and addiction services 100135
to do the following: 100136

(1) Release the person from a charge; 100137

(2) Modify or cancel a charge. 100138

(B) The department shall respond to a petition in writing and 100139
inform the petitioner of whether a release, modification, or 100140
cancellation has been approved. 100141

Sec. 5121.50. When a patient is committed to a hospital 100142
pursuant to judicial proceedings, the judge ordering the 100143
commitment shall: 100144

(A) Make a reliable report on the financial condition of the 100145

patient and of each liable relative, as provided in rules adopted 100146
by the director of ~~mental health~~ mental health and addiction 100147
services; 100148

(B) Certify the report required under division (A) of this 100149
section to the managing officer of the hospital. The managing 100150
officer shall thereupon enter in the managing officer's records 100151
the name and address of any guardian appointed and of any relative 100152
liable for the patient's support. 100153

Sec. 5121.51. In case the estate of any patient in a hospital 100154
is sufficient for the patient's support and no guardian has been 100155
appointed for such estate, the agent of the department of ~~mental~~ 100156
~~health~~ mental health and addiction services shall petition the 100157
probate court of the proper county to appoint a guardian. 100158

Sec. 5121.52. On the death of a person who is a patient, or 100159
has been a patient in a hospital, or on the death of a person 100160
responsible under section 5121.34 of the Revised Code for the 100161
support of a patient, the department of ~~mental health~~ mental 100162
health and addiction services may waive the presentation of any 100163
claim for support against the estate of such decedent, when in its 100164
judgment an otherwise dependent person will be directly benefited 100165
by the estate. Claims against an estate for support of a patient 100166
are subject to section 5815.28 and Chapter 2117. of the Revised 100167
Code, and shall be treated, and may be barred, the same as the 100168
claims of other creditors of the estate, pursuant to that section 100169
or chapter. 100170

The department of ~~mental health~~ mental health and addiction 100171
services may accept from a guardian or trustee of a patient a 100172
contract agreeing to pay to the state from the property of the 100173
guardian's or trustee's ward before or at the death of the ward a 100174
fixed annual amount for the support of the ward while the ward is 100175

a patient, with interest at four per cent per annum. A copy of the 100176
contract shall be filed in the probate court of the proper county 100177
and duly entered as a part of the records concerning the ward. 100178

Sec. 5121.55. The cost for support of a client of 100179
state-operated community mental health services is an amount 100180
determined using guidelines the department of ~~mental health~~ mental 100181
health and addiction services shall issue. The guidelines shall be 100182
based on cost findings and rate-settings applicable to such 100183
services. 100184

Sec. 5122.01. As used in this chapter and Chapter 5119. of 100185
the Revised Code: 100186

(A) "Mental illness" means a substantial disorder of thought, 100187
mood, perception, orientation, or memory that grossly impairs 100188
judgment, behavior, capacity to recognize reality, or ability to 100189
meet the ordinary demands of life. 100190

(B) "Mentally ill person subject to hospitalization by court 100191
order" means a mentally ill person who, because of the person's 100192
illness: 100193

(1) Represents a substantial risk of physical harm to self as 100194
manifested by evidence of threats of, or attempts at, suicide or 100195
serious self-inflicted bodily harm; 100196

(2) Represents a substantial risk of physical harm to others 100197
as manifested by evidence of recent homicidal or other violent 100198
behavior, evidence of recent threats that place another in 100199
reasonable fear of violent behavior and serious physical harm, or 100200
other evidence of present dangerousness; 100201

(3) Represents a substantial and immediate risk of serious 100202
physical impairment or injury to self as manifested by evidence 100203
that the person is unable to provide for and is not providing for 100204
the person's basic physical needs because of the person's mental 100205

illness and that appropriate provision for those needs cannot be made immediately available in the community; or

(4) Would benefit from treatment in a hospital for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person.

(C)(1) "Patient" means, subject to division (C)(2) of this section, a person who is admitted either voluntarily or involuntarily to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter, who is under observation or receiving treatment in such place.

(2) "Patient" does not include a person admitted to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to patient, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(D) "Licensed physician" means a person licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of the person's official duties.

(E) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American medical association, the committee on post-graduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who on July 1, 1989, has been recognized as a psychiatrist by the Ohio state medical association or the Ohio osteopathic association on the

basis of formal training and five or more years of medical practice limited to psychiatry. 100237
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(F) "Hospital" means a hospital or inpatient unit licensed by the department of ~~mental health~~ mental health and addiction services under section ~~5119.20~~ 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code. 100239
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(G) "Public hospital" means a facility that is tax-supported and under the jurisdiction of the department of ~~mental health~~ mental health and addiction services. 100245
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(H) "Community mental health ~~agency~~ services provider" means an agency, association, corporation, individual, or program that provides community mental health services that are certified by the director of ~~mental health~~ mental health and addiction services under section ~~5119.611~~ 5119.36 of the Revised Code. 100248
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(I) "Licensed clinical psychologist" means a person who holds a current valid psychologist license issued under section 4732.12 or 4732.15 of the Revised Code, and in addition, meets either of the following criteria: 100253
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(1) Meets the educational requirements set forth in division (B) of section 4732.10 of the Revised Code and has a minimum of two years' full-time professional experience, or the equivalent as determined by rule of the state board of psychology, at least one year of which shall be a predoctoral internship, in clinical psychological work in a public or private hospital or clinic or in private practice, diagnosing and treating problems of mental illness or mental retardation under the supervision of a psychologist who is licensed or who holds a diploma issued by the American board of professional psychology, or whose qualifications are substantially similar to those required for licensure by the 100257
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state board of psychology when the supervision has occurred prior 100268
to enactment of laws governing the practice of psychology; 100269

(2) Meets the educational requirements set forth in division 100270
(B) of section 4732.15 of the Revised Code and has a minimum of 100271
four years' full-time professional experience, or the equivalent 100272
as determined by rule of the state board of psychology, in 100273
clinical psychological work in a public or private hospital or 100274
clinic or in private practice, diagnosing and treating problems of 100275
mental illness or mental retardation under supervision, as set 100276
forth in division (I)(1) of this section. 100277

(J) "Health officer" means any public health physician; 100278
public health nurse; or other person authorized by or designated 100279
by a city health district; a general health district; or a board 100280
of alcohol, drug addiction, and mental health services to perform 100281
the duties of a health officer under this chapter. 100282

(K) "Chief clinical officer" means the medical director of a 100283
hospital, or a community mental health ~~agency~~ services provider, 100284
or a board of alcohol, drug addiction, and mental health services, 100285
or, if there is no medical director, the licensed physician 100286
responsible for the treatment a hospital or community mental 100287
health ~~agency~~ services provider provides. The chief clinical 100288
officer may delegate to the attending physician responsible for a 100289
patient's care the duties imposed on the chief clinical officer by 100290
this chapter. Within a community mental health ~~agency~~ services 100291
provider, the chief clinical officer shall be designated by the 100292
governing body of the ~~agency~~ services provider and shall be a 100293
licensed physician or licensed clinical psychologist who 100294
supervises diagnostic and treatment services. A licensed physician 100295
or licensed clinical psychologist designated by the chief clinical 100296
officer may perform the duties and accept the responsibilities of 100297
the chief clinical officer in the chief clinical officer's 100298
absence. 100299

(L) "Working day" or "court day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday.	100300 100301 100302
(M) "Indigent" means unable without deprivation of satisfaction of basic needs to provide for the payment of an attorney and other necessary expenses of legal representation, including expert testimony.	100303 100304 100305 100306
(N) "Respondent" means the person whose detention, commitment, hospitalization, continued hospitalization or commitment, or discharge is being sought in any proceeding under this chapter.	100307 100308 100309 100310
(O) "Ohio protection and advocacy system" has the same meaning as in section 5123.60 of the Revised Code.	100311 100312
(P) "Independent expert evaluation" means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed physician who has been selected by the respondent or the respondent's counsel and who consents to conducting the evaluation.	100313 100314 100315 100316 100317
(Q) "Court" means the probate division of the court of common pleas.	100318 100319
(R) "Expunge" means:	100320
(1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references;	100321 100322
(2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court;	100323 100324 100325
(3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person;	100326 100327 100328
(4) That all rights and privileges are restored, and that the	100329

person, the court, and any other person may properly reply that no such record exists, as to any matter expunged.

(S) "Residence" means a person's physical presence in a county with intent to remain there, except that:

(1) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, residence means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(2) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, residence means the county where the criminal charges were filed.

When the residence of a person is disputed, the matter of residence shall be referred to the department of ~~mental health~~ mental health and addiction services for investigation and determination. Residence shall not be a basis for a board's denying services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(T) "Admission" to a hospital or other place means that a patient is accepted for and stays at least one night at the hospital or other place.

(U) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(V) "Treatment plan" means a written statement of reasonable

objectives and goals for an individual established by the 100361
treatment team, with specific criteria to evaluate progress 100362
towards achieving those objectives. The active participation of 100363
the patient in establishing the objectives and goals shall be 100364
documented. The treatment plan shall be based on patient needs and 100365
include services to be provided to the patient while the patient 100366
is hospitalized and after the patient is discharged. The treatment 100367
plan shall address services to be provided upon discharge, 100368
including but not limited to housing, financial, and vocational 100369
services. 100370

(W) "Community control sanction" has the same meaning as in 100371
section 2929.01 of the Revised Code. 100372

(X) "Post-release control sanction" has the same meaning as 100373
in section 2967.01 of the Revised Code. 100374

Sec. 5122.03. A patient admitted under section 5122.02 of the 100375
Revised Code who requests release in writing, or whose release is 100376
requested in writing by the patient's counsel, legal guardian, 100377
parent, spouse, or adult next of kin shall be released forthwith, 100378
except that when: 100379

(A) The patient was admitted on the patient's own application 100380
and the request for release is made by a person other than the 100381
patient, release may be conditional upon the agreement of the 100382
patient; or 100383

(B) The chief clinical officer of the hospital, within three 100384
court days from the receipt of the request for release, files or 100385
causes to be filed with the court of the county where the patient 100386
is hospitalized or of the county where the patient is a resident, 100387
an affidavit under section 5122.11 of the Revised Code. Release 100388
may be postponed until the hearing held under section 5122.141 of 100389
the Revised Code. A telephone communication within three court 100390
days from the receipt of the request for release from the chief 100391

clinical officer to the court, indicating that the required 100392
affidavit has been mailed, is sufficient compliance with the time 100393
limit for filing such affidavit. 100394

Unless the patient is released within three days from the 100395
receipt of the request by the chief clinical officer, the request 100396
shall serve as a request for an initial hearing under section 100397
5122.141 of the Revised Code. If the court finds that the patient 100398
is a mentally ill person subject to hospitalization by court 100399
order, all provisions of this chapter with respect to involuntary 100400
hospitalization apply to such person. 100401

Judicial proceedings for hospitalization shall not be 100402
commenced with respect to a voluntary patient except pursuant to 100403
this section. 100404

Sections 5121.30 to 5121.56 of the Revised Code apply to 100405
persons received in a hospital operated by the department of 100406
~~mental health~~ mental health and addiction services on a voluntary 100407
application. 100408

The chief clinical officer of the hospital shall provide 100409
reasonable means and arrangements for informing patients of their 100410
rights to release as provided in this section and for assisting 100411
them in making and presenting requests for release or for a 100412
hearing under section 5122.141 of the Revised Code. 100413

Before a patient is released from a public hospital, the 100414
chief clinical officer shall, when possible, notify the board of 100415
the patient's county of residence of the patient's pending release 100416
after the chief clinical officer has informed the patient that the 100417
board will be so notified. 100418

Sec. 5122.10. Any psychiatrist, licensed clinical 100419
psychologist, licensed physician, health officer, parole officer, 100420
police officer, or sheriff may take a person into custody, or the 100421

chief of the adult parole authority or a parole or probation 100422
officer with the approval of the chief of the authority may take a 100423
parolee, an offender under a community control sanction or a 100424
post-release control sanction, or an offender under transitional 100425
control into custody and may immediately transport the parolee, 100426
offender on community control or post-release control, or offender 100427
under transitional control to a hospital or, notwithstanding 100428
section ~~5119.20~~ 5119.33 of the Revised Code, to a general hospital 100429
not licensed by the department of ~~mental health~~ mental health and
addiction services where the parolee, offender on community 100430
control or post-release control, or offender under transitional 100431
control may be held for the period prescribed in this section, if 100432
the psychiatrist, licensed clinical psychologist, licensed 100433
physician, health officer, parole officer, police officer, or 100434
sheriff has reason to believe that the person is a mentally ill 100435
person subject to hospitalization by court order under division 100436
(B) of section 5122.01 of the Revised Code, and represents a 100437
substantial risk of physical harm to self or others if allowed to 100438
remain at liberty pending examination. 100439
100440

A written statement shall be given to such hospital by the 100441
transporting psychiatrist, licensed clinical psychologist, 100442
licensed physician, health officer, parole officer, police 100443
officer, chief of the adult parole authority, parole or probation 100444
officer, or sheriff stating the circumstances under which such 100445
person was taken into custody and the reasons for the 100446
psychiatrist's, licensed clinical psychologist's, licensed 100447
physician's, health officer's, parole officer's, police officer's, 100448
chief of the adult parole authority's, parole or probation 100449
officer's, or sheriff's belief. This statement shall be made 100450
available to the respondent or the respondent's attorney upon 100451
request of either. 100452

Every reasonable and appropriate effort shall be made to take 100453

persons into custody in the least conspicuous manner possible. A 100454
person taking the respondent into custody pursuant to this section 100455
shall explain to the respondent: the name, and professional 100456
designation, and ~~agency~~ affiliation of the person taking the 100457
respondent into custody; that the custody-taking is not a criminal 100458
arrest; and that the person is being taken for examination by 100459
mental health professionals at a specified mental health facility 100460
identified by name. 100461

If a person taken into custody under this section is 100462
transported to a general hospital, the general hospital may admit 100463
the person, or provide care and treatment for the person, or both, 100464
notwithstanding section ~~5119.20~~ 5119.33 of the Revised Code, but 100465
by the end of twenty-four hours after arrival at the general 100466
hospital, the person shall be transferred to a hospital as defined 100467
in section 5122.01 of the Revised Code. 100468

A person transported or transferred to a hospital or 100469
community mental health ~~agency~~ services provider under this 100470
section shall be examined by the staff of the hospital or ~~agency~~ 100471
services provider within twenty-four hours after arrival at the 100472
hospital or ~~agency~~ services provider. If to conduct the 100473
examination requires that the person remain overnight, the 100474
hospital or ~~agency~~ services provider shall admit the person in an 100475
unclassified status until making a disposition under this section. 100476
After the examination, if the chief clinical officer of the 100477
hospital or ~~agency~~ services provider believes that the person is 100478
not a mentally ill person subject to hospitalization by court 100479
order, the chief clinical officer shall release or discharge the 100480
person immediately unless a court has issued a temporary order of 100481
detention applicable to the person under section 5122.11 of the 100482
Revised Code. After the examination, if the chief clinical officer 100483
believes that the person is a mentally ill person subject to 100484
hospitalization by court order, the chief clinical officer may 100485

detain the person for not more than three court days following the 100486
day of the examination and during such period admit the person as 100487
a voluntary patient under section 5122.02 of the Revised Code or 100488
file an affidavit under section 5122.11 of the Revised Code. If 100489
neither action is taken and a court has not otherwise issued a 100490
temporary order of detention applicable to the person under 100491
section 5122.11 of the Revised Code, the chief clinical officer 100492
shall discharge the person at the end of the three-day period 100493
unless the person has been sentenced to the department of 100494
rehabilitation and correction and has not been released from the 100495
person's sentence, in which case the person shall be returned to 100496
that department. 100497

Sec. 5122.11. Proceedings for the hospitalization of a person 100498
pursuant to sections 5122.11 to 5122.15 of the Revised Code shall 100499
be commenced by the filing of an affidavit in the manner and form 100500
prescribed by the department of ~~mental health~~ mental health and 100501
addiction services, by any person or persons with the court, 100502
either on reliable information or actual knowledge, whichever is 100503
determined to be proper by the court. This section does not apply 100504
to the hospitalization of a person pursuant to section 2945.39, 100505
2945.40, 2945.401, or 2945.402 of the Revised Code. 100506

The affidavit shall contain an allegation setting forth the 100507
specific category or categories under division (B) of section 100508
5122.01 of the Revised Code upon which the jurisdiction of the 100509
court is based and a statement of alleged facts sufficient to 100510
indicate probable cause to believe that the person is a mentally 100511
ill person subject to hospitalization by court order. The 100512
affidavit may be accompanied, or the court may require that the 100513
affidavit be accompanied, by a certificate of a psychiatrist, or a 100514
certificate signed by a licensed clinical psychologist and a 100515
certificate signed by a licensed physician stating that the person 100516
who issued the certificate has examined the person and is of the 100517

opinion that the person is a mentally ill person subject to 100518
hospitalization by court order, or shall be accompanied by a 100519
written statement by the applicant, under oath, that the person 100520
has refused to submit to an examination by a psychiatrist, or by a 100521
licensed clinical psychologist and licensed physician. 100522

Upon receipt of the affidavit, if a judge of the court or a 100523
referee who is an attorney at law appointed by the court has 100524
probable cause to believe that the person named in the affidavit 100525
is a mentally ill person subject to hospitalization by court 100526
order, the judge or referee may issue a temporary order of 100527
detention ordering any health or police officer or sheriff to take 100528
into custody and transport the person to a hospital or other place 100529
designated in section 5122.17 of the Revised Code, or may set the 100530
matter for further hearing. 100531

The person may be observed and treated until the hearing 100532
provided for in section 5122.141 of the Revised Code. If no such 100533
hearing is held, the person may be observed and treated until the 100534
hearing provided for in section 5122.15 of the Revised Code. 100535

Sec. 5122.12. After receipt of the affidavit required by 100536
section 5122.11 of the Revised Code, the court shall cause written 100537
notice by mail or otherwise of any hearing as the court directs to 100538
be given to the following persons: 100539

(A) The respondent; 100540

(B) The respondent's legal guardian, if any, the respondent's 100541
spouse, if any, and the respondent's parents, if the respondent is 100542
a minor, if these persons' addresses are known to the court or can 100543
be obtained through exercise of reasonable diligence; 100544

(C) The person who filed the affidavit; 100545

(D) Any one person designated by the respondent; but if the 100546
respondent does not make a selection, the notice shall be sent to 100547

the adult next of kin other than the person who filed the 100548
affidavit if that person's address is known to the court or can be 100549
obtained through exercise of reasonable diligence; 100550

(E) The respondent's counsel; 100551

(F) The director, chief clinical officer, or the respective 100552
designee of the hospital, board, ~~agency~~ community mental health 100553
services provider, or facility to which the person has been 100554
committed; 100555

(G) The board of alcohol, drug addiction, and mental health 100556
services serving the respondent's county of residence or ~~an agency~~ 100557
a services provider the board designates. 100558

Any person entitled to notice under this section, with the 100559
exception of the respondent, may waive the notice. 100560

A copy of the affidavit and temporary order of detention 100561
shall be served with the notice to the parties and to respondent's 100562
counsel, if counsel has been appointed or retained. 100563

Sec. 5122.13. Upon receipt of the affidavit required by 100564
section 5122.11 of the Revised Code, the court shall refer the 100565
affidavit to the board of alcohol, drug addiction, and mental 100566
health services or ~~an agency~~ community mental health services 100567
provider the board designates to assist the court in determining 100568
whether the respondent is subject to hospitalization and whether 100569
alternative services are available, unless the ~~agency~~ services 100570
provider or board has already performed such screening. The board 100571
or ~~agency~~ services provider shall review the allegations of the 100572
affidavit and other information relating to whether or not the 100573
person named in the affidavit or statement is a mentally ill 100574
person subject to hospitalization by court order, and the 100575
availability of appropriate treatment alternatives. 100576

The person who conducts the investigation shall promptly make 100577

a report to the court, in writing, in open court or in chambers, 100578
as directed by the court and a full record of the report shall be 100579
made by the court. The report is not admissible as evidence for 100580
the purpose of establishing whether or not the respondent is a 100581
mentally ill person subject to hospitalization by court order, but 100582
shall be considered by the court in its determination of an 100583
appropriate placement for any person after that person is found to 100584
be a mentally ill person subject to hospitalization. 100585

The court, prior to the hearing under section 5122.141 of the 100586
Revised Code, shall release a copy of the investigative report to 100587
the respondent's counsel. 100588

Nothing in this section precludes a judge or referee from 100589
issuing a temporary order of detention pursuant to section 5122.11 100590
of the Revised Code. 100591

Sec. 5122.15. (A) Full hearings shall be conducted in a 100592
manner consistent with this chapter and with due process of law. 100593
The hearings shall be conducted by a judge of the probate court or 100594
a referee designated by a judge of the probate court and may be 100595
conducted in or out of the county in which the respondent is held. 100596
Any referee designated under this division shall be an attorney. 100597

(1) With the consent of the respondent, the following shall 100598
be made available to counsel for the respondent: 100599

(a) All relevant documents, information, and evidence in the 100600
custody or control of the state or prosecutor; 100601

(b) All relevant documents, information, and evidence in the 100602
custody or control of the hospital in which the respondent 100603
currently is held, or in which the respondent has been held 100604
pursuant to this chapter; 100605

(c) All relevant documents, information, and evidence in the 100606
custody or control of any hospital, facility, or person not 100607

included in division (A)(1)(a) or (b) of this section. 100608

(2) The respondent has the right to attend the hearing and to 100609
be represented by counsel of the respondent's choice. The right to 100610
attend the hearing may be waived only by the respondent or counsel 100611
for the respondent after consultation with the respondent. 100612

(3) If the respondent is not represented by counsel, is 100613
absent from the hearing, and has not validly waived the right to 100614
counsel, the court shall appoint counsel immediately to represent 100615
the respondent at the hearing, reserving the right to tax costs of 100616
appointed counsel to the respondent, unless it is shown that the 100617
respondent is indigent. If the court appoints counsel, or if the 100618
court determines that the evidence relevant to the respondent's 100619
absence does not justify the absence, the court shall continue the 100620
case. 100621

(4) The respondent shall be informed that the respondent may 100622
retain counsel and have independent expert evaluation. If the 100623
respondent is unable to obtain an attorney, the respondent shall 100624
be represented by court-appointed counsel. If the respondent is 100625
indigent, court-appointed counsel and independent expert 100626
evaluation shall be provided as an expense under section 5122.43 100627
of the Revised Code. 100628

(5) The hearing shall be closed to the public, unless counsel 100629
for the respondent, with the permission of the respondent, 100630
requests that the hearing be open to the public. 100631

(6) If the hearing is closed to the public, the court, for 100632
good cause shown, may admit persons who have a legitimate interest 100633
in the proceedings. If the respondent, the respondent's counsel, 100634
or the designee of the director or of the chief clinical officer 100635
objects to the admission of any person, the court shall hear the 100636
objection and any opposing argument and shall rule upon the 100637
admission of the person to the hearing. 100638

(7) The affiant under section 5122.11 of the Revised Code shall be subject to subpoena by either party. 100639
100640

(8) The court shall examine the sufficiency of all documents filed and shall inform the respondent, if present, and the respondent's counsel of the nature and content of the documents and the reason for which the respondent is being detained, or for which the respondent's placement is being sought. 100641
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(9) The court shall receive only reliable, competent, and material evidence. 100646
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(10) Unless proceedings are initiated pursuant to section 5120.17 or 5139.08 of the Revised Code ~~or proceedings are initiated regarding a resident of the service district of a board of alcohol, drug addiction, and mental health services that elects under division (C)(2) of section 5119.62 of the Revised Code not to accept the amount allocated to it under that section,~~ an attorney that the board designates shall present the case demonstrating that the respondent is a mentally ill person subject to hospitalization by court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive treatment plans, if any. In proceedings pursuant to section 5120.17 or 5139.08 of the Revised Code ~~and in proceedings in which the respondent is a resident of a service district of a board that elects under division (C)(2) of section 5119.62 of the Revised Code not to accept the amount allocated to it under that section,~~ the attorney general shall designate an attorney who shall present the case demonstrating that the respondent is a mentally ill person subject to hospitalization by court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive treatment plans, if any. 100648
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(11) The respondent or the respondent's counsel has the right to subpoena witnesses and documents and to examine and 100669
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cross-examine witnesses. 100671

(12) The respondent has the right, but shall not be 100672
compelled, to testify, and shall be so advised by the court. 100673

(13) On motion of the respondent or the respondent's counsel 100674
for good cause shown, or on the court's own motion, the court may 100675
order a continuance of the hearing. 100676

(14) If the respondent is represented by counsel and the 100677
respondent's counsel requests a transcript and record, or if the 100678
respondent is not represented by counsel, the court shall make and 100679
maintain a full transcript and record of the proceeding. If the 100680
respondent is indigent and the transcript and record is made, a 100681
copy shall be provided to the respondent upon request and be 100682
treated as an expense under section 5122.43 of the Revised Code. 100683

(15) To the extent not inconsistent with this chapter, the 100684
Rules of Civil Procedure are applicable. 100685

(B) Unless, upon completion of the hearing the court finds by 100686
clear and convincing evidence that the respondent is a mentally 100687
ill person subject to hospitalization by court order, it shall 100688
order the respondent's discharge immediately. 100689

(C) If, upon completion of the hearing, the court finds by 100690
clear and convincing evidence that the respondent is a mentally 100691
ill person subject to hospitalization by court order, the court 100692
shall order the respondent for a period not to exceed ninety days 100693
to any of the following: 100694

(1) A hospital operated by the department of ~~mental health~~ 100695
mental health and addiction services if the respondent is 100696
committed pursuant to section 5139.08 of the Revised Code; 100697

(2) A nonpublic hospital; 100698

(3) The veterans' administration or other agency of the 100699
United States government; 100700

(4) A board of alcohol, drug addiction, and mental health services or agency services provider the board designates; 100701
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(5) Receive private psychiatric or psychological care and treatment; 100703
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(6) Any other suitable facility or person consistent with the diagnosis, prognosis, and treatment needs of the respondent. 100705
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(D) Any order made pursuant to division (C)(2), (3), (5), or (6) of this section shall be conditioned upon the receipt by the court of consent by the hospital, facility, agency, or person to accept the respondent. 100707
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(E) In determining the place to which, or the person with whom, the respondent is to be committed, the court shall consider the diagnosis, prognosis, preferences of the respondent and the projected treatment plan for the respondent and shall order the implementation of the least restrictive alternative available and consistent with treatment goals. If the court determines that the least restrictive alternative available that is consistent with treatment goals is inpatient hospitalization, the court's order shall so state. 100711
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(F) During such ninety-day period the hospital; facility; board of alcohol, drug addiction, and mental health services; agency services provider the board designates; or person shall examine and treat the individual. If, at any time prior to the expiration of the ninety-day period, it is determined by the hospital, facility, board, agency services provider, or person that the respondent's treatment needs could be equally well met in an available and appropriate less restrictive environment, both of the following apply: 100720
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(1) The respondent shall be released from the care of the hospital, agency services provider, facility, or person immediately and shall be referred to the court together with a 100729
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report of the findings and recommendations of the hospital, ~~agency~~ 100732
services provider, facility, or person; and 100733

(2) The hospital, ~~agency~~ services provider, facility, or 100734
person shall notify the respondent's counsel or the attorney 100735
designated by a board of alcohol, drug addiction, and mental 100736
health services or, if the respondent was committed to a board or 100737
~~an agency~~ a services provider designated by the board, it shall 100738
place the respondent in the least restrictive environment 100739
available consistent with treatment goals and notify the court and 100740
the respondent's counsel of the placement. 100741

The court shall dismiss the case or order placement in the 100742
least restrictive environment. 100743

(G)(1) Except as provided in divisions (G)(2) and (3) of this 100744
section, any person who has been committed under this section, or 100745
for whom proceedings for hospitalization have been commenced 100746
pursuant to section 5122.11 of the Revised Code, may apply at any 100747
time for voluntary admission to the hospital, facility, ~~agency~~ or 100748
services provider that the board designates, or person to which 100749
the person was committed. Upon admission as a voluntary patient 100750
the chief clinical officer of the hospital, ~~agency~~ services 100751
provider, or other facility, or the person immediately shall 100752
notify the court, the patient's counsel, and the attorney 100753
designated by the board, if the attorney has entered the 100754
proceedings, in writing of that fact, and, upon receipt of the 100755
notice, the court shall dismiss the case. 100756

(2) A person who is found incompetent to stand trial or not 100757
guilty by reason of insanity and who is committed pursuant to 100758
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 100759
Code shall not voluntarily commit the person pursuant to this 100760
section until after the final termination of the commitment, as 100761
described in division (J) of section 2945.401 of the Revised Code. 100762

(H) If, at the end of the first ninety-day period or any subsequent period of continued commitment, there has been no disposition of the case, either by discharge or voluntary admission, the hospital, facility, board, ~~agency~~ services provider, or person shall discharge the patient immediately, unless at least ten days before the expiration of the period the attorney the board designates or the prosecutor files with the court an application for continued commitment. The application of the attorney or the prosecutor shall include a written report containing the diagnosis, prognosis, past treatment, a list of alternative treatment settings and plans, and identification of the treatment setting that is the least restrictive consistent with treatment needs. The attorney the board designates or the prosecutor shall file the written report at least three days prior to the full hearing. A copy of the application and written report shall be provided to the respondent's counsel immediately.

The court shall hold a full hearing on applications for continued commitment at the expiration of the first ninety-day period and at least every two years after the expiration of the first ninety-day period.

Hearings following any application for continued commitment are mandatory and may not be waived.

Upon request of a person who is involuntarily committed under this section, or the person's counsel, that is made more than one hundred eighty days after the person's last full hearing, mandatory or requested, the court shall hold a full hearing on the person's continued commitment. Upon the application of a person involuntarily committed under this section, supported by an affidavit of a psychiatrist or licensed clinical psychologist, alleging that the person no longer is a mentally ill person subject to hospitalization by court order, the court for good cause shown may hold a full hearing on the person's continued

commitment prior to the expiration of one hundred eighty days 100795
after the person's last full hearing. Section 5122.12 of the 100796
Revised Code applies to all hearings on continued commitment. 100797

If the court, after a hearing for continued commitment finds 100798
by clear and convincing evidence that the respondent is a mentally 100799
ill person subject to hospitalization by court order, the court 100800
may order continued commitment at places specified in division (C) 100801
of this section. 100802

(I) Unless the admission is pursuant to section 5120.17 or 100803
5139.08 of the Revised Code, the chief clinical officer of the 100804
hospital or ~~agency~~ services provider admitting a respondent 100805
pursuant to a judicial proceeding, within ten working days of the 100806
admission, shall make a report of the admission to the board of 100807
alcohol, drug addiction, and mental health services serving the 100808
respondent's county of residence. 100809

(J) A referee appointed by the court may make all orders that 100810
a judge may make under this section and sections 5122.11 and 100811
5122.141 of the Revised Code, except an order of contempt of 100812
court. The orders of a referee take effect immediately. Within 100813
fourteen days of the making of an order by a referee, a party may 100814
file written objections to the order with the court. The filed 100815
objections shall be considered a motion, shall be specific, and 100816
shall state their grounds with particularity. Within ten days of 100817
the filing of the objections, a judge of the court shall hold a 100818
hearing on the objections and may hear and consider any testimony 100819
or other evidence relating to the respondent's mental condition. 100820
At the conclusion of the hearing, the judge may ratify, rescind, 100821
or modify the referee's order. 100822

(K) An order of the court under division (C), (H), or (J) of 100823
this section is a final order. 100824

(L) Before a board, or ~~an agency~~ a services provider the 100825

board designates, may place an unconsenting respondent in an inpatient setting from a less restrictive placement, the board or ~~agency~~ services provider shall do all of the following:

(1) Determine that the respondent is in immediate need of treatment in an inpatient setting because the respondent represents a substantial risk of physical harm to the respondent or others if allowed to remain in a less restrictive setting;

(2) On the day of placement in the inpatient setting or on the next court day, file with the court a motion for transfer to an inpatient setting or communicate to the court by telephone that the required motion has been mailed;

(3) Ensure that every reasonable and appropriate effort is made to take the respondent to the inpatient setting in the least conspicuous manner possible;

(4) Immediately notify the board's designated attorney and the respondent's attorney.

At the respondent's request, the court shall hold a hearing on the motion and make a determination pursuant to division (E) of this section within five days of the placement.

(M) Before a board, or ~~an agency~~ a services provider the board designates, may move a respondent from one residential placement to another, the board or ~~agency~~ services provider shall consult with the respondent about the placement. If the respondent objects to the placement, the proposed placement and the need for it shall be reviewed by a qualified mental health professional who otherwise is not involved in the treatment of the respondent.

Sec. 5122.17. Pending ~~his~~ removal to a hospital, a person taken into custody or ordered to be hospitalized pursuant to this chapter may be detained for not more than forty-eight hours in a licensed rest or nursing home, a licensed or unlicensed hospital,

a community mental health ~~agency~~ services provider, or a county home, but ~~he~~ the person shall not be detained in a nonmedical facility used for detention of persons charged with or convicted of penal offenses unless the court finds that a less restrictive alternative cannot be made available.

Sec. 5122.18. Whenever a person has been involuntarily detained at or admitted to a hospital, community mental health ~~agency~~ services provider, or other facility at the request of anyone other than the person's legal guardian, spouse, or next of kin under this chapter, the chief clinical officer of the hospital, ~~agency~~ services provider, or other facility in which the person is temporarily detained under section 5122.17 of the Revised Code shall immediately notify the person's legal guardian, spouse or next of kin, and counsel, if these persons can be ascertained through exercise of reasonable diligence. If a person voluntarily remains at or is admitted to a hospital, ~~agency~~ services provider, or other facility, such notification shall not be given without ~~his~~ the person's consent. The chief clinical officer of the hospital, ~~agency~~ services provider, or other facility shall inform a person voluntarily remaining at or admitted to a hospital, ~~agency~~ services provider, or other facility that ~~he~~ the person may authorize such notification.

Sec. 5122.19. Every person transported to a hospital or community mental health ~~agency~~ services provider pursuant to sections 5122.11 to 5122.16 of the Revised Code, shall be examined by the staff of the hospital or ~~agency~~ services provider as soon as practicable after ~~his~~ arrival at the hospital or ~~agency~~ services provider. Such an examination shall be held within twenty-four hours after the time of arrival, and if the chief clinical officer fails after such an examination to certify that in ~~his~~ the chief clinical officer's opinion the person is a

mentally ill person subject to hospitalization by court order, the 100887
person shall be immediately released. 100888

Sec. 5122.20. The director of ~~mental health~~ mental health and 100889
addiction services or the director's designee may transfer, or 100890
authorize the transfer of, an involuntary patient, or a consenting 100891
voluntary patient hospitalized pursuant to section 5122.02 or 100892
sections 5122.11 to 5122.15 of the Revised Code, from one public 100893
hospital to another, or to a hospital, community mental health 100894
~~agency~~ services provider, or other facility offering treatment or 100895
other services for mental illness, if the medical director of the 100896
department of ~~mental health~~ mental health and addiction services 100897
determines that it would be consistent with the medical needs of 100898
the patient to do so. If such a transfer is made to a private 100899
facility, the transfer shall be conditioned upon the consent of 100900
the facility. 100901

Before an involuntary patient may be transferred to a more 100902
restrictive setting, the chief clinical officer shall file a 100903
motion with the court requesting the court to amend its order of 100904
placement issued under section 5122.15 of the Revised Code. At the 100905
patient's request, the court shall hold a hearing on the motion at 100906
which the patient has the same rights as at a full hearing under 100907
section 5122.15 of the Revised Code. The hearing shall be held 100908
within ten days after the date on which the respondent was 100909
transferred to the more restrictive setting or on which the motion 100910
was filed, whichever is earlier. On the motion of the respondent, 100911
the respondent's counsel, or the chief clinical officer, or on its 100912
own motion, and for good cause shown, the court may order a 100913
continuance of the hearing for up to ten days. 100914

Whenever an involuntary patient is transferred, written 100915
notice of the transfer shall be given to the patient's legal 100916
guardian, parents, spouse, and counsel, or, if none is known, to 100917

the patient's nearest known relative or friend. If the patient is 100918
a minor, the department, before making such a transfer, shall make 100919
a minute of the order for the transfer and the reason for it upon 100920
its record and shall send a certified copy at least seven days 100921
prior to the transfer to the person shown by its record to have 100922
had the care or custody of the minor immediately prior to the 100923
minor's commitment. Whenever a consenting voluntary patient is 100924
transferred, the notification shall be given only at the patient's 100925
request. The chief clinical officer shall advise a voluntary 100926
patient who is being transferred that the patient may decide if 100927
the notification shall be given. In all such transfers, due 100928
consideration shall be given to the wishes of the patient, and the 100929
relationship of the patient to the patient's family, legal 100930
guardian, or friends, so as to maintain the relationship and 100931
encourage visits beneficial to the patient. 100932

When a voluntary patient whose medical or psychological needs 100933
are found by the chief clinical officer to warrant a transfer 100934
refuses to be transferred to an alternate facility, the chief 100935
clinical officer may file an affidavit for a hearing under section 100936
5122.11 of the Revised Code. 100937

Sec. 5122.21. (A) The chief clinical officer shall as 100938
frequently as practicable, and at least once every thirty days, 100939
examine or cause to be examined every patient, and, whenever the 100940
chief clinical officer determines that the conditions justifying 100941
involuntary hospitalization or commitment no longer obtain, shall 100942
discharge the patient not under indictment or conviction for crime 100943
and immediately make a report of the discharge to the department 100944
of ~~mental health~~ mental health and addiction services. The chief 100945
clinical officer may discharge a patient who is under an 100946
indictment, a sentence of imprisonment, a community control 100947
sanction, or a post-release control sanction or on parole ten days 100948
after written notice of intent to discharge the patient has been 100949

given by personal service or certified mail, return receipt 100950
requested, to the court having criminal jurisdiction over the 100951
patient. Except when the patient was found not guilty by reason of 100952
insanity and the defendant's commitment is pursuant to section 100953
2945.40 of the Revised Code, the chief clinical officer has final 100954
authority to discharge a patient who is under an indictment, a 100955
sentence of imprisonment, a community control sanction, or a 100956
post-release control sanction or on parole. 100957

(B) After a finding pursuant to section 5122.15 of the 100958
Revised Code that a person is a mentally ill person subject to 100959
hospitalization by court order, the chief clinical officer of the 100960
hospital or ~~agency~~ community mental health services provider to 100961
which the person is ordered or to which the person is transferred 100962
under section 5122.20 of the Revised Code, may grant a discharge 100963
without the consent or authorization of any court. 100964

Upon discharge, the chief clinical officer shall notify the 100965
court that caused the judicial hospitalization of the discharge 100966
from the hospital. 100967

Sec. 5122.23. The chief clinical officer of a public hospital 100968
shall immediately report to the department of ~~mental health~~ mental 100969
health and addiction services and the board of alcohol, drug 100970
addiction, and mental health services serving the patient's county 100971
of residence the removal, death, escape, discharge, or trial visit 100972
of any patient hospitalized under section 5122.15 of the Revised 100973
Code, or the return of such an escaped or visiting patient to the 100974
department, the probate judge of the county from which such 100975
patient was hospitalized, and the probate judge of the county of 100976
residence of such patient. In case of death, the chief clinical 100977
officer also shall notify one or more of the nearest relatives of 100978
the deceased patient, if known to ~~him~~ the chief clinical officer, 100979
by letter, telegram, or telephone. If the place of residence of 100980

such relative is unknown to the chief clinical officer, 100981
immediately upon receiving notification the probate judge shall in 100982
the speediest manner possible notify such relatives, if known to 100983
~~him~~ the probate judge. 100984

The chief clinical officer of a public hospital, upon the 100985
request of the probate judge of the county from which a patient 100986
was hospitalized or the probate judge of the county of residence 100987
of such a patient, shall make a report to the judge of the 100988
condition of any patient under the care, treatment, custody, or 100989
control of the chief clinical officer. 100990

Sec. 5122.25. Upon the request of a hospital, person, board, 100991
~~agency~~ community mental health services provider, or facility who 100992
has custody of a patient hospitalized pursuant to section 5122.15 100993
of the Revised Code, or on the order of the court, such patient 100994
may be called for a rehearing at such place within the county of 100995
~~his~~ the patient's residence or the county where such patient is 100996
hospitalized as the court designates. The hearing shall be 100997
conducted pursuant to section 5122.15 of the Revised Code. 100998

Sec. 5122.26. (A) If a patient is absent without leave, on a 100999
verbal or written order issued within five days of the time of the 101000
unauthorized absence by the department of ~~mental health~~ mental 101001
health and addiction services, the chief clinical officer of the 101002
hospital from which the patient is absent without leave, or the 101003
court of either the county from which the patient was committed or 101004
in which the patient is found, any health or police officer or 101005
sheriff may take the patient into custody and transport the 101006
patient to the hospital in which the patient was hospitalized or 101007
to a place that is designated in the order. The officer 101008
immediately shall report such fact to the ~~agency~~ entity that 101009
issued the order. 101010

The chief clinical officer of a hospital may discharge a patient who is under an indictment, a sentence of imprisonment, a community control sanction, or a post-release control sanction or on parole and who has been absent without leave for more than thirty days but shall give written notice of the discharge to the court with criminal jurisdiction over the patient. The chief clinical officer of a hospital may discharge any other patient who has been absent without leave for more than fourteen days.

The chief clinical officer shall take all proper measures for the apprehension of an escaped patient. The expense of the return of an escaped patient shall be borne by the hospital where the patient is hospitalized.

(B)(1) Subject to division (B)(2) of this section, no patient hospitalized under Chapter 5122. of the Revised Code whose absence without leave was caused or contributed to by the patient's mental illness shall be subject to a charge of escape.

(2) Division (B)(1) of this section does not apply to any person who was hospitalized, institutionalized, or confined in a facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code and who escapes from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside the facility, in violation of section 2921.34 of the Revised Code.

Sec. 5122.27. The chief clinical officer of the hospital or the chief clinical officer's designee shall assure that all patients hospitalized or committed pursuant to this chapter shall:

(A) Receive, within twenty days of their admission sufficient professional care to assure that an evaluation of current status,

differential diagnosis, probable prognosis, and description of the 101042
current treatment plan is stated on the official chart; 101043

(B) Have a written treatment plan consistent with the 101044
evaluation, diagnosis, prognosis, and goals which shall be 101045
provided, upon request of the patient or patient's counsel, to the 101046
patient's counsel and to any private physician or licensed 101047
clinical psychologist designated by the patient or the patient's 101048
counsel or to the Ohio protection and advocacy system; 101049

(C) Receive treatment consistent with the treatment plan. The 101050
department of ~~mental health~~ mental health and addiction services 101051
shall set standards for treatment provided to such patients, 101052
consistent wherever possible with standards set by the joint 101053
commission ~~on accreditation of healthcare organizations~~. 101054

(D) Receive periodic reevaluations of the treatment plan by 101055
the professional staff at intervals not to exceed ninety days; 101056

(E) Be provided with adequate medical treatment for physical 101057
disease or injury; 101058

(F) Receive humane care and treatment, including without 101059
limitation, the following: 101060

(1) The least restrictive environment consistent with the 101061
treatment plan; 101062

(2) The necessary facilities and personnel required by the 101063
treatment plan; 101064

(3) A humane psychological and physical environment; 101065

(4) The right to obtain current information concerning the 101066
patient's treatment program and expectations in terms that the 101067
patient can reasonably understand; 101068

(5) Participation in programs designed to afford the patient 101069
substantial opportunity to acquire skills to facilitate return to 101070
the community or to terminate an involuntary commitment; 101071

(6) The right to be free from unnecessary or excessive medication; 101072
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(7) Freedom from restraints or isolation unless it is stated in a written order by the chief clinical officer or the chief clinical officer's designee, or the patient's individual physician or psychologist in a private or general hospital. 101074
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If the chief clinical officer of the hospital is unable to provide the treatment required by divisions (C), (E), and (F) of this section for any patient hospitalized pursuant to Chapter 5122. of the Revised Code, the chief clinical officer shall immediately notify the patient, the court, the Ohio protection and advocacy system, the director of ~~mental health~~ mental health and addiction services, and the patient's counsel and legal guardian, if known. If within ten days after receipt of such notification by the director, the director is unable to effect a transfer of the patient, pursuant to section 5122.20 of the Revised Code, to a hospital, community mental health ~~agency~~ services provider, or other medical facility where treatment is available, or has not received an order of the court to the contrary, the involuntary commitment of any patient hospitalized pursuant to Chapter 5122. of the Revised Code and defined as a mentally ill person subject to hospitalization by court order under division (B)(4) of section 5122.01 of the Revised Code shall automatically be terminated. 101078
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Sec. 5122.271. (A) Except as provided in divisions (C), (D), and (E) of this section, the chief clinical officer or, in a nonpublic hospital, the attending physician responsible for a patient's care shall provide all information, including expected physical and medical consequences, necessary to enable any patient of a hospital for the mentally ill to give a fully informed, intelligent, and knowing consent, the opportunity to consult with independent specialists and counsel, and the right to refuse 101095
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consent for any of the following: 101103

(1) Surgery; 101104

(2) Convulsive therapy; 101105

(3) Major aversive interventions; 101106

(4) Sterilizations; 101107

(5) Any unusually hazardous treatment procedures; 101108

(6) Psycho-surgery. 101109

(B) No patient shall be subjected to any of the procedures 101110
listed in divisions (A)(4) to (6) of this section until both the 101111
patient's informed, intelligent, and knowing consent and the 101112
approval of the court have been obtained, except that court 101113
approval is not required for a legally competent and voluntary 101114
patient in a nonpublic hospital. 101115

(C) If, after providing the information required under 101116
division (A) of this section to the patient, the chief clinical 101117
officer or attending physician concludes that a patient is 101118
physically or mentally unable to receive the information required 101119
for surgery under division (A)(1) of this section, or has been 101120
adjudicated incompetent, the information may be provided to the 101121
patient's natural or court-appointed guardian, who may give an 101122
informed, intelligent, and knowing written consent. 101123

If a patient is physically or mentally unable to receive the 101124
information required for surgery under division (A)(1) of this 101125
section and has no guardian, the information, the recommendation 101126
of the chief clinical officer, and the concurring judgment of a 101127
licensed physician who is not a full-time employee of the state 101128
may be provided to the court in the county in which the hospital 101129
is located, which may approve the surgery. Before approving the 101130
surgery, the court shall notify the Ohio protection and advocacy 101131
system created by section 5123.60 of the Revised Code, and shall 101132

notify the patient of the rights to consult with counsel, to have 101133
counsel appointed by the court if the patient is indigent, and to 101134
contest the recommendation of the chief clinical officer. 101135

(D) If, in a medical emergency, and after providing the 101136
information required under division (A) of this section to the 101137
patient, it is the judgment of one licensed physician that delay 101138
in obtaining surgery would create a grave danger to the health of 101139
the patient, it may be administered without the consent of the 101140
patient or the patient's guardian if the necessary information is 101141
provided to the patient's spouse or next of kin to enable that 101142
person to give informed, intelligent, and knowing written consent. 101143
If no spouse or next of kin can reasonably be contacted, or if the 101144
spouse or next of kin is contacted, but refuses to consent, the 101145
surgery may be performed upon the written authorization of the 101146
chief clinical officer or, in a nonpublic hospital, upon the 101147
written authorization of the attending physician responsible for 101148
the patient's care, and after the approval of the court has been 101149
obtained. However, if delay in obtaining court approval would 101150
create a grave danger to the life of the patient, the chief 101151
clinical officer or, in a nonpublic hospital, the attending 101152
physician responsible for the patient's care may authorize 101153
surgery, in writing, without court approval. If the surgery is 101154
authorized without court approval, the chief clinical officer or 101155
the attending physician who made the authorization and the 101156
physician who performed the surgery shall each execute an 101157
affidavit describing the circumstances constituting the emergency 101158
and warranting the surgery and the circumstances warranting their 101159
not obtaining prior court approval. The affidavit shall be filed 101160
with the court with which the request for prior approval would 101161
have been filed within five court days after the surgery, and a 101162
copy of the affidavit shall be placed in the patient's file and be 101163
given to the guardian, spouse, or next of kin of the patient, to 101164
the hospital at which the surgery was performed, and to the Ohio 101165

protection and advocacy system as defined in section 5123.60 of the Revised Code. 101166
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(E) Major aversive interventions shall not be used unless a patient continues to engage in behavior destructive to self or others after other forms of therapy have been attempted. Major aversive interventions may be applied if approved by the director of ~~mental health~~ mental health and addiction services. Major aversive interventions shall not be applied to a voluntary patient without the informed, intelligent, and knowing written consent of the patient or the patient's guardian. 101168
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(F) Unless there is substantial risk of physical harm to self or others, or other than under division (D) of this section, this chapter does not authorize any form of compulsory medical, psychological, or psychiatric treatment of any patient who is being treated by spiritual means through prayer alone in accordance with a recognized religious method of healing without specific court authorization. 101176
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(G) For purposes of this section, "convulsive therapy" does not include defibrillation. 101183
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Sec. 5122.31. (A) All certificates, applications, records, and reports made for the purpose of this chapter and sections 2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised Code, other than court journal entries or court docket entries, and directly or indirectly identifying a patient or former patient or person whose hospitalization has been sought under this chapter, shall be kept confidential and shall not be disclosed by any person except: 101185
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(1) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents, and if the disclosure is in the best interests of the person, as may be determined by the court for judicial 101193
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records and by the chief clinical officer for medical records; 101197

(2) When disclosure is provided for in this chapter, Chapters 101198
340. or 5119., Title XLVII, or section 5123.601 of the Revised 101199
Code; 101200

(3) That hospitals, boards of alcohol, drug addiction, and 101201
mental health services, and community mental health ~~agencies~~ 101202
services providers may release necessary medical information to 101203
insurers and other third-party payers, including government 101204
entities responsible for processing and authorizing payment, to 101205
obtain payment for goods and services furnished to the patient; 101206

(4) Pursuant to a court order signed by a judge; 101207

(5) That a patient shall be granted access to the patient's 101208
own psychiatric and medical records, unless access specifically is 101209
restricted in a patient's treatment plan for clear treatment 101210
reasons; 101211

(6) That hospitals and other institutions and facilities 101212
within the department of ~~mental health~~ mental health and addiction 101213
services may exchange psychiatric records and other pertinent 101214
information with other hospitals, institutions, and facilities of 101215
the department, and with community mental health ~~agencies~~ services 101216
providers and boards of alcohol, drug addiction, and mental health 101217
services with which the department has a current agreement for 101218
patient care or services. Records and information that may be 101219
released pursuant to this division shall be limited to medication 101220
history, physical health status and history, financial status, 101221
summary of course of treatment in the hospital, summary of 101222
treatment needs, and a discharge summary, if any. 101223

(7) That hospitals within the department, and other 101224
institutions and facilities within the department, ~~hospitals~~ 101225
~~licensed by the department under section 5119.20 of the Revised~~ 101226
~~Code, and community mental health agencies~~ may exchange 101227

psychiatric records and other pertinent information with payers 101228
and other providers of treatment and health services if the 101229
purpose of the exchange is to facilitate continuity of care for a 101230
patient or for the emergency treatment of an individual; 101231

(8) That a patient's family member who is involved in the 101232
provision, planning, and monitoring of services to the patient may 101233
receive medication information, a summary of the patient's 101234
diagnosis and prognosis, and a list of the services and personnel 101235
available to assist the patient and the patient's family, if the 101236
patient's treating physician determines that the disclosure would 101237
be in the best interests of the patient. No such disclosure shall 101238
be made unless the patient is notified first and receives the 101239
information and does not object to the disclosure. 101240

(9) That community mental health ~~agencies~~ services providers 101241
may exchange psychiatric records and certain other information 101242
with the board of alcohol, drug addiction, and mental health 101243
services and other ~~agencies~~ services providers in order to provide 101244
services to a person involuntarily committed to a board. Release 101245
of records under this division shall be limited to medication 101246
history, physical health status and history, financial status, 101247
summary of course of treatment, summary of treatment needs, and 101248
discharge summary, if any. 101249

(10) That information may be disclosed to the executor or the 101250
administrator of an estate of a deceased patient when the 101251
information is necessary to administer the estate; 101252

(11) That records in the possession of the Ohio historical 101253
society may be released to the closest living relative of a 101254
deceased patient upon request of that relative; 101255

~~(12) That information may be disclosed to staff members of 101256
the appropriate board or to staff members designated by the 101257
director of mental health for the purpose of evaluating the 101258~~

~~quality, effectiveness, and efficiency of services and determining 101259
if the services meet minimum standards. Information obtained 101260
during such evaluations shall not be retained with the name of any 101261
patient. 101262~~

~~(13)~~ That records pertaining to the patient's diagnosis, 101263
course of treatment, treatment needs, and prognosis shall be 101264
disclosed and released to the appropriate prosecuting attorney if 101265
the patient was committed pursuant to section 2945.38, 2945.39, 101266
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 101267
attorney designated by the board for proceedings pursuant to 101268
involuntary commitment under this chapter. 101269

~~(14)~~(13) That the department of ~~mental health~~ mental health 101270
and addiction services may exchange psychiatric hospitalization 101271
records, other mental health treatment records, and other 101272
pertinent information with the department of rehabilitation and 101273
correction and with the department of youth services to ensure 101274
continuity of care for inmates or offenders who are receiving 101275
mental health services in an institution of the department of 101276
rehabilitation and correction or the department of youth services 101277
and may exchange psychiatric hospitalization records, other mental 101278
health treatment records, and other pertinent information with 101279
boards of alcohol, drug addiction, and mental health services and 101280
community mental health services providers to ensure continuity of 101281
care for inmates or offenders who are receiving mental health 101282
services in an institution and are scheduled for release within 101283
six months. The department shall not disclose those records unless 101284
the inmate or offender is notified, receives the information, and 101285
does not object to the disclosure. The release of records under 101286
this division is limited to records regarding an inmate's or 101287
offender's medication history, physical health status and history, 101288
summary of course of treatment, summary of treatment needs, and a 101289
discharge summary, if any. 101290

~~(15) That a community mental health agency that ceases to operate may transfer to either a community mental health agency that assumes its caseload or to the board of alcohol, drug addiction, and mental health services of the service district in which the patient resided at the time services were most recently provided any treatment records that have not been transferred elsewhere at the patient's request.~~

(B) Before records are disclosed pursuant to divisions (A)(3), (6), and (9) of this section, the custodian of the records shall attempt to obtain the patient's consent for the disclosure. No person shall reveal the contents of a medical record of a patient except as authorized by law.

(C) The managing officer of a hospital who releases necessary medical information under division (A)(3) of this section to allow an insurance carrier or other third party payor to comply with section 5121.43 of the Revised Code shall neither be subject to criminal nor civil liability.

Sec. 5122.311. (A) Notwithstanding any provision of the Revised Code to the contrary, if, on or after ~~the effective date of this section~~ April 8, 2004, an individual is found by a court to be a mentally ill person subject to hospitalization by court order or becomes an involuntary patient other than one who is a patient only for purposes of observation, the probate judge who made the adjudication or the chief clinical officer of the hospital, ~~agency~~ community mental health services provider, or facility in which the person is an involuntary patient shall notify the bureau of criminal identification and investigation, on the form described in division (C) of this section, of the identity of the individual. The notification shall be transmitted by the judge or the chief clinical officer not later than seven days after the adjudication or commitment.

(B) The bureau of criminal identification and investigation 101322
shall compile and maintain the notices it receives under division 101323
(A) of this section and shall use them for the purpose of 101324
conducting incompetency records checks pursuant to section 311.41 101325
of the Revised Code. The notices and the information they contain 101326
are confidential, except as provided in this division, and are not 101327
public records. 101328

(C) The attorney general, by rule adopted under Chapter 119. 101329
of the Revised Code, shall prescribe and make available to all 101330
probate judges and all chief clinical officers a form to be used 101331
by them for the purpose of making the notifications required by 101332
division (A) of this section. 101333

Sec. 5122.32. (A) As used in this section: 101334

(1) "Quality assurance committee" means a committee that is 101335
appointed in the central office of the department of ~~mental health~~ 101336
mental health and addiction services by the director of ~~mental~~ 101337
health mental health and addiction services, a committee of a 101338
hospital or community setting program, ~~a committee established~~ 101339
~~pursuant to section 5119.47 of the Revised Code of the department~~ 101340
~~of mental health appointed by the managing officer of the hospital~~ 101341
~~or program~~, or a duly authorized subcommittee of a committee of 101342
that nature and that is designated to carry out quality assurance 101343
program activities. 101344

(2) "Quality assurance program" means a comprehensive program 101345
within the department of ~~mental health~~ mental health and addiction 101346
services to systematically review and improve the quality of 101347
medical and mental health services within the department and its 101348
hospitals and community setting programs, the safety and security 101349
of persons receiving medical and mental health services within the 101350
department and its hospitals and community setting programs, and 101351
the efficiency and effectiveness of the utilization of staff and 101352

resources in the delivery of medical and mental health services 101353
within the department and its hospitals and community setting 101354
programs. "Quality assurance program" includes the central office 101355
quality assurance committees, morbidity and mortality review 101356
committees, quality assurance programs of community setting 101357
programs, quality assurance committees of hospitals operated by 101358
the department of ~~mental health~~ mental health and addiction 101359
services, and the office of licensure and certification of the 101360
department. 101361

(3) "Quality assurance program activities" include collecting 101362
or compiling information and reports required by a quality 101363
assurance committee, receiving, reviewing, or implementing the 101364
recommendations made by a quality assurance committee, and 101365
credentialing, privileging, infection control, tissue review, peer 101366
review, utilization review including access to patient care 101367
records, patient care assessment records, and medical and mental 101368
health records, medical and mental health resource management, 101369
mortality and morbidity review, and identification and prevention 101370
of medical or mental health incidents and risks, whether performed 101371
by a quality assurance committee or by persons who are directed by 101372
a quality assurance committee. 101373

(4) "Quality assurance records" means the proceedings, 101374
discussion, records, findings, recommendations, evaluations, 101375
opinions, minutes, reports, and other documents or actions that 101376
emanate from quality assurance committees, quality assurance 101377
programs, or quality assurance program activities. "Quality 101378
assurance records" does not include aggregate statistical 101379
information that does not disclose the identity of persons 101380
receiving or providing medical or mental health services in 101381
department of ~~mental health institutions~~ mental health and 101382
addiction services hospitals or community setting programs . 101383

(B)(1) Except as provided in division (E) of this section, 101384

quality assurance records are confidential and are not public 101385
records under section 149.43 of the Revised Code, and shall be 101386
used only in the course of the proper functions of a quality 101387
assurance program. 101388

(2) Except as provided in division (E) of this section, no 101389
person who possesses or has access to quality assurance records 101390
and who knows that the records are quality assurance records shall 101391
willfully disclose the contents of the records to any person or 101392
entity. 101393

(C)(1) Except as provided in division (E) of this section, no 101394
quality assurance record shall be subject to discovery ~~in~~, and is 101395
not admissible in evidence, in any judicial or administrative 101396
proceeding. 101397

(2) Except as provided in division (E) of this section, no 101398
member of a quality assurance committee or a person who is 101399
performing a function that is part of a quality assurance program 101400
shall be permitted or required to testify in a judicial or 101401
administrative proceeding with respect to quality assurance 101402
records or with respect to any finding, recommendation, 101403
evaluation, opinion, or other action taken by the committee, 101404
member, or person. 101405

(3) Information, documents, or records otherwise available 101406
from original sources are not to be construed as being unavailable 101407
for discovery or admission in evidence in a judicial or 101408
administrative proceeding merely because they were presented to a 101409
quality assurance committee. No person testifying before a quality 101410
assurance committee or person who is a member of a quality 101411
assurance committee shall be prevented from testifying as to 101412
matters within the person's knowledge, but the witness cannot be 101413
asked about the witness' testimony before the quality assurance 101414
committee or about an opinion formed by the person as a result of 101415
the quality assurance committee proceedings. 101416

(D)(1) A person who, without malice and in the reasonable belief that the information is warranted by the facts known to the person, provides information to a person engaged in quality assurance program activities is not liable for damages in a civil action for injury, death, or loss to person or property to any person as a result of providing the information.

(2) A member of a quality assurance committee, a person engaged in quality assurance program activities, and an employee of the department of ~~mental health~~ mental health and addiction services shall not be liable in damages in a civil action for injury, death, or loss to person or property to any person for any acts, omissions, decisions, or other conduct within the scope of the functions of the quality assurance program.

(3) Nothing in this section shall relieve any institution or individual from liability arising from the treatment of a patient.

(E) Quality assurance records may be disclosed, and testimony may be provided concerning quality assurance records, only to the following persons or entities:

(1) Persons who are employed or retained by the department of ~~mental health~~ mental health and addiction services and who have authority to evaluate or implement the recommendations of a state-operated hospital, community setting program, or central office quality assurance committee;

(2) Public or private agencies or organizations if needed to perform a licensing or accreditation function related to department of ~~mental health~~ mental health and addiction services hospitals or community setting programs, or to perform monitoring of a hospital or program of that nature as required by law.

(F) A disclosure of quality assurance records pursuant to division (E) of this section does not otherwise waive the confidential and privileged status of the disclosed quality

assurance records. 101448

(G) Nothing in this section shall limit the access of the 101449
Ohio protection and advocacy system to records or personnel as 101450
required under section 5123.601 of the Revised Code. Nothing in 101451
this section shall limit the admissibility of documentary or 101452
testimonial evidence in an action brought by the Ohio protection 101453
and advocacy system in its own name or on behalf of a client. 101454

Sec. 5122.33. The department of ~~mental health~~ mental health 101455
and addiction services may prescribe the form of applications, 101456
reports, records, and medical certificates provided for under this 101457
chapter, and the information required to be contained therein; 101458
require reports from the chief clinical officer of any public 101459
hospital relating to the admission, examination, diagnosis, 101460
release, or discharge of any patient; visit each such hospital 101461
regularly to review the admission procedures of all new patients 101462
admitted between visits; investigate by personal visit complaints 101463
made by any patient or by any person on behalf of a patient; and 101464
adopt such rules as are reasonably necessary to effectuate the 101465
provisions of this chapter. 101466

Sec. 5122.34. (A) Persons, including, but not limited to, 101467
boards of alcohol, drug addiction, and mental health services and 101468
community mental health ~~agencies~~ services providers, acting in 101469
good faith, either upon actual knowledge or information thought by 101470
them to be reliable, who procedurally or physically assist in the 101471
hospitalization or discharge, determination of appropriate 101472
placement, or in judicial proceedings of a person under this 101473
chapter, do not come within any criminal provisions, and are free 101474
from any liability to the person hospitalized or to any other 101475
person. 101476

(B) Regardless of whether any affirmative action has been 101477

taken under this chapter with respect to a mental health client or 101478
patient and except as otherwise provided in section 2305.51 of the 101479
Revised Code, no person shall be liable for any harm that results 101480
to any other person as a result of failing to disclose any 101481
confidential information about the mental health client or 101482
patient, or failing to otherwise attempt to protect such other 101483
person from harm by such client or patient. 101484

(C) This section applies to expert witnesses who testify at 101485
hearings under this chapter. 101486

(D) The immunity from liability conferred by this section is 101487
in addition to and not in limitation of any immunity conferred by 101488
any other section of the Revised Code or by judicial precedent. 101489

Sec. 5122.341. (A) As used in this section: 101490

(1) "Facility or ~~agency~~ provider" means, in the context of a 101491
person committed to the department of ~~mental health~~ mental health 101492
and addiction services under sections 2945.37 to 2945.402 of the 101493
Revised Code, any entity in which the department of ~~mental health~~ 101494
mental health and addiction services places such a person. 101495

(2) "Person committed to the department" means a person 101496
committed to the department of ~~mental health~~ mental health and 101497
addiction services under sections 2945.37 to 2945.402 of the 101498
Revised Code. 101499

(B) No member of a board of directors, or employee, of a 101500
facility or ~~agency~~ provider in which the department of ~~mental~~ 101501
~~health~~ mental health and addiction services places a person 101502
committed to the department is liable for injury or damages caused 101503
by any action or inaction taken within the scope of the board 101504
member's official duties or employee's employment relating to the 101505
commitment of, and services provided to, the person committed to 101506
the department, unless the action or inaction constitutes willful 101507

or wanton misconduct. A board member's or employee's action or
inaction does not constitute willful or wanton misconduct if the
board member or employee acted in good faith and reasonably under
the circumstances and with the knowledge reasonably attributable
to the board member or employee.

The immunity from liability conferred by this section is in
addition to and not in limitation of any immunity conferred by any
other section of the Revised Code or by judicial precedent.

Sec. 5122.39. (A) Mentally ill minors shall remain under the
natural guardianship of their parents, notwithstanding
hospitalization pursuant to this chapter, unless parental rights
have been terminated pursuant to a court finding that the minor is
neglected or dependent. Where a mentally ill minor is found to be
dependent or neglected, the public children's services agency in
the county of residence has final guardianship authority and
responsibility.

(B) In no case shall the guardianship of a mentally ill
person be assigned to the chief medical officer or any staff
member of a hospital, board, or ~~agency~~ provider from which the
person is receiving mental health services.

Sec. 5122.43. (A) Costs, fees, and expenses of all
proceedings held under this chapter shall be paid as follows:

(1) To police and health officers, other than sheriffs or
their deputies, the same fees allowed to constables, to be paid
upon the approval of the probate judge;

(2) To sheriffs or their deputies, the same fees allowed for
similar services in the court of common pleas;

(3) To physicians or licensed clinical psychologists acting
as expert witnesses and to other expert witnesses designated by
the court, an amount determined by the court;

(4) To other witnesses, the same fees and mileage as for attendance at the court of common pleas, to be paid upon the approval of the probate judge;

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(5) To a person, other than the sheriff or the sheriff's deputies, for taking a mentally ill person to a hospital or removing a mentally ill person from a hospital, the actual necessary expenses incurred, specifically itemized, and approved by the probate judge;

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(6) To assistants who convey mentally ill persons to the hospital when authorized by the probate judge, a fee set by the probate court, provided the assistants are not drawing a salary from the state or any political subdivision of the state, and their actual necessary expenses incurred, provided that the expenses are specifically itemized and approved by the probate judge;

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(7) To an attorney appointed by the probate division for an indigent who allegedly is a mentally ill person pursuant to any section of this chapter, the fees that are determined by the probate division. When those indigent persons are before the court, all filing and recording fees shall be waived.

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(8) To a referee who is appointed to conduct proceedings under this chapter that involve a respondent whose domicile is or, before the respondent's hospitalization, was not the county in which the proceedings are held, compensation as fixed by the probate division, but not more than the compensation paid for similar proceedings for respondents whose domicile is in the county in which the proceedings are held;

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(9) To a court reporter appointed to make a transcript of proceedings under this chapter, the compensation and fees allowed in other cases under section 2101.08 of the Revised Code.

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(B) A county shall pay for the costs, fees, and expenses

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described in division (A) of this section with money appropriated 101569
pursuant to section 2101.11 of the Revised Code. A county may seek 101570
reimbursement from the department of ~~mental health~~ mental health 101571
and addiction services by submitting a request and certification 101572
by the county auditor of the costs, fees, and expenses to the 101573
department within two months of the date the costs, fees, and 101574
expenses are incurred by the county. 101575

Each fiscal year, based on past allocations, historical 101576
utilization, and other factors the department considers 101577
appropriate, the department shall allocate for each county an 101578
amount for reimbursements under this section. The total of all the 101579
allocations shall equal the amount appropriated for the fiscal 101580
year to the department specifically for the purposes of this 101581
section. 101582

On receipt, the department shall review each request for 101583
reimbursement and prepare a voucher for the amount of the costs, 101584
fees, and expenses incurred by the county, provided that the total 101585
amount of money paid to all counties in each fiscal year shall not 101586
exceed the total amount of moneys specifically appropriated to the 101587
department for these purposes. 101588

The department's total reimbursement to each county shall be 101589
the lesser of the full amount requested or the amount allocated 101590
for the county under this division. In addition, the department 101591
shall distribute any surplus remaining from the money appropriated 101592
for the fiscal year to the department for the purposes of this 101593
section as follows to counties whose full requests exceed their 101594
allocations: 101595

(1) If the surplus is sufficient to reimburse such counties 101596
the full amount of their requests, each such county shall receive 101597
the full amount of its request; 101598

(2) If the surplus is insufficient, each such county shall 101599

receive a percentage of the surplus determined by dividing the 101600
difference between the county's full request and its allocation by 101601
the difference between the total of the full requests of all such 101602
counties and the total of the amounts allocated for all such 101603
counties. 101604

The department may adopt rules in accordance with Chapter 101605
119. of the Revised Code to implement the payment of costs, fees, 101606
and expenses under this section. 101607

Sec. 5122.44. As used in sections 5122.44 to 5122.47 of the 101608
Revised Code: 101609

(A) "Compilation" means a written list of the following 101610
information, as the department of ~~mental health~~ mental health and 101611
addiction services is able to reasonably ascertain, for every 101612
patient who was buried, entombed, or inurned prior to ~~the~~ 101613
~~effective date of this section~~ March 31, 2005, in a cemetery 101614
located on the grounds of or adjacent to the grounds of a public 101615
hospital: 101616

(1) Name; 101617

(2) Date of birth; 101618

(3) Date of death or burial; 101619

(4) Specific physical location of the burial, entombment, or 101620
inurnment, including the plot or grave site number if available. 101621

(B) "Patient" means an individual who died while admitted to 101622
a public hospital that was under the control of the department of 101623
~~mental health~~ mental health and addiction services. 101624

(C) "Record" has the same meaning as in section 149.011 of 101625
the Revised Code. 101626

(D) "State agency" means every organized body, office, or 101627
agency established by the laws of the state for the exercise of 101628

any function of state government. 101629

Sec. 5122.45. The department of ~~mental health~~ mental health 101630
and addiction services shall create a separate compilation for 101631
each cemetery located on the grounds of or adjacent to the grounds 101632
of a public hospital that is under the control of the department 101633
on ~~the effective date of this section~~ March 31, 2005. The 101634
compilation shall be created within a reasonable time not 101635
exceeding three years after ~~the effective date of this section~~ 101636
March 31, 2005. The department shall use its best efforts to 101637
create the most complete compilations possible using records in 101638
the department's possession and records obtained in accordance 101639
with section 5122.46 of the Revised Code. 101640

Sec. 5122.46. The Ohio historical society and each state 101641
agency shall, at the request of the department of ~~mental health~~ 101642
mental health and addiction services, provide the department 101643
access to records and information in the possession of the 101644
historical society or state agency for purposes of creating 101645
compilations. 101646

Sec. 5122.47. The department of ~~mental health~~ mental health 101647
and addiction services shall deposit a copy of each compilation 101648
with the Ohio historical society and the state library as soon as 101649
a compilation is completed. The department shall not disclose any 101650
record or information used to create a compilation except as 101651
provided in sections 149.43 and 5122.31 of the Revised Code. 101652

Sec. 5123.01. As used in this chapter: 101653

(A) "Chief medical officer" means the licensed physician 101654
appointed by the managing officer of an institution for the 101655
mentally retarded with the approval of the director of 101656
developmental disabilities to provide medical treatment for 101657

residents of the institution. 101658

(B) "Chief program director" means a person with special 101659
training and experience in the diagnosis and management of the 101660
mentally retarded, certified according to division (C) of this 101661
section in at least one of the designated fields, and appointed by 101662
the managing officer of an institution for the mentally retarded 101663
with the approval of the director to provide habilitation and care 101664
for residents of the institution. 101665

(C) "Comprehensive evaluation" means a study, including a 101666
sequence of observations and examinations, of a person leading to 101667
conclusions and recommendations formulated jointly, with 101668
dissenting opinions if any, by a group of persons with special 101669
training and experience in the diagnosis and management of persons 101670
with mental retardation or a developmental disability, which group 101671
shall include individuals who are professionally qualified in the 101672
fields of medicine, psychology, and social work, together with 101673
such other specialists as the individual case may require. 101674

(D) "Education" means the process of formal training and 101675
instruction to facilitate the intellectual and emotional 101676
development of residents. 101677

(E) "Habilitation" means the process by which the staff of 101678
the institution assists the resident in acquiring and maintaining 101679
those life skills that enable the resident to cope more 101680
effectively with the demands of the resident's own person and of 101681
the resident's environment and in raising the level of the 101682
resident's physical, mental, social, and vocational efficiency. 101683
Habilitation includes but is not limited to programs of formal, 101684
structured education and training. 101685

(F) "Health officer" means any public health physician, 101686
public health nurse, or other person authorized or designated by a 101687
city or general health district. 101688

(G) "Home and community-based services" means medicaid-funded home and community-based services specified in division ~~(B)~~(A)(1) of section ~~5111.87~~ 5166.20 of the Revised Code provided under the medicaid waiver components the department of developmental disabilities administers pursuant to section ~~5111.871~~ 5166.21 of the Revised Code. Except as provided in section 5123.0412 of the Revised Code, home and community-based services provided under the medicaid waiver component known as the transitions developmental disabilities waiver are to be considered to be home and community-based services for the purposes of this chapter, and Chapters 5124. and 5126. of the Revised Code. only to the extent, if any, provided by the contract required by section ~~5111.871~~ 5166.21 of the Revised Code regarding the waiver.

(H) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

(I) "Indigent person" means a person who is unable, without substantial financial hardship, to provide for the payment of an attorney and for other necessary expenses of legal representation, including expert testimony.

~~(I)~~(J) "Institution" means a public or private facility, or a part of a public or private facility, that is licensed by the appropriate state department and is equipped to provide residential habilitation, care, and treatment for the mentally retarded.

~~(J)~~(K) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the officer's official duties.

~~(K)~~(L) "Managing officer" means a person who is appointed by

the director of developmental disabilities to be in executive control of an institution for the mentally retarded under the jurisdiction of the department.

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~~(L) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.~~

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(M) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires.

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(N) "Mentally retarded person" means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

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(O) "Mentally retarded person subject to institutionalization by court order" means a person eighteen years of age or older who is at least moderately mentally retarded and in relation to whom, because of the person's retardation, either of the following conditions exist:

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(1) The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's most basic physical needs and that provision for those needs is not available in the community;

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(2) The person needs and is susceptible to significant habilitation in an institution.

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(P) "A person who is at least moderately mentally retarded" means a person who is found, following a comprehensive evaluation, to be impaired in adaptive behavior to a moderate degree and to be functioning at the moderate level of intellectual functioning in accordance with standard measurements as recorded in the most current revision of the manual of terminology and classification

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in mental retardation published by the American association on 101751
mental retardation. 101752

(Q) As used in this division, "substantial functional 101753
limitation," "developmental delay," and "established risk" have 101754
the meanings established pursuant to section 5123.011 of the 101755
Revised Code. 101756

"Developmental disability" means a severe, chronic disability 101757
that is characterized by all of the following: 101758

(1) It is attributable to a mental or physical impairment or 101759
a combination of mental and physical impairments, other than a 101760
mental or physical impairment solely caused by mental illness as 101761
defined in division (A) of section 5122.01 of the Revised Code. 101762

(2) It is manifested before age twenty-two. 101763

(3) It is likely to continue indefinitely. 101764

(4) It results in one of the following: 101765

(a) In the case of a person under three years of age, at 101766
least one developmental delay or an established risk; 101767

(b) In the case of a person at least three years of age but 101768
under six years of age, at least two developmental delays or an 101769
established risk; 101770

(c) In the case of a person six years of age or older, a 101771
substantial functional limitation in at least three of the 101772
following areas of major life activity, as appropriate for the 101773
person's age: self-care, receptive and expressive language, 101774
learning, mobility, self-direction, capacity for independent 101775
living, and, if the person is at least sixteen years of age, 101776
capacity for economic self-sufficiency. 101777

(5) It causes the person to need a combination and sequence 101778
of special, interdisciplinary, or other type of care, treatment, 101779
or provision of services for an extended period of time that is 101780

individually planned and coordinated for the person. 101781

(R) "Developmentally disabled person" means a person with a 101782
developmental disability. 101783

(S) "State institution" means an institution that is 101784
tax-supported and under the jurisdiction of the department. 101785

(T) "Residence" and "legal residence" have the same meaning 101786
as "legal settlement," which is acquired by residing in Ohio for a 101787
period of one year without receiving general assistance prior to 101788
July 17, 1995, under former Chapter 5113. of the Revised Code, 101789
financial assistance under Chapter 5115. of the Revised Code, or 101790
assistance from a private agency that maintains records of 101791
assistance given. A person having a legal settlement in the state 101792
shall be considered as having legal settlement in the assistance 101793
area in which the person resides. No adult person coming into this 101794
state and having a spouse or minor children residing in another 101795
state shall obtain a legal settlement in this state as long as the 101796
spouse or minor children are receiving public assistance, care, or 101797
support at the expense of the other state or its subdivisions. For 101798
the purpose of determining the legal settlement of a person who is 101799
living in a public or private institution or in a home subject to 101800
licensing by the department of job and family services, the 101801
department of ~~mental health~~ mental health and addiction services, 101802
or the department of developmental disabilities, the residence of 101803
the person shall be considered as though the person were residing 101804
in the county in which the person was living prior to the person's 101805
entrance into the institution or home. Settlement once acquired 101806
shall continue until a person has been continuously absent from 101807
Ohio for a period of one year or has acquired a legal residence in 101808
another state. A woman who marries a man with legal settlement in 101809
any county immediately acquires the settlement of her husband. The 101810
legal settlement of a minor is that of the parents, surviving 101811
parent, sole parent, parent who is designated the residential 101812

parent and legal custodian by a court, other adult having 101813
permanent custody awarded by a court, or guardian of the person of 101814
the minor, provided that: 101815

(1) A minor female who marries shall be considered to have 101816
the legal settlement of her husband and, in the case of death of 101817
her husband or divorce, she shall not thereby lose her legal 101818
settlement obtained by the marriage. 101819

(2) A minor male who marries, establishes a home, and who has 101820
resided in this state for one year without receiving general 101821
assistance prior to July 17, 1995, under former Chapter 5113. of 101822
the Revised Code, financial assistance under Chapter 5115. of the 101823
Revised Code, or assistance from a private agency that maintains 101824
records of assistance given shall be considered to have obtained a 101825
legal settlement in this state. 101826

(3) The legal settlement of a child under eighteen years of 101827
age who is in the care or custody of a public or private child 101828
caring agency shall not change if the legal settlement of the 101829
parent changes until after the child has been in the home of the 101830
parent for a period of one year. 101831

No person, adult or minor, may establish a legal settlement 101832
in this state for the purpose of gaining admission to any state 101833
institution. 101834

(U)(1) "Resident" means, subject to division ~~(R)~~(U)(2) of 101835
this section, a person who is admitted either voluntarily or 101836
involuntarily to an institution or other facility pursuant to 101837
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 101838
Code subsequent to a finding of not guilty by reason of insanity 101839
or incompetence to stand trial or under this chapter who is under 101840
observation or receiving habilitation and care in an institution. 101841

(2) "Resident" does not include a person admitted to an 101842
institution or other facility under section 2945.39, 2945.40, 101843

2945.401, or 2945.402 of the Revised Code to the extent that the 101844
reference in this chapter to resident, or the context in which the 101845
reference occurs, is in conflict with any provision of sections 101846
2945.37 to 2945.402 of the Revised Code. 101847

(V) "Respondent" means the person whose detention, 101848
commitment, or continued commitment is being sought in any 101849
proceeding under this chapter. 101850

(W) "Working day" and "court day" mean Monday, Tuesday, 101851
Wednesday, Thursday, and Friday, except when such day is a legal 101852
holiday. 101853

(X) "Prosecutor" means the prosecuting attorney, village 101854
solicitor, city director of law, or similar chief legal officer 101855
who prosecuted a criminal case in which a person was found not 101856
guilty by reason of insanity, who would have had the authority to 101857
prosecute a criminal case against a person if the person had not 101858
been found incompetent to stand trial, or who prosecuted a case in 101859
which a person was found guilty. 101860

(Y) "Court" means the probate division of the court of common 101861
pleas. 101862

(Z) "Supported living" and "residential services" have the 101863
same meanings as in section 5126.01 of the Revised Code. 101864

Sec. 5123.021. (A) As used in this section, "mentally 101865
retarded individual" and "specialized services" have the same 101866
meanings as in section ~~5111.202~~ 5165.03 of the Revised Code. 101867

(B)(1) Except as provided in division (B)(2) of this section 101868
and rules adopted under division (E)(3) of this section, for 101869
purposes of section ~~5111.202~~ 5165.03 of the Revised Code, the 101870
department of developmental disabilities shall determine in 101871
accordance with section 1919(e)(7) of the "Social Security Act," 101872
49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and regulations 101873

adopted under section 1919(f)(8)(A) of that act whether, because 101874
of the individual's physical and mental condition, a mentally 101875
retarded individual seeking admission to a nursing facility 101876
requires the level of services provided by a nursing facility and, 101877
if the individual requires that level of services, whether the 101878
individual requires specialized services for mental retardation. 101879

(2) A determination under this division is not required for 101880
any of the following: 101881

(a) An individual seeking readmission to a nursing facility 101882
after having been transferred from a nursing facility to a 101883
hospital for care; 101884

(b) An individual who meets all of the following conditions: 101885

(i) The individual is admitted to the nursing facility 101886
directly from a hospital after receiving inpatient care at the 101887
hospital; 101888

(ii) The individual requires nursing facility services for 101889
the condition for which the individual received care in the 101890
hospital; 101891

(iii) The individual's attending physician has certified, 101892
before admission to the nursing facility, that the individual is 101893
likely to require less than thirty days of nursing facility 101894
services. 101895

(c) An individual transferred from one nursing facility to 101896
another nursing facility, with or without an intervening hospital 101897
stay. 101898

(C) Except as provided in rules adopted under division (F)(3) 101899
of this section, the department of developmental disabilities 101900
shall review and determine, for each resident of a nursing 101901
facility who is mentally retarded, whether the resident, because 101902
of the resident's physical and mental condition, requires the 101903

level of services provided by a nursing facility and whether the resident requires specialized services for mental retardation. The review and determination shall be conducted in accordance with section 1919(e)(7) of the "Social Security Act" and the regulations adopted under section 1919(f)(8)(A) of the act. The review and determination shall be completed promptly after a nursing facility has notified the department that there has been a significant change in the resident's mental or physical condition.

(D)(1) In the case of a nursing facility resident who has continuously resided in a nursing facility for at least thirty months before the date of a review and determination under division (C) of this section, if the resident is determined not to require the level of services provided by a nursing facility, but is determined to require specialized services for mental retardation, the department, in consultation with the resident's family or legal representative and care givers, shall do all of the following:

(a) Inform the resident of the institutional and noninstitutional alternatives covered under the state plan for medical assistance;

(b) Offer the resident the choice of remaining in the nursing facility or receiving covered services in an alternative institutional or noninstitutional setting;

(c) Clarify the effect on eligibility for services under the state plan for medical assistance if the resident chooses to leave the facility, including its effect on readmission to the facility;

(d) Provide for or arrange for the provision of specialized services for the resident's mental retardation in the setting chosen by the resident.

(2) In the case of a nursing facility resident who has continuously resided in a nursing facility for less than thirty

months before the date of the review and determination under 101935
division (C) of this section, if the resident is determined not to 101936
require the level of services provided by a nursing facility, but 101937
is determined to require specialized services for mental 101938
retardation, or if the resident is determined to require neither 101939
the level of services provided by a nursing facility nor 101940
specialized services for mental retardation, the department shall 101941
act in accordance with its alternative disposition plan approved 101942
by the United States department of health and human services under 101943
section 1919(e)(7)(E) of the "Social Security Act." 101944

(3) In the case of an individual who is determined under 101945
division (B) or (C) of this section to require both the level of 101946
services provided by a nursing facility and specialized services 101947
for mental retardation, the department of developmental 101948
disabilities shall provide or arrange for the provision of the 101949
specialized services needed by the individual or resident while 101950
residing in a nursing facility. 101951

(E) The department of developmental disabilities shall adopt 101952
rules in accordance with Chapter 119. of the Revised Code that do 101953
all of the following: 101954

(1) Establish criteria to be used in making the 101955
determinations required by divisions (B) and (C) of this section. 101956
The criteria shall not exceed the criteria established by 101957
regulations adopted by the United States department of health and 101958
human services under section 1919(f)(8)(A) of the "Social Security 101959
Act." 101960

(2) Specify information to be provided by the individual or 101961
nursing facility resident being assessed; 101962

(3) Specify any circumstances, in addition to circumstances 101963
listed in division (B) of this section, under which determinations 101964
under divisions (B) and (C) of this section are not required to be 101965

made. 101966

Sec. 5123.022. ~~It~~ (A) As used in this section: 101967

(1) "Community employment" means competitive employment that 101968
takes place in an integrated setting. 101969

(2) "Competitive employment" means full-time or part-time 101970
work in the competitive labor market in which payment is at or 101971
above the minimum wage but not less than the customary wage and 101972
level of benefits paid by the employer for the same or similar 101973
work performed by persons who are not disabled. 101974

(3) "Integrated setting" means a setting typically found in 101975
the community where individuals with developmental disabilities 101976
interact with individuals who do not have disabilities to the same 101977
extent that individuals in comparable positions who are not 101978
disabled interact with other individuals, including in employment 101979
settings in which employees interact with the community through 101980
technology. 101981

(B) It is hereby declared to be the policy of this state that 101982
employment services for individuals with developmental 101983
disabilities be directed at ~~placement whenever possible of each~~ 101984
~~individual in a position in the community in which the individual~~ 101985
~~is integrated with the employer's other workers who are not~~ 101986
~~developmentally disabled~~ employment. The Every individual with a 101987
developmental disability is presumed capable of community 101988
employment. 101989

The departments of developmental disabilities, education, 101990
medicaid, job and family services, and ~~mental health~~ mental health 101991
and addiction services; the ~~rehabilitation services commission~~ 101992
opportunities for Ohioans with disabilities agency; and each other 101993
state agency that provides employment services to individuals with 101994
developmental disabilities shall implement ~~this~~ the policy of this 101995

state and ensure that it is followed whenever employment services 101996
are provided to individuals with developmental disabilities. 101997

101998

The department of developmental disabilities shall coordinate 101999
the actions taken by state agencies to comply with the state's 102000
policy. Agencies shall collaborate within their divisions and with 102001
each other to ensure that state programs, policies, procedures, 102002
and funding support competitive and integrated employment of 102003
individuals with developmental disabilities. State agencies shall 102004
share information with the department, and the department shall 102005
track progress toward full implementation of the policy. The 102006
department, in coordination with any task force established by the 102007
governor, shall compile data and annually submit to the governor a 102008
report on implementation of the policy. 102009

The department and state agencies may adopt rules to 102010
implement the state's policy. 102011

(C) The state's policy articulated in this section is 102012
intended to promote the right of each individual with a 102013
developmental disability to informed choice; however, nothing in 102014
this section requires any employer to give preference in hiring to 102015
an individual because the individual has a disability. 102016

Sec. 5123.023. (A) The director of developmental disabilities 102017
may establish an employment first task force consisting of the 102018
departments of developmental disabilities, education, medicaid, 102019
job and family services, and mental health and addiction services; 102020
and the opportunities for Ohioans with disabilities agency. The 102021
purpose of the task force shall be to improve the coordination of 102022
the state's efforts to address the needs of individuals with 102023
developmental disabilities who seek community employment as 102024
defined in section 5123.022 of the Revised Code. 102025

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(B) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following: 102027
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(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities; 102031
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(2) The projects and activities of the task force. 102034

(C) There is hereby created in the state treasury the employment first taskforce fund. Any money received by the task force from its members shall be credited to the fund. The department of developmental disabilities shall use the fund to support the work of the task force. 102035
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(D) The task force shall cease to exist on January 1, 2020. Any money, assets, or employees of the department of developmental disabilities that on that date are dedicated to the work of the task force shall be reallocated by the department for employment services for individuals with developmental disabilities. 102040
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Sec. 5123.03. (A) The department of developmental disabilities shall do all of the following: 102045
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(1) Maintain, operate, manage, and govern all state institutions for the care, treatment, and training of the mentally retarded; 102047
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(2) Designate all such institutions by appropriate names; 102050

(3) Provide and designate facilities for the custody, care, and special treatment of persons of the following classes: 102051
102052

(a) Dangerous persons in state institutions for the mentally retarded who represent a serious threat to the safety of the other patients of the institution; 102053
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(b) Persons charged with crimes who are found incompetent to stand trial or not guilty by reason of insanity and who are also mentally retarded persons subject to institutionalization by court order. 102056
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(4) Have control of all institutions maintained in part by the state for the care, treatment, and training of the mentally retarded; 102060
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(5) Administer the laws relative to persons in such institutions in an efficient, economical, and humane manner; 102063
102064

(6) Ascertain by actual examinations and inquiry whether institutionalizations are made according to law. 102065
102066

(B) The department may do any of the following: 102067

(1) Subject to section 5139.08 of the Revised Code, receive from the department of youth services for observation, diagnosis, care, habilitation, or placement any children in the custody of the department of youth services; 102068
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(2) Receive for observation any minor from a public institution other than an institution under the jurisdiction of the department of developmental disabilities, from a private charitable institution, or from a person having legal custody of such a minor, upon such terms as are proper; 102072
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(3) Receive from the department of ~~mental health~~ mental health and addiction services any patient in the custody of the department who is transferred to the department of developmental disabilities upon such terms and conditions as may be agreed upon by the two departments. 102077
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(C) In addition to the powers and duties expressly conferred by this section, the department may take any other action necessary for the full and efficient executive, administrative, and fiscal supervision of the state institutions described in this 102082
102083
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102085

section. 102086

Sec. 5123.0412. (A) The department of developmental 102087
disabilities shall charge each county board of developmental 102088
disabilities an annual fee equal to one and one-quarter per cent 102089
of the total value of all medicaid paid claims for home and 102090
community-based services provided during the year to an individual 102091
eligible for services from the county board. However, the 102092
department shall not charge the fee for home and community-based 102093
services provided under the medicaid waiver component known as the 102094
transitions developmental disabilities waiver. No county board 102095
shall pass the cost of a fee charged to the county board under 102096
this section on to another provider of these services. 102097

(B) The fees collected under this section shall be deposited 102098
into the ODDD administration and oversight fund ~~and the ODJFS~~ 102099
~~administration and oversight fund, both of~~ which are ~~is~~ hereby 102100
created in the state treasury. ~~The portion of the fees to be~~ 102101
~~deposited into the ODDD administration and oversight fund and the~~ 102102
~~portion of the fees to be deposited into the ODJFS administration~~ 102103
~~and oversight fund shall be the portion specified in an~~ 102104
~~interagency agreement entered into under division (C) of this~~ 102105
~~section.~~ The department ~~of developmental disabilities~~ shall use 102106
the money in the ODDD administration and oversight fund ~~and the~~ 102107
~~department of job and family services shall use the money in the~~ 102108
~~ODJFS administration and oversight fund~~ for both of the following 102109
purposes: 102110

(1) Medicaid administrative costs, including administrative 102111
and oversight costs of medicaid case management services and home 102112
and community-based services. The administrative and oversight 102113
costs of medicaid case management services and home and 102114
community-based services shall include costs for staff, systems, 102115
and other resources the ~~departments need~~ department needs and 102116

~~dedicate~~ dedicates solely to the following duties associated with 102117
the services: 102118

(a) Eligibility determinations; 102119

(b) Training; 102120

(c) Fiscal management; 102121

(d) Claims processing; 102122

(e) Quality assurance oversight; 102123

(f) Other duties the ~~departments identify~~ department 102124
identifies. 102125

(2) Providing technical support to county boards' local 102126
administrative authority under section 5126.055 of the Revised 102127
Code for the services. 102128

~~(C) The departments of developmental disabilities and job and 102129
family services shall enter into an interagency agreement to do 102130
both of the following: 102131~~

~~(1) Specify which portion of the fees collected under this 102132
section is to be deposited into the ODDD administration and 102133
oversight fund and which portion is to be deposited into the ODJFS 102134
administration and oversight fund; 102135~~

~~(2) Provide for the departments to coordinate the staff whose 102136
costs are paid for with money in the ODDD administration and 102137
oversight fund and the ODJFS administration and oversight fund. 102138~~

~~(D) The departments department shall submit an annual report 102139
to the director of budget and management certifying how the 102140
~~departments~~ department spent the money in the ODDD administration 102141
and oversight fund ~~and the ODJFS administration and oversight fund~~ 102142
for the purposes specified in division (B) of this section. 102143~~

Sec. 5123.0417. (A) The director of developmental 102144
disabilities shall establish one or more programs for individuals 102145

under twenty-two years of age who have intensive behavioral needs, 102146
including such individuals with a primary diagnosis of autism 102147
spectrum disorder. The programs may include one or more medicaid 102148
waiver components that the director administers pursuant to 102149
section ~~5111.871~~ 5166.21 of the Revised Code. The programs may do 102150
one or more of the following: 102151

(1) Establish models that incorporate elements common to 102152
effective intervention programs and evidence-based practices in 102153
services for children with intensive behavioral needs; 102154

(2) Design a template for individualized education plans and 102155
individual service plans that provide consistent intervention 102156
programs and evidence-based practices for the care and treatment 102157
of children with intensive behavioral needs; 102158

(3) Disseminate best practice guidelines for use by families 102159
of children with intensive behavioral needs and professionals 102160
working with such families; 102161

(4) Develop a transition planning model for effectively 102162
mainstreaming school-age children with intensive behavioral needs 102163
to their public school district; 102164

(5) Contribute to the field of early and effective 102165
identification and intervention programs for children with 102166
intensive behavioral needs by providing financial support for 102167
scholarly research and publication of clinical findings. 102168

(B) The director of developmental disabilities shall 102169
collaborate with the medicaid director ~~of job and family services~~ 102170
and consult with the executive director of the Ohio center for 102171
autism and low incidence and university-based programs that 102172
specialize in services for individuals with developmental 102173
disabilities when establishing programs under this section. 102174

Sec. 5123.09. Subject to the rules of the department of 102175

developmental disabilities, each institution under the 102176
jurisdiction of the department shall be under the control of a 102177
managing officer to be known as a superintendent or by other 102178
appropriate title. The managing officer shall be appointed by the 102179
director of developmental disabilities and shall be in the 102180
unclassified service and serve at the pleasure of the director. 102181
Each managing officer shall be of good moral character and have 102182
skill, ability, and experience in the managing officer's 102183
profession. Appointment to the position of managing officer of an 102184
institution may be made from persons holding positions in the 102185
classified service in the department. 102186

The managing officer, under the director, shall have entire 102187
executive charge of the institution for which the managing officer 102188
is appointed, except as provided in section ~~5119.16~~ 5119.44 of the 102189
Revised Code. Subject to civil service rules and rules adopted by 102190
the department, the managing officer shall appoint the necessary 102191
employees, and the managing officer or the director may remove 102192
those employees for cause. A report of all appointments, 102193
resignations, and discharges shall be filed with the appropriate 102194
division at the close of each month. 102195

After conference with the managing officer of each 102196
institution, the director shall determine the number of employees 102197
to be appointed to the various institutions and clinics. 102198

Sec. 5123.171. As used in this section, "respite care" means 102199
appropriate, short-term, temporary care provided to a mentally 102200
retarded or developmentally disabled person to sustain the family 102201
structure or to meet planned or emergency needs of the family. 102202

The department of developmental disabilities shall provide 102203
respite care services to persons with mental retardation or a 102204
developmental disability for the purpose of promoting 102205
self-sufficiency and normalization, preventing or reducing 102206

inappropriate institutional care, and furthering the unity of the family by enabling the family to meet the special needs of a mentally retarded or developmentally disabled person.

In order to be eligible for respite care services under this section, the mentally retarded or developmentally disabled person must be in need of habilitation services as defined in section 5126.01 of the Revised Code.

Respite care may be provided in a residential facility licensed under section 5123.19 of the Revised Code ~~(, including a residential facility certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 79 Stat. 344 (1965), 42 U.S.C. 1396, et seq., as amended)~~ ICF/IID, and a respite care home certified under section 5126.05 of the Revised Code.

The department shall develop a system for locating vacant beds that are available for respite care and for making information on vacant beds available to users of respite care services. ~~Facilities certified as intermediate care facilities for the mentally retarded ICFs/IID~~ ICFs/IID shall report vacant beds to the department but shall not be required to accept respite care clients.

The director of developmental disabilities shall adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code for both of the following:

(A) Certification by county boards of developmental disabilities of respite care homes;

(B) Provision of respite care services authorized by this section. Rules adopted under this division shall establish all of the following:

(1) A formula for distributing funds appropriated for respite care services;

(2) Standards for supervision, training and quality control	102238
in the provision of respite care services;	102239
(3) Eligibility criteria for emergency respite care services.	102240
Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of	102241
the Revised Code:	102242
(1) "Independent living arrangement" means an arrangement in	102243
which a mentally retarded or developmentally disabled person	102244
resides in an individualized setting chosen by the person or the	102245
person's guardian, which is not dedicated principally to the	102246
provision of residential services for mentally retarded or	102247
developmentally disabled persons, and for which no financial	102248
support is received for rendering such service from any	102249
governmental agency by a provider of residential services.	102250
(2) "Intermediate care facility for the mentally retarded"	102251
has the same meaning as in section 1905(d) of the "Social Security	102252
Act," 101 Stat. 1330-204 (1987), 42 U.S.C. 1396d(d), as amended.	102253
(3) "Licensee" means the person or government agency that has	102254
applied for a license to operate a residential facility and to	102255
which the license was issued under this section.	102256
(4) <u>(3)</u> "Political subdivision" means a municipal corporation,	102257
county, or township.	102258
(5) <u>(4)</u> "Related party" has the same meaning as in section	102259
5123.16 of the Revised Code except that "provider" as used in the	102260
definition of "related party" means a person or government entity	102261
that held or applied for a license to operate a residential	102262
facility, rather than a person or government entity certified to	102263
provide supported living.	102264
(6) <u>(5)</u> (a) Except as provided in division (A) (6) <u>(5)</u> (b) of this	102265
section, "residential facility" means a home or facility,	102266
including a facility certified as an intermediate care facility	102267

~~for the mentally retarded~~ an ICF/IID, in which an individual with 102268
mental retardation or a developmental disability resides. 102269

(b) "Residential facility" does not mean any of the 102270
following: 102271

(i) The home of a relative or legal guardian in which an 102272
individual with mental retardation or a developmental disability 102273
resides; 102274

(ii) A respite care home certified under section 5126.05 of 102275
the Revised Code; 102276

(iii) A county home or district home operated pursuant to 102277
Chapter 5155. of the Revised Code; 102278

(iv) A dwelling in which the only residents with mental 102279
retardation or developmental disabilities are in independent 102280
living arrangements or are being provided supported living. 102281

(B) Every person or government agency desiring to operate a 102282
residential facility shall apply for licensure of the facility to 102283
the director of developmental disabilities unless the residential 102284
facility is subject to section 3721.02, 5103.03, ~~5119.20~~ 5119.33, 102285
or division (A)(9)(b) of section ~~5119.22~~ 5119.34 of the Revised 102286
Code. 102287

(C) Subject to section 5123.196 of the Revised Code, the 102288
director of developmental disabilities shall license the operation 102289
of residential facilities. An initial license shall be issued for 102290
a period that does not exceed one year, unless the director denies 102291
the license under division (D) of this section. A license shall be 102292
renewed for a period that does not exceed three years, unless the 102293
director refuses to renew the license under division (D) of this 102294
section. The director, when issuing or renewing a license, shall 102295
specify the period for which the license is being issued or 102296
renewed. A license remains valid for the length of the licensing 102297
period specified by the director, unless the license is 102298

terminated, revoked, or voluntarily surrendered. 102299

(D) If it is determined that an applicant or licensee is not 102300
in compliance with a provision of this chapter that applies to 102301
residential facilities or the rules adopted under such a 102302
provision, the director may deny issuance of a license, refuse to 102303
renew a license, terminate a license, revoke a license, issue an 102304
order for the suspension of admissions to a facility, issue an 102305
order for the placement of a monitor at a facility, issue an order 102306
for the immediate removal of residents, or take any other action 102307
the director considers necessary consistent with the director's 102308
authority under this chapter regarding residential facilities. In 102309
the director's selection and administration of the sanction to be 102310
imposed, all of the following apply: 102311

(1) The director may deny, refuse to renew, or revoke a 102312
license, if the director determines that the applicant or licensee 102313
has demonstrated a pattern of serious noncompliance or that a 102314
violation creates a substantial risk to the health and safety of 102315
residents of a residential facility. 102316

(2) The director may terminate a license if more than twelve 102317
consecutive months have elapsed since the residential facility was 102318
last occupied by a resident or a notice required by division (K) 102319
of this section is not given. 102320

(3) The director may issue an order for the suspension of 102321
admissions to a facility for any violation that may result in 102322
sanctions under division (D)(1) of this section and for any other 102323
violation specified in rules adopted under division (H)(2) of this 102324
section. If the suspension of admissions is imposed for a 102325
violation that may result in sanctions under division (D)(1) of 102326
this section, the director may impose the suspension before 102327
providing an opportunity for an adjudication under Chapter 119. of 102328
the Revised Code. The director shall lift an order for the 102329
suspension of admissions when the director determines that the 102330

violation that formed the basis for the order has been corrected. 102331

(4) The director may order the placement of a monitor at a 102332
residential facility for any violation specified in rules adopted 102333
under division (H)(2) of this section. The director shall lift the 102334
order when the director determines that the violation that formed 102335
the basis for the order has been corrected. 102336

(5) If the director determines that two or more residential 102337
facilities owned or operated by the same person or government 102338
entity are not being operated in compliance with a provision of 102339
this chapter that applies to residential facilities or the rules 102340
adopted under such a provision, and the director's findings are 102341
based on the same or a substantially similar action, practice, 102342
circumstance, or incident that creates a substantial risk to the 102343
health and safety of the residents, the director shall conduct a 102344
survey as soon as practicable at each residential facility owned 102345
or operated by that person or government entity. The director may 102346
take any action authorized by this section with respect to any 102347
facility found to be operating in violation of a provision of this 102348
chapter that applies to residential facilities or the rules 102349
adopted under such a provision. 102350

(6) When the director initiates license revocation 102351
proceedings, no opportunity for submitting a plan of correction 102352
shall be given. The director shall notify the licensee by letter 102353
of the initiation of the proceedings. The letter shall list the 102354
deficiencies of the residential facility and inform the licensee 102355
that no plan of correction will be accepted. The director shall 102356
also send a copy of the letter to the county board of 102357
developmental disabilities. The county board shall send a copy of 102358
the letter to each of the following: 102359

(a) Each resident who receives services from the licensee; 102360

(b) The guardian of each resident who receives services from 102361

the licensee if the resident has a guardian; 102362

(c) The parent or guardian of each resident who receives 102363
services from the licensee if the resident is a minor. 102364

(7) Pursuant to rules which shall be adopted in accordance 102365
with Chapter 119. of the Revised Code, the director may order the 102366
immediate removal of residents from a residential facility 102367
whenever conditions at the facility present an immediate danger of 102368
physical or psychological harm to the residents. 102369

(8) In determining whether a residential facility is being 102370
operated in compliance with a provision of this chapter that 102371
applies to residential facilities or the rules adopted under such 102372
a provision, or whether conditions at a residential facility 102373
present an immediate danger of physical or psychological harm to 102374
the residents, the director may rely on information obtained by a 102375
county board of developmental disabilities or other governmental 102376
agencies. 102377

(9) In proceedings initiated to deny, refuse to renew, or 102378
revoke licenses, the director may deny, refuse to renew, or revoke 102379
a license regardless of whether some or all of the deficiencies 102380
that prompted the proceedings have been corrected at the time of 102381
the hearing. 102382

(E) The director shall establish a program under which public 102383
notification may be made when the director has initiated license 102384
revocation proceedings or has issued an order for the suspension 102385
of admissions, placement of a monitor, or removal of residents. 102386
The director shall adopt rules in accordance with Chapter 119. of 102387
the Revised Code to implement this division. The rules shall 102388
establish the procedures by which the public notification will be 102389
made and specify the circumstances for which the notification must 102390
be made. The rules shall require that public notification be made 102391
if the director has taken action against the facility in the 102392

eighteen-month period immediately preceding the director's latest 102393
action against the facility and the latest action is being taken 102394
for the same or a substantially similar violation of a provision 102395
of this chapter that applies to residential facilities or the 102396
rules adopted under such a provision. The rules shall specify a 102397
method for removing or amending the public notification if the 102398
director's action is found to have been unjustified or the 102399
violation at the residential facility has been corrected. 102400

(F)(1) Except as provided in division (F)(2) of this section, 102401
appeals from proceedings initiated to impose a sanction under 102402
division (D) of this section shall be conducted in accordance with 102403
Chapter 119. of the Revised Code. 102404

(2) Appeals from proceedings initiated to order the 102405
suspension of admissions to a facility shall be conducted in 102406
accordance with Chapter 119. of the Revised Code, unless the order 102407
was issued before providing an opportunity for an adjudication, in 102408
which case all of the following apply: 102409

(a) The licensee may request a hearing not later than ten 102410
days after receiving the notice specified in section 119.07 of the 102411
Revised Code. 102412

(b) If a timely request for a hearing that includes the 102413
licensee's current address is made, the hearing shall commence not 102414
later than thirty days after the department receives the request. 102415

(c) After commencing, the hearing shall continue 102416
uninterrupted, except for Saturdays, Sundays, and legal holidays, 102417
unless other interruptions are agreed to by the licensee and the 102418
director. 102419

(d) If the hearing is conducted by a hearing examiner, the 102420
hearing examiner shall file a report and recommendations not later 102421
than ten days after the last of the following: 102422

(i) The close of the hearing; 102423

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 102424
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 102426
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(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed. 102428
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(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations. 102432
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations. 102435
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(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected. 102439
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(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation. 102443
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(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ~~intermediate care facilities~~ 102451
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~~for the mentally retarded~~ ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Requirements for the training of residential facility personnel;

(6) Classifications for the various types of residential facilities;

(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;

(8) The maximum number of persons who may be served in a particular type of residential facility;

(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;

(10) Other standards for the operation of residential facilities and the services provided at residential facilities;

(11) Procedures for waiving any provision of any rule adopted

under this section. 102485

(I) Before issuing a license, the director of the department 102486
or the director's designee shall conduct a survey of the 102487
residential facility for which application is made. The director 102488
or the director's designee shall conduct a survey of each licensed 102489
residential facility at least once during the period the license 102490
is valid and may conduct additional inspections as needed. A 102491
survey includes but is not limited to an on-site examination and 102492
evaluation of the residential facility, its personnel, and the 102493
services provided there. 102494

In conducting surveys, the director or the director's 102495
designee shall be given access to the residential facility; all 102496
records, accounts, and any other documents related to the 102497
operation of the facility; the licensee; the residents of the 102498
facility; and all persons acting on behalf of, under the control 102499
of, or in connection with the licensee. The licensee and all 102500
persons on behalf of, under the control of, or in connection with 102501
the licensee shall cooperate with the director or the director's 102502
designee in conducting the survey. 102503

Following each survey, unless the director initiates a 102504
license revocation proceeding, the director or the director's 102505
designee shall provide the licensee with a report listing any 102506
deficiencies, specifying a timetable within which the licensee 102507
shall submit a plan of correction describing how the deficiencies 102508
will be corrected, and, when appropriate, specifying a timetable 102509
within which the licensee must correct the deficiencies. After a 102510
plan of correction is submitted, the director or the director's 102511
designee shall approve or disapprove the plan. A copy of the 102512
report and any approved plan of correction shall be provided to 102513
any person who requests it. 102514

The director shall initiate disciplinary action against any 102515
department employee who notifies or causes the notification to any 102516

unauthorized person of an unannounced survey of a residential facility by an authorized representative of the department.

(J) In addition to any other information which may be required of applicants for a license pursuant to this section, the director shall require each applicant to provide a copy of an approved plan for a proposed residential facility pursuant to section 5123.042 of the Revised Code. This division does not apply to renewal of a license or to an applicant for an initial or modified license who meets the requirements of section 5123.197 of the Revised Code.

(K) A licensee shall notify the owner of the building in which the licensee's residential facility is located of any significant change in the identity of the licensee or management contractor before the effective date of the change if the licensee is not the owner of the building.

Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may require notification to the department of any significant change in the ownership of a residential facility or in the identity of the licensee or management contractor. If the director determines that a significant change of ownership is proposed, the director shall consider the proposed change to be an application for development by a new operator pursuant to section 5123.042 of the Revised Code and shall advise the applicant within sixty days of the notification that the current license shall continue in effect or a new license will be required pursuant to this section. If the director requires a new license, the director shall permit the facility to continue to operate under the current license until the new license is issued, unless the current license is revoked, refused to be renewed, or terminated in accordance with Chapter 119. of the Revised Code.

(L) A county board of developmental disabilities and any

interested person may file complaints alleging violations of 102549
statute or department rule relating to residential facilities with 102550
the department. All complaints shall be in writing and shall state 102551
the facts constituting the basis of the allegation. The department 102552
shall not reveal the source of any complaint unless the 102553
complainant agrees in writing to waive the right to 102554
confidentiality or until so ordered by a court of competent 102555
jurisdiction. 102556

The department shall adopt rules in accordance with Chapter 102557
119. of the Revised Code establishing procedures for the receipt, 102558
referral, investigation, and disposition of complaints filed with 102559
the department under this division. 102560

(M) The department shall establish procedures for the 102561
notification of interested parties of the transfer or interim care 102562
of residents from residential facilities that are closing or are 102563
losing their license. 102564

(N) Before issuing a license under this section to a 102565
residential facility that will accommodate at any time more than 102566
one mentally retarded or developmentally disabled individual, the 102567
director shall, by first class mail, notify the following: 102568

(1) If the facility will be located in a municipal 102569
corporation, the clerk of the legislative authority of the 102570
municipal corporation; 102571

(2) If the facility will be located in unincorporated 102572
territory, the clerk of the appropriate board of county 102573
commissioners and the fiscal officer of the appropriate board of 102574
township trustees. 102575

The director shall not issue the license for ten days after 102576
mailing the notice, excluding Saturdays, Sundays, and legal 102577
holidays, in order to give the notified local officials time in 102578
which to comment on the proposed issuance. 102579

Any legislative authority of a municipal corporation, board 102580
of county commissioners, or board of township trustees that 102581
receives notice under this division of the proposed issuance of a 102582
license for a residential facility may comment on it in writing to 102583
the director within ten days after the director mailed the notice, 102584
excluding Saturdays, Sundays, and legal holidays. If the director 102585
receives written comments from any notified officials within the 102586
specified time, the director shall make written findings 102587
concerning the comments and the director's decision on the 102588
issuance of the license. If the director does not receive written 102589
comments from any notified local officials within the specified 102590
time, the director shall continue the process for issuance of the 102591
license. 102592

(O) Any person may operate a licensed residential facility 102593
that provides room and board, personal care, habilitation 102594
services, and supervision in a family setting for at least six but 102595
not more than eight persons with mental retardation or a 102596
developmental disability as a permitted use in any residential 102597
district or zone, including any single-family residential district 102598
or zone, of any political subdivision. These residential 102599
facilities may be required to comply with area, height, yard, and 102600
architectural compatibility requirements that are uniformly 102601
imposed upon all single-family residences within the district or 102602
zone. 102603

(P) Any person may operate a licensed residential facility 102604
that provides room and board, personal care, habilitation 102605
services, and supervision in a family setting for at least nine 102606
but not more than sixteen persons with mental retardation or a 102607
developmental disability as a permitted use in any multiple-family 102608
residential district or zone of any political subdivision, except 102609
that a political subdivision that has enacted a zoning ordinance 102610
or resolution establishing planned unit development districts may 102611

exclude these residential facilities from those districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate these residential facilities in multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to:

(1) Require the architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign regulation;

(3) Limit excessive concentration of these residential facilities.

(Q) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.

(R) Divisions (O) and (P) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification.

(S)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case:

(a) The director determines that an emergency exists requiring immediate placement of persons in a residential facility, that insufficient licensed beds are available, and that

the residential facility is likely to receive a permanent license 102643
under this section within thirty days after issuance of the 102644
interim license. 102645

(b) The director determines that the issuance of an interim 102646
license is necessary to meet a temporary need for a residential 102647
facility. 102648

(2) To be eligible to receive an interim license, an 102649
applicant must meet the same criteria that must be met to receive 102650
a permanent license under this section, except for any differing 102651
procedures and time frames that may apply to issuance of a 102652
permanent license. 102653

(3) An interim license shall be valid for thirty days and may 102654
be renewed by the director for a period not to exceed one hundred 102655
fifty days. 102656

(4) The director shall adopt rules in accordance with Chapter 102657
119. of the Revised Code as the director considers necessary to 102658
administer the issuance of interim licenses. 102659

(T) Notwithstanding rules adopted pursuant to this section 102660
establishing the maximum number of persons who may be served in a 102661
particular type of residential facility, a residential facility 102662
shall be permitted to serve the same number of persons being 102663
served by the facility on the effective date of the rules or the 102664
number of persons for which the facility is authorized pursuant to 102665
a current application for a certificate of need with a letter of 102666
support from the department of developmental disabilities and 102667
which is in the review process prior to April 4, 1986. 102668

(U) The director or the director's designee may enter at any 102669
time, for purposes of investigation, any home, facility, or other 102670
structure that has been reported to the director or that the 102671
director has reasonable cause to believe is being operated as a 102672
residential facility without a license issued under this section. 102673

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a residential facility without a license. The court may grant the injunction, regardless of whether the residential facility meets the requirements for receiving a license under this section.

Sec. 5123.192. (A) A person or government agency operating, on ~~the effective date of this section~~ September 10, 2012, an ~~intermediate care facility for the mentally retarded~~ ICF/IID pursuant to a nursing home license issued under Chapter 3721. of the Revised Code shall do both of the following as a condition of continuing to operate the ~~facility~~ ICF/IID on and after July 1, 2013:

(1) Not later than February 1, 2013, apply to the director of developmental disabilities for a residential facility license under section 5123.19 of the Revised Code for the ~~facility~~ ICF/IID;

(2) Not later than July 1, 2013, obtain the residential facility license for the ~~facility~~ ICF/IID.

(B) The nursing home license of an ~~intermediate care facility for the mentally retarded~~ ICF/IID shall cease to be valid at the earliest of the following:

(1) The date that the ~~facility's~~ ICF/IID's nursing home license is revoked or voided under section 3721.07 of the Revised Code;

(2) The date that a residential facility license is obtained for the ~~facility~~ ICF/IID under section 5123.19 of the Revised

Code; 102704

(3) July 1, 2013. 102705

(C) Except for existing nursing home beds not certified as 102706
~~intermediate care facility for the mentally retarded~~ ICF/IID beds 102707
and relocated in accordance with a move authorized by a 102708
certificate of need under Chapter 3702. of the Revised Code, no 102709
bed that is part of an ~~intermediate care facility for the mentally~~ 102710
~~retarded~~ ICF/IID that is licensed as a nursing home on ~~the~~ 102711
~~effective date of this section~~ September 10, 2012, may be used as 102712
part of a nursing home on and after the earlier of the following: 102713

(1) The date that a residential facility license is obtained 102714
for the ~~facility~~ ICF/IID under section 5123.19 of the Revised 102715
Code; 102716

(2) July 1, 2013. 102717

Sec. 5123.197. Neither an applicant for an initial 102718
residential facility license under section 5123.19 of the Revised 102719
Code nor an applicant for a modification of an existing 102720
residential facility license under that section is required to 102721
obtain approval of a plan for the proposed new residential 102722
facility or modification to the existing residential facility 102723
pursuant to section 5123.042 of the Revised Code if all of the 102724
following apply: 102725

(A) The new residential facility or modification to the 102726
existing residential facility is to serve individuals who have 102727
diagnoses or special care needs for which a medicaid ~~reimbursement~~ 102728
payment rate is set pursuant to section ~~5111.258~~ 5124.152 of the 102729
Revised Code; 102730

(B) The ~~directors of job and family services~~ medicaid 102731
director and director of developmental disabilities determine that 102732
there is a need under the medicaid program for the proposed new 102733

residential facility or modification to the existing residential 102734
facility and that approving the application for the initial 102735
residential facility license or modification to the existing 102736
residential facility license is fiscally prudent for the medicaid 102737
program; 102738

(C) The director of budget and management notifies the 102739
~~directors of job and family services~~ medicaid director and 102740
director of developmental disabilities that the director of budget 102741
and management agrees with the directors' determination under 102742
division (B) of this section. 102743

Sec. 5123.198. (A) As used in this section, "date of the 102744
commitment" means the date that an individual specified in 102745
division (B) of this section begins to reside in a state-operated 102746
~~intermediate care facility for the mentally retarded~~ ICF/IID after 102747
being committed to the ~~facility~~ ICF/IID pursuant to sections 102748
5123.71 to 5123.76 of the Revised Code. 102749

(B) Except as provided in division (C) of this section, 102750
whenever a resident of a residential facility is committed to a 102751
state-operated ~~intermediate care facility for the mentally~~ 102752
~~retarded~~ ICF/IID pursuant to sections 5123.71 to 5123.76 of the 102753
Revised Code, the department of developmental disabilities, 102754
pursuant to an adjudication order issued in accordance with 102755
Chapter 119. of the Revised Code, shall reduce by one the number 102756
of residents for which the residential facility in which the 102757
resident resided is licensed. 102758

(C) The department shall not reduce under division (B) of 102759
this section the number of residents for which a residential 102760
facility is licensed if any of the following are the case: 102761

(1) The resident of the residential facility who is committed 102762
to a state-operated ~~intermediate care facility for the mentally~~ 102763
~~retarded~~ ICF/IID resided in the residential facility because of 102764

the closure, on or after June 26, 2003, of another state-operated 102765
~~intermediate care facility for the mentally retarded~~ ICF/IID; 102766

(2) The residential facility admits within ninety days of the 102767
date of the commitment an individual who resides on the date of 102768
the commitment in a state-operated ~~intermediate care facility for~~ 102769
~~the mentally retarded~~ ICF/IID or another residential facility; 102770

(3) The department fails to do either of the following within 102771
ninety days of the date of the commitment: 102772

(a) Identify an individual to whom all of the following 102773
applies: 102774

(i) Resides on the date of the commitment in a state-operated 102775
~~intermediate care facility for the mentally retarded~~ ICF/IID or 102776
another residential facility; 102777

(ii) Has indicated to the department an interest in 102778
relocating to the residential facility or has a parent or guardian 102779
who has indicated to the department an interest for the individual 102780
to relocate to the residential facility; 102781

(iii) The department determines the individual has needs that 102782
the residential facility can meet. 102783

(b) Provide the residential facility with information about 102784
the individual identified under division (C)(2)(a) of this section 102785
that the residential facility needs in order to determine whether 102786
the facility can meet the individual's needs. 102787

(4) If the department completes the actions specified in 102788
divisions (C)(3)(a) and (b) of this section not later than ninety 102789
days after the date of the commitment and except as provided in 102790
division (D) of this section, the residential facility does all of 102791
the following not later than ninety days after the date of the 102792
commitment: 102793

(a) Evaluates the information provided by the department; 102794

(b) Assesses the identified individual's needs; 102795

(c) Determines that the residential facility cannot meet the 102796
identified individual's needs. 102797

(5) If the department completes the actions specified in 102798
divisions (C)(3)(a) and (b) of this section not later than ninety 102799
days after the date of the commitment and the residential facility 102800
determines that the residential facility can meet the identified 102801
individual's needs, the individual, or a parent or guardian of the 102802
individual, refuses placement in the residential facility. 102803

(D) The department may reduce under division (B) of this 102804
section the number of residents for which a residential facility 102805
is licensed even though the residential facility completes the 102806
actions specified in division (C)(4) of this section not later 102807
than ninety days after the date of the commitment if all of the 102808
following are the case: 102809

(1) The department disagrees with the residential facility's 102810
determination that the residential facility cannot meet the 102811
identified individual's needs. 102812

(2) The department issues a written decision pursuant to the 102813
uniform procedures for admissions, transfers, and discharges 102814
established by rules adopted under division (H)(9) of section 102815
5123.19 of the Revised Code that the residential facility should 102816
admit the identified individual. 102817

(3) After the department issues the written decision 102818
specified in division (D)(2) of this section, the residential 102819
facility refuses to admit the identified individual. 102820

(E) A residential facility that admits, refuses to admit, 102821
transfers, or discharges a resident under this section shall 102822
comply with the uniform procedures for admissions, transfers, and 102823
discharges established by rules adopted under division (H)(9) of 102824
section 5123.19 of the Revised Code. 102825

~~(F) The department of developmental disabilities may notify the department of job and family services of any reduction under this section in the number of residents for which a residential facility that is an intermediate care facility for the mentally retarded is licensed. On receiving the notice, the department of job and family services may transfer to the department of developmental disabilities the savings in the nonfederal share of medicaid expenditures for each fiscal year after the year of the commitment to be used for costs of the resident's care in the state-operated intermediate care facility for the mentally retarded. In determining the amount saved, the department of job and family services shall consider medicaid payments for the remaining residents of the facility in which the resident resided.~~

Sec. 5123.38. (A) Except as provided in division (B) of this section, if an individual receiving supported living or home and community-based services funded by a county board of developmental disabilities is committed to a state-operated ~~intermediate care facility for the mentally retarded~~ ICF/IID pursuant to sections 5123.71 to 5123.76 of the Revised Code, the county board is responsible for the nonfederal share of medicaid expenditures for the individual's care in the state-operated ~~facility~~ ICF/IID. The department of developmental disabilities shall collect the amount of the nonfederal share from the county board by either withholding that amount from funds the department has otherwise allocated to the county board or submitting an invoice for payment of that amount to the county board.

(B) Division (A) of this section does not apply under any of the following circumstances:

(1) The county board, not later than ninety days after the date of the commitment of a person receiving supported living, commences funding of supported living for an individual who

resides in a state-operated ~~intermediate care facility for the~~ 102857
~~mentally retarded~~ ICF/IID on the date of the commitment or another 102858
eligible individual designated by the department. 102859

(2) The county board, not later than ninety days after the 102860
date of the commitment of a person receiving home and 102861
community-based services, commences funding of home and 102862
community-based services for an individual who resides in a 102863
state-operated ~~intermediate care facility for the mentally~~ 102864
~~retarded~~ ICF/IID on the date of the commitment or another eligible 102865
individual designated by the department. 102866

(3) The director of developmental disabilities, after 102867
determining that circumstances warrant granting a waiver in an 102868
individual's case, grants the county board a waiver that exempts 102869
the county board from responsibility for the nonfederal share for 102870
that case. 102871

Sec. 5123.61. (A) As used in this section: 102872

(1) "Law enforcement agency" means the state highway patrol, 102873
the police department of a municipal corporation, or a county 102874
sheriff. 102875

(2) "Abuse" has the same meaning as in section 5123.50 of the 102876
Revised Code, except that it includes a misappropriation, as 102877
defined in that section. 102878

(3) "Neglect" has the same meaning as in section 5123.50 of 102879
the Revised Code. 102880

(B) The department of developmental disabilities shall 102881
establish a registry office for the purpose of maintaining reports 102882
of abuse, neglect, and other major unusual incidents made to the 102883
department under this section and reports received from county 102884
boards of developmental disabilities under section 5126.31 of the 102885
Revised Code. The department shall establish committees to review 102886

reports of abuse, neglect, and other major unusual incidents. 102887

(C)(1) Any person listed in division (C)(2) of this section, 102888
having reason to believe that a person with mental retardation or 102889
a developmental disability has suffered or faces a substantial 102890
risk of suffering any wound, injury, disability, or condition of 102891
such a nature as to reasonably indicate abuse or neglect of that 102892
person, shall immediately report or cause reports to be made of 102893
such information to the entity specified in this division. Except 102894
as provided in section 5120.173 of the Revised Code or as 102895
otherwise provided in this division, the person making the report 102896
shall make it to a law enforcement agency or to the county board 102897
of developmental disabilities. If the report concerns a resident 102898
of a facility operated by the department of developmental 102899
disabilities the report shall be made either to a law enforcement 102900
agency or to the department. If the report concerns any act or 102901
omission of an employee of a county board of developmental 102902
disabilities, the report immediately shall be made to the 102903
department and to the county board. 102904

(2) All of the following persons are required to make a 102905
report under division (C)(1) of this section: 102906

(a) Any physician, including a hospital intern or resident, 102907
any dentist, podiatrist, chiropractor, practitioner of a limited 102908
branch of medicine as specified in section 4731.15 of the Revised 102909
Code, hospital administrator or employee of a hospital, nurse 102910
licensed under Chapter 4723. of the Revised Code, employee of an 102911
ambulatory health facility as defined in section 5101.61 of the 102912
Revised Code, employee of a home health agency, employee of a 102913
residential facility licensed under section ~~5119.22~~ 5119.34 of the 102914
Revised Code that provides accommodations, supervision, and person 102915
care services for three to sixteen unrelated adults, or employee 102916
of a community mental health facility; 102917

(b) Any school teacher or school authority, social worker, 102918

psychologist, attorney, peace officer, coroner, or residents' 102919
rights advocate as defined in section 3721.10 of the Revised Code; 102920

(c) A superintendent, board member, or employee of a county 102921
board of developmental disabilities; an administrator, board 102922
member, or employee of a residential facility licensed under 102923
section 5123.19 of the Revised Code; an administrator, board 102924
member, or employee of any other public or private provider of 102925
services to a person with mental retardation or a developmental 102926
disability, or any MR/DD employee, as defined in section 5123.50 102927
of the Revised Code; 102928

(d) A member of a citizen's advisory council established at 102929
an institution or branch institution of the department of 102930
developmental disabilities under section 5123.092 of the Revised 102931
Code; 102932

(e) A member of the clergy who is employed in a position that 102933
includes providing specialized services to an individual with 102934
mental retardation or another developmental disability, while 102935
acting in an official or professional capacity in that position, 102936
or a person who is employed in a position that includes providing 102937
specialized services to an individual with mental retardation or 102938
another developmental disability and who, while acting in an 102939
official or professional capacity, renders spiritual treatment 102940
through prayer in accordance with the tenets of an organized 102941
religion. 102942

(3)(a) The reporting requirements of this division do not 102943
apply to employees of the Ohio protection and advocacy system. 102944

(b) An attorney or physician is not required to make a report 102945
pursuant to division (C)(1) of this section concerning any 102946
communication the attorney or physician receives from a client or 102947
patient in an attorney-client or physician-patient relationship, 102948
if, in accordance with division (A) or (B) of section 2317.02 of 102949

the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding, except that the client or patient is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to that communication and the attorney or physician shall make a report pursuant to division (C)(1) of this section, if both of the following apply:

(i) The client or patient, at the time of the communication, is a person with mental retardation or a developmental disability.

(ii) The attorney or physician knows or suspects, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(4) Any person who fails to make a report required under division (C) of this section and who is an MR/DD employee, as defined in section 5123.50 of the Revised Code, shall be eligible to be included in the registry regarding misappropriation, abuse, neglect, or other specified misconduct by MR/DD employees established under section 5123.52 of the Revised Code.

(D) The reports required under division (C) of this section shall be made forthwith by telephone or in person and shall be followed by a written report. The reports shall contain the following:

(1) The names and addresses of the person with mental retardation or a developmental disability and the person's custodian, if known;

(2) The age of the person with mental retardation or a developmental disability;

(3) Any other information that would assist in the

investigation of the report. 102981

(E) When a physician performing services as a member of the 102982
staff of a hospital or similar institution has reason to believe 102983
that a person with mental retardation or a developmental 102984
disability has suffered injury, abuse, or physical neglect, the 102985
physician shall notify the person in charge of the institution or 102986
that person's designated delegate, who shall make the necessary 102987
reports. 102988

(F) Any person having reasonable cause to believe that a 102989
person with mental retardation or a developmental disability has 102990
suffered or faces a substantial risk of suffering abuse or neglect 102991
may report or cause a report to be made of that belief to the 102992
entity specified in this division. Except as provided in section 102993
5120.173 of the Revised Code or as otherwise provided in this 102994
division, the person making the report shall make it to a law 102995
enforcement agency or the county board of developmental 102996
disabilities. If the person is a resident of a facility operated 102997
by the department of developmental disabilities, the report shall 102998
be made to a law enforcement agency or to the department. If the 102999
report concerns any act or omission of an employee of a county 103000
board of developmental disabilities, the report immediately shall 103001
be made to the department and to the county board. 103002

(G)(1) Upon the receipt of a report concerning the possible 103003
abuse or neglect of a person with mental retardation or a 103004
developmental disability, the law enforcement agency shall inform 103005
the county board of developmental disabilities or, if the person 103006
is a resident of a facility operated by the department of 103007
developmental disabilities, the director of the department or the 103008
director's designee. 103009

(2) On receipt of a report under this section that includes 103010
an allegation of action or inaction that may constitute a crime 103011
under federal law or the law of this state, the department of 103012

developmental disabilities shall notify the law enforcement 103013
agency. 103014

(3) When a county board of developmental disabilities 103015
receives a report under this section that includes an allegation 103016
of action or inaction that may constitute a crime under federal 103017
law or the law of this state, the superintendent of the board or 103018
an individual the superintendent designates under division (H) of 103019
this section shall notify the law enforcement agency. The 103020
superintendent or individual shall notify the department of 103021
developmental disabilities when it receives any report under this 103022
section. 103023

(4) When a county board of developmental disabilities 103024
receives a report under this section and believes that the degree 103025
of risk to the person is such that the report is an emergency, the 103026
superintendent of the board or an employee of the board the 103027
superintendent designates shall attempt a face-to-face contact 103028
with the person with mental retardation or a developmental 103029
disability who allegedly is the victim within one hour of the 103030
board's receipt of the report. 103031

(H) The superintendent of the board may designate an 103032
individual to be responsible for notifying the law enforcement 103033
agency and the department when the county board receives a report 103034
under this section. 103035

(I) An adult with mental retardation or a developmental 103036
disability about whom a report is made may be removed from the 103037
adult's place of residence only by law enforcement officers who 103038
consider that the adult's immediate removal is essential to 103039
protect the adult from further injury or abuse or in accordance 103040
with the order of a court made pursuant to section 5126.33 of the 103041
Revised Code. 103042

(J) A law enforcement agency shall investigate each report of 103043

abuse or neglect it receives under this section. In addition, the 103044
department, in cooperation with law enforcement officials, shall 103045
investigate each report regarding a resident of a facility 103046
operated by the department to determine the circumstances 103047
surrounding the injury, the cause of the injury, and the person 103048
responsible. The investigation shall be in accordance with the 103049
memorandum of understanding prepared under section 5126.058 of the 103050
Revised Code. The department shall determine, with the registry 103051
office which shall be maintained by the department, whether prior 103052
reports have been made concerning an adult with mental retardation 103053
or a developmental disability or other principals in the case. If 103054
the department finds that the report involves action or inaction 103055
that may constitute a crime under federal law or the law of this 103056
state, it shall submit a report of its investigation, in writing, 103057
to the law enforcement agency. If the person with mental 103058
retardation or a developmental disability is an adult, with the 103059
consent of the adult, the department shall provide such protective 103060
services as are necessary to protect the adult. The law 103061
enforcement agency shall make a written report of its findings to 103062
the department. 103063

If the person is an adult and is not a resident of a facility 103064
operated by the department, the county board of developmental 103065
disabilities shall review the report of abuse or neglect in 103066
accordance with sections 5126.30 to 5126.33 of the Revised Code 103067
and the law enforcement agency shall make the written report of 103068
its findings to the county board. 103069

(K) Any person or any hospital, institution, school, health 103070
department, or agency participating in the making of reports 103071
pursuant to this section, any person participating as a witness in 103072
an administrative or judicial proceeding resulting from the 103073
reports, or any person or governmental entity that discharges 103074
responsibilities under sections 5126.31 to 5126.33 of the Revised 103075

Code shall be immune from any civil or criminal liability that 103076
might otherwise be incurred or imposed as a result of such actions 103077
except liability for perjury, unless the person or governmental 103078
entity has acted in bad faith or with malicious purpose. 103079

(L) No employer or any person with the authority to do so 103080
shall discharge, demote, transfer, prepare a negative work 103081
performance evaluation, reduce pay or benefits, terminate work 103082
privileges, or take any other action detrimental to an employee or 103083
retaliate against an employee as a result of the employee's having 103084
made a report under this section. This division does not preclude 103085
an employer or person with authority from taking action with 103086
regard to an employee who has made a report under this section if 103087
there is another reasonable basis for the action. 103088

(M) Reports made under this section are not public records as 103089
defined in section 149.43 of the Revised Code. Information 103090
contained in the reports on request shall be made available to the 103091
person who is the subject of the report, to the person's legal 103092
counsel, and to agencies authorized to receive information in the 103093
report by the department or by a county board of developmental 103094
disabilities. 103095

(N) Notwithstanding section 4731.22 of the Revised Code, the 103096
physician-patient privilege shall not be a ground for excluding 103097
evidence regarding the injuries or physical neglect of a person 103098
with mental retardation or a developmental disability or the cause 103099
thereof in any judicial proceeding resulting from a report 103100
submitted pursuant to this section. 103101

Sec. 5123.86. (A) Except as provided in divisions (C), (D), 103102
(E), and (F) of this section, the chief medical officer shall 103103
provide all information, including expected physical and medical 103104
consequences, necessary to enable any resident of an institution 103105
for the mentally retarded to give a fully informed, intelligent, 103106

and knowing consent if any of the following procedures are proposed: 103107
103108

- (1) Surgery; 103109
- (2) Convulsive therapy; 103110
- (3) Major aversive interventions; 103111
- (4) Sterilization; 103112
- (5) Experimental procedures; 103113
- (6) Any unusual or hazardous treatment procedures. 103114

(B) No resident shall be subjected to any of the procedures listed in division (A)(4), (5), or (6) of this section without the resident's informed consent. 103115
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(C) If a resident is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section, or has been adjudicated incompetent, the information may be provided to the resident's natural or court-appointed guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of the Revised Code, who may give the informed, intelligent, and knowing written consent for surgery. Consent for surgery shall not be provided by a guardian who is an officer or employee of the department of ~~mental health~~ mental health and addiction services or the department of developmental disabilities. 103118
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If a resident is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section and has no guardian, then the information, the recommendation of the chief medical officer, and the concurring judgment of a licensed physician who is not a full-time employee of the state may be provided to the court in the county in which the institution is located, which may approve the surgery. Before 103130
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approving the surgery, the court shall notify the Ohio protection 103137
and advocacy system created by section 5123.60 of the Revised 103138
Code, and shall notify the resident of the resident's rights to 103139
consult with counsel, to have counsel appointed by the court if 103140
the resident is indigent, and to contest the recommendation of the 103141
chief medical officer. 103142

(D) If, in the judgment of two licensed physicians, delay in 103143
obtaining consent for surgery would create a grave danger to the 103144
health of a resident, emergency surgery may be performed without 103145
the consent of the resident if the necessary information is 103146
provided to the resident's guardian, including an agency providing 103147
guardianship services under contract with the department of 103148
developmental disabilities under sections 5123.55 to 5123.59 of 103149
the Revised Code, or to the resident's spouse or next of kin to 103150
enable that person or agency to give an informed, intelligent, and 103151
knowing written consent. 103152

If the guardian, spouse, or next of kin cannot be contacted 103153
through exercise of reasonable diligence, or if the guardian, 103154
spouse, or next of kin is contacted, but refuses to consent, then 103155
the emergency surgery may be performed upon the written 103156
authorization of the chief medical officer and after court 103157
approval has been obtained. However, if delay in obtaining court 103158
approval would create a grave danger to the life of the resident, 103159
the chief medical officer may authorize surgery, in writing, 103160
without court approval. If the surgery is authorized without court 103161
approval, the chief medical officer who made the authorization and 103162
the physician who performed the surgery shall each execute an 103163
affidavit describing the circumstances constituting the emergency 103164
and warranting the surgery and the circumstances warranting their 103165
not obtaining prior court approval. The affidavit shall be filed 103166
with the court with which the request for prior approval would 103167
have been filed within five court days after the surgery, and a 103168

copy of the affidavit shall be placed in the resident's file and 103169
shall be given to the guardian, spouse, or next of kin of the 103170
resident, to the hospital at which the surgery was performed, and 103171
to the Ohio protection and advocacy system created by section 103172
5123.60 of the Revised Code. 103173

(E)(1) If it is the judgment of two licensed physicians, as 103174
described in division (E)(2) of this section, that a medical 103175
emergency exists and delay in obtaining convulsive therapy creates 103176
a grave danger to the life of a resident who is both mentally 103177
retarded and mentally ill, convulsive therapy may be administered 103178
without the consent of the resident if the resident is physically 103179
or mentally unable to receive the information required for 103180
convulsive therapy and if the necessary information is provided to 103181
the resident's natural or court-appointed guardian, including an 103182
agency providing guardianship services under contract with the 103183
department of developmental disabilities under sections 5123.55 to 103184
5123.59 of the Revised Code, or to the resident's spouse or next 103185
of kin to enable that person or agency to give an informed, 103186
intelligent, and knowing written consent. If neither the 103187
resident's guardian, spouse, nor next of kin can be contacted 103188
through exercise of reasonable diligence, or if the guardian, 103189
spouse, or next of kin is contacted, but refuses to consent, then 103190
convulsive therapy may be performed upon the written authorization 103191
of the chief medical officer and after court approval has been 103192
obtained. 103193

(2) The two licensed physicians referred to in division 103194
(E)(1) of this section shall not be associated with each other in 103195
the practice of medicine or surgery by means of a partnership or 103196
corporate arrangement, other business arrangement, or employment. 103197
At least one of the physicians shall be a psychiatrist as defined 103198
in division (E) of section 5122.01 of the Revised Code. 103199

(F) Major aversive interventions shall not be used unless a 103200

resident continues to engage in behavior destructive to self or 103201
others after other forms of therapy have been attempted. Major 103202
aversive interventions shall not be applied to a voluntary 103203
resident without the informed, intelligent, and knowing written 103204
consent of the resident or the resident's guardian, including an 103205
agency providing guardianship services under contract with the 103206
department of developmental disabilities under sections 5123.55 to 103207
5123.59 of the Revised Code. 103208

(G)(1) This chapter does not authorize any form of compulsory 103209
medical or psychiatric treatment of any resident who is being 103210
treated by spiritual means through prayer alone in accordance with 103211
a recognized religious method of healing. 103212

(2) For purposes of this section, "convulsive therapy" does 103213
not include defibrillation. 103214

Sec. 5124.01. As used in this chapter: 103215

(A) "Affiliated operator" means an operator affiliated with 103216
either of the following: 103217

(1) The exiting operator for whom the affiliated operator is 103218
to assume liability for the entire amount of the exiting 103219
operator's debt under the medicaid program or the portion of the 103220
debt that represents the franchise permit fee the exiting operator 103221
owes; 103222

(2) The entering operator involved in the change of operator 103223
with the exiting operator specified in division (A)(1) of this 103224
section. 103225

(B) "Allowable costs" means an ICF/IID's costs that the 103226
department of developmental disabilities determines are 103227
reasonable. Fines paid under section 5124.99 of the Revised Code 103228
are not allowable costs. 103229

(C) "Capital costs" means an ICF/IID's costs of ownership and 103230

<u>costs of nonextensive renovation.</u>	103231
<u>(D) "Case-mix score" means the measure determined under</u>	103232
<u>section 5124.192 of the Revised Code of the relative direct-care</u>	103233
<u>resources needed to provide care and habilitation to an ICF/IID</u>	103234
<u>resident.</u>	103235
<u>(E) "Change of operator" means an entering operator becoming</u>	103236
<u>the operator of an ICF/IID in the place of the exiting operator.</u>	103237
<u>(1) Actions that constitute a change of operator include the</u>	103238
<u>following:</u>	103239
<u>(a) A change in an exiting operator's form of legal</u>	103240
<u>organization, including the formation of a partnership or</u>	103241
<u>corporation from a sole proprietorship;</u>	103242
<u>(b) A transfer of all the exiting operator's ownership</u>	103243
<u>interest in the operation of the ICF/IID to the entering operator,</u>	103244
<u>regardless of whether ownership of any or all of the real property</u>	103245
<u>or personal property associated with the ICF/IID is also</u>	103246
<u>transferred;</u>	103247
<u>(c) A lease of the ICF/IID to the entering operator or the</u>	103248
<u>exiting operator's termination of the exiting operator's lease;</u>	103249
<u>(d) If the exiting operator is a partnership, dissolution of</u>	103250
<u>the partnership;</u>	103251
<u>(e) If the exiting operator is a partnership, a change in</u>	103252
<u>composition of the partnership unless both of the following apply:</u>	103253
<u>(i) The change in composition does not cause the</u>	103254
<u>partnership's dissolution under state law.</u>	103255
<u>(ii) The partners agree that the change in composition does</u>	103256
<u>not constitute a change in operator.</u>	103257
<u>(f) If the operator is a corporation, dissolution of the</u>	103258
<u>corporation, a merger of the corporation into another corporation</u>	103259
<u>that is the survivor of the merger, or a consolidation of one or</u>	103260

<u>more other corporations to form a new corporation.</u>	103261
<u>(2) The following, alone, do not constitute a change of operator:</u>	103262
<u>(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;</u>	103263
<u>(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;</u>	103264
<u>(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;</u>	103265
<u>(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;</u>	103266
<u>(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;</u>	103267
<u>(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;</u>	103268
<u>(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;</u>	103269
<u>(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;</u>	103270
<u>(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.</u>	103271
<u>(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.</u>	103272
<u>(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.</u>	103273
<u>(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.</u>	103274
<u>(F) "Cost center" means the following:</u>	103275
<u>(1) Capital costs;</u>	103276
<u>(2) Direct care costs;</u>	103277
<u>(3) Indirect care costs;</u>	103278
<u>(4) Other protected costs.</u>	103279
<u>(G) "Costs of nonextensive renovations" means the actual expense incurred by an ICF/IID for depreciation or amortization and interest on renovations that are not extensive renovations.</u>	103280
<u>(G) "Costs of nonextensive renovations" means the actual expense incurred by an ICF/IID for depreciation or amortization and interest on renovations that are not extensive renovations.</u>	103281
<u>(G) "Costs of nonextensive renovations" means the actual expense incurred by an ICF/IID for depreciation or amortization and interest on renovations that are not extensive renovations.</u>	103282
<u>(H)(1) "Costs of ownership" means the actual expenses incurred by an ICF/IID for all of the following:</u>	103283
<u>(H)(1) "Costs of ownership" means the actual expenses incurred by an ICF/IID for all of the following:</u>	103284
<u>(a) Subject to division (H)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:</u>	103285
<u>(a) Subject to division (H)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:</u>	103286
<u>(a) Subject to division (H)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:</u>	103287
<u>(i) Buildings;</u>	103288
<u>(ii) Building improvements that are not approved as</u>	103289

<u>nonextensive renovations under section 5124.17 of the Revised</u>	103290
<u>Code;</u>	103291
<u>(iii) Equipment;</u>	103292
<u>(iv) Extensive renovations;</u>	103293
<u>(v) Transportation equipment.</u>	103294
<u>(b) Amortization and interest on land improvements and</u>	103295
<u>leasehold improvements;</u>	103296
<u>(c) Amortization of financing costs;</u>	103297
<u>(d) Except as provided in division (Z) of this section, lease</u>	103298
<u>and rent of land, building, and equipment.</u>	103299
<u>(2) The costs of capital assets of less than five hundred</u>	103300
<u>dollars per item may be considered costs of ownership in</u>	103301
<u>accordance with an ICF/IID provider's practice.</u>	103302
<u>(I)(1) "Date of licensure" means the following:</u>	103303
<u>(a) In the case of an ICF/IID that was originally licensed as</u>	103304
<u>a nursing home under Chapter 3721. of the Revised Code, the date</u>	103305
<u>that it was originally so licensed, regardless that it was</u>	103306
<u>subsequently licensed as a residential facility under section</u>	103307
<u>5123.19 of the Revised Code;</u>	103308
<u>(b) In the case of an ICF/IID that was originally licensed as</u>	103309
<u>a residential facility under section 5123.19 of the Revised Code,</u>	103310
<u>the date it was originally so licensed;</u>	103311
<u>(c) In the case of an ICF/IID that was not required by law to</u>	103312
<u>be licensed as a nursing home or residential facility when it was</u>	103313
<u>originally operated as a residential facility, the date it first</u>	103314
<u>was operated as a residential facility, regardless of the date the</u>	103315
<u>ICF/IID was first licensed as a nursing home or residential</u>	103316
<u>facility.</u>	103317
<u>(2) If, after an ICF/IID's original date of licensure, more</u>	103318

residential facility beds are added to the ICF/IID or all or part 103319
of the ICF/IID undergoes an extensive renovation, the ICF/IID has 103320
a different date of licensure for the additional beds or 103321
extensively renovated portion of the ICF/IID. This does not apply, 103322
however, to additional beds when both of the following apply: 103323

(a) The additional beds are located in a part of the ICF/IID 103324
that was constructed at the same time as the continuing beds 103325
already located in that part of the ICF/IID; 103326

(b) The part of the ICF/IID in which the additional beds are 103327
located was constructed as part of the ICF/IID at a time when the 103328
ICF/IID was not required by law to be licensed as a nursing home 103329
or residential facility. 103330

(3) The definition of "date of licensure" in this section 103331
applies in determinations of ICFs/IID's medicaid payment rates but 103332
does not apply in determinations of ICFs/IID's franchise permit 103333
fees under sections 5168.60 to 5168.71 of the Revised Code. 103334

(J) "Desk-reviewed" means that an ICF/IID's costs as reported 103335
on a cost report filed under section 5124.10 or 5124.101 of the 103336
Revised Code have been subjected to a desk review under section 103337
5124.108 of the Revised Code and preliminarily determined to be 103338
allowable costs. 103339

(K) "Developmental center" means a residential facility that 103340
is maintained and operated by the department of developmental 103341
disabilities. 103342

(L) "Direct care costs" means all of the following costs 103343
incurred by an ICF/IID: 103344

(1) Costs for registered nurses, licensed practical nurses, 103345
and nurse aides employed by the ICF/IID; 103346

(2) Costs for direct care staff, administrative nursing 103347
staff, medical directors, respiratory therapists, physical 103348

<u>therapists, physical therapy assistants, occupational therapists,</u>	103349
<u>occupational therapy assistants, speech therapists, audiologists,</u>	103350
<u>habilitation staff (including habilitation supervisors), qualified</u>	103351
<u>intellectual disability professionals, program directors, social</u>	103352
<u>services staff, activities staff, off-site day programming,</u>	103353
<u>psychologists, psychology assistants, social workers, counselors,</u>	103354
<u>and other persons holding degrees qualifying them to provide</u>	103355
<u>therapy;</u>	103356
<u>(3) Costs of purchased nursing services;</u>	103357
<u>(4) Costs of training and staff development, employee</u>	103358
<u>benefits, payroll taxes, and workers' compensation premiums or</u>	103359
<u>costs for self-insurance claims and related costs as specified in</u>	103360
<u>rules adopted under section 5124.03 of the Revised Code, for</u>	103361
<u>personnel listed in divisions (L)(1), (2), and (3) of this</u>	103362
<u>section;</u>	103363
<u>(5) Costs of quality assurance;</u>	103364
<u>(6) Costs of consulting and management fees related to direct</u>	103365
<u>care;</u>	103366
<u>(7) Allocated direct care home office costs;</u>	103367
<u>(8) Costs of other direct-care resources that are specified</u>	103368
<u>as direct care costs in rules adopted under section 5124.03 of the</u>	103369
<u>Revised Code.</u>	103370
<u>(M) "Downsized ICF/IID" means an ICF/IID that permanently</u>	103371
<u>reduced its medicaid-certified capacity pursuant to a plan</u>	103372
<u>approved by the department of developmental disabilities under</u>	103373
<u>section 5123.042 of the Revised Code.</u>	103374
<u>(N) "Effective date of a change of operator" means the day</u>	103375
<u>the entering operator becomes the operator of the ICF/IID.</u>	103376
<u>(O) "Effective date of a facility closure" means the last day</u>	103377
<u>that the last of the residents of the ICF/IID resides in the</u>	103378

<u>ICF/IID.</u>	103379
<u>(P) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the ICF/IID or the last day that such a provider agreement is in effect when the department cancels or refuses to revalidate it.</u>	103380 103381 103382 103383 103384
<u>(Q) "Effective date of a voluntary termination" means the day the ICF/IID ceases to accept medicaid recipients.</u>	103385 103386
<u>(R) "Entering operator" means the person or government entity that will become the operator of an ICF/IID when a change of operator occurs or following an involuntary termination.</u>	103387 103388 103389
<u>(S) "Exiting operator" means any of the following:</u>	103390
<u>(1) An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator;</u>	103391 103392
<u>(2) An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure;</u>	103393 103394
<u>(3) An operator of an ICF/IID that is undergoing or has undergone a voluntary termination;</u>	103395 103396
<u>(4) An operator of an ICF/IID that is undergoing or has undergone an involuntary termination.</u>	103397 103398
<u>(T)(1) "Extensive renovation" means the following:</u>	103399
<u>(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:</u>	103400 103401
<u>(i) It was started before July 1, 1993;</u>	103402
<u>(ii) It meets the definition of "extensive renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.</u>	103403 103404 103405
<u>(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:</u>	103406 103407

(i) It was started on or after July 1, 1993; 103408

(ii) Except as provided in division (T)(2) of this section, 103409
it costs more than sixty-five per cent and not more than 103410
eighty-five per cent of the cost of constructing a new bed; 103411

(iii) It extends the useful life of the assets for at least 103412
ten years. 103413

(2) The department of developmental disabilities may treat a 103414
renovation that costs more than eighty-five per cent of the cost 103415
of constructing new beds as an extensive renovation if the 103416
department determines that the renovation is more prudent than 103417
construction of new beds. 103418

(3) For the purpose of division (T)(1)(b)(ii) of this 103419
section, the cost of constructing a new bed shall be considered to 103420
be forty thousand dollars, adjusted for the estimated rate of 103421
inflation from January 1, 1993, to the end of the calendar year 103422
during which the extensive renovation is completed, using the 103423
consumer price index for shelter costs for all urban consumers for 103424
the north central region, as published by the United States bureau 103425
of labor statistics. 103426

(U)(1) Subject to divisions (U)(2) and (3) of this section, 103427
"facility closure" means either of the following: 103428

(a) Discontinuance of the use of the building, or part of the 103429
building, that houses the facility as an ICF/IID that results in 103430
the relocation of all of the facility's residents; 103431

(b) Conversion of the building, or part of the building, that 103432
houses an ICF/IID to a different use with any necessary license or 103433
other approval needed for that use being obtained and one or more 103434
of the facility's residents remaining in the facility to receive 103435
services under the new use. 103436

(2) A facility closure occurs regardless of any of the 103437

following: 103438

(a) The operator completely or partially replacing the ICF/IID by constructing a new ICF/IID or transferring the ICF/IID's license to another ICF/IID; 103439
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(b) The ICF/IID's residents relocating to another of the operator's ICFs/IID; 103442
103443

(c) Any action the department of health takes regarding the ICF/IID's medicaid certification that may result in the transfer of part of the ICF/IID's survey findings to another of the operator's ICFs/IID; 103444
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103446
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(d) Any action the department of developmental disabilities takes regarding the ICF/IID's license under section 5123.19 of the Revised Code. 103448
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(3) A facility closure does not occur if all of the ICF/IID's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/IID not later than thirty days after the evacuation occurs. 103451
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(V) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code. 103455
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(W) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code. 103457
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(X) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 103459
103460

(Y) "ICF/IID services" has the same meaning as in 42 C.F.R. 440.150. 103461
103462

(Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, 103463
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food, enterals, dietary supplies and personnel, laundry, 103468
housekeeping, security, administration, liability insurance, 103469
bookkeeping, purchasing department, human resources, 103470
communications, travel, dues, license fees, subscriptions, home 103471
office costs not otherwise allocated, legal services, accounting 103472
services, minor equipment, maintenance and repair expenses, 103473
help-wanted advertising, informational advertising, start-up 103474
costs, organizational expenses, other interest, property 103475
insurance, employee training and staff development, employee 103476
benefits, payroll taxes, and workers' compensation premiums or 103477
costs for self-insurance claims and related costs, as specified in 103478
rules adopted under section 5124.03 of the Revised Code, for 103479
personnel listed in this division. Notwithstanding division (H) of 103480
this section, "indirect care costs" also means the cost of 103481
equipment, including vehicles, acquired by operating lease 103482
executed before December 1, 1992, if the costs are reported as 103483
administrative and general costs on the ICF/IID's cost report for 103484
the cost reporting period ending December 31, 1992. 103485

(2) For the purpose of division (Z)(1) of this section, an 103486
operating lease shall be construed in accordance with generally 103487
accepted accounting principles. 103488

(AA) "Inpatient days" means both of the following: 103489

(1) All days during which a resident, regardless of payment 103490
source, occupies a bed in an ICF/IID that is included in the 103491
ICF/IID's medicaid-certified capacity; 103492

(2) All days for which payment is made under section 5124.34 103493
of the Revised Code. 103494

(BB) "Intermediate care facility for individuals with 103495
disabilities" and "ICF/IID" mean an intermediate care facility for 103496
the mentally retarded as defined in the "Social Security Act," 103497
section 1905(d), 42 U.S.C. 1396d(d). 103498

(CC) "Involuntary termination" means the department of 103499
medicaid's termination of, cancellation of, or refusal to 103500
revalidate the operator's provider agreement for the ICF/IID when 103501
such action is not taken at the operator's request. 103502

(DD) "Maintenance and repair expenses" means, except as 103503
provided in division (TT)(2)(b) of this section, expenditures that 103504
are necessary and proper to maintain an asset in a normally 103505
efficient working condition and that do not extend the useful life 103506
of the asset two years or more. "Maintenance and repair expenses" 103507
includes the costs of ordinary repairs such as painting and 103508
wallpapering. 103509

(EE) "Medicaid-certified capacity" means the number of an 103510
ICF/IID's beds that are certified for participation in medicaid as 103511
ICF/IID beds. 103512

(FF) "Medicaid days" means both of the following: 103513

(1) All days during which a resident who is a medicaid 103514
recipient eligible for ICF/IID services occupies a bed in an 103515
ICF/IID that is included in the ICF/IID's medicaid-certified 103516
capacity; 103517

(2) All days for which payment is made under section 5124.34 103518
of the Revised Code. 103519

(GG)(1) "New ICF/IID" means an ICF/IID for which the provider 103520
obtains an initial provider agreement following the director of 103521
health's medicaid certification of the ICF/IID, including such an 103522
ICF/IID that replaces one or more ICFs/IID for which a provider 103523
previously held a provider agreement. 103524

(2) "New ICF/IID" does not mean either of the following: 103525

(a) An ICF/IID for which the entering operator seeks a 103526
provider agreement pursuant to section 5124.511 or 5124.512 or 103527
(pursuant to section 5124.515) section 5124.07 of the Revised 103528

<u>Code;</u>	103529
<u>(b) A downsized ICF/IID or partially converted ICF/IID.</u>	103530
<u>(HH) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.</u>	103531
<u>(II) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID.</u>	103533
<u>(JJ) "Other protected costs" means costs incurred by an ICF/MR for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code.</u>	103534
<u>(KK)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID:</u>	103543
<u>(a) The land on which the ICF/IID is located;</u>	103544
<u>(b) The structure in which the ICF/IID is located;</u>	103545
<u>(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located;</u>	103546
<u>(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located.</u>	103547
<u>(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a subsidiary.</u>	103548
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(LL) "Partially converted ICF/IID" means an ICF/IID that converted some, but not all, of its beds to providing home and community-based services under the individual options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.

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(MM)(1) Except as provided in divisions (MM)(2) and (3) of this section, "per diem" means an ICF/IID's desk-reviewed, actual, allowable costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting period.

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(2) When determining capital costs for the purpose of section 5124.17 of the Revised Code, "per diem" means an ICF/IID's actual, allowable capital costs in a cost-reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been ninety-five per cent.

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(3) When determining indirect care costs for the purpose of section 5124.21 of the Revised Code, "per diem" means an ICF/IID's actual, allowable indirect care costs in a cost-reporting period divided by the greater of the ICF/IID's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been eighty-five per cent.

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(NN) "Provider" means an operator with a valid provider agreement.

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(OO) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the provision of ICF/IID services under the medicaid program.

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(PP) "Purchased nursing services" means services that are provided in an ICF/IID by registered nurses, licensed practical nurses, or nurse aides who are not employees of the ICF/IID.

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(QQ) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of resident care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

(RR) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, a provider.

(1) An individual who is a relative of an owner is a related party.

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the

types of goods or services the supplier furnishes. 103621

(c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID. 103622
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(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier. 103626
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(SS) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships: 103630
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(1) Spouse; 103632

(2) Natural parent, child, or sibling; 103633

(3) Adopted parent, child, or sibling; 103634

(4) Stepparent, stepchild, stepbrother, or stepsister; 103635

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; 103636
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(6) Grandparent or grandchild; 103638

(7) Foster caregiver, foster child, foster brother, or foster sister. 103639
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(TT)(1) "Renovation" means the following: 103641

(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply: 103642
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(i) It was started before July 1, 1993; 103644

(ii) It meets the definition of "renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992. 103645
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(b) An ICF/IID's betterment, improvement, or restoration to 103648

which both of the following apply: 103649

(i) It was started on or after July 1, 1993; 103650

(ii) It betters, improves, or restores the ICF/IID beyond its 103651
current functional capacity through a structural change that costs 103652
at least five hundred dollars per bed. 103653

(2) A renovation started on or after July 1, 1993, may 103654
include both of the following: 103655

(a) A betterment, improvement, restoration, or replacement of 103656
assets that are affixed to a building and have a useful life of at 103657
least five years; 103658

(b) Costs that otherwise would be considered maintenance and 103659
repair expenses if they are an integral part of the structural 103660
change that makes up the renovation project. 103661

(3) "Renovation" does not mean construction of additional 103662
space for beds that will be added to an ICF/IID's licensed 103663
capacity or medicaid-certified capacity. 103664

(UU) "Residential facility" has the same meaning as in 103665
section 5123.19 of the Revised Code. 103666

(VV) "Sponsor" means an adult relative, friend, or guardian 103667
of an ICF/IID resident who has an interest or responsibility in 103668
the resident's welfare. 103669

(WW) "Title XIX" means Title XIX of the "Social Security 103670
Act," 42 U.S.C. 1396, et seq. 103671

(XX) "Title XVIII" means Title XVIII of the "Social Security 103672
Act," 42 U.S.C. 1395, et seq. 103673

(YY) "Voluntary termination" means an operator's voluntary 103674
election to terminate the participation of an ICF/IID in the 103675
medicaid program but to continue to provide service of the type 103676
provided by a residential facility as defined in section 5123.19 103677
of the Revised Code. 103678

~~Sec. 5111.226 5124.02.~~ Subject, if needed, to the approval of 103679
the United States secretary of health and human services, the The 103680
department of ~~job and family services~~ medicaid shall enter into a 103681
contract with the department of developmental disabilities under 103682
section ~~5111.91~~ 5162.35 of the Revised Code that provides for the 103683
department of developmental disabilities to assume the powers and 103684
duties of the department of ~~job and family services~~ medicaid with 103685
regard to the medicaid program's coverage of ICF/IID services 103686
~~provided by intermediate care facilities for the mentally~~ 103687
~~retarded.~~ The contract shall include a schedule for the assumption 103688
of the powers and duties. The contract may provide for the 103689
department of medicaid to perform one or more duties of the 103690
department of developmental disabilities under sections 5124.50 to 103691
5124.53 of the Revised Code. Except as otherwise authorized by the 103692
United States secretary of health and human services, no provision 103693
of the contract may violate a federal law or regulation governing 103694
the medicaid program. ~~Once the contract goes into effect, all~~ 103695
~~references to the department of job and family services, and all~~ 103696
~~references to the director of job and family services, with regard~~ 103697
~~to intermediate care facilities for the mentally retarded that are~~ 103698
~~in law enacted by the general assembly shall be deemed to be~~ 103699
~~references to the department of developmental disabilities and~~ 103700
~~director of developmental disabilities, respectively, to the~~ 103701
~~extent necessary to implement the terms of the contract.~~ 103702

Sec. 5124.03. To the extent authorized by rules authorized by 103703
section 5162.021 of the Revised Code, the director of 103704
developmental disabilities shall adopt rules in accordance with 103705
Chapter 119. of the Revised Code as necessary to implement this 103706
chapter. 103707

Sec. 5124.05. The medicaid program shall cover ICF/IID 103708

services when all of the following apply: 103709

(A) The ICF/IID services are provided to a medicaid recipient eligible for the services. 103710
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(B) The ICF/IID services are provided by an ICF/IID for which the provider has a valid provider agreement. 103712
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(C) Federal financial participation is available for the ICF/IID services. 103714
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Sec. 5124.06. (A) Subject to section 5124.072 of the Revised Code, an ICF/IID operator is eligible to enter into a provider agreement for an ICF/IID if all of the following apply: 103716
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(1) The ICF/IID is certified by the director of health for participation in medicaid; 103719
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(2) The ICF/IID is licensed by the director of developmental disabilities as a residential facility; 103721
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(3) Subject to division (B) of this section, the operator and ICF/IID comply with all applicable state and federal statutes and rules. 103723
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(B) A state rule that requires an ICF/IID operator to have received approval of a plan for the proposed ICF/IID pursuant to section 5123.042 of the Revised Code as a condition of the operator being eligible to receive medicaid payments for ICF/IID services the ICF/IID provides does not apply if, under former section 5123.193 of the Revised Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly or section 5123.197 of the Revised Code, a residential facility license was obtained or modified for the ICF/IID without obtaining approval of such a plan. 103726
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Sec. 5124.07. (A) Except as provided in section 5124.072 of the Revised Code, the department of medicaid shall enter into a 103735
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provider agreement with an ICF/IID operator who applies, and is 103737
eligible, for the provider agreement. 103738

(B) A provider agreement shall require the department of 103739
developmental disabilities, pursuant to its agreement with the 103740
department of medicaid under section 5124.02 of the Revised Code, 103741
to make medicaid payments to the provider in accordance with this 103742
chapter for ICF/IID services the ICF/IID provides to its residents 103743
who are medicaid recipients eligible for ICF/IID services. 103744

(C) A provider agreement shall require the provider to do all 103745
of the following: 103746

(1) Maintain eligibility for the provider agreement as 103747
provided in section 5124.06 of the Revised Code; 103748

(2) Keep records relating to a cost reporting period for the 103749
greater of seven years after the cost report is filed or, if the 103750
department of developmental disabilities issues an audit report in 103751
accordance with section 5124.109 of the Revised Code, six years 103752
after all appeal rights relating to the audit report are 103753
exhausted; 103754

(3) File reports as the department of developmental 103755
disabilities requires; 103756

(4) Open all records relating to the costs of the ICF/IID's 103757
services for inspection and audit by the department of 103758
developmental disabilities; 103759

(5) Open its premises for inspection by the department of 103760
developmental disabilities, department of health, and any other 103761
state or local authority having authority to inspect; 103762

(6) Supply to the department of developmental disabilities 103763
such information as it requires concerning the ICF/IID's services 103764
to residents who are, or are eligible to be, medicaid recipients; 103765

(7) Comply with section 5124.08 of the Revised Code. 103766

(D) A provider agreement may contain other provisions that 103767
are consistent with law and considered necessary by the department 103768
of medicaid or the department of developmental disabilities. 103769

Sec. 5124.071. An ICF/IID operator may enter into provider 103770
agreements for more than one ICF/IID. 103771

Sec. 5124.072. The department of medicaid shall not 103772
revalidate an ICF/IID provider agreement if the provider fails to 103773
maintain eligibility for the provider agreement as provided in 103774
section 5124.06 of the Revised Code. 103775

Sec. 5124.08. (A) Every provider agreement with an ICF/IID 103776
provider shall do both of the following: 103777

(1) Except as provided by division (B) of this section, 103778
include any part of the ICF/IID that meets federal and state 103779
standards for medicaid certification; 103780

(2) Prohibit the provider from doing either of the following: 103781

(a) Discriminating against a resident on the basis of race, 103782
color, sex, creed, or national origin; 103783

(b) Subject to division (D) of this section, failing or 103784
refusing to do either of the following: 103785

(i) Admit as a resident of the ICF/IID an individual because 103786
the individual is, or may (as a resident of the ICF/IID) become, a 103787
medicaid recipient if less than eighty per cent of the ICF/IID's 103788
residents are medicaid recipients; 103789

(ii) Retain as a resident of the ICF/IID an individual 103790
because the individual is, or may (as a resident of the ICF/IID) 103791
become, a medicaid recipient. 103792

(B) Unless otherwise required by federal law, an ICF/IID bed 103793
is not required to be included in a provider agreement if the bed 103794

is designated for respite care under a medicaid waiver component 103795
operated pursuant to a waiver sought under section 5166.20 of the 103796
Revised Code. 103797

(C) For the purpose of division (A)(2)(b)(ii) of this 103798
section, a medicaid recipient who is a resident of an ICF/IID 103799
shall be considered a resident of the ICF/IID during any hospital 103800
stays totaling less than twenty-five days during any twelve-month 103801
period. A medicaid recipient identified by the department of 103802
developmental disabilities or its designee as requiring the level 103803
of care of an ICF/IID shall not be subject to a maximum period of 103804
absences during which the recipient is considered to be an ICF/IID 103805
resident if prior authorization of the department for visits with 103806
relatives and friends and participation in therapeutic programs is 103807
obtained in accordance with rules adopted under section 5124.03 of 103808
the Revised Code. 103809

(D) Nothing in this section shall bar a provider from doing 103810
any of the following: 103811

(1) If the provider is a religious organization operating a 103812
religious or denominational ICF/IID, giving preference to persons 103813
of the same religion or denomination; 103814

(2) Giving preference to persons with whom the provider has 103815
contracted to provide continuing care; 103816

(3) Retaining residents who have resided in the provider's 103817
ICF/IID for not less than one year as private pay residents and 103818
who subsequently become medicaid recipients but refusing to admit 103819
as a resident an individual who is, or may (as a resident of the 103820
ICF/IID) become, a medicaid recipient, if all of the following 103821
apply: 103822

(a) The provider does not refuse to retain a resident who has 103823
resided in the provider's ICF/IID for not less than one year as a 103824
private pay resident because the resident becomes a medicaid 103825

recipient, except as necessary to comply with division (D)(3)(b) 103826
of this section. 103827

(b) The number of medicaid recipients retained under division 103828
(D)(3) of this section does not at any time exceed ten per cent of 103829
all the ICF/IID's residents. 103830

(c) On July 1, 1980, all the ICF/IID's residents were private 103831
pay residents. 103832

(E) No provider shall violate the provider agreement 103833
obligations imposed by this section. 103834

Sec. 5124.081. An ICF/IID resident has a cause of action 103835
against the provider of the ICF/IID for breach of the provider 103836
agreement obligations or other duties imposed by section 5124.08 103837
of the Revised Code. The action may be commenced by the resident, 103838
or on the resident's behalf by the resident's sponsor, by the 103839
filing of a civil action in the court of common pleas of the 103840
county in which the ICF/IID is located or in the court of common 103841
pleas of Franklin county. 103842

If a court of common pleas finds that a provider has breached 103843
a provider agreement obligation or other duty imposed by section 103844
5124.08 of the Revised Code, the court may do one or more of the 103845
following: 103846

(A) Enjoin the provider from engaging in the practice; 103847

(B) Order such affirmative relief as may be necessary; 103848

(C) Award to a resident and a sponsor that brings the action 103849
on behalf of a resident actual damages, costs, and reasonable 103850
attorney's fees. 103851

Sec. 5124.10. (A) Except as provided in division (D) of this 103852
section and division (E)(2) of section 5124.101 of the Revised 103853
Code, each ICF/IID provider shall file with the department of 103854

developmental disabilities an annual cost report for each of the 103855
provider's ICFs/IID for which the provider has a valid provider 103856
agreement. The cost report for a year shall cover the calendar 103857
year or portion of the calendar year during which the ICF/IID 103858
participated in the medicaid program. Except as provided in 103859
division (E) of this section, the cost report is due not later 103860
than ninety days after the end of the calendar year, or portion of 103861
the calendar year, that the cost report covers. 103862

(B)(1) If an ICF/IID undergoes a change of provider that the 103863
department determines, in accordance with rules adopted under 103864
section 5124.03 of the Revised Code, is not an arms length 103865
transaction, the new provider shall file the ICF/IID's cost report 103866
in accordance with division (A) of this section and the cost 103867
report shall cover the portion of the calendar year during which 103868
the new provider operated the ICF/IID and the portion of the 103869
calendar year during which the previous provider operated the 103870
ICF/IID. 103871

(2) If an ICF/IID undergoes a change of provider that the 103872
department determines, in accordance with rules adopted under 103873
section 5124.03 of the Revised Code, is an arms length 103874
transaction, the new provider shall file with the department a 103875
cost report for the ICF/IID not later than, except as provided in 103876
division (E) of this section, ninety days after the end of the 103877
ICF/IID's first three full calendar months of operation under the 103878
new provider. The cost report shall cover the period that begins 103879
with the ICF/IID's first day of operation under the new provider 103880
and ends on the first day of the month immediately following the 103881
first three full months of operation under the new provider. 103882

(C) If the medicaid payment rate for a new ICF/IID was most 103883
recently determined in accordance with section 5124.151 of the 103884
Revised Code, the provider shall file with the department a cost 103885

report for the new ICF/IID not later than, except as provided in 103886
division (E) of this section, ninety days after the end of the new 103887
ICF/IID's first three full calendar months of operation. The cost 103888
report shall cover the period that begins with the ICF/IID's first 103889
day of operation and ends on the first day of the month 103890
immediately following the first three full months of operation. 103891

(D) An ICF/IID provider is not required to file a cost report 103892
for an ICF/IID for a calendar year in accordance with division (A) 103893
of this section if the provider files a cost report for the 103894
ICF/IID under division (B)(2) or (C) of this section and that cost 103895
report covers a period that begins after the first day of October 103896
of that calendar year. The provider shall file a cost report for 103897
the ICF/IID in accordance with division (A) of this section for 103898
the immediately following calendar year. 103899

(E) The department may grant to a provider a fourteen-day 103900
extension to file a cost report under this section or section 103901
5124.101 of the Revised Code if the provider provides the 103902
department a written request for the extension and the department 103903
determines that there is good cause for the extension. 103904

Sec. 5124.101. (A) The provider of an ICF/IID that becomes a 103905
downsized ICF/IID or partially converted ICF/IID may file with the 103906
department of developmental disabilities a cost report covering 103907
the period specified in division (B) of this section if the 103908
following applies to the ICF/IID: 103909

(1) In the case of an ICF/IID that becomes a downsized 103910
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 103911
the following on the day it becomes a downsized ICF/IID or 103912
partially converted ICF/IID: 103913

(a) A medicaid-certified capacity that is at least ten per 103914
cent less than its medicaid-certified capacity on the day 103915
immediately preceding the day it becomes a downsized ICF/IID or 103916

partially converted ICF/IID; 103917

(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID. 103918
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(2) In the case of a new ICF/IID, the ICF/IID's beds are from a downsized ICF/IID and the downsized ICF/IID has either of the following on the day it becomes a downsized ICF/IID: 103921
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(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID; 103924
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(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID. 103927
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(B) A cost report filed under division (A) of this section shall cover the period that begins and ends as follows: 103930
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(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID: 103932
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(a) The period begins with the day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID. 103934
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(b) The period ends on the last day of the last month of the first three full months of operation as a downsized ICF/IID or partially converted ICF/IID. 103936
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(2) In the case of a new ICF/IID: 103939

(a) The period begins with the day that the provider agreement for the ICF/IID takes effect. 103940
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(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect. 103942
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(C) The department shall refuse to accept a cost report filed under division (A) of this section if either of the following 103944
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apply: 103946

(1) Except as provided in division (E) of section 5124.10 of the Revised Code, the provider fails to file the cost report with the department not later than ninety days after the last day of the period the cost report covers; 103947
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(2) The cost report is incomplete or inadequate. 103951

(D) If the department accepts a cost report filed under division (A) of this section, the department shall use that cost report, rather than the cost report that otherwise would be used pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the Revised Code, to determine the ICF/IID's medicaid payment rate in accordance with this chapter for ICF/IID services the ICF/IID provides during the period that begins and ends as follows: 103952
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(1) The period begins on the following: 103959

(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID: 103960
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(i) The day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if that day is the first day of a month; 103962
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(ii) The first day of the month immediately following the month that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if division (D)(1)(a)(i) of this section does not apply. 103965
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(b) In the case of a new ICF/IID, the day that the ICF/IID's provider agreement takes effect. 103969
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(2) The period ends on the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (E) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code. 103971
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(E)(1) If the department accepts a cost report filed under 103976
division (A) of this section for an ICF/IID that becomes a 103977
downsized ICF/IID or partially converted ICF/IID on or before the 103978
first day of October of a calendar year, or for a new ICF/IID that 103979
has a provider agreement that takes effect on or before that date, 103980
the provider also shall file a cost report for the ICF/IID in 103981
accordance with division (A) of section 5124.10 of the Revised 103982
Code for the portion of that calendar year that the ICF/IID 103983
operated as a downsized ICF/IID or partially converted ICF/IID or, 103984
in the case of a new ICF/IID, for the portion that the provider 103985
agreement was in effect. 103986

(2) If the department accepts a cost report filed under 103987
division (A) of this section for an ICF/IID that becomes a 103988
downsized ICF/IID or partially converted ICF/IID after the first 103989
day of October of a calendar year, or for a new ICF/IID that has a 103990
provider agreement that takes effect on or after that date, the 103991
provider is not required to file a cost report for that calendar 103992
year in accordance with division (A) of section 5124.10 of the 103993
Revised Code. The provider shall file a cost report for the 103994
ICF/IID in accordance with division (A) of section 5124.10 of the 103995
Revised Code for the immediately following calendar year. 103996

Sec. 5124.102. No ICF/IID provider shall report fines paid 103997
under section 5124.99 of the Revised Code in a cost report filed 103998
under section 5124.10, 5124.101, or 5124.522 of the Revised Code. 103999

Sec. 5124.103. Cost reports shall be completed using the form 104000
prescribed under section 5124.104 of the Revised Code and in 104001
accordance with the guidelines established under that section. 104002

Sec. 5124.104. The department of developmental disabilities 104003
shall do all of the following: 104004

(A) Prescribe the form to be used for completing a cost 104005

report and a uniform chart of accounts for the purpose of 104006
reporting costs on the form; 104007

(B) Distribute a paper copy of the form, or computer software 104008
for electronic submission of the form, to each provider at least 104009
sixty days before the date the cost report is due; 104010

(C) Establish guidelines for completing the form. 104011

Sec. 5124.105. The department of developmental disabilities 104012
shall develop an addendum to the cost report form that an ICF/IID 104013
provider may use to set forth costs that the provider believes the 104014
department may dispute. The department may consider such costs in 104015
determining an ICF/IID's medicaid payment rate. If the department 104016
does not consider such costs in determining an ICF/IID's medicaid 104017
payment rate, the provider may seek reconsideration of the 104018
determination in accordance with section 5124.38 of the Revised 104019
Code. If the department subsequently includes such costs in an 104020
ICF/IID's medicaid payment rate, the department shall pay the 104021
provider interest at a reasonable rate established in rules 104022
adopted under section 5124.03 of the Revised Code for the period 104023
that the rate excluded the costs. 104024

Sec. 5124.106. If an ICF/IID provider required by section 104025
5124.10 of the Revised Code to file a cost report for the ICF/IID 104026
fails to file the cost report by the date it is due or the date, 104027
if any, to which the due date is extended pursuant to division (E) 104028
of that section, or files an incomplete or inadequate report for 104029
the ICF/IID under that section, the department of developmental 104030
disabilities shall provide immediate written notice to the 104031
provider that the provider agreement for the ICF/IID will be 104032
terminated in thirty days unless the provider submits a complete 104033
and adequate cost report for the ICF/IID within thirty days. 104034
During the thirty-day termination period or any additional time 104035

allowed for an appeal of the proposed termination of a provider 104036
agreement, the provider shall be paid the ICF/IID's then current 104037
per medicaid day payment rate, minus the dollar amount by which 104038
ICFs/IID's per medicaid day payment rates are reduced during 104039
fiscal year 2013 in accordance with division (A)(2) of section 104040
5111.26 of the Revised Code (renumbered as section 5165.10 of the 104041
Revised Code by H.B. 59 of the 130th general assembly) as that 104042
section existed on the day immediately preceding the effective 104043
date of this section. On the first day of each July, the 104044
department shall adjust the amount of the reduction in effect 104045
during the previous twelve months to reflect the rate of inflation 104046
during the preceding twelve months, as shown in the consumer price 104047
index for all items for all urban consumers for the midwest 104048
region, published by the United States bureau of labor statistics. 104049

Sec. 5124.107. (A) Except as provided in division (B) of this 104050
section and not later than three years after an ICF/IID provider 104051
files a cost report with the department of developmental 104052
disabilities under section 5124.10 or 5124.101 of the Revised 104053
Code, the provider may amend the cost report if the provider 104054
discovers a material error in the cost report or additional 104055
information to be included in the cost report. The department 104056
shall review the amended cost report for accuracy and notify the 104057
provider of its determination. 104058

(B) An ICF/IID provider may not amend a cost report if the 104059
department has notified the provider that an audit of the cost 104060
report or a cost report of the provider for a subsequent cost 104061
reporting period is to be conducted under section 5124.109 of the 104062
Revised Code. The provider may, however, provide the department 104063
information that affects the costs included in the cost report. 104064
Such information may not be provided after the adjudication of the 104065
final settlement of the cost report. 104066

Sec. 5124.108. The department of developmental disabilities 104067
shall conduct a desk review of all cost reports it receives under 104068
sections 5124.10, 5124.101, and 5124.522 of the Revised Code. 104069
Based on the desk review, the department shall make a preliminary 104070
determination of whether the reported costs are allowable costs. 104071
The department shall notify each ICF/IID provider of whether any 104072
of the reported costs are preliminarily determined not to be 104073
allowable costs, the medicaid payment rate determined under this 104074
chapter as a result of the determination regarding allowable 104075
costs, and the reasons for the determination and resulting rate. 104076
The department shall allow the provider to verify the calculation 104077
and submit additional information. 104078

Sec. 5124.109. (A) The department of developmental 104079
disabilities may conduct an audit, as defined in rules adopted 104080
under section 5124.03 of the Revised Code, of any cost report 104081
filed under section 5124.10, 5124.101, or 5124.522 of the Revised 104082
Code. The decision whether to conduct an audit and the scope of 104083
the audit, which may be a desk or field audit, may be determined 104084
based on prior performance of the provider, a risk analysis, or 104085
other evidence that gives the department reason to believe that 104086
the provider has reported costs improperly. A desk or field audit 104087
may be performed annually, but is required whenever a provider 104088
does not pass the risk analysis tolerance factors. 104089

(B) Audits shall be conducted by auditors under contract with 104090
the department, auditors working for firms under contract with the 104091
department, or auditors employed by the department. 104092

The department may establish a contract for the auditing of 104093
ICFs/IID by outside firms. Each contract entered into by bidding 104094
shall be effective for one to two years. 104095

(C) The department shall notify a provider of the findings of 104096

an audit of a cost report by issuing an audit report. The 104097
department shall issue the audit report not later than three years 104098
after the earlier of the following: 104099

(1) The date the cost report is filed; 104100

(2) The date a desk or field audit of the cost report or a 104101
cost report for a subsequent cost reporting period is completed. 104102

(D) The department shall prepare a written summary of any 104103
audit disallowance that is made after the effective date of the 104104
rate that is based on the cost. Where the provider is pursuing 104105
judicial or administrative remedies in good faith regarding the 104106
disallowance, the department shall not withhold from the 104107
provider's current payments any amounts the department claims to 104108
be due from the provider pursuant to section 5124.41 of the 104109
Revised Code. 104110

(E)(1) The department shall establish an audit manual and 104111
program for field audits conducted under this section. Each 104112
auditor conducting a field audit under this section shall follow 104113
the audit manual and program, regardless of whether the auditor is 104114
under contract with the department, works for a firm under 104115
contract with the department, or is employed by the department. 104116
The manual and program shall do both of the following: 104117

(a) Require each field audit to be conducted by an auditor to 104118
whom all of the following apply: 104119

(i) During the period of the auditor's contract, firm's 104120
contract, or auditor's employment with the department, the auditor 104121
or firm does not have and is not committed to acquire any direct 104122
or indirect financial interest in the ownership, financing, or 104123
operation of ICFs/IID in this state. 104124

(ii) The auditor does not audit any provider that has been a 104125
client of the auditor or the auditor's firm. 104126

(iii) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office. 104127
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(b) Require each auditor conducting a field audit to do all of the following: 104131
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(i) Comply with applicable rules prescribed pursuant to Title XIX: 104133
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(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants; 104135
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(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care; 104138
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(iv) Complete the audit within the time period specified by the department; 104144
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(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's ICF/IID is entitled. 104146
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(2) For the purpose of division (E)(1)(a)(i) of this section, employment of a member of an auditor's family by an ICF/IID that the auditor does not audit does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the ICF/IID. 104153
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~~Sec. 5111.224 5124.15.~~ (A) Except as otherwise provided by 104158
sections ~~5111.20 5124.151~~ to ~~5111.331 5124.154~~ of the Revised Code 104159
and ~~by~~ division (B) of this section, the ~~payments total per~~ 104160
~~medicaid day payment rate~~ that the department of ~~job and family~~ 104161
~~services developmental disabilities~~ shall ~~agree to make pay to the~~ 104162
~~an ICF/IID provider of an intermediate care facility for the~~ 104163
~~mentally retarded pursuant to a provider agreement for ICF/IID~~ 104164
~~services the provider's ICF/IID provides during a fiscal year~~ 104165
shall equal the sum of all of the following: 104166

(1) ~~The per medicaid day payment rate for capital costs~~ 104167
~~determined for the ICF/IID under section 5124.17 of the Revised~~ 104168
~~Code;~~ 104169

(2) ~~The per medicaid day payment~~ rate for direct care costs 104170
determined for the ~~facility ICF/IID~~ under section ~~5111.23 5124.19~~ 104171
of the Revised Code; 104172

~~(3)~~ (3) ~~The per medicaid day payment rate for indirect care~~ 104173
~~costs determined for the ICF/IID under section 5124.21 of the~~ 104174
~~Revised Code;~~ 104175

(4) ~~The per medicaid day payment~~ rate for other protected 104176
costs determined for the ~~facility ICF/IID~~ under section ~~5111.235~~ 104177
~~5124.23~~ of the Revised Code; 104178

~~(3) The rate for indirect care costs determined for the~~ 104179
~~facility under section 5111.241 of the Revised Code;~~ 104180

~~(4) The rate for capital costs determined for the facility~~ 104181
~~under section 5111.251 of the Revised Code.~~ 104182

(B) The department shall adjust the total rate otherwise 104183
determined under division (A) of this section as directed by the 104184
general assembly through the enactment of law governing medicaid 104185
payments to ~~ICF/IID providers of intermediate care facilities for~~ 104186
~~the mentally retarded.~~ 104187

(C) In addition to paying an ICF/IID provider the total rate determined for the provider's ICF/IID under divisions (A) and (B) of this section for a fiscal year, the department, in accordance with section 5124.25 of the Revised Code, may pay the provider a rate add-on for pediatric ventilator-dependent outlier ICF/IID services if the rate add-on is to be paid under that section and the department approves the provider's application for the rate add-on. The rate add-on is not to be part of the ICF/IID's total rate. 104188
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~~Sec. 5111.255 5124.151.~~ (A) ~~The department of job and family services shall establish initial rates for an intermediate care facility for the mentally retarded with a first date of licensure that is on or after January 1, 1993, including a facility that replaces one or more existing facilities, or for an intermediate care facility for the mentally retarded with a first date of licensure before that date that was initially certified for the medicaid program on or after that date, total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be the initial rate for ICF/IID services provided by a new ICF/IID. Instead, the initial total per medicaid day payment rate for ICF/IID services provided by a new ICF/IID shall be determined in the following manner:~~ 104197
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(1) The initial rate for capital costs shall be determined under section 5124.17 of the Revised Code using the greater of the new ICF/IID's actual inpatient days or an imputed occupancy rate of eighty per cent. 104210
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(2) The initial rate for direct care costs shall be determined as follows: 104214
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(a) If there are no cost or resident assessment data for the new ICF/IID as necessary to calculate determine a rate under section 5111.23 5124.19 of the Revised Code, the rate shall be 104216
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determined as follows: 104219

(i) Determine the median cost per case-mix unit calculated 104220
determined under division (B)~~(1)~~ of ~~that~~ section 5124.19 of the 104221
Revised Code for the ~~relevant~~ new ICF/IID's peer group for the 104222
calendar year preceding the fiscal year in which the rate will be 104223
paid, ~~multiplied;~~ 104224

(ii) Multiply the amount determined under division 104225
(A)(2)(a)(i) of this section by the median annual average case-mix 104226
score for the new ICF/IID's peer group for that period ~~and;~~ 104227

(iii) Adjust the product determined under division 104228
(A)(2)(a)(ii) of this section by the rate of inflation estimated 104229
under division ~~(B)(3)(D)~~ of ~~that~~ section 5124.19 of the Revised 104230
Code. ~~This rate shall be recalculated to reflect the facility's~~ 104231
~~actual quarterly average case mix score, in accordance with that~~ 104232
~~section, after it submits its first quarterly assessment data that~~ 104233
~~qualifies for use in calculating a case mix score in accordance~~ 104234
~~with rules authorized by division (E) of section 5111.232 of the~~ 104235
~~Revised Code. If the facility's first two quarterly submissions do~~ 104236
~~not contain assessment data that qualifies for use in calculating~~ 104237
~~a case mix score, the department shall continue to calculate the~~ 104238
~~rate using the median annual case mix score for the peer group in~~ 104239
~~lieu of an assigned quarterly case mix score. The department shall~~ 104240
~~assign a case mix score or, if necessary, a cost per case mix unit~~ 104241
~~under division (D) of section 5111.232 of the Revised Code for any~~ 104242
~~subsequent submissions that do not contain assessment data that~~ 104243
~~qualifies for use in calculating a case mix score.~~ 104244

(b) If the ~~facility~~ new ICF/IID is a replacement facility 104245
ICF/IID and the ~~facility~~ ICF/IID or ~~facilities~~ ICFs/IID that are 104246
being replaced are in operation immediately before the ~~replacement~~ 104247
~~facility~~ new ICF/IID opens, the rate shall be the same as the rate 104248
for the replaced ~~facility~~ ICF/IID or ~~facilities~~ ICFs/IID, 104249
proportionate to the number of ICF/IID beds in each replaced 104250

facility ICF/IID. ~~If one or more of the replaced facilities is~~ 104251

(c) If the new ICF/IID is a replacement ICF/IID and the 104252
ICF/IID or ICFs/IID that are being replaced are not in operation 104253
immediately before the ~~replacement facility~~ new ICF/IID opens, ~~its~~ 104254
~~proportion~~ the rate shall be determined under division 104255
(A)~~(1)~~(2)(a) of this section. 104256

~~(2)~~(3) The initial rate for indirect care costs shall be the 104257
maximum rate for the new ICF/IID's peer group as determined for 104258
the fiscal year in accordance with division (C) of section 5124.21 104259
of the Revised Code. 104260

(4) The initial rate for other protected costs shall be one 104261
hundred fifteen per cent of the median rate for ~~intermediate care~~ 104262
~~facilities for the mentally retarded~~ calculated ICFs/IID 104263
determined for the fiscal year under section ~~5111.235~~ 5124.23 of 104264
the Revised Code. 104265

~~(3) The rate for indirect care costs shall be the applicable~~ 104266
~~maximum rate for the facility's peer group as specified in~~ 104267
~~division (B) of section 5111.241 of the Revised Code.~~ 104268

~~(4) The rate for capital costs shall be determined under~~ 104269
~~section 5111.251 of the Revised Code using the greater of actual~~ 104270
~~inpatient days or an imputed occupancy rate of eighty per cent.~~ 104271

(B) The (1) Except as provided in division (B)(2) of this 104272
section, the department shall adjust the rates established a new 104273
ICF/IID's initial total per medicaid day payment rate determined 104274
under division (A) of this section at both of the following times: 104275
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~~(1) Effective effective the first day of July, to reflect new~~ 104277
~~rate calculations determinations for all facilities ICFs/IID under~~ 104278
~~sections 5111.20 to 5111.331 of the Revised Code;~~ 104279

~~(2) Following the provider's submission of the facility's~~ 104280

~~cost report under division (A)(1)(b) of section 5111.26 of the Revised Code this chapter.~~ 104281
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~~The department shall pay the rate adjusted based on the cost report beginning the first day of the calendar quarter that begins more than ninety days after the department receives the cost report.~~ 104283
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(2) If the department accepts, under division (A) of section 5124.101 of the Revised Code, a cost report filed by the provider of a new ICF/IID, the department shall adjust the ICF/IID's initial total per medicaid day payment rate in accordance with divisions (D) and (E) of that section rather than division (B)(1) of this section. 104287
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Sec. 5124.152. (A) The total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be paid for ICF/IID services provided by an ICF/IID, or discrete unit of an ICF/IID, designated by the department of developmental disabilities as an outlier ICF/IID or unit. Instead, the provider of a designated outlier ICF/IID or unit shall be paid each fiscal year a total per medicaid day payment rate that the department shall prospectively determine in accordance with a methodology established in rules authorized by this section. 104293
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(B) The department may designate an ICF/IID, or discrete unit of an ICF/IID, as an outlier ICF/IID or unit if the ICF/IID or unit serves residents who have either of the following: 104302
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(1) Diagnoses or special care needs that require direct care resources that are not measured adequately by the resident assessment instrument specified in rules authorized by section 5124.191 of the Revised Code; 104305
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(2) Diagnoses or special care needs that are specified in rules authorized by this section as otherwise qualifying for 104309
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consideration under this section. 104311

(C) Notwithstanding any other provision of this chapter, the costs incurred by a designated outlier ICF/IID or unit shall not be considered in establishing medicaid payment rates for other ICFs/IID or units. 104312
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(D) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section. 104316
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(1)(a) The rules shall do both of the following: 104319

(i) Specify the criteria and procedures the department will apply when designating an ICF/IID, or discrete unit of an ICF/IID, as an outlier ICF/IID or unit; 104320
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(ii) Establish a methodology for prospectively determining the total per medicaid day payment rate that will be paid each fiscal year for ICF/IID services provided by a designated outlier ICF/IID or unit. 104323
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(b) The rules adopted under division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/IID and units shall do both of the following: 104327
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(i) Provide for consideration of whether all of the allowable costs of an ICF/IID, or discrete unit of an ICF/IID, would be paid by the rate determined under section 5124.15 of the Revised Code; 104330
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(ii) Specify the minimum number of ICF/IID beds that an ICF/IID, or discrete unit of an ICF/IID, must have to be designated an outlier ICF/IID or unit. 104333
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(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/IID and units shall not limit the designation to ICFs/IID, or discrete units of ICFs/IID, located in large cities. 104336
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(d) The rules authorized by division (D)(1)(a)(ii) of this 104340

section regarding the methodology for prospectively determining the rates of designated outlier ICF/IID and units shall provide for the methodology to consider the historical costs of providing ICF/IID services to the residents of designated outlier ICF/IID and units. 104341
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(2)(a) The rules may do both of the following: 104346

(i) Include for designation as an outlier ICF/IID or unit, an ICF/IID, or discrete unit of an ICF/IID, that serves residents who have complex medical conditions or severe behavioral problems; 104347
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(ii) Require that a designated outlier ICF/IID or unit receive authorization from the department before admitting or retaining a resident. 104350
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(b) If the director adopts rules authorized by division (D)(2)(a)(ii) of this section regarding the authorization of a designated outlier ICF/IID or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting the authorization. 104353
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Sec. 5124.153. (A) To the extent, if any, provided for in rules authorized by this section, the total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be paid for ICF/IID services that an ICF/IID not designated as an outlier ICF/IID or unit provides to a resident who meets the criteria for admission to a designated outlier ICF/IID or unit, as specified in rules authorized by section 5124.152 of the Revised Code. Instead, the provider of an ICF/IID providing ICF/IID services to such a resident shall be paid each fiscal year a total per medicaid day payment rate that the department shall prospectively determine in accordance with a methodology established in rules authorized by this section. 104358
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(B) The director of developmental disabilities may adopt 104370

rules under section 5124.03 of the Revised Code to implement this 104371
section. The rules may require that an ICF/IID receive 104372
authorization from the department before admitting or retaining a 104373
resident who meets the criteria for admission to a designated 104374
outlier ICF/IID or unit. If the director adopts such rules, the 104375
rules shall specify the criteria and procedures the department 104376
will apply when granting the authorization. 104377

~~Sec. 5111.291~~ 5124.154. ~~Notwithstanding sections 5111.20 to~~ 104378
~~5111.331 of the Revised Code~~ The department of developmental 104379
disabilities is not required to pay the total per medicaid day 104380
payment rates determined under section 5124.15 of the Revised Code 104381
for ICF/IID services provided by developmental centers. Instead, 104382
the department of job and family services may compute determine 104383
the rate medicaid payment rates for intermediate care facilities 104384
for the mentally retarded operated by the department of 104385
developmental disabilities or the department of mental health 104386
centers according to the reasonable cost principles of Title 104387
XVIII. 104388

~~Sec. 5111.251~~ 5124.17. (A) The For each fiscal year, the 104389
department of job and family services developmental disabilities 104390
shall pay a provider for determine each of the provider's eligible 104391
intermediate care facilities for the mentally retarded for its 104392
reasonable capital costs, a ICF/IID's per resident per medicaid 104393
day payment rate established prospectively each fiscal year for 104394
each intermediate care facility for the mentally retarded for 104395
reasonable capital costs. Except as otherwise provided in sections 104396
~~5111.20 to 5111.331 of the Revised Code~~ this chapter, the an 104397
ICF/IID's rate shall be determined prospectively and based on the 104398
facility's ICF/IID's capital costs for the calendar year preceding 104399
the fiscal year in which the rate will be paid. The Subject to 104400
section 5124.28, an ICF/IID's rate shall equal the sum of the 104401

following: 104402

(1) ~~The facility's~~ ICF/IID's desk-reviewed, actual, 104403
allowable, per diem ~~cost~~ costs of ownership for the immediately 104404
preceding cost reporting period, limited as provided in divisions 104405
(B) and (C) and (F) of this section; 104406

(2) ~~Any efficiency incentive determined under division (B) of~~ 104407
~~this section;~~ 104408

~~(3) Any amounts for~~ The ICF/IID's per medicaid day payment 104409
for the ICF/IID's per diem capitalized costs of nonextensive 104410
renovations determined under division (D)(1) of this section if 104411
the ICF/IID qualifies for a payment for such costs as specified in 104412
division (D)(2) of this section; 104413

~~(4) Any amounts for~~ (3) The ICF/IID's per medicaid day 104414
efficiency incentive determined under division (E) of this 104415
section; 104416

(4) Until fiscal year 2015, the ICF/IID's return on net 104417
equity determined under division ~~(H)~~(F) of this section. 104418

~~Buildings shall be depreciated using the straight line method~~ 104419
~~over forty years or over a different period approved by the~~ 104420
~~department. Components and equipment shall be depreciated using~~ 104421
~~the straight line method over a period designated by the director~~ 104422
~~of job and family services in rules adopted under section 5111.02~~ 104423
~~of the Revised Code, consistent with the guidelines of the~~ 104424
~~American hospital association, or over a different period approved~~ 104425
~~by the department of job and family services. Any rules authorized~~ 104426
~~by this division that specify useful lives of buildings,~~ 104427
~~components, or equipment apply only to assets acquired on or after~~ 104428
~~July 1, 1993. Depreciation for costs paid or reimbursed by any~~ 104429
~~government agency shall not be included in costs of ownership or~~ 104430
~~renovation unless that part of the payment under sections 5111.20~~ 104431
~~to 5111.331 of the Revised Code is used to reimburse the~~ 104432

~~government agency.~~ 104433

~~(B) The department of job and family services shall pay to a provider for each of the provider's eligible intermediate care facilities for the mentally retarded an efficiency incentive equal to fifty per cent of the difference between any desk reviewed, actual, allowable cost of ownership and the applicable limit on cost of ownership payments under division (C) of this section. For purposes of computing the efficiency incentive, depreciation for costs paid or reimbursed by any government agency shall be considered as a cost of ownership, and the applicable limit under division (C) of this section shall apply both to facilities with more than eight beds and facilities with eight or fewer beds. The efficiency incentive paid to a provider for a facility with eight or fewer beds shall not exceed three dollars per patient day, adjusted annually for the inflation rate for the twelve month period beginning on the first day of July of the calendar year preceding the calendar year that precedes the fiscal year for which the efficiency incentive is determined and ending on the thirtieth day of the following June, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.~~ 104434
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~~(C) Cost~~ The costs of ownership payments per diem payment rates for intermediate care facilities for the mentally retarded ICFs/IID with more than eight beds shall not exceed the following limits: 104455
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104458

(1) For ~~facilities~~ ICFs/IID with dates of licensure prior to January 1, 1958, not exceeding two dollars and fifty cents ~~per patient day;~~ 104459
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(2) For ~~facilities~~ ICFs/IID with dates of licensure after December 31, 1957, but prior to January 1, 1968, not exceeding: 104462
104463

(a) Three dollars and fifty cents ~~per patient day~~ if the cost of construction was three thousand five hundred dollars or more per bed; 104464
104465
104466

(b) Two dollars and fifty cents ~~per patient day~~ if the cost of construction was less than three thousand five hundred dollars per bed. 104467
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104469

(3) For ~~facilities~~ ICFs/IID with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding: 104470
104471

(a) Four dollars and fifty cents ~~per patient day~~ if the cost of construction was five thousand one hundred fifty dollars or more per bed; 104472
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104474

(b) Three dollars and fifty cents ~~per patient day~~ if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeds three thousand five hundred dollars per bed; 104475
104476
104477
104478

(c) Two dollars and fifty cents ~~per patient day~~ if the cost of construction was three thousand five hundred dollars or less per bed. 104479
104480
104481

(4) For ~~facilities~~ ICFs/IID with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding: 104482
104483

(a) Five dollars and fifty cents ~~per patient day~~ if the cost of construction was six thousand eight hundred dollars or more per bed; 104484
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104486

(b) Four dollars and fifty cents ~~per patient day~~ if the cost of construction was less than six thousand eight hundred dollars per bed but exceeds five thousand one hundred fifty dollars per bed; 104487
104488
104489
104490

(c) Three dollars and fifty cents ~~per patient day~~ if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeds three thousand five hundred dollars per 104491
104492
104493

bed;	104494
(d) Two dollars and fifty cents per patient day if the cost	104495
of construction was three thousand five hundred dollars or less	104496
per bed.	104497
(5) For facilities <u>ICFs/IID</u> with dates of licensure after	104498
December 31, 1978, but prior to January 1, 1980, not exceeding:	104499
(a) Six dollars per patient day if the cost of construction	104500
was seven thousand six hundred twenty-five dollars or more per	104501
bed;	104502
(b) Five dollars and fifty cents per patient day if the cost	104503
of construction was less than seven thousand six hundred	104504
twenty-five dollars per bed but exceeds six thousand eight hundred	104505
dollars per bed;	104506
(c) Four dollars and fifty cents per patient day if the cost	104507
of construction was six thousand eight hundred dollars or less per	104508
bed but exceeds five thousand one hundred fifty dollars per bed;	104509
(d) Three dollars and fifty cents per patient day if the cost	104510
of construction was five thousand one hundred fifty dollars or	104511
less but exceeds three thousand five hundred dollars per bed;	104512
(e) Two dollars and fifty cents per patient day if the cost	104513
of construction was three thousand five hundred dollars or less	104514
per bed.	104515
(6) For facilities <u>ICFs/IID</u> with dates of licensure after	104516
December 31, 1979, but prior to January 1, 1981, not exceeding:	104517
(a) Twelve dollars per patient day if the beds were	104518
originally licensed as residential facility beds by the department	104519
of developmental disabilities;	104520
(b) Six dollars per patient day if the beds were originally	104521
licensed as nursing home beds by the department of health.	104522
(7) For facilities <u>ICFs/IID</u> with dates of licensure after	104523

December 31, 1980, but prior to January 1, 1982, not exceeding:	104524
(a) Twelve dollars per patient day if the beds were	104525
originally licensed as residential facility beds by the department	104526
of developmental disabilities;	104527
(b) Six dollars and forty-five cents per patient day if the	104528
beds were originally licensed as nursing home beds by the	104529
department of health.	104530
(8) For facilities <u>ICFs/IID</u> with dates of licensure after	104531
December 31, 1981, but prior to January 1, 1983, not exceeding:	104532
(a) Twelve dollars per patient day if the beds were	104533
originally licensed as residential facility beds by the department	104534
of developmental disabilities;	104535
(b) Six dollars and seventy-nine cents per patient day if the	104536
beds were originally licensed as nursing home beds by the	104537
department of health.	104538
(9) For facilities <u>ICFs/IID</u> with dates of licensure after	104539
December 31, 1982, but prior to January 1, 1984, not exceeding:	104540
(a) Twelve dollars per patient day if the beds were	104541
originally licensed as residential facility beds by the department	104542
of developmental disabilities;	104543
(b) Seven dollars and nine cents per patient day if the beds	104544
were originally licensed as nursing home beds by the department of	104545
health.	104546
(10) For facilities <u>ICFs/IID</u> with dates of licensure after	104547
December 31, 1983, but prior to January 1, 1985, not exceeding:	104548
(a) Twelve dollars and twenty-four cents per patient day if	104549
the beds were originally licensed as residential facility beds by	104550
the department of developmental disabilities;	104551
(b) Seven dollars and twenty-three cents per patient day if	104552
the beds were originally licensed as nursing home beds by the	104553

department of health. 104554

(11) For ~~facilities~~ ICFs/IID with dates of licensure after 104555
December 31, 1984, but prior to January 1, 1986, not exceeding: 104556

(a) Twelve dollars and fifty-three cents ~~per patient day~~ if 104557
the beds were originally licensed as residential facility beds by 104558
the department of developmental disabilities; 104559

(b) Seven dollars and forty cents ~~per patient day~~ if the beds 104560
were originally licensed as nursing home beds by the department of 104561
health. 104562

(12) For ~~facilities~~ ICFs/IID with dates of licensure after 104563
December 31, 1985, but prior to January 1, 1987, not exceeding: 104564

(a) Twelve dollars and seventy cents ~~per patient day~~ if the 104565
beds were originally licensed as residential facility beds by the 104566
department of developmental disabilities; 104567

(b) Seven dollars and fifty cents ~~per patient day~~ if the beds 104568
were originally licensed as nursing home beds by the department of 104569
health. 104570

(13) For ~~facilities~~ ICFs/IID with dates of licensure after 104571
December 31, 1986, but prior to January 1, 1988, not exceeding: 104572

(a) Twelve dollars and ninety-nine cents ~~per patient day~~ if 104573
the beds were originally licensed as residential facility beds by 104574
the department of developmental disabilities; 104575

(b) Seven dollars and sixty-seven cents ~~per patient day~~ if 104576
the beds were originally licensed as nursing home beds by the 104577
department of health. 104578

(14) For ~~facilities~~ ICFs/IID with dates of licensure after 104579
December 31, 1987, but prior to January 1, 1989, not exceeding 104580
thirteen dollars and twenty-six cents ~~per patient day~~; 104581

(15) For ~~facilities~~ ICFs/IID with dates of licensure after 104582
December 31, 1988, but prior to January 1, 1990, not exceeding 104583

thirteen dollars and forty-six cents ~~per patient day~~; 104584

(16) For ~~facilities~~ ICFs/IID with dates of licensure after 104585
December 31, 1989, but prior to January 1, 1991, not exceeding 104586
thirteen dollars and sixty cents ~~per patient day~~; 104587

(17) For ~~facilities~~ ICFs/IID with dates of licensure after 104588
December 31, 1990, but prior to January 1, 1992, not exceeding 104589
thirteen dollars and forty-nine cents ~~per patient day~~; 104590

(18) For ~~facilities~~ ICFs/IID with dates of licensure after 104591
December 31, 1991, but prior to January 1, 1993, not exceeding 104592
thirteen dollars and sixty-seven cents ~~per patient day~~; 104593

(19) For ~~facilities~~ ICFs/IID with dates of licensure after 104594
December 31, 1992, not exceeding fourteen dollars and twenty-eight 104595
cents ~~per patient day~~. 104596

(C)(1) The costs of ownership per diem payment rate for an 104597
ICF/IID with eight or fewer beds shall not exceed the following 104598
limits: 104599

(a) Eighteen dollars and thirty cents as adjusted for 104600
inflation pursuant to division (C)(2) of this section if any of 104601
the following apply to the ICF/IID: 104602

(i) The ICF/IID has a date of licensure, or was granted 104603
project authorization by the department of developmental 104604
disabilities, before July 1, 1993. 104605

(ii) The ICF/IID has a date of licensure, or was granted 104606
project authorization by the department, on or after July 1, 1993, 104607
and the provider demonstrates that the provider made substantial 104608
commitments of funds for the ICF/IID before that date. 104609

(iii) The ICF/IID has a date of licensure, or was granted 104610
project authorization by the department, on or after July 1, 1993, 104611
the provider made no substantial commitment of funds for the 104612
ICF/IID before that date, and the department of job and family 104613

services or department of developmental disabilities gave prior approval for the ICF/IID's construction. 104614
104615

(b) If division (C)(1)(a) of this section does not apply to the ICF/IID, the amount that would apply to the ICF/IID under division (B) of this section if it had more than eight beds. 104616
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104618

(2) The eighteen-dollar and thirty-cent payment rate specified in division (C)(1)(a) of this section shall be increased as follows: 104619
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104621

(a) For the period beginning June 30, 1990, and ending July 1, 1993, by the change in the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift; 104622
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(b) For each fiscal year thereafter, in accordance with division (G) of this section. 104626
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(D)(1) Beginning January 1, 1981, regardless of the original date of licensure, the department of job and family services shall pay a payment rate for the per diem capitalized costs of nonextensive renovations to intermediate care facilities for the mentally retarded made after January 1, 1981, to a qualifying ICF/IID, shall not exceeding exceed six dollars per patient medicaid day using 1980 as the base year and adjusting the amount annually until June 30, 1993, for fluctuations in construction costs calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift. The payment rate shall be further adjusted in accordance with division (G) of this section. The payment provided for in this division is the only payment that shall be made for the an ICF/IID's capitalized costs of a nonextensive renovation of an intermediate care facility for the mentally retarded renovations. Nonextensive renovation costs Costs of nonextensive renovations shall not be included in cost costs of ownership, and 104628
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~~a nonextensive renovation~~ shall not affect the date of licensure 104645
for purposes of division (B) or (C) of this section. This division 104646
applies to nonextensive renovations regardless of whether they are 104647
made by an owner or a lessee. If the tenancy of a lessee that has 104648
made nonextensive renovations ends before the depreciation expense 104649
for the ~~renovation~~ costs of nonextensive renovations has been 104650
fully reported, the former lessee shall not report the 104651
undepreciated balance as an expense. 104652

~~For a nonextensive renovation to qualify~~ (2) An ICF/IID 104653
qualifies for a payment under this division, both for costs of 104654
nonextensive renovations if all of the following conditions must 104655
~~be met~~ apply: 104656

~~(1)~~(a) Either of the following applies: 104657

(i) The ICF/IID has more than eight beds and either the 104658
department approved the nonextensive renovation before July 1, 104659
2013, or the nonextensive renovation is part of a project that 104660
results in the ICF/IID becoming a downsized ICF/IID or partially 104661
converted ICF/IID. 104662

(ii) The ICF/IID has eight or fewer beds. 104663

(b) At least five years have elapsed since the ICF/IID's date 104664
of licensure or date of an extensive renovation of the portion of 104665
the ~~facility~~ ICF/IID that is proposed to be nonextensively 104666
renovated, ~~except that this condition does not apply if unless~~ the 104667
nonextensive renovation is necessary to meet the requirements of 104668
federal, state, or local statutes, ordinances, rules, or policies. 104669

~~(2)~~(c) The provider has obtained prior approval from the 104670
department of job and family services. The provider shall submit 104671
of the ICF/IID does both of the following: 104672

(i) Submits to the department a plan that describes in detail 104673
the changes in capital assets to be accomplished by means of the 104674
nonextensive renovation and the timetable for completing the 104675

project. ~~The time for completion of the project, which shall be ne~~ 104676
~~not~~ more than eighteen months after the nonextensive renovation 104677
begins; 104678

(ii) Obtains prior approval from the department for the 104679
nonextensive renovation. The 104680

(3) The director of ~~job and family services developmental~~ 104681
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 104682
the Revised Code that specify criteria and procedures for prior 104683
approval of nonextensive renovation and extensive renovation 104684
projects. No provider shall separate a project with the intent to 104685
evade the characterization of the project as a nonextensive 104686
renovation or as an extensive renovation. No provider shall 104687
increase the scope of a project after it is approved by the 104688
department ~~of job and family services~~ unless the increase in scope 104689
is approved by the department. 104690

(E)(1) Subject to division (E)(2) of this section, an 104691
ICF/IID's per medicaid day efficiency incentive payment rate shall 104692
equal the following percentage of the difference between the 104693
ICF/IID's desk-reviewed, actual, allowable per diem costs of 104694
ownership and the applicable limit on costs of ownership payment 104695
rates established by division (B) of this section: 104696

(a) In the case of an ICF/IID with more than eight beds, the 104697
following percentage: 104698

(i) Fifty per cent for fiscal year 2014; 104699

(ii) Fifty per cent for fiscal year 2015 and each fiscal year 104700
thereafter if the provider of the ICF/IID obtains the department's 104701
approval to become a downsized ICF/IID and the approval is 104702
conditioned on the downsizing being completed not later than July 104703
1, 2018; 104704

(iii) Twenty-five per cent; 104705

(b) In the case of an ICF/IID with eight or fewer beds, fifty per cent. 104706
104707

(2) The efficiency incentive payment rate for an ICF/IID with eight or fewer beds shall not exceed three dollars per medicaid day, adjusted annually in accordance with division (G) of this section. For the purpose of determining an ICF/IID's efficiency incentive payment rate, both of the following apply: 104708
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(a) Depreciation for costs paid or reimbursed by any government agency shall be considered as a cost of ownership; 104713
104714

(b) The applicable limit under division (B) of this section shall apply both to ICFs/IID with more than eight beds and ICFs/IID with eight or fewer beds. 104715
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(F) An ICF/IID's return on net equity shall be determined at the rate of one and one-half times the average of interest rates on special issues of public debt obligations issued to the federal hospital insurance trust fund for the cost reporting period. In determining an ICF/IID's rate for return on net equity, the department shall use the greater of the ICF/IID's inpatient days during the applicable cost reporting period or the number of inpatient days the ICF/IID would have had during that period if the ICF/IID's occupancy rate had been ninety-five per cent. No ICF/IID's rate for return on net equity shall exceed one dollar per medicaid day. No ICF/IID's rate for capital costs shall include a rate for return on net equity beginning July 1, 2014. 104718
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(G) The amounts specified in divisions (B), (C) and, (D), and (E) of this section shall be adjusted beginning July 1, 1993, for the estimated inflation rate for the twelve-month period beginning on the first day of July of the calendar year immediately preceding the calendar year that immediately precedes the fiscal year for which rate will be paid and ending on the thirtieth day of the following June, using the consumer price index for shelter 104730
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costs for all urban consumers for the ~~north central~~ midwest 104737
region, as published by the United States bureau of labor 104738
statistics. 104739

~~(F)(1) For facilities of eight or fewer beds that have dates 104740
of licensure or have been granted project authorization by the 104741
department of developmental disabilities before July 1, 1993, and 104742
for facilities of eight or fewer beds that have dates of licensure 104743
or have been granted project authorization after that date if the 104744
providers of the facilities demonstrate that they made substantial 104745
commitments of funds on or before that date, cost of ownership 104746
shall not exceed eighteen dollars and thirty cents per resident 104747
per day. The eighteen dollar and thirty cent amount shall be 104748
increased by the change in the "Dodge building cost indexes, 104749
northeastern and north central states," published by Marshall and 104750
Swift, during the period beginning June 30, 1990, and ending July 104751
1, 1993, and by the change in the consumer price index for shelter 104752
costs for all urban consumers for the north central region, as 104753
published by the United States bureau of labor statistics, 104754
annually thereafter. 104755~~

~~(2) For facilities with eight or fewer beds that have dates 104756
of licensure or have been granted project authorization by the 104757
department of developmental disabilities on or after July 1, 1993, 104758
for which substantial commitments of funds were not made before 104759
that date, cost of ownership payments shall not exceed the 104760
applicable amount calculated under division (F)(1) of this 104761
section, if the department of job and family services gives prior 104762
approval for construction of the facility. If the department does 104763
not give prior approval, cost of ownership payments shall not 104764
exceed the amount specified in division (C) of this section. 104765~~

~~(3)(H) Notwithstanding divisions (C) and (D) and (F)(1) and 104766
(2) of this section, the total payment rate for cost costs of 104767
ownership, ~~cost of ownership efficiency incentive, and capitalized 104768~~~~

costs of nonextensive renovations, and the efficiency incentive 104769
for an ~~intermediate care facility for the mentally retarded~~ 104770
ICF/IID with eight or fewer beds shall not exceed the sum of the 104771
limitations specified in divisions (C) and (D) of this section. 104772

~~(G) Notwithstanding any provision of this section or section~~ 104773
~~5111.241 of the Revised Code, the director of job and family~~ 104774
~~services may adopt rules under section 5111.02 of the Revised Code~~ 104775
~~that provide for a calculation of a combined maximum payment limit~~ 104776
~~for indirect care costs and cost of ownership for intermediate~~ 104777
~~care facilities for the mentally retarded with eight or fewer~~ 104778
~~beds.~~ 104779

~~(H) The department of job and family services shall pay a~~ 104780
~~provider for each of the provider's eligible proprietary~~ 104781
~~intermediate care facilities for the mentally retarded a return on~~ 104782
~~the facility's net equity computed at the rate of one and one half~~ 104783
~~times the average of interest rates on special issues of public~~ 104784
~~debt obligations issued to the federal hospital insurance trust~~ 104785
~~fund for the cost reporting period. No facility's return on net~~ 104786
~~equity paid under this division shall exceed one dollar per~~ 104787
~~patient day.~~ 104788

~~In calculating the rate for return on net equity, the~~ 104789
~~department shall use the greater of the facility's inpatient days~~ 104790
~~during the applicable cost reporting period or the number of~~ 104791
~~inpatient days the facility would have had during that period if~~ 104792
~~its occupancy rate had been ninety five per cent.~~ 104793

~~(I)(1) For the purpose of determining ICFs/IID's medicaid~~ 104794
~~payment rates for capital costs:~~ 104795

~~(a) Buildings shall be depreciated using the straight line~~ 104796
~~method over forty years or over a different period approved by the~~ 104797
~~department.~~ 104798

~~(b) Components and equipment shall be depreciated using the~~ 104799

straight line method over a period designated by the director of 104800
developmental disabilities in rules adopted under section 5124.03 104801
of the Revised Code, consistent with the guidelines of the 104802
American hospital association, or over a different period approved 104803
by the department. 104804

(2) Any rules authorized by division (I)(1) of this section 104805
that specify useful lives of buildings, components, or equipment 104806
apply only to assets acquired on or after July 1, 1993. 104807
Depreciation for costs paid or reimbursed by any government agency 104808
shall not be included in costs of ownership or costs of 104809
nonextensive renovations unless that part of the payment under 104810
this chapter is used to reimburse the government agency. 104811

(J)(1) Except as provided in division ~~(I)~~(J)(2) of this 104812
section, if a provider leases or transfers an interest in a 104813
~~facility~~ an ICF/IID to another provider who is a related party, 104814
the related party's allowable ~~cost~~ costs of ownership shall 104815
include the lesser of the following: 104816

(a) The annual lease expense or actual cost of ownership, 104817
whichever is applicable; 104818

(b) The reasonable cost to the lessor or provider making the 104819
transfer. 104820

(2) If a provider leases or transfers an interest in a 104821
~~facility~~ an ICF/IID to another provider who is a related party, 104822
regardless of the date of the lease or transfer, the related 104823
party's allowable cost of ownership shall include the annual lease 104824
expense or actual cost of ownership, whichever is applicable, 104825
subject to the limitations specified in divisions (B) to ~~(H)~~(I) of 104826
this section, if all of the following conditions are met: 104827

(a) The related party is a relative of owner; 104828

(b) In the case of a lease, if the lessor retains any 104829
ownership interest, it is, except as provided in division 104830

~~(I)~~(J)(2)(d)(ii) of this section, in only the real property and 104831
any improvements on the real property; 104832

(c) In the case of a transfer, the provider making the 104833
transfer retains, except as provided in division ~~(I)~~(J)(2)(d)(iv) 104834
of this section, no ownership interest in the ~~facility~~ ICF/IID; 104835

(d) The department ~~of job and family services~~ determines that 104836
the lease or transfer is an arm's length transaction pursuant to 104837
rules adopted under section ~~5111.02~~ 5124.03 of the Revised Code. 104838
The rules shall provide that a lease or transfer is an arm's 104839
length transaction if all of the following, as applicable, apply: 104840

(i) In the case of a lease, once the lease goes into effect, 104841
the lessor has no direct or indirect interest in the lessee or, 104842
except as provided in division ~~(I)~~(J)(2)(b) of this section, the 104843
~~facility~~ ICF/IID itself, including interest as an owner, officer, 104844
director, employee, independent contractor, or consultant, but 104845
excluding interest as a lessor. 104846

(ii) In the case of a lease, the lessor does not reacquire an 104847
interest in the ~~facility~~ ICF/IID except through the exercise of a 104848
lessor's rights in the event of a default. If the lessor 104849
reacquires an interest in the ~~facility~~ ICF/IID in this manner, the 104850
department shall treat the ~~facility~~ ICF/IID as if the lease never 104851
occurred when the department ~~calculates~~ determines its 104852
~~reimbursement rates~~ payment rate for capital costs. 104853

(iii) In the case of a transfer, once the transfer goes into 104854
effect, the provider that made the transfer has no direct or 104855
indirect interest in the provider that acquires the ~~facility~~ 104856
ICF/IID or the ~~facility~~ ICF/IID itself, including interest as an 104857
owner, officer, director, employee, independent contractor, or 104858
consultant, but excluding interest as a creditor. 104859

(iv) In the case of a transfer, the provider that made the 104860
transfer does not reacquire an interest in the ~~facility~~ ICF/IID 104861

except through the exercise of a creditor's rights in the event of 104862
a default. If the provider reacquires an interest in the ~~facility~~ 104863
ICF/IID in this manner, the department shall treat the ~~facility~~ 104864
ICF/IID as if the transfer never occurred when the department 104865
~~calculates~~ determines its ~~reimbursement rates~~ payment rate for 104866
capital costs. 104867

(v) The lease or transfer satisfies any other criteria 104868
specified in the rules. 104869

(e) Except in the case of hardship caused by a catastrophic 104870
event, as determined by the department, or in the case of a lessor 104871
or provider making the transfer who is at least sixty-five years 104872
of age, not less than twenty years have elapsed since, for the 104873
same ~~facility~~ ICF/IID, allowable cost of ownership was determined 104874
most recently under this division. 104875

Sec. ~~5111.23~~ 5124.19. (A) ~~The (1) For each fiscal year, the~~ 104876
department of ~~job and family services~~ developmental disabilities 104877
shall ~~pay a provider for~~ determine each of the provider's eligible 104878
~~intermediate care facilities for the mentally retarded a~~ ICF/IID's 104879
~~per resident per medicaid day~~ payment rate for direct care costs 104880
~~established prospectively for each facility. The department shall~~ 104881
~~establish each facility's rate for direct care costs quarterly as~~ 104882
follows: 104883

(a) Multiply the lesser of the following by the ICF/IID's 104884
annual average case-mix score determined or assigned under section 104885
5124.192 of the Revised Code for the calendar year immediately 104886
preceding the fiscal year for which the rate will be paid: 104887

(i) The ICF/IID's cost per case-mix unit for the calendar 104888
year immediately preceding the fiscal year for which the rate will 104889
be paid, as determined under division (B) of this section; 104890

(ii) The maximum cost per case-mix unit for the ICF/IID's 104891

peer group for the fiscal year for which the rate will be paid, as 104892
set under division (C) of this section; 104893

(b) Adjust the product determined under division (A)(1)(a) of 104894
this section by the inflation rate estimated under division (D)(1) 104895
of this section and modified under division (D)(2) of this 104896
section. 104897

(2) Except as otherwise directed by law enacted by the 104898
general assembly, the department shall determine each ICF/IID's 104899
rate for direct care costs prospectively. 104900

~~(B) Each facility's rate for direct care costs shall be based~~ 104901
~~on the facility's cost per case mix unit, subject to the maximum~~ 104902
~~costs per case mix unit established under division (B)(2) of this~~ 104903
~~section, from the calendar year preceding the fiscal year in which~~ 104904
~~the rate is paid. To determine the rate, the department shall do~~ 104905
~~all of the following:~~ 104906

~~(1) Determine each facility's an ICF/IID's cost per case-mix~~ 104907
~~unit for the calendar year immediately preceding the fiscal year~~ 104908
~~in which the rate will be paid by dividing, the facility's~~ 104909
~~department shall divide the ICF/IID's desk-reviewed, actual,~~ 104910
~~allowable, per diem direct care costs for that calendar year by~~ 104911
~~its annual average case-mix score determined under section~~ 104912
~~5111.232 5124.192 of the Revised Code for the same calendar year.~~ 104913

~~(2)(a) Set (C)(1) For each fiscal year for which a rate will~~ 104914
~~be paid, the department shall set the maximum cost per case-mix~~ 104915
~~unit for each peer group of intermediate care facilities for the~~ 104916
~~mentally retarded ICFs/IID with more than eight beds specified in~~ 104917
~~rules adopted under division (F) of this section at a percentage~~ 104918
~~above the cost per case-mix unit of determined under division (B)~~ 104919
~~of this section for the facility ICF/IID in the peer group that~~ 104920
~~has the peer group's median number of medicaid day days for the~~ 104921
~~calendar year immediately preceding the fiscal year in which the~~ 104922

rate will be paid, ~~as calculated under division (B)(1) of this~~ 104923
~~section, that is. The percentage shall be no less than the~~ 104924
~~percentage calculated under division (E)(2) of this section above~~ 104925
~~the cost per case-mix unit determined under division (B) of this~~ 104926
~~section for the ICF/IID that has the median number of medicaid~~ 104927
~~days for calendar year 1992 for all ICFs/IID with more than eight~~ 104928
~~beds that would result in payment of all desk-reviewed, actual,~~ 104929
~~allowable direct care costs for eighty and one-half per cent of~~ 104930
~~the medicaid days for such ICFs/IID for calendar year 1992.~~ 104931

~~(b) Set (2) For each fiscal year for which a rate will be~~ 104932
~~paid, the department shall set the maximum cost per case-mix unit~~ 104933
~~for each peer group of intermediate care facilities for the~~ 104934
~~mentally retarded ICFs/IID with eight or fewer beds specified in~~ 104935
~~rules adopted under division (F) of this section at a percentage~~ 104936
~~above the cost per case-mix unit of determined under division (B)~~ 104937
~~of this section for the facility ICF/IID in the peer group that~~ 104938
~~has the peer group's median number of medicaid day days for the~~ 104939
~~calendar year immediately preceding the fiscal year in which the~~ 104940
~~rate will be paid, as calculated under division (B)(1) of this~~ 104941
~~section, that is. The percentage shall be no less than the~~ 104942
~~percentage calculated under division (E)(3) of this section above~~ 104943
~~the cost per case-mix unit determined under division (B) of this~~ 104944
~~section for the ICF/IID that has the median number of medicaid~~ 104945
~~days for calendar year 1992 for all ICFs/IID with eight or fewer~~ 104946
~~beds that would result in payment of all desk-reviewed, actual,~~ 104947
~~allowable direct care costs for eighty and one-half per cent of~~ 104948
~~the medicaid days for such ICFs/IID for calendar year 1992.~~ 104949

~~(c)(3) In calculating determining the maximum cost per~~ 104950
~~case-mix unit under divisions (B)(2)(a)(C)(1) and (b)(2) of this~~ 104951
~~section for each peer group, the department shall exclude from its~~ 104952
~~calculations determinations the cost per case-mix unit of any~~ 104953
~~facility ICF/IID in the peer group that participated in the~~ 104954

medicaid program under the same ~~operator~~ provider for less than 104955
twelve months during the calendar year immediately preceding the 104956
fiscal year in which the rate will be paid. 104957

~~(3) Estimate~~ (4) The department shall not reset a peer 104958
group's maximum cost per case-mix unit for a fiscal year under 104959
division (C)(1) or (2) of this section based on additional 104960
information that it receives after it sets the maximum for that 104961
fiscal year. The department shall reset a peer group's maximum 104962
cost per case-mix unit for a fiscal year only if it made an error 104963
in setting the maximum for that fiscal year based on information 104964
available to the department at the time it originally sets the 104965
maximum for that fiscal year. 104966

(D)(1) The department shall estimate the rate of inflation 104967
for the eighteen-month period beginning on the first day of July 104968
of the calendar year preceding the fiscal year in which ~~the~~ a rate 104969
will be paid and ending on the thirty-first day of December of the 104970
fiscal year in which the rate will be paid, using the ~~index~~ 104971
~~specified in division (C) of this section. If the estimated~~ 104972
~~inflation rate for the eighteen month period is different from the~~ 104973
~~actual inflation rate for that period, as measured using the same~~ 104974
~~index, the difference shall be added to or subtracted from the~~ 104975
~~inflation rate estimated under division (B)(3) of this section for~~ 104976
~~the following fiscal year.~~ 104977

~~(4) The department shall not recalculate a maximum cost per~~ 104978
~~case mix unit under division (B)(2) of this section or a~~ 104979
~~percentage under division (E) of this section based on additional~~ 104980
~~information that it receives after the maximum costs per case mix~~ 104981
~~unit or percentages are set. The department shall recalculate a~~ 104982
~~maximum cost per case mix units or percentage only if it made an~~ 104983
~~error in computing the maximum cost per case mix unit or~~ 104984
~~percentage based on information available at the time of the~~ 104985
~~original calculation.~~ 104986

~~(C) The department shall use the following index for the purpose of division (B)(3) of this section:~~ 104987
104988

~~(1) The (a) Subject to division (D)(1)(b) of this section, the employment cost index for total compensation, health services care and social assistance component, published by the United States bureau of labor statistics;~~ 104989
104990
104991
104992

~~(2)(b) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(D)(1)(a) of this section, the index that is subsequently published by the bureau and covers nursing facilities' the staff costs of ICFs/IID.~~ 104993
104994
104995
104996

~~(D) Each facility's rate for direct care costs shall be determined as follows for each calendar quarter within a fiscal year:~~ 104997
104998
104999

~~(1) Multiply the lesser of the following by the facility's average case mix score determined under section 5111.232 of the Revised Code for the calendar quarter that preceded the immediately preceding calendar quarter:~~ 105000
105001
105002
105003

~~(a) The facility's cost per case mix unit for the calendar year preceding the fiscal year in which the rate will be paid, as determined under division (B)(1) of this section;~~ 105004
105005
105006

~~(b) The maximum cost per case mix unit established for the fiscal year in which the rate will be paid for the facility's peer group under division (B)(2) of this section;~~ 105007
105008
105009

~~(2) Adjust the product determined under division (D)(1) of this section by the inflation rate estimated under division (B)(3) of this section.~~ 105010
105011
105012

~~(E)(1) The department shall calculate the percentage above the median cost per case mix unit determined under division (B)(1) of this section for the facility that has the median medicaid day for calendar year 1992 for all intermediate care facilities for~~ 105013
105014
105015
105016

~~the mentally retarded with more than eight beds that would result 105017
in payment of all desk reviewed, actual, allowable direct care 105018
costs for eighty and one half per cent of the medicaid days for 105019
such facilities for calendar year 1992. 105020~~

~~(2) The department shall calculate the percentage above the 105021
median cost per case mix unit determined under division (B)(1) of 105022
this section for the facility that has the median medicaid day for 105023
calendar year 1992 for all intermediate care facilities for the 105024
mentally retarded with eight or fewer beds that would result in 105025
payment of all desk reviewed, actual, allowable direct care costs 105026
for eighty and one half per cent of the medicaid days for such 105027
facilities for calendar year 1992. 105028~~

~~(F)(2) If the estimated inflation rate for the eighteen-month 105029
period specified in division (D)(1) of this section is different 105030
from the actual inflation rate for that period, as measured using 105031
the same index, the difference shall be added to or subtracted 105032
from the inflation rate estimated under division (D)(1) of this 105033
section for the following fiscal year. 105034~~

~~(E) The director of job and family services developmental 105035
disabilities shall adopt rules under section 5111.02 5124.03 of 105036
the Revised Code that specify peer groups of ~~intermediate care 105037
facilities for the mentally retarded ICFs/IID~~ with more than eight 105038
beds and ~~intermediate care facilities for the mentally retarded 105039
peer groups of ICFs/IID~~ with eight or fewer beds, based on 105040
findings of significant per diem direct care cost differences due 105041
to geography and ~~facility~~ bed-size. The rules also may specify 105042
peer groups based on findings of significant per diem direct care 105043
cost differences due to other factors which may include case-mix. 105044~~

~~(G) The department, in accordance with division (D) of 105045
section 5111.232 of the Revised Code and rules adopted under 105046
division (F) of that section, may assign case mix scores or costs 105047
per case mix unit if a provider fails to submit assessment data 105048~~

~~necessary to calculate an intermediate care facility for the~~ 105049
~~mentally retarded's case mix score in accordance with that~~ 105050
~~section.~~ 105051

Sec. 5124.191. Each calendar quarter, each ICF/IID provider 105052
shall compile complete assessment data for each resident of each 105053
of the provider's ICFs/IID, regardless of payment source, who is 105054
in the ICF/IID, or on hospital or therapeutic leave from the 105055
ICF/IID, on the last day of the quarter. A resident assessment 105056
instrument specified in rules adopted under section 5124.03 of the 105057
Revised Code shall be used to compile the resident assessment 105058
data. Each provider shall submit the resident assessment data to 105059
the department of developmental disabilities not later than 105060
fifteen days after the end of the calendar quarter for which the 105061
data is compiled. The resident assessment data shall be submitted 105062
to the department through the medium or media specified in rules 105063
adopted under section 5124.03 of the Revised Code. 105064

Sec. 5124.192. (A) Except as provided in division (B) of this 105065
section, the department of developmental disabilities shall do 105066
both of the following: 105067

(1) For each calendar quarter, determine a case-mix score for 105068
each ICF/IID using the resident assessment data submitted to the 105069
department under section 5124.191 of the Revised Code and the 105070
grouper methodology prescribed in rules authorized by this 105071
section; 105072

(2) After the end of each calendar year and in accordance 105073
with rules authorized by this section, determine an annual average 105074
case-mix score for each ICF/IID using the ICF/IID's quarterly 105075
case-mix scores for that calendar year. 105076

(B)(1) Subject to division (B)(2) of this section, the 105077
department, for one or more months of a calendar quarter, may 105078

assign to an ICF/IID a case-mix score that is five per cent less 105079
than the ICF/IID's case-mix score for the immediately preceding 105080
calendar quarter if any of the following apply: 105081

(a) The provider does not timely submit complete and accurate 105082
resident assessment data necessary to determine the ICF/IID's 105083
case-mix score for the calendar quarter; 105084

(b) The ICF/IID was subject to an exception review under 105085
section 5124.193 of the Revised Code for the immediately preceding 105086
calendar quarter; 105087

(c) The ICF/IID was assigned a case-mix score for the 105088
immediately preceding calendar quarter. 105089

(2) Before assigning a case-mix score to an ICF/IID due to 105090
the submission of incorrect resident assessment data, the 105091
department shall permit the provider to correct the data. The 105092
department may assign the case-mix score if the provider fails to 105093
submit the corrected resident assessment data not later than 105094
forty-five days after the end of the calendar quarter to which the 105095
data pertains or later due date specified in rules authorized by 105096
this section. 105097

(3) If, for more than six months during a calendar year, a 105098
provider is paid a rate determined for an ICF/IID using a case-mix 105099
score assigned to the ICF/IID under division (B)(1) of this 105100
section, the department may assign the ICF/IID a cost per case-mix 105101
unit that is five per cent less than the ICF/IID's actual or 105102
assigned cost per case-mix unit for the immediately preceding 105103
calendar year. The department may use the assigned cost per 105104
case-mix unit, instead of determining the ICF/IID's actual cost 105105
per case-mix unit in accordance with section 5124.19 of the 105106
Revised Code, to establish the ICF/IID's rate for direct care 105107
costs for the fiscal year immediately following the calendar year 105108
for which the cost per case-mix unit is assigned. 105109

(4) The department shall take action under division (B)(1), (2), or (3) of this section only in accordance with rules authorized by this section. The department shall not take an action that affects medicaid payment rates for prior payment periods except in accordance with sections 5124.41 and 5124.42 of the Revised Code.

(C) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section.

(1) The rules shall do all of the following:

(a) Prescribe a grouper methodology to be used when determining the case-mix scores for ICFs/IID;

(b) Specify the process for determining the annual average case-mix scores for ICFs/IID;

(c) Establish procedures under which resident assessment data is to be reviewed for accuracy and providers are to be notified of any data that requires correction;

(d) Establish procedures for providers to correct resident assessment data and, if necessary, specify a due date for corrections that is later than the due date specified in division (B)(2) of this section.

(e) Specify when and how the department will assign a case-mix score or cost per case-mix unit to an ICF/IID under division (B) of this section if information necessary to calculate the ICF/IID's case-mix score is not provided or corrected in accordance with the procedures established by the rules.

(2) Notwithstanding any other provision of this chapter, the rules may provide for excluding case-mix scores assigned to an ICF/IID under division (B) of this section from the determination of the ICF/IID's annual average case-mix score and the maximum

cost per case-mix unit for the ICF/IID's peer group. 105140

Sec. 5124.193. (A) The department of developmental 105141
disabilities may, pursuant to rules authorized by this section, 105142
conduct an exception review of resident assessment data submitted 105143
by an ICF/IID provider under section 5124.191 of the Revised Code. 105144
The department may conduct an exception review based on the 105145
findings of a medicaid certification survey conducted by the 105146
department of health, a risk analysis, or prior performance of the 105147
provider. 105148

Exception reviews shall be conducted at the ICF/IID by 105149
appropriate health professionals under contract with or employed 105150
by the department. The professionals may review resident 105151
assessment forms and supporting documentation, conduct interviews, 105152
and observe residents to identify any patterns or trends of 105153
inaccurate resident assessments and resulting inaccurate case-mix 105154
scores. 105155

(B) If an exception review is conducted before the effective 105156
date of an ICF/IID's rate for direct care costs that is based on 105157
the resident assessment data being reviewed and the review results 105158
in findings that exceed tolerance levels specified in the rules 105159
authorized by this section, the department, in accordance with the 105160
rules authorized by this section, may use the findings to 105161
redetermine individual resident case-mix scores, the ICF/IID's 105162
case-mix score for the quarter, and the ICF/IID's annual average 105163
case-mix score. The department may use the ICF/IID's redetermined 105164
quarterly and annual average case-mix scores to determine the 105165
ICF/IID's rate for direct care costs for the appropriate calendar 105166
quarter or quarters. 105167

(C) The department shall prepare a written summary of any 105168
exception review finding that is made after the effective date of 105169
an ICF/IID's rate for direct care costs that is based on the 105170

resident assessment data that was reviewed. Where the provider is 105171
pursuing judicial or administrative remedies in good faith 105172
regarding the finding, the department shall not withhold from the 105173
provider's current payments any amounts the department claims to 105174
be due from the provider pursuant to section 5124.41 of the 105175
Revised Code. 105176

(D)(1) The director of developmental disabilities shall adopt 105177
rules under section 5124.03 of the Revised Code as necessary to 105178
implement this section. The rules shall establish an exception 105179
review program that does all of the following: 105180

(a) Requires each exception review to comply with Title XIX; 105181

(b) Requires a written summary for each exception review that 105182
states whether resident assessment forms have been completed 105183
accurately; 105184

(c) Prohibits each health professional who conducts an 105185
exception review from doing either of the following: 105186

(i) During the period of the professional's contract or 105187
employment with the department, having or being committed to 105188
acquire any direct or indirect financial interest in the 105189
ownership, financing, or operation of ICFs/IID in this state; 105190

(ii) Reviewing any provider that has been a client of the 105191
professional. 105192

(2) For the purposes of division (D)(1)(c)(i) of this 105193
section, employment of a member of a health professional's family 105194
by an ICF/IID that the professional does not review does not 105195
constitute a direct or indirect financial interest in the 105196
ownership, financing, or operation of the ICF/IID. 105197

Sec. ~~5111.233~~ 5124.194. The costs of day programming shall be 105198
part of the direct care costs of an ~~intermediate care facility for~~ 105199
~~the mentally retarded~~ ICF/IID as off-site day programming if the 105200

area in which the day programming is provided is not certified by 105201
the director of health as an ~~intermediate care facility for the~~ 105202
~~mentally retarded~~ ICF/IID under Title XIX and regardless of either 105203
of the following: 105204

(A) Whether or not the area in which the day programming is 105205
provided is less than two hundred feet away from the ~~intermediate~~ 105206
~~care facility for the mentally retarded~~ ICF/IID; 105207

(B) Whether or not the day programming is provided by an 105208
individual who, or organization that, is a related party to the 105209
provider of the ~~intermediate care facility for the mentally~~ 105210
~~retarded~~ ICF/IID. 105211

Sec. ~~5111.241~~ 5124.21. (A) The For each fiscal year, the 105212
department of ~~job and family services~~ developmental disabilities 105213
shall ~~pay a provider for~~ determine each of the provider's eligible 105214
~~intermediate care facilities for the mentally retarded~~ a ICF/IID's 105215
per resident per medicaid day payment rate for indirect care costs 105216
established ~~prospectively each fiscal year for each facility~~. The 105217
Except as otherwise provided in this chapter, an ICF/IID's rate 105218
shall be determined prospectively. Subject to section 5124.28 of 105219
the Revised Code, an ICF/IID's rate for each intermediate care 105220
facility for the mentally retarded shall be the sum of the 105221
following, but shall not exceed lesser of the individual rate 105222
determined under division (B) of this section and the maximum rate 105223
established determined for the facility's ICF/IID's peer group 105224
under division ~~(B)~~(C) of this section. 105225

(B) An ICF/IID's individual rate is the sum of the following: 105226

(1) The ~~facility's~~ ICF/IID's desk-reviewed, actual, 105227
allowable, per diem indirect care costs from the calendar year 105228
immediately preceding the fiscal year in which the rate will be 105229
paid, adjusted for the inflation rate estimated under division 105230

(C)(D)(1) of this section;	105231
(2) An <u>If the ICF/IID has more than eight beds, an efficiency</u>	105232
<u>incentive in the following amount:</u>	105233
(a) For fiscal years ending in even numbered calendar years:	105234
(i) In the case of intermediate care facilities for the	105235
mentally retarded with more than eight beds, year 2014, seven and	105236
one-tenth per cent of the maximum rate established for the	105237
facility's ICF/IID's peer group under division (B)(C) of this	105238
section;	105239
(ii) In the case of intermediate care facilities for the	105240
mentally retarded with <u>(b) For fiscal year 2015, the following</u>	105241
<u>amount:</u>	105242
<u>(i) The amount calculated for fiscal year 2014 under division</u>	105243
<u>(B)(2)(a) of this section if the provider of the ICF/IID obtains</u>	105244
<u>the department's approval to become a downsized ICF/IID and the</u>	105245
<u>approval is conditioned on the downsizing being completed not</u>	105246
<u>later than July 1, 2018;</u>	105247
<u>(ii) One-half of the amount calculated for fiscal year 2014</u>	105248
<u>under division (B)(2)(a) of this section if division (B)(2)(b)(i)</u>	105249
<u>of this section does not apply to the ICF/IID.</u>	105250
<u>(c) For fiscal year 2016 and each fiscal year thereafter</u>	105251
<u>ending in an even-numbered calendar year, the following</u>	105252
<u>percentages of the maximum rate established for the ICF/IID's peer</u>	105253
<u>group under division (C) of this section:</u>	105254
<u>(i) Seven and one-tenth per cent if the provider of the</u>	105255
<u>ICF/IID obtains the department's approval to become a downsized</u>	105256
<u>ICF/IID and the approval is conditioned on the downsizing being</u>	105257
<u>completed not later than July 1, 2018;</u>	105258
<u>(ii) Three and fifty-five hundredths per cent if division</u>	105259
<u>(B)(2)(c)(i) of this section does not apply to the ICF/IID.</u>	105260

(d) For fiscal year 2017 and each fiscal year thereafter 105261
ending in an odd-numbered calendar year, the amount calculated for 105262
the immediately preceding fiscal year under division (B)(2)(c) of 105263
this section. 105264

(3) If the ICF/IID has eight or fewer beds, an efficiency 105265
incentive in the following amount: 105266

(a) For each fiscal year ending in an even-numbered calendar 105267
year, seven per cent of the maximum rate established for the 105268
facility's ICF/IID's peer group under division ~~(B)~~(C) of this 105269
section; 105270

(b) For each fiscal ~~years~~ year ending in an odd-numbered 105271
calendar ~~years~~ year, the amount calculated for the immediately 105272
preceding fiscal year under division ~~(A)-(2)~~(B)(3)(a) of this 105273
section. 105274

~~(B)(C)~~(1) The maximum rate for indirect care costs for each 105275
peer group of ~~intermediate care facilities for the mentally~~ 105276
~~retarded ICFs/IID~~ with more than eight beds ~~specified in rules~~ 105277
~~adopted under division (D) of this section~~ shall be determined as 105278
follows: 105279

(a) For each fiscal ~~years~~ year ending in an even-numbered 105280
calendar ~~years~~ year, the maximum rate for each such peer group 105281
shall be the rate that is no less than twelve and four-tenths per 105282
cent above the median desk-reviewed, actual, allowable, per diem 105283
indirect care cost for all ~~intermediate care facilities for the~~ 105284
~~mentally retarded with more than eight beds~~ ICFs/IID in the peer 105285
group, ~~(excluding facilities ICFs/IID in the peer group whose~~ 105286
indirect care costs for that period are more than three standard 105287
deviations from the mean desk-reviewed, actual, allowable, per 105288
diem indirect care cost for all ~~intermediate care facilities for~~ 105289
~~the mentally retarded ICFs/IID with more than eight beds~~,) for the 105290
calendar year immediately preceding the fiscal year in which the 105291

rate will be paid, adjusted by the inflation rate estimated under 105292
division ~~(C)~~(D)(1) of this section. 105293

(b) For each fiscal ~~years~~ year ending in an odd-numbered 105294
calendar ~~years~~ year, the maximum rate for each such peer group is 105295
the peer group's maximum rate for the previous fiscal year, 105296
adjusted for the inflation rate estimated under division ~~(C)~~(D)(2) 105297
of this section. 105298

(2) The maximum rate for indirect care costs for each peer 105299
group of ~~intermediate care facilities for the mentally retarded~~ 105300
ICFs/IID with eight or fewer beds ~~specified in rules adopted under~~ 105301
~~division (D) of this section~~ shall be determined as follows: 105302

(a) For each fiscal ~~years~~ year ending in an even-numbered 105303
calendar ~~years~~ year, the maximum rate for each such peer group 105304
shall be the rate that is no less than ten and three-tenths per 105305
cent above the median desk-reviewed, actual, allowable, per diem 105306
indirect care cost for all ~~intermediate care facilities for the~~ 105307
~~mentally retarded with eight or fewer beds~~ ICFs/IID in the peer 105308
group, ~~(excluding facilities ICFs/IID in the peer group whose~~ 105309
indirect care costs are more than three standard deviations from 105310
the mean desk-reviewed, actual, allowable, per diem indirect care 105311
cost for all ~~intermediate care facilities for the mentally~~ 105312
~~retarded ICFs/IID with eight or fewer beds,~~) for the calendar year 105313
immediately preceding the fiscal year in which the rate will be 105314
paid, adjusted by the inflation rate estimated under division 105315
~~(C)~~(D)(1) of this section. 105316

(b) For each fiscal ~~years that end~~ year ending in an 105317
odd-numbered calendar ~~years~~ year, the maximum rate for each such 105318
peer group is the peer group's maximum rate for the previous 105319
fiscal year, adjusted for the inflation rate estimated under 105320
division ~~(C)~~(D)(2) of this section. 105321

(3) The department shall not ~~recalculate~~ redetermine a 105322

maximum rate for indirect care costs under division ~~(B)~~(C)(1) or 105323
(2) of this section based on additional information that it 105324
receives after the maximum rate is set. The department shall 105325
~~recalculate~~ redetermine the maximum rate for indirect care costs 105326
only if it made an error in computing the maximum rate based on 105327
the information available to the department at the time of the 105328
original calculation. 105329

~~(C)~~(D)(1) When adjusting rates for inflation under divisions 105330
~~(A)~~(B)(1), ~~(B)~~(C)(1)(a), and ~~(B)~~(C)(2)(a) of this section, the 105331
department shall estimate the rate of inflation for the 105332
eighteen-month period beginning on the first day of July of the 105333
calendar year immediately preceding the fiscal year in which the 105334
rate will be paid and ending on the thirty-first day of December 105335
of the fiscal year in which the rate will be paid. To estimate the 105336
rate of inflation, the department shall use the following: 105337

(a) The Subject to division (D)(1)(b) of this section, the 105338
consumer price index for all items for all urban consumers for the 105339
~~north-central~~ midwest region, published by the United States 105340
bureau of labor statistics; 105341

(b) If the United States bureau of labor statistics ceases to 105342
publish the index specified in division ~~(C)~~(D)(1)(a) of this 105343
section, a comparable index that the bureau publishes and the 105344
department determines is appropriate. 105345

(2) When adjusting rates for inflation under divisions 105346
~~(B)~~(C)(1)(b) and ~~(B)~~(C)(2)(b) of this section, the department 105347
shall estimate the rate of inflation for the twelve-month period 105348
beginning on the first day of January of the fiscal year 105349
immediately preceding the fiscal year in which the rate will be 105350
paid and ending on the thirty-first day of December of the fiscal 105351
year in which the rate will be paid. To estimate the rate of 105352
inflation, the department shall use the following: 105353

(a) ~~The~~ Subject to division (D)(2)(b) of this section, the 105354
consumer price index for all items for all urban consumers for the 105355
~~north-central~~ midwest region, published by the United States 105356
bureau of labor statistics; 105357

(b) If the United States bureau of labor statistics ceases to 105358
publish the index specified in division ~~(C)~~(D)(2)(a) of this 105359
section, a comparable index that the bureau publishes and the 105360
department determines is appropriate. 105361

(3) If an inflation rate estimated under division ~~(C)~~(D)(1) 105362
or (2) of this section is different from the actual inflation rate 105363
for the relevant time period, as measured using the same index, 105364
the difference shall be added to or subtracted from the inflation 105365
rate estimated pursuant to this division for the following fiscal 105366
year. 105367

~~(D)~~(E) The director of ~~job and family services~~ developmental 105368
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 105369
the Revised Code that specify peer groups of ~~intermediate care~~ 105370
~~facilities for the mentally retarded~~ ICFs/IID with more than eight 105371
beds, and peer groups of ~~intermediate care facilities for the~~ 105372
~~mentally retarded~~ ICFs/IID with eight or fewer beds, based on 105373
findings of significant per diem indirect care cost differences 105374
due to geography and ~~facility~~ bed-size. The rules also may specify 105375
peer groups based on findings of significant per diem indirect 105376
care cost differences due to other factors, including case-mix. 105377

Sec. ~~5111.235~~ 5124.23. (A) ~~The~~ For each fiscal year, the 105378
department of ~~job and family services~~ developmental disabilities 105379
shall ~~pay a provider for~~ determine each of the provider's eligible 105380
~~intermediate care facilities for the mentally retarded~~ a ICF/IID's 105381
per ~~resident per~~ medicaid day payment rate for other protected 105382
costs established ~~prospectively each fiscal year for each~~ 105383
facility. ~~The~~ Except as otherwise provided in this chapter, an 105384

ICF/IID's rate shall be determined prospectively. An ICF/IID's 105385
rate for each facility shall be the facility's ICF/IID's 105386
desk-reviewed, actual, allowable, per diem other protected costs 105387
from the calendar year immediately preceding the fiscal year in 105388
which the rate will be paid, all adjusted for the estimated 105389
inflation rate for the eighteen-month period beginning on the 105390
first day of July of the calendar year immediately preceding the 105391
fiscal year in which the rate will be paid and ending on the 105392
thirty-first day of December of that fiscal year. The department 105393
shall estimate inflation using the index specified in division (B) 105394
of this section. If the estimated inflation rate for the 105395
eighteen-month period is different from the actual inflation rate 105396
for that period, the difference shall be added to or subtracted 105397
from the inflation rate estimated for the following year. 105398

(B) The department shall use the following index for the 105399
purpose of division (A) of this section: 105400

(1) The Subject to division (B)(2) of this section, the 105401
consumer price index for all urban consumers for nonprescription 105402
drugs and medical supplies, as published by the United States 105403
bureau of labor statistics; 105404

(2) If the United States bureau of labor statistics ceases to 105405
publish the index specified in division (B)(1) of this section, 105406
the index that is subsequently published by the bureau and covers 105407
nonprescription drugs and medical supplies. 105408

Sec. 5124.25. (A) Subject to division (D) of this section, 105409
the department of developmental disabilities may pay a medicaid 105410
rate add-on to an ICF/IID provider for outlier ICF/IID services 105411
the ICF/IID provides to qualifying ventilator-dependent residents 105412
on or after the effective date of this section, if the provider 105413
applies to the department of developmental disabilities to receive 105414
the rate add-on and the department approves the application. The 105415

department of developmental disabilities may approve a provider's application if all of the following apply: 105416
105417

(1) The provider submits to the department of developmental disabilities a best practices protocol for providing outlier ICF/IID services under this section and the department of developmental disabilities determines that the protocol is acceptable; 105418
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105420
105421
105422

(2) The provider executes with the department of medicaid an addendum to its provider agreement for the ICF/IID regarding the outlier ICF/IID services; 105423
105424
105425

(3) The provider and ICF/IID meet all other eligibility requirements for the rate add-on established in rules authorized by this section. 105426
105427
105428

(B) An ICF/IID that has been approved by the department of developmental disabilities to provider outlier ICF/IID services under this section shall provide the services in accordance with both of the following: 105429
105430
105431
105432

(1) The best practices protocol the department of developmental disabilities determined is acceptable; 105433
105434

(2) Requirements regarding the services established in rules authorized by this section. 105435
105436

(C) To qualify to receive outlier ICF/IID services from an ICF/IID under this section, a resident of the ICF/IID must be a medicaid recipient, be under twenty-two years of age, be dependent on a ventilator, and meet all other eligibility requirements established in rules authorized by this section. 105437
105438
105439
105440
105441

(D) The department of developmental disabilities shall negotiate the amount of the medicaid payment rate add-on, if any, to be paid under this section, or the method by which that amount is to be determined, with the department of medicaid. The 105442
105443
105444
105445

department of developmental disabilities shall not pay the rate 105446
add-on unless the department has approved the amount of the rate 105447
add-on or method by which the amount is to be determined. 105448

Sec. 5124.28. Notwithstanding any provision of section 105449
5124.17 or 5124.21 of the Revised Code, the director of 105450
developmental disabilities may adopt rules under section 5124.03 105451
of the Revised Code that provide for the determination of a 105452
combined maximum payment limit for indirect care costs and costs 105453
of ownership for ICFs/IID with eight or fewer beds. 105454

Sec. ~~5111.263~~ 5124.29. Except as otherwise provided in 105455
section ~~5111.264~~ 5124.30 of the Revised Code, the department of 105456
~~job and family services~~ developmental disabilities, in determining 105457
whether an ~~intermediate care facility for the mentally retarded's~~ 105458
ICF/IID's direct care costs and indirect care costs are allowable, 105459
shall place no limit on specific categories of reasonable costs 105460
other than compensation of owners, compensation of relatives of 105461
owners, and compensation of administrators. 105462

Compensation cost limits for owners and relatives of owners 105463
shall be based on compensation costs for individuals who hold 105464
comparable positions but who are not owners or relatives of 105465
owners, as reported on ~~facility~~ ICFs/IID's cost reports. As used 105466
in this section, "comparable position" means the position that is 105467
held by the owner or the owner's relative, if that position is 105468
listed separately on the cost report form, or if the position is 105469
not listed separately, the group of positions that is listed on 105470
the cost report form and that includes the position held by the 105471
owner or the owner's relative. In the case of an owner or owner's 105472
relative who serves the ~~facility~~ ICFs/IID in a capacity such as 105473
corporate officer, proprietor, or partner for which no comparable 105474
position or group of positions is listed on the cost report form, 105475
the compensation cost limit shall be based on civil service 105476

equivalents and shall be specified in rules adopted under section 105477
~~5111.02~~ 5124.03 of the Revised Code. 105478

Compensation cost limits for administrators shall be based on 105479
compensation costs for administrators who are not owners or 105480
relatives of owners, as reported on ~~facility~~ ICFs/IID's cost 105481
reports. Compensation cost limits for administrators of four or 105482
more ~~intermediate care facilities for the mentally retarded~~ 105483
ICFs/IID shall be the same as the limits for administrators of 105484
~~intermediate care facilities for the mentally retarded~~ ICFs/IID 105485
with one hundred fifty or more beds. 105486

Sec. 5124.30. Except as provided in section 5124.17 of the 105487
Revised Code, the costs of goods, services, and facilities, 105488
furnished to an ICF/IID provider by a related party are includable 105489
in the allowable costs of the provider at the reasonable cost to 105490
the related party. 105491

Sec. 5124.31. The department of developmental disabilities 105492
shall adjust medicaid payment rates determined under this chapter 105493
to account for reasonable additional costs that must be incurred 105494
by ICFs/IID to comply with requirements of federal or state 105495
statutes, rules, or policies enacted or amended after January 1, 105496
1992, or with orders issued by state or local fire authorities. 105497

Sec. 5124.32. The department of developmental disabilities 105498
shall not reduce an ICF/IID's medicaid payment rate determined 105499
under this chapter on the basis that the provider charges a lower 105500
rate to any resident who is not eligible for medicaid. 105501

Sec. 5124.33. No medicaid payment shall be made to an ICF/IID 105502
provider for the day a medicaid recipient is discharged from the 105503
ICF/IID. 105504

~~Sec. 5111.33 5124.34. Reimbursement to a~~ (A) The department 105505
of developmental disabilities shall pay an ICF/IID provider of an 105506
intermediate care facility for the mentally retarded under 105507
sections 5111.20 to 5111.331 of the Revised Code shall include 105508
payments to the provider, at a rate equal to the percentage one 105509
hundred per cent of the per resident total per medicaid day rates 105510
that the department of job and family services has established 105511
payment rate determined for the provider's facility ICF/IID under 105512
sections 5111.20 to 5111.331 of the Revised Code for the fiscal 105513
year for which the cost of services is reimbursed, this chapter to 105514
reserve a bed for a resident who is a medicaid recipient during a 105515
temporary absence under conditions prescribed by the department, 105516
to include hospitalization for an acute condition, visits with 105517
relatives and friends, and participation in therapeutic programs 105518
outside the facility, when the if all of the following apply: 105519

(1) The recipient is temporarily absent from the ICF/IID for 105520
a reason that makes the absence qualified for payments under this 105521
section as specified in rules authorized by this section; 105522

(2) The resident's plan of care provides for such the absence 105523
and federal; 105524

(3) Federal financial participation in the payments is 105525
available for the payments. The 105526

(B) The maximum period during which medicaid payments may be 105527
made to reserve a bed shall not exceed the maximum period 105528
specified under in federal regulations, and shall not be more than 105529
thirty days during any calendar year for hospital stays, visits 105530
with relatives and friends, and participation in therapeutic 105531
programs. 105532

Recipients programs. However, a resident shall not be subject 105533
to a maximum period during which payments may be made to reserve a 105534
bed in an intermediate care facility for the mentally retarded if 105535

prior authorization of the department is obtained for hospital 105536
stays, visits with relatives and friends, and participation in 105537
therapeutic programs. ~~The~~ 105538

(C)(1) The director of ~~job and family services~~ developmental 105539
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 105540
the Revised Code ~~establishing as necessary to implement this~~ 105541
~~section, including rules that do the following:~~ 105542

(a) Specify the reasons for which a temporary absence from an 105543
ICF/IID makes the absence qualify for payments under this section; 105544

(b) Establish conditions under which prior authorization may 105545
be obtained for the purpose of division (B) of this section. 105546

(2) The rules authorized by division (C)(1)(a) of this 105547
section shall include the following as reasons for which a 105548
temporary absence from an ICF/IID qualifies for payments under 105549
this section: 105550

(a) Hospitalization for acute conditions; 105551

(b) Visits with relatives and friends; 105552

(c) Participation in therapeutic programs outside the 105553
ICF/IID. 105554

Sec. 5124.35. Medicaid payments may be made for ICF/IID 105555
services provided not later than thirty days after the effective 105556
date of an involuntary termination of the ICF/IID that provides 105557
the services if the services are provided to a medicaid recipient 105558
who is eligible for the services and resided in the ICF/IID before 105559
the effective date of the involuntary termination. 105560

Sec. 5124.37. The department of developmental disabilities 105561
shall make its best efforts each year to determine ICFs/IID's 105562
medicaid payment rates under this chapter in time to pay the rates 105563
by August fifteenth of each fiscal year. If the department is 105564

unable to calculate the rates so that they can be paid by that 105565
date, the department shall pay each provider the rate calculated 105566
for the provider's ICFs/IID under those sections at the end of the 105567
previous fiscal year. If the department also is unable to 105568
calculate the rates to make the payments due by the fifteenth day 105569
of September and the fifteenth day of October, the department 105570
shall pay the previous fiscal year's rate to make those payments. 105571
The department may increase by five per cent the previous fiscal 105572
year's rate paid for any ICF/IID pursuant to this section at the 105573
request of the provider. The department shall use rates calculated 105574
for the current fiscal year to make the payments due by the 105575
fifteenth day of November. 105576

If an ICF/IID's medicaid payment rate paid under this section 105577
is lower than the rate calculated for it for the current fiscal 105578
year, the department shall pay the provider the difference between 105579
the two rates for the number of days for which the provider is 105580
paid the lower rate. If an ICF/IID's medicaid payment rate paid 105581
under this section is higher than the rate calculated for it for 105582
the current fiscal year, the provider shall refund to the 105583
department the difference between the two rates for the number of 105584
days for which the provider is paid the higher rate. 105585

Sec. 5124.38. (A) The director of developmental disabilities 105586
shall establish a process under which an ICF/IID provider, or a 105587
group or association of ICF/IID providers, may seek 105588
reconsideration of medicaid payment rates established under this 105589
chapter, including a rate for direct care costs redetermined 105590
before the effective date of the rate as a result of an exception 105591
review conducted under section 5124.193 of the Revised Code. 105592
Except as provided in divisions (B) to (D) of this section, the 105593
only issue that a provider, group, or association may raise in the 105594
rate reconsideration is whether the rate was calculated in 105595

accordance with this chapter and the rules adopted under section 105596
5124.03 of the Revised Code. The provider, group, or association 105597
may submit written arguments or other materials that support its 105598
position. The provider, group, or association and department shall 105599
take actions regarding the rate reconsideration within time frames 105600
specified in rules authorized by this section. 105601

If the department determines, as a result of the rate 105602
reconsideration, that the rate established for one or more 105603
ICFs/IID is less than the rate to which the ICF/IID is entitled, 105604
the department shall increase the rate. If the department has paid 105605
the incorrect rate for a period of time, the department shall pay 105606
the provider of the ICF/IID the difference between the amount the 105607
provider was paid for that period for the ICF/IID and the amount 105608
the provider should have been paid for the ICF/IID. 105609

(B)(1) The department, through the rate reconsideration 105610
process, may increase during a fiscal year the medicaid payment 105611
rate determined for an ICF/IID under this chapter if the provider 105612
demonstrates that the ICF/IID's actual, allowable costs have 105613
increased because of any of the following extreme circumstances: 105614

(a) A natural disaster; 105615

(b) A nonextensive renovation approved under division (D) of 105616
section 5124.17 of the Revised Code; 105617

(c) If the ICF/IID has an appropriate claims management 105618
program, an increase in the ICF/IID's workers' compensation 105619
experience rating of greater than five per cent; 105620

(d) If the ICF/IID is an inner-city ICF/IID, increased 105621
security costs; 105622

(e) A change of ownership that results from bankruptcy, 105623
foreclosure, or findings by the department of health of violations 105624
of medicaid certification requirements; 105625

(f) Other extreme circumstances specified in rules authorized 105626
by this section. 105627

(2) An ICF/IID may qualify for a rate increase under this 105628
division only if its per diem, actual, allowable costs have 105629
increased to a level that exceeds its total rate. An increase 105630
under this division is subject to any rate limitations or maximum 105631
rates established by this chapter for specific cost centers. Any 105632
rate increase granted under this division shall take effect on the 105633
first day of the first month after the department receives the 105634
request. 105635

(C) The department, through the rate reconsideration process, 105636
may increase an ICF/IID's rate as determined under this chapter if 105637
the department, in the department's sole discretion, determines 105638
that the rate as determined under those sections works an extreme 105639
hardship on the ICF/IID. 105640

(D) When beds certified for the medicaid program are added to 105641
an existing ICF/IID or replaced at the same site, the department, 105642
through the rate reconsideration process, may increase the 105643
ICF/IID's rate for capital costs proportionately, as limited by 105644
any applicable limitation under section 5124.17 of the Revised 105645
Code, to account for the costs of the beds that are added or 105646
replaced. If the department makes this increase, it shall make the 105647
increase one month after the first day of the month after the 105648
department receives sufficient documentation of the costs. Any 105649
rate increase granted under this division after June 30, 1993, 105650
shall remain in effect until the effective date of a rate for 105651
capital costs determined under section 5124.17 of the Revised Code 105652
that includes costs incurred for a full calendar year for the bed 105653
addition or bed replacement. The ICF/IID shall report double 105654
accumulated depreciation in an amount equal to the depreciation 105655
included in the rate adjustment on its cost report for the first 105656
year of operation. During the term of any loan used to finance a 105657

project for which a rate adjustment is granted under this 105658
division, if the ICF/IID is operated by the same provider, the 105659
provider shall subtract from the interest costs it reports on its 105660
cost report an amount equal to the difference between the 105661
following: 105662

(1) The actual, allowable interest costs for the loan during 105663
the calendar year for which the costs are being reported; 105664

(2) The actual, allowable interest costs attributable to the 105665
loan that were used to calculate the rates paid to the provider 105666
for the ICF/IID during the same calendar year. 105667

(E) The department's decision at the conclusion of the 105668
reconsideration process is not subject to any administrative 105669
proceedings under Chapter 119. or any other provision of the 105670
Revised Code. 105671

(F) The director of developmental disabilities shall adopt 105672
rules under section 5124.03 of the Revised Code as necessary to 105673
implement this section. 105674

Sec. 5124.40. If an ICF/IID provider properly amends a cost 105675
report for an ICF/IID under section 5124.107 of the Revised Code 105676
and the amended report shows that the provider received a lower 105677
medicaid payment rate under the original cost report than the 105678
provider was entitled to receive, the department of developmental 105679
disabilities shall adjust the provider's rate for the ICF/IID 105680
prospectively to reflect the corrected information. The department 105681
shall pay the adjusted rate beginning two months after the first 105682
day of the month after the provider files the amended cost report. 105683

If the department finds, from an exception review of resident 105684
assessment data conducted pursuant to section 5124.193 of the 105685
Revised Code after the effective date of an ICF/IID's rate for 105686
direct care costs that is based on the resident assessment data, 105687

that inaccurate resident assessment data resulted in the provider receiving a lower rate for the ICF/IID than the provider was entitled to receive, the department prospectively shall adjust the provider's rate for the ICF/IID accordingly. The department shall make payments to the provider using the adjusted rate for the remainder of the calendar quarter for which the resident assessment data is used to determine the rate, beginning one month after the first day of the month after the exception review is completed.

Sec. 5124.41. (A) The department of developmental disabilities shall redetermine a provider's medicaid payment rate for an ICF/IID using revised information if any of the following results in a determination that the provider received a higher medicaid payment rate for the ICF/IID than the provider was entitled to receive:

(1) The provider properly amends a cost report for the ICF/IID under section 5124.107 of the Revised Code;

(2) The department makes a finding based on an audit under section 5124.109 of the Revised Code;

(3) The department makes a finding based on an exception review of resident assessment data conducted under section 5124.193 of the Revised Code after the effective date of the ICF/IID's rate for direct care costs that is based on the resident assessment data.

(B) The department shall apply the redetermined rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment. The department may charge the provider the following amount of interest from the time the overpayment was made:

(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be not greater than one and one-half times the current average bank prime rate. 105718
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(2) If the overpayment resulted from costs reported for a subsequent calendar year: 105721
105722

(a) The interest shall be not greater than two times the current average bank prime rate if the overpayment was not more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 105723
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(b) The interest shall be not greater than two and one-half times the current average bank prime rate if the overpayment was more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 105728
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Sec. 5124.42. In addition to the other penalties authorized by this chapter, the department of developmental disabilities may impose the following penalties on an ICF/IID provider: 105733
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(A) If the provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, a fine of not more than the greater of the following: 105736
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105739

(1) One thousand dollars per audit; 105740

(2) Twenty-five per cent of the cumulative amount by which the costs for which documentation was not furnished increased the total medicaid payments to the provider during the fiscal year for which the costs were used to determine a rate. 105741
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(B) If an exiting operator or owner fails to provide notice of a facility closure or voluntary termination as required by section 5124.50 of the Revised Code, or an exiting operator or 105745
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105747

owner and entering operator fail to provide notice of a change of 105748
operator as required by section 5124.51 of the Revised Code, a 105749
fine of not more than the current average bank prime rate plus 105750
four per cent of the last two monthly payments. 105751

Sec. 5124.43. For the purposes of sections 5124.41 and 105752
5124.42 of the Revised Code, the department of developmental 105753
disabilities shall determine the current average bank prime rate 105754
using statistical release H.15, "selected interest rates," a 105755
weekly publication of the federal reserve board, or any successor 105756
publication. If statistical release H.15, or its successor, ceases 105757
to contain the bank prime rate information or ceases to be 105758
published, the department shall request a written statement of the 105759
average bank prime rate from the federal reserve bank of Cleveland 105760
or the federal reserve board. 105761

Sec. 5124.44. (A) Except as provided in division (B) of this 105762
section, the department of developmental disabilities shall deduct 105763
the following from the next available medicaid payment the 105764
department makes to an ICF/IID provider who continues to 105765
participate in medicaid: 105766

(1) Any amount the provider is required to refund, and any 105767
interest charged, under section 5124.41 of the Revised Code; 105768

(2) The amount of any penalty imposed on the provider under 105769
section 5124.42 of the Revised Code. 105770

(B) The department and an ICF/IID provider may enter into an 105771
agreement under which a deduction required by division (A) of this 105772
section is taken in installments from payments the department 105773
makes to the provider. 105774

Sec. 5124.45. The department of developmental disabilities 105775
shall transmit to the treasurer of state for deposit in the 105776

<u>general revenue fund amounts collected from the following:</u>	105777
<u>(A) Refunds required by, and interest charged under, section 5124.41 of the Revised Code;</u>	105778
	105779
<u>(B) Amounts collected from penalties imposed under section 5124.42 of the Revised Code.</u>	105780
	105781
<u>Sec. 5124.46. All of the following are subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code:</u>	105782
	105783
	105784
<u>(A) Any audit disallowance that the department of developmental disabilities makes as the result of an audit under section 5124.109 of the Revised Code;</u>	105785
	105786
	105787
<u>(B) Any adverse finding that results from an exception review of resident assessment data conducted for an ICF/IID under section 5124.193 of the Revised Code after the effective date of the ICF/IID's medicaid payment rate for direct care costs that is based on the resident assessment data;</u>	105788
	105789
	105790
	105791
	105792
<u>(C) Any medicaid payment deemed an overpayment under section 5124.523 of the Revised Code;</u>	105793
	105794
<u>(D) Any penalty the department imposes under section 5124.42 of the Revised Code or section 5124.523 of the Revised Code.</u>	105795
	105796
<u>Sec. 5124.50. An exiting operator or owner of an ICF/IID participating in the medicaid program shall provide the department of developmental disabilities and department of medicaid written notice of a facility closure or voluntary termination not less than ninety days before the effective date of the facility closure or voluntary termination. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code.</u>	105797
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<u>The written notice shall include all of the following:</u>	105806
<u>(A) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	105807
<u>(B) The name of the ICF/IID that is the subject of the written notice;</u>	105808
<u>(C) The exiting operator's medicaid provider agreement number for the ICF/IID that is the subject of the written notice;</u>	105809
<u>(D) The effective date of the facility closure or voluntary termination;</u>	105810
<u>(E) The signature of the exiting operator's or owner's representative.</u>	105811
<u>Sec. 5124.51. (A) An exiting operator or owner and entering operator shall provide the department of developmental disabilities and department of medicaid written notice of a change of operator if the ICF/IID participates in the medicaid program and the entering operator seeks to continue the ICF/IID's participation. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than forty-five days before the effective date of the change of operator if the change of operator does not entail the relocation of residents. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than ninety days before the effective date of the change of operator if the change of operator entails the relocation of residents.</u>	105812
<u>The written notice shall include all of the following:</u>	105813
<u>(A) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	105814
<u>(B) The name of the ICF/IID that is the subject of the written notice;</u>	105815
<u>(C) The exiting operator's medicaid provider agreement number for the ICF/IID that is the subject of the written notice;</u>	105816
<u>(D) The effective date of the facility closure or voluntary termination;</u>	105817
<u>(E) The signature of the exiting operator's or owner's representative.</u>	105818
<u>Sec. 5124.51. (A) An exiting operator or owner and entering operator shall provide the department of developmental disabilities and department of medicaid written notice of a change of operator if the ICF/IID participates in the medicaid program and the entering operator seeks to continue the ICF/IID's participation. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than forty-five days before the effective date of the change of operator if the change of operator does not entail the relocation of residents. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than ninety days before the effective date of the change of operator if the change of operator entails the relocation of residents.</u>	105819
<u>The written notice shall include all of the following:</u>	105820
<u>(A) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	105821
<u>(B) The name of the ICF/IID that is the subject of the written notice;</u>	105822
<u>(C) The exiting operator's medicaid provider agreement number for the ICF/IID that is the subject of the written notice;</u>	105823
<u>(D) The effective date of the facility closure or voluntary termination;</u>	105824
<u>(E) The signature of the exiting operator's or owner's representative.</u>	105825
<u>Sec. 5124.51. (A) An exiting operator or owner and entering operator shall provide the department of developmental disabilities and department of medicaid written notice of a change of operator if the ICF/IID participates in the medicaid program and the entering operator seeks to continue the ICF/IID's participation. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than forty-five days before the effective date of the change of operator if the change of operator does not entail the relocation of residents. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than ninety days before the effective date of the change of operator if the change of operator entails the relocation of residents.</u>	105826
<u>The written notice shall include all of the following:</u>	105827
<u>(A) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	105828
<u>(B) The name of the ICF/IID that is the subject of the written notice;</u>	105829
<u>(C) The exiting operator's medicaid provider agreement number for the ICF/IID that is the subject of the written notice;</u>	105830
<u>(D) The effective date of the facility closure or voluntary termination;</u>	105831
<u>(E) The signature of the exiting operator's or owner's representative.</u>	105832
<u>Sec. 5124.51. (A) An exiting operator or owner and entering operator shall provide the department of developmental disabilities and department of medicaid written notice of a change of operator if the ICF/IID participates in the medicaid program and the entering operator seeks to continue the ICF/IID's participation. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than forty-five days before the effective date of the change of operator if the change of operator does not entail the relocation of residents. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than ninety days before the effective date of the change of operator if the change of operator entails the relocation of residents.</u>	105833
<u>The written notice shall include all of the following:</u>	105834
<u>(A) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	105835
<u>(B) The name of the ICF/IID that is the subject of the written notice;</u>	
<u>(C) The exiting operator's medicaid provider agreement number for the ICF/IID that is the subject of the written notice;</u>	
<u>(D) The effective date of the facility closure or voluntary termination;</u>	
<u>(E) The signature of the exiting operator's or owner's representative.</u>	

<u>(1) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	105836
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<u>(2) The name of the ICF/IID that is the subject of the change of operator;</u>	105838
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<u>(3) The exiting operator's seven-digit medicaid legacy number and ten-digit national provider identifier number for the ICF/IID that is the subject of the change of operator;</u>	105840
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<u>(4) The name of the entering operator;</u>	105843
<u>(5) The effective date of the change of operator;</u>	105844
<u>(6) The manner in which the entering operator becomes the ICF/IID's operator, including through sale, lease, merger, or other action;</u>	105845
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<u>(7) If the manner in which the entering operator becomes the ICF/IID's operator involves more than one step, a description of each step;</u>	105848
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<u>(8) Written authorization from the exiting operator or owner and entering operator for the department of medicaid to process a provider agreement for the entering operator;</u>	105851
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<u>(9) The names and addresses of the persons to whom the department of developmental disabilities and department of medicaid should send initial correspondence regarding the change of operator;</u>	105854
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<u>(10) The signature of the exiting operator's or owner's representative.</u>	105858
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<u>(B) An exiting operator or owner and entering operator immediately shall provide the department of developmental disabilities and department of medicaid notice of any changes to information included in a written notice of a change of operator that occur after that notice is provided to the department of developmental disabilities and department of medicaid. The notice</u>	105860
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of the changes shall be provided to the department of 105866
developmental disabilities and department of medicaid in 105867
accordance with the method specified in rules authorized by 105868
section 5124.53 of the Revised Code. 105869

Sec. 5124.511. The department of medicaid may enter into a 105870
provider agreement with an entering operator that goes into effect 105871
at 12:01 a.m. on the effective date of the change of operator if 105872
all of the following requirements are met: 105873

(A) The department receives a properly completed written 105874
notice required by section 5124.51 of the Revised Code on or 105875
before the date required by that section. 105876

(B) The department receives both of the following in 105877
accordance with the method specified in rules authorized by 105878
section 5124.53 of the Revised Code and not later than ten days 105879
after the effective date of the change of operator: 105880

(1) From the entering operator, a completed application for a 105881
provider agreement and all other forms and documents specified in 105882
rules authorized by section 5124.53 of the Revised Code; 105883

(2) From the exiting operator or owner, all forms and 105884
documents specified in rules authorized by section 5124.53 of the 105885
Revised Code. 105886

(C) The entering operator is eligible to enter into a 105887
provider agreement for the ICF/IID as provided in section 5124.06 105888
of the Revised Code. 105889

Sec. 5124.512. (A) The department of medicaid may enter into 105890
a provider agreement with an entering operator that goes into 105891
effect at 12:01 a.m. on the date determined under division (B) of 105892
this section if all of the following are the case: 105893

(1) The department receives a properly completed written 105894

notice required by section 5124.51 of the Revised Code. 105895

(2) The department receives, from the entering operator and in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code, a completed application for a provider agreement and all other forms and documents specified in rules adopted under that section. 105896
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(3) The department receives, from the exiting operator or owner and in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code, all forms and documents specified in rules adopted under that section. 105901
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(4) One or more of the following apply: 105905

(a) The requirement of division (A)(1) of this section is met after the time required by section 5124.51 of the Revised Code; 105906
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(b) The requirement of division (A)(2) of this section is met more than ten days after the effective date of the change of operator; 105908
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(c) The requirement of division (A)(3) of this section is met more than ten days after the effective date of the change of operator. 105911
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(5) The entering operator is eligible to enter into a provider agreement for the ICF/IID as provided in section 5124.06 of the Revised Code. 105914
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(B) The department shall determine the date a provider agreement entered into under this section is to go into effect as follows: 105917
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(1) The effective date shall give the department sufficient time to process the change of operator and give the department sufficient time to assure no duplicate payments are made and make the withholding required by section 5124.521 of the Revised Code. 105920
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(2) The effective date shall be not earlier than the latest 105924

<u>of the following:</u>	105925
<u>(a) The effective date of the change of operator;</u>	105926
<u>(b) The date that the entering operator complies with section</u> <u>5124.51 of the Revised Code and division (A)(2) of this section;</u>	105927 105928
<u>(c) The date that the exiting operator or owner complies with</u> <u>section 5124.51 of the Revised Code and division (A)(3) of this</u> <u>section.</u>	105929 105930 105931
<u>(3) The effective date shall be not later than the following</u> <u>after the later of the dates specified in division (B)(2) of this</u> <u>section:</u>	105932 105933 105934
<u>(a) Forty-five days if the change of operator does not entail</u> <u>the relocation of residents;</u>	105935 105936
<u>(b) Ninety days if the change of operator entails the</u> <u>relocation of residents.</u>	105937 105938
<u>Sec. 5124.513. A provider that enters into a provider</u> <u>agreement with the department of medicaid under section 5124.511</u> <u>or 5124.512 of the Revised Code shall do all of the following:</u>	105939 105940 105941
<u>(A) Comply with all applicable federal statutes and</u> <u>regulations;</u>	105942 105943
<u>(B) Comply with section 5124.07 of the Revised Code and all</u> <u>other applicable state statutes and rules;</u>	105944 105945
<u>(C) Comply with all the terms and conditions of the exiting</u> <u>operator's provider agreement, including all of the following:</u>	105946 105947
<u>(1) Any plan of correction;</u>	105948
<u>(2) Compliance with health and safety standards;</u>	105949
<u>(3) Compliance with the ownership and financial interest</u> <u>disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;</u>	105950 105951
<u>(4) Compliance with the civil rights requirements of 45</u>	105952

C.F.R. parts 80, 84, and 90; 105953

(5) Compliance with additional requirements imposed by the 105954
department; 105955

(6) Any sanctions relating to remedies for violation of the 105956
provider agreement, including deficiencies, compliance periods, 105957
accountability periods, monetary penalties, notification for 105958
correction of contract violations, and history of deficiencies. 105959

Sec. 5124.514. In the case of a change of operator, the 105960
exiting operator shall be considered to be the operator of the 105961
ICF/IID for purposes of the medicaid program, including medicaid 105962
payments, until the effective date of the entering operator's 105963
provider agreement if the provider agreement is entered into under 105964
section 5124.511 or 5124.512 of the Revised Code. 105965

Sec. 5124.515. The department of medicaid may enter into a 105966
provider agreement as provided in section 5124.07 of the Revised 105967
Code, rather than section 5124.511 or 5124.512 of the Revised 105968
Code, with an entering operator if the entering operator does not 105969
agree to a provider agreement that satisfies the requirements of 105970
division (C) of section 5124.513 of the Revised Code. The 105971
department may not enter into the provider agreement unless the 105972
department of health certifies the ICF/IID under Title XIX. The 105973
effective date of the provider agreement shall not precede any of 105974
the following: 105975

(A) The date that the department of health certifies the 105976
ICF/IID; 105977

(B) The effective date of the change of operator; 105978

(C) The date the requirement of section 5124.51 of the 105979
Revised Code is satisfied. 105980

Sec. 5124.516. The director of developmental disabilities may 105981

adopt rules under section 5124.03 of the Revised Code governing 105982
adjustments to the medicaid reimbursement rate for an ICF/IID that 105983
undergoes a change of operator. No rate adjustment resulting from 105984
a change of operator shall be effective before the effective date 105985
of the entering operator's provider agreement. This is the case 105986
regardless of whether the provider agreement is entered into under 105987
section 5124.511, section 5124.512, or, pursuant to section 105988
5124.515, section 5124.07 of the Revised Code. 105989

Sec. 5124.517. The department of developmental disabilities' 105990
determination that a change of operator has or has not occurred 105991
for purposes of licensure under section 5123.19 of the Revised 105992
Code shall not affect either of the following: 105993

(A) A determination by the department of developmental 105994
disabilities or department of medicaid of whether or when a change 105995
of operator occurs; 105996

(B) The department of medicaid's determination of the 105997
effective date of an entering operator's provider agreement under 105998
section 5124.511, section 5124.512, or, pursuant to section 105999
5124.515, section 5124.07 of the Revised Code. 106000

Sec. 5124.52. (A) On receipt of a written notice under 106001
section 5124.50 of the Revised Code of a facility closure or 106002
voluntary termination, on receipt of a written notice under 106003
section 5124.51 of the Revised Code of a change of operator, or on 106004
the effective date of an involuntary termination, the department 106005
of developmental disabilities shall estimate the amount of any 106006
overpayments made under the medicaid program to the exiting 106007
operator, including overpayments the exiting operator disputes, 106008
and other actual and potential debts the exiting operator owes or 106009
may owe to the department and United States centers for medicare 106010
and medicaid services under the medicaid program, including a 106011

franchise permit fee. 106012

(B) In estimating the exiting operator's other actual and potential debts to the department and the United States centers for medicare and medicaid services under the medicaid program, the department shall use a debt estimation methodology the director of developmental disabilities shall establish in rules authorized by section 5124.53 of the Revised Code. The methodology shall provide for estimating all of the following that the department determines are applicable: 106013
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(1) Refunds due the department under section 5124.41 of the Revised Code; 106021
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(2) Interest owed to the department and United States centers for medicare and medicaid services; 106023
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(3) Final civil monetary and other penalties for which all right of appeal has been exhausted; 106025
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(4) Money owed the department and United States centers for medicare and medicaid services from any outstanding final fiscal audit, including a final fiscal audit for the last fiscal year or portion thereof in which the exiting operator participated in the medicaid program; 106027
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(5) Other amounts the department determines are applicable. 106032

(C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after the department receives the notice under section 5124.50 of the Revised Code of the facility closure or voluntary termination; the department receives the notice under section 5124.51 of the Revised Code of the change of operator; or the effective date of the involuntary termination. The department's written notice shall include the basis for the estimate. 106033
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Sec. 5124.521. (A) Except as provided in divisions (B), (C), and (D) of this section, the department of developmental disabilities may withhold from payment due an exiting operator under the medicaid program the total amount specified in the notice provided under division (C) of section 5124.52 of the Revised Code that the exiting operator owes or may owe to the department and United States centers for medicare and medicaid services under the medicaid program. 106042
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(B) In the case of a change of operator and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or entering operator or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section: 106050
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(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code, the department shall not make the withholding. 106056
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(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (B)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5124.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability. 106062
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(C) In the case of a voluntary termination or facility closure and subject to division (E) of this section, the following 106071
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shall apply regarding a withholding under division (A) of this 106073
section if the exiting operator or an affiliated operator executes 106074
a successor liability agreement meeting the requirements of 106075
division (F) of this section: 106076

(1) If the exiting operator or affiliated operator assumes 106077
liability for the total, actual amount of debt the exiting 106078
operator owes the department and the United States centers for 106079
medicare and medicaid services under the medicaid program as 106080
determined under section 5124.525 of the Revised Code, the 106081
department shall not make the withholding. 106082

(2) If the exiting operator or affiliated operator assumes 106083
liability for only the portion of the amount specified in division 106084
(C)(1) of this section that represents the franchise permit fee 106085
the exiting operator owes, the department shall withhold not more 106086
than the difference between the total amount specified in the 106087
notice provided under division (C) of section 5124.52 of the 106088
Revised Code and the amount for which the exiting operator or 106089
affiliated operator assumes liability. 106090

(D) In the case of an involuntary termination and subject to 106091
division (E) of this section, the following shall apply regarding 106092
a withholding under division (A) of this section if the exiting 106093
operator, the entering operator, or an affiliated operator 106094
executes a successor liability agreement meeting the requirements 106095
of division (F) of this section and the department approves the 106096
successor liability agreement: 106097

(1) If the exiting operator, entering operator, or affiliated 106098
operator assumes liability for the total, actual amount of debt 106099
the exiting operator owes the department and the United States 106100
centers for medicare and medicaid services under the medicaid 106101
program as determined under section 5124.525 of the Revised Code, 106102
the department shall not make the withholding. 106103

(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (D)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5124.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability. 106104
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(E) For an exiting operator or affiliated operator to be eligible to enter into a successor liability agreement under division (B), (C), or (D) of this section, both of the following must apply: 106113
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(1) The exiting operator or affiliated operator must have one or more valid provider agreements, other than the provider agreement for the ICF/IID that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator; 106117
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(2) During the twelve-month period preceding either the effective date of the involuntary termination or the month in which the department receives the notice of the voluntary termination or facility closure under section 5124.50 of the Revised Code or the notice of the change of operator under section 5124.51 of the Revised Code, the average monthly medicaid payment made to the exiting operator or affiliated operator pursuant to the exiting operator's or affiliated operator's one or more provider agreements, other than the provider agreement for the ICF/IID that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator, must equal at least ninety per cent of the sum of the following: 106122
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(a) The average monthly medicaid payment made to the exiting operator pursuant to the exiting operator's provider agreement for 106134
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the ICF/IID that is the subject of the involuntary termination, 106136
voluntary termination, facility closure, or change of operator; 106137

(b) Whichever of the following apply: 106138

(i) If the exiting operator or affiliated operator has 106139
assumed liability under one or more other successor liability 106140
agreements, the total amount for which the exiting operator or 106141
affiliated operator has assumed liability under the other 106142
successor liability agreements; 106143

(ii) If the exiting operator or affiliated operator has not 106144
assumed liability under any other successor liability agreements, 106145
zero. 106146

(F) A successor liability agreement executed under this 106147
section must comply with all of the following: 106148

(1) It must provide for the operator who executes the 106149
successor liability agreement to assume liability for either of 106150
the following as specified in the agreement: 106151

(a) The total, actual amount of debt the exiting operator 106152
owes the department and the United States centers for medicare and 106153
medicaid services under the medicaid program as determined under 106154
section 5124.525 of the Revised Code; 106155

(b) The portion of the amount specified in division (F)(1)(a) 106156
of this section that represents the franchise permit fee the 106157
exiting operator owes. 106158

(2) It may not require the operator who executes the 106159
successor liability agreement to furnish a surety bond. 106160

(3) It must provide that the department, after determining 106161
under section 5124.525 of the Revised Code the actual amount of 106162
debt the exiting operator owes the department and United States 106163
centers for medicare and medicaid services under the medicaid 106164
program, may deduct the lesser of the following from medicaid 106165

payments made to the operator who executes the successor liability agreement: 106166
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(a) The total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code; 106168
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(b) The amount for which the operator who executes the successor liability agreement assumes liability under the agreement. 106172
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(4) It must provide that the deductions authorized by division (F)(3) of this section are to be made for a number of months, not to exceed six, agreed to by the operator who executes the successor liability agreement and the department or, if the operator who executes the successor liability agreement and department cannot agree on a number of months that is less than six, a greater number of months determined by the attorney general pursuant to a claims collection process authorized by statute of this state. 106175
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(5) It must provide that, if the attorney general determines the number of months for which the deductions authorized by division (F)(3) of this section are to be made, the operator who executes the successor liability agreement shall pay, in addition to the amount collected pursuant to the attorney general's claims collection process, the part of the amount so collected that, if not for division (H) of this section, would be required by section 109.081 of the Revised Code to be paid into the attorney general claims fund. 106184
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(G) Execution of a successor liability agreement does not waive an exiting operator's right to contest the amount specified in the notice the department provides the exiting operator under division (C) of section 5124.52 of the Revised Code. 106193
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(H) Notwithstanding section 109.081 of the Revised Code, the entire amount that the attorney general, whether by employees or agents of the attorney general or by special counsel appointed pursuant to section 109.08 of the Revised Code, collects under a successor liability agreement, other than the additional amount the operator who executes the agreement is required by division (F)(5) of this section to pay, shall be paid to the department of developmental disabilities for deposit into the appropriate fund. The additional amount that the operator is required to pay shall be paid into the state treasury to the credit of the attorney general claims fund created under section 109.081 of the Revised Code.

Sec. 5124.522. (A) Except as provided in division (B) of this section, an exiting operator shall file with the department of developmental disabilities a cost report not later than ninety days after the last day the exiting operator's provider agreement is in effect. The cost report shall cover the period that begins with the day after the last day covered by the operator's most recent previous cost report filed under section 5124.10 or 5124.101 of the Revised Code and ends on the last day the exiting operator's provider agreement is in effect. The cost report shall include, as applicable, all of the following:

(1) The sale price of the ICF/IID;

(2) A final depreciation schedule that shows which assets are transferred to the buyer and which assets are not transferred to the buyer;

(3) Any other information the department requires.

(B) The department, at its sole discretion, may waive the requirement that an exiting operator file a cost report in accordance with division (A) of this section.

Sec. 5124.523. If an exiting operator required by section 5124.522 of the Revised Code to file a cost report with the department of developmental disabilities fails to file the cost report in accordance with that section, all payments under the medicaid program for the period the cost report is required to cover are deemed overpayments until the date the department receives the properly completed cost report. The department may impose on the exiting operator a penalty of one hundred dollars for each calendar day the properly completed cost report is late.

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Sec. 5124.524. The department of developmental disabilities may not provide an exiting operator final payment under the medicaid program until the department receives all properly completed cost reports the exiting operator is required to file under sections 5124.10 and 5124.522 of the Revised Code.

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Sec. 5124.525. The department of developmental disabilities shall determine the actual amount of debt an exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program by completing all final fiscal audits not already completed and performing all other appropriate actions the department determines to be necessary. The department shall issue an initial debt summary report on this matter not later than sixty days after the date the exiting operator files the properly completed cost report required by section 5124.522 of the Revised Code with the department or, if the department waives the cost report requirement for the exiting operator, sixty days after the date the department waives the cost report requirement. The initial debt summary report becomes the final debt summary report thirty-one days after the department issues the initial debt summary report unless the exiting operator, or an affiliated operator who executes a successor

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liability agreement under section 5124.521 of the Revised Code, 106257
requests a review before that date. 106258

The exiting operator, and an affiliated operator who executes 106259
a successor liability agreement under section 5124.521 of the 106260
Revised Code, may request a review to contest any of the 106261
department's findings included in the initial debt summary report. 106262
The request for the review must be submitted to the department not 106263
later than thirty days after the date the department issues the 106264
initial debt summary report. The department shall conduct the 106265
review on receipt of a timely request and issue a revised debt 106266
summary report. If the department has withheld money from payment 106267
due the exiting operator under division (A) of section 5124.521 of 106268
the Revised Code, the department shall issue the revised debt 106269
summary report not later than ninety days after the date the 106270
department receives the timely request for the review unless the 106271
department and exiting operator or affiliated operator agree to a 106272
later date. The exiting operator or affiliated operator may submit 106273
information to the department explaining what the operator 106274
contests before and during the review, including documentation of 106275
the amount of any debt the department owes the operator. The 106276
exiting operator or affiliated operator may submit additional 106277
information to the department not later than thirty days after the 106278
department issues the revised debt summary report. The revised 106279
debt summary report becomes the final debt summary report 106280
thirty-one days after the department issues the revised debt 106281
summary report unless the exiting operator or affiliated operator 106282
timely submits additional information to the department. If the 106283
exiting operator or affiliated operator timely submits additional 106284
information to the department, the department shall consider the 106285
additional information and issue a final debt summary report not 106286
later than sixty days after the department issues the revised debt 106287
summary report unless the department and exiting operator or 106288

affiliated operator agree to a later date. 106289

Each debt summary report the department issues under this 106290
section shall include the department's findings and the amount of 106291
debt the department determines the exiting operator owes the 106292
department and United States centers for medicare and medicaid 106293
services under the medicaid program. The department shall explain 106294
its findings and determination in each debt summary report. 106295

The exiting operator, and an affiliated operator who executes 106296
a successor liability agreement under section 5124.521 of the 106297
Revised Code, may request, in accordance with Chapter 119. of the 106298
Revised Code, an adjudication regarding a finding in a final debt 106299
summary report that pertains to an audit or alleged overpayment 106300
made under the medicaid program to the exiting operator. The 106301
adjudication shall be consolidated with any other uncompleted 106302
adjudication that concerns a matter addressed in the final debt 106303
summary report. 106304

Sec. 5124.526. The department of developmental disabilities 106305
shall release the actual amount withheld under division (A) of 106306
section 5124.521 of the Revised Code, less any amount the exiting 106307
operator owes the department and United States centers for 106308
medicare and medicaid services under the medicaid program, as 106309
follows: 106310

(A) Unless the department issues the initial debt summary 106311
report required by section 5124.525 of the Revised Code not later 106312
than sixty days after the date the exiting operator files the 106313
properly completed cost report required by section 5124.522 of the 106314
Revised Code, sixty-one days after the date the exiting operator 106315
files the properly completed cost report; 106316

(B) If the department issues the initial debt summary report 106317
required by section 5124.525 of the Revised Code not later than 106318
sixty days after the date the exiting operator files a properly 106319

completed cost report required by section 5124.522 of the Revised Code, not later than the following: 106320
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(1) Thirty days after the deadline for requesting an adjudication under section 5124.525 of the Revised Code regarding the final debt summary report if the exiting operator, and an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, fail to request the adjudication on or before the deadline; 106322
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(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication. 106328
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(C) Unless the department issues the initial debt summary report required by section 5124.525 of the Revised Code not later than sixty days after the date the department waives the cost report requirement of section 5124.522 of the Revised Code, sixty-one days after the date the department waives the cost report requirement; 106334
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(D) If the department issues the initial debt summary report required by section 5124.525 of the Revised Code not later than sixty days after the date the department waives the cost report requirement of section 5124.522 of the Revised Code, not later than the following: 106340
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(1) Thirty days after the deadline for requesting an adjudication under section 5124.525 of the Revised Code regarding the final debt summary report if the exiting operator, and an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, fail to request the adjudication on or before the deadline; 106345
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(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication. 106351
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Sec. 5124.527. The department of developmental disabilities, at its sole discretion, may release the amount withheld under division (A) of section 5124.521 of the Revised Code if the exiting operator submits to the department written notice of a postponement of a change of operator, facility closure, or voluntary termination and the transactions leading to the change of operator, facility closure, or voluntary termination are postponed for at least thirty days but less than ninety days after the date originally proposed for the change of operator, facility closure, or voluntary termination as reported in the written notice required by section 5124.50 or 5124.51 of the Revised Code. The department shall release the amount withheld if the exiting operator submits to the department written notice of a cancellation or postponement of a change of operator, facility closure, or voluntary termination and the transactions leading to the change of operator, facility closure, or voluntary termination are canceled or postponed for more than ninety days after the date originally proposed for the change of operator, facility closure, or voluntary termination as reported in the written notice required by section 5124.50 or 5124.51 of the Revised Code. A written notice shall be provided to the department in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. 106357
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After the department receives a written notice regarding a cancellation or postponement of a facility closure or voluntary termination, the exiting operator or owner shall provide new 106380
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written notice to the department under section 5124.50 of the Revised Code regarding any transactions leading to a facility closure or voluntary termination at a future time. After the department receives a written notice regarding a cancellation or postponement of a change of operator, the exiting operator or owner and entering operator shall provide new written notice to the department under section 5124.51 of the Revised Code regarding any transactions leading to a change of operator at a future time.

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Sec. 5124.528. (A) All amounts withheld under section 5124.521 of the Revised Code from payment due an exiting operator under the medicaid program shall be deposited into the medicaid payment withholding fund created by the controlling board pursuant to section 131.35 of the Revised Code. Money in the fund shall be used as follows:

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(1) To pay an exiting operator when a withholding is released to the exiting operator under section 5124.526 or 5124.527 of the Revised Code;

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(2) To pay the department of medicaid or department of developmental disabilities, and United States centers for medicare and medicaid services, the amount an exiting operator owes the department of medicaid or department of developmental disabilities and United States centers under the medicaid program.

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(B) Amounts paid from the medicaid payment withholding fund pursuant to division (A)(2) of this section shall be deposited into the appropriate fund.

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Sec. 5124.53. The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code to implement sections 5124.50 to 5124.53 of the Revised Code. The rules shall specify all of the following:

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(A) The method by which written notices to the department

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required by sections 5124.50 to 5124.53 of the Revised Code are to 106413
be provided; 106414

(B) The forms and documents that are to be provided to the 106415
department under sections 5124.511 and 5124.512 of the Revised 106416
Code, which shall include, in the case of such forms and documents 106417
provided by entering operators, all the fully executed leases, 106418
management agreements, merger agreements and supporting documents, 106419
and fully executed sales contracts and any other supporting 106420
documents culminating in the change of operator; 106421

(C) The method by which the forms and documents identified in 106422
division (B) of this section are to be provided to the department. 106423

~~Sec. 5111.874 5124.60. (A) As used in sections 5111.874 to~~ 106424
~~5111.8710 of the Revised Code:~~ 106425

~~"Home and community based services" has the same meaning as~~ 106426
~~in section 5123.01 of the Revised Code.~~ 106427

~~"ICF/MR services" means intermediate care facility for the~~ 106428
~~mentally retarded services covered by the medicaid program that an~~ 106429
~~intermediate care facility for the mentally retarded provides to a~~ 106430
~~resident of the facility who is a medicaid recipient eligible for~~ 106431
~~medicaid covered intermediate care facility for the mentally~~ 106432
~~retarded services.~~ 106433

~~"Intermediate care facility for the mentally retarded" means~~ 106434
~~an intermediate care facility for the mentally retarded that is~~ 106435
~~certified as in compliance with applicable standards for the~~ 106436
~~medicaid program by the director of health in accordance with~~ 106437
~~Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42~~ 106438
~~U.S.C. 1396, as amended, and licensed as a residential facility~~ 106439
~~under section 5123.19 of the Revised Code.~~ 106440

~~"Residential facility" has the same meaning as in section~~ 106441
~~5123.19 of the Revised Code.~~ 106442

(B) For the purpose of increasing the number of slots available for home and community-based services and subject to sections ~~5111.877~~ 5124.63 and ~~5111.878~~ 5124.64 of the Revised Code, the operator of an ~~intermediate care facility for the mentally retarded~~ ICF/IID may convert some or all of the beds in the ~~facility~~ ICF/IID from providing ~~ICF/MR~~ ICF/IID services to providing home and community-based services if all of the following requirements are met:

(1) The operator provides the directors of health and developmental disabilities at least ninety days' notice of the operator's intent to make the conversion.

(2) The operator complies with the requirements of sections ~~5111.65~~ 5124.50 to ~~5111.689~~ 5124.53 of the Revised Code regarding a voluntary termination ~~as defined in section 5111.65 of the Revised Code~~ if those requirements are applicable.

(3) If the operator intends to convert all of the ~~facility's~~ ICF/IID's beds, the operator notifies each of the ~~facility's~~ ICF/IID's residents that the ~~facility~~ ICF/IID is to cease providing ~~ICF/MR~~ ICF/IID services and inform each resident that the resident may do either of the following:

(a) Continue to receive ~~ICF/MR~~ ICF/IID services by transferring to another ~~facility~~ ICF/IID that is an ~~intermediate care facility for the mentally retarded~~ willing and able to accept the resident if the resident continues to qualify for ~~ICF/MR~~ ICF/IID services;

(b) Begin to receive home and community-based services instead of ~~ICF/MR~~ ICF/IID services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.

(4) If the operator intends to convert some but not all of

the ~~facility's~~ ICF/IID's beds, the operator notifies each of the 106474
~~facility's~~ ICF/IID's residents that the ~~facility~~ ICF/IID is to 106475
convert some of its beds from providing ~~ICF/MR~~ ICF/IID services to 106476
providing home and community-based services and inform each 106477
resident that the resident may do either of the following: 106478

(a) Continue to receive ~~ICF/MR~~ ICF/IID services from any 106479
~~provider of services~~ ICF/MR ICF/IID that is willing and able to 106480
provide the services to the resident if the resident continues to 106481
qualify for ~~ICF/MR~~ ICF/IID services; 106482

(b) Begin to receive home and community-based services 106483
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 106484
community-based services that is willing and able to provide the 106485
services to the resident if the resident is eligible for the 106486
services and a slot for the services is available to the resident. 106487

(5) The operator meets the requirements for providing home 106488
and community-based services, including the following: 106489

(a) Such requirements applicable to a residential facility if 106490
the operator maintains the facility's license as a residential 106491
facility; 106492

(b) Such requirements applicable to a facility that is not 106493
licensed as a residential facility if the operator surrenders the 106494
facility's license as a residential facility under section 5123.19 106495
of the Revised Code. 106496

(6) The director of developmental disabilities approves the 106497
conversion. 106498

~~(C)~~(B) A decision by the director of developmental 106499
disabilities to approve or refuse to approve a proposed conversion 106500
of beds is final. In making a decision, the director shall 106501
consider all of the following: 106502

(1) The fiscal impact on the ~~facility~~ ICF/IID if some but not 106503

all of the beds are converted; 106504

(2) The fiscal impact on the ~~medical assistance~~ medicaid 106505
program; 106506

(3) The availability of home and community-based services. 106507

~~(D)~~(C) The notice provided to the directors under division 106508
~~(B)~~(A)(1) of this section shall specify whether some or all of the 106509
~~facility's~~ ICF/IID's beds are to be converted. If some but not all 106510
of the beds are to be converted, the notice shall specify how many 106511
of the ~~facility's~~ ICF/IID's beds are to be converted and how many 106512
of the beds are to continue to provide ~~ICF/MR~~ ICF/IID services. 106513
The notice to the director of developmental disabilities shall 106514
specify whether the operator wishes to surrender the ~~facility's~~ 106515
ICF/IID's license as a residential facility under section 5123.19 106516
of the Revised Code. 106517

~~(E)~~(D)(1) If the director of developmental disabilities 106518
approves a conversion under division ~~(C)~~(B) of this section, the 106519
director of health shall do the following: 106520

(a) Terminate the ICF/IID's medicaid certification ~~of the~~ 106521
~~intermediate care facility for the mentally retarded~~ if the notice 106522
specifies that all of the ~~facility's~~ ICF/IID's beds are to be 106523
converted; 106524

(b) Reduce the ~~facility's certified~~ ICF/IID's 106525
medicaid-certified capacity by the number of beds being converted 106526
if the notice specifies that some but not all of the beds are to 106527
be converted. 106528

(2) The director of health shall notify the medicaid director 106529
~~of job and family services~~ of the termination or reduction. On 106530
receipt of the ~~director of health's~~ notice, the medicaid director 106531
~~of job and family services~~ shall do the following: 106532

(a) Terminate the operator's medicaid provider agreement that 106533

authorizes the operator to provide ~~ICF/MR~~ ICF/IID services at the 106534
facility ICF/IID if the facility's ICF/IID's certification was 106535
terminated; 106536

(b) Amend the operator's medicaid provider agreement to 106537
reflect the facility's ICF/IID's reduced ~~certified~~ 106538
medicaid-certified capacity if the facility's ~~certified~~ ICF/IID's 106539
medicaid-certified capacity is reduced. 106540

(3) In the case of action taken under division ~~(E)~~(D)(2)(a) 106541
of this section, the operator is not entitled to notice or a 106542
hearing under Chapter 119. of the Revised Code before the medicaid 106543
director ~~of job and family services~~ terminates the medicaid 106544
provider agreement. 106545

Sec. ~~5111.875~~ 5124.61. (A) For the purpose of increasing the 106546
number of slots available for home and community-based services 106547
and subject to sections ~~5111.877~~ 5124.63 and ~~5111.878~~ 5124.64 of 106548
the Revised Code, a person who acquires, through a request for 106549
proposals issued by the director of developmental disabilities, a 106550
~~residential facility that is an intermediate care facility for the~~ 106551
~~mentally retarded and~~ an ICF/IID for which ~~the~~ a residential 106552
facility license ~~as a residential facility~~ was previously 106553
surrendered or revoked may convert some or all of the ~~facility's~~ 106554
ICF/IID's beds from providing ~~ICF/MR~~ ICF/IID services to providing 106555
home and community-based services if all of the following 106556
requirements are met: 106557

(1) The person provides the directors of health, ~~job and~~ 106558
~~family services~~, and developmental disabilities and medicaid 106559
director at least ninety days' notice of the person's intent to 106560
make the conversion. 106561

(2) The person complies with the requirements of sections 106562
~~5111.65~~ 5124.50 to ~~5111.689~~ 5124.53 of the Revised Code regarding 106563
a voluntary termination ~~as defined in section 5111.65 of the~~ 106564

~~Revised Code~~ if those requirements are applicable. 106565

(3) If the person intends to convert all of the ~~facility's~~ 106566
ICF/IID's beds, the person notifies each of the ~~facility's~~ 106567
ICF/IID's residents that the ~~facility~~ ICF/IID is to cease 106568
providing ~~ICF/MR~~ ICF/IID services and informs each resident that 106569
the resident may do either of the following: 106570

(a) Continue to receive ~~ICF/MR~~ ICF/IID services by 106571
transferring to another ~~facility that is an intermediate care~~ 106572
~~facility for the mentally retarded~~ ICF/IID willing and able to 106573
accept the resident if the resident continues to qualify for 106574
~~ICF/MR~~ ICF/IID services; 106575

(b) Begin to receive home and community-based services 106576
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 106577
community-based services that is willing and able to provide the 106578
services to the resident if the resident is eligible for the 106579
services and a slot for the services is available to the resident. 106580

(4) If the person intends to convert some but not all of the 106581
~~facility's~~ ICF/IID's beds, the person notifies each of the 106582
~~facility's~~ ICF/IID's residents that the ~~facility~~ ICF/IID is to 106583
convert some of its beds from providing ~~ICF/MR~~ ICF/IID services to 106584
providing home and community-based services and inform each 106585
resident that the resident may do either of the following: 106586

(a) Continue to receive ~~ICF/MR~~ ICF/IID services from any 106587
~~provider of ICF/MR services~~ that is willing and able to provide 106588
the services to the resident if the resident continues to qualify 106589
for ~~ICF/MR~~ ICF/IID services; 106590

(b) Begin to receive home and community-based services 106591
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 106592
community-based services that is willing and able to provide the 106593
services to the resident if the resident is eligible for the 106594
services and a slot for the services is available to the resident. 106595

(5) The person meets the requirements for providing home and community-based services at a residential facility. 106596
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(B) The notice provided to the directors under division (A)(1) of this section shall specify whether some or all of the facility's ICF/IID's beds are to be converted. If some but not all of the beds are to be converted, the notice shall specify how many of the ~~facility's~~ ICF/IID's beds are to be converted and how many of the beds are to continue to provide ~~ICF/MR~~ ICF/IID services. 106598
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(C) On receipt of a notice under division (A)(1) of this section, the director of health shall do the following: 106604
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(1) Terminate the ICF/IID's medicaid certification ~~of the intermediate care facility for the mentally retarded~~ if the notice specifies that all of the facility's beds are to be converted; 106606
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(2) Reduce the ~~facility's certified~~ ICF/IID's medicaid-certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted. 106609
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(D) The director of health shall notify the medicaid director ~~of job and family services~~ of the termination or reduction under division (C) of this section. On receipt of the director of health's notice, the medicaid director ~~of job and family services~~ shall do the following: 106613
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(1) Terminate the person's medicaid provider agreement that authorizes the person to provide ~~ICF/MR~~ ICF/IID services at the ~~facility~~ ICF/IID if the ~~facility's~~ ICF/IID's medicaid certification was terminated; 106618
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(2) Amend the person's medicaid provider agreement to reflect the ~~facility's~~ ICF/IID's reduced certified medicaid-certified capacity if the ~~facility's certified~~ ICF/IID's medicaid-certified capacity is reduced. 106622
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The person is not entitled to notice or a hearing under 106626
Chapter 119. of the Revised Code before the medicaid director of 106627
~~job and family services~~ terminates or amends the medicaid provider 106628
agreement. 106629

Sec. ~~5111.876~~ 5124.62. Subject to section ~~5111.877~~ 5124.63 of 106630
the Revised Code, the director of developmental disabilities may 106631
request that the medicaid director of ~~job and family services~~ seek 106632
the approval of the United States secretary of health and human 106633
services to increase the number of slots available for home and 106634
community-based services by a number not exceeding the number of 106635
beds that were part of the licensed capacity of a residential 106636
facility that had its license revoked or surrendered under section 106637
5123.19 of the Revised Code if the residential facility was an 106638
~~intermediate care facility for the mentally retarded~~ ICF/IID at 106639
the time of the license revocation or surrender. The revocation or 106640
surrender may have occurred before, or may occur on or after, June 106641
24, 2008. The request may include beds the director of 106642
developmental disabilities removed from such a residential 106643
facility's licensed capacity before transferring ownership or 106644
operation of the residential facility pursuant to a request for 106645
proposals. 106646

Sec. ~~5111.877~~ 5124.63. The medicaid director of ~~job and~~ 106647
~~family services~~ may seek approval from the United States secretary 106648
of health and human services for not more than a total of ~~five~~ six 106649
hundred slots for home and community-based services for the 106650
purposes of sections ~~5111.874~~ 5124.60, ~~5111.875~~ 5124.61, and 106651
~~5111.876~~ 5124.62 of the Revised Code. 106652

Sec. ~~5111.878~~ 5124.64. Not more than a total of ~~five~~ six 106653
hundred beds may be converted from providing ~~ICF/MR~~ ICF/IID 106654
services to providing home and community-based services under 106655

sections ~~5111.874~~ 5124.60 and ~~5111.875~~ 5124.61 of the Revised Code. 106656
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Sec. ~~5111.879~~ 5124.65. No person or government entity may 106658
reconvert a bed to be used for ~~ICF/MR~~ ICF/IID services if the bed 106659
was converted to use for home and community-based services under 106660
section ~~5111.874~~ 5124.60 or ~~5111.875~~ 5124.61 of the Revised Code. 106661
This prohibition applies regardless of either of the following: 106662

(A) The bed is part of the licensed capacity of a residential 106663
facility. 106664

(B) The bed has been sold, leased, or otherwise transferred 106665
to another person or government entity. 106666

Sec. 5124.67. (A) The department of developmental 106667
disabilities shall strive to achieve, not later than July 1, 2018, 106668
the following statewide reductions in ICF/IID beds: 106669

(1) At least five hundred and not more than six hundred beds 106670
in ICFs/IID that, before becoming downsized ICFs/IID, have sixteen 106671
or more beds; 106672

(2) At least five hundred and not more than six hundred beds 106673
in ICFs/IID with any number of beds that convert some or all of 106674
their beds from providing ICF/IID services to providing home and 106675
community-based services pursuant to section 5124.60 or 5124.61 of 106676
the Revised Code. 106677

(B) In its efforts to achieve the reductions under division 106678
(A) of this section, the department shall collaborate with the 106679
Ohio association of county boards serving people with 106680
developmental disabilities, the Ohio provider resource 106681
association, the Ohio centers for intellectual disabilities formed 106682
by the Ohio health care association, and the values and faith 106683
alliance. The collaboration efforts may include the following: 106684

(1) Identifying ICFs/IID that may reduce the number of their beds to help achieve the reductions under division (A) of this section; 106685
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(2) Encouraging ICF/IID providers to reduce the number of their ICFs/IID's beds; 106688
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(3) Establishing interim time frames for making progress in achieving the reductions; 106690
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(4) Creating incentives for, and removing impediments to, the reductions; 106692
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(5) In the case of ICF/IID beds that are converted to providing home and community-based services, developing a mechanism to compensate providers for beds that permanently cease to provide ICF/IID services. 106694
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(C) The department shall meet not less than twice each year with the organizations specified in division (B) of this section to do all of the following: 106698
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(1) Review the progress being made in achieving the reductions under division (A) of this section; 106701
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(2) Prepare written reports on the progress; 106703

(3) Identify additional measures needed to achieve the reductions. 106704
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Sec. 5124.99. Whoever violates section 5124.102 or division (E) of section 5124.08 of the Revised Code shall be fined not less than five hundred dollars nor more than one thousand dollars for the first offense and not less than one thousand dollars nor more than five thousand dollars for each subsequent offense. 106706
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Fines paid under this section shall be deposited in the state treasury to the credit of the general revenue fund. 106711
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Sec. 5126.01. As used in this chapter:	106713
(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code.	106714 106715 106716 106717 106718 106719
(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills.	106720 106721 106722 106723 106724 106725 106726
(2) "Adult services" includes all of the following:	106727
(a) Adult day habilitation services;	106728
(b) Adult day care;	106729
(c) Prevocational services;	106730
(d) Sheltered employment;	106731
(e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;	106732 106733 106734 106735 106736 106737 106738
(f) Community employment services and supported employment services.	106739 106740
(B)(1) "Adult day habilitation services" means adult services	106741

that do the following: 106742

(a) Provide access to and participation in typical activities 106743
and functions of community life that are desired and chosen by the 106744
general population, including such activities and functions as 106745
opportunities to experience and participate in community 106746
exploration, companionship with friends and peers, leisure 106747
activities, hobbies, maintaining family contacts, community 106748
events, and activities where individuals without disabilities are 106749
involved; 106750

(b) Provide supports or a combination of training and 106751
supports that afford an individual a wide variety of opportunities 106752
to facilitate and build relationships and social supports in the 106753
community. 106754

(2) "Adult day habilitation services" includes all of the 106755
following: 106756

(a) Personal care services needed to ensure an individual's 106757
ability to experience and participate in vocational services, 106758
educational services, community activities, and any other adult 106759
day habilitation services; 106760

(b) Skilled services provided while receiving adult day 106761
habilitation services, including such skilled services as behavior 106762
management intervention, occupational therapy, speech and language 106763
therapy, physical therapy, and nursing services; 106764

(c) Training and education in self-determination designed to 106765
help the individual do one or more of the following: develop 106766
self-advocacy skills, exercise the individual's civil rights, 106767
acquire skills that enable the individual to exercise control and 106768
responsibility over the services received, and acquire skills that 106769
enable the individual to become more independent, integrated, or 106770
productive in the community; 106771

(d) Recreational and leisure activities identified in the 106772

individual's service plan as therapeutic in nature or assistive in 106773
developing or maintaining social supports; 106774

(e) Counseling and assistance provided to obtain housing, 106775
including such counseling as identifying options for either rental 106776
or purchase, identifying financial resources, assessing needs for 106777
environmental modifications, locating housing, and planning for 106778
ongoing management and maintenance of the housing selected; 106779

(f) Transportation necessary to access adult day habilitation 106780
services; 106781

(g) Habilitation management, as described in section 5126.14 106782
of the Revised Code. 106783

(3) "Adult day habilitation services" does not include 106784
activities that are components of the provision of residential 106785
services, family support services, or supported living services. 106786

(C) "Appointing authority" means the following: 106787

(1) In the case of a member of a county board of 106788
developmental disabilities appointed by, or to be appointed by, a 106789
board of county commissioners, the board of county commissioners; 106790

(2) In the case of a member of a county board appointed by, 106791
or to be appointed by, a senior probate judge, the senior probate 106792
judge. 106793

(D) "Community employment," "competitive employment," and 106794
"integrated setting" have the same meanings as in section 5123.022 106795
of the Revised Code. 106796

(E) "Community employment services" or "supported Supported 106797
employment services" means vocational assessment, job training and 106798
coaching, job development and placement, worksite accessibility, 106799
and other services related to employment outside a sheltered 106800
workshop. ~~"Community employment services" or "supported Supported~~ 106801
employment services" ~~include all~~ includes both of the following: 106802

(1) Job training resulting in the attainment of ~~competitive~~ community employment, supported work in a typical work environment, or self-employment; 106803
106804
106805

(2) ~~Supervised work experience through an employer paid to provide the supervised work experience;~~ 106806
106807

~~(3) Ongoing work in a competitive work environment at a wage commensurate with workers without disabilities;~~ 106808
106809

~~(4) Ongoing supervision by an employer paid to provide the supervision~~ Support for ongoing community employment, supported work at community-based sites, or self-employment. 106810
106811
106812

~~(E)~~(F) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code. 106813
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106816

"Developmental disability" means a severe, chronic disability that is characterized by all of the following: 106817
106818

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code; 106819
106820
106821
106822

(2) It is manifested before age twenty-two; 106823

(3) It is likely to continue indefinitely; 106824

(4) It results in one of the following: 106825

(a) In the case of a person under age three, at least one developmental delay or an established risk; 106826
106827

(b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk; 106828
106829

(c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of 106830
106831

major life activity, as appropriate for the person's age: 106832
self-care, receptive and expressive language, learning, mobility, 106833
self-direction, capacity for independent living, and, if the 106834
person is at least age sixteen, capacity for economic 106835
self-sufficiency. 106836

(5) It causes the person to need a combination and sequence 106837
of special, interdisciplinary, or other type of care, treatment, 106838
or provision of services for an extended period of time that is 106839
individually planned and coordinated for the person. 106840

~~(F)~~(G) "Early childhood services" means a planned program of 106841
habilitation designed to meet the needs of individuals with mental 106842
retardation or other developmental disabilities who have not 106843
attained compulsory school age. 106844

~~(G)~~(H) "Employment services" means prevocational services or 106845
supported employment services. 106846

(I)(1) "Environmental modifications" means the physical 106847
adaptations to an individual's home, specified in the individual's 106848
service plan, that are necessary to ensure the individual's 106849
health, safety, and welfare or that enable the individual to 106850
function with greater independence in the home, and without which 106851
the individual would require institutionalization. 106852

(2) "Environmental modifications" includes such adaptations 106853
as installation of ramps and grab-bars, widening of doorways, 106854
modification of bathroom facilities, and installation of 106855
specialized electric and plumbing systems necessary to accommodate 106856
the individual's medical equipment and supplies. 106857

(3) "Environmental modifications" does not include physical 106858
adaptations or improvements to the home that are of general 106859
utility or not of direct medical or remedial benefit to the 106860
individual, including such adaptations or improvements as 106861
carpeting, roof repair, and central air conditioning. 106862

~~(H)~~(J) "Family support services" means the services provided 106863
under a family support services program operated under section 106864
5126.11 of the Revised Code. 106865

~~(I)~~(K) "Habilitation" means the process by which the staff of 106866
the facility or agency assists an individual with mental 106867
retardation or other developmental disability in acquiring and 106868
maintaining those life skills that enable the individual to cope 106869
more effectively with the demands of the individual's own person 106870
and environment, and in raising the level of the individual's 106871
personal, physical, mental, social, and vocational efficiency. 106872
Habilitation includes, but is not limited to, programs of formal, 106873
structured education and training. 106874

~~(J)~~(L) "Home and community-based services" means 106875
~~medicaid funded home and community based services specified in~~ 106876
~~division (B)(1) of section 5111.87 of the Revised Code and~~ 106877
~~provided under the medicaid waiver components the department of~~ 106878
~~developmental disabilities administers pursuant to~~ has the same 106879
meaning as in section ~~5111.871~~ 5123.01 of the Revised Code. 106880
~~However, home and community based services provided under the~~ 106881
~~medicaid waiver component known as the transitions developmental~~ 106882
~~disabilities waiver are to be considered to be home and~~ 106883
~~community based services for the purposes of this chapter only to~~ 106884
~~the extent, if any, provided by the contract required by section~~ 106885
~~5111.871 of the Revised Code regarding the waiver.~~ 106886

~~(K)~~(M) "ICF/IID" has the same meaning as in section 5124.01 106887
of the Revised Code. 106888

(N) "Immediate family" means parents, grandparents, brothers, 106889
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 106890
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 106891
daughters-in-law. 106892

~~(L)~~ "Medicaid" ~~has the same meaning as in section 5111.01 of~~ 106893

~~the Revised Code.~~ 106894

~~(M)~~(O) "Medicaid case management services" means case 106895
management services provided to an individual with mental 106896
retardation or other developmental disability that the state 106897
medicaid plan requires. 106898

~~(N)~~(P) "Mental retardation" means a mental impairment 106899
manifested during the developmental period characterized by 106900
significantly subaverage general intellectual functioning existing 106901
concurrently with deficiencies in the effectiveness or degree with 106902
which an individual meets the standards of personal independence 106903
and social responsibility expected of the individual's age and 106904
cultural group. 106905

~~(O)~~(O) "Prevocational services" means services, including 106906
services as a volunteer, that provide learning and work 106907
experiences from which an individual can develop general strengths 106908
and skills that are not specific to a particular task or job but 106909
contribute to employability in community employment, supported 106910
work at community-based sites, or self-employment. 106911

(R) "Residential services" means services to individuals with 106912
mental retardation or other developmental disabilities to provide 106913
housing, food, clothing, habilitation, staff support, and related 106914
support services necessary for the health, safety, and welfare of 106915
the individuals and the advancement of their quality of life. 106916
"Residential services" includes program management, as described 106917
in section 5126.14 of the Revised Code. 106918

~~(P)~~(S) "Resources" means available capital and other assets, 106919
including moneys received from the federal, state, and local 106920
governments, private grants, and donations; appropriately 106921
qualified personnel; and appropriate capital facilities and 106922
equipment. 106923

~~(Q)~~(T) "Senior probate judge" means the current probate judge 106924

of a county who has served as probate judge of that county longer 106925
than any of the other current probate judges of that county. If a 106926
county has only one probate judge, "senior probate judge" means 106927
that probate judge. 106928

~~(R)~~(U) "Service and support administration" means the duties 106929
performed by a service and support administrator pursuant to 106930
section 5126.15 of the Revised Code. 106931

~~(S)~~(V)(1) "Specialized medical, adaptive, and assistive 106932
equipment, supplies, and supports" means equipment, supplies, and 106933
supports that enable an individual to increase the ability to 106934
perform activities of daily living or to perceive, control, or 106935
communicate within the environment. 106936

(2) "Specialized medical, adaptive, and assistive equipment, 106937
supplies, and supports" includes the following: 106938

(a) Eating utensils, adaptive feeding dishes, plate guards, 106939
mylatex straps, hand splints, reaches, feeder seats, adjustable 106940
pointer sticks, interpreter services, telecommunication devices 106941
for the deaf, computerized communications boards, other 106942
communication devices, support animals, veterinary care for 106943
support animals, adaptive beds, supine boards, prone boards, 106944
wedges, sand bags, sidelayers, bolsters, adaptive electrical 106945
switches, hand-held shower heads, air conditioners, humidifiers, 106946
emergency response systems, folding shopping carts, vehicle lifts, 106947
vehicle hand controls, other adaptations of vehicles for 106948
accessibility, and repair of the equipment received. 106949

(b) Nondisposable items not covered by medicaid that are 106950
intended to assist an individual in activities of daily living or 106951
instrumental activities of daily living. 106952

~~(T)~~(W) "Supportive home services" means a range of services 106953
to families of individuals with mental retardation or other 106954
developmental disabilities to develop and maintain increased 106955

acceptance and understanding of such persons, increased ability of 106956
family members to teach the person, better coordination between 106957
school and home, skills in performing specific therapeutic and 106958
management techniques, and ability to cope with specific 106959
situations. 106960

~~(U)~~(X)(1) "Supported living" means services provided for as 106961
long as twenty-four hours a day to an individual with mental 106962
retardation or other developmental disability through any public 106963
or private resources, including moneys from the individual, that 106964
enhance the individual's reputation in community life and advance 106965
the individual's quality of life by doing the following: 106966

(a) Providing the support necessary to enable an individual 106967
to live in a residence of the individual's choice, with any number 106968
of individuals who are not disabled, or with not more than three 106969
individuals with mental retardation and developmental disabilities 106970
unless the individuals are related by blood or marriage; 106971

(b) Encouraging the individual's participation in the 106972
community; 106973

(c) Promoting the individual's rights and autonomy; 106974

(d) Assisting the individual in acquiring, retaining, and 106975
improving the skills and competence necessary to live successfully 106976
in the individual's residence. 106977

(2) "Supported living" includes the provision of all of the 106978
following: 106979

(a) Housing, food, clothing, habilitation, staff support, 106980
professional services, and any related support services necessary 106981
to ensure the health, safety, and welfare of the individual 106982
receiving the services; 106983

(b) A combination of lifelong or extended-duration 106984
supervision, training, and other services essential to daily 106985

living, including assessment and evaluation and assistance with 106986
the cost of training materials, transportation, fees, and 106987
supplies; 106988

(c) Personal care services and homemaker services; 106989

(d) Household maintenance that does not include modifications 106990
to the physical structure of the residence; 106991

(e) Respite care services; 106992

(f) Program management, as described in section 5126.14 of 106993
the Revised Code. 106994

Sec. 5126.026. Except as otherwise provided in this section 106995
and section 5126.0218 of the Revised Code, a member of a county 106996
board of developmental disabilities may be reappointed to the 106997
county board. Prior to making a reappointment, the appointing 106998
authority shall ascertain, through written communication with the 106999
board, that the member being considered for reappointment meets 107000
the requirements of sections 5126.022 and 5126.0218 of the Revised 107001
Code. 107002

A member who has served during each of three consecutive 107003
terms shall not be reappointed for a subsequent term until two 107004
years after ceasing to be a member of the county board, except 107005
that a member who has served for ten years or less within three 107006
consecutive terms may be reappointed for a subsequent term before 107007
becoming ineligible for reappointment for two years. 107008

If, however, a county board experiences extenuating 107009
circumstances that would severely restrict the board from being 107010
able to fill a pending vacancy of a board member who will become 107011
ineligible for service on the board after serving three 107012
consecutive terms, the appointing authority may request a waiver 107013
from the director of developmental disabilities to allow that 107014
member to serve an additional four-year term subsequent to serving 107015

three consecutive four-year terms. The director shall determine if 107016
the extenuating circumstances associated with the board warrant 107017
the granting of such a waiver. 107018

Sec. 5126.043. (A) Unless a guardian has been appointed for 107019
the individual, when a decision regarding receipt of a service or 107020
participation in a program provided for or funded under this 107021
chapter or Chapter 5123. or 5124. of the Revised Code by an 107022
individual with mental retardation or other developmental 107023
disability must be made, the individual shall be permitted to make 107024
the decision. The individual may obtain support and guidance from 107025
an adult family member or other person, but doing so does not 107026
affect the right of the individual to make the decision. 107027

(B) An individual with mental retardation or other 107028
developmental disability may authorize an adult to make a decision 107029
described in division (A) of this section on the individual's 107030
behalf, as long as the adult does not have a financial interest in 107031
the decision. The authorization shall be made in writing. 107032

(C) If a guardian has been appointed for an individual with 107033
mental retardation or other developmental disability, the guardian 107034
shall make any decision described in division (A) of this section 107035
on behalf of the individual. This section does not require 107036
appointment of a guardian. 107037

(D) Individuals with mental retardation and other 107038
developmental disabilities, including those who have been 107039
adjudicated incompetent pursuant to Chapter 2111. of the Revised 107040
Code, have the right to participate in decisions that affect their 107041
lives and to have their needs, desires, and preferences 107042
considered. An adult or guardian who makes a decision pursuant to 107043
division (B) or (C) of this section shall make a decision that is 107044
in the best interests of the individual on whose behalf the 107045
decision is made and that is consistent with the needs, desires, 107046

and preferences of that individual. 107047

Sec. 5126.05. (A) Subject to the rules established by the 107048
director of developmental disabilities pursuant to Chapter 119. of 107049
the Revised Code for programs and services offered pursuant to 107050
this chapter, and subject to the rules established by the state 107051
board of education pursuant to Chapter 119. of the Revised Code 107052
for programs and services offered pursuant to Chapter 3323. of the 107053
Revised Code, the county board of developmental disabilities 107054
shall: 107055

(1) Administer and operate facilities, programs, and services 107056
as provided by this chapter and Chapter 3323. of the Revised Code 107057
and establish policies for their administration and operation; 107058

(2) Coordinate, monitor, and evaluate existing services and 107059
facilities available to individuals with mental retardation and 107060
developmental disabilities; 107061

(3) Provide early childhood services, supportive home 107062
services, and adult services, according to the plan and priorities 107063
developed under section 5126.04 of the Revised Code; 107064

(4) Provide or contract for special education services 107065
pursuant to Chapters 3317. and 3323. of the Revised Code and 107066
ensure that related services, as defined in section 3323.01 of the 107067
Revised Code, are available according to the plan and priorities 107068
developed under section 5126.04 of the Revised Code; 107069

(5) Adopt a budget, authorize expenditures for the purposes 107070
specified in this chapter and do so in accordance with section 107071
319.16 of the Revised Code, approve attendance of board members 107072
and employees at professional meetings and approve expenditures 107073
for attendance, and exercise such powers and duties as are 107074
prescribed by the director; 107075

(6) Submit annual reports of its work and expenditures, 107076

pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 107077
the director, the superintendent of public instruction, and the 107078
board of county commissioners at the close of the fiscal year and 107079
at such other times as may reasonably be requested; 107080

(7) Authorize all positions of employment, establish 107081
compensation, including but not limited to salary schedules and 107082
fringe benefits for all board employees, approve contracts of 107083
employment for management employees that are for a term of more 107084
than one year, employ legal counsel under section 309.10 of the 107085
Revised Code, and contract for employee benefits; 107086

(8) Provide service and support administration in accordance 107087
with section 5126.15 of the Revised Code; 107088

(9) Certify respite care homes pursuant to rules adopted 107089
under section 5123.171 of the Revised Code by the director of 107090
developmental disabilities; 107091

(10) Implement an employment first policy that clearly 107092
identifies community employment as the desired outcome for every 107093
individual of working age who receives services from the board; 107094

(11) Set benchmarks for improving community employment 107095
outcomes. 107096

(B) To the extent that rules adopted under this section apply 107097
to the identification and placement of children with disabilities 107098
under Chapter 3323. of the Revised Code, they shall be consistent 107099
with the standards and procedures established under sections 107100
3323.03 to 3323.05 of the Revised Code. 107101

(C) Any county board may enter into contracts with other such 107102
boards and with public or private, nonprofit, or profit-making 107103
agencies or organizations of the same or another county, to 107104
provide the facilities, programs, and services authorized or 107105
required, upon such terms as may be agreeable, and in accordance 107106
with this chapter and Chapter 3323. of the Revised Code and rules 107107

adopted thereunder and in accordance with sections 307.86 and 107108
5126.071 of the Revised Code. 107109

(D) A county board may combine transportation for children 107110
and adults enrolled in programs and services offered under Chapter 107111
5126. of the Revised Code with transportation for children 107112
enrolled in classes funded under ~~section~~ sections 3317.0213 and 107113
3317.20 ~~or units approved under section 3317.05~~ of the Revised 107114
Code. 107115

(E) A county board may purchase all necessary insurance 107116
policies, may purchase equipment and supplies through the 107117
department of administrative services or from other sources, and 107118
may enter into agreements with public agencies or nonprofit 107119
organizations for cooperative purchasing arrangements. 107120

(F) A county board may receive by gift, grant, devise, or 107121
bequest any moneys, lands, or property for the benefit of the 107122
purposes for which the board is established and hold, apply, and 107123
dispose of the moneys, lands, and property according to the terms 107124
of the gift, grant, devise, or bequest. All money received by 107125
gift, grant, bequest, or disposition of lands or property received 107126
by gift, grant, devise, or bequest shall be deposited in the 107127
county treasury to the credit of such board and shall be available 107128
for use by the board for purposes determined or stated by the 107129
donor or grantor, but may not be used for personal expenses of the 107130
board members. Any interest or earnings accruing from such gift, 107131
grant, devise, or bequest shall be treated in the same manner and 107132
subject to the same provisions as such gift, grant, devise, or 107133
bequest. 107134

(G) The board of county commissioners shall levy taxes and 107135
make appropriations sufficient to enable the county board of 107136
developmental disabilities to perform its functions and duties, 107137
and may utilize any available local, state, and federal funds for 107138
such purpose. 107139

Sec. 5126.051. (A) To the extent that resources are 107140
available, a county board of developmental disabilities shall 107141
provide for or arrange residential services and supported living 107142
for individuals with mental retardation and developmental 107143
disabilities. 107144

A county board may acquire, convey, lease, or sell property 107145
for residential services and supported living and enter into loan 107146
agreements, including mortgages, for the acquisition of such 107147
property. A county board is not required to comply with provisions 107148
of Chapter 307. of the Revised Code providing for competitive 107149
bidding or sheriff sales in the acquisition, lease, conveyance, or 107150
sale of property under this division, but the acquisition, lease, 107151
conveyance, or sale must be at fair market value determined by 107152
appraisal of one or more disinterested persons appointed by the 107153
board. 107154

Any action taken by a county board under this division that 107155
will incur debt on the part of the county shall be taken in 107156
accordance with Chapter 133. of the Revised Code. A county board 107157
shall not incur any debt on the part of the county without the 107158
prior approval of the board of county commissioners. 107159

(B)(1) To the extent that resources are available, ~~in~~ 107160
~~addition to sheltered employment and work activities provided as a~~ 107161
county board shall provide or arrange for the provision of adult 107162
~~services pursuant to division (A)(3) of section 5126.05 of the~~ 107163
~~Revised Code, a county board of developmental disabilities may~~ 107164
~~provide or arrange for job training, vocational evaluation, and~~ 107165
~~community employment services to mentally retarded and~~ 107166
~~developmentally disabled~~ individuals who are age eighteen and 107167
older and not enrolled in a program or service under Chapter 3323. 107168
of the Revised Code or age sixteen or seventeen and eligible for 107169
adult services under rules adopted by the director of 107170

developmental disabilities under Chapter 119. of the Revised Code. 107171
These services shall be provided in accordance with the 107172
individual's individual service ~~or habilitation~~ plan and shall 107173
include support services specified in the plan. 107174

(2) Any prevocational services shall be provided in 107175
accordance with the individual's individual service plan and occur 107176
over a specified period of time with specific outcomes sought to 107177
be achieved. 107178

(3) A county board may, in cooperation with the ~~Ohio~~ 107179
~~rehabilitation services commission~~ opportunities for Ohioans with 107180
disabilities agency, seek federal funds for job training ~~and or~~ 107181
other services directly at helping individuals obtain community 107182
employment. 107183

~~(3)~~(4) A county board may contract with any agency, board, or 107184
other entity that is accredited by the commission on accreditation 107185
of rehabilitation facilities to provide services. A county board 107186
that is accredited by the commission on accreditation of 107187
rehabilitation facilities may provide services for which it is 107188
certified by the commission. 107189

(C) To the extent that resources are available, a county 107190
board may provide services to an individual with mental 107191
retardation or other developmental disability in addition to those 107192
provided pursuant to this section, section 5126.05 of the Revised 107193
Code, or any other section of this chapter. The services shall be 107194
provided in accordance with the individual's ~~habilitation or~~ 107195
individual service plan and may be provided in collaboration with 107196
other entities of state or local government. 107197

Sec. 5126.054. (A) Each county board of developmental 107198
disabilities shall, by resolution, develop a three-calendar year 107199
plan that includes the following three components: 107200

(1) An assessment component that includes all of the 107201
following: 107202

(a) The number of individuals with mental retardation or 107203
other developmental disability residing in the county who need the 107204
level of care provided by an ~~intermediate care facility for the~~ 107205
~~mentally retarded~~ ICF/IID, may seek home and community-based 107206
services, and are given priority on a waiting list established for 107207
the services pursuant to section 5126.042 of the Revised Code; the 107208
service needs of those individuals; and the projected annualized 107209
cost for services; 107210

(b) The source of funds available to the county board to pay 107211
the nonfederal share of medicaid expenditures that the county 107212
board is required by sections 5126.059 and 5126.0510 of the 107213
Revised Code to pay; 107214

(c) Any other applicable information or conditions that the 107215
department of developmental disabilities requires as a condition 107216
of approving the component under section 5123.046 of the Revised 107217
Code. 107218

(2) A preliminary implementation component that specifies the 107219
number of individuals to be provided, during the first year that 107220
the plan is in effect, home and community-based services pursuant 107221
to the waiting list priority given to them under section 5126.042 107222
of the Revised Code and the types of home and community-based 107223
services the individuals are to receive; 107224

(3) A component that provides for the implementation of 107225
medicaid case management services and home and community-based 107226
services for individuals who begin to receive the services on or 107227
after the date the plan is approved under section 5123.046 of the 107228
Revised Code. A county board shall include all of the following in 107229
the component: 107230

(a) If the department of developmental disabilities or 107231

department of ~~job and family services~~ medicaid requires, an 107232
agreement to pay the nonfederal share of medicaid expenditures 107233
that the county board is required by sections 5126.059 and 107234
5126.0510 of the Revised Code to pay; 107235

(b) How the services are to be phased in over the period the 107236
plan covers, including how the county board will serve individuals 107237
who have priority on a waiting list established under section 107238
5126.042 of the Revised Code; 107239

(c) Any agreement or commitment regarding the county board's 107240
funding of home and community-based services that the county board 107241
has with the department at the time the county board develops the 107242
component; 107243

(d) Assurances adequate to the department that the county 107244
board will comply with all of the following requirements: 107245

(i) To provide the types of home and community-based services 107246
specified in the preliminary implementation component required by 107247
division (A)(2) of this section to at least the number of 107248
individuals specified in that component; 107249

(ii) To use any additional funds the county board receives 107250
for the services to improve the county board's resource 107251
capabilities for supporting such services available in the county 107252
at the time the component is developed and to expand the services 107253
to accommodate the unmet need for those services in the county; 107254

(iii) To employ or contract with a business manager or enter 107255
into an agreement with another county board of developmental 107256
disabilities that employs or contracts with a business manager to 107257
have the business manager serve both county boards. No 107258
superintendent of a county board may serve as the county board's 107259
business manager. 107260

(iv) To employ or contract with a medicaid services manager 107261
or enter into an agreement with another county board of 107262

developmental disabilities that employs or contracts with a 107263
medicaid services manager to have the medicaid services manager 107264
serve both county boards. No superintendent of a county board may 107265
serve as the county board's medicaid services manager. 107266

(e) Programmatic and financial accountability measures and 107267
projected outcomes expected from the implementation of the plan; 107268

(f) Any other applicable information or conditions that the 107269
department requires as a condition of approving the component 107270
under section 5123.046 of the Revised Code. 107271

(B) A county board whose plan developed under division (A) of 107272
this section is approved by the department under section 5123.046 107273
of the Revised Code shall update and renew the plan in accordance 107274
with a schedule the department shall develop. 107275

Sec. 5126.055. (A) Except as provided in section 5126.056 of 107276
the Revised Code, a county board of developmental disabilities has 107277
medicaid local administrative authority to, and shall, do all of 107278
the following for an individual with mental retardation or other 107279
developmental disability who resides in the county that the county 107280
board serves and seeks or receives home and community-based 107281
services: 107282

(1) Perform assessments and evaluations of the individual. As 107283
part of the assessment and evaluation process, the county board 107284
shall do all of the following: 107285

(a) Make a recommendation to the department of developmental 107286
disabilities on whether the department should approve or deny the 107287
individual's application for the services, including on the basis 107288
of whether the individual needs the level of care an ~~intermediate~~ 107289
~~care facility for the mentally retarded~~ ICF/IID provides; 107290

(b) If the individual's application is denied because of the 107291
county board's recommendation and the individual ~~requests a~~ 107292

~~hearing under~~ appeals pursuant to section ~~5101.35~~ 5160.31 of the 107293
Revised Code, present, with the department of developmental 107294
disabilities or department of ~~job and family services~~ medicaid, 107295
whichever denies the application, the reasons for the 107296
recommendation and denial at the hearing; 107297

(c) If the individual's application is approved, recommend to 107298
the departments of developmental disabilities and ~~job and family~~ 107299
~~services~~ medicaid the services that should be included in the 107300
individual's individualized service plan and, if either department 107301
approves, reduces, denies, or terminates a service included in the 107302
individual's individualized service plan under section ~~5111.871~~ 107303
5166.20 of the Revised Code because of the county board's 107304
recommendation, present, with the department that made the 107305
approval, reduction, denial, or termination, the reasons for the 107306
recommendation and approval, reduction, denial, or termination at 107307
a hearing held pursuant to an appeal made under section ~~5101.35~~ 107308
5160.31 of the Revised Code. 107309

(2) Perform any duties assigned to the county board in rules 107310
adopted under section 5126.046 of the Revised Code regarding the 107311
individual's right to choose a qualified and willing provider of 107312
the services and, at a hearing held pursuant to an appeal made 107313
under section ~~5101.35~~ 5160.31 of the Revised Code, present 107314
evidence of the process for appropriate assistance in choosing 107315
providers; 107316

(3) If the county board is certified under section 5123.161 107317
of the Revised Code to provide the services and agrees to provide 107318
the services to the individual and the individual chooses the 107319
county board to provide the services, furnish, in accordance with 107320
the county board's medicaid provider agreement and for the 107321
authorized reimbursement rate, the services the individual 107322
requires; 107323

(4) Monitor the services provided to the individual and 107324

ensure the individual's health, safety, and welfare. The 107325
monitoring shall include quality assurance activities. If the 107326
county board provides the services, the department of 107327
developmental disabilities shall also monitor the services. 107328

(5) Develop, with the individual and the provider of the 107329
individual's services, an effective individualized service plan 107330
that includes coordination of services, recommend that the 107331
departments of developmental disabilities and ~~job and family~~ 107332
~~services~~ medicaid approve the plan, and implement the plan unless 107333
either department disapproves it. The individualized service plan 107334
shall include a summary page, agreed to by the county board, 107335
provider, and individual receiving services, that clearly outlines 107336
the amount, duration, and scope of services to be provided under 107337
the plan. 107338

(6) Have an investigative agent conduct investigations under 107339
section 5126.313 of the Revised Code that concern the individual; 107340

(7) Have a service and support administrator perform the 107341
duties under division (B)(9) of section 5126.15 of the Revised 107342
Code that concern the individual. 107343

(B) A county board shall perform its medicaid local 107344
administrative authority under this section in accordance with all 107345
of the following: 107346

(1) The county board's plan that the department of 107347
developmental disabilities approves under section 5123.046 of the 107348
Revised Code; 107349

(2) All applicable federal and state laws; 107350

(3) All applicable policies of the departments of 107351
developmental disabilities and ~~job and family services~~ medicaid 107352
and the United States department of health and human services; 107353

(4) The department of ~~job and family services'~~ medicaid's 107354

supervision under its authority ~~under section 5111.01 of the~~ 107355
~~Revised Code to act~~ as the single state medicaid agency; 107356

(5) The department of developmental disabilities' oversight. 107357

(C) The departments of developmental disabilities and ~~job and~~ 107358
~~family services~~ medicaid shall communicate with and provide 107359
training to county boards regarding medicaid local administrative 107360
authority granted by this section. The communication and training 107361
shall include issues regarding audit protocols and other standards 107362
established by the United States department of health and human 107363
services that the departments determine appropriate for 107364
communication and training. County boards shall participate in the 107365
training. The departments shall assess the county board's 107366
compliance against uniform standards that the departments shall 107367
establish. 107368

(D) A county board may not delegate its medicaid local 107369
administrative authority granted under this section but may 107370
contract with a person or government entity, including a council 107371
of governments, for assistance with its medicaid local 107372
administrative authority. A county board that enters into such a 107373
contract shall notify the director of developmental disabilities. 107374
The notice shall include the tasks and responsibilities that the 107375
contract gives to the person or government entity. The person or 107376
government entity shall comply in full with all requirements to 107377
which the county board is subject regarding the person or 107378
government entity's tasks and responsibilities under the contract. 107379
The county board remains ultimately responsible for the tasks and 107380
responsibilities. 107381

(E) A county board that has medicaid local administrative 107382
authority under this section shall, through the departments of 107383
developmental disabilities and ~~job and family services~~ medicaid, 107384
reply to, and cooperate in arranging compliance with, a program or 107385
fiscal audit or program violation exception that a state or 107386

federal audit or review discovers. The department of ~~job and family services~~ medicaid shall timely notify the department of developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of developmental disabilities, shall cooperate fully with the department of ~~job and family services~~ medicaid and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of developmental disabilities or department of ~~job and family services~~ medicaid determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that makes the determination shall require that county board do the following:

(1) If the deficiency affects the health, safety, or welfare of an individual with mental retardation or other developmental disability, correct the deficiency within twenty-four hours;

(2) If the deficiency does not affect the health, safety, or welfare of an individual with mental retardation or other developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

Sec. 5126.131. (A)(1) Each regional council established under section 5126.13 of the Revised Code shall file with the department of developmental disabilities an annual cost report detailing the regional council's income and expenditures.

(2) Each county board of developmental disabilities shall

file with the department an annual cost report detailing the 107418
board's income and expenditures. 107419

(B)(1)(a) Unless the department establishes a later date for 107420
all regional council cost reports, each council shall file its 107421
cost report not later than the last day of April. At the written 107422
request of a regional council, the department may grant a 107423
fourteen-day extension for filing the cost report. 107424

(b) Unless the department establishes a later date for all 107425
county board cost reports, each board shall file its cost report 107426
not later than the last day of May. At the written request of a 107427
board, the department may grant a fourteen-day extension for 107428
filing the board's cost report. 107429

(2) The cost report shall contain information on the previous 107430
calendar year's income and expenditures. Once filed by a regional 107431
council or board, no changes may be made to the cost report, 107432
including the submission of additional documentation, except as 107433
otherwise provided in this section. 107434

(C) Each cost report filed under this section by a regional 107435
council or board shall be audited by the department or an entity 107436
designated by the department. The department or designated entity 107437
shall notify the regional council or board of the date on which 107438
the audit is to begin. The department may permit a regional 107439
council or board to submit changes to the cost report before the 107440
audit begins. 107441

If the department or designated entity determines that a 107442
filed cost report is not auditable, it shall provide written 107443
notification to the regional council or board of the cost report's 107444
deficiencies and may request additional documentation. If the 107445
department or designated entity requests additional documentation, 107446
the regional council or board shall be given sixty days after the 107447
request is made to provide the additional documentation. After 107448

sixty days, the department or designated entity shall determine 107449
whether the cost report is auditable with any additional 107450
documentation provided and shall notify the regional council or 107451
board of its determination. The determination of the department or 107452
designated entity is final. 107453

(D) The department or designated entity shall certify its 107454
audit as complete and file a copy of the certified audit in the 107455
office of the clerk of the governing body, executive officer of 107456
the governing body, and chief fiscal officer of the audited 107457
regional council or board. Changes may not be made to a cost 107458
report once the department or designated entity files the 107459
certified audit. The cost report is not a public record under 107460
section 149.43 of the Revised Code until copies of the cost report 107461
are filed pursuant to this section. 107462

(E) The department may withhold any funds that it distributes 107463
to a regional council or board as subsidy payments if either of 107464
the following is the case: 107465

(1) The cost report is not timely filed by the regional 107466
council or board with the department in accordance with division 107467
(B) of this section. 107468

(2) The cost report is determined not auditable under 107469
division (C) of this section after the department or designated 107470
entity gives the regional council or board sixty days to provide 107471
additional documentation. 107472

(F) Cost reports shall be retained by regional councils and 107473
boards for seven years. The department shall provide annual 107474
training to regional council and board employees regarding cost 107475
reports required by this section. 107476

(G) The department, in accordance with Chapter 119. of the 107477
Revised Code, may adopt any rules necessary to implement this 107478
section. 107479

Sec. 5139.03. The department of youth services shall control 107480
and manage all state institutions or facilities established or 107481
created for the training or rehabilitation of delinquent children 107482
committed to the department, except where the control and 107483
management of an institution or facility is vested by law in 107484
another agency. The department shall employ, in addition to other 107485
personnel authorized under Chapter 5139. of the Revised Code, 107486
sufficient personnel to maintain food service and buildings and 107487
grounds operations. 107488

The department of youth services shall, insofar as 107489
practicable, purchase foods and other commodities incident to food 107490
service operations from the department of ~~mental health~~ mental 107491
health and addiction services. The department of youth services 107492
may enter into agreements with the department of ~~mental health~~ 107493
mental health and addiction services providing for assistance and 107494
consultation in the construction of, or major modifications to, 107495
capital facilities of the department of youth services. 107496

The directors of ~~mental health~~ mental health and addiction 107497
services and of youth services shall enter into written agreements 107498
to implement this section. Such directors may, from time to time, 107499
amend any agreements entered into under this section for the 107500
purposes of making more efficient use of personnel, taking 107501
advantage of economies in quantity purchasing, or for any other 107502
purpose which is mutually advantageous to both the department of 107503
youth services and the department of ~~mental health~~ mental health 107504
and addiction services. 107505

The department of youth services may transfer any of its 107506
excess or surplus supplies to a community corrections facility. 107507
These supplies shall remain the property of the department for a 107508
period of five years from the date of the transfer. After the 107509
five-year period, the supplies shall become the property of the 107510

facility. 107511

Sec. 5139.04. The department of youth services shall do all 107512
of the following: 107513

(A) Support service districts through a central 107514
administrative office that shall have as its administrative head a 107515
deputy director who shall be appointed by the director of the 107516
department. When a vacancy occurs in the office of that deputy 107517
director, an assistant deputy director shall act as that deputy 107518
director until the vacancy is filled. The position of deputy 107519
director and assistant deputy director described in this division 107520
shall be in the unclassified civil service of the state. 107521

(B) Receive custody of all children committed to it under 107522
Chapter 2152. of the Revised Code, cause a study to be made of 107523
those children, and issue any orders, as it considers best suited 107524
to the needs of any of those children and the interest of the 107525
public, for the treatment of each of those children; 107526

(C) Obtain personnel necessary for the performance of its 107527
duties; 107528

(D) Adopt rules that regulate its organization and operation, 107529
that implement sections 5139.34 and 5139.41 to 5139.43 of the 107530
Revised Code, and that pertain to the administration of other 107531
sections of this chapter; 107532

(E) Submit reports of its operations to the governor and the 107533
general assembly by the thirty-first day of January of each 107534
odd-numbered year; 107535

(F) Conduct a program of research in diagnosis, training, and 107536
treatment of delinquent children to evaluate the effectiveness of 107537
the department's services and to develop more adequate methods; 107538

(G) Develop a standard form for the disposition investigation 107539
report that a juvenile court is required pursuant to section 107540

2152.18 of the Revised Code to complete and provide to the 107541
department when the court commits a child to the legal custody of 107542
the department; 107543

(H) Provide the state public defender the reasonable access 107544
authorized under division (I) of section 120.06 of the Revised 107545
Code in order to fulfill the department's constitutional 107546
obligation to provide juveniles who have been committed to the 107547
department's care access to the courts. 107548

(I) Do all other acts necessary or desirable to carry out 107549
this chapter. 107550

Sec. 5139.08. The department of youth services may enter into 107551
an agreement with the director of rehabilitation and correction 107552
pursuant to which the department of youth services, in accordance 107553
with division (C)(2) of section 5139.06 and section 5120.162 of 107554
the Revised Code, may transfer to a correctional medical center 107555
established by the department of rehabilitation and correction, 107556
children who are within its custody for diagnosis or treatment of 107557
an illness, physical condition, or other medical problem. The 107558
department of youth services may enter into any other agreements 107559
with the director of job and family services, the director of 107560
~~mental health~~ mental health and addiction services, the director 107561
of developmental disabilities, the director of rehabilitation and 107562
correction, with the courts having probation officers or other 107563
public officials, and with private agencies or institutions for 107564
separate care or special treatment of children subject to the 107565
control of the department of youth services. The department of 107566
youth services may, upon the request of a juvenile court not 107567
having a regular probation officer, provide probation services for 107568
such court. 107569

Upon request by the department of youth services, any public 107570
agency or group care facility established or administered by the 107571

state for the care and treatment of children and youth shall, 107572
consistent with its functions, accept and care for any child whose 107573
custody is vested in the department in the same manner as it would 107574
be required to do if custody had been vested by a court in such 107575
agency or group care facility. If the department has reasonable 107576
grounds to believe that any child or youth whose custody is vested 107577
in it is mentally ill or mentally retarded, the department may 107578
file an affidavit under section 5122.11 or 5123.76 of the Revised 107579
Code. The department's affidavit for admission of a child or youth 107580
to such institution shall be filed with the probate court of the 107581
county from which the child was committed to the department. Such 107582
court may request the probate court of the county in which the 107583
child is held to conduct the hearing on the application, in which 107584
case the court making such request shall bear the expenses of the 107585
proceeding. If the department files such an affidavit, the child 107586
or youth may be kept in such institution until a final decision on 107587
the affidavit is made by the appropriate court. 107588

Sec. 5139.282. The director of youth services shall establish 107589
a pre-service and in-service training program for juvenile 107590
correctional facility youth specialists that shall include, but is 107591
not limited to, training in unarmed self-defense, hostage 107592
negotiation, transportation, first aid, and CPR as defined in 107593
division (B) of section 2133.21 of the Revised Code. 107594

Sec. 5139.34. (A) Funds may be appropriated to the department 107595
of youth services for the purpose of granting state subsidies to 107596
counties. A county or the juvenile court that serves a county 107597
shall use state subsidies granted to the county pursuant to this 107598
section only in accordance with divisions (B)(2)(a) and (3)(a) of 107599
section 5139.43 of the Revised Code and the rules pertaining to 107600
the state subsidy funds that the department adopts pursuant to 107601
division (D) of section 5139.04 of the Revised Code. The 107602

department shall not grant financial assistance pursuant to this 107603
section for the provision of care and services for children in a 107604
placement facility unless the facility has been certified, 107605
licensed, or approved by a state or national agency with 107606
certification, licensure, or approval authority, including, but 107607
not limited to, the department of job and family services, 107608
department of education, department of ~~mental health~~ mental health 107609
and addiction services, department of developmental disabilities, 107610
or American correctional association. For the purposes of this 107611
section, placement facilities do not include a state institution 107612
or a county or district children's home. 107613

The department also shall not grant financial assistance 107614
pursuant to this section for the provision of care and services 107615
for children, including, but not limited to, care and services in 107616
a detention facility, in another facility, or in out-of-home 107617
placement, unless the minimum standards applicable to the care and 107618
services that the department prescribes in rules adopted pursuant 107619
to division (D) of section 5139.04 of the Revised Code have been 107620
satisfied. 107621

(B) The department of youth services shall apply the 107622
following formula to determine the amount of the annual grant that 107623
each county is to receive pursuant to division (A) of this 107624
section, subject to the appropriation for this purpose to the 107625
department made by the general assembly: 107626

(1) Each county shall receive a basic annual grant of fifty 107627
thousand dollars. 107628

(2) The sum of the basic annual grants provided under 107629
division (B)(1) of this section shall be subtracted from the total 107630
amount of funds appropriated to the department of youth services 107631
for the purpose of making grants pursuant to division (A) of this 107632
section to determine the remaining portion of the funds 107633
appropriated. The remaining portion of the funds appropriated 107634

shall be distributed on a per capita basis to each county that has 107635
a population of more than twenty-five thousand for that portion of 107636
the population of the county that exceeds twenty-five thousand. 107637

(C)(1) Prior to a county's receipt of an annual grant 107638
pursuant to this section, the juvenile court that serves the 107639
county shall prepare, submit, and file in accordance with division 107640
(B)(3)(a) of section 5139.43 of the Revised Code an annual grant 107641
agreement and application for funding that is for the combined 107642
purposes of, and that satisfies the requirements of, this section 107643
and section 5139.43 of the Revised Code. In addition to the 107644
subject matters described in division (B)(3)(a) of section 5139.43 107645
of the Revised Code or in the rules that the department adopts to 107646
implement that division, the annual grant agreement and 107647
application for funding shall address fiscal accountability and 107648
performance matters pertaining to the programs, care, and services 107649
that are specified in the agreement and application and for which 107650
state subsidy funds granted pursuant to this section will be used. 107651

(2) The county treasurer of each county that receives an 107652
annual grant pursuant to this section shall deposit the state 107653
subsidy funds so received into the county's felony delinquent care 107654
and custody fund created pursuant to division (B)(1) of section 107655
5139.43 of the Revised Code. Subject to exceptions prescribed in 107656
section 5139.43 of the Revised Code that may apply to the 107657
disbursement, the department shall disburse the state subsidy 107658
funds to which a county is entitled in a lump sum payment that 107659
shall be made in July of each calendar year. 107660

(3) Upon an order of the juvenile court that serves a county 107661
and subject to appropriation by the board of county commissioners 107662
of that county, a county treasurer shall disburse from the 107663
county's felony delinquent care and custody fund the state subsidy 107664
funds granted to the county pursuant to this section for use only 107665
in accordance with this section, the applicable provisions of 107666

section 5139.43 of the Revised Code, and the county's approved 107667
annual grant agreement and application for funding. 107668

(4) The moneys in a county's felony delinquent care and 107669
custody fund that represent state subsidy funds granted pursuant 107670
to this section are subject to appropriation by the board of 107671
county commissioners of the county; shall be disbursed by the 107672
county treasurer as required by division (C)(3) of this section; 107673
shall be used in the manners referred to in division (C)(3) of 107674
this section; shall not revert to the county general fund at the 107675
end of any fiscal year; shall carry over in the felony delinquent 107676
care and custody fund from the end of any fiscal year to the next 107677
fiscal year; shall be in addition to, and shall not be used to 107678
reduce, any usual annual increase in county funding that the 107679
juvenile court is eligible to receive or the current level of 107680
county funding of the juvenile court and of any programs, care, or 107681
services for alleged or adjudicated delinquent children, unruly 107682
children, or juvenile traffic offenders or for children who are at 107683
risk of becoming delinquent children, unruly children, or juvenile 107684
traffic offenders; and shall not be used to pay for the care and 107685
custody of felony ~~delinquents~~ delinquents who are in the care and 107686
custody of an institution pursuant to a commitment, recommitment, 107687
or revocation of a release on parole by the juvenile court of that 107688
county or who are in the care and custody of a community 107689
corrections facility pursuant to a placement by the department 107690
with the consent of the juvenile court as described in division 107691
(E) of section 5139.36 of the Revised Code. 107692

(5) As a condition of the continued receipt of state subsidy 107693
funds pursuant to this section, each county and the juvenile court 107694
that serves each county that receives an annual grant pursuant to 107695
this section shall comply with divisions (B)(3)(b), (c), and (d) 107696
of section 5139.43 of the Revised Code. 107697

Sec. 5145.162. (A) There is hereby created the office of 107698
enterprise development advisory council of directors for prison 107699
labor consisting board to advise and assist the department of 107700
rehabilitation and correction with the creation of training 107701
programs and jobs for inmates and releasees through partnerships 107702
with private sector businesses. The board shall consist of at 107703
least five appointed members and the executive director of the 107704
office of the correctional institution inspection committee, who 107705
shall serve as an ex officio member. Each member shall have 107706
experience in labor relations, marketing, business management, or 107707
business. The members and chairperson shall be appointed by the 107708
governor director of the department of rehabilitation and 107709
correction. Within thirty days after April 9, 1981, the governor 107710
shall make the initial appointments to the council of directors. 107711
Of the initial appointments made to the council of directors, two 107712
shall be for a term ending one year after April 9, 1981, two shall 107713
be for a term ending two years after that date, and one shall be 107714
for a term ending three years after that date. After the 107715
expiration of the initial terms, the terms of office for the 107716
members shall be for three years, each term ending on the same day 107717
of the same month of the year as did the term that it succeeds. 107718
Each member shall hold office from the date of appointment until 107719
the end of the term for which the member was appointed. Any 107720
vacancy on the advisory council shall be filled by the governor. 107721
Any member appointed to fill a vacancy occurring prior to the 107722
expiration of the term for which the member's predecessor was 107723
appointed shall hold office for the remainder of the predecessor's 107724
term. Any member shall continue in office subsequent to the 107725
expiration date of the member's term until a successor takes 107726
office, or until a period of sixty days has elapsed, whichever 107727
occurs first. 107728

(B) Each member of the advisory council, while engaged in the 107729

~~performance of the business of the advisory council, board shall~~ 107730
~~receive no compensation but may be reimbursed for expenses~~ 107731
~~actually and necessarily incurred in the performance of official~~ 107732
~~duties of the board. Members of the board who are state employees~~ 107733
~~shall be reimbursed for expenses pursuant to travel rules~~ 107734
~~promulgated by the office of budget and management.~~ 107735

(C) The advisory ~~council~~ board shall adopt procedures for the 107736
~~conduct of the board's meetings. The board shall meet within two~~ 107737
~~weeks after the initial members have been appointed at a time and~~ 107738
~~place determined by the governor. At its first meeting, the~~ 107739
~~advisory council shall elect a chairperson and shall adopt rules~~ 107740
~~for its procedures. The advisory council shall elect a new~~ 107741
~~chairperson annually at its January meeting. The advisory council~~ 107742
~~shall meet at least once every January and at least once every ~~two~~~~ 107743
~~months thereafter quarter, and otherwise shall meet at the call of~~ 107744
~~the chairperson or upon the written request of at least a quorum~~ 107745
~~of the members. Three director of the department of rehabilitation~~ 107746
~~and correction. Sixty per cent of the members constitutes shall~~ 107747
~~constitute a quorum, and no action. No transaction of the board's~~ 107748
~~business shall be taken without the concurrence of a quorum of the~~ 107749
~~members. The board may have committees with persons who are not~~ 107750
~~members of the board but whose experience and expertise is~~ 107751
~~relevant and useful to the work of the committee.~~ 107752

(D) The advisory ~~council~~ board shall ~~advise and assist the~~ 107753
~~department of rehabilitation and correction when the department~~ 107754
~~adopts rules pursuant to division (B) of section 5145.03 of the~~ 107755
~~Revised Code, establishes prices for goods, products, services, or~~ 107756
~~labor produced or supplied by prisoners, and otherwise establishes~~ 107757
~~and administers the program for employment of prisoners~~ 107758
~~established by the department pursuant to division (A) of section~~ 107759
~~5145.16 of the Revised Code. The department shall consider the~~ 107760
~~advice and assistance of the advisory council that is provided~~ 107761

~~pursuant to this section, and shall cooperate with the advisory~~ 107762
~~council. The advisory council may recommend~~ have the following 107763
duties: 107764

(1) Solicit business proposals offering job training, 107765
apprenticeship, education programs, and employment opportunities 107766
for inmates and releasees; 107767

(2) Provide information and input to the office of enterprise 107768
development to support the job training and employment program of 107769
inmates and releasees and any additional, related duties as 107770
requested by the director of the department of rehabilitation and 107771
correction; 107772

(3) Recommend to the ~~general assembly~~ office of enterprise 107773
development any further legislation, administrative rule, or 107774
department policy change that ~~it~~ the board believes is necessary 107775
to implement the department's program ~~of employment of prisoners;~~ 107776

(4) Promote public awareness of the office of enterprise 107777
development and the office's employment program; 107778

(5) Familiarize itself and the public with avenues to access 107779
the office of enterprise development on employment program 107780
concerns; 107781

(6) Advocate for the needs and concerns of the office of 107782
enterprise development in local communities, counties, and the 107783
state; 107784

(7) Play an active role in the office of enterprise 107785
development's efforts to reduce recidivism in the state by doing 107786
all of the following: 107787

(a) Providing input and making recommendations for the 107788
office's consideration in monitoring employment program compliance 107789
and effectiveness; 107790

(b) Making suggestions on the appropriate priorities for the 107791

office's grant award criteria; 107792

(c) Being a liaison between the office and constituents of the board's members; 107793
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(d) Working to develop constituent groups interested in employment program issues; 107795
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(8) Aid in the employment program development process by playing a leadership role in professional associations by discussing employment program issues. 107797
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(E) The department of rehabilitation and correction shall initially screen each proposal obtained under division (D)(1) of this section to ensure that the proposal is a viable venture to pursue. If the department determines that a proposal is a viable venture to pursue, the department shall submit the proposal to the board for objective review against established guidelines. The board shall determine whether to recommend the implementation of the program to the department. 107800
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Sec. 5145.18. Any printing or binding performed in a state 107808
correctional institution may be performed for the use of the 107809
institution, the departments of ~~mental health~~ mental health and 107810
addiction services, developmental disabilities, and rehabilitation 107811
and correction, the department of public safety in connection with 107812
the registration of motor vehicles, and for any other purpose 107813
authorized by division (B) of section 5145.03 and by sections 107814
5145.16 and 5145.161 of the Revised Code. 107815

Sec. 5153.16. (A) Except as provided in section 2151.422 of 107816
the Revised Code, in accordance with rules adopted under section 107817
5153.166 of the Revised Code, and on behalf of children in the 107818
county whom the public children services agency considers to be in 107819
need of public care or protective services, the public children 107820
services agency shall do all of the following: 107821

- (1) Make an investigation concerning any child alleged to be an abused, neglected, or dependent child; 107822
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- (2) Enter into agreements with the parent, guardian, or other person having legal custody of any child, or with the department of job and family services, department of ~~mental health~~ mental health and addiction services, department of developmental disabilities, other department, any certified organization within or outside the county, or any agency or institution outside the state, having legal custody of any child, with respect to the custody, care, or placement of any child, or with respect to any matter, in the interests of the child, provided the permanent custody of a child shall not be transferred by a parent to the public children services agency without the consent of the juvenile court; 107824
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- (3) Accept custody of children committed to the public children services agency by a court exercising juvenile jurisdiction; 107836
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- (4) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service; 107839
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- (5) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child; 107843
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- (6) Make available to the bureau for children with medical handicaps of the department of health at its request any information concerning a crippled child found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency; 107846
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- (7) Provide temporary emergency care for any child considered 107852

by the public children services agency to be in need of such care, 107853
without agreement or commitment; 107854

(8) Find certified foster homes, within or outside the 107855
county, for the care of children, including handicapped children 107856
from other counties attending special schools in the county; 107857

(9) Subject to the approval of the board of county 107858
commissioners and the state department of job and family services, 107859
establish and operate a training school or enter into an agreement 107860
with any municipal corporation or other political subdivision of 107861
the county respecting the operation, acquisition, or maintenance 107862
of any children's home, training school, or other institution for 107863
the care of children maintained by such municipal corporation or 107864
political subdivision; 107865

(10) Acquire and operate a county children's home, establish, 107866
maintain, and operate a receiving home for the temporary care of 107867
children, or procure certified foster homes for this purpose; 107868

(11) Enter into an agreement with the trustees of any 107869
district children's home, respecting the operation of the district 107870
children's home in cooperation with the other county boards in the 107871
district; 107872

(12) Cooperate with, make its services available to, and act 107873
as the agent of persons, courts, the department of job and family 107874
services, the department of health, and other organizations within 107875
and outside the state, in matters relating to the welfare of 107876
children, except that the public children services agency shall 107877
not be required to provide supervision of or other services 107878
related to the exercise of parenting time rights granted pursuant 107879
to section 3109.051 or 3109.12 of the Revised Code or 107880
companionship or visitation rights granted pursuant to section 107881
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 107882
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 107883

a common pleas court, pursuant to division (E)(6) of section 107884
3113.31 of the Revised Code, requires the provision of supervision 107885
or other services related to the exercise of the parenting time 107886
rights or companionship or visitation rights; 107887

(13) Make investigations at the request of any superintendent 107888
of schools in the county or the principal of any school concerning 107889
the application of any child adjudicated to be an abused, 107890
neglected, or dependent child for release from school, where such 107891
service is not provided through a school attendance department; 107892

(14) Administer funds provided under Title IV-E of the 107893
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 107894
amended, in accordance with rules adopted under section 5101.141 107895
of the Revised Code; 107896

(15) In addition to administering Title IV-E adoption 107897
assistance funds, enter into agreements to make adoption 107898
assistance payments under section 5153.163 of the Revised Code; 107899

(16) Implement a system of safety and risk assessment, in 107900
accordance with rules adopted by the director of job and family 107901
services, to assist the public children services agency in 107902
determining the risk of abuse or neglect to a child; 107903

(17) Enter into a plan of cooperation with the board of 107904
county commissioners under section 307.983 of the Revised Code and 107905
comply with each fiscal agreement the board enters into under 107906
section 307.98 of the Revised Code that include family services 107907
duties of public children services agencies and contracts the 107908
board enters into under sections 307.981 and 307.982 of the 107909
Revised Code that affect the public children services agency; 107910

(18) Make reasonable efforts to prevent the removal of an 107911
alleged or adjudicated abused, neglected, or dependent child from 107912
the child's home, eliminate the continued removal of the child 107913
from the child's home, or make it possible for the child to return 107914

home safely, except that reasonable efforts of that nature are not 107915
required when a court has made a determination under division 107916
(A)(2) of section 2151.419 of the Revised Code; 107917

(19) Make reasonable efforts to place the child in a timely 107918
manner in accordance with the permanency plan approved under 107919
division (E) of section 2151.417 of the Revised Code and to 107920
complete whatever steps are necessary to finalize the permanent 107921
placement of the child; 107922

(20) Administer a Title IV-A program identified under 107923
division (A)(4)(c) or ~~(f)~~(g) of section 5101.80 of the Revised 107924
Code that the department of job and family services provides for 107925
the public children services agency to administer under the 107926
department's supervision pursuant to section 5101.801 of the 107927
Revised Code; 107928

(21) Administer the kinship permanency incentive program 107929
created under section 5101.802 of the Revised Code under the 107930
supervision of the director of job and family services; 107931

(22) Provide independent living services pursuant to sections 107932
2151.81 to 2151.84 of the Revised Code; 107933

(23) File a missing child report with a local law enforcement 107934
agency upon becoming aware that a child in the custody of the 107935
public children services agency is or may be missing. 107936

(B) The public children services agency shall use the system 107937
implemented pursuant to division (A)(16) of this section in 107938
connection with an investigation undertaken pursuant to division 107939
(F)(1) of section 2151.421 of the Revised Code to assess both of 107940
the following: 107941

(1) The ongoing safety of the child; 107942

(2) The appropriateness of the intensity and duration of the 107943
services provided to meet child and family needs throughout the 107944

duration of a case. 107945

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following: 107946
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(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code; 107952
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(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties: 107956
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(i) County departments of job and family services; 107959

(ii) Boards of alcohol, drug addiction, and mental health services; 107960
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(iii) County boards of developmental disabilities; 107962

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code; 107963
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(v) Private and government providers of services; 107965

(vi) Managed care organizations and prepaid health plans. 107966

(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules. 107967
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(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this 107972
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section. If an entity specified in division (B) or (C) of section 107975
5153.02 of the Revised Code is the public children services agency 107976
for a county, the board of county commissioners may enter into 107977
contracts pursuant to section 307.982 of the Revised Code 107978
regarding the agency's duties. 107979

Sec. 5160.01. As used in this chapter: 107980

(A) "Dual eligible individual" has the same meaning as in the 107981
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 107982
1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid 107983
enrollee (MME). 107984

(B) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 107985

(C) "Federal financial participation" means the federal 107986
government's share of expenditures made by an entity in 107987
implementing a medical assistance program. 107988

(D) "Medical assistance program" means all of the following: 107989

(1) The medicaid program; 107990

(2) The children's health insurance program; 107991

(3) The refugee medical assistance program; 107992

(4) Any other program that provides medical assistance and 107993
state statutes authorize the department of medicaid to administer. 107994

(E) "Medical assistance recipient" means a recipient of a 107995
medical assistance program. To the extent appropriate in the 107996
context, "medical assistance recipient" includes an individual 107997
applying for a medical assistance program, a former medical 107998
assistance recipient, or both. 107999

(F) "Medicaid managed care organization" has the same meaning 108000
as in section 5167.01 of the Revised Code. 108001

(G) "Refugee medical assistance program" means the program 108002
that the department of medicaid administers pursuant to section 108003

5160.50 of the Revised Code. 108004

Sec. 5160.011. References to the department or director of 108005
public welfare, department or director of human services, 108006
department or director of job and family services, office of 108007
medical assistance, or medical assistance director in any statute, 108008
rule, contract, grant, or other document is deemed to refer to the 108009
department of medicaid or medicaid director, as the case may be, 108010
to the extent the reference is about a duty or authority of the 108011
department of medicaid or medicaid director regarding a medical 108012
assistance program. 108013

Sec. 5160.02. The medicaid director shall adopt rules as 108014
necessary to implement this chapter. 108015

Sec. 5160.021. (A) When the medicaid director is authorized 108016
by a statute to adopt a rule, the director shall adopt the rule in 108017
accordance with the following: 108018

(1) Chapter 119. of the Revised Code if either of the 108019
following applies: 108020

(a) The statute authorizing the rule requires that the rule 108021
be adopted in accordance with Chapter 119. of the Revised Code. 108022

(b) Unless division (A)(2)(b) of this section applies, the 108023
statute authorizing the rule does not specify the procedure for 108024
the rule's adoption. 108025

(2) Section 111.15 of the Revised Code, excluding divisions 108026
(D) and (E) of that section, if either of the following applies: 108027

(a) The statute authorizing the rule requires that the rule 108028
be adopted in accordance with section 111.15 of the Revised Code 108029
and, by the terms of division (D) of that section, division (D) of 108030
that section does not apply to the rule. 108031

(b) The statute authorizing the rule does not specify the procedure for the rule's adoption and the rule concerns the day-to-day staff procedures and operations of the department of medicaid or financial and operational matters between the department and a person or government entity receiving a grant from the department. 108032
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(3) Section 111.15 of the Revised Code, including divisions (D) and (E) of that section, if the statute authorizing the rule requires that the rule be adopted in accordance with that section and the rule is not exempt from the application of division (D) of that section. 108038
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(B) Except as otherwise required by a statute, the adoption of a rule in accordance with Chapter 119. of the Revised Code does not make the department of medicaid subject to the notice, hearing, or other requirements of sections 119.06 to 119.13 of the Revised Code. 108043
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Sec. 5160.03. The medicaid director is the executive head of the department of medicaid. All duties conferred on the department by law or order of the director are under the director's control and shall be performed in accordance with rules the director adopts. 108048
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Sec. 5160.04. The medicaid director shall appoint one assistant director for the department of medicaid. The assistant director shall exercise powers, and perform duties, as ordered by the medicaid director. The assistant director shall act as the medicaid director in the medicaid director's absence or disability and when the position of medicaid director is vacant. 108053
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Sec. 5160.05. The medicaid director may appoint such employees as are necessary for the efficient operation of the department of medicaid. The director may prescribe the title and 108059
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duties of the employees. 108062

Sec. 5160.051. If the medicaid director determines that a position with the department of medicaid can best be filled in accordance with division (A)(2) of section 124.30 of the Revised Code or without regard to a residency requirement established by a rule adopted by the director of administrative services, the medicaid director shall provide the director of administrative services certification of the determination. 108063
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Sec. 5160.052. The department of medicaid shall collaborate with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to produce the notices described in division (C) of section 109.5721 of the Revised Code in a format that is acceptable for use by the department. The medicaid director may adopt rules under section 5160.02 of the Revised Code necessary for such collaboration. Any such rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. 108070
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The medicaid director may adopt rules under section 5160.02 of the Revised Code necessary for utilizing the information received pursuant to section 109.5721 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 108079
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Sec. 5160.06. The medicaid director may require any of the employees of the department of medicaid who may be charged with custody or control of any public money or property or who is required to give bond, to give a bond, properly conditioned, in a sum to be fixed by the director which when approved by the director, shall be filed in the office of the secretary of state. The cost of such bonds, when approved by the director, shall be 108084
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paid from funds available for the department. The bonds required 108091
or authorized by this section may, in the discretion of the 108092
director, be individual, schedule, or blanket bonds. 108093

Sec. 5160.10. The medicaid director may expend funds 108094
appropriated or available to the department of medicaid from 108095
persons and government entities. For purposes of this section, the 108096
director may enter into contracts or agreements with persons and 108097
government entities and make grants to persons and government 108098
entities. To the extent permitted by federal law, the director may 108099
advance funds to a grantee when necessary for the grantee to 108100
perform duties under the grant as specified by the director. 108101

The director may adopt rules under section 5160.02 of the 108102
Revised Code as necessary to define terms and adopt procedures and 108103
other provisions necessary to implement this section. 108104

Sec. 5160.11. The state health care grants fund is hereby 108105
created in the state treasury. Money the department of medicaid 108106
receives from private foundations in support of pilot projects 108107
that promote exemplary programs that enhance programs the 108108
department administers shall be credited to the fund. The 108109
department may expend the money on such projects, may use the 108110
money, to the extent allowable, to match federal financial 108111
participation in support of such projects, and shall comply with 108112
requirements the foundations have stipulated in their agreements 108113
with the department as to the purposes for which the money may be 108114
expended. 108115

Sec. 5160.12. (A) As used in this section, "entity" includes 108116
an agency, board, commission, or department of the state or a 108117
political subdivision of the state; a private, nonprofit entity; a 108118
school district; a private school; or a public or private 108119

institution of higher education. 108120

(B) This section does not apply to contracts entered into 108121
under section 5162.32 or 5162.35 of the Revised Code. 108122

(C) At the request of any public entity having authority to 108123
implement a program administered by the department of medicaid or 108124
any private entity under contract with a public entity to 108125
implement a program administered by the department, the department 108126
may seek to obtain federal financial participation for costs 108127
incurred by the entity. Federal financial participation may be 108128
sought from programs operated pursuant to Title XIX of the "Social 108129
Security Act," 42 U.S.C. 1396, et seq., and any other statute or 108130
regulation under which federal financial participation may be 108131
available, except that federal financial participation may be 108132
sought only for expenditures made with funds for which federal 108133
financial participation is available under federal law. 108134

(D) All funds collected by the department pursuant to 108135
division (C) of this section shall be distributed to the entities 108136
that incurred the costs. 108137

(E) In distributing federal financial participation pursuant 108138
to this section, the department may either enter into an agreement 108139
with the entity that is to receive the funds or distribute the 108140
funds in accordance with rules authorized by division (H) of this 108141
section. If the department decides to enter into an agreement to 108142
distribute the funds, the agreement may include terms that do any 108143
of the following: 108144

(1) Provide for the whole or partial reimbursement of any 108145
cost incurred by the entity in implementing the program; 108146

(2) In the event that federal financial participation is 108147
disallowed or otherwise unavailable for any expenditure, require 108148
the department or the entity, whichever party caused the 108149

<u>disallowance or unavailability of federal financial participation,</u>	108150
<u>to assume responsibility for the expenditures;</u>	108151
<u>(3) Require the entity to certify to the department the</u>	108152
<u>availability of sufficient unencumbered funds to match the federal</u>	108153
<u>financial participation the entity receives under this section;</u>	108154
<u>(4) Establish the length of the agreement, which may be for a</u>	108155
<u>fixed or a continuing period of time;</u>	108156
<u>(5) Establish any other requirements determined by the</u>	108157
<u>department to be necessary for the efficient administration of the</u>	108158
<u>agreement.</u>	108159
<u>(F) An entity that receives federal financial participation</u>	108160
<u>pursuant to this section for a program aiding children and their</u>	108161
<u>families shall establish a process for collaborative planning with</u>	108162
<u>the department for the use of the funds to improve and expand the</u>	108163
<u>program.</u>	108164
<u>(G) Federal financial participation received pursuant to this</u>	108165
<u>section shall not be included in any calculation made under</u>	108166
<u>section 5101.16 or 5101.161 of the Revised Code.</u>	108167
<u>(H) The medicaid director may adopt rules under section</u>	108168
<u>5160.02 of the Revised Code as necessary to implement this</u>	108169
<u>section, including rules for the distribution of federal financial</u>	108170
<u>participation pursuant to this section. The rules shall be adopted</u>	108171
<u>in accordance with Chapter 119. of the Revised Code.</u>	108172
<u>Sec. 5160.13.</u> <u>The department of medicaid may enter into</u>	108173
<u>contracts with private entities to maximize federal revenue</u>	108174
<u>without the expenditure of state money. In selecting private</u>	108175
<u>entities with which to contract, the department shall engage in a</u>	108176
<u>request for proposals process. The department, subject to the</u>	108177
<u>approval of the controlling board, may also directly enter into</u>	108178
<u>contracts with public entities providing revenue maximization</u>	108179

services. 108180

Sec. 5160.16. The department of medicaid may appoint and 108181
commission any competent person to serve as a special agent, 108182
investigator, or representative to perform a designated duty for 108183
and on behalf of the department. Specific credentials shall be 108184
given by the department to each person so designated, and each 108185
credential shall state the following: 108186

(A) The person's name; 108187

(B) The agency with which the person is connected; 108188

(C) The purpose of the appointment; 108189

(D) The date the appointment expires, if appropriate; 108190

(E) Such information as the department considers proper. 108191

Sec. 5160.20. (A) The department of medicaid may conduct any 108192
audits or investigations that are necessary in the performance of 108193
the department's duties, and to that end, the department has the 108194
same power as a judge of a county court to administer oaths and to 108195
enforce the attendance and testimony of witnesses and the 108196
production of books or papers. 108197

The department shall keep a record of the department's audits 108198
and investigations stating the time, place, charges, or subject; 108199
witnesses summoned and examined; and the department's conclusions. 108200

Witnesses shall be paid the fees and mileage provided for 108201
under section 119.094 of the Revised Code. 108202

(B) Any judge of any division of the court of common pleas, 108203
on application of the department, may compel the attendance of 108204
witnesses, the production of books or papers, and the giving of 108205
testimony before the department, by a judgment for contempt or 108206
otherwise, in the same manner as in cases before those courts. 108207

(C) Until an audit report is formally released by the department, the audit report or any working paper or other document or record prepared by the department and related to the audit that is the subject of the audit report is not a public record under section 149.43 of the Revised Code.

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(D) The medicaid director may adopt rules under section 5160.02 of the Revised Code as necessary to implement this section. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules.

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Sec. 5160.21. On the request of the medicaid director, the auditor of state may conduct an audit of any medical assistance recipient. If the auditor decides to conduct an audit under this section, the auditor shall enter into an interagency agreement with the department of medicaid that specifies that the auditor agrees to comply with section 5160.45 of the Revised Code with respect to any information the auditor receives pursuant to the audit.

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Sec. 5160.22. (A) The auditor of state and attorney general, or their designees, may examine any records, whether in computer or printed format, in the possession of the medicaid director or any county director of job and family services, regarding medical assistance programs. The auditor of state and attorney general shall do both of the following regarding the records:

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(1) Provide safeguards that restrict access to the records to purposes directly connected with an audit or investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the programs;

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(2) Comply, and ensure that their designees comply, with section 5160.45 of the Revised Code and rules of the medicaid

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director restricting the disclosure of information regarding 108238
medical assistance recipients. 108239

(B) Any person who fails to comply with the restriction 108240
specified in division (A) of this section is disqualified from 108241
acting as an agent or employee or in any other capacity under 108242
appointment or employment of any state board, commission, or 108243
agency. 108244

Sec. 5160.23. The auditor of state is responsible for the 108245
costs the auditor incurs in carrying out the auditor's duties 108246
under sections 5160.21 and 5160.22 of the Revised Code. 108247

Sec. 5160.30. (A) Except as provided in divisions (B) and (C) 108248
of this section, the department of medicaid may accept 108249
applications, determine eligibility, redetermine eligibility, and 108250
perform related administrative activities for medical assistance 108251
programs. 108252

(B) The department may enter into agreements with one or more 108253
agencies of the federal government, the state, other states, and 108254
local governments of this or other states to accept applications, 108255
determine eligibility, redetermine eligibility, and perform 108256
related administrative activities on behalf of the department with 108257
respect to medical assistance programs. 108258

(C) If federal law requires a face-to-face interview to 108259
complete an eligibility determination for a medical assistance 108260
program, the department shall not conduct the face-to-face 108261
interview. 108262

(D) Subject to division (C) of this section, if the 108263
department elects to accept applications, determine eligibility, 108264
redetermine eligibility, and perform related administrative 108265
activities for a medical assistance program, both of the following 108266
apply: 108267

(1) An individual may apply for the medical assistance program to the department or an agency authorized by an agreement entered into under division (B) of this section to accept the individual's application; 108268
108269
108270
108271

(2) The department is subject to federal statutes and regulations and state statutes and rules that require, permit, or prohibit an action regarding accepting applications, determining or redetermining eligibility, and performing related administrative activities for the medical assistance program. 108272
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Sec. 5160.31. (A) A medical assistance recipient may appeal a decision regarding the recipient's eligibility for a medical assistance program or services available to the recipient under a medical assistance program. 108277
108278
108279
108280

(B) Regarding appeals authorized by this section, the department of medicaid shall do one or more of the following: 108281
108282

(1) Administer an appeals process similar to the appeals process established under section 5101.35 of the Revised Code; 108283
108284

(2) Contract with the department of job and family services pursuant to section 5162.35 of the Revised Code to provide for the department of job and family services to hear the appeals in accordance with section 5101.35 of the Revised Code; 108285
108286
108287
108288

(3) Delegate authority to hear appeals to an exchange or exchange appeals entity. 108289
108290

(C) If a medical assistance recipient files an appeal as authorized by this section, the department of medicaid may do either or both of the following: 108291
108292
108293

(1) Take corrective action regarding the matter being appealed before a hearing decision regarding the matter is issued; 108294
108295

(2) If a hearing decision, administrative appeal decision, or court ruling is against the recipient, take action in favor of the 108296
108297

recipient despite the contrary decision or ruling, unless, in the 108298
case of a court's ruling, the ruling prohibits the department from 108299
taking the action. 108300

Sec. ~~5101.571~~ 5160.35. As used in sections ~~5101.571~~ 5160.35 108301
to ~~5101.591~~ 5160.43 of the Revised Code: 108302

(A) "Information" means all of the following: 108303

(1) An individual's name, address, date of birth, and social 108304
security number; 108305

(2) The group or plan number, or other identifier, assigned 108306
by a third party to a policy held by an individual or a plan in 108307
which the individual participates and the nature of the coverage; 108308

(3) Any other data the medicaid director ~~of job and family~~ 108309
~~services~~ specifies in rules ~~adopted under~~ authorized by section 108310
~~5101.591~~ 5160.43 of the Revised Code. 108311

(B) ~~"Medical assistance" means medical items or services~~ 108312
~~provided under any of the following:~~ 108313

~~(1) Medicaid, as defined in section 5111.01 of the Revised~~ 108314
~~Code;~~ 108315

~~(2) The children's health insurance program part I, part II,~~ 108316
~~and part III established under sections 5101.50, 5101.51, and~~ 108317
~~5101.52 of the Revised Code.~~ 108318

~~(C) "Medical support" means support specified as support for~~ 108319
~~the purpose of medical care by order of a court or administrative~~ 108320
~~agency.~~ 108321

~~(D) "Public assistance" means medical assistance or~~ 108322
~~assistance under the Ohio works first program established under~~ 108323
~~Chapter 5107. of the Revised Code.~~ 108324

~~(E)~~(C)(1) Subject to division ~~(E)~~(C)(2) of this section, and 108325
except as provided in division ~~(E)~~(C)(3) of this section, "third 108326

party" means all of the following: 108327

(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code; 108328
108329

(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis; 108330
108331
108332

(c) A health insuring corporation as defined in section 1751.01 of the Revised Code; 108333
108334

(d) A group health plan as defined in 29 U.S.C. 1167; 108335

(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25); 108336
108337

(f) A managed care organization; 108338

(g) A pharmacy benefit manager; 108339

(h) A third party administrator; 108340

(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a ~~public~~ medical assistance recipient ~~or participant~~. 108341
108342
108343
108344

(2) Except when otherwise provided by the "Social Security Act," section 1862(b), 42 U.S.C. 1395y(b), a person or governmental entity listed in division ~~(E)~~(C)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the case of a public assistance recipient. 108345
108346
108347
108348
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108350

(3) "Third party" does not include the program for medically handicapped children established under section 3701.023 of the Revised Code. 108351
108352
108353

Sec. ~~5101.58~~ 5160.37. (A) ~~The acceptance of public~~ A medical assistance recipient's enrollment in a medical assistance program 108354
108355

gives an automatic right of recovery to the department of ~~job and~~ 108356
~~family services~~ medicaid and a county department of job and family 108357
services against the liability of a third party for the cost of 108358
medical assistance paid on behalf of the ~~public assistance~~ 108359
recipient ~~or participant~~. When an action or claim is brought 108360
against a third party by a ~~public~~ medical assistance recipient ~~or~~ 108361
~~participant~~, any payment, settlement or compromise of the action 108362
or claim, or any court award or judgment, is subject to the 108363
recovery right of the department of ~~job and family services~~ 108364
medicaid or county department of ~~job and family services~~. Except 108365
in the case of a medical assistance recipient ~~or participant~~ who 108366
receives medical assistance through a medicaid managed care 108367
organization, the department's or county department's claim shall 108368
not exceed the amount of medical assistance paid by a the 108369
department or county department on behalf of the recipient ~~or~~ 108370
~~participant~~. A payment, settlement, compromise, judgment, or award 108371
that excludes the cost of medical assistance paid for by a the 108372
department or county department shall not preclude a department 108373
from enforcing its rights under this section. 108374

(B) In the case of a medical assistance recipient ~~or~~ 108375
~~participant~~ who receives medical assistance through a medicaid 108376
managed care organization, the amount of the department's or 108377
county department's claim shall be the amount the medicaid managed 108378
care organization pays for medical assistance rendered to the 108379
recipient ~~or participant~~, even if that amount is more than the 108380
amount a the department or county department pays to the medicaid 108381
managed care organization for the recipient's ~~or participant's~~ 108382
medical assistance. 108383

(C) A medical assistance recipient ~~or participant~~, and the 108384
recipient's ~~or participant's~~ attorney, if any, shall cooperate 108385
with the departments. In furtherance of this requirement, the 108386
medical assistance recipient ~~or participant~~, or the recipient's ~~or~~ 108387

~~participant's~~ attorney, if any, shall, not later than thirty days 108388
after initiating informal recovery activity or filing a legal 108389
recovery action against a third party, provide written notice of 108390
the activity or action to the department of ~~job and family~~ 108391
~~services when medicaid or county department if it has paid for~~ 108392
medical assistance under ~~medicaid has been paid a medical~~ 108393
assistance program. 108394

(D) The written notice that must be given under division (C) 108395
of this section shall disclose the identity and address of any 108396
third party against whom the medical assistance recipient ~~or~~ 108397
~~participant~~ has or may have a right of recovery. 108398

(E) No settlement, compromise, judgment, or award or any 108399
recovery in any action or claim by a medical assistance recipient 108400
~~or participant~~ where the ~~departments have~~ department or county 108401
department has a right of recovery shall be made final without 108402
first giving the ~~appropriate departments~~ department or county 108403
department written notice as described in division (C) of this 108404
section and a reasonable opportunity to perfect ~~their~~ its rights 108405
of recovery. If the ~~departments are~~ department or county 108406
department is not given the appropriate written notice, the 108407
medical assistance recipient ~~or participant~~ and, if there is one, 108408
the recipient's ~~or participant's~~ attorney, are liable to reimburse 108409
the ~~departments~~ department or county department for the recovery 108410
received to the extent of medical assistance payments made by the 108411
~~departments~~ department or county department. 108412

(F) The ~~departments~~ department or county department shall be 108413
permitted to enforce ~~their~~ its recovery rights against the third 108414
party even though ~~they~~ it accepted prior payments in discharge of 108415
~~their~~ its rights under this section if, at the time the 108416
~~departments~~ department or county department received such 108417
payments, ~~they were~~ it was not aware that additional medical 108418
expenses had been incurred but had not yet been paid by the 108419

~~departments~~ department or county department. The third party 108420
becomes liable to the department ~~of job and family services~~ or 108421
county department ~~of job and family services~~ as soon as the third 108422
party is notified in writing of the valid claims for recovery 108423
under this section. 108424

(G)(1) Subject to division (G)(2) of this section, the right 108425
of recovery of ~~a~~ the department or county department does not 108426
apply to that portion of any judgment, award, settlement, or 108427
compromise of a claim, to the extent of attorneys' fees, costs, or 108428
other expenses incurred by a medical assistance recipient ~~or~~ 108429
~~participant~~ in securing the judgment, award, settlement, or 108430
compromise, or to the extent of medical, surgical, and hospital 108431
expenses paid by such recipient ~~or participant~~ from the 108432
recipient's ~~or participant's~~ own resources. 108433

(2) Reasonable attorneys' fees, not to exceed one-third of 108434
the total judgment, award, settlement, or compromise, plus costs 108435
and other expenses incurred by the medical assistance recipient ~~or~~ 108436
~~participant~~ in securing the judgment, award, settlement, or 108437
compromise, shall first be deducted from the total judgment, 108438
award, settlement, or compromise. After fees, costs, and other 108439
expenses are deducted from the total judgment, award, settlement, 108440
or compromise, the department of ~~job and family services~~ medicaid 108441
or ~~appropriate~~ county department ~~of job and family services~~ shall 108442
receive no less than one-half of the remaining amount, or the 108443
actual amount of medical assistance paid, whichever is less. 108444

(H) A right of recovery created by this section may be 108445
enforced separately or jointly by the department of ~~job and family~~ 108446
~~services~~ medicaid or the ~~appropriate~~ county department ~~of job and~~ 108447
~~family services~~. To enforce ~~their~~ its recovery rights, the 108448
~~departments~~ department or county department may do any of the 108449
following: 108450

(1) Intervene or join in any action or proceeding brought by 108451

the medical assistance recipient ~~or participant~~ or on the 108452
recipient's ~~or participant's~~ behalf against any third party who 108453
may be liable for the cost of medical assistance paid; 108454

(2) Institute and pursue legal proceedings against any third 108455
party who may be liable for the cost of medical assistance paid; 108456

(3) Initiate legal proceedings in conjunction with any 108457
injured, diseased, or disabled medical assistance recipient ~~or~~ 108458
~~participant~~ or the recipient's ~~or participant's~~ attorney or 108459
representative. 108460

(I) A medical assistance recipient ~~or participant~~ shall not 108461
assess attorney fees, costs, or other expenses against the 108462
department of ~~job and family services~~ medicaid or a county 108463
department ~~of job and family services~~ when the department or 108464
county department enforces its right of recovery created by this 108465
section. 108466

(J) The right of recovery given to the department under this 108467
section ~~does not include rights to support from any other person~~ 108468
~~assigned to the state under sections 5107.20 and 5115.07 of the~~ 108469
~~Revised Code, but~~ includes payments made by a third party under 108470
contract with a person having a duty to support. 108471

(K) The department of medicaid may assign to a medical 108472
assistance provider the right of recovery given to the department 108473
under this section with respect to any claim for which the 108474
department has notified the provider that the department intends 108475
to recoup the department's prior payment for the claim. 108476

Sec. 5160.371. In addition to the requirement of division (C) 108477
of section 5160.37 of the Revised Code to cooperate with the 108478
department of medicaid and county department of job and family 108479
services, a medical assistance recipient and the recipient's 108480
attorney, if any, shall cooperate with each medical provider of 108481

the recipient. Cooperation with a medical provider shall consist 108482
of disclosing to the provider all information the recipient and 108483
attorney, if any, possess that would assist the provider in 108484
determining each third party that is responsible for the payment 108485
or processing of a claim for medical assistance provided to the 108486
recipient. If disclosure is not made in accordance with this 108487
section, the recipient and the recipient's attorney, if any, are 108488
liable to reimburse the department or county department for the 108489
amount that would have been paid by a third party had the third 108490
party been disclosed to the provider by the recipient or the 108491
recipient's attorney. 108492

Sec. ~~5101.59~~ 5160.38. (A) The application for, or ~~acceptance~~ 108493
~~of enrollment in, public a medical~~ assistance program constitutes 108494
an automatic assignment of ~~certain~~ rights specified in division 108495
(B) of this section to the department of ~~job and family services~~ 108496
medicaid. This assignment includes the rights of the ~~applicant,~~ 108497
medical assistance recipient, ~~or participant~~ and also the rights 108498
of any other member of the assistance group for whom the 108499
~~applicant, recipient, or participant~~ can legally make an 108500
assignment. 108501

(B) Pursuant to this section, ~~the applicant, a medical~~ 108502
assistance recipient, ~~or participant~~ assigns to the department any 108503
rights to medical support available to the ~~applicant, recipient,~~ 108504
~~or participant~~ or ~~for~~ other members of the recipient's assistance 108505
group under an order of a court or administrative agency, and any 108506
rights to payments by a liable third party for the cost of medical 108507
assistance paid on behalf of ~~a public assistance~~ the recipient or 108508
~~participant or other members of the assistance group~~. The 108509
recipient ~~or participant~~ shall cooperate with the department in 108510
obtaining such payments. 108511

Medicare benefits shall not be assigned pursuant to this 108512

section. Benefits assigned to the department by operation of this 108513
section are directly reimbursable to the department by liable 108514
third parties. 108515

(C) Refusal by ~~the applicant,~~ a medical assistance recipient, 108516
~~or participant~~ to cooperate in obtaining medical assistance paid 108517
for self or any other member of the recipient's assistance group 108518
renders the ~~applicant,~~ recipient, ~~or participant~~ ineligible for 108519
~~public a medical~~ assistance program, unless cooperation is waived 108520
by the department. Eligibility shall continue for any individual 108521
who cannot legally assign the individual's own rights and who 108522
would have been eligible for ~~public a medical~~ assistance program 108523
but for the refusal to assign the individual's rights or to 108524
cooperate as required by this section by another person legally 108525
able to assign the individual's rights. 108526

(D) If ~~the applicant,~~ a medical assistance recipient, ~~or~~ 108527
~~participant~~ or any member of the recipient's assistance group 108528
becomes ineligible for ~~public a medical~~ assistance program, the 108529
department shall restore to the ~~applicant,~~ recipient, ~~participant,~~ 108530
or ~~member of the~~ assistance group member any future rights to 108531
benefits assigned under this section. 108532

~~(E) The rights of assignment given to the department under~~ 108533
~~this section do not include rights to support assigned under~~ 108534
~~section 5107.20 or 5115.07 of the Revised Code.~~ 108535

Sec. ~~5101.572~~ 5160.39. (A) A third party shall cooperate with 108536
the department of ~~job and family services~~ medicaid in identifying 108537
individuals for the purpose of establishing third party liability 108538
~~pursuant to Title XIX of the Social Security Act, as amended~~ 108539
regarding medical assistance programs. 108540

(B) In furtherance of the requirement in division (A) of this 108541
section and to allow the department to determine any period that 108542
the individual or the individual's spouse or dependent may have 108543

been covered by the third party and the nature of the coverage, a 108544
third party shall provide, as the department so chooses, 108545
information or access to information, or both, in the third 108546
party's electronic data system on the department's request and in 108547
accordance with division (C) of this section. 108548

(C)(1) If the department chooses to receive information 108549
directly, the third party shall provide the information under all 108550
of the following circumstances: 108551

(a) In a medium, format, and manner prescribed ~~by the~~ 108552
~~director of job and family services~~ in rules ~~adopted under~~ 108553
authorized by section 5101.591 5160.43 of the Revised Code; 108554

(b) Free of charge; 108555

(c) Not later than the end of the thirtieth day after the 108556
department makes its request, unless a different time is agreed to 108557
by the director in writing. 108558

(2) If the department chooses to receive access to 108559
information, the third party shall provide access by a method 108560
prescribed ~~by the director of job and family services~~ in rules 108561
~~adopted under~~ authorized by section 5101.591 5160.43 of the 108562
Revised Code. In facilitating access, the department may enter 108563
into a trading partner agreement with the third party to permit 108564
the exchange of information via "ASC X 12N 270/271 Health Care 108565
Eligibility Benefit Inquiry and Response" transactions. 108566

(D) All of the following apply with respect to information 108567
provided by a third party to the department under this section: 108568

(1) The information is confidential and not a public record 108569
under section 149.43 of the Revised Code. 108570

(2) The release of information to the department is not to be 108571
considered a violation of any right of confidentiality or contract 108572
that the third party may have with covered persons including, but 108573

not limited to, contractees, beneficiaries, heirs, assignees, and subscribers. 108574
108575

(3) The third party is immune from any liability that it may otherwise incur through its release of information to the department. 108576
108577
108578

The department ~~of job and family services~~ shall limit its use of information gained from third parties to purposes directly connected with the administration of the medicaid program and the child support program authorized by Title IV-D of the "Social Security Act," 42 U.S.C. 651 et seq. 108579
108580
108581
108582
108583

(E) No third party shall disclose to other parties or make use of any information regarding medical assistance recipients ~~of aid under Chapter 5107. or 5111. of the Revised Code~~ that it obtains from the department, except in the manner provided ~~for by the director of job and family services~~ in administrative rules authorized by section 5160.43 of the Revised Code. 108584
108585
108586
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108588
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Sec. ~~5101.573~~ 5160.40. (A) Subject to divisions (B) and (C) of this section, a third party shall do all of the following: 108590
108591

(1) Accept the department of ~~job and family services'~~ medicaid's right of recovery under section ~~5101.58~~ 5160.37 of the Revised Code and the assignment of rights to the department that are described in section ~~5101.59~~ 5160.38 of the Revised Code; 108592
108593
108594
108595

(2) Respond to an inquiry by the department regarding a claim for payment of a medical item or service that was submitted to the third party not later than six years after the date of the provision of such medical item or service; 108596
108597
108598
108599

(3) Not charge a fee to do either of the following for a claim described in division (A)(2) of this section: 108600
108601

(a) Determine whether the claim should be paid; 108602

(b) Process the claim. 108603

(4) Pay a claim described in division (A)(2) of this section; 108604

(5) Not deny a claim submitted by the department solely on 108605
the basis of the date of submission of the claim, type or format 108606
of the claim form, or a failure by the medical assistance 108607
recipient who is the subject of the claim to present proper 108608
documentation of coverage at the time of service, if both of the 108609
following ~~are true~~ have occurred: 108610

(a) The claim was submitted by the department not later than 108611
six years after the date of the provision of the medical item or 108612
service. 108613

(b) An action by the department to enforce its right of 108614
recovery under section ~~5101.58~~ 5160.37 of the Revised Code on the 108615
claim was commenced not later than six years after the 108616
department's submission of the claim. 108617

(6) Consider the department's payment of a claim for a 108618
medical item or service to be the equivalent of the medical 108619
assistance recipient having obtained prior authorization for the 108620
item or service from the third party; 108621

(7) Not deny a claim described in division (A)(6) of this 108622
section that is submitted by the department solely on the basis of 108623
the medical assistance recipient's failure to obtain prior 108624
authorization for the medical item or service. 108625

(B) For purposes of the requirements in division (A) of this 108626
section, a third party shall treat a medicaid managed care 108627
organization as the department for a claim ~~in which both of the~~ 108628
~~following are true~~: 108629

~~(1) The~~ if the individual who is the subject of the claim 108630
received a medical item or service through a medicaid managed care 108631
organization ~~that has entered into a contract with the department~~ 108632
~~of job and family services under section 5111.17 of the Revised~~ 108633
~~Code~~; 108634

~~(2)~~ The and the department has assigned its right of recovery 108635
for the claim to the medicaid managed care organization. 108636

(C) If the department of medicaid, as permitted by division 108637
(K) of section 5160.37 of the Revised Code, assigns to a medical 108638
assistance provider the department's right of recovery for a claim 108639
for which it has notified the provider that it intends to recoup 108640
its prior payment for a claim, a third party shall treat the 108641
provider as the department and shall pay the provider the greater 108642
of the following: 108643

(1) The amount the department intends to recoup from the 108644
provider for the claim. 108645

(2) If the third party and the provider have an agreement 108646
that requires the third party to pay the provider at the time the 108647
provider presents the claim to the third party, the amount that is 108648
to be paid under that agreement. 108649

(D) The time limitations associated with the requirements in 108650
divisions (A)(2) and (5) of this section apply only to submissions 108651
of claims to, and payments of claims by, a health insurer to which 108652
the "Social Security Act," section 1902(a)(25)(I), 42 U.S.C. 108653
1396a(a)(25)(I), applies. 108654

Sec. ~~5101.574~~ 5160.41. No third party shall consider whether 108655
an individual is eligible for or ~~receives~~ enrolled in a medical 108656
assistance program when either of the following applies: 108657

(A) The individual seeks to obtain a policy or enroll in a 108658
plan or program operated or administered by the third party; 108659

(B) The individual, or a person or governmental entity on the 108660
individual's behalf, seeks payment for a medical item or service 108661
provided to the individual. 108662

Sec. ~~5101.575~~ 5160.42. (A) If a third party violates section 108663

~~5101.572~~ 5160.39, ~~5101.573~~ 5160.40, or ~~5101.574~~ 5160.41 of the Revised Code, a governmental entity that is responsible for issuing a license, certificate of authority, registration, or approval that authorizes the third party to do business in this state may impose a fine against the third party or deny, revoke, or terminate the third party's license, certificate, registration, or approval to do business in this state. The governmental entity shall determine which sanction is to be imposed. All actions to impose the sanction shall be taken in accordance with Chapter 119. of the Revised Code.

(B) In addition to the sanctions that may be imposed under division (A) of this section for a violation of section ~~5101.572~~ 5160.39, ~~5101.573~~ 5160.40, or ~~5101.574~~ 5160.41 of the Revised Code, the attorney general may petition a court of common pleas to enjoin the violation.

Sec. ~~5101.591~~ 5160.43. (A) ~~Except as provided in division (B) of this section, the~~ The medicaid director ~~of job and family services~~ may adopt rules ~~in accordance with Chapter 119. under section 5160.02~~ of the Revised Code to implement sections ~~5101.571~~ 5160.35 to ~~5101.59~~ 5160.43 of the Revised Code, including rules that specify what constitutes cooperating with efforts to obtain support or payments, or medical assistance payments, and when cooperation may be waived.

(B) The department shall adopt rules ~~in accordance with Chapter 119. under section 5160.02~~ of the Revised Code to do all of the following:

(1) For purposes of the definition of "information" in division (A) of section ~~5101.571~~ 5160.35 of the Revised Code, any data other than the data specified in that division that should be included in the definition.

(2) For purposes of division (C)(1)(a) of section ~~5101.572~~

5160.39 of the Revised Code, the medium, format, and manner in which a third party must provide information to the department. 108695
108696

(3) For purposes of division (C)(2) of section ~~5101.572~~ 108697
5160.39 of the Revised Code, the method by which a third party 108698
must provide the department with access to information. 108699

(C) Rules authorized by division (A) of this section may be 108700
adopted in accordance with section 111.15 of the Revised Code. 108701
Rules authorized by division (B) of this section shall be adopted 108702
in accordance with Chapter 119. of the Revised Code. 108703

Sec. ~~5101.271~~ 5160.45. (A) As used in sections 5160.45 to 108704
5160.481 of the Revised Code, "information" means all of the 108705
following: 108706

(1) Records, as defined in section 149.011 of the Revised 108707
Code; 108708

(2) Any other documents in any format; 108709

(3) Data derived from records and documents that are 108710
generated, acquired, or maintained by the department of medicaid, 108711
a county department of job and family services, or an entity 108712
performing duties on behalf of the department or a county 108713
department. 108714

(B) Except as permitted by this section, section ~~5101.273~~ 108715
5160.47, or rules ~~adopted under~~ authorized by section ~~5101.30~~ 108716
5160.48 or 5160.481 of the Revised Code, or when required by 108717
federal law, no person or government entity shall use or disclose 108718
information regarding a medical assistance recipient for any 108719
purpose not directly connected with the administration of ~~the a~~ 108720
medical assistance program. 108721

~~(B)~~(C) Both of the following shall be considered to be 108722
purposes directly connected with the administration of ~~the a~~ 108723
medical assistance program: 108724

(1) Treatment, payment, or other operations or activities 108725
authorized by 42 C.F.R. Chapter IV; 108726

(2) Any administrative function or duty the department of ~~job~~ 108727
~~and family services~~ medicaid performs alone or jointly with a 108728
federal government entity, another state government entity, or a 108729
local government entity implementing a provision of federal law. 108730

~~(C)~~(D) The department or a county ~~agency~~ department of job 108731
and family services may disclose information regarding a medical 108732
assistance recipient to any of the following: 108733

(1) The recipient or the recipient's authorized 108734
representative; 108735

(2) The recipient's legal guardian in accordance with 108736
division (C) of section 2111.13 of the Revised Code; 108737

(3) The attorney of the recipient, if the department or 108738
county ~~agency~~ department has obtained authorization from the 108739
recipient, or the recipient's authorized representative, ~~or the~~ 108740
~~recipient's~~ legal guardian that meets all requirements of the 108741
Health Insurance Portability and Accountability Act of 1996, ~~Pub.~~ 108742
~~L. 104-191, 110 Stat. 1955,~~ 42 U.S.C. 1320d et seq., ~~as amended,~~ 108743
regulations promulgated by the United States department of health 108744
and human services to implement the act, section ~~5101.272~~ 5160.46 108745
of the Revised Code, and any rules ~~the director of job and family~~ 108746
~~services adopts under~~ authorized by section ~~5101.30~~ 5160.48 of the 108747
Revised Code; 108748

(4) A health information or health records management entity 108749
that has executed with the department a business associate 108750
agreement required by 45 C.F.R 164.502(e)(2) and has been 108751
authorized by the recipient, or the recipient's authorized 108752
representative, ~~or the recipient's~~ legal guardian to receive the 108753
recipient's electronic health records in accordance with rules ~~the~~ 108754
~~director of job and family services adopts under~~ authorized by 108755

section ~~5101.30~~ 5160.48 of the Revised Code; 108756

(5) A court if pursuant to a written order of the court. 108757

~~(D)~~(E) The department may receive from county departments of 108758
job and family services information regarding any medical 108759
assistance recipient for purposes of training and verifying the 108760
accuracy of eligibility determinations for a medical assistance 108761
program. The department may assemble information received under 108762
this division into a report if the report is in a form specified 108763
by the department. Information received and assembled into a 108764
report under this division shall remain confidential and not be 108765
subject to disclosure pursuant to section 149.43 or 1347.08 of the 108766
Revised Code. 108767

~~(E)~~(F) The department shall notify courts in this state 108768
regarding its authority, under division ~~(C)~~(D)(5) of this section, 108769
to disclose information regarding a medical assistance recipient 108770
pursuant to a written court order. 108771

Sec. 5160.46. (A) For the purposes of section 5160.45 of the 108772
Revised Code, an authorization shall be made on a form that uses 108773
language understandable to the average person and contains all of 108774
the following: 108775

(1) A description of the information to be used or disclosed 108776
that identifies the information in a specific and meaningful 108777
fashion; 108778

(2) The name or other specific identification of the person 108779
or class of persons authorized to make the requested use or 108780
disclosure; 108781

(3) The name or other specific identification of the person 108782
or government entity to which the information may be released; 108783

(4) A description of each purpose of the requested use or 108784
disclosure of the information; 108785

<u>(5) The date on which the authorization expires or an event</u>	108786
<u>related either to the individual who is the subject of the request</u>	108787
<u>or to the purposes of the requested use or disclosure, the</u>	108788
<u>occurrence of which will cause the authorization to expire;</u>	108789
<u>(6) A statement that the information used or disclosed</u>	108790
<u>pursuant to the authorization may be disclosed by the recipient of</u>	108791
<u>the information and may no longer be protected from disclosure;</u>	108792
<u>(7) The signature of the individual or the individual's</u>	108793
<u>authorized representative and the date on which the authorization</u>	108794
<u>was signed;</u>	108795
<u>(8) If signed by an authorized representative, a description</u>	108796
<u>of the representative's authority to act for the individual;</u>	108797
<u>(9) A statement of the individual or authorized</u>	108798
<u>representative's right to prospectively revoke the written</u>	108799
<u>authorization in writing, along with either of the following:</u>	108800
<u>(a) A description of how the individual or authorized</u>	108801
<u>representative may revoke the authorization;</u>	108802
<u>(b) If the department of medicaid has established a privacy</u>	108803
<u>notice that contains a description of how the individual or</u>	108804
<u>authorized representative may revoke the authorization, a</u>	108805
<u>reference to the privacy notice.</u>	108806
<u>(10) A statement that treatment, payment, enrollment, or</u>	108807
<u>eligibility for a medical assistance program cannot be conditioned</u>	108808
<u>on signing the authorization unless the authorization is necessary</u>	108809
<u>for determining eligibility for the program.</u>	108810
<u>(B) An authorization for the release of information regarding</u>	108811
<u>a medical assistance recipient to the recipient's attorney under</u>	108812
<u>division (D)(3) of section 5160.45 of the Revised Code may include</u>	108813
<u>a provision specifically authorizing the release of the</u>	108814
<u>recipient's electronic health records, if any, in accordance with</u>	108815

rules authorized by section 5160.48 or 5160.481 of the Revised Code. 108816
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(C) When an individual requests information pursuant to section 5160.45 of the Revised Code regarding the individual's enrollment in a medical assistance program and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for purposes of division (A)(4) of this section. 108818
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Sec. 5160.47. The department of medicaid shall enter into any necessary agreements with the United States department of health and human services and neighboring states to join and participate as an active member in the public assistance reporting information system. The department may disclose information regarding a medical assistance recipient to the extent necessary to participate as an active member in the system. 108824
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Sec. 5160.48. (A) The medicaid director shall adopt rules under section 5160.02 of the Revised Code implementing sections 5160.45 to 5160.481 of the Revised Code and governing the custody, use, disclosure, and preservation of the information generated or received by the department of medicaid, county departments of job and family services, other state and county entities, contractors, grantees, private entities, or officials participating in the administration of medical assistance programs. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules may define who is an "authorized representative" for purposes of sections 5160.45 and 5160.46 of the Revised Code. The rules shall specify conditions and procedures for the release of information, which may include both of the following: 108831
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(1) Permitting a provider of a service under a medical assistance program limited access to information that is essential 108844
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for the provider to render the service or to bill for the service rendered; 108846
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(2) Permitting a contractor, grantee, or other state or county entity limited access to information that is essential for the contractor, grantee, or entity to perform administrative or other duties on behalf of the department or a county department. 108848
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(B) The department of aging, when investigating a complaint under section 173.20 of the Revised Code, shall be granted any limited access permitted in the rules authorized by division (A)(1) of this section. 108852
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A contractor, grantee, or entity given access to information pursuant to the rules authorized by division (A)(2) of this section is bound by the director's rules. Disclosure of the information by the contractor, grantee, or entity in a manner not authorized by the rules is a violation of section 5160.45 of the Revised Code. 108856
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Sec. 5160.481. Whenever names, addresses, or other information relating to medical assistance recipients is held by any agency other than the department of medicaid or a county department of job and family services, that other agency shall adopt rules consistent with sections 5160.45 to 5160.481 of the Revised Code to prevent the publication or disclosure of names, lists, or other information concerning those recipients. 108862
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Sec. 5160.50. The department of medicaid shall administer the refugee medical assistance program authorized by the "Immigration and Nationality Act," section 412(e), 8 U.S.C. 1522(e). 108869
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Sec. 5160.52. The medicaid director may provide for the department of medicaid to develop, participate in the development 108873
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of, negotiate, and enter into one or more interstate compacts on 108875
behalf of this state with agencies of any other states, for the 108876
provision of medical assistance to children in relation to whom 108877
all of the following apply: 108878

(A) They have special needs. 108879

(B) This state or another state that is a party to the 108880
interstate compact is providing adoption assistance on their 108881
behalf. 108882

(C) They move into this state from another state or move out 108883
of this state to another state. 108884

Sec. 5160.99. Whoever violates division (B) of section 108885
5160.45 of the Revised Code is guilty of a misdemeanor of the 108886
first degree. 108887

Sec. 5161.01. (A) As used in the Revised Code, "children's 108888
health insurance program" and, when used as an acronym for the 108889
children's health insurance program, "CHIP" mean the program of 108890
child health assistance authorized by Title XXI of the "Social 108891
Security Act," 42 U.S.C. 1397aa et seq. CHIP part I, CHIP part II, 108892
and CHIP part III, as authorized by this chapter, are components 108893
of CHIP. Any reference in statute enacted by the general assembly 108894
to medicaid or the medicaid program also means CHIP to the extent, 108895
if any, that CHIP is provided under the medicaid program. 108896

(B) As used in this chapter, "federal poverty line" means the 108897
official poverty line defined by the United States office of 108898
management and budget based on the most recent data available from 108899
the United States bureau of the census and revised by the United 108900
States secretary of health and human services pursuant to the 108901
"Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 108902
U.S.C. 9902(2). 108903

~~Sec. 5101.502~~ 5161.02. The medicaid director ~~of job and family services~~ may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of the children's health insurance program ~~part I~~, including rules that establish all of the following:

(A) The conditions under which ~~health assistance services~~ the program will ~~be reimbursed~~ pay for health benefits coverage;

(B) The method of ~~reimbursement~~ applicable to services reimbursable under the program payment;

(C) The amount of ~~reimbursement~~ payment, or the method by which the amount is to be determined, for each ~~reimbursable~~ service included in the health benefits coverage.

~~Sec. 5101.50~~ 5161.05. ~~(A) As used in sections 5101.50 to 5101.529 of the Revised Code:~~

~~(1) "Children's health insurance program" means the program authorized by Title XXI of the "Social Security Act," 111 Stat. 552 (1997), 42 U.S.C.A. 1397aa.~~

~~(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.~~

~~(B) The medicaid director ~~of job and family services~~ may continue to operate the component of the children's health insurance program initially authorized by an executive order issued under section 107.17 of the Revised Code as long as federal financial participation is available for the program. If operated, the program component shall ~~provide health assistance to pay for part or all of the cost of health benefits coverage for~~ uninsured individuals under nineteen years of age with family incomes not exceeding one hundred fifty per cent of the federal poverty guidelines line. ~~In accordance with 42 U.S.C.A. 1397aa, the director may provide for the health assistance to meet the~~~~

requirements of ~~42 U.S.C.A. 1397cc~~, to be provided under the 108934
medicaid program established under Chapter 5111. of the Revised 108935
Code, or to be a combination of both. 108936

Sec. ~~5101.501~~ 5161.06. Health assistance provided under The 108937
component of the children's health insurance program authorized by 108938
section ~~5101.50~~ 5161.05 of the Revised Code shall be known as ~~the~~ 108939
~~children's health insurance program~~ CHIP part I. 108940

Sec. ~~5101.51~~ 5161.10. In accordance with federal law 108941
governing the children's health insurance program, the medicaid 108942
~~director of job and family services~~ may submit a state child 108943
health plan to the United States secretary of health and human 108944
services to ~~provide pay~~, except as provided in section ~~5101.516~~ 108945
5161.22 of the Revised Code, ~~health assistance to for part or all~~ 108946
of the cost of health benefits coverage for uninsured individuals 108947
under nineteen years of age with family incomes above one hundred 108948
fifty per cent of the federal poverty ~~guidelines~~ line but not 108949
exceeding two hundred per cent of the federal poverty ~~guidelines~~ 108950
line. If the director submits the plan, the director shall ~~include~~ 108951
~~both of the following~~ stipulate in the plan+ 108952

~~(A) The health assistance will not begin before January 1,~~ 108953
~~2000.~~ 108954

~~(B) The health assistance that the payments will be available~~ 108955
only while federal financial participation is available for ~~it~~ 108956
them. 108957

Sec. ~~5101.511~~ 5161.11. Health assistance provided under The 108958
component of the children's health insurance program authorized by 108959
section ~~5101.51~~ 5161.10 of the Revised Code shall be known as ~~the~~ 108960
~~children's health insurance program~~ CHIP part II. 108961

Sec. ~~5101.512~~ 5161.12. If the medicaid director ~~of job and~~ 108962

~~family services~~ submits a state child health plan to the United States secretary of health and human services under section ~~5101.51~~ 5161.10 of the Revised Code and the secretary approves the plan, the director shall implement ~~the children's health insurance program~~ CHIP part II in accordance with the plan. ~~The director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of the program,~~ including rules that establish all of the following:

~~(A) The conditions under which health assistance services will be reimbursed;~~

~~(B) The method of reimbursement applicable to services reimbursable under the program;~~

~~(C) The amount of reimbursement, or the method by which the amount is to be determined, for each reimbursable service.~~

Sec. ~~5101.52~~ 5161.15. In accordance with federal law governing the children's health insurance program, the medicaid director ~~of job and family services~~ may submit a request for a federal waiver to the United States secretary of health and human services to provide pay, except as provided in section ~~5101.526~~ 5161.22 of the Revised Code, ~~health assistance to for part or all of the cost of health benefits coverage for~~ individuals under nineteen years of age with family incomes above two hundred per cent of the federal poverty ~~guidelines~~ line but not exceeding three hundred per cent of the federal poverty ~~guidelines~~ line. If the director submits the ~~plan~~ waiver request, the director shall stipulate in the ~~plan~~ request that the ~~health assistance payments~~ will be available only while federal financial participation is available for it ~~and that health assistance shall not begin before January 1, 2008~~ them.

Sec. ~~5101.521~~ 5161.16. Health assistance provided under The

~~component of the children's health insurance program authorized by~~ 108993
~~section 5101.52 5161.15 of the Revised Code shall be known as the~~ 108994
~~children's health insurance program CHIP part III.~~ 108995

Sec. ~~5101.522~~ 5161.17. If the medicaid director ~~of job and~~ 108996
~~family services~~ submits a waiver request to the United States 108997
secretary of health and human services under section ~~5101.52~~ 108998
5161.15 of the Revised Code and the secretary grants the waiver, 108999
the director shall implement ~~the children's health insurance~~ 109000
~~program~~ CHIP part III in accordance with the waiver. ~~The director~~ 109001
~~may adopt rules in accordance with Chapter 119. of the Revised~~ 109002
~~Code as necessary for the efficient administration of the program,~~ 109003
~~including rules that establish all of the following:~~ 109004

~~(A) The conditions under which health assistance services~~ 109005
~~will be reimbursed;~~ 109006

~~(B) The method of reimbursement applicable to services~~ 109007
~~reimbursable under the program;~~ 109008

~~(C) The amount of reimbursement, or the method by which the~~ 109009
~~amount is to be determined, for each reimbursable service.~~ 109010

Sec. ~~5101.524~~ 5161.20. In accordance with the "Social 109011
Security Act," section 2101, 42 U.S.C. 1397aa, ~~the director of job~~ 109012
~~and family services shall provide for health assistance under the~~ 109013
~~children's health insurance program part III to meet~~ shall provide 109014
payments for obtaining health benefits coverage through any of the 109015
following: 109016

(A) Obtaining coverage that meets the requirements the 109017
"Social Security Act," section 2103, of 42 U.S.C. 1397cc, ~~to be~~ 109018
~~provided;~~ 109019

(B) Providing benefits under the medicaid program ~~established~~ 109020
~~under Chapter 5111. of the Revised Code, or to be a~~ 109021

(C) A combination of both divisions (A) and (B) of this section. 109022
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Sec. ~~5101.516~~ 5161.22. If the medicaid director ~~of job and family services~~ determines that federal financial participation for the ~~children's health insurance program~~ CHIP part II, part III, or both parts is insufficient to ~~provide health assistance to~~ pay for part or all of the costs of health benefits coverage for all the individuals the director anticipates are eligible for the ~~program part or parts~~, the director may refuse to accept new applications for the ~~program part or parts~~ or may make the ~~program's~~ eligibility requirements more restrictive for the part or parts. 109024
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Sec. ~~5101.517~~ 5161.24. To the extent permitted by the "Social Security Act," section 2103(e), 42 U.S.C.A. 1397cc(e), the medicaid director ~~of job and family services~~ may require an individual ~~receiving health assistance under the children's health insurance program~~ seeking to enroll, or who is enrolled, in CHIP part II to pay a premium, deductible, coinsurance payment, or other cost-sharing expense. 109034
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Sec. ~~5101.527~~ 5161.25. To the extent permitted by the "Social Security Act," section 2103(e), 42 U.S.C. 1397cc(e), the medicaid director ~~of job and family services~~ shall require an individual ~~receiving health assistance under the children's health insurance program~~ seeking to enroll, or who is enrolled, in CHIP part III to pay the following as a term of ~~participation in the program~~ enrollment: 109041
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(A) A premium of not less than forty dollars per month for a family with one individual ~~receiving health assistance under~~ seeking to enroll, or who is enrolled, in the program part; 109048
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(B) A premium of not less than eighty dollars per month for a 109051

family with two individuals ~~receiving health assistance under~~ 109052
seeking to enroll, or who is enrolled, in the program part; 109053

(C) A premium of not less than one hundred twenty dollars per 109054
month for a family with three or more individuals ~~receiving health~~ 109055
~~assistance under~~ seeking to enroll, or who are enrolled, in the 109056
program part. 109057

Sec. ~~5101.519~~ 5161.27. A completed application for ~~medical~~ 109058
~~assistance under Chapter 5111. of the Revised Code~~ medicaid shall 109059
be treated as an application for ~~health assistance under the~~ 109060
children's health insurance program ~~part II~~ if the application is 109061
for an assistance group that includes a child under nineteen years 109062
of age and is denied. 109063

Sec. ~~5101.513~~ 5161.30. The medicaid director ~~of job and~~ 109064
~~family services~~ may contract with a government entity or person to 109065
perform the director's administrative duties regarding ~~the~~ 109066
~~children's health insurance program~~ CHIP part I, part II, part 109067
III, two of the parts, or all three parts, other than the duty to 109068
submit a state child health plan to the United States secretary of 109069
health and human services under section ~~5101.51~~ 5161.10 of the 109070
Revised Code, the duty to submit a waiver request under section 109071
5161.15 of the Revised Code, and the duty to adopt rules under 109072
section ~~5101.512~~ 5161.02 of the Revised Code. 109073

Sec. ~~5101.5110~~ 5161.35. (A) The medicaid director ~~of job and~~ 109074
~~family services~~ may submit a waiver request to the United States 109075
secretary of health and human services to provide health 109076
assistance to any individual who meets all of the following 109077
requirements: 109078

(1) Is the parent of a child who is under nineteen years of 109079
age ~~who,~~ resides with the parent, and is ~~eligible for health~~ 109080
~~assistance under~~ enrolled in the children's health insurance 109081

program part I or II or the medicaid program ~~established under~~ 109082
~~Chapter 5111. of the Revised Code;~~ 109083

(2) Is uninsured; 109084

(3) Has a family income that does not exceed one hundred per 109085
cent of the federal poverty ~~guidelines~~ line. 109086

(B) A waiver request the director submits under division (A) 109087
of this section may seek federal funds allotted to the state under 109088
~~Title XXI of the "Social Security Act," 111 Stat. 558 (1997)~~ 109089
section 2104, 42 U.S.C.A. 1397dd, as amended, that are not 109090
otherwise used to fund the children's health insurance program 109091
parts I and II. 109092

~~(C) If a waiver request the director submits under division~~ 109093
~~(A) of this section is granted, the director may adopt rules in~~ 109094
~~accordance with Chapter 119. of the Revised Code as necessary for~~ 109095
~~the efficient administration of the program authorization by the~~ 109096
~~waiver.~~ 109097

Sec. 5162.01. (A) As used in the Revised Code: 109098

(1) "Medicaid" and "medicaid program" mean the program of 109099
medical assistance established by Title XIX of the "Social 109100
Security Act," 42 U.S.C. 1396 et seq., including any medical 109101
assistance provided under the medicaid state plan or a federal 109102
medicaid waiver granted by the United States secretary of health 109103
and human services. 109104

(2) "Medicare" and "medicare program" mean the federal health 109105
insurance program established by Title XVIII of the "Social 109106
Security Act," 42 U.S.C. 1395 et seq. 109107

(B) As used in this chapter: 109108

(1) "Dual eligible individual" has the same meaning as in 109109
section 5160.01 of the Revised Code. 109110

- (2) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code. 109111
109112
- (3) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2). 109113
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- (4) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component. 109119
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- (5) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 109123
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- (6) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 109125
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- (7) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 109127
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- (8) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 109129
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- (9) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 109131
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- (10) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state. 109133
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- (11) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 109137
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- (12) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 109139
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(13) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:

(a) It holds a valid provider agreement.

(b) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules authorized by section 5162.364 of the Revised Code.

(14) "State agency" means every organized body, office, or agency, other than the department of medicaid, established by the laws of the state for the exercise of any function of state government.

(15) "Vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider.

Sec. 5162.02. The medicaid director shall adopt rules as necessary to implement this chapter.

Sec. 5162.021. The medicaid director shall adopt rules under sections 5160.02, 5162.02, 5163.03, 5164.04, 5165.05, 5166.02, and 5167.02 of the Revised Code as necessary to authorize the directors of other state agencies to adopt rules regarding medicaid components, or aspects of medicaid components, the other state agencies administer pursuant to contracts entered into under section 5162.35 of the Revised Code.

Sec. 5162.022. The medicaid director's rules governing medicaid are binding on other state agencies and political subdivisions that administer one or more components of the

medicaid program, or one or more aspects of a component, pursuant 109170
to contracts entered into under section 5162.35 of the Revised 109171
Code. No state agency or political subdivision may establish, by 109172
rule or otherwise, a policy governing medicaid that is 109173
inconsistent with a medicaid policy established, in rule or 109174
otherwise, by the director. 109175

~~Sec. 5111.01 5162.03. (A) As used in this chapter:~~ 109176

~~"Children's health insurance program" means the children's~~ 109177
~~health insurance program part I, children's health insurance~~ 109178
~~program part II, and children's health insurance program part III~~ 109179
~~authorized by sections 5101.50 to 5101.529 of the Revised Code.~~ 109180

~~"Medical assistance program" or "medicaid" means the program~~ 109181
~~that is authorized by this chapter and provided by the office of~~ 109182
~~medical assistance under this chapter, Title XIX of the "Social~~ 109183
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, et seq., as~~ 109184
~~amended, and the waivers of Title XIX requirements granted to the~~ 109185
~~office by the centers for medicare and medicaid services of the~~ 109186
~~United States department of health and human services.~~ 109187

~~(B) There is hereby established the office of medical~~ 109188
~~assistance as a work unit within the department of job and family~~ 109189
~~services. The chief of the office shall hold the title of medical~~ 109190
~~assistance director. Notwithstanding section 5101.06 of the~~ 109191
~~Revised Code, the governor shall appoint the medical assistance~~ 109192
~~director and the medical assistance director shall serve at the~~ 109193
~~governor's pleasure. The medical assistance director is not an~~ 109194
~~assistant director of the department of job and family services~~ 109195
~~for purposes of section 121.05 or 5101.03 of the Revised Code or~~ 109196
~~any other purpose.~~ 109197

~~Subject to appropriations for the medicaid program and~~ 109198
~~children's health insurance program, the department of job and~~ 109199

~~family services shall provide staff and support services as necessary for the operation of the office of medical assistance.~~ 109200
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~~If a statute, rule, contract, or other legal authority requires the director of job and family services or department of job and family services to take an action regarding the medicaid program or children's health insurance program, the medical assistance director or office of medical assistance shall take the action in place of the director of job and family services or department of job and family services. If a statute, rule, contract, or other legal authority permits the director of job and family services or department of job and family services to take an action regarding the medicaid program or children's health insurance program, the medical assistance director or office of medical assistance shall take the action in place of the director of job and family services or department of job and family services if the action is to be taken.~~ 109202
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~~The office For the purpose of the "Social Security Act," section 1902(a)(5), 42 U.S.C. 1396a(a)(5), the department of medical assistance medicaid shall act as the single state agency to supervise the administration of the medicaid program. As the single state agency, the office department shall comply with 42 C.F.R. 431.10(e) and all other federal requirements applicable to the single state agency. The office's rules governing medicaid are binding on other agencies that administer components of the medicaid program. No agency may establish, by rule or otherwise, a policy governing medicaid that is inconsistent with a medicaid policy established, in rule or otherwise, by the medical assistance director.~~ 109216
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~~(C) The office of medical assistance may provide medical assistance under the medicaid program as long as federal funds are provided for such assistance, to the following:~~ 109228
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~~(1) Families with children that meet either of the following~~ 109231

conditions: 109232

~~(a) The family meets the income, resource, and family composition requirements in effect on July 16, 1996, for the former aid to dependent children program as those requirements were established by Chapter 5107. of the Revised Code, federal waivers granted pursuant to requests made under former section 5101.09 of the Revised Code, and rules adopted by the department or any changes the department makes to those requirements in accordance with paragraph (a)(2) of section 114 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of implementing section 5111.0120 of the Revised Code. An adult loses eligibility for medicaid under division (C)(1)(a) of this section pursuant to division (E) of section 5107.16 of the Revised Code.~~ 109233
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~~(b) The family does not meet the requirements specified in division (C)(1)(a) of this section but is eligible for medicaid pursuant to section 5101.18 of the Revised Code.~~ 109246
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~~(2) Aged, blind, and disabled persons who meet the following conditions:~~ 109249
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~~(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI.~~ 109251
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~~(b) Do not receive aid under Title XVI, but meet any of the following criteria:~~ 109259
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~~(i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income~~ 109261
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~~under Title XVI, exceeds the maximum under division (C)(2)(a) of
this section, and incurred expenses for medical care, as
determined under federal regulations applicable to section 209(b)
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42
U.S.C. 1396a(f), as amended, equal or exceed the amount by which
their income exceeds the maximum under division (C)(2)(a) of this
section;~~

~~(ii) Received aid for the aged, aid to the blind, or aid for
the permanently and totally disabled prior to January 1, 1974, and
continue to meet all the same eligibility requirements;~~

~~(iii) Are eligible for medicaid pursuant to section 5101.18
of the Revised Code.~~

~~(3) Persons to whom federal law requires, as a condition of
state participation in the medicaid program, that medicaid be
provided;~~

~~(4) Persons under age twenty one who meet the income
requirements for the Ohio works first program established under
Chapter 5107. of the Revised Code but do not meet other
eligibility requirements for the program. The medical assistance
director shall adopt rules in accordance with Chapter 119. of the
Revised Code specifying which Ohio works first requirements shall
be waived for the purpose of providing medicaid eligibility under
division (C)(4) of this section.~~

~~(D) If sufficient funds are appropriated for the medicaid
program, the office of medical assistance may provide medical
assistance under the medicaid program to persons in groups
designated by federal law as groups to which a state, at its
option, may provide medical assistance under the medicaid program.~~

~~(E) The office of medical assistance may expand eligibility
for the medicaid program to include individuals under age nineteen
with family incomes at or below one hundred fifty per cent of the~~

~~federal poverty guidelines, except that the eligibility expansion shall not occur unless the office receives the approval of the federal government. The office may implement the eligibility expansion authorized under this division on any date selected by the office, but not sooner than January 1, 1998.~~

~~(F) In addition to any other authority or requirement to adopt rules under this chapter, the medical assistance director may adopt rules in accordance with section 111.15 of the Revised Code as the director considers necessary to establish standards, procedures, and other requirements regarding the provision of medical assistance under the medicaid program. The rules may establish requirements to be followed in applying for medicaid, making determinations of eligibility for medicaid, and verifying eligibility for medicaid. The rules may include special conditions as the office determines appropriate for making applications, determining eligibility, and verifying eligibility for any medical assistance that the office may provide under the medicaid program pursuant to division (E) of this section and section 5111.014 or 5111.0120 of the Revised Code.~~

Sec. 5111.98 5162.031. (A) The medicaid director ~~of job and family services~~ may do all of the following as necessary for the department of ~~job and family services~~ medicaid to fulfill the duties it has, as the single state agency for the medicaid program, under the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" Pub. L. No. 108-173, ~~117 Stat. 2066:~~

(1) Adopt rules in accordance with division (B) of this section;

(2) Assign duties to county departments of job and family services;

(3) Make payments to the United States department of health and human services from appropriations made to the department of

~~job and family services~~ medicaid for this purpose. 109325

(B) Rules ~~adopted under~~ authorized by division (A)(1) of this 109326
section shall be adopted as follows: 109327

(1) If the rules concern the department's duties regarding 109328
~~service~~ medicaid providers, ~~in accordance with Chapter 119. under~~ 109329
~~sections 5164.02 and 5165.02 of the Revised Code, as appropriate;~~ 109330

(2) If the rules concern the department's duties concerning 109331
individuals' eligibility for medicaid services, ~~in accordance with~~ 109332
~~under~~ section ~~111.15~~ 5163.02 of the Revised Code; 109333

(3) If the rules concern the department's duties concerning 109334
financial and operational matters between the department and 109335
county departments of job and family services, ~~in accordance with~~ 109336
~~under~~ section ~~111.15~~ 5162.02 of the Revised Code ~~as if the rules~~ 109337
~~were internal management rules.~~ 109338

Sec. ~~5111.102~~ 5162.04. As used in this section, "state 109339
agency" has the same meaning as in section 9.23 of the Revised 109340
Code. 109341

No provision of Title LI of the Revised Code or any other law 109342
of this state that incorporates any provision of federal ~~Medicaid~~ 109343
medicaid law, ~~Title XIX of the Social Security Act, 79 Stat. 286~~ 109344
~~(1965), 42 U.S.C. 1396,~~ or that may be construed as requiring the 109345
state, a state agency, or any state official or employee to comply 109346
with that federal provision, shall be construed as creating a 109347
cause of action to enforce such state law beyond the causes of 109348
action available under federal law for enforcement of the 109349
provision of federal law. 109350

Sec. 5162.05. The medicaid program shall be implemented in 109351
accordance with all of the following: 109352

(A) The medicaid state plan approved by the United States 109353

<u>secretary of health and human services, including amendments to</u>	109354
<u>the plan approved by the United States secretary;</u>	109355
<u>(B) Federal medicaid waivers granted by the United States</u>	109356
<u>secretary, including amendments to waivers approved by the United</u>	109357
<u>States secretary;</u>	109358
<u>(C) Other types of federal approval, including demonstration</u>	109359
<u>grants, that establish requirements for components of the medicaid</u>	109360
<u>program;</u>	109361
<u>(D) Except as otherwise authorized by a federal medicaid</u>	109362
<u>waiver granted by the United States secretary, all applicable</u>	109363
<u>federal statutes, regulations, and policy guidances;</u>	109364
<u>(E) All applicable state statutes.</u>	109365
Sec. 5162.06. <u>(A) Notwithstanding any other state statute, no</u>	109366
<u>component, or aspect of a component, of the medicaid program shall</u>	109367
<u>be implemented without all of the following:</u>	109368
<u>(1) Subject to division (B) of this section, if the</u>	109369
<u>component, or aspect of the component, requires federal approval,</u>	109370
<u>receipt of the federal approval;</u>	109371
<u>(2) Sufficient federal financial participation for the</u>	109372
<u>component or aspect of the component;</u>	109373
<u>(3) Sufficient nonfederal funds for the component or aspect</u>	109374
<u>of the component that qualify as funds needed to obtain the</u>	109375
<u>federal financial participation.</u>	109376
<u>(B) A component, or aspect of a component, of the medicaid</u>	109377
<u>program that requires federal approval may begin to be implemented</u>	109378
<u>before receipt of the federal approval if federal law authorizes</u>	109379
<u>implementation to begin before receipt of the federal approval.</u>	109380
<u>Implementation shall cease if the federal approval is ultimately</u>	109381
<u>denied.</u>	109382

Sec. 5162.07. The medicaid director shall seek federal approval for all components, and aspects of components, of the medicaid program for which federal approval is needed, except that the director is permitted rather than required to seek federal approval for components, and aspects of components, that state statutes permit rather than require be implemented. Federal approval shall be sought in the following forms as appropriate:

- (A) The medicaid state plan;
- (B) Amendments to the medicaid state plan;
- (C) Federal medicaid waivers;
- (D) Amendments to federal medicaid waivers;
- (E) Other types of federal approval, including demonstration grants.

~~Sec. 5111.10~~ 5162.10. The medicaid director of ~~job and family services~~ may conduct reviews of the medicaid program. The reviews may include physical inspections of records and sites where ~~medicaid-funded~~ medicaid services are provided and interviews of medicaid providers and medicaid recipients ~~of the services~~. If the director determines pursuant to a review that a person or government entity has violated a rule governing the medicaid program, the director may establish a corrective action plan for the violator and impose fiscal, administrative, or both types of sanctions on the violator in accordance with rules ~~governing the medicaid program~~ adopted under section 5162.02 of the Revised Code.

~~Sec. 5111.915~~ 5162.11. (A) The department of ~~job and family services~~ medicaid shall enter into an agreement with the department of administrative services for the department of administrative services to contract through competitive selection

pursuant to section 125.07 of the Revised Code with a vendor to perform an assessment of the data collection and data warehouse functions of the medicaid data warehouse system, including the ability to link the data sets of all agencies serving medicaid recipients.

The assessment of the data system shall include functions related to fraud and abuse detection, program management and budgeting, and performance measurement capabilities of all agencies serving medicaid recipients, including the departments of aging, ~~alcohol and drug addiction services~~, health, job and family services, medicaid, ~~mental health~~ mental health and addiction services, and developmental disabilities.

~~The department of administrative services shall enter into this contract within thirty days after September 29, 2005. The contract shall require the vendor to complete the assessment within ninety days after September 29, 2005.~~

A qualified vendor with whom the department of administrative services contracts to assess the data system shall also assist the medicaid agencies in the definition of the requirements for an enhanced data system or a new data system and assist the department of administrative services in the preparation of a request for ~~proposal~~ proposals to enhance or develop a data system.

(B) Based on the assessment performed pursuant to division (A) of this section, the department of administrative services shall seek a qualified vendor through competitive selection pursuant to section 125.07 of the Revised Code to develop or enhance a data collection and data warehouse system for the department of ~~job and family services~~ medicaid and all agencies serving medicaid recipients.

~~Within ninety days after September 29, 2005, the~~ The

department of ~~job and family services~~ medicaid shall seek enhanced 109443
federal ~~funding~~ financial participation for ninety per cent of the 109444
funds required to establish or enhance the data system. The 109445
department of administrative services shall not award a contract 109446
for establishing or enhancing the data system until the department 109447
of ~~job and family services~~ medicaid receives approval from the 109448
~~secretary of the~~ United States ~~department~~ secretary of health and 109449
human services for the ninety per cent federal ~~match~~ financial
participation. 109450
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Sec. 5162.12. (A) The medicaid director may enter into a 109452
contract with one or more persons to receive and process, on the 109453
director's behalf, requests for medicaid recipient or claims 109454
payment data, data from reports of audits conducted under section 109455
5165.109 of the Revised Code, or extracts or analyses of any of 109456
the foregoing data made by persons who intend to use the items for 109457
commercial or academic purposes. 109458

(B) At a minimum, a contract entered into under this section 109459
shall do both of the following: 109460

(1) Authorize the contracting person to engage in the 109461
activities described in division (A) of this section for 109462
compensation, which must be stated as a percentage of the fees 109463
paid by persons who are provided the items; 109464

(2) Specify the schedule of fees the contracting person is to 109465
charge for the items. 109466

(C) Except as required by federal or state law and subject to 109467
division (E) of this section, both of the following conditions 109468
apply with respect to a request for data described in division (A) 109469
of this section: 109470

(1) The request shall be made through a person who has 109471
entered into a contract with the medicaid director under this 109472

section. 109473

(2) An item prepared pursuant to the request may be provided 109474
to the department of medicaid and is confidential and not subject 109475
to disclosure under section 149.43 or 1347.08 of the Revised Code. 109476

(D) The medicaid director shall use fees the director 109477
receives pursuant to a contract entered into under this section to 109478
pay obligations specified in contracts entered under this section. 109479
Any money remaining after the obligations are paid shall be 109480
deposited in the health care services administration fund created 109481
under section 5162.54 of the Revised Code. 109482

(E) This section does not apply to requests for medicaid 109483
recipient or claims payment data, data from reports of audits 109484
conducted under section 5165.109 of the Revised Code, or extracts 109485
or analyses of any of the foregoing data that are for any of the 109486
following purposes: 109487

(1) Treatment of medicaid recipients; 109488

(2) Payment of medicaid claims; 109489

(3) Establishment or management of medicaid third party 109490
liability pursuant to sections 5160.35 to 5160.43 of the Revised 109491
Code; 109492

(4) Compliance with the terms of an agreement the medicaid 109493
director enters into for purposes of administering the medicaid 109494
program; 109495

(5) Compliance with an operating protocol the executive 109496
director of the office of health transformation or the executive 109497
director's designee adopts under division (D) of section 191.06 of 109498
the Revised Code. 109499

Sec. ~~5111.09~~ 5162.13. On or before the first day of January 109500
of each year, the department of ~~job and family services~~ medicaid 109501
shall submit to the speaker and minority leader of the house of 109502

representatives and the president and minority leader of the 109503
senate, and shall make available to the public, a report on the 109504
effectiveness of the ~~Ohio works first program established under~~ 109505
~~Chapter 5107. of the Revised Code and the medical assistance~~ 109506
~~medicaid~~ program established under this chapter in meeting the 109507
health care needs of low-income pregnant women, infants, and 109508
children. The report shall include: the estimated number of 109509
~~persons eligible for health care services to pregnant women,~~ 109510
infants, and children ~~under the programs~~ eligible for the program; 109511
the actual number of eligible persons ~~served~~ enrolled in the 109512
program; the number of prenatal, postpartum, and child health 109513
visits; a report on birth outcomes, including a comparison of 109514
low-birthweight births and infant mortality rates of ~~program~~ 109515
~~participants~~ medicaid recipients with the general female 109516
child-bearing and infant population in this state; and a 109517
comparison of the prenatal, delivery, and child health costs of 109518
the ~~programs~~ program with such costs of similar programs in other 109519
states, where available. 109520

Sec. ~~5111.091~~ 5162.131. Semiannually, the medicaid director 109521
~~of job and family services~~ shall submit to the president and 109522
minority leader of the senate, speaker and minority leader of the 109523
house of representatives, and the chairpersons of the standing 109524
committees of the senate and house of representatives with primary 109525
responsibility for legislation making biennial appropriations a 109526
report on the establishment and implementation of programs 109527
designed to control the increase of the cost of the medicaid 109528
program, increase the efficiency of the medicaid program, and 109529
promote better health outcomes. In each calendar year, one report 109530
shall be submitted not later than the last day of June and the 109531
subsequent report shall be submitted not later than the last day 109532
of December. 109533

Sec. ~~5111.092~~ 5162.132. (A) ~~Not later than January 1, 2010,~~ 109534
~~and each year thereafter~~ Annually, the department of ~~job and~~ 109535
~~family services~~ medicaid shall prepare a report on the 109536
department's efforts to minimize fraud, waste, and abuse in the 109537
medicaid program. 109538

~~(B)~~ Each report shall be made available on the department's 109539
web site. The department shall submit a copy of each report to the 109540
governor and, in accordance with section 101.68 of the Revised 109541
Code, the general assembly. Copies of the report also shall be 109542
made available to the public on request. 109543

Sec. ~~5111.101~~ 5162.15. (A) As used in this section; 109544

"Agent" and "contractor" include any agent, contractor, 109545
subcontractor, or other person who, on behalf of an entity, 109546
furnishes or authorizes the furnishing of ~~health care items or~~ 109547
medicaid services ~~under the medicaid program~~, performs billing or 109548
coding functions, or is involved in monitoring of health care that 109549
an entity provides. 109550

"Employee" includes any officer or employee (including 109551
management employees) of an entity. 109552

"Entity" includes a governmental entity or an organization, 109553
unit, corporation, partnership, or other business arrangement, 109554
including any medicaid managed care organization, irrespective of 109555
the form of business structure or arrangement by which it exists, 109556
whether for-profit or not-for-profit. "Entity" does not include a 109557
government entity that administers one or more components of the 109558
medicaid program, unless the government entity receives medicaid 109559
payments for providing ~~items or~~ medicaid services. 109560

"Federal health care programs" has the same meaning as in the 109561
"Social Security Act," section 1128B, 42 U.S.C. 1320a-7b(f). 109562

(B) Each entity that receives or makes in a federal fiscal 109563

year payments under the medicaid program, either through the 109564
medicaid state ~~medicaid~~ plan or a federal medicaid waiver, 109565
totaling at least five million dollars shall, as a condition of 109566
receiving such payments, do all of the following not later than 109567
the first day of the succeeding calendar year: 109568

(1) Establish written policies for all of the entity's 109569
employees, contractors, and agents that provide detailed 109570
information about the role of all of the following in preventing 109571
and detecting fraud, waste, and abuse in federal health care 109572
programs: 109573

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 109574

(b) Federal administrative remedies for false claims and 109575
statements available under 31 U.S.C. 3801 to 3812; 109576

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 109577
Revised Code and any other state laws pertaining to civil or 109578
criminal penalties for false claims and statements; 109579

(d) Whistleblower protections under the laws specified in 109580
divisions (B)(1)(a) to (c) of this section. 109581

(2) Include as part of the written policies required by 109582
division (B)(1) of this section detailed provisions regarding the 109583
entity's policies and procedures for preventing and detecting 109584
fraud, waste, and abuse. 109585

(3) Disseminate the written policies required by division 109586
(B)(1) of this section to each of the entity's employees, 109587
contractors, and agents in a paper or electronic form and make the 109588
written policies readily available to the entity's employees, 109589
contractors, and agents. 109590

(4) If the entity has an employee handbook, include in the 109591
employee handbook a specific discussion of the laws specified in 109592
division (B)(1) of this section, the rights of employees to be 109593

protected as whistleblowers, and the entity's policies and 109594
procedures for preventing and detecting fraud, waste, and abuse. 109595

(5) Require the entity's contractors and agents to adopt the 109596
entity's written policies required by division (B)(1) of this 109597
section. 109598

(C) An entity that furnishes ~~items or~~ medicaid services at 109599
multiple locations or under multiple contractual or other payment 109600
arrangements is required to comply with division (B) of this 109601
section if the entity receives in a federal fiscal year medicaid 109602
payments totaling in the aggregate at least five million dollars. 109603
This applies regardless of whether the entity submits claims for 109604
medicaid payments using multiple provider identification or tax 109605
identification numbers. 109606

Sec. ~~5111.0112~~ 5162.20. (A) The ~~director~~ department of job 109607
~~and family services~~ medicaid shall institute a cost-sharing 109608
~~program under requirements for~~ the medicaid program. ~~In~~ 109609
~~instituting the cost sharing program, the director shall comply~~ 109610
~~with federal law.~~ The cost-sharing ~~program~~ requirements shall 109611
~~establish~~ include a copayment requirement for at least dental 109612
services, vision services, nonemergency emergency department 109613
services, and ~~prescription prescribed~~ drugs, ~~other than generic~~ 109614
~~drugs.~~ The cost-sharing ~~program~~ requirements also shall ~~establish~~ 109615
include requirements regarding premiums, enrollment fees, 109616
deductions, and similar charges. ~~The director shall adopt rules~~ 109617
~~under section 5111.02 of the Revised Code governing the~~ 109618
~~cost sharing program.~~ 109619

(B) ~~The cost sharing program shall, to the extent permitted~~ 109620
~~by federal law, provide for all of the following with regard to~~ 109621
~~any providers participating in the medicaid program:~~ 109622

(1) No provider shall refuse to provide a service to a 109623
medicaid recipient who is unable to pay a required copayment for 109624

the service. 109625

(2) Division (B)(1) of this section shall not be considered 109626
to do either of the following with regard to a medicaid recipient 109627
who is unable to pay a required copayment: 109628

(a) Relieve the medicaid recipient from the obligation to pay 109629
a copayment; 109630

(b) Prohibit the provider from attempting to collect an 109631
unpaid copayment. 109632

~~(3)(C)~~ Except as provided in division ~~(C)(F)~~ of this section, 109633
no provider shall waive a medicaid recipient's obligation to pay 109634
the provider a copayment. 109635

~~(4)(D)~~ No provider or drug manufacturer, including the 109636
manufacturer's representative, employee, independent contractor, 109637
or agent, shall pay any copayment on behalf of a medicaid 109638
recipient. 109639

~~(5)(E)~~ If it is the routine business practice of ~~the a~~ 109640
provider to refuse service to any individual who owes an 109641
outstanding debt to the provider, the provider may consider an 109642
unpaid copayment imposed by the cost-sharing ~~program~~ requirements 109643
as an outstanding debt and may refuse service to a medicaid 109644
recipient who owes the provider an outstanding debt. If the 109645
provider intends to refuse service to a medicaid recipient who 109646
owes the provider an outstanding debt, the provider shall notify 109647
the ~~individual~~ recipient of the provider's intent to refuse 109648
~~services~~ service. 109649

~~(C)(F)~~ In the case of a provider that is a hospital, the 109650
cost-sharing program shall permit the hospital to take action to 109651
collect a copayment by providing, at the time services are 109652
rendered to a medicaid recipient, notice that a copayment may be 109653
owed. If the hospital provides the notice and chooses not to take 109654
any further action to pursue collection of the copayment, the 109655

prohibition against waiving copayments specified in division 109656
~~(B)(3)(C)~~ of this section does not apply. 109657

~~(D)(G)~~ The department of ~~job and family services~~ medicaid may 109658
~~work~~ collaborate with a state agency that is administering, 109659
pursuant to a contract entered into under section ~~5111.91~~ 5162.35 109660
of the Revised Code, one or more components ~~of the medicaid~~ 109661
~~program~~, or one or more aspects of a component, of the medicaid 109662
program as necessary for the state agency to apply the 109663
cost-sharing ~~program~~ requirements to the components or aspects of 109664
~~the medicaid program~~ a component that the state agency 109665
administers. 109666

Sec. ~~5111.11~~ 5162.21. (A) As used in this section and section 109667
~~5111.111~~ 5162.211 of the Revised Code: 109668

(1) "Estate" includes both of the following: 109669

(a) All real and personal property and other assets to be 109670
administered under Title XXI of the Revised Code and property that 109671
would be administered under that title if not for section 2113.03 109672
or 2113.031 of the Revised Code; 109673

(b) Any other real and personal property and other assets in 109674
which an individual had any legal title or interest at the time of 109675
death (to the extent of the interest), including assets conveyed 109676
to a survivor, heir, or assign of the individual through joint 109677
tenancy, tenancy in common, survivorship, life estate, living 109678
trust, or other arrangement. 109679

(2) "Institution" means a nursing facility, ~~intermediate care~~ 109680
~~facility for the mentally retarded~~ ICF/IID, or a medical 109681
institution. 109682

(3) ~~"Intermediate care facility for the mentally retarded"~~ 109683
~~and "nursing facility" have the same meanings as in section~~ 109684
~~5111.20 of the Revised Code.~~ 109685

(4) "Permanently institutionalized individual" means an individual to whom all of the following apply:

(a) Is an inpatient in an institution;

(b) Is required, as a condition of the medicaid program paying for the individual's services in the institution, to spend for costs of medical or nursing care all of the individual's income except for an amount for personal needs specified by the department of ~~job and family services~~ medicaid;

(c) Cannot reasonably be expected to be discharged from the institution and return home as determined by the department of ~~job and family services~~ medicaid.

(5)(4) "Qualified state long-term care insurance partnership program" means the program established under section ~~5111.18~~ 5164.86 of the Revised Code.

(6)(5) "Time of death" shall not be construed to mean a time after which a legal title or interest in real or personal property or other asset may pass by survivorship or other operation of law due to the death of the decedent or terminate by reason of the decedent's death.

(B) To the extent permitted by federal law, the department of ~~job and family services~~ medicaid shall institute a medicaid estate recovery program under which the department shall, except as provided in divisions (C) and (E) of this section, and subject to division (D) of this section, do all of the following:

(1) For the costs of medicaid services the medicaid program correctly paid or will pay on behalf of a permanently institutionalized individual of any age, seek adjustment or recovery from the individual's estate or on the sale of property of the individual or spouse that is subject to a lien imposed under section ~~5111.111~~ 5162.211 of the Revised Code;

(2) For the costs of medicaid services the medicaid program 109716
correctly paid or will pay on behalf of an individual fifty-five 109717
years of age or older who is not a permanently institutionalized 109718
individual, seek adjustment or recovery from the individual's 109719
estate; 109720

(3) Seek adjustment or recovery from the estate of other 109721
individuals as permitted by federal law. 109722

(C)(1) No adjustment or recovery may be made under division 109723
(B)(1) of this section from a permanently institutionalized 109724
individual's estate or on the sale of property of a permanently 109725
institutionalized individual that is subject to a lien imposed 109726
under section ~~5111.111~~ 5162.211 of the Revised Code or under 109727
division (B)(2) or (3) of this section from an individual's estate 109728
while either of the following are alive: 109729

(a) The spouse of the permanently institutionalized 109730
individual or individual; 109731

(b) The son or daughter of a permanently institutionalized 109732
individual or individual if the son or daughter is under age 109733
twenty-one or, under the "Social Security Act," section 1614, 42 109734
U.S.C. 1382c, is considered blind or disabled. 109735

(2) No adjustment or recovery may be made under division 109736
(B)(1) of this section from a permanently institutionalized 109737
individual's home that is subject to a lien imposed under section 109738
~~5111.111~~ 5162.211 of the Revised Code while either of the 109739
following lawfully reside in the home: 109740

(a) The permanently institutionalized individual's sibling 109741
who resided in the home for at least one year immediately before 109742
the date of the permanently institutionalized individual's 109743
admission to the institution and on a continuous basis since that 109744
time; 109745

(b) The permanently institutionalized individual's son or 109746

daughter who provided care to the permanently institutionalized 109747
individual that delayed the permanently institutionalized 109748
individual's institutionalization and resided in the home for at 109749
least two years immediately before the date of the permanently 109750
institutionalized individual's admission to the institution and on 109751
a continuous basis since that time. 109752

(D) In the case of a participant of the qualified state 109753
long-term care insurance partnership program, adjustment or 109754
recovery required by this section may be reduced in accordance 109755
with rules ~~adopted under~~ authorized by division (G) of this 109756
section. 109757

(E) The department shall, in accordance with procedures and 109758
criteria established in rules ~~adopted under~~ authorized by division 109759
(G) of this section, waive seeking an adjustment or recovery 109760
otherwise required by this section if the medicaid director ~~of job~~ 109761
~~and family services~~ determines that adjustment or recovery would 109762
work an undue hardship. The department may limit the duration of 109763
the waiver to the period during which the undue hardship exists. 109764

(F) For the purpose of determining whether an individual 109765
meets the definition of "permanently institutionalized individual" 109766
established for this section, a rebuttable presumption exists that 109767
the individual cannot reasonably be expected to be discharged from 109768
an institution and return home if either of the following is the 109769
case: 109770

(1) The individual declares that he or she does not intend to 109771
return home. 109772

(2) The individual has been an inpatient in an institution 109773
for at least six months. 109774

(G) ~~The director of job and family services shall adopt rules~~ 109775
~~in accordance with Chapter 119. of the Revised Code regarding the~~ 109776
~~medicaid estate recovery program, including rules that~~ Rules 109777

adopted under section 5162.02 of the Revised Code shall do both of 109778
the following: 109779

(1) For the purpose of division (D) of this section and 109780
consistent with the "Social Security Act," section 1917(b)(1)(C), 109781
42 U.S.C. 1396p(b)(1)(C), provide for reducing an adjustment or 109782
recovery in the case of a participant of the qualified state 109783
long-term care insurance partnership program; 109784

(2) For the purpose of division (E) of this section and 109785
consistent with the standards specified by the United States 109786
secretary of health and human services under the "Social Security 109787
Act," section 1917(b)(3), 42 U.S.C. 1396p(b)(3), establish 109788
procedures and criteria for waiving adjustment or recovery due to 109789
an undue hardship. 109790

Sec. ~~5111.111~~ 5162.211. (A) Except as provided in division 109791
(B) of this section and section ~~5111.12~~ 5162.23 of the Revised 109792
Code, no lien may be imposed against the property of an individual 109793
before the individual's death on account of medicaid services 109794
correctly paid or to be paid on the individual's behalf. 109795

(B) Except as provided in division (C) of this section, the 109796
department of ~~job and family services~~ medicaid may impose a lien 109797
against the real property of a medicaid recipient who is a 109798
permanently institutionalized individual and against the real 109799
property of the recipient's spouse, including any real property 109800
that is jointly held by the recipient and spouse. The lien may be 109801
imposed on account of medicaid paid or to be paid on the 109802
recipient's behalf. 109803

(C) No lien may be imposed under division (B) of this section 109804
against the home of a medicaid recipient if any of the following 109805
lawfully resides in the home: 109806

(1) The recipient's spouse; 109807

(2) The recipient's son or daughter who is under twenty-one 109808
years of age or, under the "Social Security Act," section 1614, 42 109809
U.S.C. 1382c, considered to be blind or disabled; 109810

(3) The recipient's sibling who has an equity interest in the 109811
home and resided in the home for at least one year immediately 109812
before the date of the recipient's admission to the institution. 109813

(D) The medicaid director ~~of job and family services~~ or a 109814
person designated by the director shall sign a certificate to 109815
effectuate a lien required to be imposed under this section. The 109816
county department of job and family services shall file for 109817
recording and indexing the certificate, or a certified copy, in 109818
the real estate mortgage records in the office of the county 109819
recorder in every county in which real property of the recipient 109820
or spouse is situated. From the time of filing the certificate in 109821
the office of the county recorder, the lien attaches to all real 109822
property of the recipient or spouse described in the certificate 109823
for all amounts for which adjustment or recovery may be made under 109824
section ~~5111.11~~ 5162.21 of the Revised Code and, except as 109825
provided in division (E) of this section, shall remain a lien 109826
until satisfied. 109827

Upon filing the certificate in the office of the recorder, 109828
all persons are charged with notice of the lien and the rights of 109829
the department of ~~job and family services~~ medicaid thereunder. 109830

The county recorder shall keep a record of every certificate 109831
filed showing its date, the time of filing, the name and residence 109832
of the recipient or spouse, and any release, waivers, or 109833
satisfaction of the lien. 109834

The priority of the lien shall be established in accordance 109835
with state and federal law. 109836

The department may waive the priority of its lien to provide 109837
for the costs of the last illness as determined by the department, 109838

administration, attorney fees, administrator fees, a sum for the 109839
payment of the costs of burial, which shall be computed by 109840
deducting from five hundred dollars whatever amount is available 109841
for the same purpose from all other sources, and a similar sum for 109842
the spouse of the decedent. 109843

(E) A lien imposed with respect to a medicaid recipient under 109844
this section shall dissolve on the recipient's discharge from the 109845
institution and return home. 109846

Sec. ~~5111.112~~ 5162.212. The department of ~~job and family~~ 109847
~~services~~ medicaid shall certify amounts due under the medicaid 109848
estate recovery program instituted under section ~~5111.11~~ 5162.21 109849
of the Revised Code to the attorney general pursuant to section 109850
131.02 of the Revised Code. The attorney general may enter into a 109851
contract with any person or government entity to collect the 109852
amounts due on behalf of the attorney general. 109853

The attorney general, in entering into a contract under this 109854
section, shall comply with all of the requirements that must be 109855
met for the state to receive federal financial participation for 109856
the costs incurred in entering into the contract and carrying out 109857
actions under the contract. The contract may provide for the 109858
person or government entity with which the attorney general 109859
contracts to be compensated from the property recovered under the 109860
medicaid estate recovery program or may provide for another manner 109861
of compensation agreed to by the parties to the contract. 109862

Regardless of whether the attorney general collects the 109863
amounts due under the medicaid estate recovery program or 109864
contracts with a person or government entity to collect the 109865
amounts due on behalf of the attorney general, the amounts due 109866
shall be collected in accordance with applicable requirements of 109867
federal statutes and regulations and state statutes and rules. 109868

Sec. ~~5111.113~~ 5162.22. (A) As used in this section: 109869

(1) "Commissioner" means a person appointed by a probate 109870
court under division (E) of section 2113.03 of the Revised Code to 109871
act as a commissioner. 109872

(2) "Home" has the same meaning as in section 3721.10 of the 109873
Revised Code. 109874

(3) "Personal needs allowance account" means an account or 109875
petty cash fund that holds the money of a resident of ~~an adult~~ 109876
~~care~~ a residential facility or home and that the facility or home 109877
manages for the resident. 109878

(4) "Residential facility" means a residential facility 109879
licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 109880
provides accommodations, supervision, and personal care services 109881
for three to sixteen unrelated adults. 109882

(B) Except as provided in divisions (C) and (D) of this 109883
section, the owner or operator of a home or residential facility 109884
shall transfer to the department of ~~job and family services~~ 109885
medicaid the money in the personal needs allowance account of a 109886
resident of the home or facility who was a medicaid recipient ~~of~~ 109887
~~the medical assistance program~~ no earlier than sixty days but not 109888
later than ninety days after the resident dies. The home or 109889
facility shall transfer the money even though the owner or 109890
operator of the facility or home has not been issued letters 109891
testamentary or letters of administration concerning the 109892
resident's estate. 109893

(C) If funeral or burial expenses for a resident of a home or 109894
residential facility who has died have not been paid and the only 109895
resource the resident had that could be used to pay for the 109896
expenses is the money in the resident's personal needs allowance 109897
account, or all other resources of the resident are inadequate to 109898

pay the full cost of the expenses, the money in the resident's 109899
personal needs allowance account shall be used to pay for the 109900
expenses rather than being transferred to the department of ~~job~~ 109901
~~and family services~~ medicaid pursuant to division (B) of this 109902
section. 109903

(D) If, not later than sixty days after a resident of a home 109904
or residential facility dies, letters testamentary or letters of 109905
administration are issued, or an application for release from 109906
administration is filed under section 2113.03 of the Revised Code, 109907
concerning the resident's estate, the owner or operator of the 109908
home or facility shall transfer the money in the resident's 109909
personal needs allowance account to the administrator, executor, 109910
commissioner, or person who filed the application for release from 109911
administration. 109912

(E) The transfer or use of money in a resident's personal 109913
needs allowance account in accordance with division (B), (C), or 109914
(D) of this section discharges and releases the home or 109915
residential facility, and the owner or operator of the home, from 109916
any claim for the money from any source. 109917

(F) If, sixty-one or more days after a resident of a home or 109918
residential facility dies, letters testamentary or letters of 109919
administration are issued, or an application for release from 109920
administration under section 2113.03 of the Revised Code is filed, 109921
concerning the resident's estate, the department of ~~job and family~~ 109922
~~services~~ medicaid shall transfer the funds to the administrator, 109923
executor, commissioner, or person who filed the application, 109924
unless the department is entitled to recover the money under the 109925
medicaid estate recovery program instituted under section ~~5111.11~~ 109926
5162.21 of the Revised Code. 109927

Sec. ~~5111.12~~ 5162.23. (A) The medicaid director ~~of job and~~ 109928
~~family services~~ shall establish adopt rules under ~~which~~ section 109929

5162.02 of the Revised Code permitting county departments of job 109930
and family services ~~may to~~ take action to recover benefits 109931
incorrectly paid on behalf of medicaid recipients ~~of medical~~ 109932
~~assistance~~. The rules shall provide for recovery by the following 109933
methods: 109934

(1) Soliciting voluntary payments from recipients or from 109935
persons holding property in which a recipient has a legal or 109936
equitable interest; 109937

(2) Obtaining a lien on property pursuant to division (B) of 109938
this section. 109939

(B) A county department of job and family services may bring 109940
a civil action in a court of common pleas against a medicaid 109941
recipient ~~of medical assistance~~ for the recovery of any ~~medical~~ 109942
~~assistance benefits~~ medicaid payments determined by the court to 109943
have been paid incorrectly on behalf of the recipient. All persons 109944
holding property in which the recipient has a legal or equitable 109945
interest may be joined as parties. The court may issue 109946
pre-judgment orders, including injunctive relief or attachment 109947
under Chapter 2715. of the Revised Code, for the preservation of 109948
real or personal property in which the recipient may have a legal 109949
or equitable interest. If the court determines that ~~benefits~~ 109950
medicaid payments were ~~paid made~~ incorrectly and issues a judgment 109951
to that effect, the county department may obtain a lien upon 109952
property of the recipient in accordance with Chapter 2329. of the 109953
Revised Code. 109954

(C) The county department of job and family services shall 109955
retain fifty per cent of the balance remaining after deduction 109956
from the recovery of the amount required to be returned to the 109957
federal government and shall pay the other fifty per cent of the 109958
balance to the department of ~~job and family services~~ medicaid. 109959

(D) Recovery of ~~medical assistance benefits~~ medicaid payments 109960

incorrectly ~~paid to~~ made on behalf of a medicaid recipient may not 109961
be accomplished by reducing the amount of benefits the recipient 109962
is entitled to receive under another government assistance 109963
program. 109964

(E) The remedies provided pursuant to this section do not 109965
affect any other remedies county departments of job and family 109966
services may have to recover benefits incorrectly paid on behalf 109967
of medicaid recipients ~~of medical assistance~~. 109968

Sec. ~~5111.121~~ 5162.24. (A) As used in this section, "third 109969
party" has the same meaning as in section ~~5101.571~~ 5160.35 of the 109970
Revised Code. 109971

(B) In addition to the authority granted under section 109972
~~5101.59~~ 5160.38 of the Revised Code, the department of ~~job and~~ 109973
~~family services~~ medicaid may, to the extent necessary to reimburse 109974
its costs, garnish the wages, salary, or other employment income 109975
of, and withhold amounts from state tax refunds to, any person to 109976
whom both of the following apply: 109977

(1) The person is required by a court or administrative order 109978
to provide coverage of the cost of health care services to a child 109979
eligible for ~~medical assistance under this chapter~~ medicaid. 109980

(2) The person has received payment from a third party for 109981
the costs of such services but has not used the payment to 109982
reimburse either the other parent or guardian of the child or the 109983
provider of the services. 109984

(C) Claims for current and past due child support shall take 109985
priority over claims under division (B) of this section. 109986

Sec. ~~5111.83~~ 5162.30. (A) ~~Not later than January 1, 2012, the~~ 109987
~~The~~ medicaid director ~~of job and family services~~ shall ~~apply to~~ 109988
~~the United States secretary of health and human services for~~ 109989
~~approval of~~ create a medicaid administrative claiming program 109990

under which federal financial participation is received as 109991
~~reimbursement~~ for the administrative costs incurred by the 109992
department of health and the Arthur G. James cancer hospital and 109993
Richard J. Solove research institute of the Ohio state university 109994
in analyzing and evaluating both of the following pursuant to 109995
sections 3701.261 ~~to 3701.236~~ and 3701.262 of the Revised Code: 109996

(1) Cancer reports under the Ohio cancer incidence 109997
surveillance system; 109998

(2) The incidence, prevalence, costs, and medical 109999
consequences of cancer on medicaid recipients and other low-income 110000
populations. 110001

(B) The medicaid director ~~of job and family services~~ shall 110002
consult with the director of health in ~~seeking approval of~~ 110003
creating the medicaid administrative claiming program. ~~The~~ 110004
~~directors shall cooperate in seeking the approval to the extent~~ 110005
~~they find the approval necessary for the effective and efficient~~ 110006
~~administration of the medicaid program.~~ 110007

Sec. 5162.31. Local funds, whether from public or private 110008
sources, expended by a county department of job and family 110009
services for administration of the healthy start component shall 110010
be considered to have been expended by the state for the purpose 110011
of determining the extent to which the state has complied with any 110012
federal requirement that the state provide funds to match federal 110013
financial participation for the medicaid program. This section 110014
does not affect the amount of funds a county is entitled to 110015
receive under sections 5101.16 and 5101.161 of the Revised Code. 110016

~~Sec. 5111.90 5162.32. (A) As used in sections 5111.90 to~~ 110017
~~5111.93 of the Revised Code:~~ 110018

~~(1) "Political subdivision" means a municipal corporation,~~ 110019

~~township, county, school district, or other body corporate and
politic responsible for governmental activities only in a
geographical area smaller than that of the state.~~

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~~(2) "State agency" means every organized body, office, or
agency, other than the department of job and family services,
established by the laws of the state for the exercise of any
function of state government.~~

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~~(B) To the extent permitted by Title XIX of the "Social
Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended,
and regulations adopted under that title, the The department of
job and family services medicaid may enter into contracts with
political subdivisions to use funds of the political subdivision
to pay the nonfederal share of expenditures under the medicaid
program. The determination and provision of federal financial
reimbursement participation to a subdivision entering into a
contract under this section shall be determined by the department,
subject to section ~~5111.92~~ 5162.40 of the Revised Code, ~~approval~~
~~by the United States secretary of health and human services, and~~
~~the availability of federal financial participation.~~~~

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Sec. ~~5111.91~~ 5162.35. The department of ~~job and family
services~~ medicaid may enter into contracts with one or more other
state agencies or political subdivisions to have the state agency
or political subdivision administer one or more components of the
medicaid program, or one or more aspects of a component, under the
department's supervision. A state agency or political subdivision
that enters into such a contract shall comply with the terms of
the contract and any rules the medicaid director ~~of job and family
services~~ has adopted governing the component, or aspect of the
component, that the state agency or political subdivision is to
administer, including any rules establishing review, audit, and
corrective action plan requirements. A contract with a state

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agency shall be in the form of an interagency agreement. 110051

A state agency or political subdivision that enters into a 110052
contract with the department under this section shall reimburse 110053
the department for the nonfederal share of the cost to the 110054
department of performing, or contracting for the performance of, a 110055
fiscal audit of the component of the medicaid program, or aspect 110056
of the component, that the state agency or political subdivision 110057
administers if rules governing the component, or aspect of the 110058
component, require that a fiscal audit be conducted. 110059

~~There is hereby created in the state treasury the medicaid 110060
administrative reimbursement fund. The department shall use money 110061
in the fund to pay for the nonfederal share of the cost of a 110062
fiscal audit for which a state agency or political subdivision is 110063
required by this section to reimburse the department. The 110064
department shall deposit the reimbursements into the fund. 110065~~

Sec. ~~5111.71~~ 5162.36. (A) ~~As used in sections 5111.71 to 110066
5111.715 of the Revised Code, "qualified medicaid school provider" 110067
means the board of education of a city, local, or exempted village 110068
school district, the governing authority of a community school 110069
established under Chapter 3314. of the Revised Code, the state 110070
school for the deaf, and the state school for the blind to which 110071
both of the following apply:~~ 110072

~~(1) It holds a valid medicaid provider agreement. 110073~~

~~(2) It meets all other conditions for participation in the 110074
medicaid school component of the medicaid program established in 110075
rules adopted under section 5111.715 of the Revised Code. 110076~~

(B) ~~The medicaid director of job and family services shall 110077
submit a state medicaid plan amendment to the United States 110078
secretary of health and human services for the purpose of creating 110079
create, in accordance with sections ~~5111.71~~ 5162.36 to ~~5111.715~~ 110080~~

5162.364 of the Revised Code, the medicaid school component of the 110081
medicaid program. ~~The director shall create the medicaid school~~ 110082
~~component on receipt of the United States secretary's approval of~~ 110083
~~the amendment.~~ 110084

Sec. ~~5111.711~~ 5162.361. A qualified medicaid school provider 110085
participating in the medicaid school component of the medicaid 110086
program may submit a claim to the department of ~~job and family~~ 110087
~~services~~ medicaid for federal financial participation for 110088
providing, in schools, services covered by the medicaid school 110089
component to medicaid recipients who are eligible for the 110090
services. No qualified medicaid school provider may submit such a 110091
claim before the provider incurs the cost of providing the 110092
service. 110093

The claim shall include certification of the qualified 110094
medicaid school provider's expenditures for the service. The 110095
certification shall show that the money the qualified medicaid 110096
school provider used for the expenditures was nonfederal money the 110097
provider may legally use for providing the service and that the 110098
amount of the expenditures was sufficient to pay the full cost of 110099
the service. 110100

Except as otherwise provided in sections ~~5111.71~~ 5162.36 to 110101
~~5111.715~~ 5162.364 of the Revised Code and rules ~~adopted under~~ 110102
authorized by sections ~~5111.713~~ 5162.363 and ~~5111.715~~ 5162.364 of 110103
the Revised Code, a qualified medicaid school provider is subject 110104
to all conditions of participation in the medicaid program that 110105
generally apply to providers of goods and services under the 110106
medicaid program, including conditions regarding audits and 110107
recovery of overpayments. 110108

Sec. ~~5111.712~~ 5162.362. The department of ~~job and family~~ 110109
~~services~~ medicaid shall seek federal financial participation for 110110

each claim a qualified medicaid school provider properly submits 110111
to the department under section ~~5111.711~~ 5162.361 of the Revised 110112
Code. The department shall disburse the federal financial 110113
participation the department receives from the federal government 110114
for such a claim to the qualified medicaid school provider that 110115
submitted the claim. The department may not pay the qualified 110116
medicaid school provider the nonfederal share of the cost of the 110117
services for which the claim was submitted. 110118

Sec. ~~5111.713~~ 5162.363. The department of ~~job and family~~ 110119
~~services~~ medicaid shall enter into an interagency agreement with 110120
the department of education under section ~~5111.91~~ 5162.35 of the 110121
Revised Code that provides for the department of education to 110122
administer the medicaid school component of the medicaid program 110123
other than the aspects of the component that sections ~~5111.71~~ 110124
5162.36 to ~~5111.715~~ 5162.364 of the Revised Code require the 110125
department of ~~job and family services~~ medicaid to administer. The 110126
interagency agreement may include a provision that provides for 110127
the department of education to pay to the department of ~~job and~~ 110128
~~family services~~ medicaid the nonfederal share of a portion of the 110129
administrative expenses the department of ~~job and family services~~ 110130
medicaid incurs in administering the aspects of the component that 110131
the department of ~~job and family services~~ medicaid administers. 110132

~~The~~ To the extent authorized by rules authorized by section 110133
5162.021 of the Revised Code, the department of education shall 110134
establish, in rules adopted under ~~Chapter 119.~~ section 5162.02 of 110135
the Revised Code, a process by which qualified medicaid school 110136
providers participating in the medicaid school component pay to 110137
the department of education the nonfederal share of the 110138
department's expenses incurred in administering the component. The 110139
rules shall be adopted in accordance with Chapter 119. of the 110140
Revised Code. 110141

Sec. ~~5111.715~~ 5162.364. The medicaid director ~~of job and family services~~ shall adopt rules under ~~Chapter 119.~~ section 5162.02 of the Revised Code as necessary to implement the medicaid school component of the medicaid program, including rules that establish or specify all of the following:

(A) Conditions a board of education of a city, local, or exempted school district, governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind must meet to participate in the component;

(B) Services the component covers;

(C) ~~Reimbursement~~ Payment rates for the services the component covers.

The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. ~~5111.911~~ 5162.37. Any contract the department of ~~job and family services~~ medicaid enters into with the department of ~~mental health or department of alcohol and drug addiction services~~ mental health and addiction services under section ~~5111.91~~ 5162.35 of the Revised Code is subject to the approval of the director of budget and management and shall require or specify all of the following:

(A) ~~In the case of a contract with the department of mental health, that~~ That section ~~5111.912~~ 5162.371 of the Revised Code be complied with;

(B) ~~In the case of a contract with the department of alcohol and drug addiction services, that~~ section ~~5111.913~~ of the Revised Code be complied with;

~~(C)~~ How providers will be paid for providing the services;

~~(D)~~(C) The department of ~~mental health's or department of~~

~~alcohol and drug addiction services'~~ responsibilities of the 110171
department of mental health and addiction services with regard to 110172
providers, including program oversight and quality assurance. 110173

Sec. ~~5111.912~~ 5162.371. If the department of ~~job and family~~ 110174
~~services~~ medicaid enters into a contract with the department of 110175
~~mental health~~ mental health and addiction services under section 110176
~~5111.91~~ 5162.35 of the Revised Code, the department of ~~job and~~ 110177
~~family services~~ medicaid shall pay the nonfederal share of any 110178
medicaid payment to a provider for services under the component, 110179
or aspect of the component, the department of ~~mental health~~ mental 110180
health and addiction services administers. ~~If necessary, the~~ 110181
~~director of job and family services shall submit a medicaid state~~ 110182
~~plan amendment to the United States secretary of health and human~~ 110183
~~services regarding the department of job and family services' duty~~ 110184
~~under this section.~~ 110185

Sec. ~~5111.92~~ 5162.40. (A)(1) Except as provided in division 110186
(B) of this section, if a state agency or political subdivision 110187
administers one or more components of the medicaid program that 110188
the United States department of health and human services 110189
approved, and for which federal financial participation was 110190
initially obtained, prior to January 1, 2002, or administers one 110191
or more aspects of such a component, the department of ~~job and~~ 110192
~~family services~~ medicaid may retain or collect not more than ten 110193
per cent of the federal financial participation the state agency 110194
or political subdivision obtains through an approved, 110195
administrative claim regarding the component or aspect of the 110196
component. If the department retains or collects a percentage of 110197
such federal financial participation, the percentage the 110198
department retains or collects shall be specified in a contract 110199
the department enters into with the state agency or political 110200
subdivision under section ~~5111.91~~ 5162.35 of the Revised Code. 110201

(2) Except as provided in division (B) of this section, if a state agency or political subdivision administers one or more components of the medicaid program that the United States department of health and human services approved on or after January 1, 2002, or administers one or more aspects of such a component, the department of ~~job and family services~~ medicaid shall retain or collect not less than three and not more than ten per cent of the federal financial participation the state agency or political subdivision obtains through an approved, administrative claim regarding the component or aspect of the component. The percentage the department retains or collects shall be specified in a contract the department enters into with the state agency or political subdivision under section ~~5111.91~~ 5162.35 of the Revised Code.

~~(B) The department of job and family services may retain or collect a percentage of federal financial participation under divisions (A)(1) and (2) of this section only to the extent permitted by federal statutes and regulations.~~

~~(C)~~ All amounts the department retains or collects under this section shall be deposited into the health care services administration fund created under section ~~5111.94~~ 5162.54 of the Revised Code.

Sec. ~~5111.93~~ 5162.41. The department of ~~job and family services~~ medicaid may retain or collect a percentage of the federal financial participation included in a supplemental medicaid payment to one or more medicaid providers owned or operated by a state agency or political subdivision that brings the payment to such provider or providers to the upper payment limit established by 42 C.F.R. 447.272. If the department retains or collects a percentage of that federal financial participation, the ~~department~~ medicaid director shall adopt a rule under ~~Chapter~~

~~119.~~ section 5162.02 of the Revised Code specifying the percentage 110233
the department is to retain or collect. All amounts the department 110234
retains or collects under this section shall be deposited into the 110235
health care services administration fund created under section 110236
~~5111.94~~ 5162.54 of the Revised Code. 110237

Sec. ~~5111.943~~ 5162.50. (A) The health care - federal fund is 110238
hereby created in the state treasury. All of the following shall 110239
be credited to the fund: 110240

(1) Funds that division (B) of section ~~5112.18~~ 5168.11 of the 110241
Revised Code requires be credited to the fund; 110242

(2) The federal share of all rebates paid by drug 110243
manufacturers to the department of ~~job and family services~~ 110244
medicaid in accordance with a rebate agreement required by the 110245
"Social Security Act," section 1927, 42 U.S.C. 1396r-8; 110246

(3) The federal share of all supplemental rebates paid by 110247
drug manufacturers to the department of ~~job and family services~~ 110248
medicaid in accordance with the supplemental drug rebate program 110249
established under section ~~5111.081~~ 5164.755 of the Revised Code; 110250

(4) Except as otherwise provided by statute or as authorized 110251
by the controlling board, the federal share of all other 110252
medicaid-related revenues, collections, and recoveries. 110253

(B) All money credited to the health care - federal fund 110254
pursuant to division (B) of section ~~5112.18~~ 5168.11 of the Revised 110255
Code shall be used solely for distributing funds to hospitals 110256
under section ~~5112.08~~ 5168.09 of the Revised Code. The department 110257
of ~~job and family services~~ medicaid shall use all other money 110258
credited to the fund to pay for other medicaid services and 110259
contracts. 110260

Sec. ~~5111.941~~ 5162.52. (A) The health care/medicaid support 110261

and recoveries fund is hereby created in the state treasury. All 110262
of the following shall be credited to the fund: 110263

(1) Except as otherwise provided by statute or as authorized 110264
by the controlling board, the nonfederal share of all 110265
medicaid-related revenues, collections, and recoveries; 110266

(2) Federal reimbursement received for payment adjustments 110267
made pursuant to ~~section 1923~~ of the "Social Security Act," ~~401~~ 110268
~~Stat. 1330-148 (1987)~~ section 1923, 42 U.S.C. 1396r-4, ~~as amended,~~ 110269
under the medicaid program to state mental health hospitals 110270
maintained and operated by the department of ~~mental health~~ mental 110271
health and addiction services under division (A) of section 110272
~~5119.02~~ 5119.14 of the Revised Code; 110273

(3) Revenues the department of ~~job and family services~~ 110274
medicaid receives from another state agency for medicaid services 110275
pursuant to an interagency agreement, other than such revenues 110276
required to be deposited into the health care services 110277
administration fund created under section ~~5111.94~~ 5162.54 of the 110278
Revised Code; 110279

(4) The first seven hundred fifty thousand dollars the 110280
department receives in a fiscal year for performing eligibility 110281
verification services necessary for compliance with the 110282
independent, certified audit requirement of 42 C.F.R. 455.304; 110283

(5) The nonfederal share of all rebates paid by drug 110284
manufacturers to the department of medicaid in accordance with a 110285
rebate agreement required by the "Social Security Act," section 110286
1927, 42 U.S.C. 1396r-8; 110287

(6) The nonfederal share of all supplemental rebates paid by 110288
drug manufacturers to the department of medicaid in accordance 110289
with the supplemental drug rebate program established under 110290
section 5164.755 of the Revised Code. 110291

(B) The department of ~~job and family services~~ medicaid shall 110292
use money credited to the health care/medicaid support and 110293
recoveries fund to pay for medicaid services and contracts. 110294

Sec. ~~5111.94~~ 5162.54. (A) ~~As used in this section, "vendor~~ 110295
~~offset" means a reduction of a medicaid payment to a medicaid~~ 110296
~~provider to correct a previous, incorrect medicaid payment to that~~ 110297
~~provider.~~ 110298

~~(B)~~ There is hereby created in the state treasury the health 110299
care services administration fund. Except as provided in division 110300
(C) of this section, all the following shall be deposited into the 110301
fund: 110302

(1) Amounts deposited into the fund pursuant to sections 110303
~~5111.92~~ 5162.12, 5162.40, and ~~5111.93~~ 5162.41 of the Revised Code; 110304

(2) The amount of the state share of all money the department 110305
of ~~job and family services, in fiscal year 2003 and each fiscal~~ 110306
~~year thereafter, medicaid~~ recovers each fiscal year pursuant to a 110307
tort action under the department's right of recovery under section 110308
~~5101.58~~ 5160.37 of the Revised Code that exceeds the state share 110309
of all money the department, in fiscal year 2002, recovers 110310
pursuant to a tort action under that right of recovery; 110311

(3) Subject to division ~~(D)~~(B) of this section, the amount of 110312
the state share of all money the department of ~~job and family~~ 110313
~~services~~ medicaid, in fiscal year 2003 and each fiscal year 110314
thereafter, recovers through audits of medicaid providers that 110315
exceeds the state share of all money the department, in fiscal 110316
year 2002, recovers through such audits; 110317

(4) Amounts from assessments on hospitals under section 110318
~~5112.06~~ 5168.06 of the Revised Code and intergovernmental 110319
transfers by governmental hospitals under section ~~5112.07~~ 5168.07 110320
of the Revised Code that are deposited into the fund in accordance 110321

with the law; 110322

(5) Amounts that the department of education pays to the 110323
department of ~~job and family services~~ medicaid, if any, pursuant 110324
to an interagency agreement ~~entered into under~~ authorized by 110325
section ~~5111.713~~ 5162.363 of the Revised Code; 110326

(6) The application fees charged to providers under section 110327
~~5111.063~~ 5164.31 of the Revised Code; 110328

(7) The fines collected under section ~~5111.271~~ 5165.1010 of 110329
the Revised Code; 110330

(8) Money the department receives in a fiscal year for 110331
performing eligibility verification services necessary for 110332
compliance with the independent, certified audit requirement of 42 110333
C.F.R. 455.304, other than the amounts of such money that are to 110334
be credited to the health care/medicaid support and recoveries 110335
fund under section 5162.52 of the Revised Code. 110336

~~(C) No funds shall be deposited into the health care services~~ 110337
~~administration fund in violation of federal statutes or~~ 110338
~~regulations.~~ 110339

~~(D)~~(B) In determining under division ~~(B)~~(A)(3) of this 110340
section the amount of money the department, in a fiscal year, 110341
recovers through audits of medicaid providers, the amount 110342
recovered in the form of vendor offset shall be excluded. 110343

~~(E)~~(C) The ~~director~~ department of ~~job and family services~~ 110344
medicaid shall use funds available in the health care services 110345
administration fund to pay for costs associated with the 110346
administration of the medicaid program. 110347

Sec. ~~5111.945~~ 5162.56. There is created in the state treasury 110348
the health care special activities fund. The department of ~~job and~~ 110349
~~family services~~ medicaid shall deposit all funds it receives 110350
pursuant to the administration of the medicaid program into the 110351

fund, other than any such funds that are required by law to be 110352
deposited into another fund. The department shall use the money in 110353
the fund to pay for expenses related to the services provided 110354
under, and the administration of, the medicaid program. 110355

Sec. ~~5111.944~~ 5162.58. ~~(A) As used in this section:~~ 110356

~~"Dual eligible individual" has the same meaning as in section 110357
1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010), 110358
42 U.S.C. 1396n(h)(2)(B).~~ 110359

~~"Dual eligible integrated care demonstration project" means 110360
the demonstration project authorized by section 5111.981 of the 110361
Revised Code.~~ 110362

~~"Medicare program" means the program created under Title 110363
XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 110364
1395, as amended.~~ 110365

~~(B) There is created in the state treasury the integrated 110366
care delivery systems fund. If the terms of the federal approval 110367
for the dual eligible integrated care demonstration project 110368
authorized by section 5164.91 of the Revised Code provide for the 110369
state to receive a portion of the amounts that the demonstration 110370
project saves the medicare program, such amounts shall be 110371
deposited into the fund. The department of ~~job and family services~~ 110372
medicaid shall use the money in the fund to further develop 110373
integrated delivery systems and improved care coordination for 110374
dual eligible individuals. 110375~~

Sec. 5162.60. ~~(A) There is hereby created in the state 110376
treasury the managed care performance payment fund. The fund shall 110377
consist of all of the following:~~ 110378

~~(1) Amounts transferred to it by the director of budget and 110379
management for the purpose of the managed care performance payment 110380~~

<u>program established under section 5167.30 of the Revised Code;</u>	110381
<u>(2) All fines imposed on and collected from medicaid managed</u>	110382
<u>care organizations for failure to meet performance standards or</u>	110383
<u>other requirements specified in provider agreements or rules</u>	110384
<u>adopted under section 5167.02 of the Revised Code;</u>	110385
<u>(3) All investment earnings of the fund.</u>	110386
<u>(B) Amounts in the fund may be used for the following:</u>	110387
<u>(1) To make performance payments to medicaid managed care</u>	110388
<u>organizations in accordance with section 5167.30 of the Revised</u>	110389
<u>Code;</u>	110390
<u>(2) To meet obligations specified in the provider agreements;</u>	110391
<u>(3) To pay for medicaid services provided by a medicaid</u>	110392
<u>managed care organization;</u>	110393
<u>(4) To reimburse a medicaid managed care organization that</u>	110394
<u>has paid a fine for failure to meet performance standards or other</u>	110395
<u>requirements specified in provider agreements or rules adopted</u>	110396
<u>under section 5167.02 of the Revised Code if that organization</u>	110397
<u>comes into compliance with those standards or requirements.</u>	110398
<u>Sec. 5162.62. There is hereby created in the state treasury</u>	110399
<u>the medicaid administrative reimbursement fund. The department of</u>	110400
<u>medicaid shall use money in the fund to pay for the nonfederal</u>	110401
<u>share of the cost of a fiscal audit for which a state agency or</u>	110402
<u>political subdivision is required by section 5162.35 of the</u>	110403
<u>Revised Code to reimburse the department. The department shall</u>	110404
<u>deposit the reimbursements into the fund.</u>	110405
<u>Sec. 5111.714 5162.64. (A) There is hereby created in the</u>	110406
<u>state treasury the medicaid school program administrative fund.</u>	110407
<u>(B) Both of the following shall be deposited into the</u>	110408
<u>medicaid school program administrative fund:</u>	110409

(1) The federal funds the department of education receives 110410
for the expenses the department incurs in administering the 110411
medicaid school component of the medicaid program created under 110412
section 5162.36 of the Revised Code; 110413

(2) The money the department collects from qualified medicaid 110414
school providers in the process established in rules ~~adopted under~~ 110415
authorized by section ~~5111.713~~ 5162.363 of the Revised Code. 110416

~~(C) No funds shall be deposited into the medicaid school 110417
program administrative fund in violation of federal statutes or 110418
regulations.~~ 110419

~~(D)~~ The department of education shall use money in the 110420
medicaid school program administrative fund for both of the 110421
following purposes: 110422

(1) Paying for the expenses the department incurs in 110423
administering the medicaid school component of the medicaid 110424
program; 110425

(2) Paying a qualified medicaid school provider a refund for 110426
any overpayment the provider makes to the department under the 110427
process established in rules ~~adopted under~~ authorized by section 110428
~~5111.713~~ 5162.363 of the Revised Code if the process results in an 110429
overpayment. 110430

Sec. ~~5111.62~~ 5162.66. The As used in this section, 110431
"deficiency" has the same meaning as in section 5165.60 of the 110432
Revised Code. 110433

The proceeds of all fines, including interest, collected 110434
under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised 110435
Code shall be deposited in the state treasury to the credit of the 110436
residents protection fund, which is hereby created. The proceeds 110437
of all fines, including interest, collected under section 173.42 110438
of the Revised Code shall be deposited in the state treasury to 110439

the credit of the residents protection fund. 110440

Money in the fund shall be used for the protection of the 110441
health or property of residents of nursing facilities in which the 110442
department of health finds deficiencies, including payment for the 110443
costs of relocation of residents to other facilities, maintenance 110444
of operation of a facility pending correction of deficiencies or 110445
closure, and reimbursement of residents for the loss of money 110446
managed by the facility under section 3721.15 of the Revised Code. 110447
Money in the fund may also be used to make payments under section 110448
~~5111.511~~ 5165.78 of the Revised Code. 110449

The fund shall be maintained and administered by the 110450
department of ~~job and family services~~ medicaid under rules 110451
developed in consultation with the departments of health and aging 110452
and adopted ~~by the director of job and family services~~ under 110453
~~Chapter 119.~~ section 5162.02 of the Revised Code. The rules shall 110454
be adopted in accordance with Chapter 119. of the Revised Code. 110455

Sec. 5163.01. As used in this chapter: 110456

"Federal financial participation" has the same meaning as in 110457
section 5160.01 of the Revised Code. 110458

"Federal poverty line" has the same meaning as in section 110459
5162.01 of the Revised Code. 110460

"Healthy start component" has the same meaning as in section 110461
5162.01 of the Revised Code. 110462

"Home and community-based services medicaid waiver component" 110463
has the same meaning as in section 5166.01 of the Revised Code. 110464

"Intermediate care facility for individuals with intellectual 110465
disabilities" and "ICF/IID" have the same meanings as in section 110466
5124.01 of the Revised Code. 110467

"Mandatory eligibility groups" means the groups of 110468
individuals that must be covered by the medicaid state plan as a 110469

condition of the state receiving federal financial participation 110470
for the medicaid program. 110471

"Medicaid buy-in for workers with disabilities program" means 110472
the component of the medicaid program established under sections 110473
5163.09 to 5163.0910 of the Revised Code. 110474

"Medicaid services" has the same meaning as in section 110475
5164.01 of the Revised Code. 110476

"Medicaid waiver component" has the same meaning as in 110477
section 5166.01 of the Revised Code. 110478

"Nursing facility" and "nursing facility services" have the 110479
same meanings as in section 5165.01 of the Revised Code. 110480

"Optional eligibility groups" means the groups of individuals 110481
who may be covered by the medicaid state plan or a federal 110482
medicaid waiver and for whom the medicaid program receives federal 110483
financial participation. 110484

"Other medicaid-funded long-term care services" has the 110485
meaning specified in rules adopted under section 5163.02 of the 110486
Revised Code. 110487

"Supplemental security income program" means the program 110488
established by Title XVI of the "Social Security Act," 42 U.S.C. 110489
1381 et seq. 110490

Sec. ~~5111.011~~ 5163.02. (A) The medicaid director of job and 110491
family services shall adopt rules establishing as necessary to 110492
implement this chapter. The rules shall establish eligibility 110493
requirements for the medicaid program. The rules may establish 110494
requirements for applying for medicaid and determining and 110495
verifying eligibility for medicaid. The rules shall be adopted 110496
pursuant to in accordance with section 111.15 of the Revised Code 110497
and shall be consistent with federal and state law. The rules 110498
shall include rules that do all of the following: 110499

~~(1) Establish standards consistent with federal law for allocating income and resources as income and resources of the spouse, children, parents, or stepparents of a recipient of or applicant for medicaid;~~ 110500
110501
110502
110503

~~(2) Define the term "resources" as used in division (A)(1) of this section;~~ 110504
110505

~~(3) Specify the number of months that is to be used for the purpose of the term "look back date" used in section 5111.0116 of the Revised Code;~~ 110506
110507
110508

~~(4) Establish processes to be used to determine both of the following:~~ 110509
110510

~~(a) The date an institutionalized individual's ineligibility for services under section 5111.0116 of the Revised Code is to begin;~~ 110511
110512
110513

~~(b) The number of months an institutionalized individual's ineligibility for such services is to continue.~~ 110514
110515

~~(5) For the purpose of division (C) of section 5111.0116 of the Revised Code, establish procedures for granting waivers of all or a portion of the period of ineligibility that an institutionalized individual would otherwise be subject to under that section and additional reasons for which such waivers may be granted;~~ 110516
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~~(6) Define the term "other medicaid funded long term care services" as used in sections 5111.0117 and 5111.0118 of the Revised Code;~~ 110522
110523
110524

~~(7) For the purpose of division (C)(2)(c) of section 5111.0117 of the Revised Code, establish the process to determine whether the child of an aged, blind, or disabled individual is financially dependent on the individual for housing.~~ 110525
110526
110527
110528

~~(B) Notwithstanding any provision of state law, including~~ 110529

statutes, administrative rules, common law, and court rules, 110530
regarding real or personal property or domestic relations, the 110531
standards established under rules adopted under ~~division (A)(1)~~ of 110532
this section shall be used to determine eligibility for medicaid. 110533

Sec. 5163.03. (A) Subject to sections 5163.04 and 5163.05 of 110534
the Revised Code, the medicaid program shall cover all mandatory 110535
eligibility groups. 110536

(B) The medicaid program shall cover all of the optional 110537
eligibility groups that state statutes require the medicaid 110538
program to cover. 110539

(C) The medicaid program may cover any of the optional 110540
eligibility groups to which either of the following applies: 110541

(1) State statutes expressly permit the medicaid program to 110542
cover the optional eligibility group. 110543

(2) State statutes do not address whether the medicaid 110544
program may cover the optional eligibility group. 110545

(D) The medicaid program shall not cover any eligibility 110546
group that state statutes prohibit the medicaid program from 110547
covering. 110548

Sec. 5163.04. The medicaid program shall not cover the group 110549
described in the "Social Security Act," section 110550
1902(a)(10)(A)(i)(VIII), 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 110551

This section does not affect the medicaid eligibility of any 110552
individual who enrolls in the metrohealth care plus medicaid 110553
waiver component on or after February 5, 2013. 110554

Sec. 5163.05. The medicaid program's eligibility requirements 110555
for aged, blind, and disabled individuals may be more restrictive 110556
than the eligibility requirements for the supplemental security 110557

income program. Any such more restrictive eligibility requirements 110558
shall be consistent with the 209(b) option described in the 110559
"Social Security Act," section 1902(f), 42 U.S.C. 1396a(f). 110560

Sec. 5163.06. Beginning January 1, 2014, the medicaid 110561
director may alter the eligibility requirements for, and terminate 110562
the medicaid program's coverage of, one or more optional 110563
eligibility groups or subgroups, including the following: 110564

(A) Children placed with adoptive parents who may be covered 110565
by medicaid pursuant to the "Social Security Act," section 110566
1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 110567

(B) Low income women and children who may be covered by 110568
medicaid pursuant to the "Social Security Act," section 110569
1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX); 110570

(C) Independent foster care adolescents who may be covered by 110571
medicaid pursuant to the "Social Security Act," section 110572
1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII); 110573

(D) Women in need of treatment for breast or cervical cancer 110574
who may be covered by medicaid pursuant to the "Social Security 110575
Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 110576
1396a(a)(10)(A)(ii)(XVIII); 110577

(E) Low income, nonpregnant individuals who may receive 110578
family planning services and supplies under medicaid pursuant to 110579
the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 110580
U.S.C. 1396a(a)(10)(A)(ii)(XXI); 110581

(F) Pregnant women who may be determined presumptively 110582
eligible for medicaid pursuant to the "Social Security Act," 110583
section 1920, 42 U.S.C. 1396r-1; 110584

(G) Children who may be determined presumptively eligible for 110585
medicaid pursuant to the "Social Security Act," section 1920A, 42 110586

<u>U.S.C. 1396r-1a;</u>	110587
<u>(H) Low income parents who may be covered by medicaid</u>	110588
<u>pursuant to the "Social Security Act," section 1931, 42 U.S.C.</u>	110589
<u>1396u-1.</u>	110590
<u>Sec. 5163.061. If the medicaid director alters the</u>	110591
<u>eligibility requirements for, or terminates the medicaid program's</u>	110592
<u>coverage of, an optional eligibility group or subgroup pursuant to</u>	110593
<u>section 5163.06 of the Revised Code, all of the following apply:</u>	110594
<u>(A) In the case of an optional eligibility group or subgroup</u>	110595
<u>for which the eligibility requirements are altered:</u>	110596
<u>(1) No individual enrolled, before the effective date of the</u>	110597
<u>altered eligibility requirements, in medicaid as part of the group</u>	110598
<u>or subgroup shall remain enrolled in medicaid on and after that</u>	110599
<u>effective date unless the individual meets the altered eligibility</u>	110600
<u>requirements for the group or subgroup or meets the eligibility</u>	110601
<u>requirements for another eligibility group or subgroup.</u>	110602
<u>(2) Beginning on the effective date of the altered</u>	110603
<u>eligibility requirements, no individual may enroll in medicaid as</u>	110604
<u>part of the group or subgroup unless the individual meets the</u>	110605
<u>altered eligibility requirements for the group or subgroup or</u>	110606
<u>meets the eligibility requirements for another eligibility group</u>	110607
<u>or subgroup.</u>	110608
<u>(B) In the case of an optional eligibility group or subgroup</u>	110609
<u>whose medicaid coverage is terminated:</u>	110610
<u>(1) No individual enrolled, before the effective date of the</u>	110611
<u>termination, in medicaid as part of the group or subgroup shall</u>	110612
<u>remain enrolled in medicaid on and after that effective date</u>	110613
<u>unless the individual meets the eligibility requirements for</u>	110614
<u>another eligibility group or subgroup.</u>	110615
<u>(2) Beginning on the effective date of the termination, no</u>	110616

individual may enroll in medicaid as part of the group or subgroup 110617
but may enroll in medicaid as part of another group or subgroup 110618
for which the individual meets the eligibility requirements. 110619

(C) The department of medicaid shall take actions as the 110620
department determines necessary, including requiring actions from 110621
county departments of job and family services, to do both of the 110622
following: 110623

(1) Inform medicaid recipients about the altered eligibility 110624
requirements or termination of the medicaid program's coverage of 110625
the group or subgroup; 110626

(2) In the case of medicaid recipients who will cease to be 110627
eligible for medicaid as part of the group or subgroup because of 110628
the altered eligibility requirements or termination of the group's 110629
or subgroup's coverage, offer to assist the recipients with the 110630
following: 110631

(a) To continue to be enrolled in medicaid as part of another 110632
eligibility group or subgroup for which they meet the eligibility 110633
requirements; 110634

(b) Transition to other health coverage options available to 110635
them. 110636

(D) Regarding appeals authorized by section 5160.31 of the 110637
Revised Code: 110638

(1) No individual may appeal a denial of medicaid eligibility 110639
as part of a group or subgroup whose medicaid coverage is 110640
terminated if the denial is for medicaid eligibility that would 110641
begin or continue on or after the effective date of the 110642
termination. 110643

(2) An individual may initiate or continue, on or after the 110644
effective date of the termination, an appeal concerning the 110645
individual's eligibility for medicaid as part of the group or 110646

subgroup if the decision being appealed concerns the individual's 110647
eligibility for medicaid as part of the group or subgroup before 110648
the effective date of the termination. 110649

(3) An appeal initiated or continued pursuant to division 110650
(D)(2) of this section may not result in the appellant being 110651
enrolled, or continuing to be enrolled, in medicaid as part of the 110652
group or subgroup on or after the effective date of the 110653
termination. 110654

(E) The altered eligibility requirements or termination of 110655
the medicaid program's coverage of the group or subgroup has no 110656
effect on either of the following: 110657

(1) An automatic right of recovery given under section 110658
5160.37 of the Revised Code; 110659

(2) An automatic assignment of rights under section 5160.38 110660
of the Revised Code. 110661

(F) All rules, standards, guidelines, or orders regarding the 110662
group or subgroup issued by the medicaid director before the 110663
effective date of the altered eligibility requirements or 110664
termination of the medicaid program's coverage of the group or 110665
subgroup shall be used for the purpose of determining the state's 110666
legal obligations for claims related to the group or subgroup that 110667
arise from any of the following: 110668

(1) Eligibility determinations regarding enrollment in 110669
medicaid before that effective date; 110670

(2) Claims for payment for medicaid services provided before 110671
that effective date; 110672

(3) Recoveries of erroneous medicaid payments. 110673

Sec. 5163.08. The medicaid director shall implement the 110674
option authorized by the "Social Security Act," section 110675
1925(a)(5), 42 U.S.C. 1396r-6(a)(5), regarding the single 110676

twelve-month eligibility period for transitional medicaid. 110677

Sec. ~~5111.70~~ 5163.09. (A) As used in sections ~~5111.70~~ 5163.09 110678
to ~~5111.7011~~ 5163.0910 of the Revised Code: 110679

"Applicant" means an individual who applies to participate in 110680
the medicaid buy-in for workers with disabilities program. 110681

"Earned income" has the meaning established by rules ~~adopted~~ 110682
~~under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 110683

"Employed individual with a medically improved disability" 110684
has the same meaning as in the "Social Security Act," section 110685
1905(v), 42 U.S.C. 1396d(v). 110686

"Family" means an applicant or participant and the spouse and 110687
dependent children of the applicant or participant. If an 110688
applicant or participant is under eighteen years of age, "family" 110689
also means the parents of the applicant or participant. 110690

~~"Federal poverty guidelines" has the same meaning as in~~ 110691
~~section 5101.46 of the Revised Code.~~ 110692

"Health insurance" has the meaning established by rules 110693
~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the 110694
Revised Code. 110695

"Income" means earned income and unearned income. 110696

"Participant" means an individual who has been determined 110697
eligible for the medicaid buy-in for workers with disabilities 110698
program and is participating in the program. 110699

"Resources" has the meaning established by rules ~~adopted~~ 110700
~~under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 110701

"Spouse" has the meaning established in rules ~~adopted under~~ 110702
authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 110703

~~"Supplemental security income program" means the program~~ 110704

established under Title XVI of the "Social Security Act," ~~86 Stat.~~ 110705
~~1329 (1972), 42 U.S.C. 1381, as amended.~~ 110706

~~"Medicaid buy in for workers with disabilities program" means~~ 110707
~~the component of the medicaid program established under sections~~ 110708
~~5111.70 to 5111.7011 of the Revised Code.~~ 110709

"Unearned income" has the meaning established by rules 110710
~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the 110711
Revised Code. 110712

(B) ~~Not later than one hundred eighty days after the~~ 110713
~~effective date of this section, the director of job and family~~ 110714
~~services shall submit to the United States secretary of health and~~ 110715
~~human services an amendment to the state medicaid plan and any~~ 110716
~~federal waiver necessary to establish the medicaid buy in for~~ 110717
~~workers with disabilities program in accordance with~~ The medicaid 110718
program shall cover the optional eligibility groups specified in 110719
the "Social Security Act," section 1902(a)(10)(A)(ii)(XV) and 110720
(XVI), 42 U.S.C. 1396a(a) (10)(A)(ii)(XV) and (XVI) and in 110721
accordance with sections ~~5111.70~~ 5163.09 to ~~5111.7011~~ 5163.0910 of 110722
the Revised Code. ~~The director shall implement sections 5111.701~~ 110723
~~to 5111.7011 of the Revised Code if the amendment and, if needed,~~ 110724
~~federal waiver are approved.~~ The medicaid program's coverage of 110725
these optional eligibility groups shall be known as the medicaid 110726
buy-in for workers with disabilities program. 110727

Sec. ~~5111.701~~ 5163.091. Under the medicaid buy-in for workers 110728
with disabilities program, an individual who does all of the 110729
following in accordance with rules ~~adopted under~~ authorized by 110730
section ~~5111.708~~ 5163.098 of the Revised Code qualifies for 110731
~~medical assistance under~~ the medicaid program: 110732

(A) Applies for the medicaid buy-in for workers with 110733
disabilities program; 110734

(B) Provides satisfactory evidence of all of the following: 110735

(1) That the individual is at least sixteen years of age and 110736
under sixty-five years of age; 110737

(2) Except as provided in section ~~5111.706~~ 5163.096 of the 110738
Revised Code, that one of the following applies to the individual: 110739

(a) The individual is considered disabled for the purpose of 110740
the supplemental security income program, regardless of whether 110741
the individual receives supplemental security income benefits, and 110742
the individual has earnings from employment. 110743

(b) The individual is an employed individual with a medically 110744
improved disability. 110745

(3) That the value of the individual's resources, less 110746
amounts disregarded pursuant to rules ~~adopted under~~ authorized by 110747
section ~~5111.708~~ 5163.098 of the Revised Code, does not exceed the 110748
amount provided for by section ~~5111.702~~ 5163.092 of the Revised 110749
Code; 110750

(4) That the individual's income, less amounts disregarded 110751
pursuant to section ~~5111.703~~ 5163.093 of the Revised Code, does 110752
not exceed two hundred fifty per cent of the federal poverty 110753
~~guidelines~~ line; 110754

(5) That the individual meets the additional eligibility 110755
requirements for the medicaid buy-in for workers with disabilities 110756
program ~~that the director of job and family services establishes~~ 110757
established in rules ~~adopted under~~ authorized by section ~~5111.708~~ 110758
5163.098 of the Revised Code. 110759

(C) To the extent required by section ~~5111.704~~ 5163.094 of 110760
the Revised Code, pays the premium established under that section. 110761

Sec. ~~5111.702~~ 5163.092. (A) Except as provided in division 110762
(B) of this section, the maximum value of resources, less amounts 110763
disregarded pursuant to rules ~~adopted under~~ authorized by section 110764

~~5111.708~~ 5163.098 of the Revised Code, that an individual may have 110765
without the individual exceeding the resource eligibility limit 110766
for the medicaid buy-in for workers with disabilities program 110767
shall not exceed ten thousand dollars. 110768

(B) Each calendar year, the medicaid director ~~of job and~~ 110769
~~family services~~ shall adjust the resource eligibility limit 110770
specified in division (A) of this section by the change in the 110771
consumer price index for all items for all urban consumers for the 110772
previous calendar year, as published by the United States bureau 110773
of labor statistics. The annual adjustment shall go into effect on 110774
the earliest date possible. 110775

Sec. ~~5111.703~~ 5163.093. For the purpose of determining 110776
whether an individual is within the income eligibility limit for 110777
the medicaid buy-in for workers with disabilities program, all of 110778
the following apply: 110779

(A) Twenty thousand dollars of the individual's earned income 110780
shall be disregarded. 110781

(B) No amount that the individual's employer pays to obtain 110782
health insurance for one or more members of the individual's 110783
family, including any amount of a premium established under 110784
section ~~5111.704~~ 5163.094 of the Revised Code that the employer 110785
pays, shall be treated as the individual's income. 110786

(C) Any other amounts, if any, specified in rules ~~adopted~~ 110787
~~under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code 110788
shall be disregarded from the individual's earned income, unearned 110789
income, or both. 110790

Sec. ~~5111.704~~ 5163.094. An individual whose income exceeds 110791
one hundred fifty per cent of the federal poverty ~~guidelines~~ line 110792
shall pay an annual premium as a condition of qualifying for the 110793
medicaid buy-in for workers with disabilities program. The amount 110794

of the premium shall be determined as follows: 110795

(A) Subtract one hundred fifty per cent of the federal 110796
poverty ~~guidelines~~ line, as applicable for a family size equal to 110797
the size of the individual's family, from the amount of the income 110798
of the individual's family; 110799

(B) Subtract an amount specified in rules ~~adopted under~~ 110800
authorized by section ~~5111.708~~ 5163.098 of the Revised Code from 110801
the difference determined under division (A) of this section; 110802

(C) Multiply the difference determined under division (B) of 110803
this section by one tenth. 110804

Sec. ~~5111.705~~ 5163.095. No individual shall be denied 110805
eligibility for the medicaid buy-in for workers with disabilities 110806
program on the basis that the individual receives services under a 110807
home and community-based services medicaid waiver component ~~as~~ 110808
~~defined in section 5111.85 of the Revised Code.~~ 110809

Sec. ~~5111.706~~ 5163.096. An individual participating in the 110810
medicaid buy-in for workers with disabilities program may continue 110811
to participate in the program for up to six months even though the 110812
individual ceases to have earnings from employment or to be an 110813
employed individual with a medically improved disability due to 110814
ceasing to be employed if the individual continues to meet all 110815
other eligibility requirements for the program. 110816

Sec. ~~5111.707~~ 5163.097. If the United States secretary of 110817
health and human services requires that a provision ~~in the~~ 110818
~~amendment to the state medicaid plan or the federal waiver request~~ 110819
~~submitted under section 5111.70 of the Revised Code~~ of the 110820
medicaid buy-in for workers with disabilities program be changed 110821
or removed in order for the secretary to approve the ~~amendment or~~ 110822
~~waiver~~ program or to avoid an extended delay in the secretary's 110823

approval, the medicaid director ~~of job and family services~~ shall 110824
make the change or removal. The change or removal may cause the 110825
medicaid buy-in for workers with disabilities program to include a 110826
provision that is inconsistent with sections ~~5111.70~~ 5163.09 to 110827
~~5111.706~~ 5163.096 of the Revised Code. Such a change or removal 110828
shall be made only to the extent necessary to obtain the United 110829
States secretary's approval or avoid an extended delay in the 110830
secretary's approval and shall be reflected in rules ~~adopted under~~ 110831
authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 110832

Sec. ~~5111.708~~ 5163.098. (A) The medicaid director ~~of job and~~ 110833
~~family services~~ shall adopt rules ~~in accordance with Chapter 119.~~ 110834
under section 5163.02 of the Revised Code as necessary to 110835
implement the medicaid buy-in for workers with disabilities 110836
program. The rules shall do all of the following: 110837

(1) Specify assets, asset values, and amounts to be 110838
disregarded in determining asset and income eligibility limits for 110839
the program; 110840

(2) Establish meanings for the terms "earned income," "health 110841
insurance," "resources," "spouse," and "unearned income"; 110842

(3) Establish additional eligibility requirements for the 110843
program that must be established for the United States secretary 110844
of health and human services to approve the program; 110845

(4) For the purpose of division (B) of section ~~5111.704~~ 110846
5163.094 of the Revised Code, specify an amount to be subtracted 110847
from the difference determined under division (A) of that section. 110848

(B) The director may adopt rules ~~in accordance with Chapter~~ 110849
~~119.~~ under section 5163.02 of the Revised Code to specify amounts 110850
to be disregarded from an individual's earned income, unearned 110851
income, or both under division (C) of section ~~5111.703~~ 5163.093 of 110852
the Revised Code for the purpose of determining whether the 110853

individual is within the income eligibility limit for the medicaid 110854
buy-in for workers with disabilities program. 110855

Sec. ~~5111.709~~ 5163.099. (A) There is hereby created the 110856
medicaid buy-in advisory council. The council shall consist of all 110857
of the following: 110858

(1) The following voting members: 110859

(a) The executive director of assistive technology of Ohio or 110860
the executive director's designee; 110861

(b) The director of the axis center for public awareness of 110862
people with disabilities or the director's designee; 110863

(c) The executive director of the cerebral palsy association 110864
of Ohio or the executive director's designee; 110865

(d) The chief executive officer of Ohio advocates for mental 110866
health or the chief executive officer's designee; 110867

(e) The state director of the Ohio chapter of AARP or the 110868
state director's designee; 110869

(f) The director of the Ohio developmental disabilities 110870
council created under section 5123.35 of the Revised Code or the 110871
director's designee; 110872

(g) The executive director of the governor's council on 110873
people with disabilities created under section 3303.41 of the 110874
Revised Code or the executive director's designee; 110875

(h) The chairperson of the Ohio Olmstead task force or the 110876
chairperson's designee; 110877

(i) The executive director of the Ohio statewide independent 110878
living council or the executive director's designee; 110879

(j) The president of the Ohio chapter of the national 110880
multiple sclerosis society or the president's designee; 110881

(k) The executive director of the arc of Ohio or the executive director's designee;	110882 110883
(l) The executive director of the commission on minority health or the executive director's designee;	110884 110885
(m) The executive director of the brain injury association of Ohio or the executive director's designee;	110886 110887
(n) The executive officer of any other advocacy organization who volunteers to serve on the council, or such an executive officer's designee, if the other voting members, at a meeting called by the chairperson elected under division (C) of this section, determine it is appropriate for the advocacy organization to be represented on the council;	110888 110889 110890 110891 110892 110893
(o) One or more participants who volunteer to serve on the council and are selected by the other voting members at a meeting the chairperson calls after the medicaid buy-in for workers with disabilities program is implemented.	110894 110895 110896 110897
(2) The following non-voting members:	110898
(a) The <u>medicaid</u> director of job and family services or the director's designee;	110899 110900
(b) The administrator of the rehabilitation services commission or the administrator's designee;	110901 110902
(c) The director of alcohol and drug addiction services or the director's designee;	110903 110904
(d) The director of developmental disabilities or the director's designee;	110905 110906
(e) (d) The director of mental health <u>and addiction services</u> or the director's designee;	110907 110908
(f) (e) The executive officer of any other government entity, or the executive officer's designee, if the voting members, at a meeting called by the chairperson, determine it is appropriate for	110909 110910 110911

the government entity to be represented on the council. 110912

(B) All members of the medicaid buy-in advisory council shall 110913
serve without compensation or reimbursement, except as serving on 110914
the council is considered part of their usual job duties. 110915

(C) The voting members of the medicaid buy-in advisory 110916
council shall elect one of the members of the council to serve as 110917
the council's chairperson for a two-year term. The chairperson may 110918
be re-elected to successive terms. 110919

(D) The department of ~~job and family services~~ medicaid shall 110920
provide the Ohio medicaid buy-in advisory council with 110921
accommodations for the council to hold its meetings and shall 110922
provide the council with other administrative assistance the 110923
council needs to perform its duties. 110924

Sec. ~~5111.7011~~ 5163.0910. Not less than once each year, the 110925
medicaid director of ~~job and family services~~ shall submit a report 110926
on the medicaid buy-in for workers with disabilities program to 110927
the governor, speaker and minority leader of the house of 110928
representatives, president and minority leader of the senate, and 110929
chairpersons of the house and senate committees to which the 110930
biennial operating budget bill is referred. The report shall 110931
include all of the following information: 110932

(A) The number of individuals who participated in the 110933
medicaid buy-in for workers with disabilities program; 110934

(B) The cost of the program; 110935

(C) The amount of revenue generated by premiums that 110936
participants pay under section ~~5111.704~~ 5163.094 of the Revised 110937
Code; 110938

(D) The average amount of earned income of participants' 110939
families; 110940

(E) The average amount of time participants have participated 110941

in the program; 110942

(F) The types of other health insurance participants have 110943
been able to obtain. 110944

Sec. ~~5111.15~~ 5163.20. If a medicaid recipient ~~of medical~~ 110945
~~assistance~~ is the beneficiary of a trust created pursuant to 110946
section 5815.28 of the Revised Code, then, notwithstanding any 110947
contrary provision of this chapter or of a rule adopted ~~pursuant~~ 110948
~~to this chapter~~ under section 5163.02 of the Revised Code, 110949
divisions (C) and (D) of that section shall apply in determining 110950
the assets or resources of the recipient, the recipient's estate, 110951
the settlor, or the settlor's estate and to claims arising under 110952
this chapter against the recipient, the recipient's estate, the 110953
settlor, or the settlor's estate. 110954

Sec. ~~5111.151~~ 5163.21. (A)(1) This section applies only to 110955
either of the following: 110956

(a) Initial eligibility determinations for the medicaid 110957
program ~~made by the department of job and family services pursuant~~ 110958
~~to section 5101.47 of the Revised Code or by a county department~~ 110959
~~of job and family services pursuant to section 5111.012 of the~~ 110960
~~Revised Code;~~ 110961

(b) An appeal from ~~a~~ an initial eligibility determination 110962
~~described in division (A)(1)(a) of this section~~ pursuant to 110963
section ~~5101.35~~ 5160.31 of the Revised Code. 110964

(2)(a) Except as provided in division (A)(2)(b) of this 110965
section, this section shall not be used by a court to determine 110966
the effect of a trust on an individual's initial eligibility for 110967
the medicaid program. 110968

(b) The prohibition in division (A)(2)(a) of this section 110969
does not apply to an appeal described in division (A)(1)(b) of 110970
this section. 110971

(B) As used in this section:	110972
(1) "Trust" means any arrangement in which a grantor transfers real or personal property to a trust with the intention that it be held, managed, or administered by at least one trustee for the benefit of the grantor or beneficiaries. "Trust" includes any legal instrument or device similar to a trust.	110973 110974 110975 110976 110977
(2) "Legal instrument or device similar to a trust" includes, but is not limited to, escrow accounts, investment accounts, partnerships, contracts, and other similar arrangements that are not called trusts under state law but are similar to a trust and to which all of the following apply:	110978 110979 110980 110981 110982
(a) The property in the trust is held, managed, retained, or administered by a trustee.	110983 110984
(b) The trustee has an equitable, legal, or fiduciary duty to hold, manage, retain, or administer the property for the benefit of the beneficiary.	110985 110986 110987
(c) The trustee holds identifiable property for the beneficiary.	110988 110989
(3) "Grantor" is a person who creates a trust, including all of the following:	110990 110991
(a) An individual;	110992
(b) An individual's spouse;	110993
(c) A person, including a court or administrative body, with legal authority to act in place of or on behalf of an individual or an individual's spouse;	110994 110995 110996
(d) A person, including a court or administrative body, that acts at the direction or on request of an individual or the individual's spouse.	110997 110998 110999
(4) "Beneficiary" is a person or persons, including a grantor, who benefits in some way from a trust.	111000 111001

- (5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries. 111002
111003
- (6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association. 111004
111005
111006
- (7) "Applicant" is an individual who applies for medicaid or the individual's spouse. 111007
111008
- (8) "Recipient" is an individual who receives medicaid or the individual's spouse. 111009
111010
- (9) "Revocable trust" is a trust that can be revoked by the grantor or the beneficiary, including all of the following, even if the terms of the trust state that it is irrevocable: 111011
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111013
- (a) A trust that provides that the trust can be terminated only by a court; 111014
111015
- (b) A trust that terminates on the happening of an event, but only if the event occurs at the direction or control of the grantor, beneficiary, or trustee. 111016
111017
111018
- (10) "Irrevocable trust" is a trust that cannot be revoked by the grantor or terminated by a court and that terminates only on the occurrence of an event outside of the control or direction of the beneficiary or grantor. 111019
111020
111021
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- (11) "Payment" is any disbursement from the principal or income of the trust, including actual cash, noncash or property disbursements, or the right to use and occupy real property. 111023
111024
111025
- (12) "Payments to or for the benefit of the applicant or recipient" is a payment to any person resulting in a direct or indirect benefit to the applicant or recipient. 111026
111027
111028
- (13) "Testamentary trust" is a trust that is established by a will and does not take effect until after the death of the person who created the trust. 111029
111030
111031

(C)(1) If an applicant or recipient is a beneficiary of a trust, the applicant or recipient shall submit a complete copy of the trust instrument to the county department of job and family services and the department of medicaid. A copy shall be considered complete if it contains all pages of the trust instrument and all schedules, attachments, and accounting statements referenced in or associated with the trust. The copy is confidential and is not subject to disclosure under section 149.43 of the Revised Code. 111032
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(2) On receipt of a copy of a trust instrument or otherwise determining that an applicant or recipient is a beneficiary of a trust, the county department of job and family services shall determine what type of trust it is and shall treat the trust in accordance with the appropriate provisions of this section and rules adopted ~~by the department of job and family services under section 5163.02 of the Revised Code~~ governing trusts. The county department of job and family services may determine that any of the following is the case regarding the trust or portion of the trust: 111041
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(a) ~~Is~~ It is a resource available to the applicant or recipient; 111051
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(b) ~~Contains~~ It contains income available to the applicant or recipient; 111053
111054

(c) ~~Constitutes both items described in divisions~~ Divisions (C)~~(1)~~(2)(a) and (b) of this section are both applicable; 111055
111056

(d) ~~Is neither an item described in~~ Neither division (C)~~(1)~~(2)(a) nor ~~(C)(1)(b)~~ of this section is applicable. 111057
111058

~~(2)~~(3) Except as provided in division (F) of this section, a trust or portion of a trust that is a resource available to the applicant or recipient or contains income available to the applicant or recipient shall be counted for purposes of 111059
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111062

determining medicaid eligibility. 111063

(D)(1) A trust or legal instrument or device similar to a 111064
trust shall be considered a medicaid qualifying trust if all of 111065
the following apply: 111066

(a) The trust was established on or prior to August 10, 1993. 111067

(b) The trust was not established by a will. 111068

(c) The trust was established by an applicant or recipient. 111069

(d) The applicant or recipient is or may become the 111070
beneficiary of all or part of the trust. 111071

(e) Payment from the trust is determined by one or more 111072
trustees who are permitted to exercise any discretion with respect 111073
to the distribution to the applicant or recipient. 111074

(2) If a trust meets the requirement of division (D)(1) of 111075
this section, the amount of the trust that is considered by the 111076
county department of job and family services to be a resource 111077
available to the applicant or recipient shall be the maximum 111078
amount of payments permitted under the terms of the trust to be 111079
distributed to the applicant or recipient, assuming the full 111080
exercise of discretion by the trustee or trustees. The maximum 111081
amount shall include only amounts that are permitted to be 111082
distributed but are not distributed from either the income or 111083
principal of the trust. 111084

(3) Amounts that are actually distributed from a medicaid 111085
qualifying trust to a beneficiary for any purpose shall be treated 111086
in accordance with rules adopted ~~by the department of job and~~ 111087
~~family services~~ under section 5163.02 of the Revised Code 111088
governing income. 111089

(4) Availability of a medicaid qualifying trust shall be 111090
considered without regard to any of the following: 111091

(a) Whether or not the trust is irrevocable or was 111092

established for purposes other than to enable a grantor to qualify 111093
for medicaid, ~~medical assistance for covered families and~~ 111094
~~children, or as a qualified medicare beneficiary, specified~~ 111095
~~low income medicare beneficiary, qualifying individual 1, or~~ 111096
~~qualifying individual 2;~~ 111097

(b) Whether or not the trustee actually exercises discretion. 111098

(5) If any real or personal property is transferred to a 111099
medicaid qualifying trust that is not distributable to the 111100
applicant or recipient, the transfer shall be considered an 111101
improper disposition of assets and shall be subject to section 111102
~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that 111103
section adopted under section ~~5111.011~~ 5163.02 of the Revised 111104
Code. 111105

(6) The baseline date for the look-back period for 111106
disposition of assets involving a medicaid qualifying trust shall 111107
be the date on which the applicant or recipient is both 111108
institutionalized and first applies for medicaid. 111109

(E)(1) A trust or legal instrument or device similar to a 111110
trust shall be considered a self-settled trust if all of the 111111
following apply: 111112

(a) The trust was established on or after August 11, 1993. 111113

(b) The trust was not established by a will. 111114

(c) The trust was established by an applicant or recipient, 111115
spouse of an applicant or recipient, or a person, including a 111116
court or administrative body, with legal authority to act in place 111117
of or on behalf of an applicant, recipient, or spouse, or acting 111118
at the direction or on request of an applicant, recipient, or 111119
spouse. 111120

(2) A trust that meets the requirements of division (E)(1) of 111121
this section and is a revocable trust shall be treated by the 111122

county department of job and family services as follows: 111123

(a) The corpus of the trust shall be considered a resource 111124
available to the applicant or recipient. 111125

(b) Payments from the trust to or for the benefit of the 111126
applicant or recipient shall be considered unearned income of the 111127
applicant or recipient. 111128

(c) Any other payments from the trust shall be considered an 111129
improper disposition of assets and shall be subject to section 111130
~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that 111131
section adopted under section ~~5111.011~~ 5163.02 of the Revised 111132
Code. 111133

(3) A trust that meets the requirements of division (E)(1) of 111134
this section and is an irrevocable trust shall be treated by the 111135
county department of job and family services as follows: 111136

(a) If there are any circumstances under which payment from 111137
the trust could be made to or for the benefit of the applicant or 111138
recipient, including a payment that can be made only in the 111139
future, the portion from which payments could be made shall be 111140
considered a resource available to the applicant or recipient. The 111141
county department of job and family services shall not take into 111142
account when payments can be made. 111143

(b) Any payment that is actually made to or for the benefit 111144
of the applicant or recipient from either the corpus or income 111145
shall be considered unearned income. 111146

(c) If a payment is made to someone other than to the 111147
applicant or recipient and the payment is not for the benefit of 111148
the applicant or recipient, the payment shall be considered an 111149
improper disposition of assets and shall be subject to section 111150
~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that 111151
section adopted under section ~~5111.011~~ 5163.02 of the Revised 111152
Code. 111153

(d) The date of the disposition shall be the later of the date of establishment of the trust or the date of the occurrence of the event. 111154
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(e) When determining the value of the disposed asset under this provision, the value of the trust shall be its value on the date payment to the applicant or recipient was foreclosed. 111157
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(f) Any income earned or other resources added subsequent to the foreclosure date shall be added to the total value of the trust. 111160
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(g) Any payments to or for the benefit of the applicant or recipient after the foreclosure date but prior to the application date shall be subtracted from the total value. Any other payments shall not be subtracted from the value. 111163
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(h) Any addition of assets after the foreclosure date shall be considered a separate disposition. 111167
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(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing trusts shall apply only to the portion of the trust attributable to the applicant or recipient. 111169
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(5) The availability of a self-settled trust shall be considered without regard to any of the following: 111175
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(a) The purpose for which the trust is established; 111177

(b) Whether the trustees have exercised or may exercise discretion under the trust; 111178
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(c) Any restrictions on when or whether distributions may be made from the trust; 111180
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(d) Any restrictions on the use of distributions from the trust. 111182
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(6) The baseline date for the look-back period for 111184
dispositions of assets involving a self-settled trust shall be the 111185
date on which the applicant or recipient is both institutionalized 111186
and first applies for medicaid. 111187

(F) The principal or income from any of the following shall 111188
not be a resource available to the applicant or recipient: 111189

(1)(a) A special needs trust that meets all of the following 111190
requirements: 111191

(i) The trust contains assets of an applicant or recipient 111192
under sixty-five years of age and may contain the assets of other 111193
individuals. 111194

(ii) The applicant or recipient is disabled as defined in 111195
rules adopted ~~by the department of job and family services~~ under 111196
section 5163.02 of the Revised Code. 111197

(iii) The trust is established for the benefit of the 111198
applicant or recipient by a parent, grandparent, legal guardian, 111199
or a court. 111200

(iv) The trust requires that on the death of the applicant or 111201
recipient the state will receive all amounts remaining in the 111202
trust up to an amount equal to the total amount of medicaid ~~paid~~ 111203
payments made on behalf of the applicant or recipient. 111204

(b) If a special needs trust meets the requirements of 111205
division (F)(1)(a) of this section and has been established for a 111206
disabled applicant or recipient under sixty-five years of age, the 111207
exemption for the trust granted pursuant to division (F) of this 111208
section shall continue after the disabled applicant or recipient 111209
becomes sixty-five years of age if the applicant or recipient 111210
continues to be disabled as defined in rules adopted ~~by the~~ 111211
~~department of job and family services~~ under section 5163.02 of the 111212
Revised Code. Except for income earned by the trust, the grantor 111213
shall not add to or otherwise augment the trust after the 111214

applicant or recipient attains sixty-five years of age. An 111215
addition or augmentation of the trust by the applicant or 111216
recipient with the applicant's own assets after the applicant or 111217
recipient attains sixty-five years of age shall be treated as an 111218
improper disposition of assets. 111219

(c) Cash distributions to the applicant or recipient shall be 111220
counted as unearned income. All other distributions from the trust 111221
shall be treated as provided in rules adopted ~~by the department of~~ 111222
~~job and family services~~ under section 5163.02 of the Revised Code 111223
governing in-kind income. 111224

(d) Transfers of assets to a special needs trust shall not be 111225
treated as an improper transfer of resources. An asset held prior 111226
to the transfer to the trust shall be considered as a resource 111227
available to the applicant or recipient, income available to the 111228
applicant or recipient, or both a resource and income available to 111229
the individual. 111230

(2)(a) A qualifying income trust that meets all of the 111231
following requirements: 111232

(i) The trust is composed only of pension, social security, 111233
and other income to the applicant or recipient, including 111234
accumulated interest in the trust. 111235

(ii) The income is received by the individual and the right 111236
to receive the income is not assigned or transferred to the trust. 111237

(iii) The trust requires that on the death of the applicant 111238
or recipient the state will receive all amounts remaining in the 111239
trust up to an amount equal to the total amount of medicaid ~~paid~~ 111240
payments made on behalf of the applicant or recipient. 111241

(b) No resources shall be used to establish or augment the 111242
trust. 111243

(c) If an applicant or recipient has irrevocably transferred 111244

or assigned the applicant's or recipient's right to receive income 111245
to the trust, the trust shall not be considered a qualifying 111246
income trust by the county department of job and family services. 111247

(d) Income placed in a qualifying income trust shall not be 111248
counted in determining an applicant's or recipient's eligibility 111249
for medicaid. The recipient of the funds may place any income 111250
directly into a qualifying income trust without those funds 111251
adversely affecting the applicant's or recipient's eligibility for 111252
medicaid. Income generated by the trust that remains in the trust 111253
shall not be considered as income to the applicant or recipient. 111254

(e) All income placed in a qualifying income trust shall be 111255
combined with any income available to the individual that is not 111256
placed in the trust to arrive at a base income figure to be used 111257
for spend down calculations. 111258

(f) The base income figure shall be used for post-eligibility 111259
deductions, including personal needs allowance, monthly income 111260
allowance, family allowance, and medical expenses not subject to 111261
third party payment. Any income remaining shall be used toward 111262
payment of patient liability. Payments made from a qualifying 111263
income trust shall not be combined with the base income figure for 111264
post-eligibility calculations. 111265

(g) The base income figure shall be used when determining the 111266
spend down budget for the applicant or recipient. Any income 111267
remaining after allowable deductions are permitted as provided 111268
under rules adopted ~~by the department of job and family services~~ 111269
under section 5163.02 of the Revised Code shall be considered the 111270
applicant's or recipient's spend down liability. 111271

(3)(a) A pooled trust that meets all of the following 111272
requirements: 111273

(i) The trust contains the assets of the applicant or 111274
recipient of any age who is disabled as defined in rules adopted 111275

~~by the department of job and family services under section 5163.02~~ 111276
~~of the Revised Code.~~ 111277

(ii) The trust is established and managed by a nonprofit 111278
organization. 111279

(iii) A separate account is maintained for each beneficiary 111280
of the trust but, for purposes of investment and management of 111281
funds, the trust pools the funds in these accounts. 111282

(iv) Accounts in the trust are established by the applicant 111283
or recipient, the applicant's or recipient's parent, grandparent, 111284
or legal guardian, or a court solely for the benefit of 111285
individuals who are disabled. 111286

(v) The trust requires that, to the extent that any amounts 111287
remaining in the beneficiary's account on the death of the 111288
beneficiary are not retained by the trust, the trust pay to the 111289
state the amounts remaining in the trust up to an amount equal to 111290
the total amount of medicaid ~~paid~~ payments made on behalf of the 111291
beneficiary. 111292

(b) Cash distributions to the applicant or recipient shall be 111293
counted as unearned income. All other distributions from the trust 111294
shall be treated as provided in rules adopted ~~by the department of~~ 111295
~~job and family services under section 5163.02 of the Revised Code~~ 111296
governing in-kind income. 111297

(c) Transfers of assets to a pooled trust shall not be 111298
treated as an improper disposition of assets. An asset held prior 111299
to the transfer to the trust shall be considered as a resource 111300
available to the applicant or recipient, income available to the 111301
applicant or recipient, or both a resource and income available to 111302
the applicant or recipient. 111303

(4) A supplemental services trust that meets the requirements 111304
of section 5815.28 of the Revised Code and to which all of the 111305
following apply: 111306

(a) A person may establish a supplemental services trust 111307
pursuant to section 5815.28 of the Revised Code only for another 111308
person who is eligible to receive services through one of the 111309
following agencies: 111310

(i) The department of developmental disabilities; 111311

(ii) A county board of developmental disabilities; 111312

(iii) The department of ~~mental health~~ mental health and 111313
addiction services; 111314

(iv) A board of alcohol, drug addiction, and mental health 111315
services. 111316

(b) A county department of job and family services shall not 111317
determine eligibility for another agency's program. An applicant 111318
or recipient shall do one of the following: 111319

(i) Provide documentation from one of the agencies listed in 111320
division (F)(4)(a) of this section that establishes that the 111321
applicant or recipient was determined to be eligible for services 111322
from the agency at the time of the creation of the trust; 111323

(ii) Provide an order from a court of competent jurisdiction 111324
that states that the applicant or recipient was eligible for 111325
services from one of the agencies listed in division (F)(4)(a) of 111326
this section at the time of the creation of the trust. 111327

(c) At the time the trust is created, the trust principal 111328
does not exceed the maximum amount permitted. The maximum amount 111329
permitted in calendar year 2006 is two hundred twenty-two thousand 111330
dollars. Each year thereafter, the maximum amount permitted is the 111331
prior year's amount plus two thousand dollars. 111332

(d) A county department of job and family services shall 111333
review the trust to determine whether it complies with the 111334
provisions of section 5815.28 of the Revised Code. 111335

(e) Payments from supplemental services trusts shall be 111336

exempt as long as the payments are for supplemental services as 111337
defined in rules adopted ~~by the department of job and family~~ 111338
~~services under section 5163.02 of the Revised Code.~~ All 111339
supplemental services shall be purchased by the trustee and shall 111340
not be purchased through direct cash payments to the beneficiary. 111341

(f) If a trust is represented as a supplemental services 111342
trust and a county department of job and family services 111343
determines that the trust does not meet the requirements provided 111344
in division (F)(4) of this section and section 5815.28 of the 111345
Revised Code, the county department of job and family services 111346
shall not consider it an exempt trust. 111347

(G)(1) A trust or legal instrument or device similar to a 111348
trust shall be considered a trust established by an individual for 111349
the benefit of the applicant or recipient if all of the following 111350
apply: 111351

(a) The trust is created by a person other than the applicant 111352
or recipient. 111353

(b) The trust names the applicant or recipient as a 111354
beneficiary. 111355

(c) The trust is funded with assets or property in which the 111356
applicant or recipient has never held an ownership interest prior 111357
to the establishment of the trust. 111358

(2) Any portion of a trust that meets the requirements of 111359
division (G)(1) of this section shall be a resource available to 111360
the applicant or recipient only if the trust permits the trustee 111361
to expend principal, corpus, or assets of the trust for the 111362
applicant's or recipient's medical care, care, comfort, 111363
maintenance, health, welfare, general well being, or any 111364
combination of these purposes. 111365

(3) A trust that meets the requirements of division (G)(1) of 111366
this section shall be considered a resource available to the 111367

applicant or recipient even if the trust contains any of the 111368
following types of provisions: 111369

(a) A provision that prohibits the trustee from making 111370
payments that would supplant or replace medicaid or other public 111371
assistance; 111372

(b) A provision that prohibits the trustee from making 111373
payments that would impact or have an effect on the applicant's or 111374
recipient's right, ability, or opportunity to receive medicaid or 111375
other public assistance; 111376

(c) A provision that attempts to prevent the trust or its 111377
corpus or principal from being a resource available to the 111378
applicant or recipient. 111379

(4) A trust that meets the requirements of division (G)(1) of 111380
this section shall not be counted as a resource available to the 111381
applicant or recipient if at least one of the following 111382
circumstances applies: 111383

(a) If a trust contains a clear statement requiring the 111384
trustee to preserve a portion of the trust for another beneficiary 111385
or remainderman, that portion of the trust shall not be counted as 111386
a resource available to the applicant or recipient. Terms of a 111387
trust that grant discretion to preserve a portion of the trust 111388
shall not qualify as a clear statement requiring the trustee to 111389
preserve a portion of the trust. 111390

(b) If a trust contains a clear statement requiring the 111391
trustee to use a portion of the trust for a purpose other than 111392
medical care, care, comfort, maintenance, welfare, or general well 111393
being of the applicant or recipient, that portion of the trust 111394
shall not be counted as a resource available to the applicant or 111395
recipient. Terms of a trust that grant discretion to limit the use 111396
of a portion of the trust shall not qualify as a clear statement 111397
requiring the trustee to use a portion of the trust for a 111398

particular purpose. 111399

(c) If a trust contains a clear statement limiting the 111400
trustee to making fixed periodic payments, the trust shall not be 111401
counted as a resource available to the applicant or recipient and 111402
payments shall be treated in accordance with rules adopted ~~by the~~ 111403
~~department of job and family services~~ under section 5163.02 of the 111404
Revised Code governing income. Terms of a trust that grant 111405
discretion to limit payments shall not qualify as a clear 111406
statement requiring the trustee to make fixed periodic payments. 111407

(d) If a trust contains a clear statement that requires the 111408
trustee to terminate the trust if it is counted as a resource 111409
available to the applicant or recipient, the trust shall not be 111410
counted as such. Terms of a trust that grant discretion to 111411
terminate the trust do not qualify as a clear statement requiring 111412
the trustee to terminate the trust. 111413

(e) If a person obtains a judgment from a court of competent 111414
jurisdiction that expressly prevents the trustee from using part 111415
or all of the trust for the medical care, care, comfort, 111416
maintenance, welfare, or general well being of the applicant or 111417
recipient, the trust or that portion of the trust subject to the 111418
court order shall not be counted as a resource available to the 111419
applicant or recipient. 111420

(f) If a trust is specifically exempt from being counted as a 111421
resource available to the applicant or recipient by a provision of 111422
the Revised Code, rules, or federal law, the trust shall not be 111423
counted as such. 111424

(g) If an applicant or recipient presents a final judgment 111425
from a court demonstrating that the applicant or recipient was 111426
unsuccessful in a civil action against the trustee to compel 111427
payments from the trust, the trust shall not be counted as a 111428
resource available to the applicant or recipient. 111429

(h) If an applicant or recipient presents a final judgment 111430
from a court demonstrating that in a civil action against the 111431
trustee the applicant or recipient was only able to compel limited 111432
or periodic payments, the trust shall not be counted as a resource 111433
available to the applicant or recipient and payments shall be 111434
treated in accordance with rules adopted ~~by the department of job~~ 111435
~~and family services~~ under section 5163.02 of the Revised Code 111436
governing income. 111437

(i) If an applicant or recipient provides written 111438
documentation showing that the cost of a civil action brought to 111439
compel payments from the trust would be cost prohibitive, the 111440
trust shall not be counted as a resource available to the 111441
applicant or recipient. 111442

(5) Any actual payments to the applicant or recipient from a 111443
trust that meet the requirements of division (G)(1) of this 111444
section, including trusts that are not counted as a resource 111445
available to the applicant or recipient, shall be treated as 111446
provided in rules adopted ~~by the department of job and family~~ 111447
~~services~~ under section 5163.02 of the Revised Code governing 111448
income. Payments to any person other than the applicant or 111449
recipient shall not be considered income to the applicant or 111450
recipient. Payments from the trust to a person other than the 111451
applicant or recipient shall not be considered an improper 111452
disposition of assets. 111453

Sec. ~~5111.181~~ 5163.22. (A) The general assembly hereby finds 111454
that the state has an insurable interest in ~~medical assistance~~ 111455
medicaid recipients because of the state's statutory right to 111456
recover from the estate of a recipient state funds used to provide 111457
the recipient with ~~medical care and~~ medicaid services. 111458

(B) As used in this section: 111459

(1) "Beneficiary" means the person or entity designated in a 111460

life insurance policy to receive the proceeds of the policy on the 111461
death of the insured or maturity of the policy. 111462

(2) "Owner" means the person who has the right to designate 111463
the beneficiary of a life insurance policy and to change the 111464
designation. 111465

(C) ~~Notwithstanding section 5111.011 of the Revised Code, the~~ 111466
The value of a life insurance policy that would otherwise be 111467
considered a resource in determining eligibility for the ~~medical~~ 111468
~~assistance~~ medicaid program shall be excluded from any 111469
determination of a person's eligibility for the ~~medical-assistance~~ 111470
medicaid program if the owner designates the department of ~~job and~~ 111471
~~family services~~ medicaid as beneficiary of the policy. The 111472
department may pay premiums to keep the policy in force. Premiums 111473
paid by the department are ~~medical-assistance~~ medicaid payments 111474
correctly paid on behalf of a ~~medical-assistance~~ medicaid 111475
recipient and subject to recovery under section ~~5111.11~~ 5162.21 of 111476
the Revised Code. 111477

(D) The medicaid director ~~of job and family services~~ shall 111478
deposit the proceeds of a life insurance policy that do not exceed 111479
the amount the department may recover against the property and 111480
estate of the owner under section ~~5111.11~~ 5162.21 of the Revised 111481
Code into the general revenue fund. The director shall pay any 111482
remaining proceeds to the person designated by the owner. If the 111483
owner failed to designate a person, the director shall pay the 111484
remaining proceeds to the surviving spouse, or, if there is no 111485
surviving spouse, to the estate of the owner. 111486

(E) If the owner designates the department of ~~job and family~~ 111487
~~services~~ medicaid as the policy's beneficiary, the department 111488
shall notify the owner that the owner may designate a person to 111489
receive proceeds of the policy that exceed the amount the 111490
department may recover against the owner's property and estate 111491
under section ~~5111.11~~ 5162.21 of the Revised Code. The designation 111492

shall be made on a form provided by the department. 111493

~~(F) The department of job and family services shall not 111494
implement this section if implementation would violate any federal 111495
requirement unless the department receives a waiver of the 111496
requirement from the United States department of health and human 111497
services. 111498~~

Sec. ~~5111.0116~~ 5163.30. (A) As used in this section: 111499

(1) "Assets" include all of an individual's income and 111500
resources and those of the individual's spouse, including any 111501
income or resources the individual or spouse is entitled to but 111502
does not receive because of action by any of the following: 111503

(a) The individual or spouse; 111504

(b) A person or government entity, including a court or 111505
administrative agency, with legal authority to act in place of or 111506
on behalf of the individual or spouse; 111507

(c) A person or government entity, including a court or 111508
administrative agency, acting at the direction or on the request 111509
of the individual or spouse. 111510

(2) "Home and community-based services" means home and 111511
community-based services furnished under a medicaid waiver granted 111512
by the United States secretary of health and human services under 111513
the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 111514
1396n(c) or (d). 111515

(3) "Institutionalized individual" means a resident of a 111516
nursing facility, an inpatient in a medical institution for whom a 111517
payment is made based on a level of care provided in a nursing 111518
facility, or an individual described in the "Social Security Act," 111519
section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 111520

(4) "Look-back date" means the date that is a number of 111521
months specified in rules adopted under section ~~5111.011~~ 5163.02 111522

of the Revised Code immediately before either of the following: 111523

(a) The date an individual becomes an institutionalized individual if the individual is eligible for medicaid on that date; 111524
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(b) The date an individual applies for medicaid while an institutionalized individual. 111527
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(5) ~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 111529
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~~(6)~~ "Nursing facility equivalent services" means services that are covered by the medicaid program, equivalent to nursing facility services, provided by an institution that provides the same level of care as a nursing facility, and provided to an inpatient of the institution who is a medicaid recipient eligible for medicaid-covered nursing facility equivalent services. 111531
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~~(7) "Nursing facility services" means nursing facility services covered by the medicaid program that a nursing facility provides to a resident of the nursing facility who is a medicaid recipient eligible for medicaid covered nursing facility services.~~ 111537
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~~(8)~~(6) "Undue hardship" means being deprived of either of the following: 111541
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(a) Medical care such that an individual's health or life is endangered; 111543
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(b) Food, clothing, shelter, or other necessities of life. 111545

(B) Except as provided in division (C) of this section and rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code, an institutionalized individual is ineligible for nursing facility services, nursing facility equivalent services, and home and community-based services if the individual or individual's spouse disposes of assets for less than fair market value on or after the look-back date. The institutionalized individual's ineligibility 111546
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shall begin on a date determined in accordance with rules adopted 111553
under section ~~5111.011~~ 5163.02 of the Revised Code and shall 111554
continue for a number of months determined in accordance with such 111555
rules. 111556

(C) An institutionalized individual may be granted a waiver 111557
of all or a portion of the period of ineligibility to which the 111558
individual would otherwise be subjected under division (B) of this 111559
section if the ineligibility would cause an undue hardship for the 111560
individual. An institutionalized individual shall be granted a 111561
waiver of all or a portion of the period of ineligibility if the 111562
administrator of the nursing facility in which the individual 111563
resides has notified the individual of a proposed transfer or 111564
discharge under section 3721.16 of the Revised Code due to failure 111565
to pay for the care the nursing facility has provided to the 111566
individual, the individual or the individual's sponsor requests a 111567
hearing on the proposed transfer or discharge in accordance with 111568
section 3721.161 of the Revised Code, and the transfer or 111569
discharge is upheld by a final determination that is not subject 111570
to further appeal. Waivers shall be granted in accordance with 111571
rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code. 111572

(D) To secure compliance with this section, the medicaid 111573
director ~~of job and family services~~ may require an individual, as 111574
a condition of initial or continued eligibility for medicaid, to 111575
provide documentation of the individual's assets up to five years 111576
before the date the individual becomes an institutionalized 111577
individual if the individual is eligible for medicaid on that date 111578
or the date the individual applies for medicaid while an 111579
institutionalized individual. Documentation may include tax 111580
returns, records from financial institutions, and real property 111581
records. 111582

Sec. ~~5111.0117~~ 5163.31. (A) ~~As used in this section and~~ 111583

~~section 5111.0118 of the Revised Code:~~ 111584

~~(1) "ICF/MR services" means intermediate care facility for the mentally retarded services covered by the medicaid program that an intermediate care facility for the mentally retarded provides to a resident of the facility who is a medicaid recipient eligible for medicaid covered intermediate care facility for the mentally retarded services.~~ 111585
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~~(2) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.~~ 111591
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~~(3) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 111593
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~~(4) "Nursing facility services" means nursing facility services covered by the medicaid program that a nursing facility provides to a resident of the nursing facility who is a medicaid recipient eligible for medicaid covered nursing facility services.~~ 111595
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~~(5) "Other medicaid funded long term care services" has the meaning specified in rules adopted under section 5111.011 of the Revised Code.~~ 111599
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~~(B)~~ Except as provided by division ~~(C)~~(A) of this section and for the purpose of determining whether an aged, blind, or disabled individual is eligible for nursing facility services, ~~ICF/MR~~ ICF/IID services, or other medicaid-funded long-term care services, the medicaid director ~~of job and family services~~ may consider an aged, blind, or disabled individual's real property to not be the individual's homestead or principal place of residence once the individual has resided in a nursing facility, ~~intermediate care facility for the mentally retarded~~ ICF/IID, or other medical institution for at least thirteen months. 111602
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~~(C)~~(B) Division ~~(B)~~(A) of this section does not apply to an individual if any of the following reside in the individual's real 111612
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property that, because of this division, continues to be 111614
considered the individual's homestead or principal place of 111615
residence: 111616

(1) The individual's spouse; 111617

(2) The individual's child if any of the following apply: 111618

(a) The child is under twenty-one years of age. 111619

(b) The child is considered blind or disabled under the 111620
"Social Security Act," section 1614, 42 U.S.C. 1382c. 111621

(c) The child is financially dependent on the individual for 111622
housing as determined in accordance with rules adopted under 111623
section ~~5111.011~~ 5163.02 of the Revised Code. 111624

(3) The individual's sibling if the sibling has a verified 111625
equity interest in the real property and resided in the real 111626
property for at least one year immediately before the date the 111627
individual was admitted to the nursing facility, ~~intermediate-care~~ 111628
~~facility for the mentally retarded~~ ICF/IID, or other medical 111629
institution. 111630

Sec. ~~5111.0118~~ 5163.32. (A) Except as otherwise provided by 111631
this section, no individual shall qualify for nursing facility 111632
services or other medicaid-funded long-term care services if the 111633
individual's equity interest in the individual's home exceeds five 111634
hundred thousand dollars. The medicaid director ~~of job and family~~ 111635
~~services~~ shall increase this amount effective January 1, 2011, and 111636
the first day of each year thereafter, by the percentage increase 111637
in the consumer price index for all urban consumers (all items; 111638
United States city average), rounded to the nearest one thousand 111639
dollars. 111640

(B) This section does not apply to an individual if either of 111641
the following applies: 111642

(1) Either of the following lawfully reside in the 111643

individual's home: 111644

(a) The individual's spouse; 111645

(b) The individual's child if the child is under twenty-one 111646
years of age or, under the "Social Security Act," section 1614, 42 111647
U.S.C. 1382c, considered blind or disabled. 111648

(2) The individual qualifies, pursuant to the process 111649
established under division (C) of this section, for a waiver of 111650
this section due to a demonstrated hardship. 111651

(C) The director shall establish a process by which 111652
individuals may obtain a waiver of this section due to a 111653
demonstrated hardship. The process shall be consistent with the 111654
process for such waivers established by the United States 111655
secretary of health and human services under the "Social Security 111656
Act," section 1917(f)(4), 42 U.S.C. 1396p(f)(4). 111657

(D) Nothing in this section shall be construed as preventing 111658
an individual from using a reverse mortgage or home equity loan to 111659
reduce the individual's total equity interest in the home. 111660

~~**Sec. 5111.114 5163.33.** As used in this section, "nursing 111661
facility" and "intermediate care facility for the mentally 111662
retarded" have the same meanings as in section 5111.20 of the 111663
Revised Code. 111664~~

(A) In determining the amount of income that a medicaid 111665
recipient ~~of medical assistance~~ must apply monthly toward payment 111666
of the cost of care in a nursing facility or ~~intermediate care~~ 111667
~~facility for the mentally retarded~~ ICF/IID, the a county 111668
department of job and family services shall deduct from the 111669
recipient's monthly income a monthly personal needs allowance in 111670
accordance with ~~section 1902 of the "Social Security Act," 49~~ 111671
~~Stat. 620 (1935)~~ section 1902(q), 42 U.S.C.A. 1396a, as amended 111672
1396a(q). 111673

~~For (B) In the case of a resident of a nursing facility, the~~ 111674
monthly personal needs allowance shall be as follows: 111675

(1) Prior to January 1, 2014, not less than forty dollars for 111676
an individual resident and not less than eighty dollars for a 111677
married couple if both spouses are residents of a nursing facility 111678
and their incomes are considered available to each other in 111679
determining eligibility; 111680

(2) For calendar year 2014, not less than forty-five dollars 111681
for an individual resident and not less than ninety dollars for a 111682
married couple if both spouses are residents of a nursing facility 111683
and their incomes are considered available to each other in 111684
determining eligibility; 111685

(3) For calendar year 2015 and each calendar year thereafter, 111686
not less than fifty dollars for an individual resident and not 111687
less than one hundred dollars for a married couple if both spouses 111688
are residents of a nursing facility and their incomes are 111689
considered available to each other in determining eligibility. 111690

~~For (C) In the case of a resident of an intermediate care~~ 111691
~~facility for the mentally retarded ICF/IID, the monthly personal~~ 111692
needs allowance shall be forty dollars unless the resident has 111693
earned income, in which case the monthly personal needs allowance 111694
shall be determined by the ~~state~~ department of ~~job and family~~ 111695
~~services~~ medicaid, or the department's designee, but shall not 111696
exceed one hundred five dollars. 111697

Sec. 5111.013 5163.40. (A) ~~The provision of medical~~ 111698
~~assistance to pregnant women and young children who are eligible~~ 111699
~~for medical assistance under division (C)(3) of section 5111.01 of~~ 111700
~~the Revised Code, but who are not otherwise eligible for medical~~ 111701
~~assistance under that section, shall be known as the healthy start~~ 111702
~~program.~~ 111703

(B) The department of ~~job and family services~~ medicaid shall 111704
do all of the following with regard to the application procedures 111705
for the healthy start component of the medicaid program: 111706

(1) Establish a short application form for the ~~program~~ 111707
component that requires the applicant to provide no more 111708
information than is necessary for making determinations of 111709
eligibility for the ~~healthy start program~~ component, except that 111710
the form may require applicants to provide their social security 111711
numbers. The form shall include a statement, which must be signed 111712
by the applicant, indicating that she does not choose at the time 111713
of making application for the ~~program~~ component to apply for 111714
assistance provided under any other program administered by the 111715
department or the department of job and family services and that 111716
she understands that she is permitted at any other time to apply 111717
at the county department of job and family services of the county 111718
in which she resides for ~~any~~ other assistance administered by the 111719
department or the department of job and family services. 111720

(2) ~~To the extent permitted by federal law, do~~ Do one or both 111721
of the following: 111722

(a) Distribute the application form for the ~~program~~ component 111723
to each public or private entity that serves as a women, infants, 111724
and children clinic or as a child and family health clinic and to 111725
each administrative body for such clinics and train employees of 111726
each such ~~agency~~ clinic or ~~entity~~ administrative body to provide 111727
applicants assistance in completing the form; 111728

(b) In cooperation with the department of health, develop 111729
arrangements under which employees of county departments of job 111730
and family services are stationed at public or private ~~agencies or~~ 111731
entities selected by the department of ~~job and family services~~ 111732
medicaid that serve as women, infants, and children clinics; child 111733
and family health clinics; or administrative bodies for such 111734
clinics for the purpose both of assisting applicants for the 111735

~~program component~~ in completing the application form and of making 111736
determinations at that location of eligibility for the ~~program~~ 111737
component. 111738

(3) Establish performance standards by which a county 111739
department of job and family services' level of enrollment of 111740
persons potentially eligible for the ~~program component~~ can be 111741
measured, and establish acceptable levels of enrollment for each 111742
county department. 111743

(4) Direct any county department of job and family services 111744
whose rate of enrollment of potentially eligible enrollees in the 111745
~~program component~~ is below acceptable levels established under 111746
division ~~(B)~~(A)(3) of this section to implement corrective action. 111747
Corrective action may include but is not limited to any one or 111748
more of the following ~~to the extent permitted by federal law:~~ 111749
111750

(a) Establishing formal referral and outreach methods with 111751
local health departments and local entities receiving funding 111752
through the bureau of maternal and child health; 111753

(b) Designating a specialized intake unit within the county 111754
department for healthy start applicants; 111755

(c) Establishing abbreviated timeliness requirements to 111756
shorten the time between receipt of an application and the 111757
scheduling of an initial application interview; 111758

(d) Establishing a system for telephone scheduling of intake 111759
interviews for applicants; 111760

(e) Establishing procedures to minimize the time an applicant 111761
must spend in completing the application and eligibility 111762
determination process, including permitting applicants to complete 111763
the process at times other than the regular business hours of the 111764
county department and at locations other than the offices of the 111765
county department. 111766

~~(C) To the extent permitted by federal law, local funds, whether from public or private sources, expended by a county department for administration of the healthy start program shall be considered to have been expended by the state for the purpose of determining the extent to which the state has complied with any federal requirement that the state provide funds to match federal funds for medical assistance, except that this division shall not affect the amount of funds the county is entitled to receive under section 5101.16, 5101.161, or 5111.012 of the Revised Code.~~

~~(D)~~(B) A county department of job and family services that maintains offices at more than one location shall accept applications for the healthy start ~~program~~ component at all of those locations.

~~(E) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code as necessary to implement this section.~~

Sec. 5111.0119 5163.45. (A)(1) As used in this section, subject to division (A)(2) of this section, "state or local correctional facility" means any of the following:

(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;

(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;

(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.

(2) "State or local correctional facility" does not include any facility operated directly by or at the direction of the department of youth services.

(B) If a person who is confined in a state or local correctional facility was a medicaid recipient immediately prior

to being confined in the facility, all of the following apply: 111797

(1) The person's eligibility for medicaid while so confined 111798
shall be suspended due to the confinement. 111799

(2) No medicaid payment shall be made for any care, services, 111800
or supplies provided to the person during the suspension described 111801
in division (B)(1) of this section. 111802

(3) The suspension described in division (B)(1) of this 111803
section shall end upon the release of the person from the 111804
confinement. 111805

(4) Except as provided in division (C) of this section, the 111806
person shall not be required to reapply or undergo a 111807
redetermination of eligibility for medicaid when the suspension 111808
described in division (B)(1) of this section ends. 111809

(C) A person may be disenrolled from medicaid any time after 111810
the suspension described in division (B)(1) of this section ends 111811
if the person is no longer eligible for medicaid. A person may be 111812
required to undergo a redetermination of eligibility for medicaid 111813
any time after the suspension described in division (B)(1) of this 111814
section ends if it is time or past time for the person's 111815
eligibility redetermination or the person's circumstances have 111816
changed in a manner warranting a redetermination. 111817

~~(D) The department of job and family services shall take the 111818
steps necessary to begin implementation of this section not later 111819
than September 1, 2009. 111820~~

Sec. 5164.01. As used in this chapter: 111821

(A) "Early and periodic screening, diagnostic, and treatment 111822
services" has the same meaning as in the "Social Security Act," 111823
section 1905(r), 42 U.S.C. 1396d(r). 111824

(B) "Federal financial participation" has the same meaning as 111825
in section 5160.01 of the Revised Code. 111826

(C) "Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services. 111827
111828
111829

(D) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 111830
111831
111832

(E) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 111833
111834

(F) "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system. 111835
111836

(G) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 111837
111838

(H) "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code. 111839
111840
111841

(I) "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program. 111842
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111845

(J) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 111846
111847

(K) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both. 111848
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(L) "Medicaid services" means either or both of the following: 111854
111855

(1) Mandatory services; 111856

<u>(2) Optional services that the medicaid program covers.</u>	111857
<u>(M) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>	111858
	111859
<u>(N) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation.</u>	111860
	111861
	111862
	111863
<u>(O) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120.</u>	111864
	111865
<u>(P) "Provider agreement" means an agreement to which all of the following apply:</u>	111866
	111867
<u>(1) It is between a medicaid provider and the department of medicaid;</u>	111868
	111869
<u>(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients;</u>	111870
	111871
<u>(3) It complies with 42 C.F.R. 431.107(b).</u>	111872
<u>(Q) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.</u>	111873
	111874
Sec. 5111.02 <u>5164.02</u>. (A) The director of job and family services shall adopt, and may amend or rescind, rules under medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code establishing the amount, duration, and scope of medicaid services. The rules shall be consistent with federal and state law. The rules may be different for different medicaid services. The	111875
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<u>(B) The rules shall establish all of the following:</u>	111883
(A) The conditions under which the medicaid program shall cover and reimburse medicaid services;	111884
	111885

~~(B) The method of reimbursement applicable to each medicaid~~ 111886
~~service (1) The amount, duration, and scope of the medicaid~~ 111887
~~services covered by the medicaid program;~~ 111888

~~(C)(2) The payment amount of reimbursement for each medicaid~~ 111889
~~service or, in lieu of amounts the payment amount, methods the~~ 111890
~~method by which amounts are the payment amount is to be determined~~ 111891
for each medicaid service; 111892

~~(D)(3) Procedures for enforcing the rules adopted under this~~ 111893
section that provide due process protections, including procedures 111894
for corrective action plans for, and imposing financial and 111895
administrative sanctions on, persons and government entities that 111896
violate the rules. 111897

(C) The rules may be different for different medicaid 111898
services. 111899

(D) The medicaid director is not required to adopt a rule 111900
establishing the payment amount for a medicaid service if the 111901
director adopts a rule establishing the method by which the 111902
payment amount is to be determined for the medicaid service and 111903
makes the payment amount available on the internet web site 111904
maintained by the department of medicaid. 111905

Sec. 5164.03. (A) The medicaid program shall cover all 111906
mandatory services. 111907

(B) The medicaid program shall cover all of the optional 111908
services that state statutes require the medicaid program to 111909
cover. 111910

(C) The medicaid program may cover any of the optional 111911
services to which either of the following applies: 111912

(1) State statutes expressly permit the medicaid program to 111913
cover the optional service; 111914

(2) State statutes do not address whether the medicaid 111915

program may cover the optional service. 111916

(D) The medicaid program shall not cover any optional 111917
services that state statutes prohibit the medicaid program from 111918
covering. 111919

Sec. ~~5111.04~~ 5164.05. (A) As used in this section: 111920

(1) "Outpatient health facility" means a facility that 111921
provides comprehensive primary health services by or under the 111922
direction of a physician at least five days per week on a 111923
forty-hour per week basis to outpatients, is operated by the board 111924
of health of a city or general health district or another public 111925
agency or by a nonprofit private agency or organization under the 111926
direction and control of a governing board that has no 111927
health-related responsibilities other than the direction and 111928
control of one or more such outpatient health facilities, and 111929
receives at least seventy-five per cent of its operating funds 111930
from public sources, except that it does not include an outpatient 111931
hospital facility or a federally qualified health center as 111932
defined in ~~Sec. 1905(1)(2)(B) of the "Social Security Act," 403~~ 111933
~~Stat. 2264 (1989)~~ section 1905(1)(2)(B), 42 U.S.C.A. 111934
1396d(1)(2)(B). 111935

(2) "Comprehensive primary health services" means preventive, 111936
diagnostic, therapeutic, rehabilitative, or palliative items or 111937
services that include all of the following: 111938

(a) Services of physicians, physician assistants, and 111939
certified nurse practitioners; 111940

(b) Diagnostic laboratory and radiological services; 111941

(c) Preventive health services, such as children's eye and 111942
ear examinations, perinatal services, well child services, and 111943
family planning services; 111944

(d) Arrangements for emergency medical services; 111945

(e) Transportation services. 111946

(3) "Certified nurse practitioner" has the same meaning as in 111947
section 4723.01 of the Revised Code. 111948

(B) ~~Outpatient~~ Subject to division (C) of this section, the 111949
medicaid program shall cover comprehensive primary health services 111950
provided by outpatient health facilities are a separate category 111951
of medical care provider under the rules governing the 111952
administration of the medical assistance program established under 111953
section 5111.01 of the Revised Code with valid provider 111954
agreements. Rates of reimbursement for items and services provided 111955
by an outpatient health facility under this section shall be 111956
prospectively determined by the The department of job and family 111957
services medicaid shall prospectively determine the medicaid 111958
payment rates for such comprehensive primary health services not 111959
less often than once each year⁷. The rates shall not be subject to 111960
retroactive adjustment based on actual costs incurred⁷, ~~and. The~~ 111961
rates shall not exceed the maximum fee schedule or rates of 111962
payment, limitations based on reasonable costs or customary 111963
charges, and limitations based on combined payments received for 111964
furnishing comparable services, as are applicable to outpatient 111965
hospital facilities under ~~Title XVIII of the "Social Security Act~~ 111966
medicare program." In determining ~~rates of reimbursement an~~ 111967
outpatient health facility's rate prospectively, the department 111968
shall take into account the historic expenses of the facility, the 111969
operating requirements and services offered by the facility, and 111970
the geographical location of the facility, shall provide 111971
incentives for the efficient and economical utilization of the 111972
facility's resources, and shall ensure that the facility does not 111973
discriminate between classes of persons for whom or by whom 111974
payment for ~~items and the~~ services is made. 111975

(C) ~~A~~ An outpatient health facility does not qualify for 111976
~~classification as an outpatient health facility~~ medicaid payments 111977

under this section unless it: 111978

(1) Has health and medical care policies developed with the 111979
advice of and subject to review by an advisory committee of 111980
professional personnel, including one or more physicians, one or 111981
more dentists if dental care is provided, and one or more 111982
registered nurses; 111983

(2) Has a medical director, a dental director, if dental care 111984
is provided, and a nursing director responsible for the execution 111985
of such policies, and has physicians, dentists, nursing, and 111986
ancillary staff appropriate to the scope of services provided; 111987

(3) Requires that the care of every patient be under the 111988
supervision of a physician, provides for medical care in case of 111989
emergency, has in effect a written agreement with one or more 111990
hospitals and one or more other outpatient facilities, and has an 111991
established system for the referral of patients to other resources 111992
and a utilization review plan and program; 111993

(4) Maintains clinical records on all patients; 111994

(5) Provides nursing services and other therapeutic services 111995
in compliance with applicable laws and rules and under the 111996
supervision of a registered nurse, and has a registered nurse on 111997
duty at all times when the facility is in operation; 111998

(6) Follows approved methods and procedures for the 111999
dispensing and administration of drugs and biologicals; 112000

(7) Maintains the accounting and record-keeping system 112001
required under federal laws and regulations for the determination 112002
of reasonable and allowable costs. 112003

Sec. ~~5111.029~~ 5164.06. The medicaid program shall cover 112004
occupational therapy services provided by an occupational 112005
therapist licensed under section 4755.08 of the Revised Code. 112006
Coverage shall not be limited to services provided in a hospital 112007

or nursing facility. Any licensed occupational therapist may enter 112008
into a ~~medicaid~~ provider agreement with the department of ~~job and~~ 112009
~~family services~~ medicaid to provide occupational therapy services 112010
under the medicaid program. 112011

Sec. ~~5111.018~~ 5164.07. (A) The ~~provision of medical~~ 112012
~~assistance under this chapter~~ medicaid program shall include 112013
coverage of inpatient care and follow-up care for a mother and her 112014
newborn as follows: 112015

(1) The ~~medical assistance~~ medicaid program shall cover a 112016
minimum of forty-eight hours of inpatient care following a normal 112017
vaginal delivery and a minimum of ninety-six hours of inpatient 112018
care following a cesarean delivery. Services covered as inpatient 112019
care shall include medical, educational, and any other services 112020
that are consistent with the inpatient care recommended in the 112021
protocols and guidelines developed by national organizations that 112022
represent pediatric, obstetric, and nursing professionals. 112023

(2) The ~~medical assistance~~ medicaid program shall cover a 112024
physician-directed source of follow-up care. Services covered as 112025
follow-up care shall include physical assessment of the mother and 112026
newborn, parent education, assistance and training in breast or 112027
bottle feeding, assessment of the home support system, performance 112028
of any medically necessary and appropriate clinical tests, and any 112029
other services that are consistent with the follow-up care 112030
recommended in the protocols and guidelines developed by national 112031
organizations that represent pediatric, obstetric, and nursing 112032
professionals. The coverage shall apply to services provided in a 112033
medical setting or through home health care visits. The coverage 112034
shall apply to a home health care visit only if the health care 112035
professional who conducts the visit is knowledgeable and 112036
experienced in maternity and newborn care. 112037

When a decision is made in accordance with division (B) of 112038

this section to discharge a mother or newborn prior to the 112039
expiration of the applicable number of hours of inpatient care 112040
required to be covered, the coverage of follow-up care shall apply 112041
to all follow-up care that is provided within forty-eight hours 112042
after discharge. When a mother or newborn receives at least the 112043
number of hours of inpatient care required to be covered, the 112044
coverage of follow-up care shall apply to follow-up care that is 112045
determined to be medically necessary by the health care 112046
professionals responsible for discharging the mother or newborn. 112047

(B) Any decision to shorten the length of inpatient stay to 112048
less than that specified under division (A)(1) of this section 112049
shall be made by the physician attending the mother or newborn, 112050
except that if a nurse-midwife is attending the mother in 112051
collaboration with a physician, the decision may be made by the 112052
nurse-midwife. Decisions regarding early discharge shall be made 112053
only after conferring with the mother or a person responsible for 112054
the mother or newborn. For purposes of this division, a person 112055
responsible for the mother or newborn may include a parent, 112056
guardian, or any other person with authority to make medical 112057
decisions for the mother or newborn. 112058

(C) The department of ~~job and family services~~ medicaid, in 112059
administering the ~~medical assistance~~ medicaid program, may not do 112060
either of the following: 112061

(1) Terminate the ~~participation~~ provider agreement of a 112062
health care professional or health care facility ~~as a provider~~ 112063
~~under the program~~ solely for making recommendations for inpatient 112064
or follow-up care for a particular mother or newborn that are 112065
consistent with the care required to be covered by this section; 112066

(2) Establish or offer monetary or other financial incentives 112067
for the purpose of encouraging a person to decline the inpatient 112068
or follow-up care required to be covered by this section. 112069

(D) This section does not do any of the following: 112070

(1) Require the ~~medical assistance~~ medicaid program to cover 112071
inpatient or follow-up care that is not received in accordance 112072
with the program's terms pertaining to the health care 112073
professionals and facilities from which ~~an individual~~ a medicaid 112074
recipient is authorized to receive health care services. 112075

(2) Require a mother or newborn to stay in a hospital or 112076
other inpatient setting for a fixed period of time following 112077
delivery; 112078

(3) Require a child to be delivered in a hospital or other 112079
inpatient setting; 112080

(4) Authorize a nurse-midwife to practice beyond the 112081
authority to practice nurse-midwifery in accordance with Chapter 112082
4723. of the Revised Code; 112083

(5) Establish minimum standards of medical diagnosis, care, 112084
or treatment for inpatient or follow-up care for a mother or 112085
newborn. A deviation from the care required to be covered under 112086
this section shall not, on the basis of this section, give rise to 112087
a medical claim or derivative medical claim, as those terms are 112088
defined in section 2305.113 of the Revised Code. 112089

Sec. ~~5111.024~~ 5164.08. (A) As used in this section, 112090
"screening mammography" means a radiologic examination utilized to 112091
detect unsuspected breast cancer at an early stage in asymptomatic 112092
women and includes the x-ray examination of the breast using 112093
equipment that is dedicated specifically for mammography, 112094
including the x-ray tube, filter, compression device, screens, 112095
film, and cassettes, and that has an average radiation exposure 112096
delivery of less than one rad mid-breast. "Screening mammography" 112097
includes two views for each breast. The term also includes the 112098
professional interpretation of the film. 112099

"Screening mammography" does not include diagnostic mammography. 112100
112101

~~(B) In addition to any other services required to be included in the program or for which federal approval is received, the medical assistance~~ The medicaid program shall include cover both of the following if approval for use of federal funds is granted to the department by the federal agency responsible for distributing funds under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended: 112102
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(1) ~~Effective July 1, 1993, screening~~ Screening mammography to detect the presence of breast cancer in adult women; 112109
112110

(2) ~~Effective January 1, 1993, cytologic~~ Cytologic screening for the presence of cervical cancer. 112111
112112

(C) The ~~service provided under~~ medicaid program's coverage of screening mammography pursuant to division (B)(1) of this section shall be provided in accordance with all of the following: 112113
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(1) If a woman is at least thirty-five years of age but under forty years of age, one screening mammography; 112116
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(2) If a woman is at least forty years of age but under fifty years of age, either of the following: 112118
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(a) One screening mammography every two years; 112120

(b) If a licensed physician has determined that the woman has risk factors to breast cancer, one screening mammography every year. 112121
112122
112123

(3) If a woman is at least fifty years of age but under sixty-five years of age, one screening mammography every year. 112124
112125

(D) The ~~service provided under~~ medicaid program's coverage of screening mammographies pursuant to division (B)(1) of this section shall be provided only for screening mammographies that are performed in a facility or mobile mammography screening unit 112126
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112129

that is accredited under the American college of radiology 112130
mammography accreditation program or in a hospital as defined in 112131
section 3727.01 of the Revised Code. 112132

(E) The ~~service provided under~~ medicaid program's coverage of 112133
cytologic screenings pursuant to division (B)(2) of this section 112134
shall be provided only for cytologic screenings that are processed 112135
and interpreted in a laboratory certified by the college of 112136
American pathologists or in a hospital as defined in section 112137
3727.01 of the Revised Code. 112138

Sec. ~~5111.023~~ 5164.15. (A) As used in this section: 112139

(1) "Community mental health ~~agency~~ services provider or 112140
facility" means a community mental health ~~agency~~ services provider 112141
or facility that has its community mental health services 112142
certified by the department of ~~mental health~~ mental health and 112143
addiction services under section ~~5119.611~~ 5119.36 of the Revised 112144
Code or by the department of job and family services under section 112145
5103.03 of the Revised Code. 112146

(2) "Mental health professional" means a person qualified to 112147
work with mentally ill persons under the standards established by 112148
the director of ~~mental health~~ mental health and addiction services 112149
pursuant to section ~~5119.611~~ 5119.36 of the Revised Code. 112150

(B) The ~~state~~ medicaid plan program may ~~include provision of~~ 112151
cover the following mental health services when provided by 112152
community mental health ~~agencies~~ services providers or facilities: 112153

(1) Outpatient mental health services, including, but not 112154
limited to, preventive, diagnostic, therapeutic, rehabilitative, 112155
and palliative interventions rendered to individuals in an 112156
individual or group setting by a mental health professional in 112157
accordance with a plan of treatment appropriately established, 112158
monitored, and reviewed; 112159

(2) Partial-hospitalization mental health services rendered 112160
by persons directly supervised by a mental health professional; 112161

(3) Unscheduled, emergency mental health services of a kind 112162
ordinarily provided to persons in crisis when rendered by persons 112163
supervised by a mental health professional; 112164

(4) ~~Subject to receipt of federal approval, assertive~~ 112165
Assertive community treatment and intensive home-based mental 112166
health services. 112167

(C) The department of ~~job and family services~~ medicaid shall 112168
enter into a separate contract with the department of ~~mental~~ 112169
~~health~~ mental health and addiction services under section ~~5111.91~~ 112170
5162.35 of the Revised Code with regard to the ~~component of mental~~ 112171
health services the medicaid program ~~provided for by~~ covers 112172
pursuant to this section. 112173

Sec. ~~5111.027~~ 5164.20. ~~If the medicaid program provides~~ 112174
~~prescription drug services to medicaid recipients, the~~ The 112175
medicaid program shall not ~~provide reimbursement for prescription~~ 112176
cover prescribed drugs for treatment of erectile dysfunction. 112177

Sec. ~~5111.042~~ 5164.25. The departments of developmental 112178
disabilities and ~~job and family services~~ medicaid may approve, 112179
reduce, deny, or terminate a medicaid service included in the 112180
individualized service plan developed for a medicaid recipient 112181
with mental retardation or other developmental disability who is 112182
eligible for medicaid case management services. If either 112183
department approves, reduces, denies, or terminates a service, 112184
that department shall timely notify the medicaid recipient that 112185
the recipient may ~~request a hearing under~~ appeal pursuant to 112186
section ~~5101.35~~ 5160.31 of the Revised Code. 112187

Sec. ~~5111.016~~ 5164.26. (A) ~~As used in this section,~~ 112188

"healthcheck" has the same meaning as in section 3313.714 of the Revised Code. 112189
112190

(B) The department of ~~job and family services~~ medicaid shall 112191
~~adopt rules in accordance with Chapter 119. of the Revised Code~~ 112192
~~establishing~~ establish a combination of written and oral methods 112193
designed to provide information about healthcheck to all persons 112194
eligible for the program or their parents or guardians. The 112195
department shall ensure that its methods of providing information 112196
are effective. ~~The methods shall comply with federal law and~~ 112197
~~regulations.~~ 112198

Each ~~county department of job and family services or other~~ 112199
entity that distributes or accepts applications for ~~medical~~ 112200
~~assistance~~ medicaid shall prominently display a notice that 112201
complies with the ~~rules adopted~~ methods of providing information 112202
about healthcheck established under this division section. 112203

Sec. 5164.30. No person or government entity may participate 112204
in the medicaid program as a medicaid provider without a valid 112205
provider agreement with the department of medicaid. 112206

Sec. 5111-053 5164.301. (A) As used in this section, "group 112207
practice" has the same meaning as in section 4731.65 of the 112208
Revised Code. 112209

(B) The department of ~~job and family services~~ medicaid shall 112210
establish a process by which a physician assistant may enter into 112211
a ~~medicaid~~ provider agreement. 112212

(C)(1) Subject to division (C)(2) of this section, a claim 112213
for ~~reimbursement~~ medicaid payment for a medicaid service provided 112214
by a physician assistant to a medicaid recipient may be submitted 112215
by the physician assistant who provided the service or the 112216
physician, group practice, clinic, or other health care facility 112217
that employs the physician assistant. 112218

(2) A claim for ~~reimbursement~~ medicaid payment may be 112219
submitted by the physician assistant who provided the service only 112220
if the physician assistant has a valid provider agreement. When 112221
submitting the claim, the physician assistant shall use only the 112222
medicaid provider number the department has assigned to the 112223
physician assistant. 112224

~~(D) The director of job and family services may adopt rules 112225
under section 5111.02 of the Revised Code to implement this 112226
section. 112227~~

Sec. ~~5111.063~~ 5164.31. (A) For the purpose of raising funds 112228
necessary to pay the expenses of implementing the provider 112229
screening requirements of subpart E of 42 C.F.R. Part 455 and 112230
except as provided in division (B) of this section, the department 112231
of ~~job and family services~~ medicaid shall ~~charge~~ collect an 112232
application fee ~~to~~ from a medicaid provider ~~seeking to enter into~~ 112233
~~or renew a medicaid provider agreement, unless the provider is~~ 112234
~~exempt from paying the application fee under 42 C.F.R. 455.460(a)~~ 112235
before doing any of the following: 112236

(1) Entering into a provider agreement with a medicaid 112237
provider that seeks initial enrollment as a provider; 112238

(2) Entering into a provider agreement with a former medicaid 112239
provider that seeks re-enrollment as a provider; 112240

(3) Revalidating a medicaid provider's continued enrollment 112241
as a provider. The 112242

(B) The department is not to collect an application fee from 112243
a medicaid provider that is exempt from paying the fee under 42 112244
C.F.R. 455.460(a). 112245

(C) The application fees shall be deposited into the health 112246
care services administration fund created under section ~~5111.94~~ 112247
5162.54 of the Revised Code. Application fees are nonrefundable 112248

when collected in accordance with 42 C.F.R. 455.460(a). 112249

~~(D) The medicaid director of job and family services shall~~ 112250
~~adopt rules in accordance with Chapter 119. under section 5164.02~~ 112251
~~of the Revised Code as necessary to implement this section,~~ 112252
~~including a rule establishing the amount of the application fee~~ 112253
~~that is charged to be collected under this section. The amount of~~ 112254
~~the application fee shall not be set at an amount that is more~~ 112255
~~than necessary to pay for the expenses of implementing the~~ 112256
~~provider screening requirements.~~ 112257

Sec. ~~5111.028~~ 5164.32. ~~(A) Pursuant to section 5111.02 of the~~ 112258
~~Revised Code, the director of job and family services shall adopt~~ 112259
~~rules establishing procedures for the use of time limited provider~~ 112260
~~agreements under the medicaid program. Except as provided in~~ 112261
~~division (E) of this section, all provider agreements shall be~~ 112262
~~time limited in accordance with the procedures established in the~~ 112263
~~rules.~~ 112264

~~The department of job and family services shall phase in the~~ 112265
~~use of time limited provider agreements pursuant to this section~~ 112266
~~during a period commencing not later than January 1, 2008, and~~ 112267
~~ending January 1, 2015.~~ 112268

~~(B) In the use of time limited provider agreements pursuant~~ 112269
~~to this section, all of the following apply:~~ 112270

~~(1) Each medicaid provider agreement shall expire not later~~ 112271
~~than seven five years from the its effective date of the~~ 112272
~~agreement.~~ 112273

~~(2) During the phase in period specified in division (A) of~~ 112274
~~this section, the department may provide for the conversion of. If~~ 112275
~~a provider agreement without a time limit entered into before the~~ 112276
~~effective date of this amendment does not have a time limit, the~~ 112277
~~department of medicaid shall convert the agreement to a provider~~ 112278

agreement with a time limit. ~~The department may take an action to~~ 112279
~~convert the provider agreement by sending a notice by regular mail~~ 112280
~~to the address of the provider on record with the department~~ 112281
~~advising the provider of the conversion.~~ 112282

~~(3) The department may make the effective date of a provider~~ 112283
~~agreement retroactive for a period not to exceed one year from the~~ 112284
~~date of the provider's application for the agreement, as long as~~ 112285
~~the provider met all medicaid program requirements during that~~ 112286
~~period.~~ 112287

(C)(B) The medicaid director shall adopt rules under section 112288
5164.02 of the Revised Code as necessary to implement this 112289
section. The rules for use of time-limited provider agreements 112290
pursuant to this section shall be consistent with subpart E of 42 112291
C.F.R. Part 455 and include a process for re-enrollment of 112292
providers revalidating medicaid providers' continued enrollments 112293
as providers. All of the following apply to the re-enrollment 112294
revalidation process: 112295

(1) ~~The department of job and family services may terminate a~~ 112296
~~time-limited provider agreement or deny re-enrollment shall refuse~~ 112297
~~to revalidate a provider's provider agreement when a the provider~~ 112298
~~fails to file an a complete application for re-enrollment~~ 112299
~~revalidation within the time and in the manner required under the~~ 112300
~~re-enrollment revalidation process.~~ 112301

(2) If a provider files ~~an a complete~~ application for 112302
~~re-enrollment revalidation~~ within the time and in the manner 112303
required under the ~~re-enrollment revalidation~~ process, but the 112304
provider agreement expires before the department acts on the 112305
application or before the effective date of the department's 112306
decision on the application, the provider, subject to division 112307
(B)(3) of this section, may continue operating under the terms of 112308
the expired provider agreement until the effective date of the 112309
department's decision. 112310

(3) ~~A decision by the department to approve an application for re-enrollment becomes effective on the date of the department's decision. A decision by the department to deny re-enrollment shall take effect not sooner than thirty days after the date the department mails written notice of the decision to the provider. The department shall specify in the notice the date on which the provider is required to cease operating under the provider agreement. If a provider continues operating under the terms of an expired provider agreement pursuant to division (B)(2) of this section and the department denies the provider's application for revalidation, medicaid payments shall not be made for services or items the provider provides during the period beginning on the date the provider agreement expired and ending on the effective date of a subsequent provider agreement, if any, the department enters into with the provider.~~ 112311
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~~(D) Pursuant to section 5111.06 of the Revised Code, the department is not required to take the actions specified in division (C)(1) of this section by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.~~ 112326
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~~(E) The use of time limited provider agreements pursuant to this section does not apply to provider agreements issued to the following, including any provider agreements issued to the following that are otherwise time limited under the medicaid program:~~ 112331
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112333
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112335

~~(1) A managed care organization under contract with the department pursuant to section 5111.17 of the Revised Code;~~ 112336
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~~(2) A nursing facility, as defined in section 5111.20 of the Revised Code;~~ 112338
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~~(3) An intermediate care facility for the mentally retarded, as defined in section 5111.20 of the Revised Code;~~ 112340
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~~(4) A hospital.~~ 112342

Sec. 5164.33. (A) The medicaid director may do the following 112343
for any reason permitted or required by federal law and when the 112344
director determines that the action is in the best interests of 112345
medicaid recipients or the state: 112346

(1) Deny, refuse to revalidate, suspend, or terminate a 112347
provider agreement; 112348

(2) Exclude an individual, provider of services or goods, or 112349
other entity from participation in the medicaid program. 112350

(B) No individual, provider, or entity excluded from 112351
participation in the medicaid program under this section shall do 112352
any of the following: 112353

(1) Own, or provide services to, any other medicaid provider 112354
or risk contractor; 112355

(2) Arrange for, render, or order services for medicaid 112356
recipients during the period of exclusion; 112357

(3) During the period of exclusion, receive direct payments 112358
under the medicaid program or indirect payments of medicaid funds 112359
in the form of salary, shared fees, contracts, kickbacks, or 112360
rebates from or through any other medicaid provider or risk 112361
contractor. 112362

(C) An individual, provider, or entity excluded from 112363
participation in the medicaid program under this section may 112364
request a reconsideration of the exclusion. The director shall 112365
adopt rules under section 5164.02 of the Revised Code governing 112366
the process for requesting a reconsideration. 112367

(D) Nothing in this section limits the applicability of 112368
section 5164.38 of the Revised Code to a medicaid provider. 112369

~~Sec. 5111.032~~ 5164.34. (A) As used in this section: 112370

- (1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 112371
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- (2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 112373
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- (3) "Owner" means a person who has an ownership interest in a medicaid provider ~~or applicant to be a provider~~ in an amount designated in rules ~~adopted under~~ authorized by this section. 112376
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- (4) "Person subject to the criminal records check requirement" means the following: 112379
112380
- (a) A medicaid provider ~~or applicant to be a provider~~ who is notified under division (E)(1) of this section that the provider ~~or applicant~~ is subject to a criminal records check; 112381
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- (b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider ~~or applicant to be a provider~~ if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider ~~or applicant~~ under division (E)(1) of this section; 112384
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- (c) An employee or prospective employee of a medicaid provider ~~or applicant to be a provider~~ if both of the following apply: 112391
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- (i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider ~~or applicant~~ under division (E)(1) of this section. 112394
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- (ii) The provider ~~or applicant~~ is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee. 112398
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(5) ~~"Provider" means a person, institution, or entity that has a medicaid provider agreement with the department of job and family services.~~ 112401
112402
112403

~~(6)~~ "Responsible entity" means the following: 112404

(a) With respect to a criminal records check required under this section for a medicaid provider ~~or applicant to be a provider~~, the department of ~~job and family services~~ medicaid or the department's designee; 112405
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(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider ~~or applicant to be a provider~~, the provider ~~or applicant~~. 112409
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(B) This section does not apply to any individual who is subject to a criminal records check under section 3712.09, 3721.121, ~~5111.034~~, 5123.081, ~~or 5123.169~~, or 5164.341 of the Revised Code or any individual who is subject to a database review or criminal records check under section ~~173.394~~ 173.38, 3701.881, or ~~5111.033~~ 5164.342 of the Revised Code. 112414
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(C) The department of ~~job and family services~~ medicaid may do any of the following: 112420
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(1) Require that any medicaid provider ~~or applicant to be a provider~~ submit to a criminal records check as a condition of ~~having~~ obtaining or maintaining a medicaid provider agreement; 112422
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112424

(2) Require that any medicaid provider ~~or applicant to be a provider~~ require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider ~~or applicant~~ submit to a criminal records check as a condition of being an owner, officer, or board member of the provider ~~or applicant~~; 112425
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(3) Require that any medicaid provider ~~or applicant to be a~~ 112431
~~provider~~ do the following: 112432

(a) If so required by rules ~~adopted under~~ authorized by this 112433
section, determine pursuant to a database review conducted under 112434
division (F)(1)(a) of this section whether any employee or 112435
prospective employee of the provider ~~or applicant~~ is included in a 112436
database; 112437

(b) Unless the provider ~~or applicant~~ is prohibited by 112438
division (D)(3)(b) of this section from employing the employee or 112439
prospective employee, require the employee or prospective employee 112440
to submit to a criminal records check as a condition of being an 112441
employee of the provider ~~or applicant~~. 112442

(D)(1) The department or the department's designee shall deny 112443
or terminate a medicaid provider's ~~medicaid~~ provider agreement ~~or~~ 112444
~~deny an applicant's application for a medicaid provider agreement~~ 112445
if the provider ~~or applicant~~ is a person subject to the criminal 112446
records check requirement and either of the following applies: 112447

(a) The provider ~~or applicant~~ fails to obtain the criminal 112448
records check after being given the information specified in 112449
division (G)(1) of this section. 112450

(b) Except as provided in rules ~~adopted under~~ authorized by 112451
this section, the provider ~~or applicant~~ is found by the criminal 112452
records check to have been convicted of, or have pleaded guilty 112453
to, ~~or been found eligible for intervention in lieu of conviction~~ 112454
~~for~~ a disqualifying offense, regardless of the date of the 112455
conviction, or the date of entry of the guilty plea, ~~or the date~~ 112456
~~the applicant or provider was found eligible for intervention in~~ 112457
~~lieu of conviction~~. 112458

(2) No medicaid provider ~~or applicant to be a provider~~ shall 112459
permit a person to be an owner, officer, or board member of the 112460
provider ~~or applicant~~ if the person is a person subject to the 112461

criminal records check requirement and either of the following 112462
applies: 112463

(a) The person fails to obtain the criminal records check 112464
after being given the information specified in division (G)(1) of 112465
this section. 112466

(b) Except as provided in rules ~~adopted under~~ authorized by 112467
this section, the person is found by the criminal records check to 112468
have been convicted of, or have pleaded guilty to, ~~or been found~~ 112469
~~eligible for intervention in lieu of conviction for a~~ 112470
disqualifying offense, regardless of the date of the conviction, 112471
or the date of entry of the guilty plea, ~~or the date the person~~ 112472
~~was found eligible for intervention in lieu of conviction.~~ 112473

(3) No medicaid provider ~~or applicant to be a provider~~ shall 112474
employ a person if any of the following apply: 112475

(a) The person has been excluded from ~~providing services or~~ 112476
~~items under the~~ being a medicaid ~~program provider,~~ a medicare 112477
~~program operated pursuant to Title XVIII of the "Social Security~~ 112478
~~Act~~ provider," or provider for any other federal health care 112479
program. 112480

(b) If the person is subject to a database review conducted 112481
under division (F)(1)(a) of this section, the person is found by 112482
the database review to be included in a database and the rules 112483
~~adopted under~~ authorized by this section regarding the database 112484
review prohibit the provider ~~or applicant~~ from employing a person 112485
included in the database. 112486

(c) If the person is a person subject to the criminal records 112487
check requirement, either of the following applies: 112488

(i) The person fails to obtain the criminal records check 112489
after being given the information specified in division (G)(1) of 112490
this section. 112491

(ii) Except as provided in rules ~~adopted under~~ authorized by 112492
this section, the person is found by the criminal records check to 112493
have been convicted of, or have pleaded guilty to, ~~or been found~~ 112494
~~eligible for intervention in lieu of conviction for a~~ 112495
disqualifying offense, regardless of the date of the conviction, 112496
or the date of entry of the guilty plea, ~~or the date the person~~ 112497
~~was found eligible for intervention in lieu of conviction.~~ 112498

(E)(1) The department or the department's designee shall 112499
inform each medicaid provider ~~or applicant to be a provider~~ 112500
whether the provider ~~or applicant~~ is subject to a criminal records 112501
check. For providers with valid provider agreements, the 112502
information shall be given at times designated in rules ~~adopted~~ 112503
~~under~~ authorized by this section. For ~~applicants~~ providers 112504
applying to be medicaid providers, the information shall be given 112505
at the time of initial application. When the information is given, 112506
the department or the department's designee shall specify the 112507
following: 112508

(a) Which of the provider's ~~or applicant's~~ owners or 112509
prospective owners, officers or prospective officers, or board 112510
members or prospective board members are subject to a criminal 112511
records check; 112512

(b) Which of the provider's ~~or applicant's~~ employees or 112513
prospective employees are subject to division (C)(3) of this 112514
section. 112515

(2) At times designated in rules ~~adopted under~~ authorized by 112516
this section, a medicaid provider ~~or applicant to be a provider~~ 112517
that is a person subject to the criminal records check requirement 112518
shall do the following: 112519

(a) Inform each person specified under division (E)(1)(a) of 112520
this section that the person is required to submit to a criminal 112521
records check as a condition of being an owner, officer, or board 112522

member of the provider ~~or applicant~~; 112523

(b) Inform each person specified under division (E)(1)(b) of 112524
this section that the person is subject to division (C)(3) of this 112525
section. 112526

(F)(1) If a medicaid provider ~~or applicant to be a provider~~ 112527
is a person subject to the criminal records check requirement, the 112528
department or the department's designee shall require the conduct 112529
of a criminal records check by the superintendent of the bureau of 112530
criminal identification and investigation. A medicaid provider ~~or~~ 112531
~~applicant to be a provider~~ shall require the conduct of a criminal 112532
records check by the superintendent with respect to each of the 112533
persons specified under division (E)(1)(a) of this section. With 112534
respect to each employee and prospective employee specified under 112535
division (E)(1)(b) of this section, a medicaid provider ~~or~~ 112536
~~applicant to be a provider~~ shall do the following: 112537

(a) If rules ~~adopted under~~ authorized by this section require 112538
the provider ~~or applicant~~ to conduct a database review to 112539
determine whether the employee or prospective employee is included 112540
in a database, conduct the database review in accordance with the 112541
rules; 112542

(b) Unless the provider ~~or applicant~~ is prohibited by 112543
division (D)(3)(b) of this section from employing the employee or 112544
prospective employee, require the conduct of a criminal records 112545
check of the employee or prospective employee by the 112546
superintendent. 112547

(2) If a person subject to the criminal records check 112548
requirement does not present proof of having been a resident of 112549
this state for the five-year period immediately prior to the date 112550
the criminal records check is requested or provide evidence that 112551
within that five-year period the superintendent has requested 112552
information about the person from the federal bureau of 112553

investigation in a criminal records check, the responsible entity 112554
shall require the person to request that the superintendent obtain 112555
information from the federal bureau of investigation as part of 112556
the criminal records check of the person. Even if the person 112557
presents proof of having been a resident of this state for the 112558
five-year period, the responsible entity may require that the 112559
person request that the superintendent obtain information from the 112560
federal bureau of investigation and include it in the criminal 112561
records check of the person. 112562

(G) Criminal records checks required by this section shall be 112563
obtained as follows: 112564

(1) The responsible entity shall provide each person subject 112565
to the criminal records check requirement information about 112566
accessing and completing the form prescribed pursuant to division 112567
(C)(1) of section 109.572 of the Revised Code and the standard 112568
impression sheet prescribed pursuant to division (C)(2) of that 112569
section. 112570

(2) The person subject to the criminal records check 112571
requirement shall submit the required form and one complete set of 112572
the person's fingerprint impressions directly to the 112573
superintendent for purposes of conducting the criminal records 112574
check using the applicable methods prescribed by division (C) of 112575
section 109.572 of the Revised Code. The person shall pay all fees 112576
associated with obtaining the criminal records check. 112577

(3) The superintendent shall conduct the criminal records 112578
check in accordance with section 109.572 of the Revised Code. The 112579
person subject to the criminal records check requirement shall 112580
instruct the superintendent to submit the report of the criminal 112581
records check directly to the responsible entity. If the 112582
department or the department's designee is not the responsible 112583
entity, the department or designee may require the responsible 112584
entity to submit the report to the department or designee. 112585

(H)(1) A medicaid provider ~~or applicant to be a provider~~ may 112586
employ conditionally a person for whom a criminal records check is 112587
required by this section prior to obtaining the results of the 112588
criminal records check if both of the following apply: 112589

(a) The provider ~~or applicant~~ is not prohibited by division 112590
(D)(3)(b) of this section from employing the person. 112591

(b) The person submits a request for the criminal records 112592
check not later than five business days after the person begins 112593
conditional employment. 112594

(2) A medicaid provider ~~or applicant to be a provider~~ that 112595
employs a person conditionally under division (H)(1) of this 112596
section shall terminate the person's employment if the results of 112597
the criminal records check request are not obtained within the 112598
period ending sixty days after the date the request is made. 112599
Regardless of when the results of the criminal records check are 112600
obtained, if the results indicate that the person has been 112601
convicted of, or has pleaded guilty to, ~~or has been found eligible~~ 112602
~~for intervention in lieu of conviction for~~ a disqualifying 112603
offense, the provider ~~or applicant~~ shall terminate the person's 112604
employment unless circumstances specified in rules ~~adopted under~~ 112605
authorized by this section exist that permit the provider ~~or~~ 112606
~~applicant~~ to employ the person and the provider ~~or applicant~~ 112607
chooses to employ the person. 112608

(I) The report of a criminal records check conducted pursuant 112609
to this section is not a public record for the purposes of section 112610
149.43 of the Revised Code and shall not be made available to any 112611
person other than the following: 112612

(1) The person who is the subject of the criminal records 112613
check or the person's representative; 112614

(2) The medicaid director ~~of job and family services~~ and the 112615
staff of the department who are involved in the administration of 112616

the medicaid program; 112617

(3) The department's designee; 112618

(4) The medicaid provider ~~or applicant to be a provider~~ who 112619
required the person who is the subject of the criminal records 112620
check to submit to the criminal records check; 112621

(5) An individual receiving or deciding whether to receive, 112622
from the subject of the criminal records check, home and 112623
community-based services available under the medicaid state plan; 112624

(6) A court, hearing officer, or other necessary individual 112625
involved in a case dealing with any of the following: 112626

(a) The denial or termination of a ~~medicaid~~ provider 112627
agreement; 112628

(b) A person's denial of employment, termination of 112629
employment, or employment or unemployment benefits; 112630

(c) A civil or criminal action regarding the medicaid 112631
program. 112632

(J) The medicaid director ~~of job and family services~~ may 112633
adopt rules ~~in accordance with Chapter 119.~~ under section 5164.02 112634
of the Revised Code to implement this section. If the director 112635
adopts such rules, the rules shall designate the times at which a 112636
criminal records check must be conducted under this section. The 112637
rules may do any of the following: 112638

(1) Designate the categories of persons who are subject to a 112639
criminal records check under this section; 112640

(2) Specify circumstances under which the department or the 112641
department's designee may continue a ~~medicaid~~ provider agreement 112642
or issue a ~~medicaid~~ provider agreement ~~to an applicant~~ when the 112643
medicaid provider ~~or applicant~~ is found by a criminal records 112644
check to have been convicted of, pleaded guilty to, or been found 112645
eligible for intervention in lieu of conviction for a 112646

disqualifying offense; 112647

(3) Specify circumstances under which a medicaid provider ~~or~~ 112648
~~applicant to be a provider~~ may permit a person to be an employee, 112649
owner, officer, or board member of the provider ~~or applicant~~, when 112650
the person is found by a criminal records check conducted pursuant 112651
to this section to have been convicted of, or have pleaded guilty 112652
to, ~~or been found eligible for intervention in lieu of conviction~~ 112653
~~for~~ a disqualifying offense; 112654

(4) Specify all of the following: 112655

(a) The circumstances under which a database review must be 112656
conducted under division (F)(1)(a) of this section to determine 112657
whether an employee or prospective employee of a medicaid provider 112658
~~or applicant to be a provider~~ is included in a database; 112659

(b) The procedures for conducting the database review; 112660

(c) The databases that are to be checked; 112661

(d) The circumstances under which a medicaid provider ~~or~~ 112662
~~applicant to be a provider~~ is prohibited from employing a person 112663
who is found by the database review to be included in a database. 112664

Sec. ~~5111.034~~ 5164.341. (A) As used in this section: 112665

"Anniversary date" means the later of the effective date of 112666
the provider agreement relating to the independent provider or 112667
sixty days after September 26, 2003. 112668

"Applicant" means a person who has applied for a medicaid 112669
provider agreement to provide home and community-based services as 112670
an independent provider under a home and community-based medicaid 112671
waiver component administered by the department of ~~job and family~~ 112672
~~services~~ medicaid. 112673

"Criminal records check" has the same meaning as in section 112674
109.572 of the Revised Code. 112675

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

"Independent provider" means a person who has a ~~medicaid~~ provider agreement to provide home and community-based services as an independent provider in a home and community-based services medicaid waiver component administered by the department of ~~job and family services~~ medicaid.

~~"Home and community based services medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

(B) The department of ~~job and family services~~ medicaid or the department's designee shall deny an applicant's application for a ~~medicaid~~ provider agreement and shall terminate an independent provider's ~~medicaid~~ provider agreement if either of the following applies:

(1) After the applicant or independent provider is given the information and notification required by divisions (D)(2)(a) and (b) of this section, the applicant or independent provider fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the department or the department's designee.

(2) Except as provided in rules ~~adopted under~~ authorized by this section, the applicant or independent provider is found by a criminal records check required by this section to have been convicted of, or have pleaded guilty to, ~~or been found eligible~~

~~for intervention in lieu of conviction for a disqualifying~~ 112707
~~offense, regardless of the date of the conviction, or the date of~~ 112708
~~entry of the guilty plea, or the date the applicant or independent~~ 112709
~~provider was found eligible for intervention in lieu of~~ 112710
~~conviction.~~ 112711

(C)(1) The department or the department's designee shall 112712
inform each applicant, at the time of initial application for a 112713
~~medicaid~~ provider agreement, that the applicant is required to 112714
provide a set of the applicant's fingerprint impressions and that 112715
a criminal records check is required to be conducted as a 112716
condition of the department's approving the application. 112717

(2) Beginning on September 26, 2003, the department or the 112718
department's designee shall inform each independent provider on or 112719
before the time of the anniversary date of the ~~medicaid~~ provider 112720
agreement that the independent provider is required to provide a 112721
set of the independent provider's fingerprint impressions and that 112722
a criminal records check is required to be conducted. 112723

(D)(1) The department or the department's designee shall 112724
require an applicant to complete a criminal records check prior to 112725
entering into a ~~medicaid~~ provider agreement with the applicant. 112726
The department or the department's designee shall require an 112727
independent provider to complete a criminal records check at least 112728
annually. If an applicant or independent provider for whom a 112729
criminal records check is required by this section does not 112730
present proof of having been a resident of this state for the 112731
five-year period immediately prior to the date the criminal 112732
records check is requested or provide evidence that within that 112733
five-year period the superintendent of the bureau of criminal 112734
identification and investigation has requested information about 112735
the applicant or independent provider from the federal bureau of 112736
investigation in a criminal records check, the department or the 112737
department's designee shall request that the applicant or 112738

independent provider obtain through the superintendent a criminal 112739
records request from the federal bureau of investigation as part 112740
of the criminal records check of the applicant or independent 112741
provider. Even if an applicant or independent provider for whom a 112742
criminal records check request is required by this section 112743
presents proof of having been a resident of this state for the 112744
five-year period, the department or the department's designee may 112745
request that the applicant or independent provider obtain 112746
information through the superintendent from the federal bureau of 112747
investigation in the criminal records check. 112748

(2) The department or the department's designee shall provide 112749
the following to each applicant and independent provider for whom 112750
a criminal records check is required by this section: 112751

(a) Information about accessing, completing, and forwarding 112752
to the superintendent of the bureau of criminal identification and 112753
investigation the form prescribed pursuant to division (C)(1) of 112754
section 109.572 of the Revised Code and the standard impression 112755
sheet prescribed pursuant to division (C)(2) of that section; 112756

(b) Written notification that the applicant or independent 112757
provider is to instruct the superintendent to submit the completed 112758
report of the criminal records check directly to the department or 112759
the department's designee. 112760

(3) Each applicant and independent provider for whom a 112761
criminal records check is required by this section shall pay to 112762
the bureau of criminal identification and investigation the fee 112763
prescribed pursuant to division (C)(3) of section 109.572 of the 112764
Revised Code for the criminal records check conducted of the 112765
applicant or independent provider. 112766

(E) The report of any criminal records check conducted by the 112767
bureau of criminal identification and investigation in accordance 112768
with section 109.572 of the Revised Code and pursuant to a request 112769

made under this section is not a public record for the purposes of 112770
section 149.43 of the Revised Code and shall not be made available 112771
to any person other than the following: 112772

(1) The person who is the subject of the criminal records 112773
check or the person's representative; 112774

(2) The medicaid director ~~of job and family services~~ and the 112775
staff of the department who are involved in the administration of 112776
the medicaid program; 112777

(3) The department's designee; 112778

(4) An individual ~~who receives~~ receiving or deciding whether 112779
to receive home and community-based services from the person who 112780
is the subject of the criminal records check; 112781

(5) A court, hearing officer, or other necessary individual 112782
involved in a case dealing with either of the following: 112783

(a) A denial or termination of a provider agreement related 112784
to the criminal records check; 112785

(b) A civil or criminal action regarding the medicaid 112786
program. 112787

(F) The medicaid director ~~of job and family services~~ shall 112788
adopt rules ~~in accordance with Chapter 119.~~ under section 5164.02 112789
of the Revised Code to implement this section. The rules shall 112790
specify circumstances under which the department or the 112791
department's designee may either approve an applicant's 112792
application or allow an independent provider to maintain an 112793
existing ~~medicaid~~ provider agreement even though the applicant or 112794
independent provider is found by a criminal records check required 112795
by this section to have been convicted of, or have pleaded guilty 112796
to, ~~or been found eligible for intervention in lieu of conviction~~ 112797
~~for~~ a disqualifying offense. 112798

Sec. ~~5111.033~~ 5164.342. (A) As used in this section: 112799

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.-

"Community-based long-term care ~~agency provider~~" ~~has the same meaning~~ means a provider as defined in section 173.39 of the Revised Code.

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

~~"Home and community based services medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of ~~job and family services~~ medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section ~~5111.034~~ 5164.341 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code. If a waiver agency also is a

community-based long-term care ~~agency~~ provider or community-based 112830
long-term care subcontractor, the waiver agency may provide for 112831
applicants and employees to undergo database reviews and criminal 112832
records checks in accordance with section ~~173.394~~ 173.38 of the 112833
Revised Code rather than this section. 112834

(C) No waiver agency shall employ an applicant or continue to 112835
employ an employee in a position that involves providing home and 112836
community-based services if any of the following apply: 112837

(1) A review of the databases listed in division (E) of this 112838
section reveals any of the following: 112839

(a) That the applicant or employee is included in one or more 112840
of the databases listed in divisions (E)(1) to (5) of this 112841
section; 112842

(b) That there is in the state nurse aide registry 112843
established under section 3721.32 of the Revised Code a statement 112844
detailing findings by the director of health that the applicant or 112845
employee neglected or abused a long-term care facility or 112846
residential care facility resident or misappropriated property of 112847
such a resident; 112848

(c) That the applicant or employee is included in one or more 112849
of the databases, if any, specified in rules ~~adopted under~~ 112850
authorized by this section and the rules prohibit the waiver 112851
agency from employing an applicant or continuing to employ an 112852
employee included in such a database in a position that involves 112853
providing home and community-based services. 112854

(2) After the applicant or employee is given the information 112855
and notification required by divisions (F)(2)(a) and (b) of this 112856
section, the applicant or employee fails to do either of the 112857
following: 112858

(a) Access, complete, or forward to the superintendent of the 112859
bureau of criminal identification and investigation the form 112860

prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency.

(3) Except as provided in rules ~~adopted under~~ authorized by this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, ~~or have pleaded guilty to, or been found eligible for intervention in lieu of conviction for~~ a disqualifying offense, regardless of the date of the conviction, or date of entry of the guilty plea, ~~or the date the applicant or employee was found eligible for intervention in lieu of conviction.~~

(D) At the time of each applicant's initial application for employment in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following:

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

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

(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules ~~adopted under~~

authorized by this section. If rules ~~adopted under~~ authorized by 112892
this section so require, the chief administrator of a waiver 112893
agency shall conduct a database review of an employee in 112894
accordance with the rules as a condition of continuing to employ 112895
the employee in a position that involves providing home and 112896
community-based services. A database review shall determine 112897
whether the applicant or employee is included in any of the 112898
following: 112899

(1) The excluded parties list system that is maintained by 112900
the United States general services administration pursuant to 112901
subpart 9.4 of the federal acquisition regulation and available at 112902
the federal web site known as the system for award management; 112903

(2) The list of excluded individuals and entities maintained 112904
by the office of inspector general in the United States department 112905
of health and human services pursuant to ~~section 1128 of the~~ 112906
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 112907
1156, 42 U.S.C. 1320a-7, ~~as amended~~, and ~~section 1156 of the~~ 112908
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as~~ 112909
~~amended;~~ 112910

(3) The registry of MR/DD employees established under section 112911
5123.52 of the Revised Code; 112912

(4) The internet-based sex offender and child-victim offender 112913
database established under division (A)(11) of section 2950.13 of 112914
the Revised Code; 112915

(5) The internet-based database of inmates established under 112916
section 5120.66 of the Revised Code; 112917

(6) The state nurse aide registry established under section 112918
3721.32 of the Revised Code; 112919

(7) Any other database, if any, specified in rules ~~adopted~~ 112920
~~under~~ authorized by this section. 112921

(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules ~~adopted under~~ authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall require the applicant or employee to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may require the applicant or employee to request that the superintendent include information from the federal bureau of investigation in the criminal records check.

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(2) The chief administrator shall provide the following to 112954

each applicant and employee for whom a criminal records check is required by this section:

(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the applicant or employee is to instruct the superintendent to submit the completed report of the criminal records check directly to the chief administrator.

(3) A waiver agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for any criminal records check required by this section. However, a waiver agency may require an applicant to pay to the bureau the fee for a criminal records check of the applicant. If the waiver agency pays the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(G)(1) A waiver agency may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The waiver agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing home and community-based services.

(b) The chief administrator of the waiver agency requires the applicant to request a criminal records check regarding the

applicant in accordance with division (F)(1) of this section not 112986
later than five business days after the applicant begins 112987
conditional employment. 112988

(2) A waiver agency that employs an applicant conditionally 112989
under division (G)(1) of this section shall terminate the 112990
applicant's employment if the results of the criminal records 112991
check, other than the results of any request for information from 112992
the federal bureau of investigation, are not obtained within the 112993
period ending sixty days after the date the request for the 112994
criminal records check is made. Regardless of when the results of 112995
the criminal records check are obtained, if the results indicate 112996
that the applicant has been convicted of, or has pleaded guilty 112997
to, ~~or has been found eligible for intervention in lieu of~~ 112998
~~conviction for~~ a disqualifying offense, the waiver agency shall 112999
terminate the applicant's employment unless circumstances 113000
specified in rules ~~adopted under~~ authorized by this section exist 113001
that permit the waiver agency to employ the applicant and the 113002
waiver agency chooses to employ the applicant. 113003

(H) The report of any criminal records check conducted 113004
pursuant to a request made under this section is not a public 113005
record for the purposes of section 149.43 of the Revised Code and 113006
shall not be made available to any person other than the 113007
following: 113008

(1) The applicant or employee who is the subject of the 113009
criminal records check or the representative of the applicant or 113010
employee; 113011

(2) The chief administrator of the waiver agency that 113012
requires the applicant or employee to request the criminal records 113013
check or the administrator's representative; 113014

(3) The medicaid director ~~of job and family services~~ and the 113015
staff of the department who are involved in the administration of 113016

the medicaid program; 113017

(4) The director of aging or the director's designee if the 113018
waiver agency also is a community-based long-term care ~~agency~~ 113019
provider or community-based long-term care subcontractor; 113020

(5) An individual receiving or deciding whether to receive 113021
home and community-based services from the subject of the criminal 113022
records check; 113023

(6) A court, hearing officer, or other necessary individual 113024
involved in a case dealing with any of the following: 113025

(a) A denial of employment of the applicant or employee; 113026

(b) Employment or unemployment benefits of the applicant or 113027
employee; 113028

(c) A civil or criminal action regarding the medicaid 113029
program. 113030

(I) The medicaid director ~~of job and family services~~ shall 113031
adopt rules ~~in accordance with Chapter 119.~~ under section 5164.02 113032
of the Revised Code to implement this section. 113033

(1) The rules may do the following: 113034

(a) Require employees to undergo database reviews and 113035
criminal records checks under this section; 113036

(b) If the rules require employees to undergo database 113037
reviews and criminal records checks under this section, exempt one 113038
or more classes of employees from the requirements; 113039

(c) For the purpose of division (E)(7) of this section, 113040
specify other databases that are to be checked as part of a 113041
database review conducted under this section. 113042

(2) The rules shall specify all of the following: 113043

(a) The procedures for conducting a database review under 113044
this section; 113045

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;

(d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, or have pleaded guilty to, ~~or been found eligible for intervention in lieu of conviction for~~ a disqualifying offense.

(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of ~~job and family services~~ medicaid from taking action against a person for failure to comply with former division (H) of this section as that division existed on the day preceding ~~the effective date of this amendment~~ January 1, 2013.

Sec. ~~5111.03~~ 5164.35. (A) As used in this section, "owner" means any person having at least five per cent ownership in a medicaid provider.

(B)(1) No medicaid provider ~~of services or goods contracting with the department of job and family services pursuant to the medicaid program~~ shall, by do any of the following:

(a) By deception, obtain or attempt to obtain payments under ~~this chapter~~ the medicaid program to which the provider is not entitled pursuant to the provider's provider agreement, or the rules of the federal government or the ~~department of job and~~

~~family services~~ medicaid director relating to the program. ~~No~~ 113076
~~provider shall willfully;~~ 113077

(b) Willfully receive payments to which the provider is not 113078
entitled, ~~or willfully;~~ 113079

(c) Willfully receive payments in a greater amount than that 113080
to which the provider is entitled; ~~nor shall any provider falsify~~ 113081

(d) Falsify any report or document required by state or 113082
federal law, rule, or provider agreement relating to medicaid 113083
payments. ~~As used in this section, a~~ 113084

(2) A medicaid provider engages in "deception" for the 113085
purpose of this section when the provider, acting with actual 113086
knowledge of the representation or information involved, acting in 113087
deliberate ignorance of the truth or falsity of the representation 113088
or information involved, or acting in reckless disregard of the 113089
truth or falsity of the representation or information involved, 113090
deceives another or causes another to be deceived by any false or 113091
misleading representation, by withholding information, by 113092
preventing another from acquiring information, or by any other 113093
conduct, act, or omission that creates, confirms, or perpetuates a 113094
false impression in another, including a false impression as to 113095
law, value, state of mind, or other objective or subjective fact. 113096
No proof of specific intent to defraud is required to show, for 113097
purposes of this section, that a medicaid provider has engaged in 113098
deception. 113099

~~(B)~~(C) Any medicaid provider who violates division ~~(A)~~(B) of 113100
this section shall be liable, in addition to any other penalties 113101
provided by law, for all of the following civil penalties: 113102

(1) Payment of interest on the amount of the excess payments 113103
at the maximum interest rate allowable for real estate mortgages 113104
under section 1343.01 of the Revised Code on the date the payment 113105
was made to the provider for the period from the date upon which 113106

payment was made, to the date upon which repayment is made to the state; 113107
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(2) Payment of an amount equal to three times the amount of any excess payments; 113109
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(3) Payment of a sum of not less than five thousand dollars and not more than ten thousand dollars for each deceptive claim or falsification; 113111
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(4) All reasonable expenses which the court determines have been necessarily incurred by the state in the enforcement of this section. 113114
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~~(C) As used in this division, "intermediate care facility for the mentally retarded" and "nursing facility" have the same meanings given in section 5111.20 of the Revised Code.~~ 113117
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(D) In addition to the civil penalties provided in division ~~(B)~~(C) of this section, the medicaid director of ~~job and family services~~, upon the conviction of, or the entry of a judgment in either a criminal or civil action against, a medicaid provider or its owner, officer, authorized agent, associate, manager, or employee in an action brought pursuant to section 109.85 of the Revised Code, shall terminate the provider's provider agreement ~~between the department and the provider~~ and stop ~~reimbursement payment~~ to the provider for medicaid services rendered from the date of conviction or entry of judgment. ~~As used in this division, "owner" means any person having at least five per cent ownership in the medicaid provider.~~ No such medicaid provider, owner, officer, authorized agent, associate, manager, or employee shall own or provide medicaid services to any other medicaid provider or risk contractor or arrange for, render, or order medicaid services for medicaid recipients, nor shall such provider, owner, officer, authorized agent, associate, manager, or employee receive ~~reimbursement in the form of direct payments from the department~~ 113120
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under the medicaid program or indirect payments of medicaid funds 113138
in the form of salary, shared fees, contracts, kickbacks, or 113139
rebates from or through any ~~participating~~ other medicaid provider 113140
or risk contractor. The provider agreement shall not be terminated 113141
~~or reimbursement, and payment shall not be~~ terminated, if the 113142
medicaid provider or owner can demonstrate that the provider or 113143
owner did not directly or indirectly sanction the action of its 113144
authorized agent, associate, manager, or employee that resulted in 113145
the conviction or entry of a judgment in a criminal or civil 113146
action brought pursuant to section 109.85 of the Revised Code. 113147
Nothing in this division prohibits any owner, officer, authorized 113148
agent, associate, manager, or employee of a medicaid provider from 113149
entering into a ~~medicaid~~ provider agreement if the person can 113150
demonstrate that the person had no knowledge of an action of the 113151
medicaid provider the person was formerly associated with that 113152
resulted in the conviction or entry of a judgment in a criminal or 113153
civil action brought pursuant to section 109.85 of the Revised 113154
Code. 113155

Nursing facility ~~or intermediate care facility for the~~ 113156
~~mentally retarded and ICF/IID~~ providers whose provider agreements 113157
are terminated pursuant to this section may continue to receive 113158
~~reimbursement~~ medicaid payments for up to thirty days after the 113159
effective date of the termination if the provider makes reasonable 113160
efforts to transfer medicaid recipients to another facility or to 113161
alternate care and if federal ~~funds are~~ financial participation is 113162
provided for ~~such reimbursement~~ the payments. 113163

~~(D) For any reason permitted or required by federal law, the~~ 113164
~~director of job and family services may deny a provider agreement~~ 113165
~~or terminate a provider agreement.~~ 113166

~~For any reason permitted or required by federal law, the~~ 113167
~~director may exclude an individual, provider of services or goods,~~ 113168
~~or other entity from participation in the medicaid program. No~~ 113169

~~individual, provider, or entity excluded under this division shall own or provide services to any other medicaid provider or risk contractor or arrange for, render, or order services for medicaid recipients during the period of exclusion, nor, during the period of exclusion, shall such individual, provider, or entity receive reimbursement in the form of direct payments from the department or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any participating provider or risk contractor. An excluded individual, provider, or entity may request a reconsideration of the exclusion. The director shall adopt rules in accordance with Chapter 119. of the Revised Code governing the process for requesting a reconsideration.~~

~~Nothing in this division limits the applicability of section 5111.06 of the Revised Code to a medicaid provider.~~

~~(E) Any provider of services or goods contracting with the department of job and family services pursuant to Title XIX of the "Social Security Act," who, without intent, obtains payments under this chapter in excess of the amount to which the provider is entitled, thereby becomes liable for payment of interest on the amount of the excess payments at the maximum real estate mortgage rate on the date the payment was made to the provider for the period from the date upon which payment was made to the date upon which repayment is made to the state.~~

~~(F)~~(E) The attorney general on behalf of the state may commence proceedings to enforce this section in any court of competent jurisdiction; and the attorney general may settle or compromise any case brought under this section with the approval of the department of ~~job and family services~~ medicaid. Notwithstanding any other provision of law providing a shorter period of limitations, the attorney general may commence a proceeding to enforce this section at any time within six years

after the conduct in violation of this section terminates. 113202

~~(G) The authority, under state and federal law, of the 113203
department of job and family services or a county department of 113204
job and family services to recover excess payments made to a 113205
provider is not limited by the availability of remedies under 113206
sections 5111.11 and 5111.12 of the Revised Code for recovering 113207
benefits paid on behalf of recipients of medical assistance. 113208~~

~~The penalties under this chapter apply to any overpayment, 113209
billing, or falsification occurring on and after April 24, 1978. 113210~~

~~(F) All moneys collected by the state pursuant to this section 113211
shall be deposited in the state treasury to the credit of the 113212
general revenue fund. 113213~~

Sec. 5111.035 5164.36. (A) As used in this section: 113214

(1) "~~Creditable~~ Credible allegation of fraud" has the same 113215
meaning as in 42 C.F.R. 455.2, except that for purposes of this 113216
section any reference in that regulation to the "state" or the 113217
"state medicaid agency" means the department of ~~job and family 113218
services~~ medicaid. 113219

~~(2) "Provider" has the same meaning as in section 5111.032 of 113220
the Revised Code. 113221~~

~~(3) "Owner" has the same meaning as in section 5111.031 113222
5164.37 of the Revised Code. 113223~~

(B)(1) Except as provided in division (C) of this section and 113224
in rules ~~adopted~~ authorized by the ~~department of job and family 113225
services under division (J)~~ of this section, on determining there 113226
is a ~~creditable~~ credible allegation of fraud for which an 113227
investigation is pending under the medicaid program against a 113228
medicaid provider, the department of medicaid shall suspend the 113229
provider agreement held by the provider. Subject to division (C) 113230
of this section, the department shall also terminate medicaid 113231

~~reimbursement~~ payments to the provider for services rendered. 113232

(2)(a) The suspension shall continue in effect until either 113233
of the following is the case: 113234

(i) The department or a prosecuting authority determines that 113235
there is insufficient evidence of fraud by the medicaid provider; 113236

(ii) The proceedings in any related criminal case are 113237
completed through dismissal of the indictment or through 113238
conviction, entry of a guilty plea, or finding of not guilty. 113239

(b) If the department commences a process to terminate the 113240
suspended provider agreement, the suspension shall also continue 113241
in effect until the termination process is concluded. 113242

~~(3) Pursuant to section 5111.06 of the Revised Code, the 113243
department is not required to take action under division (B)(1) of 113244
this section by issuing an order pursuant to an adjudication in 113245
accordance with Chapter 119. of the Revised Code. 113246~~

~~(4) When subject to a suspension under this section, a 113247
medicaid provider, owner, officer, authorized agent, associate, 113248
manager, or employee shall not own or provide services to any 113249
other medicaid provider or risk contractor or arrange for, render, 113250
or order services to any other medicaid provider or risk 113251
contractor or arrange for, render, or order services for medicaid 113252
recipients during the period of suspension. During the period of 113253
suspension, the provider, owner, officer, authorized agent, 113254
associate, manager, or employee shall not receive ~~reimbursement in 113255
the form of~~ direct payments ~~from the department~~ under the medicaid 113256
program or indirect payments of medicaid funds in the form of 113257
salary, shared fees, contracts, kickbacks, or rebates from or 113258
through any ~~participating~~ other medicaid provider or risk 113259
contractor. 113260~~

(C) The department shall not suspend a provider agreement or 113261
terminate medicaid ~~reimbursement~~ payments under division (B) of 113262

this section if the medicaid provider or owner can demonstrate 113263
through the submission of written evidence that the provider or 113264
owner did not directly or indirectly sanction the action of its 113265
authorized agent, associate, manager, or employee that resulted in 113266
the ~~creditable~~ credible allegation of fraud. 113267

(D) The termination of medicaid reimbursement payment under 113268
division (B) of this section applies only to payments for medicaid 113269
services rendered subsequent to the date on which the notice 113270
required by division (E) of this section is sent. Claims for 113271
~~reimbursement~~ payment of medicaid services rendered by the 113272
medicaid provider prior to the issuance of the notice may be 113273
subject to prepayment review procedures whereby the department 113274
reviews claims to determine whether they are supported by 113275
sufficient documentation, are in compliance with state and federal 113276
statutes and rules, and are otherwise complete. 113277

(E) After suspending a provider agreement under division (B) 113278
of this section, the department shall, as specified in 42 C.F.R. 113279
455.23(b), send notice of the suspension to the affected medicaid 113280
provider or owner in accordance with the following timeframes: 113281

(1) Not later than five days after the suspension, unless a 113282
law enforcement agency makes a written request to temporarily 113283
delay the notice; 113284

(2) If a law enforcement agency makes a written request to 113285
temporarily delay the notice, not later than thirty days after the 113286
suspension occurs subject to the conditions specified in division 113287
(F) of this section. 113288

(F) A written request for a temporary delay described in 113289
division (E)(2) of this section may be renewed in writing by a law 113290
enforcement agency not more than two times except that under no 113291
circumstances shall the notice be issued more than ninety days 113292
after the suspension occurs. 113293

(G) The notice required by division (E) of this section shall do all of the following:

(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23;

(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation;

(3) State that the suspension continues to be in effect until either of the following is the case:

(a) The department or a prosecuting authority determines that there is insufficient evidence of fraud by the provider;

(b) The proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded.

(4) Specify, if applicable, the type or types of medicaid claims or business units of the medicaid provider that are affected by the suspension;

(5) Inform the medicaid provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for reconsideration of the suspension in accordance with division (H) of this section.

(H)(1) Pursuant to the procedure specified in division (H)(2) of this section, a medicaid provider or owner subject to a suspension under this section may request a reconsideration of the suspension. The request shall be made not later than thirty days after receipt of a notice required by division (E) of this section. The reconsideration is not subject to an adjudication

hearing pursuant to Chapter 119. of the Revised Code. 113324

(2) In requesting a reconsideration, the medicaid provider or 113325
owner shall submit written information and documents to the 113326
department. The information and documents may pertain to any of 113327
the following issues: 113328

(a) Whether the determination to suspend the provider 113329
agreement was based on a mistake of fact, other than the validity 113330
of an indictment in a related criminal case. 113331

(b) If there has been an indictment in a related criminal 113332
case, whether any offense charged in the indictment resulted from 113333
an offense specified in division (E) of section ~~5111.031~~ 5164.37 113334
of the Revised Code. 113335

(c) Whether the provider or owner can demonstrate that the 113336
provider or owner did not directly or indirectly sanction the 113337
action of its authorized agent, associate, manager, or employee 113338
that resulted in the suspension under this section or an 113339
indictment in a related criminal case. 113340

(I) The department shall review the information and documents 113341
submitted in a request made under division (H) of this section for 113342
reconsideration of a suspension. After the review, the suspension 113343
may be affirmed, reversed, or modified, in whole or in part. The 113344
department shall notify the affected provider or owner of the 113345
results of the review. The review and notification of its results 113346
shall be completed not later than forty-five days after receiving 113347
the information and documents submitted in a request for 113348
reconsideration. 113349

(J) ~~The department may adopt rules in accordance with Chapter~~ 113350
~~119. of the Revised Code to implement this section. The rules~~ 113351
Rules adopted under section 5164.02 of the Revised Code may 113352
specify circumstances under which the department would not suspend 113353
a provider agreement pursuant to this section. 113354

Sec. ~~5111.031~~ 5164.37. (A) As used in this section: 113355

(1) "Independent provider" has the same meaning as in section 113356
~~5111.034~~ 5164.341 of the Revised Code. 113357

(2) "~~Intermediate care facility for the mentally retarded~~" 113358
and "~~nursing facility~~" have the same meanings as in section 113359
~~5111.20~~ of the Revised Code. 113360

~~(3)~~ "Noninstitutional medicaid provider" means any person or 113361
entity with a ~~medicaid~~ provider agreement other than a hospital, 113362
nursing facility, or ~~intermediate care facility for the mentally~~ 113363
~~retarded~~ ICF/IID. 113364

~~(4)~~(3) "Owner" means any person having at least five per cent 113365
ownership in a noninstitutional medicaid provider. 113366

(B) Notwithstanding any provision of this chapter to the 113367
contrary, the department of ~~job and family services~~ medicaid shall 113368
take action under this section against a noninstitutional medicaid 113369
provider or its owner, officer, authorized agent, associate, 113370
manager, or employee. 113371

(C) Except as provided in division (D) of this section and in 113372
rules ~~adopted~~ authorized by the ~~department under division (H)~~ of 113373
this section, on receiving notice and a copy of an indictment that 113374
is issued on or after September 29, 2007, and charges a 113375
noninstitutional medicaid provider or its owner, officer, 113376
authorized agent, associate, manager, or employee with committing 113377
an offense specified in division (E) of this section, the 113378
department shall suspend the provider agreement held by the 113379
noninstitutional medicaid provider. Subject to division (D) of 113380
this section, the department shall also terminate medicaid 113381
~~reimbursement~~ payments to the provider for medicaid services 113382
rendered. 113383

The suspension shall continue in effect until the proceedings 113384

in the criminal case are completed through dismissal of the 113385
indictment or through conviction, entry of a guilty plea, or 113386
finding of not guilty. If the department commences a process to 113387
terminate the suspended provider agreement, the suspension shall 113388
also continue in effect until the termination process is 113389
concluded. 113390

~~Pursuant to section 5111.06 of the Revised Code, the 113391
department is not required to take action under this division by 113392
issuing an order pursuant to an adjudication conducted in 113393
accordance with Chapter 119. of the Revised Code. 113394~~

When subject to a suspension under this division, a provider, 113395
owner, officer, authorized agent, associate, manager, or employee 113396
shall not own or provide medicaid services to any other medicaid 113397
provider or risk contractor or arrange for, render, or order 113398
medicaid services for medicaid recipients during the period of 113399
suspension. During the period of suspension, the provider, owner, 113400
officer, authorized agent, associate, manager, or employee shall 113401
not receive ~~reimbursement in the form of~~ direct payments ~~from~~ 113402
under the department medicaid program or indirect payments of 113403
medicaid funds in the form of salary, shared fees, contracts, 113404
kickbacks, or rebates from or through any ~~participating other~~ 113405
medicaid provider or risk contractor. 113406

(D)(1) The department shall not suspend a provider agreement 113407
or terminate medicaid ~~reimbursement~~ payments under division (C) of 113408
this section if the provider or owner can demonstrate through the 113409
submission of written evidence that the provider or owner did not 113410
directly or indirectly sanction the action of its authorized 113411
agent, associate, manager, or employee that resulted in the 113412
indictment. 113413

(2) The termination of medicaid ~~reimbursement~~ payments 113414
applies only to payments for medicaid services rendered subsequent 113415
to the date on which the notice required under division (F) of 113416

this section is sent. Claims for ~~reimbursement~~ payment for 113417
medicaid services rendered by the provider prior to the issuance 113418
of the notice may be subject to prepayment review procedures 113419
whereby the department reviews claims to determine whether they 113420
are supported by sufficient documentation, are in compliance with 113421
state and federal statutes and rules, and are otherwise complete. 113422

(E)(1) In the case of a noninstitutional medicaid provider 113423
that is not an independent provider, the suspension of a provider 113424
agreement under division (C) of this section applies when an 113425
indictment charges a person with committing an act that would be a 113426
felony or misdemeanor under the laws of this state and the act 113427
relates to or results from either of the following: 113428

(a) Furnishing or billing for ~~medical care,~~ medicaid 113429
~~services, or supplies~~ under the medicaid program; 113430

(b) Participating in the performance of management or 113431
administrative services relating to furnishing ~~medical care,~~ 113432
medicaid ~~services, or supplies~~ under the medicaid program. 113433

(2) In the case of a noninstitutional medicaid provider that 113434
is an independent provider, the suspension of a provider agreement 113435
under division (C) of this section applies when an indictment 113436
charges a person with committing an act that would constitute a 113437
disqualifying offense as defined in section ~~5111.032~~ 5164.34 of 113438
the Revised Code. 113439

(F) Not later than five days after suspending a provider 113440
agreement under division (C) of this section, the department shall 113441
send notice of the suspension to the affected provider or owner. 113442
In providing the notice, the department shall do all of the 113443
following: 113444

(1) Describe the indictment that was the cause of the 113445
suspension, without necessarily disclosing specific information 113446
concerning any ongoing civil or criminal investigation; 113447

(2) State that the suspension will continue in effect until the proceedings in the criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded;

(3) Inform the provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for a reconsideration pursuant to division (G) of this section.

(G)(1) Pursuant to the procedure specified in division (G)(2) of this section, a noninstitutional medicaid provider or owner subject to a suspension under this section may request a reconsideration. The request shall be made not later than thirty days after receipt of the notice provided under division (F) of this section. The reconsideration is not subject to an adjudication hearing pursuant to Chapter 119. of the Revised Code.

(2) In requesting a reconsideration, the provider or owner shall submit written information and documents to the department. The information and documents may pertain to any of the following issues:

(a) Whether the determination to suspend the provider agreement was based on a mistake of fact, other than the validity of the indictment;

(b) Whether any offense charged in the indictment resulted from an offense specified in division (E) of this section;

(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the indictment.

(3) The department shall review the information and documents

submitted in a request for reconsideration. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration.

~~(H) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules Rules adopted under section 5164.02 of the Revised Code may specify circumstances under which the department would not suspend a provider agreement pursuant to this section.~~

Sec. 5111.06 5164.38. ~~(A)(1) As used in this section and in sections 5111.061 and 5111.063 of the Revised Code:~~

~~(a) "Provider" means any person, institution, or entity that furnishes medicaid services under a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.~~

~~(b) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.~~

~~(e)(1) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.~~

(2) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.

(3) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code.

(B) This section does not apply to either of the following:

~~(a)~~(1) Any action taken or decision made by the department of 113509
~~job and family services~~ medicaid with respect to entering into or 113510
refusing to enter into a contract with a managed care organization 113511
pursuant to section ~~5111.17~~ 5167.10 of the Revised Code; 113512

~~(b)~~(2) Any action taken by the department under sections 113513
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. 113514

~~(B)~~(C) Except as provided in division ~~(D)~~(E) of this section 113515
and section ~~5111.914~~ 5164.58 of the Revised Code, the department 113516
shall do ~~either~~ any of the following by issuing an order pursuant 113517
to an adjudication conducted in accordance with Chapter 119. of 113518
the Revised Code: 113519

(1) ~~Enter into or refuse~~ Refuse to enter into a provider 113520
agreement with a medicaid provider, ~~or suspend~~; 113521

(2) Refuse to revalidate a medicaid provider's provider 113522
agreement; 113523

(3) Suspend or terminate, renew, or refuse to renew an 113524
existing a medicaid provider's provider agreement with a provider; 113525

~~(2)~~(4) Take any action based upon a final fiscal audit of a 113526
medicaid provider. 113527

~~(C)~~(D) Any party who is adversely affected by the issuance of 113528
an adjudication order under division ~~(B)~~(C) of this section may 113529
appeal to the court of common pleas of Franklin county in 113530
accordance with section 119.12 of the Revised Code. 113531

~~(D)~~(E) The department is not required to comply with division 113532
~~(B)~~(C)(1), (2), or (3) of this section whenever any of the 113533
following occur: 113534

(1) The terms of a provider agreement require the medicaid 113535
provider to hold a license, permit, or certificate or maintain a 113536
certification issued by an official, board, commission, 113537
department, division, bureau, or other agency of state or federal 113538

government other than the department of ~~job and family services~~ 113539
medicaid, and the license, permit, certificate, or certification 113540
has been denied, revoked, not renewed, suspended, or otherwise 113541
limited. 113542

(2) The terms of a provider agreement require the medicaid 113543
provider to hold a license, permit, or certificate or maintain 113544
certification issued by an official, board, commission, 113545
department, division, bureau, or other agency of state or federal 113546
government other than the department of ~~job and family services~~ 113547
medicaid, and the provider has not obtained the license, permit, 113548
certificate, or certification. 113549

(3) The medicaid provider's application for a provider 113550
agreement is denied, or the provider's provider agreement is 113551
~~terminated,~~ or not ~~renewed due~~ revalidated, because of or pursuant 113552
to ~~the~~ any of the following: 113553

(a) The termination, refusal to renew, or denial of a 113554
license, permit, certificate, or certification by an official, 113555
board, commission, department, division, bureau, or other agency 113556
of this state other than the department of ~~job and family services~~ 113557
medicaid, notwithstanding the fact that the provider may hold a 113558
license, permit, certificate, or certification from an official, 113559
board, commission, department, division, bureau, or other agency 113560
of another state. 113561

~~(4) The provider agreement is denied, terminated, or not~~ 113562
~~renewed pursuant to division (C);~~ 113563

(b) Division (D) or (F)(E) of section 5111.03 5164.35 of the 113564
Revised Code. 113565

~~(5) The provider agreement is denied, terminated, or not~~ 113566
~~renewed due to the;~~ 113567

(c) The provider's termination, suspension, or exclusion from 113568
the medicare program ~~established under Title XVIII of the "Social~~ 113569

Security Act" or from another state's medicaid program and, in 113570
either case, the termination, suspension, or exclusion is binding 113571
on the provider's participation in the medicaid program in this 113572
state. 113573

~~(6) The provider agreement is denied, terminated, or not 113574
renewed due to the; 113575~~

(d) The provider's pleading guilty to or being convicted of a 113576
criminal activity materially related to either the medicare or 113577
medicaid program; 113578

(e) The provider or its owner, officer, authorized agent, 113579
associate, manager, or employee having been convicted of one of 113580
the offenses that caused the provider's provider agreement to be 113581
suspended pursuant to section 5164.36 of the Revised Code; 113582

(f) The provider's failure to provide the department the 113583
national provider identifier assigned the provider by the national 113584
provider system pursuant to 45 C.F.R. 162.408. 113585

~~(7)(4) The medicaid provider's application for a provider 113586
agreement is denied, or the provider's provider agreement is 113587
terminated, or suspended, as a result of action by the United 113588
States department of health and human services and that action is 113589
binding on the provider's medicaid participation in the medicaid 113590
program. 113591~~

~~(8)(5) Pursuant to either section 5111.031 5164.36 or 113592
5111.035 5164.37 of the Revised Code, the medicaid provider's 113593
provider agreement is suspended and payments to the provider are 113594
suspended pending indictment of the provider. 113595~~

~~(9) The provider agreement is denied, terminated, or not 113596
renewed because the provider or its owner, officer, authorized 113597
agent, associate, manager, or employee has been convicted of one 113598
of the offenses that caused the provider agreement to be suspended 113599
pursuant to section 5111.031 of the Revised Code. 113600~~

~~(10)(6)~~ The medicaid provider's application for a provider agreement is denied because the provider's application was not complete; 113601
113602
113603

(7) The medicaid provider's provider agreement is converted under section ~~5111.028~~ 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited. 113604
113605
113606
113607

~~(11) The provider agreement is terminated or an application for re-enrollment is denied because the provider has failed to apply for re-enrollment within the time or in the manner specified for re-enrollment~~ (8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section ~~5111.028~~ 5164.32 of the Revised Code. 113608
113609
113610
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~~(12)(9)~~ The medicaid provider's provider agreement is suspended or, terminated, or an application for enrollment or re-enrollment is denied, for any not revalidated because of either of the following: 113615
113616
113617
113618

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450- 113619
113620
113621

~~(13) The provider agreement is terminated or not renewed because the;~~ 113622
113623

(b) The provider has not billed or otherwise submitted a medicaid claim to the department for two years or longer. 113624
113625

~~(14) The provider agreement is denied, terminated, or not renewed because the provider fails to provide to the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408.~~ 113626
113627
113628
113629

(F) In the case of a medicaid provider described in division 113630

~~(D)(13)(E)(3)(f), (6), (7), or (14)(9)(b)~~ of this section, the 113631
department may take its ~~proposed~~ action against a provider 113632
~~agreement~~ by sending a notice explaining the ~~proposed~~ action to 113633
the provider. The notice shall be sent to the medicaid provider's 113634
address on record with the department. The notice may be sent by 113635
regular mail. 113636

~~(E)(G)~~ The department may withhold payments for medicaid 113637
services rendered by a medicaid provider ~~under the medicaid~~ 113638
~~program~~ during the pendency of proceedings initiated under 113639
division ~~(B)(C)(1), (2), or (3)~~ of this section. If the 113640
proceedings are initiated under division ~~(B)(2)(C)(4)~~ of this 113641
section, the department may withhold payments only to the extent 113642
that they equal amounts determined in a final fiscal audit as 113643
being due the state. This division does not apply if the 113644
department fails to comply with section 119.07 of the Revised 113645
Code, requests a continuance of the hearing, or does not issue a 113646
decision within thirty days after the hearing is completed. This 113647
division does not apply to nursing facilities and ~~intermediate~~ 113648
~~care facilities for the mentally retarded as defined in section~~ 113649
~~5111.20 of the Revised Code~~ ICFs/IID. 113650

Sec. ~~5111.062~~ 5164.39. In any action taken by the department 113651
of ~~job and family services~~ medicaid under section ~~5111.06~~ 5164.38 113652
or ~~5111.061~~ 5164.57 of the Revised Code or any other ~~provision of~~ 113653
~~this chapter~~ state statute governing the medicaid program that 113654
requires the department to give notice of an opportunity for a 113655
hearing in accordance with Chapter 119. of the Revised Code, if 113656
the department gives notice of the opportunity for a hearing but 113657
the medicaid provider or other entity subject to the notice does 113658
not request a hearing or timely request a hearing in accordance 113659
with section 119.07 of the Revised Code, the department is not 113660
required to hold a hearing. The medicaid director ~~of job and~~ 113661
~~family service~~ may proceed by issuing a final adjudication order 113662

in accordance with Chapter 119. of the Revised Code. 113663

Sec. ~~5111.05~~ 5164.45. (A) The department of ~~job and family~~ 113664
~~services~~ medicaid may contract with any person or persons as a 113665
fiscal agent for the examination, processing, and determination of 113666
~~medical assistance~~ medicaid claims ~~under this chapter~~. The 113667
contracting party may provide any of the following services, as 113668
required by the contract: 113669

(1) Design and operate medicaid management information 113670
systems, including the provision of data processing services; 113671

(2) Determine the amounts of payments to be made upon claims 113672
for ~~medical assistance~~ medicaid; 113673

(3) Prepare and furnish to the department lists and computer 113674
tapes of such claims for payment; 113675

(4) In addition to audits which may be conducted by the 113676
department and by the auditor of state, make audits of providers 113677
and the claims of medicaid providers ~~of medical assistance~~ 113678
according to the standards set forth in the contract; 113679

(5) Assist medicaid providers ~~of medical assistance~~ in the 113680
development of procedures relating to utilization practices, make 113681
studies of the effectiveness of such procedures and methods for 113682
their improvement, implement and enforce standards of medical 113683
policy, and assist in the application of safeguards against 113684
unnecessary utilization; 113685

(6) Assist any institution, facility, or agency to qualify as 113686
a medicaid provider ~~of medical assistance~~; 113687

(7) Establish and maintain fiscal records for the ~~medical~~ 113688
~~assistance~~ medicaid program; 113689

(8) Perform statistical and research studies; 113690

(9) Develop and implement programs for ~~medical assistance~~ 113691

medicaid cost containment; 113692

(10) Perform such other duties as are necessary to carry out 113693
the ~~medical assistance~~ medicaid program. 113694

(B) The department ~~of job and family services~~ may contract 113695
with any person or persons as an insuring agent for the 113696
examination, processing, and determination of ~~medical assistance~~ 113697
medicaid claims, as provided in division (A) of this section, and 113698
for the payment of ~~medical assistance~~ medicaid claims through an 113699
underwritten program in which the state pays the insuring agent a 113700
monthly premium and the insuring agent pays for ~~medical~~ medicaid 113701
services ~~authorized under the state's medical assistance program~~. 113702
The person with whom the department contracts, with respect to the 113703
awarding, provisions, and performance of such contract, shall not 113704
be subject to the provisions of Title XXXIX of the Revised Code or 113705
to regulation by the department of insurance, nor to taxation as 113706
an insurance company pursuant to section 5725.18 or 5729.03 of the 113707
Revised Code. A contract with an insuring agent shall specify the 113708
qualifications, including capital and surplus requirements, and 113709
other conditions with which the insuring agent must comply. 113710

(C) In entering into a contract under this section, the 113711
department, in cooperation with the director of budget and 113712
management, shall determine that the contracting party is 113713
qualified to perform the required services and shall follow 113714
applicable procedures required of the department of administrative 113715
services in sections 125.07 to 125.11 of the Revised Code. A 113716
contract shall be awarded to the bidder who, with due 113717
consideration to the bidder's experience and financial capability, 113718
offers the lowest and best bid to the state for control of the 113719
costs of the ~~medical assistance~~ medicaid program consistent with 113720
meeting the obligations under that program for fair and equitable 113721
treatment of medicaid recipients and medicaid providers ~~of medical~~ 113722
~~services~~. Any arrangement whereby funds are paid to an insuring or 113723

fiscal agent for administrative functions under this section 113724
shall, for the purposes of section 125.081 of the Revised Code, be 113725
deemed to be a contract or purchase by the department of 113726
administrative services; however, money to be used by an insuring 113727
agent to pay for ~~medical~~ medicaid services ~~authorized under the~~ 113728
~~state's medical assistance program~~ shall not be deemed a contract 113729
or purchase within the meaning of such section. 113730

Sec. ~~5111.052~~ 5164.46. (A) As used in this section, 113731
"electronic claims submission process" means any of the following: 113732

(1) Electronic interchange of data; 113733

(2) Direct entry of data through an internet-based mechanism 113734
implemented by the department of ~~job and family services~~ medicaid; 113735

(3) Any other process for the electronic submission of claims 113736
that is specified in rules adopted under ~~this~~ section 5162.02 of 113737
the Revised Code. 113738

(B) Not later than January 1, 2013, and except as provided in 113739
division (C) of this section, each medicaid provider ~~of services~~ 113740
~~to medicaid recipients~~ shall do both of the following: 113741

(1) Use only an electronic claims submission process to 113742
submit to the department of ~~job and family services~~ medicaid 113743
claims for medicaid ~~reimbursement~~ payment for medicaid services 113744
provided to medicaid recipients; 113745

(2) Arrange to receive medicaid ~~reimbursement~~ payment from 113746
the department by means of electronic funds transfer. 113747

(C) Division (B) of this section does not apply to any of the 113748
following: 113749

(1) A nursing facility, ~~as defined in section 5111.20 of the~~ 113750
~~Revised Code~~; 113751

(2) An ~~intermediate care facility for the mentally retarded,~~ 113752

~~as defined in section 5111.20 of the Revised Code ICF/IID;~~ 113753

(3) A medicaid managed care organization ~~under contract with~~ 113754
~~the department pursuant to section 5111.17 of the Revised Code;~~ 113755

(4) Any other medicaid provider or type of medicaid provider 113756
designated in rules adopted under ~~this~~ section 5162.02 of the 113757
Revised Code. 113758

(D) The department shall not process a medicaid claim 113759
submitted on or after January 1, 2013, unless the claim is 113760
submitted through an electronic claims submission process in 113761
accordance with this section. 113762

~~(E) The director of job and family services may adopt rules~~ 113763
~~in accordance with Chapter 119. of the Revised Code as the~~ 113764
~~director considers necessary to implement this section.~~ 113765

Sec. ~~5111.054~~ 5164.47. (A) As used in this section: 113766

~~(1) "Federal financial participation" means the federal~~ 113767
~~government's share of expenditures made by an entity in~~ 113768
~~implementing the medicaid program.~~ 113769

~~(2)~~ "OCHSPS" means the private, not-for-profit corporation 113770
known as the Ohio children's hospital solutions for patient 113771
safety, which was formed for the purpose of improving pediatric 113772
patient care in this state, which performs functions that are 113773
included within the functions of a peer review committee as 113774
defined in section 2305.25 of the Revised Code, and which consists 113775
of all of the following members: Akron children's hospital, 113776
Cincinnati children's hospital medical center, Cleveland clinic 113777
children's hospital, Dayton children's medical center, mercy 113778
children's hospital, nationwide children's hospital, rainbow 113779
babies & children's hospital, and Toledo children's hospital. 113780

(B) If, as authorized by section ~~5101.10~~ 5160.10 of the 113781
Revised Code, the ~~department of job and family services~~ medicaid 113782

director chooses to contract with a person to perform either or 113783
both of the following services, ~~it~~ the director may contract with 113784
any qualified person, including OCHSPS, to perform the service or 113785
services on ~~the department's~~ behalf of the department of medicaid: 113786

(1) Review and analyze claims for ~~medical assistance made~~ 113787
~~under this chapter~~ medicaid services provided to children in 113788
accordance with all state and federal laws governing the 113789
confidentiality of patient-identifying information; 113790

(2) Perform quality assurance and quality review functions, 113791
other than those described in division (B)(1) of this section, 113792
related to ~~medical assistance made under this chapter~~ medicaid 113793
services provided to children. 113794

The functions specified in division (B)(2) of this section 113795
may include those recommended by the best evidence for advancing 113796
child health in Ohio now (BEACON) council. 113797

(C) If the ~~department~~ director enters into a contract with 113798
OCHSPS for OCHSPS to perform either or both of the services 113799
described in division (B) of this section, OCHSPS shall, only for 113800
purposes of section ~~5101.11~~ 5160.12 of the Revised Code, be 113801
considered a public entity and the ~~department~~ director shall seek 113802
federal financial participation for costs incurred by OCHSPS in 113803
performing the service or services. 113804

Sec. ~~5111.051~~ 5164.48. The medicaid director ~~of job and~~ 113805
~~family services~~ may ~~submit a medicaid state plan amendment or~~ 113806
~~request for a federal waiver to the United States secretary of~~ 113807
~~health and human services as necessary to implement, at the~~ 113808
~~director's discretion,~~ a system under which medicaid payments for 113809
~~medical assistance provided under the~~ medicaid program services 113810
are made to an organization on behalf of ~~the~~ medicaid providers ~~of~~ 113811
~~the medical assistance.~~ The system may not provide for an 113812
organization to receive an amount that exceeds, in aggregate, the 113813

amount the ~~department~~ medicaid program would have paid directly to 113814
the medicaid providers if not for this section. 113815

Sec. 5164.55. The department of medicaid may conduct final 113816
fiscal audits of medicaid providers in accordance with the 113817
applicable requirements set forth in federal laws and regulations 113818
and determine any amounts the provider may owe the state. When 113819
conducting final fiscal audits, the department shall consider 113820
generally accepted auditing standards, which include the use of 113821
statistical sampling. 113822

~~Sec. 5111.022~~ 5164.56. Under the medicaid program, any amount 113823
determined to be owed the state by a final fiscal audit conducted 113824
pursuant to ~~division (D) of section 5111.021~~ 5164.55 of the 113825
Revised Code, upon the issuance of an adjudication order pursuant 113826
to Chapter 119. of the Revised Code that contains a finding that 113827
there is a preponderance of the evidence that ~~the~~ a medicaid 113828
provider will liquidate assets or file bankruptcy in order to 113829
prevent payment of the amount determined to be owed the state, 113830
becomes a lien upon the real and personal property of the 113831
provider. Upon failure of the provider to pay the amount to the 113832
state, the medicaid director ~~of job and family services~~ shall file 113833
notice of the lien, for which there shall be no charge, in the 113834
office of the county recorder of the county in which it is 113835
ascertained that the provider owns real or personal property. The 113836
director shall notify the provider by mail of the lien, but 113837
absence of proof that the notice was sent does not affect the 113838
validity of the lien. The lien is not valid as against the claim 113839
of any mortgagee, pledgee, purchaser, judgment creditor, or other 113840
lienholder of record at the time the notice is filed. 113841

If the provider acquires real or personal property after 113842
notice of the lien is filed, the lien shall not be valid as 113843

against the claim of any mortgagee, pledgee, subsequent bona fide purchaser for value, judgment creditor, or other lienholder of record to such after-acquired property unless the notice of lien is refiled after the property is acquired by the provider and before the competing lien attaches to the after-acquired property or before the conveyance to the subsequent bona fide purchaser for value.

When the amount has been paid, the provider may record with the recorder notice of the payment. For recording such notice of payment, the recorder shall charge and receive from the provider a base fee of one dollar for services and a housing trust fund fee of one dollar pursuant to section 317.36 of the Revised Code.

In the event of a distribution of a the provider's assets pursuant to an order of any court under the law of this state including any receivership, assignment for benefit of creditors, adjudicated insolvency, or similar proceedings, amounts then or thereafter due the state under ~~this chapter~~ the medicaid program have the same priority as provided by law for the payment of taxes due the state and shall be paid out of the receivership trust fund or other such trust fund in the same manner as provided for claims for unpaid taxes due the state.

If the attorney general finds after investigation that any amount due the state under ~~this chapter~~ the medicaid program is uncollectable, in whole or in part, the attorney general shall recommend to the director the cancellation of all or part of the claim. The director may thereupon effect the cancellation.

Sec. ~~5111.061~~ 5164.57. (A) As used in this section, "adjudication" has the same meaning as in section 119.01 of the Revised Code.

(B)(1) Except as provided in division ~~(A)~~(B)(2) of this section, the department of ~~job and family services~~ medicaid may

recover a medicaid payment or portion of a payment made to a 113875
medicaid provider to which the provider is not entitled if the 113876
department notifies the provider of the overpayment during the 113877
five-year period immediately following the end of the state fiscal 113878
year in which the overpayment was made. 113879

(2) In the case of a hospital medicaid provider, if the 113880
department determines as a result of a medicare or medicaid cost 113881
report settlement that the provider received an amount under the 113882
medicaid program to which the provider is not entitled, the 113883
department may recover the overpayment if the department notifies 113884
the provider of the overpayment during the later of the following: 113885

(a) The five-year period immediately following the end of the 113886
state fiscal year in which the overpayment was made; 113887

(b) The one-year period immediately following the date the 113888
department receives from the United States centers for medicare 113889
and medicaid services a completed, audited, medicare cost report 113890
for the provider that applies to the state fiscal year in which 113891
the overpayment was made. 113892

~~(B)~~(C) Among the overpayments that may be recovered under 113893
this section are the following: 113894

(1) Payment for a medicaid service, or a day of service, not 113895
rendered; 113896

(2) Payment for a day of service at a full per diem rate that 113897
should have been paid at a percentage of the full per diem rate; 113898

(3) Payment for a medicaid service, or day of service, that 113899
was paid by, or partially paid by, a third party, as defined in 113900
section ~~5101.571~~ 5160.35 of the Revised Code, and the third 113901
party's payment or partial payment was not offset against the 113902
amount paid by the medicaid program to reduce or eliminate the 113903
amount that was paid by the medicaid program; 113904

(4) Payment when a medicaid recipient's responsibility for payment was understated and resulted in an overpayment to the provider. 113905
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~~(C)~~(D) The department may recover an overpayment under this section prior to or after any of the following: 113908
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(1) Adjudication of a final fiscal audit that section ~~5111.06~~ 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code; 113910
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(2) Adjudication of a finding under any other provision of ~~this chapter~~ state statutes governing the medicaid program or the rules adopted under ~~it~~ those statutes; 113913
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(3) Expiration of the time to issue a final fiscal audit that section ~~5111.06~~ 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code; 113916
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(4) Expiration of the time to issue a finding under any other provision of ~~this chapter~~ state statutes governing the medicaid program or the rules adopted under ~~it~~ those statutes. 113919
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~~(D)~~(E)(1) Subject to division ~~(D)~~(E)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following: 113922
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(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section ~~5111.06~~ 5164.38 of the Revised Code; 113925
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(b) Issuing a finding under any other provision of ~~this chapter~~ state statutes governing the medicaid program or the rules adopted under ~~it~~ those statutes. 113928
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(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate. 113931
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~~(E)~~(F) Nothing in this section limits the department's 113934

authority to recover overpayments pursuant to any other provision 113935
of the Revised Code. 113936

Sec. ~~5111.914~~ 5164.58. (A) ~~As used in this section,~~ 113937
~~"provider" has the same meaning as in section 5111.06 of the~~ 113938
~~Revised Code.~~ 113939

~~(B)~~ If a state agency that enters into a contract with the 113940
department of ~~job and family services~~ medicaid under section 113941
~~5111.91~~ 5162.35 of the Revised Code identifies that a medicaid 113942
overpayment has been made to a medicaid provider, the state agency 113943
may commence actions to recover the overpayment on behalf of the 113944
department. 113945

~~(C)~~(B) In recovering an overpayment pursuant to this section, 113946
a state agency shall comply with the following procedures: 113947

(1) The state agency shall attempt to recover the overpayment 113948
by notifying the medicaid provider of the overpayment and 113949
requesting voluntary repayment. Not later than five business days 113950
after notifying the medicaid provider, the state agency shall 113951
notify the department in writing of the overpayment. The state 113952
agency may negotiate a settlement of the overpayment and notify 113953
the department of the settlement. A settlement negotiated by the 113954
state agency is not valid and shall not be implemented until the 113955
department has given its written approval of the settlement. 113956

(2) If the state agency is unable to obtain voluntary 113957
repayment of an overpayment, the agency shall give the medicaid 113958
provider notice of an opportunity for a hearing in accordance with 113959
Chapter 119. of the Revised Code. If the medicaid provider timely 113960
requests a hearing in accordance with section 119.07 of the 113961
Revised Code, the state agency shall conduct the hearing to 113962
determine the legal and factual validity of the overpayment. On 113963
completion of the hearing, the state agency shall submit its 113964
hearing officer's report and recommendation and the complete 113965

record of proceedings, including all transcripts, to the medicaid 113966
~~director of job and family services~~ for final adjudication. The 113967
director may issue a final adjudication order in accordance with 113968
Chapter 119. of the Revised Code. The state agency shall pay any 113969
attorney's fees imposed under section 119.092 of the Revised Code. 113970
The department of ~~job and family services~~ medicaid shall pay any 113971
attorney's fees imposed under section 2335.39 of the Revised Code. 113972

~~(D)~~(C) In any action taken by a state agency under this 113973
section that requires the agency to give notice of an opportunity 113974
for a hearing in accordance with Chapter 119. of the Revised Code, 113975
if the agency gives notice of the opportunity for a hearing but 113976
the medicaid provider subject to the notice does not request a 113977
hearing or timely request a hearing in accordance with section 113978
119.07 of the Revised Code, the agency is not required to hold a 113979
hearing. The agency may request that the medicaid director of ~~job~~ 113980
~~and family services~~ issue a final adjudication order in accordance 113981
with Chapter 119. of the Revised Code. 113982

~~(E)~~(D) This section does not preclude the department of ~~job~~ 113983
~~and family services~~ medicaid from adjudicating a final fiscal 113984
audit under section ~~5111.06~~ 5164.38 of the Revised Code, 113985
recovering overpayments under section ~~5111.061~~ 5164.57 of the 113986
Revised Code, or making findings or taking other actions 113987
authorized by ~~this chapter~~ state statutes governing the medicaid 113988
program. 113989

Sec. 5164.59. The department of medicaid may deduct from 113990
medicaid payments for medicaid services rendered by a medicaid 113991
provider any amounts the provider owes the state as the result of 113992
incorrect medicaid payments the department has made to the 113993
provider. 113994

Sec. 5164.60. (A) As used in this section, "recovery audit 113995

contractor program" means the program that must be established 113996
under the "Social Security Act," section 1902(a)(42)(B), 42 U.S.C. 113997
1396a(a)(42)(B). 113998

(B) Except as provided in division (C) of this section, any 113999
medicaid provider who, without intent, obtains payments under the 114000
medicaid program in excess of the amount to which the provider is 114001
entitled is liable for payment of interest on the amount of the 114002
excess payments at the maximum interest rate allowable for real 114003
estate mortgages under section 1343.01 of the Revised Code on the 114004
date the payment was made to the provider for the period from the 114005
date on which payment was made to the date on which repayment is 114006
made to the state. 114007

(C) Division (B) of this section does not apply to an excess 114008
payment identified under the recovery audit contractor program if 114009
the medicaid provider who obtains the excess payment repays the 114010
excess payment in full not later than thirty days after receiving 114011
notice of the excess payment. 114012

Sec. 5164.61. The authority, under state and federal law, of 114013
the department of medicaid or a county department of job and 114014
family services to recover excess medicaid payments made to a 114015
medicaid provider is not limited by the availability of remedies 114016
under sections 5162.21 and 5162.23 of the Revised Code for 114017
recovering benefits paid on behalf of medicaid recipients. 114018

~~Sec. 5111.021~~ 5164.70. Under the medicaid program: 114019

~~(A) Except as otherwise required by federal statute or~~ 114020
~~regulation, the department of job and family services shall not~~ 114021
~~reimburse a medical provider no medicaid payment for any medical~~ 114022
~~assistance rendered under the program an amount that exceeds~~ 114023
~~medicaid service shall exceed~~ the following: 114024

~~(1)(A) If the medicaid provider is a hospital, nursing facility, or intermediate care facility for the mentally retarded ICF/IID, the limits established under Subpart C of 42 C.F.R. Part 447;~~ 114025
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~~(2)(B) If the medicaid provider is other than a provider described in division (A)(1) of this section, the authorized reimbursement payment limits for the same service under the medicare program established under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.~~ 114029
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~~(B) Reimbursement for freestanding medical laboratory charges shall not exceed the customary and usual fee for laboratory profiles.~~ 114034
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~~(C) The department may deduct from payments for services rendered by a medicaid provider under the medicaid program any amounts the provider owes the state as the result of incorrect medicaid payments the department has made to the provider.~~ 114037
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~~(D) The department may conduct final fiscal audits in accordance with the applicable requirements set forth in federal laws and regulations and determine any amounts the provider may owe the state. When conducting final fiscal audits, the department shall consider generally accepted auditing standards, which include the use of statistical sampling.~~ 114041
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~~(E) The number of days of inpatient hospital care for which reimbursement is made on behalf of a medicaid recipient to a hospital that is not paid under a diagnostic related group prospective payment system shall not exceed thirty days during a period beginning on the day of the recipient's admission to the hospital and ending sixty days after the termination of that hospital stay, except that the department may make exceptions to this limitation. The limitation does not apply to children participating in the program for medically handicapped children~~ 114047
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~~established under section 3701.023 of the Revised Code.~~ 114056

~~(F) The division of any reimbursement between a collaborating
physician or podiatrist and a clinical nurse specialist, certified
nurse midwife, or certified nurse practitioner for services
performed by the nurse shall be determined and agreed on by the
nurse and collaborating physician or podiatrist. In no case shall
reimbursement exceed the payment that the physician or podiatrist
would have received had the physician or podiatrist provided the
entire service.~~ 114057
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Sec. 5164.71. Medicaid payments for freestanding medical
laboratory charges shall not exceed the customary and usual fee
for laboratory profiles. 114065
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Sec. 5164.72. The number of days of inpatient hospital care
for which a medicaid payment is made on behalf of a medicaid
recipient to a hospital that is not paid under a
diagnostic-related-group prospective payment system shall not
exceed thirty days during a period beginning on the day of the
recipient's admission to the hospital and ending sixty days after
the termination of that hospital stay, except that the department
of medicaid may make exceptions to this limitation. The limitation
does not apply to children participating in the program for
medically handicapped children established under section 3701.023
of the Revised Code. 114068
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Sec. 5164.73. The division of any medicaid payment between a
collaborating physician or podiatrist and a clinical nurse
specialist, certified nurse-midwife, or certified nurse
practitioner for services performed by the nurse shall be
determined and agreed on by the nurse and collaborating physician
or podiatrist. In no case shall the medicaid payment exceed the
medicaid payment that the physician or podiatrist would have 114079
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received had the physician or podiatrist provided the entire 114086
service. 114087

~~Sec. 5111.19~~ 5164.74. The medicaid director of ~~job and family~~ 114088
~~services~~ shall adopt rules under section 5164.02 of the Revised 114089
Code governing the calculation and payment of, and the allocation 114090
of payments for, graduate medical education costs associated with 114091
medicaid services rendered to medicaid recipients ~~after June 30,~~ 114092
~~1994~~. Subject to section ~~5111.191~~ 5164.741 of the Revised Code, 114093
the rules shall provide for ~~reimbursement~~ payment of graduate 114094
medical education costs associated with medicaid services rendered 114095
to medicaid recipients, including recipients enrolled in a 114096
medicaid managed care organization ~~under contract with the~~ 114097
~~department office~~ under section ~~5111.17~~ of the Revised Code, that 114098
the department of medicaid determines are allowable and 114099
reasonable. 114100

~~If the department requires a managed care organization to pay~~ 114101
~~a provider for graduate medical education costs associated with~~ 114102
~~the delivery of services to medicaid recipients enrolled in the~~ 114103
~~organization, the department shall include in its payment to the~~ 114104
~~organization an amount sufficient for the organization to pay such~~ 114105
~~costs. If the department does not include in its payments to the~~ 114106
~~managed care organization amounts for graduate medical education~~ 114107
~~costs of providers, all of the following apply:~~ 114108

~~(A) Except as provided in section 5111.191 of the Revised~~ 114109
~~Code, the department shall pay the provider for graduate medical~~ 114110
~~education costs associated with the delivery of services to~~ 114111
~~medicaid recipients enrolled in the organization;~~ 114112

~~(B) No provider shall seek reimbursement from the~~ 114113
~~organization for such costs;~~ 114114

~~(C) The organization is not required to pay providers for~~ 114115

~~such costs.~~ 114116

Sec. ~~5111.191~~ 5164.741. (A) Except as provided in division 114117
(B) of this section, the department of ~~job and family services~~ 114118
medicaid may deny medicaid payment to a hospital for direct 114119
graduate medical education costs associated with the delivery of 114120
medicaid services to any medicaid recipient if the hospital 114121
refuses without good cause to contract with a medicaid managed 114122
care organization that ~~serves participants in the care management~~ 114123
~~system established under section 5111.16 of the Revised Code who~~ 114124
~~are required to be enrolled in a managed care organization and the~~ 114125
~~managed care organization~~ serves the area in which the hospital is 114126
located. 114127

(B) A hospital is not subject to division (A) of this section 114128
if all of the following are the case: 114129

(1) The hospital is located in a county in which participants 114130
in the care management system are required before January 1, 2006, 114131
to be enrolled in a medicaid managed care organization that is a 114132
health insuring corporation. 114133

(2) The hospital has entered into a contract before January 114134
1, 2006, with at least one health insuring corporation serving the 114135
participants specified in division (B)(1) of this section. 114136

(3) The hospital remains under contract with at least one 114137
health insuring corporation serving participants in the care 114138
management system who are required to be enrolled in a health 114139
insuring corporation. 114140

(C) The medicaid director ~~of job and family services~~ shall 114141
specify in the rules adopted under section ~~5111.19~~ 5164.02 of the 114142
Revised Code what constitutes good cause for a hospital to refuse 114143
to contract with a medicaid managed care organization. 114144

Sec. ~~5111.086~~ 5164.75. As used in this section, "federal 114145

upper reimbursement limit" means the limit established pursuant to 114146
~~section 1927(e) of the "Social Security Act," 104 Stat. 1388-151~~ 114147
~~(1990) section 1927(e), 42 U.S.C. 1396r-8(e), as amended.~~ 114148

The medicaid payment for a drug that is subject to a federal 114149
upper reimbursement limit shall not exceed, in the aggregate, the 114150
federal upper reimbursement limit for the drug. ~~The director of~~ 114151
~~job and family services shall adopt rules under section 5111.02 of~~ 114152
~~the Revised Code as necessary to implement this section.~~ 114153

Sec. ~~5111.082~~ 5164.751. (A) As used in this section+ 114154

~~(1) "State, "state~~ maximum allowable cost" means the per unit 114155
amount the ~~department of job and family services reimburses~~ 114156
medicaid program pays a terminal distributor of dangerous drugs 114157
for a ~~prescription~~ prescribed drug included in the state maximum 114158
allowable cost program established under division (B) of this 114159
section. "State maximum allowable cost" excludes dispensing fees 114160
and copayments, coinsurance, or other cost-sharing charges, if 114161
any. 114162

~~(2) "Terminal distributor of dangerous drugs" has the same~~ 114163
~~meaning as in section 4729.01 of the Revised Code.~~ 114164

(B) The medicaid ~~director of job and family services~~ shall 114165
establish a state maximum allowable cost program for purposes of 114166
managing ~~reimbursement~~ medicaid payments to terminal distributors 114167
of dangerous drugs for ~~prescription~~ prescribed drugs identified by 114168
the director pursuant to this division. The director shall do all 114169
of the following with respect to the program: 114170

(1) Identify and create a list of ~~prescription~~ prescribed 114171
drugs to be included in the program. 114172

(2) Update the list of ~~prescription~~ prescribed drugs 114173
described in division (B)(1) of this section on a weekly basis. 114174

(3) Review the state maximum allowable cost for each 114175
prescribed drug included on the list described in division (B)(1) 114176
of this section on a weekly basis. 114177

~~(C) The director may adopt rules in accordance with Chapter 114178~~
~~119. of the Revised Code to implement this section. 114179~~

Sec. ~~5111.07~~ 5164.752. ~~Commencing in In July, 1986, and of 114180~~
~~every second July thereafter even-numbered year, the department of 114181~~
~~job and family services medicaid shall initiate a private 114182~~
~~confidential survey of ~~retail pharmacy operations~~ the cost of 114183~~
~~dispensing drugs incurred by terminal distributors of dangerous 114184~~
~~drugs in ~~the~~ this state. The survey shall be used as the basis for 114185~~
establishing a ~~current maximum~~ the medicaid program's dispensing 114186
fee for licensed pharmacists who are providers of drugs under this 114187
~~chapter. The terminal distributors in accordance with section 114188~~
5164.753 of the Revised Code. The survey shall be completed and 114189
its results published not later than the last day of October of 114190
the year in which it is conducted. 114191

Each terminal distributor that is a provider of drugs under 114192
the medicaid program shall participate in the survey. Except as 114193
necessary to publish the survey's results, a terminal 114194
distributor's responses to the survey are confidential and not a 114195
public record under section 149.43 of the Revised Code. 114196

The survey shall be conducted in conformance with the 114197
requirements set forth in 42 C.F.R. ~~447.331 through 447.333, as 114198~~
~~amended or superseded, and 447.500 to 447.518. The survey shall 114199~~
include operational data and direct prescription expenses, 114200
professional services and personnel costs, and usual and customary 114201
overhead expenses, ~~and profit data of the retail pharmacies 114202~~
terminal distributors surveyed. The ~~survey shall be completed and 114203~~
~~its results published no later than the last day of October of the 114204~~
~~year in which the survey is conducted, and the survey shall 114205~~

compute and report the cost of dispensing fees on a basis of the 114206
usual and customary charges by retail pharmacies terminal 114207
distributors to their customers for dispensing drugs. ~~The director~~ 114208
~~of job and family services shall take into account the results of~~ 114209
~~the survey in establishing a dispensing fee.~~ 114210

Sec. ~~5111.071~~ 5164.753. ~~Commencing in In~~ December, 1986, and 114211
~~of every second December thereafter~~ even-numbered year, the 114212
medicaid director ~~of job and family services~~ shall establish a 114213
dispensing fee, effective the following ~~January~~ July, for ~~licensed~~ 114214
~~pharmacists who~~ terminal distributors of dangerous drugs that are 114215
providers of drugs under ~~this chapter~~ the medicaid program. ~~The In~~ 114216
establishing the dispensing fee, the director shall take into 114217
consideration the results of the survey conducted under section 114218
~~5111.07~~ 5164.752 of the Revised Code. 114219

The director may reduce the amount of the dispensing fee 114220
provided to a terminal distributor that fails to fully comply with 114221
the requirement of section 5164.752 of the Revised Code that the 114222
distributor participate in the survey. In establishing the amount 114223
of the reduction, the director may take into account the extent to 114224
which the terminal distributor failed to fully participated in the 114225
survey. 114226

Sec. ~~5111.0114~~ 5164.754. (A) As used in this section, 114227
"dangerous drug" and "manufacturer of dangerous drugs" have the 114228
same meaning as in section 4729.01 of the Revised Code. 114229

(B) The medicaid director ~~of job and family services~~ may 114230
enter into or administer an agreement or cooperative arrangement 114231
with other states to create or join a multiple-state prescription 114232
drug purchasing program for the purpose of negotiating with 114233
manufacturers of dangerous drugs to receive discounts or rebates 114234
for dangerous drugs ~~dispensed under~~ covered by the medicaid 114235

program. 114236

Sec. ~~5111.081~~ 5164.755. The medicaid director ~~of job and family services~~, in rules adopted under section ~~5111.02~~ 5164.02 of the Revised Code, may establish and implement a supplemental drug rebate program under which drug manufacturers may be required to provide the department of ~~job and family services~~ medicaid a supplemental rebate as a condition of having the drug manufacturers' drug products covered by the medicaid program without prior approval. The department may receive a supplemental rebate negotiated under the program for a drug dispensed to a medicaid recipient pursuant to a prescription or a drug purchased by a medicaid provider for administration to a medicaid recipient in the provider's primary place of business. ~~If necessary, the director may apply to the United States secretary of health and human services for a waiver of federal statutes and regulations to establish the supplemental drug rebate program.~~

If the director establishes a supplemental drug rebate program, the director shall consult with drug manufacturers regarding the establishment and implementation of the program.

Sec. ~~5101.31~~ 5164.756. Any record, data, pricing information, or other information regarding a drug rebate agreement or a supplemental drug rebate agreement for the medicaid program ~~established under Chapter 5111. of the Revised Code that the department of job and family services~~ medicaid receives from a pharmaceutical manufacturer or creates pursuant to negotiation of the agreement is not a public record under section 149.43 of the Revised Code and shall be treated by the department as confidential information.

Sec. ~~5111.083~~ 5164.757. (A) As used in this section, "licensed health professional authorized to prescribe drugs" has

the same meaning as in section 4729.01 of the Revised Code. 114266

(B) The medicaid director ~~of job and family services~~ may 114267
~~establish an~~ acquire or specify technologies to provide 114268
information regarding medicaid recipient eligibility, claims 114269
history, and drug coverage to medicaid providers through 114270
electronic health record and e-prescribing system for the medicaid 114271
~~program under which~~ applications. 114272

If such technologies are acquired or specified, the 114273
e-prescribing applications shall enable a medicaid provider who is 114274
a licensed health professional authorized to prescribe drugs ~~shall~~ 114275
to use an electronic system to prescribe a drug for a medicaid 114276
recipient ~~when required to do so by division (C) of this section.~~ 114277
The e-prescribing purpose of the electronic system shall is to 114278
eliminate the need for such medicaid providers to ~~make~~ issue 114279
prescriptions for medicaid recipients by handwriting or telephone. 114280
The e-prescribing system technologies acquired or specified by the 114281
director also shall provide such medicaid providers with an 114282
up-to-date, clinically relevant drug information database and a 114283
system of electronically monitoring medicaid recipients' medical 114284
history, drug regimen compliance, and fraud and abuse. 114285

~~(C) If the director establishes an e-prescribing system under~~ 114286
~~division (B) of this section, the director shall do all of the~~ 114287
~~following:~~ 114288

~~(1) Require that a medicaid provider who is a licensed health~~ 114289
~~professional authorized to prescribe drugs use the e-prescribing~~ 114290
~~system during a fiscal year if the medicaid provider was one of~~ 114291
~~the ten medicaid providers who, during the calendar year that~~ 114292
~~precedes that fiscal year, issued the most prescriptions for~~ 114293
~~medicaid recipients receiving hospital services;~~ 114294

~~(2) Before the beginning of each fiscal year, determine the~~ 114295
~~ten medicaid providers that issued the most prescriptions for~~ 114296

~~medicaid recipients receiving hospital services during the~~ 114297
~~calendar year that precedes the upcoming fiscal year and notify~~ 114298
~~those medicaid providers that they must use the e-prescribing~~ 114299
~~system for the upcoming fiscal year;~~ 114300

~~(3) Seek the most federal financial participation available~~ 114301
~~for the development and implementation of the e-prescribing~~ 114302
~~system.~~ 114303

Sec. ~~5111.085~~ 5164.758. ~~Not later than July 1, 2012, the~~ 114304
~~department of job and family services~~ The medicaid director shall 114305
~~adopt rules in accordance with Chapter 119. under section 5164.02~~ 114306
of the Revised Code to implement a coordinated services program 114307
for medicaid recipients who are found to have obtained 114308
~~prescription~~ prescribed drugs under the medicaid program at a 114309
frequency or in an amount that is not medically necessary. The 114310
program shall be implemented in a manner that is consistent with 114311
~~section 1915(a)(2) of the "Social Security Act," 95 Stat. 810~~ 114312
~~(1981) section 1915(a)(2), 42 U.S.C. 1396n(a)(2), as amended, and~~ 114313
42 C.F.R. 431.54(e). 114314

Sec. ~~5111.08~~ 5164.759. In accordance with ~~subsection (g) of~~ 114315
~~section 1927 of the "Social Security Act," 49 Stat. 320 (1935)~~ 114316
section 1927(g), 42 U.S.C.A. 1396r-8(g), as amended, the 114317
~~department of job and family services~~ medicaid shall establish an 114318
outpatient drug use review program to assure that prescriptions 114319
obtained by medicaid recipients ~~of medical assistance under this~~ 114320
~~chapter~~ are appropriate, medically necessary, and unlikely to 114321
cause adverse medical results. 114322

Sec. ~~5111.084~~ 5164.7510. (A) There is hereby established the 114323
pharmacy and therapeutics committee of the department of ~~job and~~ 114324
~~family services~~ medicaid. The committee shall assist the 114325
department with developing and maintaining a preferred drug list 114326

for the medicaid program. 114327

The committee shall review and recommend to the medicaid 114328
director ~~of job and family services~~ the drugs that should be 114329
included on the preferred drug list. The recommendations shall be 114330
made based on the evaluation of competent evidence regarding the 114331
relative safety, efficacy, and effectiveness of ~~prescription~~ 114332
prescribed drugs within a class or classes of ~~prescription~~ 114333
prescribed drugs. 114334

(B) The committee shall consist of ten members and shall be 114335
appointed by the medicaid director ~~of job and family services~~. The 114336
director shall seek recommendations for membership from relevant 114337
professional organizations. A candidate for membership recommended 114338
by a professional organization shall have professional experience 114339
working with medicaid recipients. 114340

The membership of the committee shall include: 114341

(1) Three pharmacists licensed under Chapter 4729. of the 114342
Revised Code; 114343

(2) Two doctors of medicine and two doctors of osteopathy who 114344
hold certificates to practice issued under Chapter 4731. of the 114345
Revised Code, one of whom is a family practice physician; 114346

(3) A registered nurse licensed under Chapter 4723. of the 114347
Revised Code; 114348

(4) A pharmacologist who has a doctoral degree; 114349

(5) A psychiatrist who holds a certificate to practice issued 114350
under Chapter 4731. of the Revised Code and specializes in 114351
psychiatry. 114352

(C) The committee shall elect from among its members a 114353
chairperson. Five committee members constitute a quorum. 114354

The committee shall establish guidelines necessary for the 114355
committee's operation. 114356

The committee may establish one or more subcommittees to investigate and analyze issues consistent with the duties of the committee under this section. The subcommittees may submit proposals regarding the issues to the committee and the committee may adopt, reject, or modify the proposals.

A vote by a majority of a quorum is necessary to make recommendations to the director. In the case of a tie, the chairperson shall decide the outcome.

(D) The director shall act on the committee's recommendations not later than thirty days after the recommendation is posted on the department's web site under division (F) of this section. If the director does not accept a recommendation of the committee, the director shall present the basis for this determination not later than fourteen days after making the determination or at the next scheduled meeting of the committee, whichever is sooner.

(E) An interested party may request, and shall be permitted, to make a presentation or submit written materials to the committee during a committee meeting. The presentation or other materials shall be relevant to an issue under consideration by the committee and any written material, including a transcript of testimony to be given on the day of the meeting, may be submitted to the committee in advance of the meeting.

(F) The department shall post the following on the department's web site:

(1) Guidelines established by the committee under division (C) of this section;

(2) A detailed committee agenda not later than fourteen days prior to the date of a regularly scheduled meeting and not later than seventy-two hours prior to the date of a special meeting called by the committee;

(3) Committee recommendations not later than seven days after

the meeting at which the recommendation was approved; 114388

(4) The director's final determination as to the 114389
recommendations made by the committee under this section. 114390

Sec. ~~5111.025~~ 5164.76. (A) In rules adopted under section 114391
~~5111.02~~ 5164.02 of the Revised Code, the medicaid director ~~of job~~ 114392
~~and family services~~ shall modify the manner or establish a new 114393
manner in which the following are paid under medicaid: 114394

(1) Community mental health ~~agencies~~ service providers or 114395
facilities for providing community mental health services ~~included~~ 114396
~~in~~ covered by the ~~state~~ medicaid ~~plan~~ program pursuant to section 114397
~~5111.023~~ 5164.15 of the Revised Code; 114398

(2) Providers of alcohol and drug addiction services for 114399
providing alcohol and drug addiction services ~~included in~~ covered 114400
by the medicaid program ~~pursuant to rules adopted under section~~ 114401
~~5111.02 of the Revised Code.~~ 114402

(B) The director's authority to modify the manner, or to 114403
establish a new manner, for medicaid to pay for the services 114404
specified in division (A) of this section is not limited by any 114405
rules adopted under section ~~5111.02 or 5119.61~~ 5119.22 or 5164.02 114406
of the Revised Code that are in effect on June 26, 2003, and 114407
govern the way medicaid pays for those services. This is the case 114408
regardless of what state agency adopted the rules. 114409

Sec. ~~5111.0213~~ 5164.77. (A) As used in this section: 114410

(1) "Aide services" means all of the following: 114411

(a) Home health aide services available under the home health 114412
services benefit pursuant to 42 C.F.R. 440.70(b)(2); 114413

(b) Home care attendant services available under a home and 114414
community-based services medicaid waiver component; 114415

(c) Personal care aide services available under a home and 114416

community-based services medicaid waiver component. 114417

(2) ~~"Home and community based services medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 114418
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~~(3)~~ "Independent provider" means an individual who personally 114421
provides aide services or nursing services and is not employed by, 114422
under contract with, or affiliated with another entity that 114423
provides those services. 114424

~~(4)~~(3) "Nursing services" means all of the following: 114425

(a) Nursing services available under the home health services 114426
benefit pursuant to 42 C.F.R. 440.70(b)(1); 114427

(b) Private duty nursing services as defined in 42 C.F.R. 114428
440.80; 114429

(c) Nursing services available under a home and 114430
community-based services medicaid waiver component. 114431

(B) The department of ~~job and family services~~ medicaid shall 114432
do ~~both~~ all of the following: 114433

(1) Effective October 1, 2011, reduce the medicaid program's 114434
first-hour-unit price for aide services to ninety-seven per cent 114435
of the price paid on June 30, 2011, and for nursing services to 114436
ninety-five per cent of the price paid on June 30, 2011; 114437

(2) Effective October 1, 2011, pay for a service that is an 114438
aide service or a nursing service provided by an independent 114439
provider eighty per cent of the price it pays for the same service 114440
provided by a provider that is not an independent provider; 114441

(3) Not sooner than July 1, 2012, adjust the medicaid 114442
~~reimbursement~~ payment rates for aide services and nursing services 114443
in a manner that reflects, at a minimum, labor market data, 114444
education and licensure status, home health agency and independent 114445
provider status, and length of service visit. 114446

(C) The department shall strive to have the adjustment made under division (B)(3) of this section go into effect on July 1, 2012. The reductions made under divisions (B)(1) and (2) of this section shall remain in effect until the adjustment made under division (B)(3) of this section goes into effect.

~~(D) The director of job and family services shall adopt rules under sections 5111.02 and 5111.85 of the Revised Code as necessary to implement this section.~~

Sec. 5164.78. (A) The medicaid payment rates for physician, pregnancy-related, evaluation, and management services provided by a physician group practice meeting the requirements of division (B) of this section shall be determined in accordance with rule 5101:3-1-60.1 of the Administrative Code as the rule is in effect on the day immediately preceding the effective date of this section.

(B) A physician group practice meets the requirements of this division if both of the following apply to the practice:

(1) The practice is physically attached to a hospital that does not provide physician clinic outpatient services and the practice and hospital have signed a letter of agreement providing for the practice to provide outpatient hospital clinic services for the hospital.

(2) The medicaid provider utilization summary for calendar year 1990 establishes that the practice provided both of the following that year:

(a) At least forty per cent of the total number of medicaid physician visits provided in the county in which the practice is located;

(b) An aggregate total of at least ten per cent of medicaid physician visits provided in the contiguous counties.

(C) Not later than four years after the effective date of this section, the department of medicaid shall submit a report regarding this section to the general assembly in accordance with section 101.68 of the Revised Code. 114477
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Sec. ~~5111.0212~~ 5164.80. As necessary to comply with ~~section 1902(a)(13)(A) of the "Social Security Act," 111 Stat. 507 (1997)~~ section 1902(a)(13)(A), 42 U.S.C. 1396a(a)(13)(A), as amended, and any other federal law that requires public notice of proposed changes to ~~reimbursement~~ payment rates for ~~medical assistance provided under the medicaid program services,~~ the medicaid director of ~~job and family services~~ shall give public notice in the register of Ohio of any change to a method or standard used to determine the medicaid ~~reimbursement~~ payment rate for ~~medical assistance~~ a medicaid service. 114481
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Sec. ~~5111.0214~~ 5164.82. The department of ~~job and family services~~ medicaid shall not knowingly make a medicaid payment for a provider-preventable condition for which federal financial participation is prohibited by regulations adopted under ~~section 2702 of the "Patient Protection and Affordable Care Act," 124 Stat. 318 (2010)~~ section 2702, 42 U.S.C. 1396b-1. ~~The director of job and family services shall adopt rules under section 5111.02 of the Revised Code as necessary to implement this section.~~ 114491
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Sec. 5164.83. (A) As used in this section: 114499

(1) "Core competencies," "direct care services," and "direct care worker" have the same meanings as in section 191.061 of the Revised Code. 114500
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(2) "Direct payment" means payment by the medicaid program for direct care services provided by a direct care worker to a medicaid recipient that is delivered directly to the worker. 114503
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(3) "Indirect payment" means payment by the medicaid program for direct care services provided by a direct care worker to a medicaid recipient that is delivered to a third party but later transferred to the worker. 114506
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(B) The department of medicaid shall not do either of the following unless a direct care worker demonstrates core competencies in accordance with section 191.061 of the Revised Code: 114510
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(1) Permit a direct or indirect payment to be made to the worker for a direct care service provided by the worker on or after October 1, 2015; 114514
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(2) Enter into a provider agreement with the direct care worker on or after October 1, 2015. 114517
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Sec. ~~5111.13~~ 5164.85. (A) As used in this section, 114519
"cost-effective" and "group health plan" have the same meanings as 114520
in ~~section 1906~~ of the "Social Security Act," ~~104 Stat. 1388 161~~ 114521
~~(1990)~~ section 1906, 42 U.S.C. 1396e, ~~as amended~~, and any 114522
regulations adopted under that section. 114523

(B) The department of ~~job and family services~~ medicaid may 114524
~~submit a medicaid state plan amendment to the United States~~ 114525
~~secretary of health and human services for the purpose of~~ 114526
~~implementing~~ implement a program pursuant to ~~section 1906~~ of the 114527
"Social Security Act," ~~104 Stat. 1388 161 (1990)~~ section 1906, 42 114528
U.S.C. 1396e, ~~as amended~~, for the enrollment of medicaid-eligible 114529
individuals in group health plans when the department determines 114530
that enrollment is cost-effective. 114531

~~(C) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.~~ 114532
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Sec. ~~5111.18~~ 5164.86. ~~Not later than September 1, 2007, the~~ 114535

~~The medicaid director of job and family services shall establish a~~ 114536
~~qualified state long-term care insurance partnership program~~ 114537
~~consistent with the definition of that term in the "Social~~ 114538
~~Security Act," section 1917(b)(1)(C)(iii), 42 U.S.C.~~ 114539
~~1396p(b)(1)(C)(iii). An individual participating in the program~~ 114540
~~who is subject to the medicaid estate recovery program instituted~~ 114541
~~under section ~~5111.11~~ 5162.21 of the Revised Code shall be~~ 114542
~~eligible for the reduced adjustment or recovery under division (D)~~ 114543
~~of that section.~~ 114544

~~The director of job and family services may adopt rules in~~ 114545
~~accordance with Chapter 119. of the Revised Code as necessary to~~ 114546
~~implement this section.~~ 114547

Sec. ~~5111.14~~ 5164.88. ~~The medicaid director of job and family~~ 114548
~~services may submit to the United States secretary of health and~~ 114549
~~human services an amendment to the medicaid state plan in order to~~ 114550
~~implement within the medicaid program a system under which~~ 114551
~~medicaid recipients with chronic conditions are provided with~~ 114552
~~coordinated care through health homes, as authorized by ~~section~~~~ 114553
~~1945 of the "Social Security Act," 124 Stat. 319 (2010) section~~ 114554
~~1945, 42 U.S.C. 1396w-4.~~ 114555

~~The director may adopt rules under section 5111.02 of the~~ 114556
~~Revised Code to implement this section.~~ 114557

Sec. ~~5111.141~~ 5164.89. ~~The department of job and family~~ 114558
~~services medicaid may require county departments of job and family~~ 114559
~~services to provide case management of nonemergency transportation~~ 114560
~~services provided under the ~~medical assistance~~ medicaid program.~~ 114561
~~County departments shall provide the case management if required~~ 114562
~~by the department in accordance with rules adopted ~~by the director~~~~ 114563
~~~~of job and family services~~ under section 5164.02 of the Revised~~ 114564  
~~Code.~~ 114565

The department shall determine, for the purposes of claiming federal reimbursement under the medical assistance program financial participation, whether it will claim expenditures for nonemergency transportation services as administrative or program expenditures.

**Sec. ~~5111.96~~ 5164.90.** (A) As used in this section, "MFP demonstration project" means a money follows the person demonstration project that the United States secretary of health and human services is authorized to award under section 6071 of the "Deficit Reduction Act of 2005" (Pub. L. No. 109-171, as amended).

(B) To the extent funds are available under an MFP demonstration project awarded to the department of ~~job and family services~~ medicaid, the director of ~~job and family services~~ medicaid may operate the helping Ohioans move, expanding (HOME) choice demonstration component of the medicaid program to transition medicaid recipients who qualify for the demonstration component to community settings. ~~The director may adopt rules in accordance with Chapter 119. of the Revised Code for the administration and operation of the demonstration component.~~

**Sec. ~~5111.981~~ 5164.91.** (A) ~~As used in this section and section 5111.982 of the Revised Code:~~

~~"Dual eligible individual" has the same meaning as in the "Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 1396n(h)(2)(B).~~

~~"Medicare" means the program created in the "Social Security Act," Title XVIII, 42 U.S.C. 1395 et seq., as amended.~~

~~(B) Subject to division (C) of this section, the medical assistance~~ The medicaid director may implement a demonstration project called the integrated care delivery system to test and

evaluate the integration of the care that dual eligible individuals receive under medicare and medicaid. No provision of Title LI of the Revised Code applies to the integrated care delivery system if that provision implements or incorporates a provision of federal law governing medicaid and that provision of federal law does not apply to the system.

~~(C) Before implementing the integrated care delivery system under division (B) of this section, the director shall obtain the approval of the United States secretary of health and human services in the form of a federal medicaid waiver, medicaid state plan amendment, or demonstration grant. The director is required to seek the federal approval only if the director seeks to implement the integrated care delivery system. The director shall implement the integrated care delivery system in accordance with the terms of the federal approval, including the terms regarding the duration of the system.~~

Sec. 5164.911. (A) If the medicaid director implements the integrated care delivery system and except as provided in division (D) of this section, the director shall annually evaluate all of the following:

(1) The health outcomes of ICDS participants;

(2) How changes to the administration of the ICDS affect all of the following:

(a) Claims processing;

(b) The appeals process;

(c) The number of reassessments requested;

(d) Prior authorization requests for services.

(3) The provider panel selection process used by medicaid managed care organizations participating in the ICDS.

(B) When conducting an evaluation under division (A) of this section, the director shall do all of the following: 114625  
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(1) For the purpose of division (A)(1) of this section, do both of the following: 114627  
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(a) Compare the health outcomes of ICDS participants to the health outcomes of individuals who are not ICDS participants; 114629  
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(b) Use both of the following: 114631

(i) A control group consisting of ICDS participants who receive health care services from providers not participating in ICDS; 114632  
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(ii) A control group consisting of ICDS participants who receive health care services from alternative providers that are not part of a participating medicaid managed care organization's provider panel but provide health care services in the geographic service area in which ICDS participants receive health care services. 114635  
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(2) For the purpose of division (A)(2) of this section, do all of the following: 114641  
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(a) To the extent the data is available, use data from all of the following: 114643  
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(i) The fee-for-service component of the medicaid program; 114645

(ii) Medicaid managed care organizations; 114646

(iii) Managed care organizations participating in the medicare advantage program established under Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 114647  
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(b) Identify all of the following: 114650

(i) Changes in the amount of time it takes to process claims and the number of claims denied and the reasons for the changes; 114651  
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(ii) The impact that changes to the administration of the 114653

ICDS had on the appeals process and number of reassessments 114654  
requested; 114655

(iii) The number of prior authorization denials that were 114656  
overturned and the reasons for the overturned denials. 114657

(3) Require medicaid managed care organizations participating 114658  
in the ICDS to submit to the director any data the director needs 114659  
for the evaluation. 114660

(C) Not later than the first day of each July, the director 114661  
shall complete a report of the evaluation conducted under this 114662  
section. The director shall provide a copy of the report to the 114663  
general assembly in accordance with section 101.68 of the Revised 114664  
Code and make the report available to the public. 114665

(D) The director is not required to conduct an evaluation 114666  
under this section for a year if the same evaluation is conducted 114667  
for that year by an organization under contract with the United 114668  
States department of health and human services. 114669

**Sec. ~~5111.0210~~ 5164.92.** As used in this section, "advanced 114670  
diagnostic imaging services" means magnetic resonance imaging 114671  
services, computed tomography services, positron emission 114672  
tomography services, cardiac nuclear medicine services, and 114673  
similar imaging services. 114674

~~Not later than January 1, 2010, the~~ The department of ~~job and~~ 114675  
~~family services~~ medicaid shall implement evidence-based, best 114676  
practice guidelines or protocols and decision support tools for 114677  
advanced diagnostic imaging services ~~available under~~ covered by 114678  
the fee-for-service component of the medicaid program. 114679

**Sec. ~~5111.0215~~ 5164.93.** (A) The department of ~~job and family~~ 114680  
~~services~~ medicaid may establish a program under which it provides 114681  
incentive payments, as authorized by the "~~Health Information~~ 114682  
~~Technology for Economic and Clinical Health~~ Social Security Act," 114683



~~123 Stat. 489 (2009)~~ section 1903(a)(3)(F) and (t), 42 U.S.C. 114684  
1396b(a)(3)(F) and ~~1396b(t)~~, ~~as amended~~, to encourage the adoption 114685  
and use of electronic health record technology by medicaid 114686  
providers who are identified under that federal law as eligible 114687  
professionals. 114688

(B) After the department has made a determination regarding 114689  
the amount of a medicaid provider's electronic health record 114690  
incentive payment or the denial of an incentive payment, the 114691  
department shall notify the provider. The provider may request 114692  
that the department reconsider its determination. 114693

A request for reconsideration shall be submitted in writing 114694  
to the department not later than fifteen days after the provider 114695  
receives notification of the determination. The request shall be 114696  
accompanied by written materials setting forth the basis for, and 114697  
supporting, the reconsideration request. 114698

On receipt of a timely request, the department shall 114699  
reconsider the determination. On the basis of the written 114700  
materials accompanying the request, the department may uphold, 114701  
reverse, or modify its original determination. The department 114702  
shall mail to the provider by certified mail a written notice of 114703  
the reconsideration decision. 114704

In accordance with Chapter 2505. of the Revised Code, the 114705  
medicaid provider may appeal the reconsideration decision by 114706  
filing a notice of appeal with the court of common pleas of 114707  
Franklin county. The notice shall identify the decision being 114708  
appealed and the specific grounds for the appeal. The notice of 114709  
appeal shall be filed not later than fifteen days after the 114710  
department mails its notice of the reconsideration decision. A 114711  
copy of the notice of appeal shall be filed with the department 114712  
not later than three days after the notice is filed with the 114713  
court. 114714

(C) The medicaid director ~~of job and family services~~ may 114715  
adopt rules ~~in accordance with Chapter 119.~~ under section 5162.02 114716  
of the Revised Code as necessary to implement this section. The 114717  
rules, if any, shall be adopted in accordance with Chapter 119. of 114718  
the Revised Code. 114719

**Sec. ~~5111.20~~ 5165.01.** As used in ~~sections 5111.20 to 5111.331~~ 114720  
~~of the Revised Code~~ this chapter: 114721

(A) "Affiliated operator" means an operator affiliated with 114722  
either of the following: 114723

(1) The exiting operator for whom the affiliated operator is 114724  
to assume liability for the entire amount of the exiting 114725  
operator's debt under the medicaid program or the portion of the 114726  
debt that represents the franchise permit fee the exiting operator 114727  
owes; 114728

(2) The entering operator involved in the change of operator 114729  
with the exiting operator specified in division (A)(1) of this 114730  
section. 114731

(B) "Allowable costs" are ~~those~~ a nursing facility's costs 114732  
determined by ~~that~~ the department of job and family services to be 114733  
medicaid determines are reasonable and do not include fines. Fines 114734  
paid under sections ~~5111.35~~ 5165.60 to ~~5111.61~~ 5165.89 and section 114735  
~~5111.99~~ 5165.99 of the Revised Code are not allowable costs. 114736

~~(B)~~(C) "Ancillary and support costs" means all reasonable 114737  
costs incurred by a nursing facility other than direct care costs, 114738  
tax costs, or capital costs. "Ancillary and support costs" 114739  
includes, but is not limited to, costs of activities, social 114740  
services, pharmacy consultants, habilitation supervisors, 114741  
qualified mental retardation professionals, program directors, 114742  
medical and habilitation records, program supplies, incontinence 114743  
supplies, food, enterals, dietary supplies and personnel, laundry, 114744

housekeeping, security, administration, medical equipment, 114745  
utilities, liability insurance, bookkeeping, purchasing 114746  
department, human resources, communications, travel, dues, license 114747  
fees, subscriptions, home office costs not otherwise allocated, 114748  
legal services, accounting services, minor equipment, maintenance 114749  
and repairs, help-wanted advertising, informational advertising, 114750  
start-up costs, organizational expenses, other interest, property 114751  
insurance, employee training and staff development, employee 114752  
benefits, payroll taxes, and workers' compensation premiums or 114753  
costs for self-insurance claims and related costs as specified in 114754  
rules adopted ~~by the director of job and family services~~ under 114755  
section ~~5111.02~~ 5165.02 of the Revised Code, for personnel listed 114756  
in this division. "Ancillary and support costs" also means the 114757  
cost of equipment, including vehicles, acquired by operating lease 114758  
executed before December 1, 1992, if the costs are reported as 114759  
administrative and general costs on the nursing facility's cost 114760  
report for the cost reporting period ending December 31, 1992. 114761

~~(C)(D)(1)~~ "Capital costs" means ~~costs of ownership and, in~~ 114762  
~~the case of an intermediate care facility for the mentally~~ 114763  
~~retarded, costs of nonextensive renovation~~ the actual expense 114764  
incurred by a nursing facility for all of the following: 114765

(a) Depreciation and interest on any capital assets that cost 114766  
five hundred dollars or more per item, including the following: 114767

(i) Buildings; 114768

(ii) Building improvements; 114769

(iii) Except as provided in division (C) of this section, 114770  
equipment; 114771

(iv) Transportation equipment. 114772

(b) Amortization and interest on land improvements and 114773  
leasehold improvements; 114774

|                                                                                                                                                                                                 |                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <del>(c) Amortization of financing costs;</del>                                                                                                                                                 | 114775                     |
| <del>(d) Lease and rent of land, buildings, and equipment.</del>                                                                                                                                | 114776                     |
| <del>(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.</del>                                 | 114777<br>114778<br>114779 |
| <del>(1) "Cost of ownership" means the actual expense incurred for all of the following:</del>                                                                                                  | 114780<br>114781           |
| <del>(a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:</del>                                                        | 114782<br>114783           |
| <del>(i) Buildings;</del>                                                                                                                                                                       | 114784                     |
| <del>(ii) Building improvements that are not approved as nonextensive renovations under section 5111.251 of the Revised Code;</del>                                                             | 114785<br>114786<br>114787 |
| <del>(iii) Except as provided in division (B) of this section, equipment;</del>                                                                                                                 | 114788<br>114789           |
| <del>(iv) In the case of an intermediate care facility for the mentally retarded, extensive renovations;</del>                                                                                  | 114790<br>114791           |
| <del>(v) Transportation equipment.</del>                                                                                                                                                        | 114792                     |
| <del>(b) Amortization and interest on land improvements and leasehold improvements;</del>                                                                                                       | 114793<br>114794           |
| <del>(c) Amortization of financing costs;</del>                                                                                                                                                 | 114795                     |
| <del>(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.</del>                                                                             | 114796<br>114797           |
| <del>The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.</del>                                     | 114798<br>114799<br>114800 |
| <del>(2) "Costs of nonextensive renovation" means the actual expense incurred by an intermediate care facility for the mentally retarded for depreciation or amortization and interest on</del> | 114801<br>114802<br>114803 |

~~renovations that are not extensive renovations.~~ 114804

~~(D)(E)~~ "Capital lease" and "operating lease" shall be 114805  
construed in accordance with generally accepted accounting 114806  
principles. 114807

~~(E) "Case mix score" means the measure determined under 114808  
section 5111.232 of the Revised Code of the relative direct care 114809  
resources needed to provide care and habilitation to a resident of 114810  
a nursing facility or intermediate care facility for the mentally 114811  
retarded.~~ 114812

(F) "Case-mix score" means a measure determined under section 114813  
5165.192 of the Revised Code of the relative direct-care resources 114814  
needed to provide care and habilitation to a nursing facility 114815  
resident. 114816

(G) "Change of operator" means an entering operator becoming 114817  
the operator of a nursing facility in the place of the exiting 114818  
operator. 114819

(1) Actions that constitute a change of operator include the 114820  
following: 114821

(a) A change in an exiting operator's form of legal 114822  
organization, including the formation of a partnership or 114823  
corporation from a sole proprietorship; 114824

(b) A transfer of all the exiting operator's ownership 114825  
interest in the operation of the nursing facility to the entering 114826  
operator, regardless of whether ownership of any or all of the 114827  
real property or personal property associated with the nursing 114828  
facility is also transferred; 114829

(c) A lease of the nursing facility to the entering operator 114830  
or the exiting operator's termination of the exiting operator's 114831  
lease; 114832

(d) If the exiting operator is a partnership, dissolution of 114833

|                                                                                                                                                                                                                                                       |        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>the partnership;</u>                                                                                                                                                                                                                               | 114834 |
| <u>(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:</u>                                                                                                                   | 114835 |
| <u>(i) The change in composition does not cause the partnership's dissolution under state law.</u>                                                                                                                                                    | 114837 |
| <u>(ii) The partners agree that the change in composition does not constitute a change in operator.</u>                                                                                                                                               | 114839 |
| <u>(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.</u> | 114841 |
| <u>(2) The following, alone, do not constitute a change of operator:</u>                                                                                                                                                                              | 114845 |
| <u>(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;</u>                                                                             | 114847 |
| <u>(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;</u>                     | 114850 |
| <u>(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.</u>     | 114854 |
| <u>(H) "Cost center" means the following:</u>                                                                                                                                                                                                         | 114858 |
| <u>(1) Ancillary and support costs;</u>                                                                                                                                                                                                               | 114859 |
| <u>(2) Capital costs;</u>                                                                                                                                                                                                                             | 114860 |
| <u>(3) Direct care costs;</u>                                                                                                                                                                                                                         | 114861 |
| <u>(4) Tax costs.</u>                                                                                                                                                                                                                                 | 114862 |

(I) "Custom wheelchair" means a wheelchair to which both of 114863  
the following apply: 114864

(1) It has been measured, fitted, or adapted in consideration 114865  
of either of the following: 114866

(a) The body size or disability of the individual who is to 114867  
use the wheelchair; 114868

(b) The individual's period of need for, or intended use of, 114869  
the wheelchair. 114870

(2) It has customized features, modifications, or components, 114871  
such as adaptive seating and positioning systems, that the 114872  
supplier who assembled the wheelchair, or the manufacturer from 114873  
which the wheelchair was ordered, added or made in accordance with 114874  
the instructions of the physician of the individual who is to use 114875  
the wheelchair. 114876

(J)(1) "Date of licensure," for a means the following: 114877

(a) In the case of a nursing facility originally that was 114878  
required by law to be licensed as a nursing home under Chapter 114879  
3721. of the Revised Code when it originally began to be operated 114880  
as a nursing home, means the date specific beds were the nursing 114881  
facility was originally so licensed as nursing home beds under 114882  
that chapter, regardless of whether they were subsequently 114883  
licensed as residential facility beds under section 5123.19 of the 114884  
Revised Code. For a facility originally licensed as a residential 114885  
facility under section 5123.19 of the Revised Code, "date of 114886  
licensure" means the date specific beds were originally licensed 114887  
as residential facility beds under that section. 114888

If (b) In the case of a nursing home beds licensed under 114889  
Chapter 3721. of the Revised Code or residential facility beds 114890  
licensed under section 5123.19 of the Revised Code were facility 114891  
that was not required by law to be licensed as a nursing home when 114892  
they were it originally used to provide began to be operated as a 114893

nursing home ~~or residential facility services~~, "date of licensure" 114894  
means the date the ~~beds~~ it first were used to provide began to be 114895  
operated as a nursing home or residential facility services, 114896  
regardless of the date the ~~present provider obtained licensure~~ 114897  
nursing facility was first licensed as a nursing home. 114898

(2) If a facility adds, after a nursing facility's original 114899  
date of licensure, more nursing home beds or residential facility 114900  
beds or extensively renovates all or part of the facility after 114901  
its original date of licensure are added to the nursing facility, 114902  
it will have the nursing facility has a different date of 114903  
licensure for the additional beds ~~or extensively renovated portion~~ 114904  
~~of the facility, unless the beds are added in a space. This does~~ 114905  
~~not apply, however, to additional beds when both of the following~~ 114906  
apply: 114907

(a) The additional beds are located in a part of the nursing 114908  
facility that was constructed at the same time as the previously 114909  
licensed continuing beds but already located in that part of the 114910  
nursing facility; 114911

(b) The part of the nursing facility in which the additional 114912  
beds are located was constructed as part of the nursing facility 114913  
at a time when the nursing facility was not required by law to be 114914  
licensed under Chapter 3721. ~~or section 5123.19 of the Revised~~ 114915  
~~Code at that time as a nursing home.~~ 114916

~~(2)(3)~~ (3) The definition of "date of licensure" in this section 114917  
applies in determinations of ~~the nursing facilities'~~ nursing facilities' medicaid 114918  
~~reimbursement rate for a nursing facility or intermediate care~~ 114919  
~~facility for the mentally retarded payment rates~~ but does not 114920  
apply in determinations of ~~the nursing facilities'~~ nursing facilities' franchise 114921  
~~permit fee for a nursing facility or intermediate care facility~~ 114922  
~~for the mentally retarded fees.~~ 114923

~~(G)~~ (K) "Desk-reviewed" means that a nursing facility's costs 114924



as reported on a cost report submitted under section ~~5111.26~~ 114925  
5165.10 of the Revised Code have been subjected to a desk review 114926  
under ~~division (A) of~~ section ~~5111.27~~ 5165.108 of the Revised Code 114927  
and preliminarily determined to be allowable costs. 114928

~~(H)(L)~~ "Direct care costs" means all of the following costs 114929  
incurred by a nursing facility: 114930

(1)~~(a)~~ Costs for registered nurses, licensed practical 114931  
nurses, and nurse aides employed by the nursing facility; 114932

~~(b)(2)~~ Costs for direct care staff, administrative nursing 114933  
staff, medical directors, respiratory therapists, and except as 114934  
provided in division ~~(H)(2)(L)(8)~~ of this section, other persons 114935  
holding degrees qualifying them to provide therapy; 114936

~~(c)~~(3) Costs of purchased nursing services; 114937

~~(d)~~(4) Costs of quality assurance; 114938

~~(e)~~(5) Costs of training and staff development, employee 114939  
benefits, payroll taxes, and workers' compensation premiums or 114940  
costs for self-insurance claims and related costs as specified in 114941  
rules adopted ~~by the director of job and family services in~~ 114942  
~~accordance with Chapter 119. under section 5165.02~~ of the Revised 114943  
Code, for personnel listed in divisions ~~(H)(L)(1)(a), (b)(2), and~~ 114944  
~~(d)(4), and (8)~~ of this section; 114945

~~(f)~~(6) Costs of consulting and management fees related to 114946  
direct care; 114947

~~(g)~~(7) Allocated direct care home office costs. 114948

~~(2) In addition to the costs specified in division (H)(1) of~~ 114949  
~~this section, for nursing facilities only, direct care costs~~ 114950  
~~include costs;~~ 114951

(8) Costs of habilitation staff (other than habilitation 114952  
supervisors), medical supplies, emergency oxygen, over-the-counter 114953  
pharmacy products, behavioral and mental health services, physical 114954

therapists, physical therapy assistants, occupational therapists, 114955  
occupational therapy assistants, speech therapists, audiologists, 114956  
habilitation supplies, ~~wheelchairs, resident transportation,~~ and 114957  
universal precautions supplies. i 114958

~~(3) In addition to the costs specified in division (H)(1) of 114959  
this section, for intermediate care facilities for the mentally 114960  
retarded only, direct care costs include both of the following: 114961~~

~~(a) Costs for physical therapists and physical therapy 114962  
assistants, occupational therapists and occupational therapy 114963  
assistants, speech therapists, audiologists, habilitation staff 114964  
(including habilitation supervisors), qualified mental retardation 114965  
professionals, program directors, social services staff, 114966  
activities staff, off site day programming, psychologists and 114967  
psychology assistants, and social workers and counselors; 114968~~

~~(b) Costs of training and staff development, employee 114969  
benefits, payroll taxes, and workers' compensation premiums or 114970  
costs for self-insurance claims and related costs as specified in 114971  
rules adopted under section 5111.02 of the Revised Code, for 114972  
personnel listed in division (H)(3)(a) of this section. 114973~~

(4)(9) Costs of wheelchairs other than the following: 114974

(a) Custom wheelchairs; 114975

(b) Repairs to and replacements of custom wheelchairs and 114976  
parts that are made in accordance with the instructions of the 114977  
physician of the individual who uses the custom wheelchair. 114978

(10) Costs of other direct-care resources that are specified 114979  
as direct care costs in rules adopted under section 5111.02 114980  
5165.02 of the Revised Code. 114981

(I)(M) "Dual eligible individual" has the same meaning as in 114982  
section 5160.01 of the Revised Code. 114983

(N) "Effective date of a change of operator" means the day 114984

the entering operator becomes the operator of the nursing facility. 114985  
114986

(O) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility. 114987  
114988  
114989

(P) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility. 114990  
114991  
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(Q) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation. 114993  
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(R) "Entering operator" means the person or government entity that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination. 114998  
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(S) "Exiting operator" means any of the following: 115001

(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator; 115002  
115003

(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure; 115004  
115005

(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation; 115006  
115007

(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination. 115008  
115009

(T)(1) Subject to divisions (T)(2) and (3) of this section, "facility closure" means either of the following: 115010  
115011

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's 115012  
115013  
115014

|                                                                                                                                                                                                                                                                                                                                                  |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <u>residents;</u>                                                                                                                                                                                                                                                                                                                                | 115015                                                   |
| <u>(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use.</u> | 115016<br>115017<br>115018<br>115019<br>115020<br>115021 |
| <u>(2) A facility closure occurs regardless of any of the following:</u>                                                                                                                                                                                                                                                                         | 115022<br>115023                                         |
| <u>(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility;</u>                                                                                                                                                | 115024<br>115025<br>115026<br>115027                     |
| <u>(b) The nursing facility's residents relocating to another of the operator's nursing facilities;</u>                                                                                                                                                                                                                                          | 115028<br>115029                                         |
| <u>(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities;</u>                                                                                                  | 115030<br>115031<br>115032<br>115033                     |
| <u>(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code.</u>                                                                                                                                                                                                           | 115034<br>115035<br>115036                               |
| <u>(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs.</u>                                                         | 115037<br>115038<br>115039<br>115040<br>115041           |
| <u>(U) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.</u>                                                                                                                                                                                                                                  | 115042<br>115043                                         |
| <u>(J)(V) "Franchise permit fee" means the following:</u>                                                                                                                                                                                                                                                                                        | 115044                                                   |

~~(1) In the context of nursing facilities, the fee imposed by sections 3721.50 5168.40 to 3721.58 5168.56 of the Revised Code+~~ 115045  
115046

~~(2) In the context of intermediate care facilities for the mentally retarded, the fee imposed by sections 5112.30 to 5112.39 of the Revised Code.~~ 115047  
115048  
115049

~~(K) "Indirect care costs" means all reasonable costs incurred by an intermediate care facility for the mentally retarded other than direct care costs, other protected costs, or capital costs. "Indirect care costs" includes but is not limited to costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help wanted advertising, informational advertising, start up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in this division. Notwithstanding division (C)(1) of this section, "indirect care costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the facility's cost report for the cost reporting period ending December 31, 1992.~~ 115050  
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~~(L)(W) "Inpatient days" means the following:~~ 115074

~~(1) In the context of a nursing facility, both of the following:~~ 115075  
115076

~~(a)(1)~~ All days during which a resident, regardless of payment source, occupies a bed in a nursing facility that is included in the nursing facility's ~~certified~~ medicaid-certified capacity ~~under Title XIX;~~

~~(b)(2)~~ Fifty per cent of the days for which payment is made under section ~~5111.331~~ 5165.34 of the Revised Code.

~~(2) In the context of an intermediate care facility for the mentally retarded, both of the following:~~

~~(a) All days during which a resident, regardless of payment source, occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX;~~

~~(b) All days for which payment is made under section 5111.33 of the Revised Code.~~

~~(M) "Intermediate care facility for the mentally retarded" means an intermediate care facility for the mentally retarded certified as in compliance with applicable standards for the medicaid program by the director of health in accordance with Title XIX.~~

~~(N)(X) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request.~~

(Y) "Low resource utilization resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid payment rate for direct care costs, is placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data.

~~(Z)~~ "Maintenance and repair expenses" means, ~~except as~~ 115107  
~~provided in division (BB)(2) of this section,~~ a nursing facility's 115108  
expenditures that are necessary and proper to maintain an asset in 115109  
a normally efficient working condition and that do not extend the 115110  
useful life of the asset two years or more. "Maintenance and 115111  
repair expenses" includes but is not limited to the ~~cost~~ costs of 115112  
ordinary repairs such as painting and wallpapering. 115113

~~(O)~~(AA) "Medicaid-certified capacity" means the number of a 115114  
nursing facility's beds that are certified for participation in 115115  
medicaid as nursing facility beds. 115116

~~(BB)~~ "Medicaid days" means ~~the following:~~ 115117

~~(1)~~ In the context of a nursing facility, both of the 115118  
following: 115119

~~(a)~~(1) All days during which a resident who is a medicaid 115120  
recipient eligible for nursing facility services occupies a bed in 115121  
a nursing facility that is included in the nursing facility's 115122  
~~certified~~ medicaid-certified capacity ~~under Title XIX;~~ 115123

~~(b)~~(2) Fifty per cent of the days for which payment is made 115124  
under section ~~5111.331~~ 5165.34 of the Revised Code. 115125

~~(2)~~ In the context of an intermediate care facility for the 115126  
~~mentally retarded,~~ both of the following: 115127

~~(a)~~ All days during which a resident who is a medicaid 115128  
recipient eligible for intermediate care facility for the mentally 115129  
retarded services occupies a bed in an intermediate care facility 115130  
for the mentally retarded that is included in the facility's 115131  
~~certified~~ capacity under Title XIX; 115132

~~(b)~~ All days for which payment is made under section ~~5111.33~~ 115133  
~~of the Revised Code.~~ 115134

~~(P)~~(CC)(1) "New nursing facility" means a nursing facility 115135  
for which the provider obtains an initial provider agreement 115136

following medicaid certification of the nursing facility by the 115137  
director of health, including such a nursing facility that 115138  
replaces one or more nursing facilities for which a provider 115139  
previously held a provider agreement. 115140

(2) "New nursing facility" does not mean a nursing facility 115141  
for which the entering operator seeks a provider agreement 115142  
pursuant to section 5165.511 or 5165.512 or (pursuant to section 115143  
5165.515) section 5165.07 of the Revised Code. 115144

~~(DD) "Nursing facility" means a facility, or a distinct part~~ 115145  
~~of a facility, that is certified as a nursing facility by the~~ 115146  
~~director of health in accordance with Title XIX and is not an~~ 115147  
~~intermediate care facility for the mentally retarded. "Nursing~~ 115148  
~~facility" includes a facility, or a distinct part of a facility,~~ 115149  
~~that is certified as a nursing facility by the director of health~~ 115150  
~~in accordance with Title XIX and is certified as a skilled nursing~~ 115151  
~~facility by the director in accordance with Title XVIII has the~~ 115152  
~~same meaning as in the "Social Security Act," section 1919(a), 42~~ 115153  
~~U.S.C. 1396r(a).~~ 115154

~~(Q)(EE) "Nursing facility services" has the same meaning as~~ 115155  
~~in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f).~~ 115156

(FF) "Nursing home" has the same meaning as in section 115157  
3721.01 of the Revised Code. 115158

(GG) "Operator" means the person or government entity 115159  
responsible for the daily operating and management decisions for a 115160  
nursing facility ~~or intermediate care facility for the mentally~~ 115161  
retarded. 115162

~~(R) "Other protected costs" means costs incurred by an~~ 115163  
~~intermediate care facility for the mentally retarded for medical~~ 115164  
~~supplies; real estate, franchise, and property taxes; natural gas,~~ 115165  
~~fuel oil, water, electricity, sewage, and refuse and hazardous~~ 115166  
~~medical waste collection; allocated other protected home office~~ 115167



~~costs; and any additional costs defined as other protected costs~~ 115168  
~~in rules adopted under section 5111.02 of the Revised Code.~~ 115169

~~(S)(HH)~~(1) "Owner" means any person or government entity that 115170  
has at least five per cent ownership or interest, either directly, 115171  
indirectly, or in any combination, in any of the following 115172  
regarding a nursing facility ~~or intermediate care facility for the~~ 115173  
~~mentally retarded:~~ 115174

(a) The land on which the nursing facility is located; 115175

(b) The structure in which the nursing facility is located; 115176

(c) Any mortgage, contract for deed, or other obligation 115177  
secured in whole or in part by the land or structure on or in 115178  
which the nursing facility is located; 115179

(d) Any lease or sublease of the land or structure on or in 115180  
which the nursing facility is located. 115181

(2) "Owner" does not mean a holder of a debenture or bond 115182  
related to the nursing facility ~~or intermediate care facility for~~ 115183  
~~the mentally retarded~~ and purchased at public issue or a regulated 115184  
lender that has made a loan related to the nursing facility unless 115185  
the holder or lender operates the nursing facility directly or 115186  
through a subsidiary. 115187

~~(T) "Patient" includes "resident."~~ 115188

~~(U) Except as provided in divisions (U)(1) and (2) of this~~ 115189  
~~section,~~ per (II) "Per diem" means a nursing facility's ~~or~~ 115190  
~~intermediate care facility for the mentally retarded's~~ actual, 115191  
allowable costs in a given cost center in a cost reporting period, 115192  
divided by the nursing facility's inpatient days for that cost 115193  
reporting period. 115194

~~(1) When calculating indirect care costs for the purpose of~~ 115195  
~~establishing rates under section 5111.241 of the Revised Code,~~ 115196  
~~"per diem" means an intermediate care facility for the mentally~~ 115197

~~retarded's actual, allowable indirect care costs in a cost 115198  
reporting period divided by the greater of the facility's 115199  
inpatient days for that period or the number of inpatient days the 115200  
facility would have had during that period if its occupancy rate 115201  
had been eighty five per cent. 115202~~

~~(2) When calculating capital costs for the purpose of 115203  
establishing rates under section 5111.251 of the Revised Code, 115204  
"per diem" means a facility's actual, allowable capital costs in a 115205  
cost reporting period divided by the greater of the facility's 115206  
inpatient days for that period or the number of inpatient days the 115207  
facility would have had during that period if its occupancy rate 115208  
had been ninety five per cent. 115209~~

~~(V)(JJ) "Provider" means an operator with a provider 115210  
agreement. 115211~~

~~(W)(KK) "Provider agreement" means a contract provider 115212  
agreement, as defined in section 5164.01 of the Revised Code, that 115213  
is between the department of ~~job and family services~~ medicaid and 115214  
the operator of a nursing facility ~~or intermediate care facility~~ 115215  
~~for the mentally retarded~~ for the provision of nursing facility 115216  
~~services or intermediate care facility services for the mentally~~ 115217  
~~retarded~~ under the medicaid program. 115218~~

~~(X)(LL) "Purchased nursing services" means services that are 115219  
provided in a nursing facility by registered nurses, licensed 115220  
practical nurses, or nurse aides who are not employees of the 115221  
nursing facility. 115222~~

~~(Y)(MM) "Reasonable" means that a cost is an actual cost that 115223  
is appropriate and helpful to develop and maintain the operation 115224  
of patient care facilities and activities, including normal 115225  
standby costs, and that does not exceed what a prudent buyer pays 115226  
for a given item or services. Reasonable costs may vary from 115227  
provider to provider and from time to time for the same provider. 115228~~

~~(Z)~~(NN) "Related party" means an individual or organization 115229  
that, to a significant extent, has common ownership with, is 115230  
associated or affiliated with, has control of, or is controlled 115231  
by, the provider. 115232

(1) An individual who is a relative of an owner is a related 115233  
party. 115234

(2) Common ownership exists when an individual or individuals 115235  
possess significant ownership or equity in both the provider and 115236  
the other organization. Significant ownership or equity exists 115237  
when an individual or individuals possess five per cent ownership 115238  
or equity in both the provider and a supplier. Significant 115239  
ownership or equity is presumed to exist when an individual or 115240  
individuals possess ten per cent ownership or equity in both the 115241  
provider and another organization from which the provider 115242  
purchases or leases real property. 115243

(3) Control exists when an individual or organization has the 115244  
power, directly or indirectly, to significantly influence or 115245  
direct the actions or policies of an organization. 115246

(4) An individual or organization that supplies goods or 115247  
services to a provider shall not be considered a related party if 115248  
all of the following conditions are met: 115249

(a) The supplier is a separate bona fide organization. 115250

(b) A substantial part of the supplier's business activity of 115251  
the type carried on with the provider is transacted with others 115252  
than the provider and there is an open, competitive market for the 115253  
types of goods or services the supplier furnishes. 115254

(c) The types of goods or services are commonly obtained by 115255  
other nursing facilities ~~or intermediate care facilities for the~~ 115256  
~~mentally retarded~~ from outside organizations and are not a basic 115257  
element of patient care ordinarily furnished directly to patients 115258  
by the nursing facilities. 115259

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

~~(AA)(OO)~~ "Relative of owner" means an individual who is related to an owner of a nursing facility ~~or intermediate care facility for the mentally retarded~~ by one of the following relationships:

- (1) Spouse;
- (2) Natural parent, child, or sibling;
- (3) Adopted parent, child, or sibling;
- (4) Stepparent, stepchild, stepbrother, or stepsister;
- (5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;
- (6) Grandparent or grandchild;
- (7) Foster caregiver, foster child, foster brother, or foster sister.

~~(BB)~~ "Renovation" and "extensive renovation" mean:

~~(1) Any betterment, improvement, or restoration of an intermediate care facility for the mentally retarded started before July 1, 1993, that meets the definition of a renovation or extensive renovation established in rules adopted by the director of job and family services in effect on December 22, 1992.~~

~~(2) In the case of betterments, improvements, and restorations of intermediate care facilities for the mentally retarded started on or after July 1, 1993:~~

~~(a) "Renovation" means the betterment, improvement, or restoration of an intermediate care facility for the mentally retarded beyond its current functional capacity through a~~

~~structural change that costs at least five hundred dollars per 115289  
bed. A renovation may include betterment, improvement, 115290  
restoration, or replacement of assets that are affixed to the 115291  
building and have a useful life of at least five years. A 115292  
renovation may include costs that otherwise would be considered 115293  
maintenance and repair expenses if they are an integral part of 115294  
the structural change that makes up the renovation project. 115295  
"Renovation" does not mean construction of additional space for 115296  
beds that will be added to a facility's licensed or certified 115297  
capacity. 115298~~

~~(b) "Extensive renovation" means a renovation that costs more 115299  
than sixty five per cent and no more than eighty five per cent of 115300  
the cost of constructing a new bed and that extends the useful 115301  
life of the assets for at least ten years. 115302~~

~~For the purposes of division (BB)(2) of this section, the 115303  
cost of constructing a new bed shall be considered to be forty 115304  
thousand dollars, adjusted for the estimated rate of inflation 115305  
from January 1, 1993, to the end of the calendar year during which 115306  
the renovation is completed, using the consumer price index for 115307  
shelter costs for all urban consumers for the north central 115308  
region, as published by the United States bureau of labor 115309  
statistics. 115310~~

~~The department of job and family services may treat a 115311  
renovation that costs more than eighty five per cent of the cost 115312  
of constructing new beds as an extensive renovation if the 115313  
department determines that the renovation is more prudent than 115314  
construction of new beds. 115315~~

~~(CC)(PP) "Residents' rights advocate" has the same meaning as 115316  
in section 3721.10 of the Revised Code. 115317~~

~~(QQ) "Skilled nursing facility" has the same meaning as in 115318  
the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a). 115319~~

(RR) "Sponsor" has the same meaning as in section 3721.10 of the Revised Code. 115320  
115321

(SS) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes. 115322  
115323  
115324

~~(DD)~~(TT) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended et seq. 115325  
115326

~~(EE)~~(UU) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended et seq. 115327  
115328  
115329

(VV) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility. 115330  
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**Sec. ~~5111.201~~ 5165.011.** Whenever (A) Except as provided in division (B) of this section, whenever "skilled nursing facility," "intermediate care facility," or "dual skilled nursing and intermediate care facility" is referred to or designated in any statute, rule, contract, provider agreement, or other document pertaining to the ~~medical assistance~~ medicaid program, the reference or designation is deemed to refer to a nursing facility, except that a. 115334  
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(B) A reference to or designation of an "intermediate care facility for the ~~mentally retarded~~ individuals with intellectual disabilities" or "ICF/IID" is not deemed to refer to a nursing facility. 115342  
115343  
115344  
115345

**Sec. 5165.02.** The medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 115346  
115347  
115348

**Sec. ~~5111.202~~ 5165.03.** (A) As used in this section: 115349

(1) "Dementia" includes Alzheimer's disease or a related 115350  
disorder. 115351

(2) "Serious mental illness" means "serious mental illness," 115352  
as defined by the United States department of health and human 115353  
services in regulations adopted under ~~section 1919(e)(7)(G)(i) of~~ 115354  
the "Social Security Act," ~~49 Stat. 620 (1935)~~ section 115355  
1919(e)(7)(G)(i), 42 U.S.C.A. ~~301~~, as amended 1396r(e)(7)(G)(i). 115356

(3) "Mentally ill individual" means an individual who has a 115357  
serious mental illness other than either of the following: 115358

(a) A primary diagnosis of dementia; 115359

(b) A primary diagnosis that is not a primary diagnosis of 115360  
dementia and a primary diagnosis of something other than a serious 115361  
mental illness. 115362

(4) "Mentally retarded individual" means an individual who is 115363  
mentally retarded or has a related condition, as described in 115364  
~~section 1905(d) of~~ the "Social Security Act," section 1905(d), 42 115365  
U.S.C. 1396d(d). 115366

(5) "Specialized services" means the services specified by 115367  
the United States department of health and human services in 115368  
regulations adopted under ~~section 1919(e)(7)(G)(iii) of~~ the 115369  
"Social Security Act," section 1919(e)(7)(G)(iii), 42 U.S.C. 115370  
1396r(e)(7)(G)(iii). 115371

(B)(1) Except as provided in division (D) of this section, no 115372  
nursing facility shall admit as a resident any mentally ill 115373  
individual unless the facility has received evidence that the 115374  
department of ~~mental health~~ mental health and addiction services 115375  
has determined both of the following under section ~~5119.061~~ 115376  
5119.40 of the Revised Code: 115377

(a) That the individual requires the level of services 115378

provided by a nursing facility because of the individual's 115379  
physical and mental condition; 115380

(b) Whether the individual requires specialized services for 115381  
mental illness. 115382

(2) Except as provided in division (D) of this section, no 115383  
nursing facility shall admit as a resident any mentally retarded 115384  
individual unless the facility has received evidence that the 115385  
department of developmental disabilities has determined both of 115386  
the following under section 5123.021 of the Revised Code: 115387

(a) That the individual requires the level of services 115388  
provided by a nursing facility because of the individual's 115389  
physical and mental condition; 115390

(b) Whether the individual requires specialized services for 115391  
mental retardation. 115392

(C) The department of ~~job and family services~~ medicaid shall 115393  
not make medicaid payments ~~under the medical assistance program~~ to 115394  
a nursing facility on behalf of any individual who is admitted to 115395  
the facility in violation of division (B) of this section for the 115396  
period beginning on the date of admission and ending on the date 115397  
the requirements of division (B) of this section are met. 115398

(D) A determination under division (B) of this section is not 115399  
required for any individual who is exempted from the requirement 115400  
that a determination be made by division (B)(2) of section 115401  
~~5119.061~~ 5119.40 of the Revised Code or rules adopted by the 115402  
department of ~~mental health~~ mental health and addiction services 115403  
under division (E)(3) of that section, or by division (B)(2) of 115404  
section 5123.021 of the Revised Code or rules adopted by the 115405  
department of developmental disabilities under division (E)(3) of 115406  
that section. 115407

**Sec. ~~5111.203~~ 5165.031.** Regardless of whether or not an 115408



~~applicant~~ An individual who applies for admission to a nursing 115409  
facility or ~~resident of~~ resides in a nursing facility ~~is an~~ 115410  
~~applicant for or recipient of medical assistance,~~ the department 115411  
of job and family services shall provide notice and an opportunity 115412  
for a hearing to ~~any applicant for admission to a nursing facility~~ 115413  
~~or resident of a nursing facility who is~~ may appeal if adversely 115414  
affected by a determination made by the department of ~~mental~~ 115415  
~~health~~ mental health and addiction services under section ~~5119.061~~ 115416  
5119.40 of the Revised Code or by the department of developmental 115417  
disabilities under section 5123.021 of the Revised Code. ~~The~~ 115418  
~~hearing shall be conducted in the same manner as hearings~~ 115419  
~~conducted under~~ If the individual is an applicant for or recipient 115420  
of medicaid, the individual may appeal pursuant to section 5160.31 115421  
of the Revised Code. If the individual is not an applicant for or 115422  
recipient of medicaid, the individual may appeal pursuant to a 115423  
process the department of medicaid shall establish, which shall be 115424  
similar to the appeals process established by section 5101.35 of 115425  
the Revised Code. The department of medicaid shall provide notice 115426  
of the right to appeal to individuals adversely affected by 115427  
determinations made under sections 5119.40 and 5123.021 of the 115428  
Revised Code. Any decision made ~~by the department of job and~~ 115429  
~~family services~~ on the basis of ~~the hearing~~ such an appeal is 115430  
binding on the department of ~~mental health~~ mental health and 115431  
addiction services and the department of developmental 115432  
disabilities. 115433

**Sec. ~~5111.204~~ 5165.04.** (A) As used in this section, 115434  
"representative" means a person acting on behalf of an applicant 115435  
for or recipient of medicaid. A representative may be a family 115436  
member, attorney, hospital social worker, or any other person 115437  
chosen to act on behalf of an applicant or recipient. 115438

(B) The department of ~~job and family services~~ medicaid may 115439  
require each applicant for or recipient of medicaid who applies or 115440

intends to apply for admission to a nursing facility or resides in 115441  
a nursing facility to undergo an assessment to determine whether 115442  
the applicant or recipient needs the level of care provided by a 115443  
nursing facility. The assessment may be performed concurrently 115444  
with a long-term care consultation provided under section 173.42 115445  
of the Revised Code. 115446

To the maximum extent possible, the assessment shall be based 115447  
on information from the resident assessment instrument specified 115448  
in rules ~~adopted~~ authorized by the ~~director of job and family~~ 115449  
~~services under division (E)~~ of section ~~5111.232~~ 5165.191 of the 115450  
Revised Code. The assessment shall also be based on criteria and 115451  
procedures established in rules ~~adopted under~~ authorized by 115452  
division (F) of this section and information provided by the 115453  
person being assessed or the person's representative. 115454

The department of ~~job and family services~~ medicaid, or if the 115455  
assessment is performed by an agency under contract with the 115456  
department pursuant to division (G) of this section, the agency, 115457  
shall, not later than the time the level of care determination 115458  
based on the assessment is required to be provided under division 115459  
(C) of this section, give written notice of its conclusions and 115460  
the basis for them to the person assessed and, if the department 115461  
~~of job and family services~~ or agency under contract with the 115462  
department has been informed that the person has a representative, 115463  
to the representative. 115464

(C) The department ~~of job and family services~~ or agency under 115465  
contract with the department, whichever performs the assessment, 115466  
shall provide a level of care determination based on the 115467  
assessment as follows: 115468

(1) In the case of a person applying or intending to apply 115469  
for admission to a nursing facility while hospitalized, not later 115470  
than one of the following: 115471

(a) One working day after the person or the person's representative submits the application or notifies the department of the person's intention to apply and submits all information required for providing the level of care determination, as specified in rules ~~adopted under~~ authorized by division (F)(2) of this section;

(b) A later date requested by the person or the person's representative.

(2) In the case of a person applying or intending to apply for admission to a nursing facility who is not hospitalized, not later than one of the following:

(a) Five calendar days after the person or the person's representative submits the application or notifies the department of the person's intention to apply and submits all information required for providing the level of care determination, as specified in rules ~~adopted under~~ authorized by division (F)(2) of this section;

(b) A later date requested by the person or the person's representative.

(3) In the case of a person who resides in a nursing facility, not later than one of the following:

(a) Five calendar days after the person or the person's representative submits an application for ~~medical assistance~~ medicaid and submits all information required for providing the level of care determination, as specified in rules ~~adopted under~~ authorized by division (F)(2) of this section;

(b) A later date requested by the person or the person's representative.

(4) In the case of an emergency, as specified in rules ~~adopted under~~ authorized by division (F)(4) of this section,

within the number of days specified in the rules. 115502

(D) A person assessed under this section or the person's 115503  
representative may ~~request a state hearing to dispute~~ appeal the 115504  
conclusions reached by the department ~~of job and family services~~ 115505  
or agency under contract with the department on the basis of the 115506  
assessment. The ~~request for a state hearing~~ appeal shall be made 115507  
~~in accordance with~~ pursuant to section ~~5101.35~~ 5160.31 of the 115508  
Revised Code. The department ~~of job and family services~~ or agency 115509  
under contract with the department shall provide to the person or 115510  
the person's representative and the nursing facility written 115511  
notice of the person's right to request a state hearing. The 115512  
notice shall include an explanation of the procedure for 115513  
requesting a state hearing. If a state hearing is requested, the 115514  
state shall be represented in the hearing by the department ~~of job~~ 115515  
~~and family services~~ or the agency under contract with the 115516  
department, whichever performed the assessment. 115517

(E) A nursing facility that admits or retains a person 115518  
determined pursuant to an assessment required under this section 115519  
not to need the level of care provided by the nursing facility 115520  
shall not be ~~reimbursed~~ paid under the medicaid program for the 115521  
person's care. 115522

(F) The medicaid director ~~of job and family services~~ shall 115523  
adopt rules ~~in accordance with Chapter 119.~~ under section 5165.02 115524  
of the Revised Code to implement and administer this section. The 115525  
rules shall include all of the following: 115526

(1) Criteria and procedures to be used in determining whether 115527  
admission to a nursing facility or continued stay in a nursing 115528  
facility is appropriate for the person being assessed; 115529

(2) Information the person being assessed or the person's 115530  
representative must provide to the department or agency under 115531  
contract with the department for purposes of the assessment and 115532

providing a level of care determination based on the assessment; 115533

(3) Circumstances under which a person is not required to be 115534  
assessed; 115535

(4) Circumstances that constitute an emergency for purposes 115536  
of division (C)(4) of this section and the number of days within 115537  
which a level of care determination must be provided in the case 115538  
of an emergency. 115539

(G) Pursuant to section ~~5111.91~~ 5162.35 of the Revised Code, 115540  
the department of ~~job and family services~~ medicaid may enter into 115541  
contracts in the form of interagency agreements with one or more 115542  
other state agencies to perform the assessments required under 115543  
this section. The interagency agreements shall specify the 115544  
responsibilities of each agency in the performance of the 115545  
assessments. 115546

**Sec. ~~5111.21~~ 5165.06.** ~~(A) In order to be~~ Subject to section 115547  
5165.072 of the Revised Code, an operator is eligible for medicaid 115548  
~~payments, the operator of~~ to enter into a provider agreement for a 115549  
~~nursing facility or intermediate care facility for the mentally~~ 115550  
~~retarded shall do~~ if all of the following apply: 115551

~~(1) Enter into a provider agreement with the department as~~ 115552  
~~provided in section 5111.22, 5111.671, or 5111.672 of the Revised~~ 115553  
~~Code~~ (A) The nursing facility is certified by the director of 115554  
health for participation in medicaid; 115555

~~(2) Apply for and maintain a valid license to operate~~ (B) The 115556  
nursing facility is licensed by the director of health as a 115557  
nursing home if so required by law; 115558

~~(3) Subject to division (B) of this section,~~ (C) The operator 115559  
and nursing facility comply with all applicable state and federal 115560  
laws and rules. 115561

~~(B) A state rule that requires the operator of an~~ 115562

~~intermediate care facility for the mentally retarded to have received approval of a plan for the proposed facility pursuant to section 5123.042 of the Revised Code as a condition of the operator being eligible for medicaid payments for the facility does not apply if, under former section 5123.193 of the Revised Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly or section 5123.197 of the Revised Code, a residential facility license was obtained or modified for the facility without obtaining approval of such a plan.~~

~~(C)(1) Except as provided in division (C)(2) of this section, the operator of a nursing facility that elects to obtain and maintain eligibility for payments under the medicaid program shall qualify all of the facility's medicaid certified beds in the medicare program established by Title XVIII. The director of job and family services may adopt rules under section 5111.02 of the Revised Code to establish the time frame in which a nursing facility must comply with this requirement.~~

~~(2) The department of veterans services is not required to qualify all of the medicaid certified beds in a nursing facility the agency maintains and operates under section 5907.01 of the Revised Code in the medicare program.~~

**Sec. 5111.22 5165.07.** (A) Except as provided in section 5165.072 of the Revised Code, the department of medicaid shall enter into a provider agreement with a nursing facility operator who applies, and is eligible, for the provider agreement.

~~(B) A provider agreement between the department of job and family services and the provider of a nursing facility or intermediate care facility for the mentally retarded shall contain require the following provisions:~~

~~(A) The department agrees to make medicaid payments to the provider, as provided in sections 5111.20 to 5111.331 of the~~

~~Revised Code, in accordance with this chapter for medicaid covered~~ 115594  
~~nursing facility services the nursing facility provides to a~~ 115595  
~~resident of the its residents who are medicaid recipients eligible~~ 115596  
~~for nursing facility who is a medicaid recipient services. No~~ 115597  
~~payment shall be made for the day a medicaid recipient is~~ 115598  
~~discharged from the facility.~~ 115599

~~(B) The~~ (C) A provider agreement shall require the provider 115600  
~~agrees to do all of the following:~~ 115601

(1) Maintain eligibility for the provider agreement as 115602  
provided in section ~~5111.21~~ 5165.06 of the Revised Code; 115603

(2) Keep records relating to a cost reporting period for the 115604  
greater of seven years after the cost report is filed or, if the 115605  
department issues an audit report in accordance with ~~division (B)~~ 115606  
~~of~~ section ~~5111.27~~ 5165.109 of the Revised Code, six years after 115607  
all appeal rights relating to the audit report are exhausted; 115608

(3) File reports as required by the department; 115609

(4) Open all records relating to the costs of ~~its~~ the nursing 115610  
facility's services for inspection and audit by the department; 115611

(5) Open its premises for inspection by the department, the 115612  
department of health, and any other state or local authority 115613  
having authority to inspect; 115614

(6) Supply to the department such information as it requires 115615  
concerning the nursing facility's services to residents who are, 115616  
or are eligible to be, medicaid recipients; 115617

(7) Comply with section ~~5111.31~~ 5165.08 of the Revised Code. 115618

~~The~~ (D) A provider agreement may contain other provisions 115619  
that are consistent with law and considered necessary by the 115620  
department. 115621

~~A provider agreement shall be effective for no longer than~~ 115622  
~~twelve months, except that if federal statute or regulations~~ 115623

~~authorize a longer term, it may be effective for a longer term so~~ 115624  
~~authorized. A provider agreement may be renewed only if the~~ 115625  
~~facility is certified by the department of health for~~ 115626  
~~participation in the medicaid program.~~ 115627

~~The department of job and family services, in accordance with~~ 115628  
~~rules adopted under section 5111.02 of the Revised Code, may elect~~ 115629  
~~not to enter into, not to renew, or to terminate a provider~~ 115630  
~~agreement when the department determines that such an agreement~~ 115631  
~~would not be in the best interests of medicaid recipients or of~~ 115632  
~~the state.~~ 115633

**Sec. ~~5111.223~~ 5165.071.** ~~The A nursing facility operator of a~~ 115634  
~~nursing facility or intermediate care facility for the mentally~~ 115635  
~~retarded may enter into provider agreements for more than one~~ 115636  
~~nursing facility or intermediate care facility for the mentally~~ 115637  
~~retarded.~~ 115638

**Sec. 5165.072.** ~~The department of medicaid shall not~~ 115639  
~~revalidate a nursing facility provider agreement if the provider~~ 115640  
~~fails to maintain eligibility for the provider agreement as~~ 115641  
~~provided in section 5165.06 of the Revised Code.~~ 115642

**Sec. ~~5111.30~~ 5165.073.** ~~The department of job and family~~ 115643  
~~services medicaid shall terminate the provider agreement with a~~ 115644  
~~nursing facility provider that does not comply with the~~ 115645  
~~requirements of section 3721.071 of the Revised Code for the~~ 115646  
~~installation of fire extinguishing and fire alarm systems.~~ 115647

**Sec. ~~5111.31~~ 5165.08.** (A) As used in this section: 115648  
"Bed need" means the number of long-term care beds a county 115649  
needs as determined by the director of health pursuant to division 115650  
(B)(3) of section 3702.593 of the Revised Code. 115651



"Bed need excess" means that a county's bed need is such that one or more long-term care beds may be relocated from the county according to the director's determination of the county's bed need. 115652  
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(B) Every provider agreement with ~~the~~ a nursing facility provider ~~of a nursing facility or intermediate care facility for the mentally retarded~~ shall do both of the following: 115656  
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115658

(1) Permit the provider to exclude one or more parts of the nursing facility from the provider agreement, even though those parts meet federal and state standards for medicaid certification, if all of the following apply: 115659  
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115662

(a) The nursing facility initially obtained both its nursing home license under Chapter 3721. of the Revised Code and medicaid certification on or after January 1, 2008. 115663  
115664  
115665

(b) The nursing facility is located in a county that has a bed need excess at the time the provider excludes the parts from the provider agreement. 115666  
115667  
115668

(c) Federal law permits the provider to exclude the parts from the provider agreement. 115669  
115670

(d) The provider gives the department of medicaid written notice of the exclusion not less than forty-five days before the first day of the calendar quarter in which the exclusion is to occur. 115671  
115672  
115673  
115674

(2) Prohibit the provider from doing either of the following: 115675

(a) Discriminating against a resident on the basis of race, color, sex, creed, or national origin; 115676  
115677

(b) Subject to division (D) of this section, failing or refusing to ~~retain~~ do either of the following: 115678  
115679

(i) Except as otherwise prohibited under section 5165.82 of the Revised Code, admit as a resident of the nursing facility an 115680  
115681

individual because the individual is, or may (as a resident of the nursing facility) become, a medicaid recipient unless at least twenty-five per cent of the nursing facility's medicaid-certified beds are occupied by medicaid recipients at the time the person would otherwise be admitted;

(ii) Retain as a patient any person resident of the nursing facility an individual because the person individual is, becomes, or may (as a resident of the nursing facility) become, as a patient in the facility, become a medicaid recipient. For the purposes of this division, a medicaid recipient who is a patient in a facility shall be considered a patient in the facility during any hospital stays totaling less than twenty-five days during any twelve-month period. Recipients who have been identified by the department of job and family services or its designee as requiring the level of care of an intermediate care facility for the mentally retarded shall not be subject to a maximum period of absences during which they are considered patients if prior authorization of the department for visits with relatives and friends and participation in therapeutic programs is obtained under rules adopted under section 5111.02 of the Revised Code.

(2) Except as provided by division (B)(1) of this section, include any part of the facility that meets standards for certification of compliance with federal and state laws and rules for participation in the medicaid program.

(3) Prohibit the provider from discriminating against any patient on the basis of race, color, sex, creed, or national origin.

(4) Except as otherwise prohibited under section 5111.55 of the Revised Code, prohibit the provider from failing or refusing to accept a patient because the patient is, becomes, or may, as a patient in the facility, become a medicaid recipient if less than eighty per cent of the patients in the facility are medicaid

recipients. 115714

~~(B)(1) Except as provided by division (B)(2) of this section,~~ 115715  
~~the following are not required to be included in a provider~~ 115716  
~~agreement unless otherwise required by federal law:~~ 115717

~~(a) Beds added during the period beginning July 1, 1987, and~~ 115718  
~~ending July 1, 1993, to a nursing home licensed under Chapter~~ 115719  
~~3721. of the Revised Code;~~ 115720

~~(b) Beds in an intermediate care facility for the mentally~~ 115721  
~~retarded that are designated for respite care under a medicaid~~ 115722  
~~waiver component operated pursuant to a waiver sought under~~ 115723  
~~section 5111.87 of the Revised Code.~~ 115724

~~(2) If a provider chooses to include a bed specified in~~ 115725  
~~division (B)(1)(a) of this section in a provider agreement, the~~ 115726  
~~bed may not be removed from the provider agreement unless the~~ 115727  
~~provider withdraws the facility in which the bed is located from~~ 115728  
~~the medicaid program.~~ 115729

(C) For the purpose of division (B)(2)(b)(ii) of this 115730  
section, a medicaid recipient who is a resident of a nursing 115731  
facility shall be considered a resident of the nursing facility 115732  
during any hospital stays totaling less than twenty-five days 115733  
during any twelve-month period. 115734

(D) Nothing in this section shall bar a provider that from 115735  
doing any of the following: 115736

(1) If the provider is a religious organization operating a 115737  
religious or denominational nursing facility ~~or intermediate care~~ 115738  
~~facility for the mentally retarded~~ from giving preference to 115739  
persons of the same religion or denomination. ~~Nothing in this~~ 115740  
~~section shall bar any provider from giving;~~ 115741

(2) Giving preference to persons with whom the provider has 115742  
contracted to provide continuing care. 115743

~~(D) Nothing in this section shall bar the provider of;~~ 115744

(3) If the nursing facility is a county home organized under Chapter 5155. of the Revised Code from, admitting residents 115745  
exclusively from the county in which the county home is located. 115746  
~~115747~~

~~(E) No provider of a nursing facility or intermediate care facility for the mentally retarded for which a provider agreement is in effect shall violate the provider contract obligations imposed under this section.~~ 115748  
115749  
115750  
115751

~~(F) Nothing in divisions (A) and (C) of this section shall bar a provider from retaining patients;~~ 115752  
115753

(4) Retaining residents who have resided in the provider's 115754  
nursing facility for not less than one year as private pay 115755  
patients and who subsequently become medicaid recipients, but 115756  
refusing to accept as a ~~patient~~ resident any person who is, or 115757  
may, ~~(as a patient in resident of the nursing facility,~~) become a 115758  
medicaid recipient, if all of the following apply: 115759

~~(1)(a)~~ (a) The provider does not refuse to retain any ~~patient~~ 115760  
resident who has resided in the provider's nursing facility for 115761  
not less than one year as a private pay ~~patient~~ resident because 115762  
the ~~patient~~ resident becomes a medicaid recipient, except as 115763  
necessary to comply with division ~~(F)(2)(D)(4)(b)~~ of this section; 115764

~~(2)(b)~~ (b) The number of medicaid recipients retained under ~~this~~ 115765  
division (D)(4) of this section does not at any time exceed ten 115766  
per cent of all the ~~patients~~ residents in the nursing facility; 115767

~~(3)(c)~~ (c) On July 1, 1980, all the ~~patients~~ residents in the 115768  
nursing facility were private pay ~~patients~~ residents. 115769

(E) No provider shall violate the provider agreement obligations imposed by this section. 115770  
115771

(F) A nursing facility provider who excludes one or more parts of the nursing facility from a provider agreement pursuant 115772  
115773

to division (B)(1) of this section does not violate division (C) 115774  
of section 3702.53 of the Revised Code. 115775

**Sec. ~~5111.32~~ 5165.081.** ~~Any patient~~ A nursing facility 115776  
resident has a cause of action against ~~the~~ a nursing facility 115777  
~~provider of a nursing facility or intermediate care facility for~~ 115778  
~~the mentally retarded~~ for breach of the provider agreement 115779  
obligations or other duties imposed by section ~~5111.31~~ 5165.08 of 115780  
the Revised Code. The action may be commenced by the ~~patient~~ 115781  
resident, or on the ~~patient's~~ resident's behalf by the ~~patient's~~ 115782  
resident's sponsor or a residents' rights advocate, ~~as either is~~ 115783  
~~defined under section 3721.10 of the Revised Code,~~ by the filing 115784  
of a civil action in the court of common pleas of the county in 115785  
which the nursing facility is located, or in the court of common 115786  
pleas of Franklin county. 115787

If ~~the~~ a court of common pleas finds that a ~~breach of the~~ 115788  
provider has breached a provider agreement obligations obligation 115789  
or other duty imposed by section ~~5111.31~~ 5165.08 of the Revised 115790  
Code ~~has occurred~~, the court may ~~enjoin~~ do one or more of the 115791  
following: 115792

(A) Enjoin the provider from engaging in the practice, ~~order;~~ 115793

(B) Order such affirmative relief as may be necessary, ~~and~~ 115794  
award; 115795

(C) Award to ~~the patient~~ a resident and a ~~person~~ sponsor or 115796  
~~public agency~~ government entity that brings ~~an~~ the action on 115797  
behalf of a ~~patient~~ resident actual damages, costs, and reasonable 115798  
attorney's fees. 115799

**Sec. 5165.082.** (A) Except as provided in division (B) of this 115800  
section, the operator of a nursing facility that elects to have 115801  
the nursing facility participate in the medicaid program shall 115802  
qualify all of the nursing facility's medicaid-certified beds in 115803

the medicare program. The medicaid director may adopt rules under 115804  
section 5165.02 of the Revised Code to establish the time frame in 115805  
which a nursing facility must comply with this requirement. 115806

115807

(B) The department of veterans services is not required to 115808  
qualify all of the medicaid-certified beds in a nursing facility 115809  
the department maintains and operates under section 5907.01 of the 115810  
Revised Code in the medicare program. 115811

**Sec. ~~5111.26~~ 5165.10.** (A)~~(1)(a)~~ Except as provided in 115812  
division ~~(A)(1)(b)~~(D) of this section, each nursing facility 115813  
provider shall file with the department of ~~job and family services~~ 115814  
medicaid an annual cost report for each of the provider's nursing 115815  
facilities ~~and intermediate care facilities for the mentally~~ 115816  
~~retarded~~ that participate in the medicaid program. ~~A provider~~ 115817  
~~shall prepare the reports in accordance with guidelines~~ 115818  
~~established by the department. A~~ The cost report for a year shall 115819  
~~cover a~~ the calendar year or the portion of ~~a~~ the calendar year 115820  
during which the nursing facility participated in the medicaid 115821  
program. ~~A provider shall file the reports within~~ Except as 115822  
provided in division (E) of this section, the cost report is due 115823  
not later than ninety days after the end of the calendar year, or 115824  
portion of the calendar year, that the cost report covers. ~~The~~ 115825  
~~department, for good cause, may grant a fourteen day extension of~~ 115826  
~~the time for filing cost reports upon written request from a~~ 115827  
~~provider. The director of job and family services shall prescribe,~~ 115828  
~~in rules adopted under section 5111.02 of the Revised Code, the~~ 115829  
~~cost reporting form and a uniform chart of accounts for the~~ 115830  
~~purpose of cost reporting, and shall distribute cost reporting~~ 115831  
~~forms or computer software for electronic submission of the cost~~ 115832  
~~report to each provider at least sixty days before the reporting~~ 115833  
~~date.~~ 115834

~~(b) If rates for a provider's nursing facility or intermediate care facility for the mentally retarded were most recently established under section 5111.254 or 5111.255 of the Revised Code, the provider shall submit a cost report for that facility no later than ninety days after the end of the facility's first three full calendar months of operation. If a nursing facility or intermediate care facility for the mentally retarded undergoes a change of provider that the department determines, in accordance with rules adopted under section 5111.02 of the Revised Code, is an arm's length transaction, the new provider shall submit a cost report for that facility not later than ninety days after the end of the facility's first three full calendar months of operation under the new provider. The provider of a facility that opens or undergoes a change of provider that is an arm's length transaction after the first day of October in any calendar year is not required to file a cost report for that calendar year.~~

~~(e)(B) If a nursing facility undergoes a change of provider that the department determines, in accordance with rules adopted under section 5111.02 5165.02 of the Revised Code, is not an ~~arms~~ arm's length transaction, the new provider shall file a the nursing facility's cost report ~~under~~ in accordance with division (A)~~(1)(a)~~ of this section ~~for the facility. The~~ and the cost report shall cover the portion of the calendar year during which the new provider operated the nursing facility and the portion of the calendar year during which the previous provider operated the nursing facility.~~

~~(2) If a provider required to submit a cost report for a nursing facility or intermediate care facility for the mentally retarded does not file the report within the required time period or within fourteen days thereafter if an extension is granted under division (A)(1)(a) of this section, or files an incomplete or inadequate report for the facility, the department shall~~

~~provide immediate written notice to the provider that the provider 115867  
agreement for the facility will be terminated in thirty days 115868  
unless the provider submits a complete and adequate cost report 115869  
for the facility within thirty days. During the thirty day 115870  
termination period or any additional time allowed for an appeal of 115871  
the proposed termination of a provider agreement, the provider 115872  
shall be paid the facility's then current per resident per day 115873  
rate, minus two dollars. On July 1, 1994, the department shall 115874  
adjust the two dollar reduction to reflect the rate of inflation 115875  
during the preceding twelve months, as shown in the consumer price 115876  
index for all items for all urban consumers for the north central 115877  
region, published by the United States bureau of labor statistics. 115878  
On July 1, 1995, and the first day of July of each year 115879  
thereafter, the department shall adjust the amount of the 115880  
reduction in effect during the previous twelve months to reflect 115881  
the rate of inflation during the preceding twelve months, as shown 115882  
in the same index. 115883~~

~~(B) No provider shall report fines paid under sections 115884  
5111.35 to 5111.62 or section 5111.99 of the Revised Code in any 115885  
cost report filed under this section. 115886~~

~~(C) The department shall develop an addendum to the cost 115887  
report form that a provider may use to set forth costs that the 115888  
provider believes may be disputed by the department. Any costs 115889  
reported by the provider on the addendum may be considered by the 115890  
department in setting the facility's rate. If the department does 115891  
not consider the costs listed on the addendum in setting the 115892  
facility's rate, the provider may seek reconsideration of that 115893  
determination under section 5111.29 of the Revised Code. If the 115894  
department subsequently includes the costs listed in the addendum 115895  
in the facility's rate, the department shall pay the provider 115896  
interest at a reasonable rate established in rules adopted under 115897  
section 5111.02 of the Revised Code for the time that the rate 115898~~



paid excluded the costs. If the medicaid payment rate for a new nursing facility was most recently determined in accordance with section 5165.151 of the Revised Code, the provider shall file with the department a cost report for the new nursing facility not later than, except as provided in division (E) of this section, ninety days after the end of the new nursing facility's first three full calendar months of operation. The cost report shall cover the period that begins with the nursing facility's first day of operation and ends on the first day of the month immediately following the first three full months of operation.

(D) A nursing facility provider is not required to file a cost report for a nursing facility for a calendar year in accordance with division (A) of this section if the provider files a cost report for the nursing facility under division (C) of this section and that cost report covers a period that begins after the first day of October of that calendar year. The provider shall file a cost report for the nursing facility in accordance with division (A) of this section for the immediately following calendar year.

(E) The department may grant to a provider a fourteen-day extension to file a cost report under this section if the provider provides the department a written request for the extension and the department determines that there is good cause for the extension.

**Sec. ~~5111.266~~ 5165.101.** A nursing facility provider of a nursing facility filing the nursing facility's cost report with the department of job and family services medicaid under section ~~5111.26~~ 5165.10 or 5165.522 of the Revised Code shall report as a nonreimbursable expense the cost of the nursing facility's franchise permit fee.

Sec. 5165.102. No nursing facility provider shall report 115929  
fines paid under sections 5165.60 to 5165.89 or section 5165.99 of 115930  
the Revised Code in a cost report filed under section 5165.10 or 115931  
5165.522 of the Revised Code. 115932

Sec. 5165.103. Cost reports shall be completed using the form 115933  
prescribed under section 5165.104 of the Revised Code and in 115934  
accordance with the guidelines established under that section. 115935

Sec. 5165.104. The department of medicaid shall do all of the 115936  
following: 115937

(A) Prescribe the form to be used for completing a cost 115938  
report and a uniform chart of accounts for the purpose of 115939  
reporting costs on the form; 115940

(B) Distribute a paper copy of the form, or computer software 115941  
for electronic submission of the form, to each provider at least 115942  
sixty days before the date the cost report is due; 115943

(C) Establish guidelines for completing the form. 115944

Sec. 5165.105. The department of medicaid shall develop an 115945  
addendum to the cost report form that a nursing facility provider 115946  
may use to set forth costs that the provider believes the 115947  
department may dispute. The department may consider such costs in 115948  
determining a nursing facility's medicaid payment rate. If the 115949  
department does not consider such costs in determining a nursing 115950  
facility's medicaid payment rate, the provider may seek 115951  
reconsideration of the determination in accordance with section 115952  
5165.38 of the Revised Code. If the department subsequently 115953  
includes such costs in a nursing facility's medicaid payment rate, 115954  
the department shall pay the provider interest at a reasonable 115955  
rate established in rules adopted under section 5165.02 of the 115956  
Revised Code for the period that the rate excluded the costs. 115957

Sec. 5165.106. If a nursing facility provider required by 115958  
section 5165.10 of the Revised Code to file a cost report for the 115959  
nursing facility fails to file the cost report by the date it is 115960  
due or the date, if any, to which the due date is extended 115961  
pursuant to division (E) of that section, or files an incomplete 115962  
or inadequate report for the nursing facility under that section, 115963  
the department of medicaid shall provide immediate written notice 115964  
to the provider that the provider agreement for the nursing 115965  
facility will be terminated in thirty days unless the provider 115966  
submits a complete and adequate cost report for the nursing 115967  
facility within thirty days. During the thirty-day termination 115968  
period or any additional time allowed for an appeal of the 115969  
proposed termination of a provider agreement, the provider shall 115970  
be paid the nursing facility's then current per medicaid day 115971  
payment rate, minus the dollar amount by which nursing facility's 115972  
per medicaid day payment rates are reduced during fiscal year 2013 115973  
in accordance with division (A)(2) of section 5111.26 of the 115974  
Revised Code (renumbered as section 5165.10 of the Revised Code by 115975  
H.B. 59 of the 130th general assembly) as that section existed on 115976  
the day immediately preceding the effective date of this section. 115977  
On the first day of each July, the department shall adjust the 115978  
amount of the reduction in effect during the previous twelve 115979  
months to reflect the rate of inflation during the preceding 115980  
twelve months, as shown in the consumer price index for all items 115981  
for all urban consumers for the north central region, published by 115982  
the United States bureau of labor statistics. 115983

Sec. ~~5111.261~~ 5165.107. (A) Except as provided in division 115984  
(B) of this section and not later than three years after a nursing 115985  
facility provider files a cost report with the department of ~~job~~ 115986  
~~and family services~~ medicaid under section ~~5111.26~~ 5165.10 of the 115987  
Revised Code, the provider may amend the cost report if the 115988

provider discovers a material error in the cost report or 115989  
additional information to be included in the cost report. The 115990  
department shall review the amended cost report for accuracy and 115991  
notify the provider of its determination. 115992

(B) A provider may not amend a cost report if the department 115993  
has notified the provider that an audit of the cost report or a 115994  
cost report of the provider for a subsequent cost reporting period 115995  
is to be conducted under section ~~5111.27~~ 5165.109 of the Revised 115996  
Code. The provider may, however, provide the department 115997  
information that affects the costs included in the cost report. 115998  
Such information may not be provided after the adjudication of the 115999  
final settlement of the cost report. 116000

**Sec. ~~5111.27~~ 5165.108.** (A) The department of ~~job and family~~ 116001  
~~services~~ medicaid shall conduct a desk review of each cost report 116002  
it receives under section ~~5111.26~~ 5165.10 or 5165.522 of the 116003  
Revised Code. Based on the desk review, the department shall make 116004  
a preliminary determination of whether the reported costs are 116005  
allowable costs. The department shall notify each nursing facility 116006  
provider of whether any of the reported costs are preliminarily 116007  
determined not to be allowable, the medicaid payment rate 116008  
calculation determined under ~~sections 5111.20 to 5111.331~~ of the 116009  
~~Revised Code~~ this chapter that results from that determination, 116010  
and the reasons for the determination and resulting rate. The 116011  
department shall allow the provider to verify the calculation and 116012  
submit additional information. 116013

~~(B) The department may conduct an audit, as defined by rule~~ 116014  
~~adopted under section 5111.02 of the Revised Code, of any cost~~ 116015  
~~report. The decision whether to conduct an audit and the scope of~~ 116016  
~~the audit, which may be a desk or field audit, may be determined~~ 116017  
~~based on prior performance of the provider, a risk analysis, or~~ 116018  
~~other evidence that gives the department reason to believe that~~ 116019

~~the provider has reported costs improperly. A desk or field audit 116020  
may be performed annually, but is required whenever a provider 116021  
does not pass the risk analysis tolerance factors. An audit shall 116022  
be conducted by auditors under contract with or employed by the 116023  
department. The department shall notify a provider of the findings 116024  
of an audit by issuing an audit report. An audit report regarding 116025  
a nursing facility shall include notice of any fine imposed under 116026  
section 5111.271 of the Revised Code. The department shall issue 116027  
the audit report no later than three years after the cost report 116028  
is filed, or upon the completion of a desk or field audit on the 116029  
report or a report for a subsequent cost reporting period, 116030  
whichever is earlier. 116031~~

~~The department may establish a contract for the auditing of 116032  
facilities by outside firms. Each contract entered into by bidding 116033  
shall be effective for one to two years. The department shall 116034  
establish an audit manual and program which shall require that all 116035  
field audits, conducted either pursuant to a contract or by 116036  
department employees: 116037~~

~~(1) Comply with the applicable rules prescribed pursuant to 116038  
Titles XVIII and XIX; 116039~~

~~(2) Consider generally accepted auditing standards prescribed 116040  
by the American institute of certified public accountants; 116041~~

~~(3) Include a written summary as to whether the costs 116042  
included in the report examined during the audit are allowable and 116043  
are presented in accordance with state and federal laws and 116044  
regulations, and whether, in all material respects, allowable 116045  
costs are documented, reasonable, and related to patient care; 116046~~

~~(4) Are conducted by accounting firms or auditors who, during 116047  
the period of the auditors' professional engagement or employment 116048  
and during the period covered by the cost reports, do not have nor 116049  
are committed to acquire any direct or indirect financial interest 116050~~

~~in the ownership, financing, or operation of a nursing facility or  
intermediate care facility for the mentally retarded in this  
state;~~

~~(5) Are conducted by accounting firms or auditors who, as a  
condition of the contract or employment, shall not audit any  
facility that has been a client of the firm or auditor;~~

~~(6) Are conducted by auditors who are otherwise independent  
as determined by the standards of independence included in the  
government auditing standards produced by the United States  
government accountability office;~~

~~(7) Are completed within the time period specified by the  
department;~~

~~(8) Provide to the provider complete written interpretations  
that explain in detail the application of all relevant contract  
provisions, regulations, auditing standards, rate formulae, and  
departmental policies, with explanations and examples, that are  
sufficient to permit the provider to calculate with reasonable  
certainty those costs that are allowable and the rate to which the  
provider's facility is entitled.~~

~~For the purposes of division (B)(4) of this section,  
employment of a member of an auditor's family by a nursing  
facility or intermediate care facility for the mentally retarded  
that the auditor does not review does not constitute a direct or  
indirect financial interest in the ownership, financing, or  
operation of the facility.~~

~~(C) The department, pursuant to rules adopted under section  
5111.02 of the Revised Code, may conduct an exception review of  
assessment data submitted under section 5111.232 of the Revised  
Code. The department may conduct an exception review based on the  
findings of a certification survey conducted by the department of  
health, a risk analysis, or prior performance of the provider.~~

~~Exception reviews shall be conducted at the facility by appropriate health professionals under contract with or employed by the department of job and family services. The professionals may review resident assessment forms and supporting documentation, conduct interviews, and observe residents to identify any patterns or trends of inaccurate assessments and resulting inaccurate case mix scores.~~

~~The rules shall establish an exception review program that requires that exception reviews do all of the following:~~

~~(1) Comply with Titles XVIII and XIX;~~

~~(2) Provide a written summary that states whether the resident assessment forms have been completed accurately;~~

~~(3) Are conducted by health professionals who, during the period of their professional engagement or employment with the department, neither have nor are committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of a nursing facility or intermediate care facility for the mentally retarded in this state;~~

~~(4) Are conducted by health professionals who, as a condition of their engagement or employment with the department, shall not review any provider that has been a client of the professional.~~

~~For the purposes of division (C)(3) of this section, employment of a member of a health professional's family by a nursing facility or intermediate care facility for the mentally retarded that the professional does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the facility.~~

~~If an exception review is conducted before the effective date of the rate that is based on the case mix data subject to the review and the review results in findings that exceed tolerance levels specified in the rules adopted under this division, the~~

~~department, in accordance with those rules, may use the findings 116113  
to recalculate individual resident case mix scores, quarterly 116114  
average facility case mix scores, and annual average facility 116115  
case mix scores. The department may use the recalculated quarterly 116116  
and annual facility average case mix scores to calculate the 116117  
facility's rate for direct care costs for the appropriate calendar 116118  
quarter or quarters. 116119~~

~~(D) The department shall prepare a written summary of any 116120  
audit disallowance or exception review finding that is made after 116121  
the effective date of the rate that is based on the cost or 116122  
case mix data. Where the provider is pursuing judicial or 116123  
administrative remedies in good faith regarding the disallowance 116124  
or finding, the department shall not withhold from the provider's 116125  
current payments any amounts the department claims to be due from 116126  
the provider pursuant to section 5111.28 of the Revised Code. 116127~~

~~(E) The department shall not reduce rates calculated under 116128  
sections 5111.20 to 5111.331 of the Revised Code on the basis that 116129  
the provider charges a lower rate to any resident who is not 116130  
eligible for the medicaid program. 116131~~

~~(F) The department shall adjust the rates calculated under 116132  
sections 5111.20 to 5111.331 of the Revised Code to account for 116133  
reasonable additional costs that must be incurred by intermediate 116134  
care facilities for the mentally retarded to comply with 116135  
requirements of federal or state statutes, rules, or policies 116136  
enacted or amended after January 1, 1992, or with orders issued by 116137  
state or local fire authorities. 116138~~

**Sec. 5165.109.** (A) The department of medicaid may conduct an 116139  
audit, as defined in rules adopted under section 5165.02 of the 116140  
Revised Code, of any cost report filed under section 5165.10 or 116141  
5165.522 of the Revised Code. The decision whether to conduct an 116142  
audit and the scope of the audit, which may be a desk or field 116143



audit, may be determined based on prior performance of the 116144  
provider, a risk analysis, or other evidence that gives the 116145  
department reason to believe that the provider has reported costs 116146  
improperly. A desk or field audit may be performed annually, but 116147  
is required whenever a provider does not pass the risk analysis 116148  
tolerance factors. 116149

(B) Audits shall be conducted by auditors under contract with 116150  
the department, auditors working for firms under contract with the 116151  
department, or auditors employed by the department. 116152

The department may establish a contract for the auditing of 116153  
nursing facilities by outside firms. Each contract entered into by 116154  
bidding shall be effective for one to two years. 116155

(C) The department shall notify a provider of the findings of 116156  
an audit of a cost report by issuing an audit report. The audit 116157  
report shall include notice of any fine imposed under section 116158  
5165.1010 of the Revised Code. The department shall issue the 116159  
audit report not later than three years after the earlier of the 116160  
following: 116161

(1) The date the cost report is filed; 116162

(2) The date a desk or field audit of the cost report or a 116163  
cost report for a subsequent cost reporting period is completed. 116164

(D) The department shall prepare a written summary of any 116165  
audit disallowance that is made after the effective date of the 116166  
rate that is based on the cost. Where the provider is pursuing 116167  
judicial or administrative remedies in good faith regarding the 116168  
disallowance, the department shall not withhold from the 116169  
provider's current payments any amounts the department claims to 116170  
be due from the provider pursuant to section 5165.41 of the 116171  
Revised Code. 116172

(E)(1) The department shall establish an audit manual and 116173

program for field audits conducted under this section. Each 116174  
auditor conducting a field audit under this section shall follow 116175  
the audit manual and program, regardless of whether the auditor is 116176  
under contract with the department, works for a firm under 116177  
contract with the department, or is employed by the department. 116178  
The manual and program shall do both of the following: 116179

(a) Require each field audit to be conducted by an auditor to 116180  
whom all of the following apply: 116181

(i) During the period of the auditor's contract, firm's 116182  
contract, or auditor's employment with the department, the auditor 116183  
or firm does not have and is not committed to acquire any direct 116184  
or indirect financial interest in the ownership, financing, or 116185  
operation of nursing facilities in this state. 116186

(ii) The auditor does not audit any provider that has been a 116187  
client of the auditor or the auditor's firm. 116188

(iii) The auditor is otherwise independent as determined by 116189  
the standards of independence included in the government auditing 116190  
standards produced by the United States government accountability 116191  
office. 116192

(b) Require each auditor conducting a field audit to do all 116193  
of the following: 116194

(i) Comply with applicable rules prescribed pursuant to Title 116195  
XVIII and Title XIX; 116196

(ii) Consider generally accepted auditing standards 116197  
prescribed by the American institute of certified public 116198  
accountants; 116199

(iii) Include a written summary as to whether the costs 116200  
included in the cost report examined during the audit are 116201  
allowable and are presented in accordance with state and federal 116202  
laws and regulations, and whether, in all material respects, 116203

allowable costs are documented, reasonable, and related to patient care; 116204  
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(iv) Complete the audit within the time period specified by the department; 116206  
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(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's nursing facility is entitled. 116208  
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(2) For the purpose of division (E)(1)(a)(i) of this section, employment of a member of an auditor's family by a nursing facility that the auditor does not audit does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the nursing facility. 116215  
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**Sec. ~~5111.271~~ 5165.1010.** (A) Subject to division (D) of this section, the department of ~~job and family services~~ medicaid shall fine the provider of a nursing facility if the report of an audit conducted under ~~division (B) of section 5111.27~~ 5165.109 of the Revised Code regarding a cost report for the nursing facility includes either of the following: 116220  
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(1) Adverse findings that exceed three per cent of the total amount of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the cost report; 116226  
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(2) Adverse findings that exceed twenty per cent of ~~medicaid-reimbursable~~ medicaid-allowable costs for a particular cost center reported in the cost report. 116229  
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(B) A fine issued under this section shall equal the greatest of the following: 116232  
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(1) If the adverse findings exceed three per cent but do not exceed ten per cent of the total amount of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the cost report, the greater of three per cent of those reported costs or ten thousand dollars;

(2) If the adverse findings exceed ten per cent but do not exceed twenty per cent of the total amount of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the cost report, the greater of six per cent of those reported costs or twenty-five thousand dollars;

(3) If the adverse findings exceed twenty per cent of the total amount of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the cost report, the greater of ten per cent of those reported costs or fifty thousand dollars;

(4) If the adverse findings exceed twenty per cent but do not exceed twenty-five per cent of ~~medicaid-reimbursable~~ medicaid-allowable costs for a particular cost center reported in the cost report, the greater of three per cent of the total amount of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the cost report or ten thousand dollars;

(5) If the adverse findings exceed twenty-five per cent but do not exceed thirty per cent of ~~medicaid-reimbursable~~ medicaid-allowable costs for a particular cost center reported in the cost report, the greater of six per cent of the total amount of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the cost report or twenty-five thousand dollars;

(6) If the adverse findings exceed thirty per cent of ~~medicaid-reimbursable~~ medicaid-allowable costs for a particular cost center reported in the cost report, the greater of ten per cent of the total amount of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the cost report or fifty thousand dollars.

(C) Fines paid under this section shall be deposited into the health care services administration fund created under section ~~5111.94~~ 5162.54 of the Revised Code.

(D) The department may not collect a fine under this section until all appeal rights relating to the audit report that is the basis for the fine are exhausted.

**Sec. ~~5111.222~~ 5165.15.** (A) ~~As used in this section, "low resource utilization resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid reimbursement rate for direct care costs, is placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data.~~

~~(B)~~ Except as otherwise provided by sections ~~5111.20~~ 5165.151 to ~~5111.331~~ 5165.156 and 5165.34 of the Revised Code ~~and by division (C) of this section,~~ the total per medicaid day payment rate that the department of job and family services medicaid shall agree to pay for a fiscal year to the provider of a nursing facility pursuant to a provider agreement provider for nursing facility services the provider's nursing facility provides during a fiscal year shall equal the sum of all of the following:

~~(1) The rate for direct care costs determined for the nursing facility under section 5111.231 of the Revised Code;~~

~~(2)~~ The per medicaid day payment rate for ancillary and support costs determined for the nursing ~~facility's ancillary and support cost peer group~~ facility under section ~~5111.24~~ 5165.16 of the Revised Code;

~~(3)~~(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code;

(3) The per medicaid day payment rate for direct care costs 116295  
determined for the nursing facility under section 5165.19 of the 116296  
Revised Code; 116297

(4) The per medicaid day payment rate for tax costs 116298  
determined for the nursing facility under section ~~5111.242~~ 5165.21 116299  
of the Revised Code; 116300

~~(4) The quality incentive payment paid to the nursing~~ 116301  
~~facility under section 5111.244 of the Revised Code;~~ 116302

(5) If the nursing facility qualifies as a critical access 116303  
nursing facility, the nursing facility's critical access incentive 116304  
payment paid ~~to the nursing facility~~ under section ~~5111.246~~ 116305  
5165.23 of the Revised Code; 116306

~~(6) The rate for capital costs determined for the nursing~~ 116307  
~~facility's capital costs peer group under section 5111.25~~ quality 116308  
incentive payment paid to the nursing facility under section 116309  
5165.25 of the Revised Code. 116310

~~(C) The total rate determined under division (B) of this~~ 116311  
~~section shall not be paid for nursing facility services provided~~ 116312  
~~to low resource utilization residents. Instead, the total rate for~~ 116313  
~~nursing facility services that a nursing facility provides to low~~ 116314  
~~resource utilization residents shall be one hundred thirty dollars~~ 116315  
~~per medicaid day.~~ 116316

~~(D)~~(B) In addition to paying a nursing facility provider the 116317  
nursing facility's total rate determined under division ~~(B)~~ ~~or~~ 116318  
~~(C)~~(A) of this section for a fiscal year, the department shall pay 116319  
the provider a quality bonus under section ~~5111.245~~ 5165.26 of the 116320  
Revised Code for that fiscal year if the provider's nursing 116321  
facility is a qualifying nursing facility, as defined in that 116322  
section, for that fiscal year. The quality bonus shall not be part 116323  
of the total rate. 116324

~~Sec. 5111.254 5165.151.~~ (A) The department of job and family services shall establish initial rates for a nursing facility with a first date of licensure that is on or after July 1, 2006, including a facility that replaces one or more existing facilities, or for a nursing facility with a first date of licensure before that date that was initially certified for the medicaid program on or after that date, total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner:

(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.16 of the Revised Code.

(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.17 of the Revised Code;

(3) The initial rate for direct care costs shall be the product of the cost per case-mix unit determined under division (D) of section ~~5111.231~~ 5165.19 of the Revised Code for the new nursing facility's peer group and the new nursing facility's case-mix score determined under division (B) of this section. ~~For the purpose of division (A)(1) of this section, the nursing facility's case mix score shall be the following:~~

~~(a) Unless the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the replacement nursing facility begins participating in the medicaid program, the median annual average case mix score for the nursing facility's peer group;~~

~~(b) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the replacement nursing facility begins participating in the medicaid program, the semiannual case mix score most recently determined under section 5111.232 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and replacement nursing facilities.~~

~~(2) The rate for ancillary and support costs shall be the rate for the facility's peer group determined under division (D) of section 5111.24 of the Revised Code.~~

~~(3) The rate for capital costs shall be the rate for the facility's peer group determined under division (D) of section 5111.25 of the Revised Code.~~

(4) The initial rate for tax costs shall be the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (C) of section ~~5111.24~~ 5165.16 of the Revised Code.

(5) The quality incentive payment shall be the mean payment made to nursing facilities under section ~~5111.244~~ 5165.25 of the Revised Code.

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following:

(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group;

(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the



medicaid program, the semiannual case-mix score most recently 116387  
determined under section 5165.192 of the Revised Code for the 116388  
replaced nursing facility as adjusted, if necessary, to reflect 116389  
any difference in the number of beds in the replaced and new 116390  
nursing facilities. 116391

(C) Subject to division ~~(C)~~(D) of this section, the 116392  
department shall adjust the rates established under division (A) 116393  
of this section effective the first day of July, to reflect new 116394  
rate calculations for all nursing facilities under ~~sections~~ 116395  
~~5111.20 to 5111.331 of the Revised Code~~ this chapter. 116396

~~(C)~~(D) If a rate for direct care costs is determined under 116397  
this section for a new nursing facility using the median annual 116398  
average case-mix score for the new nursing facility's peer group, 116399  
the rate shall be redetermined to reflect the ~~replacement~~ new 116400  
nursing facility's actual semiannual average case-mix score 116401  
determined under section ~~5111.232~~ 5165.192 of the Revised Code 116402  
after the new nursing facility submits its first two quarterly 116403  
assessment data that qualify for use in calculating a case-mix 116404  
score in accordance with rules authorized by ~~division (E) of~~ 116405  
section ~~5111.232~~ 5165.192 of the Revised Code. If the new nursing 116406  
facility's quarterly submissions do not qualify for use in 116407  
calculating a case-mix score, the department shall continue to use 116408  
the median annual average case-mix score for the new nursing 116409  
facility's peer group in lieu of the new nursing facility's 116410  
semiannual case-mix score until the new nursing facility submits 116411  
two consecutive quarterly assessment data that qualify for use in 116412  
calculating a case-mix score. 116413

**Sec. 5165.152.** The total per medicaid day payment rate 116414  
determined under section 5165.15 of the Revised Code shall not be 116415  
paid for nursing facility services provided to low resource 116416  
utilization residents. Instead, the total rate for such nursing 116417

facility services shall be one hundred thirty dollars per medicaid 116418  
day. 116419

**Sec. ~~5111.258~~ 5165.153.** (A) ~~Notwithstanding sections 5111.20~~ 116420  
~~to 5111.331 of the Revised Code (except section 5111.259 of the~~ 116421  
~~Revised Code), the director of job and family services shall adopt~~ 116422  
~~rules under section 5111.02 of the Revised Code that establish a~~ 116423  
~~methodology for calculating the prospective rates that will be~~ 116424  
~~paid each fiscal year to a provider for each of the provider's~~ 116425  
~~eligible nursing facilities and intermediate care facilities for~~ 116426  
~~the mentally retarded, and discrete units of the provider's~~ 116427  
~~nursing facilities or intermediate care facilities for the~~ 116428  
~~mentally retarded, that serve residents who have diagnoses The~~ 116429  
total per medicaid day payment rate determined under section 116430  
5165.15 of the Revised Code shall not be paid for nursing facility 116431  
services provided by a nursing facility, or discrete unit of a 116432  
nursing facility, designated by the department of medicaid as an 116433  
outlier nursing facility or unit. Instead, the provider of a 116434  
designated outlier nursing facility or unit shall be paid each 116435  
fiscal year a total per medicaid day payment rate that the 116436  
department shall prospectively determine in accordance with a 116437  
methodology established in rules authorized by this section. 116438

(B) The department may designate a nursing facility, or 116439  
discrete unit of a nursing facility, as an outlier nursing 116440  
facility or unit if the nursing facility or unit serves residents 116441  
who have either of the following: 116442

(1) Diagnoses or special care needs that require direct care 116443  
resources that are not measured adequately by the applicable 116444  
resident assessment instrument specified in rules authorized by 116445  
section ~~5111.232~~ 5165.191 of the Revised Code, or who have 116446  
diagnoses; 116447

~~(2) Diagnoses or special care needs specified in the rules authorized by this section as otherwise qualifying for consideration under this section. The facilities and units of facilities whose rates are established under this division may include, but shall not be limited to, any of the following:~~

~~(1) In the case of nursing facilities, facilities and units of facilities that serve medically fragile pediatric residents, residents who are dependent on ventilators, or residents who have severe traumatic brain injury, end stage Alzheimer's disease, or end stage acquired immunodeficiency syndrome:~~

~~(2) In the case of intermediate care facilities for the mentally retarded, facilities and units of facilities that serve residents who have complex medical conditions or severe behavioral problems.~~

~~The department shall use the methodology established under this division to pay for services rendered by such facilities and units after June 30, 1993.~~

(C) Notwithstanding any other provision of this chapter (except section 5165.156 of the Revised Code), the costs incurred by a designated outlier nursing facility or unit shall not be considered in establishing medicaid payment rates for other nursing facilities or units.

(D) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to implement this section.

(1)(a) The rules authorized by this division shall specify do both of the following:

(i) Specify the criteria and procedures the department will apply when designating facilities and units that qualify for calculation of rates under this division a nursing facility, or discrete unit of a nursing facility, as an outlier nursing

facility or unit; 116479

(ii) Establish a methodology for prospectively determining 116480  
the total per medicaid day payment rate that will be paid each 116481  
fiscal year for nursing facility services provided by a designated 116482  
outlier nursing facility or unit. The criteria shall include 116483

(b) The rules authorized by division (D)(1)(a)(i) of this 116484  
section regarding the criteria for designating outlier nursing 116485  
facilities and units shall do both of the following: 116486

(i) Provide for consideration of whether all of the allowable 116487  
costs of the a nursing facility, or discrete unit of a nursing 116488  
facility, would be paid by rates established a rate determined 116489  
under sections 5111.20 to 5111.331 section 5165.15 of the Revised 116490  
Code, and shall establish a; 116491

(ii) Specify the minimum bed size for a number of nursing 116492  
facility beds that a nursing facility, or discrete unit to qualify 116493  
to of a nursing facility, must have its rates established under 116494  
this division to be designated an outlier nursing facility or 116495  
unit, which may vary based on the diagnoses or special care needs 116496  
of the residents served by the nursing facility or unit. The 116497  
criteria shall not be designed to require that residents be served 116498  
only in 116499

(c) The rules authorized by division (D)(1)(a)(i) of this 116500  
section regarding the criteria for designating outlier nursing 116501  
facilities and units shall not limit the designation to nursing 116502  
facilities, or discrete units of nursing facilities, located in 116503  
large cities. The 116504

(d) The rules authorized by division (D)(1)(a)(ii) of this 116505  
section regarding the methodology for prospectively determining 116506  
the rates of designated outlier nursing facilities and units shall 116507  
provide for the methodology established by the rules shall to 116508  
consider the historical costs of providing eare nursing facility 116509

~~services to the residents of the designated outlier nursing facilities or~~ and units. 116510  
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(2)(a) The rules may require do both of the following: 116512

(i) Include for designation as an outlier nursing facility or unit, a nursing facility, or discrete unit of a nursing facility, that serves medically fragile pediatric residents; residents who are dependent on ventilators; residents who have severe traumatic brain injury, end-stage Alzheimer's disease, or end-stage acquired immunodeficiency syndrome; or residents with other diagnoses or special care needs specified in the rules; 116513  
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(ii) Require that a designated outlier nursing facility designated under this division or containing a unit designated under this division receive authorization from the department to admit before admitting or retain retaining a resident to the facility or unit and. 116520  
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(b) If the director adopts rules authorized by division (D)(2)(a)(ii) of this section regarding the authorization of a designated outlier nursing facility or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting that authorization. 116525  
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~~Notwithstanding any other provision of sections 5111.20 to 5111.331 of the Revised Code (except section 5111.259 of the Revised Code), the costs incurred by facilities or units whose rates are established under this division shall not be considered in establishing payment rates for other facilities or units.~~ 116530  
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~~(B) The director may adopt rules under section 5111.02 of the Revised Code under which the department, notwithstanding any other provision of sections 5111.20 to 5111.331 of the Revised Code (except section 5111.259 of the Revised Code), may adjust the rates determined under sections 5111.20 to 5111.331 of the Revised Code for a facility that serves a resident who has a diagnosis or~~ 116535  
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~~special care need that, in the rules authorized by division (A) of 116541  
this section, would qualify a facility or unit of a facility to 116542  
have its rate determined under that division, but who is not in 116543  
such a unit. The rules may require that a facility that qualifies 116544  
for a rate adjustment under this division receive authorization 116545  
from the department to admit or retain a resident who qualifies 116546  
the facility for the rate adjustment and shall specify the 116547  
criteria and procedures the department will apply when granting 116548  
that authorization. 116549~~

Sec. 5165.154. (A) To the extent, if any, provided for in 116550  
rules authorized by this section, the total per medicaid day 116551  
payment rate determined under section 5165.15 of the Revised Code 116552  
shall not be paid for nursing facility services that a nursing 116553  
facility not designated as an outlier nursing facility or unit 116554  
provides to a resident who meets the criteria for admission to a 116555  
designated outlier nursing facility or unit, as specified in rules 116556  
authorized by section 5165.153 of the Revised Code. Instead, the 116557  
provider of a nursing facility providing nursing facility services 116558  
to such a resident shall be paid each fiscal year a total per 116559  
medicaid day payment rate that the department of medicaid shall 116560  
prospectively determine in accordance with a methodology 116561  
established in rules authorized by this section. 116562

(B) The medicaid director may adopt rules under section 116563  
5165.02 of the Revised Code to implement this section. The rules 116564  
may require that a nursing facility receive authorization from the 116565  
department before admitting or retaining a resident who meets the 116566  
criteria for admission to a designated outlier nursing facility or 116567  
unit. If the director adopts such rules, the rules shall specify 116568  
the criteria and procedures the department will apply when 116569  
granting the authorization. 116570

Sec. 5111.225 5165.155. (A) As used in this section+ 116571

~~"Dual eligible individual" has the same meaning as in section 116572  
1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010), 116573  
42 U.S.C. 1396n(h)(2)(B). 116574~~

~~"Medicaid, "medicaid maximum allowable amount" means one 116575  
hundred per cent of a nursing facility's total per diem medicaid 116576  
day payment rate for a ~~medicaid day.~~ 116577~~

~~(B) The Instead of paying the total per medicaid day payment 116578  
rate determined under section 5165.15 of the Revised Code, the 116579  
department of ~~job and family services~~ medicaid shall pay the 116580  
provider of a nursing facility the lesser of the following for 116581  
nursing facility services the nursing facility provides on or 116582  
after January 1, 2012, to a dual eligible individual who is 116583  
eligible for nursing facility services under the medicaid program 116584  
and post-hospital extended care services under Part A of Title 116585  
XVIII: 116586~~

~~(1) The coinsurance amount for the services as provided under 116587  
Part A of Title XVIII; 116588~~

~~(2) The medicaid maximum allowable amount for the services, 116589  
less the amount paid under Part A of Title XVIII for the services. 116590~~

~~**Sec. 5111.259 5165.156.** The medicaid director ~~of job and~~ 116591  
~~family services~~ may ~~submit a request to the United States~~ 116592  
~~secretary of health and human services for approval to~~ establish a 116593  
centers of excellence component of the medicaid program. The 116594  
purpose of the centers of excellence component is to increase the 116595  
efficiency and quality of nursing facility services provided to 116596  
medicaid recipients with complex nursing facility service needs. 116597  
~~If federal approval for the centers of excellence component is~~ 116598  
~~granted, the~~ The director may adopt rules under section ~~5111.02~~ 116599  
5165.02 of the Revised Code governing the component, including 116600  
rules that establish a method of determining the medicaid 116601  
~~reimbursement~~ payment rates for nursing facilities providing 116602~~

nursing facility services to medicaid recipients participating in 116603  
the component. The rules may specify the extent to which, if any, 116604  
of the provisions of ~~section 5111.258~~ sections 5165.153 and 116605  
5165.154 of the Revised Code are to apply to the centers of 116606  
excellence component. If such rules are adopted, the nursing 116607  
facilities that provide nursing facility services to medicaid 116608  
recipients participating in the centers of excellence component 116609  
shall be paid for those services in accordance with the method 116610  
established in the rules ~~notwithstanding anything to the contrary~~ 116611  
~~in sections 5111.20 to 5111.331~~ instead of the total per medicaid 116612  
day payment rate determined under section 5165.15 of the Revised 116613  
Code. 116614

**Sec. ~~5111.24~~ 5165.16.** (A) As used in this section: 116615

(1) "Applicable calendar year" means the following: 116616

(a) For the purpose of the department of ~~job and family~~ 116617  
~~services~~ medicaid's initial determination under division (D) of 116618  
this section of each peer group's rate for ancillary and support 116619  
costs, calendar year 2003; 116620

(b) For the purpose of the department's rebasings, the 116621  
calendar year the department selects. 116622

(2) "Rebasing" means a redetermination under division (D) of 116623  
this section of each peer ~~groups~~ group's rate for ancillary and 116624  
support costs using information from cost reports for an 116625  
applicable calendar year that is later than the applicable 116626  
calendar year used for the previous determination of such rates. 116627

(B) The department of ~~job and family services~~ medicaid shall 116628  
~~pay a provider for~~ determine each of the provider's eligible 116629  
nursing facilities ~~a~~ facility's per ~~resident~~ per medicaid day 116630  
payment rate for ancillary and support costs ~~determined for the.~~ A 116631  
nursing facility's ~~peer group~~ rate shall be the rate determined 116632



under division (D) of this section for the nursing facility's peer 116633  
group. However, for the period beginning October 1, 2013, and 116634  
ending on the first day of the first rebasing, the rate for a 116635  
nursing facility located in Mahoning or Stark county shall be the 116636  
rate determined for the following: 116637

(1) If the nursing facility has fewer than one hundred beds, 116638  
the nursing facilities in peer group three; 116639

(2) If the nursing facility has one hundred or more beds, the 116640  
nursing facilities in peer group four. 116641

(C) For the purpose of determining nursing facilities' ~~rate~~ 116642  
rates for ancillary and support costs, the department shall 116643  
establish six peer groups. 116644

~~Each~~ (1) Until the first rebasing occurs, the peer groups 116645  
shall be composed as follows: 116646

(a) Each nursing facility located in any of the following 116647  
counties shall be placed in peer group one or two: Brown, Butler, 116648  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 116649  
located in any of those counties that has fewer than one hundred 116650  
beds shall be placed in peer group one. Each nursing facility 116651  
located in any of those counties that has one hundred or more beds 116652  
shall be placed in peer group two. 116653

(b) Each nursing facility located in any of the following 116654  
counties shall be placed in peer group three or four: Ashtabula, 116655  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 116656  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 116657  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 116658  
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 116659  
Union, and Wood. Each nursing facility located in any of those 116660  
counties that has fewer than one hundred beds shall be placed in 116661  
peer group three. Each nursing facility located in any of those 116662  
counties that has one hundred or more beds shall be placed in peer 116663

group four. 116664

(c) Each nursing facility located in any of the following 116665  
counties shall be placed in peer group five or six: Adams, Allen, 116666  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 116667  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 116668  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 116669  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 116670  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 116671  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 116672  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 116673  
located in any of those counties that has fewer than one hundred 116674  
beds shall be placed in peer group five. Each nursing facility 116675  
located in any of those counties that has one hundred or more beds 116676  
shall be placed in peer group six. 116677

(2) Beginning with the first rebasing, the peer groups shall 116678  
be composed as they are under division (C)(1) of this section 116679  
except as follows: 116680

(a) Each nursing facility that has fewer than one hundred 116681  
beds and is located in Mahoning or Stark county shall be placed in 116682  
peer group three rather than peer group five. 116683

(b) Each nursing facility that has one hundred or more beds 116684  
and is located in Mahoning or Stark county shall be placed in peer 116685  
group four rather than peer group six. 116686

(D)(1) The department shall determine the rate for ancillary 116687  
and support costs for each peer group established under division 116688  
(C) of this section. The department is not required to conduct a 116689  
rebasings more than once every ten years. Except as necessary to 116690  
implement the amendments made to this section by Am. Sub. H.B. 153 116691  
and Sub. H.B. 303, both of the 129th general assembly, the rate 116692  
for ancillary and support costs determined under this division for 116693  
a peer group shall be used for subsequent years until the 116694

department conducts a rebasing. To determine a peer group's rate 116695  
for ancillary and support costs, the department shall do all of 116696  
the following: 116697

(a) Subject to division (D)(2) of this section, determine the 116698  
rate for ancillary and support costs for each nursing facility in 116699  
the peer group for the applicable calendar year by using the 116700  
greater of the nursing facility's actual inpatient days for the 116701  
applicable calendar year or the inpatient days the nursing 116702  
facility would have had for the applicable calendar year if its 116703  
occupancy rate had been ninety per cent; 116704

(b) Subject to division (D)(3) of this section, identify 116705  
which nursing facility in the peer group is at the twenty-fifth 116706  
percentile of the rate for ancillary and support costs for the 116707  
applicable calendar year determined under division (D)(1)(a) of 116708  
this section; 116709

(c) Multiply the rate for ancillary and support costs 116710  
determined under division (D)(1)(a) of this section for the 116711  
nursing facility identified under division (D)(1)(b) of this 116712  
section by the rate of inflation for the eighteen-month period 116713  
beginning on the first day of July of the applicable calendar year 116714  
and ending the last day of December of the calendar year 116715  
immediately following the applicable calendar year using the 116716  
following: 116717

(i) Until the first rebasing occurs, the consumer price index 116718  
for all items for all urban consumers for the north central 116719  
region, published by the United States bureau of labor statistics, 116720  
as that index existed on July 1, 2005; 116721

(ii) Effective with the first rebasing and except as provided 116722  
in division (D)(1)(c)(iii) of this section, the consumer price 116723  
index for all items for all urban consumers for the midwest 116724  
region, published by the United States bureau of labor statistics; 116725

(iii) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(1)(c)(ii) of this section, the index the bureau subsequently publishes that covers urban consumers' prices for items for the region that includes this state.

(d) Until the first rebasing occurs, increase the amount calculated under division (D)(1)(c) of this section by five and eight hundredths per cent.

(2) For the purpose of determining a nursing facility's occupancy rate under division (D)(1)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity unless the nursing facility also removes the beds from its licensed bed capacity.

(3) In making the identification under division (D)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem ancillary and support cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(4) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

~~Sec. 5111.25~~ 5165.17. (A) As used in this section: 116756

(1) "Applicable calendar year" means the following: 116757

(a) For the purpose of the department of ~~job and family services~~ medicaid's initial determination under division (D) of this section of each peer group's rate for capital costs, calendar year 2003; 116758  
116759  
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116761

(b) For the purpose of the department's rebasings, the calendar year the department selects. 116762  
116763

(2) "Rebasing" means a redetermination under division (D) of this section of each peer ~~groups~~ group's rate for capital costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates. 116764  
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(B) The department of ~~job and family services~~ medicaid shall ~~pay a provider for~~ determine each of the provider's eligible nursing facilities ~~a facility's~~ per resident per medicaid day payment rate for capital costs ~~determined for the~~. A nursing facility's peer group rate shall be the rate determined under division (D) of this section. However, for the period beginning October 1, 2013, and ending on the first day of the first rebasing, the rate for a nursing facility located in Mahoning or Stark county shall be the rate determined for the following: 116769  
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(1) If the nursing facility has fewer than one hundred beds, the nursing facilities in peer group three; 116778  
116779

(2) If the nursing facility has one hundred or more beds, the nursing facilities in peer group four. 116780  
116781

(C) For the purpose of determining nursing facilities' ~~rate~~ rates for capital costs, the department shall establish six peer groups. 116782  
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116784

~~Each~~ (1) Until the first rebasing occurs, the peer groups 116785

shall be composed as follows: 116786

(a) Each nursing facility located in any of the following 116787  
counties shall be placed in peer group one or two: Brown, Butler, 116788  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 116789  
located in any of those counties that has fewer than one hundred 116790  
beds shall be placed in peer group one. Each nursing facility 116791  
located in any of those counties that has one hundred or more beds 116792  
shall be placed in peer group two. 116793

(b) Each nursing facility located in any of the following 116794  
counties shall be placed in peer group three or four: Ashtabula, 116795  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 116796  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 116797  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 116798  
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 116799  
Union, and Wood. Each nursing facility located in any of those 116800  
counties that has fewer than one hundred beds shall be placed in 116801  
peer group three. Each nursing facility located in any of those 116802  
counties that has one hundred or more beds shall be placed in peer 116803  
group four. 116804

(c) Each nursing facility located in any of the following 116805  
counties shall be placed in peer group five or six: Adams, Allen, 116806  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 116807  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 116808  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 116809  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 116810  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 116811  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 116812  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 116813  
located in any of those counties that has fewer than one hundred 116814  
beds shall be placed in peer group five. Each nursing facility 116815  
located in any of those counties that has one hundred or more beds 116816  
shall be placed in peer group six. 116817

(2) Beginning with the first rebasing, the peer groups shall 116818  
be composed as they are under division (C)(1) of this section 116819  
except as follows: 116820

(a) Each nursing facility that has fewer than one hundred 116821  
beds and is located in Mahoning or Stark county shall be placed in 116822  
peer group three rather than peer group five. 116823

(b) Each nursing facility that has one hundred or more beds 116824  
and is located in Mahoning or Stark county shall be placed in peer 116825  
group four rather than peer group six. 116826

(D)(1) The department shall determine the rate for capital 116827  
costs for each peer group established under division (C) of this 116828  
section. The department is not required to conduct a rebasing more 116829  
than once every ten years. Except as necessary to implement the 116830  
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 116831  
303, both of the 129th general assembly, the rate for capital 116832  
costs determined under this division for a peer group shall be 116833  
used for subsequent years until the department conducts a 116834  
rebasing. To determine a peer group's rate for capital costs, the 116835  
department shall do both of the following: 116836

(a) Determine the rate for capital costs for the nursing 116837  
facility in the peer group that is at the twenty-fifth percentile 116838  
of the rate for capital costs for the applicable calendar year; 116839

(b) Until the first rebasing occurs, increase the amount 116840  
calculated under division (D)(1)(a) of this section by five and 116841  
eight hundredths per cent. 116842

(2) To identify the nursing facility in a peer group that is 116843  
at the twenty-fifth percentile of the rate for capital costs for 116844  
the applicable calendar year, the department shall do both of the 116845  
following: 116846

(a) Subject to division (D)(3) of this section, use the 116847  
greater of each nursing facility's actual inpatient days for the 116848

applicable calendar year or the inpatient days the nursing 116849  
facility would have had for the applicable calendar year if its 116850  
occupancy rate had been one hundred per cent; 116851

(b) Exclude both of the following: 116852

(i) Nursing facilities that participated in the medicaid 116853  
program under the same provider for less than twelve months in the 116854  
applicable calendar year; 116855

(ii) Nursing facilities whose capital costs are more than one 116856  
standard deviation from the mean desk-reviewed, actual, allowable, 116857  
per diem capital cost for all nursing facilities in the nursing 116858  
facility's peer group for the applicable calendar year. 116859

(3) For the purpose of determining a nursing facility's 116860  
occupancy rate under division (D)(2)(a) of this section, the 116861  
department shall include any beds that the nursing facility 116862  
removes from its medicaid-certified capacity after June 30, 2005, 116863  
unless the nursing facility also removes the beds from its 116864  
licensed bed capacity. 116865

(4) The department shall not redetermine a peer group's rate 116866  
for capital costs under this division based on additional 116867  
information that it receives after the rate is determined. The 116868  
department shall redetermine a peer group's rate for capital costs 116869  
only if the department made an error in determining the rate based 116870  
on information available to the department at the time of the 116871  
original determination. 116872

(E) Buildings shall be depreciated using the straight line 116873  
method over forty years or over a different period approved by the 116874  
department. Components and equipment shall be depreciated using 116875  
the straight-line method over a period designated in rules adopted 116876  
under section ~~5111.02~~ 5165.02 of the Revised Code, consistent with 116877  
the guidelines of the American hospital association, or over a 116878  
different period approved by the department. Any rules authorized 116879



by this division that specify useful lives of buildings, 116880  
components, or equipment apply only to assets acquired on or after 116881  
July 1, 1993. Depreciation for costs paid or reimbursed by any 116882  
government agency shall not be included in capital costs unless 116883  
that part of the payment under ~~sections 5111.20 to 5111.331 of the~~ 116884  
~~Revised Code~~ this chapter is used to reimburse the government 116885  
agency. 116886

(F) The capital cost basis of nursing facility assets shall 116887  
be determined in the following manner: 116888

(1) Except as provided in division (F)(3) of this section, 116889  
for purposes of calculating the rates to be paid for facilities 116890  
with dates of licensure on or before June 30, 1993, the capital 116891  
cost basis of each asset shall be equal to the desk-reviewed, 116892  
actual, allowable, capital cost basis that is listed on the 116893  
facility's cost report for the calendar year preceding the fiscal 116894  
year during which the rate will be paid. 116895

(2) For facilities with dates of licensure after June 30, 116896  
1993, the capital cost basis shall be determined in accordance 116897  
with the principles of the medicare program ~~established under~~ 116898  
~~Title XVIII~~, except as otherwise provided in ~~sections 5111.20 to~~ 116899  
~~5111.331 of the Revised Code~~ this chapter. 116900

(3) Except as provided in division (F)(4) of this section, if 116901  
a provider transfers an interest in a facility to another provider 116902  
after June 30, 1993, there shall be no increase in the capital 116903  
cost basis of the asset if the providers are related parties or 116904  
the provider to which the interest is transferred authorizes the 116905  
provider that transferred the interest to continue to operate the 116906  
facility under a lease, management agreement, or other 116907  
arrangement. If the previous sentence does not prohibit the 116908  
adjustment of the capital cost basis under this division, the 116909  
basis of the asset shall be adjusted by one-half of the change in 116910  
the consumer price index for all items for all urban consumers, as 116911

published by the United States bureau of labor statistics, during 116912  
the time that the transferor held the asset. 116913

(4) If a provider transfers an interest in a facility to 116914  
another provider who is a related party, the capital cost basis of 116915  
the asset shall be adjusted as specified in division (F)(3) of 116916  
this section if all of the following conditions are met: 116917

(a) The related party is a relative of owner; 116918

(b) Except as provided in division (F)(4)(c)(ii) of this 116919  
section, the provider making the transfer retains no ownership 116920  
interest in the facility; 116921

(c) The department ~~of job and family services~~ determines that 116922  
the transfer is an arm's length transaction pursuant to rules 116923  
adopted under section ~~5111.02~~ 5165.02 of the Revised Code. The 116924  
rules shall provide that a transfer is an arm's length transaction 116925  
if all of the following apply: 116926

(i) Once the transfer goes into effect, the provider that 116927  
made the transfer has no direct or indirect interest in the 116928  
provider that acquires the facility or the facility itself, 116929  
including interest as an owner, officer, director, employee, 116930  
independent contractor, or consultant, but excluding interest as a 116931  
creditor. 116932

(ii) The provider that made the transfer does not reacquire 116933  
an interest in the facility except through the exercise of a 116934  
creditor's rights in the event of a default. If the provider 116935  
reacquires an interest in the facility in this manner, the 116936  
department shall treat the facility as if the transfer never 116937  
occurred when the department calculates its reimbursement rates 116938  
for capital costs. 116939

(iii) The transfer satisfies any other criteria specified in 116940  
the rules. 116941

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (F)(4) of this section or actual, allowable ~~cost of ownership~~ capital costs was determined most recently under division (G)(9) of this section.

(G) As used in this division:

"Imputed interest" means the lesser of the prime rate plus two per cent or ten per cent.

"Lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease.

"New lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.

(1) Subject to division (B) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division (B) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the

lesser of the annual lease expense or the annual depreciation 116972  
expense and imputed interest expense that would be calculated at 116973  
the inception of the lease using the lessor's entire historical 116974  
capital asset cost basis, adjusted by one-half of the change in 116975  
the consumer price index for all items for all urban consumers, as 116976  
published by the United States bureau of labor statistics, during 116977  
the time the lessor held each asset until the beginning of the 116978  
lease. 116979

(3) Subject to division (B) of this section, for a lease of a 116980  
facility with a date of licensure on or after May 27, 1992, that 116981  
is initially operated under a lease, actual, allowable capital 116982  
costs shall include the annual lease expense if there was a 116983  
substantial commitment of money for construction of the facility 116984  
after December 22, 1992, and before July 1, 1993. If there was not 116985  
a substantial commitment of money after December 22, 1992, and 116986  
before July 1, 1993, actual, allowable capital costs shall include 116987  
the lesser of the annual lease expense or the sum of the 116988  
following: 116989

(a) The annual depreciation expense that would be calculated 116990  
at the inception of the lease using the lessor's entire historical 116991  
capital asset cost basis; 116992

(b) The greater of the lessor's actual annual amortization of 116993  
financing costs and interest expense at the inception of the lease 116994  
or the imputed interest expense calculated at the inception of the 116995  
lease using seventy per cent of the lessor's historical capital 116996  
asset cost basis. 116997

(4) Subject to division (B) of this section, for a lease of a 116998  
facility with a date of licensure on or after May 27, 1992, that 116999  
was not initially operated under a lease and has been in existence 117000  
for ten years, actual, allowable capital costs shall include the 117001  
lesser of the annual lease expense or the annual depreciation 117002  
expense and imputed interest expense that would be calculated at 117003

the inception of the lease using the entire historical capital 117004  
asset cost basis of one-half of the change in the consumer price 117005  
index for all items for all urban consumers, as published by the 117006  
United States bureau of labor statistics, during the time the 117007  
lessor held each asset until the beginning of the lease. 117008

(5) Subject to division (B) of this section, for a new lease 117009  
of a facility that was operated under a lease on May 27, 1992, 117010  
actual, allowable capital costs shall include the lesser of the 117011  
annual new lease expense or the annual old lease payment. If the 117012  
old lease was in effect for ten years or longer, the old lease 117013  
payment from the beginning of the old lease shall be adjusted by 117014  
one-half of the change in the consumer price index for all items 117015  
for all urban consumers, as published by the United States bureau 117016  
of labor statistics, from the beginning of the old lease to the 117017  
beginning of the new lease. 117018

(6) Subject to division (B) of this section, for a new lease 117019  
of a facility that was not in existence or that was in existence 117020  
but not operated under a lease on May 27, 1992, actual, allowable 117021  
capital costs shall include the lesser of annual new lease expense 117022  
or the annual amount calculated for the old lease under division 117023  
(G)(2), (3), (4), or (6) of this section, as applicable. If the 117024  
old lease was in effect for ten years or longer, the lessor's 117025  
historical capital asset cost basis shall be, for purposes of 117026  
calculating the annual amount under division (G)(2), (3), (4), or 117027  
(6) of this section, adjusted by one-half of the change in the 117028  
consumer price index for all items for all urban consumers, as 117029  
published by the United States bureau of labor statistics, from 117030  
the beginning of the old lease to the beginning of the new lease. 117031

In the case of a lease under division (G)(3) of this section 117032  
of a facility for which a substantial commitment of money was made 117033  
after December 22, 1992, and before July 1, 1993, the old lease 117034  
payment shall be adjusted for the purpose of determining the 117035

annual amount. 117036

(7) For any revision of a lease described in division (G)(1), 117037  
(2), (3), (4), (5), or (6) of this section, or for any subsequent 117038  
lease of a facility operated under such a lease, other than 117039  
execution of a new lease, the portion of actual, allowable capital 117040  
costs attributable to the lease shall be the same as before the 117041  
revision or subsequent lease. 117042

(8) Except as provided in division (G)(9) of this section, if 117043  
a provider leases an interest in a facility to another provider 117044  
who is a related party or previously operated the facility, the 117045  
related party's or previous operator's actual, allowable capital 117046  
costs shall include the lesser of the annual lease expense or the 117047  
reasonable cost to the lessor. 117048

(9) If a provider leases an interest in a facility to another 117049  
provider who is a related party, regardless of the date of the 117050  
lease, the related party's actual, allowable capital costs shall 117051  
include the annual lease expense, subject to the limitations 117052  
specified in divisions (G)(1) to (7) of this section, if all of 117053  
the following conditions are met: 117054

(a) The related party is a relative of owner; 117055

(b) If the lessor retains an ownership interest, it is, 117056  
except as provided in division (G)(9)(c)(ii) of this section, in 117057  
only the real property and any improvements on the real property; 117058

(c) The department ~~of job and family services~~ determines that 117059  
the lease is an arm's length transaction pursuant to rules adopted 117060  
under section ~~5111.02~~ 5165.02 of the Revised Code. The rules shall 117061  
provide that a lease is an arm's length transaction if all of the 117062  
following apply: 117063

(i) Once the lease goes into effect, the lessor has no direct 117064  
or indirect interest in the lessee or, except as provided in 117065  
division (G)(9)(b) of this section, the facility itself, including 117066

interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor. 117067  
117068

(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs. 117069  
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(iii) The lease satisfies any other criteria specified in the rules. 117075  
117076

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (F)(4) of this section or actual, allowable capital costs were determined most recently under division (G)(9) of this section. 117077  
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(10) This division does not apply to leases of specific items of equipment. 117084  
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**Sec. ~~5111.231~~ 5165.19.** (A) As used in this section: 117086

(1) "Applicable calendar year" means the following: 117087

(a) For the purpose of the department of ~~job and family services~~ medicaid's initial determination under division (D) of this section of each peer group's cost per case-mix unit, calendar year 2003; 117088  
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(b) For the purpose of the department's rebasings, the calendar year the department selects. 117092  
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(2) "Rebasing" means a redetermination under division (D) of this section of each peer ~~groups~~ group's cost per case-mix unit using information from cost reports for an applicable calendar 117094  
117095  
117096

year that is later than the applicable calendar year used for the 117097  
previous determination of such costs. 117098

(B) ~~The~~ Semiannually, the department of ~~job and family~~ 117099  
~~services~~ medicaid shall ~~pay a provider for~~ determine each of the 117100  
~~provider's eligible nursing facilities~~ a facility's per resident 117101  
~~per~~ medicaid day payment rate for direct care costs ~~determined~~ 117102  
~~semiannually~~ by multiplying the ~~cost per case-mix unit determined~~ 117103  
~~under division (D) of this section for the facility's peer group~~ 117104  
~~by~~ the facility's semiannual case-mix score determined under 117105  
section ~~5111.232~~ 5165.192 of the Revised Code by the cost per 117106  
case-mix unit determined under division (D) of this section for 117107  
the facility's peer group. However, for the period beginning 117108  
October 1, 2013, and ending on the first day of the first 117109  
rebasings, the rate for a nursing facility located in Mahoning or 117110  
Stark county shall be determined semiannually by multiplying the 117111  
facility's semiannual case-mix score determined under section 117112  
5165.192 of the Revised Code by the cost per case-mix unit 117113  
determined under division (D) of this section for the nursing 117114  
facilities in peer group two. 117115

(C) For the purpose of determining nursing facilities' ~~rate~~ 117116  
rates for direct care costs, the department shall establish three 117117  
peer groups. 117118

Each (1) Until the first rebasing occurs, the peer groups 117119  
shall be composed as follows: 117120

(a) Each nursing facility located in any of the following 117121  
counties shall be placed in peer group one: Brown, Butler, 117122  
Clermont, Clinton, Hamilton, and Warren. 117123

(b) Each nursing facility located in any of the following 117124  
counties shall be placed in peer group two: Ashtabula, Champaign, 117125  
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 117126  
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 117127



Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 117128  
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 117129  
and Wood. 117130

(c) Each nursing facility located in any of the following 117131  
counties shall be placed in peer group three: Adams, Allen, 117132  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 117133  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 117134  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 117135  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 117136  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 117137  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 117138  
Washington, Wayne, Williams, and Wyandot. 117139

(2) Beginning with the first rebasing, the peer groups shall 117140  
be composed as they are under division (C)(1) of this section 117141  
except that each nursing facility located in Mahoning or Stark 117142  
county shall be placed in peer group two rather than peer group 117143  
three. 117144

(D)(1) The department shall determine a cost per case-mix 117145  
unit for each peer group established under division (C) of this 117146  
section. The department is not required to conduct a rebasing more 117147  
than once every ten years. Except as necessary to implement the 117148  
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 117149  
303, both of the 129th general assembly, and H.B... of the 130th 117150  
general assembly, the cost per case-mix unit determined under this 117151  
division for a peer group shall be used for subsequent years until 117152  
the department conducts a rebasing. To determine a peer group's 117153  
cost per case-mix unit, the department shall do all of the 117154  
following: 117155

(a) Determine the cost per case-mix unit for each nursing 117156  
facility in the peer group for the applicable calendar year by 117157  
dividing each facility's desk-reviewed, actual, allowable, per 117158  
diem direct care costs for the applicable calendar year by the 117159

facility's annual average case-mix score determined under section 117160  
~~5111.232~~ 5165.192 of the Revised Code for the applicable calendar 117161  
year; 117162

(b) Subject to division (D)(2) of this section, identify 117163  
which nursing facility in the peer group is at the twenty-fifth 117164  
percentile of the cost per case-mix units determined under 117165  
division (D)(1)(a) of this section; 117166

(c) Calculate the amount that is two per cent above the cost 117167  
per case-mix unit determined under division (D)(1)(a) of this 117168  
section for the nursing facility identified under division 117169  
(D)(1)(b) of this section; 117170

(d) Using the index specified in division (D)(3) of this 117171  
section, multiply the rate of inflation for the eighteen-month 117172  
period beginning on the first day of July of the applicable 117173  
calendar year and ending the last day of December of the calendar 117174  
year immediately following the applicable calendar year by the 117175  
amount calculated under division (D)(1)(c) of this section; 117176

(e) Until the first rebasing occurs, add ~~one dollar and~~ 117177  
~~eighty-eight~~ eighty-six cents to the amount calculated under 117178  
division (D)(1)(d) of this section; 117179

(f) Until the first rebasing occurs, increase the amount 117180  
calculated under division (D)(1)(e) of this section by five and 117181  
eight hundredths per cent. 117182

(2) In making the identification under division (D)(1)(b) of 117183  
this section, the department shall exclude both of the following: 117184

(a) Nursing facilities that participated in the medicaid 117185  
program under the same provider for less than twelve months in the 117186  
applicable calendar year; 117187

(b) Nursing facilities whose cost per case-mix unit is more 117188  
than one standard deviation from the mean cost per case-mix unit 117189

for all nursing facilities in the nursing facility's peer group 117190  
for the applicable calendar year. 117191

(3) The following index shall be used for the purpose of the 117192  
calculation made under division (D)(1)(d) of this section: 117193

(a) Until the first rebasing occurs, the employment cost 117194  
index for total compensation, health services component, published 117195  
by the United States bureau of labor statistics, as the index 117196  
existed on July 1, 2005; 117197

(b) Effective with the first rebasing and except as provided 117198  
in division (D)(3)(c) of this section, the employment cost index 117199  
for total compensation, nursing and residential care facilities 117200  
occupational group, published by the United States bureau of labor 117201  
statistics; 117202

(c) If the United States bureau of labor statistics ceases to 117203  
publish the index specified in division (D)(3)(b) of this section, 117204  
the index the bureau subsequently publishes that covers nursing 117205  
facilities' staff costs. 117206

(4) The department shall not redetermine a peer group's cost 117207  
per case-mix unit under this division based on additional 117208  
information that it receives after the peer group's per case-mix 117209  
unit is determined. The department shall redetermine a peer 117210  
group's cost per case-mix unit only if it made an error in 117211  
determining the peer group's cost per case-mix unit based on 117212  
information available to the department at the time of the 117213  
original determination. 117214

Sec. 5165.191. Each calendar quarter, each nursing facility 117215  
provider shall compile complete assessment data for each resident 117216  
of each of the provider's nursing facilities, regardless of 117217  
payment source, who is in the nursing facility, or on hospital or 117218  
therapeutic leave from the nursing facility, on the last day of 117219

the quarter. A resident assessment instrument specified in rules 117220  
authorized by this section shall be used to compile the resident 117221  
assessment data. Each provider shall submit the resident 117222  
assessment data to the department of health and, if required by 117223  
the rules, the department of medicaid. The resident assessment 117224  
data shall be submitted not later than fifteen days after the end 117225  
of the calendar quarter for which the data is compiled. If the 117226  
resident assessment data is to be submitted to the department of 117227  
medicaid, it shall be submitted to the department through the 117228  
medium or media specified in the rules. 117229

Rules adopted under section 5165.02 of the Revised Code shall 117230  
do all of the following: 117231

(A) In a manner consistent with the "Social Security Act," 117232  
section 1919(e)(5), 42 U.S.C. 1396r(e)(5), specify a resident 117233  
assessment instrument to be used by nursing facility providers 117234  
under this section; 117235

(B) Specify whether nursing facility providers must submit 117236  
the resident assessment data to the department of medicaid; 117237

(C) If the rules specify that nursing facility providers must 117238  
submit the resident assessment data to the department, specify the 117239  
medium or media through which the data is to be submitted. 117240

**Sec. ~~5111.232~~ 5165.192.** (A)(1) The Except as provided in 117241  
division (B) of this section and in accordance with the process 117242  
specified in rules authorized by this section, the department of 117243  
job and family services medicaid shall do all of the following: 117244

(a) Every quarter, determine the following two case-mix 117245  
scores for each nursing facility: 117246

(i) A quarterly case-mix score that includes each resident 117247  
who is a medicaid recipient and is not a low resource utilization 117248  
resident; 117249

(ii) A quarterly case-mix score that includes each resident 117250  
regardless of payment source. 117251

(b) Every six months, determine a semiannual and annual 117252  
average case-mix scores score for each nursing facilities facility 117253  
by using all of the following: quarterly case-mix scores 117254  
determined for the nursing facility pursuant to division 117255  
(A)(1)(a)(i) of this section; 117256

(c) After the end of each calendar year, determine an annual 117257  
average case-mix score for each nursing facility by using the 117258  
quarterly case-mix scores determined for the nursing facility 117259  
pursuant to division (A)(1)(a)(ii) of this section. 117260

(2) When determining case-mix scores under division (A)(1) of 117261  
this section, the department shall use all of the following: 117262

(a) Data from a resident assessment instrument specified in 117263  
rules adopted under authorized by section 5111.02 5165.191 of the 117264  
Revised Code pursuant to section 1919(e)(5) of the "Social 117265  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as 117266  
amended, for the following residents: 117267

(i) When determining semiannual case mix scores for fiscal 117268  
year 2012, each resident who is a medicaid recipient; 117269

(ii) When determining semiannual case mix scores for fiscal 117270  
year 2013 and thereafter, each resident who is a medicaid 117271  
recipient and not placed in either of the two lowest resource 117272  
utilization groups, excluding any resource utilization group that 117273  
is a default group used for residents with incomplete assessment 117274  
data; 117275

(iii) When determining annual average case mix scores, each 117276  
resident regardless of payment source. 117277

(b) Except as provided in rules authorized by divisions 117278  
(A)(2)(a) and (b) of this section, the case-mix values established 117279

by the United States department of health and human services; 117280

(c) Except as modified in rules authorized by ~~division~~ 117281  
~~(A)(2)(c)~~ of this section, the grouper methodology used on June 117282  
30, 1999, by the United States department of health and human 117283  
services for prospective payment of skilled nursing facilities 117284  
under the medicare program established by ~~Title XVIII.~~ 117285

~~(2) The director of job and family services may adopt rules~~ 117286  
~~under section 5111.02 of the Revised Code that do any of the~~ 117287  
~~following:~~ 117288

~~(a) Adjust the case mix values specified in division~~ 117289  
~~(A)(1)(b) of this section to reflect changes in relative wage~~ 117290  
~~differentials that are specific to this state;~~ 117291

~~(b) Express all of those case mix values in numeric terms~~ 117292  
~~that are different from the terms specified by the United States~~ 117293  
~~department of health and human services but that do not alter the~~ 117294  
~~relationship of the case mix values to one another;~~ 117295

~~(c) Modify the grouper methodology specified in division~~ 117296  
~~(A)(1)(c) of this section as follows:~~ 117297

~~(i) Establish a different hierarchy for assigning residents~~ 117298  
~~to case mix categories under the methodology;~~ 117299

~~(ii) Prohibit the use of the index maximizer element of the~~ 117300  
~~methodology;~~ 117301

~~(iii) Incorporate changes to the methodology the United~~ 117302  
~~States department of health and human services makes after June~~ 117303  
~~30, 1999;~~ 117304

~~(iv) Make other changes the department determines are~~ 117305  
~~necessary.~~ 117306

(B) ~~The department shall determine case mix scores for~~ 117307  
~~intermediate care facilities for the mentally retarded using data~~ 117308  
~~for each resident, regardless of payment source, from a resident~~ 117309

~~assessment instrument and grouper methodology prescribed in rules 117310  
adopted under section 5111.02 of the Revised Code and expressed in 117311  
case mix values established by the department in those rules. 117312~~

~~(C) Each calendar quarter, each provider shall compile 117313  
complete assessment data, from the resident assessment instrument 117314  
specified in rules authorized by division (A) or (B) of this 117315  
section, for each resident of each of the provider's facilities, 117316  
regardless of payment source, who was in the facility or on 117317  
hospital or therapeutic leave from the facility on the last day of 117318  
the quarter. Providers of a nursing facility shall submit the data 117319  
to the department of health and, if required by rules, the 117320  
department of job and family services. Providers of an 117321  
intermediate care facility for the mentally retarded shall submit 117322  
the data to the department of job and family services. The data 117323  
shall be submitted not later than fifteen days after the end of 117324  
the calendar quarter for which the data is compiled. 117325~~

~~Except as provided in division (D) of this section, the 117326  
department, every six months and after the end of each calendar 117327  
year, shall calculate a semiannual and annual average case mix 117328  
score for each nursing facility using the facility's quarterly 117329  
case mix scores for that six month period or calendar year. Also 117330  
except as provided in division (D) of this section, the 117331  
department, after the end of each calendar year, shall calculate 117332  
an annual average case mix score for each intermediate care 117333  
facility for the mentally retarded using the facility's quarterly 117334  
case mix scores for that calendar year. The department shall make 117335  
the calculations pursuant to procedures specified in rules adopted 117336  
under section 5111.02 of the Revised Code. 117337~~

~~(D)(1) If a Subject to division (B)(2) of this section, the 117338  
department, for one or more months of a calendar quarter, may 117339  
assign to a nursing facility a case-mix score that is five per 117340  
cent less than the nursing facility's case-mix score for the 117341~~

immediately preceding calendar quarter if any of the following 117342  
apply: 117343

(a) The provider does not timely submit ~~information complete~~ 117344  
and accurate resident assessment data necessary to determine the 117345  
nursing facility's case-mix score for a ~~the~~ calendar quarter 117346  
necessary to calculate a facility's case mix score, or submits 117347  
incomplete or inaccurate information for a calendar quarter, the 117348  
department may assign the facility a quarterly average case mix 117349  
score that is five per cent less than the facility's quarterly 117350  
average case mix score for the preceding calendar quarter. If the; 117351

(b) The nursing facility was subject to an exception review 117352  
under ~~division (C) of section 5111.27~~ 5165.193 of the Revised Code 117353  
for the immediately preceding calendar quarter, ~~the department may~~ 117354  
assign a quarterly average case mix score that is five per cent 117355  
less than the score determined by the exception review. If the; 117356

(c) The nursing facility was assigned a ~~quarterly average~~ 117357  
case-mix score for the immediately preceding calendar quarter, ~~the~~ 117358  
department may assign a quarterly average case mix score that is 117359  
five per cent less than that score assigned for the preceding 117360  
quarter. 117361

~~The department may use a quarterly average case mix score~~ 117362  
~~assigned under division (D)(1) of this section, instead of a~~ 117363  
~~quarterly average case mix score calculated based on the~~ 117364  
~~provider's submitted information, to calculate the facility's rate~~ 117365  
~~for direct care costs being established under section 5111.23 or~~ 117366  
~~5111.231 of the Revised Code for one or more months, as specified~~ 117367  
~~in rules authorized by division (E) of this section, of the~~ 117368  
~~quarter for which the rate established under section 5111.23 or~~ 117369  
~~5111.231 of the Revised Code will be paid.~~ 117370

(2) Before ~~taking action under division (D)(1) of this~~ 117371  
section assigning a case-mix score to a nursing facility due to 117372



~~the submission of incorrect resident assessment data, the~~ 117373  
~~department shall permit the provider a reasonable period of time,~~ 117374  
~~specified in rules authorized by division (E) of this section, to~~ 117375  
~~correct the information data. In the case of an intermediate care~~ 117376  
~~facility for the mentally retarded, the department shall not~~ 117377  
~~assign a quarterly average case mix score due to late submission~~ 117378  
~~of corrections to assessment information unless the provider fails~~ 117379  
~~to submit corrected information prior to the eighty first day~~ 117380  
~~after the end of the calendar quarter to which the information~~ 117381  
~~pertains. In the case of a nursing facility, the~~ The department 117382  
~~shall not~~ may assign a quarterly average the case-mix score due to 117383  
~~late submission of corrections to assessment information unless if~~ 117384  
~~the provider fails to submit the corrected information prior to~~ 117385  
resident assessment data not later than the earlier of the 117386  
~~forty sixth~~ forty-fifth day after the end of the calendar quarter 117387  
to which the information data pertains or the deadline for 117388  
submission of such corrections established by regulations adopted 117389  
by the United States department of health and human services under 117390  
~~Titles~~ Title XVIII and Title XIX. 117391

~~(2)(3)~~ (3) If, for more than six months in a calendar year, a 117392  
provider is paid a rate determined for a nursing facility 117393  
~~calculated~~ using a ~~quarterly average~~ case-mix score assigned to 117394  
the nursing facility under division ~~(D)~~(B)(1) of this section ~~for~~ 117395  
~~more than six months in a calendar year,~~ the department may assign 117396  
the nursing facility a cost per case-mix unit that is five per 117397  
cent less than the nursing facility's actual or assigned cost per 117398  
case-mix unit for the immediately preceding calendar year. The 117399  
department may use the assigned cost per case-mix unit, instead of 117400  
~~calculating~~ determining the nursing facility's actual cost per 117401  
case-mix unit in accordance with section ~~5111.23 or 5111.231~~ 117402  
5165.19 of the Revised Code, to establish the nursing facility's 117403  
rate for direct care costs for the ~~following~~ fiscal year 117404  
immediately following the calendar year for which the cost per 117405

case-mix unit is assigned. 117406

~~(3)~~(4) The department shall take action under division 117407  
~~(D)~~(B)(1) ~~or~~, (2), or (3) of this section only in accordance with 117408  
rules authorized by ~~division (E) of~~ this section. The department 117409  
shall not take an action that affects rates for prior payment 117410  
periods except in accordance with sections ~~5111.27~~ 5165.41 and 117411  
~~5111.28~~ 5165.42 of the Revised Code. 117412

~~(E)~~(C) The medicaid director shall adopt rules under section 117413  
~~5111.02~~ 5165.02 of the Revised Code ~~that~~ as necessary to implement 117414  
this section. 117415

(1) The rules shall do all of the following: 117416

~~(1) Specify whether providers of a nursing facility must~~ 117417  
~~submit the assessment data to the department of job and family~~ 117418  
~~services;~~ 117419

~~(2) Specify the medium or media through which the completed~~ 117420  
~~assessment data shall be submitted;~~ 117421

~~(3)~~(a) Specify the process for determining the semiannual and 117422  
annual average case-mix scores for nursing facilities; 117423

(b) Adjust the case-mix values specified in division 117424  
(A)(2)(b) of this section to reflect changes in relative wage 117425  
differentials that are specific to this state; 117426

(c) Express all of those case-mix values in numeric terms 117427  
that are different from the terms specified by the United States 117428  
department of health and human services but that do not alter the 117429  
relationship of the case-mix values to one another; 117430

(d) Modify the grouper methodology specified in division 117431  
(A)(2)(c) of this section as follows: 117432

(i) Establish a different hierarchy for assigning residents 117433  
to case-mix categories under the methodology; 117434

(ii) Prohibit the use of the index maximizer element of the 117435

|                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <u>methodology;</u>                                                                                                                                                                                                                                                                                                                                                                                                     | 117436                                                             |
| <u>(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;</u>                                                                                                                                                                                                                                                                                | 117437<br>117438<br>117439                                         |
| <u>(iv) Make other changes the department determines are necessary.</u>                                                                                                                                                                                                                                                                                                                                                 | 117440<br>117441                                                   |
| <u>(e) Establish procedures under which the resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;</u>                                                                                                                                                                                                                                           | 117442<br>117443<br>117444                                         |
| <u>(4)(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections by providers of nursing facilities in the manner required by regulations adopted by the United States department of health and human services under Titles Title XVIII and Title XIX.</u> | 117445<br>117446<br>117447<br>117448<br>117449<br>117450<br>117451 |
| <u>(5)(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (D)(B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules. Notwithstanding</u>                                                               | 117452<br>117453<br>117454<br>117455<br>117456<br>117457           |
| <u>(2) Notwithstanding any other provision of sections 5111.20 to 5111.331 of the Revised Code this chapter, the rules also may provide for the following:</u>                                                                                                                                                                                                                                                          | 117458<br>117459<br>117460                                         |
| <u>(a) Exclusion of case mix scores assigned under division (D) of this section from calculation of an intermediate care facility for the mentally retarded's annual average case mix score and the maximum cost per case mix unit for the facility's peer group;</u>                                                                                                                                                   | 117461<br>117462<br>117463<br>117464                               |
| <u>(b) Exclusion <u>exclusion</u> of case-mix scores assigned to a</u>                                                                                                                                                                                                                                                                                                                                                  | 117465                                                             |

nursing facility under division ~~(D)~~(B) of this section from 117466  
ealculation the determination of a the nursing facility's 117467  
semiannual or annual average case-mix score and the cost per 117468  
case-mix unit for the nursing facility's peer group. 117469

Sec. 5165.193. (A) The department of medicaid may, pursuant 117470  
to rules authorized by this section, conduct an exception review 117471  
of resident assessment data submitted by a nursing facility 117472  
provider under section 5165.191 of the Revised Code. The 117473  
department may conduct an exception review based on the findings 117474  
of a medicaid certification survey conducted by the department of 117475  
health, a risk analysis, or prior performance of the provider. 117476

Exception reviews shall be conducted at the nursing facility 117477  
by appropriate health professionals under contract with or 117478  
employed by the department. The professionals may review resident 117479  
assessment forms and supporting documentation, conduct interviews, 117480  
and observe residents to identify any patterns or trends of 117481  
inaccurate resident assessments and resulting inaccurate case-mix 117482  
scores. 117483

(B) If an exception review is conducted before the effective 117484  
date of a nursing facility's rate for direct care costs that is 117485  
based on the resident assessment data being reviewed and the 117486  
review results in findings that exceed tolerance levels specified 117487  
in the rules authorized by this section, the department, in 117488  
accordance with those rules, may use the findings to redetermine 117489  
individual resident case-mix scores, the nursing facility's 117490  
case-mix score for the quarter, and the nursing facility's annual 117491  
average case-mix score. The department may use the nursing 117492  
facility's redetermined quarterly and annual average case-mix 117493  
scores to determine the nursing facility's rate for direct care 117494  
costs for the appropriate calendar quarter or quarters. 117495

(C) The department shall prepare a written summary of any 117496

exception review finding that is made after the effective date of 117497  
a nursing facility's rate for direct care costs that is based on 117498  
the resident assessment data that was reviewed. Where the provider 117499  
is pursuing judicial or administrative remedies in good faith 117500  
regarding the finding, the department shall not withhold from the 117501  
provider's current payments any amounts the department claims to 117502  
be due from the provider pursuant to section 5165.41 of the 117503  
Revised Code. 117504

(D)(1) The medicaid director shall adopt rules under section 117505  
5165.02 of the Revised Code as necessary to implement this 117506  
section. The rules shall establish an exception review program 117507  
that does all of the following: 117508

(a) Requires each exception review to comply with Title XVIII 117509  
and Title XIX; 117510

(b) Requires a written summary for each exception review that 117511  
states whether resident assessment forms have been completed 117512  
accurately; 117513

(c) Prohibits each health professional who conducts an 117514  
exception review from doing either of the following: 117515

(i) During the period of the professional's contract or 117516  
employment with the department, having or being committed to 117517  
acquire any direct or indirect financial interest in the 117518  
ownership, financing, or operation of nursing facilities in this 117519  
state; 117520

(ii) Reviewing any provider that has been a client of the 117521  
professional. 117522

(2) For the purposes of division (D)(1)(c)(i) of this 117523  
section, employment of a member of a health professional's family 117524  
by a nursing facility that the professional does not review does 117525  
not constitute a direct or indirect financial interest in the 117526  
ownership, financing, or operation of the nursing facility. 117527

**Sec. ~~5111.242~~ 5165.21.** (A) As used in this section: 117528

(1) "Applicable calendar year" means the following: 117529

(a) For the purpose of the department of ~~job and family~~ 117530  
~~services'~~ medicaid's initial determination under this section of 117531  
nursing facilities' rate for tax costs, calendar year 2003; 117532

(b) For the purpose of the department's rebasings, the 117533  
calendar year the department selects. 117534

(2) "Rebasing" means a redetermination under division ~~(C)~~(B) 117535  
of this section of each nursing facility's rate for tax costs 117536  
using information from cost reports for an applicable calendar 117537  
year that is later than the applicable calendar year used for the 117538  
previous determination of such rates. 117539

~~(B) The department of job and family services shall pay a~~ 117540  
~~provider for each of the provider's eligible nursing facilities a~~ 117541  
~~per resident per day rate for tax costs determined under division~~ 117542  
~~(C) of this section.~~ 117543

~~(C)~~ The department of medicaid shall determine ~~the~~ each 117544  
nursing facility's per medicaid day payment rate for tax costs ~~for~~ 117545  
~~each nursing facility~~. The department is not required to conduct a 117546  
rebasings more than once every ten years. Except as necessary to 117547  
implement the amendments made to this section by Sub. H.B. 303 of 117548  
the 129th general assembly, the rate for tax costs determined 117549  
under this division for a nursing facility shall be used for 117550  
subsequent years until the department conducts a rebasing. To 117551  
determine a nursing facility's rate for tax costs and except as 117552  
provided in division ~~(D)~~(C) of this section, the department shall 117553  
do both of the following: 117554

(1) Divide the nursing facility's desk-reviewed, actual, 117555  
allowable tax costs paid for the applicable calendar year by the 117556  
number of inpatient days the nursing facility would have had if 117557

its occupancy rate had been one hundred per cent during the 117558  
applicable calendar year; 117559

(2) Until the first rebasing occurs, increase the amount 117560  
calculated under division ~~(C)~~(B)(1) of this section by five and 117561  
eight hundredths per cent. 117562

~~(D)~~(C) If a nursing facility had a credit regarding its real 117563  
estate taxes reflected on its cost report for calendar year 2003, 117564  
the department shall determine, as follows, its rate for tax costs 117565  
for the period beginning on July 1, 2010, and ending on the first 117566  
day of the fiscal year for which the department first conducts a 117567  
rebasing: 117568

(1) Divide the nursing facility's desk-reviewed, actual, 117569  
allowable tax costs paid for calendar year 2004 by the number of 117570  
inpatient days the nursing facility would have had if its 117571  
occupancy rate had been one hundred per cent during calendar year 117572  
2004; 117573

(2) Until the first rebasing occurs, increase the amount 117574  
calculated under division ~~(D)~~(C)(1) of this section by five and 117575  
eight hundredths per cent. 117576

**Sec. ~~5111.246~~ 5165.23.** (A) Each fiscal year, the department 117577  
of ~~job and family services~~ medicaid shall ~~pay a~~ determine the 117578  
critical access incentive payment ~~to the provider of~~ for each 117579  
nursing facility that qualifies as a critical access nursing 117580  
facility. To qualify as a critical access nursing facility for a 117581  
fiscal year, a nursing facility must meet all of the following 117582  
requirements: 117583

(1) The nursing facility must be located in an area that, on 117584  
December 31, 2011, was designated an empowerment zone under 117585  
~~section 1391~~ of the "Internal Revenue Code of 1986," ~~107 Stat. 543~~ 117586  
section 1391, 26 U.S.C. 1391, ~~as amended.~~ 117587

(2) The nursing facility must have an occupancy rate of at least eighty-five per cent as of the last day of the calendar year immediately preceding the fiscal year.

(3) The nursing facility must have a medicaid utilization rate of at least sixty-five per cent as of the last day of the calendar year immediately preceding the fiscal year.

(4) The nursing facility must have been awarded at least five points for meeting accountability measures under section 5165.25 of the Revised Code for the fiscal year and at least one of the five points must have been awarded for meeting the following:

(a) For fiscal year 2014, the accountability measures identified in divisions (C)(10), (11), (12), and (13) of section 5165.25 of the Revised Code;

(b) For fiscal year 2015 and each fiscal year thereafter, the accountability measures identified in divisions (D)(9), (10), (11), (12), and (14) of section 5165.25 of the Revised Code.

(B) A critical access nursing facility's critical access incentive payment for a fiscal year shall equal five per cent of the portion of the nursing facility's total rate for the fiscal year that is the sum of the rates and payment identified in divisions ~~(B)(A)~~(1) to (4) and (6) of section ~~5111.222~~ 5165.15 of the Revised Code.

**Sec. ~~5111.244~~ 5165.25.** (A) As used in this section:

~~(1) "Applicable percentage" means, for the accountability measures identified in divisions (C)(10) to (13) of this section, the following:~~

~~(a) For fiscal year 2013, whichever of the following applies:~~

~~(i) The percentage that the department of job and family services specifies for an accountability measure pursuant to division (E)(1)(b) or (E)(2)(a)(ii) of this section;~~



|                                                                              |        |
|------------------------------------------------------------------------------|--------|
| <del>(ii) The percentage specified for an accountability measure</del>       | 117618 |
| <del>in division (E)(2)(b), (ii), (iii), (iv), or (v) of this section.</del> | 117619 |
| <del>(b) For fiscal year 2014, whichever of the following applies:</del>     | 117620 |
| <del>(i) The percentage used pursuant to division (F)(2) of this</del>       | 117621 |
| <del>section;</del>                                                          | 117622 |
| <del>(ii) The percentage that the department specifies for an</del>          | 117623 |
| <del>accountability measure pursuant to division (F)(3)(a) of this</del>     | 117624 |
| <del>section.</del>                                                          | 117625 |
| <del>(c) For fiscal year 2015 and thereafter, whichever of the</del>         | 117626 |
| <del>following applies:</del>                                                | 117627 |
| <del>(i) The percentage used pursuant to division (F)(2) of this</del>       | 117628 |
| <del>section;</del>                                                          | 117629 |
| <del>(ii) The percentage used pursuant to division (F)(3)(b) of</del>        | 117630 |
| <del>this section.</del>                                                     | 117631 |
| <del>(2) "Complaint surveys" has the same meaning as in 42 C.F.R.</del>      | 117632 |
| <del>488.30.</del>                                                           | 117633 |
| <del>(3)(2) "Customer satisfaction survey" means the annual survey</del>     | 117634 |
| <del>of long-term care facilities required by section 173.47 of the</del>    | 117635 |
| <del>Revised Code.</del>                                                     | 117636 |
| <del>(4)(3) "Deficiency" has the same meaning as in 42 C.F.R.</del>          | 117637 |
| <del>488.301.</del>                                                          | 117638 |
| <del>(4) "Exempted hospital discharge" has the same meaning as in</del>      | 117639 |
| <del>42 C.F.R. 483.106(b)(2)(i).</del>                                       | 117640 |
| (5) "Family satisfaction survey" means a customer                            | 117641 |
| satisfaction survey, or part of a customer satisfaction survey,              | 117642 |
| that contains the results of information obtained from the                   | 117643 |
| families of a nursing facility's residents.                                  | 117644 |
| (6) "Minimum data set" means the standardized, uniform                       | 117645 |
| comprehensive assessment of nursing facility residents that is               | 117646 |

used to identify potential problems, strengths, and preferences of residents and is part of the resident assessment instrument required by ~~section 1919(e)(5) of the "Social Security Act," 42 U.S.C. 1396r(e)(5),~~ section 1919(e)(5), 42 U.S.C. 1396r(e)(5), ~~as amended.~~

~~(7) "National voluntary consensus standards for nursing homes" means measures used to determine the quality of care provided by nursing facilities as endorsed by the national quality forum.~~

~~(8)~~ "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code.

~~(9)~~(8) "Resident satisfaction survey" means a customer satisfaction survey, or part of a customer satisfaction survey, that contains the results of information obtained from a nursing facility's residents.

~~(10)~~(9) "Room mirror" means a mirror that is located in either of the following rooms:

(a) A resident bathroom if the sink used by a resident after the resident uses the resident bathroom is in the resident bathroom;

(b) A resident's room if the sink used by a resident after the resident uses the resident bathroom is in the resident's room.

~~(11)~~(10) "Room sink" means a sink that is located in either of the following rooms:

(a) A resident bathroom if the sink used by a resident after the resident uses the resident bathroom is in the resident bathroom;

(b) A resident's room if the sink used by a resident after the resident uses the resident bathroom is in the resident's room.

~~(12)~~(11) "Standard survey" has the same meaning as in 42

C.F.R. 488.301. 117677

(12) "Special focus facility list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program required by the "Social Security Act," section 1919(f)(10), 42 U.S.C. 1396r(f)(10). 117678  
117679  
117680  
117681  
117682

(13) "Substantial wall" means a permanent structure that reaches from floor to ceiling and divides a semiprivate room into two distinct living spaces, each with its own window. 117683  
117684  
117685

(14) "Table B of the special focus facility list" means the table included in the special focus facility list that identifies nursing facilities that have not improved. 117686  
117687  
117688

(B)(1) Each fiscal year, the department of ~~job and family services~~ medicaid shall ~~pay a~~ determine each nursing facility's quality incentive payment ~~to the provider of each nursing facility that is awarded one or more points for meeting accountability measures under division (C) of this section.~~ Subject to ~~division divisions~~ (B)(2) and (3) of this section, the per medicaid day amount of a quality incentive payment paid to a nursing facility provider shall be the product of the following: 117689  
117690  
117691  
117692  
117693  
117694  
117695  
117696

(a) The number of points the provider's nursing facility is awarded for meeting accountability measures under ~~division (C) of~~ this section; 117697  
117698  
117699

(b) Three dollars and twenty-nine cents. 117700

(2) The maximum quality incentive payment that may be paid to ~~the provider of~~ a nursing facility provider for a fiscal year 2014 shall be sixteen dollars and forty-four cents per medicaid day. 117701  
117702  
117703

(3) The maximum quality incentive payment that may be paid to a nursing facility provider for fiscal year 2015 and each fiscal year thereafter shall be the following: 117704  
117705  
117706

(a) Sixteen dollars and forty-four cents if at least one of the points awarded to the nursing facility for meeting accountability measures is for an accountability measure identified in division (D)(9), (10), (11), (12), or (14) of this section;

(b) Thirteen dollars and sixteen cents if division (B)(3)(a) of this section does not apply.

~~Subject~~ For fiscal year 2014 only and subject to divisions (D), division (E), and (F) of this section, the department shall award each nursing facility participating in the medicaid program one point for each of the following accountability measures the facility meets:

(1) The facility's overall score on its resident satisfaction survey is at least eighty-six.

(2) The facility's overall score on its family satisfaction survey is at least eighty-eight.

(3) The facility satisfies the requirements for participation in the advancing excellence in America's nursing homes campaign.

(4) The facility had neither of the following on the facility's most recent standard survey conducted not later than the last day of the calendar year immediately preceding the fiscal year for which the point is to be awarded or any complaint surveys conducted in the calendar year immediately preceding the fiscal year for which the point is to be awarded:

(a) A health deficiency with a scope and severity level greater than F;

(b) A deficiency that constitutes a substandard quality of care.

(5) The facility offers at least fifty per cent of its residents at least one of the following dining choices for at

|                                                                                                                                                                   |                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| least one meal each day:                                                                                                                                          | 117737                     |
| (a) Restaurant-style dining in which food is brought from the food preparation area to residents per the residents' orders;                                       | 117738<br>117739           |
| (b) Buffet-style dining in which residents obtain their own food, or have the facility's staff bring food to them per the residents' directions, from the buffet; | 117740<br>117741<br>117742 |
| (c) Family-style dining in which food is customarily served on a serving dish and shared by residents;                                                            | 117743<br>117744           |
| (d) Open dining in which residents have at least a two-hour period to choose when to have a meal;                                                                 | 117745<br>117746           |
| (e) Twenty-four-hour dining in which residents may order meals from the facility any time of the day.                                                             | 117747<br>117748           |
| (6) At least fifty per cent of the facility's residents are able to take a bath or shower as often as they choose.                                                | 117749<br>117750           |
| (7) The facility has at least both of the following scores on its resident satisfaction survey:                                                                   | 117751<br>117752           |
| (a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-nine;                      | 117753<br>117754<br>117755 |
| (b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-six.                 | 117756<br>117757<br>117758 |
| (8) The facility has at least both of the following scores on its family satisfaction survey:                                                                     | 117759<br>117760           |
| (a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-eight;                     | 117761<br>117762<br>117763 |
| (b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the                                                | 117764<br>117765           |

morning, at least seventy-five. 117766

(9) All of the following apply to the facility: 117767

(a) At least seventy-five per cent of the facility's 117768  
residents have the opportunity, following admission to the 117769  
facility and before completing or quarterly updating their 117770  
individual plans of care, to discuss their goals for the care they 117771  
are to receive at the facility, including their preferences for 117772  
advance care planning, with a member of the residents' ~~healthcare~~ 117773  
health care teams that the facility, residents, and residents' 117774  
sponsors consider appropriate. 117775

(b) The facility records the residents' care goals, including 117776  
the residents' advance care planning preferences, in their medical 117777  
records. 117778

(c) The facility uses the residents' care goals, including 117779  
the residents' advance care planning preferences, in the 117780  
development of the residents' individual plans of care. 117781

(10) Not more than ~~the applicable percentage~~ thirteen and 117782  
thirty-five hundredths per cent of the facility's long-stay 117783  
residents report severe to moderate pain during the minimum data 117784  
set assessment process. 117785

(11) Not more than ~~the applicable percentage~~ five and 117786  
seventy-three hundredths per cent of the facility's long-stay, 117787  
high-risk residents have been assessed as having one or more stage 117788  
two, three, or four pressure ulcers during the minimum data set 117789  
assessment process. 117790

(12) Not more than ~~the applicable percentage~~ one and 117791  
fifty-two hundredths per cent of the facility's long-stay 117792  
residents were physically restrained as reported during the 117793  
minimum data set assessment process. 117794

(13) Less than ~~the applicable percentage~~ seven and 117795

seventy-eight hundredths per cent of the facility's long-stay residents had a urinary tract infection as reported during the minimum data set assessment process. 117796  
117797  
117798

(14) The facility uses a tool for tracking residents' admissions to hospitals. 117799  
117800

(15) An average of at least fifty per cent of the facility's medicaid-certified beds are in private rooms. 117801  
117802

(16) The facility has accessible resident bathrooms, all of which meet at least two of the following standards and at least some of which meet all of the following standards: 117803  
117804  
117805

(a) There are room mirrors that are accessible to residents in wheelchairs, can be adjusted so as to be visible to residents who are seated or standing, or both. 117806  
117807  
117808

(b) There are room sinks that are accessible to residents in wheelchairs and have clearance for wheelchairs. 117809  
117810

(c) There are room sinks that have faucets with adaptive or easy-to-use lever or paddle handles. 117811  
117812

(17) The facility does both of the following: 117813

(a) Maintains a written policy that prohibits the use of overhead paging systems or limits the use of overhead paging systems to emergencies, as defined in the policy; 117814  
117815  
117816

(b) Communicates the policy to its staff, residents, and families of residents. 117817  
117818

(18) The facility has a score of at least ninety on its resident satisfaction survey with regard to the question in the survey regarding residents' ability to personalize their rooms with personal belongings. 117819  
117820  
117821  
117822

(19) The facility has a score of at least ninety-five on its family satisfaction survey with regard to the question in the survey regarding residents' ability to personalize their rooms 117823  
117824  
117825

with personal belongings. 117826

(20) The facility does both of the following: 117827

(a) Maintains a written policy that requires consistent 117828  
assignment of nurse aides and specifies the goal of having a 117829  
resident receive nurse aide care from not more than eight 117830  
different nurse aides during a thirty-day period; 117831

(b) Communicates the policy to its staff, residents, and 117832  
families of residents. 117833

(21) The facility's staff retention rate is at least 117834  
seventy-five per cent. 117835

(22) The facility's turnover rate for nurse aides is not 117836  
higher than sixty-five per cent. 117837

(23) For at least fifty per cent of the resident care 117838  
conferences in the facility, a nurse aide who is a primary 117839  
caregiver for the resident attends and participates in the 117840  
conference. 117841

(D) For fiscal year 2015 and each fiscal year thereafter and 117842  
subject to division (E) of this section, the department shall 117843  
award each nursing facility participating in the medicaid program 117844  
one point for each of the following accountability measures the 117845  
facility meets: 117846

(1) The facility's overall score on its resident satisfaction 117847  
survey is at least eighty-seven and five-tenths. 117848

(2) The facility's overall score on its family satisfaction 117849  
survey is at least eighty-five and nine-tenths. 117850

(3) The facility satisfies the requirements for participation 117851  
in the advancing excellence in America's nursing homes campaign. 117852

(4) Both of the following apply to the facility: 117853

(a) The facility had not been listed on table B of the 117854



special focus facility list for eighteen or more consecutive 117855  
months during any time during the calendar year immediately 117856  
preceding the fiscal year for which the point is to be awarded. 117857

(b) The facility had neither of the following on the 117858  
facility's most recent standard survey conducted not later than 117859  
the last day of the calendar year immediately preceding the fiscal 117860  
year for which the point is to be awarded or any complaint surveys 117861  
conducted in the calendar year immediately preceding the fiscal 117862  
year for which the point is to be awarded: 117863

(i) A health deficiency with a scope and severity level 117864  
greater than F; 117865

(ii) A deficiency that constitutes a substandard quality of 117866  
care. 117867

(5) The facility does all of the following: 117868

(a) Offers at least fifty per cent of its residents at least 117869  
one of the following dining choices for at least two meals each 117870  
day: 117871

(i) Restaurant-style dining in which food is brought from the 117872  
food preparation area to residents per the residents' orders; 117873

(ii) Buffet-style dining in which residents obtain their own 117874  
food, or have the facility's staff bring food to them per the 117875  
residents' directions, from the buffet; 117876

(iii) Family-style dining in which food is customarily served 117877  
on a serving dish and shared by residents; 117878

(iv) Open dining in which residents have at least a two-hour 117879  
period to choose when to have a meal; 117880

(v) Twenty-four-hour dining in which residents may order 117881  
meals from the facility any time of the day. 117882

(b) Maintains a written policy specifying the manner or 117883  
manners in which residents' dining choices for meals are offered; 117884

|                                                                                                                                                                                            |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>(c) Communicates the policy to its staff, residents, and families of residents.</u>                                                                                                     | 117885 |
|                                                                                                                                                                                            | 117886 |
| <u>(6) The facility does all of the following:</u>                                                                                                                                         | 117887 |
| <u>(a) Enables at least fifty per cent of the facility's residents to take a bath or shower when they choose;</u>                                                                          | 117888 |
|                                                                                                                                                                                            | 117889 |
| <u>(b) Maintains a written policy regarding residents' choices in bathing;</u>                                                                                                             | 117890 |
|                                                                                                                                                                                            | 117891 |
| <u>(c) Communicates the policy to its staff, residents, and families of residents.</u>                                                                                                     | 117892 |
|                                                                                                                                                                                            | 117893 |
| <u>(7) The facility has at least both of the following scores on its resident satisfaction survey:</u>                                                                                     | 117894 |
|                                                                                                                                                                                            | 117895 |
| <u>(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-nine;</u>                                        | 117896 |
|                                                                                                                                                                                            | 117897 |
|                                                                                                                                                                                            | 117898 |
| <u>(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-six.</u>                                   | 117899 |
|                                                                                                                                                                                            | 117900 |
|                                                                                                                                                                                            | 117901 |
| <u>(8) The facility has at least both of the following scores on its family satisfaction survey:</u>                                                                                       | 117902 |
|                                                                                                                                                                                            | 117903 |
| <u>(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-eight;</u>                                       | 117904 |
|                                                                                                                                                                                            | 117905 |
|                                                                                                                                                                                            | 117906 |
| <u>(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-five.</u>                                  | 117907 |
|                                                                                                                                                                                            | 117908 |
|                                                                                                                                                                                            | 117909 |
| <u>(9) Not more than thirteen and thirty-five hundredths per cent of the facility's long-stay residents report severe to moderate pain during the minimum data set assessment process.</u> | 117910 |
|                                                                                                                                                                                            | 117911 |
|                                                                                                                                                                                            | 117912 |
| <u>(10) Not more than five and sixteen hundredths per cent of</u>                                                                                                                          | 117913 |

the facility's long-stay, high-risk residents have been assessed 117914  
as having one or more stage two, three, or four pressure ulcers 117915  
during the minimum data set assessment process. 117916

(11) Not more than one and fifty-two hundredths per cent of 117917  
the facility's long-stay residents were physically restrained as 117918  
reported during the minimum data set assessment process. 117919

(12) Less than seven per cent of the facility's long-stay 117920  
residents had a urinary tract infection as reported during the 117921  
minimum data set assessment process. 117922

(13) The facility does both of the following: 117923

(a) Uses a tool for tracking residents' admissions to 117924  
hospitals; 117925

(b) Annually reports to the department data on hospital 117926  
admissions by month for all residents. 117927

(14) Both of the following apply: 117928

(a) At least ninety-five per cent of the facility's long-stay 117929  
residents are vaccinated against pneumococcal pneumonia, decline 117930  
the vaccination, or are not vaccinated because the vaccination is 117931  
medically contraindicated. 117932

(b) At least ninety-three per cent of the facility's 117933  
long-stay residents are vaccinated against seasonal influenza, 117934  
decline the vaccination, or are not vaccinated because the 117935  
vaccination is medically contraindicated. 117936

(15) An average of at least fifty per cent of the facility's 117937  
medicaid-certified beds are in either, or in a combination of 117938  
both, of the following: 117939

(a) Private rooms; 117940

(b) Semiprivate rooms to which all of the following apply: 117941

(i) Each room provides a distinct territory for each resident 117942

occupying the room. 117943

(ii) Each distinct territory has a window and is separated by a substantial wall from the other distinct territories in the room. 117944  
117945  
117946

(iii) Each resident is able to enter and exit the distinct territory of the resident's room without entering or exiting another resident's distinct territory. 117947  
117948  
117949

(iv) Complete visual privacy for each distinct territory may be obtained by drawing a curtain or other screen. 117950  
117951

(16) The facility obtains at least a ninety-five per cent compliance rate with requesting resident reviews required by 42 C.F.R. 483.106(b)(2)(ii) for individuals who are exempted hospital discharges. 117952  
117953  
117954  
117955

(17) The facility does both of the following: 117956

(a) Maintains a written policy that requires consistent assignment of nurse aides and specifies the goal of having a resident receive nurse aide care from not more than twelve different nurse aides during a thirty-day period; 117957  
117958  
117959  
117960

(b) Communicates the policy to its staff, residents, and families of residents. 117961  
117962

(18) The facility's staff retention rate is at least seventy-five per cent. 117963  
117964

(19) The facility's turnover rate for nurse aides is not higher than sixty-five per cent. 117965  
117966

(20) For at least fifty per cent of the resident care conferences in the facility, a nurse aide who is a primary caregiver for the resident attends and participates in the conference. 117967  
117968  
117969  
117970

(21) All of the following apply to the facility: 117971

(a) At least seventy-five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors consider appropriate. 117972  
117973  
117974  
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117978  
117979

(b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records. 117980  
117981  
117982

(c) The facility uses the residents' care goals, including the residents' advance care planning preferences, in the development of the residents' individual plans of care. 117983  
117984  
117985

(22) The facility does both of the following: 117986

(a) Maintains a written policy that prohibits the use of overhead paging systems or limits the use of overhead paging systems to emergencies, as defined in the policy; 117987  
117988  
117989

(b) Communicates the policy to its staff, residents, and families of residents. 117990  
117991

(E)(1) To be awarded a point for meeting an accountability measure under division (C) or (D) of this section other than the accountability measure identified in ~~division~~ divisions (C)(4) and (D)(4)(b) of this section, a nursing facility must meet the accountability measure in the calendar year immediately preceding the fiscal year for which the point is to be awarded. ~~However, a nursing facility must meet the accountability measures specified in divisions (C)(3), (5), (6), (9), (14) to (17), (20), (22), and (23) of this section in the period beginning January 1, 2012, and ending March 31, 2012, to be awarded points for those accountability measures for fiscal year 2013.~~ 117992  
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118001  
118002

(2) The department shall award points pursuant to ~~division~~ 118003  
~~divisions~~ (C)(1), (7), ~~or~~ and (18) and (D)(1) and (7) of this 118004  
section to a nursing facility only if a resident satisfaction 118005  
survey was initiated under section 173.47 of the Revised Code for 118006  
the nursing facility in the calendar year immediately preceding 118007  
the fiscal year for which the points are to be awarded. 118008

(3) The department shall award points pursuant to ~~division~~ 118009  
~~divisions~~ (C)(2), (8), ~~or~~ and (19) and (D)(2) and (8) of this 118010  
section to a nursing facility only if a family satisfaction survey 118011  
was initiated under section 173.47 of the Revised Code for the 118012  
nursing facility in the calendar year immediately preceding the 118013  
fiscal year for which the points are to be awarded. 118014

(4) The department shall award points pursuant to divisions 118015  
(D)(21) and (22) of this section only for fiscal year 2015. 118016

(5) Not later than July 1, 2013, the department shall adjust 118017  
the score used for the purpose of division (C)(8)(b) of this 118018  
section in a manner that causes at least fifty per cent of nursing 118019  
facilities to meet division (C)(8)(b) of this section. 118020

~~(E) For the purposes of awarding points under divisions~~ 118021  
~~(C)(10) to (13) of this section for fiscal year 2013, the~~ 118022  
~~following apply:~~ 118023

~~(1) If, by July 1, 2012, the United States centers for~~ 118024  
~~medicare and medicaid services makes calculations using the 3.0~~ 118025  
~~version of the minimum data set that indicate whether nursing~~ 118026  
~~facilities meet those accountability measures, the department~~ 118027  
~~shall do both of the following:~~ 118028

~~(a) Rely on those calculations;~~ 118029

~~(b) Specify the percentages to be used for the purposes of~~ 118030  
~~those accountability measures and, in specifying the percentages,~~ 118031  
~~provide for at least fifty per cent of nursing facilities to earn~~ 118032  
~~points for meeting those accountability measures.~~ 118033

~~(2) If, by July 1, 2012, the United States centers for  
medicare and medicaid services does not make calculations using  
the 3.0 version of the minimum data set that indicate whether  
nursing facilities meet those accountability measures, the  
department shall do either of the following:~~ 118034  
118035  
118036  
118037  
118038

~~(a) Do both of the following:~~ 118039

~~(i) Make the calculations using the 3.0 version of the  
minimum data set in accordance with the national voluntary  
consensus standards for nursing homes:~~ 118040  
118041  
118042

~~(ii) Specify the percentages to be used for the purposes of  
those accountability measures and, in specifying the percentages,  
provide for at least fifty per cent of nursing facilities to earn  
points for meeting those accountability measures.~~ 118043  
118044  
118045  
118046

~~(b) Do all of the following:~~ 118047

~~(i) Rely on the most recent calculations the United States  
centers for medicare and medicaid services made using the 2.0  
version of the minimum data set that indicate whether nursing  
facilities meet those accountability measures:~~ 118048  
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118050  
118051

~~(ii) Use four per cent as the applicable percentage for the  
accountability measure identified in division (C)(10) of this  
section:~~ 118052  
118053  
118054

~~(iii) Use nine per cent as the applicable percentage for the  
accountability measure identified in division (C)(11) of this  
section:~~ 118055  
118056  
118057

~~(iv) Use two per cent as the applicable percentage for the  
accountability measure identified in division (C)(12) of this  
section:~~ 118058  
118059  
118060

~~(v) Use ten per cent as the applicable percentage for the  
accountability measure identified in division (C)(13) of this  
section.~~ 118061  
118062  
118063

~~(F) For the purposes of awarding points under divisions (C)(10) to (13) of this section for fiscal year 2014 and thereafter, the department shall do the following:~~ 118064  
118065  
118066

~~(1) Rely on calculations the United States centers for medicare and medicaid services makes using the 3.0 version of the minimum data set that indicate whether nursing facilities meet those accountability measures;~~ 118067  
118068  
118069  
118070

~~(2) If the department takes action pursuant to division (E)(1) of this section for fiscal year 2013, continue to use the percentages the department specifies pursuant to division (E)(1)(b) of this section for the purposes of those accountability measures;~~ 118071  
118072  
118073  
118074  
118075

~~(3) If the department takes action pursuant to division (E)(2) of this section for fiscal year 2013, do the following:~~ 118076  
118077

~~(a) For fiscal year 2014, specify the percentages to be used for the purposes of those accountability measures and, in specifying the percentages, provide for at least fifty per cent of nursing facilities to earn points for meeting those accountability measures;~~ 118078  
118079  
118080  
118081  
118082

~~(b) For fiscal year 2015 and thereafter, continue to use the percentages the department specifies pursuant to division (F)(3)(a) of this section for the purposes of those accountability measures. Not later than July 1, 2014, the department shall submit, in accordance with section 101.68 of the Revised Code, recommendations to the general assembly for accountability measures to replace the accountability measures identified in divisions (D)(21) and (22) of this section.~~ 118083  
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~~(G) The director of job and family services shall adopt rules under section 5111.02 of the Revised Code as necessary to implement this section.~~ 118091  
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118093

The rules Rules adopted under section 5165.02 of the Revised 118094



Code may specify what is meant by "some" as that word is used in 118095  
division (C)(16) of this section. 118096

**Sec. ~~5111.245~~ 5165.26.** (A) As used in this section: 118097

(1) "Budgeted amount for quality incentive payments for a 118098  
fiscal year" means the amount determined for a fiscal year as 118099  
follows: 118100

(a) Multiply the total number of medicaid days in the 118101  
immediately preceding fiscal year by sixteen dollars and 118102  
forty-four cents; 118103

(b) Determine the total amount of quality incentive payments 118104  
that was paid under section 5165.25 of the Revised Code to all 118105  
nursing facility providers for the immediately preceding fiscal 118106  
year; 118107

(c) Subtract the amount determined under division (A)(1)(b) 118108  
of this section from the product calculated under division 118109  
(A)(1)(a) of this section; 118110

(d) Add thirty million dollars to the difference calculated 118111  
under division (A)(1)(c) of this section. 118112

(2) "Point days for a fiscal year" means the product of the 118113  
following: 118114

(a) A qualifying nursing facility's quality bonus points for 118115  
the fiscal year; 118116

(b) The number of the qualifying nursing facility's medicaid 118117  
days in the immediately preceding fiscal year. 118118

~~(2)~~(3) "Qualifying nursing facility" means a nursing facility 118119  
that qualifies for a quality bonus for a fiscal year as determined 118120  
under division (B) of this section. 118121

~~(3)~~(4) "Quality bonus points for a fiscal year" means the 118122  
amount determined by subtracting five from the number of points 118123

awarded to a qualifying nursing facility for meeting 118124  
accountability measures under ~~division (C)~~ of section 5111.244 118125  
5165.25 of the Revised Code for a fiscal year. 118126

~~(4) "Residual budgeted amount for quality incentive payments~~ 118127  
~~for a fiscal year" means the amount determined for a fiscal year~~ 118128  
~~as follows:~~ 118129

~~(a) Multiply the total number of medicaid days in the fiscal~~ 118130  
~~year by sixteen dollars and forty four cents;~~ 118131

~~(b) Determine the total amount of quality incentive payments~~ 118132  
~~that was paid under section 5111.244 of the Revised Code to all~~ 118133  
~~nursing facility providers for the fiscal year;~~ 118134

~~(c) Subtract the amount determined under division (A)(4)(b)~~ 118135  
~~of this section from the product calculated under division~~ 118136  
~~(A)(4)(a) of this section.~~ 118137

(B) The Not later than the first day of November of each 118138  
fiscal year, the department of job and family services medicaid 118139  
shall pay a nursing facility provider a quality bonus for a the 118140  
fiscal year if both of the following apply: 118141

~~(1) The provider's nursing facility is awarded more than five~~ 118142  
~~points for meeting accountability measures under ~~division (C)~~ of~~ 118143  
~~section 5111.244 5165.25 of the Revised Code for the fiscal year~~ 118144  
~~and the following applies:~~ 118145

(1) For fiscal year 2014, at least two of the points are 118146  
awarded to the nursing facility pursuant to division (C)(10), 118147  
(11), (12), (13), or (14) of section 5165.25 of the Revised Code. 118148

(2) For fiscal year 2015 and each fiscal year thereafter, at 118149  
least two of the points are awarded to the nursing facility 118150  
pursuant to division (D)(9), (10), (11), (12), (13), or (14) of 118151  
section 5165.25 of the Revised Code. 118152

~~(2) The residual budgeted amount for quality incentive~~ 118153

~~payments for the fiscal year is greater than zero.~~ 118154

(C) The total quality bonus to be paid to the provider of a 118155  
qualifying nursing facility for a fiscal year shall equal the 118156  
product of the following: 118157

(1) The quality bonus per medicaid day for the fiscal year 118158  
determined for the provider's qualifying nursing facility under 118159  
division (D) of this section; 118160

(2) The number of the qualifying nursing facility's medicaid 118161  
days in the immediately preceding fiscal year. 118162

(D) A qualifying nursing facility's quality bonus per 118163  
medicaid day for a fiscal year shall be the product of the 118164  
following: 118165

(1) The nursing facility's quality bonus points for the 118166  
fiscal year; 118167

(2) The quality bonus per point for the fiscal year 118168  
determined under division (E) of this section. 118169

(E) The quality bonus per point for a fiscal year shall be 118170  
determined as follows: 118171

(1) Determine the number of each qualifying nursing 118172  
facility's point days for the fiscal year; 118173

(2) Determine the sum of all qualifying nursing facilities' 118174  
point days for the fiscal year; 118175

(3) Divide the ~~residual~~ budgeted amount for quality incentive 118176  
payments for the fiscal year by the sum determined under division 118177  
(E)(2) of this section. 118178

(F) The calculation of a qualifying nursing facility's bonus 118179  
payment is not subject to appeal under Chapter 119. of the Revised 118180  
Code. 118181

~~(G) The director of job and family services may adopt rules~~ 118182

~~under section 5111.02 of the Revised Code as necessary to~~ 118183  
~~implement this section.~~ 118184

**Sec. ~~5111.257~~ 5165.28.** If a provider of a nursing facility 118185  
adds or replaces one or more medicaid certified beds to or at the 118186  
nursing facility, or renovates one or more of the nursing 118187  
facility's beds, the medicaid payment rate for the added, 118188  
replaced, or renovated beds shall be the same as the medicaid 118189  
payment rate for the nursing facility's existing beds. 118190

**Sec. ~~5111.265~~ 5165.29.** If one or more medicaid-certified beds 118191  
are relocated from one nursing facility to another nursing 118192  
facility owned by a different person or government entity and the 118193  
application for the certificate of need authorizing the relocation 118194  
is filed with the director of health on or after ~~the effective~~ 118195  
~~date of this section~~ July 1, 2005, amortization of the cost of 118196  
acquiring operating rights for the relocated beds is not an 118197  
allowable cost for the purpose of determining the nursing 118198  
facility's medicaid ~~reimbursement~~ payment rate. 118199

**Sec. ~~5111.264~~ 5165.30.** Except as provided in section ~~5111.25~~ 118200  
~~or 5111.251~~ 5165.17 of the Revised Code, the costs of goods, 118201  
services, and facilities, furnished to a nursing facility provider 118202  
by a related party are includable in the allowable costs of the 118203  
provider at the reasonable cost to the related party. 118204

**Sec. 5165.32.** The department of medicaid shall not reduce a 118205  
nursing facility's medicaid payment rate determined under this 118206  
chapter on the basis that the provider charges a lower rate to any 118207  
resident who is not eligible for medicaid. 118208

**Sec. 5165.33.** No medicaid payment shall be made to a nursing 118209  
facility provider for the day a medicaid recipient is discharged 118210

from the nursing facility. 118211

**Sec. ~~5111.331~~ 5165.34.** (A) The department of ~~job and family~~ 118212  
~~services~~ medicaid may make medicaid payments to a nursing facility 118213  
provider ~~of a nursing facility~~ under ~~sections 5111.20 to 5111.331~~ 118214  
~~of the Revised Code~~ this chapter to reserve a bed for a recipient 118215  
during a temporary absence under conditions prescribed by the 118216  
department, to include hospitalization for an acute condition, 118217  
visits with relatives and friends, and participation in 118218  
therapeutic programs outside the facility, when the resident's 118219  
plan of care provides for such absence and federal financial 118220  
participation ~~is~~ for the payments is available. 118221

(B) The maximum period for which payments may be made to 118222  
reserve a bed in a nursing facility shall not exceed thirty days 118223  
in a calendar year. 118224

(C) The department shall establish the per ~~diem~~ medicaid day 118225  
payment rates ~~to be paid to providers of nursing facilities~~ for 118226  
reserving beds under this section. In establishing the per ~~diem~~ 118227  
medicaid day payment rates, the department shall ~~do the following:~~ 118228

~~(1) In the case of a payment to reserve a bed for a day~~ 118229  
~~during calendar year 2011, set the per diem rate at an amount not~~ 118230  
~~exceeding fifty per cent of the per diem rate the provider would~~ 118231  
~~be paid if the recipient were not absent from the nursing facility~~ 118232  
~~that day;~~ 118233

~~(2) In the case of a payment to reserve a bed for a day~~ 118234  
~~during calendar year 2012 and each calendar year thereafter, set~~ 118235  
the per ~~diem~~ medicaid day payment rate at an amount equal to the 118236  
following: 118237

~~(a)~~ (1) In the case of a nursing facility that had an 118238  
occupancy rate ~~in the preceding calendar year~~ exceeding 118239  
ninety-five per cent, an amount not exceeding fifty per cent of 118240

the per ~~diem~~ medicaid day payment rate the provider would be paid 118241  
if the recipient were not absent from the nursing facility that 118242  
day; 118243

~~(b)(2)~~ In the case of a nursing facility that had an 118244  
occupancy rate ~~in the preceding calendar year~~ not exceeding 118245  
ninety-five per cent, an amount not exceeding eighteen per cent of 118246  
the per ~~diem~~ medicaid day payment rate the provider would be paid 118247  
if the recipient were not absent from the nursing facility that 118248  
day. 118249

(D) For the purpose of setting a nursing facility's per 118250  
medicaid day payment rate to reserve a bed for a day during the 118251  
period beginning on the effective date of this amendment and 118252  
ending December 31, 2013, the department shall determine the 118253  
nursing facility's occupancy rate by using information reported on 118254  
the nursing facility's cost report for calendar year 2012. For the 118255  
purpose of setting a nursing facility's per medicaid day payment 118256  
rate to reserve a bed for January 1, 2014, or thereafter, the 118257  
department shall determine the nursing facility's occupancy rate 118258  
by using information reported on the nursing facility's cost 118259  
report for the calendar year preceding the fiscal year in which 118260  
the reservation falls. 118261

~~Sec. 5111.212 5165.35. As used in this section, "effective 118262  
date of an involuntary termination" and "involuntary termination" 118263  
have the same meanings as in section 5111.65 of the Revised Code. 118264~~

Medicaid payments may be made for nursing facility services 118265  
~~and intermediate care facility for the mentally retarded services 118266~~  
provided not later than thirty days after the effective date of an 118267  
involuntary termination of the nursing facility that provides the 118268  
services if the services are provided to a medicaid recipient who 118269  
is eligible for the services and resided in the nursing facility 118270  
before the effective date of the involuntary termination. 118271

~~Sec. 5111.221~~ 5165.37. The department of ~~job and family~~ 118272  
~~services~~ medicaid shall make its best efforts each year to 118273  
calculate nursing facilities' medicaid payment rates under 118274  
~~sections 5111.20 to 5111.331 of the Revised Code~~ this chapter in 118275  
time to ~~use them to make pay~~ the payments due to providers rates 118276  
by the fifteenth day of August of each fiscal year. If the 118277  
department is unable to calculate the rates so that they can be 118278  
paid by that date, the department shall pay each provider the rate 118279  
calculated for the provider's nursing facilities ~~and intermediate~~ 118280  
~~care facilities for the mentally retarded~~ under ~~those sections~~ 118281  
this chapter at the end of the previous fiscal year. If the 118282  
department also is unable to calculate the rates to ~~make the~~ 118283  
~~payments due~~ pay the rates by the fifteenth day of September and 118284  
the fifteenth day of October, the department shall pay the 118285  
previous fiscal year's rate to make those payments. The department 118286  
may increase by five per cent the previous fiscal year's rate paid 118287  
for any nursing facility pursuant to this section at the request 118288  
of the provider. The department shall use rates calculated for the 118289  
current fiscal year to make the payments due by the fifteenth day 118290  
of November. 118291

If the rate paid to a provider for a nursing facility 118292  
pursuant to this section is lower than the rate calculated for the 118293  
nursing facility for the current fiscal year, the department shall 118294  
pay the provider the difference between the two rates for the 118295  
number of days for which the provider was paid for the nursing 118296  
facility pursuant to this section. If the rate paid for a nursing 118297  
facility pursuant to this section is higher than the rate 118298  
calculated for it for the current fiscal year, the provider shall 118299  
refund to the department the difference between the two rates for 118300  
the number of days for which the provider was paid for the nursing 118301  
facility pursuant to this section. 118302

~~Sec. 5111.29~~ 5165.38. (A) The medicaid director of ~~job and~~ 118303  
~~family services~~ shall adopt rules under section ~~5111.02~~ 5165.02 of 118304  
the Revised Code that establish a process under which a nursing 118305  
facility provider, or a group or association of nursing facility 118306  
providers, may seek reconsideration of medicaid payment rates 118307  
established under ~~sections 5111.20 to 5111.331 of the Revised Code~~ 118308  
this chapter, including a rate for direct care costs recalculated 118309  
before the effective date of the rate as a result of an exception 118310  
review of resident assessment information data conducted under 118311  
section ~~5111.27~~ 5165.193 of the Revised Code. The 118312

~~(1) Except as provided in divisions (A)(2) to (4) of this~~ 118313  
~~section, the only issue that a provider, group, or association may~~ 118314  
raise in the rate reconsideration shall be whether the rate was 118315  
calculated in accordance with ~~sections 5111.20 to 5111.331 of the~~ 118316  
~~Revised Code~~ this chapter and the rules adopted under section 118317  
~~5111.02~~ 5165.02 of the Revised Code. The ~~rules shall permit a~~ 118318  
provider, group, or association ~~to~~ may submit written arguments or 118319  
other materials that support its position. The ~~rules shall specify~~ 118320  
provider, group, or association and department of medicaid shall 118321  
take actions regarding the rate reconsideration within time frames 118322  
~~within which the provider, group, or association and the~~ 118323  
~~department must act~~ specified in rules authorized by this section. 118324  
if 118325

If the department determines, as a result of the rate 118326  
reconsideration, that the rate ~~established~~ determined for one or 118327  
more nursing facilities ~~of a provider~~ is less than the rate to 118328  
which the nursing facility is entitled, the department shall 118329  
increase the rate. If the department has paid the incorrect rate 118330  
for a period of time, the department shall pay the provider the 118331  
difference between the amount the provider was paid for that 118332  
period for the nursing facility and the amount the provider should 118333  
have been paid for the nursing facility. 118334



~~(2) The rules shall provide that during a fiscal year, the department, by means of the rate reconsideration process, may increase the rate determined for an intermediate care facility for the mentally retarded as calculated under sections 5111.20 to 5111.331 of the Revised Code if the provider of the facility demonstrates that the facility's actual, allowable costs have increased because of extreme circumstances. A facility may qualify for a rate increase only if the facility's per diem, actual, allowable costs have increased to a level that exceeds its total rate. The rules shall specify the circumstances that would justify a rate increase under division (A)(2) of this section. The rules shall provide that the extreme circumstances include natural disasters, renovations approved under division (D) of section 5111.251 of the Revised Code, an increase in workers' compensation experience rating of greater than five per cent for a facility that has an appropriate claims management program, increased security costs for an inner city facility, and a change of ownership that results from bankruptcy, foreclosure, or findings of violations of certification requirements by the department of health. An increase under division (A)(2) of this section is subject to any rate limitations or maximum rates established by sections 5111.20 to 5111.331 of the Revised Code for specific cost centers. Any rate increase granted under division (A)(2) of this section shall take effect on the first day of the first month after the department receives the request.~~

~~(3) The rules shall provide that the department, through the rate reconsideration process, may increase an intermediate care facility for the mentally retarded's rate as calculated under sections 5111.20 to 5111.331 of the Revised Code if the department, in the department's sole discretion, determines that the rate as calculated under those sections works an extreme hardship on the facility.~~

~~(4) The rules shall provide that when beds certified for the  
medicaid program are added to an existing intermediate care  
facility for the mentally retarded or replaced at the same site,  
the department, through the rate reconsideration process, shall  
increase the intermediate care facility for the mentally  
retarded's rate for capital costs proportionately, as limited by  
any applicable limitation under section 5111.251 of the Revised  
Code, to account for the costs of the beds that are added or  
replaced. The department shall make this increase one month after  
the first day of the month after the department receives  
sufficient documentation of the costs. Any rate increase granted  
under division (A)(4) of this section after June 30, 1993, shall  
remain in effect until the effective date of a rate calculated  
under section 5111.251 of the Revised Code that includes costs  
incurred for a full calendar year for the bed addition or bed  
replacement. The facility shall report double accumulated  
depreciation in an amount equal to the depreciation included in  
the rate adjustment on its cost report for the first year of  
operation. During the term of any loan used to finance a project  
for which a rate adjustment is granted under division (A)(4) of  
this section, if the facility is operated by the same provider,  
the provider shall subtract from the interest costs it reports on  
its cost report an amount equal to the difference between the  
following:~~

~~(a) The actual, allowable interest costs for the loan during  
the calendar year for which the costs are being reported;~~

~~(b) The actual, allowable interest costs attributable to the  
loan that were used to calculate the rates paid to the provider  
for the facility during the same calendar year.~~

~~(5) The department's decision at the conclusion of the  
reconsideration process shall not be subject to any administrative  
proceedings under Chapter 119. or any other provision of the~~

~~Revised Code.~~ 118399

~~(B) All of the following are subject to an adjudication~~ 118400  
~~conducted in accordance with Chapter 119. of the Revised Code;~~ 118401

~~(1) Any audit disallowance that the department makes as the~~ 118402  
~~result of an audit under section 5111.27 of the Revised Code;~~ 118403

~~(2) Any adverse finding that results from an exception review~~ 118404  
~~of resident assessment information conducted under section 5111.27~~ 118405  
~~of the Revised Code after the effective date of the facility's~~ 118406  
~~rate that is based on the assessment information;~~ 118407

~~(3) Any medicaid payment deemed an overpayment under section~~ 118408  
~~5111.683 of the Revised Code;~~ 118409

~~(4) Any penalty the department imposes under division (C) of~~ 118410  
~~section 5111.28 of the Revised Code or section 5111.683 of the~~ 118411  
~~Revised Code.~~ 118412

**Sec. ~~5111.28~~ 5165.40.** (A) If a nursing facility provider 118413  
properly amends ~~its~~ a cost report for the nursing facility under 118414  
section ~~5111.261~~ 5165.107 of the Revised Code and the amended 118415  
report shows that the provider received a lower medicaid payment 118416  
rate under the original cost report than ~~it~~ the provider was 118417  
entitled to receive, the department of ~~job and family services~~ 118418  
medicaid shall adjust the provider's rate for the nursing facility 118419  
prospectively to reflect the corrected information. The department 118420  
shall pay the adjusted rate beginning two months after the first 118421  
day of the month after the provider files the amended cost report. 118422  
~~if~~ 118423

If the department finds, from an exception review of resident 118424  
assessment ~~information~~ data conducted pursuant to section 5165.193 118425  
of the Revised Code after the effective date of ~~the~~ a nursing 118426  
facility's rate for direct care costs that is based on the 118427  
resident assessment ~~information~~ data, that inaccurate resident 118428

assessment ~~information data~~ resulted in the provider receiving a 118429  
lower rate ~~for the nursing facility~~ than it was entitled to 118430  
receive, the department prospectively shall adjust the provider's 118431  
rate accordingly ~~and. The department~~ shall make payments to the 118432  
~~provider~~ using the adjusted rate for the remainder of the ~~calendar~~ 118433  
~~quarter six-month period~~ for which the ~~resident~~ assessment 118434  
~~information data~~ is used to determine the rate, beginning one 118435  
month after the first day of the month after the exception review 118436  
is completed. 118437

~~(B) If the provider properly amends its cost report under 118438  
section 5111.261 of the Revised Code, the department makes a 118439  
finding based on an audit under section 5111.27 of the Revised 118440  
Code, or the department makes a finding based on an exception 118441  
review of resident assessment information conducted under section 118442  
5111.27 of the Revised Code after the effective date of the rate 118443  
for direct care costs that is based on the assessment information, 118444  
any of which results in a determination that the provider has 118445  
received a higher rate than it was entitled to receive, the 118446  
department shall recalculate the provider's rate using the revised 118447  
information. The department shall apply the recalculated rate to 118448  
the periods when the provider received the incorrect rate to 118449  
determine the amount of the overpayment. The provider shall refund 118450  
the amount of the overpayment. 118451~~

~~In addition to requiring a refund under this division, the 118452  
department may charge the provider interest at the applicable rate 118453  
specified in this division from the time the overpayment was made. 118454~~

~~(1) If the overpayment resulted from costs reported for 118455  
calendar year 1993, the interest shall be no greater than one and 118456  
one half times the average bank prime rate. 118457~~

~~(2) If the overpayment resulted from costs reported for 118458  
subsequent calendar years: 118459~~

~~(a) The interest shall be no greater than two times the average bank prime rate if the overpayment was equal to or less than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.~~ 118460  
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~~(b) The interest shall be no greater than two and one half times the current average bank prime rate if the overpayment was greater than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.~~ 118465  
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~~(C) The department also may impose the following penalties:~~ 118470

~~(1) If a provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, no more than the greater of one thousand dollars per audit or twenty five per cent of the cumulative amount by which the costs for which documentation was not furnished increased the total medicaid payments to the provider during the fiscal year for which the costs were used to establish a rate;~~ 118471  
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~~(2) If an exiting operator or owner fails to provide notice of a facility closure, voluntary termination, or voluntary withdrawal of participation in the medicaid program as required by section 5111.66 of the Revised Code, or an exiting operator or owner and entering operator fail to provide notice of a change of operator as required by section 5111.67 of the Revised Code, no more than the current average bank prime rate plus four per cent of the last two monthly payments.~~ 118479  
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~~(D) If the provider continues to participate in the medicaid program, the department shall deduct any amount that the provider is required to refund under this section, and the amount of any interest charged or penalty imposed under this section, from the~~ 118487  
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~~next available payment from the department to the provider. The 118491  
department and the provider may enter into an agreement under 118492  
which the amount, together with interest, is deducted in 118493  
installments from payments from the department to the provider. 118494~~

~~(E) The department shall transmit refunds and penalties to 118495  
the treasurer of state for deposit in the general revenue fund. 118496~~

~~(F) For the purpose of this section, the department shall 118497  
determine the average bank prime rate using statistical release 118498  
H.15, "selected interest rates," a weekly publication of the 118499  
federal reserve board, or any successor publication. If 118500  
statistical release H.15, or its successor, ceases to contain the 118501  
bank prime rate information or ceases to be published, the 118502  
department shall request a written statement of the average bank 118503  
prime rate from the federal reserve bank of Cleveland or the 118504  
federal reserve board. 118505~~

Sec. 5165.41. (A) The department of medicaid shall 118506  
redetermine a provider's medicaid payment rate for a nursing 118507  
facility using revised information if any of the following results 118508  
in a determination that the provider received a higher medicaid 118509  
payment rate for the nursing facility than the provider was 118510  
entitled to receive: 118511

(1) The provider properly amends a cost report for the 118512  
nursing facility under section 5165.107 of the Revised Code; 118513

(2) The department makes a finding based on an audit under 118514  
section 5165.109 of the Revised Code; 118515

(3) The department makes a finding based on an exception 118516  
review of resident assessment data conducted under section 118517  
5165.193 of the Revised Code after the effective date of the 118518  
nursing facility's rate for direct care costs that is based on the 118519  
resident assessment data; 118520

(4) The department makes a finding based on a post-payment review conducted under section 5165.49 of the Revised Code. 118521  
118522

(B) The department shall apply the redetermined rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment. The department may charge the provider the following amount of interest from the time the overpayment was made: 118523  
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(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be no greater than one and one-half times the current average bank prime rate. 118529  
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(2) If the overpayment resulted from costs reported for a subsequent calendar year: 118532  
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(a) The interest shall be no greater than two times the current average bank prime rate if the overpayment was no more than one per cent of the total medicaid payments to the provider for the fiscal year for which the overpayment was made. 118534  
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(b) The interest shall be no greater than two and one-half times the current average bank prime rate if the overpayment was more than one per cent of the total medicaid payments to the provider for the fiscal year for which the overpayment was made. 118538  
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Sec. 5165.42. In addition to the other penalties authorized by this chapter, the department of medicaid may impose the following penalties on a nursing facility provider: 118542  
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(A) If the provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, a fine of no more than the greater of the following: 118545  
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(1) One thousand dollars per audit; 118549

(2) Twenty-five per cent of the cumulative amount by which 118550

the costs for which documentation was not furnished increased the 118551  
total medicaid payments to the provider during the fiscal year for 118552  
which the costs were used to determine a rate. 118553

(B) If an exiting operator or owner fails to provide notice 118554  
of a facility closure or voluntary withdrawal of participation in 118555  
the medicaid program as required by section 5165.50 of the Revised 118556  
Code, or an exiting operator or owner and entering operator fail 118557  
to provide notice of a change of operator as required by section 118558  
5165.51 of the Revised Code, a fine of not more than the current 118559  
average bank prime rate plus four per cent of the last two monthly 118560  
payments. 118561

Sec. 5165.43. For the purposes of sections 5165.41 and 118562  
5165.42 of the Revised Code, the department of medicaid shall 118563  
determine the current average bank prime rate using statistical 118564  
release H.15, "selected interest rates," a weekly publication of 118565  
the federal reserve board, or any successor publication. If 118566  
statistical release H.15, or its successor, ceases to contain the 118567  
bank prime rate information or ceases to be published, the 118568  
department shall request a written statement of the average bank 118569  
prime rate from the federal reserve bank of Cleveland or the 118570  
federal reserve board. 118571

Sec. 5165.44. (A) Except as provided in division (B) of this 118572  
section, the department of medicaid shall deduct the following 118573  
from the next available medicaid payment the department makes to a 118574  
nursing facility provider who continues to participate in 118575  
medicaid: 118576

(1) Any amount the provider is required to refund, and any 118577  
interest charged, under section 5165.41 of the Revised Code; 118578

(2) The amount of any penalty imposed on the provider under 118579  
section 5165.42 of the Revised Code. 118580



(B) The department and a nursing facility provider may enter into an agreement under which a deduction required by division (A) of this section is taken in installments from payments the department makes to the provider. 118581  
118582  
118583  
118584

Sec. 5165.45. The department of medicaid shall transmit to the treasurer of state for deposit in the general revenue fund amounts collected from the following: 118585  
118586  
118587

(A) Refunds required by, and interest charged under, section 5165.41 of the Revised Code; 118588  
118589

(B) Amounts collected from penalties imposed under section 5165.42 of the Revised Code. 118590  
118591

Sec. 5165.46. All of the following are subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 118592  
118593  
118594

(A) Any audit disallowance that the department of medicaid makes as the result of an audit under section 5165.109 of the Revised Code; 118595  
118596  
118597

(B) Any adverse finding that results from an exception review of resident assessment data conducted for a nursing facility under section 5165.193 of the Revised Code after the effective date of the nursing facility's medicaid payment rate for direct care costs that is based on the resident assessment data; 118598  
118599  
118600  
118601  
118602

(C) Any medicaid payment deemed an overpayment under section 5165.523 of the Revised Code; 118603  
118604

(D) Any penalty the department imposes under section 5165.42 of the Revised Code or section 5165.523 of the Revised Code. 118605  
118606

Sec. ~~5111.262~~ 5165.47. No person, other than the a nursing facility provider of a nursing facility, shall submit a claim for 118607  
118608

medicaid ~~reimbursement~~ payment for a service provided to a nursing 118609  
facility resident if the service is included in a medicaid payment 118610  
made to the nursing facility provider ~~of a nursing facility~~ under 118611  
~~sections 5111.20 to 5111.33 of the Revised Code~~ this chapter or in 118612  
the ~~reimbursable~~ allowable expenses reported on a provider's cost 118613  
report for a nursing facility. No nursing facility provider ~~of a~~ 118614  
~~nursing facility~~ shall submit a separate claim for medicaid 118615  
~~reimbursement~~ payment for a service provided to a resident of the 118616  
nursing facility if the service is included in a medicaid payment 118617  
made to the provider under ~~sections 5111.20 to 5111.331 of the~~ 118618  
~~Revised Code~~ this chapter or in the ~~reimbursable~~ allowable 118619  
expenses on the provider's cost report for the nursing facility. 118620  
118621

**Sec. ~~5111.0211~~ 5165.48.** ~~As used in this section, "nursing~~ 118622  
~~facility" and "provider" have the same meanings as in section~~ 118623  
~~5111.20 of the Revised Code.~~ 118624

The provider of a nursing facility is not required to submit 118625  
a claim to the department of ~~job and family services~~ medicaid 118626  
regarding the medicare cost-sharing expenses of a resident of the 118627  
nursing facility who, under federal law, is eligible to have the 118628  
medicaid program pay for a part of the cost-sharing expenses if 118629  
the provider determines that, under rules adopted under section 118630  
~~5111.02~~ 5165.02 of the Revised Code, the nursing facility would 118631  
not receive a medicaid payment for any part of the medicare 118632  
cost-sharing expenses. In such a situation, a claim for the 118633  
medicare cost-sharing expenses shall be considered to have been 118634  
adjudicated at no payment. 118635

**Sec. 5165.49.** The department of medicaid may conduct a 118636  
post-payment review of a claim submitted by a nursing facility 118637  
provider and paid by the medicaid program to determine whether the 118638  
provider was overpaid. The department shall provide the provider a 118639

written summary of the review's results. The review's results are 118640  
not subject to an adjudication under Chapter 119. of the Revised 118641  
Code; however, the provider may request that the medicaid director 118642  
reconsider the review's results. The director shall reconsider the 118643  
review's results on receipt of a request made in good faith. The 118644  
department shall not deduct any amounts the department claims to 118645  
be due from the provider as a result of the review from the 118646  
provider's medicaid payments pursuant to section 5165.44 of the 118647  
Revised Code until the conclusion of the director's 118648  
reconsideration, if any, of the review. 118649

**Sec. ~~5111.66~~ 5165.50.** An exiting operator or owner of a 118650  
nursing facility ~~or intermediate care facility for the mentally~~ 118651  
~~retarded~~ participating in the medicaid program shall provide the 118652  
department of ~~job and family services~~ medicaid written notice of a 118653  
facility closure, ~~voluntary termination,~~ or voluntary withdrawal 118654  
of participation not less than ninety days before the effective 118655  
date of the facility closure, ~~voluntary termination,~~ or voluntary 118656  
withdrawal of participation. The written notice shall be provided 118657  
to the department in accordance with the method specified in rules 118658  
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 118659  
Revised Code. 118660

The written notice shall include all of the following: 118661

(A) The name of the exiting operator and, if any, the exiting 118662  
operator's authorized agent; 118663

(B) The name of the nursing facility ~~or intermediate care~~ 118664  
~~facility for the mentally retarded~~ that is the subject of the 118665  
written notice; 118666

(C) The exiting operator's medicaid provider agreement number 118667  
for the nursing facility that is the subject of the written 118668  
notice; 118669

(D) The effective date of the facility closure, ~~voluntary termination,~~ or voluntary withdrawal of participation; 118670  
118671

(E) The signature of the exiting operator's or owner's representative. 118672  
118673

**Sec. ~~5111.661~~ 5165.501.** An operator shall comply with ~~section 1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286 (1965)~~ section 1919(c)(2)(F), 42 U.S.C. 1396r(c)(2)(F) if the operator's nursing facility undergoes a voluntary withdrawal of participation. 118674  
118675  
118676  
118677  
118678

**Sec. ~~5111.67~~ 5165.51.** (A) An exiting operator or owner and entering operator shall provide the department of ~~job and family services~~ medicaid written notice of a change of operator if the nursing facility ~~or intermediate care facility for the mentally retarded~~ participates in the medicaid program and the entering operator seeks to continue the nursing facility's participation. 118679  
118680  
118681  
118682  
118683  
118684  
The written notice shall be provided to the department in 118685  
accordance with the method specified in rules ~~adopted under~~ 118686  
authorized by section ~~5111.689~~ 5165.53 of the Revised Code. The 118687  
written notice shall be provided to the department not later than 118688  
forty-five days before the effective date of the change of 118689  
operator if the change of operator does not entail the relocation 118690  
of residents. The written notice shall be provided to the 118691  
department not later than ninety days before the effective date of 118692  
the change of operator if the change of operator entails the 118693  
relocation of residents. 118694

The written notice shall include all of the following: 118695

(1) The name of the exiting operator and, if any, the exiting operator's authorized agent; 118696  
118697

(2) The name of the nursing facility ~~or intermediate care facility for the mentally retarded~~ that is the subject of the 118698  
118699

|                                                                          |        |
|--------------------------------------------------------------------------|--------|
| change of operator;                                                      | 118700 |
| (3) The exiting operator's seven-digit medicaid legacy number            | 118701 |
| and ten-digit national provider identifier number for the <u>nursing</u> | 118702 |
| facility that is the subject of the change of operator;                  | 118703 |
| (4) The name of the entering operator;                                   | 118704 |
| (5) The effective date of the change of operator;                        | 118705 |
| (6) The manner in which the entering operator becomes the                | 118706 |
| <u>nursing</u> facility's operator, including through sale, lease,       | 118707 |
| merger, or other action;                                                 | 118708 |
| (7) If the manner in which the entering operator becomes the             | 118709 |
| <u>nursing</u> facility's operator involves more than one step, a        | 118710 |
| description of each step;                                                | 118711 |
| (8) Written authorization from the exiting operator or owner             | 118712 |
| and entering operator for the department to process a provider           | 118713 |
| agreement for the entering operator;                                     | 118714 |
| (9) The names and addresses of the persons to whom the                   | 118715 |
| department should send initial correspondence regarding the change       | 118716 |
| of operator;                                                             | 118717 |
| (10) If the nursing facility also participates in the                    | 118718 |
| medicare program, notification of whether the entering operator          | 118719 |
| intends to accept assignment of the exiting operator's medicare          | 118720 |
| provider agreement;                                                      | 118721 |
| (11) The signature of the exiting operator's or owner's                  | 118722 |
| representative.                                                          | 118723 |
| (B) An exiting operator or owner and entering operator                   | 118724 |
| immediately shall provide the department written notice of any           | 118725 |
| changes to information included in a written notice of a change of       | 118726 |
| operator that occur after that notice is provided to the                 | 118727 |
| department. The notice of the changes shall be provided to the           | 118728 |
| department in accordance with the method specified in rules              | 118729 |

~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 118730  
Revised Code. 118731

**Sec. ~~5111.671~~ 5165.511.** The department of ~~job and family~~ 118732  
~~services~~ medicaid may enter into a provider agreement with an 118733  
entering operator that goes into effect at 12:01 a.m. on the 118734  
effective date of the change of operator if all of the following 118735  
requirements are met: 118736

(A) The department receives a properly completed written 118737  
notice required by section ~~5111.67~~ 5165.51 of the Revised Code on 118738  
or before the date required by that section. 118739

(B) The department receives both of the following in 118740  
accordance with the method specified in rules ~~adopted under~~ 118741  
authorized by section ~~5111.689~~ 5165.53 of the Revised Code and not 118742  
later than ten days after the effective date of the change of 118743  
operator: 118744

(1) From the entering operator, a completed application for a 118745  
provider agreement and all other forms and documents specified in 118746  
rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 118747  
Revised Code; 118748

(2) From the exiting operator or owner, all forms and 118749  
documents specified in rules ~~adopted under~~ authorized by section 118750  
~~5111.689~~ 5165.53 of the Revised Code. 118751

(C) The entering operator is eligible for medicaid payments 118752  
as provided in section ~~5111.21~~ 5165.06 of the Revised Code. 118753

**Sec. ~~5111.672~~ 5165.512.** (A) The department of ~~job and family~~ 118754  
~~services~~ medicaid may enter into a provider agreement with an 118755  
entering operator that goes into effect at 12:01 a.m. on the date 118756  
determined under division (B) of this section if all of the 118757  
following are the case: 118758

(1) The department receives a properly completed written notice required by section ~~5111.67~~ 5165.51 of the Revised Code. 118759  
118760

(2) The department receives, from the entering operator and in accordance with the method specified in rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the Revised Code, a completed application for a provider agreement and all other forms and documents specified in rules adopted under that section. 118761  
118762  
118763  
118764  
118765

(3) The department receives, from the exiting operator or owner and in accordance with the method specified in rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the Revised Code, all forms and documents specified in rules adopted under that section. 118766  
118767  
118768  
118769  
118770

(4) One or more of the following apply: 118771

(a) The requirement of division (A)(1) of this section is met after the time required by section ~~5111.67~~ 5165.51 of the Revised Code; 118772  
118773  
118774

(b) The requirement of division (A)(2) of this section is met more than ten days after the effective date of the change of operator; 118775  
118776  
118777

(c) The requirement of division (A)(3) of this section is met more than ten days after the effective date of the change of operator. 118778  
118779  
118780

(5) The entering operator is eligible for medicaid payments as provided in section ~~5111.21~~ 5165.06 of the Revised Code. 118781  
118782

(B) The department shall determine the date a provider agreement entered into under this section is to go into effect as follows: 118783  
118784  
118785

(1) The effective date shall give the department sufficient time to process the change of operator, assure no duplicate payments are made, and make the withholding required by section 118786  
118787  
118788

~~5111.681~~ 5165.521 of the Revised Code. 118789

(2) The effective date shall be not earlier than the latest 118790  
of the following: 118791

(a) The effective date of the change of operator; 118792

(b) The date that the entering operator complies with section 118793  
~~5111.67~~ 5165.51 of the Revised Code and division (A)(2) of this 118794  
section; 118795

(c) The date that the exiting operator or owner complies with 118796  
section ~~5111.67~~ 5165.51 of the Revised Code and division (A)(3) of 118797  
this section. 118798

(3) The effective date shall be not later than the following 118799  
after the later of the dates specified in division (B)(2) of this 118800  
section: 118801

(a) Forty-five days if the change of operator does not entail 118802  
the relocation of residents; 118803

(b) Ninety days if the change of operator entails the 118804  
relocation of residents. 118805

**Sec. ~~5111.673~~ 5165.513.** (A) A provider that enters into a 118806  
provider agreement with the department of ~~job and family services~~ 118807  
medicaid under section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of 118808  
the Revised Code shall do all of the following: 118809

~~(A)(1)~~ (1) Comply with all applicable federal statutes and 118810  
regulations; 118811

~~(B)(2)~~ (2) Comply with section ~~5111.22~~ 5165.07 of the Revised 118812  
Code and all other applicable state statutes and rules; 118813

~~(C) Comply~~ (3) Subject to division (B) of this section, 118814  
comply with all the terms and conditions of the exiting operator's 118815  
provider agreement, including, but not limited to, all of the 118816  
following: 118817



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <del>(1)</del> (a) Any plan of correction;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 118818                                                                       |
| <del>(2)</del> (b) Compliance with health and safety standards;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 118819                                                                       |
| <del>(3)</del> (c) Compliance with the ownership and financial interest disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;                                                                                                                                                                                                                                                                                                                                                                                                     | 118820<br>118821                                                             |
| <del>(4)</del> (d) Compliance with the civil rights requirements of 45 C.F.R. parts 80, 84, and 90;                                                                                                                                                                                                                                                                                                                                                                                                                                            | 118822<br>118823                                                             |
| <del>(5)</del> (e) Compliance with additional requirements imposed by the department;                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 118824<br>118825                                                             |
| <del>(6)</del> (f) Any sanctions relating to remedies for violation of the provider agreement, including deficiencies, compliance periods, accountability periods, monetary penalties, notification for correction of contract violations, and history of deficiencies.                                                                                                                                                                                                                                                                        | 118826<br>118827<br>118828<br>118829<br>118830                               |
| <u>(B) Division (A)(3) of this section does not prohibit a nursing facility provider from excluding one or more parts of the nursing facility from the provider agreement pursuant to division (B)(1) of section 5165.08 of the Revised Code.</u>                                                                                                                                                                                                                                                                                              | 118831<br>118832<br>118833<br>118834                                         |
| <b>Sec. <del>5111.674</del> <u>5165.514</u>.</b> In the case of a change of operator, the exiting operator shall be considered to be the operator of the nursing facility <del>or intermediate care facility for the mentally retarded</del> for purposes of the medicaid program, including medicaid payments, until the effective date of the entering operator's provider agreement if the provider agreement is entered into under section <del>5111.671</del> <u>5165.511</u> or <del>5111.672</del> <u>5165.512</u> of the Revised Code. | 118835<br>118836<br>118837<br>118838<br>118839<br>118840<br>118841<br>118842 |
| <b>Sec. <del>5111.675</del> <u>5165.515</u>.</b> The department of <del>job and family services</del> <u>medicaid</u> may enter into a provider agreement as provided in section <del>5111.22</del> <u>5165.07</u> of the Revised Code, rather than section <del>5111.671</del> <u>5165.511</u> or <del>5111.672</del> <u>5165.512</u> of the Revised                                                                                                                                                                                          | 118843<br>118844<br>118845<br>118846                                         |

Code, with an entering operator if the entering operator does not 118847  
agree to a provider agreement that satisfies the requirements of 118848  
division ~~(C)(A)(3)~~ of section ~~5111.673~~ 5165.513 of the Revised 118849  
Code. The department may not enter into the provider agreement 118850  
unless the department of health certifies the nursing facility ~~or~~ 118851  
~~intermediate care facility for the mentally retarded under Title~~ 118852  
~~XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.~~ 118853  
~~1396, as amended for participation in medicaid.~~ The effective date 118854  
of the provider agreement shall not precede any of the following: 118855

(A) The date that the department of health certifies the 118856  
nursing facility; 118857

(B) The effective date of the change of operator; 118858

(C) The date the requirement of section ~~5111.67~~ 5165.51 of 118859  
the Revised Code is satisfied. 118860

**Sec. ~~5111.676~~ 5165.516.** The medicaid director ~~of job and~~ 118861  
~~family services~~ may adopt rules ~~in accordance with Chapter 119.~~ 118862  
under section 5165.02 of the Revised Code governing adjustments to 118863  
the medicaid ~~reimbursement~~ payment rate for a nursing facility ~~or~~ 118864  
~~intermediate care facility for the mentally retarded~~ that 118865  
undergoes a change of operator. No rate adjustment resulting from 118866  
a change of operator shall be effective before the effective date 118867  
of the entering operator's provider agreement. This is the case 118868  
regardless of whether the provider agreement is entered into under 118869  
section ~~5111.671~~ 5165.511, section ~~5111.672~~ 5165.512, or, pursuant 118870  
to section ~~5111.675~~ 5165.515, section ~~5111.22~~ 5165.07 of the 118871  
Revised Code. 118872

**Sec. ~~5111.677~~ 5165.517.** ~~Neither of the following~~ The 118873  
department of health's determination that a change of operator has 118874  
or has not occurred for purposes of licensure under Chapter 3721. 118875  
of the Revised Code shall not affect the department of ~~job and~~ 118876

~~family services' medicaid's determination of whether or when a~~ 118877  
~~change of operator occurs or the effective date of an entering~~ 118878  
~~operator's provider agreement under section ~~5111.671~~ 5165.511,~~ 118879  
~~section ~~5111.672~~ 5165.512, or, pursuant to section ~~5111.675~~~~ 118880  
~~5165.515, section ~~5111.22~~ 5165.07 of the Revised Code+~~ 118881

~~(A) The department of health's determination that a change of~~ 118882  
~~operator has or has not occurred for purposes of licensure under~~ 118883  
~~Chapter 3721. of the Revised Code;~~ 118884

~~(B) The department of developmental disabilities'~~ 118885  
~~determination that a change of operator has or has not occurred~~ 118886  
~~for purposes of licensure under section 5123.19 of the Revised~~ 118887  
~~Code.~~ 118888

**Sec. ~~5111.68~~ 5165.52.** (A) On receipt of a written notice 118889  
under section ~~5111.66~~ 5165.50 of the Revised Code of a facility 118890  
closure, ~~voluntary termination,~~ or voluntary withdrawal of 118891  
participation, on receipt of a written notice under section 118892  
~~5111.67~~ 5165.51 of the Revised Code of a change of operator, or on 118893  
the effective date of an involuntary termination, the department 118894  
of ~~job and family services~~ medicaid shall estimate the amount of 118895  
any overpayments made under the medicaid program to the exiting 118896  
operator, including overpayments the exiting operator disputes, 118897  
and other actual and potential debts the exiting operator owes or 118898  
may owe to the department and United States centers for medicare 118899  
and medicaid services under the medicaid program, including a 118900  
franchise permit fee. 118901

(B) In estimating the exiting operator's other actual and 118902  
potential debts to the department and the United States centers 118903  
for medicare and medicaid services under the medicaid program, the 118904  
department shall use a debt estimation methodology the medicaid 118905  
~~director of job and family services~~ shall establish in rules 118906

~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 118907  
Revised Code. The methodology shall provide for estimating all of 118908  
the following that the department determines are applicable: 118909

(1) Refunds due the department under section ~~5111.27~~ 5165.41 118910  
of the Revised Code; 118911

(2) Interest owed to the department and United States centers 118912  
for medicare and medicaid services; 118913

(3) Final civil monetary and other penalties for which all 118914  
right of appeal has been exhausted; 118915

(4) Money owed the department and United States centers for 118916  
medicare and medicaid services from any outstanding final fiscal 118917  
audit, including a final fiscal audit for the last fiscal year or 118918  
portion thereof in which the exiting operator participated in the 118919  
medicaid program; 118920

(5) Other amounts the department determines are applicable. 118921

(C) The department shall provide the exiting operator written 118922  
notice of the department's estimate under division (A) of this 118923  
section not later than thirty days after the department receives 118924  
the notice under section ~~5111.66~~ 5165.50 of the Revised Code of 118925  
the facility closure, ~~voluntary termination~~, or voluntary 118926  
withdrawal of participation; the department receives the notice 118927  
under section ~~5111.67~~ 5165.51 of the Revised Code of the change of 118928  
operator; or the effective date of the involuntary termination. 118929  
The department's written notice shall include the basis for the 118930  
estimate. 118931

**Sec. ~~5111.681~~ 5165.521.** (A) Except as provided in divisions 118932  
(B), (C), and (D) of this section, the department of ~~job and~~ 118933  
~~family services~~ medicaid may withhold from payment due an exiting 118934  
operator under the medicaid program the total amount specified in 118935  
the notice provided under division (C) of section ~~5111.68~~ 5165.52 118936

of the Revised Code that the exiting operator owes or may owe to 118937  
the department and United States centers for medicare and medicaid 118938  
services under the medicaid program. 118939

(B) In the case of a change of operator and subject to 118940  
division (E) of this section, the following shall apply regarding 118941  
a withholding under division (A) of this section if the exiting 118942  
operator or entering operator or an affiliated operator executes a 118943  
successor liability agreement meeting the requirements of division 118944  
(F) of this section: 118945

(1) If the exiting operator, entering operator, or affiliated 118946  
operator assumes liability for the total, actual amount of debt 118947  
the exiting operator owes the department and the United States 118948  
centers for medicare and medicaid services under the medicaid 118949  
program as determined under section ~~5111.685~~ 5165.525 of the 118950  
Revised Code, the department shall not make the withholding. 118951

(2) If the exiting operator, entering operator, or affiliated 118952  
operator assumes liability for only the portion of the amount 118953  
specified in division (B)(1) of this section that represents the 118954  
franchise permit fee the exiting operator owes, the department 118955  
shall withhold not more than the difference between the total 118956  
amount specified in the notice provided under division (C) of 118957  
section ~~5111.68~~ 5165.52 of the Revised Code and the amount for 118958  
which the exiting operator, entering operator, or affiliated 118959  
operator assumes liability. 118960

(C) In the case of a ~~voluntary termination~~, voluntary 118961  
withdrawal of participation, or facility closure and subject to 118962  
division (E) of this section, the following shall apply regarding 118963  
a withholding under division (A) of this section if the exiting 118964  
operator or an affiliated operator executes a successor liability 118965  
agreement meeting the requirements of division (F) of this 118966  
section: 118967

(1) If the exiting operator or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section ~~5111.685~~ 5165.525 of the Revised Code, the department shall not make the withholding.

(2) If the exiting operator or affiliated operator assumes liability for only the portion of the amount specified in division (C)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section ~~5111.68~~ 5165.52 of the Revised Code and the amount for which the exiting operator or affiliated operator assumes liability.

(D) In the case of an involuntary termination and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator, the entering operator, or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section and the department approves the successor liability agreement:

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section ~~5111.685~~ 5165.525 of the Revised Code, the department shall not make the withholding.

(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (D)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total

amount specified in the notice provided under division (C) of 119000  
section ~~5111.68~~ 5165.52 of the Revised Code and the amount for 119001  
which the exiting operator, entering operator, or affiliated 119002  
operator assumes liability. 119003

(E) For an exiting operator or affiliated operator to be 119004  
eligible to enter into a successor liability agreement under 119005  
division (B), (C), or (D) of this section, both of the following 119006  
must apply: 119007

(1) The exiting operator or affiliated operator must have one 119008  
or more valid provider agreements, other than the provider 119009  
agreement for the nursing facility ~~or intermediate care facility~~ 119010  
~~for the mentally retarded~~ that is the subject of the involuntary 119011  
termination, ~~voluntary termination~~, voluntary withdrawal of 119012  
participation, facility closure, or change of operator; 119013

(2) During the twelve-month period preceding either the 119014  
effective date of the involuntary termination or the month in 119015  
which the department receives the notice of the ~~voluntary~~ 119016  
~~termination~~, voluntary withdrawal of participation, or facility 119017  
closure under section ~~5111.66~~ 5165.50 of the Revised Code or the 119018  
notice of the change of operator under section ~~5111.67~~ 5165.51 of 119019  
the Revised Code, the average monthly medicaid payment made to the 119020  
exiting operator or affiliated operator pursuant to the exiting 119021  
operator's or affiliated operator's one or more provider 119022  
agreements, other than the provider agreement for the nursing 119023  
facility ~~or intermediate care facility for the mentally retarded~~ 119024  
that is the subject of the involuntary termination, ~~voluntary~~ 119025  
~~termination~~, voluntary withdrawal of participation, facility 119026  
closure, or change of operator, must equal at least ninety per 119027  
cent of the sum of the following: 119028

(a) The average monthly medicaid payment made to the exiting 119029  
operator pursuant to the exiting operator's provider agreement for 119030  
the nursing facility ~~or intermediate care facility for the~~ 119031

~~mentally retarded~~ that is the subject of the involuntary 119032  
termination, ~~voluntary termination~~, voluntary withdrawal of 119033  
participation, facility closure, or change of operator; 119034

(b) Whichever of the following apply: 119035

(i) If the exiting operator or affiliated operator has 119036  
assumed liability under one or more other successor liability 119037  
agreements, the total amount for which the exiting operator or 119038  
affiliated operator has assumed liability under the other 119039  
successor liability agreements; 119040

(ii) If the exiting operator or affiliated operator has not 119041  
assumed liability under any other successor liability agreements, 119042  
zero. 119043

(F) A successor liability agreement executed under this 119044  
section must comply with all of the following: 119045

(1) It must provide for the operator who executes the 119046  
successor liability agreement to assume liability for either of 119047  
the following as specified in the agreement: 119048

(a) The total, actual amount of debt the exiting operator 119049  
owes the department and the United States centers for medicare and 119050  
medicaid services under the medicaid program as determined under 119051  
section ~~5111.685~~ 5165.525 of the Revised Code; 119052

(b) The portion of the amount specified in division (F)(1)(a) 119053  
of this section that represents the franchise permit fee the 119054  
exiting operator owes. 119055

(2) It may not require the operator who executes the 119056  
successor liability agreement to furnish a surety bond. 119057

(3) It must provide that the department, after determining 119058  
under section ~~5111.685~~ 5165.525 of the Revised Code the actual 119059  
amount of debt the exiting operator owes the department and United 119060  
States centers for medicare and medicaid services under the 119061



medicaid program, may deduct the lesser of the following from 119062  
medicaid payments made to the operator who executes the successor 119063  
liability agreement: 119064

(a) The total, actual amount of debt the exiting operator 119065  
owes the department and the United States centers for medicare and 119066  
medicaid services under the medicaid program as determined under 119067  
section ~~5111.685~~ 5165.525 of the Revised Code; 119068

(b) The amount for which the operator who executes the 119069  
successor liability agreement assumes liability under the 119070  
agreement. 119071

(4) It must provide that the deductions authorized by 119072  
division (F)(3) of this section are to be made for a number of 119073  
months, not to exceed six, agreed to by the operator who executes 119074  
the successor liability agreement and the department or, if the 119075  
operator who executes the successor liability agreement and 119076  
department cannot agree on a number of months that is less than 119077  
six, a greater number of months determined by the attorney general 119078  
pursuant to a claims collection process authorized by statute of 119079  
this state. 119080

(5) It must provide that, if the attorney general determines 119081  
the number of months for which the deductions authorized by 119082  
division (F)(3) of this section are to be made, the operator who 119083  
executes the successor liability agreement shall pay, in addition 119084  
to the amount collected pursuant to the attorney general's claims 119085  
collection process, the part of the amount so collected that, if 119086  
not for division (H) of this section, would be required by section 119087  
109.081 of the Revised Code to be paid into the attorney general 119088  
claims fund. 119089

(G) Execution of a successor liability agreement does not 119090  
waive an exiting operator's right to contest the amount specified 119091  
in the notice the department provides the exiting operator under 119092

division (C) of section ~~5111.68~~ 5165.52 of the Revised Code. 119093

(H) Notwithstanding section 109.081 of the Revised Code, the 119094  
entire amount that the attorney general, whether by employees or 119095  
agents of the attorney general or by special counsel appointed 119096  
pursuant to section 109.08 of the Revised Code, collects under a 119097  
successor liability agreement, other than the additional amount 119098  
the operator who executes the agreement is required by division 119099  
(F)(5) of this section to pay, shall be paid to the department of 119100  
~~job and family services~~ medicaid for deposit into the appropriate 119101  
fund. The additional amount that the operator is required to pay 119102  
shall be paid into the state treasury to the credit of the 119103  
attorney general claims fund created under section 109.081 of the 119104  
Revised Code. 119105

**Sec. ~~5111.682~~ 5165.522.** (A) Except as provided in division 119106  
(B) of this section, an exiting operator shall file with the 119107  
department of ~~job and family services~~ medicaid a cost report not 119108  
later than ninety days after the last day the exiting operator's 119109  
provider agreement is in effect or, in the case of a voluntary 119110  
withdrawal of participation, the effective date of the voluntary 119111  
withdrawal of participation. The cost report shall cover the 119112  
period that begins with the day after the last day covered by the 119113  
operator's most recent previous cost report required by section 119114  
~~5111.26~~ 5165.10 of the Revised Code and ends on the last day the 119115  
exiting operator's provider agreement is in effect or, in the case 119116  
of a voluntary withdrawal of participation, the effective date of 119117  
the voluntary withdrawal of participation. The cost report shall 119118  
include, as applicable, all of the following: 119119

(1) The sale price of the nursing facility ~~or intermediate~~ 119120  
~~care facility for the mentally retarded;~~ 119121

(2) A final depreciation schedule that shows which assets are 119122  
transferred to the buyer and which assets are not transferred to 119123

the buyer; 119124

(3) Any other information the department requires. 119125

(B) The department, at its sole discretion, may waive the 119126  
requirement that an exiting operator file a cost report in 119127  
accordance with division (A) of this section. 119128

**Sec. ~~5111.683~~ 5165.523.** If an exiting operator required by 119129  
section ~~5111.682~~ 5165.522 of the Revised Code to file a cost 119130  
report with the department of ~~job and family services~~ medicaid 119131  
fails to file the cost report in accordance with that section, all 119132  
payments under the medicaid program for the period the cost report 119133  
is required to cover are deemed overpayments until the date the 119134  
department receives the properly completed cost report. The 119135  
department may impose on the exiting operator a penalty of one 119136  
hundred dollars for each calendar day the properly completed cost 119137  
report is late. 119138

**Sec. ~~5111.684~~ 5165.524.** The department of ~~job and family~~ 119139  
~~services~~ medicaid may not provide an exiting operator final 119140  
payment under the medicaid program until the department receives 119141  
all properly completed cost reports the exiting operator is 119142  
required to file under sections ~~5111.26~~ 5165.10 and ~~5111.682~~ 119143  
5165.522 of the Revised Code. 119144

**Sec. ~~5111.685~~ 5165.525.** The department of ~~job and family~~ 119145  
~~services~~ medicaid shall determine the actual amount of debt an 119146  
exiting operator owes the department and the United States centers 119147  
for medicare and medicaid services under the medicaid program by 119148  
completing all final fiscal audits not already completed and 119149  
performing all other appropriate actions the department determines 119150  
to be necessary. The department shall issue an initial debt 119151  
summary report on this matter not later than sixty days after the 119152  
date the exiting operator files the properly completed cost report 119153

required by section ~~5111.682~~ 5165.522 of the Revised Code with the 119154  
department or, if the department waives the cost report 119155  
requirement for the exiting operator, sixty days after the date 119156  
the department waives the cost report requirement. The initial 119157  
debt summary report becomes the final debt summary report 119158  
thirty-one days after the department issues the initial debt 119159  
summary report unless the exiting operator, or an affiliated 119160  
operator who executes a successor liability agreement under 119161  
section ~~5111.681~~ 5165.521 of the Revised Code, requests a review 119162  
before that date. 119163

The exiting operator, and an affiliated operator who executes 119164  
a successor liability agreement under section ~~5111.681~~ 5165.521 of 119165  
the Revised Code, may request a review to contest any of the 119166  
department's findings included in the initial debt summary report. 119167  
The request for the review must be submitted to the department not 119168  
later than thirty days after the date the department issues the 119169  
initial debt summary report. The department shall conduct the 119170  
review on receipt of a timely request and issue a revised debt 119171  
summary report. If the department has withheld money from payment 119172  
due the exiting operator under division (A) of section ~~5111.681~~ 119173  
5165.521 of the Revised Code, the department shall issue the 119174  
revised debt summary report not later than ninety days after the 119175  
date the department receives the timely request for the review 119176  
unless the department and exiting operator or affiliated operator 119177  
agree to a later date. The exiting operator or affiliated operator 119178  
may submit information to the department explaining what the 119179  
operator contests before and during the review, including 119180  
documentation of the amount of any debt the department owes the 119181  
operator. The exiting operator or affiliated operator may submit 119182  
additional information to the department not later than thirty 119183  
days after the department issues the revised debt summary report. 119184  
The revised debt summary report becomes the final debt summary 119185  
report thirty-one days after the department issues the revised 119186

debt summary report unless the exiting operator or affiliated operator timely submits additional information to the department. If the exiting operator or affiliated operator timely submits additional information to the department, the department shall consider the additional information and issue a final debt summary report not later than sixty days after the department issues the revised debt summary report unless the department and exiting operator or affiliated operator agree to a later date.

Each debt summary report the department issues under this section shall include the department's findings and the amount of debt the department determines the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program. The department shall explain its findings and determination in each debt summary report.

The exiting operator, and an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, may request, in accordance with Chapter 119. of the Revised Code, an adjudication regarding a finding in a final debt summary report that pertains to an audit or alleged overpayment made under the medicaid program to the exiting operator. The adjudication shall be consolidated with any other uncompleted adjudication that concerns a matter addressed in the final debt summary report.

**Sec. ~~5111.686~~ 5165.526.** The department of ~~job and family services~~ medicaid shall release the actual amount withheld under division (A) of section ~~5111.681~~ 5165.521 of the Revised Code, less any amount the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program, as follows:

(A) Unless the department issues the initial debt summary report required by section ~~5111.685~~ 5165.525 of the Revised Code

not later than sixty days after the date the exiting operator 119218  
files the properly completed cost report required by section 119219  
~~5111.682~~ 5165.522 of the Revised Code, sixty-one days after the 119220  
date the exiting operator files the properly completed cost 119221  
report; 119222

(B) If the department issues the initial debt summary report 119223  
required by section ~~5111.685~~ 5165.525 of the Revised Code not 119224  
later than sixty days after the date the exiting operator files a 119225  
properly completed cost report required by section ~~5111.682~~ 119226  
5165.522 of the Revised Code, not later than the following: 119227

(1) Thirty days after the deadline for requesting an 119228  
adjudication under section ~~5111.685~~ 5165.525 of the Revised Code 119229  
regarding the final debt summary report if the exiting operator, 119230  
and an affiliated operator who executes a successor liability 119231  
agreement under section ~~5111.681~~ 5165.521 of the Revised Code, 119232  
fail to request the adjudication on or before the deadline; 119233

(2) Thirty days after the completion of an adjudication of 119234  
the final debt summary report if the exiting operator, or an 119235  
affiliated operator who executes a successor liability agreement 119236  
under section ~~5111.681~~ 5165.521 of the Revised Code, requests the 119237  
adjudication on or before the deadline for requesting the 119238  
adjudication. 119239

(C) Unless the department issues the initial debt summary 119240  
report required by section ~~5111.685~~ 5165.525 of the Revised Code 119241  
not later than sixty days after the date the department waives the 119242  
cost report requirement of section ~~5111.682~~ 5165.522 of the 119243  
Revised Code, sixty-one days after the date the department waives 119244  
the cost report requirement; 119245

(D) If the department issues the initial debt summary report 119246  
required by section ~~5111.685~~ 5165.525 of the Revised Code not 119247  
later than sixty days after the date the department waives the 119248

cost report requirement of section ~~5111.682~~ 5165.522 of the Revised Code, not later than the following:

(1) Thirty days after the deadline for requesting an adjudication under section ~~5111.685~~ 5165.525 of the Revised Code regarding the final debt summary report if the exiting operator, and an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, fail to request the adjudication on or before the deadline;

(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication.

**Sec. ~~5111.687~~ 5165.527.** The department of ~~job and family services~~ medicaid, at its sole discretion, may release the amount withheld under division (A) of section ~~5111.681~~ 5165.521 of the Revised Code if the exiting operator submits to the department written notice of a postponement of a change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation and the transactions leading to the change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation are postponed for at least thirty days but less than ninety days after the date originally proposed for the change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation as reported in the written notice required by section ~~5111.66~~ 5165.50 or ~~5111.67~~ 5165.51 of the Revised Code. The department shall release the amount withheld if the exiting operator submits to the department written notice of a cancellation or postponement of a change of operator, facility closure, ~~voluntary termination~~, or voluntary

withdrawal of participation and the transactions leading to the 119280  
change of operator, facility closure, ~~voluntary termination~~, or 119281  
voluntary withdrawal of participation are canceled or postponed 119282  
for more than ninety days after the date originally proposed for 119283  
the change of operator, facility closure, ~~voluntary termination~~, 119284  
or voluntary withdrawal of participation as reported in the 119285  
written notice required by section ~~5111.66~~ 5165.50 or ~~5111.67~~ 119286  
5165.51 of the Revised Code. A written notice shall be provided to 119287  
the department in accordance with the method specified in rules 119288  
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 119289  
Revised Code. 119290

After the department receives a written notice regarding a 119291  
cancellation or postponement of a facility closure, ~~voluntary~~ 119292  
~~termination~~, or voluntary withdrawal of participation, the exiting 119293  
operator or owner shall provide new written notice to the 119294  
department under section ~~5111.66~~ 5165.50 of the Revised Code 119295  
regarding any transactions leading to a facility closure, 119296  
~~voluntary termination~~, or voluntary withdrawal of participation at 119297  
a future time. After the department receives a written notice 119298  
regarding a cancellation or postponement of a change of operator, 119299  
the exiting operator or owner and entering operator shall provide 119300  
new written notice to the department under section ~~5111.67~~ 5165.51 119301  
of the Revised Code regarding any transactions leading to a change 119302  
of operator at a future time. 119303

**Sec. ~~5111.688~~ 5165.528.** (A) All amounts withheld under 119304  
section ~~5111.681~~ 5165.521 of the Revised Code from payment due an 119305  
exiting operator under the medicaid program shall be deposited 119306  
into the medicaid payment withholding fund created by the 119307  
controlling board pursuant to section 131.35 of the Revised Code. 119308  
Money in the fund shall be used as follows: 119309

(1) To pay an exiting operator when a withholding is released 119310



to the exiting operator under section ~~5111.686~~ 5165.526 or 119311  
~~5111.687~~ 5165.527 of the Revised Code; 119312

(2) To pay the department of ~~job and family services~~ medicaid 119313  
and United States centers for medicare and medicaid services the 119314  
amount an exiting operator owes the department and United States 119315  
centers under the medicaid program. 119316

(B) Amounts paid from the medicaid payment withholding fund 119317  
pursuant to division (A)(2) of this section shall be deposited 119318  
into the appropriate department fund. 119319

**Sec. ~~5111.689~~ 5165.53.** The medicaid director ~~of job and~~ 119320  
~~family services~~ shall adopt rules under section ~~5111.02~~ 5165.02 of 119321  
the Revised Code to implement sections ~~5111.65~~ 5165.50 to ~~5111.689~~ 119322  
5165.53 of the Revised Code, including rules applicable to an 119323  
exiting operator that provides written notification under section 119324  
~~5111.66~~ 5165.50 of the Revised Code of a voluntary withdrawal of 119325  
participation. Rules adopted under this section shall comply with 119326  
~~section 1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286~~ 119327  
~~(1965)~~ section 1919(c)(2)(F), 42 U.S.C. 1396r(c)(2)(F), regarding 119328  
restrictions on transfers or discharges of nursing facility 119329  
residents in the case of a voluntary withdrawal of participation. 119330  
The rules may prescribe a medicaid ~~reimbursement~~ payment 119331  
methodology and other procedures that are applicable after the 119332  
effective date of a voluntary withdrawal of participation that 119333  
differ from the ~~reimbursement~~ payment methodology and other 119334  
procedures that would otherwise apply. The rules shall specify all 119335  
of the following: 119336

(A) The method by which written notices to the department 119337  
required by sections ~~5111.65~~ 5165.50 to ~~5111.689~~ 5165.53 of the 119338  
Revised Code are to be provided; 119339

(B) The forms and documents that are to be provided to the 119340  
department of medicaid under sections ~~5111.671~~ 5165.511 and 119341

~~5111.672~~ 5165.512 of the Revised Code, which shall include, in the case of such forms and documents provided by entering operators, all the fully executed leases, management agreements, merger agreements and supporting documents, and fully executed sales contracts and any other supporting documents culminating in the change of operator;

(C) The method by which the forms and documents identified in division (B) of this section are to be provided to the department.

**Sec. ~~5111.35~~ 5165.60.** As used in this section, "a resident's rights" means the rights of a nursing facility resident under sections 3721.10 to 3721.17 of the Revised Code ~~and subsection (e) of section 1819 or 1919 of~~ the "Social Security Act," ~~49 Stat. 620 (1935)~~ sections 1819(c) and 1919(c), 42 U.S.C.A. 301, as amended 1395i-3(c) and 1396r(c), and federal regulations issued under those ~~subsections~~ sections of the "Social Security Act."

As used in sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code:

(A) "Certification requirements" means the requirements for nursing facilities established under ~~sections 1819 and 1919 of the~~ "Social Security Act," sections 1819 and 1919, 42 U.S.C. 1395i-3 and 1396r.

(B) "Compliance" means substantially meeting all applicable certification requirements.

(C) "Contracting agency" means a state agency that has entered into a contract with the department of ~~job and family services~~ medicaid under section ~~5111.38~~ 5165.63 of the Revised Code.

(D)(1) "Deficiency" means a finding cited by the department of health during a survey, on the basis of one or more actions, practices, situations, or incidents occurring at a nursing

facility, that constitutes a severity level three finding, 119372  
severity level four finding, scope level three finding, or scope 119373  
level four finding. Whenever the finding is a repeat finding, 119374  
"deficiency" also includes any finding that is a severity level 119375  
two and scope level one finding, a severity level two and scope 119376  
level two finding, or a severity level one and scope level two 119377  
finding. 119378

(2) "Cluster of deficiencies" means deficiencies that result 119379  
from noncompliance with two or more certification requirements and 119380  
are causing or resulting from the same action, practice, 119381  
situation, or incident. 119382

(E) "Emergency" means either of the following: 119383

(1) A deficiency or cluster of deficiencies that creates a 119384  
condition of immediate jeopardy; 119385

(2) An unexpected situation or sudden occurrence of a serious 119386  
or urgent nature that creates a substantial likelihood that one or 119387  
more residents of a nursing facility may be seriously harmed if 119388  
allowed to remain in the facility, including the following: 119389

(a) A flood or other natural disaster, civil disaster, or 119390  
similar event; 119391

(b) A labor strike that suddenly causes the number of staff 119392  
members in a nursing facility to be below that necessary for 119393  
resident care. 119394

(F) "Finding" means a finding of noncompliance with 119395  
certification requirements determined by the department of health 119396  
under section ~~5111.41~~ 5165.66 of the Revised Code. 119397

(G) "Immediate jeopardy" means that one or more residents of 119398  
a nursing facility are in imminent danger of serious physical or 119399  
life-threatening harm. 119400

(H) "Medicaid eligible resident" means a person who is a 119401

resident of a nursing facility, or is applying for admission to a 119402  
nursing facility, and is eligible ~~to receive financial assistance~~ 119403  
for nursing facility services under the medical assistance 119404  
medicaid program for the care the person receives in such a 119405  
facility. 119406

(I) "Noncompliance" means failure to substantially meet all 119407  
applicable certification requirements. 119408

(J) "Nursing facility" ~~has the same meaning as in section~~ 119409  
~~5111.20 of the Revised Code~~ includes a skilled nursing facility to 119410  
the extent the context requires. 119411

(K) ~~"Provider" means a person, institution, or entity that~~ 119412  
~~furnishes nursing facility services under a medical assistance~~ 119413  
~~program provider agreement.~~ 119414

~~(L) "Provider agreement" means a contract between the~~ 119415  
~~department of job and family services and a provider for the~~ 119416  
~~provision of nursing facility services under the medicaid program.~~ 119417

~~(M)~~ "Repeat finding" or "repeat deficiency" means a finding 119418  
or deficiency cited pursuant to a survey, to which both of the 119419  
following apply: 119420

(1) The finding or deficiency involves noncompliance with the 119421  
same certification requirement, and the same kind of actions, 119422  
practices, situations, or incidents caused by or resulting from 119423  
the noncompliance, as were cited in the immediately preceding 119424  
standard survey or another survey conducted subsequent to the 119425  
immediately preceding standard survey of the facility. For 119426  
purposes of this division, actions, practices, situations, or 119427  
incidents may be of the same kind even though they involve 119428  
different residents, staff, or parts of the facility. 119429

(2) The finding or deficiency is cited subsequent to a 119430  
determination by the department of health that the finding or 119431  
deficiency cited on the immediately preceding standard survey, or 119432

another survey conducted subsequent to the immediately preceding 119433  
standard survey, had been corrected. 119434

~~(N)~~(L)(1) "Scope level one finding" means a finding of 119435  
noncompliance by a nursing facility in which the actions, 119436  
situations, practices, or incidents causing or resulting from the 119437  
noncompliance affect one or a very limited number of facility 119438  
residents and involve one or a very limited number of facility 119439  
staff members. 119440

(2) "Scope level two finding" means a finding of 119441  
noncompliance by a nursing facility in which the actions, 119442  
situations, practices, or incidents causing or resulting from the 119443  
noncompliance affect more than a limited number of facility 119444  
residents or involve more than a limited number of facility staff 119445  
members, but the number or percentage of facility residents 119446  
affected or staff members involved and the number or frequency of 119447  
the actions, situations, practices, or incidents in short 119448  
succession does not establish any reasonable degree of 119449  
predictability of similar actions, situations, practices, or 119450  
incidents occurring in the future. 119451

(3) "Scope level three finding" means a finding of 119452  
noncompliance by a nursing facility in which the actions, 119453  
situations, practices, or incidents causing or resulting from the 119454  
noncompliance affect more than a limited number of facility 119455  
residents or involve more than a limited number of facility staff 119456  
members, and the number or percentage of facility residents 119457  
affected or staff members involved or the number or frequency of 119458  
the actions, situations, practices, or incidents in short 119459  
succession establishes a reasonable degree of predictability of 119460  
similar actions, situations, practices, or incidents occurring in 119461  
the future. 119462

(4) "Scope level four finding" means a finding of 119463  
noncompliance by a nursing facility causing or resulting from 119464

actions, situations, practices, or incidents that involve a 119465  
sufficient number or percentage of facility residents or staff 119466  
members or occur with sufficient regularity over time that the 119467  
noncompliance can be considered systemic or pervasive in the 119468  
facility. 119469

~~(O)~~(M)(1) "Severity level one finding" means a finding of 119470  
noncompliance by a nursing facility that has not caused and, if 119471  
continued, is unlikely to cause physical harm to a facility 119472  
resident, mental or emotional harm to a resident, or a violation 119473  
of a resident's rights that results in physical, mental, or 119474  
emotional harm to the resident. 119475

(2) "Severity level two finding" means a finding of 119476  
noncompliance by a nursing facility that, if continued over time, 119477  
will cause, or is likely to cause, physical harm to a facility 119478  
resident, mental or emotional harm to a resident, or a violation 119479  
of a resident's rights that results in physical, mental, or 119480  
emotional harm to the resident. 119481

(3) "Severity level three finding" means a finding of 119482  
noncompliance by a nursing facility that has caused physical harm 119483  
to a facility resident, mental or emotional harm to a resident, or 119484  
a violation of a resident's rights that results in physical, 119485  
mental, or emotional harm to the resident. 119486

(4) "Severity level four finding" means a finding of 119487  
noncompliance by a nursing facility that has caused 119488  
life-threatening harm to a facility resident or caused a 119489  
resident's death. 119490

~~(P)~~(N) "State agency" has the same meaning as in section 1.60 119491  
of the Revised Code. 119492

~~(Q)~~(O) "Substandard care" means care furnished in a facility 119493  
in which the department of health has cited a deficiency or 119494  
deficiencies that constitute one of the following: 119495

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) A severity level four finding, regardless of scope;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 119496                                                                                                                                             |
| (2) A severity level three and scope level four finding, in the quality of care provided to residents;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 119497<br>119498                                                                                                                                   |
| (3) A severity level three and scope level three finding, in the quality of care provided to residents.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 119499<br>119500                                                                                                                                   |
| <del>(R)</del> (P)(1) "Survey" means a survey of a nursing facility conducted under section <del>5111.39</del> <u>5165.64</u> of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 119501<br>119502                                                                                                                                   |
| (2) "Standard survey" means a survey conducted by the department of health under division (A) of section <del>5111.39</del> <u>5165.64</u> of the Revised Code and includes an extended survey.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 119503<br>119504<br>119505                                                                                                                         |
| (3) "Follow-up survey" means a survey conducted by the department of health to determine whether a nursing facility has substantially corrected deficiencies cited in a previous survey.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 119506<br>119507<br>119508                                                                                                                         |
| <b>Sec. <del>5111.36</del> <u>5165.61</u>.</b> The <u>medicaid</u> director of <del>job and family services</del> may adopt rules under <del>Chapter 119.</del> <u>section 5165.02</u> of the Revised Code that are consistent with regulations, guidelines, and procedures issued by the United States secretary of health and human services under <del>sections 1819 and 1919</del> of the "Social Security Act," <del>49 Stat. 620 (1935)</del> <u>sections 1819 and 1919</u> , 42 U.S.C.A. <del>301, as amended 1395i-3 and 1396r</del> , and necessary for administration and enforcement of sections <del>5111.35</del> <u>5165.60</u> to <del>5111.62</del> <u>5165.89</u> of the Revised Code. If the secretary does not issue appropriate regulations for enforcement of <u>those</u> sections <del>1819 and 1919</del> of the "Social Security Act" on or before December 13, 1990, the <u>medicaid</u> director of <del>job and family services</del> may adopt, under <del>Chapter 119.</del> <u>section 5165.02</u> of the Revised Code, rules that are consistent with those sections and with sections <del>5111.35</del> <u>5165.60</u> to <del>5111.62</del> <u>5165.89</u> of the Revised Code. | 119509<br>119510<br>119511<br>119512<br>119513<br>119514<br>119515<br>119516<br>119517<br>119518<br>119519<br>119520<br>119521<br>119522<br>119523 |
| <b>Sec. <del>5111.37</del> <u>5165.62</u>.</b> The department of <del>job and family services</del> <u>medicaid</u> is hereby authorized to enforce sections <del>5111.35</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 119524<br>119525                                                                                                                                   |

5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. The department may 119526  
enforce the sections directly or through contracting agencies. The 119527  
department and agencies shall enforce the sections in accordance 119528  
with the requirements of ~~sections 1819 and 1919~~ of the "Social 119529  
Security Act," ~~49 Stat. 620 (1935)~~ sections 1819 and 1919, 42 119530  
U.S.C.A. ~~301, as amended~~ 1395i-3 and 1396r, that apply to nursing 119531  
facilities; with regulations, guidelines, and procedures adopted 119532  
by the United States secretary of health and human services for 119533  
the enforcement of those sections ~~1819 and 1919~~ of the "Social 119534  
Security Act"; and with the rules ~~adopted under~~ authorized by 119535  
section ~~5111.36~~ 5165.61 of the Revised Code. The department and 119536  
agencies shall enforce sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 119537  
of the Revised Code for purposes of the medicare program, ~~Title~~ 119538  
~~XVIII of the "Social Security Act,"~~ only to the extent prescribed 119539  
by the regulations, guidelines, and procedures issued by the 119540  
secretary under ~~section 1819 of that act~~ the "Social Security 119541  
Act," section 1819, 42 U.S.C. 1395i-3. 119542

**Sec. ~~5111.38~~ 5165.63.** The department of ~~job and family~~ 119543  
~~services~~ medicaid may enter into contracts with other state 119544  
agencies pursuant to section 5162.35 of the Revised Code that 119545  
authorize the agencies to perform all or part of the duties 119546  
assigned to the department of ~~job and family services~~ medicaid 119547  
under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised 119548  
Code. Each contract shall specify the duties the agency is 119549  
authorized to perform and the sections of the Revised Code under 119550  
which the agency is authorized to perform those duties. 119551

**Sec. ~~5111.39~~ 5165.64.** (A) The department of health shall 119552  
conduct a survey, titled a standard survey, of every nursing 119553  
facility in this state on a statewide average of not more than 119554  
once every twelve months. Each nursing facility shall undergo a 119555  
standard survey at least once every fifteen months as a condition 119556



of meeting certification requirements. The department may extend a standard survey; such a survey is titled an extended survey.

(B) The department may conduct surveys in addition to standard surveys when it considers them necessary.

(C) The department shall conduct surveys in accordance with the regulations, guidelines, and procedures issued by the United States secretary of health and human services under ~~Titles~~ Title XVIII and Title XIX of the ~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ sections ~~5111.40~~ 5165.65 to ~~5111.42~~ 5165.68 of the Revised Code, and rules adopted under section 3721.022 of the Revised Code.

**Sec. ~~5111.40~~ 5165.65.** (A) At the conclusion of each survey, the department of health survey team shall conduct an exit interview with the administrator or other person in charge of the nursing facility and any other facility staff members designated by the administrator or person in charge of the facility. During the exit interview, at the request of the administrator or other person in charge of the facility, the survey team shall provide one of the following, as selected by the survey team:

(1) Copies of all survey notes and any other written materials created during the survey;

(2) A written summary of the survey team's recommendations regarding findings of noncompliance with certification requirements;

(3) An audio or audiovisual recording of the interview. If the survey team selects this option, at least two copies of the recording shall be made and the survey team shall select one copy to be kept by the survey team for use by the department of health.

(B) All expenses of copying under division (A)(1) of this section or recording under division (A)(3) of this section,

including the cost of the copy of the recording kept by the survey team, shall be paid by the facility.

**Sec. ~~5111.41~~ 5165.66.** (A) Except as provided in section 3721.17 of the Revised Code, a finding shall be cited only on the basis of a survey and a determination that one or more actions, practices, situations, or incidents at a nursing facility caused or resulted from the facility's failure to comply with one or more certification requirements. The department of health shall determine whether the actions, practices, situations, or incidents can be justified by either of the following:

(1) The actions, practices, situations, or incidents resulted from a resident exercising the resident's rights guaranteed under the laws of the United States or of this state;

(2) The actions, practices, situations, or incidents resulted from a facility following the orders of a person licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine and surgery.

(B) If the department of health determines both that the actions, practices, situations, or incidents cannot be justified by the factors identified in division (A) of this section and that one or more of the following are applicable, the department shall declare that the actions, practices, situations, or incidents constitute a finding:

(1) The actions, practices, situations, or incidents could have been prevented by one or more persons involved in the facility's operation;

(2) No person involved in the facility's operation identified the actions, practices, situations, or incidents prior to the survey;

(3) Prior to the survey, no person involved in the facility's

operation initiated action to correct the noncompliance caused by 119617  
or resulting in the actions, practices, situations, or incidents; 119618

(4) The facility does not have in effect, if needed, a 119619  
contingency plan that is reasonably calculated to prevent 119620  
physical, mental, or emotional harm to residents while permanent 119621  
corrective action is being taken. 119622

(C) The department of health shall determine the severity 119623  
level and scope level of each finding. 119624

(D) A deficiency that is substantially corrected within the 119625  
time limits specified in sections ~~5111.52~~ 5165.79 to 119626  
~~5111.56~~5165.83 of the Revised Code and for which no remedy is 119627  
imposed, shall be counted as a deficiency for the purpose of 119628  
determining whether a deficiency is a repeat deficiency. 119629

(E) Whenever the department of health determines that during 119630  
the period between two surveys a finding existed at the facility, 119631  
but the facility substantially corrected it prior to the second 119632  
survey, the department shall cite it. However, the department of 119633  
~~job and family services~~ medicaid or a contracting agency shall 119634  
impose a remedy only as provided in division (C) of section 119635  
~~5111.46~~ 5165.72 of the Revised Code. 119636

(F) Immediately upon determining the severity and scope of a 119637  
finding at a nursing facility, the department of health shall 119638  
notify the department of ~~job and family services~~ medicaid and any 119639  
contracting agency of the finding, the severity and scope of the 119640  
finding, and whether the finding creates immediate jeopardy. 119641  
Immediately upon determining that an emergency exists at a 119642  
facility that does not result from a deficiency that creates 119643  
immediate jeopardy, the department of health shall notify the 119644  
department of ~~job and family services~~ medicaid and any contracting 119645  
agency. 119646

**Sec. ~~5111.411~~ 5165.67.** The results of a survey of a nursing 119647  
facility that is conducted under section ~~5111.39~~ 5165.64 of the 119648  
Revised Code, including any statement of deficiencies and all 119649  
findings and deficiencies cited in the statement on the basis of 119650  
the survey, shall be used solely to determine the nursing 119651  
facility's compliance with certification requirements or with this 119652  
chapter or another chapter of the Revised Code. Those results of a 119653  
survey, that statement of deficiencies, and the findings and 119654  
deficiencies cited in that statement shall not be used in any 119655  
court or in any action or proceeding that is pending in any court 119656  
and are not admissible in evidence in any action or proceeding 119657  
unless that action or proceeding is an appeal of an administrative 119658  
action by the department of ~~job and family services~~ medicaid or 119659  
contracting agency under this chapter or is an action by any 119660  
department or agency of the state to enforce this chapter or 119661  
another chapter of the Revised Code. 119662

Nothing in this section prohibits the results of a survey, a 119663  
statement of deficiencies, or the findings and deficiencies cited 119664  
in that statement on the basis of the survey under this section 119665  
from being used in a criminal investigation or prosecution. 119666

**Sec. ~~5111.42~~ 5165.68.** (A) Not later than ten days after an 119667  
exit interview, the department of health shall deliver to the 119668  
nursing facility a detailed statement, titled a statement of 119669  
deficiencies, setting forth all findings and deficiencies cited on 119670  
the basis of the survey, including any finding cited pursuant to 119671  
division (E) of section ~~5111.41~~ 5165.66 of the Revised Code. The 119672  
statement shall indicate the severity and scope level of each 119673  
finding and fully describe the incidents or other facts that form 119674  
the basis of the department's determination of the existence of 119675  
each finding and deficiency. A failure by the survey team to 119676  
completely disclose in the exit interview every finding that may 119677

result from the survey does not affect the validity of any finding 119678  
or deficiency cited in the statement of deficiencies. On request 119679  
of the facility, the department shall provide a copy of any 119680  
written worksheet or other document produced by the survey team in 119681  
making recommendations regarding scope and severity levels of 119682  
findings and deficiencies. 119683

(B) At the same time the department of health delivers a 119684  
statement of deficiencies, it also shall deliver to the facility a 119685  
separate written notice that states all of the following: 119686

(1) That the department of ~~job and family services~~ medicaid 119687  
or a contracting agency will issue an order under section ~~5111.57~~ 119688  
5165.84 of the Revised Code denying payment for any medicaid 119689  
eligible residents admitted on and after the effective date of the 119690  
order if the facility does not substantially correct, within 119691  
ninety days after the exit interview, the deficiency or 119692  
deficiencies cited in the statement of deficiencies in accordance 119693  
with the plan of correction it submitted under section ~~5111.43~~ 119694  
5165.69 of the Revised Code; 119695

(2) If a condition of substandard care has been cited on the 119696  
basis of a standard survey and a condition of substandard care was 119697  
also cited on the immediately preceding standard survey, that the 119698  
department of ~~job and family services~~ medicaid or a contracting 119699  
agency will issue an order under section ~~5111.57~~ 5165.84 of the 119700  
Revised Code denying payment for any medicaid eligible residents 119701  
admitted on and after the effective date of the order if a 119702  
condition of substandard care is cited on the basis of the next 119703  
standard survey; 119704

(3) That the department of ~~job and family services~~ medicaid 119705  
or a contracting agency will issue an order under section ~~5111.58~~ 119706  
5165.88 of the Revised Code terminating the facility's 119707  
participation in the ~~medical assistance~~ medicaid program if either 119708  
of the following applies: 119709

(a) The facility does not substantially correct the 119710  
deficiency or deficiencies in accordance with the plan of 119711  
correction it submitted under section ~~5111.43~~ 5165.69 of the 119712  
Revised Code within six months after the exit interview. 119713

(b) The facility substantially corrects the deficiency or 119714  
deficiencies within the six-month period, but after correcting it, 119715  
the department of health, based on a follow-up survey conducted 119716  
during the remainder of the six-month period, determines that the 119717  
facility has failed to maintain compliance with certification 119718  
requirements. 119719

**Sec. ~~5111.43~~ 5165.69.** (A) Whenever a nursing facility 119720  
receives a statement of deficiencies under section ~~5111.42~~ 5165.68 119721  
of the Revised Code, the facility shall submit to the department 119722  
of health for its approval a plan of correction for each finding 119723  
cited in the statement. The plan shall ~~describe~~ include all of the 119724  
following: 119725

(1) Detailed descriptions of the actions the facility will 119726  
take to correct each finding and specify the, including actions 119727  
the facility will take to protect residents situated similarly to 119728  
the residents affected by the causes of the findings; 119729

(2) The date by which each finding will be corrected. ~~In the~~ 119730  
~~case of;~~ 119731

(3) A detailed description of an ongoing monitoring and 119732  
improvement process to be used at the facility that is focused on 119733  
preventing any recurrence of the causes of the findings; 119734

(4) If the plan concerns a finding assigned a severity level 119735  
indicating that a resident was harmed or immediate jeopardy 119736  
exists, all of the following: 119737

(a) Detailed analyses of the facts and circumstances of the 119738  
finding, including identification of its root cause; 119739

(b) A detailed explanation of how the corrective actions described pursuant to division (A)(1) of this section relate to the root cause of the finding identified pursuant to division (A)(4)(a) of this section; 119740  
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(c) A detailed explanation of the relationship between the ongoing monitoring and improvement process described pursuant to division (A)(3) of this section and the root cause of the finding identified pursuant to division (A)(4)(a) of this section. 119744  
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(5) If the plan concerns a finding cited pursuant to division (E) of section ~~5111.41~~ 5165.66 of the Revised Code, the plan shall describe a description of the actions the facility took to correct the finding and the date on which it was corrected. 119748  
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(B)(1) The department shall approve any plan, and any modification of an existing plan a nursing facility submits to the department, that ~~conforms~~ does both of the following: 119752  
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(a) Conforms to the requirements for approval of plans of corrections, and modifications, established in the regulations, guidelines, and procedures issued by the United States secretary of health and human services under ~~Titles~~ Title XVIII and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; 119755  
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(b) Includes all the information required by division (A) of this section. The department also shall approve any modification of an existing plan submitted by a facility, if the plan as modified conforms to those regulations, guidelines, and procedures. The 119761  
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(2) The department shall consult with the department of medicaid, department of aging, and office of the state long-term care ombudsman program when determining whether a plan, or modification of an existing plan, to which division (A)(4) of this section applies conforms to the requirements for approval. The 119766  
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department shall not reject a facility's plan of correction or 119771  
modification on the ground that the facility disputes the finding, 119772  
if the plan or modification is reasonably calculated to correct 119773  
the finding. 119774

(C) A facility that complies with this section shall not be 119775  
considered to have admitted the existence of a finding cited by 119776  
the department. 119777

**Sec. ~~5111.44~~ 5165.70.** The department of health may appoint 119778  
employees of the department to conduct on-site monitoring of a 119779  
nursing facility whenever a finding is cited, including any 119780  
finding cited pursuant to division (E) of section ~~5111.41~~ 5165.66 119781  
of the Revised Code, or an emergency is found to exist. 119782  
Appointment of monitors under this section is not subject to 119783  
appeal under section ~~5111.60~~ 5165.87 or any other section of the 119784  
Revised Code. No employee of a facility for which monitors are 119785  
appointed, no person employed by the facility within the previous 119786  
two years, and no person who currently has a consulting or other 119787  
contract with the department or the facility, shall be appointed 119788  
as a monitor under this section. Every monitor appointed under 119789  
this section shall have the professional qualifications necessary 119790  
to monitor correction of the finding or elimination of the 119791  
emergency. 119792

**Sec. ~~5111.45~~ 5165.71.** (A) If the department of health cites a 119793  
deficiency or deficiencies that was not substantially corrected 119794  
before a survey and that does not constitute a severity level four 119795  
finding or create immediate jeopardy, the department of ~~job and~~ 119796  
~~family services~~ medicaid or a contracting agency shall permit the 119797  
nursing facility to continue participating in the ~~medical~~ 119798  
~~assistance~~ medicaid program for up to six months after the exit 119799  
interview, if all of the following apply: 119800



(1) The facility meets the requirements, established in 119801  
regulations issued by the United States secretary of health and 119802  
human services under Title XIX ~~of the "Social Security Act," 49~~ 119803  
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ for certification 119804  
of nursing facilities that have a deficiency. 119805

(2) The department of health has approved a plan of 119806  
correction submitted by the facility under section ~~5111.43~~ 5165.69 119807  
of the Revised Code for each deficiency. 119808

(3) The provider agrees to repay the department of ~~job and~~ 119809  
~~family services~~ medicaid, in accordance with section ~~5111.58~~ 119810  
5165.85 of the Revised Code, the federal share of all payments 119811  
made by the department to the facility during the six-month period 119812  
following the exit interview if the facility does not within the 119813  
six-month period substantially correct the deficiency or 119814  
deficiencies in accordance with the plan of correction submitted 119815  
under section ~~5111.43~~ 5165.69 of the Revised Code. 119816

(B) If any of the conditions in divisions (A)(1) to (3) of 119817  
this section do not apply, the department of ~~job and family~~ 119818  
~~services~~ medicaid or contracting agency shall issue an order 119819  
terminating the facility's participation in the ~~medical assistance~~ 119820  
medicaid program. An order issued under this division is subject 119821  
to appeal under Chapter 119. of the Revised Code. The order shall 119822  
not take effect prior to the later of the thirtieth day after it 119823  
is delivered to the facility or, if the order is appealed, the 119824  
date on which a final adjudication order upholding the termination 119825  
becomes effective pursuant to Chapter 119. of the Revised Code. 119826

(C) At the time the department of ~~job and family services~~ 119827  
medicaid or contracting agency issues an order under division (B) 119828  
of this section terminating a nursing facility's participation in 119829  
the ~~medical assistance~~ medicaid program, it may also impose, 119830  
subject to section ~~5111.59~~ 5165.76 of the Revised Code, other 119831  
remedies under sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 of the 119832

Revised Code. 119833

**Sec. ~~5111.46~~ 5165.72.** (A) If the department of health cites a 119834  
deficiency, or cluster of deficiencies, that was not substantially 119835  
corrected before a survey and constitutes a severity level four 119836  
finding, the department of ~~job and family services~~ medicaid or 119837  
contracting agency shall, subject to sections ~~5111.52~~ 5165.79 to 119838  
~~5111.56~~ 5165.83 of the Revised Code, impose a remedy for the 119839  
deficiency or cluster of deficiencies. The department or agency 119840  
may act under either division (A)(1) or (2) of this section: 119841

(1) The department or agency may impose one or more of the 119843  
following remedies: 119844

(a) Issue an order terminating the nursing facility's 119845  
participation in the ~~medical assistance~~ medicaid program. 119846

(b) Do either of the following: 119847

(i) Regardless of whether the provider consents, appoint a 119848  
temporary manager of the facility. 119849

(ii) Apply to the common pleas court of the county in which 119850  
the facility is located for such injunctive or other equitable 119851  
relief as is necessary for the appointment of a special master 119852  
with such powers and authority over the facility and length of 119853  
appointment as the court considers necessary. 119854

(c) Do either of the following: 119855

(i) Issue an order denying ~~payment~~ medicaid payments to the 119856  
facility ~~under the medical assistance program~~ for all medicaid 119857  
eligible residents admitted after the effective date of the order; 119858

(ii) Impose a fine. 119859

(d) Issue an order denying ~~payment~~ medicaid payments to the 119860  
facility ~~under the medical assistance program~~ for medicaid 119861

eligible residents admitted after the effective date of the order 119862  
who have certain diagnoses or special care needs specified by the 119863  
department or agency. 119864

(2) The department or agency may impose one or more of the 119865  
following remedies: 119866

(a) Appoint, subject to the continuing consent of the 119867  
provider, a temporary manager of the facility; 119868

(b) Do either of the following: 119869

(i) Regardless of whether the provider consents, appoint a 119870  
temporary manager of the facility; 119871

(ii) Apply to the common pleas court of the county in which 119872  
the facility is located for such injunctive or other equitable 119873  
relief as is necessary for the appointment of a special master 119874  
with such powers and authority over the facility and length of 119875  
appointment as the court considers necessary. 119876

(c) Do either of the following: 119877

(i) Issue an order denying ~~payment~~ medicaid payments to the 119878  
facility ~~under the medical assistance program~~ for all medicaid 119879  
eligible residents admitted after the effective date of the order; 119880

(ii) Impose a fine. 119881

(d) Issue an order denying ~~payment~~ medicaid payments to the 119882  
facility ~~under the medical assistance program~~ for medicaid 119883  
eligible residents admitted after the effective date of the order 119884  
who have certain diagnoses or special care needs specified by the 119885  
department or agency; 119886

(e) Issue an order requiring the facility to correct the 119887  
deficiency or cluster of deficiencies under the plan of correction 119888  
submitted by the facility and approved by the department of health 119889  
under section ~~5111.43~~ 5165.69 of the Revised Code. 119890

(B) The department of ~~job and family services~~ medicaid or 119891

contracting agency shall deliver a written order issued under 119892  
division (A)(1) of this section terminating a nursing facility's 119893  
participation in the ~~medical assistance~~ medicaid program to the 119894  
facility within five days after the exit interview. If the 119895  
facility alleges, at any time prior to the later of the twentieth 119896  
day after the exit interview or the fifteenth day after it 119897  
receives the order, that the deficiency or cluster of deficiencies 119898  
for which the order was issued has been substantially corrected, 119899  
the department of health shall conduct a follow-up survey to 119900  
determine whether the deficiency or cluster of deficiencies has 119901  
been substantially corrected. The order shall take effect and the 119902  
facility's participation shall terminate on the twentieth day 119903  
after the exit interview, unless the facility has substantially 119904  
corrected the deficiency or cluster of deficiencies that 119905  
constituted a severity level four finding or did not receive 119906  
notice from the department of ~~job and family services~~ medicaid or 119907  
contracting agency within five days after the exit interview. In 119908  
the latter case, the order shall take effect and the facility's 119909  
participation shall terminate on the fifteenth day after the 119910  
facility received the order. 119911

(C) If the department of health cites a deficiency or cluster 119912  
of deficiencies pursuant to division (E) of section ~~5111.41~~ 119913  
5165.66 of the Revised Code that constituted a severity level four 119914  
finding, the department of ~~job and family services~~ medicaid or a 119915  
contracting agency shall, subject to section ~~5111.56~~ 5165.83 of 119916  
the Revised Code, impose a fine. The fine shall be in effect for a 119917  
period equal to the number of days the deficiency or cluster of 119918  
deficiencies existed at the facility. 119919

**Sec. ~~5111.47~~ 5165.73.** If the department of health cites a 119920  
deficiency, or cluster of deficiencies, that was not substantially 119921  
corrected before a survey and constitutes a severity level three 119922  
and scope level three or four finding, the department of ~~job and~~ 119923

~~family services~~ medicaid or a contracting agency may, subject to 119924  
sections ~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, 119925  
impose one or more of the following remedies: 119926

(A) Do either of the following: 119927

(1) Issue an order denying ~~payment~~ medicaid payments to the 119928  
facility ~~under the medical assistance program~~ for all medicaid 119929  
eligible residents admitted after the effective date of the order; 119930

(2) Impose a fine. 119931

(B) Issue an order denying ~~payment~~ medicaid payments to the 119932  
facility ~~under the medical assistance program~~ for medicaid 119933  
eligible residents admitted after the effective date of the order 119934  
who have certain diagnoses or special care needs specified by the 119935  
department or agency; 119936

(C) Issue an order requiring the facility to correct the 119937  
deficiency or cluster of deficiencies under the plan of correction 119938  
submitted by the facility and approved by the department of health 119939  
under section ~~5111.43~~ 5165.69 of the Revised Code. 119940

**Sec. ~~5111.48~~ 5165.74.** (A) If the department of health cites a 119941  
deficiency, or cluster of deficiencies, that was not substantially 119942  
corrected before a survey and constitutes a severity level three 119943  
and scope level two finding, the department of ~~job and family~~ 119944  
~~services~~ medicaid or a contracting agency may, subject to sections 119945  
~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose 119946  
one or more of the following remedies: 119947

(1) Do either of the following: 119948

(a) Issue an order denying ~~payment~~ medicaid payments to the 119949  
facility ~~under the medical assistance program~~ for all medicaid 119950  
eligible residents admitted after the effective date of the order; 119951

(b) Impose a fine. 119952

(2) Issue an order denying ~~payment~~ medicaid payments to the 119953  
facility ~~under the medical assistance program~~ for medicaid 119954  
eligible residents admitted after the effective date of the order 119955  
who have certain diagnoses or special care needs specified by the 119956  
department or agency; 119957

(3) Issue an order requiring the facility to correct the 119958  
deficiency or cluster of deficiencies under the plan of correction 119959  
proposed by the facility and approved by the department of health 119960  
under section ~~5111.43~~ 5165.69 of the Revised Code. 119961

(B) If the department of health cites a deficiency, or 119962  
cluster of deficiencies, that was not substantially corrected 119963  
before a survey and constitutes a severity level three and scope 119964  
level one finding, the department of ~~job and family services~~ 119965  
medicaid or a contracting agency may, subject to sections ~~5111.55~~ 119966  
5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose one or 119967  
more of the following remedies: 119968

(1) Impose a fine; 119969

(2) Issue an order denying ~~payment~~ medicaid payments to the 119970  
facility ~~under the medical assistance program~~ for medicaid 119971  
eligible residents admitted after the effective date of the order 119972  
who have certain diagnoses or special care needs specified by the 119973  
department or agency; 119974

(3) Issue an order requiring the facility to correct the 119975  
deficiency or cluster of deficiencies under the plan of correction 119976  
proposed by the facility and approved by the department of health 119977  
under section ~~5111.43~~ 5165.69 of the Revised Code. 119978

(C) If the department of health cites a deficiency, or 119979  
cluster of deficiencies, that was not substantially corrected 119980  
before a survey and constitutes a severity level two and a scope 119981  
level three or four finding, the department of ~~job and family~~ 119982  
~~services~~ medicaid or a contracting agency may, subject to sections 119983

~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose 119984  
one or more of the following remedies: 119985

(1) Impose a fine; 119986

(2) Issue an order denying ~~payment~~ medicaid payments to the 119987  
facility ~~under the medical assistance program~~ for medicaid 119988  
eligible residents admitted after the effective date of the order 119989  
who have certain diagnoses or special care needs specified by the 119990  
department or agency; 119991

(3) Issue an order requiring the facility to correct the 119992  
deficiency or cluster of deficiencies under the plan of correction 119993  
submitted by the facility and approved by the department of health 119994  
under section ~~5111.43~~ 5165.69 of the Revised Code. 119995

(D) If the department of health cites a deficiency, or 119996  
cluster of deficiencies, that was not substantially corrected 119997  
before a survey, constitutes a severity level two and scope level 119998  
one or two finding, and is a repeat finding, the department of ~~job~~ 119999  
~~and family services~~ medicaid or a contracting agency may issue an 120000  
order requiring the facility to correct the deficiency or cluster 120001  
of deficiencies under the plan of correction submitted by the 120002  
facility and approved by the department of health under section 120003  
~~5111.43~~ 5165.69 of the Revised Code. 120004

(E) If the department of health cites a deficiency, or 120005  
cluster of deficiencies, that was not substantially corrected 120006  
before a survey and constitutes a severity level one and scope 120007  
level three or four finding, the department of ~~job and family~~ 120008  
~~services~~ medicaid or a contracting agency may issue an order 120009  
requiring the facility to correct the deficiency or cluster of 120010  
deficiencies under the plan of correction submitted by the 120011  
facility and approved by the department of health under section 120012  
~~5111.43~~ 5165.69 of the Revised Code. 120013

(F) If the department of health cites a deficiency, or 120014

cluster of deficiencies, that was not substantially corrected 120015  
before a survey, constitutes a severity level one and scope level 120016  
two finding, and is a repeat finding, the department of ~~job and~~ 120017  
~~family services~~ medicaid or a contracting agency may issue an 120018  
order requiring the facility to correct the deficiency or cluster 120019  
of deficiencies under the plan of correction submitted by the 120020  
facility and approved by the department of health under section 120021  
~~5111.43~~ 5165.69 of the Revised Code. 120022

**Sec. ~~5111.49~~ 5165.75.** (A) In determining which remedies to 120023  
impose under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 120024  
5165.74 of the Revised Code, including whether a fine should be 120025  
imposed, the department of ~~job and family services~~ medicaid or a 120026  
contracting agency shall do both of the following: 120027

(1) Impose the remedies that are most likely to achieve 120028  
correction of deficiencies, encourage sustained compliance with 120029  
certification requirements, and protect the health, safety, and 120030  
rights of facility residents, but that are not directed at 120031  
punishment of the facility; 120032

(2) Consider all of the following: 120033

(a) The presence or absence of immediate jeopardy; 120034

(b) The relationships of groups of deficiencies to each 120035  
other; 120036

(c) The facility's history of compliance with certification 120037  
requirements generally and in the specific area of the deficiency 120038  
or deficiencies; 120039

(d) Whether the deficiency or deficiencies are directly 120040  
related to resident care; 120041

(e) The corrective, long-term compliance, resident 120042  
protective, and nonpunitive outcomes sought by the department or 120043  
agency; 120044



|                                                                                                                                                                                                                                                                                                          |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (f) The nature, scope, and duration of the noncompliance with certification requirements;                                                                                                                                                                                                                | 120045<br>120046                               |
| (g) The existence of repeat deficiencies;                                                                                                                                                                                                                                                                | 120047                                         |
| (h) The category of certification requirements with which the facility is out of compliance;                                                                                                                                                                                                             | 120048<br>120049                               |
| (i) Any period of noncompliance with certification requirements that occurred between two certifications by the department of health that the facility was in compliance with certification requirements;                                                                                                | 120050<br>120051<br>120052<br>120053           |
| (j) The facility's degree of culpability;                                                                                                                                                                                                                                                                | 120054                                         |
| (k) The accuracy, extent, and availability of facility records;                                                                                                                                                                                                                                          | 120055<br>120056                               |
| (l) The facility's financial condition, exclusive of any moneys donated to a facility that is an organization described in subsection 501(c)(3) and is tax exempt under subsection 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1;                                         | 120057<br>120058<br>120059<br>120060<br>120061 |
| (m) Any adverse effect that the action or fine would have on the health and safety of facility residents;                                                                                                                                                                                                | 120062<br>120063                               |
| (n) If the noncompliance that resulted in the citation of a deficiency or cluster of deficiencies existed before a change in ownership of the facility, whether the new owner or owners have had sufficient time to correct the noncompliance.                                                           | 120064<br>120065<br>120066<br>120067           |
| (B) Whenever the department or agency imposes remedies under section <del>5111.46</del> <u>5165.72</u> , <del>5111.47</del> <u>5165.73</u> , or <del>5111.48</del> <u>5165.74</u> of the Revised Code, it shall provide a written statement to the nursing facility that specifies all of the following: | 120068<br>120069<br>120070<br>120071           |
| (1) The effective date of each remedy;                                                                                                                                                                                                                                                                   | 120072                                         |
| (2) The deficiency or cluster of deficiencies for which each remedy is imposed;                                                                                                                                                                                                                          | 120073<br>120074                               |

(3) The severity and scope of the deficiency or cluster of deficiencies; 120075  
120076

(4) The rationale, including all applicable factors specified in division (A) of this section, for imposing the remedies. 120077  
120078

**Sec. ~~5111.50~~ 5165.76.** At the time the department of ~~job and family services~~ medicaid or a contracting agency, under section ~~5111.45~~ 5165.71, ~~5111.46~~ 5165.72, or ~~5111.51~~ 5165.77 of the Revised Code, issues an order terminating a nursing facility's participation in the ~~medical assistance~~ medicaid program, the department or agency may also impose a fine, in accordance with sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 and ~~5111.56~~ 5165.83 of the Revised Code, to be collected in the event the termination order does not take effect. The department or agency shall not collect this fine if the termination order takes effect. 120079  
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**Sec. ~~5111.51~~ 5165.77.** (A) If the department of health finds during a survey that an emergency exists at a nursing facility, as the result of a deficiency or cluster of deficiencies that creates immediate jeopardy, the department of ~~job and family services~~ medicaid or a contracting agency shall impose one or more of the remedies described in division (A)(1) of this section and, in addition, may take one or both of the actions described in division (A)(2) of this section. 120089  
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(1) The department or agency shall impose one or more of the following remedies: 120097  
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(a) Appoint, subject to the continuing consent of the provider, a temporary manager of the facility; 120099  
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(b) Apply to the common pleas court of the county in which the facility is located for a temporary restraining order, preliminary injunction, or such other injunctive or equitable relief as is necessary to close the facility, transfer one or more 120101  
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residents to other nursing facilities or other appropriate care 120105  
settings, or otherwise eliminate the condition of immediate 120106  
jeopardy. If the court grants such an order, injunction, or 120107  
relief, it may appoint a special master empowered to implement the 120108  
court's judgment under the court's direct supervision. 120109

(c) Issue an order terminating the facility's participation 120110  
in the ~~medical assistance~~ medicaid program; 120111

(d) Regardless of whether the provider consents, appoint a 120112  
temporary manager of the facility. 120113

(2) The department or agency may do one or both of the 120114  
following: 120115

(a) Issue an order denying ~~payment~~ medicaid payments to the 120116  
facility for all medicaid eligible residents admitted after the 120117  
effective date of the order; 120118

(b) Impose remedies under sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 120119  
5165.74 of the Revised Code appropriate to the severity and scope 120120  
of the deficiency or cluster of deficiencies, except that the 120121  
department or agency shall not impose a fine for the same 120122  
deficiency for which the department or agency has issued an order 120123  
under division (A)(2)(a) of this section. 120124

(B) If the department of health, department of ~~job and family~~ 120125  
~~services~~ medicaid, or a contracting agency finds on the basis of a 120126  
survey or other visit to the facility by representatives of that 120127  
department or agency that an emergency exists at a facility that 120128  
is not the result of a deficiency or cluster of deficiencies that 120129  
constitutes immediate jeopardy, the department of ~~job and family~~ 120130  
~~services~~ medicaid or contracting agency may do either of the 120131  
following: 120132

(1) Appoint, subject to the continuing consent of the 120133  
provider, a temporary manager of the facility; 120134

(2) Apply to the common pleas court of the county in which the facility is located for a temporary restraining order, preliminary injunction, or such other injunctive or equitable relief as is necessary to close the facility, transfer one or more residents to other nursing facilities or other appropriate care settings, or otherwise eliminate the emergency. If the court grants such an order, injunction, or relief, it may appoint a special master empowered to implement the court's judgment under the court's direct supervision.

(C)(1) Prior to acting under division (A)(1)(b), (c), (d), or (2), or (B)(2) of this section, the department of ~~job and family services~~ medicaid or contracting agency shall give written notice to the facility specifying all of the following:

(a) The nature of the emergency, including the nature of any deficiency or deficiencies that caused the emergency;

(b) The nature of the action the department or agency intends to take unless the department of health determines that the facility, in the absence of state intervention, possesses the capacity to eliminate the emergency;

(c) The rationale for taking the action.

(2) If the department of health determines that the facility does not possess the capacity to eliminate the emergency in the absence of state intervention, the department of ~~job and family services~~ medicaid or contracting agency may immediately take action under division (A) or (B) of this section. If the department of health determines that the facility possesses the capacity to eliminate the emergency, the department of ~~job and family services~~ medicaid or contracting agency shall direct the facility to eliminate the emergency within five days after the facility's receipt of the notice. At the end of the five-day period, the department of health shall conduct a follow-up survey

that focuses on the emergency. If the department of health 120166  
determines that the facility has eliminated the emergency within 120167  
the time period, the department of ~~job and family services~~ 120168  
medicaid or contracting agency shall not act under division 120169  
(A)(1)(b), (c), (d), or (2)(a), or (B)(2) of this section. If the 120170  
department of health determines that the facility has failed to 120171  
eliminate the emergency within the five-day period, the department 120172  
of ~~job and family services~~ medicaid or contracting agency shall 120173  
take appropriate action under division (A)(1)(b), (c), (d), or 120174  
(2), or (B)(2) of this section. 120175

(3) Until the written notice required by division (C)(1) of 120176  
this section is actually delivered, no action taken by the 120177  
department of ~~job and family services~~ medicaid or contracting 120178  
agency under division (A)(1)(b), (c), (d), or (2), or (B)(2) of 120179  
this section shall have any legal effect. In addition to the 120180  
written notice, the department of health survey team shall give 120181  
oral notice to the facility, at the time of the survey, concerning 120182  
any recommendations the survey team intends to make that could 120183  
form the basis of a determination that an emergency exists. 120184

(D) The department of ~~job and family services~~ medicaid or 120185  
contracting agency shall deliver a written order issued under 120186  
division (A)(1) of this section terminating a nursing facility's 120187  
participation in the ~~medical assistance~~ medicaid program to the 120188  
facility within five days after the exit interview. If the 120189  
facility alleges, at any time prior to the later of the twentieth 120190  
day after the exit interview or the fifteenth day after it 120191  
receives the order, that the condition of immediate jeopardy for 120192  
which the order was issued has been eliminated, the department of 120193  
health shall conduct a follow-up survey to determine whether the 120194  
immediate jeopardy has been eliminated. The order shall take 120195  
effect and the facility's participation shall terminate on the 120196  
twentieth day after the exit interview, unless the facility has 120197

eliminated the immediate jeopardy or did not receive notice from 120198  
the department of ~~job and family services~~ medicaid or contracting 120199  
agency within five days after the exit interview. In the latter 120200  
case, the order shall take effect and the facility's participation 120201  
shall terminate on the fifteenth day after the facility received 120202  
the order. 120203

(E) Any action taken by the department of ~~job and family~~ 120204  
~~services~~ medicaid or a contracting agency under division 120205  
(A)(1)(c), (d), or (2)(a) of this section is subject to appeal 120206  
under Chapter 119. of the Revised Code, except that the department 120207  
or agency may take such action prior to and during the pendency of 120208  
any proceeding under that chapter. No action taken by a facility 120209  
under division (C) of this section to eliminate an emergency cited 120210  
by the department of health shall be considered an admission by 120211  
the facility of the existence of an emergency. 120212

**Sec. 5165.771.** (A) As used in this section: 120213

"SFF list" means the list of nursing facilities that the 120214  
United States department of health and human services creates 120215  
under the special focus facility program. 120216

"Special focus facility program" means the program conducted 120217  
by the United States secretary of health and human services 120218  
pursuant to the "Social Security Act," section 1919(f)(10), 42 120219  
U.S.C. 1396r(f)(10). 120220

"Table A" means the table included in the SFF list that 120221  
identifies nursing facilities that are newly added to the SFF 120222  
list. 120223

"Table B" means the table included in the SFF list that 120224  
identifies nursing facilities that have not improved. 120225

"Table C" means the table included in the SFF list that 120226  
identifies nursing facilities that have shown improvement. 120227

"Table D" means the table included in the SFF list that identifies nursing facilities that have recently graduated from the special focus facility program. 120228  
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(B) The department of medicaid shall issue an order terminating a nursing facility's participation in the medicaid program if any of the following apply: 120231  
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(1) The nursing facility is listed in table A or table B on the effective date of this section and fails to be placed in table C not later than twelve months after the effective date of this section; 120234  
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(2) The nursing facility is listed in table A, table B, or table C on the effective date of this section and fails to be placed in table D not later than twenty-four months after the effective date of this section; 120238  
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(3) The nursing facility is placed in table A after the effective date of this section and fails to be placed in table C not later than twelve months after the nursing facility is placed in table A; 120242  
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120245

(4) The nursing facility is placed in table A after the effective date of this section and fails to be placed in table D not later than twenty-four months after the nursing facility is placed in table A. 120246  
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(C) An order issued under this section is not subject to appeal under Chapter 119. of the Revised Code. 120250  
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**Sec. ~~5111.511~~ 5165.78.** (A) If the department of ~~job and family services~~ medicaid determines that a nursing facility is experiencing or is likely to experience a serious financial loss or failure that jeopardizes or is likely to jeopardize the health, safety, and welfare of its residents, the department, subject to the provider's consent, may appoint a temporary resident safety 120252  
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assurance manager in the nursing facility to take actions the 120258  
department determines are appropriate to ensure the health, 120259  
safety, and welfare of the residents. 120260

(B) A temporary resident safety assurance manager appointed 120261  
under this section is vested with the authority necessary to take 120262  
actions the department of ~~job and family services~~ medicaid 120263  
determines are appropriate to ensure the health, safety, and 120264  
welfare of the residents. 120265

(C) A temporary resident safety assurance manager appointed 120266  
under this section may use any of the following funds to pay for 120267  
costs the manager incurs on behalf of the nursing facility: 120268

(1) Medicaid payments made in accordance with the provider 120269  
agreement for the nursing facility; 120270

(2) Funds from the residents protection fund that the 120271  
department provides the manager under section ~~5111.62~~ 5162.66 of 120272  
the Revised Code; 120273

(3) Other funds the department determines are appropriate if 120274  
such use of the funds is consistent with the appropriations that 120275  
authorize the use of the funds and all other state and federal 120276  
laws governing the use of the funds. 120277

(D) The provider is liable to the department for the amount 120278  
of any payments the department makes to the temporary resident 120279  
safety assurance manager, other than payments specified in 120280  
division (C)(1) of this section. The department may recover the 120281  
amount the provider owes the department by doing any of the 120282  
following: 120283

(1) Offsetting medicaid payments made to the provider in 120284  
accordance with the provider agreement; 120285

(2) Placing a lien on any of the provider's real and personal 120286  
property; 120287



|                                                                                                                                                                                                                                                      |                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (3) Initiating other collection actions.                                                                                                                                                                                                             | 120288                               |
| (E) No action the department takes under this section is subject to appeal under Chapter 119. of the Revised Code.                                                                                                                                   | 120289<br>120290                     |
| (F) In rules <del>adopted under</del> <u>authorized by</u> section <del>5111.36</del> <u>5165.61</u> of the Revised Code, the <u>medicaid</u> director <del>of job and family services</del> may establish all of the following:                     | 120291<br>120292<br>120293           |
| (1) Qualifications persons must meet to be appointed temporary resident safety assurance managers under this section;                                                                                                                                | 120294<br>120295                     |
| (2) Procedures for maintaining a list of qualified temporary resident safety assurance managers;                                                                                                                                                     | 120296<br>120297                     |
| (3) Procedures consistent with federal law for paying for the services of temporary resident safety assurance managers;                                                                                                                              | 120298<br>120299                     |
| (4) Accounting and reporting requirements for temporary resident safety assurance managers;                                                                                                                                                          | 120300<br>120301                     |
| (5) Other procedures and requirements the director determines are necessary to implement this section.                                                                                                                                               | 120302<br>120303                     |
| <b>Sec. <del>5111.52</del> <u>5165.79</u>.</b> (A) As used in this section, "terminating" includes not renewing.                                                                                                                                     | 120304<br>120305                     |
| (B) A nursing facility's participation in the <del>medical assistance</del> <u>medicaid</u> program shall be terminated under sections <del>5111.35</del> <u>5165.60</u> to <del>5111.62</del> <u>5165.89</u> of the Revised Code as follows:        | 120306<br>120307<br>120308<br>120309 |
| (1) If the department of <del>job and family services</del> <u>medicaid</u> is terminating the facility's participation, it shall issue an order terminating the facility's provider agreement.                                                      | 120310<br>120311<br>120312           |
| (2) If the department of health, acting as a contracting agency, is terminating the facility's participation, it shall issue an order terminating certification of the facility's compliance with certification requirements. When the department of | 120313<br>120314<br>120315<br>120316 |

health terminates certification, the department of ~~job and family~~ 120317  
~~services~~ medicaid shall terminate the facility's provider 120318  
agreement. The department of ~~job and family services~~ medicaid is 120319  
not required to provide an adjudication hearing when it terminates 120320  
a provider agreement following termination of certification by the 120321  
department of health. 120322

(3) If a state agency other than the department of health, 120323  
acting as a contracting agency, is terminating the facility's 120324  
participation, it shall notify the department of ~~job and family~~ 120325  
~~services~~ medicaid, and the department of ~~job and family services~~ 120326  
medicaid shall issue an order terminating the facility's provider 120327  
agreement. The contracting agency shall conduct any administrative 120328  
proceedings concerning the order. 120329

(C) If the following conditions are met, the department of 120330  
~~job and family services~~ medicaid may make ~~medical assistance~~ 120331  
medicaid payments to a nursing facility for a period not exceeding 120332  
thirty days after the effective date of termination under sections 120333  
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code of the 120334  
facility's participation in the ~~medical assistance~~ medicaid 120335  
program: 120336

(1) The payments are for medicaid eligible residents admitted 120337  
to the facility prior to the effective date of the termination; 120338

(2) The provider is making reasonable efforts to transfer 120339  
medicaid eligible residents to other care settings. 120340

The period during which payments may be made under this 120341  
division begins on the later of the effective date of the 120342  
termination or, if the facility has appealed a termination order, 120343  
the date of issuance of the adjudication order upholding 120344  
termination. 120345

**Sec. ~~5111.53~~ 5165.80.** (A) Whenever a nursing facility is 120346

closed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 120347  
Revised Code, the department of ~~job and family services~~ medicaid 120348  
or contracting agency shall arrange for the safe and orderly 120349  
transfer of all residents, including residents who are not 120350  
medicaid eligible residents, to other appropriate care settings. 120351  
Whenever a nursing facility's participation in the ~~medical~~ 120352  
~~assistance~~ medicaid program is terminated under sections ~~5111.35~~ 120353  
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code, the department or 120354  
agency shall arrange for the safe and orderly transfer of all 120355  
medicaid eligible residents or, if the termination results in the 120356  
closure of the facility, of all residents. The provider and all 120357  
persons involved in the facility's operation shall cooperate with 120358  
and assist in the transfer of residents. 120359

(B) After a nursing facility's participation in the ~~medical~~ 120360  
~~assistance~~ medicaid program is terminated under section ~~5111.45~~ 120361  
5165.71, ~~5111.46~~ 5165.72, ~~5111.51~~ 5165.77, 5165.771, or ~~5111.58~~ 120362  
5165.85 of the Revised Code, the department of ~~job and family~~ 120363  
~~services~~ medicaid or contracting agency may appoint a temporary 120364  
manager subject to the continuing consent of the provider, or may 120365  
apply to the common pleas court of the county in which the 120366  
facility is located for such injunctive relief as is necessary for 120367  
the appointment of a special master, to ensure the transfer of 120368  
medicaid eligible residents to other appropriate care settings 120369  
and, if applicable, the orderly closure of the facility. 120370

**Sec. ~~5111.54~~ 5165.81.** (A) A temporary manager of a nursing 120371  
facility appointed by the department of ~~job and family services~~ 120372  
medicaid or a contracting agency under sections ~~5111.35~~ 5165.60 to 120373  
~~5111.62~~ 5165.89 of the Revised Code shall meet all of the 120374  
following qualifications: 120375

(1) Be licensed as a nursing home administrator under Chapter 120376  
4751. of the Revised Code; 120377

(2) Have demonstrated competence as a nursing home administrator; 120378  
120379

(3) Have had no disciplinary action taken against the temporary manager by any licensing board or professional society in this state. 120380  
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(B) The salary of a temporary manager or special master appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code shall be paid by the facility and set by the department of ~~job and family services~~ medicaid or contracting agency, in the case of a temporary manager, or by the court, in the case of a special master, at a rate not to exceed the maximum allowable compensation for an administrator under the ~~medical assistance~~ medicaid program. The extent to which this compensation is allowable under the ~~medical assistance~~ medicaid program is subject to and limited by this chapter and rules ~~of the department~~ adopted under section 5165.02 of the Revised Code. 120383  
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Subject to division (C) of this section, any costs incurred on behalf of a nursing facility by a temporary manager or special master appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code shall be paid by the facility. The allowability of these costs under the ~~medical assistance~~ medicaid program shall be subject to and governed by this chapter and ~~the rules of the department~~ adopted under section 5165.02 of the Revised Code. This division does not prohibit a facility from applying for or receiving any waiver of cost ceilings available under the ~~rules of the department.~~ 120394  
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(C) No temporary manager or special master appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code shall enter into any employment contract on behalf of a facility, or purchase any capital goods using facility funds totaling more than ten thousand dollars, unless the temporary manager or special master has obtained prior approval for the contract or purchase 120404  
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from either the provider or the court. 120410

(D)(1) A temporary manager appointed for a nursing facility 120411  
under section ~~5111.46~~ 5165.72 of the Revised Code is hereby 120412  
vested, subject to division (C) of this section, with the legal 120413  
authority necessary to correct any deficiency or cluster of 120414  
deficiencies at a facility, bring the facility into compliance 120415  
with certification requirements, and otherwise ensure the health 120416  
and safety of the residents. 120417

(2) A temporary manager appointed under section ~~5111.51~~ 120418  
5165.77 of the Revised Code is hereby vested, subject to division 120419  
(C) of this section, with the authority necessary to eliminate the 120420  
emergency, bring the facility into compliance with certification 120421  
requirements, and otherwise ensure the health and safety of the 120422  
residents. 120423

(3) A temporary manager appointed under section ~~5111.53~~ 120424  
5165.80 of the Revised Code is hereby vested, subject to division 120425  
(C) of this section, with the authority necessary to ensure the 120426  
transfer of medicaid eligible residents to other appropriate care 120427  
settings and, if applicable, the orderly closure of the facility, 120428  
and to otherwise ensure the health and safety of the residents. 120429

(E) Prior to acting under division (A)(1)(b) or (2)(b) of 120430  
section ~~5111.46~~ 5165.72 of the Revised Code to appoint a temporary 120431  
manager or apply for a special master, the department of ~~job and~~ 120432  
~~family services~~ medicaid or contracting agency shall order the 120433  
facility to substantially correct the deficiency or deficiencies 120434  
within five days after receiving the statement and inform the 120435  
facility, in the statement it provides pursuant to division (B) of 120436  
section ~~5111.49~~ 5165.75 of the Revised Code, of the order and that 120437  
it will not take that action unless the facility fails to 120438  
substantially correct the deficiency or deficiencies within that 120439  
five-day period. At the end of the five-day period, the department 120440  
of health shall conduct a follow-up survey that focuses on the 120441

deficiency or deficiencies. If the department of health determines 120442  
that the facility has substantially corrected the deficiency or 120443  
deficiencies within that time, the department of ~~job and family~~ 120444  
~~services~~ medicaid or contracting agency shall not appoint a 120445  
temporary manager or apply for a special master. If the department 120446  
of health determines that the facility has failed to substantially 120447  
correct the deficiency or deficiencies within that time, the 120448  
department of ~~job and family services~~ medicaid or contracting 120449  
agency may proceed with appointment of the temporary manager or 120450  
application for a special master. Until the statement required 120451  
under division (B) of section ~~5111.49~~ 5165.75 of the Revised Code 120452  
is actually delivered, no action taken by the department or agency 120453  
to appoint a temporary manager or apply for a temporary manager 120454  
under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 of 120455  
the Revised Code shall have any legal effect. No action taken by a 120456  
facility under this division to substantially correct a deficiency 120457  
or deficiencies shall be considered an admission by the facility 120458  
of the existence of a deficiency or deficiencies. 120459

(F) Appointment of a temporary manager under division 120460  
(A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 or division 120461  
(A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised Code shall 120462  
expire at the end of the seventh day following the appointment. If 120463  
the department of ~~job and family services~~ medicaid or contracting 120464  
agency finds that the deficiency or deficiencies that prompted the 120465  
appointment under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 120466  
5165.72 of the Revised Code cannot be substantially corrected, or 120467  
the condition of immediate jeopardy that prompted the appointment 120468  
under division (A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised 120469  
Code cannot be eliminated, prior to the expiration of the 120470  
appointment, it may take one of the following actions: 120471

(1) Appoint, subject to the continuing consent of the 120472  
provider, a temporary manager for the facility; 120473

(2) Apply to the common pleas court of the county in which the facility is located for an order appointing a special master who, under the authority and direct supervision of the court and subject to divisions (B) and (C) of this section, may take such additional actions as are necessary to correct the deficiency or deficiencies or eliminate the condition of immediate jeopardy and bring the facility into compliance with certification requirements.

(G) The court, on finding that the deficiency or deficiencies for which a special master was appointed under division (F)(2) of this section or division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 of the Revised Code has been substantially corrected, or the emergency for which a special master was appointed under division (F)(2) of this section or division (A)(1)(b) or (B)(2) of section ~~5111.51~~ 5165.77 of the Revised Code has been eliminated, that the facility has been brought into compliance with certification requirements, and that the provider has established the management capability to ensure continued compliance with the certification requirements, shall immediately terminate its jurisdiction over the facility and return control and management of the facility to the provider. If the deficiency or deficiencies cannot be substantially corrected, or the emergency cannot be eliminated practicably within a reasonable time following appointment of the special master, the court may order the special master to close the facility and transfer all residents to other nursing facilities or other appropriate care settings.

(H) This section does not apply to temporary resident safety assurance managers appointed under section ~~5111.511~~ 5165.78 of the Revised Code.

**Sec. ~~5111.55~~ 5165.82.** (A) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~

5165.77, or ~~5111.57~~ 5165.84 of the Revised Code denying ~~payment~~ medicaid payments to a nursing facility for all medicaid eligible residents admitted after its effective date, or an order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ medicaid payments to a nursing facility for medicaid eligible residents admitted after the effective date of the order who have specified diagnoses or special care needs, shall also apply to individuals admitted to the facility on and after the effective date of the order who are not medicaid eligible residents but become medicaid eligible residents after admission. Such an order shall not apply to any of the following:

(1) An individual who was a medicaid eligible resident of the facility on the day immediately preceding the effective date of the order and continues to be a medicaid eligible resident on and after that date;

(2) An individual who was a resident of the facility on the day immediately preceding the effective date of the order, continues to be a resident on and after that date, and becomes medicaid eligible on or after that date;

(3) An individual who was a medicaid eligible resident of the facility prior to the effective date of the order, is temporarily absent from the facility on that or a subsequent date due to hospitalization or participation in therapeutic programs outside the facility, and chooses to return to the facility;

(4) An individual who was a resident of the facility prior to the effective date of the order, is temporarily absent from the facility on that or a subsequent date due to hospitalization or participation in therapeutic programs outside the facility, becomes medicaid eligible on or after that date, and chooses to return to the facility.



(B) An order issued under section ~~5111.46~~ 5165.72 of the Revised Code denying ~~payment~~ medicaid payments to a nursing facility for all medicaid eligible residents admitted after its effective date, or denying ~~payment~~ medicaid payments to a facility for medicaid eligible residents admitted after the effective date of the order who have specified diagnoses or special care needs shall not take effect prior to the fifth day after the order is delivered to the facility. Such an order issued under section ~~5111.47~~ 5165.73 or ~~5111.48~~ 5165.74 of the Revised Code shall not take effect prior to the twentieth day after it is delivered to the facility.

(C) No nursing facility that has received an order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of the Revised Code denying ~~payment~~ medicaid payments for all new admissions of medicaid eligible residents shall admit a medicaid eligible resident on or after the effective date of the order, unless the resident is described in division (A)(3) or (4) of this section, until the order is terminated pursuant to this section. No nursing facility that has received an order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ medicaid payments to a nursing facility for new admissions of medicaid eligible residents with specified diagnoses or special care needs shall admit such a resident on or after the effective date of the order, unless the resident is described in division (A)(3) or (4) of this section, until the order is terminated pursuant to this section.

(D) In the case of an order imposed under division (B) of section ~~5111.57~~ 5165.84 of the Revised Code, the department or agency shall appoint monitors in accordance with section ~~5111.44~~ 5165.70 of the Revised Code to conduct on-site monitoring.

(E)(1) A facility may give written notice to the department

of health whenever any of the following apply: 120568

(a) With respect to an order denying payment issued under 120569  
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 120570  
the Revised Code, either of the following is the case: 120571

(i) The facility has completed implementation of the plan of 120572  
correction it submitted under section ~~5111.43~~ 5165.69 of the 120573  
Revised Code and substantially corrected all deficiencies for 120574  
which the order was issued. 120575

(ii) The facility has reduced the severity or scope of all of 120576  
the deficiencies to a level at which sections ~~5111.46~~ 5165.72 to 120577  
~~5111.48~~ 5165.74 of the Revised Code do not authorize the order. 120578

(b) With respect to an order denying payment issued under 120579  
section ~~5111.51~~ 5165.77 of the Revised Code, the facility has 120580  
eliminated the immediate jeopardy. 120581

(c) With respect to an order denying ~~payment~~ medicaid 120582  
payments issued under division (A) of section ~~5111.57~~ 5165.84 of 120583  
the Revised Code, the facility has completed implementation of the 120584  
plan of correction it submitted under section ~~5111.43~~ 5165.69 of 120585  
the Revised Code and substantially corrected all deficiencies for 120586  
which the order was issued. 120587

(d) With respect to an order denying ~~payment~~ medicaid 120588  
payments issued under division (B) of section ~~5111.57~~ 5165.84 of 120589  
the Revised Code, both of the following are the case: 120590

(i) The facility has completed implementation of the plan of 120591  
correction it submitted under section ~~5111.43~~ 5165.69 of the 120592  
Revised Code and substantially corrected all deficiencies for 120593  
which the order was issued. 120594

(ii) The facility is in compliance with certification 120595  
requirements and has provided adequate assurance that it will 120596  
remain in compliance with them. 120597

(2) Within ten working days after it receives the notice 120598  
under division (E)(1) of this section, the department of health 120599  
shall conduct a follow-up survey that focuses on the cited 120600  
deficiency or deficiencies, unless the department is able to 120601  
determine, on the basis of documentation provided by the facility, 120602  
that the facility has completed the applicable action described in 120603  
divisions (E)(1)(a) to (d) of this section. If the department of 120604  
health makes that determination on the basis of the documentation, 120605  
the department of ~~job and family services~~ medicaid or contracting 120606  
agency shall terminate the order denying ~~payment~~ medicaid payments 120607  
as of the date the facility completed the applicable action, as 120608  
subsequently verified by the department of health. If the 120609  
department of health conducts a follow-up survey, the department 120610  
of ~~job and family services~~ medicaid or contracting agency shall 120611  
terminate the order denying ~~payment~~ medicaid payments as of the 120612  
date the department of health makes the determination that the 120613  
facility completed the applicable action. 120614

(F) The department of ~~job and family services~~ medicaid or 120615  
contracting agency shall provide public notice implementing an 120616  
order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 120617  
5165.74, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of the Revised Code 120618  
denying ~~payment~~ medicaid payments to a nursing facility ~~under the~~ 120619  
~~medical assistance program~~ for all medicaid eligible residents by 120620  
publishing in a newspaper of general circulation in the county in 120621  
which the facility is located an announcement stating: "By order 120622  
of the (Ohio Department of ~~Job and Family Services~~ Medicaid or 120623  
name of contracting agency), effective on and after (effective 120624  
date of order), (name of facility) is no longer authorized to 120625  
admit Medicaid eligible residents." Immediately following 120626  
termination of any such order, the department or agency shall 120627  
publish in a newspaper of general circulation in the county in 120628  
which the facility is located an announcement stating: "By order 120629  
of the (Ohio Department of ~~Job and Family Services~~ Medicaid or 120630

name of contracting agency), effective on and after (effective 120631  
date of termination), (name of facility) is hereby authorized to 120632  
admit Medicaid eligible residents." Neither the department nor the 120633  
contracting agency shall issue public notice of an order under 120634  
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 120635  
the Revised Code denying payment to a nursing facility for 120636  
Medicaid eligible residents with specified diagnoses or special 120637  
care needs; public notice is not required for such an order to 120638  
take effect. 120639

(G) A facility that complies with division (E) of this 120640  
section shall not be considered to have admitted to the existence 120641  
of the deficiency that constitutes the basis of the department's 120642  
or agency's order. 120643

**Sec. ~~5111.56~~ 5165.83.** (A) As used in this section, "certified 120644  
beds" means beds certified under Title XVIII or Title XIX ~~of the~~ 120645  
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as~~ 120646  
~~amended.~~ 120647

(B) If the department of ~~job and family services~~ Medicaid or 120648  
a contracting agency imposes a fine on a nursing facility under 120649  
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 120650  
the Revised Code, it may impose one or more of the following: 120651

(1) One hundred sixty per cent of the amount calculated under 120652  
division (C) of this section for any deficiency or cluster of 120653  
deficiencies that constitutes a severity level four and scope 120654  
level four finding; 120655

(2) One hundred forty per cent of the amount calculated under 120656  
division (C) of this section for any deficiency or cluster of 120657  
deficiencies that constitutes a severity level four and scope 120658  
level three finding; 120659

(3) One hundred twenty per cent of the amount calculated 120660

under division (C) of this section for any deficiency or cluster  
of deficiencies that constitutes a severity level four and scope  
level two finding;

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(4) The amount calculated under division (C) of this section  
for any deficiency or cluster of deficiencies that constitutes a  
severity level four and scope level one finding or any deficiency  
or cluster of deficiencies that constitutes a severity level three  
and scope level four finding;

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(5) Ninety per cent of the amount calculated under division  
(C) of this section for any deficiency or cluster of deficiencies  
that constitutes a severity level three and scope level three  
finding;

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(6) Eighty per cent of the amount calculated under division  
(C) of this section for any deficiency or cluster of deficiencies  
that constitutes a severity level three and scope level two  
finding;

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(7) Seventy per cent of the amount calculated under division  
(C) of this section for any deficiency or cluster of deficiencies  
that constitutes a severity level three and scope level one  
finding;

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(8) Fifty per cent of the amount calculated under division  
(C) of this section for any deficiency or cluster of deficiencies  
that constitutes a severity level two and scope level four  
finding;

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(9) Forty per cent of the amount calculated under division  
(C) of this section for any deficiency or cluster of deficiencies  
that constitutes a severity level two and scope level three  
finding.

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(C) The amount subject to division (B) of this section shall  
be the product of multiplying two dollars and fifty cents for each  
day the fine is in effect by the total number of licensed nursing

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home beds or certified beds, whichever is greater, in the facility 120692  
as of the date the deficiency or cluster of deficiencies that is 120693  
the reason for the fine was cited. 120694

(D)(1) The department of ~~job and family services~~ medicaid or 120695  
contracting agency shall not impose on a facility, at any one 120696  
time, more than four fines as a result of any one survey. 120697

(2) The department of ~~job and family services~~ medicaid or 120698  
contracting agency shall not impose more than one fine based on a 120699  
deficiency or cluster of deficiencies. However, if the department 120700  
of health, in a follow-up or other subsequent survey, finds a 120701  
change in the scope or severity of the deficiency or cluster of 120702  
deficiencies, the department of ~~job and family services~~ medicaid 120703  
or contracting agency may increase or decrease the fine in 120704  
accordance with division (B) of this section to reflect the change 120705  
in scope or severity. The department or agency shall give the 120706  
facility written notice of the change in the amount of the fine. 120707  
The change shall take effect on the date the follow-up or other 120708  
subsequent survey is completed. 120709

If the department of health finds that a deficiency is a 120710  
repeat deficiency, the department of ~~job and family services~~ 120711  
medicaid or contracting agency may impose a fine that is one 120712  
hundred per cent greater than the fine specified in division (B) 120713  
of this section for the deficiency. 120714

(E) The total amount of fines the department of ~~job and~~ 120715  
~~family services~~ medicaid or contracting agency may impose on a 120716  
facility in a single calendar year shall not exceed five hundred 120717  
dollars for each licensed nursing home bed or certified bed, 120718  
whichever is greater in number, in the facility. 120719

(F)(1) Except as provided in division (F)(2) of this section, 120720  
the department of ~~job and family services~~ medicaid or contracting 120721  
agency shall not impose a fine under section ~~5111.46~~ 5165.72, 120722

~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of the Revised Code if the  
deficiency or cluster of deficiencies is substantially corrected  
within twenty days after the nursing facility receives the  
statement provided under division (B) of section ~~5111.49~~ 5165.75  
of the Revised Code. The department or agency shall inform the  
nursing facility in that statement that the fine will not be  
imposed if the deficiency or cluster of deficiencies is  
substantially corrected within the twenty-day period.

(2) If a nursing facility has substantially corrected a  
deficiency or cluster of deficiencies within six months after the  
exit interview of a survey that was the basis for citing a  
deficiency or cluster of deficiencies, but after correcting it has  
been cited for the same deficiency or cluster of deficiencies by  
the department of health on the basis of a subsequent survey  
conducted during the remainder of the six-month period, the  
department of ~~job and family services~~ medicaid or contracting  
agency may impose a fine beginning on the date of the exit  
interview of the subsequent survey.

(G) Whenever a facility believes that it has completed  
implementation of the plan of correction it submitted under  
section ~~5111.43~~ 5165.69 of the Revised Code and substantially  
corrected the cited deficiency or cluster of deficiencies that is  
the basis for a fine, it may give written notice to that effect to  
the department of health. After receiving the notice, the  
department shall conduct a follow-up survey of the facility that  
focuses on the deficiency or cluster, unless the department is  
able to determine, on the basis of documentation provided by the  
facility, that the facility has substantially corrected the  
deficiency or cluster. If, based on the follow-up survey, the  
department establishes that the facility had not completed  
implementation of the plan of correction at the time the  
department received the notice, any fine based on the deficiency

or cluster shall be doubled effective from the date the department  
received the notice. A facility that complies with this division  
shall not be considered to have admitted the existence of the  
deficiency or cluster that is the basis for the fine.

(H) Except for a fine imposed under division (C) of section  
~~5111.46~~ 5165.72 of the Revised Code and as provided in division  
(F)(2) of this section, the department of ~~job and family services~~  
medicaid or contracting agency shall impose a fine only if the  
facility fails to give notice under division (G) of this section  
within twenty days after it receives the statement required by  
division (B) of section ~~5111.49~~ 5165.75 of the Revised Code or if  
the department of health determines, based on a follow-up survey,  
that the deficiency or cluster of deficiencies for which the fine  
is proposed has not been substantially corrected within the  
twenty-day period. The fine shall be imposed effective on the  
twenty-first day after the facility receives the statement under  
division (B) of section ~~5111.49~~ 5165.75 of the Revised Code. The  
fine shall remain in effect until the earliest of the following:

(1) The date the department of health receives notice under  
division (G) of this section, unless the department determines, on  
the basis of a follow-up survey, that the deficiency or cluster of  
deficiencies that is the basis for the fine has not been  
substantially corrected as of that date;

(2) The date on which the department of health makes a  
determination, on the basis of a follow-up survey, that the  
deficiency or cluster of deficiencies has been substantially  
corrected;

(3) The date the facility substantially corrected the  
deficiency or cluster, as subsequently determined by the  
department of health on the basis of documentation provided by the  
facility.



(I) Any fine imposed by the department of ~~job and family services~~ medicaid or contracting agency under this section is subject to appeal under Chapter 119. of the Revised Code. If the facility does not request a hearing under Chapter 119. of the Revised Code and either pays or agrees in writing to pay the fine when payment becomes due under division (J) of this section, the department or agency shall reduce the fine by fifty per cent. The department or agency may compromise any claim for payment of a fine under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code.

(J) The department of ~~job and family services~~ medicaid or contracting agency shall collect interest on fines, at the rate per calendar month that equals one-twelfth of the rate per year prescribed by section 5703.47 of the Revised Code for the calendar year that includes the month for which the interest charge accrues. Payment of a fine is due, and interest begins to accrue on the unpaid fine or balance, on the thirty-first day after the department or agency issues a final adjudication order imposing the fine. If the deficiency or deficiencies on which the fine is based have not been corrected when the final adjudication order is issued, the payment is due, and interest begins to accrue on the unpaid fine or balance, on the thirty-first day after the deficiency or deficiencies are corrected and the department or agency mails a notice specifying the amount of the fine to the facility.

(K) The department of ~~job and family services~~ medicaid or contracting agency shall collect fines and interest imposed under this section through one of the following means:

- (1) A lump sum payment from the provider;
- (2) Periodic payments for a period not to exceed twelve months, in accordance with a schedule approved by the department or agency;

(3) Appropriately reducing the amounts of medicaid payments 120818  
made to the facility for ~~care~~ nursing facility services provided 120819  
to medicaid eligible residents for a period not to exceed twelve 120820  
months following the date on which payment of the fine becomes due 120821  
under division (J) of this section. An amount equal to the amount 120822  
by which each payment is reduced shall be deposited to the credit 120823  
of the residents protection fund in accordance with section 120824  
~~5111.62~~ 5162.66 of the Revised Code. 120825

**Sec. ~~5111.57~~ 5165.84.** (A) The department of ~~job and family~~ 120826  
~~services~~ medicaid or a contracting agency shall issue an order 120827  
denying ~~payment~~ medicaid payments to a nursing facility for all 120828  
medicaid eligible residents admitted to the facility on or after 120829  
the effective date of the order, if the facility has failed to 120830  
substantially correct within ninety days after the exit interview 120831  
a deficiency or cluster of deficiencies in accordance with the 120832  
plan of correction it submitted under section ~~5111.43~~ 5165.69 of 120833  
the Revised Code, as determined by the department of health on the 120834  
basis of a follow-up survey. 120835

(B) The department of ~~job and family services~~ medicaid or 120836  
contracting agency shall issue an order denying ~~payment~~ medicaid 120837  
payments to a nursing facility for all medicaid eligible residents 120838  
admitted to the facility on or after the effective date of the 120839  
order, if during three consecutive standard surveys conducted 120840  
after December 13, 1990, the department of health has found a 120841  
condition of substandard care in a facility. 120842

(C) An order issued under division (A) or (B) of this section 120843  
shall take effect on the later of the date the facility receives 120844  
the order or the date the public notice required under division 120845  
(F) of section ~~5111.55~~ 5165.82 of the Revised Code is published. 120846  
The order is subject to appeal under Chapter 119. of the Revised 120847  
Code; however the order may take effect prior to or during the 120848

pendency of any hearing under that chapter. In that case, the 120849  
department or agency shall provide the facility an opportunity for 120850  
a hearing in accordance with section ~~5111.60~~ 5165.87 of the 120851  
Revised Code. 120852

**Sec. ~~5111.58~~ 5165.85.** (A) If a nursing facility notifies the 120853  
department of ~~job and family services~~ medicaid or a contracting 120854  
agency, at any time during the six-month period following the exit 120855  
interview of a survey that was the basis for citing a deficiency 120856  
or deficiencies, that the deficiency or deficiencies have been 120857  
substantially corrected in accordance with the plan of correction 120858  
submitted and approved under section ~~5111.43~~ 5165.69 of the 120859  
Revised Code, the department of health shall conduct a follow-up 120860  
survey to determine whether the deficiency or deficiencies have 120861  
been substantially corrected in accordance with the plan. 120862

(B) The department of ~~job and family services~~ medicaid or a 120863  
contracting agency shall terminate a nursing facility's 120864  
participation in the ~~medical assistance~~ medicaid program whenever 120865  
the facility has not substantially corrected, within six months 120866  
after the exit interview of the survey on the basis of which it 120867  
was cited, a deficiency or deficiencies in accordance with the 120868  
plan of correction submitted under section ~~5111.43~~ 5165.69 of the 120869  
Revised Code, as determined by the department of health on the 120870  
basis of a follow-up survey. 120871

(C) Unless the facility has substantially corrected the 120872  
deficiency or deficiencies in accordance with the plan of 120873  
correction, as determined by the department of health on the basis 120874  
of a follow-up survey, the department of ~~job and family services~~ 120875  
medicaid or contracting agency shall deliver to the facility, at 120876  
least thirty days prior to the day that is six months after the 120877  
exit interview, a written order terminating the facility's 120878  
participation in the ~~medical assistance~~ medicaid program. The 120879

order shall take effect and the facility's participation shall 120880  
terminate on the day that is six months after the exit interview. 120881  
The order shall not take effect if, after it is delivered to the 120882  
facility and prior to the effective date of the order, the 120883  
department of health determines on the basis of a follow-up survey 120884  
that the facility has corrected the deficiency or deficiencies. 120885

An order issued under this section is subject to appeal under 120886  
Chapter 119. of the Revised Code; however, the order may take 120887  
effect prior to or during the pendency of any hearing under that 120888  
chapter. In that case, the department of ~~job and family services~~ 120889  
medicaid or contracting agency shall provide the facility an 120890  
opportunity for a hearing in accordance with section ~~5111.60~~ 120891  
5165.87 of the Revised Code. 120892

(D) Except as provided in division (E) of this section, 120893  
whenever the department of ~~job and family services~~ medicaid or a 120894  
contracting agency terminates a facility's participation in the 120895  
~~medical assistance~~ medicaid program pursuant to this section, the 120896  
provider shall repay the department the federal share of all 120897  
medicaid payments made by the department to the facility ~~under the~~ 120898  
~~medical assistance program~~ during the six-month period following 120899  
the exit interview of the survey that was the basis for citing the 120900  
deficiency or cluster of deficiencies. The provider shall repay 120901  
the department within thirty days after the department repays to 120902  
the federal government the federal share of medicaid payments made 120903  
to the facility during that six-month period. 120904

(E) A provider is not required to repay the department of ~~job~~ 120905  
~~and family services~~ medicaid if either of the following is the 120906  
case: 120907

(1) The facility has brought an appeal under Chapter 119. of 120908  
the Revised Code of termination of its participation in the 120909  
~~medical assistance~~ medicaid program, except that the provider 120910  
shall repay the department of ~~job and family services~~ medicaid 120911

within thirty days after the facility exhausts its right to appeal 120912  
under that chapter. 120913

(2) The facility complied with the plan of correction 120914  
approved by the department of health and the obligation to repay 120915  
resulted from the department's failure to provide timely 120916  
verification to the United States department of health and human 120917  
services of the facility's compliance with the plan of correction. 120918

(F) If a provider's obligation to repay the department of ~~job~~ 120919  
~~and family services~~ medicaid under division (D) of this section 120920  
results from disallowance of federal financial participation by 120921  
the United States department of health and human services, the 120922  
provider shall not be required to repay the department of ~~job and~~ 120923  
~~family services~~ medicaid until the federal disallowance becomes 120924  
final. 120925

(G) Any fines paid under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 120926  
5165.89 of the Revised Code during any period for which the 120927  
facility is required to repay the department of ~~job and family~~ 120928  
~~services~~ medicaid under division (D) of this section shall be 120929  
offset against the amount the provider is required to repay the 120930  
department for that period. 120931

(H) Prior to a change of ownership of a facility for which a 120932  
provider has an obligation to repay the department of ~~job and~~ 120933  
~~family services~~ medicaid under division (D) of this section that 120934  
has not become final, or has become final but not been paid, the 120935  
department may do one or more of the following: 120936

(1) Require the provider to place money in escrow, or obtain 120937  
a bond, in sufficient amount to indemnify the state against the 120938  
provider's failure to repay the department after the change of 120939  
ownership occurs; 120940

(2) Place a lien on the facility's real property; 120941

(3) Use any method to recover the medicaid payments that is 120942

available to the attorney general to recover payments on behalf of 120943  
the department of ~~job and family services~~ medicaid. 120944

**Sec. ~~5111.59~~ 5165.86.** The department of ~~job and family~~ 120945  
~~services~~ medicaid, the department of health, and any contracting 120946  
agency shall deliver a written notice, statement, or order to a 120947  
nursing facility under sections ~~5111.35~~ 5165.60 to ~~5111.41~~ 5165.66 120948  
and ~~5111.43~~ 5165.69 to ~~5111.62~~ 5165.89 of the Revised Code by 120949  
certified mail or hand delivery. If the notice, statement, or 120950  
order is mailed, it shall be addressed to the administrator of the 120951  
facility as indicated in the department's or agency's records. If 120952  
it is hand delivered, it shall be delivered to a person at the 120953  
facility who would appear to the average prudent person to have 120954  
authority to accept it. 120955

Delivery of written notice by a nursing facility to the 120956  
department of health, the department of ~~job and family services~~ 120957  
medicaid, or a contracting agency under sections ~~5111.35~~ 5165.60 120958  
to ~~5111.62~~ 5165.89 of the Revised Code shall be by certified mail 120959  
or hand delivery to the appropriate department or the agency. 120960

**Sec. ~~5111.60~~ 5165.87.** (A) Except as provided in division (B) 120961  
of this section, the following remedies are subject to appeal 120962  
under Chapter 119. of the Revised Code: 120963

(1) An order issued under section ~~5111.45~~ 5165.71, ~~5111.46~~ 120964  
5165.72, ~~5111.51~~ 5165.77, or ~~5111.58~~ 5165.85 of the Revised Code 120965  
terminating a nursing facility's participation in the ~~medical~~ 120966  
~~assistance~~ medicaid program; 120967

(2) Appointment of a temporary manager of a facility under 120968  
division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72, or 120969  
division (A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised Code; 120970

(3) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 120971  
5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of 120972

the Revised Code denying ~~payment~~ medicaid payments to a facility 120973  
~~under the medical assistance program~~ for all medicaid eligible 120974  
residents admitted after the effective date of the order; 120975

(4) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 120976  
5165.73, or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ 120977  
medicaid payments to a facility ~~under the medical assistance~~ 120978  
~~program~~ for medicaid eligible residents admitted after the 120979  
effective date of the order who have certain diagnoses or special 120980  
care needs specified by the department or agency; 120981

(5) A fine imposed under section ~~5111.46~~ 5165.72, ~~5111.47~~ 120982  
5165.73, or ~~5111.48~~ 5165.74 of the Revised Code. 120983

(B) The department of ~~job and family services~~ medicaid or 120984  
contracting agency may do any of the following prior to or during 120985  
the pendency of any proceeding under Chapter 119. of the Revised 120986  
Code: 120987

(1) Issue and execute an order under section ~~5111.46~~ 5165.72, 120988  
~~5111.51~~ 5165.77, or ~~5111.58~~ 5165.85 of the Revised Code 120989  
terminating a nursing facility's participation in the ~~medical~~ 120990  
~~assistance~~ medicaid program; 120991

(2) Appoint a temporary manager under division (A)(1)(b) or 120992  
(2)(b) of section ~~5111.46~~ 5165.72 or division (A)(1)(d) of section 120993  
~~5111.51~~ 5165.77 of the Revised Code; 120994

(3) Issue and execute an order under section ~~5111.46~~ 5165.72, 120995  
~~5111.47~~ 5165.73, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of the 120996  
Revised Code denying ~~payment~~ medicaid payments to a facility for 120997  
all medicaid eligible residents admitted after the effective date 120998  
of the order; 120999

(4) Issue and execute an order under section ~~5111.46~~ 5165.72 121000  
or ~~5111.47~~ 5165.73 or division (A), (B), or (C) of section ~~5111.48~~ 121001  
5165.74 of the Revised Code denying ~~payment~~ medicaid payments to a 121002  
facility for medicaid eligible residents admitted after the 121003

effective date of the order who have specified diagnoses or 121004  
special care needs. 121005

(C) Whenever the department or agency imposes a remedy listed 121006  
in division (B) of this section prior to or during the pendency of 121007  
a proceeding, all of the following apply: 121008

(1) The provider against whom the action is taken shall have 121009  
ten days after the date the facility actually receives the notice 121010  
specified in section 119.07 of the Revised Code to request a 121011  
hearing. 121012

(2) The hearing shall commence within thirty days after the 121013  
date the department or agency receives the provider's request for 121014  
a hearing. 121015

(3) The hearing shall continue uninterrupted from day to day, 121016  
except for Saturdays, Sundays, and legal holidays, unless other 121017  
interruptions are agreed to by the provider and the department or 121018  
agency. 121019

(4) If the hearing is conducted by a hearing examiner, the 121020  
hearing examiner shall file a report and recommendations within 121021  
ten days after the close of the hearing. 121022

(5) The provider shall have five days after the date the 121023  
hearing officer files the report and recommendations within which 121024  
to file objections to the report and recommendations. 121025

(6) Not later than fifteen days after the date the hearing 121026  
officer files the report and recommendations, the medicaid 121027  
director ~~of job and family services~~ or the director of the 121028  
contracting agency shall issue an order approving, modifying, or 121029  
disapproving the report and recommendations of the hearing 121030  
examiner. 121031

(D) If the department or agency imposes more than one remedy 121032  
as the result of deficiencies cited in a single survey, the 121033



proceedings for all of the remedies shall be consolidated. If any 121034  
of the remedies are imposed during the pendency of a hearing, as 121035  
permitted by division (B) of this section, the consolidated 121036  
hearing shall be conducted in accordance with division (C) of this 121037  
section. The consolidation of the remedies for purposes of a 121038  
hearing does not affect the effective dates prescribed in sections 121039  
~~5111.35~~ 5165.60 to ~~5111.58~~ 2165.85 of the Revised Code. 121040

(E) If a contracting agency conducts administrative 121041  
proceedings pertaining to remedies imposed under sections ~~5111.35~~ 121042  
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code, the department of 121043  
~~job and family services~~ medicaid shall not be considered a party 121044  
to the proceedings. 121045

**Sec. ~~5111.61~~ 5165.88.** (A)(1) Except as required by court 121046  
order, as necessary for the administration or enforcement of any 121047  
statute relating to nursing facilities, or as provided in division 121048  
(C) of this section, the department of ~~job and family services~~ 121049  
medicaid and any contracting agency shall not release any of the 121050  
following information without the permission of the individual or 121051  
the individual's legal representative: 121052

(a) The identity of any resident of a nursing facility; 121053

(b) The identity of any individual who submits a complaint 121054  
about a nursing facility; 121055

(c) The identity of any individual who provides the 121056  
department or agency with information about a nursing facility and 121057  
has requested confidentiality; 121058

(d) Any information that reasonably would tend to disclose 121059  
the identity of any individual described in division (A)(1)(a) to 121060  
(c) of this section. 121061

(2) An agency or individual to whom the department or 121062  
contracting agency is required, by court order or for the 121063

administration or enforcement of a statute relating to nursing facilities, to release information described in division (A)(1) of this section shall not release the information without the permission of the individual who would be or would reasonably tend to be identified, or of the individual's legal representative, unless the agency or individual is required to release it by division (C) of this section, by court order, or for the administration or enforcement of a statute relating to nursing facilities.

(B) Except as provided in division (C) of this section, any record that identifies an individual described in division (A)(1) of this section or that reasonably would tend to identify such an individual is not a public record for the purposes of section 149.43 of the Revised Code, and is not subject to inspection and copying under section 1347.08 of the Revised Code.

(C) If the department or a contracting agency, or an agency or individual to whom the department or contracting agency was required by court order or for administration or enforcement of a statute relating to nursing facilities to release information described in division (A)(1) of this section, uses information in any administrative or judicial proceeding against a facility that reasonably would tend to identify an individual described in division (A)(1) of this section, the department, agency, or individual shall disclose that information to the facility. However, the department, agency, or individual shall not disclose information that directly identifies an individual described in divisions (A)(1)(a) to (c) of this section, unless the individual is to testify in the proceedings.

(D) No person shall knowingly register a false complaint about a nursing facility with the department or a contracting agency, or knowingly swear or affirm the truth of a false complaint, when the allegation is made for the purpose of

incriminating another. 121096

~~Sec. 5111.63 5165.89. For the purposes of this section,  
"facility," "medicare," and "medicaid" have the same meanings as  
in section 3721.10 of the Revised Code.~~ 121097  
121098  
121099

The department of health shall be the designee of the 121100  
department of ~~job and family services~~ medicaid for the purpose of 121101  
conducting a hearing pursuant to section 3721.162 of the Revised 121102  
Code concerning a nursing facility's decision to transfer or 121103  
discharge a resident if the resident is a medicaid recipient or 121104  
medicare beneficiary. 121105

~~Sec. 5111.99 5165.99.~~ (A) Whoever violates ~~division (B) of~~ 121106  
section ~~5111.26~~ 5165.102 or division (E) of section ~~5111.31~~ 121107  
5165.08 of the Revised Code shall be fined not less than five 121108  
hundred dollars nor more than one thousand dollars for the first 121109  
offense and not less than one thousand dollars nor more than five 121110  
thousand dollars for each subsequent offense. Fines paid under 121111  
this section shall be deposited in the state treasury to the 121112  
credit of the general revenue fund. 121113

(B) Whoever violates division (D) of section ~~5111.61~~ 5165.88 121114  
of the Revised Code is guilty of registering a false complaint, a 121115  
misdemeanor of the first degree. 121116

Sec. 5166.01. As used in this chapter: 121117

"Administrative agency" means, with respect to a home and 121118  
community-based services medicaid waiver component, the department 121119  
of medicaid or, if a state agency or political subdivision 121120  
contracts with the department under section 5162.35 of the Revised 121121  
Code to administer the component, that state agency or political 121122  
subdivision. 121123

"Dual eligible individual" has the same meaning as in section 121124

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>5160.01 of the Revised Code.</u>                                       | 121125 |
| <u>"Home and community-based services medicaid waiver component"</u>      | 121126 |
| <u>means a medicaid waiver component under which home and</u>             | 121127 |
| <u>community-based services are provided as an alternative to</u>         | 121128 |
| <u>hospital services, nursing facility services, or ICF/IID services.</u> | 121129 |
| <u>"Hospital" has the same meaning as in section 3727.01 of the</u>       | 121130 |
| <u>Revised Code.</u>                                                      | 121131 |
| <u>"Hospital long-term care unit" has the same meaning as in</u>          | 121132 |
| <u>section 5168.40 of the Revised Code.</u>                               | 121133 |
| <u>"ICDS participant" has the same meaning as in section 5164.01</u>      | 121134 |
| <u>of the Revised Code.</u>                                               | 121135 |
| <u>"ICF/IID" and "ICF/IID services" have the same meanings as in</u>      | 121136 |
| <u>section 5124.01 of the Revised Code.</u>                               | 121137 |
| <u>"Integrated care delivery system" and "ICDS" have the same</u>         | 121138 |
| <u>meanings as in section 5164.01 of the Revised Code.</u>                | 121139 |
| <u>"Level of care determination" means a determination of</u>             | 121140 |
| <u>whether an individual needs the level of care provided by a</u>        | 121141 |
| <u>hospital, nursing facility, or ICF/IID and whether the individual,</u> | 121142 |
| <u>if determined to need that level of care, would receive hospital</u>   | 121143 |
| <u>services, nursing facility services, or ICF/IID services if not</u>    | 121144 |
| <u>for a home and community-based services medicaid waiver component.</u> | 121145 |
| <u>"Medicaid buy-in for workers with disabilities program" has</u>        | 121146 |
| <u>the same meaning as in section 5163.01 of the Revised Code.</u>        | 121147 |
| <u>"Medicaid services" has the same meaning as in section</u>             | 121148 |
| <u>5164.01 of the Revised Code.</u>                                       | 121149 |
| <u>"Medicaid waiver component" means a component of the medicaid</u>      | 121150 |
| <u>program authorized by a waiver granted by the United States</u>        | 121151 |
| <u>department of health and human services under the "Social Security</u> | 121152 |
| <u>Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid</u>     | 121153 |
| <u>waiver component" does not include a care management system</u>        | 121154 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>established under section 5167.03 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                           | 121155 |
| <u>"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                             | 121156 |
| <u>"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.</u>                                                                                                                                                                                                                                                                           | 121158 |
| <u>"Ohio transitions II aging carve-out program" means the home and community-based services medicaid waiver component that is known as Ohio transitions II aging carve-out and was created pursuant to section 5166.11 of the Revised Code.</u>                                                                                                                                                                                                                                        | 121159 |
| <u>"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                             | 121160 |
| <u>"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.</u> | 121161 |
| <u>"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                       | 121162 |
| <u>"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                        | 121163 |
| <u>"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.</u> | 121164 |
| <u>"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                       | 121165 |
| <u>"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                        | 121166 |
| <u>"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                             | 121167 |
| <u>"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.</u> | 121168 |
| <u>"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                       | 121169 |
| <u>"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                        | 121170 |
| <u>"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.</u> | 121171 |
| <u>"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                       | 121172 |
| <u>"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                        | 121173 |
| <u>"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                             | 121174 |
| <u>"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.</u> | 121175 |
| <u>"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                       | 121176 |
| <u>"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                        | 121177 |
| <u>"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                             | 121178 |
| <u>"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.</u> | 121179 |
| <u>"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                       | 121180 |
| <u>"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                        | 121181 |
| <u>"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                             | 121182 |
| <u>"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.</u> | 121183 |
| <u>"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                       | 121184 |
| <u>"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                        | 121185 |

~~community based services are provided as an alternative to  
hospital, nursing facility, or intermediate care facility for the  
mentally retarded services.~~ 121185  
121186  
121187

~~"Hospital" has the same meaning as in section 3727.01 of the  
Revised Code.~~ 121188  
121189

~~"Intermediate care facility for the mentally retarded" has  
the same meaning as in section 5111.20 of the Revised Code.~~ 121190  
121191

~~"Medicaid waiver component" means a component of the medicaid  
program authorized by a waiver granted by the United States  
department of health and human services under section 1115 or 1915  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.  
1315 or 1396n. "Medicaid waiver component" does not include a care  
management system established under section 5111.16 of the Revised  
Code.~~ 121192  
121193  
121194  
121195  
121196  
121197  
121198

~~"Nursing facility" has the same meaning as in section 5111.20  
of the Revised Code.~~ 121199  
121200

~~(B) The medicaid director of job and family services may  
shall adopt rules under in accordance with Chapter 119. of the  
Revised Code governing medicaid waiver components that. The rules  
may establish all of the following:~~ 121201  
121202  
121203  
121204

(1) Eligibility requirements for the medicaid waiver  
components; 121205  
121206

(2) The type, amount, duration, and scope of medicaid  
services the medicaid waiver components provide cover; 121207  
121208

(3) The conditions under which the medicaid waiver components  
cover medicaid services; 121209  
121210

(4) The ~~amount~~ amounts the medicaid waiver components pay for  
medicaid services or the ~~method~~ methods by which the ~~amount is~~  
amounts are determined; 121211  
121212  
121213

(5) The ~~manner~~ manners in which the medicaid waiver 121214

components pay for medicaid services; 121215

(6) Safeguards for the health and welfare of medicaid 121216  
recipients receiving medicaid services under a medicaid waiver 121217  
component; 121218

(7) Procedures for prioritizing and approving for enrollment 121219  
individuals who are eligible for a home and community-based 121220  
services medicaid waiver component and choose to be enrolled in 121221  
the component; 121222

(8) Procedures for enforcing the rules, including 121223  
establishing corrective action plans for, and imposing financial 121224  
and administrative sanctions on, persons and government entities 121225  
that violate the rules. Sanctions shall include terminating 121226  
~~medicaid~~ provider agreements. The procedures shall include due 121227  
process protections. 121228

(9) Other policies necessary for the efficient administration 121229  
of the medicaid waiver components. 121230

~~(C)~~(B) The director ~~of job and family services~~ may adopt 121231  
different rules for the different medicaid waiver components. The 121232  
rules shall be consistent with the terms of the waiver authorizing 121233  
the medicaid waiver component. 121234

~~(D)~~(C) The following apply to procedures established under 121235  
division ~~(B)~~(A)(7) of this section: 121236

(1) Any such procedures established for the medicaid-funded 121237  
component of the PASSPORT program shall be consistent with section 121238  
~~173.401~~ 173.521 of the Revised Code. 121239

(2) Any such procedures established for the medicaid-funded 121240  
component of the assisted living program shall be consistent with 121241  
section 173.542 of the Revised Code. 121242

(3) Any such procedures established for the Ohio home care 121243  
waver program shall be consistent with section ~~5111.862~~ 5166.121 121244

of the Revised Code. 121245

~~(3)(4)~~ Any such procedures established for the unified 121246  
long-term services and support medicaid waiver program shall be 121247  
consistent with section ~~5111.865~~ 5166.141 of the Revised Code. 121248

~~(4)~~ Any such procedures established for the medicaid funded 121249  
component of the assisted living program shall be consistent with 121250  
section ~~5111.894~~ of the Revised Code. 121251

**Sec. ~~5111.84~~ 5166.03.** The medicaid director of ~~job and family~~ 121252  
~~services~~ may not submit a request to the United States secretary 121253  
of health and human services for a medicaid waiver under ~~section~~ 121254  
~~1115~~ of the "Social Security Act of ~~1935~~," section 1115, 42 U.S.C. 121255  
1315, unless the director provides the speaker of the house of 121256  
representatives and president of the senate written notice of the 121257  
director's intent to submit the request at least ten days before 121258  
the date the director submits the request to the United States 121259  
secretary. The notice shall include a detailed explanation of the 121260  
medicaid waiver the director proposes to seek. 121261

**Sec. ~~5111.851~~ 5166.04.** ~~(A) As used in sections 5111.851 to~~ 121262  
~~5111.855 of the Revised Code:~~ 121263

~~"Administrative agency" means, with respect to a home and~~ 121264  
~~community based services medicaid waiver component, the department~~ 121265  
~~of job and family services or, if a state agency or political~~ 121266  
~~subdivision contracts with the department under section 5111.91 of~~ 121267  
~~the Revised Code to administer the component, that state agency or~~ 121268  
~~political subdivision.~~ 121269

~~"Level of care determination" means a determination of~~ 121270  
~~whether an individual needs the level of care provided by a~~ 121271  
~~hospital, nursing facility, or intermediate care facility for the~~ 121272  
~~mentally retarded and whether the individual, if determined to~~ 121273  
~~need that level of care, would receive hospital, nursing facility,~~ 121274



~~or intermediate care facility for the mentally retarded services 121275  
if not for a home and community based services medicaid waiver 121276  
component. 121277~~

~~"Medicaid buy in for workers with disabilities program" means 121278  
the component of the medicaid program established under sections 121279  
5111.70 to 5111.7011 of the Revised Code. 121280~~

~~"Skilled nursing facility" means a facility certified as a 121281  
skilled nursing facility under Title XVIII of the "Social Security 121282  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 121283~~

~~(B) The following requirements apply to each home and 121284  
community-based services medicaid waiver component: 121285~~

~~(1)(A) Only an individual who qualifies for a component shall 121286  
receive that component's medicaid services. 121287~~

~~(2)(B) A level of care determination shall be made as part of 121288  
the process of determining whether an individual qualifies for a 121289  
component and shall be made each year after the initial 121290  
determination if, during such a subsequent year, the 121291  
administrative agency determines there is a reasonable indication 121292  
that the individual's needs have changed. 121293~~

~~(3)(C) A written plan of care or individual service plan 121294  
based on an individual assessment of the medicaid services that an 121295  
individual needs to avoid needing admission to a hospital, nursing 121296  
facility, or ~~intermediate care facility for the mentally retarded~~ 121297  
ICF/IID shall be created for each individual determined eligible 121298  
for a component. 121299~~

~~(4)(D) Each individual determined eligible for a component 121300  
shall receive that component's medicaid services in accordance 121301  
with the individual's level of care determination and written plan 121302  
of care or individual service plan. 121303~~

~~(5)(E) No individual may receive medicaid services under a 121304~~

component while the individual is a hospital inpatient or resident 121305  
of a skilled nursing facility, nursing facility, or ~~intermediate~~ 121306  
~~care facility for the mentally retarded~~ ICF/IID. 121307

~~(6)~~(F) No individual may receive prevocational, educational, 121308  
or supported employment services under a component if the 121309  
individual is eligible for such services that are funded with 121310  
federal funds provided under 29 U.S.C. 730 or the "Individuals 121311  
with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 121312  
1400, as amended. 121313

~~(7)~~(G) Safeguards shall be taken to protect the health and 121314  
welfare of individuals receiving medicaid services under a 121315  
component, including safeguards established in rules adopted under 121316  
section ~~5111.85~~ 5166.02 of the Revised Code and safeguards 121317  
established by licensing and certification requirements that are 121318  
applicable to the providers of that component's medicaid services. 121319

~~(8)~~(H) No medicaid services may be provided under a component 121320  
by a provider that is subject to standards that the "Social 121321  
Security Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires 121322  
be established if the provider fails to comply with the standards 121323  
applicable to the provider. 121324

~~(9)~~(I) Individuals determined to be eligible for a component, 121325  
or such individuals' representatives, shall be informed of that 121326  
component's medicaid services, including any choices that the 121327  
individual or representative may make regarding the component's 121328  
medicaid services, and given the choice of either receiving 121329  
medicaid services under that component or, as appropriate, 121330  
hospital services, nursing facility services, or ~~intermediate care~~ 121331  
~~facility for the mentally retarded~~ ICF/IID services. 121332

~~(10)~~(J) No individual shall lose eligibility for services 121333  
under a component, or have the services reduced or otherwise 121334  
disrupted, on the basis that the individual also receives services 121335

under the medicaid buy-in for workers with disabilities program. 121336

~~(11)~~(K) No individual shall lose eligibility for services 121337  
under a component, or have the services reduced or otherwise 121338  
disrupted, on the basis that the individual's income or resources 121339  
increase to an amount above the eligibility limit for the 121340  
component if the individual is participating in the medicaid 121341  
buy-in for workers with disabilities program and the amount of the 121342  
individual's income or resources does not exceed the eligibility 121343  
limit for the medicaid buy-in for workers with disabilities 121344  
program. 121345

~~(12)~~(L) No individual receiving services under a component 121346  
shall be required to pay any cost sharing expenses for the 121347  
services for any period during which the individual also 121348  
participates in the medicaid buy-in for workers with disabilities 121349  
program. 121350

**Sec. ~~5111.852~~ 5166.05.** The department of ~~job and family~~ 121351  
~~services~~ medicaid may review and approve, modify, or deny written 121352  
plans of care and individual service plans that section ~~5111.851~~ 121353  
5166.04 of the Revised Code requires be created for individuals 121354  
determined eligible for a home and community-based services 121355  
medicaid waiver component. If a state agency or political 121356  
subdivision contracts with the department under section ~~5111.91~~ 121357  
5162.35 of the Revised Code to administer a home and 121358  
community-based services medicaid waiver component and approves, 121359  
modifies, or denies a written plan of care or individual service 121360  
plan pursuant to the agency's or subdivision's administration of 121361  
the component, the department may review the agency's or 121362  
subdivision's approval, modification, or denial and order the 121363  
agency or subdivision to reverse or modify the approval, 121364  
modification, or denial. The state agency or political subdivision 121365  
shall comply with the department's order. 121366

The department of ~~job and family services~~ medicaid shall be 121367  
granted full and immediate access to any records the department 121368  
needs to implement its duties under this section. 121369

**Sec. ~~5111.853~~ 5166.06.** Each administrative agency shall 121370  
maintain, for a period of time the department of ~~job and family~~ 121371  
~~services~~ medicaid shall specify, financial records documenting the 121372  
costs of medicaid services provided under the home and 121373  
community-based services medicaid waiver components that the 121374  
agency administers, including records of independent audits. The 121375  
administrative agency shall make the financial records available 121376  
on request to the United States secretary of health and human 121377  
services, United States comptroller general, and their designees. 121378

**Sec. ~~5111.854~~ 5166.07.** Each administrative agency is 121379  
financially accountable for funds expended for medicaid services 121380  
~~provided under~~ covered by the home and community-based services 121381  
medicaid waiver components that the agency administers. 121382

**Sec. ~~5111.855~~ 5166.08.** Each state agency and political 121383  
subdivision that enters into a contract with the department of ~~job~~ 121384  
~~and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the 121385  
Revised Code to administer a home and community-based services 121386  
medicaid waiver component, or one or more aspects of such a 121387  
component, shall provide the department a written assurance that 121388  
the agency or subdivision will not violate any of the requirements 121389  
of sections ~~5111.85~~ 5166.01 to ~~5111.854~~ 5166.07 of the Revised 121390  
Code. 121391

**Sec. ~~5111.856~~ 5166.10.** To the extent necessary for the 121392  
efficient and economical administration of medicaid waiver 121393  
components, the department of ~~job and family services~~ medicaid may 121394  
transfer an individual enrolled in a medicaid waiver component 121395

administered by the department to another medicaid waiver 121396  
component the department administers if the individual is eligible 121397  
for the medicaid waiver component and the transfer does not 121398  
jeopardize the individual's health or safety. 121399

**Sec. ~~5111.86~~ 5166.11.** (A) As used in this section+ 121400

~~(1) "Hospital" has the same meaning as in section 3727.01 of~~ 121401  
~~the Revised Code.~~ 121402

~~(2) "Medicaid waiver component" has the same meaning as in~~ 121403  
~~section 5111.85 of the Revised Code.~~ 121404

~~(3) "Nursing facility" has the same meaning as in section~~ 121405  
~~5111.20 of the Revised Code.~~ 121406

~~(4)~~ "Ohio home care program" means the program the 121407  
department of ~~job and family services~~ medicaid administers that 121408  
provides state plan services and medicaid waiver component 121409  
services pursuant to rules adopted ~~under sections 5111.01 and~~ 121410  
~~5111.02 of the Revised Code~~ for the medicaid program and a 121411  
medicaid waiver that went into effect July 1, 1998. 121412

(B) The ~~director~~ department of ~~job and family services~~ 121413  
medicaid may ~~submit requests to the United States secretary of~~ 121414  
~~health and human services pursuant to section 1915 of the "Social~~ 121415  
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, as amended,~~ 121416  
~~to obtain waivers of federal medicaid requirements that would~~ 121417  
~~otherwise be violated in the creation and implementation of~~ create 121418  
and administer two or more medicaid waiver components under which 121419  
home and community-based services are provided to eligible 121420  
individuals who need the level of care provided by a nursing 121421  
facility or hospital. In administering the requests medicaid 121422  
waiver components, the ~~director~~ department may specify the 121423  
following: 121424

(1) The maximum number of individuals who may be enrolled in 121425

each of the medicaid waiver components ~~included in the requests;~~ 121426

(2) The maximum amount the medicaid program may expend each 121427  
year for each individual enrolled in the medicaid waiver 121428  
components; 121429

(3) The maximum amount the medicaid program may expend each 121430  
year for all individuals enrolled in the medicaid waiver 121431  
components; 121432

(4) Any other requirements the ~~director~~ department selects 121433  
for the medicaid waiver components. 121434

(C) ~~If the secretary approves the medicaid waivers requested~~ 121435  
~~under this section, the director may create and implement the~~ 121436  
~~medicaid waiver components in accordance with the provisions of~~ 121437  
~~the approved waivers. The department of job and family services~~ 121438  
~~shall administer the medicaid waiver components.~~ 121439

(D) After the first of any of the medicaid waiver components 121440  
~~created that the department administers~~ under this section begins 121441  
to enroll eligible individuals, the ~~director~~ department may ~~submit~~ 121442  
~~to the United States secretary of health and human services an~~ 121443  
~~amendment to a medicaid waiver component of the Ohio home care~~ 121444  
~~program authorizing the department to cease enrolling to enroll~~ 121445  
additional individuals in ~~that~~ a medicaid waiver component of the 121446  
Ohio home care program. ~~If the secretary approves the amendment,~~ 121447  
~~the director may cease to enroll additional individuals in that~~ 121448  
~~medicaid waiver component of the Ohio home care program.~~ 121449

**Sec. ~~5111.861~~ 5166.12.** (A) ~~As used in this section:~~ 121450

~~"Medicaid waiver component" has the same meaning as in~~ 121451  
~~section 5111.85 of the Revised Code.~~ 121452

~~"Unified long term services and support medicaid waiver~~ 121453  
~~component" means the medicaid waiver component authorized by~~ 121454  
~~section 5111.864 of the Revised Code.~~ 121455

~~(B) Subject to division (C) of this section, there is hereby created the Ohio home care program. The program shall provide home and community based services. The department of job and family services medicaid shall administer the program.~~ 121456  
121457  
121458  
121459

~~(C) If the unified long-term services and support medicaid waiver component is created, the departments of aging and job and family services medicaid shall work together collaborate to determine whether the Ohio home care waiver program should continue to operate as a separate medicaid waiver component or be terminated. If the departments determine that the Ohio home care waiver program should be terminated, the program shall cease to exist on a date the departments shall specify.~~ 121460  
121461  
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121467

**Sec. 5111.862 5166.121.** (A) ~~As used in this section:~~ 121468

~~"Hospital long term care unit" has the same meaning as in section 3721.50 of the Revised Code.~~ 121469  
121470

~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 121471  
121472

~~"Ohio home care program" means the medicaid waiver component created under section 5111.861 of the Revised Code.~~ 121473  
121474

~~"Residential treatment facility" means a residential facility licensed by the department of mental health under section 5119.22 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.~~ 121475  
121476  
121477  
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121479  
121480  
121481

~~(B) Subject to division (C) of Unless the Ohio home care waiver program is terminated pursuant to section 5111.861 5165.12 of the Revised Code, the department of job and family services medicaid shall establish a home first component for the Ohio home~~ 121482  
121483  
121484  
121485

care waiver program. An individual is eligible for the Ohio home care waiver program's home first component if the individual has been determined to be eligible for the Ohio home care waiver program and at least one of the following applies:

(1) If the individual is under twenty-one years of age, the individual received inpatient hospital services for at least fourteen consecutive days, or had at least three inpatient hospital stays during the twelve months, immediately preceding the date the individual applies for the Ohio home care waiver program.

(2) If the individual is at least twenty-one but less than sixty years of age, the individual received inpatient hospital services for at least fourteen consecutive days immediately preceding the date the individual applies for the Ohio home care waiver program.

(3) The individual received private duty nursing services under the medicaid program for at least twelve consecutive months immediately preceding the date the individual applies for the Ohio home care waiver program.

(4) The individual does not reside in a nursing facility or hospital long-term care unit at the time the individual applies for the Ohio home care waiver program but is at risk of imminent admission to a nursing facility or hospital long-term care unit due to a documented loss of a primary caregiver.

(5) The individual resides in a nursing facility at the time the individual applies for the Ohio home care waiver program.

(6) At the time the individual applies for the Ohio home care waiver program, the individual participates in the money follows the person demonstration project authorized by section 6071 of the "Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, and either resides in a residential treatment facility or inpatient hospital setting.



~~(C)(B)~~ An individual determined to be eligible for the home first component of the Ohio home care waiver program shall be enrolled in the ~~Ohio home care~~ program in accordance with rules adopted under section ~~5111.85~~ 5166.02 of the Revised Code.

**Sec. ~~5111.863~~ 5166.13.** ~~(A) As used in this section:~~

~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~

~~(B) Subject to division (C) of this section, there is hereby created the Ohio transitions II aging carve out program. The program shall provide home and community based services. The department of job and family services shall administer the program.~~

~~(C) If the unified long-term services and support medicaid waiver component is created, the departments of aging and ~~job and family services~~ medicaid shall ~~work together~~ collaborate to determine whether the Ohio transitions II aging carve-out program should continue to operate as a separate medicaid waiver component or be terminated. If the departments determine that the Ohio transitions II aging carve-out program should be terminated, the program shall cease to exist on a date the departments shall specify.~~

**Sec. ~~5111.864~~ 5166.14.** ~~(A) As used in this section:~~

~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~

~~(B) The director department of job and family services  
medicaid shall submit a request to the United States secretary of  
health and human services pursuant to section 1915n of the "Social  
Security Act," 95 Stat. 809 (1981), 42 U.S.C. 1396n, as amended,  
to obtain approval to create a unified long-term services and  
support medicaid waiver component to provide home and  
community-based services to eligible individuals of any age who  
require the level of care provided by nursing facilities. The  
director department of job and family services medicaid shall work  
collaborate with the director department of aging in seeking  
approval of the unified long term services and support medicaid  
waiver component and, if the approval is obtained, in creating and  
implementing the component.~~

~~If the request to create the unified long term services and  
support medicaid waiver component is approved, the The medicaid  
director of job and family services, working shall collaborate  
with the director of aging, shall adopt when adopting rules under  
section 5111.85 5166.02 of the Revised Code to implement the  
component. The rules may authorize the director of aging to adopt  
rules in accordance with Chapter 119. of the Revised Code  
governing aspects of the unified long term services and support  
medicaid waiver component.~~

**Sec. 5111.865 5166.141.** ~~(A) As used in this section, "unified  
long term services and support medicaid waiver program" or  
"program" means the medicaid waiver component authorized by  
section 5111.864 of the Revised Code.~~

~~(B) If the United States secretary of health and human  
services approves the request submitted under section 5111.864 of  
the Revised Code to create the unified long term services and  
support medicaid waiver program, the The department of job and  
family services medicaid shall establish a home first component~~

for the unified long-term services and support medicaid waiver 121577  
program. The home first component shall be similar to the home 121578  
first component of the medicaid-funded component of the PASSPORT 121579  
program established under section ~~173.401~~ 173.521 of the Revised 121580  
Code, ~~the home first component of the Ohio home care program~~ 121581  
~~established under section 5111.862 of the Revised Code,~~ and the 121582  
home first component of the medicaid-funded component of the 121583  
assisted living program established under section ~~5111.894~~ 173.542 121584  
of the Revised Code, and the home first component of the Ohio home 121585  
care waiver program established under section 5166.121 of the 121586  
Revised Code. 121587

**Sec. 5166.16.** (A) As used in this section, "ODA or MCD 121588  
medicaid waiver component" means all of the following: 121589

(1) The medicaid-funded component of the PASSPORT program, 121590  
unless it is terminated pursuant to division (C) of section 173.52 121591  
of the Revised Code; 121592

(2) The choices program, unless it is terminated pursuant to 121593  
division (B) of section 173.53 of the Revised Code; 121594

(3) The medicaid-funded component of the assisted living 121595  
program, unless it is terminated pursuant to division (C) of 121596  
section 173.54 of the Revised Code; 121597

(4) The Ohio home care waiver program, unless it is 121598  
terminated pursuant to section 5166.12 of the Revised Code; 121599

(5) The Ohio transitions II aging carve-out program, unless 121600  
it is terminated pursuant to section 5166.13 of the Revised Code. 121601

(B) The medicaid director may create a home and 121602  
community-based services medicaid waiver component as part of the 121603  
integrated care delivery system. If the ICDS medicaid waiver 121604  
component is created, both of the following apply: 121605

(1) The department of medicaid shall administer it; 121606

(2) When it begins to accept enrollments, no ICDS participant who is eligible for the ICDS medicaid waiver component shall be enrolled in an ODA or MCD medicaid waiver component regardless of whether the participant prefers to remain or be enrolled in an ODA or MCD medicaid waiver component.

(C) A dual eligible individual who is eligible for an ODA or MCD medicaid waiver component may enroll in the component before the individual becomes an ICDS participant. The dual eligible individual shall disenroll from the ODA or MCD medicaid waiver component and enroll in the ICDS medicaid waiver component once the individual becomes an ICDS participant and it is possible to enroll the individual in the ICDS medicaid waiver component. The disenrollment from the ODA or MCD medicaid waiver component and enrollment into the ICDS medicaid waiver component shall occur regardless of whether the individual prefers to remain enrolled in the ODA or MCD medicaid waiver component.

(D) An ICDS participant's disenrollment from an ODA or MCD medicaid waiver component and enrollment in the ICDS medicaid waiver component resulting from division (B)(2) or (C) of this section shall be accomplished without a disruption in the participant's services under the components.

~~Sec. 5111.87 5166.20. (A) As used in this section and section 5111.871 of the Revised Code:~~

~~(1) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.~~

~~(2) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

~~(B) The director department of job and family services medicaid may apply to the United States secretary of health and human services for both of create the following:~~

(1) One or more medicaid waiver components under which home and community-based services are provided to individuals with mental retardation or other developmental disability as an alternative to placement in ~~an intermediate care facility for the mentally retarded~~ ICFs/IID;

(2) One or more medicaid waiver components under which home and community-based services are provided in the form of any of the following:

(a) Early intervention and supportive services for children under three years of age who have developmental delays or disabilities the ~~director~~ department determines are significant;

(b) Therapeutic services for children who have autism;

(c) Specialized habilitative services for individuals who are eighteen years of age or older and have autism.

~~(C)~~(B) No medicaid waiver component ~~authorized by~~ created pursuant to division ~~(B)~~(A)(2)(b) or (c) of this section shall provide services that are available under another medicaid waiver component. No medicaid waiver component ~~authorized by~~ created pursuant to division ~~(B)~~(A)(2)(b) of this section shall provide services to an individual that the individual is eligible to receive through an individualized education program as defined in section 3323.01 of the Revised Code.

~~(D)~~(C) The director of developmental disabilities ~~or~~ and director of health may request that the ~~director~~ department of ~~job and family services~~ apply for medicaid create one or more medicaid ~~waivers~~ waiver components under this section.

~~(E)~~(D) Before ~~applying for~~ creating a medicaid waiver component under this section, the ~~director~~ department of ~~job and family services~~ medicaid shall seek, accept, and consider public comments.

~~Sec. 5111.871~~ 5166.21. The department of ~~job and family services~~ medicaid shall enter into a contract with the department of developmental disabilities under section ~~5111.91~~ 5162.35 of the Revised Code with regard to one or more of the medicaid waiver components ~~established~~ created by the department of ~~job and family services~~ medicaid under section ~~5111.87~~ 5166.20 of the Revised Code. ~~Subject, if needed, to the approval of the United States secretary of health and human services, the~~ The contract shall include the medicaid waiver component known as the transitions developmental disabilities waiver. The contract shall provide for the department of developmental disabilities to administer the components in accordance with the terms of the federal medicaid waivers authorizing the components. The contract shall include a schedule for the department of developmental disabilities to begin administering the transitions developmental disabilities waiver. ~~The directors of job and family services and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing the components.~~

If the department of developmental disabilities or the department of ~~job and family services~~ medicaid denies an individual's application for home and community-based services provided under any of these medicaid components, the department that denied the services shall give timely notice to the individual that the individual may ~~request a hearing under~~ appeal pursuant to section ~~5101.35~~ 5160.31 of the Revised Code.

The departments of developmental disabilities and ~~job and family services~~ medicaid may approve, reduce, deny, or terminate a medicaid service included in the individualized service plan developed for a medicaid recipient eligible for home and community-based services provided under any of these medicaid components. The departments shall consider the recommendations a county board of developmental disabilities makes under division

(A)(1)(c) of section 5126.055 of the Revised Code. If either 121699  
department approves, reduces, denies, or terminates a medicaid 121700  
service, that department shall give timely notice to the medicaid 121701  
recipient that the recipient may ~~request a hearing under appeal~~ 121702  
pursuant to section ~~5101.35~~ 5160.31 of the Revised Code. 121703

If supported living, as defined in section 5126.01 of the 121704  
Revised Code, is to be provided as a medicaid service under any of 121705  
these components, any person or government entity with a current, 121706  
valid ~~medicaid~~ provider agreement and a current, valid certificate 121707  
under section 5123.161 of the Revised Code may provide the 121708  
medicaid service. 121709

If a medicaid service is to be provided under any of these 121710  
components by a residential facility, as defined in section 121711  
5123.19 of the Revised Code, any person or government entity with 121712  
a current, valid ~~medicaid~~ provider agreement and a current, valid 121713  
license under section 5123.19 of the Revised Code may provide the 121714  
medicaid service. 121715

**Sec. ~~5111.872~~ 5166.22.** (A) Subject to division (B) of this 121716  
section, when the department of developmental disabilities 121717  
allocates enrollment numbers to a county board of developmental 121718  
disabilities for home and community-based services specified in 121719  
division ~~(B)~~(A)(1) of section ~~5111.87~~ 5166.20 of the Revised Code 121720  
and provided under any of the medicaid waiver components that the 121721  
department administers under section ~~5111.871~~ 5166.21 of the 121722  
Revised Code, the department shall consider all of the following: 121723

(1) The number of individuals with mental retardation or 121724  
other developmental disability who are on a waiting list the 121725  
county board establishes under section 5126.042 of the Revised 121726  
Code for those services and are given priority on the waiting 121727  
list; 121728

(2) The implementation component required by division (A)(3) 121729

of section 5126.054 of the Revised Code of the county board's plan 121730  
approved under section 5123.046 of the Revised Code; 121731

(3) Anything else the department considers necessary to 121732  
enable county boards to provide those services to individuals in 121733  
accordance with the priority requirements for waiting lists 121734  
established under section 5126.042 of the Revised Code for those 121735  
services. 121736

(B) Division (A) of this section applies to home and 121737  
community-based services provided under the medicaid waiver 121738  
component known as the transitions developmental disabilities 121739  
waiver only to the extent, if any, provided by the contract 121740  
required by section ~~5111.871~~ 5166.21 of the Revised Code regarding 121741  
the ~~waiver~~ component. 121742

**Sec. ~~5111.873~~ 5166.23.** (A) Subject to division (D) of this 121743  
section, the medicaid director ~~of job and family services~~ shall 121744  
adopt rules ~~in accordance with Chapter 119.~~ under section 5166.02 121745  
of the Revised Code establishing the ~~amount of reimbursement~~ 121746  
payment amounts or the methods by which the payment amounts ~~of~~ 121747  
~~reimbursement~~ are to be determined for home and community-based 121748  
services specified in division ~~(B)~~ (A)(1) of section ~~5111.87~~ 121749  
5166.20 of the Revised Code and provided under the components of 121750  
the medicaid program that the department of developmental 121751  
disabilities administers under section ~~5111.871~~ 5166.21 of the 121752  
Revised Code. With respect to these rules, all of the following 121753  
apply: 121754

(1) The rules shall establish procedures for the department 121755  
of developmental disabilities to follow in arranging for the 121756  
initial and ongoing collection of cost information from a 121757  
comprehensive, statistically valid sample of persons and 121758  
government entities providing the services at the time the 121759  
information is obtained. 121760



(2) The rules shall establish procedures for the collection 121761  
of consumer-specific information through an assessment instrument 121762  
the department of developmental disabilities shall provide to the 121763  
department of ~~job and family services~~ medicaid. 121764

(3) With the information collected pursuant to divisions 121765  
(A)(1) and (2) of this section, an analysis of that information, 121766  
and other information the director determines relevant, the rules 121767  
shall establish ~~reimbursement~~ payment standards that do all of the 121768  
following: 121769

(a) Assure that ~~reimbursement is~~ payment amounts are 121770  
consistent with efficiency, economy, and quality of care; 121771

(b) Consider the intensity of consumer resource need; 121772

(c) Recognize variations in different geographic areas 121773  
regarding the resources necessary to assure the health and welfare 121774  
of consumers; 121775

(d) Recognize variations in environmental supports available 121776  
to consumers. 121777

(B) As part of the process of adopting rules ~~under~~ authorized 121778  
by this section, the director shall consult with the director of 121779  
developmental disabilities, representatives of county boards of 121780  
developmental disabilities, persons who provide the home and 121781  
community-based services, and other persons and government 121782  
entities the director identifies. 121783

(C) The ~~directors of job and family services~~ medicaid 121784  
director and director of developmental disabilities shall review 121785  
the rules ~~adopted under~~ authorized by this section at times they 121786  
determine are necessary to ensure that the ~~amount of reimbursement~~ 121787  
payment amounts or the methods by which the payment amounts ~~of~~ 121788  
~~reimbursement~~ are to be determined continue to meet the 121789  
~~reimbursement~~ payment standards established under division (A)(3) 121790  
of this section. 121791

(D) This section applies to home and community-based services 121792  
provided under the medicaid waiver component known as the 121793  
transitions developmental disabilities waiver only to the extent, 121794  
if any, provided by the contract required by section ~~5111.871~~ 121795  
5166.21 of the Revised Code regarding the ~~waiver component~~. 121796

**Sec. ~~5111.88~~ 5166.30.** (A) As used in sections ~~5111.88~~ 5166.30 121797  
to ~~5111.8811~~ 5166.3010 of the Revised Code: 121798

(1) "Adult" means an individual at least eighteen years of 121799  
age. 121800

(2) "Appropriate director" means the following: 121801

(a) The medicaid director in the context of all of the 121802  
following: 121803

(i) The Ohio home care waiver program, unless it is 121804  
terminated pursuant to section 5166.12 of the Revised Code; 121805

(ii) The Ohio transitions II aging carve-out program, unless 121806  
it is terminated pursuant to section 5166.13 of the Revised Code; 121807

(iii) The integrated care delivery system medicaid waiver 121808  
component authorized by section 5166.16 of the Revised Code. 121809

(b) The director of aging in the context of the 121810  
medicaid-funded component of the PASSPORT program, unless it is 121811  
terminated pursuant to division (C) of section 173.52 of the 121812  
Revised Code. 121813

(3) "Authorized representative" means the following: 121814

(a) In the case of a consumer who is a minor, the consumer's 121815  
parent, custodian, or guardian; 121816

(b) In the case of a consumer who is an adult, an individual 121817  
selected by the consumer pursuant to section ~~5111.8810~~ 5166.3010 121818  
of the Revised Code to act on the consumer's behalf for purposes 121819  
regarding home care attendant services. 121820

~~(3)~~(4) "Authorizing health care professional" means a health care professional who, pursuant to section ~~5111.887~~ 5166.307 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.

~~(4)~~(5) "Consumer" means an individual to whom all of the following apply:

(a) The individual is enrolled in a participating medicaid waiver component.

(b) The individual has a medically determinable physical impairment to which both of the following apply:

(i) It is expected to last for a continuous period of not less than twelve months.

(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.

(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant.

(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant.

~~(5)~~(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

~~(6)~~(7) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.

~~(7)~~(8) "Gastrostomy tube" means a percutaneously inserted

catheter that terminates in the stomach. 121851

~~(8)~~(9) "Guardian" has the same meaning as in section 2111.01 121852  
of the Revised Code. 121853

~~(9)~~(10) "Health care professional" means a physician or 121854  
registered nurse. 121855

~~(10)~~(11) "Home care attendant" means an individual holding a 121856  
valid ~~medicaid~~ provider agreement in accordance with section 121857  
~~5111.881~~ 5166.301 of the Revised Code that authorizes the 121858  
individual to provide home care attendant services to consumers. 121859

~~(11)~~(12) "Home care attendant services" means all of the 121860  
following as provided by a home care attendant: 121861

(a) Personal care aide services; 121862

(b) Assistance with the self-administration of medication; 121863

(c) Assistance with nursing tasks. 121864

~~(12)~~(13) "Jejunostomy tube" means a percutaneously inserted 121865  
catheter that terminates in the jejunum. 121866

~~(13) "Medicaid waiver component" has the same meaning as in~~ 121867  
~~section 5111.85 of the Revised Code.~~ 121868

(14) "Medication" means a drug as defined in section 4729.01 121869  
of the Revised Code. 121870

(15) "Minor" means an individual under eighteen years of age. 121871

(16) "Participating medicaid waiver component" means ~~both~~ all 121872  
of the following: 121873

(a) The medicaid-funded component of the PASSPORT program, 121874  
unless it is terminated pursuant to division (C) of section 173.52 121875  
of the Revised Code; 121876

(b) The Ohio home care waiver program created under, unless 121877  
it is terminated pursuant to section 5111.861 5166.12 of the 121878  
Revised Code; 121879

~~(b)(c)~~ The Ohio transitions II aging carve-out program 121880  
created under, unless it is terminated pursuant to section 121881  
~~5111.863~~ 5166.13 of the Revised Code; 121882

(d) The integrated care delivery system medicaid waiver 121883  
component authorized by section 5166.16 of the Revised Code. 121884

(17) "Physician" means an individual authorized under Chapter 121885  
4731. of the Revised Code to practice medicine and surgery or 121886  
osteopathic medicine and surgery. 121887

(18) "Practice of nursing as a registered nurse," "practice 121888  
of nursing as a licensed practical nurse," and "registered nurse" 121889  
have the same meanings as in section 4723.01 of the Revised Code. 121890  
"Registered nurse" includes an advanced practice registered nurse, 121891  
as defined in section 4723.01 of the Revised Code. 121892

(19) "Schedule II," "schedule III," "schedule IV," and 121893  
"schedule V" have the same meanings as in section 3719.01 of the 121894  
Revised Code. 121895

(B) ~~The director of job and family services may submit~~ 121896  
~~requests to the United States secretary of health and human~~ 121897  
~~services to amend the federal medicaid waivers authorizing the~~ 121898  
~~participating Participating medicaid waiver components to have~~ 121899  
~~those components may~~ cover home care attendant services in 121900  
accordance with sections ~~5111.88~~ 5166.30 to ~~5111.8810~~ 5166.3010 of 121901  
the Revised Code and rules adopted under section ~~5111.8811~~ 5166.02 121902  
of the Revised Code. ~~Notwithstanding sections 5111.881 to~~ 121903  
~~5111.8811 of the Revised Code, those sections shall be implemented~~ 121904  
~~regarding a participating medicaid waiver component only if the~~ 121905  
~~secretary approves a waiver amendment for the component.~~ 121906

**Sec. ~~5111.881~~ 5166.301.** The medicaid director ~~of job and~~ 121907  
~~family services~~ shall enter into a medicaid provider agreement 121908  
with an individual to authorize the individual to provide home 121909

care attendant services to consumers if the individual does both 121910  
of the following: 121911

(A) Agrees to comply with the requirements of sections 121912  
~~5111.88~~ 5166.30 to ~~5111.8810~~ 5166.3010 and rules adopted under 121913  
section ~~5111.8811~~ 5166.02 of the Revised Code; 121914

(B) Provides the director evidence satisfactory to the 121915  
director of all of the following: 121916

(1) That the individual either meets the personnel 121917  
qualifications specified in 42 C.F.R. 484.4 for home health aides 121918  
or has successfully completed at least one of the following: 121919

(a) A competency evaluation program or training and 121920  
competency evaluation program approved or conducted by the 121921  
director of health under section 3721.31 of the Revised Code; 121922

(b) A training program approved by the ~~department of job and~~ 121923  
~~family services~~ appropriate director that includes training in at 121924  
least all of the following and provides training equivalent to a 121925  
training and competency evaluation program specified in division 121926  
(B)(1)(a) of this section or meets the requirements of 42 C.F.R. 121927  
484.36(a): 121928

(i) Basic home safety; 121929

(ii) Universal precautions for the prevention of disease 121930  
transmission, including hand-washing and proper disposal of bodily 121931  
waste and medical instruments that are sharp or may produce sharp 121932  
pieces if broken; 121933

(iii) Personal care aide services; 121934

(iv) The labeling, counting, and storage requirements for 121935  
schedule II, III, IV, and V medications. 121936

(2) That the individual has obtained a certificate of 121937  
completion of a course in first aid from a first aid course to 121938

which all of the following apply: 121939

(a) It is not provided solely through the internet. 121940

(b) It includes hands-on training provided by a first aid 121941  
instructor who is qualified to provide such training according to 121942  
standards set in rules adopted under section ~~5111.8811~~ 5166.02 of 121943  
the Revised Code. 121944

(c) It requires the individual to demonstrate successfully 121945  
that the individual has learned the first aid taught in the 121946  
course. 121947

(3) That the individual meets any other requirements for the 121948  
medicaid provider agreement specified in rules adopted under 121949  
section ~~5111.8811~~ 5166.02 of the Revised Code. 121950

**Sec. ~~5111.882~~ 5166.302.** A home care attendant shall complete 121951  
not less than twelve hours of in-service continuing education 121952  
regarding home care attendant services each year and provide the 121953  
appropriate director ~~of job and family services~~ evidence 121954  
satisfactory to the appropriate director that the attendant 121955  
satisfied this requirement. The evidence shall be submitted to the 121956  
appropriate director not later than the annual anniversary of the 121957  
issuance of the home care attendant's initial ~~medicaid~~ provider 121958  
agreement. 121959

**Sec. ~~5111.883~~ 5166.303.** A home care attendant shall do all of 121960  
the following: 121961

(A) Maintain a clinical record for each consumer to whom the 121962  
attendant provides home care attendant services in a manner that 121963  
protects the consumer's privacy; 121964

(B) Participate in a face-to-face visit every ninety days 121965  
with all of the following to monitor the health and welfare of 121966  
each of the consumers to whom the attendant provides home care 121967

|                                                                                                                                                                                                                                                |                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| attendant services:                                                                                                                                                                                                                            | 121968                               |
| (1) The consumer;                                                                                                                                                                                                                              | 121969                               |
| (2) The consumer's authorized representative, if any;                                                                                                                                                                                          | 121970                               |
| (3) A registered nurse who agrees to answer any questions<br>that the attendant, consumer, or authorized representative has<br>about consumer care needs, medications, and other issues.                                                       | 121971<br>121972<br>121973           |
| (C) Document the activities of each visit required by<br>division (B) of this section in the consumer's clinical record<br>with the assistance of the registered nurse.                                                                        | 121974<br>121975<br>121976           |
| <b>Sec. <del>5111.884</del> <u>5166.304</u>.</b> (A) A home care attendant may assist<br>a consumer with nursing tasks or self-administration of medication<br>only after the attendant does both of the following:                            | 121977<br>121978<br>121979           |
| (1) Subject to division (B) of this section, completes<br>consumer-specific training in how to provide the assistance that<br>the authorizing health care professional authorizes the attendant<br>to provide to the consumer;                 | 121980<br>121981<br>121982<br>121983 |
| (2) At the request of the consumer, consumer's authorized<br>representative, or authorizing health care professional,<br>successfully demonstrates that the attendant has learned how to<br>provide the authorized assistance to the consumer. | 121984<br>121985<br>121986<br>121987 |
| (B) The training required by division (A)(1) of this section<br>shall be provided by either of the following:                                                                                                                                  | 121988<br>121989                     |
| (1) The authorizing health care professional;                                                                                                                                                                                                  | 121990                               |
| (2) The consumer or consumer's authorized representative in<br>cooperation with the authorizing health care professional.                                                                                                                      | 121991<br>121992                     |
| <b>Sec. <del>5111.885</del> <u>5166.305</u>.</b> A home care attendant shall comply<br>with both of the following when assisting a consumer with nursing<br>tasks or self-administration of medication:                                        | 121993<br>121994<br>121995           |



(A) The written consent of the consumer or consumer's  
authorized representative provided to the appropriate director of  
~~job and family services~~ under section ~~5111.886~~ 5166.306 of the  
Revised Code;

(B) The authorizing health care professional's written  
authorization provided to the appropriate director under section  
~~5111.887~~ 5166.307 of the Revised Code.

**Sec. ~~5111.886~~ 5166.306.** To consent to a home care attendant  
assisting a consumer with nursing tasks or self-administration of  
medication, the consumer or consumer's authorized representative  
shall provide the appropriate director of ~~job and family services~~  
a written statement signed by the consumer or authorized  
representative under which the consumer or authorized  
representative consents to both of the following:

(A) Having the attendant assist the consumer with nursing  
tasks or self-administration of medication;

(B) Assuming responsibility for directing the attendant when  
the attendant assists the consumer with nursing tasks or  
self-administration of medication.

**Sec. ~~5111.887~~ 5166.307.** To authorize a home care attendant to  
assist a consumer with nursing tasks or self-administration of  
medication, a health care professional shall provide the  
appropriate director of ~~job and family services~~ a written  
statement signed by the health care professional that includes all  
of the following:

(A) The consumer's name and address;

(B) A description of the nursing tasks or self-administration  
of medication with which the attendant is to assist the consumer,  
including, in the case of assistance with self-administration of  
medication, the name and dosage of the medication;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (C) The times or intervals when the attendant is to assist the consumer with the self-administration of each dosage of the medication or nursing tasks;                                                                                                                                                                                                                                                                                                                           | 122026<br>122027<br>122028                                                   |
| (D) The dates the attendant is to begin and cease providing the assistance;                                                                                                                                                                                                                                                                                                                                                                                                       | 122029<br>122030                                                             |
| (E) A list of severe adverse reactions the attendant must report to the health care professional should the consumer experience one or more of the reactions;                                                                                                                                                                                                                                                                                                                     | 122031<br>122032<br>122033                                                   |
| (F) At least one telephone number at which the attendant can reach the health care professional in an emergency;                                                                                                                                                                                                                                                                                                                                                                  | 122034<br>122035                                                             |
| (G) Instructions the attendant is to follow when assisting the consumer with nursing tasks or self-administration of medication, including instructions for maintaining sterile conditions and for storage of task-related equipment and supplies;                                                                                                                                                                                                                                | 122036<br>122037<br>122038<br>122039                                         |
| (H) The health care professional's attestation of both of the following:                                                                                                                                                                                                                                                                                                                                                                                                          | 122040<br>122041                                                             |
| (1) That the consumer or consumer's authorized representative has demonstrated to the health care professional the ability to direct the attendant;                                                                                                                                                                                                                                                                                                                               | 122042<br>122043<br>122044                                                   |
| (2) That the attendant has demonstrated to the health care professional the ability to provide the consumer assistance with nursing tasks or self-administration of medication that the health care professional has specifically authorized the attendant to provide and that the consumer or consumer's authorized representative has indicated to the health care professional that the consumer or authorized representative is satisfied with the attendant's demonstration. | 122045<br>122046<br>122047<br>122048<br>122049<br>122050<br>122051<br>122052 |
| <b>Sec. <del>5111.888</del> 5166.308.</b> When authorizing a home care attendant to assist a consumer with nursing tasks or self-administration of medication, a health care professional may                                                                                                                                                                                                                                                                                     | 122053<br>122054<br>122055                                                   |

not authorize a home care attendant to do any of the following: 122056

(A) Perform a task that is outside of the health care professional's scope of practice; 122057  
122058

(B) Assist the consumer with the self-administration of a medication, including a schedule II, schedule III, schedule IV, or schedule V drug unless both of the following apply: 122059  
122060  
122061

(1) The medication is administered orally, topically, or via a gastrostomy tube or jejunostomy tube, including through any of the following: 122062  
122063  
122064

(a) In the case of an oral medication, a metered dose inhaler; 122065  
122066

(b) In the case of a topical medication, including a transdermal medication, either of the following: 122067  
122068

(i) An eye, ear, or nose drop or spray; 122069

(ii) A vaginal or rectal suppository. 122070

(c) In the case of a gastrostomy tube or jejunostomy tube, only through a pre-programmed pump. 122071  
122072

(2) The medication is in its original container and the label attached to the container displays all of the following: 122073  
122074

(a) The consumer's full name in print; 122075

(b) The medication's dispensing date, which must not be more than twelve months before the date the attendant assists the consumer with self-administration of the medication; 122076  
122077  
122078

(c) The exact dosage and means of administration that match the health care professional's authorization to the attendant. 122079  
122080

(C) Assist the consumer with the self-administration of a schedule II, schedule III, schedule IV, or schedule V medication unless, in addition to meeting the requirements of division (B) of 122081  
122082  
122083

|                                                                                                                                                                                                                                                                                                                                                                     |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| this section, all of the following apply:                                                                                                                                                                                                                                                                                                                           | 122084                                         |
| (1) The medication has a warning label on its container.                                                                                                                                                                                                                                                                                                            | 122085                                         |
| (2) The attendant counts the medication in the consumer's or<br>authorized representative's presence when the medication is<br>administered to the consumer and records the count on a form used<br>for the count as specified in rules adopted under section<br><del>5111.8811</del> <u>5166.02</u> of the Revised Code.                                           | 122086<br>122087<br>122088<br>122089<br>122090 |
| (3) The attendant recounts the medication in the consumer's<br>or authorized representative's presence at least monthly and<br>reconciles the recount on a log located in the consumer's clinical<br>record.                                                                                                                                                        | 122091<br>122092<br>122093<br>122094           |
| (4) The medication is stored separately from all other<br>medications and is secured and locked at all times when not being<br>administered to the consumer to prevent unauthorized access.                                                                                                                                                                         | 122095<br>122096<br>122097                     |
| (D) Perform an intramuscular injection;                                                                                                                                                                                                                                                                                                                             | 122098                                         |
| (E) Perform a subcutaneous injection unless it is for a<br>routine dose of insulin;                                                                                                                                                                                                                                                                                 | 122099<br>122100                               |
| (F) Program a pump used to deliver a medication unless the<br>pump is used to deliver a routine dose of insulin;                                                                                                                                                                                                                                                    | 122101<br>122102                               |
| (G) Insert, remove, or discontinue an intravenous access<br>device;                                                                                                                                                                                                                                                                                                 | 122103<br>122104                               |
| (H) Engage in intravenous medication administration;                                                                                                                                                                                                                                                                                                                | 122105                                         |
| (I) Insert or initiate an infusion therapy;                                                                                                                                                                                                                                                                                                                         | 122106                                         |
| (J) Perform a central line dressing change.                                                                                                                                                                                                                                                                                                                         | 122107                                         |
| <b>Sec. <del>5111.889</del> <u>5166.309</u>.</b> A home care attendant who provides<br>home care attendant services to a consumer in accordance with the<br>authorizing health care professional's authorization does not<br>engage in the practice of nursing as a registered nurse or in the<br>practice of nursing as a licensed practical nurse in violation of | 122108<br>122109<br>122110<br>122111<br>122112 |

section 4723.03 of the Revised Code. 122113

A consumer or the consumer's authorized representative shall 122114  
report to the appropriate director ~~of job and family services~~ if a 122115  
home care attendant engages in the practice of nursing as a 122116  
registered nurse or the practice of nursing as a licensed 122117  
practical nurse beyond the authorizing health care professional's 122118  
authorization. The appropriate director shall forward a copy of 122119  
each report to the board of nursing. 122120

**Sec. ~~5111.8810~~ 5166.3010.** A consumer who is an adult may 122121  
select an individual to act on the consumer's behalf for purposes 122122  
regarding home care attendant services by submitting a written 122123  
notice of the consumer's selection of an authorized representative 122124  
to the appropriate director ~~of job and family services~~. The notice 122125  
shall specifically identify the individual the consumer selects as 122126  
authorized representative and may limit what the authorized 122127  
representative may do on the consumer's behalf regarding home care 122128  
attendant services. A consumer may not select the consumer's home 122129  
care attendant to be the consumer's authorized representative. 122130

122131

**Sec. ~~5111.97~~ 5166.35.** (A) ~~As used in this section:~~ 122132

~~(1) "Home and community based services medicaid waiver 122133  
component" has the same meaning as in section 5111.85 of the 122134  
Revised Code.~~ 122135

~~(2) "Nursing facility" has the same meaning as in section 122136  
5111.20 of the Revised Code.~~ 122137

~~(B) To the extent funds are available, the The medicaid 122138  
director ~~of job and family services~~ may establish the Ohio access 122139  
success project to help medicaid recipients make the transition 122140  
from residing in a nursing ~~facility~~ facilities to residing in a 122141~~

community ~~setting~~ settings. The project may be established as a 122142  
separate nonmedicaid program or integrated into a new or existing 122143  
home and community-based services medicaid waiver component. The 122144  
director shall permit any medicaid recipient ~~of medicaid-funded~~ 122145  
receiving nursing facility services to apply for participation in 122146  
the project, but may limit the number of project participants. 122147

The director shall ensure that an assessment of an applicant 122148  
is conducted as soon as practicable to determine whether the 122149  
applicant is eligible for participation in the project. To the 122150  
maximum extent possible, the assessment and eligibility 122151  
determination shall be completed not later than the date that 122152  
occurs six months after the applicant ~~became a recipient of~~ 122153  
~~medicaid-funded~~ begins to receive nursing facility services. 122154

~~(C)~~(B) To be eligible for benefits under the project, a 122155  
medicaid recipient must satisfy all of the following requirements: 122156

(1) The medicaid recipient must be ~~a recipient of~~ 122157  
~~medicaid-funded~~ receiving nursing facility services, at the time 122158  
of applying for the project benefits. 122159

(2) If the project is established as a nonmedicaid program, 122160  
the medicaid recipient must be able to remain in the community as 122161  
a result of receiving project benefits and the projected cost of 122162  
the benefits to the project does not exceed eighty per cent of the 122163  
average monthly medicaid cost of a medicaid recipient in a nursing 122164  
facility. 122165

(3) If the project is integrated into a home and 122166  
community-based services medicaid waiver component, the medicaid 122167  
recipient must meet the waiver component's enrollment criteria. 122168

~~(D)~~(C) If the director establishes the Ohio access success 122169  
project, the benefits provided under the project may include 122170  
payment of all of the following: 122171

(1) The first month's rent in a community setting; 122172

|                                                                                                                                                                                                                                                                                                                                                                                                       |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (2) Rental deposits;                                                                                                                                                                                                                                                                                                                                                                                  | 122173                                                   |
| (3) Utility deposits;                                                                                                                                                                                                                                                                                                                                                                                 | 122174                                                   |
| (4) Moving expenses;                                                                                                                                                                                                                                                                                                                                                                                  | 122175                                                   |
| (5) Other expenses not covered by the medicaid program that facilitate a medicaid recipient's move from a nursing facility to a community setting.                                                                                                                                                                                                                                                    | 122176<br>122177<br>122178                               |
| <del>(E)</del> (D) If the project is established as a nonmedicaid program, no participant may receive more than two thousand dollars' worth of benefits under the project.                                                                                                                                                                                                                            | 122179<br>122180<br>122181                               |
| <del>(F)</del> (E) If the department of <del>job and family services</del> <u>medicaid</u> enters into a contract with an entity to provide fiscal management services regarding the project, the contract may provide for a portion of a participant's benefits under the project to be paid to the contracting entity. The contract shall specify the portion to be paid to the contracting entity. | 122182<br>122183<br>122184<br>122185<br>122186<br>122187 |
| <del>(G) The director may submit a request to the United States secretary of health and human services pursuant to section 1915 of the "Social Security Act," 95 Stat. 809 (1981), 42 U.S.C. 1396n, as amended, to create a home and community based services medicaid waiver component to serve individuals who meet the criteria for participation in the Ohio access success project.</del>        | 122188<br>122189<br>122190<br>122191<br>122192<br>122193 |
| <del>(H)</del> (F) The director may adopt rules in accordance with Chapter 119. of the Revised Code for the administration and operation of the project. If the project is integrated into a home and community-based services medicaid waiver component, the rules shall be adopted under section <del>5111.85</del> <u>5166.02</u> of the Revised Code.                                             | 122194<br>122195<br>122196<br>122197<br>122198<br>122199 |
| <b><u>Sec. 5167.01. As used in this chapter:</u></b>                                                                                                                                                                                                                                                                                                                                                  | 122200                                                   |
| <u>(A) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                     | 122201<br>122202                                         |

(B) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 122203  
122204

(C) "Emergency services" has the same meaning as in the "Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b)(2). 122205  
122206  
122207

(D) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 122208  
122209  
122210

(E) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code. 122211  
122212  
122213

(F) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 122214  
122215

(G) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 122216  
122217

(H) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 122218  
122219

(I) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid managed care organization, regardless of whether the person or entity has a provider agreement. 122220  
122221  
122222  
122223

(J) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 122224  
122225

**Sec. 5167.02.** The medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 122226  
122227  
122228

**Sec. ~~5111.16~~ 5167.03.** (A) As part of the medicaid program, 122229  
the department of ~~job and family services~~ medicaid shall establish 122230  
a care management system. ~~The department shall submit, if~~ 122231



~~necessary, applications to the United States department of health 122232  
and human services for waivers of federal medicaid requirements 122233  
that would otherwise be violated in the implementation of the 122234  
system. 122235~~

(B) The department shall implement the care management system 122236  
in some or all counties and shall designate the medicaid 122237  
recipients who are required or permitted to participate in the 122238  
system. In the department's implementation of the system and 122239  
designation of participants, all of the following apply: 122240

(1) In the case of individuals who receive medicaid on the 122241  
basis of being included in the category identified by the 122242  
department as covered families and children, the department shall 122243  
implement the care management system in all counties. All 122244  
individuals included in the category shall be designated for 122245  
participation, except for individuals included in one or more of 122246  
the medicaid recipient groups specified in 42 C.F.R. 438.50(d). 122247  
The department shall ensure that all participants are enrolled in 122248  
medicaid managed care organizations that are health insuring 122249  
~~corporations under contract with the department pursuant to 122250  
section 5111.17 of the Revised Code. 122251~~

(2) In the case of individuals who receive medicaid on the 122252  
basis of being aged, blind, or disabled, ~~as specified in division 122253  
(C)(2) of section 5111.01 of the Revised Code,~~ the department 122254  
shall implement the care management system in all counties. Except 122255  
as provided in division (C) of this section, all individuals 122256  
included in the category shall be designated for participation. 122257  
The department shall ensure that all participants are enrolled in 122258  
medicaid managed care organizations that are health insuring 122259  
~~corporations under contract with the department pursuant to 122260  
section 5111.17 of the Revised Code. 122261~~

(3) Alcohol, drug addiction, and mental health services 122262  
covered by medicaid shall not be included in any component of the 122263

care management system when the nonfederal share of the cost of 122264  
those services is provided by a board of alcohol, drug addiction, 122265  
and mental health services or a state agency other than the 122266  
department of ~~job and family services~~ medicaid, but the recipients 122267  
of those services may otherwise be designated for participation in 122268  
the system. 122269

(C)(1) In designating participants who receive medicaid on 122270  
the basis of being aged, blind, or disabled, the department shall 122271  
not include any of the following, except as provided under 122272  
division (C)(2) of this section: 122273

(a) Individuals who are under twenty-one years of age; 122274

(b) Individuals who are institutionalized; 122275

(c) Individuals who become eligible for medicaid by spending 122276  
down their income or resources to a level that meets the medicaid 122277  
program's financial eligibility requirements; 122278

(d) ~~Individuals who are dually Dual eligible under the~~ 122279  
~~medicaid program and the medicare program established under Title~~ 122280  
~~XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.~~ 122281  
~~1395, as amended individuals;~~ 122282

(e) Individuals to the extent that they are receiving 122283  
medicaid services through a medicaid waiver component, ~~as defined~~ 122284  
~~in section 5111.85 of the Revised Code.~~ 122285

(2) ~~If any necessary waiver of federal medicaid requirements~~ 122286  
~~is granted, the The department may designate any of the following~~ 122287  
individuals who receive medicaid on the basis of being aged, 122288  
blind, or disabled as individuals who are permitted or required to 122289  
participate in the care management system: 122290

(a) Individuals who are under twenty-one years of age; 122291

(b) Individuals who reside in a nursing facility, ~~as defined~~ 122292  
~~in section 5111.20 of the Revised Code;~~ 122293

(c) Individuals who, as an alternative to receiving nursing facility services, are participating in a home and community-based services medicaid waiver component, ~~as defined in section 5111.85 of the Revised Code;~~

~~(d) Individuals who are dually Dual eligible under the medicaid program and the medicare program individuals.~~

(D) Subject to division (B) of this section, the department may do both of the following under the care management system:

(1) Require or permit participants in the system to obtain health care services from providers designated by the department;

(2) Require or permit participants in the system to obtain health care services through medicaid managed care organizations ~~under contract with the department pursuant to section 5111.17 of the Revised Code.~~

~~(E)(1) The department shall prepare an annual report on the care management system. The report shall address the department's ability to implement the system, including all of the following components:~~

~~(a) The required designation of participants included in the category identified by the department as covered families and children;~~

~~(b) The required designation of participants included in the aged, blind, or disabled category of medicaid recipients;~~

~~(c) The use of any programs for enhanced care management.~~

~~(2) The department shall submit each annual report to the general assembly. The first report shall be submitted not later than October 1, 2007.~~

~~(F) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.~~

**Sec. ~~5111.161~~ 5167.031.** (A) As used in this section: 122324

(1) "Children's care network" means any of the following: 122325

(a) A children's hospital; 122326

(b) A group of children's hospitals; 122327

(c) A group of pediatric physicians. 122328

(2) "Children's hospital" has the same meaning as in section 122329  
2151.86 of the Revised Code. 122330

(B) If the department of ~~job and family services~~ medicaid 122331  
includes in the care management system, pursuant to section 122332  
~~5111.16~~ 5167.03 of the Revised Code, individuals under twenty-one 122333  
years of age who are included in the category of individuals who 122334  
receive medicaid on the basis of being aged, blind, or disabled, 122335  
~~as specified in division (C)(2) of section 5111.01 of the Revised~~ 122336  
~~Code,~~ the department ~~shall develop a system to~~ may recognize 122337  
entities as pediatric accountable care organizations. ~~The purpose~~ 122338  
~~of the recognition system shall be to meet the complex medical and~~ 122339  
~~behavioral needs of disabled children through new approaches to~~ 122340  
~~care coordination. The department shall implement the recognition~~ 122341  
~~system not later than July 1, 2012.~~ 122342

An entity recognized by the department as a pediatric 122343  
accountable care organization may develop innovative partnerships 122344  
between relevant groups and may contract directly or subcontract 122345  
with the state to provide care coordination and other services to 122346  
the medicaid recipients under twenty-one years of age described in 122347  
this division who are permitted or required to participate in the 122348  
care management system. 122349

(C)(1) To be recognized by the department as a pediatric 122350  
accountable care organization, an entity shall meet the standards 122351  
established ~~in rules adopted under this section by the department.~~ 122352  
Unless required by ~~sections~~ section 2706 ~~and 3022~~ of the "Patient 122353

Protection and Affordable Care Act," 124 Stat. 325 (2010) and 122354  
Title XVIII of the "Social Security Act," 124 Stat. 395 (2010) 122355  
section 1895, 42 U.S.C. 1395jjj, the regulations adopted pursuant 122356  
to those sections, and the laws of this state, the department 122357  
shall not require that an entity be a health insuring corporation 122358  
as a condition of receiving the department's recognition. 122359

(2) Any of the following entities may receive the 122360  
department's recognition, if the standards for recognition have 122361  
been met: 122362

(a) A children's care network; 122363

(b) A children's care network that may include one or more 122364  
other entities, including, but not limited to, health insuring 122365  
corporations or other managed care organizations; 122366

(c) Any other entity the department determines is qualified. 122367

(D) The ~~department~~ medicaid director shall consult with all 122368  
of the following in adopting rules ~~under~~ authorized by division 122369  
(E) of this section necessary for an entity to be recognized by 122370  
the department as a pediatric accountable care organization: 122371

(1) The superintendent of insurance; 122372

(2) Children's hospitals; 122373

(3) ~~Managed Medicaid managed~~ care organizations ~~under~~ 122374  
~~contract pursuant to section 5111.17 of the Revised Code;~~ 122375

(4) Any other relevant entities, as determined necessary by 122376  
the department, with interests in pediatric accountable care 122377  
organizations. 122378

(E) ~~The department shall adopt rules in accordance with~~ 122379  
~~Chapter 119. of the Revised Code as necessary to implement this~~ 122380  
~~section.~~ In adopting the rules under section 5167.02 of the 122381  
Revised Code, the ~~department~~ medicaid director shall do all of the 122382  
following: 122383

(1) Establish application procedures to be followed by an entity seeking recognition as a pediatric accountable care organization; 122384  
122385  
122386

(2) Ensure that the standards for recognition as a pediatric accountable care organization are the same as and do not conflict with those specified in ~~sections~~ section 2706 ~~and 3022~~ of the "Patient Protection and Affordable Care Act," 124 Stat. 325 (2010) and ~~Title XVIII~~ of the "Social Security Act," ~~124 Stat. 395 (2010)~~ section 1895, 42 U.S.C. 1395jjj or the regulations adopted pursuant to those sections; 122387  
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(3) Establish requirements regarding the access to pediatric specialty care provided through or by a pediatric accountable care organization; 122394  
122395  
122396

(4) Establish accountability and financial requirements for an entity recognized as a pediatric accountable care organization; 122397  
122398

(5) Establish quality improvement initiatives consistent with any state medicaid quality plan established by the department; 122399  
122400

(6) Establish transparency and consumer protection requirements for an entity recognized as a pediatric accountable care organization; 122401  
122402  
122403

(7) Establish a process for sharing data. 122404

(F) This section does not limit the authority of the department of insurance to regulate the business of insurance in this state. 122405  
122406  
122407

**Sec. ~~5111.17~~ 5167.10.** (A) The department of ~~job and family services~~ medicaid may enter into contracts with managed care organizations, including health insuring corporations, under which the organizations are authorized to provide, or arrange for the provision of, health care services to ~~medical assistance~~ medicaid recipients who are required or permitted to obtain health care 122408  
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services through managed care organizations as part of the care 122414  
management system established under section ~~5111.16~~ 5167.03 of the 122415  
Revised Code. 122416

(B) ~~The (1) Subject to division (B)(2)(a) of this section,~~ 122417  
~~the~~ department or its actuary shall base the hospital inpatient 122418  
capital payment portion of the payment made to managed care 122419  
organizations on data for services provided to all recipients 122420  
enrolled in managed care organizations with which the department 122421  
contracts, as reported by hospitals on relevant cost reports 122422  
submitted pursuant to rules adopted under ~~this~~ section 5167.02 of 122423  
the Revised Code. 122424

(2)(a) The hospital inpatient capital payment portion of the 122425  
payment made to medicaid managed care organizations shall not 122426  
exceed any maximum rate established by the department pursuant to 122427  
rules adopted under this section. 122428

(b) If a maximum rate is established, a medicaid managed care 122429  
organization shall not compensate hospitals for inpatient capital 122430  
costs in an amount that exceeds that rate. 122431

~~(C) The director of job and family services may adopt rules~~ 122432  
~~in accordance with Chapter 119. of the Revised Code to implement~~ 122433  
~~this section.~~ 122434

~~(D)~~ The department of ~~job and family services~~ medicaid shall 122435  
allow a medicaid managed care organization to use providers to 122436  
render care upon completion of the medicaid managed care 122437  
organization's credentialing process. 122438

**Sec. ~~5111.177~~ 5167.11.** When contracting under section ~~5111.17~~ 122439  
5167.10 of the Revised Code with a health insuring corporation 122440  
that holds a certificate of authority under Chapter 1751. of the 122441  
Revised Code, the department of ~~job and family services~~ medicaid 122442  
shall require the health insuring corporation to provide a 122443

grievance process for medicaid recipients in accordance with 42 122444  
C.F.R. 438, subpart F. 122445

**Sec. ~~5111.172~~ 5167.12.** (A) When contracting under section 122446  
~~5111.17~~ 5167.10 of the Revised Code with a managed care 122447  
organization that is a health insuring corporation, the department 122448  
of ~~job and family services~~ medicaid shall require the health 122449  
insuring corporation to provide coverage of ~~prescription~~ 122450  
prescribed drugs for medicaid recipients enrolled in the health 122451  
insuring corporation. In providing the required coverage, the 122452  
health insuring corporation may, subject to the department's 122453  
approval and the limitations specified in division (B) of this 122454  
section, use strategies for the management of drug utilization. 122455

(B) The department shall not permit a health insuring 122456  
corporation to impose a prior authorization requirement in the 122457  
case of a drug to which all of the following apply: 122458

(1) The drug is an antidepressant or antipsychotic. 122459

(2) The drug is administered or dispensed in a standard 122460  
tablet or capsule form, except that in the case of an 122461  
antipsychotic, the drug also may be administered or dispensed in a 122462  
long-acting injectable form. 122463

(3) The drug is prescribed by either of the following: 122464

(a) A physician whom the health insuring corporation, 122465  
pursuant to division (C) of section ~~5111.17~~ 5167.10 of the Revised 122466  
Code, has credentialed to provide care as a psychiatrist; 122467

(b) A psychiatrist practicing at a community mental health 122468  
~~agency~~ services provider certified by the department of ~~mental~~ 122469  
~~health~~ mental health and addiction services under section ~~5119.611~~ 122470  
5119.36 of the Revised Code. 122471

(4) The drug is prescribed for a use that is indicated on the 122472



drug's labeling, as approved by the federal food and drug administration. 122473  
122474

(C) ~~As used in this division, "controlled substance" has the same meaning as in section 3719.01 of the Revised Code.~~ 122475  
122476

The department shall permit a health insuring corporation to develop and implement a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription. 122477  
122478  
122479  
122480  
122481

**Sec. ~~5111.179~~ 5167.13.** Each contract the department of ~~job and family services~~ medicaid enters into with a managed care organization under section ~~5111.17~~ 5167.10 of the Revised Code shall require the managed care organization to implement a coordinated services program for medicaid recipients enrolled in the organization who are found to have obtained ~~prescription~~ prescribed drugs under the medicaid program at a frequency or in an amount that is not medically necessary. The program shall be implemented in a manner that is consistent with ~~section 1915(a)(2)~~ of the "Social Security Act," ~~95 Stat. 810 (1981)~~ section 1915(a)(2), 42 U.S.C. 1396n(a)(2), ~~as amended~~, and 42 C.F.R. 431.54(e). 122482  
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**Sec. ~~5111.1710~~ 5167.14.** Each contract the department of ~~job and family services~~ medicaid enters into with a managed care organization under section ~~5111.17~~ 5167.10 of the Revised Code shall require the managed care organization to enter into a data security agreement with the state board of pharmacy governing the managed care organization's use of the board's drug database established and maintained under section 4729.75 of the Revised Code. 122494  
122495  
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This section does not apply if the board no longer maintains 122502

the drug database. 122503

**Sec. ~~5111.162~~ 5167.20.** (A) ~~As used in this section:~~ 122504

~~(1) "Emergency services" has the same meaning as in section 1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-2(b)(2), as amended.~~ 122505  
122506  
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~~(2) "Medicaid managed care organization" means a managed care organization that has entered into a contract with the department of job and family services pursuant to section 5111.17 of the Revised Code.~~ 122508  
122509  
122510  
122511

~~(B)~~ Except as provided in division ~~(C)~~(B) of this section, 122512  
when a participant in the care management system established under 122513  
~~section 5111.16 of the Revised Code~~ this chapter is enrolled in a 122514  
medicaid managed care organization and the organization refers the 122515  
participant to receive services, other than emergency services 122516  
provided on or after January 1, 2007, at a hospital that 122517  
participates in the medicaid program but is not under contract 122518  
with the organization, the hospital shall provide the service for 122519  
which the referral was made and shall accept from the 122520  
organization, as payment in full, the amount derived from the 122521  
~~reimbursement~~ payment rate used by the department to ~~reimburse~~ pay 122522  
other hospitals of the same type for providing the same service to 122523  
a medicaid recipient who is not enrolled in a medicaid managed 122524  
care organization. 122525

~~(C)~~(B) A hospital is not subject to division ~~(B)~~(A) of this 122526  
section if all of the following are the case: 122527

(1) The hospital is located in a county in which participants 122528  
in the care management system are required before January 1, 2006, 122529  
to be enrolled in a medicaid managed care organization that is a 122530  
health insuring corporation; 122531

(2) The hospital has entered into a contract before January 122532

1, 2006, with at least one health insuring corporation serving the 122533  
participants specified in division ~~(C)~~(B)(1) of this section; 122534

(3) The hospital remains under contract with at least one 122535  
health insuring corporation serving participants in the care 122536  
management system who are required to be enrolled in a health 122537  
insuring corporation. 122538

~~(D)~~(C) The medicaid director ~~of job and family services~~ shall 122539  
adopt rules under section 5167.02 of the Revised Code specifying 122540  
the circumstances under which a medicaid managed care organization 122541  
is permitted to refer a participant in the care management system 122542  
to a hospital that is not under contract with the organization. 122543  
~~The director may adopt any other rules necessary to implement this~~ 122544  
~~section. All rules adopted under this section shall be adopted in~~ 122545  
~~accordance with Chapter 119. of the Revised Code.~~ 122546

**Sec. ~~5111.163~~ 5167.201.** ~~(A) As used in this section:~~ 122547

~~(1) "Emergency services" has the same meaning as in section~~ 122548  
~~1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42~~ 122549  
~~U.S.C. 1396u-2(b)(2), as amended.~~ 122550

~~(2) "Medicaid managed care organization" has the same meaning~~ 122551  
~~as in section 5111.162 of the Revised Code.~~ 122552

~~(3) "Provider" means any person, institution, or entity that~~ 122553  
~~furnishes emergency services to a medicaid recipient enrolled in a~~ 122554  
~~medicaid managed care organization, regardless of whether the~~ 122555  
~~person, institution, or entity has a provider agreement with the~~ 122556  
~~department of job and family services pursuant to Title XIX of the~~ 122557  
~~"Social Security Act."~~ 122558

~~(B)~~ When a participant in the care management system 122559  
established under ~~section 5111.16 of the Revised Code~~ this chapter 122560  
is enrolled in a medicaid managed care organization and receives 122561  
emergency services on or after January 1, 2007, from a provider 122562

that is not under contract with the organization, the provider 122563  
shall accept from the organization, as payment in full, not more 122564  
than the amounts (less any payments for indirect costs of medical 122565  
education and direct costs of graduate medical education) that the 122566  
provider could collect if the participant received medicaid other 122567  
than through enrollment in a managed care organization. 122568

An agreement entered into by a participant, a participant's 122569  
parent, or a participant's legal guardian that requires payment 122570  
for emergency services in violation of this section is void and 122571  
unenforceable. 122572

**Sec. ~~5111.982~~ 5167.21.** (A) As used in this section: 122573

(1) "Covered skilled nursing facility services" has the same 122574  
meaning as in the "Social Security Act," section 1888(e)(2)(A), 42 122575  
U.S.C. 1395yy(e)(2)(A). 122576

(2) "Current medicare fee-for-service rate" means the 122577  
fee-for-service rate in effect for a covered skilled nursing 122578  
facility service under medicare at the time the service is 122579  
provided. 122580

(3) "Skilled nursing facility" has the same meaning as in the 122581  
"Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a). 122582

(B) Except as provided in division (C) of this section, a 122583  
medicaid managed care organization shall pay a skilled nursing 122584  
facility at least the current medicare fee-for-service rate, 122585  
without deduction for any coinsurance, for covered skilled nursing 122586  
facility services that the skilled nursing facility provides to a 122587  
dual eligible individual if the medicaid managed care organization 122588  
is responsible for the payment under the terms of a contract that 122589  
the medicaid managed care organization, ~~medical assistance~~ 122590  
medicaid director, and United States secretary of health and human 122591  
services jointly enter into under the integrated care delivery 122592

system authorized by section ~~5111.981~~ 5164.91 of the Revised Code. 122593

(C) A medicaid managed care organization is required to pay 122594  
the rate specified in division (B) of this section for covered 122595  
skilled nursing facility services only if all of the following 122596  
apply: 122597

(1) The United States secretary agrees to the payment rate as 122598  
part of the contract that the medicaid managed care organization, 122599  
~~medical assistance~~ medicaid director, and United States secretary 122600  
jointly enter into under the integrated care delivery system; 122601

(2) The medicaid managed care organization receives a federal 122602  
capitation payment that is an actuarially sufficient amount for 122603  
the costs that the medicaid managed care organization incurs in 122604  
paying the rate; 122605

(3) No state funds are used for any part of the costs that 122606  
the medicaid managed care organization incurs in paying the rate; 122607

(4) The integrated care delivery system provides for dual 122608  
eligible individuals to receive the covered skilled nursing 122609  
facility services as part of the system. 122610

**Sec. ~~5111.178~~ 5167.25.** (A) The medicaid director ~~of job and~~ 122611  
~~family services~~ shall determine whether a waiver of federal 122612  
medicaid requirements is necessary to fulfill the requirements of 122613  
section 3901.3814 of the Revised Code. If the director determines 122614  
a waiver is necessary, the department of ~~job and family services~~ 122615  
medicaid shall apply to the United States secretary of health and 122616  
human services for the waiver. 122617

(B)(1) If the director determines that section 3901.3814 of 122618  
the Revised Code can be implemented without a waiver or a waiver 122619  
is granted, the department shall notify the department of 122620  
insurance that the section can be implemented. Implementation of 122621  
the section shall be effective eighteen months after the notice is 122622

sent. 122623

(2) At the time the notice is given under division (B)(1) of 122624  
this section, the department shall also give notice to each health 122625  
insuring corporation that provides coverage to medicaid 122626  
recipients. The notice shall inform the corporation that sections 122627  
3901.38 and 3901.381 to 3901.3814 of the Revised Code apply to 122628  
claims for services rendered to recipients on the date determined 122629  
under division (B)(1) of this section, instead of the prompt 122630  
payment requirements of 42 C.F.R. 447.46. That date shall be 122631  
specified in the notice. 122632

**Sec. ~~5111.175~~ 5167.26.** For the purpose of determining the 122633  
amount the department of ~~job and family services~~ medicaid pays 122634  
hospitals under section ~~5112.08~~ 5168.09 of the Revised Code and 122635  
the amount of disproportionate share hospital payments paid by the 122636  
medicare program ~~established under Title XVIII of~~ pursuant to the 122637  
"Social Security Act," ~~79 Stat. 286 (1965)~~ section 1915, 42 U.S.C. 122638  
1396n, ~~as amended,~~ a medicaid managed care organization ~~under~~ 122639  
~~contract with the department pursuant to section 5111.17 of the~~ 122640  
~~Revised Code authorizing the organization to provide, or arrange~~ 122641  
~~for the provision of, hospital services to medicaid recipients~~ 122642  
shall keep detailed records for each hospital with which it 122643  
contracts ~~about,~~ including records regarding the cost to the 122644  
hospital of providing ~~the~~ hospital services for the organization, 122645  
payments made by the organization to the hospital for the 122646  
services, utilization of hospital services by medicaid recipients 122647  
enrolled in the organization, and other utilization data required 122648  
by the department. 122649

**Sec. ~~5111.1711~~ 5167.30.** (A)(1) The department of ~~job and~~ 122650  
~~family services~~ medicaid shall establish a managed care 122651  
performance payment program. Under the program, the department may 122652  
provide payments to medicaid managed care organizations ~~under~~ 122653

~~contract with the department pursuant to section 5111.17 of the~~ 122654  
~~Revised Code that meet performance standards established by the~~ 122655  
~~department.~~ 122656

(2) In establishing performance standards, the department may 122657  
consult any of the following: 122658

(a) Any quality measurements developed under the pediatric 122659  
quality measures program established pursuant to the "Social 122660  
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 122661

(b) Any core set of adult health quality measures for 122662  
medicaid eligible adults used for purposes of the "Social Security 122663  
Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health 122664  
quality used for purposes of the medicaid quality measurement 122665  
program when the program is established under ~~42 U.S.C. 1320b-9b~~ 122666  
that section of the "Social Security Act"; 122667

(c) The most recent healthcare effectiveness data and 122668  
information set and quality measurement tool established by the 122669  
national committee for quality assurance. 122670

(3) The standards that must be met to receive the payments 122671  
may be specified in the contract the department enters into with a 122672  
medicaid managed care organization. 122673

(4) If a medicaid managed care organization meets the 122674  
performance standards established by the department, the 122675  
department shall make one or more performance payments to the 122676  
organization. The amount of each performance payment, the number 122677  
of payments, and the schedule for making the payments shall be 122678  
established by the department. The payments shall be discontinued 122679  
if the department determines that the organization no longer meets 122680  
the performance standards. The department shall not make or 122681  
discontinue payments based on any performance standard that has 122682  
been in effect as part of the organization's contract for less 122683

than six months. 122684

(B) For purposes of the program, the department shall 122685  
establish an amount that is to be withheld each time a premium 122686  
payment is made to a medicaid managed care organization. The 122687  
amount shall be established as a percentage of each premium 122688  
payment. The percentage shall be the same for all medicaid managed 122689  
care organizations ~~under contract with the department~~. The sum of 122690  
all withholdings under this division shall not exceed ~~one~~ two per 122691  
cent of the total of all premium payments made to all medicaid 122692  
managed care organizations ~~under contract with the department~~. 122693

Each medicaid managed care organization shall agree to the 122694  
withholding as a condition of receiving or maintaining its 122695  
~~medicaid~~ provider agreement with the department. 122696

When the amount is established and each time the amount is 122697  
modified thereafter, the department shall certify the amount to 122698  
the director of budget and management and begin withholding the 122699  
amount from each premium the department pays to a medicaid managed 122700  
care organization. 122701

~~(C) There is hereby created in the state treasury the managed 122702  
care performance payment fund. The fund shall consist of amounts 122703  
transferred to it by the director of budget and management for the 122704  
purpose of the program. All investment earnings of the fund shall 122705  
be credited to the fund. Amounts in the fund shall be used solely 122706  
to make performance payments to managed care organizations in 122707  
accordance with this section. 122708~~

~~(D) The department may adopt rules as necessary to implement 122709  
this section. The rules shall be adopted in accordance with 122710  
Chapter 119. of the Revised Code. 122711~~

**Sec. ~~5111.171~~ 5167.31.** The department of ~~job and family 122712  
services~~ medicaid may provide financial incentive awards to 122713



~~medicaid managed care organizations under contract with the~~ 122714  
~~department pursuant to section 5111.17 of the Revised Code that~~ 122715  
meet or exceed performance standards specified in provider 122716  
agreements or rules adopted by the ~~department~~ medicaid director 122717  
under section 5167.02 of the Revised Code. The department may 122718  
specify in a contract with a medicaid managed care organization 122719  
the amounts of financial incentive awards, methodology for 122720  
distributing awards, types of awards, and standards for 122721  
administration by the department. 122722

**Sec. ~~5111.173~~ 5167.40.** The department of ~~job and family~~ 122723  
~~services~~ medicaid shall appoint a temporary manager for a medicaid 122724  
managed care organization ~~under contract with the department~~ 122725  
~~pursuant to section 5111.17 of the Revised Code~~ if the department 122726  
determines that the medicaid managed care organization has 122727  
repeatedly failed to meet substantive requirements specified in 122728  
~~section 1903(m) of the "Social Security Act," 79 Stat. 286 (1965)~~ 122729  
sections 1903(m) and 1932, 42 U.S.C. 1396b(m), as amended; section 122730  
~~1932 of the Social Security Act, 42 U.S.C. and 1396u-2, as~~ 122731  
~~amended; or 42 C.F.R. 438 Part I.~~ The appointment of a temporary 122732  
manager does not preclude the department from imposing other 122733  
sanctions available to the department against the medicaid managed 122734  
care organization. 122735

The medicaid managed care organization shall pay all costs of 122736  
having the temporary manager perform the temporary manager's 122737  
duties, including all costs the temporary manager incurs in 122738  
performing those duties. If the temporary manager incurs costs or 122739  
liabilities on behalf of the medicaid managed care organization, 122740  
the medicaid managed care organization shall pay those costs and 122741  
be responsible for those liabilities. 122742

The appointment of a temporary manager is not subject to 122743  
Chapter 119. of the Revised Code, but the managed care 122744

organization may request a reconsideration of the appointment. 122745  
Reconsiderations shall be requested and conducted in accordance 122746  
with rules the ~~director of job and family services~~ medicaid 122747  
director shall adopt ~~in accordance with Chapter 119. of~~ under 122748  
section 5167.02 of the Revised Code. 122749

The appointment of a temporary manager does not cause the 122750  
medicaid managed care organization to lose the right to appeal, in 122751  
accordance with Chapter 119. of the Revised Code, any proposed 122752  
termination or any decision not to ~~renew~~ revalidate the medicaid 122753  
managed care organization's ~~medicaid~~ provider agreement or the 122754  
right to initiate the sale of the medicaid managed care 122755  
organization or its assets. 122756

~~In addition to the rules required to be adopted under this~~ 122757  
~~section, the director may adopt any other rules necessary to~~ 122758  
~~implement this section. The rules shall be adopted in accordance~~ 122759  
~~with Chapter 119. of the Revised Code.~~ 122760

**Sec. ~~5111.174~~ 5167.41.** The department of ~~job and family~~ 122761  
~~services~~ medicaid may disenroll some or all medicaid recipients 122762  
enrolled in a medicaid managed care organization ~~under contract~~ 122763  
~~with the department pursuant to section 5111.17 of the Revised~~ 122764  
~~Code~~ if the department proposes to terminate or not to ~~renew~~ 122765  
revalidate the contract and determines that the recipients' access 122766  
to medically necessary services is jeopardized by the proposal to 122767  
terminate or not to ~~renew~~ revalidate the contract. The 122768  
disenrollment is not subject to Chapter 119. of the Revised Code, 122769  
but the medicaid managed care organization may request a 122770  
reconsideration of the disenrollment. Reconsiderations shall be 122771  
requested and conducted in accordance with rules the medicaid 122772  
~~director of job and family services~~ shall adopt ~~in accordance with~~ 122773  
~~Chapter 119. under section 5167.02~~ of the Revised Code. The 122774  
request for, or conduct of, a reconsideration regarding a proposed 122775

disenrollment shall not delay the disenrollment. 122776

~~In addition to the rules required to be adopted under this 122777  
section, the director may adopt any other rules necessary to 122778  
implement this section. The rules shall be adopted in accordance 122779  
with Chapter 119. of the Revised Code. 122780~~

**Sec. ~~5112.01~~ 5168.01.** As used in sections ~~5112.03~~ 5168.01 to 122781  
~~5112.21~~ 5168.14 of the Revised Code: 122782

(A) "Bad debt," "charity care," "courtesy care," and 122783  
"contractual allowances" have the same meanings given these terms 122784  
in regulations adopted under Title XVIII of the "Social Security 122785  
Act," 42 U.S.C. 1395 et seq. 122786

(B) "Cost reporting period" means the twelve-month period 122787  
used by a hospital in reporting costs for purposes of Title XVIII 122788  
of the "Social Security Act," 42 U.S.C. 1395 et seq. 122789

(C) "Disproportionate share hospital" means a hospital that 122790  
meets the definition of a disproportionate share hospital in rules 122791  
adopted under section 5168.02 of the Revised Code. 122792

(D) "Federal poverty line" means the official poverty line 122793  
defined by the United States office of management and budget based 122794  
on the most recent data available from the United States bureau of 122795  
the census and revised by the United States secretary of health 122796  
and human services pursuant to the "Omnibus Budget Reconciliation 122797  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 122798

(E) "Governmental hospital" means a county hospital with more 122799  
than five hundred registered beds or a state-owned and -operated 122800  
hospital with more than five hundred registered beds. 122801

(F)(1) "Hospital" means a nonfederal hospital to which either 122802  
of the following applies: 122803

(a) The hospital is registered under section 3701.07 of the 122804

Revised Code as a general medical and surgical hospital or a 122805  
pediatric general hospital, and provides inpatient hospital 122806  
services, as defined in 42 C.F.R. 440.10; 122807

(b) The hospital is recognized under the medicare program 122808  
~~established by Title XVIII of the "Social Security Act," 49 Stat.~~ 122809  
~~620 (1935), 42 U.S.C.A. 301, as amended,~~ as a cancer hospital and 122810  
is exempt from the medicare prospective payment system. 122811

(2) "Hospital" does not include a hospital operated by a 122812  
health insuring corporation that has been issued a certificate of 122813  
authority under section 1751.05 of the Revised Code or a hospital 122814  
that does not charge patients for services. 122815

~~(2) "Disproportionate share hospital" means a hospital that 122816  
meets the definition of a disproportionate share hospital in rules 122817  
adopted under section 5112.03 of the Revised Code. 122818~~

~~(B) "Bad debt," "charity care," "courtesy care," and 122819  
"contractual allowances" have the same meanings given these terms 122820  
in regulations adopted under Title XVIII of the "Social Security 122821  
Act." 122822~~

~~(C) "Cost reporting period" means the twelve month period 122823  
used by a hospital in reporting costs for purposes of Title XVIII 122824  
of the "Social Security Act." 122825~~

~~(D) "Governmental hospital" means a county hospital with more 122826  
than five hundred registered beds or a state owned and operated 122827  
hospital with more than five hundred registered beds. 122828~~

~~(E)~~(G) "Indigent care pool" means the sum of the following: 122829

(1) The total of assessments to be paid in a program year by 122830  
all hospitals under section ~~5112.06~~ 5168.06 of the Revised Code, 122831  
less the assessments deposited into the legislative budget 122832  
services fund under section ~~5112.19~~ 5168.12 of the Revised Code 122833  
and into the health care services administration fund created 122834

under section ~~5111.94~~ 5162.54 of the Revised Code; 122835

(2) The total amount of intergovernmental transfers required 122836  
to be made in the same program year by governmental hospitals 122837  
under section ~~5112.07~~ 5168.07 of the Revised Code, less the amount 122838  
of transfers deposited into the legislative budget services fund 122839  
under section ~~5112.19~~ 5168.12 of the Revised Code and into the 122840  
health care services administration fund created under section 122841  
~~5111.94~~ 5162.54 of the Revised Code; 122842

(3) The total amount of federal matching funds that will be 122843  
made available in the same program year as a result of funds 122844  
distributed by the department of ~~job and family services~~ medicaid 122845  
to hospitals under section ~~5112.08~~ 5168.09 of the Revised Code. 122846

~~(F)~~(H) "Intergovernmental transfer" means any transfer of 122847  
money by a governmental hospital under section ~~5112.07~~ 5168.07 of 122848  
the Revised Code. 122849

~~(G)~~ "Medical assistance program" means the program of medical 122850  
assistance established under section ~~5111.01~~ of the Revised Code 122851  
and Title XIX of the "Social Security Act." 122852

~~(H)~~(I) "Medicaid services" has the same meaning as in section 122853  
5164.01 of the Revised Code. 122854

(J) "Program year" means a period beginning the first day of 122855  
October, or a later date designated in rules adopted under section 122856  
~~5112.03~~ 5168.02 of the Revised Code, and ending the thirtieth day 122857  
of September, or an earlier date designated in rules adopted under 122858  
that section. 122859

~~(I)~~(K) "Registered beds" means the total number of hospital 122860  
beds registered with the department of health, as reported in the 122861  
most recent "directory of registered hospitals" published by the 122862  
department of health. 122863

~~(J)~~(L) "Third-party payer" means any person or government 122864

entity that may be liable by law or contract to make payment to or 122865  
on behalf of an individual for health care services. "Third-party 122866  
payer" does not include a hospital. 122867

(M) "Total facility costs" means the total costs for all 122868  
services rendered to all patients, including the direct, indirect, 122869  
and overhead cost to the hospital of all services, supplies, 122870  
equipment, and capital related to the care of patients, regardless 122871  
of whether patients are enrolled in a health insuring corporation, 122872  
excluding costs associated with providing skilled nursing services 122873  
in distinct-part nursing facility units, as shown on the 122874  
hospital's cost report filed under section ~~5112.04~~ 5168.05 of the 122875  
Revised Code. Effective October 1, 1993, if rules adopted under 122876  
section ~~5112.03~~ 5168.02 of the Revised Code so provide, "total 122877  
facility costs" may exclude costs associated with providing care 122878  
to recipients of any of the governmental programs listed in 122879  
division (B) of that section. 122880

~~(K)~~(N) "Uncompensated care" means bad debt and charity care. 122881

**Sec. ~~5112.03~~ 5168.02.** (A) The ~~director of job and family~~ 122882  
~~services shall adopt, and may amend and rescind,~~ medicaid director 122883  
shall adopt rules in accordance with Chapter 119. of the Revised 122884  
Code for the purpose of administering sections ~~5112.01~~ 5168.01 to 122885  
~~5112.21~~ 5168.14 of the Revised Code, including rules that do all 122886  
of the following: 122887

(1) Define as a "disproportionate share hospital" any 122888  
hospital included under ~~subsection (b) of section 1923 of the~~ 122889  
"Social Security Act," ~~49 Stat. 620 (1935)~~ section 1923(b), 42 122890  
U.S.C.A. 1396r-4(b), ~~as amended,~~ and any other hospital the 122891  
director determines appropriate; 122892

(2) Prescribe the form for submission of cost reports under 122893  
section ~~5112.04~~ 5168.05 of the Revised Code; 122894

(3) Establish, in accordance with division (A) of section 122895  
~~5112.06~~ 5168.06 of the Revised Code, the assessment rate or rates 122896  
to be applied to hospitals under that section; 122897

(4) Establish schedules for hospitals to pay installments on 122898  
their assessments under section ~~5112.06~~ 5168.06 of the Revised 122899  
Code and for governmental hospitals to pay installments on their 122900  
intergovernmental transfers under section ~~5112.07~~ 5168.07 of the 122901  
Revised Code; 122902

(5) Establish procedures to notify hospitals of adjustments 122903  
made under division (B)(2)(b) of section ~~5112.06~~ 5168.06 of the 122904  
Revised Code in the amount of installments on their assessment; 122905

(6) Establish procedures to notify hospitals of adjustments 122906  
made under division (D) of section ~~5112.09~~ 5168.08 of the Revised 122907  
Code in the total amount of their assessment and to adjust for the 122908  
remainder of the program year the amount of the installments on 122909  
the assessments; 122910

(7) Establish, in accordance with section ~~5112.08~~ 5168.09 of 122911  
the Revised Code, the methodology for paying hospitals under that 122912  
section. 122913

The director shall consult with hospitals when adopting the 122914  
rules required by divisions (A)(4) and (5) of this section in 122915  
order to minimize hospitals' cash flow difficulties. 122916

(B) Rules adopted under this section may provide that "total 122917  
facility costs" excludes costs associated with any of the 122918  
following: 122919

(1) ~~Recipients of the medical assistance program~~ Medicaid 122920  
recipients; 122921

(2) Recipients of disability financial assistance provided 122922  
under Chapter 5115. of the Revised Code; 122923

(3) Recipients of the program for medically handicapped 122924

children established under section 3701.023 of the Revised Code; 122925

(4) ~~Recipients of the medicare program established under~~ 122926  
~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 122927  
~~U.S.C.A. 301, as amended; Medicare beneficiaries;~~ 122928

(5) Recipients of Title V of the "Social Security Act," 42 122929  
U.S.C. 701 et seq.; 122930

(6) Any other category of costs deemed appropriate by the 122931  
director in accordance with Title XIX of the "Social Security 122932  
Act," 42 U.S.C. 1396 et seq., and the rules adopted under that 122933  
title. 122934

**Sec. ~~5112.05~~ 5168.03.** The requirements of sections ~~5112.06~~ 122935  
5168.06 to ~~5112.09~~ 5168.09 of the Revised Code apply only as long 122936  
as the United States health care financing administration 122937  
determines that the assessment imposed under section ~~5112.06~~ 122938  
5168.06 of the Revised Code is a permissible health care-related 122939  
tax pursuant to ~~section 1903(w) of the "Social Security Act," 49~~ 122940  
~~Stat. 620 (1935)~~ section 1903(w), 42 U.S.C.A. 1396b(w), ~~as~~ 122941  
~~amended~~. Whenever the department of ~~job and family services~~ 122942  
medicaid is informed that the assessment is an impermissible 122943  
health care-related tax, the department shall promptly refund to 122944  
each hospital the amount of money currently in the hospital care 122945  
assurance program fund created by section ~~5112.10~~ 5168.11 of the 122946  
Revised Code that has been paid by the hospital under section 122947  
~~5112.06~~ 5168.06 or ~~5112.07~~ 5168.07 of the Revised Code, plus any 122948  
investment earnings on that amount. 122949

**Sec. ~~5112.10~~ 5168.04.** The department of ~~job and family~~ 122950  
~~services~~ medicaid shall operate the hospital care assurance 122951  
program established by sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 122952  
of the Revised Code on a program year basis. The department shall 122953  
complete all program requirements on or before the thirtieth day 122954



of September each year. 122955

**Sec. ~~5112.04~~ 5168.05.** (A) Except as provided in division (C) 122956  
of this section, each hospital, on or before the first day of July 122957  
of each year or at a later date approved by the medicaid director 122958  
~~of job and family services~~, shall submit to the department of ~~job~~ 122959  
~~and family services~~ medicaid a financial statement for the 122960  
preceding calendar year that accurately reflects the income, 122961  
expenses, assets, liabilities, and net worth of the hospital, and 122962  
accompanying notes. A hospital that has a fiscal year different 122963  
from the calendar year shall file its financial statement within 122964  
one hundred eighty days of the end of its fiscal year or at a 122965  
later date approved by the director ~~of job and family services~~. 122966  
The financial statement shall be prepared by an independent 122967  
certified public accountant and reflect an official audit report 122968  
prepared in a manner consistent with generally accepted accounting 122969  
principles. The financial statement shall, to the extent that the 122970  
hospital has sufficient financial records, show bad debt and 122971  
charity care separately from courtesy care and contractual 122972  
allowances. 122973

(B) Except as provided in division (C) of this section, each 122974  
hospital, within one hundred eighty days after the end of the 122975  
hospital's cost reporting period, shall submit to the department a 122976  
cost report in a format prescribed in rules adopted ~~by the~~ 122977  
~~director of job and family services~~ under section ~~5112.03~~ 5168.02 122978  
of the Revised Code. The department shall grant a hospital an 122979  
extension of the one hundred eighty day period if the health care 122980  
financing administration of the United States department of health 122981  
and human services extends the date by which the hospital must 122982  
submit its cost report for the hospital's cost reporting period. 122983

(C) The director ~~of job and family services~~ may adopt rules 122984  
under section ~~5112.03~~ 5168.02 of the Revised Code specifying 122985

financial information that must be submitted by hospitals for 122986  
which no financial statement or cost report is available. The 122987  
rules shall specify deadlines for submitting the information. Each 122988  
such hospital shall submit the information specified in the rules 122989  
not later than the deadline specified in the rules. 122990

**Sec. ~~5112.06~~ 5168.06.** (A) For the purpose of distributing 122991  
funds to hospitals under the ~~medical assistance~~ medicaid program 122992  
pursuant to sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the 122993  
Revised Code and depositing funds into the legislative budget 122994  
services fund under section ~~5112.19~~ 5168.12 of the Revised Code 122995  
and into the health care services administration fund created 122996  
under section ~~5111.94~~ 5162.54 of the Revised Code, there is hereby 122997  
imposed an assessment on all hospitals. Each hospital's assessment 122998  
shall be based on total facility costs. All hospitals shall be 122999  
assessed according to the rate or rates established each program 123000  
year ~~by the department of job and family services~~ in rules adopted 123001  
under section ~~5112.03~~ 5168.02 of the Revised Code. The department 123002  
shall assess all hospitals uniformly and in a manner consistent 123003  
with federal statutes and regulations. During any program year, 123004  
the department shall not assess any hospital more than two per 123005  
cent of the hospital's total facility costs. 123006

The department shall establish an assessment rate or rates 123007  
each program year that will do both of the following: 123008

(1) Yield funds that, when combined with intergovernmental 123009  
transfers and federal matching funds, will produce a program of 123010  
sufficient size to pay a substantial portion of the indigent care 123011  
provided by hospitals; 123012

(2) Yield funds that, when combined with intergovernmental 123013  
transfers and federal matching funds, will produce amounts for 123014  
distribution to disproportionate share hospitals that do not 123015  
exceed, in the aggregate, the limits prescribed by the United 123016

States health care financing administration under ~~subsection (f)~~ 123017  
~~of section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 123018  
section 1923(f), 42 U.S.C.A. 1396r-4(f), ~~as amended.~~ 123019

(B)(1) Except as provided in division (B)(3) of this section, 123020  
each hospital shall pay its assessment in periodic installments in 123021  
accordance with a schedule established ~~by the director of job and~~ 123022  
~~family services~~ in rules adopted under section ~~5112.03~~ 5168.02 of 123023  
the Revised Code. 123024

(2) The installments shall be equal in amount, unless either 123025  
of the following applies: 123026

(a) The department makes adjustments during a program year 123027  
under division (D) of section ~~5112.09~~ 5168.08 of the Revised Code 123028  
in the total amount of hospitals' assessments; 123029

(b) The medicaid director ~~of job and family services~~ 123030  
determines that adjustments in the amounts of installments are 123031  
necessary for the administration of sections ~~5112.01~~ 5168.01 to 123032  
~~5112.21~~ 5168.14 of the Revised Code and that unequal installments 123033  
will not create cash flow difficulties for hospitals. 123034

(3) The director may adopt rules under section ~~5112.03~~ 123035  
5168.02 of the Revised Code establishing alternate schedules for 123036  
hospitals to pay assessments under this section in order to reduce 123037  
hospitals' cash flow difficulties. 123038

**Sec. ~~5112.07~~ 5168.07.** (A) The department of ~~job and family~~ 123039  
~~services~~ medicaid may require governmental hospitals to make 123040  
intergovernmental transfers each program year for the purpose of 123041  
distributing funds to hospitals under the ~~medical assistance~~ 123042  
medicaid program pursuant to sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 123043  
5168.14 of the Revised Code and depositing funds into the 123044  
legislative budget services fund under section ~~5112.19~~ 5168.12 of 123045  
the Revised Code and into the health care services administration 123046

fund created under section ~~5111.94~~ 5162.54 of the Revised Code. 123047  
The department shall not require transfers in an amount that, when 123048  
combined with hospital assessments paid under section ~~5112.06~~ 123049  
5168.06 of the Revised Code and federal matching funds, produce 123050  
amounts for distribution to disproportionate share hospitals that, 123051  
in the aggregate, exceed limits prescribed by the United States 123052  
health care financing administration under ~~subsection (f) of~~ 123053  
~~section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 123054  
section 1923(f), 42 U.S.C.A. 1396r-4(f), as amended. 123055

(B) Before or during each program year, the department shall 123056  
notify each governmental hospital of the amount of the 123057  
intergovernmental transfer it is required to make during the 123058  
program year. Each governmental hospital shall make 123059  
intergovernmental transfers as required by the department under 123060  
this section in periodic installments, executed by electronic fund 123061  
transfer, in accordance with a schedule established in rules 123062  
adopted under section ~~5112.03~~ 5168.02 of the Revised Code. 123063

**Sec. ~~5112.09~~ 5168.08.** (A) Before or during each program year, 123064  
the department of ~~job and family services~~ medicaid shall mail to 123065  
each hospital by certified mail, return receipt requested, the 123066  
preliminary determination of the amount that the hospital is 123067  
assessed under section ~~5112.06~~ 5168.06 of the Revised Code during 123068  
the program year. The preliminary determination of a hospital's 123069  
assessment shall be calculated for a cost-reporting period that is 123070  
specified in rules adopted under section ~~5112.03~~ 5168.02 of the 123071  
Revised Code. 123072

The department shall consult with hospitals each year when 123073  
determining the date on which it will mail the preliminary 123074  
determinations in order to minimize hospitals' cash flow 123075  
difficulties. 123076

If no hospital submits a request for reconsideration under 123077

division (B) of this section, the preliminary determination 123078  
constitutes the final reconciliation of each hospital's assessment 123079  
under section ~~5112.06~~ 5168.06 of the Revised Code. The final 123080  
reconciliation is subject to adjustments under division (D) of 123081  
this section. 123082

(B) Not later than fourteen days after the preliminary 123083  
determinations are mailed, any hospital may submit to the 123084  
department a written request to reconsider the preliminary 123085  
determinations. The request shall be accompanied by written 123086  
materials setting forth the basis for the reconsideration. If one 123087  
or more hospitals submit a request, the department shall hold a 123088  
public hearing not later than thirty days after the preliminary 123089  
determinations are mailed to reconsider the preliminary 123090  
determinations. The department shall mail to each hospital a 123091  
written notice of the date, time, and place of the hearing at 123092  
least ten days prior to the hearing. On the basis of the evidence 123093  
submitted to the department or presented at the public hearing, 123094  
the department shall reconsider and may adjust the preliminary 123095  
determinations. The result of the reconsideration is the final 123096  
reconciliation of the hospital's assessment under section ~~5112.06~~ 123097  
5168.06 of the Revised Code. The final reconciliation is subject 123098  
to adjustments under division (D) of this section. 123099

(C) The department shall mail to each hospital a written 123100  
notice of its assessment for the program year under the final 123101  
reconciliation. A hospital may appeal the final reconciliation of 123102  
its assessment to the court of common pleas of Franklin county. 123103  
While a judicial appeal is pending, the hospital shall pay, in 123104  
accordance with the schedules required by division (B) of section 123105  
~~5112.06~~ 5168.06 of the Revised Code, any amount of its assessment 123106  
that is not in dispute into the hospital care assurance program 123107  
fund created in section ~~5112.18~~ 5168.11 of the Revised Code. 123108

(D) In the course of any program year, the department may 123109

adjust the assessment rate or rates established in rules pursuant 123110  
to section ~~5112.06~~ 5168.06 of the Revised Code or adjust the 123111  
amounts of intergovernmental transfers required under section 123112  
~~5112.07~~ 5168.07 of the Revised Code and, as a result of the 123113  
adjustment, adjust each hospital's assessment and 123114  
intergovernmental transfer, to reflect refinements made by the 123115  
United States health care financing administration during that 123116  
program year to the limits it prescribed under ~~subsection (f) of~~ 123117  
~~section 1923~~ of the "Social Security Act," ~~49 Stat. 620 (1935)~~ 123118  
section 1923(f), 42 U.S.C.A. 1396r-4(f), ~~as amended~~. When 123119  
adjusted, the assessment rate or rates must comply with division 123120  
(A) of section ~~5112.06~~ 5168.06 of the Revised Code. An adjusted 123121  
intergovernmental transfer must comply with division (A) of 123122  
section ~~5112.07~~ 5168.07 of the Revised Code. The department shall 123123  
notify hospitals of adjustments made under this division and 123124  
adjust for the remainder of the program year the installments paid 123125  
by hospitals under sections ~~5112.06~~ 5168.06 and ~~5112.07~~ 5168.07 of 123126  
the Revised Code in accordance with rules adopted under section 123127  
~~5112.03~~ 5168.02 of the Revised Code. 123128

**Sec. ~~5112.08~~ 5168.09.** The medicaid director of ~~job and family~~ 123129  
~~services~~ shall adopt rules under section ~~5112.03~~ 5168.02 of the 123130  
Revised Code establishing a methodology to pay hospitals that is 123131  
sufficient to expend all money in the indigent care pool. Under 123132  
the rules: 123133

(A) The department of ~~job and family services~~ medicaid may 123134  
classify similar hospitals into groups and allocate funds for 123135  
distribution within each group. 123136

(B) The department shall establish a method of allocating 123137  
funds to hospitals, taking into consideration the relative amount 123138  
of indigent care provided by each hospital or group of hospitals. 123139  
The amount to be allocated shall be based on any combination of 123140

the following indicators of indigent care that the director 123141  
considers appropriate: 123142

(1) Total costs, volume, or proportion of services to 123143  
recipients of the medical assistance program, including recipients 123144  
enrolled in health insuring corporations; 123145

(2) Total costs, volume, or proportion of services to 123146  
low-income patients in addition to medicaid recipients ~~of the~~ 123147  
~~medical assistance program~~, which may include recipients of Title 123148  
V of the "Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C.A. 123149  
~~301 701 et seq., as amended~~, and recipients of disability 123150  
financial assistance provided under Chapter 5115. of the Revised 123151  
Code; 123152

(3) The amount of uncompensated care provided by the hospital 123153  
or group of hospitals; 123154

(4) Other factors that the director considers to be 123155  
appropriate indicators of indigent care. 123156

(C) The department shall distribute funds to each hospital or 123157  
group of hospitals in a manner that first may provide for an 123158  
additional distribution to individual hospitals that provide a 123159  
high proportion of indigent care in relation to the total care 123160  
provided by the hospital or in relation to other hospitals. The 123161  
department shall establish a formula to distribute the remainder 123162  
of the funds. The formula shall be consistent with ~~section 1923~~ of 123163  
the "Social Security Act," section 1923, 42 U.S.C.A. 1396r-4, ~~as~~ 123164  
~~amended~~, and shall be based on any combination of the indicators 123165  
of indigent care listed in division (B) of this section that the 123166  
director considers appropriate. 123167

(D) The department shall distribute funds to each hospital in 123168  
installments not later than ten working days after the deadline 123169  
established in rules for each hospital to pay an installment on 123170  
its assessment under ~~section 5112.06~~ 5168.06 of the Revised Code. 123171

In the case of a governmental hospital that makes 123172  
intergovernmental transfers, the department shall pay an 123173  
installment under this section not later than ten working days 123174  
after the earlier of that deadline or the deadline established in 123175  
rules for the governmental hospital to pay an installment on its 123176  
intergovernmental transfer. If the amount in the hospital care 123177  
assurance program fund created under section ~~5112.18~~ 5168.11 of 123178  
the Revised Code and the portion of the health care - federal fund 123179  
created under section ~~5111.943~~ 5162.50 of the Revised Code that is 123180  
credited to that fund pursuant to division (B) of section ~~5112.18~~ 123181  
5168.11 of the Revised Code are insufficient to make the total 123182  
distributions for which hospitals are eligible to receive in any 123183  
period, the department shall reduce the amount of each 123184  
distribution by the percentage by which the amount and portion are 123185  
insufficient. The department shall distribute to hospitals any 123186  
amounts not distributed in the period in which they are due as 123187  
soon as moneys are available in the funds. 123188

**Sec. ~~5112.11~~ 5168.10.** Except for moneys deposited into the 123189  
legislative budget services fund under section ~~5112.19~~ 5168.12 of 123190  
the Revised Code and the health care services administration fund 123191  
created under section ~~5111.94~~ 5162.54 of the Revised Code, the 123192  
department of ~~job and family services~~ medicaid shall not use money 123193  
paid to the department under sections ~~5112.06~~ 5168.06 and ~~5112.07~~ 123194  
5168.07 of the Revised Code or money that the department pays to 123195  
hospitals under section ~~5112.08~~ 5168.09 of the Revised Code to 123196  
replace any funds appropriated by the general assembly for the 123197  
~~medical assistance~~ medicaid program. 123198

**Sec. ~~5112.18~~ 5168.11.** (A) Except as provided in section 123199  
~~5112.19~~ 5168.12 of the Revised Code, all payments of assessments 123200  
by hospitals under section ~~5112.06~~ 5168.06 of the Revised Code and 123201  
all intergovernmental transfers under section ~~5112.07~~ 5168.07 of 123202



the Revised Code shall be deposited in the state treasury to the credit of the hospital care assurance program fund, hereby created. All investment earnings of the hospital care assurance program fund shall be credited to the fund. The department of ~~job and family services~~ medicaid shall maintain records that show the amount of money in the hospital care assurance program fund at any time that has been paid by each hospital and the amount of any investment earnings on that amount. All moneys credited to the hospital care assurance program fund shall be used solely to make payments to hospitals under division (D) of this section and section ~~5112.08~~ 5168.09 of the Revised Code.

(B) All federal matching funds received as a result of the department distributing funds from the hospital care assurance program fund to hospitals under section ~~5112.08~~ 5168.09 of the Revised Code shall be credited to the health care - federal fund created under section ~~5111.943~~ 5162.50 of the Revised Code.

(C) All distributions of funds to hospitals under section ~~5112.08~~ 5168.09 of the Revised Code are conditional on:

(1) Expiration of the time for appeals under section ~~5112.09~~ 5168.08 of the Revised Code without the filing of an appeal, or on court determinations, in the event of appeals, that the hospital is entitled to the funds;

(2) The sum of the following being sufficient to distribute the funds after the final determination of any appeals:

(a) The available money in the hospital care assurance program fund;

(b) The available portion of the money in the health care - federal fund that is credited to that fund pursuant to division (B) of this section.

(3) The hospital's compliance with section ~~5112.17~~ 5168.14 of the Revised Code.

(D) If an audit conducted by the department of the amounts of 123234  
payments made and funds received by hospitals under sections 123235  
~~5112.06~~ 5168.06, ~~5112.07~~ 5168.07, and ~~5112.08~~ 5168.09 of the 123236  
Revised Code identifies amounts that, due to errors by the 123237  
department, a hospital should not have been required to pay but 123238  
did pay, should have been required to pay but did not pay, should 123239  
not have received but did receive, or should have received but did 123240  
not receive, the department shall: 123241

(1) Make payments to any hospital that the audit reveals paid 123242  
amounts it should not have been required to pay or did not receive 123243  
amounts it should have received; 123244

(2) Take action to recover from a hospital any amounts that 123245  
the audit reveals it should have been required to pay but did not 123246  
pay or that it should not have received but did receive. 123247

Payments made under division (D)(1) of this section shall be 123248  
made from the hospital care assurance program fund. Amounts 123249  
recovered under division (D)(2) of this section shall be deposited 123250  
to the credit of that fund. Any hospital may appeal the amount the 123251  
hospital is to be paid under division (D)(1) or the amount that is 123252  
to be recovered from the hospital under division (D)(2) of this 123253  
section to the court of common pleas of Franklin county. 123254

**Sec. ~~5112.19~~ 5168.12.** From the first installment of 123255  
assessments paid under section ~~5112.06~~ 5168.06 of the Revised Code 123256  
and intergovernmental transfers made under section ~~5112.07~~ 5168.07 123257  
of the Revised Code during each program year beginning in an 123258  
odd-numbered calendar year, the department of ~~job and family~~ 123259  
~~services~~ medicaid shall deposit into the state treasury to the 123260  
credit of the legislative budget services fund, which is hereby 123261  
created, a total amount equal to the amount by which the biennial 123262  
appropriation from that fund exceeds the amount of unexpended, 123263  
unencumbered moneys in that fund. All investment earnings of the 123264

legislative budget services fund shall be credited to that fund. 123265  
Money in the legislative budget services fund shall be used solely 123266  
to pay the expenses of the legislative budget office of the 123267  
legislative service commission. 123268

**Sec. ~~5112.21~~ 5168.13.** Except as specifically required by 123269  
sections ~~5112.01~~ 5168.01 to ~~5112.19~~ 5168.14 of the Revised Code, 123270  
information filed under those sections shall not include any 123271  
patient-identifying material. Information that includes 123272  
patient-identifying material is not a public record under section 123273  
149.43 of the Revised Code, and no patient-identifying material 123274  
shall be released publicly by the department of ~~job and family~~ 123275  
~~services~~ medicaid or by any person under contract with the 123276  
department who has access to such information. 123277

**Sec. ~~5112.17~~ 5168.14.** (A) ~~As used in this section:~~ 123278

~~(1) "Federal poverty guideline" means the official poverty~~ 123279  
~~guideline as revised annually by the United States secretary of~~ 123280  
~~health and human services in accordance with section 673 of the~~ 123281  
~~"Community Service Block Grant Act," 95 Stat. 511 (1981), 42~~ 123282  
~~U.S.C.A. 9902, as amended, for a family size equal to the size of~~ 123283  
~~the family of the person whose income is being determined.~~ 123284

~~(2) "Third party payer" means any private or public entity or~~ 123285  
~~program that may be liable by law or contract to make payment to~~ 123286  
~~or on behalf of an individual for health care services.~~ 123287  
~~"Third party payer" does not include a hospital.~~ 123288

~~(B)~~ Each hospital that receives funds distributed under 123289  
sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code 123290  
shall provide, without charge to the individual, basic, medically 123291  
necessary hospital-level services to individuals who are residents 123292  
of this state, are not medicaid recipients ~~of the medical~~ 123293  
~~assistance program~~, and whose income is at or below the federal 123294

poverty ~~guideline~~ line. Recipients of disability financial 123295  
assistance provided under Chapter 5115. of the Revised Code 123296  
qualify for services under this section. The medicaid director ~~of~~ 123297  
~~job and family services~~ shall adopt rules under section ~~5112.03~~ 123298  
5168.02 of the Revised Code specifying the hospital services to be 123299  
provided under this section. 123300

~~(C)~~(B) Nothing in this section shall be construed to prevent 123301  
a hospital from requiring an individual to apply for eligibility 123302  
~~under the medical assistance~~ medicaid program before the hospital 123303  
processes an application under this section. Hospitals may bill 123304  
any third-party payer for services rendered under this section. 123305  
Hospitals may bill the ~~medical assistance~~ medicaid program, in 123306  
accordance with ~~Chapter 5111. of the Revised Code~~ state statutes 123307  
governing the medicaid program and the rules adopted under ~~that~~ 123308  
~~chapter~~ those statutes, for medicaid services rendered under this 123309  
section if the individual becomes a medicaid recipient ~~of the~~ 123310  
~~program~~. Hospitals may bill individuals for services under this 123311  
section if all of the following apply: 123312

(1) The hospital has an established post-billing procedure 123313  
for determining the individual's income and canceling the charges 123314  
if the individual is found to qualify for services under this 123315  
section. 123316

(2) The initial bill, and at least the first follow-up bill, 123317  
is accompanied by a written statement that does all of the 123318  
following: 123319

(a) Explains that individuals with income at or below the 123320  
federal poverty ~~guideline~~ line are eligible for services without 123321  
charge; 123322

(b) Specifies the federal poverty ~~guideline~~ line for 123323  
individuals and families of various sizes at the time the bill is 123324  
sent; 123325

(c) Describes the procedure required by division (C)(1) of this section. 123326  
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(3) The hospital complies with any additional rules ~~the~~ 123328  
~~department adopts~~ adopted under section ~~5112.03~~ 5168.02 of the 123329  
Revised Code. 123330

Notwithstanding division (B) of this section, a hospital 123331  
providing care to an individual under this section is subrogated 123332  
to the rights of any individual to receive compensation or 123333  
benefits from any person or governmental entity for the hospital 123334  
goods and services rendered. 123335

~~(D)~~(C) Each hospital shall collect and report to the 123336  
department of medicaid, in the form and manner prescribed by the 123337  
department, information on the number and identity of patients 123338  
served pursuant to this section. 123339

~~(E)~~(D) This section applies beginning May 22, 1992, 123340  
regardless of whether ~~the department has adopted~~ rules specifying 123341  
the services to be provided have been adopted. Nothing in this 123342  
section alters the scope or limits the obligation of any 123343  
governmental entity or program, including the program awarding 123344  
reparations to victims of crime under sections 2743.51 to 2743.72 123345  
of the Revised Code and the program for medically handicapped 123346  
children established under section 3701.023 of the Revised Code, 123347  
to pay for hospital services in accordance with state or local 123348  
law. 123349

**Sec. ~~5112.40~~ 5168.20.** As used in sections ~~5112.40~~ 5168.20 to 123350  
~~5112.48~~ 5168.28 of the Revised Code: 123351

(A) "Applicable assessment percentage" means the percentage 123352  
specified in rules adopted under section ~~5112.46~~ 5168.26 of the 123353  
Revised Code that is used in calculating a hospital's assessment 123354  
under section ~~5112.41~~ 5168.21 of the Revised Code. 123355

(B) "Assessment program year" means the twelve-month period beginning the first day of October of a calendar year and ending the last day of September of the following calendar year. 123356  
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(C) "Cost reporting period" means the period of time used by a hospital in reporting costs for purposes of the medicare program. 123359  
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(D) "Federal fiscal year" means the twelve-month period beginning the first day of October of a calendar year and ending the last day of September of the following calendar year. 123362  
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(E)(1) Except as provided in division (E)(2) of this section, "hospital" means a hospital to which any of the following applies: 123365  
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(a) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital and provides inpatient hospital services, as defined in 42 C.F.R. 440.10. 123367  
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123369  
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(b) The hospital is recognized under the medicare program as a cancer hospital and is exempt from the medicare prospective payment system. 123371  
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(c) The hospital is a psychiatric hospital licensed under section ~~5119.20~~ 5119.33 of the Revised Code. 123374  
123375

(2) "Hospital" does not include either of the following: 123376

(a) A federal hospital; 123377

(b) A hospital that does not charge any of its patients for its services. 123378  
123379

(F) "Hospital care assurance program" means the program established under sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code. 123380  
123381  
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(G) ~~"Medicaid" has the same meaning as in section 5111.01 of the Revised Code.~~ 123383  
123384

~~(H)~~ "Medicare" means the program established under Title 123385  
~~XVIII of the Social Security Act.~~ 123386

~~(I)~~ "State fiscal year" means the twelve-month period 123387  
beginning the first day of July of a calendar year and ending the 123388  
last day of June of the following calendar year. 123389

~~(J)~~(H)(1) Except as provided in divisions ~~(J)~~(H)(2) and (3) 123390  
of this section, "total facility costs" means the total costs to a 123391  
hospital for all care provided to all patients, including the 123392  
direct, indirect, and overhead costs to the hospital of all 123393  
services, supplies, equipment, and capital related to the care of 123394  
patients, regardless of whether patients are enrolled in a health 123395  
insuring corporation. 123396

(2) "Total facility costs" excludes all of the following of a 123397  
hospital's costs as shown on the cost-reporting data used for 123398  
purposes of determining the hospital's assessment under section 123399  
~~5112.41~~ 5168.21 of the Revised Code: 123400

(a) Skilled nursing services provided in distinct-part 123401  
nursing facility units; 123402

(b) Home health services; 123403

(c) Hospice services; 123404

(d) Ambulance services; 123405

(e) Renting durable medical equipment; 123406

(f) Selling durable medical equipment. 123407

(3) "Total facility costs" excludes any costs excluded from a 123408  
hospital's total facility costs pursuant to rules, if any, adopted 123409  
under division (B)(1) of section ~~5112.46~~ 5168.26 of the Revised 123410  
Code. 123411

**Sec. ~~5112.41~~ 5168.21.** (A) For the purposes specified in 123412  
section ~~5112.45~~ 5168.25 of the Revised Code and subject to section 123413

~~5112.48~~ 5168.28 of the Revised Code, there is hereby imposed an  
assessment on all hospitals each assessment program year. The  
amount of a hospital's assessment for an assessment program year  
shall equal the applicable assessment percentage of the hospital's  
total facility costs for the period of time specified in division  
(B) of this section. The amount of a hospital's total facility  
costs shall be derived from cost-reporting data for the hospital  
submitted to the department of ~~job and family services~~ medicaid  
for purposes of the hospital care assurance program. If a hospital  
has not submitted that cost-reporting data to the department, the  
amount of a hospital's total facility costs shall be derived from  
other financial statements that the hospital shall provide to the  
department as directed by the department. The cost-reporting data  
or financial statements used to determine a hospital's assessment  
is subject to the same type of adjustments made to the  
cost-reporting data under the hospital care assurance program.

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(B) The period of time specified in this division is the  
hospital's cost reporting period that ends in the state fiscal  
year that ends in the federal fiscal year that precedes the  
federal fiscal year that precedes the assessment program year for  
which the assessment is imposed.

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(C) The assessment imposed by this section on a hospital is  
in addition to the assessment imposed by section ~~5112.06~~ 5168.06  
of the Revised Code.

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**Sec. ~~5112.42~~ 5168.22.** (A) Before or during each assessment  
program year, the department of ~~job and family services~~ medicaid  
shall mail to each hospital by certified mail, return receipt  
requested, the preliminary determination of the amount that the  
hospital is assessed under section ~~5112.41~~ 5168.21 of the Revised  
Code for the assessment program year. Except as provided in

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division (B) of this section, the preliminary determination 123445  
becomes the final determination for the assessment program year 123446  
fifteen days after the preliminary determination is mailed to the 123447  
hospital. 123448

(B) A hospital may request that the department reconsider the 123449  
preliminary determination mailed to the hospital under division 123450  
(A) of this section by submitting to the department a written 123451  
request for a reconsideration not later than fourteen days after 123452  
the hospital's preliminary determination is mailed to the 123453  
hospital. The request must be accompanied by written materials 123454  
setting forth the basis for the reconsideration. On receipt of the 123455  
timely request, the department shall reconsider the preliminary 123456  
determination and may adjust the preliminary determination on the 123457  
basis of the written materials accompanying the request. The 123458  
result of the reconsideration is the final determination of the 123459  
hospital's assessment under section ~~5112.41~~ 5168.21 of the Revised 123460  
Code for the assessment program year. 123461

(C) The department shall mail to each hospital a written 123462  
notice of the final determination of its assessment for the 123463  
assessment program year. A hospital may appeal the final 123464  
determination to the court of common pleas of Franklin county. 123465  
While a judicial appeal is pending, the hospital shall pay, in 123466  
accordance with section ~~5112.43~~ 5168.23 of the Revised Code, any 123467  
amount of its assessment that is not in dispute. 123468

**Sec. ~~5112.43~~ 5168.23.** Unless rules adopted under section 123469  
~~5112.46~~ 5168.26 of the Revised Code establish a different payment 123470  
schedule, each hospital shall pay the amount it is assessed under 123471  
section ~~5112.41~~ 5168.21 of the Revised Code in accordance with the 123472  
following payment schedule: 123473

(A) Twenty-eight per cent of a hospital's assessment is due 123474

on the last business day of October of each assessment program 123475  
year. 123476

(B) Thirty-one per cent of a hospital's assessment is due on 123477  
the last business day of February of each assessment program year. 123478

(C) Forty-one per cent of a hospital's assessment is due on 123479  
the last business day of May of each assessment program year. 123480

**Sec. ~~5112.44~~ 5168.24.** The department of ~~job and family~~ 123481  
~~services~~ medicaid may audit a hospital to ensure that the hospital 123482  
properly pays the amount it is assessed under section ~~5112.41~~ 123483  
5168.21 of the Revised Code. The department shall take action to 123484  
recover from a hospital any amount the audit reveals that the 123485  
hospital should have paid but did not pay. 123486

**Sec. ~~5112.45~~ 5168.25.** There is hereby created in the state 123487  
treasury the hospital assessment fund. All installment payments 123488  
made by hospitals under section ~~5112.43~~ 5168.23 of the Revised 123489  
Code and all recoveries the department of ~~job and family services~~ 123490  
medicaid makes under section ~~5112.44~~ 5168.24 of the Revised Code 123491  
shall be deposited into the fund. All investment earnings of the 123492  
fund shall be credited to the fund. The department shall use money 123493  
in the fund to pay for the costs of the medicaid program, 123494  
including the program's administrative costs. 123495

**Sec. ~~5112.46~~ 5168.26.** (A) The ~~director of job and family~~ 123496  
~~services shall adopt, amend, and rescind~~ medicaid director shall 123497  
adopt rules in accordance with Chapter 119. of the Revised Code as 123498  
necessary to implement sections ~~5112.40~~ 5168.20 to ~~5112.48~~ 5168.28 123499  
of the Revised Code, including rules that specify the percentage 123500  
of hospitals' total facility costs to be used in calculating 123501  
hospitals' assessments under section ~~5112.41~~ 5168.21 of the 123502  
Revised Code. 123503

(B) The rules adopted under this section may do the following: 123504  
123505

(1) Provide that a hospital's total facility costs for the purpose of the assessment under section ~~5112.41~~ 5168.21 of the Revised Code exclude any of the following: 123506  
123507  
123508

(a) A hospital's costs associated with providing care to recipients of any of the following: 123509  
123510

(i) The medicaid program; 123511

(ii) The medicare program; 123512

(iii) The disability financial assistance program established under Chapter 5115. of the Revised Code; 123513  
123514

(iv) The program for medically handicapped children established under section 3701.023 of the Revised Code; 123515  
123516

(v) Services provided under the maternal and child health services block grant established under Title V of the "Social Security Act," 42 U.S.C. 701 et seq. 123517  
123518  
123519

(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program. 123520  
123521  
123522

(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals; 123523  
123524  
123525

(3) To reduce hospitals' cash flow difficulties, establish a schedule for hospitals to pay their assessments that is different from the schedule established under section ~~5112.43~~ 5168.23 of the Revised Code. 123526  
123527  
123528  
123529

(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human 123530  
123531  
123532  
123533

services under ~~section 1903(w)(3)(E)~~ of the "Social Security Act," 123534  
~~105 Stat. 1796 (1991)~~ section 1903(w)(3)(E), 42 U.S.C. 123535  
1396b(w)(3)(E), ~~as amended~~, if the varied percentages would cause 123536  
the assessments to not be imposed uniformly. 123537

**Sec. ~~5112.47~~ 5168.27.** The medicaid director ~~of job and family~~ 123538  
~~services~~ shall implement the assessment imposed by section ~~5112.41~~ 123539  
5168.21 of the Revised Code in a manner that does not cause a 123540  
reduction in federal financial participation for the medicaid 123541  
program under the "Social Security Act," section 1903(w), 42 123542  
U.S.C. 1396b(w). 123543

**Sec. ~~5112.48~~ 5168.28.** If the United States secretary of 123544  
health and human services determines that the assessment imposed 123545  
by section ~~5112.41~~ 5168.21 of the Revised Code is an impermissible 123546  
health care-related tax under the "Social Security Act," section 123547  
1903(w), 42 U.S.C. 1396b(w), the medicaid director ~~of job and~~ 123548  
~~family services~~ shall take all necessary actions to cease 123549  
implementation of sections ~~5112.40~~ 5168.20 to ~~5112.47~~ 5168.27 of 123550  
the Revised Code and shall promptly refund to each hospital the 123551  
amount of money in the hospital assessment fund at the time the 123552  
refund is to be made that the hospital paid under section ~~5112.43~~ 123553  
5168.23 of the Revised Code, plus any corresponding investment 123554  
earnings on that amount. 123555

**Sec. ~~3721.50~~ 5168.40.** As used in sections ~~3721.50~~ 5168.40 to 123556  
~~3721.58~~ 5168.56 of the Revised Code: 123557

(A) "Bed surrender" means the following: 123558

(1) In the case of a nursing home, the removal of a bed from 123559  
a nursing home's licensed capacity in a manner that reduces the 123560  
total licensed capacity of all nursing homes; 123561

(2) In the case of a hospital, the removal of a hospital bed 123562

from registration under section 3701.07 of the Revised Code as a 123563  
skilled nursing facility bed or long-term care bed in a manner 123564  
that reduces the total number of hospital beds registered under 123565  
that section as skilled nursing facility beds or long-term care 123566  
beds. 123567

(B) "Change of operator" means an entering operator becoming 123568  
the operator of a nursing home or hospital in the place of the 123569  
exiting operator. 123570

(1) Actions that constitute a change of operator include the 123571  
following: 123572

(a) A change in an exiting operator's form of legal 123573  
organization, including the formation of a partnership or 123574  
corporation from a sole proprietorship; 123575

(b) A transfer of all the exiting operator's ownership 123576  
interest in the operation of the nursing home or hospital to the 123577  
entering operator, regardless of whether ownership of any or all 123578  
of the real property or personal property associated with the 123579  
nursing home or hospital is also transferred; 123580

(c) A lease of the nursing home or hospital to the entering 123581  
operator or the exiting operator's termination of the exiting 123582  
operator's lease; 123583

(d) If the exiting operator is a partnership, dissolution of 123584  
the partnership; 123585

(e) If the exiting operator is a partnership, a change in 123586  
composition of the partnership unless both of the following apply: 123587

(i) The change in composition does not cause the 123588  
partnership's dissolution under state law. 123589

(ii) The partners agree that the change in composition does 123590  
not constitute a change in operator. 123591

(f) If the operator is a corporation, dissolution of the 123592

corporation, a merger of the corporation into another corporation 123593  
that is the survivor of the merger, or a consolidation of one or 123594  
more other corporations to form a new corporation. 123595

(2) The following, alone, do not constitute a change of 123596  
operator: 123597

(a) A contract for an entity to manage a nursing home or 123598  
hospital as the operator's agent, subject to the operator's 123599  
approval of daily operating and management decisions; 123600

(b) A change of ownership, lease, or termination of a lease 123601  
of real property or personal property associated with a nursing 123602  
home or hospital if an entering operator does not become the 123603  
operator in place of an exiting operator; 123604

(c) If the operator is a corporation, a change of one or more 123605  
members of the corporation's governing body or transfer of 123606  
ownership of one or more shares of the corporation's stock, if the 123607  
same corporation continues to be the operator. 123608

(C) "Effective date of a change of operator" means the day an 123609  
entering operator becomes the operator of a nursing home or 123610  
hospital. 123611

(D) "Entering operator" means the person or government entity 123612  
that will become the operator of a nursing home or hospital on the 123613  
effective date of a change of operator. 123614

(E) "Exiting operator" means an operator that will cease to 123615  
be the operator of a nursing home or hospital on the effective 123616  
date of a change of operator. 123617

(F) "Franchise permit fee rate" means the ~~following~~: 123618

~~(1) For fiscal year 2012, eleven dollars and forty seven~~ 123619  
~~cents;~~ 123620

~~(2) For fiscal year 2013 and each fiscal year thereafter,~~ 123621  
~~eleven dollars and sixty seven cents~~ rate determined in accordance 123622

with section 5168.41 of the Revised Code. 123623

(G) "Hospital" has the same meaning as in section 3727.01 of 123624  
the Revised Code. 123625

(H) "Hospital long-term care unit" means any distinct part of 123626  
a hospital in which any of the following beds are located: 123627

(1) Beds registered pursuant to section 3701.07 of the 123628  
Revised Code as skilled nursing facility beds or long-term care 123629  
beds; 123630

(2) Beds licensed as nursing home beds under section 3721.02 123631  
or 3721.09 of the Revised Code. 123632

(I) "Indirect guarantee percentage" means the percentage 123633  
specified in ~~section 1903(w)(4)(C)(ii) of the "Social Security~~ 123634  
Act," ~~120 Stat. 2994 (2006)~~ section 1903(w)(4)(C)(ii), 42 U.S.C. 123635  
1396b(w)(4)(C)(ii), that is to be used in determining whether a 123636  
class of providers is indirectly held harmless for any portion of 123637  
the costs of a broad-based health-care-related tax. If the 123638  
indirect guarantee percentage changes during a fiscal year, the 123639  
indirect guarantee percentage is the following: 123640

(1) For the part of the fiscal year before the change takes 123641  
effect, the percentage in effect before the change; 123642

(2) For the part of the fiscal year beginning with the date 123643  
the indirect guarantee percentage changes, the new percentage. 123644

(J) "Medicaid days" ~~has the same meaning as in section~~ 123645  
~~5111.01 of the Revised Code.~~ 123646

~~(K) "Medicare" means the program established by Title XVIII.~~ 123647

~~(L) and "Nursing nursing facility" has have the same meaning~~ 123648  
meanings as in section ~~5111.20~~ 5165.01 of the Revised Code. 123649

~~(M)~~(K)(1) "Nursing home" means all of the following: 123650

(a) A nursing home licensed under section 3721.02 or 3721.09 123651

of the Revised Code, including any part of a home for the aging 123652  
licensed as a nursing home; 123653

(b) A facility or part of a facility, other than a hospital, 123654  
that is certified as a skilled nursing facility under Title XVIII; 123655

(c) A nursing facility, other than a portion of a hospital 123656  
certified as a nursing facility. 123657

(2) "Nursing home" does not include either of the following: 123658

(a) A county home, county nursing home, or district home 123659  
operated pursuant to Chapter 5155. of the Revised Code; 123660

(b) A nursing home maintained and operated by the department 123661  
of veterans services under section 5907.01 of the Revised Code. 123662

~~(N)~~(L) "Operator" means the person or government entity 123663  
responsible for the daily operating and management decisions for a 123664  
nursing home or hospital. 123665

~~(O)~~(M) "Title XIX" means Title XIX of the "Social Security 123666  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended et seq. 123667

~~(P)~~(N) "Title XVIII" means Title XVIII of the "Social 123668  
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended et 123669  
seq. 123670

**Sec. 5168.41.** (A) The franchise permit fee rate shall be 123671  
determined for each fiscal year as follows: 123672

(1) Determine the estimated total net patient revenues for 123673  
all nursing homes and hospital long-term care units for the fiscal 123674  
year; 123675

(2) Multiply the estimated total net patient revenues 123676  
determined under division (A)(1) of this section by the lesser of 123677  
the following: 123678

(a) The indirect guarantee percentage; 123679



|                                                                                                                                                                                                                                                                     |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <u>(b) Six per cent.</u>                                                                                                                                                                                                                                            | 123680                               |
| <u>(3) Divide the product determined under division (A)(2) of this section by the number of days in the fiscal year;</u>                                                                                                                                            | 123681<br>123682                     |
| <u>(4) Determine the sum of the following:</u>                                                                                                                                                                                                                      | 123683                               |
| <u>(a) The total number of beds in all nursing homes and hospital long-term care units that are subject to the franchise permit fee for the fiscal year;</u>                                                                                                        | 123684<br>123685<br>123686           |
| <u>(b) The total number of nursing home beds that are exempt from the franchise permit fee for the fiscal year because of the waiver obtained pursuant to section 5168.43 of the Revised Code.</u>                                                                  | 123687<br>123688<br>123689           |
| <u>(5) Divide the quotient determined under division (A)(3) of this section by the sum determined under division (A)(4) of this section.</u>                                                                                                                        | 123690<br>123691<br>123692           |
| <u>(B) In determining the estimated total net patient revenues for all nursing homes and hospital long-term care units for a fiscal year, the department of medicaid shall use at least all of the following:</u>                                                   | 123693<br>123694<br>123695<br>123696 |
| <u>(1) Information from medicaid cost reports filed under section 5165.10 of the Revised Code that are the most recent at the time the determination is made;</u>                                                                                                   | 123697<br>123698<br>123699           |
| <u>(2) The projected total medicaid payment rates for nursing facility services for the fiscal year;</u>                                                                                                                                                            | 123700<br>123701                     |
| <u>(3) The projected total number of medicaid days for the fiscal year.</u>                                                                                                                                                                                         | 123702<br>123703                     |
| <b>Sec. <del>3721.51</del> <u>5168.42</u>.</b> The department of <del>job and family services</del> <u>medicaid</u> shall do all of the following:                                                                                                                  | 123704<br>123705                     |
| (A) Subject to sections <del>3721.512</del> <u>5168.44</u> , <del>3721.513</del> <u>5168.45</u> , and <del>3721.531</del> <u>5168.48</u> of the Revised Code and divisions (C) and (D) of this section and for the purposes specified in section <del>3721.56</del> | 123706<br>123707<br>123708           |

5168.54 of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to the franchise permit fee rate multiplied by the product of the following:

(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised Code;

(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised Code.

(B) Subject to sections ~~3721.512~~ 5168.44, ~~3721.513~~ 5168.45, and ~~3721.531~~ 5168.48 of the Revised Code and divisions (C) and (D) of this section and for the purposes specified in section ~~3721.56~~ 5168.54 of the Revised Code, determine an annual franchise permit fee on each hospital in an amount equal to the franchise permit fee rate multiplied by the product of the following:

(1) The number of beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds, plus any other beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code, on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised Code;

(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised Code.

(C) If the total amount of the franchise permit fee assessed

under divisions (A) and (B) of this section for a fiscal year 123740  
exceeds the indirect guarantee percentage of the actual net 123741  
patient revenue for all nursing homes and hospital long-term care 123742  
units for that fiscal year and seventy-five per cent or more of 123743  
the combined total number of nursing homes and hospital long-term 123744  
care units receive enhanced medicaid payments or other state 123745  
payments equal to seventy-five per cent or more of their total 123746  
franchise permit fee assessments, do both of the following: 123747

(1) Recalculate the assessments under divisions (A) and (B) 123748  
of this section using a per bed per day rate equal to the indirect 123749  
guarantee percentage of actual net patient revenue for all nursing 123750  
homes and hospital long-term care units for that fiscal year; 123751

(2) Refund the difference between the amount of the franchise 123752  
permit fee assessed for that fiscal year under divisions (A) and 123753  
(B) of this section and the amount recalculated under division 123754  
(C)(1) of this section as a credit against the assessments imposed 123755  
under divisions (A) and (B) of this section for the subsequent 123756  
fiscal year. 123757

(D) If the United States centers for medicare and medicaid 123758  
services determines that the franchise permit fee established by 123759  
sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised Code is 123760  
an impermissible health care-related tax under ~~section 1903(w)~~ of 123761  
the "Social Security Act," ~~49 Stat. 620 (1935)~~ section 1903(w), 42 123762  
U.S.C. 1396b(w), ~~as amended~~, take all necessary actions to cease 123763  
implementation of sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of 123764  
the Revised Code in accordance with rules adopted under section 123765  
~~3721.58~~ 5168.56 of the Revised Code. 123766

**Sec. ~~3721.511~~ 5168.43.** (A) Not later than four months after 123767  
July 17, 2009, the department of ~~job and family services~~ medicaid 123768  
shall apply to the United States secretary of health and human 123769  
services for a waiver under the "Social Security Act," section 123770

1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), as necessary to do both 123771  
of the following regarding the franchise permit fee assessed under 123772  
section ~~3721.51~~ 5168.42 of the Revised Code: 123773

(1) Reduce the franchise permit fee rate to zero dollars for 123774  
each nursing home licensed under section 3721.02 or 3721.09 of the 123775  
Revised Code to which either of the following applies: 123776

(a) The nursing home: 123777

(i) Is exempt from state taxation under section 140.08 of the 123778  
Revised Code or is exempt from state taxation as a home for the 123779  
aged as defined in section 5701.13 of the Revised Code; 123780

(ii) Is exempt from federal income taxation under section 501 123781  
of the Internal Revenue Code of 1986; 123782

(iii) Does not participate in medicaid or medicare; and 123783

(iv) Provides services for the life of each resident without 123784  
regard to the resident's ability to secure payment for the 123785  
services. 123786

(b) The nursing home: 123787

(i) Has had a written affiliation agreement with a university 123788  
in this state for education and research related to Alzheimer's 123789  
disease for each of the twenty years preceding July 17, 2009, and 123790  
has such an agreement on July 17, 2009; 123791

(ii) Was constructed pursuant to a certificate of need 123792  
granted under Section 3 of Am. Sub. S.B. 256 of the 116th general 123793  
assembly; and 123794

(iii) Does not participate in medicaid or medicare. 123795

(2) For each nursing facility with more than two hundred beds 123796  
certified as nursing facility beds under Title XIX, reduce the 123797  
franchise permit fee rate for a number of the nursing facility's 123798  
beds specified by the department to the amount necessary to obtain 123799

approval of the waiver sought under this section. 123800

(B) The effective date of the waiver sought under this 123801  
section shall be the first day of the quarter beginning after the 123802  
United States secretary approves the waiver. 123803

**Sec. ~~3721.512~~ 5168.44.** If the United States secretary of 123804  
health and human services approves the waiver sought under section 123805  
~~3721.511~~ 5168.43 of the Revised Code, the department of ~~job and~~ 123806  
~~family services~~ medicaid shall, for each nursing home and hospital 123807  
that qualifies for a reduction of its franchise permit fee rate 123808  
under the waiver, reduce the franchise permit fee rate in 123809  
accordance with the terms of the waiver. For purposes of the first 123810  
fiscal year during which the waiver takes effect, the department 123811  
shall determine the amount of the reduction not later than the 123812  
effective date of the waiver and shall mail to each nursing home 123813  
and hospital qualifying for the reduction notice of the reduction 123814  
not later than the last day of the first month of the quarter that 123815  
begins after the United States secretary approves the waiver. For 123816  
purposes of subsequent fiscal years, the department shall make 123817  
such determinations and mail such notices in accordance with 123818  
section ~~3721.53~~ 5168.47 of the Revised Code. 123819

**Sec. ~~3721.513~~ 5168.45.** (A) If the United States secretary of 123820  
health and human services approves the waiver sought under section 123821  
~~3721.511~~ 5168.43 of the Revised Code, the department of ~~job and~~ 123822  
~~family services~~ medicaid may do both of the following regarding 123823  
the franchise permit fee assessed under section ~~3721.51~~ 5168.42 of 123824  
the Revised Code: 123825

(1) Determine how much money the franchise permit fee would 123826  
have raised in a fiscal year if not for the waiver; 123827

(2) For each nursing home and hospital subject to the 123828  
franchise permit fee, other than a nursing home or hospital that 123829

has its franchise permit fee rate reduced under section ~~3721.512~~ 123830  
5168.44 of the Revised Code, uniformly increase the amount of the 123831  
franchise permit fee rate for a fiscal year to an amount that will 123832  
have the franchise permit fee raise an amount of money that does 123833  
not exceed the amount determined under division (A)(1) of this 123834  
section for that fiscal year. 123835

(B) If the department increases the franchise permit fee rate 123836  
in accordance with division (A) of this section for the first 123837  
fiscal year during which the waiver takes effect, the department 123838  
shall determine the amount of the increase not later than the 123839  
effective date of the waiver and shall mail to each nursing home 123840  
and hospital subject to the increase notice of the increase not 123841  
later than the last day of the first month of the quarter that 123842  
begins after the United States secretary approves the waiver. If 123843  
the department increases the franchise permit fee rate in 123844  
accordance with division (A) of this section for a subsequent 123845  
fiscal year, the department shall make such determinations and 123846  
mail such notices in accordance with section ~~3721.53~~ 5168.47 of 123847  
the Revised Code. 123848

**Sec. ~~3721.52~~ 5168.46.** The department of health shall do all 123849  
of the following: 123850

(A) For the purpose of the determinations made under 123851  
divisions (A) and (B) of section ~~3721.51~~ 5168.42 of the Revised 123852  
Code and not later than the first day of each June, report to the 123853  
department of ~~job and family services~~ medicaid the following: 123854

(1) For each nursing home, the number of beds in the nursing 123855  
home licensed on the preceding first day of May under section 123856  
3721.02 or 3721.09 of the Revised Code or certified on that date 123857  
under Title XVIII or Title XIX; 123858

(2) For each hospital, the number of beds in the hospital 123859  
registered on the preceding first day of May pursuant to section 123860

3701.07 of the Revised Code as skilled nursing facility or 123861  
long-term care beds or licensed on that date under section 3721.02 123862  
or 3721.09 of the Revised Code as nursing home beds. 123863

(B) For the purpose of the redetermination under section 123864  
~~3721.531~~ 5168.48 of the Revised Code and not later than the 123865  
fifteenth day of each January, report to the department of ~~job and~~ 123866  
~~family services~~ medicaid, for each nursing home and hospital, the 123867  
number of beds for which a bed surrender occurred during the 123868  
period beginning on the first day of May of the preceding calendar 123869  
year and ending on the first day of January of the calendar year 123870  
in which the redetermination is made. 123871

**Sec. ~~3721.53~~ 5168.47.** (A) Not later than the fifteenth day of 123872  
September of each year, the department of ~~job and family services~~ 123873  
medicaid shall determine the annual franchise permit fee for each 123874  
nursing home and hospital in accordance with section ~~3721.51~~ 123875  
5168.42 of the Revised Code and any adjustments made in accordance 123876  
with sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the Revised 123877  
Code. 123878

(B) Not later than the first day of October of each year, the 123879  
department shall mail to each nursing home and hospital notice of 123880  
the amount of the franchise permit fee that has been determined 123881  
for the nursing home or hospital. 123882

(C) Subject to section ~~3721.531~~ 5168.48 of the Revised Code, 123883  
each nursing home and hospital shall pay its fee under section 123884  
~~3721.51~~ 5168.42 of the Revised Code, as adjusted in accordance 123885  
with sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the Revised 123886  
Code, to the department in four installment payments not later 123887  
than forty-five days after the last day of each October, December, 123888  
March, and June. 123889

**Sec. ~~3721.531~~ 5168.48.** (A) Not later than the last day of 123890

February of each year, the department of ~~job and family services~~ 123891  
medicaid shall redetermine each nursing home's and hospital's 123892  
franchise permit fee if one or more bed surrenders occur during 123893  
the period beginning on the first day of May of the preceding 123894  
calendar year and ending on the first day of January of the 123895  
calendar year in which the redetermination is made. 123896

(B) In redetermining nursing homes' and hospitals' franchise 123897  
permit fees under this section, the department shall do both of 123898  
the following: 123899

(1) Provide for the redetermination to be conducted in a 123900  
manner consistent with the terms of the waiver sought under 123901  
section ~~3721.511~~ 5168.43 of the Revised Code; 123902

(2) Recalculate each nursing home's and hospital's franchise 123903  
permit fee in accordance with division (A) or (B) of section 123904  
~~3721.51~~ 5168.42 of the Revised Code with the following changes: 123905

(a) In the case of a nursing home or hospital for which one 123906  
or more bed surrenders occurred during the period beginning on the 123907  
first day of May of the preceding calendar year and ending on the 123908  
first day of January of the calendar year in which the 123909  
redetermination is made, the number of beds included in the 123910  
calculation for the purpose of division (A)(1) or (B)(1) of 123911  
section ~~3721.51~~ 5168.42 of the Revised Code shall exclude the beds 123912  
for which bed surrenders occurred during that period. 123913

(b) The number of days used in the calculation under division 123914  
(A)(2) or (B)(2) of section ~~3721.51~~ 5168.42 of the Revised Code 123915  
shall be the number of days in the first half of the calendar year 123916  
in which the redetermination is made. 123917

(c) The franchise permit fee rate shall reflect adjustments 123918  
made under sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the 123919  
Revised Code. 123920



(C) Not later than the first day of March of each year, the department shall mail to each nursing home and hospital notice of the amount of its redetermined franchise permit fee.

(D) Each nursing home and hospital shall pay its redetermined fee to the department in two installment payments not later than forty-five days after the last day of March and June of the calendar year in which the redetermination is made.

**Sec. ~~3721.532~~ 5168.49.** If a nursing home or hospital undergoes a change of operator during a fiscal year, the responsibility for paying the franchise permit fee that was determined for the nursing home or hospital under section ~~3721.53~~ 5168.47 of the Revised Code, or redetermined for the nursing home or hospital under section ~~3721.531~~ 5168.48 of the Revised Code, for that fiscal year shall be divided proportionally. The exiting operator shall be responsible for paying the amount of the fee that is for the part of the fiscal year that ends on the day before the effective date of the change of operator. The entering operator shall be responsible for paying the amount of the fee that is for the part of the fiscal year that begins on the effective date of the change of operator. The department of ~~job and family services~~ medicaid is not required to mail a notice to the entering operator regarding the amount of that fiscal year's fee for which the entering operator is responsible.

**Sec. ~~3721.533~~ 5168.50.** No nursing home or hospital shall directly bill its residents for the franchise permit fee paid under section ~~3721.53~~ 5168.47 or ~~3721.531~~ 5168.48 of the Revised Code or otherwise directly pass the fee through to its residents.

**Sec. ~~3721.54~~ 5168.51.** If a nursing home or hospital fails to pay the full amount of a franchise permit fee installment when due, the department of ~~job and family services~~ medicaid may assess

a five per cent penalty on the amount due for each month or 123951  
fraction thereof the installment is overdue. 123952

**Sec. ~~3721.541~~ 5168.52.** (A) In addition to assessing a penalty 123953  
pursuant to section ~~3721.54~~ 5168.51 of the Revised Code, the 123954  
department of ~~job and family services~~ medicaid may do any of the 123955  
following if a nursing facility or hospital fails to pay the full 123956  
amount of a franchise permit fee installment when due: 123957

(1) Withhold an amount less than or equal to the installment 123958  
and penalty assessed under section ~~3721.54~~ 5168.51 of the Revised 123959  
Code from a medicaid payment due the nursing facility or hospital 123960  
until the nursing facility or hospital pays the installment and 123961  
penalty; 123962

(2) Offset an amount less than or equal to the installment 123963  
and penalty assessed under section ~~3721.54~~ 5168.51 of the Revised 123964  
Code from a ~~Medicaid~~ medicaid payment due the nursing facility or 123965  
hospital; 123966

(3) Terminate the nursing facility or hospital's medicaid 123967  
provider agreement. 123968

(B) The department may offset a medicaid payment under 123969  
division (A) of this section without providing notice to the 123970  
nursing facility or hospital and without conducting an 123971  
adjudication under Chapter 119. of the Revised Code. 123972

**Sec. ~~3721.55~~ 5168.53.** (A) A nursing home or hospital may 123973  
appeal the fee assessed under section ~~3721.51~~ 5168.42 of the 123974  
Revised Code, as adjusted under section ~~3721.512~~ 5168.44 or 123975  
~~3721.513~~ 5168.45 of the Revised Code, and redetermined under 123976  
section ~~3721.531~~ 5168.48 of the Revised Code solely on the grounds 123977  
that the department of ~~job and family services~~ medicaid committed 123978  
a material error in determining or redetermining the amount of the 123979  
fee. A request for an appeal must be received by the department 123980

not later than fifteen days after the date the department mails 123981  
the notice of the fee and must include written materials setting 123982  
forth the basis for the appeal. 123983

(B) If a nursing home or hospital submits a request for an 123984  
appeal within the time required under division (A) of this 123985  
section, the department ~~of job and family services~~ shall hold a 123986  
public hearing in Columbus not later than thirty days after the 123987  
date the department receives the request for an appeal. The 123988  
department shall, not later than ten days before the date of the 123989  
hearing, mail a notice of the date, time, and place of the hearing 123990  
to the nursing home or hospital. The department may hear all the 123991  
requested appeals in one public hearing. 123992

(C) On the basis of the evidence presented at the hearing or 123993  
any other evidence submitted by the nursing home or hospital, the 123994  
department may adjust a fee. The department's decision is final. 123995

**Sec. ~~3721.56~~ 5168.54.** (A) There is hereby created in the 123996  
state treasury the nursing home franchise permit fee fund. All 123997  
payments and penalties paid by nursing homes and hospitals under 123998  
sections ~~3721.53~~ 5168.47, ~~3721.531~~ 5168.48, and ~~3721.54~~ 5168.51 of 123999  
the Revised Code shall be deposited into the fund. The fund shall 124000  
also consist of money deposited into it pursuant to sections 124001  
3769.08 and 3769.26 of the Revised Code. Subject to division (B) 124002  
of section 3769.08 of the Revised Code, the department of ~~job and~~ 124003  
~~family services~~ medicaid shall use the money in the fund to make 124004  
medicaid payments to providers of nursing facility services and 124005  
providers of home and community-based services. Money in the fund 124006  
may also be used for the residential state supplement program 124007  
established under section ~~5119.69~~ 5119.41 of the Revised Code. 124008

(B) Any money remaining in the nursing home franchise permit 124009  
fee fund after payments specified in division (A) of this section 124010  
are made shall be retained in the fund. Any interest or other 124011

investment proceeds earned on money in the fund shall be credited 124012  
to the fund and used to make medicaid payments in accordance with 124013  
division (A) of this section. 124014

**Sec. ~~3721.57~~ 5168.55.** The department of ~~job and family~~ 124015  
~~services~~ medicaid may make any investigation it considers 124016  
appropriate to obtain information necessary to fulfill its duties 124017  
under sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised 124018  
Code. At the request of the department, the attorney general shall 124019  
aid in any such investigations. The attorney general shall 124020  
institute and prosecute all necessary actions for the enforcement 124021  
of sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised 124022  
Code, except that at the request of the attorney general, the 124023  
county prosecutor of the county in which a nursing home or 124024  
hospital that has failed to comply with sections ~~3721.50~~ 5168.40 124025  
to ~~3721.58~~ 5168.56 of the Revised Code is located shall institute 124026  
and prosecute any necessary action against the nursing home or 124027  
hospital. 124028

**Sec. ~~3721.58~~ 5168.56.** The medicaid director of ~~job and family~~ 124029  
~~services~~ shall adopt rules in accordance with Chapter 119. of the 124030  
Revised Code to do both of the following: 124031

(A) Prescribe the actions the department of ~~job and family~~ 124032  
~~services~~ medicaid will take to cease implementation of sections 124033  
~~3721.50 through 3721.57~~ 5168.40 to 5168.56 of the Revised Code if 124034  
the United States centers for medicare and medicaid services 124035  
determines that the franchise permit fee established by those 124036  
sections is an impermissible health-care related tax under ~~section~~ 124037  
~~1903(w) of the "Social Security Act," 105 Stat. 1793 (1991)~~ 124038  
section 1903(w), 42 U.S.C. 1396b(w), ~~as amended;~~ 124039

(B) Establish any requirements or procedures the director 124040  
considers necessary to implement sections ~~3721.50~~ 5168.40 to 124041

~~3721.58~~ 5168.56 of the Revised Code. 124042

**Sec. ~~5112.30~~ 5168.60.** As used in sections ~~5112.30~~ 5168.60 to 124043  
~~5112.39~~ 5168.71 of the Revised Code: 124044

(A) "Franchise permit fee rate" means the following: 124045

(1) For fiscal year ~~2012~~ 2014, ~~seventeen~~ eighteen dollars and 124046  
~~ninety-nine~~ twenty-four cents; 124047

(2) For fiscal year ~~2013~~ 2015 and each fiscal year 124048  
thereafter, eighteen dollars and ~~thirty-two~~ seventeen cents. 124049

(B) "Indirect guarantee percentage" means the percentage 124050  
specified in ~~section 1903(w)(4)(C)(ii)~~ of the "Social Security 124051  
Act," ~~120 Stat. 2994 (2006)~~ section 1903(w)(4)(C)(ii), 42 U.S.C. 124052  
1396b(w)(4)(C)(ii), ~~as amended~~, that is to be used in determining 124053  
whether a class of providers is indirectly held harmless for any 124054  
portion of the costs of a broad-based health-care-related tax. If 124055  
the indirect guarantee percentage changes during a fiscal year, 124056  
the indirect guarantee percentage is the following: 124057

(1) For the part of the fiscal year before the change takes 124058  
effect, the percentage in effect before the change; 124059

(2) For the part of the fiscal year beginning with the date 124060  
the indirect guarantee percentage changes, the new percentage. 124061

(C) "~~Intermediate care facility for the mentally retarded~~ 124062  
ICF/IID" has the same meaning as in section ~~5111.20~~ 5124.01 of the 124063  
Revised Code, ~~except that, until August 1, 2009, it does not~~ 124064  
~~include any such facility operated by the department of~~ 124065  
~~developmental disabilities.~~ 124066

(D) "~~Medicaid~~ Medicaid-certified capacity" has the same 124067  
meaning as in section ~~5111.01~~ 5124.01 of the Revised Code. 124068

(E) "Provider agreement" has the same meaning as in section 124069  
5124.01 of the Revised Code. 124070

~~Sec. 5112.31~~ 5168.61. The department of ~~job and family~~ 124071  
~~services~~ developmental disabilities shall do all of the following: 124072  
124073

(A) Subject to section ~~5112.331~~ 5168.64 of the Revised Code 124074  
and divisions (B) and (C) of this section and for the purposes 124075  
specified in section ~~5112.371~~ 5168.69 of the Revised Code, assess 124076  
for each fiscal year each ~~intermediate care facility for the~~ 124077  
~~mentally retarded~~ ICF/IID a franchise permit fee equal to the 124078  
franchise permit fee rate multiplied by the product of the 124079  
following: 124080

(1) The ~~number of beds certified under Title XIX of the~~ 124081  
~~"Social Security Act"~~ ICF/IID's medicaid-certified capacity on the 124082  
first day of May of the calendar year in which the assessment is 124083  
determined pursuant to division (A) of section ~~5112.33~~ 5168.63 of 124084  
the Revised Code; 124085

(2) The number of days in the fiscal year. 124086

(B) If the total amount of the franchise permit fee assessed 124087  
under division (A) of this section for a fiscal year exceeds the 124088  
indirect guarantee percentage of the actual net patient revenue 124089  
for all ~~intermediate care facilities for the mentally retarded~~ 124090  
ICFs/IID for that fiscal year and seventy-five per cent or more of 124091  
the total number of ~~intermediate care facilities for the mentally~~ 124092  
~~retarded~~ ICFs/IID receive enhanced medicaid payments or other 124093  
state payments equal to seventy-five per cent or more of their 124094  
total franchise permit fee assessments, do both of the following: 124095

(1) Recalculate the assessments under division (A) of this 124096  
section using a per bed per day rate equal to the indirect 124097  
guarantee percentage of actual net patient revenue for all 124098  
~~intermediate care facilities for the mentally retarded~~ ICFs/IID 124099  
for that fiscal year; 124100

(2) Refund the difference between the amount of the franchise permit fee assessed for that fiscal year under division (A) of this section and the amount recalculated under division (B)(1) of this section as a credit against the assessments imposed under division (A) of this section for the subsequent fiscal year.

(C) If the United States secretary of health and human services determines that the franchise permit fee established by sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of the Revised Code would be an impermissible health care-related tax under ~~section 1903(w)~~ of the "Social Security Act," ~~105 Stat. 1793 (1991)~~ section 1903(w), 42 U.S.C. 1396b(w), ~~as amended~~, take all necessary actions to cease implementation of those sections in accordance with rules adopted under section ~~5112.39~~ 5168.71 of the Revised Code.

**Sec. ~~5112.32~~ 5168.62.** For the purpose of the franchise permit fee imposed under section ~~5112.31~~ 5168.61 of the Revised Code and not later than the first day of each June, the department of developmental disabilities shall:

~~(A) Not later than August 1, 1993, report to the department of job and family services the number of beds in each intermediate care facility for the mentally retarded certified on July 1, 1993, under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;~~

~~(B) Not later than June 1, 1994, and the first day of each June thereafter, report to the department of job and family services medicaid the number of beds in each ~~such facility~~ certified ICF/IID on the preceding first day of May under that title.~~

**Sec. ~~5112.33~~ 5168.63.** (A) Not later than the fifteenth day of August of each year, the department of ~~job and family services~~

developmental disabilities shall determine the annual franchise permit fee for each ~~intermediate care facility for the mentally retarded~~ ICF/IID in accordance with section ~~5112.31~~ 5168.61 of the Revised Code.

(B) Not later than the first day of September of each year, the department shall mail to each ~~intermediate care facility for the mentally retarded~~ ICF/IID notice of the amount of the franchise permit fee the ~~facility~~ ICF/IID has been assessed under section ~~5112.31~~ 5168.61 of the Revised Code.

(C) Subject to section ~~5112.331~~ 5168.64 of the Revised Code, each ~~intermediate care facility for the mentally retarded~~ ICF/IID shall pay its fee under section ~~5112.31~~ 5168.61 of the Revised Code to the department in quarterly installment payments not later than forty-five days after the last day of each September, December, March, and June.

**Sec. ~~5112.331~~ 5168.64.** (A) If, during the period beginning on the first day of May of a calendar year and ending on the first day of January of the immediately following calendar year, the operator of an ~~intermediate care facility for the mentally retarded~~ ICF/IID converts, pursuant to section ~~5111.874~~ 5124.60 of the Revised Code, one or more of the ~~facility's~~ ICF/IID's beds to providing home and community-based services, the department of ~~job and family services~~ developmental disabilities shall do the following:

(1) If the ~~facility's~~ ICF/IID's medicaid certification is terminated because of the conversion, terminate the ~~facility's~~ ICF/IID's franchise permit fee effective on the first day of the quarter immediately following the quarter in which the department receives the notice of the conversion from the director of health;

(2) If the ~~facility's certified~~ ICF/IID's medicaid-certified capacity ~~under medicaid~~ is reduced because of the conversion,



redetermine the ~~facility's~~ ICF/IID's franchise permit fee in 124162  
accordance with division (B) of this section for the second half 124163  
of the fiscal year for which the fee is assessed. 124164

(B)(1) To redetermine an ~~intermediate care facility for the~~ 124165  
~~mentally retarded's~~ ICF/IID's franchise permit fee, the department 124166  
shall multiply the franchise permit fee rate by the product of the 124167  
following: 124168

(a) The ~~number of the facility's beds that remain certified~~ 124169  
~~under Title XIX of the "Social Security Act"~~ ICF/IID's 124170  
medicaid-certified capacity as of the date the conversion takes 124171  
effect; 124172

(b) The number of days in the second half of the fiscal year 124173  
for which the redetermination is made. 124174

(2) The ~~intermediate care facility for the mentally retarded~~ 124175  
ICF/IID shall pay its franchise permit fee as redetermined under 124176  
division (B)(1) of this section in installment payments not later 124177  
than forty-five days after the last day of March and June of the 124178  
fiscal year for which the redetermination is made. 124179

**Sec. 5112.34 5168.65.** If an ~~intermediate care facility for~~ 124180  
~~the mentally retarded~~ ICF/IID fails to pay the full amount of an 124181  
installment when due, the department of ~~job and family services~~ 124182  
developmental disabilities may assess a five per cent penalty on 124183  
the amount due for each month or fraction thereof the installment 124184  
is overdue. 124185

**Sec. 5112.341 5168.66.** (A) In addition to assessing a penalty 124186  
pursuant to section ~~5112.34~~ 5168.65 of the Revised Code, the 124187  
department of ~~job and family services~~ developmental disabilities 124188  
may do any of the following if an ~~intermediate care facility for~~ 124189  
~~the mentally retarded~~ ICF/IID fails to pay the full amount of a 124190  
franchise permit fee installment when due: 124191

(1) Withhold an amount less than or equal to the installment 124192  
and penalty assessed under section ~~5112.34~~ 5168.65 of the Revised 124193  
Code from a medicaid payment due the ~~facility~~ ICF/IID until the 124194  
~~facility~~ ICF/IID pays the installment and penalty; 124195

(2) Offset an amount less than or equal to the installment 124196  
and penalty assessed under section ~~5112.34~~ 5168.65 of the Revised 124197  
Code from a medicaid payment due the ~~facility~~ ICF/IID; 124198

(3) ~~Terminate~~ Provide for the department of medicaid to 124199  
terminate the facility's medicaid ICF/IID's provider agreement. 124200

(B) The department may offset a medicaid payment under 124201  
division (A) of this section without providing notice to the 124202  
~~intermediate care facility for the mentally retarded~~ ICF/IID and 124203  
without conducting an adjudication under Chapter 119. of the 124204  
Revised Code. 124205

**Sec. ~~5112.35~~ 5168.67.** (A) An ~~intermediate care facility for~~ 124206  
~~the mentally retarded~~ ICF/IID may appeal the franchise permit fee 124207  
imposed under section ~~5112.31~~ 5168.61 of the Revised Code solely 124208  
on the grounds that the department of ~~job and family services~~ 124209  
developmental disabilities committed a material error in 124210  
determining the amount of the fee. A request for an appeal must be 124211  
received by the department not later than fifteen days after the 124212  
date the department mails the notice of the fee and must include 124213  
written materials setting forth the basis for the appeal. 124214

(B) If an ~~intermediate care facility for the mentally~~ 124215  
~~retarded~~ ICF/IID submits a request for an appeal within the time 124216  
required under division (A) of this section, the department shall 124217  
hold a public hearing in Columbus not later than thirty days after 124218  
the date the department receives the request for an appeal. The 124219  
department shall, not later than ten days before the date of the 124220  
hearing, mail a notice of the date, time, and place of the hearing 124221  
to the ~~facility~~ ICF/IID. The department may hear all requested 124222

appeals in one public hearing. 124223

(C) On the basis of the evidence presented at the hearing or 124224  
any other evidence submitted by the ~~intermediate care facility for~~ 124225  
~~the mentally retarded~~ ICF/IID, the department may adjust a fee. 124226  
The department's decision is final. 124227

**Sec. ~~5112.37~~ 5168.68.** There is hereby created in the state 124228  
treasury the home and community-based services for the mentally 124229  
retarded and developmentally disabled fund. All installment 124230  
payments and penalties paid by an ~~intermediate care facility for~~ 124231  
~~the mentally retarded~~ ICF/IID under sections ~~5112.33~~ 5168.63 and 124232  
~~5112.34~~ 5168.65 of the Revised Code shall be deposited into the 124233  
fund. As soon as possible after the end of each quarter, the 124234  
medicaid director ~~of job and family services~~ shall certify to the 124235  
director of budget and management the amount of money that is in 124236  
the fund as of the last day of that quarter. On receipt of a 124237  
certification, the director of budget and management shall 124238  
transfer the amount so certified from the home and community-based 124239  
services for the mentally retarded and developmentally disabled 124240  
fund to the department of developmental disabilities operating and 124241  
services fund created under section ~~5112.371~~ 5168.69 of the 124242  
Revised Code. 124243

**Sec. ~~5112.371~~ 5168.69.** There is hereby created in the state 124244  
treasury the department of developmental disabilities operating 124245  
and services fund. The fund shall consist of the money transferred 124246  
to it under section ~~5112.37~~ 5168.68 of the Revised Code. The money 124247  
in the fund shall be used for the expenses of the programs that 124248  
the department of developmental disabilities administers and the 124249  
department's administrative expenses. 124250

**Sec. ~~5112.38~~ 5168.70.** The department of ~~job and family~~ 124251  
~~services~~ developmental disabilities may make any investigation it 124252

considers appropriate to obtain information necessary to fulfill 124253  
its duties under sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of 124254  
the Revised Code. At the request of the department, the attorney 124255  
general shall aid in any such investigations. The attorney general 124256  
shall institute and prosecute all necessary actions for the 124257  
enforcement of sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of the 124258  
Revised Code, except that at the request of the attorney general, 124259  
the county prosecutor of the county in which an ~~intermediate care~~ 124260  
~~facility for the mentally retarded~~ ICF/IID that has failed to 124261  
comply with those sections is located shall institute and 124262  
prosecute any necessary action against the ~~facility~~ ICF/IID. 124263

**Sec. ~~5112.39~~ 5168.71.** ~~The~~ To the extent authorized by rules 124264  
authorized by section 5162.021 of the Revised Code, the director 124265  
of ~~job and family services~~ developmental disabilities shall adopt 124266  
rules in accordance with Chapter 119. of the Revised Code to do 124267  
both of the following: 124268

(A) Prescribe the actions the department of developmental 124269  
disabilities will take to cease implementation of sections ~~5112.30~~ 124270  
5168.60 to ~~5112.39~~ 5168.71 of the Revised Code if the United 124271  
States secretary of health and human services determines that the 124272  
franchise permit fee imposed under section ~~5112.31~~ 5168.61 of the 124273  
Revised Code is an impermissible health care-related tax under 124274  
section ~~1903(w)~~ of the "Social Security Act," ~~105 Stat. 1793~~ 124275  
~~(1991)~~ section 1903(w), 42 U.S.C. 1396b(w), ~~as amended;~~ 124276

(B) Establish any other requirements or procedures the 124277  
director considers necessary to implement sections ~~5112.30~~ 5168.60 124278  
to ~~5112.39~~ 5168.71 of the Revised Code. 124279

**Sec. ~~5112.99~~ 5168.99.** (A) The medicaid director ~~of job and~~ 124280  
~~family services~~ shall impose a penalty for each day that a 124281  
hospital fails to report the information required under section 124282

~~5112.04~~ 5168.05 of the Revised Code on or before the dates 124283  
specified in that section. The amount of the penalty shall be 124284  
established by the director in rules adopted under section ~~5112.03~~ 124285  
5168.02 of the Revised Code. 124286

(B) In addition to any other remedy available to the 124287  
department of ~~job and family services~~ medicaid under law to 124288  
collect unpaid assessments and transfers under sections ~~5112.01~~ 124289  
5168.01 to ~~5112.21~~ 5168.14 of the Revised Code, the director shall 124290  
impose a penalty of ten per cent of the amount due on any hospital 124291  
that fails to pay assessments or make intergovernmental transfers 124292  
by the dates required by rules adopted under section ~~5112.03~~ 124293  
5168.02 of the Revised Code. 124294

(C) In addition to any other remedy available to the 124295  
department of ~~job and family services~~ medicaid under law to 124296  
collect unpaid assessments imposed under section ~~5112.41~~ 5168.21 124297  
of the Revised Code, the director shall impose a penalty of ten 124298  
per cent of the amount due on any hospital that fails to pay the 124299  
assessment by the date it is due. 124300

(D) The director shall waive the penalties provided for in 124301  
this section for good cause shown by the hospital. 124302

(E) All penalties imposed under this section shall be 124303  
deposited into the health care administration fund created by 124304  
section ~~5111.94~~ 5162.54 of the Revised Code. 124305

**Sec. ~~5112.991~~ 5168.991.** The department of ~~job and family~~ 124306  
~~services~~ medicaid may offset the amount of a hospital's unpaid 124307  
penalty imposed under section ~~5112.99~~ 5168.99 of the Revised Code 124308  
from one or more payments due the hospital under the medicaid 124309  
program. The total amount that may be offset from one or more 124310  
payments shall not exceed the amount of the unpaid penalty. 124311

**Sec. 5302.221.** (A) As used in this section: 124312

"Estate" has the same meaning as in section ~~5111.11~~ 5162.21 124313  
of the Revised Code. 124314

"Medicaid estate recovery program" means the program 124315  
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 124316

(B) The administrator of the medicaid estate recovery program 124317  
shall prescribe a form on which a beneficiary of a transfer on 124318  
death designation affidavit as provided in section 5302.22 of the 124319  
Revised Code, who survives the deceased owner of the real property 124320  
or an interest in the real property or that is in existence on the 124321  
date of death of the deceased owner, or that beneficiary's 124322  
representative is to indicate both of the following: 124323

(1) Whether the deceased owner was either of the following: 124324

(a) A decedent subject to the medicaid estate recovery 124325  
program; 124326

(b) The spouse of a decedent subject to the medicaid estate 124327  
recovery program. 124328

(2) Whether the real property or interest in the real 124329  
property was part of the estate of a decedent subject to the 124330  
medicaid estate recovery program. 124331

(C) A county recorder shall obtain a properly completed form 124332  
prescribed under division (B) of this section from the beneficiary 124333  
of a transfer on death designation affidavit or the beneficiary's 124334  
representative and send a copy of the form to the administrator of 124335  
the medicaid estate recovery program before recording the transfer 124336  
of the real property or interest in the real property under 124337  
section 5302.222 of the Revised Code. 124338

**Sec. 5309.082.** (A) As used in this section: 124339

"Estate" has the same meaning as in section ~~5111.11~~ 5162.21 124340  
of the Revised Code. 124341

"Medicaid estate recovery program" means the program 124342  
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 124343

(B) The administrator of the medicaid estate recovery program 124344  
shall prescribe a form on which a surviving tenant under a 124345  
survivorship tenancy or such a surviving tenant's representative 124346  
is to indicate both of the following: 124347

(1) Whether the deceased survivorship tenant was either of 124348  
the following: 124349

(a) A decedent subject to the medicaid estate recovery 124350  
program; 124351

(b) The spouse of a decedent subject to the medicaid estate 124352  
recovery program. 124353

(2) Whether the registered land under a survivorship tenancy 124354  
was part of the estate of a decedent subject to the medicaid 124355  
estate recovery program. 124356

(C) A county recorder shall obtain a properly completed form 124357  
prescribed under division (B) of this section from the surviving 124358  
tenant under a survivorship tenancy or the surviving tenant's 124359  
representative and send a copy of the form to the administrator of 124360  
the medicaid estate recovery program before registering the title 124361  
in the surviving tenants under section 5309.081 of the Revised 124362  
Code. 124363

**Sec. 5309.68.** Any person owning real estate, the title to 124364  
which is registered, may request the withdrawal of such real 124365  
estate from registration by presenting to the county recorder an 124366  
affidavit of intention to withdraw. The affidavit shall describe 124367  
the real estate, shall be properly executed and signed, and shall 124368  
have attached to it the owner's duplicate certificate of title. 124369  
Thereupon the county recorder shall register or record the 124370  
affidavit and, upon order of the court, cancel said certificate of 124371

record~~7~~, and thereafter record the court's order in the 124372  
unregistered land official records. Thereafter, said title shall 124373  
be considered the same as other unregistered lands. ~~All deeds and~~ 124374  
~~mortgages heretofore filed conveying registered lands,~~ the A 124375  
registration certificate ~~of which~~ that has been surrendered as 124376  
herein provided~~7~~, shall be recorded according to law, and 124377  
thereafter the lands conveyed therein shall be considered the same 124378  
as other unregistered lands. 124379

**Sec. 5309.86.** (A) Every memorial, notation, or cancellation 124380  
of such memorial or notation, made on any certificate of title or 124381  
duplicate thereof that is kept by paper means shall be signed by 124382  
the county recorder or ~~his~~ the recorder's authorized deputy or 124383  
clerk. 124384

(B) If a county recorder maintains registered land records by 124385  
nonpaper means in the manner authorized by section 5309.031 of the 124386  
Revised Code, the signature and seal of the county recorder or the 124387  
recorder's authorized deputy or clerk may be reproduced by 124388  
electronic facsimile on a certificate of title or duplicate 124389  
thereof. Any prior memorial, notation, or cancellation of such 124390  
memorial or notation on a certificate of title or duplicate 124391  
thereof shall note only the name of the prior recorder and need 124392  
not be signed by the county recorder or the recorder's authorized 124393  
deputy or clerk. 124394

**Sec. 5501.311.** (A) Notwithstanding sections 123.01 and 127.16 124395  
of the Revised Code the director of transportation may lease or 124396  
lease-purchase all or any part of a transportation facility to or 124397  
from one or more persons, one or more governmental agencies, a 124398  
transportation improvement district, or any combination thereof, 124399  
and may grant leases, easements, or licenses for lands under the 124400  
control of the department of transportation. The director may 124401  
adopt rules necessary to give effect to this section. 124402



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(B) Plans and specifications for the construction of a transportation facility under a lease or lease-purchase agreement are subject to approval of the director and must meet or exceed all applicable standards of the department.

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(C) Any lease or lease-purchase agreement under which the department is the lessee shall be for a period not exceeding the then current two-year period for which appropriations have been made by the general assembly to the department, and such agreement may contain such other terms as the department and the other parties thereto agree, notwithstanding any other provision of law, including provisions that rental payments in amounts sufficient to pay bond service charges payable during the current two-year lease term shall be an absolute and unconditional obligation of the department independent of all other duties under the agreement without set-off or deduction or any other similar rights or defenses. Any such agreement may provide for renewal of the agreement at the end of each term for another term, not exceeding two years, provided that no renewal shall be effective until the effective date of an appropriation enacted by the general assembly from which the department may lawfully pay rentals under such agreement. Any such agreement may include, without limitation, any agreement by the department with respect to any costs of transportation facilities to be included prior to acquisition and construction of such transportation facilities. Any such agreement shall not constitute a debt or pledge of the faith and credit of the state, or of any political subdivision of the state, and the lessor shall have no right to have taxes or excises levied by the general assembly, or the taxing authority of any political subdivision of the state, for the payment of rentals thereunder. Any such agreement shall contain a statement to that effect.

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(D) A municipal corporation, township, or county may use 124434

service payments in lieu of taxes credited to special funds or 124435  
accounts pursuant to sections 5709.43, 5709.75, and 5709.80 of the 124436  
Revised Code to provide its contribution to the cost of a 124437  
transportation facility, provided such facility was among the 124438  
purposes for which such service payments were authorized. The 124439  
contribution may be in the form of a lump sum or periodic 124440  
payments. 124441

(E) Pursuant to the "Telecommunications Act of 1996," 110 124442  
Stat. 152, 47 U.S.C. 332 note, the director may grant a lease, 124443  
easement, or license in a transportation facility to a 124444  
telecommunications service provider for construction, placement, 124445  
or operation of a telecommunications facility. An interest granted 124446  
under this division is subject to all of the following conditions: 124447

(1) The transportation facility is owned in fee simple or 124448  
easement by this state at the time the lease, easement, or license 124449  
is granted to the telecommunications provider. 124450

(2) The lease, easement, or license shall be granted on a 124451  
competitive basis in accordance with policies and procedures to be 124452  
determined by the director. The policies and procedures may 124453  
include provisions for master leases for multiple sites. 124454

(3) The telecommunications facility shall be designed to 124455  
accommodate the state's multi-agency radio communication system, 124456  
the intelligent transportation system, and the department's 124457  
communication system as the director may determine is necessary 124458  
for highway or other departmental purposes. 124459

(4) The telecommunications facility shall be designed to 124460  
accommodate such additional telecommunications equipment as may 124461  
feasibly be co-located thereon as determined in the discretion of 124462  
the director. 124463

(5) The telecommunications service providers awarded the 124464  
lease, easement, or license, agree to permit other 124465

telecommunications service providers to co-locate on the 124466  
telecommunications facility, and agree to the terms and conditions 124467  
of the co-location as determined in the discretion of the 124468  
director. 124469

(6) The director shall require indemnity agreements in favor 124470  
of the department as a condition of any lease, easement, or 124471  
license granted under this division. Each indemnity agreement 124472  
shall secure this state and its agents from liability for damages 124473  
arising out of safety hazards, zoning, and any other matter of 124474  
public interest the director considers necessary. 124475

(7) The telecommunications service provider fully complies 124476  
with any permit issued under section 5515.01 of the Revised Code 124477  
pertaining to land that is the subject of the lease, easement, or 124478  
license. 124479

(8) All plans and specifications shall meet with the 124480  
director's approval. 124481

(9) Any other conditions the director determines necessary. 124482

(F) In accordance with section 5501.031 of the Revised Code, 124483  
to further efforts to promote energy conservation and energy 124484  
efficiency, the director may grant a lease, easement, or license 124485  
in a transportation facility to a utility service provider that 124486  
has received its certificate from the Ohio power siting board or 124487  
appropriate local entity for construction, placement, or operation 124488  
of an alternative energy generating facility service provider as 124489  
defined in section 4928.64 of the Revised Code. An interest 124490  
granted under this division is subject to all of the following 124491  
conditions: 124492

(1) The transportation facility is owned in fee simple or in 124493  
easement by this state at the time the lease, easement, or license 124494  
is granted to the utility service provider. 124495

(2) The lease, easement, or license shall be granted on a 124496

competitive basis in accordance with policies and procedures to be 124497  
determined by the director. The policies and procedures may 124498  
include provisions for master leases for multiple sites. 124499

(3) The alternative energy generating facility shall be 124500  
designed to provide energy for the department's transportation 124501  
facilities with the potential for selling excess power on the 124502  
power grid, as the director may determine is necessary for highway 124503  
or other departmental purposes. 124504

(4) The director shall require indemnity agreements in favor 124505  
of the department as a condition of any lease, easement, or 124506  
license granted under this division. Each indemnity agreement 124507  
shall secure this state from liability for damages arising out of 124508  
safety hazards, zoning, and any other matter of public interest 124509  
the director considers necessary. 124510

(5) The alternative energy service provider fully complies 124511  
with any permit issued by the Ohio power siting board under 124512  
Chapter 4906. of the Revised Code and complies with section 124513  
5515.01 of the Revised Code pertaining to land that is the subject 124514  
of the lease, easement, or license. 124515

(6) All plans and specifications shall meet with the 124516  
director's approval. 124517

(7) Any other conditions the director determines necessary. 124518

(G) Money the department receives under ~~divisions (E) and (F)~~ 124519  
~~of~~ this section shall be deposited into the state treasury to the 124520  
credit of the highway operating fund. 124521

(H) A lease, easement, or license granted under division (E) 124522  
or (F) of this section, and any telecommunications facility or 124523  
alternative energy generating facility relating to such interest 124524  
in a transportation facility, is hereby deemed to further the 124525  
essential highway purpose of building and maintaining a safe, 124526  
energy-efficient, and accessible transportation system. 124527

Sec. 5501.312. (A) The director of transportation may do all 124528  
of the following: 124529

~~(A)~~(1) Contract in the manner provided by this section with 124530  
one or more persons, a transportation improvement district, one or 124531  
more governmental agencies, or any combination thereof, desiring 124532  
the use or service of a transportation facility, and fix the 124533  
terms, conditions, rentals, or other charges for such use or 124534  
services. Such contract may provide for acquisition by such person 124535  
or governmental agency of all or any part of the facility for such 124536  
consideration payable over the period of the contract or otherwise 124537  
as the director in ~~his~~ the director's sole discretion determines 124538  
to be appropriate. 124539

~~(B)~~(2) Make loans from any available source, including the 124540  
federal share of a project, for the planning, acquisition, or 124541  
construction of transportation facilities upon such terms as the 124542  
director may determine or authorize, including secured or 124543  
unsecured loans, and in connection therewith, enter into loan 124544  
agreements, subordination agreements, and other agreements, accept 124545  
notes and other forms of obligation to evidence the indebtedness 124546  
and mortgages, liens, pledges, assignments, or other security 124547  
interests to secure the indebtedness, which may be prior or 124548  
subordinate to or on a parity with other indebtedness, 124549  
obligations, mortgages, pledges, assignments, other security 124550  
interests, or liens or encumbrances, and take such actions as are 124551  
appropriate to protect the security and safeguard against losses, 124552  
including foreclosure and the bidding upon and purchase of 124553  
property upon foreclosure or other sale. Repayments of a federal 124554  
share loan may be obligated by the director for any transportation 124555  
purpose, including the relending of such repaid funds for other 124556  
projects. Reloaned funds would be considered state loans, not 124557  
federal share loans. 124558

~~(C)~~(3) Sell transportation facilities under such terms as ~~he~~ 124559  
the director may determine, including conditional sale or 124560  
installment sale, under which title may pass prior to or after 124561  
completion of the facility, or at any time provided in the 124562  
agreement pertaining to the sale, including sale under an option 124563  
to purchase at a price which may be a nominal amount or less than 124564  
true value at the time of the purchase; 124565

~~(D)~~(4) Grant a ~~mortgage~~ mortgage, lien, or other encumbrance 124566  
on, or pledge or assignment of, or other security interest with 124567  
respect to, all or any part of a transportation facility, or on, 124568  
of, or with respect to any lease, sublease, sale, conditional sale 124569  
or installment sale agreement, loan agreement, or other agreement 124570  
pertaining to the lease, sublease, sale, or other disposition of a 124571  
facility or pertaining to a loan made for a facility, or any 124572  
guaranty or insurance agreement made with respect thereto, or any 124573  
interest of the department of transportation therein, or any other 124574  
interest granted, assigned, or released to secure payments to be 124575  
made by the department, which mortgage, lien, encumbrance, pledge, 124576  
assignment, or other security interest may be prior or subordinate 124577  
to or on a parity with any other mortgage assignment, or other 124578  
security interest, lien, or encumbrance; 124579

~~(E)~~(5) Contract for the acquisition or construction of a 124580  
transportation facility or any part thereof and for the leasing, 124581  
subleasing, sale, or other disposition of the facility in a manner 124582  
determined by the director. 124583

(B) All money received by the department under this section 124584  
shall be deposited into the state treasury to the credit of the 124585  
highway operating fund. 124586

**Sec. 5501.73.** (A) After selecting a solicited or unsolicited 124587  
proposal for a public-private initiative, the department of 124588  
transportation shall enter into a public-private agreement for a 124589

transportation facility with the selected private entity or any 124590  
configuration of private entities. An affected jurisdiction may be 124591  
a party to a public-private agreement entered into by the 124592  
department and a selected private entity or combination of private 124593  
entities. 124594

(B) A public-private agreement under this section shall 124595  
provide for all of the following: 124596

(1) Planning, acquisition, financing, development, design, 124597  
construction, reconstruction, replacement, improvement, 124598  
maintenance, management, repair, leasing, or operation of a 124599  
transportation facility; 124600

(2) Term of the public-private agreement; 124601

(3) Type of property interest, if any, the private entity 124602  
will have in the transportation facility; 124603

(4) A specific plan to ensure proper maintenance of the 124604  
transportation facility throughout the term of the agreement and a 124605  
return of the facility to the department, if applicable, in good 124606  
condition and repair; 124607

(5) Whether user fees will be collected on the transportation 124608  
facility and the basis by which such user fees shall be determined 124609  
and modified; 124610

(6) Compliance with applicable federal, state, and local 124611  
laws; 124612

(7) Grounds for termination of the public-private agreement 124613  
by the department or operator; 124614

(8) Disposition of the facility upon completion of the 124615  
agreement; 124616

(9) Procedures for amendment of the agreement. 124617

(C) A public-private agreement under this section may provide 124618

|                                                                                                                                                                                                             |                                      |
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| for any of the following:                                                                                                                                                                                   | 124619                               |
| (1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility;                                                                         | 124620<br>124621<br>124622           |
| (2) Inspection by the department of construction of or improvements to the transportation facility;                                                                                                         | 124623<br>124624                     |
| (3) Maintenance by the operator of a policy of liability insurance or self-insurance;                                                                                                                       | 124625<br>124626                     |
| (4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;                                                                                | 124627<br>124628<br>124629           |
| (5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;                                                                                                 | 124630<br>124631                     |
| (6) Financing obligations of the operator and the department;                                                                                                                                               | 124632                               |
| (7) Apportionment of expenses between the operator and the department;                                                                                                                                      | 124633<br>124634                     |
| (8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;                                                  | 124635<br>124636<br>124637           |
| (9) Rights and remedies available in the event of default or delay;                                                                                                                                         | 124638<br>124639                     |
| (10) Terms and conditions of indemnification of the operator by the department;                                                                                                                             | 124640<br>124641                     |
| (11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the agreement to third parties, including other private entities and other state agencies; | 124642<br>124643<br>124644<br>124645 |
| (12) Sale or lease to the operator of private property related to the transportation facility;                                                                                                              | 124646<br>124647                     |



(13) Traffic enforcement and other policing issues, including 124648  
any reimbursement by the private entity for such services. 124649

(D)(1) The director of transportation may include in any 124650  
public-private agreement under sections 5501.70 to 5501.83 of the 124651  
Revised Code a provision authorizing a binding dispute resolution 124652  
method for any controversy subsequently arising out of the 124653  
contract. The binding dispute resolution method may proceed only 124654  
upon agreement of all parties to the controversy. If all parties 124655  
do not agree to proceed to a binding dispute resolution, a party 124656  
having a claim against the department shall exhaust its 124657  
administrative remedies specified in the public-private agreement 124658  
prior to filing any action against the department in the court of 124659  
claims. 124660

No appeal from the determination of a technical expert lies 124661  
to any court, except that the court of common pleas of Franklin 124662  
County may issue an order vacating such a determination upon the 124663  
application of any party to the binding dispute resolution if any 124664  
of the following applies: 124665

(a) The determination was procured by corruption, fraud, or 124666  
undue means. 124667

(b) There was evidence of partiality or corruption on the 124668  
part of the technical expert. 124669

(c) The technical expert was guilty of misconduct in refusing 124670  
to postpone the hearing, upon sufficient cause shown, or in 124671  
refusing to hear evidence pertinent and material to the 124672  
controversy, or of any other misbehavior by which the rights of 124673  
any party have been prejudiced. 124674

(2) As used in this division, "binding dispute resolution" 124675  
means a binding determination after review by a technical expert 124676  
of all relevant items, which may include documents, and by 124677  
interviewing appropriate personnel and visiting the project site 124678

involved in the controversy. "Binding dispute resolution" does not 124679  
involve representation by legal counsel or advocacy by any person 124680  
on behalf of any party to the controversy. 124681

(E) No public-private agreement entered into under this 124682  
section shall be construed to transfer to a private entity the 124683  
director's authority to appropriate property under Chapters 163., 124684  
5501., and 5519. of the Revised Code. 124685

(F) Money collected by the department pursuant to an 124686  
agreement entered into under this section shall be deposited into 124687  
the state treasury to the credit of the highway operating fund. 124688

**Sec. 5502.011.** (A) As used in this section, "department of 124689  
public safety" and "department" include all divisions within the 124690  
department of public safety. 124691

(B) The director of public safety is the chief executive and 124692  
administrative officer of the department. The director may 124693  
establish policies governing the department, the performance of 124694  
its employees and officers, the conduct of its business, and the 124695  
custody, use, and preservation of departmental records, papers, 124696  
books, documents, and property. The director also may authorize 124697  
and approve investigations to be conducted by any of the 124698  
department's divisions. Whenever the Revised Code imposes a duty 124699  
upon or requires an action of the department, the director may 124700  
perform the action or duty in the name of the department or direct 124701  
such performance to be performed by the director's designee. 124702

(C) In addition to any other duties enumerated in the Revised 124703  
Code, the director or the director's designee shall do all of the 124704  
following: 124705

(1) Administer and direct the performance of the duties of 124706  
the department; 124707

(2) Pursuant to Chapter 119. of the Revised Code, approve, 124708

|                                                                   |        |
|-------------------------------------------------------------------|--------|
| adopt, and prescribe such forms and rules as are necessary to     | 124709 |
| carry out the duties of the department;                           | 124710 |
| (3) On behalf of the department and in addition to any            | 124711 |
| authority the Revised Code otherwise grants to the department,    | 124712 |
| have the authority and responsibility for approving and entering  | 124713 |
| into contracts, agreements, and other business arrangements;      | 124714 |
| (4) Make appointments for the department as needed to comply      | 124715 |
| with requirements of the Revised Code;                            | 124716 |
| (5) Approve employment actions of the department, including       | 124717 |
| appointments, promotions, discipline, investigations, and         | 124718 |
| terminations;                                                     | 124719 |
| (6) Accept, hold, and use, for the benefit of the department,     | 124720 |
| any gift, donation, bequest, or devise, and may agree to and      | 124721 |
| perform all conditions of the gift, donation, bequest, or devise, | 124722 |
| that are not contrary to law;                                     | 124723 |
| (7) Apply for, allocate, disburse, and account for grants         | 124724 |
| made available under federal law or from other federal, state, or | 124725 |
| private sources;                                                  | 124726 |
| (8) Develop a list of disqualifying offenses for licensure as     | 124727 |
| a private investigator or a security guard provider pursuant to   | 124728 |
| sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised    | 124729 |
| Code;                                                             | 124730 |
| (9) Do all other acts necessary or desirable to carry out         | 124731 |
| this chapter.                                                     | 124732 |
| (D)(1) The director of public safety may assess a reasonable      | 124733 |
| fee, plus the amount of any charge or fee passed on from a        | 124734 |
| financial institution, on a drawer or indorser for each of the    | 124735 |
| following:                                                        | 124736 |
| (a) A check, draft, or money order that is returned or            | 124737 |
| dishonored;                                                       | 124738 |

(b) An automatic bank transfer that is declined, due to insufficient funds or for any other reason; 124739  
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(c) Any financial transaction device that is returned or dishonored for any reason. 124741  
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(2) The director shall deposit any fee collected under this division in an appropriate fund as determined by the director based on the tax, fee, or fine being paid. 124743  
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(3) As used in this division, "financial transaction device" has the same meaning as in section 113.40 of the Revised Code. 124746  
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(E) The director shall establish a homeland security advisory council to advise the director on homeland security, including homeland security funding efforts. The advisory council shall include, but not be limited to, state and local government officials who have homeland security or emergency management responsibilities and who represent first responders. The director shall appoint the members of the council, who shall serve without compensation. 124748  
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~~(F)(1) The director or the director's designee shall carry out the duties required of the director under Chapter 5507. of the Revised Code. The director may, at the director's discretion, assign employees of the department to provide assistance in carrying out those duties as the director considers necessary.~~ 124756  
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~~(2) The director may adopt rules under Chapter 111. of the Revised Code to approve, adopt, and prescribe such forms and processes as are necessary to carry out the duties required of the director under Chapter 5507. of the Revised Code.~~ 124761  
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**Sec. 5505.12.** (A) The state highway patrol retirement board shall have prepared annually by or under the supervision of an actuary an actuarial valuation of the pension assets, liabilities, and funding requirements of the state highway patrol retirement 124765  
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system as established pursuant to this chapter. The actuary shall 124769  
complete the valuation in accordance with actuarial standards of 124770  
practice promulgated by the actuarial standards board of the 124771  
American academy of actuaries and prepare a report of the 124772  
valuation. The report shall include all of the following: 124773

(1) A summary of the benefit provisions evaluated; 124774

(2) A summary of the census data and financial information 124775  
used in the valuation; 124776

(3) A description of the actuarial assumptions, actuarial 124777  
cost method, and asset valuation method used in the valuation, 124778  
including a statement of the assumed rate of payroll growth and 124779  
assumed rate of growth or decline in the number of members 124780  
contributing to the retirement system; 124781

(4) A summary of findings that includes a statement of the 124782  
actuarial accrued pension liabilities and unfunded actuarial 124783  
accrued pension liabilities; 124784

(5) A schedule showing the effect of any changes in the 124785  
benefit provisions, actuarial assumptions, or cost methods since 124786  
the last annual actuarial valuation; 124787

(6) A statement of whether contributions to the retirement 124788  
system are expected to be sufficient to satisfy the funding 124789  
objectives established by the board. 124790

The board shall submit the report to the Ohio retirement 124791  
study council, the director of budget and management, and the 124792  
standing committees of the house of representatives and the senate 124793  
with primary responsibility for retirement legislation immediately 124794  
upon its availability and not later than the first day of July 124795  
following the year for which the valuation was made. 124796

(B) At such times as the state highway patrol retirement 124797  
board determines, and at least once in each five-year period after 124798

January 1, 1966, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial investigation. The report shall be prepared and any recommended changes in actuarial assumptions shall be made in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The report shall include all of the following:

(1) A summary of relevant decrement and economic assumption experience observed over the period of the investigation;

(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (A) of this section;

(3) A measurement of the financial effect of the recommended changes in actuarial assumptions;

(4) If the investigation required by this division includes the investigation required by division (F) of this section, a report of the result of that investigation.

The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the first day of November following the last fiscal year of the period the report covers.

(C) The board may at any time request the actuary to make any studies or actuarial valuations to determine the adequacy of the rates of contributions provided by section 5505.15 of the Revised Code.

(D) The board shall have prepared by or under the supervision

of an actuary an actuarial analysis of any introduced legislation 124830  
expected to have a measurable financial impact on the retirement 124831  
system. The actuarial analysis shall be completed in accordance 124832  
with the actuarial standards of practice promulgated by the 124833  
actuarial standards board of the American academy of actuaries. 124834  
The actuary shall prepare a report of the actuarial analysis, 124835  
which shall include all of the following: 124836

(1) A summary of the statutory changes that are being 124837  
evaluated; 124838

(2) A description of or reference to the actuarial 124839  
assumptions and actuarial cost method used in the report; 124840

(3) A description of the participant group or groups included 124841  
in the report; 124842

(4) A statement of the financial impact of the legislation, 124843  
including the resulting increase, if any, in the employer normal 124844  
cost percentage; the increase, if any, in actuarial accrued 124845  
liabilities; and the per cent of payroll that would be required to 124846  
amortize the increase in actuarial accrued liabilities as a level 124847  
per cent of covered payroll for all active members over a period 124848  
not to exceed thirty years; 124849

(5) A statement of whether the scheduled contributions to the 124850  
system after the proposed change is enacted are expected to be 124851  
sufficient to satisfy the funding objectives established by the 124852  
board. 124853

Not later than sixty days from the date of introduction of 124854  
the legislation, the board shall submit a copy of the actuarial 124855  
analysis to the legislative service commission, the standing 124856  
committees of the house of representatives and the senate with 124857  
primary responsibility for retirement legislation, and the Ohio 124858  
retirement study council. 124859

(E) The board shall have prepared annually a report giving a 124860

full accounting of the revenues and costs relating to the 124861  
provision of benefits under section 5505.28 of the Revised Code. 124862  
The report shall be made as of December 31, 1997, and the 124863  
thirty-first day of December of each year thereafter. The report 124864  
shall include the following: 124865

(1) A description of the statutory authority for the benefits 124866  
provided; 124867

(2) A summary of the benefits; 124868

(3) A summary of the eligibility requirements for the 124869  
benefits; 124870

(4) A statement of the number of participants eligible for 124871  
the benefits; 124872

(5) A description of the accounting, asset valuation, and 124873  
funding method used to provide the benefits; 124874

(6) A statement of the net assets available for the provision 124875  
of the benefits as of the last day of the fiscal year; 124876

(7) A statement of any changes in the net assets available 124877  
for the provision of benefits, including participant and employer 124878  
contributions, net investment income, administrative expenses, and 124879  
benefits provided to participants, as of the last day of the 124880  
fiscal year; 124881

(8) For the last six consecutive fiscal years, a schedule of 124882  
the net assets available for the benefits, the annual cost of 124883  
benefits, administrative expenses incurred, and annual employer 124884  
contributions allocated for the provision of benefits; 124885

(9) A description of any significant changes that affect the 124886  
comparability of the report required under this division; 124887

(10) A statement of the amount paid under division (B) of 124888  
section 5505.28 of the Revised Code. 124889

The board shall submit the report to the Ohio retirement 124890



study council, the director of budget and management, and the 124891  
standing committees of the house of representatives and the senate 124892  
with primary responsibility for retirement legislation immediately 124893  
upon its availability and not later than the thirtieth day of June 124894  
following the year for which the report was made. 124895

(F) At least once in each five-year period, the board shall 124896  
have prepared by or under the supervision of an actuary an 124897  
actuarial investigation of the deferred retirement option plan 124898  
established under section 5505.50 of the Revised Code. The 124899  
investigation shall include an examination of the financial 124900  
impact, if any, on the retirement system of offering the plan to 124901  
members. 124902

The actuary shall prepare a report of the actuarial 124903  
investigation. The report shall include a determination of whether 124904  
the plan, as established or modified, has a negative financial 124905  
impact on the retirement system and, if so, recommendations on how 124906  
to modify the plan to eliminate the negative financial impact. If 124907  
the actuarial report indicates that the plan has a negative 124908  
financial impact on the retirement system, the board shall modify 124909  
the plan. If the board modifies the plan, the rights and 124910  
obligations of members who have already elected to participate 124911  
shall not be altered. 124912

The state's contributions to the employer accumulation fund 124913  
shall not be increased to offset any negative financial impact of 124914  
the deferred retirement option plan. 124915

The board may include the actuarial investigation required 124916  
under this division as part of the actuarial investigation 124917  
required under division (B) of this section. If the report of the 124918  
actuarial investigation required by this division is not included 124919  
in the report required by division (B) of this section, the board 124920  
shall submit the report required by this division to the Ohio 124921  
retirement study council and the standing committees of the house 124922

of representatives and the senate with primary responsibility for 124923  
retirement legislation not later than the first day of November 124924  
following the last fiscal year of the period the report covers. 124925

**Sec. 5511.03.** The director of transportation shall examine 124926  
the existing highway facilities serving the several hospitals, 124927  
educational institutions, and correctional and other similar 124928  
institutions belonging to the state, and located outside municipal 124929  
corporations. Where the director finds that any such state 124930  
institution is not located on a state highway or connected with a 124931  
highway by a suitable road, affording in its present condition 124932  
adequate transportation facilities to those having occasion to 124933  
visit such institution, the director may establish a state highway 124934  
leading to such institution from a convenient point on an existing 124935  
highway. Where the director finds that any such institution is not 124936  
served by adequate highway facilities connecting it with the 124937  
railroad delivery point from which it principally obtains fuel, 124938  
provisions, and supplies, the director may establish a highway 124939  
connecting such institution and railroad delivery point. 124940  
Limitations imposed on the mileage of state highways shall not 124941  
apply to highways established under this section. 124942

The director may construct at state expense all highways 124943  
established under authority of this section and pay the entire 124944  
cost thereof from the state highway operating fund. Such highways 124945  
shall be maintained by the department of transportation and the 124946  
cost shall be paid from the highway operating fund of the 124947  
department. 124948

The directors of transportation, ~~mental health~~ mental health 124949  
and addiction services, developmental disabilities, and 124950  
rehabilitation and correction may cooperate in the establishment, 124951  
construction, reconstruction, maintenance, and repair of roads 124952  
within the limits of state institutions. The cost shall be paid 124953

from funds appropriated for highway purposes and from the funds 124954  
appropriated to the department of ~~mental health~~ mental health and 124955  
addiction services, department of developmental disabilities, or 124956  
the department of rehabilitation and correction for capital 124957  
improvements or maintenance in such proportion as may be agreed 124958  
upon by the directors of transportation, ~~mental health~~ mental 124959  
health and addiction services, developmental disabilities, and 124960  
rehabilitation and correction. 124961

**Sec. 5515.08.** (A) The department of transportation may 124962  
contract to sell commercial advertising space within or on the 124963  
outside surfaces of any building located within a roadside rest 124964  
area under its jurisdiction in exchange for cash payment. Money 124965  
the department receives under this section shall be deposited in 124966  
the state treasury to the credit of the ~~roadside rest area~~ 124967  
~~improvement~~ highway operating fund, ~~which is hereby created.~~ The 124968  
~~department shall use the money in the fund only to improve~~ 124969  
~~roadside rest areas in accordance with section 5529.06 of the~~ 124970  
~~Revised Code.~~ 124971

(B) Advertising placed under this section shall comply with 124972  
all of the following: 124973

(1) It shall not be libelous or obscene and shall not promote 124974  
any illegal product or service. 124975

(2) It shall not promote illegal discrimination on the basis 124976  
of the race, religion, national origin, handicap, age, or ancestry 124977  
of any person. 124978

(3) It shall not support or oppose any candidate for 124979  
political office or any political cause, issue, or organization. 124980

(4) It shall comply with any controlling federal or state 124981  
regulations or restrictions. 124982

(5) To the extent physically and technically practical, it 124983

shall state that the advertisement is a paid commercial 124984  
advertisement and that the state does not endorse the product or 124985  
service promoted by the advertisement or make any representation 124986  
about the accuracy of the advertisement or the quality or 124987  
performance of the product or service promoted by the 124988  
advertisement. 124989

(6) It shall conform to all applicable rules adopted by the 124990  
director of transportation under division (E) of this section. 124991

(C) Contracts entered into under this section shall be 124992  
awarded only to the qualified bidder who submits the highest 124993  
responsive bid or according to uniformly applied rate classes. 124994

(D) No person, except an advertiser alleging a breach of 124995  
contract or the improper awarding of a contract, has a cause of 124996  
action against the state with respect to any contract or 124997  
advertising authorized by this section. Under no circumstances is 124998  
the state liable for consequential or noneconomic damages with 124999  
respect to any contract or advertising authorized under this 125000  
section. 125001

(E) The director, in accordance with Chapter 119. of the 125002  
Revised Code, shall adopt rules to implement this section. The 125003  
rules shall be consistent with the policy of protecting the safety 125004  
of the traveling public and consistent with the national policy 125005  
governing the use and control of such roadside rest areas. The 125006  
rules shall regulate the awarding of contracts and may regulate 125007  
the content, display, and other aspects of the commercial 125008  
advertising authorized by this section. 125009

**Sec. 5701.13.** (A) As used in this section: 125010

(1) "Nursing home" means a nursing home or a home for the 125011  
aging, as those terms are defined in section 3721.01 of the 125012  
Revised Code, that is issued a license pursuant to section 3721.02 125013

of the Revised Code. 125014

(2) "Residential care facility" means a residential care 125015  
facility, as defined in section 3721.01 of the Revised Code, that 125016  
is issued a license pursuant to section 3721.02 of the Revised 125017  
Code. 125018

(3) "Residential facility" means a residential facility 125019  
licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 125020  
provides accommodations, supervision, and personal care services 125021  
for three to sixteen unrelated adults. 125022

(B) As used in Title LVII of the Revised Code, and for the 125023  
purpose of other sections of the Revised Code that refer 125024  
specifically to Chapter 5701. or section 5701.13 of the Revised 125025  
Code, a "home for the aged" means either of the following: 125026

(1) A place of residence for aged and infirm persons that 125027  
satisfies divisions (B)(1)(a) to (e) of this section: 125028

(a) It is a nursing home, residential care facility, or 125029  
residential facility. 125030

(b) It is owned by a corporation, unincorporated nonprofit 125031  
association, or trust of a charitable, religious, or fraternal 125032  
nature, that is organized and operated not for profit, is not 125033  
formed for the pecuniary gain or profit of, and whose net earnings 125034  
or any part of whose net earnings is not distributable to, its 125035  
members, trustees, officers, or other private persons, and is 125036  
exempt from federal income taxation under section 501 of the 125037  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1. 125038

(c) It is open to the public without regard to race, color, 125039  
or national origin. 125040

(d) It does not pay, directly or indirectly, compensation for 125041  
services rendered, interest on debts incurred, or purchase price 125042  
for land, building, equipment, supplies, or other goods or 125043

chattels, which compensation, interest, or purchase price is 125044  
unreasonably high. 125045

(e) It provides services for the life of each resident 125046  
without regard to the resident's ability to continue payment for 125047  
the full cost of the services. 125048

(2) A place of residence that satisfies divisions (B)(1)(b), 125049  
(d), and (e) of this section; that satisfies the definition of 125050  
"nursing home" or "residential care facility" under section 125051  
3721.01 of the Revised Code or the definition of "residential 125052  
facility" under division (A)(3) of this section regardless of 125053  
whether it is licensed as such a home or facility; and that is 125054  
provided at no charge to individuals on account of their service 125055  
without compensation to a charitable, religious, fraternal, or 125056  
educational institution, which individuals are aged or infirm and 125057  
are members of the corporation, association, or trust that owns 125058  
the place of residence. For the purposes of division (B)(2) of 125059  
this section, "compensation" does not include furnishing room and 125060  
board, clothing, health care, or other necessities, or stipends or 125061  
other de minimis payments to defray the cost thereof. 125062

Exemption from taxation shall be accorded, on proper 125063  
application, only to those homes or parts of homes that meet the 125064  
standards and provide the services specified in this section. 125065

Nothing in this section shall be construed as preventing a 125066  
home from requiring a resident with financial need to apply for 125067  
any applicable financial assistance or requiring a home to retain 125068  
a resident who willfully refuses to pay for services for which the 125069  
resident has contracted even though the resident has sufficient 125070  
resources to do so. 125071

(C)(1) If a corporation, unincorporated nonprofit 125072  
association, or trust described in division (B)(1)(b) of this 125073  
section is granted a certificate of need pursuant to section 125074

3702.52 of the Revised Code to construct, add to, or otherwise 125075  
modify a nursing home, or is given approval pursuant to section 125076  
3791.04 of the Revised Code to construct, add to, or otherwise 125077  
modify a residential care facility or residential facility and if 125078  
the corporation, association, or trust submits an affidavit to the 125079  
tax commissioner stating that, commencing on the date of licensure 125080  
and continuing thereafter, the home or facility will be operated 125081  
in accordance with the requirements of divisions (B)(1)(a) to (e) 125082  
of this section, the corporation, association, or trust shall be 125083  
considered to be operating a "home for the aged" within the 125084  
meaning of division (B)(1) of this section, beginning on the first 125085  
day of January of the year in which such certificate is granted or 125086  
approval is given. 125087

(2) If a corporation, association, or trust is considered to 125088  
be operating a "home for the aged" pursuant to division (C)(1) of 125089  
this section, the corporation, association, or trust shall notify 125090  
the tax commissioner in writing upon the occurrence of any of the 125091  
following events: 125092

(a) The corporation, association, or trust no longer intends 125093  
to complete the construction of, addition to, or modification of 125094  
the home or facility, to obtain the appropriate license for the 125095  
home or facility, or to commence operation of the home or facility 125096  
in accordance with the requirements of divisions (B)(1)(a) to (e) 125097  
of this section; 125098

(b) The certificate of approval referred to in division 125099  
(C)(1) of this section expires, is revoked, or is otherwise 125100  
terminated prior to the completion of the construction of, 125101  
addition to, or modification of the home or facility; 125102

(c) The license to operate the home or facility is not 125103  
granted by the director of health within one year following 125104  
completion of the construction of, addition to, or modification of 125105  
the home or facility; 125106

(d) The license to operate the home or facility is not 125107  
granted by the director of health within four years following the 125108  
date upon which the certificate or approval referred to in 125109  
division (C)(1) of this section was granted or given; 125110

(e) The home or facility is granted a license to operate as a 125111  
nursing home, residential care facility, or residential facility. 125112

(3) Upon the occurrence of any of the events referred to in 125113  
divisions (C)(2)(a), (b), (c), (d), and (e) of this section, the 125114  
corporation, association, or trust shall no longer be considered 125115  
to be operating a "home for the aged" pursuant to division (C)(1) 125116  
of this section, except that the tax commissioner, for good cause 125117  
shown and to the extent the commissioner considers appropriate, 125118  
may extend the time period specified in division (C)(2)(c) or (d) 125119  
of this section, or both. Nothing in division (C)(3) of this 125120  
section shall be construed to prevent a nursing home, residential 125121  
care facility, or residential facility from qualifying as a "home 125122  
for the aged" if, upon proper application made pursuant to 125123  
division (B) of this section, it is found to meet the requirements 125124  
of divisions (A) and (B) of this section. 125125

**Sec. 5703.052.** (A) There is hereby created in the state 125126  
treasury the tax refund fund, from which refunds shall be paid for 125127  
taxes illegally or erroneously assessed or collected, or for any 125128  
other reason overpaid, that are levied by Chapter 4301., 4305., 125129  
5726., 5728., 5729., 5731., 5733., 5735., 5739., 5741., 5743., 125130  
5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 125131  
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 125132  
5727.81, and 5727.811 of the Revised Code. Refunds for fees 125133  
illegally or erroneously assessed or collected, or for any other 125134  
reason overpaid, that are levied by sections 3734.90 to 3734.9014 125135  
of the Revised Code also shall be paid from the fund. Refunds for 125136  
amounts illegally or erroneously assessed or collected by the tax 125137



commissioner, or for any other reason overpaid, that are due under 125138  
section 1509.50 of the Revised Code shall be paid from the fund. 125139  
However, refunds for taxes levied under section 5739.101 of the 125140  
Revised Code shall not be paid from the tax refund fund, but shall 125141  
be paid as provided in section 5739.104 of the Revised Code. 125142

(B)(1) Upon certification by the tax commissioner to the 125143  
treasurer of state of a tax refund, ~~a fee refund, or an other~~ 125144  
~~another~~ amount refunded, or by the superintendent of insurance of 125145  
a domestic or foreign insurance tax refund, the treasurer of state 125146  
shall place the amount certified to the credit of the fund. The 125147  
certified amount transferred shall be derived from ~~current the~~ 125148  
receipts of the same tax, fee, or other amount from which the 125149  
refund arose. ~~If current receipts from the tax, fee, or other~~ 125150  
~~amount from which the refund arose are inadequate to make the~~ 125151  
~~transfer of the amount so certified, the treasurer of state shall~~ 125152  
~~transfer such certified amount from current receipts of the sales~~ 125153  
~~tax levied by section 5739.02 of the Revised Code.~~ 125154

(2) ~~When the treasurer of state provides for the payment of a~~ 125155  
~~refund of a tax, fee, or other amount from the current receipts of~~ 125156  
~~the sales tax, and the a refund is for a tax, fee, or other amount~~ 125157  
that is not levied by the state, the tax commissioner shall 125158  
recover the amount of that refund from the next distribution of 125159  
that tax, fee, or other amount that otherwise would be made to the 125160  
taxing jurisdiction. If the amount to be recovered would exceed 125161  
twenty-five per cent of the next distribution of that tax, fee, or 125162  
other amount, the commissioner may spread the recovery over more 125163  
than one future distribution, taking into account the amount to be 125164  
recovered and the amount of the anticipated future distributions. 125165  
In no event may the commissioner spread the recovery over a period 125166  
to exceed twenty-four months. 125167

**Sec. 5703.059.** (A) The tax commissioner may adopt rules 125168

requiring returns, including any accompanying schedule or statement, for any of the following taxes to be filed electronically using the Ohio business gateway as defined in section 718.051 of the Revised Code, filed telephonically using the system known as the Ohio telefile system, or filed by any other electronic means prescribed by the commissioner:

(1) Employer income tax withholding under Chapter 5747. of the Revised Code;

(2) Motor fuel tax under Chapter 5735. of the Revised Code;

(3) Cigarette and tobacco product tax under Chapter 5743. of the Revised Code;

(4) Severance tax under Chapter 5749. of the Revised Code;

(5) Use tax under Chapter 5741. of the Revised Code;

(6) Commercial activity tax under Chapter 5751. of the Revised Code;

(7) Financial institutions tax under Chapter 5726. of the Revised Code.

(B) The tax commissioner may adopt rules requiring any payment of tax shown on such a return to be due to be made electronically in a manner approved by the commissioner.

(C) A rule adopted under this section does not apply to returns or reports filed or payments made before six months after the effective date of the rule. The commissioner shall publicize any new electronic filing requirement on the department's web site. The commissioner shall educate the public of the requirement through seminars, workshops, conferences, or other outreach activities.

(D) Any person required to file returns and make payments electronically under rules adopted under this section may apply to

the commissioner, on a form prescribed by the commissioner, to be 125198  
excused from that requirement. For good cause shown, the 125199  
commissioner may excuse the applicant from the requirement and 125200  
permit the applicant to file the returns or reports or make the 125201  
payments required under this section by nonelectronic means. 125202

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 125203  
of this section, no agent of the department of taxation, except in 125204  
the agent's report to the department or when called on to testify 125205  
in any court or proceeding, shall divulge any information acquired 125206  
by the agent as to the transactions, property, or business of any 125207  
person while acting or claiming to act under orders of the 125208  
department. Whoever violates this provision shall thereafter be 125209  
disqualified from acting as an officer or employee or in any other 125210  
capacity under appointment or employment of the department. 125211

(B)(1) For purposes of an audit pursuant to section 117.15 of 125212  
the Revised Code, or an audit of the department pursuant to 125213  
Chapter 117. of the Revised Code, or an audit, pursuant to that 125214  
chapter, the objective of which is to express an opinion on a 125215  
financial report or statement prepared or issued pursuant to 125216  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 125217  
officers and employees of the auditor of state charged with 125218  
conducting the audit shall have access to and the right to examine 125219  
any state tax returns and state tax return information in the 125220  
possession of the department to the extent that the access and 125221  
examination are necessary for purposes of the audit. Any 125222  
information acquired as the result of that access and examination 125223  
shall not be divulged for any purpose other than as required for 125224  
the audit or unless the officers and employees are required to 125225  
testify in a court or proceeding under compulsion of legal 125226  
process. Whoever violates this provision shall thereafter be 125227  
disqualified from acting as an officer or employee or in any other 125228  
125229

capacity under appointment or employment of the auditor of state. 125230

(2) For purposes of an internal audit pursuant to section 125231  
126.45 of the Revised Code, the officers and employees of the 125232  
office of internal ~~auditing~~ audit in the office of budget and 125233  
management charged with ~~conducting~~ directing the internal audit 125234  
shall have access to and the right to examine any state tax 125235  
returns and state tax return information in the possession of the 125236  
department to the extent that the access and examination are 125237  
necessary for purposes of the internal audit. Any information 125238  
acquired as the result of that access and examination shall not be 125239  
divulged for any purpose other than as required for the internal 125240  
audit or unless the officers and employees are required to testify 125241  
in a court or proceeding under compulsion of legal process. 125242  
Whoever violates this provision shall thereafter be disqualified 125243  
from acting as an officer or employee or in any other capacity 125244  
under appointment or employment of the office of internal ~~auditing~~ 125245  
audit. 125246

(3) As provided by section 6103(d)(2) of the Internal Revenue 125247  
Code, any federal tax returns or federal tax information that the 125248  
department has acquired from the internal revenue service, through 125249  
federal and state statutory authority, may be disclosed to the 125250  
auditor of state or the office of internal ~~auditing~~ audit solely 125251  
for purposes of an audit of the department. 125252

(4) For purposes of Chapter 3739. of the Revised Code, an 125253  
agent of the department of taxation may share information with the 125254  
division of state fire marshal that the agent finds during the 125255  
course of an investigation. 125256

(C) Division (A) of this section does not prohibit any of the 125257  
following: 125258

(1) Divulging information contained in applications, 125259  
complaints, and related documents filed with the department under 125260

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| section 5715.27 of the Revised Code or in applications filed with  | 125261 |
| the department under section 5715.39 of the Revised Code;          | 125262 |
| (2) Providing information to the office of child support           | 125263 |
| within the department of job and family services pursuant to       | 125264 |
| section 3125.43 of the Revised Code;                               | 125265 |
| (3) Disclosing to the motor vehicle repair board any               | 125266 |
| information in the possession of the department that is necessary  | 125267 |
| for the board to verify the existence of an applicant's valid      | 125268 |
| vendor's license and current state tax identification number under | 125269 |
| section 4775.07 of the Revised Code;                               | 125270 |
| (4) Providing information to the administrator of workers'         | 125271 |
| compensation pursuant to sections 4123.271 and 4123.591 of the     | 125272 |
| Revised Code;                                                      | 125273 |
| (5) Providing to the attorney general information the              | 125274 |
| department obtains under division (J) of section 1346.01 of the    | 125275 |
| Revised Code;                                                      | 125276 |
| (6) Permitting properly authorized officers, employees, or         | 125277 |
| agents of a municipal corporation from inspecting reports or       | 125278 |
| information pursuant to rules adopted under section 5745.16 of the | 125279 |
| Revised Code;                                                      | 125280 |
| (7) Providing information regarding the name, account number,      | 125281 |
| or business address of a holder of a vendor's license issued       | 125282 |
| pursuant to section 5739.17 of the Revised Code, a holder of a     | 125283 |
| direct payment permit issued pursuant to section 5739.031 of the   | 125284 |
| Revised Code, or a seller having a use tax account maintained      | 125285 |
| pursuant to section 5741.17 of the Revised Code, or information    | 125286 |
| regarding the active or inactive status of a vendor's license,     | 125287 |
| direct payment permit, or seller's use tax account;                | 125288 |
| (8) Releasing invoices or invoice information furnished under      | 125289 |
| section 4301.433 of the Revised Code pursuant to that section;     | 125290 |

(9) Providing to a county auditor notices or documents 125291  
concerning or affecting the taxable value of property in the 125292  
county auditor's county. Unless authorized by law to disclose 125293  
documents so provided, the county auditor shall not disclose such 125294  
documents; 125295

(10) Providing to a county auditor sales or use tax return or 125296  
audit information under section 333.06 of the Revised Code; 125297

(11) Subject to section 4301.441 of the Revised Code, 125298  
disclosing to the appropriate state agency information in the 125299  
possession of the department of taxation that is necessary to 125300  
verify a permit holder's gallonage or noncompliance with taxes 125301  
levied under Chapter 4301. or 4305. of the Revised Code; 125302

(12) Disclosing to the department of natural resources 125303  
information in the possession of the department of taxation that 125304  
is necessary for the department of taxation to verify the 125305  
taxpayer's compliance with ~~division (A)(1), (5), (6), (8), or (9)~~ 125306  
~~of section 5749.02 of the Revised Code and information received~~ 125307  
~~pursuant to section 1509.50 of the Revised Code concerning the~~ 125308  
~~amount due under that section~~ or to allow the department of 125309  
natural resources to enforce Chapter 1509. of the Revised Code; 125310

(13) Disclosing to the department of job and family services, 125311  
industrial commission, and bureau of workers' compensation 125312  
information in the possession of the department of taxation solely 125313  
for the purpose of identifying employers that misclassify 125314  
employees as independent contractors or that fail to properly 125315  
report and pay employer tax liabilities. The department of 125316  
taxation shall disclose only such information that is necessary to 125317  
verify employer compliance with law administered by those 125318  
agencies. 125319

(14) Disclosing to the Ohio casino control commission 125320  
information in the possession of the department of taxation that 125321

is necessary to verify a casino operator's compliance with section 125322  
5747.063 or 5753.02 of the Revised Code and sections related 125323  
thereto; 125324

(15) Disclosing to the state lottery commission information 125325  
in the possession of the department of taxation that is necessary 125326  
to verify a lottery sales agent's compliance with section 5747.064 125327  
of the Revised Code. 125328

**Sec. 5703.37.** (A)(1) Except as provided in division (B) of 125329  
this section, whenever service of a notice or order is required in 125330  
the manner provided in this section, a copy of the notice or order 125331  
shall be served upon the person affected thereby either by 125332  
personal service, by certified mail, or by a delivery service 125333  
authorized under section 5703.056 of the Revised Code that 125334  
notifies the tax commissioner of the date of delivery. 125335

(2) In lieu of serving a copy of a notice or order through 125336  
one of the means provided in division (A)(1) of this section, the 125337  
commissioner may serve a notice or order upon the person affected 125338  
thereby through alternative means as provided in this section, 125339  
including, but not limited to, delivery by secure electronic mail 125340  
as provided in division (F) of this section. Delivery by such 125341  
means satisfies the requirements for delivery under this section. 125342

(B)(1)(a) If certified mail is returned because of an 125343  
undeliverable address, the commissioner shall first utilize 125344  
reasonable means to ascertain a new last known address, including 125345  
the use of a change of address service offered by the United 125346  
States postal service or an authorized delivery service under 125347  
section 5703.056 of the Revised Code. If, after using reasonable 125348  
means, the commissioner is unable to ascertain a new last known 125349  
address, the assessment is final for purposes of section 131.02 of 125350  
the Revised Code sixty days after the notice or order sent by 125351  
certified mail is first returned to the commissioner, and the 125352

commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that the notice or order is served.

(2) If mailing of a notice or order by certified mail is returned for some cause other than an undeliverable address or if a person does not access an electronic notice or order within the time provided in division (F) of this section, the commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement:

"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima-facie evidence that delivery of the notice or order was completed ten days after the commissioner sent the notice or order by ordinary mail and that the notice or order was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under



division (B)(1)(a) of this section. A person may challenge the 125384  
presumption of delivery and service under this division in 125385  
accordance with division (C) of this section. 125386

(C)(1) A person disputing the presumption of delivery and 125387  
service under division (B) of this section bears the burden of 125388  
proving by a preponderance of the evidence that the address to 125389  
which the notice or order was sent was not an address with which 125390  
the person was associated at the time the commissioner originally 125391  
mailed the notice or order by certified mail. For the purposes of 125392  
this section, a person is associated with an address at the time 125393  
the commissioner originally mailed the notice or order if, at that 125394  
time, the person was residing, receiving legal documents, or 125395  
conducting business at the address; or if, before that time, the 125396  
person had conducted business at the address and, when the notice 125397  
or order was mailed, the person's agent or the person's affiliate 125398  
was conducting business at the address. For the purposes of this 125399  
section, a person's affiliate is any other person that, at the 125400  
time the notice or order was mailed, owned or controlled at least 125401  
twenty per cent, as determined by voting rights, of the 125402  
addressee's business. 125403

(2) If the person elects to protest an assessment certified 125404  
to the attorney general for collection, the person must do so 125405  
within sixty days after the attorney general's initial contact 125406  
with the person. The attorney general may enter into a compromise 125407  
with the person under sections 131.02 and 5703.06 of the Revised 125408  
Code if the person does not file a petition for reassessment with 125409  
the commissioner. 125410

(D) Nothing in this section prohibits the commissioner or the 125411  
commissioner's designee from delivering a notice or order by 125412  
personal service. 125413

(E) Collection actions taken pursuant to section 131.02 of 125414  
the Revised Code upon any assessment being challenged under 125415

division (B)(1)(b) of this section shall be stayed upon the 125416  
pendency of an appeal under this section. If a petition for 125417  
reassessment is filed pursuant to this section on a claim that has 125418  
been certified to the attorney general for collection, the claim 125419  
shall be uncertified. 125420

(F) The commissioner may serve a notice or order upon the 125421  
person affected by the notice or order through secure electronic 125422  
means only with the person's consent. The commissioner must inform 125423  
the recipient, electronically or by mail, that a notice or order 125424  
is available for electronic review and provide instructions to 125425  
access and print the notice or order. The recipient's electronic 125426  
access of the notice or order satisfies the requirements for 125427  
delivery under this section. If the recipient fails to access the 125428  
notice or order electronically within ten business days, then the 125429  
commissioner shall inform the recipient a second time, 125430  
electronically or by mail, that a notice or order is available for 125431  
electronic review and provide instructions to access and print the 125432  
notice or order. If the recipient fails to access the notice or 125433  
order electronically within ten business days of the second 125434  
notification, the notice or order shall be served upon the person 125435  
through ~~one of~~ the means provided in division ~~(A)(1)~~(B)(2) of this 125436  
section. 125437

(G) As used in this section: 125438

(1) "Last known address" means the address the department has 125439  
at the time the document is originally sent by certified mail, or 125440  
any address the department can ascertain using reasonable means 125441  
such as the use of a change of address service offered by the 125442  
United States postal service or an authorized delivery service 125443  
under section 5703.056 of the Revised Code. 125444

(2) "Undeliverable address" means an address to which the 125445  
United States postal service or an authorized delivery service 125446  
under section 5703.056 of the Revised Code is not able to deliver 125447

a notice or order, except when the reason for nondelivery is 125448  
because the addressee fails to acknowledge or accept the notice or 125449  
order. 125450

Sec. 5703.75. This section applies to any tax payable to the 125451  
state and administered by the tax commissioner. If the total 125452  
amount of any such tax shown to be due on a return, amended 125453  
return, or notice does not exceed one dollar, the taxpayer shall 125454  
not be required to remit the amount due. If the total amount of a 125455  
taxpayer's overpayment of any such tax does not exceed one dollar, 125456  
the tax commissioner shall not be required to refund the 125457  
overpayment. 125458

Sec. 5703.76. Any payment or distribution of money that the 125459  
tax commissioner is required by law to make to a political 125460  
subdivision of this state, an officer thereof, or a political 125461  
party shall be made by electronic funds transfer. The commissioner 125462  
shall promulgate any rules necessary to administer this section. 125463

**Sec. 5703.82.** (A) Not later than April 1, 2009, the 125464  
department of taxation shall acquire the necessary hardware, 125465  
software, and services to establish and implement a tax discovery 125466  
data system to increase the efficiency of tax collections in the 125467  
state. The system must be fully integrated and pre-staged for the 125468  
purposes of assisting in revenue analysis, discovering 125469  
noncompliant taxpayers, and collecting taxes from those taxpayers. 125470  
The system shall consolidate tax data from various mainframe 125471  
systems and operate as a single tax discovery data system. The 125472  
department shall contract, pursuant to a competitive bidding 125473  
process, for the necessary hardware, software, and services to 125474  
implement the tax discovery data system. 125475

~~(B) There is hereby created in the state treasury the 125476  
discovery project fund. All money to the credit of the fund shall 125477~~

~~be used to pay the costs of implementing and operating the tax  
discovery data system and to defray the costs incurred by the  
department of taxation in administering the system.~~

~~(C) Beginning July 1, 2009, on or before the first day of  
January, April, July, and October of each calendar year, the tax  
commissioner shall determine and certify to the director of budget  
and management the amount needed to pay the costs of operating the  
tax discovery data system in the previous calendar quarter and the  
costs incurred in the previous calendar quarter by the department  
of taxation in administering the system. The director shall  
provide for payment from the general revenue fund to the discovery  
project fund of the amount so certified.~~

**Sec. 5705.01.** As used in this chapter: 125490

(A) "Subdivision" means any county; municipal corporation;  
township; township police district; joint police district;  
township fire district; joint fire district; joint ambulance  
district; joint emergency medical services district; fire and  
ambulance district; joint recreation district; township waste  
disposal district; township road district; community college  
district; technical college district; detention facility district;  
a district organized under section 2151.65 of the Revised Code; a  
combined district organized under sections 2152.41 and 2151.65 of  
the Revised Code; a joint-county alcohol, drug addiction, and  
mental health service district; a drainage improvement district  
created under section 6131.52 of the Revised Code; a lake  
facilities authority created under Chapter 353. of the Revised  
Code; a union cemetery district; a county school financing  
district; a city, local, exempted village, cooperative education,  
or joint vocational school district; or a regional student  
education district created under section 3313.83 of the Revised  
Code.

(B) "Municipal corporation" means all municipal corporations, 125509  
including those that have adopted a charter under Article XVIII, 125510  
Ohio Constitution. 125511

(C) "Taxing authority" or "bond issuing authority" means, in 125512  
the case of any county, the board of county commissioners; in the 125513  
case of a municipal corporation, the council or other legislative 125514  
authority of the municipal corporation; in the case of a city, 125515  
local, exempted village, cooperative education, or joint 125516  
vocational school district, the board of education; in the case of 125517  
a community college district, the board of trustees of the 125518  
district; in the case of a technical college district, the board 125519  
of trustees of the district; in the case of a detention facility 125520  
district, a district organized under section 2151.65 of the 125521  
Revised Code, or a combined district organized under sections 125522  
2152.41 and 2151.65 of the Revised Code, the joint board of county 125523  
commissioners of the district; in the case of a township, the 125524  
board of township trustees; in the case of a joint police 125525  
district, the joint police district board; in the case of a joint 125526  
fire district, the board of fire district trustees; in the case of 125527  
a joint recreation district, the joint recreation district board 125528  
of trustees; in the case of a joint-county alcohol, drug 125529  
addiction, and mental health service district, the district's 125530  
board of alcohol, drug addiction, and mental health services; in 125531  
the case of a joint ambulance district or a fire and ambulance 125532  
district, the board of trustees of the district; in the case of a 125533  
union cemetery district, the legislative authority of the 125534  
municipal corporation and the board of township trustees, acting 125535  
jointly as described in section 759.341 of the Revised Code; in 125536  
the case of a drainage improvement district, the board of county 125537  
commissioners of the county in which the drainage district is 125538  
located; in the case of a lake facilities authority, the board of 125539  
directors; in the case of a joint emergency medical services 125540  
district, the joint board of county commissioners of all counties 125541

in which all or any part of the district lies; and in the case of 125542  
a township police district, a township fire district, a township 125543  
road district, or a township waste disposal district, the board of 125544  
township trustees of the township in which the district is 125545  
located. "Taxing authority" also means the educational service 125546  
center governing board that serves as the taxing authority of a 125547  
county school financing district as provided in section 3311.50 of 125548  
the Revised Code, and the board of directors of a regional student 125549  
education district created under section 3313.83 of the Revised 125550  
Code. 125551

(D) "Fiscal officer" in the case of a county, means the 125552  
county auditor; in the case of a municipal corporation, the city 125553  
auditor or village clerk, or an officer who, by virtue of the 125554  
charter, has the duties and functions of the city auditor or 125555  
village clerk, except that in the case of a municipal university 125556  
the board of directors of which have assumed, in the manner 125557  
provided by law, the custody and control of the funds of the 125558  
university, the chief accounting officer of the university shall 125559  
perform, with respect to the funds, the duties vested in the 125560  
fiscal officer of the subdivision by sections 5705.41 and 5705.44 125561  
of the Revised Code; in the case of a school district, the 125562  
treasurer of the board of education; in the case of a county 125563  
school financing district, the treasurer of the educational 125564  
service center governing board that serves as the taxing 125565  
authority; in the case of a township, the township fiscal officer; 125566  
in the case of a joint police district, the treasurer of the 125567  
district; in the case of a joint fire district, the clerk of the 125568  
board of fire district trustees; in the case of a joint ambulance 125569  
district, the clerk of the board of trustees of the district; in 125570  
the case of a joint emergency medical services district, the 125571  
person appointed as fiscal officer pursuant to division (D) of 125572  
section 307.053 of the Revised Code; in the case of a fire and 125573  
ambulance district, the person appointed as fiscal officer 125574

pursuant to division (B) of section 505.375 of the Revised Code; 125575  
in the case of a joint recreation district, the person designated 125576  
pursuant to section 755.15 of the Revised Code; in the case of a 125577  
union cemetery district, the clerk of the municipal corporation 125578  
designated in section 759.34 of the Revised Code; in the case of a 125579  
children's home district, educational service center, general 125580  
health district, joint-county alcohol, drug addiction, and mental 125581  
health service district, county library district, detention 125582  
facility district, district organized under section 2151.65 of the 125583  
Revised Code, a combined district organized under sections 2152.41 125584  
and 2151.65 of the Revised Code, or a metropolitan park district 125585  
for which no treasurer has been appointed pursuant to section 125586  
1545.07 of the Revised Code, the county auditor of the county 125587  
designated by law to act as the auditor of the district; in the 125588  
case of a metropolitan park district which has appointed a 125589  
treasurer pursuant to section 1545.07 of the Revised Code, that 125590  
treasurer; in the case of a drainage improvement district, the 125591  
auditor of the county in which the drainage improvement district 125592  
is located; in the case of a lake facilities authority, the fiscal 125593  
officer designated under section 353.02 of the Revised Code; in 125594  
the case of a regional student education district, the fiscal 125595  
officer appointed pursuant to section 3313.83 of the Revised Code; 125596  
and in all other cases, the officer responsible for keeping the 125597  
appropriation accounts and drawing warrants for the expenditure of 125598  
the moneys of the district or taxing unit. 125599

(E) "Permanent improvement" or "improvement" means any 125600  
property, asset, or improvement with an estimated life or 125601  
usefulness of five years or more, including land and interests 125602  
therein, and reconstructions, enlargements, and extensions thereof 125603  
having an estimated life or usefulness of five years or more. 125604

(F) "Current operating expenses" and "current expenses" mean 125605  
the lawful expenditures of a subdivision, except those for 125606

permanent improvements, and except payments for interest, sinking 125607  
fund, and retirement of bonds, notes, and certificates of 125608  
indebtedness of the subdivision. 125609

(G) "Debt charges" means interest, sinking fund, and 125610  
retirement charges on bonds, notes, or certificates of 125611  
indebtedness. 125612

(H) "Taxing unit" means any subdivision or other governmental 125613  
district having authority to levy taxes on the property in the 125614  
district or issue bonds that constitute a charge against the 125615  
property of the district, including conservancy districts, 125616  
metropolitan park districts, sanitary districts, road districts, 125617  
and other districts. 125618

(I) "District authority" means any board of directors, 125619  
trustees, commissioners, or other officers controlling a district 125620  
institution or activity that derives its income or funds from two 125621  
or more subdivisions, such as the educational service center, the 125622  
trustees of district children's homes, the district board of 125623  
health, a joint-county alcohol, drug addiction, and mental health 125624  
service district's board of alcohol, drug addiction, and mental 125625  
health services, detention facility districts, a joint recreation 125626  
district board of trustees, districts organized under section 125627  
2151.65 of the Revised Code, combined districts organized under 125628  
sections 2152.41 and 2151.65 of the Revised Code, and other such 125629  
boards. 125630

(J) "Tax list" and "tax duplicate" mean the general tax lists 125631  
and duplicates prescribed by sections 319.28 and 319.29 of the 125632  
Revised Code. 125633

(K) "Property" as applied to a tax levy means taxable 125634  
property listed on general tax lists and duplicates. 125635

(L) "Association library district" means a territory, the 125636  
boundaries of which are defined by the state library board 125637



pursuant to division (I) of section 3375.01 of the Revised Code, 125638  
in which a library association or private corporation maintains a 125639  
free public library. 125640

(M) "Library district" means a territory, the boundaries of 125641  
which are defined by the state library board pursuant to section 125642  
3375.01 of the Revised Code, in which the board of trustees of a 125643  
county, municipal corporation, school district, or township public 125644  
library maintains a free public library. 125645

(N) "Qualifying library levy" means either of the following: 125646

(1) A levy for the support of a library association or 125647  
private corporation that has an association library district with 125648  
boundaries that are not identical to those of a subdivision; 125649

(2) A levy proposed under section 5705.23 of the Revised Code 125650  
for the support of the board of trustees of a public library that 125651  
has a library district with boundaries that are not identical to 125652  
those of a subdivision. 125653

(O) "School library district" means a school district in 125654  
which a free public library has been established that is under the 125655  
control and management of a board of library trustees as provided 125656  
in section 3375.15 of the Revised Code. 125657

**Sec. 5705.19.** This section does not apply to school districts 125658  
~~or~~ county school financing districts, or lake facilities 125659  
authorities. 125660

The taxing authority of any subdivision at any time and in 125661  
any year, by vote of two-thirds of all the members of the taxing 125662  
authority, may declare by resolution and certify the resolution to 125663  
the board of elections not less than ninety days before the 125664  
election upon which it will be voted that the amount of taxes that 125665  
may be raised within the ten-mill limitation will be insufficient 125666  
to provide for the necessary requirements of the subdivision and 125667

that it is necessary to levy a tax in excess of that limitation 125668  
for any of the following purposes: 125669

(A) For current expenses of the subdivision, except that the 125670  
total levy for current expenses of a detention facility district 125671  
or district organized under section 2151.65 of the Revised Code 125672  
shall not exceed two mills and that the total levy for current 125673  
expenses of a combined district organized under sections 2151.65 125674  
and 2152.41 of the Revised Code shall not exceed four mills; 125675

(B) For the payment of debt charges on certain described 125676  
bonds, notes, or certificates of indebtedness of the subdivision 125677  
issued subsequent to January 1, 1925; 125678

(C) For the debt charges on all bonds, notes, and 125679  
certificates of indebtedness issued and authorized to be issued 125680  
prior to January 1, 1925; 125681

(D) For a public library of, or supported by, the subdivision 125682  
under whatever law organized or authorized to be supported; 125683

(E) For a municipal university, not to exceed two mills over 125684  
the limitation of one mill prescribed in section 3349.13 of the 125685  
Revised Code; 125686

(F) For the construction or acquisition of any specific 125687  
permanent improvement or class of improvements that the taxing 125688  
authority of the subdivision may include in a single bond issue; 125689

(G) For the general construction, reconstruction, 125690  
resurfacing, and repair of streets, roads, and bridges in 125691  
municipal corporations, counties, or townships; 125692

(H) For parks and recreational purposes; 125693

(I) For the purpose of providing and maintaining fire 125694  
apparatus, appliances, buildings, or sites therefor, or sources of 125695  
water supply and materials therefor, or the establishment and 125696  
maintenance of lines of fire alarm telegraph, or the payment of 125697

firefighting companies or permanent, part-time, or volunteer 125698  
firefighting, emergency medical service, administrative, or 125699  
communications personnel to operate the same, including the 125700  
payment of any employer contributions required for such personnel 125701  
under section 145.48 or 742.34 of the Revised Code, or the 125702  
purchase of ambulance equipment, or the provision of ambulance, 125703  
paramedic, or other emergency medical services operated by a fire 125704  
department or firefighting company; 125705

(J) For the purpose of providing and maintaining motor 125706  
vehicles, communications, other equipment, buildings, and sites 125707  
for such buildings used directly in the operation of a police 125708  
department, or the payment of salaries of permanent or part-time 125709  
police, communications, or administrative personnel to operate the 125710  
same, including the payment of any employer contributions required 125711  
for such personnel under section 145.48 or 742.33 of the Revised 125712  
Code, or the payment of the costs incurred by townships as a 125713  
result of contracts made with other political subdivisions in 125714  
order to obtain police protection, or the provision of ambulance 125715  
or emergency medical services operated by a police department; 125716

(K) For the maintenance and operation of a county home or 125717  
detention facility; 125718

(L) For community mental retardation and developmental 125719  
disabilities programs and services pursuant to Chapter 5126. of 125720  
the Revised Code, except that the procedure for such levies shall 125721  
be as provided in section 5705.222 of the Revised Code; 125722

(M) For regional planning; 125723

(N) For a county's share of the cost of maintaining and 125724  
operating schools, district detention facilities, forestry camps, 125725  
or other facilities, or any combination thereof, established under 125726  
section 2151.65 or 2152.41 of the Revised Code or both of those 125727  
sections; 125728

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (O) For providing for flood defense, providing and                 | 125729 |
| maintaining a flood wall or pumps, and other purposes to prevent   | 125730 |
| floods;                                                            | 125731 |
| (P) For maintaining and operating sewage disposal plants and       | 125732 |
| facilities;                                                        | 125733 |
| (Q) For the purpose of purchasing, acquiring, constructing,        | 125734 |
| enlarging, improving, equipping, repairing, maintaining, or        | 125735 |
| operating, or any combination of the foregoing, a county transit   | 125736 |
| system pursuant to sections 306.01 to 306.13 of the Revised Code,  | 125737 |
| or of making any payment to a board of county commissioners        | 125738 |
| operating a transit system or a county transit board pursuant to   | 125739 |
| section 306.06 of the Revised Code;                                | 125740 |
| (R) For the subdivision's share of the cost of acquiring or        | 125741 |
| constructing any schools, forestry camps, detention facilities, or | 125742 |
| other facilities, or any combination thereof, under section        | 125743 |
| 2151.65 or 2152.41 of the Revised Code or both of those sections;  | 125744 |
| (S) For the prevention, control, and abatement of air              | 125745 |
| pollution;                                                         | 125746 |
| (T) For maintaining and operating cemeteries;                      | 125747 |
| (U) For providing ambulance service, emergency medical             | 125748 |
| service, or both;                                                  | 125749 |
| (V) For providing for the collection and disposal of garbage       | 125750 |
| or refuse, including yard waste;                                   | 125751 |
| (W) For the payment of the police officer employers'               | 125752 |
| contribution or the firefighter employers' contribution required   | 125753 |
| under sections 742.33 and 742.34 of the Revised Code;              | 125754 |
| (X) For the construction and maintenance of a drainage             | 125755 |
| improvement pursuant to section 6131.52 of the Revised Code;       | 125756 |
| (Y) For providing or maintaining senior citizens services or       | 125757 |
| facilities as authorized by section 307.694, 307.85, 505.70, or    | 125758 |

505.706 or division (EE) of section 717.01 of the Revised Code; 125759

(Z) For the provision and maintenance of zoological park 125760  
services and facilities as authorized under section 307.76 of the 125761  
Revised Code; 125762

(AA) For the maintenance and operation of a free public 125763  
museum of art, science, or history; 125764

(BB) For the establishment and operation of a 9-1-1 system, 125765  
as defined in section ~~5507.01~~ 128.01 of the Revised Code; 125766

(CC) For the purpose of acquiring, rehabilitating, or 125767  
developing rail property or rail service. As used in this 125768  
division, "rail property" and "rail service" have the same 125769  
meanings as in section 4981.01 of the Revised Code. This division 125770  
applies only to a county, township, or municipal corporation. 125771

(DD) For the purpose of acquiring property for, constructing, 125772  
operating, and maintaining community centers as provided for in 125773  
section 755.16 of the Revised Code; 125774

(EE) For the creation and operation of an office or joint 125775  
office of economic development, for any economic development 125776  
purpose of the office, and to otherwise provide for the 125777  
establishment and operation of a program of economic development 125778  
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 125779  
the extent that the expenses of a county land reutilization 125780  
corporation organized under Chapter 1724. of the Revised Code are 125781  
found by the board of county commissioners to constitute the 125782  
promotion of economic development, for the payment of such 125783  
operations and expenses; 125784

(FF) For the purpose of acquiring, establishing, 125785  
constructing, improving, equipping, maintaining, or operating, or 125786  
any combination of the foregoing, a township airport, landing 125787  
field, or other air navigation facility pursuant to section 505.15 125788  
of the Revised Code; 125789

(GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section 505.263 of the Revised Code in order to pay all or any part of the cost of constructing, maintaining, repairing, or operating a water supply improvement;

(HH) For a board of township trustees to acquire, other than by appropriation, an ownership interest in land, water, or wetlands, or to restore or maintain land, water, or wetlands in which the board has an ownership interest, not for purposes of recreation, but for the purposes of protecting and preserving the natural, scenic, open, or wooded condition of the land, water, or wetlands against modification or encroachment resulting from occupation, development, or other use, which may be styled as protecting or preserving "greenspace" in the resolution, notice of election, or ballot form. Except as otherwise provided in this division, land is not acquired for purposes of recreation, even if the land is used for recreational purposes, so long as no building, structure, or fixture used for recreational purposes is permanently attached or affixed to the land. Except as otherwise provided in this division, land that previously has been acquired in a township for these greenspace purposes may subsequently be used for recreational purposes if the board of township trustees adopts a resolution approving that use and no building, structure, or fixture used for recreational purposes is permanently attached or affixed to the land. The authorization to use greenspace land for recreational use does not apply to land located in a township that had a population, at the time it passed its first greenspace levy, of more than thirty-eight thousand within a county that had a population, at that time, of at least eight hundred sixty thousand.

(II) For the support by a county of a crime victim assistance program that is provided and maintained by a county agency or a

private, nonprofit corporation or association under section 307.62 125822  
of the Revised Code; 125823

(JJ) For any or all of the purposes set forth in divisions 125824  
(I) and (J) of this section. This division applies only to a 125825  
township. 125826

(KK) For a countywide public safety communications system 125827  
under section 307.63 of the Revised Code. This division applies 125828  
only to counties. 125829

(LL) For the support by a county of criminal justice services 125830  
under section 307.45 of the Revised Code; 125831

(MM) For the purpose of maintaining and operating a jail or 125832  
other detention facility as defined in section 2921.01 of the 125833  
Revised Code; 125834

(NN) For purchasing, maintaining, or improving, or any 125835  
combination of the foregoing, real estate on which to hold, and 125836  
the operating expenses of, agricultural fairs operated by a county 125837  
agricultural society or independent agricultural society under 125838  
Chapter 1711. of the Revised Code. This division applies only to a 125839  
county. 125840

(OO) For constructing, rehabilitating, repairing, or 125841  
maintaining sidewalks, walkways, trails, bicycle pathways, or 125842  
similar improvements, or acquiring ownership interests in land 125843  
necessary for the foregoing improvements; 125844

(PP) For both of the purposes set forth in divisions (G) and 125845  
(OO) of this section. 125846

(QQ) For both of the purposes set forth in divisions (H) and 125847  
(HH) of this section. This division applies only to a township. 125848

(RR) For the legislative authority of a municipal 125849  
corporation, board of county commissioners of a county, or board 125850  
of township trustees of a township to acquire agricultural 125851

easements, as defined in section 5301.67 of the Revised Code, and 125852  
to supervise and enforce the easements. 125853

(SS) For both of the purposes set forth in divisions (BB) and 125854  
(KK) of this section. This division applies only to a county. 125855

(TT) For the maintenance and operation of a facility that is 125856  
organized in whole or in part to promote the sciences and natural 125857  
history under section 307.761 of the Revised Code. 125858

(UU) For the creation and operation of a county land 125859  
reutilization corporation and for any programs or activities of 125860  
the corporation found by the board of directors of the corporation 125861  
to be consistent with the purposes for which the corporation is 125862  
organized; 125863

(VV) For construction and maintenance of improvements and 125864  
expenses of soil and water conservation district programs under 125865  
Chapter 1515. of the Revised Code; 125866

(WW) For the ~~Ohio cooperative~~ OSU extension ~~service~~ fund 125867  
created under section 3335.35 of the Revised Code for the purposes 125868  
prescribed under section 3335.36 of the Revised Code for the 125869  
benefit of the citizens of a county. This division applies only to 125870  
a county. 125871

(XX) For a municipal corporation that withdraws or proposes 125872  
by resolution to withdraw from a regional transit authority under 125873  
section 306.55 of the Revised Code to provide transportation 125874  
services for the movement of persons within, from, or to the 125875  
municipal corporation; 125876

(YY) For any combination of the purposes specified in 125877  
divisions (NN), (VV), and (WW) of this section. This division 125878  
applies only to a county. 125879

The resolution shall be confined to the purpose or purposes 125880  
described in one division of this section, to which the revenue 125881



derived therefrom shall be applied. The existence in any other 125882  
division of this section of authority to levy a tax for any part 125883  
or all of the same purpose or purposes does not preclude the use 125884  
of such revenues for any part of the purpose or purposes of the 125885  
division under which the resolution is adopted. 125886

The resolution shall specify the amount of the increase in 125887  
rate that it is necessary to levy, the purpose of that increase in 125888  
rate, and the number of years during which the increase in rate 125889  
shall be in effect, which may or may not include a levy upon the 125890  
duplicate of the current year. The number of years may be any 125891  
number not exceeding five, except as follows: 125892

(1) When the additional rate is for the payment of debt 125893  
charges, the increased rate shall be for the life of the 125894  
indebtedness. 125895

(2) When the additional rate is for any of the following, the 125896  
increased rate shall be for a continuing period of time: 125897

(a) For the current expenses for a detention facility 125898  
district, a district organized under section 2151.65 of the 125899  
Revised Code, or a combined district organized under sections 125900  
2151.65 and 2152.41 of the Revised Code; 125901

(b) For providing a county's share of the cost of maintaining 125902  
and operating schools, district detention facilities, forestry 125903  
camps, or other facilities, or any combination thereof, 125904  
established under section 2151.65 or 2152.41 of the Revised Code 125905  
or under both of those sections. 125906

(3) When the additional rate is for either of the following, 125907  
the increased rate may be for a continuing period of time: 125908

(a) For the purposes set forth in division (I), (J), (U), or 125909  
(KK) of this section; 125910

(b) For the maintenance and operation of a joint recreation 125911

district. 125912

(4) When the increase is for the purpose or purposes set 125913  
forth in division (D), (G), (H), (CC), or (PP) of this section, 125914  
the tax levy may be for any specified number of years or for a 125915  
continuing period of time, as set forth in the resolution. 125916

(5) When the additional rate is for the purpose described in 125917  
division (Z) of this section, the increased rate shall be for any 125918  
number of years not exceeding ten. 125919

A levy for one of the purposes set forth in division (G), 125920  
(I), (J), or (U) of this section may be reduced pursuant to 125921  
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 125922  
the purposes set forth in division (G), (I), (J), or (U) of this 125923  
section may also be terminated or permanently reduced by the 125924  
taxing authority if it adopts a resolution stating that the 125925  
continuance of the levy is unnecessary and the levy shall be 125926  
terminated or that the millage is excessive and the levy shall be 125927  
decreased by a designated amount. 125928

A resolution of a detention facility district, a district 125929  
organized under section 2151.65 of the Revised Code, or a combined 125930  
district organized under both sections 2151.65 and 2152.41 of the 125931  
Revised Code may include both current expenses and other purposes, 125932  
provided that the resolution shall apportion the annual rate of 125933  
levy between the current expenses and the other purpose or 125934  
purposes. The apportionment need not be the same for each year of 125935  
the levy, but the respective portions of the rate actually levied 125936  
each year for the current expenses and the other purpose or 125937  
purposes shall be limited by the apportionment. 125938

Whenever a board of county commissioners, acting either as 125939  
the taxing authority of its county or as the taxing authority of a 125940  
sewer district or subdistrict created under Chapter 6117. of the 125941  
Revised Code, by resolution declares it necessary to levy a tax in 125942

excess of the ten-mill limitation for the purpose of constructing, 125943  
improving, or extending sewage disposal plants or sewage systems, 125944  
the tax may be in effect for any number of years not exceeding 125945  
twenty, and the proceeds of the tax, notwithstanding the general 125946  
provisions of this section, may be used to pay debt charges on any 125947  
obligations issued and outstanding on behalf of the subdivision 125948  
for the purposes enumerated in this paragraph, provided that any 125949  
such obligations have been specifically described in the 125950  
resolution. 125951

A resolution adopted by the legislative authority of a 125952  
municipal corporation that is for the purpose in division (XX) of 125953  
this section may be combined with the purpose provided in section 125954  
306.55 of the Revised Code, by vote of two-thirds of all members 125955  
of the legislative authority. The legislative authority may 125956  
certify the resolution to the board of elections as a combined 125957  
question. The question appearing on the ballot shall be as 125958  
provided in section 5705.252 of the Revised Code. 125959

The resolution shall go into immediate effect upon its 125960  
passage, and no publication of the resolution is necessary other 125961  
than that provided for in the notice of election. 125962

When the electors of a subdivision or, in the case of a 125963  
qualifying library levy for the support of a library association 125964  
or private corporation, the electors of the association library 125965  
district, have approved a tax levy under this section, the taxing 125966  
authority of the subdivision may anticipate a fraction of the 125967  
proceeds of the levy and issue anticipation notes in accordance 125968  
with section 5705.191 or 5705.193 of the Revised Code. 125969

**Sec. 5705.192.** (A) For the purposes of this section only, 125970  
"taxing authority" includes a township board of park commissioners 125971  
appointed under section 511.18 of the Revised Code. 125972

(B) A taxing authority may propose to replace an existing 125973

levy that the taxing authority is authorized to levy, regardless 125974  
of the section of the Revised Code under which the authority is 125975  
granted, except a school district emergency levy proposed pursuant 125976  
to sections 5705.194 to 5705.197 of the Revised Code. The taxing 125977  
authority may propose to replace the existing levy in its entirety 125978  
at the rate at which it is authorized to be levied; may propose to 125979  
replace a portion of the existing levy at a lesser rate; or may 125980  
propose to replace the existing levy in its entirety and increase 125981  
the rate at which it is levied. If the taxing authority proposes 125982  
to replace an existing levy, the proposed levy shall be called a 125983  
replacement levy and shall be so designated on the ballot. Except 125984  
as otherwise provided in this division, a replacement levy shall 125985  
be limited to the purpose of the existing levy, and shall appear 125986  
separately on the ballot from, and shall not be conjoined with, 125987  
the renewal of any other existing levy. In the case of an existing 125988  
school district levy imposed under section 5705.21 of the Revised 125989  
Code for the purpose specified in division (F) of section 5705.19 125990  
of the Revised Code, or in the case of an existing school district 125991  
levy imposed under section 5705.217 of the Revised Code for the 125992  
acquisition, construction, enlargement, renovation, and financing 125993  
of permanent improvements, the replacement for that existing levy 125994  
may be for the same purpose or for the purpose of general 125995  
permanent improvements as defined in section 5705.21 of the 125996  
Revised Code. 125997

The resolution proposing a replacement levy shall specify the 125998  
purpose of the levy; its proposed rate expressed in mills; whether 125999  
the proposed rate is the same as the rate of the existing levy, a 126000  
reduction, or an increase; the extent of any reduction or increase 126001  
expressed in mills; the first calendar year in which the levy will 126002  
be due; and the term of the levy, expressed in years or, if 126003  
applicable, that it will be levied for a continuing period of 126004  
time. 126005

The sections of the Revised Code governing the maximum rate and term of the existing levy, the contents of the resolution that proposed the levy, the adoption of the resolution, the arrangements for the submission of the question of the levy, and notice of the election also govern the respective provisions of the proposal to replace the existing levy, except as provided in divisions (B)(1) to (3) of this section:

(1) In the case of an existing school district levy that is imposed under section 5705.21 of the Revised Code for the purpose specified in division (F) of section 5705.19 of the Revised Code or under section 5705.217 of the Revised Code for the acquisition, construction, enlargement, renovation, and financing of permanent improvements, and that is to be replaced by a levy for general permanent improvements, the maximum term of the replacement levy is not limited to the term of the existing levy and may be for a continuing period of time.

(2) The date on which the election is held shall be as follows:

(a) For the replacement of a levy with a fixed term of years, the date of the general election held during the last year the existing levy may be extended on the real and public utility property tax list and duplicate, or the date of any election held in the ensuing year;

(b) For the replacement of a levy imposed for a continuing period of time, the date of any election held in any year after the year the levy to be replaced is first approved by the electors, except that only one election on the question of replacing the levy may be held during any calendar year.

The failure by the electors to approve a proposal to replace a levy imposed for a continuing period of time does not terminate the existing continuing levy.

(3) In the case of an existing school district levy imposed 126037  
under division (B) of section 5705.21, division (C) of section 126038  
5705.212, or division (J) of section 5705.218 of the Revised Code, 126039  
the rates allocated to the municipal school district and to 126040  
partnering community schools each may be increased or decreased or 126041  
remain the same, and the total rate may be increased, decreased, 126042  
or remain the same. 126043

(C) The form of the ballot at the election on the question of 126044  
a replacement levy shall be as follows: 126045

"A replacement of a tax for the benefit of ..... (name 126046  
of subdivision or public library) for the purpose of ..... 126047  
(the purpose stated in the resolution) at a rate not exceeding 126048  
..... mills for each one dollar of valuation, which amounts 126049  
to ..... (rate expressed in dollars and cents) for each one 126050  
hundred dollars in valuation, for ..... (number of years levy 126051  
is to run, or that it will be levied for a continuous period of 126052  
time) 126053

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|  | FOR THE TAX LEVY     | " |
|  | AGAINST THE TAX LEVY |   |

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If the replacement levy is proposed by a municipal school 126058  
district to replace an existing tax levied under division (B) of 126059  
section 5705.21, division (C)(1) of section 5705.212, or division 126060  
(J) of section 5705.218 of the Revised Code, the form of the 126061  
ballot shall be modified by adding, after the phrase "each one 126062  
dollar of valuation," the following: "(of which ..... mills is to 126063  
be allocated to partnering community schools)." 126064

If the proposal is to replace an existing levy and increase 126065  
the rate of the existing levy, the form of the ballot shall be 126066  
changed by adding the words "..... mills of an existing levy 126067

and an increase of ..... mills, to constitute" after the 126068  
words "a replacement of." If the proposal is to replace only a 126069  
portion of an existing levy, the form of the ballot shall be 126070  
changed by adding the words "a portion of an existing levy, being 126071  
a reduction of ..... mills, to constitute" after the words "a 126072  
replacement of." If the existing levy is imposed under division 126073  
(B) of section 5705.21, division (C)(1) of section 5705.212, or 126074  
division (J) of section 5705.218 of the Revised Code, the form of 126075  
the ballot also shall state the portion of the total increased 126076  
rate or of the total rate as reduced that is to be allocated to 126077  
partnering community schools. 126078

If the tax is to be placed on the tax list of the current tax 126079  
year, the form of the ballot shall be modified by adding at the 126080  
end of the form the phrase ", commencing in ..... (first year 126081  
the replacement tax is to be levied), first due in calendar year 126082  
..... (first calendar year in which the tax shall be due)." 126083

The question covered by the resolution shall be submitted as 126084  
a separate proposition, but may be printed on the same ballot with 126085  
any other proposition submitted at the same election, other than 126086  
the election of officers. More than one such question may be 126087  
submitted at the same election. 126088

(D) Two existing levies, or any portion of those levies, may 126089  
be combined into one replacement levy, so long as both of the 126090  
existing levies are for the same purpose and either both are due 126091  
to expire the same year or both are for a continuing period of 126092  
time. The question of combining all or portions of the two 126093  
existing levies into the replacement levy shall appear as one 126094  
ballot proposition before the electors. If the electors approve 126095  
the ballot proposition, all or the stated portions of the two 126096  
existing levies are replaced by one replacement levy. 126097

(E) A levy approved in excess of the ten-mill limitation 126098  
under this section shall be certified to the tax commissioner. In 126099

the first year of a levy approved under this section, the levy 126100  
shall be extended on the tax lists after the February settlement 126101  
succeeding the election at which the levy was approved. If the 126102  
levy is to be placed on the tax lists of the current year, as 126103  
specified in the resolution providing for its submission, the 126104  
result of the election shall be certified immediately after the 126105  
canvass by the board of elections to the taxing authority, which 126106  
shall forthwith make the necessary levy and certify it to the 126107  
county auditor, who shall extend it on the tax lists for 126108  
collection. After the first year, the levy shall be included in 126109  
the annual tax budget that is certified to the county budget 126110  
commission. 126111

If notes are authorized to be issued in anticipation of the 126112  
proceeds of the existing levy, notes may be issued in anticipation 126113  
of the proceeds of the replacement levy, and such issuance is 126114  
subject to the terms and limitations governing the issuance of 126115  
notes in anticipation of the proceeds of the existing levy. 126116

(F) This section does not authorize a tax to be levied in any 126117  
year after the year in which revenue is not needed for the purpose 126118  
for which the tax is levied. 126119

**Sec. 5705.21.** (A) At any time, the board of education of any 126120  
city, local, exempted village, cooperative education, or joint 126121  
vocational school district, by a vote of two-thirds of all its 126122  
members, may declare by resolution that the amount of taxes which 126123  
may be raised within the ten-mill limitation by levies on the 126124  
current tax duplicate will be insufficient to provide an adequate 126125  
amount for the necessary requirements of the school district, that 126126  
it is necessary to levy a tax in excess of such limitation for one 126127  
of the purposes specified in division (A), (D), (F), (H), or (DD) 126128  
of section 5705.19 of the Revised Code, for general permanent 126129  
improvements, for the purpose of operating a cultural center, for 126130



the purpose of providing for school safety and security, or for 126131  
the purpose of providing education technology, and that the 126132  
question of such additional tax levy shall be submitted to the 126133  
electors of the school district at a special election on a day to 126134  
be specified in the resolution. In the case of a qualifying 126135  
library levy for the support of a library association or private 126136  
corporation, the question shall be submitted to the electors of 126137  
the association library district. If the resolution states that 126138  
the levy is for the purpose of operating a cultural center, the 126139  
ballot shall state that the levy is "for the purpose of operating 126140  
the ..... (name of cultural center)."

As used in this division, "cultural center" means a 126142  
freestanding building, separate from a public school building, 126143  
that is open to the public for educational, musical, artistic, and 126144  
cultural purposes; "education technology" means, but is not 126145  
limited to, computer hardware, equipment, materials, and 126146  
accessories, equipment used for two-way audio or video, and 126147  
software; and "general permanent improvements" means permanent 126148  
improvements without regard to the limitation of division (F) of 126149  
section 5705.19 of the Revised Code that the improvements be a 126150  
specific improvement or a class of improvements that may be 126151  
included in a single bond issue. 126152

A resolution adopted under this division shall be confined to 126153  
a single purpose and shall specify the amount of the increase in 126154  
rate that it is necessary to levy, the purpose of the levy, and 126155  
the number of years during which the increase in rate shall be in 126156  
effect. The number of years may be any number not exceeding five 126157  
or, if the levy is for current expenses of the district or for 126158  
general permanent improvements, for a continuing period of time. 126159

(B)(1) The board of education of a municipal school district, 126160  
by resolution, may declare that it is necessary to levy a tax in 126161  
excess of the ten-mill limitation for the purpose of paying the 126162

current expenses of the district and of partnering community 126163  
schools and that the question of the additional tax levy shall be 126164  
submitted to the electors of the school district at a special 126165  
election on a day to be specified in the resolution. The 126166  
resolution shall state the purpose of the levy, the rate of the 126167  
tax expressed in mills per dollar of taxable value, the number of 126168  
such mills to be levied for the current expenses of the partnering 126169  
community schools and the number of such mills to be levied for 126170  
the current expenses of the school district, the number of years 126171  
the tax will be levied, and the first year the tax will be levied. 126172  
The number of years the tax may be levied may be any number not 126173  
exceeding ten years, or for a continuing period of time. 126174

The levy of a tax for the current expenses of a partnering 126175  
community school under this section and the distribution of 126176  
proceeds from the tax by a municipal school district to partnering 126177  
community schools is hereby determined to be a proper public 126178  
purpose. 126179

(2) The form of the ballot at an election held pursuant to 126180  
division (B) of this section shall be as follows: 126181

"Shall a levy be imposed by the ..... (insert the name of 126182  
the municipal school district) for the purpose of current expenses 126183  
of the school district and of partnering community schools at a 126184  
rate not exceeding ..... (insert the number of mills) mills for 126185  
each one dollar of valuation (of which ..... (insert the number 126186  
of mills to be allocated to partnering community schools) mills is 126187  
to be allocated to partnering community schools), which amounts to 126188  
..... (insert the rate expressed in dollars and cents) for each 126189  
one hundred dollars of valuation, for ..... (insert the number of 126190  
years the levy is to be imposed, or that it will be levied for a 126191  
continuing period of time), beginning ..... (insert first year 126192  
the tax is to be levied), which will first be payable in calendar 126193  
year ..... (insert the first calendar year in which the tax would 126194

be payable)? 126195

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|  | FOR THE TAX LEVY     |   |
|  | AGAINST THE TAX LEVY | " |

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(3) Upon each receipt of a tax distribution by the municipal school district, the board of education shall credit the portion allocated to partnering community schools to the partnering community schools fund. All income from the investment of money in the partnering community schools fund shall be credited to that fund. 126198  
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Not more than forty-five days after the municipal school district receives and deposits each tax distribution, the board of education shall distribute the partnering community schools amount among the then qualifying community schools. From each tax distribution, each such partnering community school shall receive a portion of the partnering community schools amount in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date of receipt and deposit of the tax distribution. For the purposes of this division, the number of resident students shall be the number of such students reported under section 3317.03 of the Revised Code and established by the department of education as of the date of receipt and deposit of the tax distribution. 126204  
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(4) To the extent an agreement whereby the municipal school district and a community school endorse each other's programs is necessary for the community school to qualify as a partnering community school under division (B)(6)(b) of this section, the board of education of the school district shall certify to the department of education the agreement along with the determination that such agreement satisfies the requirements of that division. The board's determination is conclusive. 126218  
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(5) For the purposes of Chapter 3317. of the Revised Code or 126226

other laws referring to the "taxes charged and payable" for a 126227  
school district, the taxes charged and payable for a municipal 126228  
school district that levies a tax under division (B) of this 126229  
section includes only the taxes charged and payable under that 126230  
levy for the current expenses of the school district, and does not 126231  
include the taxes charged and payable for the current expenses of 126232  
partnering community schools. The taxes charged and payable for 126233  
the current expenses of partnering community schools shall not 126234  
affect the calculation of "state education aid" as defined in 126235  
section 5751.20 of the Revised Code. 126236

(6) As used in division (B) of this section: 126237

(a) "Municipal school district" has the same meaning as in 126238  
section 3311.71 of the Revised Code. 126239

(b) "Partnering community school" means a community school 126240  
established under Chapter 3314. of the Revised Code that is 126241  
located within the territory of the municipal school district and 126242  
that either is sponsored by the district or is a party to an 126243  
agreement with the district whereby the district and the community 126244  
school endorse each other's programs. 126245

(c) "Partnering community schools amount" means the product 126246  
obtained, as of the receipt and deposit of the tax distribution, 126247  
by multiplying the amount of a tax distribution by a fraction, the 126248  
numerator of which is the number of mills per dollar of taxable 126249  
value of the property tax to be allocated to partnering community 126250  
schools, and the denominator of which is the total number of mills 126251  
per dollar of taxable value authorized by the electors in the 126252  
election held under division (B) of this section, each as set 126253  
forth in the resolution levying the tax. 126254

(d) "Partnering community schools fund" means a separate fund 126255  
established by the board of education of a municipal school 126256  
district for the deposit of partnering community school amounts 126257

under this section. 126258

(e) "Resident student" means a student enrolled in a 126259  
partnering community school who is entitled to attend school in 126260  
the municipal school district under section 3313.64 or 3313.65 of 126261  
the Revised Code. 126262

(f) "Tax distribution" means a distribution of proceeds of 126263  
the tax authorized by division (B) of this section under section 126264  
321.24 of the Revised Code and distributions that are attributable 126265  
to that tax under sections 323.156 and 4503.068 of the Revised 126266  
Code or other applicable law. 126267

(C) A resolution adopted under this section shall specify the 126268  
date of holding the election, which shall not be earlier than 126269  
ninety days after the adoption and certification of the resolution 126270  
and which shall be consistent with the requirements of section 126271  
3501.01 of the Revised Code. 126272

A resolution adopted under this section may propose to renew 126273  
one or more existing levies imposed under division (A) or (B) of 126274  
this section or to increase or decrease a single levy imposed 126275  
under either such division. 126276

If the board of education imposes one or more existing levies 126277  
for the purpose specified in division (F) of section 5705.19 of 126278  
the Revised Code, the resolution may propose to renew one or more 126279  
of those existing levies, or to increase or decrease a single such 126280  
existing levy, for the purpose of general permanent improvements. 126281

If the resolution proposes to renew two or more existing 126282  
levies, the levies shall be levied for the same purpose. The 126283  
resolution shall identify those levies and the rates at which they 126284  
are levied. The resolution also shall specify that the existing 126285  
levies shall not be extended on the tax lists after the year 126286  
preceding the year in which the renewal levy is first imposed, 126287  
regardless of the years for which those levies originally were 126288

authorized to be levied. 126289

If the resolution proposes to renew an existing levy imposed 126290  
under division (B) of this section, the rates allocated to the 126291  
municipal school district and to partnering community schools each 126292  
may be increased or decreased or remain the same, and the total 126293  
rate may be increased, decreased, or remain the same. The 126294  
resolution and notice of election shall specify the number of the 126295  
mills to be levied for the current expenses of the partnering 126296  
community schools and the number of the mills to be levied for the 126297  
current expenses of the municipal school district. 126298

A resolution adopted under this section shall go into 126299  
immediate effect upon its passage, and no publication of the 126300  
resolution shall be necessary other than that provided for in the 126301  
notice of election. A copy of the resolution shall immediately 126302  
after its passing be certified to the board of elections of the 126303  
proper county in the manner provided by section 5705.25 of the 126304  
Revised Code. That section shall govern the arrangements for the 126305  
submission of such question and other matters concerning the 126306  
election to which that section refers, including publication of 126307  
notice of the election, except that the election shall be held on 126308  
the date specified in the resolution. In the case of a resolution 126309  
adopted under division (B) of this section, the publication of 126310  
notice of that election shall state the number of the mills to be 126311  
levied for the current expenses of partnering community schools 126312  
and the number of the mills to be levied for the current expenses 126313  
of the municipal school district. If a majority of the electors 126314  
voting on the question so submitted in an election vote in favor 126315  
of the levy, the board of education may make the necessary levy 126316  
within the school district or, in the case of a qualifying library 126317  
levy for the support of a library association or private 126318  
corporation, within the association library district, at the 126319  
additional rate, or at any lesser rate in excess of the ten-mill 126320

limitation on the tax list, for the purpose stated in the 126321  
resolution. A levy for a continuing period of time may be reduced 126322  
pursuant to section 5705.261 of the Revised Code. The tax levy 126323  
shall be included in the next tax budget that is certified to the 126324  
county budget commission. 126325

(D)(1) After the approval of a levy on the current tax list 126326  
and duplicate for current expenses, for recreational purposes, for 126327  
community centers provided for in section 755.16 of the Revised 126328  
Code, or for a public library of the district under division (A) 126329  
of this section, and prior to the time when the first tax 126330  
collection from the levy can be made, the board of education may 126331  
anticipate a fraction of the proceeds of the levy and issue 126332  
anticipation notes in a principal amount not exceeding fifty per 126333  
cent of the total estimated proceeds of the levy to be collected 126334  
during the first year of the levy. 126335

(2) After the approval of a levy for general permanent 126336  
improvements for a specified number of years or for permanent 126337  
improvements having the purpose specified in division (F) of 126338  
section 5705.19 of the Revised Code, the board of education may 126339  
anticipate a fraction of the proceeds of the levy and issue 126340  
anticipation notes in a principal amount not exceeding fifty per 126341  
cent of the total estimated proceeds of the levy remaining to be 126342  
collected in each year over a period of five years after the 126343  
issuance of the notes. 126344

The notes shall be issued as provided in section 133.24 of 126345  
the Revised Code, shall have principal payments during each year 126346  
after the year of their issuance over a period not to exceed five 126347  
years, and may have a principal payment in the year of their 126348  
issuance. 126349

(3) After approval of a levy for general permanent 126350  
improvements for a continuing period of time, the board of 126351  
education may anticipate a fraction of the proceeds of the levy 126352

and issue anticipation notes in a principal amount not exceeding 126353  
fifty per cent of the total estimated proceeds of the levy to be 126354  
collected in each year over a specified period of years, not 126355  
exceeding ten, after the issuance of the notes. 126356

The notes shall be issued as provided in section 133.24 of 126357  
the Revised Code, shall have principal payments during each year 126358  
after the year of their issuance over a period not to exceed ten 126359  
years, and may have a principal payment in the year of their 126360  
issuance. 126361

(4) After the approval of a levy on the current tax list and 126362  
duplicate under division (B) of this section, and prior to the 126363  
time when the first tax collection from the levy can be made, the 126364  
board of education may anticipate a fraction of the proceeds of 126365  
the levy for the current expenses of the school district and issue 126366  
anticipation notes in a principal amount not exceeding fifty per 126367  
cent of the estimated proceeds of the levy to be collected during 126368  
the first year of the levy and allocated to the school district. 126369  
The portion of the levy proceeds to be allocated to partnering 126370  
community schools under that division shall not be included in the 126371  
estimated proceeds anticipated under this division and shall not 126372  
be used to pay debt charges on any anticipation notes. 126373

The notes shall be issued as provided in section 133.24 of 126374  
the Revised Code, shall have principal payments during each year 126375  
after the year of their issuance over a period not to exceed five 126376  
years, and may have a principal payment in the year of their 126377  
issuance. 126378

(E) The submission of questions to the electors under this 126379  
section is subject to the limitation on the number of election 126380  
dates established by section 5705.214 of the Revised Code. 126381

**Sec. 5705.217.** (A) The board of education of a city, local, 126382  
or exempted village school district, at any time by a vote of 126383



two-thirds of all its members, may declare by resolution that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district; that it is necessary to levy an additional tax in excess of that limitation for the purposes of providing funds for current operating expenses and for ~~the acquisition, construction, enlargement, renovation,~~ and financing of general permanent improvements as defined in section 5705.21 of the Revised Code; and that the question of the tax shall be submitted to the electors of the district at a special election. The tax may be levied for a specified number of years not exceeding five or, ~~if the tax is for current operating expenses or for general, on-going permanent improvements,~~ for a continuing period of time. The resolution shall specify the proposed tax rate, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time. The resolution shall apportion the annual rate of the tax between current operating expenses and permanent improvements. The apportionment may but need not be the same for each year of the tax, but the respective portions of the rate actually levied each year for current operating expenses and permanent improvements shall be limited by the apportionment.

The resolution shall specify the date of holding the special election, which shall not be earlier than ninety days after certification of the resolution to the board of elections and shall be consistent with the requirements of section 3501.01 of the Revised Code. The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution to the board of elections immediately after its adoption. Section 5705.25 of the Revised Code governs the arrangements and form of the ballot for the submission of the question to the electors.

If a majority of the electors voting on the question vote in favor of the tax, the board of education may make the levy at the additional rate, or at any lesser rate in excess of the ten-mill limitation. If the tax is for a continuing period of time, it may be decreased in accordance with section 5705.261 of the Revised Code.

A board of education may adopt a resolution to renew one or more existing levies imposed under this section, or to increase or decrease the rate of a tax levied under this section, for the purpose of providing funds for either current expenses and general permanent improvements or solely for general permanent improvements.

(B)(1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy.

(2) After the approval of a tax ~~under this section~~ for general permanent improvements having a specific purpose levied under this section for a specified number of years, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a specified period of five years, not exceeding the number of years for which the tax was levied, after issuance of the notes.

(3) After the approval of a tax for general, ~~on-going~~ permanent improvements levied under this section for a continuing period of time, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a

principal amount not exceeding fifty per cent of the total 126449  
estimated proceeds of the tax to be collected in each year over a 126450  
specified period of years, not exceeding ten, after issuance of 126451  
the notes. 126452

Anticipation notes under this section shall be issued as 126453  
provided in section 133.24 of the Revised Code. Notes issued under 126454  
division (B)(1) or (2) of this section shall have principal 126455  
payments during each year after the year of their issuance over a 126456  
period not to exceed five years, and may have a principal payment 126457  
in the year of their issuance. Notes issued under division (B)(3) 126458  
of this section shall have principal payments during each year 126459  
after the year of their issuance over a period not to exceed ten 126460  
years, and may have a principal payment in the year of their 126461  
issuance. 126462

(C) The submission of a question to the electors under this 126463  
section is subject to the limitation on the number of elections 126464  
that can be held in a year under section 5705.214 of the Revised 126465  
Code. 126466

**Sec. 5705.218.** (A) The board of education of a city, local, 126467  
or exempted village school district, at any time by a vote of 126468  
two-thirds of all its members, may declare by resolution that it 126469  
may be necessary for the school district to issue general 126470  
obligation bonds for permanent improvements. The resolution shall 126471  
state all of the following: 126472

(1) The necessity and purpose of the bond issue; 126473

(2) The date of the special election at which the question 126474  
shall be submitted to the electors; 126475

(3) The amount, approximate date, estimated rate of interest, 126476  
and maximum number of years over which the principal of the bonds 126477  
may be paid; 126478

(4) The necessity of levying a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities. 126479  
126480  
126481

On adoption of the resolution, the board shall certify a copy of it to the county auditor. The county auditor promptly shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code. 126482  
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(B) After receiving the county auditor's certification under division (A) of this section, the board of education of the city, local, or exempted village school district, by a vote of two-thirds of all its members, may declare by resolution that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district; that it is necessary to issue general obligation bonds of the school district for permanent improvements and to levy an additional tax in excess of the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities; that it is necessary for a specified number of years or for a continuing period of time to levy additional taxes in excess of the ten-mill limitation to provide funds for the acquisition, construction, enlargement, renovation, and financing of permanent improvements or to pay for current operating expenses, or both; and that the question of the bonds and taxes shall be submitted to the electors of the school district at a special election, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3501.01 of the Revised Code. The resolution shall specify all of the following: 126488  
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(1) The county auditor's estimate of the average annual 126510

property tax rate required throughout the stated maturity of the 126511  
bonds to pay debt charges on the bonds; 126512

(2) The proposed rate of the tax, if any, for current 126513  
operating expenses, the first year the tax will be levied, and the 126514  
number of years it will be levied, or that it will be levied for a 126515  
continuing period of time; 126516

(3) The proposed rate of the tax, if any, for permanent 126517  
improvements, the first year the tax will be levied, and the 126518  
number of years it will be levied, or that it will be levied for a 126519  
continuing period of time. 126520

The resolution shall apportion the annual rate of the tax 126521  
between current operating expenses and permanent improvements, if 126522  
both taxes are proposed. The apportionment may but need not be the 126523  
same for each year of the tax, but the respective portions of the 126524  
rate actually levied each year for current operating expenses and 126525  
permanent improvements shall be limited by the apportionment. The 126526  
resolution shall go into immediate effect upon its passage, and no 126527  
publication of it is necessary other than that provided in the 126528  
notice of election. The board of education shall certify a copy of 126529  
the resolution, along with copies of the auditor's estimate and 126530  
its resolution under division (A) of this section, to the board of 126531  
elections immediately after its adoption. 126532

(C) The board of elections shall make the arrangements for 126533  
the submission to the electors of the school district of the 126534  
question proposed under division (B) or (J) of this section, and 126535  
the election shall be conducted, canvassed, and certified in the 126536  
same manner as regular elections in the district for the election 126537  
of county officers. The resolution shall be put before the 126538  
electors as one ballot question, with a favorable vote indicating 126539  
approval of the bond issue, the levy to pay debt charges on the 126540  
bonds and any anticipatory securities, the current operating 126541  
expenses levy, the permanent improvements levy, and the levy for 126542

the current expenses of a municipal school district and of 126543  
partnering community schools, as those levies may be proposed. The 126544  
board of elections shall publish notice of the election in a 126545  
newspaper of general circulation in the school district once a 126546  
week for two consecutive weeks, or as provided in section 7.16 of 126547  
the Revised Code, prior to the election. If a board of elections 126548  
operates and maintains a web site, that board also shall post 126549  
notice of the election on its web site for thirty days prior to 126550  
the election. The notice of election shall state all of the 126551  
following: 126552

(1) The principal amount of the proposed bond issue; 126553

(2) The permanent improvements for which the bonds are to be 126554  
issued; 126555

(3) The maximum number of years over which the principal of 126556  
the bonds may be paid; 126557

(4) The estimated additional average annual property tax rate 126558  
to pay the debt charges on the bonds, as certified by the county 126559  
auditor; 126560

(5) The proposed rate of the additional tax, if any, for 126561  
current operating expenses and, if the question is proposed under 126562  
division (J) of this section, the portion of the rate to be 126563  
allocated to the school district and the portion to be allocated 126564  
to partnering community schools; 126565

(6) The number of years the current operating expenses tax 126566  
will be in effect, or that it will be in effect for a continuing 126567  
period of time; 126568

(7) The proposed rate of the additional tax, if any, for 126569  
permanent improvements; 126570

(8) The number of years the permanent improvements tax will 126571  
be in effect, or that it will be in effect for a continuing period 126572

of time; 126573

(9) The time and place of the special election. 126574

(D) The form of the ballot for an election under this section 126575  
is as follows: 126576

"Shall the ..... school district be authorized to do the 126577  
following: 126578

(1) Issue bonds for the purpose of ..... in the 126579  
principal amount of \$....., to be repaid annually over a maximum 126580  
period of ..... years, and levy a property tax outside the 126581  
ten-mill limitation, estimated by the county auditor to average 126582  
over the bond repayment period ..... mills for each one dollar of 126583  
tax valuation, which amounts to ..... (rate expressed in cents or 126584  
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 126585  
tax valuation, to pay the annual debt charges on the bonds, and to 126586  
pay debt charges on any notes issued in anticipation of those 126587  
bonds?" 126588

If either a levy for permanent improvements or a levy for 126589  
current operating expenses is proposed, or both are proposed, the 126590  
ballot also shall contain the following language, as appropriate: 126591

"(2) Levy an additional property tax to provide funds for the 126592  
acquisition, construction, enlargement, renovation, and financing 126593  
of permanent improvements at a rate not exceeding ..... mills 126594  
for each one dollar of tax valuation, which amounts to ..... 126595  
(rate expressed in cents or dollars and cents) for each \$100 of 126596  
tax valuation, for ..... (number of years of the levy, or a 126597  
continuing period of time)? 126598

(3) Levy an additional property tax to pay current operating 126599  
expenses at a rate not exceeding ..... mills for each one dollar 126600  
of tax valuation, which amounts to ..... (rate expressed in 126601  
cents or dollars and cents) for each \$100 of tax valuation, for 126602  
..... (number of years of the levy, or a continuing period of 126603

time)? 126604

126605

|  |                                             |   |
|--|---------------------------------------------|---|
|  | FOR THE BOND ISSUE AND LEVY (OR LEVIES)     |   |
|  | AGAINST THE BOND ISSUE AND LEVY (OR LEVIES) | " |

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If the question is proposed under division (J) of this section, the form of the ballot shall be modified as prescribed by division (J)(4) of this section. 126609  
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(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote for it, the board of education may proceed with issuance of the bonds and with the levy and collection of the property tax or taxes at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code. 126612  
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126621

(F)(1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy. 126622  
126623  
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126628

(2) After the approval of a tax under this section for permanent improvements having a specific purpose, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a period of five years 126629  
126630  
126631  
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126633  
126634



after issuance of the notes. 126635

(3) After the approval of a tax under this section for 126636  
general, ~~on-going~~ permanent improvements as defined under ~~this~~ 126637  
section 5705.21 of the Revised Code, the board of education may 126638  
anticipate a fraction of the proceeds of such tax and issue 126639  
anticipation notes in a principal amount not exceeding fifty per 126640  
cent of the total estimated proceeds of the tax to be collected in 126641  
each year over a specified period of years, not exceeding ten, 126642  
after issuance of the notes. 126643

Anticipation notes under this section shall be issued as 126644  
provided in section 133.24 of the Revised Code. Notes issued under 126645  
division (F)(1) or (2) of this section shall have principal 126646  
payments during each year after the year of their issuance over a 126647  
period not to exceed five years, and may have a principal payment 126648  
in the year of their issuance. Notes issued under division (F)(3) 126649  
of this section shall have principal payments during each year 126650  
after the year of their issuance over a period not to exceed ten 126651  
years, and may have a principal payment in the year of their 126652  
issuance. 126653

(G) A tax for current operating expenses or for permanent 126654  
improvements levied under this section for a specified number of 126655  
years may be renewed or replaced in the same manner as a tax for 126656  
current operating expenses or for permanent improvements levied 126657  
under section 5705.21 of the Revised Code. A tax for current 126658  
operating expenses or for permanent improvements levied under this 126659  
section for a continuing period of time may be decreased in 126660  
accordance with section 5705.261 of the Revised Code. 126661

(H) The submission of a question to the electors under this 126662  
section is subject to the limitation on the number of elections 126663  
that can be held in a year under section 5705.214 of the Revised 126664  
Code. 126665

(I) A school district board of education proposing a ballot measure under this section to generate local resources for a project under the school building assistance expedited local partnership program under section 3318.36 of the Revised Code may combine the questions under division (D) of this section with a question for the levy of a property tax to generate moneys for maintenance of the classroom facilities acquired under that project as prescribed in section 3318.361 of the Revised Code.

(J)(1) After receiving the county auditor's certification under division (A) of this section, the board of education of a municipal school district, by a vote of two-thirds of all its members, may declare by resolution that it is necessary to levy a tax in excess of the ten-mill limitation for the purpose of paying the current expenses of the school district and of partnering community schools, as defined in section 5705.21 of the Revised Code; that it is necessary to issue general obligation bonds of the school district for permanent improvements of the district and to levy an additional tax in excess of the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities; and that the question of the bonds and taxes shall be submitted to the electors of the school district at a special election, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3505.01 of the Revised Code.

The levy of taxes for the current expenses of a partnering community school under division (J) of this section and the distribution of proceeds from the tax by a municipal school district to partnering community schools is hereby determined to be a proper public purpose.

(2) The tax for the current expenses of the school district and of partnering community schools is subject to the requirements of divisions (B)(3), (4), and (5) of section 5705.21 of the

Revised Code. 126698

(3) In addition to the required specifications of the 126699  
resolution under division (B) of this section, the resolution 126700  
shall express the rate of the tax in mills per dollar of taxable 126701  
value, state the number of the mills to be levied for the current 126702  
expenses of the partnering community schools and the number of the 126703  
mills to be levied for the current expenses of the school 126704  
district, specify the number of years (not exceeding ten) the tax 126705  
will be levied or that it will be levied for a continuing period 126706  
of time, and state the first year the tax will be levied. 126707

The resolution shall go into immediate effect upon its 126708  
passage, and no publication of it is necessary other than that 126709  
provided in the notice of election. The board of education shall 126710  
certify a copy of the resolution, along with copies of the 126711  
auditor's estimate and its resolution under division (A) of this 126712  
section, to the board of elections immediately after its adoption. 126713

(4) The form of the ballot shall be modified by replacing the 126714  
ballot form set forth in division (D)(3) of this section with the 126715  
following: 126716

"Levy an additional property tax for the purpose of the 126717  
current expenses of the school district and of partnering 126718  
community schools at a rate not exceeding ..... (insert the 126719  
number of mills) mills for each one dollar of valuation (of which 126720  
..... (insert the number of mills to be allocated to partnering 126721  
community schools) mills is to be allocated to partnering 126722  
community schools), which amounts to ..... (insert the rate 126723  
expressed in dollars and cents) for each one hundred dollars of 126724  
valuation, for ..... (insert the number of years the levy is to 126725  
be imposed, or that it will be levied for a continuing period of 126726  
time)? 126727

|  |                                         |
|--|-----------------------------------------|
|  | FOR THE BOND ISSUE AND LEVY (OR LEVIES) |
|--|-----------------------------------------|

126728

|  |                                             |   |        |
|--|---------------------------------------------|---|--------|
|  | AGAINST THE BOND ISSUE AND LEVY (OR LEVIES) | " | 126729 |
|--|---------------------------------------------|---|--------|

(5) After the approval of a tax for the current expenses of the school district and of partnering community schools under division (J) of this section, and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of levy proceeds to be allocated to partnering community schools shall not be included in the estimated proceeds anticipated under this division and shall not be used to pay debt charges on any anticipation notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(6) A tax for the current expenses of the school district and of partnering community schools levied under division (J) of this section for a specified number of years may be renewed or replaced in the same manner as a tax for the current expenses of a school district and of partnering community schools levied under division (B) of section 5705.21 of the Revised Code. A tax for the current expenses of the school district and of partnering community schools levied under this division for a continuing period of time may be decreased in accordance with section 5705.261 of the Revised Code.

(7) The proceeds from the issuance of the general obligation bonds under division (J) of this section shall be used solely to pay for permanent improvements of the school district and not for

permanent improvements of partnering community schools. 126761

**Sec. 5705.221.** (A) At any time, the board of county 126762  
commissioners of any county by a majority vote of the full 126763  
membership may declare by resolution and certify to the board of 126764  
elections of the county that the amount of taxes which may be 126765  
raised within the ten-mill limitation by levies on the current tax 126766  
duplicate will be insufficient to provide the necessary 126767  
requirements of the county's alcohol, drug addiction, and mental 126768  
health service district established pursuant to Chapter 340. of 126769  
the Revised Code, or the county's contribution to a joint-county 126770  
district of which the county is a part, and that it is necessary 126771  
to levy a tax in excess of such limitation for the operation of 126772  
~~alcohol and drug~~ community addiction ~~programs~~ services providers 126773  
and community mental health ~~programs~~ services providers and the 126774  
acquisition, construction, renovation, financing, maintenance, and 126775  
operation of alcohol and drug addiction facilities and mental 126776  
health facilities. 126777

Such resolution shall conform to section 5705.19 of the 126778  
Revised Code, except that the increased rate may be in effect for 126779  
any number of years not exceeding ten. 126780

The resolution shall be certified and submitted in the manner 126781  
provided in section 5705.25 of the Revised Code, except that it 126782  
may be placed on the ballot in any election, and shall be 126783  
certified to the board of elections not less than ninety days 126784  
before the election at which it will be voted upon. 126785

If the majority of the electors voting on a levy to 126786  
supplement general fund appropriations for the support of the 126787  
comprehensive ~~alcohol and drug~~ community addiction and mental 126788  
health ~~program~~ services providers vote in favor of the levy, the 126789  
board may levy a tax within the county at the additional rate 126790  
outside the ten-mill limitation during the specified or continuing 126791

period, for the purpose stated in the resolution. 126792

(B) When electors have approved a tax levy under this 126793  
section, the board of county commissioners may anticipate a 126794  
fraction of the proceeds of the levy and, from time to time, issue 126795  
anticipation notes in accordance with section 5705.191 or 5705.193 126796  
of the Revised Code. 126797

(C) The county auditor who is the fiscal officer of the 126798  
alcohol, drug addiction, and mental health service district, upon 126799  
receipt of a resolution from the board of alcohol, drug addiction, 126800  
and mental health services, shall establish for the district a 126801  
capital improvements account or a reserve balance account, or 126802  
both, as specified in the resolution. The capital improvements 126803  
account shall be a contingency fund for the necessary acquisition, 126804  
replacement, renovation, or construction of facilities and movable 126805  
and fixed equipment. Upon the request of the board, funds not 126806  
needed to pay for current expenses may be appropriated to the 126807  
capital improvements account, in amounts such that the account 126808  
does not exceed twenty-five per cent of the replacement value of 126809  
all capital facilities and equipment currently used by the board 126810  
for programs and services. Other funds which are available for 126811  
current capital expenses from federal, state, or local sources may 126812  
also be appropriated to this account. 126813

The reserve balance account shall contain those funds that 126814  
are not needed to pay for current operating expenses and not 126815  
deposited in the capital improvements account but that will be 126816  
needed to pay for operating expenses in the future. Upon the 126817  
request of a board, such funds shall be appropriated to the 126818  
reserve balance account. Payments from the capital improvements 126819  
account and the reserve balance account shall be made by the 126820  
county treasurer who is the custodian of funds for the district 126821  
upon warrants issued by the county auditor who is the fiscal 126822  
officer of the district pursuant to orders of the board. 126823

**Sec. 5705.25.** (A) A copy of any resolution adopted as 126824  
provided in section 5705.19 or 5705.2111 of the Revised Code shall 126825  
be certified by the taxing authority to the board of elections of 126826  
the proper county not less than ninety days before the general 126827  
election in any year, and the board shall submit the proposal to 126828  
the electors of the subdivision at the succeeding November 126829  
election. In the case of a qualifying library levy, the board 126830  
shall submit the question to the electors of the library district 126831  
or association library district. Except as otherwise provided in 126832  
this division, a resolution to renew an existing levy, regardless 126833  
of the section of the Revised Code under which the tax was 126834  
imposed, shall not be placed on the ballot unless the question is 126835  
submitted at the general election held during the last year the 126836  
tax to be renewed or replaced may be extended on the real and 126837  
public utility property tax list and duplicate, or at any election 126838  
held in the ensuing year. The limitation of the foregoing sentence 126839  
does not apply to a resolution to renew and increase or to renew 126840  
part of an existing levy that was imposed under section 5705.191 126841  
of the Revised Code to supplement the general fund for the purpose 126842  
of making appropriations for one or more of the following 126843  
purposes: for public assistance, human or social services, relief, 126844  
welfare, hospitalization, health, and support of general 126845  
hospitals. The limitation of the second preceding sentence also 126846  
does not apply to a resolution that proposes to renew two or more 126847  
existing levies imposed under section 5705.21 or 5705.217 of the 126848  
Revised Code, in which case the question shall be submitted on the 126849  
date of the general or primary election held during the last year 126850  
at least one of the levies to be renewed may be extended on the 126851  
real and public utility property tax list and duplicate, or at any 126852  
election held during the ensuing year. For purposes of this 126853  
section, a levy shall be considered to be an "existing levy" 126854  
through the year following the last year it can be placed on that 126855

tax list and duplicate. 126856

The board shall make the necessary arrangements for the 126857  
submission of such questions to the electors of such subdivision, 126858  
library district, or association library district, and the 126859  
election shall be conducted, canvassed, and certified in the same 126860  
manner as regular elections in such subdivision, library district, 126861  
or association library district for the election of county 126862  
officers. Notice of the election shall be published in a newspaper 126863  
of general circulation in the subdivision, library district, or 126864  
association library district once a week for two consecutive 126865  
weeks, or as provided in section 7.16 of the Revised Code, prior 126866  
to the election. If the board of elections operates and maintains 126867  
a web site, the board of elections shall post notice of the 126868  
election on its web site for thirty days prior to the election. 126869  
The notice shall state the purpose, the proposed increase in rate 126870  
expressed in dollars and cents for each one hundred dollars of 126871  
valuation as well as in mills for each one dollar of valuation, 126872  
the number of years during which the increase will be in effect, 126873  
the first month and year in which the tax will be levied, and the 126874  
time and place of the election. 126875

(B) The form of the ballots cast at an election held pursuant 126876  
to division (A) of this section shall be as follows: 126877

"An additional tax for the benefit of (name of subdivision or 126878  
public library) ..... for the purpose of (purpose stated in 126879  
the resolution) ..... at a rate not exceeding ..... mills 126880  
for each one dollar of valuation, which amounts to (rate expressed 126881  
in dollars and cents) ..... for each one hundred dollars of 126882  
valuation, for ..... (life of indebtedness or number of years the 126883  
levy is to run). 126884

126885

|  |                  |
|--|------------------|
|  | For the Tax Levy |
|--|------------------|

126886



|  |                      |   |
|--|----------------------|---|
|  | Against the Tax Levy | " |
|--|----------------------|---|

126887

126888

(C) If the levy is to be in effect for a continuing period of 126889  
time, the notice of election and the form of ballot shall so state 126890  
instead of setting forth a specified number of years for the levy. 126891

If the tax is to be placed on the current tax list, the form 126892  
of the ballot shall be modified by adding, after the statement of 126893  
the number of years the levy is to run, the phrase ", commencing 126894  
in ..... (first year the tax is to be levied), first due in 126895  
calendar year ..... (first calendar year in which the tax 126896  
shall be due)." 126897

If the levy submitted is a proposal to renew, increase, or 126898  
decrease an existing levy, the form of the ballot specified in 126899  
division (B) of this section may be changed by substituting for 126900  
the words "An additional" at the beginning of the form, the words 126901  
"A renewal of a" in case of a proposal to renew an existing levy 126902  
in the same amount; the words "A renewal of ..... mills and an 126903  
increase of ..... mills to constitute a" in the case of an 126904  
increase; or the words "A renewal of part of an existing levy, 126905  
being a reduction of ..... mills, to constitute a" in the case of 126906  
a decrease in the proposed levy. 126907

If the levy submitted is a proposal to renew two or more 126908  
existing levies imposed under section 5705.21 or 5705.217 of the 126909  
Revised Code, the form of the ballot specified in division (B) of 126910  
this section shall be modified by substituting for the words "an 126911  
additional tax" the words "a renewal of ....(insert the number of 126912  
levies to be renewed) existing taxes." 126913

If the levy submitted is a levy under section 5705.72 of the 126914  
Revised Code or a proposal to renew, increase, or decrease an 126915  
existing levy imposed under that section, the name of the 126916  
subdivision shall be "the unincorporated area of ..... (name 126917

of township)." 126918

The question covered by such resolution shall be submitted as 126919  
a separate proposition but may be printed on the same ballot with 126920  
any other proposition submitted at the same election, other than 126921  
the election of officers. More than one such question may be 126922  
submitted at the same election. 126923

(D) A levy voted in excess of the ten-mill limitation under 126924  
this section shall be certified to the tax commissioner. In the 126925  
first year of the levy, it shall be extended on the tax lists 126926  
after the February settlement succeeding the election. If the 126927  
additional tax is to be placed upon the tax list of the current 126928  
year, as specified in the resolution providing for its submission, 126929  
the result of the election shall be certified immediately after 126930  
the canvass by the board of elections to the taxing authority, who 126931  
shall make the necessary levy and certify it to the county 126932  
auditor, who shall extend it on the tax lists for collection. 126933  
After the first year, the tax levy shall be included in the annual 126934  
tax budget that is certified to the county budget commission. 126935

Sec. 5705.55. (A) The board of directors of a lake facilities 126936  
authority, by a vote of two-thirds of all its members, may at any 126937  
time declare by resolution that the amount of taxes which may be 126938  
raised within the ten-mill limitation by levies on the current tax 126939  
duplicate will be insufficient to provide an adequate amount for 126940  
the necessary requirements of the authority, that it is necessary 126941  
to levy a tax in excess of such limitation for any of the purposes 126942  
specified in divisions (A), (B), (F), and (H) of section 5705.19 126943  
of the Revised Code, and that the question of such additional tax 126944  
levy shall be submitted by the board to the electors residing 126945  
within the boundaries of the impacted lake district on the day of 126946  
a primary or general election. The resolution shall conform to 126947  
section 5705.19 of the Revised Code, except that the tax levy may 126948

be in effect for no more than five years, as set forth in the 126949  
resolution, unless the levy is for the payment of debt charges, 126950  
and the total number of mills levied for each dollar of taxable 126951  
valuation that may be levied under this section for any tax year 126952  
shall not exceed one mill. If the levy is for the payment of debt 126953  
charges, the levy shall be for the life of the bond indebtedness. 126954

126955

The resolution shall specify the date of holding the 126956  
election, which shall not be earlier than ninety days after the 126957  
adoption and certification of the resolution to the board of 126958  
elections. The resolution shall not include a levy on the current 126959  
tax list and duplicate unless the election is to be held at or 126960  
prior to the first Tuesday after the first Monday in November of 126961  
the current tax year. 126962

The resolution shall be certified to the board of elections 126963  
of the proper county or counties not less than ninety days before 126964  
the date of the election. The resolution shall go into immediate 126965  
effect upon its passage, and no publication of the resolution 126966  
shall be necessary other than that provided in the notice of 126967  
election. Section 5705.25 of the Revised Code shall govern the 126968  
arrangements for the submission of such question and other matters 126969  
concerning the election, to which that section refers, except that 126970  
the election shall be held on the date specified in the 126971  
resolution. If a majority of the electors voting on the question 126972  
so submitted in an election vote in favor of the levy, the board 126973  
of directors may forthwith make the necessary levy within the 126974  
boundaries of the impacted lake district at the additional rate in 126975  
excess of the ten-mill limitation on the tax list, for the purpose 126976  
stated in the resolution. The tax levy shall be included in the 126977  
next annual tax budget that is certified to the county budget 126978  
commission. 126979

(B) The form of the ballot in an election held on the 126980

question of levying a tax proposed pursuant to this section shall 126981  
be as follows or in any other form acceptable to the secretary of 126982  
state: 126983

"A tax for the benefit of (name of lake facilities authority) 126984  
..... for the purpose of ..... at a rate not exceeding 126985  
..... mills for each one dollar of valuation, which amounts to 126986  
(rate expressed in dollars and cents) ..... for each one 126987  
hundred dollars of valuation, for ..... (life of 126988  
indebtedness or number of years the levy is to run). 126989

|  |                             |   |
|--|-----------------------------|---|
|  | <u>For the Tax Levy</u>     |   |
|  | <u>Against the Tax Levy</u> | " |

126990  
126991  
126992  
126993

(C) On approval of the levy, notes may be issued in 126994  
anticipation of the collection of the proceeds of the tax levy, 126995  
other than the proceeds to be received for the payment of bond 126996  
debt charges, in the amount and manner and at the times as are 126997  
provided in section 5705.193 of the Revised Code, for the issuance 126998  
of notes by a county in anticipation of the proceeds of a tax 126999  
levy. The lake facilities authority may borrow money in 127000  
anticipation of the collection of current revenues as provided in 127001  
section 133.10 of the Revised Code. 127002

(D) If a tax is levied under this section in a tax year, no 127003  
other taxing authority of a subdivision or taxing unit, including 127004  
a port authority, may levy a tax on property in the impacted lake 127005  
district in the same tax year if the purpose of the levy is 127006  
substantially the same as the purpose for which the lake 127007  
facilities authority of the impacted lake district was created. 127008

**Sec. 5709.17.** The following property shall be exempted from 127009  
taxation: 127010

(A) Real estate held or occupied by an association or corporation, organized or incorporated under the laws of this state relative to soldiers' memorial associations, monumental building associations, or cemetery associations or corporations, which in the opinion of the trustees, directors, or managers thereof is necessary and proper to carry out the object intended for such association or corporation;

(B) Real estate and tangible personal property held or occupied by a veterans' organization that qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and is incorporated under the laws of this state or the United States, except real estate held by such organization for the production of rental or other income in excess of the designated amount, before accounting for any cost or expense incurred in the production of such income. For the purposes of this division, the designated amount equals seven thousand five hundred dollars in tax year 2002, and shall be increased by two hundred fifty dollars each year thereafter until tax year 2012, when it shall equal ten thousand dollars. For tax years 2013 and thereafter, the designated amount shall equal ~~ten~~ thirty-six thousand dollars.

(C) Tangible personal property held by a corporation chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in section 501(c)(3) of the Internal Revenue Code, and exempt from taxation under section 501(a) of the Internal Revenue Code shall be exempt from taxation if it is property obtained as described in 112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407.

(D) Real estate held or occupied by a fraternal organization and used primarily for meetings of and the administration of the fraternal organization. As used in this division, "fraternal organization" means a domestic fraternal society, order, or

association operating under the lodge, council, or grange system 127043  
that qualifies for exemption from taxation under section 127044  
501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code 127045  
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides 127046  
financial support for charitable purposes, as defined in division 127047  
(B)(12) of section 5739.02 of the Revised Code; and that has been 127048  
operating in this state with a state governing body for at least 127049  
one hundred years. 127050

**Sec. 5715.19.** (A) As used in this section, "member" has the 127051  
same meaning as in section 1705.01 of the Revised Code. 127052

(1) Subject to division (A)(2) of this section, a complaint 127053  
against any of the following determinations for the current tax 127054  
year shall be filed with the county auditor on or before the 127055  
thirty-first day of March of the ensuing tax year or the date of 127056  
closing of the collection for the first half of real and public 127057  
utility property taxes for the current tax year, whichever is 127058  
later: 127059

(a) Any classification made under section 5713.041 of the 127060  
Revised Code; 127061

(b) Any determination made under section 5713.32 or 5713.35 127062  
of the Revised Code; 127063

(c) Any recoupment charge levied under section 5713.35 of the 127064  
Revised Code; 127065

(d) The determination of the total valuation or assessment of 127066  
any parcel that appears on the tax list, except parcels assessed 127067  
by the tax commissioner pursuant to section 5727.06 of the Revised 127068  
Code; 127069

(e) The determination of the total valuation of any parcel 127070  
that appears on the agricultural land tax list, except parcels 127071  
assessed by the tax commissioner pursuant to section 5727.06 of 127072

the Revised Code; 127073

(f) Any determination made under division (A) of section 127074  
319.302 of the Revised Code. 127075

If such a complaint is filed by mail or certified mail, the 127076  
date of the United States postmark placed on the envelope or 127077  
sender's receipt by the postal service shall be treated as the 127078  
date of filing. A private meter postmark on an envelope is not a 127079  
valid postmark for purposes of establishing the filing date. 127080

Any person owning taxable real property in the county or in a 127081  
taxing district with territory in the county; such a person's 127082  
spouse; an individual who is retained by such a person and who 127083  
holds a designation from a professional assessment organization, 127084  
such as the institute for professionals in taxation, the national 127085  
council of property taxation, or the international association of 127086  
assessing officers; a public accountant who holds a permit under 127087  
section 4701.10 of the Revised Code, a general or residential real 127088  
estate appraiser licensed or certified under Chapter 4763. of the 127089  
Revised Code, or a real estate broker licensed under Chapter 4735. 127090  
of the Revised Code, who is retained by such a person; if the 127091  
person is a firm, company, association, partnership, limited 127092  
liability company, or corporation, an officer, a salaried 127093  
employee, a partner, or a member of that person; or, if the person 127094  
is a trust, a trustee of the trust; ~~the board of county~~ 127095  
~~commissioners; the prosecuting attorney or treasurer of the~~ 127096  
~~county; the board of township trustees of any township with~~ 127097  
~~territory within the county; the board of education of any school~~ 127098  
~~district with any territory in the county; or the mayor or~~ 127099  
~~legislative authority of any municipal corporation with any~~ 127100  
~~territory in the county~~ may file such a complaint regarding any 127101  
such determination affecting ~~any~~ real property owned by the person 127102  
in the county, ~~except that a person owning taxable real property~~ 127103  
~~in another county may file such a complaint only with regard to~~ 127104

~~any such determination affecting real property in the county that  
is located in the same taxing district as that person's real  
property is located. A county recorder may, at the recorder's  
discretion, file such a complaint regarding any such determination  
affecting any real property in the county. No person, board,  
officer, or other entity may compel a county recorder to file such  
a complaint.~~ The county auditor shall present to the county board  
of revision all complaints filed with the auditor.

(2) As used in division (A)(2) of this section, "interim  
period" means, for each county, the tax year to which section  
5715.24 of the Revised Code applies and each subsequent tax year  
until the tax year in which that section applies again.

No person, ~~board,~~ or officer shall file a complaint against  
the valuation or assessment of any parcel that appears on the tax  
list if ~~it~~ the person or officer filed a complaint against the  
valuation or assessment of that parcel for any prior tax year in  
the same interim period, unless the person, ~~board,~~ or officer  
alleges that the valuation or assessment should be changed due to  
one or more of the following circumstances that occurred after the  
tax lien date for the tax year for which the prior complaint was  
filed and that the circumstances were not taken into consideration  
with respect to the prior complaint:

(a) The property was sold in an arm's length transaction, as  
described in section 5713.03 of the Revised Code;

(b) The property lost value due to some casualty;

(c) Substantial improvement was added to the property;

(d) An increase or decrease of at least fifteen per cent in  
the property's occupancy has had a substantial economic impact on  
the property.

(3) If a county board of revision, the board of tax appeals,  
or any court dismisses a complaint filed under this section or



section 5715.13 of the Revised Code for the reason that the act of 127136  
filing the complaint was the unauthorized practice of law or the 127137  
person filing the complaint was engaged in the unauthorized 127138  
practice of law, the party affected by a decrease in valuation or 127139  
the party's agent, or the person owning taxable real property in 127140  
the county or in a taxing district with territory in the county, 127141  
may refile the complaint, notwithstanding division (A)(2) of this 127142  
section. 127143

(4) Notwithstanding division (A)(2) of this section, a 127144  
person, ~~board,~~ or officer ~~may~~ authorized by division (A)(1) of 127145  
this section to file a complaint against the valuation or 127146  
assessment of ~~any~~ a parcel that appears on the tax list may file 127147  
such a complaint if ~~it~~ the person or officer filed a complaint 127148  
against the valuation or assessment of that parcel for any prior 127149  
tax year in the same interim period ~~if the person, board, or~~ 127150  
~~officer~~ but withdrew the complaint before the complaint was heard 127151  
by the board of revision. 127152

(B) Within thirty days after the last date such complaints 127153  
may be filed, the auditor shall give notice of each complaint in 127154  
which the stated amount of overvaluation, undervaluation, 127155  
discriminatory valuation, illegal valuation, or incorrect 127156  
determination is at least seventeen thousand five hundred dollars 127157  
to each property owner whose property is the subject of the 127158  
complaint, if the complaint was not filed by the owner or the 127159  
owner's spouse, and to each board of education whose school 127160  
district may be affected by the complaint. Within thirty days 127161  
after receiving such notice, a board of education; a property 127162  
owner; the owner's spouse; an individual who is retained by such 127163  
an owner and who holds a designation from a professional 127164  
assessment organization, such as the institute for professionals 127165  
in taxation, the national council of property taxation, or the 127166  
international association of assessing officers; a public 127167

accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code, who is retained by such a person; or, if the property owner is a firm, company, association, partnership, limited liability company, corporation, or trust, an officer, a salaried employee, a partner, a member, or trustee of that property owner, may file a complaint in support of or objecting to the amount of alleged overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect determination stated in a previously filed complaint ~~or objecting to the current valuation.~~ Upon the filing of a complaint under this division, the board of education or the property owner shall be made a party to the action.

(C) Each board of revision shall notify any complainant and also the property owner, if the property owner's address is known, when a complaint is filed by one other than the property owner, by certified mail, not less than ten days prior to the hearing, of the time and place the same will be heard. The board of revision shall hear and render its decision on a complaint within ninety days after the filing thereof with the board, except that if a complaint is filed within thirty days after receiving notice from the auditor as provided in division (B) of this section, the board shall hear and render its decision within ninety days after such filing.

(D) The determination of any such complaint shall relate back to the date when the lien for taxes or recoupment charges for the current year attached or the date as of which liability for such year was determined. Liability for taxes and recoupment charges for such year and each succeeding year until the complaint is finally determined and for any penalty and interest for nonpayment thereof within the time required by law shall be based upon the

determination, valuation, or assessment as finally determined. 127200  
Each complaint shall state the amount of overvaluation, 127201  
undervaluation, discriminatory valuation, illegal valuation, or 127202  
incorrect classification or determination upon which the complaint 127203  
is based. The treasurer shall accept any amount tendered as taxes 127204  
or recoupment charge upon property concerning which a complaint is 127205  
then pending, computed upon the claimed valuation as set forth in 127206  
the complaint. If a complaint filed under this section for the 127207  
current year is not determined by the board within the time 127208  
prescribed for such determination, the complaint and any 127209  
proceedings in relation thereto shall be continued by the board as 127210  
a valid complaint for any ensuing year until such complaint is 127211  
finally determined by the board or upon any appeal from a decision 127212  
of the board. In such case, the original complaint shall continue 127213  
in effect without further filing by the ~~original taxpayer, the~~ 127214  
~~original taxpayer's assignee, or any other person or entity~~ 127215  
~~authorized to file a complaint under this section~~ parties to the 127216  
action. 127217

(E) If a taxpayer files a complaint ~~as to the classification,~~ 127218  
~~valuation, assessment, or any determination affecting the~~ 127219  
~~taxpayer's own property~~ under this section and tenders less than 127220  
the full amount of taxes or recoupment charges as finally 127221  
determined, an interest charge shall accrue as follows: 127222

(1) If the amount finally determined is less than the amount 127223  
billed but more than the amount tendered, the taxpayer shall pay 127224  
interest at the rate per annum prescribed by section 5703.47 of 127225  
the Revised Code, computed from the date that the taxes were due 127226  
on the difference between the amount finally determined and the 127227  
amount tendered. This interest charge shall be in lieu of any 127228  
penalty or interest charge under section 323.121 of the Revised 127229  
Code unless the taxpayer failed to file a complaint and tender an 127230  
amount as taxes or recoupment charges within the time required by 127231

this section, in which case section 323.121 of the Revised Code 127232  
applies. 127233

(2) If the amount of taxes finally determined is equal to or 127234  
greater than the amount billed and more than the amount tendered, 127235  
the taxpayer shall pay interest at the rate prescribed by section 127236  
5703.47 of the Revised Code from the date the taxes were due on 127237  
the difference between the amount finally determined and the 127238  
amount tendered, such interest to be in lieu of any interest 127239  
charge but in addition to any penalty prescribed by section 127240  
323.121 of the Revised Code. 127241

(F) Upon request of a complainant, the tax commissioner shall 127242  
determine the common level of assessment of real property in the 127243  
county for the year stated in the request that is not valued under 127244  
section 5713.31 of the Revised Code, which common level of 127245  
assessment shall be expressed as a percentage of true value and 127246  
the common level of assessment of lands valued under such section, 127247  
which common level of assessment shall also be expressed as a 127248  
percentage of the current agricultural use value of such lands. 127249  
Such determination shall be made on the basis of the most recent 127250  
available sales ratio studies of the commissioner and such other 127251  
factual data as the commissioner deems pertinent. 127252

(G) A complainant shall provide to the board of revision all 127253  
information or evidence within the complainant's knowledge or 127254  
possession that affects the real property that is the subject of 127255  
the complaint. A complainant who fails to provide such information 127256  
or evidence is precluded from introducing it on appeal to the 127257  
board of tax appeals or the court of common pleas, except that the 127258  
board of tax appeals or court may admit and consider the evidence 127259  
if the complainant shows good cause for the complainant's failure 127260  
to provide the information or evidence to the board of revision. 127261

(H) In case of the pendency of any proceeding in court based 127262  
upon an alleged excessive, discriminatory, or illegal valuation or 127263

incorrect classification or determination, the taxpayer may tender 127264  
to the treasurer an amount as taxes upon property computed upon 127265  
the claimed valuation as set forth in the complaint to the court. 127266  
The treasurer may accept the tender. If the tender is not 127267  
accepted, no penalty shall be assessed because of the nonpayment 127268  
of the full taxes assessed. 127269

**Sec. 5715.27.** (A)(1) Except as provided in division (A)(2) of 127270  
this section and in section 3735.67 of the Revised Code, the 127271  
owner, a vendee in possession under a purchase agreement or a land 127272  
contract, the beneficiary of a trust, or a lessee for an initial 127273  
term of not less than thirty years of any property may file an 127274  
application with the tax commissioner, on forms prescribed by the 127275  
commissioner, requesting that such property be exempted from 127276  
taxation and that taxes, interest, and penalties be remitted as 127277  
provided in division (C) of section 5713.08 of the Revised Code. 127278

(2) If the property that is the subject of the application 127279  
for exemption is any of the following, the application shall be 127280  
filed with the county auditor of the county in which the property 127281  
is listed for taxation: 127282

(a) A public road or highway; 127283

(b) Property belonging to the federal government of the 127284  
United States; 127285

(c) Additions or other improvements to an existing building 127286  
or structure that belongs to the state or a political subdivision, 127287  
as defined in section 5713.081 of the Revised Code, and that is 127288  
exempted from taxation as property used exclusively for a public 127289  
purpose; 127290

(d) Property of the boards of trustees and of the housing 127291  
commissions of the state universities, the northeastern Ohio 127292  
universities college of medicine, and of the state to be exempted 127293

under section 3345.17 of the Revised Code. 127294

(B) The board of education of any school district may request 127295  
the tax commissioner or county auditor to provide it with 127296  
notification of applications for exemption from taxation for 127297  
property located within that district. If so requested, the 127298  
commissioner or auditor shall send to the board on a monthly basis 127299  
reports that contain sufficient information to enable the board to 127300  
identify each property that is the subject of an exemption 127301  
application, including, but not limited to, the name of the 127302  
property owner or applicant, the address of the property, and the 127303  
auditor's parcel number. The commissioner or auditor shall mail 127304  
the reports by the fifteenth day of the month following the end of 127305  
the month in which the commissioner or auditor receives the 127306  
applications for exemption. 127307

(C) A board of education that has requested notification 127308  
under division (B) of this section may, with respect to any 127309  
application for exemption of property located in the district and 127310  
included in the commissioner's or auditor's most recent report 127311  
provided under that division, file a statement with the 127312  
commissioner or auditor and with the applicant indicating its 127313  
intent to submit evidence and participate in any hearing on the 127314  
application. The statements shall be filed prior to the first day 127315  
of the third month following the end of the month in which that 127316  
application was docketed by the commissioner or auditor. A 127317  
statement filed in compliance with this division entitles the 127318  
district to submit evidence and to participate in any hearing on 127319  
the property and makes the district a party for purposes of 127320  
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 127321  
the commissioner's or auditor's decision to the board of tax 127322  
appeals. 127323

(D) The commissioner or auditor shall not hold a hearing on 127324  
or grant or deny an application for exemption of property in a 127325

school district whose board of education has requested 127326  
notification under division (B) of this section until the end of 127327  
the period within which the board may submit a statement with 127328  
respect to that application under division (C) of this section. 127329  
The commissioner or auditor may act upon an application at any 127330  
time prior to that date upon receipt of a written waiver from each 127331  
such board of education, or, in the case of exemptions authorized 127332  
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.62, 127333  
5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the 127334  
Revised Code, upon the request of the property owner. Failure of a 127335  
board of education to receive the report required in division (B) 127336  
of this section shall not void an action of the commissioner or 127337  
auditor with respect to any application. The commissioner or 127338  
auditor may extend the time for filing a statement under division 127339  
(C) of this section. 127340

(E) ~~A complaint may also be filed with the commissioner or~~ 127341  
~~auditor by any~~ Any person, ~~board,~~ or officer authorized by section 127342  
5715.19 of the Revised Code to file complaints with the county 127343  
board of revision, the board of county commissioners, the 127344  
prosecuting attorney or treasurer of the county, the board of 127345  
township trustees of any township with territory in the county, 127346  
the board of education of any school district with any territory 127347  
in the county, or the mayor or legislative authority of a 127348  
municipal corporation with any territory in the county may file a 127349  
complaint with the commissioner or auditor against the continued 127350  
exemption of any property granted exemption by the commissioner or 127351  
auditor, respectively, under this section. 127352

(F) An application for exemption and a complaint against 127353  
exemption shall be filed prior to the thirty-first day of December 127354  
of the tax year for which exemption is requested or for which the 127355  
liability of the property to taxation in that year is requested. 127356  
The commissioner or auditor shall consider such application or 127357

complaint in accordance with procedures established by the 127358  
commissioner, determine whether the property is subject to 127359  
taxation or exempt therefrom, and, if the commissioner makes the 127360  
determination, certify the determination to the auditor. Upon 127361  
making the determination or receiving the commissioner's 127362  
determination, the auditor shall correct the tax list and 127363  
duplicate accordingly. If a tax certificate has been sold under 127364  
section 5721.32 or 5721.33 of the Revised Code with respect to 127365  
property for which an exemption has been requested, the tax 127366  
commissioner or auditor shall also certify the findings to the 127367  
county treasurer of the county in which the property is located. 127368

(G) Applications and complaints, and documents of any kind 127369  
related to applications and complaints, filed with the tax 127370  
commissioner or county auditor under this section are public 127371  
records within the meaning of section 149.43 of the Revised Code. 127372

(H) If the commissioner or auditor determines that the use of 127373  
property or other facts relevant to the taxability of property 127374  
that is the subject of an application for exemption or a complaint 127375  
under this section has changed while the application or complaint 127376  
was pending, the commissioner or auditor may make the 127377  
determination under division (F) of this section separately for 127378  
each tax year beginning with the year in which the application or 127379  
complaint was filed or the year for which remission of taxes under 127380  
division (C) of section 5713.08 of the Revised Code was requested, 127381  
and including each subsequent tax year during which the 127382  
application or complaint is pending before the commissioner or 127383  
auditor. 127384

**Sec. 5717.01.** An appeal from a decision of a county board of 127385  
revision may be taken to the board of tax appeals within thirty 127386  
days after notice of the decision of the county board of revision 127387  
is mailed as provided in division (A) of section 5715.20 of the 127388



Revised Code. Such an appeal may be taken by the county auditor, 127389  
the tax commissioner, ~~or any board, legislative authority, public~~ 127390  
~~official~~ the board of education of any school district in which 127391  
the parcel that is the subject of the decision is located, the 127392  
county recorder, or a taxpayer authorized by section 5715.19 of 127393  
the Revised Code to file complaints against valuations or 127394  
assessments with the auditor. Such appeal shall be taken by the 127395  
filing of a notice of appeal, in person or by certified mail, 127396  
express mail, or authorized delivery service, with the board of 127397  
tax appeals and with the county board of revision. If notice of 127398  
appeal is filed by certified mail, express mail, or authorized 127399  
delivery service as provided in section 5703.056 of the Revised 127400  
Code, the date of the United States postmark placed on the 127401  
sender's receipt by the postal service or the date of receipt 127402  
recorded by the authorized delivery service shall be treated as 127403  
the date of filing. Upon receipt of such notice of appeal such 127404  
county board of revision shall by certified mail notify all 127405  
persons thereof who were parties to the proceeding before such 127406  
county board of revision, and shall file proof of such notice with 127407  
the board of tax appeals. The county board of revision shall 127408  
thereupon certify to the board of tax appeals a transcript of the 127409  
record of the proceedings of the county board of revision 127410  
pertaining to the original complaint, and all evidence offered in 127411  
connection therewith. Such appeal may be heard by the board of tax 127412  
appeals at its offices in Columbus or in the county where the 127413  
property is listed for taxation, or the board of tax appeals may 127414  
cause its examiners to conduct such hearing and to report to it 127415  
their findings for affirmation or rejection. 127416

The board of tax appeals may order the appeal to be heard on 127417  
the record and the evidence certified to it by the county board of 127418  
revision, or it may order the hearing of additional evidence, and 127419  
it may make such investigation concerning the appeal as it deems 127420  
proper. 127421

**Sec. 5725.18.** (A) An annual franchise tax on the privilege of being an insurance company is hereby levied on each domestic insurance company. In the month of May, annually, the treasurer of state shall charge for collection from each domestic insurance company a franchise tax in the amount computed in accordance with the following, as applicable:

(1) With respect to a domestic insurance company that is a health insuring corporation, one per cent of all premium rate payments received, exclusive of payments received under the medicare program ~~established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of payments received pursuant to the ~~medical assistance~~ medicaid program established under Chapter 5111. of the ~~Revised Code~~ for the period ending September 30, 2009, as reflected in its annual report for the preceding calendar year;

(2) With respect to a domestic insurance company that is not a health insuring corporation, one and four-tenths per cent of the gross amount of premiums received from policies covering risks within this state, exclusive of premiums received under the medicare program ~~established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of payments received pursuant to the ~~medical assistance~~ medicaid program established under Chapter 5111. of the ~~Revised Code~~ for the period ending September 30, 2009, as reflected in its annual statement for the preceding calendar year, and, if the company operates a health insuring corporation as a line of business, one per cent of all premium rate payments received from that line of business, exclusive of payments received under the medicare program ~~established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of payments received pursuant to the ~~medical assistance~~ medicaid program established under Chapter

~~5111. of the Revised Code~~ for the period ending September 30, 127454  
2009, as reflected in its annual statement for the preceding 127455  
calendar year. 127456

Domestic insurance companies, including health insuring 127457  
corporations, receiving payments pursuant to the ~~medical~~ 127458  
~~assistance~~ medicaid program ~~established under Chapter 5111. of the~~ 127459  
~~Revised Code~~ during the period beginning October 1, 2009, and 127460  
ending December 31, 2009, shall file with the 2009 annual 127461  
statement to the superintendent a schedule that reflects those 127462  
payments received pursuant to the ~~medical assistance~~ medicaid 127463  
program for that period. The payments reflected in the schedule, 127464  
plus all other taxable premiums, are subject to the annual 127465  
franchise tax due to be paid in 2010. 127466

(B) The gross amount of premium rate payments or premiums 127467  
used to compute the applicable tax in accordance with division (A) 127468  
of this section is subject to the deductions prescribed by section 127469  
5729.03 of the Revised Code for foreign insurance companies. The 127470  
objects of such tax are those declared in section 5725.24 of the 127471  
Revised Code, to which only such tax shall be applied. 127472

(C) In no case shall such tax be less than two hundred fifty 127473  
dollars. 127474

**Sec. 5725.34.** (A) As used in this section, "certificate 127475  
owner" has the same meaning as in section 149.311 of the Revised 127476  
Code. 127477

(B) There is allowed a credit against the tax imposed by 127478  
section 5725.18 of the Revised Code for an insurance company 127479  
subject to that tax that is a certificate owner of a 127480  
rehabilitation tax credit certificate issued under section 149.311 127481  
of the Revised Code. The credit shall equal twenty-five per cent 127482  
of the dollar amount indicated on the certificate, but the amount 127483  
of the credit allowed for any company for any year shall not 127484

exceed ~~five~~ ten million dollars. The credit shall be claimed in 127485  
the calendar year specified in the certificate and in the order 127486  
required under section 5725.98 of the Revised Code. If the credit 127487  
exceeds the amount of tax otherwise due in that year, the excess 127488  
shall be refunded to the company but, if any amount of the credit 127489  
is refunded, the sum of the amount refunded and the amount applied 127490  
to reduce the tax otherwise due in that year shall not exceed 127491  
three million dollars. The company may carry forward any balance 127492  
of the credit in excess of the amount claimed in that year for not 127493  
more than five ensuing years, and shall deduct any amount claimed 127494  
in any such year from the amount claimed in an ensuing year. 127495

(C) An insurance company claiming a credit under this section 127496  
shall retain the rehabilitation tax credit certificate for four 127497  
years following the end of the year in which the credit was 127498  
claimed, and shall make the certificate available for inspection 127499  
by the tax commissioner upon the request of the tax commissioner 127500  
during that period. 127501

**Sec. 5726.20.** (A) The tax commissioner may make an 127502  
assessment, based on any information in the commissioner's 127503  
possession, against any person that fails to file a return or 127504  
report or pay any tax as required by this chapter. The reporting 127505  
person for a taxpayer shall file the annual report required under 127506  
section 5726.02 of the Revised Code and remit the tax imposed by 127507  
this chapter. Each person included in the annual report of the 127508  
taxpayer is jointly and severally liable for the tax imposed by 127509  
this chapter and any penalties and interest thereon. If the 127510  
reporting person fails, for any reason, to file and remit any tax, 127511  
the amount due may be collected by assessment against the 127512  
reporting person and against any or all other persons required to 127513  
be included in the annual report of the taxpayer in the manner 127514  
provided by this section. The commissioner shall give the person 127515  
assessed written notice of the assessment as provided in section 127516

5703.37 of the Revised Code. With the notice, the commissioner 127517  
shall provide instructions on the manner in which to petition for 127518  
reassessment and request a hearing with respect to the petition. 127519

(B) No assessment shall be made or issued against a person 127520  
under this section more than four years after the later of the 127521  
final date the report subject to assessment was required to be 127522  
filed or the date such report was filed. Such time limit may be 127523  
extended if both the person and the commissioner consent in 127524  
writing to the extension or if an agreement waiving or extending 127525  
the time limit has been entered into pursuant to section 122.171 127526  
of the Revised Code. Any such extension shall extend the four-year 127527  
time limit prescribed in division (A) of section 5726.30 of the 127528  
Revised Code for the same period of time. There shall be no bar or 127529  
limit to an assessment against a person that fails to file a 127530  
report subject to assessment as required by this chapter, or that 127531  
files a fraudulent report. 127532

(C) Unless the person assessed, within sixty days after 127533  
service of the notice of assessment, files with the tax 127534  
commissioner, either in person or by certified mail, a written 127535  
petition for reassessment signed by the person or the person's 127536  
authorized agent having knowledge of the facts, the assessment 127537  
shall become final, and the amount of the assessment is due and 127538  
payable from the person assessed to the treasurer of state. A 127539  
petition shall indicate the objections of the person assessed, but 127540  
additional objections may be raised in writing if received by the 127541  
commissioner prior to the date shown on the final determination. 127542  
If a petition for reassessment has been properly filed, the 127543  
commissioner shall proceed under section 5703.60 of the Revised 127544  
Code. 127545

(D)(1) After an assessment becomes final, if any portion of 127546  
the assessment, including any accrued interest, remains unpaid, a 127547

certified copy of the tax commissioner's entry making the 127548  
assessment final may be filed in the office of the clerk of the 127549  
court of common pleas in the county in which the person resides or 127550  
has its principal place of business in this state, or in the 127551  
office of the clerk of court of common pleas of Franklin county. 127552

(2) Immediately upon the filing of the entry, the clerk shall 127553  
enter judgment for the state against the person assessed in the 127554  
amount shown on the entry. The judgment may be filed by the clerk 127555  
in a loose-leaf book entitled, "special judgments for the 127556  
financial institution tax" and shall have the same effect as other 127557  
judgments. Execution shall issue upon the judgment at the request 127558  
of the tax commissioner, and all laws applicable to sales on 127559  
execution shall apply to sales made under the judgment. 127560

(3) ~~The portion of~~ If the assessment is not paid in its 127561  
entirety within sixty days after the day the assessment was 127562  
issued, the portion of the assessment consisting of tax due shall 127563  
bear interest at the rate per annum prescribed by section 5703.47 127564  
of the Revised Code from the date the tax commissioner issues the 127565  
assessment until the date the assessment is paid or until it is 127566  
certified to the attorney general for collection under section 127567  
131.02 of the Revised Code, whichever comes first. If the unpaid 127568  
portion of the assessment is certified to the attorney general for 127569  
collection, the entire unpaid portion of the assessment shall bear 127570  
interest at the rate per annum prescribed by section 5703.47 of 127571  
the Revised Code from the date of certification until the date it 127572  
is paid in its entirety. Interest shall be paid in the same manner 127573  
as the tax and may be collected by the issuance of an assessment 127574  
under this section. 127575

(E) If the tax commissioner believes that collection of the 127576  
tax imposed by this chapter will be jeopardized unless proceedings 127577  
to collect or secure collection of the tax are instituted without 127578  
delay, the commissioner may issue a jeopardy assessment against 127579

the person liable for the tax. Immediately upon the issuance of 127580  
the jeopardy assessment, the commissioner shall file an entry with 127581  
the clerk of the court of common pleas in the manner prescribed by 127582  
division (D) of this section. Notice of the jeopardy assessment 127583  
shall be served on the person assessed or the person's authorized 127584  
agent in the manner provided in section 5703.37 of the Revised 127585  
Code within five days of the filing of the entry with the clerk. 127586  
The total amount assessed shall be immediately due and payable, 127587  
unless the person assessed files a petition for reassessment in 127588  
accordance with division (C) of this section and provides security 127589  
in a form satisfactory to the commissioner and in an amount 127590  
sufficient to satisfy the unpaid balance of the assessment. Full 127591  
or partial payment of the assessment shall not prejudice the 127592  
commissioner's consideration of the petition for reassessment. 127593

(F) The tax commissioner shall immediately forward to the 127594  
treasurer of state all amounts the commissioner receives under 127595  
this section. Such amounts shall be considered as revenue arising 127596  
from the tax imposed by this chapter. 127597

(G) If the tax commissioner possesses information indicating 127598  
that the amount of tax a taxpayer is required to pay under this 127599  
chapter exceeds the amount the reporting person for the taxpayer 127600  
paid, the tax commissioner may audit a sample of the taxpayer's 127601  
gross receipts over a representative period of time to ascertain 127602  
the amount of tax due, and may issue an assessment based on the 127603  
audit. The tax commissioner shall make a good faith effort to 127604  
reach agreement with the taxpayer in selecting a representative 127605  
sample. The tax commissioner may apply a sampling method only if 127606  
the commissioner has prescribed the method by rule. 127607

(H) If the whereabouts of a person subject to this chapter is 127608  
not known to the tax commissioner, the secretary of state is 127609  
hereby deemed to be that person's agent for purposes of service of 127610  
process or notice of any assessment, action, or proceedings 127611

instituted in this state against the person under this chapter. 127612  
Such process or notice shall be served on such person by the 127613  
commissioner or by an agent of the commissioner by leaving a true 127614  
and attested copy of the process or notice at the office of the 127615  
secretary of state at least fifteen days before the return day of 127616  
such process or notice, and by sending a copy of the process or 127617  
notice to such person by ordinary mail, with an endorsement 127618  
thereon of the service upon the secretary of state, addressed to 127619  
such person at the person's last known address. 127620

**Sec. 5726.52.** (A) As used in this section, "certificate 127621  
owner" has the same meaning as in section 149.311 of the Revised 127622  
Code. 127623

(B) A taxpayer may claim a refundable credit against the tax 127624  
imposed by this chapter for each person included in the annual 127625  
report of a taxpayer that is a certificate owner of a 127626  
rehabilitation tax credit certificate issued under section 149.311 127627  
of the Revised Code. The credit shall equal twenty-five per cent 127628  
of the dollar amount indicated on each certificate, but shall not 127629  
exceed ~~five~~ ten million dollars for each certificate. 127630

The credit shall be claimed for the calendar year specified 127631  
in the certificate and in the order required under section 5726.98 127632  
of the Revised Code. If the credit exceeds the amount of tax 127633  
otherwise due in that year, the excess shall be refunded to the 127634  
taxpayer, provided that, if any amount of the credit is refunded, 127635  
the sum of the amount refunded and the amount applied to reduce 127636  
the tax otherwise due in that year shall not exceed three million 127637  
dollars. The taxpayer may carry forward any balance of the credit 127638  
in excess of the amount claimed in that year for not more than 127639  
five ensuing years, and shall deduct any amount claimed in any 127640  
such year from the amount claimed in an ensuing year. A taxpayer 127641  
may claim against the tax imposed by this chapter any unused 127642



portion of the credit authorized under section 5725.151 of the Revised Code, but only to the extent of the five-year carry forward period authorized by that section.

(C) A taxpayer claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following the end of the year to which the credit was applied, and shall make the certificate available for inspection by the tax commissioner upon the request of the commissioner during that period.

**Sec. 5727.26.** (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any natural gas company or combined company that fails to file a return or pay any tax, interest, or additional charge as required by sections 5727.24 to 5727.29 of the Revised Code. The commissioner shall give the company assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The tax commissioner may adopt rules providing for the imposition and remission of the penalty.

(B) Unless the company assessed, within sixty days after service of the notice of assessment, files with the tax commissioner, either personally or by certified mail, a written petition signed by the company's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the company assessed to the treasurer of state. The petition shall indicate the objections of the company assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on

the final determination. 127674

If a petition for reassessment has been properly filed, the 127675  
commissioner shall proceed under section 5703.60 of the Revised 127676  
Code. 127677

(C) After an assessment becomes final, if any portion of the 127678  
assessment, including accrued interest, remains unpaid, a 127679  
certified copy of the tax commissioner's entry making the 127680  
assessment final may be filed in the office of the clerk of the 127681  
court of common pleas in the county in which the natural gas 127682  
company's or combined company's principal place of business is 127683  
located, or in the office of the clerk of court of common pleas of 127684  
Franklin county. 127685

Immediately on the filing of the entry, the clerk shall enter 127686  
judgment for the state against the company assessed in the amount 127687  
shown on the entry. The judgment may be filed by the clerk in a 127688  
loose-leaf book entitled, "special judgments for the public 127689  
utility excise tax on natural gas and combined companies," and 127690  
shall have the same effect as other judgments. Execution shall 127691  
issue upon the judgment at the request of the tax commissioner, 127692  
and all laws applicable to sales on execution shall apply to sales 127693  
made under the judgment. 127694

~~The portion of~~ If the assessment is not paid in its entirety 127695  
within sixty days after the day the assessment was issued, the 127696  
portion of the assessment consisting of tax due shall bear 127697  
interest at the rate per annum prescribed by section 5703.47 of 127698  
the Revised Code from the day the tax commissioner issues the 127699  
assessment until it is paid or until it is certified to the 127700  
attorney general for collection under section 131.02 of the 127701  
Revised Code, whichever comes first. If the unpaid portion of the 127702  
assessment is certified to the attorney general for collection, 127703  
the entire unpaid portion of the assessment shall bear interest at 127704  
the rate per annum prescribed by section 5703.47 of the Revised 127705

Code from the date of certification until the date it is paid in 127706  
its entirety. Interest shall be paid in the same manner as the tax 127707  
and may be collected by the issuance of an assessment under this 127708  
section. 127709

(D) If the tax commissioner believes that collection of the 127710  
tax will be jeopardized unless proceedings to collect or secure 127711  
collection of the tax are instituted without delay, the 127712  
commissioner may issue a jeopardy assessment against the company 127713  
liable for the tax. Immediately upon the issuance of the jeopardy 127714  
assessment, the commissioner shall file an entry with the clerk of 127715  
the court of common pleas in the manner prescribed by division (C) 127716  
of this section. Notice of the jeopardy assessment shall be served 127717  
on the company assessed or the company's authorized agent in the 127718  
manner provided in section 5703.37 of the Revised Code within five 127719  
days of the filing of the entry with the clerk. The total amount 127720  
assessed is immediately due and payable, unless the company 127721  
assessed files a petition for reassessment in accordance with 127722  
division (B) of this section and provides security in a form 127723  
satisfactory to the commissioner and in an amount sufficient to 127724  
satisfy the unpaid balance of the assessment. Full or partial 127725  
payment of the assessment does not prejudice the commissioner's 127726  
consideration of the petition for reassessment. 127727

(E) The tax commissioner shall immediately forward to the 127728  
treasurer of state all amounts that the tax commissioner receives 127729  
under this section, and such amounts shall be considered revenue 127730  
arising from the tax imposed by section 5727.24 of the Revised 127731  
Code. 127732

(F) No assessment shall be made or issued against a natural 127733  
gas company or combined company for the tax imposed by section 127734  
5727.24 of the Revised Code more than four years after the return 127735  
date for the period in which the tax was reported, or more than 127736  
four years after the return for the period was filed, whichever is 127737

later. 127738

**Sec. 5727.75.** (A) For purposes of this section: 127739

(1) "Qualified energy project" means an energy project 127740  
certified by the director of development services pursuant to this 127741  
section. 127742

(2) "Energy project" means a project to provide electric 127743  
power through the construction, installation, and use of an energy 127744  
facility. 127745

(3) "Alternative energy zone" means a county declared as such 127746  
by the board of county commissioners under division (E)(1)(b) or 127747  
(c) of this section. 127748

(4) "Full-time equivalent employee" means the total number of 127749  
employee-hours for which compensation was paid to individuals 127750  
employed at a qualified energy project for services performed at 127751  
the project during the calendar year divided by two thousand 127752  
eighty hours. 127753

(5) "Solar energy project" means an energy project composed 127754  
of an energy facility using solar panels to generate electricity. 127755

(B)(1) Tangible personal property of a qualified energy 127756  
project using renewable energy resources is exempt from taxation 127757  
for tax years 2011, ~~2012, 2013, and 2014~~ through 2019 if all of 127758  
the following conditions are satisfied: 127759

(a) On or before December 31, ~~2013~~ 2018, the owner or a 127760  
lessee pursuant to a sale and leaseback transaction of the project 127761  
submits an application to the power siting board for a certificate 127762  
under section 4906.20 of the Revised Code, or if that section does 127763  
not apply, submits an application for any approval, consent, 127764  
permit, or certificate or satisfies any condition required by a 127765  
public agency or political subdivision of this state for the 127766  
construction or initial operation of an energy project. 127767

(b) Construction or installation of the energy facility 127768  
begins on or after January 1, 2009, and before January 1, ~~2014~~ 127769  
2019. For the purposes of this division, construction begins on 127770  
the earlier of the date of application for a certificate or other 127771  
approval or permit described in division (B)(1)(a) of this 127772  
section, or the date the contract for the construction or 127773  
installation of the energy facility is entered into. 127774

(c) For a qualified energy project with a nameplate capacity 127775  
of five megawatts or greater, a board of county commissioners of a 127776  
county in which property of the project is located has adopted a 127777  
resolution under division (E)(1)(b) or (c) of this section to 127778  
approve the application submitted under division (E) of this 127779  
section to exempt the property located in that county from 127780  
taxation. A board's adoption of a resolution rejecting an 127781  
application or its failure to adopt a resolution approving the 127782  
application does not affect the tax-exempt status of the qualified 127783  
energy project's property that is located in another county. 127784

(2) If tangible personal property of a qualified energy 127785  
project using renewable energy resources was exempt from taxation 127786  
under this section beginning in any of tax years 2011, 2012, 2013, 127787  
~~or~~ 2014, 2015, 2016, 2017, 2018, or 2019, and the certification 127788  
under division (E)(2) of this section has not been revoked, the 127789  
tangible personal property of the qualified energy project is 127790  
exempt from taxation for tax year ~~2015~~ 2020 and all ensuing tax 127791  
years if the property was placed into service before January 1, 127792  
~~2015~~ 2020, as certified in the construction progress report 127793  
required under division (F)(2) of this section. Tangible personal 127794  
property that has not been placed into service before that date is 127795  
taxable property subject to taxation. An energy project for which 127796  
certification has been revoked is ineligible for further exemption 127797  
under this section. Revocation does not affect the tax-exempt 127798  
status of the project's tangible personal property for the tax 127799

year in which revocation occurs or any prior tax year. 127800

(C) Tangible personal property of a qualified energy project 127801  
using clean coal technology, advanced nuclear technology, or 127802  
cogeneration technology is exempt from taxation for the first tax 127803  
year that the property would be listed for taxation and all 127804  
subsequent years if all of the following circumstances are met: 127805

(1) The property was placed into service before January 1, 127806  
~~2019~~ 2024. Tangible personal property that has not been placed 127807  
into service before that date is taxable property subject to 127808  
taxation. 127809

(2) For such a qualified energy project with a nameplate 127810  
capacity of five megawatts or greater, a board of county 127811  
commissioners of a county in which property of the qualified 127812  
energy project is located has adopted a resolution under division 127813  
(E)(1)(b) or (c) of this section to approve the application 127814  
submitted under division (E) of this section to exempt the 127815  
property located in that county from taxation. A board's adoption 127816  
of a resolution rejecting the application or its failure to adopt 127817  
a resolution approving the application does not affect the 127818  
tax-exempt status of the qualified energy project's property that 127819  
is located in another county. 127820

(3) The certification for the qualified energy project issued 127821  
under division (E)(2) of this section has not been revoked. An 127822  
energy project for which certification has been revoked is 127823  
ineligible for exemption under this section. Revocation does not 127824  
affect the tax-exempt status of the project's tangible personal 127825  
property for the tax year in which revocation occurs or any prior 127826  
tax year. 127827

(D) Except as otherwise provided in this section, real 127828  
property of a qualified energy project is exempt from taxation for 127829  
any tax year for which the tangible personal property of the 127830

qualified energy project is exempted under this section. 127831

(E)(1)(a) A person may apply to the director of development 127832  
services for certification of an energy project as a qualified 127833  
energy project on or before the following dates: 127834

(i) December 31, ~~2013~~ 2018, for an energy project using 127835  
renewable energy resources; 127836

(ii) December 31, ~~2015~~ 2020, for an energy project using 127837  
clean coal technology, advanced nuclear technology, or 127838  
cogeneration technology. 127839

(b) The director shall forward a copy of each application for 127840  
certification of an energy project with a nameplate capacity of 127841  
five megawatts or greater to the board of county commissioners of 127842  
each county in which the project is located and to each taxing 127843  
unit with territory located in each of the affected counties. Any 127844  
board that receives from the director a copy of an application 127845  
submitted under this division shall adopt a resolution approving 127846  
or rejecting the application unless it has adopted a resolution 127847  
under division (E)(1)(c) of this section. A resolution adopted 127848  
under division (E)(1)(b) or (c) of this section may require an 127849  
annual service payment to be made in addition to the service 127850  
payment required under division (G) of this section. The sum of 127851  
the service payment required in the resolution and the service 127852  
payment required under division (G) of this section shall not 127853  
exceed nine thousand dollars per megawatt of nameplate capacity 127854  
located in the county. The resolution shall specify the time and 127855  
manner in which the payments required by the resolution shall be 127856  
paid to the county treasurer. The county treasurer shall deposit 127857  
the payment to the credit of the county's general fund to be used 127858  
for any purpose for which money credited to that fund may be used. 127859

The board shall send copies of the resolution by certified 127860  
mail to the owner of the facility and the director within thirty 127861

days after receipt of the application, or a longer period of time 127862  
if authorized by the director. 127863

(c) A board of county commissioners may adopt a resolution 127864  
declaring the county to be an alternative energy zone and 127865  
declaring all applications submitted to the director of 127866  
development services under this division after the adoption of the 127867  
resolution, and prior to its repeal, to be approved by the board. 127868

All tangible personal property and real property of an energy 127869  
project with a nameplate capacity of five megawatts or greater is 127870  
taxable if it is located in a county in which the board of county 127871  
commissioners adopted a resolution rejecting the application 127872  
submitted under this division or failed to adopt a resolution 127873  
approving the application under division (E)(1)(b) or (c) of this 127874  
section. 127875

(2) The director shall certify an energy project if all of 127876  
the following circumstances exist: 127877

(a) The application was timely submitted. 127878

(b) For an energy project with a nameplate capacity of five 127879  
megawatts or greater, a board of county commissioners of at least 127880  
one county in which the project is located has adopted a 127881  
resolution approving the application under division (E)(1)(b) or 127882  
(c) of this section. 127883

(c) No portion of the project's facility was used to supply 127884  
electricity before December 31, 2009. 127885

(3) The director shall deny a certification application if 127886  
the director determines the person has failed to comply with any 127887  
requirement under this section. The director may revoke a 127888  
certification if the director determines the person, or subsequent 127889  
owner or lessee pursuant to a sale and leaseback transaction of 127890  
the qualified energy project, has failed to comply with any 127891  
requirement under this section. Upon certification or revocation, 127892



the director shall notify the person, owner, or lessee, the tax commissioner, and the county auditor of a county in which the project is located of the certification or revocation. Notice shall be provided in a manner convenient to the director.

(F) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall do each of the following:

(1) Comply with all applicable regulations;

(2) File with the director of development services a certified construction progress report before the first day of March of each year during the energy facility's construction or installation indicating the percentage of the project completed, and the project's nameplate capacity, as of the preceding thirty-first day of December. Unless otherwise instructed by the director of development services, the owner or lessee of an energy project shall file a report with the director on or before the first day of March each year after completion of the energy facility's construction or installation indicating the project's nameplate capacity as of the preceding thirty-first day of December. Not later than sixty days after June 17, 2010, the owner or lessee of an energy project, the construction of which was completed before June 17, 2010, shall file a certificate indicating the project's nameplate capacity.

(3) File with the director of development services, in a manner prescribed by the director, a report of the total number of full-time equivalent employees, and the total number of full-time equivalent employees domiciled in Ohio, who are employed in the construction or installation of the energy facility;

(4) For energy projects with a nameplate capacity of five megawatts or greater, repair all roads, bridges, and culverts affected by construction as reasonably required to restore them to

their preconstruction condition, as determined by the county 127924  
engineer in consultation with the local jurisdiction responsible 127925  
for the roads, bridges, and culverts. In the event that the county 127926  
engineer deems any road, bridge, or culvert to be inadequate to 127927  
support the construction or decommissioning of the energy 127928  
facility, the road, bridge, or culvert shall be rebuilt or 127929  
reinforced to the specifications established by the county 127930  
engineer prior to the construction or decommissioning of the 127931  
facility. The owner or lessee of the facility shall post a bond in 127932  
an amount established by the county engineer and to be held by the 127933  
board of county commissioners to ensure funding for repairs of 127934  
roads, bridges, and culverts affected during the construction. The 127935  
bond shall be released by the board not later than one year after 127936  
the date the repairs are completed. The energy facility owner or 127937  
lessee pursuant to a sale and leaseback transaction shall post a 127938  
bond, as may be required by the Ohio power siting board in the 127939  
certificate authorizing commencement of construction issued 127940  
pursuant to section 4906.10 of the Revised Code, to ensure funding 127941  
for repairs to roads, bridges, and culverts resulting from 127942  
decommissioning of the facility. The energy facility owner or 127943  
lessee and the county engineer may enter into an agreement 127944  
regarding specific transportation plans, reinforcements, 127945  
modifications, use and repair of roads, financial security to be 127946  
provided, and any other relevant issue. 127947

(5) Provide or facilitate training for fire and emergency 127948  
responders for response to emergency situations related to the 127949  
energy project and, for energy projects with a nameplate capacity 127950  
of five megawatts or greater, at the person's expense, equip the 127951  
fire and emergency responders with proper equipment as reasonably 127952  
required to enable them to respond to such emergency situations; 127953

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 127954  
employees employed in the construction or installation of the 127955

energy project to total full-time equivalent employees employed in 127956  
the construction or installation of the energy project of not less 127957  
than eighty per cent in the case of a solar energy project, and 127958  
not less than fifty per cent in the case of any other energy 127959  
project. In the case of an energy project for which certification 127960  
from the power siting board is required under section 4906.20 of 127961  
the Revised Code, the number of full-time equivalent employees 127962  
employed in the construction or installation of the energy project 127963  
equals the number actually employed or the number projected to be 127964  
employed in the certificate application, if such projection is 127965  
required under regulations adopted pursuant to section 4906.03 of 127966  
the Revised Code, whichever is greater. For all other energy 127967  
projects, the number of full-time equivalent employees employed in 127968  
the construction or installation of the energy project equals the 127969  
number actually employed or the number projected to be employed by 127970  
the director of development services, whichever is greater. To 127971  
estimate the number of employees to be employed in the 127972  
construction or installation of an energy project, the director 127973  
shall use a generally accepted job-estimating model in use for 127974  
renewable energy projects, including but not limited to the job 127975  
and economic development impact model. The director may adjust an 127976  
estimate produced by a model to account for variables not 127977  
accounted for by the model. 127978

(7) For energy projects with a nameplate capacity in excess 127979  
of two megawatts, establish a relationship with a member of the 127980  
university system of Ohio as defined in section 3345.011 of the 127981  
Revised Code or with a person offering an apprenticeship program 127982  
registered with the employment and training administration within 127983  
the United States department of labor or with the apprenticeship 127984  
council created by section 4139.02 of the Revised Code, to educate 127985  
and train individuals for careers in the wind or solar energy 127986  
industry. The relationship may include endowments, cooperative 127987  
programs, internships, apprenticeships, research and development 127988

projects, and curriculum development. 127989

(8) Offer to sell power or renewable energy credits from the 127990  
energy project to electric distribution utilities or electric 127991  
service companies subject to renewable energy resource 127992  
requirements under section 4928.64 of the Revised Code that have 127993  
issued requests for proposal for such power or renewable energy 127994  
credits. If no electric distribution utility or electric service 127995  
company issues a request for proposal on or before December 31, 127996  
2010, or accepts an offer for power or renewable energy credits 127997  
within forty-five days after the offer is submitted, power or 127998  
renewable energy credits from the energy project may be sold to 127999  
other persons. Division (F)(8) of this section does not apply if: 128000

(a) The owner or lessee is a rural electric company or a 128001  
municipal power agency as defined in section 3734.058 of the 128002  
Revised Code. 128003

(b) The owner or lessee is a person that, before completion 128004  
of the energy project, contracted for the sale of power or 128005  
renewable energy credits with a rural electric company or a 128006  
municipal power agency. 128007

(c) The owner or lessee contracts for the sale of power or 128008  
renewable energy credits from the energy project before June 17, 128009  
2010. 128010

(9) Make annual service payments as required by division (G) 128011  
of this section and as may be required in a resolution adopted by 128012  
a board of county commissioners under division (E) of this 128013  
section. 128014

(G) The owner or a lessee pursuant to a sale and leaseback 128015  
transaction of a qualified energy project shall make annual 128016  
service payments in lieu of taxes to the county treasurer on or 128017  
before the final dates for payments of taxes on public utility 128018  
personal property on the real and public utility personal property 128019

tax list for each tax year for which property of the energy 128020  
project is exempt from taxation under this section. The county 128021  
treasurer shall allocate the payment on the basis of the project's 128022  
physical location. Upon receipt of a payment, or if timely payment 128023  
has not been received, the county treasurer shall certify such 128024  
receipt or non-receipt to the director of development services and 128025  
tax commissioner in a form determined by the director and 128026  
commissioner, respectively. Each payment shall be in the following 128027  
amount: 128028

(1) In the case of a solar energy project, seven thousand 128029  
dollars per megawatt of nameplate capacity located in the county 128030  
as of December 31, 2010, for tax year 2011, as of December 31, 128031  
2011, for tax year 2012, as of December 31, 2012, for tax year 128032  
2013, as of December 31, 2013, for tax year 2014, ~~and~~ as of 128033  
December 31, 2014, for tax year 2015, as of December 31, 2015, for 128034  
tax year 2016, as of December 31, 2016, for tax year 2017, as of 128035  
December 31, 2017, for tax year 2018, as of December 31, 2018, for 128036  
tax year 2019, and as of December 31, 2019, for tax year 2020 and 128037  
each tax year thereafter; 128038

(2) In the case of any other energy project using renewable 128039  
energy resources, the following: 128040

(a) If the project maintains during the construction or 128041  
installation of the energy facility a ratio of Ohio-domiciled 128042  
full-time equivalent employees to total full-time equivalent 128043  
employees of not less than seventy-five per cent, six thousand 128044  
dollars per megawatt of nameplate capacity located in the county 128045  
as of the thirty-first day of December of the preceding tax year; 128046

(b) If the project maintains during the construction or 128047  
installation of the energy facility a ratio of Ohio-domiciled 128048  
full-time equivalent employees to total full-time equivalent 128049  
employees of less than seventy-five per cent but not less than 128050  
sixty per cent, seven thousand dollars per megawatt of nameplate 128051

capacity located in the county as of the thirty-first day of 128052  
December of the preceding tax year; 128053

(c) If the project maintains during the construction or 128054  
installation of the energy facility a ratio of Ohio-domiciled 128055  
full-time equivalent employees to total full-time equivalent 128056  
employees of less than sixty per cent but not less than fifty per 128057  
cent, eight thousand dollars per megawatt of nameplate capacity 128058  
located in the county as of the thirty-first day of December of 128059  
the preceding tax year. 128060

(3) In the case of an energy project using clean coal 128061  
technology, advanced nuclear technology, or cogeneration 128062  
technology, the following: 128063

(a) If the project maintains during the construction or 128064  
installation of the energy facility a ratio of Ohio-domiciled 128065  
full-time equivalent employees to total full-time equivalent 128066  
employees of not less than seventy-five per cent, six thousand 128067  
dollars per megawatt of nameplate capacity located in the county 128068  
as of the thirty-first day of December of the preceding tax year; 128069

(b) If the project maintains during the construction or 128070  
installation of the energy facility a ratio of Ohio-domiciled 128071  
full-time equivalent employees to total full-time equivalent 128072  
employees of less than seventy-five per cent but not less than 128073  
sixty per cent, seven thousand dollars per megawatt of nameplate 128074  
capacity located in the county as of the thirty-first day of 128075  
December of the preceding tax year; 128076

(c) If the project maintains during the construction or 128077  
installation of the energy facility a ratio of Ohio-domiciled 128078  
full-time equivalent employees to total full-time equivalent 128079  
employees of less than sixty per cent but not less than fifty per 128080  
cent, eight thousand dollars per megawatt of nameplate capacity 128081  
located in the county as of the thirty-first day of December of 128082

the preceding tax year. 128083

(H) The director of development services in consultation with 128084  
the tax commissioner shall adopt rules pursuant to Chapter 119. of 128085  
the Revised Code to implement and enforce this section. 128086

**Sec. 5727.84.** (A) As used in this section and sections 128087  
5727.85, 5727.86, and 5727.87 of the Revised Code: 128088

(1) "School district" means a city, local, or exempted 128089  
village school district. 128090

(2) "Joint vocational school district" means a joint 128091  
vocational school district created under section 3311.16 of the 128092  
Revised Code, and includes a cooperative education school district 128093  
created under section 3311.52 or 3311.521 of the Revised Code and 128094  
a county school financing district created under section 3311.50 128095  
of the Revised Code. 128096

(3) "Local taxing unit" means a subdivision or taxing unit, 128097  
as defined in section 5705.01 of the Revised Code, a park district 128098  
created under Chapter 1545. of the Revised Code, or a township 128099  
park district established under section 511.23 of the Revised 128100  
Code, but excludes school districts and joint vocational school 128101  
districts. 128102

(4) "State education aid," for a school district, means the 128103  
following: 128104

(a) For fiscal years prior to fiscal year 2010, the sum of 128105  
state aid amounts computed for the district under former sections 128106  
3317.029, 3317.052, and 3317.053 of the Revised Code and the 128107  
following provisions, as they existed for the applicable fiscal 128108  
year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 128109  
3317.022; divisions (B), (C), and (D) of section 3317.023; 128110  
divisions (G), (L), and (N) of section 3317.024; and sections 128111  
~~3317.029~~, 3317.0216, 3317.0217, 3317.04, and 3317.05, ~~3317.052~~, 128112

and ~~3317.053~~ of the Revised Code; and the adjustments required by: 128113  
division (C) of section 3310.08; division (C)(2) of section 128114  
3310.41; division (C) of section 3314.08; division (D)(2) of 128115  
section 3314.091; division (D) of former section 3314.13; 128116  
divisions (E), (K), (L), (M), and (N) of section 3317.023; 128117  
division (C) of section 3317.20; and sections 3313.979 and 128118  
3313.981 of the Revised Code. However, when calculating state 128119  
education aid for a school district for fiscal years 2008 and 128120  
2009, include the amount computed for the district under Section 128121  
269.20.80 of H.B. 119 of the 127th general assembly, as 128122  
subsequently amended, instead of division (D) of section 3317.022 128123  
of the Revised Code; and include amounts calculated under Section 128124  
269.30.80 of H.B. 119 of the 127th general assembly, as 128125  
subsequently amended. 128126

(b) For fiscal years 2010 and 2011, the sum of the amounts 128127  
computed for the district under former sections 3306.052, 3306.12, 128128  
3306.13, 3306.19, 3306.191, ~~and 3306.192, 3317.052, and 3317.053~~ 128129  
of the Revised Code and the following provisions, as they existed 128130  
for the applicable fiscal year: division (G) of section 3317.024; 128131  
~~sections~~ section 3317.05, ~~3317.052, and 3317.053~~ of the Revised 128132  
Code; and the adjustments required by division (C) of section 128133  
3310.08; division (C)(2) of section 3310.41; division (C) of 128134  
section 3314.08; division (D)(2) of section 3314.091; division (D) 128135  
of former section 3314.13; divisions (E), (K), (L), (M), and (N) 128136  
of section 3317.023; division (C) of section 3317.20; and sections 128137  
3313.979, 3313.981, and 3326.33 of the Revised Code. 128138

(c) For fiscal years 2012 and 2013, the amount paid in 128139  
accordance with the section of H.B. 153 of the 129th general 128140  
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 128141  
SCHOOL DISTRICTS" and the adjustments required by division (C) of 128142  
section 3310.08; division (C)(2) of section 3310.41; section 128143  
3310.55; division (C) of section 3314.08; division (D)(2) of 128144



section 3314.091; division (D) of former section 3314.13; 128145  
divisions (B), (H), (I), (J), and (K) of section 3317.023; 128146  
division (C) of section 3317.20; and sections 3313.979 and 128147  
3313.981 of the Revised Code; 128148

(d) For fiscal year 2014 and each fiscal year thereafter, the 128149  
sum of amounts computed for and paid to the district under section 128150  
3317.022 of the Revised Code; and the adjustments required by 128151  
division (C) of section 3310.08, division (C)(2) of section 128152  
3310.41, section 3310.55, division (C) of section 3314.08, 128153  
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 128154  
(K) of section 3317.023, and sections 3313.978, 3313.981, 128155  
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 128156  
However, for fiscal years 2014 and 2015, the amount computed for 128157  
the district under the section of this act entitled "TRANSITIONAL 128158  
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 128159  
shall be included. 128160

(5) "State education aid," for a joint vocational school 128161  
district, means the following: 128162

(a) For fiscal years prior to fiscal year 2010, the sum of 128163  
the state aid amounts computed for the district under division (N) 128164  
of section 3317.024 and section 3317.16 of the Revised Code. 128165  
However, when calculating state education aid for a joint 128166  
vocational school district for fiscal years 2008 and 2009, include 128167  
the amount computed for the district under Section 269.30.90 of 128168  
H.B. 119 of the 127th general assembly, as subsequently amended. 128169

(b) For fiscal years 2010 and 2011, the amount computed for 128170  
the district in accordance with the section of H.B. 1 of the 128th 128171  
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 128172  
DISTRICTS<sup>1</sup>." 128173

(c) For fiscal years 2012 and 2013, the amount paid in 128174  
accordance with the section of H.B. 153 of the 129th general 128175

assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 128176

(d) For fiscal year 2014 and each fiscal year thereafter, the 128177  
amount computed for the district under section 3317.16 of the 128178  
Revised Code; except that, for fiscal years 2014 and 2015, the 128179  
amount computed for the district under the section of this act 128180  
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 128181  
shall be included. 128182

(6) "State education aid offset" means the amount determined 128183  
for each school district or joint vocational school district under 128184  
division (A)(1) of section 5727.85 of the Revised Code. 128185

(7) "Recognized valuation" ~~has the same meaning as in~~ means 128186  
the amount computed for a school district pursuant to section 128187  
~~3317.02~~ 3317.015 of the Revised Code. 128188

(8) "Electric company tax value loss" means the amount 128189  
determined under division (D) of this section. 128190

(9) "Natural gas company tax value loss" means the amount 128191  
determined under division (E) of this section. 128192

(10) "Tax value loss" means the sum of the electric company 128193  
tax value loss and the natural gas company tax value loss. 128194

(11) "Fixed-rate levy" means any tax levied on property other 128195  
than a fixed-sum levy. 128196

(12) "Fixed-rate levy loss" means the amount determined under 128197  
division (G) of this section. 128198

(13) "Fixed-sum levy" means a tax levied on property at 128199  
whatever rate is required to produce a specified amount of tax 128200  
money or levied in excess of the ten-mill limitation to pay debt 128201  
charges, and includes school district emergency levies charged and 128202  
payable pursuant to section 5705.194 of the Revised Code. 128203

(14) "Fixed-sum levy loss" means the amount determined under 128204  
division (H) of this section. 128205

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (15) "Consumer price index" means the consumer price index         | 128206 |
| (all items, all urban consumers) prepared by the bureau of labor   | 128207 |
| statistics of the United States department of labor.               | 128208 |
| (16) "Total resources" and "total library resources" have the      | 128209 |
| same meanings as in section 5751.20 of the Revised Code.           | 128210 |
| (17) "2011 current expense S.B. 3 allocation" means the sum        | 128211 |
| of payments received by a school district or joint vocational      | 128212 |
| school district in fiscal year 2011 for current expense levy       | 128213 |
| losses pursuant to division (C)(2) of section 5727.85 of the       | 128214 |
| Revised Code. If a fixed-rate levy eligible for reimbursement is   | 128215 |
| not charged and payable in any year after tax year 2010, "2011     | 128216 |
| current expense S.B. 3 allocation" used to compute payments to be  | 128217 |
| made under division (C)(3) of section 5727.85 of the Revised Code  | 128218 |
| in the tax years following the last year the levy is charged and   | 128219 |
| payable shall be reduced to the extent that those payments are     | 128220 |
| attributable to the fixed-rate levy loss of that levy.             | 128221 |
| (18) "2010 current expense S.B. 3 allocation" means the sum        | 128222 |
| of payments received by a municipal corporation in calendar year   | 128223 |
| 2010 for current expense levy losses pursuant to division (A)(1)   | 128224 |
| of section 5727.86 of the Revised Code, excluding any such         | 128225 |
| payments received for current expense levy losses attributable to  | 128226 |
| a tax levied under section 5705.23 of the Revised Code. If a       | 128227 |
| fixed-rate levy eligible for reimbursement is not charged and      | 128228 |
| payable in any year after tax year 2010, "2010 current expense     | 128229 |
| S.B. 3 allocation" used to compute payments to be made under       | 128230 |
| division (A)(1)(d) or (e) of section 5727.86 of the Revised Code   | 128231 |
| in the tax years following the last year the levy is charged and   | 128232 |
| payable shall be reduced to the extent that those payments are     | 128233 |
| attributable to the fixed-rate levy loss of that levy.             | 128234 |
| (19) "2010 S.B. 3 allocation" means the sum of payments            | 128235 |
| received by a local taxing unit during calendar year 2010 pursuant | 128236 |
| to division (A)(1) of section 5727.86 of the Revised Code,         | 128237 |

excluding any such payments received for fixed-rate levy losses 128238  
attributable to a tax levied under section 5705.23 of the Revised 128239  
Code. If a fixed-rate levy eligible for reimbursement is not 128240  
charged and payable in any year after tax year 2010, "2010 S.B. 3 128241  
allocation" used to compute payments to be made under division 128242  
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 128243  
years following the last year the levy is charged and payable 128244  
shall be reduced to the extent that those payments are 128245  
attributable to the fixed-rate levy loss of that levy. 128246

(20) "Total S.B. 3 allocation" means, in the case of a school 128247  
district or joint vocational school district, the sum of the 128248  
payments received in fiscal year 2011 pursuant to divisions (C)(2) 128249  
and (D) of section 5727.85 of the Revised Code. In the case of a 128250  
local taxing unit, "total S.B. 3 allocation" means the sum of 128251  
payments received by the unit in calendar year 2010 pursuant to 128252  
divisions (A)(1) and (4) of section 5727.86 of the Revised Code, 128253  
excluding any such payments received for fixed-rate levy losses 128254  
attributable to a tax levied under section 5705.23 of the Revised 128255  
Code. If a fixed-rate levy eligible for reimbursement is not 128256  
charged and payable in any year after tax year 2010, "total S.B. 3 128257  
allocation" used to compute payments to be made under division 128258  
(C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 128259  
5727.86 of the Revised Code in the tax years following the last 128260  
year the levy is charged and payable shall be reduced to the 128261  
extent that those payments are attributable to the fixed-rate levy 128262  
loss of that levy as would be computed under division (C)(2) of 128263  
section 5727.85 or division (A)(1)(b) of section 5727.86 of the 128264  
Revised Code. 128265

(21) "2011 non-current expense S.B. 3 allocation" means the 128266  
difference of a school district's or joint vocational school 128267  
district's total S.B. 3 allocation minus the sum of the school 128268  
district's 2011 current expense S.B. 3 allocation and the portion 128269

of the school district's total S.B. 3 allocation constituting 128270  
reimbursement for debt levies pursuant to division (D) of section 128271  
5727.85 of the Revised Code. 128272

(22) "2010 non-current expense S.B. 3 allocation" means the 128273  
difference of a municipal corporation's total S.B. 3 allocation 128274  
minus the sum of its 2010 current expense S.B. 3 allocation and 128275  
the portion of its total S.B. 3 allocation constituting 128276  
reimbursement for debt levies pursuant to division (A)(4) of 128277  
section 5727.86 of the Revised Code. 128278

(23) "S.B. 3 allocation for library purposes" means, in the 128279  
case of a county, municipal corporation, school district, or 128280  
township public library that receives the proceeds of a tax levied 128281  
under section 5705.23 of the Revised Code, the sum of the payments 128282  
received by the public library in calendar year 2010 pursuant to 128283  
section 5727.86 of the Revised Code for fixed-rate levy losses 128284  
attributable to a tax levied under section 5705.23 of the Revised 128285  
Code. If a fixed-rate levy authorized under section 5705.23 of the 128286  
Revised Code that is eligible for reimbursement is not charged and 128287  
payable in any year after tax year 2010, "S.B. 3 allocation for 128288  
library purposes" used to compute payments to be made under 128289  
division (A)(1)(f) of section 5727.86 of the Revised Code in the 128290  
tax years following the last year the levy is charged and payable 128291  
shall be reduced to the extent that those payments are 128292  
attributable to the fixed-rate levy loss of that levy as would be 128293  
computed under division (A)(1)(b) of section 5727.86 of the 128294  
Revised Code. 128295

(24) "Threshold per cent" means, in the case of a school 128296  
district or joint vocational school district, two per cent for 128297  
fiscal year 2012 and four per cent for fiscal years 2013 and 128298  
thereafter. In the case of a local taxing unit or public library 128299  
that receives the proceeds of a tax levied under section 5705.23 128300  
of the Revised Code, "threshold per cent" means two per cent for 128301

calendar year 2011, four per cent for calendar year 2012, and six 128302  
 per cent for calendar years 2013 and thereafter. 128303

(B) The kilowatt-hour tax receipts fund is hereby created in 128304  
 the state treasury and shall consist of money arising from the tax 128305  
 imposed by section 5727.81 of the Revised Code. All money in the 128306  
 kilowatt-hour tax receipts fund shall be credited as follows: 128307

| Fiscal Year            | General Revenue<br>Fund | School District<br>Property Tax<br>Replacement Fund | Local Government<br>Property Tax<br>Replacement Fund |        |
|------------------------|-------------------------|-----------------------------------------------------|------------------------------------------------------|--------|
| 2001-2011              | 63.0%                   | 25.4%                                               | 11.6%                                                | 128309 |
| 2012 and<br>thereafter | 88.0%                   | 9.0%                                                | 3.0%                                                 | 128310 |

(C) The natural gas tax receipts fund is hereby created in 128311  
 the state treasury and shall consist of money arising from the tax 128312  
 imposed by section 5727.811 of the Revised Code. All money in the 128313  
 fund shall be credited as follows: 128314

(1) For fiscal years before fiscal year 2012: 128315

(a) Sixty-eight and seven-tenths per cent shall be credited 128316  
 to the school district property tax replacement fund for the 128317  
 purpose of making the payments described in section 5727.85 of the 128318  
 Revised Code. 128319

(b) Thirty-one and three-tenths per cent shall be credited to 128320  
 the local government property tax replacement fund for the purpose 128321  
 of making the payments described in section 5727.86 of the Revised 128322  
 Code. 128323

(2) For fiscal years 2012 and thereafter, one hundred per 128324  
 cent to the general revenue fund. 128325

(D) Not later than January 1, 2002, the tax commissioner 128326  
 shall determine for each taxing district its electric company tax 128327  
 value loss, which is the sum of the applicable amounts described 128328  
 in divisions (D)(1) to (4) of this section: 128329

(1) The difference obtained by subtracting the amount 128330  
described in division (D)(1)(b) from the amount described in 128331  
division (D)(1)(a) of this section. 128332

(a) The value of electric company and rural electric company 128333  
tangible personal property as assessed by the tax commissioner for 128334  
tax year 1998 on a preliminary assessment, or an amended 128335  
preliminary assessment if issued prior to March 1, 1999, and as 128336  
apportioned to the taxing district for tax year 1998; 128337

(b) The value of electric company and rural electric company 128338  
tangible personal property as assessed by the tax commissioner for 128339  
tax year 1998 had the property been apportioned to the taxing 128340  
district for tax year 2001, and assessed at the rates in effect 128341  
for tax year 2001. 128342

(2) The difference obtained by subtracting the amount 128343  
described in division (D)(2)(b) from the amount described in 128344  
division (D)(2)(a) of this section. 128345

(a) The three-year average for tax years 1996, 1997, and 1998 128346  
of the assessed value from nuclear fuel materials and assemblies 128347  
assessed against a person under Chapter 5711. of the Revised Code 128348  
from the leasing of them to an electric company for those 128349  
respective tax years, as reflected in the preliminary assessments; 128350

(b) The three-year average assessed value from nuclear fuel 128351  
materials and assemblies assessed under division (D)(2)(a) of this 128352  
section for tax years 1996, 1997, and 1998, as reflected in the 128353  
preliminary assessments, using an assessment rate of twenty-five 128354  
per cent. 128355

(3) In the case of a taxing district having a nuclear power 128356  
plant within its territory, any amount, resulting in an electric 128357  
company tax value loss, obtained by subtracting the amount 128358  
described in division (D)(1) of this section from the difference 128359  
obtained by subtracting the amount described in division (D)(3)(b) 128360

of this section from the amount described in division (D)(3)(a) of 128361  
this section. 128362

(a) The value of electric company tangible personal property 128363  
as assessed by the tax commissioner for tax year 2000 on a 128364  
preliminary assessment, or an amended preliminary assessment if 128365  
issued prior to March 1, 2001, and as apportioned to the taxing 128366  
district for tax year 2000; 128367

(b) The value of electric company tangible personal property 128368  
as assessed by the tax commissioner for tax year 2001 on a 128369  
preliminary assessment, or an amended preliminary assessment if 128370  
issued prior to March 1, 2002, and as apportioned to the taxing 128371  
district for tax year 2001. 128372

(4) In the case of a taxing district having a nuclear power 128373  
plant within its territory, the difference obtained by subtracting 128374  
the amount described in division (D)(4)(b) of this section from 128375  
the amount described in division (D)(4)(a) of this section, 128376  
provided that such difference is greater than ten per cent of the 128377  
amount described in division (D)(4)(a) of this section. 128378

(a) The value of electric company tangible personal property 128379  
as assessed by the tax commissioner for tax year 2005 on a 128380  
preliminary assessment, or an amended preliminary assessment if 128381  
issued prior to March 1, 2006, and as apportioned to the taxing 128382  
district for tax year 2005; 128383

(b) The value of electric company tangible personal property 128384  
as assessed by the tax commissioner for tax year 2006 on a 128385  
preliminary assessment, or an amended preliminary assessment if 128386  
issued prior to March 1, 2007, and as apportioned to the taxing 128387  
district for tax year 2006. 128388

(E) Not later than January 1, 2002, the tax commissioner 128389  
shall determine for each taxing district its natural gas company 128390  
tax value loss, which is the sum of the amounts described in 128391



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| divisions (E)(1) and (2) of this section:                          | 128392 |
| (1) The difference obtained by subtracting the amount              | 128393 |
| described in division (E)(1)(b) from the amount described in       | 128394 |
| division (E)(1)(a) of this section.                                | 128395 |
| (a) The value of all natural gas company tangible personal         | 128396 |
| property, other than property described in division (E)(2) of this | 128397 |
| section, as assessed by the tax commissioner for tax year 1999 on  | 128398 |
| a preliminary assessment, or an amended preliminary assessment if  | 128399 |
| issued prior to March 1, 2000, and apportioned to the taxing       | 128400 |
| district for tax year 1999;                                        | 128401 |
| (b) The value of all natural gas company tangible personal         | 128402 |
| property, other than property described in division (E)(2) of this | 128403 |
| section, as assessed by the tax commissioner for tax year 1999 had | 128404 |
| the property been apportioned to the taxing district for tax year  | 128405 |
| 2001, and assessed at the rates in effect for tax year 2001.       | 128406 |
| (2) The difference in the value of current gas obtained by         | 128407 |
| subtracting the amount described in division (E)(2)(b) from the    | 128408 |
| amount described in division (E)(2)(a) of this section.            | 128409 |
| (a) The three-year average assessed value of current gas as        | 128410 |
| assessed by the tax commissioner for tax years 1997, 1998, and     | 128411 |
| 1999 on a preliminary assessment, or an amended preliminary        | 128412 |
| assessment if issued prior to March 1, 2001, and as apportioned in | 128413 |
| the taxing district for those respective years;                    | 128414 |
| (b) The three-year average assessed value from current gas         | 128415 |
| under division (E)(2)(a) of this section for tax years 1997, 1998, | 128416 |
| and 1999, as reflected in the preliminary assessment, using an     | 128417 |
| assessment rate of twenty-five per cent.                           | 128418 |
| (F) The tax commissioner may request that natural gas              | 128419 |
| companies, electric companies, and rural electric companies file a | 128420 |
| report to help determine the tax value loss under divisions (D)    | 128421 |
| and (E) of this section. The report shall be filed within thirty   | 128422 |

days of the commissioner's request. A company that fails to file 128423  
the report or does not timely file the report is subject to the 128424  
penalty in section 5727.60 of the Revised Code. 128425

(G) Not later than January 1, 2002, the tax commissioner 128426  
shall determine for each school district, joint vocational school 128427  
district, and local taxing unit its fixed-rate levy loss, which is 128428  
the sum of its electric company tax value loss multiplied by the 128429  
tax rate in effect in tax year 1998 for fixed-rate levies and its 128430  
natural gas company tax value loss multiplied by the tax rate in 128431  
effect in tax year 1999 for fixed-rate levies. 128432

(H) Not later than January 1, 2002, the tax commissioner 128433  
shall determine for each school district, joint vocational school 128434  
district, and local taxing unit its fixed-sum levy loss, which is 128435  
the amount obtained by subtracting the amount described in 128436  
division (H)(2) of this section from the amount described in 128437  
division (H)(1) of this section: 128438

(1) The sum of the electric company tax value loss multiplied 128439  
by the tax rate in effect in tax year 1998, and the natural gas 128440  
company tax value loss multiplied by the tax rate in effect in tax 128441  
year 1999, for fixed-sum levies for all taxing districts within 128442  
each school district, joint vocational school district, and local 128443  
taxing unit. For the years 2002 through 2006, this computation 128444  
shall include school district emergency levies that existed in 128445  
1998 in the case of the electric company tax value loss, and 1999 128446  
in the case of the natural gas company tax value loss, and all 128447  
other fixed-sum levies that existed in 1998 in the case of the 128448  
electric company tax value loss and 1999 in the case of the 128449  
natural gas company tax value loss and continue to be charged in 128450  
the tax year preceding the distribution year. For the years 2007 128451  
through 2016 in the case of school district emergency levies, and 128452  
for all years after 2006 in the case of all other fixed-sum 128453  
levies, this computation shall exclude all fixed-sum levies that 128454

existed in 1998 in the case of the electric company tax value loss 128455  
and 1999 in the case of the natural gas company tax value loss, 128456  
but are no longer in effect in the tax year preceding the 128457  
distribution year. For the purposes of this section, an emergency 128458  
levy that existed in 1998 in the case of the electric company tax 128459  
value loss, and 1999 in the case of the natural gas company tax 128460  
value loss, continues to exist in a year beginning on or after 128461  
January 1, 2007, but before January 1, 2017, if, in that year, the 128462  
board of education levies a school district emergency levy for an 128463  
annual sum at least equal to the annual sum levied by the board in 128464  
tax year 1998 or 1999, respectively, less the amount of the 128465  
payment certified under this division for 2002. 128466

(2) The total taxable value in tax year 1999 less the tax 128467  
value loss in each school district, joint vocational school 128468  
district, and local taxing unit multiplied by one-fourth of one 128469  
mill. 128470

If the amount computed under division (H) of this section for 128471  
any school district, joint vocational school district, or local 128472  
taxing unit is greater than zero, that amount shall equal the 128473  
fixed-sum levy loss reimbursed pursuant to division (F) of section 128474  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 128475  
of the Revised Code, and the one-fourth of one mill that is 128476  
subtracted under division (H)(2) of this section shall be 128477  
apportioned among all contributing fixed-sum levies in the 128478  
proportion of each levy to the sum of all fixed-sum levies within 128479  
each school district, joint vocational school district, or local 128480  
taxing unit. 128481

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 128482  
section, in computing the tax value loss, fixed-rate levy loss, 128483  
and fixed-sum levy loss, the tax commissioner shall use the 128484  
greater of the 1998 tax rate or the 1999 tax rate in the case of 128485  
levy losses associated with the electric company tax value loss, 128486

but the 1999 tax rate shall not include for this purpose any tax 128487  
levy approved by the voters after June 30, 1999, and the tax 128488  
commissioner shall use the greater of the 1999 or the 2000 tax 128489  
rate in the case of levy losses associated with the natural gas 128490  
company tax value loss. 128491

(J) Not later than January 1, 2002, the tax commissioner 128492  
shall certify to the department of education the tax value loss 128493  
determined under divisions (D) and (E) of this section for each 128494  
taxing district, the fixed-rate levy loss calculated under 128495  
division (G) of this section, and the fixed-sum levy loss 128496  
calculated under division (H) of this section. The calculations 128497  
under divisions (G) and (H) of this section shall separately 128498  
display the levy loss for each levy eligible for reimbursement. 128499

(K) Not later than September 1, 2001, the tax commissioner 128500  
shall certify the amount of the fixed-sum levy loss to the county 128501  
auditor of each county in which a school district with a fixed-sum 128502  
levy loss has territory. 128503

**Sec. 5727.89.** (A) The tax commissioner may make an 128504  
assessment, based on any information in the commissioner's 128505  
possession, against any natural gas distribution company, electric 128506  
distribution company, self-assessing purchaser, or qualified end 128507  
user that fails to file a return or pay any tax, interest, or 128508  
additional charge as required by sections 5727.80 to 5727.95 of 128509  
the Revised Code. 128510

When information in the possession of the tax commissioner 128511  
indicates that a person liable for the tax imposed by section 128512  
5727.81 or 5727.811 of the Revised Code has not paid the full 128513  
amount of tax due, the commissioner may audit a representative 128514  
sample of the person's business and may issue an assessment based 128515  
on the audit. The commissioner shall give the person assessed 128516  
written notice of the assessment in the manner provided in section 128517

5703.37 of the Revised Code. With the notice, the commissioner 128518  
shall provide instructions on how to petition for reassessment and 128519  
request a hearing on the petition. 128520

The tax commissioner may issue an assessment for which the 128521  
tax imposed by section 5727.81 or 5727.811 of the Revised Code was 128522  
due and unpaid on the date the person was informed by an agent of 128523  
the tax commissioner of an investigation or audit of the person. 128524  
Any payment of the tax for the period covered by the assessment, 128525  
after the person is so informed, shall be credited against the 128526  
assessment. 128527

A penalty of up to fifteen per cent may be added to all 128528  
amounts assessed under this section. The commissioner may adopt 128529  
rules providing for the imposition and remission of penalties. 128530

(B) Unless the party assessed files with the tax commissioner 128531  
within sixty days after service of the notice of assessment, 128532  
either personally or by certified mail, a written petition for 128533  
reassessment signed by the party assessed or that party's 128534  
authorized agent having knowledge of the facts, the assessment 128535  
becomes final and the amount of the assessment is due and payable 128536  
from the party assessed to the treasurer of state. The petition 128537  
shall indicate the objections of the party assessed, but 128538  
additional objections may be raised in writing if received by the 128539  
commissioner prior to the date shown on the final determination. 128540  
If the petition has been properly filed, the commissioner shall 128541  
proceed under section 5703.60 of the Revised Code. 128542

(C) After an assessment becomes final, if any portion of the 128543  
assessment, including accrued interest, remains unpaid, a 128544  
certified copy of the tax commissioner's entry making the 128545  
assessment final may be filed in the office of the clerk of the 128546  
court of common pleas in the county in which the party assessed 128547  
resides or in which the party's business is conducted. If the 128548  
party assessed maintains no place of business in this state and is 128549

not a resident of this state, the certified copy of the entry may 128550  
be filed in the office of the clerk of the court of common pleas 128551  
of Franklin county. 128552

Immediately upon the filing of the entry, the clerk shall 128553  
enter a judgment for the state against the person assessed in the 128554  
amount shown on the entry. The judgment may be filed by the clerk 128555  
in a loose-leaf book entitled "special judgments for the 128556  
distribution excise taxes," and shall have the same effect as 128557  
other judgments. Execution shall issue upon the judgment at the 128558  
request of the tax commissioner, and all laws applicable to sales 128559  
on execution shall apply to sales made under the judgment. 128560

~~The portion of~~ If the assessment is not paid in its entirety 128561  
within sixty days after the day the assessment was issued, the 128562  
portion of the assessment consisting of tax due shall bear 128563  
interest at the rate per annum prescribed by section 5703.47 of 128564  
the Revised Code from the day the tax commissioner issues the 128565  
assessment until the day the assessment is paid or until it is 128566  
certified to the attorney general for collection under section 128567  
131.02 of the Revised Code, whichever comes first. If the unpaid 128568  
portion of the assessment is certified to the attorney general for 128569  
collection, the entire unpaid portion of the assessment shall bear 128570  
interest at the rate per annum prescribed by section 5703.47 of 128571  
the Revised Code from the date of certification until the date it 128572  
is paid in its entirety. Interest shall be paid in the same manner 128573  
as the tax and may be collected by the issuance of an assessment 128574  
under this section. 128575

(D) If the tax commissioner believes that collection of the 128576  
tax imposed by section 5727.81 or 5727.811 of the Revised Code 128577  
will be jeopardized unless proceedings to collect or secure 128578  
collection of the tax are instituted without delay, the 128579  
commissioner may issue a jeopardy assessment against the person 128580  
liable for the tax. Immediately upon the issuance of the jeopardy 128581

assessment, the commissioner shall file an entry with the clerk of 128582  
the court of common pleas in the manner prescribed by division (C) 128583  
of this section. Notice of the jeopardy assessment shall be served 128584  
on the party assessed or the party's legal representative within 128585  
five days of the filing of the entry with the clerk. The total 128586  
amount assessed is immediately due and payable, unless the party 128587  
assessed files a petition for reassessment in accordance with 128588  
division (B) of this section and provides security in a form 128589  
satisfactory to the commissioner and in an amount sufficient to 128590  
satisfy the unpaid balance of the assessment. Full or partial 128591  
payment of the assessment does not prejudice the commissioner's 128592  
consideration of the petition for reassessment. 128593

(E) All money collected by the tax commissioner under this 128594  
section shall be paid to the treasurer of state, and when paid 128595  
shall be considered as revenue arising from the taxes imposed by 128596  
sections 5727.81 and 5727.811 of the Revised Code. 128597

**Sec. 5728.10.** (A) If any person required to file a fuel use 128598  
tax return by sections 5728.01 to 5728.14 of the Revised Code, 128599  
fails to file the return within the time prescribed by those 128600  
sections, files an incomplete return, files an incorrect return, 128601  
or fails to remit the full amount of the tax due for the period 128602  
covered by the return, the tax commissioner may make an assessment 128603  
against the person, based upon any information in the 128604  
commissioner's possession, for the period for which the tax was 128605  
due. 128606

No assessment shall be made against any person for any tax 128607  
imposed by this chapter more than four years after the return date 128608  
for the period for which the tax was due or more than four years 128609  
after the return for the period was filed, whichever is later. 128610  
This section does not bar an assessment against any person who 128611  
fails to file a fuel use tax return as required by this chapter, 128612

or who files a fraudulent fuel use tax return. 128613

A penalty of up to fifteen per cent may be added to the 128614  
amount of every assessment made pursuant to this section. The 128615  
commissioner may adopt rules providing for the imposition and 128616  
remission of penalties added to assessments made under this 128617  
section. 128618

The commissioner shall give the party assessed written notice 128619  
of the assessment in the manner provided in section 5703.37 of the 128620  
Revised Code. With the notice, the commissioner shall provide 128621  
instructions on how to petition for reassessment and request a 128622  
hearing on the petition. 128623

(B) Unless the party assessed files with the tax commissioner 128624  
within sixty days after service of the notice of assessment, 128625  
either personally or by certified mail, a written petition for 128626  
reassessment, signed by the party assessed, or by the party's 128627  
authorized agent having knowledge of the facts, the assessment 128628  
becomes final and the amount of the assessment is due and payable 128629  
from the party assessed to the treasurer of state. The petition 128630  
shall indicate the objections of the party assessed, but 128631  
additional objections may be raised in writing if received by the 128632  
commissioner prior to the date shown on the final determination. 128633  
If the petition has been properly filed, the commissioner shall 128634  
proceed under section 5703.60 of the Revised Code. 128635

(C) After an assessment becomes final, if any portion of the 128636  
assessment remains unpaid, including accrued interest, a certified 128637  
copy of the tax commissioner's entry making the assessment final 128638  
may be filed in the office of the clerk of the court of common 128639  
pleas in the county in which the party's place of business is 128640  
located or the county in which the party assessed resides. If the 128641  
party maintains no office in this state and is not a resident of 128642  
this state, the certified copy of the entry may be filed in the 128643  
office of the clerk of the court of common pleas of Franklin 128644



county. 128645

Immediately upon the filing of the entry, the clerk shall 128646  
enter a judgment for the state of Ohio against the party assessed 128647  
in the amount shown on the entry. The judgment may be filed by the 128648  
clerk in a loose-leaf book entitled "special judgments for state 128649  
fuel use tax," and shall have the same effect as other judgments. 128650  
Execution shall issue upon the judgment upon the request of the 128651  
commissioner, and all laws applicable to sales on execution shall 128652  
apply to sales made under the judgment. 128653

~~The portion of~~ If the assessment is not paid within sixty 128654  
days after the day the assessment was issued, the portion of the 128655  
assessment consisting of tax due shall bear interest at the rate 128656  
per annum prescribed by section 5703.47 of the Revised Code from 128657  
the day the commissioner issues the assessment until it is paid or 128658  
until it is certified to the attorney general for collection under 128659  
section 131.02 of the Revised Code, whichever comes first. If the 128660  
unpaid portion of the assessment is certified to the attorney 128661  
general for collection, the entire unpaid portion of the 128662  
assessment shall bear interest at the rate per annum prescribed by 128663  
section 5703.47 of the Revised Code from the date of certification 128664  
until the date it is paid in its entirety. Interest shall be paid 128665  
in the same manner as the tax and may be collected by the issuance 128666  
of an assessment under this section. 128667

(D) All money collected by the tax commissioner under this 128668  
section shall be paid into the state treasury in the same manner 128669  
as the revenues deriving from the taxes imposed by section 5728.06 128670  
of the Revised Code. 128671

**Sec. 5729.03.** (A) If the superintendent of insurance finds 128672  
the annual statement required by section 5729.02 of the Revised 128673  
Code to be correct, the superintendent shall compute the following 128674  
amount, as applicable, of the balance of such gross amount, after 128675

deducting such return premiums and considerations received for 128676  
reinsurance, and charge such amount to such company as a tax upon 128677  
the business done by it in this state for the period covered by 128678  
such annual statement: 128679

(1) If the company is a health insuring corporation, one per 128680  
cent of the balance of premium rate payments received, exclusive 128681  
of payments received under the medicare program ~~established under~~ 128682  
~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 128683  
~~U.S.C.A. 301, as amended,~~ and exclusive of payments received 128684  
pursuant to the ~~medical assistance~~ medicaid program ~~established~~ 128685  
~~under Chapter 5111. of the Revised Code~~ for the period ending 128686  
September 30, 2009, as reflected in its annual report; 128687

(2) If the company is not a health insuring corporation, one 128688  
and four-tenths per cent of the balance of premiums received, 128689  
exclusive of premiums received under the medicare program 128690  
~~established under Title XVIII of the "Social Security Act," 49~~ 128691  
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of 128692  
payments received pursuant to the ~~medical assistance~~ medicaid 128693  
program ~~established under Chapter 5111. of the Revised Code~~ for 128694  
the period ending September 30, 2009, as reflected in its annual 128695  
statement, and, if the company operates a health insuring 128696  
corporation as a line of business, one per cent of the balance of 128697  
premium rate payments received from that line of business, 128698  
exclusive of payments received under the medicare program 128699  
~~established under Title XVIII of the "Social Security Act," 49~~ 128700  
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of 128701  
payments received pursuant to the ~~medical assistance~~ medicaid 128702  
program ~~established under Chapter 5111. of the Revised Code~~ for 128703  
the period ending September 30, 2009, as reflected in its annual 128704  
statement. 128705

Each foreign insurance company, including health insuring 128706  
corporations, receiving payments pursuant to the ~~medical~~ 128707

~~assistance medicaid program established under Chapter 5111. of the~~ 128708  
~~Revised Code~~ during the period beginning October 1, 2009, and 128709  
ending December 31, 2009, shall file with the 2009 annual 128710  
statement to the superintendent a schedule that reflects those 128711  
payments received pursuant to the ~~medical assistance~~ medicaid 128712  
program for that period. The payments reflected in the schedule, 128713  
plus all other taxable premiums, are subject to the annual 128714  
franchise tax due to be paid in 2010. 128715

(B) Any insurance policies that were not issued in violation 128716  
of Title XXXIX of the Revised Code and that were issued prior to 128717  
April 15, 1967, by a life insurance company organized and operated 128718  
without profit to any private shareholder or individual, 128719  
exclusively for the purpose of aiding educational or scientific 128720  
institutions organized and operated without profit to any private 128721  
shareholder or individual, are not subject to the tax imposed by 128722  
this section. All taxes collected pursuant to this section shall 128723  
be credited to the general revenue fund. 128724

(C) In no case shall the tax imposed under this section be 128725  
less than two hundred fifty dollars. 128726

**Sec. 5729.17.** (A) As used in this section, "certificate 128727  
owner" has the same meaning as in section 149.311 of the Revised 128728  
Code. 128729

(B) There is allowed a credit against the tax imposed by 128730  
section 5729.03 of the Revised Code for an insurance company 128731  
subject to that tax that is a certificate owner of a 128732  
rehabilitation tax credit certificate issued under section 149.311 128733  
of the Revised Code. The credit shall equal twenty-five per cent 128734  
of the dollar amount indicated on the certificate, but the amount 128735  
of the credit allowed for any company for any year shall not 128736  
exceed ~~five~~ ten million dollars. The credit shall be claimed in 128737  
the calendar year specified in the certificate and in the order 128738

required under section 5729.98 of the Revised Code. If the credit 128739  
exceeds the amount of tax otherwise due in that year, the excess 128740  
shall be refunded to the company but, if any amount of the credit 128741  
is refunded, the sum of the amount refunded and the amount applied 128742  
to reduce the tax otherwise due in that year shall not exceed 128743  
three million dollars. The company may carry forward any balance 128744  
of the credit in excess of the amount claimed in that year for not 128745  
more than five ensuing years, and shall deduct any amount claimed 128746  
in any such year from the amount claimed in an ensuing year. 128747

(C) An insurance company claiming a credit under this section 128748  
shall retain the rehabilitation tax credit certificate for four 128749  
years following the end of the year in which the credit was 128750  
claimed, and shall make the certificate available for inspection 128751  
by the tax commissioner upon the request of the tax commissioner 128752  
during that period. 128753

**Sec. 5731.39.** This section does not apply to, and the written 128754  
permission of the tax commissioner is not required for asset 128755  
transfers with respect to, decedents dying on or after January 1, 128756  
2013. 128757

(A) No corporation organized or existing under the laws of 128758  
this state shall transfer on its books or issue a new certificate 128759  
for any share of its capital stock registered in the name of a 128760  
decedent, or in trust for a decedent, or in the name of a decedent 128761  
and another person or persons, without the written consent of the 128762  
tax commissioner. 128763

(B) No safe deposit company, trust company, financial 128764  
institution as defined in division (A) of section 5725.01 of the 128765  
Revised Code, or other corporation or person, having in 128766  
possession, control, or custody a deposit standing in the name of 128767  
a decedent, or in trust for a decedent, or in the name of a 128768  
decedent and another person or persons, shall deliver or transfer 128769

an amount in excess of three-fourths of the total value of such 128770  
deposit, including accrued interest and dividends, as of the date 128771  
of decedent's death, without the written consent of the tax 128772  
commissioner. The written consent of the tax commissioner need not 128773  
be obtained prior to the delivery or transfer of amounts having a 128774  
value of three-fourths or less of said total value. 128775

(C) No life insurance company shall pay the proceeds of an 128776  
annuity or matured endowment contract, or of a life insurance 128777  
contract payable to the estate of a decedent, or of any other 128778  
insurance contract taxable under Chapter 5731. of the Revised 128779  
Code, without the written consent of the tax commissioner. Any 128780  
life insurance company may pay the proceeds of any insurance 128781  
contract not specified in this division (C) without the written 128782  
consent of the tax commissioner. 128783

(D) No trust company or other corporation or person shall pay 128784  
the proceeds of any death benefit, retirement, pension, or 128785  
profit-sharing plan in excess of two thousand dollars, without the 128786  
written consent of the tax commissioner. Such trust company or 128787  
other corporation or person, however, may pay the proceeds of any 128788  
death benefit, retirement, pension, or profit-sharing plan which 128789  
consists of insurance on the life of the decedent payable to a 128790  
beneficiary other than the estate of the insured without the 128791  
written consent of the tax commissioner. 128792

(E) No safe deposit company, trust company, financial 128793  
institution as defined in division (A) of section 5725.01 of the 128794  
Revised Code, or other corporation or person, having in 128795  
possession, control, or custody securities, assets, or other 128796  
property (including the shares of the capital stock of, or other 128797  
interest in, such safe deposit company, trust company, financial 128798  
institution as defined in division (A) of section 5725.01 of the 128799  
Revised Code, or other corporation), standing in the name of a 128800  
decedent, or in trust for a decedent, or in the name of a decedent 128801

and another person or persons, and the transfer of which is 128802  
taxable under Chapter 5731. of the Revised Code, shall deliver or 128803  
transfer any such securities, assets, or other property which have 128804  
a value as of the date of decedent's death in excess of 128805  
three-fourths of the total value thereof, without the written 128806  
consent of the tax commissioner. The written consent of the tax 128807  
commissioner need not be obtained prior to the delivery or 128808  
transfer of any such securities, assets, or other property having 128809  
a value of three-fourths or less of said total value. 128810

(F) No safe deposit company, financial institution as defined 128811  
in division (A) of section 5725.01 of the Revised Code, or other 128812  
corporation or person having possession or control of a safe 128813  
deposit box or similar receptacle standing in the name of a 128814  
decedent or in the name of the decedent and another person or 128815  
persons, or to which the decedent had a right of access, except 128816  
when such safe deposit box or other receptacle stands in the name 128817  
of a corporation or partnership, or in the name of the decedent as 128818  
guardian or executor, shall deliver any of the contents thereof 128819  
unless the safe deposit box or similar receptacle has been opened 128820  
and inventoried in the presence of the tax commissioner or the 128821  
commissioner's agent, and a written consent to transfer issued; 128822  
provided, however, that a safe deposit company, financial 128823  
institution, or other corporation or person having possession or 128824  
control of a safe deposit box may deliver wills, deeds to burial 128825  
lots, and insurance policies to a representative of the decedent, 128826  
but that a representative of the safe deposit company, financial 128827  
institution, or other corporation or person must supervise the 128828  
opening of the box and make a written record of the wills, deeds, 128829  
and policies removed. Such written record shall be included in the 128830  
tax commissioner's inventory records. 128831

(G) Notwithstanding any provision of this section: 128832

(1) The tax commissioner may authorize any delivery or 128833

transfer or waive any of the foregoing requirements under such 128834  
terms and conditions as the commissioner may prescribe; 128835

(2) A home, as defined in section 3721.10 of the Revised 128836  
Code, or a residential facility licensed under section ~~5119.22~~ 128837  
5119.34 of the Revised Code that provides accommodations, 128838  
supervision, and personal care services for three to sixteen 128839  
unrelated adults, may transfer or use the money in a personal 128840  
needs allowance account in accordance with section ~~5111.113~~ 128841  
5162.22 of the Revised Code without the written consent of the tax 128842  
commissioner, and without the account having been opened and 128843  
inventoried in the presence of the commissioner or the 128844  
commissioner's agent. 128845

Failure to comply with this section shall render such safe 128846  
deposit company, trust company, life insurance company, financial 128847  
institution as defined in division (A) of section 5725.01 of the 128848  
Revised Code, or other corporation or person liable for the amount 128849  
of the taxes and interest due under the provisions of Chapter 128850  
5731. of the Revised Code on the transfer of such stock, deposit, 128851  
proceeds of an annuity or matured endowment contract or of a life 128852  
insurance contract payable to the estate of a decedent, or other 128853  
insurance contract taxable under Chapter 5731. of the Revised 128854  
Code, proceeds of any death benefit, retirement, pension, or 128855  
profit-sharing plan in excess of two thousand dollars, or 128856  
securities, assets, or other property of any resident decedent, 128857  
and in addition thereto, to a penalty of not less than five 128858  
hundred or more than five thousand dollars. 128859

**Sec. 5733.01.** (A) The tax provided by this chapter for 128860  
domestic corporations shall be the amount charged against each 128861  
corporation organized for profit under the laws of this state and 128862  
each nonprofit corporation organized pursuant to Chapter 1729. of 128863  
the Revised Code, except as provided in sections 5733.09 and 128864

5733.10 of the Revised Code, for the privilege of exercising its franchise during the calendar year in which that amount is payable, and the tax provided by this chapter for foreign corporations shall be the amount charged against each corporation organized for profit and each nonprofit corporation organized or operating in the same or similar manner as nonprofit corporations organized under Chapter 1729. of the Revised Code, under the laws of any state or country other than this state, except as provided in sections 5733.09 and 5733.10 of the Revised Code, for the privilege of doing business in this state, owning or using a part or all of its capital or property in this state, holding a certificate of compliance with the laws of this state authorizing it to do business in this state, or otherwise having nexus in or with this state under the Constitution of the United States, during the calendar year in which that amount is payable.

(B) A corporation is subject to the tax imposed by section 5733.06 of the Revised Code for each calendar year prior to 2014 that it is so organized, doing business, owning or using a part or all of its capital or property, holding a certificate of compliance, or otherwise having nexus in or with this state under the Constitution of the United States, on the first day of January of that calendar year. No credit authorized by this chapter may be claimed for tax year 2014 or any tax year thereafter.

(C) Any corporation subject to this chapter that is not subject to the federal income tax shall file its returns and compute its tax liability as required by this chapter in the same manner as if that corporation were subject to the federal income tax.

(D) For purposes of this chapter, a federally chartered financial institution shall be deemed to be organized under the laws of the state within which its principal office is located.

(E) For purposes of this chapter, any person, as defined in



section 5701.01 of the Revised Code, shall be treated as a 128897  
corporation if the person is classified for federal income tax 128898  
purposes as an association taxable as a corporation, and an equity 128899  
interest in the person shall be treated as capital stock of the 128900  
person. 128901

(F) For the purposes of this chapter, "disregarded entity" 128902  
has the same meaning as in division (D) of section 5745.01 of the 128903  
Revised Code. 128904

(1) A person's interest in a disregarded entity, whether held 128905  
directly or indirectly, shall be treated as the person's ownership 128906  
of the assets and liabilities of the disregarded entity, and the 128907  
income, including gain or loss, shall be included in the person's 128908  
net income under this chapter. 128909

(2) Any sale, exchange, or other disposition of the person's 128910  
interest in the disregarded entity, whether held directly or 128911  
indirectly, shall be treated as a sale, exchange, or other 128912  
disposition of the person's share of the disregarded entity's 128913  
underlying assets or liabilities, and the gain or loss from such 128914  
sale, exchange, or disposition shall be included in the person's 128915  
net income under this chapter. 128916

(3) The disregarded entity's payroll, property, and sales 128917  
factors shall be included in the person's factors. 128918

(G) The tax a corporation is required to pay under this 128919  
chapter shall be as follows: 128920

(1)(a) For financial institutions, the greater of the minimum 128921  
payment required under division (E) of section 5733.06 of the 128922  
Revised Code or the difference between all taxes charged the 128923  
financial institution under this chapter, without regard to 128924  
division (G)(2) of this section, less any credits allowable 128925  
against such tax. 128926

(b) A corporation satisfying the description in division 128927

(E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised Code, as that section existed before its amendment by H.B. 510 of the 129th general assembly, that is not a financial institution, insurance company, or dealer in intangibles is subject to the taxes imposed under this chapter as a corporation and not subject to tax as a financial institution, and shall pay the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all the taxes charged under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(2) For all corporations other than those persons described in division (G)(1)(a) or (b) of this section, the amount under division (G)(2)(a) of this section applicable to the tax year specified less the amount under division (G)(2)(b) of this section:

(a)(i) For tax year 2005, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax;

(ii) For tax year 2006, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or four-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(30) and the refundable credits described in divisions (A)(31) to (35) of section 5733.98 of the Revised Code;

(iii) For tax year 2007, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or three-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit

described in division (A)(30) and the refundable credits described 128960  
in divisions (A)(31) to (35) of section 5733.98 of the Revised 128961  
Code; 128962

(iv) For tax year 2008, the greater of the minimum payment 128963  
required under division (E) of section 5733.06 of the Revised Code 128964  
or two-fifths of the difference between all taxes charged the 128965  
corporation under this chapter and any credits allowable against 128966  
such tax, except the qualifying pass-through entity tax credit 128967  
described in division (A)(30) and the refundable credits described 128968  
in divisions (A)(31) to (35) of section 5733.98 of the Revised 128969  
Code; 128970

(v) For tax year 2009, the greater of the minimum payment 128971  
required under division (E) of section 5733.06 of the Revised Code 128972  
or one-fifth of the difference between all taxes charged the 128973  
corporation under this chapter and any credits allowable against 128974  
such tax, except the qualifying pass-through entity tax credit 128975  
described in division (A)(30) and the refundable credits described 128976  
in divisions (A)(31), (32), (33), and (34) of section 5733.98 of 128977  
the Revised Code; 128978

(vi) For tax year 2010 and each tax year thereafter, no tax. 128979

(b) A corporation shall subtract from the amount calculated 128980  
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 128981  
any qualifying pass-through entity tax credit described in 128982  
division (A)(30) and any refundable credits described in divisions 128983  
(A)(31) to (35) of section 5733.98 of the Revised Code to which 128984  
the corporation is entitled. Any unused qualifying pass-through 128985  
entity tax credit is not refundable. 128986

(c) For the purposes of computing the amount of a credit that 128987  
may be carried forward to a subsequent tax year under division 128988  
(G)(2) of this section, a credit is utilized against the tax for a 128989  
tax year to the extent the credit applies against the tax for that 128990

tax year, even if the difference is then multiplied by the 128991  
applicable fraction under division (G)(2)(a) of this section. 128992

(d) References in division (G)(2) of this section to section 128993  
5733.98 of the Revised Code is to that section before its 128994  
amendment by H.B. 59 of the 130th general assembly. 128995

(3) Nothing in division (G) of this section eliminates or 128996  
reduces the tax imposed by section 5733.41 of the Revised Code on 128997  
a qualifying pass-through entity. 128998

**Sec. 5733.06.** For tax years prior to tax year 2014, the tax 128999  
hereby charged each corporation subject to this chapter shall be 129000  
the greater of the sum of divisions (A) and (B) of this section, 129001  
after the reduction, if any, provided by division (J) of this 129002  
section, or division (C) of this section, after the reduction, if 129003  
any, provided by division (J) of this section, except that the tax 129004  
hereby charged each financial institution subject to this chapter 129005  
shall be the amount computed under division (D) of this section: 129006

(A) Except as set forth in division (F) of this section, five 129007  
and one-tenth per cent upon the first fifty thousand dollars of 129008  
the value of the taxpayer's issued and outstanding shares of stock 129009  
as determined under division (B) of section 5733.05 of the Revised 129010  
Code; 129011

(B) Except as set forth in division (F) of this section, 129012  
eight and one-half per cent upon the value so determined in excess 129013  
of fifty thousand dollars; or 129014

(C)(1) Except as otherwise provided under division (G) of 129015  
this section, four mills times that portion of the value of the 129016  
issued and outstanding shares of stock as determined under 129017  
division (C) of section 5733.05 of the Revised Code. For the 129018  
purposes of division (C) of this section, division (C)(2) of 129019  
section 5733.065, and division (C) of section 5733.066 of the 129020

Revised Code, the value of the issued and outstanding shares of stock of an eligible corporation for tax year 2003 through tax year 2007, or of a qualifying holding company, is zero.

(2) As used in division (C) of this section, "eligible corporation" means a person treated as a corporation for federal income tax purposes that meets all of the following criteria:

(a) The corporation conducts business for an entire taxable year as a qualified trade or business as defined by division (C) of section 122.15 of the Revised Code, as that section existed before its repeal by H.B. 59 of the 130th general assembly.

(b) The corporation uses more than fifty per cent of the corporation's assets, based on net book value, that are located in Ohio solely to conduct activities that constitute a qualified trade or business as defined by section 122.15 of the Revised Code, as that section existed before its repeal by H.B. 59 of the 130th general assembly.

(c) The corporation has been formed or organized not more than three years before the report required to be filed by section 5733.02 of the Revised Code is due, without regard to any extensions.

(d) The corporation is not a related member, as defined in section 5733.042 of the Revised Code, at any time during the taxable year with respect to another person treated as a corporation for federal income tax purposes. A corporation is not a related member if during the entire taxable year at least seventy-five per cent of the corporation's stock is owned directly or through a pass-through entity by individuals, estates, and grantor trusts, and the individuals, estates, and grantor trusts do not directly or indirectly own more than twenty per cent of the value of another person treated as a corporation for federal income tax purposes that is conducting a qualified trade or

business. 129052

(D) The tax charged each financial institution subject to 129053  
this chapter shall be that portion of the value of the issued and 129054  
outstanding shares of stock as determined under division (A) of 129055  
section 5733.05 of the Revised Code, multiplied by the following 129056  
amounts: 129057

(1) For tax years prior to the 1999 tax year, fifteen mills; 129058

(2) For the 1999 tax year, fourteen mills; 129059

(3) For tax year 2000 and thereafter, thirteen mills. 129060

(E) No tax shall be charged from any corporation that has 129061  
been adjudicated bankrupt, or for which a receiver has been 129062  
appointed, or that has made a general assignment for the benefit 129063  
of creditors, except for the portion of the then current tax year 129064  
during which the tax commissioner finds such corporation had the 129065  
power to exercise its corporate franchise unimpaired by such 129066  
proceedings or act. The minimum payment for each corporation shall 129067  
be as follows: 129068

(1) One thousand dollars in the case of a corporation having 129069  
gross receipts for the taxable year equal to at least five million 129070  
dollars from activities within or outside this state or in the 129071  
case of a corporation employing at least three hundred employees 129072  
at some time during the taxable year within or outside this state; 129073

(2) Fifty dollars in the case of any other corporation. 129074

The tax charged to corporations under this chapter for the 129075  
privilege of engaging in business in this state, which is an 129076  
excise tax levied on the value of the issued and outstanding 129077  
shares of stock, shall in no manner be construed as prohibiting or 129078  
otherwise limiting the powers of municipal corporations, joint 129079  
economic development zones created under section 715.691 of the 129080  
Revised Code, and joint economic development districts created 129081

under section 715.70 or 715.71 or sections 715.72 to 715.81 of the Revised Code in this state to impose an income tax on the income of such corporations.

(F) If two or more taxpayers satisfy the ownership or control requirements of division (A) of section 5733.052 of the Revised Code, each such taxpayer shall substitute "the taxpayer's pro-rata amount" for "fifty thousand dollars" in divisions (A) and (B) of this section. For purposes of this division, "the taxpayer's pro-rata amount" is an amount that, when added to the other such taxpayers' pro-rata amounts, does not exceed fifty thousand dollars. For the purpose of making that computation, the taxpayer's pro-rata amount shall not be less than zero. Nothing in this division derogates from or eliminates the requirement to make the alternative computation of tax under division (C) of this section.

(G) The tax liability of any corporation under division (C) of this section shall not exceed one hundred fifty thousand dollars.

(H)(1) For the purposes of division (H) of this section, "exiting corporation" means a corporation that satisfies all of the following conditions:

(a) The corporation had nexus with or in this state under the Constitution of the United States during any portion of a calendar year;

(b) The corporation was not a corporation described in division (A) of section 5733.01 of the Revised Code on the first day of January immediately following that calendar year;

(c) The corporation was not a financial institution on the first day of January immediately following that calendar year;

(d) If the corporation was a transferor as defined in section 5733.053 of the Revised Code, the corporation's transferee was not

required to add to the transferee's net income the income of the 129113  
transferor pursuant to division (B) of that section; 129114

(e) During any portion of that calendar year, or any portion 129115  
of the immediately preceding calendar year, the corporation had 129116  
net income that was not included in a report filed by the 129117  
corporation or its transferee pursuant to section 5733.02, 129118  
5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 129119

(f) The corporation would have been subject to the tax 129120  
computed under divisions (A), (B), (C), (F), and (G) of this 129121  
section if the corporation is assumed to be a corporation 129122  
described in division (A) of section 5733.01 of the Revised Code 129123  
on the first day of January immediately following the calendar 129124  
year to which division (H)(1)(a) of this section refers. 129125

(2) For the purposes of division (H) of this section, 129126  
"unreported net income" means net income that was not previously 129127  
included in a report filed pursuant to section 5733.02, 5733.021, 129128  
5733.03, 5733.031, or 5733.053 of the Revised Code and that was 129129  
realized or recognized during the calendar year to which division 129130  
(H)(1) of this section refers or the immediately preceding 129131  
calendar year. 129132

(3) Each exiting corporation shall pay a tax computed by 129133  
first allocating and apportioning the unreported net income 129134  
pursuant to division (B) of section 5733.05 and section 5733.051 129135  
and, if applicable, section 5733.052 of the Revised Code. The 129136  
exiting corporation then shall compute the tax due on its 129137  
unreported net income allocated and apportioned to this state by 129138  
applying divisions (A), (B), and (F) of this section to that 129139  
income. 129140

(4) Divisions (C) and (G) of this section, division (D)(2) of 129141  
section 5733.065, and division (C) of section 5733.066 of the 129142  
Revised Code do not apply to an exiting corporation, but exiting 129143



corporations are subject to every other provision of this chapter. 129144

(5) Notwithstanding division (B) of section 5733.01 or 129145  
sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the 129146  
contrary, each exiting corporation shall report and pay the tax 129147  
due under division (H) of this section on or before the 129148  
thirty-first day of May immediately following the calendar year to 129149  
which division (H)(1)(a) of this section refers. The exiting 129150  
corporation shall file that report on the form most recently 129151  
prescribed by the tax commissioner for the purposes of complying 129152  
with sections 5733.02 and 5733.03 of the Revised Code. Upon 129153  
request by the corporation, the tax commissioner may extend the 129154  
date for filing the report. 129155

(6) If, on account of the application of section 5733.053 of 129156  
the Revised Code, net income is subject to the tax imposed by 129157  
divisions (A) and (B) of this section, such income shall not be 129158  
subject to the tax imposed by division (H)(3) of this section. 129159

(7) The amendments made to division (H) of this section by 129160  
Am. Sub. S.B. 287 of the 123rd general assembly do not apply to 129161  
any transfer, as defined in section 5733.053 of the Revised Code, 129162  
for which negotiations began prior to January 1, 2001, and that 129163  
was commenced in and completed during calendar year 2001, unless 129164  
the taxpayer makes an election prior to December 31, 2001, to 129165  
apply those amendments. 129166

(8) The tax commissioner may adopt rules governing division 129167  
(H) of this section. 129168

(I) Any reference in the Revised Code to "the tax imposed by 129169  
section 5733.06 of the Revised Code" or "the tax due under section 129170  
5733.06 of the Revised Code" includes the taxes imposed under 129171  
sections 5733.065 and 5733.066 of the Revised Code. 129172

(J)(1) Division (J) of this section applies solely to a 129173  
combined company. Section 5733.057 of the Revised Code shall apply 129174

when calculating the adjustments required by division (J) of this section. 129175  
129176

(2) Subject to division (J)(4) of this section, the total tax 129177  
calculated in divisions (A) and (B) of this section shall be 129178  
reduced by an amount calculated by multiplying such tax by a 129179  
fraction, the numerator of which is the total taxable gross 129180  
receipts attributed to providing public utility activity other 129181  
than as an electric company under section 5727.03 of the Revised 129182  
Code for the year upon which the taxable gross receipts are 129183  
measured immediately preceding the tax year, and the denominator 129184  
of which is the total gross receipts from all sources for the year 129185  
upon which the taxable gross receipts are measured immediately 129186  
preceding the tax year. Nothing herein shall be construed to 129187  
exclude from the denominator any item of income described in 129188  
section 5733.051 of the Revised Code. 129189

(3) Subject to division (J)(4) of this section, the total tax 129190  
calculated in division (C) of this section shall be reduced by an 129191  
amount calculated by multiplying such tax by the fraction 129192  
described in division (J)(2) of this section. 129193

(4) In no event shall the reduction provided by division 129194  
(J)(2) or (J)(3) of this section exceed the amount of the excise 129195  
tax paid in accordance with section 5727.38 of the Revised Code, 129196  
for the year upon which the taxable gross receipts are measured 129197  
immediately preceding the tax year. 129198

**Sec. 5733.11.** (A) If any corporation required to file a 129199  
report under this chapter fails to file the report within the time 129200  
prescribed, files an incorrect report, or fails to remit the full 129201  
amount of the tax due for the period covered by the report, the 129202  
tax commissioner may make an assessment against the corporation 129203  
for any deficiency for the period for which the report or tax is 129204  
due, based upon any information in the commissioner's possession. 129205

No assessment shall be made or issued against a corporation 129206  
more than three years after the later of the final date the report 129207  
subject to assessment was required to be filed or the date the 129208  
report was filed. Such time limit may be extended if both the 129209  
corporation and the commissioner consent in writing to the 129210  
extension or if an agreement waiving or extending the time limit 129211  
has been entered into pursuant to section 122.171 of the Revised 129212  
Code. Any such extension shall extend the three-year time limit in 129213  
division (B) of section 5733.12 of the Revised Code for the same 129214  
period of time. There shall be no bar or limit to an assessment 129215  
against a corporation that fails to file a report subject to 129216  
assessment as required by this chapter, or that files a fraudulent 129217  
report. 129218

The commissioner shall give the corporation assessed written 129219  
notice of the assessment in the manner provided in section 5703.37 129220  
of the Revised Code. With the notice, the commissioner shall 129221  
provide instructions on how to petition for reassessment and 129222  
request a hearing on the petition. 129223

(B) Unless the corporation assessed files with the tax 129224  
commissioner within sixty days after service of the notice of 129225  
assessment, either personally or by certified mail, a written 129226  
petition for reassessment, signed by the ~~corporations~~ 129227  
corporation's authorized agent having knowledge of the facts, <sup>7</sup> the 129228  
assessment becomes final, and the amount of the assessment is due 129229  
and payable from the corporation assessed to the treasurer of 129230  
state. The petition shall indicate the corporation's objections, 129231  
but additional objections may be raised in writing if received by 129232  
the commissioner prior to the date shown on the final 129233  
determination. If the petition has been properly filed, the 129234  
commissioner shall proceed under section 5703.60 of the Revised 129235  
Code. 129236

(C) After an assessment becomes final, if any portion of the 129237

assessment remains unpaid, including accrued interest, a certified 129238  
copy of the tax commissioner's entry making the assessment final 129239  
may be filed in the office of the clerk of the court of common 129240  
pleas in the county in which the corporation has an office or 129241  
place of business in this state, the county in which the 129242  
corporation's statutory agent is located, or Franklin county. 129243

Immediately upon the filing of the entry, the clerk shall 129244  
enter a judgment against the corporation assessed in the amount 129245  
shown on the entry. The judgment may be filed by the clerk in a 129246  
loose-leaf book entitled "special judgments for state corporate 129247  
franchise and litter taxes," and shall have the same effect as 129248  
other judgments. Execution shall issue upon the judgment upon the 129249  
request of the tax commissioner, and all laws applicable to sales 129250  
on execution shall apply to sales made under the judgment. 129251

~~The portion of an~~ If the assessment is not paid within sixty 129252  
days after the day the assessment was issued, the portion of the 129253  
assessment consisting of tax due shall bear interest at the rate 129254  
per annum prescribed by section 5703.47 of the Revised Code from 129255  
the day the tax commissioner issues the assessment until the 129256  
assessment is paid or until it is certified to the attorney 129257  
general for collection under section 131.02 of the Revised Code, 129258  
whichever comes first. If the unpaid portion of the assessment is 129259  
certified to the attorney general for collection, the entire 129260  
unpaid portion of the assessment shall bear interest at the rate 129261  
per annum prescribed by section 5703.47 of the Revised Code from 129262  
the date of certification until the date it is paid in its 129263  
entirety. Interest shall be paid in the same manner as the tax and 129264  
may be collected by issuing an assessment under this section. 129265

(D) All money collected under this section shall be 129266  
considered as revenue arising from the taxes imposed by this 129267  
chapter. 129268

(E) The portion of an assessment that must be paid upon the 129269

filing of a petition for reassessment shall be as follows: 129270

(1) If the sole item objected to is the assessed penalty or 129271  
interest, payment of the assessment, including interest but not 129272  
penalty, is required; 129273

(2) If the corporation assessed failed to file, prior to the 129274  
date of issuance of the assessment, the annual report required by 129275  
section 5733.02 of the Revised Code, any amended report required 129276  
by division (C) of section 5733.031 of the Revised Code for the 129277  
tax year at issue, or any amended report required by division (D) 129278  
of section 5733.067 of the Revised Code to indicate a reduction in 129279  
the amount of the credit provided under that section, payment of 129280  
the assessment, including interest but not penalty, is required; 129281

(3) If the corporation assessed filed, prior to the date of 129282  
issuance of the assessment, the annual report required by section 129283  
5733.02 of the Revised Code, all amended reports required by 129284  
division (C) of section 5733.031 of the Revised Code for the tax 129285  
year at issue, and all amended reports required by division (D) of 129286  
section 5733.067 of the Revised Code to indicate a reduction in 129287  
the amount of the credit provided under that section, and a 129288  
balance of the taxes shown due on the reports as computed on the 129289  
reports remains unpaid, payment of only that portion of the 129290  
assessment representing the unpaid balance of tax and interest is 129291  
required; 129292

(4) If the corporation assessed does not dispute that it is a 129293  
taxpayer but claims the protections of section 101 of Public Law 129294  
86-272, 73 Stat. 555, 15 U.S.C.A. 381, as amended, payment of only 129295  
that portion of the assessment representing any balance of taxes 129296  
shown due on the corporation's annual report required by section 129297  
5733.02 of the Revised Code, as computed on the report, that 129298  
remains unpaid, and that represents taxes imposed by division (C) 129299  
of section 5733.06, division (C)(2) of section 5733.065, and 129300  
division (C) of section 5733.066 of the Revised Code, together 129301

with all related interest, is required; 129302

(5) If none of the conditions specified in divisions (E)(1) 129303  
to (4) of this section apply, or if the corporation assessed 129304  
disputes that it is a taxpayer, no payment is required. 129305

(F) Notwithstanding the fact that a petition for reassessment 129306  
is pending, the corporation may pay all or a portion of the 129307  
assessment that is the subject of the petition. The acceptance of 129308  
a payment by the treasurer of state does not prejudice any claim 129309  
for refund upon final determination of the petition. 129310

If upon final determination of the petition an error in the 129311  
assessment is corrected by the tax commissioner, upon petition so 129312  
filed or pursuant to a decision of the board of tax appeals or any 129313  
court to which the determination or decision has been appealed, so 129314  
that the amount due from the corporation under the corrected 129315  
assessment is less than the portion paid, there shall be issued to 129316  
the corporation, its assigns, or legal representative a refund in 129317  
the amount of the overpayment as provided by section 5733.12 of 129318  
the Revised Code, with interest on that amount as provided by 129319  
section 5733.26 of the Revised Code, subject to section 5733.121 129320  
of the Revised Code. 129321

**Sec. 5733.55.** (A) As used in this section: 129322

(1) "9-1-1 system" has the same meaning as in section ~~5507.01~~ 129323  
128.01 of the Revised Code. 129324

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges 129325  
approved by the public utilities commission for the telephone 129326  
network portion of a 9-1-1 system pursuant to section ~~5507.18~~ 129327  
128.18 of the Revised Code. 129328

(3) "Eligible nonrecurring 9-1-1 charges" means all 129329  
nonrecurring 9-1-1 charges for a 9-1-1 system except both of the 129330  
following: 129331

(a) Charges for a system that was not established pursuant to 129332  
a plan adopted under section ~~5507.08~~ 128.08 of the Revised Code or 129333  
an agreement under section ~~5507.09~~ 128.09 of the Revised Code; 129334

(b) Charges for that part of a system established pursuant to 129335  
such a plan or agreement that are excluded from the credit by 129336  
division (C)(2) of section ~~5507.18~~ 128.18 of the Revised Code. 129337

(4) "Telephone company" has the same meaning as in section 129338  
5727.01 of the Revised Code. 129339

(B) Beginning in tax year 2005, a telephone company shall be 129340  
allowed a nonrefundable credit against the tax imposed by section 129341  
5733.06 of the Revised Code equal to the amount of its eligible 129342  
nonrecurring 9-1-1 charges. The credit shall be claimed for the 129343  
company's taxable year that covers the period in which the 9-1-1 129344  
service for which the credit is claimed becomes available for use. 129345  
The credit shall be claimed in the order required by section 129346  
5733.98 of the Revised Code. If the credit exceeds the total taxes 129347  
due under section 5733.06 of the Revised Code for the tax year, 129348  
the tax commissioner shall credit the excess against taxes due 129349  
under that section for succeeding tax years until the full amount 129350  
of the credit is granted. 129351

(C) After the last day a return, with any extensions, may be 129352  
filed by any telephone company that is eligible to claim a credit 129353  
under this section, the commissioner shall determine whether the 129354  
sum of the credits allowed for prior tax years commencing with tax 129355  
year 2005 plus the sum of the credits claimed for the current tax 129356  
year exceeds fifteen million dollars. If it does, the credits 129357  
allowed under this section for the current tax year shall be 129358  
reduced by a uniform percentage such that the sum of the credits 129359  
allowed for the current tax year do not exceed fifteen million 129360  
dollars claimed by all telephone companies for all tax years. 129361  
Thereafter, no credit shall be granted under this section, except 129362  
for the remaining portions of any credits allowed under division 129363

(B) of this section. 129364

(D) A telephone company that is entitled to carry forward a 129365  
credit against its public utility excise tax liability under 129366  
section 5727.39 of the Revised Code is entitled to carry forward 129367  
any amount of that credit remaining after its last public utility 129368  
excise tax payment for the period of July 1, 2003, through June 129369  
30, 2004, and claim that amount as a credit against its 129370  
corporation franchise tax liability under this section. Nothing in 129371  
this section authorizes a telephone company to claim a credit 129372  
under this section for any eligible nonrecurring 9-1-1 charges for 129373  
which it has already claimed a credit under this section or 129374  
section 5727.39 of the Revised Code. 129375

**Sec. 5733.98.** (A) To provide a uniform procedure for 129376  
calculating the amount of tax imposed by section 5733.06 of the 129377  
Revised Code that is due under this chapter, a taxpayer shall 129378  
claim any credits to which it is entitled in the following order, 129379  
except as otherwise provided in section 5733.058 of the Revised 129380  
Code: 129381

(1) For tax year 2005, the credit for taxes paid by a 129382  
qualifying pass-through entity allowed under section 5733.0611 of 129383  
the Revised Code; 129384

(2) The credit allowed for financial institutions under 129385  
section 5733.45 of the Revised Code; 129386

(3) The credit for qualifying affiliated groups under section 129387  
5733.068 of the Revised Code; 129388

(4) The subsidiary corporation credit under section 5733.067 129389  
of the Revised Code; 129390

(5) The savings and loan assessment credit under section 129391  
5733.063 of the Revised Code; 129392

(6) The credit for recycling and litter prevention donations 129393



|                                                                                                                                |                  |
|--------------------------------------------------------------------------------------------------------------------------------|------------------|
| under section 5733.064 of the Revised Code;                                                                                    | 129394           |
| (7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code; | 129395<br>129396 |
| (8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;            | 129397<br>129398 |
| (9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;       | 129399<br>129400 |
| (10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;                              | 129401<br>129402 |
| (11) The nonrefundable job retention credit under division (B) of section 5733.0610 of the Revised Code;                       | 129403<br>129404 |
| (12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;            | 129405<br>129406 |
| (13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;   | 129407<br>129408 |
| (14) The job training credit under section 5733.42 of the Revised Code;                                                        | 129409<br>129410 |
| (15) The credit for qualified research expenses under section 5733.351 of the Revised Code;                                    | 129411<br>129412 |
| (16) The enterprise zone credit under section 5709.66 of the Revised Code;                                                     | 129413<br>129414 |
| (17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;           | 129415<br>129416 |
| (18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;         | 129417<br>129418 |
| (19) The ethanol plant investment credit under section 5733.46 of the Revised Code;                                            | 129419<br>129420 |
| (20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;               | 129421<br>129422 |

|                                                                                                                                                                                             |                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| (21) The export sales credit under section 5733.069 of the Revised Code;                                                                                                                    | 129423<br>129424           |
| <del>(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;</del>                                                        | 129425<br>129426           |
| <del>(23)</del> The enterprise zone credits under section 5709.65 of the Revised Code;                                                                                                      | 129427<br>129428           |
| <del>(24)</del> <u>(23)</u> The credit for using Ohio coal under section 5733.39 of the Revised Code;                                                                                       | 129429<br>129430           |
| <del>(25)</del> <u>(24)</u> The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;                                               | 129431<br>129432           |
| <del>(26)</del> <u>(25)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;                                                                             | 129433<br>129434           |
| <del>(27)</del> <u>(26)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;                                                                   | 129435<br>129436           |
| <del>(28)</del> <u>(27)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;             | 129437<br>129438<br>129439 |
| <del>(29)</del> <u>(28)</u> The research and development credit under section 5733.352 of the Revised Code;                                                                                 | 129440<br>129441           |
| <del>(30)</del> <u>(29)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code; | 129442<br>129443<br>129444 |
| <del>(31)</del> <u>(30)</u> The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;                                                         | 129445<br>129446           |
| <del>(32)</del> <u>(31)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;                                        | 129447<br>129448<br>129449 |
| <del>(33)</del> <u>(32)</u> The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;                                                           | 129450<br>129451           |

~~(34)~~(33) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

~~(35)~~(34) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;

~~(36)~~(35) The refundable motion picture production credit under section 5733.59 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.

**Sec. 5735.012.** ~~Amounts~~ With respect to liquid motor fuel other than liquid natural gas, amounts of motor fuel reported under this chapter shall be measured in gross gallons, except that amounts reported for terminal to terminal transactions shall be measured in net gallons and amounts reported for terminal to Ohio licensed dealer transactions shall be measured in both net gallons and gross gallons. Amounts of liquid natural gas shall be measured in gallon equivalents as described in section 5735.013 of the Revised Code.

**Sec. 5735.013.** For the purposes of this chapter, if the national conference on weights and measures has adopted a diesel gallon equivalent standard for liquid natural gas, that standard shall be the equivalent of one gallon of motor fuel. If the national conference on weights and measures has not adopted such a standard, six and six one-hundredths pounds of liquid natural gas shall be the equivalent of one gallon of motor fuel.

Sec. 5735.12. (A) Any motor fuel dealer required by this 129482  
chapter to file reports and pay the tax levied by this chapter who 129483  
fails to file the report within the time prescribed, may be liable 129484  
for an additional charge not exceeding the greater of ten per cent 129485  
of the motor fuel dealer's tax liability for that month or fifty 129486  
dollars. The tax commissioner may remit all or a portion of the 129487  
additional charge and may adopt rules relating to the remission of 129488  
all or a portion of the charge. 129489

If any person required by this chapter to file reports and 129490  
pay the taxes, interest, or additional charge levied by this 129491  
chapter fails to file the report, files an incomplete or incorrect 129492  
report, or fails to remit the full amount of the tax, interest, or 129493  
additional charge due for the period covered by the report, the 129494  
commissioner may make an assessment against the person based upon 129495  
any information in the commissioner's possession. 129496

No assessment shall be made against any motor fuel dealer for 129497  
taxes imposed by this chapter more than four years after the date 129498  
on which the report on which the assessment was based was due or 129499  
was filed, whichever is later. This section does not bar an 129500  
assessment against any motor fuel dealer who fails to file a 129501  
report required by section 5735.06 of the Revised Code, or who 129502  
files a fraudulent motor fuel tax report. 129503

A penalty of up to fifteen per cent may be added to the 129504  
amount of every assessment made under this section. The 129505  
commissioner may adopt rules providing for the imposition and 129506  
remission of penalties added to assessments made under this 129507  
section. 129508

The commissioner shall give the party assessed written notice 129509  
of the assessment in the manner provided in section 5703.37 of the 129510  
Revised Code. With the notice, the commissioner shall provide 129511  
instructions on how to petition for reassessment and request a 129512

hearing on the petition. 129513

(B) Unless the party assessed files with the tax commissioner 129514  
within sixty days after service of the notice of assessment, 129515  
either personally or by certified mail, a written petition for 129516  
reassessment in writing, signed by the party assessed or that 129517  
party's authorized agent having knowledge of the facts, the 129518  
assessment becomes final and the amount of the assessment is due 129519  
and payable from the party assessed to the treasurer of state. The 129520  
petition shall indicate the objections of the party assessed, but 129521  
additional objections may be raised in writing if received by the 129522  
commissioner prior to the date shown on the final determination. 129523  
If the petition has been properly filed, the commissioner shall 129524  
proceed under section 5703.60 of the Revised Code. 129525

(C) After an assessment becomes final, if any portion of the 129526  
assessment remains unpaid, including accrued interest, a certified 129527  
copy of the tax commissioner's entry making the assessment final 129528  
may be filed in the office of the clerk of the court of common 129529  
pleas in the county in which the party assessed resides or in 129530  
which the business of the party assessed is conducted. If the 129531  
party assessed maintains no place of business in this state and is 129532  
not a resident of this state, the certified copy of the entry may 129533  
be filed in the office of the clerk of the court of common pleas 129534  
of Franklin county. 129535

Immediately upon the filing of the entry, the clerk shall 129536  
enter a judgment for the state against the party assessed in the 129537  
amount shown on the entry. The judgment may be filed by the clerk 129538  
in a loose-leaf book entitled "special judgments for state motor 129539  
fuel tax," and shall have the same effect as other judgments. 129540  
Execution shall issue upon the judgment upon the request of the 129541  
tax commissioner, and all laws applicable to sales on execution 129542  
shall apply to sales made under the judgment. 129543

~~The portion of~~ If the assessment is not paid in its entirety 129544

within sixty days after the day the assessment was issued, the 129545  
portion of the assessment consisting of tax due shall bear 129546  
interest at the rate per annum prescribed by section 5703.47 of 129547  
the Revised Code from the day the commissioner issues the 129548  
assessment until it is paid or until it is certified to the 129549  
attorney general for collection under section 131.02 of the 129550  
Revised Code, whichever comes first. If the unpaid portion of the 129551  
assessment is certified to the attorney general for collection, 129552  
the entire unpaid portion of the assessment shall bear interest at 129553  
the rate per annum prescribed by section 5703.47 of the Revised 129554  
Code from the date of certification until the date it is paid in 129555  
its entirety. Interest shall be paid in the same manner as the tax 129556  
and may be collected by the issuance of an assessment under this 129557  
section. 129558

(D) All money collected by the tax commissioner under this 129559  
section shall be paid to the treasurer of state, and when paid 129560  
shall be considered as revenue arising from the tax imposed by 129561  
this chapter. 129562

(E) If the tax commissioner determines that the commissioner 129563  
has erroneously refunded motor fuel tax to any person, the 129564  
commissioner may make an assessment against the person for 129565  
recovery of the erroneously refunded tax. 129566

**Sec. 5735.27.** (A) There is hereby created in the state 129567  
treasury the gasoline excise tax fund, which shall be distributed 129568  
in the following manner: 129569

(1) The amount credited pursuant to divisions (B)(2)(a) and 129570  
(C)(2)(a) of section 5735.23 of the Revised Code shall be 129571  
distributed among municipal corporations. The amount paid to each 129572  
municipal corporation shall be that proportion of the amount to be 129573  
so distributed that the number of motor vehicles registered within 129574  
the municipal corporation bears to the total number of motor 129575

vehicles registered within all the municipal corporations of this state during the preceding motor vehicle registration year. When a new village is incorporated, the registrar of motor vehicles shall determine from the applications on file in the bureau of motor vehicles the number of motor vehicles located within the territory comprising the village during the entire registration year in which the municipal corporation was incorporated. The registrar shall forthwith certify the number of motor vehicles so determined to the tax commissioner for use in distributing motor vehicle fuel tax funds to the village until the village is qualified to participate in the distribution of the funds pursuant to this division. The number of motor vehicle registrations shall be determined by the official records of the bureau of motor vehicles. The amount received by each municipal corporation shall be used to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to pay the costs apportioned to the municipal corporation under section 4907.47 of the Revised Code; to purchase, erect, and maintain traffic lights and signals; to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements for which the municipal corporation may issue bonds; and to supplement revenue already available for these purposes.

(2) The amount credited pursuant to division (B) of section 5735.26 of the Revised Code shall be distributed among the municipal corporations within the state, in the proportion which the number of motor vehicles registered within each municipal corporation bears to the total number of motor vehicles registered

within all the municipal corporations of the state during the 129609  
preceding calendar year, as shown by the official records of the 129610  
bureau of motor vehicles, and shall be expended by each municipal 129611  
corporation to plan, construct, reconstruct, repave, widen, 129612  
maintain, repair, clear, and clean public highways, roads, and 129613  
streets; to maintain and repair bridges and viaducts; to purchase, 129614  
erect, and maintain street and traffic signs and markers; to 129615  
purchase, erect, and maintain traffic lights and signals; to pay 129616  
costs apportioned to the municipal corporation under section 129617  
4907.47 of the Revised Code; to pay the principal, interest, and 129618  
charges on bonds and other obligations issued pursuant to Chapter 129619  
133. of the Revised Code or incurred pursuant to section 5531.09 129620  
of the Revised Code for the purpose of acquiring or constructing 129621  
roads, highways, bridges, or viaducts or acquiring or making other 129622  
highway improvements for which the municipal corporation may issue 129623  
bonds; and to supplement revenue already available for these 129624  
purposes. 129625

(3) The amount credited pursuant to divisions (B)(2)(b) and 129626  
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 129627  
equal proportions to the county treasurer of each county within 129628  
the state and shall be used only for the purposes of planning, 129629  
maintaining, and repairing the county system of public roads and 129630  
highways within the county; the planning, construction, and repair 129631  
of walks or paths along county roads in congested areas; the 129632  
planning, construction, purchase, lease, and maintenance of 129633  
suitable buildings for the housing and repair of county road 129634  
machinery, housing of supplies, and housing of personnel 129635  
associated with the machinery and supplies; the payment of costs 129636  
apportioned to the county under section 4907.47 of the Revised 129637  
Code; the payment of principal, interest, and charges on bonds and 129638  
other obligations issued pursuant to Chapter 133. of the Revised 129639  
Code or incurred pursuant to section 5531.09 of the Revised Code 129640  
for the purpose of acquiring or constructing roads, highways, 129641



bridges, or viaducts or acquiring or making other highway 129642  
improvements for which the board of county commissioners may issue 129643  
bonds under that chapter; and the purchase, installation, and 129644  
maintenance of traffic signal lights. 129645

(4) The amount credited pursuant to division (C) of section 129646  
5735.26 of the Revised Code shall be paid in equal proportions to 129647  
the county treasurer of each county for the purposes of planning, 129648  
maintaining, constructing, widening, and reconstructing the county 129649  
system of public roads and highways; paying principal, interest, 129650  
and charges on bonds and other obligations issued pursuant to 129651  
Chapter 133. of the Revised Code or incurred pursuant to section 129652  
5531.09 of the Revised Code for the purpose of acquiring or 129653  
constructing roads, highways, bridges, or viaducts or acquiring or 129654  
making other highway improvements for which the board of county 129655  
commissioners may issue bonds under that chapter; and paying costs 129656  
apportioned to the county under section 4907.47 of the Revised 129657  
Code. 129658

(5)(a) The amount credited pursuant to division (D) of 129659  
section 5735.26 and division (C)(2)(b) of section 5735.23 of the 129660  
Revised Code shall be divided in equal proportions among the 129661  
townships within the state. 129662

(b) As used in division (A)(5)(b) of this section, the 129663  
"formula amount" for any township is the amount that would be 129664  
allocated to that township if fifty per cent of the amount 129665  
credited to townships pursuant to section 5735.291 of the Revised 129666  
Code were allocated among townships in the state proportionate to 129667  
the number of centerline miles within the boundaries of the 129668  
respective townships, as determined annually by the department of 129669  
transportation, and the other fifty per cent of the amount 129670  
credited pursuant to section 5735.291 of the Revised Code were 129671  
allocated among townships in the state proportionate to the number 129672  
of motor vehicles registered within the respective townships, as 129673

determined annually by the records of the bureau of motor 129674  
vehicles. The number of centerline miles within the boundaries of 129675  
a township shall not include any centerline miles of township 129676  
roads that have been placed on nonmaintained status by a board of 129677  
township trustees pursuant to section 5571.20 of the Revised Code. 129678

Beginning on August 15, 2003, the tax levied by section 129679  
5735.29 of the Revised Code shall be partially allocated to 129680  
provide funding for townships. Each township shall receive the 129681  
greater of the following two calculations: 129682

(i) The total statewide amount credited to townships under 129683  
division (A) of section 5735.291 of the Revised Code divided by 129684  
the number of townships in the state at the time of the 129685  
calculation; 129686

(ii) Seventy per cent of the formula amount for that 129687  
township. 129688

(c) The total difference between the amount of money credited 129689  
to townships under division (A) of section 5735.291 of the Revised 129690  
Code and the total amount of money required to make all the 129691  
payments specified in division (A)(5)(b) of this section shall be 129692  
deducted, in accordance with division (B) of section 5735.291 of 129693  
the Revised Code, from the revenues resulting from the tax levied 129694  
pursuant to section 5735.29 of the Revised Code prior to crediting 129695  
portions of such revenues to counties, municipal corporations, and 129696  
the highway operating fund. 129697

(d) All amounts credited pursuant to divisions (A)(5)(a) and 129698  
(b) of this section shall be paid to the county treasurer of each 129699  
county for the total amount payable to the townships within each 129700  
of the counties. The county treasurer shall pay to each township 129701  
within the county its proportional share of the funds, which shall 129702  
be expended by each township only for the purposes of planning, 129703  
constructing, maintaining, widening, and reconstructing the public 129704

roads and highways within the township, paying principal, 129705  
interest, and charges on bonds and other obligations issued 129706  
pursuant to Chapter 133. or 505. of the Revised Code or incurred 129707  
pursuant to section 5531.09 of the Revised Code for the purpose of 129708  
acquiring or constructing roads, highways, bridges, or viaducts or 129709  
acquiring or making other highway improvements for which the board 129710  
of township trustees may issue bonds under those chapters, and 129711  
paying costs apportioned to the township under section 4907.47 of 129712  
the Revised Code. 129713

No part of the funds designated for road and highway purposes 129714  
shall be used for any purpose except to pay in whole or part the 129715  
contract price of any such work done by contract, or to pay the 129716  
cost of labor in planning, constructing, widening, and 129717  
reconstructing such roads and highways, and the cost of materials 129718  
forming a part of the improvement; provided that the funds may be 129719  
used for the purchase of road machinery and equipment ~~and for,~~ the 129720  
planning, construction, and maintenance of suitable buildings for 129721  
housing road machinery and equipment, and the payment of 129722  
principal, interest, and charges on bonds and other obligations 129723  
issued pursuant to Chapter 133. or 505. of the Revised Code for 129724  
the purpose of purchasing road machinery and equipment or 129725  
planning, constructing, and maintaining suitable buildings for 129726  
housing road machinery and equipment; and provided that all such 129727  
improvement of roads shall be under supervision and direction of 129728  
the county engineer as provided in section 5575.07 of the Revised 129729  
Code. No obligation against the funds shall be incurred unless 129730  
plans and specifications for the improvement, approved by the 129731  
county engineer, are on file in the office of the township fiscal 129732  
officer, and all contracts for material and for work done by 129733  
contract shall be approved by the county engineer before being 129734  
signed by the board of township trustees. The board of township 129735  
trustees of any township may pass a resolution permitting the 129736  
board of county commissioners to expend the township's share of 129737

the funds, or any portion of it, for the improvement of the roads 129738  
within the township as may be designated in the resolution. 129739

All investment earnings of the fund shall be credited to the 129740  
fund. 129741

(B) Amounts credited to the highway operating fund pursuant 129742  
to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 129743  
division (A) of section 5735.26 of the Revised Code shall be 129744  
expended in the following manner: 129745

(1) The amount credited pursuant to divisions (B)(2)(c) and 129746  
(C)(2)(d) of section 5735.23 of the Revised Code shall be 129747  
apportioned to and expended by the department of transportation 129748  
for the purposes of planning, maintaining, repairing, and keeping 129749  
in passable condition for travel the roads and highways of the 129750  
state required by law to be maintained by the department; paying 129751  
the costs apportioned to the state under section 4907.47 of the 129752  
Revised Code; paying that portion of the construction cost of a 129753  
highway project which a county, township, or municipal corporation 129754  
normally would be required to pay, but which the director of 129755  
transportation, pursuant to division (B) of section 5531.08 of the 129756  
Revised Code, determines instead will be paid from moneys in the 129757  
highway operating fund; and paying the costs of the department of 129758  
public safety in administering and enforcing the state law 129759  
relating to the registration and operation of motor vehicles. 129760

(2) The amount credited pursuant to division (A) of section 129761  
5735.26 of the Revised Code shall be used for paying the state's 129762  
share of the cost of planning, constructing, widening, 129763  
maintaining, and reconstructing the state highways; paying that 129764  
portion of the construction cost of a highway project which a 129765  
county, township, or municipal corporation normally would be 129766  
required to pay, but which the director of transportation, 129767  
pursuant to division (B) of section 5531.08 of the Revised Code, 129768  
determines instead will be paid from moneys in the highway 129769

operating fund; and also for supplying the state's share of the 129770  
cost of eliminating railway grade crossings upon such highways and 129771  
costs apportioned to the state under section 4907.47 of the 129772  
Revised Code. The director of transportation may expend portions 129773  
of such amount upon extensions of state highways within municipal 129774  
corporations or upon portions of state highways within municipal 129775  
corporations, as is provided by law. 129776

**Sec. 5735.34.** (A) If any motor fuel dealer sells that motor 129777  
fuel dealer's entire business or discontinues operating that 129778  
business, the taxes and any interest and penalties imposed under 129779  
this chapter that arose prior to the date of sale or 129780  
discontinuation become due and payable immediately. The Within 129781  
fifteen days after the date of the sale or discontinuation of the 129782  
business, the motor fuel dealer shall make a final return ~~within~~ 129783  
~~fifteen days after the date of the sale or discontinuation of the~~ 129784  
~~business and provide written notification to the tax commissioner~~ 129785  
~~of the sale or discontinuation and the name and contact~~ 129786  
information of the purchaser, if applicable. The purchaser of the 129787  
business shall withhold a sufficient amount of the purchase money 129788  
to cover the amount of such taxes, interest, and penalties due and 129789  
unpaid until the seller produces a receipt from the tax 129790  
commissioner showing that the taxes, interest, and penalties have 129791  
been paid, or until the seller produces a certificate indicating 129792  
that no taxes, interest, and penalties are due. 129793

(B) If the purchaser of the business fails to withhold the 129794  
purchase money required to be withheld under this section, the 129795  
purchaser of the business is personally liable for the payment of 129796  
the taxes, interest, and penalties accrued and unpaid during the 129797  
operation of the business by the seller, but only to the extent of 129798  
the consideration offered for the entire business. 129799

(C) For purposes of this section, "entire business" means 129800

substantially all of the seller's assets determined without regard 129801  
to any then existing mortgages, liens, security interests or other 129802  
encumbrances attaching to those assets. A person is considered to 129803  
have sold the entire business only if the person ceases to qualify 129804  
as a motor fuel dealer and has relinquished or the tax 129805  
commissioner has canceled the person's motor fuel dealer's 129806  
license. 129807

**Sec. 5739.01.** As used in this chapter: 129808

(A) "Person" includes individuals, receivers, assignees, 129809  
trustees in bankruptcy, estates, firms, partnerships, 129810  
associations, joint-stock companies, joint ventures, clubs, 129811  
societies, corporations, the state and its political subdivisions, 129812  
and combinations of individuals of any form. 129813

(B) "Sale" and "selling" include all of the following 129814  
transactions for a consideration in any manner, whether absolutely 129815  
or conditionally, whether for a price or rental, in money or by 129816  
exchange, and by any means whatsoever: 129817

(1) All transactions by which title or possession, or both, 129818  
of tangible personal property, is or is to be transferred, or a 129819  
license to use or consume tangible personal property is or is to 129820  
be granted; 129821

(2) All transactions by which lodging by a hotel is or is to 129822  
be furnished to transient guests; 129823

(3) All transactions by which: 129824

(a) An item of tangible personal property is or is to be 129825  
repaired, except property, the purchase of which would not be 129826  
subject to the tax imposed by section 5739.02 of the Revised Code; 129827

(b) An item of tangible personal property is or is to be 129828  
installed, except property, the purchase of which would not be 129829  
subject to the tax imposed by section 5739.02 of the Revised Code 129830

or property that is or is to be incorporated into and will become 129831  
a part of a production, transmission, transportation, or 129832  
distribution system for the delivery of a public utility service; 129833

(c) The service of washing, cleaning, waxing, polishing, or 129834  
painting a motor vehicle is or is to be furnished; 129835

(d) Until August 1, 2003, industrial laundry cleaning 129836  
services are or are to be provided and, on and after August 1, 129837  
2003, laundry and dry cleaning services are or are to be provided; 129838

(e) Automatic data processing, computer services, or 129839  
electronic information services are or are to be provided for use 129840  
in business when the true object of the transaction is the receipt 129841  
by the consumer of automatic data processing, computer services, 129842  
or electronic information services rather than the receipt of 129843  
personal or professional services to which automatic data 129844  
processing, computer services, or electronic information services 129845  
are incidental or supplemental. Notwithstanding any other 129846  
provision of this chapter, such transactions that occur between 129847  
members of an affiliated group are not sales. An "affiliated 129848  
group" means two or more persons related in such a way that one 129849  
person owns or controls the business operation of another member 129850  
of the group. In the case of corporations with stock, one 129851  
corporation owns or controls another if it owns more than fifty 129852  
per cent of the other corporation's common stock with voting 129853  
rights. 129854

(f) Telecommunications service, including prepaid calling 129855  
service, prepaid wireless calling service, or ancillary service, 129856  
is or is to be provided, but not including coin-operated telephone 129857  
service; 129858

(g) Landscaping and lawn care service is or is to be 129859  
provided; 129860

(h) Private investigation and security service is or is to be 129861

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 129862                                                                       |
| (i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;                                                                                                                                                                                                                                                                                                                                                                                          | 129863<br>129864                                                             |
| (j) Building maintenance and janitorial service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                          | 129865<br>129866                                                             |
| (k) Employment service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 129867                                                                       |
| (l) Employment placement service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 129868                                                                       |
| (m) Exterminating service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 129869                                                                       |
| (n) Physical fitness facility service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 129870<br>129871                                                             |
| (o) Recreation and sports club service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 129872<br>129873                                                             |
| (p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                          | 129874<br>129875                                                             |
| (q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair. | 129876<br>129877<br>129878<br>129879<br>129880<br>129881<br>129882<br>129883 |
| (r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;                                                | 129884<br>129885<br>129886<br>129887<br>129888<br>129889<br>129890<br>129891 |



(s) On and after August 1, 2003, motor vehicle towing service 129892  
is or is to be provided. As used in this division, "motor vehicle 129893  
towing service" means the towing or conveyance of a wrecked, 129894  
disabled, or illegally parked motor vehicle. 129895

(t) On and after August 1, 2003, snow removal service is or 129896  
is to be provided. As used in this division, "snow removal 129897  
service" means the removal of snow by any mechanized means, but 129898  
does not include the providing of such service by a person that 129899  
has less than five thousand dollars in sales of such service 129900  
during the calendar year. 129901

(u) Electronic publishing service is or is to be provided to 129902  
a consumer for use in business, except that such transactions 129903  
occurring between members of an affiliated group, as defined in 129904  
division (B)(3)(e) of this section, are not sales. 129905

(4) All transactions by which printed, imprinted, 129906  
overprinted, lithographic, multilithic, blueprinted, photostatic, 129907  
or other productions or reproductions of written or graphic matter 129908  
are or are to be furnished or transferred; 129909

(5) The production or fabrication of tangible personal 129910  
property for a consideration for consumers who furnish either 129911  
directly or indirectly the materials used in the production of 129912  
fabrication work; and include the furnishing, preparing, or 129913  
serving for a consideration of any tangible personal property 129914  
consumed on the premises of the person furnishing, preparing, or 129915  
serving such tangible personal property. Except as provided in 129916  
section 5739.03 of the Revised Code, a construction contract 129917  
pursuant to which tangible personal property is or is to be 129918  
incorporated into a structure or improvement on and becoming a 129919  
part of real property is not a sale of such tangible personal 129920  
property. The construction contractor is the consumer of such 129921  
tangible personal property, provided that the sale and 129922  
installation of carpeting, the sale and installation of 129923

agricultural land tile, the sale and erection or installation of 129924  
portable grain bins, or the provision of landscaping and lawn care 129925  
service and the transfer of property as part of such service is 129926  
never a construction contract. 129927

As used in division (B)(5) of this section: 129928

(a) "Agricultural land tile" means fired clay or concrete 129929  
tile, or flexible or rigid perforated plastic pipe or tubing, 129930  
incorporated or to be incorporated into a subsurface drainage 129931  
system appurtenant to land used or to be used primarily in 129932  
production by farming, agriculture, horticulture, or floriculture. 129933  
The term does not include such materials when they are or are to 129934  
be incorporated into a drainage system appurtenant to a building 129935  
or structure even if the building or structure is used or to be 129936  
used in such production. 129937

(b) "Portable grain bin" means a structure that is used or to 129938  
be used by a person engaged in farming or agriculture to shelter 129939  
the person's grain and that is designed to be disassembled without 129940  
significant damage to its component parts. 129941

(6) All transactions in which all of the shares of stock of a 129942  
closely held corporation are transferred, or an ownership interest 129943  
in a pass-through entity, as defined in section 5733.04 of the 129944  
Revised Code, is transferred, if the corporation or pass-through 129945  
entity is not engaging in business and its entire assets consist 129946  
of boats, planes, motor vehicles, or other tangible personal 129947  
property operated primarily for the use and enjoyment of the 129948  
shareholders or owners; 129949

(7) All transactions in which a warranty, maintenance or 129950  
service contract, or similar agreement by which the vendor of the 129951  
warranty, contract, or agreement agrees to repair or maintain the 129952  
tangible personal property of the consumer is or is to be 129953  
provided; 129954

(8) The transfer of copyrighted motion picture films used 129955  
solely for advertising purposes, except that the transfer of such 129956  
films for exhibition purposes is not a sale; 129957

(9) On and after August 1, 2003, all transactions by which 129958  
tangible personal property is or is to be stored, except such 129959  
property that the consumer of the storage holds for sale in the 129960  
regular course of business; 129961

(10) All transactions in which "guaranteed auto protection" 129962  
is provided whereby a person promises to pay to the consumer the 129963  
difference between the amount the consumer receives from motor 129964  
vehicle insurance and the amount the consumer owes to a person 129965  
holding title to or a lien on the consumer's motor vehicle in the 129966  
event the consumer's motor vehicle suffers a total loss under the 129967  
terms of the motor vehicle insurance policy or is stolen and not 129968  
recovered, if the protection and its price are included in the 129969  
purchase or lease agreement; 129970

(11)(a) Except as provided in division (B)(11)(b) of this 129971  
section, on and after October 1, 2009, all transactions by which 129972  
health care services are paid for, reimbursed, provided, 129973  
delivered, arranged for, or otherwise made available by a medicaid 129974  
health insuring corporation pursuant to the corporation's contract 129975  
with the state. 129976

(b) If the centers for medicare and medicaid services of the 129977  
United States department of health and human services determines 129978  
that the taxation of transactions described in division (B)(11)(a) 129979  
of this section constitutes an impermissible health care-related 129980  
tax under ~~section 1903(w)~~ of the "Social Security Act," ~~49 Stat.~~ 129981  
~~620 (1935)~~ section 1903(w), 42 U.S.C. 1396b(w), ~~as amended~~, and 129982  
regulations adopted thereunder, the medicaid director ~~of job and~~ 129983  
~~family services~~ shall notify the tax commissioner of that 129984  
determination. Beginning with the first day of the month following 129985  
that notification, the transactions described in division 129986

(B)(11)(a) of this section are not sales for the purposes of this chapter or Chapter 5741. of the Revised Code. The tax commissioner shall order that the collection of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code shall cease for transactions occurring on or after that date.

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom

the admission is granted. 130019

(2) Physicians, dentists, hospitals, and blood banks operated 130020  
by nonprofit institutions and persons licensed to practice 130021  
veterinary medicine, surgery, and dentistry are consumers of all 130022  
tangible personal property and services purchased by them in 130023  
connection with the practice of medicine, dentistry, the rendition 130024  
of hospital or blood bank service, or the practice of veterinary 130025  
medicine, surgery, and dentistry. In addition to being consumers 130026  
of drugs administered by them or by their assistants according to 130027  
their direction, veterinarians also are consumers of drugs that 130028  
under federal law may be dispensed only by or upon the order of a 130029  
licensed veterinarian or physician, when transferred by them to 130030  
others for a consideration to provide treatment to animals as 130031  
directed by the veterinarian. 130032

(3) A person who performs a facility management, or similar 130033  
service contract for a contractee is a consumer of all tangible 130034  
personal property and services purchased for use in connection 130035  
with the performance of such contract, regardless of whether title 130036  
to any such property vests in the contractee. The purchase of such 130037  
property and services is not subject to the exception for resale 130038  
under division (E)(1) of this section. 130039

(4)(a) In the case of a person who purchases printed matter 130040  
for the purpose of distributing it or having it distributed to the 130041  
public or to a designated segment of the public, free of charge, 130042  
that person is the consumer of that printed matter, and the 130043  
purchase of that printed matter for that purpose is a sale. 130044

(b) In the case of a person who produces, rather than 130045  
purchases, printed matter for the purpose of distributing it or 130046  
having it distributed to the public or to a designated segment of 130047  
the public, free of charge, that person is the consumer of all 130048  
tangible personal property and services purchased for use or 130049  
consumption in the production of that printed matter. That person 130050

is not entitled to claim exemption under division (B)(42)(f) of 130051  
section 5739.02 of the Revised Code for any material incorporated 130052  
into the printed matter or any equipment, supplies, or services 130053  
primarily used to produce the printed matter. 130054

(c) The distribution of printed matter to the public or to a 130055  
designated segment of the public, free of charge, is not a sale to 130056  
the members of the public to whom the printed matter is 130057  
distributed or to any persons who purchase space in the printed 130058  
matter for advertising or other purposes. 130059

(5) A person who makes sales of any of the services listed in 130060  
division (B)(3) of this section is the consumer of any tangible 130061  
personal property used in performing the service. The purchase of 130062  
that property is not subject to the resale exception under 130063  
division (E)(1) of this section. 130064

(6) A person who engages in highway transportation for hire 130065  
is the consumer of all packaging materials purchased by that 130066  
person and used in performing the service, except for packaging 130067  
materials sold by such person in a transaction separate from the 130068  
service. 130069

(7) In the case of a transaction for health care services 130070  
under division (B)(11) of this section, a medicaid health insuring 130071  
corporation is the consumer of such services. The purchase of such 130072  
services by a medicaid health insuring corporation is not subject 130073  
to the exception for resale under division (E)(1) of this section 130074  
or to the exemptions provided under divisions (B)(12), (18), (19), 130075  
and (22) of section 5739.02 of the Revised Code. 130076

(E) "Retail sale" and "sales at retail" include all sales, 130077  
except those in which the purpose of the consumer is to resell the 130078  
thing transferred or benefit of the service provided, by a person 130079  
engaging in business, in the form in which the same is, or is to 130080  
be, received by the person. 130081

(F) "Business" includes any activity engaged in by any person 130082  
with the object of gain, benefit, or advantage, either direct or 130083  
indirect. "Business" does not include the activity of a person in 130084  
managing and investing the person's own funds. 130085

(G) "Engaging in business" means commencing, conducting, or 130086  
continuing in business, and liquidating a business when the 130087  
liquidator thereof holds itself out to the public as conducting 130088  
such business. Making a casual sale is not engaging in business. 130089

(H)(1)(a) "Price," except as provided in divisions (H)(2), 130090  
(3), and (4) of this section, means the total amount of 130091  
consideration, including cash, credit, property, and services, for 130092  
which tangible personal property or services are sold, leased, or 130093  
rented, valued in money, whether received in money or otherwise, 130094  
without any deduction for any of the following: 130095

(i) The vendor's cost of the property sold; 130096

(ii) The cost of materials used, labor or service costs, 130097  
interest, losses, all costs of transportation to the vendor, all 130098  
taxes imposed on the vendor, including the tax imposed under 130099  
Chapter 5751. of the Revised Code, and any other expense of the 130100  
vendor; 130101

(iii) Charges by the vendor for any services necessary to 130102  
complete the sale; 130103

(iv) On and after August 1, 2003, delivery charges. As used 130104  
in this division, "delivery charges" means charges by the vendor 130105  
for preparation and delivery to a location designated by the 130106  
consumer of tangible personal property or a service, including 130107  
transportation, shipping, postage, handling, crating, and packing. 130108

(v) Installation charges; 130109

(vi) Credit for any trade-in. 130110

(b) "Price" includes consideration received by the vendor 130111

from a third party, if the vendor actually receives the 130112  
consideration from a party other than the consumer, and the 130113  
consideration is directly related to a price reduction or discount 130114  
on the sale; the vendor has an obligation to pass the price 130115  
reduction or discount through to the consumer; the amount of the 130116  
consideration attributable to the sale is fixed and determinable 130117  
by the vendor at the time of the sale of the item to the consumer; 130118  
and one of the following criteria is met: 130119

(i) The consumer presents a coupon, certificate, or other 130120  
document to the vendor to claim a price reduction or discount 130121  
where the coupon, certificate, or document is authorized, 130122  
distributed, or granted by a third party with the understanding 130123  
that the third party will reimburse any vendor to whom the coupon, 130124  
certificate, or document is presented; 130125

(ii) The consumer identifies the consumer's self to the 130126  
seller as a member of a group or organization entitled to a price 130127  
reduction or discount. A preferred customer card that is available 130128  
to any patron does not constitute membership in such a group or 130129  
organization. 130130

(iii) The price reduction or discount is identified as a 130131  
third party price reduction or discount on the invoice received by 130132  
the consumer, or on a coupon, certificate, or other document 130133  
presented by the consumer. 130134

(c) "Price" does not include any of the following: 130135

(i) Discounts, including cash, term, or coupons that are not 130136  
reimbursed by a third party that are allowed by a vendor and taken 130137  
by a consumer on a sale; 130138

(ii) Interest, financing, and carrying charges from credit 130139  
extended on the sale of tangible personal property or services, if 130140  
the amount is separately stated on the invoice, bill of sale, or 130141  
similar document given to the purchaser; 130142



(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the

dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(4) In the case of transactions for health care services under division (B)(11) of this section, "price" means the amount of managed care premiums received each month by a medicaid health insuring corporation.

(I) "Receipts" means the total amount of the prices of the sales of vendors, provided that the dollar value of gift cards distributed pursuant to an awards, loyalty, or promotional program, and cash discounts allowed and taken on sales at the time they are consummated are not included, minus any amount deducted as a bad debt pursuant to section 5739.121 of the Revised Code. "Receipts" does not include the sale price of property returned or services rejected by consumers when the full sale price and tax are refunded either in cash or by credit.

(J) "Place of business" means any location at which a person engages in business.

(K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.

(L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that

are sold by an auctioneer employed directly by the person for such 130206  
purpose, provided the location of such sales is not the 130207  
auctioneer's permanent place of business. As used in this 130208  
division, "permanent place of business" includes any location 130209  
where such auctioneer has conducted more than two auctions during 130210  
the year. 130211

(M) "Hotel" means every establishment kept, used, maintained, 130212  
advertised, or held out to the public to be a place where sleeping 130213  
accommodations are offered to guests, in which five or more rooms 130214  
are used for the accommodation of such guests, whether the rooms 130215  
are in one or several structures, except as otherwise provided in 130216  
division (G) of section 5739.09 of the Revised Code. 130217

(N) "Transient guests" means persons occupying a room or 130218  
rooms for sleeping accommodations for less than thirty consecutive 130219  
days. 130220

(O) "Making retail sales" means the effecting of transactions 130221  
wherein one party is obligated to pay the price and the other 130222  
party is obligated to provide a service or to transfer title to or 130223  
possession of the item sold. "Making retail sales" does not 130224  
include the preliminary acts of promoting or soliciting the retail 130225  
sales, other than the distribution of printed matter which 130226  
displays or describes and prices the item offered for sale, nor 130227  
does it include delivery of a predetermined quantity of tangible 130228  
personal property or transportation of property or personnel to or 130229  
from a place where a service is performed. 130230

(P) "Used directly in the rendition of a public utility 130231  
service" means that property that is to be incorporated into and 130232  
will become a part of the consumer's production, transmission, 130233  
transportation, or distribution system and that retains its 130234  
classification as tangible personal property after such 130235  
incorporation; fuel or power used in the production, transmission, 130236  
transportation, or distribution system; and tangible personal 130237

property used in the repair and maintenance of the production, 130238  
transmission, transportation, or distribution system, including 130239  
only such motor vehicles as are specially designed and equipped 130240  
for such use. Tangible personal property and services used 130241  
primarily in providing highway transportation for hire are not 130242  
used directly in the rendition of a public utility service. In 130243  
this definition, "public utility" includes a citizen of the United 130244  
States holding, and required to hold, a certificate of public 130245  
convenience and necessity issued under 49 U.S.C. 41102. 130246

(Q) "Refining" means removing or separating a desirable 130247  
product from raw or contaminated materials by distillation or 130248  
physical, mechanical, or chemical processes. 130249

(R) "Assembly" and "assembling" mean attaching or fitting 130250  
together parts to form a product, but do not include packaging a 130251  
product. 130252

(S) "Manufacturing operation" means a process in which 130253  
materials are changed, converted, or transformed into a different 130254  
state or form from which they previously existed and includes 130255  
refining materials, assembling parts, and preparing raw materials 130256  
and parts by mixing, measuring, blending, or otherwise committing 130257  
such materials or parts to the manufacturing process. 130258  
"Manufacturing operation" does not include packaging. 130259

(T) "Fiscal officer" means, with respect to a regional 130260  
transit authority, the secretary-treasurer thereof, and with 130261  
respect to a county that is a transit authority, the fiscal 130262  
officer of the county transit board if one is appointed pursuant 130263  
to section 306.03 of the Revised Code or the county auditor if the 130264  
board of county commissioners operates the county transit system. 130265

(U) "Transit authority" means a regional transit authority 130266  
created pursuant to section 306.31 of the Revised Code or a county 130267  
in which a county transit system is created pursuant to section 130268

306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

For transactions occurring on or after the effective date of the amendment of this section by H.B. 157 of the 127th general assembly, December 21, 2007, "electronic information services" does not include electronic publishing as defined in division (LLL) of this section.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;

(e) Designing policies, procedures, and custom software for

collecting business information, and determining how data should 130330  
be summarized, sequenced, formatted, processed, controlled, and 130331  
reported so that it will be meaningful to management; 130332

(f) Developing policies and procedures that document how 130333  
business events and transactions are to be authorized, executed, 130334  
and controlled; 130335

(g) Testing of business procedures; 130336

(h) Training personnel in business procedure applications; 130337

(i) Providing credit information to users of such information 130338  
by a consumer reporting agency, as defined in the "Fair Credit 130339  
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or 130340  
as hereafter amended, including but not limited to gathering, 130341  
organizing, analyzing, recording, and furnishing such information 130342  
by any oral, written, graphic, or electronic medium; 130343

(j) Providing debt collection services by any oral, written, 130344  
graphic, or electronic means. 130345

The services listed in divisions (Y)(2)(a) to (j) of this 130346  
section are not automatic data processing or computer services. 130347

(Z) "Highway transportation for hire" means the 130348  
transportation of personal property belonging to others for 130349  
consideration by any of the following: 130350

(1) The holder of a permit or certificate issued by this 130351  
state or the United States authorizing the holder to engage in 130352  
transportation of personal property belonging to others for 130353  
consideration over or on highways, roadways, streets, or any 130354  
similar public thoroughfare; 130355

(2) A person who engages in the transportation of personal 130356  
property belonging to others for consideration over or on 130357  
highways, roadways, streets, or any similar public thoroughfare 130358  
but who could not have engaged in such transportation on December 130359

11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming



services, regardless of the medium, including the furnishing of 130390  
transmission, conveyance, and routing of such services by the 130391  
programming service provider. Radio and television audio and video 130392  
programming services include, but are not limited to, cable 130393  
service, as defined in 47 U.S.C. 522(6), and audio and video 130394  
programming services delivered by commercial mobile radio service 130395  
providers, as defined in 47 C.F.R. 20.3; 130396

(h) Ancillary service; 130397

(i) Digital products delivered electronically, including 130398  
software, music, video, reading materials, or ring tones. 130399

(2) "Ancillary service" means a service that is associated 130400  
with or incidental to the provision of telecommunications service, 130401  
including conference bridging service, detailed telecommunications 130402  
billing service, directory assistance, vertical service, and voice 130403  
mail service. As used in this division: 130404

(a) "Conference bridging service" means an ancillary service 130405  
that links two or more participants of an audio or video 130406  
conference call, including providing a telephone number. 130407  
"Conference bridging service" does not include telecommunications 130408  
services used to reach the conference bridge. 130409

(b) "Detailed telecommunications billing service" means an 130410  
ancillary service of separately stating information pertaining to 130411  
individual calls on a customer's billing statement. 130412

(c) "Directory assistance" means an ancillary service of 130413  
providing telephone number or address information. 130414

(d) "Vertical service" means an ancillary service that is 130415  
offered in connection with one or more telecommunications 130416  
services, which offers advanced calling features that allow 130417  
customers to identify callers and manage multiple calls and call 130418  
connections, including conference bridging service. 130419

(e) "Voice mail service" means an ancillary service that 130420  
enables the customer to store, send, or receive recorded messages. 130421  
"Voice mail service" does not include any vertical services that 130422  
the customer may be required to have in order to utilize the voice 130423  
mail service. 130424

(3) "900 service" means an inbound toll telecommunications 130425  
service purchased by a subscriber that allows the subscriber's 130426  
customers to call in to the subscriber's prerecorded announcement 130427  
or live service, and which is typically marketed under the name 130428  
"900<sup>u</sup> service" and any subsequent numbers designated by the 130429  
federal communications commission. "900 service" does not include 130430  
the charge for collection services provided by the seller of the 130431  
telecommunications service to the subscriber, or services or 130432  
products sold by the subscriber to the subscriber's customer. 130433

(4) "Prepaid calling service" means the right to access 130434  
exclusively telecommunications services, which must be paid for in 130435  
advance and which enables the origination of calls using an access 130436  
number or authorization code, whether manually or electronically 130437  
dialed, and that is sold in predetermined units or dollars of 130438  
which the number declines with use in a known amount. 130439

(5) "Prepaid wireless calling service" means a 130440  
telecommunications service that provides the right to utilize 130441  
mobile telecommunications service as well as other 130442  
non-telecommunications services, including the download of digital 130443  
products delivered electronically, and content and ancillary 130444  
services, that must be paid for in advance and that is sold in 130445  
predetermined units or dollars of which the number declines with 130446  
use in a known amount. 130447

(6) "Value-added non-voice data service" means a 130448  
telecommunications service in which computer processing 130449  
applications are used to act on the form, content, code, or 130450  
protocol of the information or data primarily for a purpose other 130451

than transmission, conveyance, or routing. 130452

(7) "Coin-operated telephone service" means a 130453  
telecommunications service paid for by inserting money into a 130454  
telephone accepting direct deposits of money to operate. 130455

(8) "Customer" has the same meaning as in section 5739.034 of 130456  
the Revised Code. 130457

(BB) "Laundry and dry cleaning services" means removing soil 130458  
or dirt from towels, linens, articles of clothing, or other fabric 130459  
items that belong to others and supplying towels, linens, articles 130460  
of clothing, or other fabric items. "Laundry and dry cleaning 130461  
services" does not include the provision of self-service 130462  
facilities for use by consumers to remove soil or dirt from 130463  
towels, linens, articles of clothing, or other fabric items. 130464

(CC) "Magazines distributed as controlled circulation 130465  
publications" means magazines containing at least twenty-four 130466  
pages, at least twenty-five per cent editorial content, issued at 130467  
regular intervals four or more times a year, and circulated 130468  
without charge to the recipient, provided that such magazines are 130469  
not owned or controlled by individuals or business concerns which 130470  
conduct such publications as an auxiliary to, and essentially for 130471  
the advancement of the main business or calling of, those who own 130472  
or control them. 130473

(DD) "Landscaping and lawn care service" means the services 130474  
of planting, seeding, sodding, removing, cutting, trimming, 130475  
pruning, mulching, aerating, applying chemicals, watering, 130476  
fertilizing, and providing similar services to establish, promote, 130477  
or control the growth of trees, shrubs, flowers, grass, ground 130478  
cover, and other flora, or otherwise maintaining a lawn or 130479  
landscape grown or maintained by the owner for ornamentation or 130480  
other nonagricultural purpose. However, "landscaping and lawn care 130481  
service" does not include the providing of such services by a 130482

person who has less than five thousand dollars in sales of such 130483  
services during the calendar year. 130484

(EE) "Private investigation and security service" means the 130485  
performance of any activity for which the provider of such service 130486  
is required to be licensed pursuant to Chapter 4749. of the 130487  
Revised Code, or would be required to be so licensed in performing 130488  
such services in this state, and also includes the services of 130489  
conducting polygraph examinations and of monitoring or overseeing 130490  
the activities on or in, or the condition of, the consumer's home, 130491  
business, or other facility by means of electronic or similar 130492  
monitoring devices. "Private investigation and security service" 130493  
does not include special duty services provided by off-duty police 130494  
officers, deputy sheriffs, and other peace officers regularly 130495  
employed by the state or a political subdivision. 130496

(FF) "Information services" means providing conversation, 130497  
giving consultation or advice, playing or making a voice or other 130498  
recording, making or keeping a record of the number of callers, 130499  
and any other service provided to a consumer by means of a nine 130500  
hundred telephone call, except when the nine hundred telephone 130501  
call is the means by which the consumer makes a contribution to a 130502  
recognized charity. 130503

(GG) "Research and development" means designing, creating, or 130504  
formulating new or enhanced products, equipment, or manufacturing 130505  
processes, and also means conducting scientific or technological 130506  
inquiry and experimentation in the physical sciences with the goal 130507  
of increasing scientific knowledge which may reveal the bases for 130508  
new or enhanced products, equipment, or manufacturing processes. 130509

(HH) "Qualified research and development equipment" means 130510  
capitalized tangible personal property, and leased personal 130511  
property that would be capitalized if purchased, used by a person 130512  
primarily to perform research and development. Tangible personal 130513  
property primarily used in testing, as defined in division (A)(4) 130514

of section 5739.011 of the Revised Code, or used for recording or 130515  
storing test results, is not qualified research and development 130516  
equipment unless such property is primarily used by the consumer 130517  
in testing the product, equipment, or manufacturing process being 130518  
created, designed, or formulated by the consumer in the research 130519  
and development activity or in recording or storing such test 130520  
results. 130521

(II) "Building maintenance and janitorial service" means 130522  
cleaning the interior or exterior of a building and any tangible 130523  
personal property located therein or thereon, including any 130524  
services incidental to such cleaning for which no separate charge 130525  
is made. However, "building maintenance and janitorial service" 130526  
does not include the providing of such service by a person who has 130527  
less than five thousand dollars in sales of such service during 130528  
the calendar year. 130529

(JJ) "Employment service" means providing or supplying 130530  
personnel, on a temporary or long-term basis, to perform work or 130531  
labor under the supervision or control of another, when the 130532  
personnel so provided or supplied receive their wages, salary, or 130533  
other compensation from the provider or supplier of the employment 130534  
service or from a third party that provided or supplied the 130535  
personnel to the provider or supplier. "Employment service" does 130536  
not include: 130537

(1) Acting as a contractor or subcontractor, where the 130538  
personnel performing the work are not under the direct control of 130539  
the purchaser. 130540

(2) Medical and health care services. 130541

(3) Supplying personnel to a purchaser pursuant to a contract 130542  
of at least one year between the service provider and the 130543  
purchaser that specifies that each employee covered under the 130544  
contract is assigned to the purchaser on a permanent basis. 130545

(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section. 130546  
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(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party. 130548  
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(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position. 130553  
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(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure. 130556  
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(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. 130561  
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(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, 130568  
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card club, swimming club, tennis club, golf club, country club, 130577  
riding club, amateur sports club, or similar organization. 130578

(OO) "Livestock" means farm animals commonly raised for food, 130579  
food production, or other agricultural purposes, including, but 130580  
not limited to, cattle, sheep, goats, swine, poultry, and captive 130581  
deer. "Livestock" does not include invertebrates, amphibians, 130582  
reptiles, domestic pets, animals for use in laboratories or for 130583  
exhibition, or other animals not commonly raised for food or food 130584  
production. 130585

(PP) "Livestock structure" means a building or structure used 130586  
exclusively for the housing, raising, feeding, or sheltering of 130587  
livestock, and includes feed storage or handling structures and 130588  
structures for livestock waste handling. 130589

(QQ) "Horticulture" means the growing, cultivation, and 130590  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 130591  
and nursery stock. As used in this division, "nursery stock" has 130592  
the same meaning as in section 927.51 of the Revised Code. 130593

(RR) "Horticulture structure" means a building or structure 130594  
used exclusively for the commercial growing, raising, or 130595  
overwintering of horticultural products, and includes the area 130596  
used for stocking, storing, and packing horticultural products 130597  
when done in conjunction with the production of those products. 130598

(SS) "Newspaper" means an unbound publication bearing a title 130599  
or name that is regularly published, at least as frequently as 130600  
biweekly, and distributed from a fixed place of business to the 130601  
public in a specific geographic area, and that contains a 130602  
substantial amount of news matter of international, national, or 130603  
local events of interest to the general public. 130604

(TT) "Professional racing team" means a person that employs 130605  
at least twenty full-time employees for the purpose of conducting 130606  
a motor vehicle racing business for profit. The person must 130607

conduct the business with the purpose of racing one or more motor 130608  
racing vehicles in at least ten competitive professional racing 130609  
events each year that comprise all or part of a motor racing 130610  
series sanctioned by one or more motor racing sanctioning 130611  
organizations. A "motor racing vehicle" means a vehicle for which 130612  
the chassis, engine, and parts are designed exclusively for motor 130613  
racing, and does not include a stock or production model vehicle 130614  
that may be modified for use in racing. For the purposes of this 130615  
division: 130616

(1) A "competitive professional racing event" is a motor 130617  
vehicle racing event sanctioned by one or more motor racing 130618  
sanctioning organizations, at which aggregate cash prizes in 130619  
excess of eight hundred thousand dollars are awarded to the 130620  
competitors. 130621

(2) "Full-time employee" means an individual who is employed 130622  
for consideration for thirty-five or more hours a week, or who 130623  
renders any other standard of service generally accepted by custom 130624  
or specified by contract as full-time employment. 130625

(UU)(1) "Lease" or "rental" means any transfer of the 130626  
possession or control of tangible personal property for a fixed or 130627  
indefinite term, for consideration. "Lease" or "rental" includes 130628  
future options to purchase or extend, and agreements described in 130629  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 130630  
the amount of consideration may be increased or decreased by 130631  
reference to the amount realized upon the sale or disposition of 130632  
the property. "Lease" or "rental" does not include: 130633

(a) A transfer of possession or control of tangible personal 130634  
property under a security agreement or a deferred payment plan 130635  
that requires the transfer of title upon completion of the 130636  
required payments; 130637

(b) A transfer of possession or control of tangible personal 130638



property under an agreement that requires the transfer of title 130639  
upon completion of required payments and payment of an option 130640  
price that does not exceed the greater of one hundred dollars or 130641  
one per cent of the total required payments; 130642

(c) Providing tangible personal property along with an 130643  
operator for a fixed or indefinite period of time, if the operator 130644  
is necessary for the property to perform as designed. For purposes 130645  
of this division, the operator must do more than maintain, 130646  
inspect, or ~~set-up~~ set up the tangible personal property. 130647

(2) "Lease" and "rental," as defined in division (UU) of this 130648  
section, shall not apply to leases or rentals that exist before 130649  
June 26, 2003. 130650

(3) "Lease" and "rental" have the same meaning as in division 130651  
(UU)(1) of this section regardless of whether a transaction is 130652  
characterized as a lease or rental under generally accepted 130653  
accounting principles, the Internal Revenue Code, Title XIII of 130654  
the Revised Code, or other federal, state, or local laws. 130655

(VV) "Mobile telecommunications service" has the same meaning 130656  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 130657  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 130658  
on and after August 1, 2003, includes related fees and ancillary 130659  
services, including universal service fees, detailed billing 130660  
service, directory assistance, service initiation, voice mail 130661  
service, and vertical services, such as caller ID and three-way 130662  
calling. 130663

(WW) "Certified service provider" has the same meaning as in 130664  
section 5740.01 of the Revised Code. 130665

(XX) "Satellite broadcasting service" means the distribution 130666  
or broadcasting of programming or services by satellite directly 130667  
to the subscriber's receiving equipment without the use of ground 130668  
receiving or distribution equipment, except the subscriber's 130669

receiving equipment or equipment used in the uplink process to the 130670  
satellite, and includes all service and rental charges, premium 130671  
channels or other special services, installation and repair 130672  
service charges, and any other charges having any connection with 130673  
the provision of the satellite broadcasting service. 130674

(YY) "Tangible personal property" means personal property 130675  
that can be seen, weighed, measured, felt, or touched, or that is 130676  
in any other manner perceptible to the senses. For purposes of 130677  
this chapter and Chapter 5741. of the Revised Code, "tangible 130678  
personal property" includes motor vehicles, electricity, water, 130679  
gas, steam, and prewritten computer software. 130680

(ZZ) "Direct mail" means printed material delivered or 130681  
distributed by United States mail or other delivery service to a 130682  
mass audience or to addressees on a mailing list provided by the 130683  
consumer or at the direction of the consumer when the cost of the 130684  
items are not billed directly to the recipients. "Direct mail" 130685  
includes tangible personal property supplied directly or 130686  
indirectly by the consumer to the direct mail vendor for inclusion 130687  
in the package containing the printed material. "Direct mail" does 130688  
not include multiple items of printed material delivered to a 130689  
single address. 130690

(AAA) "Computer" means an electronic device that accepts 130691  
information in digital or similar form and manipulates it for a 130692  
result based on a sequence of instructions. 130693

(BBB) "Computer software" means a set of coded instructions 130694  
designed to cause a computer or automatic data processing 130695  
equipment to perform a task. 130696

(CCC) "Delivered electronically" means delivery of computer 130697  
software from the seller to the purchaser by means other than 130698  
tangible storage media. 130699

(DDD) "Prewritten computer software" means computer software, 130700

including prewritten upgrades, that is not designed and developed 130701  
by the author or other creator to the specifications of a specific 130702  
purchaser. The combining of two or more prewritten computer 130703  
software programs or prewritten portions thereof does not cause 130704  
the combination to be other than prewritten computer software. 130705  
"Prewritten computer software" includes software designed and 130706  
developed by the author or other creator to the specifications of 130707  
a specific purchaser when it is sold to a person other than the 130708  
purchaser. If a person modifies or enhances computer software of 130709  
which the person is not the author or creator, the person shall be 130710  
deemed to be the author or creator only of such person's 130711  
modifications or enhancements. Prewritten computer software or a 130712  
prewritten portion thereof that is modified or enhanced to any 130713  
degree, where such modification or enhancement is designed and 130714  
developed to the specifications of a specific purchaser, remains 130715  
prewritten computer software; provided, however, that where there 130716  
is a reasonable, separately stated charge or an invoice or other 130717  
statement of the price given to the purchaser for the modification 130718  
or enhancement, the modification or enhancement shall not 130719  
constitute prewritten computer software. 130720

(EEE)(1) "Food" means substances, whether in liquid, 130721  
concentrated, solid, frozen, dried, or dehydrated form, that are 130722  
sold for ingestion or chewing by humans and are consumed for their 130723  
taste or nutritional value. "Food" does not include alcoholic 130724  
beverages, dietary supplements, soft drinks, or tobacco. 130725

(2) As used in division (EEE)(1) of this section: 130726

(a) "Alcoholic beverages" means beverages that are suitable 130727  
for human consumption and contain one-half of one per cent or more 130728  
of alcohol by volume. 130729

(b) "Dietary supplements" means any product, other than 130730  
tobacco, that is intended to supplement the diet and that is 130731  
intended for ingestion in tablet, capsule, powder, softgel, 130732

gelcap, or liquid form, or, if not intended for ingestion in such 130733  
a form, is not represented as conventional food for use as a sole 130734  
item of a meal or of the diet; that is required to be labeled as a 130735  
dietary supplement, identifiable by the "supplement facts" box 130736  
found on the label, as required by 21 C.F.R. 101.36; and that 130737  
contains one or more of the following dietary ingredients: 130738

(i) A vitamin; 130739

(ii) A mineral; 130740

(iii) An herb or other botanical; 130741

(iv) An amino acid; 130742

(v) A dietary substance for use by humans to supplement the 130743  
diet by increasing the total dietary intake; 130744

(vi) A concentrate, metabolite, constituent, extract, or 130745  
combination of any ingredient described in divisions 130746  
(EEE)(2)(b)(i) to (v) of this section. 130747

(c) "Soft drinks" means nonalcoholic beverages that contain 130748  
natural or artificial sweeteners. "Soft drinks" does not include 130749  
beverages that contain milk or milk products, soy, rice, or 130750  
similar milk substitutes, or that contains greater than fifty per 130751  
cent vegetable or fruit juice by volume. 130752

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 130753  
tobacco, or any other item that contains tobacco. 130754

(FFF) "Drug" means a compound, substance, or preparation, and 130755  
any component of a compound, substance, or preparation, other than 130756  
food, dietary supplements, or alcoholic beverages that is 130757  
recognized in the official United States pharmacopoeia, official 130758  
homeopathic pharmacopoeia of the United States, or official 130759  
national formulary, and supplements to them; is intended for use 130760  
in the diagnosis, cure, mitigation, treatment, or prevention of 130761  
disease; or is intended to affect the structure or any function of 130762

the body. 130763

(GGG) "Prescription" means an order, formula, or recipe 130764  
issued in any form of oral, written, electronic, or other means of 130765  
transmission by a duly licensed practitioner authorized by the 130766  
laws of this state to issue a prescription. 130767

(HHH) "Durable medical equipment" means equipment, including 130768  
repair and replacement parts for such equipment, that can 130769  
withstand repeated use, is primarily and customarily used to serve 130770  
a medical purpose, generally is not useful to a person in the 130771  
absence of illness or injury, and is not worn in or on the body. 130772  
"Durable medical equipment" does not include mobility enhancing 130773  
equipment. 130774

(III) "Mobility enhancing equipment" means equipment, 130775  
including repair and replacement parts for such equipment, that is 130776  
primarily and customarily used to provide or increase the ability 130777  
to move from one place to another and is appropriate for use 130778  
either in a home or a motor vehicle, that is not generally used by 130779  
persons with normal mobility, and that does not include any motor 130780  
vehicle or equipment on a motor vehicle normally provided by a 130781  
motor vehicle manufacturer. "Mobility enhancing equipment" does 130782  
not include durable medical equipment. 130783

(JJJ) "Prosthetic device" means a replacement, corrective, or 130784  
supportive device, including repair and replacement parts for the 130785  
device, worn on or in the human body to artificially replace a 130786  
missing portion of the body, prevent or correct physical deformity 130787  
or malfunction, or support a weak or deformed portion of the body. 130788  
As used in this division, "prosthetic device" does not include 130789  
corrective eyeglasses, contact lenses, or dental prosthesis. 130790

(KKK)(1) "Fractional aircraft ownership program" means a 130791  
program in which persons within an affiliated group sell and 130792  
manage fractional ownership program aircraft, provided that at 130793

least one hundred airworthy aircraft are operated in the program 130794  
and the program meets all of the following criteria: 130795

(a) Management services are provided by at least one program 130796  
manager within an affiliated group on behalf of the fractional 130797  
owners. 130798

(b) Each program aircraft is owned or possessed by at least 130799  
one fractional owner. 130800

(c) Each fractional owner owns or possesses at least a 130801  
one-sixteenth interest in at least one fixed-wing program 130802  
aircraft. 130803

(d) A dry-lease aircraft interchange arrangement is in effect 130804  
among all of the fractional owners. 130805

(e) Multi-year program agreements are in effect regarding the 130806  
fractional ownership, management services, and dry-lease aircraft 130807  
interchange arrangement aspects of the program. 130808

(2) As used in division (KKK)(1) of this section: 130809

(a) "Affiliated group" has the same meaning as in division 130810  
(B)(3)(e) of this section. 130811

(b) "Fractional owner" means a person that owns or possesses 130812  
at least a one-sixteenth interest in a program aircraft and has 130813  
entered into the agreements described in division (KKK)(1)(e) of 130814  
this section. 130815

(c) "Fractional ownership program aircraft" or "program 130816  
aircraft" means a turbojet aircraft that is owned or possessed by 130817  
a fractional owner and that has been included in a dry-lease 130818  
aircraft interchange arrangement and agreement under divisions 130819  
(KKK)(1)(d) and (e) of this section, or an aircraft a program 130820  
manager owns or possesses primarily for use in a fractional 130821  
aircraft ownership program. 130822

(d) "Management services" means administrative and aviation 130823

support services furnished under a fractional aircraft ownership 130824  
program in accordance with a management services agreement under 130825  
division (KKK)(1)(e) of this section, and offered by the program 130826  
manager to the fractional owners, including, at a minimum, the 130827  
establishment and implementation of safety guidelines; the 130828  
coordination of the scheduling of the program aircraft and crews; 130829  
program aircraft maintenance; program aircraft insurance; crew 130830  
training for crews employed, furnished, or contracted by the 130831  
program manager or the fractional owner; the satisfaction of 130832  
record-keeping requirements; and the development and use of an 130833  
operations manual and a maintenance manual for the fractional 130834  
aircraft ownership program. 130835

(e) "Program manager" means the person that offers management 130836  
services to fractional owners pursuant to a management services 130837  
agreement under division (KKK)(1)(e) of this section. 130838

(LLL) "Electronic publishing" means providing access to one 130839  
or more of the following primarily for business customers, 130840  
including the federal government or a state government or a 130841  
political subdivision thereof, to conduct research: news; 130842  
business, financial, legal, consumer, or credit materials; 130843  
editorials, columns, reader commentary, or features; photos or 130844  
images; archival or research material; legal notices, identity 130845  
verification, or public records; scientific, educational, 130846  
instructional, technical, professional, trade, or other literary 130847  
materials; or other similar information which has been gathered 130848  
and made available by the provider to the consumer in an 130849  
electronic format. Providing electronic publishing includes the 130850  
functions necessary for the acquisition, formatting, editing, 130851  
storage, and dissemination of data or information that is the 130852  
subject of a sale. 130853

(MMM) "Medicaid health insuring corporation" means a health 130854  
insuring corporation that holds a certificate of authority under 130855

Chapter 1751. of the Revised Code and is under contract with the 130856  
department of job and family services pursuant to section 5111.17 130857  
of the Revised Code. 130858

(NNN) "Managed care premium" means any premium, capitation, 130859  
or other payment a medicaid health insuring corporation receives 130860  
for providing or arranging for the provision of health care 130861  
services to its members or enrollees residing in this state. 130862

(OOO) "Captive deer" means deer and other cervidae that have 130863  
been legally acquired, or their offspring, that are privately 130864  
owned for agricultural or farming purposes. 130865

(PPP) "Gift card" means a document, card, certificate, or 130866  
other record, whether tangible or intangible, that may be redeemed 130867  
by a consumer for a dollar value when making a purchase of 130868  
tangible personal property or services. 130869

**Sec. 5739.02.** For the purpose of providing revenue with which 130870  
to meet the needs of the state, for the use of the general revenue 130871  
fund of the state, for the purpose of securing a thorough and 130872  
efficient system of common schools throughout the state, for the 130873  
purpose of affording revenues, in addition to those from general 130874  
property taxes, permitted under constitutional limitations, and 130875  
from other sources, for the support of local governmental 130876  
functions, and for the purpose of reimbursing the state for the 130877  
expense of administering this chapter, an excise tax is hereby 130878  
levied on each retail sale made in this state. 130879

(A)(1) The tax shall be collected as provided in section 130880  
5739.025 of the Revised Code. The rate of the tax shall be five 130881  
and one-half per cent. The tax applies and is collectible when the 130882  
sale is made, regardless of the time when the price is paid or 130883  
delivered. 130884

(2) In the case of the lease or rental, with a fixed term of 130885



more than thirty days or an indefinite term with a minimum period 130886  
of more than thirty days, of any motor vehicles designed by the 130887  
manufacturer to carry a load of not more than one ton, watercraft, 130888  
outboard motor, or aircraft, or of any tangible personal property, 130889  
other than motor vehicles designed by the manufacturer to carry a 130890  
load of more than one ton, to be used by the lessee or renter 130891  
primarily for business purposes, the tax shall be collected by the 130892  
vendor at the time the lease or rental is consummated and shall be 130893  
calculated by the vendor on the basis of the total amount to be 130894  
paid by the lessee or renter under the lease agreement. If the 130895  
total amount of the consideration for the lease or rental includes 130896  
amounts that are not calculated at the time the lease or rental is 130897  
executed, the tax shall be calculated and collected by the vendor 130898  
at the time such amounts are billed to the lessee or renter. In 130899  
the case of an open-end lease or rental, the tax shall be 130900  
calculated by the vendor on the basis of the total amount to be 130901  
paid during the initial fixed term of the lease or rental, and for 130902  
each subsequent renewal period as it comes due. As used in this 130903  
division, "motor vehicle" has the same meaning as in section 130904  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 130905  
unit attached to the watercraft. 130906

A lease with a renewal clause and a termination penalty or 130907  
similar provision that applies if the renewal clause is not 130908  
exercised is presumed to be a sham transaction. In such a case, 130909  
the tax shall be calculated and paid on the basis of the entire 130910  
length of the lease period, including any renewal periods, until 130911  
the termination penalty or similar provision no longer applies. 130912  
The taxpayer shall bear the burden, by a preponderance of the 130913  
evidence, that the transaction or series of transactions is not a 130914  
sham transaction. 130915

(3) Except as provided in division (A)(2) of this section, in 130916  
the case of a sale, the price of which consists in whole or in 130917

part of the lease or rental of tangible personal property, the tax 130918  
shall be measured by the installments of that lease or rental. 130919

(4) In the case of a sale of a physical fitness facility 130920  
service or recreation and sports club service, the price of which 130921  
consists in whole or in part of a membership for the receipt of 130922  
the benefit of the service, the tax applicable to the sale shall 130923  
be measured by the installments thereof. 130924

(B) The tax does not apply to the following: 130925

(1) Sales to the state or any of its political subdivisions, 130926  
or to any other state or its political subdivisions if the laws of 130927  
that state exempt from taxation sales made to this state and its 130928  
political subdivisions; 130929

(2) Sales of food for human consumption off the premises 130930  
where sold; 130931

(3) Sales of food sold to students only in a cafeteria, 130932  
dormitory, fraternity, or sorority maintained in a private, 130933  
public, or parochial school, college, or university; 130934

(4) Sales of newspapers and of magazine subscriptions and 130935  
sales or transfers of magazines distributed as controlled 130936  
circulation publications; 130937

(5) The furnishing, preparing, or serving of meals without 130938  
charge by an employer to an employee provided the employer records 130939  
the meals as part compensation for services performed or work 130940  
done; 130941

(6) Sales of motor fuel upon receipt, use, distribution, or 130942  
sale of which in this state a tax is imposed by the law of this 130943  
state, but this exemption shall not apply to the sale of motor 130944  
fuel on which a refund of the tax is allowable under division (A) 130945  
of section 5735.14 of the Revised Code; and the tax commissioner 130946  
may deduct the amount of tax levied by this section applicable to 130947

the price of motor fuel when granting a refund of motor fuel tax 130948  
pursuant to division (A) of section 5735.14 of the Revised Code 130949  
and shall cause the amount deducted to be paid into the general 130950  
revenue fund of this state; 130951

(7) Sales of natural gas by a natural gas company, of water 130952  
by a water-works company, or of steam by a heating company, if in 130953  
each case the thing sold is delivered to consumers through pipes 130954  
or conduits, and all sales of communications services by a 130955  
telegraph company, all terms as defined in section 5727.01 of the 130956  
Revised Code, and sales of electricity delivered through wires; 130957

(8) Casual sales by a person, or auctioneer employed directly 130958  
by the person to conduct such sales, except as to such sales of 130959  
motor vehicles, watercraft or outboard motors required to be 130960  
titled under section 1548.06 of the Revised Code, watercraft 130961  
documented with the United States coast guard, snowmobiles, and 130962  
all-purpose vehicles as defined in section 4519.01 of the Revised 130963  
Code; 130964

(9)(a) Sales of services or tangible personal property, other 130965  
than motor vehicles, mobile homes, and manufactured homes, by 130966  
churches, organizations exempt from taxation under section 130967  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 130968  
organizations operated exclusively for charitable purposes as 130969  
defined in division (B)(12) of this section, provided that the 130970  
number of days on which such tangible personal property or 130971  
services, other than items never subject to the tax, are sold does 130972  
not exceed six in any calendar year, except as otherwise provided 130973  
in division (B)(9)(b) of this section. If the number of days on 130974  
which such sales are made exceeds six in any calendar year, the 130975  
church or organization shall be considered to be engaged in 130976  
business and all subsequent sales by it shall be subject to the 130977  
tax. In counting the number of days, all sales by groups within a 130978  
church or within an organization shall be considered to be sales 130979

of that church or organization. 130980

(b) The limitation on the number of days on which tax-exempt 130981  
sales may be made by a church or organization under division 130982  
(B)(9)(a) of this section does not apply to sales made by student 130983  
clubs and other groups of students of a primary or secondary 130984  
school, or a parent-teacher association, booster group, or similar 130985  
organization that raises money to support or fund curricular or 130986  
extracurricular activities of a primary or secondary school. 130987

(c) Divisions (B)(9)(a) and (b) of this section do not apply 130988  
to sales by a noncommercial educational radio or television 130989  
broadcasting station. 130990

(10) Sales not within the taxing power of this state under 130991  
the Constitution or laws of the United States or the Constitution  
of this state; 130992  
130993

(11) Except for transactions that are sales under division 130994  
(B)(3)(r) of section 5739.01 of the Revised Code, the 130995  
transportation of persons or property, unless the transportation 130996  
is by a private investigation and security service; 130997

(12) Sales of tangible personal property or services to 130998  
churches, to organizations exempt from taxation under section 130999  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 131000  
nonprofit organizations operated exclusively for charitable 131001  
purposes in this state, no part of the net income of which inures 131002  
to the benefit of any private shareholder or individual, and no 131003  
substantial part of the activities of which consists of carrying 131004  
on propaganda or otherwise attempting to influence legislation; 131005  
sales to offices administering one or more homes for the aged or 131006  
one or more hospital facilities exempt under section 140.08 of the 131007  
Revised Code; and sales to organizations described in division (D) 131008  
of section 5709.12 of the Revised Code. 131009

"Charitable purposes" means the relief of poverty; the 131010

improvement of health through the alleviation of illness, disease, 131011  
or injury; the operation of an organization exclusively for the 131012  
provision of professional, laundry, printing, and purchasing 131013  
services to hospitals or charitable institutions; the operation of 131014  
a home for the aged, as defined in section 5701.13 of the Revised 131015  
Code; the operation of a radio or television broadcasting station 131016  
that is licensed by the federal communications commission as a 131017  
noncommercial educational radio or television station; the 131018  
operation of a nonprofit animal adoption service or a county 131019  
humane society; the promotion of education by an institution of 131020  
learning that maintains a faculty of qualified instructors, 131021  
teaches regular continuous courses of study, and confers a 131022  
recognized diploma upon completion of a specific curriculum; the 131023  
operation of a parent-teacher association, booster group, or 131024  
similar organization primarily engaged in the promotion and 131025  
support of the curricular or extracurricular activities of a 131026  
primary or secondary school; the operation of a community or area 131027  
center in which presentations in music, dramatics, the arts, and 131028  
related fields are made in order to foster public interest and 131029  
education therein; the production of performances in music, 131030  
dramatics, and the arts; or the promotion of education by an 131031  
organization engaged in carrying on research in, or the 131032  
dissemination of, scientific and technological knowledge and 131033  
information primarily for the public. 131034

Nothing in this division shall be deemed to exempt sales to 131035  
any organization for use in the operation or carrying on of a 131036  
trade or business, or sales to a home for the aged for use in the 131037  
operation of independent living facilities as defined in division 131038  
(A) of section 5709.12 of the Revised Code. 131039

(13) Building and construction materials and services sold to 131040  
construction contractors for incorporation into a structure or 131041  
improvement to real property under a construction contract with 131042

this state or a political subdivision of this state, or with the 131043  
United States government or any of its agencies; building and 131044  
construction materials and services sold to construction 131045  
contractors for incorporation into a structure or improvement to 131046  
real property that are accepted for ownership by this state or any 131047  
of its political subdivisions, or by the United States government 131048  
or any of its agencies at the time of completion of the structures 131049  
or improvements; building and construction materials sold to 131050  
construction contractors for incorporation into a horticulture 131051  
structure or livestock structure for a person engaged in the 131052  
business of horticulture or producing livestock; building 131053  
materials and services sold to a construction contractor for 131054  
incorporation into a house of public worship or religious 131055  
education, or a building used exclusively for charitable purposes 131056  
under a construction contract with an organization whose purpose 131057  
is as described in division (B)(12) of this section; building 131058  
materials and services sold to a construction contractor for 131059  
incorporation into a building under a construction contract with 131060  
an organization exempt from taxation under section 501(c)(3) of 131061  
the Internal Revenue Code of 1986 when the building is to be used 131062  
exclusively for the organization's exempt purposes; building and 131063  
construction materials sold for incorporation into the original 131064  
construction of a sports facility under section 307.696 of the 131065  
Revised Code; building and construction materials and services 131066  
sold to a construction contractor for incorporation into real 131067  
property outside this state if such materials and services, when 131068  
sold to a construction contractor in the state in which the real 131069  
property is located for incorporation into real property in that 131070  
state, would be exempt from a tax on sales levied by that state; 131071  
and, until one calendar year after the construction of a 131072  
convention center that qualifies for property tax exemption under 131073  
section 5709.084 of the Revised Code is completed, building and 131074  
construction materials and services sold to a construction 131075

contractor for incorporation into the real property comprising 131076  
that convention center; 131077

(14) Sales of ships or vessels or rail rolling stock used or 131078  
to be used principally in interstate or foreign commerce, and 131079  
repairs, alterations, fuel, and lubricants for such ships or 131080  
vessels or rail rolling stock; 131081

(15) Sales to persons primarily engaged in any of the 131082  
activities mentioned in division (B)(42)(a), (g), or (h) of this 131083  
section, to persons engaged in making retail sales, or to persons 131084  
who purchase for sale from a manufacturer tangible personal 131085  
property that was produced by the manufacturer in accordance with 131086  
specific designs provided by the purchaser, of packages, including 131087  
material, labels, and parts for packages, and of machinery, 131088  
equipment, and material for use primarily in packaging tangible 131089  
personal property produced for sale, including any machinery, 131090  
equipment, and supplies used to make labels or packages, to 131091  
prepare packages or products for labeling, or to label packages or 131092  
products, by or on the order of the person doing the packaging, or 131093  
sold at retail. "Packages" includes bags, baskets, cartons, 131094  
crates, boxes, cans, bottles, bindings, wrappings, and other 131095  
similar devices and containers, but does not include motor 131096  
vehicles or bulk tanks, trailers, or similar devices attached to 131097  
motor vehicles. "Packaging" means placing in a package. Division 131098  
(B)(15) of this section does not apply to persons engaged in 131099  
highway transportation for hire. 131100

(16) Sales of food to persons using supplemental nutrition 131101  
assistance program benefits to purchase the food. As used in this 131102  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 131103  
federal regulations adopted pursuant to the Food and Nutrition Act 131104  
of 2008. 131105

(17) Sales to persons engaged in farming, agriculture, 131106  
horticulture, or floriculture, of tangible personal property for 131107

use or consumption primarily in the production by farming, 131108  
agriculture, horticulture, or floriculture of other tangible 131109  
personal property for use or consumption primarily in the 131110  
production of tangible personal property for sale by farming, 131111  
agriculture, horticulture, or floriculture; or material and parts 131112  
for incorporation into any such tangible personal property for use 131113  
or consumption in production; and of tangible personal property 131114  
for such use or consumption in the conditioning or holding of 131115  
products produced by and for such use, consumption, or sale by 131116  
persons engaged in farming, agriculture, horticulture, or 131117  
floriculture, except where such property is incorporated into real 131118  
property; 131119

(18) Sales of drugs for a human being that may be dispensed 131120  
only pursuant to a prescription; insulin as recognized in the 131121  
official United States pharmacopoeia; urine and blood testing 131122  
materials when used by diabetics or persons with hypoglycemia to 131123  
test for glucose or acetone; hypodermic syringes and needles when 131124  
used by diabetics for insulin injections; epoetin alfa when 131125  
purchased for use in the treatment of persons with medical 131126  
disease; hospital beds when purchased by hospitals, nursing homes, 131127  
or other medical facilities; and medical oxygen and medical 131128  
oxygen-dispensing equipment when purchased by hospitals, nursing 131129  
homes, or other medical facilities; 131130

(19) Sales of prosthetic devices, durable medical equipment 131131  
for home use, or mobility enhancing equipment, when made pursuant 131132  
to a prescription and when such devices or equipment are for use 131133  
by a human being. 131134

(20) Sales of emergency and fire protection vehicles and 131135  
equipment to nonprofit organizations for use solely in providing 131136  
fire protection and emergency services, including trauma care and 131137  
emergency medical services, for political subdivisions of the 131138  
state; 131139



(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

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(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

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(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;

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(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

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(25)(a) Sales of water to a consumer for residential use;

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(b) Sales of water by a nonprofit corporation engaged

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| exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.                                                                                            | 131171<br>131172<br>131173           |
| (26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;                                                                                                                           | 131174<br>131175                     |
| (27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:                                            | 131176<br>131177<br>131178<br>131179 |
| (a) To prepare food for human consumption for sale;                                                                                                                                                                                     | 131180                               |
| (b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;                        | 131181<br>131182<br>131183<br>131184 |
| (c) To clean tangible personal property used to prepare or serve food for human consumption for sale.                                                                                                                                   | 131185<br>131186                     |
| (28) Sales of animals by nonprofit animal adoption services or county humane societies;                                                                                                                                                 | 131187<br>131188                     |
| (29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code; | 131189<br>131190<br>131191<br>131192 |
| (30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;                                                                                                         | 131193<br>131194<br>131195           |
| (31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;                                                                                                | 131196<br>131197<br>131198           |
| (32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are                                                                                                           | 131199<br>131200                     |

primarily used for transporting tangible personal property 131201  
belonging to others by a person engaged in highway transportation 131202  
for hire, except for packages and packaging used for the 131203  
transportation of tangible personal property; 131204

(33) Sales to the state headquarters of any veterans' 131205  
organization in this state that is either incorporated and issued 131206  
a charter by the congress of the United States or is recognized by 131207  
the United States veterans administration, for use by the 131208  
headquarters; 131209

(34) Sales to a telecommunications service vendor, mobile 131210  
telecommunications service vendor, or satellite broadcasting 131211  
service vendor of tangible personal property and services used 131212  
directly and primarily in transmitting, receiving, switching, or 131213  
recording any interactive, one- or two-way electromagnetic 131214  
communications, including voice, image, data, and information, 131215  
through the use of any medium, including, but not limited to, 131216  
poles, wires, cables, switching equipment, computers, and record 131217  
storage devices and media, and component parts for the tangible 131218  
personal property. The exemption provided in this division shall 131219  
be in lieu of all other exemptions under division (B)(42)(a) or 131220  
(n) of this section to which the vendor may otherwise be entitled, 131221  
based upon the use of the thing purchased in providing the 131222  
telecommunications, mobile telecommunications, or satellite 131223  
broadcasting service. 131224

(35)(a) Sales where the purpose of the consumer is to use or 131225  
consume the things transferred in making retail sales and 131226  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 131227  
certificates, or other advertising material that prices and 131228  
describes tangible personal property offered for retail sale. 131229

(b) Sales to direct marketing vendors of preliminary 131230  
materials such as photographs, artwork, and typesetting that will 131231  
be used in printing advertising material; and of printed matter 131232

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| that offers free merchandise or chances to win sweepstake prizes   | 131233 |
| and that is mailed to potential customers with advertising         | 131234 |
| material described in division (B)(35)(a) of this section;         | 131235 |
| (c) Sales of equipment such as telephones, computers,              | 131236 |
| facsimile machines, and similar tangible personal property         | 131237 |
| primarily used to accept orders for direct marketing retail sales. | 131238 |
| (d) Sales of automatic food vending machines that preserve         | 131239 |
| food with a shelf life of forty-five days or less by refrigeration | 131240 |
| and dispense it to the consumer.                                   | 131241 |
| For purposes of division (B)(35) of this section, "direct          | 131242 |
| marketing" means the method of selling where consumers order       | 131243 |
| tangible personal property by United States mail, delivery         | 131244 |
| service, or telecommunication and the vendor delivers or ships the | 131245 |
| tangible personal property sold to the consumer from a warehouse,  | 131246 |
| catalogue distribution center, or similar fulfillment facility by  | 131247 |
| means of the United States mail, delivery service, or common       | 131248 |
| carrier.                                                           | 131249 |
| (36) Sales to a person engaged in the business of                  | 131250 |
| horticulture or producing livestock of materials to be             | 131251 |
| incorporated into a horticulture structure or livestock structure; | 131252 |
| (37) Sales of personal computers, computer monitors, computer      | 131253 |
| keyboards, modems, and other peripheral computer equipment to an   | 131254 |
| individual who is licensed or certified to teach in an elementary  | 131255 |
| or a secondary school in this state for use by that individual in  | 131256 |
| preparation for teaching elementary or secondary school students;  | 131257 |
| (38) Sales to a professional racing team of any of the             | 131258 |
| following:                                                         | 131259 |
| (a) Motor racing vehicles;                                         | 131260 |
| (b) Repair services for motor racing vehicles;                     | 131261 |
| (c) Items of property that are attached to or incorporated in      | 131262 |

motor racing vehicles, including engines, chassis, and all other 131263  
components of the vehicles, and all spare, replacement, and 131264  
rebuilt parts or components of the vehicles; except not including 131265  
tires, consumable fluids, paint, and accessories consisting of 131266  
instrumentation sensors and related items added to the vehicle to 131267  
collect and transmit data by means of telemetry and other forms of 131268  
communication. 131269

(39) Sales of used manufactured homes and used mobile homes, 131270  
as defined in section 5739.0210 of the Revised Code, made on or 131271  
after January 1, 2000; 131272

(40) Sales of tangible personal property and services to a 131273  
provider of electricity used or consumed directly and primarily in 131274  
generating, transmitting, or distributing electricity for use by 131275  
others, including property that is or is to be incorporated into 131276  
and will become a part of the consumer's production, transmission, 131277  
or distribution system and that retains its classification as 131278  
tangible personal property after incorporation; fuel or power used 131279  
in the production, transmission, or distribution of electricity; 131280  
energy conversion equipment as defined in section 5727.01 of the 131281  
Revised Code; and tangible personal property and services used in 131282  
the repair and maintenance of the production, transmission, or 131283  
distribution system, including only those motor vehicles as are 131284  
specially designed and equipped for such use. The exemption 131285  
provided in this division shall be in lieu of all other exemptions 131286  
in division (B)(42)(a) or (n) of this section to which a provider 131287  
of electricity may otherwise be entitled based on the use of the 131288  
tangible personal property or service purchased in generating, 131289  
transmitting, or distributing electricity. 131290

(41) Sales to a person providing services under division 131291  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 131292  
personal property and services used directly and primarily in 131293  
providing taxable services under that section. 131294

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| (42) Sales where the purpose of the purchaser is to do any of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 131295<br>131296                                                                                                                                                       |
| (a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. Persons engaged in rendering services in the exploration for, and production of, crude oil and natural gas for others are deemed engaged directly in the exploration for, and production of, crude oil and natural gas. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property. | 131297<br>131298<br>131299<br>131300<br>131301<br>131302<br>131303<br>131304<br>131305<br>131306<br>131307<br>131308<br>131309<br>131310<br>131311<br>131312<br>131313 |
| (b) To hold the thing transferred as security for the performance of an obligation of the vendor;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 131314<br>131315                                                                                                                                                       |
| (c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 131316<br>131317                                                                                                                                                       |
| (d) To use or consume the thing directly in commercial fishing;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 131318<br>131319                                                                                                                                                       |
| (e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 131320<br>131321<br>131322<br>131323                                                                                                                                   |
| (f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 131324<br>131325                                                                                                                                                       |

printed, imprinted, overprinted, lithographic, multilithic, 131326  
blueprinted, photostatic, or other productions or reproductions of 131327  
written or graphic matter; 131328

(g) To use the thing transferred, as described in section 131329  
5739.011 of the Revised Code, primarily in a manufacturing 131330  
operation to produce tangible personal property for sale; 131331

(h) To use the benefit of a warranty, maintenance or service 131332  
contract, or similar agreement, as described in division (B)(7) of 131333  
section 5739.01 of the Revised Code, to repair or maintain 131334  
tangible personal property, if all of the property that is the 131335  
subject of the warranty, contract, or agreement would not be 131336  
subject to the tax imposed by this section; 131337

(i) To use the thing transferred as qualified research and 131338  
development equipment; 131339

(j) To use or consume the thing transferred primarily in 131340  
storing, transporting, mailing, or otherwise handling purchased 131341  
sales inventory in a warehouse, distribution center, or similar 131342  
facility when the inventory is primarily distributed outside this 131343  
state to retail stores of the person who owns or controls the 131344  
warehouse, distribution center, or similar facility, to retail 131345  
stores of an affiliated group of which that person is a member, or 131346  
by means of direct marketing. This division does not apply to 131347  
motor vehicles registered for operation on the public highways. As 131348  
used in this division, "affiliated group" has the same meaning as 131349  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 131350  
"direct marketing" has the same meaning as in division (B)(35) of 131351  
this section. 131352

(k) To use or consume the thing transferred to fulfill a 131353  
contractual obligation incurred by a warrantor pursuant to a 131354  
warranty provided as a part of the price of the tangible personal 131355  
property sold or by a vendor of a warranty, maintenance or service 131356

contract, or similar agreement the provision of which is defined 131357  
as a sale under division (B)(7) of section 5739.01 of the Revised 131358  
Code; 131359

(l) To use or consume the thing transferred in the production 131360  
of a newspaper for distribution to the public; 131361

(m) To use tangible personal property to perform a service 131362  
listed in division (B)(3) of section 5739.01 of the Revised Code, 131363  
if the property is or is to be permanently transferred to the 131364  
consumer of the service as an integral part of the performance of 131365  
the service; 131366

(n) To use or consume the thing transferred primarily in 131367  
producing tangible personal property for sale by farming, 131368  
agriculture, horticulture, or floriculture. Persons engaged in 131369  
rendering farming, agriculture, horticulture, or floriculture 131370  
services for others are deemed engaged primarily in farming, 131371  
agriculture, horticulture, or floriculture. This paragraph does 131372  
not exempt from "retail sale" or "sales at retail" the sale of 131373  
tangible personal property that is to be incorporated into a 131374  
structure or improvement to real property. 131375

(o) To use or consume the thing transferred in acquiring, 131376  
formatting, editing, storing, and disseminating data or 131377  
information by electronic publishing. 131378

As used in division (B)(42) of this section, "thing" includes 131379  
all transactions included in divisions (B)(3)(a), (b), and (e) of 131380  
section 5739.01 of the Revised Code. 131381

(43) Sales conducted through a coin operated device that 131382  
activates vacuum equipment or equipment that dispenses water, 131383  
whether or not in combination with soap or other cleaning agents 131384  
or wax, to the consumer for the consumer's use on the premises in 131385  
washing, cleaning, or waxing a motor vehicle, provided no other 131386  
personal property or personal service is provided as part of the 131387



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| transaction.                                                       | 131388 |
| (44) Sales of replacement and modification parts for engines,      | 131389 |
| airframes, instruments, and interiors in, and paint for, aircraft  | 131390 |
| used primarily in a fractional aircraft ownership program, and     | 131391 |
| sales of services for the repair, modification, and maintenance of | 131392 |
| such aircraft, and machinery, equipment, and supplies primarily    | 131393 |
| used to provide those services.                                    | 131394 |
| (45) Sales of telecommunications service that is used              | 131395 |
| directly and primarily to perform the functions of a call center.  | 131396 |
| As used in this division, "call center" means any physical         | 131397 |
| location where telephone calls are placed or received in high      | 131398 |
| volume for the purpose of making sales, marketing, customer        | 131399 |
| service, technical support, or other specialized business          | 131400 |
| activity, and that employs at least fifty individuals that engage  | 131401 |
| in call center activities on a full-time basis, or sufficient      | 131402 |
| individuals to fill fifty full-time equivalent positions.          | 131403 |
| (46) Sales by a telecommunications service vendor of 900           | 131404 |
| service to a subscriber. This division does not apply to           | 131405 |
| information services, as defined in division (FF) of section       | 131406 |
| 5739.01 of the Revised Code.                                       | 131407 |
| (47) Sales of value-added non-voice data service. This             | 131408 |
| division does not apply to any similar service that is not         | 131409 |
| otherwise a telecommunications service.                            | 131410 |
| (48)(a) Sales of machinery, equipment, and software to a           | 131411 |
| qualified direct selling entity for use in a warehouse or          | 131412 |
| distribution center primarily for storing, transporting, or        | 131413 |
| otherwise handling inventory that is held for sale to independent  | 131414 |
| salespersons who operate as direct sellers and that is held        | 131415 |
| primarily for distribution outside this state;                     | 131416 |
| (b) As used in division (B)(48)(a) of this section:                | 131417 |
| (i) "Direct seller" means a person selling consumer products       | 131418 |

to individuals for personal or household use and not from a fixed 131419  
retail location, including selling such product at in-home product 131420  
demonstrations, parties, and other one-on-one selling. 131421

(ii) "Qualified direct selling entity" means an entity 131422  
selling to direct sellers at the time the entity enters into a tax 131423  
credit agreement with the tax credit authority pursuant to section 131424  
122.17 of the Revised Code, provided that the agreement was 131425  
entered into on or after January 1, 2007. Neither contingencies 131426  
relevant to the granting of, nor later developments with respect 131427  
to, the tax credit shall impair the status of the qualified direct 131428  
selling entity under division (B)(48) of this section after 131429  
execution of the tax credit agreement by the tax credit authority. 131430

(c) Division (B)(48) of this section is limited to machinery, 131431  
equipment, and software first stored, used, or consumed in this 131432  
state within the period commencing June 24, 2008, and ending on 131433  
the date that is five years after that date. 131434

(49)(a) Sales of materials, parts, equipment, or engines used 131435  
in the repair or maintenance of aircraft or avionics systems of 131436  
such aircraft, and sales of repair, remodeling, replacement, or 131437  
maintenance services in this state performed on aircraft or on an 131438  
aircraft's avionics, engine, or component materials or parts. As 131439  
used in division (B)(49)(a) of this section, "aircraft" means 131440  
aircraft of more than six thousand pounds maximum certified 131441  
takeoff weight or used exclusively in general aviation. 131442

(b) Sales of tangible personal property, including materials, 131443  
parts, equipment, software, supplies, tools, fuel, catalysts, oil, 131444  
acids, and other consumables, or services used or consumed in 131445  
performing research and development activities with respect to 131446  
aerospace vehicles, the parts, avionics systems, control systems, 131447  
engines, software, component materials, or component parts of such 131448  
aerospace vehicles, and human performance equipment and technology 131449  
associated with operating and testing aerospace vehicles. As used 131450

in division (B)(49)(b) of this section, "aerospace vehicles" means 131451  
any manned or unmanned aviation device including, but not limited 131452  
to, aircraft, airplanes, helicopters, missiles, rockets, and space 131453  
vehicles. 131454

(50) Sales of full flight simulators that are used for pilot 131455  
or flight-crew training, sales of repair or replacement parts or 131456  
components, and sales of repair or maintenance services for such 131457  
full flight simulators. "Full flight simulator" means a replica of 131458  
a specific type, or make, model, and series of aircraft cockpit. 131459  
It includes the assemblage of equipment and computer programs 131460  
necessary to represent aircraft operations in ground and flight 131461  
conditions, a visual system providing an out-of-the-cockpit view, 131462  
and a system that provides cues at least equivalent to those of a 131463  
three-degree-of-freedom motion system, and has the full range of 131464  
capabilities of the systems installed in the device as described 131465  
in appendices A and B of part 60 of chapter 1 of title 14 of the 131466  
Code of Federal Regulations. 131467

(51) Any transfer or lease of tangible personal property 131468  
between the state and a successful proposer in accordance with 131469  
sections 126.60 to 126.605 of the Revised Code, provided the 131470  
property is part of a project as defined in section 126.60 of the 131471  
Revised Code and the state retains ownership of the project or 131472  
part thereof that is being transferred or leased, between the 131473  
state and JobsOhio in accordance with section 4313.02 of the 131474  
Revised Code. 131475

(52)(a) Sales to a qualifying corporation. 131476

(b) As used in division (B)(52) of this section: 131477

(i) "Qualifying corporation" means a nonprofit corporation 131478  
organized in this state that leases from an eligible county land, 131479  
buildings, structures, fixtures, and improvements to the land that 131480  
are part of or used in a public recreational facility used by a 131481

major league professional athletic team or a class A to class AAA 131482  
minor league affiliate of a major league professional athletic 131483  
team for a significant portion of the team's home schedule, 131484  
provided the following apply: 131485

(I) The facility is leased from the eligible county pursuant 131486  
to a lease that requires substantially all of the revenue from the 131487  
operation of the business or activity conducted by the nonprofit 131488  
corporation at the facility in excess of operating costs, capital 131489  
expenditures, and reserves to be paid to the eligible county at 131490  
least once per calendar year. 131491

(II) Upon dissolution and liquidation of the nonprofit 131492  
corporation, all of its net assets are distributable to the board 131493  
of commissioners of the eligible county from which the corporation 131494  
leases the facility. 131495

(ii) "Eligible county" has the same meaning as in section 131496  
307.695 of the Revised Code. 131497

(C) For the purpose of the proper administration of this 131498  
chapter, and to prevent the evasion of the tax, it is presumed 131499  
that all sales made in this state are subject to the tax until the 131500  
contrary is established. 131501

(D) The levy of this tax on retail sales of recreation and 131502  
sports club service shall not prevent a municipal corporation from 131503  
levying any tax on recreation and sports club dues or on any 131504  
income generated by recreation and sports club dues. 131505

(E) The tax collected by the vendor from the consumer under 131506  
this chapter is not part of the price, but is a tax collection for 131507  
the benefit of the state, and of counties levying an additional 131508  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 131509  
Code and of transit authorities levying an additional sales tax 131510  
pursuant to section 5739.023 of the Revised Code. Except for the 131511  
discount authorized under section 5739.12 of the Revised Code and 131512

the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

**Sec. 5739.026.** (A) A board of county commissioners may levy a tax of one-fourth or one-half of one per cent on every retail sale in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase an existing rate of one-fourth of one per cent to one-half of one per cent, to pay the expenses of administering the tax and, except as provided in division (A)(6) of this section, for any one or more of the following purposes provided that the aggregate levy for all such purposes does not exceed one-half of one per cent:

(1) To provide additional revenues for the payment of bonds or notes issued in anticipation of bonds issued by a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and to provide additional operating revenues for the convention facilities authority;

(2) To provide additional revenues for a transit authority operating in the county;

(3) To provide additional revenue for the county's general fund;

(4) To provide additional revenue for permanent improvements within the county to be distributed by the community improvements board in accordance with section 307.283 and to pay principal, interest, and premium on bonds issued under section 307.284 of the Revised Code;

(5) To provide additional revenue for the acquisition, 131543  
construction, equipping, or repair of any specific permanent 131544  
improvement or any class or group of permanent improvements, which 131545  
improvement or class or group of improvements shall be enumerated 131546  
in the resolution required by division (D) of this section, and to 131547  
pay principal, interest, premium, and other costs associated with 131548  
the issuance of bonds or notes in anticipation of bonds issued 131549  
pursuant to Chapter 133. of the Revised Code for the acquisition, 131550  
construction, equipping, or repair of the specific permanent 131551  
improvement or class or group of permanent improvements; 131552

(6) To provide revenue for the implementation and operation 131553  
of a 9-1-1 system in the county. If the tax is levied or the rate 131554  
increased exclusively for such purpose, the tax shall not be 131555  
levied or the rate increased for more than five years. At the end 131556  
of the last year the tax is levied or the rate increased, any 131557  
balance remaining in the special fund established for such purpose 131558  
shall remain in that fund and be used exclusively for such purpose 131559  
until the fund is completely expended, and, notwithstanding 131560  
section 5705.16 of the Revised Code, the board of county 131561  
commissioners shall not petition for the transfer of money from 131562  
such special fund, and the tax commissioner shall not approve such 131563  
a petition. 131564

If the tax is levied or the rate increased for such purpose 131565  
for more than five years, the board of county commissioners also 131566  
shall levy the tax or increase the rate of the tax for one or more 131567  
of the purposes described in divisions (A)(1) to (5) of this 131568  
section and shall prescribe the method for allocating the revenues 131569  
from the tax each year in the manner required by division (C) of 131570  
this section. 131571

(7) To provide additional revenue for the operation or 131572  
maintenance of a detention facility, as that term is defined under 131573  
division (F) of section 2921.01 of the Revised Code; 131574

(8) To provide revenue to finance the construction or renovation of a sports facility, but only if the tax is levied for that purpose in the manner prescribed by section 5739.028 of the Revised Code.

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As used in division (A)(8) of this section:

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(a) "Sports facility" means a facility intended to house major league professional athletic teams.

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(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment.

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(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county;

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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services;

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(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code.

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Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code.

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The rate of tax shall be a multiple of one-fourth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant

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to section 5739.028 of the Revised Code, in which case the 131605  
aggregate of the rates of tax levied under this section and 131606  
section 5739.023 of the Revised Code shall be a multiple of 131607  
one-fourth of one per cent. The tax shall be levied and the rate 131608  
increased pursuant to a resolution adopted by a majority of the 131609  
members of the board. The board shall deliver a certified copy of 131610  
the resolution to the tax commissioner, not later than the 131611  
sixty-fifth day prior to the date on which the tax is to become 131612  
effective, which shall be the first day of a calendar quarter. 131613

Prior to the adoption of any resolution to levy the tax or to 131614  
increase the rate of tax exclusively for the purpose set forth in 131615  
division (A)(3) of this section, the board of county commissioners 131616  
shall conduct two public hearings on the resolution, the second 131617  
hearing to be no fewer than three nor more than ten days after the 131618  
first. Notice of the date, time, and place of the hearings shall 131619  
be given by publication in a newspaper of general circulation in 131620  
the county, or as provided in section 7.16 of the Revised Code, 131621  
once a week on the same day of the week for two consecutive weeks. 131622  
The second publication shall be no fewer than ten nor more than 131623  
thirty days prior to the first hearing. Except as provided in 131624  
division (E) of this section, the resolution shall be subject to a 131625  
referendum as provided in sections 305.31 to 305.41 of the Revised 131626  
Code. If the resolution is adopted as an emergency measure 131627  
necessary for the immediate preservation of the public peace, 131628  
health, or safety, it must receive an affirmative vote of all of 131629  
the members of the board of county commissioners and shall state 131630  
the reasons for the necessity. 131631

If the tax is for more than one of the purposes set forth in 131632  
divisions (A)(1) to (7), (9), and (10) of this section, or is 131633  
exclusively for one of the purposes set forth in division (A)(1), 131634  
(2), (4), (5), (6), (7), (9), or (10) of this section, the 131635  
resolution shall not go into effect unless it is approved by a 131636



majority of the electors voting on the question of the tax. 131637

(B) The board of county commissioners shall adopt a 131638  
resolution under section 351.02 of the Revised Code creating the 131639  
convention facilities authority, or under section 307.283 of the 131640  
Revised Code creating the community improvements board, before 131641  
adopting a resolution levying a tax for the purpose of a 131642  
convention facilities authority under division (A)(1) of this 131643  
section or for the purpose of a community improvements board under 131644  
division (A)(4) of this section. 131645

(C)(1) If the tax is to be used for more than one of the 131646  
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 131647  
this section, the board of county commissioners shall establish 131648  
the method that will be used to determine the amount or proportion 131649  
of the tax revenue received by the county during each year that 131650  
will be distributed for each of those purposes, including, if 131651  
applicable, provisions governing the reallocation of a convention 131652  
facilities authority's allocation if the authority is dissolved 131653  
while the tax is in effect. The allocation method may provide that 131654  
different proportions or amounts of the tax shall be distributed 131655  
among the purposes in different years, but it shall clearly 131656  
describe the method that will be used for each year. Except as 131657  
otherwise provided in division (C)(2) of this section, the 131658  
allocation method established by the board is not subject to 131659  
amendment during the life of the tax. 131660

(2) Subsequent to holding a public hearing on the proposed 131661  
amendment, the board of county commissioners may amend the 131662  
allocation method established under division (C)(1) of this 131663  
section for any year, if the amendment is approved by the 131664  
governing board of each entity whose allocation for the year would 131665  
be reduced by the proposed amendment. In the case of a tax that is 131666  
levied for a continuing period of time, the board may not so amend 131667  
the allocation method for any year before the sixth year that the 131668

tax is in effect. 131669

(a) If the additional revenues provided to the convention 131670  
facilities authority are pledged by the authority for the payment 131671  
of convention facilities authority revenue bonds for as long as 131672  
such bonds are outstanding, no reduction of the authority's 131673  
allocation of the tax shall be made for any year except to the 131674  
extent that the reduced authority allocation, when combined with 131675  
the authority's other revenues pledged for that purpose, is 131676  
sufficient to meet the debt service requirements for that year on 131677  
such bonds. 131678

(b) If the additional revenues provided to the county are 131679  
pledged by the county for the payment of bonds or notes described 131680  
in division (A)(4) or (5) of this section, for as long as such 131681  
bonds or notes are outstanding, no reduction of the county's or 131682  
the community improvements board's allocation of the tax shall be 131683  
made for any year, except to the extent that the reduced county or 131684  
community improvements board allocation is sufficient to meet the 131685  
debt service requirements for that year on such bonds or notes. 131686

(c) If the additional revenues provided to the transit 131687  
authority are pledged by the authority for the payment of revenue 131688  
bonds issued under section 306.37 of the Revised Code, for as long 131689  
as such bonds are outstanding, no reduction of the authority's 131690  
allocation of tax shall be made for any year, except to the extent 131691  
that the authority's reduced allocation, when combined with the 131692  
authority's other revenues pledged for that purpose, is sufficient 131693  
to meet the debt service requirements for that year on such bonds. 131694

(d) If the additional revenues provided to the county are 131695  
pledged by the county for the payment of bonds or notes issued 131696  
under section 133.60 of the Revised Code, for so long as the bonds 131697  
or notes are outstanding, no reduction of the county's allocation 131698  
of the tax shall be made for any year, except to the extent that 131699  
the reduced county allocation is sufficient to meet the debt 131700

service requirements for that year on the bonds or notes. 131701

(D)(1) The resolution levying the tax or increasing the rate 131702  
of tax shall state the rate of the tax or the rate of the 131703  
increase; the purpose or purposes for which it is to be levied; 131704  
the number of years for which it is to be levied or that it is for 131705  
a continuing period of time; the allocation method required by 131706  
division (C) of this section; and if required to be submitted to 131707  
the electors of the county under division (A) of this section, the 131708  
date of the election at which the proposal shall be submitted to 131709  
the electors of the county, which shall be not less than ninety 131710  
days after the certification of a copy of the resolution to the 131711  
board of elections and, if the tax is to be levied exclusively for 131712  
the purpose set forth in division (A)(3) of this section, shall 131713  
not occur in February or August of any year. Upon certification of 131714  
the resolution to the board of elections, the board of county 131715  
commissioners shall notify the tax commissioner in writing of the 131716  
levy question to be submitted to the electors. If approved by a 131717  
majority of the electors, the tax shall become effective on the 131718  
first day of a calendar quarter next following the sixty-fifth day 131719  
following the date the board of county commissioners and tax 131720  
commissioner receive from the board of elections the certification 131721  
of the results of the election, except as provided in division (E) 131722  
of this section. 131723

(2)(a) A resolution specifying that the tax is to be used 131724  
exclusively for the purpose set forth in division (A)(3) of this 131725  
section that is not adopted as an emergency measure may direct the 131726  
board of elections to submit the question of levying the tax or 131727  
increasing the rate of the tax to the electors of the county at a 131728  
special election held on the date specified by the board of county 131729  
commissioners in the resolution, provided that the election occurs 131730  
not less than ninety days after the resolution is certified to the 131731  
board of elections and the election is not held in February or 131732

August of any year. Upon certification of the resolution to the 131733  
board of elections, the board of county commissioners shall notify 131734  
the tax commissioner in writing of the levy question to be 131735  
submitted to the electors. No resolution adopted under division 131736  
(D)(2)(a) of this section shall go into effect unless approved by 131737  
a majority of those voting upon it and, except as provided in 131738  
division (E) of this section, not until the first day of a 131739  
calendar quarter following the expiration of sixty-five days from 131740  
the date the tax commissioner receives notice from the board of 131741  
elections of the affirmative vote. 131742

(b) A resolution specifying that the tax is to be used 131743  
exclusively for the purpose set forth in division (A)(3) of this 131744  
section that is adopted as an emergency measure shall become 131745  
effective as provided in division (A) of this section, but may 131746  
direct the board of elections to submit the question of repealing 131747  
the tax or increase in the rate of the tax to the electors of the 131748  
county at the next general election in the county occurring not 131749  
less than ninety days after the resolution is certified to the 131750  
board of elections. Upon certification of the resolution to the 131751  
board of elections, the board of county commissioners shall notify 131752  
the tax commissioner in writing of the levy question to be 131753  
submitted to the electors. The ballot question shall be the same 131754  
as that prescribed in section 5739.022 of the Revised Code. The 131755  
board of elections shall notify the board of county commissioners 131756  
and the tax commissioner of the result of the election immediately 131757  
after the result has been declared. If a majority of the qualified 131758  
electors voting on the question of repealing the tax or increase 131759  
in the rate of the tax vote for repeal of the tax or repeal of the 131760  
increase, the board of county commissioners, on the first day of a 131761  
calendar quarter following the expiration of sixty-five days after 131762  
the date the board and tax commissioner received notice of the 131763  
result of the election, shall, in the case of a repeal of the tax, 131764  
cease to levy the tax, or, in the case of a repeal of an increase 131765

in the rate of the tax, cease to levy the increased rate and levy 131766  
the tax at the rate at which it was imposed immediately prior to 131767  
the increase in rate. 131768

(c) A board of county commissioners, by resolution, may 131769  
reduce the rate of a tax levied exclusively for the purpose set 131770  
forth in division (A)(3) of this section to a lower rate 131771  
authorized by this section. Any such reduction shall be made 131772  
effective on the first day of the calendar quarter next following 131773  
the sixty-fifth day after the tax commissioner receives a 131774  
certified copy of the resolution from the board. 131775

(E) If a vendor makes a sale in this state by printed catalog 131776  
and the consumer computed the tax on the sale based on local rates 131777  
published in the catalog, any tax levied or repealed or rate 131778  
changed under this section shall not apply to such a sale until 131779  
the first day of a calendar quarter following the expiration of 131780  
one hundred twenty days from the date of notice by the tax 131781  
commissioner pursuant to division (G) of this section. 131782

(F) The tax levied pursuant to this section shall be in 131783  
addition to the tax levied by section 5739.02 of the Revised Code 131784  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 131785  
Revised Code. 131786

A county that levies a tax pursuant to this section shall 131787  
levy a tax at the same rate pursuant to section 5741.023 of the 131788  
Revised Code. 131789

The additional tax levied by the county shall be collected 131790  
pursuant to section 5739.025 of the Revised Code. 131791

Any tax levied pursuant to this section is subject to the 131792  
exemptions provided in section 5739.02 of the Revised Code and in 131793  
addition shall not be applicable to sales not within the taxing 131794  
power of a county under the Constitution of the United States or 131795  
the Ohio Constitution. 131796

(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. Except as provided in divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax on the transactions, a uniform percentage of the tax collected in the municipal corporation or in the unincorporated portion of the township from each transaction, not to exceed thirty-three and one-third per cent. The remainder of the revenue arising from the tax shall be deposited in a separate fund and shall be spent solely to make contributions to the convention and visitors'

bureau operating within the county, including a pledge and 131829  
contribution of any portion of the remainder pursuant to an 131830  
agreement authorized by section 307.695 of the Revised Code, 131831  
provided that if the board of county commissioners of an eligible 131832  
county as defined in section 307.695 of the Revised Code adopts a 131833  
resolution amending a resolution levying a tax under this division 131834  
to provide that the revenue from the tax shall be used by the 131835  
board as described in division (H) of section 307.695 of the 131836  
Revised Code, the remainder of the revenue shall be used as 131837  
described in the resolution making that amendment. Except as 131838  
provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 131839  
this section, on and after May 10, 1994, a board of county 131840  
commissioners may not levy an excise tax pursuant to this division 131841  
in any municipal corporation or township located wholly or partly 131842  
within the county that has in effect an ordinance or resolution 131843  
levying an excise tax pursuant to division (B) of this section. 131844  
The board of a county that has levied a tax under division (C) of 131845  
this section may, by resolution adopted within ninety days after 131846  
July 15, 1985, by a majority of the members of the board, amend 131847  
the resolution levying a tax under this division to provide for a 131848  
portion of that tax to be pledged and contributed in accordance 131849  
with an agreement entered into under section 307.695 of the 131850  
Revised Code. A tax, any revenue from which is pledged pursuant to 131851  
such an agreement, shall remain in effect at the rate at which it 131852  
is imposed for the duration of the period for which the revenue 131853  
from the tax has been so pledged. 131854

The board of county commissioners of an eligible county as 131855  
defined in section 307.695 of the Revised Code may, by resolution 131856  
adopted by a majority of the members of the board, amend a 131857  
resolution levying a tax under this division to provide that the 131858  
revenue from the tax shall be used by the board as described in 131859  
division (H) of section 307.695 of the Revised Code, in which case 131860  
the tax shall remain in effect at the rate at which it was imposed 131861

for the duration of any agreement entered into by the board under 131862  
section 307.695 of the Revised Code, the duration during which any 131863  
securities issued by the board under that section are outstanding, 131864  
or the duration of the period during which the board owns a 131865  
project as defined in section 307.695 of the Revised Code, 131866  
whichever duration is longest. 131867

(2) A board of county commissioners that levies an excise tax 131868  
under division (A)(1) of this section on June 30, 1997, at a rate 131869  
of three per cent, and that has pledged revenue from the tax to an 131870  
agreement entered into under section 307.695 of the Revised Code 131871  
or, in the case of the board of county commissioners of an 131872  
eligible county as defined in section 307.695 of the Revised Code, 131873  
has amended a resolution levying a tax under division (C) of this 131874  
section to provide that proceeds from the tax shall be used by the 131875  
board as described in division (H) of section 307.695 of the 131876  
Revised Code, may, at any time by a resolution adopted by a 131877  
majority of the members of the board, amend the resolution levying 131878  
a tax under division (A)(1) of this section to provide for an 131879  
increase in the rate of that tax up to seven per cent on each 131880  
transaction; to provide that revenue from the increase in the rate 131881  
shall be used as described in division (H) of section 307.695 of 131882  
the Revised Code or be spent solely to make contributions to the 131883  
convention and visitors' bureau operating within the county to be 131884  
used specifically for promotion, advertising, and marketing of the 131885  
region in which the county is located; and to provide that the 131886  
rate in excess of the three per cent levied under division (A)(1) 131887  
of this section shall remain in effect at the rate at which it is 131888  
imposed for the duration of the period during which any agreement 131889  
is in effect that was entered into under section 307.695 of the 131890  
Revised Code by the board of county commissioners levying a tax 131891  
under division (A)(1) of this section, the duration of the period 131892  
during which any securities issued by the board under division (I) 131893  
of section 307.695 of the Revised Code are outstanding, or the 131894



duration of the period during which the board owns a project as 131895  
defined in section 307.695 of the Revised Code, whichever duration 131896  
is longest. The amendment also shall provide that no portion of 131897  
that revenue need be returned to townships or municipal 131898  
corporations as would otherwise be required under division (A)(1) 131899  
of this section. 131900

(3) A board of county commissioners that levies a tax under 131901  
division (A)(1) of this section on March 18, 1999, at a rate of 131902  
three per cent may, by resolution adopted not later than 131903  
forty-five days after March 18, 1999, amend the resolution levying 131904  
the tax to provide for all of the following: 131905

(a) That the rate of the tax shall be increased by not more 131906  
than an additional four per cent on each transaction; 131907

(b) That all of the revenue from the increase in the rate 131908  
shall be pledged and contributed to a convention facilities 131909  
authority established by the board of county commissioners under 131910  
Chapter 351. of the Revised Code on or before November 15, 1998, 131911  
and used to pay costs of constructing, maintaining, operating, and 131912  
promoting a facility in the county, including paying bonds, or 131913  
notes issued in anticipation of bonds, as provided by that 131914  
chapter; 131915

(c) That no portion of the revenue arising from the increase 131916  
in rate need be returned to municipal corporations or townships as 131917  
otherwise required under division (A)(1) of this section; 131918

(d) That the increase in rate shall not be subject to 131919  
diminution by initiative or referendum or by law while any bonds, 131920  
or notes in anticipation of bonds, issued by the authority under 131921  
Chapter 351. of the Revised Code to which the revenue is pledged, 131922  
remain outstanding in accordance with their terms, unless 131923  
provision is made by law or by the board of county commissioners 131924  
for an adequate substitute therefor that is satisfactory to the 131925

trustee if a trust agreement secures the bonds. 131926

Division (A)(3) of this section does not apply to the board 131927  
of county commissioners of any county in which a convention center 131928  
or facility exists or is being constructed on November 15, 1998, 131929  
or of any county in which a convention facilities authority levies 131930  
a tax pursuant to section 351.021 of the Revised Code on that 131931  
date. 131932

As used in division (A)(3) of this section, "cost" and 131933  
"facility" have the same meanings as in section 351.01 of the 131934  
Revised Code, and "convention center" has the same meaning as in 131935  
section 307.695 of the Revised Code. 131936

(4)(a) A board of county commissioners that levies a tax 131937  
under division (A)(1) of this section on June 30, 2002, at a rate 131938  
of three per cent may, by resolution adopted not later than 131939  
September 30, 2002, amend the resolution levying the tax to 131940  
provide for all of the following: 131941

(i) That the rate of the tax shall be increased by not more 131942  
than an additional three and one-half per cent on each 131943  
transaction; 131944

(ii) That all of the revenue from the increase in rate shall 131945  
be pledged and contributed to a convention facilities authority 131946  
established by the board of county commissioners under Chapter 131947  
351. of the Revised Code on or before May 15, 2002, and be used to 131948  
pay costs of constructing, expanding, maintaining, operating, or 131949  
promoting a convention center in the county, including paying 131950  
bonds, or notes issued in anticipation of bonds, as provided by 131951  
that chapter; 131952

(iii) That no portion of the revenue arising from the 131953  
increase in rate need be returned to municipal corporations or 131954  
townships as otherwise required under division (A)(1) of this 131955  
section; 131956

(iv) That the increase in rate shall not be subject to 131957  
diminution by initiative or referendum or by law while any bonds, 131958  
or notes in anticipation of bonds, issued by the authority under 131959  
Chapter 351. of the Revised Code to which the revenue is pledged, 131960  
remain outstanding in accordance with their terms, unless 131961  
provision is made by law or by the board of county commissioners 131962  
for an adequate substitute therefor that is satisfactory to the 131963  
trustee if a trust agreement secures the bonds. 131964

(b) Any board of county commissioners that, pursuant to 131965  
division (A)(4)(a) of this section, has amended a resolution 131966  
levying the tax authorized by division (A)(1) of this section may 131967  
further amend the resolution to provide that the revenue referred 131968  
to in division (A)(4)(a)(ii) of this section shall be pledged and 131969  
contributed both to a convention facilities authority to pay the 131970  
costs of constructing, expanding, maintaining, or operating one or 131971  
more convention centers in the county, including paying bonds, or 131972  
notes issued in anticipation of bonds, as provided in Chapter 351. 131973  
of the Revised Code, and to a convention and visitors' bureau to 131974  
pay the costs of promoting one or more convention centers in the 131975  
county. 131976

As used in division (A)(4) of this section, "cost" has the 131977  
same meaning as in section 351.01 of the Revised Code, and 131978  
"convention center" has the same meaning as in section 307.695 of 131979  
the Revised Code. 131980

(5)(a) As used in division (A)(5) of this section: 131981

(i) "Port authority" means a port authority created under 131982  
Chapter 4582. of the Revised Code. 131983

(ii) "Port authority military-use facility" means port 131984  
authority facilities on which or adjacent to which is located an 131985  
installation of the armed forces of the United States, a reserve 131986  
component thereof, or the national guard and at least part of 131987

which is made available for use, for consideration, by the armed 131988  
forces of the United States, a reserve component thereof, or the 131989  
national guard. 131990

(b) For the purpose of contributing revenue to pay operating 131991  
expenses of a port authority that operates a port authority 131992  
military-use facility, the board of county commissioners of a 131993  
county that created, participated in the creation of, or has 131994  
joined such a port authority may do one or both of the following: 131995

(i) Amend a resolution previously adopted under division 131996  
(A)(1) of this section to designate some or all of the revenue 131997  
from the tax levied under the resolution to be used for that 131998  
purpose, notwithstanding that division; 131999

(ii) Amend a resolution previously adopted under division 132000  
(A)(1) of this section to increase the rate of the tax by not more 132001  
than an additional two per cent and use the revenue from the 132002  
increase exclusively for that purpose. 132003

(c) If a board of county commissioners amends a resolution to 132004  
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 132005  
of this section, the board also may amend the resolution to 132006  
specify that the increase in rate of the tax does not apply to 132007  
"hotels," as otherwise defined in section 5739.01 of the Revised 132008  
Code, having fewer rooms used for the accommodation of guests than 132009  
a number of rooms specified by the board. 132010

(6) A board of county commissioners of a county organized 132011  
under a county charter adopted pursuant to Article X, Section 3, 132012  
Ohio Constitution, and that levies an excise tax under division 132013  
(A)(1) of this section at a rate of three per cent and levies an 132014  
additional excise tax under division (E) of this section at a rate 132015  
of one and one-half per cent may, by resolution adopted not later 132016  
than January 1, 2008, by a majority of the members of the board, 132017  
amend the resolution levying a tax under division (A)(1) of this 132018

section to provide for an increase in the rate of that tax by not 132019  
more than an additional one per cent on transactions by which 132020  
lodging by a hotel is or is to be furnished to transient guests. 132021  
Notwithstanding divisions (A)(1) and (E) of this section, the 132022  
resolution shall provide that all of the revenue from the increase 132023  
in rate, after deducting the real and actual costs of 132024  
administering the tax, shall be used to pay the costs of 132025  
improving, expanding, equipping, financing, or operating a 132026  
convention center by a convention and visitors' bureau in the 132027  
county. The increase in rate shall remain in effect for the period 132028  
specified in the resolution, not to exceed ten years. The increase 132029  
in rate shall be subject to the regulations adopted under division 132030  
(A)(1) of this section, except that the resolution may provide 132031  
that no portion of the revenue from the increase in the rate shall 132032  
be returned to townships or municipal corporations as would 132033  
otherwise be required under that division. 132034

(7) Division (A)(7) of this section applies only to a county 132035  
with a population greater than sixty-five thousand and less than 132036  
seventy thousand according to the most recent federal decennial 132037  
census and in which, on December 31, 2006, an excise tax is levied 132038  
under division (A)(1) of this section at a rate not less than and 132039  
not greater than three per cent, and in which the most recent 132040  
increase in the rate of that tax was enacted or took effect in 132041  
November 1984. 132042

The board of county commissioners of a county to which this 132043  
division applies, by resolution adopted by a majority of the 132044  
members of the board, may increase the rate of the tax by not more 132045  
than one per cent on transactions by which lodging by a hotel is 132046  
or is to be furnished to transient guests. The increase in rate 132047  
shall be for the purpose of paying expenses deemed necessary by 132048  
the convention and visitors' bureau operating in the county to 132049  
promote travel and tourism. The increase in rate shall remain in 132050

effect for the period specified in the resolution, not to exceed 132051  
twenty years, provided that the increase in rate may not continue 132052  
beyond the time when the purpose for which the increase is levied 132053  
ceases to exist. If revenue from the increase in rate is pledged 132054  
to the payment of debt charges on securities, the increase in rate 132055  
is not subject to diminution by initiative or referendum or by law 132056  
for so long as the securities are outstanding, unless provision is 132057  
made by law or by the board of county commissioners for an 132058  
adequate substitute for that revenue that is satisfactory to the 132059  
trustee if a trust agreement secures payment of the debt charges. 132060  
The increase in rate shall be subject to the regulations adopted 132061  
under division (A)(1) of this section, except that the resolution 132062  
may provide that no portion of the revenue from the increase in 132063  
the rate shall be returned to townships or municipal corporations 132064  
as would otherwise be required under division (A)(1) of this 132065  
section. A resolution adopted under division (A)(7) of this 132066  
section is subject to referendum under sections 305.31 to 305.99 132067  
of the Revised Code. 132068

(B)(1) The legislative authority of a municipal corporation 132069  
or the board of trustees of a township that is not wholly or 132070  
partly located in a county that has in effect a resolution levying 132071  
an excise tax pursuant to division (A)(1) of this section may, by 132072  
ordinance or resolution, levy an excise tax not to exceed three 132073  
per cent on transactions by which lodging by a hotel is or is to 132074  
be furnished to transient guests. The legislative authority of the 132075  
municipal corporation or the board of trustees of the township 132076  
shall deposit at least fifty per cent of the revenue from the tax 132077  
levied pursuant to this division into a separate fund, which shall 132078  
be spent solely to make contributions to convention and visitors' 132079  
bureaus operating within the county in which the municipal 132080  
corporation or township is wholly or partly located, and the 132081  
balance of that revenue shall be deposited in the general fund. 132082  
The municipal corporation or township shall establish all 132083

regulations necessary to provide for the administration and 132084  
allocation of the tax. The regulations may prescribe the time for 132085  
payment of the tax, and may provide for the imposition of a 132086  
penalty or interest, or both, for late payments, provided that the 132087  
penalty does not exceed ten per cent of the amount of tax due, and 132088  
the rate at which interest accrues does not exceed the rate per 132089  
annum prescribed pursuant to section 5703.47 of the Revised Code. 132090  
The levy of a tax under this division is in addition to any tax 132091  
imposed on the same transaction by a municipal corporation or a 132092  
township as authorized by division (A) of section 5739.08 of the 132093  
Revised Code. 132094

(2)(a) The legislative authority of the most populous 132095  
municipal corporation located wholly or partly in a county in 132096  
which the board of county commissioners has levied a tax under 132097  
division (A)(4) of this section may amend, on or before September 132098  
30, 2002, that municipal corporation's ordinance or resolution 132099  
that levies an excise tax on transactions by which lodging by a 132100  
hotel is or is to be furnished to transient guests, to provide for 132101  
all of the following: 132102

(i) That the rate of the tax shall be increased by not more 132103  
than an additional one per cent on each transaction; 132104

(ii) That all of the revenue from the increase in rate shall 132105  
be pledged and contributed to a convention facilities authority 132106  
established by the board of county commissioners under Chapter 132107  
351. of the Revised Code on or before May 15, 2002, and be used to 132108  
pay costs of constructing, expanding, maintaining, operating, or 132109  
promoting a convention center in the county, including paying 132110  
bonds, or notes issued in anticipation of bonds, as provided by 132111  
that chapter; 132112

(iii) That the increase in rate shall not be subject to 132113  
diminution by initiative or referendum or by law while any bonds, 132114  
or notes in anticipation of bonds, issued by the authority under 132115

Chapter 351. of the Revised Code to which the revenue is pledged, 132116  
remain outstanding in accordance with their terms, unless 132117  
provision is made by law, by the board of county commissioners, or 132118  
by the legislative authority, for an adequate substitute therefor 132119  
that is satisfactory to the trustee if a trust agreement secures 132120  
the bonds. 132121

(b) The legislative authority of a municipal corporation 132122  
that, pursuant to division (B)(2)(a) of this section, has amended 132123  
its ordinance or resolution to increase the rate of the tax 132124  
authorized by division (B)(1) of this section may further amend 132125  
the ordinance or resolution to provide that the revenue referred 132126  
to in division (B)(2)(a)(ii) of this section shall be pledged and 132127  
contributed both to a convention facilities authority to pay the 132128  
costs of constructing, expanding, maintaining, or operating one or 132129  
more convention centers in the county, including paying bonds, or 132130  
notes issued in anticipation of bonds, as provided in Chapter 351. 132131  
of the Revised Code, and to a convention and visitors' bureau to 132132  
pay the costs of promoting one or more convention centers in the 132133  
county. 132134

As used in division (B)(2) of this section, "cost" has the 132135  
same meaning as in section 351.01 of the Revised Code, and 132136  
"convention center" has the same meaning as in section 307.695 of 132137  
the Revised Code. 132138

(C) For the purposes described in section 307.695 of the 132139  
Revised Code and to cover the costs of administering the tax, a 132140  
board of county commissioners of a county where a tax imposed 132141  
under division (A)(1) of this section is in effect may, by 132142  
resolution adopted within ninety days after July 15, 1985, by a 132143  
majority of the members of the board, levy an additional excise 132144  
tax not to exceed three per cent on transactions by which lodging 132145  
by a hotel is or is to be furnished to transient guests. The tax 132146  
authorized by this division shall be in addition to any tax that 132147



is levied pursuant to division (A) of this section, but it shall 132148  
not apply to transactions subject to a tax levied by a municipal 132149  
corporation or township pursuant to the authorization granted by 132150  
division (A) of section 5739.08 of the Revised Code. The board 132151  
shall establish all regulations necessary to provide for the 132152  
administration and allocation of the tax. The regulations may 132153  
prescribe the time for payment of the tax, and may provide for the 132154  
imposition of a penalty or interest, or both, for late payments, 132155  
provided that the penalty does not exceed ten per cent of the 132156  
amount of tax due, and the rate at which interest accrues does not 132157  
exceed the rate per annum prescribed pursuant to section 5703.47 132158  
of the Revised Code. All revenues arising from the tax shall be 132159  
expended in accordance with section 307.695 of the Revised Code. 132160  
The board of county commissioners of an eligible county as defined 132161  
in section 307.695 of the Revised Code may, by resolution adopted 132162  
by a majority of the members of the board, amend the resolution 132163  
levying a tax under this division to provide that the revenue from 132164  
the tax shall be used by the board as described in division (H) of 132165  
section 307.695 of the Revised Code. A tax imposed under this 132166  
division shall remain in effect at the rate at which it is imposed 132167  
for the duration of the period during which any agreement entered 132168  
into by the board under section 307.695 of the Revised Code is in 132169  
effect, the duration of the period during which any securities 132170  
issued by the board under division (I) of section 307.695 of the 132171  
Revised Code are outstanding, or the duration of the period during 132172  
which the board owns a project as defined in section 307.695 of 132173  
the Revised Code, whichever duration is longest. 132174

(D) For the purpose of providing contributions under division 132175  
(B)(1) of section 307.671 of the Revised Code to enable the 132176  
acquisition, construction, and equipping of a port authority 132177  
educational and cultural facility in the county and, to the extent 132178  
provided for in the cooperative agreement authorized by that 132179  
section, for the purpose of paying debt service charges on bonds, 132180

or notes in anticipation of bonds, described in division (B)(1)(b) 132181  
of that section, a board of county commissioners, by resolution 132182  
adopted within ninety days after December 22, 1992, by a majority 132183  
of the members of the board, may levy an additional excise tax not 132184  
to exceed one and one-half per cent on transactions by which 132185  
lodging by a hotel is or is to be furnished to transient guests. 132186  
The excise tax authorized by this division shall be in addition to 132187  
any tax that is levied pursuant to divisions (A), (B), and (C) of 132188  
this section, to any excise tax levied pursuant to section 5739.08 132189  
of the Revised Code, and to any excise tax levied pursuant to 132190  
section 351.021 of the Revised Code. The board of county 132191  
commissioners shall establish all regulations necessary to provide 132192  
for the administration and allocation of the tax that are not 132193  
inconsistent with this section or section 307.671 of the Revised 132194  
Code. The regulations may prescribe the time for payment of the 132195  
tax, and may provide for the imposition of a penalty or interest, 132196  
or both, for late payments, provided that the penalty does not 132197  
exceed ten per cent of the amount of tax due, and the rate at 132198  
which interest accrues does not exceed the rate per annum 132199  
prescribed pursuant to section 5703.47 of the Revised Code. All 132200  
revenues arising from the tax shall be expended in accordance with 132201  
section 307.671 of the Revised Code and division (D) of this 132202  
section. The levy of a tax imposed under this division may not 132203  
commence prior to the first day of the month next following the 132204  
execution of the cooperative agreement authorized by section 132205  
307.671 of the Revised Code by all parties to that agreement. The 132206  
tax shall remain in effect at the rate at which it is imposed for 132207  
the period of time described in division (C) of section 307.671 of 132208  
the Revised Code for which the revenue from the tax has been 132209  
pledged by the county to the corporation pursuant to that section, 132210  
but, to any extent provided for in the cooperative agreement, for 132211  
no lesser period than the period of time required for payment of 132212  
the debt service charges on bonds, or notes in anticipation of 132213

bonds, described in division (B)(1)(b) of that section. 132214

(E) For the purpose of paying the costs of acquiring, 132215  
constructing, equipping, and improving a municipal educational and 132216  
cultural facility, including debt service charges on bonds 132217  
provided for in division (B) of section 307.672 of the Revised 132218  
Code, and for any additional purposes determined by the county in 132219  
the resolution levying the tax or amendments to the resolution, 132220  
including subsequent amendments providing for paying costs of 132221  
acquiring, constructing, renovating, rehabilitating, equipping, 132222  
and improving a port authority educational and cultural performing 132223  
arts facility, as defined in section 307.674 of the Revised Code, 132224  
and including debt service charges on bonds provided for in 132225  
division (B) of section 307.674 of the Revised Code, the 132226  
legislative authority of a county, by resolution adopted within 132227  
ninety days after June 30, 1993, by a majority of the members of 132228  
the legislative authority, may levy an additional excise tax not 132229  
to exceed one and one-half per cent on transactions by which 132230  
lodging by a hotel is or is to be furnished to transient guests. 132231  
The excise tax authorized by this division shall be in addition to 132232  
any tax that is levied pursuant to divisions (A), (B), (C), and 132233  
(D) of this section, to any excise tax levied pursuant to section 132234  
5739.08 of the Revised Code, and to any excise tax levied pursuant 132235  
to section 351.021 of the Revised Code. The legislative authority 132236  
of the county shall establish all regulations necessary to provide 132237  
for the administration and allocation of the tax. The regulations 132238  
may prescribe the time for payment of the tax, and may provide for 132239  
the imposition of a penalty or interest, or both, for late 132240  
payments, provided that the penalty does not exceed ten per cent 132241  
of the amount of tax due, and the rate at which interest accrues 132242  
does not exceed the rate per annum prescribed pursuant to section 132243  
5703.47 of the Revised Code. All revenues arising from the tax 132244  
shall be expended in accordance with section 307.672 of the 132245  
Revised Code and this division. The levy of a tax imposed under 132246

this division shall not commence prior to the first day of the 132247  
month next following the execution of the cooperative agreement 132248  
authorized by section 307.672 of the Revised Code by all parties 132249  
to that agreement. The tax shall remain in effect at the rate at 132250  
which it is imposed for the period of time determined by the 132251  
legislative authority of the county. That period of time shall not 132252  
exceed fifteen years, except that the legislative authority of a 132253  
county with a population of less than two hundred fifty thousand 132254  
according to the most recent federal decennial census, by 132255  
resolution adopted by a majority of its members before the 132256  
original tax expires, may extend the duration of the tax for an 132257  
additional period of time. The additional period of time by which 132258  
a legislative authority extends a tax levied under this division 132259  
shall not exceed fifteen years. 132260

(F) The legislative authority of a county that has levied a 132261  
tax under division (E) of this section may, by resolution adopted 132262  
within one hundred eighty days after January 4, 2001, by a 132263  
majority of the members of the legislative authority, amend the 132264  
resolution levying a tax under that division to provide for the 132265  
use of the proceeds of that tax, to the extent that it is no 132266  
longer needed for its original purpose as determined by the 132267  
parties to a cooperative agreement amendment pursuant to division 132268  
(D) of section 307.672 of the Revised Code, to pay costs of 132269  
acquiring, constructing, renovating, rehabilitating, equipping, 132270  
and improving a port authority educational and cultural performing 132271  
arts facility, including debt service charges on bonds provided 132272  
for in division (B) of section 307.674 of the Revised Code, and to 132273  
pay all obligations under any guaranty agreements, reimbursement 132274  
agreements, or other credit enhancement agreements described in 132275  
division (C) of section 307.674 of the Revised Code. The 132276  
resolution may also provide for the extension of the tax at the 132277  
same rate for the longer of the period of time determined by the 132278  
legislative authority of the county, but not to exceed an 132279

additional twenty-five years, or the period of time required to 132280  
pay all debt service charges on bonds provided for in division (B) 132281  
of section 307.672 of the Revised Code and on port authority 132282  
revenue bonds provided for in division (B) of section 307.674 of 132283  
the Revised Code. All revenues arising from the amendment and 132284  
extension of the tax shall be expended in accordance with section 132285  
307.674 of the Revised Code, this division, and division (E) of 132286  
this section. 132287

(G) For purposes of a tax levied by a county, township, or 132288  
municipal corporation under this section or section 5739.08 of the 132289  
Revised Code, a board of county commissioners, board of township 132290  
trustees, or the legislative authority of a municipal corporation 132291  
may adopt a resolution or ordinance at any time specifying that 132292  
"hotel," as otherwise defined in section 5739.01 of the Revised 132293  
Code, includes the following: 132294

(1) Establishments in which fewer than five rooms are used 132295  
for the accommodation of guests. 132296

(2) Establishments at which rooms are used for the 132297  
accommodation of guests regardless of whether each room is 132298  
accessible through its own keyed entry or several rooms are 132299  
accessible through the same keyed entry; and, in determining the 132300  
number of rooms, all rooms are included regardless of the number 132301  
of structures in which the rooms are situated or the number of 132302  
parcels of land on which the structures are located if the 132303  
structures are under the same ownership and the structures are not 132304  
identified in advertisements of the accommodations as distinct 132305  
establishments. For the purposes of division (G)(2) of this 132306  
section, two or more structures are under the same ownership if 132307  
they are owned by the same person, or if they are owned by two or 132308  
more persons the majority of the ownership interests of which are 132309  
owned by the same person. 132310

The resolution or ordinance may apply to a tax imposed 132311

pursuant to this section prior to the adoption of the resolution 132312  
or ordinance if the resolution or ordinance so states, but the tax 132313  
shall not apply to transactions by which lodging by such an 132314  
establishment is provided to transient guests prior to the 132315  
adoption of the resolution or ordinance. 132316

(H)(1) As used in this division: 132317

(a) "Convention facilities authority" has the same meaning as 132318  
in section 351.01 of the Revised Code. 132319

(b) "Convention center" has the same meaning as in section 132320  
307.695 of the Revised Code. 132321

(2) Notwithstanding any contrary provision of division (D) of 132322  
this section, the legislative authority of a county with a 132323  
population of one million or more according to the most recent 132324  
federal decennial census that has levied a tax under division (D) 132325  
of this section may, by resolution adopted by a majority of the 132326  
members of the legislative authority, provide for the extension of 132327  
such levy and may provide that the proceeds of that tax, to the 132328  
extent that they are no longer needed for their original purpose 132329  
as defined by a cooperative agreement entered into under section 132330  
307.671 of the Revised Code, shall be deposited into the county 132331  
general revenue fund. The resolution shall provide for the 132332  
extension of the tax at a rate not to exceed the rate specified in 132333  
division (D) of this section for a period of time determined by 132334  
the legislative authority of the county, but not to exceed an 132335  
additional forty years. 132336

(3) The legislative authority of a county with a population 132337  
of one million or more that has levied a tax under division (A)(1) 132338  
of this section may, by resolution adopted by a majority of the 132339  
members of the legislative authority, increase the rate of the tax 132340  
levied by such county under division (A)(1) of this section to a 132341  
rate not to exceed five per cent on transactions by which lodging 132342

by a hotel is or is to be furnished to transient guests. 132343  
Notwithstanding any contrary provision of division (A)(1) of this 132344  
section, the resolution may provide that all collections resulting 132345  
from the rate levied in excess of three per cent, after deducting 132346  
the real and actual costs of administering the tax, shall be 132347  
deposited in the county general fund. 132348

(4) The legislative authority of a county with a population 132349  
of one million or more that has levied a tax under division (A)(1) 132350  
of this section may, by resolution adopted on or before August 30, 132351  
2004, by a majority of the members of the legislative authority, 132352  
provide that all or a portion of the proceeds of the tax levied 132353  
under division (A)(1) of this section, after deducting the real 132354  
and actual costs of administering the tax and the amounts required 132355  
to be returned to townships and municipal corporations with 132356  
respect to the first three per cent levied under division (A)(1) 132357  
of this section, shall be deposited in the county general fund, 132358  
provided that such proceeds shall be used to satisfy any pledges 132359  
made in connection with an agreement entered into under section 132360  
307.695 of the Revised Code. 132361

(5) No amount collected from a tax levied, extended, or 132362  
required to be deposited in the county general fund under division 132363  
(H) of this section shall be contributed to a convention 132364  
facilities authority, corporation, or other entity created after 132365  
July 1, 2003, for the principal purpose of constructing, 132366  
improving, expanding, equipping, financing, or operating a 132367  
convention center unless the mayor of the municipal corporation in 132368  
which the convention center is to be operated by that convention 132369  
facilities authority, corporation, or other entity has consented 132370  
to the creation of that convention facilities authority, 132371  
corporation, or entity. Notwithstanding any contrary provision of 132372  
section 351.04 of the Revised Code, if a tax is levied by a county 132373  
under division (H) of this section, the board of county 132374

commissioners of that county may determine the manner of 132375  
selection, the qualifications, the number, and terms of office of 132376  
the members of the board of directors of any convention facilities 132377  
authority, corporation, or other entity described in division 132378  
(H)(5) of this section. 132379

(6)(a) No amount collected from a tax levied, extended, or 132380  
required to be deposited in the county general fund under division 132381  
(H) of this section may be used for any purpose other than paying 132382  
the direct and indirect costs of constructing, improving, 132383  
expanding, equipping, financing, or operating a convention center 132384  
and for the real and actual costs of administering the tax, 132385  
unless, prior to the adoption of the resolution of the legislative 132386  
authority of the county authorizing the levy, extension, increase, 132387  
or deposit, the county and the mayor of the most populous 132388  
municipal corporation in that county have entered into an 132389  
agreement as to the use of such amounts, provided that such 132390  
agreement has been approved by a majority of the mayors of the 132391  
other municipal corporations in that county. The agreement shall 132392  
provide that the amounts to be used for purposes other than paying 132393  
the convention center or administrative costs described in 132394  
division (H)(6)(a) of this section be used only for the direct and 132395  
indirect costs of capital improvements, including the financing of 132396  
capital improvements. 132397

(b) If the county in which the tax is levied has an 132398  
association of mayors and city managers, the approval of that 132399  
association of an agreement described in division (H)(6)(a) of 132400  
this section shall be considered to be the approval of the 132401  
majority of the mayors of the other municipal corporations for 132402  
purposes of that division. 132403

(7) Each year, the auditor of state shall conduct an audit of 132404  
the uses of any amounts collected from taxes levied, extended, or 132405  
deposited under division (H) of this section and shall prepare a 132406



report of the auditor of state's findings. The auditor of state 132407  
shall submit the report to the legislative authority of the county 132408  
that has levied, extended, or deposited the tax, the speaker of 132409  
the house of representatives, the president of the senate, and the 132410  
leaders of the minority parties of the house of representatives 132411  
and the senate. 132412

(I)(1) As used in this division: 132413

(a) "Convention facilities authority" has the same meaning as 132414  
in section 351.01 of the Revised Code. 132415

(b) "Convention center" has the same meaning as in section 132416  
307.695 of the Revised Code. 132417

(2) Notwithstanding any contrary provision of division (D) of 132418  
this section, the legislative authority of a county with a 132419  
population of one million two hundred thousand or more according 132420  
to the most recent federal decennial census or the most recent 132421  
annual population estimate published or released by the United 132422  
States census bureau at the time the resolution is adopted placing 132423  
the levy on the ballot, that has levied a tax under division (D) 132424  
of this section may, by resolution adopted by a majority of the 132425  
members of the legislative authority, provide for the extension of 132426  
such levy and may provide that the proceeds of that tax, to the 132427  
extent that the proceeds are no longer needed for their original 132428  
purpose as defined by a cooperative agreement entered into under 132429  
section 307.671 of the Revised Code and after deducting the real 132430  
and actual costs of administering the tax, shall be used for 132431  
paying the direct and indirect costs of constructing, improving, 132432  
expanding, equipping, financing, or operating a convention center. 132433  
The resolution shall provide for the extension of the tax at a 132434  
rate not to exceed the rate specified in division (D) of this 132435  
section for a period of time determined by the legislative 132436  
authority of the county, but not to exceed an additional forty 132437  
years. 132438

(3) The legislative authority of a county with a population 132439  
of one million two hundred thousand or more that has levied a tax 132440  
under division (A)(1) of this section may, by resolution adopted 132441  
by a majority of the members of the legislative authority, 132442  
increase the rate of the tax levied by such county under division 132443  
(A)(1) of this section to a rate not to exceed five per cent on 132444  
transactions by which lodging by a hotel is or is to be furnished 132445  
to transient guests. Notwithstanding any contrary provision of 132446  
division (A)(1) of this section, the resolution shall provide that 132447  
all collections resulting from the rate levied in excess of three 132448  
per cent, after deducting the real and actual costs of 132449  
administering the tax, shall be used for paying the direct and 132450  
indirect costs of constructing, improving, expanding, equipping, 132451  
financing, or operating a convention center. 132452

(4) The legislative authority of a county with a population 132453  
of one million two hundred thousand or more that has levied a tax 132454  
under division (A)(1) of this section may, by resolution adopted 132455  
on or before July 1, 2008, by a majority of the members of the 132456  
legislative authority, provide that all or a portion of the 132457  
proceeds of the tax levied under division (A)(1) of this section, 132458  
after deducting the real and actual costs of administering the tax 132459  
and the amounts required to be returned to townships and municipal 132460  
corporations with respect to the first three per cent levied under 132461  
division (A)(1) of this section, shall be used to satisfy any 132462  
pledges made in connection with an agreement entered into under 132463  
section 307.695 of the Revised Code or shall otherwise be used for 132464  
paying the direct and indirect costs of constructing, improving, 132465  
expanding, equipping, financing, or operating a convention center. 132466

(5) Any amount collected from a tax levied or extended under 132467  
division (I) of this section may be contributed to a convention 132468  
facilities authority created before July 1, 2005, but no amount 132469  
collected from a tax levied or extended under division (I) of this 132470

section may be contributed to a convention facilities authority, 132471  
corporation, or other entity created after July 1, 2005, unless 132472  
the mayor of the municipal corporation in which the convention 132473  
center is to be operated by that convention facilities authority, 132474  
corporation, or other entity has consented to the creation of that 132475  
convention facilities authority, corporation, or entity. 132476

(J) All money collected by a county and distributed under 132477  
this section to a convention and visitors' bureau in existence as 132478  
of the effective date of H.B. 59 of the 130th general assembly, 132479  
except for any such money pledged, as of that effective date, to 132480  
the payment of debt service charges on bonds, notes, securities, 132481  
or lease agreements, shall be used solely for tourism sales, 132482  
marketing and promotion, and their associated costs, including, 132483  
but not limited to, operational and administrative costs of the 132484  
bureau, sales and marketing, and maintenance of the physical 132485  
bureau structure. 132486

(K) Of the funds distributed to a convention and visitors' 132487  
bureau under this section, the amount a county may retain for real 132488  
and actual costs associated with administering the tax shall not 132489  
exceed the sum of (1) three per cent of the first five hundred 132490  
thousand dollars distributed to the bureau and (2) one and 132491  
one-half per cent of any amount in excess of five hundred thousand 132492  
dollars distributed to the bureau. 132493

**Sec. 5739.13.** (A) If any vendor collects the tax imposed by 132494  
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 132495  
the Revised Code, and fails to remit the tax to the state as 132496  
prescribed, or on the sale of a motor vehicle, watercraft, or 132497  
outboard motor required to be titled, fails to remit payment to a 132498  
clerk of a court of common pleas as provided in section 1548.06 or 132499  
4505.06 of the Revised Code, the vendor shall be personally liable 132500  
for any tax collected and not remitted. The tax commissioner may 132501

make an assessment against such vendor based upon any information 132502  
in the commissioner's possession. 132503

If any vendor fails to collect the tax or any consumer fails 132504  
to pay the tax imposed by or pursuant to section 5739.02, 132505  
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 132506  
transaction subject to the tax, the vendor or consumer shall be 132507  
personally liable for the amount of the tax applicable to the 132508  
transaction. The commissioner may make an assessment against 132509  
either the vendor or consumer, as the facts may require, based 132510  
upon any information in the commissioner's possession. 132511

An assessment against a vendor when the tax imposed by or 132512  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 132513  
the Revised Code has not been collected or paid, shall not 132514  
discharge the purchaser's or consumer's liability to reimburse the 132515  
vendor for the tax applicable to such transaction. 132516

An assessment issued against either, pursuant to this 132517  
section, shall not be considered an election of remedies, nor a 132518  
bar to an assessment against the other for the tax applicable to 132519  
the same transaction, provided that no assessment shall be issued 132520  
against any person for the tax due on a particular transaction if 132521  
the tax on that transaction actually has been paid by another. 132522

The commissioner may make an assessment against any vendor 132523  
who fails to file a return or remit the proper amount of tax 132524  
required by this chapter, or against any consumer who fails to pay 132525  
the proper amount of tax required by this chapter. When 132526  
information in the possession of the commissioner indicates that 132527  
the amount required to be collected or paid under this chapter is 132528  
greater than the amount remitted by the vendor or paid by the 132529  
consumer, the commissioner may audit a sample of the vendor's 132530  
sales or the consumer's purchases for a representative period, to 132531  
ascertain the per cent of exempt or taxable transactions or the 132532  
effective tax rate and may issue an assessment based on the audit. 132533

The commissioner shall make a good faith effort to reach agreement with the vendor or consumer in selecting a representative sample. 132534  
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The commissioner may make an assessment, based on any information in ~~his~~ the commissioner's possession, against any person who fails to file a return or remit the proper amount of tax required by section 5739.102 of the Revised Code. 132536  
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The commissioner may issue an assessment on any transaction for which any tax imposed under this chapter or Chapter 5741. of the Revised Code was due and unpaid on the date the vendor or consumer was informed by an agent of the tax commissioner of an investigation or audit. If the vendor or consumer remits any payment of the tax for the period covered by the assessment after the vendor or consumer was informed of the investigation or audit, the payment shall be credited against the amount of the assessment. 132540  
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The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. 132549  
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(B) Unless the party assessed files with the commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due from the party assessed and payable to the treasurer of state and remitted to the tax commissioner. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 132554  
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5703.60 of the Revised Code. 132566

(C) After an assessment becomes final, if any portion of the 132567  
assessment remains unpaid, including accrued interest, a certified 132568  
copy of the commissioner's entry making the assessment final may 132569  
be filed in the office of the clerk of the court of common pleas 132570  
in the county in which the place of business of the party assessed 132571  
is located or the county in which the party assessed resides. If 132572  
the party assessed maintains no place of business in this state 132573  
and is not a resident of this state, the certified copy of the 132574  
entry may be filed in the office of the clerk of the court of 132575  
common pleas of Franklin county. 132576

Immediately upon the filing of the entry, the clerk shall 132577  
enter a judgment for the state against the party assessed in the 132578  
amount shown on the entry. The judgment may be filed by the clerk 132579  
in a loose-leaf book entitled "special judgments for state, 132580  
county, and transit authority retail sales tax" or, if 132581  
appropriate, "special judgments for resort area excise tax," and 132582  
shall have the same effect as other judgments. Execution shall 132583  
issue upon the judgment upon the request of the tax commissioner, 132584  
and all laws applicable to sales on execution shall apply to sales 132585  
made under the judgment except as otherwise provided in this 132586  
chapter. 132587

~~The portion of~~ If the assessment is not paid in its entirety 132588  
within sixty days after the date the assessment was issued, the 132589  
portion of the assessment consisting of tax due shall bear 132590  
interest at the rate per annum prescribed by section 5703.47 of 132591  
the Revised Code from the day the tax commissioner issues the 132592  
assessment until the assessment is paid or until it is certified 132593  
to the attorney general for collection under section 131.02 of the 132594  
Revised Code, whichever comes first. If the unpaid portion of the 132595  
assessment is certified to the attorney general for collection, 132596  
the entire unpaid portion of the assessment shall bear interest at 132597

the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the taxes imposed by or pursuant to sections 5739.01 to 5739.31 of the Revised Code.

**Sec. 5741.01.** As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, business trusts, governments, and combinations of individuals of any form.

(B) "Storage" means and includes any keeping or retention in this state for use or other consumption in this state.

(C) "Use" means and includes the exercise of any right or power incidental to the ownership of the thing used. A thing is also "used" in this state if its consumer gives or otherwise distributes it, without charge, to recipients in this state.

(D) "Purchase" means acquired or received for a consideration, whether such acquisition or receipt was effected by a transfer of title, or of possession, or of both, or a license to use or consume; whether such transfer was absolute or conditional, and by whatever means the transfer was effected; and whether the consideration was money, credit, barter, or exchange. Purchase includes production, even though the article produced was used, stored, or consumed by the producer. The transfer of copyrighted motion picture films for exhibition purposes is not a purchase, except such films as are used solely for advertising purposes.

(E) "Seller" means the person from whom a purchase is made, 132628  
and includes every person engaged in this state or elsewhere in 132629  
the business of selling tangible personal property or providing a 132630  
service for storage, use, or other consumption or benefit in this 132631  
state; and when, in the opinion of the tax commissioner, it is 132632  
necessary for the efficient administration of this chapter, to 132633  
regard any ~~salesman~~ salesperson, representative, peddler, or 132634  
canvasser as the agent of a dealer, distributor, supervisor, or 132635  
employer under whom the person operates, or from whom the person 132636  
obtains tangible personal property, sold by the person for 132637  
storage, use, or other consumption in this state, irrespective of 132638  
whether or not the person is making such sales on the person's own 132639  
behalf, or on behalf of such dealer, distributor, supervisor, or 132640  
employer, the commissioner may regard the person as such agent, 132641  
and may regard such dealer, distributor, supervisor, or employer 132642  
as the seller. "Seller" does not include any person to the extent 132643  
the person provides a communications medium, such as, but not 132644  
limited to, newspapers, magazines, radio, television, or cable 132645  
television, by means of which sellers solicit purchases of their 132646  
goods or services. 132647

(F) "Consumer" means any person who has purchased tangible 132648  
personal property or has been provided a service for storage, use, 132649  
or other consumption or benefit in this state. "Consumer" does not 132650  
include a person who receives, without charge, tangible personal 132651  
property or a service. 132652

A person who performs a facility management or similar 132653  
service contract for a contractee is a consumer of all tangible 132654  
personal property and services purchased for use in connection 132655  
with the performance of such contract, regardless of whether title 132656  
to any such property vests in the contractee. The purchase of such 132657  
property and services is not subject to the exception for resale 132658  
under division (E) of section 5739.01 of the Revised Code. 132659



(G)(1) "Price," except as provided in divisions (G)(2) to (6) 132660  
of this section, has the same meaning as in division (H)(1) of 132661  
section 5739.01 of the Revised Code. 132662

(2) In the case of watercraft, outboard motors, or new motor 132663  
vehicles, "price" has the same meaning as in divisions (H)(2) and 132664  
(3) of section 5739.01 of the Revised Code. 132665

(3) In the case of a nonresident business consumer that 132666  
purchases and uses tangible personal property outside this state 132667  
and subsequently temporarily stores, uses, or otherwise consumes 132668  
such tangible personal property in the conduct of business in this 132669  
state, the consumer or the tax commissioner may determine the 132670  
price based on the value of the temporary storage, use, or other 132671  
consumption, in lieu of determining the price pursuant to division 132672  
(G)(1) of this section. A price determination made by the consumer 132673  
is subject to review and redetermination by the commissioner. 132674

(4) In the case of tangible personal property held in this 132675  
state as inventory for sale or lease, and that is temporarily 132676  
stored, used, or otherwise consumed in a taxable manner, the price 132677  
is the value of the temporary use. A price determination made by 132678  
the consumer is subject to review and redetermination by the 132679  
commissioner. 132680

(5) In the case of tangible personal property originally 132681  
purchased and used by the consumer outside this state, and that 132682  
becomes permanently stored, used, or otherwise consumed in this 132683  
state more than six months after its acquisition by the consumer, 132684  
the consumer or the commissioner may determine the price based on 132685  
the current value of such tangible personal property, in lieu of 132686  
determining the price pursuant to division (G)(1) of this section. 132687  
A price determination made by the consumer is subject to review 132688  
and redetermination by the commissioner. 132689

(6) If a consumer produces tangible personal property for 132690

sale and removes that property from inventory for the consumer's 132691  
own use, the price is the produced cost of that tangible personal 132692  
property. 132693

(H) "Nexus with this state" means that the seller engages in 132694  
continuous and widespread solicitation of purchases from residents 132695  
of this state or otherwise purposefully directs its business 132696  
activities at residents of this state. 132697

(I)(1) "Substantial nexus with this state" means that the 132698  
seller has sufficient contact with this state, in accordance with 132699  
Section 8 of Article I of the Constitution of the United States, 132700  
to allow the state to require the seller to collect and remit use 132701  
tax on sales of tangible personal property or services made to 132702  
consumers in this state. "~~Substantial~~ 132703

(2) "Substantial nexus with this state" exists is presumed to 132704  
exist when the seller does any of the following: 132705

~~(1) Maintains a~~ (a) Uses an office, distribution facility, 132706  
warehouse, storage facility, or similar place of business within 132707  
this state, whether operated by ~~employees or agents of the seller,~~ 132708  
~~by a member of an affiliated group, as defined in division~~ 132709  
~~(B)(3)(c) of section 5739.01 of the Revised Code, of which the~~ 132710  
~~seller is a member, or by a franchisee using a trade name of the~~ 132711  
~~seller;~~ or any other person, other than a common carrier acting in 132712  
its capacity as a common carrier. 132713

~~(2)(b) Regularly has~~ uses employees, agents, representatives, 132714  
solicitors, installers, ~~repairmen~~ repairers, ~~salesmen~~ 132715  
salespersons, or other ~~individuals~~ persons in this state (i) for 132716  
the purpose of conducting the business of the seller~~+~~, or that 132717  
(ii) engage in a business with the same or a similar industry 132718  
classification as the seller selling a similar product or line of 132719  
products as the seller, or (iii) use trademarks, service marks, or 132720  
trade names in this state that are the same or substantially 132721

similar to those used by the seller. 132722

~~(3)(c) Uses a any person, other than a common carrier acting in its capacity as a common carrier, in this state for any of the purpose of receiving following purposes:~~ 132723  
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~~(i) Receiving or processing orders of the seller's goods or services;~~ 132726  
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~~(ii) Using that person's employees or facilities in this state to advertise, promote, or facilitate sales by the seller to customers;~~ 132728  
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~~(iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers;~~ 132731  
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~~(iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business.~~ 132733  
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~~(4)(d) Makes regular deliveries of tangible personal property into this state by means other than common carrier~~;~~.~~ 132738  
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~~(5)(e) Has membership in an affiliated group, as described in division (B)(3)(e) of section 5739.01 of the Revised Code, at least one other member of which person that has substantial nexus with this state;~~ 132740  
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~~(6)(f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state;~~ 132744  
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~~(7) Except as provided in section 5703.65 of the Revised Code, is registered with the secretary of state to do business in this state or is registered or licensed by any state agency, board, or commission to transact business in this state or to make sales to persons in this state;~~ 132747  
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~~(8) Has any other contact with this state that would allow this state to require the seller to collect and remit use tax under Section 8 of Article I of the Constitution of the United States (g) Enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers to the seller, whether by a link on a web site, an in-person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months.~~

(3) A seller presumed to have substantial nexus with this state under divisions (I)(2)(a) to (f) of this section may rebut that presumption by demonstrating that activities described in any of those divisions that are conducted by a person in this state on the seller's behalf are not significantly associated with the seller's ability to establish or maintain a market in this state for the seller's sales.

(4) A seller presumed to have substantial nexus with this state under division (I)(2)(g) of this section may rebut that presumption by submitting proof that each resident engaged by the seller as described in that division did not engage in any activity within this state during the preceding twelve months that was significantly associated with the seller's ability to establish or maintain the seller's market in this state during the preceding twelve months. Such proof may consist of sworn written statements from all the residents with whom the seller has an agreement stating that the resident did not engage in any solicitation in this state on behalf of the seller during the preceding twelve months if such statements are provided and obtained in good faith.

(5) A seller that does not have substantial nexus with this

state, and any affiliated person of the seller, before selling or 132784  
leasing tangible personal property or services to a state agency, 132785  
shall register with the tax commissioner in the same manner as a 132786  
seller described in division (A)(1) of section 5741.17 of the 132787  
Revised Code. 132788

(6) As used in division (I) of this section: 132789

(a) "Affiliated person" means any person that is a member of 132790  
the same controlled group of corporations as the seller or any 132791  
other person that, notwithstanding the form of organization, bears 132792  
the same ownership relationship to the seller as a corporation 132793  
that is a member of the same controlled group of corporations. 132794

(b) "Controlled group of corporations" has the same meaning 132795  
as in section 1563(a) of the Internal Revenue Code. 132796

(c) "State agency" has the same meaning as in section 1.60 of 132797  
the Revised Code. 132798

(J) "Fiscal officer" means, with respect to a regional 132799  
transit authority, the secretary-treasurer thereof, and with 132800  
respect to a county which is a transit authority, the fiscal 132801  
officer of the county transit board appointed pursuant to section 132802  
306.03 of the Revised Code or, if the board of county 132803  
commissioners operates the county transit system, the county 132804  
auditor. 132805

(K) "Territory of the transit authority" means all of the 132806  
area included within the territorial boundaries of a transit 132807  
authority as they from time to time exist. Such territorial 132808  
boundaries must at all times include all the area of a single 132809  
county or all the area of the most populous county which is a part 132810  
of such transit authority. County population shall be measured by 132811  
the most recent census taken by the United States census bureau. 132812

(L) "Transit authority" means a regional transit authority 132813  
created pursuant to section 306.31 of the Revised Code or a county 132814

in which a county transit system is created pursuant to section 132815  
306.01 of the Revised Code. For the purposes of this chapter, a 132816  
transit authority must extend to at least the entire area of a 132817  
single county. A transit authority which includes territory in 132818  
more than one county must include all the area of the most 132819  
populous county which is a part of such transit authority. County 132820  
population shall be measured by the most recent census taken by 132821  
the United States census bureau. 132822

(M) "Providing a service" has the same meaning as in ~~division~~ 132823  
~~(X)~~ of section 5739.01 of the Revised Code. 132824

(N) "Other consumption" includes receiving the benefits of a 132825  
service. 132826

(O) "Lease" or "rental" has the same meaning as in ~~division~~ 132827  
~~(UU)~~ of section 5739.01 of the Revised Code. 132828

(P) "Certified service provider" has the same meaning as in 132829  
section 5740.01 of the Revised Code. 132830

(Q) "Remote sale" means a sale for which the seller could not 132831  
be legally required to pay, collect, or remit a tax imposed under 132832  
this chapter or Chapter 5739. of the Revised Code, unless 132833  
otherwise provided by the laws of the United States. 132834

(R) "Remote seller" means a seller that makes remote sales to 132835  
one or more consumers. 132836

(S) "Remote small seller" means a remote seller that has 132837  
gross annual receipts from remote sales in the United States not 132838  
exceeding one million dollars for the preceding calendar year. For 132839  
the purposes of determining whether a person is a small remote 132840  
seller, the sales of all persons related within the meaning of 132841  
subsection (b) or (c) of section 267 or section 707(b)(1) of the 132842  
Internal Revenue Code shall be aggregated, and persons with one or 132843  
more ownership relationships shall be aggregated if those 132844  
relationships were designed with the principal purpose to qualify 132845

as a remote small seller. 132846

**Sec. 5741.03.** (A) One hundred per cent of all money deposited 132847  
into the state treasury under sections 5741.01 to 5741.22 of the 132848  
Revised Code that is not required to be distributed as provided in 132849  
division (B) of this section shall be credited to the general 132850  
revenue fund. 132851

(B) In any case where any county or transit authority has 132852  
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 132853  
5741.023 of the Revised Code, the tax commissioner shall, within 132854  
forty-five days after the end of each month, determine and certify 132855  
to the director of budget and management the amount of the 132856  
proceeds of such tax or taxes from billings and assessments 132857  
received during that month, or shown on tax returns or reports 132858  
filed during that month, to be returned to the county or transit 132859  
authority levying the tax or taxes, which amounts shall be 132860  
determined in the manner provided in section 5739.21 of the 132861  
Revised Code. The director of budget and management shall 132862  
transfer, from the general revenue fund, to the permissive tax 132863  
distribution fund created by division (B)(1) of section 4301.423 132864  
of the Revised Code and to the local sales tax administrative fund 132865  
created by division (C) of section 5739.21 of the Revised Code, 132866  
the amounts certified by the tax commissioner. The tax 132867  
commissioner shall then, on or before the twentieth day of the 132868  
month in which such certification is made, provide for payment of 132869  
such respective amounts to the county treasurer or to the fiscal 132870  
officer of the transit authority levying the tax or taxes. The 132871  
amount transferred to the local sales tax administrative fund is 132872  
for use by the tax commissioner in defraying costs the 132873  
commissioner incurs in administering such taxes levied by a county 132874  
or transit authority. 132875

(C) Within forty-five days after the end of each month, the 132876

tax commissioner shall determine and certify to the director of 132877  
budget and management the amount of tax collected under this 132878  
chapter from remote sellers during the preceding month, reduced by 132879  
any refunds issued to remote sellers from the tax refund fund 132880  
created by section 5703.052 of the Revised Code, and the director 132881  
of budget and management shall transfer the amount so certified 132882  
from the general revenue fund to the income tax reduction fund. 132883  
Amounts transferred to the income tax reduction fund under this 132884  
section shall be included in the determination of the percentage 132885  
under division (B)(2) of section 131.44 of the Revised Code. 132886

Sec. 5741.032. There is hereby created in the state treasury 132887  
the remote seller administration fund for the purpose of paying 132888  
the expenses incurred by the department of taxation in the 132889  
administration of this chapter with respect to remote sellers. 132890  
Annually, before the thirty-first day of July, the treasurer of 132891  
state shall transfer to the remote seller administration fund 132892  
one-half of one per cent of the taxes collected from remote 132893  
sellers under this chapter during the preceding fiscal year. 132894

Sec. 5741.17. (A)(1) Except as otherwise provided in 132895  
divisions (A)(2), (3), and (4) of this section, every seller of 132896  
tangible personal property or services who has substantial nexus 132897  
with this state shall register with the tax commissioner and 132898  
supply any information concerning ~~his~~ the seller's contacts with 132899  
this state that may be required by the commissioner. 132900

(2) A seller who is licensed as a vendor pursuant to section 132901  
5739.17 of the Revised Code shall not be required to register with 132902  
the commissioner pursuant to this section if all sales to 132903  
consumers in this state are made under the authority of ~~his~~ the 132904  
seller's vendor's license. 132905

(3) A Unless the seller has substantial nexus with this state 132906



pursuant to division (I)(2)(g) of section 5741.01 of the Revised Code, a seller is not required to register under this section if the seller has no contact with this state other than an agency relationship with a person engaged in the business of telemarketing in this state and engaged by the seller exclusively for the purpose of solicitation of customers in other states.

(4) A seller is not required to register under this section if the seller has no contact with this state other than the ownership of property that is located at the facility of a printer with which the seller has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the final printed product is produced.

(B) A seller who does not have substantial nexus with this state may voluntarily register with the commissioner. A seller who voluntarily registers with the commissioner under this section is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the commissioner under this chapter.

The commissioner shall maintain an alphabetical index of all sellers registered under this chapter and records of the use tax reported and paid. Upon request, this information shall be made available to the treasurer of state.

(C) A remote small seller is not required to register under this section.

**Sec. 5743.081.** (A) If any wholesale dealer or retail dealer fails to pay the tax levied under section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code as required by sections 5743.01 to 5743.20 of the Revised Code, and by the rules of the tax commissioner, or fails to collect the tax from the purchaser or consumer, the commissioner may make an assessment against the

wholesale or retail dealer based upon any information in the 132938  
commissioner's possession. 132939

The commissioner may make an assessment against any wholesale 132940  
or retail dealer who fails to file a return required by section 132941  
5743.03 or 5743.025 of the Revised Code. 132942

No assessment shall be made against any wholesale or retail 132943  
dealer for any taxes imposed under section 5743.02, 5743.021, 132944  
5743.024, or 5743.026 of the Revised Code more than three years 132945  
after the last day of the calendar month that immediately follows 132946  
the semiannual period prescribed in section 5743.03 of the Revised 132947  
Code in which the sale was made, or more than three years after 132948  
the semiannual return for such period is filed, whichever is 132949  
later. This section does not bar an assessment against any 132950  
wholesale or retail dealer who fails to file a return as required 132951  
by section 5743.025 or 5743.03 of the Revised Code, or who files a 132952  
fraudulent return. 132953

A penalty of up to thirty per cent may be added to the amount 132954  
of every assessment made under this section. The commissioner may 132955  
adopt rules providing for the imposition and remission of 132956  
penalties added to assessments made under this section. 132957

The commissioner shall give the party assessed written notice 132958  
of the assessment in the manner provided in section 5703.37 of the 132959  
Revised Code. The notice shall specify separately any portion of 132960  
the assessment that represents a county tax. With the notice, the 132961  
commissioner shall provide instructions on how to petition for 132962  
reassessment and request a hearing on the petition. 132963

(B) Unless the party assessed files with the tax commissioner 132964  
within sixty days after service of the notice of assessment, 132965  
either personally or by certified mail, a written petition for 132966  
reassessment signed by the party assessed or that party's 132967  
authorized agent having knowledge of the facts, the assessment 132968

becomes final and the amount of the assessment is due and payable 132969  
from the party assessed to the treasurer of state. The petition 132970  
shall indicate the objections of the party assessed, but 132971  
additional objections may be raised in writing if received by the 132972  
commissioner prior to the date shown on the final determination. 132973  
If the petition has been properly filed, the commissioner shall 132974  
proceed under section 5703.60 of the Revised Code. 132975

(C) After an assessment becomes final, if any portion of the 132976  
assessment remains unpaid, including accrued interest, a certified 132977  
copy of the tax commissioner's entry making the assessment final 132978  
may be filed in the office of the clerk of the court of common 132979  
pleas in the county in which the wholesale or retail dealer's 132980  
place of business is located or the county in which the party 132981  
assessed resides. If the party assessed maintains no place of 132982  
business in this state and is not a resident of this state, the 132983  
certified copy of the entry may be filed in the office of the 132984  
clerk of the court of common pleas of Franklin county. 132985

Immediately upon the filing of the commissioner's entry, the 132986  
clerk shall enter a judgment for the state against the party 132987  
assessed in the amount shown on the entry. The judgment may be 132988  
filed by the clerk in a loose-leaf book entitled "special 132989  
judgments for state cigarette sales tax," and shall have the same 132990  
effect as other judgments. Execution shall issue upon the judgment 132991  
upon the request of the tax commissioner, and all laws applicable 132992  
to sales on execution shall apply to sales made under the 132993  
judgment, except as otherwise provided in sections 5743.01 to 132994  
5743.20 of the Revised Code. 132995

~~The portion of~~ If the assessment is not paid in its entirety 132996  
within sixty days after the assessment was issued, the portion of 132997  
the assessment consisting of tax due shall bear interest at the 132998  
rate per annum prescribed by section 5703.47 of the Revised Code 132999  
from the day the commissioner issues the assessment until it is 133000

paid or until it is certified to the attorney general for 133001  
collection under section 131.02 of the Revised Code, whichever 133002  
comes first. If the unpaid portion of the assessment is certified 133003  
to the attorney general for collection, the entire unpaid portion 133004  
of the assessment shall bear interest at the rate per annum 133005  
prescribed by section 5703.47 of the Revised Code from the date of 133006  
certification until the date it is paid in its entirety. Interest 133007  
shall be paid in the same manner as the tax and may be collected 133008  
by the issuance of an assessment under this section. 133009

(D) All money collected by the tax commissioner under this 133010  
section shall be paid to the treasurer of state, and when paid 133011  
shall be considered as revenue arising from the taxes imposed by 133012  
sections 5743.01 to 5743.20 of the Revised Code. 133013

**Sec. 5743.15.** (A) Except as otherwise provided in this 133014  
division, no person shall engage in this state in the wholesale or 133015  
retail business of trafficking in cigarettes or in the business of 133016  
a manufacturer or importer of cigarettes without having a license 133017  
to conduct each such activity issued by a county auditor under 133018  
division (B) of this section or the tax commissioner under 133019  
divisions (C) and (F) of this section. On dissolution of a 133020  
partnership by death, the surviving partner may operate under the 133021  
license of the partnership until expiration of the license, and 133022  
the heirs or legal representatives of deceased persons, and 133023  
receivers and trustees in bankruptcy appointed by any competent 133024  
authority, may operate under the license of the person succeeded 133025  
in possession by such heir, representative, receiver, or trustee 133026  
in bankruptcy if the partner or successor notifies the issuer of 133027  
the license of the dissolution or succession within thirty days 133028  
after the dissolution or succession. 133029

(B)(1) Each applicant for a license to engage in the retail 133030  
business of trafficking in cigarettes under this section, 133031

annually, on or before the fourth Monday of May, shall make and 133032  
deliver to the county auditor of the county in which the applicant 133033  
desires to engage in the retail business of trafficking in 133034  
cigarettes, upon a blank form furnished by such auditor for that 133035  
purpose, a statement showing the name of the applicant, each 133036  
physical place in the county where the applicant's business is 133037  
conducted, the nature of the business, and any other information 133038  
the tax commissioner requires in the form of statement prescribed 133039  
by the commissioner. If the applicant is a firm, partnership, or 133040  
association other than a corporation, the application shall state 133041  
the name and address of each of its members. If the applicant is a 133042  
corporation, the application shall state the name and address of 133043  
each of its officers. At the time of making the application 133044  
required by this section, every person desiring to engage in the 133045  
retail business of trafficking in cigarettes shall pay an 133046  
application fee in the sum of one hundred twenty-five dollars for 133047  
each physical place where the person proposes to carry on such 133048  
business. Each place of business shall be deemed such space, under 133049  
lease or license to, or under the control of, or under the 133050  
supervision of the applicant, as is contained in one or more 133051  
contiguous, adjacent, or adjoining buildings constituting an 133052  
industrial plant or a place of business operated by, or under the 133053  
control of, one person, or under one roof and connected by doors, 133054  
halls, stairways, or elevators, which space may contain any number 133055  
of points at which cigarettes are offered for sale, provided that 133056  
each additional point at which cigarettes are offered for sale 133057  
shall be listed in the application. 133058

(2) Upon receipt of the application and exhibition of the 133059  
county treasurer's receipt showing the payment of the application 133060  
fee, the county auditor shall issue to the applicant a license for 133061  
each place of business designated in the application, authorizing 133062  
the applicant to engage in such business at such place for one 133063  
year commencing on the fourth Monday of May. The form of the 133064

license shall be prescribed by the commissioner. A duplicate 133065  
license may be obtained from the county auditor upon payment of a 133066  
five-dollar fee if the original license is lost, destroyed, or 133067  
defaced. When an application is filed after the fourth Monday of 133068  
May, the application fee required to be paid shall be proportioned 133069  
in amount to the remainder of the license year, except that it 133070  
shall not be less than twenty-five dollars in any one year. 133071

(3) The holder of a retail dealer's cigarette license may 133072  
transfer the license to a place of business within the same county 133073  
other than that designated on the license on condition that the 133074  
licensee's ownership interest and business structure remain 133075  
unchanged, and that the licensee applies to the county auditor 133076  
therefor, upon forms approved by the commissioner and the payment 133077  
of a fee of five dollars into the county treasury. 133078

(C)(1) Each applicant for a license to engage in the 133079  
wholesale business of trafficking in cigarettes under this 133080  
section, annually, on or before the fourth Monday in May, shall 133081  
make and deliver to the tax commissioner, upon a blank form 133082  
furnished by the commissioner for that purpose, a statement 133083  
showing the name of the applicant, physical street address where 133084  
the applicant's business is conducted, the nature of the business, 133085  
and any other information required by the commissioner. If the 133086  
applicant is a firm, partnership, or association other than a 133087  
corporation, the applicant shall state the name and address of 133088  
each of its members. If the applicant is a corporation, the 133089  
applicant shall state the name and address of each of its 133090  
officers. At the time of making the application required by this 133091  
section, every person desiring to engage in the wholesale business 133092  
of trafficking in cigarettes shall pay an application fee of one 133093  
thousand dollars for each physical place where the person proposes 133094  
to carry on such business. Each place of business shall be deemed 133095  
such space, under lease or license to, or under the control of, or 133096

under the supervision of the applicant, as is contained in one or 133097  
more contiguous, adjacent, or adjoining buildings constituting an 133098  
industrial plant or a place of business operated by, or under the 133099  
control of, one person, or under one roof and connected by doors, 133100  
halls, stairways, or elevators. A duplicate license may be 133101  
obtained from the commissioner upon payment of a 133102  
twenty-five-dollar fee if the original license is lost, destroyed, 133103  
or defaced. 133104

(2) Upon receipt of the application and payment of any 133105  
application fee required by this section, the commissioner shall 133106  
verify that the applicant is ~~in good standing under~~ not in 133107  
violation of any provision of Chapter 1346. ~~and or~~ Title LVII of 133108  
the Revised Code. The commissioner shall also verify that the 133109  
applicant has filed any returns, submitted any information, and 133110  
paid any outstanding taxes or fees as required by the 133111  
commissioner, to the extent that the commissioner is aware of the 133112  
returns, information, taxes, or fees at the time of the 133113  
application. Upon approval, the commissioner shall issue to the 133114  
applicant a license for each physical place of business designated 133115  
in the application authorizing the applicant to engage in business 133116  
at that location for one year commencing on the fourth Monday in 133117  
May. For licenses issued after the fourth Monday in May, the 133118  
application fee shall be reduced proportionately by the remainder 133119  
of the twelve-month period for which the license is issued, except 133120  
that the application fee required to be paid under this section 133121  
shall be not less than two hundred dollars in any one year. 133122

(3) The holder of a wholesale dealer cigarette license may 133123  
transfer the license to a place of business other than that 133124  
designated on the license on condition that the licensee's 133125  
ownership or business structure remains unchanged, and that the 133126  
licensee applies to the commissioner for such a transfer upon a 133127  
form promulgated by the commissioner and pays a fee of twenty-five 133128

dollars, which shall be deposited into the cigarette tax enforcement fund created in division (E) of this section. 133129  
133130

(D)(1) The wholesale cigarette license application fees collected under this section shall be paid into the cigarette tax enforcement fund. 133131  
133132  
133133

(2) The retail cigarette license application fees collected under this section shall be distributed as follows: 133134  
133135

(a) Thirty per cent shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the places of business for which the tax revenue was received are located; 133136  
133137  
133138  
133139

(b) Ten per cent shall be credited to the general fund of the county; 133140  
133141

(c) Sixty per cent shall be paid into the cigarette tax enforcement fund. 133142  
133143

(3) The remainder of the revenues and fines collected under this section and the penal laws relating to cigarettes shall be distributed as follows: 133144  
133145  
133146

(a) Three-fourths shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the place of business, on account of which the revenues and fines were received, is located; 133147  
133148  
133149  
133150

(b) One-fourth shall be credited to the general fund of the county. 133151  
133152

(E) There is hereby created within the state treasury the cigarette tax enforcement fund for the purpose of providing funds to assist in paying the costs of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code. 133153  
133154  
133155  
133156

The portion of cigarette license application fees received by a county auditor during the annual application period that ends on 133157  
133158



the fourth Monday in May and that is required to be deposited in 133159  
the cigarette tax enforcement fund shall be sent to the treasurer 133160  
of state by the thirtieth day of June each year accompanied by the 133161  
form prescribed by the tax commissioner. The portion of cigarette 133162  
license application fees received by each county auditor after the 133163  
fourth Monday in May and that is required to be deposited in the 133164  
cigarette tax enforcement fund shall be sent to the treasurer of 133165  
state by the last day of the month following the month in which 133166  
such fees were collected. 133167

(F)(1) Every person who desires to engage in the business of 133168  
a manufacturer or importer of cigarettes shall, annually, on or 133169  
before the fourth Monday of May, make and deliver to the tax 133170  
commissioner, upon a blank form furnished by the commissioner for 133171  
that purpose, a statement showing the name of the applicant, the 133172  
nature of the applicant's business, and any other information 133173  
required by the commissioner. If the applicant is a firm, 133174  
partnership, or association other than a corporation, the 133175  
applicant shall state the name and address of each of its members. 133176  
If the applicant is a corporation, the applicant shall state the 133177  
name and address of each of its officers. 133178

(2) Upon receipt of the application required under this 133179  
section, the commissioner shall verify that the applicant is ~~in~~ 133180  
~~good standing under~~ not in violation of any provision of Chapter 133181  
1346. ~~and or~~ Title LVII of the Revised Code. The commissioner 133182  
shall also verify that the applicant has filed any returns, 133183  
submitted any information, and paid any outstanding taxes or fees 133184  
as required by the commissioner, to the extent that the 133185  
commissioner is aware of the returns, information, taxes, or fees 133186  
at the time of the application. Upon approval, the commissioner 133187  
shall issue to the applicant a license authorizing the applicant 133188  
to engage in the business of manufacturer or importer, whichever 133189  
the case may be, for one year commencing on the fourth Monday of 133190

May. 133191

(3) The issuing of a license under division (F)(1) of this 133192  
section to a manufacturer does not excuse a manufacturer from the 133193  
certification process required under section 1346.05 of the 133194  
Revised Code. A manufacturer who is issued a license under 133195  
division (F)(1) of this section and who is not listed on the 133196  
directory required under section 1346.05 of the Revised Code shall 133197  
not be permitted to sell cigarettes in this state other than to a 133198  
licensed cigarette wholesaler for sale outside this state. Such a 133199  
manufacturer shall provide documentation to the commissioner 133200  
evidencing that the cigarettes are legal for sale in another 133201  
state. 133202

(G) The tax commissioner may adopt rules necessary to 133203  
administer this section. 133204

**Sec. 5743.56.** (A) Any person required to pay the tax imposed 133205  
by section 5743.51, 5743.62, or 5743.63 of the Revised Code is 133206  
personally liable for the tax. The tax commissioner may make an 133207  
assessment, based upon any information in the commissioner's 133208  
possession, against any person who fails to file a return or pay 133209  
any tax, interest, or additional charge as required by this 133210  
chapter. The commissioner shall give the person assessed written 133211  
notice of such assessment in the manner provided in section 133212  
5703.37 of the Revised Code. With the notice, the commissioner 133213  
shall provide instructions on how to petition for reassessment and 133214  
request a hearing on the petition. 133215

(B) When the information in the possession of the tax 133216  
commissioner indicates that a person liable for the tax imposed by 133217  
section 5743.51, 5743.62, or 5743.63 of the Revised Code has not 133218  
paid the full amount of tax due, the commissioner may audit a 133219  
representative sample of the person's business and may issue an 133220  
assessment based on such audit. 133221

(C) A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The tax commissioner may adopt rules providing for the imposition and remission of such penalties.

(D) Unless the person assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the person assessed or that person's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the person assessed to the treasurer of state. A petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(E) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person assessed resides or in which the person assessed conducts business. If the person assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state tobacco products tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the

commissioner, and all laws applicable to sales on execution shall 133254  
apply to sales made under the judgment. 133255

~~The portion of~~ If the assessment is not paid in its entirety 133256  
within sixty days after the day the assessment is issued, the 133257  
portion of the assessment consisting of tax due shall bear 133258  
interest at the rate per annum prescribed by section 5703.47 of 133259  
the Revised Code from the day the commissioner issues the 133260  
assessment until the assessment is paid or until it is certified 133261  
to the attorney general for collection under section 131.02 of the 133262  
Revised Code, whichever comes first. If the unpaid portion of the 133263  
assessment is certified to the attorney general for collection, 133264  
the entire unpaid portion of the assessment shall bear interest at 133265  
the rate per annum prescribed by section 5703.47 of the Revised 133266  
Code from the date of certification until the date it is paid in 133267  
its entirety. Interest shall be paid in the same manner as the tax 133268  
and may be collected by issuing an assessment under this section. 133269

(F) If the tax commissioner believes that collection of the 133270  
tax will be jeopardized unless proceedings to collect or secure 133271  
collection of the tax are instituted without delay, the 133272  
commissioner may issue a jeopardy assessment against the person 133273  
liable for the tax. Immediately upon the issuance of the jeopardy 133274  
assessment, the commissioner shall file an entry with the clerk of 133275  
the court of common pleas in the manner prescribed by division (E) 133276  
of this section. Notice of the jeopardy assessment shall be served 133277  
on the person assessed or the legal representative of the person 133278  
assessed, as provided in section 5703.37 of the Revised Code, 133279  
within five days of the filing of the entry with the clerk. The 133280  
total amount assessed is immediately due and payable, unless the 133281  
person assessed files a petition for reassessment in accordance 133282  
with division (D) of this section and provides security in a form 133283  
satisfactory to the commissioner and in an amount sufficient to 133284  
satisfy the unpaid balance of the assessment. Full or partial 133285

payment of the assessment does not prejudice the commissioner's 133286  
consideration of the petition for reassessment. 133287

(G) All money collected by the tax commissioner under this 133288  
section shall be paid to the treasurer of state as revenue arising 133289  
from the tax imposed by sections 5743.51, 5743.62, and 5743.63 of 133290  
the Revised Code. 133291

**Sec. 5745.12.** (A) If any taxpayer required to file a report 133292  
under this chapter fails to file the report within the time 133293  
prescribed, files an incorrect report, or fails to remit the full 133294  
amount of the tax due for the period covered by the report, the 133295  
tax commissioner may make an assessment against the taxpayer for 133296  
any deficiency for the period for which the report or tax is due, 133297  
based upon any information in the commissioner's possession. 133298

The tax commissioner shall not make or issue an assessment 133299  
against a taxpayer more than three years after the later of the 133300  
final date the report subject to assessment was required to be 133301  
filed or the date the report was filed. Such time limit may be 133302  
extended if both the taxpayer and the commissioner consent in 133303  
writing to the extension. Any such extension shall extend the 133304  
three-year time limit in section 5745.11 of the Revised Code for 133305  
the same period of time. There shall be no bar or limit to an 133306  
assessment against a taxpayer that fails to file a report subject 133307  
to assessment as required by this chapter, or that files a 133308  
fraudulent report. The commissioner shall give the taxpayer 133309  
assessed written notice of the assessment as provided in section 133310  
5703.37 of the Revised Code. With the notice, the commissioner 133311  
shall provide instructions on how to petition for reassessment and 133312  
request a hearing on the petition. 133313

(B) Unless the taxpayer assessed files with the tax 133314  
commissioner within sixty days after service of the notice of 133315  
assessment, either personally or by certified mail, a written 133316

petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

~~The portion of an~~ If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the

assessment is certified to the attorney general for collection, 133349  
the entire unpaid portion of the assessment shall bear interest at 133350  
the rate per annum prescribed by section 5703.47 of the Revised 133351  
Code from the date of certification until the date it is paid in 133352  
its entirety. Interest shall be paid in the same manner as the tax 133353  
and may be collected by issuing an assessment under this section. 133354

(D) All money collected under this section shall be credited 133355  
and distributed to the municipal corporation to which the money is 133356  
owed based on the assessment issued under this section. 133357

(E) If the tax commissioner believes that collection of the 133358  
tax imposed by this chapter will be jeopardized unless proceedings 133359  
to collect or secure collection of the tax are instituted without 133360  
delay, the commissioner may issue a jeopardy assessment against 133361  
the taxpayer liable for the tax. Immediately upon the issuance of 133362  
the jeopardy assessment, the commissioner shall file an entry with 133363  
the clerk of the court of common pleas in the manner prescribed by 133364  
division (C) of this section. Notice of the jeopardy assessment 133365  
shall be served on the taxpayer assessed or the taxpayer's legal 133366  
representative in the manner provided in section 5703.37 of the 133367  
Revised Code within five days of the filing of the entry with the 133368  
clerk. The total amount assessed is immediately due and payable, 133369  
unless the taxpayer assessed files a petition for reassessment in 133370  
accordance with division (B) of this section and provides security 133371  
in a form satisfactory to the commissioner and in an amount 133372  
sufficient to satisfy the unpaid balance of the assessment. Full 133373  
or partial payment of the assessment does not prejudice the 133374  
commissioner's consideration of the petition for reassessment. 133375

(F) Notwithstanding the fact that a petition for reassessment 133376  
is pending, the taxpayer may pay all or a portion of the 133377  
assessment that is the subject of the petition. The acceptance of 133378  
a payment by the treasurer of state does not prejudice any claim 133379  
for refund upon final determination of the petition. 133380

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as provided by section 5745.11 of the Revised Code, with interest on that amount as provided by section 5745.11 of the Revised Code.

**Sec. 5747.01.** Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.



(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. "Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net income included in the adjusted gross income of a beneficiary

shall reduce the undistributed net income of the trust commencing 133444  
with the earliest years of the accumulation period. 133445

(7) Deduct the amount of wages and salaries, if any, not 133446  
otherwise allowable as a deduction but that would have been 133447  
allowable as a deduction in computing federal adjusted gross 133448  
income for the taxable year, had the targeted jobs credit allowed 133449  
and determined under sections 38, 51, and 52 of the Internal 133450  
Revenue Code not been in effect. 133451

(8) Deduct any interest or interest equivalent on public 133452  
obligations and purchase obligations to the extent that the 133453  
interest or interest equivalent is included in federal adjusted 133454  
gross income. 133455

(9) Add any loss or deduct any gain resulting from the sale, 133456  
exchange, or other disposition of public obligations to the extent 133457  
that the loss has been deducted or the gain has been included in 133458  
computing federal adjusted gross income. 133459

(10) Deduct or add amounts, as provided under section 5747.70 133460  
of the Revised Code, related to contributions to variable college 133461  
savings program accounts made or tuition units purchased pursuant 133462  
to Chapter 3334. of the Revised Code. 133463

(11)(a) Deduct, to the extent not otherwise allowable as a 133464  
deduction or exclusion in computing federal or Ohio adjusted gross 133465  
income for the taxable year, the amount the taxpayer paid during 133466  
the taxable year for medical care insurance and qualified 133467  
long-term care insurance for the taxpayer, the taxpayer's spouse, 133468  
and dependents. No deduction for medical care insurance under 133469  
division (A)(11) of this section shall be allowed either to any 133470  
taxpayer who is eligible to participate in any subsidized health 133471  
plan maintained by any employer of the taxpayer or of the 133472  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 133473  
application would be entitled to, benefits under part A of Title 133474

XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 133475  
301, as amended. For the purposes of division (A)(11)(a) of this 133476  
section, "subsidized health plan" means a health plan for which 133477  
the employer pays any portion of the plan's cost. The deduction 133478  
allowed under division (A)(11)(a) of this section shall be the net 133479  
of any related premium refunds, related premium reimbursements, or 133480  
related insurance premium dividends received during the taxable 133481  
year. 133482

(b) Deduct, to the extent not otherwise deducted or excluded 133483  
in computing federal or Ohio adjusted gross income during the 133484  
taxable year, the amount the taxpayer paid during the taxable 133485  
year, not compensated for by any insurance or otherwise, for 133486  
medical care of the taxpayer, the taxpayer's spouse, and 133487  
dependents, to the extent the expenses exceed seven and one-half 133488  
per cent of the taxpayer's federal adjusted gross income. 133489

(c) Deduct, to the extent not otherwise deducted or excluded 133490  
in computing federal or Ohio adjusted gross income, any amount 133491  
included in federal adjusted gross income under section 105 or not 133492  
excluded under section 106 of the Internal Revenue Code solely 133493  
because it relates to an accident and health plan for a person who 133494  
otherwise would be a "qualifying relative" and thus a "dependent" 133495  
under section 152 of the Internal Revenue Code but for the fact 133496  
that the person fails to meet the income and support limitations 133497  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 133498

(d) For purposes of division (A)(11) of this section, 133499  
"medical care" has the meaning given in section 213 of the 133500  
Internal Revenue Code, subject to the special rules, limitations, 133501  
and exclusions set forth therein, and "qualified long-term care" 133502  
has the same meaning given in section 7702B(c) of the Internal 133503  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 133504  
of this section, "dependent" includes a person who otherwise would 133505  
be a "qualifying relative" and thus a "dependent" under section 133506

152 of the Internal Revenue Code but for the fact that the person 133507  
fails to meet the income and support limitations under section 133508  
152(d)(1)(B) and (C) of the Internal Revenue Code. 133509

(12)(a) Deduct any amount included in federal adjusted gross 133510  
income solely because the amount represents a reimbursement or 133511  
refund of expenses that in any year the taxpayer had deducted as 133512  
an itemized deduction pursuant to section 63 of the Internal 133513  
Revenue Code and applicable United States department of the 133514  
treasury regulations. The deduction otherwise allowed under 133515  
division (A)(12)(a) of this section shall be reduced to the extent 133516  
the reimbursement is attributable to an amount the taxpayer 133517  
deducted under this section in any taxable year. 133518

(b) Add any amount not otherwise included in Ohio adjusted 133519  
gross income for any taxable year to the extent that the amount is 133520  
attributable to the recovery during the taxable year of any amount 133521  
deducted or excluded in computing federal or Ohio adjusted gross 133522  
income in any taxable year. 133523

(13) Deduct any portion of the deduction described in section 133524  
1341(a)(2) of the Internal Revenue Code, for repaying previously 133525  
reported income received under a claim of right, that meets both 133526  
of the following requirements: 133527

(a) It is allowable for repayment of an item that was 133528  
included in the taxpayer's adjusted gross income for a prior 133529  
taxable year and did not qualify for a credit under division (A) 133530  
or (B) of section 5747.05 of the Revised Code for that year; 133531

(b) It does not otherwise reduce the taxpayer's adjusted 133532  
gross income for the current or any other taxable year. 133533

(14) Deduct an amount equal to the deposits made to, and net 133534  
investment earnings of, a medical savings account during the 133535  
taxable year, in accordance with section 3924.66 of the Revised 133536  
Code. The deduction allowed by division (A)(14) of this section 133537

does not apply to medical savings account deposits and earnings 133538  
otherwise deducted or excluded for the current or any other 133539  
taxable year from the taxpayer's federal adjusted gross income. 133540

(15)(a) Add an amount equal to the funds withdrawn from a 133541  
medical savings account during the taxable year, and the net 133542  
investment earnings on those funds, when the funds withdrawn were 133543  
used for any purpose other than to reimburse an account holder 133544  
for, or to pay, eligible medical expenses, in accordance with 133545  
section 3924.66 of the Revised Code; 133546

(b) Add the amounts distributed from a medical savings 133547  
account under division (A)(2) of section 3924.68 of the Revised 133548  
Code during the taxable year. 133549

(16) Add any amount claimed as a credit under section 133550  
5747.059 or 5747.65 of the Revised Code to the extent that such 133551  
amount satisfies either of the following: 133552

(a) The amount was deducted or excluded from the computation 133553  
of the taxpayer's federal adjusted gross income as required to be 133554  
reported for the taxpayer's taxable year under the Internal 133555  
Revenue Code; 133556

(b) The amount resulted in a reduction of the taxpayer's 133557  
federal adjusted gross income as required to be reported for any 133558  
of the taxpayer's taxable years under the Internal Revenue Code. 133559

(17) Deduct the amount contributed by the taxpayer to an 133560  
individual development account program established by a county 133561  
department of job and family services pursuant to sections 329.11 133562  
to 329.14 of the Revised Code for the purpose of matching funds 133563  
deposited by program participants. On request of the tax 133564  
commissioner, the taxpayer shall provide any information that, in 133565  
the tax commissioner's opinion, is necessary to establish the 133566  
amount deducted under division (A)(17) of this section. 133567

(18) Beginning in taxable year 2001 but not for any taxable 133568

year beginning after December 31, 2005, if the taxpayer is married 133569  
and files a joint return and the combined federal adjusted gross 133570  
income of the taxpayer and the taxpayer's spouse for the taxable 133571  
year does not exceed one hundred thousand dollars, or if the 133572  
taxpayer is single and has a federal adjusted gross income for the 133573  
taxable year not exceeding fifty thousand dollars, deduct amounts 133574  
paid during the taxable year for qualified tuition and fees paid 133575  
to an eligible institution for the taxpayer, the taxpayer's 133576  
spouse, or any dependent of the taxpayer, who is a resident of 133577  
this state and is enrolled in or attending a program that 133578  
culminates in a degree or diploma at an eligible institution. The 133579  
deduction may be claimed only to the extent that qualified tuition 133580  
and fees are not otherwise deducted or excluded for any taxable 133581  
year from federal or Ohio adjusted gross income. The deduction may 133582  
not be claimed for educational expenses for which the taxpayer 133583  
claims a credit under section 5747.27 of the Revised Code. 133584

(19) Add any reimbursement received during the taxable year 133585  
of any amount the taxpayer deducted under division (A)(18) of this 133586  
section in any previous taxable year to the extent the amount is 133587  
not otherwise included in Ohio adjusted gross income. 133588

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 133589  
(v) of this section, add five-sixths of the amount of depreciation 133590  
expense allowed by subsection (k) of section 168 of the Internal 133591  
Revenue Code, including the taxpayer's proportionate or 133592  
distributive share of the amount of depreciation expense allowed 133593  
by that subsection to a pass-through entity in which the taxpayer 133594  
has a direct or indirect ownership interest. 133595

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 133596  
this section, add five-sixths of the amount of qualifying section 133597  
179 depreciation expense, including the taxpayer's proportionate 133598  
or distributive share of the amount of qualifying section 179 133599  
depreciation expense allowed to any pass-through entity in which 133600

the taxpayer has a direct or indirect ownership interest. 133601

(iii) Subject to division (A)(20)(a)(v) of this section, for 133602  
taxable years beginning in 2012 or thereafter, if the increase in 133603  
income taxes withheld by the taxpayer is equal to or greater than 133604  
ten per cent of income taxes withheld by the taxpayer during the 133605  
taxpayer's immediately preceding taxable year, "two-thirds" shall 133606  
be substituted for "five-sixths" for the purpose of divisions 133607  
(A)(20)(a)(i) and (ii) of this section. 133608

(iv) Subject to division (A)(20)(a)(v) of this section, for 133609  
taxable years beginning in 2012 or thereafter, a taxpayer is not 133610  
required to add an amount under division (A)(20) of this section 133611  
if the increase in income taxes withheld by the taxpayer and by 133612  
any pass-through entity in which the taxpayer has a direct or 133613  
indirect ownership interest is equal to or greater than the sum of 133614  
(I) the amount of qualifying section 179 depreciation expense and 133615  
(II) the amount of depreciation expense allowed to the taxpayer by 133616  
subsection (k) of section 168 of the Internal Revenue Code, and 133617  
including the taxpayer's proportionate or distributive shares of 133618  
such amounts allowed to any such pass-through entities. 133619

(v) If a taxpayer directly or indirectly incurs a net 133620  
operating loss for the taxable year for federal income tax 133621  
purposes, to the extent such loss resulted from depreciation 133622  
expense allowed by subsection (k) of section 168 of the Internal 133623  
Revenue Code and by qualifying section 179 depreciation expense, 133624  
"the entire" shall be substituted for "five-sixths of the" for the 133625  
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 133626

The tax commissioner, under procedures established by the 133627  
commissioner, may waive the add-backs related to a pass-through 133628  
entity if the taxpayer owns, directly or indirectly, less than 133629  
five per cent of the pass-through entity. 133630

(b) Nothing in division (A)(20) of this section shall be 133631

construed to adjust or modify the adjusted basis of any asset. 133632

(c) To the extent the add-back required under division 133633  
(A)(20)(a) of this section is attributable to property generating 133634  
nonbusiness income or loss allocated under section 5747.20 of the 133635  
Revised Code, the add-back shall be situated to the same location 133636  
as the nonbusiness income or loss generated by the property for 133637  
the purpose of determining the credit under division (A) of 133638  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 133639  
be apportioned, subject to one or more of the four alternative 133640  
methods of apportionment enumerated in section 5747.21 of the 133641  
Revised Code. 133642

(d) For the purposes of division (A)(20)(a)(v) of this 133643  
section, net operating loss carryback and carryforward shall not 133644  
include the allowance of any net operating loss deduction 133645  
carryback or carryforward to the taxable year to the extent such 133646  
loss resulted from depreciation allowed by section 168(k) of the 133647  
Internal Revenue Code and by the qualifying section 179 133648  
depreciation expense amount. 133649

(e) For the purposes of divisions (A)(20) and (21) of this 133650  
section: 133651

(i) "Income taxes withheld" means the total amount withheld 133652  
and remitted under sections 5747.06 and 5747.07 of the Revised 133653  
Code by an employer during the employer's taxable year. 133654

(ii) "Increase in income taxes withheld" means the amount by 133655  
which the amount of income taxes withheld by an employer during 133656  
the employer's current taxable year exceeds the amount of income 133657  
taxes withheld by that employer during the employer's immediately 133658  
preceding taxable year. 133659

(iii) "Qualifying section 179 depreciation expense" means the 133660  
difference between (I) the amount of depreciation expense directly 133661  
or indirectly allowed to a taxpayer under section 179 of the 133662



Internal Revised Code, and (II) the amount of depreciation expense 133663  
directly or indirectly allowed to the taxpayer under section 179 133664  
of the Internal Revenue Code as that section existed on December 133665  
31, 2002. 133666

(21)(a) If the taxpayer was required to add an amount under 133667  
division (A)(20)(a) of this section for a taxable year, deduct one 133668  
of the following: 133669

(i) One-fifth of the amount so added for each of the five 133670  
succeeding taxable years if the amount so added was five-sixths of 133671  
qualifying section 179 depreciation expense or depreciation 133672  
expense allowed by subsection (k) of section 168 of the Internal 133673  
Revenue Code; 133674

(ii) One-half of the amount so added for each of the two 133675  
succeeding taxable years if the amount so added was two-thirds of 133676  
such depreciation expense; 133677

(iii) One-sixth of the amount so added for each of the six 133678  
succeeding taxable years if the entire amount of such depreciation 133679  
expense was so added. 133680

(b) If the amount deducted under division (A)(21)(a) of this 133681  
section is attributable to an add-back allocated under division 133682  
(A)(20)(c) of this section, the amount deducted shall be situated 133683  
to the same location. Otherwise, the add-back shall be apportioned 133684  
using the apportionment factors for the taxable year in which the 133685  
deduction is taken, subject to one or more of the four alternative 133686  
methods of apportionment enumerated in section 5747.21 of the 133687  
Revised Code. 133688

(c) No deduction is available under division (A)(21)(a) of 133689  
this section with regard to any depreciation allowed by section 133690  
168(k) of the Internal Revenue Code and by the qualifying section 133691  
179 depreciation expense amount to the extent that such 133692  
depreciation results in or increases a federal net operating loss 133693

carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A)(21)(a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A)(20)(a) of this section has been deducted.

(d) No refund shall be allowed as a result of adjustments made by division (A)(21) of this section.

(22) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as reimbursement for life insurance premiums under section 5919.31 of the Revised Code.

(23) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as a death benefit paid by the adjutant general under section 5919.33 of the Revised Code.

(24) Deduct, to the extent included in federal adjusted gross income and not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, military pay and allowances received by the taxpayer during the taxable year for active duty service in the United States army, air force, navy, marine corps, or coast guard or reserve components thereof or the national guard. The deduction may not be claimed for military pay and allowances received by the taxpayer while the taxpayer is stationed in this state.

(25) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross

income for the taxable year and not otherwise compensated for by 133725  
any other source, the amount of qualified organ donation expenses 133726  
incurred by the taxpayer during the taxable year, not to exceed 133727  
ten thousand dollars. A taxpayer may deduct qualified organ 133728  
donation expenses only once for all taxable years beginning with 133729  
taxable years beginning in 2007. 133730

For the purposes of division (A)(25) of this section: 133731

(a) "Human organ" means all or any portion of a human liver, 133732  
pancreas, kidney, intestine, or lung, and any portion of human 133733  
bone marrow. 133734

(b) "Qualified organ donation expenses" means travel 133735  
expenses, lodging expenses, and wages and salary forgone by a 133736  
taxpayer in connection with the taxpayer's donation, while living, 133737  
of one or more of the taxpayer's human organs to another human 133738  
being. 133739

(26) Deduct, to the extent not otherwise deducted or excluded 133740  
in computing federal or Ohio adjusted gross income for the taxable 133741  
year, amounts received by the taxpayer as retired ~~military~~ 133742  
personnel pay for service in the ~~United States army, navy, air~~ 133743  
~~force, coast guard, or marine corps~~ uniformed services or reserve 133744  
components thereof, or the national guard, or received by the 133745  
surviving spouse or former spouse of such a taxpayer under the 133746  
survivor benefit plan on account of such a taxpayer's death. If 133747  
the taxpayer receives income on account of retirement paid under 133748  
the federal civil service retirement system or federal employees 133749  
retirement system, or under any successor retirement program 133750  
enacted by the congress of the United States that is established 133751  
and maintained for retired employees of the United States 133752  
government, and such retirement income is based, in whole or in 133753  
part, on credit for the taxpayer's ~~military~~ uniformed service, the 133754  
deduction allowed under this division shall include only that 133755  
portion of such retirement income that is attributable to the 133756

taxpayer's ~~military~~ uniformed service, to the extent that portion 133757  
of such retirement income is otherwise included in federal 133758  
adjusted gross income and is not otherwise deducted under this 133759  
section. Any amount deducted under division (A)(26) of this 133760  
section is not included in a taxpayer's adjusted gross income for 133761  
the purposes of section 5747.055 of the Revised Code. No amount 133762  
may be deducted under division (A)(26) of this section on the 133763  
basis of which a credit was claimed under section 5747.055 of the 133764  
Revised Code. 133765

(27) Deduct, to the extent not otherwise deducted or excluded 133766  
in computing federal or Ohio adjusted gross income for the taxable 133767  
year, the amount the taxpayer received during the taxable year 133768  
from the military injury relief fund created in section 5101.98 of 133769  
the Revised Code. 133770

(28) Deduct, to the extent not otherwise deducted or excluded 133771  
in computing federal or Ohio adjusted gross income for the taxable 133772  
year, the amount the taxpayer received as a veterans bonus during 133773  
the taxable year from the Ohio department of veterans services as 133774  
authorized by Section 2r of Article VIII, Ohio Constitution. 133775

(29) Deduct, to the extent not otherwise deducted or excluded 133776  
in computing federal or Ohio adjusted gross income for the taxable 133777  
year, any loss from wagering transactions that is allowed as an 133778  
itemized deduction under section 165 of the Internal Revenue Code 133779  
and that the taxpayer deducted in computing federal taxable 133780  
income. 133781

(30) Deduct, to the extent not otherwise deducted or excluded 133782  
in computing federal or Ohio adjusted gross income for the taxable 133783  
year, any income derived from a transfer agreement or from the 133784  
enterprise transferred under that agreement under section 4313.02 133785  
of the Revised Code. 133786

(31) Deduct, to the extent not otherwise deducted or excluded 133787

in computing federal or Ohio adjusted gross income for the taxable 133788  
year, Ohio college opportunity or federal Pell grant amounts 133789  
received by the taxpayer or the taxpayer's spouse or dependent 133790  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 133791  
1070a, et seq., and used to pay room or board furnished by the 133792  
educational institution for which the grant was awarded at the 133793  
institution's facilities, including meal plans administered by the 133794  
institution. For the purposes of this division, receipt of a grant 133795  
includes the distribution of a grant directly to an educational 133796  
institution and the crediting of the grant to the enrollee's 133797  
account with the institution. 133798

(32) Deduct one-half of the taxpayer's Ohio small business 133799  
investor income, not to exceed one hundred eighty-seven thousand 133800  
five hundred dollars for each spouse if spouses file separate 133801  
returns under section 5747.08 of the Revised Code or three hundred 133802  
seventy-five thousand dollars for all other taxpayers. No 133803  
pass-through entity may claim a deduction under this division. 133804

For the purposes of this division, "Ohio small business 133805  
investor income" means the portion of a taxpayer's adjusted gross 133806  
income that is business income reduced by deductions from business 133807  
income and apportioned or allocated to this state under sections 133808  
5747.21 and 5747.22 of the Revised Code, to the extent not 133809  
otherwise deducted or excluded in computing federal or Ohio 133810  
adjusted gross income for the taxable year. 133811

(B) "Business income" means income, including gain or loss, 133812  
arising from transactions, activities, and sources in the regular 133813  
course of a trade or business and includes income, gain, or loss 133814  
from real property, tangible property, and intangible property if 133815  
the acquisition, rental, management, and disposition of the 133816  
property constitute integral parts of the regular course of a 133817  
trade or business operation. "Business income" includes income, 133818  
including gain or loss, from a partial or complete liquidation of 133819

a business, including, but not limited to, gain or loss from the 133820  
sale or other disposition of goodwill. 133821

(C) "Nonbusiness income" means all income other than business 133822  
income and may include, but is not limited to, compensation, rents 133823  
and royalties from real or tangible personal property, capital 133824  
gains, interest, dividends and distributions, patent or copyright 133825  
royalties, or lottery winnings, prizes, and awards. 133826

(D) "Compensation" means any form of remuneration paid to an 133827  
employee for personal services. 133828

(E) "Fiduciary" means a guardian, trustee, executor, 133829  
administrator, receiver, conservator, or any other person acting 133830  
in any fiduciary capacity for any individual, trust, or estate. 133831

(F) "Fiscal year" means an accounting period of twelve months 133832  
ending on the last day of any month other than December. 133833

(G) "Individual" means any natural person. 133834

(H) "Internal Revenue Code" means the "Internal Revenue Code 133835  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 133836

(I) "Resident" means any of the following, provided that 133837  
division (I)(3) of this section applies only to taxable years of a 133838  
trust beginning in 2002 or thereafter: 133839

(1) An individual who is domiciled in this state, subject to 133840  
section 5747.24 of the Revised Code; 133841

(2) The estate of a decedent who at the time of death was 133842  
domiciled in this state. The domicile tests of section 5747.24 of 133843  
the Revised Code are not controlling for purposes of division 133844  
(I)(2) of this section. 133845

(3) A trust that, in whole or part, resides in this state. If 133846  
only part of a trust resides in this state, the trust is a 133847  
resident only with respect to that part. 133848

For the purposes of division (I)(3) of this section: 133849

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential

current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code. 133881  
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(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows: 133889  
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(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities. 133897  
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(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the 133903  
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fair market value of all the trust's assets immediately after the 133913  
subsequent transfer, net of any related liabilities. 133914

(iii) Whether a transfer to the trust is by or from any of 133915  
the sources enumerated in division (I)(3)(a) of this section shall 133916  
be ascertained without regard to the domicile of the trust's 133917  
beneficiaries. 133918

(e) For the purposes of division (I)(3)(a)(i) of this 133919  
section: 133920

(i) A trust is described in division (I)(3)(e)(i) of this 133921  
section if the trust is a testamentary trust and the testator of 133922  
that testamentary trust was domiciled in this state at the time of 133923  
the testator's death for purposes of the taxes levied under 133924  
Chapter 5731. of the Revised Code. 133925

(ii) A trust is described in division (I)(3)(e)(ii) of this 133926  
section if the transfer is a qualifying transfer described in any 133927  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 133928  
irrevocable inter vivos trust, and at least one of the trust's 133929  
qualifying beneficiaries is domiciled in this state for purposes 133930  
of this chapter during all or some portion of the trust's current 133931  
taxable year. 133932

(f) For the purposes of division (I)(3)(e)(ii) of this 133933  
section, a "qualifying transfer" is a transfer of assets, net of 133934  
any related liabilities, directly or indirectly to a trust, if the 133935  
transfer is described in any of the following: 133936

(i) The transfer is made to a trust, created by the decedent 133937  
before the decedent's death and while the decedent was domiciled 133938  
in this state for the purposes of this chapter, and, prior to the 133939  
death of the decedent, the trust became irrevocable while the 133940  
decedent was domiciled in this state for the purposes of this 133941  
chapter. 133942

(ii) The transfer is made to a trust to which the decedent, 133943

prior to the decedent's death, had directly or indirectly 133944  
transferred assets, net of any related liabilities, while the 133945  
decedent was domiciled in this state for the purposes of this 133946  
chapter, and prior to the death of the decedent the trust became 133947  
irrevocable while the decedent was domiciled in this state for the 133948  
purposes of this chapter. 133949

(iii) The transfer is made on account of a contractual 133950  
relationship existing directly or indirectly between the 133951  
transferor and either the decedent or the estate of the decedent 133952  
at any time prior to the date of the decedent's death, and the 133953  
decedent was domiciled in this state at the time of death for 133954  
purposes of the taxes levied under Chapter 5731. of the Revised 133955  
Code. 133956

(iv) The transfer is made to a trust on account of a 133957  
contractual relationship existing directly or indirectly between 133958  
the transferor and another person who at the time of the 133959  
decedent's death was domiciled in this state for purposes of this 133960  
chapter. 133961

(v) The transfer is made to a trust on account of the will of 133962  
a testator who was domiciled in this state at the time of the 133963  
testator's death for purposes of the taxes levied under Chapter 133964  
5731. of the Revised Code. 133965

(vi) The transfer is made to a trust created by or caused to 133966  
be created by a court, and the trust was directly or indirectly 133967  
created in connection with or as a result of the death of an 133968  
individual who, for purposes of the taxes levied under Chapter 133969  
5731. of the Revised Code, was domiciled in this state at the time 133970  
of the individual's death. 133971

(g) The tax commissioner may adopt rules to ascertain the 133972  
part of a trust residing in this state. 133973

(J) "Nonresident" means an individual or estate that is not a 133974

resident. An individual who is a resident for only part of a 133975  
taxable year is a nonresident for the remainder of that taxable 133976  
year. 133977

(K) "Pass-through entity" has the same meaning as in section 133978  
5733.04 of the Revised Code. 133979

(L) "Return" means the notifications and reports required to 133980  
be filed pursuant to this chapter for the purpose of reporting the 133981  
tax due and includes declarations of estimated tax when so 133982  
required. 133983

(M) "Taxable year" means the calendar year or the taxpayer's 133984  
fiscal year ending during the calendar year, or fractional part 133985  
thereof, upon which the adjusted gross income is calculated 133986  
pursuant to this chapter. 133987

(N) "Taxpayer" means any person subject to the tax imposed by 133988  
section 5747.02 of the Revised Code or any pass-through entity 133989  
that makes the election under division (D) of section 5747.08 of 133990  
the Revised Code. 133991

(O) "Dependents" means dependents as defined in the Internal 133992  
Revenue Code and as claimed in the taxpayer's federal income tax 133993  
return for the taxable year or which the taxpayer would have been 133994  
permitted to claim had the taxpayer filed a federal income tax 133995  
return. 133996

(P) "Principal county of employment" means, in the case of a 133997  
nonresident, the county within the state in which a taxpayer 133998  
performs services for an employer or, if those services are 133999  
performed in more than one county, the county in which the major 134000  
portion of the services are performed. 134001

(Q) As used in sections 5747.50 to 5747.55 of the Revised 134002  
Code: 134003

(1) "Subdivision" means any county, municipal corporation, 134004

park district, or township. 134005

(2) "Essential local government purposes" includes all 134006  
functions that any subdivision is required by general law to 134007  
exercise, including like functions that are exercised under a 134008  
charter adopted pursuant to the Ohio Constitution. 134009

(R) "Overpayment" means any amount already paid that exceeds 134010  
the figure determined to be the correct amount of the tax. 134011

(S) "Taxable income" or "Ohio taxable income" applies only to 134012  
estates and trusts, and means federal taxable income, as defined 134013  
and used in the Internal Revenue Code, adjusted as follows: 134014

(1) Add interest or dividends, net of ordinary, necessary, 134015  
and reasonable expenses not deducted in computing federal taxable 134016  
income, on obligations or securities of any state or of any 134017  
political subdivision or authority of any state, other than this 134018  
state and its subdivisions and authorities, but only to the extent 134019  
that such net amount is not otherwise includible in Ohio taxable 134020  
income and is described in either division (S)(1)(a) or (b) of 134021  
this section: 134022

(a) The net amount is not attributable to the S portion of an 134023  
electing small business trust and has not been distributed to 134024  
beneficiaries for the taxable year; 134025

(b) The net amount is attributable to the S portion of an 134026  
electing small business trust for the taxable year. 134027

(2) Add interest or dividends, net of ordinary, necessary, 134028  
and reasonable expenses not deducted in computing federal taxable 134029  
income, on obligations of any authority, commission, 134030  
instrumentality, territory, or possession of the United States to 134031  
the extent that the interest or dividends are exempt from federal 134032  
income taxes but not from state income taxes, but only to the 134033  
extent that such net amount is not otherwise includible in Ohio 134034  
taxable income and is described in either division (S)(1)(a) or 134035

(b) of this section; 134036

(3) Add the amount of personal exemption allowed to the 134037  
estate pursuant to section 642(b) of the Internal Revenue Code; 134038

(4) Deduct interest or dividends, net of related expenses 134039  
deducted in computing federal taxable income, on obligations of 134040  
the United States and its territories and possessions or of any 134041  
authority, commission, or instrumentality of the United States to 134042  
the extent that the interest or dividends are exempt from state 134043  
taxes under the laws of the United States, but only to the extent 134044  
that such amount is included in federal taxable income and is 134045  
described in either division (S)(1)(a) or (b) of this section; 134046

(5) Deduct the amount of wages and salaries, if any, not 134047  
otherwise allowable as a deduction but that would have been 134048  
allowable as a deduction in computing federal taxable income for 134049  
the taxable year, had the targeted jobs credit allowed under 134050  
sections 38, 51, and 52 of the Internal Revenue Code not been in 134051  
effect, but only to the extent such amount relates either to 134052  
income included in federal taxable income for the taxable year or 134053  
to income of the S portion of an electing small business trust for 134054  
the taxable year; 134055

(6) Deduct any interest or interest equivalent, net of 134056  
related expenses deducted in computing federal taxable income, on 134057  
public obligations and purchase obligations, but only to the 134058  
extent that such net amount relates either to income included in 134059  
federal taxable income for the taxable year or to income of the S 134060  
portion of an electing small business trust for the taxable year; 134061

(7) Add any loss or deduct any gain resulting from sale, 134062  
exchange, or other disposition of public obligations to the extent 134063  
that such loss has been deducted or such gain has been included in 134064  
computing either federal taxable income or income of the S portion 134065  
of an electing small business trust for the taxable year; 134066

(8) Except in the case of the final return of an estate, add 134067  
any amount deducted by the taxpayer on both its Ohio estate tax 134068  
return pursuant to section 5731.14 of the Revised Code, and on its 134069  
federal income tax return in determining federal taxable income; 134070

(9)(a) Deduct any amount included in federal taxable income 134071  
solely because the amount represents a reimbursement or refund of 134072  
expenses that in a previous year the decedent had deducted as an 134073  
itemized deduction pursuant to section 63 of the Internal Revenue 134074  
Code and applicable treasury regulations. The deduction otherwise 134075  
allowed under division (S)(9)(a) of this section shall be reduced 134076  
to the extent the reimbursement is attributable to an amount the 134077  
taxpayer or decedent deducted under this section in any taxable 134078  
year. 134079

(b) Add any amount not otherwise included in Ohio taxable 134080  
income for any taxable year to the extent that the amount is 134081  
attributable to the recovery during the taxable year of any amount 134082  
deducted or excluded in computing federal or Ohio taxable income 134083  
in any taxable year, but only to the extent such amount has not 134084  
been distributed to beneficiaries for the taxable year. 134085

(10) Deduct any portion of the deduction described in section 134086  
1341(a)(2) of the Internal Revenue Code, for repaying previously 134087  
reported income received under a claim of right, that meets both 134088  
of the following requirements: 134089

(a) It is allowable for repayment of an item that was 134090  
included in the taxpayer's taxable income or the decedent's 134091  
adjusted gross income for a prior taxable year and did not qualify 134092  
for a credit under division (A) or (B) of section 5747.05 of the 134093  
Revised Code for that year. 134094

(b) It does not otherwise reduce the taxpayer's taxable 134095  
income or the decedent's adjusted gross income for the current or 134096  
any other taxable year. 134097

(11) Add any amount claimed as a credit under section 134098  
5747.059 or 5747.65 of the Revised Code to the extent that the 134099  
amount satisfies either of the following: 134100

(a) The amount was deducted or excluded from the computation 134101  
of the taxpayer's federal taxable income as required to be 134102  
reported for the taxpayer's taxable year under the Internal 134103  
Revenue Code; 134104

(b) The amount resulted in a reduction in the taxpayer's 134105  
federal taxable income as required to be reported for any of the 134106  
taxpayer's taxable years under the Internal Revenue Code. 134107

(12) Deduct any amount, net of related expenses deducted in 134108  
computing federal taxable income, that a trust is required to 134109  
report as farm income on its federal income tax return, but only 134110  
if the assets of the trust include at least ten acres of land 134111  
satisfying the definition of "land devoted exclusively to 134112  
agricultural use" under section 5713.30 of the Revised Code, 134113  
regardless of whether the land is valued for tax purposes as such 134114  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 134115  
trust is a pass-through entity investor, section 5747.231 of the 134116  
Revised Code applies in ascertaining if the trust is eligible to 134117  
claim the deduction provided by division (S)(12) of this section 134118  
in connection with the pass-through entity's farm income. 134119

Except for farm income attributable to the S portion of an 134120  
electing small business trust, the deduction provided by division 134121  
(S)(12) of this section is allowed only to the extent that the 134122  
trust has not distributed such farm income. Division (S)(12) of 134123  
this section applies only to taxable years of a trust beginning in 134124  
2002 or thereafter. 134125

(13) Add the net amount of income described in section 641(c) 134126  
of the Internal Revenue Code to the extent that amount is not 134127  
included in federal taxable income. 134128

(14) Add or deduct the amount the taxpayer would be required 134129  
to add or deduct under division (A)(20) or (21) of this section if 134130  
the taxpayer's Ohio taxable income were computed in the same 134131  
manner as an individual's Ohio adjusted gross income is computed 134132  
under this section. In the case of a trust, division (S)(14) of 134133  
this section applies only to any of the trust's taxable years 134134  
beginning in 2002 or thereafter. 134135

(T) "School district income" and "school district income tax" 134136  
have the same meanings as in section 5748.01 of the Revised Code. 134137

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 134138  
of this section, "public obligations," "purchase obligations," and 134139  
"interest or interest equivalent" have the same meanings as in 134140  
section 5709.76 of the Revised Code. 134141

(V) "Limited liability company" means any limited liability 134142  
company formed under Chapter 1705. of the Revised Code or under 134143  
the laws of any other state. 134144

(W) "Pass-through entity investor" means any person who, 134145  
during any portion of a taxable year of a pass-through entity, is 134146  
a partner, member, shareholder, or equity investor in that 134147  
pass-through entity. 134148

(X) "Banking day" has the same meaning as in section 1304.01 134149  
of the Revised Code. 134150

(Y) "Month" means a calendar month. 134151

(Z) "Quarter" means the first three months, the second three 134152  
months, the third three months, or the last three months of the 134153  
taxpayer's taxable year. 134154

(AA)(1) "Eligible institution" means a state university or 134155  
state institution of higher education as defined in section 134156  
3345.011 of the Revised Code, or a private, nonprofit college, 134157  
university, or other post-secondary institution located in this 134158



state that possesses a certificate of authorization issued by the 134159  
Ohio board of regents pursuant to Chapter 1713. of the Revised 134160  
Code or a certificate of registration issued by the state board of 134161  
career colleges and schools under Chapter 3332. of the Revised 134162  
Code. 134163

(2) "Qualified tuition and fees" means tuition and fees 134164  
imposed by an eligible institution as a condition of enrollment or 134165  
attendance, not exceeding two thousand five hundred dollars in 134166  
each of the individual's first two years of post-secondary 134167  
education. If the individual is a part-time student, "qualified 134168  
tuition and fees" includes tuition and fees paid for the academic 134169  
equivalent of the first two years of post-secondary education 134170  
during a maximum of five taxable years, not exceeding a total of 134171  
five thousand dollars. "Qualified tuition and fees" does not 134172  
include: 134173

(a) Expenses for any course or activity involving sports, 134174  
games, or hobbies unless the course or activity is part of the 134175  
individual's degree or diploma program; 134176

(b) The cost of books, room and board, student activity fees, 134177  
athletic fees, insurance expenses, or other expenses unrelated to 134178  
the individual's academic course of instruction; 134179

(c) Tuition, fees, or other expenses paid or reimbursed 134180  
through an employer, scholarship, grant in aid, or other 134181  
educational benefit program. 134182

(BB)(1) "Modified business income" means the business income 134183  
included in a trust's Ohio taxable income after such taxable 134184  
income is first reduced by the qualifying trust amount, if any. 134185

(2) "Qualifying trust amount" of a trust means capital gains 134186  
and losses from the sale, exchange, or other disposition of equity 134187  
or ownership interests in, or debt obligations of, a qualifying 134188  
investee to the extent included in the trust's Ohio taxable 134189

income, but only if the following requirements are satisfied: 134190

(a) The book value of the qualifying investee's physical 134191  
assets in this state and everywhere, as of the last day of the 134192  
qualifying investee's fiscal or calendar year ending immediately 134193  
prior to the date on which the trust recognizes the gain or loss, 134194  
is available to the trust. 134195

(b) The requirements of section 5747.011 of the Revised Code 134196  
are satisfied for the trust's taxable year in which the trust 134197  
recognizes the gain or loss. 134198

Any gain or loss that is not a qualifying trust amount is 134199  
modified business income, qualifying investment income, or 134200  
modified nonbusiness income, as the case may be. 134201

(3) "Modified nonbusiness income" means a trust's Ohio 134202  
taxable income other than modified business income, other than the 134203  
qualifying trust amount, and other than qualifying investment 134204  
income, as defined in section 5747.012 of the Revised Code, to the 134205  
extent such qualifying investment income is not otherwise part of 134206  
modified business income. 134207

(4) "Modified Ohio taxable income" applies only to trusts, 134208  
and means the sum of the amounts described in divisions (BB)(4)(a) 134209  
to (c) of this section: 134210

(a) The fraction, calculated under section 5747.013, and 134211  
applying section 5747.231 of the Revised Code, multiplied by the 134212  
sum of the following amounts: 134213

(i) The trust's modified business income; 134214

(ii) The trust's qualifying investment income, as defined in 134215  
section 5747.012 of the Revised Code, but only to the extent the 134216  
qualifying investment income does not otherwise constitute 134217  
modified business income and does not otherwise constitute a 134218  
qualifying trust amount. 134219

(b) The qualifying trust amount multiplied by a fraction, the numerator of which is the sum of the book value of the qualifying investee's physical assets in this state on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount, and the denominator of which is the sum of the book value of the qualifying investee's total physical assets everywhere on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (BB)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (BB)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212

of the Revised Code without regard to division (A) of that section. 134252  
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If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section. 134254  
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(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply: 134260  
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(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day. 134267  
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(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the 134273  
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pass-through entity's physical assets which the pass-through 134284  
entity directly or indirectly owns on the last day of the 134285  
pass-through entity's calendar or fiscal year ending within or 134286  
with the last day of the qualifying investee's fiscal or calendar 134287  
year ending immediately prior to the date on which the trust 134288  
recognizes the qualifying trust amount. 134289

(iii) For the purposes of division (BB)(5)(a)(iii) of this 134290  
section, "upper level pass-through entity" means a pass-through 134291  
entity directly or indirectly owning any equity of another 134292  
pass-through entity, and "lower level pass-through entity" means 134293  
that other pass-through entity. 134294

An upper level pass-through entity, whether or not it is also 134295  
a qualifying investee, is deemed to own, on the last day of the 134296  
upper level pass-through entity's calendar or fiscal year, the 134297  
proportionate share of the lower level pass-through entity's 134298  
physical assets that the lower level pass-through entity directly 134299  
or indirectly owns on the last day of the lower level pass-through 134300  
entity's calendar or fiscal year ending within or with the last 134301  
day of the upper level pass-through entity's fiscal or calendar 134302  
year. If the upper level pass-through entity directly and 134303  
indirectly owns less than fifty per cent of the equity of the 134304  
lower level pass-through entity on each day of the upper level 134305  
pass-through entity's calendar or fiscal year in which or with 134306  
which ends the calendar or fiscal year of the lower level 134307  
pass-through entity and if, based upon clear and convincing 134308  
evidence, complete information about the location and cost of the 134309  
physical assets of the lower pass-through entity is not available 134310  
to the upper level pass-through entity, then solely for purposes 134311  
of ascertaining if a gain or loss constitutes a qualifying trust 134312  
amount, the upper level pass-through entity shall be deemed as 134313  
owning no equity of the lower level pass-through entity for each 134314  
day during the upper level pass-through entity's calendar or 134315

fiscal year in which or with which ends the lower level 134316  
pass-through entity's calendar or fiscal year. Nothing in division 134317  
(BB)(5)(a)(iii) of this section shall be construed to provide for 134318  
any deduction or exclusion in computing any trust's Ohio taxable 134319  
income. 134320

(b) With respect to a trust that is not a resident for the 134321  
taxable year and with respect to a part of a trust that is not a 134322  
resident for the taxable year, "qualifying investee" for that 134323  
taxable year does not include a C corporation if both of the 134324  
following apply: 134325

(i) During the taxable year the trust or part of the trust 134326  
recognizes a gain or loss from the sale, exchange, or other 134327  
disposition of equity or ownership interests in, or debt 134328  
obligations of, the C corporation. 134329

(ii) Such gain or loss constitutes nonbusiness income. 134330

(6) "Available" means information is such that a person is 134331  
able to learn of the information by the due date plus extensions, 134332  
if any, for filing the return for the taxable year in which the 134333  
trust recognizes the gain or loss. 134334

(CC) "Qualifying controlled group" has the same meaning as in 134335  
section 5733.04 of the Revised Code. 134336

(DD) "Related member" has the same meaning as in section 134337  
5733.042 of the Revised Code. 134338

(EE)(1) For the purposes of division (EE) of this section: 134339

(a) "Qualifying person" means any person other than a 134340  
qualifying corporation. 134341

(b) "Qualifying corporation" means any person classified for 134342  
federal income tax purposes as an association taxable as a 134343  
corporation, except either of the following: 134344

(i) A corporation that has made an election under subchapter 134345

S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 134376<br>134377                                                                                                                                                                                     |
| (b) The trust became irrevocable upon the creation of the trust; and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 134378<br>134379                                                                                                                                                                                     |
| (c) The grantor was domiciled in this state at the time the trust was created.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 134380<br>134381                                                                                                                                                                                     |
| <u>(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 134382<br>134383                                                                                                                                                                                     |
| <b>Sec. 5747.02.</b> (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured in the case of individuals by Ohio adjusted gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income. The tax imposed by this section on the balance thus obtained is hereby levied as follows: | 134384<br>134385<br>134386<br>134387<br>134388<br>134389<br>134390<br>134391<br>134392<br>134393<br>134394<br>134395<br>134396<br>134397<br>134398<br>134399<br>134400<br>134401<br>134402<br>134403 |
| (1) For taxable years beginning in 2004:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 134404                                                                                                                                                                                               |
| OHIO ADJUSTED GROSS INCOME LESS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 134405                                                                                                                                                                                               |



|                                                 |                                                            |        |
|-------------------------------------------------|------------------------------------------------------------|--------|
| EXEMPTIONS (INDIVIDUALS)                        |                                                            |        |
| OR                                              |                                                            | 134406 |
| MODIFIED OHIO                                   |                                                            | 134407 |
| TAXABLE INCOME (TRUSTS)                         |                                                            | 134408 |
| OR                                              |                                                            | 134409 |
| OHIO TAXABLE INCOME (ESTATES)                   | TAX                                                        | 134410 |
| \$5,000 or less                                 | .743%                                                      | 134411 |
| More than \$5,000 but not more than \$10,000    | \$37.15 plus 1.486% of the amount in excess of \$5,000     | 134412 |
| More than \$10,000 but not more than \$15,000   | \$111.45 plus 2.972% of the amount in excess of \$10,000   | 134413 |
| More than \$15,000 but not more than \$20,000   | \$260.05 plus 3.715% of the amount in excess of \$15,000   | 134414 |
| More than \$20,000 but not more than \$40,000   | \$445.80 plus 4.457% of the amount in excess of \$20,000   | 134415 |
| More than \$40,000 but not more than \$80,000   | \$1,337.20 plus 5.201% of the amount in excess of \$40,000 | 134416 |
| More than \$80,000 but not more than \$100,000  | \$3,417.60 plus 5.943% of the amount in excess of \$80,000 | 134417 |
| More than \$100,000 but not more than \$200,000 | \$4,606.20 plus 6.9% of the amount in excess of \$100,000  | 134418 |
| More than \$200,000                             | \$11,506.20 plus 7.5% of the amount in excess of \$200,000 | 134419 |
| (2) For taxable years beginning in 2005:        |                                                            | 134420 |
| OHIO ADJUSTED GROSS INCOME LESS                 |                                                            | 134421 |
| EXEMPTIONS (INDIVIDUALS)                        |                                                            |        |
| OR                                              |                                                            | 134422 |
| MODIFIED OHIO                                   |                                                            | 134423 |
| TAXABLE INCOME (TRUSTS)                         |                                                            | 134424 |
| OR                                              |                                                            | 134425 |
| OHIO TAXABLE INCOME (ESTATES)                   | TAX                                                        | 134426 |
| \$5,000 or less                                 | .712%                                                      | 134427 |
| More than \$5,000 but not more                  | \$35.60 plus 1.424% of the amount                          | 134428 |

|                                                          |                                                              |        |
|----------------------------------------------------------|--------------------------------------------------------------|--------|
| than \$10,000                                            | in excess of \$5,000                                         |        |
| More than \$10,000 but not more than \$15,000            | \$106.80 plus 2.847% of the amount in excess of \$10,000     | 134429 |
| More than \$15,000 but not more than \$20,000            | \$249.15 plus 3.559% of the amount in excess of \$15,000     | 134430 |
| More than \$20,000 but not more than \$40,000            | \$427.10 plus 4.27% of the amount in excess of \$20,000      | 134431 |
| More than \$40,000 but not more than \$80,000            | \$1,281.10 plus 4.983% of the amount in excess of \$40,000   | 134432 |
| More than \$80,000 but not more than \$100,000           | \$3,274.30 plus 5.693% of the amount in excess of \$80,000   | 134433 |
| More than \$100,000 but not more than \$200,000          | \$4,412.90 plus 6.61% of the amount in excess of \$100,000   | 134434 |
| More than \$200,000                                      | \$11,022.90 plus 7.185% of the amount in excess of \$200,000 | 134435 |
| (3) For taxable years beginning in 2006:                 |                                                              | 134436 |
| OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS) |                                                              | 134437 |
| OR                                                       |                                                              | 134438 |
| MODIFIED OHIO TAXABLE INCOME (TRUSTS)                    |                                                              | 134439 |
| OR                                                       |                                                              | 134440 |
| OHIO TAXABLE INCOME (ESTATES)                            | TAX                                                          | 134441 |
| \$5,000 or less                                          | .681%                                                        | 134442 |
| More than \$5,000 but not more than \$10,000             | \$34.05 plus 1.361% of the amount in excess of \$5,000       | 134443 |
| More than \$10,000 but not more than \$15,000            | \$102.10 plus 2.722% of the amount in excess of \$10,000     | 134444 |
| More than \$15,000 but not more than \$20,000            | \$238.20 plus 3.403% of the amount in excess of \$15,000     | 134445 |
| More than \$20,000 but not more than \$40,000            | \$408.35 plus 4.083% of the amount in excess of \$20,000     | 134446 |
| More than \$40,000 but not more                          | \$1,224.95 plus 4.764% of the                                | 134447 |
|                                                          |                                                              | 134448 |

|                                                          |                                                              |        |
|----------------------------------------------------------|--------------------------------------------------------------|--------|
| than \$80,000                                            | amount in excess of \$40,000                                 |        |
| More than \$80,000 but not more than \$100,000           | \$3,130.55 plus 5.444% of the amount in excess of \$80,000   | 134449 |
| More than \$100,000 but not more than \$200,000          | \$4,219.35 plus 6.32% of the amount in excess of \$100,000   | 134450 |
| More than \$200,000                                      | \$10,539.35 plus 6.87% of the amount in excess of \$200,000  | 134451 |
| (4) For taxable years beginning in 2007:                 |                                                              | 134452 |
| OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS) |                                                              | 134453 |
| OR                                                       |                                                              | 134454 |
| MODIFIED OHIO TAXABLE INCOME (TRUSTS)                    |                                                              | 134455 |
| OR                                                       |                                                              | 134456 |
| OHIO TAXABLE INCOME (ESTATES) TAX                        |                                                              | 134457 |
| \$5,000 or less                                          | .649%                                                        | 134458 |
| More than \$5,000 but not more than \$10,000             | \$32.45 plus 1.299% of the amount in excess of \$5,000       | 134459 |
| More than \$10,000 but not more than \$15,000            | \$97.40 plus 2.598% of the amount in excess of \$10,000      | 134460 |
| More than \$15,000 but not more than \$20,000            | \$227.30 plus 3.247% of the amount in excess of \$15,000     | 134461 |
| More than \$20,000 but not more than \$40,000            | \$389.65 plus 3.895% of the amount in excess of \$20,000     | 134462 |
| More than \$40,000 but not more than \$80,000            | \$1,168.65 plus 4.546% of the amount in excess of \$40,000   | 134463 |
| More than \$80,000 but not more than \$100,000           | \$2,987.05 plus 5.194% of the amount in excess of \$80,000   | 134464 |
| More than \$100,000 but not more than \$200,000          | \$4,025.85 plus 6.031% of the amount in excess of \$100,000  | 134465 |
| More than \$200,000                                      | \$10,056.85 plus 6.555% of the amount in excess of \$200,000 | 134466 |
| (5) For taxable years beginning in 2008, 2009, or 2010:  |                                                              | 134467 |

|                                                        |                                                             |        |
|--------------------------------------------------------|-------------------------------------------------------------|--------|
| OHIO ADJUSTED GROSS INCOME LESS                        |                                                             | 134469 |
| EXEMPTIONS (INDIVIDUALS)                               |                                                             |        |
| OR                                                     |                                                             | 134470 |
| MODIFIED OHIO                                          |                                                             | 134471 |
| TAXABLE INCOME (TRUSTS)                                |                                                             | 134472 |
| OR                                                     |                                                             | 134473 |
| OHIO TAXABLE INCOME (ESTATES)                          | TAX                                                         | 134474 |
| \$5,000 or less                                        | .618%                                                       | 134475 |
| More than \$5,000 but not more than \$10,000           | \$30.90 plus 1.236% of the amount in excess of \$5,000      | 134476 |
| More than \$10,000 but not more than \$15,000          | \$92.70 plus 2.473% of the amount in excess of \$10,000     | 134477 |
| More than \$15,000 but not more than \$20,000          | \$216.35 plus 3.091% of the amount in excess of \$15,000    | 134478 |
| More than \$20,000 but not more than \$40,000          | \$370.90 plus 3.708% of the amount in excess of \$20,000    | 134479 |
| More than \$40,000 but not more than \$80,000          | \$1,112.50 plus 4.327% of the amount in excess of \$40,000  | 134480 |
| More than \$80,000 but not more than \$100,000         | \$2,843.30 plus 4.945% of the amount in excess of \$80,000  | 134481 |
| More than \$100,000 but not more than \$200,000        | \$3,832.30 plus 5.741% of the amount in excess of \$100,000 | 134482 |
| More than \$200,000                                    | \$9,573.30 plus 6.24% of the amount in excess of \$200,000  | 134483 |
| (6) For taxable years beginning in 2011 or thereafter: |                                                             | 134484 |
| OHIO ADJUSTED GROSS INCOME LESS                        |                                                             | 134485 |
| EXEMPTIONS (INDIVIDUALS)                               |                                                             |        |
| OR                                                     |                                                             | 134486 |
| MODIFIED OHIO                                          |                                                             | 134487 |
| TAXABLE INCOME (TRUSTS)                                |                                                             | 134488 |
| OR                                                     |                                                             | 134489 |
| OHIO TAXABLE INCOME (ESTATES)                          | TAX                                                         | 134490 |
| \$5,000 or less                                        | .587%                                                       | 134491 |

|                                                 |                                                             |        |
|-------------------------------------------------|-------------------------------------------------------------|--------|
| More than \$5,000 but not more than \$10,000    | \$29.35 plus 1.174% of the amount in excess of \$5,000      | 134492 |
| More than \$10,000 but not more than \$15,000   | \$88.05 plus 2.348% of the amount in excess of \$10,000     | 134493 |
| More than \$15,000 but not more than \$20,000   | \$205.45 plus 2.935% of the amount in excess of \$15,000    | 134494 |
| More than \$20,000 but not more than \$40,000   | \$352.20 plus 3.521% of the amount in excess of \$20,000    | 134495 |
| More than \$40,000 but not more than \$80,000   | \$1,056.40 plus 4.109% of the amount in excess of \$40,000  | 134496 |
| More than \$80,000 but not more than \$100,000  | \$2,700.00 plus 4.695% of the amount in excess of \$80,000  | 134497 |
| More than \$100,000 but not more than \$200,000 | \$3,639.00 plus 5.451% of the amount in excess of \$100,000 | 134498 |
| More than \$200,000                             | \$9,090.00 plus 5.925% of the amount in excess of \$200,000 | 134499 |

In ~~July~~ August of each year, ~~beginning in 2010~~, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made. The tax commissioner shall not make such adjustments in any year in which the amount resulting from the adjustment would be less than the

amount resulting from the adjustment in the preceding year. 134517

(B) If the director of budget and management makes a 134518  
certification to the tax commissioner under division (B) of 134519  
section 131.44 of the Revised Code, the amount of tax as 134520  
determined under division (A) of this section shall be reduced by 134521  
the percentage prescribed in that certification for taxable years 134522  
beginning in the calendar year in which that certification is 134523  
made. 134524

(C) The levy of this tax on income does not prevent a 134525  
municipal corporation, a joint economic development zone created 134526  
under section 715.691, or a joint economic development district 134527  
created under section 715.70 or 715.71 or sections 715.72 to 134528  
715.81 of the Revised Code from levying a tax on income. 134529

(D) This division applies only to taxable years of a trust 134530  
beginning in 2002 or thereafter. 134531

(1) The tax imposed by this section on a trust shall be 134532  
computed by multiplying the Ohio modified taxable income of the 134533  
trust by the rates prescribed by division (A) of this section. 134534

(2) A resident trust may claim a credit against the tax 134535  
computed under division (D) of this section equal to the lesser of 134536  
(1) the tax paid to another state or the District of Columbia on 134537  
the resident trust's modified nonbusiness income, other than the 134538  
portion of the resident trust's nonbusiness income that is 134539  
qualifying investment income as defined in section 5747.012 of the 134540  
Revised Code, or (2) the effective tax rate, based on modified 134541  
Ohio taxable income, multiplied by the resident trust's modified 134542  
nonbusiness income other than the portion of the resident trust's 134543  
nonbusiness income that is qualifying investment income. The 134544  
credit applies before any other applicable credits. 134545

(3) The credits enumerated in divisions (A)(1) to (13) of 134546  
section 5747.98 of the Revised Code do not apply to a trust 134547

subject to division (D) of this section. Any credits enumerated in 134548  
other divisions of section 5747.98 of the Revised Code apply to a 134549  
trust subject to division (D) of this section. To the extent that 134550  
the trust distributes income for the taxable year for which a 134551  
credit is available to the trust, the credit shall be shared by 134552  
the trust and its beneficiaries. The tax commissioner and the 134553  
trust shall be guided by applicable regulations of the United 134554  
States treasury regarding the sharing of credits. 134555

(E) For the purposes of this section, "trust" means any trust 134556  
described in Subchapter J of Chapter 1 of the Internal Revenue 134557  
Code, excluding trusts that are not irrevocable as defined in 134558  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 134559  
have no modified Ohio taxable income for the taxable year, 134560  
charitable remainder trusts, qualified funeral trusts and preneed 134561  
funeral contract trusts established pursuant to sections 4717.31 134562  
to 4717.38 of the Revised Code that are not qualified funeral 134563  
trusts, endowment and perpetual care trusts, qualified settlement 134564  
trusts and funds, designated settlement trusts and funds, and 134565  
trusts exempted from taxation under section 501(a) of the Internal 134566  
Revenue Code. 134567

**Sec. 5747.022.** An individual subject to the tax imposed by 134568  
section 5747.02 of the Revised Code may claim a credit equal to 134569  
twenty dollars times the number of exemptions allowed for the 134570  
taxpayer, ~~his~~ the taxpayer's spouse, and each dependent under 134571  
section 5747.02 of the Revised Code. The credit shall be claimed 134572  
in the order required under section 5747.98 of the Revised Code. 134573  
The credit shall not be considered in determining the taxes 134574  
required to be withheld under section 5747.06 of the Revised Code 134575  
or the estimated taxes required to be paid under section 5747.09 134576  
of the Revised Code. In the case of an individual with respect to 134577  
whom an exemption under section 5747.02 of the Revised Code is 134578  
allowable to another taxpayer for a taxable year beginning in the 134579

calendar year in which the individual's taxable year begins, the 134580  
"number of exemptions allowed" for purposes of calculating the 134581  
credit allowed under this section to such individual for the 134582  
individual's taxable year shall not include an exemption for the 134583  
individual. 134584

**Sec. 5747.025.** (A) The Except as otherwise provided in this 134585  
division, the personal exemption for the taxpayer and the 134586  
taxpayer's spouse shall be seven hundred fifty dollars each for 134587  
the taxable year beginning in 1996, eight hundred fifty dollars 134588  
each for the taxable year beginning in 1997, nine hundred fifty 134589  
dollars each for the taxable year beginning in 1998, and one 134590  
thousand fifty dollars each for the taxable year beginning in 1999 134591  
and taxable years beginning after 1999. The personal exemption 134592  
amount prescribed in this division for taxable years beginning 134593  
after 1999 shall be adjusted each year in the manner prescribed in 134594  
division (C) of this section. In the case of an individual with 134595  
respect to whom an exemption under section 5747.02 of the Revised 134596  
Code is allowable to another taxpayer for a taxable year beginning 134597  
in the calendar year in which the individual's taxable year 134598  
begins, the exemption amount applicable to such individual for 134599  
such individual's taxable year shall be zero. 134600

(B) The personal exemption for each dependent shall be eight 134601  
hundred fifty dollars for the taxable year beginning in 1996, and 134602  
one thousand fifty dollars for the taxable year beginning in 1997 134603  
and taxable years beginning after 1997. The personal exemption 134604  
amount prescribed in this division for taxable years beginning 134605  
after 1999 shall be adjusted each year in the manner prescribed in 134606  
division (C) of this section. 134607

(C) In ~~September~~ August of each year, ~~beginning in 2000~~, the 134608  
tax commissioner shall determine the percentage increase in the 134609  
gross domestic product deflator determined by the bureau of 134610



economic analysis of the United States department of commerce from 134611  
the first day of January of the preceding calendar year to the 134612  
last day of December of the preceding year, and adjust the 134613  
personal exemption amount for taxable years beginning in the 134614  
current calendar year by multiplying that amount by the percentage 134615  
increase in the gross domestic product deflator for that period; 134616  
adding the resulting product to the personal exemption amount for 134617  
taxable years beginning in the preceding calendar year; and 134618  
rounding the resulting sum upward to the nearest multiple of fifty 134619  
dollars. The commissioner shall not make such an adjustment in any 134620  
calendar year in which the amount resulting from the adjustment 134621  
would be less than the amount resulting from the adjustment in the 134622  
preceding calendar year. 134623

**Sec. 5747.08.** An annual return with respect to the tax 134624  
imposed by section 5747.02 of the Revised Code and each tax 134625  
imposed under Chapter 5748. of the Revised Code shall be made by 134626  
every taxpayer for any taxable year for which the taxpayer is 134627  
liable for the tax imposed by that section or under that chapter, 134628  
unless the total credits allowed under divisions (E), (F), and (G) 134629  
of section 5747.05 of the Revised Code for the year are equal to 134630  
or exceed the tax imposed by section 5747.02 of the Revised Code, 134631  
in which case no return shall be required unless the taxpayer is 134632  
liable for a tax imposed pursuant to Chapter 5748. of the Revised 134633  
Code. 134634

(A) If an individual is deceased, any return or notice 134635  
required of that individual under this chapter shall be made and 134636  
filed by that decedent's executor, administrator, or other person 134637  
charged with the property of that decedent. 134638

(B) If an individual is unable to make a return or notice 134639  
required by this chapter, the return or notice required of that 134640  
individual shall be made and filed by the individual's duly 134641

authorized agent, guardian, conservator, fiduciary, or other 134642  
person charged with the care of the person or property of that 134643  
individual. 134644

(C) Returns or notices required of an estate or a trust shall 134645  
be made and filed by the fiduciary of the estate or trust. 134646

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 134647  
of this section, any pass-through entity may file a single return 134648  
on behalf of one or more of the entity's investors other than an 134649  
investor that is a person subject to the tax imposed under section 134650  
5733.06 of the Revised Code. The single return shall set forth the 134651  
name, address, and social security number or other identifying 134652  
number of each of those pass-through entity investors and shall 134653  
indicate the distributive share of each of those pass-through 134654  
entity investor's income taxable in this state in accordance with 134655  
sections 5747.20 to 5747.231 of the Revised Code. Such 134656  
pass-through entity investors for whom the pass-through entity 134657  
elects to file a single return are not entitled to the exemption 134658  
or credit provided for by sections 5747.02 and 5747.022 of the 134659  
Revised Code; shall calculate the tax before business credits at 134660  
the highest rate of tax set forth in section 5747.02 of the 134661  
Revised Code for the taxable year for which the return is filed; 134662  
and are entitled to only their distributive share of the business 134663  
credits as defined in division (D)(2) of this section. A single 134664  
check drawn by the pass-through entity shall accompany the return 134665  
in full payment of the tax due, as shown on the single return, for 134666  
such investors, other than investors who are persons subject to 134667  
the tax imposed under section 5733.06 of the Revised Code. 134668

(b)(i) A pass-through entity shall not include in such a 134669  
single return any investor that is a trust to the extent that any 134670  
direct or indirect current, future, or contingent beneficiary of 134671  
the trust is a person subject to the tax imposed under section 134672  
5733.06 of the Revised Code. 134673

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (J) of this section, and making the payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (J) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

(a) The retirement credit under division (B) of section 5747.055 of the Revised Code;

(b) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (c) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                    | 134705<br>134706                                                             |
| (d) The dependent care credit under section 5747.054 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                          | 134707<br>134708                                                             |
| (e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                              | 134709<br>134710                                                             |
| (f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                              | 134711<br>134712                                                             |
| (g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                              | 134713<br>134714                                                             |
| (h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                           | 134715<br>134716                                                             |
| (i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                        | 134717<br>134718                                                             |
| (j) The joint filing credit under division (G) of section 5747.05 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                             | 134719<br>134720                                                             |
| (k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                              | 134721<br>134722                                                             |
| (l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                     | 134723<br>134724                                                             |
| (m) The low-income credit under section 5747.056 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                              | 134725<br>134726                                                             |
| (3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return. | 134727<br>134728<br>134729<br>134730<br>134731<br>134732<br>134733<br>134734 |

(4) If a pass-through entity makes the election provided for 134735  
under division (D) of this section, the pass-through entity shall 134736  
be liable for any additional taxes, interest, interest penalty, or 134737  
penalties imposed by this chapter if the tax commissioner finds 134738  
that the single return does not reflect the correct tax due by the 134739  
pass-through entity investors covered by that return. Nothing in 134740  
this division shall be construed to limit or alter the liability, 134741  
if any, imposed on pass-through entity investors for unpaid or 134742  
underpaid taxes, interest, interest penalty, or penalties as a 134743  
result of the pass-through entity's making the election provided 134744  
for under division (D) of this section. For the purposes of 134745  
division (D) of this section, "correct tax due" means the tax that 134746  
would have been paid by the pass-through entity had the single 134747  
return been filed in a manner reflecting the commissioner's 134748  
findings. Nothing in division (D) of this section shall be 134749  
construed to make or hold a pass-through entity liable for tax 134750  
attributable to a pass-through entity investor's income from a 134751  
source other than the pass-through entity electing to file the 134752  
single return. 134753

(E) If a husband and wife file a joint federal income tax 134754  
return for a taxable year, they shall file a joint return under 134755  
this section for that taxable year, and their liabilities are 134756  
joint and several, but, if the federal income tax liability of 134757  
either spouse is determined on a separate federal income tax 134758  
return, they shall file separate returns under this section. 134759

If either spouse is not required to file a federal income tax 134760  
return and either or both are required to file a return pursuant 134761  
to this chapter, they may elect to file separate or joint returns, 134762  
and, pursuant to that election, their liabilities are separate or 134763  
joint and several. If a husband and wife file separate returns 134764  
pursuant to this chapter, each must claim the taxpayer's own 134765  
exemption, but not both, as authorized under section 5747.02 of 134766

the Revised Code on the taxpayer's own return. 134767

(F) Each return or notice required to be filed under this 134768  
section shall contain the signature of the taxpayer or the 134769  
taxpayer's duly authorized agent and of the person who prepared 134770  
the return for the taxpayer, and shall include the taxpayer's 134771  
social security number. Each return shall be verified by a 134772  
declaration under the penalties of perjury. The tax commissioner 134773  
shall prescribe the form that the signature and declaration shall 134774  
take. 134775

(G) Each return or notice required to be filed under this 134776  
section shall be made and filed as required by section 5747.04 of 134777  
the Revised Code, on or before the fifteenth day of April of each 134778  
year, on forms that the tax commissioner shall prescribe, together 134779  
with remittance made payable to the treasurer of state in the 134780  
combined amount of the state and all school district income taxes 134781  
shown to be due on the form, ~~unless the combined amount shown to~~ 134782  
~~be due is one dollar or less, in which case that amount need not~~ 134783  
~~be remitted.~~ 134784

Upon good cause shown, the commissioner may extend the period 134785  
for filing any notice or return required to be filed under this 134786  
section and may adopt rules relating to extensions. If the 134787  
extension results in an extension of time for the payment of any 134788  
state or school district income tax liability with respect to 134789  
which the return is filed, the taxpayer shall pay at the time the 134790  
tax liability is paid an amount of interest computed at the rate 134791  
per annum prescribed by section 5703.47 of the Revised Code on 134792  
that liability from the time that payment is due without extension 134793  
to the time of actual payment. Except as provided in section 134794  
5747.132 of the Revised Code, in addition to all other interest 134795  
charges and penalties, all taxes imposed under this chapter or 134796  
Chapter 5748. of the Revised Code and remaining unpaid after they 134797  
become due, except combined amounts due of one dollar or less, 134798

bear interest at the rate per annum prescribed by section 5703.47 134799  
of the Revised Code until paid or until the day an assessment is 134800  
issued under section 5747.13 of the Revised Code, whichever occurs 134801  
first. 134802

If the commissioner considers it necessary in order to ensure 134803  
the payment of the tax imposed by section 5747.02 of the Revised 134804  
Code or any tax imposed under Chapter 5748. of the Revised Code, 134805  
the commissioner may require returns and payments to be made 134806  
otherwise than as provided in this section. 134807

To the extent that any provision in this division conflicts 134808  
with any provision in section 5747.026 of the Revised Code, the 134809  
provision in that section prevails. 134810

(H) If any report, claim, statement, or other document 134811  
required to be filed, or any payment required to be made, within a 134812  
prescribed period or on or before a prescribed date under this 134813  
chapter is delivered after that period or that date by United 134814  
States mail to the agency, officer, or office with which the 134815  
report, claim, statement, or other document is required to be 134816  
filed, or to which the payment is required to be made, the date of 134817  
the postmark stamped on the cover in which the report, claim, 134818  
statement, or other document, or payment is mailed shall be deemed 134819  
to be the date of delivery or the date of payment. 134820

If a payment is required to be made by electronic funds 134821  
transfer pursuant to section 5747.072 of the Revised Code, the 134822  
payment is considered to be made when the payment is received by 134823  
the treasurer of state or credited to an account designated by the 134824  
treasurer of state for the receipt of tax payments. 134825

"The date of the postmark" means, in the event there is more 134826  
than one date on the cover, the earliest date imprinted on the 134827  
cover by the United States postal service. 134828

(I) The amounts withheld by an employer pursuant to section 134829

5747.06 of the Revised Code, a casino operator pursuant to section 134830  
5747.063 of the Revised Code, or a lottery sales agent pursuant to 134831  
section 5747.064 of the Revised Code shall be allowed to the 134832  
recipient of the compensation casino winnings, or lottery prize 134833  
award as credits against payment of the appropriate taxes imposed 134834  
on the recipient by section 5747.02 and under Chapter 5748. of the 134835  
Revised Code. 134836

(J) ~~If, in accordance with division (D) of this section, a~~ 134837  
pass-through entity elects to file a single return under division 134838  
(D) of this section and if any investor is required to file the 134839  
annual return and make the payment of taxes required by this 134840  
chapter on account of the investor's other income that is not 134841  
included in a single return filed by a pass-through entity or any 134842  
other investor elects to file the annual return, the investor is 134843  
entitled to a refundable credit equal to the investor's 134844  
proportionate share of the tax paid by the pass-through entity on 134845  
behalf of the investor. The investor shall claim the credit for 134846  
the investor's taxable year in which or with which ends the 134847  
taxable year of the pass-through entity. Nothing in this chapter 134848  
shall be construed to allow any credit provided in this chapter to 134849  
be claimed more than once. For the ~~purposes~~ purpose of computing 134850  
any interest, penalty, or interest penalty, the investor shall be 134851  
deemed to have paid the refundable credit provided by this 134852  
division on the day that the pass-through entity paid the 134853  
estimated tax or the tax giving rise to the credit. 134854

(K) The tax commissioner shall ensure that each return 134855  
required to be filed under this section includes a box that the 134856  
taxpayer may check to authorize a paid tax preparer who prepared 134857  
the return to communicate with the department of taxation about 134858  
matters pertaining to the return. The return or instructions 134859  
accompanying the return shall indicate that by checking the box 134860  
the taxpayer authorizes the department of taxation to contact the 134861



preparer concerning questions that arise during the processing of 134862  
the return and authorizes the preparer only to provide the 134863  
department with information that is missing from the return, to 134864  
contact the department for information about the processing of the 134865  
return or the status of the taxpayer's refund or payments, and to 134866  
respond to notices about mathematical errors, offsets, or return 134867  
preparation that the taxpayer has received from the department and 134868  
has shown to the preparer. 134869

(L) The tax commissioner shall permit individual taxpayers to 134870  
instruct the department of taxation to cause any refund of 134871  
overpaid taxes to be deposited directly into a checking account, 134872  
savings account, or an individual retirement account or individual 134873  
retirement annuity, or preexisting college savings plan or program 134874  
account offered by the Ohio tuition trust authority under Chapter 134875  
3334. of the Revised Code, as designated by the taxpayer, when the 134876  
taxpayer files the annual return required by this section 134877  
electronically. 134878

(M) The tax commissioner may adopt rules to administer this 134879  
section. 134880

**Sec. 5747.10.** If any of the facts, figures, computations, or 134881  
attachments required in a taxpayer's annual return to determine 134882  
the tax charged by this chapter or Chapter 5748. of the Revised 134883  
Code must be altered as the result of an adjustment to the 134884  
taxpayer's federal income tax return, whether initiated by the 134885  
taxpayer or the internal revenue service, and such alteration 134886  
affects the taxpayer's tax liability under this chapter or Chapter 134887  
5748. of the Revised Code, the taxpayer shall file an amended 134888  
return with the tax commissioner in such form as the commissioner 134889  
requires. The amended return shall be filed not later than sixty 134890  
days after the adjustment has been agreed to or finally determined 134891  
for federal income tax purposes or any federal income tax 134892

deficiency or refund, or the abatement or credit resulting 134893  
therefrom, has been assessed or paid, whichever occurs first. 134894

(A) In the case of an underpayment, the amended return shall 134895  
be accompanied by payment of any combined additional tax due 134896  
together with interest thereon. ~~If the combined tax shown to be~~ 134897  
~~due is one dollar or less, such amount need not accompany the~~ 134898  
~~amended return.~~ An amended return required by this section is a 134899  
return subject to assessment under section 5747.13 of the Revised 134900  
Code for the purpose of assessing any additional tax due under 134901  
this section, together with any applicable penalty and interest. 134902  
It shall not reopen those facts, figures, computations, or 134903  
attachments from a previously filed return no longer subject to 134904  
assessment that are not affected, either directly or indirectly, 134905  
by the adjustment to the taxpayer's federal income tax return. 134906

(B) In the case of an overpayment, an application for refund 134907  
may be filed under this division within the sixty-day period 134908  
prescribed for filing the amended return even if it is filed 134909  
beyond the period prescribed in section 5747.11 of the Revised 134910  
Code if it otherwise conforms to the requirements of such section. 134911  
An application filed under this division shall claim refund of 134912  
overpayments resulting from alterations to only those facts, 134913  
figures, computations, or attachments required in the taxpayer's 134914  
annual return that are affected, either directly or indirectly, by 134915  
the adjustment to the taxpayer's federal income tax return unless 134916  
it is also filed within the time prescribed in section 5747.11 of 134917  
the Revised Code. It shall not reopen those facts, figures, 134918  
computations, or attachments that are not affected, either 134919  
directly or indirectly, by the adjustment to the taxpayer's 134920  
federal income tax return. 134921

**Sec. 5747.11.** (A) The tax commissioner shall refund to 134922  
employers, qualifying entities, or taxpayers, ~~with respect to any~~ 134923

subject to a tax imposed under section 5733.41, 5747.02, or 134924  
5747.41, or Chapter 5748. of the Revised Code+ 134925

~~(1) Overpayments of more than one dollar;~~ 134926

~~(2) Amounts in excess of one dollar paid illegally or~~ 134927  
~~erroneously;~~ 134928

~~(3) Amounts in excess of one dollar paid on an illegal,~~ 134929  
~~erroneous, or excessive assessment the amount of any overpayment~~ 134930  
~~of such tax.~~ 134931

(B) Except as otherwise provided under divisions (D) and (E) 134932  
of this section, applications for refund shall be filed with the 134933  
tax commissioner, on the form prescribed by the commissioner, 134934  
within four years from the date of the illegal, erroneous, or 134935  
excessive payment of the tax, or within any additional period 134936  
allowed by division (B)(3)(b) of section 5747.05, division (B) of 134937  
section 5747.10, division (A) of section 5747.13, or division (C) 134938  
of section 5747.45 of the Revised Code. 134939

On filing of the refund application, the commissioner shall 134940  
determine the amount of refund due and, if that amount exceeds one 134941  
dollar, certify such amount to the director of budget and 134942  
management and treasurer of state for payment from the tax refund 134943  
fund created by section 5703.052 of the Revised Code. Payment 134944  
shall be made as provided in division (C) of section 126.35 of the 134945  
Revised Code. 134946

~~(C)(1) Interest shall be allowed and paid upon any illegal or~~ 134947  
~~erroneous assessment in excess of one dollar in respect of the tax~~ 134948  
~~imposed under section 5747.02 or Chapter 5748. of the Revised Code~~ 134949  
~~at the rate per annum prescribed by section 5703.47 of the Revised~~ 134950  
~~Code from the date of the payment of the illegal or erroneous~~ 134951  
~~assessment until the date the refund of such amount is paid. If~~ 134952  
~~such refund results from the filing of a return or report, or the~~ 134953  
~~payment accompanying such return or report, by an employer or~~ 134954

~~taxpayer, rather than from an assessment by the commissioner, such~~ 134955  
~~interest shall run from a period ninety days after the final~~ 134956  
~~filing date of the annual return until the date the refund is~~ 134957  
~~paid.~~ 134958

(2) Interest shall be allowed and paid at the rate per annum 134959  
prescribed by section 5703.47 of the Revised Code ~~upon any~~ 134960  
~~overpayment in excess of one dollar in respect of~~ on amounts 134961  
refunded with respect to the tax imposed under section 5747.02 or 134962  
Chapter 5748. of the Revised Code from the date of the overpayment 134963  
until the date of the refund of the overpayment, except that if 134964  
any overpayment is refunded within ninety days after the final 134965  
filing date of the annual return or ninety days after the return 134966  
is filed, whichever is later, no interest shall be allowed on such 134967  
overpayment. If the overpayment results from the carryback of a 134968  
net operating loss or net capital loss to a previous taxable year, 134969  
the overpayment is deemed not to have been made prior to the 134970  
filing date, including any extension thereof, for the taxable year 134971  
in which the net operating loss or net capital loss arises. For 134972  
purposes of the payment of interest on overpayments, no amount of 134973  
tax, for any taxable year, shall be treated as having been paid 134974  
before the date on which the tax return for that year was due 134975  
without regard to any extension of time for filing such return. 134976

(3)(2) Interest shall be allowed at the rate per annum 134977  
prescribed by section 5703.47 of the Revised Code on amounts 134978  
refunded with respect to the taxes imposed under sections 5733.41 134979  
and 5747.41 of the Revised Code. The interest shall run from 134980  
whichever of the following days is the latest until the day the 134981  
refund is paid: the day the illegal, erroneous, or excessive 134982  
payment was made; the ninetieth day after the final day the annual 134983  
report was required to be filed under section 5747.42 of the 134984  
Revised Code; or the ninetieth day after the day that report was 134985  
filed. 134986

(D) "Ninety days" shall be substituted for "four years" in 134987  
division (B) of this section if the taxpayer satisfies both of the 134988  
following conditions: 134989

(1) The taxpayer has applied for a refund based in whole or 134990  
in part upon section 5747.059 of the Revised Code; 134991

(2) The taxpayer asserts that either the imposition or 134992  
collection of the tax imposed or charged by this chapter or any 134993  
portion of such tax violates the Constitution of the United States 134994  
or the Constitution of Ohio. 134995

(E)(1) Division (E)(2) of this section applies only if all of 134996  
the following conditions are satisfied: 134997

(a) A qualifying entity pays an amount of the tax imposed by 134998  
section 5733.41 or 5747.41 of the Revised Code; 134999

(b) The taxpayer is a qualifying investor as to that 135000  
qualifying entity; 135001

(c) The taxpayer did not claim the credit provided for in 135002  
section 5747.059 of the Revised Code as to the tax described in 135003  
division (E)(1)(a) of this section; 135004

(d) The four-year period described in division (B) of this 135005  
section has ended as to the taxable year for which the taxpayer 135006  
otherwise would have claimed that credit. 135007

(2) A taxpayer shall file an application for refund pursuant 135008  
to division (E) of this section within one year after the date the 135009  
payment described in division (E)(1)(a) of this section is made. 135010  
An application filed under division (E)(2) of this section shall 135011  
claim refund only of overpayments resulting from the taxpayer's 135012  
failure to claim the credit described in division (E)(1)(c) of 135013  
this section. Nothing in division (E) of this section shall be 135014  
construed to relieve a taxpayer from complying with division 135015  
(A)(16) of section 5747.01 of the Revised Code. 135016

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under 135017  
section 5747.11 of the Revised Code who wishes to contribute any 135018  
part of the taxpayer's refund to the natural areas and preserves 135019  
fund created in section 1517.11 of the Revised Code, the nongame 135020  
and endangered wildlife fund created in section 1531.26 of the 135021  
Revised Code, the military injury relief fund created in section 135022  
5101.98 of the Revised Code, the Ohio historical society income 135023  
tax contribution fund created in section 149.308 of the Revised 135024  
Code, or all of those funds may designate on the taxpayer's income 135025  
tax return the amount that the taxpayer wishes to contribute to 135026  
the fund or funds. A designated contribution is irrevocable upon 135027  
the filing of the return and shall be made in the full amount 135028  
designated if the refund found due the taxpayer upon the initial 135029  
processing of the taxpayer's return, after any deductions 135030  
including those required by section 5747.12 of the Revised Code, 135031  
is greater than or equal to the designated contribution. If the 135032  
refund due as initially determined is less than the designated 135033  
contribution, the contribution shall be made in the full amount of 135034  
the refund. The tax commissioner shall subtract the amount of the 135035  
contribution from the amount of the refund initially found due the 135036  
taxpayer and shall certify the difference to the director of 135037  
budget and management and treasurer of state for payment to the 135038  
taxpayer in accordance with section 5747.11 of the Revised Code. 135039  
For the purpose of any subsequent determination of the taxpayer's 135040  
net tax payment, the contribution shall be considered a part of 135041  
the refund paid to the taxpayer. 135042

(B) The tax commissioner shall provide a space on the income 135043  
tax return form in which a taxpayer may indicate that the taxpayer 135044  
wishes to make a donation in accordance with this section. The tax 135045  
commissioner shall also print in the instructions accompanying the 135046  
income tax return form a description of the purposes for which the 135047  
natural areas and preserves fund, the nongame and endangered 135048

wildlife fund, the military injury relief fund, and the Ohio  
historical society income tax contribution fund were created and  
the use of moneys from the income tax refund contribution system  
established in this section. No person shall designate on the  
person's income tax return any part of a refund claimed under  
section 5747.11 of the Revised Code as a contribution to any fund  
other than the natural areas and preserves fund, the nongame and  
endangered wildlife fund, the military injury relief fund, or the  
Ohio historical society income tax contribution fund.

(C) The money collected under the income tax refund  
contribution system established in this section shall be deposited  
by the tax commissioner into the natural areas and preserves fund,  
the nongame and endangered wildlife fund, the military injury  
relief fund, and the Ohio historical society income tax  
contribution fund in the amounts designated on the tax returns.

(D) No later than the thirtieth day of September each year,  
the tax commissioner shall determine the total amount contributed  
to each fund under this section during the preceding eight months,  
any adjustments to prior months, and the cost to the department of  
taxation of administering the income tax refund contribution  
system during that eight-month period. The commissioner shall make  
an additional determination no later than the thirty-first day of  
January of each year of the total amount contributed to each fund  
under this section during the preceding four calendar months, any  
adjustments to prior years made during that four-month period, and  
the cost to the department of taxation of administering the income  
tax contribution system during that period. The cost of  
administering the income tax contribution system shall be  
certified by the tax commissioner to the director of budget and  
management, who shall transfer an amount equal to one-fourth of  
such administrative costs from the natural areas and preserves  
fund, one-fourth of such costs from the nongame and endangered

wildlife fund, one-fourth of such costs from the military injury relief fund, and one-fourth of such costs from the Ohio historical society income tax contribution fund to the ~~litter control and natural resource income tax administration contribution~~ fund, which is hereby created, provided that the moneys that the department receives to pay the cost of administering the income tax refund contribution system in any year shall not exceed two and one-half per cent of the total amount contributed under that system during that year.

(E)(1) The director of natural resources, in January of every odd-numbered year, shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the natural areas and preserves fund and the nongame and endangered wildlife fund. The report shall include the amount of money contributed to each fund in each of the previous five years, the amount of money contributed directly to each fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

(2) The director of job and family services and the director of the Ohio historical society, in January of every odd-numbered year, each shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the military injury relief fund and the Ohio historical society income tax contribution fund, respectively. The report shall include the amount of money contributed to the fund in each of the previous five years, the amount of money contributed directly to the fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.



Sec. 5747.122. (A) The tax commissioner, in accordance with 135112  
section 5101.184 of the Revised Code, shall cooperate with the 135113  
director of job and family services to collect overpayments of 135114  
assistance under Chapter 5107.~~7~~~~5111.7~~ or 5115., former Chapter 135115  
5113., or section 5101.54 of the Revised Code from refunds of 135116  
state income taxes for taxable year 1992 and thereafter that are 135117  
payable to the recipients of such overpayments. 135118

(B) At the request of the department of job and family 135119  
services in connection with the collection of an overpayment of 135120  
assistance from a refund of state income taxes pursuant to this 135121  
section and section 5101.184 of the Revised Code, the tax 135122  
commissioner shall release to the department the home address and 135123  
social security number of any recipient of assistance whose 135124  
overpayment may be collected from a refund of state income taxes 135125  
under those sections. 135126

(C) In the case of a joint income tax return for two people 135127  
who were not married to each other at the time one of them 135128  
received an overpayment of assistance, only the portion of a 135129  
refund that is due to the recipient of the overpayment shall be 135130  
available for collection of the overpayment under this section and 135131  
section 5101.184 of the Revised Code. The tax commissioner shall 135132  
determine such portion. A recipient's spouse who objects to the 135133  
portion as determined by the commissioner may file a complaint 135134  
with the commissioner within twenty-one days after receiving 135135  
notice of the collection, and the commissioner shall afford the 135136  
spouse an opportunity to be heard on the complaint. The 135137  
commissioner shall waive or extend the twenty-one-day period if 135138  
the recipient's spouse establishes that such action is necessary 135139  
to avoid unjust, unfair, or unreasonable results. After the 135140  
hearing, the commissioner shall make a final determination of the 135141  
portion of the refund available for collection of the overpayment. 135142

(D) The welfare overpayment intercept fund is hereby created 135143  
in the state treasury. The tax commissioner shall deposit amounts 135144  
collected from income tax refunds under this section to the credit 135145  
of the welfare overpayment intercept fund. The director of job and 135146  
family services shall distribute money in the fund in accordance 135147  
with appropriate federal or state laws and procedures regarding 135148  
collection of welfare overpayments. 135149

**Sec. 5747.13.** (A) If any employer collects the tax imposed by 135150  
section 5747.02 or under Chapter 5748. of the Revised Code and 135151  
fails to remit the tax as required by law, or fails to collect the 135152  
tax, the employer is personally liable for any amount collected 135153  
that the employer fails to remit, or any amount that the employer 135154  
fails to collect. If any taxpayer fails to file a return or fails 135155  
to pay the tax imposed by section 5747.02 or under Chapter 5748. 135156  
of the Revised Code, the taxpayer is personally liable for the 135157  
amount of the tax. 135158

If any employer, taxpayer, or qualifying entity required to 135159  
file a return under this chapter fails to file the return within 135160  
the time prescribed, files an incorrect return, fails to remit the 135161  
full amount of the taxes due for the period covered by the return, 135162  
or fails to remit any additional tax due as a result of a 135163  
reduction in the amount of the credit allowed under division (B) 135164  
of section 5747.05 of the Revised Code together with interest on 135165  
the additional tax within the time prescribed by that division, 135166  
the tax commissioner may make an assessment against any person 135167  
liable for any deficiency for the period for which the return is 135168  
or taxes are due, based upon any information in the commissioner's 135169  
possession. 135170

An assessment issued against either the employer or the 135171  
taxpayer pursuant to this section shall not be considered an 135172  
election of remedies or a bar to an assessment against the other 135173

for failure to report or pay the same tax. No assessment shall be 135174  
issued against any person if the tax actually has been paid by 135175  
another. 135176

No assessment shall be made or issued against an employer, 135177  
taxpayer, or qualifying entity more than four years after the 135178  
final date the return subject to assessment was required to be 135179  
filed or the date the return was filed, whichever is later. 135180  
However, the commissioner may assess any balance due as the result 135181  
of a reduction in the credit allowed under division (B) of section 135182  
5747.05 of the Revised Code, including applicable penalty and 135183  
interest, within four years of the date on which the taxpayer 135184  
reports a change in either the portion of the taxpayer's adjusted 135185  
gross income subjected to an income tax or tax measured by income 135186  
in another state or the District of Columbia, or the amount of 135187  
liability for an income tax or tax measured by income to another 135188  
state or the District of Columbia, as required by division (B)(3) 135189  
of section 5747.05 of the Revised Code. Such time limits may be 135190  
extended if both the employer, taxpayer, or qualifying entity and 135191  
the commissioner consent in writing to the extension or if an 135192  
agreement waiving or extending the time limits has been entered 135193  
into pursuant to section 122.171 of the Revised Code. Any such 135194  
extension shall extend the four-year time limit in division (B) of 135195  
section 5747.11 of the Revised Code for the same period of time. 135196  
There shall be no bar or limit to an assessment against an 135197  
employer for taxes withheld from employees and not remitted to the 135198  
state, against an employer, taxpayer, or qualifying entity that 135199  
fails to file a return subject to assessment as required by this 135200  
chapter, or against an employer, taxpayer, or qualifying entity 135201  
that files a fraudulent return. 135202

The commissioner shall give the party assessed written notice 135203  
of the assessment in the manner provided in section 5703.37 of the 135204  
Revised Code. With the notice, the commissioner shall provide 135205

instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the party assessed to the commissioner with remittance made payable to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the employer's, taxpayer's, or qualifying entity's place of business is located or the county in which the party assessed resides. If the party assessed is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the party assessed in the amount shown on the entry. The judgment shall be filed by the clerk in one of two loose-leaf books, one entitled "special judgments for state and school district income taxes," and the other entitled "special judgments for qualifying entity taxes." The judgment shall have the same effect as other judgments. Execution shall issue upon the

judgment upon the request of the tax commissioner, and all laws 135238  
applicable to sales on execution shall apply to sales made under 135239  
the judgment. 135240

~~The portion of~~ If the assessment is not paid in its entirety 135241  
within sixty days after the assessment was issued, the portion of 135242  
the assessment consisting of tax due shall bear interest at the 135243  
rate per annum prescribed by section 5703.47 of the Revised Code 135244  
from the day the tax commissioner issues the assessment until it 135245  
is paid or until it is certified to the attorney general for 135246  
collection under section 131.02 of the Revised Code, whichever 135247  
comes first. If the unpaid portion of the assessment is certified 135248  
to the attorney general for collection, the entire unpaid portion 135249  
of the assessment shall bear interest at the rate per annum 135250  
prescribed by section 5703.47 of the Revised Code from the date of 135251  
certification until the date it is paid in its entirety. Interest 135252  
shall be paid in the same manner as the tax and may be collected 135253  
by the issuance of an assessment under this section. 135254

(D) All money collected under this section shall be 135255  
considered as revenue arising from the taxes imposed by this 135256  
chapter or Chapter 5733. or 5748. of the Revised Code, as 135257  
appropriate. 135258

(E) If the party assessed files a petition for reassessment 135259  
under division (B) of this section, the person, on or before the 135260  
last day the petition may be filed, shall pay the assessed amount, 135261  
including assessed interest and assessed penalties, if any of the 135262  
following conditions exists: 135263

(1) The person files a tax return reporting Ohio adjusted 135264  
gross income, less the exemptions allowed by section 5747.025 of 135265  
the Revised Code, in an amount less than one cent, and the 135266  
reported amount is not based on the computations required under 135267  
division (A) of section 5747.01 or section 5747.025 of the Revised 135268  
Code. 135269

(2) The person files a tax return that the tax commissioner determines to be incomplete, false, fraudulent, or frivolous. 135270  
135271

(3) The person fails to file a tax return, and the basis for this failure is not either of the following: 135272  
135273

(a) An assertion that the person has no nexus with this state; 135274  
135275

(b) The computations required under division (A) of section 5747.01 of the Revised Code or the application of credits allowed under this chapter has the result that the person's tax liability is less than one dollar and one cent. 135276  
135277  
135278  
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(F) Notwithstanding the fact that a petition for reassessment is pending, the petitioner may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition. 135280  
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If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the party assessed under the corrected assessment is less than the portion paid, there shall be issued to the petitioner or to the petitioner's assigns or legal representative a refund in the amount of the overpayment as provided by section 5747.11 of the Revised Code, with interest on that amount as provided by such section, subject to section 5747.12 of the Revised Code. 135285  
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**Sec. 5747.21.** (A) This section applies solely for the purposes of computing the credit allowed under division (A) of section 5747.05 of the Revised Code, computing income taxable in this state under division (D) of section 5747.08 of the Revised 135296  
135297  
135298  
135299

Code, computing the deduction under division (A)(32) of section 5747.01 of the Revised Code, and computing the credit allowed under section 5747.057 of the Revised Code.

(B) Except as otherwise provided under ~~sections 5747.211 and~~ section 5747.212 of the Revised Code, all items of business income and business deduction shall be apportioned to this state by multiplying the adjusted gross income by the fraction calculated under division (B)(2) of section 5733.05 and section 5733.057 of the Revised Code as if the taxpayer's business were a corporation subject to the tax imposed by section 5733.06 of the Revised Code.

(C) If the allocation and apportionment provisions of sections 5747.20 to 5747.23 of the Revised Code or of any rule adopted by the tax commissioner, do not fairly represent the extent of business activity in this state of a taxpayer or pass-through entity, the taxpayer or pass-through entity may request, which request must be in writing accompanying ~~the a~~ timely filed return or timely filed amended return, or the tax commissioner may require, in respect of all or any part of the business activity, if reasonable, any one or more of the following:

- (1) Separate accounting;
- (2) The exclusion of one or more factors;
- (3) The inclusion of one or more additional factors which will fairly represent the business activity in this state;
- (4) The employment of any other method to effectuate an equitable allocation and apportionment of such business in this state. An alternative method will be effective only with approval of the tax commissioner.

The tax commissioner may adopt rules in the manner provided by sections 5703.14 and 5747.18 of the Revised Code providing for alternative methods of calculating business income and nonbusiness

income applicable to all taxpayers and pass-through entities, to 135331  
classes of taxpayers and pass-through entities, or only to 135332  
taxpayers and pass-through entities within a certain industry. 135333

**Sec. 5747.22.** (A) This section applies solely for the 135334  
purposes of computing the credit allowed under division (A) of 135335  
section 5747.05 ~~of the Revised Code and~~, computing income taxable 135336  
in this state under division (D) of section 5747.08, and computing 135337  
the deduction under division (A)(32) of section 5747.01 of the 135338  
Revised Code. 135339

(B) With respect to a pass-through entity, one or more of the 135340  
pass-through entity investors of which are liable for the tax 135341  
imposed by section 5747.02 of the Revised Code, the business 135342  
income and deductions included in the adjusted gross income of the 135343  
pass-through entity shall be apportioned to this state in the 135344  
hands of the pass-through entity investors pursuant to section 135345  
5747.21 of the Revised Code. The business income and deductions as 135346  
thus apportioned to this state then shall be allocated to the 135347  
pass-through entity investors in proportion to their right to 135348  
share in that business income. 135349

(C) With respect to a pass-through entity described in 135350  
division (B) of this section, the nonbusiness income and 135351  
deductions included in the adjusted gross income of the 135352  
pass-through entity shall be allocated to the pass-through entity 135353  
investors in proportion to their right to share in the nonbusiness 135354  
income, and then the pass-through entity shares shall be allocated 135355  
to this state in the hands of each pass-through entity investor 135356  
pursuant to section 5747.20 of the Revised Code. 135357

**Sec. 5747.47.** (A)(1) By the ~~twentieth~~ twenty-fifth day of 135358  
July of each year, the tax commissioner shall estimate and certify 135359  
the following for each county to its county auditor: 135360



|                                                                                                                                                                                                                                                                                                                                                          |                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (a) Its guaranteed share of the ensuing year's fund balance;                                                                                                                                                                                                                                                                                             | 135361                                                   |
| (b) Its share of the excess of the ensuing year's fund<br>balance;                                                                                                                                                                                                                                                                                       | 135362<br>135363                                         |
| (c) Its total entitlement.                                                                                                                                                                                                                                                                                                                               | 135364                                                   |
| (2) In December and in June following such estimations and<br>certifications, the commissioner shall revise such estimates and<br>certify such revised estimates to the respective county auditors.                                                                                                                                                      | 135365<br>135366<br>135367                               |
| (B) By the tenth day of each month the commissioner shall<br>distribute the amount credited to the public library fund in the<br>current month under section 131.51 of the Revised Code. The<br>distributions shall be made as follows:                                                                                                                  | 135368<br>135369<br>135370<br>135371                     |
| (1) During the first six months of each year, each county<br>shall be paid a percentage of the balance that is the same per<br>cent that the revised estimate of the county's total entitlement<br>certified in December under division (A)(2) of this section is of<br>the sum of such revised estimates of the total entitlements for<br>all counties. | 135372<br>135373<br>135374<br>135375<br>135376<br>135377 |
| (2) During the last six months, each county shall be paid a<br>percentage of the balance that is the same per cent that the<br>revised estimate of the county's total entitlement certified in<br>June under division (A)(2) of this section is of the sum of such<br>revised estimates of the total entitlements for all counties.                      | 135378<br>135379<br>135380<br>135381<br>135382           |
| (3) During each of the first six months of each year, the<br>payments made to each county shall be adjusted as follows:                                                                                                                                                                                                                                  | 135383<br>135384                                         |
| (a) If the county received an overpayment during the<br>preceding distribution year, reduce the sum of the payments by the<br>amount of such overpayment. The reduction shall be apportioned<br>over the six months.                                                                                                                                     | 135385<br>135386<br>135387<br>135388                     |
| (b) If the county received an underpayment during the<br>preceding distribution year, increase the sum of the payments by                                                                                                                                                                                                                                | 135389<br>135390                                         |

the amount of such underpayment. The increase shall be apportioned 135391  
over the six months. 135392

(C) By the twentieth day of December of each year, the tax 135393  
commissioner shall determine and certify to the auditor of each 135394  
county each of the following with respect to the current 135395  
distribution year: 135396

(1) The year's fund balance; 135397

(2) Each county's guaranteed share; 135398

(3) Each county's share of the excess; 135399

(4) Each county's total entitlement; 135400

(5) Each county's net distribution; 135401

(6) The amount by which each county's net distribution 135402  
exceeded or was less than its total entitlement, which amount 135403  
shall constitute the county's overpayment or underpayment for 135404  
purposes of division (B)(3) of this section in the ensuing 135405  
distribution year. 135406

**Sec. 5747.501.** (A) On or before the twenty-fifth day of July 135407  
of each year, the tax commissioner shall estimate and certify to 135408  
each county auditor the amount to be distributed from the local 135409  
government fund to each undivided local government fund during the 135410  
following calendar year under section 5747.50 of the Revised Code. 135411  
The estimate shall equal the sum of the separate amounts computed 135412  
under divisions (B)(1) and (2) of this section. 135413

(B)(1) The product obtained by multiplying the percentage 135414  
described in division (B)(1)(a) of this section by the amount 135415  
described in division (B)(1)(b) of this section. 135416

(a) Each county's proportionate share of the total amount 135417  
distributed to the counties from the local government fund and the 135418  
local government revenue assistance fund during calendar year 135419

2007. In fiscal year 2014 and thereafter, the amount distributed to any county undivided local government fund shall be an amount not less than seven hundred fifty thousand dollars or the amount distributed to such fund in fiscal year 2013, whichever amount is smaller. To the extent necessary to implement this minimum distribution requirement, the proportionate shares computed under this division shall be adjusted accordingly.

(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund during calendar year 2007 adjusted downward if, and to the extent that, total local government fund distributions to counties for the following year are projected to be less than what was distributed to counties from the local government fund and local government revenue assistance fund during calendar year 2007.

(2) The product obtained by multiplying the percentage described in division (B)(2)(a) of this section by the amount described in division (B)(2)(b) of this section.

(a) Each county's proportionate share of the state's population as reflected in the most recent federal decennial census or the federal government's most recent census estimates, whichever represents the most recent year.

(b) The amount by which total estimated distributions from the local government fund during the immediately succeeding calendar year, less the total estimated amount to be distributed from the fund to municipal corporations under division (C) of section 5747.50 of the Revised Code during the immediately succeeding calendar year, exceed the total amount distributed to counties from the local government fund and local government revenue assistance fund during calendar year 2007.

**Sec. 5747.76.** (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised

Code. 135451

(B) There is allowed a credit against the tax imposed under 135452  
section 5747.02 of the Revised Code for a taxpayer that is the 135453  
certificate owner of a rehabilitation tax credit certificate 135454  
issued under section 149.311 of the Revised Code. The credit shall 135455  
equal twenty-five per cent of the dollar amount indicated on the 135456  
certificate, but the amount of credit allowed for any taxpayer 135457  
shall not exceed ~~five~~ ten million dollars. The credit shall be 135458  
claimed for the taxable year specified in the certificate and in 135459  
the order required under section 5747.98 of the Revised Code. 135460

(C) Nothing in this section limits or disallows pass-through 135461  
treatment of the credit if the certificate owner is a pass-through 135462  
entity. If the certificate owner is a pass-through entity, the 135463  
amount of the credit allowed for the pass-through entity shall not 135464  
exceed five million dollars. If the certificate owner is a 135465  
pass-through entity, the credit may be allocated among the 135466  
entity's equity owners in proportion to their ownership interests 135467  
or in such proportions or amounts as the equity owners mutually 135468  
agree. 135469

(D) If the credit allowed for any taxable year exceeds the 135470  
tax otherwise due under section 5747.02 of the Revised Code, after 135471  
allowing for any other credits preceding the credit in the order 135472  
prescribed by section 5747.98 of the Revised Code, the excess 135473  
shall be refunded to the taxpayer but, if any amount of the credit 135474  
is refunded, the sum of the amount refunded and the amount applied 135475  
to reduce the tax otherwise due for that year shall not exceed 135476  
three million dollars or, if the certificate owner is a 135477  
pass-through entity, shall not exceed the taxpayer's distributive 135478  
or proportionate share, as allocated under division (C) of this 135479  
section, of three million dollars. The taxpayer may carry forward 135480  
any balance of the credit in excess of the amount claimed for that 135481

year for not more than five ensuing taxable years, and shall 135482  
deduct any amount claimed for any such year from the amount 135483  
claimed in an ensuing year. 135484

(E) A taxpayer claiming a credit under this section shall 135485  
retain the rehabilitation tax credit certificate for four years 135486  
following the end of the taxable year to which the credit was 135487  
applied, and shall make the certificate available for inspection 135488  
by the tax commissioner upon the request of the tax commissioner 135489  
during that period. 135490

**Sec. 5747.98.** (A) To provide a uniform procedure for 135491  
calculating the amount of tax due under section 5747.02 of the 135492  
Revised Code, a taxpayer shall claim any credits to which the 135493  
taxpayer is entitled in the following order: 135494

(1) The retirement income credit under division (B) of 135495  
section 5747.055 of the Revised Code; 135496

(2) The senior citizen credit under division (C) of section 135497  
5747.05 of the Revised Code; 135498

(3) The lump sum distribution credit under division (D) of 135499  
section 5747.05 of the Revised Code; 135500

(4) The dependent care credit under section 5747.054 of the 135501  
Revised Code; 135502

(5) The lump sum retirement income credit under division (C) 135503  
of section 5747.055 of the Revised Code; 135504

(6) The lump sum retirement income credit under division (D) 135505  
of section 5747.055 of the Revised Code; 135506

(7) The lump sum retirement income credit under division (E) 135507  
of section 5747.055 of the Revised Code; 135508

(8) The low-income credit under section 5747.056 of the 135509  
Revised Code; 135510

|                                                                                                                                                                 |                            |
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| (9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;                                                        | 135511<br>135512           |
| (10) The campaign contribution credit under section 5747.29 of the Revised Code;                                                                                | 135513<br>135514           |
| (11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;                                                                    | 135515<br>135516           |
| (12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;                                                                         | 135517<br>135518           |
| (13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;                                                                          | 135519<br>135520           |
| (14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;                                                 | 135521<br>135522           |
| (15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;                                 | 135523<br>135524           |
| (16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;                                            | 135525<br>135526           |
| (17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;                                                                        | 135527<br>135528           |
| (18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;                                                               | 135529<br>135530           |
| (19) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;                                                         | 135531<br>135532           |
| (20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;                                                                         | 135533<br>135534           |
| (21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code; | 135535<br>135536<br>135537 |
| (22) The job training credit under section 5747.39 of the Revised Code;                                                                                         | 135538<br>135539           |

|                                                                                                                                                                          |                            |
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| (23) The enterprise zone credit under section 5709.66 of the Revised Code;                                                                                               | 135540<br>135541           |
| (24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;                                                     | 135542<br>135543           |
| (25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;                                                   | 135544<br>135545           |
| (26) The ethanol plant investment credit under section 5747.75 of the Revised Code;                                                                                      | 135546<br>135547           |
| (27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;                                                         | 135548<br>135549           |
| (28) The small business investment credit under section 5747.81 of the Revised Code;                                                                                     | 135550<br>135551           |
| <del>(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;</del>                                     | 135552<br>135553           |
| <del>(30)</del> The enterprise zone credits under section 5709.65 of the Revised Code;                                                                                   | 135554<br>135555           |
| <del>(31)</del> <u>(30)</u> The research and development credit under section 5747.331 of the Revised Code;                                                              | 135556<br>135557           |
| <del>(32)</del> <u>(31)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;                                                 | 135558<br>135559           |
| <del>(33)</del> <u>(32)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;                                      | 135560<br>135561           |
| <del>(34)</del> <u>(33)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;                      | 135562<br>135563           |
| <del>(35)</del> <u>(34)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;                              | 135564<br>135565           |
| <del>(36)</del> <u>(35)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code; | 135566<br>135567<br>135568 |

~~(37)~~(36) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

~~(38)~~(37) The refundable motion picture production credit under section 5747.66 of the Revised Code.

~~(39)~~(38) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

**Sec. 5748.01.** As used in this chapter:

(A) "School district income tax" means an income tax adopted under one of the following:

(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;

(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;

(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;

(4) Section 5748.021 of the Revised Code;



|                                                                                                                                                                                                                                                                                                                             |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (5) Section 5748.081 of the Revised Code;                                                                                                                                                                                                                                                                                   | 135598                                                   |
| (6) Section 5748.09 of the Revised Code.                                                                                                                                                                                                                                                                                    | 135599                                                   |
| (B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.                                                                                                                                                                                                                      | 135600<br>135601                                         |
| (C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.                                                                                                                                                                                                                              | 135602<br>135603                                         |
| (D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.                                                                                                                                                                                                                  | 135604<br>135605                                         |
| (E) "Taxable income" means:                                                                                                                                                                                                                                                                                                 | 135606                                                   |
| (1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:                                                                                                                                                                                                                    | 135607<br>135608                                         |
| (a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code, <u>plus any amount deducted under division (A)(32) of section 5747.01 of the Revised Code for the taxable year;</u>             | 135609<br>135610<br>135611<br>135612<br>135613           |
| (b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income. | 135614<br>135615<br>135616<br>135617<br>135618<br>135619 |
| (2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.                                                                                                                                                                                        | 135620<br>135621<br>135622                               |
| (F) "Resident" of the school district means:                                                                                                                                                                                                                                                                                | 135623                                                   |
| (1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school                                                              | 135624<br>135625<br>135626<br>135627                     |

district or lives in and maintains a permanent place of abode in 135628  
the school district; 135629

(2) An estate of a decedent who, at the time of death, was 135630  
domiciled in the school district. 135631

(G) "School district income" means: 135632

(1) With respect to an individual, the portion of the taxable 135633  
income of an individual that is received by the individual during 135634  
the portion of the taxable year that the individual is a resident 135635  
of the school district and the school district income tax is in 135636  
effect in that school district. An individual may have school 135637  
district income with respect to more than one school district. 135638

(2) With respect to an estate, the taxable income of the 135639  
estate for the portion of the taxable year that the school 135640  
district income tax is in effect in that school district. 135641

(H) "Taxpayer" means an individual or estate having school 135642  
district income upon which a school district income tax is 135643  
imposed. 135644

(I) "School district purposes" means any of the purposes for 135645  
which a tax may be levied pursuant to division (A) of section 135646  
5705.21 of the Revised Code, including the combined purposes 135647  
authorized by section 5705.217 of the Revised Code. 135648

**Sec. 5749.02.** (A) For the purpose of providing revenue to 135649  
administer the state's coal mining and reclamation regulatory 135650  
program, to meet the environmental and resource management needs 135651  
of this state, and to reclaim land affected by mining, an excise 135652  
tax is hereby levied on the privilege of engaging in the severance 135653  
of natural resources from the soil or water of this state. The tax 135654  
shall be imposed upon the severer ~~and shall be at the rates~~ 135655  
prescribed by divisions (A)(1) to (9) of this section: 135656

(1) Ten cents per ton of coal; 135657

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (2) Four cents per ton of salt;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 135658                                                                                                                                                                                                                             |
| (3) Two cents per ton of limestone or dolomite;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 135659                                                                                                                                                                                                                             |
| (4) Two cents per ton of sand and gravel;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 135660                                                                                                                                                                                                                             |
| (5) Ten cents per barrel of oil;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 135661                                                                                                                                                                                                                             |
| (6) Two and one-half cents per thousand cubic feet of natural<br>gas;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 135662<br>135663                                                                                                                                                                                                                   |
| (7) One cent per ton of clay, sandstone or conglomerate,<br>shale, gypsum, or quartzite;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 135664<br>135665                                                                                                                                                                                                                   |
| (8) Except as otherwise provided in this division or in rules<br>adopted by the reclamation forfeiture fund advisory board under<br>section 1513.182 of the Revised Code, an additional fourteen cents<br>per ton of coal produced from an area under a coal mining and<br>reclamation permit issued under Chapter 1513. of the Revised Code<br>for which the performance security is provided under division<br>(C)(2) of section 1513.08 of the Revised Code. Beginning July 1,<br>2007, if at the end of a fiscal biennium the balance of the<br>reclamation forfeiture fund created in section 1513.18 of the<br>Revised Code is equal to or greater than ten million dollars, the<br>rate levied shall be twelve cents per ton. Beginning July 1, 2007,<br>if at the end of a fiscal biennium the balance of the fund is at<br>least five million dollars, but less than ten million dollars, the<br>rate levied shall be fourteen cents per ton. Beginning July 1,<br>2007, if at the end of a fiscal biennium the balance of the fund<br>is less than five million dollars, the rate levied shall be<br>sixteen cents per ton. Beginning July 1, 2009, not later than<br>thirty days after the close of a fiscal biennium, the chief of the<br>division of mineral resources management shall certify to the tax<br>commissioner the amount of the balance of the reclamation<br>forfeiture fund as of the close of the fiscal biennium. Any<br>necessary adjustment of the rate levied shall take effect on the<br>first day of the following January and shall remain in effect | 135666<br>135667<br>135668<br>135669<br>135670<br>135671<br>135672<br>135673<br>135674<br>135675<br>135676<br>135677<br>135678<br>135679<br>135680<br>135681<br>135682<br>135683<br>135684<br>135685<br>135686<br>135687<br>135688 |

during the calendar biennium that begins on that date. 135689

(9) An additional one and two-tenths cents per ton of coal 135690  
mined by surface mining methods. 135691

(B) ~~Of~~ After the director of budget and management transfers 135692  
money from the severance tax receipts fund as required in division 135693  
(H) of section 5749.06 of the Revised Code, money remaining in the 135694  
severance tax receipts fund, except for money in the fund from the 135695  
amounts due under section 1509.50 of the Revised Code, shall be 135696  
credited as follows: 135697

(1) Of the moneys received by the treasurer of state in the 135698  
fund from the tax levied in division (A)(1) of this section, four 135699  
and seventy-six-hundredths per cent shall be credited to the 135700  
geological mapping fund created in section 1505.09 of the Revised 135701  
Code, eighty and ninety-five-hundredths per cent shall be credited 135702  
to the coal mining administration and reclamation reserve fund 135703  
created in section 1513.181 of the Revised Code, and fourteen and 135704  
twenty-nine-hundredths per cent shall be credited to the 135705  
unreclaimed lands fund created in section 1513.30 of the Revised 135706  
Code. 135707

(2) The money received by the treasurer of state in the fund 135708  
from the tax levied in division (A)(2) of this section shall be 135709  
credited to the geological mapping fund. 135710

(3) Of the moneys received by the treasurer of state in the 135711  
fund from the tax levied in divisions (A)(3) and (4) of this 135712  
section, seven and five-tenths per cent shall be credited to the 135713  
geological mapping fund, forty-two and five-tenths per cent shall 135714  
be credited to the unreclaimed lands fund, and the remainder shall 135715  
be credited to the surface mining fund created in section 1514.06 135716  
of the Revised Code. 135717

(4) Of the moneys received by the treasurer of state in the 135718  
fund from the tax levied in divisions (A)(5) and (6) of this 135719

section, ninety per cent shall be credited to the oil and gas well 135720  
fund created in section 1509.02 of the Revised Code and ten per 135721  
cent shall be credited to the geological mapping fund. All of the 135722  
moneys ~~received by the treasurer of state~~ in the fund from the tax 135723  
levied in division (A)(7) of this section shall be credited to the 135724  
surface mining fund. 135725

(5) All of the moneys ~~received by the treasurer of state~~ in 135726  
the fund from the tax levied in division (A)(8) of this section 135727  
shall be credited to the reclamation forfeiture fund. 135728

(6) All of the moneys ~~received by the treasurer of state~~ in 135729  
the fund from the tax levied in division (A)(9) of this section 135730  
shall be credited to the unreclaimed lands fund. 135731

(C) When, at the close of any fiscal year, the chief finds 135732  
that the balance of the reclamation forfeiture fund, plus 135733  
estimated transfers to it from the coal mining administration and 135734  
reclamation reserve fund under section 1513.181 of the Revised 135735  
Code, plus the estimated revenues from the tax levied by division 135736  
(A)(8) of this section for the remainder of the calendar year that 135737  
includes the close of the fiscal year, are sufficient to complete 135738  
the reclamation of all lands for which the performance security 135739  
has been provided under division (C)(2) of section 1513.08 of the 135740  
Revised Code, the purposes for which the tax under division (A)(8) 135741  
of this section is levied shall be deemed accomplished at the end 135742  
of that calendar year. The chief, within thirty days after the 135743  
close of the fiscal year, shall certify those findings to the tax 135744  
commissioner, and the tax levied under division (A)(8) of this 135745  
section shall cease to be imposed for the subsequent calendar year 135746  
after the last day of that calendar year on coal produced under a 135747  
coal mining and reclamation permit issued under Chapter 1513. of 135748  
the Revised Code if the permittee has made tax payments under 135749  
division (A)(8) of this section during each of the preceding five 135750  
full calendar years. Not later than thirty days after the close of 135751

a fiscal year, the chief shall certify to the tax commissioner the identity of any permittees who accordingly no longer are required to pay the tax levied under division (A)(8) of this section for the subsequent calendar year.

**Sec. 5749.06.** (A)(1) Each severer liable for the tax imposed by section 5749.02 of the Revised Code and each severer or owner liable for the amounts due under section 1509.50 of the Revised Code shall make and file returns with the tax commissioner in the prescribed form and as of the prescribed times, computing and reflecting therein the tax as required by this chapter and amounts due under section 1509.50 of the Revised Code.

(2) The returns shall be filed for every quarterly period, which periods shall end on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December of each year, as required by this section, unless a different return period is prescribed for a taxpayer by the commissioner.

(B)(1) A separate return shall be filed for each calendar quarterly period, or other period, or any part thereof, during which the severer holds a license as provided by section 5749.04 of the Revised Code, or is required to hold the license, or during which an owner is required to file a return, ~~and the.~~ The return shall be filed within forty-five days after the last day of each such calendar month, or other period, or any part thereof, for which the return is required and shall include remittance payable to the treasurer of state of the amount of. The tax due is payable along with the return. All such returns shall contain such information as the commissioner may require to fairly administer the tax.

(2) All returns shall be signed by the severer or owner, as applicable, shall contain the full and complete information

requested, and shall be made under penalty of perjury. 135783

(C) If the commissioner believes that quarterly payments of 135784  
tax would result in a delay that might jeopardize the collection 135785  
of such tax payments, the commissioner may order that such 135786  
payments be made weekly, or more frequently if necessary, such 135787  
payments to be made not later than seven days following the close 135788  
of the period for which the jeopardy payment is required. Such an 135789  
order shall be delivered to the taxpayer personally or by 135790  
certified mail and shall remain in effect until the commissioner 135791  
notifies the taxpayer to the contrary. 135792

(D) Upon good cause the commissioner may extend for thirty 135793  
days the period for filing any notice or return required to be 135794  
filed under this section, and may remit all or a part of penalties 135795  
that may become due under this chapter. 135796

(E) Any tax and any amount due under section 1509.50 of the 135797  
Revised Code not paid by the day the tax or amount is due shall 135798  
bear interest computed at the rate per annum prescribed by section 135799  
5703.47 of the Revised Code on that amount due from the day that 135800  
the amount was originally required to be paid to the day of actual 135801  
payment or to the day an assessment was issued under section 135802  
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 135803

(F) ~~The severer shall make all payments payable to the~~ 135804  
~~treasurer of state. Except for the amounts due under section~~ 135805  
~~1509.50 of the Revised Code, all~~ A severer or owner, as 135806  
applicable, that fails to file a complete return or pay the full 135807  
amount due under this chapter within the time prescribed, 135808  
including any extensions of time granted by the commissioner, 135809  
shall be subject to a penalty not to exceed the greater of fifty 135810  
dollars or ten per cent of the amount due for the period. 135811

(G)(1) A severer or owner, as applicable, shall remit 135812  
payments electronically and, if required by the commissioner, file 135813

each return electronically. The commissioner may require that the 135814  
severer or owner use the Ohio business gateway, as defined in 135815  
section 718.051 of the Revised Code, or another electronic means 135816  
to file returns and remit payments electronically. 135817

(2) A severer or owner that is required to remit payments 135818  
electronically under this section may apply to the commissioner, 135819  
in the manner prescribed by the commissioner, to be excused from 135820  
that requirement. The commissioner may excuse a severer or owner 135821  
from the requirements of division (G) of this section for good 135822  
cause. 135823

(3) If a severer or owner that is required to remit payments 135824  
or file returns electronically under this section fails to do so, 135825  
the commissioner may impose a penalty on the severer or owner not 135826  
to exceed the following: 135827

(a) For the first or second payment or return the severer or 135828  
owner fails to remit or file electronically, the greater of five 135829  
per cent of the amount of the payment that was required to be 135830  
remitted or twenty-five dollars; 135831

(b) For every payment or return after the second that the 135832  
severer or owner fails to remit or file electronically, the 135833  
greater of ten per cent of the amount of the payment that was 135834  
required to be remitted or fifty dollars. 135835

(H)(1) All amounts that the ~~tax~~ commissioner receives under 135836  
this section shall be deemed to be revenue from taxes imposed 135837  
under this chapter. ~~The commissioner shall immediately forward to~~ 135838  
~~the treasurer of state all amounts received under this section or~~ 135839  
~~from the amount due under section 1509.50 of the Revised Code, as~~ 135840  
~~applicable, and shall be deposited in the severance tax receipts~~ 135841  
~~fund, which is hereby created in the state treasury.~~ 135842

(2) The director of budget and management shall transfer from 135843  
the severance tax receipts fund to the tax refund fund amounts 135844



equal to the refunds certified by the commissioner under section 135845  
5749.08 of the Revised Code. Any amount transferred under division 135846  
(H)(2) of this section shall be derived from receipts of the same 135847  
tax or other amount from which the refund arose. 135848

(3) After the director of budget and management makes any 135849  
transfer required by division (H)(2) of this section, but not 135850  
later than the fifteenth day of the month following the end of 135851  
each calendar quarter, the commissioner shall certify to the 135852  
director the total amount remaining in the severance tax receipts 135853  
fund organized according to the amount attributable to each 135854  
natural resource and according to the amount attributable to a tax 135855  
imposed by this chapter and the amounts due under section 1509.50 135856  
of the Revised Code. 135857

(I) Penalties imposed under this section are in addition to 135858  
any other penalty imposed under this chapter and shall be 135859  
considered as revenue arising from the tax levied under this 135860  
chapter or the amount due under section 1509.50 of the Revised 135861  
Code, as applicable. The commissioner may collect any penalty or 135862  
interest imposed under this section in the same manner as provided 135863  
for the making of an assessment in section 5749.07 of the Revised 135864  
Code. The commissioner may abate all or a portion of such interest 135865  
or penalties and may adopt rules governing such abatements. 135866

**Sec. 5749.07.** (A) If any severer required by this chapter to 135867  
make and file returns and pay the tax levied by section 5749.02 of 135868  
the Revised Code, or any severer or owner liable for the amounts 135869  
due under section 1509.50 of the Revised Code, fails to make such 135870  
return or pay such tax or amounts, the tax commissioner may make 135871  
an assessment against the severer or owner based upon any 135872  
information in the commissioner's possession. 135873

No assessment shall be made or issued against any severer for 135874  
any tax imposed by section 5749.02 of the Revised Code or against 135875

any severer or owner for any amount due under section 1509.50 of 135876  
the Revised Code more than four years after the return was due or 135877  
was filed, whichever is later. This section does not bar an 135878  
assessment against a severer or owner who fails to file a return 135879  
as required by this chapter, or who files a fraudulent return. 135880

The commissioner shall give the party assessed written notice 135881  
of such assessment in the manner provided in section 5703.37 of 135882  
the Revised Code. With the notice, the commissioner shall provide 135883  
instructions on how to petition for reassessment and request a 135884  
hearing on the petition. 135885

(B) Unless the party assessed files with the commissioner 135886  
within sixty days after service of the notice of assessment, 135887  
either personally or by certified mail, a written petition for 135888  
reassessment signed by the party assessed or that party's 135889  
authorized agent having knowledge of the facts, the assessment 135890  
becomes final and the amount of the assessment is due and payable 135891  
from the party assessed to the treasurer of state. The petition 135892  
shall indicate the objections of the party assessed, but 135893  
additional objections may be raised in writing if received by the 135894  
commissioner prior to the date shown on the final determination. 135895  
If the petition has been properly filed, the commissioner shall 135896  
proceed under section 5703.60 of the Revised Code. 135897

(C) After an assessment becomes final, if any portion of the 135898  
assessment remains unpaid, including accrued interest, a certified 135899  
copy of the commissioner's entry making the assessment final may 135900  
be filed in the office of the clerk of the court of common pleas 135901  
in the county in which the party assessed resides or in which the 135902  
party's business is conducted. If the party assessed maintains no 135903  
place of business in this state and is not a resident of this 135904  
state, the certified copy of the entry may be filed in the office 135905  
of the clerk of the court of common pleas of Franklin county. 135906

Immediately upon the filing of such entry, the clerk shall 135907

enter a judgment for the state against the party assessed in the 135908  
amount shown on the entry. The judgment may be filed by the clerk 135909  
in a loose-leaf book entitled "special judgments for state 135910  
severance tax," and shall have the same effect as other judgments. 135911  
Execution shall issue upon the judgment upon the request of the 135912  
commissioner, and all laws applicable to sales on execution shall 135913  
apply to sales made under the judgment. 135914

~~The portion of~~ If the assessment is not paid in its entirety 135915  
within sixty days after the day the assessment is issued, the 135916  
portion of the assessment consisting of tax due or amounts due 135917  
under section 1509.50 of the Revised Code shall bear interest at 135918  
the rate per annum prescribed by section 5703.47 of the Revised 135919  
Code from the day the commissioner issues the assessment until it 135920  
is paid or until it is certified to the attorney general for 135921  
collection under section 131.02 of the Revised Code, whichever 135922  
comes first. If the unpaid portion of the assessment is certified 135923  
to the attorney general for collection, the entire unpaid portion 135924  
of the assessment shall bear interest at the rate per annum 135925  
prescribed by section 5703.47 of the Revised Code from the date of 135926  
certification until the date it is paid in its entirety. Interest 135927  
shall be paid in the same manner as the tax and may be collected 135928  
by the issuance of an assessment under this section. 135929

(D) All money collected by the commissioner under this 135930  
section shall be paid to the treasurer of state, and when paid 135931  
shall be considered as revenue arising from the tax imposed by 135932  
section 5749.02 of the Revised Code and the amount due under 135933  
section 1509.50 of the Revised Code, as applicable. 135934

**Sec. 5749.17.** ~~Any~~ Except for purposes of enforcing Chapter 135935  
1509. of the Revised Code, any information provided to the 135936  
department of natural resources by the department of taxation in 135937  
accordance with division (C)(12) of section 5703.21 of the Revised 135938

Code shall not be disclosed publicly by the department of natural 135939  
resources, ~~but~~. However the department of natural resources may 135940  
provide such information to the attorney general for purposes of 135941  
enforcement of ~~the law~~ Chapter 1509. of the Revised Code. 135942

**Sec. 5751.01.** As used in this chapter: 135943

(A) "Person" means, but is not limited to, individuals, 135944  
combinations of individuals of any form, receivers, assignees, 135945  
trustees in bankruptcy, firms, companies, joint-stock companies, 135946  
business trusts, estates, partnerships, limited liability 135947  
partnerships, limited liability companies, associations, joint 135948  
ventures, clubs, societies, for-profit corporations, S 135949  
corporations, qualified subchapter S subsidiaries, qualified 135950  
subchapter S trusts, trusts, entities that are disregarded for 135951  
federal income tax purposes, and any other entities. 135952

(B) "Consolidated elected taxpayer" means a group of two or 135953  
more persons treated as a single taxpayer for purposes of this 135954  
chapter as the result of an election made under section 5751.011 135955  
of the Revised Code. 135956

(C) "Combined taxpayer" means a group of two or more persons 135957  
treated as a single taxpayer for purposes of this chapter under 135958  
section 5751.012 of the Revised Code. 135959

(D) "Taxpayer" means any person, or any group of persons in 135960  
the case of a consolidated elected taxpayer or combined taxpayer 135961  
treated as one taxpayer, required to register or pay tax under 135962  
this chapter. "Taxpayer" does not include excluded persons. 135963

(E) "Excluded person" means any of the following: 135964

(1) Any person with not more than one hundred fifty thousand 135965  
dollars of taxable gross receipts during the calendar year. 135966  
Division (E)(1) of this section does not apply to a person that is 135967  
a member of a consolidated elected taxpayer; 135968

(2) A public utility that paid the excise tax imposed by 135969  
section 5727.24 or 5727.30 of the Revised Code based on one or 135970  
more measurement periods that include the entire tax period under 135971  
this chapter, except that a public utility that is a combined 135972  
company is a taxpayer with regard to the following gross receipts: 135973

(a) Taxable gross receipts directly attributed to a public 135974  
utility activity, but not directly attributed to an activity that 135975  
is subject to the excise tax imposed by section 5727.24 or 5727.30 135976  
of the Revised Code; 135977

(b) Taxable gross receipts that cannot be directly attributed 135978  
to any activity, multiplied by a fraction whose numerator is the 135979  
taxable gross receipts described in division (E)(2)(a) of this 135980  
section and whose denominator is the total taxable gross receipts 135981  
that can be directly attributed to any activity; 135982

(c) Except for any differences resulting from the use of an 135983  
accrual basis method of accounting for purposes of determining 135984  
gross receipts under this chapter and the use of the cash basis 135985  
method of accounting for purposes of determining gross receipts 135986  
under section 5727.24 of the Revised Code, the gross receipts 135987  
directly attributed to the activity of a natural gas company shall 135988  
be determined in a manner consistent with division (D) of section 135989  
5727.03 of the Revised Code. 135990

As used in division (E)(2) of this section, "combined 135991  
company" and "public utility" have the same meanings as in section 135992  
5727.01 of the Revised Code. 135993

(3) A financial institution, as defined in section 5726.01 of 135994  
the Revised Code, that paid the tax imposed by section 5726.02 of 135995  
the Revised Code based on one or more taxable years that include 135996  
the entire tax period under this chapter; 135997

(4) A person directly or indirectly owned by one or more 135998  
financial institutions, as defined in section 5726.01 of the 135999

Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final

financing order as those terms are defined in section 4928.23 of 136031  
the Revised Code. For purposes of this division, "securitization" 136032  
means transferring one or more assets to one or more persons and 136033  
then issuing securities backed by the right to receive payment 136034  
from the asset or assets so transferred. 136035

(7) Except as otherwise provided in this division, a 136036  
pre-income tax trust as defined in division (FF)(4) of section 136037  
5747.01 of the Revised Code and any pass-through entity of which 136038  
such pre-income tax trust owns or controls, directly, indirectly, 136039  
or constructively through related interests, more than five per 136040  
cent of the ownership or equity interests. If the pre-income tax 136041  
trust has made a qualifying pre-income tax trust election under 136042  
division (FF)(3) of section 5747.01 of the Revised Code, then the 136043  
trust and the pass-through entities of which it owns or controls, 136044  
directly, indirectly, or constructively through related interests, 136045  
more than five per cent of the ownership or equity interests, 136046  
shall not be excluded persons for purposes of the tax imposed 136047  
under section 5751.02 of the Revised Code. 136048

(8) Nonprofit organizations or the state and its agencies, 136049  
instrumentalities, or political subdivisions. 136050

(F) Except as otherwise provided in divisions (F)(2), (3), 136051  
~~and (4), and (5)~~ of this section, "gross receipts" means the total 136052  
amount realized by a person, without deduction for the cost of 136053  
goods sold or other expenses incurred, that contributes to the 136054  
production of gross income of the person, including the fair 136055  
market value of any property and any services received, and any 136056  
debt transferred or forgiven as consideration. 136057

(1) The following are examples of gross receipts: 136058

(a) Amounts realized from the sale, exchange, or other 136059  
disposition of the taxpayer's property to or with another; 136060

(b) Amounts realized from the taxpayer's performance of 136061

services for another; 136062

(c) Amounts realized from another's use or possession of the 136063  
taxpayer's property or capital; 136064

(d) Any combination of the foregoing amounts. 136065

(2) "Gross receipts" excludes the following amounts: 136066

(a) Interest income except interest on credit sales; 136067

(b) Dividends and distributions from corporations, and 136068  
distributive or proportionate shares of receipts and income from a 136069  
pass-through entity as defined under section 5733.04 of the 136070  
Revised Code; 136071

(c) Receipts from the sale, exchange, or other disposition of 136072  
an asset described in section 1221 or 1231 of the Internal Revenue 136073  
Code, without regard to the length of time the person held the 136074  
asset. Notwithstanding section 1221 of the Internal Revenue Code, 136075  
receipts from hedging transactions also are excluded to the extent 136076  
the transactions are entered into primarily to protect a financial 136077  
position, such as managing the risk of exposure to (i) foreign 136078  
currency fluctuations that affect assets, liabilities, profits, 136079  
losses, equity, or investments in foreign operations; (ii) 136080  
interest rate fluctuations; or (iii) commodity price fluctuations. 136081  
As used in division (F)(2)(c) of this section, "hedging 136082  
transaction" has the same meaning as used in section 1221 of the 136083  
Internal Revenue Code and also includes transactions accorded 136084  
hedge accounting treatment under statement of financial accounting 136085  
standards number 133 of the financial accounting standards board. 136086  
For the purposes of division (F)(2)(c) of this section, the actual 136087  
transfer of title of real or tangible personal property to another 136088  
entity is not a hedging transaction. 136089

(d) Proceeds received attributable to the repayment, 136090  
maturity, or redemption of the principal of a loan, bond, mutual 136091  
fund, certificate of deposit, or marketable instrument; 136092



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;                                                                                                                                                                                                                                                                                                                                                                                                                   | 136093<br>136094<br>136095                                                             |
| (f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;                                                                                                                                                                                                                                                                                                                    | 136096<br>136097<br>136098<br>136099                                                   |
| (g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement; | 136100<br>136101<br>136102<br>136103<br>136104<br>136105<br>136106<br>136107<br>136108 |
| (h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;                                                                                                                                                                                                                                                                                                                                                                                                        | 136109<br>136110<br>136111                                                             |
| (i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;                                                                                                                                                                                                                                                                                                                                                                                                                        | 136112<br>136113<br>136114                                                             |
| (j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;                                                                                                                                          | 136115<br>136116<br>136117<br>136118<br>136119<br>136120<br>136121                     |
| (k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross                                                                                                                                                                                                                                                                                                                                                                                                                                        | 136122<br>136123                                                                       |

|                                                                               |        |
|-------------------------------------------------------------------------------|--------|
| receipts;                                                                     | 136124 |
| (l) Property, money, and other amounts received or acquired                   | 136125 |
| by an agent on behalf of another in excess of the agent's                     | 136126 |
| commission, fee, or other remuneration;                                       | 136127 |
| (m) Tax refunds, other tax benefit recoveries, and                            | 136128 |
| reimbursements for the tax imposed under this chapter made by                 | 136129 |
| entities that are part of the same combined taxpayer or                       | 136130 |
| consolidated elected taxpayer group, and reimbursements made by               | 136131 |
| entities that are not members of a combined taxpayer or                       | 136132 |
| consolidated elected taxpayer group that are required to be made              | 136133 |
| for economic parity among multiple owners of an entity whose tax              | 136134 |
| obligation under this chapter is required to be reported and paid             | 136135 |
| entirely by one owner, pursuant to the requirements of sections               | 136136 |
| 5751.011 and 5751.012 of the Revised Code;                                    | 136137 |
| (n) Pension reversions;                                                       | 136138 |
| (o) Contributions to capital;                                                 | 136139 |
| (p) Sales or use taxes collected as a vendor or an                            | 136140 |
| out-of-state seller on behalf of the taxing jurisdiction from a               | 136141 |
| consumer or other taxes the taxpayer is required by law to collect            | 136142 |
| directly from a purchaser and remit to a local, state, or federal             | 136143 |
| tax authority;                                                                | 136144 |
| (q) In the case of receipts from the sale of cigarettes or                    | 136145 |
| tobacco products by a wholesale dealer, retail dealer,                        | 136146 |
| distributor, manufacturer, or seller, all as defined in section               | 136147 |
| 5743.01 of the Revised Code, an amount equal to the federal and               | 136148 |
| state excise taxes paid by any person on or for such cigarettes or            | 136149 |
| tobacco products under subtitle E of the Internal Revenue Code or             | 136150 |
| Chapter 5743. of the Revised Code;                                            | 136151 |
| (r) In the case of receipts from the sale of motor fuel <del>by to</del>      | 136152 |
| a licensed motor fuel dealer, licensed retail dealer, or licensed             | 136153 |
| permissive motor fuel dealer, <del>all as defined in section 5735.01 of</del> | 136154 |

~~the Revised Code~~, an amount equal to federal and state excise 136155  
taxes paid by any person on such motor fuel under section 4081 of 136156  
the Internal Revenue Code or Chapter 5735. of the Revised Code; 136157

(s) In the case of receipts from the sale of beer or 136158  
intoxicating liquor, as defined in section 4301.01 of the Revised 136159  
Code, by a person holding a permit issued under Chapter 4301. or 136160  
4303. of the Revised Code, an amount equal to federal and state 136161  
excise taxes paid by any person on or for such beer or 136162  
intoxicating liquor under subtitle E of the Internal Revenue Code 136163  
or Chapter 4301. or 4305. of the Revised Code; 136164

(t) Receipts realized by a new motor vehicle dealer or used 136165  
motor vehicle dealer, as defined in section 4517.01 of the Revised 136166  
Code, from the sale or other transfer of a motor vehicle, as 136167  
defined in that section, to another motor vehicle dealer for the 136168  
purpose of resale by the transferee motor vehicle dealer, but only 136169  
if the sale or other transfer was based upon the transferee's need 136170  
to meet a specific customer's preference for a motor vehicle; 136171

(u) Receipts from a financial institution described in 136172  
division (E)(3) of this section for services provided to the 136173  
financial institution in connection with the issuance, processing, 136174  
servicing, and management of loans or credit accounts, if such 136175  
financial institution and the recipient of such receipts have at 136176  
least fifty per cent of their ownership interests owned or 136177  
controlled, directly or constructively through related interests, 136178  
by common owners; 136179

(v) Receipts realized from administering anti-neoplastic 136180  
drugs and other cancer chemotherapy, biologicals, therapeutic 136181  
agents, and supportive drugs in a physician's office to patients 136182  
with cancer; 136183

(w) Funds received or used by a mortgage broker that is not a 136184  
dealer in intangibles, other than fees or other consideration, 136185

pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer;

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts.

(i) For purposes of division (F)(2)(z) of this section:

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. If the qualified distribution center is a refining facility, "supplier" includes all dealers, brokers, processors, sellers, vendors, cosigners, and distributors of qualified property.

(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this

state or elsewhere or, in the case of gold, silver, platinum, or 136217  
palladium delivered to a refining facility solely for refining to 136218  
a grade and fineness acceptable for delivery to a registered 136219  
commodities exchange. "Further shipping" includes storing and 136220  
repackaging property into smaller or larger bundles, so long as 136221  
the property is not subject to further manufacturing or 136222  
processing. "Refining" is limited to extracting impurities from 136223  
gold, silver, platinum, or palladium through smelting or some 136224  
other process at a refining facility. 136225

(III) "Qualified distribution center" means a warehouse, a 136226  
facility similar to a warehouse, or a refining facility in this 136227  
state that, for the qualifying year, is operated by a person that 136228  
is not part of a combined taxpayer group and that has a qualifying 136229  
certificate. All warehouses or facilities similar to warehouses 136230  
that are operated by persons in the same taxpayer group and that 136231  
are located within one mile of each other shall be treated as one 136232  
qualified distribution center. All refining facilities that are 136233  
operated by persons in the same taxpayer group and that are 136234  
located in the same or adjacent counties may be treated as one 136235  
qualified distribution center. 136236

(IV) "Qualifying year" means the calendar year to which the 136237  
qualifying certificate applies. 136238

(V) "Qualifying period" means the period of the first day of 136239  
July of the second year preceding the qualifying year through the 136240  
thirtieth day of June of the year preceding the qualifying year. 136241

(VI) "Qualifying certificate" means the certificate issued by 136242  
the tax commissioner after the operator of a distribution center 136243  
files an annual application with the commissioner. The application 136244  
and annual fee shall be filed and paid for each qualified 136245  
distribution center on or before the first day of September before 136246  
the qualifying year or within forty-five days after the 136247  
distribution center opens, whichever is later. 136248

The applicant must substantiate to the commissioner's 136249  
satisfaction that, for the qualifying period, all persons 136250  
operating the distribution center have more than fifty per cent of 136251  
the cost of the qualified property shipped to a location such that 136252  
it would be situated outside this state under the provisions of 136253  
division (E) of section 5751.033 of the Revised Code. The 136254  
applicant must also substantiate that the distribution center 136255  
cumulatively had costs from its suppliers equal to or exceeding 136256  
five hundred million dollars during the qualifying period. (For 136257  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 136258  
excludes any person that is part of the consolidated elected 136259  
taxpayer group, if applicable, of the operator of the qualified 136260  
distribution center.) The commissioner may require the applicant 136261  
to have an independent certified public accountant certify that 136262  
the calculation of the minimum thresholds required for a qualified 136263  
distribution center by the operator of a distribution center has 136264  
been made in accordance with generally accepted accounting 136265  
principles. The commissioner shall issue or deny the issuance of a 136266  
certificate within sixty days after the receipt of the 136267  
application. A denial is subject to appeal under section 5717.02 136268  
of the Revised Code. If the operator files a timely appeal under 136269  
section 5717.02 of the Revised Code, the operator shall be granted 136270  
a qualifying certificate, provided that effective for the 136271  
remainder of the qualifying year or until the appeal is finalized, 136272  
whichever is earlier. If the operator is liable for any tax, 136273  
interest, or penalty upon amounts claimed as qualifying 136274  
distribution center receipts, other than those receipts exempt 136275  
under division (C)(1) of section 5751.011 of the Revised Code, 136276  
that would have otherwise not been owed by its suppliers if the 136277  
qualifying certificate was valid does not prevail in the appeal, 136278  
the operator shall pay the ineligible operator's supplier tax 136279  
liability. 136280

(VII) "Ohio delivery percentage" means the proportion of the 136281

total property delivered to a destination inside Ohio from the 136282  
qualified distribution center during the qualifying period 136283  
compared with total deliveries from such distribution center 136284  
everywhere during the qualifying period. 136285

(VIII) "Refining facility" means one or more buildings 136286  
located in a county in the Appalachian region of this state as 136287  
defined by section 107.21 of the Revised Code and utilized for 136288  
refining or smelting gold, silver, platinum, or palladium to a 136289  
grade and fineness acceptable for delivery to a registered 136290  
commodities exchange. 136291

(IX) "Registered commodities exchange" means a board of 136292  
trade, such as New York mercantile exchange, inc. or commodity 136293  
exchange, inc., designated as a contract market by the commodity 136294  
futures trading commission under the "Commodity Exchange Act," 7 136295  
U.S.C. 1 et seq., as amended. 136296

(X) "Ineligible operator's supplier tax liability" means an 136297  
amount equal to the tax liability of all suppliers of a 136298  
distribution center had the distribution center not been issued a 136299  
qualifying certificate for the qualifying year. Ineligible 136300  
operator's supplier tax liability shall not include interest or 136301  
penalties. The tax commissioner shall determine an ineligible 136302  
operator's supplier tax liability based on information that the 136303  
commissioner may request from the operator of the distribution 136304  
center. An operator shall provide a list of all suppliers of the 136305  
distribution center and the corresponding costs of qualified 136306  
property for the qualifying year at issue within sixty days of a 136307  
request by the commissioner under this division. 136308

(ii)(I) If the distribution center is new and was not open 136309  
for the entire qualifying period, the operator of the distribution 136310  
center may request that the commissioner grant a qualifying 136311  
certificate. If the certificate is granted and it is later 136312  
determined that more than fifty per cent of the qualified property 136313

during that year was not shipped to a location such that it would 136314  
be situated outside of this state under the provisions of division 136315  
(E) of section 5751.033 of the Revised Code or if it is later 136316  
determined that the person that operates the distribution center 136317  
had average monthly costs from its suppliers of less than forty 136318  
million dollars during that year, then the operator of the 136319  
distribution center shall pay ~~a penalty for that year equal to~~ 136320  
~~five hundred thousand dollars~~ the ineligible operator's supplier 136321  
tax liability. (For purposes of division (F)(2)(z)(ii) of this 136322  
section, "supplier" excludes any person that is part of the 136323  
consolidated elected taxpayer group, if applicable, of the 136324  
operator of the qualified distribution center.) 136325

(II) The commissioner may grant a qualifying certificate to a 136326  
distribution center that does not qualify as a qualified 136327  
distribution center for an entire qualifying period if the 136328  
operator of the distribution center demonstrates that the business 136329  
operations of the distribution center have changed or will change 136330  
such that the distribution center will qualify as a qualified 136331  
distribution center within thirty-six months after the date the 136332  
operator first applies for a certificate. If, at the end of that 136333  
thirty-six-month period, the business operations of the 136334  
distribution center have not changed such that the distribution 136335  
center qualifies as a qualified distribution center, the operator 136336  
of the distribution center shall pay ~~a penalty equal to five~~ 136337  
~~hundred thousand dollars~~ the ineligible operator's supplier tax 136338  
liability for each year that the distribution center received a 136339  
certificate but did not qualify as a qualified distribution 136340  
center. For each year the distribution center receives a 136341  
certificate under division (F)(2)(z)(ii)(II) of this section, the 136342  
distribution center shall pay all applicable fees required under 136343  
division (F)(2)(z) of this section and shall submit an updated 136344  
business plan showing the progress the distribution center made 136345  
toward qualifying as a qualified distribution center during the 136346



preceding year. 136347

(III) An operator may appeal ~~the imposition of a penalty~~ 136348  
~~imposed~~ determination under division (F)(2)(z)(ii)(I) or (II) of 136349  
this section that the ineligible operator is liable for the 136350  
operator's supplier tax liability as a result of not qualifying as 136351  
a qualified distribution center, as provided in section 5717.02 of 136352  
the Revised Code. 136353

(iii) When filing an application for a qualifying certificate 136354  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 136355  
qualified distribution center also shall provide documentation, as 136356  
the commissioner requires, for the commissioner to ascertain the 136357  
Ohio delivery percentage. The commissioner, upon issuing the 136358  
qualifying certificate, also shall certify the Ohio delivery 136359  
percentage. The operator of the qualified distribution center may 136360  
appeal the commissioner's certification of the Ohio delivery 136361  
percentage in the same manner as an appeal is taken from the 136362  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 136363  
of this section. 136364

~~Within thirty days after all appeals have been exhausted, the~~ 136365  
~~operator of the qualified distribution center shall provide the~~ 136366  
~~commissioner with a list of all affected suppliers of qualified~~ 136367  
~~property. The commissioner shall notify all such suppliers that~~ 136368  
~~the suppliers are required to file, within sixty days after~~ 136369  
~~receiving the notice, amended reports for the affected calendar~~ 136370  
~~quarter or quarters or calendar year, whichever the case may be.~~ 136371  
~~Any additional tax liability or tax overpayment shall be subject~~ 136372  
~~to interest but shall not be subject to the imposition of any~~ 136373  
~~penalty so long as the amended returns are timely filed. The~~ 136374  
~~supplier of tangible personal property delivered to the qualified~~ 136375  
~~distribution center shall include in its report of taxable gross~~ 136376  
~~receipts the receipts from the total sales of property delivered~~ 136377  
~~to the qualified distribution center for the calendar quarter or~~ 136378

~~calendar year, whichever the case may be, multiplied by the Ohio  
delivery percentage for the qualifying year. Nothing in division  
(F)(2)(z)(iii) of this section shall be construed as imposing  
liability on the operator of a qualified distribution center for  
the tax imposed by this chapter arising from any change to the  
Ohio delivery percentage.~~

(iv)(I) In the case where the distribution center is new and  
not open for the entire qualifying period, the operator shall make  
a good faith estimate of an Ohio delivery percentage for use by  
suppliers in their reports of taxable gross receipts for the  
remainder of the qualifying period. The operator of the facility  
shall disclose to the suppliers that such Ohio delivery percentage  
is an estimate and is subject to recalculation. By the due date of  
the next application for a qualifying certificate, the operator  
shall determine the actual Ohio delivery percentage for the  
estimated qualifying period and proceed as provided in division  
(F)(2)(z)(iii) of this section with respect to the calculation and  
recalculation of the Ohio delivery percentage. The supplier is  
required to file, within sixty days after receiving notice from  
the operator of the qualified distribution center, amended reports  
for the impacted calendar quarter or quarters or calendar year,  
whichever the case may be. Any additional tax liability or tax  
overpayment shall be subject to interest but shall not be subject  
to the imposition of any penalty so long as the amended returns  
are timely filed.

(II) The operator of a distribution center that receives a  
qualifying certificate under division (F)(2)(z)(ii)(II) of this  
section shall make a good faith estimate of the Ohio delivery  
percentage that the operator estimates will apply to the  
distribution center at the end of the thirty-six-month period  
after the operator first applied for a qualifying certificate  
under that division. The result of the estimate shall be

multiplied by a factor of one and seventy-five one-hundredths. The 136411  
product of that calculation shall be the Ohio delivery percentage 136412  
used by suppliers in their reports of taxable gross receipts for 136413  
each qualifying year that the distribution center receives a 136414  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 136415  
section, except that, if the product is less than five per cent, 136416  
the Ohio delivery percentage used shall be five per cent and that, 136417  
if the product exceeds forty-nine per cent, the Ohio delivery 136418  
percentage used shall be forty-nine per cent. 136419

(v) Qualifying certificates and Ohio delivery percentages 136420  
issued by the commissioner shall be open to public inspection and 136421  
shall be timely published by the commissioner. A supplier relying 136422  
in good faith on a certificate issued under this division shall 136423  
not be subject to tax on the qualifying distribution center 136424  
receipts under division (F)(2)(z) of this section. ~~A person~~ An 136425  
operator receiving a qualifying certificate is liable for a 136426  
~~penalty equal to five hundred thousand dollars~~ the ineligible 136427  
operator's supplier tax liability for each year the ~~person~~ 136428  
operator received a certificate ~~that should not have been issued~~ 136429  
~~because the statutory requirements were in fact not met~~ but did 136430  
not qualify as a qualified distribution center. 136431

(vi) The annual fee for a qualifying certificate shall be one 136432  
hundred thousand dollars for each qualified distribution center. 136433  
If a qualifying certificate is not issued, the annual fee is 136434  
subject to refund after the exhaustion of all appeals provided for 136435  
in division (F)(2)(z)(i)(VI) of this section. ~~The fee imposed~~ 136436  
~~under this division may be assessed in the same manner as the tax~~ 136437  
~~imposed under this chapter.~~ The first one hundred thousand dollars 136438  
of the annual application fees collected each calendar year shall 136439  
be credited to the revenue enhancement fund. The remainder of the 136440  
annual application fees collected shall be distributed in the same 136441  
manner required under section 5751.20 of the Revised Code. 136442

(vii) The tax commissioner may require that adequate security 136443  
be posted by the operator of the distribution center on appeal 136444  
when the commissioner disagrees that the applicant has met the 136445  
minimum thresholds for a qualified distribution center as set 136446  
forth in ~~divisions (F)(2)(z)(i)(VI) and~~ division (F)(2)(z)(ii) of 136447  
this section. 136448

(aa) Receipts of an employer from payroll deductions relating 136449  
to the reimbursement of the employer for advancing moneys to an 136450  
unrelated third party on an employee's behalf; 136451

(bb) Cash discounts allowed and taken; 136452

(cc) Returns and allowances; 136453

(dd) Bad debts from receipts on the basis of which the tax 136454  
imposed by this chapter was paid in a prior quarterly tax payment 136455  
period. For the purpose of this division, "bad debts" means any 136456  
debts that have become worthless or uncollectible between the 136457  
preceding and current quarterly tax payment periods, have been 136458  
uncollected for at least six months, and that may be claimed as a 136459  
deduction under section 166 of the Internal Revenue Code and the 136460  
regulations adopted under that section, or that could be claimed 136461  
as such if the taxpayer kept its accounts on the accrual basis. 136462  
"Bad debts" does not include repossessed property, uncollectible 136463  
amounts on property that remains in the possession of the taxpayer 136464  
until the full purchase price is paid, or expenses in attempting 136465  
to collect any account receivable or for any portion of the debt 136466  
recovered; 136467

(ee) Any amount realized from the sale of an account 136468  
receivable to the extent the receipts from the underlying 136469  
transaction giving rise to the account receivable were included in 136470  
the gross receipts of the taxpayer; 136471

(ff) Any receipts directly attributed to a transfer agreement 136472  
or to the enterprise transferred under that agreement under 136473

section 4313.02 of the Revised Code. 136474

(gg)(i) As used in this division: 136475

(I) "Qualified uranium receipts" means receipts from the 136476  
sale, exchange, lease, loan, production, processing, or other 136477  
disposition of uranium within a uranium enrichment zone certified 136478  
by the tax commissioner under division (F)(2)(gg)(ii) of this 136479  
section. "Qualified uranium receipts" does not include any 136480  
receipts with a situs in this state outside a uranium enrichment 136481  
zone certified by the tax commissioner under division 136482  
(F)(2)(gg)(ii) of this section. 136483

(II) "Uranium enrichment zone" means all real property that 136484  
is part of a uranium enrichment facility licensed by the United 136485  
States nuclear regulatory commission and that was or is owned or 136486  
controlled by the United States department of energy or its 136487  
successor. 136488

(ii) Any person that owns, leases, or operates real or 136489  
tangible personal property constituting or located within a 136490  
uranium enrichment zone may apply to the tax commissioner to have 136491  
the uranium enrichment zone certified for the purpose of excluding 136492  
qualified uranium receipts under division (F)(2)(gg) of this 136493  
section. The application shall include such information that the 136494  
tax commissioner prescribes. Within sixty days after receiving the 136495  
application, the tax commissioner shall certify the zone for that 136496  
purpose if the commissioner determines that the property qualifies 136497  
as a uranium enrichment zone as defined in division (F)(2)(gg) of 136498  
this section, or, if the tax commissioner determines that the 136499  
property does not qualify, the commissioner shall deny the 136500  
application or request additional information from the applicant. 136501  
If the tax commissioner denies an application, the commissioner 136502  
shall state the reasons for the denial. The applicant may appeal 136503  
the denial of an application to the board of tax appeals pursuant 136504  
to section 5717.02 of the Revised Code. If the applicant files a 136505

timely appeal, the tax commissioner shall conditionally certify 136506  
the applicant's property. The conditional certification shall 136507  
expire when all of the applicant's appeals are exhausted. Until 136508  
final resolution of the appeal, the applicant shall retain the 136509  
applicant's records in accordance with section 5751.12 of the 136510  
Revised Code, notwithstanding any time limit on the preservation 136511  
of records under that section. 136512

(hh) Amounts realized by licensed motor fuel dealers or 136513  
licensed permissive motor fuel dealers from the exchange of 136514  
petroleum products, including motor fuel, between such dealers, 136515  
provided that delivery of the petroleum products occurs at a 136516  
refinery, terminal, pipeline, or marine vessel and that the 136517  
exchanging dealers agree neither dealer shall require monetary 136518  
compensation from the other for the value of the exchanged 136519  
petroleum products other than such compensation for differences in 136520  
product location or grade. Division (F)(2)(hh) of this section 136521  
does not apply to amounts realized as a result of differences in 136522  
location or grade of exchanged petroleum products or from 136523  
handling, lubricity, dye, or other additive injections fees, 136524  
pipeline security fees, or similar fees. As used in this division, 136525  
~~"motor fuel," "licensed motor fuel dealer," "licensed permissive~~ 136526  
~~motor fuel dealer," and "terminal" have has the same meanings~~ 136527  
meaning as in section 5735.01 of the Revised Code. 136528

(ii) In the case of amounts collected by a licensed casino 136529  
operator from casino gaming, amounts in excess of the casino 136530  
operator's gross casino revenue. In this division, "casino 136531  
operator" and "casino gaming" have the meanings defined in section 136532  
3772.01 of the Revised Code, and "gross casino revenue" has the 136533  
meaning defined in section 5753.01 of the Revised Code. 136534

(jj) Receipts realized from the sale of agricultural 136535  
commodities by an agricultural commodity handler, both as defined 136536  
in section 926.01 of the Revised Code, that is licensed by the 136537

director of agriculture to handle agricultural commodities in this 136538  
state. 136539

(kk) Any receipts for which the tax imposed by this chapter 136540  
is prohibited by the constitution or laws of the United States or 136541  
the constitution of this state. 136542

(3) In the case of a taxpayer when acting as a real estate 136543  
broker, "gross receipts" includes only the portion of any fee for 136544  
the service of a real estate broker, or service of a real estate 136545  
salesperson associated with that broker, that is retained by the 136546  
broker and not paid to an associated real estate salesperson or 136547  
another real estate broker. For the purposes of this division, 136548  
"real estate broker" and "real estate salesperson" have the same 136549  
meanings as in section 4735.01 of the Revised Code. 136550

(4) A taxpayer's method of accounting for gross receipts for 136551  
a tax period shall be the same as the taxpayer's method of 136552  
accounting for federal income tax purposes for the taxpayer's 136553  
federal taxable year that includes the tax period. If a taxpayer's 136554  
method of accounting for federal income tax purposes changes, its 136555  
method of accounting for gross receipts under this chapter shall 136556  
be changed accordingly. 136557

(5) In the case of gross receipts realized from the sale, 136558  
exchange, or other transfer of motor fuel, "gross receipts" for 136559  
the purposes of this chapter includes only gross receipts to the 136560  
extent provided under section 5751.40 of the Revised Code, subject 136561  
to the exclusions under divisions (F)(2)(r) and (hh) of this 136562  
section. 136563

(G) "Taxable gross receipts" means gross receipts situated to 136564  
this state under section 5751.033 of the Revised Code. 136565

(H) A person has "substantial nexus with this state" if any 136566  
of the following applies. The person: 136567

(1) Owns or uses a part or all of its capital in this state; 136568

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state; 136569  
136570

(3) Has bright-line presence in this state; 136571

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States. 136572  
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(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person: 136575  
136576  
136577

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge. 136578  
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(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following: 136583  
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136585

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code; 136586  
136587

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and 136588  
136589  
136590

(c) Any amount the person pays for services performed in this state on its behalf by another. 136591  
136592

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars. 136593  
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(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts. 136595  
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(5) Is domiciled in this state as an individual or for 136598



corporate, commercial, or other business purposes. 136599

(J) "Tangible personal property" has the same meaning as in 136600  
section 5739.01 of the Revised Code. 136601

(K) "Internal Revenue Code" means the Internal Revenue Code 136602  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 136603  
this chapter that is not otherwise defined has the same meaning as 136604  
when used in a comparable context in the laws of the United States 136605  
relating to federal income taxes unless a different meaning is 136606  
clearly required. Any reference in this chapter to the Internal 136607  
Revenue Code includes other laws of the United States relating to 136608  
federal income taxes. 136609

(L) "Calendar quarter" means a three-month period ending on 136610  
the thirty-first day of March, the thirtieth day of June, the 136611  
thirtieth day of September, or the thirty-first day of December. 136612

(M) "Tax period" means the calendar quarter or calendar year 136613  
on the basis of which a taxpayer is required to pay the tax 136614  
imposed under this chapter. 136615

(N) "Calendar year taxpayer" means a taxpayer for which the 136616  
tax period is a calendar year. 136617

(O) "Calendar quarter taxpayer" means a taxpayer for which 136618  
the tax period is a calendar quarter. 136619

(P) "Agent" means a person authorized by another person to 136620  
act on its behalf to undertake a transaction for the other, 136621  
including any of the following: 136622

(1) A person receiving a fee to sell financial instruments; 136623

(2) A person retaining only a commission from a transaction 136624  
with the other proceeds from the transaction being remitted to 136625  
another person; 136626

(3) A person issuing licenses and permits under section 136627  
1533.13 of the Revised Code; 136628

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code; 136629  
136630

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 136631  
136632

(Q) "Received" includes amounts accrued under the accrual method of accounting. 136633  
136634

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 136635  
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(S) "Motor fuel," "motor fuel dealer," "licensed motor fuel dealer," "licensed retail dealer," and "licensed permissive motor fuel dealer" have the same meanings as in section 5735.01 of the Revised Code, except that "motor fuel" does not include dyed diesel fuel as defined in that section or motor fuel sold exclusively for use in the operation of aircraft and exempted from the motor fuel excise tax under division (A)(7) of section 5735.05 of the Revised Code. 136642  
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**Sec. 5751.011.** (A) A group of two or more persons may elect to be a consolidated elected taxpayer for the purposes of this chapter if the group satisfies all of the following requirements: 136650  
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136652

(1) The group elects to include all persons, including persons enumerated in divisions (E)(2) to (5) of section 5751.01 of the Revised Code, having at least eighty per cent, or having at least fifty per cent, of the value of their ownership interests owned or controlled, directly or constructively through related interests, by common owners during all or any portion of the tax 136653  
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period, together with the common owners. 136659

A group making its initial election on the basis of the 136660  
eighty per cent ownership test may change its election so that its 136661  
consolidated elected taxpayer group is formed on the basis of the 136662  
fifty per cent ownership test if all of the following are 136663  
satisfied: 136664

(a) When the initial election was made, the group did not 136665  
have any persons satisfying the fifty per cent ownership test; 136666

(b) One or more of the persons in the initial group 136667  
subsequently acquires ownership interests in a person such that 136668  
the fifty per cent ownership test is satisfied, the eighty per 136669  
cent ownership test is not satisfied, and the acquired person 136670  
would be required to be included in a combined taxpayer group 136671  
under section 5751.012 of the Revised Code; 136672

(c) The group requests the change in writing to the 136673  
commissioner as required by division (D) of this section; 136674

(d) The group has not previously changed its election. 136675

At the election of the group, all entities that are not 136676  
incorporated or formed under the laws of a state or of the United 136677  
States and that meet the consolidated elected ownership test shall 136678  
either be included in the group or all shall be excluded from the 136679  
group. If, at the time of registration, the group does not include 136680  
any such entities that meet the consolidated elected ownership 136681  
test, the group shall elect to either include or exclude the newly 136682  
acquired entities before the due date of the first return due 136683  
after the date of the acquisition. 136684

If fifty per cent of the value of a person's ownership 136685  
interests is owned or controlled by each of two consolidated 136686  
elected taxpayer groups formed under the fifty per cent ownership 136687  
or control test, that person is a member of each group for the 136688  
purposes of this section, and each group shall include in the 136689

group's taxable gross receipts fifty per cent of that person's 136690  
taxable gross receipts. Otherwise, all of that person's taxable 136691  
gross receipts shall be included in the taxable gross receipts of 136692  
the consolidated elected taxpayer group of which the person is a 136693  
member. In no event shall the ownership or control of fifty per 136694  
cent of the value of a person's ownership interests by two 136695  
otherwise unrelated groups form the basis for consolidating the 136696  
groups into a single consolidated elected taxpayer group or permit 136697  
any exclusion under division (C) of this section of taxable gross 136698  
receipts between members of the two groups. Division (A)(3) of 136699  
this section applies with respect to the elections described in 136700  
this division. 136701

(2) The group makes the election to be treated as a 136702  
consolidated elected taxpayer in the manner prescribed under 136703  
division (D) of this section. 136704

(3) Subject to review and audit by the tax commissioner, the 136705  
group agrees that all of the following apply: 136706

(a) The group shall file reports as a single taxpayer for at 136707  
least the next eight calendar quarters following the election so 136708  
long as at least two or more of the members of the group meet the 136709  
requirements of division (A)(1) of this section. 136710

(b) Before the expiration of the eighth such calendar 136711  
quarter, the group shall notify the commissioner if it elects to 136712  
cancel its designation as a consolidated elected taxpayer. If the 136713  
group does not so notify the tax commissioner, the election 136714  
remains in effect for another eight calendar quarters. 136715

(c) If, at any time during any of those eight calendar 136716  
quarters following the election, a former member of the group no 136717  
longer meets the requirements under division (A)(1) of this 136718  
section, that member shall report and pay the tax imposed under 136719  
this chapter separately, as a member of a combined taxpayer, or, 136720

if the former member satisfies such requirements with respect to 136721  
another consolidated elected group, as a member of that 136722  
consolidated elected group. 136723

(d) The group agrees to the application of division (B) of 136724  
this section. 136725

(B) A group of persons making the election under this section 136726  
shall report and pay tax on all of the group's taxable gross 136727  
receipts even if substantial nexus with this state does not exist 136728  
for one or more persons in the group. 136729

(C)(1)(a) Members of a consolidated elected taxpayer group 136730  
shall exclude gross receipts among persons included in the 136731  
consolidated elected taxpayer group, except for any such person's 136732  
gross receipts from motor fuel determined under section 5751.40 of 136733  
the Revised Code. 136734

(b) Subject to divisions (C)(1)(c) and (C)(2) of this 136735  
section, nothing in this section shall have the effect of 136736  
requiring a consolidated elected taxpayer group to include gross 136737  
receipts received by a person enumerated in divisions (E)(2) to 136738  
(5) of section 5751.01 of the Revised Code if that person is a 136739  
member of the group pursuant to the elections made by the group 136740  
under division (A)(1) of this section. 136741

(c)(i) As used in division (C)(1)(c) of this section, "dealer 136742  
transfer" means a transfer of property that satisfies both of the 136743  
following: (I) the property is directly transferred by any means 136744  
from one member of the group to another member of the group that 136745  
is a dealer in intangibles but is not a qualifying dealer as 136746  
defined in section 5707.031 of the Revised Code; and (II) the 136747  
property is subsequently delivered by the dealer in intangibles to 136748  
a person that is not a member of the group. 136749

(ii) In the event of a dealer transfer, a consolidated 136750  
elected taxpayer group shall not exclude, under division (C) of 136751

this section, gross receipts from the transfer described in 136752  
division (C)(1)(c)(i)(I) of this section. 136753

(2) Gross receipts related to the sale or transmission of 136754  
electricity through the use of an intermediary regional 136755  
transmission organization approved by the federal energy 136756  
regulatory commission shall be excluded from taxable gross 136757  
receipts under division (C)(1) of this section if all other 136758  
requirements of that division are met, even if the receipts are 136759  
from and to the same member of the group. 136760

(D) To make the election to be a consolidated elected 136761  
taxpayer, a group of persons shall notify the commissioner of the 136762  
election on a form prescribed by the commissioner for that 136763  
purpose, which shall be signed by one or more individuals with 136764  
authority, separately or together, to make a binding election on 136765  
behalf of all persons in the group. Elections under division (A) 136766  
of this section shall be made on or before the due date for filing 136767  
the first return due after the election applies. 136768

Any person acquired or formed after the filing of the 136769  
registration shall be included in the group if the person meets 136770  
the requirements of division (A)(1) of this section, and the group 136771  
shall notify the commissioner of any additions to the group on a 136772  
form prescribed by the commissioner for such purpose. 136773

**Sec. 5751.02.** (A) For the purpose of funding the needs of 136774  
this state and its local governments and providing revenue to the 136775  
commercial activity tax motor fuel receipts fund, there is hereby 136776  
levied a commercial activity tax on each person with taxable gross 136777  
receipts for the privilege of doing business in this state. For 136778  
the purposes of this chapter, "doing business" means engaging in 136779  
any activity, whether legal or illegal, that is conducted for, or 136780  
results in, gain, profit, or income, at any time during a calendar 136781  
year. Persons on which the commercial activity tax is levied 136782

include, but are not limited to, persons with substantial nexus 136783  
with this state. The tax imposed under this section is not a 136784  
transactional tax and is not subject to Public Law No. 86-272, 73 136785  
Stat. 555. The tax imposed under this section is in addition to 136786  
any other taxes or fees imposed under the Revised Code. The tax 136787  
levied under this section is imposed on the person receiving the 136788  
gross receipts and is not a tax imposed directly on a purchaser. 136789  
The tax imposed by this section is an annual privilege tax for the 136790  
calendar year that, in the case of calendar year taxpayers, is the 136791  
annual tax period and, in the case of calendar quarter taxpayers, 136792  
contains all quarterly tax periods in the calendar year. A 136793  
taxpayer is subject to the annual privilege tax for doing business 136794  
during any portion of such calendar year. 136795

(B) The tax imposed by this section is a tax on the taxpayer 136796  
and shall not be billed or invoiced to another person. Even if the 136797  
tax or any portion thereof is billed or invoiced and separately 136798  
stated, such amounts remain part of the price for purposes of the 136799  
sales and use taxes levied under Chapters 5739. and 5741. of the 136800  
Revised Code. Nothing in division (B) of this section prohibits: 136801

(1) A person from including in the price charged for a good 136802  
or service an amount sufficient to recover the tax imposed by this 136803  
section; or 136804

(2) A lessor from including an amount sufficient to recover 136805  
the tax imposed by this section in a lease payment charged, or 136806  
from including such an amount on a billing or invoice pursuant to 136807  
the terms of a written lease agreement providing for the recovery 136808  
of the lessor's tax costs. The recovery of such costs shall be 136809  
based on an estimate of the total tax cost of the lessor during 136810  
the tax period, as the tax liability of the lessor cannot be 136811  
calculated until the end of that period. 136812

Division (B) of this section does not apply to the tax 136813

imposed under this section on the basis of gross receipts 136814  
described in division (B) of section 5751.40 of the Revised Code. 136815

**Sec. 5751.03.** (A) Except as provided in division (B) of this 136816  
section and in section 5751.031 of the Revised Code, the tax 136817  
levied under this section for each tax period shall be ~~the product~~ 136818  
~~of two and six tenths mills per dollar times the remainder of~~ 136819  
calculated by subtracting from the taxpayer's taxable gross 136820  
receipts ~~for the tax period after subtracting~~ the exclusion amount 136821  
provided for in division (C) of this section and totaling the 136822  
products obtained by multiplying the remainder of the taxpayer's 136823  
taxable gross receipts by the following applicable amounts: 136824

(1) In the case of taxable gross receipts from the sale, 136825  
exchange, or other transfer of motor fuel, six and five-tenths 136826  
mills per dollar; 136827

(2) In the case of all other taxable gross receipts, two and 136828  
six-tenths mills per dollar. 136829

(B) Notwithstanding division (C) of this section, the tax on 136830  
the first one million dollars in taxable gross receipts each 136831  
calendar year shall be one hundred fifty dollars. The tax imposed 136832  
under this division shall be paid not later than the tenth day of 136833  
May of each year along with the first quarter or annual tax 136834  
return, as applicable. 136835

(C)(1) Each taxpayer may exclude the first one million 136836  
dollars of taxable gross receipts for a calendar year. Calendar 136837  
quarter taxpayers shall apply the full exclusion amount to the 136838  
first calendar quarter return the taxpayer files that calendar 136839  
year and may carry forward and apply any unused exclusion amount 136840  
to subsequent calendar quarters within that same calendar year. 136841

(2) A taxpayer switching from a calendar year tax period to a 136842  
calendar quarter tax period may, for the first quarter of the 136843



change, apply the full one-million-dollar exclusion amount to the 136844  
first calendar quarter return the taxpayer files that calendar 136845  
year. Such taxpayers may carry forward and apply any unused 136846  
exclusion amount to subsequent calendar quarters within that same 136847  
calendar year. The tax rate shall be based on the rate imposed 136848  
that calendar quarter when the taxpayer switches from a calendar 136849  
year to a calendar quarter tax period. 136850

(3) A taxpayer shall not exclude more than one million 136851  
dollars pursuant to division (C) of this section in a calendar 136852  
year. 136853

**Sec. 5751.07.** (A) Any person required to file returns ~~for a~~ 136854  
~~calendar quarter~~ under this chapter shall remit each tax payment, 136855  
and, if required by the tax commissioner, file the tax return or 136856  
the annual report, electronically. The commissioner may require 136857  
taxpayers to use the Ohio business gateway as defined in section 136858  
718.051 of the Revised Code to file returns and remit the tax, or 136859  
may provide another means for taxpayers to file and remit the tax 136860  
electronically. 136861

(B) A person required by this section to remit taxes or file 136862  
returns electronically may apply to the tax commissioner, on the 136863  
form prescribed by the commissioner, to be excused from that 136864  
requirement. The commissioner may excuse a person from the 136865  
requirements of this division for good cause. 136866

(C)(1) If a person required to remit taxes or file a return 136867  
electronically under this section fails to do so, the commissioner 136868  
may impose a penalty not to exceed the following: 136869

(a) For either of the first two ~~calendar quarters~~ tax periods 136870  
the person so fails, the greater of twenty-five dollars or five 136871  
per cent of the amount of the payment that was required to be 136872  
remitted; 136873

(b) For the third and any subsequent ~~calendar quarters tax~~ 136874  
periods the person so fails, the greater of fifty dollars or ten 136875  
per cent of the amount of the payment that was required to be 136876  
remitted. 136877

(2) The penalty imposed under division (C)(1) of this section 136878  
is in addition to any other penalty imposed under this chapter and 136879  
shall be considered as revenue arising from the tax imposed under 136880  
this chapter. A penalty may be collected by assessment in the 136881  
manner prescribed by section 5751.09 of the Revised Code. The tax 136882  
commissioner may abate all or a portion of such a penalty. 136883

(D) The tax commissioner may adopt rules necessary to 136884  
administer this section. 136885

**Sec. 5751.081.** As used in this section, "debt to this state" 136886  
means unpaid taxes due the state, unpaid workers' compensation 136887  
premiums due under section 4123.35 of the Revised Code, unpaid 136888  
unemployment compensation contributions due under section 4141.25 136889  
of the Revised Code, unpaid unemployment compensation payment in 136890  
lieu of contribution under section 4141.241 of the Revised Code, 136891  
unpaid fee payable to the state or to the clerk of courts pursuant 136892  
to section 4505.06 of the Revised Code, incorrect ~~medical~~ 136893  
~~assistance~~ payments for medicaid services under ~~section 5111.02 of~~ 136894  
~~the Revised Code~~ the medicaid program, or any unpaid charge, 136895  
penalty, or interest arising from any of the foregoing. 136896

If a taxpayer entitled to a refund under section 5751.08 of 136897  
the Revised Code owes any debt to this state, the amount 136898  
refundable may be applied in satisfaction of the debt. If the 136899  
amount refundable is less than the amount of the debt, it may be 136900  
applied in partial satisfaction of the debt. If the amount 136901  
refundable is greater than the amount of the debt, the amount 136902  
remaining after satisfaction of the debt shall be refunded. This 136903  
section applies only to debts that have become final. For the 136904

purposes of this section, a debt becomes final when, under the 136905  
applicable law, any time provided for petition for reassessment, 136906  
request for reconsideration, or other appeal of the legality or 136907  
validity of the amount giving rise to the debt expires without an 136908  
appeal having been filed in the manner provided by law. 136909

**Sec. 5751.09.** (A) The tax commissioner may make an 136910  
assessment, based on any information in the commissioner's 136911  
possession, against any person that fails to file a return or pay 136912  
any tax as required by this chapter. The commissioner shall give 136913  
the person assessed written notice of the assessment as provided 136914  
in section 5703.37 of the Revised Code. With the notice, the 136915  
commissioner shall provide instructions on the manner in which to 136916  
petition for reassessment and request a hearing with respect to 136917  
the petition. The commissioner shall send any assessments against 136918  
consolidated elected taxpayer and combined taxpayer groups under 136919  
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 136920  
"reporting person" as defined under division (R) of section 136921  
5751.01 of the Revised Code. The reporting person shall notify all 136922  
members of the group of the assessment and all outstanding taxes, 136923  
interest, and penalties for which the assessment is issued. 136924

(B) Unless the person assessed, within sixty days after 136925  
service of the notice of assessment, files with the tax 136926  
commissioner, either personally or by certified mail, a written 136927  
petition signed by the person or the person's authorized agent 136928  
having knowledge of the facts, the assessment becomes final, and 136929  
the amount of the assessment is due and payable from the person 136930  
assessed to the treasurer of state. The petition shall indicate 136931  
the objections of the person assessed, but additional objections 136932  
may be raised in writing if received by the commissioner prior to 136933  
the date shown on the final determination. 136934

If a petition for reassessment has been properly filed, the 136935

commissioner shall proceed under section 5703.60 of the Revised Code. 136936  
136937

(C)(1) After an assessment becomes final, if any portion of 136938  
the assessment, including accrued interest, remains unpaid, a 136939  
certified copy of the tax commissioner's entry making the 136940  
assessment final may be filed in the office of the clerk of the 136941  
court of common pleas in the county in which the person resides or 136942  
has its principal place of business in this state, or in the 136943  
office of the clerk of court of common pleas of Franklin county. 136944

(2) Immediately upon the filing of the entry, the clerk shall 136945  
enter judgment for the state against the person assessed in the 136946  
amount shown on the entry. The judgment may be filed by the clerk 136947  
in a loose-leaf book entitled, "special judgments for the 136948  
commercial activity tax" and shall have the same effect as other 136949  
judgments. Execution shall issue upon the judgment at the request 136950  
of the tax commissioner, and all laws applicable to sales on 136951  
execution shall apply to sales made under the judgment. 136952

(3) ~~The portion of~~ If the assessment is not paid in its 136953  
entirety within sixty days after the day the assessment was 136954  
issued, the portion of the assessment consisting of tax due shall 136955  
bear interest at the rate per annum prescribed by section 5703.47 136956  
of the Revised Code from the day the tax commissioner issues the 136957  
assessment until it is paid or until it is certified to the 136958  
attorney general for collection under section 131.02 of the 136959  
Revised Code, whichever comes first. If the unpaid portion of the 136960  
assessment is certified to the attorney general for collection, 136961  
the entire unpaid portion of the assessment shall bear interest at 136962  
the rate per annum prescribed by section 5703.47 of the Revised 136963  
Code from the date of certification until the date it is paid in 136964  
its entirety. Interest shall be paid in the same manner as the tax 136965  
and may be collected by the issuance of an assessment under this 136966  
section. 136967

(D) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(E) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives under this section, and such amounts shall be considered as revenue arising from the tax imposed under this chapter.

(F) Except as otherwise provided in this division, no assessment shall be made or issued against a taxpayer for the tax imposed under this chapter more than four years after the due date for the filing of the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. The time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension or enter into an agreement waiving or extending the time limit. Any such extension shall extend the four-year time limit in division (B) of section 5751.08 of the

Revised Code for the same period of time. Nothing in this division 137000  
bars an assessment against a taxpayer that fails to file a return 137001  
required by this chapter or that files a fraudulent return. 137002

(G) If the tax commissioner possesses information that 137003  
indicates that the amount of tax a taxpayer is required to pay 137004  
under this chapter exceeds the amount the taxpayer paid, the tax 137005  
commissioner may audit a sample of the taxpayer's gross receipts 137006  
over a representative period of time to ascertain the amount of 137007  
tax due, and may issue an assessment based on the audit. The tax 137008  
commissioner shall make a good faith effort to reach agreement 137009  
with the taxpayer in selecting a representative sample. The tax 137010  
commissioner may apply a sampling method only if the commissioner 137011  
has prescribed the method by rule. 137012

(H) If the whereabouts of a person subject to this chapter is 137013  
not known to the tax commissioner, the commissioner shall follow 137014  
the procedures under section 5703.37 of the Revised Code. 137015

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of 137016  
the Revised Code: 137017

(1) "School district," "joint vocational school district," 137018  
"local taxing unit," "recognized valuation," "fixed-rate levy," 137019  
and "fixed-sum levy" have the same meanings as used in section 137020  
5727.84 of the Revised Code. 137021

(2) "State education aid" for a school district means the 137022  
following: 137023

(a) For fiscal years prior to fiscal year 2010, the sum of 137024  
state aid amounts computed for the district under the following 137025  
provisions, as they existed for the applicable fiscal year: 137026  
division (A) of section 3317.022 of the Revised Code, including 137027  
the amounts calculated under ~~sections~~ former section 3317.029 and 137028  
section 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), 137029

(D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) 137030  
of section 3317.023; divisions (L) and (N) of section 3317.024; 137031  
section 3317.0216; and any unit payments for gifted student 137032  
services paid under ~~sections~~ section 3317.057, and former sections 137033  
3317.0527, and 3317.053 of the Revised Code; except that, for 137034  
fiscal years 2008 and 2009, the amount computed for the district 137035  
under Section 269.20.80 of H.B. 119 of the 127th general assembly 137036  
and as that section subsequently may be amended shall be 137037  
substituted for the amount computed under division (D) of section 137038  
3317.022 of the Revised Code, and the amount computed under 137039  
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 137040  
that section subsequently may be amended shall be included. 137041

(b) For fiscal years 2010 and 2011, the sum of the amounts 137042  
computed under former sections 3306.052, 3306.12, 3306.13, 137043  
3306.19, 3306.191, and 3306.192 of the Revised Code; 137044

(c) For fiscal years 2012 and 2013, the sum of the amounts 137045  
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 137046  
153 of the 129th general assembly; 137047

(d) For fiscal year 2014 and each fiscal year thereafter, the 137048  
sum of state amounts computed for the district under section 137049  
3317.022 of the Revised Code; except that, for fiscal years 2014 137050  
and 2015, the amount computed for the district under the section 137051  
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 137052  
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 137053

(3) "State education aid" for a joint vocational school 137054  
district means the following: 137055

(a) For fiscal years prior to fiscal year 2010, the sum of 137056  
the state aid computed for the district under division (N) of 137057  
section 3317.024 and former section 3317.16 of the Revised Code, 137058  
except that, for fiscal years 2008 and 2009, the amount computed 137059  
under Section 269.30.80 of H.B. 119 of the 127th general assembly 137060

and as that section subsequently may be amended shall be included. 137061

(b) For fiscal years 2010 and 2011, the amount paid in 137062  
accordance with Section 265.30.50 of H.B. 1 of the 128th general 137063  
assembly. 137064

(c) For fiscal years 2012 and 2013, the amount paid in 137065  
accordance with Section 267.30.60 of H.B. 153 of the 129th general 137066  
assembly. 137067

(d) For fiscal year 2014 and each fiscal year thereafter, the 137068  
amount computed for the district under section 3317.16 of the 137069  
Revised Code; except that, for fiscal years 2014 and 2015, the 137070  
amount computed for the district under the section of this act 137071  
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 137072  
shall be included. 137073

(4) "State education aid offset" means the amount determined 137074  
for each school district or joint vocational school district under 137075  
division (A)(1) of section 5751.21 of the Revised Code. 137076

(5) "Machinery and equipment property tax value loss" means 137077  
the amount determined under division (C)(1) of this section. 137078

(6) "Inventory property tax value loss" means the amount 137079  
determined under division (C)(2) of this section. 137080

(7) "Furniture and fixtures property tax value loss" means 137081  
the amount determined under division (C)(3) of this section. 137082

(8) "Machinery and equipment fixed-rate levy loss" means the 137083  
amount determined under division (D)(1) of this section. 137084

(9) "Inventory fixed-rate levy loss" means the amount 137085  
determined under division (D)(2) of this section. 137086

(10) "Furniture and fixtures fixed-rate levy loss" means the 137087  
amount determined under division (D)(3) of this section. 137088

(11) "Total fixed-rate levy loss" means the sum of the 137089  
machinery and equipment fixed-rate levy loss, the inventory 137090



fixed-rate levy loss, the furniture and fixtures fixed-rate levy 137091  
loss, and the telephone company fixed-rate levy loss. 137092

(12) "Fixed-sum levy loss" means the amount determined under 137093  
division (E) of this section. 137094

(13) "Machinery and equipment" means personal property 137095  
subject to the assessment rate specified in division (F) of 137096  
section 5711.22 of the Revised Code. 137097

(14) "Inventory" means personal property subject to the 137098  
assessment rate specified in division (E) of section 5711.22 of 137099  
the Revised Code. 137100

(15) "Furniture and fixtures" means personal property subject 137101  
to the assessment rate specified in division (G) of section 137102  
5711.22 of the Revised Code. 137103

(16) "Qualifying levies" are levies in effect for tax year 137104  
2004 or applicable to tax year 2005 or approved at an election 137105  
conducted before September 1, 2005. For the purpose of determining 137106  
the rate of a qualifying levy authorized by section 5705.212 or 137107  
5705.213 of the Revised Code, the rate shall be the rate that 137108  
would be in effect for tax year 2010. 137109

(17) "Telephone property" means tangible personal property of 137110  
a telephone, telegraph, or interexchange telecommunications 137111  
company subject to an assessment rate specified in section 137112  
5727.111 of the Revised Code in tax year 2004. 137113

(18) "Telephone property tax value loss" means the amount 137114  
determined under division (C)(4) of this section. 137115

(19) "Telephone property fixed-rate levy loss" means the 137116  
amount determined under division (D)(4) of this section. 137117

(20) "Taxes charged and payable" means taxes charged and 137118  
payable after the reduction required by section 319.301 of the 137119  
Revised Code but before the reductions required by sections 137120

319.302 and 323.152 of the Revised Code. 137121

(21) "Median estate tax collections" means, in the case of a 137122  
municipal corporation to which revenue from the taxes levied in 137123  
Chapter 5731. of the Revised Code was distributed in each of 137124  
calendar years 2006, 2007, 2008, and 2009, the median of those 137125  
distributions. In the case of a municipal corporation to which no 137126  
distributions were made in one or more of those years, "median 137127  
estate tax collections" means zero. 137128

(22) "Total resources," in the case of a school district, 137129  
means the sum of the amounts in divisions (A)(22)(a) to (h) of 137130  
this section less any reduction required under division (A)(32) or 137131  
(33) of this section. 137132

(a) The state education aid for fiscal year 2010; 137133

(b) The sum of the payments received by the school district 137134  
in fiscal year 2010 for current expense levy losses pursuant to 137135  
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 137136  
section 5751.21 of the Revised Code, excluding the portion of such 137137  
payments attributable to levies for joint vocational school 137138  
district purposes; 137139

(c) The sum of fixed-sum levy loss payments received by the 137140  
school district in fiscal year 2010 pursuant to division (E)(1) of 137141  
section 5727.85 and division (E)(1) of section 5751.21 of the 137142  
Revised Code for fixed-sum levies charged and payable for a 137143  
purpose other than paying debt charges; 137144

(d) Fifty per cent of the school district's taxes charged and 137145  
payable against all property on the tax list of real and public 137146  
utility property for current expense purposes for tax year 2008, 137147  
including taxes charged and payable from emergency levies charged 137148  
and payable under section 5709.194 of the Revised Code and 137149  
excluding taxes levied for joint vocational school district 137150  
purposes; 137151

|                                                                                                                                                                                                                                                                                                                            |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (e) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009, including taxes charged and payable from emergency levies and excluding taxes levied for joint vocational school district purposes; | 137152<br>137153<br>137154<br>137155<br>137156 |
| (f) The school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009, including taxes charged and payable from emergency levies;                                                                                                   | 137157<br>137158<br>137159<br>137160           |
| (g) The amount certified for fiscal year 2010 under division (A)(2) of section 3317.08 of the Revised Code;                                                                                                                                                                                                                | 137161<br>137162                               |
| (h) Distributions received during calendar year 2009 from taxes levied under section 718.09 of the Revised Code.                                                                                                                                                                                                           | 137163<br>137164                               |
| (23) "Total resources," in the case of a joint vocational school district, means the sum of amounts in divisions (A)(23)(a) to (g) of this section less any reduction required under division (A)(32) of this section.                                                                                                     | 137165<br>137166<br>137167<br>137168           |
| (a) The state education aid for fiscal year 2010;                                                                                                                                                                                                                                                                          | 137169                                         |
| (b) The sum of the payments received by the joint vocational school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code;                                                                       | 137170<br>137171<br>137172<br>137173           |
| (c) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008;                                                                                                            | 137174<br>137175<br>137176<br>137177           |
| (d) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009;                                                                                                                    | 137178<br>137179<br>137180<br>137181           |

(e) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2008;

(f) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2009;

(g) The joint vocational school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009.

(24) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(24)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(25) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(25)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for senior

services related functions in calendar year 2010 under division 137213  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 137214  
5751.22 of the Revised Code as they existed at that time; 137215

(b) With respect to taxes levied by the county for senior 137216  
services related purposes, the taxes charged and payable for such 137217  
purposes against all property on the tax list of real and public 137218  
utility property for tax year 2009. 137219

(26) "Total resources," in the case of county children's 137220  
services related functions, means the sum of the amounts in 137221  
divisions (A)(26)(a) and (b) of this section less any reduction 137222  
required under division (A)(32) of this section. 137223

(a) The sum of the payments received by the county for 137224  
children's services related functions in calendar year 2010 under 137225  
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 137226  
section 5751.22 of the Revised Code as they existed at that time; 137227

(b) With respect to taxes levied by the county for children's 137228  
services related purposes, the taxes charged and payable for such 137229  
purposes against all property on the tax list of real and public 137230  
utility property for tax year 2009. 137231

(27) "Total resources," in the case of county public health 137232  
related functions, means the sum of the amounts in divisions 137233  
(A)(27)(a) and (b) of this section less any reduction required 137234  
under division (A)(32) of this section. 137235

(a) The sum of the payments received by the county for public 137236  
health related functions in calendar year 2010 under division 137237  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 137238  
5751.22 of the Revised Code as they existed at that time; 137239

(b) With respect to taxes levied by the county for public 137240  
health related purposes, the taxes charged and payable for such 137241  
purposes against all property on the tax list of real and public 137242  
utility property for tax year 2009. 137243

(28) "Total resources," in the case of all county functions 137244  
not included in divisions (A)(24) to (27) of this section, means 137245  
the sum of the amounts in divisions (A)(28)(a) to (d) of this 137246  
section less any reduction required under division (A)(32) or (33) 137247  
of this section. 137248

(a) The sum of the payments received by the county for all 137249  
other purposes in calendar year 2010 under division (A)(1) of 137250  
section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 137251  
the Revised Code as they existed at that time; 137252

(b) The county's percentage share of county undivided local 137253  
government fund allocations as certified to the tax commissioner 137254  
for calendar year 2010 by the county auditor under division (J) of 137255  
section 5747.51 of the Revised Code or division (F) of section 137256  
5747.53 of the Revised Code multiplied by the total amount 137257  
actually distributed in calendar year 2010 from the county 137258  
undivided local government fund; 137259

(c) With respect to taxes levied by the county for all other 137260  
purposes, the taxes charged and payable for such purposes against 137261  
all property on the tax list of real and public utility property 137262  
for tax year 2009, excluding taxes charged and payable for the 137263  
purpose of paying debt charges; 137264

(d) The sum of the amounts distributed to the county in 137265  
calendar year 2010 for the taxes levied pursuant to sections 137266  
5739.021 and 5741.021 of the Revised Code. 137267

(29) "Total resources," in the case of a municipal 137268  
corporation, means the sum of the amounts in divisions (A)(29)(a) 137269  
to (g) of this section less any reduction required under division 137270  
(A)(32) or (33) of this section. 137271

(a) The sum of the payments received by the municipal 137272  
corporation in calendar year 2010 for current expense levy losses 137273  
under division (A)(1) of section 5727.86 and divisions (A)(1) and 137274

(2) of section 5751.22 of the Revised Code as they existed at that time; 137275  
137276

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund; 137277  
137278  
137279  
137280  
137281  
137282  
137283

(c) The sum of the amounts distributed to the municipal corporation in calendar year 2010 pursuant to section 5747.50 of the Revised Code; 137284  
137285  
137286

(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for current expenses, defined in division (A)(35) of this section, for tax year 2009; 137287  
137288  
137289  
137290  
137291

(e) The amount of admissions tax collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner; 137292  
137293  
137294  
137295  
137296

(f) The amount of income taxes collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner; 137297  
137298  
137299  
137300  
137301

(g) The municipal corporation's median estate tax collections. 137302  
137303

(30) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(30)(a) to (c) of this section 137304  
137305

less any reduction required under division (A)(32) or (33) of this section. 137306  
137307

(a) The sum of the payments received by the township in 137308  
calendar year 2010 pursuant to division (A)(1) of section 5727.86 137309  
of the Revised Code and divisions (A)(1) and (2) of section 137310  
5751.22 of the Revised Code as they existed at that time, 137311  
excluding payments received for debt purposes; 137312

(b) The township's percentage share of county undivided local 137313  
government fund allocations as certified to the tax commissioner 137314  
for calendar year 2010 by the county auditor under division (J) of 137315  
section 5747.51 of the Revised Code or division (F) of section 137316  
5747.53 of the Revised Code multiplied by the total amount 137317  
actually distributed in calendar year 2010 from the county 137318  
undivided local government fund; 137319

(c) With respect to taxes levied by the township, the taxes 137320  
charged and payable against all property on the tax list of real 137321  
and public utility property for tax year 2009 excluding taxes 137322  
charged and payable for the purpose of paying debt charges. 137323

(31) "Total resources," in the case of a local taxing unit 137324  
that is not a county, municipal corporation, or township, means 137325  
the sum of the amounts in divisions (A)(31)(a) to (e) of this 137326  
section less any reduction required under division (A)(32) of this 137327  
section. 137328

(a) The sum of the payments received by the local taxing unit 137329  
in calendar year 2010 pursuant to division (A)(1) of section 137330  
5727.86 of the Revised Code and divisions (A)(1) and (2) of 137331  
section 5751.22 of the Revised Code as they existed at that time; 137332

(b) The local taxing unit's percentage share of county 137333  
undivided local government fund allocations as certified to the 137334  
tax commissioner for calendar year 2010 by the county auditor 137335  
under division (J) of section 5747.51 of the Revised Code or 137336



division (F) of section 5747.53 of the Revised Code multiplied by 137337  
the total amount actually distributed in calendar year 2010 from 137338  
the county undivided local government fund; 137339

(c) With respect to taxes levied by the local taxing unit, 137340  
the taxes charged and payable against all property on the tax list 137341  
of real and public utility property for tax year 2009 excluding 137342  
taxes charged and payable for the purpose of paying debt charges; 137343

(d) The amount received from the tax commissioner during 137344  
calendar year 2010 for sales or use taxes authorized under 137345  
sections 5739.023 and 5741.022 of the Revised Code; 137346

(e) For institutions of higher education receiving tax 137347  
revenue from a local levy, as identified in section 3358.02 of the 137348  
Revised Code, the final state share of instruction allocation for 137349  
fiscal year 2010 as calculated by the board of regents and 137350  
reported to the state controlling board. 137351

(32) If a fixed-rate levy that is a qualifying levy is not 137352  
charged and payable in any year after tax year 2010, "total 137353  
resources" used to compute payments to be made under division 137354  
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 137355  
5751.22 of the Revised Code in the tax years following the last 137356  
year the levy is charged and payable shall be reduced to the 137357  
extent that the payments are attributable to the fixed-rate levy 137358  
loss of that levy as would be computed under division (C)(2) of 137359  
section 5727.85, division (A)(1) of section 5727.85, divisions 137360  
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 137361  
5751.22 of the Revised Code. 137362

(33) In the case of a county, municipal corporation, school 137363  
district, or township with fixed-rate levy losses attributable to 137364  
a tax levied under section 5705.23 of the Revised Code, "total 137365  
resources" used to compute payments to be made under division 137366  
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 137367

division (C)(12) of section 5751.21, or division (A)(1)(c) of 137368  
section 5751.22 of the Revised Code shall be reduced by the 137369  
amounts described in divisions (A)(34)(a) to (c) of this section 137370  
to the extent that those amounts were included in calculating the 137371  
"total resources" of the school district or local taxing unit 137372  
under division (A)(22), (28), (29), or (30) of this section. 137373

(34) "Total library resources," in the case of a county, 137374  
municipal corporation, school district, or township public library 137375  
that receives the proceeds of a tax levied under section 5705.23 137376  
of the Revised Code, means the sum of the amounts in divisions 137377  
(A)(34)(a) to (c) of this section less any reduction required 137378  
under division (A)(32) of this section. 137379

(a) The sum of the payments received by the county, municipal 137380  
corporation, school district, or township public library in 137381  
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 137382  
Revised Code, as they existed at that time, for fixed-rate levy 137383  
losses attributable to a tax levied under section 5705.23 of the 137384  
Revised Code for the benefit of the public library; 137385

(b) The public library's percentage share of county undivided 137386  
local government fund allocations as certified to the tax 137387  
commissioner for calendar year 2010 by the county auditor under 137388  
division (J) of section 5747.51 of the Revised Code or division 137389  
(F) of section 5747.53 of the Revised Code multiplied by the total 137390  
amount actually distributed in calendar year 2010 from the county 137391  
undivided local government fund; 137392

(c) With respect to a tax levied pursuant to section 5705.23 137393  
of the Revised Code for the benefit of the public library, the 137394  
amount of such tax that is charged and payable against all 137395  
property on the tax list of real and public utility property for 137396  
tax year 2009 excluding any tax that is charged and payable for 137397  
the purpose of paying debt charges. 137398

(35) "Municipal current expense property tax levies" means 137399  
all property tax levies of a municipality, except those with the 137400  
following levy names: airport resurfacing; bond or any levy name 137401  
including the word "bond"; capital improvement or any levy name 137402  
including the word "capital"; debt or any levy name including the 137403  
word "debt"; equipment or any levy name including the word 137404  
"equipment," unless the levy is for combined operating and 137405  
equipment; employee termination fund; fire pension or any levy 137406  
containing the word "pension," including police pensions; 137407  
fireman's fund or any practically similar name; sinking fund; road 137408  
improvements or any levy containing the word "road"; fire truck or 137409  
apparatus; flood or any levy containing the word "flood"; 137410  
conservancy district; county health; note retirement; sewage, or 137411  
any levy containing the words "sewage" or "sewer"; park 137412  
improvement; parkland acquisition; storm drain; street or any levy 137413  
name containing the word "street"; lighting, or any levy name 137414  
containing the word "lighting"; and water. 137415

(36) "Current expense TPP allocation" means, in the case of a 137416  
school district or joint vocational school district, the sum of 137417  
the payments received by the school district in fiscal year 2011 137418  
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 137419  
Revised Code to the extent paid for current expense levies. In the 137420  
case of a municipal corporation, "current expense TPP allocation" 137421  
means the sum of the payments received by the municipal 137422  
corporation in calendar year 2010 pursuant to divisions (A)(1) and 137423  
(2) of section 5751.22 of the Revised Code to the extent paid for 137424  
municipal current expense property tax levies as defined in 137425  
division (A)(35) of this section, excluding any such payments 137426  
received for current expense levy losses attributable to a tax 137427  
levied under section 5705.23 of the Revised Code. If a fixed-rate 137428  
levy that is a qualifying levy is not charged and payable in any 137429  
year after tax year 2010, "current expense TPP allocation" used to 137430  
compute payments to be made under division (C)(12) of section 137431

5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under divisions (C)(10) and (11) of section 5751.21 or division (A)(1) of section 5751.22 of the Revised Code.

(37) "TPP allocation" means the sum of payments received by a local taxing unit in calendar year 2010 pursuant to divisions (A)(1) and (2) of section 5751.22 of the Revised Code, excluding any such payments received for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "TPP allocation" used to compute payments to be made under division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1) of that section.

(38) "Total TPP allocation" means, in the case of a school district or joint vocational school district, the sum of the amounts received in fiscal year 2011 pursuant to divisions (C)(10) and (11) and (D) of section 5751.21 of the Revised Code. In the case of a local taxing unit, "total TPP allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A)(1), (2), and (3) of section 5751.22 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "total TPP allocation" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the

extent that the payments are attributable to the fixed-rate levy 137464  
loss of that levy as would be computed under divisions (C)(10) and 137465  
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 137466  
the Revised Code. 137467

(39) "Non-current expense TPP allocation" means the 137468  
difference of total TPP allocation minus the sum of current 137469  
expense TPP allocation and the portion of total TPP allocation 137470  
constituting reimbursement for debt levies, pursuant to division 137471  
(D) of section 5751.21 of the Revised Code in the case of a school 137472  
district or joint vocational school district and pursuant to 137473  
division (A)(3) of section 5751.22 of the Revised Code in the case 137474  
of a municipal corporation. 137475

(40) "TPP allocation for library purposes" means the sum of 137476  
payments received by a county, municipal corporation, school 137477  
district, or township public library in calendar year 2010 137478  
pursuant to section 5751.22 of the Revised Code for fixed-rate 137479  
levy losses attributable to a tax levied under section 5705.23 of 137480  
the Revised Code. If a fixed-rate levy authorized under section 137481  
5705.23 of the Revised Code that is a qualifying levy is not 137482  
charged and payable in any year after tax year 2010, "TPP 137483  
allocation for library purposes" used to compute payments to be 137484  
made under division (A)(1)(d) of section 5751.22 of the Revised 137485  
Code in the tax years following the last year the levy is charged 137486  
and payable shall be reduced to the extent that the payments are 137487  
attributable to the fixed-rate levy loss of that levy as would be 137488  
computed under division (A)(1) of section 5751.22 of the Revised 137489  
Code. 137490

(41) "Threshold per cent" means, in the case of a school 137491  
district or joint vocational school district, two per cent for 137492  
fiscal year 2012 and four per cent for fiscal years 2013 and 137493  
thereafter. In the case of a local taxing unit or public library 137494  
that receives the proceeds of a tax levied under section 5705.23 137495

of the Revised Code, "threshold per cent" means two per cent for 137496  
tax year 2011, four per cent for tax year 2012, and six per cent 137497  
for tax years 2013 and thereafter. 137498

(B)(1) The commercial activities tax receipts fund is hereby 137499  
created in the state treasury and shall consist of money arising 137500  
from the tax imposed under this chapter. Eighty-five 137501  
one-hundredths of one per cent of the money credited to that fund 137502  
shall be credited to the revenue enhancement fund and shall be 137503  
used to defray the costs incurred by the department of taxation in 137504  
administering the tax imposed by this chapter and in implementing 137505  
tax reform measures. The remainder of the money in the commercial 137506  
activities tax receipts fund shall first be credited to the 137507  
commercial activity tax motor fuel receipts fund, pursuant to 137508  
division (B)(2) of this section, and the remainder shall be 137509  
credited in the following percentages each fiscal year to the 137510  
general revenue fund, to the school district tangible property tax 137511  
replacement fund, which is hereby created in the state treasury 137512  
for the purpose of making the payments described in section 137513  
5751.21 of the Revised Code, and to the local government tangible 137514  
property tax replacement fund, which is hereby created in the 137515  
state treasury for the purpose of making the payments described in 137516  
section 5751.22 of the Revised Code, in the following percentages: 137517

| Fiscal year | General Revenue<br>Fund | School District<br>Tangible<br>Property Tax<br>Replacement Fund | Local Government<br>Tangible<br>Property Tax<br>Replacement Fund |        |
|-------------|-------------------------|-----------------------------------------------------------------|------------------------------------------------------------------|--------|
| 2006        | 67.7%                   | 22.6%                                                           | 9.7%                                                             | 137518 |
| 2007        | 0%                      | 70.0%                                                           | 30.0%                                                            | 137519 |
| 2008        | 0%                      | 70.0%                                                           | 30.0%                                                            | 137520 |
| 2009        | 0%                      | 70.0%                                                           | 30.0%                                                            | 137521 |
| 2010        | 0%                      | 70.0%                                                           | 30.0%                                                            | 137522 |
| 2011        | 0%                      | 70.0%                                                           | 30.0%                                                            | 137523 |
|             |                         |                                                                 |                                                                  | 137524 |

|                        |       |       |       |        |
|------------------------|-------|-------|-------|--------|
| 2012                   | 25.0% | 52.5% | 22.5% | 137525 |
| 2013 and<br>thereafter | 50.0% | 35.0% | 15.0% | 137526 |

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004

multiplied by: 137555

(a) For tax year 2006, a fraction, the numerator of which is 137556  
five and three-fourths and the denominator of which is 137557  
twenty-three; 137558

(b) For tax year 2007, a fraction, the numerator of which is 137559  
nine and one-half and the denominator of which is twenty-three; 137560

(c) For tax year 2008, a fraction, the numerator of which is 137561  
thirteen and one-fourth and the denominator of which is 137562  
twenty-three; 137563

(d) For tax year 2009 and thereafter a fraction, the 137564  
numerator of which is seventeen and the denominator of which is 137565  
twenty-three. 137566

(3) Furniture and fixtures property tax value loss is the 137567  
taxable value of furniture and fixture property as reported by 137568  
taxpayers for tax year 2004 multiplied by: 137569

(a) For tax year 2006, twenty-five per cent; 137570

(b) For tax year 2007, fifty per cent; 137571

(c) For tax year 2008, seventy-five per cent; 137572

(d) For tax year 2009 and thereafter, one hundred per cent. 137573

The taxable value of property reported by taxpayers used in 137574  
divisions (C)(1), (2), and (3) of this section shall be such 137575  
values as determined to be final by the tax commissioner as of 137576  
August 31, 2005. Such determinations shall be final except for any 137577  
correction of a clerical error that was made prior to August 31, 137578  
2005, by the tax commissioner. 137579

(4) Telephone property tax value loss is the taxable value of 137580  
telephone property as taxpayers would have reported that property 137581  
for tax year 2004 if the assessment rate for all telephone 137582  
property for that year were twenty-five per cent, multiplied by: 137583



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) For tax year 2006, zero per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 137584                                                                                                                                             |
| (b) For tax year 2007, zero per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 137585                                                                                                                                             |
| (c) For tax year 2008, zero per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 137586                                                                                                                                             |
| (d) For tax year 2009, sixty per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 137587                                                                                                                                             |
| (e) For tax year 2010, eighty per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 137588                                                                                                                                             |
| (f) For tax year 2011 and thereafter, one hundred per cent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 137589                                                                                                                                             |
| (5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.                                                                                                                                                                                                                                                                                                                                                                                                | 137590<br>137591<br>137592<br>137593<br>137594<br>137595<br>137596<br>137597<br>137598<br>137599                                                   |
| In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 | 137600<br>137601<br>137602<br>137603<br>137604<br>137605<br>137606<br>137607<br>137608<br>137609<br>137610<br>137611<br>137612<br>137613<br>137614 |

of the Revised Code, the tax year 2004 taxable values shall be 137615  
used. 137616

To facilitate the calculations required under division (C) of 137617  
this section, the county auditor, upon request from the tax 137618  
commissioner, shall provide by August 1, 2005, the values of 137619  
machinery and equipment, inventory, and furniture and fixtures for 137620  
all single-county personal property taxpayers for tax year 2004. 137621

(D) Not later than September 15, 2005, the tax commissioner 137622  
shall determine for each tax year from 2006 through 2009 for each 137623  
school district, joint vocational school district, and local 137624  
taxing unit its machinery and equipment, inventory, and furniture 137625  
and fixtures fixed-rate levy losses, and for each tax year from 137626  
2006 through 2011 its telephone property fixed-rate levy loss. 137627  
Except as provided in division (F) of this section, such losses 137628  
are the applicable amounts described in divisions (D)(1), (2), 137629  
(3), and (4) of this section: 137630

(1) The machinery and equipment fixed-rate levy loss is the 137631  
machinery and equipment property tax value loss multiplied by the 137632  
sum of the tax rates of fixed-rate qualifying levies. 137633

(2) The inventory fixed-rate loss is the inventory property 137634  
tax value loss multiplied by the sum of the tax rates of 137635  
fixed-rate qualifying levies. 137636

(3) The furniture and fixtures fixed-rate levy loss is the 137637  
furniture and fixture property tax value loss multiplied by the 137638  
sum of the tax rates of fixed-rate qualifying levies. 137639

(4) The telephone property fixed-rate levy loss is the 137640  
telephone property tax value loss multiplied by the sum of the tax 137641  
rates of fixed-rate qualifying levies. 137642

(E) Not later than September 15, 2005, the tax commissioner 137643  
shall determine for each school district, joint vocational school 137644  
district, and local taxing unit its fixed-sum levy loss. The 137645

fixed-sum levy loss is the amount obtained by subtracting the 137646  
amount described in division (E)(2) of this section from the 137647  
amount described in division (E)(1) of this section: 137648

(1) The sum of the machinery and equipment property tax value 137649  
loss, the inventory property tax value loss, and the furniture and 137650  
fixtures property tax value loss, and, for 2008 through 2010, the 137651  
telephone property tax value loss of the district or unit 137652  
multiplied by the sum of the fixed-sum tax rates of qualifying 137653  
levies. For 2006 through 2010, this computation shall include all 137654  
qualifying levies remaining in effect for the current tax year and 137655  
any school district levies charged and payable under section 137656  
5705.194 or 5705.213 of the Revised Code that are qualifying 137657  
levies not remaining in effect for the current year. For 2011 137658  
through 2017 in the case of school district levies charged and 137659  
payable under section 5705.194 or 5705.213 of the Revised Code and 137660  
for all years after 2010 in the case of other fixed-sum levies, 137661  
this computation shall include only qualifying levies remaining in 137662  
effect for the current year. For purposes of this computation, a 137663  
qualifying school district levy charged and payable under section 137664  
5705.194 or 5705.213 of the Revised Code remains in effect in a 137665  
year after 2010 only if, for that year, the board of education 137666  
levies a school district levy charged and payable under section 137667  
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 137668  
an annual sum at least equal to the annual sum levied by the board 137669  
in tax year 2004 less the amount of the payment certified under 137670  
this division for 2006. 137671

(2) The total taxable value in tax year 2004 less the sum of 137672  
the machinery and equipment, inventory, furniture and fixtures, 137673  
and telephone property tax value losses in each school district, 137674  
joint vocational school district, and local taxing unit multiplied 137675  
by one-half of one mill per dollar. 137676

(3) For the calculations in divisions (E)(1) and (2) of this 137677

section, the tax value losses are those that would be calculated 137678  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 137679  
section and for tax year 2011 under division (C)(4) of this 137680  
section. 137681

(4) To facilitate the calculation under divisions (D) and (E) 137682  
of this section, not later than September 1, 2005, any school 137683  
district, joint vocational school district, or local taxing unit 137684  
that has a qualifying levy that was approved at an election 137685  
conducted during 2005 before September 1, 2005, shall certify to 137686  
the tax commissioner a copy of the county auditor's certificate of 137687  
estimated property tax millage for such levy as required under 137688  
division (B) of section 5705.03 of the Revised Code, which is the 137689  
rate that shall be used in the calculations under such divisions. 137690

If the amount determined under division (E) of this section 137691  
for any school district, joint vocational school district, or 137692  
local taxing unit is greater than zero, that amount shall equal 137693  
the reimbursement to be paid pursuant to division (E) of section 137694  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 137695  
and the one-half of one mill that is subtracted under division 137696  
(E)(2) of this section shall be apportioned among all contributing 137697  
fixed-sum levies in the proportion that each levy bears to the sum 137698  
of all fixed-sum levies within each school district, joint 137699  
vocational school district, or local taxing unit. 137700

(F) If a school district levies a tax under section 5705.219 137701  
of the Revised Code, the fixed-rate levy loss for qualifying 137702  
levies, to the extent repealed under that section, shall equal the 137703  
sum of the following amounts in lieu of the amounts computed for 137704  
such levies under division (D) of this section: 137705

(1) The sum of the rates of qualifying levies to the extent 137706  
so repealed multiplied by the sum of the machinery and equipment, 137707  
inventory, and furniture and fixtures tax value losses for 2009 as 137708  
determined under that division; 137709

(2) The sum of the rates of qualifying levies to the extent 137710  
so repealed multiplied by the telephone property tax value loss 137711  
for 2011 as determined under that division. 137712

The fixed-rate levy losses for qualifying levies to the 137713  
extent not repealed under section 5705.219 of the Revised Code 137714  
shall be as determined under division (D) of this section. The 137715  
revised fixed-rate levy losses determined under this division and 137716  
division (D) of this section first apply in the year following the 137717  
first year the district levies the tax under section 5705.219 of 137718  
the Revised Code. 137719

(G) Not later than October 1, 2005, the tax commissioner 137720  
shall certify to the department of education for every school 137721  
district and joint vocational school district the machinery and 137722  
equipment, inventory, furniture and fixtures, and telephone 137723  
property tax value losses determined under division (C) of this 137724  
section, the machinery and equipment, inventory, furniture and 137725  
fixtures, and telephone fixed-rate levy losses determined under 137726  
division (D) of this section, and the fixed-sum levy losses 137727  
calculated under division (E) of this section. The calculations 137728  
under divisions (D) and (E) of this section shall separately 137729  
display the levy loss for each levy eligible for reimbursement. 137730

(H) Not later than October 1, 2005, the tax commissioner 137731  
shall certify the amount of the fixed-sum levy losses to the 137732  
county auditor of each county in which a school district, joint 137733  
vocational school district, or local taxing unit with a fixed-sum 137734  
levy loss reimbursement has territory. 137735

(I) Not later than the twenty-eighth day of February each 137736  
year beginning in 2011 and ending in 2014, the tax commissioner 137737  
shall certify to the department of education for each school 137738  
district first levying a tax under section 5705.219 of the Revised 137739  
Code in the preceding year the revised fixed-rate levy losses 137740  
determined under divisions (D) and (F) of this section. 137741

(J) There is hereby created in the state treasury the 137742  
commercial activity tax motor fuel receipts fund. 137743

**Sec. 5751.21.** (A) Not later than the thirtieth day of July of 137744  
2007 through 2010, the department of education shall consult with 137745  
the director of budget and management and determine the following 137746  
for each school district and each joint vocational school district 137747  
eligible for payment under division (B) of this section: 137748  
137749

(1) The state education aid offset, which, except as provided 137750  
in division (A)(1)(c) of this section, is the difference obtained 137751  
by subtracting the amount described in division (A)(1)(b) of this 137752  
section from the amount described in division (A)(1)(a) of this 137753  
section: 137754

(a) The state education aid computed for the school district 137755  
or joint vocational school district for the current fiscal year as 137756  
of the thirtieth day of July; 137757

(b) The state education aid that would be computed for the 137758  
school district or joint vocational school district for the 137759  
current fiscal year as of the thirtieth day of July if the 137760  
valuation used in the calculation in division (B)(1) of section 137761  
3306.13 of the Revised Code as that division existed for fiscal 137762  
years 2010 and 2011 included the machinery and equipment, 137763  
inventory, furniture and fixtures, and telephone property tax 137764  
value losses for the school district or joint vocational school 137765  
district for the second preceding tax year, and if taxes charged 137766  
and payable associated with the tax value losses are accounted for 137767  
in any state education aid computation dependent on taxes charged 137768  
and payable. 137769

(c) The state education aid offset for fiscal year 2010 and 137770  
fiscal year 2011 equals the greater of the state education aid 137771  
offset calculated for that fiscal year under divisions (A)(1)(a) 137772

and (b) of this section and the state education aid offset 137773  
calculated for fiscal year 2009. For fiscal year 2012 and 2013, 137774  
the state education aid offset equals the state education aid 137775  
offset for fiscal year 2011. 137776

(2) For fiscal years 2008 through 2011, the greater of zero 137777  
or the difference obtained by subtracting the state education aid 137778  
offset determined under division (A)(1) of this section from the 137779  
sum of the machinery and equipment fixed-rate levy loss, the 137780  
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 137781  
levy loss, and telephone property fixed-rate levy loss certified 137782  
under divisions (G) and (I) of section 5751.20 of the Revised Code 137783  
for all taxing districts in each school district and joint 137784  
vocational school district for the second preceding tax year. 137785

By the thirtieth day of July of each such year, the 137786  
department of education and the director of budget and management 137787  
shall agree upon the amount to be determined under division (A)(1) 137788  
of this section. 137789

(B) On or before the thirty-first day of August of 2008, 137790  
2009, and 2010, the department of education shall recalculate the 137791  
offset described under division (A) of this section for the 137792  
previous fiscal year and recalculate the payments made under 137793  
division (C) of this section in the preceding fiscal year using 137794  
the offset calculated under this division. If the payments 137795  
calculated under this division differ from the payments made under 137796  
division (C) of this section in the preceding fiscal year, the 137797  
difference shall either be paid to a school district or recaptured 137798  
from a school district through an adjustment at the same times 137799  
during the current fiscal year that the payments under division 137800  
(C) of this section are made. In August and October of the current 137801  
fiscal year, the amount of each adjustment shall be three-sevenths 137802  
of the amount calculated under this division. In May of the 137803  
current fiscal year, the adjustment shall be one-seventh of the 137804

amount calculated under this division. 137805

(C) The department of education shall pay from the school 137806  
district tangible property tax replacement fund to each school 137807  
district and joint vocational school district all of the following 137808  
for fixed-rate levy losses certified under divisions (G) and (I) 137809  
of section 5751.20 of the Revised Code: 137810

(1) On or before May 31, 2006, one-seventh of the total 137811  
fixed-rate levy loss for tax year 2006; 137812

(2) On or before August 31, 2006, and October 31, 2006, 137813  
one-half of six-sevenths of the total fixed-rate levy loss for tax 137814  
year 2006; 137815

(3) On or before May 31, 2007, one-seventh of the total 137816  
fixed-rate levy loss for tax year 2007; 137817

(4) On or before August 31, 2007, and October 31, 2007, 137818  
forty-three per cent of the amount determined under division 137819  
(A)(2) of this section for fiscal year 2008, but not less than 137820  
zero, plus one-half of six-sevenths of the difference between the 137821  
total fixed-rate levy loss for tax year 2007 and the total 137822  
fixed-rate levy loss for tax year 2006. 137823

(5) On or before May 31, 2008, fourteen per cent of the 137824  
amount determined under division (A)(2) of this section for fiscal 137825  
year 2008, but not less than zero, plus one-seventh of the 137826  
difference between the total fixed-rate levy loss for tax year 137827  
2008 and the total fixed-rate levy loss for tax year 2006. 137828

(6) On or before August 31, 2008, and October 31, 2008, 137829  
forty-three per cent of the amount determined under division 137830  
(A)(2) of this section for fiscal year 2009, but not less than 137831  
zero, plus one-half of six-sevenths of the difference between the 137832  
total fixed-rate levy loss in tax year 2008 and the total 137833  
fixed-rate levy loss in tax year 2007. 137834



(7) On or before May 31, 2009, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2009, but not less than zero, plus one-seventh of the difference between the total fixed-rate levy loss for tax year 2009 and the total fixed-rate levy loss for tax year 2007.

(8) On or before August 31, 2009, and October 31, 2009, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2010, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss in tax year 2009 and the total fixed-rate levy loss in tax year 2008.

(9) On or before May 31, 2010, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2010, but not less than zero, plus one-seventh of the difference between the total fixed-rate levy loss in tax year 2010 and the total fixed-rate levy loss in tax year 2008.

(10) On or before August 31, 2010, and October 31, 2010, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2011, but not less than zero, plus one-half of six-sevenths of the difference between the telephone property fixed-rate levy loss for tax year 2010 and the telephone property fixed-rate levy loss for tax year 2009.

(11) On or before May 31, 2011, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2011, but not less than zero, plus one-seventh of the difference between the telephone property fixed-rate levy loss for tax year 2011 and the telephone property fixed-rate levy loss for tax year 2009.

(12) For fiscal years 2012 and thereafter, the sum of the amounts in divisions (C)(12)(a) or (b) and (c) of this section shall be paid on or before the ~~twentieth~~ last day of November and

the last day of May: 137866

(a) If the ratio of current expense TPP allocation to total 137867  
resources is equal to or less than the threshold per cent, zero; 137868

(b) If the ratio of current expense TPP allocation to total 137869  
resources is greater than the threshold per cent, fifty per cent 137870  
of the difference of current expense TPP allocation minus the 137871  
product of total resources multiplied by the threshold per cent; 137872

(c) Fifty per cent of the product of non-current expense TPP 137873  
allocation multiplied by seventy-five per cent for fiscal year 137874  
2012 and fifty per cent for fiscal years 2013 and thereafter. 137875

The department of education shall report to each school 137876  
district and joint vocational school district the apportionment of 137877  
the payments among the school district's or joint vocational 137878  
school district's funds based on the certifications under 137879  
divisions (G) and (I) of section 5751.20 of the Revised Code. 137880

(D) For taxes levied within the ten-mill limitation for debt 137881  
purposes in tax year 2005, payments shall be made equal to one 137882  
hundred per cent of the loss computed as if the tax were a 137883  
fixed-rate levy, but those payments shall extend from fiscal year 137884  
2006 through fiscal year 2018, as long as the qualifying levy 137885  
continues to be used for debt purposes. If the purpose of such a 137886  
qualifying levy is changed, that levy becomes subject to the 137887  
payments determined in division (C) of this section. 137888

(E)(1) Not later than January 1, 2006, for each fixed-sum 137889  
levy of each school district or joint vocational school district 137890  
and for each year for which a determination is made under division 137891  
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 137892  
loss is to be reimbursed, the tax commissioner shall certify to 137893  
the department of education the fixed-sum levy loss determined 137894  
under that division. The certification shall cover a time period 137895  
sufficient to include all fixed-sum levies for which the 137896

commissioner made such a determination. On or before the last day 137897  
of May of the current year, the department shall pay from the 137898  
school district property tax replacement fund to the school 137899  
district or joint vocational school district one-third of the 137900  
fixed-sum levy loss so certified, plus one-third of the amount 137901  
certified under division (I) of section 5751.20 of the Revised 137902  
Code, and on or before the ~~twentieth~~ last day of November, 137903  
two-thirds of the fixed-sum levy loss so certified, plus 137904  
two-thirds of the amount certified under division (I) of section 137905  
5751.20 of the Revised Code. Payments under this division of the 137906  
amounts certified under division (I) of section 5751.20 of the 137907  
Revised Code shall continue until the levy adopted under section 137908  
5705.219 of the Revised Code expires. 137909

(2) Beginning in 2006, by the first day of January of each 137910  
year, the tax commissioner shall review the certification 137911  
originally made under division (E)(1) of this section. If the 137912  
commissioner determines that a debt levy that had been scheduled 137913  
to be reimbursed in the current year has expired, a revised 137914  
certification for that and all subsequent years shall be made to 137915  
the department of education. 137916

(F) Beginning in September 2007 and through June 2013, the 137917  
director of budget and management shall transfer from the school 137918  
district tangible property tax replacement fund to the general 137919  
revenue fund each of the following: 137920

(1) On the first day of September, one-fourth of the amount 137921  
determined for that fiscal year under division (A)(1) of this 137922  
section; 137923

(2) On the first day of December, one-fourth of the amount 137924  
determined for that fiscal year under division (A)(1) of this 137925  
section; 137926

(3) On the first day of March, one-fourth of the amount 137927

determined for that fiscal year under division (A)(1) of this section; 137928  
137929

(4) On the first day of June, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section. 137930  
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If, when a transfer is required under division (F)(1), (2), (3), or (4) of this section, there is not sufficient money in the school district tangible property tax replacement fund to make the transfer in the required amount, the director shall transfer the balance in the fund to the general revenue fund and may make additional transfers on later dates as determined by the director in a total amount that does not exceed one-fourth of the amount determined for the fiscal year. 137933  
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(G) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under divisions (C), (D), and (E) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund. 137941  
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(H) On the fifteenth day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund. 137949  
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(I) If all of the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this 137953  
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section as follows: 137959

(1) For a merger of two or more districts, the fixed-sum levy 137960  
losses, total resources, current expense TPP allocation, total TPP 137961  
allocation, and non-current expense TPP allocation of the 137962  
successor district shall be the sum of such items for each of the 137963  
districts involved in the merger. 137964

(2) If property is transferred from one district to a 137965  
previously existing district, the amount of total resources, 137966  
current expense TPP allocation, total TPP allocation, and 137967  
non-current expense TPP allocation that shall be transferred to 137968  
the recipient district shall be an amount equal to total 137969  
resources, current expense TPP allocation, total TPP allocation, 137970  
and non-current expense TPP allocation of the transferor district 137971  
times a fraction, the numerator of which is the number of pupils 137972  
being transferred to the recipient district, measured, in the case 137973  
of a school district, by average daily membership as reported 137974  
under division (A) of section 3317.03 of the Revised Code or, in 137975  
the case of a joint vocational school district, by formula ADM as 137976  
reported in division (D) of that section, and the denominator of 137977  
which is the average daily membership or formula ADM of the 137978  
transferor district. 137979

(3) After December 31, 2010, if property is transferred from 137980  
one or more districts to a district that is newly created out of 137981  
the transferred property, the newly created district shall be 137982  
deemed not to have any total resources, current expense TPP 137983  
allocation, total TPP allocation, or non-current expense TPP 137984  
allocation. 137985

(4) If the recipient district under division (I)(2) of this 137986  
section or the newly created district under division (I)(3) of 137987  
this section is assuming debt from one or more of the districts 137988  
from which the property was transferred and any of the districts 137989  
losing the property had fixed-sum levy losses, the department of 137990

education, in consultation with the tax commissioner, shall make 137991  
an equitable division of the fixed-sum levy loss reimbursements. 137992

Sec. 5751.40. (A) As used in this section: 137993

(1) "Rack" means a mechanism capable of delivering motor fuel 137994  
from a terminal or refinery into a means of transport other than a 137995  
pipeline or vessel. "Rack" includes a railroad tank car, a motor 137996  
fuel transportation vehicle, or other means of transfer outside of 137997  
a terminal or refinery transfer system. 137998

(2) "Refinery" means a facility used to produce motor fuel 137999  
and from which motor fuel may be removed by pipeline, by vessel, 138000  
or at a rack. "Refinery" does not include a facility that produces 138001  
only blended fuel produced outside of a bulk transfer or terminal 138002  
system. 138003

(3) "Terminal" means a motor fuel storage or distribution 138004  
facility that is supplied by a pipeline or marine vessel and from 138005  
which motor fuel may be removed at a rack. "Terminal" does not 138006  
include a facility at which gasoline blendstocks are used in the 138007  
manufacture of products other than gasoline, provided that no 138008  
gasoline is removed from the facility. A facility is not a 138009  
"terminal" for purposes of this section if all of the motor fuel 138010  
stored at the facility has previously been subject to taxation as 138011  
described in this section upon removal at a refinery or terminal 138012  
rack. 138013

(B) In the case of receipts realized from the sale, exchange, 138014  
or other transfer of motor fuel, "gross receipts" for the purposes 138015  
of this chapter includes only the following gross receipts: 138016

(1) Gross receipts realized from the sale, exchange, or other 138017  
transfer of motor fuel acquired from a terminal or refinery rack; 138018

(2) Gross receipts realized by a person from the sale, 138019  
exchange, or other transfer of motor fuel acquired outside this 138020

state from a person that is not registered under section 5751.04 138021  
of the Revised Code and imported or caused to be imported into 138022  
this state for sale, exchange, or other transfer except when sold, 138023  
exchanged, or transferred to a terminal or refinery. Division 138024  
(B)(2) of this section does not apply if the gross receipts 138025  
realized from the sale, exchange, or other transfer of the motor 138026  
fuel has previously been included in any person's gross receipts 138027  
under division (B)(1) of this section and reported in a return 138028  
under section 5751.051 of the Revised Code. 138029

(C) For the purposes of this section, gross receipts shall 138030  
not include any of the following: 138031

(1) Sales, exchanges, or transfers of motor fuel directly 138032  
from a terminal to another terminal or from a refinery to another 138033  
refinery; 138034

(2) Sales, exchanges, or transfers of motor fuel directly 138035  
from a refinery to a terminal; 138036

(3) Sales, exchanges, or transfers of motor fuel within a 138037  
refinery or terminal. 138038

**Sec. 5753.03.** (A) For the purpose of receiving and 138039  
distributing, and accounting for, revenue received from the tax 138040  
levied by section 5753.02 of the Revised Code, the following funds 138041  
are created in the state treasury: 138042

(1) The casino tax revenue fund; 138043

(2) The gross casino revenue county fund; 138044

(3) The gross casino revenue county student fund; 138045

(4) The gross casino revenue host city fund; 138046

(5) The Ohio state racing commission fund; 138047

(6) The Ohio law enforcement training fund; 138048

(7) The problem casino gambling and addictions fund; 138049

|                                                                                                                                                                                                                                                              |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (8) The casino control commission fund;                                                                                                                                                                                                                      | 138050                               |
| (9) The casino tax administration fund;                                                                                                                                                                                                                      | 138051                               |
| (10) The peace officer training academy fund;                                                                                                                                                                                                                | 138052                               |
| (11) The criminal justice services casino tax revenue fund.                                                                                                                                                                                                  | 138053                               |
| (B) All moneys collected from the tax levied under this chapter shall be deposited into the casino tax revenue fund.                                                                                                                                         | 138054<br>138055                     |
| (C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code.                         | 138056<br>138057<br>138058<br>138059 |
| (D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the director of budget and management shall transfer amounts to each fund as follows: | 138060<br>138061<br>138062<br>138063 |
| (1) Fifty-one per cent to the gross casino revenue county fund to make payments as required by Section 6(C)(3)(a) of Article XV, Ohio Constitution;                                                                                                          | 138064<br>138065<br>138066           |
| (2) Thirty-four per cent to the gross casino revenue county student fund to make payments as required by Section 6(C)(3)(b) of Article XV, Ohio Constitution and as provided in section 5753.11 of the Revised Code;                                         | 138067<br>138068<br>138069<br>138070 |
| (3) Five per cent to the gross casino revenue host city fund for the benefit of the cities in which casino facilities are located;                                                                                                                           | 138071<br>138072<br>138073           |
| (4) Three per cent to the Ohio state racing commission fund to support the efforts and activities of the Ohio state racing commission to promote horse racing in this state at which the pari-mutuel system of wagering is conducted;                        | 138074<br>138075<br>138076<br>138077 |
| (5) Two per cent to the Ohio law enforcement training fund to support law enforcement functions in the state;                                                                                                                                                | 138078<br>138079                     |



(6) Two per cent to the problem casino gambling and 138080  
addictions fund to support efforts of the department of ~~alcohol~~ 138081  
~~and drug addiction services~~ mental health and addiction services 138082  
to alleviate problem gambling and substance abuse and related 138083  
research in the state under section ~~3793.032~~ 5119.47 of the 138084  
Revised Code; 138085

(7) Three per cent to the casino control commission fund to 138086  
support the operations of the Ohio casino control commission and 138087  
to defray the cost of administering the tax levied under section 138088  
5753.02 of the Revised Code. 138089

Payments under divisions (D)(1) and (3) of this section shall 138090  
be made by the end of the month following the end of the quarterly 138091  
period. The tax commissioner shall make the data available to the 138092  
director of budget and management for this purpose. 138093

Money in the Ohio state racing commission fund shall be 138094  
distributed at the discretion of the Ohio state racing commission 138095  
for the purpose stated in division (D)(4) of this section by the 138096  
end of the month following the end of the quarterly period. The 138097  
commission may retain up to five per cent of the amount 138098  
transferred to the fund under division (D)(4) of this section for 138099  
operating expenses necessary for the administration of the fund. 138100

Payments from the gross casino revenue county student fund as 138101  
required under section 5753.11 of the Revised Code shall be made 138102  
by the last day of January and by the last day of August of each 138103  
year, beginning in 2013. The tax commissioner shall make the data 138104  
available to the director of budget and management for this 138105  
purpose. 138106

Of the money credited to the Ohio law enforcement training 138107  
fund, the director of budget and management shall distribute 138108  
eighty-five per cent of the money to the police officer training 138109  
academy fund for the purpose of supporting the law enforcement 138110

training efforts of the Ohio peace officer training academy and 138111  
fifteen per cent of the money to the criminal justice services 138112  
casino tax revenue fund for the purpose of supporting the law 138113  
enforcement training efforts of the division of criminal justice 138114  
services. 138115

(E)(1) The tax commissioner shall serve as an agent of the 138116  
counties of this state only for the purposes of this division and 138117  
solely to make payments directly to municipal corporations and 138118  
school districts, as applicable, on the counties' behalf. 138119

(2) On or before the last day of the month following the end 138120  
of each calendar quarter, the tax commissioner shall provide for 138121  
payment from the funds referenced in divisions (D)(1) and (3) of 138122  
this section to each county and municipal corporation as 138123  
prescribed in those divisions. 138124

(3) On or before the last day of January and the last day of 138125  
August each year, the commissioner shall provide for payments from 138126  
the fund referenced in division (D)(2) of this section to each 138127  
school district as prescribed in that division. 138128

(F) The director of budget and management shall transfer one 138129  
per cent of the money credited to the casino control commission 138130  
fund to the casino tax administration fund. The tax commissioner 138131  
shall use the casino tax administration fund to defray the costs 138132  
incurred in administering the tax levied by this chapter. 138133

(G) All investment earnings of the gross casino revenue 138134  
county student fund shall be credited to the fund. 138135

**Sec. 5753.07.** (A)(1) The tax commissioner may issue an 138136  
assessment, based on any information in the tax commissioner's 138137  
possession, against a casino operator who fails to pay the tax 138138  
levied under section 5753.02 of the Revised Code or to file a 138139  
return under section 5753.04 of the Revised Code. The tax 138140

commissioner shall give the casino operator written notice of the 138141  
assessment under section 5703.37 of the Revised Code. With the 138142  
notice, the tax commissioner shall include instructions on how to 138143  
petition for reassessment and on how to request a hearing with 138144  
respect to the petition. 138145

(2) Unless the casino operator, within sixty days after 138146  
service of the notice of assessment, files with the tax 138147  
commissioner, either personally or by certified mail, a written 138148  
petition signed by the casino operator, or by the casino 138149  
operator's authorized agent who has knowledge of the facts, the 138150  
assessment becomes final, and the amount of the assessment is due 138151  
and payable from the casino operator to the treasurer of state. 138152  
The petition shall indicate the casino operator's objections to 138153  
the assessment. Additional objections may be raised in writing if 138154  
they are received by the tax commissioner before the date shown on 138155  
the final determination. 138156

(3) If a petition for reassessment has been properly filed, 138157  
the tax commissioner shall proceed under section 5703.60 of the 138158  
Revised Code. 138159

(4) After an assessment becomes final, if any portion of the 138160  
assessment, including penalties and accrued interest, remains 138161  
unpaid, the tax commissioner may file a certified copy of the 138162  
entry making the assessment final in the office of the clerk of 138163  
the court of common pleas of Franklin county or in the office of 138164  
the clerk of the court of common pleas of the county in which the 138165  
casino operator resides, the casino operator's casino facility is 138166  
located, or the casino operator's principal place of business in 138167  
this state is located. Immediately upon the filing of the entry, 138168  
the clerk shall enter a judgment for the state against the 138169  
taxpayer assessed in the amount shown on the entry. The judgment 138170  
may be filed by the clerk in a loose-leaf book entitled, "special 138171

judgments for the gross casino revenue tax." The judgment has the 138172  
same effect as other judgments. Execution shall issue upon the 138173  
judgment at the request of the tax commissioner, and all laws 138174  
applicable to sales on execution apply to sales made under the 138175  
judgment. 138176

(5) ~~The portion of an~~ If the assessment is not paid in its 138177  
entirety within sixty days after the day the assessment was issued 138178  
~~bears,~~ the portion of the assessment consisting of tax due shall 138179  
bear interest at the rate per annum prescribed by section 5703.47 138180  
of the Revised Code from the day the tax commissioner issued the 138181  
assessment until the assessment is paid or until it is certified 138182  
to the attorney general for collection under section 131.02 of the 138183  
Revised Code, whichever comes first. If the unpaid portion of the 138184  
assessment is certified to the attorney general for collection, 138185  
the entire unpaid portion of the assessment shall bear interest at 138186  
the rate per annum prescribed by section 5703.47 of the Revised 138187  
Code from the date of certification until the date it is paid in 138188  
its entirety. Interest shall be paid in the same manner as the tax 138189  
levied under section 5753.02 of the Revised Code and may be 138190  
collected by the issuance of an assessment under this section. 138191

(B) If the tax commissioner believes that collection of the 138192  
tax levied under section 5753.02 of the Revised Code will be 138193  
jeopardized unless proceedings to collect or secure collection of 138194  
the tax are instituted without delay, the commissioner may issue a 138195  
jeopardy assessment against the casino operator who is liable for 138196  
the tax. Immediately upon the issuance of a jeopardy assessment, 138197  
the tax commissioner shall file an entry with the clerk of the 138198  
court of common pleas in the manner prescribed by division (A)(4) 138199  
of this section, and the clerk shall proceed as directed in that 138200  
division. Notice of the jeopardy assessment shall be served on the 138201  
casino operator or the casino operator's authorized agent under 138202  
section 5703.37 of the Revised Code within five days after the 138203

filing of the entry with the clerk. The total amount assessed is 138204  
immediately due and payable, unless the casino operator assessed 138205  
files a petition for reassessment under division (A)(2) of this 138206  
section and provides security in a form satisfactory to the tax 138207  
commissioner that is in an amount sufficient to satisfy the unpaid 138208  
balance of the assessment. If a petition for reassessment has been 138209  
filed, and if satisfactory security has been provided, the tax 138210  
commissioner shall proceed under division (A)(3) of this section. 138211  
Full or partial payment of the assessment does not prejudice the 138212  
tax commissioner's consideration of the petition for reassessment. 138213

(C) The tax commissioner shall immediately forward to the 138214  
treasurer of state all amounts the tax commissioner receives under 138215  
this section, and the amounts forwarded shall be treated as if 138216  
they were revenue arising from the tax levied under section 138217  
5753.02 of the Revised Code. 138218

(D) Except as otherwise provided in this division, no 138219  
assessment shall be issued against a casino operator for the tax 138220  
levied under section 5753.02 of the Revised Code more than four 138221  
years after the due date for filing the return for the tax period 138222  
for which the tax was reported, or more than four years after the 138223  
return for the tax period was filed, whichever is later. This 138224  
division does not bar an assessment against a casino operator who 138225  
fails to file a return as required by section 5753.04 of the 138226  
Revised Code or who files a fraudulent return, or when the casino 138227  
operator and the tax commissioner waive in writing the time 138228  
limitation. 138229

(E) If the tax commissioner possesses information that 138230  
indicates that the amount of tax a casino operator is liable to 138231  
pay under section 5753.02 of the Revised Code exceeds the amount 138232  
the casino operator paid, the tax commissioner may audit a sample 138233  
of the casino operator's gross casino revenue over a 138234  
representative period of time to ascertain the amount of tax due, 138235

and may issue an assessment based on the audit. The tax 138236  
commissioner shall make a good faith effort to reach agreement 138237  
with the casino operator in selecting a representative sample. The 138238  
tax commissioner may apply a sampling method only if the tax 138239  
commissioner has prescribed the method by rule. 138240

(F) If the whereabouts of a casino operator who is liable for 138241  
the tax levied under section 5753.02 of the Revised Code are 138242  
unknown to the tax commissioner, the tax commissioner shall 138243  
proceed under section 5703.37 of the Revised Code. 138244

(G) If a casino operator fails to pay the tax levied under 138245  
section 5753.02 of the Revised Code within a period of one year 138246  
after the due date for remitting the tax, the Ohio casino control 138247  
commission may suspend the casino operator's license. 138248

**Sec. 5815.28.** (A) As used in this section: 138249

(1) "Ascertainable standard" includes a standard in a trust 138250  
instrument requiring the trustee to provide for the care, comfort, 138251  
maintenance, welfare, education, or general well-being of the 138252  
beneficiary. 138253

(2) "Disability" means any substantial, medically 138254  
determinable impairment that can be expected to result in death or 138255  
that has lasted or can be expected to last for a continuous period 138256  
of at least twelve months, except that "disability" does not 138257  
include an impairment that is the result of abuse of alcohol or 138258  
drugs. 138259

(3) "Political subdivision" and "state" have the same 138260  
meanings as in section 2744.01 of the Revised Code. 138261

(4) "Supplemental services" means services specified by rule 138262  
of the department of ~~mental health~~ mental health and addiction 138263  
services under section ~~5119.01~~ 5119.10 of the Revised Code or the 138264  
department of developmental disabilities under section 5123.04 of 138265

the Revised Code that are provided to an individual with a 138266  
disability in addition to services the individual is eligible to 138267  
receive under programs authorized by federal or state law. 138268

(B) Any person may create a trust under this section to 138269  
provide funding for supplemental services for the benefit of 138270  
another individual who meets either of the following conditions: 138271

(1) The individual has a physical or mental disability and is 138272  
eligible to receive services through the department of 138273  
developmental disabilities or a county board of developmental 138274  
disabilities; 138275

(2) The individual has a mental disability and is eligible to 138276  
receive services through the department of ~~mental health~~ mental 138277  
health and addiction services or a board of alcohol, drug 138278  
addiction, and mental health services. 138279

The trust may confer discretion upon the trustee and may 138280  
contain specific instructions or conditions governing the exercise 138281  
of the discretion. 138282

(C) The general division of the court of common pleas and the 138283  
probate court of the county in which the beneficiary of a trust 138284  
authorized by division (B) of this section resides or is confined 138285  
have concurrent original jurisdiction to hear and determine 138286  
actions pertaining to the trust. In any action pertaining to the 138287  
trust in a court of common pleas or probate court and in any 138288  
appeal of the action, all of the following apply to the trial or 138289  
appellate court: 138290

(1) The court shall render determinations consistent with the 138291  
testator's or other settlor's intent in creating the trust, as 138292  
evidenced by the terms of the trust instrument. 138293

(2) The court may order the trustee to exercise discretion 138294  
that the trust instrument confers upon the trustee only if the 138295  
instrument contains specific instructions or conditions governing 138296

the exercise of that discretion and the trustee has failed to 138297  
comply with the instructions or conditions. In issuing an order 138298  
pursuant to this division, the court shall require the trustee to 138299  
exercise the trustee's discretion only in accordance with the 138300  
instructions or conditions. 138301

(3) The court may order the trustee to maintain the trust and 138302  
distribute assets in accordance with rules adopted by the director 138303  
of ~~mental health~~ mental health and addiction services under 138304  
section ~~5119.01~~ 5119.10 of the Revised Code or the director of 138305  
developmental disabilities under section 5123.04 of the Revised 138306  
Code if the trustee has failed to comply with such rules. 138307

(D) To the extent permitted by federal law and subject to the 138308  
provisions of division (C)(2) of this section pertaining to the 138309  
enforcement of specific instructions or conditions governing a 138310  
trustee's discretion, a trust authorized by division (B) of this 138311  
section that confers discretion upon the trustee shall not be 138312  
considered an asset or resource of the beneficiary, the 138313  
beneficiary's estate, the settlor, or the settlor's estate and 138314  
shall be exempt from the claims of creditors, political 138315  
subdivisions, the state, other governmental entities, and other 138316  
claimants against the beneficiary, the beneficiary's estate, the 138317  
settlor, or the settlor's estate, including claims regarding the 138318  
medicaid program or based on provisions of Chapters ~~5111.7~~, 5121.7 138319  
or 5123. of the Revised Code and claims sought to be satisfied by 138320  
way of a civil action, subrogation, execution, garnishment, 138321  
attachment, judicial sale, or other legal process, if all of the 138322  
following apply: 138323

(1) At the time the trust is created, the trust principal 138324  
does not exceed the maximum amount determined under division (E) 138325  
of this section; 138326

(2) The trust instrument contains a statement of the 138327  
settlor's intent, or otherwise clearly evidences the settlor's 138328



intent, that the beneficiary does not have authority to compel the trustee under any circumstances to furnish the beneficiary with minimal or other maintenance or support, to make payments from the principal of the trust or from the income derived from the principal, or to convert any portion of the principal into cash, whether pursuant to an ascertainable standard specified in the instrument or otherwise;

(3) The trust instrument provides that trust assets can be used only to provide supplemental services, as defined by rule of the director of ~~mental health~~ mental health and addiction services under section ~~5119.01~~ 5119.10 of the Revised Code or the director of developmental disabilities under section 5123.04 of the Revised Code, to the beneficiary;

(4) The trust is maintained and assets are distributed in accordance with rules adopted by the director of ~~mental health~~ mental health and addiction services under section ~~5119.01~~ 5119.10 of the Revised Code or the director of developmental disabilities under section 5123.04 of the Revised Code;

(5) The trust instrument provides that on the death of the beneficiary, a portion of the remaining assets of the trust, which shall be not less than fifty per cent of such assets, will be deposited to the credit of the services fund for individuals with mental illness created by section ~~5119.17~~ 5119.51 of the Revised Code or the services fund for individuals with mental retardation and developmental disabilities created by section 5123.40 of the Revised Code.

(E) In 1994, the trust principal maximum amount for a trust created under this section shall be two hundred thousand dollars. The maximum amount for a trust created under this section prior to November 11, 1994, may be increased to two hundred thousand dollars.

In 1995, the maximum amount for a trust created under this section shall be two hundred two thousand dollars. Each year thereafter, the maximum amount shall be the prior year's amount plus two thousand dollars.

(F) This section does not limit or otherwise affect the creation, validity, interpretation, or effect of any trust that is not created under this section.

(G) Once a trustee takes action on a trust created by a settlor under this section and disburses trust funds on behalf of the beneficiary of the trust, then the trust may not be terminated or otherwise revoked by a particular event or otherwise without payment into the services fund created pursuant to section ~~5119.17~~ 5119.51 or 5123.40 of the Revised Code of an amount that is equal to the disbursements made on behalf of the beneficiary for medical care by the state from the date the trust vests but that is not more than fifty per cent of the trust corpus.

**Sec. 5902.02.** The duties of the director of veterans services shall include the following:

(A) Furnishing the veterans service commissions of all counties of the state copies of the state laws, rules, and legislation relating to the operation of the commissions and their offices;

(B) Upon application, assisting the general public in obtaining records of vital statistics pertaining to veterans or their dependents;

(C) Adopting rules pursuant to Chapter 119. of the Revised Code pertaining to minimum qualifications for hiring, certifying, and accrediting county veterans service officers, pertaining to their required duties, and pertaining to revocation of the certification of county veterans service officers;

(D) Adopting rules pursuant to Chapter 119. of the Revised Code for the education, training, certification, and duties of veterans service commissioners and for the revocation of the certification of a veterans service commissioner; 138390  
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(E) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas; 138394  
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(F) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues individually or jointly; 138397  
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(G) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide services to veterans, including the veterans' homes operated under Chapter 5907. of the Revised Code and the director of job and family services, to address homelessness, indigency, employment, and other veteran-related issues; 138401  
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(H) Establishing and providing statistical reporting formats and procedures for county veterans service commissions; 138407  
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(I) Publishing electronically a listing of county veterans service offices and county veterans service commissioners. The listing shall include the expiration dates of commission members' terms of office and the organizations they represent; the names, addresses, and telephone numbers of county veterans service offices; and the addresses and telephone numbers of the Ohio offices and headquarters of state and national veterans service organizations. 138409  
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(J) Establishing a veterans advisory committee to advise and assist the department of veterans services in its duties. Members shall include a member of the national guard association of the United States who is a resident of this state, a member of the 138417  
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military officers association of America who is a resident of this 138421  
state, a state representative of congressionally chartered 138422  
veterans organizations referred to in section 5901.02 of the 138423  
Revised Code, a representative of any other congressionally 138424  
chartered state veterans organization that has at least one 138425  
veterans service commissioner in the state, three representatives 138426  
of the Ohio state association of county veterans service 138427  
commissioners, who shall have a combined vote of one, three 138428  
representatives of the state association of county veterans 138429  
service officers, who shall have a combined vote of one, one 138430  
representative of the county commissioners association of Ohio, 138431  
who shall be a county commissioner not from the same county as any 138432  
of the other county representatives, a representative of the 138433  
advisory committee on women veterans, a representative of a labor 138434  
organization, and a representative of the office of the attorney 138435  
general. The department of veterans services shall submit to the 138436  
advisory committee proposed rules for the committee's operation. 138437  
The committee may review and revise these proposed rules prior to 138438  
submitting them to the joint committee on agency rule review. 138439

(K) Adopting, with the advice and assistance of the veterans 138440  
advisory committee, policy and procedural guidelines that the 138441  
veterans service commissions shall adhere to in the development 138442  
and implementation of rules, policies, procedures, and guidelines 138443  
for the administration of Chapter 5901. of the Revised Code. The 138444  
department of veterans services shall adopt no guidelines or rules 138445  
regulating the purposes, scope, duration, or amounts of financial 138446  
assistance provided to applicants pursuant to sections 5901.01 to 138447  
5901.15 of the Revised Code. The director of veterans services may 138448  
obtain opinions from the office of the attorney general regarding 138449  
rules, policies, procedures, and guidelines of the veterans 138450  
service commissions and may enforce compliance with Chapter 5901. 138451  
of the Revised Code. 138452

(L) Receiving copies of form DD214 filed in accordance with 138453  
the director's guidelines adopted under division (L) of this 138454  
section from members of veterans service commissions appointed 138455  
under section 5901.02 and from county veterans service officers 138456  
employed under section 5901.07 of the Revised Code; 138457

(M) Developing and maintaining and improving a resource, such 138458  
as a telephone answering point or a web site, by means of which 138459  
veterans and their dependents, through a single portal, can access 138460  
multiple sources of information and interaction with regard to the 138461  
rights of, and the benefits available to, veterans and their 138462  
dependents. The director of veterans services may enter into 138463  
agreements with state and federal agencies, with agencies of 138464  
political subdivisions, with state and local instrumentalities, 138465  
and with private entities as necessary to make the resource as 138466  
complete as is possible. 138467

(N) Planning, organizing, advertising, and conducting 138468  
outreach efforts, such as conferences and fairs, at which veterans 138469  
and their dependents may meet, learn about the organization and 138470  
operation of the department of veterans services and of veterans 138471  
service commissions, and obtain information about the rights of, 138472  
and the benefits and services available to, veterans and their 138473  
dependents; 138474

(O) Advertising, in print, on radio and television, and 138475  
otherwise, the rights of, and the benefits and services available 138476  
to, veterans and their dependents; 138477

(P) Developing and advocating improved benefits and services 138478  
for, and improved delivery of benefits and services to, veterans 138479  
and their dependents; 138480

(Q) Searching for, identifying, and reviewing statutory and 138481  
administrative policies that relate to veterans and their 138482  
dependents and reporting to the general assembly statutory and 138483

administrative policies that should be consolidated in whole or in part within the organization of the department of veterans services to unify funding, delivery, and accounting of statutory and administrative policy expressions that relate particularly to veterans and their dependents;

(R) Encouraging veterans service commissions to innovate and otherwise to improve efficiency in delivering benefits and services to veterans and their dependents and to report successful innovations and efficiencies to the director of veterans services;

(S) Publishing and encouraging adoption of successful innovations and efficiencies veterans service commissions have achieved in delivering benefits and services to veterans and their dependents;

(T) Establishing advisory committees, in addition to the veterans advisory committee established under division (K) of this section, on veterans issues;

(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled;

(V) Developing and maintaining relationships with the several veterans organizations, encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations;

(W) Requiring the several veterans organizations that receive funding from the state annually, not later than the thirtieth day of July, to report to the director of veterans services and prescribing the form and content of the report;

(X) Reviewing the reports submitted to the director under

division (W) of this section within thirty days of receipt and 138515  
informing the veterans organization of any deficiencies that exist 138516  
in the organization's report and that funding will not be released 138517  
until the deficiencies have been corrected and a satisfactory 138518  
report submitted; 138519

(Y) Advising the director of budget and management when a 138520  
report submitted to the director under division (W) of this 138521  
section has been reviewed and determined to be satisfactory; 138522

(Z) Furnishing copies of all reports that the director of 138523  
veterans services has determined have been submitted 138524  
satisfactorily under division (W) of this section to the 138525  
chairperson of the finance committees of the general assembly; 138526

(AA) Investigating complaints against county veterans 138527  
services commissioners and county veterans service officers if the 138528  
director reasonably believes the investigation to be appropriate 138529  
and necessary; 138530

~~(Y)~~(BB) Taking any other actions required by this chapter. 138531

**Sec. 5905.02.** Whenever it appears that a person is eligible 138532  
for care or treatment by the veterans' administration or other 138533  
agency of the United States, and hospitalization is necessary for 138534  
the proper care or treatment of such person, the probate court, 138535  
upon receipt of a certificate from the veterans' administration or 138536  
such other agency showing that facilities are available and such 138537  
person is eligible for care or treatment therein, may order such 138538  
person to said veterans' administration or other agency for care 138539  
and treatment. 138540

Upon admission, such person shall be subject to the 138541  
applicable regulations of the veterans' administration or other 138542  
agency of the United States. The chief officer of any hospital to 138543  
which any person is admitted pursuant to hospitalization as 138544

provided in sections 5905.01 to 5905.19 of the Revised Code, or 138545  
under the law in effect at the time of such admission, shall have 138546  
the same powers as are exercised by heads of hospitals for mental 138547  
diseases and the department of ~~mental health~~ mental health and 138548  
addiction services with respect to the retention, transfer, 138549  
parole, or discharge of the person hospitalized; provided no 138550  
person shall be transferred to a hospital operated by the state or 138551  
any political subdivision thereof without the consent of such 138552  
department. 138553

The right of such person to appear and defend shall not be 138554  
denied. 138555

The judgment or order of hospitalization by a court of 138556  
competent jurisdiction of another state ordering a person to the 138557  
veterans' administration or other agency of the United States, or 138558  
any hospital operated by any such agency, for care or treatment 138559  
shall have the same effect as to such person while in this state 138560  
as in the state in which the court entering such judgment or 138561  
making such order is situated, provided that no nonresident 138562  
ordered to a veterans' administration facility located in Ohio 138563  
shall thereby acquire a legal settlement in Ohio. 138564

Upon receipt of a certificate that facilities are available 138565  
in any such hospital operated by the United States for the care or 138566  
treatment of any person ordered to any hospital for the mentally 138567  
ill or other hospital in this state for the care of persons 138568  
similarly afflicted, and that such person is eligible for such 138569  
care or treatment, such department may transfer any such person to 138570  
the veterans' administration or other agency of the United States 138571  
in the state. Upon effecting any such transfer, the ordering court 138572  
shall be notified thereof by the transferring agency; provided 138573  
that no such person shall be transferred if ~~he~~ the person is 138574  
confined pursuant to conviction of any crime or misdemeanor, or if 138575  
~~he~~ the person has been acquitted of any such charge solely on the 138576



ground of insanity, unless prior to such transfer the court 138577  
originally ordering such person enters an order for such transfer 138578  
after appropriate motion and hearing. 138579

Any person transferred as provided in this section is ordered 138580  
to the veterans' administration or other agency of the United 138581  
States pursuant to the original order as though ~~he~~ the person had 138582  
been originally so ordered. 138583

**Sec. 5910.02.** There is hereby created an Ohio war orphans 138584  
scholarship board as part of the department of veterans services. 138585  
The board consists of eight members as follows: the chancellor of 138586  
the Ohio board of regents or the chancellor's designee; the 138587  
director of veterans services or the director's designee; one 138588  
member of the house of representatives, appointed by the speaker; 138589  
one member of the senate, appointed by the president of the 138590  
senate; and four members appointed by the governor, one of whom 138591  
shall be a representative of the American Legion, one of whom 138592  
shall be a representative of the Veterans of Foreign Wars, one of 138593  
whom shall be a representative of the Disabled American Veterans, 138594  
and one of whom shall be a representative of the AMVETS. At least 138595  
ninety days prior to the expiration of the term of office of the 138596  
representative of a veterans organization appointed by the 138597  
governor, the governor shall notify the state headquarters of the 138598  
affected organization of the need for an appointment and request 138599  
the organization to make at least three nominations. Within sixty 138600  
days after making the request for nominations, the governor may 138601  
make the appointment from the nominations received, or may reject 138602  
all the nominations and request at least three new nominations, 138603  
from which the governor shall make an appointment within thirty 138604  
days after making the request for the new nominations. If the 138605  
governor receives no nominations during this thirty-day period, 138606  
the governor may appoint any veteran. 138607

Terms of office for the four members appointed by the 138608  
governor shall be for four years, commencing on the first day of 138609  
January and ending on the thirty-first day of December, except 138610  
that the term of the AMVETS representative shall expire December 138611  
31, 1998, and the new term that succeeds it shall commence on 138612  
January 1, 1999, and end on December 31, 2002. Each member shall 138613  
hold office from the date of the member's appointment until the 138614  
end of the term for which the member was appointed. The other 138615  
members shall serve during their terms of office. Any vacancy 138616  
shall be filled by appointment in the same manner as by original 138617  
appointment. Any member appointed to fill a vacancy occurring 138618  
prior to the expiration of the term for which the member's 138619  
predecessor was appointed shall hold office for the remainder of 138620  
such term. Any appointed member shall continue in office 138621  
subsequent to the expiration date of the member's term until the 138622  
member's successor takes office, or until a period of sixty days 138623  
has elapsed, whichever occurs first. The members of the board 138624  
shall serve without pay but shall be reimbursed for travel 138625  
expenses and for other actual and necessary expenses incurred in 138626  
the performance of their duties, not to exceed ten dollars per day 138627  
for ten days in any one year to be appropriated out of any moneys 138628  
in the state treasury to the credit of the general revenue fund. 138629

The chancellor of the board of regents shall act as secretary 138630  
to the board and shall furnish such clerical and other assistance 138631  
as may be necessary to the performance of the duties of the board. 138632

The board shall determine the number of scholarships to be 138633  
made available, receive applications for scholarships, pass upon 138634  
the eligibility of applicants, decide which applicants are to 138635  
receive scholarships, and do all other things necessary for the 138636  
proper administration of this chapter. 138637

The board may apply for, and may receive and accept, grants, 138638  
and may receive and accept gifts, bequests, and contributions, 138639

from public and private sources, including agencies and 138640  
instrumentalities of the United States and this state, and shall 138641  
deposit the grants, gifts, bequests, or contributions into the 138642  
Ohio war orphans scholarship donation fund. 138643

**Sec. 5910.07.** The Ohio war orphans scholarship donation fund 138644  
is created in the state treasury. The fund shall consist of gifts, 138645  
bequests, grants, and contributions made to the fund under section 138646  
5910.02 of the Revised Code. Investment earnings of the fund shall 138647  
be deposited into the fund. The fund shall be used to operate the 138648  
war orphans scholarship program and to provide grants under 138649  
sections 5910.01 to 5910.06 of the Revised Code. 138650

**Sec. 5910.08.** There is hereby created in the state treasury 138651  
the war orphans scholarship reserve fund. Not later than the first 138652  
day of July of each fiscal year, the chancellor of the Ohio board 138653  
of regents shall certify to the director of budget and management 138654  
the unencumbered balance of the general revenue fund 138655  
appropriations made in the immediately preceding fiscal year for 138656  
purposes of the war orphans scholarship program created in Chapter 138657  
5910. of the Revised Code. Upon receipt of the certification, the 138658  
director may transfer an amount not exceeding the certified amount 138659  
from the general revenue fund to the war orphans scholarship 138660  
reserve fund. Moneys in the war orphans scholarship reserve fund 138661  
shall be used to pay scholarship obligations in excess of the 138662  
general revenue fund appropriations made for that purpose. 138663

The director may transfer any unencumbered balance from the 138664  
war orphans scholarship reserve fund to the general revenue fund. 138665

**Sec. 5919.34.** (A) As used in this section: 138666

(1) "Academic term" means any one of the following: 138667

(a) Fall term, which consists of fall semester or fall 138668

quarter, as appropriate; 138669

(b) Winter term, which consists of winter semester, winter 138670  
quarter, or spring semester, as appropriate; 138671

(c) Spring term, which consists of spring quarter; 138672

(d) Summer term, which consists of summer semester or summer 138673  
quarter, as appropriate. 138674

(2) "Eligible applicant" means any individual to whom all of 138675  
the following apply: 138676

(a) The individual does not possess a baccalaureate degree. 138677

(b) The individual has enlisted, re-enlisted, or extended 138678  
current enlistment in the Ohio national guard or is an individual 138679  
to which division (F) of this section applies. 138680

(c) The individual is actively enrolled as a full-time or 138681  
part-time student for at least three credit hours of course work 138682  
in a semester or quarter in a two-year or four-year 138683  
degree-granting program at a state institution of higher education 138684  
or a private institution of higher education, or in a 138685  
diploma-granting program at a state or private institution of 138686  
higher education that is a school of nursing. 138687

(d) The individual has not accumulated ninety-six eligibility 138688  
units under division (E) of this section. 138689

(3) "State institution of higher education" means any state 138690  
university or college as defined in division (A)(1) of section 138691  
3345.12 of the Revised Code, community college established under 138692  
Chapter 3354. of the Revised Code, state community college 138693  
established under Chapter 3358. of the Revised Code, university 138694  
branch established under Chapter 3355. of the Revised Code, or 138695  
technical college established under Chapter 3357. of the Revised 138696  
Code. 138697

(4) "Private institution of higher education" means an Ohio 138698

institution of higher education that is nonprofit and has received 138699  
a certificate of authorization pursuant to Chapter 1713. of the 138700  
Revised Code, that is a private institution exempt from regulation 138701  
under Chapter 3332. of the Revised Code as prescribed in section 138702  
3333.046 of the Revised Code, or that holds a certificate of 138703  
registration and program authorization issued by the state board 138704  
of career colleges and schools pursuant to section 3332.05 of the 138705  
Revised Code. 138706

(5) "Tuition" means the charges imposed to attend an 138707  
institution of higher education and includes general and 138708  
instructional fees. "Tuition" does not include laboratory fees, 138709  
room and board, or other similar fees and charges. 138710

(B) There is hereby created a scholarship program to be known 138711  
as the Ohio national guard scholarship program. 138712

(C) The adjutant general shall approve scholarships for all 138713  
eligible applicants. The adjutant general shall process all 138714  
applications for scholarships for each academic term in the order 138715  
in which they are received. The scholarships shall be made without 138716  
regard to financial need. At no time shall one person be placed in 138717  
priority over another because of sex, race, or religion. 138718

(D)(1) Except as provided in divisions (I) and (J) of this 138719  
section, for each academic term that an eligible applicant is 138720  
approved for a scholarship under this section and either remains a 138721  
current member in good standing of the Ohio national guard or is 138722  
eligible for a scholarship under division (F)(1) of this section, 138723  
the institution of higher education in which the applicant is 138724  
enrolled shall, if the applicant's enlistment obligation extends 138725  
beyond the end of that academic term or if division (F)(1) of this 138726  
section applies, be paid on the applicant's behalf the applicable 138727  
one of the following amounts: 138728

(a) If the institution is a state institution of higher 138729

education, an amount equal to one hundred per cent of the 138730  
institution's tuition charges; 138731

(b) If the institution is a nonprofit private institution or 138732  
a private institution exempt from regulation under Chapter 3332. 138733  
of the Revised Code as prescribed in section 3333.046 of the 138734  
Revised Code, an amount equal to one hundred per cent of the 138735  
average tuition charges of all state universities; 138736

(c) If the institution is an institution that holds a 138737  
certificate of registration from the state board of career 138738  
colleges and schools, the lesser of the following: 138739

(i) An amount equal to one hundred per cent of the 138740  
institution's tuition; 138741

(ii) An amount equal to one hundred per cent of the average 138742  
tuition charges of all state universities, as that term is defined 138743  
in section 3345.011 of the Revised Code. 138744

(2) An eligible applicant's scholarship shall not be reduced 138745  
by the amount of that applicant's benefits under "the Montgomery 138746  
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 138747

(E) A scholarship recipient under this section shall be 138748  
entitled to receive scholarships under this section for the number 138749  
of quarters or semesters it takes the recipient to accumulate 138750  
ninety-six eligibility units as determined under divisions (E)(1) 138751  
to (3) of this section. 138752

(1) To determine the maximum number of semesters or quarters 138753  
for which a recipient is entitled to a scholarship under this 138754  
section, the adjutant general shall convert a recipient's credit 138755  
hours of enrollment for each academic term into eligibility units 138756  
in accordance with the following table: 138757

|           |           |               |        |
|-----------|-----------|---------------|--------|
|           | The       |               | 138758 |
| Number of | following | The following | 138759 |

|                    |        |             |    |             |        |
|--------------------|--------|-------------|----|-------------|--------|
| credit hours       |        | number of   |    | number of   | 138760 |
| of enrollment      |        | eligibility |    | eligibility | 138761 |
| in an academic     |        | units if a  |    | units if a  | 138762 |
| term               | equals | semester    | or | quarter     | 138763 |
|                    |        |             |    |             | 138764 |
| 12 or more hours   |        | 12 units    |    | 8 units     | 138765 |
| 9 but less than 12 |        | 9 units     |    | 6 units     | 138766 |
| 6 but less than 9  |        | 6 units     |    | 4 units     | 138767 |
| 3 but less than 6  |        | 3 units     |    | 2 units     | 138768 |

(2) A scholarship recipient under this section may continue 138769  
to apply for scholarships under this section until the recipient 138770  
has accumulated ninety-six eligibility units. 138771

(3) If a scholarship recipient withdraws from courses prior 138772  
to the end of an academic term so that the recipient's enrollment 138773  
for that academic term is less than three credit hours, no 138774  
scholarship shall be paid on behalf of that person for that 138775  
academic term. Except as provided in division (F)(3) of this 138776  
section, if a scholarship has already been paid on behalf of the 138777  
person for that academic term, the adjutant general shall add to 138778  
that person's accumulated eligibility units the number of 138779  
eligibility units for which the scholarship was paid. 138780

(F) This division applies to any eligible applicant called 138781  
into active duty on or after September 11, 2001. As used in this 138782  
division, "active duty" means active duty pursuant to an executive 138783  
order of the president of the United States, an act of the 138784  
congress of the United States, or section 5919.29 or 5923.21 of 138785  
the Revised Code. 138786

(1) For a period of up to five years from when an 138787  
individual's enlistment obligation in the Ohio national guard 138788  
ends, an individual to whom this division applies is eligible for 138789  
scholarships under this section for those academic terms that were 138790  
missed or could have been missed as a result of the individual's 138791

call into active duty. Scholarships shall not be paid for the 138792  
academic term in which an eligible applicant's enlistment 138793  
obligation ends unless an applicant is eligible under this 138794  
division for a scholarship for such academic term due to previous 138795  
active duty. 138796

(2) When an individual to whom this division applies 138797  
withdraws or otherwise fails to complete courses, for which 138798  
scholarships have been awarded under this section, because the 138799  
individual was called into active duty, the institution of higher 138800  
education shall grant the individual a leave of absence from the 138801  
individual's education program and shall not impose any academic 138802  
penalty for such withdrawal or failure to complete courses. 138803  
Division (F)(2) of this section applies regardless of whether or 138804  
not the scholarship amount was paid to the institution of higher 138805  
education. 138806

(3) If an individual to whom this division applies withdraws 138807  
or otherwise fails to complete courses because the individual was 138808  
called into active duty, and if scholarships for those courses 138809  
have already been paid, either: 138810

(a) The adjutant general shall not add to that person's 138811  
accumulated eligibility units calculated under division (E) of 138812  
this section the number of eligibility units for the academic 138813  
courses or term for which the scholarship was paid and the 138814  
institution of higher education shall repay the scholarship amount 138815  
to the state. 138816

(b) The adjutant general shall add to that individual's 138817  
accumulated eligibility units calculated under division (E) of 138818  
this section the number of eligibility units for the academic 138819  
courses or term for which the scholarship was paid if the 138820  
institution of higher education agrees to permit the individual to 138821  
complete the remainder of the academic courses in which the 138822  
individual was enrolled at the time the individual was called into 138823



active duty. 138824

(4) No individual who is discharged from the Ohio national 138825  
guard under other than honorable conditions shall be eligible for 138826  
scholarships under this division. 138827

(G) A scholarship recipient under this section who fails to 138828  
complete the term of enlistment, re-enlistment, or extension of 138829  
current enlistment the recipient was serving at the time a 138830  
scholarship was paid on behalf of the recipient under this section 138831  
is liable to the state for repayment of a percentage of all Ohio 138832  
national guard scholarships paid on behalf of the recipient under 138833  
this section, plus interest at the rate of ten per cent per annum 138834  
calculated from the dates the scholarships were paid. This 138835  
percentage shall equal the percentage of the current term of 138836  
enlistment, re-enlistment, or extension of enlistment a recipient 138837  
has not completed as of the date the recipient is discharged from 138838  
the Ohio national guard. 138839

The attorney general may commence a civil action on behalf of 138840  
the chancellor of the Ohio board of regents to recover the amount 138841  
of the scholarships and the interest provided for in this division 138842  
and the expenses incurred in prosecuting the action, including 138843  
court costs and reasonable attorney's fees. A scholarship 138844  
recipient is not liable under this division if the recipient's 138845  
failure to complete the term of enlistment being served at the 138846  
time a scholarship was paid on behalf of the recipient under this 138847  
section is due to the recipient's death or discharge from the 138848  
national guard due to disability. 138849

(H) On or before the first day of each academic term, the 138850  
adjutant general shall provide an eligibility roster to the 138851  
chancellor and to each institution of higher education at which 138852  
one or more scholarship recipients have applied for enrollment. 138853  
The institution shall use the roster to certify the actual 138854  
full-time or part-time enrollment of each scholarship recipient 138855

listed as enrolled at the institution and return the roster to the 138856  
adjutant general and the chancellor. Except as provided in 138857  
division (J) of this section, the chancellor shall provide for 138858  
payment of the appropriate number and amount of scholarships to 138859  
each institution of higher education pursuant to division (D) of 138860  
this section. If an institution of higher education fails to 138861  
certify the actual enrollment of a scholarship recipient listed as 138862  
enrolled at the institution within thirty days of the end of an 138863  
academic term, the institution shall not be eligible to receive 138864  
payment from the Ohio national guard scholarship program or from 138865  
the individual enrollee. The adjutant general shall report on a 138866  
semiannual basis to the director of budget and management, the 138867  
speaker of the house of representatives, the president of the 138868  
senate, and the chancellor the number of Ohio national guard 138869  
scholarship recipients, the size of the scholarship-eligible 138870  
population, and a projection of the cost of the program for the 138871  
remainder of the biennium. 138872

(I) The chancellor and the adjutant general may adopt rules 138873  
pursuant to Chapter 119. of the Revised Code governing the 138874  
administration and fiscal management of the Ohio national guard 138875  
scholarship program and the procedure by which the chancellor and 138876  
the department of the adjutant general may modify the amount of 138877  
scholarships a member receives based on the amount of other state 138878  
financial aid a member receives. 138879

(J) The adjutant general, the chancellor, and the director, 138880  
or their designees, shall jointly estimate the costs of the Ohio 138881  
national guard scholarship program for each upcoming fiscal 138882  
biennium, and shall report that estimate prior to the beginning of 138883  
the fiscal biennium to the chairpersons of the finance committees 138884  
in the general assembly. During each fiscal year of the biennium, 138885  
the adjutant general, the chancellor, and the director, or their 138886  
designees, shall meet regularly to monitor the actual costs of the 138887

Ohio national guard scholarship program and update cost 138888  
projections for the remainder of the biennium as necessary. If the 138889  
amounts appropriated for the Ohio national guard scholarship 138890  
program and any funds in the Ohio national guard scholarship 138891  
reserve fund and the Ohio national guard scholarship donation fund 138892  
are not adequate to provide scholarships in the amounts specified 138893  
in division (D)(1) of this section for all eligible applicants, 138894  
the chancellor shall do all of the following: 138895

(1) Notify each private institution of higher education, 138896  
where a scholarship recipient is enrolled, that, by accepting the 138897  
Ohio national guard scholarship program as payment for all or part 138898  
of the institution's tuition, the institution agrees that if the 138899  
chancellor reduces the amount of each scholarship, the institution 138900  
shall provide each scholarship recipient a grant or tuition waiver 138901  
in an amount equal to the amount the recipient's scholarship was 138902  
reduced by the chancellor. 138903

(2) Reduce the amount of each scholarship under division 138904  
(D)(1)(a) of this section proportionally based on the amount of 138905  
remaining available funds. Each state institution of higher 138906  
education shall provide each scholarship recipient under division 138907  
(D)(1)(a) of this section a grant or tuition waiver in an amount 138908  
equal to the amount the recipient's scholarship was reduced by the 138909  
chancellor. 138910

(K) Notwithstanding division (A) of section 127.14 of the 138911  
Revised Code, the controlling board shall not transfer all or part 138912  
of any appropriation for the Ohio national guard scholarship 138913  
program. 138914

(L) The chancellor and the adjutant general may apply for, 138915  
and may receive and accept grants, and may receive and accept 138916  
gifts, bequests, and contributions, from public and private 138917  
sources, including agencies and instrumentalities of the United 138918  
States and this state, and shall deposit the grants, gifts, 138919

bequests, or contributions into the national guard scholarship 138920  
reserve donation fund. 138921

Sec. 5919.342. The national guard scholarship donation fund 138922  
is created in the state treasury. The fund shall consist of gifts, 138923  
bequests, grants, and contributions made to the fund under 138924  
division (L) of section 5919.34 of the Revised Code. Investment 138925  
earnings of the fund shall be deposited into the fund. The fund 138926  
shall be used to operate the Ohio national guard scholarship 138927  
program created under section 5919.34 of the Revised Code. 138928

**Sec. 5924.502.** (A) If the issue of an accused's competence to 138929  
stand trial is raised or if an accused enters a plea of not guilty 138930  
by reason of insanity, the court may order one or more evaluations 138931  
of the accused's present mental condition or, in the case of a 138932  
plea of not guilty by reason of insanity, of the accused's mental 138933  
condition at the time of the offense charged. An examiner shall 138934  
conduct the evaluation. 138935

(B) If the court orders more than one evaluation under 138936  
division (A) of this section, the trial counsel and the defense 138937  
counsel may recommend to the court an examiner whom each prefers 138938  
to perform one of the evaluations. If an accused enters a plea of 138939  
not guilty by reason of insanity and if the court does not 138940  
designate an examiner recommended by the defense counsel, the 138941  
court shall inform the accused that the accused may have 138942  
independent expert evaluation and that it will be obtained for the 138943  
accused at public expense. 138944

(C) If the court orders an evaluation under division (A) of 138945  
this section, the accused shall be available at the times and 138946  
places established by the examiners who are to conduct the 138947  
evaluation. The court may order an accused who is not being held 138948  
in pretrial confinement to submit to an evaluation under this 138949

section. If an accused who is not being held in pretrial 138950  
confinement refuses to submit to a complete evaluation, the court 138951  
may order the sheriff to take the accused into custody and deliver 138952  
the accused to a center, program, or facility operated or 138953  
certified by the department of ~~mental health~~ mental health and 138954  
addiction services where the accused may be held for evaluation 138955  
for a reasonable period of time not to exceed twenty days. 138956

(D) An accused who is being held in pretrial confinement may 138957  
be evaluated at the accused's place of detention. Upon the request 138958  
of the examiner, the court may order the sheriff to transport the 138959  
accused to a program or facility operated or certified by the 138960  
department of ~~mental health~~ mental health and addiction services, 138961  
where the accused may be held for evaluation for a reasonable 138962  
period of time not to exceed twenty days, and to return the 138963  
accused to the place of detention after the evaluation. 138964

(E) If a court orders the evaluation to determine an 138965  
accused's mental condition at the time of the offense charged, the 138966  
court shall inform the examiner of the offense with which the 138967  
accused is charged. 138968

(F) In conducting an evaluation of an accused's mental 138969  
condition at the time of the offense charged, the examiner shall 138970  
consider all relevant evidence. If the offense charged involves 138971  
the use of force against another person, the relevant evidence to 138972  
be considered includes, but is not limited to, any evidence that 138973  
the accused suffered at the time of the commission of the offense 138974  
from the "battered woman syndrome." 138975

(G) The examiner shall file a written report with the court 138976  
within thirty days after entry of a court order for evaluation, 138977  
and the court shall provide copies of the report to the trial 138978  
counsel and defense counsel. The report shall include all of the 138979  
following: 138980

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (1) The examiner's findings;                                                                                                                                                                                                                                                                                                                                                                                                                                            | 138981                                                                       |
| (2) The facts in reasonable detail on which the findings are based;                                                                                                                                                                                                                                                                                                                                                                                                     | 138982<br>138983                                                             |
| (3) If the evaluation was ordered to determine the accused's competence to stand trial, all of the following findings or recommendations that are applicable:                                                                                                                                                                                                                                                                                                           | 138984<br>138985<br>138986                                                   |
| (a) Whether the accused is capable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense;                                                                                                                                                                                                                                                                                                           | 138987<br>138988<br>138989                                                   |
| (b) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense, whether the accused presently is mentally ill;                                                                                                                                                                                                                                | 138990<br>138991<br>138992<br>138993                                         |
| (c) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense, the examiner's opinion as to the likelihood of the accused becoming capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense within one year if the accused is provided with a course of treatment; | 138994<br>138995<br>138996<br>138997<br>138998<br>138999<br>139000<br>139001 |
| (d) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense and that the accused presently is mentally ill, the examiner's recommendation as to the least restrictive placement or commitment alternative, consistent with the accused's treatment needs for restoration to competency and with the safety of the community;               | 139002<br>139003<br>139004<br>139005<br>139006<br>139007<br>139008<br>139009 |
| (e) If the accused is charged before a special or summary court-martial with an offense that is not a violation of section                                                                                                                                                                                                                                                                                                                                              | 139010<br>139011                                                             |

5924.120, 5924.127, or 5924.128 of the Revised Code and the 139012  
examiner's opinion is that the accused is incapable of 139013  
understanding the nature and objective of the proceedings against 139014  
the accused or of assisting in the accused's defense and that the 139015  
accused is presently mentally ill, the examiner's recommendation 139016  
as to whether the accused is amenable to engagement in mental 139017  
health treatment. 139018

(4) If the evaluation was ordered to determine the accused's 139019  
mental condition at the time of the offense charged, the 139020  
examiner's findings as to whether the accused at the time of the 139021  
offense charged did not know, as a result of a severe mental 139022  
disease or defect, the wrongfulness of the accused's acts charged. 139023

(H) An examiner appointed under divisions (A) and (B) of this 139024  
section to evaluate an accused to determine the accused's 139025  
competence to stand trial also may be appointed to evaluate an 139026  
accused who has entered a plea of not guilty by reason of 139027  
insanity, but an examiner of that nature shall prepare separate 139028  
reports on the issue of competence to stand trial and the defense 139029  
of not guilty by reason of insanity. 139030

(I) No statement that an accused makes in an evaluation or 139031  
hearing under divisions (A) to (H) of this section relating to the 139032  
accused's competence to stand trial or to the accused's mental 139033  
condition at the time of the offense charged may be used against 139034  
the accused on the issue of guilt in any criminal action or 139035  
proceeding, but, in a criminal action or proceeding, the trial 139036  
counsel or defense counsel may call as a witness any person who 139037  
evaluated the accused or prepared a report pursuant to a referral 139038  
under this section. Neither the appointment nor the testimony of 139039  
an examiner appointed under this section precludes the trial 139040  
counsel or defense counsel from calling other witnesses or 139041  
presenting other evidence on competency or insanity issues. 139042

(J) Persons appointed as examiners under divisions (A) and 139043

(B) of this section or under division (H) of this section shall be 139044  
paid a reasonable amount for their services and expenses, as 139045  
certified by the court. 139046

**Sec. 5924.503.** (A) If the issue of an accused's competence to 139047  
stand trial is raised and if the court, upon conducting the 139048  
hearing provided for in section 5924.502 of the Revised Code, 139049  
finds that the accused is competent to stand trial, the accused 139050  
shall be proceeded against as provided by law. If the court finds 139051  
the accused competent to stand trial and the accused is receiving 139052  
psychotropic drugs or other medication, the court may authorize 139053  
the continued administration of the drugs or medication or other 139054  
appropriate treatment in order to maintain the accused's 139055  
competence to stand trial unless the accused's attending physician 139056  
advises the court against continuation of the drugs, other 139057  
medication, or treatment. 139058

(B)(1)(a) If, after taking into consideration all relevant 139059  
reports, information, and other evidence, the court finds that the 139060  
accused is incompetent to stand trial and that there is a 139061  
substantial probability that the accused will become competent to 139062  
stand trial within one year if the accused is provided with a 139063  
course of treatment, the court shall order the accused to undergo 139064  
treatment. If the accused is being tried by a general 139065  
court-martial and if, after taking into consideration all relevant 139066  
reports, information, and other evidence, the court finds that the 139067  
accused is incompetent to stand trial, but the court is unable at 139068  
that time to determine whether there is a substantial probability 139069  
that the accused will become competent to stand trial within one 139070  
year if the accused is provided with a course of treatment, the 139071  
court shall order continuing evaluation and treatment of the 139072  
accused for a period not to exceed four months to determine 139073  
whether there is a substantial probability that the accused will 139074  
become competent to stand trial within one year if the accused is 139075



provided with a course of treatment. 139076

(b) The court order for the accused to undergo treatment or 139077  
continuing evaluation and treatment under division (B)(1)(a) of 139078  
this section shall specify that the accused, if determined to 139079  
require mental health treatment or continuing evaluation and 139080  
treatment, shall be committed to the department of ~~mental health~~ 139081  
mental health and addiction services for treatment or continuing 139082  
evaluation and treatment at a hospital, facility, or agency 139083  
determined to be clinically appropriate by the department of 139084  
~~mental health~~ mental health and addiction services. The order may 139085  
restrict the accused's freedom of movement as the court considers 139086  
necessary. The trial counsel in the accused's case shall send to 139087  
the chief clinical officer of the hospital, facility, or ~~agency~~ 139088  
services provider where the accused is placed by the department of 139089  
~~mental health~~ mental health and addiction services or to the 139090  
managing officer of the institution, the director of the facility, 139091  
or the person to which the accused is committed copies of relevant 139092  
investigative reports and other background information that 139093  
pertains to the accused and is available to the trial counsel 139094  
unless the trial counsel determines that the release of any of the 139095  
information in the investigative reports or any of the other 139096  
background information to unauthorized persons would interfere 139097  
with the effective prosecution of any person or would create a 139098  
substantial risk of harm to any person. 139099

In committing the accused to the department of ~~mental health~~ 139100  
mental health and addiction services, the court shall consider the 139101  
extent to which the person is a danger to the person and to 139102  
others, the need for security, and the type of crime involved and, 139103  
if the court finds that restrictions on the accused's freedom of 139104  
movement are necessary, shall specify the least restrictive 139105  
limitations on the person's freedom of movement determined to be 139106  
necessary to protect public safety. In weighing these factors, the 139107

court shall give preference to protecting public safety. 139108

(c) If the accused is found incompetent to stand trial, if 139109  
the chief clinical officer of the hospital, facility, or ~~agency~~ 139110  
services provider where the accused is placed, or the managing 139111  
officer of the institution, the director of the facility, or the 139112  
person to which the accused is committed for treatment or 139113  
continuing evaluation and treatment under division (B)(1)(b) of 139114  
this section determines that medication is necessary to restore 139115  
the accused's competency to stand trial, and if the accused lacks 139116  
the capacity to give informed consent or refuses medication, the 139117  
chief clinical officer of the hospital, facility, or ~~agency~~ 139118  
services provider where the accused is placed or the managing 139119  
officer of the institution, the director of the facility, or the 139120  
person to which the accused is committed for treatment or 139121  
continuing evaluation and treatment may petition the court for 139122  
authorization for the involuntary administration of medication. 139123  
The court shall hold a hearing on the petition within five days of 139124  
the filing of the petition. Following the hearing, the court may 139125  
authorize the involuntary administration of medication or may 139126  
dismiss the petition. 139127

(d) If the accused is charged before a special or summary 139128  
court-martial with an offense that is not a violation of section 139129  
5924.120, 5924.127, or 5924.128 of the Revised Code, the trial 139130  
counsel may hold the charges in abeyance while the accused engages 139131  
in mental health treatment. 139132

(2) If the court finds that the accused is incompetent to 139133  
stand trial and that, even if the accused is provided with a 139134  
course of treatment, there is not a substantial probability that 139135  
the accused will become competent to stand trial within one year, 139136  
the court shall order the discharge of the accused, unless upon 139137  
motion of the trial counsel or on its own motion, the court either 139138  
seeks to retain jurisdiction over the accused pursuant to division 139139

(A)(2) of section 5924.504 of the Revised Code or files an affidavit in the probate court for the civil commitment of the accused pursuant to Chapter 5122. of the Revised Code alleging that the accused is a mentally ill person subject to hospitalization by court order. If an affidavit is filed in the probate court, the trial court shall send to the probate court copies of all written reports of the accused's mental condition that were prepared pursuant to section 5924.502 of the Revised Code.

The trial court may issue the temporary order of detention that a probate court may issue under section 5122.11 of the Revised Code, to remain in effect until the probable cause or initial hearing in the probate court. Further proceedings in the probate court are civil proceedings governed by Chapter 5122. of the Revised Code.

(C) No accused shall be required to undergo treatment, including any continuing evaluation and treatment, under division (B)(1) of this section for longer than whichever of the following periods is applicable:

(1) One year, if the accused is being tried by a general court-martial;

(2) Six months, if the accused is being tried before a special court-martial;

(3) Sixty days, if the accused is being tried before a summary court-martial.

(D) Any accused who is committed pursuant to this section shall not voluntarily admit the accused or be voluntarily admitted to a hospital or institution pursuant to section 5122.02 or 5122.15 of the Revised Code.

(E) Except as otherwise provided in this division, an accused who is charged with an offense and is committed by the court under

this section to the department of ~~mental health~~ mental health and 139171  
addiction services with restrictions on the accused's freedom of 139172  
movement shall not be granted unsupervised on-grounds movement, 139173  
supervised off-grounds movement, or nonsecured status except in 139174  
accordance with the court order. The court may grant an accused 139175  
supervised off-grounds movement to obtain medical treatment or 139176  
specialized habilitation treatment services if the person who 139177  
supervises the treatment or the continuing evaluation and 139178  
treatment of the accused ordered under division (B)(1)(a) of this 139179  
section informs the court that the treatment or continuing 139180  
evaluation and treatment cannot be provided at the hospital or 139181  
facility where the accused is placed by the department of ~~mental~~ 139182  
~~health~~ mental health and addiction services. The chief clinical 139183  
officer of the hospital or facility where the accused is placed by 139184  
the department of ~~mental health~~ mental health and addiction 139185  
services or the managing officer of the institution or director of 139186  
the facility to which the accused is committed or a designee of 139187  
any of those persons may grant an accused movement to a medical 139188  
facility for an emergency medical situation with appropriate 139189  
supervision to ensure the safety of the accused, staff, and 139190  
community during that emergency medical situation. The chief 139191  
clinical officer of the hospital or facility where the accused is 139192  
placed by the department of ~~mental health~~ mental health and 139193  
addiction services or the managing officer of the institution or 139194  
director of the facility to which the accused is committed shall 139195  
notify the court within twenty-four hours of the accused's 139196  
movement to the medical facility for an emergency medical 139197  
situation under this division. 139198

(F) The person who supervises the treatment or continuing 139199  
evaluation and treatment of an accused ordered to undergo 139200  
treatment or continuing evaluation and treatment under division 139201  
(B)(1)(a) of this section shall file a written report with the 139202  
court at the following times: 139203

(1) Whenever the person believes the accused is capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense;

(2) Fourteen days before expiration of the maximum time for treatment as specified in division (C) of this section and fourteen days before the expiration of the maximum time for continuing evaluation and treatment as specified in division (B)(1)(a) of this section;

(3) At a minimum, after each six months of treatment;

(4) Whenever the person who supervises the treatment or continuing evaluation and treatment of an accused ordered under division (B)(1)(a) of this section believes that there is not a substantial probability that the accused will become capable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense even if the accused is provided with a course of treatment.

(G) A report under division (F) of this section shall contain the examiner's findings, the facts in reasonable detail on which the findings are based, and the examiner's opinion as to the accused's capability of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense. If, in the examiner's opinion, the accused remains incapable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense and there is a substantial probability that the accused will become capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense if the accused is provided with a course of treatment, if in the examiner's opinion the accused remains mentally ill, and if the maximum time for treatment as specified in division (C) of this section has not expired, the report also shall contain the examiner's recommendation as to the least

restrictive placement or commitment alternative that is consistent 139236  
with the accused's treatment needs for restoration to competency 139237  
and with the safety of the community. The court shall provide 139238  
copies of the report to the trial counsel and defense counsel. 139239

(H) If an accused is committed pursuant to division (B)(1) of 139240  
this section, within ten days after the treating physician of the 139241  
accused or the examiner of the accused who is employed or retained 139242  
by the treating facility advises that there is not a substantial 139243  
probability that the accused will become capable of understanding 139244  
the nature and objective of the proceedings against the accused or 139245  
of assisting in the accused's defense even if the accused is 139246  
provided with a course of treatment, within ten days after the 139247  
expiration of the maximum time for treatment as specified in 139248  
division (C) of this section, within ten days after the expiration 139249  
of the maximum time for continuing evaluation and treatment as 139250  
specified in division (B)(1)(a) of this section, within thirty 139251  
days after an accused's request for a hearing that is made after 139252  
six months of treatment, or within thirty days after being advised 139253  
by the treating physician or examiner that the accused is 139254  
competent to stand trial, whichever is the earliest, the court 139255  
shall conduct another hearing to determine if the accused is 139256  
competent to stand trial and shall do whichever of the following 139257  
is applicable: 139258

(1) If the court finds that the accused is competent to stand 139259  
trial, the accused shall be proceeded against as provided by law. 139260

(2) If the court finds that the accused is incompetent to 139261  
stand trial, but that there is a substantial probability that the 139262  
accused will become competent to stand trial if the accused is 139263  
provided with a course of treatment, and the maximum time for 139264  
treatment as specified in division (C) of this section has not 139265  
expired, the court, after consideration of the examiner's 139266  
recommendation, shall order that treatment be continued, may 139267

change least restrictive limitations on the accused's freedom of movement. 139268  
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(3) If the court finds that the accused is incompetent to stand trial, if the accused is being tried by a general court-martial, and if the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, or if the maximum time for treatment as specified in division (C) of this section has expired, further proceedings shall be as provided in sections 5924.504 to 5924.506 of the Revised Code. 139270  
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(4) If the court finds that the accused is incompetent to stand trial, if the accused is being tried before a special court-martial, and if the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, or if the maximum time for treatment as specified in division (C) of this section has expired, the court shall dismiss the charge against the accused. A dismissal under this division is not a bar to further prosecution based on the same conduct. The court shall discharge the accused unless the court or trial counsel files an affidavit in probate court for civil commitment pursuant to Chapter 5122. of the Revised Code. If an affidavit for civil commitment is filed, the court may detain the accused for ten days pending civil commitment. All of the following provisions apply to persons being tried by a special court-martial who are committed by the probate court subsequent to the court's or trial counsel's filing of an affidavit for civil commitment under authority of this division: 139279  
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(a) The chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, or the person to which the accused is committed or admitted shall do all of the 139297  
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following: 139300

(i) Notify the trial counsel in writing of the discharge of 139301  
the accused, send the notice at least ten days prior to the 139302  
discharge unless the discharge is by the probate court, and state 139303  
in the notice the date on which the accused will be discharged; 139304

(ii) Notify the trial counsel in writing when the accused is 139305  
absent without leave or is granted unsupervised, off-grounds 139306  
movement and send this notice promptly after the discovery of the 139307  
absence without leave or prior to the granting of the 139308  
unsupervised, off-grounds movement, whichever is applicable; 139309

(iii) Notify the trial counsel in writing of the change of 139310  
the accused's commitment or admission to voluntary status, send 139311  
the notice promptly upon learning of the change to voluntary 139312  
status, and state in the notice the date on which the accused was 139313  
committed or admitted on a voluntary status. 139314

(b) The trial counsel shall promptly inform the convening 139315  
authority of any notification received under division (H)(4)(a) of 139316  
this section. Upon receiving notice that the accused will be 139317  
granted unsupervised, off-grounds movement, the convening 139318  
authority either shall refer the charges against the accused to an 139319  
investigating officer again or promptly notify the court that the 139320  
convening authority does not intend to refer the charges against 139321  
the accused again. 139322

(I) If an accused is convicted of a crime and sentenced to 139323  
confinement, the accused's sentence shall be reduced by the total 139324  
number of days the accused is confined for evaluation to determine 139325  
the accused's competence to stand trial or treatment under this 139326  
section and sections 5924.502 and 5924.504 of the Revised Code or 139327  
by the total number of days the accused is confined for evaluation 139328  
to determine the accused's mental condition at the time of the 139329  
offense charged. 139330



**Sec. 5924.504.** (A) If an accused being tried by a general court-martial is found incompetent to stand trial, after the expiration of the maximum time for treatment as specified in division (C) of section 5924.503 of the Revised Code or after the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, one of the following applies:

(1) The court or the trial counsel may file an affidavit in probate court for civil commitment of the accused in the manner provided in Chapter 5122. of the Revised Code. If the court or trial counsel files an affidavit for civil commitment, the court may detain the accused for ten days pending civil commitment. If the probate court commits the accused subsequent to the court's or trial counsel's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, or the person to which the accused is committed or admitted shall send to the trial counsel the notices described in divisions (H)(4)(a)(i) to (iii) of section 5924.503 of the Revised Code within the periods of time and under the circumstances specified in those divisions.

(2) On the motion of the trial counsel or on its own motion, the court may retain jurisdiction over the accused if at a hearing the court finds both of the following by clear and convincing evidence:

(a) The accused committed the offense with which the accused is charged.

(b) The accused is a mentally ill person subject to hospitalization by court order.

(B) In making its determination under division (A)(2) of this section as to whether to retain jurisdiction over the accused, the

court may consider all relevant evidence, including, but not 139362  
limited to, any relevant psychiatric, psychological, or medical 139363  
testimony or reports, the acts constituting the offense charged, 139364  
and any history of the accused that is relevant to the accused's 139365  
ability to conform to the law. 139366

(C) If the court conducts a hearing as described in division 139367  
(A)(2) of this section and if the court does not make both 139368  
findings described in divisions (A)(2)(a) and (b) of this section 139369  
by clear and convincing evidence, the court shall dismiss the 139370  
charges against the accused. Upon the dismissal, the court shall 139371  
discharge the accused unless the court or trial counsel files an 139372  
affidavit in probate court for civil commitment of the accused 139373  
pursuant to Chapter 5122. of the Revised Code. If the court or 139374  
trial counsel files an affidavit for civil commitment, the court 139375  
may order that the accused be detained for up to ten days pending 139376  
the civil commitment. If the probate court commits the accused 139377  
subsequent to the court's or trial counsel's filing of an 139378  
affidavit for civil commitment, the chief clinical officer of the 139379  
entity, hospital, or facility, the managing officer of the 139380  
institution, or the person to which the accused is committed or 139381  
admitted shall send to the trial counsel the notices described in 139382  
divisions (H)(4)(a)(i) to (iii) of section 5924.503 of the Revised 139383  
Code within the periods of time and under the circumstances 139384  
specified in those divisions. A dismissal of charges under this 139385  
division is not a bar to further criminal proceedings based on the 139386  
same conduct. 139387

(D)(1) If the court conducts a hearing as described in 139388  
division (A)(2) of this section and if the court makes the 139389  
findings described in divisions (A)(2)(a) and (b) of this section 139390  
by clear and convincing evidence, the court shall commit the 139391  
accused, if determined to require mental health treatment, to the 139392  
department of ~~mental health~~ mental health and addiction services 139393

for treatment at a hospital, facility, or ~~agency services provider~~ 139394  
as determined clinically appropriate by the department of ~~mental~~ 139395  
~~health~~ mental health and addiction services. In committing the 139396  
accused to the department of ~~mental health~~ mental health and 139397  
addiction services, the court shall specify the least restrictive 139398  
limitations on the accused's freedom of movement determined to be 139399  
necessary to protect public safety. 139400

(2) If a court makes a commitment of an accused under 139401  
division (D)(1) of this section, the trial counsel shall send to 139402  
the hospital, facility, or ~~agency services provider~~ where the 139403  
accused is placed by the department of ~~mental health~~ mental health 139404  
and addiction services or to the accused's place of commitment all 139405  
reports of the accused's current mental condition and, except as 139406  
otherwise provided in this division, any other relevant 139407  
information, including, but not limited to, a transcript of the 139408  
hearing held pursuant to division (A)(2) of this section, copies 139409  
of relevant investigative reports, and copies of any prior arrest 139410  
and conviction records that pertain to the accused and that the 139411  
trial counsel possesses. The trial counsel shall send the reports 139412  
of the accused's current mental condition in every case of 139413  
commitment, and, unless the trial counsel determines that the 139414  
release of any of the other relevant information to unauthorized 139415  
persons would interfere with the effective prosecution of any 139416  
person or would create a substantial risk of harm to any person, 139417  
the trial counsel also shall send the other relevant information. 139418

(3) If a court makes a commitment under division (D)(1) of 139419  
this section, all further proceedings shall be in accordance with 139420  
Chapter 5122. of the Revised Code. 139421

**Sec. 5924.506.** (A) If an accused person is found not guilty 139422  
by reason of insanity, the verdict shall state that finding, and 139423  
the trial court shall conduct a full hearing to determine whether 139424

the person is a mentally ill person subject to hospitalization by court order. Prior to the hearing, if the military judge believes that there is probable cause that the person found not guilty by reason of insanity is a mentally ill person subject to hospitalization by court order, the military judge may issue a temporary order of detention for that person to remain in effect for ten court days or until the hearing, whichever occurs first.

Any person detained pursuant to a temporary order of detention issued under this division shall be held in a suitable facility, taking into consideration the place and type of confinement prior to and during trial.

(B) The court shall hold the hearing under division (A) of this section to determine whether the person found not guilty by reason of insanity is a mentally ill person subject to hospitalization by court order within ten court days after the finding of not guilty by reason of insanity. Failure to conduct the hearing within the ten-day period shall cause the immediate discharge of the respondent, unless the judge grants a continuance for not longer than ten court days for good cause shown or for any period of time upon motion of the respondent.

(C) If a person is found not guilty by reason of insanity, the person has the right to attend a hearing conducted pursuant to this section. At the hearing, the court shall inform the person that the person has all of the following rights:

(1) The right to be represented by defense counsel or to retain civilian counsel, if the person so chooses;

(2) The right to have independent expert evaluation;

(3) The right to subpoena witnesses and documents, to present evidence on the person's behalf, and to cross-examine witnesses against the person;

(4) The right to testify in the person's own behalf and to

not be compelled to testify; 139456

(5) The right to have copies of any relevant medical or 139457  
mental health document in the custody of the state or of any place 139458  
of commitment other than a document for which the court finds that 139459  
the release to the person of information contained in the document 139460  
would create a substantial risk of harm to any person. 139461

(D) The hearing under division (A) of this section shall be 139462  
open to the public, and the court shall conduct the hearing in 139463  
accordance with regulations prescribed by the adjutant general. 139464  
The court shall make and maintain a full transcript and record of 139465  
the hearing proceedings. The court may consider all relevant 139466  
evidence, including, but not limited to, any relevant psychiatric, 139467  
psychological, or medical testimony or reports, the acts 139468  
constituting the offense in relation to which the person was found 139469  
not guilty by reason of insanity, and any history of the person 139470  
that is relevant to the person's ability to conform to the law. 139471

(E) Upon completion of the hearing under division (A) of this 139472  
section, if the court finds there is not clear and convincing 139473  
evidence that the person is a mentally ill person subject to 139474  
hospitalization by court order, the court shall discharge the 139475  
person, unless a detainer has been placed upon the person by the 139476  
department of rehabilitation and correction, in which case the 139477  
person shall be returned to that department. 139478

(F) If, at the hearing under division (A) of this section, 139479  
the court finds by clear and convincing evidence that the person 139480  
is a mentally ill person subject to hospitalization by court 139481  
order, it shall commit the person to the department of ~~mental~~ 139482  
~~health~~ mental health and addiction services for placement in a 139483  
hospital, facility, or ~~agency~~ services provider as determined 139484  
clinically appropriate by the department of ~~mental health~~ mental 139485  
health and addiction services. Further proceedings shall be in 139486  
accordance with Chapter 5122. or 5123. of the Revised Code. In 139487

committing the accused to the department of ~~mental health~~ mental 139488  
health and addiction services, the court shall specify the least 139489  
restrictive limitations on the accused's freedom of movement 139490  
determined to be necessary to protect public safety. 139491

(G) If a court makes a commitment of a person under division 139492  
(F) of this section, the trial counsel shall send to the hospital, 139493  
facility, or ~~agency~~ services provider where the defendant is 139494  
placed by the department of ~~mental health~~ mental health and 139495  
addiction services or to the accused's place of commitment all 139496  
reports of the person's current mental condition, and, except as 139497  
otherwise provided in this division, any other relevant 139498  
information, including, but not limited to, a transcript of the 139499  
hearing held pursuant to division (A) of this section, copies of 139500  
relevant investigative reports, and copies of any prior arrest and 139501  
conviction records that pertain to the person and that the trial 139502  
counsel possesses. The trial counsel shall send the reports of the 139503  
person's current mental condition in every case of commitment, 139504  
and, unless the trial counsel determines that the release of any 139505  
of the other relevant information to unauthorized persons would 139506  
interfere with the effective prosecution of any person or would 139507  
create a substantial risk of harm to any person, the trial counsel 139508  
also shall send the other relevant information. 139509

(H) A person who is committed pursuant to this section shall 139510  
not voluntarily admit the person or be voluntarily admitted to a 139511  
hospital or institution pursuant to sections 5122.02 and 5122.15 139512  
of the Revised Code. 139513

**Sec. 6109.21.** (A) Except as provided in divisions (I) and (J) 139514  
of this section, no person shall operate a public water system in 139515  
this state without a license issued by the director of 139516  
environmental protection. 139517

(B)~~(1)~~ A person who proposes to operate a new public water 139518

system, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall obtain an initial license from the director. The person shall submit an application for the initial license at least forty-five days prior to commencing the operation of the system.

(C) A license shall expire on the thirtieth day of January in the year following its issuance.

(D) A license shall be renewed annually. A person proposing to continue operating a public water system shall apply for a license renewal at least thirty days prior to the expiration date of the license.

(E) ~~Through June 30, 2014, each~~ Each application for a license or license renewal shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code. However, an applicant for an initial license who is proposing to operate a new public water system shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(F) Not later than thirty days after receiving a completed application and the appropriate license fee for a license or license renewal for a public water system, the director shall do one of the following:

(1) Issue the license or license renewal for the public water system;

(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.

(G) The director may condition, suspend, or revoke a license 139549  
or license renewal issued under this section at any time if the 139550  
director finds that the public water system was not or will not be 139551  
operated in substantial compliance with this chapter and rules 139552  
adopted under it. 139553

(H) The director shall adopt rules in accordance with Chapter 139554  
119. of the Revised Code establishing procedures and requirements 139555  
governing both of the following: 139556

(1) Information to be included on applications for licenses 139557  
and license renewals issued under this section; 139558

(2) The issuance, conditioning, suspension, revocation, and 139559  
denial of licenses and license renewals under this section. 139560

(I)(1) As used in division (I) of this section, "church" 139561  
means a fellowship of believers, congregation, society, 139562  
corporation, convention, or association that is formed primarily 139563  
or exclusively for religious purposes and that is not formed or 139564  
operated for the private profit of any person. 139565

(2) This section does not apply to a church that operates or 139566  
maintains a public water system solely to provide water for that 139567  
church or for a campground that is owned by the church and 139568  
operated primarily or exclusively for members of the church and 139569  
their families. 139570

(J) This section does not apply to any public or nonpublic 139571  
school that meets minimum standards of the state board of 139572  
education that operates or maintains a public water system solely 139573  
to provide water for that school. 139574

(K) The environmental protection agency shall collect well 139575  
log filing fees on behalf of the division of soil and water 139576  
resources in the department of natural resources in accordance 139577  
with section 1521.05 of the Revised Code and rules adopted under 139578  
it. The fees shall be submitted to the division quarterly as 139579



provided in those rules. 139580

~~Sec. 6111.037. (A) There is hereby created in the state~~ 139581  
~~treasury the nonpoint source pollution management fund. The fund~~ 139582  
~~shall consist of grant moneys received under~~ For purposes of state 139583  
nonpoint source pollution management and pursuant to section 319 139584  
of the "Federal Water Pollution Control Act," ~~for purposes of~~ 139585  
~~assisting with the development and implementation of a~~ 139586  
~~comprehensive nonpoint source pollution management program~~ 139587  
~~pursuant to that section of the act. Moneys credited to the fund~~ 139588  
~~may be used for purposes of research, planning, water quality~~ 139589  
~~assessments, demonstration projects, enforcement, technical~~ 139590  
~~assistance, education, and training regarding management of~~ 139591  
~~nonpoint sources of water pollution. The~~ the director of 139592  
environmental protection may enter into agreements to receive 139593  
grant moneys for ~~the nonpoint source pollution management fund and~~ 139594  
for deposit into the state treasury to the credit of the water 139595  
quality protection fund created in section 6111.0381 of the 139596  
Revised Code. The director may enter into agreements to make 139597  
grants of moneys credited to the fund under this section, 139598  
including, without limitation, passthrough grants to other state 139599  
departments or agencies. 139600

(B) The director shall periodically prepare and, by rules 139601  
adopted under division (O) of section 6111.036 of the Revised 139602  
Code, establish a priority system for identifying activities 139603  
eligible for assistance under this section. The priority system 139604  
shall ensure that financial assistance available under this 139605  
section is first provided to: 139606

(1) Control particularly difficult or serious nonpoint source 139607  
pollution problems, including, without limitation, problems 139608  
resulting from mining activities; 139609

(2) Implement innovative methods or practices for controlling 139610

nonpoint sources of pollution, including, without limitation, 139611  
regulatory programs that the director determines are appropriate; 139612

(3) Control interstate nonpoint source pollution problems; 139613

(4) Implement ground and surface water quality protection 139614  
activities that the director determines are part of a 139615  
comprehensive nonpoint source pollution control program, which 139616  
activities include research, planning, ~~ground~~ water quality 139617  
assessments, demonstration programs, enforcement, technical 139618  
assistance, education, and training to protect ~~ground~~ water 139619  
quality from nonpoint sources of pollution. 139620

Sec. 6133.041. (A) Notwithstanding any other provision of 139621  
this chapter or Chapter 6131. of the Revised Code to the contrary, 139622  
a joint board of county commissioners, when practicable, may 139623  
conduct proceedings regarding existing improvements by video 139624  
conference or, if video conference is not available, by 139625  
teleconference. The joint board shall make provisions for public 139626  
attendance at any location involved in such a proceeding. The 139627  
participation of any commissioner or board of county commissioners 139628  
in a video conference or teleconference shall occur at the 139629  
location of the commissioners' main office or board room in an 139630  
open meeting at which the public is allowed to attend. 139631

(B) Before convening a meeting of a joint board of county 139632  
commissioners by video conference or by teleconference, designated 139633  
staff shall send, via electronic mail, facsimile, or United States 139634  
postal service, a copy of meeting-related documents to each member 139635  
of the joint board. 139636

(C) The minutes of each joint county ditch meeting shall 139637  
specify who was attending by teleconference, who was attending by 139638  
video conference, and who was physically present. 139639

(D) Nothing in section 121.22 of the Revised Code prohibits a 139640

joint board of county commissioners from conducting a proceeding 139641  
in a manner authorized by this section. 139642

**Section 101.02.** That existing sections 9.03, 9.15, 9.231, 139643  
9.239, 9.24, 9.833, 9.90, 9.901, 101.39, 101.391, 102.02, 103.144, 139644  
107.033, 107.12, 109.06, 109.36, 109.57, 109.572, 109.71, 109.746, 139645  
109.77, 109.85, 109.86, 109.90, 111.02, 111.15, 111.28, 113.02, 139646  
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5910.07, 5919.34, 5924.502, 5924.503, 5924.504, 5924.506, 6109.21, 139862  
and 6111.037 of the Revised Code are hereby repealed. 139863

**Section 105.01.** That sections 122.076, 122.15, 122.151, 139864  
122.152, 122.153, 122.154, 122.29, 122.97, 123.23, 125.837, 139865  
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5119.68, 5507.65, 5507.66, 5707.05, 5727.41, 5733.35, 5747.211, 139886  
5747.33, 6101.451, and 6111.029 of the Revised Code are hereby 139887  
repealed. 139888

**Section 110.10.** That section 3313.88 of the Revised Code as 139889  
it results from Section 101.01 of this act be amended and 139890  
recodified as section 3313.482 of the Revised Code to read as 139891  
follows: 139892

**Sec. ~~3313.88~~ 3313.482.** (A)(1) Prior to the first day of 139893

August of each school year, the board of education of any school 139894  
district or the governing authority of any chartered nonpublic 139895  
school may submit to the department of education a plan to require 139896  
students to access and complete classroom lessons posted on the 139897  
district's or nonpublic school's web portal or web site in order 139898  
to make up ~~days~~ hours in that school year on which it is necessary 139899  
to close schools for ~~any of the reasons specified in division (B)~~ 139900  
~~of section 3317.01 of the Revised Code in excess of the number of~~ 139901  
~~days permitted under sections 3313.48, 3313.481, and 3317.01 of~~ 139902  
~~the Revised Code~~ disease epidemic, hazardous weather conditions, 139903  
law enforcement emergencies, inoperability of school buses or 139904  
other equipment necessary to the school's operation, damage to a 139905  
school building, or other temporary circumstances due to utility 139906  
failure rendering the school building unfit for school use. 139907

139908

Prior to the first day of August of each school year, the 139909  
governing authority of any community school established under 139910  
Chapter 3314. that is not an internet- or computer-based community 139911  
school, as defined in section 3314.02 of the Revised Code, may 139912  
submit to the department a plan to require students to access and 139913  
complete classroom lessons posted on the school's web portal or 139914  
web site in order to make up ~~days or~~ hours in that school year on 139915  
which it is necessary to close the school for any of the reasons 139916  
specified in division (H)(4) of section 3314.08 of the Revised 139917  
Code so that the school is in compliance with the minimum number 139918  
of hours required under Chapter 3314. of the Revised Code. 139919

A plan submitted by a school district board ~~or,~~ chartered 139920  
nonpublic school governing authority ~~shall provide for making up~~ 139921  
~~any number of days, up to a maximum of three days. A plan~~ 139922  
~~submitted by a, or~~ community school governing authority shall 139923  
provide for making up any number of hours, up to a maximum of the 139924  
number of hours that are the equivalent of three school days. 139925

Provided the plan meets all requirements of this section, the 139926  
department shall permit the board or governing authority to 139927  
implement the plan for the applicable school year. 139928

(2) Each plan submitted under this section by a school 139929  
district board of education shall include the written consent of 139930  
the teachers' employee representative designated under division 139931  
(B) of section 4117.04 of the Revised Code. 139932

(3) Each plan submitted under this section shall provide for 139933  
the following: 139934

(a) Not later than the first day of November of the school 139935  
year, each classroom teacher shall develop a sufficient number of 139936  
lessons for each course taught by the teacher that school year to 139937  
cover the number of make-up ~~days~~ or hours specified in the plan. 139938  
The teacher shall designate the order in which the lessons are to 139939  
be posted on the district's, community school's, or nonpublic 139940  
school's web portal or web site in the event of a school closure. 139941  
Teachers may be granted up to one professional development day to 139942  
create lesson plans for those lessons. 139943

(b) To the extent possible and necessary, a classroom teacher 139944  
shall update or replace, based on current instructional progress, 139945  
one or more of the lesson plans developed under division (A)(3)(a) 139946  
of this section before they are posted on the web portal or web 139947  
site under division (A)(3)(c) of this section or distributed under 139948  
division (B) of this section. 139949

(c) As soon as practicable after a school closure, a district 139950  
or school employee responsible for web portal or web site 139951  
operations shall make the designated lessons available to students 139952  
on the district's, community school's, or nonpublic school's 139953  
portal or site. A lesson shall be posted for each course that was 139954  
scheduled to meet on the day or hours of the closure. 139955

(d) Each student enrolled in a course for which a lesson is 139956

posted on the portal or site shall be granted a two-week period 139957  
from the date of posting to complete the lesson. The student's 139958  
classroom teacher shall grade the lesson in the same manner as 139959  
other lessons. The student may receive an incomplete or failing 139960  
grade if the lesson is not completed on time. 139961

(e) If a student does not have access to a computer at the 139962  
student's residence and the plan does not include blizzard bags 139963  
under division (B) of this section, the student shall be permitted 139964  
to work on the posted lessons at school after the student's school 139965  
reopens. If the lessons were posted prior to the reopening, the 139966  
student shall be granted a two-week period from the date of the 139967  
reopening, rather than from the date of posting as otherwise 139968  
required under division (A)(3)(d) of this section, to complete the 139969  
lessons. The district board or community school or nonpublic 139970  
school governing authority may provide the student access to a 139971  
computer before, during, or after the regularly scheduled school 139972  
day or may provide a substantially similar paper lesson in order 139973  
to complete the lessons. 139974

(B)(1) In addition to posting classroom lessons online under 139975  
division (A) of this section, the board of education of any school 139976  
district or governing authority of any community or chartered 139977  
nonpublic school may include in the plan distribution of "blizzard 139978  
bags," which are paper copies of the lessons posted online. 139979

(2) If a school opts to use blizzard bags, teachers shall 139980  
prepare paper copies in conjunction with the lessons to be posted 139981  
online and update the paper copies whenever the teacher updates 139982  
the online lesson plans. 139983

(3) The board of education of any school district or 139984  
governing authority of any community or chartered nonpublic school 139985  
that opts to use blizzard bags shall specify in the plan the 139986  
method of distribution of blizzard bag lessons, which may include, 139987  
but not be limited to, requiring distribution by a specific 139988

deadline or requiring distribution prior to anticipated school 139989  
closure as directed by the superintendent of a school district or 139990  
the principal, director, chief administrative officer, or the 139991  
equivalent, of a school. 139992

(4) Students shall turn in completed lessons in accordance 139993  
with division (A)(3)(d) of this section. 139994

(C)(1) No school district that implements a plan in 139995  
accordance with this section shall be considered to have failed to 139996  
comply with division (B) of section 3317.01 of the Revised Code 139997  
with respect to the number of make-up ~~days~~ hours specified in the 139998  
plan. 139999

(2) No community school that implements a plan in accordance 140000  
with this section shall be considered to have failed to comply 140001  
with the minimum number of hours required under Chapter 3314. of 140002  
the Revised Code with respect to the number of make-up hours 140003  
specified in the plan. 140004

**Section 110.11.** That existing section 3313.88 of the Revised 140005  
Code is hereby repealed. 140006

**Section 110.12.** Sections 110.10 and 110.11 of this act shall 140007  
take effect July 1, 2014. 140008

**Section 110.20.** That the versions of sections 109.57, 140009  
2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, and 140010  
5104.32 of the Revised Code that are scheduled to take effect 140011  
January 1, 2014, be amended to read as follows: 140012

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 140013  
criminal identification and investigation shall procure from 140014  
wherever procurable and file for record photographs, pictures, 140015  
descriptions, fingerprints, measurements, and other information 140016

that may be pertinent of all persons who have been convicted of 140017  
committing within this state a felony, any crime constituting a 140018  
misdemeanor on the first offense and a felony on subsequent 140019  
offenses, or any misdemeanor described in division (A)(1)(a), 140020  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 140021  
all children under eighteen years of age who have been adjudicated 140022  
delinquent children for committing within this state an act that 140023  
would be a felony or an offense of violence if committed by an 140024  
adult or who have been convicted of or pleaded guilty to 140025  
committing within this state a felony or an offense of violence, 140026  
and of all well-known and habitual criminals. The person in charge 140027  
of any county, multicounty, municipal, municipal-county, or 140028  
multicounty-municipal jail or workhouse, community-based 140029  
correctional facility, halfway house, alternative residential 140030  
facility, or state correctional institution and the person in 140031  
charge of any state institution having custody of a person 140032  
suspected of having committed a felony, any crime constituting a 140033  
misdemeanor on the first offense and a felony on subsequent 140034  
offenses, or any misdemeanor described in division (A)(1)(a), 140035  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 140036  
having custody of a child under eighteen years of age with respect 140037  
to whom there is probable cause to believe that the child may have 140038  
committed an act that would be a felony or an offense of violence 140039  
if committed by an adult shall furnish such material to the 140040  
superintendent of the bureau. Fingerprints, photographs, or other 140041  
descriptive information of a child who is under eighteen years of 140042  
age, has not been arrested or otherwise taken into custody for 140043  
committing an act that would be a felony or an offense of violence 140044  
who is not in any other category of child specified in this 140045  
division, if committed by an adult, has not been adjudicated a 140046  
delinquent child for committing an act that would be a felony or 140047  
an offense of violence if committed by an adult, has not been 140048

convicted of or pleaded guilty to committing a felony or an 140049  
offense of violence, and is not a child with respect to whom there 140050  
is probable cause to believe that the child may have committed an 140051  
act that would be a felony or an offense of violence if committed 140052  
by an adult shall not be procured by the superintendent or 140053  
furnished by any person in charge of any county, multicounty, 140054  
municipal, municipal-county, or multicounty-municipal jail or 140055  
workhouse, community-based correctional facility, halfway house, 140056  
alternative residential facility, or state correctional 140057  
institution, except as authorized in section 2151.313 of the 140058  
Revised Code. 140059

(2) Every clerk of a court of record in this state, other 140060  
than the supreme court or a court of appeals, shall send to the 140061  
superintendent of the bureau a weekly report containing a summary 140062  
of each case involving a felony, involving any crime constituting 140063  
a misdemeanor on the first offense and a felony on subsequent 140064  
offenses, involving a misdemeanor described in division (A)(1)(a), 140065  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 140066  
involving an adjudication in a case in which a child under 140067  
eighteen years of age was alleged to be a delinquent child for 140068  
committing an act that would be a felony or an offense of violence 140069  
if committed by an adult. The clerk of the court of common pleas 140070  
shall include in the report and summary the clerk sends under this 140071  
division all information described in divisions (A)(2)(a) to (f) 140072  
of this section regarding a case before the court of appeals that 140073  
is served by that clerk. The summary shall be written on the 140074  
standard forms furnished by the superintendent pursuant to 140075  
division (B) of this section and shall include the following 140076  
information: 140077

(a) The incident tracking number contained on the standard 140078  
forms furnished by the superintendent pursuant to division (B) of 140079  
this section; 140080



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| (b) The style and number of the case;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 140081                                                                                                               |
| (c) The date of arrest, offense, summons, or arraignment;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 140082                                                                                                               |
| (d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case; | 140083<br>140084<br>140085<br>140086<br>140087<br>140088<br>140089<br>140090<br>140091<br>140092<br>140093<br>140094 |
| (e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 140095<br>140096                                                                                                     |
| (f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 140097<br>140098<br>140099<br>140100                                                                                 |
| If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.                                                                                                                                                                                                                                                                                                                                                                                                                               | 140101<br>140102<br>140103<br>140104<br>140105                                                                       |
| (3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on                                                                                                                                                                                                                                                                                                                                  | 140106<br>140107<br>140108<br>140109<br>140110<br>140111                                                             |

subsequent offenses, or a misdemeanor described in division 140112  
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 140113  
Revised Code and of all children under eighteen years of age 140114  
arrested or otherwise taken into custody for committing an act 140115  
that would be a felony or an offense of violence if committed by 140116  
an adult. The superintendent also shall file for record the 140117  
fingerprint impressions of all persons confined in a county, 140118  
multicounty, municipal, municipal-county, or multicounty-municipal 140119  
jail or workhouse, community-based correctional facility, halfway 140120  
house, alternative residential facility, or state correctional 140121  
institution for the violation of state laws and of all children 140122  
under eighteen years of age who are confined in a county, 140123  
multicounty, municipal, municipal-county, or multicounty-municipal 140124  
jail or workhouse, community-based correctional facility, halfway 140125  
house, alternative residential facility, or state correctional 140126  
institution or in any facility for delinquent children for 140127  
committing an act that would be a felony or an offense of violence 140128  
if committed by an adult, and any other information that the 140129  
superintendent may receive from law enforcement officials of the 140130  
state and its political subdivisions. 140131

(4) The superintendent shall carry out Chapter 2950. of the 140132  
Revised Code with respect to the registration of persons who are 140133  
convicted of or plead guilty to a sexually oriented offense or a 140134  
child-victim oriented offense and with respect to all other duties 140135  
imposed on the bureau under that chapter. 140136

(5) The bureau shall perform centralized recordkeeping 140137  
functions for criminal history records and services in this state 140138  
for purposes of the national crime prevention and privacy compact 140139  
set forth in section 109.571 of the Revised Code and is the 140140  
criminal history record repository as defined in that section for 140141  
purposes of that compact. The superintendent or the 140142  
superintendent's designee is the compact officer for purposes of 140143

that compact and shall carry out the responsibilities of the 140144  
compact officer specified in that compact. 140145

(B) The superintendent shall prepare and furnish to every 140146  
county, multicounty, municipal, municipal-county, or 140147  
multicounty-municipal jail or workhouse, community-based 140148  
correctional facility, halfway house, alternative residential 140149  
facility, or state correctional institution and to every clerk of 140150  
a court in this state specified in division (A)(2) of this section 140151  
standard forms for reporting the information required under 140152  
division (A) of this section. The standard forms that the 140153  
superintendent prepares pursuant to this division may be in a 140154  
tangible format, in an electronic format, or in both tangible 140155  
formats and electronic formats. 140156

(C)(1) The superintendent may operate a center for 140157  
electronic, automated, or other data processing for the storage 140158  
and retrieval of information, data, and statistics pertaining to 140159  
criminals and to children under eighteen years of age who are 140160  
adjudicated delinquent children for committing an act that would 140161  
be a felony or an offense of violence if committed by an adult, 140162  
criminal activity, crime prevention, law enforcement, and criminal 140163  
justice, and may establish and operate a statewide communications 140164  
network to be known as the Ohio law enforcement gateway to gather 140165  
and disseminate information, data, and statistics for the use of 140166  
law enforcement agencies and for other uses specified in this 140167  
division. The superintendent may gather, store, retrieve, and 140168  
disseminate information, data, and statistics that pertain to 140169  
children who are under eighteen years of age and that are gathered 140170  
pursuant to sections 109.57 to 109.61 of the Revised Code together 140171  
with information, data, and statistics that pertain to adults and 140172  
that are gathered pursuant to those sections. 140173

(2) The superintendent or the superintendent's designee shall 140174  
gather information of the nature described in division (C)(1) of 140175

this section that pertains to the offense and delinquency history 140176  
of a person who has been convicted of, pleaded guilty to, or been 140177  
adjudicated a delinquent child for committing a sexually oriented 140178  
offense or a child-victim oriented offense for inclusion in the 140179  
state registry of sex offenders and child-victim offenders 140180  
maintained pursuant to division (A)(1) of section 2950.13 of the 140181  
Revised Code and in the internet database operated pursuant to 140182  
division (A)(13) of that section and for possible inclusion in the 140183  
internet database operated pursuant to division (A)(11) of that 140184  
section. 140185

(3) In addition to any other authorized use of information, 140186  
data, and statistics of the nature described in division (C)(1) of 140187  
this section, the superintendent or the superintendent's designee 140188  
may provide and exchange the information, data, and statistics 140189  
pursuant to the national crime prevention and privacy compact as 140190  
described in division (A)(5) of this section. 140191

(4) The attorney general may adopt rules under Chapter 119. 140192  
of the Revised Code establishing guidelines for the operation of 140193  
and participation in the Ohio law enforcement gateway. The rules 140194  
may include criteria for granting and restricting access to 140195  
information gathered and disseminated through the Ohio law 140196  
enforcement gateway. The attorney general shall permit the state 140197  
medical board and board of nursing to access and view, but not 140198  
alter, information gathered and disseminated through the Ohio law 140199  
enforcement gateway. 140200

The attorney general may appoint a steering committee to 140201  
advise the attorney general in the operation of the Ohio law 140202  
enforcement gateway that is comprised of persons who are 140203  
representatives of the criminal justice agencies in this state 140204  
that use the Ohio law enforcement gateway and is chaired by the 140205  
superintendent or the superintendent's designee. 140206

(D)(1) The following are not public records under section 140207

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 149.43 of the Revised Code:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 140208                                                                                                               |
| (a) Information and materials furnished to the superintendent pursuant to division (A) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 140209<br>140210                                                                                                     |
| (b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 140211<br>140212<br>140213                                                                                           |
| (c) Information and materials furnished to any board or person under division (F) or (G) of this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 140214<br>140215                                                                                                     |
| (2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section.                                                                                                                                                                                                                                                                                                        | 140216<br>140217<br>140218<br>140219<br>140220<br>140221<br>140222                                                   |
| (E)(1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E)(2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A)(1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged. | 140223<br>140224<br>140225<br>140226<br>140227<br>140228<br>140229<br>140230<br>140231<br>140232<br>140233<br>140234 |
| (2) Except as otherwise provided in this division, a rule adopted under division (E)(1) of this section may provide only for the release of information gathered pursuant to division (A) of this section that relates to the conviction of a person, or a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 140235<br>140236<br>140237<br>140238                                                                                 |

person's plea of guilty to, a criminal offense. The superintendent 140239  
shall not release, and the attorney general shall not adopt any 140240  
rule under division (E)(1) of this section that permits the 140241  
release of, any information gathered pursuant to division (A) of 140242  
this section that relates to an adjudication of a child as a 140243  
delinquent child, or that relates to a criminal conviction of a 140244  
person under eighteen years of age if the person's case was 140245  
transferred back to a juvenile court under division (B)(2) or (3) 140246  
of section 2152.121 of the Revised Code and the juvenile court 140247  
imposed a disposition or serious youthful offender disposition 140248  
upon the person under either division, unless either of the 140249  
following applies with respect to the adjudication or conviction: 140250

(a) The adjudication or conviction was for a violation of 140251  
section 2903.01 or 2903.02 of the Revised Code. 140252

(b) The adjudication or conviction was for a sexually 140253  
oriented offense, the juvenile court was required to classify the 140254  
child a juvenile offender registrant for that offense under 140255  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 140256  
classification has not been removed. 140257

(F)(1) As used in division (F)(2) of this section, "head 140258  
start agency" means an entity in this state that has been approved 140259  
to be an agency for purposes of subchapter II of the "Community 140260  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 140261  
as amended. 140262

(2)(a) In addition to or in conjunction with any request that 140263  
is required to be made under section 109.572, 2151.86, 3301.32, 140264  
3301.541, division (C) of section 3310.58, or section 3319.39, 140265  
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 140266  
5153.111 of the Revised Code or that is made under section 140267  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 140268  
board of education of any school district; the director of 140269  
developmental disabilities; any county board of developmental 140270

disabilities; any provider or subcontractor as defined in section 140271  
5123.081 of the Revised Code; the chief administrator of any 140272  
chartered nonpublic school; the chief administrator of a 140273  
registered private provider that is not also a chartered nonpublic 140274  
school; the chief administrator of any home health agency; the 140275  
chief administrator of or person operating any child day-care 140276  
center, type A family day-care home, or type B family day-care 140277  
home licensed under Chapter 5104. of the Revised Code; the chief 140278  
administrator of any head start agency; the executive director of 140279  
a public children services agency; a private company described in 140280  
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 140281  
Code; or an employer described in division (J)(2) of section 140282  
3327.10 of the Revised Code may request that the superintendent of 140283  
the bureau investigate and determine, with respect to any 140284  
individual who has applied for employment in any position after 140285  
October 2, 1989, or any individual wishing to apply for employment 140286  
with a board of education may request, with regard to the 140287  
individual, whether the bureau has any information gathered under 140288  
division (A) of this section that pertains to that individual. On 140289  
receipt of the request, subject to division (E)(2) of this 140290  
section, the superintendent shall determine whether that 140291  
information exists and, upon request of the person, board, or 140292  
entity requesting information, also shall request from the federal 140293  
bureau of investigation any criminal records it has pertaining to 140294  
that individual. The superintendent or the superintendent's 140295  
designee also may request criminal history records from other 140296  
states or the federal government pursuant to the national crime 140297  
prevention and privacy compact set forth in section 109.571 of the 140298  
Revised Code. Within thirty days of the date that the 140299  
superintendent receives a request, subject to division (E)(2) of 140300  
this section, the superintendent shall send to the board, entity, 140301  
or person a report of any information that the superintendent 140302  
determines exists, including information contained in records that 140303

have been sealed under section 2953.32 of the Revised Code, and, 140304  
within thirty days of its receipt, subject to division (E)(2) of 140305  
this section, shall send the board, entity, or person a report of 140306  
any information received from the federal bureau of investigation, 140307  
other than information the dissemination of which is prohibited by 140308  
federal law. 140309

(b) When a board of education or a registered private 140310  
provider is required to receive information under this section as 140311  
a prerequisite to employment of an individual pursuant to division 140312  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 140313  
may accept a certified copy of records that were issued by the 140314  
bureau of criminal identification and investigation and that are 140315  
presented by an individual applying for employment with the 140316  
district in lieu of requesting that information itself. In such a 140317  
case, the board shall accept the certified copy issued by the 140318  
bureau in order to make a photocopy of it for that individual's 140319  
employment application documents and shall return the certified 140320  
copy to the individual. In a case of that nature, a district or 140321  
provider only shall accept a certified copy of records of that 140322  
nature within one year after the date of their issuance by the 140323  
bureau. 140324

(c) Notwithstanding division (F)(2)(a) of this section, in 140325  
the case of a request under section 3319.39, 3319.391, or 3327.10 140326  
of the Revised Code only for criminal records maintained by the 140327  
federal bureau of investigation, the superintendent shall not 140328  
determine whether any information gathered under division (A) of 140329  
this section exists on the person for whom the request is made. 140330

(3) The state board of education may request, with respect to 140331  
any individual who has applied for employment after October 2, 140332  
1989, in any position with the state board or the department of 140333  
education, any information that a school district board of 140334  
education is authorized to request under division (F)(2) of this 140335



section, and the superintendent of the bureau shall proceed as if 140336  
the request has been received from a school district board of 140337  
education under division (F)(2) of this section. 140338

(4) When the superintendent of the bureau receives a request 140339  
for information under section 3319.291 of the Revised Code, the 140340  
superintendent shall proceed as if the request has been received 140341  
from a school district board of education and shall comply with 140342  
divisions (F)(2)(a) and (c) of this section. 140343

(5) When a recipient of a classroom reading improvement grant 140344  
paid under section 3301.86 of the Revised Code requests, with 140345  
respect to any individual who applies to participate in providing 140346  
any program or service funded in whole or in part by the grant, 140347  
the information that a school district board of education is 140348  
authorized to request under division (F)(2)(a) of this section, 140349  
the superintendent of the bureau shall proceed as if the request 140350  
has been received from a school district board of education under 140351  
division (F)(2)(a) of this section. 140352

(G) In addition to or in conjunction with any request that is 140353  
required to be made under section 3701.881, 3712.09, or 3721.121 140354  
of the Revised Code with respect to an individual who has applied 140355  
for employment in a position that involves providing direct care 140356  
to an older adult or adult resident, the chief administrator of a 140357  
home health agency, hospice care program, home licensed under 140358  
Chapter 3721. of the Revised Code, or adult day-care program 140359  
operated pursuant to rules adopted under section 3721.04 of the 140360  
Revised Code may request that the superintendent of the bureau 140361  
investigate and determine, with respect to any individual who has 140362  
applied after January 27, 1997, for employment in a position that 140363  
does not involve providing direct care to an older adult or adult 140364  
resident, whether the bureau has any information gathered under 140365  
division (A) of this section that pertains to that individual. 140366

In addition to or in conjunction with any request that is 140367

required to be made under section 173.27 of the Revised Code with 140368  
respect to an individual who has applied for employment in a 140369  
position that involves providing ~~ombudsperson~~ ombudsman services 140370  
to residents of long-term care facilities or recipients of 140371  
community-based long-term care services, the state long-term care 140372  
~~ombudsperson~~ ombudsman, ~~ombudsperson's designee, or the~~ director 140373  
of ~~health aging, a regional long-term care ombudsman program, or~~ 140374  
~~the designee of the ombudsman, director, or program~~ may request 140375  
that the superintendent investigate and determine, with respect to 140376  
any individual who has applied for employment in a position that 140377  
does not involve providing such ~~ombudsperson~~ ombudsman services, 140378  
whether the bureau has any information gathered under division (A) 140379  
of this section that pertains to that applicant. 140380

In addition to or in conjunction with any request that is 140381  
required to be made under section ~~173.394~~ 173.38 of the Revised 140382  
Code with respect to an individual who has applied for employment 140383  
in a direct-care position ~~that involves providing direct care to~~ 140384  
~~an individual~~, the chief administrator of a ~~community-based~~ 140385  
~~long-term care agency provider, as defined in section 173.39 of~~ 140386  
the Revised Code, may request that the superintendent investigate 140387  
and determine, with respect to any individual who has applied for 140388  
employment in a position that ~~does is not involve providing direct~~ 140389  
~~care~~ a direct-care position, whether the bureau has any 140390  
information gathered under division (A) of this section that 140391  
pertains to that applicant. 140392

In addition to or in conjunction with any request that is 140393  
required to be made under section 3712.09 of the Revised Code with 140394  
respect to an individual who has applied for employment in a 140395  
position that involves providing direct care to a pediatric 140396  
respite care patient, the chief administrator of a pediatric 140397  
respite care program may request that the superintendent of the 140398  
bureau investigate and determine, with respect to any individual 140399

who has applied for employment in a position that does not involve 140400  
providing direct care to a pediatric respite care patient, whether 140401  
the bureau has any information gathered under division (A) of this 140402  
section that pertains to that individual. 140403

On receipt of a request under this division, the 140404  
superintendent shall determine whether that information exists 140405  
and, on request of the individual requesting information, shall 140406  
also request from the federal bureau of investigation any criminal 140407  
records it has pertaining to the applicant. The superintendent or 140408  
the superintendent's designee also may request criminal history 140409  
records from other states or the federal government pursuant to 140410  
the national crime prevention and privacy compact set forth in 140411  
section 109.571 of the Revised Code. Within thirty days of the 140412  
date a request is received, subject to division (E)(2) of this 140413  
section, the superintendent shall send to the requester a report 140414  
of any information determined to exist, including information 140415  
contained in records that have been sealed under section 2953.32 140416  
of the Revised Code, and, within thirty days of its receipt, shall 140417  
send the requester a report of any information received from the 140418  
federal bureau of investigation, other than information the 140419  
dissemination of which is prohibited by federal law. 140420

(H) Information obtained by a government entity or person 140421  
under this section is confidential and shall not be released or 140422  
disseminated. 140423

(I) The superintendent may charge a reasonable fee for 140424  
providing information or criminal records under division (F)(2) or 140425  
(G) of this section. 140426

(J) As used in this section: 140427

(1) "Pediatric respite care program" and "pediatric care 140428  
patient" have the same meanings as in section 3712.01 of the 140429  
Revised Code. 140430

(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 140431  
140432  
140433

(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 140434  
140435  
140436  
140437  
140438  
140439

**Sec. 2151.011.** (A) As used in the Revised Code: 140440

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code: 140441  
140442  
140443

(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions; 140444  
140445  
140446  
140447  
140448

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code; 140449  
140450  
140451  
140452

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas. 140453  
140454

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter. 140455  
140456

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for 140457  
140458  
140459  
140460

either foster care or adoption. 140461

(4) "Private noncustodial agency" means any person, 140462  
organization, association, or society certified by the department 140463  
of job and family services that does not accept temporary or 140464  
permanent legal custody of children, that is privately operated in 140465  
this state, and that does one or more of the following: 140466

(a) Receives and cares for children for two or more 140467  
consecutive weeks; 140468

(b) Participates in the placement of children in certified 140469  
foster homes; 140470

(c) Provides adoption services in conjunction with a public 140471  
children services agency or private child placing agency. 140472

(B) As used in this chapter: 140473

(1) "Adequate parental care" means the provision by a child's 140474  
parent or parents, guardian, or custodian of adequate food, 140475  
clothing, and shelter to ensure the child's health and physical 140476  
safety and the provision by a child's parent or parents of 140477  
specialized services warranted by the child's physical or mental 140478  
needs. 140479

(2) "Adult" means an individual who is eighteen years of age 140480  
or older. 140481

(3) "Agreement for temporary custody" means a voluntary 140482  
agreement authorized by section 5103.15 of the Revised Code that 140483  
transfers the temporary custody of a child to a public children 140484  
services agency or a private child placing agency. 140485

(4) "Alternative response" means the public children services 140486  
agency's response to a report of child abuse or neglect that 140487  
engages the family in a comprehensive evaluation of child safety, 140488  
risk of subsequent harm, and family strengths and needs and that 140489  
does not include a determination as to whether child abuse or 140490

neglect occurred. 140491

(5) "Certified foster home" means a foster home, as defined 140492  
in section 5103.02 of the Revised Code, certified under section 140493  
5103.03 of the Revised Code. 140494

(6) "Child" means a person who is under eighteen years of 140495  
age, except that the juvenile court has jurisdiction over any 140496  
person who is adjudicated an unruly child prior to attaining 140497  
eighteen years of age until the person attains twenty-one years of 140498  
age, and, for purposes of that jurisdiction related to that 140499  
adjudication, a person who is so adjudicated an unruly child shall 140500  
be deemed a "child" until the person attains twenty-one years of 140501  
age. 140502

(7) "Child day camp," "child care," "child day-care center," 140503  
"part-time child day-care center," "type A family day-care home," 140504  
"licensed type B family day-care home," "type B family day-care 140505  
home," "administrator of a child day-care center," "administrator 140506  
of a type A family day-care home," and "in-home aide" have the 140507  
same meanings as in section 5104.01 of the Revised Code. 140508

(8) "Child care provider" means an individual who is a 140509  
child-care staff member or administrator of a child day-care 140510  
center, a type A family day-care home, or a type B family day-care 140511  
home, or an in-home aide or an individual who is licensed, is 140512  
regulated, is approved, operates under the direction of, or 140513  
otherwise is certified by the department of job and family 140514  
services, department of developmental disabilities, or the early 140515  
childhood programs of the department of education. 140516

(9) "Chronic truant" has the same meaning as in section 140517  
2152.02 of the Revised Code. 140518

(10) "Commit" means to vest custody as ordered by the court. 140519

(11) "Counseling" includes both of the following: 140520

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (a) General counseling services performed by a public              | 140521 |
| children services agency or shelter for victims of domestic        | 140522 |
| violence to assist a child, a child's parents, and a child's       | 140523 |
| siblings in alleviating identified problems that may cause or have | 140524 |
| caused the child to be an abused, neglected, or dependent child.   | 140525 |
| (b) Psychiatric or psychological therapeutic counseling            | 140526 |
| services provided to correct or alleviate any mental or emotional  | 140527 |
| illness or disorder and performed by a licensed psychiatrist,      | 140528 |
| licensed psychologist, or a person licensed under Chapter 4757. of | 140529 |
| the Revised Code to engage in social work or professional          | 140530 |
| counseling.                                                        | 140531 |
| (12) "Custodian" means a person who has legal custody of a         | 140532 |
| child or a public children services agency or private child        | 140533 |
| placing agency that has permanent, temporary, or legal custody of  | 140534 |
| a child.                                                           | 140535 |
| (13) "Delinquent child" has the same meaning as in section         | 140536 |
| 2152.02 of the Revised Code.                                       | 140537 |
| (14) "Detention" means the temporary care of children pending      | 140538 |
| court adjudication or disposition, or execution of a court order,  | 140539 |
| in a public or private facility designed to physically restrict    | 140540 |
| the movement and activities of children.                           | 140541 |
| (15) "Developmental disability" has the same meaning as in         | 140542 |
| section 5123.01 of the Revised Code.                               | 140543 |
| (16) "Differential response approach" means an approach that       | 140544 |
| a public children services agency may use to respond to accepted   | 140545 |
| reports of child abuse or neglect with either an alternative       | 140546 |
| response or a traditional response.                                | 140547 |
| (17) "Foster caregiver" has the same meaning as in section         | 140548 |
| 5103.02 of the Revised Code.                                       | 140549 |
| (18) "Guardian" means a person, association, or corporation        | 140550 |

that is granted authority by a probate court pursuant to Chapter 140551  
2111. of the Revised Code to exercise parental rights over a child 140552  
to the extent provided in the court's order and subject to the 140553  
residual parental rights of the child's parents. 140554

(19) "Habitual truant" means any child of compulsory school 140555  
age who is absent without legitimate excuse for absence from the 140556  
public school the child is supposed to attend for five or more 140557  
consecutive school days, seven or more school days in one school 140558  
month, or twelve or more school days in a school year. 140559

(20) "Juvenile traffic offender" has the same meaning as in 140560  
section 2152.02 of the Revised Code. 140561

(21) "Legal custody" means a legal status that vests in the 140562  
custodian the right to have physical care and control of the child 140563  
and to determine where and with whom the child shall live, and the 140564  
right and duty to protect, train, and discipline the child and to 140565  
provide the child with food, shelter, education, and medical care, 140566  
all subject to any residual parental rights, privileges, and 140567  
responsibilities. An individual granted legal custody shall 140568  
exercise the rights and responsibilities personally unless 140569  
otherwise authorized by any section of the Revised Code or by the 140570  
court. 140571

(22) A "legitimate excuse for absence from the public school 140572  
the child is supposed to attend" includes, but is not limited to, 140573  
any of the following: 140574

(a) The fact that the child in question has enrolled in and 140575  
is attending another public or nonpublic school in this or another 140576  
state; 140577

(b) The fact that the child in question is excused from 140578  
attendance at school for any of the reasons specified in section 140579  
3321.04 of the Revised Code; 140580

(c) The fact that the child in question has received an age 140581



and schooling certificate in accordance with section 3331.01 of 140582  
the Revised Code. 140583

(23) "Mental illness" and "mentally ill person subject to 140584  
hospitalization by court order" have the same meanings as in 140585  
section 5122.01 of the Revised Code. 140586

(24) "Mental injury" means any behavioral, cognitive, 140587  
emotional, or mental disorder in a child caused by an act or 140588  
omission that is described in section 2919.22 of the Revised Code 140589  
and is committed by the parent or other person responsible for the 140590  
child's care. 140591

(25) "Mentally retarded person" has the same meaning as in 140592  
section 5123.01 of the Revised Code. 140593

(26) "Nonsecure care, supervision, or training" means care, 140594  
supervision, or training of a child in a facility that does not 140595  
confine or prevent movement of the child within the facility or 140596  
from the facility. 140597

(27) "Of compulsory school age" has the same meaning as in 140598  
section 3321.01 of the Revised Code. 140599

(28) "Organization" means any institution, public, 140600  
semipublic, or private, and any private association, society, or 140601  
agency located or operating in the state, incorporated or 140602  
unincorporated, having among its functions the furnishing of 140603  
protective services or care for children, or the placement of 140604  
children in certified foster homes or elsewhere. 140605

(29) "Out-of-home care" means detention facilities, shelter 140606  
facilities, certified children's crisis care facilities, certified 140607  
foster homes, placement in a prospective adoptive home prior to 140608  
the issuance of a final decree of adoption, organizations, 140609  
certified organizations, child day-care centers, type A family 140610  
day-care homes, type B family day-care homes, child care provided 140611  
by in-home aides, group home providers, group homes, institutions, 140612

state institutions, residential facilities, residential care 140613  
facilities, residential camps, day camps, public schools, 140614  
chartered nonpublic schools, educational service centers, 140615  
hospitals, and medical clinics that are responsible for the care, 140616  
physical custody, or control of children. 140617

(30) "Out-of-home care child abuse" means any of the 140618  
following when committed by a person responsible for the care of a 140619  
child in out-of-home care: 140620

(a) Engaging in sexual activity with a child in the person's 140621  
care; 140622

(b) Denial to a child, as a means of punishment, of proper or 140623  
necessary subsistence, education, medical care, or other care 140624  
necessary for a child's health; 140625

(c) Use of restraint procedures on a child that cause injury 140626  
or pain; 140627

(d) Administration of prescription drugs or psychotropic 140628  
medication to the child without the written approval and ongoing 140629  
supervision of a licensed physician; 140630

(e) Commission of any act, other than by accidental means, 140631  
that results in any injury to or death of the child in out-of-home 140632  
care or commission of any act by accidental means that results in 140633  
an injury to or death of a child in out-of-home care and that is 140634  
at variance with the history given of the injury or death. 140635

(31) "Out-of-home care child neglect" means any of the 140636  
following when committed by a person responsible for the care of a 140637  
child in out-of-home care: 140638

(a) Failure to provide reasonable supervision according to 140639  
the standards of care appropriate to the age, mental and physical 140640  
condition, or other special needs of the child; 140641

(b) Failure to provide reasonable supervision according to 140642

the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person; 140643  
140644  
140645

(c) Failure to develop a process for all of the following: 140646

(i) Administration of prescription drugs or psychotropic drugs for the child; 140647  
140648

(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed; 140649  
140650

(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug. 140651  
140652  
140653

(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child; 140654  
140655  
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(e) Confinement of the child to a locked room without monitoring by staff; 140657  
140658

(f) Failure to provide ongoing security for all prescription and nonprescription medication; 140659  
140660

(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child. 140661  
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(32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations. 140664  
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(33) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised 140670  
140671  
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Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency. 140673  
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(34) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies. 140675  
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(35) "Person responsible for a child's care in out-of-home care" means any of the following: 140678  
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(a) Any foster caregiver, in-home aide, or provider; 140680

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic; 140681  
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(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school; 140690  
140691  
140692

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children. 140693  
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(36) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction: 140695  
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140698

(a) A substantial impairment of vision, speech, or hearing; 140699

(b) A congenital orthopedic impairment; 140700

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or 140701  
140702

amputation or another similar cause. 140703

(37) "Placement for adoption" means the arrangement by a 140704  
public children services agency or a private child placing agency 140705  
with a person for the care and adoption by that person of a child 140706  
of whom the agency has permanent custody. 140707

(38) "Placement in foster care" means the arrangement by a 140708  
public children services agency or a private child placing agency 140709  
for the out-of-home care of a child of whom the agency has 140710  
temporary custody or permanent custody. 140711

(39) "Planned permanent living arrangement" means an order of 140712  
a juvenile court pursuant to which both of the following apply: 140713

(a) The court gives legal custody of a child to a public 140714  
children services agency or a private child placing agency without 140715  
the termination of parental rights. 140716

(b) The order permits the agency to make an appropriate 140717  
placement of the child and to enter into a written agreement with 140718  
a foster care provider or with another person or agency with whom 140719  
the child is placed. 140720

(40) "Practice of social work" and "practice of professional 140721  
counseling" have the same meanings as in section 4757.01 of the 140722  
Revised Code. 140723

(41) "Sanction, service, or condition" means a sanction, 140724  
service, or condition created by court order following an 140725  
adjudication that a child is an unruly child that is described in 140726  
division (A)(4) of section 2152.19 of the Revised Code. 140727

(42) "Protective supervision" means an order of disposition 140728  
pursuant to which the court permits an abused, neglected, 140729  
dependent, or unruly child to remain in the custody of the child's 140730  
parents, guardian, or custodian and stay in the child's home, 140731  
subject to any conditions and limitations upon the child, the 140732

child's parents, guardian, or custodian, or any other person that 140733  
the court prescribes, including supervision as directed by the 140734  
court for the protection of the child. 140735

(43) "Psychiatrist" has the same meaning as in section 140736  
5122.01 of the Revised Code. 140737

(44) "Psychologist" has the same meaning as in section 140738  
4732.01 of the Revised Code. 140739

(45) "Residential camp" means a program in which the care, 140740  
physical custody, or control of children is accepted overnight for 140741  
recreational or recreational and educational purposes. 140742

(46) "Residential care facility" means an institution, 140743  
residence, or facility that is licensed by the department of 140744  
~~mental health~~ mental health and addiction services under section 140745  
~~5119.22~~ 5119.34 of the Revised Code and that provides care for a 140746  
child. 140747

(47) "Residential facility" means a home or facility that is 140748  
licensed by the department of developmental disabilities under 140749  
section 5123.19 of the Revised Code and in which a child with a 140750  
developmental disability resides. 140751

(48) "Residual parental rights, privileges, and 140752  
responsibilities" means those rights, privileges, and 140753  
responsibilities remaining with the natural parent after the 140754  
transfer of legal custody of the child, including, but not 140755  
necessarily limited to, the privilege of reasonable visitation, 140756  
consent to adoption, the privilege to determine the child's 140757  
religious affiliation, and the responsibility for support. 140758

(49) "School day" means the school day established by the 140759  
~~state~~ board of education of the applicable school district 140760  
pursuant to section ~~3313.48~~ 3313.481 of the Revised Code. 140761

(50) "School ~~month~~ and ~~school~~ year" ~~have~~ has the same 140762

~~meanings~~ meaning as in section 3313.62 of the Revised Code. 140763

(51) "Secure correctional facility" means a facility under 140764  
the direction of the department of youth services that is designed 140765  
to physically restrict the movement and activities of children and 140766  
used for the placement of children after adjudication and 140767  
disposition. 140768

(52) "Sexual activity" has the same meaning as in section 140769  
2907.01 of the Revised Code. 140770

(53) "Shelter" means the temporary care of children in 140771  
physically unrestricted facilities pending court adjudication or 140772  
disposition. 140773

(54) "Shelter for victims of domestic violence" has the same 140774  
meaning as in section 3113.33 of the Revised Code. 140775

(55) "Temporary custody" means legal custody of a child who 140776  
is removed from the child's home, which custody may be terminated 140777  
at any time at the discretion of the court or, if the legal 140778  
custody is granted in an agreement for temporary custody, by the 140779  
person who executed the agreement. 140780

(56) "Traditional response" means a public children services 140781  
agency's response to a report of child abuse or neglect that 140782  
encourages engagement of the family in a comprehensive evaluation 140783  
of the child's current and future safety needs and a fact-finding 140784  
process to determine whether child abuse or neglect occurred and 140785  
the circumstances surrounding the alleged harm or risk of harm. 140786

(C) For the purposes of this chapter, a child shall be 140787  
presumed abandoned when the parents of the child have failed to 140788  
visit or maintain contact with the child for more than ninety 140789  
days, regardless of whether the parents resume contact with the 140790  
child after that period of ninety days. 140791

**Sec. 2923.126.** (A) A concealed handgun license that is issued 140792

under section 2923.125 of the Revised Code shall expire five years 140793  
after the date of issuance. A licensee who has been issued a 140794  
license under that section shall be granted a grace period of 140795  
thirty days after the licensee's license expires during which the 140796  
licensee's license remains valid. Except as provided in divisions 140797  
(B) and (C) of this section, a licensee who has been issued a 140798  
concealed handgun license under section 2923.125 or 2923.1213 of 140799  
the Revised Code may carry a concealed handgun anywhere in this 140800  
state if the licensee also carries a valid license and valid 140801  
identification when the licensee is in actual possession of a 140802  
concealed handgun. The licensee shall give notice of any change in 140803  
the licensee's residence address to the sheriff who issued the 140804  
license within forty-five days after that change. 140805

If a licensee is the driver or an occupant of a motor vehicle 140806  
that is stopped as the result of a traffic stop or a stop for 140807  
another law enforcement purpose and if the licensee is 140808  
transporting or has a loaded handgun in the motor vehicle at that 140809  
time, the licensee shall promptly inform any law enforcement 140810  
officer who approaches the vehicle while stopped that the licensee 140811  
has been issued a concealed handgun license and that the licensee 140812  
currently possesses or has a loaded handgun; the licensee shall 140813  
not knowingly disregard or fail to comply with lawful orders of a 140814  
law enforcement officer given while the motor vehicle is stopped, 140815  
knowingly fail to remain in the motor vehicle while stopped, or 140816  
knowingly fail to keep the licensee's hands in plain sight after 140817  
any law enforcement officer begins approaching the licensee while 140818  
stopped and before the officer leaves, unless directed otherwise 140819  
by a law enforcement officer; and the licensee shall not knowingly 140820  
have contact with the loaded handgun by touching it with the 140821  
licensee's hands or fingers, in any manner in violation of 140822  
division (E) of section 2923.16 of the Revised Code, after any law 140823  
enforcement officer begins approaching the licensee while stopped 140824  
and before the officer leaves. Additionally, if a licensee is the 140825



driver or an occupant of a commercial motor vehicle that is 140826  
stopped by an employee of the motor carrier enforcement unit for 140827  
the purposes defined in section 5503.04 of the Revised Code and if 140828  
the licensee is transporting or has a loaded handgun in the 140829  
commercial motor vehicle at that time, the licensee shall promptly 140830  
inform the employee of the unit who approaches the vehicle while 140831  
stopped that the licensee has been issued a concealed handgun 140832  
license and that the licensee currently possesses or has a loaded 140833  
handgun. 140834

If a licensee is stopped for a law enforcement purpose and if 140835  
the licensee is carrying a concealed handgun at the time the 140836  
officer approaches, the licensee shall promptly inform any law 140837  
enforcement officer who approaches the licensee while stopped that 140838  
the licensee has been issued a concealed handgun license and that 140839  
the licensee currently is carrying a concealed handgun; the 140840  
licensee shall not knowingly disregard or fail to comply with 140841  
lawful orders of a law enforcement officer given while the 140842  
licensee is stopped or knowingly fail to keep the licensee's hands 140843  
in plain sight after any law enforcement officer begins 140844  
approaching the licensee while stopped and before the officer 140845  
leaves, unless directed otherwise by a law enforcement officer; 140846  
and the licensee shall not knowingly remove, attempt to remove, 140847  
grasp, or hold the loaded handgun or knowingly have contact with 140848  
the loaded handgun by touching it with the licensee's hands or 140849  
fingers, in any manner in violation of division (B) of section 140850  
2923.12 of the Revised Code, after any law enforcement officer 140851  
begins approaching the licensee while stopped and before the 140852  
officer leaves. 140853

(B) A valid concealed handgun license does not authorize the 140854  
licensee to carry a concealed handgun in any manner prohibited 140855  
under division (B) of section 2923.12 of the Revised Code or in 140856  
any manner prohibited under section 2923.16 of the Revised Code. A 140857

valid license does not authorize the licensee to carry a concealed 140858  
handgun into any of the following places: 140859

(1) A police station, sheriff's office, or state highway 140860  
patrol station, premises controlled by the bureau of criminal 140861  
identification and investigation, a state correctional 140862  
institution, jail, workhouse, or other detention facility, an 140863  
airport passenger terminal, or an institution that is maintained, 140864  
operated, managed, and governed pursuant to division (A) of 140865  
section ~~5119.02~~ 5119.14 of the Revised Code or division (A)(1) of 140866  
section 5123.03 of the Revised Code; 140867

(2) A school safety zone if the licensee's carrying the 140868  
concealed handgun is in violation of section 2923.122 of the 140869  
Revised Code; 140870

(3) A courthouse or another building or structure in which a 140871  
courtroom is located, in violation of section 2923.123 of the 140872  
Revised Code; 140873

(4) Any premises or open air arena for which a D permit has 140874  
been issued under Chapter 4303. of the Revised Code if the 140875  
licensee's carrying the concealed handgun is in violation of 140876  
section 2923.121 of the Revised Code; 140877

(5) Any premises owned or leased by any public or private 140878  
college, university, or other institution of higher education, 140879  
unless the handgun is in a locked motor vehicle or the licensee is 140880  
in the immediate process of placing the handgun in a locked motor 140881  
vehicle; 140882

(6) Any church, synagogue, mosque, or other place of worship, 140883  
unless the church, synagogue, mosque, or other place of worship 140884  
posts or permits otherwise; 140885

(7) A child day-care center, a type A family day-care home, 140886  
or a type B family day-care home, except that this division does 140887  
not prohibit a licensee who resides in a type A family day-care 140888

home or a type B family day-care home from carrying a concealed 140889  
handgun at any time in any part of the home that is not dedicated 140890  
or used for day-care purposes, or from carrying a concealed 140891  
handgun in a part of the home that is dedicated or used for 140892  
day-care purposes at any time during which no children, other than 140893  
children of that licensee, are in the home; 140894

(8) An aircraft that is in, or intended for operation in, 140895  
foreign air transportation, interstate air transportation, 140896  
intrastate air transportation, or the transportation of mail by 140897  
aircraft; 140898

(9) Any building that is a government facility of this state 140899  
or a political subdivision of this state and that is not a 140900  
building that is used primarily as a shelter, restroom, parking 140901  
facility for motor vehicles, or rest facility and is not a 140902  
courthouse or other building or structure in which a courtroom is 140903  
located that is subject to division (B)(3) of this section; 140904

(10) A place in which federal law prohibits the carrying of 140905  
handguns. 140906

(C)(1) Nothing in this section shall negate or restrict a 140907  
rule, policy, or practice of a private employer that is not a 140908  
private college, university, or other institution of higher 140909  
education concerning or prohibiting the presence of firearms on 140910  
the private employer's premises or property, including motor 140911  
vehicles owned by the private employer. Nothing in this section 140912  
shall require a private employer of that nature to adopt a rule, 140913  
policy, or practice concerning or prohibiting the presence of 140914  
firearms on the private employer's premises or property, including 140915  
motor vehicles owned by the private employer. 140916

(2)(a) A private employer shall be immune from liability in a 140917  
civil action for any injury, death, or loss to person or property 140918  
that allegedly was caused by or related to a licensee bringing a 140919

handgun onto the premises or property of the private employer, 140920  
including motor vehicles owned by the private employer, unless the 140921  
private employer acted with malicious purpose. A private employer 140922  
is immune from liability in a civil action for any injury, death, 140923  
or loss to person or property that allegedly was caused by or 140924  
related to the private employer's decision to permit a licensee to 140925  
bring, or prohibit a licensee from bringing, a handgun onto the 140926  
premises or property of the private employer. As used in this 140927  
division, "private employer" includes a private college, 140928  
university, or other institution of higher education. 140929

(b) A political subdivision shall be immune from liability in 140930  
a civil action, to the extent and in the manner provided in 140931  
Chapter 2744. of the Revised Code, for any injury, death, or loss 140932  
to person or property that allegedly was caused by or related to a 140933  
licensee bringing a handgun onto any premises or property owned, 140934  
leased, or otherwise under the control of the political 140935  
subdivision. As used in this division, "political subdivision" has 140936  
the same meaning as in section 2744.01 of the Revised Code. 140937

(3)(a) Except as provided in division (C)(3)(b) of this 140938  
section, the owner or person in control of private land or 140939  
premises, and a private person or entity leasing land or premises 140940  
owned by the state, the United States, or a political subdivision 140941  
of the state or the United States, may post a sign in a 140942  
conspicuous location on that land or on those premises prohibiting 140943  
persons from carrying firearms or concealed firearms on or onto 140944  
that land or those premises. Except as otherwise provided in this 140945  
division, a person who knowingly violates a posted prohibition of 140946  
that nature is guilty of criminal trespass in violation of 140947  
division (A)(4) of section 2911.21 of the Revised Code and is 140948  
guilty of a misdemeanor of the fourth degree. If a person 140949  
knowingly violates a posted prohibition of that nature and the 140950  
posted land or premises primarily was a parking lot or other 140951

parking facility, the person is not guilty of criminal trespass in 140952  
violation of division (A)(4) of section 2911.21 of the Revised 140953  
Code and instead is subject only to a civil cause of action for 140954  
trespass based on the violation. 140955

(b) A landlord may not prohibit or restrict a tenant who is a 140956  
licensee and who on or after September 9, 2008, enters into a 140957  
rental agreement with the landlord for the use of residential 140958  
premises, and the tenant's guest while the tenant is present, from 140959  
lawfully carrying or possessing a handgun on those residential 140960  
premises. 140961

(c) As used in division (C)(3) of this section: 140962

(i) "Residential premises" has the same meaning as in section 140963  
5321.01 of the Revised Code, except "residential premises" does 140964  
not include a dwelling unit that is owned or operated by a college 140965  
or university. 140966

(ii) "Landlord," "tenant," and "rental agreement" have the 140967  
same meanings as in section 5321.01 of the Revised Code. 140968

(D) A person who holds a concealed handgun license issued by 140969  
another state that is recognized by the attorney general pursuant 140970  
to a reciprocity agreement entered into pursuant to section 109.69 140971  
of the Revised Code has the same right to carry a concealed 140972  
handgun in this state as a person who was issued a concealed 140973  
handgun license under section 2923.125 of the Revised Code and is 140974  
subject to the same restrictions that apply to a person who 140975  
carries a license issued under that section. 140976

(E) A peace officer has the same right to carry a concealed 140977  
handgun in this state as a person who was issued a concealed 140978  
handgun license under section 2923.125 of the Revised Code. For 140979  
purposes of reciprocity with other states, a peace officer shall 140980  
be considered to be a licensee in this state. 140981

(F)(1) A qualified retired peace officer who possesses a 140982

retired peace officer identification card issued pursuant to 140983  
division (F)(2) of this section and a valid firearms 140984  
requalification certification issued pursuant to division (F)(3) 140985  
of this section has the same right to carry a concealed handgun in 140986  
this state as a person who was issued a concealed handgun license 140987  
under section 2923.125 of the Revised Code and is subject to the 140988  
same restrictions that apply to a person who carries a license 140989  
issued under that section. For purposes of reciprocity with other 140990  
states, a qualified retired peace officer who possesses a retired 140991  
peace officer identification card issued pursuant to division 140992  
(F)(2) of this section and a valid firearms requalification 140993  
certification issued pursuant to division (F)(3) of this section 140994  
shall be considered to be a licensee in this state. 140995

(2)(a) Each public agency of this state or of a political 140996  
subdivision of this state that is served by one or more peace 140997  
officers shall issue a retired peace officer identification card 140998  
to any person who retired from service as a peace officer with 140999  
that agency, if the issuance is in accordance with the agency's 141000  
policies and procedures and if the person, with respect to the 141001  
person's service with that agency, satisfies all of the following: 141002

(i) The person retired in good standing from service as a 141003  
peace officer with the public agency, and the retirement was not 141004  
for reasons of mental instability. 141005

(ii) Before retiring from service as a peace officer with 141006  
that agency, the person was authorized to engage in or supervise 141007  
the prevention, detection, investigation, or prosecution of, or 141008  
the incarceration of any person for, any violation of law and the 141009  
person had statutory powers of arrest. 141010

(iii) At the time of the person's retirement as a peace 141011  
officer with that agency, the person was trained and qualified to 141012  
carry firearms in the performance of the peace officer's duties. 141013

(iv) Before retiring from service as a peace officer with 141014  
that agency, the person was regularly employed as a peace officer 141015  
for an aggregate of fifteen years or more, or, in the alternative, 141016  
the person retired from service as a peace officer with that 141017  
agency, after completing any applicable probationary period of 141018  
that service, due to a service-connected disability, as determined 141019  
by the agency. 141020

(b) A retired peace officer identification card issued to a 141021  
person under division (F)(2)(a) of this section shall identify the 141022  
person by name, contain a photograph of the person, identify the 141023  
public agency of this state or of the political subdivision of 141024  
this state from which the person retired as a peace officer and 141025  
that is issuing the identification card, and specify that the 141026  
person retired in good standing from service as a peace officer 141027  
with the issuing public agency and satisfies the criteria set 141028  
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 141029  
addition to the required content specified in this division, a 141030  
retired peace officer identification card issued to a person under 141031  
division (F)(2)(a) of this section may include the firearms 141032  
requalification certification described in division (F)(3) of this 141033  
section, and if the identification card includes that 141034  
certification, the identification card shall serve as the firearms 141035  
requalification certification for the retired peace officer. If 141036  
the issuing public agency issues credentials to active law 141037  
enforcement officers who serve the agency, the agency may comply 141038  
with division (F)(2)(a) of this section by issuing the same 141039  
credentials to persons who retired from service as a peace officer 141040  
with the agency and who satisfy the criteria set forth in 141041  
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 141042  
credentials so issued to retired peace officers are stamped with 141043  
the word "RETIRED." 141044

(c) A public agency of this state or of a political 141045

subdivision of this state may charge persons who retired from 141046  
service as a peace officer with the agency a reasonable fee for 141047  
issuing to the person a retired peace officer identification card 141048  
pursuant to division (F)(2)(a) of this section. 141049

(3) If a person retired from service as a peace officer with 141050  
a public agency of this state or of a political subdivision of 141051  
this state and the person satisfies the criteria set forth in 141052  
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 141053  
may provide the retired peace officer with the opportunity to 141054  
attend a firearms requalification program that is approved for 141055  
purposes of firearms requalification required under section 141056  
109.801 of the Revised Code. The retired peace officer may be 141057  
required to pay the cost of the course. 141058

If a retired peace officer who satisfies the criteria set 141059  
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 141060  
firearms requalification program that is approved for purposes of 141061  
firearms requalification required under section 109.801 of the 141062  
Revised Code, the retired peace officer's successful completion of 141063  
the firearms requalification program requalifies the retired peace 141064  
officer for purposes of division (F) of this section for five 141065  
years from the date on which the program was successfully 141066  
completed, and the requalification is valid during that five-year 141067  
period. If a retired peace officer who satisfies the criteria set 141068  
forth in divisions (F)(2)(a)(i) to (iv) of this section 141069  
satisfactorily completes such a firearms requalification program, 141070  
the retired peace officer shall be issued a firearms 141071  
requalification certification that identifies the retired peace 141072  
officer by name, identifies the entity that taught the program, 141073  
specifies that the retired peace officer successfully completed 141074  
the program, specifies the date on which the course was 141075  
successfully completed, and specifies that the requalification is 141076  
valid for five years from that date of successful completion. The 141077



firearms requalification certification for a retired peace officer 141078  
may be included in the retired peace officer identification card 141079  
issued to the retired peace officer under division (F)(2) of this 141080  
section. 141081

A retired peace officer who attends a firearms 141082  
requalification program that is approved for purposes of firearms 141083  
requalification required under section 109.801 of the Revised Code 141084  
may be required to pay the cost of the program. 141085

(G) As used in this section: 141086

(1) "Qualified retired peace officer" means a person who 141087  
satisfies all of the following: 141088

(a) The person satisfies the criteria set forth in divisions 141089  
(F)(2)(a)(i) to (v) of this section. 141090

(b) The person is not under the influence of alcohol or 141091  
another intoxicating or hallucinatory drug or substance. 141092

(c) The person is not prohibited by federal law from 141093  
receiving firearms. 141094

(2) "Retired peace officer identification card" means an 141095  
identification card that is issued pursuant to division (F)(2) of 141096  
this section to a person who is a retired peace officer. 141097

(3) "Government facility of this state or a political 141098  
subdivision of this state" means any of the following: 141099

(a) A building or part of a building that is owned or leased 141100  
by the government of this state or a political subdivision of this 141101  
state and where employees of the government of this state or the 141102  
political subdivision regularly are present for the purpose of 141103  
performing their official duties as employees of the state or 141104  
political subdivision; 141105

(b) The office of a deputy registrar serving pursuant to 141106  
Chapter 4503. of the Revised Code that is used to perform deputy 141107

registrar functions. 141108

**Sec. 5104.012.** (A)(1) At the times specified in this 141109  
division, the administrator of a child day-care center or a type A 141110  
family day-care home shall request the superintendent of the 141111  
bureau of criminal identification and investigation to conduct a 141112  
criminal records check with respect to any applicant who has 141113  
applied to the center or type A home for employment as a person 141114  
responsible for the care, custody, or control of a child. 141115

The administrator shall request a criminal records check 141116  
pursuant to this division at the time of the applicant's initial 141117  
application for employment and every ~~four~~ five years thereafter. 141118  
When the administrator requests pursuant to this division a 141119  
criminal records check for an applicant at the time of the 141120  
applicant's initial application for employment, the administrator 141121  
shall request that the superintendent obtain information from the 141122  
federal bureau of investigation as a part of the criminal records 141123  
check for the applicant, including fingerprint-based checks of 141124  
national crime information databases as described in 42 U.S.C. 141125  
671, for the person subject to the criminal records check. In all 141126  
other cases in which the administrator requests a criminal records 141127  
check for an applicant pursuant to this division, the 141128  
administrator may request that the superintendent include 141129  
information from the federal bureau of investigation in the 141130  
criminal records check, including fingerprint-based checks of 141131  
national crime information databases as described in 42 U.S.C. 141132  
671. 141133

(2) A person required by division (A)(1) of this section to 141134  
request a criminal records check shall provide to each applicant a 141135  
copy of the form prescribed pursuant to division (C)(1) of section 141136  
109.572 of the Revised Code, provide to each applicant a standard 141137  
impression sheet to obtain fingerprint impressions prescribed 141138

pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section. On and after August 14, 2008, the administrator of a child day-care center or a type A family day-care home shall review the results of the criminal records check before the applicant has sole responsibility for the care, custody, or control of any child.

(3) An applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the center or type A home shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section.

(B)(1) Except as provided in rules adopted under division (E) of this section, no child day-care center or type A family day-care home shall employ or contract with another entity for the services of a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.

(2) A child day-care center or type A family day-care home

may employ an applicant conditionally until the criminal records 141171  
check required by this section is completed and the center or home 141172  
receives the results of the criminal records check. If the results 141173  
of the criminal records check indicate that, pursuant to division 141174  
(B)(1) of this section, the applicant does not qualify for 141175  
employment, the center or home shall release the applicant from 141176  
employment. 141177

(C)(1) Each child day-care center and type A family day-care 141178  
home shall pay to the bureau of criminal identification and 141179  
investigation the fee prescribed pursuant to division (C)(3) of 141180  
section 109.572 of the Revised Code for each criminal records 141181  
check conducted in accordance with that section upon the request 141182  
pursuant to division (A)(1) of this section of the administrator 141183  
or provider of the center or home. 141184

(2) A child day-care center and type A family day-care home 141185  
may charge an applicant a fee for the costs it incurs in obtaining 141186  
a criminal records check under this section. A fee charged under 141187  
this division shall not exceed the amount of fees the center or 141188  
home pays under division (C)(1) of this section. If a fee is 141189  
charged under this division, the center or home shall notify the 141190  
applicant at the time of the applicant's initial application for 141191  
employment of the amount of the fee and that, unless the fee is 141192  
paid, the center or type A home will not consider the applicant 141193  
for employment. 141194

(D) The report of any criminal records check conducted by the 141195  
bureau of criminal identification and investigation in accordance 141196  
with section 109.572 of the Revised Code and pursuant to a request 141197  
under division (A)(1) of this section is not a public record for 141198  
the purposes of section 149.43 of the Revised Code and shall not 141199  
be made available to any person other than the applicant who is 141200  
the subject of the criminal records check or the applicant's 141201  
representative; the center or type A home requesting the criminal 141202

records check or its representative; the department of job and 141203  
family services or a county department of job and family services; 141204  
and any court, hearing officer, or other necessary individual 141205  
involved in a case dealing with the denial of employment to the 141206  
applicant. 141207

(E) The director of job and family services shall adopt rules 141208  
pursuant to Chapter 119. of the Revised Code to implement this 141209  
section, including rules specifying circumstances under which a 141210  
center or home may hire a person who has been convicted of an 141211  
offense listed in division (B)(1) of this section but who meets 141212  
standards in regard to rehabilitation set by the department. 141213

(F) Any person required by division (A)(1) of this section to 141214  
request a criminal records check shall inform each person, at the 141215  
time of the person's initial application for employment, that the 141216  
person is required to provide a set of impressions of the person's 141217  
fingerprints and that a criminal records check is required to be 141218  
conducted and satisfactorily completed in accordance with section 141219  
109.572 of the Revised Code if the person comes under final 141220  
consideration for appointment or employment as a precondition to 141221  
employment for that position. 141222

(G) As used in this section: 141223

(1) "Applicant" means a person who is under final 141224  
consideration for appointment to or employment in a position with 141225  
a child day-care center or a type A family day-care home as a 141226  
person responsible for the care, custody, or control of a child or 141227  
any person who would serve in any position with a child day-care 141228  
center or a type A family day-care home as a person responsible 141229  
for the care, custody, or control of a child pursuant to a 141230  
contract with another entity. 141231

(2) "Criminal records check" has the same meaning as in 141232  
section 109.572 of the Revised Code. 141233

**Sec. 5104.013.** (A)(1) At the times specified in division 141234  
(A)(3) of this section, the director of job and family services, 141235  
as part of the process of licensure of child day-care centers, 141236  
type A family day-care homes, and licensed type B family day-care 141237  
homes shall request the superintendent of the bureau of criminal 141238  
identification and investigation to conduct a criminal records 141239  
check with respect to the following persons: 141240

(a) Any owner, licensee, or administrator of a child day-care 141241  
center; 141242

(b) Any owner, licensee, or administrator of a type A family 141243  
day-care home and any person eighteen years of age or older who 141244  
resides in a type A family day-care home; 141245

(c) Any administrator of a licensed type B family day-care 141246  
home and any person eighteen years of age or older who resides in 141247  
a licensed type B family day-care home. 141248

(2) At the time specified in division (A)(3) of this section, 141249  
the director of a county department of job and family services, as 141250  
part of the process of certification of in-home aides, shall 141251  
request the superintendent of the bureau of criminal 141252  
identification and investigation to conduct a criminal records 141253  
check with respect to any in-home aide. 141254

(3) The director of job and family services shall request a 141255  
criminal records check pursuant to division (A)(1) of this section 141256  
at the time of the initial application for licensure and every 141257  
~~four~~ five years thereafter. The director of a county department of 141258  
job and family services shall request a criminal records check 141259  
pursuant to division (A)(2) of this section at the time of the 141260  
initial application for certification and every ~~four~~ five years 141261  
thereafter. When the director of job and family services or the 141262  
director of a county department of job and family services 141263  
requests pursuant to division (A)(1) or (2) of this section a 141264

criminal records check for a person at the time of the person's 141265  
initial application for licensure or certification, the director 141266  
shall request that the superintendent of the bureau of criminal 141267  
identification and investigation obtain information from the 141268  
federal bureau of investigation as a part of the criminal records 141269  
check for the person, including fingerprint-based checks of 141270  
national crime information databases as described in 42 U.S.C. 671 141271  
for the person subject to the criminal records check. In all other 141272  
cases in which the director of job and family services or the 141273  
director of a county department of job and family services 141274  
requests a criminal records check for an applicant pursuant to 141275  
division (A)(1) or (2) of this section, the director may request 141276  
that the superintendent include information from the federal 141277  
bureau of investigation in the criminal records check, including 141278  
fingerprint-based checks of national crime information databases 141279  
as described in 42 U.S.C. 671. 141280

(4) The director of job and family services shall review the 141281  
results of a criminal records check subsequent to a request made 141282  
pursuant to divisions (A)(1) and (3) of this section prior to 141283  
approval of a license. The director of a county department of job 141284  
and family services shall review the results of a criminal records 141285  
check subsequent to a request made pursuant to divisions (A)(2) 141286  
and (3) of this section prior to approval of certification. 141287

(B) The director of job and family services or the director 141288  
of a county department of job and family services shall provide to 141289  
each person for whom a criminal records check is required under 141290  
this section a copy of the form prescribed pursuant to division 141291  
(C)(1) of section 109.572 of the Revised Code and a standard 141292  
impression sheet to obtain fingerprint impressions prescribed 141293  
pursuant to division (C)(2) of that section, obtain the completed 141294  
form and impression sheet from that person, and forward the 141295  
completed form and impression sheet to the superintendent of the 141296

bureau of criminal identification and investigation. 141297

(C) A person who receives pursuant to division (B) of this 141298  
section a copy of the form and standard impression sheet described 141299  
in that division and who is requested to complete the form and 141300  
provide a set of fingerprint impressions shall complete the form 141301  
or provide all the information necessary to complete the form and 141302  
shall provide the impression sheet with the impressions of the 141303  
person's fingerprints. If the person, upon request, fails to 141304  
provide the information necessary to complete the form or fails to 141305  
provide impressions of the person's fingerprints, the director may 141306  
consider the failure as a reason to deny licensure or 141307  
certification. 141308

(D) Except as provided in rules adopted under division (G) of 141309  
this section, the director of job and family services shall not 141310  
grant a license to a child day-care center, type A family day-care 141311  
home, or type B family day-care home and a county director of job 141312  
and family services shall not certify an in-home aide if a person 141313  
for whom a criminal records check was required in connection with 141314  
the center or home previously has been convicted of or pleaded 141315  
guilty to any of the violations described in division (A)(5) of 141316  
section 109.572 of the Revised Code. 141317

(E) Each child day-care center, type A family day-care home, 141318  
and type B family day-care home shall pay to the bureau of 141319  
criminal identification and investigation the fee prescribed 141320  
pursuant to division (C)(3) of section 109.572 of the Revised Code 141321  
for each criminal records check conducted in accordance with that 141322  
section upon a request made pursuant to division (A) of this 141323  
section. 141324

(F) The report of any criminal records check conducted by the 141325  
bureau of criminal identification and investigation in accordance 141326  
with section 109.572 of the Revised Code and pursuant to a request 141327  
made under division (A) of this section is not a public record for 141328



the purposes of section 149.43 of the Revised Code and shall not 141329  
be made available to any person other than the person who is the 141330  
subject of the criminal records check or the person's 141331  
representative, the director of job and family services, the 141332  
director of a county department of job and family services, the 141333  
center, type A home, or type B home involved, and any court, 141334  
hearing officer, or other necessary individual involved in a case 141335  
dealing with a denial of licensure or certification related to the 141336  
criminal records check. 141337

(G) The director of job and family services shall adopt rules 141338  
in accordance with Chapter 119. of the Revised Code to implement 141339  
this section, including rules specifying exceptions to the 141340  
prohibition in division (D) of this section for persons who have 141341  
been convicted of an offense listed in that division but who meet 141342  
standards in regard to rehabilitation set by the director. 141343

(H) As used in this section, "criminal records check" has the 141344  
same meaning as in section 109.572 of the Revised Code. 141345

**Sec. 5104.03.** (A) Any person, firm, organization, 141346  
institution, or agency seeking to establish a child day-care 141347  
center, type A family day-care home, or licensed type B family 141348  
day-care home shall apply for a license to the director of job and 141349  
family services on such form as the director prescribes. The 141350  
director shall provide at no charge to each applicant for 141351  
licensure a copy of the child care license requirements in this 141352  
chapter and a copy of the rules adopted pursuant to this chapter. 141353  
The copies may be provided in paper or electronic form. 141354

Fees shall be set by the director pursuant to sections 141355  
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 141356  
paid at the time of application for a license to operate a center, 141357  
type A home, or type B home. Fees collected under this section 141358  
shall be paid into the state treasury to the credit of the general 141359

revenue fund. 141360

(B)(1) Upon filing of the application for a license, the 141361  
director shall investigate and inspect the center, type A home, or 141362  
type B home to determine the license capacity for each age 141363  
category of children of the center, type A home, or type B home 141364  
and to determine whether the center, type A home, or type B home 141365  
complies with this chapter and rules adopted pursuant to this 141366  
chapter. When, after investigation and inspection, the director is 141367  
satisfied that this chapter and rules adopted pursuant to it are 141368  
complied with, subject to division (H) of this section, a license 141369  
shall be issued as soon as practicable in such form and manner as 141370  
prescribed by the director. The license shall be designated as 141371  
provisional and shall be valid for twelve months from the date of 141372  
issuance unless revoked. 141373

(2) The director may contract with a government entity or a 141374  
private nonprofit entity for the entity to inspect and license 141375  
type B family day-care homes pursuant to this section. The 141376  
department, government entity, or nonprofit entity shall conduct 141377  
the inspection prior to the issuance of a license for the type B 141378  
home and, as part of that inspection, ensure that the type B home 141379  
is safe and sanitary. 141380

(C)(1) On receipt of an application for licensure as a type B 141381  
family day-care home to provide publicly funded child care, the 141382  
department shall search the uniform statewide automated child 141383  
welfare information system for information concerning any abuse or 141384  
neglect report made pursuant to section 2151.421 of the Revised 141385  
Code of which the applicant, any other adult residing in the 141386  
applicant's home, or a person designated by the applicant to be an 141387  
emergency or substitute caregiver for the applicant is the 141388  
subject. 141389

(2) The department shall consider any information it 141390  
discovers pursuant to division (C)(1) of this section or that is 141391

provided by a public children services agency pursuant to section 141392  
5153.175 of the Revised Code. If the department determines that 141393  
the information, when viewed within the totality of the 141394  
circumstances, reasonably leads to the conclusion that the 141395  
applicant may directly or indirectly endanger the health, safety, 141396  
or welfare of children, the department shall deny the application 141397  
for licensure or revoke the license of a type B family day-care 141398  
home. 141399

(D) The director shall investigate and inspect the center, 141400  
type A home, or type B home at least once during operation under a 141401  
license designated as provisional. If after the investigation and 141402  
inspection the director determines that the requirements of this 141403  
chapter and rules adopted pursuant to this chapter are met, 141404  
subject to division (H) of this section, the director shall issue 141405  
a new license to the center or home. 141406

(E) Each license shall state the name of the licensee, the 141407  
name of the administrator, the address of the center, type A home, 141408  
or licensed type B home, and the license capacity for each age 141409  
category of children. The license shall include thereon, in 141410  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 141411  
Revised Code, the toll-free telephone number to be used by persons 141412  
suspecting that the center, type A home, or licensed type B home 141413  
has violated a provision of this chapter or rules adopted pursuant 141414  
to this chapter. A license is valid only for the licensee, 141415  
administrator, address, and license capacity for each age category 141416  
of children designated on the license. The license capacity 141417  
specified on the license is the maximum number of children in each 141418  
age category that may be cared for in the center, type A home, or 141419  
licensed type B home at one time. 141420

The center or type A home licensee shall notify the director 141421  
when the administrator of the center or home changes. The director 141422  
shall amend the current license to reflect a change in an 141423

administrator, if the administrator meets the requirements of this 141424  
chapter and rules adopted pursuant to this chapter, or a change in 141425  
license capacity for any age category of children as determined by 141426  
the director of job and family services. 141427

(F) If the director revokes the license of a center, a type A 141428  
home, or a type B home, the director shall not issue another 141429  
license to the owner of the center, type A home, or type B home 141430  
until five years have elapsed from the date the license is 141431  
revoked. 141432

If the director denies an application for a license, the 141433  
director shall not accept another application from the applicant 141434  
until five years have elapsed from the date the application is 141435  
denied. 141436

(G) If during the application for licensure process the 141437  
director determines that the license of the owner has been 141438  
revoked, the investigation of the center, type A home, or type B 141439  
home shall cease. This action does not constitute denial of the 141440  
application and may not be appealed under division (H) of this 141441  
section. 141442

(H) All actions of the director with respect to licensing 141443  
centers, type A homes, or type B homes, refusal to license, and 141444  
revocation of a license shall be in accordance with Chapter 119. 141445  
of the Revised Code. Any applicant who is denied a license or any 141446  
owner whose license is revoked may appeal in accordance with 141447  
section 119.12 of the Revised Code. 141448

(I) In no case shall the director issue a license under this 141449  
section for a center, type A home, or type B home if the director, 141450  
based on documentation provided by the appropriate county 141451  
department of job and family services, determines that the 141452  
applicant had been certified as a type B family day-care home when 141453  
such certifications were issued by county departments prior to ~~the~~ 141454

~~effective date of this amendment~~ January 1, 2014, that the county 141455  
department revoked that certification within the immediately 141456  
preceding five years, that the revocation was based on the 141457  
applicant's refusal or inability to comply with the criteria for 141458  
certification, and that the refusal or inability resulted in a 141459  
risk to the health or safety of children. 141460

(J)(1) Except as provided in division (J)(2) of this section, 141461  
an administrator of a type B family day-care home that receives a 141462  
license pursuant to this section to provide publicly funded child 141463  
care is an independent contractor and is not an employee of the 141464  
department of job and family services. 141465

(2) For purposes of Chapter 4141. of the Revised Code, 141466  
determinations concerning the employment of an administrator of a 141467  
type B family day-care home that receives a license pursuant to 141468  
this section shall be determined under Chapter 4141. of the 141469  
Revised Code. 141470

**Sec. 5104.08.** (A) There is hereby created in the department 141471  
of job and family services a child care advisory council to advise 141472  
and assist the department in the administration of this chapter 141473  
and in the development of child care. The council shall consist of 141474  
twenty-two voting members appointed by the director of job and 141475  
family services with the approval of the governor. The director of 141476  
job and family services, the director of developmental 141477  
disabilities, the director of ~~mental health~~ mental health and 141478  
addiction services, the superintendent of public instruction, the 141479  
director of health, the director of commerce, and the state fire 141480  
marshal shall serve as nonvoting members of the council. 141481

Six members shall be representatives of child care centers 141482  
subject to licensing, the members to represent a variety of 141483  
centers, including nonprofit and proprietary, from different 141484  
geographical areas of the state. At least three members shall be 141485

parents, guardians, or custodians of children receiving child care 141486  
or publicly funded child care in the child's own home, a center, a 141487  
type A home, a head start program, a licensed type B home, or a 141488  
type B home at the time of appointment. Three members shall be 141489  
representatives of in-home aides, type A homes, licensed type B 141490  
homes, or type B homes or head start programs. At least six 141491  
members shall represent county departments of job and family 141492  
services. The remaining members shall be representatives of the 141493  
teaching, child development, and health professions, and other 141494  
individuals interested in the welfare of children. At least six 141495  
members of the council shall not be employees or licensees of a 141496  
child day-care center, head start program, or type A home, or 141497  
providers operating a licensed type B home or type B home, or 141498  
in-home aides. 141499

Appointments shall be for three-year terms. Vacancies shall 141500  
be filled for the unexpired terms. A member of the council is 141501  
subject to removal by the director of job and family services for 141502  
a willful and flagrant exercise of authority or power that is not 141503  
authorized by law, for a refusal or willful neglect to perform any 141504  
official duty as a member of the council imposed by law, or for 141505  
being guilty of misfeasance, malfeasance, nonfeasance, or gross 141506  
neglect of duty as a member of the council. 141507

There shall be two co-chairpersons of the council. One 141508  
co-chairperson shall be the director of job and family services or 141509  
the director's designee, and one co-chairperson shall be elected 141510  
by the members of the council. The council shall meet as often as 141511  
is necessary to perform its duties, provided that it shall meet at 141512  
least once in each quarter of each calendar year and at the call 141513  
of the co-chairpersons. The co-chairpersons or their designee 141514  
shall send to each member a written notice of the date, time, and 141515  
place of each meeting. 141516

Members of the council shall serve without compensation, but 141517

shall be reimbursed for necessary expenses. 141518

(B) The child care advisory council shall advise the director 141519  
on matters affecting the licensing of centers, type A homes, and 141520  
type B homes and the certification of in-home aides. The council 141521  
shall make an annual report to the director of job and family 141522  
services that addresses the availability, affordability, 141523  
accessibility, and quality of child care and that summarizes the 141524  
recommendations and plans of action that the council has proposed 141525  
to the director during the preceding fiscal year. The director of 141526  
job and family services shall provide copies of the report to the 141527  
governor, speaker and minority leader of the house of 141528  
representatives, and the president and minority leader of the 141529  
senate and, on request, shall make copies available to the public. 141530

(C) The director of job and family services shall adopt rules 141531  
in accordance with Chapter 119. of the Revised Code to implement 141532  
this section. 141533

**Sec. 5104.32.** (A) Except as provided in division (C) of this 141534  
section, all purchases of publicly funded child care shall be made 141535  
under a contract entered into by a licensed child day-care center, 141536  
licensed type A family day-care home, licensed type B family 141537  
day-care home, certified in-home aide, approved child day camp, 141538  
licensed preschool program, licensed school child program, or 141539  
border state child care provider and the department of job and 141540  
family services. All contracts for publicly funded child care 141541  
shall be contingent upon the availability of state and federal 141542  
funds. The department shall prescribe a standard form to be used 141543  
for all contracts for the purchase of publicly funded child care, 141544  
regardless of the source of public funds used to purchase the 141545  
child care. To the extent permitted by federal law and 141546  
notwithstanding any other provision of the Revised Code that 141547  
regulates state contracts or contracts involving the expenditure 141548

of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds.

(B) Each contract for publicly funded child care shall specify at least the following:

(1) That the provider of publicly funded child care agrees to be paid for rendering services at the lower of the rate customarily charged by the provider for children enrolled for child care or the reimbursement ceiling or rate of payment established pursuant to section 5104.30 of the Revised Code;

(2) That, if a provider provides child care to an individual potentially eligible for publicly funded child care who is subsequently determined to be eligible, the department agrees to pay for all child care provided between the date the county department of job and family services receives the individual's completed application and the date the individual's eligibility is determined;

(3) Whether the county department of job and family services, the provider, or a child care resource and referral service organization will make eligibility determinations, whether the provider or a child care resource and referral service organization will be required to collect information to be used by the county department to make eligibility determinations, and the time period within which the provider or child care resource and referral service organization is required to complete required eligibility determinations or to transmit to the county department any information collected for the purpose of making eligibility determinations;

(4) That the provider, other than a border state child care



provider, shall continue to be licensed, approved, or certified 141580  
pursuant to this chapter and shall comply with all standards and 141581  
other requirements in this chapter and in rules adopted pursuant 141582  
to this chapter for maintaining the provider's license, approval, 141583  
or certification; 141584

(5) That, in the case of a border state child care provider, 141585  
the provider shall continue to be licensed, certified, or 141586  
otherwise approved by the state in which the provider is located 141587  
and shall comply with all standards and other requirements 141588  
established by that state for maintaining the provider's license, 141589  
certificate, or other approval; 141590

(6) Whether the provider will be paid by the state department 141591  
of job and family services or in some other manner as prescribed 141592  
by rules adopted under section 5104.42 of the Revised Code; 141593

(7) That the contract is subject to the availability of state 141594  
and federal funds. 141595

(C) Unless specifically prohibited by federal law or by rules 141596  
adopted under section 5104.42 of the Revised Code, the county 141597  
department of job and family services shall give individuals 141598  
eligible for publicly funded child care the option of obtaining 141599  
certificates that the individual may use to purchase services from 141600  
any provider qualified to provide publicly funded child care under 141601  
section 5104.31 of the Revised Code. Providers of publicly funded 141602  
child care may present these certificates for payment in 141603  
accordance with rules that the director of job and family services 141604  
shall adopt. Only providers may receive payment for certificates. 141605  
The value of the certificate shall be based on the lower of the 141606  
rate customarily charged by the provider or the rate of payment 141607  
established pursuant to section 5104.30 of the Revised Code. The 141608  
county department may provide the certificates to the individuals 141609  
or may contract with child care providers or child care resource 141610  
and referral service organizations that make determinations of 141611

eligibility for publicly funded child care pursuant to contracts 141612  
entered into under section 5104.34 of the Revised Code for the 141613  
providers or resource and referral service organizations to 141614  
provide the certificates to individuals whom they determine are 141615  
eligible for publicly funded child care. 141616

For each six-month period a provider of publicly funded child 141617  
care provides publicly funded child care to the child of an 141618  
individual given certificates, the individual shall provide the 141619  
provider certificates for days the provider would have provided 141620  
publicly funded child care to the child had the child been 141621  
present. The maximum number of days providers shall be provided 141622  
certificates shall not exceed ten days in a six-month period 141623  
during which publicly funded child care is provided to the child 141624  
regardless of the number of providers that provide publicly funded 141625  
child care to the child during that period. 141626

(D)(1) The department shall establish the Ohio electronic 141627  
child care system to track attendance and calculate payments for 141628  
publicly funded child care. The system shall include issuing an 141629  
electronic child care card to each caretaker parent to swipe 141630  
through a point of service device issued to an eligible provider, 141631  
as described in section 5104.31 of the Revised Code. 141632

(2) Each eligible provider that provides publicly funded 141633  
child care shall participate in the Ohio electronic child care 141634  
system. A provider participating in the system shall not do any of 141635  
the following: 141636

(a) Use or have possession of an electronic child care card 141637  
issued to a caretaker parent; 141638

(b) Falsify attendance records; 141639

(c) Knowingly seek payment for publicly funded child care 141640  
that was not provided; 141641

(d) Knowingly accept reimbursement for publicly funded child 141642

care that was not provided. 141643

**Section 110.21.** That the existing versions of sections 141644  
109.57, 2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, 141645  
and 5104.32 of the Revised Code that are scheduled to take effect 141646  
January 1, 2014, are hereby repealed. 141647

**Section 110.22.** Sections 110.20 and 110.21 of this act shall 141648  
take effect January 1, 2014, except that the amendments by 141649  
Sections 110.20 and 110.21 of this act to divisions (B)(49) and 141650  
(50) of section 2151.011 of the Revised Code shall take effect 141651  
July 1, 2014. 141652

**Section 110.30.** That the versions of sections 4501.01, 141653  
4507.01, and 4507.06 of the Revised Code that are scheduled to 141654  
take effect January 1, 2017, be amended to read as follows: 141655

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 141656  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 141657  
Revised Code, and in the penal laws, except as otherwise provided: 141658

(A) "Vehicles" means everything on wheels or runners, 141659  
including motorized bicycles, but does not mean electric personal 141660  
assistive mobility devices, vehicles that are operated exclusively 141661  
on rails or tracks or from overhead electric trolley wires, and 141662  
vehicles that belong to any police department, municipal fire 141663  
department, or volunteer fire department, or that are used by such 141664  
a department in the discharge of its functions. 141665

(B) "Motor vehicle" means any vehicle, including mobile homes 141666  
and recreational vehicles, that is propelled or drawn by power 141667  
other than muscular power or power collected from overhead 141668  
electric trolley wires. "Motor vehicle" does not include utility 141669  
vehicles as defined in division (VV) of this section, under-speed 141670  
vehicles as defined in division (XX) of this section, mini-trucks 141671

as defined in division (BBB) of this section, motorized bicycles, 141672  
road rollers, traction engines, power shovels, power cranes, and 141673  
other equipment used in construction work and not designed for or 141674  
employed in general highway transportation, well-drilling 141675  
machinery, ditch-digging machinery, farm machinery, and trailers 141676  
that are designed and used exclusively to transport a boat between 141677  
a place of storage and a marina, or in and around a marina, when 141678  
drawn or towed on a public road or highway for a distance of no 141679  
more than ten miles and at a speed of twenty-five miles per hour 141680  
or less. 141681

(C) "Agricultural tractor" and "traction engine" mean any 141682  
self-propelling vehicle that is designed or used for drawing other 141683  
vehicles or wheeled machinery, but has no provisions for carrying 141684  
loads independently of such other vehicles, and that is used 141685  
principally for agricultural purposes. 141686

(D) "Commercial tractor," except as defined in division (C) 141687  
of this section, means any motor vehicle that has motive power and 141688  
either is designed or used for drawing other motor vehicles, or is 141689  
designed or used for drawing another motor vehicle while carrying 141690  
a portion of the other motor vehicle or its load, or both. 141691

(E) "Passenger car" means any motor vehicle that is designed 141692  
and used for carrying not more than nine persons and includes any 141693  
motor vehicle that is designed and used for carrying not more than 141694  
fifteen persons in a ridesharing arrangement. 141695

(F) "Collector's vehicle" means any motor vehicle or 141696  
agricultural tractor or traction engine that is of special 141697  
interest, that has a fair market value of one hundred dollars or 141698  
more, whether operable or not, and that is owned, operated, 141699  
collected, preserved, restored, maintained, or used essentially as 141700  
a collector's item, leisure pursuit, or investment, but not as the 141701  
owner's principal means of transportation. "Licensed collector's 141702  
vehicle" means a collector's vehicle, other than an agricultural 141703

tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

(G) "Historical motor vehicle" means any motor vehicle that is over twenty-five years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation.

(H) "Noncommercial motor vehicle" means any motor vehicle, including a farm truck as defined in section 4503.04 of the Revised Code, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

(I) "Bus" means any motor vehicle that has motor power and is designed and used for carrying more than nine passengers, except any motor vehicle that is designed and used for carrying not more than fifteen passengers in a ridesharing arrangement.

(J) "Commercial car" or "truck" means any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor.

(K) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.

(L) "Motorized bicycle" or "moped" means any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston

displacement that produces no more than one brake horsepower and 141735  
is capable of propelling the vehicle at a speed of no greater than 141736  
twenty miles per hour on a level surface. 141737

(M) "Trailer" means any vehicle without motive power that is 141738  
designed or used for carrying property or persons wholly on its 141739  
own structure and for being drawn by a motor vehicle, and includes 141740  
any such vehicle that is formed by or operated as a combination of 141741  
a semitrailer and a vehicle of the dolly type such as that 141742  
commonly known as a trailer dolly, a vehicle used to transport 141743  
agricultural produce or agricultural production materials between 141744  
a local place of storage or supply and the farm when drawn or 141745  
towed on a public road or highway at a speed greater than 141746  
twenty-five miles per hour, and a vehicle that is designed and 141747  
used exclusively to transport a boat between a place of storage 141748  
and a marina, or in and around a marina, when drawn or towed on a 141749  
public road or highway for a distance of more than ten miles or at 141750  
a speed of more than twenty-five miles per hour. "Trailer" does 141751  
not include a manufactured home or travel trailer. 141752

(N) "Noncommercial trailer" means any trailer, except a 141753  
travel trailer or trailer that is used to transport a boat as 141754  
described in division (B) of this section, but, where applicable, 141755  
includes a vehicle that is used to transport a boat as described 141756  
in division (M) of this section, that has a gross weight of no 141757  
more than ten thousand pounds, and that is used exclusively for 141758  
purposes other than engaging in business for a profit, such as the 141759  
transportation of personal items for personal or recreational 141760  
purposes. 141761

(O) "Mobile home" means a building unit or assembly of closed 141762  
construction that is fabricated in an off-site facility, is more 141763  
than thirty-five body feet in length or, when erected on site, is 141764  
three hundred twenty or more square feet, is built on a permanent 141765  
chassis, is transportable in one or more sections, and does not 141766

qualify as a manufactured home as defined in division (C)(4) of 141767  
section 3781.06 of the Revised Code or as an industrialized unit 141768  
as defined in division (C)(3) of section 3781.06 of the Revised 141769  
Code. 141770

(P) "Semitrailer" means any vehicle of the trailer type that 141771  
does not have motive power and is so designed or used with another 141772  
and separate motor vehicle that in operation a part of its own 141773  
weight or that of its load, or both, rests upon and is carried by 141774  
the other vehicle furnishing the motive power for propelling 141775  
itself and the vehicle referred to in this division, and includes, 141776  
for the purpose only of registration and taxation under those 141777  
chapters, any vehicle of the dolly type, such as a trailer dolly, 141778  
that is designed or used for the conversion of a semitrailer into 141779  
a trailer. 141780

(Q) "Recreational vehicle" means a vehicular portable 141781  
structure that meets all of the following conditions: 141782

(1) It is designed for the sole purpose of recreational 141783  
travel. 141784

(2) It is not used for the purpose of engaging in business 141785  
for profit. 141786

(3) It is not used for the purpose of engaging in intrastate 141787  
commerce. 141788

(4) It is not used for the purpose of commerce as defined in 141789  
49 C.F.R. 383.5, as amended. 141790

(5) It is not regulated by the public utilities commission 141791  
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 141792

(6) It is classed as one of the following: 141793

(a) "Travel trailer" or "house vehicle" means a 141794  
nonsell-propelled recreational vehicle that does not exceed an 141795  
overall length of forty feet, exclusive of bumper and tongue or 141796

coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code. 141797  
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(b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping. 141799  
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(c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. 141803  
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(d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck. 141809  
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(e) "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances. 141815  
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(R) "Pneumatic tires" means tires of rubber and fabric or tires of similar material, that are inflated with air. 141822  
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(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load. 141824  
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(T) "Solid tire vehicle" means any vehicle that is equipped 141827



with two or more solid tires. 141828

(U) "Farm machinery" means all machines and tools that are 141829  
used in the production, harvesting, and care of farm products, and 141830  
includes trailers that are used to transport agricultural produce 141831  
or agricultural production materials between a local place of 141832  
storage or supply and the farm, agricultural tractors, threshing 141833  
machinery, hay-baling machinery, corn shellers, hammermills, and 141834  
machinery used in the production of horticultural, agricultural, 141835  
and vegetable products. 141836

(V) "Owner" includes any person or firm, other than a 141837  
manufacturer or dealer, that has title to a motor vehicle, except 141838  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 141839  
includes in addition manufacturers and dealers. 141840

(W) "Manufacturer" and "dealer" include all persons and firms 141841  
that are regularly engaged in the business of manufacturing, 141842  
selling, displaying, offering for sale, or dealing in motor 141843  
vehicles, at an established place of business that is used 141844  
exclusively for the purpose of manufacturing, selling, displaying, 141845  
offering for sale, or dealing in motor vehicles. A place of 141846  
business that is used for manufacturing, selling, displaying, 141847  
offering for sale, or dealing in motor vehicles shall be deemed to 141848  
be used exclusively for those purposes even though snowmobiles or 141849  
all-purpose vehicles are sold or displayed for sale thereat, even 141850  
though farm machinery is sold or displayed for sale thereat, or 141851  
even though repair, accessory, gasoline and oil, storage, parts, 141852  
service, or paint departments are maintained thereat, or, in any 141853  
county having a population of less than seventy-five thousand at 141854  
the last federal census, even though a department in a place of 141855  
business is used to dismantle, salvage, or rebuild motor vehicles 141856  
by means of used parts, if such departments are operated for the 141857  
purpose of furthering and assisting in the business of 141858  
manufacturing, selling, displaying, offering for sale, or dealing 141859

in motor vehicles. Places of business or departments in a place of 141860  
business used to dismantle, salvage, or rebuild motor vehicles by 141861  
means of using used parts are not considered as being maintained 141862  
for the purpose of assisting or furthering the manufacturing, 141863  
selling, displaying, and offering for sale or dealing in motor 141864  
vehicles. 141865

(X) "Operator" includes any person who drives or operates a 141866  
motor vehicle upon the public highways. 141867

(Y) "Chauffeur" means any operator who operates a motor 141868  
vehicle, other than a taxicab, as an employee for hire; or any 141869  
operator whether or not the owner of a motor vehicle, other than a 141870  
taxicab, who operates such vehicle for transporting, for gain, 141871  
compensation, or profit, either persons or property owned by 141872  
another. Any operator of a motor vehicle who is voluntarily 141873  
involved in a ridesharing arrangement is not considered an 141874  
employee for hire or operating such vehicle for gain, 141875  
compensation, or profit. 141876

(Z) "State" includes the territories and federal districts of 141877  
the United States, and the provinces of Canada. 141878

(AA) "Public roads and highways" for vehicles includes all 141879  
public thoroughfares, bridges, and culverts. 141880

(BB) "Manufacturer's number" means the manufacturer's 141881  
original serial number that is affixed to or imprinted upon the 141882  
chassis or other part of the motor vehicle. 141883

(CC) "Motor number" means the manufacturer's original number 141884  
that is affixed to or imprinted upon the engine or motor of the 141885  
vehicle. 141886

(DD) "Distributor" means any person who is authorized by a 141887  
motor vehicle manufacturer to distribute new motor vehicles to 141888  
licensed motor vehicle dealers at an established place of business 141889  
that is used exclusively for the purpose of distributing new motor 141890

vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(FF) "Apportionable vehicle" means any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:

(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;

(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;

(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.

"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used for the transportation of chartered parties, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying motor vehicle at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the United States department of transportation, for the purpose of group travel to a specified destination or for a particular itinerary, either agreed

upon in advance or modified by the chartered group after having 141922  
left the place of origin. 141923

(HH) "International registration plan" means a reciprocal 141924  
agreement of member jurisdictions that is endorsed by the American 141925  
association of motor vehicle administrators, and that promotes and 141926  
encourages the fullest possible use of the highway system by 141927  
authorizing apportioned registration of fleets of vehicles and 141928  
recognizing registration of vehicles apportioned in member 141929  
jurisdictions. 141930

(II) "Restricted plate" means a license plate that has a 141931  
restriction of time, geographic area, mileage, or commodity, and 141932  
includes license plates issued to farm trucks under division (J) 141933  
of section 4503.04 of the Revised Code. 141934

(JJ) "Gross vehicle weight," with regard to any commercial 141935  
car, trailer, semitrailer, or bus that is taxed at the rates 141936  
established under section 4503.042 or 4503.65 of the Revised Code, 141937  
means the unladen weight of the vehicle fully equipped plus the 141938  
maximum weight of the load to be carried on the vehicle. 141939

(KK) "Combined gross vehicle weight" with regard to any 141940  
combination of a commercial car, trailer, and semitrailer, that is 141941  
taxed at the rates established under section 4503.042 or 4503.65 141942  
of the Revised Code, means the total unladen weight of the 141943  
combination of vehicles fully equipped plus the maximum weight of 141944  
the load to be carried on that combination of vehicles. 141945

(LL) "Chauffeured limousine" means a motor vehicle that is 141946  
designed to carry nine or fewer passengers and is operated for 141947  
hire ~~on an hourly basis~~ pursuant to a prearranged contract for the 141948  
transportation of passengers on public roads and highways along a 141949  
route under the control of the person hiring the vehicle and not 141950  
over a defined and regular route. "Prearranged contract" means an 141951  
agreement, made in advance of boarding, to provide transportation 141952

from a specific location in a chauffeured limousine ~~at a fixed~~ 141953  
~~rate per hour or trip~~. "Chauffeured limousine" does not include 141954  
any vehicle that is used exclusively in the business of funeral 141955  
directing. 141956

(MM) "Manufactured home" has the same meaning as in division 141957  
(C)(4) of section 3781.06 of the Revised Code. 141958

(NN) "Acquired situs," with respect to a manufactured home or 141959  
a mobile home, means to become located in this state by the 141960  
placement of the home on real property, but does not include the 141961  
placement of a manufactured home or a mobile home in the inventory 141962  
of a new motor vehicle dealer or the inventory of a manufacturer, 141963  
remanufacturer, or distributor of manufactured or mobile homes. 141964

(OO) "Electronic" includes electrical, digital, magnetic, 141965  
optical, electromagnetic, or any other form of technology that 141966  
entails capabilities similar to these technologies. 141967

(PP) "Electronic record" means a record generated, 141968  
communicated, received, or stored by electronic means for use in 141969  
an information system or for transmission from one information 141970  
system to another. 141971

(QQ) "Electronic signature" means a signature in electronic 141972  
form attached to or logically associated with an electronic 141973  
record. 141974

(RR) "Financial transaction device" has the same meaning as 141975  
in division (A) of section 113.40 of the Revised Code. 141976

(SS) "Electronic motor vehicle dealer" means a motor vehicle 141977  
dealer licensed under Chapter 4517. of the Revised Code whom the 141978  
registrar of motor vehicles determines meets the criteria 141979  
designated in section 4503.035 of the Revised Code for electronic 141980  
motor vehicle dealers and designates as an electronic motor 141981  
vehicle dealer under that section. 141982

(TT) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour.

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(UU) "Limited driving privileges" means the privilege to operate a motor vehicle that a court grants under section 4510.021 of the Revised Code to a person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended.

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(VV) "Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities.

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(WW) "Low-speed vehicle" means a three- or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating less than three thousand pounds.

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(XX) "Under-speed vehicle" means a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.

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(YY) "Motor-driven cycle or motor scooter" means any vehicle designed to travel on not more than three wheels in contact with the ground, with a seat for the driver and floor pad for the driver's feet, and is equipped with a motor with a piston displacement between fifty and one hundred fifty cubic centimeters

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piston displacement that produces not more than five brake 142014  
horsepower and is capable of propelling the vehicle at a speed 142015  
greater than twenty miles per hour on a level surface. 142016

(ZZ) "Motorcycle" means a motor vehicle with motive power 142017  
having a seat or saddle for the use of the operator, designed to 142018  
travel on not more than three wheels in contact with the ground, 142019  
and having no occupant compartment top or occupant compartment top 142020  
that can be installed or removed by the user. 142021

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 142022  
motive power having a seat or saddle for the use of the operator, 142023  
designed to travel on not more than three wheels in contact with 142024  
the ground, and having an occupant compartment top or an occupant 142025  
compartment top that can be installed or removed by the user. 142026

(BBB) "Mini-truck" means a vehicle that has four wheels, is 142027  
propelled by an electric motor with a rated power of seven 142028  
thousand five hundred watts or less or an internal combustion 142029  
engine with a piston displacement capacity of six hundred sixty 142030  
cubic centimeters or less, has a total dry weight of nine hundred 142031  
to two thousand two hundred pounds, contains an enclosed cabin and 142032  
a seat for the vehicle operator, resembles a pickup truck or van 142033  
with a cargo area or bed located at the rear of the vehicle, and 142034  
was not originally manufactured to meet federal motor vehicle 142035  
safety standards. 142036

"Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 142037  
"motorized bicycle," "state," "owner," "operator," "chauffeur," 142038  
and "highways" have the same meanings as in section 4501.01 of the 142039  
Revised Code. 142040

"Driver's license" means a class D license issued to any 142041  
person to operate a motor vehicle or motor-driven cycle, other 142042  
than a commercial motor vehicle, and includes "probationary 142043  
license," "restricted license," and any operator's or chauffeur's 142044

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|-------------------------------------------------------------------|--------|
| license issued before January 1, 1990.                            | 142045 |
| "Probationary license" means the license issued to any person     | 142046 |
| between sixteen and eighteen years of age to operate a motor      | 142047 |
| vehicle.                                                          | 142048 |
| "Restricted license" means the license issued to any person       | 142049 |
| to operate a motor vehicle subject to conditions or restrictions  | 142050 |
| imposed by the registrar of motor vehicles.                       | 142051 |
| "Commercial driver's license" means the license issued to a       | 142052 |
| person under Chapter 4506. of the Revised Code to operate a       | 142053 |
| commercial motor vehicle.                                         | 142054 |
| "Commercial motor vehicle" has the same meaning as in section     | 142055 |
| 4506.01 of the Revised Code.                                      | 142056 |
| "Motorcycle operator's temporary instruction permit, license,     | 142057 |
| or endorsement" includes a temporary instruction permit, license, | 142058 |
| or endorsement for a motor-driven cycle or motor scooter unless   | 142059 |
| otherwise specified.                                              | 142060 |
| "Motorized bicycle license" means the license issued under        | 142061 |
| section 4511.521 of the Revised Code to any person to operate a   | 142062 |
| motorized bicycle including a "probationary motorized bicycle     | 142063 |
| license."                                                         | 142064 |
| "Probationary motorized bicycle license" means the license        | 142065 |
| issued under section 4511.521 of the Revised Code to any person   | 142066 |
| between fourteen and sixteen years of age to operate a motorized  | 142067 |
| bicycle.                                                          | 142068 |
| "Identification card" means a card issued under sections          | 142069 |
| 4507.50 and 4507.51 of the Revised Code.                          | 142070 |
| "Resident" means a person who, in accordance with standards       | 142071 |
| prescribed in rules adopted by the registrar, resides in this     | 142072 |
| state on a permanent basis.                                       | 142073 |
| "Temporary resident" means a person who, in accordance with       | 142074 |



standards prescribed in rules adopted by the registrar, resides in 142075  
this state on a temporary basis. 142076

(B) In the administration of this chapter and Chapter 4506. 142077  
of the Revised Code, the registrar has the same authority as is 142078  
conferred on the registrar by section 4501.02 of the Revised Code. 142079  
Any act of an authorized deputy registrar of motor vehicles under 142080  
direction of the registrar is deemed the act of the registrar. 142081

To carry out this chapter, the registrar shall appoint such 142082  
deputy registrars ~~in each county~~ as are necessary. 142083

The registrar also shall provide at each place where an 142084  
application for a driver's or commercial driver's license or 142085  
identification card may be made the necessary equipment to take a 142086  
color photograph of the applicant for such license or card as 142087  
required under section 4506.11 or 4507.06 of the Revised Code, and 142088  
to conduct the vision screenings required by section 4507.12 of 142089  
the Revised Code, and equipment to laminate licenses, motorized 142090  
bicycle licenses, and identification cards as required by sections 142091  
4507.13, 4507.52, and 4511.521 of the Revised Code. 142092

The registrar shall assign one or more deputy registrars to 142093  
any driver's license examining station operated under the 142094  
supervision of the director of public safety, whenever the 142095  
registrar considers such assignment possible. Space shall be 142096  
provided in the driver's license examining station for any such 142097  
deputy registrar so assigned. The deputy registrars shall not 142098  
exercise the powers conferred by such sections upon the registrar, 142099  
unless they are specifically authorized to exercise such powers by 142100  
such sections. 142101

(C) No agent for any insurance company, writing automobile 142102  
insurance, shall be appointed deputy registrar, and any such 142103  
appointment is void. No deputy registrar shall in any manner 142104  
solicit any form of automobile insurance, nor in any manner 142105

advise, suggest, or influence any licensee or applicant for 142106  
license for or against any kind or type of automobile insurance, 142107  
insurance company, or agent, nor have the deputy registrar's 142108  
office directly connected with the office of any automobile 142109  
insurance agent, nor impart any information furnished by any 142110  
applicant for a license or identification card to any person, 142111  
except the registrar. This division shall not apply to any 142112  
nonprofit corporation appointed deputy registrar. 142113

(D) The registrar shall immediately remove a deputy registrar 142114  
who violates the requirements of this chapter. 142115

(E) The registrar shall periodically solicit bids and enter 142116  
into a contract for the provision of laminating equipment and 142117  
laminating materials to the registrar and all deputy registrars. 142118  
The registrar shall not consider any bid that does not provide for 142119  
the supplying of both laminating equipment and laminating 142120  
materials. The laminating materials selected shall contain a 142121  
security feature so that any tampering with the laminating 142122  
material covering a license or identification card is readily 142123  
apparent. In soliciting bids and entering into a contract for the 142124  
provision of laminating equipment and laminating materials, the 142125  
registrar shall observe all procedures required by law. 142126

**Sec. 4507.06.** (A)(1) Every application for a driver's 142127  
license, motorcycle operator's license or endorsement, or 142128  
motor-driven cycle or motor scooter license or endorsement, or 142129  
duplicate of any such license or endorsement, shall be made upon 142130  
the approved form furnished by the registrar of motor vehicles and 142131  
shall be signed by the applicant. 142132

Every application shall state the following: 142133

(a) The applicant's name, date of birth, social security 142134  
number if such has been assigned, sex, general description, 142135  
including height, weight, color of hair, and eyes, residence 142136

address, including county of residence, duration of residence in 142137  
this state, and country of citizenship; 142138

(b) Whether the applicant previously has been licensed as an 142139  
operator, chauffeur, driver, commercial driver, or motorcycle 142140  
operator and, if so, when, by what state, and whether such license 142141  
is suspended or canceled at the present time and, if so, the date 142142  
of and reason for the suspension or cancellation; 142143

(c) Whether the applicant is now or ever has been afflicted 142144  
with epilepsy, or whether the applicant now is suffering from any 142145  
physical or mental disability or disease and, if so, the nature 142146  
and extent of the disability or disease, giving the names and 142147  
addresses of physicians then or previously in attendance upon the 142148  
applicant; 142149

(d) Whether an applicant for a duplicate driver's license, 142150  
duplicate license containing a motorcycle operator endorsement, or 142151  
duplicate license containing a motor-driven cycle or motor scooter 142152  
endorsement has pending a citation for violation of any motor 142153  
vehicle law or ordinance, a description of any such citation 142154  
pending, and the date of the citation; 142155

(e) ~~Whether~~ If an applicant has not certified the applicant's 142156  
willingness to make an anatomical gift under section 2108.05 of 142157  
the Revised Code, whether the applicant wishes to certify 142158  
willingness to make such an anatomical gift ~~under section 2108.05~~ 142159  
~~of the Revised Code~~, which shall be given no consideration in the 142160  
issuance of a license or endorsement; 142161

(f) Whether the applicant has executed a valid durable power 142162  
of attorney for health care pursuant to sections 1337.11 to 142163  
1337.17 of the Revised Code or has executed a declaration 142164  
governing the use or continuation, or the withholding or 142165  
withdrawal, of life-sustaining treatment pursuant to sections 142166  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 142167

executed either type of instrument, whether the applicant wishes 142168  
the applicant's license to indicate that the applicant has 142169  
executed the instrument; 142170

(g) On and after October 7, 2009, whether the applicant is a 142171  
veteran, active duty, or reservist of the armed forces of the 142172  
United States and, if the applicant is such, whether the applicant 142173  
wishes the applicant's license to indicate that the applicant is a 142174  
veteran, active duty, or reservist of the armed forces of the 142175  
United States by a military designation on the license. 142176

(2) Every applicant for a driver's license shall be 142177  
photographed in color at the time the application for the license 142178  
is made. The application shall state any additional information 142179  
that the registrar requires. 142180

(B) The registrar or a deputy registrar, in accordance with 142181  
section 3503.11 of the Revised Code, shall register as an elector 142182  
any person who applies for a license or endorsement under division 142183  
(A) of this section, or for a renewal or duplicate of the license 142184  
or endorsement, if the applicant is eligible and wishes to be 142185  
registered as an elector. The decision of an applicant whether to 142186  
register as an elector shall be given no consideration in the 142187  
decision of whether to issue the applicant a license or 142188  
endorsement, or a renewal or duplicate. 142189

(C) The registrar or a deputy registrar, in accordance with 142190  
section 3503.11 of the Revised Code, shall offer the opportunity 142191  
of completing a notice of change of residence or change of name to 142192  
any applicant for a driver's license or endorsement under division 142193  
(A) of this section, or for a renewal or duplicate of the license 142194  
or endorsement, if the applicant is a registered elector who has 142195  
changed the applicant's residence or name and has not filed such a 142196  
notice. 142197

(D) In addition to any other information it contains, on and 142198

after October 7, 2009, the approved form furnished by the 142199  
registrar of motor vehicles for an application for a license or 142200  
endorsement or an application for a duplicate of any such license 142201  
or endorsement shall inform applicants that the applicant must 142202  
present a copy of the applicant's DD-214 or an equivalent document 142203  
in order to qualify to have the license or duplicate indicate that 142204  
the applicant is a veteran, active duty, or reservist of the armed 142205  
forces of the United States based on a request made pursuant to 142206  
division (A)(1)(g) of this section. 142207

**Section 110.31.** That the existing versions of sections 142208  
4501.01, 4507.01, and 4507.06 of the Revised Code that are 142209  
scheduled to take effect January 1, 2017, are hereby repealed. 142210

**Section 110.32.** Sections 110.30 and 110.31 of this act shall 142211  
take effect January 1, 2017. 142212

**Section 125.10.** (A) Sections 5168.01, 5168.02, 5168.03, 142213  
5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 142214  
5168.11, 5168.12, 5168.13, 5168.99, and 5168.991 of the Revised 142215  
Code are hereby repealed, effective October 16, 2015. 142216

(B) Any money remaining in the Legislative Budget Services 142217  
Fund on October 16, 2015, the date that section 5168.12 of the 142218  
Revised Code is repealed by division (A) of this section, shall be 142219  
used solely for the purposes stated in then former section 5168.12 142220  
of the Revised Code. When all money in the Legislative Budget 142221  
Services Fund has been spent after then former section 5168.12 of 142222  
the Revised Code is repealed under division (A) of this section, 142223  
the fund shall cease to exist. 142224

**Section 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 142225  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 142226  
Code are hereby repealed, effective October 1, 2015. 142227

**Section 125.11.03.** Section 5124.67 of the Revised Code is hereby repealed, effective July 1, 2018.

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**Section 125.11.10.** That Section 267.60.31 of Am. Sub. H.B. 153 of the 129th General Assembly is hereby repealed.

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**Section 125.12.** That Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 153 of the 129th General Assembly, is hereby repealed.

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**Section 125.13.** That Section 125.10 of Am. Sub. H.B. 1 of the 128th General Assembly, as most recently amended by Am. Sub. H.B. 153 of the 129th General Assembly, is hereby repealed.

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**Section 125.14.** That Section 514.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.

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**Section 201.10.** Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2014 and the amounts in the second column are for fiscal year 2015.

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**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO

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General Services Fund Group

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4J80 889601 CPA Education \$ 325,000 \$ 325,000 Assistance

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4K90 889609 Operating Expenses \$ 977,500 \$ 977,500

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TOTAL GSF General Services Fund

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Group \$ 1,302,500 \$ 1,302,500

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|                                             |                       |    |            |    |            |        |
|---------------------------------------------|-----------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                |                       | \$ | 1,302,500  | \$ | 1,302,500  | 142253 |
| <b>Section 205.10. ADJ ADJUTANT GENERAL</b> |                       |    |            |    |            | 142255 |
| General Revenue Fund                        |                       |    |            |    |            | 142256 |
| GRF 745401                                  | Ohio Military Reserve | \$ | 12,308     | \$ | 12,308     | 142257 |
| GRF 745404                                  | Air National Guard    | \$ | 1,810,606  | \$ | 1,810,606  | 142258 |
| GRF 745407                                  | National Guard        | \$ | 400,000    | \$ | 400,000    | 142259 |
| Benefits                                    |                       |    |            |    |            |        |
| GRF 745409                                  | Central               | \$ | 2,682,098  | \$ | 2,682,098  | 142260 |
| Administration                              |                       |    |            |    |            |        |
| GRF 745499                                  | Army National Guard   | \$ | 3,689,871  | \$ | 3,689,871  | 142261 |
| TOTAL GRF General Revenue Fund              |                       | \$ | 8,594,883  | \$ | 8,594,883  | 142262 |
| General Services Fund Group                 |                       |    |            |    |            | 142263 |
| 5340 745612                                 | Property Operations   | \$ | 534,304    | \$ | 534,304    | 142264 |
| Management                                  |                       |    |            |    |            |        |
| 5360 745605                                 | Marksmanship          | \$ | 128,600    | \$ | 128,600    | 142265 |
| Activities                                  |                       |    |            |    |            |        |
| 5360 745620                                 | Camp Perry and        | \$ | 978,846    | \$ | 978,846    | 142266 |
| Buckeye Inn                                 |                       |    |            |    |            |        |
| Operations                                  |                       |    |            |    |            |        |
| 5370 745604                                 | Ohio National Guard   | \$ | 62,000     | \$ | 62,000     | 142267 |
| Facilities                                  |                       |    |            |    |            |        |
| Maintenance                                 |                       |    |            |    |            |        |
| TOTAL GSF General Services Fund             |                       | \$ | 1,703,750  | \$ | 1,703,750  | 142268 |
| Group                                       |                       |    |            |    |            |        |
| Federal Special Revenue Fund Group          |                       |    |            |    |            | 142269 |
| 3410 745615                                 | Air National Guard    | \$ | 2,919,000  | \$ | 2,919,000  | 142270 |
| Base Security                               |                       |    |            |    |            |        |
| 3420 745616                                 | Army National Guard   | \$ | 15,063,000 | \$ | 15,063,000 | 142271 |
| Service Agreement                           |                       |    |            |    |            |        |
| 3E80 745628                                 | Air National Guard    | \$ | 16,850,000 | \$ | 16,850,000 | 142272 |
| Operations and                              |                       |    |            |    |            |        |

|                  |             |                                                                    |    |            |                      |
|------------------|-------------|--------------------------------------------------------------------|----|------------|----------------------|
|                  | Maintenance |                                                                    |    |            |                      |
| 3R80             | 745603      | Counter Drug                                                       | \$ | 15,000     | \$ 15,000 142273     |
|                  |             | Operations                                                         |    |            |                      |
| TOTAL FED        |             | Federal Special Revenue                                            | \$ | 34,847,000 | \$ 34,847,000 142274 |
|                  |             | Fund Group                                                         |    |            |                      |
|                  |             | State Special Revenue Fund Group                                   |    |            | 142275               |
| 5U80             | 745613      | Community Match                                                    | \$ | 350,000    | \$ 350,000 142276    |
|                  |             | Armories                                                           |    |            |                      |
| TOTAL SSR        |             | State Special Revenue                                              | \$ | 350,000    | \$ 350,000 142277    |
|                  |             | Fund Group                                                         |    |            |                      |
| TOTAL ALL BUDGET |             | FUND GROUPS                                                        | \$ | 45,495,633 | \$ 45,495,633 142278 |
|                  |             | NATIONAL GUARD BENEFITS                                            |    |            | 142279               |
|                  |             | The foregoing appropriation item 745407, National Guard            |    |            | 142280               |
|                  |             | Benefits, shall be used for purposes of sections 5919.31 and       |    |            | 142281               |
|                  |             | 5919.33 of the Revised Code, and for administrative costs of the   |    |            | 142282               |
|                  |             | associated programs.                                               |    |            | 142283               |
|                  |             | If necessary, in order to pay benefits in a timely manner          |    |            | 142284               |
|                  |             | pursuant to sections 5919.31 and 5919.33 of the Revised Code, the  |    |            | 142285               |
|                  |             | Adjutant General may request the Director of Budget and Management |    |            | 142286               |
|                  |             | transfer appropriation from any appropriation item used by the     |    |            | 142287               |
|                  |             | Adjutant General to appropriation item 745407, National Guard      |    |            | 142288               |
|                  |             | Benefits. The Adjutant General may subsequently seek Controlling   |    |            | 142289               |
|                  |             | Board approval to restore the appropriation in the appropriation   |    |            | 142290               |
|                  |             | item from which such a transfer was made.                          |    |            | 142291               |
|                  |             | For active duty members of the Ohio National Guard who died        |    |            | 142292               |
|                  |             | after October 7, 2001, while performing active duty, the death     |    |            | 142293               |
|                  |             | benefit, pursuant to section 5919.33 of the Revised Code, shall be |    |            | 142294               |
|                  |             | paid to the beneficiary or beneficiaries designated on the         |    |            | 142295               |
|                  |             | member's Servicemembers' Group Life Insurance Policy.              |    |            | 142296               |
|                  |             | STATE ACTIVE DUTY COSTS                                            |    |            | 142297               |
|                  |             | Of the foregoing appropriation item 745409, Central                |    |            | 142298               |



Administration, \$50,000 in each fiscal year shall be used for the 142299  
purpose of paying expenses related to state active duty of members 142300  
of the Ohio organized militia, in accordance with a proclamation 142301  
of the Governor. Expenses include, but are not limited to, the 142302  
cost of equipment, supplies, and services, as determined by the 142303  
Adjutant General's Department. 142304

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 142305

General Revenue Fund 142306

GRF 100403 Public Employees \$ 309,600 \$ 309,600 142307

Health Care Program

GRF 100414 MARCS Lease Rental \$ 5,133,700 \$ 5,135,800 142308

Payments

GRF 100415 OAKS Lease Rental \$ 22,998,500 \$ 22,982,500 142309

Payments

GRF 100416 STARS Lease Rental \$ 4,976,500 \$ 4,973,200 142310

Payments

GRF 100447 Administrative \$ 85,847,800 \$ 91,059,600 142311

Building Lease Rental

Payments

GRF 100448 Office Building \$ 20,000,000 \$ 20,000,000 142312

Operating Payments

GRF 100449 DAS - Building \$ 7,551,571 \$ 7,551,571 142313

Operating Payments

GRF 100452 Lean Ohio \$ 1,059,624 \$ 1,059,624 142314

GRF 100456 State IT Services \$ 1,739,038 \$ 1,739,038 142315

GRF 100457 Equal Opportunity \$ 1,910,516 \$ 1,910,516 142316

Services

GRF 100459 Ohio Business Gateway \$ 4,049,094 \$ 4,049,094 142317

GRF 130321 State Agency Support \$ 2,477,008 \$ 2,477,008 142318

Services

TOTAL GRF General Revenue Fund \$ 158,052,951 \$ 163,247,551 142319

|                             |        |                        |    |            |        |            |        |
|-----------------------------|--------|------------------------|----|------------|--------|------------|--------|
| General Services Fund Group |        |                        |    |            | 142320 |            |        |
| 1120                        | 100616 | DAS Administration     | \$ | 6,127,659  | \$     | 6,147,659  | 142321 |
| 1150                        | 100632 | Central Service Agency | \$ | 911,580    | \$     | 927,699    | 142322 |
| 1170                        | 100644 | General Services       | \$ | 12,993,870 | \$     | 12,993,870 | 142323 |
| Division - Operating        |        |                        |    |            |        |            |        |
| 1220                        | 100637 | Fleet Management       | \$ | 4,200,000  | \$     | 4,200,000  | 142324 |
| 1250                        | 100622 | Human Resources        | \$ | 17,749,839 | \$     | 17,749,839 | 142325 |
| Division - Operating        |        |                        |    |            |        |            |        |
| 1250                        | 100657 | Benefits Communication | \$ | 712,316    | \$     | 712,316    | 142326 |
| 1280                        | 100620 | Office of Collective   | \$ | 3,329,507  | \$     | 3,329,507  | 142327 |
| Bargaining                  |        |                        |    |            |        |            |        |
| 1300                        | 100606 | Risk Management        | \$ | 6,635,784  | \$     | 6,635,784  | 142328 |
| Reserve                     |        |                        |    |            |        |            |        |
| 1320                        | 100631 | DAS Building           | \$ | 19,343,170 | \$     | 19,343,170 | 142329 |
| Management                  |        |                        |    |            |        |            |        |
| 1330                        | 100607 | IT Services Delivery   | \$ | 57,521,975 | \$     | 57,521,975 | 142330 |
| 1880                        | 100649 | Equal Opportunity      | \$ | 863,013    | \$     | 863,013    | 142331 |
| Division - Operating        |        |                        |    |            |        |            |        |
| 2100                        | 100612 | State Printing         | \$ | 20,459,526 | \$     | 20,459,526 | 142332 |
| 2290                        | 100630 | IT Governance          | \$ | 16,446,474 | \$     | 16,446,474 | 142333 |
| 2290                        | 100640 | Leveraged Enterprise   | \$ | 7,065,639  | \$     | 7,065,639  | 142334 |
| Purchases                   |        |                        |    |            |        |            |        |
| 4270                        | 100602 | Investment Recovery    | \$ | 1,618,062  | \$     | 1,638,515  | 142335 |
| 4N60                        | 100617 | Major IT Purchases     | \$ | 56,888,635 | \$     | 56,888,635 | 142336 |
| 4P30                        | 100603 | DAS Information        | \$ | 6,400,070  | \$     | 6,400,070  | 142337 |
| Services                    |        |                        |    |            |        |            |        |
| 5C20                        | 100605 | MARCS Administration   | \$ | 14,292,596 | \$     | 14,512,028 | 142338 |
| 5C30                        | 100608 | Minor Construction     | \$ | 1,004,375  | \$     | 1,004,375  | 142339 |
| Project Management          |        |                        |    |            |        |            |        |
| 5EB0                        | 100635 | OAKS Support           | \$ | 25,813,077 | \$     | 19,813,077 | 142340 |
| Organization                |        |                        |    |            |        |            |        |
| 5EB0                        | 100656 | OAKS Updates and       | \$ | 9,886,923  | \$     | 2,636,923  | 142341 |
| Developments                |        |                        |    |            |        |            |        |

|                                    |                        |    |             |    |             |        |
|------------------------------------|------------------------|----|-------------|----|-------------|--------|
| 5HU0 100655                        | Construction Reform    | \$ | 150,000     | \$ | 150,000     | 142342 |
|                                    | Demo Compliance        |    |             |    |             |        |
| 5KZ0 100659                        | Building Improvement   | \$ | 500,000     | \$ | 500,000     | 142343 |
| 5L70 100610                        | Professional           | \$ | 2,100,000   | \$ | 2,100,000   | 142344 |
|                                    | Development            |    |             |    |             |        |
| 5LA0 100660                        | Building Operation     | \$ | 26,600,767  | \$ | 26,814,648  | 142345 |
| 5LJ0 100661                        | IT Development         | \$ | 13,200,000  | \$ | 13,200,000  | 142346 |
| 5V60 100619                        | Employee Educational   | \$ | 800,000     | \$ | 800,000     | 142347 |
|                                    | Development            |    |             |    |             |        |
| TOTAL GSF General Services Fund    |                        |    |             |    |             | 142348 |
| Group                              |                        | \$ | 333,614,857 | \$ | 320,854,742 | 142349 |
| Federal Special Revenue Fund Group |                        |    |             |    |             | 142350 |
| 3AJ0 100654                        | ARRA Broadband Mapping | \$ | 1,723,009   | \$ | 1,723,009   | 142351 |
|                                    | Grant                  |    |             |    |             |        |
| TOTAL FED Federal Special Revenue  |                        |    |             |    |             | 142352 |
| Fund Group                         |                        | \$ | 1,723,009   | \$ | 1,723,009   | 142353 |
| State Special Revenue Fund Group   |                        |    |             |    |             | 142354 |
| 5JQ0 100658                        | Professionals          | \$ | 3,028,366   | \$ | 990,000     | 142355 |
|                                    | Licensing System       |    |             |    |             |        |
| 5MV0 100662                        | Theater Equipment      | \$ | 80,891      | \$ | 80,891      | 142356 |
|                                    | Maintenance            |    |             |    |             |        |
| 5NM0 100663                        | 911 Program            | \$ | 290,000     | \$ | 290,000     | 142357 |
| TOTAL SSR State Special Revenue    |                        |    |             |    |             | 142358 |
| Fund Group                         |                        | \$ | 3,399,257   | \$ | 1,360,891   | 142359 |
| TOTAL ALL BUDGET FUND GROUPS       |                        | \$ | 496,790,074 | \$ | 487,186,193 | 142360 |

**Section 207.20. OAKS LEASE RENTAL PAYMENTS** 142362

The foregoing appropriation item 100415, OAKS Lease Rental 142363  
 Payments, shall be used for payments at the times they are 142364  
 required to be made for the period from July 1, 2013, through June 142365  
 30, 2015, pursuant to leases and agreements entered into under 142366  
 Chapter 125. of the Revised Code, as supplemented by Section 142367

281.10 of Am. Sub. H.B. 562 of the 127th General Assembly and 142368  
other prior acts of the General Assembly, with respect to 142369  
financing the costs associated with the acquisition, development, 142370  
installation, and implementation of the Ohio Administrative 142371  
Knowledge System. If it is determined that additional 142372  
appropriations are necessary for this purpose, the amounts are 142373  
hereby appropriated. 142374

**Section 207.30. STARS LEASE RENTAL PAYMENTS** 142375

The foregoing appropriation item 100416, STARS Lease Rental 142376  
Payments, shall be used for payments at the times they are 142377  
required to be made for the period from July 1, 2013, through June 142378  
30, 2015, pursuant to leases and agreements entered into under 142379  
Chapter 125. of the Revised Code, as supplemented by Section 142380  
207.10.30 of Am. Sub. H.B. 1 of the 128th General Assembly and 142381  
other prior acts of the General Assembly, with respect to 142382  
financing the cost for the acquisition, development, installation, 142383  
and implementation of the State Taxation Accounting and Revenue 142384  
System (STARS). If it is determined that additional appropriations 142385  
are necessary for this purpose, the amounts are appropriated. 142386

The State Taxation Accounting and Revenue System (STARS) is 142387  
an integrated tax collection and audit system that will replace 142388  
all of the state's existing separate tax software and 142389  
administration systems for the various taxes collected by the 142390  
state. The Department of Administrative Services, in conjunction 142391  
with the Department of Taxation, may acquire STARS, including, but 142392  
not limited to, the application hardware and software and 142393  
installation and implementation thereof, for the use of the 142394  
Department of Taxation. Any lease-purchase agreement used under 142395  
Chapter 125. of the Revised Code to acquire STARS, including any 142396  
fractionalized interests as defined in division (N) of section 142397  
133.01 of the Revised Code in the lease payments under that 142398

agreement, shall provide at the end of the lease period that the  
financed asset becomes the property of the state. The principal  
amount of any new such financing is limited, excluding the  
principal amounts of any lease-purchase financing heretofore  
completed for STARS, to the amount of \$20,000,000.

**Section 207.40. MARCS LEASE RENTAL PAYMENTS**

The foregoing appropriation item 100414, MARCS Lease Rental  
Payments, shall be used for payments at the times they are  
required to be made for the period from July 1, 2013, through June  
30, 2015, pursuant to leases and agreements entered into under  
Chapter 125. of the Revised Code, as supplemented by Section  
701.20 of Sub. H.B. 482 of the 129th General Assembly, with  
respect to financing the cost for the acquisition, development,  
installation, and implementation of the Multi-Agency Radio  
Communication System (MARCS) upgrade. If it is determined that  
additional appropriations are necessary for this purpose, the  
amounts are hereby appropriated.

**Section 207.50. MULTI-AGENCY RADIO COMMUNICATION SYSTEM**

UPGRADE

The Multi-Agency Radio Communications System (MARCS) is a  
statewide computer and communications network designed to provide  
instant voice and data communication and supply a communications  
backbone to public safety and emergency management. The Department  
of Administrative Services may update or add functionality to  
MARCS to upgrade the existing system to a 700/800 megahertz voice  
and data system specifically designed to support interoperable  
communications for public safety law enforcement and first  
responders. The improvements may include, but are not limited to,  
hardware and software and the installation and implementation  
thereof. Any lease-purchase agreement utilized under Chapter 125.

of the Revised Code to acquire MARCS and the enhancements 142429  
described above, including any fractionalized interest as defined 142430  
in division (N) of section 133.01 of the Revised Code in the lease 142431  
payments under that agreement, shall provide at the end of the 142432  
lease period that the financed asset becomes the property of the 142433  
state. The principal amount of any new such financing is limited, 142434  
in addition to the principal amounts of lease-purchase financing 142435  
heretofore completed for MARCS, to the amount of \$27,000,000. 142436

**Section 207.60. ADMINISTRATIVE BUILDING LEASE RENTAL PAYMENTS** 142437

The foregoing appropriation item 100447, Administrative 142438  
Building Lease Rental Payments, shall be used to meet all payments 142439  
at the times they are required to be made during the period from 142440  
July 1, 2013, through June 30, 2015, by the Department of 142441  
Administrative Services pursuant to leases and agreements under 142442  
Chapters 152. and 154. of the Revised Code. These appropriations 142443  
are the source of funds pledged for bond service charges on 142444  
related obligations issued under Chapters 152. and 154. of the 142445  
Revised Code. 142446

The foregoing appropriation item 100448, Office Building 142447  
Operating Payments, shall be used to pay the expenses of vacant 142448  
space, space undergoing renovation, agencies funded by the General 142449  
Revenue Fund, and the rent expenses of tenants that have been 142450  
relocated because of building renovations that occupy space in the 142451  
James A. Rhodes State Office Tower, the Vern Riffe Center for 142452  
Government and the Arts, the Frank J. Lausche State Office 142453  
Building, the Michael V. DiSalle Government Center, and the Oliver 142454  
R. Ocasek Government Office Building. 142455

At least once per year, the portion of appropriation item 142456  
100448, Office Building Operating Payments, that is not used for 142457  
expenses of agencies funded by the General Revenue Fund, vacant 142458  
space, space undergoing renovation, and the rent expenses of 142459

tenants that are relocated because of building renovations shall 142460  
be processed by the Department of Administrative Services through 142461  
intrastate voucher and placed in the Building Improvements Fund 142462  
(Fund 5KZ0). 142463

**Section 207.70.** DAS - BUILDING OPERATING PAYMENTS AND 142464  
BUILDING MANAGEMENT FUND 142465

The foregoing appropriation item 100449, DAS - Building 142466  
Operating Payments, shall be used to pay the rent expenses of 142467  
veterans organizations pursuant to section 123.024 of the Revised 142468  
Code in fiscal years 2014 and 2015. 142469

The foregoing appropriation item, 100449, DAS - Building 142470  
Operating Payments, also may be used to provide funding for the 142471  
cost of property appraisals or building studies that the 142472  
Department of Administrative Services may be required to obtain 142473  
for property that is being sold by the state or property under 142474  
consideration to be renovated or purchased by the state. 142475

Notwithstanding section 125.28 of the Revised Code, the 142476  
remaining portion of the appropriation may be used to pay the 142477  
operating expenses of state facilities maintained by the 142478  
Department of Administrative Services that are not billed to 142479  
building tenants, or other costs associated with the Voinovich 142480  
Center in Youngstown, Ohio. These expenses may include, but are 142481  
not limited to, the costs for vacant space and space undergoing 142482  
renovation, and the rent expenses of tenants that are relocated 142483  
because of building renovations. These payments may be processed 142484  
by the Department of Administrative Services through intrastate 142485  
transfer vouchers and placed in the Building Management Fund (Fund 142486  
1320) or the Information Technology Services Fund (Fund 1330). 142487

Notwithstanding section 125.28 of the Revised Code, the 142488  
Department of Administrative Services may forego some or all of 142489  
the amounts attributable to debt service included in 142490

reimbursements made by tenants who are supported in whole or in part by non-GRF money for the costs of occupying space at the North High Street Complex in Columbus.

The Director of Budget and Management shall transfer the portion of payments attributed to depreciation from Fund 1320 to the General Revenue Fund, as applicable.

CASH TRANSFER FROM THE WORKFORCE DEVELOPMENT FUND TO THE HUMAN RESOURCES SERVICES FUND

Upon request of the Director of Administrative Services, during the FY 2014 - FY 2015 biennium, the Director of Budget and Management shall transfer up to \$975,000 from the Workforce Development Fund (Fund 5D70) to the Human Resources Services Fund (Fund 1250) to support one-time human resources administration activities for state agencies.

**Section 207.80. CENTRAL SERVICE AGENCY FUND**

Appropriation item 100632, Central Service Agency, shall be used to purchase the equipment, products, and services that are needed to maintain existing automated applications for the professional licensing boards and the Casino Control Commission to support board licensing functions in fiscal years 2014 and 2015 until these functions are replaced by the Ohio Professionals Licensing System. The Department of Administrative Services shall establish charges for recovering the costs of carrying out these functions. The charges shall be billed to the professional licensing boards and the Casino Control Commission, and deposited via intrastate transfer vouchers to the credit of the Central Service Agency Fund (Fund 1150).

Upon implementation of the replacement Ohio Professionals Licensing System and the decommissioning of the existing automated applications, the Director of Budget and Management may transfer



any cash balances that remain in the Central Service Agency Fund 142521  
(Fund 1150) and that are attributable to the operation of the 142522  
existing automated applications to the Professions Licensing 142523  
System Fund (Fund 5JQ0). 142524

**Section 207.90. GENERAL SERVICE CHARGES** 142525

The Department of Administrative Services, with the approval 142526  
of the Director of Budget and Management, shall establish charges 142527  
for recovering the costs of administering the programs funded by 142528  
the General Services Fund (Fund 1170) and the State Printing Fund 142529  
(Fund 2100). Such charges within Fund 1170 may be used to recover 142530  
the cost of paying a vendor to establish reduced pricing for 142531  
contracted supplies or services. 142532

If the Director of Administrative Services determines that 142533  
additional amounts are necessary to pay for consulting and 142534  
administrative costs related to securing lower pricing, the 142535  
Director of Administrative Services may request that the Director 142536  
of Budget and Management approve additional expenditures. Such 142537  
approved additional amounts are appropriated to appropriation item 142538  
100644, General Services Division-Operating. 142539

**Section 207.93. CASH TRANSFER TO THE INVESTMENT RECOVERY FUND** 142540

Notwithstanding division (B) of section 125.14 of the Revised 142541  
Code, the Director of Budget and Management, at the request of the 142542  
Director of Administrative Services, shall transfer up to \$200,000 142543  
of cash in excess of needs from the General Services Fund (Fund 142544  
1170) to the Investment Recovery Fund (Fund 4270) during the 142545  
biennium beginning July 1, 2013, and ending June 30, 2015, to pay 142546  
the operating expenses of the State Surplus, Federal Surplus, and 142547  
Asset Management Programs, including expenses to develop database 142548  
systems for use in these programs. 142549

**Section 207.95.** TRANSFER OF THE EMPLOYEE ASSISTANCE PROGRAM 142550  
TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES 142551

Effective July 1, 2013, the Employee Assistance Program under 142552  
section 3701.041 of the Revised Code shall be transferred to the 142553  
Ohio Department of Administrative Services. The Department of 142554  
Administrative Services is thereupon and thereafter successor to, 142555  
assumes the operations, functions, powers, and obligations of, and 142556  
otherwise constitutes the continuation of the Employee Assistance 142557  
Program as provided in section 3701.041 (124.88) of the Revised 142558  
Code. All related functions, equipment, assets, and liabilities, 142559  
regardless of form or medium, agreements, and contracts of the 142560  
program are transferred to the Department of Administrative 142561  
Services. 142562

Employees of the Employee Assistance Program shall be 142563  
transferred to the Department of Administrative Services in their 142564  
same classification, and shall retain the rights specified in 142565  
sections 124.321 to 124.328 of the Revised Code. 142566

On and after the effective date of this section, 142567  
notwithstanding any provision of the law to the contrary, if 142568  
requested by the Director of Administrative Services, the Director 142569  
of Budget and Management shall make the budget changes made 142570  
necessary by the transfer, if any, including administrative 142571  
reorganization or program transfers. 142572

Effective July 1, 2013, the Director of Budget and Management 142573  
shall cancel any existing encumbrances against appropriation item 142574  
440633, Employee Assistance Program, and reestablish them against 142575  
appropriation item 100622, Human Resources Division - Operating. 142576  
The reestablished encumbrance amounts are hereby appropriated. Any 142577  
business commenced but not completed under appropriation item 142578  
440633, Employee Assistance Program, by July 1, 2013, shall be 142579  
completed under appropriation item 100622, Human Resources 142580

Division - Operating, in the same manner, and with the same 142581  
effect, as if completed with regard to appropriation item 440633, 142582  
Employee Assistance Program. All of the rules, policies, orders, 142583  
and determinations associated with the program continue in effect 142584  
as rules, orders, and determinations associated with the 142585  
Department of Administrative Services until modified or rescinded 142586  
by the Director of Administrative Services. If necessary to ensure 142587  
the integrity of the Administrative Code rule numbering system, 142588  
the Director of the Legislative Service Commission shall renumber 142589  
the rules relating to the Employee Assistance Program to reflect 142590  
their transfer to the Department of Administrative Services. No 142591  
validation, cure, right, privilege, remedy, obligation, or 142592  
liability is lost or impaired by reason of the transfer and shall 142593  
be administered with regard to appropriation item 100622, Human 142594  
Resources Division - Operating. On and after July 1, 2013, if the 142595  
Employee Assistance Program is referred to in any statute, rule, 142596  
contract, grant, or other document, the reference is deemed to 142597  
refer to the Department of Administrative Services. 142598

Funds collected by the Department of Health for the Employee 142599  
Assistance Program, which previously were deposited in the 142600  
Employee Assistance Fund (Fund 6830), shall be credited to the 142601  
Human Resources Services Fund (Fund 1250) created in section 142602  
124.07 of the Revised Code. The Director of Budget and Management 142603  
shall transfer from the Employee Assistance Fund to the Human 142604  
Resources Services Fund any remaining cash balances in the 142605  
Employee Assistance Fund. In order to facilitate this transfer, 142606  
the Director of Health, on July 1, 2013, or as soon as possible 142607  
thereafter, shall certify to the Director of Budget and Management 142608  
an estimate of the amount to be transferred. Upon the completion 142609  
of this transfer, the Employee Assistance Fund is abolished. 142610

**Section 207.100.** COLLECTIVE BARGAINING ARBITRATION EXPENSES 142611

With approval of the Director of Budget and Management, the Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the Department incurs in the collective bargaining arbitration process. The reimbursements shall be processed through intrastate transfer vouchers and credited to the Collective Bargaining Fund (Fund 1280).

**Section 207.110. EQUAL OPPORTUNITY PROGRAM**

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the activities supported by the State EEO Fund (Fund 1880). These charges shall be deposited to the credit of the State EEO Fund (Fund 1880) upon payment made by state agencies, state-supported or state-assisted institutions of higher education, and tax-supported agencies, municipal corporations, and other political subdivisions of the state, for services rendered.

**Section 207.111. STATE PRINTING FUND**

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$30,109.39 in cash from the General Revenue Fund to the State Printing Fund (Fund 2100) to correct fiscal year 2012 disbursements that were made from Fund 2100 but that should have been made from the General Revenue Fund.

**Section 207.113. LEVERAGED ENTERPRISE PURCHASES**

The foregoing appropriation item 100640, Leveraged Enterprise Purchases, shall be used by the Department of Administrative Services to make information technology purchases for the benefit of one or more government entities as authorized under division

(G) of section 125.18 of the Revised Code. If the Director of Administrative Services determines that additional amounts are necessary to pay for pass-through information technology purchases that will be billed to one or more state agencies, the Director of Administrative Services shall seek Controlling Board approval for an increase in appropriation to make the requested purchases.

**Section 207.120. INVESTMENT RECOVERY FUND**

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

The Director of Administrative Services shall use the foregoing appropriation item 100602, Investment Recovery, to pay the operating expenses of the State Surplus Property Program and the Surplus Federal Property Program, under Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code.

The Director of Administrative Services shall transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds under division (A)(2) of section 125.14 of the Revised Code.

**Section 207.130. MAJOR IT PURCHASES CHARGES**

The Department of Administrative Services may bill agencies for actual expenditures made for major IT purchases if those expenditures are not recovered as part of the information technology services rates the Department charges and deposits into the Information Technology Fund (Fund 1330) created in section

125.15 of the Revised Code. These charges shall be deposited to 142671  
the credit of the Major IT Purchases Fund (Fund 4N60). 142672

**Section 207.140. DAS INFORMATION SERVICES** 142673

There is hereby established in the State Treasury the DAS 142674  
Information Services Fund. The foregoing appropriation item 142675  
100603, DAS Information Services, shall be used to pay the costs 142676  
of providing information systems and services in the Department of 142677  
Administrative Services. Any state agency, board, or commission 142678  
may use DAS Information Services by paying for the services 142679  
rendered. 142680

The Department of Administrative Services shall establish 142681  
user charges for all information systems and services that are 142682  
allowable in the statewide indirect cost allocation plan submitted 142683  
annually to the United States Department of Health and Human 142684  
Services. These charges shall comply with federal regulations and 142685  
shall be deposited to the credit of the DAS Information Services 142686  
Fund (Fund 4P30). 142687

**Section 207.150. CASH TRANSFER FROM THE MARCS ADMINISTRATION 142688  
FUND TO GRF** 142689

Upon the request of the Director of Administrative Services, 142690  
the Director of Budget and Management may transfer unobligated 142691  
cash in the MARCS Administration Fund (Fund 5C20) to the General 142692  
Revenue Fund to reimburse the General Revenue Fund for lease 142693  
rental payments made on behalf of the MARCS upgrade. 142694

**Section 207.160. PROFESSIONS LICENSING SYSTEM** 142695

There is hereby created in the state treasury the Professions 142696  
Licensing System Fund (Fund 5JQ0). Appropriation item 100658, Ohio 142697  
Professionals Licensing System, shall be used to make payments 142698  
from the fund. The fund shall be used to purchase the equipment, 142699

products, and services necessary to develop and maintain a 142700  
replacement automated licensing system for the professional 142701  
licensing boards. The Director of Budget and Management may 142702  
transfer up to a total of \$990,000 in cash from the Occupational 142703  
Licensing and Regulatory Fund (4K90), the State Medical Board 142704  
Operating Fund (Fund 5C60), and the Casino Control Commission - 142705  
Operating Fund (Fund 5HS0) to the Professions Licensing System 142706  
Fund during the FY 2014 - FY 2015 biennium. These transfers shall 142707  
be in proportion to the number of current licensees issued by the 142708  
professional licensing boards and current and anticipated licenses 142709  
in the case of the Casino Control Commission. The purpose of these 142710  
cash transfers is to fund the initial acquisition and development 142711  
of the system. Any cash balances not expended in fiscal year 2014 142712  
are hereby reappropriated in fiscal year 2015. 142713

Effective with the implementation of the replacement 142714  
licensing system, the Department of Administrative Services shall 142715  
establish charges for recovering the costs of ongoing maintenance 142716  
of the system. The charges shall be billed to the professional 142717  
licensing boards and the Casino Control Commission, and deposited 142718  
via intrastate transfer vouchers to the credit of the Professions 142719  
Licensing System Fund. 142720

**Section 207.170. BUILDING IMPROVEMENT FUND** 142721

The foregoing appropriation item 100659, Building 142722  
Improvement, shall be used to make payments from the Building 142723  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 142724  
required in the James A. Rhodes State Office Tower, the Vern Riffe 142725  
Center for Government and the Arts, the Frank J. Lausche State 142726  
Office Building, the Michael V. DiSalle Government Center, and the 142727  
Oliver R. Ocasek Government Office. The Department of 142728  
Administrative Services shall conduct or contract for regular 142729  
assessments of these buildings and shall maintain a cash balance 142730

in the Building Improvement Fund equal to the cost of the repairs 142731  
and improvements that are recommended to occur within the next 142732  
five years, with the following exception described below. 142733

Upon request of the Director of Administrative Services, the 142734  
Director of Budget and Management may permit a cash transfer from 142735  
the Building Improvement Fund (Fund 5KZ0) to the Building 142736  
Operating Fund (Fund 5LA0) to pay costs of operating and 142737  
maintaining the James A. Rhodes State Office Tower, the Vern Riffe 142738  
Center for Government and the Arts, the Frank J. Lausche State 142739  
Office Building, the Michael V. DiSalle Government Center, and the 142740  
Oliver R. Ocasek Government Office that are not charged to tenants 142741  
during the same fiscal year. 142742

Should the cash balance in the Building Operating Fund (Fund 142743  
5LA0) be determined to be sufficient, the Director of 142744  
Administrative Services may request that the Director of Budget 142745  
and Management transfer cash from the Building Operating Fund 142746  
(Fund 5LA0) to the Building Improvement Fund (Fund 5KZ0) in an 142747  
amount equal to the initial cash transfer made under this section 142748  
plus applicable interest. 142749

**Section 207.180. PROFESSIONAL DEVELOPMENT FUND** 142750

The foregoing appropriation item 100610, Professional 142751  
Development, shall be used to make payments from the Professional 142752  
Development Fund (Fund 5L70) under section 124.182 of the Revised 142753  
Code. If it is determined by the Director of Administrative 142754  
Services that additional amounts are necessary, the Director of 142755  
Administrative Services may request that the Director of Budget 142756  
and Management approve additional amounts. Such approved 142757  
additional amounts are hereby appropriated. 142758

**Section 207.190. BUILDING OPERATING FUND** 142759

The foregoing appropriation item 100660, Building Operation, 142760



shall be used to make payments from the Building Operating Fund 142761  
(Fund 5LA0) to pay costs of operating and maintaining the James A. 142762  
Rhodes State Office Tower, the Vern Riffe Center for Government 142763  
and the Arts, the Frank J. Lausche State Office Building, the 142764  
Michael V. DiSalle Government Center, and the Oliver R. Ocasek 142765  
Government Office. 142766

The Department of Administrative Services, with the approval 142767  
of the Director of Budget and Management, shall establish charges 142768  
to be reimbursed for the cost of operating these buildings. These 142769  
charges shall include the cost of applicable depreciation on the 142770  
buildings and the resulting revenue shall be deposited in the 142771  
Building Operating Fund (Fund 5LA0). The Director of Budget and 142772  
Management shall transfer the portion of these charges attributed 142773  
to depreciation from the Building Operating Fund (Fund 5LA0) to 142774  
the Building Improvement Fund (Fund 5KZ0) or to the General 142775  
Revenue Fund, as applicable. 142776

**Section 207.200. INFORMATION TECHNOLOGY DEVELOPMENT** 142777

The foregoing appropriation item 100661, IT Development, 142778  
shall be used by the Department of Administrative Services to pay 142779  
the costs of modernizing the state's information technology 142780  
management and investment practices away from a limited, 142781  
agency-specific focus in favor of a statewide methodology 142782  
supporting development of enterprise solutions. 142783

The Department of Administrative Services, with the approval 142784  
of the Director of Budget and Management, may charge state 142785  
agencies an information technology development assessment based on 142786  
state agencies' information technology expenditures or other 142787  
methodology. The revenue from this assessment shall be deposited 142788  
in the Information Technology Development Fund (Fund 5LJ0), which 142789  
is hereby created. 142790

**Section 207.210.** EMPLOYEE EDUCATIONAL DEVELOPMENT 142791

The foregoing appropriation item 100619, Employee Educational 142792  
Development, shall be used to make payments from the Employee 142793  
Educational Development Fund (Fund 5V60) under section 124.86 of 142794  
the Revised Code. The fund shall be used to pay the costs of 142795  
administering educational programs under existing collective 142796  
bargaining agreements with District 1199, the Health Care and 142797  
Social Service Union; State Council of Professional Educators; 142798  
Ohio Education Association and National Education Association; the 142799  
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 142800  
State Troopers Association, Units 1 and 15. 142801

If it is determined by the Director of Administrative 142802  
Services that additional amounts are necessary, the Director of 142803  
Administrative Services may request that the Director of Budget 142804  
and Management approve additional amounts. Such approved 142805  
additional amounts are hereby appropriated. 142806

**Section 207.220.** CASH TRANSFERS TO THE MAJOR IT PURCHASES 142807  
FUND 142808

Upon request of the Director of Administrative Services, the 142809  
Director of Budget and Management may transfer up to \$4,000,000 142810  
from the OAKS Support Organization Fund (Fund 5EB0) to the Major 142811  
IT Purchases Fund (Fund 4N60). This amount represents cash 142812  
transferred from Fund 4N60 during fiscal year 2010 pursuant to 142813  
Section 207.30.80 of Am. Sub. H.B. 1 of the 128th General 142814  
Assembly. Any portion of appropriation item 100617, Major IT 142815  
Purchases, that is unencumbered and unexpended at the end of 142816  
fiscal year 2014 is hereby reappropriated for fiscal year 2015. 142817

**Section 207.230.** MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 142818  
SERVICE PAYMENTS 142819

The Director of Administrative Services, in consultation with 142820  
the Multi-Agency Radio Communication System (MARCS) Steering 142821  
Committee and the Director of Budget and Management, shall 142822  
determine the share of debt service payments attributable to 142823  
spending for MARCS components that are not specific to any one 142824  
agency and that shall be charged to agencies supported by the 142825  
motor fuel tax. Such share of debt service payments shall be 142826  
calculated for MARCS capital disbursements made beginning July 1, 142827  
1997. Within thirty days of any payment made from appropriation 142828  
item 100447, Administrative Building Lease Payments, the Director 142829  
of Administrative Services shall certify to the Director of Budget 142830  
and Management the amount of this share. The Director of Budget 142831  
and Management shall transfer such amounts to the General Revenue 142832  
Fund from the State Highway Safety Fund (Fund 7036) established in 142833  
section 4501.06 of the Revised Code. 142834

The Director of Administrative Services shall consider 142835  
renting or leasing existing tower sites at reasonable or current 142836  
market rates, so long as these existing sites are equipped with 142837  
the technical capabilities to support the MARCS project. 142838

**Section 207.240. ENTERPRISE IT STRATEGY IMPLEMENTATION** 142839

The Director of Administrative Services shall determine and 142840  
implement strategies that benefit the enterprise by improving 142841  
efficiency, reducing costs or enhancing capacity of information 142842  
technology (IT) services. Such improvements and efficiencies may 142843  
result in the consolidation and transfer of such services. As 142844  
determined to be necessary for successful implementation of this 142845  
section and notwithstanding any provision of law to the contrary, 142846  
the Director of Administrative Services may request the Director 142847  
of Budget and Management to consolidate or transfer IT-specific 142848  
budget authority between agencies as necessary to implement 142849  
enterprise IT cost containment strategies and related 142850

efficiencies. Once the Director of Budget and Management is 142851  
satisfied that the proposed initiative is cost advantageous to the 142852  
enterprise, the Director of Budget and Management may transfer 142853  
appropriations, funds and cash as needed to implement the proposed 142854  
initiative. The establishment of any new fund or total increased 142855  
appropriation as a result of this section will be subject to 142856  
approval by the Controlling Board. 142857

The Director of Budget and Management and the Director of 142858  
Administrative Services may transfer any employees, assets, and 142859  
liabilities, including, but not limited to, records, contracts, 142860  
and agreements in order to facilitate the improvements determined 142861  
in accordance with this section. 142862

**Section 207.250.** 911 PROGRAM 142863

The foregoing appropriation item 100663, 911 Program, shall 142864  
be used by the Department of Administrative Services to pay the 142865  
administrative costs of the Statewide Emergency Services Internet 142866  
Protocol Network Steering Committee. 142867

**Section 209.10.** AGE DEPARTMENT OF AGING 142868

General Revenue Fund 142869

GRF 490321 Operating Expenses \$ 1,487,418 \$ 1,487,418 142870

GRF 490410 Long-Term Care \$ 477,448 \$ 477,448 142871

Ombudsman

GRF 490411 Senior Community \$ 7,060,844 \$ 7,060,844 142872

Services

GRF 490414 Alzheimer's Respite \$ 1,995,245 \$ 1,995,245 142873

GRF 490506 National Senior \$ 241,413 \$ 241,413 142874

Service Corps

GRF 656423 Long-Term Care \$ 3,385,057 \$ 3,385,057 142875

Program Support -

State

|                                       |    |            |    |            |        |
|---------------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund        | \$ | 14,647,425 | \$ | 14,647,425 | 142876 |
| General Services Fund Group           |    |            |    |            | 142877 |
| 4800 490606 Senior Community          | \$ | 372,523    | \$ | 372,523    | 142878 |
| Outreach and                          |    |            |    |            |        |
| Education                             |    |            |    |            |        |
| TOTAL GSF General Services Fund       |    |            |    |            | 142879 |
| Group                                 | \$ | 372,523    | \$ | 372,523    | 142880 |
| Federal Special Revenue Fund Group    |    |            |    |            | 142881 |
| 3220 490618 Federal Aging Grants      | \$ | 12,000,000 | \$ | 12,000,000 | 142882 |
| 3C40 656623 Long-Term Care            | \$ | 3,385,057  | \$ | 3,385,057  | 142883 |
| Program Support -                     |    |            |    |            |        |
| Federal                               |    |            |    |            |        |
| 3M40 490612 Federal Independence      | \$ | 58,655,080 | \$ | 58,655,080 | 142884 |
| Services                              |    |            |    |            |        |
| TOTAL FED Federal Special Revenue     |    |            |    |            | 142885 |
| Fund Group                            | \$ | 74,040,137 | \$ | 74,040,137 | 142886 |
| State Special Revenue Fund Group      |    |            |    |            | 142887 |
| 4C40 490609 Regional Long-Term        | \$ | 935,000    | \$ | 935,000    | 142888 |
| Care Ombudsman                        |    |            |    |            |        |
| Program                               |    |            |    |            |        |
| 5BA0 490620 Ombudsman Support         | \$ | 1,250,000  | \$ | 1,250,000  | 142889 |
| 5K90 490613 Long-Term Care            | \$ | 1,059,400  | \$ | 1,059,400  | 142890 |
| Consumers Guide                       |    |            |    |            |        |
| 5MT0 490627 Board of Executives       | \$ | 600,000    | \$ | 600,000    | 142891 |
| of LTSS                               |    |            |    |            |        |
| 5W10 490616 Resident Services         | \$ | 344,700    | \$ | 344,700    | 142892 |
| Coordinator Program                   |    |            |    |            |        |
| TOTAL SSR State Special Revenue       |    |            |    |            | 142893 |
| Fund Group                            | \$ | 4,189,100  | \$ | 4,189,100  | 142894 |
| TOTAL ALL BUDGET FUND GROUPS          | \$ | 93,249,185 | \$ | 93,249,185 | 142895 |
| <b>Section 209.20. LONG-TERM CARE</b> |    |            |    |            | 142897 |

Pursuant to an interagency agreement, the Department of Medicaid may designate the Department of Aging to perform assessments under section 5165.04 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and PACE as delegated by the Department of Medicaid in an interagency agreement. The foregoing appropriation items 656423, Long-Term Care Program Support - State, and 656623, Long-Term Care Program Support - Federal, may be used to support the Department of Aging's administrative costs associated with operating the PASSPORT, Choices, Assisted Living, and PACE programs.

PERFORMANCE-BASED REIMBURSEMENT

The Department of Aging may design and utilize a payment method for PASSPORT administrative agency operations that includes a pay-for-performance incentive component that is earned by a PASSPORT administrative agency when defined consumer and policy outcomes are achieved.

**Section 209.30. LONG-TERM CARE OMBUDSMAN**

The foregoing appropriation item 490410, Long-Term Care Ombudsman, shall be used to fund ombudsman program activities as authorized in sections 173.14 to 173.27 and section 173.99 of the Revised Code.

The State Ombudsman may explore the design of a payment method for the Ombudsman Program that includes a pay-for-performance incentive component that is earned by designated regional long-term care ombudsman programs.

SENIOR COMMUNITY SERVICES 142928

The foregoing appropriation item 490411, Senior Community 142929  
Services, shall be used for services designated by the Department 142930  
of Aging, including, but not limited to, home-delivered and 142931  
congregate meals, transportation services, personal care services, 142932  
respite services, adult day services, home repair, care 142933  
coordination, prevention and disease self-management, and decision 142934  
support systems. Service priority shall be given to low income, 142935  
frail, and cognitively impaired persons 60 years of age and over. 142936  
The department shall promote cost sharing by service recipients 142937  
for those services funded with senior community services funds, 142938  
including, when possible, sliding-fee scale payment systems based 142939  
on the income of service recipients. 142940

ALZHEIMER'S RESPITE 142941

The foregoing appropriation item 490414, Alzheimer's Respite, 142942  
shall be used to fund only Alzheimer's disease services under 142943  
section 173.04 of the Revised Code. 142944

NATIONAL SENIOR SERVICE CORPS 142945

The foregoing appropriation item 490506, National Senior 142946  
Service Corps, shall be used by the Department of Aging to fund 142947  
grants for three Corporation for National and Community 142948  
Service/Senior Corps programs: the Foster Grandparents Program, 142949  
the Senior Companion Program, and the Retired Senior Volunteer 142950  
Program. A recipient of these grant funds shall use the funds to 142951  
support priorities established by the Department and the Ohio 142952  
State Office of the Corporation for National and Community 142953  
Service. The expenditure of these funds by any grant recipient 142954  
shall be in accordance with Senior Corps policies and procedures, 142955  
as stated in the Domestic Volunteer Service Act of 1973, as 142956  
amended. Neither the Department nor any area agencies on aging 142957  
that are involved in the distribution of these funds to 142958

lower-tiered grant recipients may use any portion of these funds 142959  
to cover administrative costs. 142960

SENIOR COMMUNITY OUTREACH AND EDUCATION 142961

The foregoing appropriation item 490606, Senior Community 142962  
Outreach and Education, may be used to provide training to workers 142963  
in the field of aging pursuant to division (G) of section 173.02 142964  
of the Revised Code. 142965

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 142966  
AND FEDERAL AGING GRANTS 142967

At the request of the Director of Aging, the Director of 142968  
Budget and Management may transfer appropriation between 142969  
appropriation items 490612, Federal Independence Services, and 142970  
490618, Federal Aging Grants. The amounts transferred shall not 142971  
exceed 30 per cent of the appropriation from which the transfer is 142972  
made. Any transfers shall be reported by the Department of Aging 142973  
to the Controlling Board at the next scheduled meeting of the 142974  
board. 142975

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 142976

The foregoing appropriation item 490609, Regional Long-Term 142977  
Care Ombudsman Program, shall be used to pay the costs of 142978  
operating the regional long-term care ombudsman programs 142979  
designated by the State Long-Term Care Ombudsman. 142980

TRANSFER OF RESIDENT PROTECTION FUNDS 142981

In each fiscal year, the Director of Budget and Management 142982  
may transfer up to \$1,250,000 cash from the Resident Protection 142983  
Fund (Fund 4E30), which is used by the Department of Medicaid, to 142984  
the Ombudsman Support Fund (Fund 5BA0), which is used by the 142985  
Department of Aging. 142986

The Director of Aging and the Office of the State Long-Term 142987  
Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 142988



5BA0) to implement a nursing home quality initiative as specified 142989  
in section 173.60 of the Revised Code. 142990

LONG-TERM CARE CONSUMERS GUIDE 142991

The foregoing appropriation item 490613, Long-Term Care 142992  
Consumers Guide, shall be used to conduct annual consumer 142993  
satisfaction surveys and to pay for other administrative expenses 142994  
related to the publication of the Ohio Long-Term Care Consumer 142995  
Guide. 142996

CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE BOARD 142997  
OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS FUND 142998

On July 1, 2013, or as soon as possible thereafter, the 142999  
Director of Health shall certify to the Director of Budget and 143000  
Management the cash balance relating to the Board of Examiners of 143001  
Nursing Home Administrators in the General Operations Fund (Fund 143002  
4700), used by the Department of Health. Upon receiving this 143003  
certification, the Director of Budget and Management may transfer 143004  
this cash from the General Operations Fund (Fund 4700) to the 143005  
Board of Executives of Long-Term Services and Supports Fund (Fund 143006  
5MT0), used by the Department of Aging. If this transfer occurs, 143007  
the Director of Budget and Management shall cancel any existing 143008  
encumbrances pertaining to the Board of Examiners of Nursing Home 143009  
Administrators against appropriation item 440647, Fee Supported 143010  
Programs, and re-establish them against appropriation item 490627, 143011  
Board of Executives of LTSS. The re-established encumbrance 143012  
amounts are hereby appropriated. 143013

**Section 209.40.** DEPARTMENT OF AGING'S APPROPRIATION ITEM 143014  
STRUCTURE 143015

Upon request from the Director of Aging, the Director of 143016  
Budget and Management may establish new funds, new appropriation 143017  
items, and appropriations in order to support the transition to a 143018

new appropriation item structure in the Department of Aging's 143019  
budget. Also, upon request of the Director of Aging, the Director 143020  
of Budget and Management may transfer appropriations between GRF 143021  
appropriation items, transfer cash between any funds used by the 143022  
Department of Aging, abolish existing funds used by the Department 143023  
of Aging, and cancel and reestablish encumbrances. Any 143024  
establishment of new funds or appropriation items, any transfers 143025  
of appropriations or cash, and any increases in appropriation 143026  
under this section are subject to Controlling Board approval. 143027

**Section 209.50.** UPDATING AUTHORIZING STATUTE CITATIONS 143028

As used in this section, "authorizing statute" means a 143029  
Revised Code section or provision of a Revised Code section that 143030  
is cited in the Ohio Administrative Code as the statute that 143031  
authorizes the adoption of a rule. 143032

The Director of Aging is not required to amend any rule for 143033  
the sole purpose of updating the citation in the Ohio 143034  
Administrative Code to the rule's authorizing statute to reflect 143035  
that this act renumbers the authorizing statute or relocates it to 143036  
another Revised Code section. Such citations shall be updated as 143037  
the Director amends the rules for other purposes. 143038

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE 143039

General Revenue Fund 143040

|            |                        |    |           |    |           |        |
|------------|------------------------|----|-----------|----|-----------|--------|
| GRF 700401 | Animal Disease Control | \$ | 3,936,687 | \$ | 3,936,687 | 143041 |
| GRF 700403 | Dairy Division         | \$ | 1,088,115 | \$ | 1,088,115 | 143042 |
| GRF 700404 | Ohio Proud             | \$ | 50,000    | \$ | 50,000    | 143043 |
| GRF 700406 | Consumer Analytical    | \$ | 1,287,556 | \$ | 1,287,556 | 143044 |
|            | Lab                    |    |           |    |           |        |
| GRF 700407 | Food Safety            | \$ | 848,792   | \$ | 848,792   | 143045 |
| GRF 700409 | Farmland Preservation  | \$ | 72,750    | \$ | 72,750    | 143046 |
| GRF 700412 | Weights and Measures   | \$ | 600,000   | \$ | 600,000   | 143047 |

|             |                                               |    |            |    |            |        |
|-------------|-----------------------------------------------|----|------------|----|------------|--------|
| GRF 700415  | Poultry Inspection                            | \$ | 542,978    | \$ | 542,978    | 143048 |
| GRF 700418  | Livestock Regulation<br>Program               | \$ | 1,108,071  | \$ | 1,108,071  | 143049 |
| GRF 700424  | Livestock Testing and<br>Inspections          | \$ | 102,770    | \$ | 102,770    | 143050 |
| GRF 700426  | Dangerous and<br>Restricted Animals           | \$ | 800,000    | \$ | 800,000    | 143051 |
| GRF 700427  | High Volume Breeder<br>Kennel Control         | \$ | 400,000    | \$ | 200,000    | 143052 |
| GRF 700499  | Meat Inspection<br>Program - State Share      | \$ | 4,175,097  | \$ | 4,175,097  | 143053 |
| GRF 700501  | County Agricultural<br>Societies              | \$ | 391,415    | \$ | 391,415    | 143054 |
| TOTAL GRF   | General Revenue Fund                          | \$ | 15,404,231 | \$ | 15,204,231 | 143055 |
|             | General Services Fund Group                   |    |            |    |            | 143056 |
| 5DA0 700644 | Laboratory<br>Administration<br>Support       | \$ | 1,115,000  | \$ | 1,115,000  | 143057 |
| 5GH0 700655 | Central Support<br>Indirect Cost              | \$ | 4,368,013  | \$ | 4,404,073  | 143058 |
| TOTAL GSF   | General Services Fund<br>Group                | \$ | 5,483,013  | \$ | 5,519,073  | 143059 |
|             | Federal Special Revenue Fund Group            |    |            |    |            | 143060 |
| 3260 700618 | Meat Inspection<br>Program - Federal<br>Share | \$ | 4,450,000  | \$ | 4,450,000  | 143061 |
| 3360 700617 | Ohio Farm Loan<br>Revolving Fund              | \$ | 150,000    | \$ | 150,000    | 143062 |
| 3820 700601 | Cooperative Contracts                         | \$ | 4,500,000  | \$ | 4,500,000  | 143063 |
| 3AB0 700641 | Agricultural Easement                         | \$ | 1,000,000  | \$ | 1,000,000  | 143064 |
| 3J40 700607 | Indirect Cost                                 | \$ | 1,100,000  | \$ | 1,100,000  | 143065 |
| 3R20 700614 | Federal Plant                                 | \$ | 1,606,000  | \$ | 1,606,000  | 143066 |

|                                  |                                          | Industry |               |               |        |
|----------------------------------|------------------------------------------|----------|---------------|---------------|--------|
| TOTAL FED                        | Federal Special Revenue                  |          |               |               | 143067 |
| Fund Group                       |                                          |          | \$ 12,806,000 | \$ 12,806,000 | 143068 |
| State Special Revenue Fund Group |                                          |          |               |               | 143069 |
| 4900 700651                      | License Plates - Sustainable Agriculture |          | \$ 10,000     | \$ 10,000     | 143070 |
| 4940 700612                      | Agricultural Commodity Marketing Program |          | \$ 218,000    | \$ 213,000    | 143071 |
| 4960 700626                      | Ohio Grape Industries                    |          | \$ 970,000    | \$ 970,000    | 143072 |
| 4970 700627                      | Commodity Handlers Regulatory Program    |          | \$ 482,672    | \$ 482,672    | 143073 |
| 4C90 700605                      | Commercial Feed and Seed                 |          | \$ 1,760,000  | \$ 1,760,000  | 143074 |
| 4D20 700609                      | Auction Education                        |          | \$ 35,000     | \$ 35,000     | 143075 |
| 4E40 700606                      | Utility Radiological Safety              |          | \$ 130,000    | \$ 130,000    | 143076 |
| 4P70 700610                      | Food Safety Inspection                   |          | \$ 1,017,328  | \$ 1,017,328  | 143077 |
| 4R00 700636                      | Ohio Proud Marketing                     |          | \$ 45,500     | \$ 45,500     | 143078 |
| 4R20 700637                      | Dairy Industry Inspection                |          | \$ 1,738,247  | \$ 1,738,247  | 143079 |
| 4T60 700611                      | Poultry and Meat Inspection              |          | \$ 120,000    | \$ 120,000    | 143080 |
| 5780 700620                      | Ride Inspection Fees                     |          | \$ 1,175,142  | \$ 1,175,142  | 143081 |
| 5880 700633                      | Brand Registration                       |          | \$ 5,000      | \$ 5,000      | 143082 |
| 5B80 700629                      | Auctioneers                              |          | \$ 340,000    | \$ 340,000    | 143083 |
| 5CP0 700652                      | License Plate Scholarships               |          | \$ 10,000     | \$ 10,000     | 143084 |
| 5FC0 700648                      | Plant Pest Program                       |          | \$ 1,190,000  | \$ 1,190,000  | 143085 |
| 5H20 700608                      | Metrology Lab and Scale Certification    |          | \$ 552,000    | \$ 552,000    | 143086 |

|                                                                                                                                                                                                                                                     |        |                                                    |    |            |    |            |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------------------------------------------------|----|------------|----|------------|--------------------------------------|
| 5L80                                                                                                                                                                                                                                                | 700604 | Livestock Management Program                       | \$ | 145,000    | \$ | 145,000    | 143087                               |
| 5MA0                                                                                                                                                                                                                                                | 700657 | Dangerous and Restricted Animals                   | \$ | 195,000    | \$ | 195,000    | 143088                               |
| 6520                                                                                                                                                                                                                                                | 700634 | Animal and Consumer Analytical Laboratory          | \$ | 4,966,383  | \$ | 4,966,383  | 143089                               |
| 6690                                                                                                                                                                                                                                                | 700635 | Pesticide, Fertilizer, and Lime Inspection Program | \$ | 3,418,041  | \$ | 3,418,041  | 143090                               |
| TOTAL SSR State Special Revenue                                                                                                                                                                                                                     |        |                                                    |    |            |    |            | 143091                               |
| Fund Group                                                                                                                                                                                                                                          |        |                                                    | \$ | 18,523,313 | \$ | 18,518,313 | 143092                               |
| Clean Ohio Conservation Fund Group                                                                                                                                                                                                                  |        |                                                    |    |            |    |            | 143093                               |
| 7057                                                                                                                                                                                                                                                | 700632 | Clean Ohio Agricultural Easement                   | \$ | 310,000    | \$ | 310,000    | 143094                               |
| TOTAL CLF Clean Ohio Conservation Fund Group                                                                                                                                                                                                        |        |                                                    | \$ | 310,000    | \$ | 310,000    | 143095                               |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                        |        |                                                    | \$ | 52,526,557 | \$ | 52,357,617 | 143096                               |
| DANGEROUS AND RESTRICTED WILD ANIMALS                                                                                                                                                                                                               |        |                                                    |    |            |    |            | 143097                               |
| The foregoing GRF appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program.                                                                             |        |                                                    |    |            |    |            | 143098<br>143099<br>143100           |
| COUNTY AGRICULTURAL SOCIETIES                                                                                                                                                                                                                       |        |                                                    |    |            |    |            | 143101                               |
| The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.                                                    |        |                                                    |    |            |    |            | 143102<br>143103<br>143104<br>143105 |
| CLEAN OHIO AGRICULTURAL EASEMENT                                                                                                                                                                                                                    |        |                                                    |    |            |    |            | 143106                               |
| The foregoing appropriation item 700632, Clean Ohio Agricultural Easement, shall be used by the Department of Agriculture in administering Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to |        |                                                    |    |            |    |            | 143107<br>143108<br>143109<br>143110 |

5301.70 of the Revised Code. 143111

**Section 213.10.** AIR AIR QUALITY DEVELOPMENT AUTHORITY 143112

General Services Fund Group 143113

5EG0 898608 Energy Strategy \$ 240,681 \$ 240,681 143114

Development

TOTAL GSF General Services Fund \$ 240,681 \$ 240,681 143115

State Special Revenue Fund Group 143116

4Z90 898602 Small Business \$ 288,232 \$ 288,232 143117

Ombudsman

5700 898601 Operating Expenses \$ 323,980 \$ 323,980 143118

5A00 898603 Small Business \$ 900,000 \$ 1,125,000 143119

Assistance

TOTAL SSR State Special Revenue \$ 1,512,212 \$ 1,737,212 143120

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,752,893 \$ 1,977,893 143121

**Section 213.20.** ENERGY STRATEGY DEVELOPMENT 143123

The Energy Strategy Development Program shall develop energy 143124

initiatives, projects, and policy that align with the energy 143125

policy for the state. Issues addressed by such initiatives, 143126

projects, and policy shall not be limited to those governed by 143127

Chapter 3706. of the Revised Code. The Ohio Air Quality 143128

Development Authority shall be responsible for the monitoring of 143129

the program. 143130

There is hereby created in the state treasury the Energy 143131

Strategy Development Fund (Fund 5EG0). The fund shall consist of 143132

money credited to it and money obtained for advanced energy 143133

projects from federal or private grants, loans, or other sources. 143134

Money in the fund shall be used to carry out the purposes of the 143135

program. Interest earned on the money in the fund shall be 143136

credited to the General Revenue Fund. 143137

On July 1 of each fiscal year, or as soon as possible 143138  
thereafter, the Director of Budget and Management may transfer 143139  
cash from the funds specified below, up to the amounts specified 143140  
below, to the Energy Strategy Development Fund. Fund 5EG0 may 143141  
accept contributions and transfers made to the fund. On July 1, 143142  
2015, or as soon as possible thereafter, the Director shall 143143  
transfer to the General Revenue Fund all cash credited to Fund 143144  
5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 143145

| <u>Fund</u> | <u>Fund Name</u>  | <u>User</u>       | <u>FY 2014</u> | <u>FY 2015</u> |        |
|-------------|-------------------|-------------------|----------------|----------------|--------|
| 1310        | State Agency      | Ohio Facilities   | \$27,405       | \$27,439       | 143146 |
|             | Construction      | Construction      |                |                | 143147 |
|             | Project Service   | Commission        |                |                |        |
| 5GH0        | Central Support   | Department of     | \$27,405       | \$27,439       | 143148 |
|             | Indirect Cost     | Agriculture       |                |                |        |
| 1350        | Supportive        | Development       | \$27,405       | \$27,439       | 143149 |
|             | Services          | Services Agency   |                |                |        |
| 2190        | Central Support   | Environmental     | \$27,405       | \$27,439       | 143150 |
|             | Indirect Cost     | Protection Agency |                |                |        |
| 1570        | Central Support   | Department of     | \$27,405       | \$27,439       | 143151 |
|             | Indirect          | Natural Resources |                |                |        |
|             | Chargeback        |                   |                |                |        |
| 7002        | Highway Operating | Department of     | \$39,150       | \$39,199       | 143152 |
|             |                   | Transportation    |                |                |        |

**Section 213.30.** REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 143153  
AUTHORITY TRUST ACCOUNT 143154

Notwithstanding any other provision of law to the contrary, 143155  
the Air Quality Development Authority may reimburse the Air 143156  
Quality Development Authority trust account established under 143157  
section 3706.10 of the Revised Code from all operating funds of 143158  
the agency for expenses pertaining to the administration and 143159  
shared costs incurred by the Air Quality Development Authority in 143160  
the execution of responsibilities as prescribed in Chapter 3706. 143161

of the Revised Code. Reimbursement shall be made by voucher and 143162  
 completed in accordance with the administrative indirect costs 143163  
 allocation plan approved by the Office of Budget and Management. 143164

**Section 215.10. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS** 143165

General Services Fund Group 143166

4K90 891609 Operating \$ 481,379 \$ 485,954 143167

TOTAL GSF General Services Fund 143168

Group \$ 481,379 \$ 485,954 143169

TOTAL ALL BUDGET FUND GROUPS \$ 481,379 \$ 485,954 143170

**Section 217.10. ART OHIO ARTS COUNCIL** 143172

General Revenue Fund 143173

GRF 370321 Operating Expenses \$ 1,649,204 \$ 1,649,204 143174

GRF 370502 State Program \$ 9,675,000 \$ 9,675,000 143175

Subsidies

TOTAL GRF General Revenue Fund \$ 11,324,204 \$ 11,324,204 143176

General Services Fund Group 143177

4600 370602 Management Expenses \$ 247,000 \$ 247,000 143178

and Donations

4B70 370603 Percent for Art \$ 247,000 \$ 247,000 143179

Acquisitions

TOTAL GSF General Services Fund \$ 494,000 \$ 494,000 143180

Group

Federal Special Revenue Fund Group 143181

3140 370601 Federal Support \$ 1,000,000 \$ 1,000,000 143182

TOTAL FED Federal Special Revenue \$ 1,000,000 \$ 1,000,000 143183

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,818,204 \$ 12,818,204 143184

OPERATING EXPENSES 143185

Of the foregoing appropriation item 370321, Operating 143186



Expenses, up to \$50,000 shall be used in each fiscal year for 143187  
 technology upgrades and improvements. 143188

FEDERAL SUPPORT 143189

Notwithstanding any provision of law to the contrary, the 143190  
 foregoing appropriation item 370601, Federal Support, shall be 143191  
 used by the Ohio Arts Council for subsidies only, and not for its 143192  
 administrative costs, unless the Council is required to use a 143193  
 portion of the funds for administrative costs under conditions of 143194  
 the federal grant. 143195

**Section 219.10. ATH ATHLETIC COMMISSION** 143196

General Services Fund Group 143197

4K90 175609 Operating Expenses \$ 312,000 \$ 320,000 143198

TOTAL GSF General Services Fund \$ 312,000 \$ 320,000 143199

Group

TOTAL ALL BUDGET FUND GROUPS \$ 312,000 \$ 320,000 143200

**Section 221.10. AGO ATTORNEY GENERAL** 143202

General Revenue Fund 143203

GRF 055321 Operating Expenses \$ 42,514,169 \$ 42,514,169 143204

GRF 055405 Law-Related Education \$ 100,000 \$ 100,000 143205

GRF 055407 Tobacco Settlement \$ 1,500,000 \$ 1,500,000 143206

Enforcement

GRF 055411 County Sheriffs' Pay \$ 757,921 \$ 757,921 143207

Supplement

GRF 055415 County Prosecutors' \$ 831,499 \$ 831,499 143208

Pay Supplement

TOTAL GRF General Revenue Fund \$ 45,703,589 \$ 45,703,589 143209

General Services Fund Group 143210

1060 055612 General Reimbursement \$ 54,806,192 \$ 55,820,716 143211

1950 055660 Workers' Compensation \$ 8,415,504 \$ 8,415,504 143212

|         |         |                       |    |            |    |                   |
|---------|---------|-----------------------|----|------------|----|-------------------|
|         |         | Section               |    |            |    |                   |
| 4180    | 055615  | Charitable            | \$ | 8,286,000  | \$ | 8,286,000 143213  |
|         |         | Foundations           |    |            |    |                   |
| 4200    | 055603  | Attorney General      | \$ | 1,839,074  | \$ | 1,839,074 143214  |
|         |         | Antitrust             |    |            |    |                   |
| 4210    | 055617  | Police Officers'      | \$ | 500,000    | \$ | 500,000 143215    |
|         |         | Training Academy Fee  |    |            |    |                   |
| 4Z20    | 055609  | BCI Asset Forfeiture  | \$ | 1,000,000  | \$ | 1,000,000 143216  |
|         |         | and Cost              |    |            |    |                   |
|         |         | Reimbursement         |    |            |    |                   |
| 5900    | 055633  | Peace Officer Private | \$ | 79,438     | \$ | 95,325 143217     |
|         |         | Security Fund         |    |            |    |                   |
| 5A90    | 055618  | Telemarketing Fraud   | \$ | 45,000     | \$ | 10,000 143218     |
|         |         | Enforcement           |    |            |    |                   |
| 5L50    | 055619  | Law Enforcement       | \$ | 375,255    | \$ | 187,627 143219    |
|         |         | Assistance Program    |    |            |    |                   |
| 5LR0    | 055655  | Peace Officer         | \$ | 4,629,409  | \$ | 4,629,409 143220  |
|         |         | Training - Casino     |    |            |    |                   |
| 5MP0    | 055657  | Peace Officer         | \$ | 25,000     | \$ | 25,000 143221     |
|         |         | Training Commission   |    |            |    |                   |
| 6310    | 055637  | Consumer Protection   | \$ | 6,700,000  | \$ | 6,834,000 143222  |
|         |         | Enforcement           |    |            |    |                   |
| TOTAL   | GSF     | General Services Fund |    |            |    | 143223            |
| Group   |         |                       | \$ | 86,700,872 | \$ | 87,642,655 143224 |
| Federal | Special | Revenue Fund Group    |    |            |    | 143225            |
| 3060    | 055620  | Medicaid Fraud        | \$ | 4,537,408  | \$ | 4,628,156 143226  |
|         |         | Control               |    |            |    |                   |
| 3810    | 055611  | Civil Rights Legal    | \$ | 75,000     | \$ | 35,574 143227     |
|         |         | Service               |    |            |    |                   |
| 3830    | 055634  | Crime Victims         | \$ | 15,000,000 | \$ | 15,000,000 143228 |
|         |         | Assistance            |    |            |    |                   |
| 3E50    | 055638  | Attorney General      | \$ | 599,999    | \$ | 599,999 143229    |
|         |         | Pass-Through Funds    |    |            |    |                   |

|                                                |        |                                                           |    |            |    |            |        |
|------------------------------------------------|--------|-----------------------------------------------------------|----|------------|----|------------|--------|
| 3FV0                                           | 055656 | Crime Victim<br>Compensation                              | \$ | 7,000,000  | \$ | 7,000,000  | 143230 |
| 3R60                                           | 055613 | Attorney General<br>Federal Funds                         | \$ | 999,999    | \$ | 999,999    | 143231 |
| TOTAL FED Federal Special Revenue              |        |                                                           |    |            |    |            | 143232 |
| Fund Group                                     |        |                                                           | \$ | 28,212,406 | \$ | 28,263,728 | 143233 |
| State Special Revenue Fund Group               |        |                                                           |    |            |    |            | 143234 |
| 4020                                           | 055616 | Victims of Crime                                          | \$ | 16,456,769 | \$ | 16,456,769 | 143235 |
| 4190                                           | 055623 | Claims Section                                            | \$ | 55,920,716 | \$ | 56,937,131 | 143236 |
| 4L60                                           | 055606 | DARE Programs                                             | \$ | 3,578,901  | \$ | 3,486,209  | 143237 |
| 4Y70                                           | 055608 | Title Defect Recision                                     | \$ | 600,000    | \$ | 600,000    | 143238 |
| 6590                                           | 055641 | Solid and Hazardous<br>Waste Background<br>Investigations | \$ | 310,730    | \$ | 310,730    | 143239 |
| TOTAL SSR State Special Revenue                |        |                                                           |    |            |    |            | 143240 |
| Fund Group                                     |        |                                                           | \$ | 76,867,116 | \$ | 77,790,839 | 143241 |
| Holding Account Redistribution Fund Group      |        |                                                           |    |            |    |            | 143242 |
| R004                                           | 055631 | General Holding<br>Account                                | \$ | 1,000,000  | \$ | 1,000,000  | 143243 |
| R005                                           | 055632 | Antitrust Settlements                                     | \$ | 1,000      | \$ | 1,000      | 143244 |
| R018                                           | 055630 | Consumer Frauds                                           | \$ | 750,000    | \$ | 750,000    | 143245 |
| R042                                           | 055601 | Organized Crime<br>Commission<br>Distributions            | \$ | 25,025     | \$ | 25,025     | 143246 |
| R054                                           | 055650 | Collection Payment<br>Redistribution                      | \$ | 4,500,000  | \$ | 4,500,000  | 143247 |
| TOTAL 090 Holding Account                      |        |                                                           |    |            |    |            | 143248 |
| Redistribution Fund Group                      |        |                                                           | \$ | 6,276,025  | \$ | 6,276,025  | 143249 |
| Tobacco Master Settlement Agreement Fund Group |        |                                                           |    |            |    |            | 143250 |
| U087                                           | 055402 | Tobacco Settlement<br>Oversight,<br>Administration, and   | \$ | 500,000    | \$ | 500,000    | 143251 |

Enforcement

TOTAL TSF Tobacco Master Settlement \$ 500,000 \$ 500,000 143252  
Agreement Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 244,260,008 \$ 246,176,836 143253

COUNTY SHERIFFS' PAY SUPPLEMENT 143254

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 143255  
143256  
143257  
143258

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 143259  
143260  
143261  
143262  
143263  
143264

COUNTY PROSECUTORS' PAY SUPPLEMENT 143265

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code. 143266  
143267  
143268  
143269

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code. 143270  
143271  
143272  
143273  
143274  
143275  
143276

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE GENERAL REIMBURSEMENT FUND 143277  
143278

Notwithstanding any other provision of law to the contrary, on July 1, 2013, or as soon as possible thereafter, the Director 143279  
143280

of Budget and Management shall transfer \$80,000 cash from the 143281  
General Revenue Fund to the General Reimbursement Fund (Fund 143282  
1060). 143283

OHIO BCI FORENSIC RESEARCH AND PROFESSIONAL TRAINING CENTER 143284

Of the foregoing appropriation item 055612, General 143285  
Reimbursement, \$600,000 in fiscal year 2015 shall be used to 143286  
create the Ohio BCI Forensic Research and Professional Training 143287  
Center at Bowling Green State University. The purpose of the 143288  
Center shall be to foster forensic science research techniques 143289  
(BCI Eminent Scholar) and to create professional training 143290  
opportunities to students (BCI Scholars) in the forensic science 143291  
fields. 143292

WORKERS' COMPENSATION SECTION 143293

The Workers' Compensation Fund (Fund 1950) is entitled to 143294  
receive payments from the Bureau of Workers' Compensation and the 143295  
Ohio Industrial Commission at the beginning of each quarter of 143296  
each fiscal year to fund legal services to be provided to the 143297  
Bureau of Workers' Compensation and the Ohio Industrial Commission 143298  
during the ensuing quarter. The advance payment shall be subject 143299  
to adjustment. 143300

In addition, the Bureau of Workers' Compensation shall 143301  
transfer payments at the beginning of each quarter for the support 143302  
of the Workers' Compensation Fraud Unit. 143303

All amounts shall be mutually agreed upon by the Attorney 143304  
General, the Bureau of Workers' Compensation, and the Ohio 143305  
Industrial Commission. 143306

ATTORNEY GENERAL PASS-THROUGH FUNDS 143307

The foregoing appropriation item 055638, Attorney General 143308  
Pass-Through Funds, shall be used to receive federal grant funds 143309  
provided to the Attorney General by other state agencies, 143310

including, but not limited to, the Department of Youth Services 143311  
and the Department of Public Safety. 143312

GENERAL HOLDING ACCOUNT 143313

The foregoing appropriation item 055631, General Holding 143314  
Account, shall be used to distribute moneys under the terms of 143315  
relevant court orders or other settlements received in a variety 143316  
of cases involving the Office of the Attorney General. If it is 143317  
determined that additional amounts are necessary for this purpose, 143318  
the amounts are hereby appropriated. 143319

ANTITRUST SETTLEMENTS 143320

The foregoing appropriation item 055632, Antitrust 143321  
Settlements, shall be used to distribute moneys under the terms of 143322  
relevant court orders or other out of court settlements in 143323  
antitrust cases or antitrust matters involving the Office of the 143324  
Attorney General. If it is determined that additional amounts are 143325  
necessary for this purpose, the amounts are hereby appropriated. 143326

CONSUMER FRAUDS 143327

The foregoing appropriation item 055630, Consumer Frauds, 143328  
shall be used for distribution of moneys from court-ordered 143329  
judgments against sellers in actions brought by the Office of 143330  
Attorney General under sections 1334.08 and 4549.48 and division 143331  
(B) of section 1345.07 of the Revised Code. These moneys shall be 143332  
used to provide restitution to consumers victimized by the fraud 143333  
that generated the court-ordered judgments. If it is determined 143334  
that additional amounts are necessary for this purpose, the 143335  
amounts are hereby appropriated. 143336

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 143337

The foregoing appropriation item 055601, Organized Crime 143338  
Commission Distributions, shall be used by the Organized Crime 143339  
Investigations Commission, as provided by section 177.011 of the 143340

Revised Code, to reimburse political subdivisions for the expenses 143341  
the political subdivisions incur when their law enforcement 143342  
officers participate in an organized crime task force. If it is 143343  
determined that additional amounts are necessary for this purpose, 143344  
the amounts are hereby appropriated. 143345

COLLECTION PAYMENT REDISTRIBUTION 143346

The foregoing appropriation item 055650, Collection Payment 143347  
Redistribution, shall be used for the purpose of allocating the 143348  
revenue where debtors mistakenly paid the client agencies instead 143349  
of the Attorney General's Collections Enforcement Section. If it 143350  
is determined that additional amounts are necessary for this 143351  
purpose, the amounts are hereby appropriated. 143352

**Section 223.10.** AUD AUDITOR OF STATE 143353

General Revenue Fund 143354

|            |                    |               |               |        |
|------------|--------------------|---------------|---------------|--------|
| GRF 070321 | Operating Expenses | \$ 27,434,452 | \$ 27,434,452 | 143355 |
|------------|--------------------|---------------|---------------|--------|

|            |        |            |            |        |
|------------|--------|------------|------------|--------|
| GRF 070403 | Fiscal | \$ 800,000 | \$ 800,000 | 143356 |
|------------|--------|------------|------------|--------|

Watch/Emergency  
Technical Assistance

|           |                      |               |               |        |
|-----------|----------------------|---------------|---------------|--------|
| TOTAL GRF | General Revenue Fund | \$ 28,234,452 | \$ 28,234,452 | 143357 |
|-----------|----------------------|---------------|---------------|--------|

Auditor of State Fund Group 143358

|             |                      |              |              |        |
|-------------|----------------------|--------------|--------------|--------|
| 1090 070601 | Public Audit Expense | \$ 9,069,804 | \$ 9,196,081 | 143359 |
|             | - Intra-State        |              |              |        |

|             |                      |               |               |        |
|-------------|----------------------|---------------|---------------|--------|
| 4220 070602 | Public Audit Expense | \$ 31,052,999 | \$ 31,031,044 | 143360 |
|             | - Local Government   |               |               |        |

|             |                  |            |            |        |
|-------------|------------------|------------|------------|--------|
| 5840 070603 | Training Program | \$ 181,730 | \$ 181,250 | 143361 |
|-------------|------------------|------------|------------|--------|

|             |                      |            |            |        |
|-------------|----------------------|------------|------------|--------|
| 5JZ0 070606 | LEAP Revolving Loans | \$ 650,000 | \$ 650,000 | 143362 |
|-------------|----------------------|------------|------------|--------|

|             |                    |              |              |        |
|-------------|--------------------|--------------|--------------|--------|
| 6750 070605 | Uniform Accounting | \$ 3,241,533 | \$ 3,160,637 | 143363 |
|-------------|--------------------|--------------|--------------|--------|

Network

|           |                       |  |  |        |
|-----------|-----------------------|--|--|--------|
| TOTAL AUD | Auditor of State Fund |  |  | 143364 |
|-----------|-----------------------|--|--|--------|

|       |  |               |               |        |
|-------|--|---------------|---------------|--------|
| Group |  | \$ 44,196,066 | \$ 44,219,012 | 143365 |
|-------|--|---------------|---------------|--------|

|                                                                    |    |            |    |            |        |
|--------------------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 72,430,518 | \$ | 72,453,464 | 143366 |
| FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE                        |    |            |    |            | 143367 |
| The foregoing appropriation item 070403, Fiscal                    |    |            |    |            | 143368 |
| Watch/Emergency Technical Assistance, shall be used for expenses   |    |            |    |            | 143369 |
| incurred by the Office of the Auditor of State in its role         |    |            |    |            | 143370 |
| relating to fiscal watch or fiscal emergency activities under      |    |            |    |            | 143371 |
| Chapters 118. and 3316. of the Revised Code. Expenses include, but |    |            |    |            | 143372 |
| are not limited to, the following: duties related to the           |    |            |    |            | 143373 |
| determination or termination of fiscal watch or fiscal emergency   |    |            |    |            | 143374 |
| of municipal corporations, counties, townships, or school          |    |            |    |            | 143375 |
| districts; development of preliminary accounting reports;          |    |            |    |            | 143376 |
| performance of annual forecasts; provision of performance audits;  |    |            |    |            | 143377 |
| and supervisory, accounting, or auditing services for the          |    |            |    |            | 143378 |
| municipal corporations, counties, townships, or school districts.  |    |            |    |            | 143379 |
| <b>Section 225.10. BRB BOARD OF BARBER EXAMINERS</b>               |    |            |    |            | 143380 |
| General Services Fund Group                                        |    |            |    |            | 143381 |
| 4K90 877609 Operating Expenses                                     | \$ | 670,882    | \$ | 674,272    | 143382 |
| TOTAL GSF General Services Fund                                    |    |            |    |            | 143383 |
| Group                                                              | \$ | 670,882    | \$ | 674,272    | 143384 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 670,882    | \$ | 674,272    | 143385 |
| <b>Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT</b>         |    |            |    |            | 143387 |
| General Revenue Fund                                               |    |            |    |            | 143388 |
| GRF 042321 Budget Development                                      | \$ | 2,703,189  | \$ | 2,697,483  | 143389 |
| and Implementation                                                 |    |            |    |            |        |
| GRF 042409 Commission Closures                                     | \$ | 304,000    | \$ | 155,000    | 143390 |
| GRF 042416 Office of Health                                        | \$ | 484,486    | \$ | 498,571    | 143391 |
| Transformation                                                     |    |            |    |            |        |
| GRF 042425 Shared Services                                         | \$ | 1,250,000  | \$ | 1,250,000  | 143392 |
| Development                                                        |    |            |    |            |        |
| TOTAL GRF General Revenue Fund                                     | \$ | 4,741,675  | \$ | 4,601,054  | 143393 |



|                                                                    |    |            |               |        |
|--------------------------------------------------------------------|----|------------|---------------|--------|
| General Services Fund Group                                        |    |            |               | 143394 |
| 1050 042603 Financial Management                                   | \$ | 14,060,275 | \$ 14,451,086 | 143395 |
| 1050 042620 Shared Services                                        | \$ | 8,837,518  | \$ 8,924,830  | 143396 |
| Operating                                                          |    |            |               |        |
| TOTAL GSF General Services Fund                                    | \$ | 22,897,793 | \$ 23,375,916 | 143397 |
| Group                                                              |    |            |               |        |
| Federal Special Revenue Fund Group                                 |    |            |               | 143398 |
| 3CM0 042606 Office of Health                                       | \$ | 438,723    | \$ 438,723    | 143399 |
| Transformation -                                                   |    |            |               |        |
| Federal                                                            |    |            |               |        |
| TOTAL FED Federal Special Revenue                                  | \$ | 438,723    | \$ 438,723    | 143400 |
| Fund Group                                                         |    |            |               |        |
| Agency Fund Group                                                  |    |            |               | 143401 |
| 5EH0 042604 Forgery Recovery                                       | \$ | 40,000     | \$ 40,000     | 143402 |
| TOTAL AGY Agency Fund Group                                        | \$ | 40,000     | \$ 40,000     | 143403 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 28,118,191 | \$ 28,455,693 | 143404 |
| COMMISSION CLOSURES                                                |    |            |               | 143405 |
| The foregoing appropriation item 042409, Commission Closures,      |    |            |               | 143406 |
| may be used to pay obligations associated with the closure of any  |    |            |               | 143407 |
| state agency, whether in the executive, legislative, or judicial   |    |            |               | 143408 |
| branch of government. Notwithstanding any provision of law to the  |    |            |               | 143409 |
| contrary, this appropriation item may also be used to pay final    |    |            |               | 143410 |
| payroll expenses occurring after the closure of any state agency,  |    |            |               | 143411 |
| whether in the executive, legislative, or judicial branch of       |    |            |               | 143412 |
| government in the event that appropriations or cash in the closing |    |            |               | 143413 |
| agency are insufficient to do so.                                  |    |            |               | 143414 |
| The Director of Budget and Management may request Controlling      |    |            |               | 143415 |
| Board approval for funds to be transferred to appropriation item   |    |            |               | 143416 |
| 042409, Commission Closures, from appropriation item 911614, CB    |    |            |               | 143417 |
| Emergency Purposes, for anticipated expenses associated with       |    |            |               | 143418 |
| agency closures.                                                   |    |            |               | 143419 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| AUDIT COSTS AND DUES                                               | 143420 |
| All centralized audit costs associated with either Single          | 143421 |
| Audit Schedules or financial statements prepared in conformance    | 143422 |
| with generally accepted accounting principles for the state shall  | 143423 |
| be paid from the foregoing appropriation item 042603, Financial    | 143424 |
| Management.                                                        | 143425 |
| Costs associated with the audit of the Auditor of State and        | 143426 |
| national association dues shall be paid from the foregoing         | 143427 |
| appropriation item 042321, Budget Development and Implementation.  | 143428 |
| SHARED SERVICES CENTER                                             | 143429 |
| The foregoing appropriation items 042425, Shared Services          | 143430 |
| Development, and 042620, Shared Services Operating, shall be used  | 143431 |
| by the Director of Budget and Management to support a Shared       | 143432 |
| Services Center within the Office of Budget and Management for the | 143433 |
| purpose of consolidating statewide business functions and common   | 143434 |
| transactional processes.                                           | 143435 |
| The Director of Budget and Management shall include the            | 143436 |
| recovery of costs to operate the Shared Services Center in the     | 143437 |
| accounting and budgeting services payroll rate and through a       | 143438 |
| direct charges using intrastate transfer vouchers to agencies for  | 143439 |
| services rendered. The Director of Budget and Management shall     | 143440 |
| determine the cost recovery methodology. Such cost recovery        | 143441 |
| revenues shall be deposited to the credit of Fund 1050.            | 143442 |
| INTERNAL AUDIT                                                     | 143443 |
| The Director of Budget and Management shall include the            | 143444 |
| recovery of costs to operate the Internal Audit Program in the     | 143445 |
| accounting and budgeting services payroll rate and through a       | 143446 |
| direct charge using intrastate transfer vouchers to agencies       | 143447 |
| reviewed by the program. The Director of Budget and Management,    | 143448 |
| with advice from the Internal Audit Advisory Council, shall        | 143449 |
| determine the cost recovery methodology. Such cost recovery        | 143450 |

revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050). 143451  
 143452

FORGERY RECOVERY 143453

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated. 143454  
 143455  
 143456  
 143457  
 143458  
 143459  
 143460  
 143461  
 143462

ABOLISHMENT OF FUND 5N40 AND FUND 5Z80 143463

On or before December 31, 2013, the Director of Budget and Management shall transfer the cash balances of the OAKS Project Implementation Fund (Fund 5N40) and the Office of Health Transformation Administration Fund (Fund 5Z80) to the General Revenue Fund. Upon completion of the transfers, Fund 5N40 and Fund 5Z80 are abolished. 143464  
 143465  
 143466  
 143467  
 143468  
 143469

**Section 229.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 143470

General Revenue Fund 143471

|     |        |                   |    |           |    |           |        |
|-----|--------|-------------------|----|-----------|----|-----------|--------|
| GRF | 874100 | Personal Services | \$ | 2,417,467 | \$ | 2,417,467 | 143472 |
|-----|--------|-------------------|----|-----------|----|-----------|--------|

|     |        |                 |    |           |    |           |        |
|-----|--------|-----------------|----|-----------|----|-----------|--------|
| GRF | 874320 | Maintenance and | \$ | 1,161,098 | \$ | 1,161,098 | 143473 |
|-----|--------|-----------------|----|-----------|----|-----------|--------|

Equipment

|           |                      |    |           |    |           |        |
|-----------|----------------------|----|-----------|----|-----------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 3,578,565 | \$ | 3,578,565 | 143474 |
|-----------|----------------------|----|-----------|----|-----------|--------|

General Services Fund Group 143475

|      |        |                |    |       |    |       |        |
|------|--------|----------------|----|-------|----|-------|--------|
| 4G50 | 874603 | Capitol Square | \$ | 5,882 | \$ | 5,882 | 143476 |
|------|--------|----------------|----|-------|----|-------|--------|

Education Center and

Arts

|      |        |                 |    |         |    |         |        |
|------|--------|-----------------|----|---------|----|---------|--------|
| 4S70 | 874602 | Statehouse Gift | \$ | 629,409 | \$ | 629,409 | 143477 |
|------|--------|-----------------|----|---------|----|---------|--------|

|                                                                     |    |           |                     |
|---------------------------------------------------------------------|----|-----------|---------------------|
| Shop/Events                                                         |    |           |                     |
| TOTAL GSF General Services                                          |    |           | 143478              |
| Fund Group                                                          | \$ | 635,291   | \$ 635,291 143479   |
| Underground Parking Garage                                          |    |           | 143480              |
| 2080 874601 Underground Parking                                     | \$ | 3,049,740 | \$ 2,996,740 143481 |
| Garage Operations                                                   |    |           |                     |
| TOTAL UPG Underground Parking                                       |    |           | 143482              |
| Garage                                                              | \$ | 3,049,740 | \$ 2,996,740 143483 |
| TOTAL ALL BUDGET FUND GROUPS                                        | \$ | 7,263,596 | \$ 7,210,596 143484 |
| WAREHOUSE PAYMENTS                                                  |    |           | 143485              |
| Of the foregoing appropriation item 874601, Underground             |    |           | 143486              |
| Parking Garage Operations, \$48,000 in each fiscal year shall be    |    |           | 143487              |
| used to meet all payments at the times they are required to be      |    |           | 143488              |
| made during the period from July 1, 2013, through June 30, 2015,    |    |           | 143489              |
| to the Department of Administrative Services for bond service       |    |           | 143490              |
| charges relating to the purchase and improvement of a warehouse     |    |           | 143491              |
| acquired pursuant to section 105.41 of the Revised Code, in which   |    |           | 143492              |
| to store items of the Capitol Collection Trust and, whenever        |    |           | 143493              |
| necessary, equipment or other property of the Board.                |    |           | 143494              |
| UNDERGROUND PARKING GARAGE FUND                                     |    |           | 143495              |
| Notwithstanding division (G) of section 105.41 of the Revised       |    |           | 143496              |
| Code and any other provision to the contrary, moneys in the         |    |           | 143497              |
| Underground Parking Garage Fund (Fund 2080) may be used for         |    |           | 143498              |
| personnel and operating costs related to the operations of the      |    |           | 143499              |
| Statehouse and the Statehouse Underground Parking Garage.           |    |           | 143500              |
| Of the foregoing appropriation item 874601, Underground             |    |           | 143501              |
| Parking Garage Operations, up to \$10,000 in fiscal year 2014 shall |    |           | 143502              |
| be used to support the 1st Ohio Light Artillery Battery A for the   |    |           | 143503              |
| 150th Anniversary Reenactment of the Battle of Gettysburg, and up   |    |           | 143504              |
| to \$15,000 in fiscal year 2015 shall be used for preparations in   |    |           | 143505              |
| anticipation of the Lincoln Funeral Procession Train.               |    |           | 143506              |

|                              |                                             |    |            |    |                   |
|------------------------------|---------------------------------------------|----|------------|----|-------------------|
| <b>Section 231.10.</b>       | SCR STATE BOARD OF CAREER COLLEGES AND      |    |            |    | 143507            |
|                              | SCHOOLS                                     |    |            |    | 143508            |
|                              | General Services Fund Group                 |    |            |    | 143509            |
| 4K90 233601                  | Operating Expenses                          | \$ | 579,328    | \$ | 579,328 143510    |
| TOTAL GSF                    | General Services Fund                       | \$ | 579,328    | \$ | 579,328 143511    |
|                              | Group                                       |    |            |    |                   |
| TOTAL ALL BUDGET FUND GROUPS |                                             | \$ | 579,328    | \$ | 579,328 143512    |
| <br>                         |                                             |    |            |    |                   |
| <b>Section 233.10.</b>       | CAC CASINO CONTROL COMMISSION               |    |            |    | 143514            |
|                              | State Special Revenue Fund Group            |    |            |    | 143515            |
| 5HS0 955321                  | Casino Control -                            | \$ | 13,121,283 | \$ | 13,542,674 143516 |
|                              | Operating                                   |    |            |    |                   |
| TOTAL SSR                    | State Special Revenue                       | \$ | 13,121,283 | \$ | 13,542,674 143517 |
|                              | Fund Group                                  |    |            |    |                   |
| TOTAL ALL BUDGET FUND GROUPS |                                             | \$ | 13,121,283 | \$ | 13,542,674 143518 |
| <br>                         |                                             |    |            |    |                   |
| <b>Section 235.10.</b>       | CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD |    |            |    | 143520            |
|                              | General Services Fund Group                 |    |            |    | 143521            |
| 4K90 930609                  | Operating Expenses                          | \$ | 476,642    | \$ | 469,349 143522    |
| TOTAL GSF                    | General Services Fund                       | \$ | 476,642    | \$ | 469,349 143523    |
|                              | Group                                       |    |            |    |                   |
| TOTAL ALL BUDGET FUND GROUPS |                                             | \$ | 476,642    | \$ | 469,349 143524    |
| <br>                         |                                             |    |            |    |                   |
| <b>Section 237.10.</b>       | CHR STATE CHIROPRACTIC BOARD                |    |            |    | 143526            |
|                              | General Services Fund Group                 |    |            |    | 143527            |
| 4K90 878609                  | Operating Expenses                          | \$ | 617,829    | \$ | 630,775 143528    |
| TOTAL GSF                    | General Services Fund                       | \$ | 617,829    | \$ | 630,775 143529    |
|                              | Group                                       |    |            |    |                   |
| TOTAL ALL BUDGET FUND GROUPS |                                             | \$ | 617,829    | \$ | 630,775 143530    |
| <br>                         |                                             |    |            |    |                   |
| <b>Section 239.10.</b>       | CIV OHIO CIVIL RIGHTS COMMISSION            |    |            |    | 143532            |

|                                    |    |           |              |        |
|------------------------------------|----|-----------|--------------|--------|
| General Revenue Fund               |    |           |              | 143533 |
| GRF 876321 Operating Expenses      | \$ | 4,725,784 | \$ 4,725,784 | 143534 |
| TOTAL GRF General Revenue Fund     | \$ | 4,725,784 | \$ 4,725,784 | 143535 |
| General Services Fund Group        |    |           |              | 143536 |
| 2170 876604 Operations Support     | \$ | 4,000     | \$ 4,000     | 143537 |
| TOTAL GSF General Services         |    |           |              | 143538 |
| Fund Group                         | \$ | 4,000     | \$ 4,000     | 143539 |
| Federal Special Revenue Fund Group |    |           |              | 143540 |
| 3340 876601 Federal Programs       | \$ | 2,820,670 | \$ 2,947,983 | 143541 |
| TOTAL FED Federal Special Revenue  |    |           |              | 143542 |
| Fund Group                         | \$ | 2,820,670 | \$ 2,947,983 | 143543 |
| TOTAL ALL BUDGET FUND GROUPS       | \$ | 7,550,454 | \$ 7,677,767 | 143544 |

**Section 241.10. COM DEPARTMENT OF COMMERCE** 143546

|                                               |    |            |               |        |
|-----------------------------------------------|----|------------|---------------|--------|
| General Services Fund Group                   |    |            |               | 143547 |
| 1630 800620 Division of Administration        | \$ | 6,200,000  | \$ 6,200,000  | 143548 |
| 1630 800637 Information Technology            | \$ | 6,011,977  | \$ 6,011,977  | 143549 |
| 5430 800602 Unclaimed Funds-Operating         | \$ | 7,737,546  | \$ 7,737,546  | 143550 |
| 5430 800625 Unclaimed Funds-Claims            | \$ | 64,000,000 | \$ 64,000,000 | 143551 |
| 5F10 800635 Small Government Fire Departments | \$ | 300,000    | \$ 300,000    | 143552 |
| TOTAL GSF General Services Fund               |    |            |               | 143553 |
| Group                                         | \$ | 84,249,523 | \$ 84,249,523 | 143554 |
| Federal Special Revenue Fund Group            |    |            |               | 143555 |
| 3480 800622 Underground Storage Tanks         | \$ | 1,129,518  | \$ 1,129,518  | 143556 |
| 3480 800624 Leaking Underground Storage Tanks | \$ | 1,556,211  | \$ 1,556,211  | 143557 |
| TOTAL FED Federal Special Revenue             |    |            |               | 143558 |

|                                  |                         |    |            |    |            |        |
|----------------------------------|-------------------------|----|------------|----|------------|--------|
| Fund Group                       |                         | \$ | 2,685,729  | \$ | 2,685,729  | 143559 |
| State Special Revenue Fund Group |                         |    |            |    |            | 143560 |
| 4B20 800631                      | Real Estate Appraisal   | \$ | 35,000     | \$ | 35,000     | 143561 |
|                                  | Recovery                |    |            |    |            |        |
| 4H90 800608                      | Cemeteries              | \$ | 266,688    | \$ | 266,688    | 143562 |
| 4X20 800619                      | Financial Institutions  | \$ | 1,854,298  | \$ | 1,854,298  | 143563 |
| 5440 800612                      | Banks                   | \$ | 6,836,589  | \$ | 6,836,589  | 143564 |
| 5450 800613                      | Savings Institutions    | \$ | 2,259,536  | \$ | 2,259,536  | 143565 |
| 5460 800610                      | Fire Marshal            | \$ | 15,315,738 | \$ | 15,324,574 | 143566 |
| 5460 800639                      | Fire Department Grants  | \$ | 2,198,802  | \$ | 2,198,802  | 143567 |
| 5470 800603                      | Real Estate             | \$ | 69,655     | \$ | 69,655     | 143568 |
|                                  | Education/Research      |    |            |    |            |        |
| 5480 800611                      | Real Estate Recovery    | \$ | 50,000     | \$ | 50,000     | 143569 |
| 5490 800614                      | Real Estate             | \$ | 3,310,412  | \$ | 3,310,412  | 143570 |
| 5500 800617                      | Securities              | \$ | 4,238,814  | \$ | 4,238,814  | 143571 |
| 5520 800604                      | Credit Union            | \$ | 3,297,888  | \$ | 3,297,888  | 143572 |
| 5530 800607                      | Consumer Finance        | \$ | 3,481,692  | \$ | 3,481,692  | 143573 |
| 5560 800615                      | Industrial Compliance   | \$ | 26,612,520 | \$ | 27,104,205 | 143574 |
| 5FW0 800616                      | Financial Literacy      | \$ | 200,000    | \$ | 200,000    | 143575 |
|                                  | Education               |    |            |    |            |        |
| 5GK0 800609                      | Securities Investor     | \$ | 432,150    | \$ | 432,150    | 143576 |
|                                  | Education/Enforcement   |    |            |    |            |        |
| 5HV0 800641                      | Cigarette Enforcement   | \$ | 118,800    | \$ | 118,800    | 143577 |
| 5LP0 800646                      | Liquor Regulatory       | \$ | 7,988,921  | \$ | 7,844,537  | 143578 |
|                                  | Operating Expenses      |    |            |    |            |        |
| 5X60 800623                      | Video Service           | \$ | 337,224    | \$ | 337,224    | 143579 |
| 6530 800629                      | UST Registration/Permit | \$ | 3,831,888  | \$ | 3,612,588  | 143580 |
|                                  | Fee                     |    |            |    |            |        |
| 6A40 800630                      | Real Estate             | \$ | 672,973    | \$ | 672,973    | 143581 |
|                                  | Appraiser-Operating     |    |            |    |            |        |
| TOTAL SSR State Special Revenue  |                         |    |            |    |            | 143582 |
| Fund Group                       |                         | \$ | 83,409,588 | \$ | 83,546,425 | 143583 |
| Liquor Control Fund Group        |                         |    |            |    |            | 143584 |

|                              |                  |    |             |    |             |        |
|------------------------------|------------------|----|-------------|----|-------------|--------|
| 5LC0 800644                  | Liquor JobsOhio  | \$ | 557,974     | \$ | 372,661     | 143585 |
|                              | Extraordinary    |    |             |    |             |        |
|                              | Allowance        |    |             |    |             |        |
| 5LN0 800645                  | Liquor Operating | \$ | 13,949,342  | \$ | 9,316,535   | 143586 |
|                              | Services         |    |             |    |             |        |
| TOTAL LCF Liquor Control     |                  |    |             |    |             | 143587 |
| Fund Group                   |                  | \$ | 14,507,316  | \$ | 9,689,196   | 143588 |
| TOTAL ALL BUDGET FUND GROUPS |                  | \$ | 184,852,156 | \$ | 180,170,873 | 143589 |

ADMINISTRATIVE ASSESSMENTS 143590

Notwithstanding any other provision of law to the contrary, 143591  
the Division of Administration Fund (Fund 1630) is entitled to 143592  
receive assessments from all operating funds of the Department in 143593  
accordance with procedures prescribed by the Director of Commerce 143594  
and approved by the Director of Budget and Management. 143595

UNCLAIMED FUNDS PAYMENTS 143596

The foregoing appropriation item 800625, Unclaimed 143597  
Funds-Claims, shall be used to pay claims under section 169.08 of 143598  
the Revised Code. If it is determined that additional amounts are 143599  
necessary, the amounts are appropriated. 143600

FIRE DEPARTMENT GRANTS 143601

Of the foregoing appropriation item 800639, Fire Department 143602  
Grants, up to \$2,198,802 in each fiscal year shall be used to make 143603  
annual grants to the following eligible recipients: volunteer fire 143604  
departments, fire departments that serve one or more small 143605  
municipalities or small townships, joint fire districts comprised 143606  
of fire departments that primarily serve small municipalities or 143607  
small townships, local units of government responsible for such 143608  
fire departments, and local units of government responsible for 143609  
the provision of fire protection services for small municipalities 143610  
or small townships. For the purposes of these grants, a private 143611  
fire company, as that phrase is defined in section 9.60 of the 143612



Revised Code, that is providing fire protection services under a 143613  
contract to a political subdivision of the state, is an additional 143614  
eligible recipient for a training grant. 143615

Eligible recipients that consist of small municipalities or 143616  
small townships that all intend to contract with the same fire 143617  
department or private fire company for fire protection services 143618  
may jointly apply and be considered for a grant. If a joint 143619  
applicant is awarded a grant, the State Fire Marshal shall, if 143620  
feasible, proportionately award the grant and any equipment 143621  
purchased with grant funds to each of the joint applicants based 143622  
upon each applicant's contribution to and demonstrated need for 143623  
fire protection services. 143624

If the grant awarded to joint applicants is an equipment 143625  
grant and the equipment to be purchased cannot be readily 143626  
distributed or possessed by multiple recipients, each of the joint 143627  
applicants shall be awarded by the State Fire Marshal an ownership 143628  
interest in the equipment so purchased in proportion to each 143629  
applicant's contribution to and demonstrated need for fire 143630  
protection services. The joint applicants shall then mutually 143631  
agree on how the equipment is to be maintained, operated, stored, 143632  
or disposed of. If, for any reason, the joint applicants cannot 143633  
agree as to how jointly owned equipment is to be maintained, 143634  
operated, stored, or disposed of or any of the joint applicants no 143635  
longer maintain a contract with the same fire protection service 143636  
provider as the other applicants, then the joint applicants shall, 143637  
with the assistance of the State Fire Marshal, mutually agree as 143638  
to how the jointly owned equipment is to be maintained, operated, 143639  
stored, disposed of, or owned. If the joint applicants cannot 143640  
agree how the grant equipment is to be maintained, operated, 143641  
stored, disposed of, or owned, the State Fire Marshal may, in its 143642  
discretion, require all of the equipment acquired by the joint 143643  
applicants with grant funds to be returned to the State Fire 143644

Marshal. The State Fire Marshal may then award the returned 143645  
equipment to any eligible recipients. 143646

Except as otherwise provided in this section, the grants 143647  
shall be used by recipients to purchase firefighting or rescue 143648  
equipment or gear or similar items, to provide full or partial 143649  
reimbursement for the documented costs of firefighter training, 143650  
or, at the discretion of the State Fire Marshal, to cover fire 143651  
department costs for providing fire protection services in that 143652  
grant recipient's jurisdiction. 143653

Of the foregoing appropriation item 800639, up to \$500,000 143654  
per fiscal year may be used to pay for the State Fire Marshal's 143655  
costs of providing firefighter I certification classes or other 143656  
firefighter classes approved by the Department of Public Safety in 143657  
accordance with section 4765.55 of the Revised Code at no cost to 143658  
selected students attending the Ohio Fire Academy or other class 143659  
providers approved by the State Fire Marshal. The State Fire 143660  
Marshal may establish the qualifications and selection processes 143661  
for students to attend such classes by written policy, and such 143662  
students shall be considered eligible recipients of fire 143663  
department grants for the purposes of this portion of the grant 143664  
program. 143665

Grant awards for firefighting or rescue equipment or gear or 143666  
for fire department costs of providing fire protection services 143667  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 143668  
fiscal year if an eligible entity serves a jurisdiction in which 143669  
the Governor declared a natural disaster during the preceding or 143670  
current fiscal year in which the grant was awarded. In addition to 143671  
any grant funds awarded for rescue equipment or gear, or for fire 143672  
department costs associated with the provision of fire protection 143673  
services, an eligible entity may receive a grant for up to \$15,000 143674  
per fiscal year for full or partial reimbursement of the 143675  
documented costs of firefighter training. For each fiscal year, 143676

the State Fire Marshal shall determine the total amounts to be 143677  
allocated for each eligible purpose. 143678

The grant program shall be administered by the State Fire 143679  
Marshal in accordance with rules the State Fire Marshal adopts as 143680  
part of the state fire code adopted pursuant to section 3737.82 of 143681  
the Revised Code that are necessary for the administration and 143682  
operation of the grant program. The rules may further define the 143683  
entities eligible to receive grants and establish criteria for the 143684  
awarding and expenditure of grant funds, including methods the 143685  
State Fire Marshal may use to verify the proper use of grant funds 143686  
or to obtain reimbursement for or the return of equipment for 143687  
improperly used grant funds. Any amounts in appropriation item 143688  
800639, Fire Department Grants, in excess of the amount allocated 143689  
for these grants may be used for the administration of the grant 143690  
program. 143691

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 143692

The Director of Budget and Management, upon the request of 143693  
the Director of Commerce, may transfer up to \$500,000 in cash from 143694  
the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in 143695  
cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to 143696  
the Division of Real Estate Operating Fund (Fund 5490) during the 143697  
biennium ending June 30, 2015. 143698

**Section 243.10.** OCC OFFICE OF CONSUMERS' COUNSEL 143699

General Services Fund Group 143700

5F50 053601 Operating Expenses \$ 5,641,093 \$ 5,641,093 143701

TOTAL GSF General Services Fund \$ 5,641,093 \$ 5,641,093 143702

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,641,093 \$ 5,641,093 143703

**Section 245.10.** CEB CONTROLLING BOARD 143705

General Revenue Fund 143706

|                              |                                                                    |    |            |    |            |        |
|------------------------------|--------------------------------------------------------------------|----|------------|----|------------|--------|
| GRF 911441                   | Ballot Advertising                                                 | \$ | 475,000    | \$ | 475,000    | 143707 |
|                              | Costs                                                              |    |            |    |            |        |
| TOTAL GRF                    | General Revenue Fund                                               | \$ | 475,000    | \$ | 475,000    | 143708 |
|                              | General Services Fund Group                                        |    |            |    |            | 143709 |
| 5KM0 911614                  | CB Emergency Purposes                                              | \$ | 10,000,000 | \$ | 10,000,000 | 143710 |
| TOTAL GSF                    | General Services Fund                                              | \$ | 10,000,000 | \$ | 10,000,000 | 143711 |
|                              | Group                                                              |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS |                                                                    | \$ | 10,475,000 | \$ | 10,475,000 | 143712 |
|                              | FEDERAL SHARE                                                      |    |            |    |            | 143713 |
|                              | In transferring appropriations to or from appropriation items      |    |            |    |            | 143714 |
|                              | that have federal shares identified in this act, the Controlling   |    |            |    |            | 143715 |
|                              | Board shall add or subtract corresponding amounts of federal       |    |            |    |            | 143716 |
|                              | matching funds at the percentages indicated by the state and       |    |            |    |            | 143717 |
|                              | federal division of the appropriations in this act. Such changes   |    |            |    |            | 143718 |
|                              | are hereby appropriated.                                           |    |            |    |            | 143719 |
|                              | DISASTER SERVICES                                                  |    |            |    |            | 143720 |
|                              | Pursuant to requests submitted by the Department of Public         |    |            |    |            | 143721 |
|                              | Safety, the Controlling Board may approve transfers from the       |    |            |    |            | 143722 |
|                              | Disaster Services Fund (5E20) to a fund and appropriation item     |    |            |    |            | 143723 |
|                              | used by the Department of Public Safety to provide for assistance  |    |            |    |            | 143724 |
|                              | to political subdivisions made necessary by natural disasters or   |    |            |    |            | 143725 |
|                              | emergencies. These transfers may be requested and approved prior   |    |            |    |            | 143726 |
|                              | to the occurrence of any specific natural disasters or emergencies |    |            |    |            | 143727 |
|                              | in order to facilitate the provision of timely assistance. The     |    |            |    |            | 143728 |
|                              | Emergency Management Agency of the Department of Public Safety     |    |            |    |            | 143729 |
|                              | shall use the funding to fund the State Disaster Relief Program    |    |            |    |            | 143730 |
|                              | for disasters that have a written Governor's authorization, and    |    |            |    |            | 143731 |
|                              | the State Individual Assistance Program for disasters that have a  |    |            |    |            | 143732 |
|                              | written Governor's authorization and is declared by the federal    |    |            |    |            | 143733 |
|                              | Small Business Administration. The Ohio Emergency Management       |    |            |    |            | 143734 |
|                              | Agency shall publish and make available application packets        |    |            |    |            | 143735 |
|                              | outlining procedures for the State Disaster Relief Program and the |    |            |    |            | 143736 |

State Individual Assistance Program. 143737

Fund 5E20 shall be used by the Controlling Board, pursuant to 143738  
requests submitted by state agencies, to transfer cash and 143739  
appropriations to any fund and appropriation item for the payment 143740  
of state agency disaster relief program expenses for disasters 143741  
that have a written Governor's authorization, if the Director of 143742  
Budget and Management determines that sufficient funds exist. 143743

Upon the request of the Department of Public Safety, the 143744  
Controlling Board may release up to \$3,000,000 for Blanchard River 143745  
flood mitigation projects. 143746

BALLOT ADVERTISING COSTS 143747

Pursuant to section 3501.17 of the Revised Code, and upon 143748  
requests submitted by the Secretary of State, the Controlling 143749  
Board shall approve transfers from the foregoing appropriation 143750  
item 911441, Ballot Advertising Costs, to appropriation item 143751  
050621, Statewide Ballot Advertising, in order to pay for the cost 143752  
of public notices associated with statewide ballot initiatives. 143753

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 143754  
ELIGIBILITY 143755

A state agency director shall request that the Controlling 143756  
Board increase the amount of the agency's capital appropriations 143757  
if the director determines such an increase is necessary for the 143758  
agency to receive and use funds under the federal American 143759  
Recovery and Reinvestment Act of 2009. The Controlling Board may 143760  
increase the capital appropriations pursuant to the request up to 143761  
the exact amount necessary under the federal act if the Board 143762  
determines it is necessary for the agency to receive and use those 143763  
federal funds. 143764

**Section 247.10.** COS STATE BOARD OF COSMETOLOGY 143765

General Services Fund Group 143766

|                                 |                    |    |           |    |           |        |
|---------------------------------|--------------------|----|-----------|----|-----------|--------|
| 4K90 879609                     | Operating Expenses | \$ | 3,474,030 | \$ | 3,474,030 | 143767 |
| TOTAL GSF General Services Fund |                    |    |           |    |           | 143768 |
| Group                           |                    | \$ | 3,474,030 | \$ | 3,474,030 | 143769 |
| TOTAL ALL BUDGET FUND GROUPS    |                    |    |           |    |           | 143770 |

**Section 249.10.** CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 143772  
AND FAMILY THERAPIST BOARD 143773

|                                 |                    |    |           |    |           |        |
|---------------------------------|--------------------|----|-----------|----|-----------|--------|
| General Services Fund Group     |                    |    |           |    |           | 143774 |
| 4K90 899609                     | Operating Expenses | \$ | 1,265,856 | \$ | 1,281,478 | 143775 |
| TOTAL GSF General Services Fund |                    |    |           |    |           | 143776 |
| Group                           |                    | \$ | 1,265,856 | \$ | 1,281,478 | 143777 |
| TOTAL ALL BUDGET FUND GROUPS    |                    |    |           |    |           | 143778 |

**Section 251.10.** CLA COURT OF CLAIMS 143780

|                                  |                      |    |           |    |           |        |
|----------------------------------|----------------------|----|-----------|----|-----------|--------|
| General Revenue Fund             |                      |    |           |    |           | 143781 |
| GRF 015321                       | Operating Expenses   | \$ | 2,501,052 | \$ | 2,501,052 | 143782 |
| TOTAL GRF General Revenue Fund   |                      |    |           |    |           | 143783 |
| State Special Revenue Fund Group |                      |    |           |    |           | 143784 |
| 5K20 015603                      | CLA Victims of Crime | \$ | 415,556   | \$ | 415,953   | 143785 |
| TOTAL SSR State Special Revenue  |                      |    |           |    |           | 143786 |
| Fund Group                       |                      | \$ | 415,556   | \$ | 415,953   | 143787 |
| TOTAL ALL BUDGET FUND GROUPS     |                      |    |           |    |           | 143788 |

**Section 251.20.** AFC OHIO CULTURAL FACILITIES COMMISSION 143790

|                                  |                       |    |            |    |   |        |
|----------------------------------|-----------------------|----|------------|----|---|--------|
| General Revenue Fund             |                       |    |            |    |   | 143791 |
| GRF 371401                       | Lease Rental Payments | \$ | 22,555,872 | \$ | 0 | 143792 |
| TOTAL GRF General Revenue Fund   |                       |    |            |    |   | 143793 |
| State Special Revenue Fund Group |                       |    |            |    |   | 143794 |
| 4T80 371601                      | Riffe Theatre         | \$ | 40,446     | \$ | 0 | 143795 |
| Equipment Maintenance            |                       |    |            |    |   |        |
| 4T80 371603                      | Project               | \$ | 250,000    | \$ | 0 | 143796 |
| Administration                   |                       |    |            |    |   |        |



|                                                                    |    |           |              |        |
|--------------------------------------------------------------------|----|-----------|--------------|--------|
| Facilities Building Fund (Fund 7030) to the Cultural Facilities    |    |           |              | 143826 |
| Commission Administration Fund (Fund 4T80).                        |    |           |              | 143827 |
| CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS           |    |           |              | 143828 |
| The Executive Director of the Cultural Facilities Commission       |    |           |              | 143829 |
| shall certify to the Director of Budget and Management the amount  |    |           |              | 143830 |
| of cash receipts and related investment income, irrevocable        |    |           |              | 143831 |
| letters of credit from a bank, or certification of the             |    |           |              | 143832 |
| availability of funds that have been received from a county or a   |    |           |              | 143833 |
| municipal corporation for deposit into the Capital Donations Fund  |    |           |              | 143834 |
| (Fund 5A10) and that are related to an anticipated project. These  |    |           |              | 143835 |
| amounts are hereby appropriated to appropriation item C37146,      |    |           |              | 143836 |
| Capital Donations. Prior to certifying these amounts to the        |    |           |              | 143837 |
| Director, the Executive Director shall make a written agreement    |    |           |              | 143838 |
| with the participating entity on the necessary cash flows required |    |           |              | 143839 |
| for the anticipated construction or equipment acquisition project. |    |           |              | 143840 |
| <b>Section 253.10. DEN STATE DENTAL BOARD</b>                      |    |           |              | 143841 |
| General Services Fund Group                                        |    |           |              | 143842 |
| 4K90 880609 Operating Expenses                                     | \$ | 1,566,484 | \$ 1,566,484 | 143843 |
| TOTAL GSF General Services Fund                                    |    |           |              | 143844 |
| Group                                                              | \$ | 1,566,484 | \$ 1,566,484 | 143845 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 1,566,484 | \$ 1,566,484 | 143846 |
| <b>Section 255.10. BDP BOARD OF DEPOSIT</b>                        |    |           |              | 143848 |
| General Services Fund Group                                        |    |           |              | 143849 |
| 4M20 974601 Board of Deposit                                       | \$ | 1,876,000 | \$ 1,876,000 | 143850 |
| TOTAL GSF General Services Fund                                    |    |           |              | 143851 |
| Group                                                              | \$ | 1,876,000 | \$ 1,876,000 | 143852 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 1,876,000 | \$ 1,876,000 | 143853 |
| BOARD OF DEPOSIT EXPENSE FUND                                      |    |           |              | 143854 |
| Upon receiving certification of expenses from the Treasurer        |    |           |              | 143855 |



of State, the Director of Budget and Management shall transfer 143856  
cash from the Investment Earnings Redistribution Fund (Fund 6080) 143857  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 143858  
shall be used pursuant to section 135.02 of the Revised Code to 143859  
pay for any and all necessary expenses of the Board of Deposit or 143860  
for banking charges and fees required for the operation of the 143861  
State of Ohio Regular Account. 143862

**Section 257.10.** DEV DEVELOPMENT SERVICES AGENCY 143863

General Revenue Fund 143864

|     |        |                       |    |            |    |            |        |
|-----|--------|-----------------------|----|------------|----|------------|--------|
| GRF | 195402 | Coal Research         | \$ | 261,205    | \$ | 261,405    | 143865 |
|     |        | Operating             |    |            |    |            |        |
| GRF | 195405 | Minority Business     | \$ | 1,693,691  | \$ | 1,693,691  | 143866 |
|     |        | Development           |    |            |    |            |        |
| GRF | 195407 | Travel and Tourism    | \$ | 1,300,000  | \$ | 0          | 143867 |
| GRF | 195415 | Business Development  | \$ | 2,413,387  | \$ | 2,413,387  | 143868 |
|     |        | Services              |    |            |    |            |        |
| GRF | 195426 | Redevelopment         | \$ | 468,365    | \$ | 468,365    | 143869 |
|     |        | Assistance            |    |            |    |            |        |
| GRF | 195497 | CDBG Operating Match  | \$ | 1,015,000  | \$ | 1,015,000  | 143870 |
| GRF | 195501 | Appalachian Local     | \$ | 440,000    | \$ | 440,000    | 143871 |
|     |        | Development Districts |    |            |    |            |        |
| GRF | 195532 | Technology Programs   | \$ | 13,547,341 | \$ | 13,547,341 | 143872 |
|     |        | and Grants            |    |            |    |            |        |
| GRF | 195533 | Business Assistance   | \$ | 4,205,774  | \$ | 4,205,774  | 143873 |
| GRF | 195535 | Appalachia Assistance | \$ | 3,846,482  | \$ | 3,846,482  | 143874 |
| GRF | 195537 | Ohio-Israel           | \$ | 150,000    | \$ | 150,000    | 143875 |
|     |        | Agricultural          |    |            |    |            |        |
|     |        | Initiative            |    |            |    |            |        |
| GRF | 195901 | Coal Research &       | \$ | 2,858,900  | \$ | 4,327,200  | 143876 |
|     |        | Development General   |    |            |    |            |        |
|     |        | Obligation Debt       |    |            |    |            |        |

|           |        |                                                                 |    |             |    |                    |
|-----------|--------|-----------------------------------------------------------------|----|-------------|----|--------------------|
|           |        | Service                                                         |    |             |    |                    |
| GRF       | 195905 | Third Frontier                                                  | \$ | 66,511,600  | \$ | 83,783,000 143877  |
|           |        | Research &<br>Development General<br>Obligation Debt<br>Service |    |             |    |                    |
| GRF       | 195912 | Job Ready Site                                                  | \$ | 15,498,400  | \$ | 19,124,500 143878  |
|           |        | Development General<br>Obligation Debt<br>Service               |    |             |    |                    |
| TOTAL GRF |        | General Revenue Fund                                            | \$ | 114,210,145 | \$ | 135,276,145 143879 |
|           |        | General Services Fund Group                                     |    |             |    | 143880             |
| 1350      | 195684 | Development Services                                            | \$ | 10,800,000  | \$ | 10,800,000 143881  |
|           |        | Operations                                                      |    |             |    |                    |
| 4W10      | 195646 | Minority Business                                               | \$ | 2,500,000   | \$ | 2,500,000 143882   |
|           |        | Enterprise Loan                                                 |    |             |    |                    |
| 5KN0      | 195640 | Local Government                                                | \$ | 16,130,986  | \$ | 16,000,000 143883  |
|           |        | Innovation                                                      |    |             |    |                    |
| 5MB0      | 195623 | Business Incentive                                              | \$ | 15,000,000  | \$ | 0 143884           |
|           |        | Grants                                                          |    |             |    |                    |
| 5MK0      | 195600 | Vacant Facilities                                               | \$ | 1,000,000   | \$ | 1,000,000 143885   |
|           |        | Grant                                                           |    |             |    |                    |
| 5W50      | 195690 | Travel and Tourism                                              | \$ | 150,000     | \$ | 150,000 143886     |
|           |        | Cooperative Projects                                            |    |             |    |                    |
| 6850      | 195636 | Development Services                                            | \$ | 700,000     | \$ | 700,000 143887     |
|           |        | Reimbursable<br>Expenditures                                    |    |             |    |                    |
| TOTAL GSF |        | General Services Fund                                           |    |             |    | 143888             |
| Group     |        |                                                                 | \$ | 46,280,986  | \$ | 31,150,000 143889  |
|           |        | Federal Special Revenue Fund Group                              |    |             |    | 143890             |
| 3080      | 195602 | Appalachian Regional                                            | \$ | 475,000     | \$ | 475,000 143891     |
|           |        | Commission                                                      |    |             |    |                    |

|      |        |                                                                  |    |             |    |             |        |
|------|--------|------------------------------------------------------------------|----|-------------|----|-------------|--------|
| 3080 | 195603 | Housing Assistance Programs                                      | \$ | 10,000,000  | \$ | 10,000,000  | 143892 |
| 3080 | 195609 | Small Business Administration Grants                             | \$ | 5,271,381   | \$ | 5,271,381   | 143893 |
| 3080 | 195618 | Energy Grants                                                    | \$ | 9,307,779   | \$ | 4,109,193   | 143894 |
| 3080 | 195670 | Home Weatherization Program                                      | \$ | 17,000,000  | \$ | 17,000,000  | 143895 |
| 3080 | 195671 | Brownfield Redevelopment                                         | \$ | 5,000,000   | \$ | 5,000,000   | 143896 |
| 3080 | 195672 | Manufacturing Extension Partnership                              | \$ | 5,359,305   | \$ | 5,359,305   | 143897 |
| 3080 | 195675 | Procurement Technical Assistance                                 | \$ | 600,000     | \$ | 600,000     | 143898 |
| 3080 | 195681 | SBDC Disability Consulting                                       | \$ | 1,300,000   | \$ | 1,300,000   | 143899 |
| 3350 | 195610 | Energy Programs                                                  | \$ | 200,000     | \$ | 200,000     | 143900 |
| 3AE0 | 195643 | Workforce Development Initiatives                                | \$ | 1,800,000   | \$ | 1,800,000   | 143901 |
| 3DB0 | 195642 | Federal Stimulus - Energy Efficiency & Conservation Block Grants | \$ | 38,152      | \$ | 0           | 143902 |
| 3FJ0 | 195626 | Small Business Capital Access and Collateral Enhancement Program | \$ | 32,046,846  | \$ | 5,655,326   | 143903 |
| 3FJ0 | 195661 | Technology Targeted Investment Program                           | \$ | 12,750,410  | \$ | 2,250,072   | 143904 |
| 3K80 | 195613 | Community Development Block Grant                                | \$ | 65,000,000  | \$ | 65,000,000  | 143905 |
| 3K90 | 195611 | Home Energy Assistance Block Grant                               | \$ | 172,000,000 | \$ | 172,000,000 | 143906 |

|                                  |        |                                                                |    |             |    |             |        |
|----------------------------------|--------|----------------------------------------------------------------|----|-------------|----|-------------|--------|
| 3K90                             | 195614 | HEAP Weatherization                                            | \$ | 22,000,000  | \$ | 22,000,000  | 143907 |
| 3L00                             | 195612 | Community Services<br>Block Grant                              | \$ | 27,240,217  | \$ | 27,240,217  | 143908 |
| 3V10                             | 195601 | HOME Program                                                   | \$ | 30,000,000  | \$ | 30,000,000  | 143909 |
| TOTAL FED                        |        | Federal Special Revenue                                        |    |             |    |             | 143910 |
| Fund Group                       |        |                                                                | \$ | 417,389,090 | \$ | 375,260,494 | 143911 |
| State Special Revenue Fund Group |        |                                                                |    |             |    |             | 143912 |
| 4500                             | 195624 | Minority Business<br>Bonding Program<br>Administration         | \$ | 74,868      | \$ | 74,905      | 143913 |
| 4510                             | 195649 | Business Assistance<br>Programs                                | \$ | 6,300,800   | \$ | 6,700,800   | 143914 |
| 4F20                             | 195639 | State Special Projects                                         | \$ | 102,145     | \$ | 102,104     | 143915 |
| 4F20                             | 195699 | Utility Community<br>Assistance                                | \$ | 500,000     | \$ | 500,000     | 143916 |
| 5CG0                             | 195679 | Alternative Fuel<br>Transportation                             | \$ | 750,000     | \$ | 750,000     | 143917 |
| 5HR0                             | 195526 | Incumbent Workforce<br>Training Vouchers                       | \$ | 30,000,000  | \$ | 30,000,000  | 143918 |
| 5HR0                             | 195622 | Defense Development<br>Assistance                              | \$ | 5,000,000   | \$ | 5,000,000   | 143919 |
| 5JR0                             | 195635 | Redevelopment Program<br>Support                               | \$ | 100,000     | \$ | 100,000     | 143920 |
| 5KP0                             | 195645 | Historic Rehab<br>Operating                                    | \$ | 650,000     | \$ | 650,000     | 143921 |
| 5LU0                             | 195673 | Racetrack Facility<br>Community Economic<br>Redevelopment Fund | \$ | 12,000,000  | \$ | 0           | 143922 |
| 5M40                             | 195659 | Low Income Energy<br>Assistance (USF)                          | \$ | 350,000,000 | \$ | 350,000,000 | 143923 |
| 5M50                             | 195660 | Advanced Energy Loan<br>Programs                               | \$ | 8,000,000   | \$ | 8,000,000   | 143924 |
| 5MH0                             | 195644 | SiteOhio                                                       | \$ | 100,000     | \$ | 100,000     | 143925 |

|                                                  |        |                                                      |    |             |    |             |        |
|--------------------------------------------------|--------|------------------------------------------------------|----|-------------|----|-------------|--------|
|                                                  |        | Administration                                       |    |             |    |             |        |
| 5MJ0                                             | 195683 | TourismOhio                                          | \$ | 8,000,000   | \$ | 8,000,000   | 143926 |
|                                                  |        | Administration                                       |    |             |    |             |        |
| 5W60                                             | 195691 | International Trade                                  | \$ | 18,000      | \$ | 18,000      | 143927 |
|                                                  |        | Cooperative Projects                                 |    |             |    |             |        |
| 6170                                             | 195654 | Volume Cap                                           | \$ | 32,562      | \$ | 32,562      | 143928 |
|                                                  |        | Administration                                       |    |             |    |             |        |
| 6460                                             | 195638 | Low- and Moderate-<br>Income Housing Trust<br>Fund   | \$ | 53,000,000  | \$ | 53,000,000  | 143929 |
| TOTAL SSR State Special Revenue                  |        |                                                      |    |             |    |             | 143930 |
| Fund Group                                       |        |                                                      | \$ | 474,628,375 | \$ | 463,028,371 | 143931 |
| Facilities Establishment Fund Group              |        |                                                      |    |             |    |             | 143932 |
| 5S90                                             | 195628 | Capital Access Loan<br>Program                       | \$ | 3,000,000   | \$ | 3,000,000   | 143933 |
| 7009                                             | 195664 | Innovation Ohio                                      | \$ | 15,000,000  | \$ | 15,000,000  | 143934 |
| 7010                                             | 195665 | Research and<br>Development                          | \$ | 22,000,000  | \$ | 22,000,000  | 143935 |
| 7037                                             | 195615 | Facilities<br>Establishment                          | \$ | 50,000,000  | \$ | 50,000,000  | 143936 |
| TOTAL 037 Facilities                             |        |                                                      |    |             |    |             | 143937 |
| Establishment Fund Group                         |        |                                                      | \$ | 90,000,000  | \$ | 90,000,000  | 143938 |
| Clean Ohio Revitalization Fund                   |        |                                                      |    |             |    |             | 143939 |
| 7003                                             | 195663 | Clean Ohio Program                                   | \$ | 950,000     | \$ | 950,000     | 143940 |
| TOTAL 7003 Clean Ohio                            |        |                                                      | \$ | 950,000     | \$ | 950,000     | 143941 |
| Revitalization Fund                              |        |                                                      |    |             |    |             |        |
| Third Frontier Research & Development Fund Group |        |                                                      |    |             |    |             | 143942 |
| 7011                                             | 195686 | Third Frontier<br>Operating                          | \$ | 1,149,750   | \$ | 1,149,750   | 143943 |
| 7011                                             | 195687 | Third Frontier<br>Research &<br>Development Projects | \$ | 90,850,250  | \$ | 90,850,250  | 143944 |

|       |        |                                                                                                                                                                                                                             |    |               |    |               |                                      |
|-------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------------|----|---------------|--------------------------------------|
| 7014  | 195620 | Third Frontier<br>Operating - Tax                                                                                                                                                                                           | \$ | 1,700,000     | \$ | 1,700,000     | 143945                               |
| 7014  | 195692 | Research &<br>Development Taxable<br>Bond Projects                                                                                                                                                                          | \$ | 38,300,000    | \$ | 38,300,000    | 143946                               |
| TOTAL | 011    | Third Frontier Research &<br>Development Fund Group                                                                                                                                                                         | \$ | 132,000,000   | \$ | 132,000,000   | 143947                               |
|       |        | Job Ready Site Development Fund Group                                                                                                                                                                                       |    |               |    |               | 143948                               |
| 7012  | 195688 | Job Ready Site<br>Development                                                                                                                                                                                               | \$ | 800,000       | \$ | 800,000       | 143949                               |
| TOTAL | 012    | Job Ready Site<br>Development Fund Group                                                                                                                                                                                    | \$ | 800,000       | \$ | 800,000       | 143950                               |
|       |        | Tobacco Master Settlement Agreement Fund Group                                                                                                                                                                              |    |               |    |               | 143951                               |
| M087  | 195435 | Biomedical Research<br>and Technology<br>Transfer                                                                                                                                                                           | \$ | 1,896,595     | \$ | 1,906,025     | 143952                               |
| TOTAL | TSF    | Tobacco Master Settlement<br>Agreement Fund Group                                                                                                                                                                           | \$ | 1,896,595     | \$ | 1,906,025     | 143953                               |
| TOTAL | ALL    | BUDGET FUND GROUPS                                                                                                                                                                                                          | \$ | 1,278,155,191 | \$ | 1,230,371,035 | 143954                               |
|       |        | <b>Section 257.20. COAL RESEARCH OPERATING</b>                                                                                                                                                                              |    |               |    |               | 143956                               |
|       |        | The foregoing appropriation item 195402, Coal Research<br>Operating, shall be used for the operating expenses of the<br>Community Services Division in support of the Ohio Coal<br>Development Office.                      |    |               |    |               | 143957<br>143958<br>143959<br>143960 |
|       |        | TRAVEL AND TOURISM                                                                                                                                                                                                          |    |               |    |               | 143961                               |
|       |        | The foregoing appropriation item 195407, Travel and Tourism,<br>shall be used for marketing the state of Ohio as a tourism<br>destination and to support administrative expenses and contracts<br>necessary to market Ohio. |    |               |    |               | 143962<br>143963<br>143964<br>143965 |
|       |        | BUSINESS DEVELOPMENT SERVICES                                                                                                                                                                                               |    |               |    |               | 143966                               |

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices and for grants for cooperative economic development ventures.

REDEVELOPMENT ASSISTANCE

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the Clean Ohio Revitalization program and other urban revitalization programs that may be implemented by the Development Services Agency.

CDBG OPERATING MATCH

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

APPALACHIAN LOCAL DEVELOPMENT DISTRICTS

The foregoing appropriation item 195501, Appalachian Local Development Districts, shall be used to support four local development districts. Of the foregoing appropriation amount in each fiscal year, up to \$135,000 shall be allocated to the Ohio Valley Regional Development Commission, up to \$135,000 shall be allocated to the Ohio Mid-Eastern Government Association, up to \$135,000 shall be allocated to the Buckeye Hills-Hocking Valley Regional Development District, and up to \$35,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code.

TECHNOLOGY PROGRAMS AND GRANTS

Of the foregoing appropriation item 195532, Technology Programs and Grants, up to \$547,341 in each fiscal year shall be used for operating expenses incurred in administering the Ohio Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; and up to \$13,000,000 in each fiscal year shall be used for the Thomas Edison Program pursuant to sections 122.28 to 122.38 of the Revised Code, of which not less than \$8,700,000 shall be allocated for the Edison Center Network entities defined in division (C) of section 122.33 of the Revised Code, and not more than ten per cent shall be used for operating expenses incurred in administering the program.

BUSINESS ASSISTANCE

The foregoing appropriation item 195533, Business Assistance, may be used to provide a range of business assistance, including grants to local organizations to support economic development activities that promote minority business development, small business development, entrepreneurship, and exports of Ohio's goods and services. This appropriation item shall also be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Public Law No. 96-302 as amended by Public Law No. 98-395, and regulations and policy guidelines for the programs pursuant thereto.

APPALACHIA ASSISTANCE

The foregoing appropriation item 195535, Appalachia Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission.

OHIO-ISRAEL AGRICULTURE INITIATIVE



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| The foregoing appropriation item 195537, Ohio-Israel               | 144028 |
| Agricultural Initiative, shall be used for the Ohio-Israel         | 144029 |
| Agricultural Initiative.                                           | 144030 |
| COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE      | 144031 |
| The foregoing appropriation line item 195901, Coal Research        | 144032 |
| and Development General Obligation Debt Service, shall be used to  | 144033 |
| pay all debt service and related financing costs during the period | 144034 |
| July 1, 2013, through June 30, 2015 for obligations issued under   | 144035 |
| sections 151.01 and 151.07 of the Revised Code.                    | 144036 |
| THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT      | 144037 |
| SERVICE                                                            | 144038 |
| The foregoing appropriation item 195905, Third Frontier            | 144039 |
| Research & Development General Obligation Debt Service, shall be   | 144040 |
| used to pay all debt service and related financing costs during    | 144041 |
| the period from July 1, 2013, through June 30, 2015, on            | 144042 |
| obligations issued for research and development purposes under     | 144043 |
| sections 151.01 and 151.10 of the Revised Code.                    | 144044 |
| JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE         | 144045 |
| The foregoing appropriation item 195912, Job Ready Site            | 144046 |
| Development General Obligation Debt Service, shall be used to pay  | 144047 |
| all debt service and related financing costs during the period     | 144048 |
| from July 1, 2013, through June 30, 2015, on obligations issued    | 144049 |
| for job ready site development purposes under sections 151.01 and  | 144050 |
| 151.11 of the Revised Code.                                        | 144051 |
| <b>Section 257.30. DEVELOPMENT SERVICES OPERATIONS</b>             | 144052 |
| The Director of Development Services may assess offices of         | 144053 |
| the agency for the cost of central service operations. An          | 144054 |
| assessment shall contain the characteristics of administrative     | 144055 |
| ease and uniform application. A division's payments shall be       | 144056 |
| credited to the Supportive Services Fund (Fund 1350) using an      | 144057 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| intrastate transfer voucher.                                       | 144058 |
| LOCAL GOVERNMENT INNOVATION FUND                                   | 144059 |
| The foregoing appropriation item 195640, Local Government          | 144060 |
| Innovation, shall be used for the purposes of making loans and     | 144061 |
| grants to political subdivisions under the Local Government        | 144062 |
| Innovation Program in accordance with sections 189.01 to 189.10 of | 144063 |
| the Revised Code. Of the foregoing appropriation item 195640,      | 144064 |
| Local Government Innovation, up to \$175,000 in each fiscal year   | 144065 |
| shall be used for administrative costs incurred by the Development | 144066 |
| Services Agency.                                                   | 144067 |
| TRAVEL AND TOURISM COOPERATIVE PROJECTS                            | 144068 |
| The foregoing appropriation item 195690, Travel and Tourism        | 144069 |
| Cooperative Projects, shall consist solely of leveraged private    | 144070 |
| sector paid advertising dollars received in tourism marketing      | 144071 |
| assistance and co-op programs. These funds are to be used for the  | 144072 |
| marketing and promotion of travel and tourism in Ohio.             | 144073 |
| DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES                     | 144074 |
| The foregoing appropriation item 195636, Development Services      | 144075 |
| Reimbursable Expenditures, shall be used for reimbursable costs    | 144076 |
| incurred by the agency. Revenues to the General Reimbursement Fund | 144077 |
| (Fund 6850) shall consist of moneys charged for administrative     | 144078 |
| costs that are not central service costs.                          | 144079 |
| <b>Section 257.40. WORKFORCE DEVELOPMENT INITIATIVES</b>           | 144080 |
| Of the foregoing appropriation item 195643, Workforce              | 144081 |
| Development Initiatives, \$500,000 in fiscal year 2014 shall be    | 144082 |
| used to fund the Heavy Machinery Pilot Program at Central Ohio     | 144083 |
| Technical College for tuition support and reimbursement to train   | 144084 |
| approximately 30 students for careers in construction and the oil  | 144085 |
| and gas industries in Eastern Ohio and statewide.                  | 144086 |
| Of the foregoing appropriation item 195643, Workforce              | 144087 |

Development Initiative, \$500,000 in each fiscal year shall be used 144088  
for grants to BioOhio to support the Bioscience Workforce 144089  
Development Initiative for training incumbent and prospective 144090  
workers in the bioscience manufacturing industry in partnership 144091  
with community colleges. BioOhio shall provide an annual report to 144092  
the Office of the Governor and the General Assembly assessing the 144093  
progress of the BioScience Workforce Development Initiative, and 144094  
the report shall include enrollment and placement statistics. 144095

HEAP WEATHERIZATION 144096

Up to fifteen per cent of the federal funds deposited to the 144097  
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 144098  
shall be expended from appropriation item 195614, HEAP 144099  
Weatherization, to provide home weatherization services in the 144100  
state as determined by the Director of Development Services. Any 144101  
transfers or increases in appropriation for the foregoing 144102  
appropriation items 195614, HEAP Weatherization, or 195611, Home 144103  
Energy Assistance Block Grant, shall be subject to approval by the 144104  
Controlling Board. 144105

**Section 257.50. BUSINESS ASSISTANCE PROGRAMS** 144106

The foregoing appropriation item 195649, Business Assistance 144107  
Programs, shall be used for administrative expenses associated 144108  
with the operation of tax credit programs, loan servicing, the 144109  
Ohio Film Office, workforce initiatives, and the Office of 144110  
Strategic Business Investments. 144111

STATE SPECIAL PROJECTS 144112

The State Special Projects Fund (Fund 4F20), may be used for 144113  
the deposit of private-sector funds from utility companies and for 144114  
the deposit of other miscellaneous state funds. State moneys so 144115  
deposited may also be used to match federal housing grants for the 144116  
homeless. 144117

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| MINORITY BUSINESS ENTERPRISE LOAN                                   | 144118 |
| All repayments from the Minority Development Financing              | 144119 |
| Advisory Board Loan Program and the Ohio Mini-Loan Guarantee        | 144120 |
| Program shall be deposited in the State Treasury to the credit of   | 144121 |
| the Minority Business Enterprise Loan Fund (Fund 4W10).             | 144122 |
| MINORITY BUSINESS BONDING FUND                                      | 144123 |
| Notwithstanding Chapters 122., 169., and 175. of the Revised        | 144124 |
| Code, the Director of Development Services may, upon the            | 144125 |
| recommendation of the Minority Development Financing Advisory       | 144126 |
| Board, pledge up to \$10,000,000 in the fiscal year 2014-fiscal     | 144127 |
| year 2015 biennium of unclaimed funds administered by the Director  | 144128 |
| of Commerce and allocated to the Minority Business Bonding Program  | 144129 |
| under section 169.05 of the Revised Code.                           | 144130 |
| If needed for the payment of losses arising from the Minority       | 144131 |
| Business Bonding Program, the Director of Budget and Management     | 144132 |
| may, at the request of the Director of Development Services,        | 144133 |
| request that the Director of Commerce transfer unclaimed funds      | 144134 |
| that have been reported by holders of unclaimed funds under         | 144135 |
| section 169.05 of the Revised Code to the Minority Bonding Fund     | 144136 |
| (Fund 4490). The transfer of unclaimed funds shall only occur       | 144137 |
| after proceeds of the initial transfer of \$2,700,000 by the        | 144138 |
| Controlling Board to the Minority Business Bonding Program have     | 144139 |
| been used for that purpose. If expenditures are required for        | 144140 |
| payment of losses arising from the Minority Business Bonding        | 144141 |
| Program, such expenditures shall be made from appropriation item    | 144142 |
| 195658, Minority Business Bonding Contingency in the Minority       | 144143 |
| Business Bonding Fund, and such amounts are hereby appropriated.    | 144144 |
| INCUMBENT WORKFORCE TRAINING VOUCHERS                               | 144145 |
| (A) The Director of Budget and Management may transfer up to        | 144146 |
| \$30,000,000 cash in each fiscal year from the Economic Development | 144147 |
| Programs Fund (Fund 5JC0) used by the Board of Regents to the Ohio  | 144148 |

Incumbent Workforce Job Training Fund (Fund 5HR0) used by the 144149  
Development Services Agency. 144150

(B) Of the foregoing appropriation item 195526, Incumbent 144151  
Workforce Training Vouchers, up to \$30,000,000 in each fiscal year 144152  
shall be used to support the Ohio Incumbent Workforce Training 144153  
Voucher Program. 144154

(C) The Ohio Incumbent Workforce Training Voucher Program 144155  
shall conform to guidelines for the operation of the program, 144156  
including, but not limited to, the following: 144157

(1) A requirement that a training voucher under the program 144158  
shall not exceed \$6,000 per worker per year; 144159

(2) A provision for an employer of an eligible employee to 144160  
apply for a voucher on behalf of the eligible employee; 144161

(3) A provision for an eligible employee to apply directly 144162  
for a training voucher with the pre-approval of the employee's 144163  
employer; and 144164

(4) A requirement that an employee participating in the 144165  
program, or the employee's employer, shall pay for not less than 144166  
thirty-three per cent of the training costs under the program. 144167

On July 1, 2014, or as soon as possible thereafter, the 144168  
Director of Development Services may request that the Director of 144169  
Budget and Management reappropriate any unexpended, unencumbered 144170  
balance of the prior fiscal year's appropriation to the foregoing 144171  
appropriation item 195526, Incumbent Workforce Training Vouchers, 144172  
for fiscal year 2015. The Director of Budget and Management may 144173  
request additional information necessary for evaluating the 144174  
request, and the Director of Development Services shall provide 144175  
the requested information to the Director of Budget and 144176  
Management. Based on the information provided by the Director of 144177  
Development Services, the Director of Budget and Management shall 144178  
determine the amount to be reappropriated, and those amounts are 144179

hereby reappropriated for fiscal year 2015. 144180

DEFENSE DEVELOPMENT ASSISTANCE 144181

The Director of Budget and Management may transfer up to 144182  
\$5,000,000 in cash in each fiscal year from the Economic 144183  
Development Programs Fund (Fund 5JC0) used by the Board of Regents 144184  
to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) used 144185  
by the Development Services Agency. The transferred funds shall be 144186  
used for appropriation item 195622, Defense Development 144187  
Assistance, for economic development programs and the creation of 144188  
new jobs to leverage and support mission gains at Department of 144189  
Defense facilities in Ohio by working with future base realignment 144190  
and closure activities and ongoing Department of Defense 144191  
efficiency initiatives, assisting efforts to secure Department of 144192  
Defense support contracts for Ohio companies, assessing and 144193  
supporting regional job training and workforce development needs 144194  
generated by the Department of Defense and the Ohio aerospace 144195  
industry, and for expanding job training and economic development 144196  
programs in human performance related initiatives. A portion of 144197  
these funds shall be matched by private industry partners or the 144198  
Department of Defense. 144199

On July 1, 2014, or as soon as possible thereafter, the 144200  
Director of Development Services may request that the Director of 144201  
Budget and Management reappropriate any unexpended, unencumbered 144202  
balance of the prior fiscal year's appropriation to the foregoing 144203  
appropriation item 195622, Defense Development Assistance, for 144204  
fiscal year 2015. The Director of Budget and Management may 144205  
request additional information necessary for evaluating the 144206  
request, and the Director of Development Services shall provide 144207  
the requested information to the Director of Budget and 144208  
Management. Based on the information provided by the Director of 144209  
Development Services, the Director of Budget and Management shall 144210  
determine the amount to be reappropriated, and those amounts are 144211

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| hereby reappropriated for fiscal year 2015.                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 144212                                                                       |
| ADVANCED ENERGY LOAN PROGRAMS                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 144213                                                                       |
| The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers, and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development Services. | 144214<br>144215<br>144216<br>144217<br>144218<br>144219<br>144220<br>144221 |
| TOURISMOHIO ADMINISTRATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 144222                                                                       |
| Of the foregoing appropriation item 195683, TourismOhio Administration, \$1,000,000 in fiscal year 2014 shall be used to administer a program established by the Development Services Agency pursuant to section 122.121 of the Revised Code.                                                                                                                                                                                                                                               | 144223<br>144224<br>144225<br>144226                                         |
| VOLUME CAP ADMINISTRATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 144227                                                                       |
| The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.                                                                                                                           | 144228<br>144229<br>144230<br>144231<br>144232<br>144233                     |
| <b>Section 257.60.</b> CAPITAL ACCESS LOAN PROGRAM                                                                                                                                                                                                                                                                                                                                                                                                                                          | 144234                                                                       |
| The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.                                                                                           | 144235<br>144236<br>144237<br>144238<br>144239<br>144240                     |
| INNOVATION OHIO LOAN FUND                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 144241                                                                       |

The foregoing appropriation item 195664, Innovation Ohio, 144242  
shall be used to provide for Innovation Ohio purposes, including 144243  
loan guarantees and loans under Chapter 166. and particularly 144244  
sections 166.12 to 166.16 of the Revised Code. 144245

RESEARCH AND DEVELOPMENT 144246

The foregoing appropriation item 195665, Research and 144247  
Development, shall be used to provide for research and development 144248  
purposes, including loans, under Chapter 166. and particularly 144249  
sections 166.17 to 166.21 of the Revised Code. 144250

FACILITIES ESTABLISHMENT 144251

The foregoing appropriation item 195615, Facilities 144252  
Establishment, shall be used for the purposes of the Facilities 144253  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 144254  
Code. 144255

Notwithstanding Chapter 166. of the Revised Code, an amount 144256  
not to exceed \$3,000,000 in cash in each fiscal year may be 144257  
transferred from the Facilities Establishment Fund (Fund 7037) to 144258  
the Business Assistance Fund (Fund 4510). The transfer is subject 144259  
to Controlling Board approval under division (B) of section 166.03 144260  
of the Revised Code. 144261

Notwithstanding Chapter 166. of the Revised Code, the 144262  
Director of Budget and Management may transfer an amount not to 144263  
exceed \$1,000,000 in cash in each fiscal year from the Facilities 144264  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 144265  
Loan Fund (Fund 4W10). 144266

Notwithstanding Chapter 166. of the Revised Code, the 144267  
Director of Budget and Management may transfer an amount not to 144268  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 144269  
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 144270  
(Fund 5S90). 144271



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| <b>Section 257.70.</b> CLEAN OHIO OPERATING EXPENSES               | 144272 |
| The foregoing appropriation item 195663, Clean Ohio Program,       | 144273 |
| shall be used by the Development Services Agency in administering  | 144274 |
| Clean Ohio Revitalization Fund (Fund 7003) projects pursuant to    | 144275 |
| sections 122.65 to 122.658 of the Revised Code.                    | 144276 |
| <br>                                                               |        |
| <b>Section 257.80.</b> THIRD FRONTIER OPERATING                    | 144277 |
| The foregoing appropriation items 195686, Third Frontier           | 144278 |
| Operating, and 195620, Third Frontier Operating - Tax, shall be    | 144279 |
| used for operating expenses incurred by the Development Services   | 144280 |
| Agency in administering projects pursuant to sections 184.10 to    | 144281 |
| 184.20 of the Revised Code. Operating expenses paid from item      | 144282 |
| 195686 shall be limited to the administration of projects funded   | 144283 |
| from the Third Frontier Research & Development Fund (Fund 7011)    | 144284 |
| and operating expenses paid from item 195620 shall be limited to   | 144285 |
| the administration of projects funded from the Third Frontier      | 144286 |
| Research & Development Taxable Bond Project Fund (Fund 7014).      | 144287 |
| <br>                                                               |        |
| THIRD FRONTIER RESEARCH AND DEVELOPMENT PROJECTS AND RESEARCH      | 144288 |
| AND DEVELOPMENT TAXABLE BOND PROJECTS                              | 144289 |
| The foregoing appropriation items 195687, Third Frontier           | 144290 |
| Research & Development Projects, 195692, Research & Development    | 144291 |
| Taxable Bond Projects, and 195620, Third Frontier Operating - Tax, | 144292 |
| shall be used by the Development Services Agency to fund selected  | 144293 |
| projects. Eligible costs are those costs of research and           | 144294 |
| development projects to which the proceeds of the Third Frontier   | 144295 |
| Research & Development Fund (Fund 7011) and the Research &         | 144296 |
| Development Taxable Bond Project Fund (Fund 7014) are to be        | 144297 |
| applied.                                                           | 144298 |
| <br>                                                               |        |
| TRANSFERS OF THIRD FRONTIER APPROPRIATIONS                         | 144299 |
| The Director of Budget and Management may approve written          | 144300 |
| requests from the Director of Development Services for the         | 144301 |

transfer of appropriations between appropriation items 195687, 144302  
Third Frontier Research & Development Projects, and 195692, 144303  
Research & Development Taxable Bond Projects, based upon awards 144304  
recommended by the Third Frontier Commission. The transfers are 144305  
subject to approval by the Controlling Board. 144306

In fiscal year 2015, the Director of Development Services may 144307  
request that the Director of Budget and Management reappropriate 144308  
any unexpended, unencumbered balances of the prior fiscal year's 144309  
appropriation to the foregoing appropriation items 195687, Third 144310  
Frontier Research & Development Projects, and 195692, Research & 144311  
Development Taxable Bond Projects, for fiscal year 2015. The 144312  
Director of Budget and Management may request additional 144313  
information necessary for evaluating these requests, and the 144314  
Director of Development Services shall provide the requested 144315  
information to the Director of Budget and Management. Based on the 144316  
information provided by the Director of Development Services, the 144317  
Director of Budget and Management shall determine the amounts to 144318  
be reappropriated, and those amounts are hereby reappropriated for 144319  
fiscal year 2015. 144320

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 144321

The Ohio Public Facilities Commission is hereby authorized to 144322  
issue and sell, in accordance with Section 2p of Article VIII, 144323  
Ohio Constitution, and particularly sections 151.01 and 151.10 of 144324  
the Revised Code, original obligations of the State of Ohio in an 144325  
aggregate amount not to exceed \$350,000,000 in addition to the 144326  
original issuance of obligations authorized by prior acts of the 144327  
General Assembly. The authorized obligations shall be issued and 144328  
sold from time to time and in amounts necessary to ensure 144329  
sufficient moneys to the credit of the Third Frontier Research and 144330  
Development Fund (Fund 7011) and the Third Frontier Research and 144331  
Development Taxable Bond Fund (Fund 7014) to pay costs of research 144332  
and development projects. 144333

**Section 257.90.** JOB READY SITE PROGRAM 144334

The foregoing appropriation item 195688, Job Ready Site 144335  
Development, shall be used for operating expenses incurred by the 144336  
Development Services Agency in administering Job Ready Site 144337  
Development Fund (Fund 7012) projects pursuant to sections 122.085 144338  
to 122.0820 of the Revised Code. Operating expenses include, but 144339  
are not limited to, certain qualified expenses of the District 144340  
Public Works Integrating Committees, as applicable, engineering 144341  
review of submitted applications by the State Architect or a 144342  
third-party engineering firm, audit and accountability activities, 144343  
and costs associated with formal certifications verifying that 144344  
site infrastructure is in place and is functional. 144345

**Section 257.110.** (A) ASSORTED TRANSFERS FOR RESTRUCTURING 144346

On July 1, 2013, or as soon as possible thereafter, the 144347  
Director of Budget and Management may transfer up to the cash 144348  
balances in the Tax Incentive Program Operating Fund (Fund 4S00) 144349  
and the Tax Credit Operating Fund (Fund 4S10) to the Business 144350  
Assistance Fund (Fund 4510). 144351

On July 1, 2013, or as soon as possible thereafter, the 144352  
Director of Budget and Management may transfer up to the cash 144353  
balances in the Family Farm Loan Fund (Fund 5H10) and the First 144354  
Frontier Fund (Fund 4H40) to the Facility Establishment Fund (Fund 144355  
7037). 144356

On July 1, 2013, or as soon as possible thereafter, the 144357  
Director of Budget and Management may transfer up to the cash 144358  
balance in the Brownfield Stormwater Loan Fund (Fund 5KD0) to the 144359  
New Markets Tax Credit Program Fund (Fund 5JR0). 144360

On July 1, 2013, or as soon as possible thereafter, the 144361  
Director of Budget and Management may transfer up to the cash 144362  
balances in the Water and Sewer Fund (Fund 4440) and the Water and 144363

Sewer Administrative Fund (Fund 6110) to the General 144364  
Reimbursements Fund (Fund 6850). 144365

On July 1, 2013, or as soon as possible thereafter, the 144366  
Director of Budget and Management may transfer up to the cash 144367  
balance in the Local Government Services Collaboration Grant Fund 144368  
(Fund 7088) to the Local Government Innovation Fund (Fund 5KN0). 144369

(B) ABOLISHMENT OF FUNDS 144370

On July 1, 2013, or as soon as possible thereafter, upon 144371  
completion of a transfer of the cash balance in a fund as 144372  
described in division (A) of this section by the Director of 144373  
Budget and Management, notwithstanding the establishment authority 144374  
of the fund, the fund is hereby abolished. 144375

On July 1, 2013, or as soon as possible thereafter, the 144376  
Director of Budget and Management shall transfer the cash balance 144377  
in the Rapid Outreach Loan Fund (Fund 7022) to the Facilities 144378  
Establishment Fund (Fund 7037). After completion of the transfer 144379  
and on the effective date of its repeal by this act, Fund 7022 144380  
shall be abolished. 144381

The following funds are determined to be dormant and shall be 144382  
abolished on the effective date of their repeal by this act: 144383  
Diesel Emissions Grant Fund (Fund 3BD0), Shovel Ready Sites Fund 144384  
(Fund 5CA0), Energy Projects Fund (Fund 5DU0), Business 144385  
Development and Assistance Fund (Fund 5LK0), Clean Ohio 144386  
Revitalization Revolving Loan Fund (Fund 7007), and Logistics & 144387  
Distribution Infrastructure Taxable Bond Fund (Fund 7048). 144388

(C) ELIMINATION OF DORMANT FUNDS 144389

On July 1, 2013, or as soon as possible thereafter, the 144390  
Director of Budget and Management may determine whether the 144391  
following funds are dormant. If the Director of Budget and 144392  
Management determines a fund to be dormant, notwithstanding the 144393  
establishment authority of the fund, the fund is hereby abolished. 144394

|                |             |                                                                     |               |               |        |
|----------------|-------------|---------------------------------------------------------------------|---------------|---------------|--------|
| The funds are: |             |                                                                     |               |               | 144395 |
|                | Fund Number | Fund Name                                                           |               |               | 144396 |
|                | 1360        | International Trade                                                 |               |               | 144397 |
|                | 3800        | Ohio Housing Agency                                                 |               |               | 144398 |
|                | 3BJ0        | TANF Heating Assistance                                             |               |               | 144399 |
|                | 3X30        | TANF Housing                                                        |               |               | 144400 |
|                | 4450        | OHFA Administration                                                 |               |               | 144401 |
|                | 4480        | Ohio Coal Development                                               |               |               | 144402 |
|                | 4D00        | Public & Private Assistance                                         |               |               | 144403 |
|                | 5CV0        | Defense Conversion Assistance                                       |               |               | 144404 |
|                | 5D10        | Port Authority Bond Reserves                                        |               |               | 144405 |
|                | 5D20        | Urban Redevelopment Loan                                            |               |               | 144406 |
|                | 5F70        | Local Government Y2K Loan Program                                   |               |               | 144407 |
|                | 5X50        | Family Homelessness Prevention                                      |               |               | 144408 |
|                |             | Pilot                                                               |               |               |        |
|                | 5Y60        | Economic Development Contingency                                    |               |               | 144409 |
|                | 5Z30        | Jobs                                                                |               |               | 144410 |
|                | QA70        | Electric Revenue Development                                        |               |               | 144411 |
|                |             | <b>Section 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES</b> |               |               | 144412 |
|                |             | General Revenue Fund                                                |               |               | 144413 |
| GRF            | 320412      | Protective Services                                                 | \$ 1,918,196  | \$ 1,918,196  | 144414 |
| GRF            | 320415      | Lease-Rental Payments                                               | \$ 15,843,300 | \$ 16,076,700 | 144415 |
| GRF            | 322420      | Screening and Early Intervention                                    | \$ 300,000    | \$ 300,000    | 144416 |
| GRF            | 322451      | Family Support Services                                             | \$ 5,932,758  | \$ 5,932,758  | 144417 |
| GRF            | 322501      | County Boards Subsidies                                             | \$ 44,449,280 | \$ 44,449,280 | 144418 |
| GRF            | 322503      | Tax Equity                                                          | \$ 14,000,000 | \$ 14,000,000 | 144419 |
| GRF            | 322507      | County Board Case Management                                        | \$ 2,500,000  | \$ 2,500,000  | 144420 |

|                                    |                                       |                                            |    |               |    |               |        |
|------------------------------------|---------------------------------------|--------------------------------------------|----|---------------|----|---------------|--------|
| GRF                                | 322508                                | Employment First<br>Pilot Program          | \$ | 3,000,000     | \$ | 3,000,000     | 144421 |
| GRF                                | 653321                                | Medicaid Program<br>Support - State        | \$ | 6,186,694     | \$ | 6,186,694     | 144422 |
| GRF                                | 653407                                | Medicaid Services                          | \$ | 430,056,111   | \$ | 435,574,237   | 144423 |
| TOTAL GRF                          | General Revenue Fund                  |                                            | \$ | 524,186,339   | \$ | 529,937,865   | 144424 |
| General Services Fund Group        |                                       |                                            |    |               |    |               | 144425 |
| 1520                               | 653609                                | DC and Residential<br>Operating Services   | \$ | 3,414,317     | \$ | 3,414,317     | 144426 |
| TOTAL GSF                          | General Services Fund<br>Group        |                                            | \$ | 3,414,317     | \$ | 3,414,317     | 144427 |
| Federal Special Revenue Fund Group |                                       |                                            |    |               |    |               | 144428 |
| 3A50                               | 320613                                | DD Council                                 | \$ | 3,297,656     | \$ | 3,324,187     | 144429 |
| 3250                               | 322612                                | Community Social<br>Service Programs       | \$ | 10,604,896    | \$ | 10,604,896    | 144430 |
| 3A40                               | 653604                                | DC & ICF/IID Program<br>Support            | \$ | 8,013,611     | \$ | 8,013,611     | 144431 |
| 3A40                               | 653605                                | DC and Residential<br>Services and Support | \$ | 159,548,565   |    | 159,548,565   | 144432 |
| 3A40                               | 653653                                | ICF/IID                                    | \$ | 354,712,840   | \$ | 353,895,717   | 144433 |
| 3G60                               | 653639                                | Medicaid Waiver<br>Services                | \$ | 932,073,249   | \$ | 1,022,485,423 | 144434 |
| 3G60                               | 653640                                | Medicaid Waiver<br>Program Support         | \$ | 36,934,303    | \$ | 36,170,872    | 144435 |
| 3M70                               | 653650                                | CAFS Medicaid                              | \$ | 3,000,000     | \$ | 3,000,000     | 144436 |
| TOTAL FED                          | Federal Special Revenue<br>Fund Group |                                            | \$ | 1,508,185,120 | \$ | 1,597,043,271 | 144437 |
| State Special Revenue Fund Group   |                                       |                                            |    |               |    |               | 144438 |
| 5GE0                               | 320606                                | Operating and<br>Services                  | \$ | 7,407,297     | \$ | 7,407,297     | 144439 |
| 2210                               | 322620                                | Supplement Service<br>Trust                | \$ | 150,000       | \$ | 150,000       | 144440 |

|                                 |        |                       |    |               |    |               |        |
|---------------------------------|--------|-----------------------|----|---------------|----|---------------|--------|
| 5DJ0                            | 322625 | Targeted Case         | \$ | 33,750,000    | \$ | 37,260,000    | 144441 |
|                                 |        | Management Match      |    |               |    |               |        |
| 5DK0                            | 322629 | Capital Replacement   | \$ | 750,000       | \$ | 750,000       | 144442 |
|                                 |        | Facilities            |    |               |    |               |        |
| 5H00                            | 322619 | Medicaid Repayment    | \$ | 160,000       | \$ | 160,000       | 144443 |
| 5JX0                            | 322651 | Interagency Workgroup | \$ | 45,000        |    | 45,000        | 144444 |
|                                 |        | - Autism              |    |               |    |               |        |
| 4890                            | 653632 | DC Direct Care        | \$ | 16,497,169    | \$ | 16,497,169    | 144445 |
|                                 |        | Services              |    |               |    |               |        |
| 5CT0                            | 653607 | Intensive Behavioral  | \$ | 1,000,000     | \$ | 1,000,000     | 144446 |
|                                 |        | Needs                 |    |               |    |               |        |
| 5DJ0                            | 653626 | Targeted Case         | \$ | 91,740,000    | \$ | 100,910,000   | 144447 |
|                                 |        | Management Services   |    |               |    |               |        |
| 5EV0                            | 653627 | Medicaid Program      | \$ | 685,000       | \$ | 685,000       | 144448 |
|                                 |        | Support               |    |               |    |               |        |
| 5GE0                            | 653606 | ICF/IID and Waiver    | \$ | 40,353,139    | \$ | 39,106,638    | 144449 |
|                                 |        | Match                 |    |               |    |               |        |
| 5S20                            | 653622 | Medicaid Admin and    | \$ | 17,341,201    | \$ | 19,032,154    | 144450 |
|                                 |        | Oversight             |    |               |    |               |        |
| 5Z10                            | 653624 | County Board Waiver   | \$ | 284,740,000   | \$ | 336,480,000   | 144451 |
|                                 |        | Match                 |    |               |    |               |        |
| TOTAL SSR State Special Revenue |        |                       | \$ | 494,618,806   | \$ | 559,483,258   | 144452 |
| Fund Group                      |        |                       |    |               |    |               |        |
| TOTAL ALL BUDGET FUND GROUPS    |        |                       | \$ | 2,530,404,582 | \$ | 2,689,878,711 | 144453 |

**Section 259.20. LEASE-RENTAL PAYMENTS** 144455

The foregoing appropriation item 320415, Lease-Rental 144456  
 Payments, shall be used to meet all payments at the times they are 144457  
 required to be made during the period from July 1, 2013, through 144458  
 June 30, 2015, by the Department of Developmental Disabilities 144459  
 under leases and agreements made under section 154.20 of the 144460  
 Revised Code. These appropriations are the source of funds pledged 144461  
 for bond service charges on related obligations issued under 144462

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Chapter 154. of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 144463                                                                       |
| <b>Section 259.30.</b> SCREENING AND EARLY INTERVENTION                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 144464                                                                       |
| The foregoing appropriation item 322420, Screening and Early Intervention, shall be used for screening and early intervention programs for children with autism selected by the Director of Developmental Disabilities.                                                                                                                                                                                                                                                                                             | 144465<br>144466<br>144467<br>144468                                         |
| <b>Section 259.40.</b> FAMILY SUPPORT SERVICES SUBSIDY                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 144469                                                                       |
| The foregoing appropriation item 322451, Family Support Services, may be used as follows in fiscal year 2014 and fiscal year 2015:                                                                                                                                                                                                                                                                                                                                                                                  | 144470<br>144471<br>144472                                                   |
| (A) The appropriation item may be used to provide a subsidy to county boards of developmental disabilities for family support services provided under section 5126.11 of the Revised Code. The subsidy shall be paid in quarterly installments and allocated to county boards according to a formula the Director of Developmental Disabilities shall develop in consultation with representatives of county boards. A county board shall use not more than seven per cent of its subsidy for administrative costs. | 144473<br>144474<br>144475<br>144476<br>144477<br>144478<br>144479<br>144480 |
| (B) The appropriation item may be used to distribute funds to county boards for the purpose of addressing economic hardships and to promote efficiency of operations. In consultation with representatives of county boards, the Director shall determine the amount of funds to distribute for these purposes and the criteria for distributing the funds.                                                                                                                                                         | 144481<br>144482<br>144483<br>144484<br>144485<br>144486                     |
| <b>Section 259.50.</b> STATE SUBSIDY TO COUNTY DD BOARDS                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 144487                                                                       |
| (A) Except as provided in the section of this act titled "NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing appropriation item 322501, County Boards Subsidies, shall be used for the following purposes:                                                                                                                                                                                                                                                                                                        | 144488<br>144489<br>144490<br>144491                                         |



(1) To provide a subsidy to county boards of developmental disabilities in quarterly installments and allocated according to a formula developed by the Director of Developmental Disabilities in consultation with representatives of county boards. Except as provided in section 5126.0511 of the Revised Code or in division (B) of this section, county boards shall use the subsidy for early childhood services and adult services provided under section 5126.05 of the Revised Code, service and support administration provided under section 5126.15 of the Revised Code, or supported living as defined in section 5126.01 of the Revised Code.

(2) To provide funding, as determined necessary by the Director, for residential services, including room and board, and support service programs that enable individuals with developmental disabilities to live in the community.

(3) To distribute funds to county boards of developmental disabilities to address economic hardships and promote efficiency of operations. The Director shall determine, in consultation with representatives of county boards, the amount of funds to distribute for these purposes and the criteria for distributing the funds.

(B) In collaboration with the county's family and children first council, a county board of developmental disabilities may transfer portions of funds received under this section, to a flexible funding pool in accordance with the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

**Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES**

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2014 and fiscal year 2015 to

estimate the quarterly amount each county board of developmental 144522  
disabilities is to pay of the nonfederal share of home and 144523  
community-based services that section 5126.0510 of the Revised 144524  
Code requires county boards to pay. Each quarter, the Director 144525  
shall submit to a county board written notice of the amount the 144526  
county board is to pay for that quarter. The notice shall specify 144527  
when the payment is due. 144528

**Section 259.70. TAX EQUITY** 144529

Notwithstanding section 5126.18 of the Revised Code, the 144530  
foregoing appropriation item 322503, Tax Equity, may be used to 144531  
distribute funds to county boards of developmental disabilities to 144532  
address economic hardships and promote efficiency of operations. 144533  
The Director of Developmental Disabilities shall determine, in 144534  
consultation with representatives of county boards, the amount of 144535  
funds to distribute for these purposes and the criteria for 144536  
distributing the funds. 144537

**Section 259.80. MEDICAID SERVICES** 144538

Except as provided in section 5123.0416 of the Revised Code, 144539  
the purposes for which the foregoing appropriation item 653407, 144540  
Medicaid Services, shall be used include the following: 144541

(A) Home and community-based services, as defined in section 144542  
5123.01 of the Revised Code; 144543

(B) Implementation of the requirements of the agreement 144544  
settling the consent decree in *Sermak v. Manuel*, Case No. 144545  
C-2-80-220, United States District Court for the Southern District 144546  
of Ohio, Eastern Division; 144547

(C) Implementation of the requirements of the agreement 144548  
settling the consent decree in the *Martin v. Strickland*, Case No. 144549  
89-CV-00362, United States District Court for the Southern 144550  
District of Ohio, Eastern Division; 144551

(D) ICF/IID services, as defined in section 5124.01 of the Revised Code; 144552  
144553

(E) Other programs as identified by the Director of Developmental Disabilities. 144554  
144555

**Section 259.90. EMPLOYMENT FIRST PILOT PROGRAM** 144556

The foregoing appropriation item 322508, Employment First Pilot Program, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code. 144557  
144558  
144559  
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144561

Of the foregoing appropriation item, 322508, Employment First Pilot Program, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Pilot Program. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the pilot program. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the pilot program. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, 144562  
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and release of vendor payments. 144583

The remainder of appropriation item 322508, Employment First 144584  
Pilot Program, shall be used to develop a long term, sustainable 144585  
system that places individuals with developmental disabilities in 144586  
community employment, as defined in section 5126.01 of the Revised 144587  
Code. 144588

**Section 259.100. EMPLOYMENT FIRST TASKFORCE FUND** 144589

If an employment first task force is established by the 144590  
Director of Developmental Disabilities in accordance with section 144591  
5123.023 of the Revised Code, the Director of Budget and 144592  
Management shall establish an appropriation item from the 144593  
Employment First Taskforce Fund for use by the Department of 144594  
Developmental Disabilities to support the work of the task force. 144595  
In fiscal year 2014 and fiscal year 2015, if an employment first 144596  
task force is established, the Director of Developmental 144597  
Disabilities shall certify to the Director of Budget and 144598  
Management the appropriation amounts necessary for the Department 144599  
of Developmental Disabilities to fulfill its obligation to support 144600  
the work of the task force. Once the certification required under 144601  
this section has been submitted and approved by the Director of 144602  
Budget and Management, the appropriations established under this 144603  
section are hereby appropriated in the amounts approved by the 144604  
Director of Budget and Management. 144605

**Section 259.110. TRANSFER TO OPERATING AND SERVICES FUND** 144606

On July 1, 2013, or as soon as possible thereafter, the 144607  
Director of Developmental Disabilities shall request the Director 144608  
of Budget and Management to transfer the cash balance in the Home 144609  
and Community-Based Services Fund (Fund 4K80) to the Operating and 144610  
Services Fund (Fund 5GE0). Upon completion of the transfer, Fund 144611  
4K80 is hereby abolished. The Director of Budget and Management 144612

shall cancel any existing encumbrances against appropriation item 144613  
322604, Medicaid Waiver - State Match, and reestablish them 144614  
against appropriation item 653606, ICF/IID and Waiver Match. The 144615  
reestablished encumbrance amounts are hereby appropriated. 144616

**Section 259.120.** OPERATING AND SERVICES 144617

Of the foregoing appropriation item 320606, Operating and 144618  
Services, \$100,000 in each fiscal year shall be provided to the 144619  
Ohio Center for Autism and Low Incidence to establish a lifespan 144620  
autism hub to support families and professionals. 144621

**Section 259.130.** TARGETED CASE MANAGEMENT SERVICES 144622

County boards of developmental disabilities shall pay the 144623  
nonfederal portion of targeted case management costs to the 144624  
Department of Developmental Disabilities. 144625

The Director of Developmental Disabilities and the Medicaid 144626  
Director may enter into an interagency agreement under which the 144627  
Department of Developmental Disabilities shall transfer cash from 144628  
the Targeted Case Management Fund (Fund 5DJ0) to the Health 144629  
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 144630  
Department of Medicaid in an amount equal to the nonfederal 144631  
portion of the cost of targeted case management services paid by 144632  
county boards. Under the agreement, the Department of Medicaid 144633  
shall pay the total cost of targeted case management claims. The 144634  
transfer shall be made using an intrastate transfer voucher. 144635

**Section 259.140.** WITHHOLDING OF FUNDS OWED THE DEPARTMENT 144636

If a county board of developmental disabilities does not 144637  
fully pay any amount owed to the Department of Developmental 144638  
Disabilities by the due date established by the Department, the 144639  
Director of Developmental Disabilities may withhold the amount the 144640  
county board did not pay from any amounts due to the county board. 144641

The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

**Section 259.150.** DEVELOPMENTAL CENTER BILLING FOR SERVICES

Developmental centers of the Department of Developmental Disabilities may provide services to persons with mental retardation or developmental disabilities living in the community or to providers of services to these persons. The Department may develop a method for recovery of all costs associated with the provision of these services.

**Section 259.160.** TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER PHARMACY PROGRAMS

The Director of Developmental Disabilities shall quarterly transfer cash from the Medicaid - Medicare Fund (Fund 3A40) to the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the Department of Medicaid, in an amount equal to the nonfederal share of Medicaid prescription drug claim costs for all developmental centers paid by the Department of Medicaid. The quarterly transfer shall be made using an intrastate transfer voucher.

**Section 259.170.** NONFEDERAL MATCH FOR ACTIVE TREATMENT SERVICES

Any county funds received by the Department of Developmental Disabilities from county boards of developmental disabilities for active treatment shall be deposited in the Developmental Disabilities Operating Fund (Fund 4890).

**Section 259.180.** ODODD INNOVATIVE PILOT PROJECTS 144670

(A) In fiscal year 2014 and fiscal year 2015, the Director of 144671  
Developmental Disabilities may authorize the continuation or 144672  
implementation of one or more innovative pilot projects that, in 144673  
the judgment of the Director, are likely to assist in promoting 144674  
the objectives of Chapter 5123. or 5126. of the Revised Code. 144675  
Subject to division (B) of this section and notwithstanding any 144676  
provision of Chapters 5123. and 5126. of the Revised Code and any 144677  
rule adopted under either chapter, a pilot project authorized by 144678  
the Director may be continued or implemented in a manner 144679  
inconsistent with one or more provisions of either chapter or one 144680  
or more rules adopted under either chapter. Before authorizing a 144681  
pilot program, the Director shall consult with entities interested 144682  
in the issue of developmental disabilities, including the Ohio 144683  
Provider Resource Association, Ohio Association of County Boards 144684  
of Developmental Disabilities, Ohio Health Care Association/Ohio 144685  
Centers for Intellectual Disabilities, the Values and Faith 144686  
Alliance, and ARC of Ohio. 144687

(B) The Director may not authorize a pilot project to be 144688  
implemented in a manner that would cause the state to be out of 144689  
compliance with any requirements for a program funded in whole or 144690  
in part with federal funds. 144691

**Section 259.190.** DEPARTMENT OF DEVELOPMENTAL DISABILITIES' 144692  
APPROPRIATION ITEM STRUCTURE 144693

Upon request from the Director of Developmental Disabilities, 144694  
the Director of Budget and Management may establish new funds, new 144695  
appropriation items, and appropriations in order to support the 144696  
transition to a new appropriation item structure in the Department 144697  
of Developmental Disabilities' budget. Also, upon request of the 144698  
Director of Developmental Disabilities, the Director of Budget and 144699

Management may transfer appropriations between GRF appropriation 144700  
items, transfer cash between any funds used by the Department of 144701  
Developmental Disabilities, abolish existing funds used by the 144702  
Department of Developmental Disabilities, and cancel and 144703  
reestablish encumbrances. Any establishment of new funds or 144704  
appropriation items, any transfers of appropriations or cash, and 144705  
any increases in appropriation under this section are subject to 144706  
Controlling Board approval. 144707

**Section 259.200.** FISCAL YEAR 2014 MEDICAID PAYMENT RATES FOR 144708  
ICFs/IID 144709

(A) As used in this section: 144710

"Capped per diem rate" means the per Medicaid day payment 144711  
rate calculated for an ICF/IID under division (D) of this section. 144712

"Change of operator," "entering operator," "exiting 144713  
operator," "ICF/IID," "ICF/IID services," "Medicaid days," 144714  
"provider," and "provider agreement" have the same meanings as in 144715  
section 5124.01 of the Revised Code. 144716

"Franchise permit fee" means the fee imposed by sections 144717  
5168.60 to 5168.71 of the Revised Code. 144718

"Modified per diem rate" means the per Medicaid day payment 144719  
rate calculated for an ICF/IID under division (C) of this section. 144720

"Unmodified per diem rate" means the per Medicaid day payment 144721  
rate calculated for an ICF/IID under Chapter 5124. of the Revised 144722  
Code. 144723

(B) This section applies to each ICF/IID provider to which 144724  
either of the following applies: 144725

(1) The provider has a valid Medicaid provider agreement for 144726  
the ICF/IID on June 30, 2013, and a valid Medicaid provider 144727  
agreement for the ICF/IID during fiscal year 2014. 144728



(2) The ICF/IID undergoes a change of operator that takes 144729  
effect during fiscal year 2014, the exiting operator has a valid 144730  
Medicaid provider agreement for the ICF/IID on the day immediately 144731  
preceding the effective date of the change of operator, and the 144732  
entering operator has a valid Medicaid provider agreement for the 144733  
ICF/IID during fiscal year 2014. 144734

(C) An ICF/IID's total modified per diem rate for fiscal year 144735  
2014 shall be the ICF/IID's total unmodified per diem rate for 144736  
that fiscal year with the following modifications: 144737

(1) In place of the inflation adjustment otherwise made under 144738  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 144739  
actual, allowable, per diem other protected costs, excluding the 144740  
franchise permit fee, from calendar year 2012 shall be multiplied 144741  
by 1.0123. 144742

(2) In place of the maximum cost per case-mix unit 144743  
established for the ICF/IID's peer group under division (C) of 144744  
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 144745  
per case-mix unit shall be the following: 144746

(a) In the case of an ICF/IID with more than eight beds, 144747  
\$108.21; 144748

(b) In the case of an ICF/IID with eight or fewer beds, 144749  
\$102.21. 144750

(3) In place of the inflation adjustment otherwise calculated 144751  
under division (D) of section 5124.19 of the Revised Code for the 144752  
purpose of division (A)(1)(b) of that section, an inflation 144753  
adjustment of 1.0123 shall be used. 144754

(4) In place of the maximum rate for indirect care costs 144755  
established for the ICF/IID's peer group under division (C) of 144756  
section 5124.21 of the Revised Code, the maximum rate for indirect 144757  
care costs for the ICF/IID's peer group shall be the following: 144758

(a) In the case of an ICF/IID with more than eight beds, 144759  
\$68.98; 144760

(b) In the case of an ICF/IID with eight or fewer beds, 144761  
\$59.60. 144762

(5) In place of the inflation adjustment otherwise calculated 144763  
under division (D)(1) of section 5124.21 of the Revised Code for 144764  
the purpose of division (B)(1) of that section only, an inflation 144765  
adjustment of 1.0123 shall be used. 144766

(6) In place of the efficiency incentive otherwise calculated 144767  
under division (B)(2) or (3) of section 5124.21 of the Revised 144768  
Code, the ICF/IID's efficiency incentive for indirect care costs 144769  
shall be the following: 144770

(a) In the case of an ICF/IID with more than eight beds, 144771  
\$3.69; 144772

(b) In the case of an ICF/IID with eight or fewer beds, 144773  
\$3.19. 144774

(7) The ICF/IID's efficiency incentive for capital costs, as 144775  
determined under division (E) of section 5124.17 of the Revised 144776  
Code, shall be reduced by 50%. 144777

(D) An ICF/IID's total capped per diem rate for fiscal year 144778  
2014 shall be the ICF/IID's total unmodified per diem rate for 144779  
that fiscal year reduced by the percentage by which the mean total 144780  
unmodified per diem rates for all ICFs/IID in this state for 144781  
fiscal year 2014, weighted by May 2013 Medicaid days and 144782  
calculated as of July 1, 2013, exceeds \$282.84. 144783

(E) Except as otherwise provided by this section, an ICF/IID 144784  
provider to which this section applies shall be paid, for ICF/IID 144785  
services the ICF/IID provides during fiscal year 2014, a total per 144786  
diem rate determined as follows: 144787

(1) Add the ICF/IID's total modified per diem rate to the 144788

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| ICF/IID's total capped per diem rate;                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 144789                                                                       |
| (2) Divide the amount determined under division (E)(1) of this section by two.                                                                                                                                                                                                                                                                                                                                                                                                                       | 144790<br>144791                                                             |
| (F) If the mean total per diem rate for all ICFs/IID to which this section applies, weighted by May 2013 Medicaid days and determined under division (E) of this section as of July 1, 2013, is other than \$282.84, the Department of Developmental Disabilities shall adjust, for fiscal year 2014, the total per diem rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate is greater or less than \$282.84. | 144792<br>144793<br>144794<br>144795<br>144796<br>144797<br>144798<br>144799 |
| (G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Developmental Disabilities shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.                                                                                                     | 144800<br>144801<br>144802<br>144803<br>144804<br>144805<br>144806           |
| (H) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid ICF/IID providers subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code.                                                                                                                                                                                                                                                               | 144807<br>144808<br>144809<br>144810                                         |
| Of the foregoing appropriation items 653407, Medicaid Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, portions shall be used to pay the Medicaid payment rates determined in accordance with this section for ICF/IID services provided during fiscal year 2014.                                                                                                                                                                                                                    | 144811<br>144812<br>144813<br>144814<br>144815                               |
| <b>Section 259.210.</b> FISCAL YEAR 2015 MEDICAID PAYMENT RATES FOR ICFs/IID                                                                                                                                                                                                                                                                                                                                                                                                                         | 144816<br>144817                                                             |
| (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 144818                                                                       |

|                                                                                                                                                                                                                                                                                                                                                                  |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| "Capped per diem rate" means the per Medicaid day payment rate calculated for an ICF/IID under division (D) of this section.                                                                                                                                                                                                                                     | 144819<br>144820                                         |
| "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.                                                                                                                                            | 144821<br>144822<br>144823<br>144824                     |
| "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.                                                                                                                                                                                                                                                                 | 144825<br>144826                                         |
| "Modified per diem rate" means the per Medicaid day payment rate calculated for an ICF/IID under division (C) of this section.                                                                                                                                                                                                                                   | 144827<br>144828                                         |
| "Unmodified per diem rate" means the per Medicaid day payment rate calculated for an ICF/IID under Chapter 5124. of the Revised Code.                                                                                                                                                                                                                            | 144829<br>144830<br>144831                               |
| (B) This section applies to each ICF/IID provider to which either of the following applies:                                                                                                                                                                                                                                                                      | 144832<br>144833                                         |
| (1) The provider has a valid Medicaid provider agreement for the ICF/IID on June 30, 2014, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2015.                                                                                                                                                                                      | 144834<br>144835<br>144836                               |
| (2) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2015, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2015. | 144837<br>144838<br>144839<br>144840<br>144841<br>144842 |
| (C) An ICF/IID's total modified per diem rate for fiscal year 2015 shall be the ICF/IID's total unmodified per diem rate for that fiscal year with the following modifications:                                                                                                                                                                                  | 144843<br>144844<br>144845                               |
| (1) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per diem other protected costs, excluding the                                                                                                                                                                 | 144846<br>144847<br>144848                               |

franchise permit fee, from calendar year 2013 shall be multiplied 144849  
by 1.0123. 144850

(2) In place of the maximum cost per case-mix unit 144851  
established for the ICF/IID's peer group under division (C) of 144852  
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 144853  
per case-mix unit shall be the following: 144854

(a) In the case of an ICF/IID with more than eight beds, 144855  
\$108.21; 144856

(b) In the case of an ICF/IID with eight or fewer beds, 144857  
\$102.21. 144858

(3) In place of the inflation adjustment otherwise calculated 144859  
under division (D) of section 5124.19 of the Revised Code for the 144860  
purpose of division (A)(1)(b) of that section, an inflation 144861  
adjustment of 1.0123 shall be used. 144862

(4) In place of the maximum rate for indirect care costs 144863  
established for the ICF/IID's peer group under division (C) of 144864  
section 5124.21 of the Revised Code, the maximum rate for indirect 144865  
care costs for the ICF/IID's peer group shall be the following: 144866

(a) In the case of an ICF/IID with more than eight beds, 144867  
\$68.98; 144868

(b) In the case of an ICF/IID with eight or fewer beds, 144869  
\$59.60. 144870

(5) In place of the inflation adjustment otherwise calculated 144871  
under divisions (D)(1) and (2) of section 5124.21 of the Revised 144872  
Code for the purpose of division (B)(1) of that section only, an 144873  
inflation adjustment of 1.0123 shall be used. 144874

(6) In place of the efficiency incentive otherwise calculated 144875  
under division (B)(2) or (3) of section 5124.21 of the Revised 144876  
Code, the ICF/IID's efficiency incentive for indirect care costs 144877  
shall be the following: 144878

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (a) In the case of an ICF/IID with more than eight beds,           | 144879 |
| \$3.69;                                                            | 144880 |
| (b) In the case of an ICF/IID with eight or fewer beds,            | 144881 |
| \$3.19.                                                            | 144882 |
| (7) The ICF/IID's efficiency incentive for capital costs, as       | 144883 |
| determined under division (E) of section 5124.17 of the Revised    | 144884 |
| Code, shall be reduced by 50%.                                     | 144885 |
| (D) An ICF/IID's total capped per diem rate for fiscal year        | 144886 |
| 2015 shall be the ICF/IID's total unmodified per diem rate for     | 144887 |
| that fiscal year reduced by the percentage by which the mean total | 144888 |
| unmodified per diem rates for all ICFs/IID in this state for       | 144889 |
| fiscal year 2015, weighted by May 2014 Medicaid days and           | 144890 |
| calculated as of July 1, 2014, exceeds \$282.77.                   | 144891 |
| (E) Except as otherwise provided by this section, an ICF/IID       | 144892 |
| provider to which this section applies shall be paid, for ICF/IID  | 144893 |
| services the ICF/IID provides during fiscal year 2015, a total per | 144894 |
| diem rate determined as follows:                                   | 144895 |
| (1) Add the ICF/IID's total modified per diem rate to the          | 144896 |
| ICF/IID's total capped per diem rate;                              | 144897 |
| (2) Divide the amount determined under division (E)(1) of          | 144898 |
| this section by two.                                               | 144899 |
| (F) If the mean total per diem rate for all ICFs/IID to which      | 144900 |
| this section applies, weighted by May 2014 Medicaid days and       | 144901 |
| determined under division (E) of this section as of July 1, 2014,  | 144902 |
| is other than \$282.77, the Department of Developmental            | 144903 |
| Disabilities shall adjust, for fiscal year 2015, the total per     | 144904 |
| diem rate for each ICF/IID to which this section applies by a      | 144905 |
| percentage that is equal to the percentage by which the mean total | 144906 |
| per diem rate is greater or less than \$282.77.                    | 144907 |
| (G) If the United States Centers for Medicare and Medicaid         | 144908 |

Services requires that the franchise permit fee be reduced or 144909  
eliminated, the Department of Developmental Disabilities shall 144910  
reduce the amount it pays ICF/IID providers under this section as 144911  
necessary to reflect the loss to the state of the revenue and 144912  
federal financial participation generated from the franchise 144913  
permit fee. 144914

(H) The Department of Developmental Disabilities shall follow 144915  
this section in determining the rate to be paid ICF/IID providers 144916  
subject to this section notwithstanding anything to the contrary 144917  
in Chapter 5124. of the Revised Code. 144918

Of the foregoing appropriation items 653407, Medicaid 144919  
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 144920  
portions shall be used to pay the Medicaid payment rates 144921  
determined in accordance with this section for ICF/IID services 144922  
provided during fiscal year 2015. 144923

**Section 259.220. TRANSFER OF FUNDS FOR OUTLIER SERVICES** 144924  
**PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS** 144925

As used in this section, "ICF/IID" and "ICF/IID services" 144926  
have the same meanings as in section 5124.01 of the Revised Code. 144927

Each quarter during fiscal year 2015, the Director of 144928  
Developmental Disabilities shall certify to the Director of Budget 144929  
and Management the amount needed to pay the nonfederal share of 144930  
the costs of the Medicaid rate add-on paid to ICFs/IID pursuant to 144931  
section 5124.25 of the Revised Code for providing outlier ICF/IID 144932  
services to residents who qualify for the services and are 144933  
transferred to ICFs/IID from hospitals at which they receive 144934  
ventilator services at the time of their transfer to the ICFs/IID. 144935

On receipt of a certification, the Director of Budget and 144936  
Management shall transfer appropriations equaling the certified 144937  
amount from appropriation item 651525, Medicaid/Health Care 144938

Services, to appropriation item 653407, Medicaid Services, and, in 144939  
addition, shall reduce the appropriation in 651525, 144940  
Medicaid/Health Care Services, by the corresponding federal share. 144941

If receipts credited to the Developmental Center and 144942  
Residential Facility Services and Support Fund (Fund 3A40), used 144943  
by the Department of Developmental Disabilities, exceed the 144944  
amounts appropriated in appropriation item 653653, ICF/IID, the 144945  
Director of Developmental Disabilities may request the Director of 144946  
Budget and Management to authorize expenditures from the fund in 144947  
excess of the amounts appropriated. Upon approval of the Director 144948  
of Budget and Management, the additional amounts are hereby 144949  
appropriated. 144950

**Section 259.230.** ICF/IID MEDICAID RATE WORKGROUP 144951

As used in this section, "ICF/IID," "ICF/IID services," and 144952  
"Medicaid-certified capacity" have the same meanings as in section 144953  
5124.01 of the Revised Code. 144954

For the purpose of assisting the Department of Developmental 144955  
Disabilities during fiscal year 2014 and fiscal year 2015 with an 144956  
evaluation of revisions to the formula used to determine Medicaid 144957  
payment rates for ICF/IID services, the Department shall retain 144958  
the workgroup that was created to assist with the study required 144959  
by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General 144960  
Assembly. In conducting the evaluation, the Department and 144961  
workgroup shall do both of the following: 144962

(A) Focus primarily on the service needs of individuals with 144963  
complex challenges that ICFs/IID are able to meet; 144964

(B) Pursue the goal of reducing the Medicaid-certified 144965  
capacity of individual ICFs/IID and the total number of ICF/IID 144966  
beds in the state for the purpose of increasing the service 144967  
choices and community integration of individuals eligible for 144968



|                                                                                                                                                                                                         |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| ICF/IID services.                                                                                                                                                                                       | 144969                               |
| <b>Section 259.240.</b> NONFEDERAL SHARE OF ICF/IID SERVICES                                                                                                                                            | 144970                               |
| (A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.                                         | 144971<br>144972<br>144973           |
| (B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:      | 144974<br>144975<br>144976<br>144977 |
| (1) Medicaid covers the ICF/IID services.                                                                                                                                                               | 144978                               |
| (2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:                                                                                                      | 144979<br>144980                     |
| (a) The Medicaid recipient is eligible for the ICF/IID services;                                                                                                                                        | 144981<br>144982                     |
| (b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003. | 144983<br>144984<br>144985<br>144986 |
| (3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.                  | 144987<br>144988<br>144989           |
| (4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.                                                          | 144990<br>144991<br>144992           |
| (C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:                    | 144993<br>144994<br>144995           |
| (1) Funds available from appropriation item 322501, County Boards Subsidies, that the Director allocates to the county board                                                                            | 144996<br>144997                     |

that initiated or supported the Medicaid certification of the 144998  
ICF/IID that provided the ICF/IID services for which the claim is 144999  
made; 145000

(2) If the amount of funds used pursuant to division (C)(1) 145001  
of this section is insufficient to pay the claim in full, an 145002  
amount of funds that are needed to make up the difference and 145003  
available from amounts the Director allocates to other county 145004  
boards from appropriation item 322501, County Boards Subsidies. 145005

**Section 259.250.** FY 2014 AND FY 2015 RATES FOR CERTAIN 145006  
HOMEMAKER/PERSONAL CARE SERVICES UNDER IO WAIVER 145007

(A) As used in this section: 145008

"Converted facility" means an ICF/IID, or former ICF/IID, 145009  
that converted some or all of its beds to providing home and 145010  
community-based services under the IO Waiver pursuant to section 145011  
5124.60 of the Revised Code. 145012

"Developmental center" and "ICF/IID" have the same meanings 145013  
as in section 5124.01 of the Revised Code. 145014

"H.B. 153 increased Medicaid payment rate" means the total 145015  
Medicaid payment rate for each fifteen minutes of routine 145016  
homemaker/personal care services that was set by Section 263.20.70 145017  
of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by 145018  
Am. Sub. H.B. 487 of the 129th General Assembly. 145019

"IO Waiver" means the Medicaid waiver component, as defined 145020  
in section 5166.01 of the Revised Code, known as Individual 145021  
Options. 145022

"Public hospital" has the same meaning as in section 5122.01 145023  
of the Revised Code. 145024

"Regular Medicaid payment rate" means the total Medicaid 145025  
payment rate for each fifteen minutes of routine 145026  
homemaker/personal care services that are available under the IO 145027

|                                                                                                                                                                                                                                                                                                                          |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Waiver and to which this section does not apply.                                                                                                                                                                                                                                                                         | 145028                                                   |
| (B) This section applies to routine homemaker/personal care services to which both of the following apply:                                                                                                                                                                                                               | 145029<br>145030                                         |
| (1) The services are provided to an IO Waiver enrollee to whom all of the following apply:                                                                                                                                                                                                                               | 145031<br>145032                                         |
| (a) The enrollee began to receive the services from the provider on or after July 1, 2011.                                                                                                                                                                                                                               | 145033<br>145034                                         |
| (b) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.                                                                                                                                                                                | 145035<br>145036<br>145037                               |
| (c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid payment rate authorized by this section. | 145038<br>145039<br>145040<br>145041<br>145042<br>145043 |
| (2) The provider of the services has a valid Medicaid provider agreement for the services for the period during which the enrollee receives the services from the provider.                                                                                                                                              | 145044<br>145045<br>145046                               |
| (C) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services to which this section applies and that are provided during the period beginning July 1, 2013, and ending June 30, 2015, shall be the greater of the following:                                                  | 145047<br>145048<br>145049<br>145050<br>145051           |
| (1) The H.B. 153 increased Medicaid payment rate;                                                                                                                                                                                                                                                                        | 145052                                                   |
| (2) The regular Medicaid payment rate in effect at the time the services are provided.                                                                                                                                                                                                                                   | 145053<br>145054                                         |
| (D) Of the foregoing appropriation items 653407, Medicaid Services, and 653639, Medicaid Waiver Services, portions shall be used to pay the Medicaid payment rates determined in accordance                                                                                                                              | 145055<br>145056<br>145057                               |

with this section for certain homemaker/personal care services 145058  
under the IO Waiver. 145059

**Section 259.260.** UPDATING AUTHORIZING STATUTE CITATIONS 145060

As used in this section, "authorizing statute" means a 145061  
Revised Code section or provision of a Revised Code section that 145062  
is cited in the Ohio Administrative Code as the statute that 145063  
authorizes the adoption of a rule. 145064

The Director of Developmental Disabilities is not required to 145065  
amend any rule for the sole purpose of updating the citation in 145066  
the Ohio Administrative Code to the rule's authorizing statute to 145067  
reflect that this act renumbers the authorizing statute or 145068  
relocates it to another Revised Code section. Such citations shall 145069  
be updated as the Director amends the rules for other purposes. 145070

**Section 259.270.** REASON FOR THE REPEAL OF R.C. 5111.236 145071

This act repeals section 5111.236 of the Revised Code to 145072  
carry out the intent of the Governor as indicated in the veto 145073  
message regarding Am. Sub. H.B. 1 of the 128th General Assembly 145074  
transmitted to the Clerk of the House of Representatives on July 145075  
17, 2009. The actual veto removed the section from the title and 145076  
enacting clause of H.B. 1 and an earmark related to the section. 145077  
However, the actual veto inadvertently showed only division (C) of 145078  
the section, rather than the entire section, as being vetoed. 145079

**Section 261.10.** OBD OHIO BOARD OF DIETETICS 145080

|                                 |    |         |    |                |
|---------------------------------|----|---------|----|----------------|
| General Services Fund Group     |    |         |    | 145081         |
| 4K90 860609 Operating Expenses  | \$ | 330,592 | \$ | 342,592 145082 |
| TOTAL GSF General Services Fund |    |         |    | 145083         |
| Group                           | \$ | 330,592 | \$ | 342,592 145084 |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 330,592 | \$ | 342,592 145085 |

|                                                    |                                                      |               |               |        |
|----------------------------------------------------|------------------------------------------------------|---------------|---------------|--------|
| <b>Section 263.10. EDU DEPARTMENT OF EDUCATION</b> |                                                      |               |               | 145087 |
| General Revenue Fund                               |                                                      |               |               | 145088 |
| GRF 200321                                         | Operating Expenses                                   | \$ 13,142,780 | \$ 13,142,780 | 145089 |
| GRF 200408                                         | Early Childhood<br>Education                         | \$ 23,268,341 | \$ 25,268,341 | 145090 |
| GRF 200420                                         | Information Technology<br>Development and<br>Support | \$ 4,241,296  | \$ 4,241,296  | 145091 |
| GRF 200421                                         | Alternative Education<br>Programs                    | \$ 7,403,998  | \$ 7,403,998  | 145092 |
| GRF 200422                                         | School Management<br>Assistance                      | \$ 3,000,000  | \$ 3,000,000  | 145093 |
| GRF 200424                                         | Policy Analysis                                      | \$ 328,558    | \$ 328,558    | 145094 |
| GRF 200425                                         | Tech Prep Consortia<br>Support                       | \$ 260,542    | \$ 260,542    | 145095 |
| GRF 200426                                         | Ohio Educational<br>Computer Network                 | \$ 29,625,569 | \$ 19,625,569 | 145096 |
| GRF 200427                                         | Academic Standards                                   | \$ 3,800,000  | \$ 3,800,000  | 145097 |
| GRF 200437                                         | Student Assessment                                   | \$ 55,895,000 | \$ 75,895,000 | 145098 |
| GRF 200439                                         | Accountability/Report<br>Cards                       | \$ 3,500,000  | \$ 3,750,000  | 145099 |
| GRF 200442                                         | Child Care Licensing                                 | \$ 827,140    | \$ 827,140    | 145100 |
| GRF 200446                                         | Education Management<br>Information System           | \$ 6,833,070  | \$ 6,833,070  | 145101 |
| GRF 200447                                         | GED Testing                                          | \$ 879,551    | \$ 879,551    | 145102 |
| GRF 200448                                         | Educator Preparation                                 | \$ 1,136,737  | \$ 1,564,237  | 145103 |
| GRF 200455                                         | Community Schools and<br>Choice Programs             | \$ 2,438,685  | \$ 2,491,395  | 145104 |
| GRF 200464                                         | General Technology<br>Operations                     | \$ 192,097    | \$ 192,097    | 145105 |
| GRF 200465                                         | Technology Integration<br>and Professional           | \$ 1,778,879  | \$ 1,778,879  | 145106 |

|             |                             |                        |               |    |               |        |
|-------------|-----------------------------|------------------------|---------------|----|---------------|--------|
|             |                             | Development            |               |    |               |        |
| GRF 200468  | Ready to Learn              | \$                     | 5,050,000     | \$ | 5,050,000     | 145107 |
| GRF 200502  | Pupil Transportation        | \$                     | 505,013,527   | \$ | 518,513,527   | 145108 |
| GRF 200505  | School Lunch Match          | \$                     | 9,100,000     | \$ | 9,100,000     | 145109 |
| GRF 200511  | Auxiliary Services          | \$                     | 130,547,795   | \$ | 134,881,982   | 145110 |
| GRF 200532  | Nonpublic                   | \$                     | 58,973,586    | \$ | 60,931,509    | 145111 |
|             |                             | Administrative Cost    |               |    |               |        |
|             |                             | Reimbursement          |               |    |               |        |
| GRF 200540  | Special Education           | \$                     | 156,871,292   | \$ | 157,871,292   | 145112 |
|             |                             | Enhancements           |               |    |               |        |
| GRF 200545  | Career-Technical            | \$                     | 9,372,999     | \$ | 9,372,999     | 145113 |
|             |                             | Education Enhancements |               |    |               |        |
| GRF 200550  | Foundation Funding          | \$                     | 5,808,807,929 | \$ | 6,004,142,692 | 145114 |
| GRF 200901  | Property Tax                | \$                     | 1,138,800,000 | \$ | 1,184,352,000 | 145115 |
|             |                             | Allocation - Education |               |    |               |        |
| TOTAL GRF   | General Revenue Fund        | \$                     | 7,981,089,371 | \$ | 8,255,498,454 | 145116 |
|             | General Services Fund Group |                        |               |    |               | 145117 |
| 1380 200606 | Information                 | \$                     | 6,850,090     | \$ | 6,850,090     | 145118 |
|             |                             | Technology             |               |    |               |        |
|             |                             | Development and        |               |    |               |        |
|             |                             | Support                |               |    |               |        |
| 4520 200638 | Fees and Refunds            | \$                     | 500,000       | \$ | 500,000       | 145119 |
| 4L20 200681 | Teacher Certification       | \$                     | 8,313,762     | \$ | 13,658,274    | 145120 |
|             |                             | and Licensure          |               |    |               |        |
| 5960 200656 | Ohio Career                 | \$                     | 529,761       | \$ | 529,761       | 145121 |
|             |                             | Information System     |               |    |               |        |
| 5H30 200687 | School District             | \$                     | 25,000,000    | \$ | 25,000,000    | 145122 |
|             |                             | Solvency Assistance    |               |    |               |        |
| 5KX0 200691 | Ohio School                 | \$                     | 487,419       | \$ | 487,419       | 145123 |
|             |                             | Sponsorship Program    |               |    |               |        |
| 5KY0 200693 | Community Schools           | \$                     | 83,000        | \$ | 83,000        | 145124 |
|             |                             | Temporary Sponsorship  |               |    |               |        |
| TOTAL GSF   | General Services            |                        |               |    |               | 145125 |

|                                    |        |                                                  |    |             |    |            |        |
|------------------------------------|--------|--------------------------------------------------|----|-------------|----|------------|--------|
| Fund Group                         |        |                                                  | \$ | 41,764,032  | \$ | 47,108,544 | 145126 |
| Federal Special Revenue Fund Group |        |                                                  |    |             |    |            | 145127 |
| 3090                               | 200601 | Neglected and<br>Delinquent Education            | \$ | 2,168,642   | \$ | 2,168,642  | 145128 |
| 3670                               | 200607 | School Food Services                             | \$ | 8,200,664   | \$ | 8,700,149  | 145129 |
| 3700                               | 200624 | Education of<br>Exceptional Children             | \$ | 1,530,000   | \$ | 1,530,000  | 145130 |
| 3AF0                               | 200603 | Schools Medicaid<br>Administrative Claims        | \$ | 750,000     | \$ | 750,000    | 145131 |
| 3AN0                               | 200671 | School Improvement<br>Grants                     | \$ | 20,400,000  | \$ | 20,400,000 | 145132 |
| 3BK0                               | 200628 | Longitudinal Data<br>Systems                     | \$ | 1,250,000   | \$ | 0          | 145133 |
| 3C50                               | 200661 | Early Childhood<br>Education                     | \$ | 14,554,749  | \$ | 14,554,749 | 145134 |
| 3CG0                               | 200646 | Teacher Incentive                                | \$ | 15,125,588  | \$ | 15,183,285 | 145135 |
| 3D20                               | 200667 | Math Science<br>Partnerships                     | \$ | 6,000,000   | \$ | 6,000,000  | 145136 |
| 3EC0                               | 200653 | Teacher Incentive -<br>Federal Stimulus          | \$ | 1,300,000   | \$ | 0          | 145137 |
| 3EH0                               | 200620 | Migrant Education                                | \$ | 2,900,000   | \$ | 2,900,000  | 145138 |
| 3EJ0                               | 200622 | Homeless Children<br>Education                   | \$ | 2,600,000   | \$ | 2,600,000  | 145139 |
| 3EK0                               | 200637 | Advanced Placement                               | \$ | 450,000     | \$ | 450,000    | 145140 |
| 3EN0                               | 200655 | State Data Systems -<br>Federal Stimulus         | \$ | 1,250,000   | \$ | 0          | 145141 |
| 3FD0                               | 200665 | Race to the Top                                  | \$ | 136,000,000 | \$ | 58,074,046 | 145142 |
| 3FN0                               | 200672 | Early Learning<br>Challenge - Race to<br>the Top | \$ | 7,040,000   | \$ | 7,040,000  | 145143 |
| 3GE0                               | 200674 | Summer Food Service<br>Program                   | \$ | 13,596,000  | \$ | 14,003,800 | 145144 |
| 3GF0                               | 200675 | Miscellaneous                                    | \$ | 700,000     | \$ | 700,000    | 145145 |

|                                  |        |                                                   |    |               |    |                      |
|----------------------------------|--------|---------------------------------------------------|----|---------------|----|----------------------|
|                                  |        | Nutrition Grants                                  |    |               |    |                      |
| 3GG0                             | 200676 | Fresh Fruit and<br>Vegetable Program              | \$ | 4,738,000     | \$ | 4,880,140 145146     |
| 3H90                             | 200605 | Head Start<br>Collaboration Project               | \$ | 225,000       | \$ | 225,000 145147       |
| 3L60                             | 200617 | Federal School Lunch                              | \$ | 350,608,075   | \$ | 361,126,273 145148   |
| 3L70                             | 200618 | Federal School<br>Breakfast                       | \$ | 108,480,590   | \$ | 112,819,813 145149   |
| 3L80                             | 200619 | Child/Adult Food<br>Programs                      | \$ | 106,992,650   | \$ | 110,202,428 145150   |
| 3L90                             | 200621 | Career-Technical<br>Education Basic Grant         | \$ | 44,663,900    | \$ | 44,663,900 145151    |
| 3M00                             | 200623 | ESEA Title 1A                                     | \$ | 560,000,000   | \$ | 560,000,000 145152   |
| 3M20                             | 200680 | Individuals with<br>Disabilities<br>Education Act | \$ | 443,170,050   | \$ | 443,170,050 145153   |
| 3T40                             | 200613 | Public Charter<br>Schools                         | \$ | 500,000       | \$ | 0 145154             |
| 3Y20                             | 200688 | 21st Century<br>Community Learning<br>Centers     | \$ | 48,201,810    | \$ | 50,611,900 145155    |
| 3Y60                             | 200635 | Improving Teacher<br>Quality                      | \$ | 101,900,000   | \$ | 101,900,000 145156   |
| 3Y70                             | 200689 | English Language<br>Acquisition                   | \$ | 9,700,000     | \$ | 9,700,000 145157     |
| 3Y80                             | 200639 | Rural and Low Income<br>Technical Assistance      | \$ | 3,300,000     | \$ | 3,300,000 145158     |
| 3Z20                             | 200690 | State Assessments                                 | \$ | 11,800,000    | \$ | 11,800,000 145159    |
| 3Z30                             | 200645 | Consolidated Federal<br>Grant Administration      | \$ | 7,949,280     | \$ | 7,949,280 145160     |
| TOTAL FED                        |        | Federal Special                                   |    |               |    | 145161               |
| Revenue Fund Group               |        |                                                   | \$ | 2,038,044,998 | \$ | 1,977,403,455 145162 |
| State Special Revenue Fund Group |        |                                                   |    |               |    | 145163               |



|                                      |        |                                                         |    |             |    |             |        |
|--------------------------------------|--------|---------------------------------------------------------|----|-------------|----|-------------|--------|
| 4540                                 | 200610 | GED Testing                                             | \$ | 1,050,000   | \$ | 250,000     | 145164 |
| 4550                                 | 200608 | Commodity Foods                                         | \$ | 24,000,000  | \$ | 24,000,000  | 145165 |
| 4R70                                 | 200695 | Indirect Operational<br>Support                         | \$ | 6,600,000   | \$ | 6,600,000   | 145166 |
| 4V70                                 | 200633 | Interagency Program<br>Support                          | \$ | 717,725     | \$ | 717,725     | 145167 |
| 5980                                 | 200659 | Auxiliary Services<br>Reimbursement                     | \$ | 1,328,910   | \$ | 1,328,910   | 145168 |
| 5BJ0                                 | 200626 | Half-Mill Maintenance<br>Equalization                   | \$ | 19,000,000  | \$ | 20,000,000  | 145169 |
| 5MM0                                 | 200677 | Child Nutrition<br>Refunds                              | \$ | 500,000     | \$ | 500,000     | 145170 |
| 5T30                                 | 200668 | Gates Foundation<br>Grants                              | \$ | 200,000     | \$ | 153,000     | 145171 |
| 5U20                                 | 200685 | National Education<br>Statistics                        | \$ | 300,000     | \$ | 300,000     | 145172 |
| 6200                                 | 200615 | Educational<br>Improvement Grants                       | \$ | 300,000     | \$ | 300,000     | 145173 |
| TOTAL SSR State Special Revenue      |        |                                                         |    |             |    |             | 145174 |
| Fund Group                           |        |                                                         | \$ | 53,996,635  | \$ | 54,149,635  | 145175 |
| Lottery Profits Education Fund Group |        |                                                         |    |             |    |             | 145176 |
| 7017                                 | 200612 | Foundation Funding                                      | \$ | 775,000,000 | \$ | 850,000,000 | 145177 |
| 7017                                 | 200648 | Straight A Fund                                         | \$ | 50,000,000  | \$ | 100,000,000 | 145178 |
| 7017                                 | 200666 | EdChoice Expansion                                      | \$ | 8,500,000   | \$ | 17,000,000  | 145179 |
| 7017                                 | 200684 | Community School<br>Facilities                          | \$ | 7,500,000   | \$ | 7,500,000   | 145180 |
| TOTAL LPE Lottery Profits            |        |                                                         |    |             |    |             | 145181 |
| Education Fund Group                 |        |                                                         | \$ | 841,000,000 | \$ | 974,500,000 | 145182 |
| Revenue Distribution Fund Group      |        |                                                         |    |             |    |             | 145183 |
| 7047                                 | 200909 | School District<br>Property Tax<br>Replacement-Business | \$ | 482,000,000 | \$ | 482,000,000 | 145184 |

|                  |                      |                  |                  |    |             |        |
|------------------|----------------------|------------------|------------------|----|-------------|--------|
| 7053 200900      | School District      | \$               | 28,000,000       | \$ | 28,000,000  | 145185 |
|                  | Property Tax         |                  |                  |    |             |        |
|                  | Replacement-Utility  |                  |                  |    |             |        |
| TOTAL RDF        | Revenue Distribution |                  |                  |    |             | 145186 |
| Fund Group       |                      | \$               | 510,000,000      | \$ | 510,000,000 | 145187 |
| TOTAL ALL BUDGET | FUND GROUPS          | \$11,465,895,036 | \$11,818,660,088 |    |             | 145188 |

**Section 263.20. OPERATING EXPENSES** 145190

A portion of the foregoing appropriation item 200321, 145191  
Operating Expenses, shall be used by the Department of Education 145192  
to provide matching funds under 20 U.S.C. 2321. 145193

**EARLY CHILDHOOD EDUCATION** 145194

The Department of Education shall distribute the foregoing 145195  
appropriation item 200408, Early Childhood Education, to pay the 145196  
costs of early childhood education programs. 145197

(A) As used in this section: 145198

(1) "Provider" means a city, local, exempted village, or 145199  
joint vocational school district, or an educational service 145200  
center. 145201

(2) In the case of a city, local, or exempted village school 145202  
district, "new eligible provider" means a district that did not 145203  
receive state funding for Early Childhood Education in the 145204  
previous fiscal year or demonstrates a need for early childhood 145205  
programs as defined in division (D) of this section. 145206

(3) "Eligible child" means a child who is at least three 145207  
years of age as of the district entry date for kindergarten, is 145208  
not of the age to be eligible for kindergarten, and whose family 145209  
earns not more than two hundred per cent of the federal poverty 145210  
guidelines as defined in division (A)(3) of section 5101.46 of the 145211  
Revised Code. Children with an Individualized Education Program 145212  
and where the Early Childhood Education program is the least 145213

restrictive environment may be enrolled on their third birthday. 145214

(4) "Early learning program standards" means early learning 145215  
program standards for school readiness developed by the Department 145216  
to assess the operation of early learning programs. 145217

(B) In each fiscal year, up to two per cent of the total 145218  
appropriation may be used by the Department for program support 145219  
and technical assistance. The Department shall distribute the 145220  
remainder of the appropriation in each fiscal year to serve 145221  
eligible children. 145222

(C) The Department shall provide an annual report to the 145223  
Governor, the Speaker of the House of Representatives, and the 145224  
President of the Senate and post the report to the Department's 145225  
web site, regarding early childhood education programs operated 145226  
under this section and the early learning program standards. 145227

(D) After setting aside the amounts to make payments due from 145228  
the previous fiscal year, in fiscal year 2014, the Department 145229  
shall distribute funds first to recipients of funds for early 145230  
childhood education programs under Section 267.10.10 of Am. Sub. 145231  
H.B. 153 of the 129th General Assembly, as amended by Am. Sub. 145232  
H.B. 487 of the 129th General Assembly, in the previous fiscal 145233  
year and the balance to new eligible providers of early childhood 145234  
education programs under this section or to existing providers to 145235  
serve more eligible children or for purposes of program expansion, 145236  
improvement, or special projects to promote quality and 145237  
innovation. 145238

After setting aside the amounts to make payments due from the 145239  
previous fiscal year, in fiscal year 2015, the Department shall 145240  
distribute funds first to providers of early childhood education 145241  
programs under this section in the previous fiscal year and the 145242  
balance to new eligible providers or to existing providers to 145243  
serve more eligible children as outlined under division (E) of 145244

this section or for purposes of program expansion, improvement, or 145245  
special projects to promote quality and innovation. 145246

(E) The Department shall distribute any new or remaining 145247  
funding to existing providers of early childhood education 145248  
programs or any new eligible providers in an effort to invest in 145249  
high quality early childhood programs where there is a need as 145250  
determined by the Department. The Department shall distribute the 145251  
new or remaining funds to existing providers of early childhood 145252  
education programs or any new eligible providers to serve 145253  
additional eligible children based on community economic 145254  
disadvantage, limited access to high quality preschool or 145255  
childcare services, and demonstration of high quality preschool 145256  
services as determined by the Department using new metrics 145257  
developed pursuant to Ohio's Race to the Top—Early Learning 145258  
Challenge Grant, awarded to the Department in December 2011. 145259

Awards under divisions (D) and (E) of this section shall be 145260  
distributed on a per-pupil basis, and in accordance with division 145261  
(I) of this section. The Department may adjust the per-pupil 145262  
amount so that the per-pupil amount multiplied by the number of 145263  
eligible children enrolled and receiving services on the first day 145264  
of December or the business day closest to that date equals the 145265  
amount allocated under this section. 145266

(F) Costs for developing and administering an early childhood 145267  
education program may not exceed fifteen per cent of the total 145268  
approved costs of the program. 145269

All providers shall maintain such fiscal control and 145270  
accounting procedures as may be necessary to ensure the 145271  
disbursement of, and accounting for, these funds. The control of 145272  
funds provided in this program, and title to property obtained, 145273  
shall be under the authority of the approved provider for purposes 145274  
provided in the program unless, as described in division (K) of 145275  
this section, the program waives its right for funding or a 145276

program's funding is eliminated or reduced due to its inability to 145277  
meet financial or early learning program standards. The approved 145278  
provider shall administer and use such property and funds for the 145279  
purposes specified. 145280

(G) The Department may examine a provider's financial and 145281  
program records. If the financial practices of the program are not 145282  
in accordance with standard accounting principles or do not meet 145283  
financial standards outlined under division (F) of this section, 145284  
or if the program fails to substantially meet the early learning 145285  
program standards, meet a quality rating level in the tiered 145286  
quality rating and improvement system developed under section 145287  
5104.30 of the Revised Code as prescribed by the Department, or 145288  
exhibits below average performance as measured against the 145289  
standards, the early childhood education program shall propose and 145290  
implement a corrective action plan that has been approved by the 145291  
Department. The approved corrective action plan shall be signed by 145292  
the chief executive officer and the executive of the official 145293  
governing body of the provider. The corrective action plan shall 145294  
include a schedule for monitoring by the Department. Such 145295  
monitoring may include monthly reports, inspections, a timeline 145296  
for correction of deficiencies, and technical assistance to be 145297  
provided by the Department or obtained by the early childhood 145298  
education program. The Department may withhold funding pending 145299  
corrective action. If an early childhood education program fails 145300  
to satisfactorily complete a corrective action plan, the 145301  
Department may deny expansion funding to the program or withdraw 145302  
all or part of the funding to the program and establish a new 145303  
eligible provider through a selection process established by the 145304  
Department. 145305

(H) Each early childhood education program shall do all of 145306  
the following: 145307

(1) Meet teacher qualification requirements prescribed by 145308

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| section 3301.311 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 145309                                                                                                                                   |
| (2) Align curriculum to the early learning content standards developed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 145310<br>145311                                                                                                                         |
| (3) Meet any child or program assessment requirements prescribed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 145312<br>145313                                                                                                                         |
| (4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 145314<br>145315<br>145316<br>145317                                                                                                     |
| (5) Document and report child progress as prescribed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 145318<br>145319                                                                                                                         |
| (6) Meet and report compliance with the early learning program standards as prescribed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 145320<br>145321                                                                                                                         |
| (7) Participate in the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code. Effective July 1, 2016, all programs shall be rated through the system.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 145322<br>145323<br>145324<br>145325                                                                                                     |
| (I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the | 145326<br>145327<br>145328<br>145329<br>145330<br>145331<br>145332<br>145333<br>145334<br>145335<br>145336<br>145337<br>145338<br>145339 |

Department requesting an alternate schedule. If the Department 145340  
approves a waiver for an alternate schedule that provides services 145341  
for less time than the standard early childhood education 145342  
schedule, the Department may reduce the provider's annual 145343  
allocation proportionately. Under no circumstances shall an annual 145344  
allocation be increased because of the approval of an alternate 145345  
schedule. 145346

(J) Each provider shall develop a sliding fee scale based on 145347  
family incomes and shall charge families who earn more than two 145348  
hundred per cent of the federal poverty guidelines, as defined in 145349  
division (A)(3) of section 5101.46 of the Revised Code, for the 145350  
early childhood education program. 145351

The Department shall conduct an annual survey of each 145352  
provider to determine whether the provider charges families 145353  
tuition or fees, the amount families are charged relative to 145354  
family income levels, and the number of families and students 145355  
charged tuition and fees for the early childhood program. 145356

(K) If an early childhood education program voluntarily 145357  
waives its right for funding, or has its funding eliminated for 145358  
not meeting financial standards or the early learning program 145359  
standards, the provider shall transfer control of title to 145360  
property, equipment, and remaining supplies obtained through the 145361  
program to providers designated by the Department and return any 145362  
unexpended funds to the Department along with any reports 145363  
prescribed by the Department. The funding made available from a 145364  
program that waives its right for funding or has its funding 145365  
eliminated or reduced may be used by the Department for new grant 145366  
awards or expansion grants. The Department may award new grants or 145367  
expansion grants to eligible providers who apply. The eligible 145368  
providers who apply must do so in accordance with the selection 145369  
process established by the Department. 145370

(L) Eligible expenditures for the Early Childhood Education 145371

Program shall be claimed each fiscal year to help meet the state's 145372  
TANF maintenance of effort requirement. The Superintendent of 145373  
Public Instruction and the Director of Job and Family Services 145374  
shall enter into an interagency agreement to carry out the 145375  
requirements under this division, which shall include developing 145376  
reporting guidelines for these expenditures. 145377

**Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 145378**  
SUPPORT 145379

The foregoing appropriation item 200420, Information 145380  
Technology Development and Support, shall be used to support the 145381  
development and implementation of information technology solutions 145382  
designed to improve the performance and services of the Department 145383  
of Education. Funds may be used for personnel, maintenance, and 145384  
equipment costs related to the development and implementation of 145385  
these technical system projects. Implementation of these systems 145386  
shall allow the Department to provide greater levels of assistance 145387  
to school districts and to provide more timely information to the 145388  
public, including school districts, administrators, and 145389  
legislators. Funds may also be used to support data-driven 145390  
decision-making and differentiated instruction, as well as to 145391  
communicate academic content standards and curriculum models to 145392  
schools through web-based applications. 145393

**Section 263.40. ALTERNATIVE EDUCATION PROGRAMS 145394**

The foregoing appropriation item 200421, Alternative 145395  
Education Programs, shall be used for the renewal of successful 145396  
implementation grants and for competitive matching grants to 145397  
school districts for alternative educational programs for existing 145398  
and new at-risk and delinquent youth. Programs shall be focused on 145399  
youth in one or more of the following categories: those who have 145400  
been expelled or suspended, those who have dropped out of school 145401



or who are at risk of dropping out of school, those who are 145402  
habitually truant or disruptive, or those on probation or on 145403  
parole from a Department of Youth Services facility. Grants shall 145404  
be awarded only to programs in which the grant will not serve as 145405  
the program's primary source of funding. These grants shall be 145406  
administered by the Department of Education. 145407

The Department of Education may waive compliance with any 145408  
minimum education standard established under section 3301.07 of 145409  
the Revised Code for any alternative school that receives a grant 145410  
under this section on the grounds that the waiver will enable the 145411  
program to more effectively educate students enrolled in the 145412  
alternative school. 145413

Of the foregoing appropriation item 200421, Alternative 145414  
Education Programs, a portion may be used for program 145415  
administration, monitoring, technical assistance, support, 145416  
research, and evaluation. 145417

**Section 263.50. SCHOOL MANAGEMENT ASSISTANCE** 145418

Of the foregoing appropriation item 200422, School Management 145419  
Assistance, \$1,000,000 in each fiscal year shall be used by the 145420  
Auditor of State in consultation with the Department of Education 145421  
for expenses incurred in the Auditor of State's role relating to 145422  
fiscal caution, fiscal watch, and fiscal emergency activities as 145423  
defined in Chapter 3316. of the Revised Code, unless an amount 145424  
less than \$1,000,000 is needed and mutually agreed to by the 145425  
Department and the Auditor of State. This set-aside may also be 145426  
used by the Auditor of State to conduct performance audits of 145427  
other school districts with priority given to districts in fiscal 145428  
distress. Districts in fiscal distress shall be determined by the 145429  
Auditor of State and shall include districts that the Auditor of 145430  
State, in consultation with the Department of Education, 145431  
determines are employing fiscal practices or experiencing 145432

budgetary conditions that could produce a state of fiscal watch or 145433  
fiscal emergency. 145434

The remainder of appropriation item 200422, School Management 145435  
Assistance, shall be used by the Department of Education to 145436  
provide fiscal technical assistance and inservice education for 145437  
school district management personnel and to administer, monitor, 145438  
and implement the fiscal caution, fiscal watch, and fiscal 145439  
emergency provisions under Chapter 3316. of the Revised Code. 145440

**Section 263.60. POLICY ANALYSIS** 145441

The foregoing appropriation item 200424, Policy Analysis, 145442  
shall be used by the Department of Education to support a system 145443  
of administrative, statistical, and legislative education 145444  
information to be used for policy analysis. Staff supported by 145445  
this appropriation shall administer the development of reports, 145446  
analyses, and briefings to inform education policymakers of 145447  
current trends in education practice, efficient and effective use 145448  
of resources, and evaluation of programs to improve education 145449  
results. The database shall be kept current at all times. These 145450  
research efforts shall be used to supply information and analysis 145451  
of data to the General Assembly and other state policymakers, 145452  
including the Office of Budget and Management, the Governor's 145453  
Office of 21st Century Education, and the Legislative Service 145454  
Commission. 145455

The Department of Education may use funding from this 145456  
appropriation item to purchase or contract for the development of 145457  
software systems or contract for policy studies that will assist 145458  
in the provision and analysis of policy-related information. 145459  
Funding from this appropriation item also may be used to monitor 145460  
and enhance quality assurance for research-based policy analysis 145461  
and program evaluation to enhance the effective use of education 145462  
information to inform education policymakers. 145463

TECH PREP CONSORTIA SUPPORT 145464

The foregoing appropriation item 200425, Tech Prep Consortia Support, shall be used by the Department of Education to support state-level activities designed to support, promote, and expand tech prep programs. Use of these funds shall include, but not be limited to, administration of grants, program evaluation, professional development, curriculum development, assessment development, program promotion, communications, and statewide coordination of tech prep consortia.

**Section 263.70.** OHIO EDUCATIONAL COMPUTER NETWORK 145473

The foregoing appropriation item 200426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system in support of the P-16 State Education Technology Plan developed under section 3353.09 of the Revised Code.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$10,705,569 in each fiscal year shall be used by the Department of Education to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year the Department of Education shall use these funds to assist information technology centers or school districts with the operational costs associated with this connectivity. The Department of Education shall develop a formula and guidelines for the distribution of these funds to information technology centers or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, any college preparatory boarding school

established under Chapter 3328. of the Revised Code, any STEM 145495  
school established under Chapter 3326. of the Revised Code, any 145496  
educational service center building used for instructional 145497  
purposes, the Ohio School for the Deaf and the Ohio School for the 145498  
Blind, high schools chartered by the Ohio Department of Youth 145499  
Services, or high schools operated by Ohio Department of 145500  
Rehabilitation and Corrections' Ohio Central School System. 145501

Of the foregoing appropriation item 200426, Ohio Educational 145502  
Computer Network, up to \$2,500,000 in each fiscal year shall be 145503  
used for the Union Catalog and InfOhio Network and to support the 145504  
provision of electronic resources with priority given to resources 145505  
that support the teaching of state academic content standards in 145506  
all public schools. Consideration shall be given by the Department 145507  
of Education to coordinating the allocation of these moneys with 145508  
the efforts of Libraries Connect Ohio, whose members include 145509  
OhioLINK, the Ohio Public Information Network, and the State 145510  
Library of Ohio. 145511

Of the foregoing appropriation item 200426, Ohio Educational 145512  
Computer Network, up to \$5,220,000 in each fiscal year shall be 145513  
used, through a formula and guidelines devised by the Department, 145514  
to subsidize the activities of designated information technology 145515  
centers, as defined by State Board of Education rules, to provide 145516  
school districts and chartered nonpublic schools with 145517  
computer-based student and teacher instructional and 145518  
administrative information services, including approved 145519  
computerized financial accounting, and to ensure the effective 145520  
operation of local automated administrative and instructional 145521  
systems. 145522

Of the foregoing appropriation item 200426, Ohio Educational 145523  
Computer Network, up to \$10,000,000 in fiscal year 2014 shall be 145524  
used for middle mile connections for the information technology 145525  
centers established under section 3301.075 of the Revised Code and 145526

select large urban districts to connect to the state broadband backbone managed by the Ohio Technology Consortium and for other connectivity upgrades necessary for K-12 school buildings with severely restricted broadband connections. The Department of Education shall develop an expenditure plan to facilitate instructional technology/blended learning initiatives. The State Chief Information Officer and the Education Technology Division of the Ohio Board of Regents shall review the plan to ensure it coincides with State of Ohio and higher education network strategies and shall either approve or reject the plan. If the plan is rejected, the State Chief Information Officer and the Education Technology Division of the Ohio Board of Regents shall identify deficiencies in the plan and work with the Department to complete an acceptable plan. "Select large urban districts" are those districts that connect to the state broadband backbone directly rather than through an information technology center. At the request of the Superintendent of Public Instruction, the Director of Budget and Management may authorize the expenditure in fiscal year 2015 of any unexpended and unencumbered portion of this set-aside at the end of fiscal year 2014. The authorized expenditure is hereby reappropriated to the Department for the same purpose for fiscal year 2015.

The remainder of appropriation item 200426, Ohio Educational Computer Network, shall be used to support the work of the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems as well as the teacher student linkage/roster verification process and the eTranscript/student records exchange initiative. This technical assistance shall include, but not be restricted to, development and maintenance of adequate computer software systems to support network activities. In order to improve the efficiency of network activities, the Department and information technology centers may jointly purchase equipment, materials, and services

from funds provided under this appropriation for use by the 145560  
network and, when considered practical by the Department, may 145561  
utilize the services of appropriate state purchasing agencies. 145562

**Section 263.80. ACADEMIC STANDARDS** 145563

The foregoing appropriation item 200427, Academic Standards, 145564  
shall be used by the Department of Education to develop, revise, 145565  
and communicate to school districts academic content standards and 145566  
curriculum models and to develop professional development programs 145567  
and other tools on the new content standards and model curriculum. 145568

**Section 263.90. STUDENT ASSESSMENT** 145569

Of the foregoing appropriation item 200437, Student 145570  
Assessment, up to \$95,000 in each fiscal year may be used to 145571  
support the assessments required under section 3301.0715 of the 145572  
Revised Code. 145573

The remainder of appropriation item 200437, Student 145574  
Assessment, shall be used to develop, field test, print, 145575  
distribute, score, report results, and support other associated 145576  
costs for the tests required under sections 3301.0710, 3301.0711, 145577  
and 3301.0712 of the Revised Code and for similar purposes as 145578  
required by section 3301.27 of the Revised Code. The funds may 145579  
also be used to update and develop diagnostic assessments required 145580  
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 145581  
Code. 145582

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 145583  
ASSESSMENT 145584

In fiscal year 2014 and fiscal year 2015, if the 145585  
Superintendent of Public Instruction determines that additional 145586  
funds are needed to fully fund the requirements of sections 145587  
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 145588  
and this act for assessments of student performance, the 145589

Superintendent of Public Instruction may recommend the 145590  
reallocation of unexpended and unencumbered General Revenue Fund 145591  
appropriations within the Department of Education to appropriation 145592  
item 200437, Student Assessment, to the Director of Budget and 145593  
Management. If the Director of Budget and Management determines 145594  
that such a reallocation is required, the Director of Budget and 145595  
Management may transfer unexpended and unencumbered appropriations 145596  
within the Department of Education as necessary to appropriation 145597  
item 200437, Student Assessment. If these transferred 145598  
appropriations are not sufficient to fully fund the assessment 145599  
requirements in fiscal year 2014 or fiscal year 2015, the 145600  
Superintendent of Public Instruction may request that the 145601  
Controlling Board transfer up to \$9,000,000 cash from the Lottery 145602  
Profits Education Reserve Fund (Fund 7018) to the General Revenue 145603  
Fund. Upon approval of the Controlling Board, the Director of 145604  
Budget and Management shall transfer the cash. These transferred 145605  
funds are hereby appropriated for the same purpose as 145606  
appropriation item 200437, Student Assessment. 145607

**Section 263.100.** Notwithstanding anything to the contrary in 145608  
sections 3301.0710 and 3301.0711 of the Revised Code, in the 145609  
2013-2014 school year, the Department of Education shall not 145610  
furnish, and school districts and schools shall not administer, 145611  
the elementary writing and social studies achievement assessments 145612  
prescribed by section 3301.0710 of the Revised Code, unless the 145613  
Superintendent of Public Instruction determines the Department has 145614  
sufficient funds to pay the costs of furnishing and scoring those 145615  
assessments. 145616

**Section 263.110.** ACCOUNTABILITY/REPORT CARDS 145617

Of the foregoing appropriation item 200439, 145618  
Accountability/Report Cards, a portion in each fiscal year may be 145619  
used to train district and regional specialists and district 145620

educators in the use of the value-added progress dimension and in 145621  
the use of data as it relates to improving student achievement. 145622  
This training may include teacher and administrator professional 145623  
development in the use of data to improve instruction and student 145624  
learning, and teacher and administrator training in understanding 145625  
teacher value-added reports and how they can be used as a 145626  
component in measuring teacher and administrator effectiveness. A 145627  
portion of this funding may be provided to a credible nonprofit 145628  
organization with expertise in value-added progress dimensions. 145629

The remainder of appropriation item 200439, 145630  
Accountability/Report Cards, shall be used by the Department to 145631  
incorporate a statewide value-added progress dimension into 145632  
performance ratings for school districts and for the development 145633  
of an accountability system that includes the preparation and 145634  
distribution of school report cards, funding and expenditure 145635  
accountability reports under sections 3302.03 and 3302.031 of the 145636  
Revised Code, and the development and maintenance of teacher 145637  
value-added reports. 145638

CHILD CARE LICENSING 145639

The foregoing appropriation item 200442, Child Care 145640  
Licensing, shall be used by the Department of Education to license 145641  
and to inspect preschool and school-age child care programs under 145642  
sections 3301.52 to 3301.59 of the Revised Code. 145643

**Section 263.120.** EDUCATION MANAGEMENT INFORMATION SYSTEM 145644

The foregoing appropriation item 200446, Education Management 145645  
Information System, shall be used by the Department of Education 145646  
to improve the Education Management Information System (EMIS). 145647

Of the foregoing appropriation item 200446, Education 145648  
Management Information System, up to \$729,000 in each fiscal year 145649  
shall be distributed to designated information technology centers 145650



for costs relating to processing, storing, and transferring data 145651  
for the effective operation of the EMIS. These costs may include, 145652  
but are not limited to, personnel, hardware, software development, 145653  
communications connectivity, professional development, and support 145654  
services, and to provide services to participate in the State 145655  
Education Technology Plan developed under section 3353.09 of the 145656  
Revised Code. 145657

The remainder of appropriation item 200446, Education 145658  
Management Information System, shall be used to develop and 145659  
support a common core of data definitions and standards as adopted 145660  
by the Education Management Information System Advisory Board, 145661  
including the ongoing development and maintenance of the data 145662  
dictionary and data warehouse. In addition, such funds shall be 145663  
used to support the development and implementation of data 145664  
standards; the design, development, and implementation of a new 145665  
data exchange system; and responsibilities related to the school 145666  
report cards prescribed by section 3302.03 of the Revised Code and 145667  
value-added progress dimension calculations. 145668

Any provider of software meeting the standards approved by 145669  
the Education Management Information System Advisory Board shall 145670  
be designated as an approved vendor and may enter into contracts 145671  
with local school districts, community schools, STEMS schools, 145672  
information technology centers, or other educational entities for 145673  
the purpose of collecting and managing data required under Ohio's 145674  
education management information system (EMIS) laws. On an annual 145675  
basis, the Department of Education shall convene an advisory group 145676  
of school districts, community schools, and other 145677  
education-related entities to review the Education Management 145678  
Information System data definitions and data format standards. The 145679  
advisory group shall recommend changes and enhancements based upon 145680  
surveys of its members, education agencies in other states, and 145681  
current industry practices, to reflect best practices, align with 145682

federal initiatives, and meet the needs of school districts. 145683

School districts, STEM schools, and community schools not 145684  
implementing a common and uniform set of data definitions and data 145685  
format standards for Education Management Information System 145686  
purposes shall have all EMIS funding withheld until they are in 145687  
compliance. 145688

**Section 263.130. GED TESTING** 145689

The foregoing appropriation item 200447, GED Testing, shall 145690  
be used to provide General Educational Development (GED) testing 145691  
under rules adopted by the State Board of Education. 145692

**Section 263.140. EDUCATOR PREPARATION** 145693

Of the foregoing appropriation item 200448, Educator 145694  
Preparation, up to \$500,000 in each fiscal year may be used by the 145695  
Department of Education to monitor and support Ohio's State System 145696  
of Support in accordance with the "No Child Left Behind Act of 145697  
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 145698  
and Secondary Education Act flexibility waivers approved for Ohio 145699  
by the United States Department of Education. 145700

Of the foregoing appropriation item 200448, Educator 145701  
Preparation, up to \$100,000 in each fiscal year may be used by the 145702  
Department to support the Educator Standards Board under section 145703  
3319.61 of the Revised Code and reforms under sections 3302.042, 145704  
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 145705  
3319.58 of the Revised Code. 145706

The remainder of the foregoing appropriation item 200448, 145707  
Educator Preparation, in fiscal year 2015 may be used for 145708  
implementation of teacher and principal evaluation systems, 145709  
including incorporation of student growth as a metric in those 145710  
systems, and teacher value-added reports. 145711

**Section 263.150.** COMMUNITY SCHOOLS AND CHOICE PROGRAMS 145712

The foregoing appropriation item 200455, Community Schools 145713  
and Choice Programs, may be used by the Department of Education 145714  
for additional services and responsibilities under section 3314.11 145715  
of the Revised Code and for operation of the school choice 145716  
programs. 145717

Of the foregoing appropriation item 200455, Community Schools 145718  
and Choice Programs, a portion in each fiscal year may be used by 145719  
the Department of Education for developing and conducting training 145720  
sessions for community schools and sponsors and prospective 145721  
sponsors of community schools as prescribed in division (A)(1) of 145722  
section 3314.015 of the Revised Code, and other schools 145723  
participating in school choice programs. 145724

**Section 263.160.** TECHNOLOGY INTEGRATION AND PROFESSIONAL 145725  
DEVELOPMENT 145726

The foregoing appropriation item 200465, Technology 145727  
Integration and Professional Development, shall be used by the 145728  
Department of Education to contract with educational television 145729  
stations and education technology centers to provide Ohio public 145730  
schools with instructional resources and services, with priority 145731  
given to resources and services aligned with state academic 145732  
content standards. Such resources and services shall be based upon 145733  
the advice and approval of the Department, based on a formula used 145734  
by the former eTech Ohio Commission unless and until a substitute 145735  
formula is developed in consultation with the Ohio Board of 145736  
Regents. 145737

**Section 263.163.** READY TO LEARN 145738

Of the foregoing appropriation item 200468, Ready to Learn, 145739  
up to \$50,000 in each fiscal year shall be used to support the 145740

operations of the "Ready, Set, Go...to Kindergarten" Program at 145741  
the Horizon Education Center in Lorain County. The effectiveness 145742  
of the program shall be evaluated and reported to the Department 145743  
of Education in a study that includes statistics on program 145744  
participants' scores for the "Get It, Got It, Go!" assessment and 145745  
the kindergarten readiness assessment. 145746

The Department of Education shall distribute the remainder of 145747  
the foregoing appropriation item 200468, Ready to Learn, to 145748  
contract with eligible providers of early childhood education 145749  
programs under this section. 145750

(A) As used in this section: 145751

(1) "Eligible provider" means a private early childhood 145752  
education program provider that meets at least the third highest 145753  
rating level in the tiered quality rating and improvement system 145754  
developed under section 5104.30 of the Revised Code or a public 145755  
early childhood education provider. 145756

(2) "Eligible child" means a child who is at least three 145757  
years of age as of the district entry date for kindergarten, is 145758  
not enrolled in kindergarten, and whose family earns not more than 145759  
two hundred per cent of the federal poverty guidelines as defined 145760  
in division (A)(3) of section 5101.46 of the Revised Code. 145761

(3) "Early learning program standards" means early learning 145762  
program standards for school readiness developed by the Department 145763  
to assess the operation of early learning programs. 145764

(B) The Department shall distribute funding to eligible 145765  
providers on a per-pupil basis. The per-pupil amount shall be such 145766  
that funding is provided for 2,200 eligible children in each 145767  
fiscal year. The Department shall distribute funding so that at 145768  
least three eligible children are funded in each county. 145769

(C) Each early childhood education program receiving funding 145770  
under this section shall do all of the following: 145771

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| (1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 145772<br>145773                                                                                                               |
| (2) Align curriculum to the early learning content standards developed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 145774<br>145775                                                                                                               |
| (3) Meet any child or program assessment requirements prescribed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 145776<br>145777                                                                                                               |
| (4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 145778<br>145779<br>145780<br>145781                                                                                           |
| (5) Document and report child progress as prescribed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 145782<br>145783                                                                                                               |
| (6) Meet and report compliance with the early learning program standards as prescribed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 145784<br>145785                                                                                                               |
| (7) Participate in the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 145786<br>145787                                                                                                               |
| <b>Section 263.170. PUPIL TRANSPORTATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 145788                                                                                                                         |
| Of the foregoing appropriation item 200502, Pupil Transportation, up to \$838,930 in each fiscal year may be used by the Department of Education for training prospective and experienced school bus drivers in accordance with training programs prescribed by the Department. Up to \$60,469,220 in each fiscal year may be used by the Department of Education for special education transportation reimbursements to school districts and county DD boards for transportation operating costs as provided in divisions (C) and (F) of section 3317.024 of the Revised Code. Up to \$5,000,000 in fiscal year 2014 may be used by the Department of Education to reimburse school districts that make payments to parents in lieu of transportation under section 3327.02 of the Revised Code and whose transportation is not funded under division | 145789<br>145790<br>145791<br>145792<br>145793<br>145794<br>145795<br>145796<br>145797<br>145798<br>145799<br>145800<br>145801 |

(C) of section 3317.024 of the Revised Code. 145802

Of the foregoing appropriation item 200502, Pupil 145803  
Transportation, up to \$25,300,000 in fiscal year 2014 and up to 145804  
\$23,100,000 in fiscal year 2015 shall be used for additional 145805  
transportation aid for school districts as provided by division 145806  
(G)(2) of section 3317.0212 of the Revised Code, as amended by 145807  
this act. The Department shall pay each school district a pro rata 145808  
portion of the amounts calculated so that the amount appropriated 145809  
is not exceeded. 145810

The remainder of appropriation item 200502, Pupil 145811  
Transportation, shall be used to distribute the amounts calculated 145812  
for transportation aid under division (G)(1) of section 3317.0212 145813  
of the Revised Code, as amended by this act. 145814

**Section 263.180. SCHOOL LUNCH MATCH** 145815

The foregoing appropriation item 200505, School Lunch Match, 145816  
shall be used to provide matching funds to obtain federal funds 145817  
for the school lunch program. 145818

Any remaining appropriation after providing matching funds 145819  
for the school lunch program may be used to partially reimburse 145820  
school buildings within school districts that are required to have 145821  
a school breakfast program under section 3313.813 of the Revised 145822  
Code, at a rate decided by the Department. 145823

**Section 263.190. AUXILIARY SERVICES** 145824

The foregoing appropriation item 200511, Auxiliary Services, 145825  
shall be used by the Department of Education for the purpose of 145826  
implementing section 3317.06 of the Revised Code. Of the 145827  
appropriation, up to \$1,888,106 in fiscal year 2014 and up to 145828  
\$1,944,949 in fiscal year 2015 may be used for payment of the 145829  
Post-Secondary Enrollment Program for nonpublic students, except 145830  
that in fiscal year 2014 the Department may spend above the 145831

set-aside to pay for outstanding obligations for the 145832  
Post-Secondary Enrollment Options Program in fiscal year 2013. 145833

**Section 263.200. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 145834

The foregoing appropriation item 200532, Nonpublic 145835  
Administrative Cost Reimbursement, shall be used by the Department 145836  
of Education for the purpose of implementing section 3317.063 of 145837  
the Revised Code. 145838

**Section 263.210. SPECIAL EDUCATION ENHANCEMENTS** 145839

Of the foregoing appropriation item 200540, Special Education 145840  
Enhancements, up to \$50,000,000 in each fiscal year shall be used 145841  
to fund special education and related services at county boards of 145842  
developmental disabilities for eligible students under section 145843  
3317.20 of the Revised Code and at institutions for eligible 145844  
students under section 3317.201 of the Revised Code. If necessary, 145845  
the Department shall proportionately reduce the amount calculated 145846  
for each county board of developmental disabilities and 145847  
institution so as not to exceed the amount appropriated in each 145848  
fiscal year. 145849

Of the foregoing appropriation item 200540, Special Education 145850  
Enhancements, up to \$1,333,468 in each fiscal year shall be used 145851  
for parent mentoring programs. 145852

Of the foregoing appropriation item 200540, Special Education 145853  
Enhancements, up to \$2,537,824 in each fiscal year may be used for 145854  
school psychology interns. 145855

The remainder of appropriation item 200540, Special Education 145856  
Enhancements, shall be distributed by the Department of Education 145857  
to school districts and institutions, as defined in section 145858  
3323.091 of the Revised Code, for preschool special education 145859  
funding under section 3317.0213 of the Revised Code. If necessary, 145860  
the Department shall proportionately reduce the amount calculated 145861

for each school district and institution so as not to exceed the 145862  
amount appropriated in each fiscal year. 145863

The Department may reimburse school districts and 145864  
institutions for services provided by instructional assistants, 145865  
related services as defined in rule 3301-51-11 of the 145866  
Administrative Code, physical therapy services provided by a 145867  
licensed physical therapist or physical therapist assistant under 145868  
the supervision of a licensed physical therapist as required under 145869  
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 145870  
Administrative Code and occupational therapy services provided by 145871  
a licensed occupational therapist or occupational therapy 145872  
assistant under the supervision of a licensed occupational 145873  
therapist as required under Chapter 4755. of the Revised Code and 145874  
Chapter 4755-7 of the Administrative Code. Nothing in this section 145875  
authorizes occupational therapy assistants or physical therapist 145876  
assistants to generate or manage their own caseloads. 145877

The Department of Education shall require school districts, 145878  
educational service centers, county DD boards, and institutions 145879  
serving preschool children with disabilities to adhere to Ohio's 145880  
early learning program standards, participate in the tiered 145881  
quality rating and improvement system developed under section 145882  
5104.30 of the Revised Code, and document child progress using 145883  
research-based indicators prescribed by the Department and report 145884  
results annually. The reporting dates and method shall be 145885  
determined by the Department. Effective July 1, 2018, all programs 145886  
shall be rated through the tiered quality rating and improvement 145887  
system. 145888

**Section 263.220. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 145889

Of the foregoing appropriation item 200545, Career-Technical 145890  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 145891  
be used to fund secondary career-technical education at 145892



institutions using a grant-based methodology, notwithstanding 145893  
section 3317.05 of the Revised Code. 145894

Of the foregoing appropriation item 200545, Career-Technical 145895  
Education Enhancements, up to \$2,838,281 in each fiscal year shall 145896  
be used by the Department of Education to fund competitive grants 145897  
to tech prep consortia that expand the number of students enrolled 145898  
in tech prep programs. These grant funds shall be used to directly 145899  
support expanded tech prep programs provided to students enrolled 145900  
in school districts, including joint vocational school districts, 145901  
and affiliated higher education institutions. This support may 145902  
include the purchase of equipment. 145903

Of the foregoing appropriation item 200545, Career-Technical 145904  
Education Enhancements, up to \$3,100,850 in each fiscal year shall 145905  
be used by the Department of Education to support existing High 145906  
Schools That Work (HSTW) sites, develop and support new sites, 145907  
fund technical assistance, and support regional centers and middle 145908  
school programs. The purpose of HSTW is to combine challenging 145909  
academic courses and modern career-technical studies to raise the 145910  
academic achievement of students. HSTW provides intensive 145911  
technical assistance, focused staff development, targeted 145912  
assessment services, and ongoing communications and networking 145913  
opportunities. 145914

Of the foregoing appropriation item 200545, Career-Technical 145915  
Education Enhancements, up to \$600,000 in each fiscal year shall 145916  
be used by the Department of Education to enable students in 145917  
agricultural programs to enroll in a fifth quarter of instruction 145918  
based on the agricultural education model of delivering work-based 145919  
learning through supervised agricultural experience. The 145920  
Department of Education shall determine eligibility criteria and 145921  
the reporting process for the Agriculture 5th Quarter Project and 145922  
shall fund as many programs as possible given the set aside. The 145923  
eligibility criteria developed by the Department shall allow these 145924

funds to support supervised agricultural experience that occurs 145925  
anytime outside of the regular school day. 145926

Of the foregoing appropriation item, 200545, Career-Technical 145927  
Education Enhancements, up to \$162,200 in each fiscal year shall 145928  
be distributed to the Cleveland Municipal School District and the 145929  
Cincinnati City School District to be used for a VoAg Program in 145930  
one at-risk nonvocational school in each district. The amount 145931  
distributed to the Cleveland Municipal School District shall be 145932  
equal to \$78,600 minus the funding allocated to the district under 145933  
division (A)(8) of section 3317.022 of the Revised Code for the 145934  
students participating in the program. The amount distributed to 145935  
the Cincinnati City School District shall be equal to \$83,600 145936  
minus the funding allocated to the district under section 3317.162 145937  
of the Revised Code for the students participating in the program. 145938

Of the foregoing appropriation item 200545, Career-Technical 145939  
Education Enhancements, \$108,100 in each fiscal year shall be used 145940  
to prepare students for careers in culinary arts and restaurant 145941  
management under the Ohio ProStart school restaurant program. 145942

**Section 263.230. FOUNDATION FUNDING** 145943

Of the foregoing appropriation item 200550, Foundation 145944  
Funding, up to \$675,000 in each fiscal year shall be used to 145945  
support the work of the College of Education and Human Ecology at 145946  
the Ohio State University in reviewing and assessing the alignment 145947  
of courses offered through the distance learning clearinghouse 145948  
established in sections 3333.81 to 3333.88 of the Revised Code 145949  
with the academic content standards adopted under division (A) of 145950  
section 3301.079 of the Revised Code. 145951

Of the foregoing appropriation item 200550, Foundation 145952  
Funding, up to \$40,000,000 in each fiscal year shall be used to 145953  
provide additional state aid to school districts, joint vocational 145954  
school districts, community schools, and STEM schools for special 145955

education students under division (C)(3) of section 3314.08, 145956  
section 3317.0214, division (B) of section 3317.16, and section 145957  
3326.34 of the Revised Code, except that the Controlling Board may 145958  
increase these amounts if presented with such a request from the 145959  
Department of Education at the final meeting of the fiscal year. 145960

Of the foregoing appropriation item 200550, Foundation 145961  
Funding, up to \$2,000,000 in each fiscal year shall be reserved 145962  
for Youth Services tuition payments under section 3317.024 of the 145963  
Revised Code. 145964

Of the foregoing appropriation item 200550, Foundation 145965  
Funding, up to \$3,800,000 in each fiscal year shall be used to 145966  
fund gifted education at educational service centers. The 145967  
Department shall distribute the funding through the unit-based 145968  
funding methodology in place under division (L) of section 145969  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 145970  
and (C) of section 3317.053 of the Revised Code as they existed 145971  
prior to fiscal year 2010. 145972

Of the foregoing appropriation item 200550, Foundation 145973  
Funding, up to \$43,500,000 in fiscal year 2014 and up to 145974  
\$40,000,000 in fiscal year 2015 shall be reserved to fund the 145975  
state reimbursement of educational service centers under the 145976  
section of this act entitled "EDUCATIONAL SERVICE CENTERS 145977  
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 145978  
distributed to educational service centers for School Improvement 145979  
Initiatives and, in consultation with the Governor's Director of 145980  
21st Century Education, for the provision of technical assistance 145981  
as required by the Elementary and Secondary Education Act 145982  
Flexibility waivers approved for Ohio by the United States 145983  
Department of Education. Educational service centers shall be 145984  
required to support districts in the development and 145985  
implementation of their continuous improvement plans as required 145986  
in section 3302.04 of the Revised Code and to provide technical 145987

assistance and support in accordance with Title I of the "No Child  
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317, as  
administered pursuant to the Elementary and Secondary Education  
Act Flexibility waivers approved for Ohio by the United States  
Department of Education.

Of the foregoing appropriation item 200550, Foundation  
Funding, up to \$20,000,000 in each fiscal year shall be reserved  
for payments under sections 3317.026, 3317.027, and 3317.028 of  
the Revised Code. If this amount is not sufficient, the Department  
of Education shall prorate the payment amounts so that the  
aggregate amount allocated in this paragraph is not exceeded.

Of the foregoing appropriation item 200550, Foundation  
Funding, up to \$2,000,000 in each fiscal year shall be used to pay  
career-technical planning districts for the amounts reimbursed to  
students, as prescribed in this paragraph. Each career-technical  
planning district shall reimburse individuals taking the online  
General Educational Development (GED) test for the first time for  
application/test fees in excess of \$40. Each career-technical  
planning district shall designate a site or sites where  
individuals may register and take the exam. For each individual  
that registers for the exam, the career-technical planning  
district shall make available and offer career counseling  
services, including information on adult education programs that  
are available.

Of the foregoing appropriation item 200550, Foundation  
Funding, up to \$410,000 in each fiscal year shall be used to pay  
career-technical planning districts \$500 for each student that  
receives a journeyman certification, as recognized by the United  
States Department of Labor.

Of the foregoing appropriation item 200550, Foundation  
Funding, up to \$18,713,327 in each fiscal year shall be used to  
support school choice programs.

Of the portion of the funds distributed to the Cleveland  
Municipal School District under this section, up to \$11,901,887 in  
each fiscal year shall be used to operate the school choice  
program in the Cleveland Municipal School District under sections  
3313.974 to 3313.979 of the Revised Code. Notwithstanding  
divisions (B) and (C) of section 3313.978 and division (C) of  
section 3313.979 of the Revised Code, up to \$1,000,000 in each  
fiscal year of this amount shall be used by the Cleveland  
Municipal School District to provide tutorial assistance as  
provided in division (H) of section 3313.974 of the Revised Code.  
The Cleveland Municipal School District shall report the use of  
these funds in the district's three-year continuous improvement  
plan as described in section 3302.04 of the Revised Code in a  
manner approved by the Department of Education.

Of the foregoing appropriation item 200550, Foundation  
Funding, up to \$2,000,000 in fiscal year 2015 shall be used to pay  
college-preparatory boarding schools the per pupil boarding amount  
pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation  
Funding, up to \$500,000 in each fiscal year shall be used to  
support Jobs for Ohio's Graduates.

Of the foregoing appropriation item 200550, Foundation  
Funding, up to \$250,000 in fiscal year 2015 may be used for  
payment of the Post-Secondary Enrollment Options Program for  
students instructed at home pursuant to section 3321.04 of the  
Revised Code.

Of the foregoing appropriation item 200550, Foundation  
Funding, an amount shall be available in each fiscal year to be  
paid to joint vocational school districts in accordance with  
division (A) of section 3317.16 of the Revised Code and the  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT  
VOCATIONAL SCHOOL DISTRICTS."

Of the foregoing appropriation item 200550, Foundation 146052  
Funding, up to \$700,000 in each fiscal year shall be used by the 146053  
Department of Education for a program to pay for educational 146054  
services for youth who have been assigned by a juvenile court or 146055  
other authorized agency to any of the facilities described in 146056  
division (A) of the section of this act entitled "PRIVATE 146057  
TREATMENT FACILITY PROJECT." 146058

Of the foregoing appropriation item 200550, Foundation 146059  
Funding, an amount shall be available in each fiscal year to pay 146060  
eligible community schools the amounts required to comply with 146061  
divisions (B) and (C) of the section of this act entitled 146062  
"GUARANTEE FOR HIGH PERFORMING COMMUNITY SCHOOLS." 146063

The remainder of appropriation item 200550, Foundation 146064  
Funding, shall be used to distribute the amounts calculated for 146065  
formula aid under section 3317.022 of the Revised Code and the 146066  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 146067  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 146068

Appropriation items 200502, Pupil Transportation, 200540, 146069  
Special Education Enhancements, and 200550, Foundation Funding, 146070  
other than specific set-asides, are collectively used in each 146071  
fiscal year to pay state formula aid obligations for school 146072  
districts, community schools, STEM schools, college preparatory 146073  
boarding schools, and joint vocational school districts under this 146074  
act. The first priority of these appropriation items, with the 146075  
exception of specific set-asides, is to fund state formula aid 146076  
obligations. It may be necessary to reallocate funds among these 146077  
appropriation items or use excess funds from other general revenue 146078  
fund appropriation items in the Department of Education's budget 146079  
in each fiscal year, in order to meet state formula aid 146080  
obligations. If it is determined that it is necessary to transfer 146081  
funds among these appropriation items or to transfer funds from 146082  
other General Revenue Fund appropriations in the Department of 146083

Education's budget to meet state formula aid obligations, the 146084  
Department of Education shall seek approval from the Controlling 146085  
Board to transfer funds as needed. 146086

The Superintendent of Public Instruction shall make payments, 146087  
transfers, and deductions, as authorized by Title XXXIII of the 146088  
Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and 146089  
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in 146090  
amounts substantially equal to those made in the prior year, or 146091  
otherwise, at the discretion of the Superintendent, until at least 146092  
the effective date of the amendments and enactments made to Title 146093  
XXXIII by this act. If a new school district, community school, or 146094  
STEM school opens prior to the effective date of this act, the 146095  
Department of Education shall pay to the district or school an 146096  
amount of \$5,000 per pupil, based upon the estimated number of 146097  
students that the district or school is expected to serve. Any 146098  
funds paid to districts or schools under this section shall be 146099  
credited toward the annual funds calculated for the district or 146100  
school after the changes made to Title XXXIII in this act are 146101  
effective. Upon the effective date of changes made to Title XXXIII 146102  
in this act, funds shall be calculated as an annual amount. 146103

**Section 263.240. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 146104  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 146105**

The Department of Education shall distribute funds within 146106  
appropriation item 200550, Foundation Funding, for temporary 146107  
transitional aid in each fiscal year to each qualifying city, 146108  
local, and exempted village school district. 146109

(A) For fiscal years 2014 and 2015, the Department shall pay 146110  
temporary transitional aid to each city, local, or exempted 146111  
village school district that experiences any decrease in its state 146112  
foundation funding for the current fiscal year from its 146113  
transitional aid guarantee base. The amount of the temporary 146114

transitional aid payment shall equal the difference between its 146115  
foundation funding for the current fiscal year and its 146116  
transitional aid guarantee base. If the computation made under 146117  
this division results in a negative number, the district's funding 146118  
under this division shall be zero. 146119

(1) As used in this section, foundation funding for each 146120  
city, local, and exempted village school district for a given 146121  
fiscal year equals the sum of the amount calculated for the 146122  
district under section 3317.022 of the Revised Code, as re-enacted 146123  
by this act, and the amounts calculated for the district under 146124  
divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, 146125  
as amended by this act, for that fiscal year. 146126

(2) The transitional aid guarantee base for each city, local, 146127  
and exempted village school district equals the sum of the amounts 146128  
computed for the district for fiscal year 2013, under Sections 146129  
267.30.50, 267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the 146130  
129th General Assembly. 146131

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 146132  
as re-enacted by this act, in fiscal year 2014, no city, local, or 146133  
exempted village school district shall be allocated foundation 146134  
funding that is greater than 1.06 times the district's 146135  
transitional aid guarantee base. 146136

(2) Notwithstanding section 3317.022 of the Revised Code, as 146137  
re-enacted by this act, in fiscal year 2015, no city, local, or 146138  
exempted village school district shall be allocated foundation 146139  
funding that is greater than 1.06 times the amount computed for 146140  
foundation funding for the district for fiscal year 2014 plus any 146141  
amount calculated for temporary transitional aid for fiscal year 146142  
2014 under division (A) of this section and after any reductions 146143  
made for fiscal year 2014 under division (B)(1) of this section. 146144

(3) The Department shall reduce a district's payments under 146145



divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 146146  
of the Revised Code, as re-enacted by this act, and divisions 146147  
(G)(1) and (2) of section 3317.0212 of the Revised Code, as 146148  
amended by this act, proportionately as necessary in order to 146149  
comply with this division. If those amounts are insufficient, the 146150  
Department shall proportionately reduce a district's payments 146151  
under divisions (A)(3), (8), and (9) of section 3317.022 of the 146152  
Revised Code, as re-enacted by this act. 146153

**Section 263.250.** TEMPORARY TRANSITIONAL AID FOR JOINT 146154  
VOCATIONAL SCHOOL DISTRICTS 146155

The Department of Education shall distribute funds within 146156  
appropriation item 200550, Foundation Funding, for temporary 146157  
transitional aid in each fiscal year to each qualifying joint 146158  
vocational school district. 146159

(A) For fiscal years 2014 and 2015, the Department shall pay 146160  
temporary transitional aid to each joint vocational school 146161  
district that experiences any decrease in its state core 146162  
foundation funding under division (A) of section 3317.16 of the 146163  
Revised Code, as re-enacted by this act, for the current fiscal 146164  
year from its transitional aid guarantee base. The amount of the 146165  
temporary transitional aid payment shall equal the difference 146166  
between the district's funding under division (A) of section 146167  
3317.16 of the Revised Code for the current fiscal year and its 146168  
transitional aid guarantee base. If the computation made under 146169  
this division results in a negative number, the district's funding 146170  
under this division shall be zero. 146171

The transitional aid guarantee base for each joint vocational 146172  
school district equals the amount computed for the district for 146173  
fiscal year 2013, under Section 267.30.60 of Am. Sub. H.B. 153 of 146174  
the 129th General Assembly. 146175

(B)(1) Notwithstanding division (A) of section 3317.16 of the 146176

Revised Code, as re-enacted by this act, in fiscal year 2014, no joint vocational school district shall be allocated state core foundation funding, as computed under division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, that is greater than 1.06 times the district's transitional aid guarantee base.

(2) Notwithstanding division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, in fiscal year 2015, no joint vocational school district shall be allocated state core foundation funding, under division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, that is greater than 1.06 times the amount computed for state core foundation funding for the district for fiscal year 2014 under division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, plus any amount calculated for temporary transitional aid for fiscal year 2014 under division (A) of this section and after any reductions made for fiscal year 2014 under division (B)(1) of this section.

(3) The Department shall reduce a district's payments under divisions (A)(1), (3), and (4) of section 3317.16 of the Revised Code, as re-enacted by this act, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under divisions (A)(2), (5), and (6) of section 3317.16 of the Revised Code, as re-enacted by this act.

**Section 263.253. GUARANTEE FOR HIGH PERFORMING COMMUNITY SCHOOLS**

(A) As used in this section, "eligible community school" means a community school established under Chapter 3314. of the Revised Code that, for the 2009-2010, 2010-2011, and 2011-2012 school years, was declared to be excellent or higher under section 3302.03 of the Revised Code, as that section existed prior to

March 22, 2013. 146208

(B) Notwithstanding section 3314.08 of the Revised Code, as 146209  
amended by this act, in fiscal year 2014, no eligible community 146210  
school shall receive payments under divisions (C)(1) and (2) of 146211  
section 3314.08 of the Revised Code, as amended by this act, and 146212  
division (D) of section 3314.091 of the Revised Code, as amended 146213  
by this act, in an aggregate amount that is less than the 146214  
community school's payments for fiscal year 2013 under divisions 146215  
(D)(1), (2), and (4) to (10) of section 3314.08 of the Revised 146216  
Code, as that section existed prior to the effective date of the 146217  
amendments to that section by this act, division (D) of section 146218  
3314.091 of the Revised Code, as that section existed prior to the 146219  
effective date of the amendments to that section by this act, and 146220  
Section 267.30.56 of Am. Sub. H.B. 153 of the 129th General 146221  
Assembly. 146222

(C) Notwithstanding section 3314.08 of the Revised Code, as 146223  
amended by this act, in fiscal year 2015, no eligible community 146224  
school shall receive payments under divisions (C)(1) and (2) of 146225  
section 3314.08 of the Revised Code, as amended by this act, and 146226  
division (D) of section 3314.091 of the Revised Code, as amended 146227  
by this act, in an aggregate amount that is less than the 146228  
community school's payments for fiscal year 2013 under divisions 146229  
(D)(1), (2), and (4) to (10) of section 3314.08 of the Revised 146230  
Code, as that section existed prior to the effective date of the 146231  
amendments to that section by this act, and division (D) of 146232  
section 3314.091 of the Revised Code, as that section existed 146233  
prior to the effective date of the amendments to that section by 146234  
this act, and Section 267.30.56 of Am. Sub. H.B. 153 of the 129th 146235  
General Assembly. 146236

**Section 263.260.** PROPERTY TAX ALLOCATION - EDUCATION 146237

The Superintendent of Public Instruction shall not request, 146238

and the Controlling Board shall not approve, the transfer of 146239  
appropriation from appropriation item 200901, Property Tax 146240  
Allocation - Education, to any other appropriation item. 146241

The appropriation item 200901, Property Tax Allocation - 146242  
Education, is appropriated to pay for the state's costs incurred 146243  
because of the homestead exemption, the property tax rollback, and 146244  
payments required under division (C) of section 5705.2110 of the 146245  
Revised Code. In cooperation with the Department of Taxation, the 146246  
Department of Education shall distribute these funds directly to 146247  
the appropriate school districts of the state, notwithstanding 146248  
sections 321.24 and 323.156 of the Revised Code, which provide for 146249  
payment of the homestead exemption and property tax rollback by 146250  
the Tax Commissioner to the appropriate county treasurer and the 146251  
subsequent redistribution of these funds to the appropriate local 146252  
taxing districts by the county auditor. 146253

Upon receipt of these amounts, each school district shall 146254  
distribute the amount among the proper funds as if it had been 146255  
paid as real or tangible personal property taxes. Payments for the 146256  
costs of administration shall continue to be paid to the county 146257  
treasurer and county auditor as provided for in sections 319.54, 146258  
321.26, and 323.156 of the Revised Code. 146259

Any sums, in addition to the amount specifically appropriated 146260  
in appropriation items 200901, Property Tax Allocation - 146261  
Education, for the homestead exemption and the property tax 146262  
rollback payments, and payments required under division (C) of 146263  
section 5705.2110 of the Revised Code, which are determined to be 146264  
necessary for these purposes, are hereby appropriated. 146265

**Section 263.270. TEACHER CERTIFICATION AND LICENSURE** 146266

The foregoing appropriation item 200681, Teacher 146267  
Certification and Licensure, shall be used by the Department of 146268  
Education in each year of the biennium to administer and support 146269

teacher certification and licensure activities. 146270

SCHOOL DISTRICT SOLVENCY ASSISTANCE 146271

(A) Of the foregoing appropriation item 200687, School 146272  
District Solvency Assistance, \$20,000,000 in each fiscal year 146273  
shall be allocated to the School District Shared Resource Account 146274  
and \$5,000,000 in each fiscal year shall be allocated to the 146275  
Catastrophic Expenditures Account. These funds shall be used to 146276  
provide assistance and grants to school districts to enable them 146277  
to remain solvent under section 3316.20 of the Revised Code. 146278  
Assistance and grants shall be subject to approval by the 146279  
Controlling Board. Except as provided under division (C) of this 146280  
section, any required reimbursements from school districts for 146281  
solvency assistance shall be made to the appropriate account in 146282  
the School District Solvency Assistance Fund (Fund 5H30). 146283

(B) Notwithstanding any provision of law to the contrary, 146284  
upon the request of the Superintendent of Public Instruction, the 146285  
Director of Budget and Management may make transfers to the School 146286  
District Solvency Assistance Fund (Fund 5H30) from any fund used 146287  
by the Department of Education or the General Revenue Fund to 146288  
maintain sufficient cash balances in Fund 5H30 in fiscal years 146289  
2014 and 2015. Any cash transferred is hereby appropriated. The 146290  
transferred cash may be used by the Department of Education to 146291  
provide assistance and grants to school districts to enable them 146292  
to remain solvent and to pay unforeseeable expenses of a temporary 146293  
or emergency nature that the school district is unable to pay from 146294  
existing resources. The Director of Budget and Management shall 146295  
notify the members of the Controlling Board of any such transfers. 146296

(C) If the cash balance of the School District Solvency 146297  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 146298  
assistance in fiscal years 2014 and 2015, at the request of the 146299  
Superintendent of Public Instruction, and with the approval of the 146300  
Controlling Board, the Director of Budget and Management may 146301

transfer cash from the Lottery Profits Education Reserve Fund 146302  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 146303  
school districts to enable them to remain solvent and to pay 146304  
unforeseeable expenses of a temporary nature that they are unable 146305  
to pay from existing resources under section 3316.20 of the 146306  
Revised Code. Such transfers are hereby appropriated to 146307  
appropriation item 200670, School District Solvency Assistance - 146308  
Lottery. Any required reimbursements from school districts for 146309  
solvency assistance granted from appropriation item 200670, School 146310  
District Solvency Assistance - Lottery, shall be made to Fund 146311  
7018. 146312

**Section 263.280. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS** 146313

Upon the request of the Superintendent of Public Instruction, 146314  
the Director of Budget and Management may transfer up to \$750,000 146315  
cash in each fiscal year from the General Revenue Fund to the 146316  
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 146317  
transferred cash is to be used by the Department of Education to 146318  
pay the expenses the Department incurs in administering the 146319  
Medicaid School Component of the Medicaid program established 146320  
under sections 5162.36 to 5162.364 of the Revised Code. On June 1 146321  
of each fiscal year, or as soon as possible thereafter, the 146322  
Director of Budget and Management shall transfer cash from Fund 146323  
3AF0 back to the General Revenue Fund in an amount equal to the 146324  
total amount transferred to Fund 3AF0 in that fiscal year. 146325

The money deposited into Fund 3AF0 under division (B) of 146326  
section 5162.64 of the Revised Code is hereby appropriated for 146327  
fiscal years 2014 and 2015 and shall be used in accordance with 146328  
division (C) of section 5162.64 of the Revised Code. 146329

**Section 263.290. HALF-MILL MAINTENANCE EQUALIZATION** 146330

The foregoing appropriation item 200626, Half-Mill 146331

Maintenance Equalization, shall be used to make payments pursuant 146332  
to section 3318.18 of the Revised Code. 146333

**Section 263.300. GATES FOUNDATION GRANTS** 146334

The foregoing appropriation item 200668, Gates Foundation 146335  
Grants, shall be used by the Department of Education to provide 146336  
professional development to school district principals, 146337  
superintendents, and other administrative staff on the use of 146338  
education technology. 146339

**Section 263.310. AUXILIARY SERVICES REIMBURSEMENT** 146340

Notwithstanding section 3317.064 of the Revised Code, if the 146341  
unexpended, unencumbered cash balance is sufficient, the Treasurer 146342  
of State shall transfer \$1,500,000 in fiscal year 2014 within 146343  
thirty days after the effective date of this section, and 146344  
\$1,500,000 in fiscal year 2015 by August 1, 2014, from the 146345  
Auxiliary Services Personnel Unemployment Compensation Fund to the 146346  
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 146347  
Department of Education. 146348

**Section 263.320. LOTTERY PROFITS EDUCATION FUND** 146349

Appropriation item 200612, Foundation Funding (Fund 7017), 146350  
shall be used in conjunction with appropriation item 200550, 146351  
Foundation Funding (GRF), to provide state foundation payments to 146352  
school districts. 146353

The Department of Education, with the approval of the 146354  
Director of Budget and Management, shall determine the monthly 146355  
distribution schedules of appropriation item 200550, Foundation 146356  
Funding (GRF), and appropriation item 200612, Foundation Funding 146357  
(Fund 7017). If adjustments to the monthly distribution schedule 146358  
are necessary, the Department of Education shall make such 146359  
adjustments with the approval of the Director of Budget and 146360

Management. 146361

STRAIGHT A FUND 146362

Of the foregoing appropriation item, 200648, Straight A Fund, 146363  
up to \$375,000 in each fiscal year shall be used to provide 146364  
scholarships to parents of high needs children enrolled in the Get 146365  
Ready for Kindergarten pilot program. These scholarships shall be 146366  
administered as provided under the section of this act entitled 146367  
"GET READY FOR KINDERGARTEN." 146368

Of the foregoing appropriation item 200648, Straight A Fund, 146369  
up to \$500,000 in fiscal year 2014 and up to \$3,000,000 in fiscal 146370  
year 2015 shall be used for the New Leaders for Ohio Schools Pilot 146371  
Project in accordance with Section 733.40 of this act. 146372

Of the foregoing appropriation item 200648, Straight A Fund, 146373  
up to \$70,000 in each fiscal year shall be used by Kids Unlimited 146374  
of Toledo for quality after-school tutoring and mentoring programs 146375  
in two elementary school buildings in Lucas County. The school 146376  
buildings may include any community school, chartered nonpublic 146377  
school, or building that is part of a city, local, or exempted 146378  
village school district. Kids Unlimited of Toledo shall provide 146379  
local matching funds equal to the set-aside. 146380

Of the foregoing appropriation item 200648, Straight A Fund, 146381  
up to \$5,000,000 in fiscal year 2015 shall be used to support the 146382  
implementation of the College Credit Plus Program established 146383  
under Chapter 3365. of the Revised Code. 146384

Of the foregoing appropriation item 200648, Straight A Fund, 146385  
up to \$250,000 in each fiscal year may be used to make competitive 146386  
grants in accordance with Section 263.324 of this act. 146387

The remainder of appropriation item 200648, Straight A Fund, 146388  
shall be used to make competitive grants in accordance with 146389  
Section 263.325 of this act. 146390



EDCHOICE EXPANSION 146391

The foregoing appropriation item 200666, EdChoice Expansion, 146392  
shall be used as follows: 146393

(A) In fiscal year 2014, notwithstanding section 3310.032 of 146394  
the Revised Code, the Department of Education shall administer an 146395  
expansion of the Educational Choice Scholarship program as 146396  
follows: 146397

(1) A student is an "eligible student" for purposes of the 146398  
expansion of the Educational Choice Scholarship Pilot Program 146399  
under division (A) of this section if the student's resident 146400  
district is not a school district in which the pilot project 146401  
scholarship program is operating under sections 3313.974 to 146402  
3313.979 of the Revised Code and the student's family income is at 146403  
or below two hundred per cent of the federal poverty guidelines, 146404  
as defined in section 5101.46 of the Revised Code. 146405

(2) The Department shall pay scholarships to attend chartered 146406  
nonpublic schools in accordance with section 3310.08 of the 146407  
Revised Code. The number of scholarships awarded under division 146408  
(A) of this section shall not exceed the number that can be funded 146409  
with appropriations made by the general assembly for this purpose. 146410

(3) Scholarships under division (A) of this section shall be 146411  
awarded for the 2013-2014 school year, to eligible students who 146412  
are entering kindergarten in that school year for the first time. 146413

(4) If the number of eligible students who apply for a 146414  
scholarship exceeds the scholarships available based on the 146415  
appropriation for division (A) of this section, the department 146416  
shall award scholarships in the following order of priority: 146417

(a) First, to eligible students with family incomes at or 146418  
below one hundred per cent of the federal poverty guidelines. 146419

(b) Second, to other eligible students who qualify under 146420

division (A) of this section. If the number of students described 146421  
in division (A)(4)(b) of this section exceeds the number of 146422  
available scholarships after awards are made under division 146423  
(A)(4)(a) of this section, the department shall select students 146424  
described in division (A)(4)(b) of this section by lot to receive 146425  
any remaining scholarships. 146426

(5) A student who receives a scholarship under division (A) 146427  
of this section remains an eligible student and may continue to 146428  
receive scholarships under section 3310.032 of the Revised Code in 146429  
subsequent school years until the student completes grade twelve, 146430  
so long as the student satisfies the conditions specified in 146431  
divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 146432

Once a scholarship is awarded under this section, the student 146433  
shall remain eligible for that scholarship for the current and 146434  
subsequent school years, even if the student's family income rises 146435  
above the amount specified in division (A) of section 3310.032 of 146436  
the Revised Code, provided the student remains enrolled in a 146437  
chartered nonpublic school. 146438

(B) In fiscal year 2015, to provide for the scholarships 146439  
awarded under the expansion of the educational choice program 146440  
established under section 3310.032 of the Revised Code. The number 146441  
of scholarships awarded under the expansion of the educational 146442  
choice program shall not exceed the number that can be funded with 146443  
the appropriations made by the General Assembly for this purpose. 146444

COMMUNITY SCHOOL FACILITIES 146445

The foregoing appropriation item 200684, Community School 146446  
Facilities, shall be used to pay each community school established 146447  
under Chapter 3314. of the Revised Code that is not an internet- 146448  
or computer-based community school and each STEM school 146449  
established under Chapter 3326. of the Revised Code an amount 146450  
equal to \$100 for each full-time equivalent pupil for assistance 146451

with the cost associated with facilities. If the amount 146452  
appropriated is not sufficient, the Department of Education shall 146453  
prorate the amounts so that the aggregate amount appropriated is 146454  
not exceeded. 146455

**Section 263.323.** GET READY FOR KINDERGARTEN 146456

(A) A preschool is an "eligible preschool" for the purposes 146457  
of this section if the preschool has a quality rating in the top 146458  
two tiers of the tiered rating improvement system developed under 146459  
division (C)(3)(d) of section 5104.30 of the Revised Code. 146460

(B) The Department of Education shall provide scholarships to 146461  
parents of high needs children to enroll in eligible preschools as 146462  
defined in division (A) of this section. 146463

(C) Scholarships under this section shall be awarded to 146464  
students who are at least age three but are not of compulsory 146465  
school age, as defined in section 3321.01 of the Revised Code, and 146466  
who are not currently enrolled in kindergarten. Students who 146467  
receive scholarships under this section shall enroll in eligible 146468  
preschools between July 1, 2013, and December 31, 2013. 146469

**Section 263.324.** (A) A program that has applied for or 146470  
received a Promise Neighborhood Implementation Grant from the 146471  
United States Department of Education that is located in a city 146472  
school district may apply to the Ohio Department of Education for 146473  
a grant under this section. 146474

(B) To be eligible to receive a grant, a program shall meet 146475  
either of the following criteria: 146476

(1) The program was awarded a Promise Neighborhood 146477  
Implementation Grant in the year for which a grant is sought from 146478  
the Ohio Department of Education. 146479

(2) The program applied to the United States Department of 146480

Education for a Promise Neighborhood Implementation Grant in 146481  
either the year for which the state grant is sought or in the year 146482  
prior to which the state grant is sought. 146483

(C) A program that receives a grant from the Ohio Department 146484  
of Education under this section shall use the funds for 146485  
administrative costs associated with the Promise Neighborhood 146486  
Program. 146487

(D) Any program that receives a grant from the Ohio 146488  
Department of Education under this section shall contribute local 146489  
matching funds that are equal to the amount of the grant received 146490  
by the Department. 146491

**Section 263.325.** (A) The Straight A Program is hereby created 146492  
for fiscal years 2014 and 2015 to provide grants to city, local, 146493  
exempted village, and joint vocational school districts, 146494  
educational service centers, community schools established under 146495  
Chapter 3314., STEM schools established under Chapter 3326., 146496  
college-preparatory boarding schools established under Chapter 146497  
3328. of the Revised Code, individual school buildings, and 146498  
education consortia (which may represent a partnership among 146499  
school districts, school buildings, community schools, or STEM 146500  
schools to partner with institutions of higher education and 146501  
private entities) for projects that aim to achieve at least the 146502  
following goals: 146503

(1) Increased student achievement and progress; 146504

(2) Improved productivity; 146505

(3) Sustainable cost reduction of operations. 146506

(B)(1) Grants shall be awarded by an eight-member governing 146507  
board consisting of the Superintendent of Public Instruction, or 146508  
the Superintendent's designee, three members appointed by the 146509  
Governor, two members appointed by the Speaker of the House of 146510

Representatives, and two members appointed by the President of the Senate. The Department of Education shall provide administrative support to the board. No member shall be compensated for the member's service on the board.

(2) The board may establish an advisory council consisting of grant advisors with fiscal expertise and education expertise. These advisors shall evaluate proposals from grant applicants, consult with the governing board regarding strategic planning, and advise the staff administering the program. No advisor shall be compensated for this service.

(3) The board shall issue an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program.

(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals.

(5) With the approval of the board, the Department shall establish a system for evaluating and scoring the grant applications received under this section. The system shall give priority to applicants whose goals demonstrate particular attempts in achieving the following:

(a) Cost reduction in the delivery of services;

(b) Progress in improving literacy in grades kindergarten to three;

(c) Achievement and progress for each subgroup of students specified under division (A) of section 3317.40 of the Revised Code;

(d) Improving the performance measures included in the Prepared for Success components specified under division (B)(2) of section 3302.03 of the Revised Code;

(e) Utilizing programs recognized as innovative under the federal Race to the Top program.

(C) Each grant applicant shall submit a proposal that includes all of the following:

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact;

(2) An explanation of how the project will be self-sustaining. If the project will result in increased ongoing spending, the applicant shall show how the spending will be offset by verifiable, credible, permanent spending reductions.

(3) A description of quantifiable results of the project that can be benchmarked.

If an education consortia described in division (A) of this section applies for a grant, the lead applicant shall be the school district, school building, community school, or STEM school that is a member of the consortia and shall so indicate on the grant application.

(D)(1) Within seventy-five days after receiving a grant application, the board shall issue a decision on the application of "yes," "no," "hold," or "edit." In making its decision, the board shall consider whether the project has the capability of being replicated in other school districts and schools or creates something that can be used in other districts and schools. A grant awarded under this section to a school district, educational service center, community school, STEM school, college-preparatory boarding school, or individual school building shall not exceed \$500,000. A grant awarded to an education consortia shall not

exceed \$1,000,000. 146572

(2) If the board issues a "hold" or "edit" decision for an 146573  
application, it shall, upon returning the application to the 146574  
applicant, specify the process for reconsideration of the 146575  
application. An applicant may work with the grant advisors and 146576  
staff to modify or improve a grant application. 146577

(E) Upon deciding to award a grant to an applicant, the board 146578  
shall enter into a grant agreement with the applicant that 146579  
includes all of the following: 146580

(1) The content of the applicant's proposal as outlined under 146581  
division (C) of this section; 146582

(2) The project's deliverables and a timetable for their 146583  
completion; 146584

(3) Conditions for receiving grant funding; 146585

(4) Conditions for receiving funding in future years if the 146586  
contract is a multi-year contract; 146587

(5) A provision specifying that funding will be returned to 146588  
the board if the applicant fails to implement the agreement, as 146589  
determined by the Auditor of State. 146590

(6) A provision specifying that the agreement may be amended 146591  
by mutual agreement between the board and the applicant. 146592

(F) Each grant awarded under this section shall be subject to 146593  
approval by the Controlling Board prior to execution of the grant 146594  
agreement. 146595

**Section 263.330. LOTTERY PROFITS EDUCATION RESERVE FUND** 146596

(A) There is hereby created the Lottery Profits Education 146597  
Reserve Fund (Fund 7018) in the State Treasury. Investment 146598  
earnings of the Lottery Profits Education Reserve Fund shall be 146599  
credited to the fund. 146600

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2014 and fiscal year 2015.

(C) On July 15, 2013, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$680,500,000 in fiscal year 2013.

(D) On July 15, 2014, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$841,000,000 in fiscal year 2014.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2014 and fiscal year 2015, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

**Section 263.340.** GENERAL REVENUE FUND TRANSFERS TO SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047)

Notwithstanding any provision of law to the contrary, in fiscal year 2014 and fiscal year 2015 the Director of Budget and Management may make temporary transfers between the General Revenue Fund and the School District Property Tax Replacement - Business Fund (Fund 7047), used by the Department of Education, to ensure sufficient balances in Fund 7047 and to replenish the General Revenue Fund for such transfers.

**Section 263.350.** SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS

The foregoing appropriation item 200909, School District



Property Tax Replacement - Business, shall be used by the 146631  
Department of Education, in consultation with the Department of 146632  
Taxation, to make payments to school districts and joint 146633  
vocational school districts under section 5751.21 of the Revised 146634  
Code. If it is determined by the Director of Budget and Management 146635  
that additional appropriations are necessary for this purpose, 146636  
such amounts are hereby appropriated. 146637

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 146638

The foregoing appropriation item 200900, School District 146639  
Property Tax Replacement-Utility, shall be used by the Department 146640  
of Education, in consultation with the Department of Taxation, to 146641  
make payments to school districts and joint vocational school 146642  
districts under section 5727.85 of the Revised Code. If it is 146643  
determined by the Director of Budget and Management that 146644  
additional appropriations are necessary for this purpose, such 146645  
amounts are hereby appropriated. 146646

DISTRIBUTION FORMULAS 146647

The Department of Education shall report the following to the 146648  
Director of Budget and Management and the Legislative Service 146649  
Commission: 146650

(A) Changes in formulas for distributing state 146651  
appropriations, including administratively defined formula 146652  
factors; 146653

(B) Discretionary changes in formulas for distributing 146654  
federal appropriations; 146655

(C) Federally mandated changes in formulas for distributing 146656  
federal appropriations. 146657

Any such changes shall be reported two weeks prior to the 146658  
effective date of the change. 146659

**Section 263.360.** EDUCATIONAL SERVICE CENTERS FUNDING 146660

In fiscal year 2014, the Department of Education shall pay the governing board of each primary educational service center state funds equal to thirty-seven dollars times its student count, as calculated under division (G)(1) of section 3313.843 of the Revised Code.

In fiscal year 2015, the Department of Education shall pay the governing board of each primary educational service center state funds equal to thirty-five dollars times its student count, as calculated under division (G)(1) of section 3313.843 of the Revised Code.

If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department of Education shall prorate the payment amounts so that the appropriation is not exceeded.

Notwithstanding any provision of law to the contrary, the Department of Education shall modify the payments under this section as follows:

(A) If an educational service center ceases operation, the Department shall redistribute that center's funding, as calculated under this section, to the remaining centers in proportion to each center's service center ADM as defined in former section 3317.11 of the Revised Code, as that section existed prior to the date of its repeal.

(B) If two or more educational service centers merge operations to create a single service center, the Department shall distribute the sum of the original service centers' funding, as calculated under this section, to the new service center.

**Section 263.370.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent of Public Instruction shall participate.

**Section 263.373.** COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS

(A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP.

(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2014 and 2015 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year.

(C) In addition to any state foundation payments made, in each of fiscal years 2014 and 2015, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall

be zero. 146721

(D) The amount of any subsidy paid to a community school 146722  
under this section shall not be deducted from the school district 146723  
in which any of the students enrolled in the community school are 146724  
entitled to attend school under section 3313.64 or 3313.65 of the 146725  
Revised Code. The amount of any subsidy paid to a community school 146726  
under this section shall be paid from funds appropriated to the 146727  
Department of Education in appropriation item 200550, Foundation 146728  
Funding. 146729

**Section 263.380. EARMARK ACCOUNTABILITY** 146730

At the request of the Superintendent of Public Instruction, 146731  
any entity that receives a budget earmark under the Department of 146732  
Education shall submit annually to the chairpersons of the 146733  
committees of the House of Representatives and the Senate 146734  
primarily concerned with education and to the Department of 146735  
Education a report that includes a description of the services 146736  
supported by the funds, a description of the results achieved by 146737  
those services, an analysis of the effectiveness of the program, 146738  
and an opinion as to the program's applicability to other school 146739  
districts. For an earmarked entity that received state funds from 146740  
an earmark in the prior fiscal year, no funds shall be provided by 146741  
the Department of Education to an earmarked entity for a fiscal 146742  
year until its report for the prior fiscal year has been 146743  
submitted. 146744

**Section 263.390. COMMUNITY SCHOOL OPERATING FROM HOME** 146745

A community school established under Chapter 3314. of the 146746  
Revised Code that was open for operation as a community school as 146747  
of May 1, 2005, may operate from or in any home, as defined in 146748  
section 3313.64 of the Revised Code, located in the state, 146749  
regardless of when the community school's operations from or in a 146750

particular home began. 146751

**Section 263.400. USE OF VOLUNTEERS** 146752

The Department of Education may utilize the services of 146753  
volunteers to accomplish any of the purposes of the Department. 146754  
The Superintendent of Public Instruction shall approve for what 146755  
purposes volunteers may be used and for these purposes may 146756  
recruit, train, and oversee the services of volunteers. The 146757  
Superintendent may reimburse volunteers for necessary and 146758  
appropriate expenses in accordance with state guidelines and may 146759  
designate volunteers as state employees for the purpose of motor 146760  
vehicle accident liability insurance under section 9.83 of the 146761  
Revised Code, for immunity under section 9.86 of the Revised Code, 146762  
and for indemnification from liability incurred in the performance 146763  
of their duties under section 9.87 of the Revised Code. 146764

**Section 263.410. RESTRICTION OF LIABILITY FOR CERTAIN** 146765  
**REIMBURSEMENTS** 146766

(A) Except as expressly required under a court judgment not 146767  
subject to further appeals, or a settlement agreement with a 146768  
school district executed on or before June 1, 2009, in the case of 146769  
a school district for which the formula ADM for fiscal year 2005, 146770  
as reported for that fiscal year under division (A) of section 146771  
3317.03 of the Revised Code, was reduced based on enrollment 146772  
reports for community schools, made under section 3314.08 of the 146773  
Revised Code, regarding students entitled to attend school in the 146774  
district, which reduction of formula ADM resulted in a reduction 146775  
of foundation funding or transitional aid funding for fiscal year 146776  
2005, 2006, or 2007, no school district, except a district named 146777  
in the court's judgment or the settlement agreement, shall have a 146778  
legal claim for reimbursement of the amount of such reduction in 146779  
foundation funding or transitional aid funding, and the state 146780

shall not have liability for reimbursement of the amount of such 146781  
reduction in foundation funding or transitional aid funding. 146782

(B) As used in this section: 146783

(1) "Community school" means a community school established 146784  
under Chapter 3314. of the Revised Code. 146785

(2) "Entitled to attend school" means entitled to attend 146786  
school in a school district under section 3313.64 or 3313.65 of 146787  
the Revised Code. 146788

(3) "Foundation funding" means payments calculated for the 146789  
respective fiscal year under Chapter 3317. of the Revised Code. 146790

(4) "Transitional aid funding" means payments calculated for 146791  
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 146792  
of the 125th General Assembly, as subsequently amended; Section 146793  
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 146794  
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 146795  
of the 127th General Assembly. 146796

**Section 263.420. UNAUDITABLE COMMUNITY SCHOOL** 146797

(A) If the Auditor of State or a public accountant, pursuant 146798  
to section 117.41 of the Revised Code, declares a community school 146799  
established under Chapter 3314. of the Revised Code to be 146800  
unauditable, the Auditor of State shall provide written 146801  
notification of that declaration to the school, the school's 146802  
sponsor, and the Department of Education. The Auditor of State 146803  
also shall post the notification on the Auditor of State's web 146804  
site. 146805

(B) Notwithstanding any provision to the contrary in Chapter 146806  
3314. of the Revised Code or any other provision of law, a sponsor 146807  
of a community school that is notified by the Auditor of State 146808  
under division (A) of this section that a community school it 146809  
sponsors is unauditabile shall not enter into contracts with any 146810

additional community schools under section 3314.03 of the Revised Code until the Auditor of State or a public accountant has completed a financial audit of that school.

(C) Not later than forty-five days after receiving notification by the Auditor of State under division (A) of this section that a community school is unauditabile, the sponsor of the school shall provide a written response to the Auditor of State. The response shall include the following:

(1) An overview of the process the sponsor will use to review and understand the circumstances that led to the community school becoming unauditabile;

(2) A plan for providing the Auditor of State with the documentation necessary to complete an audit of the community school and for ensuring that all financial documents are available in the future;

(3) The actions the sponsor will take to ensure that the plan described in division (C)(2) of this section is implemented.

(D) If a community school fails to make reasonable efforts and continuing progress to bring its accounts, records, files, or reports into an auditable condition within ninety days after being declared unauditabile, the Auditor of State, in addition to requesting legal action under sections 117.41 and 117.42 of the Revised Code, shall notify the Department of the school's failure. If the Auditor of State or a public accountant subsequently is able to complete a financial audit of the school, the Auditor of State shall notify the Department that the audit has been completed.

(E) Notwithstanding any provision to the contrary in Chapter 3314. of the Revised Code or any other provision of law, upon notification by the Auditor of State under division (D) of this section that a community school has failed to make reasonable

efforts and continuing progress to bring its accounts, records, 146842  
files, or reports into an auditable condition following a 146843  
declaration that the school is unauditabile, the Department shall 146844  
immediately cease all payments to the school under Chapter 3314. 146845  
of the Revised Code and any other provision of law. Upon 146846  
subsequent notification from the Auditor of State under that 146847  
division that the Auditor of State or a public accountant was able 146848  
to complete a financial audit of the community school, the 146849  
Department shall release all funds withheld from the school under 146850  
this section. 146851

**Section 263.430. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 146852

In collaboration with the County Family and Children First 146853  
Council, a city, local, or exempted village school district, 146854  
community school, STEM school, joint vocational school district, 146855  
educational service center, or county board of developmental 146856  
disabilities that receives allocations from the Department of 146857  
Education from appropriation item 200550, Foundation Funding, or 146858  
appropriation item 200540, Special Education Enhancements, may 146859  
transfer portions of those allocations to a flexible funding pool 146860  
authorized by the Section of this act entitled "FAMILY AND 146861  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 146862  
maintenance of effort or for federal or state funding matching 146863  
requirements shall not be transferred unless the allocation may 146864  
still be used to meet such requirements. 146865

**Section 263.433.** The Department of Education shall conduct a 146866  
study to determine the appropriate amounts and methods of funding 146867  
for each category and sub-category of students identified as 146868  
gifted under Chapter 3324. of the Revised Code. Elements of the 146869  
study shall include, but not be limited to, costs for effective 146870  
and appropriate identification, staffing, professional 146871  
development, technology, and materials and supplies at the 146872



district level. In addition, the Department shall determine the 146873  
costs of statewide support needed for this population. Not later 146874  
than March 31, 2014, the Department shall issue a report of its 146875  
findings to the General Assembly in accordance with section 101.68 146876  
of the Revised Code. 146877

**Section 263.440.** The Department of Education shall conduct a 146878  
formative evaluation of the Jon Peterson Special Needs Scholarship 146879  
Program established under sections 3310.51 to 3310.64 of the 146880  
Revised Code and shall report its findings to the General 146881  
Assembly, in accordance with section 101.68 of the Revised Code, 146882  
not later than December 31, 2014. 146883

In conducting the evaluation, the Department shall to the 146884  
extent possible gather comments from parents who have been awarded 146885  
scholarships under the program, school district officials, 146886  
representatives of registered private providers, educators, and 146887  
representatives of educational organizations for inclusion in the 146888  
report required under this section. 146889

The Department may contract with one or more qualified 146890  
researchers who have previous experience evaluating school choice 146891  
programs to conduct this study. The Department may accept grants 146892  
to assist in funding this study. 146893

**Section 263.450.** (A) The Ohio Open Enrollment Task Force is 146894  
hereby established to review and make recommendations on open 146895  
enrollment. The Superintendent of Public Instruction shall consult 146896  
with the Governor's Office of 21st Century Education to convene a 146897  
taskforce that consists of representatives from school districts 146898  
that represent all sectors of Ohio's educational community. 146899

(B) The Superintendent shall designate the chairperson of the 146900  
Task Force. All meetings of the Task Force shall be held at the 146901  
call of the chairperson. 146902

(C) The Task Force shall review and make recommendations 146903  
regarding the process by which students may enroll in other school 146904  
districts under open enrollment and the funding mechanisms 146905  
associated with open enrollment deductions and credits. 146906

(D) Not later than December 31, 2013, the Task Force shall 146907  
issue a report of its findings and recommendations to the 146908  
Governor, the President of the Senate, and the Speaker of the 146909  
House of Representatives. Upon issuance of the report, the Task 146910  
Force shall cease to exist. 146911

**Section 263.463.** (A) In order to implement the transportation 146912  
subsidy prescribed by new section 3327.02 of the Revised Code, as 146913  
enacted by this act, the Department of Education shall prescribe 146914  
procedures and deadlines for parents or students to apply for that 146915  
subsidy for the 2014-2015 school year. The application and notice 146916  
procedures and deadlines prescribed by the Department shall allow 146917  
sufficient time for school district boards of education to take 146918  
the exercise of the parent's or student's option to receive the 146919  
subsidy, in lieu of transportation, into account when planning 146920  
transportation routes and schedules for the 2014-2015 school year. 146921

(B) The State Board of Education shall adopt rules under 146922  
Chapter 119. of the Revised Code prescribing procedures necessary 146923  
to implement this section and new section 3327.02 of the Revised 146924  
Code, as enacted by this act. 146925

**Section 263.470.** (A) On July 1, 2013, or as soon as possible 146926  
thereafter, notwithstanding any provision of law to the contrary, 146927  
and if requested by the Department of Education, the Director of 146928  
Budget and Management shall make budget changes made necessary by 146929  
the transfer of the operations and related management functions of 146930  
the eTech Ohio Commission to the Department of Education, if any, 146931  
including administrative organization, program transfers, the 146932

creation of new funds, the transfer of state funds, and the 146933  
consolidation of funds, as authorized by this section. The 146934  
Director of Budget and Management may, if necessary, establish 146935  
encumbrances or parts of encumbrances in the fiscal year 2014-2015 146936  
biennium in the appropriate fund and appropriation item for the 146937  
same purpose and for payment to the same vendor. The established 146938  
encumbrances plus any additional amounts determined to be 146939  
necessary for the Ohio Department of Education to perform the 146940  
operations and related management functions of the eTech Ohio 146941  
Commission are hereby appropriated. 146942

(B) Effective July 1, 2013, the Director of Budget and 146943  
Management shall cancel any existing encumbrances against 146944  
appropriation item 935607, Gates Foundation Grants, and 146945  
re-establish them against appropriation item 200668, Gates 146946  
Foundation Grants. The re-established encumbrance amounts are 146947  
hereby appropriated. Any business commenced but not completed 146948  
under appropriation item 935607 by July 1, 2013, shall be 146949  
completed under appropriation item 200668 in the same manner and 146950  
with the same effect as if it were completed with regard to 146951  
appropriation item 935607. 146952

(C) Effective July 1, 2013, the Director of Budget and 146953  
Management shall cancel existing encumbrances against 146954  
appropriation item 935408, General Operations, and re-establish 146955  
them, as determined to be appropriate by the Director of Budget 146956  
and Management, against appropriation item 200464, General 146957  
Technology Operations. The re-established encumbrance amounts are 146958  
hereby appropriated. Any business commenced but not completed 146959  
under appropriation item 935408 by July 1, 2013, shall be 146960  
completed, as determined to be appropriate by the Director of 146961  
Budget and Management, under appropriation item 200464 in the same 146962  
manner and with the same effect as if it were completed with 146963  
regard to appropriation item 935408. 146964

(D) Effective July 1, 2013, the Director of Budget and Management shall cancel existing encumbrances against appropriation item 935411, Technology Integration and Professional Development, and re-establish them, as determined to be appropriate by the Director of Budget and Management, against appropriation item 200465, Technology Integration and Professional Development. The re-established encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 935411 by July 1, 2013, shall be completed, as determined to be appropriate by the Director of Budget and Management, under appropriation item 200465 in the same manner and with the same effect as if it were completed with regard to appropriation item 935411.

(E) There is hereby created the Educational Technology Practice Office as a cross-functional office comprised of employees of the Ohio Board of Regents and the Department of Education, including former employees of the eTech Ohio Commission transferred to the Ohio Board of Regents and the Department of Education. The Office shall work with educational service centers and information technology centers to develop digital learning, blended learning, and professional development materials using shared infrastructure. The Office shall also evaluate new educational technology and methodologies of teaching and learning and work with educators to increase awareness of such new technology and methodologies shown to be helpful to Ohio students.

**Section 263.473.** Notwithstanding section 3321.01 of the Revised Code, no student who has been admitted to and has successfully completed kindergarten in the 2012-2013 school year shall be required to repeat kindergarten based solely on the age of the student.

**Section 263.480.** PRIVATE TREATMENT FACILITY PROJECT

|                                                                                                                                                                                                                                                                                                                                |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| (A) As used in this section:                                                                                                                                                                                                                                                                                                   | 146996 |
| (1) The following are "participating residential treatment centers":                                                                                                                                                                                                                                                           | 146997 |
| (a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2014 or fiscal year 2015 or both, the Department pays through appropriation item 470401, RECLAIM Ohio; | 146998 |
| (a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2014 or fiscal year 2015 or both, the Department pays through appropriation item 470401, RECLAIM Ohio; | 146999 |
| (a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2014 or fiscal year 2015 or both, the Department pays through appropriation item 470401, RECLAIM Ohio; | 147000 |
| (a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2014 or fiscal year 2015 or both, the Department pays through appropriation item 470401, RECLAIM Ohio; | 147001 |
| (a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2014 or fiscal year 2015 or both, the Department pays through appropriation item 470401, RECLAIM Ohio; | 147002 |
| (a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2014 or fiscal year 2015 or both, the Department pays through appropriation item 470401, RECLAIM Ohio; | 147003 |
| (a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2014 or fiscal year 2015 or both, the Department pays through appropriation item 470401, RECLAIM Ohio; | 147004 |
| (b) Abraxas, in Shelby;                                                                                                                                                                                                                                                                                                        | 147005 |
| (c) Paint Creek, in Bainbridge;                                                                                                                                                                                                                                                                                                | 147006 |
| (d) F.I.R.S.T., in Mansfield.                                                                                                                                                                                                                                                                                                  | 147007 |
| (2) "Education program" means an elementary or secondary education program or a special education program and related services.                                                                                                                                                                                                | 147008 |
| (2) "Education program" means an elementary or secondary education program or a special education program and related services.                                                                                                                                                                                                | 147009 |
| (2) "Education program" means an elementary or secondary education program or a special education program and related services.                                                                                                                                                                                                | 147010 |
| (3) "Served child" means any child receiving an education program pursuant to division (B) of this section.                                                                                                                                                                                                                    | 147011 |
| (3) "Served child" means any child receiving an education program pursuant to division (B) of this section.                                                                                                                                                                                                                    | 147012 |
| (4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.                                                  | 147013 |
| (4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.                                                  | 147014 |
| (4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.                                                  | 147015 |
| (4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.                                                  | 147016 |
| (4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.                                                  | 147017 |
| (5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.                                                                                                                                              | 147018 |
| (5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.                                                                                                                                              | 147019 |
| (5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.                                                                                                                                              | 147020 |
| (B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational                | 147021 |
| (B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational                | 147022 |
| (B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational                | 147023 |
| (B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational                | 147024 |
| (B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational                | 147025 |

program shall be contingent upon compliance with the criteria 147026  
established for such programs by the Department of Education. The 147027  
educational program shall be provided by a school district or 147028  
educational service center, or by the residential facility itself. 147029  
Maximum flexibility shall be given to the residential treatment 147030  
facility to determine the provider. In the event that a voluntary 147031  
agreement cannot be reached and the residential facility does not 147032  
choose to provide the educational program, the educational service 147033  
center in the county in which the facility is located shall 147034  
provide the educational program at the treatment center to 147035  
children under twenty-two years of age residing in the treatment 147036  
center. 147037

(C) Any school district responsible for tuition for a 147038  
residential child shall, notwithstanding any conflicting provision 147039  
of the Revised Code regarding tuition payment, pay tuition for the 147040  
child for fiscal year 2014 and fiscal year 2015 to the education 147041  
program provider and in the amount specified in this division. If 147042  
there is no school district responsible for tuition for a 147043  
residential child and if the participating residential treatment 147044  
center to which the child is assigned is located in the city, 147045  
exempted village, or local school district that, if the child were 147046  
not a resident of that treatment center, would be the school 147047  
district where the child is entitled to attend school under 147048  
sections 3313.64 and 3313.65 of the Revised Code, that school 147049  
district, notwithstanding any conflicting provision of the Revised 147050  
Code, shall pay tuition for the child for fiscal year 2014 and 147051  
fiscal year 2015 under this division unless that school district 147052  
is providing the educational program to the child under division 147053  
(B) of this section. 147054

A tuition payment under this division shall be made to the 147055  
school district, educational service center, or residential 147056  
treatment facility providing the educational program to the child. 147057

The amount of tuition paid shall be: 147058

(1) The amount of tuition determined for the district under 147059  
division (A) of section 3317.08 of the Revised Code; 147060

(2) In addition, for any student receiving special education 147061  
pursuant to an individualized education program as defined in 147062  
section 3323.01 of the Revised Code, a payment for excess costs. 147063  
This payment shall equal the actual cost to the school district, 147064  
educational service center, or residential treatment facility of 147065  
providing special education and related services to the student 147066  
pursuant to the student's individualized education program, minus 147067  
the tuition paid for the child under division (C)(1) of this 147068  
section. 147069

A school district paying tuition under this division shall 147070  
not include the child for whom tuition is paid in the district's 147071  
average daily membership certified under division (A) of section 147072  
3317.03 of the Revised Code. 147073

(D) In each of fiscal years 2014 and 2015, the Department of 147074  
Education shall reimburse, from appropriations made for the 147075  
purpose, a school district, educational service center, or 147076  
residential treatment facility, whichever is providing the 147077  
service, that has demonstrated that it is in compliance with the 147078  
funding criteria for each served child for whom a school district 147079  
must pay tuition under division (C) of this section. The amount of 147080  
the reimbursement shall be the amount appropriated for this 147081  
purpose divided by the full-time equivalent number of children for 147082  
whom reimbursement is to be made. 147083

(E) Funds provided to a school district, educational service 147084  
center, or residential treatment facility under this section shall 147085  
be used to supplement, not supplant, funds from other public 147086  
sources for which the school district, service center, or 147087  
residential treatment facility is entitled or eligible. 147088

(F) The Department of Education shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The Department shall monitor the programs for educational accountability.

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**Section 265.10. ELC OHIO ELECTIONS COMMISSION**

147096

General Revenue Fund

147097

|            |                      |    |         |    |         |        |
|------------|----------------------|----|---------|----|---------|--------|
| GRF 051321 | Operating Expenses   | \$ | 333,117 | \$ | 333,117 | 147098 |
| TOTAL GRF  | General Revenue Fund | \$ | 333,117 | \$ | 333,117 | 147099 |

General Services Fund Group

147100

|             |                |    |         |    |         |        |
|-------------|----------------|----|---------|----|---------|--------|
| 4P20 051601 | Ohio Elections | \$ | 225,000 | \$ | 225,000 | 147101 |
|-------------|----------------|----|---------|----|---------|--------|

Commission Fund

|           |                       |    |         |    |         |        |
|-----------|-----------------------|----|---------|----|---------|--------|
| TOTAL GSF | General Services Fund | \$ | 225,000 | \$ | 225,000 | 147102 |
|-----------|-----------------------|----|---------|----|---------|--------|

Group

|                              |  |    |         |    |         |        |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 558,117 | \$ | 558,117 | 147103 |
|------------------------------|--|----|---------|----|---------|--------|

**Section 267.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL**

147105

DIRECTORS

147106

General Services Fund Group

147107

|             |                    |    |         |    |         |        |
|-------------|--------------------|----|---------|----|---------|--------|
| 4K90 881609 | Operating Expenses | \$ | 737,000 | \$ | 741,000 | 147108 |
| TOTAL GSF   | General Services   |    |         |    |         | 147109 |

|            |  |    |         |    |         |        |
|------------|--|----|---------|----|---------|--------|
| Fund Group |  | \$ | 737,000 | \$ | 741,000 | 147110 |
|------------|--|----|---------|----|---------|--------|

|                              |  |    |         |    |         |        |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 737,000 | \$ | 741,000 | 147111 |
|------------------------------|--|----|---------|----|---------|--------|

**Section 269.10. PAY EMPLOYEE BENEFITS FUNDS**

147113

Accrued Leave Liability Fund Group

147114

|             |                    |    |            |    |            |        |
|-------------|--------------------|----|------------|----|------------|--------|
| 8060 995666 | Accrued Leave Fund | \$ | 73,494,242 | \$ | 74,964,127 | 147115 |
| 8070 995667 | Disability Fund    | \$ | 26,593,747 | \$ | 27,345,147 | 147116 |

|           |                         |  |  |  |  |        |
|-----------|-------------------------|--|--|--|--|--------|
| TOTAL ALF | Accrued Leave Liability |  |  |  |  | 147117 |
|-----------|-------------------------|--|--|--|--|--------|



|                                                                   |    |               |    |               |        |
|-------------------------------------------------------------------|----|---------------|----|---------------|--------|
| Fund Group                                                        | \$ | 100,087,989   | \$ | 102,309,274   | 147118 |
| Agency Fund Group                                                 |    |               |    |               | 147119 |
| 1240 995673 Payroll Deductions                                    | \$ | 775,712,468   | \$ | 814,498,091   | 147120 |
| 8080 995668 State Employee Health                                 | \$ | 689,654,314   | \$ | 758,608,963   | 147121 |
| Benefit Fund                                                      |    |               |    |               |        |
| 8090 995669 Dependent Care                                        | \$ | 2,967,711     | \$ | 3,116,097     | 147122 |
| Spending Account                                                  |    |               |    |               |        |
| 8100 995670 Life Insurance                                        | \$ | 2,143,053     | \$ | 2,143,053     | 147123 |
| Investment Fund                                                   |    |               |    |               |        |
| 8110 995671 Parental Leave                                        | \$ | 3,668,471     | \$ | 3,741,840     | 147124 |
| Benefit Fund                                                      |    |               |    |               |        |
| 8130 995672 Health Care Spending                                  | \$ | 8,033,020     | \$ | 8,434,671     | 147125 |
| Account                                                           |    |               |    |               |        |
| TOTAL AGY Agency Fund Group                                       | \$ | 1,482,179,037 | \$ | 1,590,542,715 | 147126 |
|                                                                   |    |               |    |               | 147127 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 1,582,267,026 | \$ | 1,692,851,989 | 147128 |
| ACCRUED LEAVE LIABILITY FUND                                      |    |               |    |               | 147129 |
| The foregoing appropriation item 995666, Accrued Leave Fund,      |    |               |    |               | 147130 |
| shall be used to make payments from the Accrued Leave Liability   |    |               |    |               | 147131 |
| Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. |    |               |    |               | 147132 |
| If it is determined by the Director of Budget and Management that |    |               |    |               | 147133 |
| additional amounts are necessary, the amounts are hereby          |    |               |    |               | 147134 |
| appropriated.                                                     |    |               |    |               | 147135 |
| STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND                      |    |               |    |               | 147136 |
| The foregoing appropriation item 995667, Disability Fund,         |    |               |    |               | 147137 |
| shall be used to make payments from the State Employee Disability |    |               |    |               | 147138 |
| Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the  |    |               |    |               | 147139 |
| Revised Code. If it is determined by the Director of Budget and   |    |               |    |               | 147140 |
| Management that additional amounts are necessary, the amounts are |    |               |    |               | 147141 |
| hereby appropriated.                                              |    |               |    |               | 147142 |
| PAYROLL DEDUCTION FUND                                            |    |               |    |               | 147143 |

The foregoing appropriation item 995673, Payroll Deductions, 147144  
shall be used to make payments from the Payroll Deduction Fund 147145  
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 147146  
is determined by the Director of Budget and Management that 147147  
additional appropriation amounts are necessary, the amounts are 147148  
hereby appropriated. 147149

STATE EMPLOYEE HEALTH BENEFIT FUND 147150

The foregoing appropriation item 995668, State Employee 147151  
Health Benefit Fund, shall be used to make payments from the State 147152  
Employee Health Benefit Fund (Fund 8080) pursuant to section 147153  
124.87 of the Revised Code. If it is determined by the Director of 147154  
Budget and Management that additional amounts are necessary, the 147155  
amounts are hereby appropriated. 147156

DEPENDENT CARE SPENDING FUND 147157

The foregoing appropriation item 995669, Dependent Care 147158  
Spending Account, shall be used to make payments from the 147159  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 147160  
dependent care expenses pursuant to section 124.822 of the Revised 147161  
Code. If it is determined by the Director of Budget and Management 147162  
that additional amounts are necessary, the amounts are hereby 147163  
appropriated. 147164

LIFE INSURANCE INVESTMENT FUND 147165

The foregoing appropriation item 995670, Life Insurance 147166  
Investment Fund, shall be used to make payments from the Life 147167  
Insurance Investment Fund (Fund 8100) for the costs and expenses 147168  
of the state's life insurance benefit program pursuant to section 147169  
125.212 of the Revised Code. If it is determined by the Director 147170  
of Budget and Management that additional amounts are necessary, 147171  
the amounts are hereby appropriated. 147172

PARENTAL LEAVE BENEFIT FUND 147173

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Administrative Services that additional appropriation amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

**Section 269.20.** CASH TRANSFERS FROM THE COST SAVINGS FUND

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$735,000 cash from the Cost Savings Fund (Fund 8140) to the Investment Recovery Fund (Fund 4270) used by the Department of Administrative Services, and up to \$5,200,000 cash from the Cost Savings Fund (Fund 8140) to the Accrued Leave Fund (Fund 8060) in order to support accrued leave payouts to state employees who are participating in an annual leave conversion or who are separating from state service.

**Section 271.10.** ERB STATE EMPLOYMENT RELATIONS BOARD

General Revenue Fund

|                                                                   |                                |    |            |    |            |        |
|-------------------------------------------------------------------|--------------------------------|----|------------|----|------------|--------|
| GRF 125321                                                        | Operating Expenses             | \$ | 3,761,457  | \$ | 3,761,457  | 147204 |
| TOTAL GRF                                                         | General Revenue Fund           | \$ | 3,761,457  | \$ | 3,761,457  | 147205 |
| General Services Fund Group                                       |                                |    |            |    |            | 147206 |
| 5720 125603                                                       | Training and Publications      | \$ | 85,000     | \$ | 85,000     | 147207 |
| TOTAL GSF                                                         | General Services Fund Group    | \$ | 85,000     | \$ | 85,000     | 147209 |
| TOTAL ALL BUDGET FUND GROUPS                                      |                                | \$ | 3,846,457  | \$ | 3,846,457  | 147210 |
| <b>Section 273.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS</b> |                                |    |            |    |            | 147212 |
| General Services Fund Group                                       |                                |    |            |    |            | 147213 |
| 4K90 892609                                                       | Operating                      | \$ | 996,938    | \$ | 993,889    | 147214 |
| TOTAL GSF                                                         | General Services Fund Group    | \$ | 996,938    | \$ | 993,889    | 147216 |
| TOTAL ALL BUDGET FUND GROUPS                                      |                                | \$ | 996,938    | \$ | 993,889    | 147217 |
| <b>Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b>        |                                |    |            |    |            | 147219 |
| General Revenue Fund                                              |                                |    |            |    |            | 147220 |
| GRF 715502                                                        | Auto Emissions e-Check Program | \$ | 10,923,093 | \$ | 10,923,093 | 147221 |
| TOTAL GRF                                                         | General Revenue Fund           | \$ | 10,923,093 | \$ | 10,923,093 | 147222 |
| General Services Fund Group                                       |                                |    |            |    |            | 147223 |
| 1990 715602                                                       | Laboratory Services            | \$ | 252,153    | \$ | 326,029    | 147224 |
| 2190 715604                                                       | Central Support Indirect       | \$ | 10,255,680 | \$ | 10,255,680 | 147225 |
| 4A10 715640                                                       | Operating Expenses             | \$ | 2,600,000  | \$ | 2,602,000  | 147226 |
| 4D50 715618                                                       | Recycled State Materials       | \$ | 50,000     | \$ | 50,000     | 147227 |
| TOTAL GSF                                                         | General Services Fund Group    | \$ | 13,157,833 | \$ | 13,233,709 | 147229 |
| Federal Special Revenue Fund Group                                |                                |    |            |    |            | 147230 |
| 3530 715612                                                       | Public Water Supply            | \$ | 2,562,578  | \$ | 2,474,605  | 147231 |

|                                   |        |                                             |    |            |    |            |        |
|-----------------------------------|--------|---------------------------------------------|----|------------|----|------------|--------|
| 3540                              | 715614 | Hazardous Waste<br>Management - Federal     | \$ | 4,088,383  | \$ | 4,088,383  | 147232 |
| 3570                              | 715619 | Air Pollution Control<br>- Federal          | \$ | 6,310,203  | \$ | 6,310,203  | 147233 |
| 3620                              | 715605 | Underground Injection<br>Control - Federal  | \$ | 111,874    | \$ | 111,874    | 147234 |
| 3BU0                              | 715684 | Water Quality<br>Protection                 | \$ | 16,205,000 | \$ | 15,280,000 | 147235 |
| 3CS0                              | 715688 | Federal NRD<br>Settlements                  | \$ | 200,000    | \$ | 200,000    | 147236 |
| 3F20                              | 715630 | Revolving Loan Fund -<br>Operating          | \$ | 832,543    | \$ | 1,114,543  | 147237 |
| 3F30                              | 715632 | Federally Supported<br>Cleanup and Response | \$ | 3,012,021  | \$ | 3,012,991  | 147238 |
| 3FH0                              | 715693 | Diesel Emission<br>Reduction Grants         | \$ | 10,000,000 | \$ | 10,000,000 | 147239 |
| 3T30                              | 715669 | Drinking Water State<br>Revolving Fund      | \$ | 2,609,198  | \$ | 2,824,076  | 147240 |
| 3V70                              | 715606 | Agencywide Grants                           | \$ | 600,000    | \$ | 600,000    | 147241 |
| TOTAL FED Federal Special Revenue |        |                                             |    |            |    |            | 147242 |
| Fund Group                        |        |                                             | \$ | 46,531,800 | \$ | 46,016,675 | 147243 |
| State Special Revenue Fund Group  |        |                                             |    |            |    |            | 147244 |
| 4J00                              | 715638 | Underground Injection<br>Control            | \$ | 389,126    | \$ | 402,697    | 147245 |
| 4K20                              | 715648 | Clean Air - Non Title<br>V                  | \$ | 3,165,400  | \$ | 3,237,450  | 147246 |
| 4K30                              | 715649 | Solid Waste                                 | \$ | 15,685,342 | \$ | 16,330,873 | 147247 |
| 4K40                              | 715650 | Surface Water<br>Protection                 | \$ | 6,993,800  | \$ | 7,688,800  | 147248 |
| 4K40                              | 715686 | Environmental<br>Laboratory Services        | \$ | 2,096,007  | \$ | 2,096,007  | 147249 |
| 4K50                              | 715651 | Drinking Water<br>Protection                | \$ | 6,316,772  | \$ | 6,476,011  | 147250 |

|      |        |                                        |    |            |    |            |        |
|------|--------|----------------------------------------|----|------------|----|------------|--------|
| 4P50 | 715654 | Cozart Landfill                        | \$ | 100,000    | \$ | 100,000    | 147251 |
| 4R50 | 715656 | Scrap Tire Management                  | \$ | 1,059,378  | \$ | 1,070,532  | 147252 |
| 4R90 | 715658 | Voluntary Action<br>Program            | \$ | 916,690    | \$ | 945,195    | 147253 |
| 4T30 | 715659 | Clean Air - Title V<br>Permit Program  | \$ | 14,528,885 | \$ | 15,080,366 | 147254 |
| 4U70 | 715660 | Construction and<br>Demolition Debris  | \$ | 335,000    | \$ | 335,000    | 147255 |
| 5000 | 715608 | Immediate Removal<br>Special Account   | \$ | 660,033    | \$ | 660,293    | 147256 |
| 5030 | 715621 | Hazardous Waste<br>Facility Management | \$ | 7,615,403  | \$ | 8,224,041  | 147257 |
| 5050 | 715623 | Hazardous Waste<br>Cleanup             | \$ | 14,528,609 | \$ | 14,933,345 | 147258 |
| 5050 | 715674 | Clean Ohio<br>Environmental Review     | \$ | 108,104    | \$ | 108,104    | 147259 |
| 5320 | 715646 | Recycling and Litter<br>Control        | \$ | 4,514,500  | \$ | 4,535,500  | 147260 |
| 5410 | 715670 | Site Specific Cleanup                  | \$ | 1,548,101  | \$ | 1,548,101  | 147261 |
| 5420 | 715671 | Risk Management<br>Reporting           | \$ | 208,936    | \$ | 214,826    | 147262 |
| 5860 | 715637 | Scrap Tire Market<br>Development       | \$ | 1,497,645  | \$ | 1,497,645  | 147263 |
| 5BC0 | 715617 | Clean Ohio                             | \$ | 611,455    | \$ | 611,455    | 147264 |
| 5BC0 | 715622 | Local Air Pollution<br>Control         | \$ | 2,297,980  | \$ | 2,297,980  | 147265 |
| 5BC0 | 715624 | Surface Water                          | \$ | 9,614,974  | \$ | 9,614,974  | 147266 |
| 5BC0 | 715672 | Air Pollution Control                  | \$ | 5,684,758  | \$ | 5,684,758  | 147267 |
| 5BC0 | 715673 | Drinking and Ground<br>Water           | \$ | 4,863,521  | \$ | 4,863,521  | 147268 |
| 5BC0 | 715676 | Assistance and<br>Prevention           | \$ | 695,069    | \$ | 695,069    | 147269 |
| 5BC0 | 715677 | Laboratory                             | \$ | 1,358,586  | \$ | 1,558,586  | 147270 |

|                                    |        |                                                   |    |             |    |             |        |
|------------------------------------|--------|---------------------------------------------------|----|-------------|----|-------------|--------|
| 5BC0                               | 715678 | Corrective Actions                                | \$ | 705,423     | \$ | 705,423     | 147271 |
| 5BC0                               | 715687 | Areawide Planning<br>Agencies                     | \$ | 450,000     | \$ | 450,000     | 147272 |
| 5BC0                               | 715692 | Administration                                    | \$ | 10,582,627  | \$ | 10,582,627  | 147273 |
| 5BC0                               | 715694 | Environmental Resource<br>Coordination            | \$ | 170,000     | \$ | 170,000     | 147274 |
| 5BT0                               | 715679 | C&DD Groundwater<br>Monitoring                    | \$ | 203,800     | \$ | 203,800     | 147275 |
| 5CD0                               | 715682 | Clean Diesel School<br>Buses                      | \$ | 475,000     | \$ | 475,000     | 147276 |
| 5H40                               | 715664 | Groundwater Support                               | \$ | 128,212     | \$ | 223,212     | 147277 |
| 5Y30                               | 715685 | Surface Water<br>Improvement                      | \$ | 1,800,000   | \$ | 1,800,000   | 147278 |
| 6440                               | 715631 | Emergency Response<br>Radiological Safety         | \$ | 284,266     | \$ | 290,674     | 147279 |
| 6600                               | 715629 | Infectious Waste<br>Management                    | \$ | 88,764      | \$ | 88,764      | 147280 |
| 6760                               | 715642 | Water Pollution<br>Control Loan<br>Administration | \$ | 3,921,605   | \$ | 3,921,605   | 147281 |
| 6780                               | 715635 | Air Toxic Release                                 | \$ | 133,636     | \$ | 133,636     | 147282 |
| 6790                               | 715636 | Emergency Planning                                | \$ | 2,623,252   | \$ | 2,623,252   | 147283 |
| 6960                               | 715643 | Air Pollution Control<br>Administration           | \$ | 1,100,000   | \$ | 1,125,000   | 147284 |
| 6990                               | 715644 | Water Pollution<br>Control Administration         | \$ | 345,000     | \$ | 345,000     | 147285 |
| 6A10                               | 715645 | Environmental<br>Education                        | \$ | 1,350,000   | \$ | 1,350,000   | 147286 |
| TOTAL SSR                          |        | State Special Revenue                             | \$ | 131,755,659 | \$ | 135,299,122 | 147287 |
| Fund Group                         |        |                                                   |    |             |    |             |        |
| Clean Ohio Conservation Fund Group |        |                                                   |    |             |    |             | 147288 |
| 5S10                               | 715607 | Clean Ohio -<br>Operating                         | \$ | 284,124     | \$ | 284,124     | 147289 |

|                                                                    |    |             |    |             |        |
|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| TOTAL CLF Clean Ohio Conservation                                  | \$ | 284,124     | \$ | 284,124     | 147290 |
| Fund Group                                                         |    |             |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 202,652,509 | \$ | 205,756,723 | 147291 |
| AREAWIDE PLANNING AGENCIES                                         |    |             |    |             | 147292 |
| The Director of Environmental Protection Agency may award          |    |             |    |             | 147293 |
| grants from appropriation item 715687, Areawide Planning Agencies, |    |             |    |             | 147294 |
| to areawide planning agencies engaged in areawide water quality    |    |             |    |             | 147295 |
| management and planning activities in accordance with Section 208  |    |             |    |             | 147296 |
| of the "Federal Clean Water Act," 33 U.S.C. 1288.                  |    |             |    |             | 147297 |
| CASH TRANSFERS                                                     |    |             |    |             | 147298 |
| On July 1, 2013, or as soon as possible thereafter, the            |    |             |    |             | 147299 |
| Director of Budget and Management may transfer up to \$11,400,000  |    |             |    |             | 147300 |
| cash from the Hazardous Waste Management Fund (Fund 5030) to the   |    |             |    |             | 147301 |
| Hazardous Waste Cleanup Fund (Fund 5050) to support closure and    |    |             |    |             | 147302 |
| corrective action programs that were transferred to the Division   |    |             |    |             | 147303 |
| of Environmental Response and Revitalization.                      |    |             |    |             | 147304 |
| On July 1, 2013, or as soon as possible thereafter, the            |    |             |    |             | 147305 |
| Director of Environmental Protection shall certify to the Director |    |             |    |             | 147306 |
| of Budget and Management the cash balance in the Dredge and Fill   |    |             |    |             | 147307 |
| Fund (Fund 5N20). The Director of Budget and Management shall      |    |             |    |             | 147308 |
| transfer the certified amount from Fund 5N20 to the Surface Water  |    |             |    |             | 147309 |
| Protection Fund (Fund 4K40). Any existing encumbrances against     |    |             |    |             | 147310 |
| appropriation item 715613, Dredge and Fill, shall be canceled and  |    |             |    |             | 147311 |
| reestablished against appropriation item 715650, Surface Water     |    |             |    |             | 147312 |
| Protection. The reestablished encumbrance amounts are hereby       |    |             |    |             | 147313 |
| appropriated and Fund 5N20 is abolished.                           |    |             |    |             | 147314 |
| <b>Section 277.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION</b> |    |             |    |             | 147315 |
| General Revenue Fund                                               |    |             |    |             | 147316 |
| GRF 172321 Operating Expenses                                      | \$ | 545,530     | \$ | 545,530     | 147317 |
| TOTAL GRF General Revenue Fund                                     | \$ | 545,530     | \$ | 545,530     | 147318 |



|                                                                    |                       |    |           |    |           |        |
|--------------------------------------------------------------------|-----------------------|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                       |                       | \$ | 545,530   | \$ | 545,530   | 147319 |
| <br>                                                               |                       |    |           |    |           |        |
| <b>Section 278.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION</b>  |                       |    |           |    |           | 147321 |
| <br>                                                               |                       |    |           |    |           |        |
| General Revenue Fund                                               |                       |    |           |    |           | 147322 |
| GRF 935401                                                         | Statehouse News       | \$ | 215,561   | \$ | 215,561   | 147323 |
| Bureau                                                             |                       |    |           |    |           |        |
| GRF 935402                                                         | Ohio Government       | \$ | 1,252,089 | \$ | 1,252,089 | 147324 |
| Telecommunications                                                 |                       |    |           |    |           |        |
| Services                                                           |                       |    |           |    |           |        |
| GRF 935408                                                         | General Operations    | \$ | 750,000   | \$ | 750,000   | 147325 |
| GRF 935409                                                         | Technology Operations | \$ | 2,500,000 | \$ | 2,500,000 | 147326 |
| GRF 935410                                                         | Content Development,  | \$ | 2,607,094 | \$ | 2,607,094 | 147327 |
| Acquisition, and                                                   |                       |    |           |    |           |        |
| Distribution                                                       |                       |    |           |    |           |        |
| GRF 935412                                                         | Information           | \$ | 500,000   | \$ | 500,000   | 147328 |
| Technology                                                         |                       |    |           |    |           |        |
| TOTAL GRF General Revenue Fund                                     |                       | \$ | 7,824,744 | \$ | 7,824,744 | 147329 |
| <br>                                                               |                       |    |           |    |           |        |
| General Services Fund Group                                        |                       |    |           |    |           | 147330 |
| 4F30 935603                                                        | Affiliate Services    | \$ | 50,000    | \$ | 0         | 147331 |
| 4T20 935605                                                        | Government            | \$ | 30,000    | \$ | 0         | 147332 |
| Television/Telecommunications                                      |                       |    |           |    |           |        |
| Operating                                                          |                       |    |           |    |           |        |
| TOTAL GSF General Services Fund                                    |                       | \$ | 80,000    | \$ | 0         | 147333 |
| Group                                                              |                       |    |           |    |           |        |
| TOTAL ALL BUDGET FUND GROUPS                                       |                       | \$ | 7,904,744 | \$ | 7,824,744 | 147334 |
| <br>                                                               |                       |    |           |    |           |        |
| <b>Section 278.20. STATEHOUSE NEWS BUREAU</b>                      |                       |    |           |    |           | 147336 |
| <br>                                                               |                       |    |           |    |           |        |
| The foregoing appropriation item 935401, Statehouse News           |                       |    |           |    |           | 147337 |
| Bureau, shall be used solely to support the operations of the Ohio |                       |    |           |    |           | 147338 |
| Statehouse News Bureau.                                            |                       |    |           |    |           | 147339 |
| <br>                                                               |                       |    |           |    |           |        |
| OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES                        |                       |    |           |    |           | 147340 |
| <br>                                                               |                       |    |           |    |           |        |
| The foregoing appropriation item 935402, Ohio Government           |                       |    |           |    |           | 147341 |

Telecommunications Services, shall be used solely to support the 147342  
operations of Ohio Government Telecommunications Services which 147343  
include providing multimedia support to the state government and 147344  
its affiliated organizations and broadcasting the activities of 147345  
the legislative, judicial, and executive branches of state 147346  
government, among its other functions. 147347

TECHNOLOGY OPERATIONS 147348

Of the foregoing appropriation item 935409, Technology 147349  
Operations, the Broadcast Educational Media Commission shall 147350  
provide up to \$1,000,000 in each fiscal year to the Board of 147351  
Regents in order for the Board of Regents to provide grants on a 147352  
competitive basis to public and chartered nonpublic schools for 147353  
their participation in the electronic textbook pilot project. 147354  
These grants shall be administered as provided under the section 147355  
of this act entitled ELECTRONIC TEXTBOOK PILOT PROJECT. On July 1, 147356  
2014, or as soon as possible thereafter, the Chancellor of the 147357  
Board of Regents may certify to the Director of Budget and 147358  
Management the amount of the unexpended, unencumbered balance of 147359  
this set aside at the end of fiscal year 2014 to be appropriated 147360  
to fiscal year 2015. The amount certified is hereby reappropriated 147361  
for the same purpose for fiscal year 2015. 147362

The remainder of the foregoing appropriation item 935409, 147363  
Technology Operations, shall be used by the Broadcast Educational 147364  
Media Commission to pay expenses of the network infrastructure, 147365  
which includes the television and radio transmission 147366  
infrastructure and infrastructure that shall link all public K-12 147367  
classrooms to each other and to the Internet, and provide access 147368  
to voice, video, other communication services, and data 147369  
educational resources for students and teachers. 147370

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 147371

The foregoing appropriation item 935410, Content Development, 147372

Acquisition, and Distribution, shall be used for the development, 147373  
acquisition, and distribution of information resources by public 147374  
media and radio reading services and for educational use in the 147375  
classroom and online. 147376

Of the foregoing appropriation item 935410, Content 147377  
Development, Acquisition, and Distribution, up to \$658,099 in each 147378  
fiscal year shall be allocated equally among the 12 Ohio 147379  
educational television stations. Funds shall be used for the 147380  
production of interactive instructional programming series with 147381  
priority given to resources aligned with state academic content 147382  
standards. The programming shall be targeted to the needs of the 147383  
poorest two hundred school districts as determined by the 147384  
district's adjusted valuation per pupil as defined in former 147385  
section 3317.0213 of the Revised Code as that section existed 147386  
prior to June 30, 2005. 147387

Of the foregoing appropriation item 935410, Content 147388  
Development, Acquisition, and Distribution, up to \$1,749,283 in 147389  
each fiscal year shall be distributed by the Broadcast Educational 147390  
Media Commission to Ohio's qualified public educational television 147391  
stations and educational radio stations to support their 147392  
operations. The funds shall be distributed pursuant to an 147393  
allocation formula used by the Ohio Educational Telecommunications 147394  
Network Commission unless a substitute formula is developed by the 147395  
Broadcast Educational Media Commission in consultation with Ohio's 147396  
qualified public educational television stations and educational 147397  
radio stations. 147398

Of the foregoing appropriation item 935410, Content 147399  
Development, Acquisition, and Distribution, up to \$199,712 in each 147400  
fiscal year shall be distributed by the Broadcast Educational 147401  
Media Commission to Ohio's qualified radio reading services to 147402  
support their operations. The funds shall be distributed pursuant 147403  
to an allocation formula used by the Ohio Educational 147404

Telecommunications Network Commission unless a substitute formula 147405  
is developed by the Broadcast Educational Media Commission in 147406  
consultation with Ohio's qualified radio reading services. 147407

**Section 279.10. ETH OHIO ETHICS COMMISSION** 147408

General Revenue Fund 147409

|            |                      |    |           |    |           |        |
|------------|----------------------|----|-----------|----|-----------|--------|
| GRF 146321 | Operating Expenses   | \$ | 1,409,751 | \$ | 1,381,556 | 147410 |
| TOTAL GRF  | General Revenue Fund | \$ | 1,409,751 | \$ | 1,381,556 | 147411 |

General Services Fund Group 147412

|                              |                    |    |           |    |           |        |
|------------------------------|--------------------|----|-----------|----|-----------|--------|
| 4M60 146601                  | Operating Expenses | \$ | 636,388   | \$ | 641,000   | 147413 |
| TOTAL GSF                    | General Services   |    |           |    |           | 147414 |
| Fund Group                   |                    | \$ | 636,388   | \$ | 641,000   | 147415 |
| TOTAL ALL BUDGET FUND GROUPS |                    | \$ | 2,046,139 | \$ | 2,022,556 | 147416 |

**Section 281.10. EXP OHIO EXPOSITIONS COMMISSION** 147418

General Revenue Fund 147419

|            |                       |    |         |    |         |        |
|------------|-----------------------|----|---------|----|---------|--------|
| GRF 723403 | Junior Fair Subsidy   | \$ | 250,000 | \$ | 250,000 | 147420 |
| GRF 723501 | Construction Planning | \$ | 670,000 | \$ | 0       | 147421 |
| TOTAL GRF  | General Revenue Fund  | \$ | 920,000 | \$ | 250,000 | 147422 |

State Special Revenue Fund Group 147423

|                              |                       |    |            |    |            |        |
|------------------------------|-----------------------|----|------------|----|------------|--------|
| 4N20 723602                  | Ohio State Fair       | \$ | 235,000    | \$ | 235,000    | 147424 |
|                              | Harness Racing        |    |            |    |            |        |
| 5060 723601                  | Operating Expenses    | \$ | 12,894,000 | \$ | 12,894,000 | 147425 |
| TOTAL SSR                    | State Special Revenue |    |            |    |            | 147426 |
| Fund Group                   |                       | \$ | 13,129,000 | \$ | 13,129,000 | 147427 |
| TOTAL ALL BUDGET FUND GROUPS |                       | \$ | 14,049,000 | \$ | 13,379,000 | 147428 |

**CONSTRUCTION PLANNING** 147429

The foregoing appropriation item 723501, Construction 147430  
Planning, shall be used for acquiring purchased services for new 147431  
and renovated facility planning, including, but not limited to, 147432  
necessary architectural engineering, land or facility use 147433

consulting services, and facility construction. An amount equal to 147434  
the unexpended, unencumbered portion of the foregoing 147435  
appropriation item 723501, Construction Planning, is hereby 147436  
reappropriated for the same purpose in FY 2015. 147437

STATE FAIR RESERVE 147438

The General Manager of the Expositions Commission, in 147439  
consultation with the Director of Budget and Management, may 147440  
submit a request to the Controlling Board to use available amounts 147441  
in the State Fair Reserve Fund (Fund 6400) if revenues for the 147442  
Ohio State Fair for the 2013 or 2014 Ohio State Fair are 147443  
unexpectedly low. 147444

**Section 282.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION** 147445

General Revenue Fund 147446

|     |        |                       |    |            |    |            |        |
|-----|--------|-----------------------|----|------------|----|------------|--------|
| GRF | 230401 | Lease Rental Payments | \$ | 10,550,568 | \$ | 29,854,500 | 147447 |
|     |        | - Cultural Facilities |    |            |    |            |        |

|     |        |                     |    |           |    |           |        |
|-----|--------|---------------------|----|-----------|----|-----------|--------|
| GRF | 230458 | State Construction  | \$ | 2,495,751 | \$ | 2,245,751 | 147448 |
|     |        | Management Services |    |           |    |           |        |

|     |        |                    |    |             |    |             |        |
|-----|--------|--------------------|----|-------------|----|-------------|--------|
| GRF | 230908 | Common Schools     | \$ | 351,806,100 | \$ | 377,364,700 | 147449 |
|     |        | General Obligation |    |             |    |             |        |
|     |        | Debt Service       |    |             |    |             |        |

|           |                      |    |             |    |             |        |
|-----------|----------------------|----|-------------|----|-------------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 364,852,419 | \$ | 409,464,951 | 147450 |
|-----------|----------------------|----|-------------|----|-------------|--------|

General Services Fund Group 147451

|      |        |                       |    |           |    |           |        |
|------|--------|-----------------------|----|-----------|----|-----------|--------|
| 1310 | 230639 | State Construction    | \$ | 9,463,342 | \$ | 9,463,342 | 147452 |
|      |        | Management Operations |    |           |    |           |        |

|           |                       |    |           |    |           |        |
|-----------|-----------------------|----|-----------|----|-----------|--------|
| TOTAL GSF | General Services Fund | \$ | 9,463,342 | \$ | 9,463,342 | 147453 |
|-----------|-----------------------|----|-----------|----|-----------|--------|

Group

State Special Revenue Fund Group 147454

|      |        |                   |    |         |    |         |        |
|------|--------|-------------------|----|---------|----|---------|--------|
| 4T80 | 230603 | Community Project | \$ | 150,000 | \$ | 200,000 | 147455 |
|      |        | Administration    |    |         |    |         |        |

|      |        |                    |    |           |    |           |        |
|------|--------|--------------------|----|-----------|----|-----------|--------|
| 5E30 | 230644 | Operating Expenses | \$ | 8,550,000 | \$ | 8,550,000 | 147456 |
|------|--------|--------------------|----|-----------|----|-----------|--------|

|                                 |    |             |    |             |        |
|---------------------------------|----|-------------|----|-------------|--------|
| TOTAL SSR State Special Revenue |    |             |    | 147457      |        |
| Fund Group                      | \$ | 8,700,000   | \$ | 8,750,000   | 147458 |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 383,015,761 | \$ | 427,678,293 | 147459 |

**Section 282.20. LEASE RENTAL PAYMENTS** 147461

The foregoing appropriation item 230401, Lease Rental 147462  
Payments - Cultural Facilities, shall be used to meet all payments 147463  
at the times they are required to be made during the period from 147464  
January 1, 2014, through June 30, 2015, from the Ohio Facilities 147465  
Construction Commission under the primary leases and agreements 147466  
for those arts and sports facilities made under Chapters 152. and 147467  
154. of the Revised Code. These appropriations are the source of 147468  
funds pledged for bond service charges on related obligations 147469  
issued under Chapters 152. and 154. of the Revised Code. 147470

**COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE** 147471

The foregoing appropriation item 230908, Common Schools 147472  
General Obligation Debt Service, shall be used to pay all debt 147473  
service and related financing costs at the times they are required 147474  
to be made during the period from July 1, 2013, through June 30, 147475  
2015, for obligations issued under sections 151.01 and 151.03 of 147476  
the Revised Code. 147477

**Section 282.30. COMMUNITY PROJECT ADMINISTRATION** 147478

The foregoing appropriation item 230603, Community Project 147479  
Administration, shall be used by the Ohio Facilities Construction 147480  
Commission in administering Cultural and Sports Facilities 147481  
Building Fund (Fund 7030) projects pursuant to section 123.201 of 147482  
the Revised Code. 147483

**Section 282.40. OPERATING EXPENSES** 147484

The foregoing appropriation item 230644, Operating Expenses, 147485  
shall be used by the Ohio School Facilities Commission to carry 147486

out its responsibilities under this section and Chapter 3318. of 147487  
the Revised Code. 147488

In both fiscal years 2014 and 2015, the Executive Director of 147489  
the Ohio School Facilities Commission shall certify on a quarterly 147490  
basis to the Director of Budget and Management the amount of cash 147491  
from interest earnings to be transferred from the School Building 147492  
Assistance Fund (Fund 7032), the Public School Building Fund (Fund 147493  
7021), and the Educational Facilities Trust Fund (Fund N087) to 147494  
the Ohio School Facilities Commission Fund (Fund 5E30). The amount 147495  
transferred from the School Building Assistance Fund (Fund 7032) 147496  
may not exceed investment earnings credited to the fund, less any 147497  
amount required to be paid for federal arbitrage rebate purposes. 147498

If the Executive Director of the Ohio Facilities Construction 147499  
Commission determines that transferring cash from interest 147500  
earnings is insufficient to support operations and carry out its 147501  
responsibilities under this section and Chapter 3318. of the 147502  
Revised Code, the Commission may, with the approval of the 147503  
Controlling Board, transfer cash not generated from interest from 147504  
the Public School Building Fund (Fund 7021) and the Educational 147505  
Trust Fund (Fund N087) to the Ohio School Facilities Commission 147506  
Fund (Fund 5E30). 147507

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 147508

At the request of the Executive Director of the Ohio School 147509  
Facilities Commission, the Director of Budget and Management may 147510  
cancel encumbrances for school district projects from a previous 147511  
biennium if the district has not raised its local share of project 147512  
costs within thirteen months of receiving Controlling Board 147513  
approval under section 3318.05 or 3318.41 of the Revised Code. The 147514  
Executive Director of the Ohio School Facilities Commission shall 147515  
certify the amounts of the canceled encumbrances to the Director 147516  
of Budget and Management on a quarterly basis. The amounts of the 147517  
canceled encumbrances are hereby appropriated. 147518

**Section 282.50.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 147519  
APPROPRIATIONS 147520

On January 1, 2014, or as soon as possible thereafter, the 147521  
Executive Director of the Facilities Construction Commission shall 147522  
certify to the Director of Budget and Management the amount of 147523  
cash receipts and related investment income, irrevocable letters 147524  
of credit from a bank, or certification of the availability of 147525  
funds that have been received from a county or a municipal 147526  
corporation for deposit into the Capital Donations Fund (Fund 147527  
5A10) and that are related to an anticipated project. These 147528  
amounts are hereby appropriated to appropriation item C37146, 147529  
Capital Donations. Prior to certifying these amounts to the 147530  
Director, the Executive Director shall make a written agreement 147531  
with the participating entity on the necessary cash flows required 147532  
for the anticipated construction or equipment acquisition project. 147533

**Section 282.60.** AMENDMENT TO PROJECT AGREEMENT FOR 147534  
MAINTENANCE LEVY 147535

The Ohio School Facilities Commission shall amend the project 147536  
agreement between the Commission and a school district that is 147537  
participating in the Accelerated Urban School Building Assistance 147538  
Program on the effective date of this section, if the Commission 147539  
determines that it is necessary to do so in order to comply with 147540  
division (B)(3)(c) of section 3318.38 of the Revised Code. 147541

**Section 282.70.** Notwithstanding any other provision of law to 147542  
the contrary, the Ohio School Facilities Commission may determine 147543  
the amount of funding available for disbursement in a given fiscal 147544  
year for any project approved under sections 3318.01 to 3318.20 of 147545  
the Revised Code in order to keep aggregate state capital spending 147546  
within approved limits and may take actions including, but not 147547  
limited to, determining the schedule for design or bidding of 147548



approved projects, to ensure appropriate and supportable cash flow. 147549  
147550

**Section 282.80.** Notwithstanding division (B) of section 147551  
3318.40 of the Revised Code, the Ohio School Facilities Commission 147552  
may provide assistance to at least one joint vocational school 147553  
district each fiscal year for the acquisition of classroom 147554  
facilities in accordance with sections 3318.40 to 3318.45 of the 147555  
Revised Code. 147556

**Section 282.90.** Effective January 1, 2014, the Ohio Cultural 147557  
Facilities Commission is abolished. Except as otherwise provided 147558  
in this section, all obligations of the Ohio Cultural Facilities 147559  
Commission under agreements to which the Ohio Cultural Facilities 147560  
Commission is a party, and all records and assets of the Ohio 147561  
Cultural Facilities Commission, including, without limitation, 147562  
equipment, inventory, contract rights, accounts, and general 147563  
intangibles, are transferred to the Ohio Facilities Construction 147564  
Commission. 147565

The Ohio Facilities Construction Commission shall designate 147566  
the positions, if any, to be transferred to the Ohio Facilities 147567  
Construction Commission, along with any equipment assigned to 147568  
those positions. Any employee transferred to the Ohio Facilities 147569  
Construction Commission retains the employee's respective 147570  
classification, but the Ohio Facilities Construction Commission 147571  
may reassign and reclassify the employee's position and 147572  
compensation as the Ohio Facilities Construction Commission 147573  
determines to be in the best interest of office administration. 147574

The Ohio Facilities Construction Commission shall complete 147575  
any activities related to the design, planning, construction, and 147576  
related management functions commenced but not completed by the 147577  
Ohio Cultural Facilities Commission in the same manner and with 147578

the same effect as if the Ohio Cultural Facilities Commission had 147579  
completed them. The consolidation of the commissions shall not 147580  
cause the loss or impairment of any validation, cure, right, 147581  
privilege, remedy, obligation, or liability, which the Ohio 147582  
Facilities Construction Commission shall administer. 147583

All rules, orders, and determinations related to the design, 147584  
planning, and construction and related management functions of the 147585  
Ohio Cultural Facilities Commission continue in effect as rules, 147586  
orders, and determinations of the Ohio Facilities Construction 147587  
Commission until the Ohio Facilities Construction Commission 147588  
modifies or rescinds them. The Director of the Legislative Service 147589  
Commission shall renumber the rules of the Ohio Cultural 147590  
Facilities Commission related to that commission's design, 147591  
planning, and construction and related management functions to 147592  
reflect their transfer to the Ohio Facilities Construction 147593  
Commission. 147594

The transfer of functions from the Ohio Cultural Facilities 147595  
Commission to the Ohio Facilities Construction Commission does not 147596  
affect any pending judicial or administrative action or proceeding 147597  
to which the Ohio Cultural Facilities Commission is a party and 147598  
that is related to that commission's design, planning, 147599  
construction, capital funding, or related management functions. 147600  
Any such action or proceeding shall be prosecuted or defended in 147601  
the name of the Ohio Facilities Construction Commission. On 147602  
application to the court or agency, the Ohio Facilities 147603  
Construction Commission shall be substituted for the Ohio Cultural 147604  
Facilities Commission as a party to the action or proceeding. 147605

Effective January 1, 2014, the Director of Budget and 147606  
Management shall cancel any existing encumbrances against 147607  
appropriation item 371603, Project Administration, and 147608  
re-establish them against appropriation item 230603, Community 147609  
Project Administration. The re-established encumbrance amounts are 147610

hereby appropriated. Any business commenced but not completed 147611  
under appropriation item 371603 by January 1, 2014, shall be 147612  
completed under appropriation item 230603 in the same manner and 147613  
with the same effect as if it were completed with regard to 147614  
appropriation item 371603. 147615

Funds collected as part of a management contract for the 147616  
Riffe Theatres, which previously were deposited in the Ohio 147617  
Cultural Facilities Commission Administration Fund (Fund 4T80), 147618  
shall be credited to the Theater Equipment Maintenance Fund (Fund 147619  
5MV0), which is hereby created in the State Treasury. The Director 147620  
of Budget and Management shall transfer from the Ohio Cultural 147621  
Facilities Commission Administration Fund to the Theater Equipment 147622  
Maintenance Fund any remaining cash balances from funds collected 147623  
as part of a management contract for the Riffe Theatres. In order 147624  
to facilitate this transfer, the Executive Director of the Ohio 147625  
Facilities Construction Commission, by January 1, 2014, or as soon 147626  
as possible thereafter, shall certify to the Director of Budget 147627  
and Management an estimate of the amount to be transferred. The 147628  
Department of Administrative Services shall use appropriation item 147629  
100662, Theater Equipment Maintenance, to spend cash in the 147630  
Theater Equipment Maintenance Fund (Fund 5MV0). 147631

The Ohio Facilities Construction Commission may enter into an 147632  
interagency agreement with the Department of Administrative 147633  
Services for the Department to perform any of the functions 147634  
transferred to the Ohio Facilities Construction Commission under 147635  
this section. 147636

Any reference to the Ohio Cultural Facilities Commission in 147637  
any statute, rule, contract, grant, or other document is deemed to 147638  
refer to the Ohio Facilities Construction Commission. 147639

The Ohio Facilities Construction Commission, the Ohio Public 147640  
Facilities Commission, and the issuing authority of any 147641  
obligations issued for the financing of capital facilities for 147642

Ohio cultural facilities and Ohio sports facilities may execute 147643  
instruments, documents, and agreements and may take necessary or 147644  
appropriate actions to effect the orderly transfer of those 147645  
obligations from the Ohio Cultural Facilities Commission to the 147646  
Ohio Facilities Construction Commission. 147647

This section takes effect January 1, 2014. 147648

**Section 283.10.** GOV OFFICE OF THE GOVERNOR 147649

General Revenue Fund 147650

GRF 040321 Operating Expenses \$ 2,851,552 \$ 2,851,552 147651

TOTAL GRF General Revenue Fund \$ 2,851,552 \$ 2,851,552 147652

General Services Fund Group 147653

5AK0 040607 Government Relations \$ 365,149 \$ 365,149 147654

TOTAL GSF General Services Fund \$ 365,149 \$ 365,149 147655

Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,216,701 \$ 3,216,701 147656

GOVERNMENT RELATIONS 147657

A portion of the foregoing appropriation item 040607, 147658  
Government Relations, may be used to support Ohio's membership in 147659  
national or regional associations. 147660

The Office of the Governor may charge any state agency of the 147661  
executive branch using an intrastate transfer voucher such amounts 147662  
necessary to defray the costs incurred for the conduct of 147663  
governmental relations associated with issues that can be 147664  
attributed to the agency. Amounts collected shall be deposited in 147665  
the Government Relations Fund (Fund 5AK0). 147666

**Section 285.10.** DOH DEPARTMENT OF HEALTH 147667

General Revenue Fund 147668

GRF 440412 Cancer Incidence \$ 600,000 \$ 600,000 147669

Surveillance System

|            |                                             |    |            |    |            |        |
|------------|---------------------------------------------|----|------------|----|------------|--------|
| GRF 440413 | Local Health<br>Departments                 | \$ | 823,061    | \$ | 823,061    | 147670 |
| GRF 440416 | Mothers and Children<br>Safety Net Services | \$ | 4,428,015  | \$ | 4,428,015  | 147671 |
| GRF 440418 | Immunizations                               | \$ | 8,825,829  | \$ | 8,825,829  | 147672 |
| GRF 440431 | Free Clinics Safety<br>Net Services         | \$ | 437,326    | \$ | 437,326    | 147673 |
| GRF 440438 | Breast and Cervical<br>Cancer Screening     | \$ | 823,217    | \$ | 823,217    | 147674 |
| GRF 440444 | AIDS Prevention and<br>Treatment            | \$ | 5,842,315  | \$ | 5,842,315  | 147675 |
| GRF 440451 | Public Health<br>Laboratory                 | \$ | 3,655,449  | \$ | 3,655,449  | 147676 |
| GRF 440452 | Child and Family<br>Health Services Match   | \$ | 630,444    | \$ | 630,444    | 147677 |
| GRF 440453 | Health Care Quality<br>Assurance            | \$ | 4,874,361  | \$ | 4,874,361  | 147678 |
| GRF 440454 | Environmental Health                        | \$ | 1,194,634  | \$ | 1,194,634  | 147679 |
| GRF 440459 | Help Me Grow                                | \$ | 33,673,987 | \$ | 33,673,987 | 147680 |
| GRF 440465 | Federally Qualified<br>Health Centers       | \$ | 2,686,688  | \$ | 2,686,688  | 147681 |
| GRF 440467 | Access to Dental Care                       | \$ | 540,484    | \$ | 540,484    | 147682 |
| GRF 440468 | Chronic Disease and<br>Injury Prevention    | \$ | 2,447,251  | \$ | 2,447,251  | 147683 |
| GRF 440472 | Alcohol Testing                             | \$ | 1,100,000  | \$ | 1,100,000  | 147684 |
| GRF 440473 | Tobacco Prevention and<br>Cessation         | \$ | 1,050,000  | \$ | 1,050,000  | 147685 |
| GRF 440474 | Infant Vitality                             | \$ | 3,116,688  | \$ | 3,116,688  | 147686 |
| GRF 440505 | Medically Handicapped<br>Children           | \$ | 7,512,451  | \$ | 7,512,451  | 147687 |
| GRF 440507 | Targeted Health Care<br>Services Over 21    | \$ | 1,045,414  | \$ | 1,045,414  | 147688 |
| GRF 654453 | Medicaid - Health Care                      | \$ | 3,300,000  | \$ | 3,300,000  | 147689 |

| Quality Assurance                  |    |             |    |             |        |
|------------------------------------|----|-------------|----|-------------|--------|
| TOTAL GRF General Revenue Fund     | \$ | 88,607,614  | \$ | 88,607,614  | 147690 |
| State Highway Safety Fund Group    |    |             |    |             | 147691 |
| 4T40 440603 Child Highway Safety   | \$ | 233,894     | \$ | 233,894     | 147692 |
| TOTAL HSF State Highway Safety     |    |             |    |             | 147693 |
| Fund Group                         | \$ | 233,894     | \$ | 233,894     | 147694 |
| General Services Fund Group        |    |             |    |             | 147695 |
| 1420 440646 Agency Health          | \$ | 820,998     | \$ | 820,998     | 147696 |
| Services                           |    |             |    |             |        |
| 2110 440613 Central Support        | \$ | 30,615,591  | \$ | 31,052,469  | 147697 |
| Indirect Costs                     |    |             |    |             |        |
| 4730 440622 Lab Operating          | \$ | 5,000,000   | \$ | 5,000,000   | 147698 |
| Expenses                           |    |             |    |             |        |
| 6980 440634 Nurse Aide Training    | \$ | 99,265      | \$ | 99,265      | 147699 |
| TOTAL GSF General Services         |    |             |    |             | 147700 |
| Fund Group                         | \$ | 36,535,854  | \$ | 36,972,732  | 147701 |
| Federal Special Revenue Fund Group |    |             |    |             | 147702 |
| 3200 440601 Maternal Child Health  | \$ | 23,889,057  | \$ | 23,889,057  | 147703 |
| Block Grant                        |    |             |    |             |        |
| 3870 440602 Preventive Health      | \$ | 6,000,000   | \$ | 6,000,000   | 147704 |
| Block Grant                        |    |             |    |             |        |
| 3890 440604 Women, Infants, and    | \$ | 250,000,000 | \$ | 250,000,000 | 147705 |
| Children                           |    |             |    |             |        |
| 3910 440606 Medicare Survey and    | \$ | 19,449,282  | \$ | 19,961,405  | 147706 |
| Certification                      |    |             |    |             |        |
| 3920 440618 Federal Public Health  | \$ | 134,546,304 | \$ | 135,140,586 | 147707 |
| Programs                           |    |             |    |             |        |
| 3GD0 654601 Medicaid Program       | \$ | 21,126,014  | \$ | 22,392,094  | 147708 |
| Support                            |    |             |    |             |        |
| TOTAL FED Federal Special Revenue  |    |             |    |             | 147709 |
| Fund Group                         | \$ | 455,010,657 | \$ | 457,383,142 | 147710 |
| State Special Revenue Fund Group   |    |             |    |             | 147711 |

|                                 |        |                                                     |    |            |    |            |        |
|---------------------------------|--------|-----------------------------------------------------|----|------------|----|------------|--------|
| 4700                            | 440647 | Fee Supported Programs                              | \$ | 25,305,250 | \$ | 25,613,586 | 147712 |
| 4710                            | 440619 | Certificate of Need                                 | \$ | 878,433    | \$ | 878,433    | 147713 |
| 4770                            | 440627 | Medically Handicapped Children Audit                | \$ | 3,692,703  | \$ | 3,692,703  | 147714 |
| 4D60                            | 440608 | Genetics Services                                   | \$ | 3,311,039  | \$ | 3,311,039  | 147715 |
| 4F90                            | 440610 | Sickle Cell Disease Control                         | \$ | 1,032,824  | \$ | 1,032,824  | 147716 |
| 4G00                            | 440636 | Heirloom Birth Certificate                          | \$ | 5,000      | \$ | 5,000      | 147717 |
| 4G00                            | 440637 | Birth Certificate Surcharge                         | \$ | 5,000      | \$ | 5,000      | 147718 |
| 4L30                            | 440609 | HIV Care and Miscellaneous Expenses                 | \$ | 8,333,164  | \$ | 8,333,164  | 147719 |
| 4P40                            | 440628 | Ohio Physician Loan Repayment                       | \$ | 476,870    | \$ | 476,870    | 147720 |
| 4V60                            | 440641 | Save Our Sight                                      | \$ | 2,255,789  | \$ | 2,255,789  | 147721 |
| 5B50                            | 440616 | Quality, Monitoring, and Inspection                 | \$ | 878,997    | \$ | 878,997    | 147722 |
| 5CN0                            | 440645 | Choose Life                                         | \$ | 75,000     | \$ | 75,000     | 147723 |
| 5D60                            | 440620 | Second Chance Trust                                 | \$ | 1,151,902  | \$ | 1,151,902  | 147724 |
| 5ED0                            | 440651 | Smoke Free Indoor Air                               | \$ | 250,000    | \$ | 250,000    | 147725 |
| 5G40                            | 440639 | Adoption Services                                   | \$ | 20,000     | \$ | 20,000     | 147726 |
| 5Z70                            | 440624 | Ohio Dentist Loan Repayment                         | \$ | 140,000    | \$ | 140,000    | 147727 |
| 6100                            | 440626 | Radiation Emergency Response                        | \$ | 1,049,954  | \$ | 1,086,098  | 147728 |
| 6660                            | 440607 | Medically Handicapped Children - County Assessments | \$ | 19,739,617 | \$ | 19,739,617 | 147729 |
| TOTAL SSR State Special Revenue |        |                                                     |    |            |    |            | 147730 |
| Fund Group                      |        |                                                     | \$ | 68,601,542 | \$ | 68,946,022 | 147731 |

|                                                |    |             |    |             |        |
|------------------------------------------------|----|-------------|----|-------------|--------|
| Holding Account Redistribution Fund Group      |    |             |    |             | 147732 |
| R014 440631 Vital Statistics                   | \$ | 44,986      | \$ | 44,986      | 147733 |
| R048 440625 Refunds, Grants                    | \$ | 20,000      | \$ | 20,000      | 147734 |
| Reconciliation, and<br>Audit Settlements       |    |             |    |             |        |
| TOTAL 090 Holding Account                      |    |             |    |             | 147735 |
| Redistribution Fund Group                      | \$ | 64,986      | \$ | 64,986      | 147736 |
| Tobacco Master Settlement Agreement Fund Group |    |             |    |             | 147737 |
| 5BX0 440656 Tobacco Use                        | \$ | 1,450,000   | \$ | 1,450,000   | 147738 |
| Prevention                                     |    |             |    |             |        |
| TOTAL TSF Tobacco Master Settlement            | \$ | 1,450,000   | \$ | 1,450,000   | 147739 |
| Agreement Fund Group                           |    |             |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS                   | \$ | 650,504,547 | \$ | 653,658,390 | 147740 |

**Section 285.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 147742

Of the foregoing appropriation item 440416, Mothers and 147743  
 Children Safety Net Services, \$200,000 in each fiscal year shall 147744  
 be used to assist families with hearing impaired children under 147745  
 twenty-one years of age in purchasing hearing aids. The Director 147746  
 of Health shall adopt rules governing the distribution of these 147747  
 funds, including rules that do both of the following: (1) 147748  
 establish eligibility criteria to include families with incomes at 147749  
 or below four hundred per cent of the federal poverty guidelines 147750  
 as defined in section 5101.46 of the Revised Code, and (2) develop 147751  
 a sliding scale of disbursements under this section based on 147752  
 family income. The Director may adopt other rules as necessary to 147753  
 implement this section. Rules adopted under this section shall be 147754  
 adopted in accordance with Chapter 119. of the Revised Code. 147755

The Department shall disburse all of the funds appropriated 147756  
 under this section. 147757

**HIV/AIDS PREVENTION/TREATMENT** 147758



The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications and to administer educational prevention initiatives.

PUBLIC HEALTH LABORATORY

A portion of the foregoing appropriation item 440451, Public Health Laboratory, shall be used for coordination and management of prevention program operations and the purchase of drugs for sexually transmitted diseases.

HELP ME GROW

The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459, Help Me Grow, may be used in conjunction with other early childhood funds and services to promote the optimal development of young children and family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children. The Department of Health shall enter into interagency agreements with the Department of Education, Department of Developmental Disabilities, Department of Job and Family Services, and Department of Mental Health and Addiction Services to ensure that all early childhood programs and initiatives are coordinated and school linked.

The foregoing appropriation item 440459, Help Me Grow, may also be used for the Developmental Autism and Screening Program.

INFANT VITALITY

The foregoing appropriation item 440474, Infant Vitality,

shall be used to fund the following projects, which are hereby created: 147790  
147791

(A) The Infant Safe Sleep Campaign to educate parents and caregivers with a uniform message regarding safe sleep environments; 147792  
147793  
147794

(B) The Progesterone Prematurity Prevention Project to enable prenatal care providers to identify, screen, treat, and track outcomes for women eligible for progesterone supplementation; and 147795  
147796  
147797

(C) The Prenatal Smoking Cessation Project to enable prenatal care providers who work with women of reproductive age, including pregnant women, to have the tools, training, and technical assistance needed to treat smokers effectively. 147798  
147799  
147800  
147801

TARGETED HEALTH CARE SERVICES OVER 21 147802

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program. 147803  
147804  
147805  
147806

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMh) participants for the Cystic Fibrosis Program. 147807  
147808  
147809  
147810  
147811  
147812

The Department shall expend all of these funds. 147813

GENETICS SERVICES 147814

The foregoing appropriation item 440608, Genetics Services (Fund 4D60), shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency. 147815  
147816  
147817  
147818  
147819

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| MEDICALLY HANDICAPPED CHILDREN AUDIT                               | 147820 |
| The Medically Handicapped Children Audit Fund (Fund 4770)          | 147821 |
| shall receive revenue from audits of hospitals and recoveries from | 147822 |
| third-party payers. Moneys may be expended for payment of audit    | 147823 |
| settlements and for costs directly related to obtaining recoveries | 147824 |
| from third-party payers and for encouraging Medically Handicapped  | 147825 |
| Children's Program recipients to apply for third-party benefits.   | 147826 |
| Moneys also may be expended for payments for diagnostic and        | 147827 |
| treatment services on behalf of medically handicapped children, as | 147828 |
| defined in division (A) of section 3701.022 of the Revised Code,   | 147829 |
| and Ohio residents who are twenty-one or more years of age and who | 147830 |
| are suffering from cystic fibrosis or hemophilia. Moneys may also  | 147831 |
| be expended for administrative expenses incurred in operating the  | 147832 |
| Medically Handicapped Children's Program.                          | 147833 |
| MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS                | 147834 |
| The foregoing appropriation item 440607, Medically                 | 147835 |
| Handicapped Children - County Assessments (Fund 6660), shall be    | 147836 |
| used to make payments under division (E) of section 3701.023 of    | 147837 |
| the Revised Code.                                                  | 147838 |
| CASH TRANSFER FROM THE PUBLIC HEALTH PRIORITIES TRUST FUND TO      | 147839 |
| THE TOBACCO USE PREVENTION FUND                                    | 147840 |
| On July 1, 2013, or as soon as possible thereafter, the            | 147841 |
| Director of Budget and Management shall transfer \$2,439,230 cash  | 147842 |
| from the Public Health Priorities Trust Fund (Fund L087) to the    | 147843 |
| Tobacco Use Prevention Fund (Fund 5BX0) to meet the operating      | 147844 |
| needs of the Department of Health's tobacco enforcement and        | 147845 |
| cessation efforts.                                                 | 147846 |
| <b>Section 285.30.</b> DEPARTMENT OF HEALTH'S APPROPRIATION ITEM   | 147847 |
| STRUCTURE                                                          | 147848 |
| Upon request from the Director of Health, the Director of          | 147849 |

Budget and Management may establish new funds, new appropriation 147850  
 items, and appropriations in order to support the transition to a 147851  
 new appropriation item structure in the Department of Health's 147852  
 budget. Also, upon request of the Director of Health, the Director 147853  
 of Budget and Management may transfer appropriations between GRF 147854  
 appropriation items, transfer cash between any funds used by the 147855  
 Department of Health, abolish existing funds used by the 147856  
 Department of Health, and cancel and reestablish encumbrances. Any 147857  
 establishment of new funds or appropriation items, any transfers 147858  
 of appropriations or cash, and any increases in appropriation 147859  
 under this section are subject to Controlling Board approval. 147860

**Section 287.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION** 147861

Agency Fund Group 147862

|                              |                    |    |        |    |        |        |
|------------------------------|--------------------|----|--------|----|--------|--------|
| 4610 372601                  | Operating Expenses | \$ | 12,500 | \$ | 12,500 | 147863 |
| TOTAL AGY                    | Agency Fund Group  | \$ | 12,500 | \$ | 12,500 | 147864 |
| TOTAL ALL BUDGET FUND GROUPS |                    | \$ | 12,500 | \$ | 12,500 | 147865 |

**Section 289.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS** 147867

General Revenue Fund 147868

|            |                      |    |         |    |         |        |
|------------|----------------------|----|---------|----|---------|--------|
| GRF 148100 | Personal Services    | \$ | 279,998 | \$ | 279,998 | 147869 |
| GRF 148402 | Community Programs   | \$ | 44,924  | \$ | 44,924  | 147870 |
| TOTAL GRF  | General Revenue Fund | \$ | 324,922 | \$ | 324,922 | 147871 |

General Services Fund Group 147872

|                              |                     |    |         |    |         |        |
|------------------------------|---------------------|----|---------|----|---------|--------|
| 6010 148602                  | Special Initiatives | \$ | 24,558  | \$ | 24,558  | 147873 |
| TOTAL GSF                    | General Services    |    |         |    |         | 147874 |
| Fund Group                   |                     | \$ | 24,558  | \$ | 24,558  | 147875 |
| TOTAL ALL BUDGET FUND GROUPS |                     | \$ | 349,480 | \$ | 349,480 | 147876 |

**Section 291.10. OHS OHIO HISTORICAL SOCIETY** 147878

General Revenue Fund 147879

|            |               |    |           |    |           |        |
|------------|---------------|----|-----------|----|-----------|--------|
| GRF 360501 | Education and | \$ | 3,618,997 | \$ | 3,618,997 | 147880 |
|------------|---------------|----|-----------|----|-----------|--------|

|                              |        |                      |    |           |    |                   |
|------------------------------|--------|----------------------|----|-----------|----|-------------------|
|                              |        | Collections          |    |           |    |                   |
| GRF                          | 360502 | Site and Museum      | \$ | 4,426,288 | \$ | 4,926,288 147881  |
|                              |        | Operations           |    |           |    |                   |
| GRF                          | 360504 | Ohio Preservation    | \$ | 290,000   | \$ | 290,000 147882    |
|                              |        | Office               |    |           |    |                   |
| GRF                          | 360505 | National             | \$ | 414,798   | \$ | 414,798 147883    |
|                              |        | Afro-American Museum |    |           |    |                   |
| GRF                          | 360506 | Hayes Presidential   | \$ | 309,147   | \$ | 309,147 147884    |
|                              |        | Center               |    |           |    |                   |
| GRF                          | 360508 | State Historical     | \$ | 550,000   | \$ | 400,000 147885    |
|                              |        | Grants               |    |           |    |                   |
| GRF                          | 360509 | Outreach and         | \$ | 90,395    | \$ | 90,395 147886     |
|                              |        | Partnership          |    |           |    |                   |
| TOTAL GRF                    |        | General Revenue Fund | \$ | 9,699,625 | \$ | 10,049,625 147887 |
|                              |        | Agency Fund Group    |    |           |    | 147888            |
| 5KL0                         | 360602 | Ohio History Tax     | \$ | 250,000   | \$ | 250,000 147889    |
|                              |        | Check-off            |    |           |    |                   |
| TOTAL AGY                    |        | Agency Fund Group    | \$ | 250,000   | \$ | 250,000 147890    |
| TOTAL ALL BUDGET FUND GROUPS |        |                      | \$ | 9,949,625 | \$ | 10,299,625 147891 |

SUBSIDY APPROPRIATION 147892

Upon approval by the Director of Budget and Management, the 147893  
foregoing appropriation items shall be released to the Ohio 147894  
Historical Society in quarterly amounts that in total do not 147895  
exceed the annual appropriations. The funds and fiscal records of 147896  
the society for fiscal year 2014 and fiscal year 2015 shall be 147897  
examined by independent certified public accountants approved by 147898  
the Auditor of State, and a copy of the audited financial 147899  
statements shall be filed with the Office of Budget and 147900  
Management. The society shall prepare and submit to the Office of 147901  
Budget and Management the following: 147902

(A) An estimated operating budget for each fiscal year of the 147903  
biennium. The operating budget shall be submitted at or near the 147904

beginning of each calendar year. 147905

(B) Financial reports, indicating actual receipts and 147906  
expenditures for the fiscal year to date. These reports shall be 147907  
filed at least semiannually during the fiscal biennium. 147908

The foregoing appropriations shall be considered to be the 147909  
contractual consideration provided by the state to support the 147910  
state's offer to contract with the Ohio Historical Society under 147911  
section 149.30 of the Revised Code. 147912

STATE HISTORICAL GRANTS 147913

Of the foregoing appropriation item 360508, State Historical 147914  
Grants, \$200,000 in each fiscal year shall be used for the 147915  
Cincinnati Museum Center, \$200,000 in each fiscal year shall be 147916  
used for the Western Reserve Historical Society, and \$150,000 in 147917  
fiscal year 2014 shall be used to complete renovations and 147918  
additional construction work on the Chardon Heritage House. 147919

**Section 293.10.** REP OHIO HOUSE OF REPRESENTATIVES 147920

General Revenue Fund 147921

|            |                      |    |            |    |            |        |
|------------|----------------------|----|------------|----|------------|--------|
| GRF 025321 | Operating Expenses   | \$ | 21,031,091 | \$ | 21,031,091 | 147922 |
| TOTAL GRF  | General Revenue Fund | \$ | 21,031,091 | \$ | 21,031,091 | 147923 |

General Services Fund Group 147924

|             |                     |    |           |    |           |        |
|-------------|---------------------|----|-----------|----|-----------|--------|
| 1030 025601 | House Reimbursement | \$ | 1,433,664 | \$ | 1,433,664 | 147925 |
| 4A40 025602 | Miscellaneous Sales | \$ | 37,849    | \$ | 37,849    | 147926 |
| TOTAL GSF   | General Services    |    |           |    |           | 147927 |

|            |  |    |           |    |           |        |
|------------|--|----|-----------|----|-----------|--------|
| Fund Group |  | \$ | 1,471,513 | \$ | 1,471,513 | 147928 |
|------------|--|----|-----------|----|-----------|--------|

|                              |  |    |            |    |            |        |
|------------------------------|--|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 22,502,604 | \$ | 22,502,604 | 147929 |
|------------------------------|--|----|------------|----|------------|--------|

OPERATING EXPENSES 147930

On July 1, 2013, or as soon as possible thereafter, the Chief 147931  
Administrative Officer of the House of Representatives may certify 147932  
to the Director of Budget and Management the amount of the 147933  
unexpended, unencumbered balance of the foregoing appropriation 147934

item 025321, Operating Expenses, at the end of fiscal year 2013 to 147935  
be reappropriated to fiscal year 2014. The amount certified is 147936  
hereby reappropriated to the same appropriation item for fiscal 147937  
year 2014. 147938

On July 1, 2014, or as soon as possible thereafter, the Chief 147939  
Administrative Officer of the House of Representatives may certify 147940  
to the Director of Budget and Management the amount of the 147941  
unexpended, unencumbered balance of the foregoing appropriation 147942  
item 025321, Operating Expenses, at the end of fiscal year 2014 to 147943  
be reappropriated to fiscal year 2015. The amount certified is 147944  
hereby reappropriated to the same appropriation item for fiscal 147945  
year 2015. 147946

HOUSE REIMBURSEMENT 147947

If it is determined by the Chief Administrative Officer of 147948  
the House of Representatives that additional appropriations are 147949  
necessary for the foregoing appropriation item 025601, House 147950  
Reimbursement, the amounts are hereby appropriated. 147951

**Section 295.10.** HFA OHIO HOUSING FINANCE AGENCY 147952

State Special Revenue Fund Group 147953

5AZ0 997601 Housing Finance Agency \$ 12,526,713 \$ 12,850,014 147954

Personal Services

TOTAL SSR State Special Revenue \$ 12,526,713 \$ 12,850,014 147955

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,526,713 \$ 12,850,014 147956

**Section 297.10.** IGO OFFICE OF THE INSPECTOR GENERAL 147958

General Revenue Fund 147959

GRF 965321 Operating Expenses \$ 1,175,598 \$ 1,175,598 147960

GRF 965404 Deputy Inspector \$ 475,000 \$ 350,000 147961

General for ARRA

|                                 |    |           |    |           |        |
|---------------------------------|----|-----------|----|-----------|--------|
| TOTAL GRF General Revenue Fund  | \$ | 1,650,598 | \$ | 1,525,598 | 147962 |
| General Services Fund Group     |    |           |    |           | 147963 |
| 5FA0 965603 Deputy Inspector    | \$ | 400,000   | \$ | 400,000   | 147964 |
| General for ODOT                |    |           |    |           |        |
| 5FT0 965604 Deputy Inspector    | \$ | 425,000   | \$ | 425,000   | 147965 |
| General for BWC/OIC             |    |           |    |           |        |
| 5GI0 965605 Deputy Inspector    | \$ | 25,000    | \$ | 0         | 147966 |
| General for ARRA                |    |           |    |           |        |
| TOTAL GSF General Services Fund | \$ | 850,000   | \$ | 825,000   | 147967 |
| Group                           |    |           |    |           |        |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 2,500,598 | \$ | 2,350,598 | 147968 |

**Section 299.10. INS DEPARTMENT OF INSURANCE** 147970

|                                    |    |            |    |            |        |
|------------------------------------|----|------------|----|------------|--------|
| Federal Special Revenue Fund Group |    |            |    |            | 147971 |
| 3EV0 820610 Health Insurance       | \$ | 1,300,000  | \$ | 1,300,000  | 147972 |
| Premium Review                     |    |            |    |            |        |
| 3U50 820602 OSHIIP Operating       | \$ | 1,970,725  | \$ | 1,970,725  | 147973 |
| Grant                              |    |            |    |            |        |
| TOTAL FED Federal Special          |    |            |    |            | 147974 |
| Revenue Fund Group                 | \$ | 3,270,725  | \$ | 3,270,725  | 147975 |
| State Special Revenue Fund Group   |    |            |    |            | 147976 |
| 5540 820601 Operating Expenses -   | \$ | 180,000    | \$ | 180,000    | 147977 |
| OSHIIP                             |    |            |    |            |        |
| 5540 820606 Operating Expenses     | \$ | 27,570,433 | \$ | 24,910,367 | 147978 |
| 5550 820605 Examination            | \$ | 8,184,065  | \$ | 8,184,065  | 147979 |
| TOTAL SSR State Special Revenue    |    |            |    |            | 147980 |
| Fund Group                         | \$ | 35,934,498 | \$ | 33,274,432 | 147981 |
| TOTAL ALL BUDGET FUND GROUPS       | \$ | 39,205,223 | \$ | 36,545,157 | 147982 |

**MARKET CONDUCT EXAMINATION** 147983

When conducting a market conduct examination of any insurer 147984  
doing business in this state, the Superintendent of Insurance may 147985  
assess the costs of the examination against the insurer. The 147986



superintendent may enter into consent agreements to impose 147987  
administrative assessments or fines for conduct discovered that 147988  
may be violations of statutes or rules administered by the 147989  
Superintendent. All costs, assessments, or fines collected shall 147990  
be deposited to the credit of the Department of Insurance 147991  
Operating Fund (Fund 5540). 147992

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 147993

The Director of Budget and Management, at the request of the 147994  
Superintendent of Insurance, may transfer funds from the 147995  
Department of Insurance Operating Fund (Fund 5540), established by 147996  
section 3901.021 of the Revised Code, to the Superintendent's 147997  
Examination Fund (Fund 5550), established by section 3901.071 of 147998  
the Revised Code, only for expenses incurred in examining domestic 147999  
fraternal benefit societies as required by section 3921.28 of the 148000  
Revised Code. 148001

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 148002

Not later than the thirty-first day of July each fiscal year, 148003  
the Director of Budget and Management shall transfer \$5,000,000 148004  
from the Department of Insurance Operating Fund (Fund 5540) to the 148005  
General Revenue Fund. 148006

**Section 301.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 148007

General Revenue Fund 148008

GRF 600321 Program Support \$ 31,320,964 \$ 31,109,751 148009

GRF 600410 TANF State/Maintenance \$ 152,386,934 \$ 152,386,934 148010  
of Effort

GRF 600413 Child Care \$ 84,732,730 \$ 84,732,730 148011  
State/Maintenance of  
Effort

GRF 600416 Information Technology \$ 54,223,871 \$ 54,184,700 148012  
Projects

|            |                                                                |    |             |    |             |        |
|------------|----------------------------------------------------------------|----|-------------|----|-------------|--------|
| GRF 600420 | Child Support Programs                                         | \$ | 6,498,667   | \$ | 6,591,048   | 148013 |
| GRF 600421 | Family Assistance<br>Programs                                  | \$ | 3,161,930   | \$ | 3,161,930   | 148014 |
| GRF 600423 | Families and Children<br>Programs                              | \$ | 6,384,514   | \$ | 6,542,517   | 148015 |
| GRF 600502 | Child Support - Local                                          | \$ | 23,814,103  | \$ | 23,814,103  | 148016 |
| GRF 600511 | Disability Financial<br>Assistance                             | \$ | 22,000,000  | \$ | 22,000,000  | 148017 |
| GRF 600521 | Family Assistance -<br>Local                                   | \$ | 41,282,751  | \$ | 41,282,751  | 148018 |
| GRF 600523 | Family and Children<br>Services                                | \$ | 54,105,323  | \$ | 54,105,323  | 148019 |
| GRF 600528 | Adoption Services                                              |    |             |    |             | 148020 |
|            | State                                                          | \$ | 28,623,389  | \$ | 28,623,389  | 148021 |
|            | Federal                                                        | \$ | 38,202,557  | \$ | 38,202,557  | 148022 |
|            | Adoption Services Total                                        | \$ | 66,825,946  | \$ | 66,825,946  | 148023 |
| GRF 600533 | Child, Family, and<br>Adult Community &<br>Protective Services | \$ | 13,500,000  | \$ | 13,500,000  | 148024 |
| GRF 600534 | Adult Protective<br>Services                                   | \$ | 366,003     | \$ | 366,003     | 148025 |
| GRF 600535 | Early Care and<br>Education                                    | \$ | 123,596,474 | \$ | 123,596,474 | 148026 |
| GRF 600540 | Food Banks                                                     | \$ | 6,000,000   | \$ | 6,000,000   | 148027 |
| GRF 600541 | Kinship Permanency<br>Incentive Program                        | \$ | 3,500,000   | \$ | 3,500,000   | 148028 |
| GRF 655522 | Medicaid Program<br>Support - Local                            | \$ | 31,067,970  | \$ | 31,067,970  | 148029 |
| GRF 655523 | Medicaid Program<br>Support - Local<br>Transportation          | \$ | 30,680,495  | \$ | 30,680,495  | 148030 |
| TOTAL GRF  | General Revenue Fund                                           |    |             |    |             | 148031 |
|            | State                                                          | \$ | 717,246,118 | \$ | 717,246,118 | 148032 |

|                                    |           |                       |    |             |    |             |                                      |
|------------------------------------|-----------|-----------------------|----|-------------|----|-------------|--------------------------------------|
|                                    | Federal   |                       | \$ | 38,202,557  | \$ | 38,202,557  | 148033                               |
|                                    | GRF Total |                       | \$ | 755,448,675 | \$ | 755,448,675 | 148034                               |
| General Services Fund Group        |           |                       |    |             |    |             | 148035                               |
| 4A80                               | 600658    | Public Assistance     | \$ | 34,000,000  | \$ | 34,000,000  | 148036                               |
|                                    |           | Activities            |    |             |    |             |                                      |
| 5DM0                               | 600633    | Administration &      | \$ | 19,660,339  | \$ | 19,660,339  | 148037                               |
|                                    |           | Operating             |    |             |    |             |                                      |
| 5HC0                               | 600695    | Unemployment          | \$ | 60,000,000  | \$ | 60,000,000  | 148038                               |
|                                    |           | Compensation Interest |    |             |    |             |                                      |
| 5HL0                               | 600602    | State and County      | \$ | 3,020,000   | \$ | 3,020,000   | 148039                               |
|                                    |           | Shared Services       |    |             |    |             |                                      |
| 6130                               | 600645    | Training Activities   | \$ | 100,000     | \$ | 92,989      | 148040                               |
| TOTAL GSF General Services         |           |                       |    |             |    |             | 148041                               |
| Fund Group                         |           |                       |    |             |    |             | \$ 116,780,339 \$ 116,773,328 148042 |
| Federal Special Revenue Fund Group |           |                       |    |             |    |             | 148043                               |
| 3270                               | 600606    | Child Welfare         | \$ | 29,769,866  | \$ | 29,769,866  | 148044                               |
| 3310                               | 600615    | Veterans Programs     | \$ | 8,000,000   | \$ | 8,000,000   | 148045                               |
| 3310                               | 600624    | Employment Services   | \$ | 26,000,000  | \$ | 26,000,000  | 148046                               |
|                                    |           | Programs              |    |             |    |             |                                      |
| 3310                               | 600686    | Workforce Programs    | \$ | 6,260,000   | \$ | 6,260,000   | 148047                               |
| 3840                               | 600610    | Food Assistance       | \$ | 209,333,246 | \$ | 180,381,394 | 148048                               |
|                                    |           | Programs              |    |             |    |             |                                      |
| 3850                               | 600614    | Refugee Services      | \$ | 12,564,952  | \$ | 12,564,952  | 148049                               |
| 3950                               | 600616    | Federal Discretionary | \$ | 2,259,264   | \$ | 2,259,264   | 148050                               |
|                                    |           | Grants                |    |             |    |             |                                      |
| 3960                               | 600620    | Social Services Block | \$ | 47,000,000  | \$ | 47,000,000  | 148051                               |
|                                    |           | Grant                 |    |             |    |             |                                      |
| 3970                               | 600626    | Child Support -       | \$ | 235,000,000 | \$ | 235,000,000 | 148052                               |
|                                    |           | Federal               |    |             |    |             |                                      |
| 3980                               | 600627    | Adoption Program -    | \$ | 174,178,779 | \$ | 174,178,779 | 148053                               |
|                                    |           | Federal               |    |             |    |             |                                      |
| 3A20                               | 600641    | Emergency Food        | \$ | 5,000,000   | \$ | 5,000,000   | 148054                               |

|                       |        |                         |    |               |    |                      |
|-----------------------|--------|-------------------------|----|---------------|----|----------------------|
|                       |        | Distribution            |    |               |    |                      |
| 3D30                  | 600648 | Children's Trust Fund   | \$ | 3,477,699     | \$ | 3,477,699 148055     |
|                       |        | Federal                 |    |               |    |                      |
| 3F01                  | 655624 | Medicaid Program        | \$ | 110,680,495   | \$ | 110,680,495 148056   |
|                       |        | Support                 |    |               |    |                      |
| 3H70                  | 600617 | Child Care Federal      | \$ | 241,987,805   | \$ | 222,212,089 148057   |
| 3N00                  | 600628 | Foster Care Program -   | \$ | 311,968,616   | \$ | 311,968,616 148058   |
|                       |        | Federal                 |    |               |    |                      |
| 3S50                  | 600622 | Child Support Projects  | \$ | 534,050       | \$ | 534,050 148059       |
| 3V00                  | 600688 | Workforce Investment    | \$ | 136,000,000   | \$ | 136,000,000 148060   |
|                       |        | Act Programs            |    |               |    |                      |
| 3V40                  | 600678 | Federal Unemployment    | \$ | 182,814,212   | \$ | 182,814,212 148061   |
|                       |        | Programs                |    |               |    |                      |
| 3V40                  | 600679 | UC Review Commission -  | \$ | 6,185,788     | \$ | 6,185,788 148062     |
|                       |        | Federal                 |    |               |    |                      |
| 3V60                  | 600689 | TANF Block Grant        | \$ | 777,957,809   | \$ | 790,304,845 148063   |
| TOTAL FED             |        | Federal Special Revenue |    |               |    | 148064               |
| Fund Group            |        |                         | \$ | 2,526,972,581 | \$ | 2,490,592,049 148065 |
| State Special Revenue |        | Fund Group              |    |               |    | 148066               |
| 1980                  | 600647 | Children's Trust Fund   | \$ | 5,873,848     | \$ | 5,873,848 148067     |
| 4A90                  | 600607 | Unemployment            | \$ | 9,006,000     | \$ | 9,006,000 148068     |
|                       |        | Compensation            |    |               |    |                      |
|                       |        | Administration Fund     |    |               |    |                      |
| 4E70                  | 600604 | Family and Children     | \$ | 400,000       | \$ | 400,000 148069       |
|                       |        | Services Collections    |    |               |    |                      |
| 4F10                  | 600609 | Family and Children     | \$ | 683,549       | \$ | 683,549 148070       |
|                       |        | Activities              |    |               |    |                      |
| 5DB0                  | 600637 | Military Injury Relief  | \$ | 2,000,000     | \$ | 2,000,000 148071     |
|                       |        | Subsidies               |    |               |    |                      |
| 5DP0                  | 600634 | Adoption Assistance     | \$ | 500,000       | \$ | 500,000 148072       |
|                       |        | Loan                    |    |               |    |                      |
| 5ES0                  | 600630 | Food Bank Assistance    | \$ | 500,000       | \$ | 500,000 148073       |
| 5KU0                  | 600611 | Unemployment            | \$ | 2,000,000     | \$ | 2,000,000 148074     |

|                              |        |                           |    |               |    |                      |
|------------------------------|--------|---------------------------|----|---------------|----|----------------------|
|                              |        | Compensation Support -    |    |               |    |                      |
|                              |        | Other Sources             |    |               |    |                      |
| 5NG0                         | 600660 | Victims of Human          | \$ | 100,000       | \$ | 100,000 148075       |
|                              |        | Trafficking               |    |               |    |                      |
| 5U60                         | 600663 | Family and Children       | \$ | 4,000,000     | \$ | 4,000,000 148076     |
|                              |        | Support                   |    |               |    |                      |
| TOTAL SSR                    |        | State Special Revenue     |    |               |    | 148077               |
| Fund Group                   |        |                           | \$ | 25,063,397    | \$ | 25,063,397 148078    |
| Agency Fund Group            |        |                           |    |               |    | 148079               |
| 1920                         | 600646 | Child Support             | \$ | 129,250,000   | \$ | 129,250,000 148080   |
|                              |        | Intercept - Federal       |    |               |    |                      |
| 5830                         | 600642 | Child Support             | \$ | 14,000,000    | \$ | 14,000,000 148081    |
|                              |        | Intercept - State         |    |               |    |                      |
| 5B60                         | 600601 | Food Assistance           | \$ | 1,000,000     | \$ | 1,000,000 148082     |
|                              |        | Intercept                 |    |               |    |                      |
| TOTAL AGY                    |        | Agency Fund Group         | \$ | 144,250,000   | \$ | 144,250,000 148083   |
| Holding Account              |        | Redistribution Fund Group |    |               |    | 148084               |
| R012                         | 600643 | Refunds and Audit         | \$ | 2,200,000     | \$ | 2,200,000 148085     |
|                              |        | Settlements               |    |               |    |                      |
| R013                         | 600644 | Forgery Collections       | \$ | 10,000        | \$ | 10,000 148086        |
| TOTAL 090                    |        | Holding Account           | \$ | 2,210,000     | \$ | 2,210,000 148087     |
| Redistribution Fund Group    |        |                           |    |               |    |                      |
| TOTAL ALL BUDGET FUND GROUPS |        |                           | \$ | 3,570,724,992 | \$ | 3,534,337,449 148088 |

**Section 301.20.** TRANSFER TO STATE AND COUNTY SHARED SERVICES 148090

FUND 148091

Within thirty days of the effective date of this act, or as 148092

soon as possible thereafter, the Director of Budget and Management 148093

shall transfer the cash balance in the County Technologies Fund 148094

(Fund 5N10) to the State and County Shared Services Fund (Fund 148095

5HL0). 148096

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| <b>Section 301.30.</b> AGENCY AND HOLDING ACCOUNT REDISTRIBUTION   | 148097 |
| FUND GROUPS                                                        | 148098 |
| The Agency Fund Group and Holding Account Redistribution Fund      | 148099 |
| Group shall be used to hold revenues until the appropriate fund is | 148100 |
| determined or until the revenues are directed to the appropriate   | 148101 |
| governmental agency other than the Department of Job and Family    | 148102 |
| Services. If receipts credited to the Support Intercept - Federal  | 148103 |
| Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830),  | 148104 |
| the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit      | 148105 |
| Settlements Fund (Fund R012), or the Forgery Collections Fund      | 148106 |
| (Fund R013) exceed the amounts appropriated from the fund, the     | 148107 |
| Director of Job and Family Services may request the Director of    | 148108 |
| Budget and Management to authorize expenditures from the fund in   | 148109 |
| excess of the amounts appropriated. Upon the approval of the       | 148110 |
| Director of Budget and Management, the additional amounts are      | 148111 |
| hereby appropriated.                                               | 148112 |
| <b>Section 301.33.</b> BIG BROTHERS BIG SISTERS                    | 148113 |
| Of the foregoing appropriation item 600410, TANF                   | 148114 |
| State/Maintenance of Effort, \$1,000,000 in each fiscal year shall | 148115 |
| be provided, in accordance with sections 5101.80 and 5101.801 of   | 148116 |
| the Revised Code, to Big Brothers Big Sisters of Central Ohio to   | 148117 |
| provide mentoring services to children of incarcerated parents     | 148118 |
| throughout the state.                                              | 148119 |
| <b>Section 301.40.</b> COUNTY ADMINISTRATIVE FUNDS                 | 148120 |
| (A) The foregoing appropriation item 600521, Family                | 148121 |
| Assistance - Local, may be provided to county departments of job   | 148122 |
| and family services to administer food assistance and disability   | 148123 |
| assistance programs.                                               | 148124 |
| (B) The foregoing appropriation item 655522, Medicaid Program      | 148125 |

Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 148126  
148127  
148128

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local, in order to ensure county administrative funds are expended from the proper appropriation item. 148129  
148130  
148131  
148132  
148133  
148134

(D) Of the foregoing appropriation item 600521, Family Assistance - Local, \$150,000 in each fiscal year shall be provided to children's crisis care facilities, as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds based on the number of children at each facility. A children's crisis care facility may decline to receive funds provided for under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and rule 5101:2-9-36 of the Administrative Code. 148135  
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148144

**Section 301.50. FOOD STAMPS TRANSFER** 148145

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0). 148146  
148147  
148148  
148149

**Section 301.60. NAME OF FOOD STAMP PROGRAM** 148150

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program or the Food Assistance Program in rules and documents of the Department 148151  
148152  
148153  
148154  
148155

of Job and Family Services. 148156

**Section 301.70.** OHIO ASSOCIATION OF FOOD BANKS 148157

The foregoing appropriation item 600540, Food Banks, shall be 148158  
used to provide funds to the Ohio Association of Food Banks to 148159  
purchase and distribute food products. 148160

Notwithstanding section 5101.46 of the Revised Code and any 148161  
other provision in this bill, in addition to funds designated for 148162  
the Ohio Association of Food Banks in this section, in fiscal year 148163  
2014 and fiscal year 2015, the Director of Job and Family Services 148164  
shall provide assistance from eligible funds to the Ohio 148165  
Association of Food Banks in an amount up to or equal to the 148166  
assistance provided in state fiscal year 2013 from all funds used 148167  
by the Department, except the General Revenue Fund. 148168

Eligible nonfederal expenditures made by member food banks of 148169  
the Association shall be counted by the Department of Job and 148170  
Family Services toward the TANF maintenance of effort requirements 148171  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 148172  
shall enter into an agreement with the Ohio Association of Food 148173  
Banks, in accordance with sections 5101.80 and 5101.801 of the 148174  
Revised Code, to carry out the requirements under this section. 148175

**Section 301.80.** PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 148176

The foregoing appropriation item 600658, Public Assistance 148177  
Activities, shall be used by the Department of Job and Family 148178  
Services to meet the TANF maintenance of effort requirements of 42 148179  
U.S.C. 609(a)(7). When the state is assured that it will meet the 148180  
maintenance of effort requirement, the Department of Job and 148181  
Family Services may use funds from appropriation item 600658, 148182  
Public Assistance Activities, to support public assistance 148183  
activities. 148184



**Section 301.90.** GOVERNOR'S OFFICE OF FAITH-BASED AND 148185  
COMMUNITY INITIATIVES 148186

Of the foregoing appropriation item 600689, TANF Block Grant, 148187  
up to \$6,540,000 in each fiscal year shall be used, in accordance 148188  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 148189  
support to programs or organizations that provide services that 148190  
align with the mission and goals of the Governor's Office of 148191  
Faith-Based and Community Initiatives, as outlined in section 148192  
107.12 of the Revised Code, and that further at least one of the 148193  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 148194

**Section 301.100.** INDEPENDENT LIVING INITIATIVE 148195

Of the foregoing appropriation item 600689, TANF Block Grant, 148196  
up to \$2,000,000 in each fiscal year shall be used, in accordance 148197  
with sections 5101.80 and 5101.801 of the Revised Code, to support 148198  
the Independent Living Initiative, including life skills training 148199  
and work supports for older children in foster care and those who 148200  
have recently aged out of foster care. 148201

**Section 301.110.** KINSHIP PERMANENCY INCENTIVE PROGRAM 148202

Of the foregoing appropriation item 600689, TANF Block Grant, 148203  
\$1,750,000 in each fiscal year shall be used to support the 148204  
activities of the Kinship Permanency Incentive Program established 148205  
in section 5101.802 of the Revised Code. 148206

**Section 301.120.** OHIO COMMISSION ON FATHERHOOD 148207

Of the foregoing appropriation item 600689, TANF Block Grant, 148208  
\$1,000,000 in each fiscal year shall be provided to the Ohio 148209  
Commission on Fatherhood. 148210

**Section 301.123.** OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 148211

Of the foregoing appropriation item 600689, TANF Block Grant, 148212  
\$500,000 in each fiscal year shall be provided, in accordance with 148213  
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 148214  
Alliance of Boys and Girls Clubs to provide after-school programs 148215  
that protect at-risk children and enable youth to become 148216  
responsible adults. 148217

**Section 301.130. DIFFERENTIAL RESPONSE** 148218

In accordance with an independent evaluation of the Ohio 148219  
Alternative Response Pilot Program that recommended statewide 148220  
implementation, the Department of Job and Family Services shall 148221  
plan the statewide expansion of the Ohio Alternative Response 148222  
Pilot Program on a county by county basis, through a schedule 148223  
determined by the Department. The program shall be known as the 148224  
"differential response" approach as defined in section 2151.011 of 148225  
the Revised Code. Notwithstanding provisions of Chapter 2151. of 148226  
the Revised Code that refer to "differential response," 148227  
"traditional response," and "alternative response," those 148228  
provisions shall become effective on the scheduled date of 148229  
expansion of the differential response approach to that county. 148230  
Prior to statewide implementation, the Department may adopt rules 148231  
in accordance with Chapter 119. of the Revised Code as necessary 148232  
to carry out the purposes of this section. 148233

**Section 301.140. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 148234

In collaboration with the county family and children first 148235  
council, a county department of job and family services or public 148236  
children services agency that receives an allocation from the 148237  
Department of Job and Family Services from the foregoing 148238  
appropriation item 600523, Children and Families Services, or 148239  
600533, Child, Family, and Adult Community & Protective Services, 148240  
may transfer a portion of either or both allocations to a flexible 148241

funding pool as authorized by the section of this act titled 148242  
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 148243

**Section 301.150.** CHILD, FAMILY, AND ADULT COMMUNITY AND 148244  
PROTECTIVE SERVICES 148245

(A) The foregoing appropriation item 600533, Child, Family, 148246  
and Adult Community & Protective Services, shall be distributed to 148247  
each county department of job and family services using the 148248  
formula the Department of Job and Family Services uses when 148249  
distributing Title XX funds to county departments of job and 148250  
family services under section 5101.46 of the Revised Code. County 148251  
departments shall use the funds distributed to them under this 148252  
section as follows, in accordance with the written plan of 148253  
cooperation entered into under section 307.983 of the Revised 148254  
Code: 148255

(1) To assist individuals achieve or maintain 148256  
self-sufficiency, including by reducing or preventing dependency 148257  
among individuals with family income not exceeding two hundred per 148258  
cent of the federal poverty guidelines; 148259

(2) Subject to division (B) of this section, to respond to 148260  
reports of abuse, neglect, or exploitation of children and adults, 148261  
including through the differential response approach program 148262  
developed under Section 309.50.10 of this act; 148263

(3) To provide outreach and referral services regarding home 148264  
and community-based services to individuals at risk of placement 148265  
in a group home or institution, regardless of the individuals' 148266  
family income and without need for a written application; 148267

(4) To provide outreach, referral, application assistance, 148268  
and other services to assist individuals receive assistance, 148269  
benefits, or services under Medicaid; Title IV-A programs, as 148270  
defined in section 5101.80 of the Revised Code; the Supplemental 148271

Nutrition Assistance Program; and other public assistance programs. 148272  
148273

(B) Protective services may be provided to a child or adult 148274  
as part of a response, under division (A)(2) of this section, to a 148275  
report of abuse, neglect, or exploitation without regard to a 148276  
child or adult's family income and without need for a written 148277  
application. The protective services may be provided if the case 148278  
record documents circumstances of actual or potential abuse, 148279  
neglect, or exploitation. 148280

**Section 301.160. CHILDREN AND FAMILY SERVICES ACTIVITIES** 148281

The foregoing appropriation item 600609, Children and Family 148282  
Services Activities, shall be used to expend miscellaneous 148283  
foundation funds and grants to support children and family 148284  
services activities. 148285

**Section 301.170. ADOPTION ASSISTANCE LOAN** 148286

Of the foregoing appropriation item 600634, Adoption 148287  
Assistance Loan, the Department of Job and Family Services may use 148288  
up to ten per cent for administration of adoption assistance loans 148289  
pursuant to section 3107.018 of the Revised Code. 148290

**Section 301.173. VICTIMS OF HUMAN TRAFFICKING** 148291

The foregoing appropriation item 600660, Victims of Human 148292  
Trafficking, shall be used to provide treatment, care, 148293  
rehabilitation, education, housing, and assistance for victims of 148294  
trafficking in persons as specified in section 5101.87 of the 148295  
Revised Code. If receipts credited to the Victims of Human 148296  
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 148297  
the fund, the Director of Job and Family Services may request the 148298  
Director of Budget and Management to authorize expenditures from 148299  
the fund in excess of the amounts appropriated. Upon the approval 148300

of the Director of Budget and Management, the additional amounts 148301  
are hereby appropriated. 148302

**Section 301.180. FEDERAL UNEMPLOYMENT PROGRAMS** 148303

All unexpended funds remaining at the end of fiscal year 2013 148304  
that were appropriated and made available to the state under 148305  
section 903(d) of the Social Security Act, as amended, in the 148306  
foregoing appropriation item 600678, Federal Unemployment Programs 148307  
(Fund 3V40), are hereby appropriated to the Department of Job and 148308  
Family Services. Upon the request of the Director of Job and 148309  
Family Services, the Director of Budget and Management may 148310  
increase the appropriation for fiscal year 2014 by the amount 148311  
remaining unspent from the fiscal year 2013 appropriation and may 148312  
increase the appropriation for fiscal year 2015 by the amount 148313  
remaining unspent from the fiscal year 2014 appropriation. The 148314  
appropriation shall be used under the direction of the Department 148315  
of Job and Family Services to pay for administrative activities 148316  
for the Unemployment Insurance Program, employment services, and 148317  
other allowable expenditures under section 903(d) of the Social 148318  
Security Act, as amended. 148319

The amounts obligated pursuant to this section shall not 148320  
exceed at any time the amount by which the aggregate of the 148321  
amounts transferred to the account of the state under section 148322  
903(d) of the Social Security Act, as amended, exceeds the 148323  
aggregate of the amounts obligated for administration and paid out 148324  
for benefits and required by law to be charged against the amounts 148325  
transferred to the account of the state. 148326

**Section 301.190. UNEMPLOYMENT COMPENSATION INTEREST** 148327

The foregoing appropriation item 600695, Unemployment 148328  
Compensation Interest, shall be used for payment of interest costs 148329  
paid to the United States Secretary of the Treasury for the 148330

repayment of accrued interest related to federal unemployment 148331  
account borrowing. 148332

**Section 303.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 148333

General Revenue Fund 148334

GRF 029321 Operating Expenses \$ 455,858 \$ 456,376 148335

TOTAL GRF General Revenue Fund \$ 455,858 \$ 456,376 148336

TOTAL ALL BUDGET FUND GROUPS \$ 455,858 \$ 456,376 148337

OPERATING GUIDANCE 148338

The Chief Administrative Officer of the House of 148339  
Representatives and the Clerk of the Senate shall determine, by 148340  
mutual agreement, which of them shall act as fiscal agent for the 148341  
Joint Committee on Agency Rule Review. Members of the Committee 148342  
shall be paid in accordance with section 101.35 of the Revised 148343  
Code. 148344

OPERATING EXPENSES 148345

On July 1, 2013, or as soon as possible thereafter, the 148346  
Executive Director of the Joint Committee on Agency Rule Review 148347  
may certify to the Director of Budget and Management the amount of 148348  
the unexpended, unencumbered balance of the foregoing 148349  
appropriation item 029321, Operating Expenses, at the end of 148350  
fiscal year 2013 to be reappropriated to fiscal year 2014. The 148351  
amount certified is hereby reappropriated to the same 148352  
appropriation item for fiscal year 2014. 148353

On July 1, 2014, or as soon as possible thereafter, the 148354  
Executive Director of the Joint Committee on Agency Rule Review 148355  
may certify to the Director of Budget and Management the amount of 148356  
the unexpended, unencumbered balance of the foregoing 148357  
appropriation item 029321, Operating Expenses, at the end of 148358  
fiscal year 2014 to be reappropriated to fiscal year 2015. The 148359  
amount certified is hereby reappropriated to the same 148360

|                                                                     |    |           |              |        |
|---------------------------------------------------------------------|----|-----------|--------------|--------|
| appropriation item for fiscal year 2015.                            |    |           |              | 148361 |
| <b>Section 305.10. JCO JUDICIAL CONFERENCE OF OHIO</b>              |    |           |              | 148362 |
| General Revenue Fund                                                |    |           |              | 148363 |
| GRF 018321 Operating Expenses                                       | \$ | 824,900   | \$ 847,200   | 148364 |
| TOTAL GRF General Revenue Fund                                      | \$ | 824,900   | \$ 847,200   | 148365 |
| General Services Fund Group                                         |    |           |              | 148366 |
| 4030 018601 Ohio Jury                                               | \$ | 385,000   | \$ 385,000   | 148367 |
| Instructions                                                        |    |           |              |        |
| TOTAL GSF General Services Fund                                     | \$ | 385,000   | \$ 385,000   | 148368 |
| Group                                                               |    |           |              |        |
| TOTAL ALL BUDGET FUND GROUPS                                        | \$ | 1,209,900 | \$ 1,232,200 | 148369 |
| STATE COUNCIL OF UNIFORM STATE LAWS                                 |    |           |              | 148370 |
| Notwithstanding section 105.26 of the Revised Code, of the          |    |           |              | 148371 |
| foregoing appropriation item 018321, Operating Expenses, up to      |    |           |              | 148372 |
| \$84,900 in fiscal year 2014 and up to \$88,300 in fiscal year 2015 |    |           |              | 148373 |
| shall be used to pay the expenses of the State Council of Uniform   |    |           |              | 148374 |
| State Laws, including membership dues to the National Conference    |    |           |              | 148375 |
| of Commissioners on Uniform State Laws.                             |    |           |              | 148376 |
| OHIO JURY INSTRUCTIONS FUND                                         |    |           |              | 148377 |
| The Ohio Jury Instructions Fund (Fund 4030) shall consist of        |    |           |              | 148378 |
| grants, royalties, dues, conference fees, bequests, devises, and    |    |           |              | 148379 |
| other gifts received for the purpose of supporting costs incurred   |    |           |              | 148380 |
| by the Judicial Conference of Ohio in its activities as a part of   |    |           |              | 148381 |
| the judicial system of the state as determined by the Judicial      |    |           |              | 148382 |
| Conference Executive Committee. Fund 4030 shall be used by the      |    |           |              | 148383 |
| Judicial Conference of Ohio to pay expenses incurred in its         |    |           |              | 148384 |
| activities as a part of the judicial system of the state as         |    |           |              | 148385 |
| determined by the Judicial Conference Executive Committee. All      |    |           |              | 148386 |
| moneys accruing to Fund 4030 in excess of \$385,000 in fiscal year  |    |           |              | 148387 |
| 2014 and in excess of \$385,000 in fiscal year 2015 are hereby      |    |           |              | 148388 |

|                                                                    |    |             |    |             |
|--------------------------------------------------------------------|----|-------------|----|-------------|
| appropriated for the purposes authorized.                          |    |             |    | 148389      |
| No money in Fund 4030 shall be transferred to any other fund       |    |             |    | 148390      |
| by the Director of Budget and Management or the Controlling Board. |    |             |    | 148391      |
| <b>Section 307.10. JSC THE JUDICIARY/SUPREME COURT</b>             |    |             |    | 148392      |
| General Revenue Fund                                               |    |             |    | 148393      |
| GRF 005321 Operating Expenses -                                    | \$ | 138,016,534 | \$ | 140,232,737 |
| Judiciary/Supreme Court                                            |    |             |    | 148394      |
| GRF 005406 Law-Related Education                                   | \$ | 236,172     | \$ | 236,172     |
| GRF 005409 Ohio Courts                                             | \$ | 3,350,000   | \$ | 3,350,000   |
| Technology Initiative                                              |    |             |    | 148396      |
| TOTAL GRF General Revenue Fund                                     | \$ | 141,602,706 | \$ | 143,818,909 |
| General Services Fund Group                                        |    |             |    | 148398      |
| 6720 005601 Continuing Judicial Education                          | \$ | 101,392     | \$ | 93,563      |
| TOTAL GSF General Services Fund Group                              | \$ | 101,392     | \$ | 93,563      |
| Federal Special Revenue Fund Group                                 |    |             |    | 148401      |
| 3J00 005603 Federal Grants                                         | \$ | 1,235,900   | \$ | 1,252,600   |
| TOTAL FED Federal Special Revenue Fund Group                       | \$ | 1,235,900   | \$ | 1,252,600   |
| State Special Revenue Fund Group                                   |    |             |    | 148404      |
| 4C80 005605 Attorney Services                                      | \$ | 3,923,101   | \$ | 3,915,721   |
| 5HT0 005617 Court Interpreter Certification                        | \$ | 23,000      | \$ | 23,000      |
| 5JY0 005620 County Law Library Resources Boards                    | \$ | 258,000     | \$ | 258,000     |
| 5T80 005609 Grants and Awards                                      | \$ | 25,000      | \$ | 25,000      |
| 6A80 005606 Supreme Court Admissions                               | \$ | 1,283,751   | \$ | 1,308,025   |



|                                                                    |    |             |    |             |        |
|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| TOTAL SSR State Special Revenue                                    | \$ | 5,512,852   | \$ | 5,529,746   | 148410 |
| Fund Group                                                         |    |             |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 148,452,850 | \$ | 150,694,818 | 148411 |
| OPERATING EXPENSES - JUDICIARY/SUPREME COURT                       |    |             |    |             | 148412 |
| Of the foregoing appropriation item 005321, Operating              |    |             |    |             | 148413 |
| Expenses - Judiciary/Supreme Court, up to \$206,770 in each fiscal |    |             |    |             | 148414 |
| year may be used to support the functions of the State Criminal    |    |             |    |             | 148415 |
| Sentencing Council.                                                |    |             |    |             | 148416 |
| LAW-RELATED EDUCATION                                              |    |             |    |             | 148417 |
| The foregoing appropriation item 005406, Law-Related               |    |             |    |             | 148418 |
| Education, shall be distributed directly to the Ohio Center for    |    |             |    |             | 148419 |
| Law-Related Education for the purposes of providing continuing     |    |             |    |             | 148420 |
| citizenship education activities to primary and secondary          |    |             |    |             | 148421 |
| students, expanding delinquency prevention programs, increasing    |    |             |    |             | 148422 |
| activities for at-risk youth, and accessing additional public and  |    |             |    |             | 148423 |
| private money for new programs.                                    |    |             |    |             | 148424 |
| OHIO COURTS TECHNOLOGY INITIATIVE                                  |    |             |    |             | 148425 |
| The foregoing appropriation item 005409, Ohio Courts               |    |             |    |             | 148426 |
| Technology Initiative, shall be used to fund an initiative by the  |    |             |    |             | 148427 |
| Supreme Court to facilitate the exchange of information and        |    |             |    |             | 148428 |
| warehousing of data by and between Ohio courts and other justice   |    |             |    |             | 148429 |
| system partners through the creation of an Ohio Courts Network,    |    |             |    |             | 148430 |
| the delivery of technology services to courts throughout the       |    |             |    |             | 148431 |
| state, including the provision of hardware, software, and the      |    |             |    |             | 148432 |
| development and implementation of educational and training         |    |             |    |             | 148433 |
| programs for judges and court personnel, and operation of the      |    |             |    |             | 148434 |
| Commission on Technology and the Courts by the Supreme Court for   |    |             |    |             | 148435 |
| the promulgation of statewide rules, policies, and uniform         |    |             |    |             | 148436 |
| standards, and to aid in the orderly adoption and comprehensive    |    |             |    |             | 148437 |
| use of technology in Ohio courts.                                  |    |             |    |             | 148438 |
| CONTINUING JUDICIAL EDUCATION                                      |    |             |    |             | 148439 |

The Continuing Judicial Education Fund (Fund 6720) shall 148440  
consist of fees paid by judges and court personnel for attending 148441  
continuing education courses and other gifts and grants received 148442  
for the purpose of continuing judicial education. The foregoing 148443  
appropriation item 005601, Continuing Judicial Education, shall be 148444  
used to pay expenses for continuing education courses for judges 148445  
and court personnel. If it is determined by the Administrative 148446  
Director of the Supreme Court that additional appropriations are 148447  
necessary, the amounts are hereby appropriated. 148448

No money in Fund 6720 shall be transferred to any other fund 148449  
by the Director of Budget and Management or the Controlling Board. 148450  
Interest earned on money in Fund 6720 shall be credited to the 148451  
fund. 148452

FEDERAL GRANTS 148453

The Federal Grants Fund (Fund 3J00) shall consist of grants 148454  
and other moneys awarded to the Supreme Court (The Judiciary) by 148455  
the United States Government or other entities that receive the 148456  
moneys directly from the United States Government and distribute 148457  
those moneys to the Supreme Court (The Judiciary). The foregoing 148458  
appropriation item 005603, Federal Grants, shall be used in a 148459  
manner consistent with the purpose of the grant or award. If it is 148460  
determined by the Administrative Director of the Supreme Court 148461  
that additional appropriations are necessary, the amounts are 148462  
hereby appropriated. 148463

No money in Fund 3J00 shall be transferred to any other fund 148464  
by the Director of Budget and Management or the Controlling Board. 148465  
However, interest earned on money in Fund 3J00 shall be credited 148466  
or transferred to the General Revenue Fund. 148467

ATTORNEY SERVICES 148468

The Attorney Services Fund (Fund 4C80), formerly known as the 148469  
Attorney Registration Fund, shall consist of money received by the 148470

Supreme Court (The Judiciary) pursuant to the Rules for the 148471  
Government of the Bar of Ohio. In addition to funding other 148472  
activities considered appropriate by the Supreme Court, the 148473  
foregoing appropriation item 005605, Attorney Services, may be 148474  
used to compensate employees and to fund appropriate activities of 148475  
the following offices established by the Supreme Court: the Office 148476  
of Disciplinary Counsel, the Board of Commissioners on Grievances 148477  
and Discipline, the Clients' Security Fund, and the Attorney 148478  
Services Division. If it is determined by the Administrative 148479  
Director of the Supreme Court that additional appropriations are 148480  
necessary, the amounts are hereby appropriated. 148481

No money in Fund 4C80 shall be transferred to any other fund 148482  
by the Director of Budget and Management or the Controlling Board. 148483  
Interest earned on money in Fund 4C80 shall be credited to the 148484  
fund. 148485

COURT INTERPRETER CERTIFICATION 148486

The Court Interpreter Certification Fund (Fund 5HT0) shall 148487  
consist of money received by the Supreme Court (The Judiciary) 148488  
pursuant to Rules 80 through 87 of the Rules of Superintendence 148489  
for the Courts of Ohio. The foregoing appropriation item 005617, 148490  
Court Interpreter Certification, shall be used to provide 148491  
training, to provide the written examination, and to pay language 148492  
experts to rate, or grade, the oral examinations of those applying 148493  
to become certified court interpreters. If it is determined by the 148494  
Administrative Director that additional appropriations are 148495  
necessary, the amounts are hereby appropriated. 148496

No money in Fund 5HT0 shall be transferred to any other fund 148497  
by the Director of Budget and Management or the Controlling Board. 148498  
Interest earned on money in Fund 5HT0 shall be credited to the 148499  
fund. 148500

COUNTY LAW LIBRARY RESOURCES BOARD 148501

The Statewide Consortium of County Law Library Resources 148502  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 148503  
to section 307.515 of the Revised Code into a county's law library 148504  
resources fund and forwarded by that county's treasurer for 148505  
deposit in the state treasury pursuant to division (E)(1) of 148506  
section 3375.481 of the Revised Code. The foregoing appropriation 148507  
item 005620, County Law Library Resources Board, shall be used for 148508  
the operation of the Statewide Consortium of County Law Library 148509  
Resources Boards. If it is determined by the Administrative 148510  
Director of the Supreme Court that additional appropriations are 148511  
necessary, the amounts are hereby appropriated. 148512

No money in Fund 5JY0 shall be transferred to any other fund 148513  
by the Director of Budget and Management or the Controlling Board. 148514  
Interest earned on money in Fund 5JY0 shall be credited to the 148515  
fund. 148516

GRANTS AND AWARDS 148517

The Grants and Awards Fund (Fund 5T80) shall consist of 148518  
grants and other money awarded to the Supreme Court (The 148519  
Judiciary) by the State Justice Institute, the Division of 148520  
Criminal Justice Services, or other entities. The foregoing 148521  
appropriation item 005609, Grants and Awards, shall be used in a 148522  
manner consistent with the purpose of the grant or award. If it is 148523  
determined by the Administrative Director of the Supreme Court 148524  
that additional appropriations are necessary, the amounts are 148525  
hereby appropriated. 148526

No money in Fund 5T80 shall be transferred to any other fund 148527  
by the Director of Budget and Management or the Controlling Board. 148528  
However, interest earned on money in Fund 5T80 shall be credited 148529  
or transferred to the General Revenue Fund. 148530

SUPREME COURT ADMISSIONS 148531

The foregoing appropriation item 005606, Supreme Court 148532

Admissions, shall be used to compensate Supreme Court employees 148533  
 who are primarily responsible for administering the attorney 148534  
 admissions program under the Rules for the Government of the Bar 148535  
 of Ohio, and to fund any other activities considered appropriate 148536  
 by the court. Moneys shall be deposited into the Supreme Court 148537  
 Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 148538  
 Government of the Bar of Ohio. If it is determined by the 148539  
 Administrative Director of the Supreme Court that additional 148540  
 appropriations are necessary, the amounts are hereby appropriated. 148541

No money in Fund 6A80 shall be transferred to any other fund 148542  
 by the Director of Budget and Management or the Controlling Board. 148543  
 Interest earned on money in Fund 6A80 shall be credited to the 148544  
 fund. 148545

**Section 309.10.** LEC LAKE ERIE COMMISSION 148546

Federal Special Revenue Fund Group 148547

3EP0 780603 Lake Erie Federal \$ 25,000 \$ 0 148548  
 Grants

TOTAL FED Federal Special Revenue \$ 25,000 \$ 0 148549  
 Fund Group

State Special Revenue Fund Group 148550

4C00 780601 Lake Erie Protection \$ 200,000 \$ 200,000 148551  
 Fund

5D80 780602 Lake Erie Resources \$ 298,942 \$ 339,637 148552  
 Fund

TOTAL SSR State Special Revenue 148553  
 Fund Group \$ 498,942 \$ 539,637 148554

TOTAL ALL BUDGET FUND GROUPS \$ 523,942 \$ 539,637 148555

CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND 148556

On July 1 of each fiscal year, or as soon as possible 148557  
 thereafter, the Director of Budget and Management may transfer 148558

cash from the funds specified below, up to the amounts specified 148559  
below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may 148560  
accept contributions and transfers made to the fund. 148561

| Fund | Fund Name                         | User                               | FY 2014  | FY 2015  |                  |
|------|-----------------------------------|------------------------------------|----------|----------|------------------|
| 5BC0 | Environmental<br>Protection       | Environmental<br>Protection Agency | \$23,500 | \$53,500 | 148562<br>148563 |
| 6690 | Pesticide,<br>Fertilizer and Lime | Department of<br>Agriculture       | \$23,500 | \$53,500 | 148564           |
| 4700 | General Operations                | Department of<br>Health            | \$23,500 | \$53,500 | 148565           |
| 1570 | Central Support<br>Indirect       | Department of<br>Natural Resources | \$23,500 | \$53,500 | 148566           |

On July 1, 2013, or as soon as possible thereafter, the 148567  
Director of Budget and Management may transfer \$23,500 cash from a 148568  
fund used by the Development Services Agency, as specified by the 148569  
Director of Development Services, to Fund 5D80. 148570

On July 1, 2014, or as soon as possible thereafter, the 148571  
Director of Budget and Management may transfer \$53,500 cash from a 148572  
fund used by the Development Services Agency, as specified by the 148573  
Director of Development Services, to Fund 5D80. 148574

**Section 311.10.** JLE JOINT LEGISLATIVE ETHICS COMMITTEE 148575

|                             |                                |                                       |            |            |            |        |
|-----------------------------|--------------------------------|---------------------------------------|------------|------------|------------|--------|
| General Revenue Fund        |                                |                                       |            |            | 148576     |        |
| GRF                         | 028321                         | Legislative Ethics<br>Committee       | \$ 550,000 | \$ 550,000 | 148577     |        |
| TOTAL GRF                   | General Revenue Fund           |                                       |            | \$ 550,000 | \$ 550,000 | 148578 |
| General Services Fund Group |                                |                                       |            |            | 148579     |        |
| 4G70                        | 028601                         | Joint Legislative<br>Ethics Committee | \$ 150,000 | \$ 150,000 | 148580     |        |
| TOTAL GSF                   | General Services Fund<br>Group |                                       |            | \$ 150,000 | \$ 150,000 | 148581 |

|                                                                    |    |            |    |            |        |
|--------------------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 700,000    | \$ | 700,000    | 148582 |
| LEGISLATIVE ETHICS COMMITTEE                                       |    |            |    |            | 148583 |
| On July 1, 2013, or as soon as possible thereafter, the            |    |            |    |            | 148584 |
| Legislative Inspector General of the Joint Legislative Ethics      |    |            |    |            | 148585 |
| Committee may certify to the Director of Budget and Management the |    |            |    |            | 148586 |
| amount of the unexpended, unencumbered balance of the foregoing    |    |            |    |            | 148587 |
| appropriation item 028321, Legislative Ethics Committee, at the    |    |            |    |            | 148588 |
| end of fiscal year 2013 to be reappropriated to fiscal year 2014.  |    |            |    |            | 148589 |
| The amount certified is hereby reappropriated to the same          |    |            |    |            | 148590 |
| appropriation item for fiscal year 2014.                           |    |            |    |            | 148591 |
| On July 1, 2014, or as soon as possible thereafter, the            |    |            |    |            | 148592 |
| Legislative Inspector General of the Joint Legislative Ethics      |    |            |    |            | 148593 |
| Committee may certify to the Director of Budget and Management the |    |            |    |            | 148594 |
| amount of the unexpended, unencumbered balance of the foregoing    |    |            |    |            | 148595 |
| appropriation item 028321, Legislative Ethics Committee, at the    |    |            |    |            | 148596 |
| end of fiscal year 2014 to be reappropriated to fiscal year 2015.  |    |            |    |            | 148597 |
| The amount certified is hereby reappropriated to the same          |    |            |    |            | 148598 |
| appropriation item for fiscal year 2015.                           |    |            |    |            | 148599 |
| <b>Section 313.10. LSC LEGISLATIVE SERVICE COMMISSION</b>          |    |            |    |            | 148600 |
| General Revenue Fund                                               |    |            |    |            | 148601 |
| GRF 035321 Operating Expenses                                      | \$ | 15,117,700 | \$ | 15,117,700 | 148602 |
| GRF 035402 Legislative Fellows                                     | \$ | 1,022,120  | \$ | 1,022,120  | 148603 |
| GRF 035405 Correctional                                            | \$ | 460,845    | \$ | 460,845    | 148604 |
| Institution Inspection                                             |    |            |    |            |        |
| Committee                                                          |    |            |    |            |        |
| GRF 035407 Legislative Task Force                                  | \$ | 320,000    | \$ | 400,000    | 148605 |
| on Redistricting                                                   |    |            |    |            |        |
| GRF 035409 National Associations                                   | \$ | 460,560    | \$ | 460,560    | 148606 |
| GRF 035410 Legislative                                             | \$ | 3,861,250  | \$ | 3,861,250  | 148607 |
| Information Systems                                                |    |            |    |            |        |
| GRF 035411 Ohio Constitutional                                     | \$ | 750,000    | \$ | 750,000    | 148608 |

|                                                                    |    |            |    |                   |
|--------------------------------------------------------------------|----|------------|----|-------------------|
| Modernization                                                      |    |            |    |                   |
| Commission                                                         |    |            |    |                   |
| TOTAL GRF General Revenue Fund                                     | \$ | 21,992,475 | \$ | 22,072,475 148609 |
| General Services Fund Group                                        |    |            |    | 148610            |
| 4100 035601 Sale of Publications                                   | \$ | 10,000     | \$ | 10,000 148611     |
| 4F60 035603 Legislative Budget                                     | \$ | 200,000    | \$ | 200,000 148612    |
| Services                                                           |    |            |    |                   |
| 5EF0 035607 Legislative Agency                                     | \$ | 30,000     | \$ | 30,000 148613     |
| Telephone Usage                                                    |    |            |    |                   |
| TOTAL GSF General Services                                         |    |            |    | 148614            |
| Fund Group                                                         | \$ | 240,000    | \$ | 240,000 148615    |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 22,232,475 | \$ | 22,312,475 148616 |
| OPERATING EXPENSES                                                 |    |            |    | 148617            |
| On July 1, 2013, or as soon as possible thereafter, the            |    |            |    | 148618            |
| Director of the Legislative Service Commission may certify to the  |    |            |    | 148619            |
| Director of Budget and Management the amount of the unexpended,    |    |            |    | 148620            |
| unencumbered balance of the foregoing appropriation item 035321,   |    |            |    | 148621            |
| Operating Expenses, at the end of fiscal year 2013 to be           |    |            |    | 148622            |
| reappropriated to fiscal year 2014. The amount certified is hereby |    |            |    | 148623            |
| reappropriated to the same appropriation item for fiscal year      |    |            |    | 148624            |
| 2014.                                                              |    |            |    | 148625            |
| On July 1, 2014, or as soon as possible thereafter, the            |    |            |    | 148626            |
| Director of the Legislative Service Commission may certify to the  |    |            |    | 148627            |
| Director of Budget and Management the amount of the unexpended,    |    |            |    | 148628            |
| unencumbered balance of the foregoing appropriation item 035321,   |    |            |    | 148629            |
| Operating Expenses, at the end of fiscal year 2014 to be           |    |            |    | 148630            |
| reappropriated to fiscal year 2015. The amount certified is hereby |    |            |    | 148631            |
| reappropriated to the same appropriation item for fiscal year      |    |            |    | 148632            |
| 2015.                                                              |    |            |    | 148633            |
| LEGISLATIVE TASK FORCE ON REDISTRICTING                            |    |            |    | 148634            |
| An amount equal to the unexpended, unencumbered portion of         |    |            |    | 148635            |



the foregoing appropriation item 035407, Legislative Task Force on 148636  
Redistricting, at the end of fiscal year 2013 is hereby 148637  
reappropriated to the Legislative Service Commission for the same 148638  
purpose for fiscal year 2014. 148639

An amount equal to the unexpended, unencumbered portion of 148640  
the foregoing appropriation item 035407, Legislative Task Force on 148641  
Redistricting, at the end of fiscal year 2014 is hereby 148642  
reappropriated to the Legislative Service Commission for the same 148643  
purpose for fiscal year 2015. 148644

LEGISLATIVE INFORMATION SYSTEMS 148645

On July 1, 2013, or as soon as possible thereafter, the 148646  
Director of the Legislative Service Commission may certify to the 148647  
Director of Budget and Management the amount of the unexpended, 148648  
unencumbered balance of the foregoing appropriation item 035410, 148649  
Legislative Information Systems, at the end of fiscal year 2013 to 148650  
be reappropriated to fiscal year 2014. The amount certified is 148651  
hereby reappropriated to the same appropriation item for fiscal 148652  
year 2014. 148653

On July 1, 2014, or as soon as possible thereafter, the 148654  
Director of the Legislative Service Commission may certify to the 148655  
Director of Budget and Management the amount of the unexpended, 148656  
unencumbered balance of the foregoing appropriation item 035410, 148657  
Legislative Information Systems, at the end of fiscal year 2014 to 148658  
be reappropriated to fiscal year 2015. The amount certified is 148659  
hereby reappropriated to the same appropriation item for fiscal 148660  
year 2015. 148661

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 148662

The foregoing appropriation item 035411, Ohio Constitutional 148663  
Modernization Commission, shall be used to support the operation 148664  
and expenses of the Ohio Constitutional Modernization Commission 148665  
under sections 103.61 to 103.67 of the Revised Code. 148666

An amount equal to the unexpended, unencumbered portion of 148667  
the foregoing appropriation item 035411, Ohio Constitutional 148668  
Modernization Commission, at the end of fiscal year 2013 is hereby 148669  
reappropriated to the Legislative Service Commission for the same 148670  
purpose for fiscal year 2014. 148671

An amount equal to the unexpended, unencumbered portion of 148672  
the foregoing appropriation item 035411, Ohio Constitutional 148673  
Modernization Commission, at the end of fiscal year 2014 is hereby 148674  
reappropriated to the Legislative Service Commission for the same 148675  
purpose for fiscal year 2015. 148676

**Section 315.10. LIB STATE LIBRARY BOARD** 148677

General Revenue Fund 148678

GRF 350321 Operating Expenses \$ 5,057,364 \$ 5,057,364 148679

GRF 350401 Ohioana Rental \$ 120,114 \$ 120,114 148680

Payments

GRF 350502 Regional Library \$ 582,469 \$ 582,469 148681

Systems

TOTAL GRF General Revenue Fund \$ 5,759,947 \$ 5,759,947 148682

General Services Fund Group 148683

1390 350602 Intra-Agency Service \$ 8,000 \$ 8,000 148684

Charges

4590 350603 Library Service \$ 3,237,430 \$ 3,526,368 148685

Charges

4S40 350604 Ohio Public Library \$ 5,689,788 \$ 5,689,788 148686

Information Network

5GB0 350605 Library for the Blind \$ 1,274,194 \$ 1,274,194 148687

TOTAL GSF General Services 148688

Fund Group \$ 10,209,412 \$ 10,498,350 148689

Federal Special Revenue Fund Group 148690

3130 350601 LSTA Federal \$ 5,303,693 \$ 5,120,439 148691

|                                                                    |    |            |                      |
|--------------------------------------------------------------------|----|------------|----------------------|
| TOTAL FED Federal Special Revenue                                  |    |            | 148692               |
| Fund Group                                                         | \$ | 5,303,693  | \$ 5,120,439 148693  |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 21,273,052 | \$ 21,378,736 148694 |
|                                                                    |    |            |                      |
| OHIOANA RENTAL PAYMENTS                                            |    |            | 148695               |
|                                                                    |    |            |                      |
| The foregoing appropriation item 350401, Ohioana Rental            |    |            | 148696               |
| Payments, shall be used to pay the rental expenses of the Martha   |    |            | 148697               |
| Kinney Cooper Ohioana Library Association under section 3375.61 of |    |            | 148698               |
| the Revised Code.                                                  |    |            | 148699               |
|                                                                    |    |            |                      |
| REGIONAL LIBRARY SYSTEMS                                           |    |            | 148700               |
|                                                                    |    |            |                      |
| The foregoing appropriation item 350502, Regional Library          |    |            | 148701               |
| Systems, shall be used to support regional library systems         |    |            | 148702               |
| eligible for funding under sections 3375.83 and 3375.90 of the     |    |            | 148703               |
| Revised Code.                                                      |    |            | 148704               |
|                                                                    |    |            |                      |
| OHIO PUBLIC LIBRARY INFORMATION NETWORK                            |    |            | 148705               |
|                                                                    |    |            |                      |
| (A) The foregoing appropriation item 350604, Ohio Public           |    |            | 148706               |
| Library Information Network, shall be used for an information      |    |            | 148707               |
| telecommunications network linking public libraries in the state   |    |            | 148708               |
| and such others as may participate in the Ohio Public Library      |    |            | 148709               |
| Information Network (OPLIN).                                       |    |            | 148710               |
|                                                                    |    |            |                      |
| The Ohio Public Library Information Network Board of Trustees      |    |            | 148711               |
| created under section 3375.65 of the Revised Code may make         |    |            | 148712               |
| decisions regarding use of the foregoing appropriation item        |    |            | 148713               |
| 350604, Ohio Public Library Information Network.                   |    |            | 148714               |
|                                                                    |    |            |                      |
| (B) The OPLIN Board shall research and assist or advise local      |    |            | 148715               |
| libraries with regard to emerging technologies and methods that    |    |            | 148716               |
| may be effective means to control access to obscene and illegal    |    |            | 148717               |
| materials. The OPLIN Director shall provide written reports upon   |    |            | 148718               |
| request within ten days to the Governor, the Speaker and Minority  |    |            | 148719               |
| Leader of the House of Representatives, and the President and      |    |            | 148720               |
| Minority Leader of the Senate on any steps being taken by OPLIN    |    |            | 148721               |
| and public libraries in the state to limit and control such        |    |            | 148722               |

improper usage as well as information on technological, legal, and 148723  
law enforcement trends nationally and internationally affecting 148724  
this area of public access and service. 148725

(C) The Ohio Public Library Information Network, INFOhio, and 148726  
OhioLINK shall, to the extent feasible, coordinate and cooperate 148727  
in their purchase or other acquisition of the use of electronic 148728  
databases for their respective users and shall contribute funds in 148729  
an equitable manner to such effort. 148730

LIBRARY FOR THE BLIND 148731

The foregoing appropriation item 350605, Library for the 148732  
Blind, shall be used for the statewide Talking Book Program to 148733  
assist the blind and disabled. 148734

TRANSFER TO OPLIN TECHNOLOGY FUND 148735

Notwithstanding sections 5747.03 and 5747.47 of the Revised 148736  
Code and any other provision of law to the contrary, in accordance 148737  
with a schedule established by the Director of Budget and 148738  
Management, the Director of Budget and Management shall transfer 148739  
\$3,689,788 cash in each fiscal year from the Public Library Fund 148740  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 148741

TRANSFER TO LIBRARY FOR THE BLIND FUND 148742

Notwithstanding sections 5747.03 and 5747.47 of the Revised 148743  
Code and any other provision of law to the contrary, in accordance 148744  
with a schedule established by the Director of Budget and 148745  
Management, the Director of Budget and Management shall transfer 148746  
\$1,274,194 cash in each fiscal year from the Public Library Fund 148747  
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 148748

**Section 317.10.** LCO LIQUOR CONTROL COMMISSION 148749

State Special Revenue Fund Group 148750

5LP0 970601 Commission Operating \$ 784,376 \$ 796,368 148751

Expenses

|                                 |    |         |    |         |        |
|---------------------------------|----|---------|----|---------|--------|
| TOTAL SSR State Special Revenue | \$ | 784,376 | \$ | 796,368 | 148752 |
| Fund Group                      |    |         |    |         |        |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 784,376 | \$ | 796,368 | 148753 |

**Section 319.10.** LOT STATE LOTTERY COMMISSION 148755

|                                   |    |             |    |             |        |
|-----------------------------------|----|-------------|----|-------------|--------|
| State Lottery Fund Group          |    |             |    |             | 148756 |
| 2310 950604 Charitable Gaming     | \$ | 1,946,000   | \$ | 1,946,000   | 148757 |
| Oversight                         |    |             |    |             |        |
| 7044 950321 Operating Expenses    | \$ | 49,778,677  | \$ | 51,173,293  | 148758 |
| 7044 950402 Advertising Contracts | \$ | 23,024,080  | \$ | 23,024,080  | 148759 |
| 7044 950403 Gaming Contracts      | \$ | 63,405,851  | \$ | 59,356,988  | 148760 |
| 7044 950601 Direct Prize Payments | \$ | 116,281,000 | \$ | 114,779,000 | 148761 |
| 7044 950605 Problem Gambling      | \$ | 2,000,000   | \$ | 3,000,000   | 148762 |
| 8710 950602 Annuity Prizes        | \$ | 79,039,985  | \$ | 80,299,167  | 148763 |
| TOTAL SLF State Lottery Fund      |    |             |    |             | 148764 |
| Group                             | \$ | 335,475,593 | \$ | 333,578,528 | 148765 |
| TOTAL ALL BUDGET FUND GROUPS      | \$ | 335,475,593 | \$ | 333,578,528 | 148766 |

OPERATING EXPENSES 148767

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS 148775

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

|                                                                    |    |         |    |                |
|--------------------------------------------------------------------|----|---------|----|----------------|
| ANNUITY PRIZES                                                     |    |         |    | 148780         |
| Upon request of the State Lottery Commission, the Director of      |    |         |    | 148781         |
| Budget and Management may transfer cash from the State Lottery     |    |         |    | 148782         |
| Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in  |    |         |    | 148783         |
| an amount sufficient to fund deferred prizes. The Treasurer of     |    |         |    | 148784         |
| State, from time to time, shall credit the Deferred Prizes Trust   |    |         |    | 148785         |
| Fund (Fund 8710) the pro rata share of interest earned by the      |    |         |    | 148786         |
| Treasurer of State on invested balances.                           |    |         |    | 148787         |
| Any amounts, in addition to the amounts appropriated in            |    |         |    | 148788         |
| appropriation item 950602, Annuity Prizes, that the Director of    |    |         |    | 148789         |
| the State Lottery Commission determines to be necessary to fund    |    |         |    | 148790         |
| deferred prizes and interest earnings are hereby appropriated.     |    |         |    | 148791         |
| TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND                    |    |         |    | 148792         |
| Estimated transfers from the State Lottery Fund (Fund 7044)        |    |         |    | 148793         |
| to the Lottery Profits Education Fund (Fund 7017) are to be        |    |         |    | 148794         |
| \$841,000,000 in fiscal year 2014 and \$974,500,000 in fiscal year |    |         |    | 148795         |
| 2015. The Director of Budget and Management shall transfer such    |    |         |    | 148796         |
| amounts contingent upon the availability of resources. Transfers   |    |         |    | 148797         |
| from the State Lottery Fund to the Lottery Profits Education Fund  |    |         |    | 148798         |
| shall represent the estimated net income from operations for the   |    |         |    | 148799         |
| Commission in fiscal year 2014 and fiscal year 2015. Transfers by  |    |         |    | 148800         |
| the Director of Budget and Management to the Lottery Profits       |    |         |    | 148801         |
| Education Fund shall be administered as the statutes direct.       |    |         |    | 148802         |
| <b>Section 321.10. MHC MANUFACTURED HOMES COMMISSION</b>           |    |         |    | 148803         |
| General Services Fund Group                                        |    |         |    | 148804         |
| 4K90 996609 Operating Expenses                                     | \$ | 459,134 | \$ | 459,134 148805 |
| TOTAL GSF General Services                                         |    |         |    | 148806         |
| Fund Group                                                         | \$ | 459,134 | \$ | 459,134 148807 |
| State Special Revenue Fund Group                                   |    |         |    | 148808         |
| 5MC0 996610 Manufactured Homes                                     | \$ | 747,825 | \$ | 747,825 148809 |

|                                                   |    |                |                         |
|---------------------------------------------------|----|----------------|-------------------------|
| Regulation                                        |    |                |                         |
| TOTAL SSR State Special Revenue                   | \$ | 747,825        | \$ 747,825 148810       |
| Fund Group                                        |    |                |                         |
| TOTAL ALL BUDGET FUND GROUPS                      | \$ | 1,206,959      | \$ 1,206,959 148811     |
| <b>Section 323.10. MCD DEPARTMENT OF MEDICAID</b> |    |                | 148813                  |
| General Revenue Fund                              |    |                | 148814                  |
| GRF 651425 Medicaid Program                       | \$ | 150,382,299    | \$ 156,964,636 148815   |
| Support - State                                   |    |                |                         |
| GRF 651525 Medicaid/Health Care                   |    |                | 148816                  |
| Services                                          |    |                |                         |
| State                                             | \$ | 4,747,521,777  | \$ 4,991,552,135 148817 |
| Federal                                           | \$ | 9,000,192,337  | \$ 9,314,662,342 148818 |
| Medicaid/Health Care                              | \$ | 13,747,714,114 | \$14,306,214,477 148819 |
| Services Total                                    |    |                |                         |
| GRF 651526 Medicare Part D                        | \$ | 308,749,142    | \$ 324,920,518 148820   |
| TOTAL GRF General Revenue Fund                    |    |                | 148821                  |
| State                                             | \$ | 5,206,653,218  | \$ 5,473,437,289 148822 |
| Federal                                           | \$ | 9,000,192,337  | \$ 9,314,662,342 148823 |
| GRF Total                                         | \$ | 14,206,845,555 | \$14,788,099,631 148824 |
| General Services Fund Group                       |    |                | 148825                  |
| 5DL0 651639 Medicaid Services -                   | \$ | 462,900,000    | \$ 514,700,000 148826   |
| Recoveries                                        |    |                |                         |
| 5FX0 561638 Medicaid Services -                   | \$ | 6,000,000      | \$ 6,000,000 148827     |
| Payment Withholding                               |    |                |                         |
| TOTAL GSF General Services Fund                   | \$ | 468,900,000    | \$ 520,700,000 148828   |
| Group                                             |    |                |                         |
| Federal Special Revenue Fund Group                |    |                | 148829                  |
| 3ER0 651603 Medicaid Health                       | \$ | 123,074,778    | \$ 123,089,606 148830   |
| Information                                       |    |                |                         |
| Technology                                        |    |                |                         |
| 3F00 651623 Medicaid Services -                   | \$ | 2,977,109,943  | \$ 3,214,589,109 148831 |

|                              |        |                                           |    |                |    |                       |
|------------------------------|--------|-------------------------------------------|----|----------------|----|-----------------------|
|                              |        | Federal                                   |    |                |    |                       |
| 3F00                         | 651624 | Medicaid Program                          | \$ | 409,896,401    | \$ | 410,223,399 148832    |
|                              |        | Support - Federal                         |    |                |    |                       |
| 3FA0                         | 651680 | Health Care Grants -                      | \$ | 20,000,000     | \$ | 20,000,000 148833     |
|                              |        | Federal                                   |    |                |    |                       |
| 3G50                         | 651655 | Medicaid Interagency                      | \$ | 1,712,881,658  | \$ | 1,895,403,348 148834  |
|                              |        | Pass-Through                              |    |                |    |                       |
| TOTAL FED                    |        | Federal Special Revenue                   | \$ | 5,242,962,780  | \$ | 5,663,305,462 148835  |
|                              |        | Fund Group                                |    |                |    |                       |
|                              |        | State Special Revenue Fund Group          |    |                |    | 148836                |
| 4E30                         | 651605 | Resident Protection                       | \$ | 2,878,319      | \$ | 2,878,319 148837      |
|                              |        | Fund                                      |    |                |    |                       |
| 5AJ0                         | 651631 | Money Follows the                         | \$ | 5,555,000      | \$ | 4,517,500 148838      |
|                              |        | Person                                    |    |                |    |                       |
| 5GF0                         | 651656 | Medicaid Services -                       | \$ | 531,273,601    | \$ | 531,273,601 148839    |
|                              |        | Hospitals/UPL                             |    |                |    |                       |
| 5KC0                         | 651682 | Health Care Grants -                      | \$ | 10,000,000     | \$ | 10,000,000 148840     |
|                              |        | State                                     |    |                |    |                       |
| 5R20                         | 651608 | Medicaid Services -                       | \$ | 402,000,000    | \$ | 402,000,000 148841    |
|                              |        | Long Term Care                            |    |                |    |                       |
| 5U30                         | 651654 | Medicaid Program                          | \$ | 36,205,843     | \$ | 35,403,126 148842     |
|                              |        | Support                                   |    |                |    |                       |
| 6510                         | 651649 | Medicaid Services -                       | \$ | 215,527,947    | \$ | 215,314,482 148843    |
|                              |        | HCAP                                      |    |                |    |                       |
| TOTAL SSR                    |        | State Special Revenue                     | \$ | 1,203,440,710  | \$ | 1,201,387,028 148844  |
|                              |        | Fund Group                                |    |                |    |                       |
|                              |        | Holding Account Redistribution Fund Group |    |                |    | 148845                |
| R055                         | 651644 | Refunds and                               | \$ | 1,000,000      | \$ | 1,000,000 148846      |
|                              |        | Reconciliations                           |    |                |    |                       |
| TOTAL 090                    |        | Holding Account                           | \$ | 1,000,000      | \$ | 1,000,000 148847      |
|                              |        | Redistribution Fund Group                 |    |                |    |                       |
| TOTAL ALL BUDGET FUND GROUPS |        |                                           | \$ | 21,123,149,045 | \$ | 22,174,492,121 148848 |



|                                                                                                                                                                                                                                                                |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <b>Section 323.10.10.</b> CREATION OF THE DEPARTMENT OF MEDICAID                                                                                                                                                                                               | 148850                                         |
| (A) As used in this section, "medical assistance program" means all of the following:                                                                                                                                                                          | 148851<br>148852                               |
| (1) The Medicaid program established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.                                                                                                                                                         | 148853<br>148854                               |
| (2) The Children's Health Insurance Program authorized by Title XXI of the "Social Security Act," 42 U.S.C. 1397aa et seq.                                                                                                                                     | 148855<br>148856                               |
| (3) The Refugee Medical Assistance program authorized by the "Immigration and Nationality Act," section 412(e), 42 U.S.C. 1522(e).                                                                                                                             | 148857<br>148858<br>148859                     |
| (B) On July 1, 2013, all of the following apply:                                                                                                                                                                                                               | 148860                                         |
| (1) The Department of Medicaid is created.                                                                                                                                                                                                                     | 148861                                         |
| (2) The Department of Medicaid is to be administered by the Medicaid Director who is to be appointed by the Governor with the advice and consent of the Senate.                                                                                                | 148862<br>148863<br>148864                     |
| (3) The Medicaid Director is to hold the Director's office during the term of the appointing Governor and is subject to removal at the pleasure of the Governor.                                                                                               | 148865<br>148866<br>148867                     |
| (4) The Medicaid Director is the executive head of the Department of Medicaid and all duties conferred on the Department by law or order of the Director are under the Director's control and shall be performed in accordance with rules the Director adopts. | 148868<br>148869<br>148870<br>148871<br>148872 |
| (5) The Medicaid Director may appoint such employees as are necessary for the efficient operation of the Department of Medicaid and may prescribe the title and duties of the employees.                                                                       | 148873<br>148874<br>148875                     |
| (6) The Office of Medical Assistance shall cease to exist.                                                                                                                                                                                                     | 148876                                         |
| (7) Each reference to the Department or Director of Public Welfare, Department or Director of Human Services, Department or                                                                                                                                    | 148877<br>148878                               |

Director of Job and Family Services, Office of Medical Assistance, 148879  
or Medical Assistance Director in any statute, rule, contract, 148880  
grant, or other document is deemed to refer to the Department of 148881  
Medicaid or Medicaid Director, as the case may be, to the extent 148882  
the reference is about a duty or authority of the Department of 148883  
Medicaid or Medicaid Director regarding a medical assistance 148884  
program. 148885

(8) Employees of the Office of Medical Assistance are hereby 148886  
transferred to the Department of Medicaid. The vehicles and 148887  
equipment assigned to the Office's employees are transferred to 148888  
the Department. 148889

(9) The assets, liabilities, other equipment not provided 148890  
for, and records, irrespective of form or medium, of the Office of 148891  
Medical Assistance are transferred to the Department of Medicaid. 148892  
The Department is the successor to, assumes the obligations of, 148893  
and otherwise constitutes the continuation of, the Office. 148894

(10) Business commenced but not completed on July 1, 2013, by 148895  
the Medical Assistance Director, the Office of Medical Assistance, 148896  
Director of Job and Family Services, or Department of Job and 148897  
Family Services regarding a medical assistance program shall be 148898  
completed by the Medicaid Director or Department of Medicaid in 148899  
the same manner, and with the same effect, as if completed by the 148900  
Medical Assistance Director, Office of Medical Assistance, 148901  
Director of Job and Family Services, or Department of Job and 148902  
Family Services. No validation, cure, right, privilege, remedy, 148903  
obligation, or liability is lost or impaired by reason of the 148904  
transfer required by this section but shall be administered by the 148905  
Medicaid Director or Department of Medicaid. 148906

(11) For the purpose of the "Social Security Act," section 148907  
1902(a)(5), 42 U.S.C. 1396a(a)(5), the Department of Medicaid 148908  
shall act as the single state agency to supervise the 148909  
administration of the Medicaid program. As the single state 148910

agency, the Department shall comply with 42 C.F.R. 431.10(e) and 148911  
all other federal requirements applicable to the single state 148912  
agency. 148913

(D) The rules, orders, and determinations pertaining to the 148914  
Office of Medical Assistance and Department of Job and Family 148915  
Services regarding medical assistance programs continue in effect 148916  
as rules, orders, and determinations of the Department of Medicaid 148917  
until modified or rescinded by the Department of Medicaid. 148918

(E) No judicial or administrative action or proceeding 148919  
pending on July 1, 2013, is affected by the transfer of functions 148920  
from the Medical Assistance Director, Office of Medical 148921  
Assistance, Director of Job and Family Services, or Department of 148922  
Job and Family Services to the Medicaid Director or Department of 148923  
Medicaid and shall be prosecuted or defended in the name of the 148924  
Medicaid Director or Department of Medicaid. On application to the 148925  
court or other tribunal, the Medicaid Director or Department of 148926  
Medicaid shall be substituted as a party in such actions and 148927  
proceedings. 148928

(F) When the Department of Medicaid created in section 121.02 148929  
of the Revised Code comes into effect, it is a continuation of the 148930  
Department of Medicaid created in this section. 148931

(G) A portion of the foregoing appropriation items 651425, 148932  
Medicaid Program Support - State, 651525, Medicaid/Health Care 148933  
Services, 651526, Medicare Part D, 651639, Medicaid Services - 148934  
Recoveries, 651638, Medicaid Services - Payment Withholding, 148935  
651603, Medicaid Health Information Technology, 651623, Medicaid 148936  
Services - Federal, 651624, Medicaid Program Support - Federal, 148937  
651680 Health Care Grants - Federal, 651655, Medicaid Interagency 148938  
Pass-Through, 651605, Resident Protection Fund, 651631, Money 148939  
Follows the Person, 651656, Medicaid Services - Hospitals/UPL, 148940  
651682, Health Care Grants - State, 651608, Medicaid Services - 148941  
Long Term Care, 651654, Medicaid Program Support, 651649, Medicaid 148942

Services - HCAP, 651644, Refunds and Reconciliations, and 651612, 148943  
Managed Care Performance Payments, may be used to pay for Medicaid 148944  
services and costs associated with the administration of the 148945  
Medicaid program. 148946

**Section 323.10.20. TRANSFER OF ENCUMBRANCES AND RECEIVABLES** 148947

On July 1, 2013, or as soon as possible thereafter, the 148948  
Medicaid Director shall certify to the Director of Budget and 148949  
Management all medical assistance-related encumbrances held by the 148950  
Department of Job and Family Services, and specify which of those 148951  
encumbrances are requested to be transferred to the Department of 148952  
Medicaid. The Director of Budget and Management may cancel any 148953  
existing encumbrances, as certified by the Medicaid Director, and 148954  
reestablish them in the Department of Medicaid. The reestablished 148955  
encumbrance amounts are hereby appropriated. Any business 148956  
commenced, but not completed, with regard to the encumbrances 148957  
certified shall be completed by the Department of Medicaid in the 148958  
same manner and with the same effect as if it were completed by 148959  
the Department of Job and Family Services. 148960

On July 1, 2013, or as soon as possible thereafter, the 148961  
Medicaid Director shall certify to the Director of Budget and 148962  
Management all medical assistance-related receivables held by the 148963  
Department of Job and Family Services, and specify which of those 148964  
receivables are requested to be transferred to the Department of 148965  
Medicaid. The Director of Budget and Management may cancel any 148966  
existing receivables as certified by the Medicaid Director and 148967  
reestablish them in the Department of Medicaid. 148968

A portion of the foregoing appropriation items 651425, 148969  
Medicaid Program Support - State, 651525, Medicaid/Health Care 148970  
Services, 651639, Medicaid Services - Recoveries, 651638, Medicaid 148971  
Services-Payment Withholding, 651624, Medicaid Program Support - 148972  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 148973

Interagency Pass-Through, 651605, Resident Protection Fund, 148974  
651631, Money Follows the Person, 651656, Medicaid Services - 148975  
Hospitals/UPL, 651682, Health Care Grants - State, 651608, 148976  
Medicaid Services - Long Term Care, 651654, Medicaid Program 148977  
Support, and 651649, Medicaid Services - HCAP, may be used to pay 148978  
for medical assistance services and costs associated with the 148979  
administration of the Medicaid program. 148980

**Section 323.10.30. TEMPORARY AUTHORITY REGARDING EMPLOYEES** 148981

(A) As used in this section, "medical assistance program" has 148982  
the same meaning as in the section of this act titled "CREATION OF 148983  
THE DEPARTMENT OF MEDICAID." 148984

(B) During the period beginning July 1, 2013, and ending June 148985  
30, 2015, all of the following apply: 148986

(1) The Medicaid Director has the authority to establish, 148987  
change, and abolish positions for the Department of Medicaid, and 148988  
to assign, reassign, classify, reclassify, transfer, reduce, 148989  
promote, or demote all employees of the Department of Medicaid who 148990  
are not subject to Chapter 4117. of the Revised Code. 148991

(2) As part of the transfer of medical assistance programs to 148992  
the Department of Medicaid, the Director of Job and Family 148993  
Services has the authority to establish, change, and abolish 148994  
positions for the Department of Job and Family Services, and to 148995  
assign, reassign, classify, reclassify, transfer, reduce, promote, 148996  
or demote all employees of the Department of Job and Family 148997  
Services who are not subject to Chapter 4117. of the Revised Code. 148998

(C) The authority granted under division (B) of this section 148999  
includes assigning or reassigning an exempt employee, as defined 149000  
in section 124.152 of the Revised Code, to a bargaining unit 149001  
classification if the Medicaid Director or Director of Job and 149002  
Family Services determines that the bargaining unit classification 149003

is the proper classification for that employee. The actions of the Medicaid Director or Director of Job and Family Services shall be consistent with the requirements of 5 C.F.R. 900.603 for those employees subject to such requirements. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Medicaid Director or Director of Job and Family Services, or in the case of a transfer outside the Department of Medicaid or Department of Job and Family Services, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(D) Actions taken by the Medicaid Director, Director of Job and Family Services, and Director of Administrative Services pursuant to this section are not subject to appeal to the State Personnel Board of Review.

(E) A portion of the foregoing appropriation items 651425, Medicaid Program Support - State, 651603, Medicaid Health Information Technology, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, 651631, Money Follows the Person, 651682, Health Care Grants - State, and 651654, Medicaid Program Support, may be used to pay for costs associated with the administration of the Medicaid program, including the assignment, reassignment, classification, reclassification, transfer, reduction, promotion, or demotion of employees authorized by this section.

**Section 323.10.40. STAFF TRAINING REGARDING TRANSFERS** 149034

As used in this section, "medical assistance program" has the same meaning as in the section of this act titled "CREATION OF THE DEPARTMENT OF MEDICAID."

The Medicaid Director and Director of Job and Family Services may jointly or separately enter into one or more contracts with public or private entities for staff training and development to facilitate the transfer of the staff and duties regarding medical assistance programs to the Department of Medicaid. Division (B) of section 127.16 of the Revised Code does not apply to contracts entered into under this section.

A portion of the foregoing appropriation items 651425, Medicaid Program Support - State, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, 651605, Resident Protection Fund, 651631, Money Follows the Person, and 651654, Medicaid Program Support, may be used to pay for costs associated with the administration of the Medicaid program, including staff training authorized under this section.

**Section 323.10.50. CREATION OF THE DEPARTMENT OF MEDICAID NOT A COLLECTIVE BARGAINING SUBJECT**

As used in this section, "medical assistance program" has the same meaning as in the section of this act titled "CREATION OF THE DEPARTMENT OF MEDICAID."

Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, this act's creation of the Department of Medicaid and reassignment of the functions and duties of the Office of Medical Assistance regarding medical assistance programs are not appropriate subjects for collective bargaining under Chapter 4117. of the Revised Code.

A portion of the foregoing appropriation items 651425, Medicaid Program Support - State, 651624, Medicaid Program Support

- Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 149065  
Interagency Pass-Through, 651605, Resident Protection Fund, 149066  
651631, Money Follows the Person, 651682, Health Care Grants - 149067  
State, and 651654, Medicaid Program Support, may be used to pay 149068  
for costs associated with the administration of the Medicaid 149069  
program, including the reassignment of functions and duties 149070  
related to the transition of the Office of Medical Assistance into 149071  
the Department of Medicaid. 149072

**Section 323.10.60. NEW AND AMENDED GRANT AGREEMENTS** 149073

(A) As used in this section: 149074

(1) "Grant agreement" has the same meaning as in section 149075  
5101.21 of the Revised Code. 149076

(2) "Medical assistance program" has the same meaning as in 149077  
the section of this act titled "CREATION OF THE DEPARTMENT OF 149078  
MEDICAID." 149079

(B) The Director of Job and Family Services and boards of 149080  
county commissioners may enter into negotiations to amend an 149081  
existing grant agreement or to enter into a new grant agreement 149082  
regarding the transfer of medical assistance programs to the 149083  
Department of Medicaid. Any such amended or new grant agreement 149084  
shall be drafted in the name of the Department of Job and Family 149085  
Services. The amended or new grant agreement may be executed 149086  
before July 1, 2013, if the amendment or agreement does not become 149087  
effective sooner than that date. 149088

(C) A portion of the foregoing appropriation items 651525, 149089  
Health Care/Medicaid Services, 651603, Medicaid Health Information 149090  
Technology, 651623, Medicaid Services - Federal, 651624, Medicaid 149091  
Program Support - Federal, 651680, Health Care Grants - Federal, 149092  
and 651682, Health Care Grants - State, may be used to pay for 149093  
Medicaid services and costs associated with the administration of 149094



the Medicaid program. 149095

**Section 323.10.70.** LSC TO RENUMBER ADMINISTRATIVE RULES 149096

On and after October 1, 2013, if necessary to ensure the 149097  
integrity of the numbering of the Administrative Code, the 149098  
Director of the Legislative Service Commission shall renumber the 149099  
rules of the Office of Medical Assistance within the Department of 149100  
Job and Family Services to reflect its transfer to the Department 149101  
of Medicaid. 149102

**Section 323.20.** MEDICAID/HEALTH CARE SERVICES 149103

The foregoing appropriation item 651525, Medicaid/Health Care 149104  
Services, shall not be limited by section 131.33 of the Revised 149105  
Code. 149106

**Section 323.23.** PROPOSAL TO REFORM MEDICAID AND OHIO'S HEALTH 149107  
CARE DELIVERY SYSTEM 149108

(A) Legislation shall be introduced in the House of 149109  
Representatives to reform the Medicaid program and Ohio's health 149110  
care delivery system. The Director of the Governor's Office of 149111  
Health Transformation and the Medicaid Director shall provide 149112  
assistance in developing the legislation. The legislation shall 149113  
include, but not be limited to, all of the following: 149114

(1) A focus on individuals who have the greatest potential to 149115  
obtain the income and resources that would enable them to cease 149116  
enrollment in Medicaid and instead obtain health care coverage 149117  
through employer-sponsored health insurance or the health 149118  
insurance marketplace; 149119

(2) Strategies to lower Medicaid caseloads by promoting 149120  
employment-related services available under Medicaid, including 149121  
Medicaid managed care, and promoting other programs that offer 149122  
workforce readiness, educational, and wellness services; 149123

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| (3) Provisions that seek to do both of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 149124                                                                                           |
| (a) Lower net state and federal costs for the Medicaid program;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 149125<br>149126                                                                                 |
| (b) Reduce the number of individuals who enroll in Medicaid over time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 149127<br>149128                                                                                 |
| (B) The legislation may call for amending the state Medicaid plan, obtaining a waiver under the "Social Security Act," section 1115, 42 U.S.C. 1315, or a combination of the two. Subject to division (c) of this section, the Medicaid Director may submit to the United States Department of Health and Human Services a state Medicaid plan amendment, a request for a section 1115 waiver, or a combination of the two.                                                                                                                                                         | 149129<br>149130<br>149131<br>149132<br>149133<br>149134<br>149135                               |
| (C) Not sooner than September 15, 2013, and not later than October 1, 2013, the Directors shall submit to the General Assembly the terms of any federal approval obtained for the reform. The Directors shall not begin implementation of the reform unless the General Assembly enacts legislation authorizing implementation. If the General Assembly does not enact such legislation on or before December 31, 2013, the Directors shall cease any activity regarding this reform, including pursuing a Medicaid plan amendment, section 1115 waiver, or combination of the two. | 149136<br>149137<br>149138<br>149139<br>149140<br>149141<br>149142<br>149143<br>149144<br>149145 |
| <b>Section 323.30. QUALITY INCENTIVE PROGRAM TO REDUCE AVOIDABLE ADMISSIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 149146<br>149147                                                                                 |
| (A) The Department of Medicaid may implement, for fiscal year 2014 and fiscal year 2015, a quality incentive program to do both of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                   | 149148<br>149149<br>149150                                                                       |
| (1) Reduce the number of times that the following persons are admitted to hospitals and nursing facilities or utilize emergency department services when the admissions or utilizations are                                                                                                                                                                                                                                                                                                                                                                                         | 149151<br>149152<br>149153                                                                       |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| avoidable:                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 149154                                                             |
| (a) Medicaid recipients enrolled in a home and<br>community-based services Medicaid waiver component administered by<br>the Office;                                                                                                                                                                                                                                                                                                                                          | 149155<br>149156<br>149157                                         |
| (b) Medicaid recipients receiving nursing services available<br>under the home health services benefit pursuant to 42 C.F.R.<br>440.70(b)(1);                                                                                                                                                                                                                                                                                                                                | 149158<br>149159<br>149160                                         |
| (c) Medicaid recipients receiving home health aide services<br>available under the home health services benefit pursuant to 42<br>C.F.R. 440.70(b)(2);                                                                                                                                                                                                                                                                                                                       | 149161<br>149162<br>149163                                         |
| (d) Medicaid recipients receiving private duty nursing<br>services as defined in 42 C.F.R. 440.80.                                                                                                                                                                                                                                                                                                                                                                           | 149164<br>149165                                                   |
| (2) Reduce the number of times that Medicaid recipients<br>receiving nursing facility services are admitted to hospitals or<br>utilize emergency department services when the admissions or<br>utilizations are avoidable.                                                                                                                                                                                                                                                   | 149166<br>149167<br>149168<br>149169                               |
| (B) If the quality incentive program is implemented, the<br>Department shall include in the program methods by which the<br>Department will determine the program's actual savings to the<br>Medicaid program and shall distribute not more than fifty per cent<br>of the savings to participating Medicaid providers.                                                                                                                                                       | 149170<br>149171<br>149172<br>149173<br>149174                     |
| <b>Section 323.40. CHILDREN'S HOSPITALS QUALITY OUTCOMES PROGRAM</b>                                                                                                                                                                                                                                                                                                                                                                                                         | 149175<br>149176                                                   |
| (A) As used in this section, "children's hospital" means a<br>hospital, as defined in section 3727.01 of the Revised Code, that<br>is located in this state, primarily serves patients eighteen years<br>of age and younger, is subject to the Medicaid prospective payment<br>system for hospitals established in rules adopted under section<br>5164.02 of the Revised Code, and is excluded from Medicare<br>prospective payments in accordance with 42 C.F.R. 412.23(d). | 149177<br>149178<br>149179<br>149180<br>149181<br>149182<br>149183 |

(B) The Medicaid Director may implement, during fiscal year 2014 and fiscal year 2015, a children's hospitals quality outcomes program that encourages children's hospitals to develop the following:

(1) Infrastructures that are needed to care for patients in the least restrictive setting and promote the care of patients and their families;

(2) Programs designed to improve birth outcomes and measurably reduce neonatal intensive care admissions;

(3) Patient-centered methods to measurably reduce utilization of emergency department services for primary care needs and nonemergency health conditions;

(4) Other quality-focused reforms the Director identifies.

(C) Up to \$6,000,000 state share plus the corresponding federal share in each fiscal year shall be used to support payments made to children's hospitals for developing programs that achieve the outcomes specified under division (B) of this section and any other measures the Medicaid Director deems appropriate.

**Section 323.50. UNIFIED LONG TERM CARE**

The foregoing appropriation item 651425, Medicaid Program Support - State, may be used to provide the preadmission screening and resident review (PASRR), which includes screening, assessments, and determinations made under sections 5119.061 (renumbered section 5119.40 of the Revised Code in this act), 5123.021, and 5165.04 of the Revised Code.

The foregoing appropriation item 651425, Medicaid Program Support - State, may be used to assess and provide long-term care consultations under section 173.42 of the Revised Code to clients regardless of Medicaid eligibility.

The foregoing appropriation item 651525, Medicaid/Health Care

Services, may be used to provide nonwaiver funded PASSPORT and 149214  
assisted living services to persons who the state department has 149215  
determined to be eligible to participate in the nonwaiver funded 149216  
PASSPORT and assisted living programs, who applied for but have 149217  
not yet been determined to be financially eligible to participate 149218  
in the Medicaid waiver component of the PASSPORT Home Care Program 149219  
or the Assisted Living Program by a county department of job and 149220  
family services, and to persons who are not eligible for Medicaid 149221  
but were enrolled in the PASSPORT Program prior to July 1, 1990. 149222

The foregoing appropriation item 651425, Medicaid Program 149223  
Support - State, shall be used to provide the required state match 149224  
for federal Medicaid funds supporting the Medicaid waiver-funded 149225  
PASSPORT Home Care Program, the Choices Program, the Assisted 149226  
Living Program, and the PACE Program. 149227

The foregoing appropriation item 651525, Medicaid/Health Care 149228  
Services, shall be used to provide the federal matching share of 149229  
program costs determined by the Department of Medicaid to be 149230  
eligible for Medicaid reimbursement for the Medicaid waiver-funded 149231  
PASSPORT Home Care Program, the Choices Program, the Assisted 149232  
Living Program, and the PACE Program. 149233

**Section 323.53.** PASSPORT ADMINISTRATIVE AGENCY SITE 149234  
OPERATIONS 149235

For fiscal year 2014 and fiscal year 2015, spending for 149236  
PASSPORT administrative agencies' site operating functions 149237  
relating to screening, assessments, general administrative 149238  
functions, and provider relations for the Medicaid waiver-funded 149239  
PASSPORT Home Care Program, Choices Program, Assisted Living 149240  
Program, and PACE Program shall be at one hundred five per cent of 149241  
the level provided in fiscal year 2013. 149242

**Section 323.60.** MANAGED CARE PERFORMANCE PAYMENT PROGRAM 149243

At the beginning of each quarter, or as soon as possible 149244  
thereafter, the Medicaid Director shall certify to the Director of 149245  
Budget and Management the amount withheld in accordance with 149246  
section 5167.30 of the Revised Code for purposes of the Managed 149247  
Care Performance Payment Program. Upon receiving certification, 149248  
the Director of Budget and Management shall transfer cash in the 149249  
amount certified from the General Revenue Fund to the Managed Care 149250  
Performance Payment Fund. Appropriation item 651525, 149251  
Medicaid/Health Care Services, is hereby reduced by the amount of 149252  
the transfer. Upon request of the Medicaid Director and approval 149253  
of the Director of Budget and Management, appropriation up to the 149254  
cash balance in the Managed Care Performance Payment Fund is 149255  
hereby appropriated. 149256

In addition to any other purpose authorized by law, the 149257  
Department of Medicaid may use money in the Managed Care 149258  
Performance Payment Fund for the following purposes for fiscal 149259  
year 2014 and fiscal year 2015: 149260

(A) To meet obligations specified in provider agreements with 149261  
Medicaid managed care organizations; 149262

(B) To pay for Medicaid services provided by a Medicaid 149263  
managed care organization; 149264

(C) To reimburse a Medicaid managed care organization that 149265  
has paid a fine for failure to meet performance standards or other 149266  
requirements specified in provider agreements or rules adopted 149267  
under section 5167.02 of the Revised Code if the organization 149268  
comes into compliance with the standards or requirements. 149269

**Section 323.70. MEDICAID MANAGED CARE EXEMPTIONS** 149270

(A) Except as provided in division (B) of this section, the 149271  
Department of Medicaid shall not include in the care management 149272  
system established under section 5167.03 of the Revised Code any 149273

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| individual receiving services through the program for medically    | 149274 |
| handicapped children established under section 3701.023 of the     | 149275 |
| Revised Code who has one or more of the following conditions:      | 149276 |
| (1) Cystic fibrosis;                                               | 149277 |
| (2) Hemophilia;                                                    | 149278 |
| (3) Cancer.                                                        | 149279 |
| (B) An individual described in division (A) of this section        | 149280 |
| may be designated for participation in the care management system  | 149281 |
| if the individual was receiving services through the system        | 149282 |
| immediately before April 1, 2013.                                  | 149283 |
| (C) This section applies until July 1, 2014, notwithstanding       | 149284 |
| any provision of section 5167.03 of the Revised Code that          | 149285 |
| otherwise authorizes or requires the designation of individuals    | 149286 |
| for participation in the care management system.                   | 149287 |
| <br>                                                               |        |
| <b>Section 323.80. PRIOR AUTHORIZATION FOR COMMUNITY MENTAL</b>    | 149288 |
| <b>HEALTH SERVICES</b>                                             | 149289 |
| (A) As used in this section, "community mental health              | 149290 |
| services" means mental health services included in the state       | 149291 |
| Medicaid plan pursuant to section 5164.15 of the Revised Code.     | 149292 |
| (B) For fiscal year 2014 and fiscal year 2015, a Medicaid          | 149293 |
| recipient who is under twenty-one years of age automatically       | 149294 |
| satisfies all requirements for any prior authorization process for | 149295 |
| community mental health services provided under a component of the | 149296 |
| Medicaid program administered by the Department of Mental Health   | 149297 |
| and Addiction Services pursuant to an interagency agreement        | 149298 |
| authorized by section 5162.35 of the Revised Code if any of the    | 149299 |
| following apply to the recipient:                                  | 149300 |
| (1) The recipient is in the temporary custody or permanent         | 149301 |
| custody of a public children services agency or private child      | 149302 |
| placing agency or is in a planned permanent living arrangement.    | 149303 |

|                                                                                                                                                                                                                                                                                                                          |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (2) The recipient has been placed in protective supervision by a juvenile court.                                                                                                                                                                                                                                         | 149304<br>149305                               |
| (3) The recipient has been committed to the Department of Youth Services.                                                                                                                                                                                                                                                | 149306<br>149307                               |
| (4) The recipient is an alleged or adjudicated delinquent or unruly child receiving services under the Felony Delinquent Care and Custody Program operated under section 5139.43 of the Revised Code.                                                                                                                    | 149308<br>149309<br>149310<br>149311           |
| <b>Section 323.90. JOINT LEGISLATIVE COMMITTEE FOR UNIFIED LONG-TERM SERVICES AND SUPPORTS</b>                                                                                                                                                                                                                           | 149312<br>149313                               |
| (A) The Joint Legislative Committee for Unified Long-Term Services and Supports created under section 309.30.73 of Am. Sub. H.B. 153 of the 129th General Assembly, as subsequently amended, shall continue to exist during fiscal year 2014 and fiscal year 2015. The Committee shall consist of the following members: | 149314<br>149315<br>149316<br>149317<br>149318 |
| (1) Two members of the House of Representatives from the majority party, appointed by the Speaker of the House of Representatives;                                                                                                                                                                                       | 149319<br>149320<br>149321                     |
| (2) One member of the House of Representatives from the minority party, appointed by the Speaker of the House of Representatives;                                                                                                                                                                                        | 149322<br>149323<br>149324                     |
| (3) Two members of the Senate from the majority party, appointed by the President of the Senate;                                                                                                                                                                                                                         | 149325<br>149326                               |
| (4) One member of the Senate from the minority party, appointed by the President of the Senate.                                                                                                                                                                                                                          | 149327<br>149328                               |
| (B) The Speaker of the House of Representatives shall designate one of the members of the Committee appointed under division (A)(1) of this section to serve as co-chairperson of the Committee. The President of the Senate shall designate one of the members of the Committee appointed under division (A)(3) of this | 149329<br>149330<br>149331<br>149332<br>149333 |



section to serve as the other co-chairperson of the Committee. The 149334  
Committee shall meet at the call of the co-chairpersons. The 149335  
co-chairpersons may request assistance for the Committee from the 149336  
Legislative Service Commission. 149337

(C) The Committee may examine the following issues: 149338

(1) The implementation of the dual eligible integrated care 149339  
demonstration project authorized by section 5164.91 of the Revised 149340  
Code; 149341

(2) The implementation of a unified long-term services and 149342  
support Medicaid waiver component under section 5166.14 of the 149343  
Revised Code; 149344

(3) Providing consumers choices regarding a continuum of 149345  
services that meet their health-care needs, promote autonomy and 149346  
independence, and improve quality of life; 149347

(4) Ensuring that long-term care services and supports are 149348  
delivered in a cost-effective and quality manner; 149349

(5) Subjecting county homes, county nursing homes, and 149350  
district homes operated pursuant to Chapter 5155. of the Revised 149351  
Code to the franchise permit fee under sections 5168.40 to 5168.56 149352  
of the Revised Code; 149353

(6) Other issues of interest to the committee. 149354

(D) The co-chairpersons of the Committee shall provide for 149355  
the Medicaid Director to testify before the Committee at least 149356  
quarterly regarding the issues that the Committee examines. 149357

**Section 323.100.** HOSPITAL INPATIENT AND OUTPATIENT 149358  
SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM; MEDICAID MANAGED CARE 149359  
HOSPITAL INCENTIVE PAYMENT PROGRAM 149360

(A) As used in this section: 149361

(1) "Hospital" has the same meaning as in section 5168.20 of 149362

|                                                                                                                                                                                                                                                                                                             |                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| the Revised Code.                                                                                                                                                                                                                                                                                           | 149363                                         |
| (2) "Hospital Assessment Fund" means the fund created under section 5168.25 of the Revised Code.                                                                                                                                                                                                            | 149364<br>149365                               |
| (3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.                                                                                                                                                                                                    | 149366<br>149367                               |
| (B) The Department of Medicaid shall do both of the following:                                                                                                                                                                                                                                              | 149368<br>149369                               |
| (1) Continue the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program that was established pursuant to Section 309.30.17 of Am. Sub. H.B. 1 of the 128th General Assembly, with any modifications necessary to implement the program as described under division (D) of this section; | 149370<br>149371<br>149372<br>149373<br>149374 |
| (2) Continue the Medicaid Managed Care Hospital Incentive Payment Program, as described under division (E) of this section.                                                                                                                                                                                 | 149375<br>149376                               |
| (C) The Department shall use amounts deposited into the Hospital Assessment Fund in fiscal year 2014 and fiscal year 2015 for the following purposes in each fiscal year:                                                                                                                                   | 149377<br>149378<br>149379                     |
| (1) To pay for costs associated with all of the following:                                                                                                                                                                                                                                                  | 149380                                         |
| (a) The Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program;                                                                                                                                                                                                                         | 149381<br>149382                               |
| (b) The Medicaid Managed Care Hospital Incentive Payment Program;                                                                                                                                                                                                                                           | 149383<br>149384                               |
| (c) The Medicaid payment rates for hospital inpatient and outpatient services required by the section of this act entitled "CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES."                                                                                                 | 149385<br>149386<br>149387<br>149388           |
| (2) To reduce spending in appropriation item 651525, Medicaid/Health Care Services.                                                                                                                                                                                                                         | 149389<br>149390                               |
| (D)(1) Under the Hospital Inpatient and Outpatient                                                                                                                                                                                                                                                          | 149391                                         |

Supplemental Upper Payment Limit Program, subject to division 149392  
(D)(2) of this section, supplemental Medicaid payments shall be 149393  
made to hospitals for Medicaid-covered inpatient and outpatient 149394  
services. The Department shall make the payments through amounts 149395  
available for the Program pursuant to division (C) of this section 149396  
and any federal financial participation available for the Program. 149397

(2) The Department shall take all actions necessary to cease 149398  
implementation of the Program if the United States Secretary 149399  
determines that the assessment imposed under section 5168.21 of 149400  
the Revised Code is an impermissible health care-related tax under 149401  
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 149402

(E)(1) The purpose of the Medicaid Managed Care Hospital 149403  
Incentive Payment Program is to increase access to hospital 149404  
services for Medicaid recipients who are enrolled in Medicaid 149405  
managed care organizations. 149406

Under the Program, subject to division (E)(2) of this 149407  
section, funds shall be provided to Medicaid managed care 149408  
organizations, which shall use the funds to increase payments to 149409  
hospitals for providing services to Medicaid recipients who are 149410  
enrolled in the organizations. The Department shall provide the 149411  
funds through amounts available for the Program pursuant to 149412  
division (C) of this section and any federal financial 149413  
participation available for the Program. 149414

(2)(a) The Department shall not provide funds to Medicaid 149415  
managed care organizations under the Program unless an actuary 149416  
selected by the Department certifies that the Program would not 149417  
violate the actuarial soundness of the capitation rates paid to 149418  
Medicaid managed care organizations. 149419

(b) The Department shall not implement the Program in a 149420  
manner that causes a hospital to receive less money from the 149421  
Hospital Assessment Fund than the hospital would have received if 149422

the Program were not implemented. 149423

(c) The Department shall not implement the Program in a 149424  
manner that causes a Medicaid managed care organization to receive 149425  
a lower capitation payment rate solely because funds are made 149426  
available to the organization under the Program. 149427

(d) The Department shall take all necessary actions to cease 149428  
implementation of the Program if the United States Secretary 149429  
determines that the assessment imposed under section 5168.21 of 149430  
the Revised Code is an impermissible health care-related tax under 149431  
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 149432

(F) The Director of Budget and Management may authorize 149433  
additional expenditures from appropriation item 651623, Medicaid 149434  
Services - Federal, appropriation item 651525, Medicaid/Health 149435  
Care Services, and appropriation item 651656, Medicaid Services - 149436  
Hospital/UPL, in order to implement the programs authorized by 149437  
this section. Any amounts authorized are hereby appropriated. 149438

(G) The Medicaid Director shall adopt rules as necessary to 149439  
implement this section. The rules shall provide for the applicable 149440  
assessment percentage that is used for the purpose of section 149441  
5168.21 of the Revised Code to be an amount that raises, from the 149442  
assessments imposed on hospitals under that section, an amount the 149443  
Director determines is appropriate to fund the purposes specified 149444  
in division (C) of this section. 149445

**Section 323.103.** CONTINUATION OF MEDICAID RATES FOR HOSPITAL 149446  
INPATIENT AND OUTPATIENT SERVICES 149447

(A) The Medicaid payment rates for Medicaid-covered hospital 149448  
inpatient services and hospital outpatient services shall be the 149449  
same as the Medicaid payment rates for the services in effect on 149450  
June 30, 2013, until the following: 149451

(1) In the case of hospital inpatient services, the effective 149452

date of the first of any rules adopted under section 5164.02 of the Revised Code establishing new diagnosis-related groups for the services;

(2) In the case of hospital outpatient services, June 30, 2015.

(B) The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid/Health Care Services, and appropriation item 651656, Medicaid Services - Hospital/UPL, in order to implement this section. Any amounts authorized are hereby appropriated.

**Section 323.110.** ADMINISTRATIVE ISSUES RELATED TO TERMINATION OF MEDICAID WAIVER PROGRAMS

(A) As used in this section, "MCD or ODA Medicaid waiver component" means the following:

(1) The Medicaid waiver component of the PASSPORT program created under section 173.52 of the Revised Code;

(2) The Choices program created under section 173.53 of the Revised Code;

(3) The Medicaid waiver component of the Assisted Living program created under section 173.54 of the Revised Code.

(4) The Ohio Home Care Waiver program as defined in section 5166.01 of the Revised Code;

(5) The Ohio Transitions II Aging Carve-Out program as defined in section 5166.01 of the Revised Code;

(B) If an MCD or ODA Medicaid waiver component is terminated under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the Revised Code, all of the following apply:

(1) All applicable statutes, and all applicable rules,

standards, guidelines, or orders issued by the Medicaid Director 149482  
or Department of Medicaid or Director or Department of Aging 149483  
before the component is terminated, shall remain in full force and 149484  
effect on and after that date, but solely for purposes of 149485  
concluding the component's operations, including fulfilling the 149486  
Departments' legal obligations for claims arising from the 149487  
component relating to eligibility determinations, covered medical 149488  
assistance provided to eligible persons, and recovering erroneous 149489  
overpayments. 149490

(2) Notwithstanding the termination of the component, the 149491  
right of subrogation for the cost of medical assistance given 149492  
under section 5160.37 of the Revised Code to the Department of 149493  
Medicaid and an assignment of the right to medical assistance 149494  
given under section 5160.38 of the Revised Code to the Department 149495  
continue to apply with respect to the component and remain in 149496  
force to the full extent provided under those sections. 149497

(3) The Department of Medicaid and Department of Aging may 149498  
use appropriated funds to satisfy any claims or contingent claims 149499  
for medical assistance provided under the component before the 149500  
component's termination. 149501

(4) Neither the Department of Medicaid nor the Department of 149502  
Aging has liability under the component to reimburse any provider 149503  
or other person for claims for medical assistance rendered under 149504  
the component after it is terminated. 149505

(C) The Medicaid Director and Director of Aging may adopt 149506  
rules in accordance with Chapter 119. of the Revised Code to 149507  
implement this section. 149508

**Section 323.130. DISPENSING FEE FOR NONCOMPOUNDED DRUGS** 149509

The Medicaid dispensing fee for each noncompounded drug 149510  
covered by the Medicaid program shall be \$1.80 for the period 149511

beginning July 1, 2013, and ending on the effective date of a rule 149512  
changing the amount of the fee that the Medicaid Director adopts 149513  
under section 5164.02 of the Revised Code. 149514

**Section 323.140. MONEY FOLLOWS THE PERSON ENHANCED** 149515  
REIMBURSEMENT FUND 149516

The federal payments made to the state under subsection (e) 149517  
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 149518  
No. 109-171, as amended, shall be deposited into the Money Follows 149519  
the Person Enhanced Reimbursement Fund. The Department of Medicaid 149520  
shall continue to use money deposited into the fund for system 149521  
reform activities related to the Money Follows the Person 149522  
demonstration project. 149523

**Section 323.150. MEDICARE PART D** 149524

The foregoing appropriation item 651526, Medicare Part D, may 149525  
be used by the Department of Medicaid for the implementation and 149526  
operation of the Medicare Part D requirements contained in the 149527  
"Medicare Prescription Drug, Improvement, and Modernization Act of 149528  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 149529  
Department of Medicaid, the Director of Budget and Management may 149530  
transfer the state share of appropriations between appropriation 149531  
item 651525, Medicaid/Health Care Services, or appropriation item 149532  
651526, Medicare Part D. If the state share of appropriation item 149533  
651525, Medicaid/Health Care Services, is adjusted, the Director 149534  
of Budget and Management shall adjust the federal share 149535  
accordingly. The Department of Medicaid shall provide notification 149536  
to the Controlling Board of any transfers at the next scheduled 149537  
Controlling Board meeting. 149538

**Section 323.160. REBALANCING LONG-TERM CARE** 149539

(A) As used in this section: 149540

"Balancing Incentive Payments Program" means the program 149541  
established under section 10202 of the Patient Protection and 149542  
Affordable Care Act. 149543

"Long-term services and supports" has the same meaning as in 149544  
section 10202(f)(1) of the Patient Protection and Affordable Care 149545  
Act. 149546

"Non-institutionally-based long-term services and supports" 149547  
has the same meaning as in section 10202(f)(1)(B) of the Patient 149548  
Protection and Affordable Care Act. 149549

"Patient Protection and Affordable Care Act" means Public Law 149550  
111-148. 149551

(B) The Departments of Aging, Developmental Disabilities, and 149552  
Medicaid shall continue efforts to achieve a sustainable and 149553  
balanced delivery system for long-term services and supports. In 149554  
so doing, the Departments shall strive to realize the following 149555  
goals by June 30, 2015: 149556

(1) Having at least fifty per cent of Medicaid recipients who 149557  
are sixty years of age or older and need long-term services and 149558  
supports utilize non-institutionally-based long-term services and 149559  
supports; 149560

(2) Having at least sixty per cent of Medicaid recipients who 149561  
are less than sixty years of age and have cognitive or physical 149562  
disabilities for which long-term services and supports are needed 149563  
utilize non-institutionally-based long-term services and supports. 149564

(C) If the Department of Medicaid determines that 149565  
participating in the Balancing Incentive Payments Program will 149566  
assist in achieving the goals specified in division (B) of this 149567  
section, the Department may apply to the United States Secretary 149568  
of Health and Human Services to participate in the program. 149569

**Section 323.170. OHIO ACCESS SUCCESS PROJECT** 149570



Of the foregoing appropriation item, 651525, Medicaid/Health Care Services, up to \$450,000 in each fiscal year may be used to provide one-time transitional benefits under the Ohio Access Success Project that the Medicaid Director may establish under section 5166.35 of the Revised Code.

**Section 323.180. PROVIDER FRANCHISE FEE OFFSETS** 149576

(A) At least quarterly, the Medicaid Director shall certify to the Director of Budget and Management the amount of offsets withheld under section 5168.52 of the Revised Code from payments made from the General Revenue Fund.

(B) The Director of Budget and Management may transfer cash from the General Revenue Fund to the Nursing Home Franchise Permit Fee Fund (Fund 5R20), in accordance with section 5168.54 of the Revised Code.

(C) Amounts transferred pursuant to this section are hereby appropriated.

**Section 323.190. HOSPITAL CARE ASSURANCE MATCH** 149587

The foregoing appropriation item 651623, Medicaid Services - Federal, shall be used by the Department of Medicaid for distributing the federal share of Medicaid services required under the section of this act entitled "CREATION OF THE DEPARTMENT OF MEDICAID," including the federal share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code.

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and

Management, the additional amounts are hereby appropriated. 149601

The foregoing appropriation item 651649, Medicaid Services - 149602  
HCAP, shall be used by the Department of Medicaid for distributing 149603  
the state share of all hospital care assurance program funds to 149604  
hospitals under section 5168.09 of the Revised Code. If receipts 149605  
credited to the Hospital Care Assurance Program Fund (Fund 6510) 149606  
exceed the amounts appropriated from the fund for making the 149607  
hospital care assurance program distribution, the Medicaid 149608  
Director may request the Director of Budget and Management to 149609  
authorize expenditures from the fund in excess of the amounts 149610  
appropriated. Upon the approval of the Director of Budget and 149611  
Management, the additional amounts are hereby appropriated. 149612

**Section 323.200. HEALTH CARE SERVICES ADMINISTRATION FUND** 149613

Of the amount received by the Department of Medicaid during 149614  
fiscal year 2014 and fiscal year 2015 from the first installment 149615  
of assessments paid under section 5168.06 of the Revised Code and 149616  
intergovernmental transfers made under section 5168.07 of the 149617  
Revised Code, the Medicaid Director shall deposit \$350,000 in each 149618  
fiscal year into the state treasury to the credit of the Health 149619  
Care Services Administration Fund (Fund 5U30). 149620

**Section 323.210. TRANSFERS OF OFFSETS TO THE HEALTH CARE** 149621  
**SERVICES ADMINISTRATION FUND** 149622

(A) As used in this section: 149623

"Hospital offset" means an offset from a hospital's Medicaid 149624  
payment authorized by section 5168.991 of the Revised Code. 149625

"Vendor offset" means a reduction of a Medicaid payment to a 149626  
Medicaid provider to correct a previous, incorrect Medicaid 149627  
payment. 149628

(B) During fiscal year 2014 and fiscal year 2015, at 149629

intervals selected by the Medicaid Director, the Director shall 149630  
certify to the Director of Budget and Management the amount of 149631  
hospital offsets and vendor offsets for the period covered by the 149632  
certification and the particular funds that would have been used 149633  
to make Medicaid payments to providers if not for the offsets. 149634  
Each certification shall specify the amount that would have been 149635  
taken from each of the funds if not for the hospital offsets and 149636  
vendor offsets. 149637

(C) On receipt of a certification under division (B) of this 149638  
section, the Director of Budget and Management shall transfer cash 149639  
from the funds identified in the certification to the Health Care 149640  
Services Administration Fund (Fund 5U30). The amount transferred 149641  
from a fund shall equal the amount that would have been taken from 149642  
the fund if not for the hospital offsets and vendor offsets as 149643  
specified in the certification. The transferred cash is hereby 149644  
appropriated. 149645

**Section 323.220. MEDICAID INTERAGENCY PASS-THROUGH** 149646

The Medicaid Director may request the Director of Budget and 149647  
Management to increase appropriation item 651655, Medicaid 149648  
Interagency Pass-Through. Upon the approval of the Director of 149649  
Budget and Management, the additional amounts are hereby 149650  
appropriated. 149651

**Section 323.230. MEDICAID PAYMENTS FOR NONINSTITUTIONAL** 149652  
**SERVICES PROVIDED TO DUAL ELIGIBLE INDIVIDUALS** 149653

(A) As used in this section: 149654

"Dual eligible individual" has the same meaning as in the 149655  
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 149656  
1396n(h)(2)(B). 149657

"Medicare Part B" means the Supplementary Medical Insurance 149658  
Program for the Aged and Disabled component of the Medicare 149659

program established by Part B of Title XVIII of the "Social Security Act," 42 U.S.C. 1395j et seq. 149660  
149661

"Noninstitutional services" means any services other than hospital services, nursing facility services, and intermediate care facilities for individuals with intellectual disabilities. 149662  
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(B) Notwithstanding any conflicting state statute, a Medicaid payment for noninstitutional services, excluding physician services and including freestanding dialysis center services, provided during the period beginning January 1, 2014, and ending July 1, 2015, to a Medicaid recipient who is a dual eligible individual enrolled for benefits under Medicare Part B shall equal the lesser of the following: 149665  
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(1) The sum of the Medicare Part B deductible, coinsurance, and copayment for the services that are applicable to the individual; 149672  
149673  
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(2) The greater of the following: 149675

(a) The maximum allowable Medicaid payment for the services when the services are provided to other Medicaid recipients, less the total Medicaid payment (if any) most recently paid on the Medicaid recipient's behalf for such services; 149676  
149677  
149678  
149679

(b) Zero. 149680

**Section 323.233. MEDICAID PAYMENTS FOR HOME HEALTH SERVICES AND PRIVATE DUTY NURSING** 149681  
149682

(A) As used in this section, "responsible adult" means the spouse of a Medicaid recipient or, in the case of a Medicaid recipient who is a minor, the minor's parent, foster caregiver, stepparent, guardian, legal custodian, or any other person who stands in loco parentis for the minor. 149683  
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(B) Except as provided in division (C) of this section, for fiscal year 2014 and fiscal year 2015, Medicaid payments shall not 149688  
149689

be made for any of the following services that are provided to a Medicaid recipient by an individual who is a responsible adult for that recipient:

(1) Nursing services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(1);

(2) Home health aide services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(2);

(3) Private duty nursing services, as defined in 42 C.F.R. 440.80.

(C) For fiscal year 2014 and fiscal year 2015, the Medicaid Director shall establish the conditions under which Medicaid payments may be made for any of the services described in division (B) of this section that are provided to a Medicaid recipient by an individual who is a responsible adult for that recipient.

(D) The Director shall adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement this section. The Director shall consult provider representatives, consumer representatives, and other stakeholders in developing the rules, which may include the following:

(1) Qualification and training requirements necessary for responsible adults to receive Medicaid payments under division (C) of this section;

(2) Oversight requirements necessary for responsible adults to receive Medicaid payments under division (C) of this section;

(3) Procedures designed to protect against fraud, waste, and abuse that may occur as a result of payments made under division (C) of this section;

(4) Any other procedures, standards, or requirements the Director considers appropriate.

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| <b>Section 323.236. PURCHASING STRATEGIES FOR CERTAIN SERVICES</b> | 149719 |
| For fiscal year 2014 and fiscal year 2015, the Medicaid            | 149720 |
| Director shall implement strategies for purchasing oxygen (other   | 149721 |
| than emergency oxygen), resident transportation services and       | 149722 |
| wheelchairs for Medicaid recipients residing in nursing            | 149723 |
| facilities. In implementing the purchasing strategies, the         | 149724 |
| Director shall seek to achieve a more efficient allocation of      | 149725 |
| resources and price and quality competition among providers of the | 149726 |
| goods and services. The Director shall consider one or more of the | 149727 |
| following when determining the purchasing strategies to implement: | 149728 |
| (A) Establishing selective contracting or competitive              | 149729 |
| bidding;                                                           | 149730 |
| (B) Establishing manufacturers rebate programs;                    | 149731 |
| (C) Another purchasing strategy that saves the Medicaid            | 149732 |
| program an amount equivalent to the savings that would be realized | 149733 |
| from the purchasing strategies specified in division (A) or (B),   | 149734 |
| or both, of this section.                                          | 149735 |
| <b>Section 323.250. REDUCED RATE FOR REPEAT RADIOLOGICAL</b>       | 149736 |
| <b>SERVICES</b>                                                    | 149737 |
| (A) The Medicaid Director shall reduce the Medicaid payment        | 149738 |
| rate for radiological services to which both of the following      | 149739 |
| apply:                                                             | 149740 |
| (1) They are provided in a physician's office or an                | 149741 |
| independent diagnostic testing facility;                           | 149742 |
| (2) They are provided more than once by the same provider for      | 149743 |
| the same Medicaid recipient during the same session.               | 149744 |
| (B) The Director shall adopt rules under section 5164.02 of        | 149745 |
| the Revised Code to implement the rate reduction required by this  | 149746 |
| section. The rules shall not take effect before January 1, 2014.   | 149747 |

**Section 323.260.** VARYING MEDICAID PAYMENT RATES FOR PHYSICIAN SERVICES DEPENDING ON LOCATION OF SERVICE 149748  
149749

(A) The Medicaid Director shall do both of the following: 149750

(1) Identify physician services for which Medicaid payment rates should vary depending on where the services are provided; 149751  
149752

(2) Adopt rules under section 5164.02 of the Revised Code to establish the varying Medicaid payment rates. 149753  
149754

(B) The rules required by division (A)(2) of this section shall not take effect before January 1, 2014. 149755  
149756

**Section 323.263.** PAYMENT RATES FOR PASSPORT SERVICES 149757

The Medicaid payment rates for services provided under the PASSPORT program, other than adult day-care services, during the period beginning July 1, 2013, and ending June 30, 2015, shall be not less than ninety-eight and five-tenths per cent of the Medicaid payment rates for the services in effect on June 30, 2011. The Medicaid payment rates for adult day-care services provided under the PASSPORT program during the period beginning July 1, 2013, and ending June 30, 2015, shall be twenty per cent higher than the amount of the Medicaid payment rates for the services in effect on June 30, 2013. 149758  
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**Section 323.270.** MEDICAID PAYMENT METHODOLOGIES ALIGNED WITH MEDICARE PAYMENT METHODOLOGIES 149768  
149769

(A) The Medicaid Director shall do both of the following: 149770

(1) Identify Medicaid services for which the Medicaid payment methodologies should be aligned, to the extent the Director considers appropriate, with Medicare payment methodologies for the services; 149771  
149772  
149773  
149774

(2) Adopt rules under section 5164.02 of the Revised Code to 149775

so align the payment methodologies for the services. 149776

(B) The rules required by division (A)(2) of this section 149777  
shall not take effect before January 1, 2014. 149778

**Section 323.280. ALTERNATIVE PURCHASING MODEL FOR NURSING 149779**  
FACILITY SERVICES 149780

As used in this section, "Medicaid waiver component" has the 149781  
same meaning as in section 5166.01 of the Revised Code. 149782

The Medicaid Director may establish, as a Medicaid waiver 149783  
component, an alternative purchasing model for nursing facility 149784  
services provided, during the period beginning July 1, 2013, and 149785  
ending July 1, 2015, to Medicaid recipients with specialized 149786  
health care needs, including recipients dependent on ventilators, 149787  
recipients who have severe traumatic brain injury, and recipients 149788  
who would be admitted to long-term acute care hospitals or 149789  
rehabilitation hospitals if they did not receive nursing facility 149790  
services. If established, the alternative purchasing model shall 149791  
do all of the following: 149792

(A) Recognize a connection between enhanced Medicaid payment 149793  
rates and improved health outcomes capable of being measured; 149794

(B) Include criteria for identifying Medicaid recipients with 149795  
specialized health care needs; 149796

(C) Include procedures for ensuring that Medicaid recipients 149797  
identified pursuant to division (B) of this section receive 149798  
nursing facility services under the alternative purchasing model. 149799

The total per Medicaid day payment rate for nursing facility 149800  
services provided under the alternative purchasing model may 149801  
differ from the rate that would otherwise be paid pursuant to 149802  
Chapter 5165. of the Revised Code. 149803

**Section 323.290. REVIEW OF LONG-TERM SERVICES TO IMPROVE 149804**



|                                                                                                                                                                                                                                 |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| EFFICIENCY AND INDIVIDUAL CARE                                                                                                                                                                                                  | 149805                               |
| (A) The Department of Medicaid may review the following services covered by the Medicaid program to identify opportunities to improve the efficiency of, and individual care provided by, long-term care services and supports: | 149806<br>149807<br>149808<br>149809 |
| (1) Nursing services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(1);                                                                                                                       | 149810<br>149811                     |
| (2) Home health aide services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(2);                                                                                                              | 149812<br>149813                     |
| (3) Private duty nursing services as defined in 42 C.F.R. 440.80.                                                                                                                                                               | 149814<br>149815                     |
| (B) The Department, in its review authorized by division (A) of this section, may consider establishing the following:                                                                                                          | 149816<br>149817                     |
| (1) New methods for authorizing and coordinating long-term care services and supports, including such services and supports covered by the Medicaid state plan, using case managers or care coordinators;                       | 149818<br>149819<br>149820<br>149821 |
| (2) Competency and training requirements for the case managers or care coordinators;                                                                                                                                            | 149822<br>149823                     |
| (3) Other mechanisms for improving efficiency and individual care in the delivery of long-term care services and supports.                                                                                                      | 149824<br>149825                     |
| <b>Section 323.300. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED CARE</b>                                                                                                                                                          | 149826<br>149827                     |
| (A) As used in this section:                                                                                                                                                                                                    | 149828                               |
| (1) "Dual eligible individual" has the same meaning as in section 1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315, 42 U.S.C. 1396n(h)(2)(B).                                                                          | 149829<br>149830<br>149831           |
| (2) "Dual eligible integrated care demonstration project"                                                                                                                                                                       | 149832                               |

means the demonstration project authorized by section 5164.91 of the Revised Code. 149833  
149834

(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 149835  
149836

(4) "Participant" means an individual participating in the dual eligible integrated care demonstration project. 149837  
149838

(B) For fiscal year 2014 and fiscal year 2015, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Dual Eligible Integrated Care Demonstration Project. 149839  
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(C) If the Department implements the Dual Eligible Integrated Care Demonstration Project, and if participants receive care through Medicaid managed care organizations under the project, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following: 149843  
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149845  
149846  
149847

(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services provided to participants by Medicaid managed care organizations; 149848  
149849  
149850

(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for participants. 149851  
149852  
149853

(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for a participant. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all Medicaid managed care organizations providing care to participants. 149854  
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(2) Each Medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its 149861  
149862

Medicaid provider agreement with the Department. 149863

(3) When the amount is established and each time the amount 149864  
is modified thereafter, the Department shall certify the amount to 149865  
the Director of Budget and Management and begin withholding the 149866  
amount from each premium the Department pays to a Medicaid managed 149867  
care organization for a participant. 149868

(E) The Director of Budget and Management shall transfer the 149869  
amounts certified in accordance with division (D) of this section 149870  
into the Managed Care Performance Payment Fund created under 149871  
section 5162.60 of the Revised Code. The amounts transferred may 149872  
be used to make performance payments to Medicaid managed care 149873  
organizations providing care to participants in accordance with 149874  
rules that may be adopted by the Medicaid Director under Chapter 149875  
119. of the Revised Code. 149876

(F) A Medicaid managed care organization subject to this 149877  
section is not subject to section 5167.30 of the Revised Code for 149878  
premium payments attributed to participants during fiscal year 149879  
2014 and fiscal year 2015. 149880

**Section 323.310. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE** 149881  
**PAYMENT PROGRAM** 149882

At the beginning of each quarter, or as soon as possible 149883  
thereafter, the Medicaid Director may certify to the Director of 149884  
Budget and Management the amount withheld in accordance with the 149885  
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 149886  
MANAGED CARE." On receipt of certification, the Director of Budget 149887  
and Management shall transfer cash in the amount certified from 149888  
the General Revenue Fund to the Managed Care Performance Payment 149889  
Fund (Fund 5KW0). The transferred cash is hereby appropriated. 149890  
Appropriation item 651525, Medicaid/Health Care Services, is 149891  
hereby reduced by the amount of the transfer. 149892

|                                                                                                                                                                                                                                                                                                                                                                                 |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <b>Section 323.320.</b> VENDOR COLLECTION OF PATIENT LIABILITY                                                                                                                                                                                                                                                                                                                  | 149893                                                   |
| (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                    | 149894                                                   |
| "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.                                                                                                                                                                                                                                                                                     | 149895<br>149896                                         |
| "Patient liability" means the amount that 42 C.F.R. 435.735 requires be reduced from a Medicaid payment for home and community-based services available under a Medicaid waiver component.                                                                                                                                                                                      | 149897<br>149898<br>149899<br>149900                     |
| (B) The Medicaid Director may contract with a person or government entity to collect patient liabilities for fiscal year 2014 and fiscal year 2015. The Director may adopt rules under section 5166.02 of the Revised Code as necessary to implement this section.                                                                                                              | 149901<br>149902<br>149903<br>149904<br>149905           |
| <b>Section 323.330.</b> STATE PLAN HOME AND COMMUNITY-BASED SERVICES                                                                                                                                                                                                                                                                                                            | 149906                                                   |
| (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                    | 149907                                                   |
| "Federal poverty line" means the official poverty line defined by the United States Office of Management and Budget based on the most recent data available from the United States Bureau of the Census and revised by the United States Secretary of Health and Human Services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2). | 149908<br>149909<br>149910<br>149911<br>149912<br>149913 |
| "State plan home and community-based services" means home and community-based services that may be included in the Medicaid state plan pursuant to the "Social Security Act," section 1915(i), 42 U.S.C. 1396n(i).                                                                                                                                                              | 149914<br>149915<br>149916<br>149917                     |
| (B) During fiscal year 2014 and fiscal year 2015, the Medicaid program may cover state plan home and community-based services for Medicaid recipients of any age who have behavioral health issues and countable incomes not exceeding one hundred                                                                                                                              | 149918<br>149919<br>149920<br>149921                     |

fifty per cent of the federal poverty line. A Medicaid recipient 149922  
is not required to undergo a level of care determination to be 149923  
eligible for the state plan home and community-based services. 149924

The Medicaid Director may adopt rules under section 5164.02 149925  
of the Revised Code as necessary to implement this section. 149926

**Section 323.340.** INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR 149927  
INDIVIDUALS UNDER AGE 21 149928

(A) As used in this section: 149929

"Inpatient psychiatric hospital services for individuals 149930  
under age 21" has the same meaning as in the "Social Security 149931  
Act," section 1905(h), 42 U.S.C. 1396d(h). 149932

"Psychiatric residential treatment facility" has the same 149933  
meaning as in 42 C.F.R. 483.352. 149934

(B) During fiscal year 2014 and fiscal year 2015, the 149935  
Medicaid program may cover inpatient psychiatric hospital services 149936  
for individuals under age 21 that are provided by psychiatric 149937  
residential treatment facilities to Medicaid recipients to whom 149938  
both of the following apply: 149939

(1) They are in the custody of the Department of Youth 149940  
Services. 149941

(2) They have been identified as meeting a clinical criterion 149942  
of serious emotional disturbance specified pursuant to division 149943  
(C) of this section. 149944

(C) The Department of Youth Services, in collaboration with 149945  
the Department of Medicaid and Department of Mental Health and 149946  
Addiction Services, shall specify the clinical criterion of 149947  
serious emotional disturbance to be used for the purpose of 149948  
division (B)(2) of this section. 149949

**Section 323.350.** MCD COLLABORATION WITH DVS 149950

The Department of Medicaid may collaborate with the Department of Veterans Services to determine ways to improve the coordination of the services that the Departments make available to veterans in a manner that enhances veterans' receipt of the services. The Departments may implement, during fiscal year 2014 and fiscal year 2015, initiatives that they determine during the collaboration will maximize the efficiency of the services and ensure that veterans' needs are met.

**Section 323.360. IMPROVED BIRTH OUTCOMES INITIATIVES**

(A) The Medicaid Director may develop and implement, during fiscal year 2014 and fiscal year 2015, initiatives designed to improve birth outcomes for Medicaid recipients, including improvements designed to do the following:

- (1) Reduce the number of preterm births;
- (2) Reduce Medicaid costs;
- (3) Improve the quality of Medicaid services.

(B) In developing the initiatives, the Director may consult with experts in practice improvement, Medicaid managed care organizations, hospitals, and other types of Medicaid providers. The Director, Medicaid managed care organizations, and other types of Medicaid providers involved in the initiatives shall make information about the initiatives available on their web sites.

**Section 323.370. ABOLISHMENT OF THE PRESCRIPTION DRUG REBATES FUND**

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Prescription Drug Rebates Fund (Fund 5P50) to the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). Upon completion of the transfer, Fund 5P50 is abolished. The Director

shall cancel any existing encumbrances against appropriation item 149980  
600692, Health Care/Medicaid Support - Drug Rebates, and 149981  
reestablish them against appropriation item 651639, Medicaid 149982  
Services - Recoveries. The re-established encumbrance amounts are 149983  
hereby appropriated. 149984

All money that would have been deposited into the 149985  
Prescription Drug Rebates Fund shall be deposited into the Health 149986  
Care/Medicaid Support and Recoveries Fund during fiscal year 2014 149987  
and fiscal year 2015. 149988

**Section 323.380. ABOLISHMENT OF THE HEALTHCARE COMPLIANCE 149989**  
FUND 149990

On July 1, 2013, or as soon as possible thereafter, the 149991  
Medicaid Director shall certify to the Director of Budget and 149992  
Management, the cash balance related to managed care obligations 149993  
in the Healthcare Compliance Fund (Fund 4Z10). The Director of 149994  
Budget and Management shall transfer the amount certified from 149995  
Fund 4Z10 to the Managed Care Performance Payment Fund (Fund 149996  
5KW0). The Director shall cancel any existing encumbrances related 149997  
to managed care obligations against appropriation item 600625, 149998  
Healthcare Compliance, and re-establish them against appropriation 149999  
item 651612, Managed Care Performance Payment. The re-established 150000  
encumbrance amounts are hereby appropriated. 150001

After the cash relating to managed care obligations has been 150002  
transferred, the Director of Budget and Management shall transfer 150003  
the remaining cash balance in the Healthcare Compliance Fund (Fund 150004  
4Z10) to the Health Care Services Administration Fund (Fund 5U30). 150005  
Upon completion of the transfer, Fund 4Z10 is abolished. The 150006  
Director shall cancel any remaining encumbrances against 150007  
appropriation item 600625, Healthcare Compliance, and re-establish 150008  
them against appropriation item 651654, Medicaid Program Support. 150009  
The re-established encumbrance amounts are hereby appropriated. 150010

All money that would have been deposited into the Health Care 150011  
Compliance Fund pursuant to division (B)(2) of former section 150012  
5111.946 of the Revised Code shall be deposited into the Health 150013  
Care Services Administration Fund during fiscal year 2014 and 150014  
fiscal year 2015. 150015

**Section 323.390.** ABOLISHMENT OF THE ODJFS ADMINISTRATION AND 150016  
OVERSIGHT FUND 150017

On July 1, 2013, or as soon as possible thereafter, the 150018  
Director of Budget and Management shall transfer the cash balance 150019  
in the ODJFS Administration and Oversight Fund (Fund 5S30) to the 150020  
Health Care Services Administration Fund (Fund 5U30). Upon 150021  
completion of the transfer, Fund 5S30 is abolished. The Director 150022  
shall cancel any existing encumbrances against appropriation item 150023  
600629, Healthcare Program and DDD Support, and re-establish them 150024  
against appropriation item 651654, Medicaid Program Support. The 150025  
re-established encumbrance amounts are hereby appropriated. 150026

**Section 323.400.** REFUNDS AND RECONCILIATION FUND 150027

The Refunds and Reconciliation Fund (Fund R055) shall be used 150028  
to hold refund and reconciliation revenues until the appropriate 150029  
fund is determined or until the revenues are directed to the 150030  
appropriate governmental agency other than the Department of 150031  
Medicaid. Any Medicaid refunds or reconciliations received or held 150032  
by the Department of Job and Family Services shall be transferred 150033  
or credited to this fund. If receipts credited to the Refunds and 150034  
Reconciliation Fund exceed the amounts appropriated from the fund, 150035  
the Medicaid Director may request the Director of Budget and 150036  
Management to authorize expenditures from the fund in excess of 150037  
the amounts appropriated. Upon approval of the Director of Budget 150038  
and Management, the additional amounts are hereby appropriated. 150039

**Section 323.460.** NO LOSS OF MEDICAID ELIGIBILITY BEFORE 150040



JANUARY 1, 2014 150041

Notwithstanding the amendments by this act to sections 150042  
5101.18, 5111.01 (as renumbered as section 5162.03), and 5111.011 150043  
(as renumbered as section 5163.02) and the repeal by this act of 150044  
sections 5111.014, 5111.015, 5111.0110, 5111.0111, 5111.0113, 150045  
5111.0115, 5111.0120, 5111.0121, 5111.0122, 5111.0123, 5111.0124, 150046  
and 5111.0125 of the Revised Code, no individual eligible for 150047  
Medicaid pursuant to those sections shall lose Medicaid 150048  
eligibility before January 1, 2014, because of the amendments to, 150049  
or repeal of, those sections. This section does not preclude an 150050  
individual from losing Medicaid eligibility before January 1, 150051  
2014, if the individual would cease to be Medicaid eligible before 150052  
that date for reasons unrelated to the amendments to, or repeal 150053  
of, those sections. Unrelated reasons include acquiring income or 150054  
assets exceeding eligibility limits and failure to comply with 150055  
eligibility requirements. 150056

**Section 323.470.** ALTERATIONS TO AND ELIMINATION OF OPTIONAL 150057  
MEDICAID ELIGIBILITY GROUPS 150058

The Medicaid Director may initiate, before January 1, 2014, 150059  
the rule-making process to alter the eligibility requirements for, 150060  
or to eliminate, one or more Medicaid optional eligibility groups 150061  
or subgroups pursuant to section 5163.06 of the Revised Code. 150062  
However, none of the rules may go into effect before that date. 150063

**Section 323.480.** UPDATING AUTHORIZING STATUTE CITATIONS 150064

As used in this section, "authorizing statute" means a 150065  
Revised Code section or provision of a Revised Code section that 150066  
is cited in the Ohio Administrative Code as the statute that 150067  
authorizes the adoption of a rule. 150068

The Medicaid Director is not required to amend any rule for 150069

the sole purpose of updating the citation in the Ohio 150070  
Administrative Code to the rule's authorizing statute to reflect 150071  
that this act renumbers the authorizing statute or relocates it to 150072  
another Revised Code section. Such citations shall be updated as 150073  
the Director amends the rules for other purposes. 150074

**Section 325.10. MED STATE MEDICAL BOARD** 150075

General Services Fund Group 150076  
5C60 883609 Operating Expenses \$ 9,172,062 \$ 9,172,062 150077  
TOTAL GSF General Services 150078  
Fund Group \$ 9,172,062 \$ 9,172,062 150079  
TOTAL ALL BUDGET FUND GROUPS \$ 9,172,062 \$ 9,172,062 150080

**Section 327.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION** 150082

SERVICES 150083  
General Revenue Fund 150084  
GRF 333321 Central \$ 13,495,337 \$ 13,486,290 150085  
Administration  
GRF 333402 Resident Trainees \$ 450,000 \$ 450,000 150086  
GRF 333415 Lease-Rental Payments \$ 15,843,300 \$ 16,076,700 150087  
GRF 333416 Research Program \$ 321,998 \$ 321,998 150088  
Evaluation  
GRF 334412 Hospital Services \$ 190,514,437 \$ 190,514,437 150089  
GRF 334506 Court Costs \$ 784,210 \$ 784,210 150090  
GRF 335405 Family & Children \$ 1,386,000 \$ 1,386,000 150091  
First  
GRF 335406 Prevention and \$ 868,659 \$ 868,659 150092  
Wellness  
GRF 335421 Continuum of Care \$ 76,899,100 \$ 77,399,100 150093  
Services  
GRF 335422 Criminal Justice \$ 4,917,898 \$ 4,917,898 150094  
Services

|           |        |                                              |    |             |    |             |        |
|-----------|--------|----------------------------------------------|----|-------------|----|-------------|--------|
| GRF       | 335504 | Community Innovations                        | \$ | 1,500,000   | \$ | 1,500,000   | 150095 |
| GRF       | 335506 | Residential State Supplement                 | \$ | 7,502,875   | \$ | 7,502,875   | 150096 |
| GRF       | 335507 | Community Behavioral Health                  | \$ | 50,000,000  | \$ | 50,000,000  | 150097 |
| GRF       | 652507 | Medicaid Support                             | \$ | 1,727,553   | \$ | 1,736,600   | 150098 |
| TOTAL GRF |        | General Revenue Fund                         | \$ | 366,211,367 | \$ | 366,944,767 | 150099 |
|           |        | General Services Fund Group                  |    |             |    |             | 150100 |
| 1490      | 333609 | Central Office Operating                     | \$ | 1,343,190   | \$ | 1,343,190   | 150101 |
| 5T90      | 333641 | Problem Gambling Services - Administration   | \$ | 60,000      | \$ | 60,000      | 150102 |
| 1490      | 334609 | Hospital - Operating Expenses                | \$ | 28,190,000  | \$ | 28,190,000  | 150103 |
| 1500      | 334620 | Special Education                            | \$ | 150,000     | \$ | 150,000     | 150104 |
| 4P90      | 335604 | Community Mental Health Projects             | \$ | 250,000     | \$ | 250,000     | 150105 |
| 5T90      | 335641 | Problem Gambling Services                    | \$ | 275,000     | \$ | 275,000     | 150106 |
| 1510      | 336601 | Office of Support Services                   | \$ | 115,000,000 | \$ | 115,000,000 | 150107 |
| TOTAL GSF |        | General Services Fund Group                  | \$ | 145,268,190 | \$ | 145,268,190 | 150108 |
|           |        | Federal Special Revenue Fund Group           |    |             |    |             | 150109 |
| 3240      | 333605 | Medicaid/Medicare - Refunds                  | \$ | 154,500     | \$ | 154,500     | 150110 |
| 3A60      | 333608 | Federal Miscellaneous - Administration       | \$ | 140,000     | \$ | 140,000     | 150111 |
| 3A70      | 333612 | Social Services Block Grant - Administration | \$ | 50,000      | \$ | 50,000      | 150112 |

|      |        |                                                             |    |            |    |            |        |
|------|--------|-------------------------------------------------------------|----|------------|----|------------|--------|
| 3A80 | 333613 | Federal Grants -<br>Administration                          | \$ | 4,717,000  | \$ | 4,717,000  | 150113 |
| 3A90 | 333614 | Mental Health Block<br>Grant -<br>Administration            | \$ | 748,470    | \$ | 748,470    | 150114 |
| 3G40 | 333618 | Substance Abuse Block<br>Grant- Administration              | \$ | 3,307,789  | \$ | 3,307,789  | 150115 |
| 3H80 | 333606 | Demonstration Grants<br>- Administration                    | \$ | 3,237,574  | \$ | 3,237,574  | 150116 |
| 3N80 | 333639 | Administrative<br>Reimbursement                             | \$ | 300,000    | \$ | 300,000    | 150117 |
| 3240 | 334605 | Medicaid/Medicare -<br>Hospitals                            | \$ | 28,200,000 | \$ | 28,200,000 | 150118 |
| 3A60 | 334608 | Federal Miscellaneous<br>- Hospitals                        | \$ | 200,000    | \$ | 200,000    | 150119 |
| 3A80 | 334613 | Federal Letter of<br>Credit                                 | \$ | 200,000    | \$ | 200,000    | 150120 |
| 3A60 | 335608 | Federal Miscellaneous                                       | \$ | 2,170,000  | \$ | 2,170,000  | 150121 |
| 3A70 | 335612 | Social Services Block<br>Grant                              | \$ | 8,400,000  | \$ | 8,400,000  | 150122 |
| 3A80 | 335613 | Federal Grant -<br>Community Mental<br>Health Board Subsidy | \$ | 2,500,000  | \$ | 2,500,000  | 150123 |
| 3A90 | 335614 | Mental Health Block<br>Grant                                | \$ | 14,200,000 | \$ | 14,200,000 | 150124 |
| 3FR0 | 335638 | Race to the Top -<br>Early Learning<br>Challenge Grant      | \$ | 1,164,000  | \$ | 1,164,000  | 150125 |
| 3G40 | 335618 | Substance Abuse Block<br>Grant                              | \$ | 62,542,003 | \$ | 62,557,967 | 150126 |
| 3H80 | 335606 | Demonstration Grants                                        | \$ | 5,428,006  | \$ | 5,428,006  | 150127 |
| 3B10 | 652635 | Community Medicaid<br>Legacy Costs                          | \$ | 5,000,000  | \$ | 0          | 150128 |

|                                  |                         |                                                               |    |             |    |             |        |
|----------------------------------|-------------------------|---------------------------------------------------------------|----|-------------|----|-------------|--------|
| 3B10                             | 652636                  | Community Medicaid<br>Legacy Support                          | \$ | 7,000,000   | \$ | 7,000,000   | 150129 |
| 3J80                             | 652609                  | Medicaid Legacy Costs<br>Support                              | \$ | 3,000,000   | \$ | 0           | 150130 |
| TOTAL FED                        | Federal Special Revenue |                                                               | \$ | 152,659,342 | \$ | 144,675,306 | 150131 |
| Fund Group                       |                         |                                                               |    |             |    |             |        |
| State Special Revenue Fund Group |                         |                                                               |    |             |    |             | 150132 |
| 2320                             | 333621                  | Family and Children<br>First Administration                   | \$ | 400,000     | \$ | 400,000     | 150133 |
| 4750                             | 333623                  | Statewide Treatment<br>and Prevention -<br>Administration     | \$ | 5,490,667   | \$ | 5,490,667   | 150134 |
| 4850                             | 333632                  | Mental Health<br>Operating - Refunds                          | \$ | 134,233     | \$ | 134,233     | 150135 |
| 5JL0                             | 333629                  | Problem Gambling and<br>Casino Addictions -<br>Administration | \$ | 1,361,592   | \$ | 1,361,592   | 150136 |
| 5V20                             | 333611                  | Non-Federal<br>Miscellaneous                                  | \$ | 100,000     | \$ | 100,000     | 150137 |
| 6890                             | 333640                  | Education and<br>Conferences                                  | \$ | 150,000     | \$ | 150,000     | 150138 |
| 4850                             | 334632                  | Mental Health<br>Operating - Hospitals                        | \$ | 2,477,500   | \$ | 2,477,500   | 150139 |
| 4750                             | 335623                  | Statewide Treatment<br>and Prevention                         | \$ | 10,059,333  | \$ | 10,059,333  | 150140 |
| 5AU0                             | 335615                  | Behavioral Health Care                                        | \$ | 6,690,000   | \$ | 6,690,000   | 150141 |
| 5JL0                             | 335629                  | Problem Gambling and<br>Casino Addictions                     | \$ | 4,084,772   |    | 4,084,772   | 150142 |
| 6320                             | 335616                  | Community Capital<br>Replacement                              | \$ | 350,000     | \$ | 350,000     | 150143 |
| TOTAL SSR                        | State Special Revenue   |                                                               | \$ | 31,298,097  | \$ | 31,298,097  | 150144 |
| Fund Group                       |                         |                                                               |    |             |    |             |        |
| TOTAL ALL BUDGET                 | FUND GROUPS             |                                                               | \$ | 695,436,996 | \$ | 688,186,360 | 150145 |

**Section 327.20.** TRANSITION RELATING TO CONSOLIDATION OF DEPARTMENTS 150147  
150148

Notwithstanding Chapters 340., 3793., 5119., and 5122. of the Revised Code, and any other provision of law to the contrary, on July 1, 2013, there is hereby created the Department of Mental Health and Addiction Services, which shall be administered by the Director of Mental Health and Addiction Services. The Director of Mental Health and Addiction Services shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold office during the term of the appointing Governor, and is subject to removal at the pleasure of the Governor. The Director of Mental Health and Addiction Services is the executive head of the Department of Mental Health and Addiction Services. The Department of Alcohol and Drug Addiction Services and the Department of Mental Health shall be consolidated into the single Department of Mental Health and Addiction Services. All of the authority, functions, and assets and liabilities of the Department of Mental Health and the Department of Alcohol and Drug Addiction Services are transferred to the Department of Mental Health and Addiction Services. The Department of Mental Health and Addiction Services is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the Department of Alcohol and Drug Addiction Services and the Department of Mental Health. The Director of Mental Health and Addiction Services assumes all of the duties, authorities, and responsibilities of the Director of Alcohol and Drug Addiction Services and the Director of Mental Health. Any action, license, or certification that was undertaken or issued by the Director of Alcohol and Drug Addiction Services or the Director of Mental Health that is current and valid on the effective date of the consolidation is deemed to be an action, license, or certification undertaken or issued by the Department of Mental Health and 150149  
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Addiction Services under the statute creating that Department. 150179

Any business commenced but not completed by July 1, 2013, by 150180  
the Department of Mental Health or the Department of Alcohol and 150181  
Drug Addiction Services shall be completed by the Department of 150182  
Mental Health and Addiction Services. The business shall be 150183  
completed in the same manner, and with the same effect, as if 150184  
completed by the Department of Mental Health or by the Department 150185  
of Alcohol and Drug Addiction Services prior to July 1, 2013. 150186

No validation, cure, right, privilege, remedy, obligation, or 150187  
liability is lost or impaired by reason of this act's transfer of 150188  
responsibility from the Department of Mental Health and the 150189  
Department of Alcohol and Drug Addiction Services to the 150190  
Department of Mental Health and Addiction Services. Each such 150191  
validation, cure, right, remedy, obligation, or liability shall be 150192  
administered by the Department of Mental Health and Addiction 150193  
Services pursuant to the statute creating that department. 150194

All rules, orders, and determinations made or undertaken 150195  
pursuant to the authority and responsibilities of the Department 150196  
of Mental Health and the Department of Alcohol and Drug Addiction 150197  
Services prior to July 1, 2013, shall continue in effect as rules, 150198  
orders, and determinations of the Department of Mental Health and 150199  
Addiction Services until modified or rescinded by the Department 150200  
of Mental Health and Addiction Services. If necessary to ensure 150201  
the integrity of the numbering system of the Administrative Code, 150202  
the Director of the Legislative Service Commission shall renumber 150203  
the rules to reflect the transfer of authority and responsibility 150204  
to the Department of Mental Health and Addiction Services. 150205

Any action or proceeding that is related to the functions or 150206  
duties of the Department of Mental Health or the Department of 150207  
Alcohol and Drug Addiction Services pending on July 1, 2013, is 150208  
not affected by the transfer of responsibility to the Department 150209  
of Mental Health and Addiction Services and shall be prosecuted or 150210

defended in the name of the Department of Mental Health and 150211  
Addiction Services. In all such actions and proceedings, the 150212  
Department of Mental Health and Addiction Services, on application 150213  
to the court, shall be substituted as a party. 150214

It is the intention of the Department of Mental Health and 150215  
Addiction Services that community subsidies allocated or 150216  
distributed by the department will be used to fund mental health 150217  
and addiction services in largely the same proportion that such 150218  
services were funded when allocated or distributed as separate 150219  
funding streams through the separate Department of Mental Health 150220  
or Department of Alcohol and Drug Addiction Services. 150221

All employees of the Department of Mental Health and the 150222  
Department of Alcohol and Drug Addiction Services shall be 150223  
employees of the Department of Mental Health and Addiction 150224  
Services and shall serve in the positions previously held within 150225  
their respective agencies unless the Department of Mental Health 150226  
and Addiction Services determines otherwise. The merger of 150227  
Department of Mental Health and Department of Alcohol and Drug 150228  
Addiction Services shall not be deemed a transfer of employees 150229  
pursuant to division (D)(3)(b) of section 124.11 of the Revised 150230  
Code. Any unclassified employee of the Department of Mental Health 150231  
and Addiction Services who held a right to resume a position 150232  
within the classified service of his or her previous respective 150233  
agency of the Department of Mental Health or the Department of 150234  
Alcohol and Drug Addiction Services shall retain such a right 150235  
subject to section 5119.18 of the Revised Code as may be amended. 150236

On July 1, 2013, or as soon as possible thereafter, 150237  
notwithstanding any provision of law to the contrary, and if 150238  
requested by the Department of Mental Health and Addiction 150239  
Services, the Director of Budget and Management shall make budget 150240  
changes made necessary by the consolidation, if any, including 150241  
administrative organization, program transfers, the creation of 150242



new funds, the transfer of state funds, and the consolidation of 150243  
funds, as authorized by this section. The Director of Budget and 150244  
Management may make any transfer of cash balances between funds. 150245

On July 1, 2013, or as soon as possible thereafter, the 150246  
Director of Mental Health and Addiction Services shall certify to 150247  
the Director of Budget and Management all encumbrances held by the 150248  
Department of Mental Health and the Department of Alcohol and Drug 150249  
Addiction Services, and specify which of those encumbrances are 150250  
requested to be transferred to the Department of Mental Health and 150251  
Addiction Services. The Director of Budget and Management may 150252  
cancel any existing encumbrances as certified by the Director of 150253  
Mental Health and Addiction Services and re-establish them in the 150254  
new agency. The re-established encumbrance amounts are hereby 150255  
appropriated. Any business commenced but not completed with regard 150256  
to the encumbrances certified shall be completed by the Department 150257  
of Mental Health and Addiction Services in the same manner and 150258  
with the same effect as if it were completed by the Department of 150259  
Mental Health or the Department of Alcohol and Drug Addiction 150260  
Services. 150261

Not later than 30 days after the transfer and consolidation 150262  
of the operations and related management functions of the 150263  
Department of Mental Health and the Department of Alcohol and Drug 150264  
Addiction Services to the Department of Mental Health and 150265  
Addiction Services, an authorized officer of the former Department 150266  
of Mental Health and the former Department of Alcohol and Drug 150267  
Addiction Services shall certify to the Director of Mental Health 150268  
and Addiction Services the unexpended balance and location of any 150269  
funds and accounts designated for building and facility operation 150270  
and management functions, and the custody of such funds and 150271  
accounts shall be transferred to the Department of Mental Health 150272  
and Addiction Services. 150273

Effective July 1, 2013, the Director of Budget and Management 150274

shall cancel any existing encumbrances against appropriation item 150275  
038616, Problem Gambling Services, and re-establish them against 150276  
appropriation items 333641, Problem Gambling Services - 150277  
Administration, and 335641, Problem Gambling Services. The 150278  
re-established encumbrance amounts are hereby appropriated. Any 150279  
business commenced but not completed under appropriation item 150280  
038616 by July 1, 2013, shall be completed under appropriation 150281  
items 333641 and 335641 in the same manner and with the same 150282  
effect as if it were completed with regard to appropriation item 150283  
038616. 150284

Effective July 1, 2013, the Director of Budget and Management 150285  
shall cancel any existing encumbrances against appropriation item 150286  
038614, Substance Abuse Block Grant, and re-establish them against 150287  
appropriation items 333618, Substance Abuse Block Grant - 150288  
Administration, and 335618, Substance Abuse Block Grant. The 150289  
re-established encumbrance amounts are hereby appropriated. Any 150290  
business commenced but not completed under appropriation item 150291  
038614 by July 1, 2013, shall be completed under appropriation 150292  
items 333618 and 335618 in the same manner and with the same 150293  
effect as if it were completed with regard to appropriation item 150294  
038614. 150295

Effective July 1, 2013, the Director of Budget and Management 150296  
shall cancel any existing encumbrances against appropriation item 150297  
038609, Demonstration Grants, and re-establish them against 150298  
appropriation items 333606, Demonstration Grants - Administration, 150299  
and 335606, Demonstration Grants. The re-established encumbrance 150300  
amounts are hereby appropriated. Any business commenced but not 150301  
completed under appropriation item 038609 by July 1, 2013, shall 150302  
be completed under appropriation items 333606 and 335606 in the 150303  
same manner and with the same effect as if it were completed with 150304  
regard to appropriation item 038609. 150305

Effective July 1, 2013, the Director of Budget and Management 150306

shall cancel any existing encumbrances against appropriation item 150307  
038621, Statewide Treatment and Prevention, and re-establish them 150308  
against appropriation items 333623, Statewide Treatment and 150309  
Prevention - Administration, and 335623, Statewide Treatment and 150310  
Prevention. The re-established encumbrance amounts are hereby 150311  
appropriated. Any business commenced but not completed under 150312  
appropriation item 038621 by July 1, 2013, shall be completed 150313  
under appropriation items 333623 and 335623 in the same manner and 150314  
with the same effect as if it were completed with regard to 150315  
appropriation item 038621. 150316

Effective July 1, 2013, the Director of Budget and Management 150317  
shall cancel any existing encumbrances against appropriation item 150318  
038629, Problem Gambling and Casino Addictions, and re-establish 150319  
them against appropriation items 333629, Problem Gambling and 150320  
Casino Addictions - Administration, and 335629, Problem Gambling 150321  
and Casino Addictions. The re-established encumbrance amounts are 150322  
hereby appropriated. Any business commenced but not completed 150323  
under appropriation item 038629 by July 1, 2013, shall be 150324  
completed under appropriation items 333629 and 335629 in the same 150325  
manner and with the same effect as if it were completed with 150326  
regard to appropriation item 038629. 150327

Effective July 1, 2013, the Director of Budget and Management 150328  
shall cancel any existing encumbrances against appropriation item 150329  
038611, Administrative Reimbursement, and re-establish them 150330  
against appropriation item 333639, Administrative Reimbursement. 150331  
The re-established encumbrance amounts are hereby appropriated. 150332  
Any business commenced but not completed under appropriation item 150333  
038611 by July 1, 2013, shall be completed under appropriation 150334  
item 333639 in the same manner and with the same effect as if it 150335  
were completed with regard to appropriation item 038611. 150336

Effective July 1, 2013, the Director of Budget and Management 150337  
shall cancel any existing encumbrances against appropriation item 150338

335635, Community Medicaid Expansion, and re-establish them 150339  
against appropriation item 652635, Community Medicaid Legacy 150340  
Costs. The re-established encumbrance amounts are hereby 150341  
appropriated. Any business commenced but not completed under 150342  
appropriation item 335635 by July 1, 2013, shall be completed 150343  
under appropriation item 652635 in the same manner and with the 150344  
same effect as if it were completed with regard to appropriation 150345  
item 335635. 150346

Effective July 1, 2013, the Director of Budget and Management 150347  
shall cancel any existing encumbrances against appropriation item 150348  
333635, Community Medicaid Expansion, and re-establish them 150349  
against appropriation item 652636, Community Medicaid Legacy 150350  
Support. The re-established encumbrance amounts are hereby 150351  
appropriated. Any business commenced but not completed under 150352  
appropriation item 333635 by July 1, 2013, shall be completed 150353  
under appropriation item 652636 in the same manner and with the 150354  
same effect as if it were completed with regard to appropriation 150355  
item 333635. 150356

Effective July 1, 2013, the Director of Budget and Management 150357  
shall cancel any existing encumbrances against appropriation item 150358  
038610, Medicaid, and re-establish them against appropriation item 150359  
652609, Medicaid Legacy Costs Support. The re-established 150360  
encumbrance amounts are hereby appropriated. Any business 150361  
commenced but not completed under appropriation item 038610 by 150362  
July 1, 2013, shall be completed under appropriation item 652609 150363  
in the same manner and with the same effect as if it were 150364  
completed with regard to appropriation item 038610. 150365

Effective July 1, 2013, the Director of Budget and Management 150366  
shall cancel any existing encumbrances against appropriation item 150367  
038604, Education and Conferences, and re-establish them against 150368  
appropriation item 333640, Education and Conferences. The 150369  
re-established encumbrance amounts are hereby appropriated. Any 150370

business commenced but not completed under appropriation item 150371  
038604 by July 1, 2013, shall be completed under appropriation 150372  
item 333640 in the same manner and with the same effect as if it 150373  
were completed with regard to appropriation item 038604. 150374

Effective July 1, 2013, the Director of Budget and Management 150375  
shall cancel any existing encumbrances against appropriation item 150376  
038401, Treatment Services, and re-establish them against 150377  
appropriation items 335421, Continuum of Care Services, 335422, 150378  
Criminal Justice Services, and 335406, Prevention and Wellness. 150379  
The re-established encumbrance amounts are hereby appropriated. 150380  
Any business commenced but not completed under appropriation item 150381  
038401 by July 1, 2013, shall be completed under appropriation 150382  
items 335421, 335422, and 335406 in the same manner and with the 150383  
same effect as if it were completed with regard to appropriation 150384  
item 038401. 150385

Effective July 1, 2013, the Director of Budget and Management 150386  
shall cancel any existing encumbrances against appropriation item 150387  
335419, Community Medication Subsidy, and re-establish them 150388  
against appropriation item 335421, Continuum of Care Services. The 150389  
re-established encumbrance amounts are hereby appropriated. Any 150390  
business commenced but not completed under appropriation item 150391  
335419 by July 1, 2013, shall be completed under appropriation 150392  
item 335421 in the same manner and with the same effect as if it 150393  
were completed with regard to appropriation item 335419. 150394

Effective July 1, 2013, the Director of Budget and Management 150395  
shall cancel any existing encumbrances against appropriation item 150396  
335505, Local Mental Health Systems of Care, and re-establish them 150397  
against appropriation item 335421, Continuum of Care Services. The 150398  
re-established encumbrance amounts are hereby appropriated. Any 150399  
business commenced but not completed under appropriation item 150400  
335505 by July 1, 2013, shall be completed under appropriation 150401  
item 335421 in the same manner and with the same effect as if it 150402

were completed with regard to appropriation item 335505. 150403

Effective July 1, 2013, the Director of Budget and Management 150404  
shall cancel any existing encumbrances against appropriation item 150405  
332401, Forensic Services, and re-establish them against 150406  
appropriation item 335422, Criminal Justice Services. The 150407  
re-established encumbrance amounts are hereby appropriated. Any 150408  
business commenced but not completed under appropriation item 150409  
332401 by July 1, 2013, shall be completed under appropriation 150410  
item 335422 in the same manner and with the same effect as if it 150411  
were completed with regard to appropriation item 332401. 150412

Effective July 1, 2013, the Director of Budget and Management 150413  
shall cancel any existing encumbrances against appropriation item 150414  
333403, Pre-Admission Screening Expenses, and re-establish them 150415  
against appropriation item 652507, Medicaid Support. The 150416  
re-established encumbrance amounts are hereby appropriated. Any 150417  
business commenced but not completed under appropriation item 150418  
333403 by July 1, 2013, shall be completed under appropriation 150419  
item 652507 in the same manner and with the same effect as if it 150420  
were completed with regard to appropriation item 333403. 150421

Effective July 1, 2013, the Director of Budget and Management 150422  
shall cancel any existing encumbrances against appropriation item 150423  
038900, Indigent Drivers Alcohol Treatment, and re-establish them 150424  
against appropriation item 335900, Indigent Drivers Alcohol 150425  
Treatment. The re-established encumbrance amounts are hereby 150426  
appropriated. Any business commenced but not completed under 150427  
appropriation item 038900 by July 1, 2013, shall be completed 150428  
under appropriation item 335900 in the same manner and with the 150429  
same effect as if it were completed with regard to appropriation 150430  
item 038900. 150431

Effective July 1, 2013, the Director of Budget and Management 150432  
shall cancel any existing encumbrances against appropriation item 150433  
038404, Prevention Services, and re-establish them against 150434

appropriation item 335406, Prevention and Wellness. The 150435  
re-established encumbrance amounts are hereby appropriated. Any 150436  
business commenced but not completed under appropriation item 150437  
038404 by July 1, 2013, shall be completed under appropriation 150438  
item 335406 in the same manner and with the same effect as if it 150439  
were completed with regard to appropriation item 038404. 150440

**Section 327.20.10.** Effective July 1, 2013, the Director of 150441  
Mental Health and Addiction Services, with respect to all mental 150442  
health and addiction facilities and services established and 150443  
operated or provided under Chapter 340. of the Revised Code shall 150444  
do all of the following: 150445

(A) To the extent the Director determines necessary, and 150446  
after consultation with the boards of alcohol, drug addiction, and 150447  
mental health services, develop and operate, or contract for the 150448  
operation of, a community behavioral health information system or 150449  
systems, and shall specify the information that must be provided 150450  
by boards of alcohol, drug addiction, and mental health services 150451  
for inclusion in the system or systems, which may include 150452  
information on services provided in whole or in part under 150453  
contract with a board, financial information regarding 150454  
expenditures of federal, state, or local funds by boards, and 150455  
information about persons served under contract with a board. 150456

(B)(1) Receive and review each board's community mental 150457  
health and addiction services plan, budget, and statement of 150458  
services to be made available, and approve or disapprove the plan, 150459  
budget, and statement of services in whole or in part. 150460

(2) The Department may withhold all or part of the funds 150461  
allocated to a board if it disapproves all or part of a plan, 150462  
budget, or statement of service. 150463

(3) Prior to a final decision to disapprove a plan, budget, 150464  
or statement of services, or to withhold funds from a board, a 150465

representative of the Director shall meet with the board to 150466  
discuss the reasons for the action and any corrective action that 150467  
should be taken to make the plan, budget, or statement of services 150468  
acceptable, and give the board a reasonable time in which to 150469  
revise the plan, budget, or statement of services. 150470

(C) Establish procedures for the review of plans, budgets, 150471  
and statements of services, and a timetable for submission and 150472  
review. Boards of alcohol, drug addiction, and mental health 150473  
services shall submit to the Department of Mental Health and 150474  
Addiction Services the information, plans, budgets, and statements 150475  
of services described above in accordance with the guidance or 150476  
directives of the Department or Director. After notifying and 150477  
consulting with relevant constituents, the Department of Mental 150478  
Health and Addiction Services shall establish a methodology for 150479  
allocating to boards of alcohol, drug addiction, and mental health 150480  
services the funds appropriated by the General Assembly to the 150481  
Department for the purpose of local mental health and addiction 150482  
services continuums of care. Subject to existing provisions of law 150483  
that permit the Director to withhold funds from boards of alcohol, 150484  
drug addiction, and mental health services for failure to comply 150485  
with applicable sections of law, or for discriminating in making 150486  
services available, and subject to a board's submission and 150487  
approval of the required plan, budget, and statement of services 150488  
described above, the Department shall allocate the funds to the 150489  
boards in a manner consistent with the methodology and state and 150490  
federal laws, rules, and regulations. 150491

Portions of appropriation items 333609, Central Office 150492  
Operating, 333606, Demonstration Grants - Administration, 333612, 150493  
Social Services Block Grant - Administration, 333613, Federal 150494  
Grants - Administration, 333614, Mental Health Block Grant - 150495  
Administration, 333618, Substance Abuse Block Grant - 150496  
Administration, 333623, Statewide Treatment and Prevention - 150497



Administration, 333629, Problem Gambling and Casino Addictions - 150498  
Administration, 333608, Federal Miscellaneous - Administration, 150499  
333641, Problem Gambling Services - Administration, 335406, 150500  
Prevention and Wellness, 335421, Continuum of Care Services, 150501  
335422, Criminal Justice Services, 335604, Community Mental Health 150502  
Projects, 335606, Demonstration Grants, 335612, Social Services 150503  
Block Grant, 335613, Federal Grant - Community Mental Health 150504  
Subsidy, 335614, Mental Health Block Grant, 335615, Behavioral 150505  
Health Care, 335618, Substance Abuse Block Grant, 335623, 150506  
Statewide Treatment and Prevention, 335629, Problem Gambling and 150507  
Casino Addictions, 335638, Race to the Top - Early Learning 150508  
Challenge Grant, and 335900, Indigent Drivers Alcohol Treatment, 150509  
may be used to pay for the Department and board functions 150510  
enumerated above. 150511

**Section 327.20.20.** (A) Effective July 1, 2013, all records 150512  
and reports, other than court journal entries or court docket 150513  
entries, identifying a person and pertaining to the person's 150514  
mental health condition, assessment, provision of care or 150515  
treatment, or payment for assessment, care, or treatment that are 150516  
maintained in connection with any services certified by the 150517  
Department of Mental Health and Addiction Services, or any 150518  
hospitals or facilities licensed or operated by the Department, 150519  
shall be kept confidential and shall not be disclosed by any 150520  
person, with the following exceptions: 150521

(1) If the person identified, or the person's legal guardian, 150522  
if any, or if the person is a minor, the person's parent or legal 150523  
guardian, consents. 150524

(2) When disclosure is provided for in Chapters 340., 5119., 150525  
or 5122., or in Title 47 of the Revised Code. 150526

(3) Hospitals, boards of alcohol, drug addiction, and mental 150527  
health services, licensed facilities, and community mental health 150528

services providers may release necessary information to insurers 150529  
and other third-party payers, including government entities 150530  
responsible for processing and authorizing payment, to obtain 150531  
payment for goods and services furnished to the person. 150532

(4) Pursuant to a court order signed by a judge; 150533

(5) A person shall be granted access to the person's own 150534  
psychiatric and medical records unless access specifically is 150535  
restricted in a person's treatment plan for clear treatment 150536  
reasons. 150537

(6) The Department of Mental Health and Addiction Services 150538  
may exchange psychiatric records and other pertinent information 150539  
with community mental health services providers and boards of 150540  
alcohol, drug addiction, and mental health services relating to 150541  
the person's care or services. Records and information that may be 150542  
exchanged pursuant to this division shall be limited to medication 150543  
history, physical health status and history, financial status, 150544  
summary of course of treatment, summary of treatment needs, and a 150545  
discharge summary, if any. 150546

(7) The Department of Mental Health and Addiction Services, 150547  
hospitals, and community providers operated by the Department, 150548  
hospitals licensed by the Department under section 5119.20 150549  
(5119.33) of the Revised Code and community mental health services 150550  
providers may exchange psychiatric records and other pertinent 150551  
information with payers and other providers of treatment and 150552  
health services if the purpose of the exchange is to facilitate 150553  
continuity of care for the person or for the emergency treatment 150554  
of the person. 150555

(8) The Department of Mental Health and Addiction Services 150556  
and community mental health services providers may exchange 150557  
psychiatric records and other pertinent information with boards of 150558  
alcohol, drug addiction, and mental health services for purposes 150559

of any board function set forth in Chapter 340. of the Revised 150560  
Code. Boards of alcohol, drug addiction, and mental health 150561  
services shall not access or use any personal information from the 150562  
Department or providers except as required or permitted by this 150563  
section, or Chapters 340. and 5122. of the Revised Code for 150564  
purposes related to payment, care coordination, health care 150565  
operations, program and service evaluation, reporting activities, 150566  
research, system administration, oversight, or other authorized 150567  
purposes. 150568

(9) A person's family member who is involved in the 150569  
provision, planning, and monitoring of services to the person may 150570  
receive medication information, a summary of the person's 150571  
diagnosis and prognosis, and a list of the services and personnel 150572  
available to assist the person and the person's family, if the 150573  
person's treatment provider determines that the disclosure would 150574  
be in the best interests of the person. No such disclosure shall 150575  
be made unless the person is notified first and receives the 150576  
information and does not object to the disclosure. 150577

(10) Community mental health services providers may exchange 150578  
psychiatric records and certain other information with the board 150579  
of alcohol, drug addiction, and mental health services and other 150580  
providers in order to provide services to a person involuntarily 150581  
committed to a board. Release of records under this division shall 150582  
be limited to medication history, physical health status and 150583  
history, financial status, summary of course of treatment, summary 150584  
of treatment needs, and discharge summary, if any. 150585

(11) Information may be disclosed to the executor or the 150586  
administrator of an estate of a deceased person when the 150587  
information is necessary to administer the estate. 150588

(12) Information may be disclosed to staff members of the 150589  
appropriate board or to staff members designated by the Director 150590  
of Mental Health and Addiction Services for the purpose of 150591

evaluating the quality, effectiveness, and efficiency of services 150592  
and determining if the services meet minimum standards. 150593  
Information obtained during such evaluations shall not be retained 150594  
with the name of any person. 150595

(13) Records pertaining to the person's diagnosis, course of 150596  
treatment, treatment needs, and prognosis shall be disclosed and 150597  
released to the appropriate prosecuting attorney if the person was 150598  
committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, 150599  
or 2945.402 of the Revised Code, or to the attorney designated by 150600  
the board for proceedings pursuant to involuntary commitment under 150601  
Chapter 5122. of the Revised Code. 150602

(14) The Department of Mental Health and Addiction Services 150603  
may exchange psychiatric hospitalization records, other mental 150604  
health treatment records, and other pertinent information with the 150605  
Department of Rehabilitation and Correction and with the 150606  
Department of Youth Services to ensure continuity of care for 150607  
inmates and offenders who are receiving mental health services in 150608  
an institution of the Department of Rehabilitation and Correction 150609  
or the Department of Youth Services and may exchange psychiatric 150610  
hospitalization records, other mental health treatment records, 150611  
and other pertinent information with boards of alcohol, drug 150612  
addiction, and mental health services and community mental health 150613  
services providers to ensure continuity of care for inmates or 150614  
offenders who are receiving mental health services in an 150615  
institution and are scheduled for release within six months. The 150616  
release of records under this division is limited to records 150617  
regarding an inmate's or offender's medication history, physical 150618  
health status and history, summary of course of treatment, summary 150619  
of treatment needs, and a discharge summary, if any. 150620

(15) A community mental health services provider that ceases 150621  
to operate may transfer to either a community mental health 150622  
services provider that assumes its caseload or to the board of 150623

alcohol, drug addiction, and mental health services of the service 150624  
district in which the person resided at the time services were 150625  
most recently provided any treatment records that have not been 150626  
transferred elsewhere at the person's request. 150627

(B) Before records are disclosed pursuant to divisions 150628  
(A)(3), (6), or (10) of this section, the custodian of the records 150629  
shall attempt to obtain the consent of the person in question for 150630  
the disclosure. 150631

(C) No person shall reveal the content of a medical record of 150632  
a person except as authorized by the law. 150633

(D) Portions of appropriation items 333321, Central 150634  
Administration, 333416, Research Program Evaluation, 333605, 150635  
Medicaid/Medicare - Refunds, 333606, Demonstration Grants - 150636  
Administration, 333608, Federal Miscellaneous - Administration, 150637  
333609, Central Office Opening, 333611, Non-Federal Miscellaneous, 150638  
333612, Social Services Block Grant - Administration, 333613, 150639  
Federal Grants - Administration, 333614, Mental Health Block Grant 150640  
- Administration, 333618, Substance Abuse Block Grant - 150641  
Administration, 333621, Family and Children First Administration, 150642  
333623, Statewide Treatment and Prevention - Administration, 150643  
333629, Problem Gambling and Casino Addictions - Administration, 150644  
333632, Mental Health Operating - Refunds, 333608, Federal 150645  
Miscellaneous - Administration, 333640, Education and Conferences, 150646  
333641, Problem Gambling Services - Administration, 333639, 150647  
Administrative Reimbursement, 334605, Medicaid/Medicare - 150648  
Hospitals, 334608, Federal Miscellaneous - Hospitals, 334609, 150649  
Hospital - Operating Expenses, 334613, Federal Letter of Credit, 150650  
334620, Special Education, 334632, Mental Health Operating - 150651  
Hospitals, 335405, Family and Children First, 335406, Prevention 150652  
and Wellness, 335421, Continuum of Care Services, 335422, Criminal 150653  
Justice Services, 335604, Community Mental Health Projects, 150654  
335506, Residential State Supplement, 335608, Federal 150655

Miscellaneous, 335606, Demonstration Grants, 335612, Social 150656  
Services Block Grant, 335613, Federal Grant - Community Mental 150657  
Health Subsidy, 335614, Mental Health Block Grant, 335615, 150658  
Behavioral Health Care, 335618, Substance Abuse Block Grant, 150659  
335623, Statewide Treatment and Prevention, 335629, Problem 150660  
Gambling and Casino Addictions, 335638, Race to the Top - Early 150661  
Learning Challenge Grant, 335900, Indigent Drivers Alcohol 150662  
Treatment, 336601, Office of Support Services, 652609, Medicaid 150663  
Legacy Costs Support, 652635, Community Medicaid Legacy Costs, and 150664  
652636, Community Medicaid Legacy Support, may be used to pay for 150665  
the Department and community mental health system functions that 150666  
operate under the confidentiality provisions enumerated above. 150667

**Section 327.20.30.** Effective July 1, 2013, the Director of 150668  
Mental Health and Addiction Services may adopt rules pursuant to 150669  
Chapter 119. of the Revised Code governing licensure and operation 150670  
of residential facilities, that include procedures for conducting 150671  
criminal records checks for operators, employees, and volunteers 150672  
who have direct access to facility residents. 150673

Portions of appropriation items 334506, Court Costs, 335406, 150674  
Prevention and Wellness, 335421, Continuum of Care Services, 150675  
335614, Mental Health Block Grant, 335506, Residential State 150676  
Supplement, 335615, Behavioral Health Care, 335618, Substance 150677  
Abuse Block Grant, 335623, Statewide Treatment and Prevention, and 150678  
335900, Indigent Drivers Alcohol Treatment, may be used to pay for 150679  
these regulated activities. 150680

**Section 327.20.40.** Effective July 1, 2013, to the extent 150681  
funds are available and on application of boards of alcohol, drug 150682  
addiction, and mental health services, the Director of Mental 150683  
Health and Addiction Services may approve state reimbursement of, 150684  
or state grants for, community construction programs, including 150685  
residential housing for severely mentally disabled persons and 150686

persons with substance use disorders. The Director may also 150687  
approve an application for reimbursement or a grant for such 150688  
programs submitted by other governmental entities or by private, 150689  
nonprofit organizations after the board of alcohol, drug 150690  
addiction, and mental health services has reviewed and approved 150691  
the application and the application is consistent with the plan, 150692  
budget, and statement of services submitted to and approved by the 150693  
Department. The Director shall adopt rules in accordance with 150694  
Chapter 119. of the Revised Code that specify procedures for 150695  
applying for state reimbursement and for state grants for 150696  
community construction programs, including residential housing for 150697  
severely mentally disabled persons and persons with substance use 150698  
disorders. 150699

Portions of appropriation item 335616, Community Capital 150700  
Replacement, may be used to pay for the Department functions 150701  
enumerated above. 150702

**Section 327.20.50.** Effective July 1, 2013, the Department of 150703  
Mental Health and Addiction Services shall collect information 150704  
about services delivered and persons served as required for 150705  
reporting and evaluation relating to state and federal funds 150706  
expended for such purposes. No alcohol, drug addiction, or mental 150707  
health program, agency, or services provider shall fail to supply 150708  
statistics or other information within its knowledge and with 150709  
respect to its programs or services upon the request of the 150710  
department. 150711

Portions of appropriation items 333321, Central 150712  
Administration, 333609 Central Office Operating, 333606, 150713  
Demonstration Grants - Administration, 333612, Social Services 150714  
Block Grant - Administration, 333613, Federal Grants - 150715  
Administration, 333614, Mental Health Block Grant - 150716  
Administration, 333618, Substance Abuse Block Grant - 150717

Administration, 333623, Statewide Treatment and Prevention - 150718  
Administration, 333629, Problem Gambling and Casino Addictions - 150719  
Administration, 333608, Federal Miscellaneous - Administration, 150720  
333641, Problem Gambling Services - Administration, 335406, 150721  
Prevention and Wellness, 335421, Continuum of Care Services, 150722  
335422, Criminal Justice Services, 335604, Community Mental Health 150723  
Projects, 335606, Demonstration Grants, 335612, Social Services 150724  
Block Grant, 335613, Federal Grant - Community Mental Health 150725  
Subsidy, 335614, Mental Health Block Grant, 335615, Behavioral 150726  
Health Care, 335618, Substance Abuse Block Grant, 335623, 150727  
Statewide Treatment and Prevention, 335629, Problem Gambling and 150728  
Casino Addictions, 335638, Race to the Top - Early Learning 150729  
Challenge Grant, and 335900, Indigent Drivers Alcohol Treatment, 150730  
652609, Medicaid Legacy Costs Support, and 652636, Community 150731  
Medicaid Legacy Support, may be used to pay for the Department 150732  
information collection and reporting functions enumerated above. 150733

**Section 327.20.60.** The Department of Mental Health and 150734  
Addiction Services shall administer specified Medicaid services as 150735  
delegated by the State's single agency responsible for the 150736  
Medicaid program. Effective July 1, 2013, the Department shall use 150737  
appropriation item 652507, Medicaid Support, to fund the 150738  
Medicaid-related services and supports performed by the 150739  
Department. 150740

**Section 327.30. RESIDENT TRAINEES** 150741

The foregoing appropriation item 333402, Resident Trainees, 150742  
shall be used to fund training agreements entered into by the 150743  
Director of Mental Health and Addiction Services for the 150744  
development of curricula and the provision of training programs to 150745  
support public mental health services. 150746

**Section 327.40. LEASE-RENTAL PAYMENTS** 150747



The foregoing appropriation item 333415, Lease-Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2013, through June 30, 2015, by the Department of Mental Health and Addiction Services under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

**Section 327.50. HOSPITAL SERVICES**

The foregoing appropriation item 334412, Hospital Services, shall be used for the operation of the State Regional Psychiatric Hospitals, including, but not limited to, all aspects involving civil and forensic commitment, treatment, and discharge as determined by the Director of Mental Health and Addiction Services. A portion of this appropriation may be used by the Department of Mental Health and Addiction Services to create, purchase, or contract for the custody, supervision, control, and treatment of persons committed to the Department of Mental Health and Addiction Services in other clinically appropriate environments, consistent with public safety.

**Section 327.60. CONTINUUM OF CARE SERVICES**

The foregoing appropriation item 335421, Continuum of Care Services, shall be used as follows:

(A) A portion of this appropriation shall be allocated to community alcohol, drug addiction, and mental health services boards in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services:

(1) For the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code;

(2) To provide subsidized support for psychotropic medication

needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and

(3) To provide subsidized support for medication assisted treatment costs.

(B) A portion of this appropriation may be distributed to community alcohol, drug addiction, and mental health services boards, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of mental health and addiction services initiatives.

(C) In fiscal year 2014 \$250,000 and in fiscal year 2015 \$750,000 shall be allocated to the Human Trafficking Center at The Ohio State University. The Center shall use the funds to investigate all aspects of human trafficking, including research, training, and direct services for victims. The Center shall do all of the following:

(1) Provide research opportunities in areas affecting human trafficking, including topics such as socioeconomic, political, and cultural factors involved in human trafficking;

(2) Develop assessments and other tools to help human trafficking victims or service providers, including online training courses for law enforcement and social and medical service personnel on how best to identify and treat victims of human trafficking;

(3) Offer internships, clinical hours, and other training opportunities for undergraduate and graduate students;

(4) Provide direct services and care for victims of human trafficking; and

(5) Collaborate with community affiliates and other institutions of higher education engaged in human trafficking

research, training, and direct victim services. 150808

(D) \$250,000 in each fiscal year shall be allocated to the 150809  
Geauga County Board of Mental Health and Recovery Services to 150810  
support the Chardon Pilot Program. The Chardon Pilot Program shall 150811  
support the behavioral health needs of the Chardon community. The 150812  
board shall distribute \$175,250 of these funds in fiscal year 2014 150813  
and \$162,250 of these funds in fiscal year 2015 to the Chardon 150814  
school district to be used for program-related activities. The 150815  
Department of Mental Health and Addiction Services shall submit a 150816  
report to the General Assembly in accordance with section 101.68 150817  
of the Revised Code regarding the performance of the program by 150818  
September 30, 2015. 150819

**Section 327.70. CRIMINAL JUSTICE SERVICES** 150820

The foregoing appropriation item 335422, Criminal Justice 150821  
Services, shall be used to provide forensic psychiatric 150822  
evaluations to courts of common pleas and to conduct evaluations 150823  
of patients of forensic status in facilities operated or 150824  
designated by the Department of Mental Health and Addiction 150825  
Services prior to conditional release to the community. A portion 150826  
of this appropriation may be allocated through community alcohol, 150827  
drug addiction, and mental health services boards to community 150828  
addiction and/or mental health services providers in accordance 150829  
with a distribution methodology as determined by the Director of 150830  
Mental Health and Addiction Services. 150831

Appropriation item 335422, Criminal Justice Services, may 150832  
also be used to: 150833

(A) Provide forensic monitoring and tracking of individuals 150834  
on conditional release; 150835

(B) Provide forensic training; 150836

(C) Support projects that assist courts and law enforcement 150837

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| to identify and develop appropriate alternative services to        | 150838 |
| incarceration for nonviolent mentally ill offenders;               | 150839 |
| (D) Provide specialized re-entry services to offenders             | 150840 |
| leaving prisons and jails;                                         | 150841 |
| (E) Provide specific grants in support of addiction services       | 150842 |
| alternatives to incarceration;                                     | 150843 |
| (F) Support specialty dockets; and                                 | 150844 |
| (G) Support therapeutic communities.                               | 150845 |
| <br>                                                               |        |
| <b>Section 327.80. COMMUNITY INNOVATIONS</b>                       | 150846 |
| <br>                                                               |        |
| The foregoing appropriation item 335504, Community                 | 150847 |
| Innovations, may be used by the Department of Mental Health and    | 150848 |
| Addiction Services to make targeted investments in programs,       | 150849 |
| projects, or systems operated by or under the authority of other   | 150850 |
| state agencies, governmental entities, or private not-for-profit   | 150851 |
| agencies that impact, or are impacted by, the operations and       | 150852 |
| functions of the Department, with the goal of achieving a net      | 150853 |
| reduction in expenditure of state general revenue funds and/or     | 150854 |
| improved outcomes for Ohio citizens without a net increase in      | 150855 |
| state general revenue fund spending.                               | 150856 |
| <br>                                                               |        |
| The Director shall identify and evaluate programs, projects,       | 150857 |
| or systems proposed or operated, in whole or in part, outside of   | 150858 |
| the authority of the Department, where targeted investment of      | 150859 |
| these funds in the program, project, or system is expected to      | 150860 |
| decrease demand for the Department or other resources funded with  | 150861 |
| state general revenue funds, and/or to measurably improve outcomes | 150862 |
| for Ohio citizens with mental illness or with alcohol, drug, or    | 150863 |
| gambling addictions. The Director shall have discretion to         | 150864 |
| transfer money from the appropriation item to other state          | 150865 |
| agencies, governmental entities, or private not-for-profit         | 150866 |
| agencies in amounts, and subject to conditions, that the Director  | 150867 |

determines most likely to achieve state savings and/or improved 150868  
outcomes. Distribution of moneys from this appropriation item 150869  
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 150870  
the Revised Code. 150871

The Department shall enter into an agreement with each 150872  
recipient of community innovation funds, identifying: allowable 150873  
expenditure of the funds; other commitment of funds or other 150874  
resources to the program, project, or system; expected state 150875  
savings and/or improved outcomes and proposed mechanisms for 150876  
measurement of such savings or outcomes; and required reporting 150877  
regarding expenditure of funds and savings or outcomes achieved. 150878

The foregoing appropriation item 335504, Community 150879  
Innovations, may also be used by the Department to make payments 150880  
to the Opportunities for Ohioans with Disabilities Agency for 150881  
vocational rehabilitation services to individuals receiving mental 150882  
health or addiction services paid for with public dollars. 150883

**Section 327.83. COMMUNITY BEHAVIORAL HEALTH** 150884

Of the foregoing appropriation item 335507, Community 150885  
Behavioral Health, \$30,000,000 in each fiscal year shall be 150886  
allocated to community alcohol, drug addiction, and mental health 150887  
services boards to provide mental health services. 150888

Of the foregoing appropriation item 335507, Community 150889  
Behavioral Health, \$20,000,000 in each fiscal year shall be 150890  
allocated to community alcohol, drug addiction, and mental health 150891  
services boards to be used for addiction services including 150892  
medication, treatment programs, and counseling. Of this amount, at 150893  
least fifty per cent shall be used for drug treatment using 150894  
non-opiate drugs. 150895

**Section 327.90. COMMUNITY OPERATING/PLANNING** 150896

Appropriation item 335609, Community Operating/Planning, may 150897

be used by the Department of Mental Health and Addiction Services 150898  
to make payments to the Opportunities for Ohioans with 150899  
Disabilities Agency for vocational rehabilitation services to 150900  
individuals receiving mental health or addiction services paid for 150901  
with public dollars. 150902

In addition, appropriation item 335609, Community 150903  
Operating/Planning, may be used by the Department to make 150904  
incentive payments to operators of residential facilities that are 150905  
licensed by the Department of Mental Health and Addiction Services 150906  
and provide accommodations and personal care services for one or 150907  
two unrelated adults or accommodations, supervision, and personal 150908  
care services for three to sixteen unrelated adults. The incentive 150909  
payments shall be granted based upon operators demonstrating 150910  
linkage between their facilities' residents and community 150911  
resources, based on the residents' needs including, but not 150912  
limited to, aged, mental health, and physical health issues. The 150913  
financial incentive shall be used to support community living for 150914  
individuals with a disability or who are aged, and to assist with 150915  
costs arising from facility operations. 150916

Appropriation item 335609, Community Operating/Planning, may 150917  
also be used by the Department to support non-Medicaid program 150918  
costs for individuals moving into community settings. 150919

**Section 327.93. PROBLEM GAMBLING AND CASINO ADDICTIONS** 150920

A portion of appropriation item 335629, Problem Gambling and 150921  
Casino Addictions, shall be allocated to boards of alcohol, drug 150922  
addiction, and mental health services in accordance with a 150923  
distribution methodology determined by the Director of Mental 150924  
Health and Addiction Services. 150925

**Section 327.100. RESIDENTIAL STATE SUPPLEMENT** 150926

(A) As used in this section: 150927

(1) "Residential facility" means a facility licensed by the Department of Mental Health and Addiction Services under section 5119.34 of the Revised Code.

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(2) "Residential care facility" means a facility licensed by the Director of Health under Chapter 3721. of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code.

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(B) The foregoing appropriation item 335506, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness, to transfer cash to the Nursing Home Franchise Permit Fee Fund (Fund 5R20) used by the Department of Job and Family Services, and to make benefit payments to residential state supplement recipients.

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(C) Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment, and for determining the amount per month the eligible resident will receive, shall be as follows:

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(1) \$927 for a residential care facility;

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(2) \$927 for a residential facility that provides accommodations, supervision, and personal care services for six to sixteen unrelated adults as described in section 5119.34 of the Revised Code;

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(3) \$824 for a residential facility that provides accommodations, supervision, and personal care services for one or two unrelated adults as described in division (A)(9)(b)(ii) of section 5119.34 of the Revised Code;

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(4) \$824 for a residential facility providing accommodations, supervision, and personal care services to three to five unrelated

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adults, as described in section 5119.34 of the Revised Code; 150959

(5) \$824 for a residential facility that provides 150960  
accommodations, supervision, and personal care services for one or 150961  
two unrelated persons with mental illness or persons with severe 150962  
mental disabilities who are referred by or are receiving mental 150963  
health services from a community mental health services provider 150964  
or a hospital, as described in division (A)(9)(b)(i) of section 150965  
5119.34 of the Revised Code; 150966

(6) \$618 for community mental health housing services, as 150967  
described in division (D)(1)(c) of section 5119.41 of the Revised 150968  
Code. 150969

The Department of Mental Health and Addiction Services shall 150970  
reflect these amounts in any applicable rules the Department 150971  
adopts under section 5119.41 of the Revised Code. 150972

(D) The Department of Mental Health and Addiction Services 150973  
shall, with the input of stakeholders and impacted state agencies, 150974  
conduct a review of the state and federal rules and statutes 150975  
governing the Residential State Supplement Program and report on 150976  
potential improvements to be made in governing the program not 150977  
later than January 1, 2014. 150978

**Section 327.110. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING** 150979  
**POOL** 150980

A county family and children first council may establish and 150981  
operate a flexible funding pool in order to assure access to 150982  
needed services by families, children, and older adults in need of 150983  
protective services. The operation of the flexible funding pools 150984  
shall be subject to the following restrictions: 150985

(A) The county council shall establish and operate the 150986  
flexible funding pool in accordance with formal guidance issued by 150987  
the Family and Children First Cabinet Council; 150988



(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

**Section 329.10. MIH COMMISSION ON MINORITY HEALTH**

General Revenue Fund

|            |                    |    |         |    |         |        |
|------------|--------------------|----|---------|----|---------|--------|
| GRF 149321 | Operating Expenses | \$ | 581,490 | \$ | 591,615 | 151007 |
| GRF 149501 | Minority Health    | \$ | 889,100 | \$ | 878,975 | 151008 |

Grants

|            |                      |    |           |    |           |        |
|------------|----------------------|----|-----------|----|-----------|--------|
| GRF 149502 | Lupus Program        | \$ | 110,047   | \$ | 110,047   | 151009 |
| TOTAL GRF  | General Revenue Fund | \$ | 1,580,637 | \$ | 1,580,637 | 151010 |

Federal Special Revenue Fund Group

|             |                         |    |         |    |         |        |
|-------------|-------------------------|----|---------|----|---------|--------|
| 3J90 149602 | Federal Grants          | \$ | 140,000 | \$ | 140,000 | 151012 |
| TOTAL FED   | Federal Special Revenue |    |         |    |         | 151013 |
| Fund Group  |                         | \$ | 140,000 | \$ | 140,000 | 151014 |

State Special Revenue Fund Group

|             |                 |    |        |    |        |        |
|-------------|-----------------|----|--------|----|--------|--------|
| 4C20 149601 | Minority Health | \$ | 25,000 | \$ | 25,000 | 151016 |
|-------------|-----------------|----|--------|----|--------|--------|

Conference

|                                                            |    |            |               |        |
|------------------------------------------------------------|----|------------|---------------|--------|
| TOTAL SSR State Special Revenue                            |    |            |               | 151017 |
| Fund Group                                                 | \$ | 25,000     | \$ 25,000     | 151018 |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 1,745,637  | \$ 1,745,637  | 151019 |
| <br>                                                       |    |            |               |        |
| <b>Section 331.10. CRB MOTOR VEHICLE REPAIR BOARD</b>      |    |            |               | 151021 |
| <br>                                                       |    |            |               |        |
| General Services Fund Group                                |    |            |               | 151022 |
| 4K90 865601 Operating Expenses                             | \$ | 487,592    | \$ 484,292    | 151023 |
| TOTAL GSF General Services                                 |    |            |               | 151024 |
| Fund Group                                                 | \$ | 487,592    | \$ 484,292    | 151025 |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 487,592    | \$ 484,292    | 151026 |
| <br>                                                       |    |            |               |        |
| <b>Section 333.10. DNR DEPARTMENT OF NATURAL RESOURCES</b> |    |            |               | 151028 |
| <br>                                                       |    |            |               |        |
| General Revenue Fund                                       |    |            |               | 151029 |
| GRF 725401 Wildlife-GRF Central                            | \$ | 1,800,000  | \$ 1,800,000  | 151030 |
| Support                                                    |    |            |               |        |
| GRF 725413 Lease Rental Payments                           | \$ | 21,622,900 | \$ 23,943,400 | 151031 |
| GRF 725456 Canal Lands                                     | \$ | 135,000    | \$ 135,000    | 151032 |
| GRF 725502 Soil and Water                                  | \$ | 2,900,000  | \$ 2,900,000  | 151033 |
| Districts                                                  |    |            |               |        |
| GRF 725505 Healthy Lake Erie Fund                          | \$ | 650,000    | \$ 500,000    | 151034 |
| GRF 725507 Coal and Mine Safety                            | \$ | 2,500,000  | \$ 2,500,000  | 151035 |
| Program                                                    |    |            |               |        |
| GRF 725903 Natural Resources                               | \$ | 24,325,400 | \$ 25,443,000 | 151036 |
| General Obligation                                         |    |            |               |        |
| Debt Service                                               |    |            |               |        |
| GRF 727321 Division of Forestry                            | \$ | 4,392,002  | \$ 4,392,001  | 151037 |
| GRF 728321 Division of Geological                          | \$ | 800,000    | \$ 800,000    | 151038 |
| Survey                                                     |    |            |               |        |
| GRF 729321 Office of Information                           | \$ | 177,405    | \$ 177,405    | 151039 |
| Technology                                                 |    |            |               |        |
| GRF 730321 Division of Parks and                           | \$ | 30,000,000 | \$ 30,000,000 | 151040 |
| Recreation                                                 |    |            |               |        |

|                             |                      |                                                   |    |            |    |             |        |
|-----------------------------|----------------------|---------------------------------------------------|----|------------|----|-------------|--------|
| GRF                         | 736321               | Division of<br>Engineering                        | \$ | 2,279,115  | \$ | 2,324,736   | 151041 |
| GRF                         | 737321               | Division of Soil and<br>Water Resources           | \$ | 4,782,704  | \$ | 4,782,652   | 151042 |
| GRF                         | 738321               | Division of Real<br>Estate and Land<br>Management | \$ | 715,963    | \$ | 670,342     | 151043 |
| GRF                         | 741321               | Division of Natural<br>Areas and Preserves        | \$ | 1,200,000  | \$ | 1,200,000   | 151044 |
| TOTAL GRF                   | General Revenue Fund |                                                   | \$ | 98,280,489 | \$ | 101,568,536 | 151045 |
| General Services Fund Group |                      |                                                   |    |            |    |             | 151046 |
| 1550                        | 725601               | Departmental Projects                             | \$ | 2,109,968  | \$ | 1,839,204   | 151047 |
| 1570                        | 725651               | Central Support<br>Indirect                       | \$ | 4,609,154  | \$ | 4,671,566   | 151048 |
| 2040                        | 725687               | Information Services                              | \$ | 5,179,097  | \$ | 5,288,168   | 151049 |
| 2050                        | 725696               | Human Resource Direct<br>Service                  | \$ | 2,474,345  | \$ | 2,526,662   | 151050 |
| 2070                        | 725690               | Real Estate Services                              | \$ | 50,000     | \$ | 50,000      | 151051 |
| 2230                        | 725665               | Law Enforcement<br>Administration                 | \$ | 2,126,432  | \$ | 2,126,432   | 151052 |
| 2270                        | 725406               | Parks Projects<br>Personnel                       | \$ | 436,500    | \$ | 436,500     | 151053 |
| 4300                        | 725671               | Canal Lands                                       | \$ | 883,879    | \$ | 883,879     | 151054 |
| 4S90                        | 725622               | NatureWorks Personnel                             | \$ | 404,657    | \$ | 412,570     | 151055 |
| 4X80                        | 725662               | Water Resources<br>Council                        | \$ | 138,005    | \$ | 138,005     | 151056 |
| 5100                        | 725631               | Maintenance -<br>State-owned<br>Residences        | \$ | 303,611    | \$ | 303,611     | 151057 |
| 5160                        | 725620               | Water Management                                  | \$ | 2,559,292  | \$ | 2,559,292   | 151058 |
| 6350                        | 725664               | Fountain Square<br>Facilities Management          | \$ | 3,329,935  | \$ | 3,346,259   | 151059 |
| 6970                        | 725670               | Submerged Lands                                   | \$ | 852,982    | \$ | 869,145     | 151060 |

|                                                        |    |            |               |        |
|--------------------------------------------------------|----|------------|---------------|--------|
| TOTAL GSF General Services                             |    |            |               | 151061 |
| Fund Group                                             | \$ | 25,457,857 | \$ 25,451,293 | 151062 |
| Federal Special Revenue Fund Group                     |    |            |               | 151063 |
| 3320 725669 Federal Mine Safety Grant                  | \$ | 265,000    | \$ 265,000    | 151064 |
| 3B30 725640 Federal Forest Pass-Thru                   | \$ | 500,000    | \$ 500,000    | 151065 |
| 3B40 725641 Federal Flood Pass-Thru                    | \$ | 500,000    | \$ 500,000    | 151066 |
| 3B50 725645 Federal Abandoned Mine Lands               | \$ | 11,851,759 | \$ 11,851,759 | 151067 |
| 3B60 725653 Federal Land and Water Conservation Grants | \$ | 950,000    | \$ 950,000    | 151068 |
| 3B70 725654 Reclamation - Regulatory                   | \$ | 3,200,000  | \$ 3,200,000  | 151069 |
| 3P10 725632 Geological Survey - Federal                | \$ | 933,448    | \$ 557,146    | 151070 |
| 3P20 725642 Oil and Gas - Federal                      | \$ | 234,509    | \$ 234,509    | 151071 |
| 3P30 725650 Coastal Management - Federal               | \$ | 2,790,633  | \$ 2,790,633  | 151072 |
| 3P40 725660 Federal - Soil and Water Resources         | \$ | 969,190    | \$ 1,006,874  | 151073 |
| 3R50 725673 Acid Mine Drainage Abatement/Treatment     | \$ | 4,342,280  | \$ 4,342,280  | 151074 |
| 3Z50 725657 Federal Recreation and Trails              | \$ | 1,850,000  | \$ 1,850,000  | 151075 |
| TOTAL FED Federal Special Revenue                      |    |            |               | 151076 |
| Fund Group                                             | \$ | 28,386,819 | \$ 28,048,201 | 151077 |
| State Special Revenue Fund Group                       |    |            |               | 151078 |
| 4J20 725628 Injection Well Review                      | \$ | 128,466    | \$ 128,466    | 151079 |
| 4M70 725686 Wildfire Suppression                       | \$ | 100,000    | \$ 100,000    | 151080 |

|      |        |                                                 |    |            |    |            |        |
|------|--------|-------------------------------------------------|----|------------|----|------------|--------|
| 4U60 | 725668 | Scenic Rivers<br>Protection                     | \$ | 100,000    | \$ | 100,000    | 151081 |
| 5090 | 725602 | State Forest                                    | \$ | 6,873,330  | \$ | 6,880,158  | 151082 |
| 5110 | 725646 | Ohio Geological<br>Mapping                      | \$ | 1,220,690  | \$ | 1,993,519  | 151083 |
| 5120 | 725605 | State Parks Operations                          | \$ | 29,654,880 | \$ | 29,671,044 | 151084 |
| 5140 | 725606 | Lake Erie Shoreline                             | \$ | 1,559,583  | \$ | 1,559,583  | 151085 |
| 5180 | 725643 | Oil and Gas Permit<br>Fees                      | \$ | 12,812,311 | \$ | 13,140,201 | 151086 |
| 5180 | 725677 | Oil and Gas Well<br>Plugging                    | \$ | 1,500,000  | \$ | 1,500,000  | 151087 |
| 5210 | 725627 | Off-Road Vehicle<br>Trails                      | \$ | 143,490    | \$ | 143,490    | 151088 |
| 5220 | 725656 | Natural Areas and<br>Preserves                  | \$ | 546,639    | \$ | 546,639    | 151089 |
| 5260 | 725610 | Strip Mining<br>Administration Fee              | \$ | 1,800,000  | \$ | 1,800,000  | 151090 |
| 5270 | 725637 | Surface Mining<br>Administration                | \$ | 1,941,532  | \$ | 1,941,532  | 151091 |
| 5290 | 725639 | Unreclaimed Land Fund                           | \$ | 1,804,180  | \$ | 1,804,180  | 151092 |
| 5310 | 725648 | Reclamation Forfeiture                          | \$ | 500,000    | \$ | 500,000    | 151093 |
| 5B30 | 725674 | Mining Regulation                               | \$ | 28,135     | \$ | 28,135     | 151094 |
| 5BV0 | 725658 | Heidelberg Water<br>Quality Lab                 | \$ | 250,000    | \$ | 250,000    | 151095 |
| 5BV0 | 725683 | Soil and Water<br>Districts                     | \$ | 8,000,000  | \$ | 8,000,000  | 151096 |
| 5EJ0 | 725608 | Forestry Law<br>Enforcement                     | \$ | 1,000      | \$ | 1,000      | 151097 |
| 5EK0 | 725611 | Natural Areas &<br>Preserves Law<br>Enforcement | \$ | 1,000      | \$ | 1,000      | 151098 |
| 5EL0 | 725612 | Wildlife Law<br>Enforcement                     | \$ | 12,000     | \$ | 12,000     | 151099 |

|                                    |        |                                          |    |            |    |            |        |
|------------------------------------|--------|------------------------------------------|----|------------|----|------------|--------|
| 5EM0                               | 725613 | Park Law Enforcement                     | \$ | 34,000     | \$ | 34,000     | 151100 |
| 5EN0                               | 725614 | Watercraft Law<br>Enforcement            | \$ | 2,500      | \$ | 2,500      | 151101 |
| 5HK0                               | 725625 | Ohio Nature Preserves                    | \$ | 1,000      | \$ | 1,000      | 151102 |
| 5MF0                               | 725635 | Ohio Geology License<br>Plate            | \$ | 7,500      | \$ | 7,500      | 151103 |
| 5MW0                               | 725604 | Natural Resources<br>Special Purposes    | \$ | 9,000,000  | \$ | 6,000,000  | 151104 |
| 6150                               | 725661 | Dam Safety                               | \$ | 943,517    | \$ | 943,517    | 151105 |
| TOTAL SSR State Special Revenue    |        |                                          |    |            |    |            | 151106 |
| Fund Group                         |        |                                          | \$ | 78,965,753 | \$ | 77,089,464 | 151107 |
| Clean Ohio Conservation Fund Group |        |                                          |    |            |    |            | 151108 |
| 7061                               | 725405 | Clean Ohio Operating                     | \$ | 300,775    | \$ | 300,775    | 151109 |
| TOTAL CLF Clean Ohio Conservation  |        |                                          |    |            |    |            | 151110 |
| Fund Group                         |        |                                          |    |            |    |            |        |
| Wildlife Fund Group                |        |                                          |    |            |    |            | 151111 |
| 5P20                               | 725634 | Wildlife Boater<br>Angler Administration | \$ | 3,000,000  | \$ | 3,000,000  | 151112 |
| 7015                               | 740401 | Division of Wildlife<br>Conservation     | \$ | 56,466,564 | \$ | 57,075,976 | 151113 |
| 8150                               | 725636 | Cooperative<br>Management Projects       | \$ | 120,449    | \$ | 120,449    | 151114 |
| 8160                               | 725649 | Wetlands Habitat                         | \$ | 966,885    | \$ | 966,885    | 151115 |
| 8170                               | 725655 | Wildlife Conservation<br>Checkoff Fund   | \$ | 2,000,000  | \$ | 2,000,000  | 151116 |
| 8180                               | 725629 | Cooperative Fisheries<br>Research        | \$ | 1,500,000  | \$ | 1,500,000  | 151117 |
| 8190                               | 725685 | Ohio River Management                    | \$ | 203,584    | \$ | 203,584    | 151118 |
| 81B0                               | 725688 | Wildlife Habitat Fund                    | \$ | 1,200,000  | \$ | 1,200,000  | 151119 |
| TOTAL WLF Wildlife Fund Group      |        |                                          |    |            |    |            | 151120 |
| Waterways Safety Fund Group        |        |                                          |    |            |    |            | 151121 |
| 7086                               | 725414 | Waterways Improvement                    | \$ | 5,693,671  | \$ | 5,693,671  | 151122 |

|                                           |        |                       |    |            |    |            |                                      |
|-------------------------------------------|--------|-----------------------|----|------------|----|------------|--------------------------------------|
| 7086                                      | 725418 | Buoy Placement        | \$ | 52,182     | \$ | 52,182     | 151123                               |
| 7086                                      | 725501 | Waterway Safety       | \$ | 120,000    | \$ | 120,000    | 151124                               |
|                                           |        | Grants                |    |            |    |            |                                      |
| 7086                                      | 725506 | Watercraft Marine     | \$ | 576,153    | \$ | 576,153    | 151125                               |
|                                           |        | Patrol                |    |            |    |            |                                      |
| 7086                                      | 725513 | Watercraft            | \$ | 366,643    | \$ | 366,643    | 151126                               |
|                                           |        | Educational Grants    |    |            |    |            |                                      |
| 7086                                      | 739401 | Division of           | \$ | 19,467,370 | \$ | 19,297,370 | 151127                               |
|                                           |        | Watercraft            |    |            |    |            |                                      |
| TOTAL WSF Waterways Safety Fund           |        |                       |    |            |    |            | 151128                               |
| Group                                     |        |                       |    |            |    |            | \$ 26,276,019 \$ 26,106,019 151129   |
| Accrued Leave Liability Fund Group        |        |                       |    |            |    |            | 151130                               |
| 4M80                                      | 725675 | FOP Contract          | \$ | 20,219     | \$ | 20,219     | 151131                               |
| TOTAL ALF Accrued Leave                   |        |                       |    |            |    |            | 151132                               |
| Liability Fund Group                      |        |                       |    |            |    |            | \$ 20,219 \$ 20,219 151133           |
| Holding Account Redistribution Fund Group |        |                       |    |            |    |            | 151134                               |
| R017                                      | 725659 | Performance Cash Bond | \$ | 496,263    | \$ | 496,263    | 151135                               |
|                                           |        | Refunds               |    |            |    |            |                                      |
| R043                                      | 725624 | Forestry              | \$ | 2,100,000  | \$ | 2,100,000  | 151136                               |
| TOTAL 090 Holding Account                 |        |                       |    |            |    |            | 151137                               |
| Redistribution Fund Group                 |        |                       |    |            |    |            | \$ 2,596,263 \$ 2,596,263 151138     |
| TOTAL ALL BUDGET FUND GROUPS              |        |                       |    |            |    |            | \$ 325,741,676 \$ 327,247,664 151139 |

**Section 333.20. CENTRAL SUPPORT INDIRECT** 151141

With the exception of the Division of Wildlife, whose direct 151142  
and indirect central support charges shall be paid out of the 151143  
General Revenue Fund from the foregoing appropriation item 725401, 151144  
Wildlife-GRF Central Support, the Department of Natural Resources, 151145  
with approval of the Director of Budget and Management, shall 151146  
utilize a methodology for determining each division's payments 151147  
into the Central Support Indirect Fund (Fund 1570). The 151148  
methodology used shall contain the characteristics of 151149

administrative ease and uniform application in compliance with 151150  
federal grant requirements. It may include direct cost charges for 151151  
specific services provided. Payments to Fund 1570 shall be made 151152  
using an intrastate transfer voucher. 151153

**Section 333.30. LEASE RENTAL PAYMENTS** 151154

The foregoing appropriation item 725413, Lease Rental 151155  
Payments, shall be used to meet all payments at the times they are 151156  
required to be made during the period from July 1, 2013, through 151157  
June 30, 2015, by the Department of Natural Resources pursuant to 151158  
leases and agreements made under section 154.22 of the Revised 151159  
Code. These appropriations are the source of funds pledged for 151160  
bond service charges on related obligations issued under Chapter 151161  
154. of the Revised Code. 151162

**CANAL LANDS** 151163

The foregoing appropriation item 725456, Canal Lands, shall 151164  
be used to provide operating expenses for the State Canal Lands 151165  
Program. 151166

**HEALTHY LAKE ERIE FUND** 151167

The foregoing appropriation item 725505, Healthy Lake Erie 151168  
Fund, shall be used by the Director of Natural Resources, in 151169  
consultation with the Director of Agriculture and the Director of 151170  
Environmental Protection, to implement nonstatutory 151171  
recommendations of the Agriculture Nutrients and Water Quality 151172  
Working Group. The Director shall give priority to recommendations 151173  
that encourage farmers to adopt agricultural production guidelines 151174  
commonly known as 4R nutrient stewardship practices. Funds may 151175  
also be used for enhanced soil testing in the Western Lake Erie 151176  
Basin, monitoring the quality of Lake Erie and its tributaries, 151177  
and conducting research and establishing pilot projects that have 151178  
the goal of reducing algae blooms in Lake Erie. 151179



|                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| COAL AND MINE SAFETY PROGRAM                                                                                                                                                                                                                                                                                                                                                                                                                               | 151180                                                                       |
| The foregoing appropriation item 725507, Coal and Mine Safety Program, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.                                                                                                                                                                                                                                                                                    | 151181<br>151182<br>151183                                                   |
| NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE                                                                                                                                                                                                                                                                                                                                                                                                          | 151184                                                                       |
| The foregoing appropriation item 725903, Natural Resources General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2013, through June 30, 2015, on obligations issued under sections 151.01 and 151.05 of the Revised Code.                                                                                                                                                           | 151185<br>151186<br>151187<br>151188<br>151189                               |
| <b>Section 333.40. WELL LOG FILING FEES</b>                                                                                                                                                                                                                                                                                                                                                                                                                | 151190                                                                       |
| The Chief of the Division of Soil and Water Resources shall deposit fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Departmental Services - Intrastate Fund (Fund 1550) for the purposes described in that section.                                                                                                                                                                                                | 151191<br>151192<br>151193<br>151194                                         |
| <b>Section 333.50. HUMAN RESOURCES DIRECT SERVICE</b>                                                                                                                                                                                                                                                                                                                                                                                                      | 151195                                                                       |
| The foregoing appropriation item 725696, Human Resources Direct Service, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' human resources functions. The Human Resources Chargeback Fund (Fund 2050) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management. | 151196<br>151197<br>151198<br>151199<br>151200<br>151201<br>151202<br>151203 |
| <b>Section 333.60. LAW ENFORCEMENT ADMINISTRATION</b>                                                                                                                                                                                                                                                                                                                                                                                                      | 151204                                                                       |
| The foregoing appropriation item 725665, Law Enforcement Administration, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural                                                                                                                                                                                                                                                                              | 151205<br>151206<br>151207                                                   |

Resources' law enforcement functions. The Law Enforcement 151208  
Administration Fund (Fund 2230) shall consist of cash transferred 151209  
to it via intrastate transfer voucher from other funds as 151210  
determined by the Director of Natural Resources and the Director 151211  
of Budget and Management. 151212

**Section 333.70.** FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO 151213  
EXPO CENTER 151214

The foregoing appropriation item 725664, Fountain Square 151215  
Facilities Management, shall be used for payment of repairs, 151216  
renovation, utilities, property management, and building 151217  
maintenance expenses for the Fountain Square complex and the 151218  
Department of Natural Resources grounds at the Ohio Expo Center. 151219  
Cash transferred by intrastate transfer vouchers from various 151220  
department funds and rental income received by the Department of 151221  
Natural Resources shall be deposited into the Fountain Square 151222  
Facilities Management Fund (Fund 6350). 151223

**Section 333.80.** SOIL AND WATER DISTRICTS 151224

In addition to state payments to soil and water conservation 151225  
districts authorized by section 1515.10 of the Revised Code, the 151226  
Department of Natural Resources may use appropriation item 725683, 151227  
Soil and Water Districts, to pay any soil and water conservation 151228  
district an annual amount not to exceed \$40,000, upon receipt of a 151229  
request and justification from the district and approval by the 151230  
Ohio Soil and Water Conservation Commission. The county auditor 151231  
shall credit the payments to the special fund established under 151232  
section 1515.10 of the Revised Code for the local soil and water 151233  
conservation district. Moneys received by each district shall be 151234  
expended for the purposes of the district. 151235

OIL AND GAS WELL PLUGGING 151236

The foregoing appropriation item 725677, Oil and Gas Well 151237

Plugging, shall be used exclusively for the purposes of plugging 151238  
wells and to properly restore the land surface of idle and orphan 151239  
oil and gas wells pursuant to section 1509.071 of the Revised 151240  
Code. No funds from the appropriation item shall be used for 151241  
salaries, maintenance, equipment, or other administrative 151242  
purposes, except for those costs directly attributed to the 151243  
plugging of an idle or orphan well. This appropriation item shall 151244  
not be used to transfer cash to any other fund or appropriation 151245  
item. 151246

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION OPERATIONS 151247

During fiscal years 2014 and 2015, the Director of Budget and 151248  
Management may, in consultation with the Director of Natural 151249  
Resources, transfer such cash as necessary from the General 151250  
Revenue Fund to the Oil and Gas Well Fund (Fund 5180) for handling 151251  
the increased regulatory work related to the expansion of the oil 151252  
and gas program that will occur before receipts from this activity 151253  
are deposited into Fund 5180. Once funds from severance taxes, 151254  
application and permitting fees, and other sources have accrued to 151255  
Fund 5180 in such amounts as are considered sufficient to sustain 151256  
expanded operations, the Director of Budget and Management, in 151257  
consultation with the Director of Natural Resources, shall 151258  
establish a schedule for repaying the transferred funds from Fund 151259  
5180 to the General Revenue Fund. 151260

NATURAL RESOURCES SPECIAL PURPOSES 151261

On July 1, 2013, or as soon as possible thereafter, the 151262  
Director of Budget and Management shall transfer \$3,000,000 cash 151263  
from the General Revenue Fund to the Natural Resources Special 151264  
Purposes Fund (Fund 5MW0). Of the amount transferred, \$2,100,000 151265  
in fiscal year 2014 shall be used for the construction or 151266  
acquisition of a treatment train process at an Ohio inland lake, 151267  
and \$900,000 in fiscal year 2014 shall be used for the purchase of 151268  
a sweeper dredge for use at Ohio inland lakes. 151269

**Section 333.90.** CLEAN OHIO OPERATING EXPENSES 151270

The foregoing appropriation item 725405, Clean Ohio 151271  
Operating, shall be used by the Department of Natural Resources in 151272  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 151273  
to section 1519.05 of the Revised Code. 151274

**Section 333.100.** WATERCRAFT MARINE PATROL 151275

Of the foregoing appropriation item 739401, Division of 151276  
Watercraft, up to \$200,000 in each fiscal year shall be expended 151277  
for the purchase of equipment for marine patrols qualifying for 151278  
funding from the Department of Natural Resources pursuant to 151279  
section 1547.67 of the Revised Code. Proposals for equipment shall 151280  
accompany the submission of documentation for receipt of a marine 151281  
patrol subsidy pursuant to section 1547.67 of the Revised Code and 151282  
shall be loaned to eligible marine patrols pursuant to a 151283  
cooperative agreement between the Department of Natural Resources 151284  
and the eligible marine patrol. 151285

**Section 333.110.** PARKS CAPITAL EXPENSES FUND 151286

The Director of Natural Resources shall submit to the 151287  
Director of Budget and Management the estimated design, 151288  
engineering, and planning costs of capital-related work to be done 151289  
by Department of Natural Resources staff for parks projects within 151290  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 151291  
Director of Budget and Management approves the estimated costs, 151292  
the Director may release appropriations from appropriation item 151293  
C725E6, Project Planning, Fund 7035, for those purposes. Upon 151294  
release of the appropriations, the Department of Natural Resources 151295  
shall pay for these expenses from the Parks Capital Expenses Fund 151296  
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 151297  
Fund 7035 using an intrastate transfer voucher. 151298

NATUREWORKS CAPITAL EXPENSES FUND 151299

The Department of Natural Resources shall periodically 151300  
prepare and submit to the Director of Budget and Management the 151301  
estimated design, planning, and engineering costs of 151302  
capital-related work to be done by Department of Natural Resources 151303  
staff for each capital improvement project within the Ohio Parks 151304  
and Natural Resources Fund (Fund 7031). If the Director of Budget 151305  
and Management approves the estimated costs, the Director may 151306  
release appropriations from appropriation item C725E5, Project 151307  
Planning, in Fund 7031, for those purposes. Upon release of the 151308  
appropriations, the Department of Natural Resources shall pay for 151309  
these expenses from the Capital Expenses Fund (Fund 4S90). 151310  
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 151311  
using an intrastate transfer voucher. 151312

**Section 333.120. ELIMINATION OF DORMANT FUNDS** 151313

The following funds are hereby abolished and the fund names 151314  
and fund numbers shall be stricken from the list of funds falling 151315  
within the jurisdiction of the Department of Natural Resources: 151316

| Fund Number | Fund Name                                     |        |
|-------------|-----------------------------------------------|--------|
| 1580        | Reprint and Replacement - Intrastate          | 151317 |
| 1610        | Parks and Recreation Depreciation Reserve     | 151318 |
| 1620        | Civilian Conservation Corps Earned Revenues   | 151319 |
| 2060        | General Services                              | 151320 |
| 5080        | Natural Resources Publications and Promotions | 151321 |
| 5190        | Burr Oak Water Plant                          | 151322 |
| 5250        | Reclamation Forfeiture                        | 151323 |
| 5300        | Surface Mining Reclamation                    | 151324 |
| 8800        | Cooperative Boat Harbor Project               | 151325 |
| 4B80        | Forestry Development                          | 151326 |
| 5F90        | Flood Reimbursement                           | 151327 |
| 81A0        | Wildlife Education                            | 151328 |

|      |                                                                  |    |           |    |           |
|------|------------------------------------------------------------------|----|-----------|----|-----------|
| R029 | Reclamation Fee                                                  |    |           |    | 151330    |
| R030 | Surface Mining Reclamation Fee                                   |    |           |    | 151331    |
| R040 | Wildlife Refunds                                                 |    |           |    | 151332    |
| 3280 | Federal Special Revenue                                          |    |           |    | 151333    |
| 3P00 | Natural Areas and Preserves - Federal                            |    |           |    | 151334    |
| 5K10 | Urban Forestry Grant                                             |    |           |    | 151335    |
| 5150 | Conservancy District Organization                                |    |           |    | 151336    |
| 6300 | Wild Animal                                                      |    |           |    | 151337    |
| 3CH0 | Mined Land Set Aside                                             |    |           |    | 151338    |
|      | TRANSFER OF ELIMINATED DORMANT FUNDS                             |    |           |    | 151339    |
|      | The Watercraft Revolving Loan Fund (Fund 5AW0) is hereby         |    |           |    | 151340    |
|      | abolished. Any balance remaining in the fund as of July 1, 2013, |    |           |    | 151341    |
|      | shall be transferred into the Waterways Safety Fund (Fund 7086)  |    |           |    | 151342    |
|      | and appropriated to appropriation item 739401, Division of       |    |           |    | 151343    |
|      | Watercraft.                                                      |    |           |    | 151344    |
|      | The Division of Forestry Law Enforcement Fund (Fund 5EJ0) and    |    |           |    | 151345    |
|      | the Division of Natural Areas and Preserves Law Enforcement Fund |    |           |    | 151346    |
|      | (Fund 5EK0) are hereby abolished. Any balance remaining in these |    |           |    | 151347    |
|      | funds as of July 1, 2013, shall be transferred into the Park Law |    |           |    | 151348    |
|      | Enforcement Fund (Fund 5EM0) and appropriated to appropriation   |    |           |    | 151349    |
|      | item 725613, Park Law Enforcement.                               |    |           |    | 151350    |
|      | <b>Section 335.10. NUR STATE BOARD OF NURSING</b>                |    |           |    | 151351    |
|      | General Services Fund Group                                      |    |           |    | 151352    |
| 4K90 | 884609 Operating Expenses                                        | \$ | 7,181,743 | \$ | 7,273,978 |
| 5AC0 | 884602 Nurse Education Grant                                     | \$ | 1,373,506 | \$ | 1,373,506 |
|      | Program                                                          |    |           |    |           |
| 5P80 | 884601 Nursing Special                                           | \$ | 2,000     | \$ | 2,000     |
|      | Issues                                                           |    |           |    |           |
|      | TOTAL GSF General Services                                       |    |           |    | 151356    |
|      | Fund Group                                                       | \$ | 8,557,249 | \$ | 8,649,484 |
|      | TOTAL ALL BUDGET FUND GROUPS                                     | \$ | 8,557,249 | \$ | 8,649,484 |

|                              |                       |    |            |                                             |                   |
|------------------------------|-----------------------|----|------------|---------------------------------------------|-------------------|
| <b>Section 337.10.</b>       |                       |    |            | PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, | 151360            |
| AND ATHLETIC TRAINERS BOARD  |                       |    |            |                                             | 151361            |
| General Services Fund Group  |                       |    |            |                                             | 151362            |
| 4K90 890609                  | Operating Expenses    | \$ | 866,169    | \$                                          | 925,897 151363    |
| TOTAL GSF                    | General Services Fund | \$ | 866,169    | \$                                          | 925,897 151364    |
| Group                        |                       |    |            |                                             |                   |
| TOTAL ALL BUDGET FUND GROUPS |                       | \$ | 866,169    | \$                                          | 925,897 151365    |
| <br><b>Section 339.10.</b>   |                       |    |            | OLA OHIOANA LIBRARY ASSOCIATION             | 151367            |
| General Revenue Fund         |                       |    |            |                                             | 151368            |
| GRF 355501                   | Library Subsidy       | \$ | 135,000    | \$                                          | 140,000 151369    |
| TOTAL GRF                    | General Revenue Fund  | \$ | 135,000    | \$                                          | 140,000 151370    |
| TOTAL ALL BUDGET FUND GROUPS |                       | \$ | 135,000    | \$                                          | 140,000 151371    |
| <br><b>Section 340.10.</b>   |                       |    |            | OOD OPPORTUNITIES FOR OHIOANS WITH          | 151373            |
| DISABILITIES AGENCY          |                       |    |            |                                             | 151374            |
| General Revenue Fund         |                       |    |            |                                             | 151375            |
| GRF 415402                   | Independent Living    | \$ | 252,000    | \$                                          | 252,000 151376    |
| Council                      |                       |    |            |                                             |                   |
| GRF 415406                   | Assistive Technology  | \$ | 26,618     | \$                                          | 26,618 151377     |
| GRF 415431                   | Office for People     | \$ | 126,567    | \$                                          | 126,567 151378    |
| with Brain Injury            |                       |    |            |                                             |                   |
| GRF 415506                   | Services for People   | \$ | 15,277,885 | \$                                          | 15,277,885 151379 |
| with Disabilities            |                       |    |            |                                             |                   |
| GRF 415508                   | Services for the Deaf | \$ | 28,000     | \$                                          | 28,000 151380     |
| TOTAL GRF                    | General Revenue Fund  | \$ | 15,711,070 | \$                                          | 15,711,070 151381 |
| General Services Fund Group  |                       |    |            |                                             | 151382            |
| 4670 415609                  | Business Enterprise   | \$ | 962,538    | \$                                          | 965,481 151383    |
| Operating Expenses           |                       |    |            |                                             |                   |
| TOTAL GSF                    | General Services      |    |            |                                             | 151384            |
| Fund Group                   |                       | \$ | 962,538    | \$                                          | 965,481 151385    |

|                                    |                       |    |             |    |             |        |
|------------------------------------|-----------------------|----|-------------|----|-------------|--------|
| Federal Special Revenue Fund Group |                       |    |             |    | 151386      |        |
| 3170 415620                        | Disability            | \$ | 83,332,186  | \$ | 84,641,911  | 151387 |
|                                    | Determination         |    |             |    |             |        |
| 3790 415616                        | Federal - Vocational  | \$ | 117,431,895 | \$ | 113,610,728 | 151388 |
|                                    | Rehabilitation        |    |             |    |             |        |
| 3L10 415601                        | Social Security       | \$ | 2,748,451   | \$ | 2,752,396   | 151389 |
|                                    | Personal Care         |    |             |    |             |        |
|                                    | Assistance            |    |             |    |             |        |
| 3L10 415605                        | Social Security       | \$ | 772,000     | \$ | 772,000     | 151390 |
|                                    | Community Centers for |    |             |    |             |        |
|                                    | the Deaf              |    |             |    |             |        |
| 3L10 415608                        | Social Security       | \$ | 445,258     | \$ | 498,269     | 151391 |
|                                    | Special               |    |             |    |             |        |
|                                    | Programs/Assistance   |    |             |    |             |        |
| 3L40 415612                        | Federal Independent   | \$ | 638,431     | \$ | 638,431     | 151392 |
|                                    | Living Centers or     |    |             |    |             |        |
|                                    | Services              |    |             |    |             |        |
| 3L40 415615                        | Federal - Supported   | \$ | 916,727     | \$ | 916,727     | 151393 |
|                                    | Employment            |    |             |    |             |        |
| 3L40 415617                        | Independent           | \$ | 1,548,658   | \$ | 1,348,658   | 151394 |
|                                    | Living/Vocational     |    |             |    |             |        |
|                                    | Rehabilitation        |    |             |    |             |        |
|                                    | Programs              |    |             |    |             |        |
| TOTAL FED Federal Special          |                       |    |             |    |             | 151395 |
| Revenue Fund Group                 |                       | \$ | 207,833,606 | \$ | 205,179,120 | 151396 |
| State Special Revenue Fund Group   |                       |    |             |    |             | 151397 |
| 4680 415618                        | Third Party Funding   | \$ | 11,000,000  | \$ | 11,000,000  | 151398 |
| 4L10 415619                        | Services for          | \$ | 3,502,168   | \$ | 3,502,168   | 151399 |
|                                    | Rehabilitation        |    |             |    |             |        |
| 4W50 415606                        | Program Management    | \$ | 12,369,751  | \$ | 12,594,758  | 151400 |
|                                    | Expenses              |    |             |    |             |        |
| TOTAL SSR State Special            |                       |    |             |    |             | 151401 |



|                              |    |             |    |             |        |
|------------------------------|----|-------------|----|-------------|--------|
| Revenue Fund Group           | \$ | 26,871,919  | \$ | 27,096,926  | 151402 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 251,379,133 | \$ | 248,952,597 | 151403 |

INDEPENDENT LIVING COUNCIL 151404

The foregoing appropriation item 415402, Independent Living 151405  
Council, shall be used to fund the operations of the State 151406  
Independent Living Council and to support state independent living 151407  
centers and independent living services under Title VII of the 151408  
Independent Living Services and Centers for Independent Living of 151409  
the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 151410  
U.S.C. 796d. 151411

Of the foregoing appropriation item 415402, Independent 151412  
Living Council, \$67,662 in each fiscal year shall be used as state 151413  
matching funds for vocational rehabilitation innovation and 151414  
expansion activities. 151415

ASSISTIVE TECHNOLOGY 151416

The total amount of the foregoing appropriation item 415406, 151417  
Assistive Technology, shall be provided to Assistive Technology of 151418  
Ohio to provide grants and assistive technology services for 151419  
people with disabilities in the State of Ohio. 151420

OFFICE FOR PEOPLE WITH BRAIN INJURY 151421

The foregoing appropriation item 415431, Office for People 151422  
with Brain Injury, shall be provided to The Ohio State University 151423  
College of Medicine to support the Brain Injury Program 151424  
established under section 3304.23 of the Revised Code. 151425

VOCATIONAL REHABILITATION SERVICES 151426

The foregoing appropriation item 415506, Services for People 151427  
with Disabilities, shall be used as state matching funds to 151428  
provide vocational rehabilitation services to eligible consumers. 151429

SERVICES FOR THE DEAF 151430

The foregoing appropriation item 415508, Services for the 151431

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| Deaf, shall be used to provide grants to community centers for the | 151432 |
| deaf.                                                              | 151433 |
| INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS              | 151434 |
| The foregoing appropriation item 415617, Independent               | 151435 |
| Living/Vocational Rehabilitation Programs, shall be used to        | 151436 |
| support vocational rehabilitation programs.                        | 151437 |
| SOCIAL SECURITY REIMBURSEMENT FUNDS                                | 151438 |
| Reimbursement funds received from the Social Security              | 151439 |
| Administration, United States Department of Health and Human       | 151440 |
| Services, for the costs of providing services and training to      | 151441 |
| return disability recipients to gainful employment shall be        | 151442 |
| expended from the Social Security Reimbursement Fund (Fund 3L10),  | 151443 |
| to the extent funds are available, as follows:                     | 151444 |
| (A) Appropriation item 415601, Social Security Personal Care       | 151445 |
| Assistance, to provide personal care services in accordance with   | 151446 |
| section 3304.41 of the Revised Code;                               | 151447 |
| (B) Appropriation item 415605, Social Security Community           | 151448 |
| Centers for the Deaf, to provide grants to community centers for   | 151449 |
| the deaf in Ohio for services to individuals with hearing          | 151450 |
| impairments; and                                                   | 151451 |
| (C) Appropriation item 415608, Social Security Special             | 151452 |
| Programs/Assistance, to provide vocational rehabilitation services | 151453 |
| to individuals with severe disabilities who are Social Security    | 151454 |
| beneficiaries, to enable them to achieve competitive employment.   | 151455 |
| This appropriation item shall also be used to pay a portion of     | 151456 |
| indirect costs of the Personal Care Assistance Program and the     | 151457 |
| Independent Living Programs as mandated by federal OMB Circular    | 151458 |
| A-87.                                                              | 151459 |
| PROGRAM MANAGEMENT EXPENSES                                        | 151460 |
| The foregoing appropriation item 415606, Program Management        | 151461 |

Expenses, shall be used to support the administrative functions of 151462  
the commission related to the provision of vocational 151463  
rehabilitation, disability determination services, and ancillary 151464  
programs. 151465

**Section 341.10.** ODB OHIO OPTICAL DISPENSERS BOARD 151466

General Services Fund Group 151467  
4K90 894609 Operating Expenses \$ 366,000 \$ 365,000 151468  
TOTAL GSF General Services 151469  
Fund Group \$ 366,000 \$ 365,000 151470  
TOTAL ALL BUDGET FUND GROUPS \$ 366,000 \$ 365,000 151471

**Section 343.10.** OPT STATE BOARD OF OPTOMETRY 151473

General Services Fund Group 151474  
4K90 885609 Operating Expenses \$ 347,278 \$ 347,278 151475  
TOTAL GSF General Services 151476  
Fund Group \$ 347,278 \$ 347,278 151477  
TOTAL ALL BUDGET FUND GROUPS \$ 347,278 \$ 347,278 151478

**Section 345.10.** OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 151480  
AND PEDORTHICS 151481

General Services Fund Group 151482  
4K90 973609 Operating Expenses \$ 151,417 \$ 159,982 151483  
TOTAL GSF General Services 151484  
Fund Group \$ 151,417 \$ 159,982 151485  
TOTAL ALL BUDGET FUND GROUPS \$ 151,417 \$ 159,982 151486

**Section 347.10.** UST PETROLEUM UNDERGROUND STORAGE TANK 151487  
RELEASE COMPENSATION BOARD 151488

State Special Revenue Fund Group 151489  
6910 810632 PUSTRCB Staff \$ 1,233,249 \$ 1,252,202 151490  
TOTAL SSR State Special Revenue 151491

|                              |    |           |    |           |        |
|------------------------------|----|-----------|----|-----------|--------|
| Fund Group                   | \$ | 1,233,249 | \$ | 1,252,202 | 151492 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,233,249 | \$ | 1,252,202 | 151493 |

**Section 349.10.** PRX STATE BOARD OF PHARMACY 151495

|                                  |    |           |    |           |        |
|----------------------------------|----|-----------|----|-----------|--------|
| General Services Fund Group      |    |           |    |           | 151496 |
| 4A50 887605 Drug Law Enforcement | \$ | 150,000   | \$ | 150,000   | 151497 |
| 4K90 887609 Operating Expenses   | \$ | 6,701,285 | \$ | 6,701,285 | 151498 |
| TOTAL GSF General Services Fund  | \$ | 6,851,285 | \$ | 6,851,285 | 151499 |
| Group                            |    |           |    |           |        |

Federal Special Revenue Fund Group 151500

|                                   |    |           |    |           |        |
|-----------------------------------|----|-----------|----|-----------|--------|
| 3BC0 887604 Dangerous Drugs       | \$ | 390,869   | \$ | 0         | 151501 |
| Database                          |    |           |    |           |        |
| 3CT0 887606 2008                  | \$ | 224,691   | \$ | 112,346   | 151502 |
| Developing/Enhancing              |    |           |    |           |        |
| PMP                               |    |           |    |           |        |
| 3DV0 887607 Enhancing Ohio's PMP  | \$ | 2,000     | \$ | 2,000     | 151503 |
| 3EY0 887603 Administration of     | \$ | 66,335    | \$ | 0         | 151504 |
| PMIX Hub                          |    |           |    |           |        |
| TOTAL FED Federal Special Revenue | \$ | 683,895   | \$ | 114,346   | 151505 |
| Fund Group                        |    |           |    |           |        |
| TOTAL ALL BUDGET FUND GROUPS      | \$ | 7,535,180 | \$ | 6,965,631 | 151506 |

**Section 351.10.** PSY STATE BOARD OF PSYCHOLOGY 151508

|                                |    |         |    |         |        |
|--------------------------------|----|---------|----|---------|--------|
| General Services Fund Group    |    |         |    |         | 151509 |
| 4K90 882609 Operating Expenses | \$ | 548,000 | \$ | 571,000 | 151510 |
| TOTAL GSF General Services     |    |         |    |         | 151511 |
| Fund Group                     | \$ | 548,000 | \$ | 571,000 | 151512 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 548,000 | \$ | 571,000 | 151513 |

**Section 353.10.** PUB OHIO PUBLIC DEFENDER COMMISSION 151515

|                                |    |           |    |           |        |
|--------------------------------|----|-----------|----|-----------|--------|
| General Revenue Fund           |    |           |    |           | 151516 |
| GRF 019401 State Legal Defense | \$ | 3,020,855 | \$ | 3,020,855 | 151517 |

|           |        |                                    |    |            |    |                   |
|-----------|--------|------------------------------------|----|------------|----|-------------------|
|           |        | Services                           |    |            |    |                   |
| GRF       | 019403 | Multi-County: State                | \$ | 1,237,318  | \$ | 1,250,824 151518  |
|           |        | Share                              |    |            |    |                   |
| GRF       | 019404 | Trumbull County -                  | \$ | 354,743    | \$ | 359,631 151519    |
|           |        | State Share                        |    |            |    |                   |
| GRF       | 019405 | Training Account                   | \$ | 50,000     | \$ | 50,000 151520     |
| GRF       | 019501 | County Reimbursement               | \$ | 9,768,050  | \$ | 9,885,175 151521  |
| TOTAL GRF |        | General Revenue Fund               | \$ | 14,430,966 | \$ | 14,566,485 151522 |
|           |        | General Services Fund Group        |    |            |    | 151523            |
| 4070      | 019604 | County Representation              | \$ | 351,149    | \$ | 354,248 151524    |
| 4080      | 019605 | Client Payments                    | \$ | 725,144    | \$ | 722,931 151525    |
| 5CX0      | 019617 | Civil Case Filing Fee              | \$ | 532,136    | \$ | 528,476 151526    |
| TOTAL GSF |        | General Services                   |    |            |    | 151527            |
|           |        | Fund Group                         | \$ | 1,608,429  | \$ | 1,605,655 151528  |
|           |        | Federal Special Revenue Fund Group |    |            |    | 151529            |
| 3FX0      | 019621 | Wrongful Conviction                | \$ | 103,950    | \$ | 103,950 151530    |
|           |        | Program                            |    |            |    |                   |
| 3S80      | 019608 | Federal                            | \$ | 204,706    | \$ | 202,942 151531    |
|           |        | Representation                     |    |            |    |                   |
| TOTAL FED |        | Federal Special Revenue            |    |            |    | 151532            |
|           |        | Fund Group                         | \$ | 308,656    | \$ | 306,892 151533    |
|           |        | State Special Revenue Fund Group   |    |            |    | 151534            |
| 4C70      | 019601 | Multi-County: County               | \$ | 2,297,876  | \$ | 2,322,959 151535  |
|           |        | Share                              |    |            |    |                   |
| 4X70      | 019610 | Trumbull County -                  | \$ | 658,809    | \$ | 667,887 151536    |
|           |        | County Share                       |    |            |    |                   |
| 5740      | 019606 | Civil Legal Aid                    | \$ | 20,000,000 | \$ | 20,000,000 151537 |
| 5DY0      | 019618 | Indigent Defense                   | \$ | 40,320,991 | \$ | 41,191,285 151538 |
|           |        | Support - County                   |    |            |    |                   |
|           |        | Share                              |    |            |    |                   |
| 5DY0      | 019619 | Indigent Defense                   | \$ | 5,186,329  | \$ | 5,612,719 151539  |
|           |        | Support Fund - State               |    |            |    |                   |

Office

|                                 |    |            |    |            |
|---------------------------------|----|------------|----|------------|
| TOTAL SSR State Special Revenue |    |            |    | 151540     |
| Fund Group                      | \$ | 68,464,005 | \$ | 69,794,850 |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 84,812,056 | \$ | 86,273,882 |

INDIGENT DEFENSE OFFICE 151543

The foregoing appropriation items 019404, Trumbull County - 151544  
State Share, and 019610, Trumbull County - County Share, shall be 151545  
used to support an indigent defense office for Trumbull County. 151546

MULTI-COUNTY OFFICE 151547

The foregoing appropriation items 019403, Multi-County: State 151548  
Share, and 019601, Multi-County: County Share, shall be used to 151549  
support the Office of the Ohio Public Defender's Multi-County 151550  
Branch Office Program. 151551

TRAINING ACCOUNT 151552

The foregoing appropriation item 019405, Training Account, 151553  
shall be used by the Ohio Public Defender to provide legal 151554  
training programs at no cost for private appointed counsel who 151555  
represent at least one indigent defendant at no cost and for state 151556  
and county public defenders and attorneys who contract with the 151557  
Ohio Public Defender to provide indigent defense services. 151558

FEDERAL REPRESENTATION 151559

The foregoing appropriation item 019608, Federal 151560  
Representation, shall be used to receive reimbursements from the 151561  
federal courts when the Ohio Public Defender provides 151562  
representation in federal court cases and to support 151563  
representation in such cases. 151564

**Section 355.10.** DPS DEPARTMENT OF PUBLIC SAFETY 151565

General Revenue Fund 151566

GRF 767420 Investigative Unit - \$ 10,500,000 \$ 10,500,000 151567

Operating

|                                |    |            |    |            |        |
|--------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund | \$ | 10,500,000 | \$ | 10,500,000 | 151568 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 10,500,000 | \$ | 10,500,000 | 151569 |

**Section 357.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO 151571

General Services Fund Group 151572

|                            |    |            |    |   |        |
|----------------------------|----|------------|----|---|--------|
| 5BP0 870623 Wireless 9-1-1 | \$ | 18,035,000 | \$ | 0 | 151573 |
|----------------------------|----|------------|----|---|--------|

Administration

|                                  |    |            |    |            |        |
|----------------------------------|----|------------|----|------------|--------|
| 5F60 870622 Utility and Railroad | \$ | 30,619,708 | \$ | 30,619,708 | 151574 |
|----------------------------------|----|------------|----|------------|--------|

Regulation

|                                |    |        |    |        |        |
|--------------------------------|----|--------|----|--------|--------|
| 5F60 870624 NARUC/NRRI Subsidy | \$ | 85,000 | \$ | 85,000 | 151575 |
|--------------------------------|----|--------|----|--------|--------|

|                                |    |           |    |           |        |
|--------------------------------|----|-----------|----|-----------|--------|
| 5Q50 870626 Telecommunications | \$ | 5,000,000 | \$ | 5,000,000 | 151576 |
|--------------------------------|----|-----------|----|-----------|--------|

Relay Service

TOTAL GSF General Services 151577

|            |    |            |    |            |        |
|------------|----|------------|----|------------|--------|
| Fund Group | \$ | 53,739,708 | \$ | 35,704,708 | 151578 |
|------------|----|------------|----|------------|--------|

Federal Special Revenue Fund Group 151579

|                                 |    |         |    |         |        |
|---------------------------------|----|---------|----|---------|--------|
| 3330 870601 Gas Pipeline Safety | \$ | 597,959 | \$ | 597,959 | 151580 |
|---------------------------------|----|---------|----|---------|--------|

|                                  |    |           |    |           |        |
|----------------------------------|----|-----------|----|-----------|--------|
| 3500 870608 Motor Carrier Safety | \$ | 7,351,660 | \$ | 7,351,660 | 151581 |
|----------------------------------|----|-----------|----|-----------|--------|

|                              |    |         |    |   |        |
|------------------------------|----|---------|----|---|--------|
| 3EA0 870630 Energy Assurance | \$ | 192,001 | \$ | 0 | 151582 |
|------------------------------|----|---------|----|---|--------|

Planning

|                              |    |         |    |   |        |
|------------------------------|----|---------|----|---|--------|
| 3ED0 870631 State Regulators | \$ | 115,912 | \$ | 0 | 151583 |
|------------------------------|----|---------|----|---|--------|

Assistance

|                                |    |         |    |         |        |
|--------------------------------|----|---------|----|---------|--------|
| 3V30 870604 Commercial Vehicle | \$ | 100,000 | \$ | 100,000 | 151584 |
|--------------------------------|----|---------|----|---------|--------|

Information

Systems/Networks

TOTAL FED Federal Special Revenue 151585

|            |    |           |    |           |        |
|------------|----|-----------|----|-----------|--------|
| Fund Group | \$ | 8,357,532 | \$ | 8,049,619 | 151586 |
|------------|----|-----------|----|-----------|--------|

State Special Revenue Fund Group 151587

|                            |    |           |    |           |        |
|----------------------------|----|-----------|----|-----------|--------|
| 4A30 870614 Grade Crossing | \$ | 1,347,357 | \$ | 1,347,357 | 151588 |
|----------------------------|----|-----------|----|-----------|--------|

Protection

Devices-State

|                                   |    |         |    |         |        |
|-----------------------------------|----|---------|----|---------|--------|
| 4L80 870617 Pipeline Safety-State | \$ | 331,992 | \$ | 331,992 | 151589 |
|-----------------------------------|----|---------|----|---------|--------|

|                                                        |        |                                                                     |    |             |    |             |        |
|--------------------------------------------------------|--------|---------------------------------------------------------------------|----|-------------|----|-------------|--------|
| 5610                                                   | 870606 | Power Siting Board                                                  | \$ | 581,618     | \$ | 581,618     | 151590 |
| 5LT0                                                   | 870640 | Intrastate<br>Registration                                          | \$ | 180,000     | \$ | 180,000     | 151591 |
| 5LT0                                                   | 870641 | Unified Carrier<br>Registration                                     | \$ | 420,000     | \$ | 420,000     | 151592 |
| 5LT0                                                   | 870642 | Hazardous Materials<br>Registration                                 | \$ | 743,346     | \$ | 753,346     | 151593 |
| 5LT0                                                   | 870643 | Nonhazardous Materials<br>Civil Forfeiture                          | \$ | 277,496     | \$ | 277,496     | 151594 |
| 5LT0                                                   | 870644 | Hazardous Materials<br>Civil Forfeiture                             | \$ | 898,800     | \$ | 898,800     | 151595 |
| 5LT0                                                   | 870645 | Motor Carrier<br>Enforcement                                        | \$ | 4,768,453   | \$ | 4,709,592   | 151596 |
| TOTAL SSR State Special Revenue                        |        |                                                                     |    |             |    |             | 151597 |
| Fund Group                                             |        |                                                                     | \$ | 9,549,062   | \$ | 9,500,201   | 151598 |
| TOTAL ALL BUDGET FUND GROUPS                           |        |                                                                     | \$ | 71,646,302  | \$ | 53,254,528  | 151599 |
| <br><b>Section 359.10. PWC PUBLIC WORKS COMMISSION</b> |        |                                                                     |    |             |    |             | 151601 |
| General Revenue Fund                                   |        |                                                                     |    |             |    |             | 151602 |
| GRF                                                    | 150904 | Conservation General<br>Obligation Debt<br>Service                  | \$ | 33,376,600  | \$ | 34,447,700  | 151603 |
| GRF                                                    | 150907 | State Capital<br>Improvements General<br>Obligation Debt<br>Service | \$ | 227,810,300 | \$ | 228,948,900 | 151604 |
| TOTAL GRF General Revenue Fund                         |        |                                                                     | \$ | 261,186,900 | \$ | 263,396,600 | 151605 |
| Clean Ohio Conservation Fund Group                     |        |                                                                     |    |             |    |             | 151606 |
| 7056                                                   | 150403 | Clean Ohio Operating<br>Expenses                                    | \$ | 288,980     | \$ | 288,980     | 151607 |
| TOTAL 056 Clean Ohio Conservation<br>Fund Group        |        |                                                                     | \$ | 288,980     | \$ | 288,980     | 151608 |



|                                                                    |    |             |    |             |        |
|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 261,475,880 | \$ | 263,685,580 | 151609 |
| CONSERVATION GENERAL OBLIGATION DEBT SERVICE                       |    |             |    |             | 151610 |
| The foregoing appropriation item 150904, Conservation General      |    |             |    |             | 151611 |
| Obligation Debt Service, shall be used to pay all debt service and |    |             |    |             | 151612 |
| related financing costs during the period from July 1, 2013,       |    |             |    |             | 151613 |
| through June 30, 2015, at the times they are required to be made   |    |             |    |             | 151614 |
| for obligations issued under sections 151.01 and 151.09 of the     |    |             |    |             | 151615 |
| Revised Code.                                                      |    |             |    |             | 151616 |
| STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE         |    |             |    |             | 151617 |
| The foregoing appropriation item 150907, State Capital             |    |             |    |             | 151618 |
| Improvements General Obligation Debt Service, shall be used to pay |    |             |    |             | 151619 |
| all debt service and related financing costs during the period     |    |             |    |             | 151620 |
| from July 1, 2013, through June 30, 2015, at the times they are    |    |             |    |             | 151621 |
| required to be made for obligations issued under sections 151.01   |    |             |    |             | 151622 |
| and 151.08 of the Revised Code.                                    |    |             |    |             | 151623 |
| CLEAN OHIO OPERATING EXPENSES                                      |    |             |    |             | 151624 |
| The foregoing appropriation item 150403, Clean Ohio Operating      |    |             |    |             | 151625 |
| Expenses, shall be used by the Ohio Public Works Commission in     |    |             |    |             | 151626 |
| administering Clean Ohio Conservation Fund (Fund 7056) projects    |    |             |    |             | 151627 |
| pursuant to sections 164.20 to 164.27 of the Revised Code.         |    |             |    |             | 151628 |
| <b>Section 361.10. RAC STATE RACING COMMISSION</b>                 |    |             |    |             | 151629 |
| State Special Revenue Fund Group                                   |    |             |    |             | 151630 |
| 5620 875601 Thoroughbred Race                                      | \$ | 1,696,456   | \$ | 1,696,456   | 151631 |
| Fund                                                               |    |             |    |             |        |
| 5630 875602 Standardbred                                           | \$ | 1,697,452   | \$ | 1,697,452   | 151632 |
| Development Fund                                                   |    |             |    |             |        |
| 5640 875603 Quarter Horse                                          | \$ | 1,000       | \$ | 1,000       | 151633 |
| Development Fund                                                   |    |             |    |             |        |
| 5650 875604 Racing Commission                                      | \$ | 2,934,178   | \$ | 2,934,178   | 151634 |
| Operating                                                          |    |             |    |             |        |

|                                           |                     |    |            |    |            |        |
|-------------------------------------------|---------------------|----|------------|----|------------|--------|
| 5C40 875607                               | Simulcast Horse     | \$ | 12,000,000 | \$ | 12,000,000 | 151635 |
|                                           | Racing Purse        |    |            |    |            |        |
| 5JK0 875610                               | Racing Commission   | \$ | 10,000,000 | \$ | 10,000,000 | 151636 |
|                                           | Fund                |    |            |    |            |        |
| TOTAL SSR State Special Revenue           |                     |    |            |    |            | 151637 |
| Fund Group                                |                     | \$ | 28,329,086 | \$ | 28,329,086 | 151638 |
| Holding Account Redistribution Fund Group |                     |    |            |    |            | 151639 |
| R021 875605                               | Bond Reimbursements | \$ | 100,000    | \$ | 100,000    | 151640 |
| TOTAL 090 Holding Account                 |                     |    |            |    |            | 151641 |
| Redistribution                            |                     |    |            |    |            |        |
| Fund Group                                |                     | \$ | 100,000    | \$ | 100,000    | 151642 |
| TOTAL ALL BUDGET FUND GROUPS              |                     | \$ | 28,429,086 | \$ | 28,429,086 | 151643 |

**Section 363.10. BOR BOARD OF REGENTS**

151645

|                      |                        |    |           |    |           |        |
|----------------------|------------------------|----|-----------|----|-----------|--------|
| General Revenue Fund |                        |    |           |    |           | 151646 |
| GRF 235321           | Operating Expenses     | \$ | 2,850,357 | \$ | 2,850,357 | 151647 |
| GRF 235401           | Lease Rental Payments  | \$ | 5,805,300 | \$ | 0         | 151648 |
| GRF 235402           | Sea Grants             | \$ | 285,000   | \$ | 285,000   | 151649 |
| GRF 235406           | Articulation and       | \$ | 2,000,000 | \$ | 2,000,000 | 151650 |
|                      | Transfer               |    |           |    |           |        |
| GRF 235408           | Midwest Higher         | \$ | 95,000    | \$ | 95,000    | 151651 |
|                      | Education Compact      |    |           |    |           |        |
| GRF 235409           | HEI Information System | \$ | 1,505,683 | \$ | 1,505,683 | 151652 |
| GRF 235414           | State Grants and       | \$ | 830,180   | \$ | 830,180   | 151653 |
|                      | Scholarship            |    |           |    |           |        |
|                      | Administration         |    |           |    |           |        |
| GRF 235417           | eStudent Services      | \$ | 2,532,688 | \$ | 2,532,688 | 151654 |
| GRF 235428           | Appalachian New        | \$ | 737,366   | \$ | 737,366   | 151655 |
|                      | Economy Partnership    |    |           |    |           |        |
| GRF 235433           | Economic Growth        | \$ | 521,153   | \$ | 521,153   | 151656 |
|                      | Challenge              |    |           |    |           |        |
| GRF 235434           | College Readiness and  | \$ | 1,200,000 | \$ | 1,200,000 | 151657 |

|            |                                                     |    |               |    |                      |
|------------|-----------------------------------------------------|----|---------------|----|----------------------|
|            | Access                                              |    |               |    |                      |
| GRF 235438 | Choose Ohio First Scholarship                       | \$ | 16,665,114    | \$ | 16,665,114 151658    |
| GRF 235443 | Adult Basic and Literacy Education - State          | \$ | 7,302,416     | \$ | 7,302,416 151659     |
| GRF 235444 | Post-Secondary Adult Career-Technical Education     | \$ | 15,317,547    | \$ | 15,317,547 151660    |
| GRF 235474 | Area Health Education Centers Program Support       | \$ | 900,000       | \$ | 900,000 151661       |
| GRF 235483 | Technology Integration and Professional Development | \$ | 2,378,598     | \$ | 2,378,598 151662     |
| GRF 235501 | State Share of Instruction                          | \$ | 1,784,225,497 | \$ | 1,818,225,497 151663 |
| GRF 235502 | Student Support Services                            | \$ | 632,974       | \$ | 632,974 151664       |
| GRF 235504 | War Orphans Scholarships                            | \$ | 5,500,000     | \$ | 5,500,000 151665     |
| GRF 235505 | State Share of Instruction Bridge Funding           | \$ | 8,095,005     | \$ | 0 151666             |
| GRF 235506 | Ohio Strategic Training Center                      | \$ | 950,000       | \$ | 0 151667             |
| GRF 235507 | OhioLINK                                            | \$ | 6,211,012     | \$ | 6,211,012 151668     |
| GRF 235508 | Air Force Institute of Technology                   | \$ | 1,740,803     | \$ | 1,740,803 151669     |
| GRF 235510 | Ohio Supercomputer Center                           | \$ | 3,747,418     | \$ | 3,747,418 151670     |
| GRF 235511 | Cooperative Extension Service                       | \$ | 23,086,658    | \$ | 23,056,658 151671    |

|            |                                                                    |    |            |    |            |        |
|------------|--------------------------------------------------------------------|----|------------|----|------------|--------|
| GRF 235514 | Central State<br>Supplement                                        | \$ | 11,063,468 | \$ | 11,063,468 | 151672 |
| GRF 235515 | Case Western Reserve<br>University School of<br>Medicine           | \$ | 2,146,253  | \$ | 2,146,253  | 151673 |
| GRF 235519 | Family Practice                                                    | \$ | 3,166,185  | \$ | 3,166,185  | 151674 |
| GRF 235520 | Shawnee State<br>Supplement                                        | \$ | 2,326,097  | \$ | 2,326,097  | 151675 |
| GRF 235523 | Youth STEM<br>Commercialization and<br>Entrepreneurship<br>Program | \$ | 2,000,000  | \$ | 3,000,000  | 151676 |
| GRF 235524 | Police and Fire<br>Protection                                      | \$ | 107,814    | \$ | 107,814    | 151677 |
| GRF 235525 | Geriatric Medicine                                                 | \$ | 522,151    | \$ | 522,151    | 151678 |
| GRF 235526 | Primary Care<br>Residencies                                        | \$ | 1,500,000  | \$ | 1,500,000  | 151679 |
| GRF 235535 | Ohio Agricultural<br>Research and<br>Development Center            | \$ | 34,126,100 | \$ | 34,126,100 | 151680 |
| GRF 235536 | The Ohio State<br>University Clinical<br>Teaching                  | \$ | 9,668,941  | \$ | 9,668,941  | 151681 |
| GRF 235537 | University of<br>Cincinnati Clinical<br>Teaching                   | \$ | 7,952,573  | \$ | 7,952,573  | 151682 |
| GRF 235538 | University of Toledo<br>Clinical Teaching                          | \$ | 6,198,600  | \$ | 6,198,600  | 151683 |
| GRF 235539 | Wright State<br>University Clinical<br>Teaching                    | \$ | 3,011,400  | \$ | 3,011,400  | 151684 |
| GRF 235540 | Ohio University<br>Clinical Teaching                               | \$ | 2,911,212  | \$ | 2,911,212  | 151685 |

|             |                                                           |    |               |    |               |                  |
|-------------|-----------------------------------------------------------|----|---------------|----|---------------|------------------|
| GRF 235541  | Northeast Ohio Medical<br>University Clinical<br>Teaching | \$ | 2,994,178     | \$ | 2,994,178     | 151686           |
| GRF 235552  | Capital Component                                         | \$ | 13,628,639    | \$ | 10,280,387    | 151687           |
| GRF 235555  | Library Depositories                                      | \$ | 1,440,342     | \$ | 1,440,342     | 151688           |
| GRF 235556  | Ohio Academic<br>Resources Network                        | \$ | 3,172,519     | \$ | 3,172,519     | 151689           |
| GRF 235558  | Long-term Care<br>Research                                | \$ | 195,300       | \$ | 195,300       | 151690           |
| GRF 235563  | Ohio College<br>Opportunity Grant                         | \$ | 89,126,474    | \$ | 89,126,474    | 151691           |
| GRF 235572  | The Ohio State<br>University Clinic<br>Support            | \$ | 766,533       | \$ | 766,533       | 151692           |
| GRF 235599  | National Guard<br>Scholarship Program                     | \$ | 16,711,514    | \$ | 17,384,511    | 151693           |
| GRF 235909  | Higher Education<br>General Obligation<br>Debt Service    | \$ | 221,168,700   | \$ | 248,822,000   | 151694           |
| TOTAL GRF   | General Revenue Fund                                      | \$ | 2,331,020,762 | \$ | 2,376,118,502 | 151695           |
|             | General Services Fund Group                               |    |               |    |               | 151696           |
| 2200 235614 | Program Approval and<br>Reauthorization                   | \$ | 903,595       | \$ | 903,595       | 151697           |
| 4560 235603 | Sales and Services                                        | \$ | 199,250       | \$ | 199,250       | 151698           |
| 5JC0 235649 | Co-op Internship<br>Program                               | \$ | 8,000,000     | \$ | 8,000,000     | 151699           |
| 5JC0 235668 | Defense/Aerospace<br>Workforce Development<br>Initiative  | \$ | 4,000,000     | \$ | 4,000,000     | 151700           |
| TOTAL GSF   | General Services<br>Fund Group                            | \$ | 13,102,845    | \$ | 13,102,845    | 151701<br>151702 |
|             | Federal Special Revenue Fund Group                        |    |               |    |               | 151703           |

|                                   |        |                                                             |    |            |    |            |        |
|-----------------------------------|--------|-------------------------------------------------------------|----|------------|----|------------|--------|
| 3120                              | 235612 | Carl D. Perkins<br>Grant/Plan<br>Administration             | \$ | 1,350,000  | \$ | 1,350,000  | 151704 |
| 3120                              | 235617 | Improving Teacher<br>Quality Grant                          | \$ | 3,200,000  | \$ | 3,200,000  | 151705 |
| 3120                              | 235641 | Adult Basic and<br>Literacy Education -<br>Federal          | \$ | 14,835,671 | \$ | 14,835,671 | 151706 |
| 3120                              | 235672 | H-1B Tech Skills<br>Training                                | \$ | 1,100,000  | \$ | 1,100,000  | 151707 |
| 3BW0                              | 235630 | Indirect Cost<br>Recovery - Federal                         | \$ | 50,000     | \$ | 50,000     | 151708 |
| 3H20                              | 235608 | Human Services<br>Project                                   | \$ | 1,000,000  | \$ | 1,000,000  | 151709 |
| TOTAL FED Federal Special Revenue |        |                                                             |    |            |    |            | 151710 |
| Fund Group                        |        |                                                             | \$ | 21,535,671 | \$ | 21,535,671 | 151711 |
| State Special Revenue Fund Group  |        |                                                             |    |            |    |            | 151712 |
| 4E80                              | 235602 | Higher Educational<br>Facility Commission<br>Administration | \$ | 29,100     | \$ | 29,100     | 151713 |
| 4X10                              | 235674 | Telecommunity and<br>Distance Learning                      | \$ | 49,150     | \$ | 49,150     | 151714 |
| 5D40                              | 235675 | Conferences/Special<br>Purposes                             | \$ | 1,884,095  | \$ | 1,884,095  | 151715 |
| 5FK0                              | 235676 | Media Services                                              | \$ | 491,373    | \$ | 491,373    | 151716 |
| 5FR0                              | 235643 | Making Opportunity<br>Affordable                            | \$ | 230,000    | \$ | 230,000    | 151717 |
| 5P30                              | 235663 | Variable Savings Plan                                       | \$ | 8,066,920  | \$ | 8,104,370  | 151718 |
| 6450                              | 235664 | Guaranteed Savings<br>Plan                                  | \$ | 1,290,718  | \$ | 1,303,129  | 151719 |
| 6820                              | 235606 | Nursing Loan Program                                        | \$ | 891,320    | \$ | 891,320    | 151720 |
| TOTAL SSR State Special Revenue   |        |                                                             |    |            |    |            | 151721 |
| Fund Group                        |        |                                                             | \$ | 12,932,676 | \$ | 12,982,537 | 151722 |

|                                                            |    |               |                  |        |
|------------------------------------------------------------|----|---------------|------------------|--------|
| Third Frontier Research & Development Fund Group           |    |               |                  | 151723 |
| 7011 235634 Research Incentive                             | \$ | 8,000,000     | \$ 8,000,000     | 151724 |
| Third Frontier Fund                                        |    |               |                  |        |
| TOTAL 011 Third Frontier Research & Development Fund Group | \$ | 8,000,000     | \$ 8,000,000     | 151725 |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 2,386,591,954 | \$ 2,431,739,555 | 151726 |

**Section 363.20. LEASE RENTAL PAYMENTS** 151728

The foregoing appropriation item 235401, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2013, through June 30, 2015, by the Chancellor of the Board of Regents under leases and agreements made under section 154.21 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

**Section 363.23. SEA GRANTS** 151737

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

**Section 363.30. ARTICULATION AND TRANSFER** 151744

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of the Board of Regents to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other

state institution of higher education without unnecessary 151751  
duplication or institutional barriers under sections 3333.16, 151752  
3333.161, and 3333.162 of the Revised Code. 151753

**Section 363.40. MIDWEST HIGHER EDUCATION COMPACT** 151754

The foregoing appropriation item 235408, Midwest Higher 151755  
Education Compact, shall be distributed by the Chancellor of the 151756  
Board of Regents under section 3333.40 of the Revised Code. 151757

**Section 363.50. HEI INFORMATION SYSTEM** 151758

The foregoing appropriation item 235409, HEI Information 151759  
System, shall be used by the Chancellor of the Board of Regents to 151760  
support the development and implementation of information 151761  
technology solutions designed to improve the performance and 151762  
services of the Chancellor of the Board of Regents and the 151763  
University System of Ohio. Information technology solutions may be 151764  
provided by the Ohio Academic Research Network (OARnet). 151765

**Section 363.60. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION** 151766

The foregoing appropriation item 235414, State Grants and 151767  
Scholarship Administration, shall be used by the Chancellor of the 151768  
Board of Regents to administer the following student financial aid 151769  
programs: Ohio College Opportunity Grant, Ohio War Orphans' 151770  
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 151771  
Officers College Memorial Fund, and any other student financial 151772  
aid programs created by the General Assembly. The appropriation 151773  
item also shall be used to support all state financial aid audits 151774  
and student financial aid programs created by Congress, and to 151775  
provide fiscal services for the Ohio National Guard Scholarship 151776  
Program. 151777

**Section 363.70. ESTUDENT SERVICES** 151778



The foregoing appropriation item 235417, eStudent Services, 151779  
shall be used by the Chancellor of the Board of Regents to support 151780  
the continued implementation of eStudent Services, a consortium 151781  
organized under division (T) of section 3333.04 of the Revised 151782  
Code to expand access to dual enrollment opportunities for high 151783  
school students, as well as adult and higher education 151784  
opportunities through technology. The funds shall be used by 151785  
eStudent Services to develop and promote learning and assessment 151786  
through the use of technology, to test and provide advice on 151787  
emerging learning-directed technologies, to support the distance 151788  
learning clearinghouse and platform created under section 3333.82 151789  
of the Revised Code, and to facilitate cost-effectiveness through 151790  
shared educational technology investments. 151791

**Section 363.80. APPALACHIAN NEW ECONOMY PARTNERSHIP** 151792

The foregoing appropriation item 235428, Appalachian New 151793  
Economy Partnership, shall be distributed to Ohio University to 151794  
continue a multi-campus and multi-agency coordinated effort to 151795  
link Appalachia to the new economy. Ohio University shall use 151796  
these funds to provide leadership in the development and 151797  
implementation of initiatives in the areas of entrepreneurship, 151798  
management, education, and technology. 151799

**Section 363.90. ECONOMIC GROWTH CHALLENGE** 151800

The foregoing appropriation item 235433, Economic Growth 151801  
Challenge, shall be used for administrative expenses of the 151802  
Research Incentive Program and other economic advancement 151803  
initiatives undertaken by the Chancellor of the Board of Regents. 151804

The Chancellor of the Board of Regents shall use any 151805  
appropriation transfer to the foregoing appropriation item 235433, 151806  
Economic Growth Challenge, to enhance the basic research and 151807  
commercialization capabilities of public colleges and universities 151808

and accredited Ohio institutions of higher education holding 151809  
certificates of authorization issued under section 1713.02 of the 151810  
Revised Code, in order to strengthen academic research and 151811  
commercialization for pursuing Ohio's economic development goals. 151812

**Section 363.93. COLLEGE READINESS AND ACCESS** 151813

The foregoing appropriation item 235434, College Readiness 151814  
and Access, shall be used by the Chancellor of the Board of 151815  
Regents to support early college high school initiatives. The 151816  
Chancellor shall distribute grants equal to \$2,000 per enrolled 151817  
early college high school student to institutions of higher 151818  
education supporting an early college high school. If the 151819  
Chancellor determines that the amounts appropriated are inadequate 151820  
to provide full grant awards to all eligible institutions, the 151821  
Chancellor may decrease the per student grant amount. 151822

**Section 363.100. CHOOSE OHIO FIRST SCHOLARSHIP** 151823

The foregoing appropriation item 235438, Choose Ohio First 151824  
Scholarship, shall be used to operate the program prescribed in 151825  
sections 3333.60 to 3333.70 of the Revised Code. 151826

**Section 363.110. ADULT BASIC AND LITERACY EDUCATION** 151827

The foregoing appropriation item 235443, Adult Basic and 151828  
Literacy Education - State, shall be used to support the adult 151829  
basic and literacy education instructional grant program and state 151830  
leadership program. The supported programs shall satisfy the state 151831  
match and maintenance of effort requirements for the 151832  
state-administered grant program. 151833

**Section 363.120. POST-SECONDARY ADULT CAREER-TECHNICAL** 151834  
**EDUCATION** 151835

The foregoing appropriation item 235444, Post-Secondary Adult 151836

Career-Technical Education, shall be used by the Chancellor of the Board of Regents, in consultation with the Superintendent of Public Instruction and the Governor's Office of Workforce Transformation, to support post-secondary adult career-technical education. The Chancellor of the Board of Regents, the Superintendent of Public Instruction, and the Governor's Office of Workforce Transformation, or their designees, shall hold a series of consultations with the Ohio Technical Centers during fiscal year 2014 to develop an appropriate funding formula to distribute these funds based on student outcomes, beginning in fiscal year 2015.

Not later than June 30, 2014, the Chancellor of the Board of Regents shall establish a One-Year Option credit articulation system in which graduates of Ohio Technical Centers who complete a 900-hour program of study and obtain an industry-recognized credential approved by the Chancellor shall receive 30 college technical credit hours toward a technical degree upon enrollment in an institution of higher education.

By June 30, 2014, the Chancellor also shall submit a report to the General Assembly, in accordance with section 101.68 of the Revised Code, that recommends a process to award proportional credit toward a technical degree for students who complete a program of study between 600 and 899 hours and obtain an industry-recognized credential approved by the Chancellor.

As used in this section, "institution of higher education" has the same meaning as in section 3345.12 of the Revised Code.

**Section 363.130. AREA HEALTH EDUCATION CENTERS**

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of the Board of Regents to support the medical school regional area health education centers' educational programs for the

continued support of medical and other health professions 151868  
education and for support of the Area Health Education Center 151869  
Program. 151870

**Section 363.180. TECHNOLOGY INTEGRATION AND PROFESSIONAL 151871**  
DEVELOPMENT 151872

Of the foregoing appropriation item 235483, Technology 151873  
Integration and Professional Development, up to \$2,000,000 in each 151874  
fiscal year shall be used to provide grants on a competitive basis 151875  
to public and chartered nonpublic schools for their participation 151876  
in the electronic textbook pilot project. These grants shall be 151877  
administered as provided under the section of this act entitled 151878  
ELECTRONIC TEXTBOOK PILOT PROJECT. On July 1, 2014, or as soon as 151879  
possible thereafter, the Chancellor of the Board of Regents may 151880  
certify to the Director of Budget and Management the amount of the 151881  
unexpended, unencumbered balance of this set aside at the end of 151882  
fiscal year 2014 to be appropriated to fiscal year 2015. The 151883  
amount certified is hereby reappropriated for the same purpose for 151884  
fiscal year 2015. 151885

The remainder of the foregoing appropriation item 235483, 151886  
Technology Integration and Professional Development, shall be used 151887  
by the Ohio Department of Education and the Chancellor of the 151888  
Board of Regents for the provision of staff development, hardware, 151889  
software, telecommunications services, and information resources 151890  
to support educational uses of technology in the classroom and at 151891  
a distance and for professional development for teachers, 151892  
administrators, and technology staff on the use of educational 151893  
technology in qualifying public schools, including the State 151894  
School for the Blind, the School for the Deaf, and the Department 151895  
of Youth Services. 151896

**Section 363.190. STATE SHARE OF INSTRUCTION FORMULAS 151897**

The Chancellor of the Board of Regents shall establish 151898  
procedures to allocate the foregoing appropriation item 235501, 151899  
State Share of Instruction, based on the formulas detailed in this 151900  
section that utilize the enrollment, course completion, degree 151901  
attainment, and student achievement factors reported annually by 151902  
each state institution of higher education participating in the 151903  
Higher Education Information (HEI) system. 151904

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 151905  
COMPLETIONS 151906

(1) As soon as possible during each fiscal year of the 151907  
biennium ending June 30, 2015, in accordance with instructions of 151908  
the Board of Regents, each state institution of higher education 151909  
shall report its actual data, consistent with the definitions in 151910  
the Higher Education Information (HEI) system's enrollment files, 151911  
to the Chancellor of the Board of Regents. 151912

(2) In defining the number of full-time equivalent students 151913  
for state subsidy instructional cost purposes, the Chancellor of 151914  
the Board of Regents shall exclude all undergraduate students who 151915  
are not residents of Ohio, except those charged in-state fees in 151916  
accordance with reciprocity agreements made under section 3333.17 151917  
of the Revised Code or employer contracts entered into under 151918  
section 3333.32 of the Revised Code. 151919

(3) In calculating the core subsidy entitlements for 151920  
university branch and main campuses, the Chancellor of the Board 151921  
of Regents shall use the following count of FTE students: 151922

(a) The subsidy eligible enrollments by model shall equal 151923  
only those FTE students who successfully complete the course as 151924  
defined and reported through the Higher Education Information 151925  
(HEI) system course enrollment file; 151926

(b) Those undergraduate FTE students with successful course 151927  
completions, identified in division (A)(3)(a) of this section, 151928

that had an expected family contribution less than 2190 or were 151929  
determined to have been in need of remedial education shall be 151930  
defined as at-risk students and shall have their eligible 151931  
completions weighted by the following: 151932

(i) Campus-specific course completion indexes, where the 151933  
indexes are calculated based upon the number of at-risk students 151934  
enrolled during the 2010-2012 academic years; and 151935

(ii) A statewide average at-risk course completion weight 151936  
determined for each subsidy model. The statewide average at-risk 151937  
course completion weight shall be determined by calculating the 151938  
difference between the percentage of traditional students who 151939  
complete a course and the percentage of at-risk students who 151940  
complete the same course. 151941

(4) In calculating the core subsidy entitlements for Medical 151942  
II models only, students repeating terms may be no more than five 151943  
per cent of current year enrollment. 151944

(5) In calculating the core subsidy entitlements for students 151945  
enrolled in state-supported law schools, subsidy eligible FTE 151946  
completions shall be limited to students identified as residents 151947  
of Ohio. 151948

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 151949

For purposes of calculating state share of instruction 151950  
allocations, the total instructional costs per full-time 151951  
equivalent student shall be: 151952

| Model                 | Fiscal    | Fiscal    |        |
|-----------------------|-----------|-----------|--------|
|                       | Year 2014 | Year 2015 |        |
| ARTS AND HUMANITIES 1 | \$7,803   | \$7,940   | 151953 |
| ARTS AND HUMANITIES 2 | \$10,828  | \$11,018  | 151954 |
| ARTS AND HUMANITIES 3 | \$13,988  | \$14,234  | 151955 |
| ARTS AND HUMANITIES 4 | \$20,242  | \$20,598  | 151956 |
| ARTS AND HUMANITIES 5 | \$33,969  | \$34,567  | 151957 |

|                                                             |          |          |        |
|-------------------------------------------------------------|----------|----------|--------|
| ARTS AND HUMANITIES 6                                       | \$38,280 | \$38,954 | 151959 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1                     | \$7,109  | \$7,235  | 151960 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2                     | \$8,106  | \$8,249  | 151961 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3                     | \$10,640 | \$10,827 | 151962 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4                     | \$12,647 | \$12,869 | 151963 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5                     | \$19,657 | \$20,003 | 151964 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6                     | \$22,006 | \$22,393 | 151965 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7                     | \$30,558 | \$31,096 | 151966 |
| MEDICAL 1                                                   | \$53,424 | \$54,365 | 151967 |
| MEDICAL 2                                                   | \$45,873 | \$46,681 | 151968 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,              | \$7,190  | \$7,317  | 151969 |
| MEDICINE 1                                                  |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,              | \$10,091 | \$10,268 | 151970 |
| MEDICINE 2                                                  |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,              | \$11,928 | \$12,138 | 151971 |
| MEDICINE 3                                                  |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,              | \$15,186 | \$15,454 | 151972 |
| MEDICINE 4                                                  |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,              | \$20,043 | \$20,396 | 151973 |
| MEDICINE 5                                                  |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,              | \$21,633 | \$22,013 | 151974 |
| MEDICINE 6                                                  |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,              | \$26,471 | \$26,937 | 151975 |
| MEDICINE 7                                                  |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,              | \$36,766 | \$37,413 | 151976 |
| MEDICINE 8                                                  |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,              | \$52,170 | \$53,088 | 151977 |
| MEDICINE 9                                                  |          |          |        |
| Doctoral I and Doctoral II models shall be allocated in     |          |          | 151978 |
| accordance with division (D)(3) of this section.            |          |          | 151979 |
| (C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, |          |          | 151980 |
| AND GRADUATE WEIGHTS                                        |          |          | 151981 |

For the purpose of implementing the recommendations of the 151982  
 2006 State Share of Instruction Consultation and the Higher 151983  
 Education Funding Study Council that priority be given to 151984  
 maintaining state support for science, technology, engineering, 151985  
 mathematics, medicine, and graduate programs, the costs in 151986  
 division (B) of this section shall be weighted by the amounts 151987  
 provided below: 151988

| Model                                                        | Fiscal<br>Year 2014 | Fiscal<br>Year 2015 |        |
|--------------------------------------------------------------|---------------------|---------------------|--------|
| ARTS AND HUMANITIES 1                                        | 1.0000              | 1.0000              | 151990 |
| ARTS AND HUMANITIES 2                                        | 1.0000              | 1.0000              | 151991 |
| ARTS AND HUMANITIES 3                                        | 1.0000              | 1.0000              | 151992 |
| ARTS AND HUMANITIES 4                                        | 1.0000              | 1.0000              | 151993 |
| ARTS AND HUMANITIES 5                                        | 1.0425              | 1.0425              | 151994 |
| ARTS AND HUMANITIES 6                                        | 1.0425              | 1.0425              | 151995 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1                      | 1.0000              | 1.0000              | 151996 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2                      | 1.0000              | 1.0000              | 151997 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3                      | 1.0000              | 1.0000              | 151998 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4                      | 1.0000              | 1.0000              | 151999 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5                      | 1.0425              | 1.0425              | 152000 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6                      | 1.0425              | 1.0425              | 152001 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7                      | 1.0425              | 1.0425              | 152002 |
| MEDICAL 1                                                    | 1.6456              | 1.6456              | 152003 |
| MEDICAL 2                                                    | 1.7462              | 1.7462              | 152004 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 1 | 1.0000              | 1.0000              | 152005 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 2 | 1.0017              | 1.0017              | 152006 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 3 | 1.6150              | 1.6150              | 152007 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 4 | 1.6920              | 1.6920              | 152008 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,               | 1.4222              | 1.4222              | 152009 |



|                                                                    |        |        |        |
|--------------------------------------------------------------------|--------|--------|--------|
| MEDICINE 5                                                         |        |        |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,                     | 1.8798 | 1.8798 | 152010 |
| MEDICINE 6                                                         |        |        |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,                     | 1.4380 | 1.4380 | 152011 |
| MEDICINE 7                                                         |        |        |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,                     | 1.5675 | 1.5675 | 152012 |
| MEDICINE 8                                                         |        |        |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,                     | 1.1361 | 1.1361 | 152013 |
| MEDICINE 9                                                         |        |        |        |
| (D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA              |        |        | 152014 |
| ENTITLEMENTS AND ADJUSTMENTS                                       |        |        | 152015 |
| (1) Of the foregoing appropriation item 235501, State Share        |        |        | 152016 |
| of Instruction, 25 per cent of the fiscal year 2014 appropriation  |        |        | 152017 |
| for state-supported community colleges, state community colleges,  |        |        | 152018 |
| and technical colleges shall be allocated to colleges in           |        |        | 152019 |
| proportion to their share of college student success factors as    |        |        | 152020 |
| adopted by the Chancellor of the Board of Regents in formal        |        |        | 152021 |
| communication to the Controlling Board on August 30, 2010.         |        |        | 152022 |
| (2) Of the foregoing appropriation item 235501, State Share        |        |        | 152023 |
| of Instruction, 25 per cent of the fiscal year 2014 appropriation  |        |        | 152024 |
| for state-supported community colleges, state community colleges,  |        |        | 152025 |
| and technical colleges shall be reserved for course completion     |        |        | 152026 |
| FTEs as aggregated by the subsidy models defined in division (B)   |        |        | 152027 |
| of this section.                                                   |        |        | 152028 |
| The course completion funding shall be allocated to colleges       |        |        | 152029 |
| in proportion to each campuses' share of the total sector's course |        |        | 152030 |
| completions, weighted by the instructional cost of the subsidy     |        |        | 152031 |
| models.                                                            |        |        | 152032 |
| To calculate the subsidy entitlements for course completions       |        |        | 152033 |
| at community colleges, state community colleges, and technical     |        |        | 152034 |
| colleges, the Chancellor of the Board of Regents shall use the     |        |        | 152035 |
| following calculations:                                            |        |        | 152036 |

(a) In calculating each campus's count of FTE course completions, the Chancellor of the Board of Regents shall use the three-year average course completions for the three-year period ending in the prior year.

(b) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2014 and 2015," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

The doctoral set-aside shall be allocated to universities as follows:

(a) 62.50 per cent of the doctoral set-aside in fiscal year 2014 and 55 per cent of the doctoral set-aside in fiscal year 2015 shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Doctoral I equivalent FTEs as calculated on an institutional basis using historical FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review and subsequent changes in Doctoral I equivalent enrollments. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

(b) 25 per cent of the doctoral set-aside in fiscal year 2014

and 30 per cent of the doctoral set-aside in fiscal year 2015 152068  
shall be allocated to universities in proportion to each campus's 152069  
share of the total statewide doctoral degrees, weighted by the 152070  
cost of the doctoral discipline. In calculating each campus's 152071  
doctoral degrees the Chancellor of the Board of Regents shall use 152072  
the three-year average doctoral degrees awarded for the three-year 152073  
period ending in the prior year. 152074

(c) 12.5 per cent of the doctoral set-aside in fiscal year 152075  
2014 and 15 per cent of the doctoral set-aside in fiscal year 2015 152076  
shall be allocated to universities in proportion to their share of 152077  
research grant activity, using a data collection method that is 152078  
reviewed and approved by the presidents of Ohio's doctoral degree 152079  
granting universities. In the event that the data collection 152080  
method is not available, funding for this component shall be 152081  
allocated to universities in proportion to their share of research 152082  
grant activity published by the National Science Foundation. Grant 152083  
awards from the Department of Health and Human Services shall be 152084  
weighted at 50 per cent. 152085

(4) Of the foregoing appropriation item 235501, State Share 152086  
of Instruction, 6.41 per cent of the appropriation for 152087  
universities, as established in division (A)(2) of the section of 152088  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 152089  
2014 AND 2015," in each fiscal year shall be reserved for support 152090  
of Medical II FTEs. The amount so reserved shall be referred to as 152091  
the medical II set-aside. 152092

The medical II set-aside shall be allocated to universities 152093  
in proportion to their share of the statewide total of each state 152094  
institution's three-year average Medical II FTEs as calculated in 152095  
division (A) of this section, weighted by model cost. 152096

(5) Of the foregoing appropriation item 235501, State Share 152097  
of Instruction, 1.48 per cent of the appropriation for 152098  
universities, as established in division (A)(2) of the section of 152099

this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside.

The medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs as calculated in division (A) of this section.

(6) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation in each fiscal year for universities, net any earmarked funding for university regional campuses as detailed in division (B)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," shall be reserved for support of associate, baccalaureate, master's, and professional level degree attainment.

The degree attainment funding shall be allocated to universities in proportion to each campus's share of the total statewide degrees granted, weighted by the cost of the degree programs. The degree cost calculations shall include the model cost weights for the science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

For degrees including credits earned at multiple institutions, in fiscal year 2015, degree attainment funding shall be allocated to universities and branch campuses in proportion to each campus's share of the cost of earned credits for the degree. Each institution shall receive its prorated share of degree funding for credits earned at that institution. Cost of credits not earned at a university main or regional campus shall be credited to the degree-granting institution.

In calculating the subsidy entitlements for degree attainment

at university main and regional campuses, the Chancellor of the Board of Regents shall use the following count of degrees and degree costs:

(a) The subsidy eligible undergraduate degrees shall be defined as follows:

(i) The subsidy eligible degrees conferred to students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, shall be weighted by a factor of 1.

(ii) The subsidy eligible degrees conferred to students identified as out-of-state residents during all terms of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, who remain in the state of Ohio at least one year after graduation, as calculated based on the three-year average in-state residency rate for out-of-state students at each institution, shall be weighted by a factor of 50 per cent. For fiscal year 2014, subsidy eligible degrees conferred to all out-of-state students shall be weighted by a factor of 25 per cent.

(b) In fiscal year 2014, for those associate degrees awarded by a state-supported university, the subsidy eligible degrees granted are defined as only those earned by students attending a university that received funding under GRF appropriation item 235418, Access Challenge, in fiscal year 2009. In fiscal year 2015, subsidy eligible associate degrees are defined as those earned by students attending any state-supported university main or regional campus.

(c) In calculating each campus's count of degrees, the Chancellor of the Board of Regents shall use the three-year average associate, baccalaureate, master's, and professional

degrees awarded for the three-year period ending in the prior 152162  
year. In fiscal year 2014, university regional campuses are not 152163  
eligible for degree completion funding. In fiscal year 2015, all 152164  
university campuses are eligible for degree completion funding. 152165

(d) For fiscal year 2014, eligible associate degrees defined 152166  
in division (D)(6)(b) of this section and all bachelor's degrees 152167  
earned by a student that either had an expected family 152168  
contribution less than 2190, was determined to have been in need 152169  
of remedial education, is Native American, African American, or 152170  
Hispanic, or is at least age 26 at the time of graduation, shall 152171  
be defined as degrees earned by an at-risk student and shall be 152172  
weighted by the following: 152173

(i) A campus-specific at-risk index, where the index is 152174  
calculated based on the proportion of at-risk students enrolled 152175  
during a four-year cohort beginning in fiscal year 2001, 2002, 152176  
2003, or 2004; and 152177

(ii) A statewide average at-risk degree completion weight 152178  
determined by calculating the difference between the percentage of 152179  
non-at-risk students who earned a degree and the percentage of 152180  
at-risk students who earned a degree in eight years or less. 152181

(e) For fiscal year 2015, eligible associate degrees defined 152182  
in division (D)(6)(b) of this section and all bachelor's degrees 152183  
earned by a student that either had an expected family 152184  
contribution less than 2190, was determined to be in need of 152185  
remedial education, is Native American, African American, or 152186  
Hispanic, or is at least 26 years of age at the time of 152187  
graduation, shall be defined as degrees earned by an at-risk 152188  
student and shall be weighted by the following: 152189

A student-specific degree completion weight, where the weight 152190  
is calculated based on the at risk factors of the individual 152191  
student, determined by calculating the difference between the 152192

percentage of students with each risk factor who earned a degree 152193  
and the percentage of non-at-risk students who earned a degree. 152194

(7) State share of instruction base formula earnings shall be 152195  
determined as follows: 152196

(a) The instructional costs shall be determined by 152197  
multiplying the amounts listed above in divisions (B) and (C) of 152198  
this section by the average subsidy-eligible FTEs for the 152199  
three-year period ending in the prior year for all models except 152200  
Doctoral I and Doctoral II. 152201

(b) The Chancellor of the Board of Regents shall compute a 152202  
uniform state share of instructional costs for each sector. 152203

(i) For the state-supported community colleges, state 152204  
community colleges, and technical colleges, in fiscal year 2014 152205  
the Chancellor of the Board of Regents shall compute the uniform 152206  
state share of instructional costs for enrollment by dividing the 152207  
sector level appropriation total as determined by the Chancellor 152208  
in division (A)(1) of the section of this act entitled "STATE 152209  
SHARE OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 152210  
pursuant to divisions (B) and (C) of that section, less the 152211  
student college success allocation as described in division (D)(1) 152212  
of this section and less the course completion allocation as 152213  
detailed in division (D)(2) of this section, by the sum of all 152214  
eligible campuses' instructional costs as calculated in division 152215  
(D)(7)(b) of this section. 152216

(ii) For the state-supported university regional campuses, in 152217  
fiscal year 2014 the Chancellor of the Board of Regents shall 152218  
compute the uniform state share of instructional costs by dividing 152219  
the sector level appropriation, as determined by the Chancellor in 152220  
division (A)(2) of the section of this act entitled "STATE SHARE 152221  
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 152222  
pursuant to division (B) of that section by the sum of all 152223

campuses' instructional costs as calculated in division (D)(7)(b) 152224  
of this section. 152225

(iii) For the state-supported university main campuses, in 152226  
fiscal year 2014 the Chancellor of the Board of Regents shall 152227  
compute the uniform state share of instructional costs by dividing 152228  
the sector level appropriation, as determined by the Chancellor in 152229  
division (A)(3) of the section of this act entitled "STATE SHARE 152230  
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 152231  
pursuant to division (B) of that section, less the degree 152232  
attainment funding as calculated in divisions (D)(3) to (6) of 152233  
this section, less the doctoral set-aside, less the medical I 152234  
set-aside, and less the medical II set-aside, by the sum of all 152235  
campuses' instructional costs as calculated in division (D)(7)(b) 152236  
of this section. 152237

(iv) For the state university regional and main campuses, in 152238  
fiscal year 2015 the Chancellor of the Board of Regents shall 152239  
compute the uniform state share of instructional costs by dividing 152240  
the university appropriation, as determined by the Chancellor in 152241  
division (A)(3) of the section of this act entitled "STATE SHARE 152242  
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 152243  
pursuant to division (B) of that section, less the degree 152244  
attainment funding as calculated in divisions (D)(3) to (6) of 152245  
this section, less the doctoral set-aside, less the medical I 152246  
set-aside, and less the medical II set-aside, by the sum of all 152247  
campuses' instructional costs as calculated in division (D)(7)(b) 152248  
of this section. 152249

(c) The formula entitlement shall be determined by 152250  
multiplying the uniform state share of instructional costs 152251  
calculated in division (D)(7)(c) of this section by the 152252  
instructional cost determined in division (D)(7)(b) of this 152253  
section. 152254

(8) In addition to the student success allocation, doctoral 152255



set-aside, medical I set-aside, medical II set-aside, and the 152256  
degree attainment allocation determined in divisions (D)(1) to (6) 152257  
of this section and the formula entitlement determined in division 152258  
(D)(7) of this section, an allocation based on facility-based 152259  
plant operations and maintenance (POM) subsidy shall be made. For 152260  
each eligible university main campus, the amount of the POM 152261  
allocation in each fiscal year shall be distributed based on what 152262  
each campus received in the fiscal year 2009 POM allocation. 152263

Any POM allocations required by this division shall be funded 152264  
by proportionately reducing formula entitlement earnings, 152265  
including the POM allocations, for all campuses in that sector. 152266

(9) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING FOR 152267  
COMMUNITY, STATE COMMUNITY, AND TECHNICAL COLLEGES 152268

In addition to and after the adjustments noted above, in 152269  
fiscal year 2014, no community college, state community college, 152270  
or technical college shall receive a state share of instruction 152271  
allocation that is less than 97 per cent of the prior year's state 152272  
share of instruction earnings. Funds shall be made available to 152273  
support this allocation by proportionately reducing formula 152274  
entitlement earnings from those campuses, within the community, 152275  
state community, and technical college sector, that are not 152276  
receiving stability funding. 152277

(10) CAPITAL COMPONENT DEDUCTION 152278

After all other adjustments have been made, state share of 152279  
instruction earnings shall be reduced for each campus by the 152280  
amount, if any, by which debt service charged in Am. H.B. 748 of 152281  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 152282  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 152283  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 152284  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 152285  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 152286

562 of the 127th General Assembly for that campus exceeds that 152287  
campus's capital component earnings. The sum of the amounts 152288  
deducted shall be transferred to appropriation item 235552, 152289  
Capital Component, in each fiscal year. 152290

(E) EXCEPTIONAL CIRCUMSTANCES 152291

Adjustments may be made to the state share of instruction 152292  
payments and other subsidies distributed by the Chancellor of the 152293  
Board of Regents to state colleges and universities for 152294  
exceptional circumstances. No adjustments for exceptional 152295  
circumstances may be made without the recommendation of the 152296  
Chancellor and the approval of the Controlling Board. 152297

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 152298  
INSTRUCTION 152299

The standard provisions of the state share of instruction 152300  
calculation as described in the preceding sections of temporary 152301  
law shall apply to any reductions made to appropriation item 152302  
235501, State Share of Instruction, before the Chancellor of the 152303  
Board of Regents has formally approved the final allocation of the 152304  
state share of instruction funds for any fiscal year. 152305

Any reductions made to appropriation item 235501, State Share 152306  
of Instruction, after the Chancellor of the Board of Regents has 152307  
formally approved the final allocation of the state share of 152308  
instruction funds for any fiscal year, shall be uniformly applied 152309  
to each campus in proportion to its share of the final allocation. 152310

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 152311

The state share of instruction payments to the institutions 152312  
shall be in substantially equal monthly amounts during the fiscal 152313  
year, unless otherwise determined by the Director of Budget and 152314  
Management pursuant to section 126.09 of the Revised Code. 152315  
Payments during the first six months of the fiscal year shall be 152316  
based upon the state share of instruction appropriation estimates 152317

made for the various institutions of higher education according to 152318  
the Chancellor of the Board of Regents enrollment, completion, and 152319  
performance estimates. Payments during the last six months of the 152320  
fiscal year shall be distributed after approval of the Controlling 152321  
Board upon the request of the Chancellor. 152322

(H) STUDIES TO DETERMINE IMPROVEMENTS TO THE FISCAL YEAR 2015 152323  
STATE SHARE OF INSTRUCTION FORMULAS 152324

(1) STUDY ON IDENTIFYING "AT-RISK" STUDENTS FOR COMMUNITY 152325  
COLLEGES 152326

Community college presidents, or their designees, in 152327  
consultation with the Chancellor of the Board of Regents, shall 152328  
study the most appropriate formula weights for students who come 152329  
from "at-risk" populations and recommend how they may be used to 152330  
determine allocations of appropriations to community colleges from 152331  
appropriation item 235501, State Share of Instruction, in fiscal 152332  
year 2015. The study shall identify the socio-economic, 152333  
demographic, academic, personal, and other factors that identify a 152334  
student as being "at-risk" of academic failure, and recommend how 152335  
these factors may be used to determine allocations of the State 152336  
Share of Instruction for community colleges in fiscal year 2015. 152337  
The study shall be completed by December 31, 2013. Notwithstanding 152338  
any provision of law to the contrary, community college 152339  
presidents, or their designees, in consultation with the 152340  
Chancellor of the Board of Regents, shall use the results of the 152341  
study to recommend changes in the determination of the 152342  
distribution of the community college allocations beginning in 152343  
fiscal year 2015 and shall report any such formula change 152344  
recommendations to the Governor, the General Assembly, and the 152345  
Office of Budget and Management not later than February 15, 2014. 152346

(2) STUDY ON THE USE OF SUCCESS POINTS AND COMPLETION 152347  
MEASURES FOR COMMUNITY COLLEGES 152348

Community college presidents, or their designees, in 152349  
consultation with the Chancellor of the Board of Regents, shall 152350  
study the most appropriate formula weights for the "success 152351  
points" and completion performance measures used in the allocation 152352  
of appropriations to community colleges from appropriation item 152353  
235501, State Share of Instruction, in fiscal year 2015. The study 152354  
shall research the most appropriate success points and completion 152355  
measures that occur during the academic career of community 152356  
college students and recommend revisions to the current State 152357  
Share of Instruction model to fund achievement of the success 152358  
points beginning in fiscal year 2015. In addition, community 152359  
college presidents, or their designees, in consultation with the 152360  
Chancellor of the Board of Regents, shall determine how the 152361  
community college's fiscal year 2015 share of State Share of 152362  
Instruction funding shall be distributed among its success points, 152363  
completion measures and course completion funding, or other 152364  
performance and access measures. The study shall be completed by 152365  
December 31, 2013. Notwithstanding any provision of law to the 152366  
contrary, community college presidents, or their designees, in 152367  
consultation with the Chancellor of the Board of Regents, shall 152368  
use the results of the study to recommend changes in the 152369  
determination of the distribution of the community college 152370  
allocations beginning in fiscal year 2015 and shall report any 152371  
such formula change recommendations to the Governor, the General 152372  
Assembly, and the Office of Budget and Management not later than 152373  
February 15, 2014. 152374

**Section 363.200.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 152375  
2014 AND 2015 152376

(A) The foregoing appropriation item 235501, State Share of 152377  
Instruction, shall be distributed according to the section of this 152378  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 152379

(1) Of the foregoing appropriation item 235501, State Share of Instruction, \$411,257,477 in fiscal year 2014 and \$419,101,428 in fiscal year 2015 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,372,968,020 in fiscal year 2014 and \$1,399,124,069 in fiscal year 2015 shall be distributed to state-supported university main and regional campuses.

(B) Of the amounts earmarked in division (A)(2) of this section:

(1) \$116,181,104 in fiscal year 2014 shall be distributed to state university regional campuses.

(2) \$3,923,764 in each fiscal year shall be distributed to university main campuses based on each campus's share of the appropriation item 235418, Access Challenge, in fiscal year 2009.

(C) The POM adjustment in division (D)(7) of the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS" and the Access Challenge earmark in division (B) of this section shall expire on June 30, 2015.

(D) The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the last six months of the fiscal year shall be distributed after approval of the Controlling Board upon the request of the Chancellor of the Board of Regents.

**Section 363.210. TRANSFER OF INSTRUCTIONAL SUBSIDIES BETWEEN UNIVERSITIES**

Notwithstanding any provision of law to the contrary, in

consultation with the Chancellor of the Board of Regents, a 152410  
state-supported university may request to transfer its fiscal year 152411  
2014 state share of instruction subsidy allocations of the 152412  
foregoing appropriation item 235501, State Share of Instruction, 152413  
between a university main campus and any university branch campus 152414  
for which the university main campus is affiliated to best 152415  
accomplish institutional goals and objectives. At the request of 152416  
the Chancellor of the Board of Regents, the Director of Budget and 152417  
Management may transfer the requested amounts of state share of 152418  
instruction appropriation allocations between affiliated 152419  
university branch campuses and university main campuses. 152420

**Section 363.213.** STATE SHARE OF INSTRUCTION BRIDGE FUNDING 152421

The foregoing appropriation item 235505, State Share of 152422  
Instruction Bridge Funding, shall be used by the Chancellor to 152423  
supplement each campus receiving a State Share of Instruction 152424  
allocation in fiscal year 2014 that is lower than that campus's 152425  
State Share of Instruction allocation in fiscal year 2013. 152426

(A) For fiscal year 2014, the Chancellor shall pay temporary 152427  
allocations from the foregoing appropriation item 235505, State 152428  
Share of Instruction Bridge Funding, to any campus that 152429  
experiences any decrease in its State Share of Instruction 152430  
funding. 152431

(1) The amount of the temporary allocation payments for all 152432  
state institution campuses except Central State University and 152433  
Shawnee State University shall be equal to the difference between 152434  
the campus's State Share of Instruction funding allocation for 152435  
fiscal year 2013, as determined under the formula detailed in 152436  
sections 371.20.50 and 371.20.60 of Am. Sub. H.B. 153 of the 129th 152437  
General Assembly, and the campus's State Share of Instruction 152438  
funding allocation for fiscal year 2014, as determined under the 152439  
formula detailed in sections 363.190 and 363.200 of this act. If 152440

the computation made under this division results in a negative 152441  
number, the campus's payment under this division shall be zero. 152442

(2) The amount of the temporary allocation payments for 152443  
Central State University shall be equal to the difference between 152444  
(a) Central State University's State Share of Instruction funding 152445  
allocation for fiscal year 2013, as determined under the State 152446  
Share of Instruction formula detailed in sections 371.20.50 and 152447  
371.20.60 of Am. Sub. H.B. 153 of the 129th General Assembly, 152448  
combined with the fiscal year 2013 appropriation for appropriation 152449  
item 235514, Central State Supplement, in section 371.10 of Am. 152450  
Sub. H.B. 153 of the 129th General Assembly, and (b) Central State 152451  
University's State Share of Instruction funding allocation for 152452  
fiscal year 2014, as determined under the formula detailed in 152453  
sections 363.190 and 363.200 of this act, combined with the fiscal 152454  
year 2014 appropriation for the foregoing appropriation item 152455  
235514, Central State Supplement. If the computation made under 152456  
this division results in a negative number, Central State 152457  
University's payment under this division shall be zero. 152458

(3) The amount of the temporary allocation payments for 152459  
Shawnee State University shall be equal to the difference between 152460  
(a) Shawnee State University's State Share of Instruction funding 152461  
allocation for fiscal year 2013, as determined under the State 152462  
Share of Instruction formula detailed in sections 371.20.50 and 152463  
371.20.60 of Am. Sub. H.B. 153 of the 129th General Assembly, 152464  
combined with the fiscal year 2013 appropriation for appropriation 152465  
item 235520, Shawnee State Supplement, in section 371.10 of Am. 152466  
Sub. H.B. 153 of the 129th General Assembly, and (b) Shawnee State 152467  
University's State Share of Instruction funding allocation for 152468  
fiscal year 2014, as determined under the formula detailed in 152469  
sections 363.190 and 363.200 of this act, combined with the fiscal 152470  
year 2014 appropriation for the foregoing appropriation item 152471  
235514, Shawnee State Supplement. If the computation made under 152472

this division results in a negative number, Shawnee State University's payment under this division shall be zero.

(B) In each fiscal year, the Chancellor shall not distribute an amount greater than what is appropriated under the foregoing appropriation item 235505, State Share of Instruction Bridge Funding. If the Chancellor determines that the amounts appropriated for support of the State Share of Instruction Bridge Funding program are inadequate to provide full temporary allocation payments to all eligible campuses, the Chancellor shall proportionally reduce payment amounts.

**Section 363.220. RESTRICTION ON FEE INCREASES**

The boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees. Each state university and the Northeast Ohio Medical University shall not increase its in-state undergraduate instructional and general fees by more than 2.0 per cent or \$188, whichever is higher, over what the institution charged for the preceding academic year.

Each university regional campus shall not increase its in-state undergraduate instructional and general fees by more than 2.0 per cent or \$114, whichever is higher, over what the institution charged for the preceding academic year.

Each community college, state community college, and technical college shall not increase its in-state undergraduate instructional and general fees by more than \$100 over what the institution charged for the preceding academic year.

These limitations shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of this



section with respect to which the institution had identified such 152503  
fee increases as the source of funds. Any increase required by 152504  
such covenants and any such mandates, obligations, or commitments 152505  
shall be reported by the Chancellor of the Board of Regents to the 152506  
Controlling Board. These limitations may also be modified by the 152507  
Chancellor of the Board of Regents, with the approval of the 152508  
Controlling Board, to respond to exceptional circumstances as 152509  
identified by the Chancellor of the Board of Regents. 152510

These limitations shall not apply to institutions 152511  
participating in an undergraduate tuition guarantee program 152512  
pursuant to section 3345.48 of the Revised Code. 152513

**Section 363.230.** HIGHER EDUCATION - BOARD OF TRUSTEES 152514

(A) Funds appropriated for instructional subsidies at 152515  
colleges and universities may be used to provide such branch or 152516  
other off-campus undergraduate courses of study and such master's 152517  
degree courses of study as may be approved by the Chancellor of 152518  
the Board of Regents. 152519

(B) In providing instructional and other services to 152520  
students, boards of trustees of state institutions of higher 152521  
education shall supplement state subsidies with income from 152522  
charges to students. Except as otherwise provided in this act, 152523  
each board shall establish the fees to be charged to all students, 152524  
including an instructional fee for educational and associated 152525  
operational support of the institution and a general fee for 152526  
noninstructional services, including locally financed student 152527  
services facilities used for the benefit of enrolled students. The 152528  
instructional fee and the general fee shall encompass all charges 152529  
for services assessed uniformly to all enrolled students. Each 152530  
board may also establish special purpose fees, service charges, 152531  
and fines as required; such special purpose fees and service 152532  
charges shall be for services or benefits furnished individual 152533

students or specific categories of students and shall not be 152534  
applied uniformly to all enrolled students. A tuition surcharge 152535  
shall be paid by all students who are not residents of Ohio. 152536

The board of trustees of a state institution of higher 152537  
education shall not authorize a waiver or nonpayment of 152538  
instructional fees or general fees for any particular student or 152539  
any class of students other than waivers specifically authorized 152540  
by law or approved by the Chancellor. This prohibition is not 152541  
intended to limit the authority of boards of trustees to provide 152542  
for payments to students for services rendered the institution, 152543  
nor to prohibit the budgeting of income for staff benefits or for 152544  
student assistance in the form of payment of such instructional 152545  
and general fees. 152546

Each state institution of higher education in its statement 152547  
of charges to students shall separately identify the instructional 152548  
fee, the general fee, the tuition charge, and the tuition 152549  
surcharge. Fee charges to students for instruction shall not be 152550  
considered to be a price of service but shall be considered to be 152551  
an integral part of the state government financing program in 152552  
support of higher educational opportunity for students. 152553

(C) The boards of trustees of state institutions of higher 152554  
education shall ensure that faculty members devote a proper and 152555  
judicious part of their work week to the actual instruction of 152556  
students. Total class credit hours of production per academic term 152557  
per full-time faculty member is expected to meet the standards set 152558  
forth in the budget data submitted by the Chancellor of the Board 152559  
of Regents. 152560

(D) The authority of government vested by law in the boards 152561  
of trustees of state institutions of higher education shall in 152562  
fact be exercised by those boards. Boards of trustees may consult 152563  
extensively with appropriate student and faculty groups. 152564  
Administrative decisions about the utilization of available 152565

resources, about organizational structure, about disciplinary 152566  
procedure, about the operation and staffing of all auxiliary 152567  
facilities, and about administrative personnel shall be the 152568  
exclusive prerogative of boards of trustees. Any delegation of 152569  
authority by a board of trustees in other areas of responsibility 152570  
shall be accompanied by appropriate standards of guidance 152571  
concerning expected objectives in the exercise of such delegated 152572  
authority and shall be accompanied by periodic review of the 152573  
exercise of this delegated authority to the end that the public 152574  
interest, in contrast to any institutional or special interest, 152575  
shall be served. 152576

**Section 363.240. STUDENT SUPPORT SERVICES** 152577

The foregoing appropriation item 235502, Student Support 152578  
Services, shall be distributed by the Chancellor of the Board of 152579  
Regents to Ohio's state colleges and universities that incur 152580  
disproportionate costs in the provision of support services to 152581  
disabled students. 152582

**Section 363.250. WAR ORPHANS SCHOLARSHIPS** 152583

The foregoing appropriation item 235504, War Orphans 152584  
Scholarships, shall be used to reimburse state institutions of 152585  
higher education for waivers of instructional fees and general 152586  
fees provided by them, to provide grants to institutions that have 152587  
received a certificate of authorization from the Chancellor of the 152588  
Board of Regents under Chapter 1713. of the Revised Code, in 152589  
accordance with the provisions of section 5910.04 of the Revised 152590  
Code, and to fund additional scholarship benefits provided by 152591  
section 5910.032 of the Revised Code. 152592

**Section 363.253. OHIO STRATEGIC TRAINING CENTER** 152593

The foregoing appropriation item 235506, Ohio Strategic 152594

Training Center, shall be used for a demonstration project to 152595  
purchase portable welding stations made from large shipping 152596  
containers and high level advanced training equipment for use at 152597  
the Point Industrial Park in South Point. 152598

**Section 363.260. OHIOLINK** 152599

The foregoing appropriation item 235507, OhioLINK, shall be 152600  
used by the Chancellor of the Board of Regents to support 152601  
OhioLINK, a consortium organized under division (T) of section 152602  
3333.04 of the Revised Code to serve as the state's electronic 152603  
library information and retrieval system, which provides access 152604  
statewide to an extensive set of electronic databases and 152605  
resources, the library holdings of Ohio's public and participating 152606  
private nonprofit colleges and universities, and the State Library 152607  
of Ohio. 152608

**Section 363.270. AIR FORCE INSTITUTE OF TECHNOLOGY** 152609

The foregoing appropriation item 235508, Air Force Institute 152610  
of Technology, shall be used to: (A) strengthen the research and 152611  
educational linkages between the Wright Patterson Air Force Base 152612  
and institutions of higher education in Ohio; and (B) support the 152613  
Dayton Area Graduate Studies Institute, an engineering graduate 152614  
consortium of Wright State University, the University of Dayton, 152615  
and the Air Force Institute of Technology, with the participation 152616  
of the University of Cincinnati and The Ohio State University. 152617

**Section 363.280. OHIO SUPERCOMPUTER CENTER** 152618

The foregoing appropriation item 235510, Ohio Supercomputer 152619  
Center, shall be used by the Chancellor of the Board of Regents to 152620  
support the operation of the Ohio Supercomputer Center, a 152621  
consortium organized under division (T) of section 3333.04 of the 152622  
Revised Code, located at The Ohio State University. The Ohio 152623

Supercomputer Center is a statewide resource available to Ohio 152624  
research universities both public and private. It is also intended 152625  
that the center be made accessible to private industry as 152626  
appropriate. 152627

Funds shall be used, in part, to support the Ohio 152628  
Supercomputer Center's Computational Science Initiative, which 152629  
includes its industrial outreach program, Blue Collar Computing, 152630  
and its School of Computational Science. These collaborations 152631  
between the Ohio Supercomputer Center and Ohio's colleges and 152632  
universities shall be aimed at making Ohio a leader in using 152633  
computer modeling to promote economic development. 152634

**Section 363.290. COOPERATIVE EXTENSION SERVICE** 152635

The foregoing appropriation item 235511, Cooperative 152636  
Extension Service, shall be disbursed through the Chancellor of 152637  
the Board of Regents to The Ohio State University in monthly 152638  
payments, unless otherwise determined by the Director of Budget 152639  
and Management under section 126.09 of the Revised Code. 152640

Of the foregoing appropriation item 235511, Cooperative 152641  
Extension Service, up to \$30,000 in fiscal year 2014 shall be used 152642  
to develop an in-school agriculturally based curriculum for 152643  
inclusion within the regular classroom curriculum of an elementary 152644  
school in the Cleveland Municipal School District and the 152645  
Cincinnati City School District. 152646

Of the foregoing appropriation item 235511, Cooperative 152647  
Extension Service, up to \$73,450 in each fiscal year shall be used 152648  
to support a City of Cleveland Program Manager tasked with 152649  
preparing regular classroom teachers in one elementary school to 152650  
recruit and train volunteers for an after-school 4-H Club. 152651

Of the foregoing appropriation item 235511, Cooperative 152652  
Extension Service, \$73,450 in each fiscal year shall be used to 152653

support a City of Cincinnati Program Manager tasked with preparing 152654  
regular classroom teachers in one elementary school to recruit and 152655  
train volunteers for an after-school 4-H Club. 152656

**Section 363.300. CENTRAL STATE SUPPLEMENT** 152657

The foregoing appropriation item 235514, Central State 152658  
Supplement, shall be disbursed by the Chancellor of the Board of 152659  
Regents to Central State University in accordance with the plan 152660  
developed by the Chancellor and submitted to the Governor and the 152661  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 152662  
General Assembly. Funds shall be used in a manner consistent with 152663  
the goals of increasing enrollment, improving course completion, 152664  
and increasing the number of degrees conferred. 152665

The Chancellor shall monitor the implementation of the plan 152666  
and the use of funds. Central State University shall provide any 152667  
information requested by the Chancellor related to the 152668  
implementation of the plan. If the Chancellor determines that 152669  
Central State University's use of supplemental funds is not in 152670  
accordance with the plan or if the plan is not having the desired 152671  
effect, the Chancellor may notify Central State University that 152672  
the plan is suspended. Upon receiving such notice, Central State 152673  
University shall avoid all unnecessary expenditures under the 152674  
plan. The Chancellor shall notify the Controlling Board of the 152675  
suspension of the plan and within sixty days prepare a new plan 152676  
for the use of any remaining funds. 152677

**Section 363.310. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF** 152678  
**MEDICINE** 152679

The foregoing appropriation item 235515, Case Western Reserve 152680  
University School of Medicine, shall be disbursed to Case Western 152681  
Reserve University through the Chancellor of the Board of Regents 152682  
in accordance with agreements entered into under section 3333.10 152683

of the Revised Code, provided that the state support per full-time 152684  
medical student shall not exceed that provided to full-time 152685  
medical students at state universities. 152686

**Section 363.320. FAMILY PRACTICE** 152687

The Chancellor of the Ohio Board of Regents shall develop 152688  
plans consistent with existing criteria and guidelines as may be 152689  
required for the distribution of appropriation item 235519, Family 152690  
Practice. 152691

**Section 363.330. SHAWNEE STATE SUPPLEMENT** 152692

The foregoing appropriation item 235520, Shawnee State 152693  
Supplement, shall be disbursed by the Chancellor of the Board of 152694  
Regents to Shawnee State University in accordance with the plan 152695  
developed by the Chancellor and submitted to the Governor and the 152696  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 152697  
General Assembly. Funds shall be used in a manner consistent with 152698  
the goals of improving course completion, increasing the number of 152699  
degrees conferred, and furthering the university's mission of 152700  
service to the Appalachian region. 152701

The Chancellor shall monitor the implementation of the plan 152702  
and the use of funds. Shawnee State University shall provide any 152703  
information requested by the Chancellor related to the 152704  
implementation of the plan. If the Chancellor determines that 152705  
Shawnee State University's use of supplemental funds is not in 152706  
accordance with the plan or if the plan is not having the desired 152707  
effect, the Chancellor may notify Shawnee State University that 152708  
the plan is suspended. Upon receiving such notice, Shawnee State 152709  
University shall avoid all unnecessary expenditures under the 152710  
plan. The Chancellor shall notify the Controlling Board of the 152711  
suspension of the plan and within sixty days prepare a new plan 152712  
for the use of any remaining funds. 152713

**Section 363.333.** YOUTH STEM COMMERCIALIZATION AND 152714  
ENTREPRENEURSHIP PROGRAM 152715

The foregoing appropriation item 235523, Youth STEM 152716  
Commercialization and Entrepreneurship Program, shall be used by 152717  
the Chancellor of the Ohio Board of Regents to support the Youth 152718  
STEM Commercialization and Entrepreneurship Program. The purpose 152719  
of this program is to grow Ohio's next generation of 152720  
entrepreneurs, to create jobs in Ohio by focusing on the practical 152721  
application of science, technology, engineering, and mathematics 152722  
(STEM), including medicine and health fields, and to innovate new 152723  
products and services. The Youth STEM Commercialization and 152724  
Entrepreneurship Program shall (1) conduct regional STEM forums 152725  
for students and educators; (2) develop regional online high 152726  
school and collegiate STEM commercialization and entrepreneurship 152727  
content and courses; (3) create a statewide STEM commercialization 152728  
and entrepreneurship mentoring network available to high school 152729  
students anywhere in Ohio; and (4) conduct a statewide STEM 152730  
Commercialization and Entrepreneurship Plan competition that 152731  
includes incentive awards and scholarships for students and 152732  
professional development and incentives for teacher participation. 152733  
The competition and all aspects of the program shall be open to 152734  
any Ohio high school student and shall include initiatives to 152735  
engage minority, rural, and economically disadvantaged students 152736  
anywhere in Ohio. The Youth STEM Commercialization and 152737  
Entrepreneurship Program shall collaborate with Ohio's colleges 152738  
and universities, existing STEM and entrepreneurship programs, and 152739  
Ohio's STEM professional and trade associations to implement these 152740  
provisions and to create the new products or services of the 152741  
future, advance job creation in Ohio, and encourage enrollment at 152742  
Ohio institutions of higher education. 152743

**Section 363.340.** POLICE AND FIRE PROTECTION 152744



The foregoing appropriation item 235524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, Portsmouth, Xenia Township (Greene County), Rootstown Township, and the City of Nelsonville that may be used to assist these local governments in providing police and fire protection for the central campus of the state-affiliated university located therein.

**Section 363.350. GERIATRIC MEDICINE**

The Chancellor of the Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235525, Geriatric Medicine.

**Section 363.360. PRIMARY CARE RESIDENCIES**

The Chancellor of the Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235526, Primary Care Residencies.

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year of the biennium, based on whether or not the institution has submitted and gained approval for a plan. If the institution does not have an approved plan, it shall receive five per cent less funding per student than it would have received from its annual allocation. The remaining funding shall be distributed among those institutions that meet or exceed their targets.

**Section 363.370. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER**

The foregoing appropriation item 235535, Ohio Agricultural Research and Development Center, shall be disbursed through the

Chancellor of the Board of Regents to The Ohio State University in 152774  
monthly payments, unless otherwise determined by the Director of 152775  
Budget and Management under section 126.09 of the Revised Code. 152776  
The Ohio Agricultural Research and Development Center shall not be 152777  
required to remit payment to The Ohio State University during the 152778  
biennium ending June 30, 2015, for cost reallocation assessments. 152779  
The cost reallocation assessments include, but are not limited to, 152780  
any assessment on state appropriations to the Center. 152781

The Ohio Agricultural Research and Development Center, an 152782  
entity of the College of Food, Agricultural, and Environmental 152783  
Sciences of The Ohio State University, shall further its mission 152784  
of enhancing Ohio's economic development and job creation by 152785  
continuing to internally allocate on a competitive basis 152786  
appropriated funding of programs based on demonstrated 152787  
performance. Academic units, faculty, and faculty-driven programs 152788  
shall be evaluated and rewarded consistent with agreed-upon 152789  
performance expectations as called for in the College's 152790  
Expectations and Criteria for Performance Assessment. 152791

**Section 363.380. STATE UNIVERSITY CLINICAL TEACHING** 152792

The foregoing appropriation items 235536, The Ohio State 152793  
University Clinical Teaching; 235537, University of Cincinnati 152794  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 152795  
235539, Wright State University Clinical Teaching; 235540, Ohio 152796  
University Clinical Teaching; and 235541, Northeast Ohio Medical 152797  
University Clinical Teaching, shall be distributed through the 152798  
Chancellor of the Board of Regents. 152799

**Section 363.390. CAPITAL COMPONENT** 152800

The foregoing appropriation item 235552, Capital Component, 152801  
shall be used by the Chancellor of the Board of Regents to provide 152802  
funding for prior commitments made pursuant to the state's former 152803

capital funding policy for state colleges and universities that 152804  
was originally established in Am. H.B. 748 of the 121st General 152805  
Assembly. Appropriations from this item shall be distributed to 152806  
all campuses for which the estimated campus debt service 152807  
attributable to qualifying capital projects was less than the 152808  
campus's formula-determined capital component allocation. Campus 152809  
allocations shall be determined by subtracting the estimated 152810  
campus debt service attributable to qualifying capital projects 152811  
from the campus's formula-determined capital component allocation. 152812  
Moneys distributed from this appropriation item shall be 152813  
restricted to capital-related purposes. 152814

Any campus for which the estimated campus debt service 152815  
attributable to qualifying capital projects is greater than the 152816  
campus's formula-determined capital component allocation shall 152817  
have the difference subtracted from its State Share of Instruction 152818  
allocation in each fiscal year. Appropriation equal to the sum of 152819  
all such amounts except that of the Ohio Agricultural Research and 152820  
Development Center shall be transferred from appropriation item 152821  
235501, State Share of Instruction, to appropriation item 235552, 152822  
Capital Component. Appropriation equal to any estimated Ohio 152823  
Agricultural Research and Development Center debt service 152824  
attributable to qualifying capital projects that is greater than 152825  
the Center's formula-determined capital component allocation shall 152826  
be transferred from appropriation item 235535, Ohio Agricultural 152827  
Research and Development Center, to appropriation item 235552, 152828  
Capital Component. 152829

**Section 363.400. LIBRARY DEPOSITORIES** 152830

The foregoing appropriation item, 235555, Library 152831  
Depositories, shall be distributed to the state's five regional 152832  
depository libraries for the cost-effective storage of and access 152833  
to lesser-used materials in university library collections. The 152834

depositories shall be administrated by the Chancellor of the Board 152835  
of Regents, or by OhioLINK at the discretion of the Chancellor. 152836

**Section 363.410.** OHIO ACADEMIC RESOURCES NETWORK (OARNET) 152837

The foregoing appropriation item 235556, Ohio Academic 152838  
Resources Network, shall be used by the Chancellor of the Board of 152839  
Regents to support the operations of the Ohio Academic Resources 152840  
Network, a consortium organized under division (T) of section 152841  
3333.04 of the Revised Code, which shall include support for 152842  
Ohio's colleges and universities in maintaining and enhancing 152843  
network connections, using new network technologies to improve 152844  
research, education, and economic development programs, and 152845  
sharing information technology services. To the extent network 152846  
capacity is available, OARnet shall support allocating bandwidth 152847  
to eligible programs directly supporting Ohio's economic 152848  
development. 152849

**Section 363.420.** LONG-TERM CARE RESEARCH 152850

The foregoing appropriation item 235558, Long-term Care 152851  
Research, shall be disbursed to Miami University for long-term 152852  
care research. 152853

**Section 363.430.** OHIO COLLEGE OPPORTUNITY GRANT 152854

(A) Except as provided in division (C) of this section: 152855

Of the foregoing appropriation item 235563, Ohio College 152856  
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 152857  
by the Chancellor of the Board of Regents to award need-based 152858  
financial aid to students enrolled in eligible four-year public 152859  
institutions of higher education, excluding early college high 152860  
school and post-secondary enrollment option participants. 152861

Of the foregoing appropriation item 235563, Ohio College 152862  
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 152863

by the Chancellor of the Board of Regents to award need-based 152864  
financial aid to students enrolled in eligible private nonprofit 152865  
institutions of higher education, excluding early college high 152866  
school and post-secondary enrollment option participants. 152867

The remainder of the foregoing appropriation item 235563, 152868  
Ohio College Opportunity Grant, shall be used by the Chancellor of 152869  
the Board of Regents to award needs-based financial aid to 152870  
students enrolled in eligible private for-profit career colleges 152871  
and schools. 152872

(B)(1) As used in this section: 152873

(a) "Eligible institution" means any institution described in 152874  
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 152875  
Code. 152876

(b) The three "sectors" of institutions of higher education 152877  
consist of the following: 152878

(i) State colleges and universities, community colleges, 152879  
state community colleges, university branches, and technical 152880  
colleges; 152881

(ii) Eligible private nonprofit institutions of higher 152882  
education; 152883

(iii) Eligible private for-profit career colleges and 152884  
schools. 152885

(2) If the Chancellor determines that the amounts 152886  
appropriated for support of the Ohio College Opportunity Grant 152887  
program are inadequate to provide grants to all eligible students 152888  
as calculated under division (D) of section 3333.122 of the 152889  
Revised Code, the Chancellor may create a distribution formula for 152890  
fiscal year 2014 and fiscal year 2015 based on the formula used in 152891  
fiscal year 2013, or may follow methods established in division 152892  
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 152893

Chancellor shall notify the Controlling Board of the distribution 152894  
method. Any formula calculated under this division shall be 152895  
complete and established to coincide with the start of the 152896  
2013-2014 academic year. 152897

(C) Prior to determining the amount of funds available to 152898  
award under this section and section 3333.122 of the Revised Code, 152899  
the Chancellor shall use the foregoing appropriation item 235563, 152900  
Ohio College Opportunity Grant, to pay for renewals or partial 152901  
renewals of scholarships students receive under the Ohio Academic 152902  
Scholarship Program under sections 3333.21 and 3333.22 of the 152903  
Revised Code. In paying for scholarships under this division, the 152904  
Chancellor shall deduct funds from the allocations made under 152905  
division (A) of this section. Deductions shall be proportionate to 152906  
the amounts allocated to each sector from the total amounts 152907  
appropriated for each sector under the foregoing appropriation 152908  
item 235563, Ohio College Opportunity Grant. 152909

In each fiscal year, with the exception of sections 3333.121 152910  
and 3333.124 of the Revised Code and Section 363.530 of this act, 152911  
the Chancellor shall not distribute or obligate or commit to be 152912  
distributed an amount greater than what is appropriated under the 152913  
foregoing appropriation item 235563, Ohio College Opportunity 152914  
Grant. 152915

(D) The Chancellor shall establish, and post on the Ohio 152916  
Board of Regents' web site, award tables based on any formulas 152917  
created under division (B) of this section. The Chancellor shall 152918  
notify students and institutions of any reductions in awards under 152919  
this section. 152920

On or before August 31, 2013, the Chancellor of the Board of 152921  
Regents shall submit award tables to the Controlling Board for the 152922  
2013-2014 academic year and allocations of Ohio College 152923  
Opportunity Grant awards not already specified in section 3333.122 152924  
of the Revised Code. 152925

(E) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

**Section 363.440. THE OHIO STATE UNIVERSITY CLINIC SUPPORT** 152932

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of the Board of Regents to The Ohio State University for support of dental and veterinary medicine clinics.

**Section 363.450. NATIONAL GUARD SCHOLARSHIP PROGRAM** 152937

The Chancellor of the Board of Regents shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Chancellor of the Board of Regents, within ten days of cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash in an amount up to the amount certified from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0). The Chancellor of the Board of Regents shall seek Controlling Board approval to authorize additional expenditures for appropriation item 235623, National Guard Scholarship Reserve Fund. Upon approval of the Controlling Board, the additional amounts are hereby appropriated. The Chancellor of the Board of Regents shall disburse funds from appropriation item 235623, National Guard Scholarship Reserve Fund.

**Section 363.460. PLEDGE OF FEES** 152955

Any new pledge of fees, or new agreement for adjustment of 152956  
fees, made in the biennium ending June 30, 2015, to secure bonds 152957  
or notes of a state institution of higher education for a project 152958  
for which bonds or notes were not outstanding on the effective 152959  
date of this section shall be effective only after approval by the 152960  
Chancellor of the Board of Regents, unless approved in a previous 152961  
biennium. 152962

**Section 363.470. HIGHER EDUCATION GENERAL OBLIGATION DEBT 152963**  
**SERVICE 152964**

The foregoing appropriation item 235909, Higher Education 152965  
General Obligation Debt Service, shall be used to pay all debt 152966  
service and related financing costs at the times they are required 152967  
to be made during the period from July 1, 2013, through June 30, 152968  
2015, for obligations issued under sections 151.01 and 151.04 of 152969  
the Revised Code. 152970

**Section 363.480. SALES AND SERVICES 152971**

The Chancellor of the Board of Regents is authorized to 152972  
charge and accept payment for the provision of goods and services. 152973  
Such charges shall be reasonably related to the cost of producing 152974  
the goods and services. Except as otherwise provided by law, no 152975  
charges may be levied for goods or services that are produced as 152976  
part of the routine responsibilities or duties of the Chancellor. 152977  
All revenues received by the Chancellor of the Board of Regents 152978  
shall be deposited into Fund 4560, and may be used by the 152979  
Chancellor of the Board of Regents to pay for the costs of 152980  
producing the goods and services. 152981

**Section 363.483. CO-OP INTERNSHIP PROGRAM 152982**

Of the foregoing appropriation item 235649, Co-op Internship 152983  
Program, \$200,000 in each fiscal year shall be used to support the 152984



|                                                                     |        |
|---------------------------------------------------------------------|--------|
| Museum of Contemporary Art Cleveland fellowship program in          | 152985 |
| collaboration with Cleveland State University.                      | 152986 |
| Of the foregoing appropriation item 235649, Co-op Internship        | 152987 |
| Program, \$75,000 in each fiscal year shall be used by the          | 152988 |
| Chancellor of the Board of Regents to support the operations of     | 152989 |
| Ohio University's Voinovich School.                                 | 152990 |
| Of the foregoing appropriation item 235649, Co-op Internship        | 152991 |
| Program, \$75,000 in each fiscal year, shall be used by the         | 152992 |
| Chancellor of the Board of Regents to support the operations of     | 152993 |
| The Ohio State University's John Glenn School of Public Affairs.    | 152994 |
| Of the foregoing appropriation item 235649, Co-op Internship        | 152995 |
| Program, \$75,000 in each fiscal year shall be used to support the  | 152996 |
| Bliss Institute of Applied Politics at the University of Akron.     | 152997 |
| Of the foregoing appropriation item 235649, Co-op Internship        | 152998 |
| Program, \$75,000 in each fiscal year shall be used to support the  | 152999 |
| Center for Public Management and Regional Affairs at Miami          | 153000 |
| University.                                                         | 153001 |
| Of the foregoing appropriation item 235649, Co-op Internship        | 153002 |
| Program, \$150,000 in each fiscal year shall be used to support the | 153003 |
| Washington Center Internship Program.                               | 153004 |
| Of the foregoing appropriation item 235649, Co-op Internship        | 153005 |
| Program, \$75,000 in each fiscal year shall be used to support the  | 153006 |
| Ohio Center for the Advancement of Women in Public Service at the   | 153007 |
| Maxine Goodman Levin College of Urban Affairs at Cleveland State    | 153008 |
| University.                                                         | 153009 |
| Of the foregoing appropriation item 235649, Co-op Internship        | 153010 |
| Program, \$75,000 in each fiscal year shall be used to support the  | 153011 |
| University of Cincinnati Internship Program.                        | 153012 |
| Of the foregoing appropriation item 235649, Co-op Internship        | 153013 |
| Program, \$75,000 in each fiscal year shall be used by the          | 153014 |

Chancellor of the Board of Regents to support the operations of 153015  
the Center for Regional Development at Bowling Green State 153016  
University. 153017

Of the foregoing appropriation item 235649, Co-op Internship 153018  
Program, \$75,000 in each fiscal year shall be used by the 153019  
Chancellor of the Board of Regents to support the operations of 153020  
the Institute for Defense Studies at Wright State University. 153021

Of the foregoing appropriation item 235649, Co-op Internship 153022  
Program, \$75,000 in each fiscal year shall be used to support the 153023  
Kent State University Columbus Program. 153024

Of the foregoing appropriation item 235649, Co-op Internship 153025  
Program, \$75,000 in each fiscal year shall be used to support the 153026  
University of Toledo Urban Affairs Center. 153027

**Section 363.485. DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT** 153028  
INITIATIVE 153029

The foregoing appropriation item 235668, Defense/Aerospace 153030  
Workforce Development Initiative, shall be used by the 153031  
Defense/Aerospace Graduate Studies Institute, to collaborate with 153032  
the aviation, aerospace, and defense industries, to strengthen job 153033  
training programs, equip Ohio's workforce with needed skills, and 153034  
strengthen and grow research and educational linkages among Ohio's 153035  
defense and aerospace aviation industry, federal agencies, and the 153036  
University System of Ohio. A portion of the foregoing 153037  
appropriation item 235668, Defense/Aerospace Workforce Development 153038  
Initiative, shall be allocated to develop a strategic plan to 153039  
align the University System of Ohio's research and workforce 153040  
development assets with the workforce needs of public and private 153041  
sector employers. A portion of these funds shall be used to 153042  
support the Aerospace Professional Development Center to establish 153043  
processes necessary to link underemployed or unemployed persons to 153044  
job openings in these industries. The funds appropriated in this 153045

appropriation item shall be matched by private industry or 153046  
educational partners or federal agencies in the aggregate amount 153047  
of \$4,000,000 over the FY 2014-FY 2015 biennium. 153048

**Section 363.490. HIGHER EDUCATIONAL FACILITY COMMISSION 153049**  
ADMINISTRATION 153050

The foregoing appropriation item 235602, Higher Educational 153051  
Facility Commission Administration, shall be used by the 153052  
Chancellor of the Board of Regents for operating expenses related 153053  
to the Chancellor of the Board of Regents' support of the 153054  
activities of the Ohio Higher Educational Facility Commission. 153055  
Upon the request of the Chancellor, the Director of Budget and 153056  
Management may transfer up to \$29,100 cash in each fiscal year 153057  
from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC 153058  
Administration Fund (Fund 4E80). 153059

**Section 363.500. NURSING LOAN PROGRAM 153060**

The foregoing appropriation item 235606, Nursing Loan 153061  
Program, shall be used to administer the nurse education 153062  
assistance program. Up to \$50,000 in each fiscal year may be used 153063  
for operating expenses associated with the program. Any additional 153064  
funds needed for the administration of the program are subject to 153065  
Controlling Board approval. 153066

**Section 363.510. TELECOMMUNITY AND DISTANCE LEARNING 153067**

Of the foregoing appropriation item 235674, Telecommunity and 153068  
Distance Learning, up to \$25,000 in each fiscal year shall be 153069  
distributed by the Chancellor of the Board of Regents on a grant 153070  
basis to eligible school districts to establish "distance 153071  
learning" through interactive video technologies in the school 153072  
district. Per agreements with eight Ohio local telephone 153073  
companies, ALLTEL Ohio, CENTURY Telephone of Ohio, Chillicothe 153074

Telephone Company, Cincinnati Bell Telephone Company, Orwell 153075  
Telephone Company, Sprint North Central Telephone, VERIZON, and 153076  
Western Reserve Telephone Company, school districts are eligible 153077  
for funds if they are within one of the listed telephone company 153078  
service areas. Funds to administer the program shall be expended 153079  
by the Chancellor of the Board of Regents up to the amount 153080  
specified in the agreements with the listed telephone companies. 153081

Within thirty days after the effective date of this section, 153082  
the Director of Budget and Management shall transfer to Fund 4X10 153083  
in the State Special Revenue Fund Group any investment earnings 153084  
from moneys paid by any telephone company as part of any 153085  
settlement agreement between the listed companies and the Public 153086  
Utilities Commission in fiscal years 1996 and beyond. 153087

Of the foregoing appropriation item 235674, Telecommunity and 153088  
Distance Learning, up to \$24,150 in each fiscal year shall be 153089  
distributed by the Chancellor of the Board of Regents on a grant 153090  
basis to eligible school districts to establish "distance 153091  
learning" in the school district. Per an agreement with Ameritech, 153092  
school districts are eligible for funds if they are within an 153093  
Ameritech service area. Funds to administer the program shall be 153094  
expended by the Chancellor of the Board of Regents up to the 153095  
amount specified in the agreement with Ameritech. 153096

Within thirty days after the effective date of this section, 153097  
the Director of Budget and Management shall transfer to Fund 4X10 153098  
in the State Special Revenue Fund Group any investment earnings 153099  
from moneys paid by any telephone company as part of a settlement 153100  
agreement between the company and the Public Utilities Commission 153101  
in fiscal year 1995. 153102

**Section 363.520. VETERANS PREFERENCES** 153103

The Chancellor of the Board of Regents shall work with the 153104  
Department of Veterans Services to develop specific veterans 153105

preference guidelines for higher education institutions. These 153106  
guidelines shall ensure that the institutions' hiring practices 153107  
are in accordance with the intent of Ohio's veterans preference 153108  
laws. 153109

**Section 363.530.** STATE NEED-BASED FINANCIAL AID 153110  
RECONCILIATION 153111

By the first day of August in each fiscal year, or as soon as 153112  
possible thereafter, the Chancellor of the Board of Regents shall 153113  
certify to the Director of Budget and Management the amount 153114  
necessary to pay any outstanding prior year obligations to higher 153115  
education institutions for the state's need-based financial aid 153116  
programs. The amounts certified are hereby appropriated to 153117  
appropriation item 235618, State Need-based Financial Aid 153118  
Reconciliation, from revenues received in the State Need-based 153119  
Financial Aid Reconciliation Fund (Fund 5Y50). 153120

**Section 363.540.** (A) As used in this section: 153121

(1) "Board of trustees" includes the managing authority of a 153122  
university branch district. 153123

(2) "State institution of higher education" has the same 153124  
meaning as in section 3345.011 of the Revised Code. 153125

(B) The board of trustees of any state institution of higher 153126  
education, notwithstanding any rule of the institution to the 153127  
contrary, may adopt a policy providing for mandatory furloughs of 153128  
employees, including faculty, to achieve spending reductions 153129  
necessitated by institutional budget deficits. 153130

**Section 363.550.** EFFICIENCY ADVISORY COMMITTEE 153131

The Chancellor of the Board of Regents shall establish an 153132  
efficiency advisory committee for the purpose of generating 153133  
optimal efficiency plans for campuses, identifying shared services 153134

opportunities, and sharing best practices. The efficiency advisory 153135  
committee shall also explore methods for reducing the costs for 153136  
students for textbooks and other education resource materials. The 153137  
committee shall meet at the call of the Chancellor or the 153138  
Chancellor's designee, but at least quarterly. Each state 153139  
institution of higher education shall designate an employee to 153140  
serve as its efficiency officer responsible for the evaluation and 153141  
improvement of operational efficiencies on campus. Each efficiency 153142  
officer shall serve on the efficiency advisory committee. 153143

By December 31 of each year, the Efficiency Advisory 153144  
Committee shall provide a report to the Office of Budget and 153145  
Management, the Governor, and the General Assembly compiling the 153146  
operational efficiency plans for all institutions of higher 153147  
education and benchmarking efficiency gains realized over the 153148  
preceding year and progress in implementing the prior year's 153149  
efficiency plan. The report shall also be made available to the 153150  
public on the Ohio Board of Regents web site. 153151

**Section 363.570. (A) FUND ABOLITION** 153152

On July 1, 2013, or as soon as possible thereafter, the 153153  
Director of Budget and Management shall transfer the cash balance 153154  
in the eTech Ohio Telecommunity Education Fund (Fund 4W90) to the 153155  
Distance Learning Fund (Fund 4X10). Upon completion of the 153156  
transfer, the eTech Ohio Telecommunity Education Fund (Fund 153157  
4W90) is hereby abolished. 153158

**(B) ETECH OHIO COMMISSION ABOLISHMENT AND APPROPRIATION LINE** 153159  
**ITEM TRANSFER** 153160

Effective July 1, 2013, the Director of Budget and Management 153161  
shall cancel any existing encumbrances against appropriation item 153162  
935411, Technology Integration and Professional Development, and 153163  
re-establish them, as determined to be appropriate by the Director 153164  
of Budget and Management, against appropriation item 235483, 153165

Technology Integration and Professional Development. The 153166  
re-established encumbrance amounts are hereby appropriated. Any 153167  
business commenced but not completed under appropriation item 153168  
935411, Technology Integration and Professional Development, by 153169  
July 1, 2013, shall be completed, as determined to be appropriate 153170  
by the Director of Budget and Management, under appropriation item 153171  
235483, Technology Integration and Professional Development, in 153172  
the same manner and with the same effect as if it were completed 153173  
with regard to appropriation item 935411, Technology Integration 153174  
and Professional Development. 153175

Effective July 1, 2013, the Director of Budget and Management 153176  
shall cancel any existing encumbrances against appropriation item 153177  
935608, Media Services, and re-establish them against 153178  
appropriation item 235676, Media Services. The re-established 153179  
encumbrance amounts are hereby appropriated. Any business 153180  
commenced but not completed under appropriation item 935608, Media 153181  
Services, by July 1, 2013, shall be completed under appropriation 153182  
item 235676, Media Services, in the same manner and with the same 153183  
effect as if it were completed with regard to appropriation item 153184  
935608, Media Services. 153185

Effective July 1, 2013, the Director of Budget and Management 153186  
shall cancel any existing encumbrances against appropriation item 153187  
935640, Conference/Special Purposes, and re-establish them against 153188  
appropriation item 235675, Conference/Special Purposes. The 153189  
re-established encumbrance amounts are hereby appropriated. Any 153190  
business commenced but not completed under appropriation item 153191  
935640, Conference/Special Purposes, by July 1, 2013, shall be 153192  
completed under appropriation item 235675, Conference/Special 153193  
Purposes, in the same manner and with the same effect as if it 153194  
were completed with regard to appropriation item 935640, 153195  
Conference/Special Purposes. 153196

Effective July 1, 2013, the Director of Budget and Management 153197

shall cancel any existing encumbrances against appropriation item 153198  
935630, Telecommunity, and cancel any existing encumbrances 153199  
against appropriation item 935634, Distance Learning, and 153200  
re-establish them against appropriation item 235674, Telecommunity 153201  
and Distance Learning. The re-established encumbrance amounts are 153202  
hereby appropriated. Any business commenced but not completed 153203  
under appropriation items 935630, Telecommunity, and 935634, 153204  
Distance Learning, by July 1, 2013, shall be completed under 153205  
appropriation item 235674, Telecommunity and Distance Learning, in 153206  
the same manner and with the same effect as if it were completed 153207  
with regard to appropriation items 935630, Telecommunity, and 153208  
935634, Distance Learning. 153209

On July 1, 2013, or as soon as possible thereafter, the 153210  
Director of Budget and Management shall cancel any existing 153211  
capital appropriations and capital encumbrances of the former 153212  
eTech Ohio Commission in the Higher Education Improvement Fund 153213  
(Fund 7034), and re-establish them with the Chancellor of the 153214  
Board of Regents in the Higher Education Improvement Fund (Fund 153215  
7034). The re-established amounts are hereby appropriated. 153216

Effective July 1, 2013, notwithstanding any provision of the 153217  
law to the contrary, the Director of Budget and Management may 153218  
make budget changes made necessary by the transfer of the former 153219  
eTech Ohio Commission to the Chancellor of the Board of Regents, 153220  
if any, including administrative organization, program transfers, 153221  
the creation of new funds, the transfer of state funds, the 153222  
consolidation of funds, and the transfer of capital 153223  
appropriations, as authorized by this section. The Director of 153224  
Budget and Management may, if necessary, establish prior year 153225  
encumbrances or parts of prior year encumbrances of the former 153226  
eTech Ohio Commission with the Chancellor of the Board of Regents 153227  
in the appropriate fund and appropriation item for the same 153228  
purpose and for payment to the same vendor in fiscal year 2014 or 153229



fiscal year 2015. The established encumbrances plus any additional 153230  
amounts determined to be necessary for the Chancellor of the Board 153231  
of Regents to perform the operations and related management 153232  
functions of the former eTech Ohio Commission are hereby 153233  
appropriated. 153234

(C) CONFERENCE OPERATION OFFICE 153235

Beginning in fiscal year 2014, the annual eTech Ohio 153236  
Conference will be overseen by a Conference Operation Office 153237  
comprised of employees of the Chancellor of the Board of Regents 153238  
and Department of Education, including former employees of the 153239  
eTech Ohio Commission transferred to the Chancellor of the Board 153240  
of Regents and the Department of Education. The Office shall be 153241  
responsible for conferences that focus on professional development 153242  
in the education field, educational technology, distance learning, 153243  
and other education topics pertinent to the State of Ohio. 153244

(D) TRANSFER OF CAPITAL DUTIES 153245

As of July 1, 2013, the Chancellor of the Board of Regents 153246  
shall succeed to and have and perform all fiduciary duties and 153247  
responsibilities previously held by the Director of eTech Ohio for 153248  
all outstanding capital appropriations designated for use by eTech 153249  
Ohio. 153250

**Section 363.580.** ELECTRONIC TEXTBOOK PILOT PROJECT 153251

(A) The Electronic Textbook Pilot Project is hereby 153252  
established to provide grants on a competitive basis to public and 153253  
chartered nonpublic schools to purchase electronic textbooks, 153254  
electronic educational content, and professional development and 153255  
training resources through the learning clearinghouse established 153256  
in section 3333.81 to 3333.88. The Electronic Textbook Pilot 153257  
Project shall be administered by the Chancellor of the Board of 153258  
Regents. 153259

(B) The Chancellor shall have the authority to set the grant 153260  
criteria and to select grant recipients. In awarding grants under 153261  
this section, the Chancellor shall establish the criteria for 153262  
determining which applicants will be considered a priority for 153263  
receiving grant funds. 153264

(C) Not later than January 31, 2014, the Chancellor shall 153265  
issue a request for proposals from eligible schools. 153266

(D) Not later than May 31, 2014, the Chancellor shall award 153267  
grants for use during the 2014-2015 school year. 153268

(E) The Chancellor and Superintendent of Public Instruction 153269  
jointly shall notify schools of and promote participation in the 153270  
pilot project. 153271

(F) Not later than December 31, 2015, the Chancellor shall 153272  
submit to the Governor and the General Assembly, in accordance 153273  
with section 101.68 of the Revised Code, a formative evaluation of 153274  
the implementation and results of the pilot project and 153275  
legislative recommendations for any changes in the pilot project. 153276

(G) The number of grants awarded under this section shall not 153277  
exceed the number that can be funded with appropriations made by 153278  
the General Assembly for this purpose. 153279

**Section 363.590. COLLEGE CREDIT PLUS PROGRAM** 153280

The Chancellor shall make recommendations to the General 153281  
Assembly to establish the College Credit Plus program, whereby 153282  
high school students may earn credits through Ohio institutions of 153283  
higher education. The Chancellor shall consult with the 153284  
Inter-University Council of Ohio, the Association of Independent 153285  
Colleges and Universities of Ohio, the Ohio Association of 153286  
Community Colleges, and the Superintendent of Public Instruction 153287  
in developing the recommendations. The Chancellor shall provide a 153288  
report of the recommendation to the Governor, the President of the 153289

Senate, and the Speaker of the House of Representatives by 153290  
December 31, 2013, for implementation in the 2014-2015 academic 153291  
year. 153292

**Section 365.10.** DRC DEPARTMENT OF REHABILITATION AND 153293  
CORRECTION 153294

General Revenue Fund 153295

GRF 501321 Institutional \$ 883,768,015 \$ 873,724,802 153296  
Operations

GRF 501403 Prisoner Compensation \$ 6,000,000 \$ 6,000,000 153297

GRF 501405 Halfway House \$ 45,049,356 \$ 46,024,108 153298

GRF 501406 Lease Rental Payments \$ 104,099,500 \$ 99,534,800 153299

GRF 501407 Community \$ 34,187,858 \$ 34,314,390 153300  
Nonresidential

Programs

GRF 501408 Community Misdemeanor \$ 12,856,800 \$ 12,856,800 153301  
Programs

GRF 501501 Community Residential \$ 63,345,972 \$ 66,150,781 153302  
Programs - CBCF

GRF 503321 Parole and Community \$ 64,480,938 \$ 65,029,680 153303  
Operations

GRF 504321 Administrative \$ 20,659,664 \$ 20,907,476 153304  
Operations

GRF 505321 Institution Medical \$ 243,289,774 \$ 254,139,452 153305  
Services

GRF 506321 Institution Education \$ 19,102,051 \$ 19,112,418 153306  
Services

TOTAL GRF General Revenue Fund \$ 1,496,839,928 \$ 1,497,794,707 153307

General Services Fund Group 153308

1480 501602 Institutional \$ 3,139,577 \$ 3,139,577 153309  
Services

2000 501607 Ohio Penal Industries \$ 41,393,226 \$ 40,609,872 153310

|       |            |                                                                    |    |               |    |               |        |
|-------|------------|--------------------------------------------------------------------|----|---------------|----|---------------|--------|
| 4830  | 501605     | Property Receipts                                                  | \$ | 582,086       | \$ | 582,086       | 153311 |
| 4B00  | 501601     | Sewer Treatment                                                    | \$ | 2,023,671     | \$ | 2,067,214     | 153312 |
|       |            | Services                                                           |    |               |    |               |        |
| 4D40  | 501603     | Prisoner Programs                                                  | \$ | 17,499,255    | \$ | 17,499,255    | 153313 |
| 4L40  | 501604     | Transitional Control                                               | \$ | 1,113,120     | \$ | 1,113,120     | 153314 |
| 4S50  | 501608     | Education Services                                                 | \$ | 4,114,782     | \$ | 4,114,782     | 153315 |
| 5710  | 501606     | Training Academy                                                   | \$ | 125,000       | \$ | 125,000       | 153316 |
|       |            | Receipts                                                           |    |               |    |               |        |
| 5930  | 501618     | Laboratory Services                                                | \$ | 3,750,000     | \$ | 0             | 153317 |
| 5AF0  | 501609     | State and Non-Federal                                              | \$ | 1,440,000     | \$ | 1,440,000     | 153318 |
|       |            | Awards                                                             |    |               |    |               |        |
| 5H80  | 501617     | Offender Financial                                                 | \$ | 2,000,000     | \$ | 2,000,000     | 153319 |
|       |            | Responsibility                                                     |    |               |    |               |        |
| 5L60  | 501611     | Information                                                        | \$ | 250,000       | \$ | 250,000       | 153320 |
|       |            | Technology Services                                                |    |               |    |               |        |
| TOTAL | GSF        | General Services Fund                                              | \$ | 77,430,717    | \$ | 72,940,906    | 153321 |
|       |            | Group                                                              |    |               |    |               |        |
|       |            | Federal Special Revenue Fund Group                                 |    |               |    |               | 153322 |
| 3230  | 501619     | Federal Grants                                                     | \$ | 7,132,943     | \$ | 7,132,943     | 153323 |
| TOTAL | FED        | Federal Special Revenue                                            |    |               |    |               | 153324 |
|       |            | Fund Group                                                         | \$ | 7,132,943     | \$ | 7,132,943     | 153325 |
| TOTAL | ALL BUDGET | FUND GROUPS                                                        | \$ | 1,581,403,588 | \$ | 1,577,868,556 | 153326 |
|       |            | TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL         |    |               |    |               | 153327 |
|       |            | SENTENCING REFORMS                                                 |    |               |    |               | 153328 |
|       |            | For the purposes of implementing criminal sentencing reforms,      |    |               |    |               | 153329 |
|       |            | and notwithstanding any other provision of law to the contrary,    |    |               |    |               | 153330 |
|       |            | the Director of Budget and Management, at the request of the       |    |               |    |               | 153331 |
|       |            | Director of Rehabilitation and Correction, may transfer up to      |    |               |    |               | 153332 |
|       |            | \$14,000,000 in appropriations, in each of fiscal years 2014 and   |    |               |    |               | 153333 |
|       |            | 2015, from appropriation item 501321, Institutional Operations, to |    |               |    |               | 153334 |
|       |            | any combination of appropriation items 501405, Halfway House;      |    |               |    |               | 153335 |
|       |            | 501407, Community Residential Programs; 501408, Community          |    |               |    |               | 153336 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| Misdemeanor Programs; and 501501, Community Residential Programs - | 153337 |
| CBCF.                                                              | 153338 |
| LEASE RENTAL PAYMENTS                                              | 153339 |
| The foregoing appropriation item 501406, Lease Rental              | 153340 |
| Payments, shall be used to meet all payments at the times they are | 153341 |
| required to be made during the period from July 1, 2013, through   | 153342 |
| June 30, 2015, by the Department of Rehabilitation and Correction  | 153343 |
| under the primary leases and agreements for those buildings made   | 153344 |
| under Chapters 152. and 154. of the Revised Code. These            | 153345 |
| appropriations are the source of funds pledged for bond service    | 153346 |
| charges on related obligations issued under Chapters 152. and 154. | 153347 |
| of the Revised Code.                                               | 153348 |
| OSU MEDICAL CHARGES                                                | 153349 |
| Notwithstanding section 341.192 of the Revised Code, at the        | 153350 |
| request of the Department of Rehabilitation and Correction, The    | 153351 |
| Ohio State University Medical Center, including the Arthur G.      | 153352 |
| James Cancer Hospital and Richard J. Solove Research Institute and | 153353 |
| the Richard M. Ross Heart Hospital, shall provide necessary care   | 153354 |
| to persons who are confined in state adult correctional            | 153355 |
| facilities. The provision of necessary care shall be billed to the | 153356 |
| Department at a rate not to exceed the authorized reimbursement    | 153357 |
| rate for the same service established by the Department of         | 153358 |
| Medicaid under the Medicaid Program.                               | 153359 |
| CORRECTIVE CASH TRANSFER                                           | 153360 |
| At the request of the Director of Rehabilitation and               | 153361 |
| Correction, the Director of Budget and Management may transfer an  | 153362 |
| amount not to exceed \$2,391 in cash that was mistakenly deposited | 153363 |
| in the Federal Grants Fund (Fund 3230) to the General Revenue      | 153364 |
| Fund.                                                              | 153365 |
| <b>Section 369.10. RCB RESPIRATORY CARE BOARD</b>                  | 153366 |

|                                                           |    |               |    |               |        |
|-----------------------------------------------------------|----|---------------|----|---------------|--------|
| General Services Fund Group                               |    |               |    |               | 153367 |
| 4K90 872609 Operating Expenses                            | \$ | 552,876       | \$ | 545,246       | 153368 |
| TOTAL GSF General Services                                |    |               |    |               | 153369 |
| Fund Group                                                | \$ | 552,876       | \$ | 545,246       | 153370 |
| TOTAL ALL BUDGET FUND GROUPS                              | \$ | 552,876       | \$ | 545,246       | 153371 |
| <br><b>Section 371.10. RDF REVENUE DISTRIBUTION FUNDS</b> |    |               |    |               | 153373 |
| Special State Revenue Fund Group                          |    |               |    |               | 153374 |
| 5JG0 110633 Gross Casino Revenue                          | \$ | 158,005,325   | \$ | 168,977,942   | 153375 |
| County Fund                                               |    |               |    |               |        |
| TOTAL SSR State Special Revenue                           | \$ | 158,005,325   | \$ | 168,977,942   | 153376 |
| Fund Group                                                |    |               |    |               |        |
| Volunteer Firefighters' Dependents Fund                   |    |               |    |               | 153377 |
| 7085 800985 Volunteer Firemen's                           | \$ | 300,000       | \$ | 300,000       | 153378 |
| Dependents Fund                                           |    |               |    |               |        |
| TOTAL 085 Volunteer Firefighters'                         |    |               |    |               | 153379 |
| Dependents Fund                                           | \$ | 300,000       | \$ | 300,000       | 153380 |
| Agency Fund Group                                         |    |               |    |               | 153381 |
| 4P80 001698 Cash Management                               | \$ | 3,100,000     | \$ | 3,100,000     | 153382 |
| Improvement Fund                                          |    |               |    |               |        |
| 5JH0 110634 Gross Casino Revenue                          | \$ | 105,336,883   | \$ | 112,651,961   | 153383 |
| County Student Fund                                       |    |               |    |               |        |
| 5JJ0 110636 Gross Casino Revenue                          | \$ | 15,490,718    | \$ | 16,566,465    | 153384 |
| Host City Fund                                            |    |               |    |               |        |
| 6080 001699 Investment Earnings                           | \$ | 30,000,000    | \$ | 30,000,000    | 153385 |
| 7062 110962 Resort Area Excise                            | \$ | 1,000,000     | \$ | 1,000,000     | 153386 |
| Tax                                                       |    |               |    |               |        |
| 7063 110963 Permissive Tax                                | \$ | 2,066,331,400 | \$ | 2,151,135,100 | 153387 |
| Distribution                                              |    |               |    |               |        |
| 7067 110967 School District                               | \$ | 346,669,300   | \$ | 365,277,800   | 153388 |
| Income Tax                                                |    |               |    |               |        |
| 7099 762902 Permissive Tax                                | \$ | 184,000,000   | \$ | 184,000,000   | 153389 |

|                                   |                                     |                  |                  |        |  |
|-----------------------------------|-------------------------------------|------------------|------------------|--------|--|
|                                   | Distribution - Auto<br>Registration |                  |                  |        |  |
| TOTAL AGY Agency Fund Group       |                                     | \$ 2,751,928,301 | \$ 2,863,731,326 | 153390 |  |
| Holding Account Redistribution    |                                     |                  |                  | 153391 |  |
| R045 110617 International Fuel    |                                     | \$ 40,000,000    | \$ 40,000,000    | 153392 |  |
|                                   | Tax Distribution                    |                  |                  |        |  |
| TOTAL 090 Holding Account         |                                     | \$ 40,000,000    | \$ 40,000,000    | 153393 |  |
| Redistribution Fund               |                                     |                  |                  |        |  |
| Revenue Distribution Fund Group   |                                     |                  |                  | 153394 |  |
| 7049 335900 Indigent Drivers      |                                     | \$ 2,250,000     | \$ 2,250,000     | 153395 |  |
|                                   | Alcohol Treatment                   |                  |                  |        |  |
| 7050 762900 International         |                                     | \$ 30,000,000    | \$ 30,000,000    | 153396 |  |
|                                   | Registration Plan                   |                  |                  |        |  |
|                                   | Distribution                        |                  |                  |        |  |
| 7051 762901 Auto Registration     |                                     | \$ 360,000,000   | \$ 360,000,000   | 153397 |  |
|                                   | Distribution                        |                  |                  |        |  |
| 7054 110954 Local Government      |                                     | \$ 5,649,000     | \$ 5,649,000     | 153398 |  |
|                                   | Property Tax                        |                  |                  |        |  |
|                                   | Replacement - Utility               |                  |                  |        |  |
| 7060 110960 Gasoline Excise Tax   |                                     | \$ 395,000,000   | \$ 395,000,000   | 153399 |  |
|                                   | Fund                                |                  |                  |        |  |
| 7065 110965 Public Library Fund   |                                     | \$ 359,300,000   | \$ 369,000,000   | 153400 |  |
| 7066 800966 Undivided Liquor      |                                     | \$ 14,100,000    | \$ 14,100,000    | 153401 |  |
|                                   | Permits                             |                  |                  |        |  |
| 7068 110968 State and Local       |                                     | \$ 196,000,000   | \$ 196,000,000   | 153402 |  |
|                                   | Government Highway                  |                  |                  |        |  |
|                                   | Distribution                        |                  |                  |        |  |
| 7069 110969 Local Government Fund |                                     | \$ 363,600,000   | \$ 376,400,000   | 153403 |  |
| 7081 110981 Local Government      |                                     | \$ 146,500,000   | \$ 107,900,000   | 153404 |  |
|                                   | Property Tax                        |                  |                  |        |  |
|                                   | Replacement-Business                |                  |                  |        |  |
| 7082 110982 Horse Racing Tax      |                                     | \$ 100,000       | \$ 100,000       | 153405 |  |
| 7083 700900 Ohio Fairs Fund       |                                     | \$ 1,400,000     | \$ 1,400,000     | 153406 |  |

|                                                                    |                  |                  |        |
|--------------------------------------------------------------------|------------------|------------------|--------|
| TOTAL RDF Revenue Distribution                                     |                  |                  | 153407 |
| Fund Group                                                         | \$ 1,873,899,000 | \$ 1,857,799,000 | 153408 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ 4,824,132,626 | \$ 4,930,808,268 | 153409 |
| ADDITIONAL APPROPRIATIONS                                          |                  |                  | 153410 |
| Appropriation items in this section shall be used for the          |                  |                  | 153411 |
| purpose of administering and distributing the designated revenue   |                  |                  | 153412 |
| distribution funds according to the Revised Code. If it is         |                  |                  | 153413 |
| determined that additional appropriations are necessary for this   |                  |                  | 153414 |
| purpose, such amounts are hereby appropriated.                     |                  |                  | 153415 |
| GENERAL REVENUE FUND TRANSFERS                                     |                  |                  | 153416 |
| Notwithstanding any provision of law to the contrary, in           |                  |                  | 153417 |
| fiscal year 2014 and fiscal year 2015, the Director of Budget and  |                  |                  | 153418 |
| Management may transfer from the General Revenue Fund to the Local |                  |                  | 153419 |
| Government Tangible Property Tax Replacement Fund (Fund 7081) in   |                  |                  | 153420 |
| the Revenue Distribution Fund Group, those amounts necessary to    |                  |                  | 153421 |
| reimburse local taxing units under section 5751.22 of the Revised  |                  |                  | 153422 |
| Code. Also, in fiscal year 2014 and fiscal year 2015, the Director |                  |                  | 153423 |
| of Budget and Management may make temporary transfers from the     |                  |                  | 153424 |
| General Revenue Fund to ensure sufficient balances in the Local    |                  |                  | 153425 |
| Government Tangible Property Tax Replacement Fund (Fund 7081) and  |                  |                  | 153426 |
| to replenish the General Revenue Fund for such transfers.          |                  |                  | 153427 |
| <b>Section 373.10. SAN BOARD OF SANITARIAN REGISTRATION</b>        |                  |                  | 153428 |
| General Services Fund Group                                        |                  |                  | 153429 |
| 4K90 893609 Operating Expenses                                     | \$ 137,850       | \$ 129,850       | 153430 |
| TOTAL GSF General Services                                         |                  |                  | 153431 |
| Fund Group                                                         | \$ 137,850       | \$ 129,850       | 153432 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ 137,850       | \$ 129,850       | 153433 |
| <b>Section 375.10. OSB OHIO STATE SCHOOL FOR THE BLIND</b>         |                  |                  | 153435 |
| General Revenue Fund                                               |                  |                  | 153436 |



|                                                         |                       |    |            |    |            |        |
|---------------------------------------------------------|-----------------------|----|------------|----|------------|--------|
| GRF 226321                                              | Operations            | \$ | 7,278,579  | \$ | 7,278,579  | 153437 |
| TOTAL GRF                                               | General Revenue Fund  | \$ | 7,278,579  | \$ | 7,278,579  | 153438 |
| General Services Fund Group                             |                       |    |            |    |            | 153439 |
| 4H80 226602                                             | Education Reform      | \$ | 27,000     | \$ | 27,000     | 153440 |
| Grants                                                  |                       |    |            |    |            |        |
| 5NJ0 226622                                             | Food Service Program  | \$ | 9,000      | \$ | 9,000      | 153441 |
| TOTAL GSF                                               | General Services      |    |            |    |            | 153442 |
| Fund Group                                              |                       | \$ | 36,000     | \$ | 36,000     | 153443 |
| Federal Special Revenue Fund Group                      |                       |    |            |    |            | 153444 |
| 3100 226626                                             | Coordinating Unit     | \$ | 2,527,104  | \$ | 2,527,104  | 153445 |
| 3DT0 226621                                             | Ohio Transition       | \$ | 650,000    | \$ | 650,000    | 153446 |
| Collaborative                                           |                       |    |            |    |            |        |
| 3P50 226643                                             | Medicaid Professional | \$ | 50,000     | \$ | 50,000     | 153447 |
| Services                                                |                       |    |            |    |            |        |
| Reimbursement                                           |                       |    |            |    |            |        |
| TOTAL FED                                               | Federal Special       |    |            |    |            | 153448 |
| Revenue Fund Group                                      |                       | \$ | 3,227,104  | \$ | 3,227,104  | 153449 |
| State Special Revenue Fund Group                        |                       |    |            |    |            | 153450 |
| 4M50 226601                                             | Work Study and        | \$ | 461,521    | \$ | 461,521    | 153451 |
| Technology Investment                                   |                       |    |            |    |            |        |
| TOTAL SSR                                               | State Special Revenue |    |            |    |            | 153452 |
| Fund Group                                              |                       | \$ | 461,521    | \$ | 461,521    | 153453 |
| TOTAL ALL BUDGET FUND GROUPS                            |                       | \$ | 11,003,204 | \$ | 11,003,204 | 153454 |
| <br><b>Section 377.10. OSD OHIO SCHOOL FOR THE DEAF</b> |                       |    |            |    |            | 153456 |
| General Revenue Fund                                    |                       |    |            |    |            | 153457 |
| GRF 221321                                              | Operations            | \$ | 8,727,657  | \$ | 8,727,657  | 153458 |
| TOTAL GRF                                               | General Revenue Fund  | \$ | 8,727,657  | \$ | 8,727,657  | 153459 |
| General Services Fund Group                             |                       |    |            |    |            | 153460 |
| 4M10 221602                                             | Education Reform      | \$ | 35,000     | \$ | 35,000     | 153461 |
| Grants                                                  |                       |    |            |    |            |        |

|                                               |                       |    |           |    |           |        |
|-----------------------------------------------|-----------------------|----|-----------|----|-----------|--------|
| 5NK0 221610                                   | Food Service Program  | \$ | 9,000     | \$ | 9,000     | 153462 |
| TOTAL GSF General Services                    |                       |    |           |    |           | 153463 |
| Fund Group                                    |                       | \$ | 44,000    | \$ | 44,000    | 153464 |
| Federal Special Revenue Fund Group            |                       |    |           |    |           | 153465 |
| 3110 221625                                   | Coordinating Unit     | \$ | 2,153,245 | \$ | 2,153,245 | 153466 |
| 3R00 221684                                   | Medicaid Professional | \$ | 35,000    | \$ | 35,000    | 153467 |
|                                               | Services              |    |           |    |           |        |
|                                               | Reimbursement         |    |           |    |           |        |
| TOTAL FED Federal Special                     |                       |    |           |    |           | 153468 |
| Revenue Fund Group                            |                       | \$ | 2,188,245 | \$ | 2,188,245 | 153469 |
| State Special Revenue Fund Group              |                       |    |           |    |           | 153470 |
| 4M00 221601                                   | Educational Program   | \$ | 95,000    | \$ | 95,000    | 153471 |
|                                               | Expenses              |    |           |    |           |        |
| 5H60 221609                                   | Even Start Fees and   | \$ | 35,000    | \$ | 35,000    | 153472 |
|                                               | Gifts                 |    |           |    |           |        |
| TOTAL SSR State Special Revenue               |                       |    |           |    |           | 153473 |
| Fund Group                                    |                       | \$ | 130,000   | \$ | 130,000   | 153474 |
| TOTAL ALL BUDGET FUND GROUPS                  |                       |    |           |    |           | 153475 |
| <b>Section 381.10. SOS SECRETARY OF STATE</b> |                       |    |           |    |           | 153477 |
| General Revenue Fund                          |                       |    |           |    |           | 153478 |
| GRF 050321                                    | Operating Expenses    | \$ | 2,144,030 | \$ | 2,144,030 | 153479 |
| GRF 050407                                    | Pollworkers Training  | \$ | 234,196   | \$ | 234,196   | 153480 |
| TOTAL GRF General Revenue Fund                |                       |    |           |    |           | 153481 |
| General Services Fund Group                   |                       |    |           |    |           | 153482 |
| 4120 050609                                   | Notary Commission     | \$ | 475,000   | \$ | 475,000   | 153483 |
| 4130 050601                                   | Information Systems   | \$ | 49,000    | \$ | 49,000    | 153484 |
| 4S80 050610                                   | Board of Voting       | \$ | 7,200     | \$ | 7,200     | 153485 |
|                                               | Machine Examiners     |    |           |    |           |        |
| 5FG0 050620                                   | BOE Reimbursement and | \$ | 80,000    | \$ | 80,000    | 153486 |
|                                               | Education             |    |           |    |           |        |
| TOTAL General Services Fund Group             |                       |    |           |    |           | 153487 |

|                                                                    |    |            |               |        |
|--------------------------------------------------------------------|----|------------|---------------|--------|
| Federal Special Revenue Fund Group                                 |    |            |               | 153488 |
| 3AH0 050614 Election                                               | \$ | 300,000    | \$ 300,000    | 153489 |
| Reform/Health and<br>Human Services                                |    |            |               |        |
| 3AS0 050616 Help America Vote Act                                  | \$ | 1,710,000  | \$ 1,710,000  | 153490 |
| (HAVA)                                                             |    |            |               |        |
| TOTAL FED Federal Special Revenue                                  |    |            |               | 153491 |
| Fund Group                                                         | \$ | 2,010,000  | \$ 2,010,000  | 153492 |
| State Special Revenue Fund Group                                   |    |            |               | 153493 |
| 5990 050603 Business Services                                      | \$ | 14,385,400 | \$ 14,385,400 | 153494 |
| Operating Expenses                                                 |    |            |               |        |
| TOTAL SSR State Special Revenue                                    |    |            |               | 153495 |
| Fund Group                                                         | \$ | 14,385,400 | \$ 14,385,400 | 153496 |
| Holding Account Redistribution Fund Group                          |    |            |               | 153497 |
| R001 050605 Uniform Commercial                                     | \$ | 30,000     | \$ 30,000     | 153498 |
| Code Refunds                                                       |    |            |               |        |
| R002 050606 Corporate/Business                                     | \$ | 85,000     | \$ 85,000     | 153499 |
| Filing Refunds                                                     |    |            |               |        |
| TOTAL 090 Holding Account                                          |    |            |               | 153500 |
| Redistribution Fund Group                                          | \$ | 115,000    | \$ 115,000    | 153501 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 19,499,826 | \$ 19,499,826 | 153502 |
| <br>POLLWORKER TRAINING                                            |    |            |               | 153503 |
| <br>The foregoing appropriation item 050407, Pollworkers           |    |            |               | 153504 |
| Training, shall be used to reimburse county boards of elections    |    |            |               | 153505 |
| for pollworker training pursuant to section 3501.27 of the Revised |    |            |               | 153506 |
| Code. At the end of fiscal year 2014, an amount equal to the       |    |            |               | 153507 |
| unexpended, unencumbered portion of appropriation item 050407,     |    |            |               | 153508 |
| Pollworkers Training, is hereby reappropriated in fiscal year 2015 |    |            |               | 153509 |
| for the same purpose.                                              |    |            |               | 153510 |
| <br>BOARD OF VOTING MACHINE EXAMINERS                              |    |            |               | 153511 |
| <br>The foregoing appropriation item 050610, Board of Voting       |    |            |               | 153512 |

Machine Examiners, shall be used to pay for the services and 153513  
expenses of the members of the Board of Voting Machine Examiners, 153514  
and for other expenses that are authorized to be paid from the 153515  
Board of Voting Machine Examiners Fund, which is created in 153516  
section 3506.05 of the Revised Code. Moneys not used shall be 153517  
returned to the person or entity submitting equipment for 153518  
examination. If it is determined that additional appropriations 153519  
are necessary, such amounts are hereby appropriated. 153520

HAVA FUNDS 153521

An amount equal to the unexpended, unencumbered portion of 153522  
appropriation item 050614, Election Reform/Health and Human 153523  
Services, at the end of fiscal year 2014 is reappropriated for the 153524  
same purpose in fiscal year 2015. 153525

An amount equal to the unexpended, unencumbered portion of 153526  
appropriation item 050616, Help America Vote Act (HAVA), at the 153527  
end of fiscal year 2014 is reappropriated for the same purpose in 153528  
fiscal year 2015. 153529

The Director of Budget and Management shall credit the 153530  
ongoing interest earnings from the Election Reform/Health and 153531  
Human Services Fund (Fund 3AH0) and the Help America Vote Act 153532  
(HAVA) (Fund 3AS0) to the respective funds and distribute these 153533  
earnings in accordance with the terms of the grant under which the 153534  
money is received. 153535

MISCELLANEOUS FEDERAL GRANTS 153536

On July 1, 2013, or as soon as possible thereafter, the 153537  
Director of Budget and Management shall transfer from the General 153538  
Revenue Fund (GRF) all investment earnings and amounts equal to 153539  
the interest earnings that were attributable to the Miscellaneous 153540  
Federal Grants Fund (Fund 3FM0) in each quarter of fiscal year 153541  
2013. The Director of Budget and Management shall credit the 153542  
ongoing interest earnings from Fund 3FM0 to that fund and 153543

distribute these earnings in accordance with the terms of the 153544  
grant under which the money was received. 153545

HOLDING ACCOUNT REDISTRIBUTION GROUP 153546

The foregoing appropriation items 050605, Uniform Commercial 153547  
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 153548  
be used to hold revenues until they are directed to the 153549  
appropriate accounts or until they are refunded. If it is 153550  
determined that additional appropriations are necessary, such 153551  
amounts are hereby appropriated. 153552

**Section 383.10.** SEN THE OHIO SENATE 153553

General Revenue Fund 153554

|            |                      |    |            |    |            |        |
|------------|----------------------|----|------------|----|------------|--------|
| GRF 020321 | Operating Expenses   | \$ | 11,947,822 | \$ | 11,947,822 | 153555 |
| TOTAL GRF  | General Revenue Fund | \$ | 11,947,822 | \$ | 11,947,822 | 153556 |

General Services Fund Group 153557

|             |                      |    |         |    |         |        |
|-------------|----------------------|----|---------|----|---------|--------|
| 1020 020602 | Senate Reimbursement | \$ | 852,001 | \$ | 852,001 | 153558 |
| 4090 020601 | Miscellaneous Sales  | \$ | 34,497  | \$ | 34,497  | 153559 |

TOTAL GSF General Services 153560

Fund Group \$ 886,498 \$ 886,498 153561

TOTAL ALL BUDGET FUND GROUPS \$ 12,834,320 \$ 12,834,320 153562

OPERATING EXPENSES 153563

On July 1, 2013, or as soon as possible thereafter, the Clerk 153564  
of the Senate may certify to the Director of Budget and Management 153565  
the amount of the unexpended, unencumbered balance of the 153566  
foregoing appropriation item 020321, Operating Expenses, at the 153567  
end of fiscal year 2013 to be reappropriated to fiscal year 2014. 153568  
The amount certified is hereby reappropriated to the same 153569  
appropriation item for fiscal year 2014. 153570

On July 1, 2014, or as soon as possible thereafter, the Clerk 153571  
of the Senate may certify to the Director of Budget and Management 153572  
the amount of the unexpended, unencumbered balance of the 153573

foregoing appropriation item 020321, Operating Expenses, at the 153574  
end of fiscal year 2014 to be reappropriated to fiscal year 2015. 153575  
The amount certified is hereby reappropriated to the same 153576  
appropriation item for fiscal year 2015. 153577

**Section 385.10.** CSV COMMISSION ON SERVICE AND VOLUNTEERISM 153578

General Revenue Fund 153579

|                                |    |         |    |         |        |
|--------------------------------|----|---------|----|---------|--------|
| GRF 866321 CSV Operations      | \$ | 286,661 | \$ | 294,072 | 153580 |
| TOTAL GRF General Revenue Fund | \$ | 286,661 | \$ | 294,072 | 153581 |

General Services Fund 153582

|                                 |    |        |    |        |        |
|---------------------------------|----|--------|----|--------|--------|
| 5GN0 866605 Serve Ohio Support  | \$ | 30,000 | \$ | 30,000 | 153583 |
| TOTAL GSF General Services Fund | \$ | 30,000 | \$ | 30,000 | 153584 |

Federal Special Revenue Fund Group 153585

|                                   |    |           |    |           |        |
|-----------------------------------|----|-----------|----|-----------|--------|
| 3R70 866617 AmeriCorps Programs   | \$ | 7,447,000 | \$ | 7,447,000 | 153586 |
| TOTAL FED Federal Special Revenue |    |           |    |           | 153587 |
| Fund Group                        | \$ | 7,447,000 | \$ | 7,447,000 | 153588 |
| TOTAL ALL BUDGET FUND GROUPS      | \$ | 7,763,661 | \$ | 7,771,072 | 153589 |

**Section 387.10.** CSF COMMISSIONERS OF THE SINKING FUND 153591

Debt Service Fund Group 153592

|                                    |    |             |    |             |        |
|------------------------------------|----|-------------|----|-------------|--------|
| 7070 155905 Third Frontier         | \$ | 66,511,600  | \$ | 83,783,000  | 153593 |
| Research and                       |    |             |    |             |        |
| Development Bond                   |    |             |    |             |        |
| Retirement Fund                    |    |             |    |             |        |
| 7072 155902 Highway Capital        | \$ | 132,647,900 | \$ | 127,171,800 | 153594 |
| Improvement Bond                   |    |             |    |             |        |
| Retirement Fund                    |    |             |    |             |        |
| 7073 155903 Natural Resources Bond | \$ | 24,325,400  | \$ | 25,443,000  | 153595 |
| Retirement Fund                    |    |             |    |             |        |
| 7074 155904 Conservation Projects  | \$ | 33,376,600  | \$ | 34,447,700  | 153596 |
| Bond Retirement Fund               |    |             |    |             |        |
| 7076 155906 Coal Research and      | \$ | 2,858,900   | \$ | 4,327,200   | 153597 |

|                                                                     |        |                                                          |                  |                  |        |  |
|---------------------------------------------------------------------|--------|----------------------------------------------------------|------------------|------------------|--------|--|
|                                                                     |        | Development Bond                                         |                  |                  |        |  |
|                                                                     |        | Retirement Fund                                          |                  |                  |        |  |
| 7077                                                                | 155907 | State Capital                                            | \$ 227,810,300   | \$ 228,948,900   | 153598 |  |
|                                                                     |        | Improvement Bond                                         |                  |                  |        |  |
|                                                                     |        | Retirement Fund                                          |                  |                  |        |  |
| 7078                                                                | 155908 | Common Schools Bond                                      | \$ 351,806,100   | \$ 377,364,700   | 153599 |  |
|                                                                     |        | Retirement Fund                                          |                  |                  |        |  |
| 7079                                                                | 155909 | Higher Education Bond                                    | \$ 221,168,700   | \$ 248,822,000   | 153600 |  |
|                                                                     |        | Retirement Fund                                          |                  |                  |        |  |
| 7080                                                                | 155901 | Persian Gulf,<br>Afghanistan, and Iraq<br>Conflicts Bond | \$ 7,542,600     | \$ 9,914,800     | 153601 |  |
|                                                                     |        | Retirement Fund                                          |                  |                  |        |  |
| 7090                                                                | 155912 | Job Ready Site<br>Development Bond                       | \$ 15,498,400    | \$ 19,124,500    | 153602 |  |
|                                                                     |        | Retirement Fund                                          |                  |                  |        |  |
| TOTAL DSF Debt Service Fund Group                                   |        |                                                          | \$ 1,083,546,500 | \$ 1,159,347,600 | 153603 |  |
| TOTAL ALL BUDGET FUND GROUPS                                        |        |                                                          | \$ 1,083,546,500 | \$ 1,159,347,600 | 153604 |  |
| ADDITIONAL APPROPRIATIONS                                           |        |                                                          |                  |                  | 153605 |  |
| Appropriation items in this section are for the purpose of          |        |                                                          |                  |                  | 153606 |  |
| paying debt service and financing costs on bonds or notes of the    |        |                                                          |                  |                  | 153607 |  |
| state issued under the Ohio Constitution and acts of the General    |        |                                                          |                  |                  | 153608 |  |
| Assembly. If it is determined that additional amounts are           |        |                                                          |                  |                  | 153609 |  |
| necessary for this purpose, such amounts are hereby appropriated.   |        |                                                          |                  |                  | 153610 |  |
| <b>Section 389.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY |        |                                                          |                  |                  | 153611 |  |
| DEVELOPMENT FOUNDATION                                              |        |                                                          |                  |                  | 153612 |  |
| Tobacco Master Settlement Agreement Fund Group                      |        |                                                          |                  |                  | 153613 |  |
| 5M90                                                                | 945601 | Operating Expenses                                       | \$ 426,800       | \$ 426,800       | 153614 |  |
| TOTAL TMF Tobacco Master Settlement                                 |        |                                                          | \$ 426,800       | \$ 426,800       | 153615 |  |
| Agreement Fund Group                                                |        |                                                          |                  |                  |        |  |
| TOTAL ALL BUDGET FUND GROUPS                                        |        |                                                          | \$ 426,800       | \$ 426,800       | 153616 |  |

|                                                                     |                       |                |                |        |
|---------------------------------------------------------------------|-----------------------|----------------|----------------|--------|
| <b>Section 391.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &amp;</b> |                       |                |                | 153618 |
| AUDIOLOGY                                                           |                       |                |                | 153619 |
| General Services Fund Group                                         |                       |                |                | 153620 |
| 4K90 886609                                                         | Operating Expenses    | \$ 472,260     | \$ 508,660     | 153621 |
| TOTAL GSF General Services                                          |                       |                |                | 153622 |
| Fund Group                                                          |                       |                |                | 153623 |
| TOTAL ALL BUDGET FUND GROUPS                                        |                       |                |                | 153624 |
| <br><b>Section 393.10. BTA BOARD OF TAX APPEALS</b>                 |                       |                |                | 153626 |
| General Revenue Fund                                                |                       |                |                | 153627 |
| GRF 116321                                                          | Operating Expenses    | \$ 1,700,000   | \$ 1,700,000   | 153628 |
| TOTAL GRF General Revenue Fund                                      |                       |                |                | 153629 |
| TOTAL ALL BUDGET FUND GROUPS                                        |                       |                |                | 153630 |
| <br><b>Section 395.10. TAX DEPARTMENT OF TAXATION</b>               |                       |                |                | 153632 |
| General Revenue Fund                                                |                       |                |                | 153633 |
| GRF 110321                                                          | Operating Expenses    | \$ 71,068,330  | \$ 67,968,332  | 153634 |
| GRF 110404                                                          | Tobacco Settlement    | \$ 178,200     | \$ 178,200     | 153635 |
| Enforcement                                                         |                       |                |                |        |
| GRF 110901                                                          | Property Tax          | \$ 666,640,000 | \$ 693,305,600 | 153636 |
| Allocation - Taxation                                               |                       |                |                |        |
| TOTAL GRF General Revenue Fund                                      |                       |                |                | 153637 |
| General Services Fund Group                                         |                       |                |                | 153638 |
| 2280 110628                                                         | Revenue Enhancement   | \$ 15,500,000  | \$ 17,500,000  | 153639 |
| 4330 110602                                                         | Tape File Account     | \$ 175,000     | \$ 175,000     | 153640 |
| 5BP0 110639                                                         | Wireless 9-1-1        | \$ 290,000     | \$ 290,000     | 153641 |
| Administration                                                      |                       |                |                |        |
| 5CZ0 110631                                                         | Vendor's License      | \$ 250,000     | \$ 250,000     | 153642 |
| Application                                                         |                       |                |                |        |
| 5MN0 110638                                                         | STARS Development and | \$ 5,000,000   | \$ 3,000,000   | 153643 |
| Implementation                                                      |                       |                |                |        |



|                                  |        |                                     |    |            |    |            |        |
|----------------------------------|--------|-------------------------------------|----|------------|----|------------|--------|
| 5N50                             | 110605 | Municipal Income Tax Administration | \$ | 150,000    | \$ | 150,000    | 153644 |
| 5N60                             | 110618 | Kilowatt Hour Tax Administration    | \$ | 100,000    | \$ | 100,000    | 153645 |
| 5V80                             | 110623 | Property Tax Administration         | \$ | 11,978,310 | \$ | 11,978,310 | 153646 |
| 5W70                             | 110627 | Exempt Facility Administration      | \$ | 49,500     | \$ | 49,500     | 153647 |
| TOTAL GSF General Services       |        |                                     |    |            |    |            | 153648 |
| Fund Group                       |        |                                     | \$ | 33,492,810 | \$ | 33,492,810 | 153649 |
| State Special Revenue Fund Group |        |                                     |    |            |    |            | 153650 |
| 4350                             | 110607 | Local Tax Administration            | \$ | 20,000,000 | \$ | 20,700,000 | 153651 |
| 4360                             | 110608 | Motor Vehicle Audit                 | \$ | 1,459,609  | \$ | 1,459,609  | 153652 |
| 4370                             | 110606 | Income Tax Contribution             | \$ | 38,800     | \$ | 38,800     | 153653 |
| 4380                             | 110609 | School District Income Tax          | \$ | 5,802,044  | \$ | 5,802,044  | 153654 |
| 4C60                             | 110616 | International Registration Plan     | \$ | 682,415    | \$ | 682,415    | 153655 |
| 4R60                             | 110610 | Tire Tax Administration             | \$ | 244,193    | \$ | 244,193    | 153656 |
| 5V70                             | 110622 | Motor Fuel Tax Administration       | \$ | 5,035,374  | \$ | 5,035,374  | 153657 |
| 6390                             | 110614 | Cigarette Tax Enforcement           | \$ | 1,750,000  | \$ | 1,750,000  | 153658 |
| 6420                             | 110613 | Ohio Political Party Distributions  | \$ | 500,000    | \$ | 500,000    | 153659 |
| 6880                             | 110615 | Local Excise Tax Administration     | \$ | 775,015    | \$ | 775,015    | 153660 |
| TOTAL SSR State Special Revenue  |        |                                     |    |            |    |            | 153661 |
| Fund Group                       |        |                                     | \$ | 36,287,450 | \$ | 36,987,450 | 153662 |
| Agency Fund Group                |        |                                     |    |            |    |            | 153663 |

|                                                                    |                      |                  |                  |        |
|--------------------------------------------------------------------|----------------------|------------------|------------------|--------|
| 4250 110635                                                        | Tax Refunds          | \$ 1,546,800,000 | \$ 1,546,800,000 | 153664 |
| 7095 110995                                                        | Municipal Income Tax | \$ 21,000,000    | \$ 21,000,000    | 153665 |
| TOTAL AGY                                                          | Agency Fund Group    | \$ 1,567,800,000 | \$ 1,567,800,000 | 153666 |
| Holding Account Redistribution Fund Group                          |                      |                  |                  | 153667 |
| R010 110611                                                        | Tax Distributions    | \$ 50,000        | \$ 50,000        | 153668 |
| R011 110612                                                        | Miscellaneous Income | \$ 50,000        | \$ 50,000        | 153669 |
| Tax Receipts                                                       |                      |                  |                  |        |
| TOTAL 090                                                          | Holding Account      |                  |                  | 153670 |
| Redistribution                                                     | Fund Group           | \$ 100,000       | \$ 100,000       | 153671 |
| TOTAL ALL BUDGET                                                   | FUND GROUPS          | \$ 2,375,566,790 | \$ 2,399,832,392 | 153672 |
| HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK                         |                      |                  |                  | 153673 |
| The foregoing appropriation item 110901, Property Tax              |                      |                  |                  | 153674 |
| Allocation - Taxation, is hereby appropriated to pay for the       |                      |                  |                  | 153675 |
| state's costs incurred due to the Homestead Exemption, the         |                      |                  |                  | 153676 |
| Manufactured Home Property Tax Rollback, and the Property Tax      |                      |                  |                  | 153677 |
| Rollback. The Tax Commissioner shall distribute these funds        |                      |                  |                  | 153678 |
| directly to the appropriate local taxing districts, except for     |                      |                  |                  | 153679 |
| school districts, notwithstanding the provisions in sections       |                      |                  |                  | 153680 |
| 321.24 and 323.156 of the Revised Code, which provide for payment  |                      |                  |                  | 153681 |
| of the Homestead Exemption, the Manufactured Home Property Tax     |                      |                  |                  | 153682 |
| Rollback, and Property Tax Rollback by the Tax Commissioner to the |                      |                  |                  | 153683 |
| appropriate county treasurer and the subsequent redistribution of  |                      |                  |                  | 153684 |
| these funds to the appropriate local taxing districts by the       |                      |                  |                  | 153685 |
| county auditor.                                                    |                      |                  |                  | 153686 |
| Upon receipt of these amounts, each local taxing district          |                      |                  |                  | 153687 |
| shall distribute the amount among the proper funds as if it had    |                      |                  |                  | 153688 |
| been paid as real property taxes. Payments for the costs of        |                      |                  |                  | 153689 |
| administration shall continue to be paid to the county treasurer   |                      |                  |                  | 153690 |
| and county auditor as provided for in sections 319.54, 321.26, and |                      |                  |                  | 153691 |
| 323.156 of the Revised Code.                                       |                      |                  |                  | 153692 |
| Any sums, in addition to the amounts specifically                  |                      |                  |                  | 153693 |
| appropriated in appropriation item 110901, Property Tax Allocation |                      |                  |                  | 153694 |

- Taxation, for the Homestead Exemption, the Manufactured Home  
Property Tax Rollback, and the Property Tax Rollback payments,  
which are determined to be necessary for these purposes, are  
hereby appropriated.

MUNICIPAL INCOME TAX

The foregoing appropriation item 110995, Municipal Income  
Tax, shall be used to make payments to municipal corporations  
under section 5745.05 of the Revised Code. If it is determined  
that additional appropriations are necessary to make such  
payments, such amounts are hereby appropriated.

TAX REFUNDS

The foregoing appropriation item 110635, Tax Refunds, shall  
be used to pay refunds under section 5703.052 of the Revised Code.  
If it is determined that additional appropriations are necessary  
for this purpose, such amounts are hereby appropriated.

INTERNATIONAL REGISTRATION PLAN AUDIT

The foregoing appropriation item 110616, International  
Registration Plan, shall be used under section 5703.12 of the  
Revised Code for audits of persons with vehicles registered under  
the International Registration Plan.

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT

Of the foregoing appropriation item 110607, Local Tax  
Administration, the Tax Commissioner may disburse funds, if  
available, for the purposes of paying travel expenses incurred by  
members of Ohio's delegation to the Streamlined Sales Tax Project,  
as appointed under section 5740.02 of the Revised Code. Any travel  
expense reimbursement paid for by the Department of Taxation shall  
be done in accordance with applicable state laws and guidelines.

TOBACCO SETTLEMENT ENFORCEMENT

The foregoing appropriation item 110404, Tobacco Settlement

Enforcement, shall be used by the Tax Commissioner to pay costs 153725  
 incurred in the enforcement of divisions (F) and (G) of section 153726  
 5743.03 of the Revised Code. 153727

**STARS DEVELOPMENT AND IMPLEMENTATION FUND** 153728

The foregoing appropriation item 110638, STARS Development 153729  
 and Implementation Fund, shall be used to pay costs incurred in 153730  
 the development and implementation of the department's State Tax 153731  
 Accounting and Revenue System. The Director of Budget and 153732  
 Management, under a plan submitted by the Tax Commissioner, or as 153733  
 otherwise determined by the Director of Budget and Management, 153734  
 shall set a schedule to transfer cash from the Tax Reform System 153735  
 Implementation Fund, Local Tax Administration Fund, School 153736  
 District Income Tax Fund, Discovery Project Fund, and the Motor 153737  
 Fuel Tax Administration Fund to the credit of the STARS 153738  
 Development and Implementation Fund (Fund 5MN0). The transfers of 153739  
 cash shall not exceed \$8,000,000 in the biennium. 153740

**Section 397.10. DOT DEPARTMENT OF TRANSPORTATION** 153741

General Revenue Fund 153742

GRF 775451 Public Transportation \$ 7,300,000 \$ 7,300,000 153743  
 - State

GRF 776465 Ohio Rail Development \$ 2,000,000 \$ 2,000,000 153744  
 Commission

GRF 777471 Airport Improvements \$ 750,000 \$ 750,000 153745  
 - State

TOTAL GRF General Revenue Fund \$ 10,050,000 \$ 10,050,000 153746

TOTAL ALL BUDGET FUND GROUPS \$ 10,050,000 \$ 10,050,000 153747

**Section 399.10. TOS TREASURER OF STATE** 153749

General Revenue Fund 153750

GRF 090321 Operating Expenses \$ 7,743,553 \$ 7,743,553 153751

GRF 090401 Office of the Sinking \$ 502,304 \$ 502,304 153752

|                  |                             |    |            |    |                   |
|------------------|-----------------------------|----|------------|----|-------------------|
|                  | Fund                        |    |            |    |                   |
| GRF 090402       | Continuing Education        | \$ | 377,702    | \$ | 377,702 153753    |
| GRF 090524       | Police and Fire             | \$ | 6,000      | \$ | 6,000 153754      |
|                  | Disability Pension          |    |            |    |                   |
|                  | Fund                        |    |            |    |                   |
| GRF 090534       | Police and Fire Ad Hoc      | \$ | 70,000     | \$ | 70,000 153755     |
|                  | Cost of Living              |    |            |    |                   |
| GRF 090554       | Police and Fire             | \$ | 507,000    | \$ | 507,000 153756    |
|                  | Survivor Benefits           |    |            |    |                   |
| GRF 090575       | Police and Fire Death       | \$ | 20,000,000 | \$ | 20,000,000 153757 |
|                  | Benefits                    |    |            |    |                   |
| TOTAL GRF        | General Revenue Fund        | \$ | 29,206,559 | \$ | 29,206,559 153758 |
|                  | General Services Fund Group |    |            |    | 153759            |
| 4E90 090603      | Securities Lending          | \$ | 3,765,000  | \$ | 3,765,000 153760  |
|                  | Income                      |    |            |    |                   |
| 5770 090605      | Investment Pool             | \$ | 850,000    | \$ | 850,000 153761    |
|                  | Reimbursement               |    |            |    |                   |
| 5C50 090602      | County Treasurer            | \$ | 170,057    | \$ | 170,057 153762    |
|                  | Education                   |    |            |    |                   |
| 6050 090609      | Treasurer of State          | \$ | 835,000    | \$ | 835,000 153763    |
|                  | Administrative Fund         |    |            |    |                   |
| TOTAL GSF        | General Services            |    |            |    | 153764            |
|                  | Fund Group                  | \$ | 5,620,057  | \$ | 5,620,057 153765  |
|                  | Agency Fund Group           |    |            |    | 153766            |
| 4250 090635      | Tax Refunds                 | \$ | 6,000,000  | \$ | 6,000,000 153767  |
| TOTAL Agency     | Fund Group                  | \$ | 6,000,000  | \$ | 6,000,000 153768  |
| TOTAL ALL BUDGET | FUND GROUPS                 | \$ | 40,826,616 | \$ | 40,826,616 153769 |

**Section 399.20.** OFFICE OF THE SINKING FUND 153771

The foregoing appropriation item 090401, Office of the 153772  
Sinking Fund, shall be used for costs incurred by or on behalf of 153773  
the Commissioners of the Sinking Fund and the Ohio Public 153774

Facilities Commission with respect to State of Ohio general 153775  
obligation bonds or notes, and the Treasurer of State with respect 153776  
to State of Ohio general obligation and special obligation bonds 153777  
or notes, including, but not limited to, printing, advertising, 153778  
delivery, rating fees and the procurement of ratings, professional 153779  
publications, membership in professional organizations, and other 153780  
services referred to in division (D) of section 151.01 of the 153781  
Revised Code. The General Revenue Fund shall be reimbursed for 153782  
such costs relating to the issuance and administration of Highway 153783  
Capital Improvement bonds or notes authorized under Ohio 153784  
Constitution, Article VIII, Section 2m and Chapter 151. of the 153785  
Revised Code. That reimbursement shall be made from appropriation 153786  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 153787  
intrastate transfer voucher pursuant to a certification by the 153788  
Office of the Sinking Fund of the actual amounts used. The amounts 153789  
necessary to make such a reimbursement are hereby appropriated 153790  
from the Highway Capital Improvement Bond Retirement Fund created 153791  
in section 151.06 of the Revised Code. 153792

POLICE AND FIRE DEATH BENEFIT FUND 153793

The foregoing appropriation item 090575, Police and Fire 153794  
Death Benefits, shall be disbursed quarterly by the Treasurer of 153795  
State at the beginning of each quarter of each fiscal year to the 153796  
Board of Trustees of the Ohio Police and Fire Pension Fund. The 153797  
Treasurer of State shall certify such amounts quarterly to the 153798  
Director of Budget and Management. By the twentieth day of June of 153799  
each fiscal year, the Board of Trustees of the Ohio Police and 153800  
Fire Pension Fund shall certify to the Treasurer of State the 153801  
amount disbursed in the current fiscal year to make the payments 153802  
required by section 742.63 of the Revised Code and shall return to 153803  
the Treasurer of State moneys received from this appropriation 153804  
item but not disbursed. 153805

TAX REFUNDS 153806

The foregoing appropriation item 090635, Tax Refunds, shall 153807  
be used to pay refunds under section 5703.052 of the Revised Code. 153808  
If the Director of Budget and Management determines that 153809  
additional amounts are necessary for this purpose, such amounts 153810  
are hereby appropriated. 153811

**Section 401.10. VTO VETERANS' ORGANIZATIONS** 153812

General Revenue Fund 153813

VAP AMERICAN EX-PRISONERS OF WAR 153814

GRF 743501 State Support \$ 28,910 \$ 28,910 153815

VAN ARMY AND NAVY UNION, USA, INC. 153816

GRF 746501 State Support \$ 63,539 \$ 63,539 153817

VKW KOREAN WAR VETERANS 153818

GRF 747501 State Support \$ 57,118 \$ 57,118 153819

VJW JEWISH WAR VETERANS 153820

GRF 748501 State Support \$ 34,321 \$ 34,321 153821

VCW CATHOLIC WAR VETERANS 153822

GRF 749501 State Support \$ 66,978 \$ 66,978 153823

VPH MILITARY ORDER OF THE PURPLE HEART 153824

GRF 750501 State Support \$ 65,116 \$ 65,116 153825

VVV VIETNAM VETERANS OF AMERICA 153826

GRF 751501 State Support \$ 214,776 \$ 214,776 153827

VAL AMERICAN LEGION OF OHIO 153828

GRF 752501 State Support \$ 349,189 \$ 349,189 153829

VII AMVETS 153830

GRF 753501 State Support \$ 332,547 \$ 332,547 153831

VAV DISABLED AMERICAN VETERANS 153832

GRF 754501 State Support \$ 249,836 \$ 249,836 153833

VMC MARINE CORPS LEAGUE 153834

GRF 756501 State Support \$ 133,947 \$ 133,947 153835

V37 37TH DIVISION VETERANS' ASSOCIATION 153836

GRF 757501 State Support \$ 6,868 \$ 6,868 153837

|                              |        |                                                                 |    |            |    |            |        |
|------------------------------|--------|-----------------------------------------------------------------|----|------------|----|------------|--------|
|                              |        | VFW VETERANS OF FOREIGN WARS                                    |    |            |    | 153838     |        |
| GRF                          | 758501 | State Support                                                   | \$ | 284,841    | \$ | 284,841    | 153839 |
| TOTAL GRF                    |        | General Revenue Fund                                            | \$ | 1,887,986  | \$ | 1,887,986  | 153840 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                                 | \$ | 1,887,986  | \$ | 1,887,986  | 153841 |
|                              |        | RELEASE OF FUNDS                                                |    |            |    |            | 153842 |
|                              |        | The Director of Budget and Management may release the           |    |            |    |            | 153843 |
|                              |        | foregoing appropriation items 743501, 746501, 747501, 748501,   |    |            |    |            | 153844 |
|                              |        | 749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501, |    |            |    |            | 153845 |
|                              |        | and 758501, State Support.                                      |    |            |    |            | 153846 |
|                              |        | <b>Section 403.10. DVS DEPARTMENT OF VETERANS SERVICES</b>      |    |            |    |            | 153847 |
|                              |        | General Revenue Fund                                            |    |            |    |            | 153848 |
| GRF                          | 900321 | Veterans' Homes                                                 | \$ | 27,369,946 | \$ | 27,369,946 | 153849 |
| GRF                          | 900402 | Hall of Fame                                                    | \$ | 107,075    | \$ | 107,075    | 153850 |
| GRF                          | 900408 | Department of                                                   | \$ | 2,001,823  | \$ | 2,001,823  | 153851 |
|                              |        | Veterans Services                                               |    |            |    |            |        |
| GRF                          | 900901 | Persian Gulf,                                                   | \$ | 7,542,600  | \$ | 9,914,800  | 153852 |
|                              |        | Afghanistan, and Iraq                                           |    |            |    |            |        |
|                              |        | Compensation Debt                                               |    |            |    |            |        |
|                              |        | Service                                                         |    |            |    |            |        |
| TOTAL GRF                    |        | General Revenue Fund                                            | \$ | 37,021,444 | \$ | 39,393,644 | 153853 |
|                              |        | General Services Fund Group                                     |    |            |    |            | 153854 |
| 4840                         | 900603 | Veterans' Homes                                                 | \$ | 1,596,894  | \$ | 1,596,894  | 153855 |
|                              |        | Services                                                        |    |            |    |            |        |
| TOTAL GSF                    |        | General Services Fund                                           | \$ | 1,596,894  | \$ | 1,596,894  | 153856 |
|                              |        | Group                                                           |    |            |    |            |        |
|                              |        | Federal Special Revenue Fund Group                              |    |            |    |            | 153857 |
| 3680                         | 900614 | Veterans Training                                               | \$ | 684,017    | \$ | 697,682    | 153858 |
| 3740                         | 900606 | Troops to Teachers                                              | \$ | 111,822    | \$ | 111,879    | 153859 |
| 3BX0                         | 900609 | Medicare Services                                               | \$ | 2,250,000  | \$ | 2,250,000  | 153860 |
| 3L20                         | 900601 | Veterans' Homes                                                 | \$ | 24,887,790 | \$ | 25,634,423 | 153861 |



|                                                                    |    |            |    |                   |
|--------------------------------------------------------------------|----|------------|----|-------------------|
| Operations - Federal                                               |    |            |    |                   |
| TOTAL FED Federal Special Revenue                                  |    |            |    | 153862            |
| Fund Group                                                         | \$ | 27,933,629 | \$ | 28,693,984 153863 |
| State Special Revenue Fund Group                                   |    |            |    | 153864            |
| 4E20 900602 Veterans' Homes                                        | \$ | 10,614,652 | \$ | 10,837,435 153865 |
| Operating                                                          |    |            |    |                   |
| 6040 900604 Veterans' Homes                                        | \$ | 403,663    | \$ | 459,359 153866    |
| Improvement                                                        |    |            |    |                   |
| TOTAL SSR State Special Revenue                                    |    |            |    | 153867            |
| Fund Group                                                         | \$ | 11,018,315 | \$ | 11,296,794 153868 |
| Persian Gulf, Afghanistan, and Iraq Compensation Fund Group        |    |            |    | 153869            |
| 7041 900615 Veteran Bonus Program                                  | \$ | 738,703    | \$ | 629,709 153870    |
| - Administration                                                   |    |            |    |                   |
| 7041 900641 Persian Gulf,                                          | \$ | 14,500,000 | \$ | 9,400,000 153871  |
| Afghanistan, and Iraq                                              |    |            |    |                   |
| Compensation                                                       |    |            |    |                   |
| TOTAL 041 Persian Gulf,                                            |    |            |    | 153872            |
| Afghanistan, and Iraq                                              |    |            |    | 153873            |
| Compensation Fund Group                                            | \$ | 15,238,703 | \$ | 10,029,709 153874 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 92,808,985 | \$ | 91,011,025 153875 |
| PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL            |    |            |    | 153876            |
| OBLIGATION DEBT SERVICE                                            |    |            |    | 153877            |
| The foregoing appropriation item 900901, Persian Gulf,             |    |            |    | 153878            |
| Afghanistan and Iraq Compensation Debt Service, shall be used to   |    |            |    | 153879            |
| pay all debt service and related financing costs during the period |    |            |    | 153880            |
| from July 1, 2013, through June 30, 2015, on obligations issued    |    |            |    | 153881            |
| for Persian Gulf, Afghanistan and Iraq Conflicts Compensation      |    |            |    | 153882            |
| purposes under sections 151.01 and 151.12 of the Revised Code.     |    |            |    | 153883            |
| <b>Section 405.10. DVM STATE VETERINARY MEDICAL BOARD</b>          |    |            |    | 153884            |
| General Services Fund Group                                        |    |            |    | 153885            |

|                                                             |        |                       |    |             |    |             |        |
|-------------------------------------------------------------|--------|-----------------------|----|-------------|----|-------------|--------|
| 4K90                                                        | 888609 | Operating Expenses    | \$ | 337,432     | \$ | 331,695     | 153886 |
| 5BU0                                                        | 888602 | Veterinary Student    | \$ | 30,000      | \$ | 30,000      | 153887 |
|                                                             |        | Loan Program          |    |             |    |             |        |
| TOTAL GSF General Services                                  |        |                       |    |             |    |             | 153888 |
| Fund Group                                                  |        |                       | \$ | 367,432     | \$ | 361,695     | 153889 |
| TOTAL ALL BUDGET FUND GROUPS                                |        |                       | \$ | 367,432     | \$ | 361,695     | 153890 |
| <br><b>Section 407.10. DYS DEPARTMENT OF YOUTH SERVICES</b> |        |                       |    |             |    |             | 153892 |
| General Revenue Fund                                        |        |                       |    |             |    |             | 153893 |
| GRF                                                         | 470401 | RECLAIM Ohio          | \$ | 166,862,228 | \$ | 166,862,228 | 153894 |
| GRF                                                         | 470412 | Lease Rental Payments | \$ | 26,044,800  | \$ | 27,819,700  | 153895 |
| GRF                                                         | 470510 | Youth Services        | \$ | 16,702,728  | \$ | 16,702,728  | 153896 |
| GRF                                                         | 472321 | Parole Operations     | \$ | 10,583,118  | \$ | 10,583,118  | 153897 |
| GRF                                                         | 477321 | Administrative        | \$ | 11,355,389  | \$ | 11,355,389  | 153898 |
|                                                             |        | Operations            |    |             |    |             |        |
| TOTAL GRF General Revenue Fund                              |        |                       | \$ | 231,548,263 | \$ | 233,323,163 | 153899 |
| General Services Fund Group                                 |        |                       |    |             |    |             | 153900 |
| 1750                                                        | 470613 | Education             | \$ | 3,950,000   | \$ | 3,600,000   | 153901 |
|                                                             |        | Reimbursement         |    |             |    |             |        |
| 4790                                                        | 470609 | Employee Food Service | \$ | 125,000     | \$ | 125,000     | 153902 |
| 4A20                                                        | 470602 | Child Support         | \$ | 250,000     | \$ | 250,000     | 153903 |
| 4G60                                                        | 470605 | General Operational   | \$ | 115,000     | \$ | 115,000     | 153904 |
|                                                             |        | Funds                 |    |             |    |             |        |
| 5BN0                                                        | 470629 | E-Rate Program        | \$ | 525,000     | \$ | 525,000     | 153905 |
| TOTAL GSF General Services                                  |        |                       |    |             |    |             | 153906 |
| Fund Group                                                  |        |                       | \$ | 4,965,000   | \$ | 4,615,000   | 153907 |
| Federal Special Revenue Fund Group                          |        |                       |    |             |    |             | 153908 |
| 3210                                                        | 470601 | Education             | \$ | 1,480,740   | \$ | 1,203,272   | 153909 |
| 3210                                                        | 470603 | Juvenile Justice      | \$ | 300,000     | \$ | 300,000     | 153910 |
|                                                             |        | Prevention            |    |             |    |             |        |
| 3210                                                        | 470606 | Nutrition             | \$ | 1,033,947   | \$ | 1,033,947   | 153911 |
| 3210                                                        | 470614 | Title IV-E            | \$ | 5,755,620   | \$ | 3,714,548   | 153912 |

|                                  |                                    |                                         |    |             |    |                    |
|----------------------------------|------------------------------------|-----------------------------------------|----|-------------|----|--------------------|
|                                  |                                    | Reimbursements                          |    |             |    |                    |
| 3CP0                             | 470638                             | Federal Juvenile Programs FFY 09        | \$ | 20,000      | \$ | 5,000 153913       |
| 3CR0                             | 470639                             | Federal Juvenile Programs FFY 10        | \$ | 479,900     | \$ | 126,000 153914     |
| 3FB0                             | 470641                             | Federal Juvenile Programs FFY 11        | \$ | 500,000     | \$ | 105,000 153915     |
| 3FC0                             | 470642                             | Federal Juvenile Programs FFY 12        | \$ | 600,000     | \$ | 50,000 153916      |
| 3GB0                             | 470643                             | Federal Juvenile Programs FFY 13        | \$ | 135,000     | \$ | 600,000 153917     |
| 3GC0                             | 470644                             | Federal Juvenile Programs FFY 14        | \$ | 0           | \$ | 135,000 153918     |
| 3V50                             | 470604                             | Juvenile Justice/Delinquency Prevention | \$ | 1,300,000   | \$ | 1,000,000 153919   |
| TOTAL FED                        | Federal Special Revenue Fund Group |                                         | \$ | 11,605,207  | \$ | 8,272,767 153921   |
| State Special Revenue Fund Group |                                    |                                         |    |             |    | 153922             |
| 1470                             | 470612                             | Vocational Education                    | \$ | 1,795,000   | \$ | 1,795,000 153923   |
| TOTAL SSR                        | State Special Revenue Fund Group   |                                         | \$ | 1,795,000   | \$ | 1,795,000 153925   |
| TOTAL ALL BUDGET FUND GROUPS     |                                    |                                         | \$ | 249,913,470 | \$ | 248,005,930 153926 |

COMMUNITY PROGRAMS 153927

For purposes of improving community programs, and 153928  
notwithstanding any provision of law to the contrary, of the 153929  
foregoing appropriation item 470401, RECLAIM Ohio, the Department 153930  
of Youth Services shall use \$8,813,811 in each fiscal year to 153931  
expand Targeted RECLAIM, the Behavioral Health Juvenile Justice 153932  
Initiative, and other evidence-based community programs. 153933

For purposes of implementing juvenile sentencing reforms, and 153934  
notwithstanding any provision of law to the contrary, the 153935

Department of Youth Services may use up to forty-five per cent of 153936  
the unexpended, unencumbered balance of the portion of 153937  
appropriation item 470401, RECLAIM Ohio, that is allocated to 153938  
juvenile correctional facilities in each fiscal year to expand 153939  
Targeted RECLAIM, the Behavioral Health Juvenile Justice 153940  
Initiative, and other evidence-based community programs. 153941

LEASE RENTAL PAYMENTS 153942

The foregoing appropriation item 470412, Lease Rental 153943  
Payments, shall be used to meet all payments at the times they are 153944  
required to be made for the period from July 1, 2013, through June 153945  
30, 2015, by the Department of Youth Services under the leases and 153946  
agreements for facilities made under Chapters 152. and 154. of the 153947  
Revised Code. This appropriation is the source of funds pledged 153948  
for bond service charges on related obligations issued under 153949  
Chapters 152. and 154. of the Revised Code. 153950

EDUCATION REIMBURSEMENT 153951

The foregoing appropriation item 470613, Education 153952  
Reimbursement, shall be used to fund the operating expenses of 153953  
providing educational services to youth supervised by the 153954  
Department of Youth Services. Operating expenses include, but are 153955  
not limited to, teachers' salaries, maintenance costs, and 153956  
educational equipment. This appropriation item may be used for 153957  
capital expenses related to the education program. 153958

EMPLOYEE FOOD SERVICE AND EQUIPMENT 153959

Notwithstanding section 125.14 of the Revised Code, the 153960  
foregoing appropriation item 470609, Employee Food Service, may be 153961  
used to purchase any food operational items with funds received 153962  
into the fund from reimbursements for state surplus property. 153963

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 153964

In collaboration with the county family and children first 153965

council, the juvenile court of that county that receives 153966  
allocations from one or both of the foregoing appropriation items 153967  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 153968  
portions of those allocations to a flexible funding pool as 153969  
authorized by the section of Am. Sub. H.B. 153 of the 129th 153970  
General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 153971  
FUNDING POOL." 153972

**Section 501.10.** SCREENING TOOL FOR HIGH-RISK YOUTH TEAM 153973  
EVALUATION 153974

The Office of Health Transformation shall convene a team 153975  
comprised of the Department of Youth Services, the Department of 153976  
Medicaid, the Department of Job and Family Services, the 153977  
Department of Health, and the Department of Mental Health and 153978  
Addiction Services. The team shall evaluate the feasibility of 153979  
implementing a trauma screening tool for high-risk youth and 153980  
create a report with the following information: (A) the 153981  
recommended trauma screening tool to be used to evaluate high-risk 153982  
youth; (B) training in the administration of the recommended tool; 153983  
(C) screening protocols; (D) the persons to whom the recommended 153984  
tool should apply; and (E) the implications for treatment. The 153985  
report shall be completed by December 1, 2013, and shall be 153986  
distributed to the Governor. The Department of Youth Services may 153987  
receive funds for piloting the recommended tool in detention 153988  
centers. 153989

**Section 501.20.** All items set forth in sections 501.20 and 153990  
501.30 of this act are hereby appropriated for the biennium ending 153991  
on June 30, 2015, out of any moneys in the state treasury to the 153992  
credit of the Administrative Building Fund (Fund 7026) that are 153993  
not otherwise appropriated. 153994

|                                                |              |        |
|------------------------------------------------|--------------|--------|
| CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD   |              | 153995 |
| C87412 Capitol Square Security                 | \$ 1,200,000 | 153996 |
| TOTAL Capitol Square Review and Advisory Board | \$ 1,200,000 | 153997 |

Appropriations

|                                               |               |        |
|-----------------------------------------------|---------------|--------|
| <b>Section 501.30.</b> TOS TREASURER OF STATE |               | 153999 |
| C09001 Treasury Management System             | \$ 10,000,000 | 154000 |
| TOTAL Treasurer of State                      | \$ 10,000,000 | 154001 |
| TOTAL Administrative Building Fund            | \$ 11,200,000 | 154002 |

The foregoing appropriation item C09001, Treasury Management System, shall be used to pay costs incurred in the acquisition and implementation of the Treasury Management System.

The Treasurer of State may acquire and implement a Treasury Management System, including, but not limited to, the application hardware and software and the installation and implementation thereof, for the use of the Treasurer of State. The Treasury Management System is an integrated treasury technology infrastructure system that will replace the Treasurer of State's existing separate cash, custody, investment, and accounting software and administration systems for the various treasury functions performed by the state.

The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.24 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$11,200,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs associated with previously authorized capital facilities and the capital facilities referred

to in this section of the act. 154025

**Section 503.10. PERSONAL SERVICE EXPENSES** 154026

Unless otherwise prohibited by law, any appropriation from 154027  
which personal service expenses are paid shall bear the employer's 154028  
share of public employees' retirement, workers' compensation, 154029  
disabled workers' relief, and insurance programs; and the costs of 154030  
centralized financial services, centralized payroll processing, 154031  
and related reports and services; centralized human resources 154032  
services, including affirmative action and equal employment 154033  
opportunity programs; the Office of Collective Bargaining; the 154034  
Employee Assistance Program; centralized information technology 154035  
management services; administering the enterprise resource 154036  
planning system; and administering the state employee merit system 154037  
as required by section 124.07 of the Revised Code. These costs 154038  
shall be determined in conformity with the appropriate sections of 154039  
law and paid in accordance with procedures specified by the Office 154040  
of Budget and Management. Expenditures from appropriation item 154041  
070601, Public Audit Expense - Intra-State, may be exempted from 154042  
the requirements of this section. 154043

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 154044  
**AGAINST THE STATE** 154045

Except as otherwise provided in this section, an 154046  
appropriation in this act or any other act may be used for the 154047  
purpose of satisfying judgments, settlements, or administrative 154048  
awards ordered or approved by the Court of Claims or by any other 154049  
court of competent jurisdiction in connection with civil actions 154050  
against the state. This authorization does not apply to 154051  
appropriations to be applied to or used for payment of guarantees 154052  
by or on behalf of the state, or for payments under lease 154053  
agreements relating to, or debt service on, bonds, notes, or other 154054

obligations of the state. Notwithstanding any other statute to the 154055  
contrary, this authorization includes appropriations from funds 154056  
into which proceeds of direct obligations of the state are 154057  
deposited only to the extent that the judgment, settlement, or 154058  
administrative award is for, or represents, capital costs for 154059  
which the appropriation may otherwise be used and is consistent 154060  
with the purpose for which any related obligations were issued or 154061  
entered into. Nothing contained in this section is intended to 154062  
subject the state to suit in any forum in which it is not 154063  
otherwise subject to suit, and is not intended to waive or 154064  
compromise any defense or right available to the state in any suit 154065  
against it. 154066

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 154067

This section specifies an additional and supplemental 154068  
procedure to provide for payments of judgments and settlements if 154069  
the Director of Budget and Management determines, pursuant to 154070  
division (C)(4) of section 2743.19 of the Revised Code, that 154071  
sufficient unencumbered moneys do not exist in the fund to support 154072  
a particular appropriation to pay the amount of a final judgment 154073  
rendered against the state or a state agency, including the 154074  
settlement of a claim approved by a court, in an action upon and 154075  
arising out of a contractual obligation for the construction or 154076  
improvement of a capital facility if the costs under the contract 154077  
were payable in whole or in part from a state capital projects 154078  
appropriation. In such a case, the Director may either proceed 154079  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 154080  
or apply to the Controlling Board to increase an appropriation or 154081  
create an appropriation out of any unencumbered moneys in the 154082  
state treasury to the credit of the capital projects fund from 154083  
which the initial state appropriation was made. The amount of an 154084  
increase in appropriation or new appropriation approved by the 154085  
Controlling Board is hereby appropriated from the applicable 154086



capital projects fund and made available for the payment of the 154087  
judgment or settlement. 154088

If the Director does not make the application authorized by 154089  
this section or the Controlling Board disapproves the application, 154090  
and the Director does not make application under division (C)(4) 154091  
of section 2743.19 of the Revised Code, the Director shall for the 154092  
purpose of making that payment make a request to the General 154093  
Assembly as provided for in division (C)(5) of that section. 154094

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 154095

In order to provide funds for the reissuance of voided 154096  
warrants under section 126.37 of the Revised Code, there is hereby 154097  
appropriated, out of moneys in the state treasury from the fund 154098  
credited as provided in section 126.37 of the Revised Code, that 154099  
amount sufficient to pay such warrants when approved by the Office 154100  
of Budget and Management. 154101

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 154102  
**BALANCES OF OPERATING APPROPRIATIONS** 154103

(A) An unexpended balance of an operating appropriation or 154104  
reappropriation that a state agency lawfully encumbered prior to 154105  
the close of a fiscal year is hereby reappropriated on the first 154106  
day of July of the following fiscal year from the fund from which 154107  
it was originally appropriated or reappropriated for the following 154108  
period and shall remain available only for the purpose of 154109  
discharging the encumbrance: 154110

(1) For an encumbrance for personal services, maintenance, 154111  
equipment, or items for resale, other than an encumbrance for an 154112  
item of special order manufacture not available on term contract 154113  
or in the open market or for reclamation of land or oil and gas 154114  
wells, for a period of not more than five months from the end of 154115  
the fiscal year; 154116

(2) For an encumbrance for an item of special order 154117  
manufacture not available on term contract or in the open market, 154118  
for a period of not more than five months from the end of the 154119  
fiscal year or, with the written approval of the Director of 154120  
Budget and Management, for a period of not more than twelve months 154121  
from the end of the fiscal year; 154122

(3) For an encumbrance for reclamation of land or oil and gas 154123  
wells, for a period ending when the encumbered appropriation is 154124  
expended or for a period of two years, whichever is less; 154125

(4) For an encumbrance for any other expense, for such period 154126  
as the Director approves, provided such period does not exceed two 154127  
years. 154128

(B) Any operating appropriations for which unexpended 154129  
balances are reappropriated beyond a five-month period from the 154130  
end of the fiscal year by division (A)(2) of this section shall be 154131  
reported to the Controlling Board by the Director of Budget and 154132  
Management by the thirty-first day of December of each year. The 154133  
report on each such item shall include the item, the cost of the 154134  
item, and the name of the vendor. The report shall be updated on a 154135  
quarterly basis for encumbrances remaining open. 154136

(C) Upon the expiration of the reappropriation period set out 154137  
in division (A) of this section, a reappropriation made by this 154138  
section lapses, and the Director of Budget and Management shall 154139  
cancel the encumbrance of the unexpended reappropriation not later 154140  
than the end of the weekend following the expiration of the 154141  
reappropriation period. 154142

(D) Notwithstanding division (C) of this section, with the 154143  
approval of the Director of Budget and Management, an unexpended 154144  
balance of an encumbrance that was reappropriated on the first day 154145  
of July by this section for a period specified in division (A)(3) 154146  
or (4) of this section and that remains encumbered at the close of 154147

the fiscal biennium is hereby reappropriated on the first day of 154148  
July of the following fiscal biennium from the fund from which it 154149  
was originally appropriated or reappropriated for the applicable 154150  
period specified in division (A)(3) or (4) of this section and 154151  
shall remain available only for the purpose of discharging the 154152  
encumbrance. 154153

(E) The Director of Budget and Management may correct 154154  
accounting errors committed by the staff of the Office of Budget 154155  
and Management, such as reestablishing encumbrances or 154156  
appropriations cancelled in error, during the cancellation of 154157  
operating encumbrances in November and of nonoperating 154158  
encumbrances in December. 154159

(F) The Director of Budget and Management may at any time 154160  
correct accounting errors committed by the staff of a state agency 154161  
or state institution of higher education, as defined in section 154162  
3345.011 of the Revised Code, such as reestablishing prior year 154163  
nonoperating encumbrances canceled or modified in error. The 154164  
reestablished encumbrance amounts are hereby appropriated. 154165

(G) If the Controlling Board approved a purchase, that 154166  
approval remains in effect so long as the appropriation used to 154167  
make that purchase remains encumbered. 154168

**Section 503.60.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 154169  
RE-ESTABLISHMENT OF ENCUMBRANCES 154170

Any cash transferred by the Director of Budget and Management 154171  
under section 126.15 of the Revised Code is hereby appropriated. 154172  
Any amounts necessary to re-establish appropriations or 154173  
encumbrances under section 126.15 of the Revised Code are hereby 154174  
appropriated. 154175

**Section 503.70.** INCOME TAX DISTRIBUTION TO COUNTIES 154176

There are hereby appropriated out of any moneys in the state 154177

treasury to the credit of the General Revenue Fund, which are not 154178  
otherwise appropriated, funds sufficient to make any payment 154179  
required by division (B)(2) of section 5747.03 of the Revised 154180  
Code. 154181

**Section 503.80.** EXPENDITURES AND APPROPRIATION INCREASES 154182  
APPROVED BY THE CONTROLLING BOARD 154183

Any money that the Controlling Board approves for expenditure 154184  
or any increase in appropriation that the Controlling Board 154185  
approves under sections 127.14, 131.35, and 131.39 of the Revised 154186  
Code or any other provision of law is hereby appropriated for the 154187  
period ending June 30, 2015. 154188

**Section 503.90.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 154189  
RESIDENCE 154190

If the Governor's Residence Fund (Fund 4H20) receives payment 154191  
for use of the residence pursuant to section 107.40 of the Revised 154192  
Code, the amounts so received are hereby appropriated to 154193  
appropriation item 100604, Governor's Residence Gift. 154194

**Section 506.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 154195

Unless the agency and nuclear electric utility mutually agree 154196  
to a higher amount by contract, the maximum amounts that may be 154197  
assessed against nuclear electric utilities under division (B)(2) 154198  
of section 4937.05 of the Revised Code and deposited into the 154199  
specified funds are as follows: 154200

| <u>Fund</u>          | <u>User</u>   | <u>FY 2014</u> | <u>FY 2015</u> |        |
|----------------------|---------------|----------------|----------------|--------|
| Utility Radiological | Department of | \$ 130,000     | \$ 130,000     | 154201 |
| Safety Fund (Fund    | Agriculture   |                |                |        |
| 4E40)                |               |                |                |        |
| Radiation Emergency  | Department of | \$ 1,049,954   | \$ 1,086,098   | 154202 |
| Response Fund (Fund  | Health        |                |                |        |

6100)

|                        |                   |              |              |        |
|------------------------|-------------------|--------------|--------------|--------|
| ER Radiological Safety | Environmental     | \$ 284,266   | \$ 290,674   | 154204 |
| Fund (Fund 6440)       | Protection Agency |              |              |        |
| Emergency Response     | Department of     | \$ 1,415,945 | \$ 1,415,945 | 154205 |
| Plan Fund (Fund 6570)  | Public Safety     |              |              |        |

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 154206  
154207

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, through June 30, 2015, may transfer interest earned by any state fund to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Ohio Constitution, federal tax law, or the "Cash Management Improvement Act of 1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended. 154208  
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**Section 512.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS 154215  
154216

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$60,000,000 in each fiscal year in cash from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund in order to ensure that available General Revenue Fund receipts and balances are sufficient to support General Revenue Fund appropriations in each fiscal year. 154217  
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154223

**Section 512.30.** FISCAL YEAR 2013 GENERAL REVENUE FUND ENDING BALANCE 154224  
154225

Notwithstanding divisions (B) and (C) of section 131.44 of the Revised Code, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2013, in excess of the amount required under division (A)(3) of section 131.44 of the Revised Code, and transfer from 154226  
154227  
154228  
154229  
154230

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| the General Revenue Fund, to the extent of the amount so           | 154231 |
| determined, the following:                                         | 154232 |
| (A) To the Disaster Services Fund (Fund 5E20), a cash amount       | 154233 |
| of up to \$15,000,000;                                             | 154234 |
| (B) To the Controlling Board Emergency Purposes Fund (Fund         | 154235 |
| 5KM0), a cash amount of up to \$20,000,000;                        | 154236 |
| (C) To the Natural Resources Special Purposes Fund (Fund           | 154237 |
| 5MW0), which is hereby created in the state treasury, a cash       | 154238 |
| amount of up to \$12,000,000;                                      | 154239 |
| (D) To the Unemployment Compensation Interest Contingency          | 154240 |
| Fund (Fund 5HC0), a cash amount of up to \$120,000,000 for payment | 154241 |
| to the United States Secretary of the Treasury of accrued interest | 154242 |
| costs related to federal unemployment account borrowing.           | 154243 |
| <br>                                                               |        |
| <b>Section 512.40.</b> ACCESS SUCCESS II PROGRAM                   | 154244 |
| To the extent cash is available, the Director of Budget and        | 154245 |
| Management may transfer cash from the Money Follows the Person     | 154246 |
| Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of | 154247 |
| Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used | 154248 |
| by the Department of Mental Health and Addiction Services. The     | 154249 |
| transferred cash is hereby appropriated.                           | 154250 |
| The Department of Mental Health and Addiction Services shall       | 154251 |
| use the transferred funds to administer the Access Success II      | 154252 |
| Program to help non-Medicaid patients in any hospital established, | 154253 |
| controlled, or supervised by the Department under Chapter 5119. of | 154254 |
| the Revised Code to transition from inpatient status to a          | 154255 |
| community setting.                                                 | 154256 |
| <br>                                                               |        |
| <b>Section 512.50.</b> Not later than the first day of September   | 154257 |
| 2013, the Director of Mental Health and the Director of Alcohol    | 154258 |
| and Drug Addiction Services shall certify to the Director of       | 154259 |

Budget and Management the amount of all of the unexpended, 154260  
unencumbered balances of general revenue fund appropriations made 154261  
to the Department of Mental Health and to the Department of 154262  
Alcohol and Drug Addiction Services for FY 2012, excluding funds 154263  
appropriated for rental payments to the Ohio Public Facilities 154264  
Commission. On receipt of the certification, the Director of 154265  
Budget and Management shall transfer cash to the Department of 154266  
Mental Health and Addiction Services Trust Fund created in section 154267  
5119.46 of the Revised Code (renumbered section 5119.60 of the 154268  
Revised Code in this act) in an amount up to, but not exceeding, 154269  
the total amounts certified by the Director of Mental Health and 154270  
the Director of Alcohol and Drug Addiction Services. 154271

**Section 512.70.** PROHIBITION ON TRANSFERS 154272

Notwithstanding section 131.44 of the Revised Code, cash 154273  
shall not be transferred to the Income Tax Reduction Fund prior to 154274  
July 1, 2015. 154275

**Section 512.80.** DIESEL EMISSIONS REDUCTION GRANT PROGRAM 154276

There is hereby established in the Highway Operating Fund 154277  
(Fund 7002), used by the Department of Transportation, a Diesel 154278  
Emissions Reduction Grant Program. The Director of Environmental 154279  
Protection shall administer the program and shall solicit, 154280  
evaluate, score, and select projects submitted by public and 154281  
private entities that are eligible for the federal Congestion 154282  
Mitigation and Air Quality (CMAQ) Program. The Director of 154283  
Transportation shall process Federal Highway 154284  
Administration-approved projects as recommended by the Director of 154285  
Environmental Protection. 154286

In addition to the allowable expenditures set forth in 154287  
section 122.861 of the Revised Code, Diesel Emissions Reduction 154288  
Grant Program funds also may be used to fund projects involving 154289

the purchase or use of hybrid and alternative fuel vehicles that 154290  
are allowed under guidance developed by the Federal Highway 154291  
Administration for the CMAQ Program. 154292

Public entities eligible to receive funds under section 154293  
122.861 of the Revised Code and CMAQ shall be reimbursed from 154294  
moneys in the Highway Operating Fund (Fund 7002) designated for 154295  
the Department of Transportation's Diesel Emissions Reduction 154296  
Grant Program. 154297

Private entities eligible to receive funds under section 154298  
122.861 of the Revised Code and CMAQ shall be reimbursed through 154299  
transfers of cash from moneys in the Highway Operating Fund (Fund 154300  
7002) designated for the Department of Transportation's Diesel 154301  
Emissions Reduction Grant Program to the Diesel Emissions 154302  
Reduction Fund (Fund 3FH0), used by the Environmental Protection 154303  
Agency. Total expenditures between both the Environmental 154304  
Protection Agency and the Department of Transportation shall not 154305  
exceed the amounts appropriated in this act for appropriation item 154306  
715693, Diesel Emissions Reduction Grants. 154307

On or before June 30, 2014, the Director of Environmental 154308  
Protection may certify to the Director of Budget and Management 154309  
the amount of any unencumbered balance of the foregoing 154310  
appropriation item 715693, Diesel Emissions Reduction Grants, for 154311  
fiscal year 2014 to be used for the same purpose in fiscal year 154312  
2015. Once the certification permitted under this section has been 154313  
submitted and approved by the Director of Budget and Management, 154314  
the amount approved is hereby appropriated for fiscal year 2015. 154315

Any cash transfers or allocations under this section 154316  
represent CMAQ program moneys within the Department of 154317  
Transportation for use by the Diesel Emissions Reduction Grant 154318  
Program by the Environmental Protection Agency. These allocations 154319  
shall not reduce the amount of such moneys designated for 154320  
metropolitan planning organizations. 154321



The Director of Environmental Protection, in consultation with the directors of Development Services and Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

**Section 515.30.** On the effective date of this section, the Rehabilitation Services Commission is renamed the Opportunities for Ohioans with Disabilities Agency. The Rehabilitation Services Commission's functions, and its assets and liabilities, are transferred to the Opportunities for Ohioans with Disabilities Agency. The Opportunities for Ohioans with Disabilities Agency is successor to, assumes the obligations and authority of, and otherwise continues the Rehabilitation Services Commission. No right, privilege, or remedy, and no duty, liability, or obligation, accrued under the Rehabilitation Services Commission is impaired or lost by reason of the renaming and shall be recognized, administered, performed, or enforced by the Opportunities for Ohioans with Disabilities Agency.

Business commenced but not completed by the Rehabilitation Services Commission or by the Administrator of the Rehabilitation Services Commission shall be completed by the Opportunities for Ohioans with Disabilities Agency or the Executive Director of the Opportunities for Ohioans with Disabilities Agency in the same manner, and with the same effect, as if completed by the Rehabilitation Services Commission or the Administrator of the Rehabilitation Services Commission.

All of the Rehabilitation Services Commission's rules, orders, and determinations continue in effect as rules, orders, and determinations of the Opportunities for Ohioans with

Disabilities Agency until modified or rescinded by the 154353  
Opportunities for Ohioans with Disabilities Agency. 154354

Subject to the layoff provisions of sections 124.321 to 154355  
124.382 of the Revised Code, all employees of the Rehabilitation 154356  
Services Commission continue with the Opportunities for Ohioans 154357  
with Disabilities Agency and retain their positions and all 154358  
benefits accruing thereto. 154359

The Director of Budget and Management shall determine the 154360  
amount of unexpended balances in the appropriation accounts that 154361  
pertain to the Rehabilitation Services Commission and shall 154362  
recommend to the Controlling Board their transfer to the 154363  
appropriation accounts that pertain to the Opportunities for 154364  
Ohioans with Disabilities Agency. The Administrator of the 154365  
Rehabilitation Services Commission shall provide full and timely 154366  
information to the Controlling Board to facilitate the transfer. 154367

Whenever the Rehabilitation Services Commission or the 154368  
Administrator of the Rehabilitation Services Commission is 154369  
referred to in a statute, contract, or other instrument, the 154370  
reference is deemed to refer to the Opportunities for Ohioans with 154371  
Disabilities Agency or to the Executive Director of the 154372  
Opportunities for Ohioans with Disabilities Agency, whichever is 154373  
appropriate in context. 154374

No pending action or proceeding being prosecuted or defended 154375  
in court or before an agency by the Rehabilitation Services 154376  
Commission or the Administrator of the Rehabilitation Services 154377  
Commission is affected by the renaming and shall be prosecuted or 154378  
defended in the name of the Opportunities for Ohioans with 154379  
Disabilities Agency or the Executive Director of the Opportunities 154380  
for Ohioans with Disabilities Agency, whichever is appropriate. 154381  
Upon application to the court or agency, the Opportunities for 154382  
Ohioans with Disabilities Agency or the Executive Director of the 154383  
Opportunities for Ohioans with Disabilities Agency shall be 154384

substituted. 154385

**Section 515.40.** The Department of Aging shall use 154386  
appropriation item 490627, Board of Executives of LTSS, to spend 154387  
cash in the Board of Executives of Long-Term Services and Supports 154388  
Fund (Fund 5MT0), which is hereby established in the State 154389  
Treasury. On the effective date of this section, the Board of 154390  
Examiners of Nursing Home Administrators is renamed the Board of 154391  
Executives of Long-Term Services and Supports. The Board of 154392  
Examiners of Nursing Home Administrators' functions and its assets 154393  
and liabilities, are transferred to the Board of Executives of 154394  
Long-Term Services and Supports. The Board of Executives of 154395  
Long-Term Services and Supports is successor to, assumes the 154396  
obligations and authority of, and otherwise continues the Board of 154397  
Examiners of Nursing Home Administrators. No right, privilege, or 154398  
remedy, and no duty, liability, or obligation, accrued under the 154399  
Board of Examiners of Nursing Home Administrators is impaired or 154400  
lost by reason of the renaming and shall be recognized, 154401  
administered, performed, or enforced by the Board of Executives of 154402  
Long-Term Services and Supports. 154403

Business commenced but not completed by the Board of 154404  
Examiners of Nursing Home Administrators or by the Secretary of 154405  
the Board of Examiners of Nursing Home Administrators shall be 154406  
completed by the Board of Executives of Long-Term Services and 154407  
Supports or the Secretary of the Board of Executives of Long-Term 154408  
Services and Supports in the same manner, and with the same 154409  
effect, as if completed by the Board of Examiners of Nursing Home 154410  
Administrators or by the Secretary of the Board of Examiners of 154411  
Nursing Home Administrators. 154412

All of the Board of Examiners of Nursing Home Administrators' 154413  
rules, orders, and determinations continue in effect as rules, 154414  
orders, and determinations of the Board of Executives of Long-Term 154415

Services and Supports. 154416

Subject to the layoff provisions of sections 124.321 to 154417  
124.328 of the Revised Code, all employees of the Board of 154418  
Examiners of Nursing Home Administrators who provide 154419  
administrative, technical, or other services to the Board of 154420  
Examiners of Nursing Home Administrators on a full-time, permanent 154421  
basis shall continue with the Board of Executives of Long-Term 154422  
Services and Supports and retain their positions and benefits 154423  
accruing thereto, except that those employees in the classified 154424  
service shall be reclassified into the unclassified service and 154425  
shall serve at the pleasure of the Board. 154426

Notwithstanding section 4751.03 of the Revised Code, as 154427  
amended by this act, those board members currently serving as 154428  
members of the Board of Examiners of Nursing Home Administrators 154429  
on the effective date of this act shall continue to serve as 154430  
members of the Board of Executives of Long-Term Services and 154431  
Supports for the remainder of their appointment period, at which 154432  
time new members shall be appointed in a manner consistent with 154433  
section 4751.03 of the Revised Code, as amended by this act. 154434

Within ninety days after the effective date of this act, the 154435  
Governor shall appoint to the Board of Executives of Long-Term 154436  
Services and Supports those new members who are required to be 154437  
appointed under divisions (A)(3) and (6) of section 4751.03 of the 154438  
Revised Code, as amended by this act, for terms ending on May 27, 154439  
2014. Thereafter, appointment for those members shall be as 154440  
provided in section 4751.03 of the Revised Code, as amended by 154441  
this act. 154442

Whenever the Board of Examiners of Nursing Home 154443  
Administrators is referred to in statute, contract, or other 154444  
instrument, the reference is deemed to refer to the Board of 154445  
Executives of Long-Term Services and Supports. 154446

No pending action or proceeding being prosecuted or defended 154447  
in court or before an agency by the Board of Examiners of Nursing 154448  
Home Administrators or the Secretary of the Board of Examiners of 154449  
Nursing Home Administrators is affected by the renaming and shall 154450  
be prosecuted or defended in the name of the Board of Executives 154451  
of Long-Term Services and Supports or the Secretary of the Board 154452  
of Executives of Long-Term Services and Supports. Upon application 154453  
to the court or agency, the Board of Executives of Long-Term 154454  
Services and Supports or the Secretary of the Board of Executives 154455  
of Long-Term Services and Supports shall be substituted. 154456

**Section 515.50.** (A) On July 1, 2013, the eTech Ohio 154457  
Commission is renamed and reconstituted as the Broadcast 154458  
Educational Media Commission, as described in section 3353.02 of 154459  
the Revised Code as amended by this act. The Broadcast Educational 154460  
Media Commission is thereupon and thereafter successor to, assumes 154461  
the obligations of, and otherwise constitutes the continuation of 154462  
the eTech Ohio Commission, for all obligations related to the 154463  
state's educational broadcasting services, including educational 154464  
television, radio, and radio reading services. 154465

(B) Any business related to the state's educational 154466  
television, radio, or radio reading services commenced but not 154467  
completed by the eTech Ohio Commission shall be completed by the 154468  
Broadcast Educational Media Commission in the same manner, and 154469  
with the same effect, as if completed by the eTech Ohio 154470  
Commission. No validation, cure, right, privilege, remedy, 154471  
obligation, or liability is lost or impaired by reason of the 154472  
renaming, and shall be recognized, administered, performed, or 154473  
enforced by the Broadcast Educational Media Commission. 154474

(C) All of the rules of the eTech Ohio Commission related to 154475  
the state's educational broadcasting services, including 154476  
educational television, radio, or radio reading services, continue 154477

in effect as rules of the Broadcast Educational Media Commission, 154478  
until amended or rescinded by the Broadcast Educational Media 154479  
Commission. 154480

(D) No judicial or administrative action or proceeding 154481  
related to the state's educational broadcasting services, 154482  
including educational television, radio, or radio reading 154483  
services, in which the eTech Ohio Commission is a party, that is 154484  
pending on the effective date of this section is affected by the 154485  
renaming. Such action or proceeding shall be prosecuted or 154486  
defended in the name of the Broadcast Educational Media 154487  
Commission. On application to the court or other tribunal, the 154488  
Broadcast Educational Media Commission shall be substituted for 154489  
the eTech Ohio Commission as a party to such action or proceeding. 154490

(E) Subject to the layoff provisions of sections 124.321 to 154491  
124.328 and division (D) of section 3353.03 of the Revised Code, 154492  
as amended by this act, all employees of the former eTech Ohio 154493  
Commission assigned to activities related to the state's 154494  
educational broadcasting services, including educational 154495  
television, radio, or radio reading services, continue with the 154496  
Broadcast Educational Media Commission and retain their positions 154497  
and all benefits accruing thereto. 154498

(F) All books, records, documents, files, transcripts, 154499  
equipment, furniture, supplies, and other materials related to the 154500  
state's educational broadcasting services, including educational 154501  
television, radio, or radio reading services, assigned to or in 154502  
the possession of the former eTech Ohio Commission shall be 154503  
transferred to the Broadcast Educational Media Commission. 154504

(G) Each current member of the eTech Ohio Commission shall 154505  
serve until June 30, 2013. On July 1, 2013, or as soon after July 154506  
1, 2013, as possible, each member shall either be reappointed or 154507  
replaced by another member to serve on the Educational Media 154508  
Commission pursuant to section 3353.02 of the Revised Code, as 154509

amended by this act. 154510

**Section 515.51.** (A) On July 1, 2013, all responsibilities 154511  
related to the administration of the Telecommunity Fund and the 154512  
Distance Learning Fund, as well as for technology-related teacher 154513  
professional development programs, are transferred from the former 154514  
eTech Ohio Commission to the Chancellor of the Board of Regents as 154515  
described in sections 3319.235, 3317.50, and 3317.51 of the 154516  
Revised Code, as amended by this act. The Chancellor is thereupon 154517  
and thereafter successor to, assumes the obligations of, and 154518  
otherwise constitutes the continuation of the eTech Ohio 154519  
Commission relating to the functions, assets, records, and 154520  
obligations relating to these responsibilities. 154521

(B) Any business related to these responsibilities commenced 154522  
but not completed by the former eTech Ohio Commission shall be 154523  
completed by the Chancellor in the same manner, and with the same 154524  
effect, as if completed by the eTech Ohio Commission. No 154525  
validation, cure, right, privilege, remedy, obligation, or 154526  
liability is lost or impaired by reason of the transfer, and shall 154527  
be recognized, administered, performed, or enforced by the 154528  
Chancellor. 154529

(C) All of the rules of the former eTech Ohio Commission 154530  
related to these responsibilities continue in effect as rules of 154531  
the Chancellor, until amended or rescinded by the Chancellor. 154532

(D) Any judicial or administrative action or proceeding 154533  
related to these responsibilities, in which the eTech Ohio 154534  
Commission is a party, that is pending on the effective date of 154535  
this section is affected by the transfer. Such action or 154536  
proceeding shall be prosecuted or defended in the name of the 154537  
Chancellor. On application to the court or other tribunal, the 154538  
Chancellor of the Board of Regents shall be substituted for the 154539  
eTech Ohio Commission as a party to such action or proceeding. 154540

(E) Subject to the layoff provisions of sections 124.321 to 154541  
124.328 and division (D) of section 3353.03 of the Revised Code, 154542  
as amended by this act, all employees of the former eTech Ohio 154543  
Commission assigned to these responsibilities continue with the 154544  
Chancellor and retain their positions and all benefits accruing 154545  
thereto. 154546

(F) All books, records, documents, files, transcripts, 154547  
equipment, furniture, supplies, and other materials related to 154548  
these responsibilities assigned to or in the possession of the 154549  
former eTech Ohio Commission shall be transferred to the 154550  
Chancellor. 154551

(G) All employees of the former eTech Ohio Commission who 154552  
transferred to the Chancellor of the Board of Regents upon the 154553  
reconstitution of the Commission as prescribed by Section 515.50 154554  
of H.B. 59 of the 130th General Assembly and who when employed by 154555  
that Commission or a predecessor agency were included in a 154556  
bargaining unit established under Chapter 4117. of the Revised 154557  
Code, shall continue to be included in that bargaining unit, are 154558  
public employees as defined in section 4117.01 of the Revised 154559  
Code, and may collectively bargain with the Chancellor in 154560  
accordance with that chapter. Otherwise, any employee hired by the 154561  
Chancellor after the reconstitution of the Commission, either to 154562  
fill vacancies or to fill new positions related to the transferred 154563  
employees' duties, shall be exempt from Chapter 4117. of the 154564  
Revised Code and shall not be public employees as defined in 154565  
section 4117.01 of the Revised Code. 154566

**Section 515.52.** (A) On July 1, 2013, all responsibilities of 154567  
the former eTech Ohio Commission related to the purchase of 154568  
software services and supplies, the redistribution of hardware and 154569  
software from closed community schools, and technology-related 154570  
teacher professional development programs are transferred from the 154571



former eTech Ohio Commission to the Department of Education as 154572  
described in sections 125.05, 3314.074, and 3319.235 of the 154573  
Revised Code, as amended by this act. The Department is thereupon 154574  
and thereafter successor to, assumes the obligations of, and 154575  
otherwise constitutes the continuation of the eTech Ohio 154576  
Commission relating to these responsibilities. 154577

(B) Any business related to these responsibilities commenced 154578  
but not completed by the former eTech Ohio Commission shall be 154579  
completed by the Department in the same manner, and with the same 154580  
effect, as if completed by the eTech Ohio Commission. No 154581  
validation, cure, right, privilege, remedy, obligation, or 154582  
liability is lost or impaired by reason of the transfer, and shall 154583  
be recognized, administered, performed, or enforced by the 154584  
Department. 154585

(C) All of the rules of the eTech Ohio Commission related to 154586  
these responsibilities continue in effect as rules of the 154587  
Department, until amended or rescinded by the Department. 154588

(D) Any judicial or administrative action or proceeding 154589  
related to these responsibilities, in which the eTech Ohio 154590  
Commission is a party, that is pending on the effective date of 154591  
this section is affected by the transfer. Such action or 154592  
proceeding shall be prosecuted or defended in the name of the 154593  
Department. On application to the court or other tribunal, the 154594  
Department of Education shall be substituted for the eTech Ohio 154595  
Commission as a party to such action or proceeding. 154596

(E) Subject to the layoff provisions of sections 124.321 to 154597  
124.328 and division (D) of section 3353.03 of the Revised Code, 154598  
as amended by this act, all employees of the former eTech Ohio 154599  
Commission assigned to these responsibilities continue with the 154600  
Department and retain their positions and all benefits accruing 154601  
thereto. 154602

(F) All books, records, documents, files, transcripts, 154603  
equipment, furniture, supplies, and other materials related to 154604  
these responsibilities assigned to or in the possession of the 154605  
former eTech Ohio Commission shall be transferred to the 154606  
Department. 154607

(G) All employees of the former eTech Ohio Commission who 154608  
transferred to the Department of Education upon the reconstitution 154609  
of the Commission as prescribed by Section 515.50 of H.B. 59 of 154610  
the 130th General Assembly and who when employed by that 154611  
Commission or a predecessor agency were included in a bargaining 154612  
unit established under Chapter 4117. of the Revised Code, shall 154613  
continue to be included in that bargaining unit, are public 154614  
employees as defined in section 4117.01 of the Revised Code, and 154615  
may collectively bargain with the state Board of Education in 154616  
accordance with that chapter. Otherwise, any employee hired by the 154617  
Department after the reconstitution of the Commission, either to 154618  
fill vacancies or to fill new positions related to the transferred 154619  
employees' duties, shall be exempt from Chapter 4117. of the 154620  
Revised Code and shall not be public employees as defined in 154621  
section 4117.01 of the Revised Code. 154622

**Section 515.53.** Any duties and responsibilities of the former 154623  
eTech Ohio Commission not transferred in accordance with Sections 154624  
515.50, 515.51, and 515.52 of this act are eliminated on July 1, 154625  
2013. 154626

**Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS** 154627

Certain appropriations are in this act for the purpose of 154628  
paying debt service and financing costs on general obligation 154629  
bonds or notes of the state issued pursuant to the Ohio 154630  
Constitution and acts of the General Assembly. If it is determined 154631  
that additional appropriations are necessary for this purpose, 154632

such amounts are hereby appropriated. 154633

**Section 518.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 154634

Certain appropriations are in this act for the purpose of 154635  
making lease rental payments pursuant to leases and agreements 154636  
relating to bonds or notes issued by the Treasurer of State, or 154637  
previously by the Ohio Public Facilities Commission or the Ohio 154638  
Building Authority, pursuant to the Ohio Constitution and acts of 154639  
the General Assembly. If it is determined that additional 154640  
appropriations are necessary for this purpose, such amounts are 154641  
hereby appropriated. 154642

**Section 518.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 154643  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 154644

The Office of Budget and Management shall process payments 154645  
from general obligation and lease rental payment appropriation 154646  
items during the period from July 1, 2013, through June 30, 2015, 154647  
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 154648  
2n, 2o, 2p, 2q, 2r, and 15 of Article VIII, Ohio Constitution, and 154649  
Chapters 151., 152., and 154. of the Revised Code. Payments shall 154650  
be made upon certification by the Treasurer of State of the dates 154651  
and the amounts due on those dates. 154652

**Section 521.11.** STATE AND LOCAL REBATE AUTHORIZATION 154653

There is hereby appropriated, from those funds designated by 154654  
or pursuant to the applicable proceedings authorizing the issuance 154655  
of state obligations, amounts computed at the time to represent 154656  
the portion of investment income to be rebated or amounts in lieu 154657  
of or in addition to any rebate amount to be paid to the federal 154658  
government in order to maintain the exclusion from gross income 154659  
for federal income tax purposes of interest on those state 154660  
obligations under section 148(f) of the Internal Revenue Code. 154661

Rebate payments shall be approved and vouchered by the Office of Budget and Management.

**Section 521.20.** STATEWIDE INDIRECT COST RECOVERY

Whenever the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to provide for the recovery of statewide indirect costs under section 126.12 of the Revised Code, the amount required for such purpose is hereby appropriated from the available receipts of such fund.

**Section 521.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT COST ALLOCATION PLAN

The total transfers made from the General Revenue Fund by the Director of Budget and Management under this section shall not exceed the amounts transferred into the General Revenue Fund under section 126.12 of the Revised Code.

The director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer cash from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

**Section 521.35. CASH TRANSFERS TO TOBACCO OVERSIGHT ADMINISTRATION AND ENFORCEMENT FUND**

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Tobacco Settlement Enforcement Fund (Fund T087) and the Education Technology Trust Fund (Fund S087) to the Tobacco Oversight Administration and Enforcement Fund (Fund U087). Upon completion of the transfer, Fund T087 and Fund S087 are abolished. The Director shall cancel any existing encumbrances against appropriation items 110402, Tobacco Settlement Enforcement, and 935602, Education Technology Trust.

On July 1, 2014, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance

in the Law Enforcement Improvement Trust Fund (Fund J087) to the 154723  
Tobacco Oversight Administration and Enforcement Fund (Fund U087). 154724  
Upon completion of the transfer, Fund J087 is abolished. The 154725  
Director shall cancel any existing encumbrances against 154726  
appropriation item 055635, Law Enforcement Technology, Training, 154727  
and Facility Enhancements. 154728

**Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 154729

Notwithstanding any provision of law to the contrary, on or 154730  
before the first day of September of each fiscal year, the 154731  
Director of Budget and Management, in order to reduce the payment 154732  
of adjustments to the federal government, as determined by the 154733  
plan prepared under division (A) of section 126.12 of the Revised 154734  
Code, may designate such funds as the Director considers necessary 154735  
to retain their own interest earnings. 154736

**Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 154737

Pursuant to the plan for compliance with the Federal Cash 154738  
Management Improvement Act required by section 131.36 of the 154739  
Revised Code, the Director of Budget and Management may cancel and 154740  
re-establish all or part of encumbrances in like amounts within 154741  
the funds identified by the plan. The amounts necessary to 154742  
re-establish all or part of encumbrances are hereby appropriated. 154743

**Section 521.60. FISCAL STABILIZATION AND RECOVERY** 154744

To ensure the level of accountability and transparency 154745  
required by federal law, the Director of Budget and Management may 154746  
issue guidelines to any agency applying for federal money made 154747  
available to this state for fiscal stabilization and recovery 154748  
purposes, and may prescribe the process by which agencies are to 154749  
comply with any reporting requirements established by the federal 154750  
government. 154751

Section 605.03. That Section 1 of Sub. H.B. 34 of the 130th General Assembly be amended to read as follows: 154752  
154753

Sec. 1. All items in this section are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2014, and those in the second column are for fiscal year 2015. 154754  
154755  
154756  
154757  
154758

| FND AI      | AI TITLE                                     | Appropriations                                |                                               |                  |
|-------------|----------------------------------------------|-----------------------------------------------|-----------------------------------------------|------------------|
|             | BWC BUREAU OF WORKERS' COMPENSATION          |                                               |                                               | 154760           |
|             | Workers' Compensation Fund Group             |                                               |                                               | 154761           |
| 7023 855401 | William Green Lease                          | \$ 16,026,100                                 | \$ 0                                          | 154762           |
|             | Payments to OBA                              |                                               |                                               |                  |
| 7023 855407 | Claims, Risk and Medical Management          | \$ 118,338,586                                | \$ 118,338,586                                | 154763           |
| 7023 855408 | Fraud Prevention                             | \$ 12,114,226                                 | \$ 12,114,226                                 | 154764           |
| 7023 855409 | Administrative Services                      | \$ 105,857,276                                | \$ 105,357,276                                | 154765           |
| 7023 855410 | Attorney General Payments                    | \$ 4,621,850                                  | \$ 4,621,850                                  | 154766           |
| 8220 855606 | Coal Workers' Fund                           | \$ 147,666                                    | \$ 147,666                                    | 154767           |
| 8230 855608 | Marine Industry                              | \$ 75,527                                     | \$ 75,527                                     | 154768           |
| 8250 855605 | Disabled Workers Relief Fund                 | \$ 319,718                                    | \$ 319,718                                    | 154769           |
| 8260 855609 | Safety and Hygiene Operating                 | \$ <del>19,161,132</del><br><u>21,661,132</u> | \$ <del>19,161,132</del><br><u>21,661,132</u> | 154770           |
| 8260 855610 | <del>Gear Program</del> <u>Safety Grants</u> | \$ <del>5,000,000</del><br><u>15,000,000</u>  | \$ <del>5,000,000</del><br><u>15,000,000</u>  | 154771           |
| 8290 855604 | Long Term Care Loan Program                  | \$ 100,000                                    | \$ 100,000                                    | 154772           |
|             | TOTAL WCF Workers' Compensation Fund Group   | \$ <del>281,762,081</del>                     | \$ <del>265,235,981</del>                     | 154773<br>154774 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                           |                           |                    |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------|--------------------|------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                           | <u>294,262,081</u>        | <u>277,735,981</u> |                                                                              |
| Federal Special Revenue Fund Group                                                                                                                                                                                                                                                                                                                                                                                                                                    |                           |                           |                    | 154775                                                                       |
| 3490 855601 OSHA Enforcement                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$ 1,731,000              | \$ 1,731,000              |                    | 154776                                                                       |
| 3FW0 855614 BLS SOII Grant                                                                                                                                                                                                                                                                                                                                                                                                                                            | \$ 116,919                | \$ 116,919                |                    | 154777                                                                       |
| TOTAL FED Federal Special Revenue Fund Group                                                                                                                                                                                                                                                                                                                                                                                                                          | \$ 1,847,919              | \$ 1,847,919              |                    | 154778                                                                       |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$ <del>283,610,000</del> | \$ <del>267,083,900</del> |                    | 154779                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <u>296,110,000</u>        | <u>279,583,900</u>        |                    |                                                                              |
| WILLIAM GREEN LEASE PAYMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                          |                           |                           |                    | 154780                                                                       |
| Of the foregoing appropriation item 855401, William Green Lease Payments, up to \$16,026,100 shall be used to make lease payments to the Treasurer of State at the times they are required to be made during the period from July 1, 2013 to June 30, 2015, pursuant to leases and agreements made under section 154.24 of the Revised Code. If it is determined that additional appropriations are necessary for such purpose, such amounts are hereby appropriated. |                           |                           |                    | 154781<br>154782<br>154783<br>154784<br>154785<br>154786<br>154787<br>154788 |
| WORKERS' COMPENSATION FRAUD UNIT                                                                                                                                                                                                                                                                                                                                                                                                                                      |                           |                           |                    | 154789                                                                       |
| Of the foregoing appropriation item 855410, Attorney General Payments, \$828,200 in each fiscal year shall be used to fund the expenses of the Workers' Compensation Fraud Unit within the Attorney General's Office. These payments shall be processed at the beginning of each quarter of each fiscal year and deposited into the Workers' Compensation Section Fund (Fund 1950) used by the Attorney General.                                                      |                           |                           |                    | 154790<br>154791<br>154792<br>154793<br>154794<br>154795<br>154796           |
| SAFETY AND HYGIENE                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                           |                           |                    | 154797                                                                       |
| Notwithstanding section 4121.37 of the Revised Code, the Treasurer of State shall transfer <del>\$19,161,132</del> <u>\$21,661,132</u> cash in fiscal year 2014 and <del>\$19,161,132</del> <u>\$21,661,132</u> cash in fiscal year 2015 from the State Insurance Fund to the Safety and Hygiene Fund (Fund 8260).                                                                                                                                                    |                           |                           |                    | 154798<br>154799<br>154800<br>154801<br>154802                               |



|                                                                     |        |
|---------------------------------------------------------------------|--------|
| OSHA ON-SITE CONSULTATION PROGRAM                                   | 154803 |
| The Bureau of Workers' Compensation may designate a portion         | 154804 |
| of appropriation item 855609, Safety and Hygiene Operating, to be   | 154805 |
| used to match federal funding for the federal Occupational Safety   | 154806 |
| and Health Administration's (OSHA) on-site consultation program.    | 154807 |
| VOCATIONAL REHABILITATION                                           | 154808 |
| The Bureau of Workers' Compensation and the Rehabilitation          | 154809 |
| Services Commission shall enter into an interagency agreement for   | 154810 |
| the provision of vocational rehabilitation services and staff to    | 154811 |
| mutually eligible clients. The bureau may provide not more than     | 154812 |
| \$605,407 in fiscal year 2014 and not more than \$605,407 in fiscal | 154813 |
| year 2015 from the State Insurance Fund to fund vocational          | 154814 |
| rehabilitation services and staff in accordance with the            | 154815 |
| interagency agreement.                                              | 154816 |
| FUND BALANCE                                                        | 154817 |
| Any unencumbered cash balance in excess of \$45,000,000 in the      | 154818 |
| Workers' Compensation Fund (Fund 7023) on the thirtieth day of      | 154819 |
| June of each fiscal year shall be used to reduce the                | 154820 |
| administrative cost rate charged to employers to cover              | 154821 |
| appropriations for Bureau of Workers' Compensation operations.      | 154822 |
| <b>Section 605.04.</b> That existing Section 1 of Sub. H.B. 34 of   | 154823 |
| the 130th General Assembly is hereby repealed.                      | 154824 |
| <b>Section 605.10.</b> That Sections 205.10 and 506.10 of Am. Sub.  | 154825 |
| H.B. 51 of the 130th General Assembly be amended to read as         | 154826 |
| follows:                                                            | 154827 |
| <b>Sec. 205.10.</b> DPS DEPARTMENT OF PUBLIC SAFETY                 | 154828 |
| State Highway Safety Fund Group                                     | 154829 |
| 4W40 762321 Operating Expense - \$ 130,559,268 \$ 130,418,957       | 154830 |

|      |        |                        |    |                        |    |             |        |
|------|--------|------------------------|----|------------------------|----|-------------|--------|
|      |        | BMV                    |    |                        |    |             |        |
| 5V10 | 762682 | License Plate          | \$ | 2,100,000              | \$ | 2,100,000   | 154831 |
|      |        | Contribution           |    |                        |    |             |        |
| 7036 | 761321 | Operating Expense -    | \$ | 7,055,066              | \$ | 6,999,331   | 154832 |
|      |        | Information and        |    |                        |    |             |        |
|      |        | Education              |    |                        |    |             |        |
| 7036 | 761401 | Lease Rental Payments  | \$ | 2,472,300              | \$ | 2,473,100   | 154833 |
| 7036 | 764033 | Minor Capital Projects | \$ | 1,250,000              | \$ | 1,250,000   | 154834 |
| 7036 | 764321 | Operating Expense -    | \$ | <del>268,232,602</del> | \$ | 270,232,602 | 154835 |
|      |        | Highway Patrol         |    | <u>268,743,502</u>     |    |             |        |
| 7036 | 764605 | Motor Carrier          | \$ | 2,860,000              | \$ | 2,860,000   | 154836 |
|      |        | Enforcement Expenses   |    |                        |    |             |        |
| 8300 | 761603 | Salvage and Exchange - | \$ | 20,053                 | \$ | 20,053      | 154837 |
|      |        | Administration         |    |                        |    |             |        |
| 8310 | 761610 | Information and        | \$ | 300,000                | \$ | 300,000     | 154838 |
|      |        | Education - Federal    |    |                        |    |             |        |
| 8310 | 764608 | FARS Grant Federal     | \$ | 175,000                | \$ | 175,000     | 154839 |
| 8310 | 764610 | Patrol - Federal       | \$ | 2,250,000              | \$ | 2,250,000   | 154840 |
| 8310 | 764659 | Transportation         | \$ | 5,200,000              | \$ | 5,200,000   | 154841 |
|      |        | Enforcement - Federal  |    |                        |    |             |        |
| 8310 | 765610 | EMS - Federal          | \$ | 225,000                | \$ | 225,000     | 154842 |
| 8310 | 769610 | Investigative Unit     | \$ | 1,400,000              | \$ | 1,400,000   | 154843 |
|      |        | Federal Reimbursement  |    |                        |    |             |        |
| 8310 | 769631 | Homeland Security -    | \$ | 750,000                | \$ | 400,000     | 154844 |
|      |        | Federal                |    |                        |    |             |        |
| 8320 | 761612 | Traffic Safety -       | \$ | 22,000,000             | \$ | 22,000,000  | 154845 |
|      |        | Federal                |    |                        |    |             |        |
| 8350 | 762616 | Financial              | \$ | 5,274,068              | \$ | 5,274,068   | 154846 |
|      |        | Responsibility         |    |                        |    |             |        |
|      |        | Compliance             |    |                        |    |             |        |
| 8370 | 764602 | Turnpike Policing      | \$ | 11,553,959             | \$ | 11,553,959  | 154847 |
| 83C0 | 764630 | Contraband,            | \$ | 622,894                | \$ | 622,894     | 154848 |
|      |        | Forfeiture, Other      |    |                        |    |             |        |

|                             |                           |                        |                        |            |             |            |        |
|-----------------------------|---------------------------|------------------------|------------------------|------------|-------------|------------|--------|
| 83F0                        | 764657                    | Law Enforcement        | \$                     | 8,500,000  | \$          | 8,500,000  | 154849 |
|                             |                           | Automated Data System  |                        |            |             |            |        |
| 83G0                        | 764633                    | OMVI                   | \$                     | 641,927    | \$          | 641,927    | 154850 |
|                             |                           | Enforcement/Education  |                        |            |             |            |        |
| 83J0                        | 764693                    | Highway Patrol Justice | \$                     | 2,100,000  | \$          | 2,100,000  | 154851 |
|                             |                           | Contraband             |                        |            |             |            |        |
| 83M0                        | 765624                    | Operating - EMS        | \$                     | 3,056,069  | \$          | 3,056,069  | 154852 |
| 83M0                        | 765640                    | EMS - Grants           | \$                     | 3,300,000  | \$          | 3,300,000  | 154853 |
| 83R0                        | 762639                    | Local Immobilization   | \$                     | 450,000    | \$          | 450,000    | 154854 |
|                             |                           | Reimbursement          |                        |            |             |            |        |
| 83T0                        | 764694                    | Highway Patrol         | \$                     | 21,000     | \$          | 21,000     | 154855 |
|                             |                           | Treasury Contraband    |                        |            |             |            |        |
| 8400                        | 764607                    | State Fair Security    | \$                     | 1,294,354  | \$          | 1,294,354  | 154856 |
| 8400                        | 764617                    | Security and           | \$                     | 8,793,865  | \$          | 9,514,236  | 154857 |
|                             |                           | Investigations         |                        |            |             |            |        |
| 8400                        | 764626                    | State Fairgrounds      | \$                     | 1,047,560  | \$          | 1,084,559  | 154858 |
|                             |                           | Police Force           |                        |            |             |            |        |
| 8400                        | 769632                    | Homeland Security -    | \$                     | 650,000    | \$          | 630,000    | 154859 |
|                             |                           | Operating              |                        |            |             |            |        |
| 8410                        | 764603                    | Salvage and Exchange - | \$                     | 1,339,399  | \$          | 1,339,399  | 154860 |
|                             |                           | Highway Patrol         |                        |            |             |            |        |
| 8460                        | 761625                    | Motorcycle Safety      | \$                     | 3,280,563  | \$          | 3,280,563  | 154861 |
|                             |                           | Education              |                        |            |             |            |        |
| 8490                        | 762627                    | Automated Title        | \$                     | 16,675,513 | \$          | 16,467,293 | 154862 |
|                             |                           | Processing Board       |                        |            |             |            |        |
| TOTAL HSF                   | State Highway Safety Fund | \$                     | <del>515,450,460</del> | \$         | 517,434,364 | 154863     |        |
| Group                       |                           |                        | <u>515,961,360</u>     |            |             |            |        |
| General Services Fund Group |                           |                        |                        |            |             | 154864     |        |
| 4P60                        | 768601                    | Justice Program        | \$                     | 900,000    | \$          | 875,000    | 154865 |
|                             |                           | Services               |                        |            |             |            |        |
| 5ET0                        | 768625                    | Drug Law Enforcement   | \$                     | 4,250,000  | \$          | 4,250,000  | 154866 |
| 5LM0                        | 768698                    | Criminal Justice       | \$                     | 850,946    | \$          | 850,946    | 154867 |
|                             |                           | Services Law           |                        |            |             |            |        |

|                                    |                      |                      |            |                      |                   |
|------------------------------------|----------------------|----------------------|------------|----------------------|-------------------|
|                                    |                      | Enforcement Support  |            |                      |                   |
| TOTAL GSF General Services Fund    | \$                   | <del>6,290,946</del> | \$         | <del>6,265,946</del> | 154868            |
| Group                              |                      | <u>6,000,946</u>     |            | <u>5,975,946</u>     |                   |
| Federal Special Revenue Fund Group |                      |                      |            |                      | 154869            |
| 3290 763645                        | Federal Mitigation   | \$                   | 10,413,642 | \$                   | 10,413,642 154870 |
|                                    | Program              |                      |            |                      |                   |
| 3370 763609                        | Federal Disaster     | \$                   | 27,707,636 | \$                   | 27,707,636 154871 |
|                                    | Relief               |                      |            |                      |                   |
| 3390 763647                        | Emergency Management | \$                   | 70,934,765 | \$                   | 70,934,765 154872 |
|                                    | Assistance and       |                      |            |                      |                   |
|                                    | Training             |                      |            |                      |                   |
| 3CE0 768611                        | Justice Assistance   | \$                   | 400,000    | \$                   | 100,000 154873    |
|                                    | Grants - FFY09       |                      |            |                      |                   |
| 3DE0 768612                        | Federal Stimulus -   | \$                   | 1,000,000  | \$                   | 300,000 154874    |
|                                    | Justice Assistance   |                      |            |                      |                   |
|                                    | Grants               |                      |            |                      |                   |
| 3DU0 762628                        | BMV Grants           | \$                   | 1,350,000  | \$                   | 1,325,000 154875  |
| 3EU0 768614                        | Justice Assistance   | \$                   | 830,000    | \$                   | 500,000 154876    |
|                                    | Grants - FFY10       |                      |            |                      |                   |
| 3FK0 768615                        | Justice Assistance   | \$                   | 900,000    | \$                   | 900,000 154877    |
|                                    | Grants - FFY11       |                      |            |                      |                   |
| 3FP0 767620                        | Ohio Investigative   | \$                   | 55,000     | \$                   | 55,000 154878     |
|                                    | Unit Justice         |                      |            |                      |                   |
|                                    | Contraband           |                      |            |                      |                   |
| 3FY0 768616                        | Justice Assistance   | \$                   | 2,200,000  | \$                   | 1,500,000 154879  |
|                                    | Grants - FFY12       |                      |            |                      |                   |
| 3FZ0 768617                        | Justice Assistance   | \$                   | 7,000,000  | \$                   | 2,000,000 154880  |
|                                    | Grants - FFY13       |                      |            |                      |                   |
| 3GA0 768618                        | Justice Assistance   | \$                   | 0          | \$                   | 7,500,000 154881  |
|                                    | Grants - FFY14       |                      |            |                      |                   |
| 3L50 768604                        | Justice Program      | \$                   | 10,500,000 | \$                   | 10,500,000 154882 |
| 3N50 763644                        | U.S. Department of   | \$                   | 31,672     | \$                   | 31,672 154883     |
|                                    | Energy Agreement     |                      |            |                      |                   |

|                                  |                         |                             |               |                    |               |                    |        |
|----------------------------------|-------------------------|-----------------------------|---------------|--------------------|---------------|--------------------|--------|
| TOTAL FED                        | Federal Special Revenue | \$                          | 133,322,715   | \$                 | 133,767,715   | 154884             |        |
| Fund Group                       |                         |                             |               |                    |               |                    |        |
| State Special Revenue Fund Group |                         |                             |               |                    |               | 154885             |        |
| 4V30                             | 763662                  | Storms/NOAA                 | \$            | 4,950,000          | \$            | 4,950,000          | 154886 |
| Maintenance                      |                         |                             |               |                    |               |                    |        |
| 5390                             | 762614                  | Motor Vehicle Dealers       | \$            | 150,000            | \$            | 140,000            | 154887 |
| Board                            |                         |                             |               |                    |               |                    |        |
| 5B90                             | 766632                  | Private Investigator        | \$            | 1,400,000          | \$            | 1,400,000          | 154888 |
| and Security Guard               |                         |                             |               |                    |               |                    |        |
| Provider                         |                         |                             |               |                    |               |                    |        |
| 5BK0                             | 768687                  | Criminal Justice            | \$            | 400,000            | \$            | 400,000            | 154889 |
| Services - Operating             |                         |                             |               |                    |               |                    |        |
| 5BK0                             | 768689                  | Family Violence             | \$            | 750,000            | \$            | 750,000            | 154890 |
| Shelter Programs                 |                         |                             |               |                    |               |                    |        |
| 5CM0                             | 767691                  | Equitable Share             | \$            | 300,000            | \$            | 300,000            | 154891 |
| Account                          |                         |                             |               |                    |               |                    |        |
| 5DS0                             | 769630                  | Homeland Security           | \$            | 1,414,384          | \$            | 1,414,384          | 154892 |
| 5FF0                             | 762621                  | Indigent Interlock          | \$            | 2,000,000          | \$            | 2,000,000          | 154893 |
| and Alcohol                      |                         |                             |               |                    |               |                    |        |
| Monitoring                       |                         |                             |               |                    |               |                    |        |
| 5FL0                             | 769634                  | Investigations              | \$            | 899,300            | \$            | 899,300            | 154894 |
| 5ML0                             | 769635                  | Infrastructure              | \$            | 400,000            | \$            | 400,000            | 154895 |
| Protection                       |                         |                             |               |                    |               |                    |        |
| <del>5BP0</del>                  | <del>764609</del>       | <del>DPS Wireless 911</del> | <del>\$</del> | <del>290,000</del> | <del>\$</del> | <del>290,000</del> | 154896 |
| <del>Administration</del>        |                         |                             |               |                    |               |                    |        |
| 6220                             | 767615                  | Investigative               | \$            | 325,000            | \$            | 325,000            | 154897 |
| Contraband and                   |                         |                             |               |                    |               |                    |        |
| Forfeiture                       |                         |                             |               |                    |               |                    |        |
| 6570                             | 763652                  | Utility Radiological        | \$            | 1,415,945          | \$            | 1,415,945          | 154898 |
| Safety                           |                         |                             |               |                    |               |                    |        |
| 6810                             | 763653                  | SARA Title III HAZMAT       | \$            | 262,438            | \$            | 262,438            | 154899 |
| Planning                         |                         |                             |               |                    |               |                    |        |
| 8500                             | 767628                  | Investigative Unit          | \$            | 92,700             | \$            | 92,700             | 154900 |

|                                           |    |                        |    |                        |        |
|-------------------------------------------|----|------------------------|----|------------------------|--------|
| Salvage                                   |    |                        |    |                        |        |
| TOTAL SSR State Special Revenue           | \$ | <del>15,049,767</del>  | \$ | <del>15,039,767</del>  | 154901 |
| Fund Group                                |    | <u>14,759,767</u>      |    | <u>14,749,767</u>      |        |
| Agency Fund Group                         |    |                        |    |                        | 154902 |
| 5J90 761678 Federal Salvage/GSA           | \$ | 1,500,000              | \$ | 1,500,000              | 154903 |
| TOTAL AGY Agency Fund Group               | \$ | 1,500,000              | \$ | 1,500,000              | 154904 |
| Holding Account Redistribution Fund Group |    |                        |    |                        | 154905 |
| R024 762619 Unidentified Motor            | \$ | 1,885,000              | \$ | 1,885,000              | 154906 |
| Vehicle Receipts                          |    |                        |    |                        |        |
| R052 762623 Security Deposits             | \$ | 350,000                | \$ | 350,000                | 154907 |
| TOTAL 090 Holding Account                 | \$ | 2,235,000              | \$ | 2,235,000              | 154908 |
| Redistribution Fund Group                 |    |                        |    |                        |        |
| TOTAL ALL BUDGET FUND GROUPS              | \$ | <del>673,558,888</del> | \$ | <del>675,952,792</del> | 154909 |
|                                           |    | <u>673,779,788</u>     |    | <u>675,662,792</u>     |        |

MOTOR VEHICLE REGISTRATION 154910

The Registrar of Motor Vehicles may deposit revenues to meet 154911  
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 154912  
4W40) established in section 4501.25 of the Revised Code, obtained 154913  
under sections 4503.02 and 4504.02 of the Revised Code, less all 154914  
other available cash. Revenue deposited pursuant to this paragraph 154915  
shall support, in part, appropriations for operating expenses and 154916  
defray the cost of manufacturing and distributing license plates 154917  
and license plate stickers and enforcing the law relative to the 154918  
operation and registration of motor vehicles. Notwithstanding 154919  
section 4501.03 of the Revised Code, the revenues shall be paid 154920  
into Fund 4W40 before any revenues obtained pursuant to sections 154921  
4503.02 and 4504.02 of the Revised Code are paid into any other 154922  
fund. The deposit of revenues to meet the aforementioned cash 154923  
needs shall be in approximately equal amounts on a monthly basis 154924  
or as otherwise determined by the Director of Budget and 154925  
Management pursuant to a plan submitted by the Registrar of Motor 154926  
Vehicles. 154927

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| OPERATING EXPENSE - BMV                                                   | 154928 |
| Of the foregoing appropriation item 762321, Operating Expense             | 154929 |
| - BMV, up to \$50,000 in fiscal year 2014 shall be used to pay for        | 154930 |
| costs associated with improvements to the program to accept               | 154931 |
| applications for registration transactions of apportionable               | 154932 |
| vehicles electronically over the internet.                                | 154933 |
| OPERATING EXPENSE - INFORMATION AND EDUCATION                             | 154934 |
| Of the foregoing appropriation item 761321, Operating Expense             | 154935 |
| - Information and Education, up to \$250,000 in each fiscal year          | 154936 |
| may be used to fund state employees to staff travel information           | 154937 |
| centers on the border of the state.                                       | 154938 |
| The Department of Public Safety shall conduct a study for                 | 154939 |
| partnering with local travel and tourism centers, as well as a            | 154940 |
| study for the creation of the Ohio Ambassadors Volunteer Program          | 154941 |
| at rest stops.                                                            | 154942 |
| LEASE RENTAL PAYMENTS                                                     | 154943 |
| The foregoing appropriation item 761401, Lease Rental                     | 154944 |
| Payments, shall be used for payments to the Treasurer of State for        | 154945 |
| the period July 1, 2013, through June 30, 2015, under the primary         | 154946 |
| leases and agreements for public safety related buildings. The            | 154947 |
| appropriations are the source of funds pledged for bond service           | 154948 |
| charges on obligations pursuant to Chapters 152. and 154. of the          | 154949 |
| Revised Code.                                                             | 154950 |
| <u>OPERATING EXPENSE - HIGHWAY PATROL</u>                                 | 154951 |
| <u>On July 1, 2013, or as soon as possible thereafter, the</u>            | 154952 |
| <u>Director of Budget and Management shall transfer \$510,900 cash</u>    | 154953 |
| <u>from the GRF to the State Highway Safety Fund (Fund 7036). The</u>     | 154954 |
| <u>transferred cash shall be used by the State Highway Patrol for the</u> | 154955 |
| <u>purchase of specialized equipment for examining commercial truck</u>   | 154956 |
| <u>cargo.</u>                                                             | 154957 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| CASH TRANSFERS BETWEEN FUNDS                                       | 154958 |
| Notwithstanding any provision of law to the contrary, the          | 154959 |
| Director of Budget and Management, upon the written request of the | 154960 |
| Director of Public Safety, may transfer cash between the following | 154961 |
| six funds: the Trauma and Emergency Medical Services Fund (Fund    | 154962 |
| 83M0), the Homeland Security Fund (Fund 5DS0), the Investigations  | 154963 |
| Fund (Fund 5FL0), the Emergency Management Agency Service and      | 154964 |
| Reimbursement Fund (Fund 4V30), the Justice Program Services Fund  | 154965 |
| (Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund     | 154966 |
| 4W40).                                                             | 154967 |
| CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE           | 154968 |
| PLATE CONTRIBUTION FUND                                            | 154969 |
| On July 1, 2013, or as soon as possible thereafter, the            | 154970 |
| Director of Budget and Management may transfer the cash balance in | 154971 |
| the Teen Driver Education Fund (Fund 5JS0) to the License Plate    | 154972 |
| Contribution Fund (Fund 5V10). Upon completion of the transfer,    | 154973 |
| Fund 5JS0 is hereby abolished.                                     | 154974 |
| CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO           | 154975 |
| STATE HIGHWAY SAFETY FUND                                          | 154976 |
| Not later than January 1, 2014, the Director of Budget and         | 154977 |
| Management may transfer the cash balance in the Hilltop Utility    | 154978 |
| Reimbursement Fund (Fund 4S30) to the State Highway Safety Fund    | 154979 |
| (Fund 7036). Upon completion of the transfer, Fund 4S30 is hereby  | 154980 |
| abolished. The Director shall cancel any existing encumbrances     | 154981 |
| against appropriation item 766661, Hilltop Utility Reimbursement,  | 154982 |
| and reestablish them against appropriation item 761321, Operating  | 154983 |
| Expense - Information and Education. The reestablished encumbrance | 154984 |
| amounts are hereby appropriated.                                   | 154985 |
| CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY          | 154986 |
| SAFETY FUND                                                        | 154987 |
| On July 1, 2013, or as soon as possible thereafter, the            | 154988 |



Director of Budget and Management shall transfer the cash balance 154989  
in the Registrar Rental Fund (Fund 8380) to the State Bureau of 154990  
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 154991  
Fund 8380 is abolished. 154992

STATE DISASTER RELIEF 154993

The State Disaster Relief Fund (Fund 5330) may accept 154994  
transfers of cash and appropriations from Controlling Board 154995  
appropriation items for Ohio Emergency Management Agency disaster 154996  
response costs and disaster program management costs, and may also 154997  
be used for the following purposes: 154998

(A) To accept transfers of cash and appropriations from 154999  
Controlling Board appropriation items for Ohio Emergency 155000  
Management Agency public assistance and mitigation program match 155001  
costs to reimburse eligible local governments and private 155002  
nonprofit organizations for costs related to disasters; 155003

(B) To accept and transfer cash to reimburse the costs 155004  
associated with Emergency Management Assistance Compact (EMAC) 155005  
deployments; 155006

(C) To accept disaster related reimbursement from federal, 155007  
state, and local governments. The Director of Budget and 155008  
Management may transfer cash from reimbursements received by this 155009  
fund to other funds of the state from which transfers were 155010  
originally approved by the Controlling Board. 155011

(D) To accept transfers of cash and appropriations from 155012  
Controlling Board appropriation items to fund the State Disaster 155013  
Relief Program, for disasters that qualify for the program by 155014  
written authorization of the Governor, and the State Individual 155015  
Assistance Program for disasters that have been declared by the 155016  
federal Small Business Administration and that qualify for the 155017  
program by written authorization of the Governor. The Ohio 155018  
Emergency Management Agency shall publish and make available 155019

application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program. 155020  
155021

JUSTICE ASSISTANCE GRANT FUND 155022

The federal payments made to the state for the Byrne Justice Assistance Grants Program under Title II of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Justice Assistance Grant Fund (Fund 3DE0), which is hereby created in the state treasury. All investment earnings of the fund shall be credited to the fund. 155023  
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TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 155029  
155030

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for the maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency. 155031  
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FAMILY VIOLENCE PREVENTION FUND 155040

Notwithstanding any provision of law to the contrary, in each of fiscal years 2014 and 2015, the first \$750,000 received to the credit of the Family Violence Prevention Fund (Fund 5BK0) is appropriated to appropriation item 768689, Family Violence Shelter Programs, and the next \$400,000 received to the credit of Fund 5BK0 in each of those fiscal years is appropriated to appropriation item 768687, Criminal Justice Services - Operating. Any moneys received to the credit of Fund 5BK0 in excess of the aforementioned appropriated amounts in each fiscal year shall, upon the approval of the Controlling Board, be used to provide 155041  
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|                                                                    |        |
|--------------------------------------------------------------------|--------|
| grants to family violence shelters in Ohio.                        | 155051 |
| SARA TITLE III HAZMAT PLANNING                                     | 155052 |
| The SARA Title III HAZMAT Planning Fund (Fund 6810) is             | 155053 |
| entitled to receive grant funds from the Emergency Response        | 155054 |
| Commission to implement the Emergency Management Agency's          | 155055 |
| responsibilities under Chapter 3750. of the Revised Code.          | 155056 |
| COLLECTIVE BARGAINING INCREASES                                    | 155057 |
| Notwithstanding division (D) of section 127.14 and division        | 155058 |
| (B) of section 131.35 of the Revised Code, except for the General  | 155059 |
| Revenue Fund, the Controlling Board may, upon the request of       | 155060 |
| either the Director of Budget and Management, or the Department of | 155061 |
| Public Safety with the approval of the Director of Budget and      | 155062 |
| Management, authorize expenditures in excess of appropriations and | 155063 |
| transfer appropriations, as necessary, for any fund used by the    | 155064 |
| Department of Public Safety, to assist in paying the costs of      | 155065 |
| increases in employee compensation that have occurred pursuant to  | 155066 |
| collective bargaining agreements under Chapter 4117. of the        | 155067 |
| Revised Code and, for exempt employees, under section 124.152 of   | 155068 |
| the Revised Code. Any money approved for expenditure under this    | 155069 |
| paragraph is hereby appropriated.                                  | 155070 |
| CASH BALANCE FUND REVIEW                                           | 155071 |
| Not later than the first day of April in each fiscal year of       | 155072 |
| the biennium, the Director of Budget and Management shall review   | 155073 |
| the cash balances for each fund, except the State Highway Safety   | 155074 |
| Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund | 155075 |
| 4W40), in the State Highway Safety Fund Group, and shall recommend | 155076 |
| to the Controlling Board an amount to be transferred to the credit | 155077 |
| of Fund 7036 or Fund 4W40, as appropriate.                         | 155078 |
| AUTO REGISTRATION DISTRIBUTION FUND                                | 155079 |
| Notwithstanding the amendment by this act to section 4501.03       | 155080 |

of the Revised Code and the enactment by this act of section 155081  
4501.031 of the Revised Code, any license tax assessed under 155082  
Chapters 4503. or 4504. of the Revised Code, and derived from 155083  
registrations processed on business days prior to July 1, 2013, 155084  
shall be deposited to the state treasury to the credit of the Auto 155085  
Registration Distribution Fund (Fund 7051) created by section 155086  
4501.03 of the Revised Code, even if such deposit does not occur 155087  
until on or after July 1, 2013. All license tax assessed on 155088  
registrations under Chapters 4503. or 4504. of the Revised Code 155089  
prior to July 1, 2013, shall be deposited, and distributed, in 155090  
accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and 155091  
4501.043 of the Revised Code as they existed prior to the 155092  
amendments to those sections by this act. 155093

**Sec. 506.10.** Notwithstanding division (A)(3) of section 155094  
4501.044 and division (A)(1) of section 4501.045 of the Revised 155095  
Code, commencing July 1, 2013, and extending through June 30, 155096  
2014, the Director of Public Safety shall deposit the money 155097  
otherwise deposited and distributed in accordance with those 155098  
divisions into the State Highway Safety Fund (Fund 7036) created 155099  
by section 4501.06 of the Revised Code until such time as the 155100  
deposits equal a cumulative total of ~~\$35,000,000~~ \$29,000,000. At 155101  
that point, the Director shall cease depositing any such money 155102  
into Fund 7036 and shall deposit and distribute that money as 155103  
prescribed in division (A)(3) of section 4501.044 and division 155104  
(A)(1) of section 4501.045 of the Revised Code. 155105

Notwithstanding division (A)(3) of section 4501.044 and 155106  
division (A)(1) of section 4501.045 of the Revised Code, 155107  
commencing July 1, 2014, and extending through June 30, 2015, the 155108  
Director of Public Safety shall deposit the money otherwise 155109  
deposited and distributed in accordance with those divisions into 155110  
the State Highway Safety Fund (Fund 7036) created by section 155111  
4501.06 of the Revised Code until such time as the deposits equal 155112

a cumulative total of \$35,000,000. At that point, the Director 155113  
shall cease depositing any such money into Fund 7036 and shall 155114  
deposit and distribute that money as prescribed in division (A)(3) 155115  
of section 4501.044 and division (A)(1) of section 4501.045 of the 155116  
Revised Code. 155117

**Section 605.11.** That existing Sections 205.10 and 506.10 of 155118  
Am. Sub. H.B. 51 of the 130th General Assembly is hereby repealed. 155119

**Section 605.20.** That Section 753.30 of Am. Sub. H.B. 153 of 155120  
the 129th General Assembly be amended to read as follows: 155121

**Sec. 753.30.** (A) The Governor is authorized to execute a deed 155122  
in the name of the state conveying to a buyer or buyers to be 155123  
determined in the manner provided in division (B) of this section 155124  
all of the state's right, title, and interest in the real property 155125  
of any facility under the management and control of the Department 155126  
of Youth Services following the closure of that facility that the 155127  
Director of Administrative Services determines is no longer 155128  
required for state purposes. This section applies only to 155129  
facilities that are closed before January 1, 2012. 155130

(B)(1) The Director of Administrative Services shall offer 155131  
the real estate, improvements and chattels of a facility sold 155132  
pursuant to division (A) of this section for sale "as is" in its 155133  
present condition according to the following process: 155134

The real estate of the facility shall be sold as an entire 155135  
parcel and not subdivided. 155136

The Director of Administrative Services shall conduct a 155137  
sealed bid sale and the real property of the facility shall be 155138  
sold to the highest bidder at a price acceptable to both the 155139  
Director of Administrative Services and the Director of Youth 155140  
Services. 155141

(2) The contract for sale of a facility pursuant to this section shall include a condition that requires the purchaser to provide preferential hiring treatment to employees or former employees of the Department of Youth Services in order to retain or rehire staff displaced as a result of the closure of the facility located on the property, to the extent the purchaser's use of the facility requires employees in the same or similar positions as those displaced as a result of the closure.

The contract for sale also shall include a binding commitment that irrevocably grants to the state a right, upon the occurrence of any triggering event described in division (B)(2)(a) or (b) of this section and in accordance with the particular division, to repurchase the facility and the real property on which it is situated, any surrounding land that is to be transferred under the contract, or both the facility and real property on which it is situated plus the surrounding land that is to be transferred under the contract. The triggering events and the procedures for a repurchase under the irrevocable grant described in this division are as follows:

(a) Before the purchaser, or the purchaser's successor in title, may resell or otherwise transfer the facility and the real property on which it is situated, any surrounding land that is to be transferred under the contract, or both the facility and real property on which it is situated plus the surrounding land that is to be transferred under the contract, the purchaser or successor first must offer the state the opportunity to repurchase the facility, real property, and surrounding land that is to be resold or transferred for a price not greater than the purchase price paid to the state for that facility, real property, or surrounding land, less depreciation from the time of the conveyance of that facility, real property, or surrounding land to the purchaser, plus the depreciated value of any capital improvements to that

facility, real property, or surrounding land that were made to it 155174  
and funded by anyone other than the state subsequent to the 155175  
conveyance to the purchaser. The repurchase opportunity described 155176  
in this division must be offered to the state at least one hundred 155177  
twenty days before the purchaser intends to resell or otherwise 155178  
transfer the facility, real property, or surrounding land that is 155179  
to be resold or transferred. After being offered the repurchase 155180  
opportunity, the state has the right to repurchase the facility, 155181  
real property, and surrounding land that is to be resold or 155182  
otherwise transferred for the price described in this division. 155183

(b) Upon the purchaser's default of any financial agreement 155184  
for the purchase of the facility and the real property on which it 155185  
is situated, any surrounding land that is to be transferred under 155186  
the contract, or both the facility and real property on which it 155187  
is situated plus the surrounding land that is to be transferred 155188  
under the contract, upon the purchaser's default of any other term 155189  
in the contract, or upon the purchaser's financial insolvency or 155190  
inability to meet its contractual obligations, the state has the 155191  
right to repurchase the facility and real property, the 155192  
surrounding land, or both the facility and real property and the 155193  
surrounding land, for a price not greater than the purchase price 155194  
paid to the state for that facility, real property, or surrounding 155195  
land, less depreciation from the time of the conveyance of that 155196  
facility, real property, or surrounding land to the purchaser, 155197  
plus the depreciated value of any capital improvements to that 155198  
facility, real property, or surrounding land that were made to it 155199  
and funded by anyone other than the state subsequent to the 155200  
conveyance to the purchaser. 155201

(3) The Director of Administrative Services shall advertise 155202  
the sealed bid sale in a newspaper of general circulation within 155203  
Scioto County once a week for three consecutive weeks prior to the 155204  
date of the sealed bid sale. The Director of Administrative 155205

Services may reject any and all bids from the sealed bid sale. The 155206  
terms of sale shall be ten per cent of the purchase price in cash, 155207  
bank draft, or certified check payable within five business days 155208  
following written notification of the acceptance of the bid by the 155209  
Director of Administrative Services, with the balance payable 155210  
within sixty days after the date of the written notification of 155211  
the acceptance of the bid by the Director of Administrative 155212  
Services. A purchaser who does not complete the conditions of the 155213  
sale as prescribed in this division shall forfeit the ten per cent 155214  
of the purchase price paid to the state as liquidated damages. 155215  
Should a purchaser not complete the conditions of sale as 155216  
described in this division, the Director of Administrative 155217  
Services is authorized to accept the next highest bid by 155218  
collecting ten per cent of the revised purchase price from that 155219  
bidder and to proceed to close the sale, provided that the 155220  
secondary bid meets all other criteria provided for in this 155221  
section. If the Director of Administrative Services rejects all 155222  
bids from the sealed bid sale, the Director may repeat the sealed 155223  
bid process described in this section or may use an alternate sale 155224  
process acceptable to the Director of Youth Services. 155225

Advertising costs and any other costs incident to the sale of 155226  
a facility pursuant to this section shall be paid by the 155227  
Department of Youth Services. 155228

Upon notice from the Director of Administrative Services, the 155229  
Auditor of State, with the assistance of the Attorney General, 155230  
shall prepare a deed to the facility to the purchaser identified 155231  
by the Director of Administrative Services. The deed shall be 155232  
executed by the Governor, countersigned by the Secretary of State, 155233  
presented in the Office of the Auditor of State for recording, and 155234  
delivered to the grantee at closing and upon the grantee's payment 155235  
of the balance of the purchase price. The grantee shall present 155236  
the deed for recording in the office of the recorder of the county 155237



in which the facility is located. 155238

The grantee shall pay all costs associated with the purchase 155239  
and conveyance of the facility, including the costs of recording 155240  
the deed. 155241

The net proceeds of the conveyance of the facility shall be 155242  
deposited into the State Treasury to the credit of the Adult and 155243  
Juvenile Correctional Facilities Bond Retirement Fund and shall be 155244  
used to offset bond indebtedness on state bonds issued for the 155245  
facility that has been sold. The Director of Budget and Management 155246  
may direct that any moneys remaining in the fund after the 155247  
redemption or defeasance of the bonds issued for that facility be 155248  
transferred to the General Revenue Fund. 155249

(C) This section expires two years after its effective date 155250  
or on November 1, 2015, whichever is later. 155251

**Section 605.21.** That existing Section 753.30 of Am. Sub. H.B. 155252  
153 of the 129th General Assembly is hereby repealed. 155253

**Section 605.30.** That Section 11 of Sub. H.B. 303 of the 129th 155254  
General Assembly be amended to read as follows: 155255

**Sec. 11.** (A) As used in this section, "intermediate care 155256  
facility for individuals with intellectual disabilities" and 155257  
"ICF/IID" mean an intermediate care facility for the mentally 155258  
retarded as defined in the "Social Security Act," section 1905(d), 155259  
42 U.S.C. 1396d(d). 155260

(B) The Department of Developmental Disabilities may conduct 155261  
or contract with another entity to conduct, for the first quarter 155262  
of calendar year 2013, assessments of all residents of each 155263  
ICF/IID, regardless of payment source, who are in the ICF/IID, or 155264  
on hospital or therapeutic leave from the ICF/IID, on the day or 155265  
days that the assessments are conducted at the ICF/IID. 155266

(C) If assessments are conducted under division (B) of this section, the Department shall do all of the following: 155267  
155268

(1) In conducting the assessments, provide for both of the following: 155269  
155270

(a) The resident assessment instrument prescribed in rules authorized by ~~division (B) of section 5111.232~~ 5124.191 of the Revised Code to be used in accordance with an inter-rater reliable process; 155271  
155272  
155273  
155274

(b) The assessments to be performed by individuals who meet the requirements to be qualified intellectual disability professionals, as specified in 42 C.F.R. 483.430(a). 155275  
155276  
155277

(2) Use the data obtained from the assessments to determine each ICF/IID's case-mix score for the first quarter of calendar year 2013; 155278  
155279  
155280

(3) ~~For the purpose of determining each ICF/IID's fiscal year 2014 Medicaid rates for direct care costs and subject~~ Subject to divisions (C)~~(8)~~(7), (D), and ~~(E)~~(F) of this section, ~~do both of the following~~ determine the fiscal year 2014 Medicaid payment rate for the direct care costs of each ICF/IID as follows: 155281  
155282  
155283  
155284  
155285

(a) Determine the average of the following: 155286

(i) The ICF/IID's case-mix score determined or assigned under section 5124.192 of the Revised Code for the last quarter of calendar year 2012; 155287  
155288  
155289

(ii) The ICF/IID's case-mix score determined under section 5124.192 of the Revised Code for the first quarter of calendar year 2013; 155290  
155291  
155292

(iii) The ICF/IID's case-mix score determined under division (C)(2) of this section for the first quarter of calendar year 2013. 155293  
155294  
155295

(b) In determining costs per case-mix units and maximum costs 155296

per case-mix units for the purpose of ~~division~~ divisions (B) and 155297  
(C) of section ~~5111.23~~ 5124.19 of the Revised Code, use ~~each~~ 155298  
~~ICF/IID's case mix score~~ the average determined under division 155299  
(C)~~(2)~~(3)(a) of this section in place of the ICF/IID's average 155300  
case-mix score for calendar year 2012; 155301

~~(b) Instead of determining quarterly Medicaid rates for the 155302  
direct care costs of each ICF/IID pursuant to division (D) of 155303  
section 5111.23 of the Revised Code, determine, as follows, one 155304  
Medicaid rate for the direct care costs of each ICF/IID to be paid 155305  
for all of fiscal year 2014.~~ 155306

~~(i)~~(c) Multiply the ~~ICF/IID's case mix score~~ average 155307  
determined under division (C)~~(2)~~(3)(a) of this section by the 155308  
lesser of the cost per case-mix unit determined for the ICF/IID 155309  
pursuant to division (C)(3)~~(a)~~(b) of this section or the maximum 155310  
cost per case-mix unit determined for the ICF/IID's peer group 155311  
pursuant to division (C)(3)~~(a)~~(b) of this section; 155312

~~(ii)~~(d) Adjust the product determined under division 155313  
(C)(3)~~(b)~~(i)(c) of this section by the inflation rate estimated in 155314  
accordance with division ~~(B)~~(3)(D) of section ~~5111.23~~ 5124.19 of 155315  
the Revised Code. 155316

(4) For the purpose of determining each ICF/IID's fiscal year 155317  
2015 Medicaid rates for direct care costs and subject to division 155318  
(C)~~(8)~~(7) of this section, use the ~~following when determining,~~ 155319  
~~pursuant to the second paragraph of division (C) of section~~ 155320  
~~5111.232 of the Revised Code, each ICF/IID's annual average~~ 155321  
case-mix score determined under division (C)(2) of this section 155322  
for the first quarter of calendar year 2013. 155323

~~(a) For the first quarter of calendar year 2013, the 155324  
ICF/IID's case mix score determined under division (C)(2) of this 155325  
section.~~ 155326

~~(b) For the last three quarters of calendar year 2013 and 155327~~

~~except as provided in division (D) of section 5111.232 of the Revised Code, the ICF/IID's case mix scores determined by using the data the ICF/IID provider compiles in accordance with the first paragraph of division (C) of section 5111.232 of the Revised Code. if the ICF/IID provider does not submit resident assessment data for that quarter pursuant to section 5124.191 of the Revised Code;~~

~~(5) Notify each ICF/IID provider that the provider is permitted but not required to compile assessment data for the first quarter of calendar year 2013 pursuant to the first paragraph of division (C) of section 5111.232 of the Revised Code;~~

~~(6) After the assessments of all of an ICF/IID's residents are completed but not later than April 30, 2013, provide, or have the entity (if any) with which the Department contracts pursuant to division (B) of this section provide, the results of the assessments to the ICF/IID provider;~~

~~(7)(6) Conduct, in accordance with division (C)(8)(7) of this section, a reconsideration for any ICF/IID provider who does both of the following:~~

~~(a) Submits a written request for the reconsideration to the Department not later than fifteen days after the provider receives the assessments' results pursuant to division (C)(6)(5) of this section;~~

~~(b) Includes in the request all of the following:~~

~~(i) A detailed explanation of the items in the assessments' results that the provider disputes;~~

~~(ii) Copies of relevant supporting documentation from specific resident records;~~

~~(iii) The provider's proposed resolution of the disputes.~~

~~(8)(7) When conducting a reconsideration required by division~~

(C)~~(7)~~(6) of this section, do both of the following: 155358

(a) Consider all of the following: 155359

(i) The historic results of the resident assessments 155360  
performed pursuant to section 5124.191 of the Revised Code 155361  
(formerly the first paragraph of division (C) of section ~~5111.232~~ 155362  
5124.19 of the Revised Code as that section existed on the day 155363  
immediately before the effective date of the amendments to that 155364  
section by Sub. H.B. 59 of the 130th general assembly) by the 155365  
ICF/IID provider who requested the reconsideration; 155366

(ii) All of the materials the provider includes in the 155367  
reconsideration request; 155368

(iii) All other matters the Department determines necessary 155369  
for consideration. 155370

(b) Issue a written decision regarding the reconsideration 155371  
not later than the sooner of the following: 155372

(i) Thirty days after the Department receives the 155373  
reconsideration request; 155374

(ii) June 1, 2013. 155375

(D) If an ICF/IID provider does not submit resident 155376  
assessment data to the department pursuant to section 5124.191 of 155377  
the Revised Code for the first quarter of calendar year 2013, the 155378  
Department shall use the case-mix scores specified in divisions 155379  
(C)(3)(a)(i) and (iii) of this section when determining the 155380  
average under division (C)(3)(a) of this section. 155381

(E) The Department's decision regarding a reconsideration 155382  
required by division (C)~~(7)~~(6) of this section is final and not 155383  
subject to further appeal. 155384

~~(E)~~(F) Regardless of what an ICF/IID's case-mix score is 155385  
determined to be under division (C)(2) of this section or pursuant 155386  
to a reconsideration required by division (C)~~(7)~~(6) of this 155387

section, no such case-mix score shall cause an ICF/IID's fiscal 155388  
year 2014 Medicaid payment rate for direct care costs to be less 155389  
than ninety per cent of its June 30, 2013, Medicaid rate for 155390  
direct care costs. 155391

~~(F)~~(G) No ICF/IID provider shall be treated as having failed, 155392  
for the first quarter of calendar year 2013, to timely submit data 155393  
necessary to determine the ICF/IID's case-mix score for that 155394  
quarter if the assessment is to be conducted under division (B) of 155395  
this section. 155396

~~(G)~~(H) The Department may provide for assessments to be 155397  
conducted under division (B) of this section and, if it so 155398  
provides, shall comply with the other divisions of this section 155399  
notwithstanding anything to the contrary in sections ~~5111.20~~ 155400  
5124.01, ~~5111.23~~ 5124.19, 5124.191, and ~~5111.232~~ 5124.192 of the 155401  
Revised Code. 155402

**Section 605.31.** That existing Section 11 of Sub. H.B. 303 of 155403  
the 129th General Assembly is hereby repealed. 155404

**Section 605.40.** That Section 4 of Am. Sub. H.B. 472 of the 155405  
129th General Assembly be amended to read as follows: 155406

**Sec. 4.** That ~~sections 5507.40 and~~ section 5507.53 of the 155407  
Revised Code ~~are~~ is hereby repealed. 155408

**Section 605.41.** That existing Section 4 of Am. Sub. H.B. 472 155409  
of the 129th General Assembly is hereby repealed. 155410

**Section 610.10.** That Sections 201.80, 205.83, and 509.40 of 155411  
Sub. H.B. 482 of the 129th General Assembly be amended to read as 155412  
follows: 155413

**Sec. 201.80.** All items set forth in this section are hereby 155414

appropriated out of any moneys in the state treasury to the credit 155415  
of the School Building Program Assistance Fund (Fund 7032), that 155416  
are not otherwise appropriated. 155417

Appropriations

|        |                                               |                           |        |
|--------|-----------------------------------------------|---------------------------|--------|
|        | SFC SCHOOL FACILITIES COMMISSION              |                           | 155418 |
| C23002 | School Building Program Assistance            | \$ <del>425,000,000</del> | 155419 |
|        |                                               | <u>413,000,000</u>        |        |
| C23020 | <u>School Security Grant Program</u>          | \$ <u>12,000,000</u>      | 155420 |
|        | Total School Facilities Commission            | \$ 425,000,000            | 155421 |
|        | TOTAL School Building Program Assistance Fund | \$ 425,000,000            | 155422 |

SCHOOL BUILDING PROGRAM ASSISTANCE 155423

The foregoing appropriation item C23002, School Building 155424  
Program Assistance, shall be used by the School Facilities 155425  
Commission to provide funding to school districts that receive 155426  
conditional approval from the Commission pursuant to Chapter 3318. 155427  
of the Revised Code. 155428

SCHOOL SECURITY GRANT PROGRAM 155429

The foregoing appropriation item C23020, School Security 155430  
Grant Program, shall be used by the School Facilities Commission 155431  
to provide funding to all public schools for the purchase and 155432  
installation of one Multi-Agency Radio Communications System unit 155433  
per school building and one school entrance security system, per 155434  
school building. The school entrance security system may include 155435  
improvements to access control, intrusion detection, or video 155436  
surveillance. A school may apply to the School Facilities 155437  
Commission for reimbursement up to \$2,000 for one Multi-Agency 155438  
Radio Communications System Unit per school building and up to 155439  
\$5,000 for costs incurred with the purchase of a school entrance 155440  
security system installed on or after January 1, 2013. 155441

**Sec. 205.83.** The Ohio Public Facilities Commission is hereby 155442  
authorized to issue and sell, in accordance with Section 2o and 2q 155443

of Article VIII, Ohio Constitution, and pursuant to sections 155444  
151.01 and 151.09 of the Revised Code, original obligations of the 155445  
state in an aggregate principal amount not to exceed ~~\$6,000,000~~ 155446  
12,500,000 in addition to the original issuance of obligations 155447  
heretofore authorized by prior acts of the General Assembly. These 155448  
authorized obligations shall be issued and sold from time to time, 155449  
subject to applicable constitutional and statutory limitations, as 155450  
needed to ensure sufficient moneys to the credit of the Clean Ohio 155451  
Trail Fund (Fund 7061) to pay costs of conservation projects. 155452

**Sec. 509.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 155453**  
PROJECTS 155454

Notwithstanding ~~sections 123.01 and 123.15~~ section 123.21 of 155455  
the Revised Code, the Executive Director of ~~Administrative~~ 155456  
~~Services~~ the Ohio Facilities Construction Commission may authorize 155457  
the Departments of Mental Health, Developmental Disabilities, 155458  
Agriculture, Job and Family Services, Rehabilitation and 155459  
Correction, Youth Services, Public Safety, Transportation, ~~and~~ 155460  
Veterans Services, and the Bureau of Workers' Compensation to 155461  
administer any capital facilities projects, the estimated cost of 155462  
which, including design fees, construction, equipment, and 155463  
contingency amounts, is less than \$1,500,000. Requests for 155464  
authorization to administer capital facilities projects shall be 155465  
made ~~in writing to the Director of Administrative Services~~ through 155466  
the OAKS-CI application by the applicable state agency ~~within~~ 155467  
~~sixty days after the effective date of the section of law in which~~ 155468  
~~the General Assembly initially makes an appropriation for the~~ 155469  
~~project.~~ Upon the release of funds for the projects by the 155470  
Controlling Board or the Director of Budget and Management, the 155471  
agency may administer the capital project or projects for which 155472  
agency administration has been authorized without the supervision, 155473  
control, or approval of the Executive Director of ~~Administrative~~ 155474  
~~Services~~ the Ohio Facilities Construction Commission. 155475



A state agency authorized by the Executive Director of 155476  
~~Administrative Services~~ the Ohio Facilities Construction 155477  
Commission to administer capital facilities projects pursuant to 155478  
this section shall comply with the applicable procedures and 155479  
guidelines established in Chapter 153. of the Revised Code and 155480  
shall track all project information in OAKS-CI pursuant to Ohio 155481  
Facilities Construction Commission guidelines. 155482

**Section 610.11.** That existing Sections 201.80, 205.83, and 155483  
509.40 of Sub. H.B. 482 of the 129th General Assembly are hereby 155484  
repealed. 155485

**Section 610.14.** That Sections 301.11, 301.12, and 301.13 of 155486  
Am. Sub. H.B. 487 of the 129th General Assembly be amended to read 155487  
as follows: 155488

**Sec. 301.11.** The items set forth in this section are hereby 155489  
appropriated out of any moneys in the state treasury to the credit 155490  
of the Clean Ohio Conservation Fund (Fund 7056) that are not 155491  
otherwise appropriated. 155492

|                                    |                         | Appropriations           |        |
|------------------------------------|-------------------------|--------------------------|--------|
| PWC PUBLIC WORKS COMMISSION        |                         |                          | 155493 |
| C15060                             | Clean Ohio Conservation | \$ <del>36,000,000</del> | 155494 |
|                                    |                         | <u>75,000,000</u>        |        |
| Total Public Works Commission      |                         | \$ <del>36,000,000</del> | 155495 |
|                                    |                         | <u>75,000,000</u>        |        |
| TOTAL Clean Ohio Conservation Fund |                         | \$ <del>36,000,000</del> | 155496 |
|                                    |                         | <u>75,000,000</u>        |        |

The foregoing appropriation item C15060, Clean Ohio 155497  
Conservation, shall be used in accordance with sections 164.20 to 155498  
164.27 of the Revised Code. If the Public Works Commission 155499  
receives refunds due to project overpayments that are discovered 155500  
during the post-project audit, the Director of the Public Works 155501

Commission may certify to the Director of Budget and Management 155502  
that refunds have been received. If the Director of Budget and 155503  
Management determines that the project refunds are available to 155504  
support additional appropriations, such amounts are hereby 155505  
appropriated. 155506

**Sec. 301.12.** The items set forth in this section are hereby 155507  
appropriated out of any moneys in the state treasury to the credit 155508  
of the Clean Ohio Agricultural Easement Fund (Fund 7057) that are 155509  
not otherwise appropriated. 155510

|                                             |                                   | Appropriations          |        |
|---------------------------------------------|-----------------------------------|-------------------------|--------|
| AGR DEPARTMENT OF AGRICULTURE               |                                   |                         | 155511 |
| C70009                                      | Clean Ohio Agricultural Easements | \$ <del>6,000,000</del> | 155512 |
|                                             |                                   | <u>12,500,000</u>       |        |
| Total Department of Agriculture             |                                   | \$ <del>6,000,000</del> | 155513 |
|                                             |                                   | <u>12,500,000</u>       |        |
| TOTAL Clean Ohio Agricultural Easement Fund |                                   | \$ <del>6,000,000</del> | 155514 |
|                                             |                                   | <u>12,500,000</u>       |        |

**Sec. 301.13.** (A) The Ohio Public Facilities Commission is 155516  
hereby authorized to issue and sell, in accordance with Section 2o 155517  
and 2q of Article VIII, Ohio Constitution, and pursuant to 155518  
sections 151.01 and 151.09 of the Revised Code, original 155519  
obligations of the state in an aggregate principal amount not to 155520  
exceed ~~\$36,000,000~~ 75,000,000 in addition to the original issuance 155521  
of obligations heretofore authorized by prior acts of the General 155522  
Assembly. These authorized obligations shall be issued and sold 155523  
from time to time, subject to applicable constitutional and 155524  
statutory limitations, as needed to ensure sufficient moneys to 155525  
the credit of the Clean Ohio Conservation Fund (Fund 7056) to pay 155526  
costs of conservation projects. 155527

(B) The Ohio Public Facilities Commission is hereby 155528  
authorized to issue and sell, in accordance with Section 2o and 2q 155529

of Article VIII, Ohio Constitution, and pursuant to sections 155530  
151.01 and 151.09 of the Revised Code, original obligations of the 155531  
state in an aggregate principal amount not to exceed ~~\$6,000,000~~ 155532  
12,500,000 in addition to the original issuance of obligations 155533  
heretofore authorized by prior acts of the General Assembly. These 155534  
authorized obligations shall be issued and sold from time to time, 155535  
subject to applicable constitutional and statutory limitations, as 155536  
needed to ensure sufficient moneys to the credit of the Clean Ohio 155537  
Agricultural Easement Fund (Fund 7057) to pay costs of 155538  
conservation projects. 155539

**Section 610.15.** That existing Sections 301.11, 301.12, and 155540  
301.13 of Am. Sub. H.B. 487 of the 129th General Assembly are 155541  
hereby repealed. 155542

**Section 610.16.** That Section 205.80 of Sub. H.B. 482 of the 155543  
129th General Assembly, as amended by Am. Sub. H.B. 487 of the 155544  
129th General Assembly, be amended to read as follows: 155545

**Sec. 205.80.** The items set forth in this section are hereby 155546  
appropriated out of any moneys in the state treasury to the credit 155547  
of the Clean Ohio Trail Fund (Fund 7061) that are not otherwise 155548  
appropriated. 155549

DNR DEPARTMENT OF NATURAL RESOURCES 155550

|                                       | Appropriations          |        |
|---------------------------------------|-------------------------|--------|
| C72514 Clean Ohio Local Grants        | \$ <del>6,000,000</del> | 155551 |
|                                       | <u>12,500,000</u>       |        |
| Total Department of Natural Resources | \$ <del>6,000,000</del> | 155552 |
|                                       | <u>12,500,000</u>       |        |
| TOTAL Clean Ohio Trail Fund           | \$ <del>6,000,000</del> | 155553 |
|                                       | <u>12,500,000</u>       |        |

**Section 610.17.** That existing Section 205.80 of Sub. H.B. 482 155555

of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of 155556  
the 129th General Assembly, is hereby repealed. 155557

**Section 610.20.** That Section 4 of Sub. S.B. 171 of the 129th 155558  
General Assembly, as amended by Am. Sub. H.B. 487 of the 129th 155559  
General Assembly, be amended to read as follows: 155560

**Sec. 4.** The following agencies are retained under division 155561  
(D) of section 101.83 of the Revised Code and expire on December 155562  
31, 2016: 155563

| AGENCY NAME                                                                                                | REVISED CODE OR<br>UNCODIFIED<br>SECTION |        |
|------------------------------------------------------------------------------------------------------------|------------------------------------------|--------|
| Academic Distress Commission                                                                               | 3302.10                                  | 155565 |
| Advisory Board of Governor's Office of<br>Faith-Based and Community Initiatives                            | 107.12                                   | 155566 |
| Advisory Board to Assist and Advise in the<br>Operation of the Ohio Center for Autism and Low<br>Incidence | 3323.33, 3323.34                         | 155567 |
| Advisory Council on Amusement Ride Safety                                                                  | 1711.51, 1711.52                         | 155568 |
| <del>Advisory Council of Directors for Prison Labor</del>                                                  | 5145.162                                 | 155569 |
| <u>Office of Enterprise Development Advisory Board</u>                                                     |                                          |        |
| Advisory Council for Wild, Scenic, or<br>Recreational River Area(s)                                        | 1547.84                                  | 155570 |
| Advisory Committee on Livestock Exhibitions                                                                | 901.71                                   | 155571 |
| Agricultural Commodity Marketing Programs<br>Operating Committees                                          | 924.07                                   | 155572 |
| Agricultural Commodity Marketing Programs<br>Coordinating Committee                                        | 924.14                                   | 155573 |
| Alternative Energy Advisory Committee                                                                      | 4928.64(D)                               | 155574 |
| AMBER Alert Advisory Committee                                                                             | 5502.521                                 | 155575 |
| Apprenticeship Council                                                                                     | Chapter 4139.                            | 155576 |

|                                                                                         |                                          |        |
|-----------------------------------------------------------------------------------------|------------------------------------------|--------|
| Armory Board of Control                                                                 | 5911.09, 5911.12                         | 155577 |
| Automated Title Processing Board                                                        | 4505.09(C)(1)                            | 155578 |
| Backflow Advisory Board                                                                 | 3703.21                                  | 155579 |
| Banking Commission                                                                      | 1123.01                                  | 155580 |
| Board of Directors of the Great Lakes Protection Fund                                   | 1506.22<br>(6161.04)                     | 155581 |
| Board of Directors of the Medical Liability Underwriting Association Stabilization Fund | 3929.631                                 | 155582 |
| Board of Directors of the Ohio Appalachian Center for Higher Education                  | 3333.58                                  | 155583 |
| Board of Directors of the Ohio Health Reinsurance Program                               | 3924.08 -<br>3924.11                     | 155584 |
| Board of Governors of the Commercial Insurance Joint Underwriting Association           | 3930.03                                  | 155585 |
| Board of Governors of the Medical Liability Underwriting Association                    | 3929.64                                  | 155586 |
| Board of Voting Machines Examiners                                                      | 3506.05                                  | 155587 |
| Budget Planning and Management Commission                                               | Section 509.10,<br>H.B. 1, 128th<br>G.A. | 155588 |
| Brain Injury Advisory Committee                                                         | 3304.231                                 | 155589 |
| Bureau of Workers' Compensation Board of Directors                                      | 4121.12                                  | 155590 |
| Capitol Square Review and Advisory Board                                                | 105.41                                   | 155591 |
| Child Care Advisory Council                                                             | 5104.08                                  | 155592 |
| Child Support Guideline Advisory Council                                                | 3119.024                                 | 155593 |
| Children's Trust Fund Board                                                             | 3109.15 -<br>3109.17                     | 155594 |
| Citizen's Advisory Council                                                              | 5123.092,<br>5123.093                    | 155595 |
| Clean Ohio Trail Advisory Board                                                         | 1519.06                                  | 155596 |
| Coastal Resources Advisory Council                                                      | 1506.12                                  | 155597 |
| Commission on African-American Males                                                    | 4112.12, 4112.13                         | 155598 |

|                                                                                              |                                         |        |
|----------------------------------------------------------------------------------------------|-----------------------------------------|--------|
| Commission on Hispanic-Latino Affairs                                                        | 121.31                                  | 155599 |
| Commission on Minority Health                                                                | 3701.78                                 | 155600 |
| Committee on Prescriptive Governance                                                         | 4723.49 -<br>4723.492                   | 155601 |
| Commodity Advisory Commission                                                                | 926.32                                  | 155602 |
| Consumer Advisory Committee to the Opportunities<br>for Ohioans with Disabilities Commission | 3304.16<br>(3304.14),<br>Section 803.40 | 155603 |
| Continuing Education Committee                                                               | 109.80(B)                               | 155604 |
| Council on Alcohol and Drug Addiction Services                                               | 3793.09                                 | 155605 |
| Council on Unreclaimed Strip Mined Lands                                                     | 1513.29                                 | 155606 |
| County Sheriff's Standard Car Marking and Uniform<br>Commission                              | 311.25 - 311.27                         | 155607 |
| Credential Review Board                                                                      | 3319.65                                 | 155608 |
| Credit Union Council                                                                         | 1733.329                                | 155609 |
| Criminal Sentencing Advisory Committee                                                       | 181.22                                  | 155610 |
| Data Collection and Analysis Group                                                           | 3727.32                                 | 155611 |
| Dentist Loan Repayment Advisory Board                                                        | 3702.92                                 | 155612 |
| Department Advisory Council(s)                                                               | 107.18, 121.13                          | 155613 |
| Development Financing Advisory Council                                                       | 122.40, 122.41                          | 155614 |
| Early Childhood Advisory Council                                                             | 3301.90                                 | 155615 |
| Education Commission of the States (Interstate<br>Compact for Education)                     | 3301.48, 3301.49                        | 155616 |
| Education Management Information System Advisory<br>Board                                    | 3301.0713                               | 155617 |
| Educator Standards Board                                                                     | 3319.60                                 | 155618 |
| Electrical Safety Inspector Advisory Committee                                               | 3783.08                                 | 155619 |
| Emergency Response Commission                                                                | 3750.02                                 | 155620 |
| Engineering Experiment Station Advisory Committee                                            | 3335.27                                 | 155621 |
| Environmental Education Council                                                              | 3745.21                                 | 155622 |
| Environmental Protection Agency Advisory Board(s)                                            | 121.13, 3704.03,<br>3745.01             | 155623 |
| <del>eTech Ohio</del> <u>Broadcast Educational Media</u> Commission                          | 3353.02 -                               | 155624 |

|                                                                                                      |                                         |        |
|------------------------------------------------------------------------------------------------------|-----------------------------------------|--------|
|                                                                                                      | 3353.04                                 |        |
| Ex-Offender Reentry Coalition                                                                        | 5120.07                                 | 155625 |
| Farmland Preservation Advisory Board                                                                 | 901.23                                  | 155626 |
| Financial Planning and Supervision Commission(s)<br>for Municipal Corporation, County, or Township   | 118.05                                  | 155627 |
| Financial Planning and Supervision Commission for<br>a school district                               | 3316.05                                 | 155628 |
| Forestry Advisory Council                                                                            | 1503.40                                 | 155629 |
| Governance Authority for a State University or<br>College                                            | 3345.75                                 | 155630 |
| Governor's Council on People with Disabilities                                                       | 3303.41                                 | 155631 |
| Governor's Policy Information Working Group                                                          | Section 313,<br>H.B. 420, 127th<br>G.A. | 155632 |
| Governor's Residence Advisory Commission                                                             | 107.40                                  | 155633 |
| Grain Marketing Program Operating Committee                                                          | 924.20 - 924.30                         | 155634 |
| Great Lakes Commission (Great Lakes Basin<br>Compact)                                                | 6161.01                                 | 155635 |
| Gubernatorial Transition Committee                                                                   | 107.29, 126.26                          | 155636 |
| Help Me Grow Advisory Council                                                                        | 3701.611                                | 155637 |
| Hemophilia Advisory Subcommittee of the Medically<br>Handicapped Children's Medical Advisory Council | 3701.0210                               | 155638 |
| Homeland Security Advisory Council                                                                   | 5502.011(E)                             | 155639 |
| Hospital Measures Advisory Council                                                                   | 3727.31                                 | 155640 |
| Housing Trust Fund Advisory Committee                                                                | 174.06                                  | 155641 |
| Industrial Commission Nominating Council                                                             | 4121.04                                 | 155642 |
| Industrial Technology and Enterprise Advisory<br>Council                                             | 122.29, 122.30                          | 155643 |
| Infant Hearing Screening Subcommittee                                                                | 3701.507                                | 155644 |
| Infection Control Group                                                                              | 3727.312(D)                             | 155645 |
| Insurance Agent Education Advisory Council                                                           | 3905.483                                | 155646 |
| Interstate Rail Passenger Advisory Council                                                           | 4981.35                                 | 155647 |
| Joint Select Committee on Volume Cap                                                                 | 133.021                                 | 155648 |

|                                                                                     |                                           |        |
|-------------------------------------------------------------------------------------|-------------------------------------------|--------|
| Labor-Management Government Advisory Council                                        | 4121.70                                   | 155649 |
| Legislative Programming Committee of the Ohio Government Telecommunications Service | 3353.07                                   | 155650 |
| Legislative Task Force on Redistricting, Reapportionment, and Demographic Research  | 103.51                                    | 155651 |
| Maternity and Newborn Advisory Council                                              | 3711.20, 3711.21                          | 155652 |
| Medically Handicapped Children's Medical Advisory Council                           | 3701.025                                  | 155653 |
| Midwest Interstate Passenger Rail Compact Commission                                | 4981.361                                  | 155654 |
| Milk Sanitation Board                                                               | 917.03 - 917.032                          | 155655 |
| Mine Subsidence Insurance Governing Board                                           | 3929.51                                   | 155656 |
| Minority Development Financing Advisory Board                                       | 122.72, 122.73                            | 155657 |
| Multi-Agency Radio Communications System (MARCS) Steering Committee                 | Section 15.02,<br>H.B. 640, 123rd<br>G.A. | 155658 |
| National Museum of Afro-American History and Culture Planning Committee             | 149.303                                   | 155659 |
| New African Immigrants Commission                                                   | 4112.31, 4112.32                          | 155660 |
| Ohio Accountability Task Force                                                      | 3302.021(E)                               | 155661 |
| Ohio Advisory Council for the Aging                                                 | 173.03                                    | 155662 |
| Ohio Agriculture License Plate Scholarship Fund Board                               | 901.90                                    | 155663 |
| Ohio Arts Council                                                                   | Chapter 3379.                             | 155664 |
| Ohio Business Gateway Steering Committee                                            | 5703.57                                   | 155665 |
| Ohio Cemetery Dispute Resolution Commission                                         | 4767.05, 4767.06                          | 155666 |
| Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils            | 4112.04(B)(4)                             | 155667 |
| Ohio Commercial Market Assistance Plan Executive Committee                          | 3930.02                                   | 155668 |
| Ohio Commission on Dispute Resolution and Conflict Management                       | 179.02 - 179.04                           | 155669 |
| Ohio Commission on Fatherhood                                                       | 5101.34                                   | 155670 |



|                                                                                   |                                          |        |
|-----------------------------------------------------------------------------------|------------------------------------------|--------|
| Ohio Community Service Council                                                    | 121.40 - 121.404                         | 155671 |
| Ohio Council for Interstate Adult Offender<br>Supervision                         | 5149.22                                  | 155672 |
| Ohio Cultural Facilities Commission                                               | Chapter 3383.                            | 155673 |
| Ohio Cystic Fibrosis Legislative Task Force                                       | 101.38                                   | 155674 |
| Ohio Developmental Disabilities Council                                           | 5123.35                                  | 155675 |
| Ohio Expositions Commission                                                       | 991.02                                   | 155676 |
| Ohio Family and Children First Cabinet Council                                    | 121.37                                   | 155677 |
| Ohio Geographically Referenced Information<br>Program Council                     | 125.901, 125.902                         | 155678 |
| Ohio Geology Advisory Council                                                     | 1501.11                                  | 155679 |
| Ohio Grape Industries Committee                                                   | 924.51 - 924.55                          | 155680 |
| Ohio Historic Site Preservation Advisory Board                                    | 149.301                                  | 155681 |
| Ohio Historical Society Board of Trustees                                         | 149.30                                   | 155682 |
| Ohio Judicial Conference                                                          | 105.91 - 105.97                          | 155683 |
| Ohio Lake Erie Commission                                                         | 1506.21                                  | 155684 |
| Ohio Legislative Commission on the Education and<br>Preservation of State History | Section 701.05,<br>H.B. 1, 128th<br>G.A. | 155685 |
| Ohio Medical Quality Foundation                                                   | 3701.89                                  | 155686 |
| Ohio Parks and Recreation Council                                                 | 1541.40                                  | 155687 |
| Ohio Peace Officer Training Commission                                            | 109.71, 109.72                           | 155688 |
| Ohio Private Investigation and Security Services<br>Commission                    | 4749.021,<br>4743.01                     | 155689 |
| Ohio Public Defender Commission                                                   | 120.01 - 120.03                          | 155690 |
| Ohio Public Library Information Network Board of<br>Trustees                      | 3375.65, 3375.66                         | 155691 |
| Ohio Quarter Horse Development Commission                                         | 3769.086                                 | 155692 |
| Ohio Small Government Capital Improvements<br>Commission                          | 164.02(C)(D)                             | 155693 |
| Ohio Soil and Water Conservation Commission                                       | 1515.02                                  | 155694 |
| Ohio Standardbred Development Commission                                          | 3769.085                                 | 155695 |
| Ohio Subrogation Rights Commission                                                | 2323.44                                  | 155696 |

|                                                                                                                |                                         |        |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------|
| Ohio Thoroughbred Racing Advisory Committee                                                                    | 3769.084                                | 155697 |
| Ohio Transportation Finance Commission                                                                         | 5531.12(B) to<br>(D)                    | 155698 |
| Ohio Tuition Trust Authority                                                                                   | 3334.03, 3334.08                        | 155699 |
| Ohio University College of Osteopathic Medicine<br>Advisory Committee                                          | 3337.10, 3337.11                        | 155700 |
| Ohio Vendors Representative Committee                                                                          | 3304.34, 20 USC<br>107                  | 155701 |
| Ohio War Orphans Scholarship Board                                                                             | 5910.02 -<br>5910.06                    | 155702 |
| Ohio Water Advisory Council                                                                                    | 1521.031                                | 155703 |
| Ohio Water Resources Council Advisory Group                                                                    | 1521.19                                 | 155704 |
| Ohio Water Resources Council                                                                                   | 1521.19                                 | 155705 |
| Oil and Gas Commission                                                                                         | 1509.35                                 | 155706 |
| Operating Committee of the Oil and Gas Marketing<br>Program                                                    | 1510.06, 1510.11                        | 155707 |
| Organized Crime Investigations Commission                                                                      | 177.01                                  | 155708 |
| Pharmacy and Therapeutics Committee of the<br>Department of <del>Job and Family Services</del> <u>Medicaid</u> | <del>5111.084</del><br><u>5164.7510</u> | 155709 |
| Physician Assistant Policy Committee of the State<br>Medical Board                                             | 4730.05, 4730.06                        | 155710 |
| Physician Loan Repayment Advisory Board                                                                        | 3702.81                                 | 155711 |
| Power Siting Board                                                                                             | 4906.02                                 | 155712 |
| Prequalification Review Board                                                                                  | 5525.07                                 | 155713 |
| Private Water Systems Advisory Council                                                                         | 3701.346                                | 155714 |
| Public Utilities Commission Nominating Council                                                                 | 4901.021                                | 155715 |
| Public Utility Property Tax Study Committee                                                                    | 5727.85(K)                              | 155716 |
| Radiation Advisory Council                                                                                     | 3748.20                                 | 155717 |
| Reclamation Commission                                                                                         | 1513.05                                 | 155718 |
| Reclamation Forfeiture Fund Advisory Board                                                                     | 1513.182                                | 155719 |
| Recreation and Resources Commission                                                                            | 1501.04                                 | 155720 |
| Recycling and Litter Prevention Advisory Council                                                               | 1502.04                                 | 155721 |
| School and Ministerial Lands Divestiture                                                                       | 501.041                                 | 155722 |

|                                                                                            |                                               |        |
|--------------------------------------------------------------------------------------------|-----------------------------------------------|--------|
| Committee                                                                                  |                                               |        |
| Savings and Loan Associations and Savings Banks Board                                      | 1181.16                                       | 155723 |
| Second Chance Trust Fund Advisory Committee                                                | 2108.35                                       | 155724 |
| Service Coordination Workgroup                                                             | Section 751.20,<br>H.B. 1, 128th<br>G.A.      | 155725 |
| Ski Tramway Board                                                                          | 4169.02                                       | 155726 |
| Small Business Stationary Source Technical and Environmental Compliance Assistance Council | 3704.19                                       | 155727 |
| Solid Waste Management Advisory Council                                                    | 3734.51                                       | 155728 |
| Special Commission to Consider the Suspension of Local Government Officials                | 3.16                                          | 155729 |
| Speed to Scale Task Force                                                                  | Section<br>375.60.80, H.B.<br>119, 128th G.A. | 155730 |
| State Agency Coordinating Group                                                            | 1521.19                                       | 155731 |
| State Audit Committee                                                                      | 126.46                                        | 155732 |
| State Council of Uniform State Laws                                                        | 105.21 - 105.27                               | 155733 |
| State Criminal Sentencing Commission                                                       | 181.22 - 181.26                               | 155734 |
| State Fire Council                                                                         | 3737.81                                       | 155735 |
| State Library Board                                                                        | 3375.01                                       | 155736 |
| State Victims Assistance Advisory Council                                                  | 109.91(B) and<br>(C)                          | 155737 |
| Statewide Consortium of County Law Library Resource Boards                                 | 3375.481                                      | 155738 |
| STEM Committee                                                                             | 3326.02                                       | 155739 |
| Student Tuition Recovery Authority                                                         | 3332.081                                      | 155740 |
| Sunset Review Committee                                                                    | 101.84 - 101.87                               | 155741 |
| Tax Credit Authority                                                                       | 122.17(M)                                     | 155742 |
| Technical Advisory Committee to Assist Director of the Ohio Coal Development Office        | 1551.35                                       | 155743 |
| Technical Advisory Council on Oil and Gas                                                  | 1509.38                                       | 155744 |

|                                                                        |                 |        |
|------------------------------------------------------------------------|-----------------|--------|
| Transportation Review Advisory Council                                 | 5512.07 -       | 155745 |
|                                                                        | 5512.09         |        |
| Unemployment Compensation Advisory Council                             | 4141.08         | 155746 |
| Unemployment Compensation Review Commission                            | 4141.06         | 155747 |
| Veterans Advisory Committee                                            | 5902.02(K)      | 155748 |
| Volunteer Fire Fighters' Dependents Fund Boards<br>(private volunteer) | 146.02 - 146.06 | 155749 |
| Volunteer Fire Fighters' Dependents Fund Boards<br>(public)            | 146.02 - 146.06 | 155750 |
| Water and Sewer Commission                                             | 1525.11(C)      | 155751 |
| Waterways Safety Council                                               | 1547.73         | 155752 |
| Wildlife Council                                                       | 1531.03 -       | 155753 |
|                                                                        | 1531.05         |        |
| Workers' Compensation Board of Directors                               | 4121.123        | 155754 |
| Nominating Committee                                                   |                 |        |

**Section 610.21.** That existing Section 4 of Sub. S.B. 171 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly, is hereby repealed. 155755  
155756  
155757

**Section 620.10.** That Section 105.05 of Am. Sub. H.B. 2 of the 128th General Assembly be amended to read as follows: 155758  
155759

**Sec. 105.05.** Section 121.53 of the Revised Code is hereby repealed, effective ~~September~~ June 30, 2013 2014. 155760  
155761

**Section 620.11.** That existing Section 105.05 of Am. Sub. H.B. 2 of the 128th General Assembly is hereby repealed. 155762  
155763

**Section 630.10.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Administrative Building Fund (Fund 7026) that are not otherwise appropriated for the biennium ending June 30, 2014: 155764  
155765  
155766  
155767

|        |                                   | Appropriations |        |
|--------|-----------------------------------|----------------|--------|
|        | DEV DEVELOPMENT SERVICES AGENCY   |                | 155768 |
| C19506 | Children's Home                   | \$ 100,000     | 155769 |
|        | Total Development Services Agency | \$ 100,000     | 155770 |

CHILDREN'S HOME 155771

The foregoing appropriation item C19506, Children's Home, 155772  
shall be used for the Children's Home of Cincinnati. 155773

**Section 630.10.10.** All items set forth in this section are 155774  
hereby appropriated out of any moneys in the state treasury to the 155775  
credit of the Parks and Recreation Improvement Fund (Fund 7035) 155776  
that are not otherwise appropriated for the biennium ending June 155777  
30, 2014: 155778

|        |                                       | Appropriations |        |
|--------|---------------------------------------|----------------|--------|
|        | DNR DEPARTMENT OF NATURAL RESOURCES   |                | 155779 |
| C725S6 | Cleveland Zoological Society          | \$ 150,000     | 155780 |
|        | TOTAL Department of Natural Resources | \$ 150,000     | 155781 |

CLEVELAND ZOOLOGICAL SOCIETY 155782

Of the foregoing appropriation item C725S6, Cleveland 155783  
Zoological Society, shall be used for the Cleveland Zoological 155784  
Society. 155785

**Section 630.11.** That Sections 203.30.40, 203.30.70, 155786  
203.30.80, 203.90.10, 203.90.20, 205.10.20, 205.30.90, 205.50.70, 155787  
and 207.10.10 of Sub. S.B. 312 of the 129th General Assembly be 155788  
amended to read as follows: 155789

|        |                                                                     | Reappropriations |        |
|--------|---------------------------------------------------------------------|------------------|--------|
|        | <b>Sec. 203.30.40.</b> CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD |                  | 155790 |
| C87405 | Capitol Rotunda Renovations                                         | \$ 37,363        | 155791 |
| C87406 | Statehouse Grounds Repair/Improvements                              | \$ 34,663        | 155792 |
| C87407 | Sound System Upgrades                                               | \$ 30,654        | 155793 |

|                                                |                                        |    |         |        |
|------------------------------------------------|----------------------------------------|----|---------|--------|
| C87409                                         | Cupola Gutters and Ancillary Roof      | \$ | 5,577   | 155794 |
| C87411                                         | ADA Specific Sidewalk Ramp Replacement | \$ | 7,564   | 155795 |
| C87412                                         | Capitol Square Security                | \$ | 121,316 | 155796 |
| C87413                                         | CSRAB Visitors' Center                 | \$ | 48,576  | 155797 |
| Total Capitol Square Review and Advisory Board |                                        | \$ | 285,713 | 155798 |

On July 1, 2013, or as soon as possible thereafter, the 155799  
Director of Budget and Management shall transfer any unexpended 155800  
appropriations in appropriation item C87405, Capitol Rotunda 155801  
Renovations, and appropriation item C87413, CSRAB Visitors' 155802  
Center, to appropriation item C87412, Capitol Square Security. The 155803  
appropriations transferred under this section are hereby 155804  
appropriated. 155805

Reappropriations

**Sec. 203.30.70. OSB SCHOOL FOR THE BLIND** 155806

|                                 |                                   |    |                      |        |
|---------------------------------|-----------------------------------|----|----------------------|--------|
| C22607                          | Renovation of Science Laboratory  | \$ | 26,473               | 155807 |
|                                 | Greenhouse                        |    |                      |        |
| C22614                          | New School Lighting               | \$ | 32,775               | 155808 |
| C22616                          | Renovation and Repairs            | \$ | 779,478              | 155809 |
| C22617                          | Elevator Replacement              | \$ | 104,500              | 155810 |
| C22619                          | Public Address System Replacement | \$ | 73,150               | 155811 |
| C22622                          | Track Shelter                     | \$ | 42,750               | 155812 |
| C22624                          | Natatorium Renovations            | \$ | 2,483                | 155813 |
| C22700                          | Infrastructure Improvements       | \$ | <del>1,640,652</del> | 155814 |
|                                 |                                   |    | <u>1,657,435</u>     |        |
| Total Ohio School for the Blind |                                   | \$ | <del>2,702,261</del> | 155815 |
|                                 |                                   |    | <u>2,719,044</u>     |        |

**PUBLIC ADDRESS SYSTEM REPLACEMENT** 155816

The amount reappropriated for the foregoing appropriation 155817  
item C22619, Public Address System Replacement, is the 155818  
unencumbered and unallotted balance as of June 30, 2012, in 155819  
appropriation item C22619, Public Address System Replacement, 155820

|                                                                          |  |        |
|--------------------------------------------------------------------------|--|--------|
| minus \$77,000.                                                          |  | 155821 |
| TRACK SHELTER                                                            |  | 155822 |
| The amount reappropriated for the foregoing appropriation                |  | 155823 |
| item C22622, Track Shelter, is the unencumbered and unallotted           |  | 155824 |
| balance as of June 30, 2012, in appropriation item C22622, Track         |  | 155825 |
| Shelter, plus \$77,000.                                                  |  | 155826 |
| <u>INFRASTRUCTURE IMPROVEMENTS</u>                                       |  | 155827 |
| <u>The amount reappropriated for the foregoing appropriation</u>         |  | 155828 |
| <u>item C22700, Infrastructure Improvements, is the unencumbered and</u> |  | 155829 |
| <u>unallotted balance as of June 30, 2013, in appropriation item</u>     |  | 155830 |
| <u>C22700, Infrastructure Improvements, plus \$16,783.</u>               |  | 155831 |

Reappropriations

|                                                |                          |        |
|------------------------------------------------|--------------------------|--------|
| <b>Sec. 203.30.80. OSD SCHOOL FOR THE DEAF</b> |                          | 155832 |
| C22104 Boilers, Blowers, and Controls for the  | \$ 44,992                | 155833 |
| School Complex                                 |                          |        |
| C22107 Renovation and Repairs                  | \$ 950,000               | 155834 |
| C22108 High School Window Replacement          | \$ 20,041                | 155835 |
| C22109 High School HVAC                        | \$ 19,182                | 155836 |
| C22111 Staff Building Windows and Repair       | \$ 15,983                | 155837 |
| C22112 Alumni Park Preservation                | \$ 59,375                | 155838 |
| C22800 Infrastructure Improvements             | \$ <del>905,833</del>    | 155839 |
|                                                | <u>922,616</u>           |        |
| Total Ohio School for the Deaf                 | \$ <del>2,015,406</del>  | 155840 |
|                                                | <u>2,032,189</u>         |        |
| TOTAL Administrative Building Fund             | \$ <del>29,689,586</del> | 155841 |
|                                                | <u>29,723,152</u>        |        |

Reappropriations

|                                                        |                       |        |
|--------------------------------------------------------|-----------------------|--------|
| <b>Sec. 203.90.10. DMH DEPARTMENT OF MENTAL HEALTH</b> |                       | 155843 |
| C58000 Hazardous Materials Abatement                   | \$ 118,750            | 155844 |
| C58001 Community Assistance Projects                   | \$ <del>332,500</del> | 155845 |

|                                   |                                        |    |                   |        |
|-----------------------------------|----------------------------------------|----|-------------------|--------|
|                                   |                                        |    | <u>232,500</u>    |        |
| C58002                            | Campus Consolidation - Automation      | \$ | 95,000            | 155846 |
| C58004                            | Demolition                             | \$ | 142,500           | 155847 |
| C58005                            | Life Safety/Critical Plant Renovations | \$ | 23,750            | 155848 |
| C58006                            | Patient Care/Environment Improvement   | \$ | 285,000           | 155849 |
| C58007                            | Infrastructure Renovations             | \$ | 475,000           | 155850 |
| C58008                            | Emergency Improvements                 | \$ | 285,000           | 155851 |
| C58009                            | Patient Environment Improvement        | \$ | 1,000             | 155852 |
|                                   | Consolidation                          |    |                   |        |
| C58010                            | Campus Consolidation                   | \$ | 23,750,000        | 155853 |
| C58020                            | Mandel Jewish Community Center         | \$ | 199,500           | 155854 |
| Total Department of Mental Health |                                        | \$ | <u>25,708,000</u> | 155855 |
|                                   |                                        |    | <u>25,608,000</u> |        |

COMMUNITY ASSISTANCE PROJECTS 155856

Of the foregoing appropriation item C58001, Community Assistance Projects, ~~\$100,000 shall be used for the Children's Home of Cincinnati,~~ \$100,000 shall be used for the Shaw JCC, and \$300,000 shall be used for the Berea Children's Home. 155857  
155858  
155859  
155860

The amount reappropriated for the foregoing appropriation item C58001, Community Assistance Projects, is the unencumbered unallotted balance, as of June 30, 2012, in appropriation item C58001, Community Assistance Projects, plus \$1,096,159.42. Prior to the expenditure of this reappropriation, the Director of Mental Health shall certify to the Director of Budget and Management canceled encumbrances in the amount of at least \$1,096,159.42. 155861  
155862  
155863  
155864  
155865  
155866  
155867

INFRASTRUCTURE RENOVATIONS 155868

The amount reappropriated for the foregoing appropriation item C58007, Infrastructure Renovations, is the unencumbered and unallotted balance as of June 30, 2012, in appropriation item C58007, Infrastructure Renovations, plus \$2,995,450.24. Prior to the expenditure of this reappropriation, the Director of Mental Health shall certify to the Director of Budget and Management 155869  
155870  
155871  
155872  
155873  
155874



155875 canceled encumbrances in the amount of at least \$2,995,450.24.

Reappropriations

|                                                                     |                                 |                          |        |
|---------------------------------------------------------------------|---------------------------------|--------------------------|--------|
| <b>Sec. 203.90.20. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES</b> |                                 |                          | 155876 |
| C59004                                                              | Community Assistance Projects   | \$ 13,913,599            | 155877 |
| C59029                                                              | Emergency Generator Replacement | \$ 460,362               | 155878 |
| C59034                                                              | Statewide Developmental Centers | \$ 1,407,067             | 155879 |
| C59050                                                              | Emergency Improvements          | \$ 484,984               | 155880 |
| C59051                                                              | Energy Conservation             | \$ 430,500               | 155881 |
| C59055                                                              | Camp McKinley Improvements      | \$ 30,000                | 155882 |
| C59056                                                              | The Hope Learning Center        | \$ 250,000               | 155883 |
| TOTAL Department of Developmental Disabilities                      |                                 | \$ 16,976,512            | 155884 |
| TOTAL Mental Health Facilities Improvement Fund                     |                                 | \$ <del>42,684,512</del> | 155885 |
|                                                                     |                                 | <u>42,584,512</u>        |        |

155886 COMMUNITY ASSISTANCE PROJECTS

155887 The foregoing appropriation item C59004, Community Assistance  
 155888 Projects, may be used to provide community assistance funds for  
 155889 the construction or renovation of facilities for day programs or  
 155890 residential programs that provide services to persons eligible for  
 155891 services from the Department of Developmental Disabilities or  
 155892 county boards of developmental disabilities.

155893 The amount reappropriated for the foregoing appropriation  
 155894 item C59004, Community Assistance Projects, is the unencumbered,  
 155895 unallotted balance as of June 30, 2012, in appropriation item  
 155896 C59004, Community Assistance Projects, plus \$8,326,255. Prior to  
 155897 the expenditure of this reappropriation, the Director of  
 155898 Developmental Disabilities shall certify to the Director of Budget  
 155899 and Management canceled encumbrances in the Mental Health  
 155900 Facilities Improvement Fund (Fund 7033) in the amount of at least  
 155901 \$8,326,255.

155902 STATEWIDE DEVELOPMENTAL CENTERS

The amount reappropriated for the foregoing appropriation 155903  
item C59034, Statewide Developmental Centers, is the unencumbered, 155904  
unallotted balance as of June 30, 2012, in appropriation item 155905  
C59034, Statewide Developmental Centers, plus \$167,912. Prior to 155906  
the expenditure of this reappropriation, the Director of 155907  
Developmental Disabilities shall certify to the Director of Budget 155908  
and Management canceled encumbrances in the Mental Health 155909  
Facilities Improvement Fund (Fund 7033) in the amount of at least 155910  
\$167,912. 155911

Reappropriations

**Sec. 205.10.20. BOR BOARD OF REGENTS** 155912

|                        |                                                                                                     |    |            |        |
|------------------------|-----------------------------------------------------------------------------------------------------|----|------------|--------|
| C23506                 | Third Frontier Project                                                                              | \$ | 15,689,958 | 155913 |
| C23519                 | 315 Research and Technology Corridor                                                                | \$ | 2,090,000  | 155914 |
| C23525                 | CWRU Mt. Sinai Skills and Simulation<br>Center                                                      | \$ | 500,000    | 155915 |
| C23528                 | Clintonville Fiber Project                                                                          | \$ | 100,000    | 155916 |
| C23529                 | Non-credit Job Training Facilities                                                                  | \$ | 2,011,227  | 155917 |
| C23535                 | CWRU <del>Energy Center</del> <u>Cleveland Center for</u><br><u>Membrane and Structural Biology</u> | \$ | 333,333    | 155918 |
| Total Board of Regents |                                                                                                     | \$ | 20,724,518 | 155919 |

SUPPLEMENTAL RENOVATIONS LIBRARY DEPOSITORIES 155920

The amount reappropriated for appropriation item C23524, 155921  
Supplemental Renovations Library Depositories, is the unencumbered 155922  
and unallotted balance in appropriation item C23524, Supplemental 155923  
Renovations Library Depositories, minus \$95,695. 155924

NON-CREDIT JOB TRAINING FACILITIES 155925

The amount reappropriated for the foregoing appropriation 155926  
item C23529, Non-credit Job Training Facilities, is the 155927  
unencumbered and unallotted balance in appropriation item C23529, 155928  
Non-credit Job Training Facilities, as of June 30, 2012, plus 155929  
\$866,811. 155930

Reappropriations

|                                                       |                                          |                         |        |
|-------------------------------------------------------|------------------------------------------|-------------------------|--------|
| <b>Sec. 205.30.90. CCC CUYAHOGA COMMUNITY COLLEGE</b> |                                          |                         | 155931 |
| C37800                                                | Basic Renovations                        | \$ 617,662              | 155932 |
| C37803                                                | Technology Learning Center - Western     | \$ 40,941               | 155933 |
| C37812                                                | Building A Expansion Module - Western    | \$ 118,115              | 155934 |
| C37816                                                | College-Wide Wayfinding Signage System   | \$ 118,825              | 155935 |
| C37817                                                | College-Wide Asset Protection & Building | \$ 599,645              | 155936 |
| C37818                                                | Healthcare Technology Building - Eastern | \$ 1,343,897            | 155937 |
| C37821                                                | Hospitality Management Program           | \$ 37,203               | 155938 |
| C37822                                                | Theater Renovations                      | \$ 948,231              | 155939 |
| C37824                                                | Rock and Roll Hall of Fame Archive       | \$ 3,000                | 155940 |
| C37826                                                | CW Roof Replacement                      | \$ 181,197              | 155941 |
| C37831                                                | Visiting Nurse Association               | \$ 142,500              | 155942 |
| <del>C37833</del>                                     | <del>Cleveland Zoological Society</del>  | <del>\$ 142,500</del>   | 155943 |
| C37834                                                | Museum of Contemporary Art Cleveland     | \$ 427,500              | 155944 |
| C37835                                                | Western Reserve Historical Society       | \$ 2,660,000            | 155945 |
| Total Cuyahoga Community College                      |                                          | \$ <del>7,381,216</del> | 155946 |
|                                                       |                                          | <u>7,238,716</u>        |        |

BASIC RENOVATIONS 155947

The amount reappropriated for the foregoing appropriation 155948  
 item C37800, Basic Renovations, is the unencumbered and unallotted 155949  
 balance as of June 30, 2012, in appropriation item C37800, Basic 155950  
 Renovations, plus \$1,033,551. 155951

NON-CREDIT JOB TRAINING 155952

The amount reappropriated for appropriation item C37805, 155953  
 Non-credit Job Training, is the unencumbered and unallotted 155954  
 balance in appropriation item C37805, Non-credit Job Training, as 155955  
 of June 30, 2012, minus \$38,676. 155956

BUILDING A EXPANSION MODULE - WESTERN 155957

The amount reappropriated for the foregoing appropriation 155958

item C37812, Building A Expansion Module - Western, is the 155959  
unencumbered and unallotted balance as of June 30, 2012, in 155960  
appropriation item C37812, Building A Expansion Module - Western, 155961  
minus \$82,761. 155962

THEATER RENOVATIONS 155963

The amount reappropriated for the foregoing appropriation 155964  
item C37822, Theater Renovations, is the unencumbered and 155965  
unallotted balance as of June 30, 2012, in appropriation item 155966  
C37822, Theater Renovations, minus \$950,790. 155967

CCC AUTO LAB IMPROVEMENTS 155968

The amount reappropriated for appropriation item C37830, CCC 155969  
Auto Lab Improvements, is the unencumbered and unallotted balance 155970  
in appropriation item C37830, CCC Auto Lab Improvements, as of 155971  
June 30, 2012, minus \$239. 155972

Reappropriations

|                                                       |    |                        |        |
|-------------------------------------------------------|----|------------------------|--------|
| <b>Sec. 205.50.70. STC STARK TECHNICAL COLLEGE</b>    |    |                        | 155973 |
| C38900 Basic Renovations                              | \$ | 4,775                  | 155974 |
| C38917 Wind Energy Research and Development<br>Center | \$ | 1,166,996              | 155975 |
| Total Stark Technical College                         | \$ | 1,171,771              | 155976 |
| TOTAL Higher Education Improvement Fund               | \$ | <del>226,722,333</del> | 155977 |
|                                                       |    | <u>226,579,833</u>     |        |

**Sec. 207.10.10. LOCAL PARKS PROJECTS** 155979

Of the foregoing appropriation item C725E2, Local Parks 155980  
Projects, \$50,000 plus an amount equal to two per cent of the 155981  
projects listed may be used by the Ohio Department of Natural 155982  
Resources for the administration of local projects; \$1,586,570 155983  
shall be used for Grand Lake St. Mary's Improvements; \$400,000 155984  
shall be used for the Austin Pike Project - Land Acquisition; 155985  
\$191,000 shall be used for Deerfield Township Simpson Creek 155986

Erosion Mitigation and Bank Control; \$121,700 shall be used for 155987  
the Salt Fork State Park Concession Stand; \$100,000 shall be used 155988  
for the Crown Point Conservation Easement; \$100,000 shall be used 155989  
for the Euclid Beach Pier; \$100,000 shall be used for the Liberty 155990  
Park Expansion - Twinsburg; \$100,000 shall be used for the Lucas 155991  
County Marina; \$100,000 shall be used for the Midtown Cleveland 155992  
Mountain Bike Park; \$100,000 shall be used for the Mudbrook Trail 155993  
and Greenway Project; \$69,000 shall be used for Miami and Erie 155994  
Canal Repairs in Spencerville; \$60,000 shall be used for the 155995  
Marseilles Reservoir Bulkhead Project; \$50,000 shall be used for 155996  
Dillon State Park Upgrades; \$25,000 shall be used for the 155997  
Marblehead Lighthouse State Park Life Boat Station; \$24,165 shall 155998  
be used for Tar Hollow State Park Improvements; \$20,200 shall be 155999  
used for Van Buren State Park Campground Electric and Restroom 156000  
Facility Improvements; and \$10,000 shall be used for Village of 156001  
Albany Bike Paths. 156002

FINDLEY STATE PARK 156003

The amount reappropriated for the foregoing appropriation 156004  
item C72511, Findley State Park, is the unencumbered and 156005  
unallotted balance as of June 30, 2012, in appropriation item 156006  
C72511, Findley State Park, minus \$22,856. 156007

LAKE HOPE STATE PARK 156008

The amount reappropriated for the foregoing appropriation 156009  
item C72522, Lake Hope State Park, is the unencumbered and 156010  
unallotted balance as of June 30, 2012, in appropriation item 156011  
C72522, Lake Hope State Park, minus \$7,276. 156012

HOCKING HILLS STATE PARK 156013

The amount reappropriated for the foregoing appropriation 156014  
item C72559, Hocking Hills State Park, is the unencumbered and 156015  
unallotted balance as of June 30, 2012, in appropriation item 156016  
C72559, Hocking Hills State Park, minus \$3,025. 156017

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| PORTAGE LAKES STATE PARK                                           | 156018 |
| The amount reappropriated for the foregoing appropriation          | 156019 |
| item C72576, Portage Lakes State Park, is the unencumbered and     | 156020 |
| unallotted balance as of June 30, 2012, in appropriation item      | 156021 |
| C72576, Portage Lakes State Park, minus \$2,040.                   | 156022 |
| DEER CREEK STATE PARK                                              | 156023 |
| The amount reappropriated for the foregoing appropriation          | 156024 |
| item C72594, Deer Creek State Park, is the unencumbered and        | 156025 |
| unallotted balance as of June 30, 2012, in appropriation item      | 156026 |
| C72594, Deer Creek State Park, minus \$19,392.                     | 156027 |
| RIVERFRONT IMPROVEMENTS                                            | 156028 |
| The amount reappropriated for the foregoing appropriation          | 156029 |
| item C725D0, Riverfront Improvements, is the unencumbered and      | 156030 |
| unallotted balance as of June 30, 2012, in appropriation item      | 156031 |
| C725D0, Riverfront Improvements, minus \$5,000.                    | 156032 |
| MOHICAN STATE PARK                                                 | 156033 |
| The amount reappropriated for the foregoing appropriation          | 156034 |
| item C725M9, Mohican State Park, is the unencumbered and           | 156035 |
| unallotted balance as of June 30, 2012, in appropriation item      | 156036 |
| C725M9, Mohican State Park, minus \$72,469.                        | 156037 |
| WASTEWATER AND WATER SYSTEMS UPGRADE                               | 156038 |
| The amount reappropriated for the foregoing appropriation          | 156039 |
| item C725N6, Wastewater and Water Systems Upgrade, is the          | 156040 |
| unencumbered and unallotted balance as of June 30, 2012, in        | 156041 |
| appropriation item C725N6, Wastewater and Water Systems Upgrade,   | 156042 |
| plus \$162,050.                                                    | 156043 |
| SOUTH BASS ISLAND STATE PARK                                       | 156044 |
| The amount reappropriated for the foregoing appropriation          | 156045 |
| item C725R0, South Bass Island State Park, is the unencumbered and | 156046 |
| unallotted balance as of June 30, 2012, in appropriation item      | 156047 |

C725R0, South Bass Island State Park, minus \$29,992. 156048

KAMP DOVETAIL PROJECT 156049

The amount reappropriated for the foregoing appropriation 156050  
item C725S5, Kamp Dovetail Project, used by the Department of 156051  
Natural Resources, is the unencumbered and unallotted balance 156052  
remaining as of June 30, 2013, in appropriation item C59020, Kamp 156053  
Dovetail Project, used by the Department of Developmental 156054  
Disabilities. 156055

FEDERAL REIMBURSEMENT 156056

All reimbursements received from the federal government for 156057  
any expenditures made pursuant to sections of this act numbered 156058  
with the prefix "207.10" shall be deposited in the state treasury 156059  
to the credit of the Parks and Recreation Improvement Fund. 156060

**Section 630.12.** That existing Sections 203.30.40, 203.30.70, 156061  
203.30.80, 203.90.10, 203.90.20, 205.10.20, 205.30.90, 205.50.70, 156062  
and 207.10.10 of Sub. S.B. 312 of the 129th General Assembly are 156063  
hereby repealed. 156064

**Section 701.10.** EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES 156065

As used in this section, "appointing authority" has the same 156066  
meaning as in section 124.01 of the Revised Code, and "exempt 156067  
employee" has the same meaning as in section 124.01 of the Revised 156068  
Code. 156069

Notwithstanding section 124.181 of the Revised Code, in cases 156070  
where no vacancy exists, an appointing authority may, with the 156071  
written consent of an exempt employee, assign duties of a higher 156072  
classification to that exempt employee for a period of time not to 156073  
exceed two years, and that exempt employee shall receive 156074  
compensation at a rate commensurate with the duties of the higher 156075  
classification. 156076

**Section 701.30.** As used in this section, "public record" has 156077  
the meaning defined in section 149.43 of the Revised Code, and 156078  
"public office" has the meaning defined in section 149.011 of the 156079  
Revised Code. 156080

Not later than December 31, 2013, the Director of 156081  
Administrative Services shall deliver a report to the Governor, 156082  
the Speaker and Minority Leader of the House of Representatives, 156083  
and the President and Minority Leader of the Senate that proposes 156084  
uniform standards that should apply to a public office that 156085  
chooses to post public records on an internet web site maintained 156086  
by the public office. In developing the standards, the Director 156087  
shall consider, at a minimum, the following factors: any 156088  
recommended technology and/or software to use; the projected costs 156089  
of implementing and maintaining such technology and software; and 156090  
how a public office is to post a public record on its web site, or 156091  
on a public web site maintained by the state, so that the public 156092  
record, or the data contained in the public record, is capable of 156093  
being searched and downloaded by the public in a uniform manner. 156094

**Section 701.40.** (A) The Department of Rehabilitation and 156095  
Correction shall convene a committee to study assaults and other 156096  
violence within state correctional institutions. The committee 156097  
shall meet, discuss, and share all relevant information. 156098

(B) The committee shall publish a report by December 31, 156099  
2013. The report shall include, but is not limited to, the 156100  
following: 156101

(1) Staffing rates per state correctional institution, 156102  
including vacancy rates; 156103

(2) Recommendations of acceptable staffing levels per state 156104  
correctional institution, including vacancy rates; 156105

(3) Current relief factor ratios per state correctional 156106



|                                                                                                                                                                                                                                                  |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| institution, including the methodology used to calculate the relief factor;                                                                                                                                                                      | 156107<br>156108                     |
| (4) Recommendations of acceptable relief factor ratios per state correctional institution;                                                                                                                                                       | 156109<br>156110                     |
| (5) Correctional officer to inmate ratio per state correctional institution, excluding vacancy rates;                                                                                                                                            | 156111<br>156112                     |
| (6) Numbers and details of incidents of violence per state correctional institution;                                                                                                                                                             | 156113<br>156114                     |
| (7) A definition of what the Department includes in the assault and other violence statistics;                                                                                                                                                   | 156115<br>156116                     |
| (8) The number of days off from employment due to violence in the state correctional institution;                                                                                                                                                | 156117<br>156118                     |
| (9) Recommendations to reduce violence in state correctional institutions.                                                                                                                                                                       | 156119<br>156120                     |
| (C) The committee shall submit a copy of the committee's report to the Governor, Speaker and Minority Leader of the House of Representatives, and President and Minority Leader of the Senate not later than December 31, 2013.                  | 156121<br>156122<br>156123<br>156124 |
| <b>Section 701.50.</b> (A) The Department of Youth Services shall convene a committee to study assaults and other violence within state juvenile correctional facilities. The committee shall meet, discuss, and share all relevant information. | 156125<br>156126<br>156127<br>156128 |
| (B) The committee shall publish a report by December 31, 2013. The report shall include, but is not limited to, the following:                                                                                                                   | 156129<br>156130<br>156131           |
| (1) Staffing rates per state juvenile correctional facility, including vacancy rates;                                                                                                                                                            | 156132<br>156133                     |
| (2) Recommendations of acceptable staffing levels per state juvenile correctional facility, including vacancy rates;                                                                                                                             | 156134<br>156135                     |

|                                                                                                                                                                                                                                                                                                                                                                                                                |                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (3) Current relief factor ratios per state juvenile<br>correctional facility, including the methodology used to calculate<br>the relief factor;                                                                                                                                                                                                                                                                | 156136<br>156137<br>156138                               |
| (4) Recommendations of acceptable relief factor ratios per<br>state juvenile correctional facility;                                                                                                                                                                                                                                                                                                            | 156139<br>156140                                         |
| (5) Youth specialist to inmate ratio per state juvenile<br>correctional facility, excluding vacancy rates;                                                                                                                                                                                                                                                                                                     | 156141<br>156142                                         |
| (6) Numbers and details of incidents of violence per state<br>juvenile correctional facility;                                                                                                                                                                                                                                                                                                                  | 156143<br>156144                                         |
| (7) A definition of what the Department includes in the<br>assault and other violence statistics;                                                                                                                                                                                                                                                                                                              | 156145<br>156146                                         |
| (8) The number of days off from employment due to violence in<br>the state juvenile correctional facility;                                                                                                                                                                                                                                                                                                     | 156147<br>156148                                         |
| (9) Recommendations to reduce violence in state juvenile<br>correctional facilities.                                                                                                                                                                                                                                                                                                                           | 156149<br>156150                                         |
| (C) The committee shall submit a copy of the committee's<br>report to the Governor, Speaker and Minority Leader of the House<br>of Representatives, and President and Minority Leader of the<br>Senate not later than December 31, 2013.                                                                                                                                                                       | 156151<br>156152<br>156153<br>156154                     |
| <b>Section 715.10.</b> Two years after the amendments to section<br>1501.011 of the Revised Code by this act take effect, the Ohio<br>Facilities Construction Commission and the Department of Natural<br>Resources shall review division (C) of that section.                                                                                                                                                 | 156155<br>156156<br>156157<br>156158                     |
| <b>Section 733.10.</b> Notwithstanding section 3317.01 of the<br>Revised Code, as amended by this act, to determine whether a<br>school district satisfied the minimum school year in the 2013-2014<br>school year in order to qualify for state funding under Chapter<br>3317. of the Revised Code for fiscal year 2015, the Department of<br>Education shall apply the criteria prescribed in the version of | 156159<br>156160<br>156161<br>156162<br>156163<br>156164 |

division (B) of section 3317.01 of the Revised Code in effect 156165  
prior to July 1, 2014. 156166

**Section 733.20.** The General Assembly hereby declares its 156167  
intent, in enacting section 3319.031 of the Revised Code, to 156168  
supersede any effect of the decision of the Court of Appeals of 156169  
the Eighth Appellate District in *OAPSE/AFSCME Local 4 v. Berdine*, 156170  
174 Ohio App.3d 46 (Cuyahoga County, 2007) to the extent the 156171  
decision conflicts with the principle that boards of education may 156172  
appoint a licensed business manager, but also may determine 156173  
instead to assign the roles and functions of a business manager to 156174  
one or more employees or officers of the board, including the 156175  
treasurer, in the board's sole discretion. 156176

**Section 733.40.** (A) The Superintendent of Public Instruction 156177  
shall appoint three incorporators who are knowledgeable about the 156178  
administration of public schools and about the operation of 156179  
nonprofit corporations in Ohio. 156180

(B) The incorporators shall do whatever is necessary and 156181  
proper to set up a nonprofit corporation under Chapter 1702. of 156182  
the Revised Code. The articles of incorporation, in addition to 156183  
meeting the requirements of section 1702.04 of the Revised Code, 156184  
shall set forth the following provisions: 156185

(1) That the nonprofit corporation is to create and implement 156186  
a pilot program that provides an alternative path for individuals 156187  
to receive training and development in the administration of 156188  
primary and secondary education and leadership, that will enable 156189  
these individuals to earn a degree in public school 156190  
administration, that will enable these individuals to obtain 156191  
licenses in public school administration, and that promotes the 156192  
placement of these individuals in public schools that have a 156193  
poverty percentage greater than fifty per cent. 156194

(2) That the Board of Directors are to establish criteria for program costs, participant selection, and continued participation, and metrics to document and measure pilot program activities. 156195  
156196  
156197

(3) That the name of the nonprofit corporation is "New Leaders for Ohio Schools." 156198  
156199

(4) That the Board of Directors is to consist of the following nine directors: 156200  
156201

(a) The Governor or the Governor's designee; 156202

(b) The Superintendent of Public Instruction, or the Superintendent's designee; 156203  
156204

(c) The Chancellor of the Ohio Board of Regents, or the Chancellor's designee; 156205  
156206

(d) Two individuals to represent major business enterprises in Ohio; 156207  
156208

(e) Two individuals appointed by the Speaker of the House of Representatives, one of whom shall be an active duty or retired military officer; 156209  
156210  
156211

(f) Two individuals appointed by the President of the Senate, one of whom shall be a current or retired teacher or principal. 156212  
156213

The Dean of The Ohio State University Fisher College of Business and the Dean of The Ohio State University College of Education and Human Ecology are to serve as ex-officio nonvoting members of the Board. 156214  
156215  
156216  
156217

The individuals on the Board who represent major business enterprises in Ohio are to be appointed by a statewide organization selected by the Governor. The organization is to be nonpartisan and consist of chief executive officers of major corporations organized in Ohio. 156218  
156219  
156220  
156221  
156222

(5) That the Board is to elect a chairperson from among its members, and is to appoint a President of the corporation. 156223  
156224

(6) That the President of the Corporation, subject to the approval of the Board, is to enter into a contract with The Ohio State University Fisher College of Business. Under the contract, the College is to provide oversight to the corporation, is to serve as fiscal agent for the corporation, and is to provide the corporation with office space, and with office furniture and equipment, as is necessary for the corporation successfully to fulfill its duties.

(7) That the overhead expenses of the corporation are not to exceed fifteen per cent of the annual budget of the corporation.

(8) That the President is to apply for, and is to receive and accept, grants, gifts, bequests, and contributions from private sources.

(9) That the corporation is to submit an annual report to the General Assembly and Governor beginning December 31, 2013.

(10) That state financial support for the corporation shall cease on the date that is five years after the effective date of this section.

**Section 737.10.** There is established the Legislative Committee on Public Health Futures. The Legislative Committee shall review the legislative and fiscal policy changes in this act regarding local public health services. On the basis of its review, the Legislative Committee shall recommend legislative and fiscal policies that would improve local public health services in this state. The Legislative Committee, not later than January 31, 2015, shall prepare a report that describes its review, and that states, and provides explanations of, its policy recommendations. The Legislative Committee shall transmit a copy of its report to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives for consideration as part of the operating budget for fiscal years

2016 and 2017. Upon transmitting its report, the Legislative 156256  
Committee ceases to exist. 156257

Each of the following associations shall appoint one 156258  
individual to the Legislative Committee: the County Commissioners 156259  
Association of Ohio, the Ohio Township Association, the Department 156260  
of Health, the Ohio Public Health Association, the Ohio 156261  
Environmental Health Association, the Ohio Boards of Health 156262  
Association, the Ohio Municipal League, and the Ohio Hospital 156263  
Association. The Association of Ohio Health Commissioners shall 156264  
appoint two individuals to the Legislative Committee. The 156265  
President and Minority Leader of the Senate each shall appoint two 156266  
members to the Legislative Committee. The Speaker and Minority 156267  
Leader of the House of Representatives each shall appoint two 156268  
members to the Legislative Committee. Of the two appointments made 156269  
by each legislative leader, one shall be a member of the General 156270  
Assembly from the appointing member's chamber. Appointments shall 156271  
be made as soon as possible but not later than thirty days after 156272  
the effective date of this section. Vacancies on the Legislative 156273  
Committee shall be filled in the same manner as the original 156274  
appointment. 156275

As soon as all members have been appointed to the Legislative 156276  
Committee, the President of the Senate shall fix a time and place 156277  
for the committee to hold its first meeting, which shall be held 156278  
not later than August 1, 2014. At that meeting, the committee 156279  
shall elect from among its membership a chairperson, a 156280  
vice-chairperson, and a secretary. The Director of Health shall 156281  
provide the Legislative Committee with meeting and office space, 156282  
equipment, and professional, technical, and clerical staff as are 156283  
necessary to enable the Legislative Committee successfully to 156284  
complete its work. 156285

**Section 739.10. TECHNICAL ASSISTANCE TO BOARDS OF HEALTH** 156286

SEEKING COVERAGE BY HEALTH INSURERS AND MEDICAID 156287

(A) As used in this section, "board of health" means a board 156288  
of health of a city or general health district or, as described in 156289  
section 3709.05 of the Revised Code, the authority having the 156290  
duties of a board of health. 156291

(B) During fiscal year 2014 and fiscal year 2015, the 156292  
Superintendent of Insurance, in collaboration with the Medicaid 156293  
Director, shall provide technical assistance to boards of health 156294  
seeking to obtain reimbursement through health care insurers and 156295  
payments from the Medicaid program for providing public health 156296  
services such as immunizations, clinical services, and management 156297  
of patient health care through integrated care systems and other 156298  
models of care. The technical assistance shall address the 156299  
credentialing process and contracting procedures used by health 156300  
care insurers to determine which health care providers are 156301  
eligible for reimbursement by the insurers, as well as the 156302  
procedures used by the Department of Medicaid in entering into 156303  
Medicaid provider agreements. 156304

This section does not require a board of health to provide 156305  
any particular service or to seek reimbursement from health care 156306  
insurers or payments from the Medicaid program. 156307

**Section 747.10.** (A) The Ohio Cemetery Law Task Force shall 156308  
develop recommendations on modifications of the laws of this state 156309  
relating to cemeteries. 156310

(B) The Ohio Cemetery Law Task Force is established. The Task 156311  
Force shall consist of the following eleven members: a 156312  
representative of local government, other than townships, 156313  
appointed by the President of the Senate; a representative of the 156314  
Ohio Township Association appointed by the President of the 156315  
Senate; a representative of Native Americans appointed by the 156316

President of the Senate; a representative of private cemeteries 156317  
appointed by the Speaker of the House of Representatives; a 156318  
representative of the Ohio Historical Society appointed by the 156319  
Speaker of the House of Representatives; a representative of 156320  
archeologists appointed by the Speaker of the House of 156321  
Representatives; a representative of the Ohio Genealogical Society 156322  
appointed by the Governor; a representative of the Ohio Cemetery 156323  
Dispute Resolution Commission appointed by the Governor; a 156324  
representative of the Division of Real Estate and Professional 156325  
Licensing in the Department of Commerce appointed by the Governor; 156326  
a representative of the Department of Transportation appointed by 156327  
the Governor; and a representative of the Department of Natural 156328  
Resources appointed by the Governor. 156329

The initial appointments shall be made not later than thirty 156330  
days after the effective date of this section. Vacancies shall be 156331  
filled in the manner provided for original appointments. 156332

The Task Force shall elect two of its members to serve as 156333  
co-chairpersons of the Task Force. 156334

The Task Force shall meet as often as necessary to carry out 156335  
its duties and responsibilities. Members of the Task Force shall 156336  
serve without compensation. 156337

(C) The Task Force shall issue a report of its 156338  
recommendations to the President of the Senate, the Speaker of the 156339  
House of Representatives, and the Governor not later than one year 156340  
after the effective date of this section. The Task Force ceases to 156341  
exist upon submitting its report. 156342

**Section 747.20.** The county recorder shall continue to keep 156343  
six separate sets of records of all agreements for the 156344  
registration of lands as archaeological or historic landmarks 156345  
recorded before the effective date of this section. 156346



**Section 751.10.** RECOVERY REQUIRES A COMMUNITY PROGRAM 156347

The Department of Mental Health and Addiction Services, in 156348  
consultation with the Department of Medicaid, shall administer the 156349  
Recovery Requires a Community Program to identify individuals 156350  
residing in nursing facilities who can be successfully moved into 156351  
a community setting with the aid of community non-Medicaid 156352  
services. 156353

The Director of Mental Health and Addiction Services and the 156354  
Medicaid Director shall agree upon an amount representing the 156355  
savings realized from decreased nursing facility utilization to be 156356  
transferred within the biennium from the Department of Medicaid to 156357  
the Department of Mental Health and Addiction Services to support 156358  
non-Medicaid program costs for individuals moving into community 156359  
settings. 156360

Of the foregoing appropriation item 651525, Medicaid/Health 156361  
Care Services, the Medicaid Director shall transfer the amount 156362  
agreed upon representing the savings from the General Revenue Fund 156363  
to the Sale of Goods and Services Fund (Fund 1490). The transfer 156364  
shall be made using an intrastate transfer voucher. The 156365  
transferred cash is hereby appropriated to appropriation item 156366  
335609, Community Operating/Planning. 156367

**Section 753.20.** (A) The Director of Administrative Services, 156368  
on behalf of the Department of Rehabilitation and Correction, is 156369  
authorized to sell by bid, auction, real estate sale agreement, or 156370  
through any other available legal means, all of the state's right, 156371  
title, and interest in any or all of the real property described 156372  
below, that the Director of Administrative Services and the 156373  
Director of Rehabilitation and Correction determine should be sold 156374  
in the best interest of, and as surplus to, the needs of the 156375  
state. 156376

|                                                                |        |
|----------------------------------------------------------------|--------|
| (B) The Governor is authorized to execute one or more deeds    | 156377 |
| in the name of the state, conveying to one or more purchasers, | 156378 |
| their heirs and assigns or successors and assigns, all of the  | 156379 |
| state's right, title, and interest in one or more of the real  | 156380 |
| properties and improvements described below:                   | 156381 |
| 101 Oval Drive Lima 45801                                      | 156382 |
| 102 Oval Drive Lima 45801                                      | 156383 |
| 1757 South Avon Belden Road Grafton 44044                      | 156384 |
| 2069 South Avon Belden Road Grafton 44044                      | 156385 |
| 900 East Capel Road Grafton 44044                              | 156386 |
| 1088 North Main Street Mansfield 44903                         | 156387 |
| 1659 Scioto Village Drive Marion 43302                         | 156388 |
| 1674 Scioto Village Drive Marion 43302                         | 156389 |
| 1686 Scioto Village Drive Marion 43302                         | 156390 |
| 1693 Scioto Village Drive Marion 43302                         | 156391 |
| 1705 Scioto Village Drive Marion 43302                         | 156392 |
| 1710 Scioto Village Drive Marion 43302                         | 156393 |
| 1717 Scioto Village Drive Marion 43302                         | 156394 |
| 745 Likens Road Marion 43302                                   | 156395 |
| 813 Likens Road Marion 43302                                   | 156396 |
| PCI Unit 4 - 11781 State Route 762 Orient 43146                | 156397 |
| 103 Reservation Circle Chillicothe 45601                       | 156398 |
| 123 Reservation Circle Chillicothe 45601                       | 156399 |
| 124 Reservation Circle Chillicothe 45601                       | 156400 |
| 14166 Pleasant Valley Road Chillicothe 45601                   | 156401 |
| 1187 Cook Road Lucasville 45648                                | 156402 |

(C) The Director of Administrative Services shall convey the real estate, its improvements and chattels, "as-is," in its present condition.

(D) Consideration for conveyance of the real estate shall be determined by bid, auction, or negotiated purchase agreement, at the discretion of the Director of Administrative Services and the Director of Rehabilitation and Correction.

(E) The real property shall be conveyed subject to all easements, covenants, conditions, and restrictions of record; all legal highways; zoning, building, and other laws, ordinances, restrictions, and regulations; and real estate taxes and assessments not yet due and payable.

(F)(1) The deed or deeds to the real estate may contain any terms and conditions the Director of Administrative Services and the Director of Rehabilitation and Correction determine to be in the best interest of the state. The deed or deeds may contain restrictions that the Directors determine are reasonably necessary to protect the interest of the state in neighboring state-owned land.

(2) The deed or deeds shall contain restrictions prohibiting the purchaser from occupying, using, developing, or selling the real estate, such as will interfere with quiet enjoyment of the neighboring state-owned land.

(G) The method of sale and disposition of the real estate shall be determined by the Director of Administrative Services and the Director of Rehabilitation and Correction.

(H) The real estate may be sold as an entire tract, as multiple tracts, or in parcels.

(I) The purchaser or purchasers shall pay all costs associated with the purchase and conveyance of the real estate, including, but not limited to, title evidence, title insurance,

transfer costs and fees, recording costs of the deed, taxes, and 156434  
any other fees and costs that may be imposed. 156435

(J) Surveys and legal descriptions as are required for the 156436  
conveyance of the real estate shall be prepared at the purchaser's 156437  
expense. 156438

(K) The net proceeds of the sale of the real estate shall be 156439  
deposited into the state treasury to the credit of the Property 156440  
Receipts Fund created by section 5120.22 of the Revised Code. 156441

(L) Upon payment of the purchase price for all or any of the 156442  
real estate, the Auditor of State, with the assistance of the 156443  
Attorney General, shall prepare a deed or deeds for the real 156444  
estate. A deed shall state the consideration, and any terms or 156445  
conditions and the restrictions. A deed shall be executed by the 156446  
Governor in the name of the state, countersigned by the Secretary 156447  
of State, sealed with the Great Seal of the State, presented in 156448  
the Office of the Auditor of State for recording, and delivered to 156449  
the purchaser. The purchaser shall present the deed for recording 156450  
in the office of the appropriate County Recorder. 156451

(M) This section expires two years after its effective date. 156452

**Section 753.30.** (A) There is the State Facility Utilization 156453  
and Consolidation Task Force. The Task Force shall create an 156454  
inventory of state-owned real property and of assets related to 156455  
the real property, study the current utilization of the real 156456  
property and related assets, determine which real properties and 156457  
related assets are not being productively used, determine which 156458  
real properties and related assets that are not being productively 156459  
used could be productively used, and determine which real 156460  
properties and related assets that are not being productively used 156461  
could be productively used if consolidated. The Task Force, based 156462  
on its study, shall provide the Governor, the President of the 156463  
Senate, and the Speaker of the House of Representatives, not later 156464

than one year after the effective date of this section, a report 156465  
expressing Task Force's recommendations for the sale, productive 156466  
use, or consolidation of state-owned real property and assets. 156467  
Upon completing delivery of its report, the Task Force ceases to 156468  
exist. 156469

(B) The Task Force consists of the following members: Two 156470  
members of the House of Representatives, appointed by the Speaker 156471  
of the House of Representatives; two members of the Senate 156472  
appointed by the President of the Senate; one individual appointed 156473  
by the Governor; the Director of Administrative Services or the 156474  
Director's designee; and the Director of Budget and Management or 156475  
the Director's designee. Vacancies on the Task Force shall be 156476  
filled by the appointing authority. 156477

The Task Force shall select a chairperson and 156478  
vice-chairperson from among its members. 156479

Members of the Task Force are not entitled to compensation 156480  
for serving on the Task Force. Members of the Task Force may 156481  
continue to receive the compensation and benefits accruing from 156482  
their regular offices or employments. A member of the Task Force 156483  
is entitled to reimbursement of actual and necessary expenses 156484  
incurred because of service on the Task Force. 156485

The Task Force first shall meet within one month after the 156486  
effective date of this section at the call of the Governor. 156487  
Thereafter, the Task Force shall meet at the call of its 156488  
chairperson as necessary to carry out its duties. 156489

The Director of Administrative Services shall provide the 156490  
Task Force with meeting space and with professional, technical, 156491  
and clerical staff as is necessary for the Task Force successfully 156492  
and efficiently to fulfill its duties. 156493

**Section 757.10.** MINIMUM DISTRIBUTION OF LOCAL GOVERNMENT FUND 156494

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Notwithstanding any provision of section 131.51 of the  
Revised Code to the contrary, from revenue arising from the  
personal income tax levied under Chapter 5747. of the Revised  
Code, an amount equal to one hundred per cent of the amount  
credited to the Local Government Fund in July 2012 shall be  
credited to such fund in July 2013. In July 2013 each county  
undivided local government fund shall receive the same amount it  
received in July 2012. In July 2013 each municipal corporation  
shall receive the same amount it directly received from the Local  
Government Fund in July 2012.

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**Section 757.20.** (A) On or before June 15, 2014, the Director  
of the Ohio Public Works Commission shall certify to the Director  
of Budget and Management the amount of debt service paid from the  
General Revenue Fund in fiscal years 2013 and 2014 on bonds issued  
to finance or assist in the financing of the cost of local  
subdivision public infrastructure capital improvement projects, as  
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio  
Constitution, that are attributable to costs for construction,  
reconstruction, maintenance, or repair of public highways and  
bridges and other statutory highway purposes. That certification  
shall allocate the total amount of debt service paid from the  
General Revenue Fund and attributable to those costs in each of  
fiscal years 2013 and 2014 according to the applicable section of  
the Ohio Constitution under which the bonds were originally  
issued.

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(B) On or before June 15, 2015, the Director of the Ohio  
Public Works Commission shall certify to the Director of Budget  
and Management the amount of debt service paid from the General  
Revenue Fund in fiscal year 2015 on bonds issued to finance or  
assist in the financing of the cost of local subdivision public

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infrastructure capital improvement projects, as provided for in 156526  
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 156527  
are attributable to costs for construction, reconstruction, 156528  
maintenance, or repair of public highways and bridges and other 156529  
statutory highway purposes. That certification shall allocate the 156530  
total amount of debt service paid from the General Revenue Fund 156531  
and attributable to those costs in fiscal year 2015 according to 156532  
the applicable section of the Ohio Constitution under which the 156533  
bonds were originally issued. 156534

(C) On or before June 30 of each fiscal year, the Director of 156535  
Budget and Management shall determine an amount up to but not 156536  
exceeding the amount certified under division (A) or (B) of this 156537  
section and shall reserve that amount from the cash balance in the 156538  
Commercial Activity Tax Motor Fuel Receipts Fund for transfer to 156539  
the General Revenue Fund at times and in amounts to be determined 156540  
by the Director. The Director shall transfer the cash balance in 156541  
the Commercial Activity Tax Motor Fuel Receipts Fund in excess of 156542  
the amount so reserved to the Highway Operating Fund on or before 156543  
June 30 of each fiscal year. 156544

**Section 757.30.** (A) There is hereby created the Commercial 156545  
Activity Tax Review Committee to review and make recommendations 156546  
for reforming and improving the tax levied under Chapter 5751. of 156547  
the Revised Code. The committee shall be composed of the following 156548  
members: 156549

(1) The chair of the standing committee of the House of 156550  
Representatives that deals primarily with issues of taxation; 156551

(2) The chair of the standing committee of the Senate that 156552  
deals primarily with issues of taxation; 156553

(3) Three members of the House of Representatives appointed 156554  
by the Speaker of the House of Representatives, two of whom shall 156555  
be members of the minority party; and 156556

(4) Three members of the Senate appointed by the President of the Senate, two of whom shall be members of the minority party. 156557  
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(B) The Commercial Activity Tax Review Committee shall be jointly chaired by the members described in divisions (A)(1) and (2) of this section. The committee shall meet monthly, beginning in July 2013, at the call of the chairs and may accept testimony. The committee is a public body for the purposes of section 121.22 of the Revised Code. 156559  
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The committee shall, on or before October 31, 2013, submit a report with the committee's recommendations to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate. 156565  
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(C) The Commercial Activity Tax Review Committee shall cease to exist after October 31, 2013. 156569  
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**Section 757.50.** The amendment by this act of divisions (Q), (R), and (S) of section 5741.01 and section 5741.03 of the Revised Code and the enactment of section 5741.032 of the Revised Code are hereby effectuated with the intent that if the United States Congress enacts the Marketplace Fairness Act of 2013, or other similar legislation authorizing states to require sellers that lack a substantial nexus with the state to pay, collect, or remit sales or use tax, the General Assembly shall adopt, before the effective date of such federal legislation, any conforming amendments required by such federal legislation and requiring the Tax Commissioner to adopt rules necessary to effectively administer such taxes with respect to remote sellers, as defined in division (R) of section 5741.01 of the Revised Code. 156571  
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This section is not intended to create a nexus between this state and remote sellers for any tax other than those imposed under Chapters 5739. and 5741. of the Revised Code. 156584  
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**Section 803.10.** An investor who is issued a tax credit certificate under section 122.152 of the Revised Code prior to that section's repeal by this act may continue to claim that credit in the manner provided for in that section.

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**Section 803.20.** The member of the Farmland Preservation Advisory Board appointed under division (A)(4) of section 901.23 of the Revised Code, as that section existed prior to its amendment by this act, who is serving on the effective date of this act shall continue to serve until the expiration of the term for which the member was appointed. At the end of that term, a member shall be appointed in accordance with division (A)(4) of that section as amended by this act.

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**Section 803.30.** A member of the technical advisory committee created in section 1551.35 of the Revised Code, as amended by this act, who was appointed by the Director of the Ohio Coal Development Office and who is serving on the committee immediately prior to the effective date of the amendments to that section shall continue in office until the expiration of the member's term. Thereafter, the appointment of a member for that position on the committee shall be made in accordance with the amendments to that section by this act.

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**Section 803.41.** (A) A member serving on the Rehabilitation Services Commission immediately prior to the effective date of this section who was appointed under section 3304.12 of the Revised Code as that section existed prior to its amendment by this act shall continue serving on the Opportunities for Ohioans with Disabilities Commission established by the amendments to that section by this act until the end of the term for which the member was appointed.

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(B) The consumer advisory committee that is required to be appointed by the Opportunities for Ohioans with Disabilities Commission by section 3304.16 (3304.14) of the Revised Code, as amended and renumbered by this act, is a continuation of the consumer advisory committee that was required to be appointed by the Rehabilitation Services Commission by section 3304.24 of the Revised Code prior to the repeal of that section by this act.

**Section 803.50.** The amendments to sections 3313.48, 3313.533, 3313.62, 3317.01, and 3321.05; the repeal and reenactment of section 3313.481; and the repeal of section 3313.482 of the Revised Code made by this act do not apply to any collective bargaining agreement executed under Chapter 4117. of the Revised Code prior to July 1, 2014. Any collective bargaining agreement or renewal executed after that date shall comply with the changes provided for in this act.

**Section 803.60.** (A) As used in this section:

(1) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(2) "Career-technical planning district" has the same meaning as in section 3302.033 of the Revised Code.

(B) Nothing in Chapter 3365. of the Revised Code or the amendment of sections in that chapter by this act shall be construed to infringe upon or require the alteration of any existing or future articulation agreement for technical coursework offered through state-approved career-technical programs of study or any corresponding payment structure between any state institution of higher education and a career-technical planning district.

The Department of Education and the Board of Regents shall study the implications of applying the changes in Chapter 3365. of

the Revised Code to articulation agreements for technical 156646  
coursework offered through state-approved career-technical 156647  
programs of study. The Department and the Board also shall make 156648  
recommendations on how such career-technical programs of study 156649  
might be included under Chapter 3365. of the Revised Code and the 156650  
implications of including them. These recommendations shall be 156651  
submitted to the Governor's Office of 21st Century Education and 156652  
the General Assembly in accordance with section 101.68 of the 156653  
Revised Code, not later than July 1, 2014. 156654

**Section 803.80.** (A) The amendment by this act of section 156655  
5747.01 of the Revised Code, amending or enacting divisions 156656  
(A)(26) and (GG) of that section, applies to taxable years ending 156657  
on or after the effective date of this section. 156658

(B) The amendment by this act of section 5747.022 and 156659  
division (A) of section 5747.025 of the Revised Code applies to 156660  
taxable years beginning on or after January 1, 2014. 156661

(C) The amendment by this act of division (A)(32) of section 156662  
5747.01, division (C) of section 5747.025, and of sections 156663  
5747.02, 5747.08, 5747.21, 5747.22, and 5748.01 and the repeal of 156664  
section 5747.211 of the Revised Code apply to taxable years 156665  
beginning on or after January 1, 2013. 156666

**Section 803.90.** (A) The amendment by this act of section 156667  
5751.01 of the Revised Code applies to tax periods ending on or 156668  
after the effective date of that amendment. 156669

(B) The amendment or enactment by this act of divisions 156670  
(F)(2)(r) and (hh), (F)(5), and (S) of section 5751.01 and 156671  
sections 5751.011, 5751.02, 5751.03, and 5751.40 of the Revised 156672  
Code apply to tax periods beginning on or after the effective date 156673  
of this section. 156674

(C) The amendment by this act of divisions (F)(2)(z) and (jj) 156675

of section 5751.07 of the Revised Code applies to original returns 156676  
filed on or after January 1, 2014. 156677

**Section 803.120.** (A) The amendment by this act of section 156678  
1509.50, division (C)(12) of section 5703.21, section 5749.02, 156679  
divisions (D), (F), (H), and (I) of section 5749.06, and section 156680  
5749.17 of the Revised Code applies to calendar quarters beginning 156681  
on or after October 1, 2013. 156682

(B) The amendment by this act of section 113.061 and division 156683  
(G) of section 5749.06 of the Revised Code applies to the 156684  
severance of natural resources occurring in calendar quarters 156685  
beginning on or after January 1, 2014. 156686

**Section 803.160.** (A) References to the Ohio Cooperative 156687  
Extension Service, or use of a similar term, in any contracts, 156688  
agreements, or other instruments that were entered into or 156689  
executed prior to the effective date of this section pursuant to 156690  
state statutes are deemed to be references to OSU Extension as 156691  
defined in section 1.611 of the Revised Code as enacted by this 156692  
act. 156693

(B) References to the Ohio Cooperative Extension Service, or 156694  
use of a similar term, in rules adopted prior to the effective 156695  
date of this section pursuant to state statutes are deemed to be 156696  
references to OSU Extension. 156697

**Section 803.170.** The amendment by this act of section 5709.17 156698  
of the Revised Code applies to tax year 2013 and every tax year 156699  
thereafter. 156700

**Section 803.180.** The amendment or enactment by this act of 156701  
sections 5735.012 and 5735.013 applies on and after January 1, 156702  
2014. 156703

**Section 803.190.** (A) The amendment or enactment by this act 156704  
of division (B)(49) of section 5739.02, division (I), except for 156705  
divisions (I)(2)(g) and (I)(4), and section 5741.01 of the Revised 156706  
Code applies to the storage, use, or other consumption of tangible 156707  
personal property or services and retail sales occurring on and 156708  
after the first month beginning after the effective date of that 156709  
division and section. 156710

(B) The amendment by this act of divisions (I)(2)(g) and 156711  
(I)(4) of section 5741.01 and section 5741.17 of the Revised Code 156712  
applies to the storage, use, or other consumption of tangible 156713  
personal property or services occurring on and after October 1, 156714  
2013, regardless of the date a seller and a resident entered into 156715  
an agreement described in division (I)(2)(g) of section 5741.01 of 156716  
the Revised Code. On that date, as used in divisions (I)(2)(g) and 156717  
(I)(4) of section 5741.01 of the Revised Code, "preceding twelve 156718  
months" means the twelve months beginning October 1, 2012, and 156719  
ending September 30, 2013. 156720

**Section 803.210.** Section 4503.192 of the Revised Code, which 156721  
under Am. Sub. H.B. 51 of the 130th General Assembly is scheduled 156722  
to take effect on July 1, 2013, rather takes effect on January 1, 156723  
2014. 156724

**Section 803.220.** The new filing requirements applicable to 156725  
persons who are elected or appointed to, or who are candidates 156726  
for, an office of a township with a population of five thousand or 156727  
more under section 102.02 of the Revised Code, as amended by this 156728  
act, first apply to 2013 statements required to be filed by 156729  
persons who are candidates for or serving in a township office in 156730  
calendar year 2014, which shall be filed not later than ninety 156731  
days after the effective date of this section. 156732

**Section 803.230.** The amendment by this act of section 5739.02 156733  
of the Revised Code, adding division (B)(52), applies to the sale 156734  
or storage, use, or other consumption of tangible personal 156735  
property or services occurring before, on, or after the effective 156736  
date of this section. 156737

**Section 803.240.** The amendments by this act to section 156738  
5735.27 of the Revised Code apply to any proceedings commenced 156739  
after their effective date, and, so far as their provisions 156740  
support the actions taken, also apply to any proceedings that on 156741  
their effective date are pending, in progress, or completed and 156742  
that are supplemented to provide or confirm compliance with or 156743  
support by the provisions of those amendments as if they had been 156744  
in effect at the time of those proceedings, and also apply to any 156745  
public obligations authorized, issued, or incurred pursuant to 156746  
those proceedings, notwithstanding any law, resolution, ordinance, 156747  
order, advertisement, notice, or other proceeding in effect before 156748  
their effective date. Any proceedings pending or in progress on 156749  
the effective date of the amendments, or any public obligations 156750  
authorized, sold, issued, incurred, delivered, or validated 156751  
pursuant to those proceedings, shall be deemed to have been taken, 156752  
authorized, sold, issued, incurred, delivered, or validated in 156753  
conformity with the amendments so far as their provisions support 156754  
the actions taken. 156755

The amendments by this act to section 5735.27 of the Revised 156756  
Code provide additional and supplemental provisions for subject 156757  
matter that may also be the subject of other laws, and are 156758  
intended to be supplemental to, and not in derogation of, any 156759  
similar authority provided by, derived from, or implied by, the 156760  
Constitution of Ohio, or any other law, including laws amended by 156761  
this act, or any charter, order, resolution, or ordinance; and 156762  
those amendments to section 5735.27 of the Revised Code shall not 156763

be interpreted to negate the authority provided by, derived from, 156764  
or implied by the Constitution of Ohio, laws, charters, orders, 156765  
resolutions, or ordinances. 156766

**Section 806.10.** The items of law contained in this act, and 156767  
their applications, are severable. If any item of law contained in 156768  
this act, or if any application of any item of law contained in 156769  
this act, is held invalid, the invalidity does not affect other 156770  
items of law contained in this act and their applications that can 156771  
be given effect without the invalid item of law or application. 156772

**Section 809.10.** An item of law, other than an amending, 156773  
enacting, or repealing clause, that composes the whole or part of 156774  
an uncodified section contained in this act has no effect after 156775  
June 30, 2015, unless its context clearly indicates otherwise. 156776

**Section 812.10.** Except as otherwise provided in this act, the 156777  
amendment, enactment, or repeal by this act of a section is 156778  
subject to the referendum under Ohio Constitution, Article II, 156779  
Section 1c and therefore takes effect on the ninety-first day 156780  
after this act is filed with the Secretary of State or, if a later 156781  
effective date is specified below, on that date. 156782

The amendment, enactment, or repeal of sections 123.19, 156783  
123.201, 123.21, 123.27, 154.01, 154.23, 307.674, 3383.01 156784  
(123.28), 3383.02, 3383.03, 3383.04, 3383.05, 3383.06, 3383.07 156785  
(123.281), 3383.08, 3383.09, and 5162.12 of the Revised Code takes 156786  
effect January 1, 2014. 156787

The amendment, enactment, or repeal of sections 3313.48, 156788  
3313.533, 3313.62, 3314.09, 3314.092, 3321.05, 3326.11, and 156789  
3326.20 of the Revised Code takes effect July 1, 2014. 156790

The repeal and reenactment of sections 3313.481 and 3327.02 156791  
of the Revised Code take effect July 1, 2014. 156792

The enactment of section 3327.07 of the Revised Code takes effect on July 1, 2014. 156793  
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Sections 323.70, 323.110, 323.120, and 323.480 of this act take effect at the earliest time permitted by law but not earlier than September 30, 2013. 156795  
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Section 282.90 of this act takes effect on January 1, 2014. 156798

**Section 812.20.** The amendment, enactment, or repeal by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date. 156799  
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Sections 731.091, 3314.05, 3734.57, 3734.901, 4301.43, 5727.84, 5747.501, and 5753.03 of the Revised Code. 156805  
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Sections of this act prefixed with section numbers in the 200's, 300's, 400's, and 500's except for sections 282.90, 323.10.70, 323.70, 323.110, 323.120, 323.480, 363.230, 363.520, 363.540, and 363.550 of this act. 156807  
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Sections 605.30 and 605.31 of this act. 156811

Section 803.210 of this act. 156812

Sections 812.10, 812.20, and 812.30 of this act. 156813

The amendment, enactment, or repeal of sections 125.05, 152.09, 154.25, 3313.603, 3314.074, 3317.06, 3317.50, 3317.51, 3319.22, 3319.235, 3345.12, 3353.01, 3353.02, 3353.04, 3353.06, 3353.07, 3353.08, 3353.09, 3353.15, and 3353.20 takes effect July 1, 2013. 156814  
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The enactment of section 5168.41 of the Revised Code takes effect July 1, 2013. 156819  
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The amendment of sections 120.06 and 5139.04 of the Revised 156821



Code takes effect July 1, 2013. 156822

**Section 812.30.** The sections that are listed in the left-hand 156823  
column of the following table combine amendments by this act that 156824  
are and that are not exempt from the referendum under Ohio 156825  
Constitution, Article II, sections 1c and 1d and section 1.471 of 156826  
the Revised Code. 156827

The middle column identifies the amendments to the listed 156828  
sections that are subject to the referendum under Ohio 156829  
Constitution, Article II, Section 1c and therefore take effect on 156830  
the ninety-first day after this act is filed with the Secretary of 156831  
State or, if a later effective date is specified, on that date. 156832

The right-hand column identifies the amendments to the listed 156833  
sections that are exempt from the referendum under Ohio 156834  
Constitution, Article II, Section 1d and section 1.471 of the 156835  
Revised Code and therefore take effect immediately when this act 156836  
becomes law or, if a later effective date is specified, on that 156837  
date. 156838

| Section of<br>law    | Amendments subject to<br>referendum                               | Amendments exempt from<br>referendum                          |                  |
|----------------------|-------------------------------------------------------------------|---------------------------------------------------------------|------------------|
| 3745.11              | Amendments to division<br>(M)(5)                                  | All amendments except as<br>described in the middle<br>column | 156839<br>156840 |
| 3721.50<br>(5168.40) | All amendments except as<br>described in the<br>right-hand column | Amendments to division<br>(F)                                 | 156841           |
| 5112.30<br>(5168.60) | All amendments except as<br>described in the<br>right-hand column | Amendments to division<br>(A) take effect July 1,<br>2013     | 156842           |
| 6109.21              | The stricken sentence in<br>division (E)                          | All amendments except as<br>described in the middle<br>column | 156843           |

**Section 812.40.** The amendments to sections 3317.01, 3317.03, 156844  
5101.573 (5160.40), 5101.58 (5160.37), 5111.07 (5164.752), 156845  
5111.071 (5164.753), 5111.083 (5164.757), 5111.17 (5167.10), and 156846  
5111.19 (5164.74) of the Revised Code are subject to the 156847  
referendum under Ohio Constitution, Article II, Section 1c and 156848  
section 1.471 of the Revised Code, and therefore take effect on 156849  
the ninety-first day after this act is filed with the Secretary of 156850  
State. However: 156851

(A) In section 3317.01 of the Revised Code, the amendments to 156852  
division (B) take effect July 1, 2014. 156853

(B) In section 3317.03 of the Revised Code, the following 156854  
amendments in divisions (A) and (D) take effect July 1, 2014: 156855

(1) The strike through of "the first paragraph of"; 156856

(2) The strike through of "(B)" and insertion of "(A)(1)"; 156857

(3) The strike through of "3317.01" and insertion of 156858  
"3313.482". 156859

(C) In section 5101.573 (5160.40) of the Revised Code, the 156860  
new matter inserted into division (C) takes effect January 1, 156861  
2014. 156862

(D) In section 5101.58 (5160.37) of the Revised Code, the 156863  
insertion of division (K) takes effect January 1, 2014. 156864

(E)(1) In section 5111.07 (5164.752) of the Revised Code, all 156865  
of the amendments take effect July 1, 2014, except for the 156866  
following amendments: 156867

(a) The renumbering of the section; 156868

(b) The strike through of "job and family services" and 156869  
insertion of "medicaid" in the first sentence as the section 156870  
appears on the day immediately preceding the effective date of 156871  
this section. 156872

(2) The reference to "director of job and family services" in the last sentence shall be read as if it reads the "director of medicaid" while the last sentence remains in effect.

(F) In section 5111.071 (5164.753) of the Revised Code, the insertion in the last sentence of "and the extent to which each terminal distributor participates in the medicaid program as a provider of drugs" takes effect July 1, 2014.

(G) In section 5111.083 (5164.757) of the Revised Code, all of the amendments take effect January 1, 2014, except for the following amendments:

(1) The renumbering of the section;

(2) The insertion of "medicaid" before "director" in the first sentence of division (B);

(3) The strike through of "of job and family services".

(H) In section 5111.17 (5167.10) of the Revised Code, the amendments to division (B)(2) take effect January 1, 2014.

(I) In section 5111.19 (5164.74) of the Revised Code, the following amendments take effect January 1, 2014:

(1) The insertion of ", and the allocation of payments for," in the first paragraph;

(2) The strike through of the second paragraph and divisions (A), (B), and (C).

**Section 812.70.** All the amendments by this act to section 3327.01 of the Revised Code are subject to the referendum under Ohio Constitution, Article II, Section 1c, and take effect on July 1, 2014.

**Section 815.10.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that

amendments are to be harmonized if reasonably capable of 156901  
simultaneous operation, finds that the following sections, 156902  
presented in this act as composites of the sections as amended by 156903  
the acts indicated, are the resulting versions of the sections in 156904  
effect prior to the effective date of the sections as presented in 156905  
this act: 156906

Section 9.90 of the Revised Code as amended by both Am. Sub. 156907  
H.B. 153 and Sub. S.B. 171 of the 129th General Assembly. 156908

Section 109.572 of the Revised Code as amended by both Am. 156909  
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. 156910

Section 122.17 of the Revised Code as amended by Sub. H.B. 156911  
327, Am. Sub. H.B. 510, and Am. Sub. S.B. 314, all of the 129th 156912  
General Assembly. 156913

Section 122.171 of the Revised Code as amended by both Am. 156914  
Sub. S.B. 314 and Am. Sub. H.B. 510 of the 129th General Assembly. 156915

Section 122.33 of the Revised Code as amended by both Am. 156916  
Sub. H.B. 117 and Am. Sub. H.B. 356 of the 121st General Assembly. 156917

Section 124.381 of the Revised Code as amended by both Am. 156918  
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 156919

Section 149.311 of the Revised Code as amended by both Am. 156920  
Sub. H.B. 510 and Am. Sub. S.B. 314 of the 129th General Assembly. 156921

Section 149.43 of the Revised Code as amended by both Am. 156922  
Sub. H.B. 487 and Am. Sub. S.B. 314 of the 129th General Assembly. 156923

Section 329.06 of the Revised Code as amended by both Am. 156924  
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 156925

Section 955.201 of the Revised Code as amended by both Am. 156926  
Sub. H.B. 1 and Am. Sub. H.B. 2 of the 128th General Assembly. 156927

Section 2744.081 of the Revised Code as amended by both Sub. 156928  
H.B. 481 and Sub. S.B. 114 of the 129th General Assembly. 156929

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|--------------------------------------------------------------------|--------|
| Section 2901.30 of the Revised Code as amended by both Am.         | 156930 |
| H.B. 181 and Sub. S.B. 87 of the 127th General Assembly.           | 156931 |
| Section 2921.13 of the Revised Code as amended by both Am.         | 156932 |
| Sub. H.B. 495 and Sub. S.B. 343 of the 129th General Assembly.     | 156933 |
| Section 2923.126 of the Revised Code as amended by both Am.        | 156934 |
| Sub. H.B. 495 and Am. Sub. S.B. 316 of the 129th General Assembly, | 156935 |
| that is scheduled to take effect January 1, 2014.                  | 156936 |
| Section 3304.231 of the Revised Code as amended by both Am.        | 156937 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 156938 |
| Section 3313.978 of the Revised Code as amended by both Am.        | 156939 |
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly. | 156940 |
| Section 3701.78 of the Revised Code as amended by both Am.         | 156941 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 156942 |
| Section 3745.11 of the Revised Code as amended by both Am.         | 156943 |
| Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.     | 156944 |
| Section 4141.29 of the Revised Code as amended by both Sub.        | 156945 |
| H.B. 525 and Am. Sub. S.B. 316 of the 129th General Assembly.      | 156946 |
| Section 5104.012 of the Revised Code as amended by both Am.        | 156947 |
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly, | 156948 |
| that is scheduled to take effect January 1, 2014.                  | 156949 |
| Section 5104.013 of the Revised Code as amended by both Am.        | 156950 |
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly, | 156951 |
| that is scheduled to take effect January 1, 2014.                  | 156952 |
| Section 5111.032 of the Revised Code as amended by both Am.        | 156953 |
| Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. | 156954 |
| Section 5111.033 of the Revised Code as amended by both Am.        | 156955 |
| Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. | 156956 |
| Section 5111.034 of the Revised Code as amended by both Am.        | 156957 |
| Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. | 156958 |

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|--------------------------------------------------------------------|--------|
| Section 5111.172 of the Revised Code as amended by both Am.        | 156959 |
| Sub. H.B. 93 and Am. Sub. H.B. 153 of the 129th General Assembly.  | 156960 |
| Section 5119.16 of the Revised Code as amended by both Am.         | 156961 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 156962 |
| Section 5701.13 of the Revised Code as amended by both Sub.        | 156963 |
| H.B. 267 and Am. Sub. H.B. 487 of the 129th General Assembly.      | 156964 |
| Section 5705.21 of the Revised Code as amended by both Sub.        | 156965 |
| H.B. 525 and Am. S.B. 321 of the 129th General Assembly.           | 156966 |
| Section 5705.25 of the Revised Code as amended by both Am.         | 156967 |
| Sub. H.B. 487 and Am. S.B. 321 of the 129th General Assembly.      | 156968 |
| Section 5731.39 of the Revised Code as amended by both Am.         | 156969 |
| Sub. H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly. | 156970 |
| Section 5739.01 of the Revised Code as amended by Am. Sub.         | 156971 |
| H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.      | 156972 |
| Section 5739.02 of the Revised Code as amended by Am. Sub.         | 156973 |
| H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.      | 156974 |
| Section 5747.01 of the Revised Code as amended by Am. H.B.         | 156975 |
| 167, Sub. H.B. 365, and Am. Sub. H.B. 510, all of the 129th        | 156976 |
| General Assembly.                                                  | 156977 |
| Section 5747.98 of the Revised Code as amended by both Am.         | 156978 |
| Sub. H.B. 386 and Am. Sub. H.B. 510 of the 129th General Assembly. | 156979 |
| Section 5749.02 of the Revised Code as amended by both Am.         | 156980 |
| Sub. H.B. 1 and S.B. 73 of the 128th General Assembly.             | 156981 |
| Section 5751.01 of the Revised Code as amended by both Am.         | 156982 |
| Sub. H.B. 51 and Am. S.B. 28 of the 130th General Assembly.        | 156983 |
| Section 5751.011 of the Revised Code as amended by both Am.        | 156984 |
| Sub. H.B. 508 and Am. Sub. H.B. 510 of the 129th General Assembly. | 156985 |
| Section 5751.20 of the Revised Code as amended by both Am.         | 156986 |
| Sub. H.B. 508 and Am. Sub. S.B. 316 of the 129th General Assembly. | 156987 |

Section 5753.03 of the Revised Code as amended by both Am. 156988  
Sub. H.B. 487 and Am. Sub. H.B. 386 of the 129th General Assembly. 156989

**Section 815.20.** The amendment of sections 5104.11 and 5120.07 156990  
of the Revised Code by this act is not intended to supersede the 156991  
earlier repeal, with delayed effective date, of those sections. 156992

The amendment of section 5507.53 (128.53) of the Revised Code 156993  
by this act is not intended to supersede the earlier repeal, with 156994  
delayed effective date, of that section. The amendment of section 156995  
5507.40 (128.40) of the Revised Code of this act is intended to 156996  
supersede the earlier repeal, with delayed effective date, of that 156997  
section. 156998